

AGENDA – WORKSHOP OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, OCTOBER 28, 2013, AT 6:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. PURPOSE OF THE WORKSHOP:

- 1. COUNCIL INPUT AND DISCUSSION:** REGARDING COUNCIL GOAL IX. F, EVALUATE CITY LEED POLICY FOR NEW AND REMODELED FACILITIES.

Mr. Jon Branson, Assistant City Manager.

- 2. COUNCIL INPUT AND DISCUSSION:** REGARDING COUNCIL GOAL, PROPOSED REVISIONS TO THE ANIMAL CONTROL CODE OF ORDINANCES.

Mr. Jon Branson, Assistant City Manager.

III. 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.

Workshop Item No. 1

1. **COUNCIL INPUT AND DISCUSSION:** REGARDING COUNCIL GOAL IX. F, EVALUATE CITY LEED POLICY FOR NEW AND REMODELED FACILITIES.
Mr. Jon Branson, Assistant City Manager.

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

AGENDA OF:	October 28, 2013	ITEM NO.:	Workshop Item No. 1
DATE SUBMITTED:	October 23, 2013	DEPT. OF ORIGIN:	Administration
PREPARED BY:	Jon Branson	PRESENTOR:	Jon Branson
REVIEWED BY:	Bill Eisen	REVIEW DATE:	10/24/13
SUBJECT: Council Goal IX. F, Evaluate City LEED Policy for New and Remodeled Facilities			
EXHIBITS:			
FUNDING:			
<input type="checkbox"/> Bonds To Be Sold	<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash
<input type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – Sold	<input type="checkbox"/> L/P – To Be Sold	
EXPENDITURE REQUIRED:		AMOUNT BUDGETED:	
AMOUNT AVAILABLE:		PROJECT NO.:	
ACCOUNT NOS.:			
ADDITIONAL APPROPRIATION REQUIRED:			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
Finance	Legal	Ordinance	Resolution

EXECUTIVE SUMMARY

At the City Council retreat on March 2, 2013, Council discussed the Green Building Policy and adopted Council Goal IX, F, “Hold Workshop to evaluate City LEED policy for new and remodeled facilities”. The purpose of this goal as staff understands it is to have a workshop on the topic of Leadership in Energy and Environmental Design (LEED) and discuss the merits of the program to determine whether or not the renovation of existing buildings and all new construction should be built to LEED standards?

BACKGROUND

On August 10, 2009, City Council approved Resolution R2009-127 adopting a Green Building Policy for the City of Pearland.

Some of the key components of Green Building Policy and the intent of the policy are to:

- Promote better environmental standards for the construction, rehabilitation, and maintenance of City buildings

- Improve energy efficiency and increase generation of energy through renewable and clean energy technologies
- Increase the demand for environmentally preferable building materials, finishes and furnishings,
- Improve the environment by decreasing the discharge of pollutants from buildings
- Create industry and public awareness of new technologies that can improve the quality of life for building occupants
- Improve the health and productivity of building occupants by meeting advanced criteria for indoor environmental quality.

By adopting the Green Building Policy, Council agreed that all new construction would meet or exceed the criteria for being a LEED “Certified” building and the renovation of all existing City buildings with 5,000 or more sq. ft., would be required to meet the minimum standards for LEED EB (Existing Building).

RECOMMENDED ACTION

Conduct the Workshop.

LEED

Main Credit Categories

Sustainable Sites (SS): Encourage strategies that minimize the impact on ecosystems and water resources.

Water Efficiency (WE): Promote smarter use of water, inside and out, to reduce potable water consumption.

Energy & Atmosphere (EA): Promote better building energy performance through innovative strategies.

Materials & Recourses (MR): Encourage using sustainable building materials and reducing waste.

Indoor Environmental Quality (IEQ): Promote better indoor air quality and access to daylight and views.

Innovation in Design (ID): To achieve exceptional performance above the requirements set by the LEED Green Building Rating System and/or innovative performance in Green Building categories.

Regional Priority (RP): To provide an incentive for the achievement of credits that address geographically-specific environmental priorities.

