

# AGENDA

## CITY OF PEARLAND ♦ CITY COUNCIL

March 12, 2012      7:30 p.m.

**MAYOR**  
**Tom Reid**

**Scott Sherman**  
**Mayor Pro-Tem**  
**Position No. 2**

### COUNCIL MEMBERS

**Woody Owens**  
**Position No. 1**

**Susan Sherrouse**  
**Position No. 3**



**Felicia Harris**  
**Position No. 4**

**Greg Hill**  
**Position No. 5**

**Jon R. Branson**  
Assistant City Manager

**Mike Hodge**  
Assistant City Manager

**Bill Eisen**  
**City Manager**

**Darrin Coker**  
City Attorney

**Young Lorfing**  
City Secretary

In accordance with the Texas Open Meeting Act the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at the front entrance of the City Hall, 3519 Liberty Drive.

**AGENDA – REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, MARCH 12, 2012, AT 7:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

- I. CALL TO ORDER**
- II. INVOCATION AND THE PLEDGE OF ALLEGIANCE**
- III. MAYOR'S ACTIVITY REPORT**
  - Events attended and upcoming events.
- IV. COUNCIL ACTIVITY REPORTS**
  - 1. Events attended and upcoming events.
- V. CITY MANAGER'S REPORT**
  - 1. Events attended and upcoming events.
- VI. CITIZENS**
- VII. DOCKETED PUBLIC HEARING:**
- VIII. CONSENT AGENDA:**

**ALL ITEMS LISTED UNDER THE "CONSENT AGENDA" ARE CONSIDERED TO BE ROUTINE AND REQUIRE LITTLE OR NO DELIBERATION BY THE CITY COUNCIL. THESE ITEMS WILL BE ENACTED/APPROVED BY ONE MOTION UNLESS A COUNCILMEMBER REQUESTS SEPARATE ACTION ON AN ITEM, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED BY SEPARATE ACTION (IX. MATTERS REMOVED FROM CONSENT AGENDA). APPROVAL OF THE CONSENT AGENDA ENACTS THE ITEMS OF LEGISLATION.**

- A. CONSIDERATION AND POSSIBLE ACTION – APPROVAL OF MINUTES:**
  - 1. Minutes of the January 23, 2012, Regular Meeting held at 7:30 p.m.
- B. CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2012-32 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AWARDED A BID FOR THE PURCHASE OF STABILIZED ROAD MATERIALS.**  
*Mr. Jon Branson, Assistant City Manager.*

**IX. NEW BUSINESS**

- 1. CONSIDERATION AND POSSIBLE ACTION – FIRST READING OF ORDINANCE NO. 1461** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, FINDING THAT THE CITY HAS ESTABLISHED *GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT* PURSUANT TO RESOLUTION NO. R2011-12; DESIGNATING AND DESCRIBING A REINVESTMENT ZONE (TO BE KNOWN AS REINVESTMENT ZONE #22), IN ACCORDANCE WITH THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT; FINDING THAT THE IMPROVEMENTS SOUGHT ARE FEASIBLE AND PRACTICAL AND WOULD BE A BENEFIT TO THE LAND TO BE INCLUDED IN THE ZONE AND THE MUNICIPALITY AFTER THE EXPIRATION OF THE TAX ABATEMENT AGREEMENT; AUTHORIZING THE CITY MANAGER TO SIGN TAX ABATEMENT AGREEMENTS WHEN APPROVED BY THE CITY COUNCIL; HAVING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE. *Mr. Darrin Coker, City Attorney.*
- 2. CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2011-162** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A MUTUAL AID LAW ENFORCEMENT AGREEMENT. *Mr. J.C. Doyle, Police Chief.*
- 3. CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2012-31** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AWARDING A BID FOR CONSTRUCTION SERVICES ASSOCIATED WITH THE BARRY ROSE WASTEWATER TREATMENT PLANT REHABILITATION PROJECT. *Mr. Bill Eisen, City Manager.*
- 4. CONSIDERATION AND POSSIBLE ACTION – FIRST READING OF ORDINANCE NO. 1286-1** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 14, ARTICLE III, JUNKED VEHICLES, OF THE CITY OF PEARLAND CODE OF ORDINANCES, FOR THE; HAVING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR PUBLICATION, CODIFICATION, AND AN EFFECTIVE DATE. *Mr. Darrin Coker, City Attorney.*

**OTHER BUSINESS:**

**EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE**

- 1. SECTION 551.074 – PERSONNEL MATTERS –**  
REGARDING APPOINTMENTS TO THE CITY'S VARIOUS  
BOARDS AND COMMISSIONS. *Mayor Tom Reid.*

**NEW BUSINESS:**

- 5. CONSIDERATION AND POSSIBLE ACTION –** REGARDING  
APPOINTMENTS TO THE CITY'S VARIOUS BOARDS AND  
COMMISSIONS. *City Council.*

**X. ADJOURNMENT**

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1840 prior to the meeting so that appropriate arrangements can be made.

# Consent Agenda Item A

## **A. CONSIDERATION AND POSSIBLE ACTION – APPROVAL OF MINUTES:**

1. Minutes of the January 23, 2012, Regular Meeting held at 7:30 p.m.

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, JANUARY 23, 2012, AT 7:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

Mayor Reid called the meeting to order at 7:32 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Scott Sherman
Councilmember	Woody Owens
Councilmember	Susan Sherrouse
Councilmember	Felicia Harris
Councilmember	Greg Hill
City Manager	Bill Eisen
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Others in attendance: Jon Branson Assistant City Manager; Matt Buchanan President of Economic Development Corporation; Danny Cameron Public Works Director; Vance Riley Fire Chief; J.C. Doyle Police Chief; Trent Epperson Project Director; Roland Garcia Fire Marshal; Bonita Hall Director of Human Resources and Safety Management; Mike Hodge Assistant City Manager; Lata Krishnarao Planning Director; Narciso Lira Director of Community Development; Claire Bogard Finance Director; Michelle Smith Director of Parks and Recreation; Daniel Baum EMS Operations Director.

The invocation was given by Mayor Reid and the Pledge of Allegiance was led by Chief of Police J.C. Doyle.

**MAYOR'S ACTIVITY REPORT**

Mayor Reid, City Manager Bill Eisen, Director of Finance Claire Bogard, and Utility Billing Manager, Wendy Hester, recognized Utility Billing Office Coordinator, Cyndi Martinez, as Employee of the Quarter, for exemplifying the Core Beliefs of the City.

Mayor Reid reported he attended on January 17, the Houston Galveston Area Council Board of Directors meeting; met with the Yogathon Youth Group; Spoke at the Pearland Historical Society; January 18, attended the monthly Brazoria County Cities Association; January 19, Chamber Leadership Council meeting; attended the new Brazoria County Tax Office Grand Opening, BayTran Monthly Luncheon and led them in the Pledge of Allegiance; January 23, attended the Pearland District Education Improvement Committee Meeting.

## **COUNCIL ACTIVITY REPORTS**

Councilmember Owens stated on January 12, he attended the ribbon cutting ceremony for the Brask-Neela off of Industrial; on January 18, attended the S.A. & E Banquet event; also attended the Installations Officers on the 288 Partnership; January 19, traveled to sister city, Pasadena and attended their State of the City; and plans to also attend the Pearland Chamber of Commerce banquet this week.

Mayor Pro-Tem Sherman stated he attended the Alvin Independent School Board meeting in which the Manvel Mavericks was recognized on their trip to State.

Councilmember Harris stated she is currently running for Congressional District No. 14, the seat is currently held by Congressman Ron Paul, who is retiring at the end of his term. Councilmember Harris stated she attended several County events, the North Galveston County Chamber and Angleton Chamber events. She also spoke at the Galveston County Luncheon, Galveston County Republican Women and the Beaumont Chamber Luncheon.

Councilmember Hill stated he has been campaigning, and it has finally slowed down for him. He attended the Lions Club Third Cabinet meeting in Lake Jackson on Saturday. He further stated The Lions Club is a great organization and spends a lot time there when not spending time with City Council, work or with family.

