

# AGENDA

## CITY OF PEARLAND ♦ CITY COUNCIL

May 12, 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, MAY 12, 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 proclamation proclaiming the week of May 18-24, 2014 as “National Public Works Week” to be accepted by Andrea Brinkley.

**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. PUBLIC HEARING:** To gather public comment and testimony regarding readoption of the City’s curfew ordinance. *Mr. Darrin Coker, City Attorney.*

**I. STAFF REVIEW**

**II. CITIZEN COMMENTS**

**III. COUNCIL/STAFF DISCUSSION**

**IV. ADJOURNMENT**

**VI. PUBLIC HEARING:** To gather public comment and testimony regarding the abandonment of a portion of the public right-of-way known as Bardet Drive; generally located north of Fite Road and east of Harkey Road.  
*Mr. Darrin Coker, City Attorney.*

**I. STAFF REVIEW**

**II. CITIZEN COMMENTS**

**III. COUNCIL/STAFF DISCUSSION**

**IV. ADJOURNMENT**

## VII. 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 28, 2014, Regular Meeting, held at 7:30 p.m.

### B. Consideration and Possible Action – Excuse the absence of Councilmember Greg Hill from the Regular Council Meeting held on April 28, 2014. *City Council.*

### C. 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.*

### D. Consideration and Possible Action – Resolution No. R2014-44 – A resolution of the City Council of the City of Pearland, Texas, accepting the City’s Investment Report for the quarter ending March 2014. *Ms. Claire Bogard, Director of Finance.*

## VIII. MATTERS REMOVED FROM CONSENT AGENDA

## IX. NEW BUSINESS:

### 1. Consideration and Possible Action – First Reading of Ordinance No. 1012-2 – An ordinance of the City Council of the City of Pearland, Texas, establishing a curfew for persons under the age of 17 years, providing defenses to prosecution for violations hereunder, providing a penalty for violation; providing for timely review and analysis of said ordinance to determine its effectiveness; containing a savings clause, a severability clause and a repealer clause; providing an effective date and for codification, and containing other provisions relating to the subject. *Mr. Darrin Coker, City Attorney.*

### 2. Consideration and Possible Action – First Reading of Ordinance No. 2000M-112 – 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 all of lots 1 through 40, inclusive in Block 15, all of lots 24 through 29, inclusive in Block 16 and all of lots 20 through 25, inclusive in Block 14 in the Original Town site of

Pearland as recorded in Volume 29, Page 41 in Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 29, Page 41 in the Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 1479, Page 559 in Brazoria County Deed Records, all in the H.T. & B.R.R. Co. Survey, Abstract No. 232 in Brazoria County, Texas, Called Magnolia Court at Old Town Pearland, located (east and west of N. Washington Avenue; east and west of N. Texas Avenue; between W. Jasmine Street to the north and Broadway Street to the south), Zone Change 2014-3Z, a request of Alan Mueller, applicant; on behalf of David Miller, Gromax Building, LTD, First Christian Academy, Harvest of Praise Exalted (HOPE), and Barnett's, LTD, owners; for approval of a change in zoning to amend the Magnolia Court at Old Town Pearland Planned Unit Development (PUD), providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

*Ms. Lata Krishnarao, Director of Community Development.*

- 3. Consideration and Possible Action – First Reading of Ordinance NO. 2000M-113** – 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 60 acres (2,613,600 square feet) of land situated in 42 James Hamilton Survey, Abstract No. 876, being all of lots 39, 39 ½, 40, 40 ½, 41, 41 ½, 42, 42 ½, 55, 55 ½, 56 and 56 ½ in Section or Block “F” in the Allison-Richey Gulf Coast Home Co.’s part of Suburban Gardens Subdivision recorded in Volume 3, page 40 of the map records of Harris County, Texas, located (South of Beltway 8, north and south of Riley Road, east and west of Kirby Drive and east of Hooper Road), Zone Change 2014-4Z, a request of the City of Pearland for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities facing Kirby Drive, within the approximately 60 acre PUD, on the following described property, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject. *Ms. Lata Krishnarao, Director of Community Development.*
- 4. Consideration and Possible Action – Resolution No. R2014-45** – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with Fire Station No. 3, to the Crain Group, LLC in the amount of \$3,181,376.00, and authorizing certain increases in expenditures and revenues in the Capital Projects Fund. *Mr. Trent Epperson, Director of Engineering and Capital Projects.*

**OTHER BUSINESS:** None

**X. ADJOURNMENT**

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281.652.1840 prior to the meeting so that appropriate arrangements can be made.

# Recognitions And Awards

Presentation of proclamation proclaiming the week of May 18-24, 2014 as  
"National Public Works Week" to be accepted by Andrea Brinkley.

# Proclamation

## Office of THE MAYOR CITY OF PEARLAND

*Whereas, Public works services provided in our community are an integral part of our citizens' everyday lives; and*

*Whereas, The support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and*

*Whereas, The health, safety, and comfort of this community greatly depends on these facilities and services; and*

*Whereas, The quality and effectiveness of these facilities, as well as their planning, design, and construction, is dependent upon the efforts and skills of public works officials; and*

*Whereas, The efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.*

*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 18<sup>th</sup> – 24<sup>th</sup>, 2014 As*

### **NATIONAL PUBLIC WORKS WEEK**

*In Pearland and I call upon all citizens and civic organizations to acquaint themselves with the issues that are involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.*

*Given Under My Hand And Seal Of Office This 12<sup>th</sup>  
Day of May, 2014.*



*Tom Reid*  
\_\_\_\_\_  
Mayor, The City Of Pearland

# Public Hearing Agenda

To gather public comment and testimony regarding readoption of the City's curfew ordinance. *Mr. Darrin Coker, City Attorney.*

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

<b>AGENDA OF: 5-12-14</b>	<b>ITEM NO.:</b> Public Hearing
<b>DATE SUBMITTED: 5-05-14</b>	<b>DEPARTMENT OF ORIGIN:</b> Legal
<b>PREPARED BY:</b> Darrin Coker	<b>PRESENTOR:</b> Darrin Coker
<b>REVIEWED BY:</b> NA	<b>REVIEW DATE:</b> NA
<b>SUBJECT:</b> Curfew Ordinance- Public Hearing	
<b>EXHIBITS:</b> Curfew Ordinance	
<b>EXPENDITURE REQUIRED:</b> <b>AMOUNT AVAILABLE:</b> <b>ACCOUNT NO.:</b>	<b>AMOUNT BUDGETED:</b> <b>PROJECT NO.:</b>
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>	
<b>To be completed by Department:</b>	
<input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

The Local Government Code requires cities to review their juvenile (under the age of 17) curfew ordinances every three years. This process involves conducting a public hearing to determine whether the ordinance should be abolished, continued or be modified. The PD supports the ordinance which is a valuable tool for the night shift and enables officers to take police action when appropriate because it creates probable cause for questioning. The ordinance enables police officers to discourage juveniles from venturing out after hours and thereby decrease the incidents of juvenile-related crime at night. The curfew hours are 11:00 pm until 6:00 am Sunday night through Thursday night, and 12:01 am until 6:00 am on Saturday and Sunday. Most often juveniles receive warnings and the officers escort them back home, but sometimes it is necessary to issue citations. The following information represents the number of citations issued over the last 4 years:

2010: 70 citations  
 2011: 15 citations  
 2012: 69 citations  
 2013: 9 citations

The deviation in citations from one year to the next is typically attributable to a large party or gathering of minors after curfew hours where the police are called out, but there are years where such response calls are less frequent. As evidenced by the limited number of citations issued, the PD exercises appropriate discretion in the administration of the ordinance. The PD will be in attendance at the public hearing to explain the benefits of the ordinance and why they believe it should continue in effect.

**ORDINANCE NO. 1012-1**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, ESTABLISHING A CURFEW FOR PERSONS UNDER THE AGE OF 17 YEARS, PROVIDING DEFENSES TO PROSECUTION FOR VIOLATIONS HEREUNDER, PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR TIMELY REVIEW AND ANALYSIS OF SAID ORDINANCE TO DETERMINE ITS EFFECTIVENESS; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR CODIFICATION, AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

**WHEREAS**, the City Council has determined that there has been an increase in juvenile violence, juvenile gang activity, and crime committed by persons under the age of 17 years in the City of Pearland; and

**WHEREAS**, the City Council has discovered the migration of gang activity to the City of Pearland from surrounding cities and communities where curfew ordinances have been implemented and enforced; and

**WHEREAS**, due to their lack of maturity and experience, persons under the age of 17 years are particularly susceptible to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

**WHEREAS**, the City of Pearland has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over the responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile violence and criminal activity; and

**WHEREAS**, a curfew applicable to persons under the age of 17 will be in the interest of public health, safety, and general welfare, and will diminish the undesirable impact of such conduct on the citizens of the City of Pearland; now, therefore,

**ORDINANCE NO. 1012-1**

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

I.

The facts and matters set forth in the preamble of this ordinance are hereby found to be true and correct.

II.

**PURPOSE.**

It is the express purpose of this ordinance to: (1) deter criminal conduct involving juveniles; (2) curtail migration of gang activity from surrounding cities and communities; (3) reduce the number of juvenile crime victims; (4) reduce injury from accidents involving juveniles; (5) provide additional and more effective means for dealing with gang-related violence and crime; and (6) reduce juvenile peer pressure to participate in violent or criminal activities.

III.

**DEFINITIONS.**

For the purpose of this ordinance, the following words or terms shall have the meanings ascribed to them in this section unless the context of their usage clearly indicates another meaning:

A. City shall mean the City of Pearland, Texas.

B. Curfew Hours shall mean:

1. 11:00 p. m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a. m. of the following day;
2. 12:01 a. m. until 6:00 a. m. on any Saturday or Sunday; and

**ORDINANCE NO. 1012-1**

3. 9:00 a. m. until 2:30 p. m. on any Monday, Tuesday, Wednesday, Thursday, or Friday; provided, however, the hours defined in this paragraph (3) shall not be considered as Curfew Hours for minors subject to compulsory school attendance pursuant to 21.032, Texas Education Code, nor shall the hours defined in this paragraph (3) be considered as Curfew Hours on days or during periods in which the school, where the applicable minor is enrolled, is closed or classes in which the applicable minor is enrolled have been canceled under the order and direction of officials authorized to issue such orders and directives, nor shall the hours defined in this paragraph (3) be considered as Curfew Hours on days or during periods in which applicable minor is not required by law to be in attendance at school.
- C. Emergency shall mean any unforeseen combination of circumstances or the resulting state that calls for immediate action. This term shall include, but is not limited to, a fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- D. Establishment shall mean any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment within the City.
- E. Guardian shall mean a person who, under court order, is the guardian of the person of a minor; or public or private agency with whom a minor has been placed by a court.
- F. Minor shall mean any person under 17 years of age.
- G. Operator shall mean any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- H. Parent shall mean a person who is a natural parent, adoptive parent, or step-parent of a minor, a responsible adult, or a person at least 18 years of age who is authorized by the parent or guardian of a minor to have the care and custody of such minor.
- I. Police Department shall mean the Pearland Police Department or any successor police department of the City of Pearland.
- J. Public Place shall mean any place to which the public or a substantial group of the

**ORDINANCE NO. 1012-1**

public has access and shall include, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, restaurants, theaters, game rooms, shops, shopping centers, or any other place that offers for sale, services or merchandise.

- K. Remain shall mean to linger or stay, or fail to leave premises, when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- L. Serious Bodily Injury shall mean bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

IV.

OFFENSES.

- A. It shall be unlawful for any minor to knowingly remain, walk, run, stand, or operate or ride about in any motor vehicle or bicycle, in or upon any public place or on the premises of any establishment within the City during Curfew Hours.
- B. It shall be unlawful for the parent or guardian of a minor to knowingly permit, or, by insufficient control, allow a minor to remain in or upon any public place or on the premises of any establishment within the City during Curfew Hours.
- C. It shall be unlawful for the owner, operator, or any employee of an establishment within the City to knowingly allow a minor to remain upon the premises of the establishment during Curfew Hours.

V.

DEFENSES.

- A. It shall be a defense to prosecution under Section IV. of this ordinance that the minor was:

**ORDINANCE NO. 1012-1**

1. accompanied by the minor's parent or guardian;
  2. accompanied by an adult designated by the parent or guardian to supervise the minor;
  3. on an errand at the direction of the minor's parent or guardian, without any detour or stop;
  4. in a motor vehicle involved in interstate travel;
  5. engaged in lawful employment activity, or going directly to the employment activity or returning directly to the minor's residence from the employment activity, without any detour or stop;
  6. involved in an emergency;
  7. on an errand made necessary by an illness, injury, or emergency;
  8. on the sidewalk abutting the minor's permanent residence, or abutting the residence of a next door neighbor of the minor's permanent residence if the neighbor did not complain to the Police Department about the minor's presence thereon.
  9. attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Pearland, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Pearland, a civic organization, or another similar entity that takes responsibility for the minor;
  10. engaged, participating in, or traveling to or from any event, function, or activity for which the application of Section IV of this ordinance would contravene the minor's rights protected by the United States Constitution including but not limited to, First Amendment rights, such as the free exercise of religion, freedom of speech, or the right of assembly; or
  11. married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.
- B. It is a defense to prosecution under Section IV (C) that the owner, operator, or

**ORDINANCE NO. 1012-1**

employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during Curfew Hours and the minor refused to leave.

- C. It is a defense to prosecution under Section IV. of this ordinance that the minor has been directed by his or her parent or guardian to engage in a specific activity or to carry out expressed instructions, during the time that the minor is actually engaged in fulfilling those directions or responsibilities.

VI.

**ENFORCEMENT.**

Before taking any enforcement action under this ordinance, a police officer shall ask the apparent offender's age and reason for being in the public place or establishment. The officer shall not issue a citation or make an arrest under this ordinance unless the officer reasonably believes that an offense has occurred and that based on any response and other circumstances, Section V is present.

VII.

**PENALTIES.**

- A. A person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.
- B. When required by Section 51.08 of the Texas Family Code, as amended, the Municipal Court shall waive original jurisdiction over a minor who violates Section IV

**ORDINANCE NO. 1012-1**

(A) of this ordinance and shall refer the minor to juvenile court.

VIII.

The provisions of this ordinance are supplemental and shall be cumulative with all other laws and ordinances applicable in any manner to juveniles.

IX.

All ordinances and parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

X.

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.

XI.

Within six months after the initial enforcement of this ordinance, the City Manager shall review this ordinance and report and make recommendations to the City Council concerning the effectiveness of and the continuing need for the ordinance. The City Manager's report shall specifically include the following information:

- A. the practicality of enforcing the ordinance and any problems with enforcement identified by the Police Department;
- B. the impact of the ordinance on crime statistics;
- C. the number of persons successfully prosecuted for a violation of the ordinance; and

**ORDINANCE NO. 1012-1**

D. the City's net cost of enforcing the ordinance.

XII.

It is the intent of the City Council of the City of Pearland, Texas, that this ordinance shall be codified in the City's official Code of Ordinances, and the sections of this ordinance may be renumbered to accomplish such intention.

XIII.

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

PASSED and APPROVED ON FIRST READING this the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 2010.

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

ATTEST:

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

**ORDINANCE NO. 1012-1**

PASSED and APPROVED ON SECOND AND FINAL READING this the \_\_\_\_\_ day  
of \_\_\_\_\_, A. D., 2010.

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TOM REID  
MAYOR

ATTEST:

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YOUNG LORFING  
CITY SECRETARY

APPROVED AS TO FORM:

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DARRIN M. COKER  
CITY ATTORNEY

# Public Hearing Agenda

To gather public comment and testimony regarding the abandonment of a portion of the public right-of-way known as Bardet Drive; generally located north of Fite Road and east of Harkey Road. *Mr. Darrin Coker, City Attorney.*

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

<b>AGENDA OF: 5-12-14</b>	<b>ITEM NO.:</b> Public Hearing
<b>DATE SUBMITTED: 5-05-14</b>	<b>DEPARTMENT OF ORIGIN:</b> Legal
<b>PREPARED BY:</b> Darrin Coker	<b>PRESENTOR:</b> Darrin Coker
<b>REVIEWED BY:</b> NA	<b>REVIEW DATE:</b> NA
<b>SUBJECT:</b> Public Hearing- ROW Abandonment (Bardet Drive)	
<b>EXHIBITS:</b> Petition for Abandonment, Survey Maps, Aerial map	
<b>EXPENDITURE REQUIRED:</b> <b>AMOUNT AVAILABLE:</b> <b>ACCOUNT NO.:</b>	<b>AMOUNT BUDGETED:</b> <b>PROJECT NO.:</b>
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>	
<b>To be completed by Department:</b> <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

Expre Realty recently submitted a Petition requesting the abandonment of a portion of the 60 foot road right-of-way known as Bardet Drive ("ROW"). The ROW is located north of Fite Road and east of Harkey Road (see aerial map), and the owner desires to abandon the portion of the ROW adjacent to lots 4, 5, 6 and 7. The abandonment will allow Expre to relocate the previously platted turn around easement so a new cul-de-sac can be platted and new lots formed (see survey maps). Public Works has reviewed the Petition, and does not object to the request. The right-of-way adjacent to other properties on Bardet Drive will not be abandoned, and the City's abandonment will ultimately be contingent upon the replatting of the new ROW. The first reading of the abandonment ordinance will be placed on the May 19th Council meeting for your consideration.



**THE WILSON SURVEY GROUP, INC.**  
PROFESSIONAL LAND SURVEYORS

April 25, 2014

**TO THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

Expre Realty (Petitioner) is the Owner of Lots 4, 5, 6, 7, and 8 in the Detenbeck and Barnhart Subdivision in the City of Pearland, Brazoria County, Texas. Petitioner desires to abandon a portion of the public right-of-way of Bardet Drive adjacent to Lots 4, 5, 6 and 7. In accordance with the procedures outlined in Ordinance No. 788, Petitioner submits this petition and the required plans, lists, letters and administrative fee.

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Michael D. Wilson, R.P.L.S.  
Owner's Representative

The Wilson Survey Group, Inc.  
2006 E. Broadway, Suite 103  
Pearland, Texas 77581

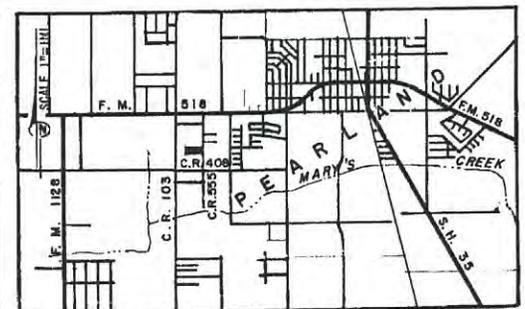
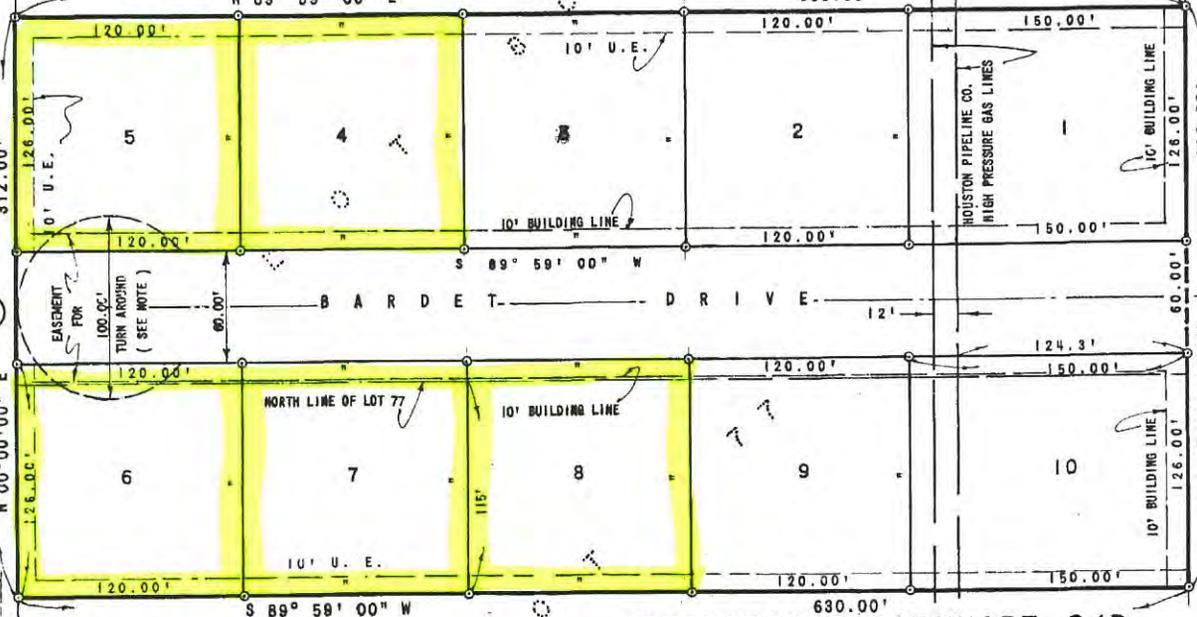
24372

NOTES: ALL EXISTING PIPELINES THROUGH SUBDIVISION HAVE BEEN SHOWN

⊙ INDICATES IRON PIPE OR IRON ROD  
CROSS-HATCHED AREA IS TEMPORARY EASEMENT FOR TURN-AROUND  
UNTIL STREET IS EXTENDED TO THE WEST IN A RECORDED PLAT  
N 89° 59' 00" E

APPROVED FOR FILING, BRAZORIA COUNTY ASSUMES NO OBLIGATION FOR GRADING, DRAINAGE STRUCTURES OR SURFACING THE ROADS OR STREETS UNDEVELOPED AND ALLEYS OR MAKING ANY OTHER IMPROVEMENTS ON SUBDIVISIONS BY ORDER NO. 1 OF THE COMMISSIONERS COURT OF BRAZORIA COUNTY THIS 28th DAY OF DECEMBER, 1973.

SCALE: 1" = 60'



KEY MAP

STATE OF TEXAS  
COUNTY OF BRAZORIA

THE OWNERS OF LAND SHOWN ON THIS PLAT AND WHOSE NAMES ARE SUBSCRIBED THERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATE TO THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSE AND CONSIDERATION HEREIN EXPRESSED.

THE OWNERS DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED OR OCCASIONED BY THE ALTERATION OF THE SURFACE OF ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES AND DO HEREBY BIND MYSELF MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

LEE C. DETENBECK (OWNER)      JOSEPH BARNHART (OWNER)

STATE OF TEXAS  
COUNTY OF BRAZORIA

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED LEE C. DETENBECK AND JOSEPH BARNHART, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION HEREIN EXPRESSED AND IN THE CAPACITY HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL THIS 2nd DAY OF October 1973  
Morgan B. Price  
NOTARY PUBLIC IN AND FOR BRAZORIA COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF BRAZORIA

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

MALCOLM A. COLLINS, Registered Professional Engineer & Public Surveyor  
PREPARED AND CERTIFIED BY:  
COENCO, INC., CONSULTING ENGINEERS  
P.O. BOX 1388 • 221 S. GORDON • ALVIN, TEXAS

DETENBECK & BARNHART S/D

A SUBDIVISION OF 4.512 ACRES OF LAND BEING THE NORTH 1.663 ACRES OF LOT 77 & THE SOUTH 2.849 ACRES OF LOT 80, OF THE FIGLAND ORCHARDS SUBDIVISION, H. T. & B. R. R. CO. SURVEY SECT. 13, A - 240, RECORDED IN VOL. 8, PAGE 77, PLAT RECORDS BRAZORIA COUNTY, TEXAS.

SUBDIVISION APPROVED BY THE CITY OF PEARLAND, TEXAS  
THIS 26th DAY OF November 1973  
MAYOR PROTEM C.W. Duffin  
COUNCILMAN Benny Frank  
COUNCILMAN Tom Reid  
COUNCILMAN Frank Sanders  
COUNCILMAN \_\_\_\_\_  
COUNCILMAN \_\_\_\_\_

BY THE PEARLAND PLANNING COMMISSION  
THIS 1st DAY OF November 1973  
John R. Gumbert  
W. M. ...  
P.C. Morrow  
R.T. ...  
M.A. Black

SUBDIVISION APPROVED BY THE COMMISSIONERS COURT, BRAZORIA COUNTY, TEXAS THIS 28th DAY OF DECEMBER 1973

Lee C. Arnold, County Judge  
Commissioner Prec. 1: Bill Griffin  
Commissioner Prec. 2: John C. ...  
Commissioner Prec. 3: Robert L. ...  
Commissioner Prec. 4: Louis A. Bluman

By the Brazoria County Drainage District No. 4 this 8th day of Oct 1973

Commissioner: Vernon W. Halik

PLAT APPROVED DATE 12-3-73

County Surveyor: ...  
Plat Book Recorder: ...

City Attorney: John O. Williams

FILED FOR RECORD AT 2:45 O'CLOCK P.M.

DEC 5 1973

H. R. STEVENS, JR., CLERK COUNTY COURT, BRAZORIA CO., TEXAS

$\Delta = 265^{\circ}40'01''$   
 $R = 50.00'$   
 $L = 231.84'$   
 $CH = S 02^{\circ}49'37'' E,$   
 $73.33'$

RES  
( FT.)

# 3  
 = 53.46'  
 (NOTE 5)

EXPRE REALTY, LTD.  
 CLERK'S FILE NO. 2004070715  
 B.C.C.O.

H.T. & B.R.R. CO. SURVEY,  
 SECTION 13, ABSTRACT  
 NO. 240

DETENBECK & BARNHART  
 SUBDIVISION  
 VOL. 15, PG. 10  
 B.C.P.R.

S & K TRENCHING, INC.  
 CLERK'S FILE NO. 2005014609  
 B.C.C.O.

10' BUILDING SETBACK LINE  
 VOL. 15, PG. 10  
 B.C.P.R.

POINT OF BEGINNING  
 LOT 6A  
 FND. 5/8" I.R.

EXPRE REALTY, LTD.  
 CLERK'S FILE NO. 2004075618  
 B.C.C.O.

1.5 ACRES  
 AMCU, INC.  
 CLERK'S FILE NO. 2006005091  
 B.C.C.O.

ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH

PEARLAND GPS MONUMENT NO. 7 LOCATED AT THE INTERSECTION  
 ELEVATION = 50.33' NGVD29 (87 ADJ).

IN FIRE HYDRANT LOCATED ALONG THE SOUTH SIDE OF  
 WEST OF WAGON TRAIL ROAD, ELEVATION = 53.46' NGVD29

045 J, DATED SEPTEMBER 22, 1999, THE SUBJECT TRACT LIES IN  
 SIGNATION IS BASED ON SCALING FROM THE F.I.R.M. AND IS  
 S MAPS.

GIS Mapping Interface - Pearland, Texas

Query/Info Selection Draw Lat/Long System

Layers

- All Layers
  - Addresses
  - Parks
  - Elevation Layers
  - Land Marks
  - Utilities
  - Capital Projects
  - Planning Layers
  - Boundary Layers
  - Roads
  - Aerials
  - Appraisal Districts
  - City Boundaries

Queries

- Address Locator
- Markup
- Lat / Long
- Overview Map

Tool: Zoom In X: 3139018.06, Y: 13768712.25, Longitude: -95.3174, Latitude: 29.5575 1: Scales Bookmarks

# Consent Agenda Item A

**A. Consideration And Possible Action – Approval Of Minutes:**

Minutes of the April 28, 2014, Regular Meeting, held at 7:30 PM

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, APRIL 28, 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 7:30 p.m. with the following present:

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

Absent: Mayor Pro-Tem Greg Hill.

Others in attendance: Clair Bogard Director of Finance; Jon Branson Assistant City Manager; J.C. Doyle Police Chief; Trent Epperson Director of Engineering and Capital Projects; Roland Garcia Fire Marshal; Michelle Graham Director of Parks & Recreation; Bonita Hall Director of Human Resource and Safety Management; Mike Hodge Assistant City Manager; Vance Riley Fire Chief; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Eric Wilson Public Works Director; Sparkle Anderson Communications Manager; Skipper Jones Assistant Director of Capital Projects; Maria Rodriguez Deputy City Secretary; Becky Bowery Records and Information Coordinator.

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

**RECOGNITIONS AND AWARDS:**

A Presentation was given by Drew Pelter of Shadow Creek Ranch for the Crawfish proceeds charitable contributions of \$51,000. The recipients were Keep Pearland Beautiful, Alvin Education Foundation, Turn Two Productions, Fort Bend Youth Sports Association, Pearland Independent School District Foundation, Fort Bend Independent School District Foundation and the eight campuses of Shadow Creek Ranch. He thanked the Pearland Police Department and Public Works for the unbelievable job they did to make the Crawfish Event a great success.

Mayor Reid and Councilmember Sherrouse presented a proclamation proclaiming the month of May 2014 as "Motorcycle Safety Week" to Joan Wynn.

Mayor Reid presented a proclamation proclaiming the month of June 6, 2014 as "Pearland High School Project Graduation Day", "Dawson High School Project Graduation Day", and June 7, 2014 as "Turner High School Project Graduation Day" to Trent Henley.

Students of Pearland High School, Dawson High School and Turner High School thanked Mayor Reid and Councilmembers for their support and donations to Project Graduation Day. The students invited Mayor Reid and Councilmembers to attend Project Graduation Day as honorary members.

Mayor Reid and Assistant City Manager Jon Branson presented a proclamation proclaiming May 3-11, 2014 as "National Travel and Tourism Week" to Executive Director of the Convention/Visitors Bureau Kim Sinistore.

Mayor Reid presented a proclamation proclaiming May 4-10, 2014, as "2014 National Arson Awareness Week" to Fire Marshal Roland Garcia, Fire Chief Vance Riley, Deputy Fire Marshal Greg Bozdech, Fire Inspector/Investigator Cassie Guzman, and Buddy the fire dog.

Mayor Reid and Assistant City Manager Mike Hodge presented a proclamation proclaiming the month of May 2014, as "Building Safety Month" to Building Official Mike Ingalsbe, Office Supervisor Juan Chavez, Plans Examiner Dennis Holm, Plans Expediter Mattie Harris, Part-Time Office Assistant Gloria Green, and Permit Clerks Judy Cotter and Barbara DeRosa.

Mayor Reid and City Manager Clay Pearson presented a proclamation proclaiming May 4-10, 2014, as "City Secretaries Week" to City Secretary Young Lorfing, Deputy City Secretary Maria Rodriguez, and Records and Information Coordinator Becky Bowery.

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

Mayor Reid recognized past Councilmembers Helen Beckman and Kevin Cole.

Mayor Reid recognized the Vice President of the Pearland Chamber of Commerce Jim Johnson.

**CITIZEN COMMENTS:** None.

**DOCKETED PUBLIC HEARING:** None.

**CONSENT AGENDA:**

**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.*

Councilmember Carbone asked that Consent Agenda Item D be removed from the Consent Agenda for further discussion.

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

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

Voting "No" None.

Motion Passed 4 to 0, with Mayor Pro-Tem Hill absent.

## **MATTERS REMOVED FROM CONSENT AGENDA**

As requested by Councilmember Carbone Consent Agenda Item D was removed for further discussion.

- 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.**

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-34.

City Manager Clay Pearson reported 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. 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.

Councilmember Carbone stated he has questions and feels this item should be discussed in an audit meeting.

Councilmember Sherrouse stated she agrees with Councilmember Carbone.

Discussion ensued between Council and Director of Finance Claire Bogard regarding an Audit Committee Meeting to discuss this item before the next regular Council Meeting which is May 12, 2014.

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to postpone Resolution No. R2014-34 to May 12, 2014, Regular Council Meeting.

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

Voting "No" None.

Motion Passed 4 to 0, with Mayor Pro-Tem Hill absent.

**NEW BUSINESS:**

**Council 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 ARKK Engineering, LLC., in the amount of \$244,400.00. *Mr. Trent Epperson, Director of Engineering and Capital Projects.*

Councilmember Sherman made the motion, seconded by Councilmember Carbone to approve Resolution No. R2014-38.

City Manager Clay Pearson reported the proposal for the Construction Management and Inspection services is based on an hourly amount 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.

Discussion ensued between Council and Director of Engineering and Capital Projects Trent Epperson regarding the City’s experience with this firm.

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

Voting “No” None.

Motion Passed 4 to 0, with Mayor Pro-Tem Hill absent.

**Council 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.*

Councilmember Ordeneaux made the motion, seconded by Councilmember Carbone to approve Resolution No. R2014-36.

City Manager Clay Pearson reported Council is being asked to award the contract for the demolition of the existing Walnut Lift Station and the construction of the new Walnut Lift Station in the amount of \$976,610 to T & C Construction, Ltd.

Discussion ensued between Council and Director of Engineering and Capital Projects Trent Epperson regarding the amount of this bid.

Owner of T & C Construction Tom Rumney stated this is going to be a difficult job to complete in a short amount of time. The Engineers extended the time frame, and T & C is going to do their very best to complete the project in that time frame.

Discussion ensued between Council and Director of Engineering and Capital Projects Trent Epperson regarding the short time line.

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

Voting "No" None.

Motion Passed 4 to 0, with Mayor Pro-Tem Hill absent.

**Council 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.*

Councilmember Sherrouse made the motion, seconded by Councilmember Carbone to approve Resolution No. R2014-37.

City Manager Clay Pearson reported Council is being asked to 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.

Discussion ensued between Council and Director of Engineering and Capital Projects Trent Epperson regarding the fiber network and giving notice to the local businesses in the area.

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

Voting "No" None.

Motion Passed 4 to 0, with Mayor Pro-Tem Hill absent.

**Council 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 Andela Tool & Machine, Inc. in the amount of \$114,448.00. *Ms. Michelle Graham, Director of Parks and Recreation and Beautification.*

Councilmember Carbone made the motion, seconded by Councilmember Sherman to approve Resolution No. R2014-40.

City Manager Clay Pearson reported Council is being asked to award a bid for glass crushing equipment to Andela Tool & Machine, Inc. DBA Andela Products in the amount of \$114,448.

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

Voting "No" None.

Motion Passed 4 to 0, with Mayor Pro-Tem Hill absent.

**Council 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.*

Councilmember Sherman made the motion, seconded by Councilmember Carbone to approve Resolution No. R2014-41.

City Manager Clay Pearson reported Council is being asked to approve the 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.

Discussion ensued between Council and Public Works Director Eric Wilson regarding laser surveying and the City's GIS system.

Public Works Director Eric Wilson stated the data will be collected in an automated manner. This information will be used to rank each street in a worst to best condition manner.

Councilmember Sherman stated the citizens may have some concerns with a truck in their sub-division with lasers and cameras. He asked that this information be put on the City's website to notify the citizens on what will be taking place regarding the City's Right-of-Way infrastructure.

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

Voting "No" None.

Motion Passed 4 to 0, with Mayor Pro-Tem Hill absent.

**Council 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.*

Councilmember Ordeneaux made the motion, seconded by Councilmember Carbone to approve Resolution No. R2014-42.

City Manager Clay Pearson reported Council is being asked to award a one year, with an additional year option for a Wastewater Effluent Purchase Option Agreement with Third Coast Terminals, Inc. giving the City a \$5,000. fee for the right to purchase the said effluent as part of a future sales agreement.

Discussion ensued between Council and Public Works Director Eric Wilson regarding Third Coast Terminals using the water for industrial purposes.

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

Voting "No" None.

Motion Passed 4 to 0, with Mayor Pro-Tem Hill absent.

**OTHER BUSINESS:** None.

**ADJOURNMENT**

Meeting was adjourned at 8:46 p.m.

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

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Tom Reid  
Mayor

ATTEST:

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Young Lorfing, TRMC  
City Secretary

# Consent Agenda Item B

- B. Consideration and Possible Action** – Excuse the absence of Councilmember Greg Hill from the Regular Council Meeting held on April 28, 2014. *City Council.*

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

<b>AGENDA OF: 05-12-2014</b>	<b>ITEM NO.: Consent Agenda Item</b>
<b>DATE SUBMITTED: 05-06-2014</b>	<b>DEPARTMENT OF ORIGIN: City Secretary</b>
<b>PREPARED BY: Maria E. Rodriguez</b>	<b>PRESENTOR: City Council</b>
<b>REVIEWED BY: CJP</b>	<b>REVIEW DATE: 5/6/2014</b>
<b>SUBJECT:</b> Excuse the absence of Councilmember Greg Hill from the Regular Council Meeting held on April 28, 2014.	
<b>EXHIBITS:</b> None	
<b>EXPENDITURE REQUIRED: N/A</b>	<b>AMOUNT BUDGETED: N/A</b>
<b>AMOUNT AVAILABLE: N/A</b>	<b>PROJECT NO.: N/A</b>
<b>ACCOUNT NO.: N/A</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED: N/A</b>	
<b>ACCOUNT NO.: N/A</b>	
<b>PROJECT NO.: N/A</b>	
<b>To be completed by Department:</b>	
<input type="checkbox"/> <b>Finance</b>	<input type="checkbox"/> <b>Legal</b>
<input type="checkbox"/> <b>Ordinance</b>	<input type="checkbox"/> <b>Resolution</b>

**EXECUTIVE SUMMARY**

Excuse Councilmember Greg Hill's absence from the April 28, 2014, Regular Council Meeting.

**RECOMMENDED ACTION**

Council action required.

# Consent Agenda Item C

- C. 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**

<b>AGENDA OF:</b>	May 19, 2014	<b>ITEM NO.:</b>	Resolution No. R2014-34
<b>DATE SUBMITTED:</b>	April 15, 2014	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Claire Bogard	<b>PRESENTOR:</b>	Claire Bogard
<b>REVIEWED BY:</b>	CJP	<b>REVIEW DATE:</b>	4/17/2014
<b>SUBJECT:</b> Fiscal Year 2014 Audit Engagement			
<b>EXHIBITS:</b> Resolution 2014-34 Engagement Letter Staff Memorandum			
<b>FUNDING:</b>			
<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			
<b>EXPENDITURE REQUIRED:</b> \$75,300		<b>AMOUNT BUDGETED:</b> \$75,300– FY15	
<b>AMOUNT AVAILABLE:</b> \$75,300		<b>PROJECT NO.:</b> N/A	
<b>ACCOUNT NO:</b> 010-1260-556.01-00			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> N/A			
<b>ACCOUNT NO.:</b> N/A			
<b>PROJECT NO.:</b> N/A			
<b>To be completed by Department:</b>			
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

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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

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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

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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.

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### **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.

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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>\$75,300</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.

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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

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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:

<b>Rank</b>	<b>Firm</b>
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 D

- D. Consideration and Possible Action – Resolution No. R2014-44 – A resolution of the City Council of the City of Pearland, Texas, accepting the City’s Investment Report for the quarter ending March 2014.  
*Ms. Claire Bogard, Finance Director.***

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

<b>AGENDA OF:</b>	5/12/2014	<b>ITEM NO.:</b>	Consent Agenda Item
<b>DATE SUBMITTED:</b>	4/16/2014	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Rick Overgaard	<b>PRESENTOR:</b>	Claire Bogard
<b>REVIEWED BY:</b>	CJP	<b>REVIEW DATE:</b>	5-6-2014
<b>SUBJECT: March 2014 Quarterly Investment Report</b>			
<b>EXHIBITS: Resolution 2014-44 March 2014 Investment Report</b>			
	Grant	Developer/Other	Cash Opns
Bonds To Be Sold	Bonds- Sold	L/P – Sold	L/P – To Be Sold
<b>FUNDING:</b>			
<b>EXPENDITURE REQUIRED:N/A</b>		<b>AMOUNT BUDGETED:N/A</b>	
<b>AMOUNT AVAILABLE:</b>		<b>PROJECT NO.:</b>	
<b>ACCOUNT NO</b>			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>			
<b>ACCOUNT NO.:</b>			
<b>PROJECT NO.:</b>			
<b>To be completed by Department:</b>			
<b>X Finance</b>	<b>X Legal</b>	<b>Ordinance</b>	<b>X</b>
<b>Resolution</b>			

**EXECUTIVE SUMMARY**

**BACKGROUND**

The Public Funds Investment Act (PFIA), Texas Government Code 2256 and the City's Investment Policy require that an Investment Report be presented to City Council no less than quarterly. The report, as presented, incorporates the requirements of PFIA, including detailed listing of purchases, sales, description of each security and management summary.

**POLICY/GOAL CONSIDERATION**

To achieve safety of principal, adequate liquidity to meet cash needs, and reasonable yields commensurate with the preservation of principal and

liquidity. All funds will be invested in compliance with all state and local statutes and all Governmental Accounting Standards Board Statements, and related financial accounting standards.

**FINANCIAL INFORMATION**

The City's portfolio totals \$94.2 million, up \$4.9 million from the December 2013 report. The increase is primarily from property tax payments being made that are due January 31<sup>st</sup>. The portfolio has an average yield to maturity for the quarter of .36%, which is higher than the City's average agency note benchmark of .12%, equivalent to the weighted average maturity of the portfolio, and higher than the 1 year T-Bill benchmark of .12% for the quarter.

