

# AGENDA

## CITY OF PEARLAND ♦ CITY COUNCIL

June 9, 2014

6:30 p.m.

**MAYOR**  
**Tom Reid**

**Keith Ordeneaux**  
**Mayor Pro-Tem**  
**Position No. 4**

### COUNCIL MEMBERS

**Tony Carbone**  
**Position No. 1**

**Scott Sherman**  
**Position No. 2**



**Gary Moore**  
**Position No. 3**

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

**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, JUNE 9, 2014, | 6:30 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 Check to the City of Pearland Animal Shelter from Wags to Riches Fund Raising Gala that took place on Friday, March 28, 2014 to be accepted by Shari Coleman and Jon Branson.

**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. 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 (*VI. 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 May 19, 2014, Joint Public Hearing, held at 6:30 p.m.
2. Minutes of the May 12, 2014, Regular Meeting, held, at 7:30 p.m.
3. Minutes of the May 19, 2014, Regular Meeting, held, at 7:30 p.m.
4. Minutes of the May 19, 2014, Special Meeting, held, at 6:00 p.m. .

- B. Consideration and Possible Action – Second and Final Reading of Ordinance No.1498** – An ordinance of the City Council of the City of Pearland, Texas, abandoning a portion of Bardet Drive, a certain sixty foot (60') road right-of-way recorded in the plat records of Brazoria County, Texas, within the corporate city limits of Pearland, Brazoria County, Texas; having a savings clause and a severability clause; and providing for an effective date. *Mr. Darrin Coker, City Attorney.*
- C. Consideration and Possible Action – Resolution No. R2014-56** – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of pipe, fittings and fire hydrants from HD Supply Waterworks in the amount of \$66,852.96 for the East Orange Street Waterline Upgrade Project. *Mr. Eric Wilson, Director of Public Works.*
- D. Consideration and Possible Action – Resolution No. R2014-54** – A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for custodial services with A & A Cleaning Services in the amount of \$69,720.00 annually. *Ms. Michelle Graham, Director of Parks and Recreation.*

## **VI. MATTERS REMOVED FROM CONSENT AGENDA**

## **VII. NEW BUSINESS:**

- 1. Consideration and Possible Action – First Reading of Ordinance No. 2000M-114** – 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 16.871 acres of land situated in the H.T. & B.R.R. Co. Survey, Abstract 542, and identified as Lot 1, Block 1, Associated Industrial Park, Brazoria County, Texas, located (East side of Main Street and south of Mchard Road; 1603 N. Main Street, Pearland, Texas), Zone Change 2013-18Z, a request of Gerald Koza, owner/applicant, for approval of a change in zoning from GC, General Commercial to M-1, Light Industrial on approximately 16.871 acres of land, 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.*
- 2. Consideration and Possible Action – First Reading of Ordinance No. 2000M-115** – 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 24.154 acres of land located within three (3) tracts originally identified as Tract 1 (now proposed as Tract C); Tract 2 (now proposed as Tract B); and Tract 3 (now proposed as Tract A) and legally described as Tract A: A 5.176-acre tract in the

W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas. Said 5.176-acres is in a 5.732-acre tract described in a deed to TEXPROJ2008, L.L.C., as recorded in Clerk's File No. 20070659409 in the Harris County Clerk's Office; Tract B: A 13.361-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 13.361-acres is in a 21.898- acre tract described in a deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office; and Tract C: A 5.617-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 5.617- acres is in a 9.805-acre tract described in a deed to TEXPROJ2008, LLC, as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office; situated in the W.D.C. Hall Survey, Abstract No. 23; the Thomas J. Green Survey, Abstract No. 198; and the Thomas J. Green Survey, Abstract No. 198, respectively; Brazoria County and Harris County, Texas (located at the northeast of the intersection of Broadway Street and Pearland Parkway and west of Country Club Drive, Pearland, TX), Zone Change 2014-5Z, a request of Alan Mueller, applicant; on behalf of Texproj2008, LLC, owner; for approval of an amendment to three (3) tracts identified as Tracts A, B and C located within the Province Village Planned Unit Development (PUD) to allow for single family homes, on approximately 24.154 acres of land, 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. 1499** – An ordinance of the City Council of the City of Pearland, Texas extending traffic rules and regulations to certain private roads owned and maintained by the Lakes at Highland Glen Community Association and contained within the Lakes at Highland Glen Subdivision; providing for enforcement; providing for penalties and fines; providing for administration; providing for conflicts with other laws; providing for severability; providing for an effective date.

*Mr. Darrin Coker, City Attorney.*

4. **Consideration and Possible Action – First Reading of Ordinance No. 1026-3** – An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 29, Article XVI, *Truck Traffic*, of the City of Pearland Code of Ordinances, as it may have been, from time to time amended, providing for enforcement and penalties, and containing other matters relating to the subject; providing a penalty for violation; having a savings clause, a repealer clause, a severability clause; providing for codification, publication and an effective date.

*Mr. Darrin Coker, City Attorney.*

5. **Consideration and Possible Action – Resolution No. R2014-58** – A Resolution of the City Council of the City of Pearland, Texas, approving the U. S. Department of Housing and Urban Development Community Development Block Grant Program Projects for program year 2014 and fiscal year 2015. *Mr. Joel Hardy, Grants Coordinator.*
6. **Consideration and Possible Action – Resolution No. R2014-53** – A Resolution of the City Council of the City of Pearland, Texas, adopting City Council Rules and Order of Business (“Rules”) as guidelines for the organization and governance of the City Council. *Mr. Darrin Coker, City Attorney.*
7. **Consideration and Possible Action – Resolution No. R2014-55** – A Resolution of the City Council of the City of Pearland, Texas, renewing, a unit supply bid for electric and Supervisory Control And Data Acquisition (SCADA) services to Boyer, Inc. in the estimated amount of \$515,000 annually. *Mr. Eric Wilson, Director of Public Works.*
8. **Consideration and Possible Action – Resolution No. R2014-57** – A Resolution of the City Council of the City of Pearland, Texas, awarding a unit price bid for the purchase of motor fuel from Houston-Pasadena Apache Oil in an estimated amount of \$1,163,000 annually. *Mr. Eric Wilson, Director of Public Works.*
9. **Council Input and Discussion** – Regarding Council Policy Development Debt Structure – Tax Backed Obligations. *Ms. Claire Bogard, Director of Finance.*

**OTHER BUSINESS:**

**EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE**

1. **SECTION 551.074 - PERSONNEL MATTERS** – Discussion with City Manager regarding personnel matters. *City Council.*

**NEW BUSINESS:**

10. **CONSIDERATION AND POSSIBLE ACTION** – Regarding personnel matters. *City Council.*

**VIII. ADJOURNMENT**

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

# Consent Agenda Item A

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

Minutes of the May 19, 2014, Joint Public Hearing, held at 6:30 p.m.  
Minutes of the May 12, 2014, Regular Meeting, held, at 7:30 p.m.  
Minutes of the May 19, 2014, Regular Meeting, held, at 7:30 p.m.  
Minutes of the May 19, 2014, Special Meeting, held, at 6:00 p.m.

**MINUTES OF THE JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION, CITY OF PEARLAND, TEXAS, MONDAY, MAY 19, 2014, AT 6:30 P.M., COUNCIL CHAMBERS - CITY HALL - 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**CALL TO ORDER**

Mayor Tom Reid opened a series of public hearings for the City Council, and P&Z Chairperson Henry Fuertes opened for the P&Z Commission at 6:49 p.m.

In attendance were:

Mayor Tom Reid	P&Z Chairperson Henry Fuertes
Mayor Pro Tem Keith Ordeneaux	P&Z Member Derrick Reed
Council Member Tony Carbone	P&Z Member Elizabeth McLane
Council Member Scott Sherman	P&Z Member Ginger McFadden
Council Member Greg Hill	P&Z Member Linda Cowles
Council Member Gary Moore	P&Z Member Daniel Tunstall

Also in attendance were City Planner Johnna Matthews, Director of Community Development Lata Krishnarao, City Attorney Darrin Coker, Assistant City Manager Mike Hodge, City Manager Clay Pearson and Office Supervisor Judy Brown.

City Planner Johnna Matthews explained the public hearing process and stated the P&Z Commission would meet immediately following.

Mayor Tom Reid opened the public hearing for Conditional Use Permit No. 2014-04 at 6:50 p.m.

**CONDITIONAL USE PERMIT APPLICATION NO. 2014-04**

A request of Chan Patel with Sparkles Express, applicant; on behalf of The Old Place, Inc., owner; for approval of a Conditional Use Permit (CUP) to allow for an Auto Wash (Self Service) within the General Business (GB) zoning district, on approximately 1.10 acres of land on the following described property, to wit:

**Legal Description:** A tract or parcel containing 1.1019 acres or 47,999 square feet of land, out of a called 9.993 acre tract situated in the H.T. & B.R.R. CO. Survey, Abstract No. 506, Brazoria County, Texas Conveyed to the Old Place, Inc. as recorded in the Brazoria County Clerk's File No. 97-001270, Brazoria County, Texas

**General Location:** Approximately 1.1 acres of land included in a larger tract of land located at the northwest corner of Broadway Street and Hillhouse Road, Pearland, Texas

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

City Planner Johnna Matthews read the staff report stating the applicant was requesting approval to construct an auto wash on approximately 1.1 acres. Staff recommends approval with two conditions.

1. Adequate screen to be provided for vacuum areas.
2. Landscape plan showing screening and landscaping.

Mr. Billy Black, 803 Jerry Drive, San Antonio, Texas 78201 spoke on behalf of the applicant, the Patel family, stating their request for a self-service auto wash.

Mr. Michael Shebay, 8703 Broadway, Pearland, Texas 77584 expressed his concern with regards to traffic, chemicals in the recycled water, and stated he did not see a sign posted for the hearing.

Council Member Scott Sherman inquired as to the proof the sign was posted. City Planner Johnna Matthews stated the applicant emailed a photo. Mr. Sherman asked if the photo was date stamped. Ms. Matthews stated she would need to check, and added that staff typically only verifies once that the sign was posted.

Mayor Pro Tem Keith Ordeneaux asked for clarification on where the proposed site would be. City Planner Johnna Matthews stated it was the SW corner and demonstrated on the screen.

Council Member Gary Moore inquired if a grit trap system would be required. Director of Public Works Eric Wilson was in the audience and replied that this would be required.

Council Member Greg Hill commented on the concern of traffic. City Planner Johnna Matthews state a traffic impact analysis (TIA) would be required at the time of platting.

There was brief discussion with regards to the existing house near the site and was confirmed that it did not sit on the proposed site.

P&Z Commissioner Elizabeth McLane inquired if the three employees that would be hired would be on site during the hours of operation, and inquired how many cars would be washed per day. Mr. Billy Black stated they would have one manager and two staff assistants during the day. They estimate washing 200 cars per day. Mr. Black also added that they had a shared access agreement with the clinic and hotel. Mr. Black stated the project would be very nice as it is costing approximately \$2.5 million to construct.

P&Z Chairperson Henry Fuertes inquired if the attached plan was the site plan or a rough sketch. City Planner Johnna Matthews stated it was a sketch. Chairperson Fuertes stated he was concerned with the driveway flow. Council Member Tony Carbone inquired if a site plan was required with the CUP submittal. Ms. Matthews stated it was required.

City Planner Johnna Matthews wrapped up by stating staff received five (5) public comment forms in opposition and one (1) in favor.

Mayor Tom Reid adjourned the public hearing for Conditional Use Permit No. 2014-04 at 7:12 p.m.

Mayor Tom Reid opened a public hearing for Zone Change No. 2013-18Z at 7:12 p.m.

### **ZONE CHANGE APPLICATION NO. 2013-18Z**

A request of Gerald Koza, owner/applicant, for approval of a change in zoning from GC, General Commercial to M-1, Light Industrial on approximately 16.871 acres of land, on the following described property, to wit:

**Legal Description:** Lot 1, Block 1, Associated Industrial Park, located in the H.T. & B.R.R. Co. Survey, Abstract 542, Brazoria County, Texas.

**General Location:** East side of Main Street and south of McHard Road; 1603 N. Main Street, Pearland, Texas

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

City Planner Johnna Matthews read the staff report stating the applicant was requesting approval of a change in zoning from General Commercial to Light Industrial. The zone change would ensure consistency with the existing industrial/warehouse structure and zoning, as well as with the future land use designation of the site.

Mr. Jeff Koza, 2707 Country Club Drive, Pearland, Texas 77581 spoke on behalf of the applicant stating their desire to rezone and bring the entire site into conformance with the UDC.

There was no one present to speak for or against the proposed zone change.

There was no discussion among the Council/Commission/Staff.

Mayor Tom Reid adjourned the public hearing for Zone Change No. 2013-18Z at 7:19 p.m.

Mayor Tom Reid opened the public hearing for Zone Change No. 2014-05Z at 7:19 p.m.

### **ZONE CHANGE APPLICATION NO. 2014-5Z**

A request of Alan Mueller, applicant; on behalf of Texproj2008, LLC, owner; for approval of an amendment to three (3) tracts identified as Tracts A, B and C located within the

Province Village Planned Unit Development (PUD) to allow for single family homes, on approximately 24.154 acres of land on the following described property, to wit:

**Legal Description:**

**Tract A:** A 5.176-acre tract in the W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas. Said 5.176-acres is in a 5.732-acre tract described in a deed to TEXPROJ2008, L.L.C., as recorded in Clerk's File No. 20070659409 in the Harris County Clerk's Office

**Tract B:** A 13.361-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 13.361-acres is in a 21.898- acre tract described in a deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office

**Tract C:** A 5.617-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 5.617- acres is in a 9.805-acre tract described in a deed to TEXPROJ2008, LLC, as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office

**General Location:** Northeast of the intersection of Broadway Street and Pearland Parkway and west of Country Club Drive, Pearland, TX

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

City Planner Johnna Matthews read the staff report stating the applicant proposed to amend the Province Village PD for portions of Tract 1 (known as Tract C) at 5.6 acres, from OP to R-4 for single family; Tract 2 (known as Tract B) at 13.4 acres from GB, Park, Open Space and Detention to R-4 for single family; and Tract 3 (known as Tract A) at 5.74 acres from R-4 Garden Style Homes to R-4 Single Family. Staff recommends denial for the following reasons:

1. Would not be consistent with the goals of the community or PD regulations
2. Does not meet the recommendations of the current Comprehensive Plan
3. Reduces land designated for diverse housing
4. Housing types proposed in the current PD are more appropriate for this area due to the fact that Pearland Parkway-Broadway Street corridor is growing rapidly into a walkable, urban center
5. Current PD uses provide a transition between the non-residential uses in the PD and existing single family development
6. Applicant is also seeking parkland dedication credit. A PD requires enhancement.
7. Applicant included sample elevations for the proposed single family homes. Staff recommends that if the homes are to be constructed as depicted in the sample illustrations, the elements (façade materials, transparency, etc.) should be codified and included within the PD.

Mr. Chris Lynch of Gehan Homes spoke with regards to amenities to the parks, and stated

the lots would exceed the R-4 requirements being approximately 55' X 120' in size.

City Planner Johnna Matthews stated that most of the PD remains undeveloped and has been this way for ten (10) years, of which five (5) of those years the country saw a downturn in the economy.

Mr. Paul Grohman, 2116 Kildare, Pearland, Texas 77581 spoke with regards to clarification on the lot size, stating they were making them larger, not smaller, than the R-4 zone. He also stated the amenities are being honored and will put in a masonry fence.

Mr. Sean Murphy, Vice-President of Hometown Bank, 2651 Pearland Parkway, Pearland, Texas 77581 spoke in favor of the PD amendment and would like to see Center Point change out the utility poles, making them underground.

Council Member Greg Hill inquired about the number of residents under the existing proposed housing types verses the newly proposed housing and density. City Planner Johnna Matthews stated Tract 2 had 84 condos and Tract 3 had 27 patio homes.

Mayor Tom Reid stated he felt Tract C would not want residents and the Office Professional (OP) was a better use.

Mayor Pro Tem Keith Ordeneaux stated this amendment would give more single family and less depth. He also commented that he felt what he was hearing and what he was seeing, was not what Council wanted.

Council Member Scott Sherman inquired if the townhomes would be owned or leased. City Planner Johnna Matthews stated that answer was not available to her.

Council Member Tony Carbone stated he liked the development. He would like to see underground utilities. Mayor Pro Tem Keith Ordeneaux agreed. Mr. Paul Grohman stated this would be Center Points decision but they will be asking for underground, and at the very least, provide service at the back of the lot instead of at the front of the lot.

Mr. Chris Lynch stated the homes would be approximately 2200-2400 s.f. selling at approximately \$130 per s.f.

There was brief discussion with Director of Community Development Lata Krishnarao stating townhomes and patio homes are not the same as multi-family homes.

P&Z Commissioner Daniel Tunstall inquired if the open space requirements were the same, and City Planner Johnna Matthews stated they were. Mr. Paul Grohman state they were not giving more or less, but would amenitize the existing green space. He also clarified that the lot sizes would be 55' X 120' making these more than the required R-4 zone.

Council Member Greg Hill stated that people like useable detention. Discussion ensued with regards to open space, amenities and improvements. Mr. Hill also stated that townhomes typically are leased out and that single family is a better fit in this location.

P&Z Commissioner Elizabeth McLane inquired when a TIA would be done. City Planner Johnna Matthews stated traffic impact analysis are not typically done with single family.

P&Z Chairperson Henry Fuertes stated he felt the definitions needed to be looked at for multi-family, townhomes and senior living. He also stated he encourages amenitized detention and possibly look into adding to the UDC.

Mayor Tom Reid adjourned the public hearing for Zone Change No. 2014-05Z at 8:10 p.m.

### **ADJOURNMENT**

Mayor Tom Reid adjourned the series of public hearings at 8:11 p.m.

These minutes are respectfully submitted by:

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Judy Brown, Office Supervisor

Minutes approved as submitted and/or corrected on this 9th day of June, 2014 A.D.

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Mayor Tom Reid

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, MAY 12, 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 7:34 p.m. with the following present:

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

Others in attendance: Daniel Baum Deputy Fire Chief; Clair Bogard Director of Finance; Jon Branson Assistant City Manager; Matt Buchanan President of Pearland Economic Development Cooperation; J.C. Doyle Police Chief; Trent Epperson Director of Engineering and Capital Projects; Bonita Hall Director of Human Resource and Safety Management; Lata Krishnarao Director of Community Development; 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; Rick Overgaard Assistant Finance Director; Andrea Brinkley Project Manager.

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

**RECOGNITIONS AND AWARDS:**

Mayor Reid presented a proclamation proclaiming the week of May 18-24, 2014 as "National Public Works Week" to Public Works Director Eric Wilson, Director of Engineering and Capital Projects Trent Epperson, Project Manager Andrea Brinkley and President of the Public Works Association Andy Phillips.

**CITIZEN COMMENTS:**

Jimmy Davis, 5004 Colmesneil Street, addressed Council stating he comes with a proposal for a resolution pertaining to hearings and request for immediate assistance. He feels if citizens have questions regarding the City's Public Safety division, second hearings, or when projects are being funded by tax dollars the citizens should be notified to have their questions answered.

Lance Foss, 1409 O'Day Road, addressed Council stating his concern regarding the low turnout for May 10, 2014 election. He stated he wanted to purchase some material to put in the Library and was told it is done centrally in Brazoria County. He further stated he agrees with the importance of traffic flow, controls and signals in Pearland.

**DOCKETED PUBLIC HEARING:**

Mayor Reid called the Public Hearing to order at 7:50 p.m.

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

**STAFF REVIEW:**

City Attorney Darrin Coker reported local government code requires cities to review their juvenile (under the age of 17) curfew ordinances every three years. The process involves conducting a public hearing to determine whether the ordinance should be abolished, continued or modified.

Police Chief J.C. Doyle reported the Police Department supports the ordinance which is a valuable tool for the night shift and enables officers to take police action when appropriate.

**CITIZEN COMMENTS:**

Lance Foss, 1409 O'Day Road, addressed Council stating he supports the readoption of the City's curfew ordinance.

**COUNCIL/STAFF DISCUSSION:** None.

**ADJOURNMENT:**

Public Hearing was adjourned at 7:55 p.m.

Mayor Reid called the Public Hearing to order at 7:55 p.m.

**PURPOSE OF 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.*

**STAFF REVIEW:**

City Attorney Darrin Coker reported Expre Realty recently submitted a petition requesting the abandonment of a portion of the 60 foot road right-of-way known as Bardet Drive. The right-of-way is located north of Fite Road and east of Harkey Road.

**CITIZEN COMMENTS:**

Mike Wilson, Wilson Survey Group, stated the 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.

**COUNCIL/STAFF DISCUSSION:** None.

**ADJOURNMENT:**

Public Hearing was adjourned at 8:00 p.m.

**CONSENT AGENDA:**

- 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.***

Mayor Reid asked that Consent Agenda Item C and 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 D with the exception of item C and D as presented on the Consent Agenda.

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

Voting “No” None.

Motion Passed 5 to 0.

## **MATTERS REMOVED FROM CONSENT AGENDA:**

As requested by Mayor Reid Consent Agenda Item C was removed for further discussion.

- 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.*

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

Assistant City Manager Mike Hodge reported Staff met with Whitley Penn to go over the scope of work, timeline preference, as well as programs for the federal single audit. The firm is committed to meeting the City's timeline for completion and came back with a proposed cost of \$75,300.

Councilmember Carbone stated last Council meeting Resolution No. R2014-34 was postponed. The Audit Committee met with Whitley Penn and he approves this resolution.

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

Voting "No" None.

Motion Passed 5 to 0.

As requested by Mayor Reid Consent Agenda Item D was removed for further discussion.

- 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.*

Mayor Pro-Tem Hill made the motion, seconded by Councilmember Carbone, to approve Resolution No. R2014-44.

Mayor Pro-Tem Hill stated he is impressed to see the City is going to do this in-house. The changes and increases regarding the City's portfolio is good.

Councilmember Carbone thanked Director of Finance Claire Bogard and Assistant Director of Finance Rick Overgaard for their good work.

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

Voting "No" None.

Motion Passed 5 to 0.

## **NEW BUSINESS:**

**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.*

Councilmember Sherman made the motion, seconded by Councilmember Ordeneaux to approve Ordinance No. 1012-2 on its First Reading.

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

Voting “No” None.

Motion Passed 5 to 0.

**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.*

Mayor Reid read into the record the Planning and Zoning Commission’s recommendation to forward to Council to approve the proposed amendments to Ordinance No. 2000M-112.

Mayor Pro-Tem Hill made the motion, seconded by Councilmember Sherman to approve Ordinance No. 2000M-112 on its First Reading.

Assistant City Manager Mike Hodge reported applicant Alan Mueller, 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.

Alan Mueller, 4201 Broadway, addressed Council stating he concurs with the amendment and seeks Councils approval.

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

Voting "No" None.

Motion Passed 5 to 0.

**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.*

Mayor Reid read into the record the Planning and Zoning Commission's recommendation to forward to Council to approve the proposed amendments to Ordinance No. 2000M-113.

Councilmember Ordeneaux made the motion, seconded by Councilmember Sherman to approve Ordinance No. 2000-113 on its First Reading.

Assistant City Manager Mike Hodge reported Staff recommends approval of the change in zoning to amend the LNR Clear Creek Planned Unit Development (PUD) to clarify the regulation of loading bays and similar activities along Kirby Drive.

Discussion ensued between Councilmembers regarding the loading bays along Kirby Drive.

Voting "Aye" Councilmembers Sherman, and Sherrouse.

Voting "No" Councilmembers Carbone, Hill, and Ordeneaux.

Motion Failed 3 to 2.

**Council 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.*

Councilmember Sherrouse made the motion, seconded by Councilmember Ordeneaux to approve Resolution No. R2014-45.

Assistant City Manager Mike Hodge reported Council is being asked to award a construction contract to Crain Group, LLC for construction of Fire Station No. 3 in the amount of \$3,181,376. With this amount exceeding the project budget, staff is requesting an additional amount of \$475,000. To be funded by Certificate of Obligation.

Discussion ensued between Council and Crain Group, LLC representative Ray Holliday regarding the additional amount of funds.

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

Voting "No" None.

Motion Passed 5 to 0.

**OTHER BUSINESS:** None

## **ADJOURNMENT**

Meeting was adjourned at 8:33 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

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, MAY 19, 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 8:20 p.m. with the following present:

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

Others in attendance: Daniel Baum Deputy Fire Chief; Clair Bogard Director of Finance; Jon Branson Assistant City Manager; Matt Buchanan President of Pearland Economic Development Cooperation; J.C. Doyle Police Chief; Trent Epperson Director of Engineering and Capital Projects; Roland Garcia Fire Marshal; Michelle Graham Director of Parks and Recreation; Bonita Hall Director of Human Resource and Safety Management; Mike Hodge Assistant City Manager; Lata Krishnarao Director of Community Development; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Eric Wilson Public Works Director; Sparkle Anderson Communications Manager; Joyce Hawkins Emergency Management Planner; Assistant Emergency Medical Services Chief Kelly Sears; Emergency Medical Services Office Supervisor Raquel Garza; Letitia Farnie Honorable Municipal Court Judge.

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

**RECOGNITIONS AND AWARDS**

Mayor Reid presented a proclamation proclaiming the week of May 25<sup>th</sup> – May 31<sup>st</sup> 2014 as “Hurricane Preparedness Week” to Fire Marshal/Emergency Management Coordinator Roland Garcia and Emergency Management Planner Joyce Hawkins.

Mayor Reid presented a proclamation proclaiming the week of May 18<sup>th</sup> – May 24<sup>th</sup> 2014 as “Emergency Medical Services Week” to Deputy Fire Chief Daniel Baum, Assistant Emergency Medical Services Chief Kelly Sears, and Emergency Medical Services Office Supervisor Raquel Garza.

**CITIZEN COMMENTS:**

Dale Pillow, 2246 N. Washington Avenue, addressed Council thanking them for their support of the amendments the Charter Review Commission presented to you. She gave a short overview of the blueprint and strategies to make the greater Houston area a more

literate area. She asked to have a picture taken of the Mayor and Councilmembers so she can post it on Facebook for everyone to see that Pearland City Council believe in literacy.

