

AGENDA

CITY OF PEARLAND ♦ CITY COUNCIL

April 14, 2014

7:30 p.m.

MAYOR
Tom Reid

Greg Hill
Mayor Pro-Tem
Position No. 5

COUNCIL MEMBERS

Tony Carbone
Position No. 1

Scott Sherman
Position No. 2



Susan Sherrouse
Position No. 3

Keith Ordeneaux
Position No. 4

Jon R. Branson
Assistant City Manager

Clay Pearson
City Manager

Mike Hodge
Assistant 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.



CITY COUNCIL AGENDA
CITY OF PEARLAND
REGULAR COUNCIL MEETING
MONDAY, APRIL 14, 2014, | 7:30 P.M.
COUNCIL CHAMBERS | PEARLAND CITY HALL | 3519 LIBERTY DRIVE
| 281 | 652.1600

I. CALL TO ORDER

II. INVOCATION AND THE PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA FLAG AND TEXAS FLAG

III. RECOGNITIONS AND AWARDS

1. Presentation by Chuck Herrera with the Bay Area Council Boy Scouts of America.
2. Acknowledging of the Full-Time Employee of the Quarter – Mark Campise.
3. Acknowledging of the Part-Time Employee of the Quarter – Shelby Lowe.

IV. CITIZEN COMMENTS: In order to hear all citizen comments at a reasonable hour, the City Council requests that speakers respect the three-minute time limit for individual comments and the five-minute time limit for an individual speaking on behalf of a group. This is not a question-answer session, however, it is an opportunity to voice your thoughts with City Council.

V. DOCKETED PUBLIC HEARING: None

VI. 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 March 10, 2014, Regular Meeting, held at 7:30 p.m.
2. Minutes of the March 17, 2014, Special Meeting, held at 6:00 p.m.
3. Minutes of the March 24, 2014, Regular Meeting, held at 7:30 p.m.

- B. Consideration and Possible Action – Resolution No. R2014-30 –**
A resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for concrete raising services with Superior Grouting Service, Inc. *Mr. Eric Wilson, Director of Public Works.*
- C. Consideration and Possible Action – Resolution No. R2014-31 –**
A resolution of the City Council of the City of Pearland, Texas, renewing a unit price bid for the printing and mailing of water utility bills with Peregrine Services, Inc. *Ms. Claire Bogard, Director of Finance.*
- D. Consideration and Possible Action – Resolution No. R2014-32 –**
A resolution of the City Council of the City of Pearland, Texas, awarding a bid for the operation and management of the Independence Park Pool to Greater Houston Pool Management. *Ms. Michelle Smith, Director of Parks Recreation and Beautification.*
- E. Consideration and Possible Action – Resolution No. R2014-33 –**
A resolution of the City Council of the City of Pearland, Texas, consenting to the annexation of property, generally located in the vicinity of Hughes Road and Clear Creek, into Harris County Municipal Utility District No. 509. *Mr. Darrin Coker, City Attorney.*

VII. MATTERS REMOVED FROM CONSENT AGENDA

VIII. NEW BUSINESS:

- 1. Consideration and Possible Action – First Reading of Ordinance No. CUP2014-02 –** An ordinance of the City Council Of The City of Pearland, Texas, approving a Conditional Use Permit for certain property, being legally described as a ten (10) acre tract of land out of 25 acres off the south side of a tract of land composed of two (2) contiguous parcels known as Tract Number One Hundred and Eighty (180) out of section twenty seven (27), recorded in Volume 205, Page 398 and 399, H.T & B.R.R. and Company Survey, in said Brazoria County, Texas **(located approximately 1,200 feet West of Main Street at Dixie Farm Road, Pearland, Texas)**, for Conditional Use Permit Application No. CUP 2014-02 to allow for *petroleum product extraction*, within the Heavy Industrial (M-2) Zoning District at the request of Denbury Resources, Inc., Applicant; on behalf of Pat O'Day Estates, owner, containing a savings clause, a severability clause, an effective date and other provisions related to the subject. *Mr. Mike Hodge, Assistant City Manager.*

2. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-111** – An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the Zoning Map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 40 acres of land identified as Tract 1 and Tract 2, situated in the H.T & B.R.R Company Survey, Abstract 547, Volume 2, Page 51 of the records of Brazoria County, Texas located **(North of Bailey Road, between County Road 107 F to the West and Manvel Road to the East, Pearland, Texas)** Zone Change 2014-1Z, a request of Kevin Cole, applicant; on behalf of Tin Dinh, owner; for approval of a change in zoning from the Single Family Estate (R-E) and the Suburban Development (S-D) Zoning Districts to the Single Family Residential 1 (R-1) Zoning District, providing for an amendment of the Zoning District Map; containing a savings clause, a severability clause, an effective date and other provisions related to the subject. *Mr. Mike Hodge, Assistant City Manager.*

3. **Consideration and Possible Action – Resolution No. R2014-29** – A resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property, being 0.1869 acres out of a 2.1642 acre tract recorded in the H.T. & B.R.R. Co. Survey, Abstract 239, Pearland, Brazoria County, Texas, for the construction and maintenance of water line improvements on certain real property described herein; authorizing the City Attorney, or his designee, and other City officials to take such actions as are necessary to acquire said property, located within the City, by donation, purchase, or by the exercise of the power of eminent domain. *Mr. Darrin Coker, City Attorney.*

OTHER BUSINESS: None.

IV. 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.

Recognitions And Awards

Presentation by Chuck Herrera with the Bay Area Council Boy Scouts of America.
Acknowledging of the Full-Time Employee of the Quarter – Mark Campise.
Acknowledging of the Part-Time Employee of the Quarter – Shelby Lowe

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

AGENDA OF:	April 14, 2014	ITEM NO.:	Recognitions and Awards
DATE SUBMITTED:	April 9, 2014	DEPT. OF ORIGIN:	Administration
PREPARED BY:	Jon R. Branson	PRESENTOR:	Clay Pearson
REVIEWED BY:	Clay Pearson	REVIEW DATE:	April 9, 2014
SUBJECT: 4th Quarter Full-Time Employee of the Quarter – Mark Campise			
EXHIBITS: Mayor’s Certificate of Appreciation; Employee of the Quarter Nomination Form			
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.:			
ADDITIONAL APPROPRIATION REQUIRED:	NA		
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
Finance	Legal	Ordinance	Resolution

EXECUTIVE SUMMARY

Each quarter a committee of employees chooses the Full-Time Employee of the Quarter through nominations submitted by fellow employees and/or citizens based upon distinguishing actions or qualities that the employee exhibited during the previous quarter. These actions or qualities typically reflect on one or more of the four Core Beliefs of the City. The Core Beliefs of the City are that all employees are to be Responsive, Results-Oriented, Trust-Builders and Accountable. This quarter’s winner was selected based upon his actions which reflect those Core Beliefs.

Mark Campise is a Battalion Chief in the Fire Department and is a great example of the type of employees that the City strives to have in a leadership role. He is positive, outgoing, Goodwill Ambassador for the City and for Pearland Fire Department. He is an excellent leader and is the type of person that his crew would literally run through a burning building for.

In the Fire Department he is known as a leader that is always willing to listen to employee issues and takes all the information into consideration before making a decision. The staff that he supports believes that he is always willing to listen to their issues and has their best interests at heart when making difficult decisions.

The aforementioned qualities are just a few of the reasons that Mark is recognized by both his subordinates and his peers as an outstanding employee and supervisor and therefore, warrants recognition as the Full-Time Employee of the Quarter.

RECOMMENDED ACTION

Acknowledge and recognize Mark Campise as the recipient of the Full-Time Employee of the Quarter award.

The City of Pearland

OFFICE of the MAYOR

Hereby awards this

Certificate of Appreciation

To

Mark Campise

Of The Fire Department Has Been Selected As The City Of Pearland Full-Time Employee Of The Quarter For January Through March, 2014 For Exemplifying The Core Beliefs Of The City As A Responsive, Results Oriented, Trust-Building, And Accountable Employee Who Is An Outstanding Example Of One Or More Of The Core Beliefs In An Extraordinary Way.

Awarded This 14th Day Of April A.D., 2014.



Tom Reid, Mayor

/



Employee of the Quarter (form) has been filled out on your site.

Please Do Not Click Reply to: dfoster@ci.pearland.tx.us

01/07/2014 05:03 PM

From: "Please Do Not Click Reply" <support@govoffice.com>

To: "dfoster@ci.pearland.tx.us" <dfoster@ci.pearland.tx.us>

Your Site has received new information through a form.

Form: Employee of the Quarter

Site URL: www.cityofpearland.com

Please check which quarter:

1st Quarter (October - December)

Is employee a Full-Time or Part-Time Worker:

Full-Time

Core Beliefs (Please check all that apply):

Responsive

Results-Oriented

Trust-Builder

Accountable

Describe why you are nominating this employee and be specific as to how they displayed one or more of the City's Core Beliefs (please do not use the nominee's name): Mark Campise has consistently improved in his new position as Battalion Chief. He has done this even with the amazing work load he has. He is involved in uniforms, consolidation committee, apparatus committee, manages part-time staff and staffing, and still finds time to manage his shift which maintains the highest morale, task load, and performance. This performance is a direct benefit to our citizens through higher quality of services being provided. These quality services are done with a smile. BC Campise is an exceptional leader that leads from the front and by example.

Nominee Name: Battalion Chief Mark Campise

Department: Fire Department

Nominator's Name: Jack Helton

Department: Fire Department

Phone Number / Extension: 7138826460

Do Not Click Reply - This e-mail has been generated from a super form.

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

AGENDA OF:	April 14, 2014	ITEM NO.:	Recognition and Awards
DATE SUBMITTED:	April 9, 2014	DEPT. OF ORIGIN:	Administration
PREPARED BY:	Jon R. Branson	PRESENTOR:	Clay Pearson
REVIEWED BY:	Clay Pearson	REVIEW DATE:	April 9, 2014
SUBJECT: 1st Quarter, Part-Time Employee of the Quarter – Shelby Lowe			
EXHIBITS: Mayor’s Certificate of Appreciation; Employee of the Quarter Nomination Form			
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.:			
ADDITIONAL APPROPRIATION REQUIRED: NA			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
<input checked="" type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution			

EXECUTIVE SUMMARY

Each quarter, a committee of employees chooses a Part-Time Employee of the Quarter through nominations submitted by fellow employees and citizens based upon distinguishing actions or qualities that the employee exhibited during the previous quarter. These actions or qualities typically reflect on one or more of the four Core Beliefs of the City. The Core Beliefs of the City indicates that all employees are to be Responsive, Results-Oriented, Trust-Builders and Accountable. This quarter’s Part-Time winner was selected based upon her actions which reflect those Core Beliefs.

Shelby Lowe is a Recreation Attendant at the Recreation Center who interacts with citizens and employees on a daily basis at the Recreation Center and the Natatorium. She was nominated by her supervisor for her outstanding service including, but not limited to, being a team player with a positive attitude, always willing to offer help and support and often volunteering for special projects and events. Because of her positive attitude and willingness to help out, she has been asked on several occasions to train new staff with the department to make sure that new employees will perform up to departmental and City standards.

Shelby is a great example of an employee that adheres to the City's Core Beliefs and is an employee that routinely provides excellent customer service to the citizens of Pearland, thus serving as a role model for other employees to emulate. Shelby therefore warrants recognition as the Part-Time Employee of the Quarter.

RECOMMENDED ACTION

Acknowledge and recognize Shelby Lowe as the recipient of Part-Time Employee of the Quarter award.

The City of Pearland

OFFICE of the MAYOR

Hereby awards this

Certificate of Appreciation

To

Shelby Lowe

Of The Parks and Recreation Department Has Been Selected As The City Of Pearland Part-Time Employee Of The Quarter For January Through March, 2014 For Exemplifying The Core Beliefs Of The City As A Responsive, Results Oriented, Trust Building, And Accountable Employee Who Is An Outstanding Example Of One Or More Of The Core Beliefs In An Extraordinary Way.

Awarded This 14th Day Of April A.D., 2014.



Tom Reid, Mayor



Employee of the Quarter High 5 Award

Please check which quarter

1st (October – December) 2nd (January – March) 3rd (April – June) 4th (July – September)

Part-time Full-time

Core Beliefs
(Please check all that apply)

Responsive Results-Oriented Trust-Builders Accountable

Describe why you are nominating this employee and be specific as to how they displayed one or more of the City's Core Beliefs **(please do not use the nominee's name)** See other side for instructions and examples.

I would like to nominate this person for her actions at the Pearl. She consistently goes above & beyond to help our members & guests by giving tours around the facility, registering more customers for an event after hours, and giving a great impression of our City through her customer service. She is also quick to respond to any questions about classes at the facility. She is the first to volunteer to help with any department events. For example, she is currently helping plan, create, & implement the Daddy Daughter Dance with our Special Event Coordinator. She also has great rapport & respect from her peers, as she is instrumental in part-time training, as well as, creating a cheat sheet for commonly overlooked mistakes.

Attach an additional sheet if necessary

Eligibility		# <u>1</u>
FOR HR USE ONLY		
<input checked="" type="checkbox"/> Employed for a minimum of 1 year	<input checked="" type="checkbox"/> Received "Satisfactory" rating on last review	
<input checked="" type="checkbox"/> Have not received award in last 12 month period		

Nominee Name: Shelby Lowe Nominator's Name: Bo Hahn
Department: PEARL Department: PEARL

Forward completed forms to Donna Foster (Human Resources)

Consent Agenda Item A

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

Minutes of the March 10, 2014, Regular Meeting, held at 7:30
p.m.

Minutes of the March 17, 2014, Special Meeting, held at 6:00
p.m.

Minutes of the March 24, 2014, 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, MARCH 10, 2014, 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	Greg Hill
Councilmember	Tony Carbone
Councilmember	Scott Sherman
Councilmember	Susan Sherrouse
City Manager	Clay Pearson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Absent: Councilmember Keith Ordeneaux.

Others in attendance: Claire Bogard Director of Finance; Jon Branson Assistant City Manager; Matt Buchanan President of Pearland Economic Development Corporation; J.C. Doyle Police Chief; Trent Epperson Director of Engineering and Capital Projects; Lata Krishnarao Director of Community Development; Vance Riley Director of Fire Services; Eric Wilson Public Works Director; Sparkle Anderson Communications Manager; Skipper Jones Assistant Director of Capital Projects; Bob Pearce Purchasing Officer.

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

RECOGNITIONS AND AWARDS:

Mayor Reid introduced Pearland's new City Manager Clay Pearson.

Mayor Reid recognized and thanked the Youth Action Council students for attending the City Council Meeting.

CITIZEN COMMENTS:

Kevin Cole, 3808 Houston Lake Drive, he stated he would like to address Council regarding Agenda Item No. 3.

Kenneth Carter, 3607 E. Orange Street, addressed Council stating he has several things he would like to bring to Council's attention. He stated the City started putting in sidewalks in the old town site where he lives, but they are not completed. He is involved with the Eyes of Pearland and concerned about political signs being put anywhere and everywhere. He is concerned why the Pearland Fire Department is dispatched through Houston and not Pearland. Juneteenth is an annual observance on June 19 to remember when Union soldiers enforced the Emancipation Proclamation and freed all remaining slaves in Texas on June 19, 1865. He would like to see Texas flags flown on June 19th in Pearland.

Kelly Kronfeld, 11605 Summer Moon Drive, addressed Council stating she would like to see multiple avenues for Arts Awareness on the west end of Pearland. According to a recent global bench mark study, 8 to 10 people agree that unlocking creativity is critical to economic growth and valuable to society. She feels it is crucial to provide opportunities for our children as well as adults. Endorsing the arts on the west end of Pearland is an accentual element of Pearland's continues prosperity and economic development. It should be considered a top priority.

DOCKETED PUBLIC HEARING: None.

CONSENT AGENDA:

A. CONSIDERATION AND POSSIBLE ACTION – APPROVAL OF MINUTES:

1. Minutes of the February 24, 2014, Regular Meeting, held at 7:30 p.m.

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to adopt Consent Agenda Item A as presented on the Consent Agenda.

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

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Ordeneaux absent.

NEW BUSINESS:

COUNCIL ACTION – RESOLUTION NO. R2014-26 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING A SEISMIC TESTING PERMIT. *Mr. Jon R. Branson, Assistant City Manager.*

Councilmember Sherman made the motion, seconded by Councilmember Carbone, to approve Resolution No. R2014-26.

Assistant City Manager Jon Branson reported in 2013 the City Council approved a seismic testing permit for Denbury Onshore to allow testing to be performed in the Highway 35 vicinity south of Dixie Farm Road. Denbury is now seeking a permit to expand the testing foot print. After reviewing the information, the Public Works Director Eric Wilson has concluded that the applicant should be allowed to proceed with testing.

Discussion ensued between Council, City Attorney Darrin Coker and Denbury Representative Gary Stewart regarding notification to the residents and complaints that might arise.

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

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Ordeneaux absent.

COUNCIL ACTION – RESOLUTION NO. R2014-23 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO INTERLOCAL AGREEMENTS WITH THE LOWER KIRBY MUNICIPAL MANAGEMENT DISTRICT AND PEARLAND MUNICIPAL MANAGEMENT DISTRICT NO. 1. *Mr. Matt Buchanan, President Economic Development Corporation.*

Mayor Pro-Tem Hill made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-23.

President of Economic Development Corporation Matt Buchanan gave a brief report regarding R2014-23, R2014-27, R2014-24, and R2014-25.

Discussion ensued between Council and President of Economic Development Corporation Matt Buchanan regarding the Management District's criteria matching the City's criteria.

Councilmember Sherman stated it would be nice to have someone present from the District to answer questions.

Voting "Aye" Councilmembers Sherrouse, Hill, and Carbone.

Voting "No" Councilmember Sherman.

Motion Passed 3 to 1, with Councilmember Ordeneaux absent.

COUNCIL ACTION – RESOLUTION NO. R2014-27 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, CONVEYING A SPECIAL WARRANTY DEED TO THE LOWER KIRBY MUNICIPAL MANAGEMENT DISTRICT AND PEARLAND MUNICIPAL MANAGEMENT DISTRICT NO. 1 FOR USE AS A REGIONAL DETENTION POND. *Mr. Matt Buchanan, President Economic Development Corporation.*

Councilmember Sherrouse made the motion, seconded by Councilmember Carbone, to approve Resolution No. R2014-27.

Trent Perez, 1902 Lazy Hollow Lane, addressed Council stating he is representing MHI Compressors. He understands MHI is the first developer going into this program. He stated he served as Assistant City Engineer for the City and was in charge of implementing the detention for development projects. It was implemented by policy to fill a hole in the criteria. There is an impact to the developers; we are forcibly required to subdivide the lot when we do not want to. He stated he is representing MHI tonight to explain to Council what MHI Compressors is being asked to do coming into this project.

Kevin Cole, 3808 Houston Lake Drive, addressed Council regarding the Regional Detention Lower Kirby Management District. He stated he would like to make sure the Management District's adopted criteria match that of the City. He understands they may not match, and wanted to bring this to the City's attention. He stated he is in favor of the Regional Detention and excited to see the City involved in the program.

City Attorney Darrin Coker stated the recent comments made are related to Item 2. Item 3 is specifically the conveyance of the pond to the District. Also there are two aspects to the version and clause. If it ceases to be used as regional detention purposes it would revert back to the City. In addition if the agreement with TxDOT never occurs it would also revert back to the City.

Voting "Aye" Councilmembers Carbone, Hill, and Sherrouse.

Voting "No" Councilmember Sherman.

Motion Passed 3 to 1, with Councilmember Ordeneaux absent.

COUNCIL ACTION – RESOLUTION NO. R2014-24 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO FINANCING AGREEMENTS WITH THE LOWER KIRBY MUNICIPAL MANAGEMENT DISTRICT AND PEARLAND MUNICIPAL MANAGEMENT DISTRICT NO. 1. *Mr. Matt Buchanan, President Economic Development Corporation.*

Councilmember Carbone made the motion, seconded by Mayor Pro-Tem Hill, to approve Resolution No. R2014-24.

City Attorney Darrin Coker stated this is not committing the City to any funds. It is establishing rules and procedures by which funding will occur.

Voting "Aye" Councilmembers Sherrouse, Hill, and Carbone.

Voting "No" Councilmember Sherman.

Motion Passed 3 to 1, with Councilmember Ordeneaux absent.

COUNCIL ACTION – RESOLUTION NO. R2014-25 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO FINANCE LETTER AGREEMENTS WITH THE LOWER KIRBY MUNICIPAL MANAGEMENT DISTRICT AND PEARLAND MUNICIPAL MANAGEMENT DISTRICT NO. 1, AND AN ENGINEERING SERVICES CONTRACT WITH LJA ENGINEERING ASSOCIATED WITH REGIONAL DETENTION FACILITIES. *Mr. Matt Buchanan, President Economic Development Corporation.*

Councilmember Sherman made the motion, seconded by Mayor Pro-Tem Hill, to approve Resolution No. R2014-25.

City Attorney Darrin Coker stated this is authorizing multiple Financing Letter Agreements with the Lower Kirby Municipal Management District and Pearland Municipal Management District No. 1 and a contract for engineering services on behalf of the Districts associated with regional detention.

Councilmember Sherman asked if these three different letter agreements could be voted on individually.

City Attorney Darrin Coker stated they are all part of the same Resolution. It would be more challenging to vote on them individually. He would recommend they be considered as one item.

Voting "Aye" Councilmembers Carbone, Hill, and Sherrouse.

Voting "No" Councilmember Sherman.

Motion Passed 3 to 1, with Councilmember Ordeneaux absent.

FIRST READING OF ORDINANCE NO. 532-5 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 532, THE FLOOD HAZARD PREVENTION ORDINANCE; PROVIDING A PENALTY FOR VIOLATION; HAVING A SAVINGS CLAUSE, A REPEALER CLAUSE, A SEVERABILITY CLAUSE; PROVIDING FOR CODEIFICATION, PUBLICATION AND AN EFFECTIVE DATE. *Mr. Jon R. Branson, Assistant City Manager.*

Mayor Pro-Tem Hill made the motion, seconded by Councilmember Sherman, to approve First Reading of Ordinance No. 532-5.

Assistant City Manager Jon R. Branson reported the main changes in the new maps are the inclusion of previous revisions to the floodplain, which were accomplished by Letters of Map revision. The changes went through a public comment period in 2012 and do not include any known impacts on existing structures. Council is being asked for approval adopting the amendment to the Flood Damage Prevention Ordinance.

Discussion ensued between Council and the Director of Engineering and Capital Projects Trent Epperson regarding the new maps.

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

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Ordeneaux absent.

COUNCIL ACTION – RESOLUTION NO. R2014-18 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A DEVELOPMENT AGREEMENT ASSOCIATED WITH HUGHES RANCH ROAD PROJECT. *Mr. Jon R. Branson, Assistant City Manager.*

Councilmember Sherrouse made the motion, seconded by Councilmember Carbone, to approve Resolution No. R2014-18.

Assistant City Manager Jon R. Branson reported Council is being asked to approve a Development Agreement with MHI Partnership, Ltd. and transferring funds from CR59 Expansion (TR1304) to CR403 Project (TR1101).

Discussion ensued between Council and Assistant City Manager Jon R. Branson regarding this being in the CIP for next year's budget.

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

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Ordeneaux absent.

COUNCIL ACTION – RESOLUTION NO. R2014-21 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, CONVEYING AN EASEMENT FOR CERTAIN ELECTRIC UTILITIES. *Mr. Jon R. Branson, Assistant City Manager.*

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-21.

Assistant City Manager Jon R. Branson reported Council is being asked to approve a Short Form Blanket Easement to Centerpoint Energy, for the Fire and EMS Station 3 project.

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

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Ordeneaux absent.

FIRST READING OF ORDINANCE NO. 943-21 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING FIGURE 7.2, THOROUGHFARE PLAN, OF THE CITY'S COMPREHENSIVE PLAN AS A GUIDE FOR PRESERVING A SENSE OF COMMUNITY, ATTRACTIVENESS AND SAFETY IN PEARLAND; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLASUE; PROVIDING FOR AN EFFECTIVE DATE AND FOR CODIFICATION. *Mr. Jon R. Branson, Assistant City Manager.*

Councilmember Sherman made the motion, seconded by Councilmember Carbone, to approve First Reading of Ordinance No. 943-21.

Mayor Reid read into the record the Planning and Zoning Commission's recommendation to forward to Council to approve the proposed amendments to the Thoroughfare Plan.

Assistant City Manager Jon R. Branson reported the City of Pearland is proposing amendments to the Thoroughfare Plan which will have the effect of updating classifications of roadways based on developments that have occurred and realigning various roadways within the City. Council is being asked to consider the proposed Thoroughfare Plan amendments.

Mayor Pro-Tem Hill stated he does not agree with the study, and he is against it. He believes it would be better to build around the City and not through the City. He stated he does like the Thoroughfare Plan and new additions, but he thinks connecting MLK will make a difference in a negative way.

Mayor Reid stated this plan is not suggested to move people out of Pearland, but to move people through Pearland.

Mayor Pro-Tem Hill stated because Pearland is part of the plan, he does not like people dictating to Pearland what roads can to be built in our City just so we can connect to Houston or Houston can connect to Highway 6. He stated he does not want MLK coming into Pearland.

Councilmember Sherman asked Staff to go over the justifications for that segment of roadway and what the effects would be by not extending MLK roadway.

Director of Engineering and Capital Projects Trent Epperson gave a short overview of the justifications and effects by not extending the MLK roadway.

Discussion ensued between Council and Director of Engineering and Capital Projects Trent Epperson regarding the timeline for the segment between McHard and Beltway 8.

Mayor Reid stated in the first segment it will be completed to McHard Road. It would be a number of years before it could go beyond McHard Road.

Councilmember Sherrouse stated she believes we need to look at forward planning with local consideration. She believes the City should build as far as McHard Road and in the future revisit this. She stated she has concerns going all the way to Beltway 8.

Councilmember Sherman stated Council hears concerns and complaints from people about why Council did not plan certain roads better. He stated Council looks back 10 to 15 years later and we ask those same questions. All were doing is creating an argument for future Councilmembers to ask why this was not done 10 to 15 years ago. He stated we all know the roads are going to have to be opened up because the City is not going to stop growing. He stated were doing what past Councilmembers have done that cause us unknown amounts of grief and frustration. We have to plan now or we are setting ourselves up for disaster.

Mayor Pro-Tem Hill stated we may be setting future Councilmembers up 10 to 15 years from now to say why did they do this. It is all speculation. He stated he has some concerns and it is important to address these issues.

Discussion ensued between Council and Director of Engineering and Capital Projects Trent Epperson regarding the right-of-way going away if the Thoroughfare Plan is not approved.

Mayor Pro-Tem Hill made a motion, seconded by Councilmember Sherrouse, to amend Ordinance No. 943-21 to accept the Thoroughfare Plan in its current existence, and exclude the extension from McHard to Beltway 8.

Voting "Aye" Councilmembers Hill and Sherrouse.

Voting "No" Councilmembers Carbone and Sherman.

In order to break the tie vote, Mayor Reid cast his vote.

Voting "Aye" Mayor Reid.

Motion Passed 3 to 2, with Councilmember Ordeneaux absent.

City Attorney Darrin Coker stated this motion does not approve the corridor from McHard Road to Beltway 8. There is no distinction between a Thoroughfare and a corridor.

Mayor Reid stated he would like to approve the roadway up to McHard Road, but preserve the corridor that is not the extension of the roadway to use for protection for future interest.

City Attorney Darrin Coker stated a motion to reconsider can be presented by a person who supported the original motion as amended.

Mayor Reid made a motion, seconded by Councilmember Carbone to reconsider the original motion as amended.

Voting "Aye" Councilmembers Carbone and Sherman.

Voting "No" Councilmembers Hill and Sherrouse.

In order to break the tie vote, Mayor Reid cast his vote.

Voting "Aye" Mayor Reid.

Motion Passed 3 to 2, with Councilmember Ordeneaux absent.

Mayor Pro-Tem Hill made a motion, seconded by Councilmember Sherrouse to amend Ordinance No. 943-21 to accept the Thoroughfare Plan in its current existence, and exclude the extension from McHard to Beltway 8.

City Attorney Darrin Coker stated if this amended motion does not pass it will go back to the original motion which will approve the Thoroughfare Plan all the way to Beltway 8.

Voting “Aye” Councilmembers Hill and Sherrouse.

Voting “No” Councilmembers Carbone and Sherman.

In order to break the tie vote, Mayor Reid cast his vote.

Voting “No” Mayor Reid.

Motion Failed 3 to 2, with Councilmember Ordeneaux absent.

Mayor Reid called for the vote on the original amended motion to approve the Thoroughfare Plan all the way to Beltway 8.

Voting “Aye” Councilmembers Carbone and Sherman.

Voting “No” Councilmembers Hill and Sherrouse.

In order to break the tie vote, Mayor Reid cast his vote.

Voting “Aye” Mayor Reid.

Motion Passed: 3 to 2, with Councilmember Ordeneaux absent.

COUNCIL ACTION – RESOLUTION NO. R2014-22 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, APPROVING A BOND ORDER OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 6 AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$8,175,000 UNLIMITED TAX REFUNDING BONDS, SERIES 2014. *Mr. Darrin Coker, City Attorney.*

Mayor Pro-Tem Hill made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-22.

City Attorney Darrin Coker reported Brazoria County Municipal Utility District No. 6, located east of Highway 288, is seeking the Council’s consent to proceed with the refunding of the District’s Series 2004 and 2004-A Bonds.

Voting “Aye” Councilmembers Carbone, Sherman, Hill, and Sherrouse.

Voting “No” None.

Motion Passed 4 to 0, with Councilmember Ordeneaux absent.

OTHER BUSINESS:

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE:

Council adjourned into Executive Session under Texas Government Code at 9:27 p.m. to discuss the following:

1. **SECTION 551.087 – REGARDING CONSULTATIONS WITH CITY ATTORNEY – REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.** *Mr. Jon R. Branson, Interim City Manager.*
2. **SECTION 551.071 – REGARDING CONSULTATIONS WITH CITY ATTORNEY – REGARDING POTENTIAL LITIGATION ASSOCIATED WITH COLE’S FLEA MARKET.** *Mr. Darrin Coker, City Attorney.*

NEW BUSINESS CONTINUED:

Council returned from Executive Session at 10:36 p.m.

COUNCIL ACTION – REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS. *City Council.*

No Council action taken.

COUNCIL ACTION – REGARDING POTENTIAL LITIGATION ASSOCIATED WITH COLE’S FLEA MARKET. *City Council.*

Councilmember Sherman made the motion, seconded by Councilmember Sherrouse, to authorize Staff to proceed with the settlement of Cole’s Flea Market litigation as discussed in Executive Session.

Voting “Aye” Councilmembers Carbone, Sherman, Hill, and Sherrouse.

Voting “No” None.

Motion Passed: 4 to 0, with Councilmember Ordeneaux absent.

ADJOURNMENT

Meeting was adjourned at 10:38 p.m.

Minutes approved as submitted and/or corrected this the ____ day of _____,
A.D., 2014.

Tom Reid
Mayor

ATTEST:

Young Lorfing, TRMC
City Secretary

MINUTES OF A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, MARCH 17, 2014, AT 6:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order at 6:07 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Greg Hill
Councilmember	Tony Carbone
Councilmember	Scott Sherman
Councilmember	Keith Ordeneaux
Councilmember	Susan Sherrouse
City Manager	Clay Pearson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Others in attendance: Claire Bogard Finance Director; Jon Branson Assistant City Manager; Matt Buchanan President of Economic Development Corporation; Mike Hodge Assistant City Manager; Eric Wilson Public Works Director; Sparkle Anderson Communications Manager; Rick Overgaard Assistant Finance Director.

PURPOSE OF THE MEETING:

COUNCIL ACTION – RESOLUTION NO. R2014-28 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, ACCEPTING THE CITY’S COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 2013 AS PREPARED BY THE ACCOUNTING FIRM OF GRANT THORNTON.

Mr. Clay Pearson, City Manager.

Councilmember Ordeneaux made the motion, seconded by Councilmember Carbone to approve Resolution No. R2014-28.

Director of Finance Claire Bogard gave an overview of the City’s Fiscal Year 2013 Annual Financial Report as prepared by the accounting firm of Grant Thornton, L.L.P.

Discussion ensued between Council and Director of Finance Claire Bogard regarding the Statement of Revenues and Solid Waste Fund.

Grant Thornton, L.L.P. Representative Carmen Jeffrey reported Grant Thornton, L.L.P. Audit Committee has issued a clean opinion for the City as far as the Financial Statement as well as the Single Audit. She thanked the City for allowing Grant Thornton, L.L.P. to service the City.

Director of Finance Claire Bogard thanked Assistant Director of Finance Rick Overgaard and his Staff for their hard work and acting Liaison to Grant Thornton, L.L.P. for the last six months working on this audit.

Voting "Aye" Councilmembers Carbone, Sherman, Hill, Ordeneaux, and Sherrouse.

Voting "No" None.

Motion Passed 5 to 0.

ADJOURNMENT

Meeting was adjourned at 6:30 p.m.

Minutes approved as submitted and/or corrected this the _____ day of _____, A.D., 2014.

Tom Reid
Mayor

ATTEST:

Young Lorfing, TRMC
City Secretary

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, MARCH 24, 2014, AT 7:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order at 7:35 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Greg Hill
Councilmember	Tony Carbone
Councilmember	Scott Sherman
Councilmember	Susan Sherrouse
Councilmember	Keith Ordeneaux
City Manager	Clay Pearson
City Secretary	Young Lorfing

Others in attendance: Jon Branson Assistant City Manager; J.C. Doyle Police Chief; Trent Epperson Director of Engineering and Capital Projects; Mike Hodge Assistant City Manager; Eric Wilson Public Works Director; Sparkle Anderson Communications Manager.

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

RECOGNITIONS AND AWARDS

Mayor Reid presented the H-E-B representatives, Jim Doxakis Unit Director, Nikki Whitehead Store Director, Kefawn Mchaney Assistant Store Director, Susan Altic Manager in charge, and Anna Bryant Community Coordinator. The new H-E-B on Pearland Parkway will open April 16, 2014.

