

AGENDA

CITY OF PEARLAND ♦ CITY COUNCIL

April 28, 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 28, 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 of the Crawfish proceeds charitable contributions to community Education Organizations of Shadow Creek by Drew Pelter.
2. Presentation of proclamation proclaiming the month of May 2014 as “Motorcycle Safety Week” to be accepted by Joan Wynn.
3. Presentation of proclamation proclaiming the month of June 6, 2014 as “Pearland High School Project Graduation Day” to be accepted by Trent Henley.
4. Presentation of proclamation proclaiming the month of June 6, 2014 as “Dawson High School Project Graduation Day” to be accepted by Trent Henley
5. Presentation of proclamation proclaiming the month of June 7, 2014 as “Turner High School Project Graduation Day” to be accepted by Trent Henley.
6. Presentation of proclamation proclaiming May 3-11, 2014 as “National Travel and Tourism Week” to be accepted by Kim Sinistore.
7. Presentation of proclamation proclaiming May 4-10, 2014, as “2014 National Arson Awareness Week” to be accepted by Roland Garcia.
8. Presentation of proclamation proclaiming the month of May 2014, as “Building Safety Month” to be accepted by Mike Ingalsbe.
9. Presentation of proclamation proclaiming May 4-10, 2014, as “City Secretaries Week” to be accepted by Young Lorfing.

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 April 14, 2014, Regular Meeting, held at 7:30 p.m.

B. Consideration and Possible Action – Second and Final 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.*

C. Consideration and Possible Action – Second and Final 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.*

- D. Consideration and Possible Action – Resolution No. R2014-34 –** A resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for audit services with Whitney Penn in the amount of \$75,300.00. *Ms. Claire Bogard, Director of Finance.*
- E. Consideration and Possible Action – Resolution No. R2014-35 –** A resolution of the City Council of the City of Pearland, Texas, approving recommendations of the Property Tax Resale Committee of Brazoria County for the property located at 3129 Bishopton, Twin Creek Woods, Block 3, Lot 44. *Ms. Claire Bogard, Director of Finance.*
- F. Consideration and Possible Action – Resolution No. R2014-39 –** A resolution of the City Council of the City of Pearland, Texas, changing the regular meeting times and dates for May 2014 to accommodate the Memorial Day Holiday. *Mr. Darrin Coker, City Attorney.*

VII. MATTERS REMOVED FROM CONSENT AGENDA

VIII. NEW BUSINESS:

- 1. Consideration and Possible Action – Resolution No. R2014-38 –** A resolution of the City Council of the City of Pearland, Texas, authorizing a contract for Construction Management and Inspections services, associated with the McHard Road Water Line Project (Phase 1), to ARRK Engineering, LLC., in the amount of \$244,400.00. *Mr. Trent Epperson, Director of Engineering and Capital Projects.*
- 2. Consideration and Possible Action – Resolution No. R2014-36 –** A resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the Walnut Lift Station Project, to T & C Construction, Ltd. in the amount of \$976,610.00. *Mr. Trent Epperson, Director of Engineering and Capital Projects.*
- 3. Consideration and Possible Action – Resolution No. R2014-37 –** A resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services to Traffic Systems Construction, Inc. for traffic signal and median improvements, at the intersection of FM 518 and Garden Road, in the amount of \$290,561.00. *Mr. Trent Epperson, Director of Engineering and Capital Projects.*
- 4. Consideration and Possible Action – Resolution No. R2014-40 –** A resolution of the City Council of the City of Pearland, Texas, awarding a bid for glass crushing equipment to Andea Tool & Machine, Inc. in the amount of \$144,448.00. *Ms. Michelle Smith, Director of Parks and Recreation and Beautification.*

5. **Consideration and Possible Action – Resolution No. R2014-41** – A resolution of the City Council of the City of Pearland, Texas, authorizing a contract for professional services, associated with the Right-of-Way Assessment Project, with Infrastructure Management Services in the amount of \$314,713.00. *Mr. Eric Wilson, Director of Public Works.*

6. **Consideration and Possible Action – Resolution No. R2014-42** – A resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Wastewater Effluent Purchase Option Agreement with Third Coast Terminals, Inc. *Mr. Eric Wilson, Director of Public Works.*

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 of the Crawfish proceeds charitable contributions to community Education Organizations of Shadow Creek.

Presentation of Proclamation proclaiming the month of May 2014 as “Motorcycle Safety Week.”

Presentation of Proclamation proclaiming the month of June 6, 2014 as “Pearland High School Project Graduation Day.”

Presentation of Proclamation proclaiming the month of June 6, 2014 as “Dawson High School Project Graduation Day.”

Presentation of Proclamation proclaiming the month of June 7, 2014 as “Turner High School Project Graduation Day.”

Presentation of Proclamation proclaiming May 3-11, 2014 as “National Travel and Tourism Week.”

Presentation of Proclamation proclaiming May 4-10, 2014, as “2014 National Arson Awareness Week.”

Presentation of Proclamation proclaiming the month of May 2014, as “Building Safety Month.”

Presentation of Proclamation proclaiming May 4-10, 2014, as “City Secretaries Week.”

Proclamation

Office of THE MAYOR CITY OF PEARLAND

Whereas, *Today's Society Is Finding More Citizens Involved In Motorcycling On The Roads Of Our Country And Are Much More Likely To Be Injured Or Killed In A Crash Than Other Vehicle Drivers; And*

Whereas, *A Comprehensive Approach To Motorcycle Safety Has Helped Inform Riders And Motorists Alike On Motorcycle Safety Issues To Reduce Motorcycle Related Injuries And Most Of All Fatalities; And*

Whereas, *It Is The Responsibility Of All Vehicle Drivers To Be Aware Of Motorcyclists, Regarding Them With The Same Respect As Any Other Vehicle Traveling The Highways Of This Country; And*

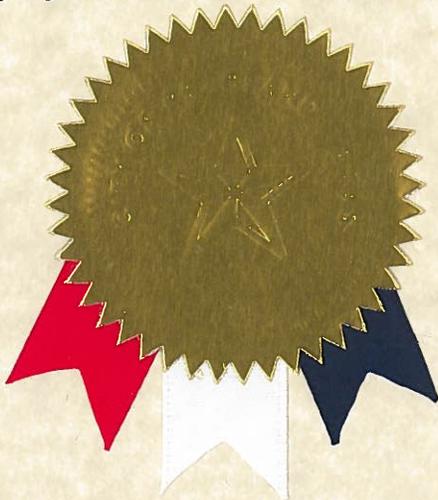
Whereas, *The Texas Motorcycle Rights Association Is Urging Our Communities To Be Aware Of The Inherent Danger Involved In Operating A Motorcycle And Give The Operator The Respect On The Road They Deserve.*

Now, Therefore, *I, Tom Reid, By The Power Vested In Me As The Mayor Of The City Of Pearland, Texas, Do Hereby Proclaim The Month Of May 2014 As*

MOTORCYCLE SAFETY AND AWARENESS MONTH

In Pearland And I Ask All Citizens Near And Far To Be Aware Of Their Surroundings As They Operate A Motor Vehicle Whether It Be A Motorcycle Or Any Other Vehicle To Ensure The Safety Of Themselves And Others.

*Given Under My Hand And Seal Of Office This
28th Day Of April, 2014*



Tom Reid

Mayor, The City Of Pearland

Proclamation

Office of THE MAYOR CITY OF PEARLAND

Whereas, The Pearland High School Graduating Class of 2014 Will Celebrate The 25th Annual Observance Of Project Graduation; And

Whereas, Project Graduation Is A Drug Free And Alcohol Free Safe Celebration For Graduating Seniors; And

Whereas, Parents, Students, Faculty, Churches, Organizations And Businesses Are Working Together To Provide A Safe Chemical-Free All Night Party; And

Whereas, This Event Will Take Place On Graduation Night, June 6th, 2014 At The Sheryl Searcy Complex From 10 p.m. To 4:00 a.m. On June 7th.

Now, Therefore, I, Tom Reid, By The Power Vested In Me As The Mayor Of The City Of Pearland, Texas, Do Hereby Proclaim June 6th, 2014 As

PEARLAND HIGH SCHOOL PROJECT GRADUATION DAY

In Pearland And Urge The Pearland Community To Give Their Support To Our Graduates As They Celebrate This Milestone In Their Lives.



*Given Under My Hand And Seal Of Office
This 28th Day Of April 2014.*

Tom Reid

Mayor, The City Of Pearland

Proclamation

Office of THE MAYOR CITY OF PEARLAND

Whereas, The Dawson High School Graduating Class of 2014 Will Celebrate The 25th Annual Observance Of Project Graduation; And

Whereas, Project Graduation Is A Drug Free And Alcohol Free Safe Celebration For Graduating Seniors; And

Whereas, Parents, Students, Faculty, Churches, Organizations And Businesses Are Working Together To Provide A Safe Chemical-Free All Night Party; And

Whereas, This Event Will Take Place On Graduation Night, June 6th, 2014 At The Sheryl Searcy Complex From 10:00 p.m. To 4:00 a.m. On June 7th.

Now, Therefore, I, Tom Reid, By The Power Vested In Me As The Mayor Of The City Of Pearland, Texas, Do Hereby Proclaim June 6th, 2014 As

DAWSON HIGH SCHOOL PROJECT GRADUATION DAY

In Pearland And Urge The Pearland Community To Give Their Support To Our Graduates As They Celebrate This Milestone In Their Lives.

*Given Under My Hand And Seal Of Office
This 28th Day Of April 2014.*



Tom Reid

Mayor, The City Of Pearland

Proclamation

Office of THE MAYOR CITY OF PEARLAND

Whereas, The Turner High School Graduating Class of 2014 Will Celebrate The 25th Annual Observance Of Project Graduation; And

Whereas, Project Graduation Is A Drug Free And Alcohol Free Safe Celebration For Graduating Seniors; And

Whereas, Parents, Students, Faculty, Churches, Organizations And Businesses Are Working Together To Provide A Safe Chemical-Free All Night Party; And

Whereas, This Event Will Take Place On Graduation Night, June 6th, 2014 At The Sheryl Searcy Complex From 10:00 p.m. To 4:00 a.m. On June 7th.

Now, Therefore, I, Tom Reid, By The Power Vested In Me As The Mayor Of The City Of Pearland, Texas, Do Hereby Proclaim June 6th, 2014 As

TURNER HIGH SCHOOL PROJECT GRADUATION DAY

In Pearland And Urge The Pearland Community To Give Their Support To Our Graduates As They Celebrate This Milestone In Their Lives.



*Given Under My Hand And Seal Of Office
This 28th Day Of April 2014.*

Tom Reid

Mayor, The City Of Pearland

Proclamation

Office of THE MAYOR CITY OF PEARLAND

Whereas, *Travel and tourism within the United States provides significant economic benefit for the nation's economic prosperity generating \$2.1 trillion in economic output in 2013 with \$887 billion spent directly by travelers; and*

Whereas, *Travel is among the largest private-sector employer in the United States supporting 14.9 million jobs in 2013 including 7.9 million directly in the travel industry and 7.0 million jobs in other industries; and*

Whereas, *Tourism plays a significant role and economic impact of the City of Pearland by bringing \$117 million in visitor spending in 2012 and \$2.9 million in local tax revenues, which includes sales and occupancy tax and 950 jobs; and*

Whereas, *Travel into the State of Texas is one of the State's largest industries as an estimated 220 million domestic and 8.2 million international travelers visited the State in 2012 spending \$66 billion and generating tax revenues of \$4.4 billion which directly supported 568,000 jobs.*

Now, Therefore, I, Tom Reid, By The Power Vested In Me As The Mayor Of The City Of Pearland, Texas, Do Hereby Proclaim May 3rd – 11th, 2014 As

NATIONAL TRAVEL AND TOURISM WEEK

In Pearland and I ask all citizens both near and far to join with me in recognizing the outstanding work of the Pearland Convention and Visitors Bureau in bringing visitors to Pearland that provide spending for sales and occupancy tax, support jobs and for their participation in the activities of the National Traveler and Tourism week.

*Given Under My Hand And Seal Of Office This 28th
Day Of April, 2014.*



Tom Reid

Mayor, The City Of Pearland

Proclamation

Office of THE MAYOR CITY OF PEARLAND

Whereas, *The theme for 2014 National Arson Awareness Week is Vehicle Arson – A Combustible Crime; and*

Whereas, *According to the U.S. Fire Administration, from 2008-2010, 14 percent of all fires were vehicle fires. Of these fires, 7 percent were intentionally set; and*

Whereas, *The Federal Bureau of Investigation reported that over the last 10 years (2003-2012) there has been an average of 14,737 vehicle arsons reported, accounting for 26.5 percent of total arsons annually; and*

Whereas, *The week of May 4 – 10 can be used as a collaborative effort with fire and emergency service departments, law enforcement, insurance companies and the justice system to help reduce the unscrupulous crime of vehicle arson.*

Now, Therefore, *I, Tom Reid, By The Power Vested In Me As The Mayor Of The City Of Pearland, Texas, Do Hereby Proclaim May 4th – 10th, 2014 As*

2014 NATIONAL ARSON AWARENESS WEEK

In Pearland and I ask all citizens to participate in the 2014 National Arson Awareness Week by supporting our Fire Marshal and Fire Department in reducing residential arson with neighborhood clean-ups and elimination arson environments that would threaten our homes, and assist in reducing the crime of vehicle arson.

*Given Under My Hand And Seal Of Office This 28th
Day Of April, 2014.*



Tom Reid

Mayor, The City Of Pearland

Proclamation

Office of THE MAYOR CITY OF PEARLAND

Whereas, Our city's continuing efforts to address the critical issues of safety, energy efficiency, and resilience that affect our citizens, both in everyday life, and in times of natural disaster, give us confidence that our structures are safe and sound; and

Whereas, Our building safety and fire prevention officials, architects, engineers, builders, laborers and others in the construction industry who work year-round to ensure the safe construction of buildings; and

Whereas, The International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires and earthquakes; and

Whereas, Building Safety Month is sponsored by the International Code Council, to remind the public of the critical role of our communities public safety and local code officials who assure us of safe, efficient and livable buildings.

Now, Therefore, I, Tom Reid, By The Power Vested In Me As The Mayor Of The City Of Pearland, Texas, Do Hereby Proclaim The Month of May 2014 As

BUILDING SAFETY MONTH

In Pearland and I ask all citizens to join with me in recognizing our Building Inspectors and Code Enforcement Officers who use the International Building Codes to assure the highest safety standards for the construction of safe, efficient and livable buildings in Pearland.

*Given Under My Hand And Seal Of Office This 28th
Day Of April, 2014.*



Tom Reid

Mayor, The City Of Pearland

Proclamation

Office of THE MAYOR CITY OF PEARLAND

Whereas, The Office of City Secretary is the oldest among public servants and is a time honored and vital part of local government throughout the world; and

Whereas, The City Secretary serves as the information center of the functions of local government and community and are ever mindful of their neutrality and impartiality in rendering equal service to one and all; and

Whereas, The City Secretary continually strives to improve the administration of the affairs of their office through participation in educational programs, seminars, workshops, and the annual meetings of their state organizations; and

Whereas, The Office of the City Secretary is recognized for the competence they demonstrate and the contribution they make on a daily basis in conducting the vital business of our communities.

Now, Therefore, I, Tom Reid, By The Power Vested In Me As The Mayor Of The City Of Pearland, Texas, Do Hereby Proclaim The Week Of May 4 - 10, 2014 As

CITY SECRETARIES WEEK

In Pearland and I ask all citizens both near and far to join with me in recognizing the outstanding service provided by our Pearland City Secretary, Young Lorfing, and the contribution that City Secretaries make to the vital services they perform for the communities they represent.

Given Under My Hand And Seal Of Office This 28th Day Of April, 2014.



Tom Reid

Mayor, The City Of Pearland

Consent Agenda Item A

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

Minutes of the April 14, 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, APRIL 14, 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: Clair Bogard Director of Finance; Matt Buchanan President of Economic Development Corporation; J.C. Doyle Police Chief; Trent Epperson Director of Engineering and Capital Projects; Roland Garcia Fire Marshal; Mike Hodge Assistant City Manager; Lata Krishnarao Director of Community Development; Vance Riley Fire Chief; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Michelle Smith Director of Parks and Recreation; Eric Wilson Public Works Director; Sparkle Anderson Communications Manager; Bob Pearce Purchasing Officer; Cristen Wood Human Resource Generalist.

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

RECOGNITIONS AND AWARDS:

Executive Director of Bay Area Council Boy Scouts of America Chuck Herrera presented the Golden Eagle Award to Mayor Tom Reid for the Eagle Class Honoree for 2013.

Mayor Reid and City Manager Clay Pearson presented Mark Campise Battalion Chief in the Fire Department the Full-Time Employee of the Quarter Award for exemplifying the Core Beliefs of the City of Pearland.

Mayor Reid and City Manager Clay Pearson presented Shelby Lowe Recreation Attendant in the Parks and Recreation Department with the Part-Time Employee of the Quarter Award for exemplifying the Core Beliefs of the City of Pearland.

CITIZEN COMMENTS:

Kitty Anthony, 3307 Jacquelyn, addressed Council stating she is representing the subdivision Regency Park. In 2004 the City repaired Barry Rose Road and wanted to open up Randall Street for a second entrance. The residents came before Council asking the City not to open Randall Street. The City put a large barrier at the end of Randall Street. The residents were told the barrier would remain and there would be no second entrance into their neighborhood. She stated after ten years the City wants to put in the second entrance. She further stated the subdivision is trying to save the City

money by not asking for sidewalks. She asked Council to take into consideration that Regency Park subdivision does not want the second entrance.

Charles Anderson, 3715 Jacquelyn Drive, addressed Council stating the residents of Regency Park do not want the second entrance. He stated ten years ago the residents fought against the second entrance. He further stated the residents were promised the second entrance would never happen.

Larry Marcott, 3606 Inverness Court, addressed Council stating in the Journal newspaper there is very little information regarding the Charter Election. He does not think the public knows what the Charter Election is about or how to vote. He believes in the next few weeks more information needs to get out to the public regarding the Charter Election. He further stated he would like for the City to look into the concerns he has regarding the contract the City has for grass mowing.

DOCKETED PUBLIC HEARING: None

CONSENT AGENDA:

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.*

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

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

Voting "No" None.

Motion Passed 5 to 0.

MATTERS REMOVED FROM CONSENT AGENDA: None.

NEW BUSINESS:

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.*

Councilmember Sherman made the motion, seconded by Mayor Pro-Tem Hill to approve Ordinance No. CUP2014-02 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of Application No. CUP2014-02.

City Manager Clay Pearson reported 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.

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

Voting "No" None.

Motion Passed 5 to 0.

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.*

Mayor Pro-Tem Hill made the motion, seconded by Councilmember Sherman to approve Ordinance No. 2000M-111 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of Application No. Zone Change 2014-1Z.

City Manager Clay Pearson reported 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.

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

Voting "No" None.

Motion Passed 5 to 0.

Council 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.*

Councilmember Ordeneaux made the motion, seconded by Councilmember Carbone to approve Resolution No. R2014-29.

City Manager Clay Pearson reported 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. Auto Zone owns the property but a negotiated settlement cannot be reached at this time because Auto Zone has not responded to the City's offer. The City's appraisal values the easement at \$18,769. Although the condemnation Petition will be filed, the City will continue efforts to reach a settlement with the property owner.

Discussion ensued between Council and the City Attorney Darrin Coker regarding filing a petition and reaching a settlement with the property owner.

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

Voting "No" None.

Motion Passed 5 to 0.

OTHER BUSINESS: None.

ADJOURNMENT

Meeting was adjourned at 7:59 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 – Second and Final 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.*

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

AGENDA OF: April 14, 2014	ITEM NO.: Ord. 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:

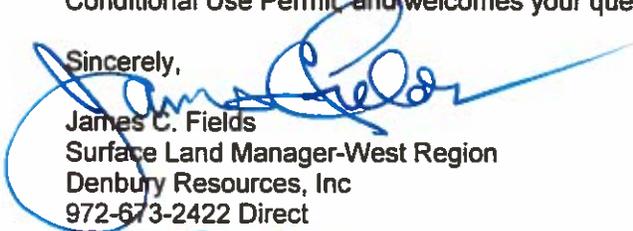
- locating and marking any existing pipelines or equipment with the drillsite area
- Clearing, leveling and rocking the drillsite for the drilling rig and associated equipment used during the drilling process.

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

ZONE CHANGE/ VARIANCE/ [REDACTED] RECORDATION

\$ 250.00 (circle one) BA or FE

Description: Input who the check is from
* and Eric Unkerzagt
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 E R I M I T
*** CUSTOMER RECEIPT ***
Oper: AGONZALES Type: OC Drawer: J
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.

Tax Office:

[Search & Pay Taxes](#)
[Appraisal District](#)
[Your Tax Portfolio](#)

Brazoria County:

[Home](#)
[Holiday Schedule](#)
[Job Postings](#)

[Tax Rates & Entities](#)
[Related Links](#)

[County Directory](#)
[Related Links](#)

[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

©Appraisal & Collection Technologies
All rights reserved.
©Brazoria County

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

© 2014 True Automation, Inc. All Rights Reserved.
Privacy Notice

This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.

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:

WITNESSETE, 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. BR

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

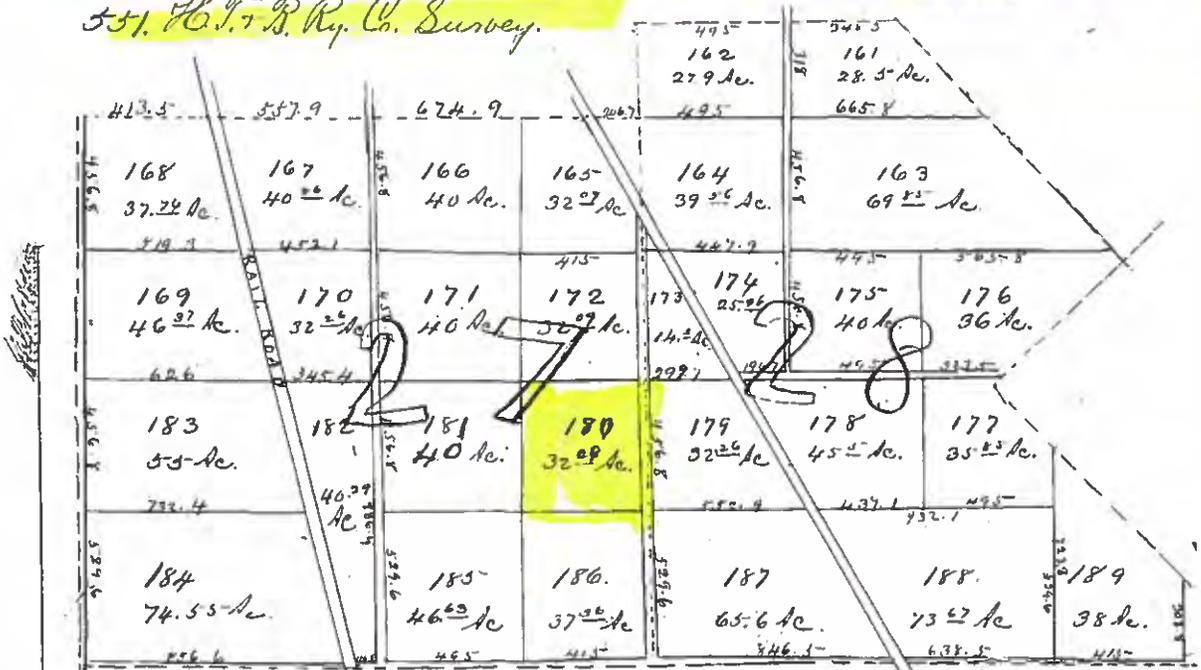
Seal this 2^d day of June a 1874

A B Langemann
Notary Public
Travis County Texas

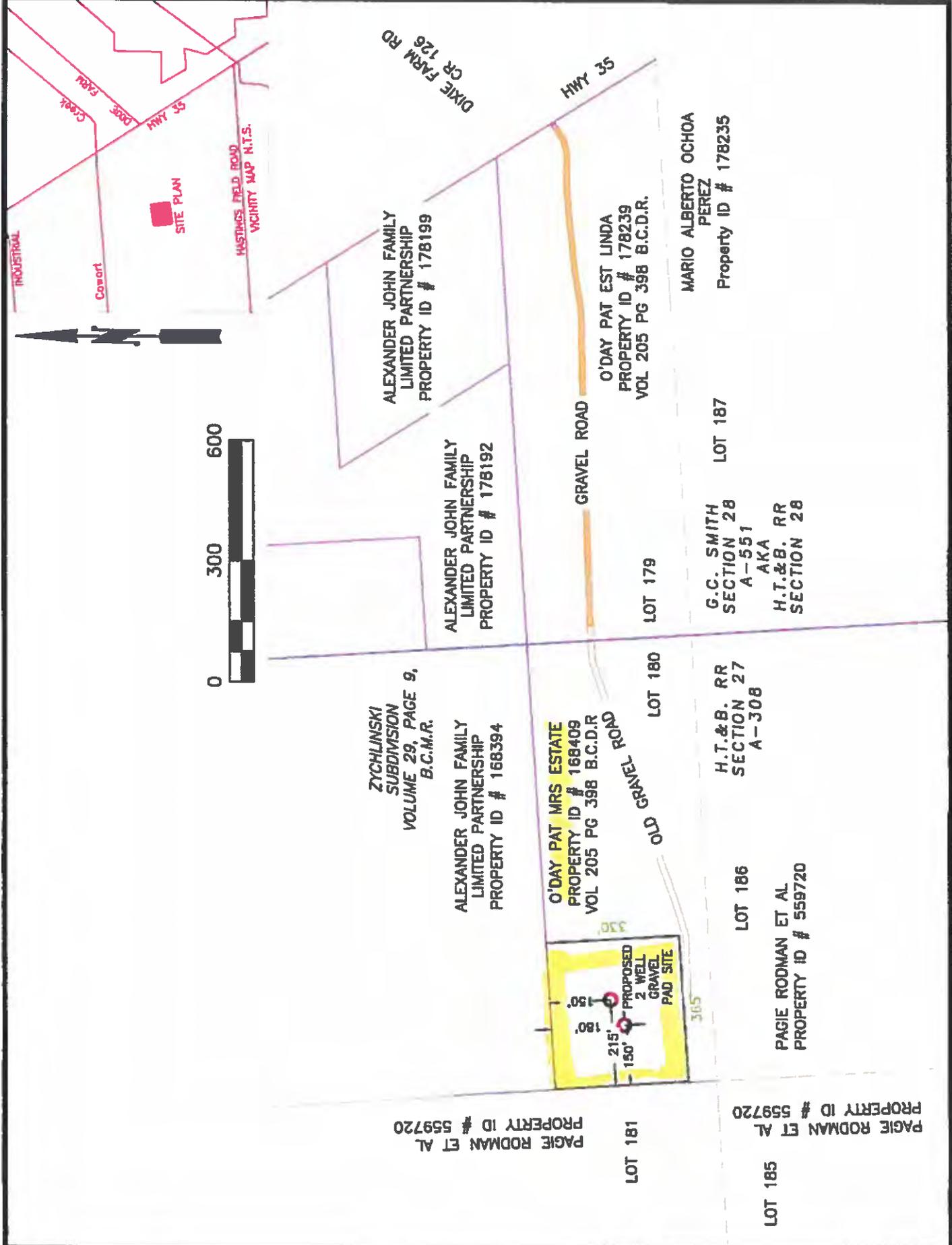
Filed for Record June 29th
1874 at 10 o'clock a m

Copy to - Clerk H Mitchell - copy

Map of W. Zychlinski's Subdivision of
Sections Nos 27 and 28 Abstract No. 308 & D
551. C.T. & P. 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 C.T. & P. R.R. Survey Abstract



PAGIE RODMAN ET AL
PROPERTY ID # 559720

LOT 181

LOT 185

PAGIE RODMAN ET AL
PROPERTY ID # 559720

PAGIE RODMAN ET AL
PROPERTY ID # 559720

LOT 186

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

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

LOT 180

ALEXANDER JOHN FAMILY
LIMITED PARTNERSHIP
PROPERTY ID # 168394

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

ALEXANDER JOHN FAMILY
LIMITED PARTNERSHIP
PROPERTY ID # 178192

LOT 179

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

LOT 187

MARIO ALBERTO OCHOA
PEREZ
Property ID # 178235

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

GRAVEL ROAD

ALEXANDER JOHN FAMILY
LIMITED PARTNERSHIP
PROPERTY ID # 178199

SR 144H

DIXIE FARM RD

HASTINGS FIELD ROAD
VICINITY MAP N.T.S.