**CONSENT AGENDA:**

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

1. Minutes of the April 21, 2014, Joint Public Hearing, held at 6:30 p.m.

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

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

**D. Consideration and Possible Action – Resolution No. R2014-50 –** A resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Interlocal Agreement with League City for cooperative purchasing authority, and authorizing a unit supply contract with Teamwork Construction for sidewalk

construction services in the estimated amount of \$200,000.00 in each, FY2014 and FY2015. *Mr. Eric Wilson, Director of Public Works.*

- E. Consideration and Possible Action – Resolution No. R2014-43** – A resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Interlocal Agreement with the National Intergovernmental Purchasing Alliance for cooperative purchasing. *Mr. Bob Pearce, Purchasing Officer.*

Councilmember Hill asked that Consent Agenda Item C be removed from the Consent Agenda for further discussion.

Mayor Pro-Tem Ordeneaux 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 E with the exception of item C and D as presented on the Consent Agenda.

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

Voting “No” None.

Motion Passed 5 to 0.

#### **MATTERS REMOVED FROM CONSENT AGENDA**

As requested by Councilmember Hill Consent Agenda Item C was removed for further discussion.

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

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve the Second and Final Reading of Ordinance No. 2000M-112.

City Manager Clay Pearson reported the applicant, Alan Mueller, on behalf of multiple owners, is requesting approval of an amendment to the Magnolia Court at Old Town Pearland Planned Unit Development (PUD). The applicant proposes to amend all tracts within the PUD, with exception of Tracts 5, 8 and 9 which were designated for parking and will continue to be used for parking. 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.

Discussion ensued between Council and Assistant City Manager Mike Hodge regarding the allowable uses and parking.

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

Voting "No" None.

Motion Passed 5 to 0.

As requested by Mayor Pro-Tem Ordeneaux Consent Agenda Item D was removed for further discussion.

- D. Consideration and Possible Action – Resolution No. R2014-50** – A resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Interlocal Agreement with League City for cooperative purchasing authority, and authorizing a unit supply contract with Teamwork Construction for sidewalk construction services in the estimated amount of \$200,000.00 in each, FY2014 and FY2015. *Mr. Eric Wilson, Director of Public Works.*

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-50.

City Manager Clay Pearson reported the Public Works Department has requested to utilize a current City of League City contract for sidewalk construction services. The City of Pearland currently has a contract with Brooks Concrete for the service; however, Brooks Concrete has been unable to keep pace with the City's sidewalk installation volume requirements. This is at least somewhat attributable to Brooks Concrete's apparent inability to hire and retain enough qualified, knowledgeable personnel to provide

the amount of service requested. The Public Works Department has reviewed the specifications and awarded bid pricing of the League City bid, and Purchasing staff has determined the contract to be eligible for our participation in procuring the needed sidewalk construction services. The current League City contract runs through January 31, 2015, with no available renewal option.

Discussion ensued between Council and Public Works Director Eric Wilson regarding moving forward with the sidewalk installation.

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

Voting "No" None.

Motion Passed 5 to 0.

### **NEW BUSINESS:**

**Council Action – First Reading of Ordinance No. 1498** – An ordinance of the City Council of the City of Pearland, Texas, abandoning a portion of Bardet Drive, a certain sixty foot (60') road right-of-way recorded in the plat records of Brazoria County, Texas, within the corporate city limits of Pearland, Brazoria County, Texas; having a savings clause and a severability clause; and providing for an effective date. *Mr. Darrin Coker, City Attorney.*

Councilmember Sherman made the motion, seconded by Councilmember Carbone to approve Ordinance No. 1498 on its First Reading.

City Manager Clay Pearson reported 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.

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

Voting "No" None.

Motion Passed 5 to 0.

**Council Action – Resolution No. R2014-47**– A resolution of the City Council of the City of Pearland, Texas, awarding a bid for landscape maintenance services to Maldonado Nursery Landscaping, Inc., in the amount of \$500,390.00. *Ms. Michelle Graham, Director of Parks Recreation and Beautification.*

Mayor Pro-Tem Ordeneaux made the motion, seconded by Councilmember Sherman to approve Resolution No. R2014-47.

City Manager Clay Pearson reported Council is being asked to award a bid for landscape maintenance services to Maldonado Nursery and Landscaping, Inc. in the amount of \$500,390.

Councilmember Hill stated he appreciates the presents of a representative with Maldonado Nursery and Landscaping, Inc. He further stated he appreciates staff making reference checks on the company's to be able to make the right decision on a bid award.

Discussion ensued between Council and the Maldonado Nursery representative regarding the contract.

Discussion ensued between Council and Director of Parks and Recreation Michelle Graham regarding mowing of easements.

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

Voting "No" None.

Motion Passed 5 to 0.

**Council Action – Resolution No. R2014-48** – A resolution of the City Council of the City of Pearland, Texas, rejecting all competitive sealed proposals for the Sports Complex at Shadow Creek Ranch, Bid No. 2014-18. *Mr. Trent Epperson, Director of Engineering and Capital Projects*

Councilmember Moore made the motion, seconded by Councilmember Carbone to approve Resolution No. R2014-48.

City Manager Clay Pearson reported a rejection of the bids and the repackaging and rebidding of the project is consistent with the goal of obtaining the best value and most competitive pricing for improvements for the City.

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

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

Voting "No" None.

Motion Passed 5 to 0.

**Council Action – Resolution No. R2014-52** – A resolution of the City Council of the City of Pearland, Texas, establishing the regular meeting times and dates for the remainder of 2014. *Mr. Young Lorfing, City Secretary.*

Councilmember Hill made the motion, seconded by Councilmember Carbone to approve Resolution No. R2014-52.

City Manager Clay Pearson reported in order to clarify and give advance notice of meetings to Council and the public this resolution will establish Council's Calendar for 2014 including start times.

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

Voting "No" None.

Motion Passed 5 to 0.

**Discussion** – Regarding City Council Rules and Order of Business. *Mr. Darrin Coker, City Attorney.*

City Manager Clay Pearson reported the Council was previously provided a draft copy of the proposed City Council Rules and Order of Business in the May 1<sup>st</sup> Thursday packet. The vast majority of the information contained in the Rules already exists in multiple locations. The purpose of the Rules is to consolidate the information into one location to serve as centrally located guidelines for the manner of conducting business. It is anticipated that the Rules would need to be amended periodically to address changing circumstances. Staff anticipates scheduling this item for Council consideration at the June 9, 2014 regular meeting.

#### **OTHER BUSINESS:**

#### **EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE**

Council adjourned into Executive Session under Texas Government Code at 9:53 p.m.

1. **SECTION 551.087 - Regarding consultations with City Attorney** – Regarding Economic Development negotiations. *Mr. Matt Buchanan, President Economic Development Corporation.*
2. **SECTION 551.072 – REAL PROPERTY:** discussion regarding the sale, lease, purchase, or exchange of real property – City Facilities. *Mr. Mike Hodge, Assistant City Manager.*

#### **NEW BUSINESS CONTINUED:**

Council returned from Executive Session at 10:38 p.m.

**Council Action – Resolution No. R2014-49** – A resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Development Agreement with MHI Compressor International Corporation and MHI Compressor Manufacturing, LLC. *Mr. Matt Buchanan, President Economic Development Corporation.*

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-49.

City Manager Clay Pearson reported he is looking forward to this project in the lower Kirby District and working with Staff and the President of Economic Development Corporation Matt Buchanan.

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

Voting "No" None.

Motion Passed 5 to 0.

**Council Action – Resolution No. R2014-51** – A resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Cost Sharing/Reimbursement Agreement with the Pearland Economic Development Corporation associated with the Hooper Road Project. *Mr. Matt Buchanan, President Economic Development Corporation.*

Councilmember Sherman made the motion, seconded by Councilmember Carbone, to approve Resolution No. R2014-51.

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

Voting "No" None.

Motion Passed 5 to 0.

**Council Action** – regarding the sale, lease, purchase, or exchange of real property – City Facilities. *City Council.*

No Council action taken.

**OTHER BUSINESS:** None

**ADJOURNMENT**

Meeting was adjourned at 10:40 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

**MINUTES OF A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, MAY 19, 2014, AT 6:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

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

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

Absent: Councilmember Susan Sherrouse.

Others in attendance: Daniel Baum Deputy Fire Chief; Claire Bogard Director of Finance; Jon Branson Assistant City Manager; Matt Buchanan President of Economic Development Corporation; J.C. Doyle Police Chief; Trent Epperson Director of Engineering and Capital Projects; Michelle Graham Director of Parks and Recreation; Bonita Hall Director of Human Resource and Safety Management; Mike Hodge Assistant City Manager; Lata Krishnarao Director of Community Development; Kim Sinistore Executive Director of Convention/Visitors Bureau; Eric Wilson Public Works Director; Sparkle Anderson Communications Manager.

**Council Action - Resolution No. R2014-46** – A Resolution and Order of the City Council of the City of Pearland, Texas, canvassing the returns and declaring the results of the General and Special Election held in the City of Pearland, Texas, on May 10, 2014. *City Council.*

Mayor Pro-Tem Hill made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-46.

**WHEREAS**, there was held in the City of Pearland, Texas, on the 10<sup>th</sup> day of May, 2014, a City General Election and Special Election at which the offices to be filled for Mayor and Member of the Council, Position No. Three (3), along with Sixteen (16) proposed Charter Amendments were submitted to a vote of the duly qualified resident electors of said City.

**WHEREAS**, at this Special Meeting of the City Council of the City of Pearland, on May 19, 2014, after date of said election, being held for the purpose of canvassing the returns and declaring the results of the General and Special Election held on May 10, 2014; now therefore,

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

**SECTION I.**

That the election described was duly called and notice thereof given in accordance with law; that said election was held in the manner required by law; that due returns of said election have been made by the proper officers; and it appeared from said returns, duly and legally made, that there were cast at such election 3,385 valid and legal votes; and that said election resulted in the following vote totals:

**FOR MAYOR**

NAME OF CANDIDATE	NUMBER OF VOTES RECEIVED	PERCENTAGE
Tom Reid	2,278	69.49%
Woody Owens	1,000	30.51%

**FOR MEMBER OF THE COUNCIL, POSITION NUMBER THREE (3)**

NAME OF CANDIDATE	NUMBER OF VOTES RECEIVED	PERCENTAGE
Gary Moore	1,797	59.05%
Susan Sherrouse	1,246	40.95%

### AMENDMENT NO. 1

**THE AMENDMENT OF the Pearland Charter, Sections 3.01 and 5.05, regarding the number of City Council members**

This amendment phases in an increase to the size of City Council from five (5) councilmembers to seven (7) council members over a period of 3 years.

FOR	2,596	79.88%
AGAINST	654	20.12%

### AMENDMENT NO. 2

**THE AMENDMENT OF the Pearland Charter, Section 3.06 regarding the procedure to fill a vacancy on the council.**

This amendment allows for the council to fill a vacancy of a council member of one year or less by appointment.

FOR	2,344	72.35%
AGAINST	896	27.65%

### AMENDMENT NO. 3

**THE AMENDMENT OF the Pearland Charter, Sections 6.13 and 6.20, regarding changes to ordinances proposed by initiatives and ordinances passed by popular vote.**

This amendment allows City Council to make changes to ordinances proposed by initiatives and ordinances passed by petition or popular vote so that such ordinances comply with federal and state laws.

FOR	2,447	77.58%
AGAINST	707	22.42%

### AMENDMENT NO. 4

**THE AMENDMENT OF the Pearland Charter, Section 3.08, regarding meetings of City Council.**

This amendment removes language in the charter allowing City Council to consider a subject by unanimous consent of the City Council although that item was not posted on an agenda in conformance to the Texas Open Meetings Act.

FOR	1,778	57.34%
AGAINST	1,323	42.66%

**AMENDMENT NO. 5**

**THE AMENDMENT OF the pearland charter, section 3.13, regarding Audits and examination of city books and accounts.**

This amendment simplifies the language in the charter regarding who City Council selects to conduct the annual audit of the City's finances.

FOR	2,762	87.88%
AGAINST	381	12.12%

**AMENDMENT NO. 6**

**THE AMENDMENT OF the Pearland Charter, Sections 4.04 and 4.08, regarding the removal of the Departments of taxation and the Department of health and sanitation.**

This amendment removes language in the charter that refers to departments in the City that are defunct or whose duties have been assumed by another department or agency.

FOR	2,824	90.31%
AGAINST	303	9.69%

**AMENDMENT NO. 7**

**THE AMENDMENT OF the Pearland Charter, Section 4.05, regarding the approval of the city manager and city council of the selection of assistants in the Department of finance.**

The amendment removes language in the charter that requires the city manager and city council to approve assistants employed in the Department of finance.

FOR	2,099	67.95%
AGAINST	990	32.05%

### AMENDMENT NO. 8

**THE AMENDMENT OF the pearland charter, section 4.09, regarding the creation of a fire department.**

This amendment recognizes the creation of a fire department and the use of that department instead of contracting fire services to a volunteer fire department.

FOR	2,787	87.75%
AGAINST	389	12.25%

### AMENDMENT NO. 9

**THE AMENDMENT OF the Pearland Charter, Section 4.10, regarding the removal of duties assigned to the Department of public works that are performed by another department or entity.**

This amendment removes the duty of collecting garbage by the Department of public works as this service is now provided by a third party vendor and it removes duty of performing building inspections by the Department of public works as this duty is now performed by another department.

FOR	2,572	83.26%
AGAINST	517	16.74%

### AMENDMENT NO. 10

**THE AMENDMENT OF the Pearland Charter, Section 4.12, regarding the Department of parks, recreation and beautification.**

This amendment recognizes the establishment of a department of parks and recreation and clarifies that the director of this department is the liaison with the park, recreation and beautification board.

FOR	2,810	90.27%
AGAINST	303	9.73%

### AMENDMENT NO. 11

**THE AMENDMENT OF the Pearland Charter, Sections 8.06, 8.08, 8.10, 8.11, and 8.14 regarding the budget.**

This amendment allows for changes in the notice, amendment, scheduling, publication, and appropriation processes of the budget.

FOR	2,176	72.97%
AGAINST	806	27.03%

**AMENDMENT NO. 12**

**THE AMENDMENT OF the Pearland Charter, Section 8.18 regarding disbursement of funds.**

This amendment removes the authority of members of city council to countersign checks, vouchers and warrants for the withdrawal of money from the city depository.

FOR	2,274	74.46%
AGAINST	780	25.54%

**AMENDMENT NO. 13**

**THE AMENDMENT OF the Pearland Charter, Section 8.22 regarding tax liens.**

This amendment extends the commencement date for seizure and foreclosure proceedings.

FOR	2,336	77.63%
AGAINST	673	22.37%

**AMENDMENT NO. 14**

**THE AMENDMENT OF the Pearland Charter, Sections 10.09, 10.11, and 10.16 regarding the transition from a general law city to a home rule municipality.**

This amendment removes references to language in the charter that only pertains to the initial transition from a general law city to a home rule municipality.

FOR	2,328	80.36%
AGAINST	569	19.64%

**AMENDMENT NO. 15**

**THE AMENDMENT OF the Pearland Charter, Section 10.15 regarding the frequency of the appointment of a Charter Review Commission.**

This amendment increases the duration of the time period between required appointments of the Charter Review Commission from four years to six years.

FOR	1,631	54.57%
AGAINST	1,358	45.43%

**AMENDMENT NO. 16**

**THE AMENDMENT OF the Pearland Charter, Section 10.17 regarding the meaning of the word “city.”**

This amendment deletes the meaning of the word “city” as the “City of Pearland” as this definition is already defined in Section 1.02 of the Charter.

FOR	2,594	85.02%
AGAINST	457	14.98%

**SECTION II.**

The City Council of the City of Pearland, Texas, hereby officially and affirmatively declares that the results as shown above are the real and true results of the election held on May 10, 2014, within the City of Pearland, Texas, that the candidate elected for Mayor is declared to be **Tom Reid** and the candidate elected for Member of the Council, Position Number Three (3) is declared to be **Gary Moore**, and said above parties are hereby declared duly elected to said respective offices, subject to taking of their Oaths of Office and Statements of Elected Officers as provided by the laws of the State of Texas.

### **SECTION III.**

The City Council of the City of Pearland, Texas, hereby officially and affirmatively declares that Amendments:

**Number 1** through **Number 16** attached hereto as Exhibit "A" were approved.

### **SECTION IV.**

The following Exhibit A, (Charter Amendments) and Exhibit B (Canvass Reports) are attached hereto and made a part hereof by reference.

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

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Sherrouse absent.

#### **MAYOR'S ISSUANCE OF CERTIFICATE OF ELECTION TO NEWLY ELECTED OFFICIALS.** *Mayor Tom Reid.*

Mayor Reid presented Gary Moore with his Certificate of Election.

City Secretary Young Lorfing presented Mayor Reid with his Certificate of Election.

#### **ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED OFFICIALS.** *The Honorable Gordon Starkenburg.*

The Honorable Judge Gordon Starkenburg administered the Oath of Office to Mayor Tom Reid to serve as Mayor.

The Honorable Judge Gordon Starkenburg administered the Oath of Office to Gary Moore to serve as Councilmember Position No. 3.

Mayor Reid thanked the Honorable Judge Starkenburg for his diligence and leading the Administration of Oath of Office to the newly elected officials.

#### **COUNCIL ACTION – ELECTION OF MAYOR PRO-TEM.** *City Council.*

Mayor Pro-Tem Hill made the motion, seconded by Councilmember Sherman, to appoint Councilmember Keith Ordeneaux as Mayor Pro-Tem.

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

Voting "No" None.

Motion Passed 4 to 0.

**ADJOURNMENT**

Meeting was adjourned at 6:22 p.m.

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

\_\_\_\_\_  
Tom Reid  
Mayor

ATTEST:

\_\_\_\_\_  
Young Lorfing, TRMC  
City Secretary

# Consent Agenda Item B

- B. Consideration and Possible Action – Second and Final Reading of Ordinance No.1498** – An ordinance of the City Council of the City of Pearland, Texas, abandoning a portion of Bardet Drive, a certain sixty foot (60') road right-of-way recorded in the plat records of Brazoria County, Texas, within the corporate city limits of Pearland, Brazoria County, Texas; having a savings clause and a severability clause; and providing for an effective date. *Mr. Darrin Coker, City Attorney.*

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

<b>AGENDA OF: 6-9-14</b>	<b>ITEM NO.:</b> Ordinance No. 1498
<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> ROW Abandonment (Bardet Drive)	
<b>EXHIBITS:</b> Ordinance No. 1498; 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 checked="" 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") and the Council conducted a public hearing for the request on May 12th. 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 is contingent upon the replatting of the new ROW.

**ORDINANCE NO.1498**

**An ordinance of the City Council of the City of Pearland, Texas, abandoning a portion of Bardet Drive, a certain sixty foot (60') road right-of-way recorded in the plat records of Brazoria County, Texas, within the corporate city limits of Pearland, Brazoria County, Texas; having a savings clause and a severability clause; and providing for an effective date.**

**WHEREAS**, a petition has been filed with the City of Pearland, to abandon a certain sixty foot (60') road right-of-way (road right-of-way) described in Exhibit "A", attached hereto and made a part hereof for all purposes, and recorded in the Plat Records of Brazoria County, Texas; now, therefore,

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

**Section 1.** The City Council finds and determines that public convenience and necessity does not require retention of the road right-of-way described in Exhibit "A".

**Section 2.** Subject to any contingencies contained herein the road right-of-way referenced herein is hereby ABANDONED by the City of Pearland.

**Section 3.** This ordinance is hereby contingent upon the owner of the property re-platting the right-of-way to a location agreed upon by the City.

**Section 4.** That the City Manager or his designee or is hereby authorized to execute and the City Secretary to attest all documents necessary to give effect to this Ordinance.

**Section 5.** A certified copy of this ordinance recorded in the official records of Brazoria County, Texas, shall constitute notice of this action by the City Council.

**Section 6. Savings.** All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

**Section 7. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a

**ORDINANCE NO. 1498**

separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 8. Effective Date.** This Ordinance shall become effective immediately upon its passage and approval by the City Council.

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

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

ATTEST:

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

PASSED and APPROVED ON SECOND AND FINAL READING 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

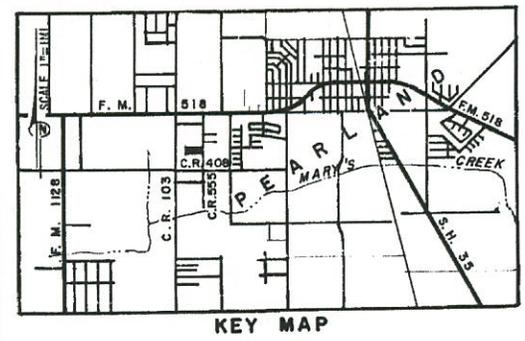
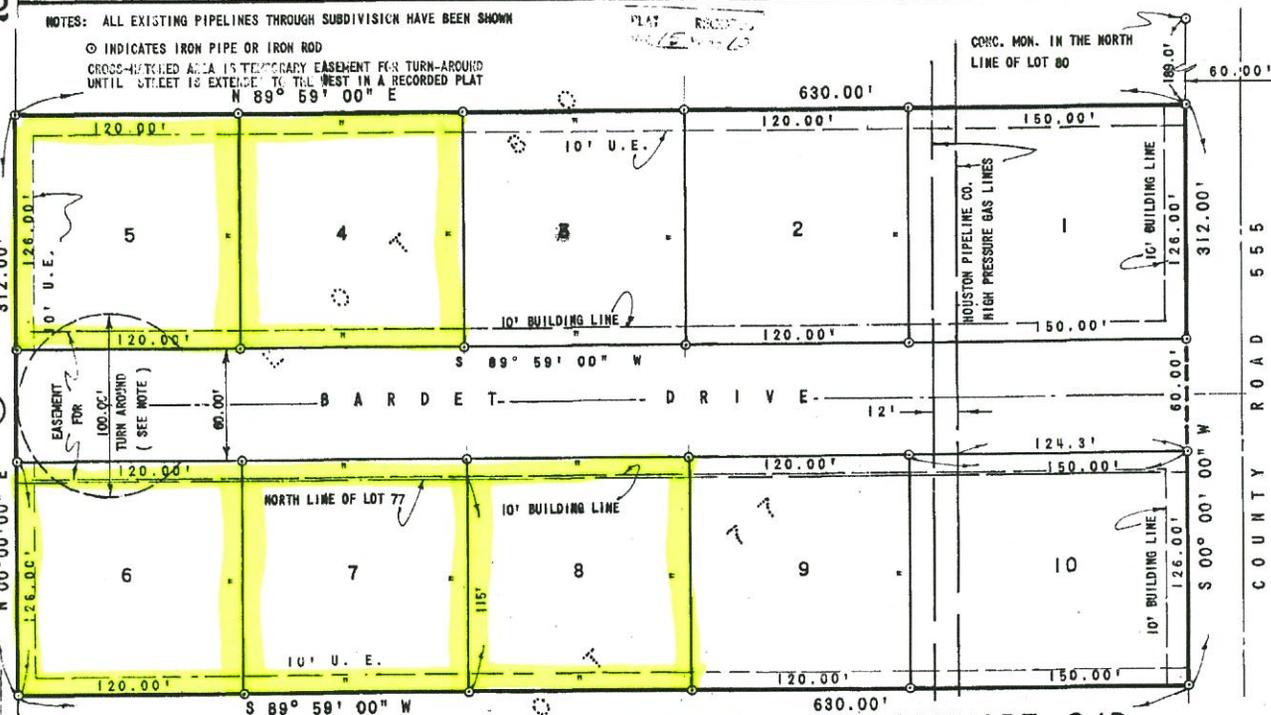
24372

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 23rd DAY OF DECEMBER, 1973.

SCALE: 1" = 60'  
 312.00'



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

**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. 3, PAGE 77, PLAT RECORDS BRAZORIA COUNTY, TEXAS.

BY THE PEARLAND PLANNING COMMISSION  
 THIS 26th DAY OF November 1973

MAYOR PROTEM C.W. Duffin  
 COUNCILMAN Benny Frank  
 COUNCILMAN Tom Reid  
 COUNCILMAN Frank Sanders  
 COUNCILMAN \_\_\_\_\_  
 COUNCILMAN \_\_\_\_\_

THIS 2nd DAY OF November 1973

Lee C. Detenbeck  
Joseph Barnhart  
U.C. Morrow  
W. L. Williams  
M.A. Blask

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

Wesley B. Price  
 NOTARY REPUBLIC 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  
 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

SUBDIVISION APPROVED  
 BY THE COMMISSIONERS COURT, BRAZORIA COUNTY, TEXAS THIS 23rd DAY OF DECEMBER 1973

Lee C. Detenbeck COUNTY JUDGE  
John C. Haggerty Jr. COUNTY ENGINEER

COMMISSIONER PREC. 1 Bill Griffin  
 COMMISSIONER PREC. 2 Richard A. Blumberg  
 COMMISSIONER PREC. 3 \_\_\_\_\_  
 COMMISSIONER PREC. 4 \_\_\_\_\_

BY THE BRAZORIA COUNTY DRAINAGE DISTRICT NO. 4 THIS 8th DAY OF Oct 1973

Richard A. Blumberg COMMISSIONER  
Louis A. Blumberg COMMISSIONER  
Vernon W. Halick COMMISSIONER

PLAT APPROVED  
 DATE 12-3-73  
W. L. Williams CITY ATTORNEY

W. L. Williams CITY ATTORNEY  
W. L. Williams CITY ATTORNEY

W. L. Williams CITY ATTORNEY

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



DEC 5 1973

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

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

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  
 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.



**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.

---

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

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

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 C

- C. Consideration and Possible Action – Resolution No. R2014-56 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of pipe, fittings and fire hydrants from HD Supply Waterworks in the amount of \$66,852.96 for the East Orange Street Waterline Upgrade Project. *Mr. Eric Wilson, Director of Public Works.***

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

<b>AGENDA OF:</b>	June 9, 2014	<b>ITEM NO.:</b>	Resolution No. R2014-56
<b>DATE SUBMITTED:</b>	May 30, 2014	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Bob Pearce	<b>PRESENTOR:</b>	Eric Wilson
<b>REVIEWED BY:</b>	Jon R. Branson	<b>REVIEW DATE:</b>	June 2, 2014
<b>SUBJECT:</b> Award of Bid for Purchase of Pipe and Related Fittings – East Orange Waterline Upgrade (Materials Only)			
<b>EXHIBITS:</b> Resolution #R2014-56 Exhibit A - Bid Tabulation			
<b>FUNDING:</b>			
<input type="checkbox"/> Bonds To Be Sold		<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other
<input type="checkbox"/> Bonds- Sold		<input type="checkbox"/> L/P – Sold	<input checked="" type="checkbox"/> Cash
			<input type="checkbox"/> L/P – To Be Sold
<b>EXPENDITURE REQUIRED:</b> \$66,852.96		<b>AMOUNT BUDGETED:</b> \$152,060.00	
<b>AMOUNT AVAILABLE:</b> \$152,060.00		<b>PROJECT NO.:</b> WA1205	
<b>ACCOUNT NO.:</b> 301-0000-565-03-00			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>			
<b>ACCOUNT NO.:</b>			
<b>PROJECT NO.:</b>			
<b>To be completed by Department:</b>			
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution

**EXECUTIVE SUMMARY**

**BACKGROUND**

It is necessary for the City to purchase approximately 4,500 feet of 6" PVC pipe and related fittings, as well as seven (7) new fire hydrants, to facilitate a budgeted Water Utilities project. This project will replace undersized waterlines and provide new fire service along East Orange from Old Alvin Road to Linwood Oaks, including Yupon Circle and Briar Circle. Public Works personnel will be replacing existing 3" and 4" waterlines with the larger 6" diameter pipe.