Mayor Reid and Councilmember Sherrouse presented a Proclamation proclaiming the week of April 2 – 12, 2014, as “Community and National Volunteer Week” to Shari Coleman Animal Control Manager.

Mayor Reid and Mayor Pro-Tem Hill presented a Proclamation proclaiming the week of April 6 – 12, 2014, as “Crime Victims Rights Week” to Gina Mendez Crime Victim Liaison, Velma Guadiana Crime Victim Specialist and J.C. Doyle Police Chief.

Mayor Reid and Assistant City Manager Jon Branson presented a Proclamation proclaiming the month of April, 2014 as “Safe Digging Month” to Jaime Medina with Texas 811.

Mayor Reid and Councilmember Carbone presented a Proclamation proclaiming the month of April, 2014, as “Fair Housing Month” to Joel Hardy Grants Coordinator.

CITIZEN COMMENTS: None.

DOCKETED PUBLIC HEARING: None

CONSENT AGENDA:

- A. **Consideration and Possible Action – Second and Final Reading of Ordinance No. 532-5** – An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 532, the *Flood Hazard Prevention* Ordinance; providing a penalty for violation; having a savings clause, a repealer clause, a severability clause; providing for codification, publication and an effective date. *Mr. Clay Pearson, City Manager.*

- B. **Consideration and Possible Action** – Excuse the absence of Councilmember Keith Ordeneaux from the Regular Council Meeting held on March 10, 2014. *City Council.*

Councilmember Carbone made the motion, seconded by Councilmember Sherman to adopt Consent Agenda Items A and B.

Voting “Aye” Councilmembers Carbone, Sherman, Hill, Ordeneaux, and Sherrouse.

Voting “No” None.

Motion Passed 5 to 0.

NEW BUSINESS:

Second and Final Reading of Ordinance No. 943-21 – An ordinance of the City Council of the City of Pearland, Texas, amending Figure 7.2, Thoroughfare Plan, of the City’s Comprehensive Plan as a guide for preserving a sense of community, attractiveness and safety in Pearland; containing a savings clause, a severability clause, and a repealer clause; providing for an effective date and for codification. *Mr. Clay Pearson, City Manager.*

Councilmember Sherman made the motion, seconded by Councilmember Carbone, to approve Ordinance No. 943-21.

Mayor Reid read into the record the Planning and Zoning Commission’s recommendation to forward to Council to approve the proposed amendments to the Thoroughfare Plan.

City Manager Clay Pearson reported Council is being asked to consider the proposed Thoroughfare Plan amendments.

Voting “Aye” Councilmembers Carbone, Sherman, Ordeneaux, and Sherrouse.

Voting “No” Mayor Pro-Tem Hill.

Motion Passed 4 to 1.

OTHER BUSINESS: None.

ADJOURNMENT

Meeting was adjourned at 8:00 p.m.

Minutes approved as submitted and/or corrected this the ____ day of _____,
A.D., 2014.

Tom Reid
Mayor

ATTEST:

Young Lorfing, TRMC
City Secretary

Consent Agenda Item B

- B. Consideration and Possible Action – Resolution No. R2014-30 –**
A resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for concrete raising services with Superior Grouting Service, Inc. *Mr. Eric Wilson, Director of Public Works.*

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

AGENDA OF:	April 14, 2014	ITEM NO.:	Resolution No. R2014-30
DATE SUBMITTED:	April 4, 2014	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Bob Pearce	PRESENTOR:	Clay Pearson
REVIEWED BY:	Jon R. Branson	REVIEW DATE:	April 7, 2014
SUBJECT: Renewal of Bid for Concrete Raising Services			
EXHIBITS: Resolution #R2014 - 30 Bid Tabulation			
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: \$50,000 (annualized estimate; \$23,000 for balance of FY14) AMOUNT BUDGETED: \$55,000 AMOUNT AVAILABLE: \$55,000 annually PROJECT NO.: ACCOUNT NO.: 030-3570-553-04-00			
ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:			
To be completed by Department:			
<input checked="" type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal Ordinance <input checked="" type="checkbox"/> Resolution			

EXECUTIVE SUMMARY

BACKGROUND

The City received two (2) sealed bids on April 19, 2012 in response to a solicitation for bids for concrete raising services for street repairs as needed, with an emphasis on mitigating drainage problems caused by concrete damage. The bid was formally solicited with the requisite publications of a bid notice, but was not initially brought to City Council for award, as it was projected by Public Works management that they would utilize the services up to an expenditure of approximately \$30,000 for FY2012. The contract was awarded internally to Superior Grouting Services, Inc. on June 1, 2012 for a term of one (1) year, with two (2) one-year

renewal options, with any price increase at renewal governed by a commensurate increase in CPI. The contract award was ratified by City Council on August 13, 2012, to allow for expanded use by Public Works (in excess of \$50,000 annual expenditure).

The concrete raising process (also known as mudjacking) involves the injection of a cementitious slurry into subsurface voids (typically caused by a combination of insufficient quality and/or compaction of base material, soil contraction or soil subsidence), thereby lifting sunken concrete back into proper orientation. This method offers a significant cost savings over the traditional concrete removal and replacement method (which can conservatively be 3 times or more the cost of mudjacking). Additionally, concrete raising is significantly less disruptive to area residents' access to their homes than concrete removal and replacement.

SCOPE OF CONTRACT

Provision of concrete raising services in accordance with the specifications of Bid No. 0312-26.

BID AND AWARD

A total of two (2) bids were received in response to the specifications of Bid #0312-26, as reflected in the attached bid tabulation. Bid notice was provided directly to over fifty (50) Houston-area concrete and construction-related companies, as well as multiple plan room clearinghouses, but the limited response was likely attributable to the specialization of the services required.

The bid was awarded to the low bidder, Superior Grouting Services, Inc, as reflected in the attached bid tabulation. Specifications stated an initial term of one (1) year with no price change and two (2) one-year renewal options. Contractor price adjustment request is permitted at renewal when supported by a commensurate change for the preceding 12 months in the Consumer Price Index, Houston-Brazoria-Galveston region, upon the mutual agreement of the parties and the approval of City Council. Superior Grouting has agreed to this final renewal period with no price increase, therefore, the pricing will be as originally awarded. Public Works personnel have reported a high degree of satisfaction with the product and service provided by Superior Grouting, and fully support the recommendation to renew this bid award.

SCHEDULE

The work will be scheduled intermittently as needed throughout the term of the agreement, as referenced herein.

POLICY/GOAL CONSIDERATION

This purchase is contemplated and recommended for the purpose of furthering the City's objective to maintain the integrity of the City's streets.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Funding for the purchase of the services referenced herein will come from the Public Works general fund street maintenance account.

O&M IMPACT INFORMATION

Estimated expenditures for concrete raising services are listed below.

Fiscal Year	2014	2015
	\$23,000 rest of year - \$50,000 on an annual basis	\$27,000 (through May, 2015 final renewal expiration). \$50,000 on an annual basis

RECOMMENDED ACTION

City Council approval of a resolution renewing a bid for concrete raising services to Superior Grouting Services, Inc at the unit prices as highlighted in the attached bid tabulation.

RESOLUTION NO. R2014-30

A resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for concrete raising services with Superior Grouting Service, Inc.

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

Section 1. That the City previously awarded a unit supply bid for concrete raising services.

Section 2. That the City Council hereby renews the bid with Superior Grouting Services, Inc., in the unit price amounts reflected in Exhibit "A" attached hereto.

Section 3. The City Manager or his designee is hereby authorized to execute a supply contract for concrete raising services.

PASSED, APPROVED and ADOPTED this the _____ day of _____,
A.D., 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Consent Agenda Item C

- C. Consideration and Possible Action – Resolution No. R2014-31 –**
A resolution of the City Council of the City of Pearland, Texas, renewing a unit price bid for the printing and mailing of water utility bills with Peregrine Services, Inc. *Ms. Claire Bogard, Director of Finance.*

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

AGENDA OF:	April 14, 2014	ITEM NO.:	Resolution No. R2014-31
DATE SUBMITTED:	April 4, 2014	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Bob Pearce	PRESENTOR:	Clay Pearson
REVIEWED BY:	Clay Pearson	REVIEW DATE:	4/7/2014
SUBJECT: Renewal of Bid for Printing and Mailing of Water Utility Bills			
EXHIBITS: Resolution #R2014-31 Bid Tabulation			
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: \$205,631 (annualized estimate, \$68,543 rest of year estimate) AMOUNT BUDGETED: \$208,527 AMOUNT AVAILABLE: \$208,527 annually PROJECT NO.: ACCOUNT NO.: 030-4145-555-11-00, 030-4145-555-25-00 (printing, estimated at \$35,621 annually; and postage, estimated at \$170,010)			
ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:			
To be completed by Department:			
<input checked="" type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal Ordinance <input checked="" type="checkbox"/> Resolution			

EXECUTIVE SUMMARY

BACKGROUND

In February 2011, the City issued Bid #0111-13 to retain the services of a third-party contractor for the printing and mailing of the City's water utility bills to residents. The bid specifications requested unit price printing and postage costs for the monthly mailing of approximately 34,327 water utility bills and an estimated 4,000 late notices to City water customers. The bills are generated from usage and billing information provided in a secure, electronic format to the awarded contractor by Utility Billing division personnel. The City is divided into four geographic

areas which are billed in a sequential, weekly manner within each month, resulting in four billing cycles for the City.

The bid was awarded in April, 2011 to Peregrine Services, Inc. as the lowest of 13 bid responses received, at the pricing reflected in the attached tabulation for a two-year initial term, with mutual option for three additional one-year renewals. Prior to the May, 2013 expiration of the initial term, City Council approved the first one-year extension through May, 2014, in accordance with the renewal parameters described below, with no price increase requested by the vendor at that time.

SCOPE OF CONTRACT

Printing and mailing of the City’s utility bills by Peregrine Services, Inc. on a monthly basis.

BID AND AWARD

Bid specifications provided for the printing of water utility bills at a fixed unit cost per piece for an initial term of two years, with three additional one-year renewal periods. Each renewal is subject to the mutual agreement of both parties, and the subsequent approval of City Council. Any price adjustment request by the Contractor at renewal must be substantiated by a commensurate annual increase over the prior contract term in the Consumer Price Index for the Houston-Galveston-Brazoria metropolitan area.

The 2011 bid award specified a unit cost of \$.088 per piece for printing, plus the lowest prevailing presort, bulk-postage rate available to the City. The current average for City billings is approximately \$0.391 per piece; an average is stated due to the fact that the actual rate can vary among bills in the same batch according to the degree of address match between that provided to Peregrine by the City and that in the United States Postal Service (USPS) address database. Peregrine has agreed to maintain its original print pricing, requesting no increase for this renewal period. Postage is a pass-through cost only to the City, and it should be noted that any rate increase imposed by the USPS during any contract term will subject the City to an equivalent increase at that time.

Utility Billing personnel report a high degree of satisfaction with the service provided by the Contractor and recommends renewal of this award. With no change in pricing for the upcoming renewal period, the awarded vendor’s attendance at this meeting was not requested, in accordance with the related Council-approved policy.

POLICY/GOAL CONSIDERATION

This purchase is contemplated and recommended for the purpose of providing citizens with their utility bills in a timely manner.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Funding for the purchase comes from Utility Billing and Collections budget.

O&M IMPACT INFORMATION

As printing and mailing of water utility bills are required for all active accounts, similar expenses are anticipated in future years; however, funding is appropriated on an annual basis.

Fiscal Year	2014	2015	2016
Estimated expense	\$68,543 rest of year; \$205,631 annually	\$208,098 (subject to renewal in May, 2015)	\$142,022 (subject to renewal May, 2015; w/ new bid in May, 2016) - \$210,000 annually

RECOMMENDED ACTION

Consideration and approval of a resolution for renewal of bid award for the printing and mailing of water utility bills to Peregrine Services, Inc. at the unit cost of \$0.088 per piece for printing, plus the lowest prevailing presort, bulk-postage rate (current average of approximately \$0.391) available to the City.

RESOLUTION NO. R2014-31

A resolution of the City Council of the City of Pearland, Texas, renewing a unit price bid for the printing and mailing of water utility bills with Peregrine Services, Inc.

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

Section 1. That the City previously awarded a unit price bid for the printing and mailing of water utility bills.

Section 2. That the City Council hereby renews a bid with Peregrine Services, Inc., in the unit price amount reflected in Exhibit "A" attached hereto.

Section 3. The City Manager or his designee is hereby authorized to execute a unit price contract for the printing and mailing of water utility bills.

PASSED, APPROVED and ADOPTED this the _____ day of _____,
A.D., 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

BID TABULATION: PRINTING AND MAILING OF WATER BILLS

BID OPENING DATE: THURSDAY, FEBRUARY 24, 2011

BID NUMBER: 0111-13

Bid Item Description	Peregrine Services Inc.	High Cotton	Postal Pros	CSG Systems Inc.	Information Management Solutions	Utilitec	Central Valley Presort Inc.	Matrix Imaging Solutions	Strahm Automation and Mailing Services	Pinnacle Data Systems
	Monroe, LA	Birmingham, AL	Albuquerque, NM	Coppell, TX	San Antonio, TX	Troy, MI	Fresno, CA	Sanborn, NY	Kansas City, MO	Birmingham, AL
	318-325-4762	205-838-2826	505-341-0509	972-462-5447	210-826-4994	248-526-4826	800-870-6245	800-675-9505	816-756-2733	205-307-6853
	Tom Stith	McGahey	Brad Sauters	Bob Dunaway	T. Kelly Dowe	Chris Macres	Sarrah Soza	Betty Jo Profeta	Cathy Kidwell	Mitch Anderson
Print Cost per each utility bill including all production, labor, material, and any related cost	\$0.088	\$0.091	\$0.095	\$0.100	\$0.102	\$0.103	\$0.103	\$0.107	\$0.1088	\$0.094
USPS Postage Rate	\$0.3361	\$0.335	\$0.335	\$0.335	\$0.335	\$0.335	\$0.335	\$0.335	\$0.3350	\$0.350
Total	\$0.4241	\$0.426	\$0.430	\$0.435	\$0.437	\$0.438	\$0.438	\$0.442	\$0.4438	\$0.444
Required NCOA Pricing	No Charge	Did Not Provide Amended Bid Sheet	No Charge	\$0.25 per changed address	Included	\$0.20 per corrected record	\$50.00/flat rate	\$680.20/Year	\$50.00/usage any quantity	\$0.25 per changed address
Additional Costs	N/A	N/A	N/A	N/A	N/A	N/A	\$250.00 for programming and set up (one time)	N/A	\$300.00 for programming	N/A

 Indicates postage rate on original bid; current 2014 rate is \$.391.

 Indicates total cost per piece on original bid; current 2014 cost is \$.

HOV Services	FIS	MailMax
Houston, TX	Jacksonville, FL	Waco, TX
713-320-9956	414-815-4545	254-751-1012
Harry Vasquez	Jordan Khamra	Steve Kallus
\$0.116	\$0.1036	\$0.541
\$0.335		
\$0.451		
No Charge	Did Not Provide Amended Bid Sheet	Did Not Provide Amended Bid Sheet
N/A	\$5,000.00 programming fee	\$1,500.00 programming fee

Consent Agenda Item D

- D. Consideration and Possible Action – Resolution No. R2014-32 –**
A resolution of the City Council of the City of Pearland, Texas, awarding a bid for the operation and management of the Independence Park Pool to Greater Houston Pool Management. *Ms. Michelle Smith, Director of Parks Recreation and Beautification*

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

AGENDA OF:	April 14, 2014	ITEM NO.:	Resolution No. R2014-32
DATE SUBMITTED:	March 28, 2014	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Bob Pearce	PRESENTOR:	Clay Pearson
REVIEWED BY:	Jon R. Branson	REVIEW DATE:	April 7, 2014
SUBJECT: Award of Proposal for Operation of Independence Park Pool			
EXHIBITS: Resolution #R2014-32			
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: \$62,997		AMOUNT BUDGETED: \$52,330	
AMOUNT AVAILABLE: \$52,330			
PROJECT NO.:			
ACCOUNT NO.: 010-3397-555-11-00			
ADDITIONAL APPROPRIATION REQUIRED: \$10,667 (it is projected that the increased revenue-sharing structure will offset budgetary shortfall).			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
Finance	X	Legal	X
		Ordinance	X
		Resolution	

EXECUTIVE SUMMARY

BACKGROUND

The Independence Park Pool has been operated by the city of Pearland for over 30 years. During that time, the pool has been utilized for summer swim classes and public swim, and provided numerous training opportunities for local swim teams, Life Guard training, and scuba classes. It has also hosted events such as the YMCA Triathlon, Kids Triathlon, birthday and graduation parties, and remains an affordable option for the public to enjoy an outdoor community pool.

In keeping with a City Council goal to identify City services which could potentially be provided more cost effectively (while maintaining service quality) by private contractors, Parks and Purchasing staff developed a Request for Proposal (RFP) in 2013 for third-party management of the Independence Park pool facility. As a result of that solicitation, a contract was awarded to USA Pools of Roswell, Georgia for overall management of the facility, to include lifeguard services, minor equipment maintenance/repair, provision of stock pool chemicals and cleaning supplies, promotion and scheduling of pool-related programs and events, and general cleaning of restroom facilities and common areas adjacent to the pool.

The City's experience with the awarded vendor was less than satisfactory, and Parks Department management elected to re-solicit proposals for pool management services for 2014 and beyond, rather than exercise the available renewal with the above-referenced company. The service deficiencies on the part of USA Pools included an inability to maintain pumps properly, insufficient staff training, and persistent water clarity problems throughout the swim season. To assure the pool's viability and public access, it was necessary for the Parks Department to devote manpower and specialty chemicals to the facility, at an additional cost to the City of approximately \$7,200. Parks management staff believes the prior service deficiencies were largely attributable to the remote nature of the provider, with its operations base located in Roswell, Georgia.

SCOPE OF CONTRACT

One (1) year ("year" defined as May-September swim season) agreement for the operation of the Independence Park pool facility by the 3rd party provider recommended herein, with four (4) one-year renewal options, upon the mutual agreement of both parties and the subsequent approval by City Council.

BID AND AWARD

Four (4) proposals were received in response to RFP #1214-13. The proposals were subsequently reviewed and evaluated by Parks management staff pursuant to the evaluation criteria contained in the RFP, which include qualifications and experience, cost/revenue-sharing and program/rental fee structure proposal, methodology for pool management and quality of references. The respective proposal evaluation scores and total cost proposals are reflected in the following table.

Submitting Company	Avg. Score (100 scale)	Cost
Greater Houston Pool Management Inc. Cypress, TX	95	\$62,997
Pool Management Inc. Delray Beach, FL	75	\$57,950
Aquatic Management Inc. Atlanta, GA	52	\$53,800
USA Pools LLC Roswell, GA	41	\$56,800

Based upon the above-referenced evaluation scores, staff recommends an award to Greater Houston Pool Management Inc. (GHPMI). Contributing factors in the staff evaluations and recommendation include the following:

- GHPMI is a Houston-area company, with a localized senior management staff and an in-house repair/maintenance team. This will provide the City with a more immediate call

response capability and local repair expertise than was previously experienced. Also affords a more “hands-on” approach to facility management, with an Area Supervisor making 1-2 daily visits to the pool to oversee lifeguards, and to check equipment and general pool operations. By contrast, Pool Management Inc. reflected a once per week supervisory presence on site, and the Aquatic Management Inc. proposal did not include any reference to onsite management beyond the lifeguard staff. City staff believes onsite management presence to be a critical component in successful pool operation, as last year’s experience illustrates the problems that can arise in the absence of such supervision.

- GHPMI currently manages 122 facilities, with representation throughout the greater Houston metropolitan area. This local presence, coupled with the company’s goal to begin each year’s season at a 120% of required staff level to accommodate the industry-wide lifeguard attrition rate, allows the company to pull lifeguard resource requirements from other area facilities on an as-needed basis. This assures that all of their managed facilities are at the appropriate staffing levels at all times.
- The GHPMI references provided include numerous area entities, including City of Sugar Land, Sienna Plantation, First Colony Community Association, and a host of others which are well-known to Parks management staff. The references contacted were unanimously positive in their appraisal of the services provided by GHPMI. It should be noted that the references provided by Pool Management Inc. and Aquatic Management Inc. were also largely positive, with the primary differentiating factor being the City’s familiarity with the above-referenced local entities and the relative level of City staff’s confidence in the information provided.
- The revenue-sharing proposal of GHPMI is a City-share of 100% of gross gate receipts, and a 25% share of gross program and rental revenues. The 25% City share of gate receipts in the prior year’s agreement resulted in revenues of approximately \$6,000 to the City; the 100% share offered by GHPMI at a similar usage level for 2014 would yield revenues of \$24,000, not including any shared program and rental revenue. The GHPMI revenue-share compares favorably with other proposals received, exceeded only by the Pool Management Inc. offer of a 50% City share in program and rental revenues. This apparent variance is mitigated by the fact that the Pool Management Inc. program and event proposal seems predicated on usage of the facility by local school swim teams, which will not occur as area schools currently have other, better-suited facilities designated for their activities.

SCHEDULE

It is anticipated that the Contractor will commence services Memorial Day weekend and conclude Labor Day weekend, 2014.

POLICY/GOAL CONSIDERATION

This purchase is contemplated and recommended to further the City’s objective of continued exploration of contracting City services when financially advantageous and operationally efficient to do so.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Funding for the purchase of the services described herein will come from the Parks and Recreation departmental operating budget; future funding requirements subject to respective budget approval by city Council.

O&M IMPACT INFORMATION

Fiscal Year	2014	2015	2016	2017	2018
	\$62,997	\$64,634 *	\$66,315 *	\$68,040 *	\$69,809 *

* Future year increases based upon current 2.6% annualized increase in the Houston-Galveston-Brazoria Consumer Price Index.

RECOMMENDED ACTION

City Council approval of a resolution awarding a bid for the operation and management of the Independence Park pool to Greater Houston Pool Management at the fee structure described in Exhibit "A" to the Swimming Pool Management and Maintenance Proposal and Agreement, attached hereto, with a total annual expenditure anticipated to be \$62,997.

RESOLUTION NO. R2014-32

A resolution of the City Council of the City of Pearland, Texas, awarding a bid for the operation and management of the Independence Park Pool to Greater Houston Pool Management.

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

Section 1. That the City received requests for proposals for the operation and management of the Independence Park Pool and such proposals were evaluated.

Section 2. That the City Council hereby awards the bid to Greater Houston Pool Management, in the amount of \$62,997.00.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for the operation and management of the Independence Park Pool.

PASSED, APPROVED and ADOPTED this the _____ day of _____,
A.D., 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

SWIMMING POOL MANAGEMENT AND MAINTENANCE PROPOSAL AND AGREEMENT

This Swimming Pool Management and Maintenance Proposal and Agreement (the "Agreement") is made and entered into on this _____ day of _____, 20__ (the Effective Date") by and between **GREATER HOUSTON POOL MANAGEMENT, INC.** ("GHPMI"), a Texas Corporation, and **CITY OF PEARLAND** ("Client").

PURPOSE OF AGREEMENT

GHPMI is in the business of managing, operating and servicing community swimming pools and pool areas.

Client is a community, neighborhood or homeowners association that owns and operates a community swimming pool and related fixtures, amenities and equipment (the "Pool") for its residents, homeowners and/or members and their guests (the "Members") and is seeking to retain GHPMI to provide pool management, maintenance, operation and related services on its behalf at the Pool.

The purpose of this Agreement is to state the terms and conditions under which GHPMI proposes to and will provide Client Pool management, maintenance, operation and other reasonably related services as defined within this Agreement (the "Services").

In consideration of the mutual covenants set forth below, the parties agree as follows:

1. PROPOSAL EXPIRATION OPTION

(a) This is a proposal by GHPMI to Client to provide management, maintenance, operation and related services at Client's Pool. The parties agree that, until executed by Client, this Agreement is only a proposal by GHPMI to provide Services to Client. This Agreement may be withdrawn at GHPMI's option if not executed by the Client and returned to GHPMI by the 31st day of April, 2014. By executing this Agreement prior to it being withdrawn by GHPMI, Client agrees that the terms and provisions of this Agreement will become binding upon it and this Agreement will be in full effect for the Term as stated in Section 3(a).

2. COMPENSATION; PAYMENT SCHEDULE AND FEES

(a) Client shall pay GHPMI a fee for the Services provided during the Term in an amount equal to **\$62,997.00 (excluding taxes on maintenance only)** and Client will pay this amount in accordance with the schedule set out in Exhibit "A."

(b) All GHPMI invoices shall be paid in full by Client within thirty (30) days from the invoice date. GHPMI shall invoice Client once per month in accordance with the schedule set out in Exhibit "A". Time is of the essence in paying all invoices submitted by GHPMI. If Client fails to pay in full any invoice within thirty (30) days from the invoice date an initial late charge of two percent (2%) of the invoice amount will be charged and any unpaid amounts will accrue interest at the annual percentage rate of ten percent (10%) until paid, or if any amounts remain unpaid after 30 days, GHPMI may cancel this contract and terminate all Services immediately and pursue collection of all unpaid amounts.

3. TERM OF AGREEMENT

(a) This Agreement shall commence on the 24 day of May, 2014 and terminate on the 1 day of September, 2014 (the "Term") unless extended upon the mutual agreement of both parties, with a maximum of four (4) additional term renewals available. This Agreement may be terminated by either party upon thirty (30) days advance written notice. GHPMI and Client may terminate this Agreement at any time by mutual written agreement upon such terms as shall be set forth in such termination.

4. SCOPE OF GHPMI SERVICES

(a) GHPMI shall provide Client management, maintenance, operation and related services as described in this section (the "Services"). Client acknowledges that GHPMI has expertise in providing such Services, and that it will receive good and valuable consideration from the receipt of the Services. The parties may mutually agree to amend or modify the Services during the Term or any Extended Period to include additional Services or exclude unnecessary Services by doing so in writing.

(b) Water Quality: Pool water will be maintained at the customary level of sanitation and chemistry by monitoring and maintaining the Pool's pH, alkalinity, calcium hardness and stabilizer. Pool water will be tested during all safety breaks, when the lifeguards are on duty, and the test results will be recorded in the Pool's daily log.

(c) PRE-SEASON SERVICES

GHPMI can be available for an additional fee to prepare restrooms and furniture prior to the swim season if requested at least two weeks in advance. An addendum can be written at the request of the client.

(d) SWIM-SEASON SERVICES

The Swim-Season will begin when the pool is open on the 24 day of May, 2014. During the Swim-Season, GHPMI will reasonably maintain and operate the Pool by completing the following Services as necessary: (a) maintain Water Quality of the Pool in accordance with all applicable governmental rules and regulations (b) skim water surface to remove floating matter and clean skimmer baskets as necessary, but at least once a day; (c) brush walls of swimming Pool daily; (d) clean tiles in the Pool; (e) vacuum entire Pool at least once weekly; (f) check pumps, strainers, and filters daily; (g) clean Pool, empty trash containers and place trash on curb or in dumpsters for pickup on days designated by Client; (h) clean and maintain restrooms daily; (i) clean and maintain guardroom, chemical room, and pump room daily; (j) maintain and store in their location all safety and maintenance equipment; (k) organize and keep Pool furniture clean and orderly; (l) enforce Pool rules and regulations; and (m) all completed Swim Season Duties will be recorded daily in the Pool's log.

5. CLIENT'S RESPONSIBILITIES AND OBLIGATIONS

(a) Cooperation: In order for GHPMI to provide the level and quality of Services under this Agreement as expected by Client, GHPMI will expect the unconditional and full cooperation of Client. Client therefore agrees to: 1) make available to GHPMI personnel access to the Client's Pool facilities as necessary to provide Services; 2) respond to all reasonable requests of GHPMI to facilitate performance of the Services; 3) provide good faith cooperation reasonably necessary for GHPMI to perform the Services; and 4) comply with all governmental rules and regulations applicable to the Pool.

(b) Client will comply with or provide and maintain the following as the case may be: 1) an approved chemical circulation system to maintain Pool chemistry and Water Quality; 2) a working telephone at the Pool; 3) post all Pool rules and regulations in a conspicuous place and manner; 4) support GHPMI in the enforcement of all Pool rules and regulations, which enforcement includes temporary or permanent expulsion from the Pool of any individual who fails to comply with a Pool rule or regulation; 5) deliver a copy of all Pool rules, regulations and guest policies to each Member; 6) all Pool enclosures, fences and gates adjacent to or comprising the Pool area pursuant to all applicable governmental rules and regulations; 7) three (3) sets of keys to all doors and gates; 8) foster a safe and cooperative working environment for GHPMI's employees during and after regular Pool hours of operation; and 9) at Client's expense, all utilities, telephone service, water, and trash collection.

(c) Non-Solicitation: GHPMI will invest substantial time and resources to train and convey operational techniques and management procedures to its employees for providing Services under this Agreement and Client acknowledges that such investment and information is a valuable asset of GHPMI. Client agrees not to hire, consult or otherwise employ any current or past employees of GHPMI during the term of this Agreement and for a period of one (1) year after the termination of this Agreement.

6. SCHEDULE AND STAFFING

(a) GHPMI will provide lifeguards and other personnel as reasonably required to operate the Pool in accordance with the Pool schedules, hours of operation, and staffing requirements as shown on Exhibit "B." Client agrees to not open the Pool outside of the time periods as stated in Exhibit "B" and agrees to indemnify and hold GHPMI harmless for any and all claims, whatsoever, that arise from the use of the Pool outside the hours of operation on Exhibit "B". Client further agrees to reimburse GHPMI for all additional expenses GHPMI incurs to operate or maintain the Pool due to or caused by Client allowing the use of the Pool outside the hours of operation as stated on Exhibit "B."

(b) Safety Break: Once every hour the Pool will be cleared for a period of ten (10) minutes for a safety break. During the safety break, lifeguards will not be on duty, the Pool will be closed, and the lifeguards and GHPMI shall not assume any responsibility or be responsible for the safety or welfare of individuals using the Pool during the safety break against the Pool's rules or regulations, or the lifeguards' warnings.

(c) Amendment or Modification: Pool schedules, hours of operation, or staffing requirements may be amended or modified upon the mutual agreement of the parties. Any amendment or modification will be in writing, signed by both parties and attached as an addendum to this Agreement and incorporated into this Agreement with full affect. The parties agree that any amendment or modification will be in accordance with the additional fees or itemized fees as shown on Exhibit “A”, if applicable, or at a mutually agreed to fee or charge taking into consideration GHPMI’s costs or expenses for implementing the amendments or modifications. Any additional fees or charges will be invoiced to Client as incurred on a monthly basis pursuant to Section 2 of this Agreement.

7. POOL CLOSING

(a) GHPMI may close the Pool in an emergency, because of the breakdown of Client’s Pool equipment or for other unforeseen causes outside GHPMI’s control. The date on which the Pool is closed for any reason under this section will be the Pool Closing Date. The Pool may be closed by GHPMI for the following:

(1) Emergency Closing: GHPMI reserves the right to close the Pool if, in GHPMI’s personnel’s reasonable belief, there is a threat to the safety or welfare of Members due to inclement weather, such as thunder, lighting, heavy rain or wind, or hazardous weather advisories, or fecal contamination. GHPMI personnel will reasonably attempt to contact Client’s Representative if it is necessary to close the Pool early.

(2) Breakdown and Repair of Client’s Pool: In GHPMI best judgment, GHPMI reserves the right to close the Pool due to a breakdown of the Client’s Pool including, without limitation, the Pool: 1) is inoperable for whatever reason; 2) requires repairs that must be performed during Pool hours of operation; 3) must be drained of water, or 4) requires Servicing after a Breakdown or Repair.

(b) In the event of a Pool Closing, the parties agree that there shall not be any cause for the amendment or modification of this Agreement and GHPMI will not refund any amounts of compensation paid by Client because of a Pool Closing, except as allowed in Section C below.

(c) Should a time lapse of more than then (10) days from the Pool Closing Date be necessary to perform repairs and/or restore the Pool to normal operations, beginning on the eleventh (11th) day, GHPMI shall refund to Client fifty percent (50%) of the daily operating cost on a pro-rata basis until the Pool is opened for operation. For the purposes of this section, the daily operating cost is one percent (1%) of the total Agreement compensation. If the Pool is not opened for normal operation within thirty (30) days after the Pool Closing Date the Client may cancel this Agreement by giving ten (10) days advance written notice to GHPMI after the thirtieth (30th) day.

8. GHPMI PERSONNEL

(a) All personnel who will work at the Pool under the terms of this Agreement shall be employees of the GHPMI, and not independent contractors. GHPMI will pay the following for GHPMI’s employees:

1. Wages
2. Income tax withholdings
3. Social security withholdings
4. State unemployment insurance
5. Federal unemployment insurance
6. Workmen's Compensation insurance

(b) Personnel Approval or Dismissal: All personnel will be trained by GHPMI in accordance with Client's requirements, and Client acknowledges that GHPMI personnel are hired, trained and placed at the Pool in accordance with Client's needs and standards. Client may, in good faith, request the dismissal of any personnel that provides Services at the Pool; however, Client's request of dismissal must be reasonable. If Client wishes to exercise its right to request the dismissal any of GHPMI's personnel, Client will give forty-eight (48) hours advance written notice to GHPMI of its request, and will allow GHPMI to independently determine the basis of Client's request.

(c) Certification: All lifeguards employed by GHPMI shall have current American Red Cross Lifeguarding, CPR for the Professional Rescuer, and First Aid Certificates, or equivalent Lifeguard Training Certificates as stated by the Texas Board of Health, such as Ellis and Associates, N.A.S.C.O., Star Guard or Boy Scouts of America.

(d) Identification: Lifeguards will wear identification at all times. Such identification shall be in the form of a swimsuit or t-shirt displaying GHPMI's name and/or logo.

(e) Authority: To create a safe and enjoyable swimming experience, Lifeguards shall have the authority to discipline all individuals, including expulsion, who use the Pool and will do so within the Lifeguards' best judgment and sole discretion and will be consistent with all published and posted rules of the Pool and minimum safety standards. Client agrees to support Lifeguards in enforcing the Pool rules and regulations to provide a safe swimming environment.