SITE PLAN

SR 144H

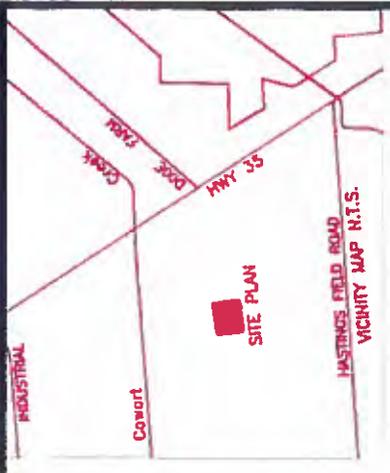
DOBE

CR 126

Covert

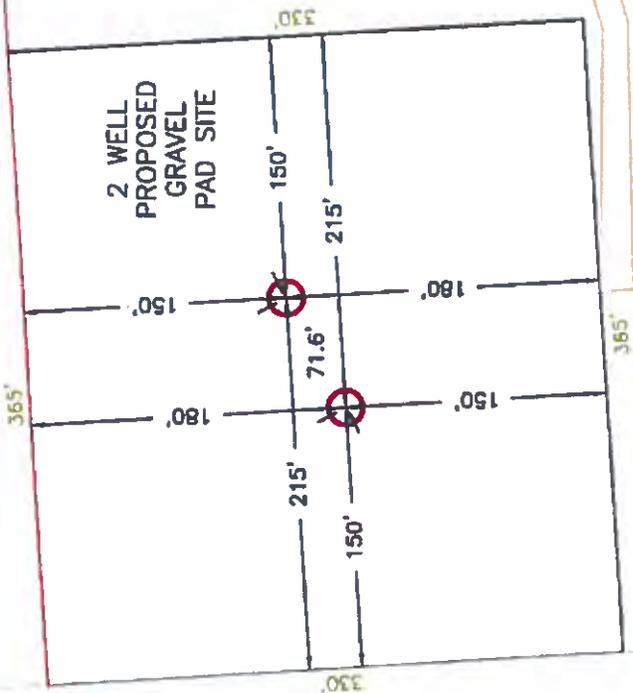
INDUSTRIAL

CR 126



ALEXANDER JOHN FAMILY LIMITED PARTNERSHIP
 PROPERTY ID # 168394

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



LOT 180

PAGIE RODMAN ET AL
 PROPERTY ID # 559720

LOT 181

LOT 186

PAGIE RODMAN ET AL
 PROPERTY ID # 559720

LOT 185

OLD GRINNEL ROAD



P.D.

A-551

Dixie

178230

178229

178229

557718

178230

178230

178199

178192

178195

168395

168394

168409

559720

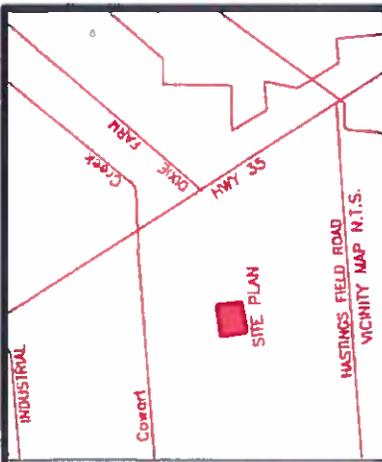
178238

178235

599783

503877

178235



ALEXANDER JOHN FAMILY LIMITED PARTNERSHIP
PROPERTY ID # 168394

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

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

2 WELL
PROPOSED
GRAVEL
PAD SITE

OLD GRAVEL ROAD

PAGIE RODMAN ET AL
PROPERTY ID # 559720

LOT 186

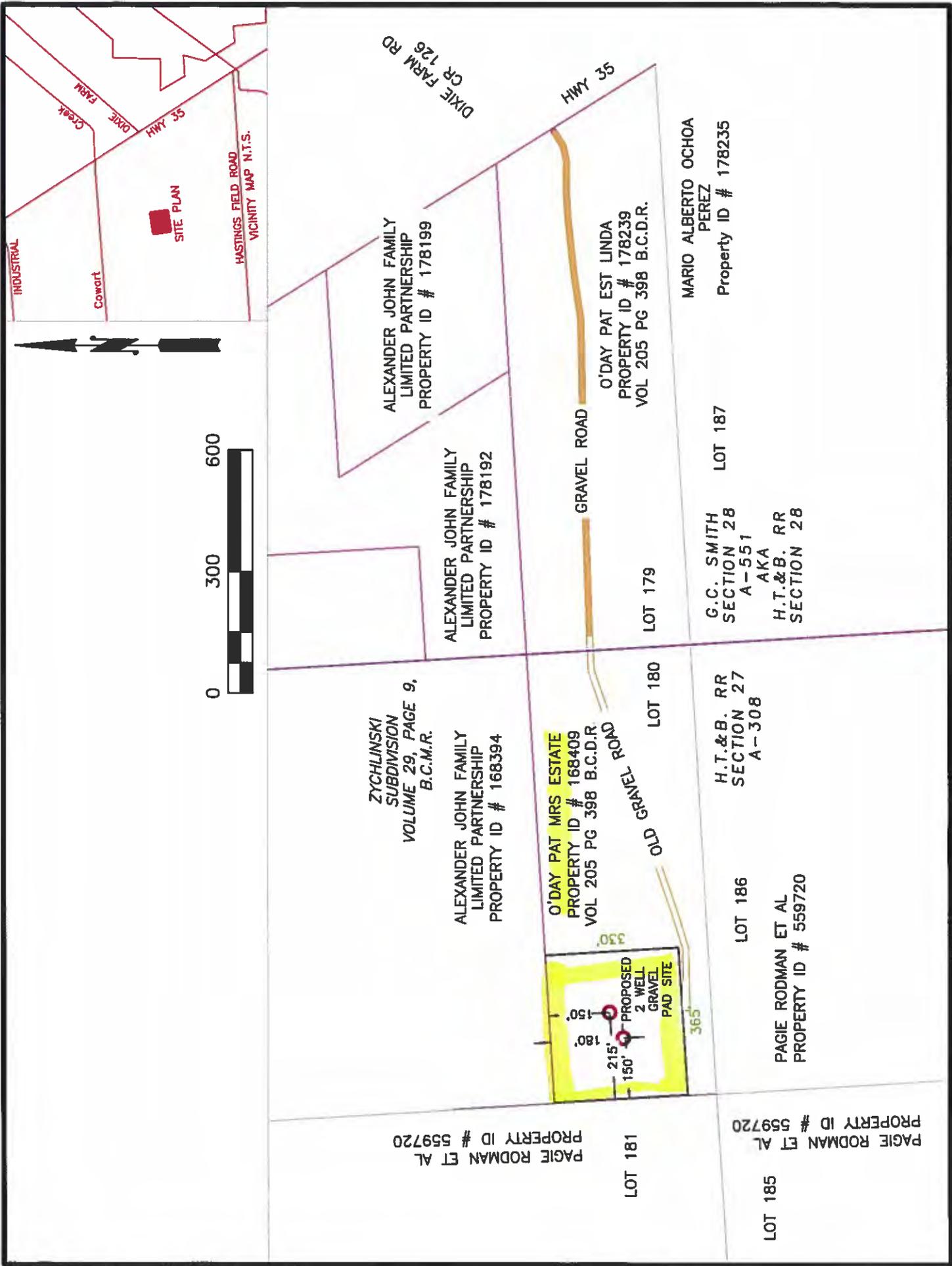
PAGIE RODMAN ET AL
PROPERTY ID # 559720

LOT 180

LOT 181

LOT 185







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



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

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

ALEXANDER PROPERTY
 BARBWIRE 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: 29.520586 N
 Longitude 095.286787 W

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

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: 29.520586 N
 Longitude 095.286809 W

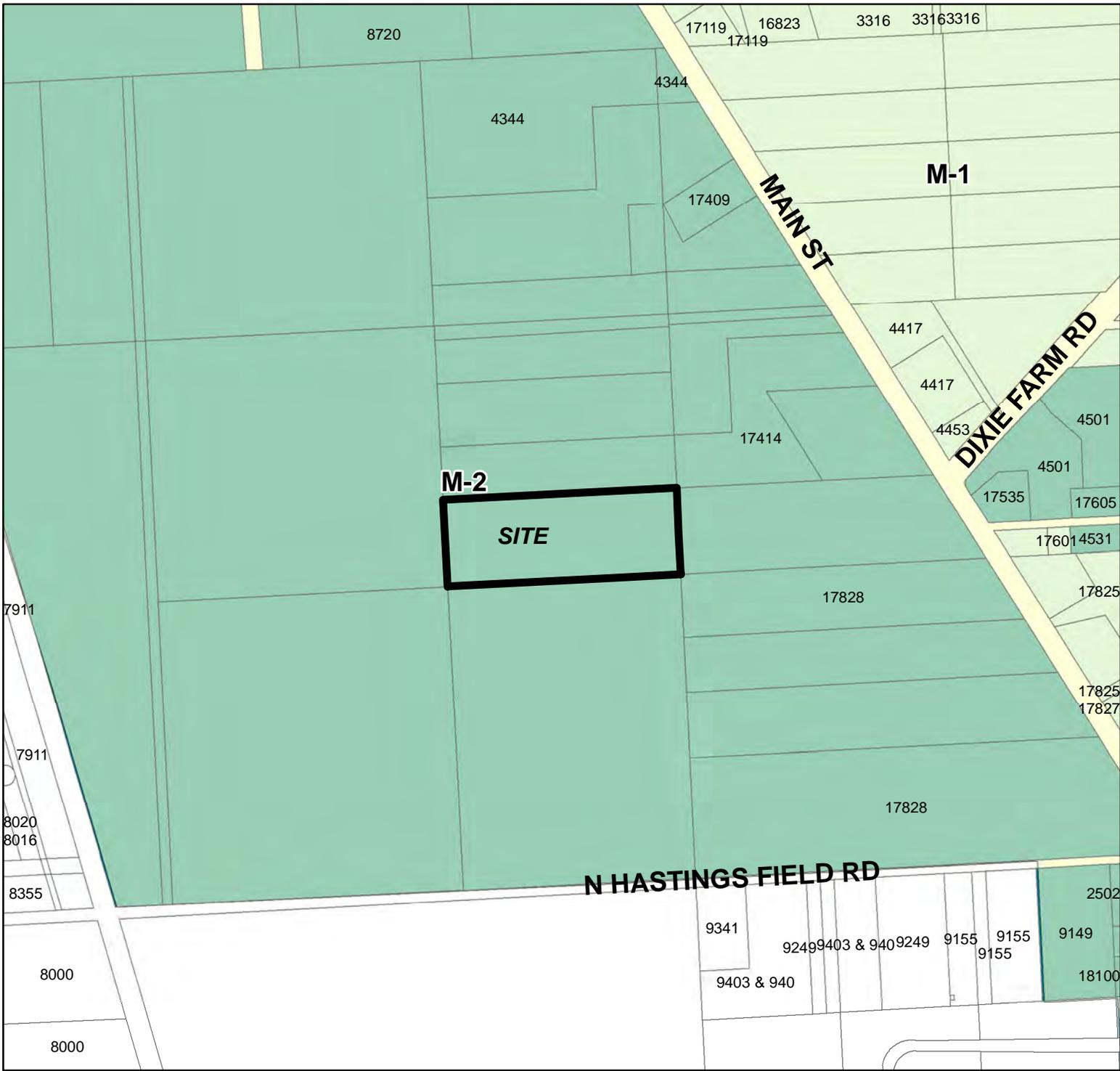


Exhibit B

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.

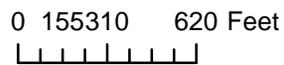


Exhibit C

**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:

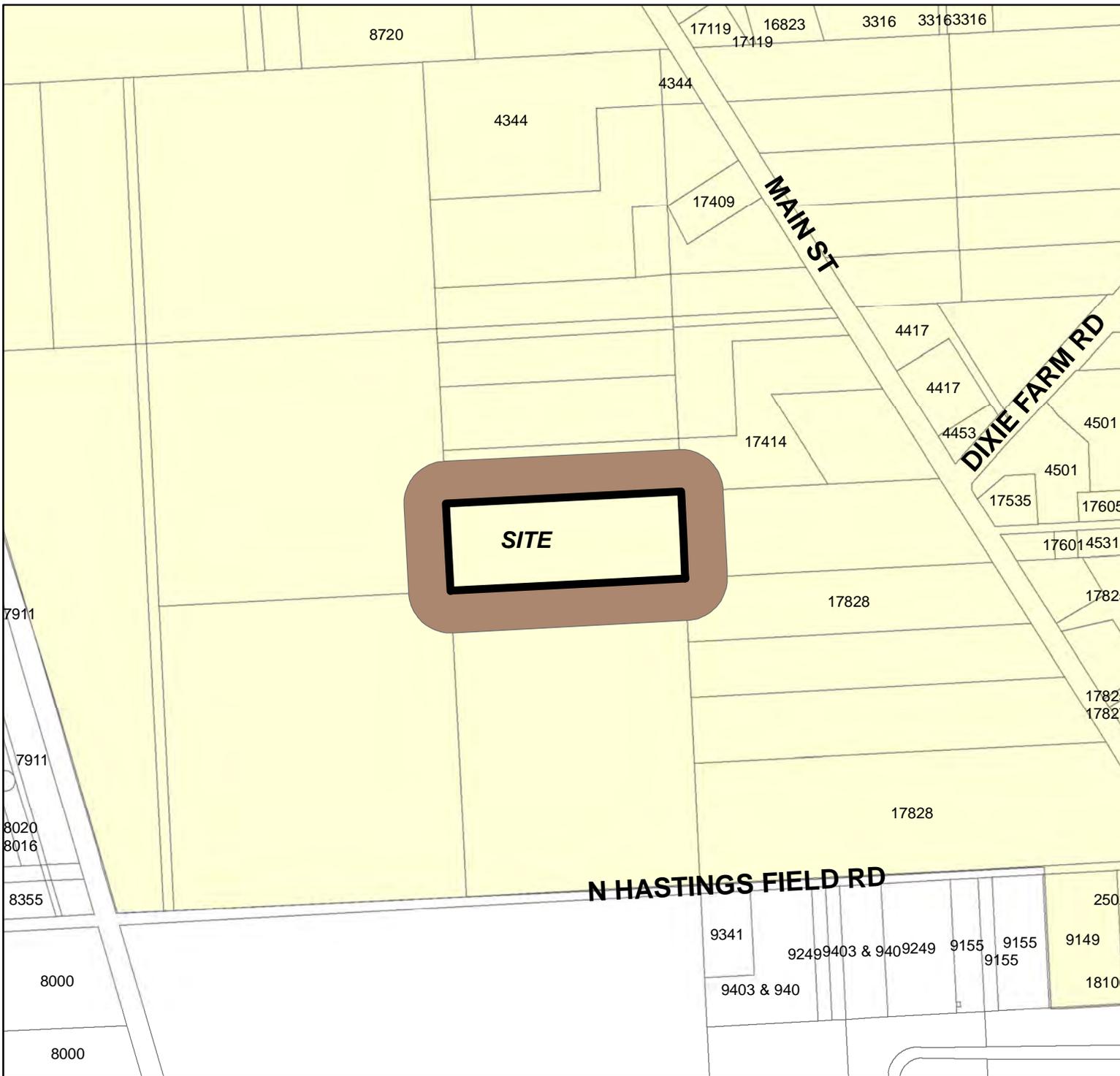
1. It is not anticipated that the proposed use will have any significant negative impacts on surrounding properties or developments. The area of construction and gas well drilling is proposed along the western-most boundary of the site and will not be overly visible from Main Street or adjacent properties.
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**

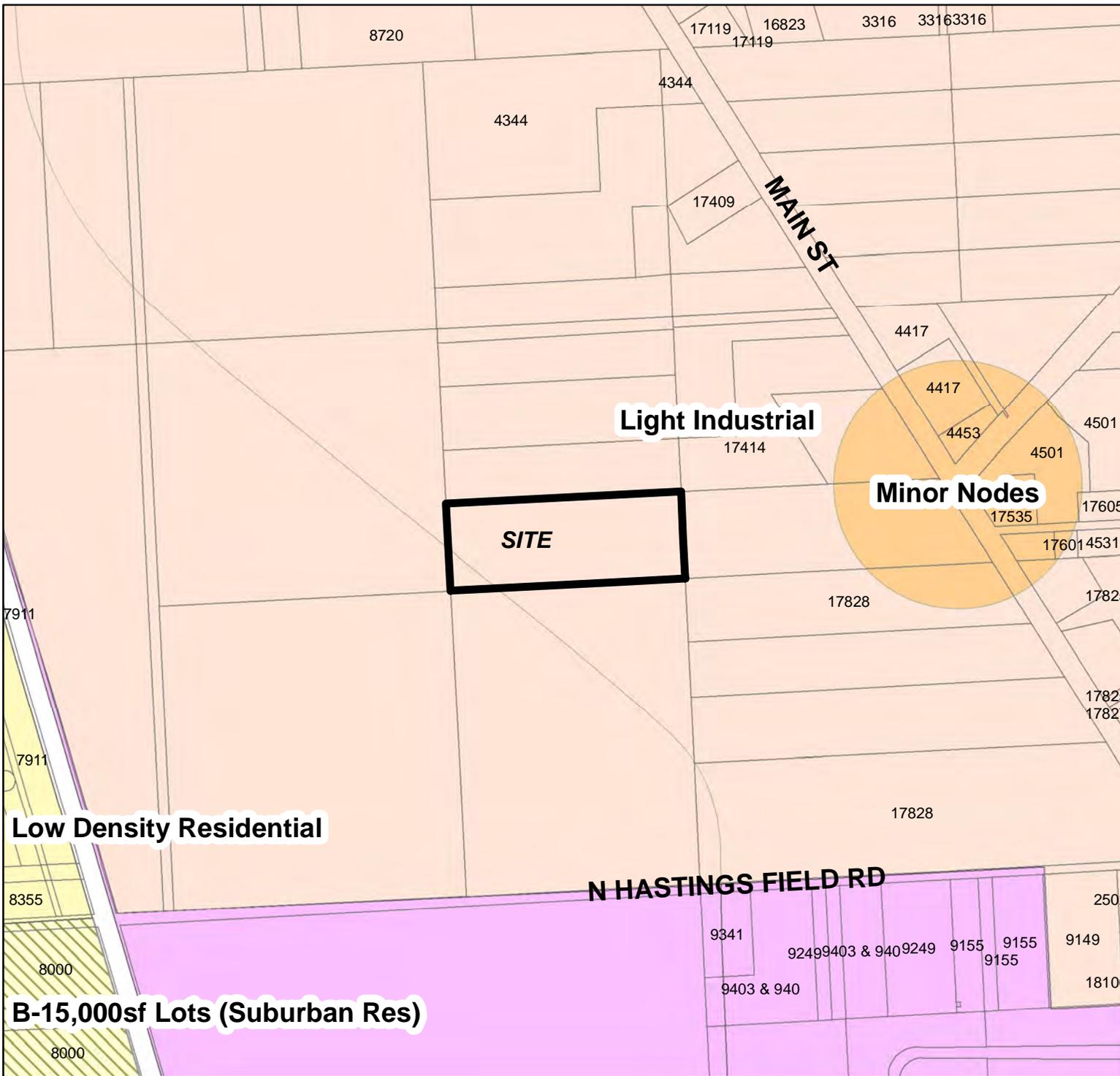
This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



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

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.

0 155310 620 Feet



N





Aerial 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.

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,

Municode

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.

Consent Agenda Item C

- C. **CONSIDERATION AND POSSIBLE ACTION – Second and Final 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:	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 style="text-align: center;">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>													
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">EXPENDITURE REQUIRED: N/A</td> <td style="width: 50%;">AMOUNT BUDGETED: N/A</td> </tr> <tr> <td>AMOUNT AVAILABLE: N/A</td> <td>PROJECT NO.: N/A</td> </tr> <tr> <td colspan="2">ACCOUNT NO.: N/A</td> </tr> <tr> <td colspan="2">ADDITIONAL APPROPRIATION REQUIRED: N/A</td> </tr> <tr> <td colspan="2">ACCOUNT NO.: N/A</td> </tr> <tr> <td colspan="2">PROJECT NO.: N/A</td> </tr> </table>		EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A	AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A	ACCOUNT NO.: N/A		ADDITIONAL APPROPRIATION REQUIRED: N/A		ACCOUNT NO.: N/A		PROJECT NO.: N/A	
EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A												
AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A												
ACCOUNT NO.: N/A													
ADDITIONAL APPROPRIATION REQUIRED: N/A													
ACCOUNT NO.: N/A													
PROJECT NO.: N/A													
<p>To be completed by Department:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 25%; text-align: center;">Finance</td> <td style="width: 25%; text-align: center;">Legal</td> <td style="width: 25%; text-align: center;">Ordinance</td> <td style="width: 25%; text-align: center;">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>
--------------------------	---------------------------	---------------------------------	-------------------------------

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
---------------	---------------

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
			DUE 02/14
			DUE 03/14
	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
			DUE 02/14
			DUE 03/14
	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
			DUE 02/14
			DUE 03/14
	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	
		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
			DUE 02/14
			DUE 03/14
	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 ***

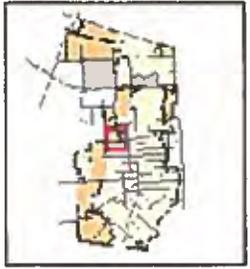
*** HOA IS KNOWN, PLEASE CONTACT DATA TRACE ***

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 1:10,000
1 in = 800 ft

I, HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE GRAND TEXAS SURVEYORS ASSOCIATION STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION III SURVEY.

W. H. Adams
 W. H. ADAMS, REGISTERED PHILIP
 SURVEYOR NO. 180



Set 1/4" Iron Pipe
 40' South 200' East

Set 1/4" Iron Pipe
 40' South

End 1/4" Iron Pipe
 370' South 71' East

TO NATIONAL TITLE COMPANY AND ALL PARTIES INTERESTED IN THE TITLE TO THE PREMISES SURVEYED:

RE: F.W.M.G.