**SCOPE OF CONTRACT/AGREEMENT**

Awarded contractor will provide and deliver pipe, fittings and fire hydrants to the Public Works Service Center.

**BID AND AWARD**

The City has solicited competitive bids for the materials necessary to complete this waterline replacement project. A total of two (2) bids were received in response to the specifications of Bid No. 0414-35. The low bidder, HD Supply Waterworks, is recommended for award, at the unit costs reflected in the attached tabulation, with an anticipated total expenditure in the amount of \$66,852.96.

**SCHEDULE**

It is anticipated that the pipe and related fittings will be delivered in approximately 2-3 weeks, with an estimated project completion time of 4-5 months.

**POLICY/GOAL CONSIDERATION**

This purchase is contemplated and recommended for the purpose of furthering the City's objective to provide for public health, safety and welfare.

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

Project is funded via cash from water/sewer system revenues, with no issuance of debt.

**RECOMMENDED ACTION**

City Council approval of a resolution awarding a bid to HD Supply Waterworks for the purchase of pipe, fittings and fire hydrants at the unit costs reflected in the attached bid tabulation, with a total anticipated expenditure of \$66,852.96.

**RESOLUTION NO. R2014-56**

**A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of pipe, fittings and fire hydrants from HD Supply Waterworks in the amount of \$66,852.96 for the East Orange Street Waterline Upgrade Project.**

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

**Section 1.** That the City previously opened bids for pipe; fittings; and fire hydrants and such bids have been reviewed and tabulated.

**Section 2.** That the City Council hereby awards the bid to HD Supply Waterworks, in the amount of \$66,852.96.

**Section 3.** The City Manager or his designee is hereby authorized to execute a s a contract for the purchase of pipe, fittings and fire hydrants associated with the East Orange Street Waterline Upgrade Project.

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

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

ATTEST:

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

APPROVED AS TO FORM:

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

**Bid Tabulation: Purchase of Pipe and Related Fittings for East Orange Waterline Upgrade (Material only)**  
**Bid Opening: Tuesday, May 13, 2014**  
**Bid Number: 0414-35**

Specification Responses		HD Supply Waterworks				MDN ENTERPRISES	
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended
1	6" C-900 Waterline	LF	4500	\$3.61	\$16,245.00	\$4.26	\$19,170.00
2	8" C-900 Waterline	LF	1500	\$6.28	\$9,420.00	\$7.38	\$11,070.00
3	8" 45's MJ	EA	4	\$73.73	\$294.92	\$66.64	\$266.56
4	8x6" Red. MJ	EA	1	\$52.59	\$52.59	\$47.53	\$47.53
5	Fire Hydrant w/storz 4' Bury (MJ)	EA	7	\$1,877.00	\$13,139.00	\$1,980.83	\$13,865.81
6	6" 45's MJ	EA	12	\$45.00	\$540.00	\$45.57	\$546.84
7	8x6" Tees MJ	EA	3	\$112.76	\$338.28	\$101.92	\$305.76
8	6" Tees MJ	EA	12	\$90.54	\$1,086.48	\$81.83	\$981.96
9	6" Caps MJ	EA	6	\$24.94	\$149.64	\$22.54	\$135.24
10	6" Valve MJ	EA	19	\$475.73	\$9,038.87	\$486.84	\$9,249.96
11	8" Valve	EA	3	\$757.21	\$2,271.63	\$783.88	\$2,351.64
12	8" Hymax Coupling	EA	2	\$194.50	\$389.00	\$212.19	\$424.38
13	6" Hymax Coupling	EA	6	\$171.50	\$1,029.00	\$187.94	\$1,127.64
14	6x2" Saddle	EA	2	\$27.70	\$55.40	\$33.65	\$67.30
15	2" Corp	EA	2	\$167.50	\$335.00	\$136.88	\$273.76
16	2" Curb Stop (Angle)	EA	2	\$172.00	\$344.00	\$263.15	\$526.30
17	1" Curb Stop (Angle)	EA	5	\$52.80	\$264.00	\$43.89	\$219.45
18	1" Corp	EA	31	\$35.15	\$1,089.65	\$39.87	\$1,235.97
19	18" to 24" Valve Box	EA	22	\$27.50	\$605.00	\$36.93	\$812.46
20	1" U-branch (1" CTSx 5/8)	EA	26	\$91.10	\$2,368.60	\$92.09	\$2,394.34
21	Double Meter Box	EA	26	\$28.00	\$728.00	\$145.92	\$3,793.92
22	Single Meter Box	EA	5	\$28.00	\$140.00	\$104.50	\$522.50
23	6x1" Saddle	EA	31	\$23.60	\$731.60	\$28.72	\$890.32

24	8x1" Saddle		EA	6	\$28.00	\$168.00		\$34.09	\$204.54
25	1" CTS		LF	900	\$0.35	\$315.00		\$0.40	\$360.00
26	2" CTS		LF	100	\$0.99	\$99.00		\$1.20	\$120.00
27	8" One Loks		EA	21	\$43.30	\$909.30		\$49.95	\$1,048.95
28	6" One Loks		EA	115	\$32.00	\$3,680.00		\$39.19	\$4,506.85
29	Pipe Soap		Case	4	\$31.50	\$126.00		\$14.65	\$58.60
30	HTH		Case	4	\$225.00	\$900.00		\$19.15	\$76.60
<b>Total</b>						\$66,852.96			\$76,655.18

# Consent Agenda Item D

- D. Consideration and Possible Action – Resolution No. R2014-54 – A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for custodial services with A & A Cleaning Services in the amount of \$69,720.00 annually. Ms. Michelle Graham, Director of Parks and Recreation.**

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

<b>AGENDA OF:</b>	June 9, 2014	<b>ITEM NO.:</b>	Resolution No. R2014-54
<b>DATE SUBMITTED:</b>	May 30, 2014	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Bob Pearce	<b>PRESENTOR:</b>	Michelle Graham
<b>REVIEWED BY:</b>	Jon R. Branson	<b>REVIEW DATE:</b>	June 2, 2014
<b>SUBJECT:</b> Renewal of Bid for Custodial Services at Recreation Center/Natatorium			
<b>EXHIBITS:</b> Resolution #R2014-54 Bid Tab			
<b>FUNDING:</b>			
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold			
<b>EXPENDITURE REQUIRED:</b> \$17,430 (rest of year); \$69,720 annually			
<b>AMOUNT BUDGETED:</b> \$69,720			
<b>AMOUNT AVAILABLE:</b> \$17,430 rest of year		<b>PROJECT NO.:</b>	
<b>ACCOUNT NO.:</b> 010-3320-555-11-00			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>			
<b>ACCOUNT NO.:</b>			
<b>PROJECT NO.:</b>			
<b>To be completed by Department:</b>			
X Finance		X Legal	
		Ordinance	
		X Resolution	

**EXECUTIVE SUMMARY**

**BACKGROUND**

City Council approved a bid award in June, 2012 for custodial services to be performed at the Recreation Center and Natatorium. The bid was awarded to A & A Cleaning Services from among five (5) bids received.

**SCOPE OF CONTRACT**

Contractor will perform daily custodial services as required by the specifications of City Bid #0312-28.

**BID AND AWARD**

Five (5) bids were received in April, 2012 in response to the bid solicitation. A & A Cleaning Services, a Pearland business, was the second-low bidder with pricing approximately 4.9% higher than the low bidder, Alpha Cleaning Concepts, a Houston company. A & A Cleaning Services requested application of the City’s local bidder preference, provided the required supporting documentation and ample trade references, and were subsequently awarded the bid.

The original term was for a period of one (1) year, with two (2) one-year renewal options available upon the mutual agreement of both parties, and the subsequent approval of City Council. Any price increase request for a renewal period must be substantiated by a commensurate increase during the prior 12 month period in the “All Items” category of the Consumer Price Index for the Houston-Galveston-Brazoria region.

A & A Cleaning Services has agreed to renew this bid with no price increase requested, therefore pricing for this final one-year renewal period will be at the amounts originally bid and awarded by Council. Parks and Recreation personnel report that A & A Cleaning has provided exemplary custodial services at the facility, and fully support this recommendation for renewal.

**SCHEDULE**

Custodial services of the Recreation Center and Natatorium will occur on a daily basis throughout the term of the agreement.

**POLICY/GOAL CONSIDERATION**

This bid award will positively impact the City’s goal to continue to explore contract opportunities.

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

Funding for these services will come from Parks Recreation Department general fund.

**O&M IMPACT INFORMATION**

<b>Fiscal Year</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
	\$17,430 (est. for remainder of FY14)	\$52,290 (est. for Oct. 2014 through June 2015 – to be re-bid in Spring of 2015)	N/A

**RECOMMENDED ACTION**

Staff recommends approval of a resolution to renew a bid for custodial services to A & A Cleaning Services at the unit costs highlighted in the attached tabulation, with an estimated total expenditure of approximately \$69,720 annually.

**RESOLUTION NO. R2014-54**

**A Resolution of the City Council of the City of Pearland, Texas,  
renewing a bid for custodial services with A & A Cleaning Services in  
the amount of \$69,720.00 annually.**

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

**Section 1.** That the City previously opened bids for custodial services, and such bids have been reviewed and tabulated.

**Section 2.** That the City Council hereby renews the bid to A & A Cleaning Services, in the estimated unit amounts reflected in Exhibit "A" attached hereto.

**Section 3.** The City Manager or his designee is hereby authorized to execute a contract for custodial 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

Bid No. 0312-28  
Recreation Center and Natatorium Custodial Services

<b>Line 1 MONTHLY CUSTODIAL SERVICE OF RECREATION CENTER AND NATATORIUM, PER SPECIFICATIONS.</b>					
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	
Alpha Cleaning Concepts	12	MONTHS	\$5,156.33		\$61,875.96
<b>A &amp; A Cleaning Services</b>	<b>12</b>	<b>MONTHS</b>	<b>\$5,400.00</b>		<b>\$64,800.00</b>
Unified Service Associates	12	MONTHS	\$5,515.36		\$66,184.32
ServiceMaster Clean	12	MONTHS	\$5,543.00		\$66,516.00
C&S Janitorial Services, Inc	12	MONTHS	\$5,995.00		\$71,940.00
<b>Line 2 HOURLY RATE FOR PORTER/CUSTODIAN TO PROVIDE EXTRA SERVICES, AS NEEDED.</b>					
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	
Unified Service Associates	1	HOUR	\$10.00		\$10.00
C&S Janitorial Services, Inc	1	HOUR	\$14.00		\$14.00
<b>A &amp; A Cleaning Services</b>	<b>1</b>	<b>HOUR</b>	<b>\$15.00</b>		<b>\$15.00</b>
Alpha Cleaning Concepts	1	HOUR	\$17.52		\$17.52
ServiceMaster Clean	1	HOUR	\$18.00		\$18.00

Bid No. 0312-28  
Recreation Center and Natatorium Custodial Services

<b>Line 3</b>					
<b>PRICE PER SQUARE FOOT TO STRIP, WASH AND WAX VINYL COMPOSITION TILE (VCT) FLOORING</b>					
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	
Unified Service Associates	1	SQ FT	\$0.10	\$0.10	
<b>A &amp; A Cleaning Services</b>	<b>1</b>	<b>SQ FT</b>	<b>\$0.12</b>	<b>\$0.12</b>	
Alpha Cleaning Concepts	1	SQ FT	\$0.18	\$0.18	
ServiceMaster Clean	1	SQ FT	\$0.18	\$0.18	
C&S Janitorial Services, Inc	1	SQ FT	\$0.25	\$0.25	
<b>Line 4</b>					
<b>PRICE PER SQUARE FOOT TO STRIP, WASH AND WAX RESILIENT STONE FLOORING</b>					
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	
Unified Service Associates	1	SQ FT	\$0.10	\$0.10	
<b>A &amp; A Cleaning Services</b>	<b>1</b>	<b>SQ FT</b>	<b>\$0.12</b>	<b>\$0.12</b>	
Alpha Cleaning Concepts	1	SQ FT	\$0.15	\$0.15	
ServiceMaster Clean	1	SQ FT	\$0.18	\$0.18	
C&S Janitorial Services, Inc	1	SQ FT	\$0.25	\$0.25	
<b>Line 5</b>					
<b>PRICE PER SQUARE FOOT TO SHAMPOO CARPET FLOORING</b>					
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	
Unified Service Associates	1	SQ FT	\$0.05	\$0.05	
<b>A &amp; A Cleaning Services</b>	<b>1</b>	<b>SQ FT</b>	<b>\$0.10</b>	<b>\$0.10</b>	
Alpha Cleaning Concepts	1	SQ FT	\$0.10	\$0.10	
ServiceMaster Clean	1	SQ FT	\$0.14	\$0.14	
C&S Janitorial Services, Inc	1	SQ FT	\$0.19	\$0.19	
<b>Line 6</b>					
<b>PRICE TO CLEAN ALL EXTERIOR WINDOWS OF RECREATION CENTER AND NATATORIUM, TWICE PER YEAR</b>					
<u>Name</u>	<u>QTY</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extended</u>	
C&S Janitorial Services, Inc	1	LOT	\$750.00	\$750.00	
Unified Service Associates	1	LOT	\$1,000.00	\$1,000.00	
Alpha Cleaning Concepts	1	LOT	\$1,750.00	\$1,750.00	
<b>A &amp; A Cleaning Services</b>	<b>1</b>	<b>LOT</b>	<b>\$1,950.00</b>	<b>\$1,950.00</b>	
ServiceMaster Clean	1	LOT	\$6,000.00	\$6,000.00	
			<b>TOTAL BID AMOUNT</b>		

Bid No. 0312-28  
Recreation Center and Natatorium Custodial Services

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<u>Name</u>	
Alpha Cleaning Concepts	\$63,643.91
<b>A &amp; A Cleaning Services</b>	<b>\$66,765.34</b>
Unified Service Associates	\$67,194.57
ServiceMaster Clean	\$72,534.50
C&S Janitorial Services, Inc	\$72,704.69

# New Business Item No. 1

1. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-114** – 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 16.871 acres of land situated in the H.T. & B.R.R. Co. Survey, Abstract 542, and identified as Lot 1, Block 1, Associated Industrial Park, Brazoria County, Texas, located (East side of Main Street and south of Mchard Road; 1603 N. Main Street, Pearland, Texas), Zone Change 2013-18Z, a request of Gerald Koza, owner/applicant, for approval of a change in zoning from GC, General Commercial to M-1, Light Industrial on approximately 16.871 acres of land, 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> June 9, 2014	<b>ITEM NO.</b> Ordinance No. 2000M-114				
<b>DATE SUBMITTED:</b> May 27, 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 30, 2014				
<p><b>SUBJECT:</b> A request of Gerald Koza, owner/applicant, for approval of a change in zoning from GC, General Commercial to M-1, Light Industrial on approximately 16.871 acres of land, on the following described property, to wit:</p> <p style="text-align: center;"><b>General Location:</b> East side of Main Street and south of Mchard Road; 1603 N. Main Street, Pearland, Texas</p>					
<p><b>ATTACHMENTS:</b> Ordinance No. 2000M-114 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, Notification Map, Notification List, 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%; text-align: center;"> <tr> <td style="width: 25%;">Finance</td> <td style="width: 25%;">Legal</td> <td style="width: 25%;">Ordinance</td> <td style="width: 25%;">Resolution</td> </tr> </table>		Finance	Legal	Ordinance	Resolution
Finance	Legal	Ordinance	Resolution		

**EXECUTIVE SUMMARY**

The subject property includes a total of 16.871 acres of land, of which the applicant is requesting approval of a change in zoning from the General Commercial (GC) zoning district to the Light Industrial (M-1) zoning district. The purpose of the zone change request is to continue to use the property and existing building for industrial type uses.

The existing zoning district does not permit the existing use by right, which is considered “Warehouse and Distribution Facility.” The change in zoning will result in bringing a non-conforming use into conformance with the current UDC.

**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 change in zoning. Staff has not received any returned notices.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone the 16.871 acre site from General Commercial (GC) to Light Industrial (M-1), for the following reasons:

1. Pursuant to Section 2.2.1.4 (Criteria for Approval):

- A. The proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map and any incorporated sector plan maps.

One of the main objectives of the 1999 Comprehensive Plan (“The Plan”) was to meet Pearland 2020 objectives, but to also respect existing land use patterns. The Plan identified ten (10) initiatives and one was to “designate sizeable areas for industrial and light industrial economic development. One of the areas identified was the “North Central District,” which encompasses the Main Street corridor north of the Old Townsite and the McHard Road corridor. The subject property is located within the “North Central District.” This area was chosen for this type of development at the time of the adoption of the Comprehensive Plan because of the industrial development that already existed.

As a result, the future land use designation of the property is “Industrial.” According to the Comprehensive Plan, major features of the “Industrial” future land use designation include uses such as warehousing, distribution, assembly, fabrication and light manufacturing; industrial parks; and high tech industries. The Plan suggests that supporting uses such as retail, office and service uses should be congregated at street intersections. It recommends zoning districts such as Light Industrial (M-1) and Heavy Industrial (M-2).

- B. The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

The proposed Light Industrial (M-1) zoning district is intended to permit a wide variety of light industrial, manufacturing, wholesale and service type uses. The intent of the proposed M-1 zoning district is consistent with the existing use and structures on site, development and the vision, according to the Comprehensive Plan of the “North Central District” (see above), which

encompasses the Main Street corridor north of the Old Townsite and the McHard corridor. The “North Central District” is approximately 1,240 acres, or 1.9 square miles.

- C. The proposed change is in not in relation to any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other public services and utilities to the area.

The proposed change is not in relation to any existing or proposed plans for providing public schools, streets water supply, sanitary sewers or other public services or utilities in the area. The existing building is currently connected to public water and sewer. Any new development proposed will have access to public infrastructure; however, the extension of infrastructure will likely be required.

2. The requested change in zoning from GC to M-1 will result in bringing a nonconforming use into conformance with the UDC. The UDC defines a nonconforming use as any use that does not conform to the regulations of the UDC. The previous zoning district, Commercial (C) and the current zoning district General Commercial (GC) require approval of a Specific Use Permit (SUP), as it was called under the previous Code or a Conditional Use Permit (CUP), for the existing use. There is no record of an SUP or CUP having been approved by the City Council. The proposed zoning district of M-1 permits the existing use by-right.

**PLANNING AND ZONING COMMISSION DISCUSSION:** At the regular meeting of the Planning and Zoning Commission on May 19, 2014, Planning and Zoning Commission Commissioner Daniel Tunstall made a motion to approve the change in zoning from GC to M-1. The motion was seconded by Commissioner Derrick Reed. The motion passed with a 6/0 vote.

**STAFF RECOMMENDATION TO COUNCIL:** Consider the change in zoning from GC to M-1 on the approximately 16.871-acre site.

## **Ordinance No. 2000M-114**

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 16.871 acres of land situated in the H.T. & B.R.R. Co. Survey, Abstract 542, and identified as Lot 1, Block 1, Associated Industrial Park, Brazoria County, Texas, located (East side of Main Street and south of Mchard Road; 1603 N. Main Street, Pearland, Texas), Zone Change 2013-18Z, a request of Gerald Koza, owner/applicant, for approval of a change in zoning from GC, General Commercial to M-1, Light Industrial on approximately 16.871 acres of land, 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**, Gerald Koza, owner/applicant is seeking approval of a change in zoning from GC to M-1 on approximately 16.871 acres; 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 19th day of May, 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 19<sup>th</sup> day of May, 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 Gerald Koza, owner/applicant, for approval of a change in zoning from GC, General Commercial to M-1, Light Industrial on approximately 16.871 acres of land, 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 9<sup>th</sup> day of June 2014 and the 23<sup>rd</sup> day of June 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 Gerald Koza, owner/applicant, for approval of a change in zoning from GC, General Commercial to M-1, Light Industrial on approximately 16.871 acres of land, 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 General Commercial (GC) to Light Industrial (M-1), in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

**LEGAL DESCRIPTION:** Lot 1, Block 1, Associated Industrial Park, located in the H.T. & B.R.R. Co. Survey, Abstract 542, Brazoria County, Texas

**GENERAL LOCATION:** East side of Main Street and south of Mchard Road; 1603 N. Main Street, 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-M 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 9<sup>th</sup> day of June, 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 23rd  
day of June, 2014.

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TOM REID  
MAYOR

ATTEST:

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YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

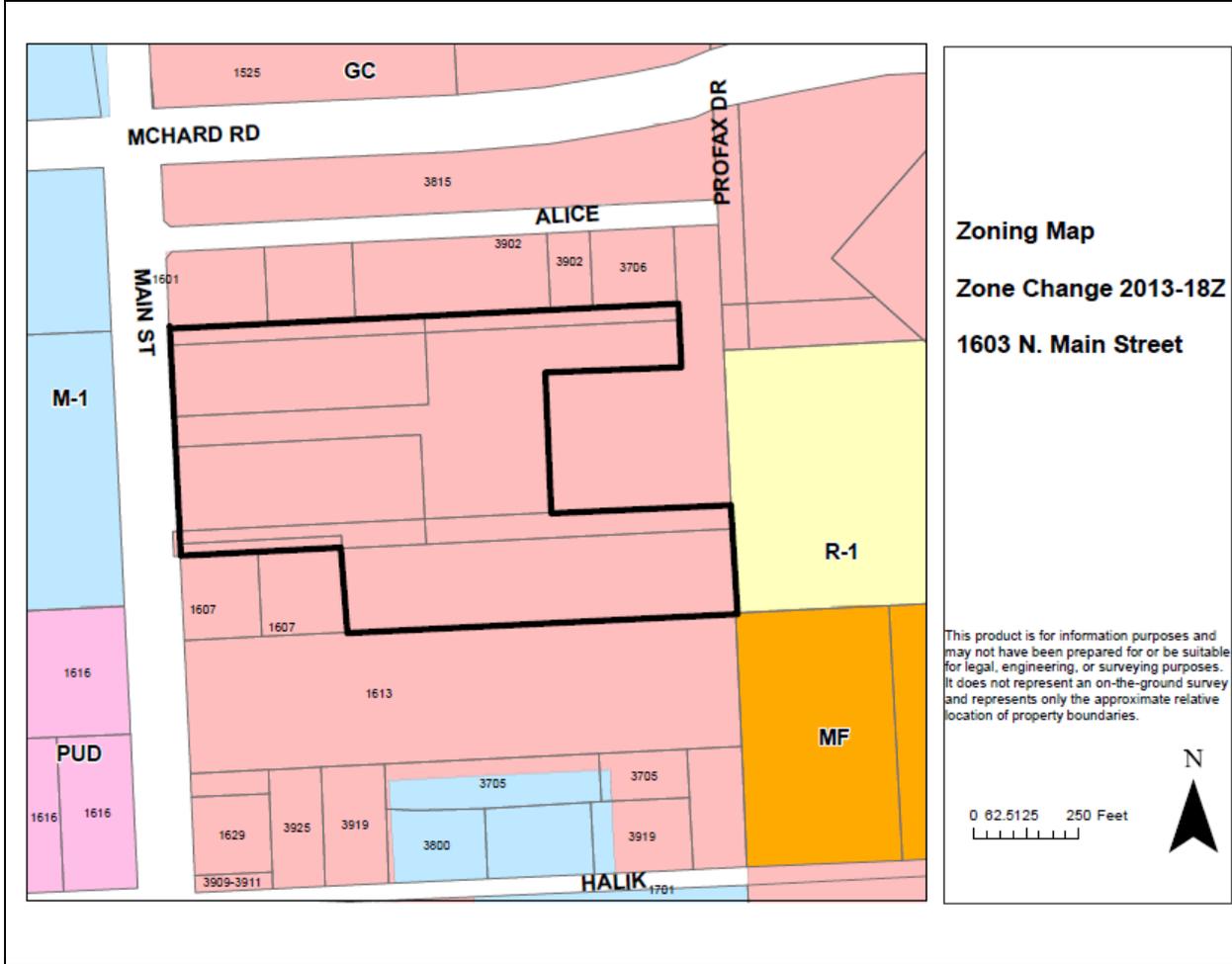
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DARRIN M. COKER  
CITY ATTORNEY

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

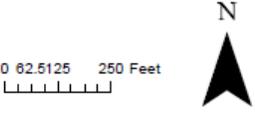
Lot 1, Block 1, Associated Industrial Park, located in the H.T. & B.R.R. Co. Survey,  
Abstract 542, Brazoria County, Pearland Texas.

**Exhibit B  
Vicinity and Zoning Map**



**Zoning Map**  
**Zone Change 2013-18Z**  
**1603 N. Main Street**

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. 2013-18Z**

Notice is hereby given that on May 19, 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 Gerald Koza, owner/applicant, for approval of a change in zoning from GC, General Commercial to M-1, Light Industrial on approximately 16.871 acres of land, more specifically described as:

Lot 1, Block 1, Associated Industrial Park, located in the H.T. & B.R.R. Co. Survey, Abstract 542, Brazoria County, Texas.

General Location: 1603 N. Main Street  
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  
City Planner

**Exhibit D  
Planning and Zoning Commission Recommendation Letter**



# Planning & Zoning Commission

May 20, 2014

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

Re: Recommendation on Zone Change No. 2013-18Z

Honorable Mayor and City Council Members:

At their meeting on May 19, 2014, the Planning and Zoning Commission considered the following:

A request of Gerald Koza, owner/applicant, for approval of a change in zoning from GC, General Commercial to M-1, Light Industrial on approximately 16.871 acres of land, on the following described property, to wit:

**Legal Description:** Lot 1, Block 1, Associated Industrial Park, located in the H.T. & B.R.R. Co. Survey, Abstract 542, Brazoria County, Texas.