9. WADING POOL

(a) GHPMI will maintain the Wading Pool and its pump, filter, and chemical feeders to maintain Water Quality. Client acknowledges that the Wading Pool is not in the party's intended zone of safety for the Pool in which GHPMI's staff will provide life saving services and has been informed by GHPMI that, in order for GHPMI to provide life saving services for the Wading Pool, GHPMI would be required to provide additional lifeguards at Client's expense thereby increasing the compensation under this Agreement; therefore, Client agrees that GHPMI does not assume any responsibility and shall not be responsible for any injury or loss resulting from the use of the Wading Pool by its Members. Client agrees to indemnify and hold harmless GHPMI from any and all claims for damages or injuries, or both, resulting from the use of the Wading Pool.

10. REPAIRS AND EQUIPMENT

(a) GHPMI will supply all necessary personnel and chemicals to provide Services. Because equipment breakdowns cannot always be foreseen, Client agrees that any materials and repairs necessary for the proper operation of the Pool, which are outside the scope of GHPMI's Services, shall be charged to Client. GHPMI assumes no liability or responsibility for Water Quality or Pool maintenance due to inclement weather, breakdowns of Client's Pool, during periods of repair, or other unforeseen reasons causing damage to the Pool, and GHPMI shall not be responsible or liable to Client for a Pool Closing due to a Breakdown or Repair. GHPMI will maintain Water Quality by balancing all readings of chemicals to a proper and safe level for swimmers within a reasonable time once repairs have been completed. Should additional services or chemicals be needed to restore the Pool to pre-construction condition, the cost of these services and chemicals will be charged to the Client. GHPMI may close the Pool under this Section and Section 7 (Pool Closing) of this Agreement shall apply.

(b) GHPMI shall have authority to replace, repair or obtain the services of third parties to replace or repair Pool equipment for all repairs that are equal to or less than \$200.00 without the prior approval of Client. Such items will be billed separately to Client. Client must provide written approval for any repair expected to cost more than \$200.00, except when repairs are immediately required to prevent further damage to the Pool or when GHPMI reasonably believes there is an immediate need or emergency situation, or GHPMI is unable to reasonably contact Client's Representative.

(c) Any repairs required as the result of GHPMI's negligence shall be done at GHPMI's expense and GHPMI shall reimburse Client for water lost as a result of negligence.

11. SIGNAGE AND POSTING OF RULES

GHPMI shall be permitted to display a sign at the Pool in a conspicuous place and the sign will state GHPMI's name, address and phone number and will designate GHPMI personnel as being responsible for the safety and welfare of users, the quality of the Pool and performance of GHPMI personnel.

12. DAMAGES DUE TO VANDALISM, WEATHER, AND ACTS OF GOD

(a) GHPMI shall not be responsible for any vandalism or mischief, inclement weather or Acts of God which cause damage to the Pool or related facilities, and GHPMI shall not be responsible for any additional expenses to restore Pool to working order. GHPMI shall report any incidents of vandalism or mischief, or damages caused by inclement weather or Acts of God to Client's Representative prior to undertaking any repairs.

(b) In the event of vandalism or mischief, inclement weather, or Acts of God, GHPMI personnel will take steps reasonably necessary to prevent damage to the Pool, but assumes no duty or responsibility for any failure to prevent damage and shall not be held responsible for any damages.

13. CHEMICAL AND MAINTENANCE SUPPLIES

(a) GHPMI will provide Pool chemicals including **chlorine tablets, liquid chlorine, muratic acid, stabilizers, calcium chloride, soda ash, soda bicarbonate**, and other chemicals needed for normal Pool operation and to maintain Water Quality in a safe and sanitary manner.

(b) GHPMI will provide miscellaneous cleaning and operating supplies including **pool test equipment and reagents, restroom cleaning materials, toilet paper, paper towels, low wattage incandescent light bulbs (under 100 watts), trash bags, pool tile cleaner, hand soap, and sponges.**

14. CLIENT SAFETY AND MAINTENANCE EQUIPMENT

Client shall provide, prior to Pre-Season or in a timely manner if requested by GHPMI, at no cost to GHPMI, the following equipment:

(a) Safety Equipment

Rescue tube (one per lifeguard)
Backboard with appropriate securing material (3 straps/head immobilizer)
Lifeguard Stand
Umbrella for Lifeguard Stand (one per stand)
USCGA Ring Buoy and Line
USCGA Shepherds Crook
Fiberglass Reach Pole
First aid kit (meeting OSHA standards)
Blood-borne pathogens kit
Goggles
Rubber gloves
Fire extinguisher

(b) Maintenance Equipment and Supplies

12' – 24' extension pole
Commercial vacuum head
Leaf eater with fine mesh bag
50' commercial 1-1/2" vacuum hose
12" or longer nylon brush
12" or longer stainless steel bristle brush
clock
commercial skimmer net
mops, brooms, and dust pan
garden hose
deck squeegee
trash receptacles
algaecides
fire ant bait
wasp/hornet spray, etc.

15. SWIMMING LESSONS AND PARTIES

GHPMI shall be permitted to provide swimming lessons and parties, such as birthday parties, socials or other events, at the Pool. GHPMI may charge fees for swim lessons and parties as shown on Exhibit "C" attached hereto. Client must be given advance notice of any lessons or parties to be held at the Pool and reserves the right to reasonably deny the use of the Pool for parties that are not primarily for the benefit of Members. Each swim lesson student or party host will pay the cost of lessons or party directly to GHPMI and GHPMI shall retain all revenues from the lessons or party. Client will receive the agreed amount for swim lessons and pool parties per the contract. Swimming lessons and parties will not interfere with the Services GHPMI has agreed to provide under this Agreement.

16. INSURANCE

(a) Client and GHPMI shall maintain applicable insurance coverage through the Term of this Agreement and during all Extended Periods, and shall promptly provide upon the execution of this Agreement, evidence that any and all such coverage is in full force and effect, and acknowledgement by such insurance carriers that thirty (30) days advance written notice shall be given if any policy or coverage is to be changed or cancelled prior to its expiration date.

(b) GHPMI shall provide the following:

- 1) Worker's compensation insurance covering all personnel GHPMI employs to provide Services under the Agreement;
- 2) General Liability Insurance in the amount of \$5,000,000.

(c) The Client shall maintain the following:

- 1) Premises liability insurance; and
- 2) Comprehensive general liability insurance in the amount of \$1,000,000 each accident and \$1,000,000 each person.

17. INDEMNIFICATION

(a) The GHPMI shall indemnify, defend and hold harmless the Client and its officers, directors, members, employees and agents from any and all claims, suits, actions, demands, judgments, court costs, attorney fees, and expenses for damages or injuries to person (including loss of life) and property occurring on or about the Pool or the Pool area and arising through or on account of any act of negligence or intentional act or omission by GHPMI or its agents or employees.

(b) To the extent allowed by law, the Client shall indemnify, defend and hold harmless the GHPMI and its officers, directors, members, employees and agents from any and all claims, suits, actions, demands, judgments, court costs, attorney fees and expenses for damages or injuries to person (including loss of life) and property occurring on or about the Pool or the Pool area and arising through or on account of any act of negligence or intentional act or omission by the Client or its agents or employees.

18. NOTICES

All notices required or permitted under this Agreement shall be deemed given if delivered personally or if mailed by certified mail, return receipt requested, to the address set forth below. Delivery shall be deemed if such notice is actually received by mail or private courier at such address. If a party changes such address, such party shall notify the other party of it by the notice procedures of this paragraph.

**GHPMI: GREATER HOUSTON POOL MANAGEMENT, INC.
12227 Old Huffmeister Road
Cypress, TX 77429
(713) 771-7665**

**Client: NAME: _____
ADDRESS: _____
TELEPHONE NO.: _____**

Each party's designated representative for day-to-day operations and in case of emergencies shall be:

GHPMI's Representatives:

Name: Sean Hare

Address: 12227 Old Huffmeister Road, Cypress, TX 77429

Phone No.: 713-771-7665

Client's Representative:

Name: _____

Address: _____

Phone No.: _____

19. ENTIRE AGREEMENT, MODIFICATION AND EFFECT

This agreement constitutes the entire agreement of the parties and supersedes all prior agreements, relationships or negotiations, written or oral. This Agreement may not be modified or amended unless the parties give mutual written consent. This Agreement shall be binding upon and inure to the benefit of GHPMI and Client and to their respective successor and assigns.

20. GOVERNING LAW

This Agreement shall be construed and enforced in accordance with the laws of the State of Texas and is wholly performable in Brazoria County, Texas. Except as provided by law, Client waives any right which it may have to claim or recover in any litigation any special, exemplary, or punitive damages in addition to actual damages.

21. SERVERABILITY

If a Court of competent jurisdiction invalidates or finds any one or more of the provisions of this Agreement is unenforceable it shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

22. CAPTIONS/ HEADINGS

The captions or headings of this Agreement are for convenience of reference only, and in no way define, describe, extend or limit the scope or intent of this Agreement or the meaning or intent of any provision hereof.

23. WAIVER

The failure of either party to enforce or require performance of any provision in the Agreement shall not operate as a waiver or affect the right of the party to enforce any provision at a later date. Any delay or accommodation of GHPMI in the collection of any amounts due under this Agreement, or any amendments or modifications, shall not be a waiver of GHPMI's rights to demand payment of any amounts owed by Client under this Agreement.

24. ATTORNEY'S FEES AND COLLECTION COSTS

Should either party employ an attorney or third party or be required to institute legal action against the other party to enforce the terms of this Agreement or to collect fees owing pursuant hereto, said party shall be entitled, in addition to all other amounts, to recover its cost of collections, reasonable attorney's fee, expenses and all costs of court.

EXHIBITS

Exhibit "A" – Fee Schedule

Exhibit "B" – Pool Schedule, Hours of Operation, and Staffing

Exhibit "C" – Swim Lessons and Activities Fees

Executed this _____ day of _____, 20__.

CLIENT

**GREATER HOUSTON POOL
MANAGEMENT, INC.**

By:

By:

Title: _____

Title: _____

EXHIBIT "A"
Fees and Payment Schedule

City of Pearland

**May 24, 2014
through
September 1, 2014**

Month	Management	Monthly Total
May	\$ 12,599.40	\$ 12,599.40
June	\$ 18,899.10	\$ 18,899.10
July	\$ 18,899.10	\$ 18,899.10
August	\$ 9,449.55	\$ 9,449.55
September	\$ 3,149.85	\$ 3,149.85
TOTAL	\$ 62,997.00	\$ 62,997.00

**Changes in Federal/ State Law and Excessive Cost of Living Increases/
Chemical Pricing Increases**

Client acknowledges certain changes in Federal and State law may greatly impact the cost of doing business with GHPMI. If adverse changes in Federal or State law regarding minimum wage, federal and state taxes, chemical wholesale pricing, as well as adverse economic changes that exceed normal cost of living standards occur, GHPMI will present a revised addendum to the contract reflecting new pricing terms. If Client rejects the new pricing terms, the contract shall terminate 30 days after the presentation of the new pricing addendum.

EXHIBIT “B”

Pool Schedule, Hours of Operation, and Staffing

May 24th through June 5th

Mondays through Fridays	Closed	
Saturdays	12:00 PM – 7:00 PM	6 guards
Sundays	12:00 PM – 7:00 PM	6 guards

Exceptions:

Monday, May 26 th (Memorial Day)	12:00 PM – 7:00 PM	6 guards
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June 6th through August 24th

Mondays	Closed	
Tuesdays through Sundays	12:00 PM – 7:00 PM	6 guards

August 25th through September 1st

Mondays through Fridays	Closed	
Saturdays	12:00 PM – 7:00 PM	6 guards
Sundays	12:00 PM – 7:00 PM	6 guards

Exceptions:

Monday, September 1 st (Labor Day)	12:00 PM – 7:00 PM	6 guards
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Note: Additional hours will be billed separately.

GHPMI follows American Red Cross recommendations for lifeguard to patron ratios. American Red Cross states that there should be 1 lifeguard to every 20 patrons within a facility. If people in pool counts exceed this ratio, GHPMI has permission to bring in extra lifeguards. The Client will be billed for the additional lifeguard hours at \$16.75 per hour.

EXHIBIT “C”

Swim Lessons and Parties Fees

Swim Lesson Fee Schedule/Structure

Group lessons will be available on the basis of eight (8) classes of thirty (30) minutes each (a “Session”). No more than six (6) students may be enrolled in each class. A minimum of four (4) students shall be enrolled in a class prior to its start date. The cost is \$80.00-\$85.00 per session.

Private lessons will be available for \$22.50-\$25.00 per 30 minute lesson.

Semi-private lessons (two (2) students per lesson) will be available for \$30.00-\$32.00 per thirty (30) minute lesson (\$15.00-\$16.00 each student).

Pool Party Fee Schedule/Structure

Pool parties will be provided by GHPMI’s lifeguards for Members only and GHPMI shall have the exclusive right to host and provide Pool parties at the Pool during the Term of this Agreement. All GHPMI insurance shall apply to Pool parties.

The current rate for Pool parties is \$22.50 per hour per lifeguard. GHPMI requires a minimum of two lifeguards for all parties. Please note, extra lifeguards may be required due to the number of people, size and/or configuration of the swimming facility. There is a two (2) hours minimum for all parties. There is a \$30.00 non-refundable pool party administration fee. All parties must be scheduled two weeks prior to party date.

Consent Agenda Item E

- E. Consideration and Possible Action – Resolution No. R2014-33 –**
A resolution of the City Council of the City of Pearland, Texas, consenting to the annexation of property, generally located in the vicinity of Hughes Road and Clear Creek, into Harris County Municipal Utility District No. 509. *Mr. Darrin Coker, City Attorney.*

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

AGENDA OF: 4-14-14	ITEM NO.: Resolution No. R2014-33
DATE SUBMITTED: 4-7-14	DEPARTMENT OF ORIGIN: Planning
PREPARED BY: Darrin Coker	PRESENTOR: Darrin Coker
REVIEWED BY: NA	REVIEW DATE: NA
SUBJECT: HC MUD 509 Petition For Annexation	
EXHIBITS: Consent Ordinance, Application and Map	
EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.:	AMOUNT BUDGETED: PROJECT NO.:
ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.:	PROJECT NO.:
To be completed by Department:	
<input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

Mud 509 (the “Mud”) recently submitted an application for the City’s consent to the annexation of additional territory into the boundaries of the Mud. The Mud currently consists of 387.9 acres and the request is for consent to annex 55.2 additional acres totaling 443 acres. Although Council has recently discussed a potential change in policy for future in-city MUDS, previous City commitments to MUD 509 contemplate the addition of additional 273 acres into the MUD. Below is supplemental information regarding the creation and future development of MUD 509.

In 2006 the City entered into an agreement with SHS Partners for the development of approximately 660 acres surrounded by Pearland Parkway and what is today the Hughes Road extension. A focal point of the agreement was the shared responsibility for the construction of the Hughes Road extension. At that time, the developer owned approximately 387 acres of the planned 660 acre development. The Development Agreement contemplated annexing the property into MUD 28 or creating a new MUD. In 2007, the City consented to the creation of MUD 509 which included the 387 acres owned by the developer. The Utility Agreement with the MUD specifically provides for, and contemplates the City’s consent to the annexation of the remaining 273 acres to finish out the planned 660 acre development.

More recently, SHS Partners sold the property to Meritage Homes who, by assignment, stepped into the shoes of SHS Partners and is preparing to proceed with development of the property. The City does not dispute the fact that the Development Agreement, the City's consent to creation of the MUD, and the Utility Agreement with the MUD obligate the City to consent to the annexation. Simply stated, the City has prior obligations with MUD 509 that would partially exempt the MUD (as it applies to the 660 acres) from any future policy change.

RESOLUTION NO. R2014-33

A resolution of the City Council of the City of Pearland, Texas, consenting to the annexation of property, generally located in the vicinity of Hughes Road and Clear Creek, into Harris County Municipal Utility District No. 509.

WHEREAS, Harris County Municipal Utility District No. 509 was created by House Bill No. 4080, 80th Legislature, Regular Session, of the State of Texas (the “Legislation”) and is located wholly in the City’s corporate boundaries; and

WHEREAS, Section 54.016 of the Texas Water Code provides that land within a city’s corporate boundaries may not be included within a district without the city’s written consent; now, therefore,

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

Section 1. That the City Council of the City of Pearland, Texas, gives its written consent to the annexation of 55.269 acres, as more accurately described in Exhibits “A” through “G” attached hereto, into the boundaries of Harris County Municipal Utility District No. 509, subject to the conditions attached hereto as Exhibit “H.”

PASSED, APPROVED and ADOPTED this the _____ day of _____,
A.D., 2014.

TOM REID
MAYOR

RESOLUTION NO. R2014-33

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

DESCRIPTION OF
0.169 ACRE (7,363 SQUARE FEET)
ANNEXATION TRACT 1

All that certain tract or parcel containing 0.169 acre (7,363 square feet) of land located in the T.J. Green Survey, Abstract 290, Harris County, Texas, being a portion of Lots 16 and 17 of the Allison Richey Gulf Coast Home Company Subdivision, Section "G", a subdivision of record in Volume 4, Page 48, of the Map Records of said Harris County (H.C.M.R.), more particularly being a portion of that certain tract called 346.718 acres conveyed to Meritage Homes of Texas, LLC by an instrument of record in File Number 20130470069, Official Public Records of Real Property of said Harris County, Texas (H.C.O.P.R.R.P.), said 0.169 acre (7,363 square feet) being more particularly described by metes and bounds as follows, all bearings referenced to the Texas Coordinate System, South Central Zone (NAD 83);

BEGINNING at the common north corner of Lots 16 and 17 of said subdivision, same being the southwesterly line of the George McDougal Survey, Abstract 564, and the northeasterly line of said T.J. Green Survey;

Thence, along the common survey line of said T.J. Green Survey and said George McDougal Survey, and the northeasterly line of Lot 16 of said subdivision, South 48° 20' 17" East, 8.02 feet to the north corner of the Catholic Community St. Luke The Evangelist, a subdivision of record on Film Code Number 655214, H.C.M.R.;

Thence, departing said common survey line and the northeasterly line of said Lot 16 and along the northwesterly line of said Allison Richey Gulf Coast Home Company Subdivision, South 41° 35' 04" West, 658.48 feet to the west corner of said subdivision, same being on the common line of Lots 17 and 18 of said subdivision;

Thence, along said common lot line, North 48° 21' 15" West, 14.34 feet to a point for corner, same being the common corner of Lots 17, 18, 8 and 9 of said subdivision;

0.169 Acre

February 19, 2014
Job No. 1326-0001

Thence, with the southeasterly line of Lots 8 and 7 and the northwesterly line of Lots 17 and 16, North 42° 08' 05" East, 658.50 feet to the POINT OF BEGINNING and containing 0.169 acre (7,363 square feet) of land.

"This document, prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."



Keith W. Monroe
2-20-2014

LJA Engineering, Inc.

DESCRIPTION OF
5.686 ACRES
ANNEXATION TRACT 2

All that certain tract or parcel containing 5.686 acres of land located in the T.J. Green Survey, Abstract 290, Harris County, Texas, being a portion of Lots 2, 3, 4 and 5 of the Allison Richey Gulf Coast Home Company Subdivision, Section "G", a subdivision of record in Volume 4, Page 48, of the Map Records of said Harris County (H.C.M.R.), more particularly being the remaining portion of that certain tract called 5.941 acres conveyed to the City Of Pearland by an instrument of record in File Number 2013040432, Official Public Records of Brazoria County, Texas (B.C.O.P.R.) said 5.941 acres also recorded in File Number 20130475237, Official Public Records of Real Property of said Harris County, Texas (H.C.O.P.R.R.P.), said 5.686 acres being more particularly described by metes and bounds as follows, all bearings referenced to the Texas Coordinate System, South Central Zone (NAD 83);

BEGINNING at the common north corner of Lot 5 and Lot 6 of the Allison Richey Gulf Coast Home Company Subdivision, Section "G", a subdivision or record in Volume 4, Page 48, of the Map Records of said Harris County (H.C.M.R.), same being the north corner of that certain tract called 4.8383 acres (Parcel 6) conveyed to the City of Pearland by an instrument of record in File Number 20080117318, H.C.O.P.R.R.P.;

Thence along the northerly line of said 5.941 acre tract, the following eight (8) courses:

1. 98.63 feet along the arc of a curve to the right, having a radius of 2,060.00 feet, a central angle of 02° 44' 36" and a chord which bears North 43° 09' 41" East, 98.62 feet to a point for corner;
2. North 44° 31' 58" East, 100.00 feet to a point for corner, the beginning of a curve;
3. 97.02 feet along the arc of a tangent curve to the left, having a radius of 1,940.00 feet, a central angle of 02° 51' 55" and a chord which bears North 43° 06' 01" East, 97.01 feet to a point for corner;

4. North 41° 40' 03" East, 1,436.67 feet to a point for corner, the beginning of a curve;
5. 98.62 feet along the arc of a tangent curve to the right, having a radius of 2,060.00 feet, a central angle of 02° 44' 35" and a chord which bears North 43° 02' 20" East, 98.61 feet to a point for corner;
6. North 44° 24' 38" East, 100.00 feet to a point for corner, the beginning of a curve;
7. 143.97 feet along the arc of a tangent curve to the left, having a radius of 1,940.00 feet, a central angle of 04° 15' 07" and a chord which bears North 42° 17' 04" East, 143.93 feet to a point for corner;
8. North 40° 09' 31" East, 82.25 feet to a point for corner on the common line between Lots 1 and 2 of said subdivision;

Thence, South 48° 19' 29" East, 115.77 feet departing said northerly line and along said common line to a point for corner;

Thence, South 42° 02' 23" West, 2,156.79 feet departing said common line to a point for corner on the common line of Lots 5 and 6 of said subdivision;

Thence, North 48° 19' 04" West, 118.28 feet along said common line to the POINT OF BEGINNING and containing 5.686 acres of land.

"This document, prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."



Keith W. Monroe
2-20-2014

DESCRIPTION OF
19.918 ACRES
ANNEXATION TRACT 3

All that certain tract or parcel containing 19.918 acres of land located in the T.J. Green Survey, Abstract 290, Harris County, Texas, being all of Lots 11, 12, 13 and 14 of the Allison Richey Gulf Coast Home Company Subdivision, Section "G", a subdivision of record in Volume 4, Page 48, of the Map Records of said Harris County (H.C.M.R.), more particularly being a portion of that certain tract called 346.718 acres conveyed to Meritage Homes of Texas, LLC by an instrument of record in File Number 20130470069, Official Public Records of Real Property of said Harris County, Texas (H.C.O.P.R.R.P.), said 19.918 acres being more particularly described by metes and bounds as follows, all bearings referenced to the Texas Coordinate System, South Central Zone (NAD 83);

BEGINNING at the common corner of Lots 14 and 15 and Lots 5 and 6 of said subdivision;

Thence, North 43° 02' 46" East, along the northerly line of Lots 14, 13, 12 and 11 and the southerly line of Lots 5, 4 and 3 of said subdivision, 1,320.69 feet to the common corner of Lots 10 and 11 of said subdivision;

Thence, South 48° 23' 10" East, along the common line between Lots 10 and 11, 647.77 feet to the common corner of Lots 10 and 11 and Lots 19 and 20 of said subdivision;

Thence, South 41° 58' 58" West, along the northerly line of Lots 20 and 21 and the southerly line of said Lots 11 and 12, 661.67 feet to the common corner of Lots 12 and 13 and Lots 21 and 22 of said subdivision;

Thence, South 43° 03' 19" West, along the northerly line of Lots 22 and 23 and the southerly line of said Lots 13 and 14, 659.61 feet to the common corner of Lots 14 and 15 and Lots 23 and 24 of said subdivision;

19.918 Acres

February 19, 2014
Job No. 1326-0001

Thence, North 48° 19' 04" West, along the common line between Lots 14 and 15, 659.93 feet to the POINT OF BEGINNING and containing 19.918 acres of land.

"This document, prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."



Keith W. Monroe
2-20-2014

LJA Engineering, Inc.

DESCRIPTION OF
4.986 ACRES
ANNEXATION TRACT 4

All that certain tract or parcel containing 4.986 acres of land located in the T.J. Green Survey, Abstract 290, Harris County, Texas, being all of the north one half of Lots 34 and 35 of the Allison Richey Gulf Coast Home Company Subdivision, Section "G", a subdivision of record in Volume 4, Page 48, of the Map Records of said Harris County (H.C.M.R.), more particularly being a portion of that certain tract called 346.718 acres conveyed to Meritage Homes of Texas, LLC by an instrument of record in File Number 20130470069, Official Public Records of Real Property of said Harris County, Texas (H.C.O.P.R.R.P.), said 4.986 acres being more particularly described by metes and bounds as follows, all bearings referenced to the Texas Coordinate System, South Central Zone (NAD 83);

BEGINNING at the common northerly corner of said Lot 35 and that certain tract called 14.09 acres (Lots 36 and 37) conveyed to A Unified Care Group, LP by an instrument of record in File Number 20090486890, H.C.O.P.R.R.P.;

Thence, North $43^{\circ} 00' 58''$ East, along the northerly line of said Lots 34 and 35 and along the southerly line of Lots 24 and 25 of said subdivision, 658.85 feet to the common corner of Lots 23 and 24 and Lots 33 and 34 of said subdivision;

Thence, South $48^{\circ} 29' 17''$ East, along the common line between Lots 33 and 34 of said subdivision, 327.12 feet to a point for corner;

Thence, South $42^{\circ} 34' 50''$ West, departing said common line, 659.32 feet to a point for corner on the common line between Lots 35 and 36 of said subdivision;

4.986 Acres

February 19, 2014
Job No. 1326-0001

Thence, North 48° 23' 12" West, 332.12 feet to the POINT OF BEGINNING and containing 4.986 acres of land.

"This document, prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."



Keith W. Monroe
2-20-2014

LJA Engineering, Inc.

DESCRIPTION OF
4.899 ACRES
ANNEXATION TRACT 5

All that certain tract or parcel containing 4.899 acres of land located in the T.J. Green Survey, Abstract 290, Harris County, Texas, being all of Lot 64 of the Allison Richey Gulf Coast Home Company Subdivision, Section "G", a subdivision of record in Volume 4, Page 48, of the Map Records of said Harris County (H.C.M.R.) more particularly being a portion of that certain tract called 346.718 acres conveyed to Meritage Homes of Texas, LLC by an instrument of record in File Number 20130470069, Official Public Records of Real Property of said Harris County, Texas (H.C.O.P.R.R.P.), said 4.899 acres being more particularly described by metes and bounds as follows, all bearings referenced to the Texas Coordinate System, South Central Zone (NAD 83);

BEGINNING at the common corner of Lots 48 and 49 and Lot 63 and said Lot 64 of said subdivision, said Lot 49 being conveyed to Joseph E. Bloodworth by an instrument of record in File Number J641062, H.C.O.P.R.R.P., said Lot 63 being conveyed to the Krieger Family Limited Partnership by an instrument of record in File Number T013420, H.C.O.P.R.R.P.;

Thence, South $48^{\circ} 21' 56''$ East, along the common line between said Lots 63 and 64 of said subdivision, 647.00 feet to the common southerly corner of Lots 63 and 64 of said subdivision;

Thence, South $42^{\circ} 07' 56''$ West, along the southerly line of said Lot 64, 330.05 feet to the common corner of said Lots 64 and 65 of said subdivision;

Thence, North $48^{\circ} 19' 44''$ West, along the common line between said Lots 64 and 65 of said subdivision, 646.98 feet to the common corner of Lots 49 and 50 and Lots 64 and 65 of said subdivision;

Thence, North $42^{\circ} 07' 46''$ East, 329.64 feet to the POINT OF BEGINNING and containing 4.899 acres of land.

4.899 Acres

February 19, 2014
Job No. 1326-0001

"This document, prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."



LJA Engineering, Inc.

Keith W. Monroe

2-20-2014

DESCRIPTION OF
9.811 ACRES
ANNEXATION TRACT 6

All that certain tract or parcel containing 9.811 acres of land located in the T.J. Green Survey, Abstract 290, Harris County, Texas, being all of Lots 81 and 98 of the Allison Richey Gulf Coast Home Company Subdivision, Section "G", a subdivision of record in Volume 4, Page 48, of the Map Records of said Harris County (H.C.M.R.) more particularly being a portion of that certain tract called 346.718 acres conveyed to Meritage Homes of Texas, LLC by an instrument of record in File Number 20130470069, Official Public Records of Real Property of said Harris County, Texas (H.C.O.P.R.R.P.), said 9.811 acres being more particularly described by metes and bounds as follows, all bearings referenced to the Texas Coordinate System, South Central Zone (NAD 83);

BEGINNING at the common southerly corner of Lots 64 and 65 of said subdivision, same being the north corner of said Lot 81 of said subdivision;

Thence, South $48^{\circ} 19' 44''$ East, along the common line between Lots 80 and 81 and Lots 97 and 98 of said subdivision, 1,294.22 feet to the common southerly corner of Lots 97 and 98 of said subdivision;

Thence, South $42^{\circ} 07' 56''$ West, along the common line between Lots 98 and 115 of said subdivision, 330.22 feet to the common southerly corner of Lots 98 and 99 of said subdivision;

Thence, North $48^{\circ} 19' 44''$ West, along the common line between Lots 98 and 99 and Lots 81 and 82 of said subdivision, 1,294.22 feet to the common corner of Lots 65 and 66 and Lots 81 and 82 of said subdivision;

9.811 Acres

February 19, 2014
Job No. 1326-0001

Thence, North 42° 07' 46" East, along the common line between Lots 65 and 81 of said subdivision, 330.22 feet to the POINT OF BEGINNING and containing 9.811 acres of land.

"This document, prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."



LJA Engineering, Inc.

Keith W. Monroe
2-20-2014

DESCRIPTION OF
9.800 ACRES
ANNEXATION TRACT 7

All that certain tract or parcel containing 9.800 acres of land located in the T.J. Green Survey, Abstract 290, Harris County, Texas, being all of Lots 84 and 85 of the Allison Richey Gulf Coast Home Company Subdivision, Section "G", a subdivision of record in Volume 4, Page 48, of the Map Records of said Harris County (H.C.M.R.), more particularly being a portion of that certain tract called 346.718 acres conveyed to Meritage Homes of Texas, LLC by an instrument of record in File Number 20130470069, Official Public Records of Real Property of said Harris County, Texas (H.C.O.P.R.R.P.), said 9.800 acres being more particularly described by metes and bounds as follows, all bearings referenced to the Texas Coordinate System, South Central Zone (NAD 83);

BEGINNING at the common corner of Lots 67 and 68 and Lots 83 and 84 of said subdivision, said Lot 67 conveyed to The Villas Master Association by an instrument of record in File Number Y176043, H.C.O.P.R.R.P.;

Thence, South $48^{\circ} 21' 17''$ East, along the common line between Lots 83 and 84 of said subdivision, 647.00 feet to the common corner of Lots 83 and 84 and Lots 100 and 101 of said subdivision;

Thence, South $42^{\circ} 07' 51''$ West, along the common line between Lots 84 and 101 of said subdivision, 329.86 feet to the common corner of Lots 84 and 85 and Lots 101 and 102 of said subdivision;

Thence, South $42^{\circ} 07' 51''$ West, along the common line between Lots 85 and 102 of said subdivision, 329.97 feet to the common corner of Lots 85 and 86 and Lots 102 and 103 of said subdivision;

Thence, North $48^{\circ} 21' 17''$ West, along the common line between Lots 85 and 86 of said subdivision, 647.02 feet to a point for corner on the southerly line of Lot 69 of said subdivision;

9.800 Acres

February 19, 2014
Job No. 1326-0001

Thence, North 42° 07' 56" East, along the common line between Lots 68 and 69 and Lots 84 and 85 of said subdivision, 877.26 feet to the POINT OF BEGINNING and containing 9.800 acres of land.

"This document, prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."



Keith W. Monroe
2-20-2014

LJA Engineering, Inc.

EXHIBIT "H"

(a) The City of Pearland, Texas (the "City"), by execution of its City Manager, and the developer on behalf of the District have entered into and executed a utility agreement that specifies the terms and conditions for providing water and sewage treatment services (and other services) to the District (the "Utility Agreement"). The District shall assume all the rights, obligations, and interests of the developer under the Utility Agreement, as set forth therein.

(b) The District may issue bonds, including refunding bonds, for any purposes authorized by law, including but not limited to, purchasing, refinancing, designing and constructing, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, or recreational facilities, or parts of such systems or facilities, and to make any and all necessary purchases, constructions, improvements, extensions, additions, and repairs thereto, and to purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District. Such bonds must provide that the District reserves the right to redeem said bonds on any date subsequent to the fifteenth (15th) anniversary of the date of issuance (or any earlier date at the discretion of the District) without premium, and none of such bonds, other than refunding bonds, will be sold for less than 95% of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent (2%) above the highest average interest rate reported by the *Daily Bond Buyer* in its weekly "20 Bond Index" during the one-month period next preceding the date of the sale of such bonds. The resolution authorizing the issuance of the District's bonds will contain a provision that the pledge of any revenues from the operation of the District's water and sewer and/or drainage system to the payment of the District's bonds will terminate when and if the City annexes the District, takes over the assets of the District, and assumes all of the obligations of the District.

(c) Before the commencement of any construction within the District, its directors, officers, or developers and landowners will submit to the City, or to its designated representative, all plans and specifications for the construction of water, sanitary sewer, and drainage facilities to serve the District and obtain the approval of such plans and specifications therefrom. All water wells, water meters, flushing valves, valves, pipes, and appurtenances thereto, installed or used within the District, will conform to the specifications of the City. All water service lines and sewer service lines, lift stations, and appurtenances thereto, installed or used within the District will comply with the City's standard plans and specifications as amended from time to time. Prior to the construction of such facilities within or by the District, the District or its engineer will give written notice by registered or certified mail to the City, stating the date that

such construction will be commenced. The construction of the District's water, sanitary sewer, and drainage facilities will be in accordance with the approved plans and specifications and with applicable standards and specifications of the City; and during the progress of the construction and installation of such facilities, the City may make periodic on-the-ground inspections.

(d) Before the District commences construction of any recreational facilities which will be financed with bond proceeds, the District will submit to the Director of the City's Parks and Recreation Department, or to his designated representative, all plans and specifications for the construction of such facilities and obtain the approval of such plans and specifications.