Councilmember Sherrouse passed on giving a report.

## **CITY MANAGER'S REPORT**

City Manager Bill Eisen passed on giving a report.

## **CITIZENS**

Charles McMurry, 5209 Spring Branch Drive, addressed Council and stated the Council needs to reconsider the Homestead Tax exemption in the City. He further stated that most taxing entities gives at least three times the amount and challenged Council to better budget for that. Mr. McMurry also stated he wanted to challenge Council to improve voter participation for elections.

**DOCKETED PUBLIC HEARING:** None

## **CONSENT AGENDA:**

Councilmember Harris asked that Consent Agenda Item B be removed from the Consent Agenda for further discussion.

**A. CONSIDERATION AND POSSIBLE ACTION – APPROVAL OF MINUTES:**

1. Minutes of the November 21, 2011, Joint Public Hearings held at 6:30 p.m.

**B. CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2012-13 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, RENEWING A UNIT SUPPLY CONTRACT FOR AUTO PARTS. *Mr. Bill Eisen, City Manager.***

Councilmember Owens made the motion, seconded by Councilmember Sherman, to adopt Consent Agenda Items A through B with the exception of item B, as presented on the Consent Agenda.

Voting “Aye” Councilmembers Owens, Sherrouse, Sherman, Harris, and Hill.

Voting “No” None.

Motion Passed 5 to 0.

**MATTERS REMOVED FROM CONSENT AGENDA**

As requested by Councilmember Harris Consent Agenda Item B was removed for further discussion.

**B. CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2012-13 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, RENEWING A UNIT SUPPLY CONTRACT FOR AUTO PARTS. *Mr. Bill Eisen, City Manager.***

Councilmember Owens made the motion, seconded by Councilmember Harris, to approve Item B, Resolution No. R2012-13.

City Manager Bill Eisen stated this is a renewal from Standard Auto Parts to supply auto parts to the City. Mr. Eisen gave a short overview of the proposal.

Councilmember Harris stated this particularly contract is estimated around \$97,000 and the total amount tied to auto parts expenditures is \$306,669. Councilmember Harris stated she wanted to clarify that the other contacts included in the summary all come to less than and come within the total budgeted amount.

City Manager Bill Eisen stated that is correct all the estimated amounts are within the total budget.

Voting “Aye” Councilmembers Hill, Harris, Sherman, and Owens.

Voting “No” None.

Motion Passed 5 to 0.

## **NEW BUSINESS**

**COUNCIL ACTION – RESOLUTION NO. R2012-6 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING CONTRACTS FOR WELLNESS SERVICES.** *Mr. Bill Eisen, City Manager.*

Councilmember Sherrouse made the motion, seconded by Councilmember Owens, to approve Resolution No. R2012-6.

City Manager Bill Eisen stated in November and December this item was discussed with the Council in regards to a potential wellness program. Council requested that it be discussed with employees to get a more specific understanding of some of the concerns city employees had expressed at that time. Based on that research and input it is the recommendation to implement a program in which employees participate in the cost for health insurance provided by the City in the amount of \$25 per month unless the employee participates in biometric screenings and health risk assessments. Mr. Eisen continued to provide Council with an overview of the Biometrics HRA and Wellness Program. Mr. Eisen made a recommendation to award a contract for Biometrics Screenings HRA to Methodist Health Services and a contract for the Wellness Program to Kelsey Seybold.

Councilmember Owens requested clarification on the amount of employees being covered through the City’s insurance. Mr. Owens also requested the differences in cost for Kelsey Seybold and Methodist Health Services.

Yesenia Garza, Human Resources Generalist, stated there are approximately 525 employees.

Councilmember Harris stated she understood this to be two separate contracts one for Methodist Hospital and one for Kelsey Seybold and wanted to focus on the Kelsey Seybold letter regarding the ancillary services. The budgeted amount is for \$36,000 and the cost is over \$55,000 with the ancillary services pushing over the budgeted amount. Councilmember Harris requested the rationale behind the incentives to pay the employees \$50 to complete the program. She stated she was concerned with the rationale to pay an employee with City tax dollars to complete a program.

City Manager Bill Eisen stated that the whole concept of the Wellness Programs is designed to lower health insurance cost by identifying health problems through

employee participation in the programs.

Discussion ensued between Councilmember Harris, City Manager Mr. Eisen, Human Resource Director, Bonita Hall, regarding the Biometric Wellness Programs, employee participation, and the differences in cost between Kelsey Seybold and Methodist Health Services.

Councilmember Harris stated this year the ancillary programs are unfunded and there are no hard numbers at this time that this money will be recovered.

Mayor Pro-Tem Sherman stated that he is in favor and feels that this item has been discussed a lot in Workshops. Council gave staff guidance to research the item, knowing there would be an increase cost over budget.

City Manager Bill Eisen stated he was comfortable with the recommendation to at least go ahead with the program and give employees the opportunity to participate.

Councilmember Harris stated during the Workshop the discussions were to charge an employee for not participating in the program and not incentivizing with additional cash. She stated it is the opposite approach to what was discussed in the Workshops. Councilmember Harris stated this approach is taking money out of the tax payers' pockets verses taking money out of employees' pockets for non-participation in the program and putting that money back into the City's pocket if they were to participate.

City Manager Bill Eisen stated that it is actually both, for persons who choose not to participate in the screenings and the health risk assessment. They would pay the \$25 premium; however, as a result of that process, persons who choose to participate in a program which will have lesser participation rates based on historic data there would be an incentive pay.

Councilmember Harris stated that this is the first time that employees have proposed this incentive plan, as best as she could recall. She further stated that she could not approve a contract that takes dollars out of coffers and puts them in the City employee's pockets because it is not in the budget.

Councilmember Owens stated he is not concerned about the program but a little about the incentive part. The money taken out of the medical reserve will hopefully be a washout.

Councilmember Hill stated that it is presumable to say that the Wellness Program is something that can be tracked after a year, or a time period ,the City will be able to see if it is effective or not. He asked if the Police Officers were included in the 525 number of employees.

Councilmember Harris made the motion, seconded by Mayor Pro-Tem Sherman to separate the vote to reflect her opposition to half the vote as opposed to an opposition to all of it.

Voting "Aye" Councilmembers, Sherman, Harris.

Voting "No" Councilmember Ownes, Sherrouse, and Hill.

Motion Failed 3 to 2.

Mayor Reid called for a vote on the original motion.

Voting "Aye" Councilmembers Hill, Sherman, Sherrouse, and Owens.

Voting "No" Councilmember Harris.

Motion Passed 4 to 1.

**COUNCIL ACTION – RESOLUTION NO. R2012–12 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, TERMINATING THE CITY’S EXISTING FINANCIAL ADVISORY CONTRACT WITH RBC CAPITAL MARKETS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A NEW FINANCIAL ADVISORY SERVICES AGREEMENT WITH BOSC, INC. *Mr. Bill Eisen, City Manager.***

Mayor Pro-Tem Sherman made the motion, seconded by Councilmember Owens, to approve Resolution No. R2012-12.

City Manager Bill Eisen stated that this evening the Council is being asked that you cancel the current contract with RBC Capital Markets and also being asked to approve financial service agreement with BOSC, Inc.

Frank Ildebrando BOSC, Inc., 1401 McKinney Street, Suite 1650, gave a brief presentation and introduction to BOSC, Inc., which stands for Bank of Oklahoma Security Corporation. He stated BOSC is a subsidiary of the Bank of Oklahoma Financial Corporation.

Discussion ensued between Council, City Manager, Bill Eisen, Frank Ildebrando, BOSC, Inc., representative regarding the financial services and the purposed agreement.

Voting "Aye" Councilmembers Hill, Harris, Sherman, Sherrouse, and Owens.

Voting "No" None.

Motion Passed 5 to 0.

**COUNCIL ACTION – RESOLUTION NO. R2012–11** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING A CONTRACT FOR ENGINEERING SERVICES ASSOCIATED WITH THE MCHARD ROAD PRELIMINARY ENGINEERING REPORT AND THE MCHARD ROAD WATER LINE DESIGN. *Mr. Bill Eisen, City Manager.*

Councilmember Harris made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2012-11.