**General Location:** East side of Main Street and south of Mchard Road; 1603 N. Main Street, Pearland, Texas

After staff presentation Commissioner Daniel Tunstall made a motion to approve the change in zoning from GC to M-1. The motion was seconded by Commissioner Derrick Reed. The motion passed with a 6/0 vote.

Sincerely,

Johnna Matthews

City Planner  
On behalf of the Planning and Zoning Commission



## Joint Public Hearing Staff Report

### **SUMMARY OF ANALYSIS:**

The applicant is requesting approval of a change in zoning from General Commercial (GC) to Light Industrial (M-1) on approximately 16.871 acres of land located on the east side of Main Street and south of Mchard Road, and commonly known as 1603 N. Main Street, Pearland, Texas. The purpose of the zone change request is to ensure consistency with the existing industrial/warehouse structure and zoning as well as with the future land use designation of the site, as indicated by the Comprehensive Plan, which is "Industrial." According to the applicant, the intent is to continue to use the property and existing building for industrial type uses. The subject property is developed with an office building, which faces Main Street with an attached warehouse structure with bays which was added on to the rear of the structure. The existing building is currently occupied by Profax; a manufacturer of welding products. The existing use is considered "Warehouse and Distribution Facility," which is defined as an enclosed structure for the storage of goods and distribution or transfer to another location. The change in zoning will result in bringing a non-conforming use into conformance with the current UDC.

**SITE HISTORY:** The property was annexed into the City of Pearland in 1960. Prior to the adoption of the Unified Development Code (UDC) in 2006, the property was located within the Commercial (C) zoning district. When the UDC was adopted the site was rezoned to its current zoning designation of GC. The subject property is developed with an office building, which faces Main Street with an attached warehouse structure with bays which was added on to the rear of the structure. Brazoria County nor do City records indicate when the structure was originally built, however, the applicant has indicated that the building was constructed in 1982 and has been occupied by Profax; a manufacturer of welding products, since its construction. According to city records, the attached warehouse additions were made to the building in 2001, 2006 and 2010. Additionally, in 2011 a new detention area was added and a driveway was constructed. The existing use is considered non-conforming, as neither the previous zoning district nor the existing zoning district permits the existing use by right, which is considered "Warehouse and Distribution Facility."

The site is surrounding by nonresidential uses to the north and south and are developed in accordance with the below table. Uses east and west of the site are mostly undeveloped with the exception of the water tower to the east. Property to the east is also zoned for single family uses; however, remain undeveloped at this time.

The below table identifies surrounding uses and zoning districts:

**SURROUNDING ZONING AND LAND USES:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	General Commercial (GC)	Pearland Animal Hospital and Warehouse Structures
<b>South</b>	General Commercial (GC)	Lifestyle of Christ Church and Pearland Gold and Diamond
<b>East</b>	General Commercial (GC) & Single-Family Residential 1 (R-1)	Pearland Water Tower and Undeveloped Land
<b>West</b>	Light Industrial (M-1)	Undeveloped Land

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** The subject property is located within the General Commercial (GC) zoning district. The purpose of the aforementioned zoning district is to permit a wide variety of businesses characterized by those uses that may require an extensive amount of land for the conduct of business and/or activity that may require outside storage areas. The existing use on site is categorized as “Warehouse and Distribution Facility” by the land use matrix of the

UDC. The UDC defines the aforementioned use as an enclosed structure for the storage of goods for distribution or transfer to another location. The existing use is permitted in the existing zoning district, with approval of a Conditional Use Permit (CUP). There is no record of a CUP having been approved by the City Council for the existing use. The existing use is permitted by right within the proposed zoning district of Light Industrial (M-1), which purpose is to permit a wide variety of light industrial, manufacturing, wholesale and service type uses. The change in zoning will result in bringing a non-conforming use in compliance with the UDC.

The site is also located within the Corridor Overlay District (COD). A site plan is not required for a change in zoning, and therefore staff is unable to determine if the site is in compliance with the COD regulations, however, as the building was constructed in 1982, according to the applicant, it is not likely that the site complies with these regulations. Pursuant to Chapter 4 of the UDC, if in the future, the applicant proposes to expand, any expansion will trigger compliance with parking and screening/fencing requirements. . An expansion that exceeds 500 square feet will trigger not only trigger compliance with parking and screening/fencing requirements, but also with façade, sidewalks and landscaping requirements.

**PLATTING STATUS:** The property is platted, and received final plat approval in March, 2014.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The site is in compliance with the Comprehensive Plan. The Comprehensive Plan designated the “North Central District” as the Main Street corridor, north of Old Townsite and the McHard Road Corridor, for industrial and light industrial economic development. The Corridor is inclusive of the subject property and includes approximately 1.9 square miles. The future land use designation of the property is “Industrial.” According to the Comprehensive Plan, major features of the “Industrial” future land use designation include uses such as warehousing, distribution, assembly, fabrication and light manufacturing; industrial parks; and high tech industries. The Plan suggests that supporting uses such as retail, office and service uses should be congregated at street intersections. It recommends zoning districts such as Light Industrial (M-1) and Heavy Industrial (M-2). The site is currently developed with what appears to have been a stand-alone office at one time, which includes an attached warehouse structure with bays that was added on to the property in 2001, 2006, and 2010, according to City of Pearland records. The existing building is used for industrial purposes and is occupied by a manufacturer of welding products; Profax. Profax has occupied the building since it was constructed in 1982, and according to their website, originated in 1969 in Pearland and manufacture and ship their products from this location in Pearland

**AVAILABILITY OF UTILITIES:** The existing building is currently connected to public water and sewer. Any new development proposed will have access to public infrastructure; however, the extension of infrastructure will likely be required. There is a 16-inch public waterline on the west side of Main Street to the northwest corner of the subject property and a 12 inch public waterline on Alice Street, which was extended from the Highway35 project and connected to the existing 10 inch AC waterline. Additionally, there is an existing 8 inch gravity sanitary sewer line, which runs along the northern portion of the subject property.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** The proposed change in zoning will not significantly impact surrounding properties or developments, as the property is currently developed with an industrial use. The proposed zone change will bring the use into compliance with the UDC as well as the future land use designation of the property. All surrounding properties are zoned for non-residential uses and zoning districts, with the exception of the property to the east, which is undeveloped and zoned Single Family Residential- 1 (R-1) for single family residential uses. The area that directly abuts the R-1 zoning district to the east includes approximately 250 feet. The restrictions in place in the proposed zoning district as well as the Corridor Overlay District will ensure that as these properties develop, residential adjacency screening requirements, which include a 25-foot wide landscape buffer along the property line adjacent to such use or district. The landscape buffer shall remain open and unobstructed (i.e., no parking, driveways) and shall be planted with ground cover such as grass or ivy.

**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:** Staff sent ten (10) public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change on May 9, 2014. Additionally, a legal notice of the public hearing was published in the local newspaper on Thursday, May 1, 2004 and a notification sign was placed on the property by the applicant. Staff has not received any returned notices from property owners within 200 feet of the site.

**OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST:** Staff has not received any comments either in opposition to or in support of the proposed change in zoning request.

**RECOMMENDATION:** Staff recommends approval of the request to rezone the 16.871-acre site from General Commercial (GC) to Light Industrial (M-1), for the following reasons:

1. Pursuant to Section 2.2.1.4 (Criteria for Approval), in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors. Below is the criteria for approval and how the proposal meets the criteria:
  - Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map and any incorporated sector plan maps.

One of the main objectives of the 1999 Comprehensive Plan ("The Plan") was to meet Pearland 2020 objectives, but to also respect existing land use patterns. The Plan identified ten (10) initiatives and one was to "designate sizeable areas for industrial and light industrial economic development. One of the areas identified was the "North Central District," which encompasses the Main Street corridor north of the Old Townsite and the McHard Road corridor. The subject property is located within

the “North Central District.” This area was chosen for this type of development at the time of the adoption of the Comprehensive Plan because of the industrial development that already existed.

As a result, the future land use designation of the property is “Industrial.” According to the Comprehensive Plan, major features of the “Industrial” future land use designation include uses such as warehousing, distribution, assembly, fabrication and light manufacturing; industrial parks; and high tech industries. The Plan suggests that supporting uses such as retail, office and service uses should be congregated at street intersections. It recommends zoning districts such as Light Industrial (M-1) and Heavy Industrial (M-2). The site is currently developed with what appears to have been a stand-alone office at one time, which includes an attached warehouse structure with bays that was added on to the property in 2001, 2006, and 2010, according to City of Pearland records. The existing building is used for industrial purposes and is occupied by a manufacturer of welding products; Profax. Profax has occupied the building since it was constructed in 1982, and according to their website originated in 1969 in Pearland and manufacture and ship their products from this location in Pearland.

- Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

The proposed Light Industrial (M-1) zoning district is intended to permit a wide variety of light industrial, manufacturing, wholesale and service type uses. The intent of the proposed M-1 zoning district is consistent with existing uses, development and the vision, according to the Comprehensive Plan of the “North Central District” (see above), which encompasses the Main Street corridor north of the Old Townsite and the McHard corridor. The “North Central District” is approximately 1,240 acres, or 1.9 square miles.

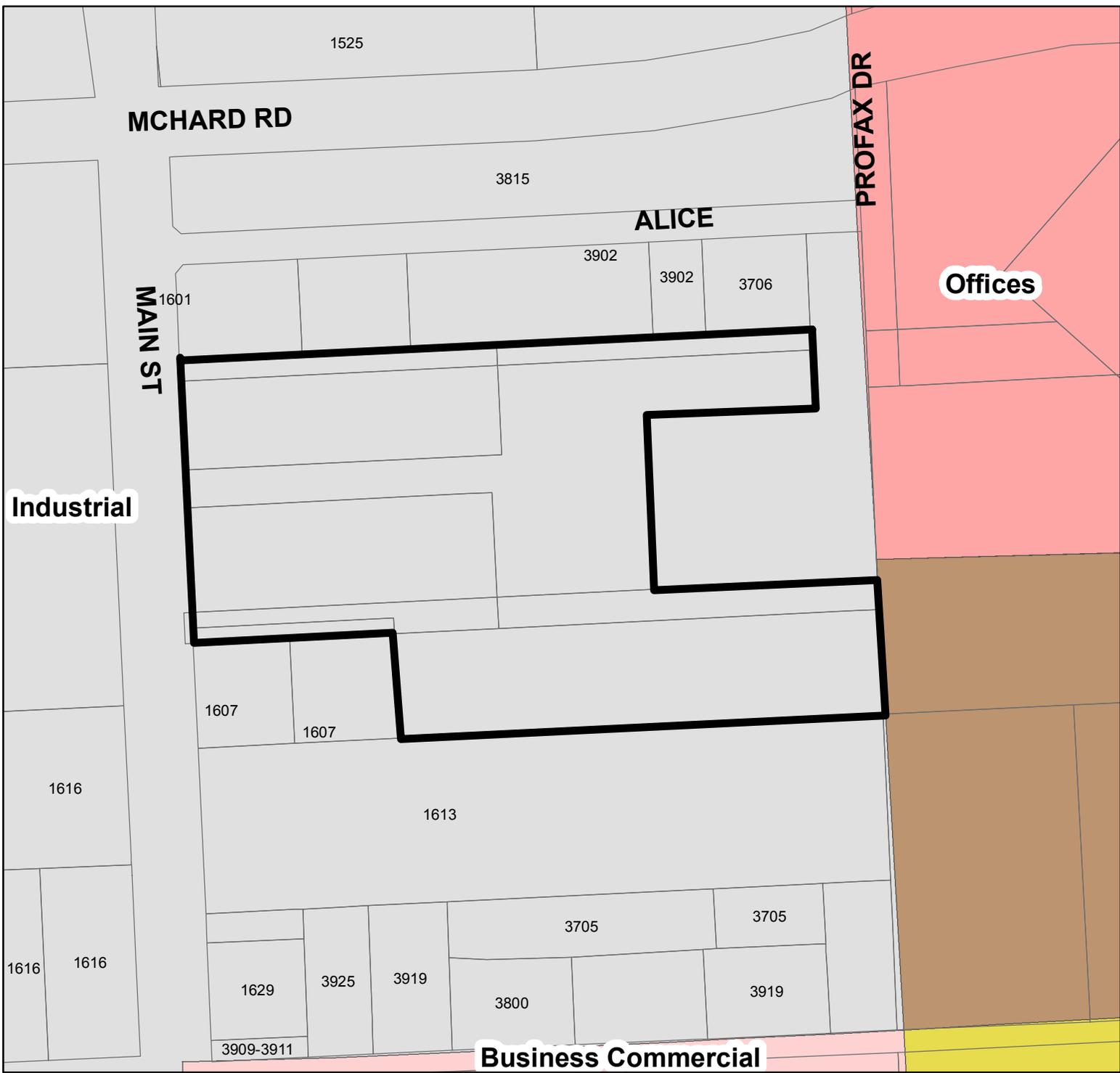
The subject property is occupied by an industrial use; Profax and Profax has occupied the building since it was constructed in 1982. Profax originated in Pearland, Texas in 1969 and is a manufacturer of welding products. The use is considered “Warehouse and Distribution Facility” by the Unified Development Code, and is a permitted use within the proposed zoning district of M-1. The use is defined as “an enclosed structure for the storage of goods for distribution or transfer to another location.”

- Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other public services and utilities to the area.

The proposed change is not in relation to any existing or proposed plans for providing public schools, streets water supply, sanitary sewers or other public services or utilities in the area. The existing building is currently connected to public water and sewer. Any new development proposed will have access to public infrastructure; however, the extension of infrastructure will likely be required. There is a 16-inch public waterline on the west side of Main Street to the northwest corner

of the subject property and a 12 inch public waterline on Alice Street, which was extended as a result of the Highway35 project and connected to the existing 10 inch AC waterline. Additionally, there is an existing 8 inch gravity sanitary sewer line, which runs along the northern portion of the subject property.

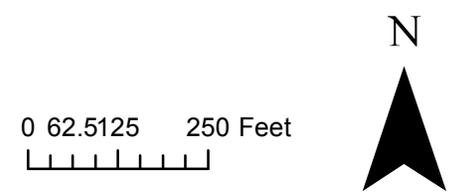
2. The requested change in zoning from GC to M-1 will result in bringing a nonconforming use into conformance with the Unified Development Code (UDC). The UDC defines a nonconforming use as any use that does not conform to the regulations of the UDC. The previous zoning district, Commercial (C) and the current zoning district General Commercial (GC) require approval of a Specific Use Permit (SUP), as it was called under the previous Code or a Conditional Use Permit (CUP), for the existing use. There is no record of an SUP or CUP having been approved by the City Council. The proposed zoning district of M-1 permits the existing use by-right.



# Future Land Use Map

**FLUP Map**  
**Zone Change 2013-18Z**  
**1603 N. Main Street**

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.

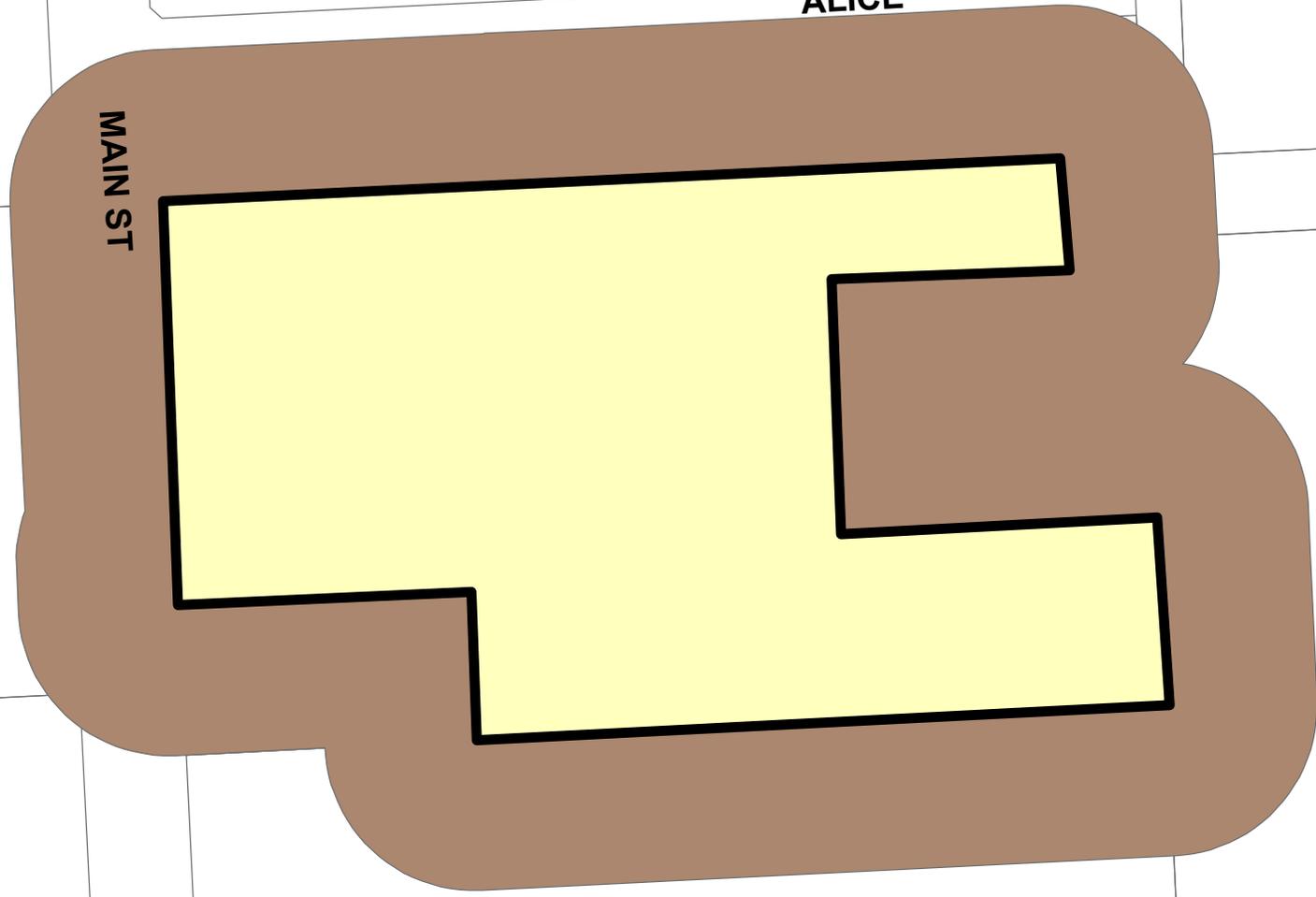


MCHARD RD

PROFAX DR

ALICE

MAIN ST



HALIK

# Notification Map

## Notification Map

**Zone Change  
18Z**

**1603 N. Main Street**

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 55 110 220 Feet



## Notification List

### Zone Change 2013-18Z

NAME	ADD_LINE2	CITY	STATE	ZIP
ALVAREZ INTEREST LTD & KOZA INTERESTS LTD	1603 N MAIN ST	PEARLAND	TX	77581
DAL TRAILER COURTS, INC	5720 LBJ FREEWAY	DALLAS	TX	75240
MKH PROPERTIES CO LTD	4505 S WASATCH BLVD	SALT LAKE CTY	UT	84124
GEEFO TEXAS LLC				
KOZA INTERESTS LTD & ALVAREZ INTERESTS LTD & RICHARD ASHLEY	1603 N MAIN ST	PEARLAND	TX	77581
ASSOCIATED PROPERTIES INC	1603 N MAIN ST	PEARLAND	TX	77581
MONTALBANO LUMBER CO INC	1309 HOUSTON AVE	HOUSTON	TX	77007
ALEXANDER T & B FAMILY LTD PRTNSHP	2411 PARK AVE	PEARLAND	TX	77581
RAJU PALIVELA P TRUSTEE	12121 RICHMOND AVE	HOUSTON	TX	77082
VETERINARY PROPERTIES OF TEXAS	5205 MAGNOLIA ST	PEARLAND	TX	77584



# Aerial Map

Aerial Map

Zone Change 2013-18Z

1603 N. Main Street

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 62.5125 250 Feet  
|-----|-----|-----|-----|-----|





# Planning & Zoning Commission

May 20, 2014

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

Re: Recommendation on Zone Change No. 2013-18Z

Honorable Mayor and City Council Members:

At their meeting on May 19, 2014, the Planning and Zoning Commission considered the following:

A request of Gerald Koza, owner/applicant, for approval of a change in zoning from GC, General Commercial to M-1, Light Industrial on approximately 16.871 acres of land, on the following described property, to wit:

**Legal Description:** Lot 1, Block 1, Associated Industrial Park, located in the H.T. & B.R.R. Co. Survey, Abstract 542, Brazoria County, Texas.

**General Location:** East side of Main Street and south of Mchard Road; 1603 N. Main Street, Pearland, Texas

After staff presentation Commissioner Daniel Tunstall made a motion to approve the change in zoning from GC to M-1. The motion was seconded by Commissioner Derrick Reed. The motion passed with a 6/0 vote.

Sincerely,

Johnna Matthews

City Planner

On behalf of the Planning and Zoning Commission

# New Business Item No. 2

2. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-115** – 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 24.154 acres of land located within three (3) tracts originally identified as Tract 1 (now proposed as Tract C); Tract 2 (now proposed as Tract B); and Tract 3 (now proposed as Tract A) and legally described as Tract A: A 5.176-acre tract in the W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas. Said 5.176- acres is in a 5.732-acre tract described in a deed to TEXPROJ2008, L.L.C., as recorded in Clerk’s File No. 20070659409 in the Harris County Clerk’s Office; Tract B: A 13.361-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 13.361-acres is in a 21.898-acre tract described in a deed to TEXPROJ2008, L.L.C.as recorded in Clerk’s File No. 2007062105 in the Brazoria County Clerk’s Office; and Tract C: A 5.617-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 5.617- acres is in a 9.805-acre tract described in a deed to TEXPROJ2008, LLC, as recorded in Clerk’s File No. 2007062105 in the Brazoria County Clerk’s Office; situated in the W.D.C. Hall Survey, Abstract No. 23; the Thomas J. Green Survey, Abstract No. 198; and the Thomas J. Green Survey, Abstract No. 198, respectively; Brazoria County and Harris County, Texas (located at the northeast of the intersection of Broadway Street and Pearland Parkway and

west of Country Club Drive, Pearland, TX), Zone Change 014-5Z, a request of Alan Mueller, applicant; on behalf of Texproj2008, LLC, owner; for approval of an amendment to three (3) tracts identified as Tracts A, B and C located within the Province Village Planned Unit Development (PUD) to allow for single family homes, on approximately 24.154 acres of land, 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> June 9, 2014	<b>ITEM NO.:</b> Ordinance No. 2000M-115				
<b>DATE SUBMITTED:</b> June 4, 2014	<b>DEPT. OF ORIGIN:</b> Planning				
<b>PREPARED BY:</b> Johnna Matthews	<b>PRESENTOR:</b> Lata Krishnarao				
<b>REVIEWED BY:</b> Lata Krishnarao	<b>REVIEW DATE:</b> June 4, 2014				
<p><b>SUBJECT:</b> A request of Alan Mueller, applicant; on behalf of Texproj2008, LLC, owner; for approval of an amendment to three (3) tracts identified as Tracts A, B and C located within the Province Village Planned Unit Development (PUD) to allow for single family homes, on approximately 24.154 acres of land</p> <p style="text-align: center;"><b>General Location:</b> Northeast of the intersection of Broadway Street and Pearland Parkway and west of Country Club Drive, Pearland, TX</p>					
<p><b>ATTACHMENTS:</b> Ordinance No. 2000M-115 and Exhibits (Exhibit A – Province Village PD Amendment # 2; Exhibit B – Legal Description; Exhibit C - Vicinity and Zoning Map; Exhibit D- Legal Ad; Exhibit E - Planning and Zoning Commission Recommendation Letter); Joint Public Hearing Staff Report, Vicinity and Zoning Map, Future Land Use Map, Aerial Map, Planning and Zoning Commission Recommendation Letter, 2009 Province Village PD Amendment # 1, Applicant Packet, Including Proposed Amendment # 2</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%; 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		

## **EXECUTIVE SUMMARY**

In summary, the amendment proposed is to decrease Office Professional uses by 5.6 acres, remove 87 townhomes/condominium and 27 garden homes , and add 95 single-family residential. The applicant is seeking approval of an amendment to three (3) tracts originally identified as Tracts 1, 2 and 3 located within the Province Village Planned Unit Development (PUD) to allow for single family homes, to change the identification of Tract 1 to Tract C; Tract 2 to Tract B and Tract 3 to Tract A, and to provide additional improvements This will be the second amendment to the PD, as an amendment was approved in 2009.

**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 change in zoning. Staff has not received any returned notices.

**PLANNING AND ZONING COMMISSION DISCUSSION:** At the regular meeting of the Planning and Zoning Commission on May 19, 2014, Planning and Zoning Commissioner Derrick Reed made a motion to postpone, and Commissioner Daniel Tunstall seconded to allow the applicant time to work with Centerpoint Energy regarding the relocation of above ground utility lines and to work with staff in providing enhanced open space and codifying amenities. The motion passed 5/1, with Chairman Henry Fuertes voting in opposition.

At the regular meeting of the Planning and Zoning Commission on June 2, 2014, after a brief staff presentation regarding the outcome of the May 19, 2014 meeting, the applicant reiterated that they were not proposing any additional changes to the PD. Commissioner Daniel Tunstall made a motion to approve the proposed PD amendment and the motion was seconded by Commissioner Mary Starr. The motion passed 7/0.

**STAFF RECOMMENDATION TO COUNCIL:** Consider the change in zoning to amend the Province Village PD to decrease Office Professional uses by 5.6 acres, remove 87 townhomes/condominium and 27 garden homes , and add 95 single-family residential.