At March 31, 2014, yield to maturity was .37% compared to the benchmark of .13% for the one-year T-Bill and .11% for the agency benchmark, which is equivalent to the weighted average maturity of the portfolio. This is an increase of .04 basis points from last quarter.

The weighted average maturity increased to 264 days as the City's Investment Policy was amended for up to a 5-Year maturity date for single investments, with a portfolio composition of 66% in cash, 15% in CDs and 19% in agency notes as of March 31, 2014.

March 2014 quarter-end highlights are included below, along with December, September, and June for comparative purposes.

	<b>June 2013</b>	<b>September 2013</b>	<b>December 2013</b>	<b>March 2014</b>
<b>Beginning Book Value</b>	\$ 96,039,160	\$ 86,244,583	\$ 81,180,410	\$ 89,365,731
<b>Ending Book Value</b>	\$ 86,244,583	\$ 81,180,410	\$ 89,365,731	\$ 94,239,639
<b>Change in Portfolio</b>	\$ (9,794,577)	\$ (5,064,173)	\$ 8,185,321	\$ 4,873,908
<b>Interest Earned</b>	\$ 42,379	\$ 43,968	\$ 58,819	\$ 85,452
<b>Weighted Average Maturity</b>	118 Days	179 Days	230 Days	264 Days
<b>Yield to Maturity</b>	.20%	.27%	.33%	.37%
<b>One Year T-Bill Benchmark</b>	.15%	.10%	.13%	.13%
<b>Agency Benchmark</b>	.12%	.09%	.15%	.11%
<b>Portfolio Composition:</b>				
<b>Cash</b>	76%	69%	67%	66%
<b>CD</b>	11%	13%	14%	15%
<b>Agency Notes</b>	13%	18%	19%	19%

Also, as a comparison, Texpool, the State local government investment pool, is yielding .033% with a weighted average maturity of 88 days. The full

report is attached. The staff investment committee met on April 30, 2014 to review the report.

Staff reviewed proposals submitted in November 2013 from investment advisory firms to manage the City's investment portfolio. After discussion with the previous City Manager in December 2013 it was decided to delay the use of an investment firm, since the City's investment policy was recently amended and staff was more active in the investment of City funds. It was to be reevaluated after a few months under the new policy and strategy to determine if yield had increased. Since November 2013 the yield on the portfolio has increased from .28% to .38% in March 2014. The City of Pearland's yield is now higher than four other Cities sampled ranging from .13% to .31%, with three of those being professionally managed. At the investment committee meeting on April 30, 2014, based on current results, it was decided that at this time the City not use an additional review of an outside advisory firm (estimated average cost of \$30,000 based on the lowest three responsible proposals) to manage the portfolio.

#### **RECOMMENDED ACTION**

Consideration and approval of Resolution 2014-44, to receive the investment report for the quarter ending March 2014.

**RESOLUTION NO. R2014-44**

**A Resolution of the City Council of the City of Pearland, Texas, accepting the City's Investment Report for the quarter ending March 2014.**

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

**Section 1.** That the City Council hereby accepts the Quarterly Investment Report attached hereto as Exhibit "A" for the quarter ending March 2014.

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



## City of Pearland Quarterly Investment Report Dec 31, 2013 - Mar 31, 2014

<u>Portfolio at Dec 31, 2013</u>		<u>Portfolio at Mar 31, 2014</u>	
Ending Book Value	\$ 89,364,730.77	Ending Book Value	\$ 94,239,638.71
Ending Market Value	89,321,982.01	Ending Market Value	94,233,382.16
Accrued Interest Receivable	47,334.84	Accrued Interest Receivable	51,383.56
FYD Total Interest Earned	58,819.11	FYD Total Interest Earned	144,271.57
Unrealized Gain/(Loss)	(42,748.76)	Unrealized Gain/(Loss)	(6,256.55)
Change in Unrealized Gain/Loss	(39,793.28)	Change in Unrealized Gain/Loss	36,492.21
Weighted Average Maturity	230 Days	Weighted Average Maturity	264 Days
Change in Market Value	8,144,527.80	Change in Market Value	4,911,400.15
Yield to Maturity at Cost	0.33%	Yield to Maturity at Cost	0.37%
T-Bill Benchmark	0.13%	T-Bill Benchmark	0.13%
Agency Note Benchmark	0.15%	Agency Note Benchmark	0.11%
 <u>Average for Quarter</u> 			
	City's Yield to Maturity	0.36%	
	1 Year T-Bill Benchmark Yield	0.12%	
	Agency Note Benchmark Yield	0.12%	

This quarterly report is in compliance with the investment policy and strategy as established by the City and the Public Funds Investment Act (Chapter 2256, Texas Government Code).

Prepared by:

Claire Bogard  
Director of Finance

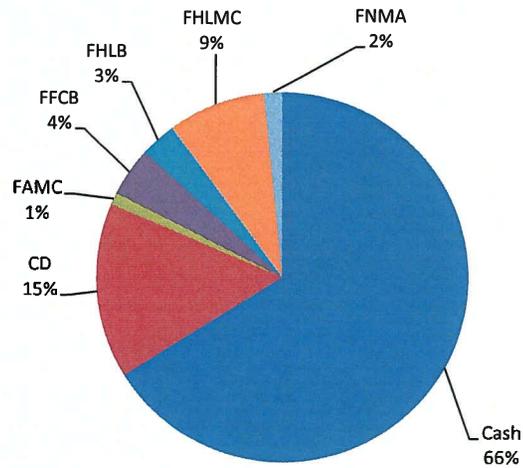
Rick Overgaard  
Assistant Director of Finance

Fatima Uwakwe  
Accounting Supervisor

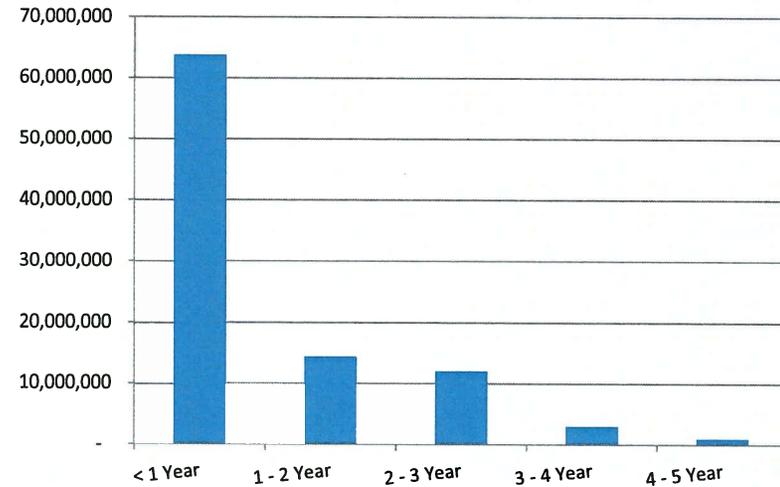
**Summary by Type  
March 31, 2014**

<u>Description</u>	<u>Face Amount \ Shares</u>	<u>Cost Value</u>	<u>Book Value</u>	<u>Market Value</u>	<u>YTM @ Cost</u>	<u>Days To Maturity</u>
Cash	\$ 62,318,424.62	\$ 62,318,424.62	\$ 62,318,424.62	\$ 62,318,424.62	0.14%	1
CD	14,391,807.96	14,391,807.96	14,391,807.96	14,384,017.01	0.63%	611
FAMC	1,000,000.00	997,890.00	998,018.29	996,528.00	1.77%	1,647
FFCB	4,000,000.00	4,018,623.48	4,017,920.84	4,012,580.00	0.85%	844
FHLB	3,000,000.00	3,016,920.00	3,005,545.85	3,003,822.00	1.35%	1,242
FHLMC	8,000,000.00	7,992,311.00	7,994,163.35	8,000,662.00	0.89%	842
FNMA	1,509,000.00	1,528,352.67	1,513,757.80	1,517,348.53	0.45%	326
<b>Total/Average</b>	<b>\$ 94,219,232.58</b>	<b>\$ 94,264,329.73</b>	<b>\$ 94,239,638.71</b>	<b>\$ 94,233,382.16</b>	<b>0.37%</b>	<b>264</b>

**Group Portfolio Holdings  
by Type**



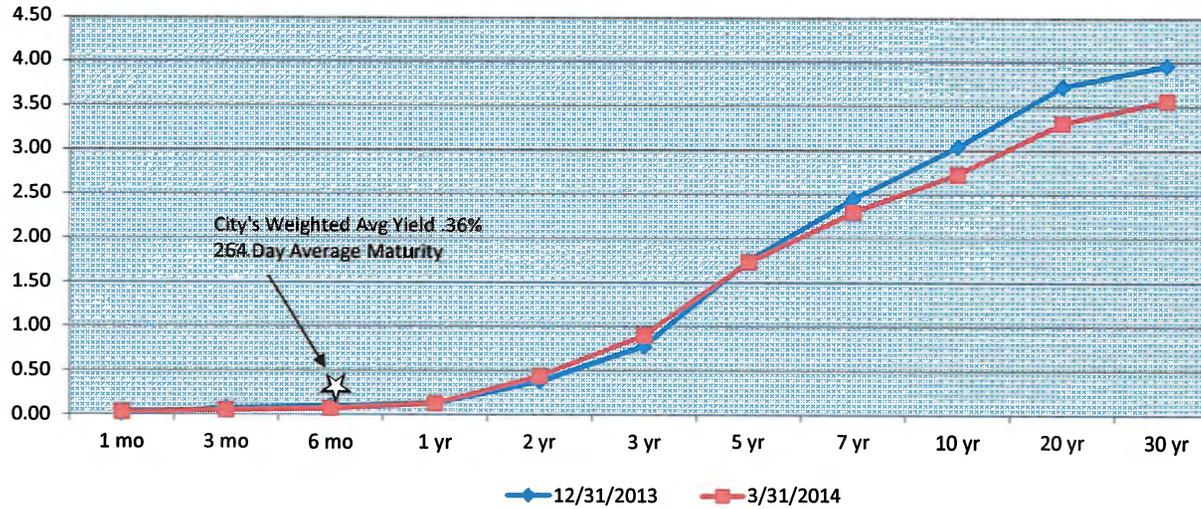
**Book Value by Maturity**



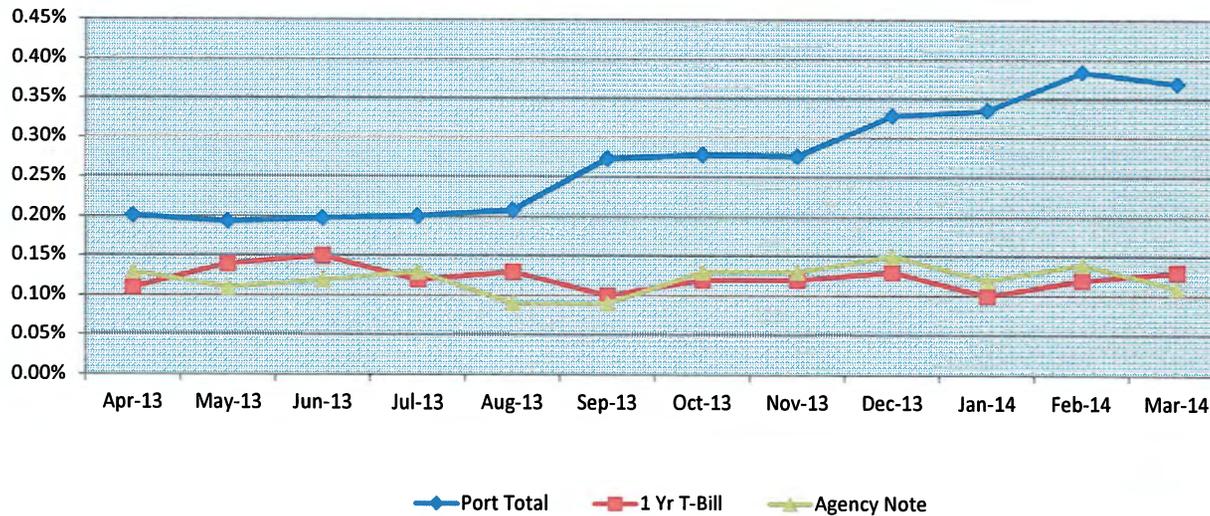
## Interest Rates

<u>Date</u>	<u>1 mo</u>	<u>3 mo</u>	<u>6 mo</u>	<u>1 yr</u>	<u>2 yr</u>	<u>3 yr</u>	<u>5 yr</u>	<u>7 yr</u>	<u>10 yr</u>	<u>20 yr</u>	<u>30 yr</u>
12/31/2013	0.01	0.07	0.10	0.13	0.38	0.78	1.75	2.45	3.04	3.72	3.96
3/31/2014	0.03	0.05	0.07	0.13	0.44	0.90	1.73	2.30	2.73	3.31	3.56

## Yield Curve Comparison



## Portfolio vs. Benchmarks



**City of Pearland**  
**Quarterly Investment Report**  
 Report Format: By CUSIP  
 Group By: Security Type  
**Portfolio/Report Group: Report Group: Pearland**  
**Begin Date: 12/31/2013, End Date: 3/31/2014**

Description	CUSIP/Ticker	Portfolio Name	Ending YTM @ Cost	Maturity Date	Beginning BV	Buy Principal	Sell Principal	Amortized Discount	Amortized Premium	Ending BV	Investment Income-BV
<b>CASH</b>											
Wells Fargo Sweep Cash	WFSWEEP	10: General Fund	0.140	N/A	9,943,769.60	7,764,624.57	1,052,037.32	0.00	0.00	16,656,356.85	5,244.86
Wells Fargo Sweep Cash	WFSWEEP	17: Municipal Court Security	0.140	N/A	126,393.89	45.39	2,424.81	0.00	0.00	124,014.47	45.39
Wells Fargo Sweep Cash	WFSWEEP	18: City Wide Donation	0.140	N/A	93,519.28	16,752.21	40,905.99	0.00	0.00	69,365.50	30.21
Wells Fargo Sweep Cash	WFSWEEP	19: Court Technology	0.140	N/A	261,742.55	3,031.24	93,825.53	0.00	0.00	170,948.26	61.61
Wells Fargo Sweep Cash	WFSWEEP	20: Debt Services	0.140	N/A	9,751,887.92	13,285,889.68	12,520,701.73	0.00	0.00	10,517,075.87	5,097.78
Wells Fargo Sweep Cash	WFSWEEP	23: Court Juvenile Mgmt	0.140	N/A	61,558.83	21.77	2,292.71	0.00	0.00	59,287.89	21.77
Wells Fargo Sweep Cash	WFSWEEP	30: Water & Sewer	0.140	N/A	11,444,753.70	925,693.65	3,946,509.45	0.00	0.00	8,423,937.90	3,152.85
Wells Fargo Sweep Cash	WFSWEEP	31: Solidwaste	0.140	N/A	552,949.80	94,800.46	221,166.70	0.00	0.00	426,583.56	201.83
Wells Fargo Sweep Cash	WFSWEEP	35: Street Assessment	0.140	N/A	404,269.02	29,110.96	5,011.85	0.00	0.00	428,368.13	152.99
Wells Fargo Sweep Cash	WFSWEEP	42: Utility Impact Fee	0.140	N/A	2,632,377.75	2,210,305.44	0.00	0.00	0.00	4,842,683.19	1,408.49
Wells Fargo Sweep Cash	WFSWEEP	44: Shadow Creek Impact	0.140	N/A	1,789,149.77	795,104.14	642,940.15	0.00	0.00	1,941,313.76	536.85
Wells Fargo Sweep Cash	WFSWEEP	45: Hotel/Motel Occupancy	0.140	N/A	1,443,195.82	91,366.28	755,275.39	0.00	0.00	779,286.71	290.11

Description	CUSIP/Ticker	Portfolio Name	Ending YTM @ Cost	Maturity Date	Beginning BV	Buy Principal	Sell Principal	Amortized Discount	Amortized Premium	Ending BV	Investment Income-BV
Wells Fargo Sweep Cash	WFSWEEP	46: Park Donations	0.140	N/A	113,034.08	1,626.18	23,673.61	0.00	0.00	90,986.65	37.47
Wells Fargo Sweep Cash	WFSWEEP	47: Park & Rec Development	0.140	N/A	585,204.74	194,296.58	0.00	0.00	0.00	779,501.32	264.21
Wells Fargo Sweep Cash	WFSWEEP	49: Tree Trust Fund	0.140	N/A	73,596.48	25.65	3,686.80	0.00	0.00	69,935.33	25.65
Wells Fargo Sweep Cash	WFSWEEP	50: Capital Projects	0.140	N/A	2,043,141.91	667.99	310,273.35	0.00	0.00	1,733,536.55	667.99
Wells Fargo Sweep Cash	WFSWEEP	55: Sidewalk Fund	0.140	N/A	225,878.83	82.10	0.00	0.00	0.00	225,960.93	82.10
Wells Fargo Sweep Cash	WFSWEEP	60: Police State Seizure	0.140	N/A	195,815.11	20,552.66	4,725.00	0.00	0.00	211,642.77	72.04
Wells Fargo Sweep Cash	WFSWEEP	62: Federal Police Fund	0.140	N/A	49,525.25	1,992.86	0.00	0.00	0.00	51,518.11	18.23
Wells Fargo Sweep Cash	WFSWEEP	64: 1998 Cert of Obligation	0.140	N/A	514,457.72	385.91	59,518.15	0.00	0.00	455,325.48	165.42
Wells Fargo Sweep Cash	WFSWEEP	67: 2003 Revenue Bonds	0.140	N/A	2,249,946.30	1,010,564.98	1,200,345.27	0.00	0.00	2,060,166.01	665.59
Wells Fargo Sweep Cash	WFSWEEP	68: 2001 Cert of Obligation	0.140	N/A	171,166.78	2.86	439,639.45	0.00	0.00	-268,469.81	2.86
Wells Fargo Sweep Cash	WFSWEEP	70: 2005 Refunding / Mobility	0.140	N/A	512,275.53	118.14	298,474.31	0.00	0.00	213,919.36	118.14
Wells Fargo Sweep Cash	WFSWEEP	95: Property Liability	0.140	N/A	-383,916.76	645,088.45	0.00	0.00	0.00	261,171.69	31.02
Wells Fargo Sweep Cash	WFSWEEP	97: Employee Benefit Trust	0.140	N/A	30,977.91	82,195.75	25,243.04	0.00	0.00	87,930.62	14.68
Wells Fargo Cash	WF9871	99: COP Health Claims Fund	0.140	N/A	259,447.79	215,757.18	140,443.34	0.00	0.00	334,761.63	97.24

Description	CUSIP/Ticker	Portfolio Name	Ending YTM @ Cost	Maturity Date	Beginning BV	Buy Principal	Sell Principal	Amortized Discount	Amortized Premium	Ending BV	Investment Income-BV
Wells Fargo Sweep Cash	WFSWEEP	99: COP Health Claims Fund	0.140	N/A	107,924.67	99,994.85	432,160.78	0.00	0.00	-224,241.26	0.00
Wells Fargo Sweep Cash	WFSWEEP	Z101: Grant Fund	0.140	N/A	-29,707.66	60,119.11	0.00	0.00	0.00	30,411.45	8.30
Wells Fargo Sweep Cash	WFSWEEP	Z109: 2011 CDBG Fund	0.140	N/A	-161.41	0.00	0.00	0.00	0.00	-161.41	0.00
Wells Fargo Sweep Cash	WFSWEEP	Z110: 2012 CDBG Fund	0.140	N/A	204.55	20,441.82	0.00	0.00	0.00	20,646.37	0.00
Wells Fargo Sweep Cash	WFSWEEP	Z140: U of H Fund	0.140	N/A	35,825.26	10,120.03	23,794.55	0.00	0.00	22,150.74	6.90
Wells Fargo Sweep Cash	WFSWEEP	Z141: U of H Capital Renewal Fund	0.140	N/A	239,863.05	87.18	0.00	0.00	0.00	239,950.23	87.18
Wells Fargo Sweep Cash	WFSWEEP	Z145: Municipal Channel	0.140	N/A	242,678.07	87,838.22	12,614.30	0.00	0.00	317,901.99	107.81
Wells Fargo Sweep Cash	WFSWEEP	Z200: 2006 Cert of Obligation	0.140	N/A	2,000,511.17	717.51	40,164.04	0.00	0.00	1,961,064.64	717.51
Wells Fargo Sweep Cash	WFSWEEP	Z201: 2007 Cert of Obligation	0.140	N/A	64,449.49	15,591.76	23,778.14	0.00	0.00	56,263.11	22.24
Wells Fargo Sweep Cash	WFSWEEP	Z202: 2007A Gen Obligation	0.140	N/A	2,121,631.53	584.73	788,644.73	0.00	0.00	1,333,571.53	584.73
Wells Fargo Sweep Cash	WFSWEEP	Z203: 2009 Gen Obligation	0.140	N/A	6,662,131.27	2,087.82	1,611,967.47	0.00	0.00	5,052,251.62	2,087.82
Wells Fargo Sweep Cash	WFSWEEP	Z301: W/S Pay As U Go CIP	0.140	N/A	2,139,957.22	766.41	49,458.33	0.00	0.00	2,091,265.30	766.41
Wells Fargo Sweep Cash	WFSWEEP	Z302: MUD 4 Capital Programs	0.140	N/A	707,114.83	249.85	37,123.10	0.00	0.00	670,241.58	249.85
<b>Sub</b>			<b>0.140</b>		<b>59,438,541.64</b>	<b>27,688,702.37</b>	<b>24,808,819.39</b>	<b>0.00</b>	<b>0.00</b>	<b>62,318,424.62</b>	<b>23,146.13</b>

Description	CUSIP/Ticker	Portfolio Name	Ending YTM @ Cost	Maturity Date	Beginning BV	Buy Principal	Sell Principal	Amortized Discount	Amortized Premium	Ending BV	Investment Income-BV
<b>Total/Average Cash</b>											
<b>CERTIFICATE OF DEPOSIT</b>											
CDARS 0.5 12/18/2014	1016130741	10: General Fund	0.500	12/18/2014	500,000.00	0.00	0.00	0.00	0.00	500,000.00	616.44
1st United Bank FL 0.7 5/9/2016	33741TAU5	10: General Fund	0.700	5/9/2016	248,000.00	0.00	0.00	0.00	0.00	248,000.00	428.05
Synovus Bank GA 0.5 11/28/2014	87164DBV1	10: General Fund	0.500	11/28/2014	248,000.00	0.00	0.00	0.00	0.00	248,000.00	305.75
Townebank Portsmouth VA 0.4 6/1/2015	89214PAP4	10: General Fund	0.400	6/1/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	244.60
Trust Atlantic Bank 1.45 12/6/2017	89835FJC5	10: General Fund	1.450	12/6/2017	248,000.00	0.00	0.00	0.00	0.00	248,000.00	886.68
BBCN Bank LA 0.25 2/7/2014	CD073296AT2	10: General Fund		2/7/2014	248,000.00	0.00	248,000.00	0.00	0.00	0.00	64.55
CDARS 0.6 6/19/2014	CD1013981872	10: General Fund	0.600	6/19/2014	500,000.00	0.00	0.00	0.00	0.00	500,000.00	739.73
Cardinal Bank 0.5 5/17/2016	CD14147VDM5	10: General Fund	0.500	5/17/2016	248,000.00	0.00	0.00	0.00	0.00	248,000.00	305.74
Discover Bank 0.5 2/20/2015	CD254671KH2	10: General Fund	0.500	2/20/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	305.75
First National Bank 1.6 3/19/2018	CD32115CBE7	10: General Fund	1.600	3/19/2018	248,000.00	0.00	0.00	0.00	0.00	248,000.00	978.41
Gorham Savings Bank 0.25 2/6/2014	CD383052CN5	10: General Fund		2/6/2014	248,000.00	0.00	248,000.00	0.00	0.00	0.00	62.85
Mizuho Bank 0.25 5/8/2014	CD60688TLM9	10: General Fund	0.250	5/8/2014	248,000.00	0.00	0.00	0.00	0.00	248,000.00	152.87
Moody National Bank 0.5 5/30/2014	CD7130A	10: General Fund	0.500	5/30/2014	246,807.96	0.00	0.00	0.00	0.00	246,807.96	304.28

Description	CUSIP/Ticker	Portfolio Name	Ending YTM @ Cost	Maturity Date	Beginning BV	Buy Principal	Sell Principal	Amortized Discount	Amortized Premium	Ending BV	Investment Income-BV
Plus International Bank 0.5 7/8/2016	CD72940UFV2	10: General Fund	0.500	7/8/2016	248,000.00	0.00	0.00	0.00	0.00	248,000.00	305.74
Southwest Bank Ft Worth 0.3 2/27/2015	CD844772AA1	10: General Fund	0.300	2/27/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	183.45
Valley Bank Roanoke 0.3 7/30/2014	CD91935VANO	10: General Fund	0.300	7/30/2014	248,000.00	0.00	0.00	0.00	0.00	248,000.00	183.45
ConnectOne Bank 1.55 7/30/2018	20786AAM7	20: Debt Services	1.550	7/30/2018	0.00	248,000.00	0.00	0.00	0.00	248,000.00	621.36
Webster Bank NA 1.9 2/12/2019	94768NJM7	20: Debt Services	1.900	2/12/2019	0.00	248,000.00	0.00	0.00	0.00	248,000.00	606.75
Key Bank Ohio 0.35 8/27/2014	CD49306SRE8	20: Debt Services	0.350	8/27/2014	248,000.00	0.00	0.00	0.00	0.00	248,000.00	214.03
Mechanics Savings Bank 0.35 3/20/2015	CD583686BC3	20: Debt Services	0.350	3/20/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	214.03
Bay Cities Bank 0.5 12/12/2014	CD07203QBR2	30: Water & Sewer	0.500	12/12/2014	248,000.00	0.00	0.00	0.00	0.00	248,000.00	305.74
CDARS 0.5 6/19/2014	CD1013981856B	30: Water & Sewer	0.500	6/19/2014	500,000.00	0.00	0.00	0.00	0.00	500,000.00	616.44
First Farmers Bank 0.5 5/3/2016	CD320165FZ1	30: Water & Sewer	0.500	5/3/2016	245,000.00	0.00	0.00	0.00	0.00	245,000.00	302.05
Fox Chase Bank 0.65 6/27/2016	CD35137QAN4	30: Water & Sewer	0.650	6/27/2016	248,000.00	0.00	0.00	0.00	0.00	248,000.00	397.48
Goldman Sachs Bank 0.6 2/20/2015	CD38147JAA0	30: Water & Sewer	0.600	2/20/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	366.90
SAFRA NATIONAL	CD786580J50	30: Water & Sewer	0.600	5/5/2014	248,000.00	0.00	0.00	0.00	0.00	248,000.00	366.90

Description	CUSIP/Ticker	Portfolio Name	Ending YTM @ Cost	Maturity Date	Beginning BV	Buy Principal	Sell Principal	Amortized Discount	Amortized Premium	Ending BV	Investment Income-BV
BANK 0.6 5/5/2014											
Fidelity Homestead Savings Bank New Orleans 0.6 11	31617CAD5	31: Solidwaste	0.600	11/28/2016	0.00	248,000.00	0.00	0.00	0.00	248,000.00	12.23
United Bankers Bank 0.75 5/6/2016	909557CV0	35: Street Assessment	0.750	5/6/2016	248,000.00	0.00	0.00	0.00	0.00	248,000.00	458.62
Far East National Bank Los Angeles 1 3/31/2017	307327EK8	42: Utility Impact Fee	1.000	3/31/2017	0.00	248,000.00	0.00	0.00	0.00	248,000.00	0.00
Hardin County Bank 0.25 12/30/2014	411822BG3	42: Utility Impact Fee	0.250	12/30/2014	248,000.00	0.00	0.00	0.00	0.00	248,000.00	152.87
JP Morgan Chase Bank Columbus Ohio 0.85 3/31/2017-	48125TJW6	42: Utility Impact Fee	0.850	3/31/2017	0.00	248,000.00	0.00	0.00	0.00	248,000.00	0.00
BMW Bank of NA 0.85 6/8/2015	CD05568P2Q9	42: Utility Impact Fee	0.850	6/8/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	519.78
College Savings Bank 0.55 6/20/2016	CD19443PAP4	42: Utility Impact Fee	0.550	6/20/2016	248,000.00	0.00	0.00	0.00	0.00	248,000.00	336.33
Private Bank & Trust 0.35 5/11/2015	CD74267GTC1	42: Utility Impact Fee	0.350	5/11/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	214.03
Sterling Savings Bank 0.35 2/23/2015	CD8595316A8	42: Utility Impact Fee	0.350	2/23/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	214.03
The Independent Bank 1.1 9/16/2016	CD88632YAG1	42: Utility Impact Fee	1.100	9/16/2016	248,000.00	0.00	0.00	0.00	0.00	248,000.00	672.65
Bank of Buffalo KY 0.35	060788AF3	44: Shadow Creek	0.350	6/22/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	214.03

Description	CUSIP/Ticker	Portfolio Name	Ending YTM @ Cost	Maturity Date	Beginning BV	Buy Principal	Sell Principal	Amortized Discount	Amortized Premium	Ending BV	Investment Income-BV
6/22/2015		Impact									
Marlin Business Bank 0.55 6/14/2016	CD57116AGF9	44: Shadow Creek Impact	0.550	6/14/2016	248,000.00	0.00	0.00	0.00	0.00	248,000.00	336.34
First Commercial Bank Miss 0.4 6/26/2015	31984GCW7	45: Hotel/Motel Occupancy	0.400	6/26/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	247.32
Colonial Virginia Bank 0.55 6/24/2016	CD196121AM9	45: Hotel/Motel Occupancy	0.550	6/24/2016	248,000.00	0.00	0.00	0.00	0.00	248,000.00	336.34
First Natial Bank WI 0.25 1/31/2014	CD321086FE5	45: Hotel/Motel Occupancy		1/31/2014	248,000.00	0.00	248,000.00	0.00	0.00	0.00	52.66
First State Bank - Un Cty Tenn 0.45 12/23/2015	336472EJ0	47: Park & Rec Development	0.450	12/23/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	275.17
San Diego Private Bank California 0.8 3/31/2017	79744YAB6	50: Capital Projects	0.800	3/31/2017	0.00	248,000.00	0.00	0.00	0.00	248,000.00	0.00
US AmeriBank Largo FL 0.55 12/23/2015	917312CC2	64: 1998 Cert of Obligation	0.550	12/23/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	336.34
First National Bank ORD NEB 0.8 11/18/2016	32116RAC8	67: 2003 Revenue Bonds	0.800	11/18/2016	248,000.00	0.00	0.00	0.00	0.00	248,000.00	489.21
Asheville Savings Bank 0.35 3/27/2015	CD04407RAJ0	67: 2003 Revenue Bonds	0.350	3/27/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	214.03
CIT Bank 1.5 9/5/2017	CD17284CMN1	67: 2003 Revenue Bonds	1.500	9/5/2017	248,000.00	0.00	0.00	0.00	0.00	248,000.00	917.26
Medallion Bank UT 0.4 11/3/2015	CD58403BB62	67: 2003 Revenue Bonds	0.400	11/3/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	244.61

Description	CUSIP/Ticker	Portfolio Name	Ending YTM @ Cost	Maturity Date	Beginning BV	Buy Principal	Sell Principal	Amortized Discount	Amortized Premium	Ending BV	Investment Income-BV
First State Bank - WV 0.35 12/3/2014	CD33648FHR9	70: 2005 Refunding / Mobility	0.350	12/3/2014	248,000.00	0.00	0.00	0.00	0.00	248,000.00	214.03
Celtic Bank 0.6 6/28/2016	CD15118RJD0	Z202: 2007A Gen Obligation	0.600	6/28/2016	248,000.00	0.00	0.00	0.00	0.00	248,000.00	366.90
Flushing Bank New York 0.95 3/31/2017	34387AAH2	Z203: 2009 Gen Obligation	0.950	3/31/2017	0.00	248,000.00	0.00	0.00	0.00	248,000.00	0.00
Kansas State Bank 0.8 10/31/2016	485382DV4	Z203: 2009 Gen Obligation	0.800	10/31/2016	248,000.00	0.00	0.00	0.00	0.00	248,000.00	489.20
Merchant & Manufacturing Bank 0.35 8/7/2015	588339DD0	Z203: 2009 Gen Obligation	0.350	8/7/2015	0.00	248,000.00	0.00	0.00	0.00	248,000.00	123.66
Provident Bank 0.35 8/21/2015	743837BF2	Z203: 2009 Gen Obligation	0.350	8/21/2015	0.00	248,000.00	0.00	0.00	0.00	248,000.00	90.37
Cathay Bank 0.75 3/21/2016	CD149159JE6	Z203: 2009 Gen Obligation	0.750	3/21/2016	248,000.00	0.00	0.00	0.00	0.00	248,000.00	458.62
DeWitt Bank and Trust 0.5 6/20/2016	CD241888BT2	Z301: W/S Pay As U Go CIP	0.500	6/20/2016	248,000.00	0.00	0.00	0.00	0.00	248,000.00	305.74
Farm Bureau Bank 0.5 12/23/2015	307660HH6	Z302: MUD 4 Capital Programs	0.500	12/23/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	305.74
Pacific City Bank 0.35 6/26/2015	69406PBJ7	Z302: MUD 4 Capital Programs	0.350	6/26/2015	248,000.00	0.00	0.00	0.00	0.00	248,000.00	214.03
<b>Sub Total/Average Certificate Of Deposit</b>			<b>0.630</b>		<b>12,903,807.96</b>	<b>2,232,000.00</b>	<b>744,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>14,391,807.96</b>	<b>18,892.16</b>
<b>FAMC BOND</b>											
FAMC 1.72 10/3/2018	31315P5A3	30: Water & Sewer	1.766	10/3/2018	997,908.33	0.00	0.00	109.96	0.00	998,018.29	4,409.96

Description	CUSIP/Ticker	Portfolio Name	Ending YTM @ Cost	Maturity Date	Beginning BV	Buy Principal	Sell Principal	Amortized Discount	Amortized Premium	Ending BV	Investment Income-BV
<b>Sub Total/Average FAMC Bond</b>			<b>1.766</b>		<b>997,908.33</b>	<b>0.00</b>	<b>0.00</b>	<b>109.96</b>	<b>0.00</b>	<b>998,018.29</b>	<b>4,409.96</b>
<b>FFCB BOND</b>											
FFCB 0.32 3/12/2015-12	3133EAU30	10: General Fund		3/12/2015	1,000,000.00	0.00	1,000,000.00	0.00	0.00	0.00	-868.89
FFCB 0.3 7/18/2014	3133EAYL6	10: General Fund	0.285	7/18/2014	1,000,081.78	0.00	0.00	0.00	-37.36	1,000,044.42	712.64
FFCB 1.34 12/29/2017	3133EDE99	10: General Fund	1.235	12/29/2017	0.00	1,004,000.00	0.00	0.00	-175.89	1,003,824.11	2,131.89
FFCB 0.25 12/24/2014	3133ECAV6	20: Debt Services	0.273	12/24/2014	999,773.59	0.00	0.00	57.72	0.00	999,831.31	682.72
FFCB 1.95 9/17/2018	3133ED2C5	30: Water & Sewer	1.617	9/17/2018	0.00	1,014,770.00	0.00	0.00	-549.00	1,014,221.00	2,809.33
FFCB 0.3 1/9/2015-13	3133EA3U0	42: Utility Impact Fee		1/9/2015	1,000,000.00	0.00	1,000,000.00	0.00	0.00	0.00	1,320.00
FFCB 2.125 2/10/2014	31331JDY6	67: 2003 Revenue Bonds		2/10/2014	1,503,073.18	0.00	1,500,000.00	0.00	-3,073.18	0.00	379.94
<b>Sub Total/Average FFCB Bond</b>			<b>0.856</b>		<b>5,502,928.55</b>	<b>2,018,770.00</b>	<b>3,500,000.00</b>	<b>57.72</b>	<b>-3,835.43</b>	<b>4,017,920.84</b>	<b>7,167.63</b>
<b>FHLB BOND</b>											
FHLB 2 2/27/2019-14	3130A0UN8	10: General Fund	2.000	2/27/2019	0.00	1,000,000.00	0.00	0.00	0.00	1,000,000.00	1,888.89
FHLB 1.15 10/30/2014	3133743W8	30: Water & Sewer	0.300	10/30/2014	1,007,031.48	0.00	0.00	0.00	-2,116.50	1,004,914.98	758.50
FHLB 1.75 12/14/2018	313376BR5	30: Water & Sewer	1.736	12/14/2018	1,000,664.41	0.00	0.00	0.00	-33.54	1,000,630.87	4,341.46
<b>Sub Total/Average FHLB Bond</b>			<b>1.340</b>		<b>2,007,695.89</b>	<b>1,000,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>-2,150.04</b>	<b>3,005,545.85</b>	<b>6,988.85</b>
<b>FHLMC BOND</b>											

Description	CUSIP/Ticker	Portfolio Name	Ending YTM @ Cost	Maturity Date	Beginning BV	Buy Principal	Sell Principal	Amortized Discount	Amortized Premium	Ending BV	Investment Income-BV
FHLMC 0.375 4/28/2014	3134G3SB7	10: General Fund	0.467	4/28/2014	999,703.99	0.00	0.00	227.70	0.00	999,931.69	1,165.20
FHLMC 2 9/24/2018-14	3134G4FY9	10: General Fund	2.000	9/24/2018	1,000,000.00	0.00	0.00	0.00	0.00	1,000,000.00	5,000.00
FHLMC 0.35 12/31/2015-14	3134G4QK7	10: General Fund	0.369	12/31/2015	999,625.00	0.00	0.00	46.88	0.00	999,671.88	921.88
FHLMC 1.85 12/27/2018-14	3134G4QV3	20: Debt Services	1.850	12/27/2018	1,000,000.00	0.00	0.00	0.00	0.00	1,000,000.00	4,625.00
FHLMC 0.5 8/28/2015-14	3134G4FP8	30: Water & Sewer	0.500	8/28/2015	1,000,000.00	0.00	0.00	0.00	0.00	1,000,000.00	1,208.34
FHLMC 1 9/29/2017	3137EADL0	30: Water & Sewer	1.163	9/29/2017	0.00	994,150.00	0.00	274.77	0.00	994,424.77	1,997.00
FHLMC 2.25 9/26/2018-14	3134G4GE2	42: Utility Impact Fee		9/26/2018	998,579.17	0.00	1,000,000.00	70.83	0.00	0.00	6,733.33
FHLMC 0.4 1/15/2016-14	3134G4S33	45: Hotel/Motel Occupancy	0.400	1/15/2016	0.00	1,000,000.00	0.00	0.00	0.00	1,000,000.00	688.88
FHLMC 0.35 12/5/2014	3134G3H78	67: 2003 Revenue Bonds	0.330	12/5/2014	1,000,184.80	0.00	0.00	0.00	-49.79	1,000,135.01	825.21
<b>Sub Total/Average FHLMC Bond</b>			<b>0.885</b>		<b>6,998,092.96</b>	<b>1,994,150.00</b>	<b>1,000,000.00</b>	<b>620.18</b>	<b>-49.79</b>	<b>7,994,163.35</b>	<b>23,164.84</b>
<b>FNMA BOND</b>											
FNMA 0.35 8/25/2015	3135G0UW1	10: General Fund	0.416	8/25/2015	508,447.71	0.00	0.00	83.68	0.00	508,531.39	514.21
FNMA 1.3 11/17/2014	3136FPWZ6	30: Water & Sewer	0.462	11/17/2014	1,007,307.73	0.00	0.00	0.00	-2,081.32	1,005,226.41	1,168.68
<b>Sub Total/Average FNMA Bond</b>			<b>0.447</b>		<b>1,515,755.44</b>	<b>0.00</b>	<b>0.00</b>	<b>83.68</b>	<b>-2,081.32</b>	<b>1,513,757.80</b>	<b>1,682.89</b>
<b>Total / Average</b>			<b>0.369</b>		<b>89,364,730.77</b>	<b>34,933,622.37</b>	<b>30,052,819.39</b>	<b>871.54</b>	<b>-8,116.58</b>	<b>94,239,638.71</b>	<b>85,452.46</b>

**City of Pearland**  
**Quarterly Investment Report at Quarterend**  
 Report Format: By Transaction  
 Group By: Security Type  
**Portfolio/Report Group: Report Group: Pearland**  
**As of 3/31/2014**