NOT DISCLOSED HERE HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE DATE INDICATED THEREON OF THE RECORD OF THE 35.7 ACRES, THE PROPERTY LEGALLY DESCRIBED THEREIN AND IS CORRECT; THERE ARE NO DISCREPANCIES, CONFLICTS OR INCONSISTENCIES IN AREA OR BOUNDARY LINES; OR ANY ENCROACHMENTS, OR ANY OVERLAPPING OF INTERESTS, OR ANY EASEMENTS OR RIGHTS OF WAY, EXCEPT AS KNOWN 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 PHILIP SURVEYOR NO. 180

C.R. 880

Set 1/4" Iron Pipe
 22.1' West
 End 1/4" Iron Pipe

Track 2

SURVEYS 110 545 AC.

Track 1

SURVEYS 110 545 AC.
 TOTAL AC.

(90.00 AC.)

Approximate Boundaries Shaded

Set 1/4" Iron Pipe
 30 North 221 West

1980
 2658.5

ACCESS

660.

BRITT

660

50' SOUTH

SECO

SECO

15' SECO

14'

Set 1/4" Iron Pipe
 30 North 10 East

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

540.0 1980

5

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.

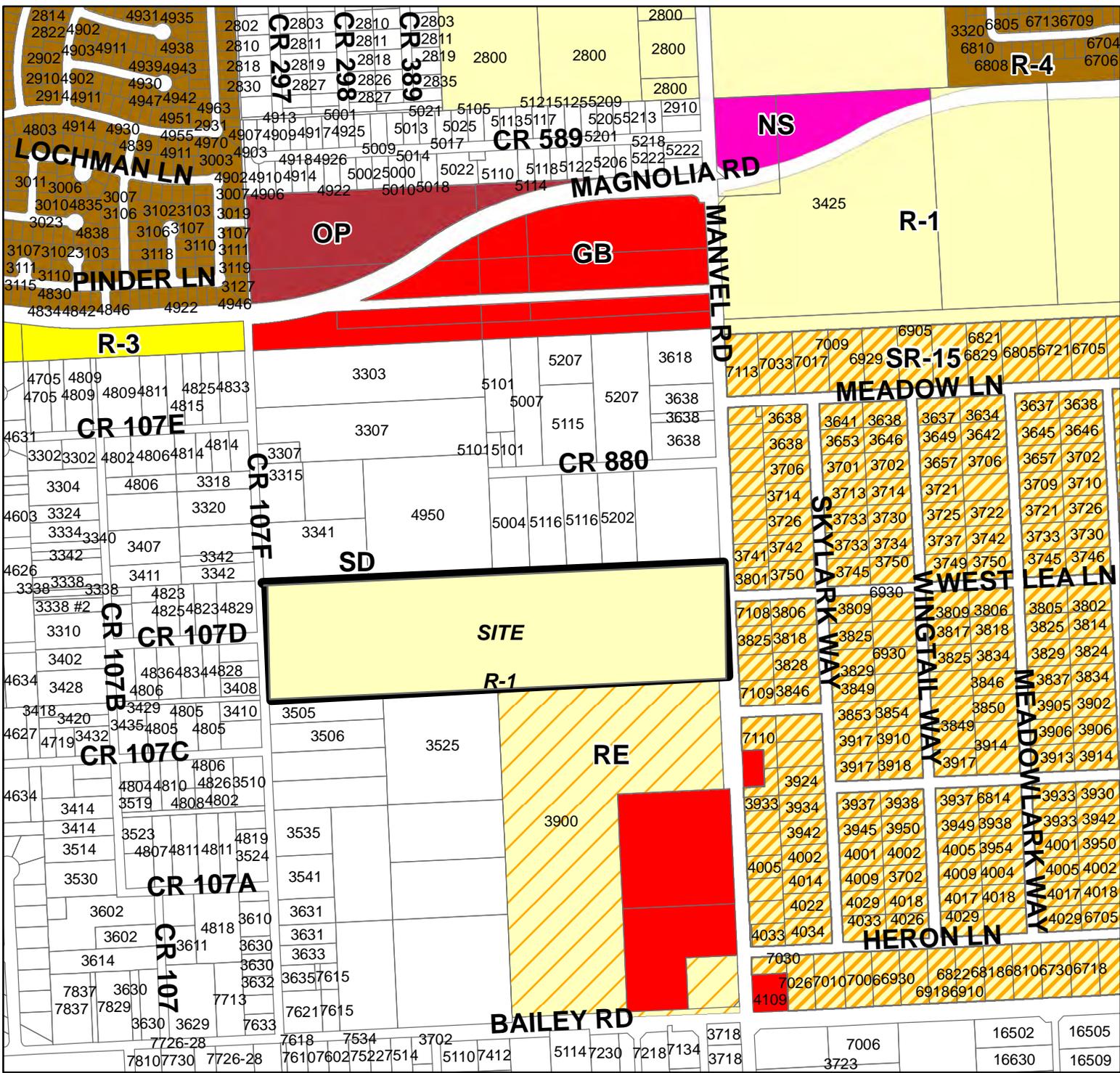


Exhibit B

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.

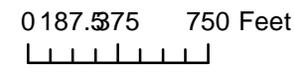


Exhibit C

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.

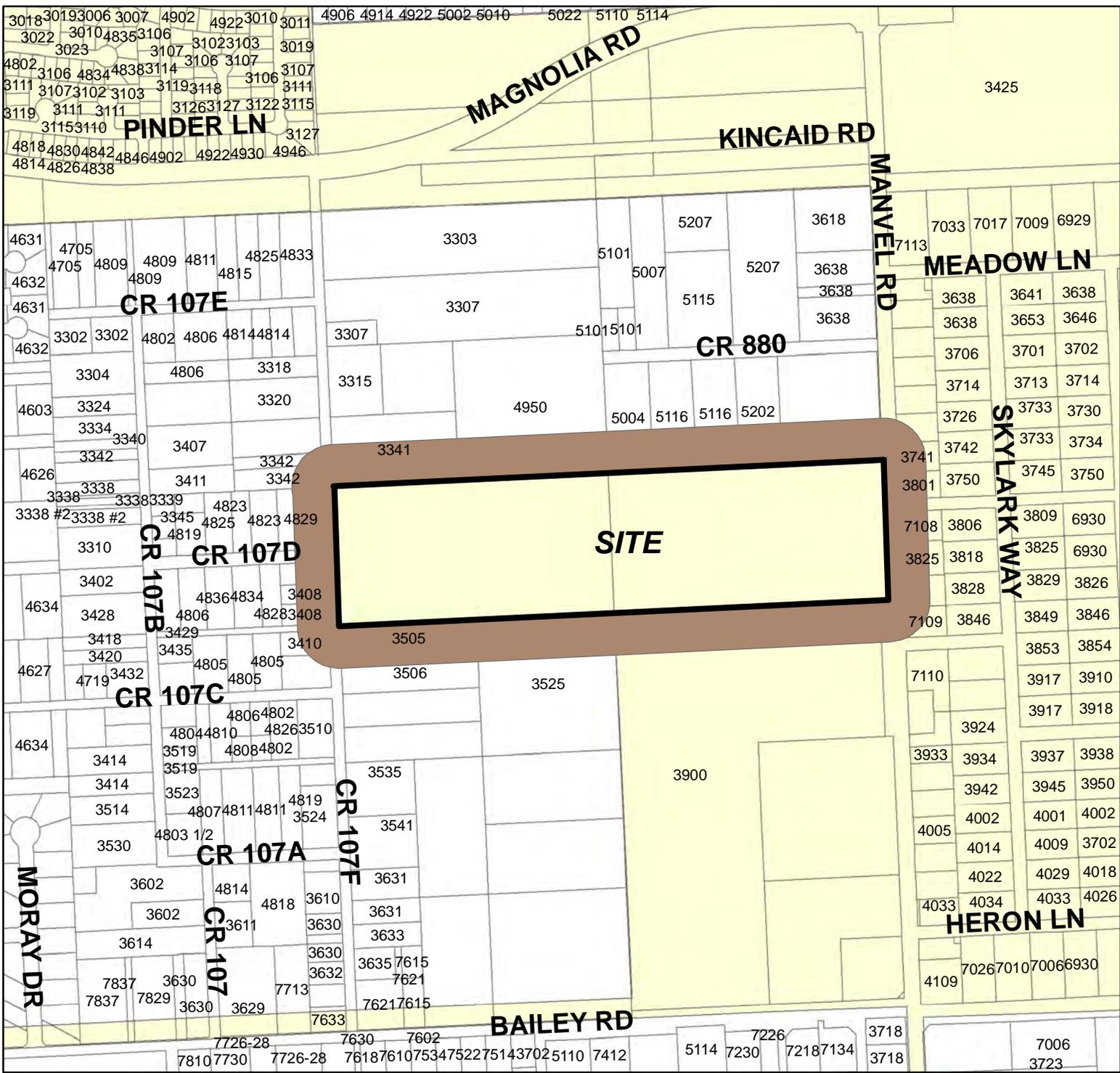
STAFF RECOMMENDATION: Staff recommends approval of Zone Change No. 2014-1Z

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

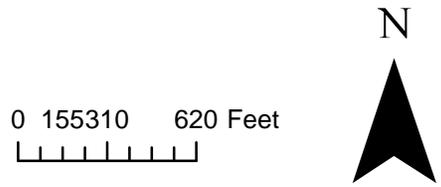


Abutter Map

Zone Change 2014-1Z

**North of Bailey Road,
between County Road
107 F to the west and
Manvel Road to
the east**

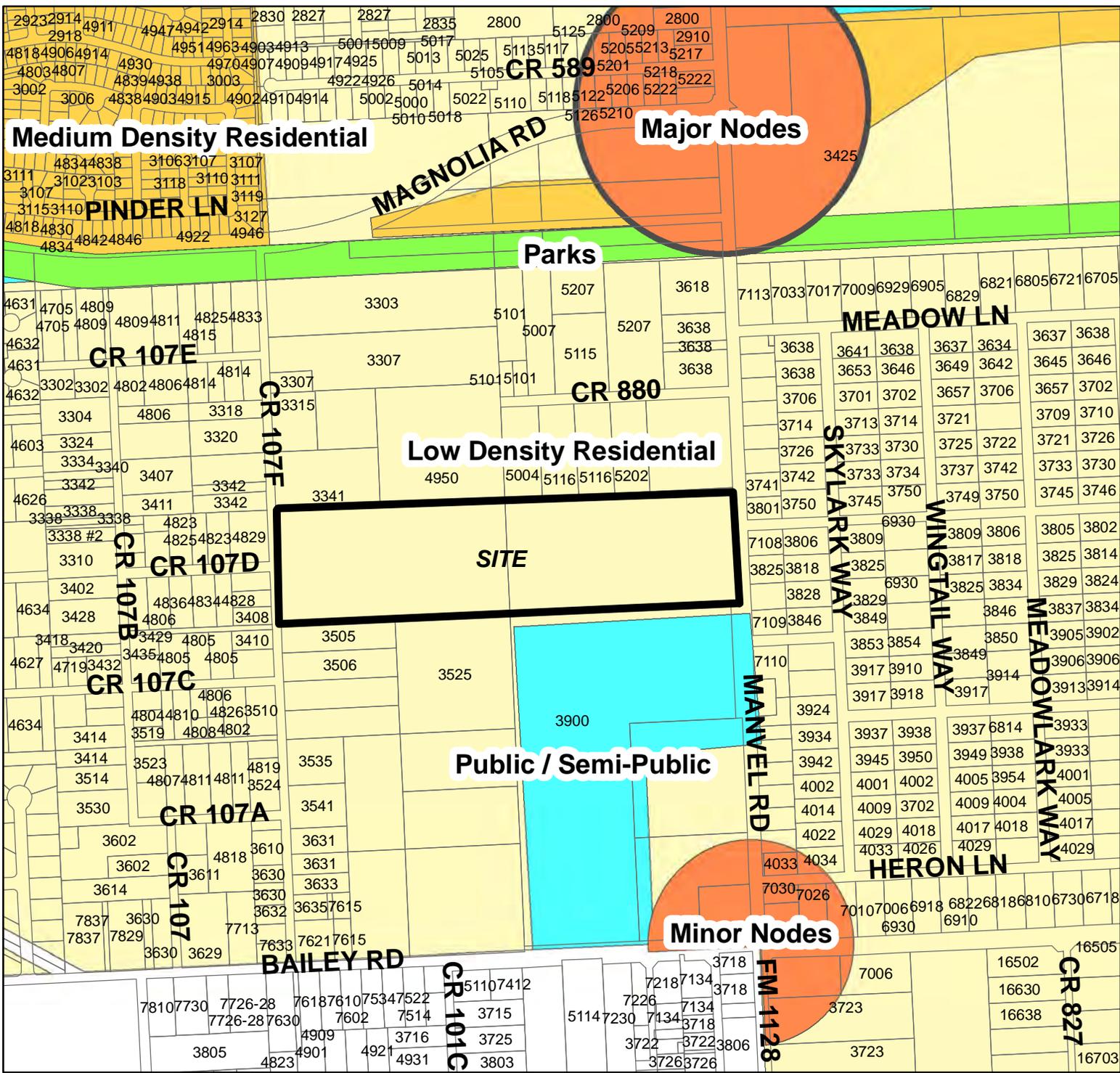
This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Zone Change 2014-1Z

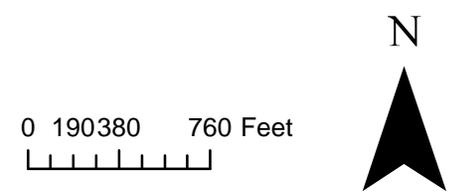
North of Bailey Road, between CR 107 F to the west and Manvel Road to the east

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.



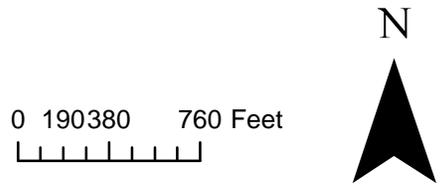


Aerial Map

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.



Consent Agenda Item D

- D. CONSIDERATION AND POSSIBLE ACTION – Resolution No. R2014-34 –**
A resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for audit services with Whitney Penn in the amount of \$75,300.00. *Ms. Claire Bogard, Director of Finance.*

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

AGENDA OF:	April 28, 2014	ITEM NO.:	Resolution No. R2014-34
DATE SUBMITTED:	April 15, 2014	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Claire Bogard	PRESENTOR:	Claire Bogard
REVIEWED BY:	CJP	REVIEW DATE:	4/17/2014
SUBJECT: Fiscal Year 2014 Audit Engagement			
EXHIBITS: Resolution 2014-34 Engagement Letter Staff Memorandum			
FUNDING:			
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash Opns <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: \$75,300		AMOUNT BUDGETED: \$75,300– FY15	
AMOUNT AVAILABLE: \$75,300		PROJECT NO.: N/A	
ACCOUNT NO: 010-1260-556.01-00			
ADDITIONAL APPROPRIATION REQUIRED: N/A			
ACCOUNT NO.: N/A			
PROJECT NO.: N/A			
To be completed by Department:			
X Finance		XLegal Ordinance XResolution	

EXECUTIVE SUMMARY

BACKGROUND

State Statute requires that a municipality shall have its records and accounts audited annually and shall have an annual financial statement prepared based on the audit. A municipality shall employ a certified public accountant who is licensed in this state or a public accountant who holds a permit to practice from the Texas State Board of Public Accountancy to conduct the audit and to prepare the annual financial statement.

In keeping with the City's Financial Management Policy Statements, the City requested audit proposals and changed audit firms for the fiscal year 2013 audit based upon the review of the proposals received; however, due to delays in the completion timeline and subsequent cost

increase requests on the part of the selected firm, staff is recommending not to re-engage that firm for the City's fiscal year 2014 audit.

POLICY/GOAL CONSIDERATION

Excerpt from City's Financial Policy Statements regarding selection of auditors:

A. *Selection of Auditors*

At least every seven years, the City shall request proposals from qualified firms, including the current auditors if their past performance has been satisfactory. The City Council shall select an independent firm of certified public accountants to perform an annual audit of the accounts and records, and render an opinion on the financial statements of the City.

It is the City's preference to rotate auditor firms every seven years at the maximum, to ensure that the City's financial statements are reviewed and audited with an objective, impartial, and unbiased point of view. The rotation of the audit firm will be based upon the proposals received, the qualifications of the firm, and the firm's ability to perform a quality audit.

However, if through the proposal and review process, management and the Audit Committee select the current audit firm, then, it is the City's preference that the lead audit partner be rotated as well as the lead reviewer after a maximum of seven years.

BID AND AWARD

The City received seven proposals from audit firms, including the City's previous audit firm, Whitley Penn, in April, 2013. In recent weeks, Finance staff has reviewed those proposals and evaluations with consideration to the selection for an alternative audit firm for fiscal year 2014, and presumably beyond, upon the requisite annual approval of City Council.

Upon review, staff is recommending the firm of Whitley Penn. The firm has successfully performed the City audit in the past, unfailingly completing the work within proposed cost and required timeline, with City staff expressing a high degree of satisfaction with their work.

Staff met with Whitley Penn to go over scope of work, timeline preference, as well as programs for the federal single audit. The firm is committed to meeting our timeline for completion and came back with a proposed cost of \$75,300, which includes two major grant funded programs that would qualify for single audit, if necessary. If the second major program is not necessary, then the City would only be billed for one.

SCOPE OF CONTRACT

To audit and opine on the City's fiscal year 2014 financial statements' conformity with U.S. generally-accepted accounting principles, specifically with respect to governmental and business-type activities, the blended component units, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of the City. Required services also include the City's Federal Single Audit report for expenditures associated with federal grant awards. The scope of work also includes reporting on internal controls and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements or on each major grant program in accordance with Government Auditing Standards and the Single Audit Act Amendments of 1996.

SCHEDULE

Interim audit field work would begin in summer 2014 with final audit work in November/December 2014. We anticipate a schedule that would have a draft Comprehensive Annual Financial Report to City staff January 2015 with the actual report filed with City Council February 2014. The City Council audit committee would meet with staff and the auditors prior to in-depth audit procedures and upon completion of the audit. If at any time during the audit where any substantial issues/concerns arise, an audit committee meeting would be called.

O&M IMPACT INFORMATION

Fiscal Year	2015	2016	2017
	\$75,300	Est \$77,800*	Est \$80,100*

*Costs based on two major programs for single audit

RECOMMENDED ACTION

Consideration and approval of a Resolution authorizing the City Manager, or his designee, to engage the firm of Whitley Penn for the City of Pearland's annual audit and preparation of the Comprehensive Annual Financial Report for the period ended September 30, 2014.

RESOLUTION NO. R2014-34

A resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for audit services with Whitley Penn in the amount of \$75,300.00.

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

Section 1. That engagement letter for audit services, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest an engagement letter for audit 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

April 17, 2014

To the Honorable Mayor,
Members of City Council and
City Manager
City of Pearland, Texas

We are pleased to confirm our understanding of the services we are to provide the City of Pearland, Texas (the "City") for the year ending September 30, 2014. We will audit the financial statements of the governmental activities, the business-type activities, each major fund and the aggregate discretely presented component unit and remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the City as of and for the year ending September 30, 2014. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- Management's Discussion and Analysis.
- General and Major Special Revenue Fund budgetary schedules.
- Schedules of funding progress for Texas Municipal Retirement System and City of Pearland Other Post-Employment Benefit Obligation

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

- Schedule of expenditures of federal awards.
- Combining and individual fund statements and schedules

To the Honorable Mayor,
Members of City Council and
City Manager
City of Pearland, Texas
April 17, 2014
Page 2 of 8

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information.

- Introductory Section
- Statistical Section

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a paragraph that states that the purpose of the report is solely to describe (1) the scope of testing of internal control over financial reporting and compliance and the result of that testing and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance, (2) the scope of testing internal control over compliance for major programs and major program compliance and the result of that testing and to provide an opinion on compliance but not to provide an opinion on the effectiveness of internal control over compliance, and (3) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering internal control over financial reporting and compliance and OMB Circular A-133 in considering internal control over compliance and major program compliance. The paragraph will also state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements or the Single Audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for the basic financial statements, schedule of expenditures of federal awards, and all accompanying information as well as all representations contained therein. Management is also responsible for identifying government award programs and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal awards in

To the Honorable Mayor,
Members of City Council and
City Manager
City of Pearland, Texas
April 17, 2014
Page 3 of 8

accordance with the requirements of OMB Circular A-133. As part of the audit, we will assist with preparation of your financial statements, schedule of expenditures of federal awards, and related notes. You will be required to acknowledge in the written representation letter our assistance with preparation of the financial statements and schedule of expenditures of federal awards and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. You agree to assume all management responsibilities for any nonaudit services we provide; oversee the services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met and that there is reasonable assurance that government programs are administered in compliance with compliance requirements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for ensuring that management is reliable and financial information is reliable and properly recorded. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review on July 1, 2014.

You are responsible for preparation of the schedule of expenditures of federal awards in conformity with OMB Circular A-133. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to [include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are

To the Honorable Mayor,
Members of City Council and
City Manager
City of Pearland, Texas
April 17, 2014
Page 4 of 8

responsible for presentation of the schedule of expenditures of federal awards in accordance with OMB Circular A-133; (2) that you believe the schedule of expenditures of federal awards, including its form and content, is fairly presented in accordance with OMB Circular A-133; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial

To the Honorable Mayor,
Members of City Council and
City Manager
City of Pearland, Texas
April 17, 2014
Page 5 of 8

statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133. To the extent they are applicable, these matters include:

- Significant deficiencies in internal controls
- Significant changes in accounting policies
- Our basis for conclusions regarding sensitive accounting estimates
- Significant Audit adjustments (recorded and unrecorded)
- Consultation by management with other accountants on significant matters
- Serious difficulties encountered in performing the audit
- Disagreements with management.

To the Honorable Mayor,
Members of City Council and
City Manager
City of Pearland, Texas
April 17, 2014
Page 6 of 8

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. The purpose of these procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of Whitley Penn, LLP and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Whitley Penn, LLP personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by a cognizant or oversight agency or pass-through entity. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

To the Honorable Mayor,
Members of City Council and
City Manager
City of Pearland, Texas
April 17, 2014
Page 7 of 8

We expect to begin our audit in May 2014 and to issue our reports no later than February 2015. Christopher L. Breaux, CPA is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we do anticipate that our gross fee, including expenses, will exceed \$75,300 as described below.

Financial Statement Audit and assistance with Comprehensive Annual Financial Report (CAFR) preparation	\$65,500
Federal Single Audit base fee (one major program)	5,500
Each additional major program	4,300
Maximum all-inclusive fee estimate	<u><u>\$75,300</u></u>

Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination.

We would like to make the following comments regarding fee estimates:

- The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. **If significant additional time is necessary, we will discuss the circumstances with you, arrive at a new fee estimate and submit an engagement letter addendum to be mutually executed by the City and the Firm before we incur the additional costs.**
- Any weaknesses noted in the internal control may affect the nature, timing, and extent of our procedures and accordingly our fees will be adjusted to reflect such changes.
- Our fee estimates have not considered the effects of any changes to auditing standards and accounting principles, which may be promulgated by the AICPA, Congress or any other regulatory body in the future and are unknown to us at this time. If significant additional time is necessary resulting in increased fees, we will endeavor to notify you of any such circumstances as they are assessed.
- The City's personnel are responsible for the preparation of all items requested in the "PBC (prepared by City) Listing" and received by the date requested. Any delays caused by not preparing the items when requested may result in additional fees.

To the Honorable Mayor,
Members of City Council and
City Manager
City of Pearland, Texas
April 17, 2014
Page 8 of 8

We appreciate the opportunity to be of service to the City of Pearland and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Whitley Penn LLP

RESPONSE:

This letter correctly sets forth the understanding of the City of Pearland, Texas.

Management signature: _____

Title: _____

Date: _____

Governance signature: _____

Title: _____

Date: _____

MEMORANDUM

To: Clay Pearson, City Manager

From: Claire Bogard, Director of Finance

Date: March 31, 2014

Subject: FY 2014 Audit Services

In fiscal year 2013 the City engaged the audit services of Grant Thornton for the completion of the fiscal year 2013 annual audit, federal single audit and preparation of the City's CAFR. This was the first year for Grant Thornton to provide these services after being selected from proposals received a year ago. The proposal required the auditor to conduct the audit, and federal single audit, prepare the CAFR, provide for a timeline which resulted in completion of the CAFR in January, and provide a cost of service to accomplish this. Due to a first year audit and the time and effort involved in preparing a CAFR, timelines were not met and staff had to review and correct most of the fund statements in the CAFR. Also, due to the extra time and effort required for the CAFR that Grant Thornton did not anticipate, implementation of GASB 61, and a second program subject to the federal single audit, Grant Thornton LLP has requested an additional \$44,000 in payment over and above the \$69,250 proposed for the fiscal year 2013 audit resulting in a total cost of \$113,250, higher than all the proposals received last year. The \$44,000 in additional cost far exceed the initial \$15,000 in additional costs that Grant Thornton had earlier requested of staff.