## Ordinance No. 2000M-115

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 24.154 acres of land located within three (3) tracts originally identified as Tract 1 (now proposed as Tract C); Tract 2 (now proposed as Tract B); and Tract 3 (now proposed as Tract A) and legally described as Tract A: A 5.176-acre tract in the W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas. Said 5.176- acres is in a 5.732-acre tract described in a deed to TEXPROJ2008, L.L.C., as recorded in Clerk's File No. 20070659409 in the Harris County Clerk's Office; Tract B: A 13.361-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 13.361-acres is in a 21.898- acre tract described in a deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office; and Tract C: A 5.617-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 5.617- acres is in a 9.805-acre tract described in a deed to TEXPROJ2008, LLC, as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office; situated in the W.D.C. Hall Survey, Abstract No. 23; the Thomas J. Green Survey, Abstract No. 198; and the Thomas J. Green Survey, Abstract No. 198, respectively; Brazoria County and Harris County, Texas (located at the northeast of the intersection of Broadway Street and Pearland Parkway and west of Country Club Drive, Pearland, TX), Zone Change 2014-5Z, a request of Alan Mueller, applicant; on behalf of Texproj2008, LLC, owner; for approval of an amendment to three (3) tracts identified as Tracts A, B and C located within the Province Village Planned Unit Development (PUD) to allow for single family homes, on approximately 24.154 acres of land, 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 Texproj2008, LLC, owner; is seeking approval of an amendment to three (3) tracts originally identified as Tracts 1, 2 and 3 located within the Province Village Planned Unit Development (PUD) to allow for single family homes, to change the identification of Tract 1 to Tract C; Tract 2 to Tract B and Tract 3 to Tract A, and to provide additional improvements, amendment attached hereto and made a part hereof for all purposes as Exhibit "A", on approximately 24.154 acres of land; said property being legally described in the legal description attached hereto and made a part hereof for all purposes as Exhibit "B", and more graphically depicted in the vicinity and zoning map attached hereto and made a part hereof for all

purposes as Exhibit “C”; and

**WHEREAS**, on the 19<sup>th</sup> day of May, 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 "D", said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

**WHEREAS**, on the 19<sup>th</sup> day of May, 2014, the Planning and Zoning Commission of the City postponed the item regarding the proposed change in zoning to amend the Province Village PD to allow for single family developments, to change the tract identifications and provide for additional improvements on approximately 24.154; and

**WHEREAS**, on the 2<sup>nd</sup> day of June, 2014, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed zone change application of Alan Mueller, applicant; on behalf of Texproj2008, LLC, owner; for approval of a change in zoning to amend the three tracts, identified as Tracts, 1, 2, and 3 to allow for single family developments, change the identification of Tract 1 to Tract C; Tract 2 to Tract B and Tract 3 to Tract A, and provide for additional improvements on approximately 24.154 acres of land, said recommendation attached hereto and made a part hereof for all purposes as Exhibit “E”; 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 9<sup>th</sup> day of June 2014 and the 23<sup>rd</sup> day of June 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; on behalf of Texproj2008, LLC, owner; for approval of an amendment to the Province Village PD including three (3) tracts originally identified as Tracts 1, 2 and 3, to allow for single family developments, to change the identification of Tract 1 to Tract C; Tract 2 to Tract B; and Tract 3 to Tract A, and to provide for additional improvements on approximately 24.154 acres of land, 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 PD to an amended PD, 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:**

**Tract A:** A 5.176-acre tract in the W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas. Said 5.176-acres is in a 5.732-acre tract described in a deed to TEXPROJ2008, L.L.C., as recorded in Clerk's File No. 20070659409 in the Harris County Clerk's Office

**Tract B:** A 13.361-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 13.361-acres is in a 21.898- acre tract described in a deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office

**Tract C:** A 5.617-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 5.617- acres is in a 9.805-acre tract described in a deed to TEXPROJ2008, LLC, as recorded in Clerk's File No. 2007062105 in the

Brazoria County Clerk's Office

**GENERAL LOCATION:** Northeast of the intersection of Broadway Street and Pearland Parkway and west of Country Club Drive, Pearland, TX

**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-M 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 9<sup>th</sup> day of June, 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 23<sup>rd</sup> day of June, 2014.

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TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

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DARRIN M. COKER  
CITY ATTORNEY

# Exhibit A PD Amendment

## Province Village Planned Unit Development Amendment #2

### I Introduction

This Amendment #2 applies only to the Tracts A, B, and C as shown on Exhibit 1 and described by metes and bounds in Exhibit 4. The provisions of Amendment #1 continue to apply to all other property within this PUD.

#### A. Description of the Property

The PUD is bounded on the east by Country Club Drive, on the west by Pearland Parkway, on the north by Clear Creek Park subdivision and Clear Creek, and on the south by FM 518. Province Village Drive, a minor collector, crosses the property from Country Club Drive to Pearland Parkway. Existing development consists of a bank, a restaurant, a retail strip center, and detention ponds. Tracts A, B, and C, the subject of this Amendment #2, are vacant.

The Province Village PUD was originally adopted in 2004 and revised by Amendment # 1 in 2009. Tract A is designated as R-4 with a further limitation for patio homes only. Tract B is designated as R-4 with a further limitation for townhomes only. Tract C was originally designated for townhome uses, but was revised to Office & Professional in 2009. Despite several development efforts, demand for townhomes and patio homes in this location has not occurred in the 10 years since the PUD was adopted and much of the PUD remains vacant and under-utilized. The proposed park and trail system have not been developed as of this date.

#### B. Description of Proposed Development

The proposed use of Tracts A, B, and C is single family residential. In addition, recreational and esthetic improvements will be made along Province Village Drive and within the park and detention reserves as part of the residential development.

#### C. Description of the Land

Tracts A, B, and C are shown on Exhibit 1 and described in Exhibit 5. Tract A is approximately 5.1 acres; Tract B 13.4 acres; and Tract C 5.6 acres.

#### D. Purpose

The purpose of this amendment is to update the zoning of Tracts A, B, and C. This Amendment 2 will remove the townhome and patio home restrictions to allow for traditional single family development. Additionally, this amendment places several development conditions on the residential developer to implement a variety of recreational and esthetic improvements that will enhance the appearance of Province Village Drive and provide recreational features for residents of Province Village and the public in general. This amendment will reduce the allowed

number of residential units from 112 in the current PUD to no more than 95 homes in the updated plan.

The benefits of this Amendment include:

- A reduction in residential density from the currently approved plan.
- Repurposing of the land to a use more likely to be developable instead of the current allowed uses which have not developed in the 10 years since it was approved.
- Housing types that are compatible with surrounding development.
- Province Village streetscape improvements including masonry fencing, trees/landscaping, and monumentation.
- Park and trail improvements available to the general public.
- Implementation of a portion of the City's Clear Creek Trail master plan.
- Construction of a parking area that will serve as a trailhead for the Clear Creek trail.
- Development of a .57 acre park to be maintained by the HOA.
- Amenitization of the existing detention pond adjacent to the park site.

## **II Zoning and Land Use**

### **A. Existing Zoning**

Properties within the PUD have an underlying zoning of Office & Professional, General Business, and R-4 Single Family Residential as shown in Exhibit 1. Tract A is designated R-4 with a further limitation for patio homes only. Tract B is designated R-4 with a further limitation for townhomes only. Tract C is designated as Office & Professional.

### **B. Proposed Base Zoning Districts**

Proposed zoning is shown on Exhibit 2. Tracts A and B will remain as R-4, but with the townhome and patio home restriction removed. Tract C is proposed to be repurposed as R-4. A condition of a minimum lot width of 55' feet is proposed, greater than the typical 50' for standard R-4 and the 30' width that is allowed in the current PUD.

### **C. Standards and Land Use Summary**

Tracts A, B, and C will conform to the UDC requirements of R-4 zoning for traditional single family dwellings, except the minimum lot width is 55' with a minimum lot area of 6,600 square feet. There will be no more than 95 single family residential lots.

#### **1. Land Use Summary**

The land use summary for the entire PUD assuming the proposed amendments to Tracts A, B, and C is shown in Table 1 below:

**Table 1**  
**Land Use Summary Table**

Use	Acres	% of Total	Zoning District
Single Family (Tracts A, B, & C) - Includes +- 2.0 acres of internal open space areas to be maintained by the HOA	24.1	51%	R-4
General Business	5.0	10%	GB
Office & Professional	6.69	14%	OP
Detention	8.59	18%	PUD
Parkland to be maintained by the HOA	0.57	1%	PUD
Collector Street	2.7	6%	PUD
<b>Total</b>	<b>47.65</b>	<b>100%</b>	

Overall Gross Residential Density: 2.86 homes/gross residential acre

Net Residential Density: 3.94 homes/net residential acre

**2. Residential Lot Summary**

**Table 2**

Zone	Lot Area	Number
R-4	6,600 SF	95 maximum

**3. Residential Density**

**Table 3**

Zone	Net Residential	Gross Residential	Overall PUD
R-4	3.94	2.86	2.01

**D. Permitted, Conditional and Accessory Uses**

For Tracts A, B, and C, only those permitted, conditional, and accessory uses as may be allowed in the UDC R-4 zoning classification are allowed.

**iii Design Standards**

**A. Design Enhancements**

The following design enhancements, amenities, and recreational facilities, shown below in Table 4, will be implemented with the development of Tracts A, B, and C. Refer to the Design Plan in Exhibit 3 and the Park and Detention Amenities Plan in Exhibit 4 for additional clarification.

**Table 4**  
**Design Enhancements, Amenities, and Recreational Facilities**

Item	General Location
Six-foot height brick masonry fence	Adjacent to Province Village Drive and Country Club Drive
Six-foot height "fence-crete" masonry fence	Between Tract B and GB use and Centerpoint substation tract; Between Tract C and OP use
Six-foot height upgraded wood fence (rot board and cap rail with brick columns at +/- 100-foot spacing)	West side of Tract B
Ten-foot landscape reserve along Province Village Drive	Adjacent to Tracts A, B, & C
Street trees along Province Village Dr.	Adjacent to Tracts A, B, C, detention, and park
Primary entry monument	West side of tract C
Secondary entry monument	At Country Club Dr.
Landscape/Open Space Reserves	Tracts A, B, and C
.57-acre park with irrigation (1)	Park
Trees/Landscaping with irrigation (1)	Park and Detention
One age appropriate playground (1)	Park
Two picnic tables (1)	Park
Two barbeque grills	Park
One Shade structure (1)	Park
Eight Benches & other site furniture (1)	Detention
Four workout stations (1)	Detention
Ten-foot trail (2)	Detention-adjacent to Clear Creek
Six-foot trail (1)	Detention-connecting park to 10' trail
Four-foot trail	West side of Tract B
Parking lot/Trailhead (1)	Park

(1) Eligible for park fee credits and will be conveyed to the HOA for ownership and maintenance.

(2) Eligible for park fee credits and will be conveyed to City for ownership and maintenance.

All items will be completed prior to the issuance of the first single family home certificate of occupancy (excluding models), unless financial surety in a form acceptable to the City is posted.

**B. Design Plan Elements**

Refer to the Design Plan in Exhibit 3 and the Park and Detention Amenities Plan in Exhibit 4 for a graphical representation of the items in the list above. Locations and quantities shown on the Design Plan and the Park and Detention Amenities Plan are approximate. The residential street configuration and lot layout are subject to change at the discretion of the owner, provided that the total number of lots does not exceed the maximum specified in this Amendment.

**C. Deviations**

No deviations from the R-4 zoning district requirements are proposed.

**D. Unified Development Code Compliance**

Tracts A, B, and C will conform to the requirements of the Unified Development Code unless specifically called out in this Amendment.

**IV Required Dedications**

Residential streets will be dedicated to the City via plat. There are no other required dedications of land. Improvements within the 0.57-acre park will be conveyed to the HOA for ownership and maintenance. The ten-foot Clear Creek trail section will be conveyed to the City for ownership and maintenance.

**V Phasing**

Tracts A, B, and C are anticipated to be developed in a single phase. All design enhancements described in Section III will be completed prior to the issuance of the first single family home certificate of occupancy (excluding models), unless financial surety in a form acceptable to the City is posted.

**VI Exhibits**

1. Existing PUD Zoning Designations
2. Proposed PUD Zoning Designations (only modifications are to Tracts A, B, & C)
3. Design Plan for Tracts A, B, and C
4. Park and Detention Amenity Plan Detail
5. Tracts A, B, and C Metes and Bounds Descriptions
6. Representative home elevations (These are provided to convey a sense of the style and level of finish that is anticipated, but actual elevations may differ from these samples.)



**Site Data:**  
 Lot Size: 50'x120'  
 Tract A - 5.2 AC - 17 Lots  
 Tract B - 13.4 AC - 53 Lots  
 Tract C - 5.6 AC - 21 Lots  
 Total - 24.2 AC - 91 Lots

**Design Plan**  
**Province Village- Tracts A,B, & C**  
**Exhibit 3**





Park and Detention Amenities Plan  
 Province Village- Tracts A,B, & C  
 Exhibit 4



# Gehan<sup>★</sup>HOMES

## the Mimosa



Disc 1011

This spacious home combines an elegant appearance with comfortable, family-oriented design. Downstairs, the oversized kitchen is perfect for the aspiring gourmet cook and features a huge walk-in pantry, granite countertops, hardwood cabinetry and stainless steel appliances. The breakfast nook overlooks the optional covered patio with optional outdoor kitchen and fireplace – perfect for entertaining al fresco – while the expansive family room features a wall of windows that look into the large backyard. Traverse up the wood or wrought iron staircase to the bedrooms. The sumptuous master suite features plenty of natural lighting, while the bath boasts a separate garden tub, glass-enclosed shower and huge walk-in closet.

### *Floor Plan Description*

#### **Premier Series**

Square Footage:	2731	Baths:	2.5
Stories:	2	Garages:	2
Bedrooms:	4	Dining Rooms:	2

gehanhomes.com

# Gehan<sup>★</sup>HOMES

## the Sycamore



Elevation P

### Premier Series

3270 Square Feet

#### Options

Stories:	2	Baths:	2.5
Bedrooms:	5	Garages:	2

Study • Master Suite Bay Window • 3rd Bath  
2-Story Family Room • 6th Bedroom with Bath  
Media Room • 3-Car Garage • Covered Patio  
Outdoor Living



gehanhomes.com



**Exhibit B  
Legal Description**

**Tract A:**

**Gehan Homes, LTD.  
5.176 Acres**

**W.D.C. Hall Survey  
Abstract No. 23**

**TRACT "A"**

STATE OF TEXAS     §

COUNTY OF HARRIS   §

METES AND BOUNDS DESCRIPTION of a 5.176-acre tract in the W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas. Said 5.176-acre is in a 5.732-acre tract described in a deed to TEXPROJ2006, L.L.C. as recorded in Clerk's File No. 20070659409 in the Harris County Clerk's Office and is more particularly described by metes and bounds as follows:

BEGINNING at the point of intersection of the northwesterly right-of-way line of Country Club Drive, (based on a width of 80-feet), with the northeasterly cut-back corner of Province Village Drive, (based on a width of 60-feet at this location), as shown on the Final Plat of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2007070406 in the Brazoria County Clerk's Office, said point is in the east line of said 5.732-acre tract and is the point of curvature of a curve to the right;

THENCE, along said cutback corner and with said curve to the right, having a radius of 35.00 feet, a central angle of 89°56'11", (chord bears South 79°23'59" West, 49.47 feet), for an arc length of 54.94 feet to the point of tangency;

THENCE, North 55°37'59" West, along the north line of said Province Village Drive (60-foot wide at this point) for a distance of 71.39 feet to the point of curvature of a curve to the right for the cut-back corner of the southeasterly right-of-way line of Country Club Crossing (not open, based on a width of 80-feet);

THENCE, along the southeasterly line of said Country Club Crossing, and with said curve to the right, having a radius of 25.00 feet, a central angle of 89°12'27", (chord bears North 11°01'47" West, 35.11 feet), for an arc length of 38.92 feet to a point for corner;

THENCE, North 55°34'03" West, crossing said Country Club Crossing for a distance of 80.00 feet to the northwesterly line of said Country Club Crossing;

THENCE, South 34°25' 57" West, along the northwesterly line of said Country Club Crossing for a distance of 1.20 feet to the point of curvature of a curve to the right for a cut-back corner;

THENCE, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of 86°58'32", (chord bears South 77°54'49" West, 34.41 feet), for an arc length of 37.95 feet to the point of reverse curvature of a curve to the left on the aforementioned north line of Province Village Drive;

THENCE, along the north line of said Province Village Drive, and with said curve to the left, having a radius of 500.00 feet, a central angle of 13°44'09", (chord bears North 65°26'23" West, 119.58 feet), for an arc length of 119.87 feet to the point of reverse curvature of a curve to the right;

THENCE, continuing along the north line of said Province Village Drive, and with said curve to the right, having a radius of 500.00 feet, a central angle of 01°43'42", (chord bears North 71°28'36" West, 15.08 feet), for an arc length of 15.08 feet to a point for corner, said point is the south corner of Reserve "C" of the aforementioned Final Plat of Province Village Drive, Office Park and Reserves;

THENCE, North 12°31'34" West, along the northeasterly line of said Reserve "C" for a distance of 184.09 feet to a point in the southeasterly line of an 8.805-acre tract described in a deed to Houston Lighting & Power Company as recorded in Clerk's File No. D739468 in the Harris County Clerk's Office;

THENCE, North 42°12'15" East, along the southeasterly line of said 8.805-acre tract, for a distance of 543.84 feet to the most northerly corner of the aforementioned 5.732-acre tract;

THENCE, South 04°51'02" East, along the northeasterly line of said 5.732-acre tract for a distance of 32.98 feet to the point of curvature of a curve to the left;

THENCE, continuing along the northeasterly line of said 5.732-acre tract and with said curve to the left having a radius of 595.00 feet, a central angle of 42°58'54", (chord bears South 26°19'01" East, 435.98 feet), for an arc length of 446.35 feet to the point of tangency;

THENCE, South 47°32'59" East, continuing along the northeasterly line of said 5.732-acre tract for a distance of 27.39 feet to a point for corner in the aforementioned northwesterly line of Country Club Drive;

THENCE, South 34°26'05" West, along the northwesterly line of said Country Club Drive for a distance of 360.79 feet to the POINT OF BEGINNING, containing a computed area of 5.176-acres (225,475 square feet).

**NOTES:**

1. The bearings shown hereon are based on the recorded Final Plat of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2007070406 in the Brazoria County Clerk's Office.
2. This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the zone application for which it was prepared.

The Wilson Survey Group, Inc.  
2006 East Broadway, Suite 103  
Pearland, Texas 77588  
(281) 485-3991  
Job No. 14-127

**Tract B:**

**Gehan Homes, LTD**  
13.361 Acres

**Thomas J. Green Survey**  
Abstract No. 198

**TRACT "B"**

STATE OF TEXAS                   §  
COUNTY OF BRAZORIA           §

**METES AND BOUNDS DESCRIPTION** of a 13.361-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 13.361-acre is in a 21.898-acre tract described in a deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office and is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Restricted Lot "A" of the of Province Village General Business Amending Plat No.1 as recorded in Clerk's File No. 2006031446 in the Brazoria County Clerk's Office, said point is at the point of intersection of the northeast right-of-way line of Broadway Street, (aka: FM 518, based on a width of 120-feet) with the east line of a 90-foot wide City of Pearland Drainage Easement as recorded in Volume (87) 496, Page 765 in the Brazoria County Deed Records;

THENCE, North 41°28'18" East, along the westerly line of said Restricted Reserve "A", same being the east line of said drainage easement, for a distance of 300.00 feet to the POINT OF BEGINNING and southwest corner of the aforementioned 21.898-acre tract, same being the southwest corner of the herein described tract;

THENCE, North 41°28'18" East, continuing along the east line of said drainage easement, same being the west line of said 21.898-acre tract, for a distance of 465.23 feet to an angle point;

THENCE, North 48°57'15" East, continuing along the east line of said drainage easement, same being the west line of said 21.898-acre tract, for a distance of 108.27 feet to an angle point;

THENC, North 63°18'12" East, continuing along the east line of said drainage easement, same being the west line of said 21.898-acre tract, for a distance of 42.13 feet to a point in the south right-of-way line of Province Village Drive, (based on a width of 50-feet), as shown on the Amending Plat No. 1 of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2008019410 in the Brazoria County Clerk's Office, said point is the most northerly corner of the herein described tract and is in a curve to the left,

THENCE, along the south line of said Province Village Drive, and with said curve to the left, having a radius of 825.00 feet, a central angle of 02°58'48", (chord bears South 43°42'25" East, 42.90 feet), for an arc length of 42.91 feet to the point of tangency,

THENCE, South 45°11'48" East, continuing along the south line of said Province Village Drive, for a distance of 65.89 feet to the point of curvature of a curve to the left;

THENCE, continuing along the south line of said Province Village Drive, and with said curve to the left, having a radius of 825.00 feet, a central angle of 13°27'52", (chord bears South 51°55'45" East, 193.43 feet), for an arc length of 193.88 feet to the point of reverse curvature of a curve to the right, said point is the cut-back corner of Parkside Village Boulevard, (not open, based on a width of 80.00-feet);

THENCE, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of 81°50'21", (chord bears South 17°44'57" East, 32.75 feet), for an arc length of 35.71 feet to the point of tangency;

THENCE, South 23°09'47" West, along the northwesterly line of said Parkside Village Boulevard, for a distance of 8.53 feet to a point for corner;

THENCE, South 66°50'13" East, crossing said Parkside Village Boulevard, for a distance of 80.01 feet to a point in the southeasterly line of said Parkside Village Boulevard, said point is the point of curvature of a cut-back corner to the right;

THENCE, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of 90°00'54", (chord bears North 69°46'54" East, 35.36 feet), for an arc length of 39.28 feet to the point of tangency in the aforementioned south right-of-way line of Province Village Drive;

THENCE, South 65°13'06" East, along the south line of said Province Village Drive, for a distance of 24.45 feet to the point of curvature of a curve to the left;

THENCE, continuing along the south line of said Province Village Drive, and with said curve to the left, having a radius of 825.00 feet, a central angle of 09°50'06", (chord bears South 70°08'09" East, 141.44 feet), for an arc length of 141.61 feet to the point of tangency;

THENCE, South 75°03'12" East, continuing along the south line of said Province Village Drive for a distance of 239.53 feet to the point of curvature of a cut-back corner of Park Village Lane (not open, based on a width of 50-feet), said cut-back is a curve to the right;

THENCE, along the cut-back corner of said Park Village Lane, and with said curve to the right, having a radius of 25.00 feet, a central angle of 98°13'32", (chord bears South 25°56'43" East, 37.80 feet), for an arc length of 42.86 feet to a point for corner;

THENCE, South 60°50'13" East, crossing said Park Village Lane for a distance of 50.00 feet to a point in the southeasterly line of said Park Village Lane;

THENCE, North 23°09'43" East, along the southeasterly line of said Park Village Lane, for a distance of 14.44 feet to the point of curvature of a cut-back corner, said cut-back corner is a curve to the right;

THENCE, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of 81°46'43", (chord bears North 64°03'17" East, 32.73 feet), for an arc length of 35.68 feet to the point of tangency in the aforementioned south line of Province Village Drive;

THENCE, South 75°03'12" East, along the south line of said Province Village Drive for a distance of 50.66 feet to a point in the westerly line of a 1.916 acre tract of land, called "Tract 2", as described in a deed to Houston Lighting & Power Company as recorded in Volume 1147, Page 19 in the Brazoria County Deed Records, said point is in the east line of the aforementioned 21.898-acre tract:

THENCE, South 41°10'05" West, along the west line of said "Tract 2", same being the east line of said 21.898-acre tract, for a distance of 648.11 feet to the northeast corner of a 1.955-acre tract, called "Tract 2", as described in a deed to Houston Lighting & Power Company as recorded in Volume 1147, Page 19 in the Brazoria County Clerk's Office, said point is the most southerly corner of the herein described tract;

THENCE, North 48°49'50" West, along the north line of said "Tract 2", same being the south line of said 21.898-acre tract, for a distance of 249.99 feet to the north corner of said "Tract 2";

THENCE, South 41°10'10" West, along the west line of said "Tract 2", same being an interior line of said 21.898-acre tract, for a distance of 81.21 feet to the northeast corner of Restricted Lot "C" of the aforementioned Province Village General Business Amending Plat 1;

THENCE, North 66°45'54" West, along the north line of said Restricted Lot "C" for a distance of 164.99 feet to the north corner of said Restricted Lot "C", same being the east corner of Restricted Lot "B" of said Province Village General Business Amending Plat 1;

THENCE, North 66°49'46" West, along the north line of said Restricted Lot "B" for a distance of 434.03 feet to the north corner of said Restricted Lot "B", said point is the east corner of the aforementioned Restricted Lot "A";

THENCE, North 66°45'54" West, along the north line of said Restricted Lot "A", for a distance of 165.00 feet to the POINT OF BEGINNING, containing a computed area of 13.361-acres (582,012 square feet).

**NOTES:**

1. The bearings shown hereon are based on the recorded Final Plat of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2007070406 in the Brazoria County Clerk's Office.
2. This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the zone application for which it was prepared.