(e) Prior to the sale of any lot or parcel of land, the owner or the developer of the land included within the limits of the District will obtain the approval of the Planning and Zoning Commission of the City of a plat which will be duly recorded in the Official Records of Harris or Brazoria County, Texas, and otherwise comply with the rules and regulations of the Engineering Department and the Department of Public Works of the City of Pearland.

**City of Pearland
In-City MUD Application Checklist**

MUD #

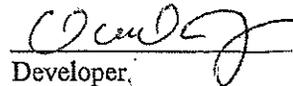
Date

Attach this sheet as a cover to the completed information and check each box.

- Fully completed City of Pearland In-City MUD Data Form.
- Existing Subdivisions Form.
- Proposed Subdivisions Form.
- Existing Non-Residential Businesses Form.
- Proposed Non-Residential Businesses Form.
- Anticipated Future Annexations Form.
- Vicinity map of the entire City on a 24 x 36 sheet clearly showing location of the existing in-city MUD (if applicable) and the proposed annexation tract(s) – 12 copies. Show the existing and proposed zoning (if different) for each existing MUD tract and each proposed tract to be annexed.
- Detailed map of each tract (1"=200' scale) – 12 copies, and an AutoCAD drawing file (.DWG) on CD or 3-1/2" floppy disk (Texas State Plane South Central NAD 83).
- Fully completed and signed annexation petitions with metes and bounds boundary descriptions for all tracts – 12 copies.

Consent by the City of Pearland for in-city MUD creations and annexations into existing in-city MUDs is not final until the adoption on second reading of the creation/annexation ordinance. The annexation/creation ordinance will only be considered simultaneously with the first and second readings of the zoning ordinance, if required, for the property under consideration. The applicant is advised to examine the schedule requirements for the zoning process to ensure timely consideration of this application.

Due to changes in market conditions and other variables, neither the MUD nor the developer(s) guarantee any of the projections or estimates provided in this Application.



Developer,

Printed Name

Attach separate signatures as needed.

**City of Pearland
In-City MUD Data Form
MUD # Harris County 509
March 12, 2014**

General Information		Existing MUD	Proposed Tract(s)
1	Proposed Zoning Classification (also show on map)	R-1 Cluster	R1
2	Projected Date of Completion of All Homes/Businesses	2017	2017

Area	Existing MUD	Proposed Tract(s)	Total	
3	Total Acreage	387.912	55.269	443.181
4	Currently Platted Residential Acreage (including road rights of way)	34.055	0.000	34.055
5	Currently Platted Commercial Acreage (including road rights of way)	0.000	0.000	0.000
6	Currently Undeveloped Acreage	353.857	55.269	409.126
7	Projected Undeveloped Acreage to be Platted Residential	353.857	55.269	409.126
8	Projected Undeveloped Acreage to be Platted Commercial	0.000	0.000	0.000
9	Current and Projected Detention & Transmission Utility Easements (acres)	0.000	0.000	0.000
10	All Other Acreage (Landscaping Reserves, Parks, etc)	0.000	0.000	0.000

Note: Lines 7 and 8 should total to Line 6.

Lines 4, 5, 6, 9, and 10 should total to Line 3. Line 3 should equal the total acreage in the MUD or the Proposed Tracts.

Residential Lots	Existing MUD	Proposed Tract(s)	Total	
11	Total Existing and Planned Residential Lots	900	191	1091
12	Number of Currently Completed/Occupied Homes	0	0	0
13	Number of Currently Completed Lots	59	0	59
14	Number of Lots Under Construction	0	0	0
15	Number of Future Lots	841	191	1032

Note: Lines 12, 13, 14, and 15 should total to Line 11

Property Values	Existing MUD	Proposed Tract(s)	Total	
16	Most Recent HCAD Valuation (Estimated Date: January 1, 2013)	\$ 3,686,213.00	\$ 746,496.00	\$4,432,709.00
17	Projected Total Valuation at Build Out Date	\$ 210,250,000.00	\$ 47,750,000.00	\$258,000,000.00
18	Projected Residential Valuation at Build Out	\$ 210,250,000.00	\$ 47,750,000.00	\$258,000,000.00
19	Projected Commercial Valuation at Build Out	\$ -	\$ -	\$ -
20	Estimated Average Home Value (Date: January 1, 2013)	\$ -	\$ -	\$ -
21	Estimated Average Home Value - at Build Out	\$ 250,000.00	\$ 250,000.00	\$250,000.00

Note: Lines 18 and 19 should total to Line 17

Property Tax Revenues	Existing MUD	Proposed Tract(s)	Total	
22	Pre-Development General Fund Taxes @\$.686/100 (1-1-03 ex. 1-1-07 pr.)	\$ 25,991.49	\$ -	\$25,991.49
23	Most Recent Year City Property Taxes @ \$.7051/\$100	\$ 25,991.49	\$ 5,114.24	\$31,105.73
24	Projected City Property Taxes @ \$.7051/\$100 at Build Out	\$ 1,482,472.75	\$ 327,135.25	\$1,809,608.00
25	Most Recent Year MUD Rebate Amount	\$ 5,529.32	\$ 1,119.74	\$6,649.06
26	Projected MUD Rebate Amount at Build Out	\$ 315,375.00	\$ 71,625.00	\$387,000.00

Calculations	Existing MUD	Proposed Tract(s)	Total	
27	Approx. Net Density at Build Out- Homes/Acre (Line 11/(3-9))	\$ 2.32	\$ 3.46	\$ 2.46
28	Net Annual Revenue to City - Current Estimate (Line 23-25-22)	\$ (5,529.32)	\$ 3,994.50	\$ (1,534.82)
29	Net Annual Revenue to City - Build Out Estimate (Line 24-26-22)	\$ 1,141,106.26	\$ 255,510.25	\$ 1,396,616.51

City of Pearland
In-City MUD Data Form
MUD # Harris County 509
March 12, 2014

Proposed Non-Residential Businesses Within Annexation Request

Business Name	Type of Business
None	

New Business Item No. 1

1. **Consideration and Possible Action – First Reading of Ordinance No. CUP2014-02** – An ordinance of the City Council Of The City of Pearland, Texas, approving a Conditional Use Permit for certain property, being legally described as a ten (10) acre tract of land out of 25 acres off the south side of a tract of land composed of two (2) contiguous parcels known as Tract Number One Hundred and Eighty (180) out of section twenty seven (27), recorded in volume 205, page 398 and 399, H.T & B.R.R. and Company Survey, in said Brazoria County, Texas **(located approximately 1,200 feet west of Main Street at Dixie Farm Road, Pearland, Texas)**, for Conditional Use Permit Application No. Cup 2014-02 to allow for *petroleum product extraction*, wiithin the Heavy Industrial (M-2) zoning district at the request of Denbury Resources, Inc., Applicant; on behalf of Pat O'Day Estates, owner, containing a savings clause, a severability clause, an effective date and other provisions related to the subject. *Mr. Mike Hodge, Assistant City Manager.*

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

AGENDA OF: April 14, 2014	ITEM NO.: Ordinance No. CUP2014-02				
DATE SUBMITTED: March 18, 2014	DEPT. OF ORIGIN: Planning				
PREPARED BY: Johnna Matthews	PRESENTOR: Mike Hodge				
REVIEWED BY: Mike Hodge	REVIEW DATE: April 3, 2014				
<p>SUBJECT: A request of Denbury Resources, Inc., applicant; on behalf of Pat O'Day Estates, owner; for approval of a Conditional Use Permit to allow for <i>Petroleum Product Extraction</i>, on approximately 10 acres of land, within the Heavy Industrial (M-2) District, on the following described property:</p> <p>General Location: Approximately 1,200 feet west of Main Street at Dixie Farm Road, Pearland, Texas</p>					
<p>ATTACHMENTS: Ordinance No. 2014CUP-02 and Exhibits (Exhibit A – Application and Applicant Packet; Exhibit B - Vicinity Map and Zoning Map; Exhibit C – Legal Ad; Exhibit D - P&Z Recommendation Letter), Joint Public Hearing Staff Report, Abutter Map, Abutter List, FLUP Map, Aerial Map, Chapter 21 Code of Ordinances “Oil and Gas” Regulations</p>					
<p>EXPENDITURE REQUIRED: N/A AMOUNT AVAILABLE: N/A ACCOUNT NO.: N/A</p>	<p>AMOUNT BUDGETED: N/A PROJECT NO.: N/A</p>				
<p>ADDITIONAL APPROPRIATION REQUIRED: N/A ACCOUNT NO.: N/A PROJECT NO.: N/A</p>					
<p>To be completed by Department:</p> <table style="width: 100%; text-align: center;"> <tr> <td style="width: 25%;">Finance</td> <td style="width: 25%;">Legal</td> <td style="width: 25%;">Ordinance</td> <td style="width: 25%;">Resolution</td> </tr> </table>		Finance	Legal	Ordinance	Resolution
Finance	Legal	Ordinance	Resolution		

EXECUTIVE SUMMARY

SUMMARY: Denbury Resources, applicant; for Pat O'Day Estates, owner; is requesting approval of a Conditional Use Permit (CUP) to allow for the operation of

Petroleum Extraction Production within a Heavy Industrial (M-2) zoning district. The existing M-2 zoning district permits the proposed use, with approval of a CUP.

The applicant proposes to drill two (2) new oil wellbores on the 10 acre site. A total of 4 wells have been drilled on the subject site during the history of the field; 2 of which have been plugged and 2 of which have been reopened for future use. Each well will be equipped with an electronic monitoring system to a central control panel with appropriate alarms to notify of fluctuations in pressure and temperature.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit (CUP 2014-02) to allow the operation of *Petroleum Product Extraction* within the Heavy Industrial (M-2) zoning district for the following reasons and subject to the following conditions:

- It is not anticipated that the proposed use will have any significant negative impacts on surrounding properties or developments. The area of construction and gas well drilling is proposed along the western-most boundary of the site and will not be overly visible from Main Street or adjacent properties.
- The proposed request will conform to the Unified Development Code and Comprehensive Plan's Future Land Use Designation, with approval of the Conditional Use Permit (CUP).
- The proposed request is in conformance with the criteria for approval of a CUP, as listed above and in the UDC.

Recommended Condition:

1. The site shall be developed in accordance with the drilling and operation guidelines as referenced in Chapter 21, 'Oil and Gas', of the City of Pearland's Code of Ordinances

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on March 17, 2014, Planning and Zoning Commission Vice-Chair, Mary Starr made a motion to approve the Conditional Use Permit (CUP), subject to staff's recommended condition. The motion was seconded by Commissioner Elizabeth McLane. The motion passed with a 7/0 vote, with the following condition:

1. The site shall be developed in accordance with the drilling and operation guidelines as referenced in Chapter 21, 'Oil and Gas', of the City of Pearland's Code of Ordinances.

STAFF RECOMMENDATION TO COUNCIL: Consider the CUP.

ORDINANCE NO. CUP2014-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR CERTAIN PROPERTY, BEING LEGALLY DESCRIBED AS A TEN (10) ACRE TRACT OF LAND OUT OF 25 ACRES OFF THE SOUTH SIDE OF A TRACT OF LAND COMPOSED OF TWO (2) CONTIGUOUS PARCELS KNOWN AS TRACT NUMBER ONE HUNDRED AND EIGHTY (180) OUT OF SECTION TWENTY SEVEN (27), RECORDED IN VOLUME 205, PAGE 398 AND 399, H.T & B.R.R AND COMPANY SURVEY, IN SAID BRAZORIA COUNTY, TEXAS (**LOCATED APPROXIMATELY 1,200 FEET WEST OF MAIN STREET AT DIXIE FARM ROAD, PEARLAND, TEXAS**), FOR CONDITIONAL USE PERMIT APPLICATION NO. CUP 2014-02 TO ALLOW FOR *PETROLEUM PRODUCT EXTRACTION*, WITHIN THE HEAVY INDUSTRIAL (M-2) ZONING DISTRICT AT THE REQUEST OF DENBURY RESOURCES, INC., APPLICANT; ON BEHALF OF PAT O'DAY ESTATES, OWNER, CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS Denbury Resources, Inc., applicant; on behalf of Pat O'Day Estates, owner; requests approval of a Conditional Use Permit to allow for *Petroleum Product Extraction*, on certain property, said property being legally described in the original application for amendment attached hereto and made a part hereof for all purposes as Exhibit "A", and more graphically depicted in the location map attached hereto and made a part hereof for all purposes as Exhibit "B"; and

WHEREAS, on the 17th day of March 2014, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C", said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 17th day of March 2014, the Planning and Zoning

Commission of the City submitted its report and recommendation to the City Council regarding the proposed Conditional Use Permit application for Denbury Resources, Inc., applicant; on behalf of Pat O'Day Estates, owner; for approval of a Conditional Use Permit to allow for *Petroleum Product Extraction*, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "D"; and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, the City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meetings on April 14, 2014 and April 28, 2014; and

WHEREAS, the City Council, having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of Denbury Resources, applicant, on behalf of Pat O'Day Estates, owner, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

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

Section I. The following described property located within the corporate limits of the City of Pearland, Texas, and presently located within the Heavy Industrial (M-2) zoning district, is hereby granted a Conditional Use Permit to allow for Petroleum Product Extraction in said zoning district; such property being more particularly described as:

A ten (10) acre tract of land out of a 25 acres off the south side of a tract of land composed of two (2) contiguous parcels known as tract number one hundred and eighty (180) out of Section twenty seven (27), recorded in Volume 205, Page 398 and 399, H.T & B.R.R and Company Survey, in said Brazoria County, Texas

Location: Approximately 1,200 feet west of Main Street at Dixie Farm Road, Pearland, Texas

Subject to the following condition:

1. The site shall be developed in accordance with the drilling and operation guidelines as referenced in Chapter 21, 'Oil and Gas', of the City of Pearland's Code of Ordinances

Section II. The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

Section III. The City Council of the City of Pearland finds and determines that the approval herein granted promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

Section IV. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional 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 V. All rights and remedies, which have accrued in the favor of the City

under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

Section VI. This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 14th day of April 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 28th day of April 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Exhibit A



CUP APPLICATION Page 1 of 4 (Updated April 2010)
City of Pearland
Community Development
3523 Liberty Drive

APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: Petroleum Product Extraction

Current Zoning District: M-2

Property Information: 1.0661 Acres being part of Tract 179A out of the HT&BRR Co Svy. A-591

Address or General Location of Property: 2000' West of State Hwy 35 at Dixie Farm Road

Tax Account Number ~~178238~~ 168409

Subdivision NOT APPLICABLE Lot: 180 A Block: 27

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME Pat O'Day Estate

ADDRESS P.O. Box 131

CITY Pearland, Texas 77588-0131

PHONE _____

FAX _____

EMAIL ADDRESS _____

APPLICANT/AGENT INFORMATION:

NAME Denbury Resources, Inc

ADDRESS 5320 Legacy Drive

CITY Plano, Texas 75024

PHONE 972-673-2422 (James Fields)

FAX _____

EMAIL ADDRESS James.Fields@Denbury.com

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: [Signature] Date: 2-12-14

Agent s/A pplicant's Si gnature: [Signature] Date: 2-9-14

OFFICE USE ONLY:

FEES PAID: \$250

DATE PAID: 2/13/14

RECEIVED BY: [Signature]

RECEIPT NUMBER: 136782

CUP 2014-02



**POSTING OF ZONING NOTIFICATION SIGNS
ON PROPERTY UNDER CONSIDERATION
FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)**

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

- (1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.
- (2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
- (3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
- (4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
- (5) The signs shall be as follows:
 - A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
 - At least 2 feet above the ground
 - Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
 - Message content as follows:

PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1768

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

**APPLICATION CHECKLIST FOR THE FOLLOWING -
Conditional Use Permits (CUP)**

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit
- Metes and Bounds Description, (Survey, or a Plat of the property that contain the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information
- Application fee of \$250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
- Site Plan or Plot Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, and any other relevant information
- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.



February 12, 2014

City of Pearland
3519 Liberty Drive
Pearland, Texas 77581

**RE: Application for Conditional Use Permit
Hastings Community Lease #1203 & 1208**

Denbury Resources purchased the Hastings Oil Field early in 2009 with plans to update the field and extend its operational life by using CO2 to recover more of the remaining oil in place.

While the Hastings Field has many wellbores, many drilled as far back as 1936, there are some new wells that will have to be drilled in order to efficiently flood the field and sweep the oil into production.

Denbury proposes to drill two new wells in Tract 12 of the Hastings Community Lease, designated as well #1203 and 1208. These new well are proposed to be used for the development of the north end of the Field. Denbury will acquire the necessary permits from all State, County and local authorities prior to commencing drilling activities on these new wells.

Current access to this location is a rocked lease road from the West edge of State Hwy 35 at Dixie Farm Road. The surface preparations for the drilling of this new well will include:

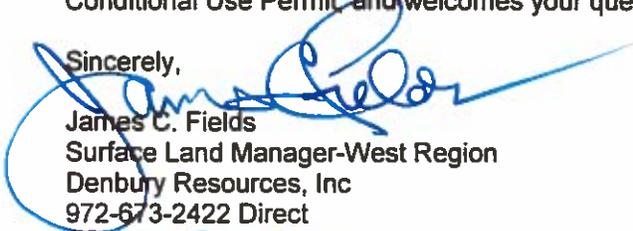
- locating and marking any existing pipelines or equipment with the drillsite area
- Clearing, leveling and rocking the drillsite for the drilling rig and associated equipment used during the drilling process.

The actual drilling operations will last about 1 month from the setup of the drilling rig until the rig is released. Shortly after the drilling operations are finished, the completion procedures for the wells will take about two weeks.

Once the drilling and completion procedures are finalized, the wells will be connected to the appropriate pipeline system to begin operations. No tanks or facilities will be constructed for the operation of these new wells. No permanent buildings, sheds, or other structures will be built upon the drillsite as a part of this application.

Denbury Resources requests your consideration of this project under this application for a Conditional Use Permit, and welcomes your questions should you have any.

Sincerely,



James C. Fields
Surface Land Manager-West Region
Denbury Resources, Inc
972-673-2422 Direct
James.Fields@Denbury.com

3
ZONE CHANGE/ VARIANCE/ [] RECORDATION

\$ 250.00 (circle one) BA or [] or FE

Description: Input who the check is from
* and Eric Unverzagt

COMMENTS/DESCRIPTION (F10):
Location or
Address 2000' W of S.H. 35

@ Dixie Farm Rd.

Applicant Denbury Resources
Inc.

Owner Pat O'Day Estate

CITY OF PEARLAND
R E P R I N T
*** CUSTOMER RECEIPT ***
Oper: AGONZALES Type: OC Drawer: 1
Date: 2/14/14 01 Receipt no: 136782

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$250.00
Trans number:		4369902

COND. USE PERMIT (CUP)
2000' WEST OF S.H.35 @ DIXIE F
ARM RD.
DENBURY RESOURCE/PAT O'DAY EST

Tender detail	
BR CREDIT CARD	\$250.00
Total tendered	\$250.00
Total payment	\$250.00

Trans date: 2/13/14 Time: 13:54:48

Friday, February 28, 2014


 Shopping Cart

Property Tax Status

[Begin a New Search](#) [Go to Your Portfolio](#) [Tax Office FAQ's](#)

Make your check or money order payable to:
 Ro'Vin Garrett
 111 E. Locust
 Angleton, Texas 77515

Shopping Cart: For your convenience you may pay several accounts at once. Click the 'Click Here to Pay Now' button to add this account to the shopping cart. Additional accounts can be added by doing a search again, then clicking the 'Click Here to Pay Now' button for each account. Up to 50 accounts may be paid at one time. Accounts are not saved in the shopping cart after you go to the Certified Payment web site.



A Convenience Fee of up to 2.4% will be charged for all credit card payments by the vendor providing this service. For eChecks, a convenience fee of \$1.50 will be charged for each transaction. The fee covers the cost of making payments by credit card possible. The fee will appear as a charge to 'Certified Payments'. No part of this fee is retained by Brazoria County.

Unless otherwise noted, all data refers to tax information for 2013. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

Account Number: 03080021000

Address:

O'DAY PAT MRS ESTATE
 %BLANCHE O'DAY MASSEY EXTR
 PO BOX 131
 PEARLAND, TX 77588-0131

Property Site Address:

HIGHWAY 35 OFF/COUNTY ROAD 413 OFF

Legal Description:

LT 180A SURFACE ONLY 308 H T & B 27,
 ACRES 10.000

Current Tax Levy: \$21.62

Current Amount Due: \$0.00

Prior Year Amount Due: \$0.00

Total Amount Due: \$0.00

Last Payment Amount for Current Year Taxes: \$21.62

Active Lawsuits: None

Pending Credit Card or E-Check Payments:

No Payment Pending

Jurisdictions:

ALVIN COMMUNITY COLLEGE
 ALVIN ISD
 BRAZORIA COUNTY
 BRAZORIA DRAINAGE DIST 4
 CITY OF PEARLAND
 SPECIAL ROAD & BRIDGE

Market Value: \$140,000

Land Value: \$140,000

Improvement Value: \$0

Capped Value: \$0

Agricultural Value: \$750

Exemptions: None

Last Certified Date: 08/21/2013

[Taxes Due Detail by Year and Jurisdiction](#)

[Payment Information](#)

[Print a Current Tax Statement](#)

[Click Here](#) to see your estimated amount due for a different date. You can see this information by year and by both year and jurisdiction.

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[Tax Office FAQ](#)
[Tax Office Home Page](#)

[Commissioner's Court](#)
[Courthouse History](#)

[Terms of Use](#)

E-mail: roving@brazoria-county.com
111 E Locust Suite
Angleton, TX 77515
(979) 864-1320

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Brazoria CAD

Property Search Results > 168409 O'DAY PAT MRS ESTATE for Year 2014

Property

Account

Property ID: 168409 Legal Description: LT 180A SURFACE ONLY 308 H T & B 27, ACRES 10.000
 Geographic ID: 0308-0021-000 Agent Code: ID:138
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: HIGHWAY 35 OFF/COUNTY ROAD 413 OFF Mapsco
 Neighborhood: ROY ACRES AREA/A0308 Map ID:
 Neighborhood CD: ROY.ACRES

Owner

Name: O'DAY PAT MRS ESTATE Owner ID: 83189
 Mailing Address: %BLANCHE O'DAY MASSEY EXTR % Ownership: 100.0000000000%
 PO BOX 131
 PEARLAND, TX 77586-0131

Exemptions:

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: O'DAY PAT MRS ESTATE
 % Ownership: 100.0000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
CPL	CITY OF PEARLAND	N/A	N/A	N/A	N/A
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	N/A	N/A	N/A	N/A
GBC	BRAZORIA COUNTY	N/A	N/A	N/A	N/A
JAL	ALVIN COMMUNITY COLLEGE	N/A	N/A	N/A	N/A
ROB	ROAD & BRIDGE FUND	N/A	N/A	N/A	N/A
SAL	ALVIN INDEPENDENT SCHOOL DISTRICT	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			

Taxes w/Current Exemptions: N/A
 Taxes w/o Exemptions: N/A

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
---	------	-------------	-------	------	-----------	-----------	--------------	-------------

1 A5N NATIVE PASTURE 10.0000 435600.00 0.00 0.00 N/A N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2014		N/A	N/A	N/A	N/A	N/A
2013		\$0	\$140,000	750	750	\$0 \$750
2012		\$0	\$140,000	800	800	\$0 \$800
2011		\$0	\$140,000	700	700	\$0 \$700
2010		\$0	\$140,000	700	700	\$0 \$700
2009		\$0	\$140,000	650	650	\$0 \$650
2008		\$0	\$140,000	700	700	\$0 \$700
2007		\$0	\$140,000	700	700	\$0 \$700
2006		\$0	\$120,000	700	700	\$0 \$700
2005		\$0	\$120,000	800	800	\$0 \$800
2004		\$0	\$120,000	800	800	\$0 \$800
2003		\$0	\$35,000	700	700	\$0 \$700
2002		\$0	\$35,000	700	700	\$0 \$700
2001		\$0	\$35,000	700	700	\$0 \$700

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
---	-----------	------	-------------	---------	---------	--------	------	-------------

Questions Please Call (979) 849-7792

This year is not certified and ALL values will be represented with "N/A".

Website version: 1.2.2.2

Database last updated on: 2/19/2014 9:24 PM

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page 102, of the Records of Brazoria County, Texas; save and except, however, an undivided 1/2 interest in and to the oil, gas and other minerals in, on and under said Ten (10) acres of land which has heretofore been conveyed by John Ball to F. N. Bullock and C. W. Wolke by deed dated October 25, 1926, recorded in Book 200, page 364-5 of the Deed Records of Brazoria County, Texas, and it is also understood and agreed that this conveyance is made subject to any valid, presently existing, oil, gas and mineral lease, or leases, on said land or any part thereof, but only in so far as, and to the extent, such lease, or leases, may cover or affect the same, but all of Grantors rights, titles and interest in or under any such lease, or leases, are hereby granted, sold and conveyed unto said Grantee, Sinclair Oil & Gas Company; being the same land conveyed to Grantor herein, Alf H. H. Tolar, Jr., by John Ball et ux, by deed dated September 28, 1927 to which reference is hereby made.

Reference is also hereby made to said plat and record thereof, and to the other public records of Brazoria County, Texas, affecting said land for a further description of same or other necessary purposes.

TO HAVE AND TO HOLD the said herein above described land and premises together with all and singular the rights and appurtenances thereunto in any wise belonging unto the said Sinclair Oil & Gas Company, its successors or assigns forever; and the said Alf H. H. Tolar, Jr., does hereby bind himself, his heirs and legal representatives, to warrant and forever defend the title to said herein above described land and premises unto the said Sinclair Oil & Gas Company, its successors and assigns, against all persons whomsoever lawfully claiming, or to claim the same, or any part thereof.

IN WITNESS WHEREOF this deed is executed this 17th day of October, A.D. 1927.

Alf H. H. Tolar, Jr.

The State of Texas)
County of Harris)

Before me, the undersigned authority, on this day personally appeared Alf H. H. Tolar, Jr., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17th day of October, A.D. 1927.

(SEAL) Kyle S. Hamblen, Notary Public in and for Harris County, Texas.

Filed for Record Oct 21 1927 at 1 o'clock P.M., W. R. Bratton, Clerk County Court, Brazoria Co., Texas. By Corinne Millican Deputy.

--- 000 ---

11391.

THIS DEED, made this 27th day of March in the year of our Lord one thousand nine hundred and twenty three, between A. H. Keeney and R. E. Keeney, his wife of the City & County of Denver and State of Colorado, of the first part; and Pat O'Day of the County of Brazoria and State of Texas of the second part:

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten Dollars and other valuable considerations Dollars, to the said parties of the first part, in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain sell, convey and confirm unto the said party of the second part, his heirs and assigns forever, all the following described lots or parcels of land, situate, lying and being in the County of Brazoria and State of Texas to wit:

Twenty five acres off the South side of a tract of land composed of two (2) contiguous parcels known as tract number one hundred and eighty (180) out of Section twenty seven (27), and Tract number One hundred and Seventy nine (179) out of Section Twenty eight (28) H. T. & B. RR

Company Survey, in said Brazoria County, State of Texas. Except unpaid taxes. - Together with all and singular the hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever, of the said parties of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances; To Have and to Hold the said premises above bargained and described, with the appurtenances, unto Pat O'Day the said party of the second part, his heirs and assigns forever.

And the said A. H. Keeney and R. E. Keeney, his wife parties of the first part, for themselves their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said party of the second part his heirs and assigns, the above bargained premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, by, through or under the said parties of the first part, the said parties of the first part to warrant and forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the presence of
Homer H. Owen
H. A. Messelson.
A. H. Keeney (Seal)
R. E. Keeney. (Seal)

State of Colorado)
City & County of Denver) ss.

I, G. Clay Gates, a Notary Public in and for said City & County, in the State aforesaid, do hereby certify that A. H. Keeney and R. E. Keeney (his wife) who are personally known to me to be the persons whose name are subscribed to the foregoing Deed, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument of writing as their free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 27th day of March A.D. 1923.

(SEAL) My Commission expires September 1, 1926.

G. Clay Gates, Notary Public.

Filed for Record Oct 21 1927 at 1 o'clock P.M., W. R. Bratton, Clerk County Court, Brazoria Co., Texas. By Corinne Millican Deputy.

- - - O O O - - -

11592.

STATE OF TEXAS)
COUNTY OF HARRIS)

WHEREAS, heretofore on the 17th day of October, A.D. 1927, Oliver A. Meyers, of Brazoria County, Texas, conveyed to C. M. Frost, of Harris County, Texas, all of the oil in and under the hereinafter described tract of land to the extent of Seven (7) barrels of oil per day, to be delivered free from any cost of expense whatsoever, if, as, and when produced; the same to be calculated and averaged for the respective periods covered by the pipe line runs from the following described property situated in Brazoria County, Texas, to-wit:

Ten (10) acres of land situated in the T. B. Bell League, being River-front Lots Nos. 25 and 25 of the San Bernard Syndicate Subdivision of blocks and river front lots in the T. B. Bell and T. H. Alley Leagues in Brazoria County, Texas, as shown on Record in Volume 2, page 135 to 136, Deed Records, Brazoria County, Texas; said ten (10) acres being more fully described in deed from James McClaren et al to Oliver A. Myers, deed recorded in Volume 206 page 268, Deed Records, Brazoria County, Texas, to which reference is here made for all purposes.

Seal The New York and Texas Land Company, Limited
By Jas H Evans - President

3 in State of Texas }
County of Travis } Before me, A B Langemann, a Notary Public
in and for the County of Travis in the State of Texas, on this day
personally appeared Jas H Evans, known to me to be the person
whose name is subscribed to the foregoing instrument, and
acknowledged to me that he executed the same for and as the
act of the New York and Texas Land Company Limited, as the
President of said Company, for the purposes and consideration
therein expressed - Given under my hand and seal of office

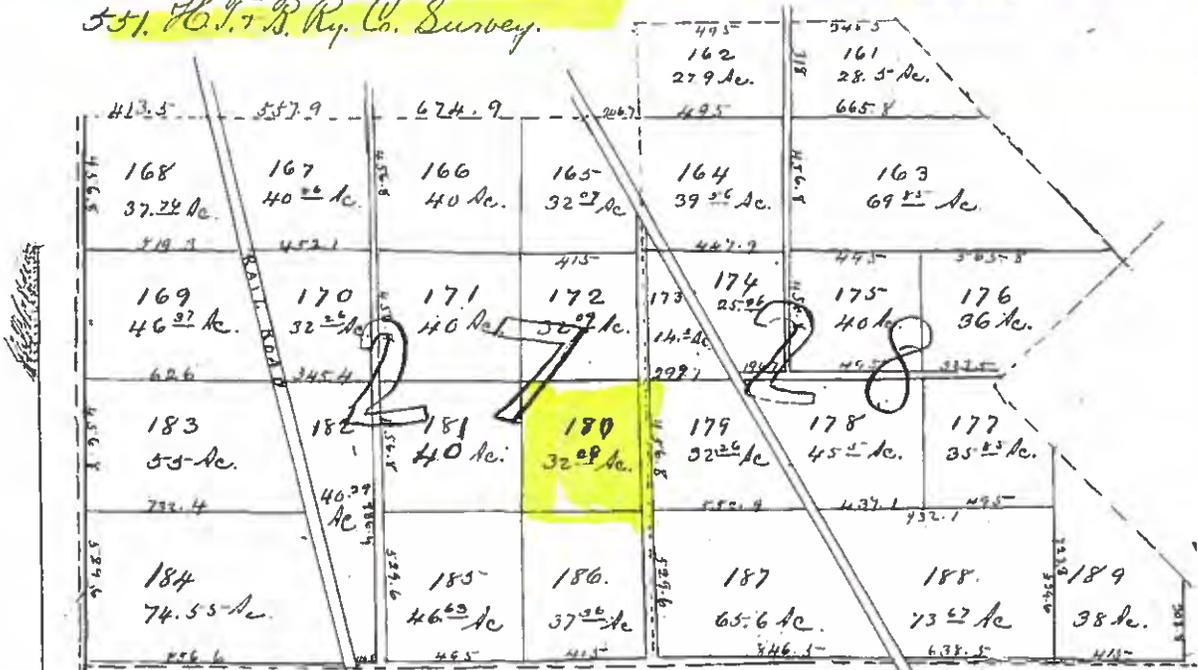
Seal this 2^d day of June a 5 1874

A B Langemann
Notary Public
Travis County Texas

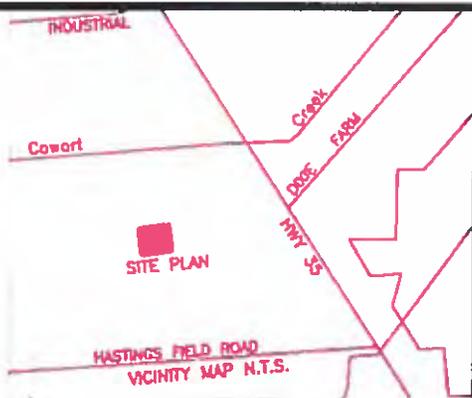
Filed for Record June 29th
1874 at 10 o'clock a m

Copy to - Clerk H Mitchell - copy

Map of W. Zychlinski's Subdivision of
Sections Nos 27 and 28 Abstract No. 308 & D
S. F. & P. R. Ry. Co. Survey.



State of Texas }
County of Harris } Know all Men by these presents
that I, W. Zychlinski, acting herein
by my Agent and Attorney in fact, J. W. O'Brien,
do hereby declare and make known that the
foregoing is a plat of the subdivision made
by me of the following tracts of land belonging
to me, viz: Section No 27 S. F. & P. R. Ry. Survey, Abstract



PAGIE RODMAN ET AL
PROPERTY ID # 559720

ZYCHLINSKI
SUBDIVISION
VOLUME 29, PAGE 9,
B.C.M.R.

ALEXANDER JOHN FAMILY
LIMITED PARTNERSHIP
PROPERTY ID # 178199

ALEXANDER JOHN FAMILY
LIMITED PARTNERSHIP
PROPERTY ID # 168394

ALEXANDER JOHN FAMILY
LIMITED PARTNERSHIP
PROPERTY ID # 178192

DIXIE FARM RD
CR 126

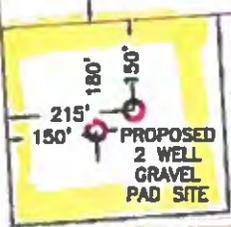
O'DAY PAT MRS ESTATE
PROPERTY ID # 168409
VOL 205 PG 398 B.C.D.R.