Levels of Certification

Certified: 40-49 points earned

Silver: 50-59 points earned

Gold: 60-79 points earned

Platinum: 80+ points

RESOLUTION NO. R2009-98

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, DECLARING THE CITY OF PEARLAND AS A "GREEN CITY" AND COMMITTING THE CITY TO ACHIEVE SUSTAINABILITY GOALS.

WHEREAS, it is the policy of the City of Pearland to conduct the City's business in an environmentally friendly way that results in the reduced consumption of energy and natural resources; and

WHEREAS, the City commits to taking the following actions to implement its sustainability goals; now, therefore,

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

Section 1. Leadership. The City of Pearland will assume a proactive role in the coordination of green initiatives among the surrounding cities and counties. The initiatives will focus on the reduction of the amount of materials entering landfills; increasing the amounts of hazardous and toxic materials recycled; reducing water usage; improving water quality; improving air quality and improving the environment for area residents.

Section 2. Energy Consumption. The City will actively seek to reduce consumption of resources through the evaluation of current energy usage and identify cost effective ways to reduce the amount of electricity, natural gas, fuel, and water consumed by the City.

When new city facilities are constructed or existing facilities are remodeled, the City will incorporate cost effective methods to reduce energy consumption, including but not limited to, use of energy efficient heating and cooling systems, and the use of building design and materials designed to

RESOLUTION NO. R2009-98

reduce energy consumption. To accomplish this goal, the City will also pursue LEED certification on all building construction projects, and design cost-effective methods to reduce energy consumption, when new components are added to the City's water and wastewater system.

Section 3. Water Conservation. The City will actively seek to reduce consumption of water in all current and future City facilities as well as educate the citizens of Pearland of the importance of water conservation. The City commits to review existing codes and ordinances for residential and commercial development, and to update as needed to ensure the reduction of water consumption within the City.

Section 4. Recycling. The City commits to maximizing recycling opportunities for its residents through curbside recycling programs and the operation of a drop-off site that accepts the widest range of materials for which there is a market. Residents will be allowed to dispose of household hazardous wastes at no cost, and non-residents will be allowed to participate on a fee basis. City employees will be provided an opportunity to recycle at work through the location at all City buildings of recycling containers for aluminum, plastic, and paper.

Section 5. Reuse/Rebuy. The City will develop a policy for purchase and reuse of goods manufactured from recycled materials. The policy will provide guidelines for bidding which includes a requirement to solicit bids from manufacturers of recycled products. Products made from recycled materials will be used if the cost is equal to or less than the cost of non-recycled products, and the quality of the material is equal to non-reduced material.

RESOLUTION NO. R2009-98

PASSED, APPROVED and ADOPTED this the 22nd day of June, A.D.,
2009.



TOM REID
MAYOR

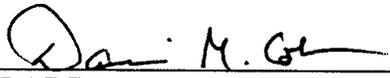
ATTEST:



YOUNG LORFING, TRMC
CITY SECRETARY



APPROVED AS TO FORM:



DARRIN M. COKER
CITY ATTORNEY

RESOLUTION NO. R2009-127

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, ADOPTING A GREEN BUILDING POLICY.

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

Section 1. That the City Council hereby adopts the Green Building Policy attached hereto as Exhibit "A", attached hereto.

PASSED, APPROVED, AND ADOPTED this 10th day of August, A.D., 2009.



TOM REID
MAYOR

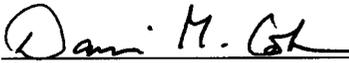
ATTEST:



YOUNG LOREING, TRMC
CITY SECRETARY



APPROVED AS TO FORM:



DARRIN M. COKER
CITY ATTORNEY

Green Building Policy

A policy for the purpose of requiring that the design, construction, operation, maintenance, renovation, and deconstruction of buildings owned or leased by the City of Pearland, comply with certain energy-efficient building standards.

Section 1. Short Title.

This Policy shall be known and may be cited as the "Green Building Policy."

Section 2. Findings and Declarations.