City Manager Bill Eisen stated this is a proposed agreement with Freese and Nichols, Inc. and with GC Engineering, and C.L. Davis. The proposed agreement is for preliminary engineering services for a waterline on McHard Road as well as McHard Road.

Councilmember Owens stated that the investment being done will bring a savings of the water and feels it is a good move.

Voting “Aye” Councilmembers Hill, Harris, Sherman, Sherrouse, and Owens.

Voting “No” None.

Motion Passed 5 to 0.

**COUNCIL ACTION – RESOLUTION NO. R2012–3** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING A CONTRACT FOR ENGINEERING SERVICES ASSOCIATED WITH THE FAR NORTHWEST WASTEWATER TREATMENT PLANT REHABILITATION.

Councilmember Hill made the motion, seconded by Councilmember Owens, to approve Resolution No. R2012-3.

Bill Eisen City Manager stated there have been some issues with the Far Northwest Wastewater Treatment Plant Decanter and Ultraviolet System. This item is an agreement that recommends that Council approve the contract with Binkley and Barfield, Inc., to provide the necessary inspection services and upgrade.

Voting “Aye” Councilmembers Owens, Sherrouse, Sherman, Harris, and Hill.

Voting “No” None.

Motion Passed 5 to 0.

**FIRST READING OF ORDINANCE NO. 1453-1 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 1453, THE 2011-2012 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. *Mr. Bill Eisen, City Manager.***

Councilmember Owens made the motion, seconded by Councilmember Harris, to approve Ordinance No. 1453-1 on its first reading.

City Manager Bill Eisen stated this is a carryover from last year with some revenue and services coming in a little higher than budgeted for as well as expenditures coming in less even with the carryover still ending with a considerably less balance than projected last year.

Voting “Aye” Councilmembers Hill, Harris, Sherman, Sherrouse, and Owens.

Voting “No” None.

Motion Passed 5 to 0.

**COUNCIL ACTION – RESOLUTION NO. R2012-14 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AWARDED A BID FOR GROUNDS MAINTENANCE SERVICES.**

Councilmember Sherrouse made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2012-14. Postponed to a future agenda.

Mr. Bill Eisen, City Manager stated that earlier during the meeting City Council awarded a bid for landscape maintenance to Landscape Images of Texas and a smaller bid to Houston Grotech Services. After that award was made Landscape Images of Texas came to the City wanting to withdraw their bid at this point. He stated that the proposal was to award the entire bid to Houston Grotech Services.

Brief discussion ensued regarding the bid proposal and ways to lower the cost for the grounds services maintenance if awarded to more than one company.

Councilmember Sherrouse made the motion, seconded by Councilmember Owens, to postpone the consideration of Resolution No. R2012-14 postponed to a future agenda to reconsider the bid and options to reduce the overall cost.

Voting “Aye” Councilmembers Hill, Harris, Sherman, Sherrouse, and Owens.

Voting "No" None.

Motion Passed 5 to 0.

**OTHER BUSINESS:**

**ADJOURNMENT**

Meeting was adjourned at 9:05 p.m.

Minutes approved as submitted and/or corrected this the \_\_\_\_ day of \_\_\_\_\_,  
A.D., 2012.

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Tom Reid  
Mayor

ATTEST:

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Young Lorfing, TRMC  
City Secretary

# Consent Agenda Item B

- B. CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2012-32 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AWARDED A BID FOR THE PURCHASE OF STABILIZED ROAD MATERIALS.**

*Mr. Jon Branson, Assistant City Manager.*

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b>	March 12, 2012	<b>ITEM NO.:</b>	Resolution No. 2012-32
<b>DATE SUBMITTED:</b>	March 3, 2012	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Bob Pearce	<b>PRESENTOR:</b>	Jon Branson
<b>REVIEWED BY:</b>	Jon R. Branson	<b>REVIEW DATE:</b>	March 5, 2012
<b>SUBJECT:</b> Award of Bid for the Purchase of Stabilized Base Road Materials			
<b>EXHIBITS:</b> Resolution 2012-32 Exhibit A – Bid Tab			
<b>FUNDING:</b>			
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold			
<b>EXPENDITURE REQUIRED:</b> \$65,000 (est.)		<b>AMOUNT BUDGETED:</b> \$128,000 *	
<b>AMOUNT AVAILABLE:</b> \$128,000		<b>PROJECT NO.:</b>	
* - Budget amount includes all road materials, not just those included in this bid.			
<b>ACCOUNT NOS.:</b> 010-3570-542-13-00; 010-3570-553-04-00; 030-4044-542-29-00; 030-4044-542-29-00			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>			
<b>ACCOUNT NO.:</b>			
<b>PROJECT NO.:</b>			
<b>To be completed by Department:</b>			
X Finance		X Legal	
		Ordinance	
		X Resolution	

**EXECUTIVE SUMMARY**

**BACKGROUND**

The fiscal year 2012 budget includes the purchase of stabilized base road materials for use by the Public Works Department. Purchasing and the Public Works Department developed bid specifications and prepared an Invitation to Bid, which was published in the paper and posted on the City's e-bid website. These items were previously awarded to Dorsett Brothers on Bid No. 0710-51; however, at the time of renewal the increase they requested exceeded the percentage allowed by the Consumer Price Index. For this reason, it was necessary to re-bid the items previously awarded to Dorsett Brothers.

**SCOPE OF CONTRACT - NA**

## **BID AND AWARD**

The bid notification was sent to sixteen vendors, however only one bid submittal was received in response to the specifications of Bid No. 0112-16. The response received was from Cherry Crushed Concrete. Based on the type of material needed, the percent increase from current contract ranges from 2.57% to 29.76%. Staff contacted the previously-awarded vendor and was advised that their non-response to the bid was an oversight on their part.

This award will provide for fixed unit costs for each item for a period of one (1) year, with no allowable price increases. At the expiration of the initial term, there is a renewal option for one (1) additional year with the mutual agreement of both parties. Any price adjustment requested by the contracted vendor for the renewal period must be substantiated by a comparable increase in the Consumer Price Index for the Houston-Galveston-Brazoria metropolitan area. In the event a renewal is not agreeable to both parties, the contract will continue on a month-to-month basis until such time as a new contract can be awarded.

## **SCHEDULE**

Supply of stabilized base road materials will occur as needed throughout the term of the agreement.

## **POLICY/GOAL CONSIDERATION**

Purchase of these items is needed in order to provide stabilized base road materials for the Public Works Department, all contributing to the overall City objective for public safety.

## **CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS**

Funding for these items come from the General Fund for Public Works and from Water and Sewer Operations accounts. There is \$128,000 budgeted for the purchase of stabilized base road materials, based on historical usage, in the 2012 budget. The award is on a per-unit basis, with purchases made as needed.

## **O&M IMPACT INFORMATION**

Fiscal Year	2012	2013	2014
	\$65,000	\$66,950	Rebid

By the specifications of this bid, there is a one (1) year renewal option, with any request for price increase governed by the index specified above. As stabilized base road materials are required annually, similar expenses are anticipated in future years; however, funding will be appropriated on an annual basis.

## **RECOMMENDED ACTION**

Consideration and approval of a resolution to award a bid for the purchase of stabilized base road materials to Cherry Crushed Concrete at the unit costs noted in the bid tabulation.

**RESOLUTION NO. R2012-32**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND,  
TEXAS, AWARDED A BID FOR THE PURCHASE OF STABILIZED ROAD  
MATERIALS.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section 1.** That the City opened unit supply bids for the supply of stabilized road materials, and such bids have been reviewed and tabulated.

**Section 2.** That the City Council hereby awards the bid to Cherry Crushed Concrete, Inc., in the unit price amount reflected in Exhibit "A", attached hereto in.

**Section 3.** The City Manager or his designee is hereby authorized to execute a contract for the purchase of stabilized road materials.

PASSED, APPROVED and ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_,  
A.D., 2012.