Description	CUSIP/Ticker	Portfolio Name	Settlement Date	Maturity Date	YTM @ Cost	Face Amount/Shares	Cost Value	Book Value	Market Value	Days To Maturity	Accrued Interest	% of Portfolio
<b>Cash</b>												
Wells Fargo Sweep Cash	WFSWEEP	10: General Fund	5/31/2006	N/A	0.140	16,656,356.85	16,656,356.85	16,656,356.85	16,656,356.85	1		17.68
Wells Fargo Sweep Cash	WFSWEEP	17: Municipal Court Security	5/31/2006	N/A	0.140	124,014.47	124,014.47	124,014.47	124,014.47	1		0.13
Wells Fargo Sweep Cash	WFSWEEP	18: City Wide Donation	5/31/2006	N/A	0.140	69,365.50	69,365.50	69,365.50	69,365.50	1		0.07
Wells Fargo Sweep Cash	WFSWEEP	19: Court Technology	5/31/2006	N/A	0.140	170,948.26	170,948.26	170,948.26	170,948.26	1		0.18
Wells Fargo Sweep Cash	WFSWEEP	20: Debt Services	5/31/2006	N/A	0.140	10,517,075.87	10,517,075.87	10,517,075.87	10,517,075.87	1		11.16
Wells Fargo Sweep Cash	WFSWEEP	23: Court Juvenile Mgmt	9/15/2009	N/A	0.140	59,287.89	59,287.89	59,287.89	59,287.89	1		0.06
Wells Fargo Sweep Cash	WFSWEEP	30: Water & Sewer	5/31/2006	N/A	0.140	8,423,937.90	8,423,937.90	8,423,937.90	8,423,937.90	1		8.94
Wells Fargo Sweep Cash	WFSWEEP	31: Solidwaste	12/1/2006	N/A	0.140	426,583.56	426,583.56	426,583.56	426,583.56	1		0.45
Wells Fargo Sweep Cash	WFSWEEP	35: Street Assessment	5/31/2006	N/A	0.140	428,368.13	428,368.13	428,368.13	428,368.13	1		0.45
Wells Fargo Sweep Cash	WFSWEEP	42: Utility Impact Fee	5/31/2006	N/A	0.140	4,842,683.19	4,842,683.19	4,842,683.19	4,842,683.19	1		5.14
Wells Fargo Sweep Cash	WFSWEEP	44: Shadow Creek Impact	5/31/2006	N/A	0.140	1,941,313.76	1,941,313.76	1,941,313.76	1,941,313.76	1		2.06
Wells Fargo Sweep Cash	WFSWEEP	45: Hotel/Motel Occupancy	5/31/2006	N/A	0.140	779,286.71	779,286.71	779,286.71	779,286.71	1		0.83
Wells Fargo Sweep Cash	WFSWEEP	46: Park Donations	5/31/2006	N/A	0.140	90,986.65	90,986.65	90,986.65	90,986.65	1		0.10

Description	CUSIP/Ticker	Portfolio Name	Settlement Date	Maturity Date	YTM @ Cost	Face Amount/Shares	Cost Value	Book Value	Market Value	Days To Maturity	Accrued Interest	% of Portfolio
Wells Fargo Sweep Cash	WFSWEEP	47: Park & Rec Development	5/31/2006	N/A	0.140	779,501.32	779,501.32	779,501.32	779,501.32	1		0.83
Wells Fargo Sweep Cash	WFSWEEP	49: Tree Trust Fund	5/31/2006	N/A	0.140	69,935.33	69,935.33	69,935.33	69,935.33	1		0.07
Wells Fargo Sweep Cash	WFSWEEP	50: Capital Projects	5/31/2006	N/A	0.140	1,733,536.55	1,733,536.55	1,733,536.55	1,733,536.55	1		1.84
Wells Fargo Sweep Cash	WFSWEEP	55: Sidewalk Fund	5/31/2006	N/A	0.140	225,960.93	225,960.93	225,960.93	225,960.93	1		0.24
Wells Fargo Sweep Cash	WFSWEEP	60: Police State Seizure	5/31/2006	N/A	0.140	211,642.77	211,642.77	211,642.77	211,642.77	1		0.22
Wells Fargo Sweep Cash	WFSWEEP	62: Federal Police Fund	5/31/2006	N/A	0.140	51,518.11	51,518.11	51,518.11	51,518.11	1		0.05
Wells Fargo Sweep Cash	WFSWEEP	64: 1998 Cert of Obligation	5/31/2006	N/A	0.140	455,325.48	455,325.48	455,325.48	455,325.48	1		0.48
Wells Fargo Sweep Cash	WFSWEEP	67: 2003 Revenue Bonds	5/31/2006	N/A	0.140	2,060,166.01	2,060,166.01	2,060,166.01	2,060,166.01	1		2.19
Wells Fargo Sweep Cash	WFSWEEP	68: 2001 Cert of Obligation	5/31/2006	N/A	0.140	-268,469.81	-268,469.81	-268,469.81	-268,469.81	1		-0.28
Wells Fargo Sweep Cash	WFSWEEP	70: 2005 Refunding / Mobility	5/31/2006	N/A	0.140	213,919.36	213,919.36	213,919.36	213,919.36	1		0.23
Wells Fargo Sweep Cash	WFSWEEP	95: Property Liability	10/31/2006	N/A	0.140	261,171.69	261,171.69	261,171.69	261,171.69	1		0.28
Wells Fargo Sweep Cash	WFSWEEP	97: Employee Benefit Trust	9/1/2007	N/A	0.140	87,930.62	87,930.62	87,930.62	87,930.62	1		0.09
Wells Fargo Sweep Cash	WFSWEEP	99: COP Health Claims Fund	9/15/2010	N/A	0.140	-224,241.26	-224,241.26	-224,241.26	-224,241.26	1		-0.24
Wells Fargo Cash	WF9871	99: COP Health Claims Fund	7/21/2010	N/A	0.140	334,761.63	334,761.63	334,761.63	334,761.63	1		0.36
Wells Fargo Sweep Cash	WFSWEEP	Z101: Grant Fund	5/31/2006	N/A	0.140	30,411.45	30,411.45	30,411.45	30,411.45	1		0.03

Description	CUSIP/Ticker	Portfolio Name	Settlement Date	Maturity Date	YTM @ Cost	Face Amount/Shares	Cost Value	Book Value	Market Value	Days To Maturity	Accrued Interest	% of Portfolio
Wells Fargo Sweep Cash	WFSWEEP	Z109: 2011 CDBG Fund	12/1/2011	N/A	0.140	-161.41	-161.41	-161.41	-161.41	1		0.00
Wells Fargo Sweep Cash	WFSWEEP	Z110: 2012 CDBG Fund	11/15/2012	N/A	0.140	20,646.37	20,646.37	20,646.37	20,646.37	1		0.02
Wells Fargo Sweep Cash	WFSWEEP	Z140: U of H Fund	12/1/2009	N/A	0.140	22,150.74	22,150.74	22,150.74	22,150.74	1		0.02
Wells Fargo Sweep Cash	WFSWEEP	Z141: U of H Capital Renewal Fund	9/30/2013	N/A	0.140	239,950.23	239,950.23	239,950.23	239,950.23	1		0.25
Wells Fargo Sweep Cash	WFSWEEP	Z145: Municipal Channel	4/15/2012	N/A	0.140	317,901.99	317,901.99	317,901.99	317,901.99	1		0.34
Wells Fargo Sweep Cash	WFSWEEP	Z200: 2006 Cert of Obligation	6/30/2006	N/A	0.140	1,961,064.64	1,961,064.64	1,961,064.64	1,961,064.64	1		2.08
Wells Fargo Sweep Cash	WFSWEEP	Z201: 2007 Cert of Obligation	8/31/2006	N/A	0.140	56,263.11	56,263.11	56,263.11	56,263.11	1		0.06
Wells Fargo Sweep Cash	WFSWEEP	Z202: 2007A Gen Obligation	12/31/2007	N/A	0.140	1,333,571.53	1,333,571.53	1,333,571.53	1,333,571.53	1		1.42
Wells Fargo Sweep Cash	WFSWEEP	Z203: 2009 Gen Obligation	10/30/2008	N/A	0.140	5,052,251.62	5,052,251.62	5,052,251.62	5,052,251.62	1		5.36
Wells Fargo Sweep Cash	WFSWEEP	Z301: W/S Pay As U Go CIP	12/31/2007	N/A	0.140	2,091,265.30	2,091,265.30	2,091,265.30	2,091,265.30	1		2.22
Wells Fargo Sweep Cash	WFSWEEP	Z302: MUD 4 Capital Programs	2/1/2013	N/A	0.140	670,241.58	670,241.58	670,241.58	670,241.58	1		0.71
<b>Sub Total / Average</b>					<b>0.140</b>	<b>62,318,424.62</b>	<b>62,318,424.62</b>	<b>62,318,424.62</b>	<b>62,318,424.62</b>	<b>1</b>	<b>0.00</b>	<b>66.14</b>

**Certificate Of Deposit**

CDARS 0.5 12/18/2014	1016130741	10: General Fund	12/19/2013	12/18/2014	0.500	500,000.00	500,000.00	500,000.00	500,000.00	262	698.63	0.53
Valley Bank Roanoke 0.3 7/30/2014	CD91935VANO	10: General Fund	1/30/2013	7/30/2014	0.300	248,000.00	248,000.00	248,000.00	248,071.92	121	122.30	0.26

Description	CUSIP/Ticker	Portfolio Name	Settlement Date	Maturity Date	YTM @ Cost	Face Amount/Shares	Cost Value	Book Value	Market Value	Days To Maturity	Accrued Interest	% of Portfolio
First National Bank 1.6 3/19/2018	CD32115CBE7	10: General Fund	9/18/2013	3/19/2018	1.600	248,000.00	248,000.00	248,000.00	248,887.59	1449	130.45	0.26
1st United Bank FL 0.7 5/9/2016	33741TAU5	10: General Fund	11/8/2013	5/9/2016	0.700	248,000.00	248,000.00	248,000.00	248,410.94	770	104.64	0.26
Trust Atlantic Bank 1.45 12/6/2017	89835FJC5	10: General Fund	11/6/2013	12/6/2017	1.450	248,000.00	248,000.00	248,000.00	248,674.56	1346	246.30	0.26
Southwest Bank Ft Worth 0.3 2/27/2015	CD844772AA1	10: General Fund	2/27/2013	2/27/2015	0.300	248,000.00	248,000.00	248,000.00	248,094.49	333	8.15	0.26
Plus International Bank 0.5 7/8/2016	CD72940UFV2	10: General Fund	7/8/2013	7/8/2016	0.500	248,000.00	248,000.00	248,000.00	247,372.56	830	78.14	0.26
CDARS 0.6 6/19/2014	CD1013981872	10: General Fund	6/21/2012	6/19/2014	0.600	500,000.00	500,000.00	500,000.00	500,000.00	80	739.73	0.53
Cardinal Bank 0.5 5/17/2016	CD14147VDM5	10: General Fund	5/17/2013	5/17/2016	0.500	248,000.00	248,000.00	248,000.00	247,880.46	778	47.56	0.26
Moody National Bank 0.5 5/30/2014	CD7130A	10: General Fund	11/30/2013	5/30/2014	0.500	246,807.96	246,807.96	246,807.96	246,807.96	60	409.09	0.26
Discover Bank 0.5 2/20/2015	CD254671KH2	10: General Fund	2/20/2013	2/20/2015	0.500	248,000.00	248,000.00	248,000.00	248,112.10	326	132.49	0.26
Synovus Bank GA 0.5 11/28/2014	87164DBV1	10: General Fund	11/30/2012	11/28/2014	0.500	248,000.00	248,000.00	248,000.00	248,715.73	242	411.07	0.26
Townebank Portsmouth VA 0.4 6/1/2015	89214PAP4	10: General Fund	5/31/2013	6/1/2015	0.400	248,000.00	248,000.00	248,000.00	247,816.73	427	328.85	0.26
Mizuho Bank 0.25 5/8/2014	CD60688TLM9	10: General Fund	5/8/2013	5/8/2014	0.250	248,000.00	248,000.00	248,000.00	248,018.10	38	555.45	0.26
ConnectOne Bank 1.55 7/30/2018	20786AAM7	20: Debt Services	1/30/2014	7/30/2018	1.550	248,000.00	248,000.00	248,000.00	247,285.02	1582	0.00	0.26
Key Bank Ohio 0.35 8/27/2014	CD49306SRE8	20: Debt Services	2/27/2013	8/27/2014	0.350	248,000.00	248,000.00	248,000.00	248,140.86	149	76.10	0.26

Description	CUSIP/Ticker	Portfolio Name	Settlement Date	Maturity Date	YTM @ Cost	Face Amount/Shares	Cost Value	Book Value	Market Value	Days To Maturity	Accrued Interest	% of Portfolio
Webster Bank NA 1.9 2/12/2019	94768NJM7	20: Debt Services	2/12/2014	2/12/2019	1.900	248,000.00	248,000.00	248,000.00	246,379.07	1779	606.75	0.26
Mechanics Savings Bank 0.35 3/20/2015	CD583686BC3	20: Debt Services	3/20/2013	3/20/2015	0.350	248,000.00	248,000.00	248,000.00	247,954.86	354	26.16	0.26
Goldman Sachs Bank 0.6 2/20/2015	CD38147JAA0	30: Water & Sewer	2/20/2013	2/20/2015	0.600	248,000.00	248,000.00	248,000.00	247,981.40	326	158.99	0.26
SAFRA NATIONAL BANK 0.6 5/5/2014	CD786580J50	30: Water & Sewer	8/1/2012	5/5/2014	0.600	248,000.00	248,000.00	248,000.00	248,110.86	35	603.35	0.26
Bay Cities Bank 0.5 12/12/2014	CD07203QBR2	30: Water & Sewer	12/12/2012	12/12/2014	0.500	248,000.00	248,000.00	248,000.00	248,733.09	256	64.55	0.26
CDARS 0.5 6/19/2014	CD1013981856B	30: Water & Sewer	6/20/2013	6/19/2014	0.500	500,000.00	500,000.00	500,000.00	500,000.00	80	1,945.21	0.53
Fox Chase Bank 0.65 6/27/2016	CD35137QAN4	30: Water & Sewer	6/27/2013	6/27/2016	0.650	248,000.00	248,000.00	248,000.00	247,474.74	819	17.67	0.26
First Farmers Bank 0.5 5/3/2016	CD320165FZ1	30: Water & Sewer	5/3/2013	5/3/2016	0.500	245,000.00	245,000.00	245,000.00	245,023.03	764	93.97	0.26
Fidelity Homestead Savings Bank New Orleans 0.6 11	31617CAD5	31: Solidwaste	3/28/2014	11/28/2016	0.600	248,000.00	248,000.00	248,000.00	246,986.42	973	12.23	0.26
United Bankers Bank 0.75 5/6/2016	909557CV0	35: Street Assessment	11/6/2013	5/6/2016	0.750	248,000.00	248,000.00	248,000.00	248,484.34	767	127.40	0.26
Hardin County Bank 0.25 12/30/2014	411822BG3	42: Utility Impact Fee	12/30/2013	12/30/2014	0.250	248,000.00	248,000.00	248,000.00	247,706.86	274	50.96	0.26
Private Bank & Trust 0.35 5/11/2015	CD74267GTC1	42: Utility Impact Fee	5/10/2013	5/11/2015	0.350	248,000.00	248,000.00	248,000.00	247,857.15	406	332.93	0.26
Sterling Savings Bank 0.35	CD8595316A8	42: Utility Impact Fee	2/22/2013	2/23/2015	0.350	248,000.00	248,000.00	248,000.00	248,104.66	329	87.99	0.26

Description	CUSIP/Ticker	Portfolio Name	Settlement Date	Maturity Date	YTM @ Cost	Face Amount/Shares	Cost Value	Book Value	Market Value	Days To Maturity	Accrued Interest	% of Portfolio
2/23/2015												
College Savings Bank 0.55 6/20/2016	CD19443PAP4	42: Utility Impact Fee	6/19/2013	6/20/2016	0.550	248,000.00	248,000.00	248,000.00	247,537.23	812	377.44	0.26
The Independent Bank 1.1 9/16/2016	CD88632YAG1	42: Utility Impact Fee	9/18/2013	9/16/2016	1.100	248,000.00	248,000.00	248,000.00	248,501.70	900	112.11	0.26
JP Morgan Chase Bank Columbus Ohio 0.85 3/31/2017-	48125TJW6	42: Utility Impact Fee	3/31/2014	3/31/2017	0.850	248,000.00	248,000.00	248,000.00	247,248.81	1096	0.00	0.26
Far East National Bank Los Angeles 1 3/31/2017	307327EK8	42: Utility Impact Fee	3/31/2014	3/31/2017	1.000	248,000.00	248,000.00	248,000.00	246,686.84	1096	0.00	0.26
BMW Bank of NA 0.85 6/8/2015	CD05568P2Q9	42: Utility Impact Fee	12/7/2012	6/8/2015	0.850	248,000.00	248,000.00	248,000.00	248,968.69	434	658.39	0.26
Marlin Business Bank 0.55 6/14/2016	CD57116AGF9	44: Shadow Creek Impact	6/14/2013	6/14/2016	0.550	248,000.00	248,000.00	248,000.00	247,590.30	806	63.53	0.26
Bank of Buffalo KY 0.35 6/22/2015	060788AF3	44: Shadow Creek Impact	12/20/2013	6/22/2015	0.350	248,000.00	248,000.00	248,000.00	247,502.26	448	240.19	0.26
First Commercial Bank Miss 0.4 6/26/2015	31984GCW7	45: Hotel/Motel Occupancy	12/27/2013	6/26/2015	0.400	248,000.00	248,000.00	248,000.00	247,490.36	452	13.59	0.26
Colonial Virginia Bank 0.55 6/24/2016	CD196121AM9	45: Hotel/Motel Occupancy	6/25/2013	6/24/2016	0.550	248,000.00	248,000.00	248,000.00	247,500.78	816	26.16	0.26
First State Bank - Un Cty Tenn 0.45 12/23/2015	336472EJ0	47: Park & Rec Development	12/23/2013	12/23/2015	0.450	248,000.00	248,000.00	248,000.00	247,974.21	632	24.46	0.26
San Diego Private Bank California 0.8 3/31/2017	79744YAB6	50: Capital Projects	3/31/2014	3/31/2017	0.800	248,000.00	248,000.00	248,000.00	246,682.13	1096	0.00	0.26

Description	CUSIP/Ticker	Portfolio Name	Settlement Date	Maturity Date	YTM @ Cost	Face Amount/Shares	Cost Value	Book Value	Market Value	Days To Maturity	Accrued Interest	% of Portfolio
US AmeriBank Largo FL 0.55 12/23/2015	917312CC2	64: 1998 Cert of Obligation	12/23/2013	12/23/2015	0.550	248,000.00	248,000.00	248,000.00	248,016.62	632	29.90	0.26
Asheville Savings Bank 0.35 3/27/2015	CD04407RAJ0	67: 2003 Revenue Bonds	2/28/2013	3/27/2015	0.350	248,000.00	248,000.00	248,000.00	247,938.50	361	7.13	0.26
Medallion Bank UT 0.4 11/3/2015	CD58403BB62	67: 2003 Revenue Bonds	5/3/2013	11/3/2015	0.400	248,000.00	248,000.00	248,000.00	248,161.45	582	402.24	0.26
CIT Bank 1.5 9/5/2017	CD17284CMN1	67: 2003 Revenue Bonds	9/4/2013	9/5/2017	1.500	248,000.00	248,000.00	248,000.00	248,248.74	1254	275.18	0.26
First National Bank ORD NEB 0.8 11/18/2016	32116RAC8	67: 2003 Revenue Bonds	11/18/2013	11/18/2016	0.800	248,000.00	248,000.00	248,000.00	248,086.80	963	722.94	0.26
First State Bank - WV 0.35 12/3/2014	CD33648FHR9	70: 2005 Refunding / Mobility	12/3/2012	12/3/2014	0.350	248,000.00	248,000.00	248,000.00	247,714.30	247	66.59	0.26
Celtic Bank 0.6 6/28/2016	CD15118RJD0	Z202: 2007A Gen Obligation	6/28/2013	6/28/2016	0.600	248,000.00	248,000.00	248,000.00	247,520.62	820	12.23	0.26
Kansas State Bank 0.8 10/31/2016	485382DV4	Z203: 2009 Gen Obligation	10/30/2013	10/31/2016	0.800	248,000.00	248,000.00	248,000.00	248,254.94	945	0.00	0.26
Cathay Bank 0.75 3/21/2016	CD149159JE6	Z203: 2009 Gen Obligation	9/20/2013	3/21/2016	0.750	248,000.00	248,000.00	248,000.00	248,800.54	721	56.05	0.26
Merchant & Manufacturing Bank 0.35 8/7/2015	588339DD0	Z203: 2009 Gen Obligation	2/7/2014	8/7/2015	0.350	248,000.00	248,000.00	248,000.00	247,433.57	494	57.07	0.26
Flushing Bank New York 0.95 3/31/2017	34387AAH2	Z203: 2009 Gen Obligation	3/31/2014	3/31/2017	0.950	248,000.00	248,000.00	248,000.00	246,611.94	1096	0.00	0.26
Provident Bank 0.35 8/21/2015	743837BF2	Z203: 2009 Gen Obligation	2/21/2014	8/21/2015	0.350	248,000.00	248,000.00	248,000.00	247,391.66	508	90.37	0.26
DeWitt Bank and Trust 0.5	CD241888BT2	Z301: W/S Pay As U Go	6/24/2013	6/20/2016	0.500	248,000.00	248,000.00	248,000.00	247,591.30	812	37.37	0.26

Description	CUSIP/Ticker	Portfolio Name	Settlement Date	Maturity Date	YTM @ Cost	Face Amount/Shares	Cost Value	Book Value	Market Value	Days To Maturity	Accrued Interest	% of Portfolio
6/20/2016		CIP										
Farm Bureau Bank 0.5 12/23/2015	307660HH6	Z302: MUD 4 Capital Programs	12/23/2013	12/23/2015	0.500	248,000.00	248,000.00	248,000.00	248,016.62	632	27.18	0.26
Pacific City Bank 0.35 6/26/2015	69406PBJ7	Z302: MUD 4 Capital Programs	12/26/2013	6/26/2015	0.350	248,000.00	248,000.00	248,000.00	247,460.60	452	11.89	0.26
<b>Sub Total / Average</b>					<b>0.630</b>	<b>14,391,807.96</b>	<b>14,391,807.96</b>	<b>14,391,807.96</b>	<b>14,384,017.01</b>	<b>611</b>	<b>11,529.12</b>	<b>15.27</b>
<b>FAMC Bond</b>												
FAMC 1.72 10/3/2018	31315P5A3	30: Water & Sewer	12/16/2013	10/3/2018	1.766	1,000,000.00	997,890.00	998,018.29	996,528.00	1647	8,504.44	1.06
<b>Sub Total / Average</b>					<b>1.766</b>	<b>1,000,000.00</b>	<b>997,890.00</b>	<b>998,018.29</b>	<b>996,528.00</b>	<b>1647</b>	<b>8,504.44</b>	<b>1.06</b>
<b>FFCB Bond</b>												
FFCB 1.34 12/29/2017	3133EDE99	10: General Fund	1/29/2014	12/29/2017	1.235	1,000,000.00	1,004,000.00	1,003,824.11	999,628.00	1369	2,307.78	1.06
FFCB 0.3 7/18/2014	3133EAYL6	10: General Fund	8/1/2012	7/18/2014	0.285	1,000,000.00	1,000,293.48	1,000,044.42	1,000,511.00	109	608.33	1.06
FFCB 0.25 12/24/2014	3133ECAV6	20: Debt Services	1/28/2013	12/24/2014	0.273	1,000,000.00	999,560.00	999,831.31	1,000,869.00	268	673.61	1.06
FFCB 1.95 9/17/2018	3133ED2C5	30: Water & Sewer	1/29/2014	9/17/2018	1.617	1,000,000.00	1,014,770.00	1,014,221.00	1,011,572.00	1631	758.33	1.06
<b>Sub Total / Average</b>					<b>0.853</b>	<b>4,000,000.00</b>	<b>4,018,623.48</b>	<b>4,017,920.84</b>	<b>4,012,580.00</b>	<b>844</b>	<b>4,348.05</b>	<b>4.25</b>
<b>FHLB Bond</b>												
FHLB 2 2/27/2019-14	3130A0UN8	10: General Fund	2/27/2014	2/27/2019	2.000	1,000,000.00	1,000,000.00	1,000,000.00	1,000,282.00	1794	1,888.89	1.06
FHLB 1.15 10/30/2014	3133743W8	30: Water & Sewer	11/29/2012	10/30/2014	0.300	1,000,000.00	1,016,250.00	1,004,914.98	1,005,997.00	213	4,791.67	1.06
FHLB 1.75 12/14/2018	313376BR5	30: Water & Sewer	12/16/2013	12/14/2018	1.736	1,000,000.00	1,000,670.00	1,000,630.87	997,543.00	1719	5,201.39	1.06
<b>Sub Total / Average</b>					<b>1.345</b>	<b>3,000,000.00</b>	<b>3,016,920.00</b>	<b>3,005,545.85</b>	<b>3,003,822.00</b>	<b>1242</b>	<b>11,881.95</b>	<b>3.18</b>

Description	CUSIP/Ticker	Portfolio Name	Settlement Date	Maturity Date	YTM @ Cost	Face Amount/Shares	Cost Value	Book Value	Market Value	Days To Maturity	Accrued Interest	% of Portfolio
<b>FHLMC Bond</b>												
FHLMC 2 9/24/2018-14	3134G4FY9	10: General Fund	9/24/2013	9/24/2018	2.000	1,000,000.00	1,000,000.00	1,000,000.00	1,005,441.00	1638	388.89	1.06
FHLMC 0.375 4/28/2014	3134G3SB7	10: General Fund	3/27/2012	4/28/2014	0.467	1,000,000.00	998,100.00	999,931.69	1,000,216.00	28	1,593.75	1.06
FHLMC 0.35 12/31/2015-14	3134G4QK7	10: General Fund	12/31/2013	12/31/2015	0.369	1,000,000.00	999,625.00	999,671.88	999,108.00	640	875.00	1.06
FHLMC 1.85 12/27/2018-14	3134G4QV3	20: Debt Services	12/27/2013	12/27/2018	1.850	1,000,000.00	1,000,000.00	1,000,000.00	1,003,028.00	1732	4,830.56	1.06
FHLMC 0.5 8/28/2015-14	3134G4FP8	30: Water & Sewer	8/28/2013	8/28/2015	0.500	1,000,000.00	1,000,000.00	1,000,000.00	1,000,783.00	515	416.67	1.06
FHLMC 1 9/29/2017	3137EADL0	30: Water & Sewer	1/29/2014	9/29/2017	1.163	1,000,000.00	994,150.00	994,424.77	991,953.00	1278	55.56	1.06
FHLMC 0.4 1/15/2016-14	3134G4S33	45: Hotel/Motel Occupancy	1/29/2014	1/15/2016	0.400	1,000,000.00	1,000,000.00	1,000,000.00	999,761.00	655	844.44	1.06
FHLMC 0.35 12/5/2014	3134G3H78	67: 2003 Revenue Bonds	9/27/2012	12/5/2014	0.330	1,000,000.00	1,000,436.00	1,000,135.01	1,000,372.00	249	1,127.78	1.06
<b>Sub Total / Average</b>					<b>0.885</b>	<b>8,000,000.00</b>	<b>7,992,311.00</b>	<b>7,994,163.35</b>	<b>8,000,662.00</b>	<b>842</b>	<b>10,132.65</b>	<b>8.49</b>
<b>FNMA Bond</b>												
FNMA 0.35 8/25/2015	3135G0UW1	10: General Fund	7/25/2013	8/25/2015	0.416	509,000.00	508,302.67	508,531.39	509,906.53	512	148.46	0.54
FNMA 1.3 11/17/2014	3136FPWZ6	30: Water & Sewer	6/20/2012	11/17/2014	0.462	1,000,000.00	1,020,050.00	1,005,226.41	1,007,442.00	231	4,838.89	1.06
<b>Sub Total / Average</b>					<b>0.446</b>	<b>1,509,000.00</b>	<b>1,528,352.67</b>	<b>1,513,757.80</b>	<b>1,517,348.53</b>	<b>326</b>	<b>4,987.35</b>	<b>1.60</b>
<b>Total / Average</b>					<b>0.369</b>	<b>94,219,232.58</b>	<b>94,264,329.73</b>	<b>94,239,638.71</b>	<b>94,233,382.16</b>	<b>264</b>	<b>51,383.56</b>	<b>100</b>

**City of Pearland**  
**City of Pearland - by Fund**  
 Report Format: By Transaction  
 Group By: Portfolio Name  
**Portfolio/Report Group: Report Group: Pearland**  
**As of 3/31/2014**

Description	CUSIP/Ticker	Security Type	Settlement Date	Face Amount/Shares	Book Value	Market Value	YTM @ Cost	Maturity Date	Days To Maturity	% of Portfolio
<b>10: General Fund</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	16,656,356.85	16,656,356.85	16,656,356.85	0.140	N/A	1	17.67
CDARS 0.5 12/18/2014	1016130741	Certificate Of Deposit	12/19/2013	500,000.00	500,000.00	500,000.00	0.500	12/18/2014	262	0.53
Valley Bank Roanoke 0.3 7/30/2014	CD91935VANO	Certificate Of Deposit	1/30/2013	248,000.00	248,000.00	248,071.92	0.300	7/30/2014	121	0.26
First National Bank 1.6 3/19/2018	CD32115CBE7	Certificate Of Deposit	9/18/2013	248,000.00	248,000.00	248,887.59	1.600	3/19/2018	1449	0.26
1st United Bank FL 0.7 5/9/2016	33741TAU5	Certificate Of Deposit	11/8/2013	248,000.00	248,000.00	248,410.94	0.700	5/9/2016	770	0.26
Trust Atlantic Bank 1.45 12/6/2017	89835FJC5	Certificate Of Deposit	11/6/2013	248,000.00	248,000.00	248,674.56	1.450	12/6/2017	1346	0.26
Southwest Bank Ft Worth 0.3 2/27/2015	CD844772AA1	Certificate Of Deposit	2/27/2013	248,000.00	248,000.00	248,094.49	0.300	2/27/2015	333	0.26
Plus International Bank 0.5 7/8/2016	CD72940UFV2	Certificate Of Deposit	7/8/2013	248,000.00	248,000.00	247,372.56	0.500	7/8/2016	830	0.26
CDARS 0.6 6/19/2014	CD1013981872	Certificate Of Deposit	6/21/2012	500,000.00	500,000.00	500,000.00	0.600	6/19/2014	80	0.53
Cardinal Bank 0.5 5/17/2016	CD14147VDM5	Certificate Of Deposit	5/17/2013	248,000.00	248,000.00	247,880.46	0.500	5/17/2016	778	0.26
Moody National Bank 0.5 5/30/2014	CD7130A	Certificate Of Deposit	11/30/2013	246,807.96	246,807.96	246,807.96	0.500	5/30/2014	60	0.26
Discover Bank 0.5 2/20/2015	CD254671KH2	Certificate Of Deposit	2/20/2013	248,000.00	248,000.00	248,112.10	0.500	2/20/2015	326	0.26
Synovus Bank GA 0.5 11/28/2014	87164DBV1	Certificate Of Deposit	11/30/2012	248,000.00	248,000.00	248,715.73	0.500	11/28/2014	242	0.26

Description	CUSIP/Ticker	Security Type	Settlement Date	Face Amount/Shares	Book Value	Market Value	YTM @ Cost	Maturity Date	Days To Maturity	% of Portfolio
Townebank Portsmouth VA 0.4 6/1/2015	89214PAP4	Certificate Of Deposit	5/31/2013	248,000.00	248,000.00	247,816.73	0.400	6/1/2015	427	0.26
Mizuho Bank 0.25 5/8/2014	CD60688TLM9	Certificate Of Deposit	5/8/2013	248,000.00	248,000.00	248,018.10	0.250	5/8/2014	38	0.26
FFCB 1.34 12/29/2017	3133EDE99	FFCB Bond	1/29/2014	1,000,000.00	1,003,824.11	999,628.00	1.235	12/29/2017	1369	1.07
FFCB 0.3 7/18/2014	3133EAYL6	FFCB Bond	8/1/2012	1,000,000.00	1,000,044.42	1,000,511.00	0.285	7/18/2014	109	1.06
FHLB 2 2/27/2019-14	3130A0UN8	FHLB Bond	2/27/2014	1,000,000.00	1,000,000.00	1,000,282.00	2.000	2/27/2019	1794	1.06
FHLMC 2 9/24/2018-14	3134G4FY9	FHLMC Bond	9/24/2013	1,000,000.00	1,000,000.00	1,005,441.00	2.000	9/24/2018	1638	1.06
FHLMC 0.375 4/28/2014	3134G3SB7	FHLMC Bond	3/27/2012	1,000,000.00	999,931.69	1,000,216.00	0.467	4/28/2014	28	1.06
FHLMC 0.35 12/31/2015-14	3134G4QK7	FHLMC Bond	12/31/2013	1,000,000.00	999,671.88	999,108.00	0.369	12/31/2015	640	1.06
FNMA 0.35 8/25/2015	3135G0UW1	FNMA Bond	7/25/2013	509,000.00	508,531.39	509,906.53	0.416	8/25/2015	512	0.54
<b>Sub Total / Average</b>				<b>27,140,164.81</b>	<b>27,143,168.30</b>	<b>27,148,312.52</b>	<b>0.417</b>		<b>284</b>	<b>28.80</b>

#### 17: Municipal Court Security

Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	124,014.47	124,014.47	124,014.47	0.140	N/A	1	0.13
<b>Sub Total / Average</b>				<b>124,014.47</b>	<b>124,014.47</b>	<b>124,014.47</b>	<b>0.140</b>		<b>1</b>	<b>0.13</b>

#### 18: City Wide Donation

Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	69,365.50	69,365.50	69,365.50	0.140	N/A	1	0.07
<b>Sub Total / Average</b>				<b>69,365.50</b>	<b>69,365.50</b>	<b>69,365.50</b>	<b>0.140</b>		<b>1</b>	<b>0.07</b>

#### 19: Court Technology

Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	170,948.26	170,948.26	170,948.26	0.140	N/A	1	0.18
<b>Sub Total / Average</b>				<b>170,948.26</b>	<b>170,948.26</b>	<b>170,948.26</b>	<b>0.140</b>		<b>1</b>	<b>0.18</b>

#### 20: Debt Services

Description	CUSIP/Ticker	Security Type	Settlement Date	Face Amount/Shares	Book Value	Market Value	YTM @ Cost	Maturity Date	Days To Maturity	% of Portfolio
Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	10,517,075.87	10,517,075.87	10,517,075.87	0.140	N/A	1	11.16
ConnectOne Bank 1.55 7/30/2018	20786AAM7	Certificate Of Deposit	1/30/2014	248,000.00	248,000.00	247,285.02	1.550	7/30/2018	1582	0.26
Key Bank Ohio 0.35 8/27/2014	CD49306SRE8	Certificate Of Deposit	2/27/2013	248,000.00	248,000.00	248,140.86	0.350	8/27/2014	149	0.26
Webster Bank NA 1.9 2/12/2019	94768NJM7	Certificate Of Deposit	2/12/2014	248,000.00	248,000.00	246,379.07	1.900	2/12/2019	1779	0.26
Mechanics Savings Bank 0.35 3/20/2015	CD583686BC3	Certificate Of Deposit	3/20/2013	248,000.00	248,000.00	247,954.86	0.350	3/20/2015	354	0.26
FFCB 0.25 12/24/2014	3133ECAV6	FFCB Bond	1/28/2013	1,000,000.00	999,831.31	1,000,869.00	0.273	12/24/2014	268	1.06
FHLMC 1.85 12/27/2018-14	3134G4QV3	FHLMC Bond	12/27/2013	1,000,000.00	1,000,000.00	1,003,028.00	1.850	12/27/2018	1732	1.06
<b>Sub Total / Average</b>				<b>13,509,075.87</b>	<b>13,508,907.18</b>	<b>13,510,732.68</b>	<b>0.342</b>		<b>220</b>	<b>14.33</b>

### 23: Court Juvenile Mgmt

Wells Fargo Sweep Cash	WFSWEEP	Cash	9/15/2009	59,287.89	59,287.89	59,287.89	0.140	N/A	1	0.06
<b>Sub Total / Average</b>				<b>59,287.89</b>	<b>59,287.89</b>	<b>59,287.89</b>	<b>0.140</b>		<b>1</b>	<b>0.06</b>

### 30: Water & Sewer

Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	8,423,937.90	8,423,937.90	8,423,937.90	0.140	N/A	1	8.94
Goldman Sachs Bank 0.6 2/20/2015	CD38147JAA0	Certificate Of Deposit	2/20/2013	248,000.00	248,000.00	247,981.40	0.600	2/20/2015	326	0.26
SAFRA NATIONAL BANK 0.6 5/5/2014	CD786580J50	Certificate Of Deposit	8/1/2012	248,000.00	248,000.00	248,110.86	0.600	5/5/2014	35	0.26
Bay Cities Bank 0.5 12/12/2014	CD07203QBR2	Certificate Of Deposit	12/12/2012	248,000.00	248,000.00	248,733.09	0.500	12/12/2014	256	0.26
CDARS 0.5 6/19/2014	CD1013981856B	Certificate Of Deposit	6/20/2013	500,000.00	500,000.00	500,000.00	0.500	6/19/2014	80	0.53
Fox Chase Bank 0.65 6/27/2016	CD35137QAN4	Certificate Of Deposit	6/27/2013	248,000.00	248,000.00	247,474.74	0.650	6/27/2016	819	0.26

Description	CUSIP/Ticker	Security Type	Settlement Date	Face Amount/Shares	Book Value	Market Value	YTM @ Cost	Maturity Date	Days To Maturity	% of Portfolio
First Farmers Bank 0.5 5/3/2016	CD320165FZ1	Certificate Of Deposit	5/3/2013	245,000.00	245,000.00	245,023.03	0.500	5/3/2016	764	0.26
FAMC 1.72 10/3/2018	31315P5A3	FAMC Bond	12/16/2013	1,000,000.00	998,018.29	996,528.00	1.766	10/3/2018	1647	1.06
FFCB 1.95 9/17/2018	3133ED2C5	FFCB Bond	1/29/2014	1,000,000.00	1,014,221.00	1,011,572.00	1.617	9/17/2018	1631	1.08
FHLB 1.15 10/30/2014	3133743W8	FHLB Bond	11/29/2012	1,000,000.00	1,004,914.98	1,005,997.00	0.300	10/30/2014	213	1.07
FHLB 1.75 12/14/2018	313376BR5	FHLB Bond	12/16/2013	1,000,000.00	1,000,630.87	997,543.00	1.736	12/14/2018	1719	1.06
FHLMC 0.5 8/28/2015-14	3134G4FP8	FHLMC Bond	8/28/2013	1,000,000.00	1,000,000.00	1,000,783.00	0.500	8/28/2015	515	1.06
FHLMC 1 9/29/2017	3137EADL0	FHLMC Bond	1/29/2014	1,000,000.00	994,424.77	991,953.00	1.163	9/29/2017	1278	1.06
FNMA 1.3 11/17/2014	3136FPWZ6	FNMA Bond	6/20/2012	1,000,000.00	1,005,226.41	1,007,442.00	0.462	11/17/2014	231	1.07
<b>Sub Total / Average</b>				<b>17,160,937.90</b>	<b>17,178,374.22</b>	<b>17,173,079.02</b>	<b>0.565</b>		<b>456</b>	<b>18.23</b>

### 31: Solidwaste

Wells Fargo Sweep Cash	WFSWEEP	Cash	12/1/2006	426,583.56	426,583.56	426,583.56	0.140	N/A	1	0.45
Fidelity Homestead Savings Bank New Orleans 0.6 11	31617CAD5	Certificate Of Deposit	3/28/2014	248,000.00	248,000.00	246,986.42	0.600	11/28/2016	973	0.26
<b>Sub Total / Average</b>				<b>674,583.56</b>	<b>674,583.56</b>	<b>673,569.98</b>	<b>0.309</b>		<b>358</b>	<b>0.72</b>

### 35: Street Assessment

Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	428,368.13	428,368.13	428,368.13	0.140	N/A	1	0.45
United Bankers Bank 0.75 5/6/2016	909557CV0	Certificate Of Deposit	11/6/2013	248,000.00	248,000.00	248,484.34	0.750	5/6/2016	767	0.26
<b>Sub Total / Average</b>				<b>676,368.13</b>	<b>676,368.13</b>	<b>676,852.47</b>	<b>0.364</b>		<b>282</b>	<b>0.72</b>