GRAVEL ROAD

O'DAY PAT EST LINDA
PROPERTY ID # 178239
VOL 205 PG 398 B.C.D.R.

HWY 35

LOT 181



OLD GRAVEL ROAD

LOT 180

LOT 179

LOT 187

MARIO ALBERTO OCHOA
PEREZ
Property ID # 178235

LOT 185

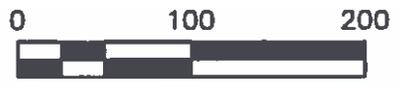
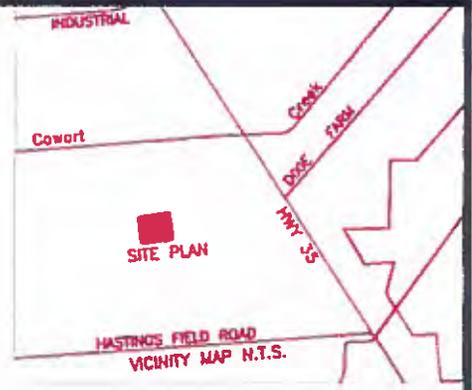
PAGIE RODMAN ET AL
PROPERTY ID # 559720

LOT 186

PAGIE RODMAN ET AL
PROPERTY ID # 559720

H.T.&B. RR
SECTION 27
A-308

G.C. SMITH
SECTION 28
A-551
AKA
H.T.&B. RR
SECTION 28



ALEXANDER JOHN FAMILY LIMITED PARTNERSHIP
PROPERTY ID # 168394

O'DAY PAT MRS ESTATE
PROPERTY ID # 168409
VOL 205 PG 398 B.C.D.R.

H.T.&B. RR
SECTION 27
A-308

PAGIE RODMAN ET AL
PROPERTY ID # 559720

2 WELL
PROPOSED
GRAVEL
PAD SITE

LOT 180

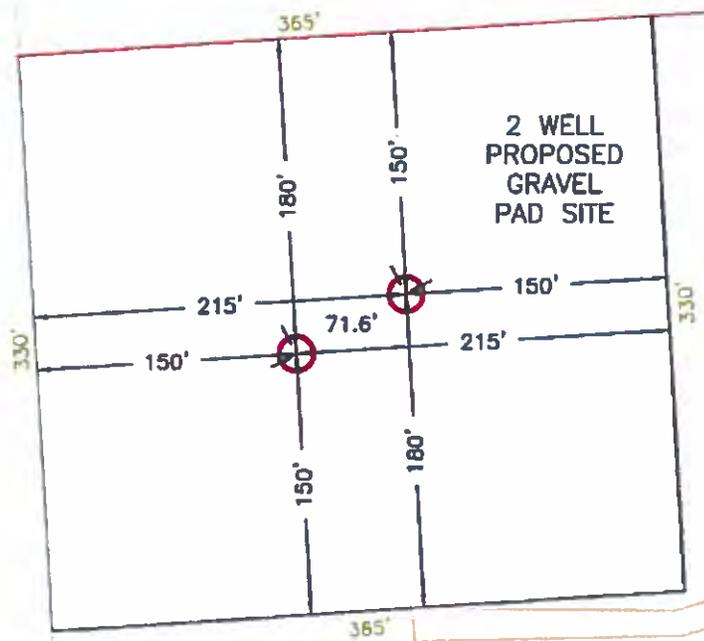
OLD GRAVEL ROAD

LOT 181

LOT 185

PAGIE RODMAN ET AL
PROPERTY ID # 559720

LOT 186



168395

178195

178230

178230

Dixie E

178192

178199

178229

178229

168394

557718

178230

PPD

168409

178238

A-551

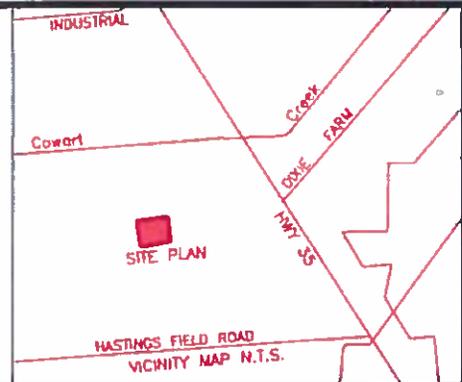
178235

599783

559720

503877

178235



ALEXANDER JOHN FAMILY LIMITED PARTNERSHIP
PROPERTY ID # 168394

O'DAY PAT MRS ESTATE
PROPERTY ID # 168409
VOL 205 PG 398 B.C.D.R.

H.T.&B. RR
SECTION 27
A-308

2 WELL
PROPOSED
GRAVEL
PAD SITE

OLD GRAVEL ROAD

PAGIE RODMAN ET AL
PROPERTY ID # 559720

LOT 181

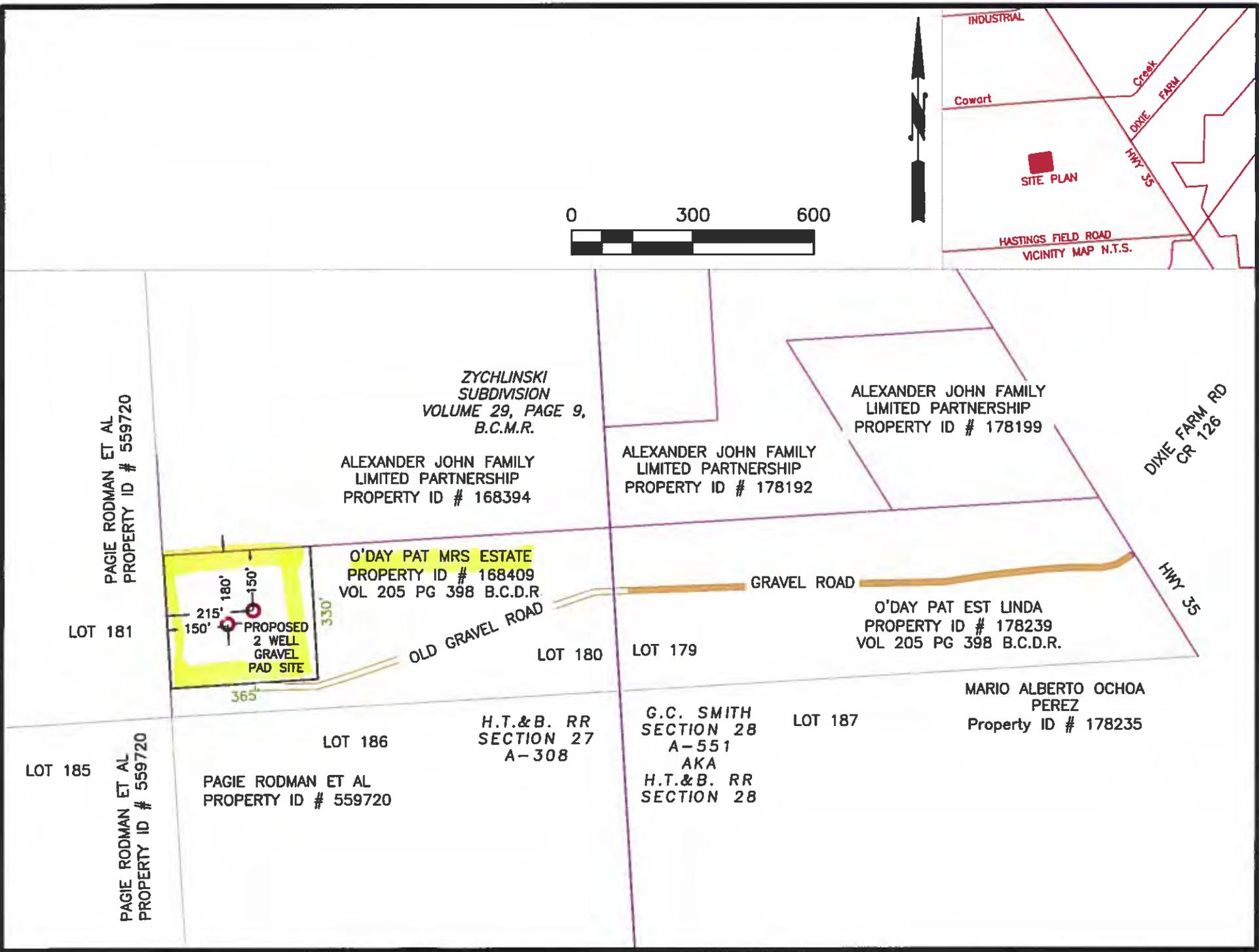
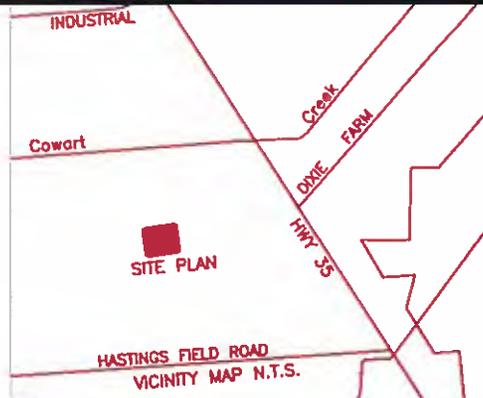
LOT 180

LOT 186

LOT 185

PAGIE RODMAN ET AL
PROPERTY ID # 559720







APPROXIMATE LOCATION
P/A Well
ALEXANDER C.P. 7

APPROXIMATE LOCATION
P/A Well
ALEXANDER C.P. 5

ALEXANDER PROPERTY
BARB WIRE FENCE
O'DAY PROPERTY

Proposed Well
"Denbury Onshore, LLC,
Hastings Community Lease
No. 1203 S"
Surface Hole Location
Elevation 43.5'
Y: 832,440.91'
X: 3,187,072.48'
Latitude: 29.520856 N
Longitude 095.286787 W

Proposed Well
"Denbury Onshore, LLC,
Hastings Community Lease
No. 1208"
Surface Hole Location
Elevation 43.5'
Y: 832,407.00'
X: 3,187,009.38'
Latitude: 29.520588 N
Longitude 095.286889 W

Uncovered P/A Well
"Denbury Onshore, LLC,
1404 PA"



1"=100'

NOTE: THE O'DAY PROPERTY
HAS IMPROVED ROAD BUT NOT
ALL THE WAY TO THE PAD SITE



DENBURY ONSHORE, LLC
PROPOSED WELL LOCATION
HASTINGS COMMUNITY LEASE
WELLS 1203S 1208
H.T.&B. RR SURVEY
SECTION 27 A-308
BRAZORIA COUNTY, TEXAS
Feb 10, 2014

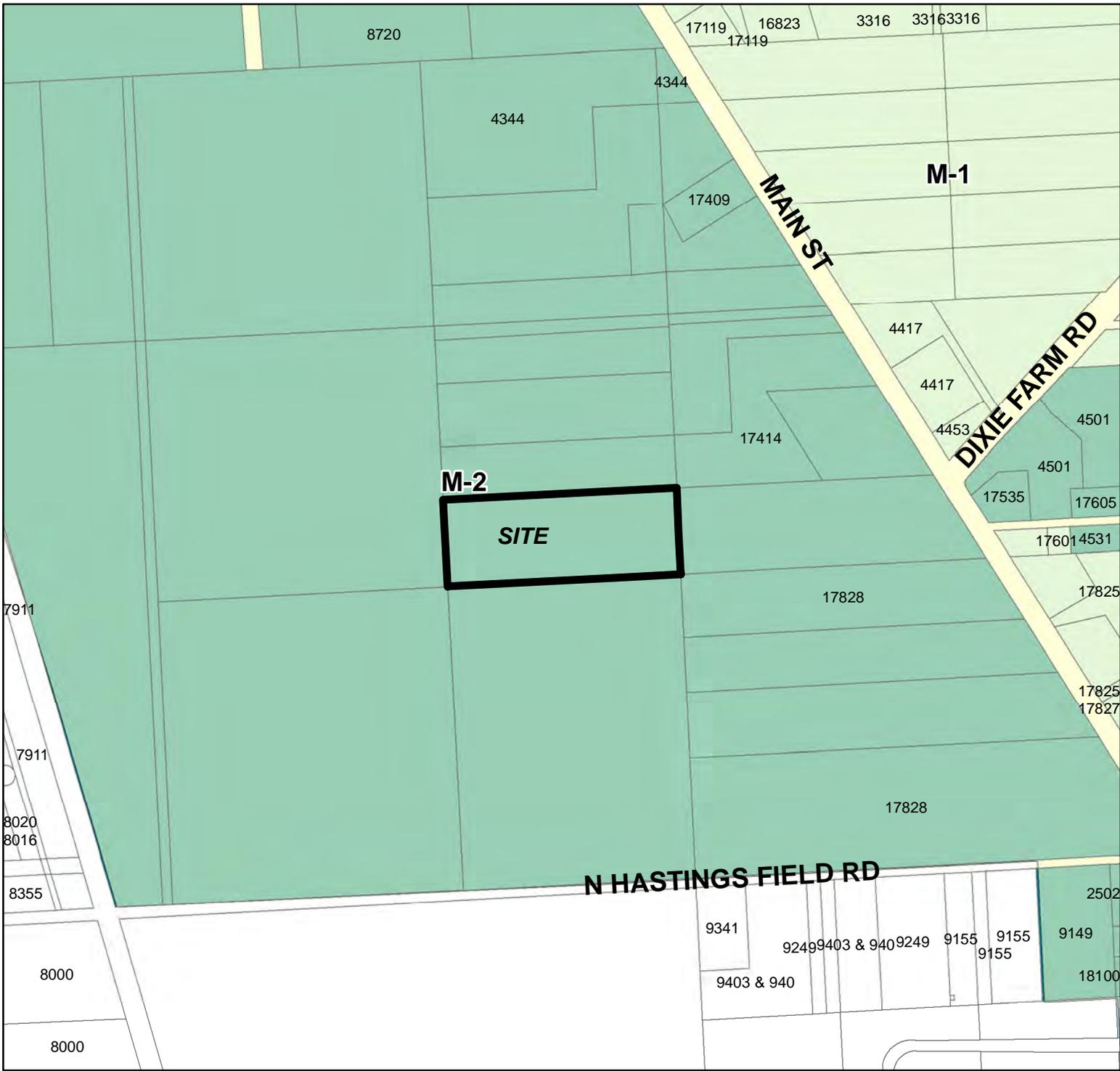


Exhibit B

Vicinity and Zoning Map

CUP 2014-02

**Main Street at
Dixie Farm Road**

This product is for information 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.

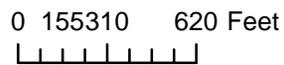


Exhibit C

**NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL
AND
THE PLANNING AND ZONING COMMISSION
OF THE CITY OF PEARLAND, TEXAS
Conditional Use Permit No. CUP 2014-02**

Notice is hereby given that on March 17, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of Denbury Resources, Inc., applicant; on behalf of Pat O'Day Estate, owner; for approval of a Conditional Use Permit on approximately 10 acres of land, to allow for Petroleum Product Extraction within a Heavy Industrial (M-2) zoning district, more specifically described as:

Legal Description: A0551 HT & BRR, Tract 179A (PT),
10.661 acres

General Location: West side of Main Street (SH 35), at
Dixie Farm Road, Brazoria County, Texas

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Johnna Matthews
Senior Planner

Exhibit D



Planning & Zoning Commission

Recommendation Letter

March 18, 2014

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on CUP 2014-12

Honorable Mayor and City Council Members:

At their meeting on March 17, 2014, the Planning and Zoning Commission considered the following:

A request of Denbury Resources, Inc., applicant; on behalf of Pat O'Day Estates, owner; for approval of a Conditional Use Permit to allow for *Petroleum Product Extraction*, on approximately 10 acres of land, within the Heavy Industrial (M-2) District, on the following described property:

LEGAL DESCRIPTION: A ten (10) acre tract of land out of a 25 acres off the south side of a tract of land composed of two (2) contiguous parcels known as tract number one hundred and eighty (180) out of Section twenty seven (27), recorded in Volume 205, Page 398 and 399, H.T & B.R.R and Company Survey, in said Brazoria County, Texas, City of Pearland, Texas.

GENERAL LOCATION: Approximately 1,200 feet west of Main Street at Dixie Farm Road, Pearland, Texas

Following staff presentation at the regular meeting of the Planning and Zoning Commission on March 17, 2014, Planning and Zoning Commission Vice-Chair, Mary Starr made a motion to approve the Conditional Use Permit (CUP), subject to staff's recommended condition. The motion was seconded by Commissioner Elizabeth McLane. The motion passed with a 7/0 vote, with the following condition:

1. The site shall be developed in accordance with the drilling and operation guidelines as referenced in Chapter 21, 'Oil and Gas', of the City of Pearland's Code of Ordinances.

Sincerely,

Johnna Matthews
Senior Planner
On behalf of the Planning and Zoning Commission



JOINT PUBLIC HEARING AGENDA ITEM MEETING OF MARCH 17, 2014

Conditional Use Permit No. CUP 2014-02

A request of Denbury Resources, Inc., applicant; on behalf of Pat O'Day Estates, owner; for approval of a Conditional Use Permit to allow for *Petroleum Product Extraction*, on approximately 10 acres of land, within the Heavy Industrial (M-2) District, on the following described property, to wit:

Legal Description: A ten (10) acre tract of land out of a 25 acres off the south side of a tract of land composed of two (2) contiguous parcels known as tract number one hundred and eighty (180) out of Section twenty seven (27), recorded in Volume 205, Page 398 and 399, H.T & B.R.R and Company Survey, in said Brazoria County, Texas

General Location: Approximately 1,200 feet west of Main Street at Dixie Farm Road, Pearland, Texas

APPROVAL PROCESS: After the Joint Public Hearing, the requested Conditional Use Permit application will be considered as follows:

Planning and Zoning Commission:	March 17, 2014*
City Council for First Reading:	April 14, 2014*
City Council for Second Reading:	April 28, 2014*

(*dates subject to change)

SUMMARY: Denbury Resources, applicant; for Pat O'Day Estates, owner; is requesting approval of a Conditional Use Permit (CUP) to allow for the operation of *Petroleum Extraction Production* within a Heavy Industrial (M-2) zoning district. The existing M-2 zoning district permits the proposed use, with approval of a CUP.

The applicant proposes to drill two (2) new oil wellbores on the 10 acre site. A total of 4 wells have been drilled on the subject site during the history of the field; 2 of which have been plugged and 2 of which have been reopened for future use. Each well will be equipped with an electronic monitoring system to a central control panel with appropriate alarms to notify of fluctuations in pressure and temperature.

The drill pad site will be constructed with limestone and/or aggregate material and will be 105,000 square feet initially, to accommodate the drilling rig and associated machinery. The drilling process will be approximately 1 month from the rig move-in date. Completion work will take approximately 2 weeks. After drilling and completion, the pad site will be reduced to approximately 50,000 square feet for day-to-day operations, which will include operators visiting the site twice per day. There will be no buildings or storage tanks located on the pad site.

The proposed drill site will be accessed from Main Street (SH 35) via an existing oilfield lease road, which will be improved with crushed rock. A driveway permit is required from the Engineering Department in order to approve the driveway connection. Once approved, the applicant will be provided with a driveway sponsorship letter to submit to TXDOT for driveway improvements within the right-of-way on Main Street. It is important to note that any improvements within TXDOT right-of-way must be constructed of concrete or asphalt. New pipelines will be routed west from the pad site, then south within an easement purchased for this purpose.

At the time of final permitting, the applicant will be responsible for submitting more detailed information, including the type of well proposed, the well depth, well plan and casing program, information regarding pipelines and equipment, materials, structures, a report prepared by a professional independent civil engineer stating reasonable possible damage to public roads and streets, a report prepared by a professional environmental engineer stating reasonable possible environmental damage, etc.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	Heavy Industrial (M-2)	Undeveloped
South	Heavy Industrial (M-2)	Undeveloped
East	Heavy Industrial (M-2)	Undeveloped
West	Heavy Industrial (M-2)	Undeveloped

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is located within the Heavy Industrial (M-2) zoning district and has been previously used for *Petroleum Extraction Production*. There are currently no buildings constructed on site, and no new buildings are proposed. The subject tract includes approximately 10 acres and meets the minimum lot size for properties within the M-2 zoning district. The property includes over 5 acres and as such platting is not required. The purpose of the M-2 zoning district is to permit any manufacturing, assembly, processing, storage and/or distribution, sale and repair incidental to industrial uses allowed by law.

Although not all are applicable to the proposed use as no structures are proposed, and platting is not required, the general regulations of the M-2 zoning district follow:

General Regulations	COD	Existing Site
----------------------------	------------	----------------------

Minimum Lot Size	40,000 sq. ft.	435,600 sq. ft.
Minimum Lot Width	150 ft.	~415 ft.
Minimum Lot Depth	150 ft.	~1,109 ft.
Minimum Front Setback	35 ft.	N/A
Minimum Side Setback	25 ft.	N/A
Minimum Rear Setback	25 ft.	N/A

SITE HISTORY: The subject property has historically been used for *Petroleum Product Extraction* and has had 4 wells drilled upon it during the history of the field, two of which have been recently re-opened and completed for future use and the other two remain plugged and abandoned. The property was annexed into the City of Pearland in 2001. When a property is annexed into the City, the default zoning district is Suburban District (SD). With the adoption of the Unified Development Code (UDC) in 2006, an initial zoning district of M-2 was applied to the site.

PLATTING STATUS: The approximately 10 acre site is not platted. Pursuant to Section 3.1.1.3 of the Unified Development Code (UDC), the subject property is exempt from platting as the property includes more than 5 acres of land. The property just to the east will be used for access to the subject property and is under the same estate ownership, and also includes 10 acres of land.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The site is located within the *Light Industrial* Future Land Use Designation. The Comprehensive Plan indicates that appropriate corresponding zoning districts include the *Light Industrial (M-1)* zoning district. Appropriate uses include:

- Warehousing, distribution, assembly, fabrication and light manufacturing; industrial parks; high tech industries;
- Supporting retail, office and service uses congregated at street intersections;
- Performance standards for certain uses; and
- Indoor and outdoor commercial uses

With approval of a CUP, the use of *Petroleum Product Extraction*, will conform to the Comprehensive Plan.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property will be accessed from Main Street (SH 35); a TXDOT owned and maintained roadway, which requires 120 feet of right-of-way and is considered a Major Thoroughfare by the Thoroughfare Plan. Any outstanding right-of-way to date will be donated through the platting process.

AVAILABILITY OF UTILITIES: The subject parcel does not have access to public water or public sewer. The lot

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property has 4 existing oil wellbores on site; 2 of which have been plugged and 2 of which have recently been re-opened for future use. The surrounding properties are all zoned M-2 and are currently undeveloped. It is not anticipated that adjacent undeveloped properties will be negatively impacted by the addition of 2 new oil wellbores on site. The additional wellbores are proposed along the western-most boundary of the site. See Attachment 6 for site plan.

ADDITIONAL COMMENTS: A Pre-Development Meeting was held with the applicant on February 5, 2014. This request has been reviewed by the City's Development Review Committee and there were no additional comments from other departments at the time of this report.

PUBLIC NOTIFICATION: A legal notice of public hearing was published in the local newspaper on February 27, 2013. Public notices, comment forms, and a vicinity map were mailed to the applicant as well as property owners within 200 feet of the subject property under consideration for the Conditional Use Permit on March 7, 2014. There are six (6) property owners within 200 feet of the site. Additionally, a notification sign was placed on the property by the applicant on March 7, 2014.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed Conditional Use Permit request at the time of this report.

CRITERIA FOR APPROVAL: When considering an application for a Conditional Use Permit, the Planning and Zoning Commission and City Council shall evaluate the impact of the proposed use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
- (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- (4) The proposed use does not generate pedestrian and vehicular traffic which

will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

- (5) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- (6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
- (7) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

Conditions: The City Council may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as the City Council deems necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. It should be noted that at this time staff has not identified negative impacts which will need to be mitigated as a result of the proposed redevelopment. However, in order to ensure that the site is redeveloped in accordance with the current proposal, staff is recommending that the site plan submitted with this application be added to the adopting ordinance, if approved by Council, in the form of a condition of approval. Should City Council identify impacts which it feels should be mitigated, additional conditions and modifications may be placed on the approval of the Conditional Use Permit.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit (CUP 2014-02) to allow the operation of *Petroleum Product Extraction* within the Heavy Industrial (M-2) zoning district for the following reasons and subject to the following conditions:

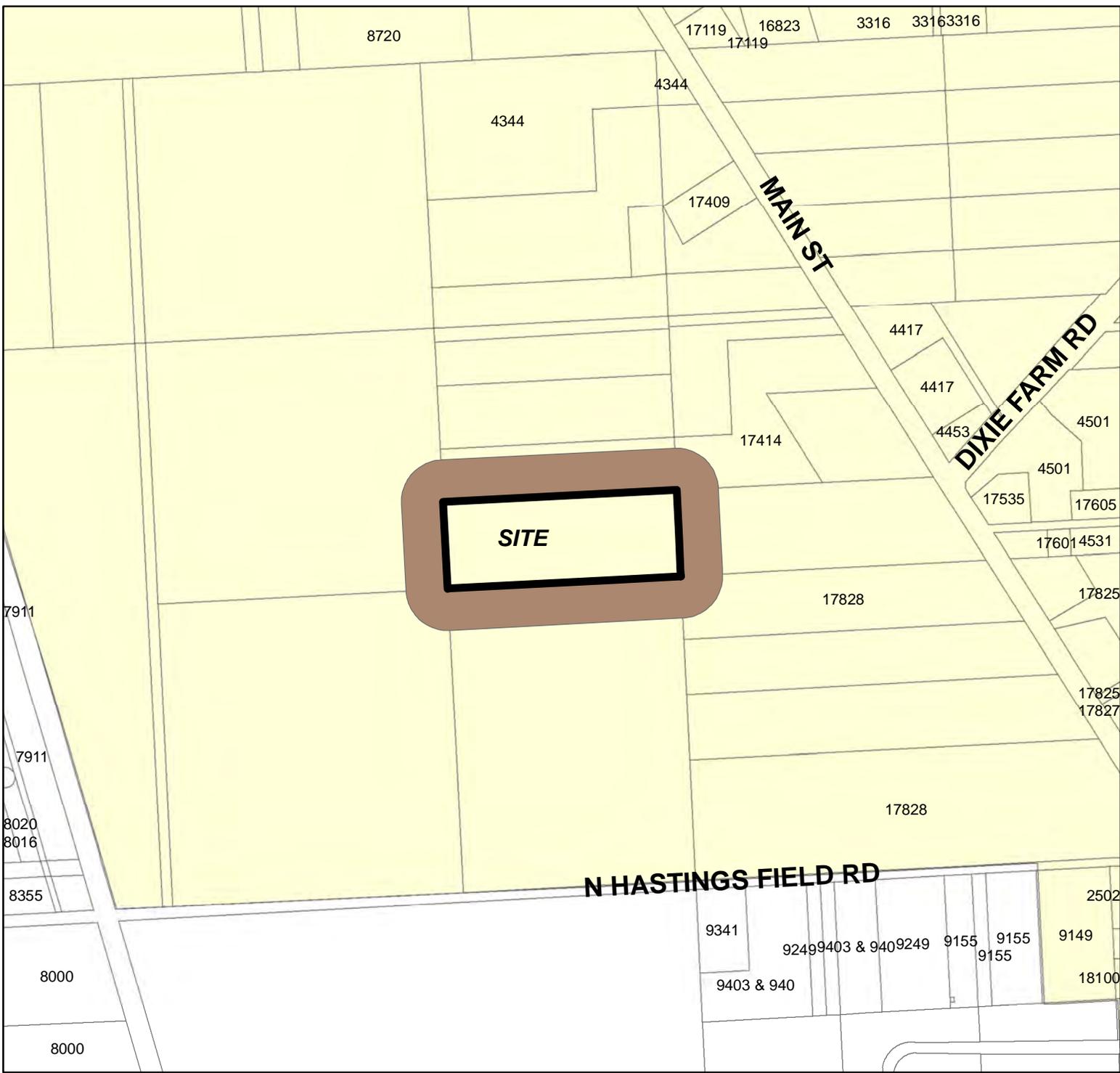
1. It is not anticipated that the proposed use will have any significant negative impacts on surrounding properties or developments. The area of construction and gas well drilling is proposed along the western-most boundary of the site and will not be overly visible from Main Street or adjacent properties.
2. The proposed request will conform to the Unified Development Code and Comprehensive Plan's Future Land Use Designation, with approval of the Conditional Use Permit (CUP).
3. The proposed request is in conformance with the criteria for approval of a CUP, as listed above and in the UDC.

Recommended Conditions:

1. The site shall be developed in accordance with the drilling and operation guidelines as referenced in Chapter 21, '*Oil and Gas*', of the City of Pearland's Code of Ordinances, which include, but is not limited to the following regulations, and are attached as Attachment 7:
 - Pipeline location restrictions;
 - Permit application materials required; and
 - Notice of application

SUPPORTING ATTACHMENTS:

1. Abutter Map
2. Abutter List
3. Future Land Use Map
4. Aerial Map
5. Chapter 21 Code of Ordinances "Oil and Gas" Regulations

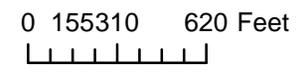


Abutter Map

CUP 2014-02

Main Street at Dixie Farm Road

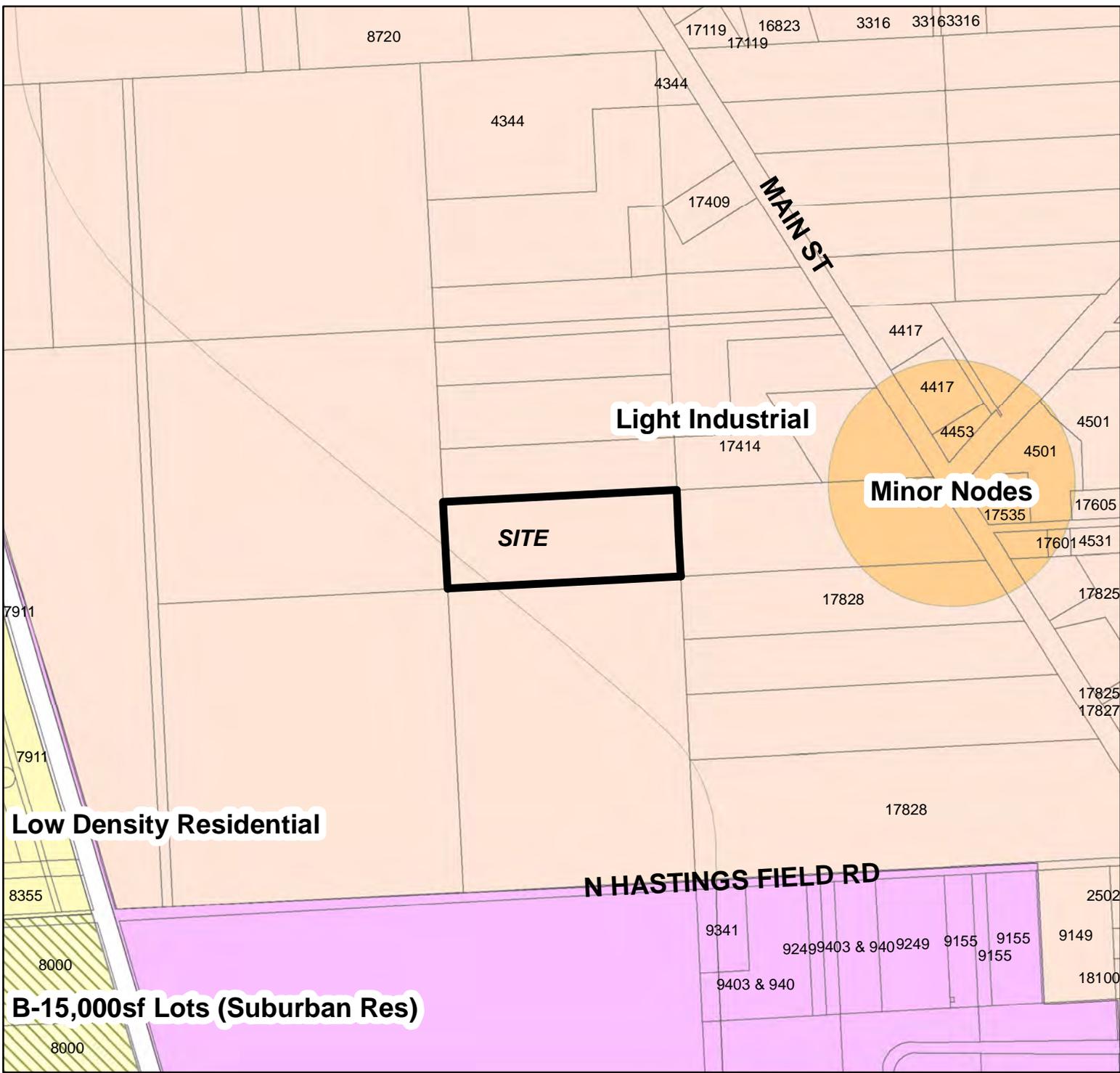
This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



CUP 2014-02

Main Street at Dixie Farm Road

NAME	ADDRESS	CITY	STATE	ZIP
O'DAY PAT MRS ESTATE	PO BOX 131	PEARLAND	TX	77588
RODMAN DOROTHY J REVBLE TRUST	233 GRAYS DR	OSWEGO	IL	60543
ALEXANDER JOHN FAMILY LIMITED PARTNERSHIP	PO BOX 127	PEARLAND	TX	77588
PEREZ MARIO ALBERTO OCHOA	195 N QUINCE ST	RIO GRANDE CITY	TX	78582
DENBURY RESOURCES, INC.	5320 LEGACY DR	PLANO	TX	75024



FLUP Map

CUP 2014-02

Main Street at Dixie Farm Road

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0 155310 620 Feet





Aerial Map

CUP 2014-02

Main Street at Dixie Farm Road

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0 155310 620 Feet
|-----|-----|-----|-----|-----|



ARTICLE I. IN GENERAL

Sec. 21-1. Drilling restricted.