The City Council finds and declares the following:

It is the policy of the City of Pearland to encourage the construction, rehabilitation, and maintenance of buildings in this city in such a manner as to:

- (A) Promote better environmental standards for the construction, rehabilitation, and maintenance of buildings in the city;
- (B) Improve energy efficiency and increase generation of energy through renewable and clean energy technologies;
- (C) Increase the demand for environmentally preferable building materials, finishes, and furnishings;
- (D) Improve the environment by decreasing the discharge of pollutants from buildings;
- (E) Create industry and public awareness of new technologies that can improve the quality of life for building occupants; and
- (F) Improve the health and productivity of building occupants by meeting advanced criteria for indoor environmental quality.

In order to facilitate the foregoing policies, the City Council of the City of Pearland, hereby requires the design, construction, operations, maintenance, renovation, and deconstruction of all major facilities that enter into the pre-design phase after the date of enactment of this Policy, and the site of all such facilities, shall conform to, or exceed, the Green Building rating of the most recent version of the USGBC LEED-NC Green Building Rating System for a new building and for major renovations OR the most recent version of LEED Green Building Rating System Version LEED-EB for an existing building. All such buildings shall be certified through the LEED certification process.

Section 3. Definitions.

(A) “City Manager” means the operating manager for the City of Pearland.

(B) “Commissioning” means the process of verifying and ensuring that the entire building and the systems within are designed, constructed, functionally tested, and calibrated to operate as intended.

(C) “Department” means the Department of Parks and Recreation.

(D) “Green Building” or “High-Performance Building” means a building that is designed to achieve integrated systems design and construction so as to significantly reduce or eliminate the negative impact of the built environment on the following:

- (1) Site conservation and sustainable planning;
- (2) Water conservation and efficiency;
- (3) Energy efficiency and renewable energy;
- (4) Conservation of materials and resources; and
- (5) Indoor environmental quality and human health.

(E) “LEED Green Building Rating System” means the Leadership in Energy and Environmental Design (LEED) green building rating system developed and adopted by the U.S. Green Building Council (USGBC), which measures and evaluates the energy and environmental performance of a building.

(F) “LEED-EB” or “Green Building Rating System Version LEED-EB” means the most current Leadership in Energy and Environmental Design Green Building Rating System guidelines developed and adopted by the United States Green Building Council for existing buildings.

(G) “LEED-NC” or “LEED Green Building Rating System Version LEED-NC” means the most current Leadership in Energy and Environmental Design Green Building Rating System developed and adopted by the United States Green Building Council for new construction and major renovations.

(H) “Life-cycle cost” means the cost of a building, as determined by the methodology identified in the National Institute of Standards and Technology’s Handbook 135, including the initial cost of its construction or renovation, the marginal cost of future energy capacity, the cost of the energy consumed by the facility over its expected useful life or, in the case of a leased building, over the remaining term of the lease, and the cost of operating and maintaining the facility as such cost affects energy consumption.

(I) “Major facility” means any building:

(1) Owned or operated, in whole or in part, by the City, or

(a) Which has five thousand or more gross square feet.

(2) Constructed on land leased from the City.

(J) “Platinum rating” means the rating in compliance with, or exceeding, the highest rating awarded by the USGBC LEED certification process.

(K) “Gold rating” means the rating in compliance with, or exceeding, the second highest rating awarded by the USGBC LEED certification process.

(L) “Silver rating” means the rating in compliance with, or exceeding, the third highest rating awarded by the USGBC LEED certification process.

(M) “Certified rating” means the rating in compliance with, or exceeding, the minimum rating awarded by the USGBC LEED certification process.

(N) “State agency” means any department, board, bureau, commission, institution, public higher education institution or other governmental entity of the state of Texas.

Section 4. Requirements.

The design, construction, operations, maintenance, renovation, and deconstruction of all major facilities that enter into the pre-design phase after the date of enactment of this Policy, and the site of all such facilities, shall conform to, or exceed, the Green Building rating of the most recent version of the USGBC LEED-NC Green Building Rating System for a new building and for major renovations OR the most recent version of LEED Green Building Rating System Version LEED-EB for an existing building. All such buildings shall be certified through the LEED certification process and:

(1) The city agency or instrumentality of the city or political subdivision of the city responsible for each such facility shall seek the minimum (“**Certified**”) LEED

certification however, the city shall strive for the highest level of certification attainable for each project as deemed appropriate at the time.