Given our increased level of concern with Grant Thornton's ability to complete the audit and CAFR in a timely and cost effective manner, staff proposed to Grant Thornton that the City staff prepare all of the fund statements in the CAFR and that Grant Thornton prepare the government wide financials, and in return we expected a reduction in price for the fiscal year 2014 audit. Grant Thornton responded with a \$3,000 reduction from their fiscal year 2014 proposal of \$70,815, but also added that if a second program qualified for a federal single audit, that an additional \$9,000 - \$12,000 would be required, for a potential grand total of \$79,815. However, given the wording in their engagement letter regarding additional billings, nothing would prevent them from requesting a similar increase in future years.

Being disappointed in their cost and performance in completing the fiscal year 2013, staff began looking at other options for the upcoming fiscal year 2014 audit. As the Request for Proposal for Audit Services specified annual engagements at the discretion of the City, staff is recommending not to re-engage Grant Thornton LLP. Staff has gone back and reviewed the analysis of the seven proposals for audit services we received a year ago. Below are the rankings from our previous analysis:

Rank	Firm
1	BKD CPAs & Advisors
2	Grant Thornton
3	Whitley Penn
4	Belt, Harris, Pechacek
5	Weaver
6	Pattillo, Brown & Hill
7	Brooks Cardiel

Although BKD was first in the ranking, BKD had limited experience auditing Texas clients and we had difficulty obtaining references. Our third ranked firm Whitley Penn audited the City in prior years, met timelines and performed the work within the proposed cost, and staff was pleased with their work. As such, staff is recommending that we negotiate a scope of work and price, and engage the audit services of Whitley Penn for fiscal year 2014. We also recommend payment of an additional \$15,000 to Grant Thornton LLP, based on their initial request for additional payment and inform them that their services for the FY2014 audit will not be needed. Based on Grant Thornton's response, the City may have to pay the full \$44,000, as their engagement letter outlines a process for dispute resolution and mediation, however their engagement letter also says that they would let the City know in advance of additional costs and they did not.

Consent Agenda Item E

- E. CONSIDERATION AND POSSIBLE ACTION – Resolution No. R2014-35 –**
A resolution of the City Council of the City of Pearland, Texas, approving recommendations of the Property Tax Resale Committee of Brazoria County for the property located at 3129 Bishopton, Twin Creek Woods, Block 3, Lot 44. *Ms. Claire Bogard, Director of Finance.*

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

AGENDA OF:	April 28, 2014	ITEM NO.:	Resolution No. R2014-35
DATE SUBMITTED:	April 14, 2014	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Claire Bogard	PRESENTOR:	Claire Bogard
REVIEWED BY:	CJP	REVIEW DATE:	4/22/2014
SUBJECT: Property Tax Resale – 3129 Bishopton, Twin Creek Woods, Block 3, Lot 44			
EXHIBITS: Resolution 2014-35 Exhibit A – Letter from County on Property Tax Resale with Attached Exhibits			
FUNDING:			
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input 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: N/A		AMOUNT BUDGETED: N/A	
AMOUNT AVAILABLE: N/A		PROJECT NO.: N/A	
ACCOUNT NO.: N/A			
ADDITIONAL APPROPRIATION REQUIRED: N/A			
ACCOUNT NO.: N/A			
PROJECT NO.: N/A			
To be completed by Department:			
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution

EXECUTIVE SUMMARY

BACKGROUND

Section 34.05 of the Texas Property Tax Code states that the taxing entity that is holding the property in trust for itself and the other taxing entities, may sell the property at a private sale. If the property is sold for less than the amount due in the judgment or the market value specified in the judgment, consent is required from each taxing entity that is entitled to receive proceeds from the sale under the judgment. A tract of land located within the Pearland City limits is being held in trust by Pearland Independent School District for all taxing entities that are owed back taxes on the site. The offer on the property is more than the judgment due, however the Property Tax Resale Committee of Brazoria County is requesting governing body approval.

SCOPE OF CONTRACT

The tax judgment of \$2,748.74 represents the taxes, penalty and interest due from 2004–2012 for all taxing entities. Brazoria County is seeking City Council’s approval on a property tax resale as follows.

<u>Description of Property</u>	<u>Adjudged Value</u>	<u>Current Value</u>	<u>Offer</u>
3129 Bishopton Twin Creek Woods Block 3, Lot 4 .2571 Acres	\$5,320.00	\$5,320.00	\$5,389.00

The amount of the offer received was \$5,389.00. The amount available for distribution to the taxing entities is \$4,389.00 after deducting \$1,000.00 in court costs and covers all pre and post judgment taxes due to all entities. The amount Pearland will receive is \$958.10.

The resale committee, comprised of five members and listed on the property information sheet attached, have already considered the amount due, the bid amount, value, and the duration the property has been held in trust.

SCHEDULE

The redemption time period expired November 7, 2013, in which the current property owners had an opportunity to reclaim the property. This did not occur.

POLICY/GOAL CONSIDERATION

Property taxes generated on the property for the City based on value, current condition, and current tax rate total \$37.51, however the property currently has an ag exemption on the property. Approving the sale will get the property (land) back into private hands.

RECOMMENDED ACTION

Consideration and approval of the Resolution approving the offer on property 8060-0065-000, 3129 Bishopton, Twin Creek Woods, Block 3, Lot 44.

RESOLUTION NO. R2014-35

A resolution of the City Council of the City of Pearland, Texas, approving recommendations of the Property Tax Resale Committee of Brazoria County for the property located at 3129 Bishopton, Twin Creek Woods, Block 3, Lot 44.

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

Section 1. That the City Council hereby approves recommendations of the Property Tax Resale Committee of Brazoria County for the property identified in Exhibit "A" attached hereto. Account Number 8060-0065-000.

PASSED, APPROVED, AND ADOPTED this ____ day of _____,
A.D., 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY



Brazoria County Tax Office

Ro'Vin Garrett, PCC
Tax Assessor-Collector

Brazoria County
111 E. Locust
Angleton, Texas 77515-4682

Tuesday March 25, 2014

City of Pearland

% Claire Bogard, Director of Finance
3519 Liberty Dr.
Pearland, Texas 77581

Re: ***See Attached***

Dear Mrs. Bogard:

The Property Tax Resale Committee of Brazoria County has received an offer on certain property(s) held in trust.

The Resale Committee has approved the attached offers and asks that you present them to your governing body for approval. When your governing body has made their decision notify the Brazoria County Tax office. Also, include the property Tax Account number in your reply.

If you have any questions feel free to contact me at 281-756-1886.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholette Reynolds".

Nicholette Reynolds

Tax Resale Property Information

RESALE MEETING OF:

March 25, 2014

Legal Description: TWIN CREEK WOODS (PEARLAND), BLOCK 3, LOT 44
ACRES .2571

Physical Address: 3129 BISHOPTON

Account Number: 8060-0065-000

In Trust To: PEARLAND ISD

Adjudged Value: \$5,320.00

Minimum Bid at Sale: \$5,320.00

Offer: **\$5,389.00**

Offer made by: DEANDRA ABUTO

Sheriff's Deed Filed: 11/7/2013

Redemption Expiration: 5/7/2014

Post Judgment Taxes: \$184.66

Post Judgment Years: 2013

City weed/demo liens: UNKNOWN

Land Value: (Current) \$5,320.00

Improvement Value:(Current) \$0.00

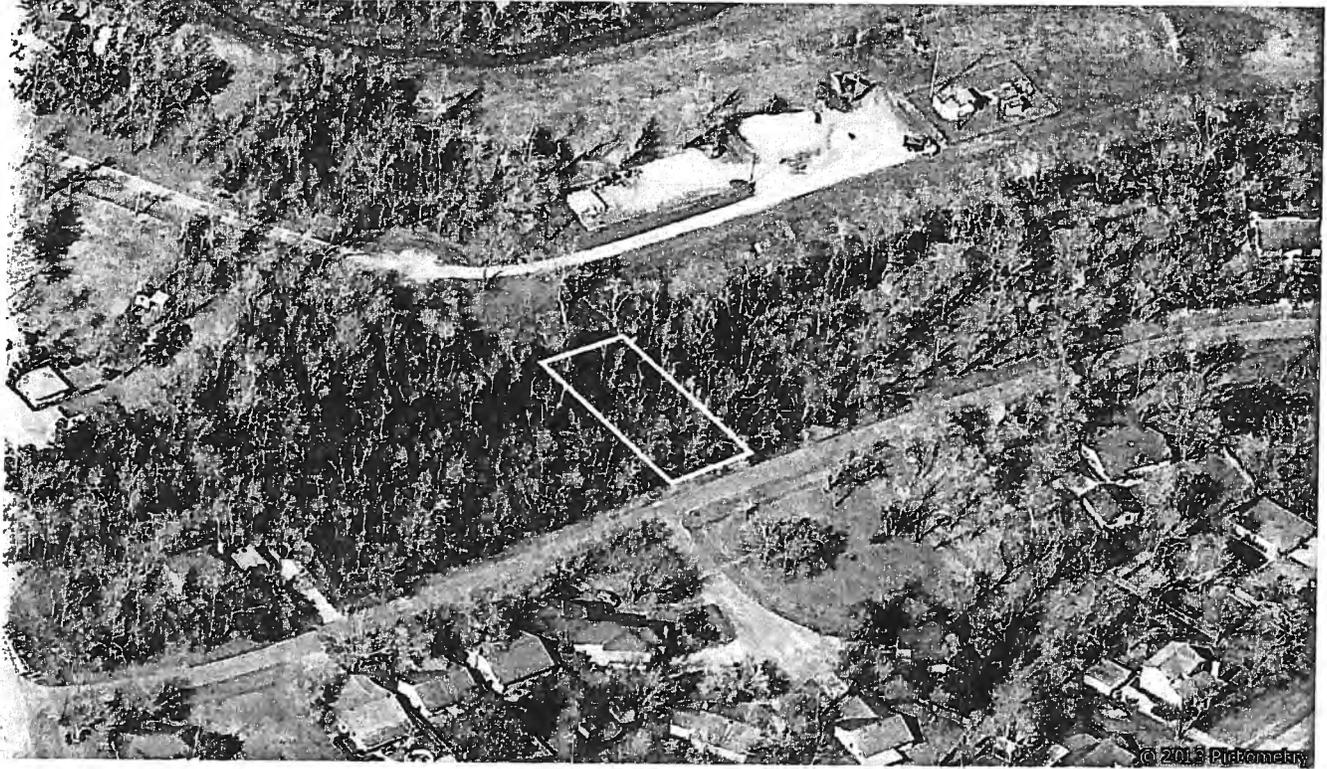
Previous Owner: **BONARIO HOMES**

Precinct: 3

School District: PEARLAND ISD

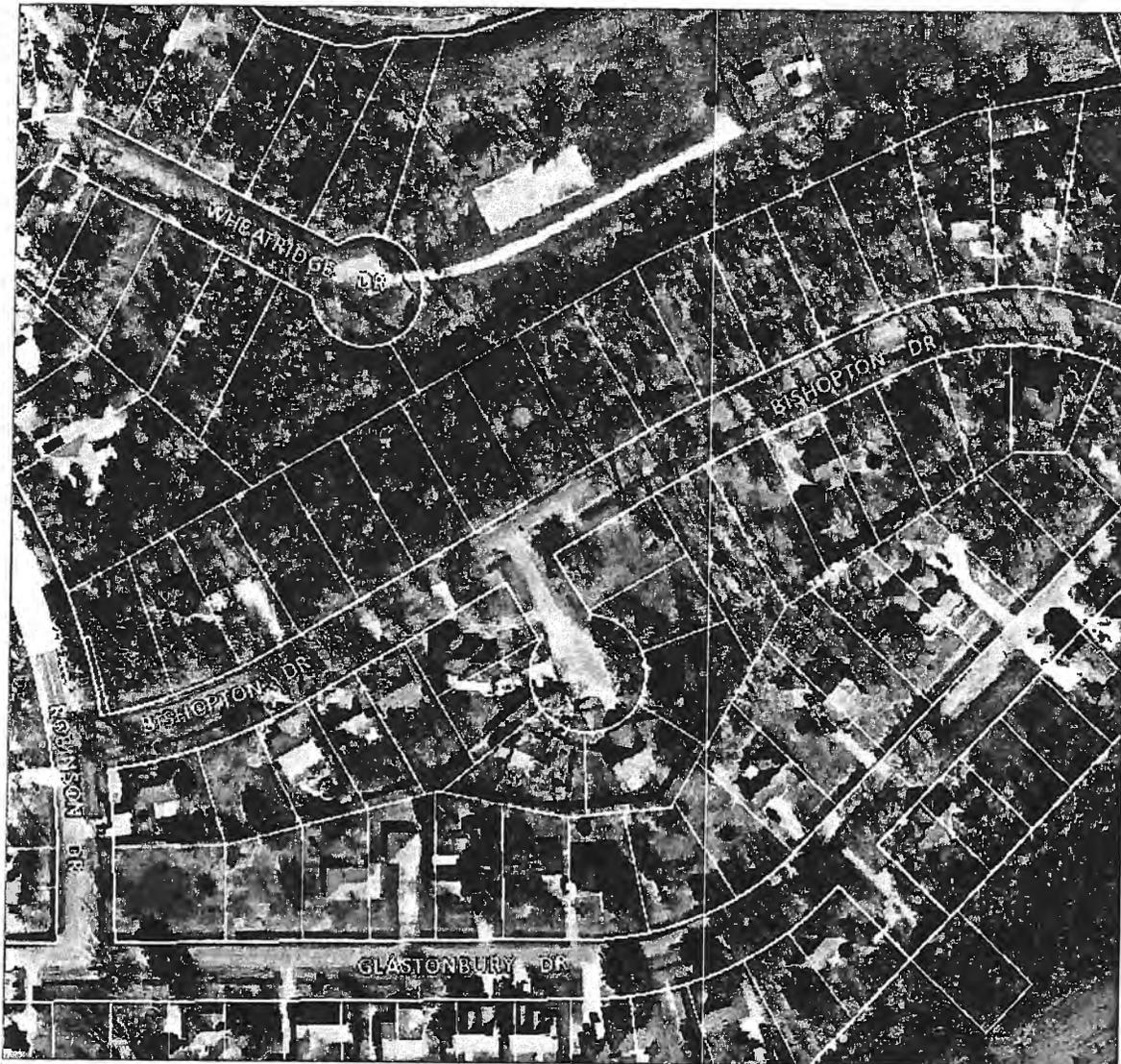
Vote:	AYE	NAY
R. Garrett	X	
C. Garner	X	
Judge King	X	
S. Adams	X	
Civil Div. Rep.	X	

Notes: PBFCM representative present



258110

Print Date: 03/17/2014
Image Date: 02/15/2013
Level: Community



1 Property with Property ID matching "258110"

TWIN CREEK WOODS (PEARLAND), BLOCK 3, LOT 44

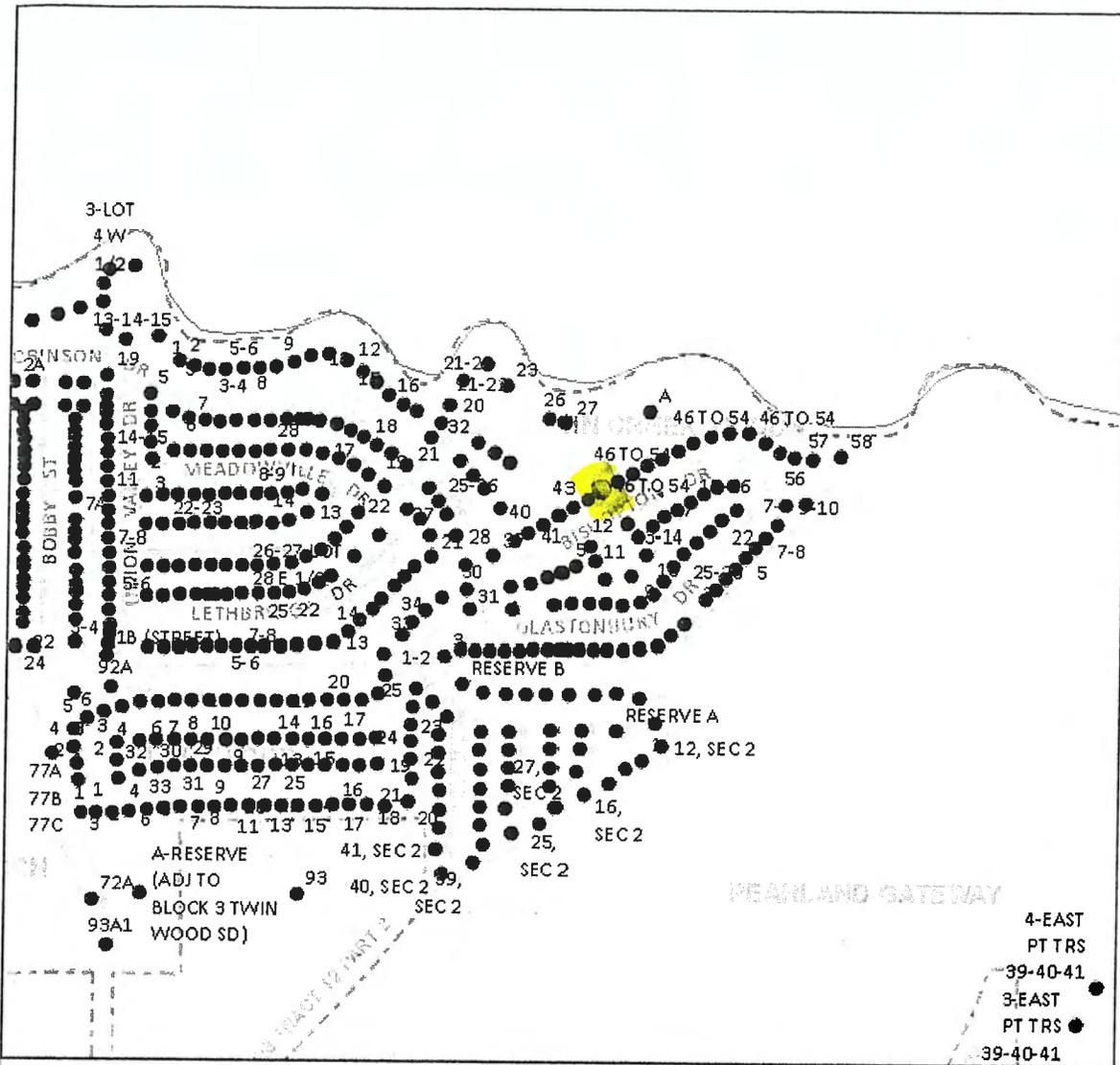
Property ID 258110

Geo ID 8060-0065-000

Owned by BONARIO HOMES

Address 3129 BISHOPTON , PEARLAND

[Full Details](#)



1 Property with Property ID matching "258110"

TWIN CREEK WOODS (PEARLAND), BLOCK 3, LOT 44

Property ID 258110

Geo ID 8060-0065-000

Owned by BONARIO HOMES

Address 3129 BISHOPTON , PEARLAND

Full Details

Brazoria CAD

Property Search Results > 258110 PEARLAND ISD for Year 2013

Property

Account

Property ID: 258110 Legal Description: TWIN CREEK WOODS (PEARLAND) BLK 3 LOT 44 (CAUSE #65312)
 Geographic ID: 8060-0065-000 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 3129 BISHOPTON Mapsco:
 PEARLAND, TX
 Neighborhood: NEAR CLEAR CREEK Map ID:
 Neighborhood CD: CC.AREA

Owner

Name: PEARLAND ISD Owner ID: 26388
 Mailing Address: PO BOX 7 % Ownership: 100.0000000000%
 PEARLAND, TX 77588-0007
 Exemptions: EX-XV

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$5,320	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$5,320	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$5,320	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$5,320	

Taxing Jurisdiction

Improvement / Building

Land

Roll Value History

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	10/3/2013 12:00:00 AM	SD	SHERIFF'S DEED	BONARIO HOMES	PEARLAND ISD	13	054653	

Questions Please Call (979) 849-7792

Website version: 1.2.2.2

Database last updated on: 4/9/2014 9:25 PM

© 2014 True Automation, Inc. All Rights Reserved. Privacy Notice

This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.

Consent Agenda Item F

- F. CONSIDERATION AND POSSIBLE ACTION – Resolution No. R2014-39 –**
A resolution of the City Council of the City of Pearland, Texas, changing the regular meeting times and dates for May 2014 to accommodate the Memorial Day Holiday. *Mr. Darrin Coker, City Attorney.*

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

AGENDA OF: 4-28-14	ITEM NO.: Resolution No. R2014-39
DATE SUBMITTED: 4-21-14	DEPARTMENT OF ORIGIN: Legal
PREPARED BY: Darrin Coker	PRESENTOR: Darrin Coker
REVIEWED BY: Darrin Coker	REVIEW DATE: NA
SUBJECT: May Meeting Dates	
EXHIBITS: R2014-39	
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

The attached resolution changes the second regular City Council meeting scheduled for May 26th to May 19th due to the Memorial Day holiday.

RESOLUTION NO. R2014-39

A resolution of the City Council of the City of Pearland, Texas, changing the regular meeting times and dates for May 2014 to accommodate the Memorial Day Holiday.

WHEREAS, the regular meeting dates of the City Council of the City of Pearland, Texas, are held on the second and fourth Monday of each month unless the City Council agrees upon alternate dates; and

WHEREAS, it has been determined that potential conflicts may arise with regard to the regularly scheduled May meeting of May 26, 2014; now, therefore,

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

That the second regular meeting date for the month of May, which would have been held on May 26, 2014, at 7:30 p.m., be and the same is hereby changed to, and will commence at 7:30 p.m. on May 19, 2014, in the Council Chambers, City Hall, Pearland, Brazoria, Fort Bend, and Harris Counties, Texas.

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

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

RESOLUTION NO. R2014-39

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

New Business Item No. 1

1. **Consideration and Possible Action – Resolution No. R2014-38** – A resolution of the City Council of the City of Pearland, Texas, authorizing a contract for Construction Management and Inspections services, associated with the McHard Road Water Line Project (Phase 1), to ARRK Engineering, LLC., in the amount of \$244,400.00. *Mr. Trent Epperson, Director of Engineering and Capital Projects.*

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

AGENDA OF: April 28, 2014	ITEM NO.: Resolution No. R2014-38
DATE SUBMITTED: April 1, 2014	DEPT. OF ORIGIN: Projects
PREPARED BY: Trent Epperson	PRESENTOR: Trent Epperson
REVIEWED BY: Mike Hodge	REVIEW DATE: April 17, 2014
SUBJECT: Award of Construction Management Contract for McHard Road 16” Water Line, Phase I	
EXHIBITS: R2014-38; A – ARRK Engineers, LLC Professional Services Agreement and Proposal; B – Project Location Map	
FUNDING: <input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input 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: \$244,440.00 AMOUNT BUDGETED: \$10,011,109 AMOUNT AVAILABLE: \$8,719,271 PROJECT NO.: WA1201 ACCOUNT NO.: 42-0000-565.03-00 ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:	
To be completed by Department: <input checked="" type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution	

RECOMMENDED ACTION

Staff recommends that Council approve the Construction Management and Inspection Services contract with ARRK Engineering, LLC. in the amount of \$244,440.00 and authorize the City Manager to execute the agreement.

EXECUTIVE SUMMARY

BACKGROUND

The McHard Road 16” Waterline Project is designed to transfer water from the Alice Street plant to the west side of Pearland to meet growing demand in that area and reduce reliance on the City of Houston connection at FM521. The overall project will install the line from SH35 to Business Center Drive. However, the project has been phased to take advantage of probable lower current materials costs while the city awaits TxDOT

environmental approval and acquisition of the road project right-of-way for the McHard Road project from Mykawa Road to Cullen Parkway, over the next 18 to 24 months. The initial phase of the project will be ready for bids in June 2014 and will construct two segments of the line between SH35 and Mykawa Road and Cullen Parkway to Business Center Drive. The second phase will be bid once the future McHard Road right-of-way has been acquired in 2016.

More specifically, the scope of this first phase will include the installation of approximately 15,800 L.F. of pipeline in existing right-of-way. The line will cross beneath the SH288 corridor, Country Place Blvd. and Cullen, a major pipeline corridor, a county drainage ditch, the BNSF Railroad, Hickory Slough and Mykawa Road requiring accurate construction methodologies and an experienced Construction Manager.

Several firms qualifications for utility projects were reviewed from the City's consultant database and ARKK Engineers, LLC was selected as the most qualified firm based on the firm's previous experience with large utility projects, its knowledge of City of Pearland construction procedures and practices, and its knowledge local soil conditions.

SCOPE OF CONTRACT/AGREEMENT

The proposed contract with ARKK Engineers, LLC. is based on the City's Standard Scope of Services for Construction Management. The scope includes:

- Constructability review, attendance of the pre-bid conference and chairing of the pre-construction conference;
- During construction the Construction Manager will act as the City's on-site representative, conduct monthly progress meetings, Coordinate and monitor utility relocation activities, Monitor project progress and schedule, Maintain project documentation via the City's ProTrak system, Review and validate daily work reports and monthly pay applications, Coordinate and lead the one year warranty walkthrough
- The Construction Inspector will manage and coordinate the day to day construction activities, Inspect and observe construction materials and equipment

The proposal for the above Construction Management and Inspection services is based on an Hourly Not to Exceed costs of \$230,220 plus an additional \$5,500 lump sum item for a Constructability Review, and includes a Reimbursable fee for expenses of \$8,720 for a total cost of \$244,440. This fee is approximately five percent (5%) of the estimated construction cost and is within historical costs for these services for a project of this scope and duration.