### 42: Utility Impact Fee

Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	4,842,683.19	4,842,683.19	4,842,683.19	0.140	N/A	1	5.14
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Description	CUSIP/Ticker	Security Type	Settlement Date	Face Amount/Shares	Book Value	Market Value	YTM @ Cost	Maturity Date	Days To Maturity	% of Portfolio
Hardin County Bank 0.25 12/30/2014	411822BG3	Certificate Of Deposit	12/30/2013	248,000.00	248,000.00	247,706.86	0.250	12/30/2014	274	0.26
Private Bank & Trust 0.35 5/11/2015	CD74267GTC1	Certificate Of Deposit	5/10/2013	248,000.00	248,000.00	247,857.15	0.350	5/11/2015	406	0.26
Sterling Savings Bank 0.35 2/23/2015	CD8595316A8	Certificate Of Deposit	2/22/2013	248,000.00	248,000.00	248,104.66	0.350	2/23/2015	329	0.26
College Savings Bank 0.55 6/20/2016	CD19443PAP4	Certificate Of Deposit	6/19/2013	248,000.00	248,000.00	247,537.23	0.550	6/20/2016	812	0.26
The Independent Bank 1.1 9/16/2016	CD88632YAG1	Certificate Of Deposit	9/18/2013	248,000.00	248,000.00	248,501.70	1.100	9/16/2016	900	0.26
JP Morgan Chase Bank Columbus Ohio 0.85 3/31/2017-	48125TJW6	Certificate Of Deposit	3/31/2014	248,000.00	248,000.00	247,248.81	0.850	3/31/2017	1096	0.26
Far East National Bank Los Angeles 1 3/31/2017	307327EK8	Certificate Of Deposit	3/31/2014	248,000.00	248,000.00	246,686.84	1.000	3/31/2017	1096	0.26
BMW Bank of NA 0.85 6/8/2015	CD05568P2Q9	Certificate Of Deposit	12/7/2012	248,000.00	248,000.00	248,968.69	0.850	6/8/2015	434	0.26
<b>Sub Total / Average</b>				<b>6,826,683.19</b>	<b>6,826,683.19</b>	<b>6,825,295.13</b>	<b>0.292</b>		<b>195</b>	<b>7.24</b>

#### 44: Shadow Creek Impact

Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	1,941,313.76	1,941,313.76	1,941,313.76	0.140	N/A	1	2.06
Marlin Business Bank 0.55 6/14/2016	CD57116AGF9	Certificate Of Deposit	6/14/2013	248,000.00	248,000.00	247,590.30	0.550	6/14/2016	806	0.26
Bank of Buffalo KY 0.35 6/22/2015	060788AF3	Certificate Of Deposit	12/20/2013	248,000.00	248,000.00	247,502.26	0.350	6/22/2015	448	0.26
<b>Sub Total / Average</b>				<b>2,437,313.76</b>	<b>2,437,313.76</b>	<b>2,436,406.32</b>	<b>0.203</b>		<b>128</b>	<b>2.59</b>

#### 45: Hotel/Motel Occupancy

Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	779,286.71	779,286.71	779,286.71	0.140	N/A	1	0.83
First Commercial Bank Miss 0.4 6/26/2015	31984GCW7	Certificate Of Deposit	12/27/2013	248,000.00	248,000.00	247,490.36	0.400	6/26/2015	452	0.26

Description	CUSIP/Ticker	Security Type	Settlement Date	Face Amount/Shares	Book Value	Market Value	YTM @ Cost	Maturity Date	Days To Maturity	% of Portfolio
Colonial Virginia Bank 0.55 6/24/2016	CD196121AM9	Certificate Of Deposit	6/25/2013	248,000.00	248,000.00	247,500.78	0.550	6/24/2016	816	0.26
FHLMC 0.4 1/15/2016-14	3134G4S33	FHLMC Bond	1/29/2014	1,000,000.00	1,000,000.00	999,761.00	0.400	1/15/2016	655	1.06
<b>Sub Total / Average</b>				<b>2,275,286.71</b>	<b>2,275,286.71</b>	<b>2,274,038.85</b>	<b>0.327</b>		<b>426</b>	<b>2.41</b>

#### 46: Park Donations

Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	90,986.65	90,986.65	90,986.65	0.140	N/A	1	0.10
<b>Sub Total / Average</b>				<b>90,986.65</b>	<b>90,986.65</b>	<b>90,986.65</b>	<b>0.140</b>		<b>1</b>	<b>0.10</b>

#### 47: Park & Rec Development

Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	779,501.32	779,501.32	779,501.32	0.140	N/A	1	0.83
First State Bank - Un Cty Tenn 0.45 12/23/2015	336472EJ0	Certificate Of Deposit	12/23/2013	248,000.00	248,000.00	247,974.21	0.450	12/23/2015	632	0.26
<b>Sub Total / Average</b>				<b>1,027,501.32</b>	<b>1,027,501.32</b>	<b>1,027,475.53</b>	<b>0.215</b>		<b>153</b>	<b>1.09</b>

#### 49: Tree Trust Fund

Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	69,935.33	69,935.33	69,935.33	0.140	N/A	1	0.07
<b>Sub Total / Average</b>				<b>69,935.33</b>	<b>69,935.33</b>	<b>69,935.33</b>	<b>0.140</b>		<b>1</b>	<b>0.07</b>

#### 50: Capital Projects

Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	1,733,536.55	1,733,536.55	1,733,536.55	0.140	N/A	1	1.84
San Diego Private Bank California 0.8 3/31/2017	79744YAB6	Certificate Of Deposit	3/31/2014	248,000.00	248,000.00	246,682.13	0.800	3/31/2017	1096	0.26
<b>Sub Total / Average</b>				<b>1,981,536.55</b>	<b>1,981,536.55</b>	<b>1,980,218.68</b>	<b>0.223</b>		<b>138</b>	<b>2.10</b>

#### 55: Sidewalk Fund

Description	CUSIP/Ticker	Security Type	Settlement Date	Face Amount/Shares	Book Value	Market Value	YTM @ Cost	Maturity Date	Days To Maturity	% of Portfolio
Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	225,960.93	225,960.93	225,960.93	0.140	N/A	1	0.24
<b>Sub Total / Average</b>				<b>225,960.93</b>	<b>225,960.93</b>	<b>225,960.93</b>	<b>0.140</b>		<b>1</b>	<b>0.24</b>
<b>60: Police State Seizure</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	211,642.77	211,642.77	211,642.77	0.140	N/A	1	0.22
<b>Sub Total / Average</b>				<b>211,642.77</b>	<b>211,642.77</b>	<b>211,642.77</b>	<b>0.140</b>		<b>1</b>	<b>0.22</b>
<b>62: Federal Police Fund</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	51,518.11	51,518.11	51,518.11	0.140	N/A	1	0.05
<b>Sub Total / Average</b>				<b>51,518.11</b>	<b>51,518.11</b>	<b>51,518.11</b>	<b>0.140</b>		<b>1</b>	<b>0.05</b>
<b>64: 1998 Cert of Obligation</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	455,325.48	455,325.48	455,325.48	0.140	N/A	1	0.48
US AmeriBank Largo FL 0.55 12/23/2015	917312CC2	Certificate Of Deposit	12/23/2013	248,000.00	248,000.00	248,016.62	0.550	12/23/2015	632	0.26
<b>Sub Total / Average</b>				<b>703,325.48</b>	<b>703,325.48</b>	<b>703,342.10</b>	<b>0.285</b>		<b>223</b>	<b>0.75</b>
<b>67: 2003 Revenue Bonds</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	2,060,166.01	2,060,166.01	2,060,166.01	0.140	N/A	1	2.19
Asheville Savings Bank 0.35 3/27/2015	CD04407RAJ0	Certificate Of Deposit	2/28/2013	248,000.00	248,000.00	247,938.50	0.350	3/27/2015	361	0.26
Medallion Bank UT 0.4 11/3/2015	CD58403BB62	Certificate Of Deposit	5/3/2013	248,000.00	248,000.00	248,161.45	0.400	11/3/2015	582	0.26
CIT Bank 1.5 9/5/2017	CD17284CMN1	Certificate Of Deposit	9/4/2013	248,000.00	248,000.00	248,248.74	1.500	9/5/2017	1254	0.26
First National Bank ORD NEB 0.8 11/18/2016	32116RAC8	Certificate Of Deposit	11/18/2013	248,000.00	248,000.00	248,086.80	0.800	11/18/2016	963	0.26
FHLMC 0.35 12/5/2014	3134G3H78	FHLMC Bond	9/27/2012	1,000,000.00	1,000,135.01	1,000,372.00	0.330	12/5/2014	249	1.06

Description	CUSIP/Ticker	Security Type	Settlement Date	Face Amount/Shares	Book Value	Market Value	YTM @ Cost	Maturity Date	Days To Maturity	% of Portfolio
<b>Sub Total / Average</b>				<b>4,052,166.01</b>	<b>4,052,301.02</b>	<b>4,052,973.50</b>	<b>0.339</b>		<b>255</b>	<b>4.30</b>
<b>68: 2001 Cert of Obligation</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	-268,469.81	-268,469.81	-268,469.81	0.140	N/A	1	-0.28
<b>Sub Total / Average</b>				<b>-268,469.81</b>	<b>-268,469.81</b>	<b>-268,469.81</b>	<b>0.140</b>		<b>1</b>	<b>-0.28</b>
<b>70: 2005 Refunding / Mobility</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	213,919.36	213,919.36	213,919.36	0.140	N/A	1	0.23
First State Bank - WV 0.35 12/3/2014	CD33648FHR9	Certificate Of Deposit	12/3/2012	248,000.00	248,000.00	247,714.30	0.350	12/3/2014	247	0.26
<b>Sub Total / Average</b>				<b>461,919.36</b>	<b>461,919.36</b>	<b>461,633.66</b>	<b>0.253</b>		<b>133</b>	<b>0.49</b>
<b>95: Property Liability</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	10/31/2006	261,171.69	261,171.69	261,171.69	0.140	N/A	1	0.28
<b>Sub Total / Average</b>				<b>261,171.69</b>	<b>261,171.69</b>	<b>261,171.69</b>	<b>0.140</b>		<b>1</b>	<b>0.28</b>
<b>97: Employee Benefit Trust</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	9/1/2007	87,930.62	87,930.62	87,930.62	0.140	N/A	1	0.09
<b>Sub Total / Average</b>				<b>87,930.62</b>	<b>87,930.62</b>	<b>87,930.62</b>	<b>0.140</b>		<b>1</b>	<b>0.09</b>
<b>99: COP Health Claims Fund</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	9/15/2010	-224,241.26	-224,241.26	-224,241.26	0.140	N/A	1	-0.24
Wells Fargo Cash	WF9871	Cash	7/21/2010	334,761.63	334,761.63	334,761.63	0.140	N/A	1	0.36
<b>Sub Total / Average</b>				<b>110,520.37</b>	<b>110,520.37</b>	<b>110,520.37</b>	<b>0.140</b>		<b>1</b>	<b>0.12</b>
<b>Z101: Grant Fund</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	5/31/2006	30,411.45	30,411.45	30,411.45	0.140	N/A	1	0.03

Description	CUSIP/Ticker	Security Type	Settlement Date	Face Amount/Shares	Book Value	Market Value	YTM @ Cost	Maturity Date	Days To Maturity	% of Portfolio
<b>Sub Total / Average</b>				<b>30,411.45</b>	<b>30,411.45</b>	<b>30,411.45</b>	<b>0.140</b>		<b>1</b>	<b>0.03</b>
<b>Z109: 2011 CDBG Fund</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	12/1/2011	-161.41	-161.41	-161.41	0.140	N/A	1	0.00
<b>Sub Total / Average</b>				<b>-161.41</b>	<b>-161.41</b>	<b>-161.41</b>	<b>0.140</b>		<b>1</b>	<b>0.00</b>
<b>Z110: 2012 CDBG Fund</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	11/15/2012	20,646.37	20,646.37	20,646.37	0.140	N/A	1	0.02
<b>Sub Total / Average</b>				<b>20,646.37</b>	<b>20,646.37</b>	<b>20,646.37</b>	<b>0.140</b>		<b>1</b>	<b>0.02</b>
<b>Z140: U of H Fund</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	12/1/2009	22,150.74	22,150.74	22,150.74	0.140	N/A	1	0.02
<b>Sub Total / Average</b>				<b>22,150.74</b>	<b>22,150.74</b>	<b>22,150.74</b>	<b>0.140</b>		<b>1</b>	<b>0.02</b>
<b>Z141: U of H Capital Renewal Fund</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	9/30/2013	239,950.23	239,950.23	239,950.23	0.140	N/A	1	0.25
<b>Sub Total / Average</b>				<b>239,950.23</b>	<b>239,950.23</b>	<b>239,950.23</b>	<b>0.140</b>		<b>1</b>	<b>0.25</b>
<b>Z145: Municipal Channel</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	4/15/2012	317,901.99	317,901.99	317,901.99	0.140	N/A	1	0.34
<b>Sub Total / Average</b>				<b>317,901.99</b>	<b>317,901.99</b>	<b>317,901.99</b>	<b>0.140</b>		<b>1</b>	<b>0.34</b>
<b>Z200: 2006 Cert of Obligation</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	6/30/2006	1,961,064.64	1,961,064.64	1,961,064.64	0.140	N/A	1	2.08
<b>Sub Total / Average</b>				<b>1,961,064.64</b>	<b>1,961,064.64</b>	<b>1,961,064.64</b>	<b>0.140</b>		<b>1</b>	<b>2.08</b>
<b>Z201: 2007 Cert of Obligation</b>										

Description	CUSIP/Ticker	Security Type	Settlement Date	Face Amount/Shares	Book Value	Market Value	YTM @ Cost	Maturity Date	Days To Maturity	% of Portfolio
Wells Fargo Sweep Cash	WFSWEEP	Cash	8/31/2006	56,263.11	56,263.11	56,263.11	0.140	N/A	1	0.06
<b>Sub Total / Average</b>				<b>56,263.11</b>	<b>56,263.11</b>	<b>56,263.11</b>	<b>0.140</b>		<b>1</b>	<b>0.06</b>
<b>Z202: 2007A Gen Obligation</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	12/31/2007	1,333,571.53	1,333,571.53	1,333,571.53	0.140	N/A	1	1.42
Celtic Bank 0.6 6/28/2016	CD15118RJD0	Certificate Of Deposit	6/28/2013	248,000.00	248,000.00	247,520.62	0.600	6/28/2016	820	0.26
<b>Sub Total / Average</b>				<b>1,581,571.53</b>	<b>1,581,571.53</b>	<b>1,581,092.15</b>	<b>0.212</b>		<b>129</b>	<b>1.68</b>
<b>Z203: 2009 Gen Obligation</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	10/30/2008	5,052,251.62	5,052,251.62	5,052,251.62	0.140	N/A	1	5.36
Kansas State Bank 0.8 10/31/2016	485382DV4	Certificate Of Deposit	10/30/2013	248,000.00	248,000.00	248,254.94	0.800	10/31/2016	945	0.26
Cathay Bank 0.75 3/21/2016	CD149159JE6	Certificate Of Deposit	9/20/2013	248,000.00	248,000.00	248,800.54	0.750	3/21/2016	721	0.26
Merchant & Manufacturing Bank 0.35 8/7/2015	588339DD0	Certificate Of Deposit	2/7/2014	248,000.00	248,000.00	247,433.57	0.350	8/7/2015	494	0.26
Flushing Bank New York 0.95 3/31/2017	34387AAH2	Certificate Of Deposit	3/31/2014	248,000.00	248,000.00	246,611.94	0.950	3/31/2017	1096	0.26
Provident Bank 0.35 8/21/2015	743837BF2	Certificate Of Deposit	2/21/2014	248,000.00	248,000.00	247,391.66	0.350	8/21/2015	508	0.26
<b>Sub Total / Average</b>				<b>6,292,251.62</b>	<b>6,292,251.62</b>	<b>6,290,744.27</b>	<b>0.239</b>		<b>149</b>	<b>6.68</b>
<b>Z301: W/S Pay As U Go CIP</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	12/31/2007	2,091,265.30	2,091,265.30	2,091,265.30	0.140	N/A	1	2.22
DeWitt Bank and Trust 0.5 6/20/2016	CD241888BT2	Certificate Of Deposit	6/24/2013	248,000.00	248,000.00	247,591.30	0.500	6/20/2016	812	0.26
<b>Sub Total / Average</b>				<b>2,339,265.30</b>	<b>2,339,265.30</b>	<b>2,338,856.60</b>	<b>0.178</b>		<b>87</b>	<b>2.48</b>

Description	CUSIP/Ticker	Security Type	Settlement Date	Face Amount/Shares	Book Value	Market Value	YTM @ Cost	Maturity Date	Days To Maturity	% of Portfolio
<b>Z302: MUD 4 Capital Programs</b>										
Wells Fargo Sweep Cash	WFSWEEP	Cash	2/1/2013	670,241.58	670,241.58	670,241.58	0.140	N/A	1	0.71
Farm Bureau Bank 0.5 12/23/2015	307660HH6	Certificate Of Deposit	12/23/2013	248,000.00	248,000.00	248,016.62	0.500	12/23/2015	632	0.26
Pacific City Bank 0.35 6/26/2015	69406PBJ7	Certificate Of Deposit	12/26/2013	248,000.00	248,000.00	247,460.60	0.350	6/26/2015	452	0.26
<b>Sub Total / Average</b>				<b>1,166,241.58</b>	<b>1,166,241.58</b>	<b>1,165,718.80</b>	<b>0.261</b>		<b>231</b>	<b>1.24</b>
<b>Total / Average</b>				<b>94,219,232.58</b>	<b>94,239,638.71</b>	<b>94,233,382.16</b>	<b>0.369</b>		<b>264</b>	<b>100</b>

**City of Pearland  
Purchases  
Portfolio/Report Group: Report Group: Pearland  
From 1/1/2014 To 3/31/2014**

Portfolio Name	Description	Bullet/Callable	CUSIP/Ticker	Action	Settlement Date	Maturity Date	Price	Face Amount/Shares	YTM @ Cost	Principal	Interest/Dividends	Broker/Dealer
10: General Fund	FFCB 1.34 12/29/2017		3133EDE99	Buy	1/29/2014	12/29/2017	100.4	1,000,000.00	1.235	1,004,000.00	0.00	Duncan Williams
30: Water & Sewer	FHLMC 1 9/29/2017		3137EADL0	Buy	1/29/2014	9/29/2017	99.415	1,000,000.00	1.163	994,150.00	3,333.33	First Southwest
45: Hotel/Motel Occupancy	FHLMC 0.4 1/15/2016-14	Yes	3134G4S33	Buy	1/29/2014	1/15/2016	100	1,000,000.00	0.400	1,000,000.00	155.56	Wells Fargo Bank
30: Water & Sewer	FFCB 1.95 9/17/2018		3133ED2C5	Buy	1/29/2014	9/17/2018	101.477	1,000,000.00	1.617	1,014,770.00	7,150.00	First Southwest
20: Debt Services	ConnectOne Bank 1.55 7/30/2018		20786AAM7	Buy	1/30/2014	7/30/2018	100	248,000.00	1.550	248,000.00	0.00	Wells Fargo Bank
Z203: 2009 Gen Obligation	Merchant & Manufacturing Bank 0.35 8/7/2015		588339DD0	Buy	2/7/2014	8/7/2015	100	248,000.00	0.350	248,000.00	0.00	First Southwest
20: Debt Services	Webster Bank NA 1.9 2/12/2019		94768NJM7	Buy	2/12/2014	2/12/2019	100	248,000.00	1.900	248,000.00	0.00	Wells Fargo Bank
Z203: 2009 Gen Obligation	Provident Bank 0.35 8/21/2015		743837BF2	Buy	2/21/2014	8/21/2015	100	248,000.00	0.350	248,000.00	0.00	First Southwest
10: General Fund	FHLB 2 2/27/2019-14	Yes	3130A0UN8	Buy	2/27/2014	2/27/2019	100	1,000,000.00	2.000	1,000,000.00	0.00	Duncan Williams
31: Solidwaste	Fidelity Homestead Savings Bank New Orleans 0.6 11		31617CAD5	Buy	3/28/2014	11/28/2016	100	248,000.00	0.600	248,000.00	0.00	Wells Fargo Bank
42: Utility Impact Fee	JP Morgan Chase Bank Columbus	Yes	48125TJW6	Buy	3/31/2014	3/31/2017	100	248,000.00	0.850	248,000.00	0.00	Wells Fargo Bank

Portfolio Name	Description	Bullet/Callable	CUSIP/Ticker	Action	Settlement Date	Maturity Date	Price	Face Amount/Shares	YTM @ Cost	Principal	Interest/Dividends	Broker/Dealer
	Ohio 0.85 3/31/2017-											
50: Capital Projects	San Diego Private Bank California 0.8 3/31/2017		79744YAB6	Buy	3/31/2014	3/31/2017	100	248,000.00	0.800	248,000.00	0.00	Wells Fargo Bank
Z203: 2009 Gen Obligation	Flushing Bank New York 0.95 3/31/2017		34387AAH2	Buy	3/31/2014	3/31/2017	100	248,000.00	0.950	248,000.00	0.00	Wells Fargo Bank
42: Utility Impact Fee	Far East National Bank Los Angeles 1 3/31/2017		307327EK8	Buy	3/31/2014	3/31/2017	100	248,000.00	1.000	248,000.00	0.00	Wells Fargo Bank

**Pledged Collateral Reconciliation Report  
March 31, 2014**

<b>Bank</b>	<b>Account Number</b>	<b>Account Name</b>	<b>Amount</b>
Wells Fargo	201-0419505	Operating	\$ -
Wells Fargo	201-0419513	Payroll Fund	-
Wells Fargo	001-3042841	Sweep Account	70,422,880.57
Wells Fargo	179-0121790	EMS Payments	-
Wells Fargo	807-1613395	Credit Card Account	-
Wells Fargo	818-4567843	Alvin ISD	6,734,189.32
Wells Fargo	280-7409871	Health Claims	<u>334,761.63</u>
Total of Bank Balances			\$ 77,491,831.52
Pledged Collateral for City			128,750,610.25
FDIC Insurance			<u>250,000.00</u>
Total Collateral			\$ 129,000,610.25

**Over (Under) Collateralized \$ 51,508,778.73**

**Total % Collateralized 166.5%**

<b>Bank</b>	<b>Account Number</b>	<b>Account Name</b>	<b>Amount</b>
Wells Fargo	100-7284258	Development Authority	<u>923,402.54</u>
Total of Bank Balances			\$ 923,402.54
Pledged Collateral for DAP			1,075,367.97
FDIC Insurance			<u>250,000.00</u>
Total Collateral			\$ 1,325,367.97

**Over (Under) Collateralized \$ 401,965.43**

**Total % Collateralized 143.5%**

<b>Bank</b>	<b>Account Number</b>	<b>Amount</b>
Regions	6180003939	\$ 4,300.24
	6180003948	<u>327.04</u>
Total of Bank Balances		\$ 4,627.28
Regions Trust Collateral		\$ -
FDIC Insurance		<u>250,000.00</u>

**Over (Under) Collateralized \$ 245,372.72**

**Total % Collateralized 5402.7%**

**Total \$ Over (Under) Collateralized \$ 51,910,744.16**

**Total % Collateralized 166.5%**

**Status Collateralized**

# New Business Item No. 1

1. **Consideration and Possible Action – First Reading of Ordinance No. 1012-2** – An ordinance of the City Council of the City of Pearland, Texas, establishing a curfew for persons under the age of 17 years, providing defenses to prosecution for violations hereunder, providing a penalty for violation; providing for timely review and analysis of said ordinance to determine its effectiveness; containing a savings clause, a severability clause and a repealer clause; providing an effective date and for codification, and containing other provisions relating to the subject.  
*Mr. Darrin Coker, City Attorney.*

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

<b>AGENDA OF:</b> 5-12-14	<b>ITEM NO.</b> Ordinance No. 1012-2
<b>DATE SUBMITTED:</b> 5-05-14	<b>DEPARTMENT OF ORIGIN:</b> Legal
<b>PREPARED BY:</b> Darrin Coker	<b>PRESENTOR:</b> Darrin Coker
<b>REVIEWED BY:</b> NA	<b>REVIEW DATE:</b> NA
<b>SUBJECT:</b> Curfew Ordinance	
<b>EXHIBITS:</b> Ordinance No. 1012-2	
<b>EXPENDITURE REQUIRED:</b> <b>AMOUNT AVAILABLE:</b> <b>ACCOUNT NO.:</b>	<b>AMOUNT BUDGETED:</b> <b>PROJECT NO.:</b>
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>	
<b>To be completed by Department:</b> <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

State law requires the City to review its curfew ordinance every three years to determine its continued need and effectiveness. The Council recently conducted a public hearing on re-adoption of the ordinance where the PD provided testimony regarding the effectiveness of the ordinance as a law enforcement tool. It is staff's recommendation that the Council re-adopt the ordinance.

**ORDINANCE NO. 1012-2**

**An Ordinance of the City Council of the City of Pearland, Texas, maintaining a curfew for persons under the age of 17 years, providing defenses to prosecution for violations hereunder, providing a penalty for violation; providing for timely review and analysis of said ordinance to determine its effectiveness; containing a savings clause, a severability clause and a repealer clause; providing an effective date and for codification, and containing other provisions relating to the subject.**

**WHEREAS**, the City Council has determined that there has been an increase in juvenile violence, juvenile gang activity, and crime committed by persons under the age of 17 years in the City of Pearland; and

**WHEREAS**, the City Council has discovered the migration of gang activity to the City of Pearland from surrounding cities and communities where curfew ordinances have been implemented and enforced; and

**WHEREAS**, due to their lack of maturity and experience, persons under the age of 17 years are particularly susceptible to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

**WHEREAS**, the City of Pearland has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over the responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile violence and criminal activity; and

**WHEREAS**, a curfew applicable to persons under the age of 17 will be in the interest of public health, safety, and general welfare, and will diminish the undesirable impact of such conduct on the citizens of the City of Pearland; now, therefore,

**ORDINANCE NO. 1012-2**

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

I.

The facts and matters set forth in the preamble of this ordinance are hereby found to be true and correct.

II.

**PURPOSE.**

It is the express purpose of this ordinance to: (1) deter criminal conduct involving juveniles; (2) curtail migration of gang activity from surrounding cities and communities; (3) reduce the number of juvenile crime victims; (4) reduce injury from accidents involving juveniles; (5) provide additional and more effective means for dealing with gang-related violence and crime; and (6) reduce juvenile peer pressure to participate in violent or criminal activities.

III.

**DEFINITIONS.**

For the purpose of this ordinance, the following words or terms shall have the meanings ascribed to them in this section unless the context of their usage clearly indicates another meaning:

A. City shall mean the City of Pearland, Texas.

B. Curfew Hours shall mean:

1. 11:00 p. m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a. m. of the following day;
2. 12:01 a. m. until 6:00 a. m. on any Saturday or Sunday; and

**ORDINANCE NO. 1012-2**

3. 9:00 a. m. until 2:30 p. m. on any Monday, Tuesday, Wednesday, Thursday, or Friday; provided, however, the hours defined in this paragraph (3) shall not be considered as Curfew Hours for minors subject to compulsory school attendance pursuant to 21.032, Texas Education Code, nor shall the hours defined in this paragraph (3) be considered as Curfew Hours on days or during periods in which the school, where the applicable minor is enrolled, is closed or classes in which the applicable minor is enrolled have been canceled under the order and direction of officials authorized to issue such orders and directives, nor shall the hours defined in this paragraph (3) be considered as Curfew Hours on days or during periods in which applicable minor is not required by law to be in attendance at school.
- C. Emergency shall mean any unforeseen combination of circumstances or the resulting state that calls for immediate action. This term shall include, but is not limited to, a fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- D. Establishment shall mean any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment within the City.
- E. Guardian shall mean a person who, under court order, is the guardian of the person of a minor; or public or private agency with whom a minor has been placed by a court.
- F. Minor shall mean any person under 17 years of age.
- G. Operator shall mean any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- H. Parent shall mean a person who is a natural parent, adoptive parent, or step-parent of a minor, a responsible adult, or a person at least 18 years of age who is authorized by the parent or guardian of a minor to have the care and custody of such minor.
- I. Police Department shall mean the Pearland Police Department or any successor police department of the City of Pearland.
- J. Public Place shall mean any place to which the public or a substantial group of the

**ORDINANCE NO. 1012-2**

public has access and shall include, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, restaurants, theaters, game rooms, shops, shopping centers, or any other place that offers for sale, services or merchandise.

- K. Remain shall mean to linger or stay, or fail to leave premises, when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- L. Serious Bodily Injury shall mean bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

IV.

**OFFENSES.**

- A. It shall be unlawful for any minor to knowingly remain, walk, run, stand, or operate or ride about in any motor vehicle or bicycle, in or upon any public place or on the premises of any establishment within the City during Curfew Hours.
- B. It shall be unlawful for the parent or guardian of a minor to knowingly permit, or, by insufficient control, allow a minor to remain in or upon any public place or on the premises of any establishment within the City during Curfew Hours.
- C. It shall be unlawful for the owner, operator, or any employee of an establishment within the City to knowingly allow a minor to remain upon the premises of the establishment during Curfew Hours.

V.

**DEFENSES.**

- A. It shall be a defense to prosecution under Section IV. of this ordinance that the minor was:

**ORDINANCE NO. 1012-2**

1. accompanied by the minor's parent or guardian;
  2. accompanied by an adult designated by the parent or guardian to supervise the minor;
  3. on an errand at the direction of the minor's parent or guardian, without any detour or stop;
  4. in a motor vehicle involved in interstate travel;
  5. engaged in lawful employment activity, or going directly to the employment activity or returning directly to the minor's residence from the employment activity, without any detour or stop;
  6. involved in an emergency;
  7. on an errand made necessary by an illness, injury, or emergency;
  8. on the sidewalk abutting the minor's permanent residence, or abutting the residence of a next door neighbor of the minor's permanent residence if the neighbor did not complain to the Police Department about the minor's presence thereon.
  9. attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Pearland, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Pearland, a civic organization, or another similar entity that takes responsibility for the minor;
  10. engaged, participating in, or traveling to or from any event, function, or activity for which the application of Section IV of this ordinance would contravene the minor's rights protected by the United States Constitution including but not limited to, First Amendment rights, such as the free exercise of religion, freedom of speech, or the right of assembly; or
  11. married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.
- B. It is a defense to prosecution under Section IV (C) that the owner, operator, or

**ORDINANCE NO. 1012-2**

employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during Curfew Hours and the minor refused to leave.

- C. It is a defense to prosecution under Section IV. of this ordinance that the minor has been directed by his or her parent or guardian to engage in a specific activity or to carry out expressed instructions, during the time that the minor is actually engaged in fulfilling those directions or responsibilities.

VI.

**ENFORCEMENT.**

Before taking any enforcement action under this ordinance, a police officer shall ask the apparent offender's age and reason for being in the public place or establishment. The officer shall not issue a citation or make an arrest under this ordinance unless the officer reasonably believes that an offense has occurred and that based on any response and other circumstances, Section V is present.

VII.

**PENALTIES.**

- A. A person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.
- B. When required by Section 51.08 of the Texas Family Code, as amended, the Municipal Court shall waive original jurisdiction over a minor who violates Section IV

**ORDINANCE NO. 1012-2**

(A) of this ordinance and shall refer the minor to juvenile court.

VIII.

The provisions of this ordinance are supplemental and shall be cumulative with all other laws and ordinances applicable in any manner to juveniles.

IX.

All ordinances and parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

X.

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.

XI.

Within six months after the initial enforcement of this ordinance, the City Manager shall review this ordinance and report and make recommendations to the City Council concerning the effectiveness of and the continuing need for the ordinance. The City Manager's report shall specifically include the following information:

- A. the practicality of enforcing the ordinance and any problems with enforcement identified by the Police Department;
- B. the impact of the ordinance on crime statistics;
- C. the number of persons successfully prosecuted for a violation of the ordinance; and

**ORDINANCE NO. 1012-2**

D. the City's net cost of enforcing the ordinance.

XII.

It is the intent of the City Council of the City of Pearland, Texas, that this ordinance shall be codified in the City's official Code of Ordinances, and the sections of this ordinance may be renumbered to accomplish such intention.

XIII.

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

PASSED and APPROVED ON FIRST READING this the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 2014.

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

ATTEST:

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

**ORDINANCE NO. 1012-2**

PASSED and APPROVED ON SECOND AND FINAL READING this the \_\_\_\_\_ day  
of \_\_\_\_\_, A. D., 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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

# New Business Item No. 2

2. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-112** – 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 all of lots 1 through 40, inclusive in Block 15, all of lots 24 through 29, inclusive in Block 16 and all of lots 20 through 25, inclusive in Block 14 in the Original Town site of Pearland as recorded in Volume 29, Page 41 in Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 29, Page 41 in the Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 1479, Page 559 in Brazoria County Deed Records, all in the H.T. & B.R.R. Co. Survey, Abstract No. 232 in Brazoria County, Texas, Called Magnolia Court at Old Town Pearland, located (east and west of N. Washington Avenue; east and west of N. Texas Avenue; between W. Jasmine Street to the north and Broadway Street to the south), Zone Change 2014-3Z, a request of Alan Mueller, applicant; on behalf of David Miller, Gromax Building, LTD, First Christian Academy, Harvest of Praise Exalted (HOPE), and Barnett's, LTD, owners; for approval of a change in zoning to amend the Magnolia Court at Old Town Pearland Planned Unit Development (PUD), providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject. *Ms. Lata Krishnarao, Director of Community Development.*

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

<b>AGENDA OF:</b> May 12, 2014	<b>ITEM NO.:</b> Ordinance No. 2000M-112				
<b>DATE SUBMITTED:</b> April 29, 2014	<b>DEPT. OF ORIGIN:</b> Planning				
<b>PREPARED BY:</b> Johnna Matthews	<b>PRESENTOR:</b> Lata Krishnarao				
<b>REVIEWED BY:</b> Mike Hodge	<b>REVIEW DATE:</b> May 7, 2014				
<p><b>SUBJECT:</b> A request of Alan Mueller, applicant; on behalf of David Miller; Gromax Building, LTD; First Christian Academy; Harvest of Praise Exalted (HOPE); Barnett's, LTD., owners; for approval of a change in zoning to amend the Magnolia Court at Old Town Pearland Planned Unit Development (PUD) including approximately 4.048 acres of land, on the following described property, to wit:</p> <p style="text-align: center;"><b>General Location:</b> East and west of N. Washington Avenue; east and west of N. Texas Avenue; between W. Jasmine Street to the north and Broadway Street to the south</p>					
<p><b>ATTACHMENTS:</b> Ordinance No. 2000M-112 and Exhibits (Exhibit A – Application; Exhibit B - Vicinity and Zoning Map; Exhibit C - Legal Ad; Exhibit D - Planning and Zoning Commission Recommendation); Joint Public Hearing Staff Report, Future Land Use Map, Abutter Map, Returned Notices, Abutter List, Aerial Map, Original PUD, Planning and Zoning Commission Recommendation Letter</p>					
<p><b>EXPENDITURE REQUIRED:</b> N/A  <b>AMOUNT AVAILABLE:</b> N/A  <b>ACCOUNT NO.:</b> N/A</p>	<p><b>AMOUNT BUDGETED:</b> N/A  <b>PROJECT NO.:</b> N/A</p>				
<p><b>ADDITIONAL APPROPRIATION REQUIRED:</b> N/A  <b>ACCOUNT NO.:</b> N/A  <b>PROJECT NO.:</b> N/A</p>					
<p><b>To be completed by Department:</b></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		

### **STAFF RECOMMENDATION**

The applicant proposes minor deviations as it relates to allowable uses within the OT-GB list of permitted uses, as listed above. The mix of uses allowed within the OT-GB zoning district was recommended by the Comprehensive Plan to further the goals of the future land use designation; *Village District* and the Old Townsite. The Comprehensive Plan recommended a walkable, mixed use development. As a result of the adoption of the UDC, three (3) Old Townsite zoning districts were created (OT-GB, OT-R and OT-MU) for the area. Staff recommends approval of the change in zoning to amend the PUD for Magnolia Court at Old Town Pearland to allow for uses that are permitted within the Old Town-General Business (OT-GB) zoning district, without restrictions on allowable uses for the following reasons:

- It is not anticipated that the proposed change in zoning will have any significant negative impacts on surrounding properties or developments. With the adoption of the UDC in 2006, the OT-GB zoning district was created to support Old Town as a walkable village with a mix of uses. The proposed amendment helps to further the goals of the Old Townsite.
- The future land use designation of the Comprehensive Plan (*Village District*) supports the proposed zoning district land uses and embraces the self-contained, tightly gridded village concept, identified by a mix of residential, business and civic uses and shared parking, as allowed within the OT-GB zoning district and recommended by the Comprehensive Plan. The proposed amendment helps to further the goals, as identified in the Comprehensive Plan for the *Village District*.

### **EXECUTIVE SUMMARY**

Alan Mueller, applicant; on behalf of multiple owners, is requesting approval of an amendment to the Magnolia Court at Old Town Pearland Planned Unit Development (PUD). The original PUD was approved on May 12, 2003 and includes approximately 4.048 acres. The purpose of the original PUD was to allow for multiple owners within the district for greater flexibility in selling individual tracts. The PUD identified ten (10) tracts, which allowed for various uses, which were primarily existing uses at the time of the establishment of the PUD.

The applicant proposes to amend all tracts within the PUD, with the exception of Tracts 5, 8 and 9 which were designated for parking and will continue to be used for parking. According to the applicant, the purpose of the amendment is to convert the allowable uses within the PUD to be consistent with allowable uses within the Old Town-General Business (OT-GB) zoning district, with minor deviations. For example, the OT-GB zoning district allows for Institutional uses such as a Church, by right. The applicant proposes to prohibit Churches on Tracts 1, 2, 4, and 7. The Unified Development Code (UDC) defines *Community or Social Buildings* as “a building or complex of buildings that house cultural, recreational, athletic, food service or entertainment facilities owned or operated by a government agency or private nonprofit agency.” The aforementioned use is not permitted within the proposed OT-GB zoning district. As a part of the

amendment, the applicant proposes to allow for *Community or Social Buildings* on Tracts 3 and 6. Additionally, the applicant proposes that any new signage shall comply with Chapter 4, Division 5 of the Unified Development Code.

The below table illustrates the allowable uses for each tract approved for the original PUD, the applicant’s proposed changes, as well as a red line indicating staff’s recommendation, specifically for Tracts 1, 2, 4 and 7:

<b>Tract</b>	<b>Existing PUD Allowable Uses</b>	<b>Proposed Amendment Allowable Uses and Staff’s <b>Redline</b> Recommendation</b>
<b>1</b>	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, <del>except no “Churches, Temples, or Places of Worship”</del>
<b>2</b>	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, <del>except no “Churches, Temples, or Places of Worship”</del>
<b>3</b>	Church	All uses allowed within the OT-GB zoning district, plus “Community or Social Buildings”

4	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, <del>except no “Churches, Temples, or Places of Worship”</del>
5	Parking	Parking
6	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, plus “Community or Social Buildings”, and Parking
7	Residence; <u>plus</u> Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	Single Family Residence, plus all uses allowed within the OT-GB zoning district, <del>except no “Churches, Temples, or Places of Worship”</del>
8	Parking	Parking
9	Parking	Parking

<p><b>10</b></p>	<p>Retail, Restaurant; <u>plus</u> Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses</p>	<p>All uses allowed within the OT-GB zoning district, plus Parking</p>
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**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 amendment to the Magnolia Court at Old Town Pearland PUD. It is important to note that if 20% of the land area within 200 feet of the site are opposed to the request, represented by returned notices from property owners, then a supermajority vote is required by the City Council. Staff received one (1) notice in opposition to the request. The returned notice does not represent 20% of the land area within 200 feet of the site.

**PLANNING AND ZONING COMMISSION DISCUSSION:** At the regular meeting of the Planning and Zoning Commission on April 21, 2014, Planning and Zoning Commission Commissioner Linda Cowles made a motion to approve the change in zoning, to amend the Magnolia Court at Old Town Pearland to allow for uses within the OT-GB zoning district, subject to staff’s recommendation of no restrictions for Tracts 1, 2 ,4 and 7; the addition of “Community or Social Buildings” for Tracts 3 and 6; all uses within the OT-GB zoning district and Parking for Tract 10; and any new signage shall comply to Chapter 4, Division 5 of the Unified Development Code (UDC) . The motion was seconded by Commissioner Elizabeth McLane. The motion passed with a 7/0 vote.