Sec. 21-2. Pipeline location restricted.

Sec. 21-3. Trespass.

Sec. 21-4. Definitions.

Sec. 21-5. Wells drilled prior to January 1, 1996, exempt.

Secs. 21-6—21-14. Reserved.

Sec. 21-1. Drilling restricted.

No oil or gas well shall be drilled within this city except at a specified and designated location to be determined by the city council at the time an application for a permit is filed.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-2. Pipeline location restricted.

No pipeline for the transportation of oil and/or gas from such wells to be drilled in this city shall be constructed or laid except on rights-of-way owned by the operators of such wells or upon designated drilling tracts and upon rights-of-way necessary to connect future well sites to present lines.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-3. Trespass.

It shall be unlawful for any person to trespass on any properties to enter onto the oil or gas well drilling sites or their flow line rights-of-way other than from an existing street or dedicated highway used by the public and for the convenience of the public.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-4. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Permittee. The word "permittee" shall mean the person to whom a permit is issued for the drilling and operation of a well under this chapter, and his administrators, executors, heirs, successors and assigns.

Person. The word "person" shall include both the singular and plural and shall mean and include any person, individual, firm, partnership, association, corporation, club, society, cooperative, trust, municipal corporation, or political subdivision whatsoever.

Regulated area. The words "regulated area," subject to the exceptions contained in this chapter, shall include and mean all lands within the corporate limits of the city.

Technical or industry words. All technical or oil and gas industry words or phrases used herein and not specifically defined herein shall have the meanings customarily attributable thereto by prudent operators in the oil and gas industry.

Well. The word "well" shall include and mean any hole or holes, bore or bores, to any sand, formation, strata or depth, which is or are drilled, bored, sunk, dug or put down for the purpose of either exploring for or ascertaining the existence of any oil, gas, liquid hydrocarbon, or any of the same, or for the purpose of producing and recovering any oil, gas, liquid hydrocarbon, or any of the same. Where a well will be drilled directionally, for purposes of this chapter, the location of such well shall be the surface location and not the bottom hole location.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-5. Wells drilled prior to January 1, 1996, exempt.

Anything contained herein to the contrary notwithstanding, the provisions of this chapter shall not be interpreted to require a permit for any producing oil or gas well located within the corporate limits of the city, which was drilled and completed prior to January 1, 1996, or for the continued operation, re-working, sidetracking, plugging back or abandonment, or deepening through the deepest productive reservoir to which any such well was previously drilled; and provided, further, without limitation on the foregoing, none of the provisions of this chapter shall ever be construed as applying to the operation of any producing oil or gas well, located within the corporate limits of the city, which was drilled and completed prior to January 1, 1996, or to the equipment and its operation (producing or otherwise), installed in connection with such well as long as such well, equipment and operations complied with this chapter as it existed on December 31, 1995 and such well, equipment and operation continue to comply with this chapter as it existed on December 31, 1995.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Secs. 21-6—21-14. Reserved.

ARTICLE II. PERMIT

[Sec. 21-15. Required.](#)

[Sec. 21-16. Application generally; filing fee.](#)

[Sec. 21-17. Notice of application.](#)

[Sec. 21-18. Applicant's bond.](#)

[Sec. 21-19. Release from bond.](#)

[Sec. 21-20. Applicant's liability insurance.](#)

[Sec. 21-21. Supplemental permit to deepen well.](#)

[Sec. 21-22. Issuance or denial generally.](#)

[Sec. 21-23. Contents; signing; effect.](#)

[Sec. 21-24. Permit not required for remedial well work operations.](#)

[Sec. 21-25. Article does not authorize trespass or affect owner's right of contract.](#)

[Sec. 21-26. Exemptions from certain requirements.](#)

[Secs. 21-27—21-34. Reserved.](#)

Sec. 21-15. Required.

It shall be unlawful and an offense for any person, acting either for himself or as agent, employee, independent contractor, or servant of any other person, to commence to drill, or to operate any oil or gas well within the regulated area of the city, or to work upon or assist in any way in the prosecution or operation of any such well, without a permit for the drilling and operation of such well having first been issued in accordance with the provisions of this chapter.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-16. Application generally; filing fee.

- (a) Any person desiring to drill, complete and/or operate a well for oil or gas within the regulated area shall present an application in duplicate therefor to the city secretary which application shall be in writing, addressed to the mayor, be signed by the applicant or some person duly authorized to sign the same for the applicant, and shall state:
- (1) The date of the application.
 - (2) The name and address of the applicant and if the applicant is a corporation, the state of incorporation, and if applicant is a partnership, the names and addresses of the general partners.
 - (3) The particular lot and block number or tract on which the proposed well is to be located and the exact location of the proposed well by Lambert Coordinates and if the proposed well is to be drilled directionally, the foregoing information for both the surface location of such well and the bottom hole location of such well and if the well is to be drilled horizontally, the foregoing information for both the surface location of such well and the well bore of such well.
 - (4) The type of well, whether oil or gas, and the proposed depth of the well.

- (5) The proposed well plan and casing program of the well.
 - (6) The commencement date of the proposed well and the anticipated schedule for drilling and completion of the proposed well.
 - (7) The routes of ingress and egress to be used by the applicant for the movement of materials, equipment, tools and supplies from the city limits to the location of the proposed well.
 - (8) The routes of the gathering lines, pipelines, and roads of egress to be used by the applicant for the transportation of oil and gas from the location of the proposed well to the city limits.
 - (9) The equipment, materials, structures, tools and facilities to be used by the applicant in the drilling and producing of the proposed well.
 - (10) The name and address of each owner of an interest in the proposed well and the percentage ownership of each such owner in the proposed well.
 - (11) The name and address of the person or entity that will be in control of the actual drilling of the proposed well and a description of the experience such person has in the drilling of oil and gas wells.
 - (12) The name and address of the person that will supply the drilling rig and drilling personnel for the proposed well and a description of the drilling rig for the proposed well.
 - (13) The manner in which the proposed well will be fenced and landscaped during the drilling and producing of the proposed well.
 - (14) The manner in which the location of the proposed well will be restored and the estimated cost of such restoration.
- (b) Attached to the application for such permit shall be:
- (1) A plat prepared by a duly licensed surveyor showing (a) the exact location of the proposed well with respect to the boundaries of the lots, blocks or tracts within one thousand (1,000) feet of the proposed well on which the applicant has secured the right to drill from the surface owner and on which the applicant has not secured the right to drill from the surface owner; and (b) the distances from the proposed well to all parks, streets, alleys or other public property, residences, churches, commercial buildings and structures situated within one thousand (1,000) feet of the location of the proposed well.
 - (2) A copy of Railroad Commission Form 1.
 - (3) A report addressed to the mayor prepared by a professional independent civil engineer stating the reasonably possible damage to the public roads and streets within the city that the applicant proposes to use that may be incurred as a result of applicant's operations and the estimated cost of repairing such damage.
 - (4) A report addressed to the mayor prepared by a professional independent environmental engineer stating the reasonably possible environmental damage to the land, air, water and animals that may be incurred as a result of applicant's operations and the estimated cost of repairing such damage.
 - (5) A list of the oil, gas and mineral leases that the applicant has obtained covering land within the city and a plat showing the land covered by such leases.
 - (6) A copy of the drilling contract relating to the proposed well.
 - (7) A copy of the operating agreement relating to the proposed well.
- (c)

Each application shall be accompanied by a cashier's check in the amount of two thousand five hundred dollars (\$2,500.00), made payable to the city, which shall be a nonrefundable filing fee.

- (d) Each application shall be filed by the city secretary and kept as a part of the public records of the city.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-17. Notice of application.

Notice of the filing of each application for a permit under this article shall be given by the applicant to each surface owner and surface lessee of lots, blocks and tracts within one thousand (1,000) feet of the location of the proposed well not owned by or under lease to the applicant as such surface ownership is disclosed by the deed records of the county in which the property is located. Such notice shall be in words and figures, as follows:

"Notice is hereby given that _____ acting under and pursuant to the terms and provisions of Chapter 21 of the Code of Ordinances, City of Pearland, Texas, and any and all ordinances amendatory thereof, did on the _____ day of _____, 19____, file with the City Secretary of the City of Pearland an application to drill, complete and operate a well for oil (or gas) upon Lot No. _____, Block No. _____ (or other appropriate description), City of Pearland, Texas, as per map of record in Volume _____ Page _____, Plate Records of _____ County, Texas."

Such notice shall be sent within ten (10) days after the filing of such application by registered mail, at the expense of the applicant, addressed to the last known address of each surface owner and surface lessee of lots, blocks and tracts within one thousand (1,000) feet of the location of the proposed well not owned by or under lease to the applicant; and a copy of such notice shall be published, at the expense of the applicant, in every issue of a weekly newspaper of the city for four (4) consecutive weeks immediately following the filing of such application. Proof of such publication shall be made by the printer or publisher of the newspaper by affidavit filed with the city secretary and shall be prima facie evidence of such publication. The applicant shall file with the city secretary an affidavit showing the name and last known address of each surface owner and surface lessee of lots, blocks and tracts to whom notice is required to be given and the names of each surface owner and surface lessee of lots, blocks and tracts to whom notice is required to be given and whose addresses are unknown to the applicant.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-18. Applicant's bond.

- (a) If the issuance of a permit under this article is authorized, the same shall not be issued until the applicant files with the city secretary a bond, executed by the permittee as principal and by a good and sufficient corporate surety company licensed to do business in the State of Texas as surety, and whose name appears on the current list published by the United States Treasury Department of accepted sureties on federal bonds, conditioned that the principal obligor will drill and operate the well in strict accordance with the terms of this chapter, and that the principle will remedy any and all damages to streets, curbs, gutters, waterlines, fire hydrants and other public property, occasioned in any manner by his drilling of the well. Such bond shall inure to the benefit of the city, shall be in a form to comply herewith, and shall be in the amount of two hundred fifty thousand dollars (\$250,000.00), and shall be approved by the city attorney.

- (b) The city council in its consideration of the application may require such additional bonds as it deems necessary to protect and preserve the welfare of the city.
- (c) Failure to keep the bond or bonds in full force and effect, in accordance with the terms hereof, shall cause a revocation of the permit and shall be unlawful.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-19. Release from bond.

- (a) The city attorney is hereby authorized upon request of the surety to release the surety on the bond required herein from future liability on such bond upon the conditions hereinafter provided and as further limited by subsection (b) hereof:
 - (1) If the permit has terminated and become inoperative as herein provided.
 - (2) If the permittee has filed with the city attorney notice of his intention to surrender his permit and abandon the premises covered thereby.
 - (3) After receipt of written notice from the surety advising of cancellation no sooner than thirty (30) days after being mailed or delivered to the city.
- (b) Such release of future liability shall in no manner impair any liability which may have accrued prior to the release of future liability herein authorized. Such release shall not be issued until the permittee shall have first complied with all requirements of this chapter relating to the abandoning and plugging of a well. The bond shall be retained by the city in its custody and will not be returned to the surety.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-20. Applicant's liability insurance.

- (a) No permit shall be issued under this article until the applicant has filed with the city attorney a memorandum copy or certificate of a policy of public liability and property damage insurance on such form of policy as is customarily used in the oil and gas industry, issued by an insurance company authorized to do business in the state, to be approved by the city attorney, the amount of which policy for liability for bodily injury or death to person or damage of property of others shall not be less than five million dollars (\$5,000,000.00) per occurrence. The terms and conditions of such policy covering such operations are to be such as to insure persons against loss by liability imposed by law by reason of any accidental personal injury or death to any person other than the insured or his employees, or by reason of any such loss or damage to property of any person other than the insured or his employees. Each policy of insurance shall contain a provision obligating the insurer to give the city council written notice of cancellation not less than thirty (30) days prior to the date of cancellation. The applicant shall, upon request of the city secretary, submit the original or a certified copy of any policy for inspection at any time.
- (b) Irrespective of the requirements as to insurance to be carried, the insolvency, bankruptcy or failure of any insurance company carrying insurance for any applicant or permittee hereunder, or the failure of any such company to pay claims accruing shall not be held to waive any of the provisions of this chapter. The applicant shall pay promptly all premiums for such insurance in strict accordance with his obligations to his carrier and maintain the above-described coverage in full force and effect so long as the permit is valid and alive.
- (c) Failure to keep such policy in full force and effect, in accordance with the terms hereof, shall cause a revocation of the permit and shall be unlawful.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-21. Supplemental permit to deepen well.

Once any well has either been completed as an oil or gas producer or abandoned as a dry hole, it shall be unlawful for any person to drill such well to a greater depth than that reached in the prior drilling operations without the permittee as to such well obtaining a supplemental permit after filing a supplemental application with the city secretary specifying:

- (1) The then-condition of the well and the casing therein.
- (2) The depth to which it is proposed such well to be deepened.
- (3) The proposed casing program to be used in connection with proposed deepening operations.

In any deeper drilling or any deeper completion, or any deeper production operations, the permittee shall comply with all other provisions contained in this chapter and applicable to the drilling, completion and operation of a well or wells, but no additional filing fee shall be required.

Each supplemental application shall be kept as a part of the public records of the city.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-22. Issuance or denial generally.

If, after an application or supplemental application is filed pursuant to this article, it is found by the city council to comply in all respects with the terms of this chapter, and the drilling and operation or deepening and operation of a well will not unduly adversely affect the public safety, environment, public facilities and welfare of the city and its citizens, the city council shall direct the city secretary to issue a permit for the drilling and operation or deepening and operation of the well applied for; provided that city council shall not authorize the issuance of a permit for a well that is located within five hundred (500) feet of any residence, church, business establishment, place of public gathering, or any other structure suited for public habitation, unless either the owner of such property has consented in writing to the drilling and operation or deepening and operation of such well, or the well is located on a drill site designated as such in a planned unit development approved by the city council. The issuance of a permit for a well in a planned unit development shall not be authorized except at sites designated as drill sites therein. However, this provision shall not be construed to limit drilling activities on drill sites designated by plat and properly recorded in the deed records of Brazoria or Harris County prior to January 1, 1996, so long as said drilling activities comply in all respects with the terms of this chapter.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96; Ord. No. 763, § 1, 12-20-96; Ord. No. 893, § 2, 2-8-99)

Sec. 21-23. Contents; signing; effect.

Each permit issued under this article shall:

- (1) By reference have incorporated therein all provisions of this chapter with the same force and effect as if this chapter were copied verbatim in the permit.
- (2) Specify definitely the location of the well.
- (3) Specify that drilling shall begin within ninety (90) days from the date of the permit or the permit shall be forfeited; provided, however, such forfeiture shall not affect the right of the applicant to apply for another permit in accordance with this chapter.
- (4) Specify that such permit shall remain in full force and effect until the well is abandoned.

Such permit, in duplicate originals, shall be signed by the city manager or his designee and, prior to delivery to the permittee, shall be signed by the permittee. One (1) original of the permit, duly executed, shall be delivered to the permittee and one (1) original of the permit, duly executed, shall be retained and filed by the city secretary, and, when so filed, shall constitute the permittee's drilling and operating license and the contractual obligations of the permittee to comply with the terms of such permit, of the required bonds and of this chapter.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-24. Permit not required for remedial well work operations.

Any person operating any well for oil or gas within the corporate limits of the city may perform any remedial well work operations, except drilling deeper, without a prior permit, provided the operator complies with all safety rules set forth in this chapter and no additional filing fees will be required for such work.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-25. Article does not authorize trespass or affect owner's right of contract.

Neither this article nor any permit issued hereunder shall be interpreted to grant any right or license to the permittee to enter upon, use or occupy in any respect for the drilling or operation of any well on any surface land except by the written contract of the surface owner, unless the permittee obtained such right in an oil and gas lease, or other contract; nor shall it limit or prevent the free right of the owner to contract for the amount of damages, rights or privileges with respect to his own land and property.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-26. Exemptions from certain requirements.

The city council may exempt any person from any requirements of this chapter where the person reasonably demonstrates that it is remote that his contemplated drilling operation will have any adverse effect on the public safety, environment, public facilities and welfare of the city and its citizens.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Secs. 21-27—21-34. Reserved.

Pearland, Texas, Code of Ordinances >> - CODE OF ORDINANCES >> **Chapter 21 - OIL AND GAS >>**
ARTICLE III. DRILLING AND OPERATING RULES >>

ARTICLE III. DRILLING AND OPERATING RULES

Sec. 21-35. Compliance with article.

Sec. 21-36. Installation of pipelines on, under, etc., public property.

Sec. 21-37. Obstructing streets or alleys.

Sec. 21-38. Letters relative to fresh water sands required prior to drilling.

Sec. 21-39. Permitted hours for delivery or removal of material, equipment, etc.

Sec. 21-40. Derrick and rig.

Sec. 21-41. Drilling fluid.

Sec. 21-42. Swabbing operations and drill stem tests.

Sec. 21-43. Casing.

Sec. 21-44. Blowout preventers.

Sec. 21-45. Christmas tree fittings and wellhead connections.

Sec. 21-46. Flaring and burning of escaping gas.

Sec. 21-47. Disposal of salt water and other impurities.

Sec. 21-48. Escape of waste matter onto adjoining property prohibited.

Sec. 21-49. Slush tanks for mud or water.

Sec. 21-50. Crude oil storage tanks; separators; etc.

Sec. 21-51. Equipment for secondary recovery, pressure maintenance or automatic lease operations.

Sec. 21-52. Fired vessel or open flame prohibited near well or storage tank.

Sec. 21-53. Fencing.

Sec. 21-54. Maintenance of premises.

Sec. 21-55. Prime movers.

Sec. 21-56. No smoking signs.

Sec. 21-57. Abandonment generally.

Sec. 21-58. Removal of mud and similar materials upon completion or abandonment.

Sec. 21-59. Violation of state law or rules, regulations, etc., of state or federal regulatory body.

Secs. 21-60—21-99. Reserved.

Sec. 21-35. Compliance with article.

All persons engaged in the drilling and operation of oil and/or gas wells within the corporate limits of the city shall comply with the rules and regulations prescribed by this article.

(Ord No 716 § 1(Exh "A") 2-12-96)

Sec. 21-36. Installation of pipelines on, under, etc., public property.

In order to enable the holder of each permit to move oil, gas, water or other products to or from the location of the well within the city limits, the holder of each permit issued under this chapter for the drilling and operation of a well for oil or gas in the city shall apply to the city council for an easement on, over, under, along or across the city streets, sidewalks, alleys and other city property for the purpose of constructing, laying, maintaining, operating, repairing, replacing and removing

pipelines so long as production or operations may be continued under any permit issued pursuant to this chapter; provided, however, such permittee shall:

- (1) Not interfere with or damage existing water, sewer or gas lines or the facilities of public utilities located on, under or across the course of such rights-of-way.
- (2) Furnish to the city secretary a plat showing the location of such pipelines.
- (3) Construct such lines or cause same to be constructed out of new pipe, and properly cased and vented if under a street.
- (4) Grade, level and restore such property to the same surface condition, as nearly as practicable, as existed when operations for the drilling of the well were first commenced.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-37. Obstructing streets or alleys.

It shall be unlawful to block or encumber or close up any streets or alleys in any drilling or production operations, except by an ordinance duly passed by the city council permitting a temporary closing of a street or alley.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-38. Letters relative to fresh water sands required prior to drilling.

Before drilling and setting casing in any well for oil or gas within the city limits, the permittee must contact the city manager or his designee and the state board of water engineers and obtain letters stating where the fresh water sands are to be found in the area or field in which the well is to be drilled. A copy of the state board of water engineers' letter must be filed with the city secretary and the permittee must set sufficient surface casing as required. Failure to file a copy of the state board of water engineers' letter shall be unlawful and shall be punishable as such.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-39. Permitted hours for delivery or removal of material, equipment, etc.

Material, equipment, tools or pipe used for either drilling or producing operations at the well shall not be delivered to or removed from the well site except between the hours of 9:00 a.m. and 5:00 p.m. of any day, except in case of emergency.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-40. Derrick and rig.

It shall be unlawful for any person to use or operate, in connection with the drilling or reworking of any well within the city limits, any wooden derrick or steam-powered rig, or to permit any drilling rig or derrick to remain on the premises or drilling site for a period longer than sixty (60) days after completion or abandonment of the well. All engines shall be equipped with effective mufflers. Where reasonably possible, an electrical rig shall be used. Tripping operations shall not be conducted between the hours of 10:00 p.m. and 7:00 a.m., except in emergency situations. In the event of an emergency, the city manager shall be notified immediately.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-41. Drilling fluid.

No well shall be drilled or re-worked in the city without the bore hole at all times being filled with drilling fluid of such weight and viscosity as a reasonably prudent operator would use to keep the well under control at all times.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-42. Swabbing operations and drill stem tests.

It shall be unlawful for any person, in connection with the drilling or re-working operations of any well within the city, to conduct any swabbing operations or to take and to complete any drill stem test except during daylight hours. Drill stem tests may be conducted only if the well effluent during the test is produced through an adequate oil and gas separator to storage tanks, and the effluent remaining in the drill pipe at the time the tool is closed is flushed to the surface by circulating drilling fluid down the annulus and up the drill pipe.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-43. Casing.

- (a) The operator of any well within the city shall be required to set and cement a sufficient amount of surface casing to properly protect all fresh water sands as specified by the state board of water engineers and the city manager or his designee. The surface casing shall be of new or reconditioned casing and shall be set and cemented in accordance with the rules, regulations and orders of the state railroad commission for the field or area in which the well is to be drilled. Cementing shall be by the pump and plug method and sufficient cement shall be used to fill the calculated annular space back of the casing to the surface of the ground and the cement shall be allowed to stand for a period of twelve (12) hours before drilling plug.
- (b) In lieu of setting the full amount of surface casing required to protect fresh water sands, the permittee may use the multi-stage cementing process. In using the multi-stage cementing process, sufficient cement shall be used in the stage cement job that is equivalent to the volume of the annulus from the cementing tool to the surface of the ground. Should the cement not reach the surface of the ground, a temperature survey must be conducted and if the survey shows that the top of the cement is less than one-third (1/3) of the distance from the shoe of the surface casing to the surface, then corrective measures must be taken. Any permittee using the multi-stage process must file with the city secretary a copy of the state railroad commission letter granting such permit and an affidavit from the company performing the cementing. Failure to file either of these shall be unlawful and shall be punishable as such.
- (c) In any well drilled within the city, the producing string of casing shall be of new or reconditioned pipe which has been tested and withstood the maximum anticipated pressures to be encountered. Cementing shall be by the pump and plug method and sufficient cement shall be used to fill the calculated annular space back of the casing to a point at least six hundred (600) feet above the shoe or the highest productive zone, whichever is applicable, and the cement shall be allowed to stand for a period of twelve (12) hours before drilling plug. After cementing, the casing shall be tested at a pressure in pounds per square inch calculated by multiplying the length of the producing string by two-tenths (0.2), being the maximum test pressure required. If at the end of thirty (30) minutes the pressure shows a

drop of ten (10) per cent or more of the above-required test pressure, the casing shall be condemned. After corrective operation, the casing shall again be tested in the same manner.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-44. Blowout preventers.

Two (2) dual-controlled, fluid-operated blowout preventers with working pressures equal to the maximum anticipated wellhead pressures shall be used for all drilling or completion operations involving the use of drill pipe or tubing after the surface casing has been set. The mechanical operation of the preventers shall be checked every twenty-four (24) hours and shall be tested with pump pressure with enough frequency to ensure good working order at all times.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-45. Christmas tree fittings and wellhead connections.

All completed wells within the city shall be equipped with Christmas tree fittings and wellhead connections, with a rated working pressure equal to or greater than the surface shut-in pressure of the well. All wellhead connections shall be assembled or tested prior to installation by a fluid pressure which shall be equal to the test pressure of the fitting employed.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-46. Flaring and burning of escaping gas.

No person engaged in drilling or operating any well shall permit gas to escape or be vented into the air unless such gas is flared and burned. All gas flared or burned from a torch, pipe or other burning device within the city must be done in such manner so as not to constitute a fire hazard to any property, and the location of the torch, pipe or other burning device and the construction, maintenance and operation thereof shall at all times be in full compliance with such regulations as may from time to time be issued by the fire marshal of the city.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-47. Disposal of salt water and other impurities.

Any person drilling or operating a well for oil or gas shall make adequate provisions for the disposal of salt water or other impurities which may be produced along with the oil or gas in such a manner as not to contaminate the water supply of the city or destroy vegetation or otherwise adversely affect the environment.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-48. Escape of waste matter onto adjoining property prohibited.

It shall be unlawful for any person to permit to escape any mud, water, oil, slush or other waste matter related to the drilling or operating of any oil or gas well into any adjoining lots, blocks or tracts upon which the permittee does not have leases or other contractual rights to use the surface, or into the alleys, streets, gutters or sewers of the city.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-49. Slush tanks for mud or water.

Only portable steel slush tanks for mud or water shall be permitted in connection with the drilling and re-working operations of any well.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-50. Crude oil storage tanks; separators; etc.

It shall be unlawful for any person to use, construct or operate in connection with any producing well within the city limits any crude oil storage tanks except to the extent of two (2) steel tanks for oil storage, not exceeding five-hundred-barrel capacity each, and so constructed and maintained as to be vapor-tight and each surrounded with an earthen fire wall at such distance from the tanks as will, under any circumstances, hold and retain at least one and one-half (1½) times the maximum capacity of such tank. A permittee may use, construct and operate a steel conventional separator, and such other steel tanks and appurtenances as are necessary for treating oil with each of such facilities to be so constructed and maintained as to be vapor-tight. Each oil and gas separator shall be equipped with both regulation pressure relief safety valve and a bursting head. At the request of the city manager or his designee, such tanks shall be located underground and shall be appropriately landscaped so that they are not visible from the surrounding area.

(Ord. No. 716 § 1(Exh. "A"), 2-12-96)

Sec. 21-51. Equipment for secondary recovery, pressure maintenance or automatic lease operations.

Any person may install equipment for the purpose of secondary recovery or pressure maintenance operations or for automatic lease operations provided such person complies with all safety requirements of this chapter and of the state railroad commission.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-52. Fired vessel or open flame prohibited near well or storage tank.

It shall be unlawful for any person within the city limits to install any fired vessel or open flame nearer than one hundred fifty (150) feet to any well or storage tank.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-53. Fencing.

All wellheads, tank batteries, pumping units and equipment appurtenant thereto within the city, which are located within a densely populated area or nearer than five hundred (500) feet to a public street shall be adequately protected by a fence so constructed that it will prevent easy entry. Any wellhead, tank battery, pumping units or equipment appurtenant thereto which is located on any lease, tract or farm, which is fenced in its entirety, will require no additional protection other than that commonly used by prudent operators. Fences to prevent easy entry shall be approved by the city manager or his designee.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-54. Maintenance of premises.

The premises shall be kept in a clean and sanitary condition, free from rubbish of every character at all times during the drilling operations and as long thereafter as oil and/or gas is being produced therefrom. All of the permittee's premises shall be kept clear of high grass, weeds and combustible trash or any other rubbish or debris that might constitute a fire hazard within a radius of one hundred (100) feet around any oil tank or tanks, or producing wells, or to the limits of the premises, whichever is the lesser. Within a densely populated area, the permittee shall install such landscaping as is necessary so that all wellheads, tank batteries, pumping units and equipment appurtenant thereto are not visible to anyone outside the fence enclosing the same.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-55. Prime movers.

No prime movers shall be permitted within the corporate limits of the city for the purpose of pumping wells, except electric motors.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-56. No smoking signs.

Printed signs reading "DANGER, NO SMOKING ALLOWED" or similar words shall be posted in conspicuous places on each well, storage tank or battery of tanks, within the city limits.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-57. Abandonment generally.

Whenever any well is abandoned within the city limits it shall be the obligation of the permittee to plug such well in accordance with the rules and regulations of the state railroad commission and to take any and all additional provisions or precautionary measures prescribed by the state or the state railroad commission in connection with abandonment and plugging of the well. It shall be the further obligation of the permittee or the operator of the well to cut the surface casing off at least six (6) feet below the surface of the ground and to place at least a twenty-five (25) foot cement plug in the top of the casing and to weld the top of the casing completely shut. The resulting hole in the ground must be completely filled to the surface of the ground and duly tamped.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-58. Removal of mud and similar materials upon completion or abandonment.

Within fifteen (15) days after the completion or abandonment of any oil or gas well, the mud and other similar matter and materials used in connection with the drilling and operations thereon shall be removed from the premises.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Sec. 21-59. Violation of state law or rules, regulations, etc., of state or federal regulatory body.

Any violation of the law of the state or any rules, regulations or requirements of any state or federal regulatory body having jurisdiction in reference to drilling, completing, equipping, operating,

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producing, maintaining or abandoning an oil or gas well or related appurtenances, equipment or facilities, or in reference to fire walls, fire protection, blow-out protection, safety protection or convenience of persons or property or transportation of oil or gas, shall also be a violation of this article and shall be punishable as such.

(Ord. No. 716, § 1(Exh. "A"), 2-12-96)

Secs. 21-60—21-99. Reserved.

New Business Item No. 2

2. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-111** – An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the Zoning Map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 40 acres of land identified as Tract 1 and Tract 2, situated in the H.T & B.R.R Company Survey, Abstract 547, Volume 2, Page 51 of the records of Brazoria County, Texas located **(North of Bailey Road, between County Road 107 F to the West and Manvel Road to the East, Pearland, Texas)** Zone Change 2014-1Z, a request of Kevin Cole, applicant; on behalf of Tin Dinh, owner; for approval of a change in zoning from the Single Family Estate (R-E) and the Suburban Development (S-D) Zoning Districts to the Single Family Residential 1 (R-1) Zoning District, providing for an amendment of the Zoning District Map; containing a savings clause, a severability clause, an effective date and other provisions related to the subject. *Mr. Mike Hodge, Assistant City Manager.*

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

AGENDA OF: April 14, 2014	ITEM NO.: Ordinance No. 2000M-111				
DATE SUBMITTED: March 19, 2014	DEPT. OF ORIGIN: Planning				
PREPARED BY: Johnna Matthews	PRESENTOR: Mike Hodge				
REVIEWED BY : Mike Hodge	REVIEW DATE: April 3, 2014				
<p>SUBJECT: A request of Kevin Cole, applicant; on behalf of Tin Dinh, owner; for approval of a change in zoning of two tracts of land totaling approximately 20 acres each for a total of 40 acres from a Single Family Estate (R-E) zoning district and a Suburban Development (S-D) zoning district to a Single Family Residential 1 (R-1) zoning district.</p> <p>General Location: North of Bailey Road, between County Road 107 F (CR 107 F) to the west and Manvel Road to the east, Pearland, Texas</p>					
<p>ATTACHMENTS: Ordinance No. 2000M-111 and Exhibits (Exhibit A – Applicant Packet; Exhibit B – Proposed Zoning Map; Exhibit C- Legal Ad; Exhibit D- P&Z Recommendation Letter), Joint Public Hearing Staff Report, Abutter Map, Abutter List, FLUP Map, Aerial Map</p>					
<p>EXPENDITURE REQUIRED: N/A AMOUNT AVAILABLE: N/A ACCOUNT NO.: N/A</p>	<p>AMOUNT BUDGETED: N/A PROJECT NO.: N/A</p>				
<p>ADDITIONAL APPROPRIATION REQUIRED: N/A ACCOUNT NO.: N/A PROJECT NO.: N/A</p>					
<p>To be completed by Department:</p> <table style="width: 100%; text-align: center;"> <tr> <td style="width: 25%;">Finance</td> <td style="width: 25%;">Legal</td> <td style="width: 25%;">Ordinance</td> <td style="width: 25%;">Resolution</td> </tr> </table>		Finance	Legal	Ordinance	Resolution
Finance	Legal	Ordinance	Resolution		

EXECUTIVE SUMMARY

Kevin Cole, applicant; on behalf of Tin Dinh, owner; is requesting approval of a change in zoning of two tracts of land totaling approximately 20 acres each for a total of 40 acres, from a Single Family Estate (R-E) and a Suburban Development (S-D) zoning

district to a Single Family Residential 1 (R-1) zoning district. The applicant has indicated a desire to construct an R-1 Cluster Plan Development with approximately 100-110 single family lots, equating to a density of 2.5 – 2.75 dwelling units per acre. The proposed zoning district of R-1 allows for a maximum density of 3.2 dwelling units per acre.

STAFF RECOMMENDATION: Staff recommends approval of Zone Change No. 2014-1Z to rezone the 40-acre site from SD and R-E to R-1 for the following reasons:

1. It is not anticipated that the proposed change in zoning will have any significant negative impacts on surrounding properties or developments.
2. The future land use designation of the Comprehensive Plan (*Low Density Residential*) supports the proposed zoning district and density.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on March 17, 2014, staff presented the zone change case. There was a brief discussion. Commissioner Elizabeth McLane made a motion to approve the change in zoning. The motion was seconded by Commissioner Linda Cowles. The motion passed with a vote of 7/0.

STAFF RECOMMENDATION TO COUNCIL: Consider the zone change request.