BID AND AWARD

N/A

SCHEDULE

The City is currently in the final review stages for the project and plans to advertise the project in May and award the Construction contract in June 2014. The overall

Construction Phase is scheduled to be substantially completed nine (9) months from the Notice to Proceed, with a thirty (30) day to Final Acceptance.

POLICY/GOAL CONSIDERATION

The McHard 16” Waterline project is the second phase of the goal to provide water to the west end of the city using the lower cost Alice Street water. The selection of ARKK Engineering, LLC. to provide these Construction Management services complies with Departmental objectives to provide best value in its capital improvements by producing a best quality product

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Year	To Date	2015	2016	2017	2018	Total
Budget	\$ 10,011,109					\$ 10,011,109
Prior Expenditures						
PER						-
Land/ROW						-
Design/Survey	1,291,838					1,291,838
Construction						-
FF&E						-
Current Request						
Construction	244,440					244,440
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction	4,435,000		4,039,831			8,474,831
FF&E						-
Total Expenditures	\$ 5,971,278	\$ -	\$ 4,039,831	\$ -	\$ -	\$ 10,011,109
Remaining Balance	\$ 4,039,831	\$ 4,039,831	\$ -	\$ -	\$ -	\$ -

Debt Sold	2,165,000					
Debt to Be Sold	2,845,000	4,040,000				
Annual Debt Service	145,167	335,000	606,000	606,000	606,000	

O&M IMPACT INFORMATION

Upon completion of Phase I and Phase II, it is anticipated that the City will realize a decrease in operations and maintenance cost due to the movement of water from the expanded Alice Street Water Plant to the west side of the city.

Year	2014	2015	2016	2017	2018
Operation and Maintenance Costs				\$ (750,000)	\$ (750,000)

RESOLUTION NO. R2014-38

A resolution of the City Council of the City of Pearland, Texas, authorizing a contract for Construction Management and Inspections services, associated with the McHard Road Water Line Project (Phase 1), to ARRK Engineering, LLC., in the amount of \$244,400.00.

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

Section 1. That certain contract for construction management and inspection services, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest a contract for construction management and inspection services associated with the McHard Road Water Line Project.

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

CONTRACT FOR PROFESSIONAL SERVICES

THIS CONTRACT is entered into upon final execution by and between the City of Pearland ("CITY") and **ARKK Engineers, LLC** ("CONSULTANT").

The CITY engages the CONSULTANT to perform Construction Management and Inspection Services for a project known and described as **McHard Road 16" Water Line Project, Phase I** ("PROJECT"). (Project # WA1201)

SECTION I - SERVICES OF THE CONSULTANT

The CONSULTANT shall perform the following professional services to CITY standards and in accordance with the degree of care and skill that a professional in Texas would exercise under the same or similar circumstances:

- A. The CONSULTANT shall perform Construction Management and Construction Services. See Exhibit A, attached, for a detailed SCOPE OF WORK. The PROJECT schedule shall conform to the construction schedule.
- B. The CONSULTANT acknowledges that the CITY (through its employee handbook) considers the following to be misconduct that is grounds for termination of a CITY employee: Any fraud, forgery, misappropriation of funds, receiving payment for services not performed or for hours not worked, mishandling or untruthful reporting of money transactions, destruction of assets, embezzlement, accepting materials of value from vendors, or consultants, and/or collecting reimbursement of expenses made for the benefit of the CITY. The CONSULTANT agrees that it will not, directly or indirectly; encourage a CITY employee to engage in such misconduct.
- C. The CONSULTANT recognizes that all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT shall be delivered to the CITY upon request, shall become subject to the Open Records Laws of this State.
- D. The CONSULTANT shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons, damages to property, or any errors and omissions relating to the performance of any work by the CONSULTANT, its agents, employees or subcontractors under this Agreement, as follows:
 - (1) Workers' Compensation as required by law.
 - (2) Professional Liability Insurance in an amount not less than \$1,000,000 in the aggregate.

- (3) Comprehensive General Liability and Property Damage Insurance with minimum limits of \$1,000,000 for injury or death of any one person, \$1,000,000 for each occurrence, and \$1,000,000 for each occurrence of damage to or destruction of property.
- (4) Comprehensive Automobile and Truck Liability Insurance covering owned, hired, and non-owned vehicles, with minimum limits of \$1,000,000 for injury or death of any one person, \$1,000,000 for each occurrence, and \$1,000,000 for property damage.

The CONSULTANT shall include the CITY as an additional insured under the policies, with the exception of the Professional Liability Insurance and Workers' Compensation. Certificates of Insurance and endorsements shall be furnished to the CITY before work commences. Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, and/or reduced in coverage or in limits ("Change in Coverage") except with prior written consent of the CITY and only after the CITY has been provided with written notice of such Change in Coverage, such notice to be sent to the CITY either by hand delivery to the City Manager or by certified mail, return receipt requested, and received by the City no fewer than thirty (30) days prior to the effective date of such Change in Coverage. Prior to commencing services under this CONTRACT, CONSULTANT shall furnish CITY with Certificates of Insurance, or formal endorsements as required by this CONTRACT, issued by CONSULTANT'S insurer(s), as evidence that policies providing the required coverage, conditions, and limits required by this CONTRACT are in full force and effect.

- E. The CONSULTANT shall indemnify and hold the CITY, its officers, agents, and employees, harmless from any claim, loss, damage, suit, and liability of every kind for which CONSULTANT is legally liable, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person, for damage to any property, or errors in design, any of which are caused by the negligent act or omission of the CONSULTANT, his officers, employees, agents, or subcontractors under this CONTRACT.
- F. All parties intend that the CONSULTANT, in performing services pursuant to this CONTRACT, shall act as an independent contractor and shall have control of its own work and the manner in which it is performed. The CONSULTANT is not to be considered an agent or employee of the CITY.

SECTION II - PERIOD OF SERVICE

This CONTRACT will be binding upon execution and end upon completion of the construction related work.

SECTION III - CONSULTANT'S COMPENSATION

- A. The total compensation for the services performed shall not exceed the total noted in Section B.
- B. The CITY shall pay the CONSULTANT in installments based upon monthly progress reports and detailed invoices submitted by the CONSULTANT based upon the following:
- | | |
|---|----------------------------|
| 1. Constructability Review (Lump Sum) | <u>\$5,500.00</u> |
| 2. Construction Management Services (Hourly Not to Exceed) | <u>\$74,340.00</u> |
| 3. Construction Observation Services (Hourly Not to Exceed) | <u>\$155,880.00</u> |
| 4. Reimbursable Expenses (Not to Exceed) | <u>\$8,720.00</u> |
| 5. Total: | <u>\$244,440.00</u> |
- C. The CITY shall make payments to the CONSULTANT within thirty (30) days after receipt and approval of a detailed invoice. Invoices shall be submitted on a monthly basis.

SECTION IV - THE CITY'S RESPONSIBILITIES

- A. The CITY shall designate a project manager during the term of this CONTRACT. The project manager has the authority to administer this CONTRACT and shall monitor compliance with all terms and conditions stated herein. All requests for information from or a decision by the CITY on any aspect of the work shall be directed to the project manager.
- B. The CITY shall review submittals by the CONSULTANT and provide prompt response to questions and rendering of decisions pertaining thereto, to minimize delay in the progress of the CONSULTANT'S work. The CITY will keep the CONSULTANT advised concerning the progress of the CITY'S review of the work. The CONSULTANT agrees that the CITY'S inspection, review, acceptance or approval of CONSULTANT'S work shall not relieve CONSULTANT'S responsibility for errors or omissions of the CONSULTANT or its sub-consultant(s) or in any way affect the CONSULTANT's status as an independent contractor of the CITY.

SECTION V - TERMINATION

- A. The CITY, at its sole discretion, may terminate this CONTRACT for any reason -- with or without cause -- by delivering written notice to CONSULTANT personally or by certified mail at **ARKK Engineers, LLC, 7322 Southwest Frwy, Suite 1040, Houston, Texas 77074**. Immediately after receiving such written notice, the CONSULTANT shall discontinue providing the services under this CONTRACT.
- B. If this CONTRACT is terminated, CONSULTANT shall deliver to the CITY all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT, entirely or partially completed, together with all unused materials supplied by the CITY on or before the 15th day following termination of the CONTRACT.
- C. In the event of such termination, the CONSULTANT shall be paid for services performed prior to receipt of the written notice of termination. The CITY shall make final payment within sixty (60) days after the CONSULTANT has delivered to the CITY a detailed invoice for services rendered and the documents or work product generated by the CONSULTANT under the CONTRACT.
- D. If the remuneration scheduled under this contract is based upon a fixed fee or definitely ascertainable sum, the portion of such sum payable shall be proportionate to the percentage of services completed by the CONSULTANT based upon the scope of work.
- E. In the event this CONTRACT is terminated, the CITY shall have the option of completing the work, or entering into a CONTRACT with another party for the completion of the work.
- F. If the CITY terminates this CONTRACT for cause and/or if the CONSULTANT breaches any provision of this CONTRACT, then the CITY shall have all rights and remedies in law and/or equity against CONSULTANT. Venue for any action or dispute arising out of or relating to this CONTRACT shall be in Brazoria County, Texas. The laws of the State of Texas shall govern the terms of this CONTRACT. The prevailing party in the action shall be entitled to recover its actual damages with interest, attorney's fees, costs and expenses incurred in connection with the dispute and/or action. CONSULTANT and CITY desire an expeditious means to resolve any disputes that may arise between under this CONTRACT. To accomplish this, the parties agree to mediation as follows: If a dispute arises out of or relates to this CONTRACT, or the breach thereof, and if the dispute cannot be settled through negotiation, then the parties agree first to try in good faith, and before pursuing any legal remedies, to settle the dispute by mediation of a third party who will be selected by agreement of the parties.

SECTION VI – ENTIRE AGREEMENT

This CONTRACT represents the entire agreement between the CITY and the CONSULTANT and supersedes all prior negotiations, representations, or contracts, either written or oral. This CONTRACT may be amended only by written instrument signed by both parties.

SECTION VII – COVENANT AGAINST CONTINGENT FEES

The CONSULTANT affirms that he has not employed or retained any company or person, other than a bona fide employee working for the CONSULTANT to solicit or secure this CONTRACT, and that he has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of the CONTRACT. For breach or violation of this clause, the CITY may terminate this CONTRACT without liability, and in its discretion, may deduct from the CONTRACT price or consideration, or otherwise recover, the full amount of such fee, commission, percentage brokerage fee, gift, or contingent fee that has been paid.

SECTION VIII- SUCCESSORS AND ASSIGNS

This CONTRACT shall not be assignable except upon the written consent of the parties hereto.

CITY OF PEARLAND, TEXAS

DATE

CONSULTANT

DATE

EXHIBIT A



CONSTRUCTION MANAGEMENT
SCOPE OF SERVICES

FOR

McHard Road Water Line Phase 1

from

Business Center Drive to Cullen Blvd and Mykawa Road to SH 35

BASIC SERVICES: Construction Manager(s) shall render the following professional services to the OWNER in connection with the construction of the Project.

1. Pre-Construction (on specific projects, as requested by the City/Owner)

- 1.1. Provide constructability review of plans, specifications, contract documents and validity of Engineer of Record's project duration. Identify construction issues, conflicts, deficiencies, review the adequacy and accuracy of the design and independent verification of quantities.
- 1.2. Attend Pre-Bid Meeting; provide feedback to City's Project Manager as necessary, such as: tracking and recording questions for the Engineer's written response, clarifying the Owner's expectations for the project and the project execution.
- 1.3. Chair Pre-Construction Meeting
 - 1.3.1. Schedule and conduct the pre-construction meeting; record and disseminate minutes from pre-construction meeting.
 - 1.3.2. Utilize the City's Pro-Trak system: set communications protocol and contract administration procedures, establish progress meeting schedule and submittal schedule.
 - 1.3.3. Provide agenda for meeting: Key milestone dates, pay application procedures, schedule, public notification issues and procedures, utility coordination issues, traffic control, permitting, property owner notification and coordination, temporary facilities, contractor's use of City's Pro-Trak system, etc.

2. Construction Administration and Management Services

- 2.1. Act as the City's on-site representative administering the contract for construction and providing overall project oversight, maintain record of decisions and changes made.
- 2.2. Meetings: Schedule and conduct construction progress meetings; record minutes from construction progress meetings and distribute via Pro-Trak to: City Project Manager, Design Engineer and contractor throughout the duration of the project.
 - 2.2.1. Schedule meetings every two weeks, minimum, to review the following: work progress and schedule, outstanding issues, status of submittals and responses shop drawings unforeseen issues and changes to the work.
 - 2.2.2. Coordinate additional meetings as necessary to discuss and resolve problems and provide guidance in a timely manner.
 - 2.2.3. Coordinate/monitor the following: utility relocation activities for compliance, utility installation verification, reporting, record management and as-built drawings.
 - 2.2.4. Attend all utility coordination, construction, and scheduling meetings.
 - 2.2.5. Obtain copy of ROW permit and prints from Public Works in order to monitor progress of utility relocation per permit/plan.
- 2.3. Manage Construction
 - 2.3.1. All final documentation is required in electronic/digital format, utilizing Pro-Trak as is feasible.
 - 2.3.2. As field problems arise, notify the Design Engineer and City Project Manager of proposed solutions to resolve problems.

- 2.3.3. Review and update as-built documents regularly with contractor.
 - 2.3.4. Monitor and ensure adherence to approved project baseline schedule. Review contractor's schedule monthly, ensure compliance with City's intended schedule, and provide recommendations as needed to retain and regain schedule if needed.
 - 2.3.5. Recommend alternate project sequencing/scheduling to keep project on schedule.
 - 2.3.6. Prepare monthly summary report of construction activities with outstanding issues outlined for review. Monthly progress information associated with the project will be submitted to the Project Manager for review and approval.
 - 2.3.7. Record weather conditions on jobsite daily.
- 2.4. Coordinate work of contractor with external agencies and utility companies. Coordinate contractor's operations with regard to other City contracts and construction as well as with property owners for planned service outages, street closures, and access control issues to properties including notifications.
- 2.4.1. Verify construction conformance and compliance with TCEQ, NOI and NOT.
 - 2.4.2. Verify construction conformance with permitted activities such as: City of Pearland permits, U.S. Army Corps of Engineers permits, TxDOT roadway permits, and any Railroad agreements.
- 2.5. Maintain records of all decisions, actions and activities with regard to construction operations via the City's Pro-Trak system (i.e. Change Orders, RFIs and responses, Submittals and responses, Request for Proposals, correspondence, SWPPP inspections.)

3. Construction Inspection Services

3.1. Provide full-time on-site technical observation of Contractor's activities to verify and ensure all work materials, structures, equipment and workmanship comply with the Contract Documents including Addenda, and Change Orders. Verify and ensure that Contractor maintains good construction practices and professional standards prevailing in the local City, County, and State of Texas. Utilize City's Pro-Trak system for all inspection reports.

3.1.1. Notify the City Project Manager if Contractor's work is not in compliance with the Contract Documents or specifications. Notify the City Project Manager and Design Engineer of any failure of the Contractor to take measures to repair and bring work in compliance.

3.1.2. Issue Advisory Notices to Contractor for work that is not in compliance with approved construction documents.

3.1.3. Issue Non-Compliance Reports to Contractor if non-conforming work is not brought into compliance or if plan of action to bring work into compliance is not conducted in timely manner.

3.1.4. Inspect and observe the materials and equipment being incorporated into the work to assure that they are handled, stored and installed in accordance with the Contract Documents and specifications. Report to the City Project Manager regarding these activities.

3.2. Identify record and notify Design Engineer of any problems or failures to meet performance requirements in a timely manner to minimize delay in the progress of the project, make recommendation(s) for appropriate solution to the City Project Manager and Design Engineer.

- 3.3. Prepare and maintain daily progress log or daily construction reports, photographs, records and track quantities installed that day utilizing the City's Pro-Trak system.
- 3.4. Ensure contractor reviews and approves daily reports and quantities.
- 3.5. Verify contractor has obtained necessary permits and is maintaining any Traffic Control, public notification and Storm Water Pollution Prevention Plans, facilities, equipment or arrangements in accordance with contract documents.
- 3.6. Attend and participate in progress meetings.
- 3.7. Create contacts for your record for: names, addresses, telephone numbers and email of all contractors, subcontractors, sub consultants and major suppliers of material and equipment; store in City's Pro-Trak system.
- 3.8. Immediately notify the City Project Manager and Design Engineer in the event of an on-site accident. Record and note conditions, activities and witnesses to the event.
- 3.9. Maintain Resolution Log and respond to citizen complaints in Pro-Trak system.
- 3.10. Consult with City Project Manager and Design Engineer in advance of scheduled major work operations, tests, inspections or start of important phases of project.

4. Pay Applications

- 4.1. Pay applications will be generated by the City's Pro-Trak system based on quantities approved in the daily reports. Review and verify quantities provided by contractor for all work in compliance with contract documents.
 - 4.1.1. Review work conducted daily on daily inspection reports and material installed measurements submitted by contractor; verify work conducted and

bid item quantities via Pro-Trak; meet monthly to review pay estimate and quantities with contractor

- 4.1.2. Review progress pay application with Design Engineer for approval or revision prior to submittal to City.
- 4.1.3. Finalize pay application with signatures from Contractor, Engineer and Construction Manager certifying quantities and amounts via Pro-Trak.
- 4.1.4. Notify City Project Manager when all electronic signatures are completed in the Pro-Trak system for invoice processing.
- 4.1.5. Track and record requests for rain or other delays with potential to add to Contract Time in Daily Reports in Pro-Trak.
- 4.1.6. Provide an independent quantity forecast bid items to identify potential quantity over-runs as part of pay estimate review.

4.2. Upon completion of the work, prepare a final progress payment including a balancing change order zeroing out all unused quantities utilizing Pro-Trak. Identify and add additional quantities and make any approved changes to the Contract Time.

- 4.2.1. Review and coordinate with Design Engineer to provide Engineer's recommendation for Substantial Completion or Final Acceptance. (See Close-out Section)

5. Document Control

5.1. Utilize the City's Pro-Trak system to: receive, route, track and log all Contractor communications, Submittals, Change Orders, RFIs, Pay Applications and Citizen Complaint/Resolution Log; communicate with Contractor the status of submittal reviews; review submittal and RFI log in Pro-Trak to ensure timely responses; notify City Project Manager, Contractor and Design Engineer of time critical issues.

5.1.1. Respond to RFIs when such response does not require the Engineer's opinion or expertise or direction from City.

5.1.2. Assemble and maintain notes, comments, sketches and supportive data relative to the Project to facilitate the revision of drawings to conform to the final as-built conditions. Review Contractor's record keeping periodically to ensure completeness, timeliness and progress.

6. Change Orders

6.1. Prepare and issue request for proposals in a timely manner via Pro-Trak. Review RFP and contractor proposal for additional work with City Project Manager and Design Engineer for approval. Ensure the status of RFP and Responses from Contractor, City and Design Engineer are logged and tracked in the Pro-Trak system.

6.2. Provide recommendation on technical matters as an advocate for the City. Evaluate Contractor's response/proposal for merit, cost, time, accuracy and price practicality. Negotiate with Contractor on City's behalf if required.

6.3. Prepare Change Order and documentation including signatures of Contractor, Engineer and Construction Manager for delivery to City.

7. Testing Laboratory and Results

- 7.1. Coordinate testing laboratory activities with Contractor's activities. Review test reports for compliance with Contract Documents. Log, track and retain test reports in Pro-Trak. Review results with Contractor. Monitor any corrective action and re-testing for compliance. Maintain compliance with City's specifications
 - 7.1.1. Review lab test reports and log any failures.
 - 7.1.2. Review Invoicing from Laboratory to daily activities.

8. Project Completion and Close out

- 8.1. A. Provide list of deliverables for substantial completion walk through/inspection. Schedule and conduct project walk through upon receipt of Contractor's notification of substantial completion. Include City Project Manager, Design Engineer and others as directed. Prepare a list of non-conforming work based on visual inspections via Pro-Trak. Record and monitor contractor's corrective efforts and schedule. Schedule final completion inspection for any remaining corrections.
 - B. Coordinate and obtain Design Engineer's signature and seal on Substantial Completion certificate and Final Completion and Acceptance certificate via Pro-Trak.
- 8.2. Review and compile any Operation and Maintenance documents required from the Contractor – forward to Engineer for review. Ensure Contractor's closeout documents are uploaded to Pro-Trak. Review for completeness and accuracy, including; affidavits of final payment, final pay estimates, as built records, redlines and drawings. Once received, notify the Design Engineer and City Project Manager when completed.

- 8.2.1. Upon completion of close out items, provide recommendation for City's Substantial Completion/Final Acceptance certificate.
- 8.2.2. Provide indexed project files, redline plans and as-built or record drawings to City via Pro-Trak.
- 8.3. Conduct Project Close-Out Meeting.
- 8.4. Prepare and recommend final payment application. (Prepare job record logs transmittals, and correspondence reports in an organized file for delivery to City.)
- 8.5. Consult with City on any potential Warranty items requiring repair or replacement.

9. Warranty Period

- 9.1. Schedule, arrange and coordinate a One Year Walk-through of the project to review status of the work 30 days prior to expiration of the One Year Maintenance period.
- 9.2. Provide staff to conduct and participate in the warranty inspections.
- 9.3. Prepare list of non conforming work for presentation to the City Project Manager, Design Engineer and Contractor via Pro-Trak.
- 9.4. Oversee repairs for non conforming work with Contractor.
- 9.5. Submit final report on completed warranty repairs via Pro-Trak.



March 27, 2014

Ms. Jennifer Lee
Project Manager
City of Pearland, Texas
3519 Liberty Drive
Pearland, Texas 77592

Re: Proposal for Construction Management and Inspection Services for the City of Pearland's "**McHard Road Water Line Phase 1**" Project

Dear Ms. Lee:

As requested, ARKK Engineers, LLC (ARKK) is pleased to submit this proposal for performing construction management and inspection services for the City of Pearland's McHard Road Water Line Project. For your convenience this proposal consists of General Overview, Scope of Services, and Fee.

GENERAL OVERVIEW

The City of Pearland is in the final engineering design phase of the construction of approximately 15,800 linear feet of 12-inch and 16-inch diameter water mains to be installed along McHard Road. The limits of the project are between Business Center Drive and Cullen Blvd.; and between Mykawa Road and State Highway 35. The portion of the water line along the future McHard Road corridor between Cullen Blvd. and Mykawa Road will be constructed in a later phase of the project. Construction methods will be by open cut, horizontal directional drill, auger, and bore & jack. The City may consider alternate bids for equivalent PVC pipe materials and HDPE pipe materials. The project includes a crossing of US Highway 288; a crossing of Country Place Blvd.; crossing of petroleum pipelines; Brazoria County Drainage District channel crossings; crossing of Cullen Blvd.; crossing of Mykawa Road; a railroad crossing; and crossing of Hickory Slough

This proposal addresses the engineering services ARKK will provide the City during the construction phases. ARKK will provide Construction Management and Inspection services that will include providing one (1) project site representative to observe the construction of the proposed McHard Road Water Line Phase 1 project. The estimated construction duration for the project is 240 calendar days to substantial completion and an additional 30 days for final completion.

SCOPE OF SERVICES

The Construction Management and Inspection Scope of Services is defined on Exhibit 'A' – Scope of Services.

FEE

Plan Review Services: Lump Sum Amount of:	\$ 5,500.00
Construction Observation Services: (Hourly):	\$ 155,880.00
Construction Management Services: (Hourly):	\$ 74,340.00
Reimbursable Expenses: (cost plus 10%):	<u>\$ 8,720.00</u>
Total Not to Exceed Fee:	\$244,440.00

The fee budget for the construction observation services is based on the site representative being on site an average 45 hours/week for the 240 day substantial completion phase and average 20 hours/ week during the final completion phase (30 days). The on-site field representative shall be billed at \$90/hour.

Hourly rates for all other manpower shall be charged based on a raw labor rate times a multiplier of 2.99. Officers of ARKK serving in the role of Project Manager will bill at a rate of \$150.00 per hour. Overtime for site representative personnel and hourly employees will be charged at 1.185 time's normal rate. Overtime is defined as time over 40 hours within a one-week period (Sunday to Saturday). Reimbursable expenses will be charged at cost plus 10%. Mileage for personnel other than the site representative will be charged at the prevailing federal rate. A vehicle charge of \$40/day will be charged for the site representative.

ARKK Engineers, LLC appreciates the opportunity to submit this proposal and we look forward to working with the City of Pearland on this very important project.

Sincerely,

ARKK ENGINEERS, LLC



Madhu Kilambi, P.E.