## **Ordinance No. 2000M-112**

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 all of lots 1 through 40, inclusive in Block 15, all of lots 24 through 29, inclusive in Block 16 and all of lots 20 through 25, inclusive in Block 14 in the Original Town site of Pearland as recorded in Volume 29, Page 41 in Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 29, Page 41 in the Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 1479, Page 559 in Brazoria County Deed Records, all in the H.T. & B.R.R. Co. Survey, Abstract No. 232 in Brazoria County, Texas, Called Magnolia Court at Old Town Pearland, located **(east and west of N. Washington Avenue; east and west of N. Texas Avenue; between W. Jasmine Street to the north and Broadway Street to the south)**, Zone Change 2014-3Z, a request of Alan Mueller, applicant; on behalf of David Miller, Gromax Building, LTD, First Christian Academy, Harvest of Praise Exalted (HOPE), and Barnett's, LTD, owners; for approval of a change in zoning to amend the Magnolia Court at Old Town Pearland Planned Unit Development (PUD), providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

**WHEREAS**, Alan Mueller, applicant; on behalf of David Miller; Gromax Building, LTD; First Christian Academy; Harvest of Praise Exalted (HOPE); Barnett's, LTD., owners; 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 the Magnolia Court at Old Town Pearland PUD to an amended Magnolia Court at Old Town Pearland PUD to allow uses to be consistent with allowable uses within the Old Townsite General Business (OT-GB) zoning district, with minor deviations; conformance with the sign regulations of Chapter 4, Division 5 of the Unified Development Code (UDC); 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 and zoning map attached hereto and made a part hereof for all purposes as Exhibit "B"; and

**WHEREAS**, on the 21st day of April, 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 21st day of April, 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 Alan Mueller, applicant; on behalf of David Miller, Gromax Building, LTD, First Christian Academy, Harvest of Praise Exalted (HOPE), and Barnett's, LTD, owners; for approval of a change in zoning to amend the Magnolia Court at Old Town Pearland Planned Unit Development (PUD), 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 12<sup>th</sup> day of May 2014 and the 26<sup>th</sup> day of May 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 Alan Mueller, applicant for David Miller, Gromax Building, LTD, First Christian Academy, Harvest of Praise Exalted (HOPE), and Barnett's, LTD, 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 Planned Unit Development (PUD) to an amended PUD, 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:** All of lots 1 through 40, inclusive in Block 15, all of lots 24 through 29, inclusive in Block 16 and all of lots 20 through 25, inclusive in Block 14 in the Original Town site of Pearland as recorded in Volume 29, Page 41 in Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 29, Page 41 in the Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 1479, Page 559 in Brazoria County Deed Records, all in the H.T. & B.R.R. Co. Survey, Abstract No. 232 in Brazoria County, Texas. Called Magnolia Court at Old Town Pearland.

**GENERAL LOCATION:** East and west of N. Washington Avenue; east and west of N. Texas Avenue; between W. Jasmine Street to the north and Broadway Street to the south, 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 12<sup>th</sup> day of May, 2014.

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TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 26<sup>th</sup>  
day of May, 2014.

---

TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

---

DARRIN M. COKER  
CITY ATTORNEY

# Exhibit A Application



## APPLICATION FOR A CHANGE IN ZONING

ZONE CHANGE APPLICATION Updated October 2012  
City of Pearland  
Community Development  
3523 Liberty Drive  
(Community Center)  
Pearland, Texas 77581  
281-652-1758  
281-652-1702 fax  
www.cityofpearland.com

Current Zoning District: PUD (Magnolia Court + Old Town Pearland)  
Proposed Zoning District: PUD - Amended

**Property Information:**

Address or General Location of Property: 2336 N. Texas  
Tax Account No. 7025-0201-120  
Subdivision: Pearland Lot: 30 32 Block: 15

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

**PROPERTY OWNER INFORMATION:**

NAME David J Miller  
ADDRESS 512 W. Donovan St  
CITY Houston STATE TX ZIP 77091  
PHONE (713) 557-3284  
FAX (281) 485-1649 Attn: David J Miller  
E-MAIL ADDRESS NA

**APPLICANT/AGENT INFORMATION:**

NAME Alan Mueller  
ADDRESS 8201 Broadway  
CITY Pearland STATE TX ZIP 77581  
PHONE (281) 412-9210  
FAX (281) 412-9060  
E-MAIL ADDRESS alan@promatexas.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: Feb 12, 2014  
Applicant/Agent's Signature: [Signature] [Signature] Date: 2/14/14  
Date: Same as above

OFFICE USE ONLY:			
FEES PAID: <u>\$800.00</u>	DATE PAID: <u>1-3-14</u> <u>2-14-14</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>161101</u>
Application No. <u>Zone Change 104-32</u>			

### 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.
- 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  
*NA*

\*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: *Approx 2.8 Ac*
    - \$ 750.00, plus \$25.00 per each type of zoning district requested; or
    - \$ 800.00 if requesting a Planned Development (PD)
  - 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 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 *will post prior to deadline AM*
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property. *Pending*
- 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.

CITY OF PEARLAND  
 R E P O R T  
 \*\*\* CUSTOMER RECEIPT \*\*\*  
 Oper: JCOTTER Type: OC Drawer: J  
 Date: 3/18/14 01 Receipt no: 161100

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	5800.00
Trans number:		4395186

PUD AMENDMENT  
 336 N TEXAS  
 ALAN MUELLER  
 DAVID J MILLER  
 ZONE CHANGE  
 DAVID J MILLER/OWEN C MILLER  
 512 W DONOVAN ST  
 HOUSTON

Tender detail		
CK CHECK	1456	5800.00
Total tendered		5800.00
Total payment		5800.00

Trans date: 3/18/14 Time: 10:34:53

ZONE CHANGE/ VARIANCE/  PLOT RECORDATION

(circle one)  
 \$8,000.00 BA or  PE or  FE

Description: Input who the check is from  
 David J. & Owen C. Miller

COMMENTS/DESCRIPTION (F10):

Location or  
 Address PUD Amendment  
 336 N. Texas

Applicant David J. Miller  
 Alan Mueller

Owner David J. Miller

Apne chg no. AD14-3Z

Tract 1



Johnna Matthews  
Senior Planner  
City of Pearland  
3519 Liberty Drive  
Pearland TX 77581

RE: Consent to PUD Amendment Application  
Magnolia Court at Old Town Pearland

Ms. Matthews:

We are the owners of property within the Magnolia Court at Old Town Pearland planned unit development. I consent to the submission of the attached Magnolia Court Amendment #1 and request your favorable consideration of the amendment.

Please contact me if you have any questions.

Sincerely,

  
Name Paul Graham  
Entity Name Granger Buildings LLC  
Address 4201 Broadway  
Pearland TX 77581  
City/State/ZIP  
281 412 9210  
Phone

3/26/14  
Date

Tract 2



Johana Matthews  
Senior Planner  
City of Pearland  
3519 Liberty Drive  
Pearland TX 77581

RE: Consent to PUD Amendment Application  
Magnolia Court at Old Town Pearland

Ms. Matthews:

We are the owners of property within the Magnolia Court at Old Town Pearland planned unit development. I consent to the submission of the attached Magnolia Court Amendment #1 and request your favorable consideration of the amendment.

Please contact me if you have any questions.

Sincerely,

James Duwell 3/26/14  
Name Date  
First Christian Academy Inc  
Entity Name  
4205 W Broadway  
Address  
Pearland, Tx 77581  
City/State/ZIP  
281-914-1825  
Phone

Tracts 3, 5, 6, 8, 9, 10



Johnna Mathews  
Senior Planner  
City of Pearland  
3519 Liberty Drive  
Pearland TX 77581

RE: Consent to PUD Amendment Application  
Magnolia Court at Old Town Pearland

Ms. Mathews:

We are the owners of property within the Magnolia Court at Old Town Pearland planned unit development. I consent to the submission of the attached Magnolia Court Amendment #1 and request your favorable consideration of the amendment.

Please contact me if you have any questions.

Sincerely,

Paul R. Dim  
Name  
HOPE CHURCH PEARLAND  
Entity Name  
4509 BROADWAY  
Address  
PEARLAND TX 77581  
City/State/ZIP  
713-589-4297  
Phone

3-28-14  
Date

Tract 4

Lata Krishnarao  
Director of Community Development  
City of Pearland  
3519 Liberty Drive  
Pearland TX 77581

RE: Authorization to file applications

Ms. Krishnarao:

I hereby assign Alan Mueller as agent on behalf of myself for the sole purpose of representing me in my applications for amendment of the Magnolia Court at Old Town Pearland planned unit development. This representation as agent is only for this transaction and would not be for any other use. This authorization as agent does not include the power to bind me to any liability or payment obligation.

Please contact me if you have any questions.

Sincerely,

  
\_\_\_\_\_  
David J. Miller  
512 W. Dowdman St.  
Houston TX 77091

Feb 12, 2014  
Date

Tract 7



Johnna Matthews  
Senior Planner  
City of Pearland  
3519 Liberty Drive  
Pearland TX 77581

RE: Consent to PUD Amendment Application  
Magnolia Court at Old Town Pearland

Ms. Matthews:

We are the owners of property within the Magnolia Court at Old Town Pearland planned unit development. I consent to the submission of the attached Magnolia Court Amendment #1 and request your favorable consideration of the amendment.

Please contact me if you have any questions.

Sincerely,

B.V. Sandell  
Name  
Barnetts LTD  
Entity Name  
5402 Ryan Acres Dr  
Address  
Pearland, TX 77584  
City/State/ZIP  
281 794 7571  
Phone

3/25/14  
Date

Tract 1

TAX CERTIFICATE



ROYIN GARRETT, PCC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
111 E. LOCUST  
ANGLETON, TEXAS 77515

**Issued To:**  
GROMAX BUILDING LLC  
4201 BROADWAY ST  
PEARLAND, TX 77581-4188

**Legal Description:**  
PEARLAND, BLOCK 15, LOT 28-29, ACRES  
0.155

**Parcel Address:** 4201 BROADWAY PM 538  
**Legal Acres:** .1550

> - -  
**Account Number:** 7025-0201-115  
**Certificate No:** 220843342  
**Certificate Fee:** \$30.00

**Print Date:** 04/01/2014  
**Paid Date:** 04/01/2014  
**Issue Date:** 04/01/2014  
**Operator ID:** CHARISE

< - -

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL.

**Exemptions:**

**Certified Owner:**

GROMAX BUILDING LLC  
4201 BROADWAY ST  
PEARLAND, TX 77581-4188

**2013 Value:** 175,310  
**2013 Levy:** 54,854.01  
**2013 Levy Balance:** 50.00  
**Prior Year Levy Balance:** 50.00  
**Total Levy Due:** 50.00  
**P&I + Attorney Fee:** 50.00  
**Total Amount Due:** 50.00

**Certified Tax Unit(s):**

1 BRAZORIA COUNTY  
9 SPECIAL ROAD & BRIDGE  
28 PEARLAND ISD  
54 BRAZORIA DRAINAGE DIST 4  
96 CITY OF PEARLAND

Reference (if any) N/A

Issued By: *Charise Johnson*  
ROYIN GARRETT, PCC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
(979) 864-1320, (979) 388-1320, (281) 756-1320

Tract 2

TAX CERTIFICATE



ROYIN GARRETT, PCC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
111 E. LOCUST  
ANGLETON, TEXAS 77515

Issued To:  
GRIMAX DEVELOPMENT  
4201 W. BROADWAY  
PEARLAND, TX 77581

Legal Description:  
PEARLAND, BLOCK 15, LOT 206, CLOVERGATE  
COMPLEX, ACRES 0.279

Planning Number: 142822

Parcel Address: 4201 BROADWAY PM 514

Legal Acres: .279

>--

Account Number: 7025-0204-110

Certificate No: 33954 (8)

Certificate Fee: \$10.00

Field Date: 08/11/2014

Field Date: 02/01/2014

Issue Date: 03/11/2014

Operator ID: AMBER

<--

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 241.03 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL.

Exemptions:

PRORATED

Certified Owner:

FIRST CHRISTIAN ACADEMY  
4201 BROADWAY ST  
PEARLAND, TX 77581-6118

2013 Value:	344,823
2013 Levy:	21.00
2013 Levy Balance:	7241.28
Prior Year Levy Balance:	0.00
Total Levy Due:	7241.28
P&A + Attorney Fee:	30.00
Total Amount Due:	7271.28

Certified Tax Entities:

- 1 BRAZORIA COUNTY
- 5 SPECIAL ROAD & BRIDGE
- 24 PEARLAND ISD
- 34 BRAZORIA DRAPPALE DIST #
- 196 CITY OF PEARLAND

Ballot/over (GF) No: 114

Issued By: *Amber Cook*  
ROYIN GARRETT  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
(829) 644-1328, (978) 388-1528, (281) 796-1328

dd:\system\tax\_cert\issued\7025

TAX CERTIFICATE

Tracts 3, 5, 6, 8, 9, 10



RO'VIN GARRETT, PCC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
111 E. LOCUST  
ANGLETON, TEXAS 77515

Issued To:  
GROMAX DEVELOPMENT  
400 W. BROADWAY  
PEARLAND, TX 77581

Legal Description:  
PEARLAND BLOCK 13, LOT 3104B  
CLOVERGATE COMPLEX LOT 306, ACRES 6.614

Fiduciary Number: 177462

Parcel Address: 400 BROADWAY PM 89  
Legal Acres: .9940

Account Number: 7025-0201-000  
Certificate No: 2206417M  
Certificate Fee: 10.00

Prior Date: 06/1/2014  
Paid Date: 03/1/2014  
Issue Date: 03/1/2014  
Operator ID: AMBER

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 36.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL.

Exemptions:

PRORATED

Certified Owner:

HARVEST OF PRAISE EXALTED  
PO BOX 1452  
PEARLAND TX 77581

2013 Value:	1,244.00
2013 Levy:	50.00
2013 Levy Balance:	50.00
Prior Year Levy Balance:	30.00
Total Levy Due:	50.00
P&A + Attorney Fee:	50.00
Total Amount Due:	50.00

Certified Tax Limits:

- 1 BRAZORIA COUNTY
- 2 SPECIAL ROAD & BRIDGE
- 28 PEARLAND ISD
- 34 BRAZORIA DRAINAGE DIST 4
- 36 CITY OF PEARLAND

Reference (G) TA 00A  
Issued By: *Amber Cook*  
RO'VIN GARRETT, PCC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
(979) 464-1320, (979) 308-1120, (301) 756-1320

TAX CERTIFICATE



ROVIN GARRETT, PCC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
111 E. LOCUST  
ANGLETON, TEXAS 77515

Issued To:  
GRIMAK DEVELOPMENT  
428 W. BROADWAY  
PEARLAND, TX 77581

Legal Description:  
PEARLAND, BLOCK 13, LOT 11019, ACRES  
.799

Tractary Number: 1474624

Parcel Address:  
Legal Acres: .799

Account Number: 7025-0201-120  
Certificate No: 22846743  
Certificate Fee: \$1000

Print Date: 03/31/2014  
Post Date: 03/31/2014  
Issue Date: 03/31/2014  
Operator ID: 118826

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL.

Exemption:  
PRORATED

Certified Owner:  
HARVEST OFFSHORE DRILLING  
PO BOX 1652  
PEARLAND, TX 77581-0162

2013 Value	489,430
2013 Levy	8000
2013 Levy Balance	30,89
Prior Year Levy Balance	0166
Total Levy Due	30,00
T&A + Attorney Fee	30,00
Total Amount Due	30,00

Certified Tax Units:  
1 BRAZORIA COUNTY  
5 SPECIAL ROAD & BRIDGE  
25 PEARLAND ISD  
51 BRAZORIA DRAINAGE DIST 2  
46 CITY OF PEARLAND

Believed (G.P. No.) N/A  
Issued By: *Amber Cook*  
ROVIN GARRETT, PCC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
(979) 264-0320, (979) 268-1320, (281) 226-4228

03/31/2014 09:20:10 AM



ROVIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77516

Dated To:  
 GRIMM DEVELOPMENT  
 428 W. BROADWAY  
 PEARLAND, TX 77581

Legal Description:  
 PEARLAND, BLOCK 15, LOT 1105, ACRES  
 0.04

Tract Number: (41401)

Parcel Address:  
 Legal Area: 4040

Account Number: 7025-0201-001  
Certificate No: 2084(01)  
Continuation Fee: \$10.00

Print Date: 03/12/14  
Paid Date: 03/11/2014  
Issue Date: 03/21/2014  
Operator ID: GARRETT

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 24.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL.

Exemption:  
 PROPRATED

Certified Owner:  
 HARVEST OF PRAISE DRAUGHT  
 PO BOX 1632  
 PEARLAND, TX 77586-1632

2013 Value:	94,548
2013 Levy:	30.00
2013 Levy Balance:	2,836
Prior Year Levy Balance:	20.00
Total Levy Due:	2,856
F&I + Attorney Fee:	20.00
Total Amount Due:	3,056

Certified Tax Utilize:  
 1 BRAZORIA COUNTY  
 2 SPECIAL ROAD & BRIDGE  
 3 BRAZORIA ISD  
 4 BRAZORIA DRAINAGE DIST 4  
 5 CITY OF PEARLAND

Reference (G) No: N/A  
 Signed By: *Rovin Garrett*  
 ROVIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 (979) 864-1338, (979) 864-1338, (281) 756-1329

document for certification | 14

TAX CERTIFICATE

Tract 4



ROVIN GARRETT, FCC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
111 E. LOCUST  
ANGLETON, TEXAS 77516

Grantor:  
GROMAX DEVELOPMENT  
401 W. BROADWAY  
PEARLAND, TX 77581

Legal Description:  
PEARLAND, BLOCK 13, LOT 3031-42, ACRES  
4.215

Category Number: 10478

Parcel Address: 3216 N TEXAS AVE  
Legal Acres: 3.10

Account Number: 7025-0201-120  
Certificate No.: 120037061  
Certificate Fee: \$16.00

Print Date: 09/22/14  
Print Date: 09/22/14  
Issue Date: 09/22/14  
Operator ID: CHARISE

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 1031 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CLARIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL.

Exemptions:

Certified Owner:  
MILLER DAVID J  
912 W DONOVAN ST  
HOUSTON, TX 77042-5786

<u>2013 Value:</u>	504.90
<u>2013 Levy:</u>	32.1174
<u>2013 Levy Balance:</u>	0.00
<u>Prior Year Levy Balance:</u>	0.00
<u>Total Levy Due:</u>	0.00
<u>P&amp;I + Attorney Fee:</u>	0.00
<u>Total Amount Due:</u>	0.00

- Certified Tax Units:
- 1 BRAZORIA COUNTY
  - 4 SPECIAL ROAD & BRIDGE
  - 23 PEARLAND ISD
  - 34 BRAZORIA DRAINAGE DIST 4
  - 92 CITY OF PEARLAND

Reference: CFP No. 2514  
Issued By: *Charise Johnson*  
ROVIN GARRETT, FCC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
(979) 864-1326, (979) 388-4320, (281) 758-1128

TAX CERTIFICATE

Tract 7



ROVYN GARRETT, POC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
111 E. LACUST  
ANGLETON, TEXAS 77516

Issued To:  
GROMAX DEVELOPMENT  
420 W. BRADWAY  
PEARLAND, TX 77581

Legal Description:  
PEARLAND, BLOCK 15, LOT 1 & ACRES .14

Tractory Number: 110873

Parcel Address: 2813 N WASHINGTON AVE

Legal Acres: .148

Account Number: 7825-0201-125  
Certificate No: 22841283  
Certificate Fee: \$18.00

Print Date: 03/31/2014  
Filed Date: 03/21/2014  
Issue Date: 03/31/2014  
Operator ID: AMDDg

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 2A.13 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL.

Exemptions:

Certified Owner:  
BARNETT LTD  
540 RYAN ACRES DR  
PEARLAND, TX 77584-9617

2013 Value:	16,270
2013 Levy:	11,042.87
2013 Levy Balance:	89.00
Prior Year Levy Balance:	20.00
Total Levy Due:	91.00
P&L + Attorney Fee:	51.00
Total Amount Due:	500.00

Certified Tax Units:  
1 BRAZORIA COUNTY  
9 SPECIAL ROAD & BRIDGE  
2 PEARLAND ISD  
24 BRAZORIA DRAINAGE DIST 4  
16 CITY OF PEARLAND

Reference (IG) No: 1111  
Issued By: *Amber Ann*  
ROVYN GARRETT, POC  
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
(775) 864-1228, (775) 388-1228, (281) 756-1329

date(xax\_ax\_certificate) v1.74

## Magnolia Court at Old Town Pearland

### Written Documents:

#### I. Legal Description

All of lots 1 through 40, inclusive in Block 15, all of lots 24 through 29, inclusive in Block 16 and all of lots 20 through 25, inclusive in Block 14 in the Original Town site of Pearland as recorded in Volume 29, Page 41 in the Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 1479, Page 559 in Brazoria County Deed Records, all in the H.T. & B.R.R. Co. Survey, Abstract No. 232 in Brazoria County, Texas. Called Magnolia Court at Old Town Pearland.

The present zoning on the proposed site is Multi-family (MF) and General Business (GB). The applicant is requesting to change the zoning to Planned Unit Development (PUD). The proposed ownership is Paul Grohman on Tract 1, Jerome Karam for Tracts 2, 3, 4, 5, 7-10, and James and Diane Duval on Tract 6.

Tract 1 has a single story building currently used for classrooms and office space. It also has 14 parking spaces on the east side.

Tract 2 has a two-story building currently used for classroom space.

Tract 3 has a two-story building currently used for office and public meeting space.

Tract 4 has a two-story building currently used for classroom space. It also has a playground on the north side and 8 parking spaces.

Tract 5 currently is a parking lot with 39 spaces.

Tract 6 has a two-story building currently used for classrooms and gym space. It also has 59 parking spaces.

Tract 7 has a single story frame house with a single detached garage and 3 parking spaces.

Tract 8 currently is a parking lot with 43 spaces.

Tract 9 currently is a parking lot with 96 spaces.

Tract 10 currently is a parking lot with 68 spaces.



# Magnolia Court at Old Town Pearland Planned Unit Development (May 12, 2003)

## Amendment #1 (April 4, 2014)

### I. Background

Prior to adoption of the original Magnolia Court planned unit development (PUD), the Tracts within the PUD boundary were of singular ownership with the buildings having been built in various stages starting prior to 1980. With changes in the neighborhood and market conditions by the early 2000's, the continued viability of the site necessitated separate ownership and uses among the various Tracts. The prior singular ownership created existing setback and shared parking that could not be accommodated under traditional zoning available at the time, so a PUD was utilized as a means to accommodate repurposing of the existing structures.

Additionally, when the original PUD was adopted in 2003, the Old Townsite zoning districts had not yet been created. Therefore, the Planning & Zoning Commission required very narrow allowable uses in the PUD to match the existing or proposed uses within the property at the time.

Subsequent to the adoption of the PUD, the City has created the Old Townsite zoning districts. The Future Land Use Plan depicts the property as Old Townsite-General Business.

### II. Purpose of Amendment #1

Due to the current limited uses within the PUD, property owners within the PUD have had to turn away potential tenants and/or uses. Rather than adding piecemeal changes to the PUD to allow one or two more use categories, it is sensible to modernize the PUD to be consistent with the current Future Land Use Plan and Unified Development Code.

The purpose of Amendment #1 is to convert the allowable uses within the PUD to be consistent with the Old Townsite-General Business zone, with minor variations. The building configuration within the property lends itself to a "downtown" development, but the existing usage limitations have prevented the full potential utilization of the property. This amendment will allow property owners to have greater flexibility in marketing and utilizing the property which also conform to the City's Future Land Use Plan.

### III. Amendment # 1

Section 2.F of the original PUD is deleted and replaced with the following:

\*F. The following usage regulations will apply within the PUD:

1. The existing and proposed permitted uses for the Tracts within the PUD are shown in Table 1:

Table 1

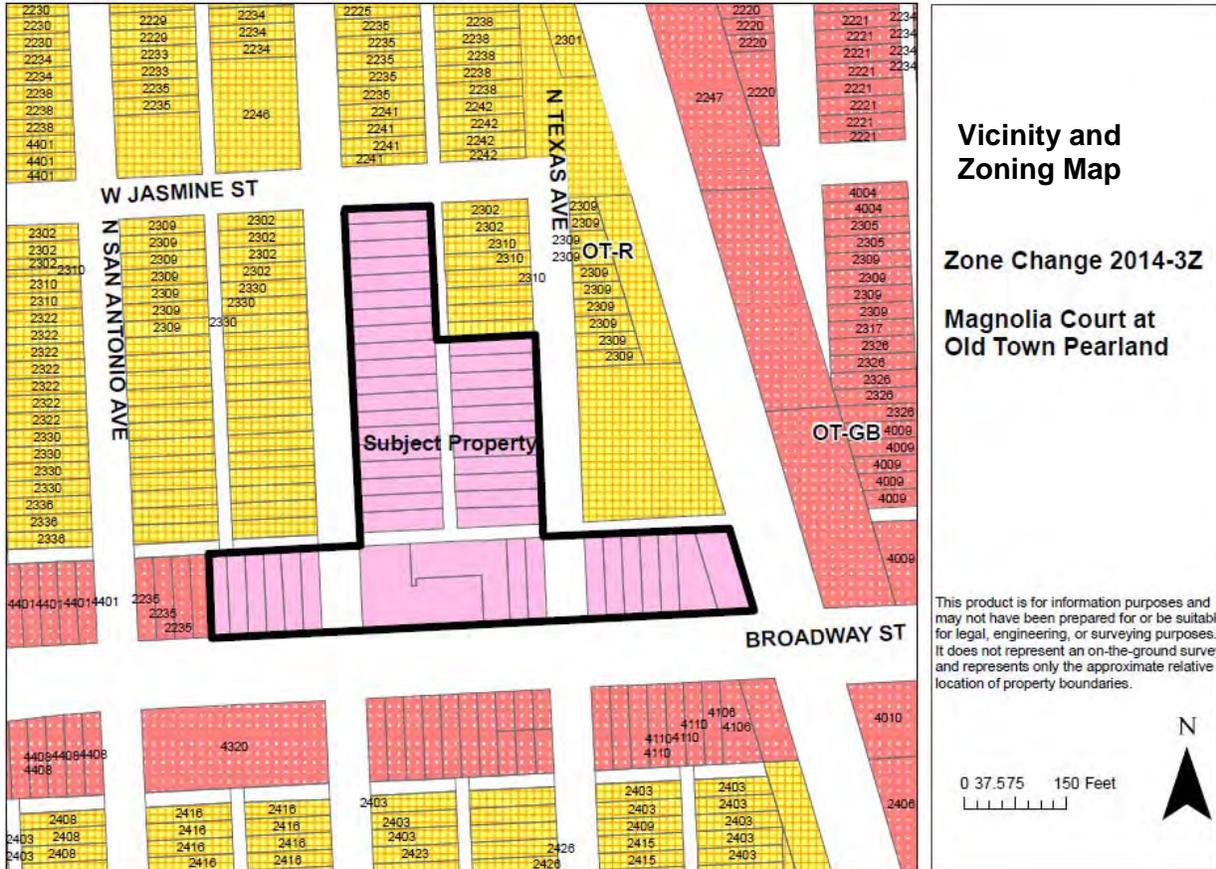
Tract	Existing PUD Allowable Uses	Proposed Amendment Allowable Uses
1	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, except no "Churches, Temples, or Places of Worship"
2	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, except no "Churches, Temples, or Places of Worship"
3	Church	All uses allowed within the OT-GB zoning district, plus "Community or Social Buildings"
4	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, except no "Churches, Temples, or Places of Worship"
5	Parking	Parking
6	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, plus "Community or Social Buildings", and Parking
7	Residence; <u>plus</u> Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	Single Family Residence, plus all uses allowed within the OT-GB zoning district, except no "Churches, Temples, or Places of Worship"
8	Parking	Parking
9	Parking	Parking
10	Retail, Restaurant; <u>plus</u> Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, plus Parking

2. Signage will comply with the UDC, except:
  - i. Real estate signs advertising a Tract for sale within the PUD may be placed on any Tract.
3. Sexually-oriented businesses are prohibited.\*

**IV. All other provisions of the original PUD remain in effect.**

**END**

## Exhibit B Vicinity and Zoning Map



### Vicinity and Zoning Map

**Zone Change 2014-3Z**

**Magnolia Court at  
Old Town Pearland**

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  
Legal Ad**

**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. 2014-3Z**

Notice is hereby given that on April 21, 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 Alan Mueller, applicant; on behalf of multiple owners; for approval of an amendment to the Magnolia Court at Old Town Pearland Planned Unit Development (PUD), which includes approximately 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 4.048 acres of land, more specifically described as:

All of lots 1 through 40, inclusive in Block 15, all of lots 24 through 29, inclusive in Block 16 and all of lots 20 through 25, inclusive in Block 14 in the Original Town site of Pearland as recorded in Volume 29, Page 41 in Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 29, Page 41 in the Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 1479, Page 559 in Brazoria County Deed Records, all in the H.T. & B.R.R. Co. Survey, Abstract No. 232 in Brazoria County, Texas. Called Magnolia Court at Old Town Pearland.

General Location: East and west of N. Washington Avenue;  
east and west of N. Texas Avenue; be-  
tween W. Jasmine Street to the north and  
Broadway Street to the south; 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 and Zoning Commission Recommendation**



# Planning & Zoning Commission

Recommendation Letter

April 22, 2014

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

Re: Recommendation on Zone Change No. 2014-3Z

Honorable Mayor and City Council Members:

At their meeting on April 21, 2014, the Planning and Zoning Commission considered the following:

A request of Alan Mueller, applicant; on behalf of David Miller; Gromax Building, LTD; First Christian Academy; Harvest of Praise Exalted (HOPE); Barnett's, LTD., owners; for approval of a change in zoning to amend the Magnolia Court at Old Town Pearland Planned Unit Development (PUD) including approximately 4.048 acres of land, on the following described property, to wit:

**LEGAL DESCRIPTION:** All of lots 1 through 40, inclusive in Block 15, all of lots 24 through 29, inclusive in Block 16 and all of lots 20 through 25, inclusive in Block 14 in the Original Town site of Pearland as recorded in Volume 29, Page 41 in Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 29, Page 41 in the Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 1479, Page 559 in Brazoria County Deed Records, all in the H.T. & B.R.R. Co. Survey, Abstract No. 232 in Brazoria County, Texas. Called Magnolia Court at Old Town Pearland.

**GENERAL LOCATION:** East and west of N. Washington Avenue; east and west of N. Texas Avenue; between W. Jasmine Street to the north and Broadway Street to the south; Pearland, Texas

After staff presentation Commissioner Linda Cowles made a motion to approve the change in zoning to amend the Magnolia Court at Old Town Pearland Planned Unit Development (PUD). The motion was seconded by Commissioner Elizabeth McLane. The motion passed with a vote of 7/0. The Planning and Zoning Commission approved the following:

**1. Allowable Uses for Tracts 1-10**

Tract	Existing PUD Allowable Uses	Planning and Zoning Commission Approved Amendment
1	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district
2	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district
3	Church	All uses allowed within the OT-GB zoning district, plus "Community or Social Buildings"
4	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public	All uses allowed within the OT-GB zoning district

	Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	
<b>5</b>	Parking	Parking
<b>6</b>	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, plus “Community or Social Buildings”, and Parking
<b>7</b>	Residence; <u>plus</u> Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	Single Family Residence, plus all uses allowed within the OT-GB zoning district
<b>8</b>	Parking	Parking
<b>9</b>	Parking	Parking
<b>10</b>	Retail, Restaurant; <u>plus</u> Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument	All uses allowed within the OT-GB zoning district, plus Parking

	(On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	
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2. **Signage**

Any new signage shall conform to Chapter 4, Division 5 of the Unified Development Code (UDC).

Sincerely,

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



## JOINT PUBLIC HEARING AGENDA ITEM MEETING OF APRIL 21, 2014

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### Zone Change No. 2014-03Z

A request of Alan Mueller, applicant; on behalf of David Miller, Gromax Building, LTD, First Christian Academy, Harvest of Praise Exalted (HOPE), Barnett's, LTD, and the City of Pearland, owners; for approval of a change in zoning to amend the Magnolia Court at Old Town Pearland Planned Unit Development (PUD) which includes approximately 4.048 acres of land, on the following described property, to wit:

**Legal Description:** All of lots 1 through 40, inclusive in Block 15, all of lots 24 through 29, inclusive in Block 16 and all of lots 20 through 25, inclusive in Block 14 in the Original Town site of Pearland as recorded in Volume 29, Page 41 in Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 29, Page 41 in the Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 1479, Page 559 in Brazoria County Deed Records, all in the H.T. & B.R.R. Co. Survey, Abstract No. 232 in Brazoria County, Texas. Called Magnolia Court at Old Town Pearland.

**General Location:** East and west of N. Washington Avenue; east and west of N. Texas Avenue; between W. Jasmine Street to the north and Broadway Street to the south.

**APPROVAL PROCESS:** After the Joint Public Hearing, the requested Zone Change application will be considered as follows:

Planning and Zoning Commission:	April 21, 2014*
City Council for First Reading:	May 12, 2014*
City Council for Second Reading:	May 26, 2014*

(\*dates subject to change)

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**SUMMARY:** Alan Mueller, applicant; on behalf of multiple owners, is requesting approval of an amendment to the Magnolia Court at Old Town Pearland Planned Unit Development (PUD). The original PUD was approved on May 12, 2003 and includes approximately 4.048 acres. The purpose of the original PUD was to allow for multiple owners within the district for greater flexibility in selling individual tracts. The PUD identified ten (10) tracts; Tracts 1-10, which allowed for varying uses. Specifically, Tracts 1, 2, 3, 4, 6 and 7 allowed for uses from various land use categories from the previous Land Use and Urban Development Ordinance, including Accessory and Incidental uses, Institutional and Special Service uses, Utility and Related Service uses, Entertainment and Recreational uses, Retail and Business Services uses, Commercial and Related Services uses. Tracts

JPH 4-21-14

Zone Change No. 2014-3Z

Page 1

5, 8 and 9 were designated for Parking; and Tract 3, for a Church.

The applicant proposes to amend all tracts within the PUD, with the exception of Tracts 5, 8 and 9 which are designated for parking and will continue to be used for parking. According to the applicant, the purpose of the amendment is to convert the allowable uses within the PUD to be consistent with allowable uses within the Old Town-General Business (OT-GB) zoning district, with minor deviations.

It is important to note that when the original PUD was adopted in 2003, the OT-GB zoning district was not in place and the PUD allowed for uses that were existing onsite at the time of adoption of the PUD. The applicant also proposes that any new signage comply with the Unified Development Code, as opposed to the Land Use and Urban Development Ordinance, which was the code in effect at the time of adoption of the PUD.

**SURROUNDING ZONING AND LAND USES:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Old Townsite Residential (OT-R)	Single Family
<b>South</b>	Old Townsite General Business (OT-GB)	Various Commercial Uses, including Central BBQ
<b>East</b>	Old Townsite Residential (OT-R)	Pearland Neighborhood Center
<b>West</b>	Old Townsite Residential (OT-R)	Single Family Adult Reading Center

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** The PUD was originally approved on May 12, 2003 under the Land Use and Urban Development Ordinance. The applicant proposes to amend the PUD to be consistent with the allowable uses within the Old Town-General Business (OT-GB) zoning district of the Unified Development Code (UDC) for all tracts within the PUD, with the exception of Tracts 5, 8 and 9, which were originally used for parking and will continue to be used for parking. Further, although Churches are permitted by right within the OT-GB zoning district, the applicant proposes to prohibit Churches on Tracts 1, 2, 4 and 7. The OT-GB zoning district is one of three (3) zoning districts within the Old Townsite District, whose purpose is to:

1. Promote good building and streetscape design.
2. Reinforce existing land use patterns and character.
3. Categorize area into zoning districts as per the UDC and modifications.
4. Promote downtown as a walkable, pedestrian friendly district.
5. Promote multiple types of development and uses.
6. Set forth general provisions and architectural regulations to ensure quality of streetscape and building construction.
7. Allow reduced parking ratios, shared parking and flexibility to encourage re-use of existing buildings.

8. Allow flexibility in building codes and façade requirements to encourage relocation and re-use of existing buildings.
9. Emphasize mixed uses and focus on the streetscape and public spaces to create pedestrian friendly mixed-use developments.

The applicant also proposes that any new signage comply with the UDC. The following table illustrates the difference in allowable uses within the original PUD and the proposed amendment:

<b>Tract</b>	<b>Existing PUD Allowable Uses</b>	<b>Proposed Amendment Allowable Uses</b>
<b>1</b>	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, except no “Churches, Temples, or Places of Worship”
<b>2</b>	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, except no “Churches, Temples, or Places of Worship”
<b>3</b>	Church	All uses allowed within the OT-GB zoning district, plus “Community or Social Buildings”
<b>4</b>	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, except no “Churches, Temples, or Places of Worship”

<b>5</b>	Parking	Parking
<b>6</b>	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, plus “Community or Social Buildings”, and Parking
<b>7</b>	Residence; <u>plus</u> Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	Single Family Residence, plus all uses allowed within the OT-GB zoning district, except no “Churches, Temples, or Places of Worship”
<b>8</b>	Parking	Parking
<b>9</b>	Parking	Parking
<b>10</b>	Retail, Restaurant; <u>plus</u> Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, plus Parking

**SITE HISTORY:** The subject 4.048 acres was annexed into the City of Pearland in 1959. Prior to the adoption of the PUD in 2003, the property was located within two (2) zoning districts: Multi-family (MF) and General Business (GB). The site was developed as follows:

Tracts	Land Use
1	Single-story building used for classrooms and office space + 14 parking spaces
2	Two-story building used for classroom space
3	Two-story building used for office and public meeting space
4	Two-story building used for classroom space, playground + 8 parking spaces
5	39 parking spaces
6	Two-story building used for classroom and gym space + 59 parking spaces
7	Single-story frame house, detached garage + 3 parking spaces
8	43 parking spaces
9	96 parking spaces
10	68 parking spaces

The purpose of the PUD was to allow for multiple owners within the district to allow for the sale of individual tracts. The PUD also established zero side and rear yard setbacks on multiple lots; 300 shared parking spaces, 90% lot coverage for Tract 3 and co-sharing of lots due to building overhangs.

**PLATTING STATUS:** There is a recorded plat for a portion of the land included within the PUD; Tracts 2 and 3 are platted as Lots 20A and 20B of the Clovergate Complex Subdivision. However, the majority of the land is not platted. Platting will be required if and when development occurs. The UDC defines development as the initiation of any activities related to the platting of land or construction of buildings or structures, the construction of impervious surface, the installation of utilities, roadways, drainage facilities or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including without limitation removal of vegetation, grading, clearing, filling or removal of soil.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The site is located within the *Village District* future land use designation. The Comprehensive Plan anticipated that a new zoning district would need to be created for the *Village District*, which would allow a mix of uses within Pearland’s original town site, including residential, retail, office and public/semi-public uses. With the adoption of the UDC in 2006, the Old Townsite District was created and includes three (3) zoning districts; Old Townsite General Business (OT-GB), Old Townsite Single Family Development (OT-R) and Old Townsite Mixed Use (OT-MU) Districts. According to the Comprehensive Plan, major features and land uses of the *Village District* future land use designation include the following:

- The Old Townsite
- Low and medium density residential uses
- Residential-compatible retail, office and service uses (preferably adjacent to major thoroughfares and collector streets)
- Supporting recreational, educational, cultural and civic facilities
- Appropriate zoning districts to be established (currently zoned MF, GB, C, OT)

The requested amendment conforms to the future land use designation of the Comprehensive Plan, as the site is located within the Old Townsite, and embraces the self-contained, tightly gridded

village, identified by a mix of residential, business and civic uses proposed within the mix of uses offered by the OT-GB zoning district. This concept is a viable alternative to the spacious, auto-dependent suburban development. The amendment to the PUD includes elements commonly used to define a village; its compact, proposes a mix of residential and non-residential uses and promotes shared parking and flexibility to encourage the reuse of existing buildings.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on Broadway Street; a major thoroughfare, which requires 120 feet of right-of-way; N. Texas Avenue, N. Washington Avenue and W. Jasmine Street; all local streets which require a right-of-way width of 50 feet. There is a recorded plat for a portion of the land included within the PUD, however the majority of the property within the PUD has not been platted. A survey has not been provided by the applicant at this time; however, based on GIS data, it appears that the right-of-way along Broadway Street in this location is approximately 100 feet and the right-of-way along the above local streets is approximately 60 feet. It does not appear that the right-of-way width along Broadway Street conforms to the Thoroughfare Plan. However, should certain improvements be proposed in the future, additional right-of-way may be required.

**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 developed and is surrounded by undeveloped land and developed residential and nonresidential developments. The proposed zone change, to allow additional uses within the PUD, if approved, is not anticipated to have any negative impacts on existing or future developments in the immediate area.

**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 amendment to the PUD for Magnolia Court at Old Town Pearland. There are twenty-two (22) property owners within 200 feet of the site. Additionally, a legal notice of public hearing was published in the local newspaper notification signs were placed on the property by the applicant.