\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

\_\_\_\_\_  
YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY

Bid Tabulation: Purchase of Stabilized Base Road Materials

Bid Number: 0710-51R

<b>Material Description</b>	<b>Price per ton</b>	<b>Dorsett Brothers Pasadena, TX Prior Year Pricing</b>	<b>Cherry Crushed Concrete, Inc. Houston, TX Current Pricing</b>	<b>% Increase</b>
Cement Stabilized Sand (CSS), 1.5 sack, 7.05% cement	Base/Ton Del. Chgs. Total	<b>9.25</b> <b>2.483</b> <b>11.733/ton</b>	13.00 2.225 15.225	29.76%
CSS, 2 sack, 9.4% cement	Base/Ton Del. Chgs. Total	<b>11.00</b> <b>2.483</b> <b>13.483/ton</b>	15.00 2.225 17.225	27.75%
CSS - Limestone, 1.5 sack, 7% cement	Base/Ton Del. Chgs. Total	<b>26.00</b> <b>2.483</b> <b>28.483</b>	26.99 2.225 29.215	2.57%
Limestone Base	Base/Ton Del. Chgs. Total	<b>21.00</b> <b>2.483</b> <b>23.483</b>	24.00 2.225 26.225	11.68%

# New Business Item No. 1

1. **CONSIDERATION AND POSSIBLE ACTION – FIRST READING OF ORDINANCE NO. 1461 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, FINDING THAT THE CITY HAS ESTABLISHED *GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT* PURSUANT TO RESOLUTION NO. R2011-12; DESIGNATING AND DESCRIBING A REINVESTMENT ZONE (TO BE KNOWN AS REINVESTMENT ZONE #22), IN ACCORDANCE WITH THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT; FINDING THAT THE IMPROVEMENTS SOUGHT ARE FEASIBLE AND PRACTICAL AND WOULD BE A BENEFIT TO THE LAND TO BE INCLUDED IN THE ZONE AND THE MUNICIPALITY AFTER THE EXPIRATION OF THE TAX ABATEMENT AGREEMENT; AUTHORIZING THE CITY MANAGER TO SIGN TAX ABATEMENT AGREEMENTS WHEN APPROVED BY THE CITY COUNCIL; HAVING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.**

*Mr. Darrin Coker, City Attorney.*

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF: 3-12-12</b>	<b>ITEM NO.:</b> Ordinance No. 1461
<b>DATE SUBMITTED:</b>	<b>DEPARTMENT OF ORIGIN: PEDC</b>
<b>PREPARED BY: Darrin Coker</b>	<b>PRESENTOR: Darrin Coker</b>
<b>REVIEWED BY: NA</b>	<b>REVIEW DATE: NA</b>
<b>SUBJECT: RefChem Tax Abatement</b>	
<b>EXHIBITS: Ordinance No. 1461</b>	
<b>EXPENDITURE REQUIRED:</b>	<b>AMOUNT BUDGETED:</b>
<b>AMOUNT AVAILABLE:</b>	<b>PROJECT NO.:</b>
<b>ACCOUNT NO.:</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	
<b>ACCOUNT NO.:</b>	
<b>PROJECT NO.:</b>	
<b>To be completed by Department:</b>	
<input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

The proposed ordinance establishes the boundaries of a reinvestment zone for PEDC prospect RefChem. A Reinvestment Zone must be created before the City may enter into a Tax Abatement Agreement with the applicant. The ordinance memorializes the City Council's findings that the improvements sought by Merit Medical are feasible and practicable and that the improvements will benefit the land within the zone. The second reading of this ordinance is scheduled for March 26<sup>th</sup> and consideration of the tax abatement agreement is proposed for April 9th.

**ORDINANCE NO. 1461**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, FINDING THAT THE CITY HAS ESTABLISHED *GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT* PURSUANT TO RESOLUTION NO. R2011-12; DESIGNATING AND DESCRIBING A REINVESTMENT ZONE (TO BE KNOWN AS REINVESTMENT ZONE #22), IN ACCORDANCE WITH THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT; FINDING THAT THE IMPROVEMENTS SOUGHT ARE FEASIBLE AND PRACTICAL AND WOULD BE A BENEFIT TO THE LAND TO BE INCLUDED IN THE ZONE AND THE MUNICIPALITY AFTER THE EXPIRATION OF THE TAX ABATEMENT AGREEMENT; AUTHORIZING THE CITY MANAGER TO SIGN TAX ABATEMENT AGREEMENTS WHEN APPROVED BY THE CITY COUNCIL; HAVING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 312 of the Texas Tax Code (the “Property Redevelopment and Tax Abatement Act”) provides for the designation of a Reinvestment Zone or area; and

**WHEREAS**, the City Council has, pursuant to Resolution No. R2011-12, established *Guidelines and Criteria for Granting Tax Abatement*; and

**WHEREAS**, a certain area of the City of Pearland meets the criteria and guidelines heretofore established by the City Council required for designation as a Reinvestment Zone; and

**WHEREAS**, the City Council, on March 12 2012, held a public hearing on the designation of a Reinvestment Zone and finds that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the municipality after the expiration of an agreement under the Property Redevelopment and Tax Abatement Act; now, therefore,

**ORDINANCE NO. 1461**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section 1.** That pursuant to the Property Redevelopment and Tax Abatement Act, the City Council of the City of Pearland, Texas, hereby designates as a Reinvestment Zone the area described in Exhibit "A" attached hereto and made a part hereof for all purposes, to be known as Reinvestment Zone #22.

**Section 2.** That the area described in Exhibit "A" is reasonably likely, as a result of this designation, to contribute to the retention or expansion of primary employment, or to attract major investment into the zone that would be a benefit to the property and that would contribute to the economic development of the City, and that the improvements sought are feasible and practical and would be a benefit to the land to be included into the zone and to the municipality after the expiration of a Tax Abatement Agreement as authorized by the Property Redevelopment and Tax Abatement Act.

**Section 3.** That the City Council hereby authorizes agreements in writing with the owner of any taxable real estate located within the designated Reinvestment Zone, subject to the requirements and optional provisions of the Property Redevelopment and Tax Abatement Act and the conditions of the *Guidelines and Criteria for Granting Tax Abatement* heretofore adopted by the City Council.

**Section 4.** That any agreement to be entered into under the provisions of this ordinance must be approved by the affirmative vote of a majority of the members of the City Council at a regularly scheduled meeting of the City Council. On approval by the City Council, the agreement may be executed by the City Manager.

**ORDINANCE NO. 1461**

**Section 5. Savings.** All rights and remedies which have accrued in favor of the City under this Ordinance shall be and are preserved for the benefit of the City.

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 7. Effective Date.** This Ordinance shall become effective upon passage and approval of its second reading.

PASSED and APPROVED ON FIRST READING this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2012.

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TOM REID  
MAYOR

ATTEST:

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YOUNG LORFING  
CITY SECRETARY

APPROVED AS TO FORM:

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DARRIN M. COKER  
CITY ATTORNEY

**ORDINANCE NO. 1461**

PASSED and APPROVED ON SECOND AND FINAL READING this the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 2012.

\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

\_\_\_\_\_  
YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY

2. PROPERTY:

- A. "Property" means that real property situated in HARRIS County, Texas at SE CORNER OF TOM BASS PKWY AND SAM HOUSTON PKWY, PEARLAND, TX 77047 (address) and that is legally described on the attached Exhibit \_\_\_\_\_ or as follows:

THE PROPERTY IS LEGALLY IDENTIFIED BY THE HARRIS COUNTY APPRAISAL DISTRICT AS 11.57277 ACRES FROM 5 SEPARATE ACCOUNTS KNOWN AS TRACT 1B-4, TRACT 1B-5, TRACT 1B-6, TRACT 1B-7, AND TRACTS 1B-8B & 1B-10, ABSTRACT 1181, HT&BRR SUBDIVISION, SECTION 2, BLOCK 4, HARRIS COUNTY, TEXAS.