Section 5. Exemptions.

(A) The City Manager may exempt any building from compliance with the mandates under Section 4, if it is deemed that the cost of compliance sufficiently exceeds the building's life-cycle cost savings.

(B) Any building under the mandate under Section 4 that is given exemption by the City must comply with the USGBC LEED Green Building Rating System to the maximum extent possible such that the cost of compliance does not sufficiently exceed the building's life-cycle cost savings.

Section 6. Guidelines for Administration and Compliance.

(A) The Department hereby has the authority to issue regulations pertaining to compliance and certification with this Policy as described in Section 4.

(B) The Department shall develop processes and systems to verify compliance with the mandate under Section 4.

Section 7. Conflicting Provisions.

All Policies and parts of policies in conflict with this Policy are repealed.

Section 8. Effective Date.

This Policy shall take effect immediately upon enactment.

Section 9. Severability.

If any provision of this Policy or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this Policy, which can be given effect without regard to the invalid provision or application and, to this end, the provisions of this Policy are severable.

Workshop Item No. 2

2. **COUNCIL INPUT AND DISCUSSION:** REGARDING COUNCIL GOAL, PROPOSED REVISIONS TO THE ANIMAL CONTROL CODE OF ORDINANCES. *Mr. Jon Branson, Assistant City Manager.*

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

AGENDA OF:	October 28, 2013	ITEM NO.:	Workshop Item No. 2
DATE SUBMITTED:	October 23, 2013	DEPT. OF ORIGIN:	Administration
PREPARED BY:	Jon R. Branson	PRESENTOR:	Jon R. Branson
REVIEWED BY:	Bill Eisen	REVIEW:	10/24/13
SUBJECT: Council Goal, Proposed Revisions to the Animal Control Code of Ordinances			
EXHIBITS: Animal Control Code of Ordinances Current; Council Subcommittee Recommendations; Initial Subcommittee Recommendations; Proposed By-Laws; Staff Recommendations; PowerPoint Presentation			
FUNDING:			
<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			
EXPENDITURE REQUIRED: \$		AMOUNT BUDGETED: \$	
AMOUNT AVAILABLE: \$		PROJECT NO.: NA	
ACCOUNT NO.: NA			
ADDITIONAL APPROPRIATION REQUIRED: NA			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
Finance	Legal	Ordinance	Resolution

EXECUTIVE SUMMARY

This item appeared on the October 14, 2013 agenda for Council’s consideration. The item was “postponed” to the October 28, 2014 Council agenda for further consideration. At the October 14th meeting two major issues were discussed by Council as outlined below:

Issue One:

Direction was given to create a provision that limited “stacking” or the total number of animals allowed on a parcel of property. Section 6-9 was amended as follows to accommodate the direction. The new proposed section is now called Barnyard animals:

Barnyard animals allowed.

Barnyard animals, as defined in this chapter, shall be allowed to be kept in the territorial limits of the City of Pearland, subject to the following conditions:

- (a) No cow, calf, steer, bull or other ruminant, or chicken, goose or duck may be kept on property less than one (1) acre in size. No other barnyard animal may be kept on property less than one-half (1/2) acre in size.
- (b) No barnyard animal may be kept, possessed, or maintained, nor may any pens, enclosures, hutches, cages or other structures wherein any such animals are kept, possessed or maintained be, within one hundred fifty (150) feet of any actual residence or building used for human habitation not that of the owner or keeper of such animal.

Sec. 6-10. - Density of barnyard animals..

- (a) Barnyard animals are hereby assigned density values as follows:
 - (1) One cow, calf, steer, bull or other ruminant = 5 Animal Units (AU).
 - (2) A total of sixteen (16) chickens, geese, or ducks, in any combination = 1 AU.
 - (3) One horse, mule, donkey or other animal of the equine family = 3 AU.
 - (4) One goat = 2 AU.
 - (5) One lamb = 2 AU.
 - (6) One rabbit = 1 AU.
- (b) It shall be unlawful to keep, possess or maintain within the territorial limits of the City of Pearland any number or combination of barnyard animals in a density that exceeds three (3) AU per one-half (1/2) acre of land.