Senior Project Manager / Principal

ARKK Engineers, LLC
Level of Effort Estimate

McHard Road Waterline Project

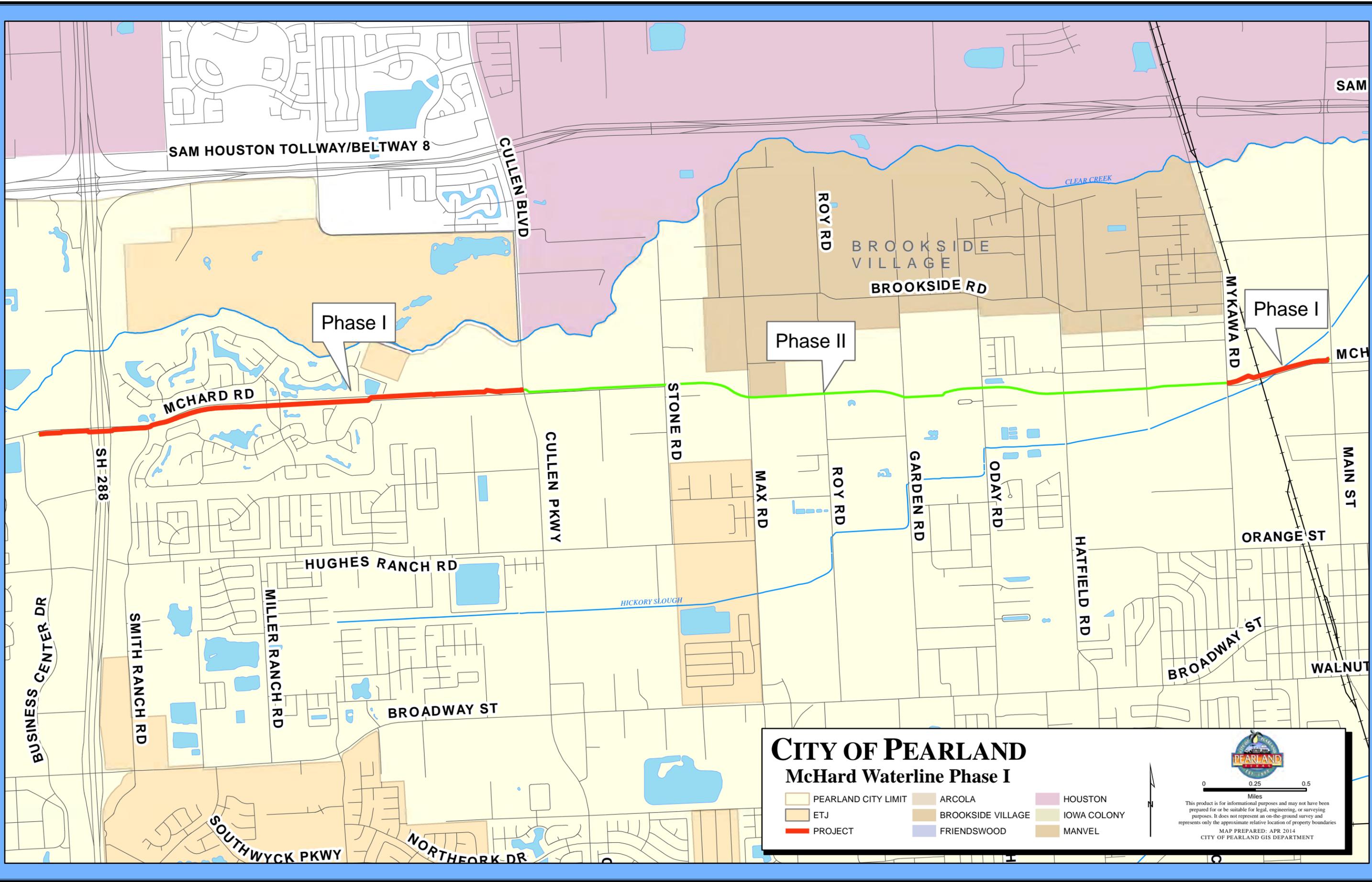
CITY OF PEARLAND	Sr. Project Manager	Asst. Constr. Manager	Inspector	Subtotal
Billing Rate	\$150.00	\$110.00	\$90.00	
Construction Management & Inspection Services				
TASKS				
1 Attend Pre-bid Meeting	2	2		\$520
2 Prepare Pre- Construction Meeting Agenda	2	4		\$740
3 Conduct Pre-Construction Conference	2	2	2	\$700
3 Prepare & Distribute Preconstruction Meeting Minutes	2	8		\$1,180
4 Pro-Trak System setup	1	8		\$1,030
5 Prepare Agenda for Progress Meetings - 16 meetings	8	16		\$2,960
6 Conduct Progress Meetings - 16 meetings	32	32		\$8,320
7 Prepare & Distribute Progress Meeting Minutes - 16 Meetings	20	48		\$8,280
8 Submittal Distribution & Follow-up	4	24		\$3,240
9 RFI Follow-up & Response	12	24		\$4,440
10 Field Meetings - 2 Meetings	4	8		\$1,480
11 Utility Coordination Meetings - 1 Meetings	4	4		\$1,040
12 Monitor Construction Schedule	8	8		\$2,080
13 Pay Estimate Verifications & Coordination with Design Engineer - 8 Monthly Estimates	8	32		\$4,720
14 Prepare and Finalize Pay Estimates	6	18		\$2,880
15 Prepare Monthly Summary Report - 9 Reports	18			\$2,700
16 Document Control and Input Information in Pro-Trak	8	48		\$6,480
17 Change Order preparation & Follow-up Documentation	8	16		\$2,960
18 Coordination of Testing Activities	6	32		\$4,420
19 Preliminary Walk through	6	6		\$1,560
20 Prepare Preliminary Punch List Items & Submit to Contractor	2	4		\$740
21 Substantial Walk Through	4	4		\$1,040
22 Prepare Substantial Walk Through Punch List Items	4	8		\$1,480
23 Verify Completion of Punch List Items	1	2	4	\$730
24 Final Walkthrough	4	4	4	\$1,400
25 Prepare Final Pay Estimate	2	8	4	\$1,540
26 Prepare Close-out Package	8	12	4	\$2,880
27 Budget for Miscellaneous Meetings, Field Visits, Coordination	8	8		\$2,080
28 Site Observation Services - (9 Hours/Day @ 5 days/week for 240 days & 4 hours/week for 30 days). Total Construction Duration is 270 days.			1732	\$155,880
29 Warranty Walkthrough	4	6	8	\$1,980
Vehicle Charge/Mileage \$40/Day @ 193 working days Plus Budget for Mileage				8,720
TOTAL	198	396	1758	\$238,940



RATE SCHEDULE

<u>Employee Classification</u>	<u>Billing Rate</u>
Project Principal	\$175/hour
Senior Project Manager	\$150/hour
Project Engineer	\$130/hour
Senior Designer	\$115/hour
Asst. Construction Manager	\$110/hour
Construction Inspector	\$90/hour

Reimbursable expenses will be charged at cost plus 10%. Mileage will be charged at the current IRS prevailing rate.



CITY OF PEARLAND McHard Waterline Phase I

<ul style="list-style-type: none"> PEARLAND CITY LIMIT ETJ PROJECT 	<ul style="list-style-type: none"> ARCOLA BROOKSIDE VILLAGE FRIENDSWOOD 	<ul style="list-style-type: none"> HOUSTON IOWA COLONY MANVEL
--	---	---

0 0.25 0.5
Miles

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
MAP PREPARED: APR 2014
CITY OF PEARLAND GIS DEPARTMENT

New Business Item No. 2

- 2. Consideration and Possible Action – Resolution No. R2014-36** – A resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the Walnut Lift Station Project, to T & C Construction, Ltd. in the amount of \$976,610.00.
Mr. Trent Epperson, Director of Engineering and Capital Projects.

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

AGENDA OF: April 28, 2014	ITEM NO.: Resolution No. R2014-36
DATE SUBMITTED: April 15, 2014	DEPT. OF ORIGIN: Projects
PREPARED BY: Trent Epperson	PRESENTOR: Trent Epperson
REVIEWED BY: Mike Hodge	REVIEW DATE: April 17, 2014
SUBJECT: Award of Construction Contract for Walnut Lift Station	
EXHIBITS: R2014-36; A – Engineer’s Recommendation Letter and Bid Tab; B – Project Location Map	
FUNDING: <input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input 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: \$976,610.00 AMOUNT BUDGETED: \$1,111,639 AMOUNT AVAILABLE: \$990,110 PROJECT NO.: WW1203 ACCOUNT NO.: 301-0000-565-03-00 ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:	
To be completed by Department: <input checked="" type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution	

RECOMMENDED ACTION

Staff recommends that Council approve the Bid results, Award the Contract for the demolition of the existing and the construction of the new Walnut Lift Station in the amount of \$976,610.00 to T & C Construction, Ltd. and authorize the City Manager to execute the contract.

EXECUTIVE SUMMARY

BACKGROUND

The Fiscal Year 2012 Capital Improvement Program Budget included funding for the design of the Walnut Lift Station. The existing Lift Station located near the intersection of Walnut Street and Sacramento Ave is one of the City’s older stations. For the past several years there have been numerous repairs made to the station. The City contracted with GC Engineering to design the replacement lift station. The project will

demolish and remove the existing lift station and build a new lift station adjacent to the site. The new lift station will provide service to approximately 2,100 connections.

SCOPE OF CONTRACT/AGREEMENT

The scope of the construction project includes the construction of a new lift station with three (3) pumps for a pumping capacity of up to 1,800 gallon per day (gpd). The installation will include all electrical and control equipment for a complete working lift station and coordination with CenterPoint Energy for electrical service. The existing lift station consists of a Supervisory Control and Data Acquisition (SCADA) System to control and monitor the lift station. Most of the components of the SCADA system will be relocated to the new lift station. The new station will connect to an existing 16", a 10" force main, and two gravity sewer lines. The existing Lift Station will be demolished and converted into a manhole.

BID AND AWARD

The Plans and Specifications were completed in February 2014 and bids were opened on March 27, 2014 via the E-Bid system. Three construction firms bid the project with prices ranging from \$976,610.00 to \$ \$1,584,872.00. The low bid of \$976,610.00, was submitted by T & C Construction, Ltd. This bid was approximately \$400K below the next low bidder. The Engineer's estimate was 2% more than the low bid, excluding the SCADA work. See attached bid tabature.

T & C Construction, Ltd is located in Houston, Texas and has previously performed work for the City of Pearland. The Design Consultant, GC Engineering, completed a reference check and found no performance or financial issues either pending or historically. See attached Engineer's Recommendation Letter.

SCHEDULE

Work is scheduled to begin in mid to late May and the contract specifies a construction schedule of 165 calendar days to Substantial Completion for the project as a whole with an additional 15 days (total of 180 calendar days) to Final Completion. Barring weather delays, Substantial Completion for the work will be late October 2014.

POLICY/GOAL CONSIDERATION

The reconstruction of this lift station will reduce long-term operation and maintenance cost and meets the goal of providing dependable sanitary sewer service to the City through efficient operation of the lift stations.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Year	To Date	2015	2016	2017	2018	Total
Budget	\$ 1,111,639					\$ 1,111,639
Prior Expenditures						
PER						-
Land/ROW						-
Design/Survey	116,588					116,588
Construction						-
FF&E						-
Current Request						
Construction	976,610					976,610
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction	18,400					18,400
FF&E						-
Total Expenditures	\$ 1,111,598	\$ -	\$ -	\$ -	\$ -	\$ 1,111,598
Remaining Balance	\$ 41	\$ 41	\$ 41	\$ 41	\$ 41	\$ 41

Debt Sold						XXXXXX
Debt to Be Sold						XXXXXX
Annual Debt Service						XXXXXX

O&M IMPACT INFORMATION

Once complete, it is anticipated that the City will realize a decrease in operations and maintenance cost due to the anticipated new facility.

Year	2014	2015	2016	2017	2018
Operation and Maintenance Costs		\$ (2,978)	\$ (2,978)	\$ (2,978)	\$ (2,978)

RESOLUTION NO. R2014-36

A resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the Walnut Lift Station Project, to T & C Construction, Ltd. in the amount of \$976,610.00.

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

Section 1. That the City opened bids for construction services associated with the Walnut Lift Station Project, and such bids have been reviewed and tabulated.

Section 2. That the City Council hereby awards the bid to T & C Construction, Ltd., in the amount of \$976,610.00.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for construction services associated with the Walnut Lift Station Project.

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



GC Engineering, Inc.

2505 Park Avenue, Pearland, Texas 77581
Phone: (281) 412-7008, Fax: (281) 412-4623
www.gc-engineering.com

April 15, 2014

Ms. Jennifer Lee, Project Manager
City of Pearland
3519 Liberty Drive
Pearland, Texas 77581

**Re: Walnut Street Sanitary Sewer Lift Station Construction at 4103 West Walnut Street, Pearland, Texas.
COP PN: WW1203, Bid No.: 0214-22
City of Pearland, Pearland, Texas**

Dear Ms Lee:

Electronic bids for the construction of the above referenced Project were received on March 27, 2014 and opened at 2:00 p.m. A total of three bids were received.

Selection Review:

Comparison of Engineer's Estimate and the bids

Bid Tabulation Sheet indicating the Engineer's Estimate and the bids received from the three bidders is attached.

<u>Bidder</u>	<u>Bid Amount</u>	<u>% Above/ Below Engineer's Estimate</u>
T&C Construction, Ltd.	\$976,610	2.24% below
R+B Group, Inc.	\$1,373,865	37.83% above
Peltier Brothers Construction, Ltd.	\$1,584,872	58.65% above

We checked the bids for mathematical errors and none found.

Contractor's Qualifications

GCE reviewed the Bid Documents submitted by the lowest bidder, T&C Construction, Ltd. (T&C). We also contacted all three references provided by T&C. This information, together with the Bid Documents received, were used to evaluate the experience and qualifications of T&C.

Reference Check of T&C

Reference 1 – Mr. Tommy Vance of Jones & Carter, Inc. (Phone: 713-777-5337) – During our telephone conversation on 4/7/2014, Mr. Vance indicated that T&C has performed several construction projects for them. One of the projects was the Steinman Lift Station and Force

Main Upgrade for City of Baytown completed in 2013. Mr. Vance highly recommended T&C based on T&C's performance on their construction projects.

Reference 2 – Mr. Doug Baker of Brown & Gay Engineers. (Phone: 281-558-8700) – Based on the email received on 4/8/2014 and during our telephone conversation on 4/9/2014, Mr. Baker indicated that T&C has performed several construction projects for them. Mr. Baker indicated that T&C has finished all projects on time and to the satisfaction of the project owners. Mr. Baker highly recommended T&C based on T&C's performance on their construction projects.

Reference 3 – Mr. Jose Maldonado of HDR Engineering. (Phone: 713-622-9264) – During our telephone conversation on 4/8/2014, Mr. Maldonado indicated that T&C has performed several construction projects for them. One of the projects was the Raccoon Lift Station Rehabilitation Project (~\$3 million cost) for City of Baytown which was completed in 2013. Mr. Maldonado highly recommended T&C based on T&C's performance on their construction projects.

GCE's Communications with T&C

We contacted owner of T&C, Mr. Tom Rumney on 4/9/2014. The following was discussed;

The current workload, experience, equipment, and availability to mobilize –

Mr. Rumney indicated that they have completed construction of numerous sanitary sewer lift station projects for various clients in the Houston area. Mr. Rumney also indicated that they can accommodate construction of Walnut Street Sanitary Sewer Lift Station Project meeting the Contract time requirements.

Based on the communications with T&C, we feel that T&C possesses the resources and the capacity to meet Contract requirements of the Walnut Street Sanitary Sewer Lift Station Project.

Based on the above review, GCE recommends the City to award the Contract to T&C for Walnut Street Sanitary Sewer Lift Station Construction Project (COP PN.: WW1203, Bid No.: 0214-22) at a total contract price of \$976,610.00.

If you have any questions or need more information, please contact me at (281) 412-7008, Ext. 106.

Sincerely,
GC ENGINEERING, INC.



Mahendra Rodrigo, P.E.
Principal

Bid : 0214-22
Walnut Street Lift Station, City of Pearland, Pearland, TX

Specification Responses

GC Engineering, Inc.

T & C Construction, LTD.

R+B Group, Inc.

Peltier Brothers Construction, Ltd.

Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
1	Base Bid	PKG	1		\$921,788.20	\$899,110.00	\$899,110.00	\$1,299,640.00	\$1,299,640.00	\$1,507,487.00	\$1,507,487.00
1.1	Mobilization	LS	1	\$26,848.20	\$26,848.20	\$10,000.00	\$10,000.00	\$200,000.00	\$200,000.00	\$75,000.00	\$75,000.00
1.2	Site Preparation	LS	1	\$4,000	\$4,000.00	\$5,000.00	\$5,000.00	\$15,000.00	\$15,000.00	\$35,000.00	\$35,000.00
1.3	Traffic Control and Regulation during Construction	LS	1	\$8,000	\$8,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$25,000.00	\$25,000.00
1.4	Remove existing wastewater pumps and appurtenances including discharge piping, pump guide rails, etc. inside and around the lift station. Sawcut and demolish existing concrete including sidewalk, pavement, demolish SCADA tower foundation. Demolish existing lift station and fill with cement sand.	LS	1	\$60,000	\$60,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$20,000.00	\$20,000.00
1.5	Install three new wastewater pumps and accessories including discharge piping, check valves, air release valves, pressure gages, vent pipes, access ladder, hatches, safety grates, and pipe supporters, hangers, and other appurtenances.	LS	1	\$300,000	\$300,000.00	\$170,000.00	\$170,000.00	\$110,000.00	\$110,000.00	\$50,000.00	\$50,000.00
1.6	Install electrical system including new power service, fuse disconnects, metering, transfer switch, control panel, SCADA panel, motor control, power and control equipment, instrumentation and controls, lighting, conduit and conductors, wiring, transformers and various other electrical and controls equipment for the lift station.	LS	1	\$300,000	\$300,000.00	\$200,000.00	\$200,000.00	\$185,000.00	\$185,000.00	\$181,935.00	\$181,935.00
1.7	Concrete Wet Well (~12' Dia.) with top and bottom concrete slabs including protective coatings, concrete cantilever slab, handrails and stairs.	LS	1	\$150,000	\$150,000.00	\$362,000.00	\$362,000.00	\$635,000.00	\$635,000.00	\$992,000.00	\$992,000.00
1.8	2-inch PVC Water Line, water meter, backflow preventer unit, water line service connection with hose bibs. Complete in Place.	LS	1	\$3,500	\$3,500.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$3,000.00	\$3,000.00
1.9	Relocate SCADA Tower including new Tower foundation, Complete in Place.	LS	1	\$10,000	\$10,000.00	\$5,000.00	\$5,000.00	\$4,000.00	\$4,000.00	\$8,255.00	\$8,255.00
1.10	Type A hydrated lime-(7%)	TON	4	\$170	\$680.00	\$200.00	\$200.00	\$100.00	\$100.00	\$260.00	\$260.00
1.11	6" Concrete Pavement, including driveways, and lift station paving and curbs	LS	1	\$6,200	\$6,200.00	\$15,000.00	\$15,000.00	\$12,000.00	\$12,000.00	\$20,000.00	\$20,000.00
1.12	7% Lime Stabilized Subgrade, 8 inch thick	SY	150	\$5	\$750.00	\$20.00	\$20.00	\$10.00	\$10.00	\$20.00	\$20.00
1.13	6" Concrete Sidewalk	SY	6	\$45	\$270.00	\$50.00	\$50.00	\$50.00	\$50.00	\$130.00	\$130.00
1.14	Block Sod	SY	25	\$4	\$100.00	\$20.00	\$20.00	\$5.00	\$5.00	\$13.00	\$13.00
1.15	Sanitary Sewer Forcemain, 12-inch Diameter PVC	LF	115	\$40	\$4,600.00	\$200.00	\$200.00	\$150.00	\$150.00	\$187.00	\$187.00
1.16	Modified Type E-Inlet	EA	1	\$2,800	\$2,800.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$3,900.00	\$3,900.00
1.17	18-inch RCP	LF	12	\$55	\$660.00	\$60.00	\$60.00	\$50.00	\$50.00	\$163.00	\$163.00

Bid #0214-22
Walnut Street Lift Station, City of Pearland, Pearland, TX

Specification Responses

Line	Description	UOM	QTY	Unit	GC Engineering, Inc.		T & C Construction, LTD.		R+B Group, Inc.		Peltier Brothers Construction, Ltd.	
					Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit
1.18	Sanitary Sewer Manholes	EA	1	\$2,500	\$2,500.00	\$10,000.00		\$5,000.00		\$26,000.00		
1.19	18" Gravity Sanitary Sewer	LF	30	\$125	\$3,750.00	\$1,000.00		\$2,000.00		\$434.00		
1.20	Groundwater Control, Well Points	LS	1	\$10,000	\$10,000.00	\$5,000.00		\$1,000.00		\$10,000.00		
1.21	10" Joint Reinf. Concrete pavement	SY	3	\$100	\$300.00	\$100.00		\$100.00		\$217.00		
1.22	Wrought Iron Fence & two gates, 8' high including foundation, painting, locking mechanisms, Complete in Place.	LS	1	\$21,500	\$21,500.00	\$12,000.00		\$9,000.00		\$12,025.00		
1.23	Storm Water Pollution Prevention Plan	LS	1	\$5,000	\$5,000.00	\$3,000.00		\$500.00		\$2,600.00		
1.24	Filter Fabric Fence	LF	165	\$2	\$330.00	\$6.00		\$1.00		\$3.00		
2	Extra Work Items to be done where authorized by the Engineer and in quantities to be authorized.	PKG	1		\$77,180.00	\$77,500.00		\$77,225.00		\$77,385.00		
2.1	Landscaping Allowance	LS	1		\$12,000.00	\$12,000.00		\$12,000.00		\$12,000.00		
2.2	CenterPoint Energy Electric Allowance	LS	1		\$15,000.00	\$15,000.00		\$15,000.00		\$15,000.00		
2.3	Block Sod	SY	20	\$4	\$80.00	\$20.00		\$5.00		\$11.00		
2.4	Cement Stabilized Sand	TON	5	\$20	\$100.00	\$20.00		\$25.00		\$33.00		
2.5	Miscellaneous Items as approved by the City	LS	1		\$50,000.00	\$50,000.00		\$50,000.00		\$50,000.00		
Total					\$998,968.20	\$976,610.00	\$1,376,865.00	\$1,584,872.00				

% above/below GCE Estimate

-2.24%

37.83%

58.65%

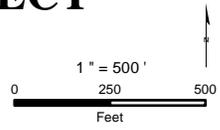


Walnut
Lift
Station



CIP PROJECT

Walnut Lift Station



New Business Item No. 3

- 3. Consideration and Possible Action – Resolution No. R2014-37** – A resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services to Traffic Systems Construction, Inc. for traffic signal and median improvements, at the intersection of FM 518 and Garden Road, in the amount of \$290,561.00. *Mr. Trent Epperson, Director of Engineering and Capital Projects.*

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

AGENDA OF: April 28, 2014	ITEM NO.: Resolution No. R2014-37
DATE SUBMITTED: April 10, 2014	DEPT. OF ORIGIN: Projects
PREPARED BY: Cuong Le	PRESENTOR: Trent Epperson
REVIEWED BY: Miike Hodge	REVIEW DATE: April 17, 2014
SUBJECT: Award of Contract for Traffic Signal Installation and Median Improvements FM 518 at Garden Road	
EXHIBITS: R2014-37 A – Engineer’s Recommendation Letter with Bid Tab B – Project Location Map	
FUNDING:	
CDBG Funded in 2014	<input checked="" 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: \$290,561.00	
AMOUNT BUDGETED: \$338,502	
AMOUNT AVAILABLE: \$294,125.00	
PROJECT NO.: TR1403	
ACCOUNT NO.:	
ADDITIONAL APPROPRIATION REQUIRED: \$0	
ACCOUNT NO.: N/A	
PROJECT NO.:	
To be completed by Department:	
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal Ordinance <input checked="" type="checkbox"/> Resolution

RECOMMENDED ACTION

Staff recommends that Council award a construction contract for the signalization and median improvements at FM 518 and Garden Road to Traffic Systems Construction, Inc. in the amount of \$290,561.00 and authorize the City Manager to execute the contract on behalf of the City.

EXECUTIVE SUMMARY

BACKGROUND

Submitted to City Council for review and approval is a construction contract for Traffic Signal Installation and Median Improvements FM 518 at Garden Road. The signalization of the intersection was warranted by the Traffic Impact Analysis performed for the development in the northwest corner of the intersection.

Funding for the project is from the General Fund and a Community Development Block Grant (CDBG). Council approved the use of CDBG funds for this project on June 11, 2013 as part of the City's Program Year 2013 Action Plan (AAP) and US Housing and Urban Development (HUD) accepted the City's AAP in October 2013. The City completed all of HUD's requirements before submitting a Request for the Release of Funds letter to HUD. Staff anticipates authorization of the CDBG funding (\$225,559) by April 25, 2014 before Council's action.

SCOPE OF CONTRACT/AGREEMENT

The Project entails construction of a mast-arm mounted, fully-actuated, battery back up traffic signal with VIVDS detection, Opticom pre-emption system, actuated pedestrian signals, raised median improvements, ADA-compliant wheelchair ramps, pads, sidewalk extensions, new signs and pavement markings and containing the controller and communications equipment necessary for inclusion into the Intelligent Transportation System (ITS). TxDOT reviewed and issued a permit for construction within their right of way. The City will be responsible for operation and maintenance.