(SUBJECT TO RE-PLAT INTO ONE LOT)

S SAM HOUSTON PKWY

S 8 FWY

Beltway 8

S 8 FWY

S SAM HOUSTON PKWY

10200

Proposed Site

3100

Turbocare

Tom Bass Park



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Scale 1:2,910  
1 in = 243 ft

# New Business Item No. 2

2. **CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2011-162 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A MUTUAL AID LAW ENFORCEMENT AGREEMENT. Mr. J.C. Doyle, Police Chief.**

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF: 3-12-12</b>	<b>ITEM NO.:</b> Resolution No. R2012-162
<b>DATE SUBMITTED: 11-16-11</b>	<b>DEPARTMENT OF ORIGIN: Police</b>
<b>PREPARED BY: J. Spires</b>	<b>PRESENTOR: J.C. Doyle</b>
<b>REVIEWED BY: Bill Eisen</b>	<b>REVIEW DATE: 2/28/12</b>
<b>SUBJECT: Mutual Aid Agreement with BCSO</b>	
<b>EXHIBITS:R2011-162; Mutual Aid Agreement</b>	
<b>EXPENDITURE REQUIRED: N/A</b>	<b>AMOUNT BUDGETED: N/A</b>
<b>AMOUNT AVAILABLE: N/A</b>	<b>PROJECT NO.: N/A</b>
<b>ACCOUNT NO.: N/A</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED: N/A</b>	
<b>ACCOUNT NO.: N/A</b>	
<b>PROJECT NO.: N/A</b>	
<b>To be completed by Department:</b>	
<input type="checkbox"/> <b>Finance</b>	<input checked="" type="checkbox"/> <b>Legal</b>
<input type="checkbox"/> <b>Ordinance</b>	<input checked="" type="checkbox"/> <b>Resolution</b>

**EXECUTIVE SUMMARY**

This agreement would allow a selected Detective from the Police Department to participate in the Brazoria County Narcotics Task Force. This gives our detective the authority to investigate crimes outside our city limits and allows us to utilize the manpower and resources of other participating agencies to assist our narcotics unit at any given time. According to the agreement, any funds generated through forfeitures will be distributed to all participating agencies.

**RECOMMENDED ACTION**

Approve the resolution authorizing the City Manager to execute the agreement which allows the Police Department to participate in the task force.

**RESOLUTION NO. R2011-162**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A MUTUAL AID LAW ENFORCEMENT AGREEMENT.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section 1.** That certain Mutual Aid Law Enforcement Agreement, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

**Section 2.** That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest a Mutual Aid Law Enforcement Agreement.

PASSED, APPROVED and ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_,  
A.D., 2011.

\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

\_\_\_\_\_  
YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY



## II.

While any law enforcement officers regularly employed by the providing party is in the service of a requesting party pursuant to this Agreement, he shall be a peace officer of such requesting party and be under the command of the law enforcement officer therein who is in charge in the County or Municipality (Requesting Party), with all the powers a regular law enforcement officer in such other County or Municipality as fully as though he were within the jurisdiction where he is regularly employed and his qualification, respectively, for office where regularly employed shall constitute his qualification for office in such other County or Municipality, and no other, bond, or compensation need be made.

## III.

A law enforcement officer employed by a providing party covered by this Agreement may make arrests outside the jurisdiction in which he is employed, but within the area covered by the Agreement; provided, however, that the law enforcement agency within the requesting jurisdiction shall be notified of such arrest without delay. The notified agency shall make available the notice of such arrest in the same manner as if a member of the law enforcement agency of said requesting jurisdiction made said arrest.

## IV.

Peace Officers employed by the parties to the Agreement shall have such investigative or other law enforcement authority in the jurisdictional area encompassed by this Agreement as is reasonable and proper to accomplish the purpose for which a request for mutual aid assistance is made.

## V.

Each party to this Agreement shall be responsible for its own costs and expenses; specifically the salary and benefits for its own officer as detailed in paragraph VI below. Expenses relating to task force such as buy money and investigation expenses will be covered from task force funds.

## VI.

The task force fund account will initially be funded with \$60,000 provided by the Brazoria County Sheriff's Office. When the available balance in the account reaches \$120,000, the Brazoria County Sheriff's Office will be reimbursed the \$60,000 that was initially placed into the account for the seed money. The funds collected will be used for purchases that include but are not be limited to evidence, training, and other investigative expenses. Each agency that wishes to be a member of the task force will assign an officer (s) to the task force as a full time position (40 hour work week). The Sheriff's Office will provide office space, computers, equipment and access to reporting databases. Each agency will be responsible for providing their officer with all salary, benefits, overtime, vehicle, and fuel.

The account will always maintain a balance of \$60,000 for operating expenses. At the end of each fiscal year any remaining funds above the operating expenses will be divided among the member jurisdictions according to that jurisdiction's number of participants in the task force.

VII.

The term of this Agreement shall be indefinite with any party having the right to terminate said Agreement upon thirty (30) days notice to all other parties. The addition or deletion of parties to this Agreement shall not affect the Agreement as to the remaining parties except as may be specifically provided by amendment to this Agreement.

VIII.

The parties shall observe and comply with all Federal, State, County and City laws, rules, ordinances and regulations in any manner affecting the conduct of the services herein provided and performance of all obligations undertaken by this Agreement.

IX.

In the event a party to this agreement in pursuant of its normal investigative activities leaves its own jurisdiction and enters the jurisdiction of another party to this agreement such party shall notify the chief law enforcement officer of such other party or his/her designee in advance of conducting such activities.

X.

To the extent permitted by law, each party shall be responsible for any and all claims, demands, suits, actions, damages and causes of action related to, arising out of, or in any way connected to its own actions, and the actions of its personnel in providing Mutual Aid assistance, rendered or performed under the terms of this Agreement.

XI.

No Party waives or relinquishes any immunity or defense on behalf of itself, its officers, employees, and/or agents as a result of this Agreement and the performance of services and assistance contemplated herein.

**FOR THE CITY OF ALVIN:**

**FOR THE CITY OF ANGLETON:**

\_\_\_\_\_  
Designated Official

\_\_\_\_\_  
Designated Official

\_\_\_\_\_  
Date

**FOR THE CITY OF BRAZORIA:**

\_\_\_\_\_  
Designated Official

\_\_\_\_\_  
Date

**FOR THE CITY OF CLUTE:**

\_\_\_\_\_  
Designated Official

\_\_\_\_\_  
Date

**FOR THE CITY OF FREEPORT:**

\_\_\_\_\_  
Designated Official

\_\_\_\_\_  
Date

**FOR THE CITY OF LAKE JACKSON:**

\_\_\_\_\_  
Designated Official

\_\_\_\_\_  
Date

**FOR THE CITY OF OYSTER CREEK:**

\_\_\_\_\_  
Designated Official

\_\_\_\_\_  
Date

**FOR THE CITY OF RICHWOOD:**

\_\_\_\_\_  
Date

**FOR THE CITY OF BROOKSIDE:**

\_\_\_\_\_  
Designated Official

\_\_\_\_\_  
Date

**FOR THE CITY OF DANBURY:**

\_\_\_\_\_  
Designated Official

\_\_\_\_\_  
Date

**FOR THE CITY OF JONES CREEK:**

\_\_\_\_\_  
Designated Official

\_\_\_\_\_  
Date

**FOR THE CITY OF MANVEL:**

\_\_\_\_\_  
Designated Official

\_\_\_\_\_  
Date

**FOR THE CITY OF PEARLAND:**

\_\_\_\_\_  
Designated Official

\_\_\_\_\_  
Date

**FOR THE CITY OF SURFSIDE:**

Designated Official

Designated Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**FOR THE CITY OF SWEENEY:**

**FOR THE CITY OF WEST COLUMBIA:**

\_\_\_\_\_  
Designated Official

\_\_\_\_\_  
Designated Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**FOR BRAZORIA COUNTY:**

\_\_\_\_\_  
Sheriff

\_\_\_\_\_  
Date

# New Business Item No. 3

- 3. CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2012-31 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AWARING A BID FOR CONSTRUCTION SERVICES ASSOCIATED WITH THE BARRY ROSE WASTEWATER TREATMENT PLANT REHABILITATION PROJECT.**  
*Mr. Bill Eisen, City Manager.*