**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.

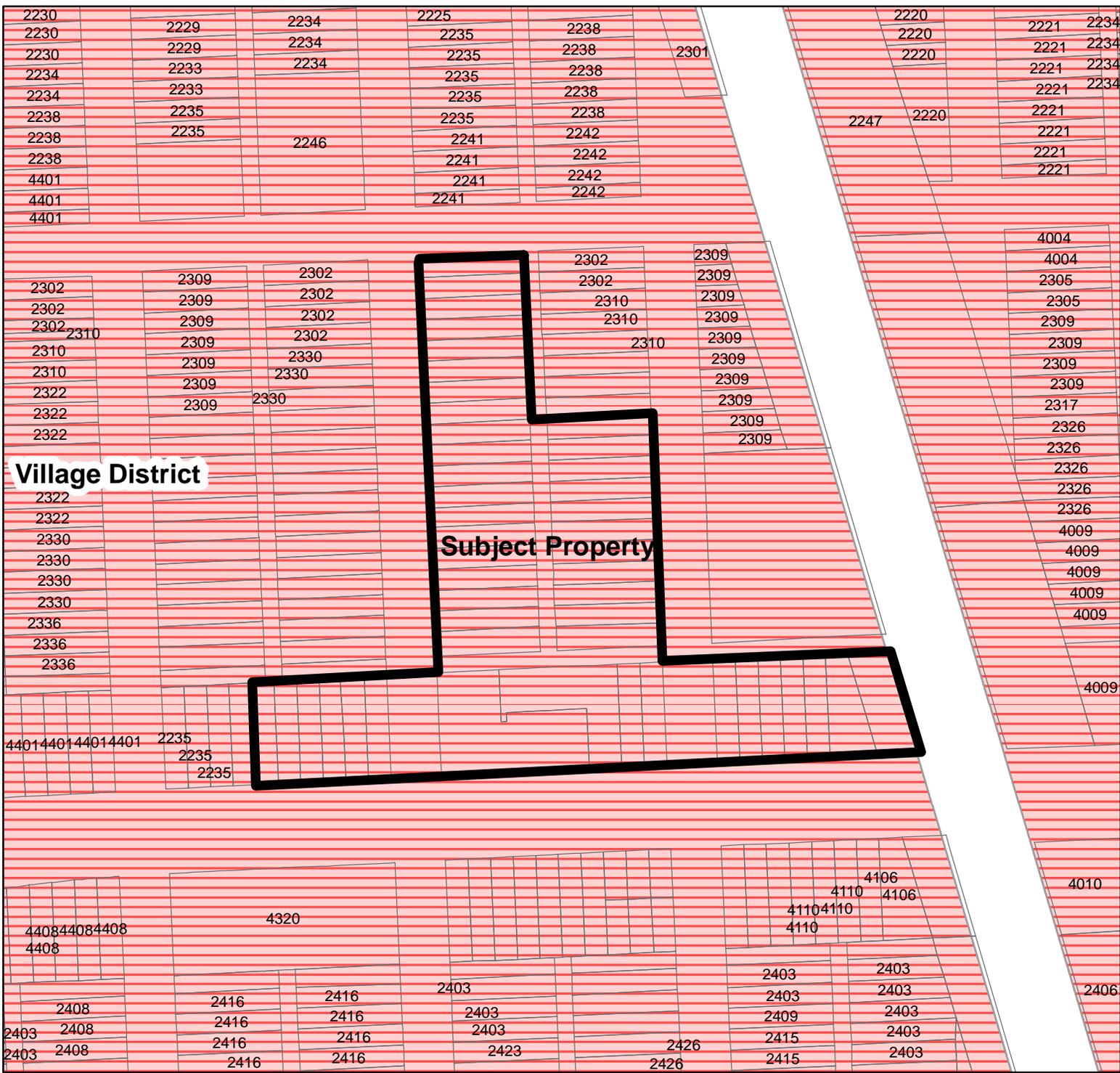
**STAFF RECOMMENDATION:** The applicant proposes minor deviations as it relates to allowable uses within the OT-GB list of permitted uses. For example, the OT-GB zoning district allows for Institutional uses such as a Church, by right. The applicant proposes to prohibit Churches on Tracts 1, 2, 4, and 7. The mix of uses allowed within the OT-GB zoning district was recommended by the Comprehensive Plan to further the goals of the Village concept and the Old

Townsite, with a walkable, mixed use development. Additionally, as a result of the adoption of the UDC, three Old Townsite zoning districts were created (OT-GB, OT-R and OT-MU) to create downtown, walkable pedestrian friendly district, among other things listed in this report. Staff recommends approval of the change in zoning to amend the PUD for Magnolia Court at Old Town Pearlland to allow for uses that are permitted within the Old Town-General Business (OT-GB) zoning district, without restrictions on allowable uses 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. With the adoption of the UDC in 2006, the OT-GB zoning district was created to support Old Town as a walkable village with a mix of uses. The proposed amendment helps to further the goals of the Old Townsite.
2. The future land use designation of the Comprehensive Plan (*Village District*) supports the proposed zoning district land uses and embraces the self-contained, tightly gridded village concept, identified by a mix of residential, business and civic uses and shared parking, as allowed within the OT-GB zoning district and recommended by the Comprehensive Plan. The proposed amendment helps to further the goals, as identified in the Comprehensive Plan for the *Village District*.

**SUPPORTING ATTACHMENTS:**

1. Vicinity and Zoning Map
2. Abutter Map
3. Abutter List
4. Future Land Use Map
5. Aerial Map
6. Magnolia Court at Old Town Pearlland PUD
7. Applicant Packet

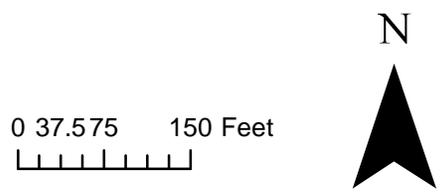


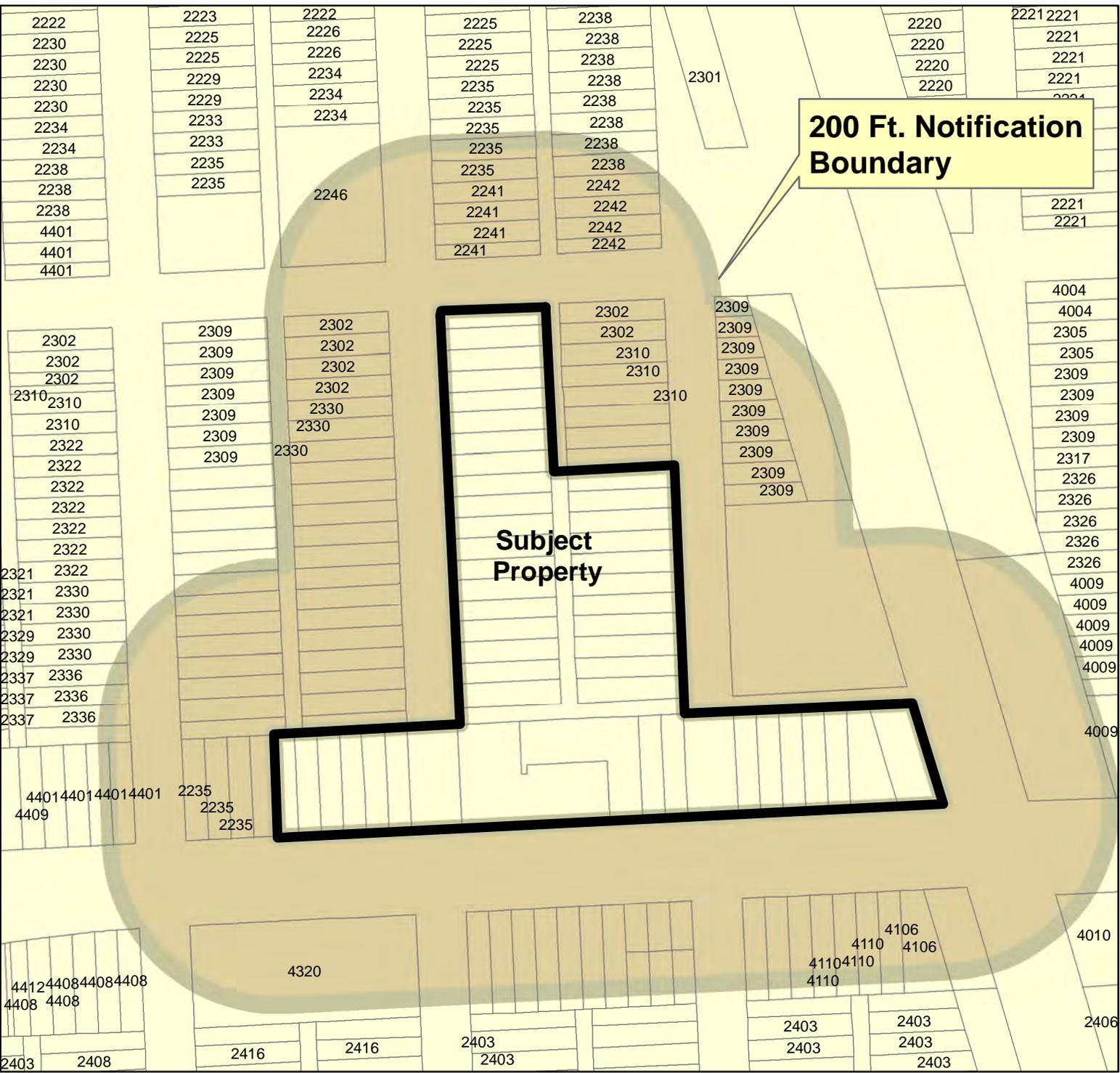
# FLUP Map

## Zone Change 2014-3Z

### Magnolia Court at Old Town Pearland

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.





**200 Ft. Notification Boundary**

**Subject Property**

**Abutter Map**

**Zone Change 2014-3Z**

**Magnolia Court at  
Old Town Pearland**

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# PUBLIC COMMENT FORM



Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581  
281-652-1765  
281-652-1702 fax

## ZONE CHANGE APPLICATION NO. 2014-3Z

A request of Alan Mueller, applicant; on behalf of David Miller, Gromax Building, LTD, First Christian Academy, Harvest of Praise Exalted (HOPE), Barnett's, LTD, and the City of Pearland, owners; for approval of a change in zoning to amend the Magnolia Court at Old Town Pearland Planned Unit Development (PUD) zoning district

**Joint Public Hearing to be held Monday, April 21, 2014 at 6:30 PM in the Council Chambers of City Hall, 3519 Liberty Drive, Pearland, Texas.**

If you are unable to attend the Joint Public Hearing, but wish to have your opinions made a part of the public record, please complete this form and *return to the Planning Department at the above noted address by mail, by fax, or drop off in person*, prior to the Joint Public Hearing.

           I am **IN FAVOR OF** the request as explained on the attached notice.  
(Checking "IN SUPPORT OF" means that you support the request and feel that the request should be approved accordingly).

  X   I am **OPPOSED TO** the request as explained on the attached notice.  
(Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied).

Name: Verita Marshall

Address: 2235 N. Washington St.

Signature: [Handwritten Signature] Date: 4-21-14

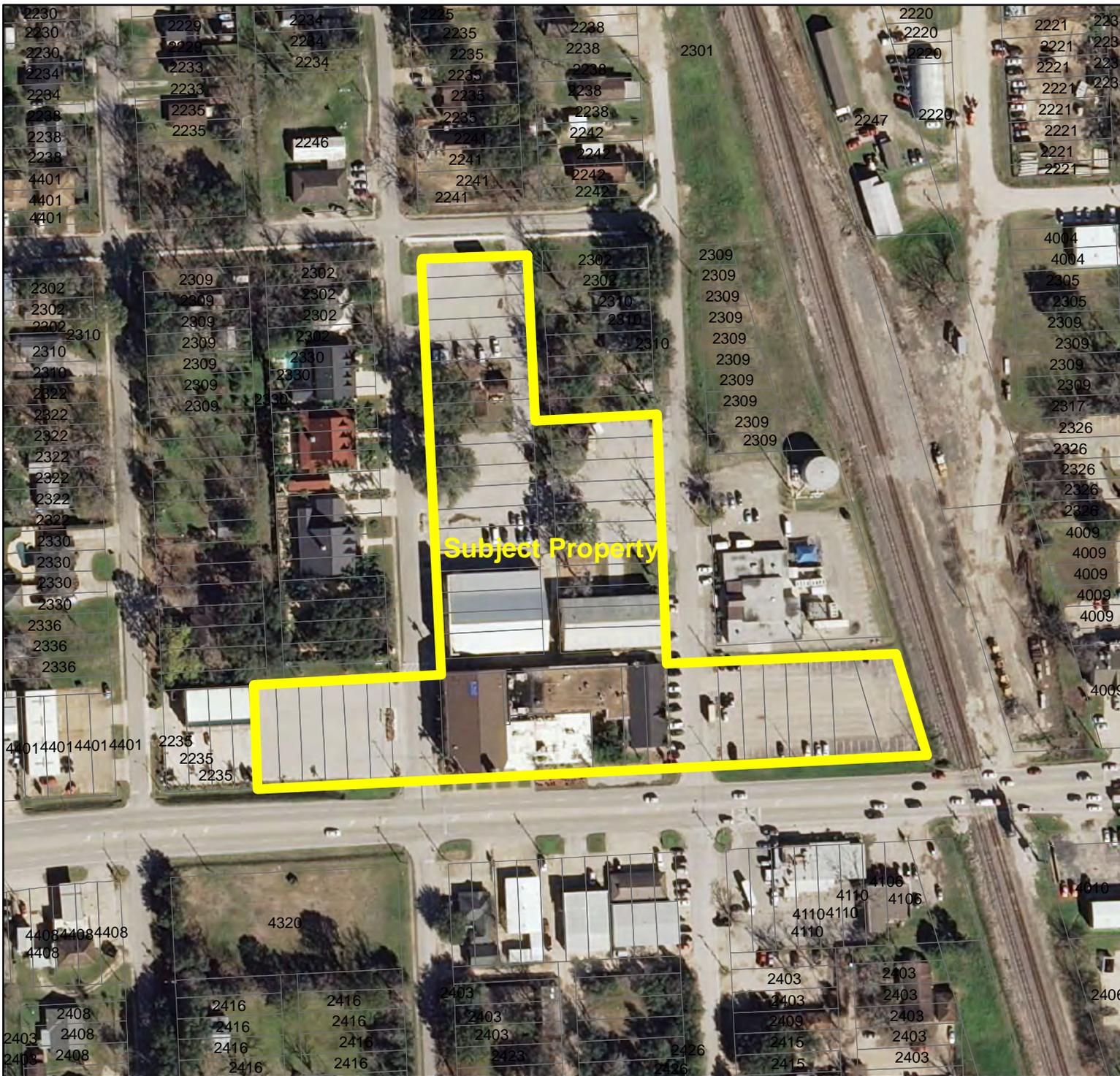
COMMENTS: residential area only; no businesses/commercial use

**ZONE CHANGE 2014-3Z**

Magnolia Court at Old Town Pearland

<b>NAME</b>	<b>ADDRESS</b>	<b>SUITE #</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
ADULT READING CENTER INC	2246 WASHINGTON ST		PEARLAND	TX	77581
ALEXANDER T & B FAMILY LTD PRTNSHP	2411 PARK AVE		PEARLAND	TX	77581
BARNETTS LTD	5402 RYAN ACRES DR		PEARLAND	TX	77584
BRANTLEY INVESTMENT LLC	2218 N SAN ANTONIO ST		PEARLAND	TX	77581
C STORE DEPOT	106 RIVERCOVE LN		RICHMOND	TX	77406
CENTRAL TEXAS BARBECUE CO	4110 BROADWAY ST		PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR		PEARLAND	TX	77581
DELANGE JACALYN M	PO BOX 2191		PEARLAND	TX	77588
FIRST CHRISTIAN ACADEMY	4201 BROADWAY ST		PEARLAND	TX	77581
GROMAX BUILDING LLC	4201 BROADWAY ST		PEARLAND	TX	77581
HARVEST OF PRAISE EXALTED	PO BOX 1652		PEARLAND	TX	77588
HOPKINS TERRY D	2242 TEXAS ST		PEARLAND	TX	77581
JONES JEFFREY W & KAREN C	15935 ALSACE		SAN ANTONIO	TX	78232
LADS LEASING LLC	PO BOX 1527		BELLAIRE	TX	77402
LECLERE DIANA G	2320 WASHINGTON ST		PEARLAND	TX	77581
LECLERE RUTH MARIE	PO BOX 488		PEARLAND	TX	77588
LOPEZ JUAN B JR	3811 JOE DR		PEARLAND	TX	77584
MARSHALL VENITA SUSANNE	2235 WASHINGTON ST		PEARLAND	TX	77581
MCINTYRE DONALD L	2333 SAN ANTONIO ST		PEARLAND	TX	77581
MILLER DAVID J	512 W DONOVAN ST		HOUSTON	TX	77091
MILLS CHAROLETTE A &	2906 CONCORD KNOLL DR		PEARLAND	TX	77581
MONTEMAYOR SANTOS & ROSALIE	6215 MANRY AVE		PEARLAND	TX	77581
ORR ROBERT C JR & ORR REALTY CORP	8554 KATY FWY	STE 100	HOUSTON	TX	77024
PATER DEVELOPMENT SERVICES	662 W FOREST DR		HOUSTON	TX	77079
POWELL RONNIE L	5410 NOCTURNE DR		ARCOLA	TX	77583
RAINWATER CARLA	2302 WASHINGTON ST		PEARLAND	TX	77581
RANEY HERMAN LEE JR	PO BOX 1696		PEARLAND	TX	77588
WICKER HARRISON LEE & LINDA	2713 PINE NEEDLE LN		PEARLAND	TX	77581
WINDHAM BRYNITA GAIL ETAL	2330 SAN ANTONIO ST		PEARLAND	TX	77581

WOODS AVA DARLENE	6501 GRACE LN	PEARLAND	TX	77584
WOODS AVA DARLENE	2306 TEXAS ST	PEARLAND	TX	77581
WOODS AVA DARLENE	6501 GRACE LN	PEARLAND	TX	77584



## Aerial Map

## Zone Change 2014-3Z

## Magnolia Court at Old Town Pearland

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 37.575 150 Feet  
|-----|-----|-----|-----|-----|



Approved  
(copy)  
5.12.03

**Magnolia Court at Old Town Pearland**  
Planned Unit Development Rezoning Application  
Revised

**City of Pearland**

May 12, 2003

## Table of Contents

1. Legal Description
2. Objectives
3. Development Schedule
4. Intentions of Future Selling or Leasing
5. Quantitative Data
6. Drainage
7. Aerial Photo 11 X 17
8. Site Plan 11 X 17
9. Landscape Plan 11 X 17
10. Site Plan 24 X 36
11. Final Plat 24 X 36

## Magnolia Court at Old Town Pearland

### Written Documents:

#### 1. Legal Description

All of lots 1 through 40, inclusive in Block 15, all of lots 24 through 29, inclusive in Block 16 and all of lots 20 through 25, inclusive in Block 14 in the Original Town site of Pearland as recorded in Volume 29, Page 41 in the Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 1479, Page 559 in Brazoria County Deed Records, all in the H.T. & B.R.R. Co. Survey, Abstract No. 232 in Brazoria County, Texas. Called Magnolia Court at Old Town Pearland.

The present zoning on the proposed site is Multi-family (MF) and General Business (GB). The applicant is requesting to change the zoning to Planned Unit Development (PUD). The proposed ownership is Paul Grohman on Tract 1, Jerome Karam for Tracts 2, 3, 4, 5, 7-10, and James and Diane Duval on Tract 6.

Tract 1 has a single story building currently used for classrooms and office space. It also has 14 parking spaces on the east side.

Tract 2 has a two-story building currently used for classroom space.

Tract 3 has a two-story building currently used for office and public meeting space.

Tract 4 has a two-story building currently used for classroom space. It also has a playground on the north side and 8 parking spaces.

Tract 5 currently is a parking lot with 39 spaces.

Tract 6 has a two-story building currently used for classrooms and gym space. It also has 59 parking spaces.

Tract 7 has a single story frame house with a single detached garage and 3 parking spaces.

Tract 8 currently is a parking lot with 43 spaces.

Tract 9 currently is a parking lot with 96 spaces.

Tract 10 currently is a parking lot with 68 spaces.

## 2.Objectives

The rationale for requesting a PUD is to allow for multiple owners within the district. The entire site has been for sale for 3 years, but finding a buyer has been difficult. Selling the individual tracts as described is achievable and will keep the site from going unoccupied for a lengthy period of time. Having multiple owners on the site creates problems with the subdivision ordinance long term. Therefore, the PUD will alleviate these problems.

Creating the PUD district will achieve multiple objectives. These will include the following list:

- A. 0 ft Rear yard set backs for Tracts 1, 2, 3, 4, and 6
- B. 0 ft Side yard set backs for Tracts 1, 2, 3, 4, 6, and 7
- C. Shared parking with 300 required spaces because of the multi-purpose use. For example, weekend use by a church and weekday use for school or office use.
- D. A 90% lot coverage on Tract 3. Usual 70% on all other Tracts.
- E. Tracts 2 and 3 will have co-sharing of lots. Currently the second story classrooms in Tract 2 overhang the boundary of Tract 3. This creates a vertical easement that allows Tract 2 to exist in the future.
- F. The character of the site will not change. The usage will be as follows:

Tract 3 Church

Tract 5, 8, and 9 Parking

Tract 7 Residence

Tract 1, 2, 4, 6, and 7 Social & Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration offices, Schools: Private, Public, Parochial, College, or University, Local Utility Distribution Lines, Park Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint

Reproduction, No sexually oriented businesses

Tract 10 All listed above plus retail, restaurant

- G. Tract 4 will undergo a façade change. The current metal façade will be replaced with a façade that meets the building requirements. This will greatly enhance the existing site.
- H. Request the large Magnolia tree on Tract 2 to be a historical tree.
- I. A Condo Association will be created for maintenance of the parking areas.
- J. Reciprocal parking agreements to protect shared parking will be in effect
- K. Up to 10,000 square feet of new building space may be constructed in the PUD.

**3. Development Schedule**

The site is fully developed.

**4. The intentions of future selling or leasing**

Tract 1 Paul Grohman	Tract 6 James and Diane Duval
Tract 2 Jerome Karam	Tract 7 Jerome Karam
Tract 3 Jerome Karam	Tract 8 Jerome Karam
Tract 4 Tom Trammell	Tract 9 Jerome Karam
Tract 5 Jerome Karam	Tract 10 Jerome Karam

The ownership shall not be limited to only these individuals in the future.

5. Quantitative Data

a. 7 buildings

b. Lot coverage

Tract 1	58%	
Tract 2	70%	
Tract 3	90%	
Tract 4	56%	
Tract 5	0%	
Tract 6	32%	Total 32.60%
Tract 7	20%	
Tract 8	0%	
Tract 9	0%	
Tract 10	0%	

c. Residential densities – 1 residence on Tract 7

d. Total open space – Not applicable

e. Total usable open space – Not applicable

f. Total amount of nonresidential construction – 5 buildings

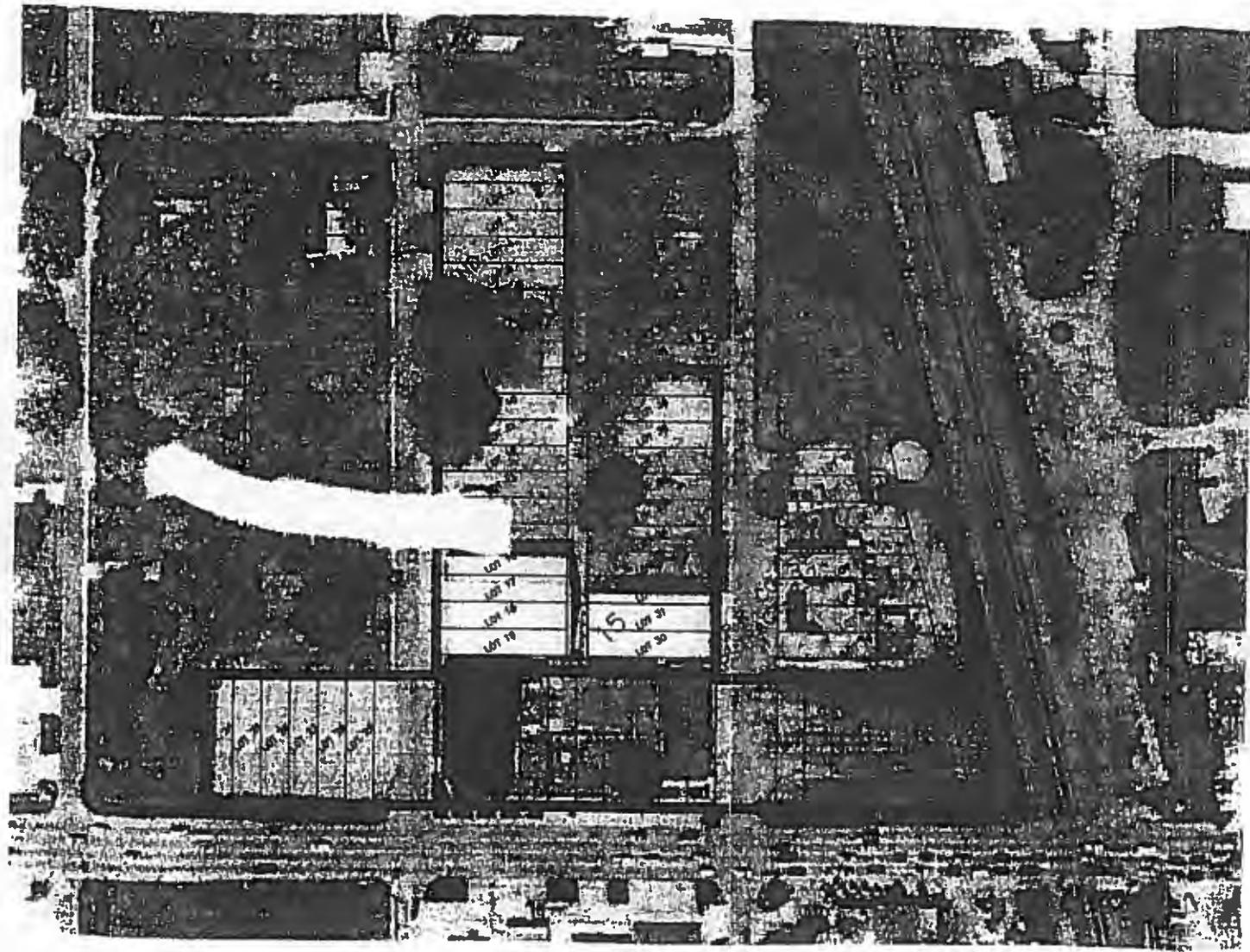
g. Parking space analysis:

<u>Tract</u>	<u>Current Use</u>	<u>Needed Spaces</u>
1	office	20
2	school	40
3	church	160
4	office	40
5	parking	NA
6	school	16
7	house	2
8	parking	NA
9	parking	NA
10	parking	NA
<u>Total</u>		<u>278</u>

The total # of spaces needed would only apply if all uses were being utilized at the same time. Since the church meets only on the weekend and the school and offices are only open during the week, this should not occur. Therefore, the # of spaces required will be 300. Thus achieving the objective of shared parking spaces.

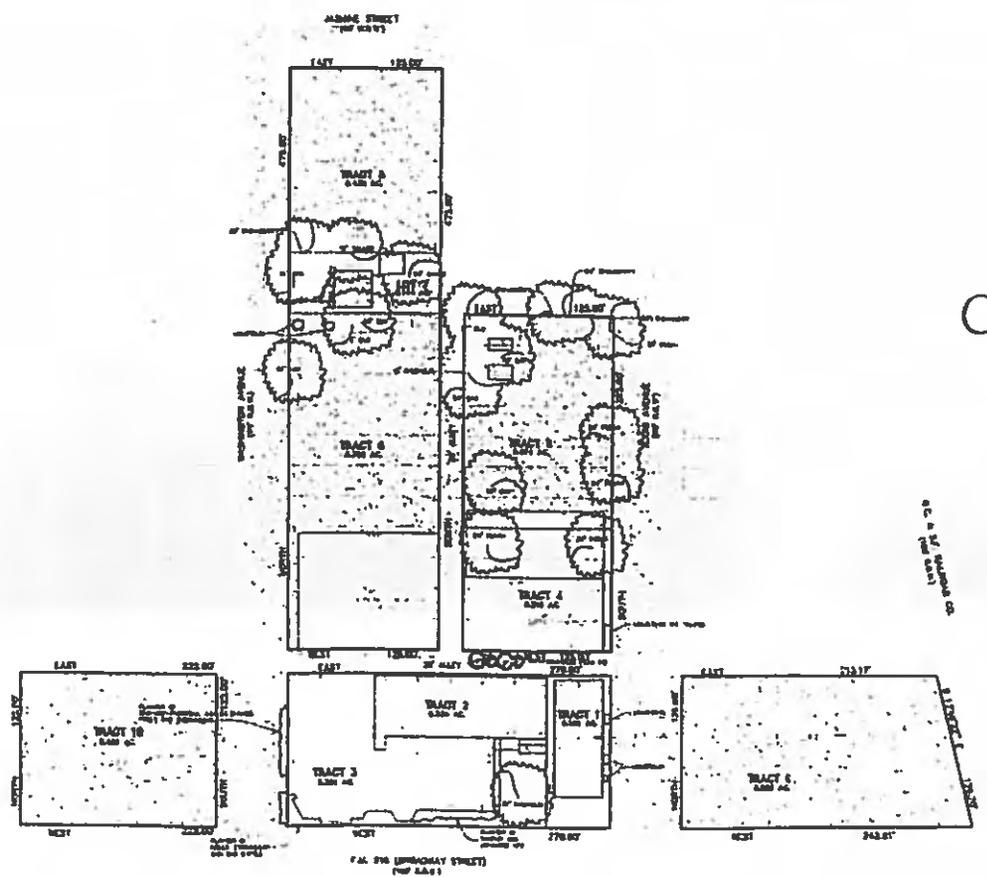
## 6. Drainage

The proposed PUD will not increase the current impervious cover. Therefore, the historical drainage flows will continue to exist. Any new structures built on the site in the future will need to comply with the current drainage policy.



SCALE: 1"=100'





# LANDSCAPE PLAN OF CLOVERGATE COMPLEX

A REPLAT OF LOTS 1-40 IN BLOCK 15,  
LOTS 24-29 IN BLOCK 16 AND  
LOTS 20-25 IN BLOCK 14 OF  
THE ORIGINAL TOWNSITE OF PEARLAND  
IN THE H.T. & B.R.R. CO. SURVEY,  
ABSTRACT NO. 232

4.048 ACRES  
3 BLOCKS, 10 LOTS

OWNERS: CLOVERGATE, INC  
353 PARKWOOD  
FRIENDSWOOD, TEXAS 77546  
(281) 992-8451

PAUL GROSSMAN  
2108 KILDARE  
PEARLAND, TEXAS 77561  
(281) 992-6258

FIRST CHRISTIAN ACADEMY  
4201 W. BROADWAY  
PEARLAND, TEXAS 77581  
(281) 412-5182

DATE: MAY, 2003

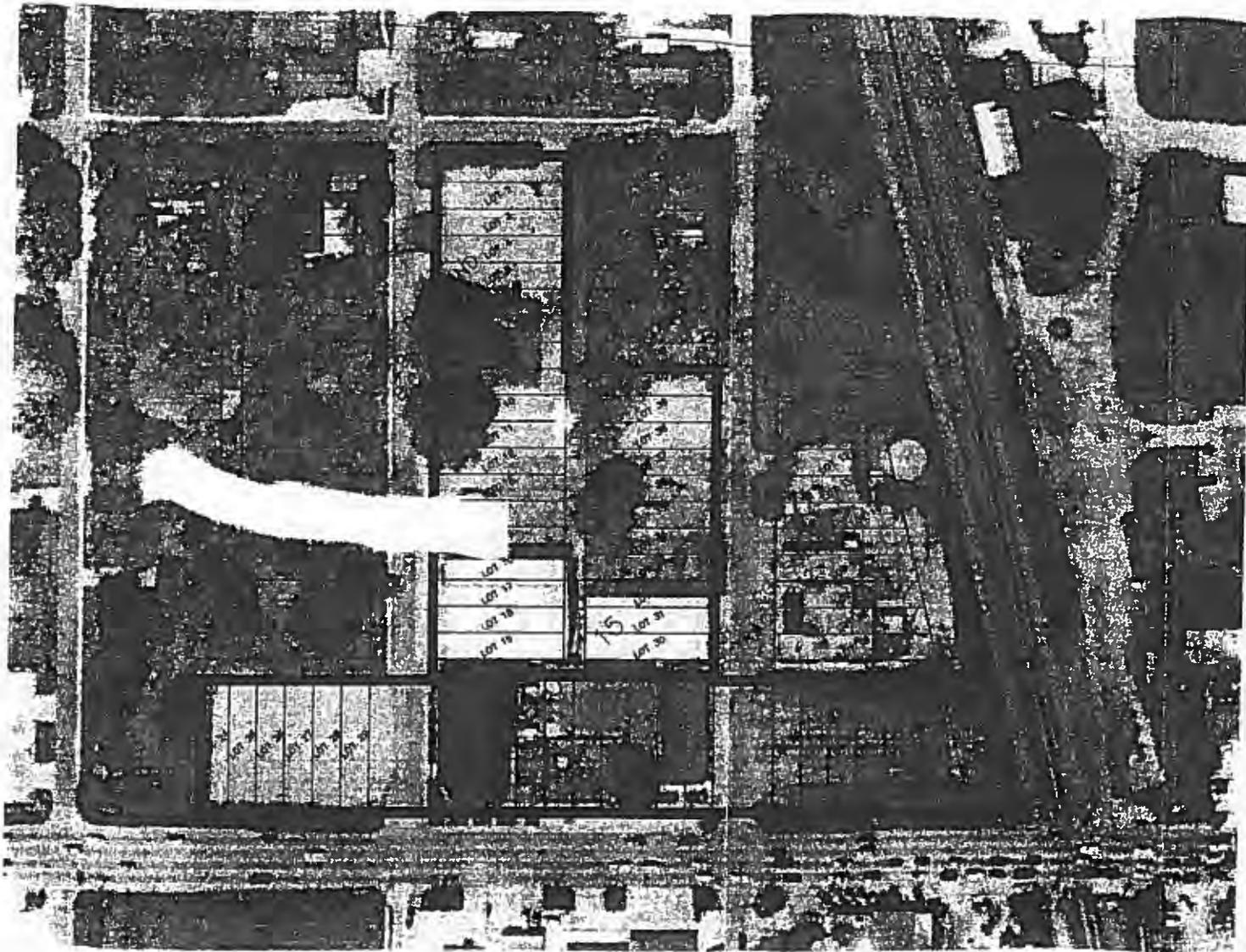
LEGEND

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PREPARED BY

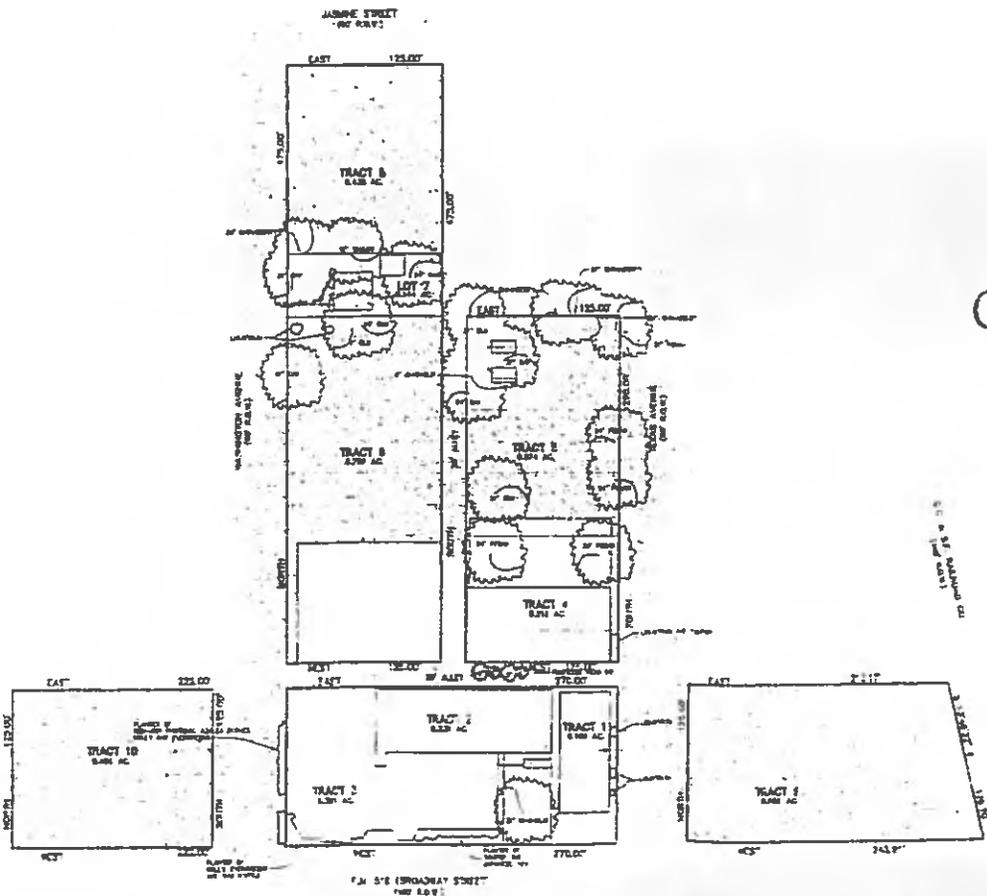


THE WILSON SURVEY GROUP  
PROFESSIONAL LAND SURVEYORS  
2006 E. BROADWAY PEARLAND, TEXAS  
(281) 485-3691 FAX (281) 461-1234



SCALE: 1"=100'





# LANDSCAPE PLAN OF CLOVERGATE COMPLEX

A REPLAT OF LOTS 1-40 IN BLOCK 15,  
LOTS 24-29 IN BLOCK 16 AND  
LOTS 20-25 IN BLOCK 14 OF  
THE ORIGINAL TOWNSITE OF PEARLAND  
IN THE H.T. & B.R.R. CO. SURVEY,  
ABSTRACT NO. 232

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353 PARKWOOD                      2108 KILDARE  
FRIENDSWOOD, TEXAS 77546      PEARLAND, TEXAS 77561  
(281) 962-8451                        (281) 992-6238

FIRST CHRISTIAN ACADEMY  
4201 W. BROADWAY  
PEARLAND TEXAS 77561  
(281) 412-6122

DATE: MAY, 2003

PREPARED BY

 THE WILSON SURVEY GROUP  
NON-FERROUS METALS ANALYSIS  
2002      4555 ACADIA      2849, 1000  
PEARLAND, TEXAS 77561      (281) 992-1111



# Planning & Zoning Commission

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## Recommendation Letter

April 22, 2014

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

Re: Recommendation on Zone Change No. 2014-3Z

Honorable Mayor and City Council Members:

At their meeting on April 21, 2014, the Planning and Zoning Commission considered the following:

A request of Alan Mueller, applicant; on behalf of David Miller; Gromax Building, LTD; First Christian Academy; Harvest of Praise Exalted (HOPE); Barnett's, LTD., owners; for approval of a change in zoning to amend the Magnolia Court at Old Town Pearland Planned Unit Development (PUD) including approximately 4.048 acres of land, on the following described property, to wit:

**LEGAL DESCRIPTION:** All of lots 1 through 40, inclusive in Block 15, all of lots 24 through 29, inclusive in Block 16 and all of lots 20 through 25, inclusive in Block 14 in the Original Town site of Pearland as recorded in Volume 29, Page 41 in Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 29, Page 41 in the Brazoria County Deed Records, and a 0.148 acre tract as described in Volume 1479, Page 559 in Brazoria County Deed Records, all in the H.T. & B.R.R. Co. Survey, Abstract No. 232 in Brazoria County, Texas. Called Magnolia Court at Old Town Pearland.

**GENERAL LOCATION:** East and west of N. Washington Avenue; east and west of N. Texas Avenue; between W. Jasmine Street to the north and Broadway Street to the south; Pearland, Texas

After staff presentation Commissioner Linda Cowles made a motion to approve the change in zoning to amend the Magnolia Court at Old Town Pearland Planned Unit Development (PUD). The motion was seconded by Commissioner Elizabeth McLane.

The motion passed with a vote of 7/0. The Planning and Zoning Commission approved the following:

1. **Allowable Uses for Tracts 1-10**

Tract	Existing PUD Allowable Uses	Planning and Zoning Commission Approved Amendment
1	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district
2	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district
3	Church	All uses allowed within the OT-GB zoning district, plus "Community or Social Buildings"
4	Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district
5	Parking	Parking
6	Social and Recreational Building, Day	All uses allowed within the OT-GB

	Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	zoning district, plus “Community or Social Buildings”, and Parking
<b>7</b>	Residence; <u>plus</u> Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	Single Family Residence, plus all uses allowed within the OT-GB zoning district
<b>8</b>	Parking	Parking
<b>9</b>	Parking	Parking
<b>10</b>	Retail, Restaurant; <u>plus</u> Social and Recreational Building, Day Nursery or Kindergarten, Institutions of Religious or Philanthropic Nature, Public Administration Offices, Schools: Private, Public, Parochial, College or University, Local Utility Distribution Lines, Park/Playground, Recreation Center, Office or Professional, Signs: Monument (On Premise), Signs: Real Estate, Studio: Photography, Artist, Music, Drama, Dance, Blueprint Reproduction, No sexually oriented businesses	All uses allowed within the OT-GB zoning district, plus Parking

## 2. **Signage**

Any new signage shall conform to Chapter 4, Division 5 of the Unified Development Code (UDC).