BID AND AWARD

The Plans and Specifications were completed in February, 2014 and bids were opened on March 11, 2014 via the E-Bid system. Six signal contractors bid the project with Base Bids ranging from \$286,800.00 to \$383,615.00. The low base bid of \$286,800.00 was submitted by Traffic Systems Construction, Inc.

Staff identified four of the Extra Work items that were contained in the bids to include in the contract award, which total \$3,761 (or approximately 1.3%), to be used upon authorization only, bringing the total recommended Contract amount to \$290,561.00. These include, Item Numbers: 2.4, 4" Concrete Sidewalks; 2.12, 2" Conduit; 2.17, Signal Cable, 4 conductor; and 2.18, Signal Cable, 7 conductor. These items establish unit prices for common items and will be used for any unexpected work that is not identified in the design.

Traffic Systems Construction, Inc. has performed work in the greater Houston area as well as Pearland and has experience in multiple similar projects with similar or greater dollar values. The Design Engineer, EPIC Transportation Group, completed reference checks with representatives from City of Houston, Metro and Hassell Construction and found no performance or financial issues either pending or historically. Those contacted indicated that the contractor does good work, that there have been no problems, and that they would recommend them for future jobs. See the attached Engineer's Recommendation Letter.

SCHEDULE

Work is scheduled to begin in mid to late May and the contract specifies Substantial Completion in 90 calendar days with an additional 30 days (total of 120 calendar days) to Final Completion. Masts and Arms usually require 12 to 16 weeks for delivery requiring that we add time to accommodate fabrication and delivery of the material. During this time the contractor may proceed with foundation installation, underground cabling and median work in preparation for delivery. The project will be complete around November dependent upon current lead times for poles and arms.

POLICY/GOAL CONSIDERATION

The signal project was specifically identified in the 2014-2018 CIP. This project will address traffic and congestion concerns from a recent citizen survey as well as meet the City’s needs to maintain or improve mobility efficiency and safety of this intersection.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Year	To Date	2015	2016	2017	2018	Total
Budget	\$ 338,502					\$ 338,502
Prior Expenditures						
PER						-
Land/ROW						-
Design/Survey	44,377					44,377
Construction						-
FF&E						-
Current Request						
Construction	290,561					290,561
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction	3,564					3,564
FF&E						-
Total Expenditures	\$ 338,502	\$ -	\$ -	\$ -	\$ -	\$ 338,502
Remaining Balance	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1

Debt Sold						
Debt to Be Sold						
Annual Debt Service						

O&M IMPACT INFORMATION

Year	2014	2015	2016	2017	2018
Operation and Maintenance Costs	\$ 3,320	\$ 4,640	\$ 4,640	\$ 4,640	\$ 4,640

RESOLUTION NO. R2014-37

A resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services to Traffic Systems Construction, Inc. for traffic signal and median improvements, at the intersection of FM 518 and Garden Road, in the amount of \$290,561.00.

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

Section 1. That the City opened bids for construction services associated with certain traffic signal and median improvements, and such bids have been reviewed and tabulated.

Section 2. That the City Council hereby awards the bid to Traffic Systems Construction, Inc., in the amount of \$290,561.00.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for construction services associated with the traffic signal and median improvements at the intersection of FM 518 and Garden Road.

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



TBPE FIRM NO. F-11000

EPIC TRANSPORTATION GROUP, LP

Engineering . Planning . Infrastructure . Construction

800 Wilcrest Drive, Suite 240, Houston, TX 77042

April 15, 2014

Cuong Le, CAPM
Project Manager - City of Pearland
3519 Liberty Dr., Suite 300
Pearland, TX 77581
281.652.1682 | 281.652.1706 Fax

Engineer's Recommendation to Award Contract
Traffic Signal Installation and Median Improvements - FM 518 at Garden Road
City of Pearland Project No.: TR1306
Bid No.: 0913-83

Dear Le:

EPIC Transportation Group, LP is pleased to notify City of Pearland of the following for the above referenced project:

- As compiled by the City's e-bid system, six bids were received, opened, and read aloud at the bid opening on March 11, 2014 at 2 PM at the Pearland City Hall.
- All bidders have deposited 5% bid security as required and have acknowledged receipt of Addendum Nos. 1 and 2.
- Following were the Bidders and their total bid, base bid and extra item amounts (low to high), the average, and the Engineer's estimate. Please see attached bid tabulation for details:

Supplier	Base Bid	Extra Items	Bid Total
Traffic Systems Construction, Inc.	\$ 286,800.00	\$ 39,535.00	\$ 326,335.00
Reliable Signal & Lighting Solutions, LLC	\$ 300,376.00	\$ 34,181.00	\$ 334,557.00
Jerdon Enterprise L.P.	\$ 322,322.22	\$ 30,217.50	\$ 352,539.72
Florida Traffic Control Devices, Inc.	\$ 315,001.81	\$ 39,245.90	\$ 354,247.71
Third Coast Services LLC	\$ 344,000.00	\$ 50,455.50	\$ 394,455.50
Southwest Signal Supply, Inc.	\$ 383,615.00	\$ 32,194.00	\$ 415,809.00
Average of Six Bids	\$ 325,352.51	\$ 37,638.15	\$ 362,990.66
Engineer's Estimate	\$ 293,776.94	Not Estimated	Not Estimated

- The bids were reviewed and were found to have no changes, errors or omissions that would alter the order of bidders listed above.
- The lowest bidder, Traffic Systems Construction, Inc.'s Base Bid at \$286,800, is 13.4% less than the average base bid of \$325,352.51 and is 2.4% less than the Engineer's estimated base bid of \$293,776.94.
- All references provided by the lowest bidder, Traffic Systems Construction, Inc., were verified and were found to be reliable.

Mr. Cuong Le, CAPM
Project Manager
Page 2 of 2

Therefore, it is our recommendation that the City of Pearland accept the base bid from Traffic Systems Construction, Inc. in the amount of \$286,800.

Please email or call me if you have any questions or comments.

Thank you,

EPIC TRANSPORTATION GROUP, LP

A handwritten signature in blue ink, appearing to read "Harish Narayanappa".

Harish Narayanappa, P.E., PTOE
President

Enclosure: As stated

Line #	Description / Alternate Desc	QTY	UOM	Traffic Systems Construction, Inc.		Reliable Signal & Lighting Solutions, LLC		Jerdon Enterprise L.P.		Florida Traffic Control Devices, Inc.		Third Coast Services LLC		Southwest Signal Supply, Inc.		AVERAGE OF 6 BIDS		ENGINEER'S ESTIMATE	
				Total Price	\$326,335.00	Total Price	\$334,557.00	Total Price	\$352,539.72	Total Price	\$354,247.71	Total Price	\$394,455.50	Total Price	\$415,809.00	Total Price	\$362,990.66	Total Price	N/A
				Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
1	Base Bid Items	1	PKG	\$286,800.00	\$286,800.00	\$300,376.00	\$300,376.00	\$322,322.22	\$322,322.22	\$315,001.81	\$315,001.81	\$344,000.00	\$344,000.00	\$383,615.00	\$383,615.00	\$325,352.51	\$325,352.51	\$293,776.94	\$293,776.94
				LOWEST BASE BID		2ND LOWEST BASE BID													
1.1	MOBILIZATION (NOT TO EXCEED 3% OF TOTAL BID AMOUNT)	1	LS	\$9,500.00	\$9,500.00	\$10,275.00	\$10,275.00	\$9,500.00	\$9,500.00	\$9,390.85	\$9,390.85	\$9,000.00	\$9,000.00	\$35,000.00	\$35,000.00	\$13,777.64	\$13,777.64	\$7,468.91	\$7,468.91
1.2	TRAFFIC CONTROL AND REGULATION	1	LS	\$5,750.00	\$5,750.00	\$40,371.00	\$40,371.00	\$24,000.00	\$24,000.00	\$45,012.25	\$45,012.25	\$5,500.00	\$5,500.00	\$34,870.00	\$34,870.00	\$25,917.21	\$25,917.21	\$20,000.00	\$20,000.00
1.3	FURNISH AND INSTALL REINFORCED CONCRETE SLOPE PAVING, CONCRETE CURBS, CONCRETE MEDIAN, SIDEWALKS, SODDING, DETECTABLE WARNING SURFACES AND BIODEGRADABLE EROSION CONTROL LOGS IN ACCORDANCE WITH DRAWINGS AND SPECIFICATIONS.	1	LS	\$92,125.00	\$92,125.00	\$72,630.00	\$72,630.00	\$99,822.22	\$99,822.22	\$83,535.89	\$83,535.89	\$130,000.00	\$130,000.00	\$66,930.00	\$66,930.00	\$90,840.52	\$90,840.52	\$41,220.00	\$41,220.00
1.4	FURNISH AND INSTALL ROADWAY SIGNING AND PAVEMENT MARKINGS IN ACCORDANCE WITH DRAWINGS AND SPECIFICATIONS.	1	LS	\$14,925.00	\$14,925.00	\$14,400.00	\$14,400.00	\$14,000.00	\$14,000.00	\$14,029.63	\$14,029.63	\$16,500.00	\$16,500.00	\$16,500.00	\$16,500.00	\$15,059.11	\$15,059.11	\$20,136.00	\$20,136.00
1.5	FURNISH AND INSTALL FULLY ACTUATED TRAFFIC SIGNAL SYSTEM, INCLUDING ALL APPURTUNANCES IN ACCORDANCE WITH PLANS AND SPECIFICATIONS.	1	LS	\$164,500.00	\$164,500.00	\$162,700.00	\$162,700.00	\$175,000.00	\$175,000.00	\$163,033.19	\$163,033.19	\$183,000.00	\$183,000.00	\$230,315.00	\$230,315.00	\$179,758.03	\$179,758.03	\$167,607.50	\$167,607.50
1.6	CONTINGENCY																	\$37,344.53	\$37,344.53
2	Extra Items	1	PKG	\$39,535.00	\$39,535.00	\$34,181.00	\$34,181.00	\$30,217.50	\$30,217.50	\$39,245.90	\$39,245.90	\$50,455.50	\$50,455.50	\$32,194.00	\$32,194.00	\$37,638.15	\$37,638.15	N/A	N/A
2.1	REINFORCED CONCRETE SLOPE PAVING (6 IN)	50	SY	\$115.00	\$5,750.00	\$150.00	\$7,500.00	\$90.00	\$4,500.00	\$170.99	\$8,549.50	\$250.00	\$12,500.00	\$80.00	\$4,000.00	\$142.67	\$7,133.25		
2.2	CONCRETE CURB (DOWEL)	100	LF	\$55.00	\$5,500.00	\$17.50	\$1,750.00	\$12.00	\$1,200.00	\$19.95	\$1,995.00	\$15.00	\$1,500.00	\$13.50	\$1,350.00	\$22.16	\$2,215.83		
2.3	CONCRETE CURB (SLOTTED)	100	LF	\$55.00	\$5,500.00	\$24.00	\$2,400.00	\$12.00	\$1,200.00	\$27.36	\$2,736.00	\$15.00	\$1,500.00	\$24.50	\$2,450.00	\$26.31	\$2,631.00		
2.4	CONCRETE SIDEWALKS (4")	200	SF	\$13.75	\$2,750.00	\$15.00	\$3,000.00	\$11.00	\$2,200.00	\$17.10	\$3,420.00	\$75.00	\$15,000.00	\$13.50	\$2,700.00	\$24.23	\$4,845.00		
2.5	SODDING	50	SY	\$23.00	\$1,150.00	\$13.00	\$650.00	\$8.00	\$400.00	\$14.82	\$741.00	\$10.00	\$500.00	\$11.00	\$550.00	\$13.30	\$665.17		
2.6	CONCRETE MEDIAN (DOWEL)	100	SY	\$144.00	\$14,400.00	\$140.00	\$14,000.00	\$150.00	\$15,000.00	\$159.59	\$15,959.00	\$150.00	\$15,000.00	\$137.50	\$13,750.00	\$146.85	\$14,684.83		
2.7	REFL PAV MRK TY I (W) 4" (BRK) (100 MIL)	100	LF	\$0.85	\$85.00	\$0.56	\$56.00	\$0.55	\$55.00	\$0.57	\$57.00	\$0.85	\$85.00	\$0.86	\$86.00	\$0.71	\$70.67		
2.8	REFL PAV MRK TY I (W) 4" (SLD) (100 MIL)	500	LF	\$0.85	\$425.00	\$0.56	\$280.00	\$0.55	\$275.00	\$0.57	\$285.00	\$0.85	\$425.00	\$0.86	\$430.00	\$0.71	\$353.33		
2.9	REFL PAV MRK TY I (W) 8" (SLD) (100 MIL)	100	LF	\$1.70	\$170.00	\$1.10	\$110.00	\$4.50	\$450.00	\$1.14	\$114.00	\$1.75	\$175.00	\$1.73	\$173.00	\$1.99	\$198.67		
2.10	REFL PAV MRKR TY II-C-R	20	EA	\$5.75	\$115.00	\$4.50	\$90.00	\$4.50	\$90.00	\$4.56	\$91.20	\$6.00	\$120.00	\$5.75	\$115.00	\$5.18	\$103.53		
2.11	REFL PAV MRKR TY II-A-A	20	EA	\$5.75	\$115.00	\$4.50	\$90.00	\$4.50	\$90.00	\$4.56	\$91.20	\$6.00	\$120.00	\$5.75	\$115.00	\$5.18	\$103.53		
2.12	CONDT (PVC) (SCHD 80) (2")	50	LF	\$10.00	\$500.00	\$13.00	\$650.00	\$14.50	\$725.00	\$9.24	\$462.00	\$4.90	\$245.00	\$19.50	\$975.00	\$11.86	\$592.83		
2.13	CONDT (PVC) (SCHD 80) (2")(BORE)	50	LF	\$12.00	\$600.00	\$14.00	\$700.00	\$15.50	\$775.00	\$23.17	\$1,158.50	\$13.25	\$662.50	\$19.50	\$975.00	\$16.24	\$811.83		
2.14	CONDT (PVC) (SCHD 80) (3")	50	LF	\$11.00	\$550.00	\$15.00	\$750.00	\$16.75	\$837.50	\$10.77	\$538.50	\$6.50	\$325.00	\$19.50	\$975.00	\$13.25	\$662.67		
2.15	CONDT (PVC) (SCHD 80) (3")(BORE)	100	LF	\$13.00	\$1,300.00	\$16.00	\$1,600.00	\$18.00	\$1,800.00	\$24.70	\$2,470.00	\$17.25	\$1,725.00	\$19.50	\$1,950.00	\$18.08	\$1,807.50		
2.16	TRAF SIG CBL (TY A) (12 AWG) (2 CONDR)	100	LF	\$1.25	\$125.00	\$0.90	\$90.00	\$1.00	\$100.00	\$0.98	\$98.00	\$0.98	\$98.00	\$4.00	\$400.00	\$1.52	\$151.83		
2.17	TRAF SIG CBL (TY A) (12 AWG) (4 CONDR)	100	LF	\$1.50	\$150.00	\$1.25	\$125.00	\$1.40	\$140.00	\$1.18	\$118.00	\$1.25	\$125.00	\$4.00	\$400.00	\$1.76	\$176.33		
2.18	TRAF SIG CBL (TY A) (12 AWG) (7 CONDR)	200	LF	\$1.75	\$350.00	\$1.70	\$340.00	\$1.90	\$380.00	\$1.81	\$362.00	\$1.75	\$350.00	\$4.00	\$800.00	\$2.15	\$430.33		

BID TABULATION
TRAFFIC SIGNAL INSTALLATION AND MEDIAN IMPROVEMENTS - FM 518 AT GARDEN ROAD
CITY OF PEARLAND PROJECT NO.: TR1306
BID NO.: 0913-83

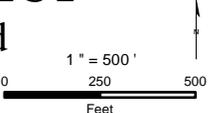


Annual Traffic
Signal Intersections
Improvements



CIP PROJECT

Garden Road Signal



New Business Item No. 4

- 4. Consideration and Possible Action – Resolution No. R2014-40** – A resolution of the City Council of the City of Pearland, Texas, awarding a bid for glass crushing equipment to Andea Tool & Machine, Inc. in the amount of \$144,448.00. *Ms. Michelle Smith, Director of Parks and Recreation and Beautification.*

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

AGENDA OF: April 28, 2014	ITEM NO.: Resolution No. R2014-40
DATE SUBMITTED: April 15, 2014	DEPARTMENT OF ORIGIN: Finance
PREPARED BY: J.Hardy/B. Pearce	PRESENTOR: Michelle Smith
REVIEWED BY: CJP	REVIEW DATE: 4/17/2014

SUBJECT: Award of Bid for Purchase of Glass Crusher for Recycling Center

EXHIBITS: R2013-40; Picture and Machine Lay-out

EXPENDITURE REQUIRED: \$114,448 **AMOUNT BUDGETED:** \$116,686 (Grant Amount)
AMOUNT AVAILABLE: \$116,686 **PROJECT NO.:**
ACCOUNT NO.: 101-3351-565.73-00

ADDITIONAL APPROPRIATION REQUIRED:
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:

Finance **Legal** **Ordinance** **Resolution**

EXECUTIVE SUMMARY

BACKGROUND

The 2013-2014 fiscal year application for grant funding through the Houston-Galveston Area Council (H-GAC) resulted in a successful award of \$116,686 for the purchase and installation of a glass crusher for use at the Stella Roberts Recycling Center. The glass-crushing device will be used to recycle glass bottles, glass containers and other glass items down to both a sand and gravel product (unit is equipped to separate the sand and gravel during production) that is effective and safe for use in parks, playgrounds, local right of ways, and in other safety and beautification applications. Accordingly, Bid No. 1214-08 was issued to solicit sealed bids for the provision and installation of the glass crusher and accessories, with a bid opening date of March 4, 2014.

SCOPE OF CONTRACT/AGREEMENT

The awarded vendor will furnish an Andela GP-05L model glass pulverizer in accordance with bid specifications, and will install the unit onto a concrete foundation which will be constructed and wired for electrical service by City personnel. Grant funds will cover the cost of supplies necessary to provide the electrical power to the device, as well as other desired equipment options which will enhance the capabilities of the glass crusher, and will allow for the purchase of certain safety apparel and protective equipment for City employees operating the device. Electricity and maintenance requirements will be the responsibility of the City, but it is believed that these

expenses will be largely offset by the savings afforded by the sand and gravel produced by the unit.

The production lead time on the glass crushing unit is anticipated to be approximately 10-12 weeks, allowing ample time for City personnel to complete site preparation, concrete pad construction and preliminary electrical work required for the subsequent installation of the device, yielding an estimated completion date of July 25, 2014. The contract with H-GAC requires that the City complete the purchase and installation of the device, including all close-out procedures associated with grant administration, by September 30, 2014.

BID AND AWARD

Bid notices were provided directly to eleven (11) prospective vendors, posted on the City's e-Bid system, and published in the newspaper of record. The only bid response was received from Andela Tool & Machine Inc. doing business as (DBA) Andela Products of Richfield Springs, New York. Specifications required a unit which is capable of producing a finished sand product from recycled glass which is sufficiently fine for placement in the areas described in the Background section above, in accordance with the City's successful grant application. Most commercially-available glass recycling units are capable only of crushing glass to a consistency necessary for re-use in future glass or similar material production, which is believed to be the reason for the limited response to the City's solicitation.

POLICY/GOAL CONSIDERATION

As with other grant-funded equipment, materials, personnel, and improvements, this project meets the City's goal to obtain and utilize grant funds whenever possible, available, and feasible to do so. It also meets the departmental objectives set forth for the Recycling Center to divert waste materials from going to the local landfill through more effective recycling efforts.

RECOMMENDED ACTION

Council consideration and approval of a resolution approving the award of a bid for glass crushing equipment to Andela Tool & Machine, Inc. DBA Andela Products in the total amount of \$114,448.00.

RESOLUTION NO. R2014-40

A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for glass crushing equipment to Andea Tool & Machine, Inc., in the amount of \$114,448.00.

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

Section 1. That the City opened bids for the purchase of glass cutting equipment and such bids have been reviewed and tabulated.

Section 2. That the City Council hereby awards the bid to Andea Tool & Machine, Inc., in the amount of \$114,448.00.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for the purchase of glass crushing equipment.

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

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

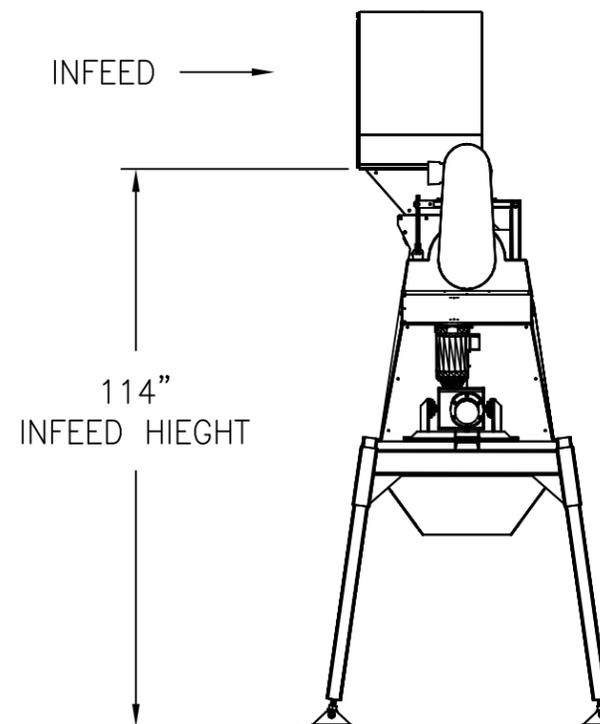
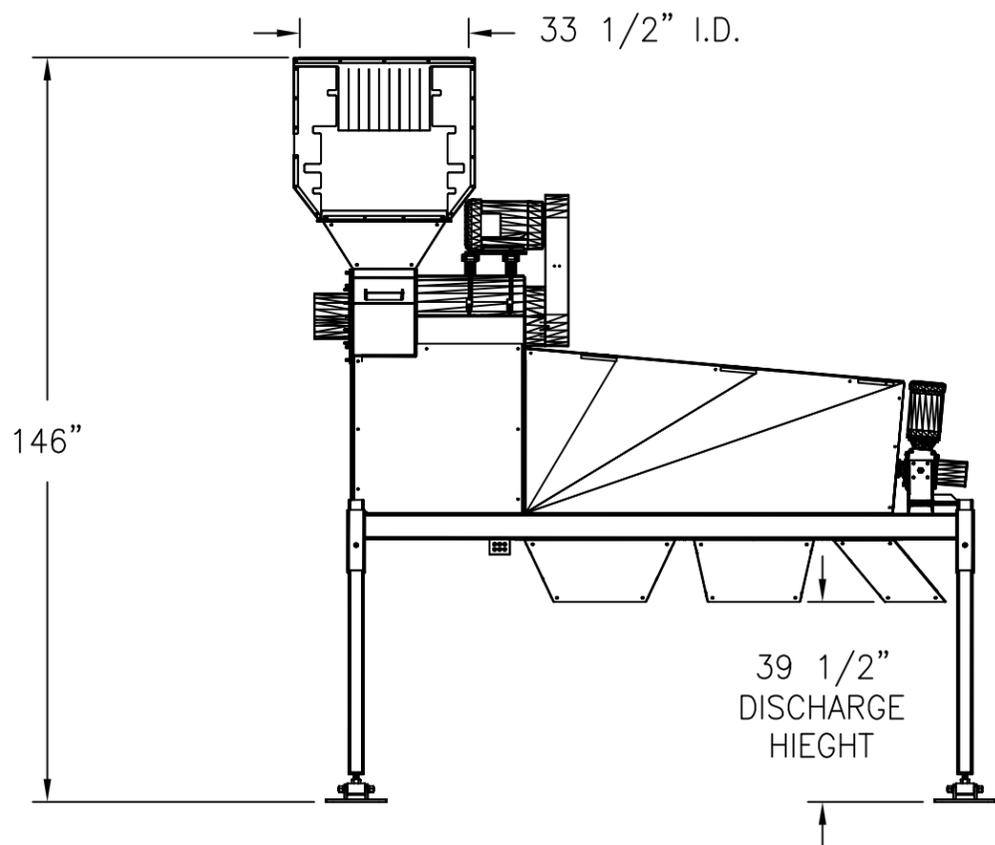
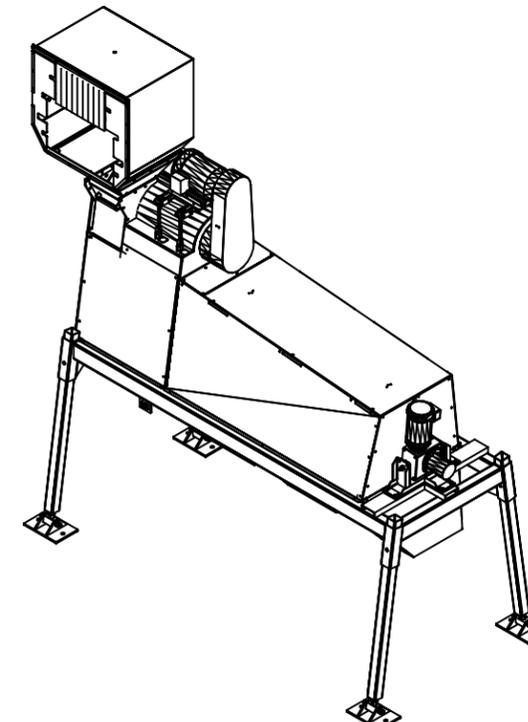
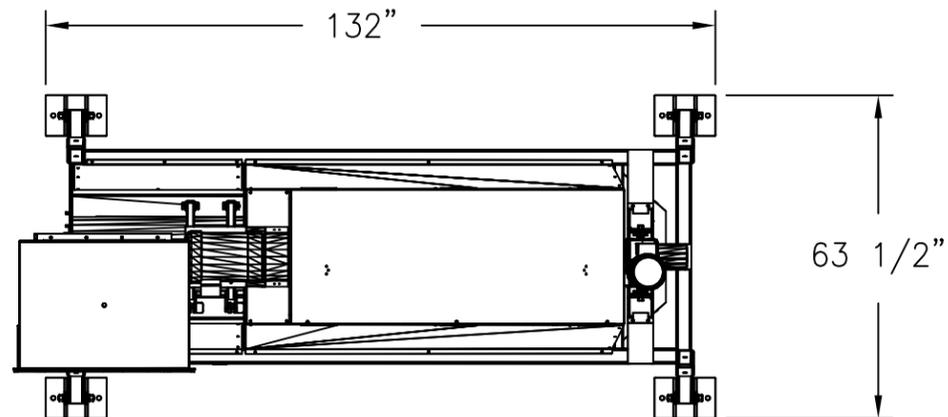
DARRIN M. COKER
CITY ATTORNEY

Attilio METERING
SURGE
HOPPER

THE ANGELA
PULVERIZER



SCALE = 1:48



NOTE:

- 1) ELECTRICAL IS 3 PHASE, 460V, 60 HZ.
- 2) MOTORS:
PULVERIZER - 7.5 HP.
TROMMEL - 1 HP
- 3) COLOR IS RAL-5015 BLUE, WITH YELLOW GUARDS
- 4) APPROXIMATE WEIGHT: 3,000 LBS.
- 5) ALL DIMENSIONS ARE REFERENCE DIMENSIONS AND ARE SUBJECT TO CHANGE PER CUSTOMERS SPECS



493 State Route 28
Richfield Springs, NY 13439

tel: 315-858-0055
fax: 315-858-2669

DRAWN	V. BASTIEN
DATE	11/17/11
CHECKED	...
DATE	...
SCALE (UNLESS NOTED)	1:36

ANDELA SYSTEM LAYOUT

GP05L

REVISION	DATE

FILE NO

MACH-10

SHEET 1 OF 1

New Business Item No. 5

- 5. Consideration and Possible Action – Resolution No. R2014-41** – A resolution of the City Council of the City of Pearland, Texas, authorizing a contract for professional services, associated with the Right-of-Way Assessment Project, with infrastructure Management Services in the amount of \$314,713.00.
Mr. Eric Wilson, Director of Public Works.