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> 3/12/12	<b>ITEM NO.:</b> Resolution No. R2012-31
<b>DATE SUBMITTED:</b> 2/23/2012	<b>DEPT. OF ORIGIN:</b> Projects
<b>PREPARED BY:</b> Trent Epperson	<b>PRESENTOR:</b> Bill Eisen
<b>REVIEWED BY:</b> Mike Hodge	<b>REVIEW DATE:</b> March 5, 2012
<b>SUBJECT: Award of Construction Contract Barry Rose WWTP Rehabilitation</b>	
<b>EXHIBITS: R2012-31; A - Engineer's Recommendation Letter and Bid Tab</b>	
<b>FUNDING:</b> <input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash <input checked="" type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold	
<b>EXPENDITURE REQUIRED: \$3,143,020</b> <b>AMOUNT BUDGETED: \$3,753,760</b> <b>AMOUNT AVAILABLE: \$3,215,129</b> <b>PROJECT NO.: WW1004</b> <b>ACCOUNT NO.: 067-0000-565-03-00</b> <b>ADDITIONAL APPROPRIATION REQUIRED: NO</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>	
<b>To be completed by Department:</b> <input checked="" type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

**BACKGROUND**

The fiscal Year 2010 Capital Improvement Program included funding for improvements to the Barry Rose Wastewater Treatment plant. The Plant was constructed in 1967 and since that time has been through two expansions bringing its current capacity to 3.1 mgd. In 2010 the City with Binkley and Barfield, Inc. (BBI), conducted a conditional assessment of the plant to prioritize the plant components that needed to be rehabilitated. An Engineering contract was awarded in February, 2011 for design services to rehabilitate the highest priority plant components.

**SCOPE OF CONTRACT/AGREEMENT**

The scope of the Construction includes replacement of the Bar Screen and Compactor/ Conveyor equipment at the headworks; replacement of the Sand Filter with a new Nova Disk Filter system; rehabilitation of the existing Sludge Thickener and Digester, including installation of a new equipment bridge over the digester and replacement of the dewatering Centrifuge. There are a small number of structural items that are slated from replacement or

reconstruction such as the stairway to the Centrifuge building and associated electrical, instrumentation associated with the expansion of the SCADA system to incorporate the new equipment.

### **BID AND AWARD**

The Plans and Specifications were completed in late December 2011 and bids were opened on February 23, 2012 via the E-Bid system. Seven construction firms bid the project with prices ranging from \$3,143,020 to \$3,596,109 with three bidders clustered within 1% of the low bid. The low bid of \$3,143,020, including the Alternate and Extra Work items, was submitted by JTR Constructors, Inc.

The Project Bid consists of six Base Bid “lump sum” items constituting the known and described work of the project totaling \$2,957,750. There are 44 Extra Work “unit cost” items to cover the potential for unknown conditions totaling \$115,270. These items are paid on an “authorization only” basis and will not be used unless required and then authorized. There is a \$30,000 Cash Allowance item to cover the cost of having the City’s SCADA programmer modify the existing SCADA panel and software, program the new equipment PLC’s and commission the modified system. Finally, there is an Alternate Bid item, bid at \$40,000, consisting of the replacement of two sluice gates at the head end of the chlorine contact basin. It is recommended that these gates be installed at this time since their replacement will require a temporary shutdown of the chlorine contact basin and by-pass pumping.

JTR Constructors, Inc is from Houston, Texas and has performed work in the greater Houston area since 1996. They have sixteen years of experience with wastewater plant rehabilitation with multiple similar projects with similar or greater dollar values. The Design Consultant, BBI, completed a reference check and found no performance or financial issues either pending or historically. See attached Engineer’s Recommendation Letter.

### **SCHEDULE**

The construction package bid on February 23<sup>rd</sup> and a Notice to Proceed is expected to be issued within ten day of Award of the Contract. The overall Construction Phase is scheduled to be completed one year from notice to proceed. Shop drawing review and equipment buy out and fabrication is expected to run about 12 to 16 weeks during which time the contractor may not be fully mobilized on site. Barring weather delays Substantial Completion for the work is scheduled for April 2013.

### **POLICY/GOAL CONSIDERATION**

The Rehabilitation of the Barry Rose Wastewater Treatment Plant was specifically identified in the 2012-2016 CIP. The upgrades contained in this project will replace obsolete or worn out equipment and allow the facility to continue to meet TCEQ permit requirements while lowering operations and maintenance costs.

### **CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE**

Funding for the project is from two sources: \$753,760 has come from System Revenues (cash); \$373,760 for the 2011 budget and \$380,000 from cash in the 2012 budget. And \$3,000,000 dollars will come from Water and Sewer Revenue Bonds to be sold in 2012.

Year	To Date	2013	2014	2015	2016	Total
<b>Budget</b>	<b>\$ 3,753,760</b>					<b>\$ 3,753,760</b>
Prior Expenditures						
PER	70,480					70,480
Land/ROW	-					-
Design/Survey	287,866					287,866
Construction	180,285					180,285
FF&E						-
<b>Current Request</b>						
<b>Construction</b>	<b>3,143,020</b>					<b>3,143,020</b>
Future Expenditures						
PER	-					-
Land/ROW	-					-
Design/Survey	-					-
Construction	45,000					45,000
FF&E	-					-
<b>Total Expenditures</b>	<b>\$ 3,726,651</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,726,651</b>
<b>Remaining Balance</b>	<b>\$ 27,109</b>	<b>\$ 27,109</b>	<b>\$ 27,109</b>	<b>\$ 27,109</b>	<b>\$ 27,109</b>	<b>\$ 27,109</b>
Debt Sold						
Debt to Be Sold	3,000,000					
<b>Annual Debt Service</b>		<b>216,000</b>	<b>216,000</b>	<b>216,000</b>	<b>216,000</b>	

#### O&M IMPACT INFORMATION

Once complete, it is anticipated that the City will realize a minor reduction in operations and maintenance cost due to the repairs.

Year	2012	2013	2014	2015	2016
Operation and Maintenance Costs					

#### RECOMMENDED ACTION

Staff recommends that Council approve the Bid results, Award the Contract for Construction in the amount of \$3,143,020 to JRT Constructors, Inc. and authorize the City Manager to execute the agreement.

**RESOLUTION NO. R2012-31**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND,  
TEXAS, AWARDING A BID FOR CONSTRUCTION SERVICES  
ASSOCIATED WITH THE BARRY ROSE WASTEWATER TREATMENT  
PLANT REHABILITATION PROJECT.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section 1.** That the City opened bids for construction services associated with the Barry Rose Wastewater Treatment Rehabilitation Project, and such bids have been reviewed and tabulated.

**Section 2.** That the City Council hereby awards the bid to JRT Constructors, Inc., in the amount of \$3,143,020.00.

**Section 3.** The City Manager or his designee is hereby authorized to execute a contract for construction services associated with the Barry Rose Wastewater Treatment Rehabilitation Project.

PASSED, APPROVED and ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_,  
A.D., 2012.

\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

\_\_\_\_\_  
YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY



March 1, 2012

Mr. Skipper Jones, MPM, CIPM  
Project Manager, Projects Group  
City of Pearland  
3519 Liberty Drive  
Pearland, Texas 77581

**Re: Project Bid Tabulation and Recommendation  
City of Pearland, Barry Rose WWTP Plant Rehabilitation  
Project No. WW1004, Contract No. 111434**

Dear Mr. Jones:

Binkley & Barfield, Inc. (BBI) has reviewed the tabulation of the seven (7) bids received and opened on Thursday, February 23, 2012 for the above referenced project.

The apparent low bidder and the bid amounts are as follows:

JTR Constructors, Inc. 18484 Clay Road, Houston, TX 77084 (281) 550-7107	<u>Bid \$3,143,020.00</u>
--	---------------------------

BBI received the bidder qualification submittals from JTR Constructors including the following:

1. A brief narrative of previous experience of the Bidder, with projects of a similar nature and scope;
2. A list, including owner name and project location, of on-going projects and contracts for construction of projects of the Bidder which are not yet substantially complete;
3. A list of proposed subcontractors and suppliers for the project being bid;
4. A list of names, addresses and telephone numbers of references for projects completed by Bidder; and
5. A Financial statement of Bidder, consisting of the balance sheet and annual income statement of Bidder for the Bidder's last fiscal year end preceding the submission of the Bid Proposal, which has been audited or examined by an independent certified public accountant.