The Wilson Survey Group, Inc.  
2006 East Broadway, Suite 103  
Pearland, Texas 77588  
(281) 485-3991  
Job No. 14-127

## Tract C

Gehan Homes, LTD.  
5.617 Acres

Thomas J. Green Survey  
Abstract No. 198

### TRACT "C"

STATE OF TEXAS       §

COUNTY OF BRAZORIA §

METES AND BOUNDS DESCRIPTION of a 5.617-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 5.617-acre is in a 9.805-acre tract described in a deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office and is more particularly described by metes and bounds as follows:

BEGINNING at a point in the north right-of-way line of Province Village Drive, (based on a width of 50-feet), as shown on the Amending Plat No. 1 of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2008019410 in the Brazoria County Clerk's Office, said point is the southeast corner of Lot 1 of the Development Plat of Hometown Bank Pearland as recorded in Clerks' File No. 2012013017 in the Brazoria County Clerk's Office;

THENCE, North 41°57'29" East, along the east line of said Lot 1 for a distance of 197.70 feet, to an angle point;

THENCE, North 23°13'37" East, continuing along the east line of said Lot 1 for a distance of 96.94 feet to the northeast corner of said Lot 1, said point is in the south line of Lot 3, Block 5 of the Amending Plat of Clear Creek Park as recorded in Volume 21, Pages 35-36 in the Brazoria County Plat Records;

THENCE, South 66°46'23" East, along the south line of said Clear Creek Park, for a distance of 673.35 feet, to the east corner of the herein described tract;

THENCE, South 23°13'37" West, along the southeasterly line of the herein described tract for a distance of 350.44 feet to a point for corner in the westerly line of a 90-foot wide City of Pearland Drainage Easement as recorded in Volume (87) 496, Page 765 in the Brazoria County Deed Records;

THENCE, South 69°53'28" West, along the westerly line of said drainage easement for a distance of 97.58 feet to an angle point;

THENCE, South 63°16'08" West, continuing along the westerly line of said drainage easement, for a distance of 78.94 feet to a point in the north line of the aforementioned Province Village Drive, said point is in a curve to the right;

THENCE, along the north line of said Province Village Drive and with said curve to the right, having a radius of 775.00 feet, a central angle of 00°05'44", (chord bears North 38°23'14" West, 1.29 feet), for an arc length of 1.29 feet to the point of tangency;

THENCE, North 36°19'48" West, continuing along the north line of said Province Village Drive for a distance of 221.54 feet to the point of curvature of a curve to the left;

THENCE, continuing along the north line of said Province Village Drive, and with said curve to the left, having a radius of 575.00 feet, a central angle of 19°23'37", (chord bears North 46°01'36" West, 193.70 feet), for an arc length of 194.63 feet to the point of reverse curvature of a curve to the right, said point is the cut-back corner of the southeasterly right-of-way line of Parkside Village Gardens, (not open), (based on a width of 80-feet);

THENCE, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of 78°46'50", (chord bears North 16°20'18" West, 31.73 feet), for an arc length of 34.38 feet to the point of tangency;

THENCE, North 23°02'52" East, along the southeasterly line of said Parkside Village Gardens, for a distance of 11.54 feet to a point for corner;

THENCE, North 66°57'11" West, crossing said Parkside Village Gardens, for a distance of 80.00 feet to the point of curvature of a curve to the right, said point is the cut-back corner of the northwesterly right-of-way of said Parkside Village Gardens;

THENCE, along the northwesterly cut-back corner of said Parkside Village Gardens, and with said curve to the right, having a radius of 25.00 feet, a central angle of 90°12'35", (chord bears South 68°09'10" West, 35.42 feet), for an arc length of 39.36 feet to the point of tangency in the north line of the aforementioned Province Village Drive;

THENCE, North 66°44'29" West, along the north line of said Province Village Drive, for a distance of 79.00 feet to the point of curvature of a curve to the right;

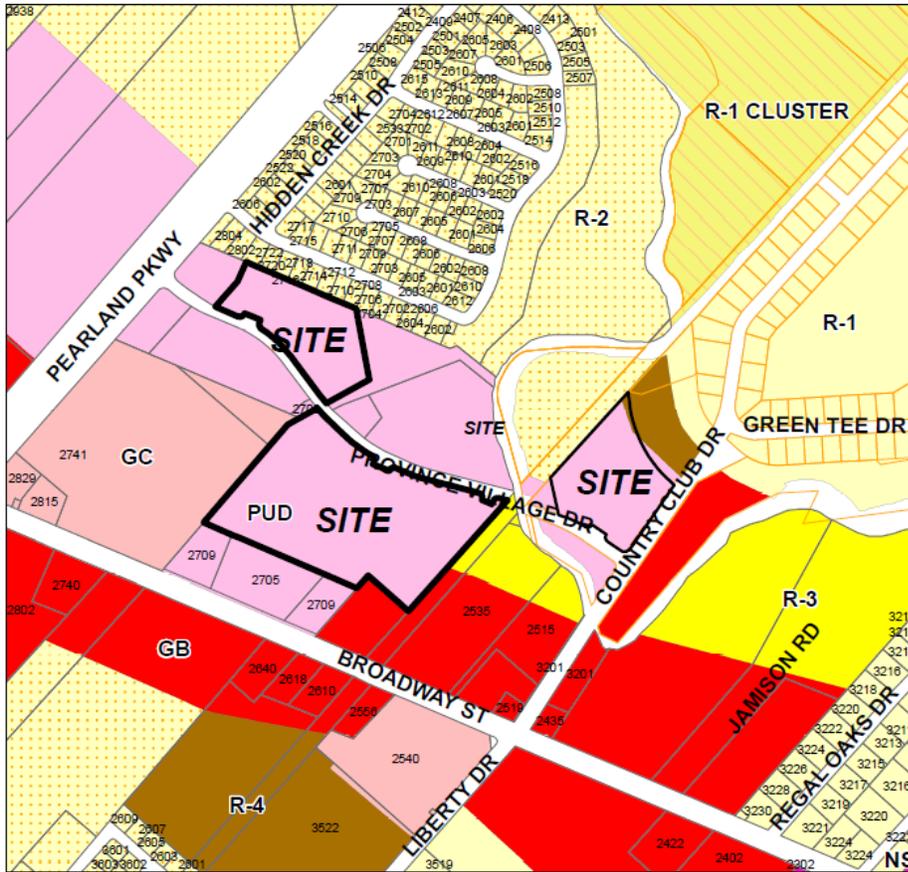
THENCE, continuing along the north line of said Province Village Drive, and with said curve to the right, having a radius of 500.00 feet, a central angle of 04°18'30", (chord bears North 64°34'45" West, 37.59 feet), for an arc length of 37.60 feet to the POINT OF BEGINNING, containing a computed area of 5.617-acres (244,661 square feet).

**NOTES:**

1. The bearings shown hereon are based on the recorded Amending Plat No. 1 of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2008019410 in the Brazoria County Clerk's Office.
2. This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the zone application for which it was prepared.

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Pearland, Texas 77588  
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Job No. 14-127

## Exhibit C Vicinity and Zoning Map



Vicinity and Zoning Map  
 Zone Change 2014-5Z  
 Province Village PUD  
 Amendment

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.

0 125 250 500 Feet



**Exhibit D  
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. 2014-5Z**

Notice is hereby given that on May 19, 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 Texproj2008, LLC, owner; for approval of an amendment to three (3) tracts identified as Tracts A, B and C located within the Province Village Planned Unit Development (PUD) to allow for single family homes, on approximately 24.154 acres of land, more specifically described as:

**Tract A:** A 5.176-acre tract in the W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas. Said 5.176-acres is in a 5.732-acre tract described in a deed to TEXPROJ2008, L.L.C., as recorded in Clerk's File No. 20070659409 in the Harris County Clerk's Office

**Tract B:** A 13.361-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 13.361-acres is in a 21.898- acre tract described in a deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office

**Tract C:** A 5.617-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 5.617- acres is in a 9.805-acre tract described in a deed to TEXPROJ2008, LLC, as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office

General Location: Northeast of the intersection of Broadway Street and Pearland Parkway and west of Country Club Drive  
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  
City Planner

**Exhibit E**  
**Planning and Zoning Commission Recommendation Letter**



# Planning & Zoning Commission

June 3, 2014

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

Re: Recommendation on Zone Change No. 2014-5Z

Honorable Mayor and City Council Members:

At their meeting on May 19, 2014, the Planning and Zoning Commission considered the following:

A request of Alan Mueller, applicant; on behalf of Texproj2008, LLC, owner; for approval of an amendment to three (3) tracts identified as Tracts A, B and C located within the Province Village Planned Unit Development (PUD) to allow for single family homes, on approximately 24.154 acres of land on the following described property, to wit:

**Legal Description:**

**Tract A:** A 5.176-acre tract in the W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas. Said 5.176-acres is in a 5.732-acre tract described in a deed to TEXPROJ2008, L.L.C., as recorded in Clerk's File No. 20070659409 in the Harris County Clerk's Office

**Tract B:** A 13.361-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 13.361-acres is in a 21.898- acre tract described in a deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office

**Tract C:** A 5.617-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 5.617- acres is in a 9.805-acre tract described in a deed to TEXPROJ2008, LLC, as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office

**General Location:** Northeast of the intersection of Broadway Street and Pearland Parkway and west of Country Club Drive, Pearland, TX

After staff presentation and discussion between the applicant, staff and the Planning and Zoning Commission, Commissioner Derrick Reed made a motion to postpone, and Commissioner Daniel Tunstall seconded to allow the applicant time to work with Centerpoint Energy regarding the relocation of above ground utility lines and to work with staff in providing enhanced open space and codifying amenities. The motion passed 5/1, with Chairman Henry Fuertes voting in opposition.

At the regular meeting of the Planning and Zoning Commission on June 2, 2014, after a brief staff presentation regarding the outcome of the May 19, 2014 meeting, the applicant reiterated that they were not proposing any additional changes to the PD. Commissioner Daniel Tunstall made a motion to approve the proposed PD amendment and the motion was seconded by Commissioner Mary Starr. The motion passed 7/0.

Sincerely,

Johnna Matthews

City Planner  
On behalf of the Planning and Zoning Commission



## Staff Report

### SUMMARY OF ANALYSIS:

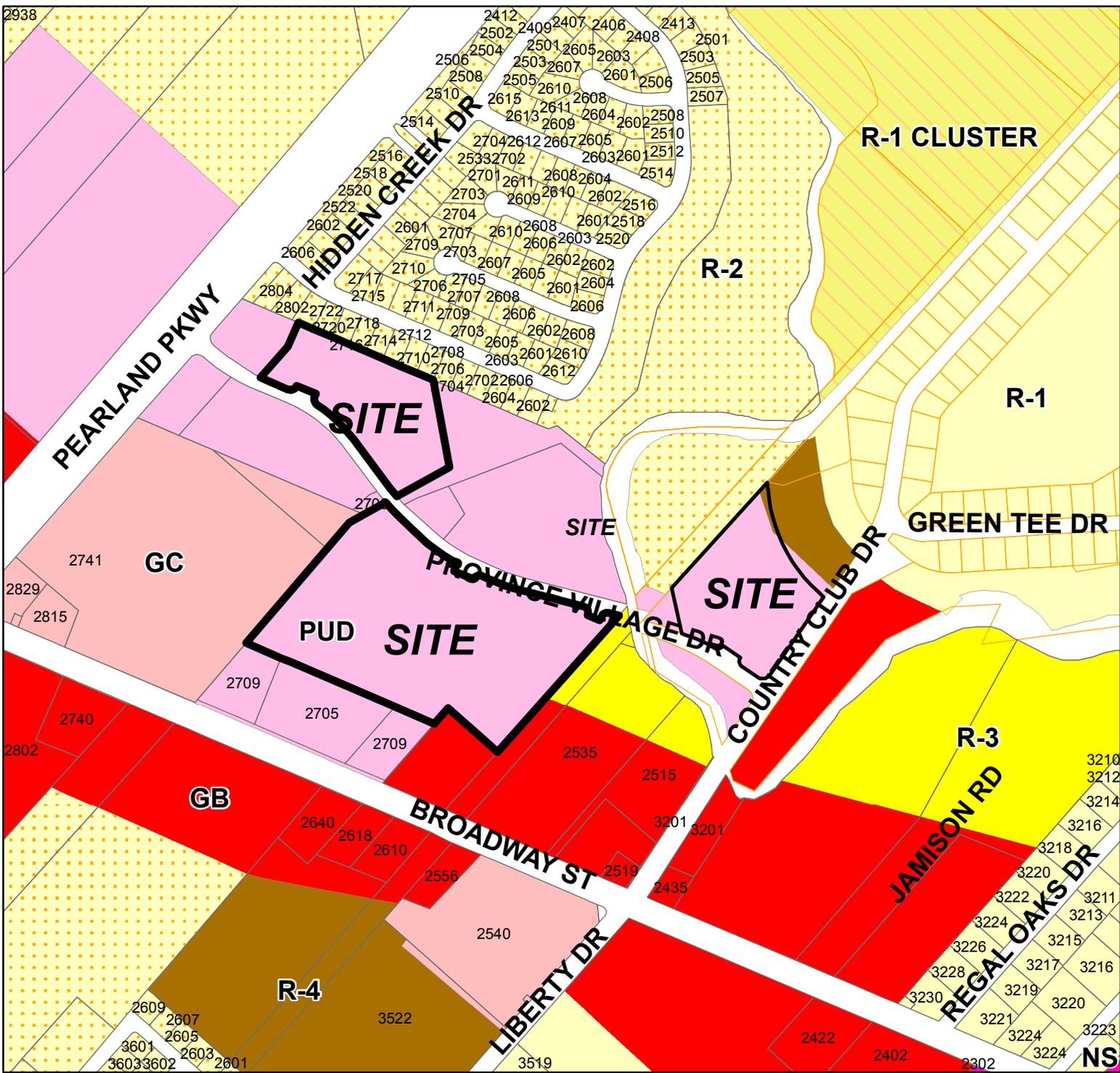
The original Province Village PD was approved in 2004, and allowed for a mix of uses including townhomes/condominiums, garden-style single family homes, and General Business (GB) commercial uses such as restaurants and retail uses. The PD includes approximately 47.65 acres located within three (3) tracts which were identified as Tracts 1, 2, and 3. Tract 1 includes approximately 15 acres and is bounded by Pearland Parkway to the west, Province Village to the south and Clear Creek Park residential subdivision to the north, and includes a 3.7- acre tract for detention. Tract 2 is more centrally located within the PD and includes 26.92 acres, and is bounded by Broadway Street to the south, CenterPoint Electric substation to the east, and by Clear Creek to the north. Tract 3 includes 5.74 acres and is bounded by Country Club Drive to the east. The original PD allowed for a mix of uses including townhomes/condominium homes, traditional single family homes and General Business (GB) commercial uses, such as restaurants and retail.

In 2009, Tract 1 of the PD was amended to change the original allowable land uses from townhomes to Office Professional (OP) zoning district uses. Language in the PD also allowed for a 5-acre General Business (GB) zoning district, within Tract 1. However, as indicated in other areas of the 2009 Amendment to the PD, including Exhibit 5 (Land Use Map), the 5-acre GB tract is located within Tract 2, and is developed with a Chili's and a retail strip center which includes restaurant and office uses .

As proposed in 2009, the townhome development would be located on Tract 2, adjacent to the General Business (GB) uses and the Lowe's Center, with the single family in the rear portions of the property on Tract 3, adjacent to existing single family zoning district and homes. The Office Professional (OP) zoning district approved for Tract 1 provides a great transition between the existing Lowe's and the higher density townhomes, as proposed in the 2009 amendment to Tract 2. Additionally, the 2009 PD provided for 4.99 acres of open space. The center of the project offered a ½ acre park and approximately 2.8 acres in common space, supplemented with a trail system which provided connection to the Clear Creek Trail system.

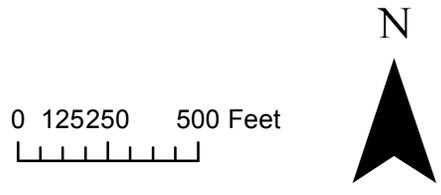
The 2009 amendment to the Province Village PD included the following uses for each tract:

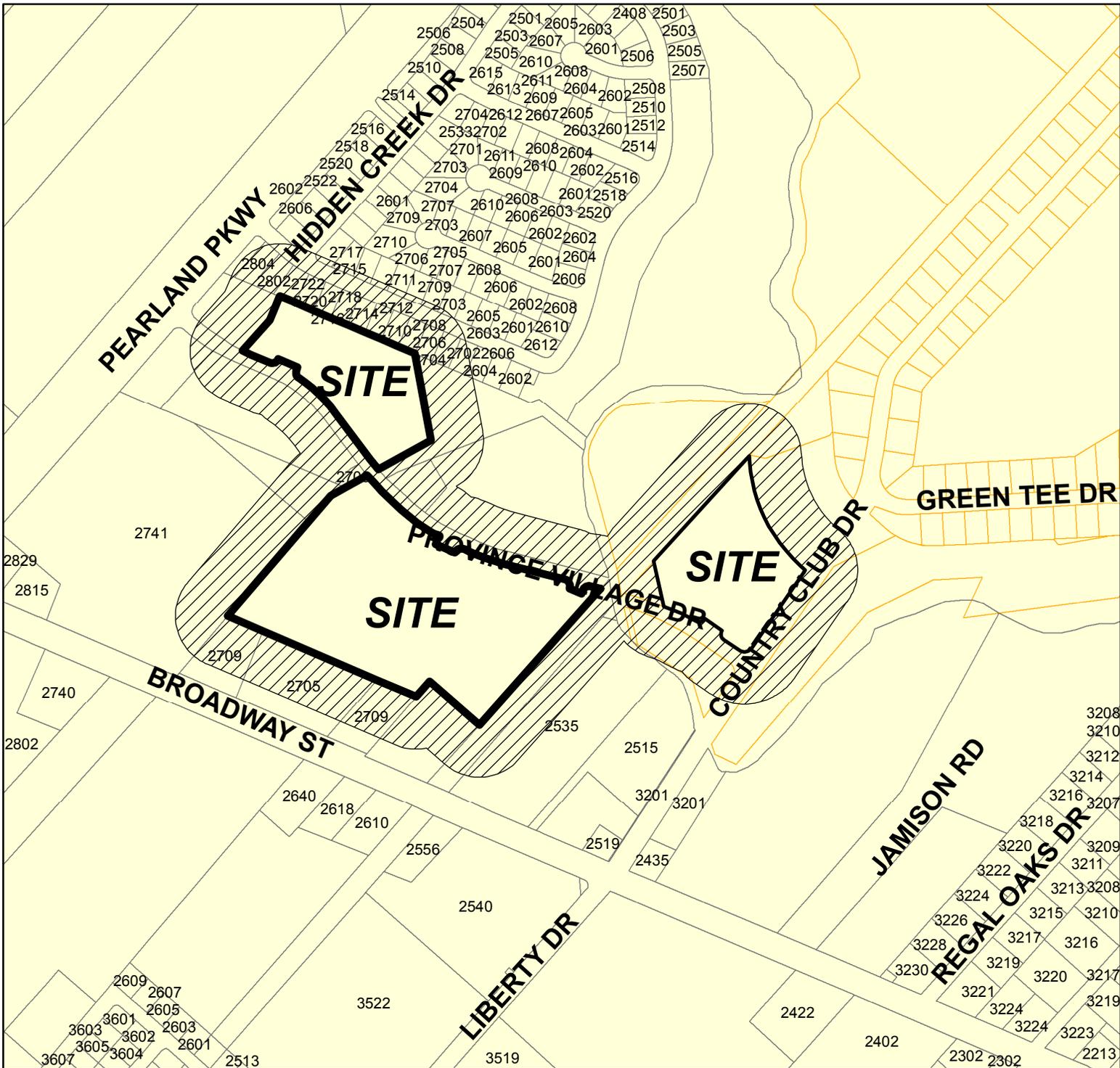
Tract	Acreage	Uses
1	15	12. 3 Office Professional (OP) district yielding approximately 107,160 square feet of office space and a 5-acre General Business (GB) district
2	26.9158	84 unit townhome/condominium residential neighborhood
3	5.7375	27 single family homes within a gated neighborhood
Total Acreage: 47		



**Vicinity and Zoning Map**  
**Zone Change 2014-5Z**  
**Province Village PUD**  
**Amendment**

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.



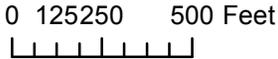


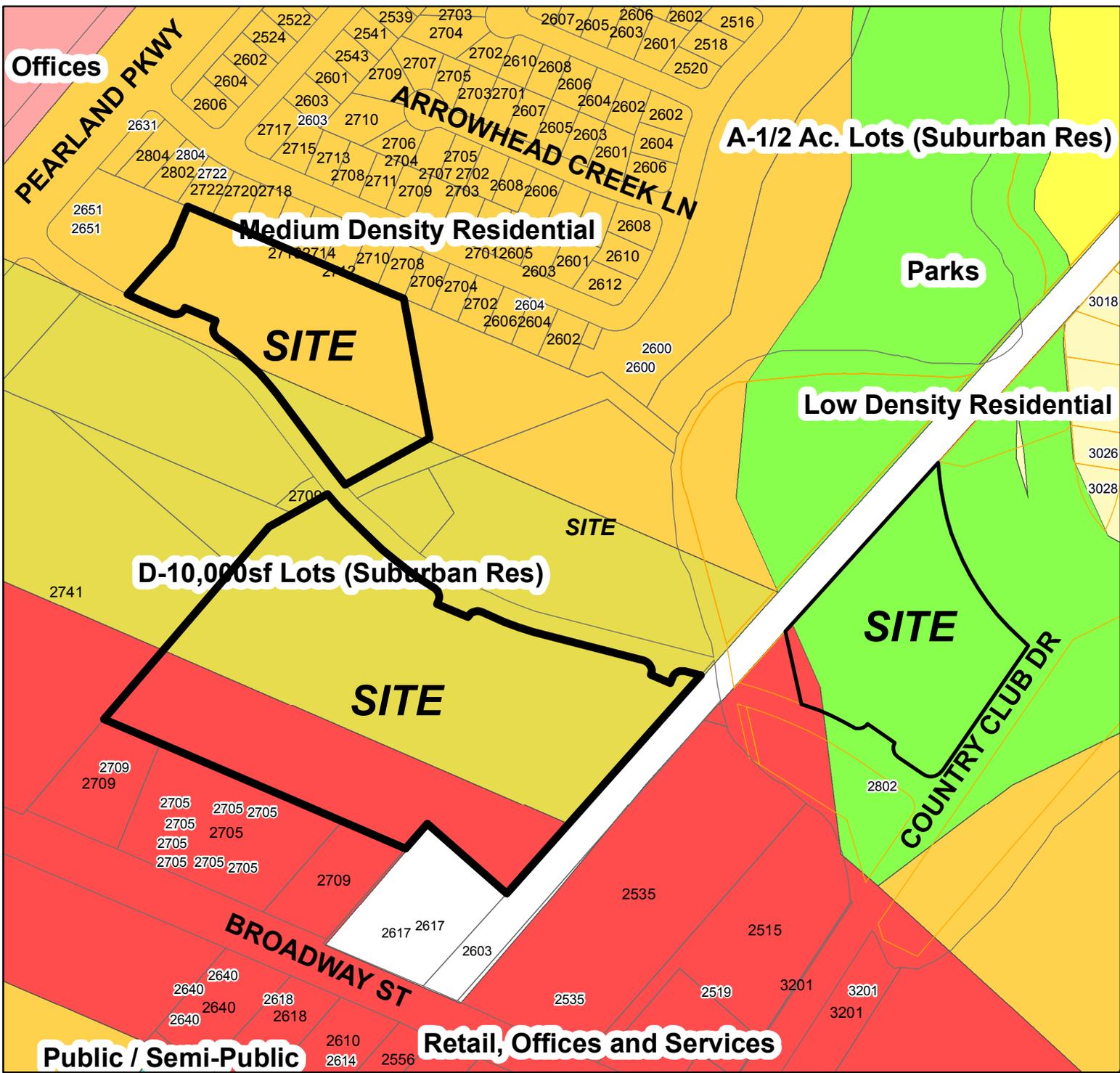
## Notification Map

## Zone Change 2014-5Z

## Province Village PUD Amendment

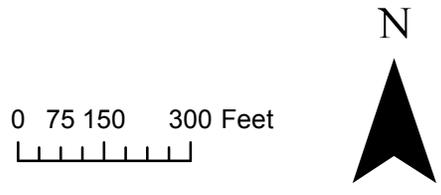
This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





**FLUP Map**  
**Zone Change 2014-5Z**  
**Province Village PUD**  
**Amendment**

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.



**Public / Semi-Public**      **Retail, Offices and Services**



## Aerial Map

## Zone Change 2014-5Z

## Province Village PUD Amendment

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

0 155310 620 Feet





# Planning & Zoning Commission

June 3, 2014

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

Re: Recommendation on Zone Change No. 2014-5Z

Honorable Mayor and City Council Members:

At their meeting on May 19, 2014, the Planning and Zoning Commission considered the following:

A request of Alan Mueller, applicant; on behalf of Texproj2008, LLC, owner; for approval of an amendment to three (3) tracts identified as Tracts A, B and C located within the Province Village Planned Unit Development (PUD) to allow for single family homes, on approximately 24.154 acres of land on the following described property, to wit:

## **Legal Description:**

**Tract A:** A 5.176-acre tract in the W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas. Said 5.176-acres is in a 5.732-acre tract described in a deed to TEXPROJ2008, L.L.C., as recorded in Clerk's File No. 20070659409 in the Harris County Clerk's Office

**Tract B:** A 13.361-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 13.361-acres is in a 21.898- acre tract described in a

deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office

**Tract C:** A 5.617-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 5.617- acres is in a 9.805-acre tract described in a deed to TEXPROJ2008, LLC, as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office

**General Location:** Northeast of the intersection of Broadway Street and Pearland Parkway and west of Country Club Drive, Pearland, TX

After staff presentation and discussion between the applicant, staff and the Planning and Zoning Commission, Commissioner Derrick Reed made a motion to postpone, and Commissioner Daniel Tunstall seconded to allow the applicant time to work with Centerpoint Energy regarding the relocation of above ground utility lines and to work with staff in providing enhanced open space and codifying amenities. The motion passed 5/1, with Chairman Henry Fuertes voting in opposition.

At the regular meeting of the Planning and Zoning Commission on June 2, 2014, after a brief staff presentation regarding the outcome of the May 19, 2014 meeting, the applicant reiterated that they were not proposing any additional changes to the PD. Commissioner Daniel Tunstall made a motion to approve the proposed PD amendment and the motion was seconded by Commissioner Mary Starr. The motion passed 7/0.