ORDINANCE NO. 2000M-111

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 2000M, THE ZONING MAP OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF CHANGING THE CLASSIFICATION OF CERTAIN REAL PROPERTY, BEING 40 ACRES OF LAND IDENTIFIED AS TRACT 1 AND TRACT 2, SITUATED IN THE H.T & B.R.R COMPANY SURVEY, ABSTRACT 547, VOLUME 2, PAGE 51 OF THE RECORDS OF BRAZORIA COUNTY, TEXAS LOCATED **(NORTH OF BAILEY ROAD, BETWEEN COUNTY ROAD 107 F TO THE WEST AND MANVEL ROAD TO THE EAST, PEARLAND, TEXAS)** ZONE CHANGE 2014-1Z, A REQUEST OF KEVIN COLE, APPLICANT; ON BEHALF OF TIN DINH, OWNER; FOR APPROVAL OF A CHANGE IN ZONING FROM THE SINGLE FAMILY ESTATE (R-E) AND THE SUBURBAN DEVELOPMENT (S-D) ZONING DISTRICTS TO THE SINGLE FAMILY RESIDENTIAL 1 (R-1) ZONING DISTRICT, PROVIDING FOR AN AMENDMENT OF THE ZONING DISTRICT MAP; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, Kevin Cole, applicant for Tin Dinh owner, filed an application for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning from Single Family Estate (R-E) and Suburban Development (S-D) zoning districts to the Single Family Residential 1 (R-1) zoning district; said property being legally described in the original application for amendment attached hereto and made a part hereof for all purposes as Exhibit "A", and more graphically depicted in the vicinity map attached hereto and made a part hereof for all purposes as Exhibit "B"; and

WHEREAS, on the 17th day of March, 2014, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C", said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 17th day of March, 2014, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the proposed zone change application of Kevin Cole, applicant for Tin Dinh, owner, whereby the Commission recommended approval of the change of classification for the described property from its existing classification of Single Family Estate (R-E) and the default zoning district of Suburban Development (S-D) to Single Family Residential 1 (R-1), said recommendation attached hereto and made a part hereof for all purposes as Exhibit "D"; and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meetings on the 14th day of April 2014 and the 28th day of April 2014; and

WHEREAS, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of Kevin Cole, applicant for Tin Dinh, owner, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

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

Section I. The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently classified as Single Family Estate (R-E) and Suburban Development (S-D) to Single Family Residential 1 (R-1), in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

LEGAL DESCRIPTION: 40 ACRES OF LAND IDENTIED AS TRACT 1 AND

TRACT 2 AND SITUATED IN THE H.T. & B.R.R COMPANY SURVEY,
ABSTRACT 547, VOLUME 2, PAGE 51 OF THE PLAT RECORDS OF
BRAZORIA COUNTY, TEXAS.

GENERAL LOCATION: NORTH OF BAILEY ROAD, BETWEEN COUNTY
ROAD 107 F (CR107 F) TO THE WEST AND
MANVEL ROAD TO THE EAST, PEARLAND, TEXAS

Section II. The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

Section III. The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

Section IV. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional 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 V. All rights and remedies, which have accrued in the favor of the City under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

Section VI. The City Secretary is hereby directed to cause to be prepared an amendment to the official Zoning District Map of the City, pursuant to the provisions of

Section 2.3.2.2 of Ordinance No. 2000-T and consistent with the approval herein granted for the reclassification of the herein above described property.

Section VII. This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 14th day of April, 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 28th day of April, 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

EXHIBIT A

ZONE CHANGE APPLICATION Page 1 of 4 Updated October 2012



APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

Current Zoning District: RE/SD

Proposed Zoning District: R-1

Property Information:

Address or General Location of Property: North of Bailey Rd between FM 1128 and Charles Ave.

Tax Account No. 0547-0035-000 / 0547-0035-130
A0547 HT & BRR, Tract 1 and Tract 2 40 acres total

Subdivision _____ Lot _____ Block _____

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME TIN DINH
ADDRESS 13811 GARDEN CREEK WAY
CITY HOUSTON STATE TX ZIP 77059
PHONE (832) 978-7931
FAX _____
E-MAIL ADDRESS TINDINH77059@YAHOO.COM

APPLICANT/AGENT INFORMATION:

NAME Kevin Cole - The Matrix Group
ADDRESS 2800 E. Broadway, Suite C4228
CITY Pearland STATE TX ZIP 77581
PHONE (832) 212-9460
FAX (281) 652-5978
E-MAIL ADDRESS kcole3002@yahoo.com

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: Tin Dinh Date: 2-7-2014

Agent's/Applicant's Signature: [Signature] Date: 2/14/14

OFFICE USE ONLY:

FEES PAID: <u>800.00</u>	DATE PAID: <u>2/14/14</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>187185</u>
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Application No. 214-01

APPLICATION CHECKLIST FOR THE FOLLOWING

- **Zone Changes**
- **Planned Development Districts (PD)**

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**
- Metes and Bounds Description, (Survey, or a Plat of the property that provides or contains the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

*Letter of Intent is not required for a PD.

- Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)

- **Zero (0) to less than 25 acres:**

- \$ 750.00 plus \$25.00 per each type of zoning district requested; or
- \$ 800.00 if requesting a Planned Development (PD)

40ac

- **25 to less than 50 acres:**

- \$ 800.00, plus \$25.00 per each type of zoning district requested; or
- \$ 850.00 if requesting a Planned Development (PD)

- **50 to less than 75 acres:**

- \$ 850.00, plus \$25.00 per each type of zoning district requested; or
- \$ 900.00 if requesting a Planned Development (PD)

- **75 to less than 100 acres:**

- \$ 900.00, plus \$25.00 per each type of zoning district requested; or
- \$ 950.00 if requesting a Planned Development (PD)

- **100 acres and above:**

- \$ 950.00, plus \$25.00 per each type of zoning district requested; or
- \$ 1000.00 if requesting a Planned Development (PD)

- For PD's Only: the proposed PD document in electronic form by date of application (either emailed or on a CD) (see PD Format for guidelines on how to prepare the PD).

- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing.
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application packets that are not complete will not be accepted. When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

Additional Information:

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.
- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.
- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.
- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.
- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.
- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

**POSTING OF ZONING NOTIFICATION SIGNS
ON PROPERTY UNDER CONSIDERATION
FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)**

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

- (1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.
- (2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
- (3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
- (4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
- (5) The signs shall be as follows:
 - A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
 - At least 2 feet above the ground
 - Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
 - Message content as follows:

PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1768



***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**



February 14, 2014

Honorable Mayor and Councilmembers
City of Pearland
3523 Liberty Dr.
Pearland, TX 77581

Re: Zoning of 40 Acres Located at 3400 FM 1128

Dear Honorable Mayor and Councilmembers,

Attached please find an application for a change in zoning on the property located at 3400 FM 1128 in Pearland, TX. As you are aware, a portion of this property recently went through the annexation process, by petition, to allow the western half of the property to be annexed into the city limits of Pearland. Thank you for your support on the annexation.

The western 20 acres is now zoned Suburban Development (SD) since the annexation into the City. As you are aware, this is simply a holding category for zoning and now needs to be zoned properly for the tract to develop. The eastern 20 acres along FM 1128 is currently zoned Residential Estate (RE).

As discussed during the public hearing process for the annexation, our goal is to develop this in a cohesive development, instead of half in the City and half out of the City. Our goal is to develop 100-110 single family residential lots, or a density of 2.5-2.75 lots per gross acre. At this time we have not completed the land plan, but plan to have a better look for the Joint Public Hearing.

The Comprehensive Plan calls for low density residential in the area of the City. Our application is to rezone the property to R-1 Single Family Residential and will be applying for a cluster plan development. While R-1 cluster would allow for a total density of 3.2 lots per acre, or 128 lots, we don't anticipate reaching that density. We anticipate homes selling in the \$230-\$290K range.

We look forward to presenting this to you during the public hearing and ask for your support.

Best Regards,

Kevin Cole
President

CITY OF PEARLAND
R E P R I M T

*** CUSTOMER RECEIPT ***

Oper: JCOTTER Type: OC Drawer: 1
Date: 2/14/14 01 Receipt no: 137185

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$800.00
Trans number:		4370342

3400 FM 1128
KEVIN COLE
MATRIX GROUP
RM HALL INVESTMENTS LTD
3027 MARINA BAY DR SUITE 220
LEAGUE CITY

Tender detail		
CX CHECK	1154	\$800.00
Total tendered		\$800.00
Total payment		\$800.00

Trans date: 2/14/14 Time: 8:22:29

ZONE CHANGE/ VARIANCE/ RECORDATION

(circle one)
\$ 800 BA or or FE

Description: Input who the check is from

COMMENTS/DESCRIPTION (F10):

Location or

Address 3400 Fm 1128

Applicant Kevin Cole

Owner Matrix Group

Search Mail Search Web Kevin Profile Sign Out Home

Kabam

Set Sail for Riches and Plunder!

Sponsored

FW: Authorization

Tuesday, February 11, 2014 9:36 AM

From: "ray" <bogle72@hotmail.com>

To: "kcole8007@yahoo.com" <kcole8007@yahoo.com>

Authorization below.

Ray Bogle, Realtor
 William Davis Realty
 mobile 214.924.0742
 fax 972-249-2083

"Your referrals are greatly appreciated! My business is built on them."

Date: Tue, 11 Feb 2014 09:33:54 -0800
 From: tindinh77059@yahoo.com
 Subject: Authorization
 To: bogle72@hotmail.com

February 11, 2014

I, Tin Dinh, and the owners of the property at 3400 Manvel Rd.,
 Pearland, TX, do hereby authorize Kevin Cole,
 of The Matrix Group, to act as applicant/agent for the zone change.

Sincerely,
 Tin Dinh

**** THIS IS NOT A TAX CERTIFICATE ****
 **** TAX ORDER REQUEST REQUIRES RESEARCH ****

CAD ACCOUNT NUMBER SUMMARY

0547-0035-000	0547-0035-130
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SUMMARY OF ALL ACCOUNT(S)

	SUMMARY OF CURRENT YEAR		SUMMARY OF ALL TAXES DUE	
	TAX YEAR	BASE TAX	DUE 02/14	DUE 03/14
BRAZORIA CO/PAY TO: RO'VI	2013	21.64	0.00	0.00
ISD - PEARLAND	2013	62.30	0.00	0.00
BC DRAINAGE DIST #4	2013	6.86	0.00	0.00
CITY OF PEARLAND	2013	15.51	0.00	0.00
TOTAL TAX		106.31	0.00	0.00
*** ERROR *** TAX CERTIFICATE HAS NOT BEEN RELEASED ***				

***** COMMENTS ***** CAUTION ***** READ BEFORE CLOSING *****

CAD# 0547-0035-000	- THIS PROPERTY MAY BE SUBJECT TO AG ROLLBACK TAXESF OR 2010 AND PRIOR YEARS
CAD# 0547-0035-130	- THIS PROPERTY MAY BE SUBJECT TO AG ROLLBACK TAXESF OR 2010 AND PRIOR YEARS
BRAZORIA CO/PAY TO: RO'VIN	- RATE INCLUDES COUNTY(.368480) ROAD/BRIDGE(.05) MOSQUITO DISTRICT(.013540)ROAD/BRIDGE SPECIAL(.06) EXEMPTS: HS-20%; O65-100,000; DIS-100,000
ISD - PEARLAND	- EXEMPTS: HS-15,000; OVER65-13,800; DIS-10,000
BC DRAINAGE DIST #4	- EXEMPTS: HS-20%; O65-75,000; DIS-75,000BONDS APP ROVED:0; BONDS ISSUED: 0BOND INFORMATION UPDATED 12-1-10
CITY OF PEARLAND	- EXEMPTS: HS-2.5%/5,000;O65-40,000;DIS-40,000

		DR4 GBC SPL
CAD#	0547-0035-000	STT/PGE
DESC	A0547 H T & B R R, TRACT 1, ACRES 20.000 ABST/SUB ID A0547	
ACREAGE	20.000	
SITUS	CHARLES AVE	DEED 00-051131
MAIL	LIEN AI BUI & TIN DINH 13811 GARDEN CREEK WAY HOUSTON TX 77059-3545	
ASSESSED OWNER(S)	2013 ASSESSED VALUES	
	NGUYEN NGA THUY & HAI NGOC	LAND 200,000
		IMPROVEMENT 0
		MARKET VALUE 200,000
		DEFERRED VALUE 197,800
		SPECIAL VALUE 2,200
THIS PROPERTY MAY BE SUBJECT TO AG ROLLBACK TAXES FOR 2013 AND PRIOR ASSESSED AS LAND ONLY		

TAX ENTITY INFORMATION

BRAZORIA CO/PAY TO: RO'VIN GARRETT, RTA	PAYMENTS AS OF	01/31/2014
111 E. LOCUST SUITE 100 ANGLETON, TX 77515-4682	13 TAX RATE	0.4920200
PHONE 281-756-1320	W/O EXEMPT	984.04
EXEMPTIONS NONE		
YR	BASE TAX	BASE DUE
13	10.82	0.00
SUBTOTAL	10.82	0.00

ISD - PEARLAND	PAYMENTS AS OF	01/31/2014
COLLECTED BY COUNTY	13 TAX RATE	1.4157000
PHONE 281-756-1320	W/O EXEMPT	2,831.40
EXEMPTIONS NONE		
YR	BASE TAX	BASE DUE
13	31.15	0.00
SUBTOTAL	31.15	0.00

BC DRAINAGE DIST #4	PAYMENTS AS OF	01/31/2014
COLLECTED BY COUNTY	13 TAX RATE	0.1560000
PHONE 281-756-1320	W/O EXEMPT	312.00
EXEMPTIONS NONE		
YR	BASE TAX	BASE DUE
13	3.43	0.00
SUBTOTAL	3.43	0.00

SUMMARY OF ACCOUNT 0547-0035-000				
	TAX YEAR	BASE TAX	DUE 02/14	DUE 03/14
BRAZORIA CO/PAY TO: RO'VI	2013	10.82	0.00	0.00
ISD - PEARLAND	2013	31.15	0.00	0.00
BC DRAINAGE DIST #4	2013	3.43	0.00	0.00
TOTAL TAX		45.40	0.00	0.00

CAD# 0547-0035-130	CPL DR4 GBC SPL
DESC A0547 H T & B R R, TRACT 2, ACRES 20.00 ABST/SUB ID A0547	STT/PGE
ACREAGE 20.000	
SITUS FM 1128 CPL	DEED 00-051127
MAIL LIEN AI BUI & TIN DINH 13811 GARDEN CREEK WAY HOUSTON TX 77059-3545	
ASSESSED OWNER(S)	2013 ASSESSED VALUES
NGUYEN NGA THUY & HAI NGOC	LAND 200,000
	IMPROVEMENT 0
	MARKET VALUE 200,000
	DEFERRED VALUE 197,800
THIS PROPERTY MAY BE SUBJECT TO AG ROLLBACK TAXES FOR 2013 AND PRIOR	SPECIAL VALUE 2,200
ASSESSED AS LAND ONLY	

TAX ENTITY INFORMATION

BRAZORIA CO/PAY TO: RO'VIN GARRETT, RTA	PAYMENTS AS OF	01/31/2014
111 E. LOCUST SUITE 100 ANGLETON, TX 77515-4682	13 TAX RATE	0.4920200
PHONE 281-756-1320	W/O EXEMPT	984.04
EXEMPTIONS NONE		
YR	BASE TAX	BASE DUE
13	10.82	0.00
SUBTOTAL	10.82	0.00

CITY OF PEARLAND		PAYMENTS AS OF		01/31/2014
COLLECTED BY COUNTY		13 TAX RATE		0.7051000
PHONE 281-756-1320		W/O EXEMPT		1,410.20
EXEMPTIONS NONE	YR	BASE TAX	BASE DUE	DUE 02/14
	13	15.51	0.00	*** PAID 01/24/14 ***
	SUBTOTAL	15.51	0.00	0.00

ISD - PEARLAND		PAYMENTS AS OF		01/31/2014
COLLECTED BY COUNTY		13 TAX RATE		1.4157000
PHONE 281-756-1320		W/O EXEMPT		2,831.40
EXEMPTIONS NONE	YR	BASE TAX	BASE DUE	DUE 02/14
	13	31.15	0.00	*** PAID 01/24/14 ***
	SUBTOTAL	31.15	0.00	0.00

BC DRAINAGE DIST #4		PAYMENTS AS OF		01/31/2014
COLLECTED BY COUNTY		13 TAX RATE		0.1560000
PHONE 281-756-1320		W/O EXEMPT		312.00
EXEMPTIONS NONE	YR	BASE TAX	BASE DUE	DUE 02/14
	13	3.43	0.00	*** PAID 01/24/14 ***
	SUBTOTAL	3.43	0.00	0.00

SUMMARY OF ACCOUNT 0547-0035-130				
	TAX YEAR	BASE TAX	DUE 02/14	DUE 03/14
BRAZORIA CO/PAY TO: ROVI	2013	10.82	0.00	0.00
CITY OF PEARLAND	2013	15.51	0.00	0.00
ISD - PEARLAND	2013	31.15	0.00	0.00
BC DRAINAGE DIST #4	2013	3.43	0.00	0.00
TOTAL TAX		60.91	0.00	0.00

**** THIS IS NOT A HOA CERTIFICATE ****

**** HOA DATA OK/CERT HELD FOR TAX ****

SUBD NAME / BLK A0547 H T & B R R

NO HOA FOUND FOR A0547 H T & B R R

*** OUR RESEARCH DOES NOT INDICATE THE EXISTENCE OF AN ***

*** HOA. PLEASE VERIFY WITH YOUR TITLE REPORT. IF AN ***

*** HOA IS KNOWN, PLEASE CONTACT DATA TRACE ***

SUMMARY OF ACCOUNT 0547-0035-000

DESC	A0547 H T & B R R, TRACT 1, ACRES 20.000 ABST/SUB ID A0547
SITUS	CHARLES AVE

SUMMARY OF ACCOUNT 0547-0035-130

DESC	A0547 H T & B R R, TRACT 2, ACRES 20.00 ABST/SUB ID A0547
SITUS	FM 1128 CPL



Scale 1:10,324
1 in = 860 ft

I, HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE
STANDARD TEXAS SURVEYORS ASSOCIATION STANDARDS AND
SPECIFICATIONS FOR A CATEGORY 1A,
CONDITION III SURVEY.

W. H. Adams
W. H. ADAMS, REGISTERED SURVEYOR
SURVEYOR NO. 180

TO NATIONAL TITLE COMPANY AND ALL PARTIES INTERESTED IN THE TITLE
TO THE PREMISES SURVEYED:

RE: F.M.M.

NOTwithstanding this surveyor's certificate that this survey was made of
the date indicated thereon, of the record of the 35.00 acres,
the property legally described therein and is correct, there are
no discrepancies, conflicts or shortages in area or boundary
lines, or any encroachments, or any overlapping of instruments,
or any easements or rights of way, except as shown thereon, and
that said property has access to and from a dedicated roadway,
except as shown thereon.

DATE August, 1977

W. H. Adams
W. H. ADAMS, REGISTERED SURVEYOR



C.R. 880

ACCESS

660.

Track 2

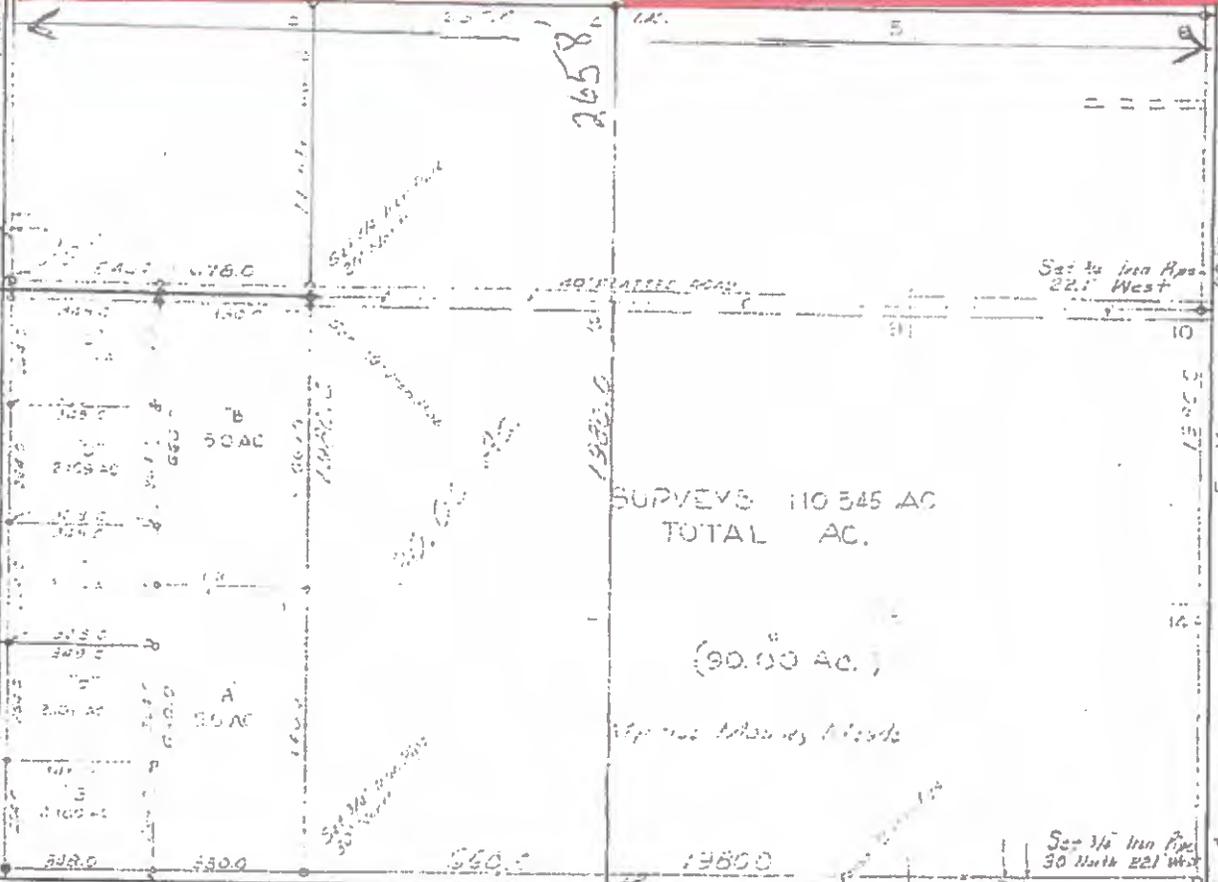
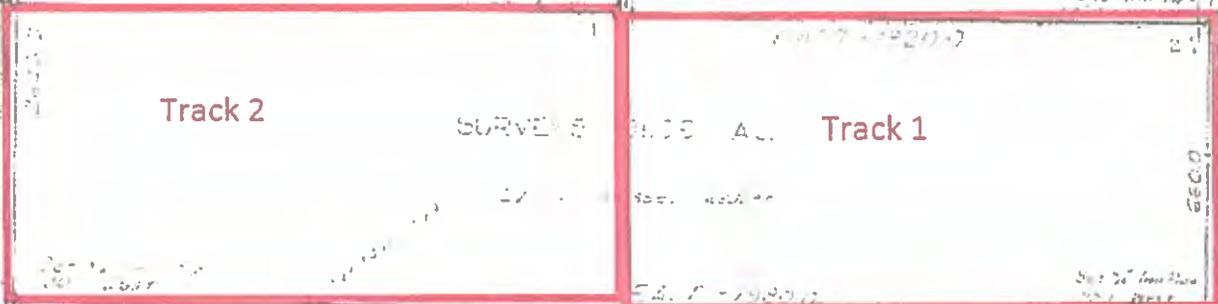
SURVEYS 110 545 AC.

Track 1

660

BRITT

Set 1/4 Iron Pipe
30 North 221 West



Set 1/4 Iron Pipe
22.1 West

Set 1/4 Iron Pipe
30 North 221 West

19800 - 26585

Lot 1

Metes and Bounds Description
of 20 Acres of Land out of the
H.T. & B. R.R. Company Survey, Abstract 547
Volume 2, Page 51 of the Plat Records of Brazoria County, Texas

BEGINNING at the Northwest corner of Lot 1 and the Southwest corner of Lot 18.

THENCE East along the North property line of Lot 1 and the South property line of Lot 18 a distance of 1320 feet to a point for a corner and the Northeast corner of Lot 1, the Northwest corner of Lot 2 and the Southeast corner of Lot 18,

THENCE South along the East property line of Lot 1 and the West property line of Lot 2 a distance of 660 feet to a point for a corner and the Southeast corner of Lot 1, the Southwest corner of Lot 2 and the Northeast corner of Lot 4,

THENCE West along the South property line of Lot 1 and the North property line of Lots 3 and 4 a distance of 1320 feet to a point for a corner and the Southwest corner of Lot 1 and the Northwest corner of Lot 3,

THENCE North along the West property line of Lot 1 a distance of 660 feet and to the Point of Beginning and said tract containing 20 acres of land, more or less.

Lot 2

**Metes and Bounds Description
of 20 Acres of Land out of the
H.T. & B. R.R. Company Survey, Abstract 547
Volume 2, Page 51 of the Plat Records of Brazoria County, Texas**

BEGINNING at the Northwest corner of Lot 2, the Northeast corner of Lot 1 and the Southwest corner of Lot 15.

THENCE East along the North property line of Lot 2 and the South property line of Lot 15 a distance of 1320 feet to a point for a corner and the Northeast corner of Lot 2 and the Southeast corner of Lot 15,

THENCE South along the East property line of Lot 2 a distance of 660 feet to a point for a corner and the Southeast corner of Lot 2 and the Northeast corner of Lot 6,

THENCE West along the South property line of Lot 2 and the North property line of Lots 5 and 6 a distance of 1320 feet to a point for a corner and the Southwest corner of Lot 2, the Southeast corner of Lot 1 and the Northwest corner of Lot 5,

THENCE North along the West property line of Lot 2 and the East property line of Lot 1 a distance of 660 feet and to the Point of Beginning and said tract containing 20 acres of land, more or less.

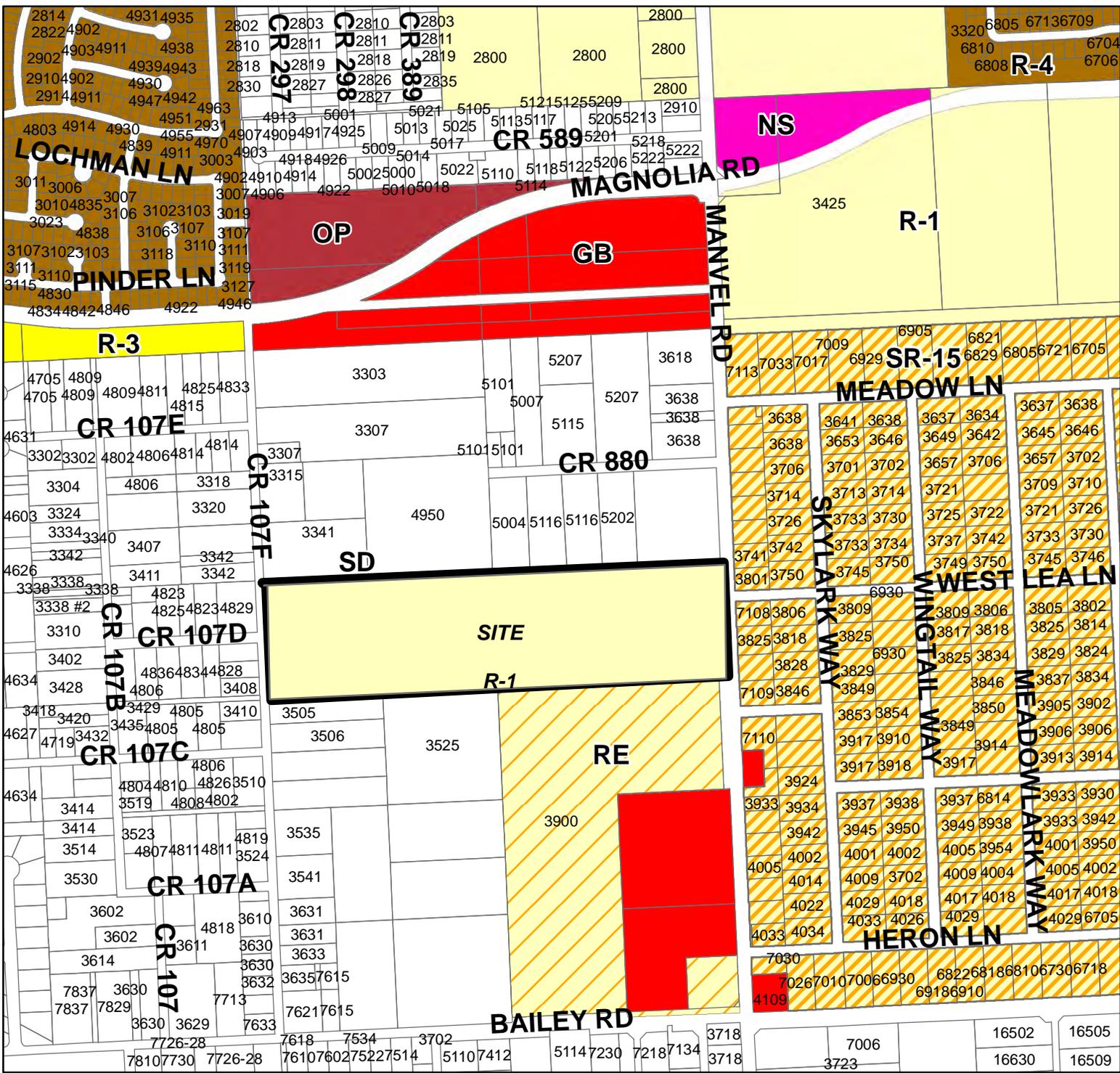


Exhibit B

Proposed Zoning Map

Zone Change 2014-1Z

North of Bailey Road,
between County Road
107F to the west and
Manvel Road to the east

This product is for information 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.

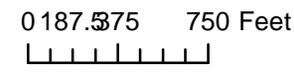


Exhibit C

NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS

ZONE CHANGE APPLICATION NO. 2014-1Z

Notice is hereby given that on March 17, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of Kevin Cole, applicant; on behalf of Tin Dinh, owner; for approval of a zone change from the Single-Family Estate (RE) and Suburban Development (SD) zoning districts to the Single Family Residential 1 (R1) zoning district on approximately 40 acres of land, more specifically described as:

A0547 HT & BRR, Tract 1, 20 acres, Brazoria County, Texas; and

A0547 HT & BRR, Tract 2, 20 acres, Brazoria County, Texas

General Location: North of Bailey Road, between Manvel Road to the east and County Road 107 F (CR 107F) to the west Pearland, TX

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Johnna Matthews
Senior Planner

Exhibit D



Planning & Zoning Commission

Recommendation Letter

March 18, 2014

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on Zone Change No. 2014-1Z

Honorable Mayor and City Council Members:

At their meeting on March 17, 2014, the Planning and Zoning Commission considered the following:

A request of Kevin Cole, applicant; on behalf of Tin Dinh, owner; for approval of a change in zoning of two tracts of land totaling approximately 20 acres each for a total of 40 acres from a Single Family Estate (R-E) zoning district and a Suburban Development (S-D) zoning district to a Single Family Residential 1 (R-1) zoning district, on the following described property:

LEGAL DESCRIPTION: Forty (40) acres of land identified as Tract 1 (20 acres) and Tract 2 (20 acres) out of the H.T & B. R.R. Company Survey, Abstract 547, Volume 2, Page 51 of the records of Brazoria County, Texas

GENERAL LOCATION: North of Bailey Road, between County Road 107 F (CR 107 F) to the west and Manvel Road to the east, Pearland, Texas

After staff presentation Commissioner Elizabeth McLane made a motion to approve the change in zoning. The motion was seconded by Commissioner Linda Cowles. The motion passed with a vote of 7/0.

Sincerely,

Johnna Matthews
Senior Planner
On behalf of the Planning and Zoning Commission



JOINT PUBLIC HEARING AGENDA ITEM MEETING OF MARCH 17, 2014

Zone Change No. 2014-01Z

A request of Kevin Cole, applicant; on behalf of Tin Dinh, owner; for approval of a change in zoning of two tracts of land totaling approximately 20 acres each for a total of 40 acres from a Single Family Estate (R-E) zoning district and a Suburban Development (S-D) zoning district to a Single Family Residential 1 (R-1) zoning district, on the following described property, to wit:

Legal Description: Forty (40) acres of land identified as Tract 1 (20 acres) and Tract 2 (20 acres) out of the H.T & B. R.R. Company Survey, Abstract 547, Volume 2, Page 51 of the records of Brazoria County, Texas

General Location: North of Bailey Road, between County Road 107 F (CR 107 F) to the west and Manvel Road to the east, Pearland, Texas

APPROVAL PROCESS: After the Joint Public Hearing, the requested Conditional Use Permit application will be considered as follows:

Planning and Zoning Commission:	March 17, 2014*
City Council for First Reading:	April 14, 2014*
City Council for Second Reading:	April 28, 2014*

(*dates subject to change)

SUMMARY: Kevin Cole, applicant; on behalf of Tin Dinh, owner; is requesting approval of a change in zoning of two tracts of land totaling approximately 20 acres each for a total of 40 acres, from a Single Family Estate (R-E) and a Suburban Development (S-D) zoning district to a Single Family Residential 1 (R-1) zoning district. The applicant has indicated a desire to construct an R-1 Cluster Plan Development with approximately 100-110 single family lots, equating to a density of 2.5 – 2.75 dwelling units per acre. The proposed zoning district of R-1 allows for a maximum density of 3.2 dwelling units per acre.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	Extraterritorial Jurisdiction (ETJ)	Single-Family Residential Homes & Undeveloped Land
South	Extraterritorial Jurisdiction (ETJ) and Single Family Estate (R-E)	Boat Storage Commercial, Mobile Homes & Massey Ranch Elementary School
East	Suburban Residential 15 (SR-15)	Undeveloped Land & Single Family Homes
West	Extraterritorial Jurisdiction (ETJ)	Automobile Related Commercial Use, Undeveloped Land & Mobile Homes

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): The existing zoning district, R-E as well as the proposed zoning district of R-1 are both low density residential zoning districts intended to permit detached single family dwelling units and appropriate desirable open space. The SD zoning district is intended to provide areas for land that is relatively undeveloped and/or agricultural in nature and is a default district for newly annexed land that has not yet been zoned.

The applicant has indicated a desire to develop the subject property with an R-1 Cluster Plan. A Cluster Plan allows for the use of residential density standards in substitution for minimum lot size standards, providing for open space or amenities that could not be achieved through the application of minimum lot standards. The density in the proposed zoning district of R-1 increases to 3.2 dwelling units per acre, as opposed to the existing density within the R-E zoning district of 1.3 dwelling units per acre. The SD zoning district is a default zoning district for newly annexed property and does not include the below area regulations.

If the zone change is approved, development of the subject 40 acres is subject to the R- 1 zoning district regulations, until such time the applicant submits for a Cluster Development Plan, and it is approved by the Planning and Zoning Commission.