BBI contacted the references for the recently completed projects in 2011, 2010 and 2008, and currently on-going projects. The contacted references include HDR, Claunch & Miller for two projects completed in 2011; LJA Engineering & Surveying, Inc. for two projects completed in 2011 and 2008, and one currently on-going project; Edminster, Hinshaw, Russ & Associates for one project completed in 2010; and Atkins for one currently on-going projects. The references gave very positive responses and good ratings for the quality of work completed by JTR Constructors. The list of references and projects are attached for your information.

Based on the submitted qualifications and references checked, we believe that JTR Constructors has sufficient experience and is competent to successfully complete the Barry Rose WWTP Rehab Project. BBI also reviewed the list of proposed subcontractors and suppliers for the Barry Rose Project and found that the proposed subcontractors and suppliers are acceptable.

BBI wishes to provide the following explanation for the low bidder's price, which is slightly higher (about 4.8%) than the engineer's final cost estimate (\$3 million). The final cost estimate was completed in November/December 2011. Energy costs have fluctuated upward by approximately 10% during the past few months due to international affairs, and material costs have risen more than 5% due to economic growth. We may have slightly underestimated the fast rising rate of energy and material costs. Nonetheless, we wish to point out that the three lower bids came in within \$1,372 differences (between \$3,143,020, \$3,143,675 and \$3,144,392), and the fourth low bid was \$3,173,470 (only 1% higher than the low bid). We believe that the bids received are very competitive and the low bid is within an acceptable margin of the engineer's final cost estimate.

BBI recommends award of the Barry Rose WWTP Rehab Project, Project No. WW1004, to **JTR Constructors, Inc.** for the Total Contract amount of **\$3,143,020.00**. If you have any questions, please call me at (713) 869-3433.

Sincerely,

BINKLEY & BARFIELD, INC.  
Consulting Engineers



Li C. Chen, P.E.  
Senior Project Manager

LC:lc  
Enclosures



2.30	Extra Unit Price for replacement of MCPs: 100 through 150 Amps, Complete In Place.	EA	1		\$2,000.00	\$3,400.00	\$3,400.00	\$2,000.00	\$3,400.00	\$3,400.00	\$3,400.00	\$3,400.00	\$3,400.00					
2.31	Extra Unit Price for replacement of Circuit Breaker 150 AF Various currents, Complete In Place.	EA	1		\$1,000.00	\$2,500.00	\$2,350.00	\$1,000.00	\$2,350.00	\$2,350.00	\$2,350.00	\$2,350.00	\$2,350.00					
2.32	Extra Unit Price for Size 1 Motor Starter contact replacement, Complete In Place.	EA	2		\$100.00	\$150.00	\$150.00	\$100.00	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00					
2.33	Extra Unit Price for Size 1 Motor Starter coil replacement, Complete In Place.	EA	2		\$110.00	\$200.00	\$175.00	\$110.00	\$175.00	\$175.00	\$175.00	\$175.00	\$175.00					
2.34	Extra Unit Price for Size 1 Motor Starter, complete replacement, Complete In Place.	EA	2		\$200.00	\$700.00	\$650.00	\$200.00	\$650.00	\$650.00	\$650.00	\$650.00	\$650.00					
2.35	Extra Unit Price for Size 2 Motor Starter contact replacement, Complete In Place.	EA	2		\$120.00	\$250.00	\$250.00	\$120.00	\$250.00	\$250.00	\$250.00	\$250.00	\$250.00					
2.36	Extra Unit Price for Size 2 Motor Starter coil replacement, Complete In Place.	EA	2		\$110.00	\$200.00	\$200.00	\$110.00	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00					
2.37	Extra Unit Price for Size 2 Motor Starter, complete replacement, Complete In Place.	EA	2		\$300.00	\$1,000.00	\$1,000.00	\$300.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00					
2.38	Extra Unit Price for Size 3 Motor Starter contact replacement, Complete In Place.	EA	2		\$160.00	\$300.00	\$275.00	\$160.00	\$275.00	\$275.00	\$275.00	\$275.00	\$275.00					
2.39	Extra Unit Price for Size 3 Motor Starter coil replacement, Complete In Place.	EA	2		\$180.00	\$800.00	\$725.00	\$180.00	\$725.00	\$725.00	\$725.00	\$725.00	\$725.00					
2.40	Extra Unit Price for Size 3 Motor Starter, complete replacement, Complete In Place.	EA	2		\$400.00	\$1,500.00	\$1,500.00	\$400.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00					
2.41	Extra Unit Price for Size 4 Motor Starter, contact replacement, Complete In Place.	EA	2		\$250.00	\$750.00	\$700.00	\$250.00	\$700.00	\$700.00	\$700.00	\$700.00	\$700.00					
2.42	Extra Unit Price for Size 4 Motor Starter coil replacement, Complete In Place.	EA	2		\$250.00	\$500.00	\$450.00	\$250.00	\$450.00	\$450.00	\$450.00	\$450.00	\$450.00					
2.43	Extra Unit Price for Size 5 Motor Starter, Contact Replacement, CIP	EA	2		\$400.00	\$2,000.00	\$1,900.00	\$400.00	\$1,900.00	\$1,900.00	\$1,900.00	\$1,900.00	\$1,900.00					
2.44	Extra Unit Price for Size 5 Motor Starter, Coil Replacement, CIP	EA	2		\$400.00	\$600.00	\$550.00	\$400.00	\$550.00	\$550.00	\$550.00	\$550.00	\$550.00					
3		EA	1	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00					
3.1	Permitting Fees	LS	1		\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00					
3.2	Modification of the existing SCADA software (IFIX) with reprogramming and configurations to add new database and graphic displays for the Bar Screen/Screw Conveyor, Filters and/or other control functions per Spec Section 13440 including demonstration of n	LS	1		\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00					
4		EA	1	\$36,300.00	\$40,000.00	\$40,000.00	\$24,000.00	\$24,000.00	\$22,200.00	\$22,200.00	\$24,000.00	\$24,000.00	\$130,000.00	\$130,000.00	\$53,500.00	\$53,500.00	\$32,000.00	\$32,000.00
4.1	Provide and install 2 complete Sluice Gates in the existing chlorine contact basin ? mixing box. Work includes removal of the existing sluice gates, modification of structure to fit new gates, testing and startup complete in place.	EA	2		\$20,000.00	\$12,000.00	\$11,100.00	\$12,000.00	\$65,000.00	\$26,750.00	\$16,000.00	\$16,000.00	\$16,000.00					
	<b>Contingency Added ONLY in Engineer's Estimate</b>			\$86,231.00	Total Bid with Alternate Add													
	<b>Total</b>			\$2,960,583.00	\$3,143,020.00	\$3,143,675.00	\$3,144,392.20	\$3,173,470.00	\$3,365,725.00	\$3,422,750.00	\$3,422,750.00	\$3,596,109.00	\$3,596,109.00					

February 27, 2012

Mr. Skipper Jones, MPM, CIPM  
City of Pearland  
3519 Liberty Drive  
Pearland, TX 77581

Re: City of Pearland – Barry Rose W.W.T.P. Rehabilitation

Dear Mr. Jones:

JTR Constructors, Inc. is a General Contractor in the construction of Water and Wastewater Treatment Plants. We have been in business since 1996 and have successfully completed projects ranging from \$100,000 to \$11 million. Some of our Project Managers and Superintendents have between 27-32 years experience in this type of work. Furthermore, JTR Constructors, Inc. has previously worked at the Barry Rose WWTP Rehabilitation.