Issue Two:

The second issue that was discussed was the distance requirements as it relates to a pen or enclosure or area in which the animal is contained to the nearest adjacent residential dwelling unit. The current distance requirement is 150 feet from the pen or enclosure to the nearest residence. It is staffs understanding that at least one Councilmember would like to change the distance requirement from the pen or enclosure to the property line of the animal owner.

Staff believes this would put a greater burden on those individuals with animals on their property who are currently in compliance with the ordinance. If a current compliant owner has animals on his/her property and an adjacent property owner builds a home on the adjacent property within the 150 ft., distance requirement the former compliant animal owner is now in non-compliance.

To alleviate this concern a “Grandfather Clause” and/or exemption is proposed to section 6-9 as follows:

There shall be an exemption to the distance restriction in Subsection (b) (see above) if the keeping of any barnyard animal on a property was commenced prior to the construction within one hundred fifty (150) feet of any actual residence or building used for human habitation not that of the owner or keeper of such animal. This exemption shall cease to exist at any time: (1) the property is no longer owned by the person who was the record owner of the property at the time the keeping of barnyard animals began thereon; or (2) no barnyard animal is kept on the property for a period of six (6) months.

BACKGROUND

In accordance with Council's Goal to perform a "Comprehensive review of the Animal Control Code of Ordinances", the Animal Shelter Advisory Committee began their review of the Animal Control Code of Ordinances back in June of 2011. At their January 2012 meeting, the Advisory Committee unanimously voted to approve a motion recommending proposed changes to the Ordinance. On March 5, 2012, the Advisory Committee presented the proposed changes to the Code of Ordinances to Council in Workshop. At the meeting the Advisory Committee reported that a review of Sec. 6-12. (Chickens, geese, ducks) was still underway at the time and that section of the Ordinance would be presented to Council at a later date. Council had no objections to the proposed changes presented at the meeting however, indicated they awaited the discussion regarding section 6-12 of the Ordinance.

Subsequently, a Subcommittee of the Advisory Committee was put together to review this section of the Ordinance. The Subcommittee met several times regarding this issue and ultimately made their recommendations to the Advisory Committee.

The Advisory Committee reviewed their recommendation and forwarded an amended recommendation to Council allowing three (3) chickens up to a maximum of eight (8) chickens on residential property of less than 1 acre in size. This information was presented to City Council on December 3, 2012. At the meeting Council took no action on the item but the majority of Council objected to allowing chickens on residential property of less than one (1) acre size. In an effort to get another perspective on the issue, City Council recommended that a separate advisory committee consisting of a representatives from the local Veterinary Group, Agricultural instructors from the local high schools and an advocate from the "chicken advocate group" along with staff meet to consider this issue further and report back to Council with their findings. As directed by City Council, a Subcommittee of the Animal Shelter Advisory Committee was formed and met in April of this year to discuss proposed changes to Sec. 6-12 of the Ordinance and to review distance requirements of the Ordinance as it relates to animals adjacent to residential homes. The Subcommittee completed their review and presented their information to Council on July 1, 2013. In essence, the Subcommittee recommended up to a maximum of four (4) chickens on any size parcel of property less than one (1) acre in size.

In regards to the distance requirements, the Subcommittee recommended that the distance requirement for allowing animals next to residential property be decreased for all animals from one hundred fifty (150) feet, down to seventy five (75) feet. This information was also presented to Council with a less than overwhelming reception.

Based on Council's direction, staff is recommending that chickens not be allowed on residential property of less than an acre (no change in existing ordinance) and recommending no change in the distance requirements for allowing animals adjacent to residential property.

SCOPE OF CONTRACT

NA

BID AND AWARD

NA

SCHEDULE

NA

POLICY/GOAL CONSIDERATION

NA

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

NA

O&M IMPACT INFORMATION

NA

RECOMMENDED ACTION

Conduct the workshop.