A comparative analysis of the general regulations of the existing and proposed zoning

districts follow:

General Regulations	Default Zoning District (SD) (Existing)	Zoning District (R-E) (Existing)	Zoning District (R-1) (Proposed)
Minimum Lot Size	N/A	½ acre (21,780 sf.)	8,800 sf.
Minimum Lot Width	N/A	120 ft.	80 ft.
Minimum Lot Depth	N/A	90 ft.	90 ft.
Minimum Front Setback	N/A	40 ft.	25 ft.; 20 ft. for cul-de-sac lots
Minimum Side Setback	N/A	10 ft. or = front yard when abutting a right-of-way	7 ft. 6 in.
Minimum Rear Setback	N/A	25 ft. or 30 ft. when adjacent to a thoroughfare/collector, except if landscaping is provided and is visible from the roadway	20 ft., with exceptions
Maximum Lot Coverage		50%	60%
Gross Density		1.3	3.2

In addition to lot area regulations, the Unified Development Code includes a land use matrix for each zoning district which identifies uses that are permitted, permitted with approval of a Conditional Use Permit, or those uses which are not permitted.

SITE HISTORY: The subject property includes two tracts identified as Tract 1 and Tract 2 by Brazoria County appraisal district records (See Attachment 6 for Survey). Tract 1 is undeveloped, includes approximately 20 acres of land and was annexed into the City of Pearland on November 12, 2001. When a property is annexed into the City, the default zoning is Suburban Development District (SD). An initial zoning district of Single Family Estate District (RE) was applied to the site on January 28, 2002. Tract 2 was recently annexed into the City of Pearland effective January 27, 2014 and has a default zoning of SD.

PLATTING STATUS: The approximately 40 acre site is not platted. Platting will be required prior to the issuance of building permits.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The site is located within the *Low Density Residential Future* Land Use Designation. The Comprehensive Plan indicates that appropriate uses and characteristics of land within the aforementioned future land use designation include the following:

- Conventional single-family detached development
- 0-4 dwelling units per acre.
- Average lot size: 7,500 square feet
- Smaller lots may be acceptable if common open space is provided and overall density is not increased

The Comprehensive Plan indicates that appropriate zoning districts include R-1, Single Family and R-2, Single Family.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Manvel Road; a major thoroughfare which requires 120 feet of right-of-way. Right-of-way will be granted at the time of platting. County Road 107F is a county owned and operated roadway.

AVAILABILITY OF UTILITIES: The subject parcel has access to public water and public sewer. The applicant is responsible for extending lines onto the subject property, if necessary.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The subject property is currently undeveloped and is surrounded by undeveloped land and developed residential and nonresidential developments. The proposed zone change, if approved, is not anticipated to have any negative impacts on existing or future developments in the immediate area. During the annexation process, drainage concerns were raised by a nearby neighbor who indicated that the construction of Massey Elementary School caused drainage problems in the area. The applicant, school administrators and the Engineering Department have agreed to meet prior to construction to discuss ways to minimize any existing drainage concerns in the area. Additionally, the property is not platted. Platting is required prior to the issuance of building permits and may trigger necessary improvements, including but not limited to drainage improvements.

ADDITIONAL COMMENTS: This request has been reviewed by the City's Development Review Committee and there were no additional comments from other departments at the time of this report.

PUBLIC NOTIFICATION: Public notices, comment forms, and a vicinity map were mailed to the applicant as well as property owners within 200 feet of the subject property under consideration for the Conditional Use Permit on March 7, 2014. There are twenty-two (22) property owners within 200 feet of the site. A legal notice of public hearing was published in the local newspaper on February 27, 2013 and a notification sign was placed on the property by the applicant on March 7, 2014.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed zone change request at the time of this report.

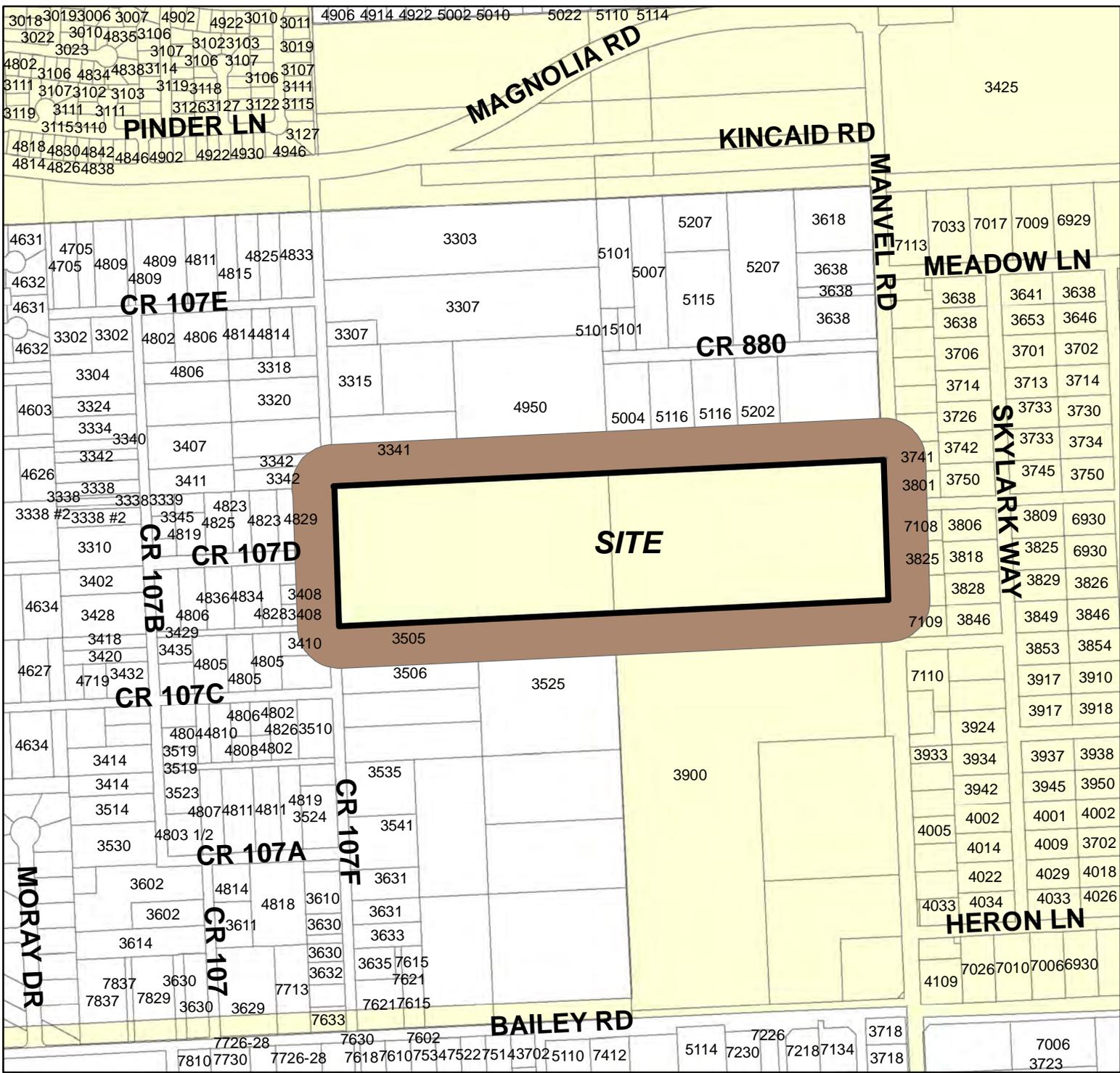
STAFF RECOMMENDATION: Staff recommends approval of Zone Change No. 2014-1Z

to rezone the 40-acre site from SD and R-E to R-1 for the following reasons:

1. It is not anticipated that the proposed change in zoning will have any significant negative impacts on surrounding properties or developments.
2. The future land use designation of the Comprehensive Plan (*Low Density Residential*) supports the proposed zoning district and density.

SUPPORTING ATTACHMENTS:

1. Abutter Map
2. Abutter List
3. Future Land Use Map
4. Aerial Map

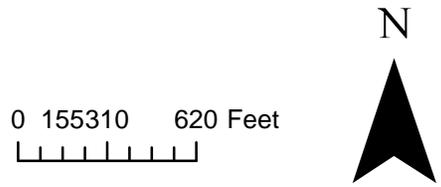


Abutter Map

Zone Change 2014-1Z

**North of Bailey Road,
between County Road
107 F to the west and
Manvel Road to
the east**

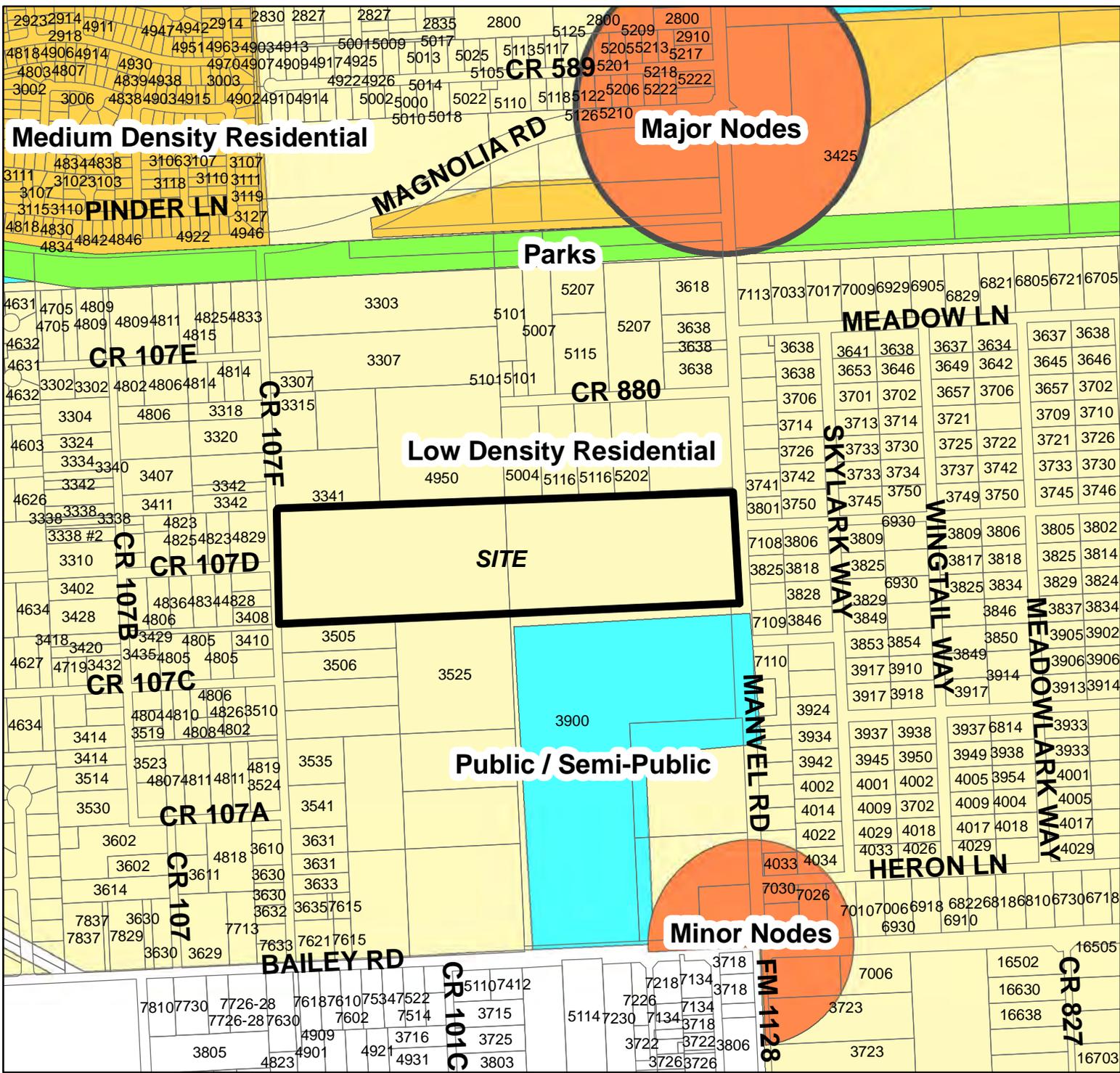
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Zone Change 2014-1Z

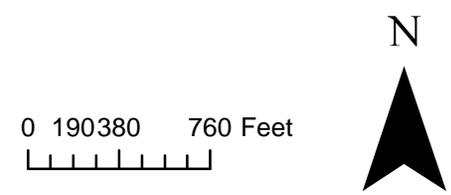
North of Bailey Road, between CR 107 F to the west and Manvel Road to the east

NAME	ADDRESS	CITY	STATE	ZIP
KYLE WILLIAM A & LIBBY D	3002 PEEKSKILL CT	PEARLAND	TX	77584
POAGE JACK & BETTY	5202 MCKNIGHT RD	PEARLAND	TX	77584
BROWN LAWRENCE E & GENEVA L	5116 MCKNIGHT RD	PEARLAND	TX	77584
MOORE BRENDA S	5004 MCKNIGHT RD	PEARLAND	TX	77584
BLAIR LUCIUS JR	3342 CHARLES AVE	PEARLAND	TX	77584
1986 LLP	2525 COUNTY ROAD 90	PEARLAND	TX	77584
NGUYEN NGA THUY & HAI NGOC	13811 GARDEN CREEK WAY	HOUSTON	TX	77059
RUSHING SHIRLEY	PO BOX 81	PEARLAND	TX	77588
FLORES DANIEL & IRENE S	3801 MANVEL RD	PEARLAND	TX	77584
LONG MARVIN A SR & DARLENE	4823 BETTY LN	PEARLAND	TX	77584
HUBBARD MELODY JOHNSON	7108 WESTLEA LN	PEARLAND	TX	77584
GONZALEZ FEDERICO & MARIA	3825 MANVEL RD	PEARLAND	TX	77584
LONG MARVIN A SR & DARLENE	4823 BETTY LN	PEARLAND	TX	77584
CAVAZOS EUGENE S	3408 CHARLES AVE	PEARLAND	TX	77584
EMMONS MELVIN L & JANET	7109 W MOCKINGBIRD LN	PEARLAND	TX	77584
WOODS TERRY G SR & SALENA L	3525 CHARLES AVE	PEARLAND	TX	77584
REGALADO VICTOR & RAQUEL	3505 CHARLES AVE	PEARLAND	TX	77584
LONG MARVIN A & LINDA	3410 CHARLES AVE	PEARLAND	TX	77584
TEELUCKSINGH HARDEO & GENNA	3341 CHARLES AVE	PEARLAND	TX	77584
SINGH NANDLAL	4950 MCKNIGHT RD	PEARLAND	TX	77584
PEARLAND ISD	PO BOX 7	PEARLAND	TX	77588
Kevin Cole	2800 E. Broadway, Suite C #228	PEARLAND	TX	77581



FLUP Map
Zone Change 2014-1Z
North of Bailey Road,
between County Road
107F to the west and
Manvel Road to
the east

This product is for information 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.



New Business Item No. 3

- 3. Consideration and Possible Action – Resolution No. R2014-29** – A resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property, being 0.1869 acres out of a 2.1642 acre tract recorded in the H.T. & B.R.R. Co. Survey, Abstract 239, Pearland, Brazoria County, Texas, for the construction and maintenance of water line improvements on certain real property described herein; authorizing the City Attorney, or his designee, and other City officials to take such actions as are necessary to acquire said property, located within the City, by donation, purchase, or by the exercise of the power of eminent domain. *Mr. Darrin Coker, City Attorney.*

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

AGENDA OF: 4-14-14	ITEM NO.: Resolution No. R2014-29
DATE SUBMITTED: 3-30-14	DEPARTMENT OF ORIGIN: Projects
PREPARED BY: Darrin Coker	PRESENTOR: Darrin Coker
REVIEWED BY: NA	REVIEW DATE: NA
SUBJECT: SH 35 Water Line Project- Resolution Declaring “Public Necessity”	
EXHIBITS: R20114-29 and Exhibits	
EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.:	AMOUNT BUDGETED: PROJECT NO.:
ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:	
To be completed by Department: <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

This resolution will allow the City to file a condemnation petition associated with the above referenced project. Prior to the filing of a condemnation action, the City Council must approve a resolution, declaring a public necessity, which will be filed as an attachment to the City’s Petition. AutoZone owns the property but a negotiated settlement cannot be reached at this time because AutoZone has not responded to the City’s offer. The City’s appraisal values the easement at \$18,769.00. Although the condemnation Petition will be filed, we will continue efforts to reach a settlement with the property owner. **Due to changes in state law, the Council is required to read the entire caption as part of the motion in order to comply with statutory requirements.**

RESOLUTION NO. 2014-29

A resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property, being 0.1869 acres out of a 2.1642 acre tract recorded in the H.T. & B.R.R. Co. Survey, Abstract 239, Pearland, Brazoria County, Texas, for the construction and maintenance of water line improvements on certain real property described herein; authorizing the City Attorney, or his designee, and other City officials to take such actions as are necessary to acquire said property, located within the City, by donation, purchase, or by the exercise of the power of eminent domain.

WHEREAS, the City Council recognizes that a public convenience and necessity exists for the location, construction, operation, and maintenance of water line improvements on certain real property described herein; and

WHEREAS, accordingly, the City Council hereby acknowledges that it is in the public's best interest to acquire a water line easement for the construction of a water line on certain property; now, therefore,

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

Section 1. The City Council hereby finds and determines that a public convenience and necessity exists for the construction of water line improvements on certain real property located in Brazoria County, Texas.

Section 2. The public convenience and necessity requires the acquisition of a water line easement, by donation, purchase, condemnation, or otherwise, of certain real property located within the City and situated in Brazoria County, more particularly described in Exhibits "A" and "B" attached hereto and incorporated herein for all purposes.

Section 3. The City Attorney, or his designee, and other City officials are hereby authorized and directed, on behalf of the City to take such actions as are necessary to acquire the property interest, described in Exhibits "A" and "B", either by donation, purchase or the exercise of the power of eminent domain.

PASSED and APPROVED on this the _____ day of _____,

RESOLUTION NO. 2014-29

A.D., 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

CITY OF PEARLAND
0.1869 ACRE
PROPOSED WATER LINE EASEMENT
PARCEL "A"

SEPTEMBER 3, 2013
JOB NO. 2027-00

DESCRIPTION OF A 0.1869 ACRE TRACT OF LAND SITUATED
IN THE H.T & B.R.R. CO. SURVEY, ABSTRACT NO. 239
CITY OF PEARLAND
BRAZORIA COUNTY, TEXAS

BEING a 0.1869 acre (8,142 square foot) tract of land situated in the H. T. & B.R.R. Co. Survey, Abstract No. 239, City of Pearland, Brazoria County, Texas being out of a called 2.1642 acre tract of land as described in an instrument to Autozone Texas, L.P. filed for record under Doc. No. 2003064543 of the Official Public Records of Brazoria County, Texas (O.P.R.B.C.T.), said 0.1869 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 3/4-inch iron rod found (Control Monument) for the East corner said 2.1642 acre and being a reentrant corner of Lot "A" of the Replat of Pearland Pavilion, a subdivision plat filed for record under Vol. 17, Pg. 395-396 of the Brazoria County Plat Records (B.C.P.R);

THENCE, S 57° 41' 06" W, a distance of 209.00 feet along and with the Southeast line of said 2.1642 acre tract and a North line of said Lot "A" to a 1/2-inch iron rod with cap stamped "Brown & Gay" set for the **POINT OF BEGINNING** and being the most Easterly Southeast corner of the herein described tract;

THENCE, S 57° 41' 06" W, a distance of 30.00 feet continuing along and with the Southeast line of said 2.1642 acre tract and a North line of said Reserve "A" to a 1/2-inch iron rod with cap stamped "Brown & Gay" set for corner in the East right-of-way line of State Highway 35, 100-foot width (Main Street) as described in an instrument filed for record under Volume 210, Pg. 94 of the Brazoria County Deed Records;

THENCE, N 32° 13' 54" W, a distance of 176.50 feet along and with the West line of said 2.1642 acre tract and the East line of said SH 35 to a 1/2-inch iron rod with cap stamped "Brown & Gay" set for the beginning of a tangent curve to the right;

THENCE, in a Northwesterly direction, continuing along and with the West line of said 2.1642 acre tract and the East line of said SH 35 and said curve to the right, a distance of 215.38 feet, having a radius of 1,382.39 feet, a central angle of 08° 55' 37" and a chord which bears N 27° 46' 06" W, 215.16 feet to a 1/2-inch iron rod with cap stamped "Brown & Gay" set for corner, same being the South corner of a called 0.1334 acre tract of land described in an instrument to City of Pearland for the widening of Walnut Street (variable width) filed for record under Doc. No. 2007056868 O.P.R.B.C.T.;

THENCE, N 27° 27' 35" E, a distance of 17.09 feet along and with the South line of said Walnut Street to a 1/2-inch iron rod with cap stamped "Brown & Gay" set for corner, same being the Southwest corner of a 20-foot wide Water and Sewer Easement described in an instrument to the City of Pearland filed for record under Doc. No. 2007056873 O.P.R.B.C.T.;

THENCE, N 87° 15' 36" E, a distance of 7.25 feet along and with the South line of said 20-foot wide Water and Sewer Easement to a 1/2-inch iron rod with cap stamped "Brown & Gay" set for the beginning of a non-tangent curve to the left having a center which bears N 67° 02' 34" E, 1,362.39 feet;

THENCE, over and across said 2.1642 acre tract the following courses and distances:

CITY OF PEARLAND
0.1869 ACRE
PROPOSED WATER LINE EASEMENT
PARCEL "A"

SEPTEMBER 3, 2013
JOB NO. 2027-00

In a Southeasterly direction, along said curve to the left, a distance of 220.53 feet, having a radius of 1,362.39 feet, a central angle of $09^{\circ} 16' 28''$ and a chord which bears $S 27^{\circ} 35' 40'' E$, 220.29 feet to a 1/2-inch iron rod with cap stamped "Brown & Gay" set for the point of tangency;

$S 32^{\circ} 13' 54'' E$, a distance of 156.47 feet to a 1/2-inch iron rod with cap stamped "Brown & Gay" set for corner;

$N 57^{\circ} 41' 06'' E$, a distance of 10.00 feet to 1/2-inch iron rod with cap stamped "Brown & Gay" set for corner;

$S 32^{\circ} 13' 54'' E$, a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 0.1869 of one acre (8,142 square feet) of land.

Bearing orientation is based on the Texas State Plane Coordinate System, South Central Zone 4204, NAD-83 and is referenced to monuments as cited herein and as shown on a survey plat of even date prepared by the undersigned in conjunction with this metes and bounds description.



Glenn Fisher RPLS No. 4146
Brown & Gay Engineers, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700

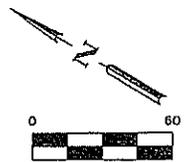
X:\City_Pearland\2027_00_5H35_Waterline\06_Survey\04_Finals\PARCEL_Bldg Sep 12, 2013-8:17am Fuller

H.T. & B.R.R. CO. SURVEY A-239

LEGEND

- B.C.D.R. BRAZORIA COUNTY DEED RECORDS
 - B.C.P.R. BRAZORIA BEND COUNTY PLAT RECORDS
 - B.L. BUILDING LINE
 - BLOG. BUILDING
 - (CM) CONTROL MONUMENT
 - O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY
 - PG. PAGE
 - P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCING
 - W.L.E. WATER LINE EASEMENT
 - (S) SET 1/2-INCH IRON ROD WITH CAP "BROWN & GAY"
- AUTOZONE TEXAS, L.P.
CALLED 2.1842 ACRES
DOC. #2003064543 O.P.R.B.C.T.

P.O.C.
FND. 3/4-INCH
IRON ROD (C.M.)



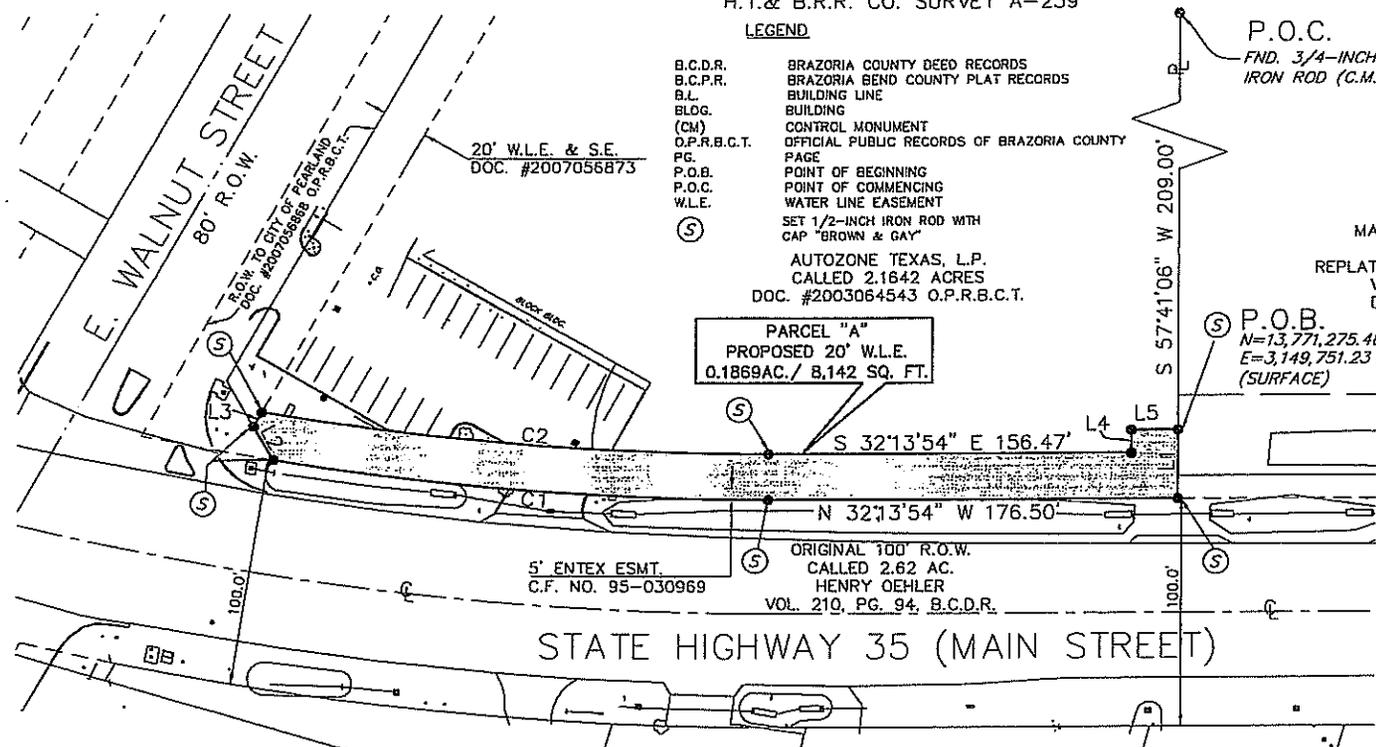
FELTON M. BAKER AND
MARY C. BAKER REVOCABLE TRUST
LOTS A-E, G-V OF
REPLAT OF PEARLAND PAVILION SUBDIVISION
VOL. 17, PG. 395-398, B.C.P.R.
DOC. #2005011938, O.P.R.B.C.T.
LOT "A"

GENERAL NOTES:

- BEARING ORIENTATION IS BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD-83 AND WAS ESTABLISHED BY GPS OBSERVATIONS. ALL COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SCALE FACTOR OF 1.00013.
- A SEPARATE METES AND BOUNDS DESCRIPTION OF EVEN DATE WAS PREPARED BY THE UNDERSIGNED IN CONJUNCTION WITH THIS SURVEY PLAT AND ISSUED AS A SEPARATE INSTRUMENT.

PARCEL "A"
PROPOSED 20' W.L.E.
0.1869AC. / 8,142 SQ. FT.

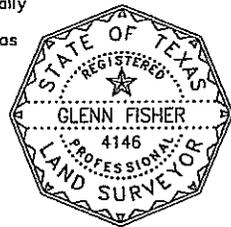
P.O.B.
N=13,771,275.46
E=3,149,751.23
(SURFACE)



LINE DATA		
NUMBER	BEARING	DISTANCE
L1	S 57°41'06" W	30.00'
L2	N 27°27'35" E	17.09'
L3	N 87°15'36" E	7.25'
L4	N 57°41'06" E	10.00'
L5	S 32°13'54" E	20.00'

I hereby certify that this plat is based on a survey made on the ground under my supervision and to my knowledge is true and correct and substantially complies with the minimum standards and specification of the rules established by the Texas Board of Professional Land Surveying.

CURVE DATA					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	215.38'	1382.39'	08°55'37"	N 27°46'06" W	215.16'
C2	220.53'	1362.39'	09°16'28"	S 27°35'40" E	220.29'



Glenn Fisher
GLENN FISHER RPLS NO. 4146
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BROWN & GAY ENGINEERS, INC.
Brown & Gay Engineers, Inc.
10777 Westheimer, Suite 400, Houston, TX 77042
Tel: 281-558-8700 Fax: 281-558-9701
— Civil Engineers and Surveyors —

SURVEY OF A PROPOSED 0.1869 ACRE WATER LINE EASEMENT PARCEL "A"
H.T. & B. R.R. CO. SURVEY A-239
CITY OF PEARLAND
BRAZORIA COUNTY, TEXAS

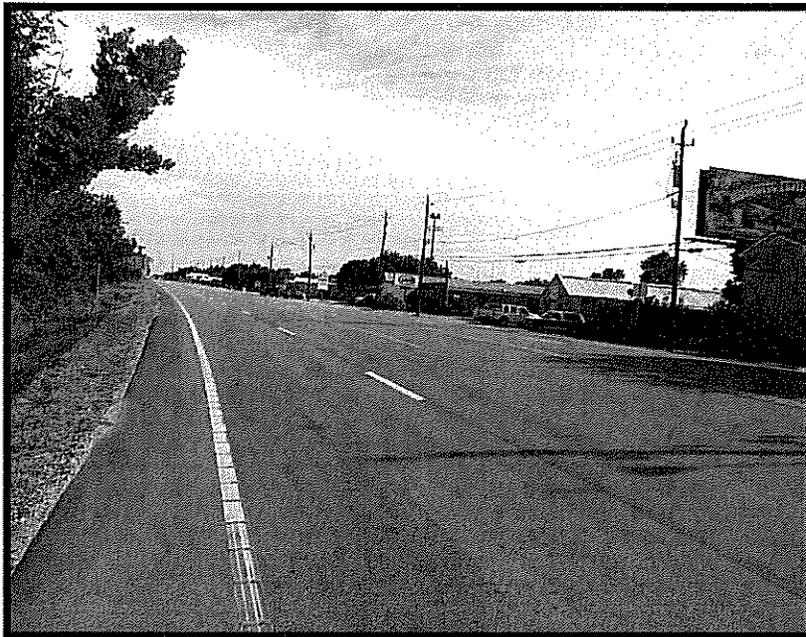
Scale: 1"=60'	Job No.: 2027-00	Date: 9-2013	Exhibit: 1
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Looking east at the Subject Property



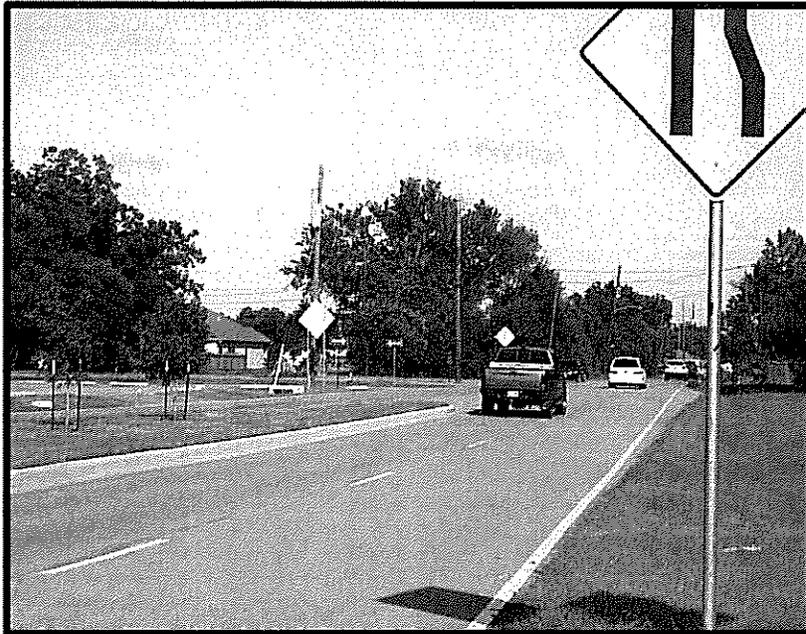
Looking south at the Subject Property



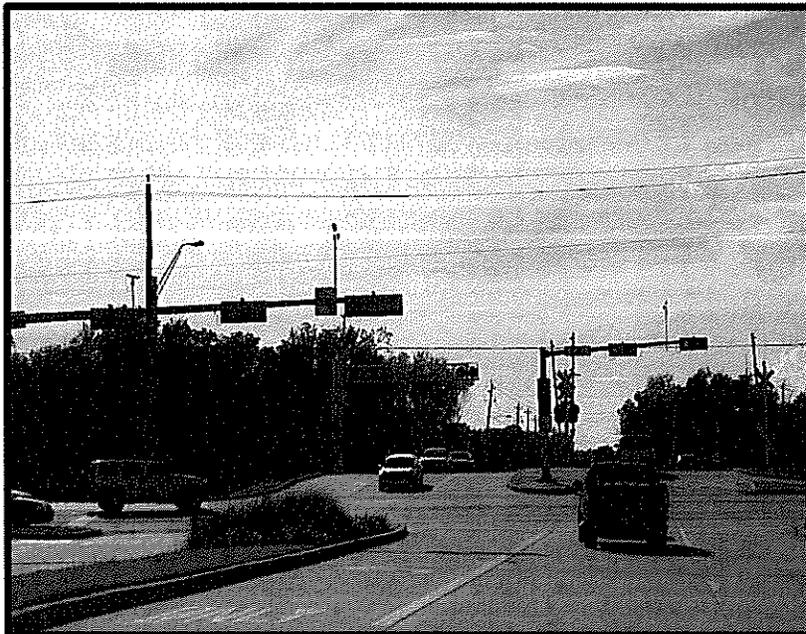
Looking South along SH 35 (Main Street)



Looking North along SH 35 (Main Street)



Looking East along East Walnut Street



Looking West along East Walnut Street

MAPS