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

AGENDA OF:	April 28, 2014	ITEM NO.:	Resolution No. R2014-41
DATE SUBMITTED:	April 21, 2014	DEPT. OF ORIGIN:	Public Works
PREPARED BY:	Eric Wilson	PRESENTOR:	Eric Wilson
REVIEWED BY:	Jon R. Branson	REVIEW DATE:	April 22, 2014
SUBJECT: ROW Assessment Program Contract Award			
EXHIBITS: Resolution 2014-41 Proposal			
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:\$314,713.00		AMOUNT BUDGETED: \$314,713	
AMOUNT AVAILABLE:\$314,713		PROJECT NO.:	
ACCOUNT NO.: 010-3520-555-11-00			
ADDITIONAL APPROPRIATION REQUIRED:			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
X Finance		X Legal	
		Ordinance	
		X Resolution	

EXECUTIVE SUMMARY

BACKGROUND:

At an August 2013 City Council Meeting, Public Works Director Eric Wilson discussed with the City Council the need for the Public Works Department to conduct a right of way condition assessment to establish a baseline from which to implement an infrastructure management program with regards to roadways, curbs, and sidewalks. The purpose of such programs is to evaluate the condition of City owned infrastructure and develop plans and programs to maximize the useful life of the infrastructure through strategic operations and maintenance practices. Since the August 2013 discussion, Public Works has partnered with the Projects and Purchasing Departments to develop a project scope and solicit statements of qualification for engineering services for the development of such an assessment program. In March, four statements of qualification were received. An evaluation of the firms was completed by members of the Projects, Purchasing and Public Works Departments. Infrastructure Management Services (IMS) of Tempe Arizona received the highest rating by the evaluation team and was asked to prepare a proposal for the work.

SCOPE OF CONTRACT/AGREEMENT:

The scope of work is to collect location data for, and evaluate the condition of, the City's above ground Rights of Way (ROW) infrastructure. The data for this evaluation will be collected in an automated manner through the use of high speed laser surveying equipment and high definition video cameras mounted at multiple angles on a vehicle which will drive every City street.

A list of the items to be evaluated is as follows:

- Street pavement
- Curb and gutters
- Sidewalk
- ADA ramps
- Pavement markings
- Street signs
- Manholes
- Storm sewer inlets

This information is used to rank each street in a worst to best condition manner. The ranked street condition data essentially provides the City with an unbiased scientific condition assessment which will become the backbone of future pavement rehabilitation projects. The same scenario holds true with the other infrastructure items listed above. Each of the items will be evaluated and ranked. Items in the poorest condition will be addressed first.

Additionally, the information gathered as a result of this project will be warehoused by the IMS until the City has implemented its asset management system (part of the ERP replacement project).

BID AND AWARD

A total of four statements of qualification were received in response to the specifications of Bid #1214-12. The limited response was likely attributable to the specialization of the professional services required to complete the requested scope of work.

SCHEDULE

The current anticipated schedule for this project is:

- Proposal acceptance – April 28, 2014
- Contract signing – May 7-14, 2014
- Field Survey – Early June 2014
- Draft Budgetary Needs – Early July 2014
- Final Report – Mid-Late September 2014

POLICY/GOAL CONSIDERATION

Establishment of baseline data for the condition of various aspects of the City's rights of way infrastructure is the first step in establishing a proactive recapitalization program. The project will give the City's leadership the information needed for long range planning and the costs associated with the establishment on service level guidelines for ROW infrastructure.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Upon completion of this project the City of Pearland will have a Capital Improvements Program for both roadways and sidewalks which will result in a planned expenditure of additional funds for the recapitalization of ROW infrastructure.

Year	To Date	2013	2014	2015	2016	Total
Budget						\$ -
Prior Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction						-
FF&E						-
Current Request						
						-
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction						-
FF&E						-
Total Expenditures	\$ -					
Remaining Balance	\$ -					
Debt Sold						
Debt to Be Sold						
Annual Debt Service						

O&M IMPACT INFORMATION

To be determined by the recapitalization strategy adopted by the City upon review of this project.

Year	2012	2013	2014	2015	2016
Operation and Maintenance Costs					

RECOMMENDED ACTION

Consideration and approval of a resolution approving a professional services contract with Infrastructure Management Services of Tempe Arizona for the completion of a right of way asset assessment project in the amount of \$314,713.00 and authorizing the City Manager to execute the pertinent documents.

RESOLUTION NO. R2014-41

A resolution of the City Council of the City of Pearland, Texas, authorizing a contract for professional services, associated with the Right-of-Way Assessment Project, with Infrastructure Management Services in the amount of \$314,713.00.

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

Section 1. That certain contract for professional services, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest a contract for professional services associated with the Right-of-Way Assessment Project.

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

Scope of Work



IMS Infrastructure Management Services
1820 W. Drake Dr, Ste 108, Tempe, AZ 85283
Phone: (480) 839-4347 Fax: (480) 839-4348
www.ims-rst.com

To: Mike Leech, Senior Engineer

Date: April 8th, 2014

From: Zac Thomason, MBA, National Client
Services Manager

Project: 2014 Right of Way
Assessment Program

Subject: Scope of Work Document

Project No: N/A

IMS Infrastructure Management Services is pleased to submit this revised scope of services document to the City of Pearland. The activities were developed using the specifications outlined in the Request for Qualifications, team discussions at the short list presentation on March 3rd 2014, and team revisions of the scope of work document. The scope of services was also designed around the City's desire to keep the data and results in a non-proprietary industry standard format that can be imported into a 3rd party asset management system at a future unknown date.

To summarize the scope budget and activity descriptions found on the following pages of this document, we have identified a base scope of services for this assignment. The base scope was designed to implement a turn-key pavement management solution that includes the following activities:

- Network segmentation review and preparation
- Automated roadway condition assessment
- Roadway and right of way imagery acquisition
- ROW asset sweep (7 asset types are being inventoried, located, and assessed)
- Online data viewer access
- Pavement/sidewalk analysis
- Comprehensive reporting
- City council presentation & meeting
- Pavement design, standard plans, & specification consulting services

City of Pearland - 2014 Pavement & Right of Way Management Services

Suggested Base Scope of Services

Task	Activity	Quant	Units	Unit Rate	Total
Project Initiation					
1	Project Initiation & Set Up	1	LS	\$3,500.00	\$3,500
2	Network Referencing & GIS Linkage	455	T-Mi	\$25.00	\$11,375
Field Surveys					
3	RST Mobilization & Calibration	1	LS	\$3,000.00	\$3,000
4	RST Field Data Collection - Pavements	455	T-Mi	\$115.00	\$52,325
5	Asset Data Collection (GPS & Camera Configuration)	455	T-Mi	\$20.00	\$9,100
Data Management					
6	Data QA/QC, Processing, Format, & Supply (Excel, Shapefile, KMZ)	455	T-Mi	\$25.00	\$11,375
7	Process Forward View Imagery at 25-foot Intervals - 1 view	455	T-Mi	\$15.00	\$6,825
8	Condition Data Load - Pavements & Sidewalks	1	LS	\$5,000.00	\$5,000
9	Analysis & Budget Development Results - Pavements & Sidewalks	1	LS	\$7,500.00	\$7,500
10	Final Report (5 & 10 Year Plan) - Pavements & Sidewalks	1	LS	\$10,500.00	\$10,500
11	Online Data Viewer (browser based application w / 2 years of hosting)	1	LS	\$13,000.00	\$13,000
12	Project Management	1	LS	\$10,013.00	\$10,013
13	ROW Asset Sweep (Sidewalks - Curb/Gutter - Sign/Support - ADA Ramps - Sidewalk Obstruction - Storm Sewer Inlet - Striping/Markings)	455	T-Mi	\$340.00	\$154,700
14	City Council Presentation & Meeting	2	EA	\$3,000.00	\$6,000
15	Pavement Design, Standard Plans, & Specifications Consulting Services	1	LS	\$10,500.00	\$10,500
Not to exceed amount = \$215/hour + expenses (approximately 55 hours)					

Project Total:	\$314,713
-----------------------	------------------

Task	Description	Activities	Deliverables
------	-------------	------------	--------------

Project Initiation:

1.	Project Initiation & Set Up	<ul style="list-style-type: none"> Confirm scope, extent and content of surveys, set milestones, and deliverables. Confirm key contacts, roles and responsibilities, and project documentation. Identify location of key data elements such as traffic data, GIS, existing roadway inventories, and pavement management data. Identify deficient data and the means to obtain it. Confirm phases of the work and invoicing methodology. 	Technical memo detailing scope of work, budget and deliverables.
----	-----------------------------	--	--

- | | | | |
|----|-----------------------------------|---|--|
| 2. | Network Referencing & GIS Linkage | <ul style="list-style-type: none"> • Using the City's GIS centerline topology and existing pavement inventory, develop a network wide roadway inventory suitable for pavement management purposes. • Include street number and block order in referencing. • Review existing segmentation and recommend updates. • Link each segment to its parent GIS section. • Obtain roadway attributes from GIS for functional class, traffic, width, length, pavement type, curb type, etc. If not available, devise plan to obtain them. • Develop survey maps for use by the RST and client review. | Survey maps and inventory for use during the survey. |
|----|-----------------------------------|---|--|

Field Surveys:

- | | | | |
|----|--|---|---|
| 3. | RST Mobilization & Calibration | <ul style="list-style-type: none"> • Mobilize surface distress, roughness, and rutting testing equipment to project. • Demonstrate the equipment to the City. • Calibrate equipment. | Equipment calibration results |
| 4. | RST Field Data Collection - Pavements | <ul style="list-style-type: none"> • On all arterials and collectors, complete 2 pass testing collecting up to 9 ASTM D6433 distresses and attributes at 100-foot intervals on a block by block basis. • Local roadways will be surveyed in a single pass. • IMS will survey approximately 450 miles of roadway. | Survey 450 miles with Laser RST technology. |
| 5. | Asset Data Collection (GPS & Camera Configuration) | <ul style="list-style-type: none"> • Mount at least 4 camera views for video acquisition. • Position cameras to capture required sidewalk attributes and optional asset features. The 4 views will include driver front, passenger front, driver rear, and passenger side. • Final number of cameras and specific configuration will be proofed out before commencing data collection. | Video for use in asset database development activities. |

Data Management:

- | | | | |
|----|--|--|---|
| 6. | Data QA/QC, Processing, Format, & Supply (Excel, Shapefile, and KMZ) | <ul style="list-style-type: none"> • Develop exceptions report for lengths that do not match GIS. • For each data stream (surface distress, roughness, GPS), aggregate and process the data at the block level. • Develop individual index scores for surface distress, structural (if collected), roughness, and LAD as appropriate. | <p>Excel spreadsheet of the sectional data and index values.</p> <p>Geodatabase and KMZ files delivery.</p> |
|----|--|--|---|

- Develop an overall condition score for each section.
 - Shape files of the processed data.
 - Complete QA of data.
7. Process Forward View Imagery at 25-foot intervals – 1 view
- Process the forward view (driver front) images at 25-foot intervals.
 - Images will be in .jpeg format with an associated geodatabase containing hyperlinks.
8. Condition Data Load – Pavements & Sidewalks
- Assemble and load the pavement surface and sidewalk data into the IMS designated pavement management system in preparation of the analysis.
 - No software is being supplied as a part of this contract and all data will be supplied in Excel, Access, Shape file, or Google Earth KMZ format.
9. Analysis & Budget Development Results – Pavements & Sidewalks
- Develop the intelligence that drives rehabilitation and maintenance selection on each roadway.
 - Develop deterioration models for load during pavement analysis.
 - Review PCI thresholds, performance indexes, functional classification, and all other weighted criteria.

Deliver images on flash drive with associated geodatabase.

Data load results.

Draft analysis and report. Up to 5 models/budget analysis options will be completed.

Following the field surveys and data processing, complete the following analysis:

- Present status and PCI report in Excel format c/w PCI charts and backlog.
 - Fix all needs analysis and budget.
 - Steady state (SS), do nothing, unlimited, SS plus 50%, SS minus 50%.
 - Budget driven analysis (\$/yr estimate).
 - Integrate City capital plans and “must do’s” (\$ to hit set PCI and backlog target).
10. Final Report (5 & 10 Year Plan) – Pavements & Sidewalks
- After reviewing the analysis and finalizing the results, begin assembling a comprehensive report.
 - The report shall include a summary of the network value, pavement condition, rehabilitation & maintenance treatments, budget scenarios, a review of PCI definitions, the operating parameters utilized, and the results of the survey.
 - The written report shall be supplemented with appendices that contain spreadsheet reports such as:
 - Street Inventory and Condition Summary
 - \$ Driven Rehab Program by Segment
 - \$ Driven Rehab Program by Year
 - Alternate \$ Driven Rehab Programs by Year &

Delivery of draft pavement management report.

Deliver 2 hard copies of the final report and an electronic copy on a flash drive.

Shape and KMZ files.

		Segment.	
		<ul style="list-style-type: none"> • Deliver draft report to City and incorporate any modifications to the analysis or reporting methodology. • Deliver 2 final reports plus electronic files. • Deliver shape and KMZ files of the final analysis results. 	
11.	Online Data Viewer	<ul style="list-style-type: none"> • Development of a browser based data viewing application. • Static application that will be loaded with the pavement condition, analysis results, images, and sidewalk inventories. • Price includes 2 years of IMS hosting. 	Access and training to the browser based application.
12.	Project Management	<ul style="list-style-type: none"> • Provide client with periodic e-mail updates and reports. • Meetings to be completed on-site and by conference calls. • Complete project administration and invoicing. 	Status reports and invoices
13.	ROW Asset Sweep	<ul style="list-style-type: none"> • Develop a Master Asset List that defines the attributes to be collected for sidewalks, curb/gutter, sign/support, ADA ramps, sidewalk obstructions, storm sewer inlets, and striping/markings. • All assets are positionally placed in GIS through the utilization of RST imagery, aerial photography, and internal GIS tool-kits. • At a minimum each asset will include: XY coordinates, G/F/P designations, type, and directional location. • Deliverable format is a personal geodatabase and the loading of the inventories to the Online Data Viewer Application. 	Personal geodatabase with asset inventory.
14.	City Council Presentation and Meeting	<ul style="list-style-type: none"> • Present report to City in a working meeting format. • Create a PowerPoint presentation to showcase the results of the condition survey. • Up to 2 onsite council meetings will be completed. 	Report meeting and PowerPoint presentation.
15.	Pavement Design, Standard Plans, & Specifications Consulting Services	<ul style="list-style-type: none"> • Hourly rate + expenses = upset limit of \$10,500.00 • Review ACP mix designs (up to 5). • Review GBC and subgrade specifications. • Structural design review • Construction standard plans & specifications. 	<p>Pavement design, standard plans, and specifications review.</p> <p>Memo with findings and recommendations.</p>

New Business Item No. 6

- 6. Consideration and Possible Action – Resolution No. R2014-42** – A resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Wastewater Effluent Purchase Option Agreement with Third Coast Terminals, Inc. *Mr. Eric Wilson, Director of Public Works.*

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

AGENDA OF:	2014-04-28	ITEM NO.:	Resolution No. R2014-42
DATE SUBMITTED:	2014-04-21	DEPT. OF ORIGIN:	Public Works
PREPARED BY:	Eric Wilson	PRESENTOR:	Eric Wilson
REVIEWED BY:	Jon R. Branson	REVIEW DATE:	April 22, 2014
SUBJECT: Wastewater Effluent Purchase Option for Third Coast Terminals, Inc.			
EXHIBITS: R2013-42; Wastewater Effluent Purchase Option Agreement			
FUNDING:	<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input 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.:	
ACCOUNT NO.:			
ADDITIONAL APPROPRIATION REQUIRED:			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
Finance	X Legal	Ordinance	X Resolution

EXECUTIVE SUMMARY

BACKGROUND

The City was approached by Third Coast Terminals, located on Mykawa, regarding the possibility of selling the effluent from the City's Barry Rose Wastewater Treatment Plant for their industrial purposes.

The Staff agreed in concept with the sale of the treated effluent on the condition that there would be no expenditure of City funds associated with this venture.

Third Coast Terminals, Inc. would be responsible for all items associated with the conveyance of the effluent to the facility located on Mykawa.

- Including but not limited to:
- TCEQ Chapter 210 Reuse Permit
 - DD4 easement
 - Railroad easement
 - Pump Station
 - Pipeline

Flow monitoring equipment both delivery and return

Staff negotiated a price of \$0.64 per 1,000 gallons of effluent, which would be re-priced every five years.

The request from Third Coast Terminals was for up to 2,000,000 per day. This would be an amount based on the facilities build out in the future with all equipment being sided based on this number. Based on their current production levels they anticipate the need for slightly less than 1,000,000 gallons per day.

A Wastewater Effluent Purchase Option Agreement was drafted by the City Attorney’s Office and executed by Third Coast Terminal, Inc. A fee of \$5,000 is being paid to the City to allow Third Coast Terminals, Inc. the first right of refusal to the Barry Rose WWTP effluent for a period of twelve months with another twelve month renewal with the payment of another option fee.

By using WWTP effluent for industrial purposes the City will be able to conserve and reallocate its potable water for other uses.

SCOPE OF CONTRACT

SCHEDULE

The earliest that Third Coast could possibly begin taking water is March to May of 2015, if there are no issues with the TCEQ Chapter 210 permit.

POLICY/GOAL CONSIDERATION

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Once Third Coast begins taking effluent, the City will begin receiving revenues of up to \$467,200 annually based on 2,000,000 per day.

O&M IMPACT INFORMATION

Fiscal Year	2012	2013	2014

RECOMMENDED ACTION

Consideration and approval of a resolution to award a one year, with an additional year option, for a Wastewater Effluent Purchase Option Agreement with Third Coast Terminals, Inc. with the City receiving a \$5,000.00 fee for the right to purchase said effluent as part of a future sales agreement.

RESOLUTION NO. R2014-42

A resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Wastewater Effluent Purchase Option Agreement with Third Coast Terminals, Inc.

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

Section 1. That certain Wastewater Effluent Purchase Option Agreement, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest a Wastewater Effluent Purchase Option Agreement.

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

**WASTEWATER EFFLUENT
PURCHASE OPTION**

This Agreement is entered into this ____ day of _____, 2014, by and between the City of Pearland, Texas (hereinafter "City"), and Third Coast Packaging, Inc., doing business as Third Coast Terminals (hereinafter "TCT").

Whereas: It is the intent of TCT to secure an alternate water source for use in TCT's plant for various process applications; and

Whereas: the City has available effluent from the Barry Rose Wastewater Facility ("Facility"); and

Whereas: the City and TCT desires to enter into a Purchase Option Agreement for the sale of treated effluent to TCT; and

Whereas: the use of the effluent purchased shall be used by TCT to reduce the overall potable water use in an industrial application providing additional potable water for use by the City;

NOW, THEREFORE, in consideration of the foregoing premises and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is hereby agreed as follows:

1. The City hereby grants unto TCT, the Option, during the term of this Agreement, to purchase effluent from the Facility. In addition, TCT shall have a Right of First Refusal to purchase additional effluent from the Facility; however, TCT must exercise its right to purchase additional effluent within thirty (30) days from written notification by the City that the City desires to sell effluent from the Facility to a third party that has made an offer to purchase effluent from the Facility.
2. As consideration to secure the Option and the Right of First Refusal, TCT shall make a payment of \$5000 ("Option Payment") to the City within three (3) days following the execution of this Agreement by both parties. The initial term of the Option and Right of First Refusal shall be for a period of twelve (12) months commencing on the __ day of _____, 2014 and ending on the __ day of _____, 2015, provided, however, this Agreement may be renewed for additional one year terms upon the written agreement of both parties and the payment of an additional Option Payment for each renewed term.

3. It is understood by both parties hereto that in the event TCT exercises its option to purchase effluent under this Agreement, the terms of said purchase will be governed by a separate Effluent Purchase Agreement that must be executed with ___ days following TCT's written notification of the City of its intent to exercise its Option. The initial price for effluent purchased as part of TCT's Option shall be **\$0.64/1000 gallons**, subject to price adjustments every five (5) years as more particularly described in the Purchase Agreement.

This option will become effective upon the signature and acceptance of both parties and approval by the City Council of the City of Pearland.

City of Pearland:

City Manager

Printed Name

Date

Third Coast Terminals, Inc.:



Vice President

Grif Carnes

Printed Name

March 17, 2014

Date

**WASTEWATER EFFLUENT
PURCHASE OPTION**

This Agreement is entered into this ____ day of _____, 2014, by and between the City of Pearland, Texas (hereinafter "City"), and Third Coast Packaging, Inc., doing business as Third Coast Terminals (hereinafter "TCT").

Whereas: It is the intent of TCT to secure an alternate water source for use in TCT's plant for various process applications; and

Whereas: the City has available effluent from the Barry Rose Wastewater Facility ("Facility"); and

Whereas: the City and TCT desires to enter into a Purchase Option Agreement for the sale of treated effluent to TCT; and

Whereas: the use of the effluent purchased shall be used by TCT to reduce the overall potable water use in an industrial application providing additional potable water for use by the City;

NOW, THEREFORE, in consideration of the foregoing premises and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is hereby agreed as follows:

1. The City hereby grants unto TCT, the Option, during the term of this Agreement, to purchase effluent from the Facility. In addition, TCT shall have a Right of First Refusal to purchase additional effluent from the Facility; however, TCT must exercise its right to purchase additional effluent within thirty (30) days from written notification by the City that the City desires to sell effluent from the Facility to a third party that has made an offer to purchase effluent from the Facility.
2. As consideration to secure the Option and the Right of First Refusal, TCT shall make a payment of \$5000 ("Option Payment") to the City within three (3) days following the execution of this Agreement by both parties. The initial term of the Option and Right of First Refusal shall be for a period of twelve (12) months commencing on the __ day of _____, 2014 and ending on the __ day of _____, 2015, provided, however, this Agreement may be renewed for additional one year terms upon the written agreement of both parties and the payment of an additional Option Payment for each renewed term.

3. It is understood by both parties hereto that in the event TCT exercises its option to purchase effluent under this Agreement, the terms of said purchase will be governed by a separate Effluent Purchase Agreement that must be executed with ___ days following TCT's written notification of the City of its intent to exercise its Option. The initial price for effluent purchased as part of TCT's Option shall be **\$0.64/1000 gallons**, subject to price adjustments every five (5) years as more particularly described in the Purchase Agreement.

This option will become effective upon the signature and acceptance of both parties and approval by the City Council of the City of Pearland.

City of Pearland:

City Manager

Printed Name

Date

Third Coast Terminals, Inc.:



Vice President

Grif Carnes

Printed Name

March 17, 2014

Date