Sincerely,

Johnna Matthews

City Planner

On behalf of the Planning and Zoning Commission

## ORDINANCE NO. 2000M-70

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, LOCATION BEING APPROXIMATELY A 15 ACRE TRACT OF LAND OUT OF THE DISSEN CALLED 136.995 ACRE TRACT, RECORDED IN VOLUME 505, PAGE 86, OF THE DEED OF RECORDS OF BRAZORIA COUNTY, TEXAS, SITUATED IN THE THOMAS J. GREEN SURVEY, ABSTRACT 198, BRAZORIA COUNTY, TEXAS, AND A 26.9158 ACRE TRACT OF LAND IN THE THOMAS J. GREEN SURVEY, ABSTRACT 165, BRAZORIA COUNTY, TEXAS AND BEING A PART OF THAT CERTAIN 136.955 ACRE TRACT CONVEYED FROM JENNIE J. SETTLEGAST, ET AL, TO W.J. DISSEN BY INSTRUMENT RECORDED IN VOLUME 505, PAGE 86, OF THE DEED OF RECORDS OF BRAZORIA COUNTY, TEXAS, AND 5.7375 ACRES OF LAND BEING SITUATED IN THE W.D.C. HALL SURVEY, ABSTRACT NO. 23, HARRIS COUNTY, TEXAS, AND BEING OUT OF 468.92 ACRE TRACT BEING MORE FULLY DESCRIBED IN VOLUME 1676, PAGE 362 OF THE DEEDS OF RECORDS OF HARRIS COUNTY, TEXAS SAID 1.3366 ACRES IN HARRIS COUNTY TEXAS, AND GENERALLY LOCATED ON THE EAST SIDE OF PEARLAND PARKWAY, NORTH OF BROADWAY, WEST OF COUNTRY CLUB DRIVE, **(ZONE CHANGE APPLICATION NO. 2009-11Z)**, FROM PLANNED DEVELOPMENT DISTRICT (PD) TO PLANNED DEVELOPMENT DISTRICT (PD), AN AMENDMENT TO THE EXISTING PD FOR PROVINCE VILLAGE PLANNED DEVELOPMENT DISTRICT (PD), LJA ENGINEERING & SURVEYING, INC., APPLICANT FOR TEXPROJ 2008 LLC, OWNER, 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

**ORDINANCE NO. 2000M-70**

**WHEREAS**, on the 21st day of September, 2009, 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 16th day of November, 2009, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the proposed amendment application by LJA Engineering & Surveying, Inc., applicant for TexProj 2008 LLC, Owner, whereby the Commission recommended approval of the change of classification for the described property from its existing classification of Planned Development District (PD) to Planned Development District (PD), an amendment to the existing PD for Province Village, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "D"; and

**WHEREAS**, upon receipt of the report from the Planning and Zoning Commission, the City Council considered this application and the recommendation of the Planning and Zoning Commission at a regular meeting on December 14th, 2009; and

**WHEREAS**, the City Council having fully heard the testimony and argument of all

**ORDINANCE NO. 2000M-70**

**Section I.** The following described property located within the corporate City limits of the City of Pearland, Texas, and presently classified as Planned Development District (PD) is hereby zoned to Planned Development District (PD), in accordance with all conditions and requirements listed in the Planned Development (PD) Document, also known as Exhibit "E" attached hereto and incorporated for all purposes, such property being more particularly described as:

Approximately a 15 acre tract of land out of the Dissen called 136.995 acre tract, recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, situated in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, and a 26.9158 acre tract of land in the Thomas J. Green Survey, Abstract 165, Brazoria County, Texas and being a part of that certain 136.955 acre tract conveyed from Jennie J. Settlegast, et al, to W.J. Dissen by instrument recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, and 5.7375 acres of land being situated in the W.D.C. Hall Survey, Abstract No. 23, Harris county, Texas, and being out of 468.92 acre tract being more fully described in Volume 1676, Page 362 of the Deeds of Records of Harris county, Texas said 1.3366 acres in Harris County 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

**ORDINANCE NO. 2000M-70**

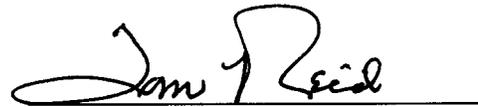
competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**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.

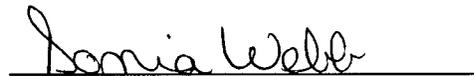
**Section VI.** The City Secretary is hereby directed to cause to be prepared an amendment to the official Zoning District Map of the City, pursuant to the provisions of Section 2.3.2.2 of Ordinance No. 2000-T and consistent with the approval herein granted for the reclassification of the herein above 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 14<sup>th</sup> day of December, 2009.

  
TOM REID  
MAYOR

ATTEST:

  
\_\_\_\_\_

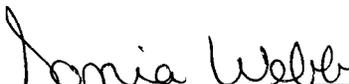


**ORDINANCE NO. 2000M-70**

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 14<sup>th</sup>  
day of December, 2009.

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

ATTEST:

  
\_\_\_\_\_  
SONIA WEBB  
DEPUTY CITY SECRETARY



APPROVED AS TO FORM:

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

Exhibit "A"  
Application  
Ordinance No. 2000M-70



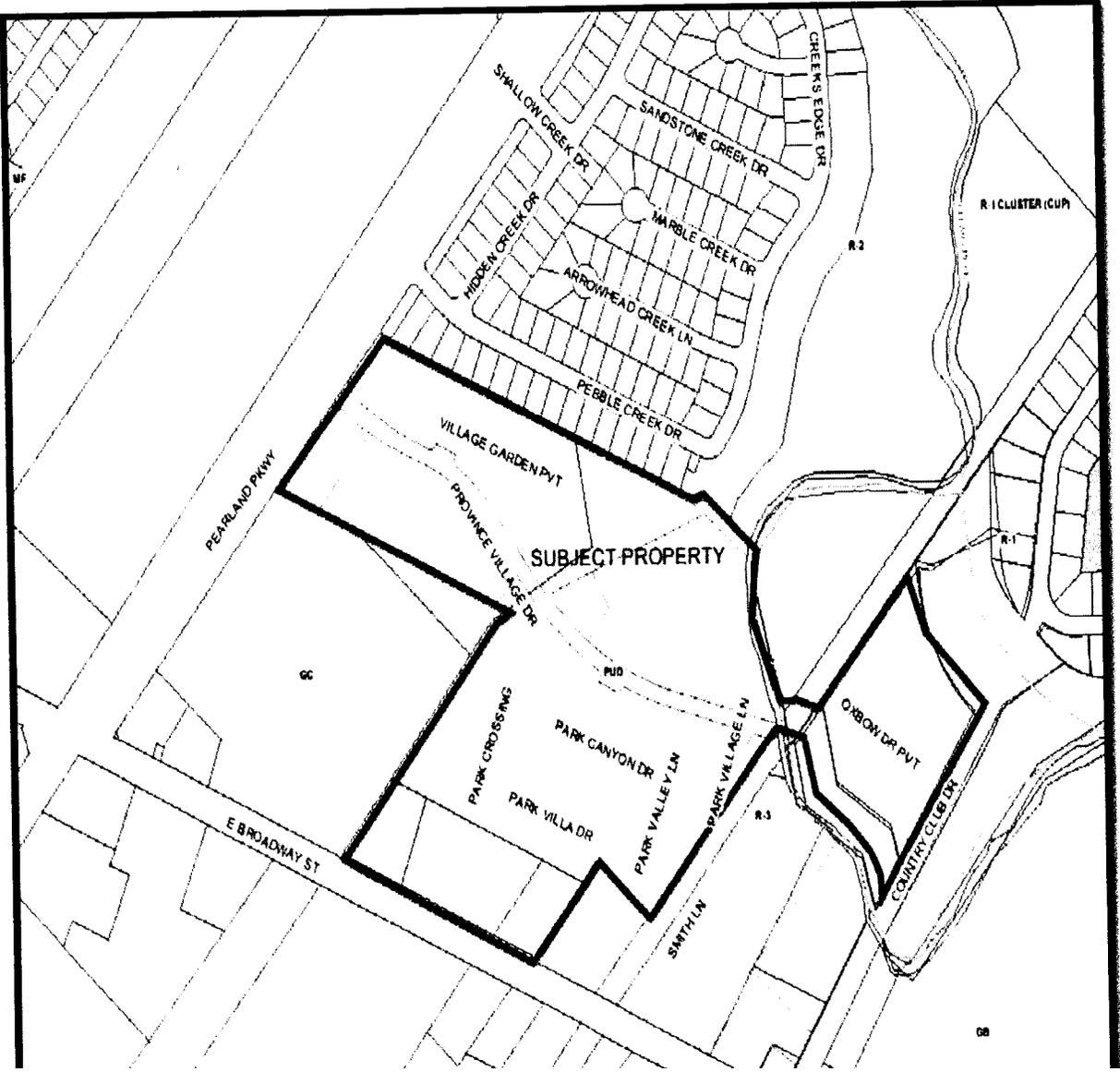
to:

property):

NAME

9 9

Exhibit "B"  
Location Map  
Ordinance No. 2000M-70



# AFFIDAVIT OF PUBL

The Friendswood Reporter News  
P.O. Box 954  
Friendswood, Texas 77546

State of Texas

Galveston and Harris Counties

I, Lloyd Morrow, hereby certify that the notice hereby appended was published in  
THE REPORTER NEWS, a newspaper of general circulation in Galveston, Harris and  
Brazoria Counties, for 1 issues, as follows:

No. 1 Date 10-28 20 09

No. \_\_\_\_\_ Date \_\_\_\_\_ 20 \_\_\_\_\_

*Lm*

Published October 28,  
2009

**LEGAL'S**

Broadway

At said hearing all interested parties shall have the right and opportunity to appear and be heard on the subject.

Angela Gantuah  
Senior Planner

**NOTICE OF A JOINT  
PUBLIC HEARING OF  
THE CITY COUNCIL  
AND THE PLANNING  
AND ZONING COM-  
MISSION OF THE CITY  
OF PEARLAND,  
TEXAS**

**ZONE CHANGE APPLI-  
CATION NO. 2009-11Z**

Notice is hereby given that on November 18, 2009, 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, on the request of LJA Engineering & Surveying, Inc., applicant for TexProj 2008 LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from clas-

**Legal Description:**  
Approximately a 15 acre tract of land out of the Dissen called 136.995 acre tract, recorded in Volume 505, Page 86; of the Deed of Records of Brazoria County, Texas, situated in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, and a 26.9158 acre tract of land in the Thomas J. Green Survey, Abstract 165, Brazoria County, Texas and being a part of that certain 136.955 acre tract conveyed from Jennie J. Settlegast, et al, to W.J. Dissen by instrument recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, and 5.7375 acres of land being situated in the W.D.C. Hall Survey, Abstract No. 23, Harris county, Texas, and being out of 488.92 acre tract being more fully described in Volume 1676, Page 362 of the Deeds of Records of Harris county, Texas said 1.3366 acres in Harris County Texas.

**Location:** Generally

# Planning & Zoning Commission

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## Recommendation Letter

December 1, 2009

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

Re: Recommendation on 2009-11Z

Honorable Mayor and City Council Members:

At their meeting of November 16, 2009, the Planning and Zoning Commission considered the following:

Request of LJA Engineering & Surveying, Inc., applicant for TexProj 2008 LLC, owner, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Planned Development District (PD) to Planned Development District (PD), an amendment to the existing PD for Province Village, on the following described property, to wit:

**LEGAL DESCRIPTION:** Approximately a 15 acre tract of land out of the Dissen called 136.995 acre tract, recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, situated in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, and a 26.9158 acre tract of land in the Thomas J. Green Survey, Abstract 165, Brazoria County, Texas and being a part of that certain 136.955 acre tract conveyed from Jennie J. Settlegast, et al, to W.J. Dissen by instrument recorded in Volume 505, Page 86, of the Deed of Records of Brazoria County, Texas, and 5.7375 acres of land being situated in the W.D.C. Hall Survey, Abstract No. 23, Harris county, Texas, and being out of

changing Tract one from single Family Residential-4 (R-4) to Office Professional (OP) and Commissioner Ron Capehart seconded the motion. A vote was taken and was approved, 4-0 in favor with Commissioner Darrell Diggs abstaining as he had not been present for previous discussions regarding the amendment for the Province Village Planned Development.

Sincerely,

Angela Gantuah, Senior Planner  
On behalf of the Planning and Zoning Commission



Province Village

**Planned Unit Development  
Amendment No. 1**

**City of Pearland**

City Council  
&  
Planning & Zoning Commission

November 30, 2009

Submitted on behalf of:

Tex Proj 2008 LLC, Dan Brown  
3049 Sherwood Forest  
Baton Rouge, LA 70816

Prepared by:

LJA Engineering & Surveying, Inc.  
2929 Briarpark Drive, Suite 600  
Houston, Texas 77042-3703

**Province Village Planned Unit Development**

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**EXHIBITS**

- Exhibit 1 - AREA LOCATION
- Exhibit 2 - EXISTING CONDITIONS
- Exhibit 3 - TOPOGRAPHY
- Exhibit 4 - EXISTING ZONING
- Exhibit 5 - PROPOSED LAND USE

## Executive Summary

The purpose of this planned unit development (PUD) amendment application is to change the current designation of tract one which is 15 acres in the City of Pearland for the purpose of developing a mixed-use project consistent with the City's land development regulations. The site is currently under the Province PUD which we propose to change Tract One from Single Family Residential (R-4 PUD) to Office Professional (OP). As contemplated in the City's zoning ordinance, the PUD designation will allow the development of a project which is planned comprehensively and in a unitary fashion, and that will provide flexibility of development within a site that, because of several physical constraints would challenge the ability to develop under the current zoning designations.

Prior to the approved PUD, Tract One, a 15 acre tract which of the tract fronts Pearland Parkway, had a 200' section of land that is zoned R-3 across the southern 1/3 of the site with the balance being zoned Single Family Residential 2 (R-2). Tract Two, is a 26.90 acre tract that fronts East Broadway and had three bands of zoning, primarily GB and R-3. Tract Three, fronting Country Club Drive, is the smallest of the tracts containing 5.74 acres which roughly measures 400' by 500', and had a 150' section of land that was zoned across the southern portion. The balance of Tract Three is (R-4 PUD) of R-3 across the southern portion of the property with the balance being R-4.

Zoning districts are typically bounded by a physical feature, existing land use or political boundary that offers a logical break from one zoning classification to another. Also, conventional zoning typically provides a hierarchy of residential densities when adjacent to commercial uses normally with the highest density residential being placed next to the commercial with a transition to lower densities away from commercial.

The proposed Amended *Province Village PUD* will consist of approximately 27 single family homes within one gated neighborhood in tract Three, an 84 unit townhome neighborhood located in Tract Two, a 12.3 acre Office Professional (OP) district yielding approximately 107,160 square feet of potential space office space in tract One and a 5 acre GB – General Business district in Tract One as well. The residential yield will not exceed 112 single-family units. This comparison assumes similar detention requirements. This comparison modeled DU/AC (number of units per acre) after similar average densities per lot size found in the Shadow Creek Ranch community. Following more conventional zoning patterns, the plan proposes the higher density townhome neighborhood adjacent to the GB district and the existing Lowe's Center while placing the Garden Home sections in the rear portions of the

## **I. Existing Conditions**

### **SITE DESCRIPTION**

The site of the proposed mixed-use development is composed of three tracts - Tract One being a 15.00 acre tract situated on the west side of the overall site, Tract Two being a 26.92 acre tract situated in the center of the overall site, and Tract Three being a 5.74 acre tract situated on the east side of the overall site. A 90' City of Pearland drainage easement physically separates Tracts One and Two while Clear Creek and an 80' HL&P (CenterPoint Energy) easement physically separates Tracts Two and Three.

Tract One is bounded on the west by Pearland Parkway, on the north by Clear Creek Park residential subdivision, and situated just north of the Lowe's Home Center site located at the corner of Pearland Parkway and East Broadway. Tract One includes a 7.16 acre Office Professional tract north of Province Village Drive (proposed), a 5.19 acre Office Professional tract, a 1.16 acre tract of Province Village Parkway, and a 1.49 acre detention tract. (see Exhibit 5)

Tract Two is bounded on the south by F.M. 518 (East Broadway), and on the east by a CenterPoint Energy substation (located to the southeast of Tract Two along East Broadway) and by an 80' HL&P (CenterPoint Energy) easement along the east, and on the north by Clear Creek. The Lowe's Home Center site is situated west and southwest of Tract Two. Tract Two Includes the 3.79 acre Detention, the 1.62 acre trail tract, the .58 park tract, the 13.44 R-4 PUD Single family tract, the 1.49 detention, the 5 acre GB tract, and the 1.44 tract of Province Village Drive.

Tract Three is bounded on the east by Country Club Drive, on the west by the 80' HL&P (CenterPoint Energy) easement and on the south by Clear Creek and on the north by a Clear Creek diversion channel easement. Currently the land is rural agriculture in nature except for the 5 acre General Business portion that is adjacent to FM 518 Broadway. Tract 3 is 5.74 acres of R-4 PUD including the portion of Province Village Drive within Tract 3.

Please refer to Exhibit 1 – Area Location that illustrates the sites location within the City of Pearland and Exhibit 2 – Existing Conditions that illustrates the three tracts comprising the site and its relationship to surrounding land uses.

Within approximately 150' of the northern boundary the site slopes downward 12 to 14 feet with an elevation of 22 at Clear Creek along the northern boundary of the tract. While the majority of Tract Two is open pasture and cultivated field, there are trees and vegetative cover near the northern boundary where the property begins to slope toward Clear Creek as well as along some of the land adjacent to the HL&P (CenterPoint Energy) easement. Most of this vegetative cover is within the proposed detention area and it cannot be determined at this time if any of this material can be preserved.

A small ridge makes a protrusion near the center of Tract Three nearing elevation 43 descending to elevation 32 along Country Club Drive to the east and elevation 37 along the west, adjacent the 80' HL&P easement. The slope descends to elevation 34 along the south boundary. Tract Three has some limited tree and vegetative cover along the perimeter of Country Club Drive and the HL&P (CenterPoint Energy) easement.

### **SURROUNDING LAND USE**

Land Uses surrounding Province Village PUD include Clear Creek Park Single-Family Residential to the north of Tract One, Green Tee Terrace Single-Family Residential and the Golfcrest Country Club to the north of Tract Three (both in Harris County), low-density residential uses to the east, an HL&P (CenterPoint Energy) substation to the east/southeast of Tract Two, a General Business District (Victory Plaza) to the southeast of Tract Two fronting FM 518 Broadway, a non-developed tract to the south of Tract Two fronting opposite side of East Broadway that is rural in nature, a General Business District (Rehoboth Acres) to the southwest of Tract Two fronting opposite side of East Broadway, a Commercial District (Lowe's Home Improvement Center) to the west of Tract Two and south of Tract One, and a non-developed tract to the west of Tract One fronting the opposite side of Pearland Parkway that is rural in nature. In general, the East Broadway corridor was zoned primarily GB - General Business District while the Pearland Parkway corridor is zoned Single Family Residential. Refer to Exhibit – 2 Existing Conditions and Exhibit 4 – Existing Zoning.

## **II. Project Objectives**

### **PROJECT OVERVIEW**

The proposed *Province Village PUD Amendment* consists of a 47.65 Acre mixed-use project located within the City of Pearland, Texas. This application was prepared on behalf of Tex Proi 2008 LLC, Dan Brown pursuant to the City of Pearland ordinance

The PUD as proposed will consist of GB – General Business, OP – Office Professional and R4 – High Density Single-Family Residential. Approximately 11% of the overall land will be dedicated to parks, recreation, trails, open and green space. Approximately 12% of the overall site will be utilized for detention.

### **GOALS & OBJECTIVES**

The goals of the *Province Village PUD* are to provide guidelines for the creation of a planned development that provides community cohesiveness, flexibility of development, uniformity in building construction, long-term sustainability, orderly growth and desired visual results. Further, the goals reflect the flexibility to achieve a quality mixed-use development in a coordinated urban setting while promoting a more economical and efficient use of the land.

The goals and objectives will be achieved through the implementation of a planning strategy designed to maintain flexibility in the market place. The goal is to provide retail and office opportunities within the East Broadway and Pearland Parkway corridors while providing single-family residential within the interior of the site enhanced by aesthetically pleasing open space, a trail system within recreational opportunities for the residents paired with a half acre park site and other neighborhood amenities.

The project's character will be ensured through guidelines and controls for architectural and design aesthetics, open space and landscaping, perimeter treatments and neighborhood amenities, such as sidewalks and neighborhood recreation spaces.

Orderly growth will be achieved through this plan to ensure a completed project that is consistent in character and content, providing residents, businesses, and visitors with a clear sense of community. The goals and objectives outlined in the following matrix are intended to facilitate a successful long-term development offering variety.

<b>Goal</b>	<b>Objective</b>
▪ Flexible Growth	Provide the ability for flexibility in the development program to respond to market demands.
▪ Orderly Growth	Provide orderly and controlled growth via mechanisms that ensure thoughtful application of

### **III. Project Description**

#### **AUTOMOBILE CIRCULATION**

*Province Village PUD* will have superior traffic mobility with frontage along Pearland Parkway to the west and Country Club Drive on the east. A local collector connects these two streets along an east/west alignment parallel to East Broadway. This alignment of this collector is centrally positioned to allow for excellent ingress/egress to each development cell. Collector width and design has been approved by the City. Collector street parking was not anticipated or provided for. The proposed 5 acre GB - General Business site adjacent to East Broadway, separated from the balance of the site by proposed residential uses, has excellent frontage across its entire width. The East Broadway at Pearland Parkway intersection provides excellent access to any location within the City as well as the region. Northbound Pearland Parkway provides easy access to Harris County and Beltway 8 (Sam Houston Tollway). Westbound Broadway (F.M. 518) provides access to the older business area, the Village District, and connects to Texas 288, the most prominent centrally located north/south arterial thoroughfare within Brazoria County. Eastbound Broadway connects the site to the Galveston Bay area including Friendswood, Baybrook, Clear Lake and I-45. A TIA has been provided and approved by the City.

#### **PEDESTRIAN CIRCULATION**

The pedestrian circulation layout is designed to integrate the individual residential neighborhoods while providing easy access to the park and the centrally located Common Open Space outside of the individual residential cells. The main public walkway is 6' wide, located along the both sides of the collector street. This walk runs completely through the site, along an east/west axis and will connect with public sidewalks along Pearland Parkway. Walks along Pearland Parkway will be constructed as part of this proposed development and will tie into the existing walk along Pearland Parkway. A 6' conventional sidewalk will be constructed within the projects frontage on Country Club Drive. There currently is no existing sidewalk on Country Club Drive. These walks provide easy access to the Office Professional site within the project and to designations outside of the project site.

In addition to a 4' walk, the trail will offer a link from the public walk to an 8' walk section for the proposed Clear Creek trail system. Compliance with the City of Pearland's typical sidewalk requirements will be maintained throughout the balance of the project. completing the overall

## **GENERAL LANDSCAPE AND PERIMETER TREATMENT**

The *Province Village PUD* will be thoroughly landscaped along the streets and common areas. Street trees will be planted along the collector street and along the frontage of Pearland Parkway and Country Club Drive according to City regulations. The project will have entry statements both at the Collector Street and Pearland Parkway intersection and also at the Country Club Lane intersection. Entry statements and signage shall meet the City's requirements. The individual residential cells will each have a boulevard entry and entry statement fully landscaped utilizing minimum of 2" caliper trees, shrubs, seasonal plantings and ground covers. These areas will be irrigated.

The perimeter treatment of the residential cells includes evergreen screening of areas outside of the individual lots and removed from the public street right-of-ways. In addition a 6' height masonry screen wall will be constructed along the south property line of the OP – Office Professional site adjacent to the Lowe's Center and along the western, southern, and eastern property line of the Tract Two Townhome section.

Two trees shall be planted along interior streets per lot. Maintenance of all open spaces, parks, trails, and open areas will be the responsibility of HOA or private entity and not the City's responsibility.

## **PROJECT ARCHITECTURE**

The project architecture regarding the public portions of the development will have a common architecture theme. This would include the entry statements and the OP – Office Professional architectural facades and elements. Efforts will be made to insure harmony in the design. While actual design has not been initiated at this time, several photographic examples of what the developer has constructed similar in nature to the proposed product are included to provide a sense of architectural direction for the project. Actual design for the *Province Village PUD* may vary. In general, the architecture will consist of mostly masonry and glass facades of buildings as required by zoning regulations.

## **IV. Quantitative Data**

The property is proposed to be comprised of Office Professional. General Business and High-

**Table 1 - Composition of Land Uses**

Overall Site – Land Use	Acres
<b>General Business - GB District</b>	<b>5.0</b>
<b>Office Professional – OP District</b>	<b>12.3</b>
<b>Gated Garden Home Residential – R4</b>	<b>3.5</b>
<b>Townhomes Residential - R4 District.</b>	<b>11.85*<sup>2</sup></b>
<b>Detention Basin Reserves(built)</b>	<b>5.28</b>
<b>Park, Recreation, Open &amp; Green Space</b>	<b>4.38</b>
<b>East/West Local Collector Right-of-Way (built)</b>	<b>2.70*<sup>1</sup></b>
<b>Interior Street (Residential) Right-of-Way</b>	<b>1.65</b>

**Total Acreage.....47.65**

**\*<sup>1</sup> Other (Off-site Collector Right-of-Way).....0.53**  
 (Includes crossing of 90' City of Pearland Drainage Easement & 80' HL&P Easement)

**\*<sup>2</sup> Excludes interior street Right-of-Way. With Right-of-Way of residential acreage included total would be 22.52 acres.**

**Table 2 – Acreage per Land Use Summary**

Land Use Category	Acreage	% Of Gross Acreage
<b>CONSTRAINTS</b>	<b>7.98 Ac</b>	<b>17%</b>
Collector Street* (built)	2.7 Ac	
Proposed Drainage / Detention Facility ** (built)	5.28 Ac	
<b>COMMUNITY ELEMENTS</b>	<b>4.99 Ac</b>	<b>11%</b>
Park Reserve	0.58 Ac	
Recreation, Green & Open Space	4.41	
<b>SINGLE FAMILY RESIDENTIAL - R4 DISTRICT</b>	<b>47.40</b>	<b>99%</b>

The assigned zoning designations and the total acreage for each are as follows:

**Table 3 – Assigned Zoning Designations**

<b>Land Use</b>	<b>Acreage</b>	<b>Zoning Designation</b>
Office Professional General Business	12.29 5.0 Ac.	OP – Office Professional GB – General Business
Parks, Recreation, Green or Common Open Space	4.99	R-4 Maximum Density Single-Family
Collector Streets	2.70 Ac.	
Proposed Detention Facilities	5.28 Ac.	
R-4 PUD Single-Family Residential	17.43	
<b>Total</b>	<b>47.65 Ac</b>	

\* Represents off-site Right-of-Way needed for Collector, excluded from Total Acreage. Includes crossing of 90' City of Pearland Drainage Easement and 80' HL&P (CenterPoint Energy) Easement.

#### **V. Proposed Land Use Revisions and Regulatory Compliance**

In order to implement the proposed land use plan as currently proposed, each of the proposed land uses have been assigned zoning categories consistent with the current City of Pearland zoning regulations. The proposed zoning differs somewhat from the zoning designations currently in place for the parcels that comprise the proposed development. Please refer to Exhibit 4 – Existing Zoning and Exhibit 7 – Proposed Zoning Categories by Land Use.

Land use shall be regulated on a total acreage basis with a maximum density of 112 lots. Lot sizes to conform to PUD. The percentage land use area change is required to ensure the success of the development by maintaining the flexibility to modify land use sizes in response to changes in economic and market conditions. This will allow the project to remain competitive in the real estate market over the life of the development phases and the ability to make adjustments as necessary to accommodate specific end users in a timely manner.