JTR Constructors, Inc. is pleased to provide the following list of references and contracts that are currently underway but not yet complete:

Projects

Engineering Firm

City of Jacinto City  
W.W.T.P. Upgrades  
Jacinto City, TX 77029  
\$ 1,866,534

LJA Eng. & Surveying, Inc.  
11821 East Freeway, Suite 400  
Houston, TX 77029  
(713) 450-1300  
Ronnie McKinney

Forest Hills M.U.D.  
W.W.T.P. Replacement  
Houston, TX 77038  
\$ 2,268,685

AEI Engineering, LLC  
616 FM 1960 West, Suite 250  
Houston, TX 77090  
(281) 350-7027  
Ross Crawford, P.E.

Harris County M.U.D. No. 387  
0.48 MGD W.W.T.P. Exp. & L.S.  
Spring, TX 77389  
\$ 3,020,318

Atkins  
500 Springhill Drive, Suite 220  
Spring, TX 77386  
(281) 363-0604  
Derek Scardino

City of Richmond  
Regional W.W.T.F. Exp. to 3.0 MGD  
Richmond, TX 77469  
\$5,179,592

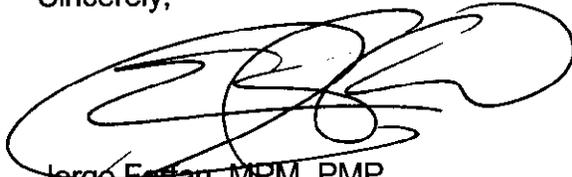
James H. Suchma, P.E.  
405 Liberty  
Richmond, TX 77469  
(281) 342-6836  
Bill Cromeans, P.E.

Cinco SW M.U.D. No. 1  
W.W.T.P. Phase III Expansion  
Katy, TX 77494  
\$ 2,487,669

AECOM Technical Services, Inc.  
5757 Woodway, Suite 101 West  
Houston, TX 77057  
(713) 780-4100  
Bruce Baumel, P.E.

If you need additional information, please advise.

Sincerely,



Jorge Falfan, MPM, PMP  
Project Manager

**List of Proposed Subcontractors and Major Suppliers for  
Barry Rose WWTP Project**

February 27, 2012

Project Owner:  
City of Pearland

Engineering Firm:  
Brinkley & Barfield, Inc

General Contractor:  
JTR Constructors, Inc.

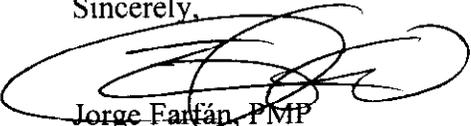
**Proposed Subcontractors:**

- |  |                             |
|--|-----------------------------|
| 1. SPECIALTY DRILLING<br>C.W. "Buddy" Howard | DRILL PIERS<br>713-722-8290 |
| 2. PFEIFFER<br>Bill Baker                    | ELECTRICAL<br>281-471-4222  |

**Proposed Suppliers:**

- |                                 |  |
|---------------------------------|--|
| 3. NEWMAN<br><br>Mike Kowalick  | THICKENER, DIFFUSED AERATOR,<br>AIRLIFT PUMPS, SWIVEL JOINT,<br>DAVIT CRANE @ SWIVEL<br>281-980-7448 |
| 4. WATERTECH<br><br>Steve Holts | MECHANICAL SCREEN,<br>COMPACTOR, DISK SCREEN FILTER,<br>SLIDE GATES.<br>936-372-5272                 |
| 5. EI2<br>Jeff Houston          | CENTERFUGE<br>713-461-1111   |
| 6. COHEN<br>Leslie Cohen        | DI PIPES & VALVES<br>713-467-3300  |

Sincerely,

  
Jorge Farfán, PMP  
Project Manager  
JTR Constructors, INC

# New Business Item No. 4

4. **CONSIDERATION AND POSSIBLE ACTION – FIRST READING OF ORDINANCE NO. 1286-1 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 14, ARTICLE III, JUNKED VEHICLES, OF THE CITY OF PEARLAND CODE OF ORDINANCES, FOR THE; HAVING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR PUBLICATION, CODIFICATION, AND AN EFFECTIVE DATE. *Mr. Darrin Coker, City Attorney.***

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF: 3-12-12</b>	<b>ITEM NO.:</b> Ordinance No. 1286-1
<b>DATE SUBMITTED: 3-5-12</b>	<b>DEPARTMENT OF ORIGIN:</b> Legal
<b>PREPARED BY:</b> Darrin Coker	<b>PRESENTOR:</b> Darrin Coker
<b>REVIEWED BY:</b> NA	<b>REVIEW DATE:</b> NA
<b>SUBJECT:</b> Junked Vehicle Ordinance	
<b>EXHIBITS:</b> Ordinance No. 1286-1	
<b>EXPENDITURE REQUIRED:</b> <b>AMOUNT AVAILABLE:</b> <b>ACCOUNT NO.:</b>	<b>AMOUNT BUDGETED:</b> <b>PROJECT NO.:</b>
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>	
<b>To be completed by Department:</b> <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

The Texas Transportation Code ("Code") enables cities to enforce state law as it applies to junked vehicles; consequently the City's ordinance utilizes the definition of junked vehicle provided in the Code. The state legislature recently amended the definition of junked vehicle to require certain criteria to be considered cumulatively rather than exclusive to one another. The purpose of the proposed amendment is to align the City's Ordinance with the state laws that govern junked vehicles. The only change is to Section 14-52 where the word "or" is being replaced with the word "and."

**ORDINANCE NO. 1286-1**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 14, ARTICLE III, JUNKED VEHICLES, OF THE CITY OF PEARLAND CODE OF ORDINANCES, FOR THE; HAVING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR PUBLICATION, CODIFICATION, AND AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section 1.** That Chapter 14, Article III, *Junked Vehicles*, of the City of Pearland Code of Ordinances, is hereby amended, to read as follows:

**Section 14-52. Definitions**

**"Antique Vehicle"**- shall mean a passenger car or truck that is at least 25 years old.

**"Junked Vehicle"**- shall mean a vehicle that is self-propelled and does not have lawfully attached to it:

(1) an unexpired license plate; ~~or~~ and a valid motor vehicle inspection certificate; and

(2) is:

(a) wrecked, dismantled or partially dismantled, damaged, discarded; or

(b) inoperable and has remained inoperable for more than:

(i) seventy-two (72) consecutive hours, if the vehicle is on public property; or

(ii) thirty (30) consecutive days if the vehicle is on private property.

**"Motor vehicle"** shall mean any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act.

**"Motor vehicle collector"** shall mean a person who owns one or more antique or special interest vehicles and who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for his own use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

**ORDINANCE NO. 1286-1**

**"Motor vehicle demolisher"** shall mean any person in the business of converting motor vehicles into processed scrap or scrap metal, or otherwise wrecking or dismantling motor vehicles.

**"Special interest vehicle"** shall mean a motor vehicle of any age which has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

**"Storage facility"** shall mean a garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles.

**Section 2. Penalty.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Two Hundred Dollars (\$200).

**Section 3. Savings.** All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 5. Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

**ORDINANCE NO. 1286-1**

**Section 6. Publication and Effective Date.** The City Secretary shall cause this ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such ordinance. The ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official City newspaper.

**Section 7. Declaration of Emergency.** The Council finds and determines that the need to regulate the proliferation of junked vehicles inures to the benefit of the public and, therefore, bears directly upon the health, safety and welfare of the citizenry; and that this ordinance shall be adopted as an emergency measure, and that the rule requiring this ordinance to be read on two (2) separate occasions be, and the same is hereby waived.

PASSED and APPROVED ON FIRST READING this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2012.

\_\_\_\_\_

\_\_\_\_\_

TOM REID  
MAYOR

ATTEST:

\_\_\_\_\_  
YOUNG LORFING  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
DARRIN M. COKER

**ORDINANCE NO. 1286-1**

CITY ATTORNEY

PASSED and APPROVED ON SECOND AND FINAL READING this the \_\_\_\_\_  
day of \_\_\_\_\_, A. D., 2012.

\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

\_\_\_\_\_  
YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY

# New Business Item No. 5

5. **CONSIDERATION AND POSSIBLE ACTION – REGARDING APPOINTMENTS TO THE CITY'S VARIOUS BOARDS AND COMMISSIONS.** *City Council.*