Sincerely,

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

# New Business Item No. 3

- 3. Consideration and Possible Action – First Reading of Ordinance NO. 2000M-113** – 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 60 acres (2,613,600 square feet) of land situated in 42 James Hamilton Survey, Abstract No. 876, being all of lots 39, 39 ½, 40, 40 ½, 41, 41 ½, 42, 42 ½, 55, 55 ½, 56 and 56 ½ in Section or Block “F” in the Allison-Richey Gulf Coast Home Co.’s part of Suburban Gardens Subdivision recorded in Volume 3, page 40 of the map records of Harris County, Texas, located (South of Beltway 8, north and south of Riley Road, east and west of Kirby Drive and east of Hooper Road), Zone Change 2014-4Z, a request of the City of Pearland for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities facing Kirby Drive, within the approximately 60 acre PUD, on the following described property, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject. Ms. Lata Krishnarao, Director of Community Development.

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

<b>AGENDA OF:</b> May 12, 2014	<b>ITEM NO.:</b> Ordinance No. 2000M-113				
<b>DATE SUBMITTED:</b> April 29, 2014	<b>DEPT. OF ORIGIN:</b> Planning				
<b>PREPARED BY:</b> Johnna Matthews	<b>PRESENTOR:</b> Lata Krishnarao				
<b>REVIEWED BY:</b> Mike Hodge	<b>REVIEW DATE:</b> May 7, 2014				
<p><b>SUBJECT:</b> A request of the City of Pearland for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD, within the approximately 60 acre PUD, on the following described property, to wit:</p> <p style="text-align: center;"><b>General Location:</b> South of Beltway 8, north and south of Riley Road, east and west of Kirby Drive and east of Hooper Road</p>					
<p><b>ATTACHMENTS:</b> Ordinance No. 2000M-113 and Exhibits (Exhibit A – Legal Description; Exhibit B - Vicinity and Zoning Map; Exhibit C - Legal Ad; Exhibit D - Planning and Zoning Commission Recommendation and Recommended PUD Amendment), Applicant Packet, Joint Public Hearing Staff Report, Abutter Map, Abutter List, Future Land Use Map, Aerial Map</p>					
<p><b>EXPENDITURE REQUIRED:</b> N/A                      <b>AMOUNT BUDGETED:</b> N/A  <b>AMOUNT AVAILABLE:</b> N/A                      <b>PROJECT NO.:</b> N/A  <b>ACCOUNT NO.:</b> N/A</p> <p><b>ADDITIONAL APPROPRIATION REQUIRED:</b> N/A  <b>ACCOUNT NO.:</b> N/A  <b>PROJECT NO.:</b> N/A</p>					
<p><b>To be completed by Department:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 25%;">Finance</td> <td style="text-align: center; width: 25%;">Legal</td> <td style="text-align: center; width: 25%;">Ordinance</td> <td style="text-align: center; width: 25%;">Resolution</td> </tr> </table>		Finance	Legal	Ordinance	Resolution
Finance	Legal	Ordinance	Resolution		

**STAFF RECOMMENDATION**

Staff recommends approval of the change in zoning to amend the LNR Clear Creek PUD, to clarify the regulation of loading bays and similar activities along Kirby Drive for the following reasons:

- It is not anticipated that the proposed change in zoning will have any significant negative impacts on surrounding properties or developments. The proposed amendment will ensure a cohesive development which will minimize any adverse visual impacts on existing and future developments. The PUD currently prevents loading bays from facing Kirby Drive. The proposed amendment will allow loading bays, and similar activities, such as overhead doors, rolling shutters, garage doors, bay and dock doors, etc., to face Kirby Drive if setback 250 feet from the right-of-way and screened.
- The future land use designation of the Comprehensive Plan (*Mixed Use Business Park*) as well as the Form-Based Code funded by PEDC for the Lower Kirby Urban Center supports the proposed restrictions, which both recommend higher design standards to protect major thoroughfares such as Kirby Drive. Both plans recommend restrictions pertaining to loading areas.
- Additionally, it was discussed that the location of loading doors and driveways leading up to the doors would not be consistent with the vision for Kirby Drive in the LNR PUD – “The Kirby Drive component is intended to reflect the aesthetics found in a Business Park setting”. “It is the intent of these guidelines to give the visitor/employee the impression of entering a unique Business Park.” To achieve this vision, the PUD requires a 30 foot wide landscaping easement consisting of a staggered row of canopy trees and ornamental trees. The PUD allows uses such as Distribution Facility, Light Manufacturing, Manufacturing Laboratory, for “optimum market feasibility”, that would customarily require loading docks and doors., However, the requirements of – “Loading bays shall not be located in the Kirby Drive facing portion of any structure” was intended to ensure that these doors would be located in the side or the rear to create the aesthetics along Kirby Drive, as stated above. This is supported by additional requirements in the PUD that – “Service areas for any structure shall not be placed on the Kirby Drive side of any structure and shall be screened from street view of all other streets.”
- The vision for Kirby Drive was reinforced by the adoption of the Lower Kirby Urban Center Plan (The Plan) in 2013. The Plan recommends “Special Frontage Requirements for buildings fronting on Kirby Drive, including no outdoor storage areas; service, loading, and unloading of trucks; or truck access along Kirby Drive Frontage. The Plan indicated that industrial uses such as warehouse and storage were not recommended uses along Kirby Drive.

## **EXECUTIVE SUMMARY**

The LNR Clear Creek Spectrum Planned Unit Development (PUD) was approved on June 28, 2004, and includes approximately 60 acres. The City of Pearland proposes to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities from facing Kirby Drive. Kirby Drive is a major thoroughfare and is one of ten (10) roadways within the City of Pearland located within the Corridor Overlay District (COD), where higher development standards are required to effectively enhance the City's image as a desirable place to live, work and play. The subject PUD is also located near two major regional highways, Beltway 8 and State Highway 288, which are considered to be major gateways into the City. The City's goal within the area and similar areas across the City is to exercise greater control over the aesthetic and functional characteristics where increased design standards foster aesthetically pleasing developments.

To assist in this endeavor, in 2011, the Pearland Economic Development Corporation (PEDC) funded the Lower Kirby Urban Center Development Code (The Plan); a form-based code designed to help support development of the Lower Kirby Center located at Beltway 8 and State Highway 288, and for which includes Kirby Drive. The Plan includes a range of development opportunities and standards within an overall urban design, street network and drainage infrastructure framework. The Plan recommends "Special Frontage Requirements" for buildings fronting on Kirby Drive, including no outdoor storage areas or service, loading and unloading of trucks or truck access along the Kirby Drive Frontage. Additionally, Industrial uses such as warehouse and storage are not recommended uses.

The Site Design Guidelines within the PUD state that loading bays are prohibited along Kirby Drive. Specifically the guidelines read as follows:

*"Loading bays shall not be located in the Kirby Drive facing portion of any structure. Buildings with a cross-bay design may have loading bays facing Spectrum provided that loading bays in the Spectrum Drive facing portion of any structure shall not comprise more than 40% of the lineal length of the street facing elevation and that the screening requirements of Section B.2 above are met. Service Areas for any structure shall not be placed on the Kirby Drive side of any structure and shall be screened from street view of all other streets."*

The purpose of the proposed amendment is to ensure that the goals for the Kirby Drive corridor, as stated in the PUD and the Lower Kirby Urban Center Development Code are carried out by not only restricting loading bays, but also similar activities from facing Kirby Drive. This includes, but is not limited to overhead doors, rolling shutters, garage doors, bay doors, and dock doors, from facing Kirby Drive, unless structures are setback at least 250 feet from Kirby Drive and are screened. Screening along Kirby Drive for such activities shall be achieved with an opaque screening fence/wall, with landscaping elements incorporated along the entire fence/wall, with a minimum fence/wall height of eight (8) feet, designed to match the material and color of the façade facing Kirby Drive.

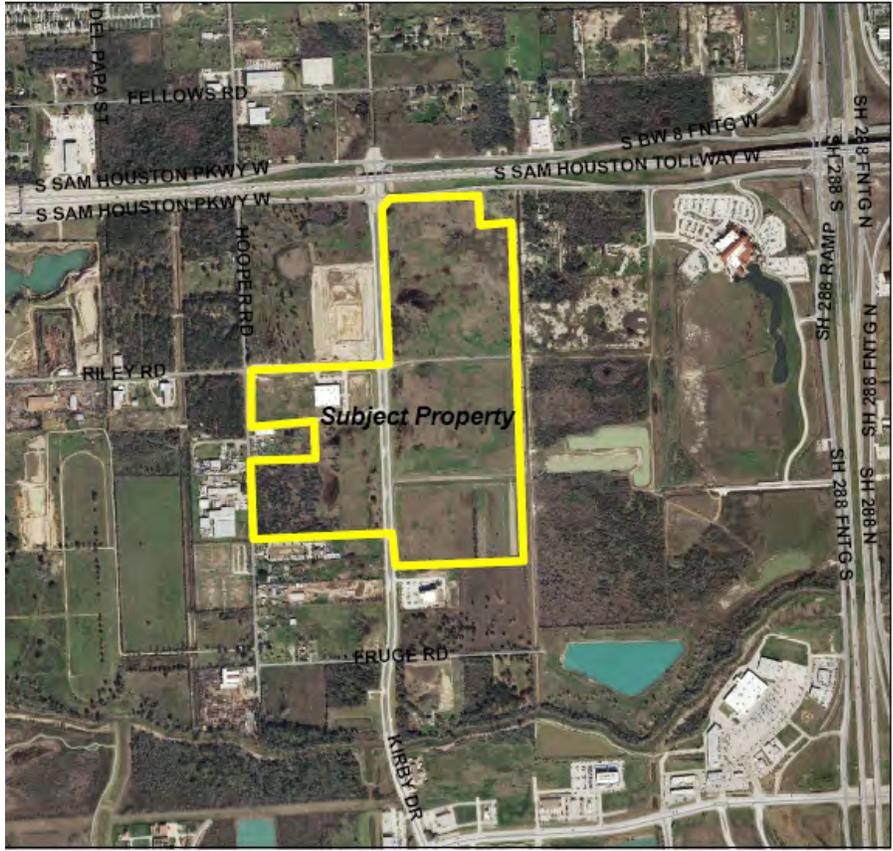
A redline of the proposed amendment follows:

Loading bays and similar activities, including, but not limited to, overhead doors, rolling shutters, garage doors, bay doors and dock doors of any structure shall not ~~be located in the front/face~~ Kirby Drive, ~~facing portion of any structure~~ unless structures are setback at least 250 feet from Kirby Drive and are screened. Screening along Kirby Drive for such activities shall be achieved with an opaque screening wall/fence, with landscaping elements incorporated along the entire fence/wall, with a minimum of eight (8) feet in height, designed to match the material and color of the façade facing Kirby Drive. Buildings with a cross-bay design may have loading bays facing Spectrum Drive provided that loading bays in the Spectrum Drive facing portion of any structure shall not comprise more than 40% of the lineal length of the street facing elevation and that the screening requirements of Section B.2 above are met. Service areas for any structure shall not be placed on the Kirby Drive side of any structure and shall be screened from street view of all other streets.

**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 amendment to the LNR Clear Creek Spectrum PUD. It is important to note that if 20% of the land area within 200 feet of the site are opposed to the request, represented by returned notices from property owners, then a supermajority vote is required by the City Council. Staff received one (1) notice in favor of the request and six (6) notices opposed to the request. Of the 6 notices returned in opposition to the proposed amendment, four (4) represent the same address, and 1 notice was not signed by the owner on file according to Harris County appraisal district records. The one notice in opposition received from a property owner within 200 feet of the site does not represent 20% of the land area within 200 feet of the site.

**PLANNING AND ZONING COMMISSION DISCUSSION:** At the regular meeting of the Planning and Zoning Commission on April 21, 2014, Planning and Zoning Commission Commissioner Linda Cowles made a motion to approve the change in zoning, to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities from fronting/facing Kirby Drive, unless structures are setback at least 250 feet and are screened. The motion was seconded by Commissioner Elizabeth McLane. The motion passed with a 6/1 vote, with Commissioner Tunstell opposing the motion.

Commissioners initially discussed the Conditional Use Permit (CUP) option to allow flexibility in the location of loading bays and similar activities. Staff reminded the Planning and Zoning Commission that in the future if an applicant wanted to vary the requirements of the PUD, that the applicant could initiate an amendment to the PUD for a specific site. A PUD Amendment follows the same process as a CUP including a required site plan, property owner notification within 200 feet of the site and a joint public hearing before the Planning and Zoning Commission and the City Council.



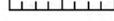
**Aerial Map**

**Zone Change  
2014-4Z**

**LNR Clear Creek  
Spectrum PUD**

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.

0 255 510 1,020 Feet



### **Ordinance NO. 2000M-113**

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 60 acres (2,613,600 square feet) of land situated in the James Hamilton Survey, Abstract No. 876, being all of lots 39, 39 ½, 40, 40 ½, 41, 41 ½, 42, 42 ½, 55, 55 ½, 56 and 56 ½ in Section or Block "F" in the Allison-Richey Gulf Coast Home Co.'s part of Suburban Gardens Subdivision recorded in Volume 3, page 40 of the map records of Harris County, Texas, located (**South of Beltway 8, north and south of Riley Road, east and west of Kirby Drive and east of Hooper Road**), Zone Change 2014-4Z, a request of the City of Pearland for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities facing Kirby Drive, within the approximately 60 acre PUD, on the following described property, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

**WHEREAS**, the City of Pearland is seeking approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities facing Kirby Drive, unless setback 250 feet from the roadway and screened, within the approximately 60 acre PUD; said property being legally described in the legal description attached hereto and made a part hereof for all purposes as Exhibit "A", and more graphically depicted in the vicinity and zoning map attached hereto and made a part hereof for all purposes as Exhibit "B"; and

**WHEREAS**, on the 21st day of April, 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 21st day of April, 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 the City of Pearland; for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD, 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 12<sup>th</sup> day of May 2014 and the 26<sup>th</sup> day of May 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 the City of Pearland, applicant; to amend the LNR Clear Creek Spectrum PUD 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 Planned Unit Development (PUD) to an amended PUD, 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:** 60 acres (2,613,600 square feet) of land situated in the James Hamilton Survey, Abstract No. 876, being all of lots 39, 39 ½, 40, 40 ½, 41, 41 ½, 42, 42 ½, 55, 55 ½, 56 and 56 ½ in Section or Block "F" in the Allison-Richey Gulf Coast Home Co.'s part of Suburban Gardens Subdivision recorded in Volume 3, page 40 of the map records of Harris County, Texas.

**GENERAL LOCATION:** South of Beltway 8, north and south of Riley Road, east and west of Kirby Drive and east of Hooper

Road, 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 12<sup>th</sup> day of May, 2014.

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TOM REID  
MAYOR

ATTEST:

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YOUNG LORFING, TRMC  
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 26<sup>th</sup> day of May, 2014.

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TOM REID  
MAYOR

ATTEST:

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YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

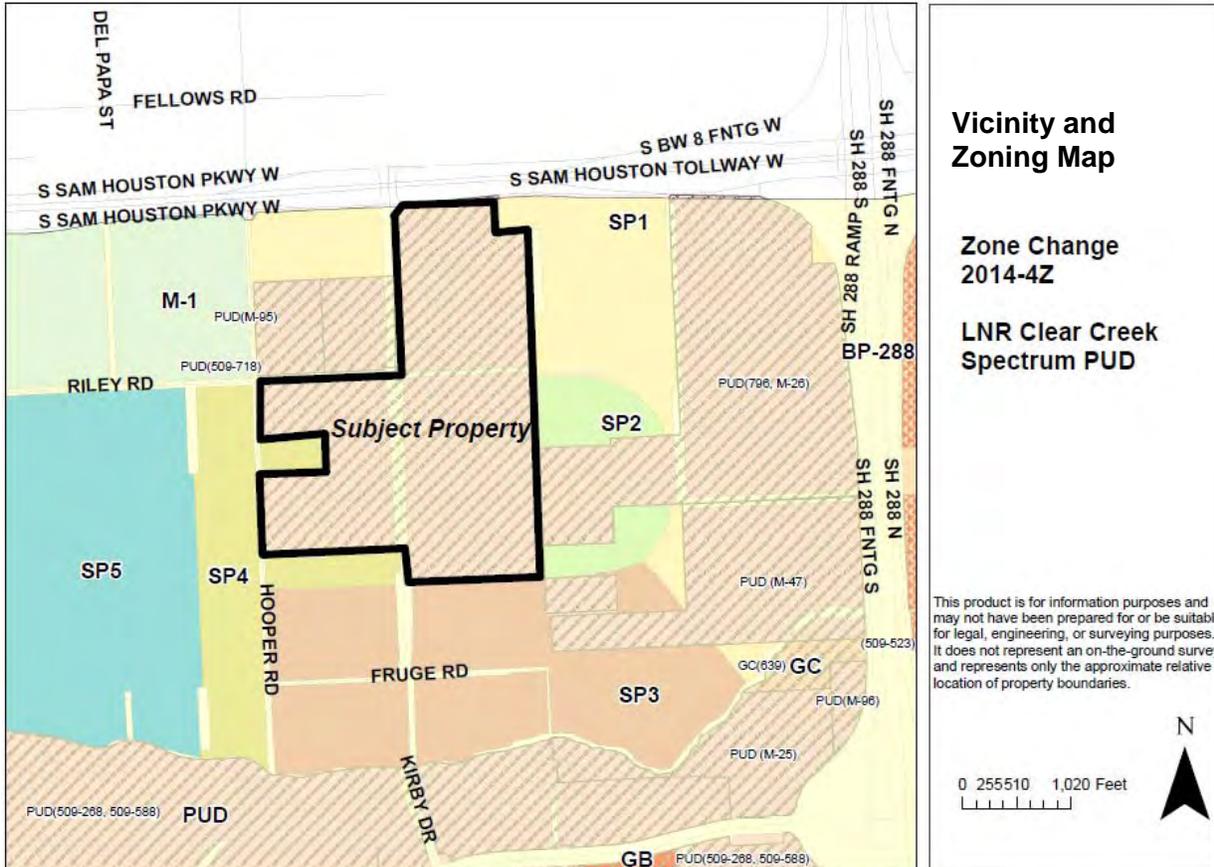
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DARRIN M. COKER  
CITY ATTORNEY

**Exhibit A**  
**Legal Description**

60 acres (2,613,600 square feet) of land situated in the James Hamilton Survey, Abstract No. 876, being all of lots 39, 39 ½, 40, 40 ½, 41, 41 ½, 42, 42 ½, 55, 55 ½, 56 and 56 ½ in Section or Block "F" in the Allison-Richey Gulf Coast Home Co.'s part of Suburban Gardens Subdivision recorded in Volume 3, page 40 of the map records of Harris County, Pearland, Texas

## Exhibit B Vicinity and Zoning Map



**Exhibit C  
Legal Ad**

**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. 2014-4Z**

Notice is hereby given that on April 21, 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 the City of Pearland; for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities within the approximately 60 acre PUD, more specifically described as follows:

60 acres (2,613,600 square feet) of land situated in the James Hamilton Survey, Abstract No. 876, being all of lots 39, 39 ½, 40, 40 ½, 41, 41 ½, 42, 42 ½, 55, 55 ½, 56 and 56 ½ in Section or Block "F" in the Allison-Richey Gulf Coast Home Co.'s part of Suburban Gardens Subdivision recorded in Volume 3, page 40 of the map records of Harris County, Pearland, Texas.

General Location: South of Beltway 8, north and south of Riley Road, east and west of Kirby Drive and east of Hooper Road

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 and Zoning Commission Recommendation**



# Planning & Zoning Commission

## Recommendation Letter

April 22, 2014

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

Re: Recommendation on Zone Change No. 2014-4Z

Honorable Mayor and City Council Members:

At their meeting on April 21, 2014, the Planning and Zoning Commission considered the following:

A request of the City of Pearland for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities facing Kirby Drive, within the approximately 60 acre PUD, on the following described property, to wit:

**LEGAL DESCRIPTION:** 60 acres (2,613,600 square feet) of land situated in the James Hamilton Survey, Abstract No. 876, being all of lots 39, 39 ½, 40, 40 ½, 41, 41 ½, 42, 42 ½, 55, 55 ½, 56 and 56 ½ in Section or Block "F" in the Allison-Richey Gulf Coast Home Co.'s part of Suburban Gardens Subdivision recorded in Volume 3, page 40 of the map records of Harris County, Texas.

**GENERAL LOCATION:** South of Beltway 8, north and south of Riley Road, east and west of Kirby Drive and east of Hooper Road

After staff presentation Commissioner Linda Cowles made a motion to approve the change in zoning to amend the LNR Clear Creek Spectrum Planned Unit Development

(PUD) to restrict loading bays and similar activities from fronting/facing Kirby Drive, unless structures are setback at least 250 feet and are screened. The motion was seconded by Commissioner Elizabeth McLane. The motion passed by a vote of 6/1 with Commissioner Tunstell opposing the motion.

The Planning and Zoning Commission recommended approval of the following language for the amendment:

Loading bays and similar activities, including, but not limited to, overhead doors, rolling shutters, garage doors, bay doors and dock doors of any structure shall not front/face Kirby Drive, unless structures are setback at least 250 feet from Kirby Drive and are screened. Screening along Kirby Drive for such activities shall be achieved with an opaque screening wall/fence, with landscaping elements incorporated along the entire fence/wall, with a minimum of eight (8) feet in height, designed to match the material and color of the façade facing Kirby Drive. Buildings with a cross-bay design may have loading bays facing Spectrum Drive provided that loading bays in the Spectrum Drive facing portion of any structure shall not comprise more than 40% of the lineal length of the street facing elevation and that the screening requirements of Section B.2 above are met. Service areas for any structure shall not be placed on the Kirby Drive side of any structure and shall be screened from street view of all other streets.

Commissioners initially discussed the Conditional Use Permit (CUP) option to allow flexibility in the location of loading bays and similar activities. Staff reminded the Planning and Zoning Commission that in the future if an applicant wanted to vary the requirements of the PUD, that the applicant could initiate an amendment to the PUD for a specific site. A PUD Amendment follows the same process as a CUP including a required site plan, property owner notification within 200 feet of the site and a joint public hearing before the Planning and Zoning Commission and the City Council.

Sincerely,

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



## JOINT PUBLIC HEARING AGENDA ITEM MEETING OF APRIL 21, 2014

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### Zone Change No. 2014-4Z

A request of the City of Pearland for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities from facing Kirby Drive, within the approximately 60 acre PUD, on the following described property, to wit:

**Legal Description:** 60 acres (2,613,600 square feet) of land situated in the James Hamilton Survey, Abstract No. 876, being all of lots 39, 39 ½, 40, 40 ½, 41, 41 ½, 42, 42 ½, 55, 55 ½, 56 and 56 ½ in Section or Block “F” in the Allison-Richey Gulf Coast Home Co.’s part of Suburban Gardens Subdivision recorded in Volume 3, page 40 of the map records of Harris County, Texas.

**General Location:** South of Beltway 8, north and south of Riley Road, east and west of Kirby Drive and east of Hooper Road

**APPROVAL PROCESS:** After the Joint Public Hearing, the requested Zone Change application will be considered as follows:

Planning and Zoning Commission:	April 21, 2014*
City Council First Reading:	May 12, 2014*
City Council Second Reading:	May 26, 2014*

(\*dates subject to change)

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**SUMMARY:** The Planned Unit Development (PUD) for the LNR Clear Creek Spectrum District was approved on June 28, 2004, and includes approximately 60 acres. The subject PUD is located near two major regional highways, Beltway 8 and State Highway 288, and are considered to be major gateways into the City. The City’s goal within the area and similar areas across the City (Major Thoroughfares) is to exercise greater control over the aesthetic and functional characteristics where increased design standards enhance the City’s image and foster aesthetically pleasing developments. To assist in this endeavor, in 2011, the Pearland Economic Development Corporation (PEDC) funded the Lower Kirby Urban Center Development Code (The Plan); a form-based code designed to help support development of the Lower Kirby Center located at Beltway 8 and State Highway 288, and for which includes Kirby Drive. The Plan includes a range of development opportunities and standards within an overall urban design, street network and drainage infrastructure framework.

For example, The Plan recommends “Special Frontage Requirements” for buildings fronting on Kirby Drive, including no outdoor storage areas or service, loading and unloading of trucks or truck access along the Kirby Drive Frontage. Additionally, Industrial uses such as warehouse and storage are not recommended uses.

The PUD includes three (3) Planned Development Sub Districts identified as District A, District B and District C. A description of each Sub District is included within the following table:

<b>District</b>	<b>District Definition</b>
A	<p><b><u>The Beltway 8 District:</u></b> Intended for non-residential development that typically desires high visibility from major thoroughfares. Retail and office uses are preferred in this district and include shops and restaurants (and stand-alone uses or uses associated with a dominant use such as an office), which attract pedestrian activities and enhance the desirability of the PUD. In addition, Science/Technology land uses (and associated functions including manufacture, warehouse and distribution) are also preferred. Development should respect natural features such as creeks and drainage ways by integrating such features into the overall design.</p>
B	<p><b><u>The Mixed Use Science/Technology District:</u></b> Intended to be a broader base Science/Technology community within the PUD. However, a wide variety of land uses are permitted and intended to allow for optimum market feasibility. Such land uses include manufacturing, warehouse, and distribution developed in compliance with uniform landscape design, screening design and building quality standards that will promote an overall visual continuity and perpetuate the quality standards that will promote overall visual continuity and perpetuate the influence of natural features. Development should also respect natural features such as creeks and drainage ways by integrating such features into the overall design of the site(s). Accommodating pedestrian movement is also important to this district due to its central location within the overall Spectrum District.</p>
C	<p><b><u>The Mixed Use Industrial District:</u></b> Intended for transition from and support of the Science/Technology community envisioned for District “B” and has two (2) purposes:</p> <ul style="list-style-type: none"> <li>• Make appropriate transition between the above-described Science/Technology land uses and the heavy/light industrial uses to the west of Kirby Drive with industrial, and/or distribution and/or office uses that provide transition</li> <li>• Provide industrial and/or distribution and/or office land uses that support and reinforce the Science/Technology uses where such support uses have a forward or backward linkage to the Science/Technology District “B.” Permits industrial and/or distribution/warehouse and/or office uses, which generally accomplish one or both of the above stated purposes. Development shall comply with uniform landscape design, continuity, and perpetuate the influence of natural features and should respect these natural features and drainage ways by integrating such features into the overall design.</li> </ul>

Kirby Drive is the dominant streetscape within the PUD and is generally situated in the center of the district running north and south; providing vital linkages to adjacent properties and communities. The intent of guidelines within the PUD is to give visitors/employees within the PUD, the impression of entering a unique Business Park, which reflect an aesthetic, distinctive appearance which minimize any adverse visual impacts.

The Site Design Guidelines within the PUD state that loading bays are prohibited along Kirby Drive. Specifically the guidelines read as follows:

*“Loading bays shall not be located in the Kirby Drive facing portion of any structure. Buildings with a cross-bay design may have loading bays facing Spectrum provided that loading bays in the Spectrum Drive facing portion of any structure shall not comprise more than 40% of the lineal length of the street facing elevation and that the screening requirements of Section B.2 above are met. Service Areas for any structure shall not be placed on the Kirby Drive side of any structure and shall be screened from street view of all other streets.”*

The term “loading bay” is typically defined as an area of a building where goods are loaded and unloaded from trucks, and are commonly found on commercial and industrial buildings; warehouses in particular. This definition connotes that loading and unloading of trucks will take place immediately in front of the loading bay. Without such activity (loading and unloading of trucks), it is staff’s professional opinion that other similar activities would be permitted along Kirby Drive. For example, an overhead door facing Kirby Drive merely used for ingress and egress of trucks, would be a permitted activity.

The purpose of the proposed amendment is to not only prohibit loading bays, but also similar activities from facing Kirby Drive. This includes, but is not limited to overhead doors, rolling shutters, garage doors, bay doors, and dock doors, from facing Kirby Drive, unless structures are setback at least 250 feet from Kirby Drive and are screened. Screening along Kirby Drive for such activities shall be achieved with an opaque screening fence/wall, with landscaping elements incorporated along the entire fence/wall, with a minimum fence/wall height of eight (8) feet, designed to match the material and color of the façade facing Kirby Drive.

A redline of the proposed amendment follows:

Loading bays and similar activities, including, but not limited to, overhead doors, rolling shutters, garage doors, bay doors and dock doors of any structure shall not ~~be located in the front/face~~ Kirby Drive, ~~facing portion of any structure~~ unless structures are setback at least 250 feet from Kirby Drive and are screened. Screening along Kirby Drive for such activities shall be achieved with an opaque screening wall/fence, with landscaping elements incorporated along the entire fence/wall, with a minimum of eight (8) feet in height, designed to match the material and color of the façade facing Kirby Drive. Buildings with a cross-bay design may have loading bays facing Spectrum Drive provided that loading bays in the Spectrum Drive facing portion of any structure shall not comprise more than 40% of the lineal length of the street facing elevation and that the screening requirements of Section B.2 above are met. Service areas for any structure shall not be placed on the Kirby Drive

side of any structure and shall be screened from street view of all other streets.

**SURROUNDING ZONING AND LAND USES:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Houston ETJ & Merit Medical PD	Undeveloped Land Merit Medical
<b>South</b>	Spectrum District 3 (SP3)	Pearland Surgery Center Single Family
<b>East</b>	Spectrum District 1 (SP1), Spectrum District 2 (SP2), Promenade Shops Lifestyle Center PUD	Undeveloped
<b>West</b>	Spectrum District 4 (SP4)	Undeveloped

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** The PUD was originally approved on May 28, 2004, prior to the adoption of the UDC. The PUD was adopted under the previous Land Use and Urban Development Ordinance. The City of Pearland proposes to amend the PUD to restrict loading bays and similar activities along Kirby Drive. The proposed amendment is consistent with the Comprehensive Plan, the regulations of the PUD and the recommendations of Lower Kirby Urban Development Code; a form-based code funded by the Pearland Economic Development Corporation (PEDC); to create an attractive business park setting with heightened design standards.

**SITE HISTORY:** The subject 60 acres was annexed into the City at different times, between 1997 and 1999 and was rezoned to the existing PUD in 2004. A portion of the site, on the west side of Kirby Drive, is developed with Cardiovascular System, Inc. (CSI).

**PLATTING STATUS:** There is a recorded plat for a portion of the land included within the PUD, and plats are currently under review by staff. However, the majority of the land is not platted. Platting will be required if and when development occurs.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The proposed amendment conforms to the Comprehensive Plan. The subject PUD is located just south of Beltway 8, on the east of west sides of Kirby Drive, and west of State Highway 288. This future land use designation for the area is *Mixed Use Business Park*; all major thoroughfares. The Comprehensive Plan recommends a mixed use development in a coordinated, master planned campus-like/business-park setting with interdependent and complimentary uses and special design standards to protect and enhance the City's image between these major thoroughfares. The thoroughfares are critical in shaping and developing the City's image and provide direct access to Houston. Recommended zoning districts include Planned Unit Developments (PUDs) and Corridor Overlay Districts; both of which require higher quality design standards and affords the City maximum opportunity to influence site design.

One of the "higher quality design standards" recommended by the Plan screening of vehicle loading and unloading areas.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject PUD has frontage on multiple roadways with varying right-of-way width requirements. The below table indicates all roadways in which the property has frontage on, the designated right-of-way widths based on the Thoroughfare Plan, and existing right-of-way width based on City GIS data. It is important to note that Kirby Drive has multiple roadway designations; however, the information including below is inclusive of only the roadway designation as it pertains to property frontage for the subject PUD. As all of the property within the PUD is not platted, additional right-of-way may be dedicated at the time of platting.

<b>Roadway</b>	<b>Roadway Designation</b>	<b>Required ROW</b>	<b>Approximate ROW based on GIS Data</b>
Beltway 8	Major Thoroughfare –Proposed Frontage Road	120 feet	Over 300 feet
Kirby Drive	Major Thoroughfare-Sufficient Width (between Beltway 8 and Shadow Creek Parkway)	120 feet	140 feet
Riley Street	Secondary Thoroughfare-To be Widened	100 feet	60 feet
Hooper Road	Major Collector-To be Widened	80 feet	50 feet

**AVAILABILITY OF UTILITIES:** The subject property 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 PD includes one lot which is developed with Cardiovascular Systems, Inc. (CSI). The remaining acreage within the PD is undeveloped. Surrounding developed properties include Merit Medical to the north; and single family homes and Pearland Surgery Center to the south. The proposed amendment to restrict bay doors and similar activity along Kirby Drive will not have any negative impacts on existing or future developments in the immediate area. The proposed amendment will ensure a cohesive development and minimize any adverse visual impacts for existing and future developments.

**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 amendment to the LNR Clear Creek Spectrum PUD. Additionally, a legal notice of public hearing was published in the local newspaper notification signs were placed on the property by the applicant.

**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.

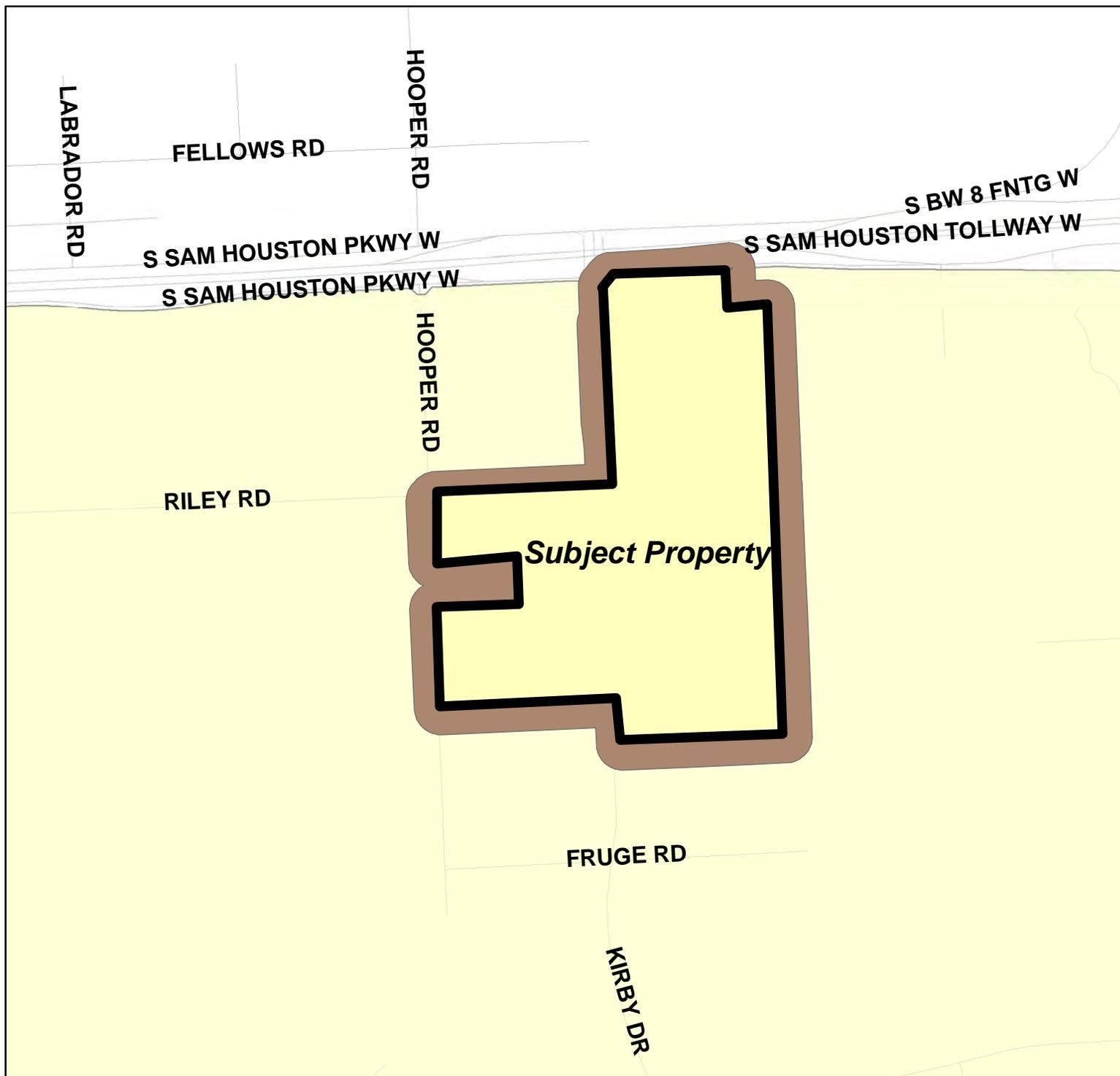
**STAFF RECOMMENDATION:** Staff recommends approval of the change in zoning to amend the LNR Clear Creek PUD, to restrict loading bays and similar activities along Kirby Drive for the following reasons:

1. It is not anticipated that the proposed change in zoning will have any significant negative impacts on surrounding properties or developments. The proposed amendment will ensure a cohesive development which will minimize any adverse visual impacts on existing and future developments.
2. The future land use designation of the Comprehensive Plan (*Mixed Use Business Park*) as well as the Form-Based Code for the Lower Kirby Urban Center supports the proposed restrictions, which both recommend higher design standards to protect major thoroughfares such as Kirby Drive. Both plans recommend restrictions pertaining to loading areas. The purpose of the amendment is to expand the regulations to include not only loading areas, but similar activities such as overhead doors, rolling shutters, garage doors, bay doors, and dock doors, from facing Kirby Drive, unless structures are setback at least 250 feet from Kirby Drive and are screened.

**SUPPORTING ATTACHMENTS:**

1. Vicinity and Zoning Map
2. Abutter Map
3. Abutter List
4. Future Land Use Map
5. Aerial Map
6. LNR Clear Creek Spectrum PUD





## Abutter Map

**Zone Change  
2014-4Z**

**LNR Clear Creek  
Spectrum PUD**

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 255510 1,020 Feet  
|-----|-----|-----|-----|-----|



**ZONE CHANGE 2014-4Z**

LNR Clear Creek Spectrum PD

<b>NAME</b>	<b>ADDRESS</b>	<b>SUITE #</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
KORENEK FAMILY LTD PTNRSH	4334 CRYSTAL RIDGE ST		MISSOURI CITY	TX	77459
LEY DAVID W ET AL	4545 POST OAK PLACE DR	STE 375	HOUSTON	TX	77027
MARTINI RICHARD A	1306 E ANDERSON		HOUSTON	TX	77047
ALLEN DOROTHY ATWATER	505 N ADAMS ST		FREDERICKSBURG	TX	78624
ALMEDA CEMETERY ASSO	14309 SOMMERMEYER ST		HOUSTON	TX	77041
CITY OF PEARLAND	3519 LIBERTY DR		PEARLAND	TX	77581
PEARLAND LIFESTYLE CENTER LP ATTN LEGAL DEPT	2450 THOUSAND OAKS BLVD	STE 3150	MEMPHIS	TN	38118
BOCKEL ARTHUR EARL	15041 HOOPER RD		HOUSTON	TX	77047
LORANCE SUSIE M	2618 S PEACH HOLLOW CIR		PEARLAND	TX	77584
PEARLAND KIRBY MEDICAL PLAZA LP	2525 NORTH LOOP W	STE 120	HOUSTON	TX	77008
MAZOW JACK DR	5202 RUTHERGLEN DR		HOUSTON	TX	77096
GOLD KNIGHT HOLDINGS LP	4808 GIBSON ST		HOUSTON	TX	77007
ONG JAMES O Y TRUSTEE	5222 GRAPE ST		HOUSTON	TX	77096
MAYOR THOMAS H	5555 DEL MONTE DR	UNIT 1306	HOUSTON	TX	77056
GROSS DAVID L & ROBINSON FREDELLE	10015 MULLINS DR		HOUSTON	TX	77096
MAYOR RICHARD B	2121 KIRBY DR	UNIT 13NW	HOUSTON	TX	77019
MAYOR JAMES M	2006 ELM CRST		SAN ANTONIO	TX	78230
HARRIS COUNTY	10555 NORTHWEST FWY	STE 210	HOUSTON	TX	77092
SHT KIRBY LTD % THE BETZ CO	10940 W SAM HOUSTON PKWY N	STE 300	HOUSTON	TX	77064
MERIT MEDICAL SYSTEMS INC	1600 W MERIT PKWY		SOUTH JORDAN	UT	84095
DOVER ENERGY INC	1585 SAWDUST DR	STE 120	SPRING	TX	77380
SPECTRUM 86 PARTNERS LP	4808 GIBSON ST		HOUSTON	TX	77007
MCQUEEN STERLING W	14823 HOOPER RD		HOUSTON	TX	77047
HOANG THAO	14923 HOOPER RD		HOUSTON	TX	77047
KLEIN C	1233 W LOOP S	STE 900	HOUSTON	TX	77027

STATE DEPT HWY & PUB TRANS PARCEL 95E  
ULLRICH WILBERT L  
BRENTAG SOUTHWEST INC  
SYNTECH CHEMICALS INC

PO BOX 1386  
5085 FIELDWOOD DR  
610 FISHER RD  
14822 HOOPER RD

HOUSTON	TX	77251
HOUSTON	TX	77056
LONGVIEW	TX	75604
HOUSTON	TX	77047



# PUBLIC COMMENT FORM



Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581  
281-652-1765  
281-652-1702 fax

## ZONE CHANGE APPLICATION NO. 2014-4Z

A request of the City of Pearland for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities facing Kirby Drive, within the approximately 60 acre PUD

**Joint Public Hearing to be held Monday, April 21, 2014 at 6:30 PM in the Council Chambers of City Hall, 3519 Liberty Drive, Pearland, Texas.**

If you are unable to attend the Joint Public Hearing, but wish to have your opinions made a part of the public record, please complete this form and *return to the Planning Department at the above noted address by mail, by fax, or drop off in person*, prior to the Joint Public Hearing.

I am **IN FAVOR OF** the request as explained on the attached notice.  
*(Checking "IN SUPPORT OF" means that you support the request and feel that the request should be approved accordingly).*

I am **OPPOSED TO** the request as explained on the attached notice.  
*(Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied).*

Name: THOMAS H. MAYOR

Address: 5555 DEL MONTE UNIT 1306 HOUSTON 77056

Signature: [Handwritten Signature] Date: 4/14/14

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# PUBLIC COMMENT FORM

Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581  
281-652-1765  
281-652-1702 fax

## ZONE CHANGE APPLICATION NO. 2014-4Z

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*(Checking "IN SUPPORT OF" means that you support the request and feel that the request should be approved accordingly).*

I am **OPPOSED TO** the request as explained on the attached notice.  
*(Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied).*

Name: MHI Compressor Manufacturing, LLC

Address: 1221 McKinney Street, Suite 4250, Houston, Texas 77010

Signature: *Gampa I. Bhat*  
Gampa I. Bhat, Chief Executive Officer

Date: April 21, 2014

COMMENTS: MHI Compressor Manufacturing, LLC ("MHI") is opposed to this zone change because it will have substantial adverse effects on MHI's ability to use its property for its intended commercial purposes. This zone change amounts to a restriction on use that was not of record at the time MHI acquired its property in 2013.

*\* Not the owner on record.*



Planning Department  
 3523 Liberty Drive  
 Pearland, Texas 77581  
 281-652-1765  
 281-652-1702 fax

# PUBLIC COMMENT FORM

RECEIVED

APR 15 2014

Administration



## ZONE CHANGE APPLICATION NO. 2014-4Z

A request of the City of Pearland for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities facing Kirby Drive, within the approximately 60 acre PUD

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 (Checking "IN SUPPORT OF" means that you support the request and feel that the request should be approved accordingly).

I am **OPPOSED TO** the request as explained on the attached notice.  
 (Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied).

Name: Arthur Earl Bockel Jr.

Address: 15041 Harper Rd Houston TX 77047 832-477-794

Signature: Arthur Earl Bockel Jr. Date: 4-14-2014

COMMENTS: I don't know how this <sup>will affect</sup> my property, being lot 53 1/2<sup>A</sup> 54 1/2<sup>A</sup> 59<sup>B</sup> 60<sup>B</sup> and lot 59<sup>A</sup>. I should have to pay the 1% L&T MGMT Tax because I received absolutely no benefit from the district. I would like to have a meeting with some one in the Planning Commission.



# PUBLIC COMMENT FORM

Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581  
281-652-1765  
281-652-1702 fax

## ZONE CHANGE APPLICATION NO. 2014-4Z

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\_\_\_\_\_ I am **IN FAVOR OF** the request as explained on the attached notice.  
(Checking "IN SUPPORT OF" means that you support the request and feel that the request should be approved accordingly).

X I am **OPPOSED TO** the request as explained on the attached notice.  
(Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied).

Name: Gold Knight Holdings

Address: 4808 Gibson St.

Signature: *Amy* Date: 4-15-14

COMMENTS: Surrounding property owners do not wish to encumber or restrict their properties further, especially with out the consult of the property owners.



# PUBLIC COMMENT FORM

Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581  
281-652-1785  
281-652-1702 fax

## ZONE CHANGE APPLICATION NO. 2014-4Z

A request of the City of Pearland for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities facing Kirby Drive, within the approximately 60 acre PUD

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           I am **IN FAVOR OF** the request as explained on the attached notice.  
*(Checking "IN SUPPORT OF" means that you support the request and feel that the request should be approved accordingly).*

  X   I am **OPPOSED TO** the request as explained on the attached notice.  
*(Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied).*

Name: Avi Ron

Address: 4808 Gibson St.

Signature: [Signature] Date: 4-15-14

COMMENTS: Surrounding property owners do not wish to encumber or restrict their properties further, especially with out the consult of the property owners.

Duplicate



# PUBLIC COMMENT FORM

Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581  
281-652-1765  
281-652-1702 fax

## ZONE CHANGE APPLICATION NO. 2014-4Z

A request of the City of Pearland for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities facing Kirby Drive, within the approximately 60 acre PUD

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I am **OPPOSED TO** the request as explained on the attached notice.  
*(Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied).*

Name: Spectrum 86, IP

Address: 4808 Gibson St.

Signature: [Signature] Date: 4-15-14

COMMENTS: Surrounding property owners do not wish to encumber or restrict their properties further, especially with out the consult of the property owners.



# PUBLIC COMMENT FORM

Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581  
281-652-1765  
281-652-1702 fax

## ZONE CHANGE APPLICATION NO. 2014-4Z

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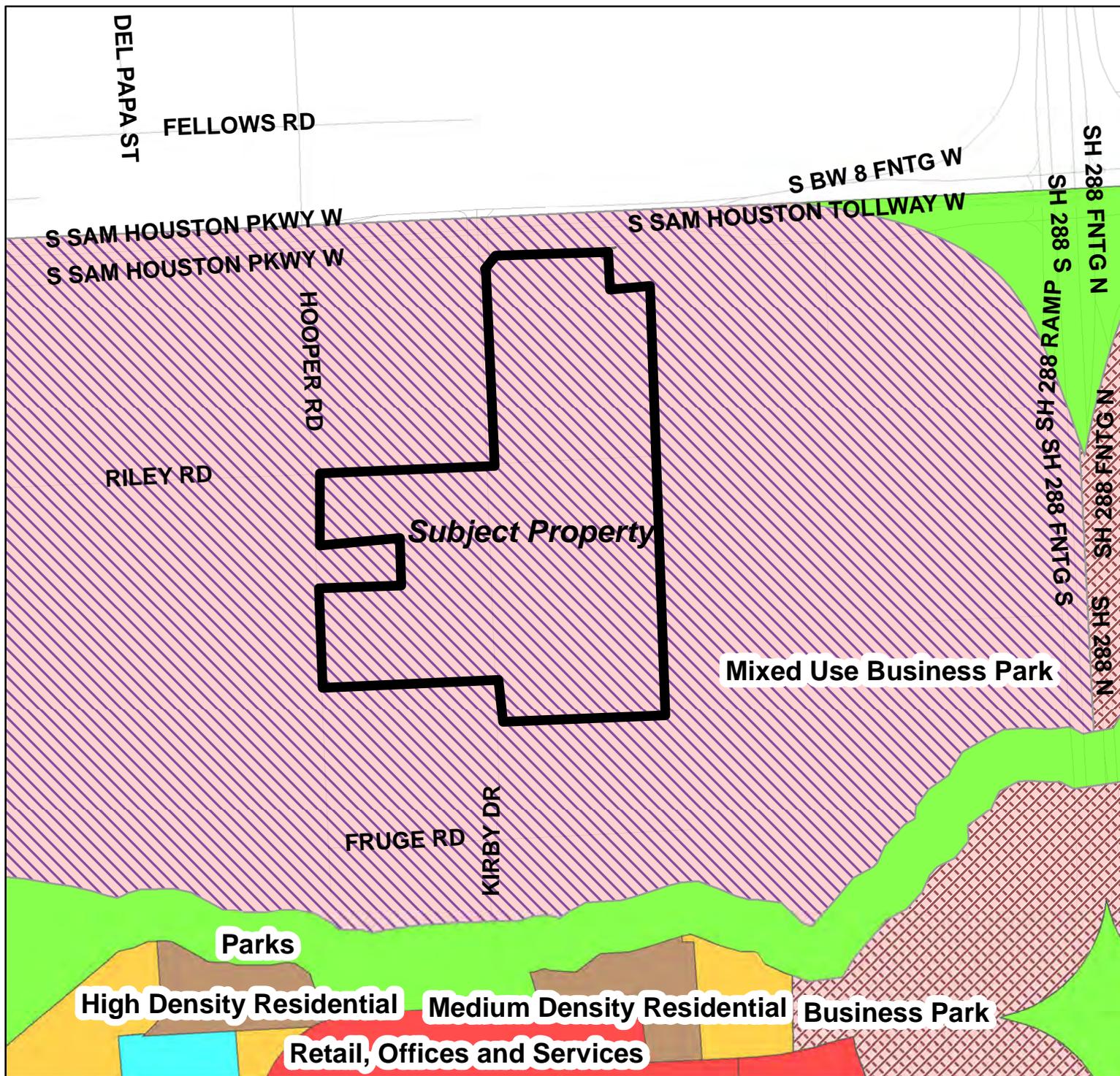
X I am **OPPOSED TO** the request as explained on the attached notice.  
(Checking "OPPOSED TO" means that you are in opposition to the request and feel that the request should be denied).

Name: Justin Patchen

Address: 4808 Gibson St.

Signature: [Signature] Date: 4-15-14

COMMENTS: Surrounding property owners do not wish to encumber or restrict their properties further, especially with out the consult of the property owners.



## FLUP Map

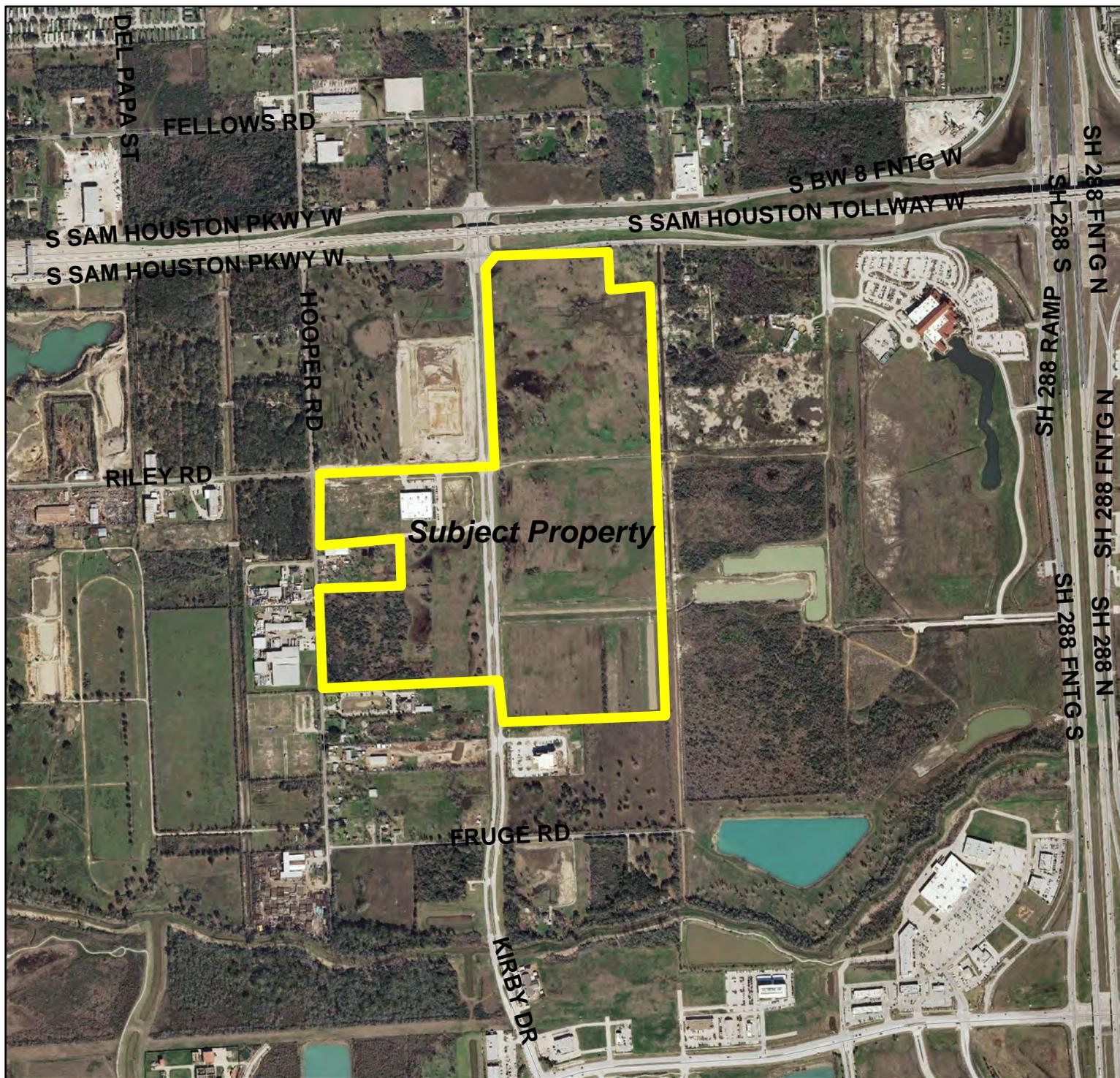
**Zone Change  
2014-4Z**

**LNR Clear Creek  
Spectrum PUD**

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0 255510 1,020 Feet





## Aerial Map

**Zone Change  
2014-4Z**

**LNR Clear Creek  
Spectrum PUD**

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**EXCERPT FROM MINUTES OF THE PLANNING AND ZONING COMMISSION, CITY OF PEARLAND, TEXAS, MONDAY, APRIL 21, 2014, AT 6:30 P.M., COUNCIL CHAMBERS - CITY HALL - 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**CONSIDERATION & POSSIBLE ACTION - ZONE CHANGE NO. 2014-4Z**

A request of the City of Pearland for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities facing Kirby Drive, within the approximately 60 acre PUD, on the following described property, to wit:

**Legal Description:** 60 acres (2,613,600 square feet) of land situated in the James Hamilton Survey, Abstract No. 876, being all of lots 39, 39 ½, 40, 40 ½, 41, 41 ½, 42, 42 ½, 55, 55 ½, 56 and 56 ½ in Section or Block "F" in the Allison-Richey Gulf Coast Home Co.'s part of Suburban Gardens Subdivision recorded in Volume 3, page 40 of the map records of Harris County, Texas.

**General Location:** South of Beltway 8, north and south of Riley Road, east and west of Kirby Drive and east of Hooper Road

P&Z Chairperson Henry Fuertes read into the record the request for a zone change.

P&Z Commissioner Linda Cowles made the motion to approve and P&Z Commissioner Elizabeth McLane seconded.

City Planner Johnna Matthews summarized the staff report stating that the LNR Clear Creek Spectrum PUD does not prohibit bay doors/loading doors, and this amendment will allow with restrictions of a 250 foot setback and screening.

Commissioners Elizabeth McLane, Linda Cowles stated they supported staff's recommendations. Chairperson Henry Fuertes stated he supported the recommendation with a variance or a conditional use permit if sliding glass doors are needed.

Deputy City Attorney Nghiem Doan explained the legal interpretation and the need for this amendment due to MHI's original plans that showed loading doors facing Kirby which would have been permitted by the current PUD. However, loading bays and loading docks would not be permitted by the current PUD.

Community Development Director Lata Krishnarao explained that loading doors lead to access and more pavement in front, and the loading and unloading activity in the front.

Commissioner Elizabeth McLane stated that often we allow any business in the city. It is time for the P&Z Commission to require something nicer for Kirby.

Vice-Chairperson Mary Starr stated there were three other sides of the building that would permit loading doors.

Discussion ensued with regards to the language (fronting verses facing Kirby) ability of future applicants to seek variations through PUD amendments, and a process that would be similar to the CUP process.

The vote was 6-1. Zone Change No., 2014-4Z was approved. Commissioner Daniel Tunstall voted in opposition with no explanation.

**EXCERPT OF MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION, CITY OF PEARLAND, TEXAS, MONDAY, APRIL 21, 2014, AT 6:30 P.M., COUNCIL CHAMBERS - CITY HALL - 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**CONSIDERATION & POSSIBLE ACTION - ZONE CHANGE NO. 2014-4Z**

A request of the City of Pearland for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities facing Kirby Drive, within the approximately 60 acre PUD, on the following described property, to wit:

**Legal Description:** 60 acres (2,613,600 square feet) of land situated in the James Hamilton Survey, Abstract No. 876, being all of lots 39, 39 ½, 40, 40 ½, 41, 41 ½, 42, 42 ½, 55, 55 ½, 56 and 56 ½ in Section or Block "F" in the Allison-Richey Gulf Coast Home Co.'s part of Suburban Gardens Subdivision recorded in Volume 3, page 40 of the map records of Harris County, Texas.

**General Location:** South of Beltway 8, north and south of Riley Road, east and west of Kirby Drive and east of Hooper Road

P&Z Chairperson Henry Fuertes read into the record the purpose of the hearing.

City Planner Johnna Matthews read the staff report stating that the PUD for the LNR Clear Creek Spectrum District was approved on June 28, 2004 and included approximately 60 acres. The city's goal within the area and similar areas across the City (Major Thoroughfares) is to exercise greater control over the aesthetic and functional characteristic where increased design standards enhance the City's image and foster aesthetically pleasing developments.

To assist in this endeavor, in 2011, the Pearland Economic Development Corporation (PEDC) funded the Lower Kirby Urban Center Development Code (The Plan); a form-based code designed to help support development of the Lower Kirby Center located at Beltway 8 and State Highway 288, which includes Kirby Drive. The Plan includes a range of development opportunities and standards within an overall urban design, street network and drainage infrastructure framework. The Plan recommends "Special Frontage Requirements" for buildings fronting on Kirby Drive, including no outdoor storage areas or service, loading and unloading of trucks; or truck access along the Kirby Drive Frontage. Additionally, industrial uses such as warehouse and storage are not recommended uses.

The Site Design Guidelines within the PUD state that loading bays are prohibited along Kirby Drive.

The purpose of the proposed amendment is to ensure that the goals for the Kirby Drive corridor, as stated in the PUD and the Lower Kirby Urban Center Development Code are carried out by not only restricting loading bays, but also similar activities from facing Kirby Drive. This includes, but is not limited to overhead doors, rolling shutters, garage doors, bay doors, and dock doors, from facing Kirby Drive, unless structures are setback at least 250 feet from Kirby Drive and are screened. Screening along Kirby Drive for such activities shall be achieved with an opaque screening fence/wall, with landscaping elements incorporated along the entire fence/wall, with a minimum fence/wall height of eight (8) feet, designed to match the material and color of the façade facing Kirby Drive.

Staff received one public comment form in favor of the zone change, and five public comment forms in opposition. Staff received zero phone calls.

City staff thanked MHI for complying with this requirement even though this amendment has not been approved, at the time MHI submitted their site plan.

Council Member Tony Carbone spoke with concern of the opposition from the neighbors and was not sure if he was in favor.

Council Member Keith Ordeneaux expressed concern and asked if there were other ways to architecturally design doors. Since the PUD states "no bay doors" and he inquired about showrooms being permitted.

Council Member Scott Sherman stated he was in favor of the zone change.

Mayor Tom Reid stated that Riley Road has entrance for bays and did not feel that bay doors would keep an upscale look for the City.

City Planner Johnna Matthews stated the current zoning does not allow bays. Staff was recommending screening and a 250 foot setback.

Council Member Tony Carbone stated he agreed with Council Member Scott Sherman and wants it to look good.

Mayor Tom Reid agreed with staff's recommendation.

Council Member Keith Ordeneaux asked about the percent of transparency. City Planner Johnna Matthews read from the current UDC and stated the percent of void glaze of solid area must not exceed 50% glass.

P&Z Chairperson Henry Fuertes stated in 2004 the vision for Kirby versus today is very different with a shift in what the city wants. He stated a lot of money went in to the roads, way in advance, and that the original look was to have detention in the front of the lots. Shadow Creek and Kirby owners deserve higher standards.

Mayor Tom Reid commented that the city requires small business like a Jiffy Lube to have bays that face the sides and not the front, and these bay doors should not be visible from the road either.

Matt Buchanan, Pearland Economic Development Director stated that when Dover and Merit Medical came, they did not want to put bays in the front. The only properties that this amendment would affect are the neighbors of CSI and MHI on vacant land within the PUD.

Council Member Tony Carbone asked if all undeveloped land within the PUD is owned by three owners. Matt Buchanan stated yes.

P&Z Commissioner Linda Cowles stated that it appeared one person filled out all the opposition forms.

Council Member Keith Ordeneaux expressed concern with the language of no transparency up to 50%.

P&Z Commissioner Derrick Reed stated he agreed that zero percent transparency is not the best.

Council Member Keith Ordeneaux expressed concern with the bay doors.

Mayor Tom Reid stated he was concerned with keeping Kirby looking nice.

Council Member Keith Ordeneaux was concerned with citizens and developers being unhappy.

P&Z Commissioner Ginger McFadden stated that she felt a Conditional Use Permit should be allowed. City Planner Johnna Matthews stated if P&Z Commission wants it to be added, it could be.

A representative of MHI and Powers Brown Architect spoke n behalf of their design.

Mayor Tom Reid adjourned the public hearing for Zone Change No. 2014-4Z at 7:46 p.m.

## **ADJOURNMENT**

Mayor Tom Reid adjourned the series of public hearings at 7:46 p.m.



# Planning & Zoning Commission

## Recommendation Letter

April 22, 2014

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

Re: Recommendation on Zone Change No. 2014-4Z

Honorable Mayor and City Council Members:

At their meeting on April 21, 2014, the Planning and Zoning Commission considered the following:

A request of the City of Pearland for approval of a change in zoning to amend the LNR Clear Creek Spectrum PUD to restrict loading bays and similar activities from facing Kirby Drive, unless setback at least 250 feet from the roadway and screened; within the approximately 60 acre PUD, on the following described property, to wit:

**LEGAL DESCRIPTION:** 60 acres (2,613,600 square feet) of land situated in the James Hamilton Survey, Abstract No. 876, being all of lots 39, 39 ½, 40, 40 ½, 41, 41 ½, 42, 42 ½, 55, 55 ½, 56 and 56 ½ in Section or Block "F" in the Allison-Richey Gulf Coast Home Co.'s part of Suburban Gardens Subdivision recorded in Volume 3, page 40 of the map records of Harris County, Texas.

**GENERAL LOCATION:** South of Beltway 8, north and south of Riley Road, east and west of Kirby Drive and east of Hooper Road

Commissioner Linda Cowles made a motion to approve the change in zoning to amend the LNR Clear Creek Spectrum Planned Unit Development (PUD) to restrict loading bays and similar activities from fronting/facing Kirby Drive, unless structures are setback at least 250 feet and are screened. The motion was seconded by Commissioner Elizabeth

McLane. The motion passed by a vote of 6/1 with Commissioner Tunstell opposing the motion.

Commissioners initially discussed the Conditional Use Permit (CUP) option to allow flexibility in the location of loading bays and similar activities. Staff reminded the Planning and Zoning Commission that in the future if an applicant wanted to vary the requirements of the PUD, that the applicant could initiate an amendment to the PUD for a specific site. A PUD Amendment follows the same process as a CUP including a required site plan, property owner notification within 200 feet of the site and a joint public hearing before the Planning and Zoning Commission and the City Council.

The Planning and Zoning Commission recommended approval of the following language for the amendment:

Loading bays and similar activities, including, but not limited to, overhead doors, rolling shutters, garage doors, bay doors and dock doors of any structure shall not front/face Kirby Drive, unless structures are setback at least 250 feet from Kirby Drive and are screened. Screening along Kirby Drive for such activities shall be achieved with an opaque screening wall/fence, with landscaping elements incorporated along the entire fence/wall, with a minimum of eight (8) feet in height, designed to match the material and color of the façade facing Kirby Drive. Buildings with a cross-bay design may have loading bays facing Spectrum Drive provided that loading bays in the Spectrum Drive facing portion of any structure shall not comprise more than 40% of the lineal length of the street facing elevation and that the screening requirements of Section B.2 above are met. Service areas for any structure shall not be placed on the Kirby Drive side of any structure and shall be screened from street view of all other streets.

Sincerely,

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

# New Business Item No.4

- 4. Consideration and Possible Action – Resolution No. R2014-45 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with Fire Station No. 3, to the Crain Group, LLC in the amount of \$3,181,376.00, and authorizing certain increases in expenditures and revenues in the Capital Projects Fund. *Mr. Trent Epperson, Director of Engineering and Capital Projects.***

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

<b>AGENDA OF:</b> May 12, 2014	<b>ITEM NO.:</b> Resolution No. 2014-45
<b>DATE SUBMITTED:</b> April 28, 2014	<b>DEPT. OF ORIGIN:</b> Projects
<b>PREPARED BY:</b> Cuong Le	<b>PRESENTOR:</b> Trent Epperson
<b>REVIEWED BY:</b> Mike Hodge	<b>REVIEW DATE:</b> May 2, 2014
<b>SUBJECT:</b> Award of Construction Contract for Fire Station No. 3	
<b>EXHIBITS:</b> A – Architect’s Recommendation Letter & Certified Bid Tab; B – Site Layout; C – Thursday Admin Packet Memo	
<b>FUNDING:</b> <input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input checked="" type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold	
<b>EXPENDITURE REQUIRED: \$3,181,376.00</b> <b>AMOUNT BUDGETED: \$3,155,444</b> <b>AMOUNT AVAILABLE: \$2,778,916</b> <b>PROJECT NO.: FA1302</b> <b>ACCOUNT NO.: 50-0000-564 &amp; 70-000-565</b> <b>ADDITIONAL APPROPRIATION REQUIRED: \$475,000.00</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>	
<b>To be completed by Department:</b> <input checked="" type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal              Ordinance <input checked="" type="checkbox"/> Resolution	

**RECOMMENDED ACTION**

Staff recommends that Council award a construction contract to Crain Group, LLC for construction of Fire Station No. 3 in the amount of \$3,181,376.00. With this amount exceeding the project budget, staff is requesting an additional amount of \$475,000 to be funded by Certificate of Obligation and authorizes the City Manager to execute the contract on behalf of the City.

**EXECUTIVE SUMMARY**

**BACKGROUND**

The Pietsch Report, of November, 2011 recommended the City relocate Fire Station #3 to the vicinity of Yost Road and Pine Hill Drive and that this new station should house an Engine Company and a Ladder Company. While the exact location identified in that report was not available, land already owned by the City at the corner of Yost and Broadway was assessed in a subsequent site analysis (June 2012) and found to be the

preferred location. The single-story facility has been designed to support up to two pumper trucks, one ladder truck, one rescue truck and up to two ambulances and accommodate 24 hour operational needs of a full time staff, including the provision of 10 dormitory rooms, a kitchen/ dining area/ day room, offices, bunker gear, restrooms, three double deep pull-thru bays and other related support spaces totaling approximately 10,726 square feet. In keeping with the City's hurricane response staging strategy, the building is designed to withstand 140 mph/ three second gusts and includes emergency power provided by a gas generator.

### **SCOPE OF CONTRACT/AGREEMENT**

The Construction Contract entails the work of three construction phases. Phase 1 will include site work, utility relocation and drainage and the construction of the wood frame/ masonry veneer building with standing seam metal roof. This phase also includes adjustments to the median on Yost, a signal pre-emption, landscaping with irrigation, staff/visitor parking lots, alerting system, and security access control system.

Once the building achieves the Certificate of Occupancy, the existing EMS house will be abated for asbestos and demolished as Phase 2.

Phase 3 will complete the site amenities for the project with the construction of a new access roadway for the station and the adjacent church, which will allow the closure of the existing church driveway on Broadway Street.

### **BID AND AWARD**

The Plans and Specifications were completed in February 2014 and project used a Competitive Sealed Proposal methodology to determine the contractor offering the Best Value for the City. The selection process reviewed the contractor's cost, schedule, experience, reputation, safety record, quality assurance, current workload and financial solvency.

Proposals were opened on April 15, 2014 via the E-Bid system with six contractors submitting proposals with prices factors ranging from \$3,181,376.00 to \$4,180,000.00. Project staff along with Fire Department staff and the architect, reviewed all proposals, certified bid tabulation and schedule, reviewed references and experience and determined Crain Group, Inc. offered the best value. The contract will be a lump sum in the total amount of \$3,181,376.00. This amount exceeds the total project budget by \$402,460 and appears to represent the current regional trend in rapidly rising construction costs for specialized facilities in particular. As a result, staff is requesting an additional \$475,000 to cover the current budget shortage and the cost of Furniture, Fixtures, & Equipment (FF&E). It is proposed to be funded with the issuance of Certificates of Obligation.

Crain Group, LLC is a local Pearland company that has completed eight similar projects within the past five years around the Houston metro area which includes three fire stations. They recently complete the Fire Station #5 on the west side of Pearland. Please see the attached Architect's Recommendation Letter.

**SCHEDULE**

Work is scheduled to begin in early June and the contract specifies Partial Substantial Completion of 240 calendar days with an additional 60 days to Substantial Completion. With 30 days for final completion, the total time to final completion is 330 calendar days. Barring weather delays, Partial Substantial Completion (building completion with Certificate of Occupancy) will be early February 2015.

**POLICY/GOAL CONSIDERATION**

The fire station project was specifically identified in the 2014-2018 CIP. This project will help meet the City's needs to maintain or improve response time and the public's safety in this area.

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

The budget shown below includes the additional \$475,000 that is being requested with this agenda item. The memo provided to Council in the Thursday Administrative Packet on May 1, 2014 was incorrect regarding the additional funding required. After consultation with Finance and reconciliation of all funding sources, the additional funding required is \$475,000 instead of \$325,000, as indicated in the memo.

Year	To Date	2015	2016	2017	2018	Total
<b>Budget</b>	<b>\$ 3,630,444</b>					<b>\$ 3,630,444</b>
Prior Expenditures						
PER	4,770					4,770
Land/ROW	-					-
Design/Survey	275,015					275,015
Construction	89,347					89,347
FF&E						-
<b>Current Request</b>						
<b>Construction</b>	<b>3,181,376</b>					<b>3,181,376</b>
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction						-
FF&E	70,000					70,000
<b>Total Expenditures</b>	<b>\$ 3,620,508</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,620,508</b>
<b>Remaining Balance</b>	<b>\$ 9,936</b>	<b>\$ 9,936</b>	<b>\$ 9,936</b>	<b>\$ 9,936</b>	<b>\$ 9,936</b>	<b>\$ 9,936</b>

Debt Sold						
Debt to Be Sold						
<b>Annual Debt Service</b>						

**O&M IMPACT INFORMATION** – Includes personnel services

Year	2014	2015	2016	2017	2018
Operation and Maintenance Costs	\$ 177,705	\$ 847,365	\$ 870,518	\$ 894,365	\$ 918,928

**RESOLUTION NO. R2014-45**

**A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with Fire Station No. 3, to the Crain Group, LLC in the amount of \$3,181,376.00, and authorizing certain increases in expenditures and revenues in the Capital Projects Fund.**

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

**Section 1.** That bids were obtained for the construction of Fire Station No. 3.

**Section 2.** That the City Council hereby awards a bid to the Crain Group, LLC., in the total amount of \$3,181,376.00.

**Section 3.** That certain increases in expenditures and revenues in the Capital Projects Fund are hereby authorized to fund the construction of Fire Station No.3.

**Section 3.** The City Manager or his designee is hereby authorized to execute a contract for the construction of Fire Station No. 3.

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



2700 EARL RUDDER TRWY S  
SUITE 4000  
COLLEGE STATION, TX  
77845  
979-694-1791  
FAX 694-8293  
WWW.BRWARCH.COM

May 1, 2014

Cuong Le, CAPM  
Project Manager  
City of Pearland  
2519 Liberty Drive  
Pearland, TX 77581

Mr. Le,

On April 15, 2014, the City of Pearland received six (6) proposals for the referenced project and conducted a thorough review of the proposals' price and qualifications. As a result of this review, it is BRW's opinion to recommend to the City of Pearland the contract award for the bid amount of, \$3,181,376.00 to Crain Group, LLC as the general contractor.

The cost difference between BRW's Probable Cost Statement of \$2,704,451 and Crain Group's proposal of \$3,181,376 can be attributed to the following two factors:

- A significant increase in construction projects around the Houston area due to the booming housing market and expanding industrial growth has resulted in the supply of laborers and materials not being able to keep up with the demand and consequently increasing the cost of construction.
- An Excessive amount of utility relocations within the project.

In addition to being a local Pearland company, Crain Group, LLC has the best overall price and value for the City.

Sincerely,

**Ray Holliday, AIA, ASLA, APA, LI**  
Studio Director

**ARCHITECT'S CERTIFIED BID TAB**

Line #	Description / Alternate Desc	QTY	UOM	Architect's Estimate		Crain Group, L.L.C.		TRIAD RETAIL CONSTRUCTION INC		TDM Construction		Horizon International Group, LLC		Construction Masters		Comex Corporation	
				Total Price	\$2,704,451.00	Total Price	\$3,181,376.00	Total Price	\$3,315,000.00	Total Price	\$3,440,000.00	Total Price	\$3,797,000.00	Total Price	\$3,813,500.00	Total Price	\$4,180,000.00
				Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
1	MOBILIZATION: (NOT TO EXCEED 3% OF TOTAL BID AMOUNT)	1	LS	N/A	N/A	\$94,937.00	\$94,937.00	\$94,000.00	\$94,000.00	\$49,000.00	\$49,000.00	\$50,000.00	\$50,000.00	<u>\$1,000.00</u>	\$1,000.00	\$50,000.00	\$50,000.00
2	Traffic Control and Regulation, including Signs and Barricades, in Accordance with MUTCD. Complete in Place.	1	LS	N/A	N/A	<u>\$5,000.00</u>	\$5,000.00	\$25,000.00	\$25,000.00	\$32,000.00	\$32,000.00	\$7,000.00	\$7,000.00	\$6,100.00	\$6,100.00	\$10,000.00	\$10,000.00
3	Construct a new one-story fire station of approximately 10,726 square feet with complete HVAC, electrical and plumbing system. Living quarters include sleeping areas, kitchen/dining, dayroom, offices, utility room, janitors, report, bathrooms, storage, a communications room with alerting, access control and security system. There will be three double deep pull-thru bays in the apparatus room. The apparatus bays will have support areas for EMS storage, maintenance/repair, gear storage and SCBA. The exterior will be masonry veneer on wood framing. The truck bays will be masonry veneer with CMU backup. The foundation will be a structural slab with piers and beam system. Site work includes clearing, grading, utilities to building, underground storm drainage, concrete paving, complete signal pre-emption, median adjustments, landscaping, and irrigation system.	1	LS	\$ 2,681,571.00	\$ 2,681,571.00	<u>\$3,069,634.00</u>	\$3,069,634.00	\$3,168,000.00	\$3,168,000.00	\$3,240,600.00	\$3,240,600.00	\$3,720,000.00	\$3,720,000.00	\$3,779,100.00	\$3,779,100.00	\$4,100,000.00	\$4,100,000.00
4	Abating asbestos, air testing, demolition and removal of existing EMS Station.	1	LS	\$ 22,880.00	\$ 22,880.00	<u>\$11,805.00</u>	\$11,805.00	\$28,000.00	\$28,000.00	\$118,400.00	\$118,400.00	\$20,000.00	\$20,000.00	\$27,300.00	\$27,300.00	\$20,000.00	\$20,000.00





## Memo

To: Clay Pearson, City Manager

From: Trent Epperson, Director of Engineering & Capital Projects

CC: Mike Hodge, Assistant City Manager  
 Jon Branson, Assistant City Manager  
 Vance Riley, Fire Chief  
 Skipper Jones, Assistant Director of Projects

Date: April 30, 2014

Re: Fire Station #3 Bids  
 (FM 518 and East Rd)

4/30/14  
 To: Mayor & City  
 Council Members

For your upcoming consultation  
 to get long-awaited replacement  
 Fire Station #3 under construction  
 in quality fashion to serve  
 long term.

The Plans and Specifications for Fire Station #3 were completed in February 2014. Subsequently, the project was advertised as a Competitive Sealed Proposal (CSP) to determine the contractor offering the Best Value for the City based on the contractor's cost, schedule, experience, reputation, safety record, quality assurance, current workload and financial solvency. The CSP process allows the City to negotiate the project scope and scheduled with the selected firm after we determine the best value proposal.

Proposals were opened on April 15, 2014 via the E-Bid system with six contractors submitting proposals with prices factors ranging from \$3,181,376.00 to \$4,180,000.00. City staff, including Projects and the Fire Department, with the architect reviewed all proposals, schedules, references, and experience to determine which firm offered the best value. The Crain Group, Inc., which had the lowest cost proposal, was selected as the firm offering the best value.

Since the CSP submitted by the Crain Group, Inc. exceeded the project budget, staff met with them to determine if any items in the scope or schedule could be modified to produce a better price, while not compromising the quality or scope of the project. A few minor items were identified by the contractor but they did not offer significant savings. In addition, the items identified would either reduce the project quality or would not meet the Unified Development Code (UDC). The proposed contract award amount will be \$3,181,376.00. This amount plus the projected Furniture, Furnishings, & Equipment (FF&E) expenditures of \$70,000 exceed the total project budget by \$293,667. The Architects Estimate was approximately \$2,700,000. The additional cost appears to represent the current regional trend in rapidly rising construction costs.

Crain Group, LLC is a local Pearland company that has completed many similar projects around the Houston metro area including Pearland Fire Station #5.

Based on discussions with the Finance Department, additional funds are proposed to be provided by selling additional Certificates of Obligation. The amount that will be recommended at the May 12, 2014

Council Meeting is an additional \$325,000, which will cover the additional construction costs and the future FF&E required to outfit the station.

Assuming a construction contract award on May 12<sup>th</sup>, work is scheduled to begin in June and the contract specifies Partial Substantial Completion of two-hundred forty (240) calendar days. At Partial Substantial Completion, we will be able to move into the station. At that point the contractor will have an additional sixty (60) days to demolish the existing EMS Station/House and complete the site work to reach Substantial Completion. An additional thirty (30) days are provided to reach Final Completion. The total time to final completion is 330 calendar days. Barring significant weather delays, move in at the Partial Substantial Completion will be early February 2015.

# Memo



**To:** Clay Pearson, City Manager  
Trent Epperson, Director of Capital Engineering & Projects

**From:** Vance Riley, Fire Chief *VR*

**CC:** Mike Hodge Assistant City Manager  
Jon Branson, Assistant City Manager

**Date:** 8 May 2014

**Re:** New Fire Station 3

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New Fire Station 3 (FS3) is critical to serving the residents and visitors on the east side of Pearland. Approximately 20% of all Fire & EMS incidents, in Pearland FD's response area, occur in the area of Pearland to be served by new FS3. Fire protection for this area of Pearland is currently provided by Fire Station 1 on Old Alvin Road and EMS for this area of Pearland is currently provided by EMS Station 3 on the proposed site of new FS3. The location of new FS3 (Yost @ Broadway) meets the recommendations of the Fire Station Location Master Plan approved by City Council in February 2012.

New FS3 will replace an old house currently used to house a full-time ambulance crew (Medic 3). This current EMS Station requires parking an ambulance outside in the elements which poses security risks and increased wear and tear on the ambulance. New FS3 will also replace a metal building, all volunteer station, housing fire apparatus only and currently located across from Wal-Mart west of Dixie Farm Road.

At substantial completion, new FS3 will house the existing ambulance and full-time crews (Medic 3) and full-time crews for new Engine 3 (currently on order). Hiring for full-time fire apparatus staff will occur in FY2015. As budget allows, in the future, new FS3 will also house a full-time crew for Ladder 3. FS3 will also house reserve (unstaffed) ambulances and fire apparatus. Volunteer members will be reassigned from old Fire Station 3 to new FS3. The old Fire Station 3 and old EMS Station 3 will be demolished.

Construction of new FS3 cannot start soon enough. We have opportunities to significantly reduce response times to this area of Pearland and the rest of our City. Our Department's Station Design Committee has worked with the Projects Department to design an efficient and effective fire station. We believe it is a very lean facility with no wasted space. We strongly support, endorse and encourage the awarding of the bid for new FS3 by Council so that we can provide timely, high quality, emergency response services for the City of Pearland.

If you have any questions, please do not hesitate to contact us. Thank you for your time and consideration.