The proposed Amended Province Village PUD is changing a 7.16 acre Garden Home section to Office Professional (OP zone) use. The property is north of Province Village

Social & Recreational Building, including homeowner's association neighborhood recreation centers

Onsite Detention Facility

**Entertainment & Recreational Uses**

Park and/or Playground (Private)

Park and/or Playground (Public;Municipal)

Swimming Pool, Private (Uses Only By Resident)

Tennis or Swim Club (Private, For Profit)

Tennis Court (Private/Not Lighted)

**Office Uses**

Clinic, Medical or Dental

Credit Agency

Financial Institution (No Motor Bank Services)

Financial Institution (With Motor Bank Services)

Financial Services (Advice/Invest)

Insurance Agency Offices

Office, Brokerage Services

Office, Legal Service

Office, Medical/Dental {Defined Under Medical Facilities}

Office, Professional and General Business (other than those listed)

Office, Real Estate

Security Monitoring Company (No Outside Storage)

Travel Agency, Bureau or Consultant

Automatic Teller Machine (ATM)

Barber/Beauty Shop/Tanning Studios (No Related School/College)

Mailing Service (Private)

Pharmacy (Retail Only)

Seamstress or Dressmaker (Retail Only)

**Retail & Business Service Uses**

Antique Shop (No outside storage)

Art Supply Store

Bakery or Confectionery Shop (Retail Sales, Inside Service Only)

Book/Stationery Shop (Retail Only)

Camera Shop (Retail Only)

Day Camp (For Children)  
Governmental Building or Use (County, State, or Federal)  
Hospice (Defined Under Household Care Facility)  
Institution of Religious, Educational or Philanthropic Nature  
Library, Public  
Municipal Public Administration Offices  
Museum (Indoors Only)  
Rectory/Parsonage  
School- Other than Public or Parochial  
Studio for Radio and/or Television (No Tower[s])

**Utility Related Service Uses**

Satellite Dish (Private, less than 4' in diameter) {See Telecommunications Regs. Chp. 2, Art. 5 Div. 5 of the UDC}  
Telephone Business Office

**Commercial & Related Service Uses**

Contractor's Temporary On-Site Construction Office (only with permit from B.O.)

**Bank Site (Additional Restrictions)**

The following additional restrictions are being placed on the 1.53 acre proposed bank site located in the northwest corner of the proposed Restricted OP Zone:

The drive thru on any bank shall be oriented so that the following conditions will not occur:

- 1) While a vehicle is stationary (conducting transactions) in the drive thru lane, the vehicles lights will not shine directly onto the residential area to the North.
- 2) The queue (vehicle stacking) for the drive thru will not cause a blockage of traffic on any adjacent public streets.
- 3) The bank site will have lights that are hooded or constructed in such a way so that the bulb is not visible from the adjacent residential property on the north side of the 1.53 acre development. A photometric drawing will be sent to the City Engineer for review and approval.

The façade of the proposed bank building on the Pearland Parkway side will meet the requirements for the Corridor Overlay District. The requirements of the Corridor Overlay District include articulation of the wall, minimum glass coverage and construction

If the required 8 foot fence is not able to be placed on the property line then it will be placed approximately 10 feet from the property line (along the south line of the 10-foot drainage easement) with periodic access for maintenance of the drainage swale. This alternate placement of the fence will permit the applicant to comply with light and noise issues and meet all the requirements of the current Unified Development Code.

The height of buildings allowed on this 7.16 acre site will be restricted. As shown on Exhibit 8, a rear setback line in excess of the 25' minimum may be required depending on the height of the proposed building. For properties and uses adjacent to the northern property line, the lighting must face south and away from the adjacent residential uses and zoning district. This additional requirement will greatly minimize the visibility of any proposed building from the neighboring residential area to the north.

The hours of business operation in the proposed 7.16 acre OP Zone shall be restricted to 6 a.m. to 9 p.m.

## **VI. Phasing and Development Schedule**

It is anticipated that Province Village PUD would be developed in phases with Tract One anticipated within the initial phasing and a portion of the General Business parcel fronting East Broadway. However, the location and timing of phases will be dependent upon market driven forces. At the time of this submittal, it is the intent of the applicant to develop the Office Professional parcel as well as retaining some out parcels for the real estate market where also, at this time the applicant intends on providing street and infrastructure construction within the

## VII. Legal Description and Boundary Survey

### LEGAL DESCRIPTION

Province Village P.U.D. consists of three parcels. As of the date of this application Tracts One and Two are owned by Tex Proj 2008 LLC, Dan Brown, 3049 Sherwood Forest, Baton Rouge, Louisiana 70815. Tract Three is owned by T. & B. Alexander Family, L.P., General Partner: T. & B. Alexander Limited, Inc.

#### Legal Description, City of Pearland, Province Village P.U.D.

The following descriptions comprise 47.65 Acres, divided into three parcels. Tract One contains 15.00 acres, Tract Two contains 26.9158 acres with Tract Three containing 5.7375 acres.

#### **Tract One**

#### DESCRIPTION OF 15.000 ACRES

#### TRACT ONE

Of a 15.000 acre tract of land out of the Dissen called 136.955 acre tract, recorded in Volume 505, Page 86, of the Deed Records of Brazoria County, Texas, situated in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod set in the southeasterly line of Pearland Parkway (130' R.O.W.) marking the westerly corner of herein described tract and the northerly corner of a 18.000 acre tract that bears South 62° 50' 53" East, 68.63' and North 45° 52' 02" East, 931.96' from a 1/2-inch iron rod found marking the west corner of aforesaid 136.955 acre Dissen tract

THENCE South 67° 12' 31" West continuing along said easement a distance of 163.33' to a 5/8-inch iron rod set at an angle point in said easement for corner;

THENCE South 52° 53' 48" West continuing along said easement a distance of 79.97' to a 5/8-inch iron rod set, marking the southerly corner of herein described tract. Also being the east corner of aforesaid 18.000 acre tract;

THENCE North 62° 50' 53" West with the common line of said 18.000 acre tract and herein described tract containing 15.000 acres or 653,400 square feet of land.

**Tract Two**

DESCRIPTION OF  
26.9158 ACRES

TRACT TWO

Of a 26.9158 acre tract of land in the Thomas J. Green Survey, Abstract 165, Brazoria County, Texas and being a part of that certain 136.955 acre tract conveyed from Jennie J. Settegast, et al, to W.J. Dissen by instrument recorded in Volume 505, Page 86 of the Deed Records of Brazoria County, Texas, more particularly described as follows:

BEGINNING at a point in the northerly line of F.M. 518 (Broadway) marking the most southerly and beginning corner of herein described tract that bears North 62° 50' 53' West, 347.72' from a 5/8-inch steel rod found marking the southerly corner of aforesaid 136.955 acre tract from said point beginning a found 3/4-inch steel rod bears North 45° 05' 47" East, 0.58' also being the westerly corner of a 1.955 acre tract conveyed to H. L. & P. Company by instrument recorded in Volume 1147, Page 19 of the Deed Records of Brazoria County;

THENCE North 62° 50' 53" West with the northerly line of F.M. 518 and southerly line of said 136.955 acre tract a distance of 765.52' to 5/8-inch steel rod set marking the westerly corner of herein described tract being the southerly corner of a 90' wide drainage easement recorded in Volume (87) Page 765 of the Official Records of Brazoria County, Texas;

THENCE North 45° 23' 48" East with the southeasterly line of said 90' easement a distance of 765.40' (called 765.02') to a 5/8-inch steel rod set an angle point in said drainage easement:

to a point on the centerline of Clear Creek for corner being on the Harris County and Brazoria County Line;

THENCE along the centerline of Clear Creek and county line of the following courses and distances:

South 08° 58' 14" West, 52.01' feet to an angle point for corner;

South 01° 58' 30" West, 34.90' feet to an angle point for corner;

South 15° 20' 57" East, 39.69' feet to an angle point for corner;

South 19° 42' 33" East, 57.52' feet to an angle point for corner;

South 14° 09' 52" East, 79.51' feet to an angle point for corner;

South 14° 33' 54" East, 57.77' feet to an angle point for corner;

South 17° 08' 04" East, 75.39' feet to an angle point for corner being in the northwesterly line of a 80' wide H. L. & P. Company transmission easement conveyed as Tract 2 by instrument recorded in Volume 1147, Page 19 of the Deed Records of Brazoria County, Texas;

THENCE South 45° 07' 16" West departing the centerline of Clear Creek a distance of 64.30' to a 5/8-inch rod set at an angle point for corner;

THENCE South 45° 06' 05" West continuing along the northwesterly line of said 80' easement a distance of 724.73' to a 3/4-inch steel rod found for corner being the easterly corner of aforesaid H.L. & P. Company 1.955 acre tract;

THENCE North 44° 56' 04" West with the northeasterly line of said 1.955 acre tract a distance of 260.00' to a 3/4-inch steel rod found for corner being the northerly corner of said 1.955 acre tract;

THENCE South 45° 05' 47" West with the northwesterly line of said 1.955 acre tract at 380.91' (called 381.19') pass a 3/4-inch steel rod found continuing for a total distance of 381.49' to a point of beginning of herein described tract containing 26.9158 acres of land. Subject to 2.7 acres more or less within the flood plain.

BEGINNING at a 5/8-inch iron rod set for corner in the northwesterly right-of-way line of Country Club Drive, said iron rod bears North 37° 14' 08" East, a distance of 166.33 feet from the intersection of the northwesterly right-of-way line of said Country Club Drive and the described centerline of Clear Creek;

THENCE North 14° 10' 00" West along the easterly line of a residue of a 240 foot drainage easement, as recorded in Volume 2582, Page 164 of the Deed Records of Harris County, Texas, a distance of 101.60 feet to a 5/8-inch iron rod set for corner;

THENCE North 54° 56' 00" West continuing along the easterly line of said residue, a distance of 241.07 feet to a 5/8-inch iron rod set for corner;

THENCE North 09° 49' 00" West continuing along the easterly line of said residue, a distance of 243.61 feet to a 5/8-inch iron rod set for corner in the northwesterly line of said 568.92 acre tract, same being the southerly line of an 80 foot wide Houston Lighting & Power Company easement recorded in Harris County Clerk's File No. D739468;

THENCE North 45° 00' 30" East along the northwesterly line of said 468.92 acre tract and the southerly line of said 80 foot wide Houston Lighting & Power Company easement, a distance of 543.53 feet to a 5/8-inch iron rod set in the westerly line of a Harris County Flood Control easement;

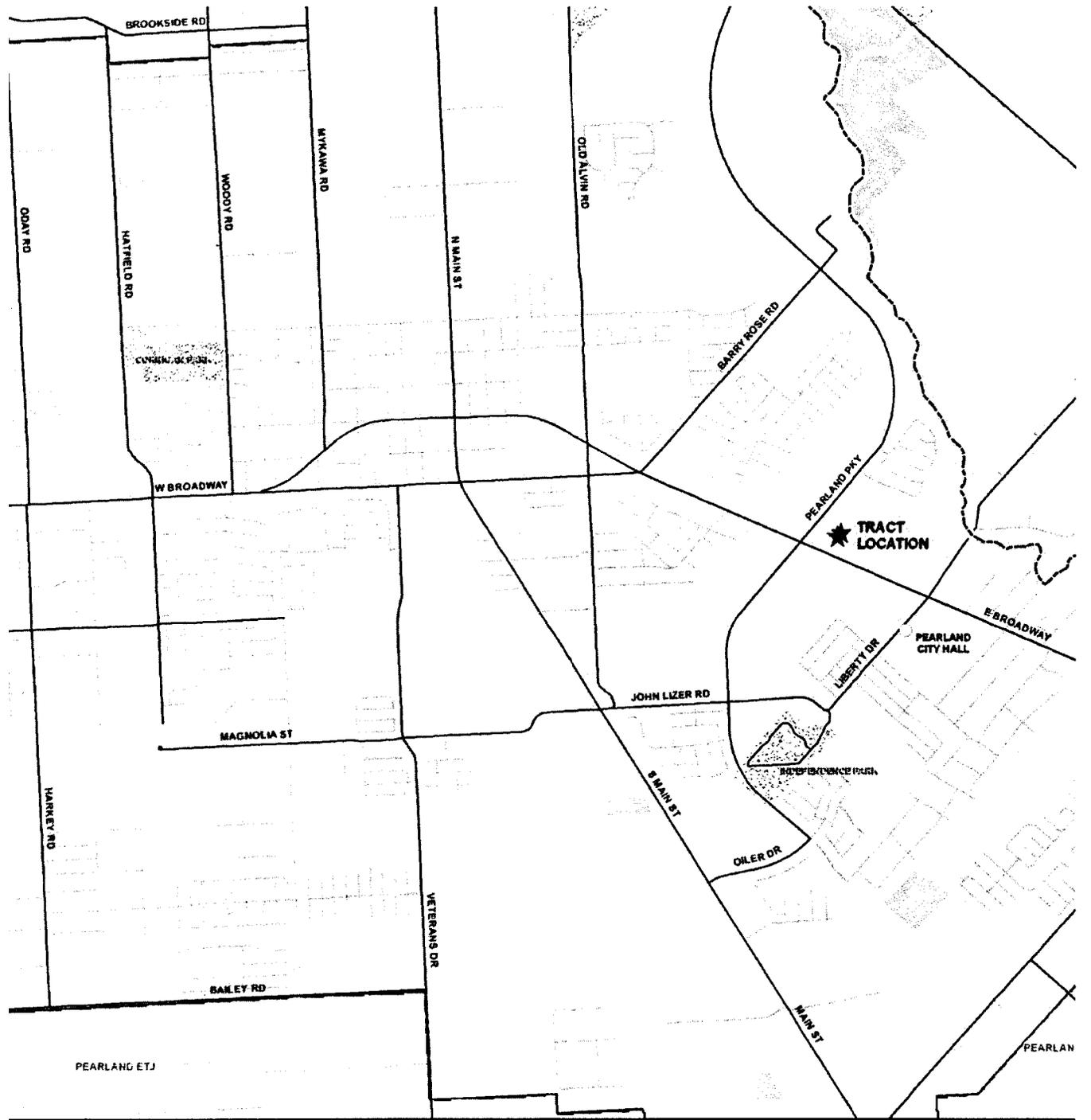
THENCE South 02° 00' 00" East along the westerly line of said Harris County Flood Control easement, a distance of 27.78 feet to a 5/8-inch iron rod set for the beginning of a curve to the left;

THENCE with said curve to the left, having a radius of 595.00 feet, a central angle of 42° 59' 31", an arc length of 446.46 feet, a chord bearing of South 23° 29' 43" East and a chord distance of 436.06 feet to a 5/8-inch iron rod set for a point of tangency;

THENCE South 44° 59' 30" East, a distance of 27.41 feet to a 5/8-inch iron rod set for corner on the northerly right-of-way line of County Club Drive (based on a 80.00 foot wide right-of-way);

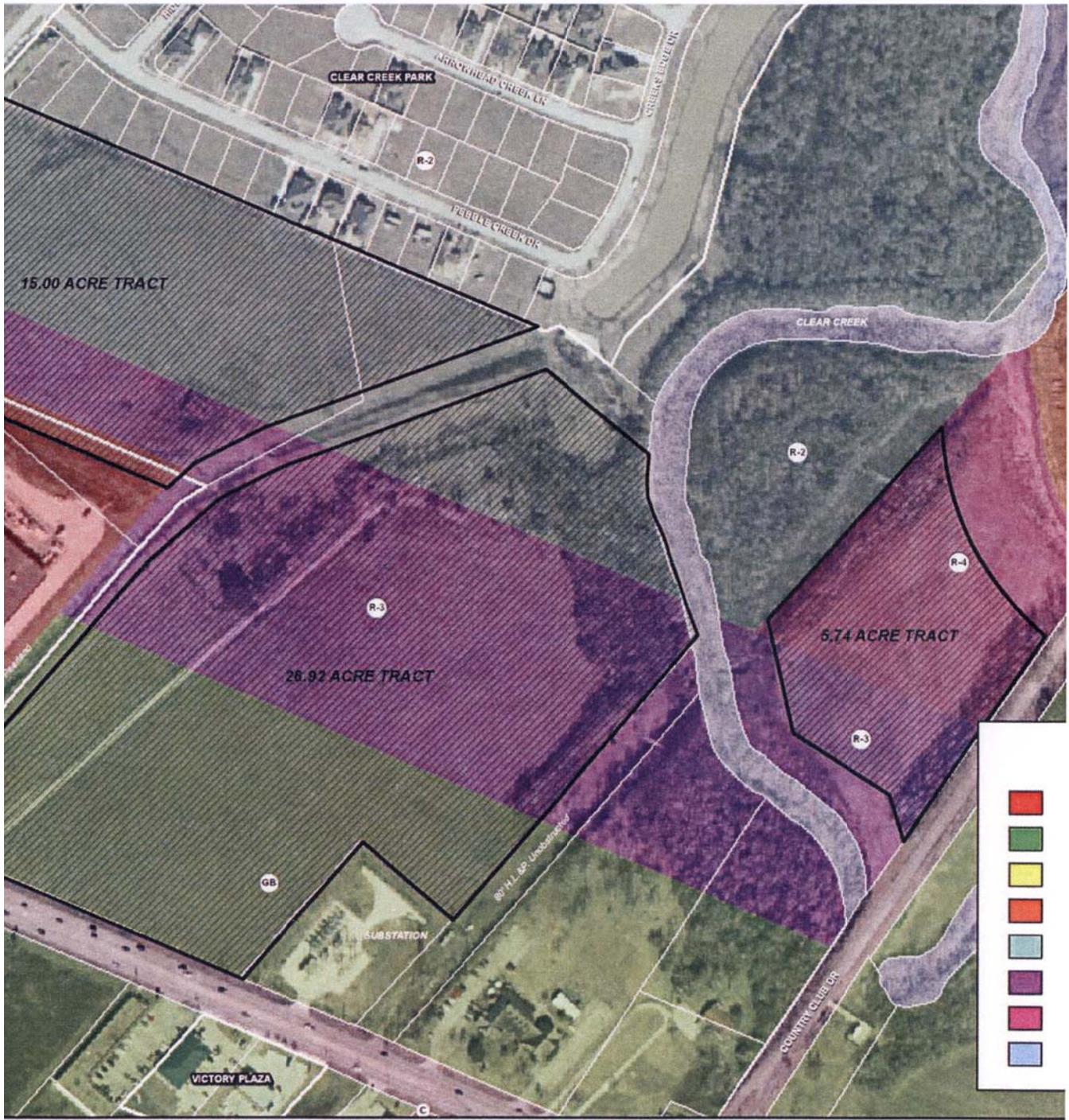
THENCE South 37° 14' 08" West along the northwest right-of-way line of said Country Club Drive, a distance of 520.36 feet to a 5/8-inch iron rod set for the PLACE OF BEGINNING of the herein described tract and containing within these calls 249.925 square feet or 5.7375

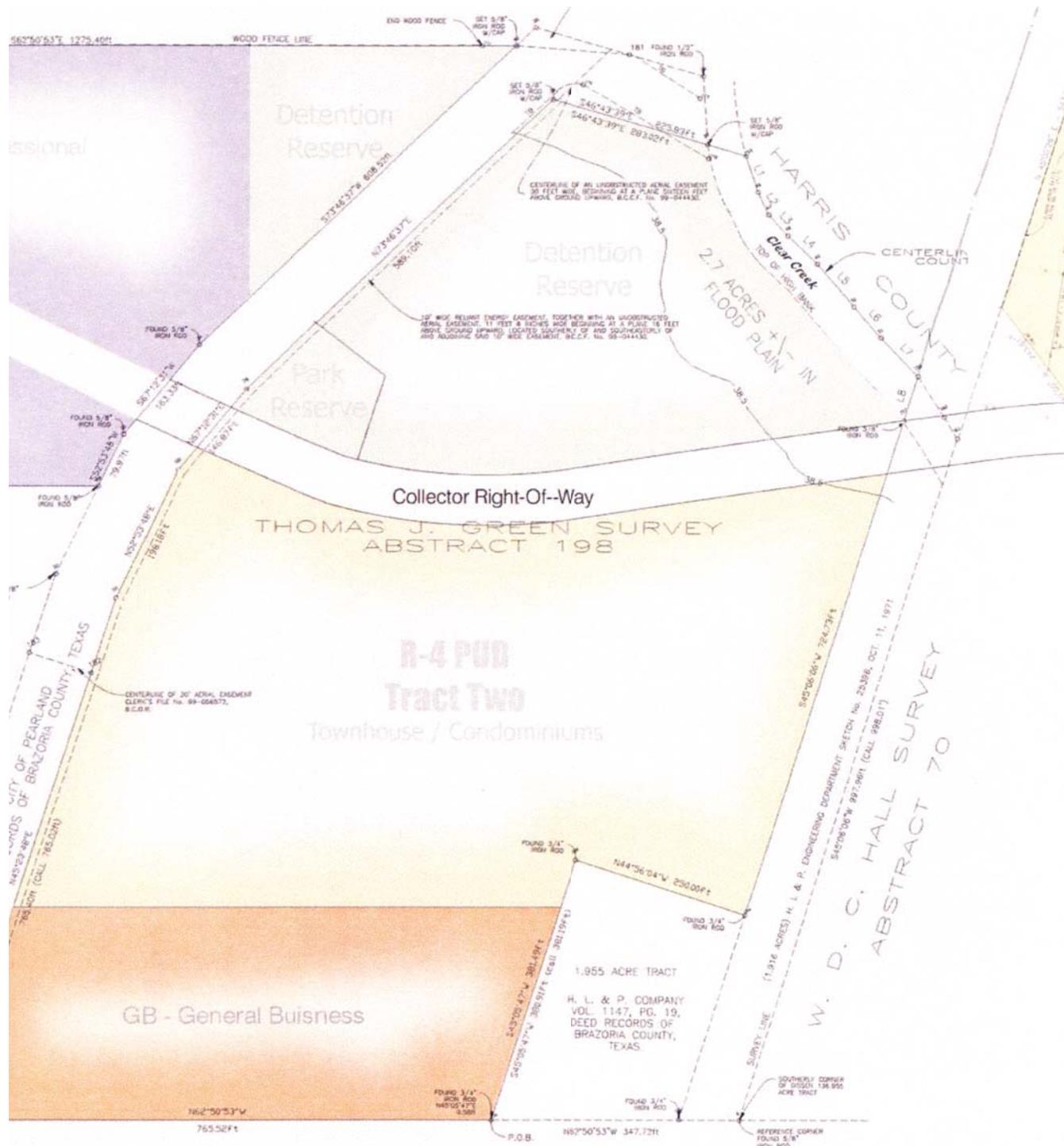
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Directory: L:\ggurrola\Warren's Province\New Folder  
Template: C:\Documents and Settings\ggurrola\Application  
Data\Microsoft\Templates\Normal.dot  
Title: Province Village  
Subject:  
Author: LJA Engineering  
Keywords:  
Comments:  
Creation Date: 11/10/2009 5:45:00 PM  
Change Number: 6  
Last Saved On: 11/24/2009 2:24:00 PM  
Last Saved By: wescovy  
Total Editing Time: 53 Minutes  
Last Printed On: 11/30/2009 11:22:00 AM  
As of Last Complete Printing  
Number of Pages: 17  
Number of Words: 6,511 (approx.)  
Number of Characters: 34,578 (approx.)







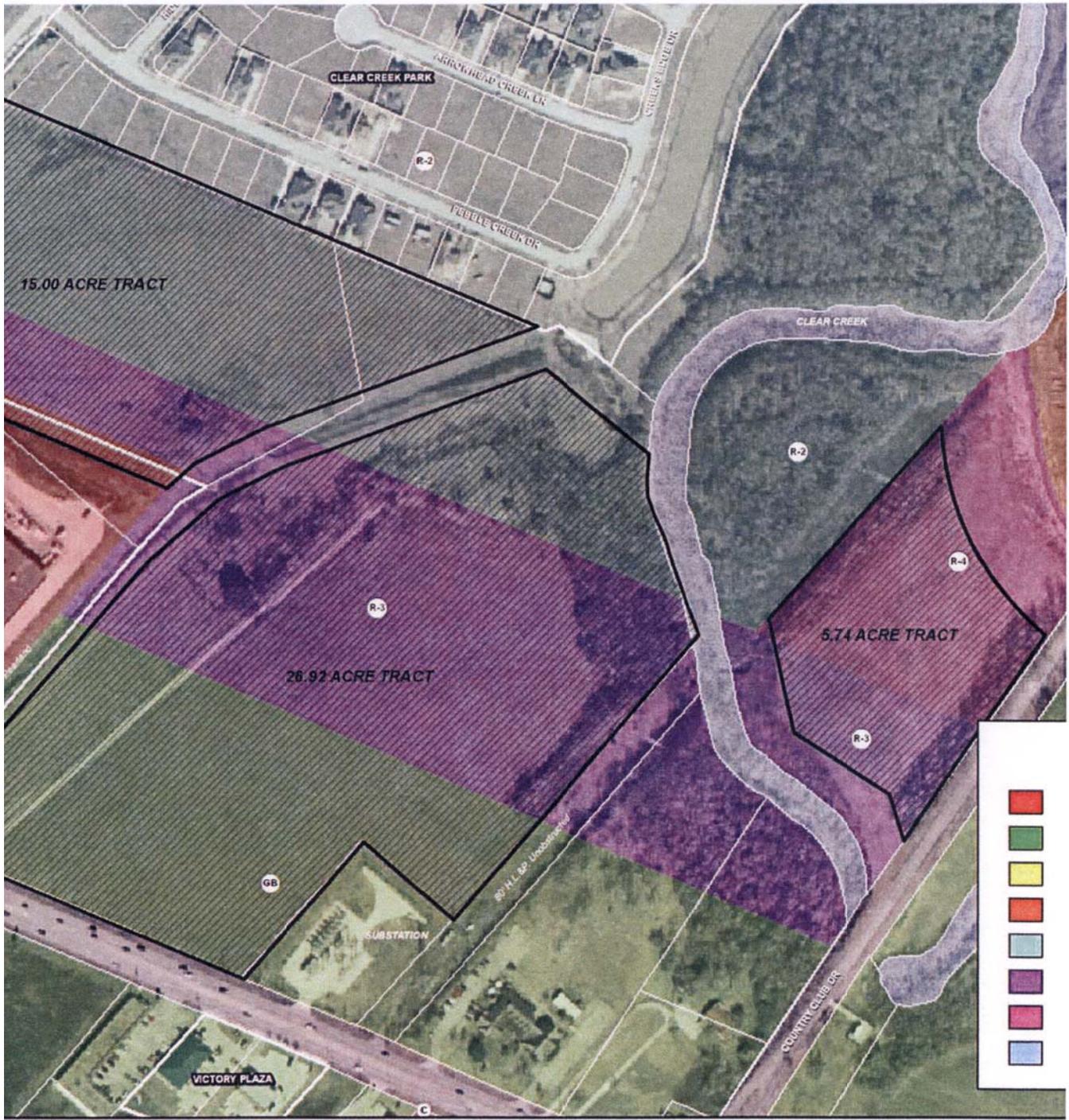




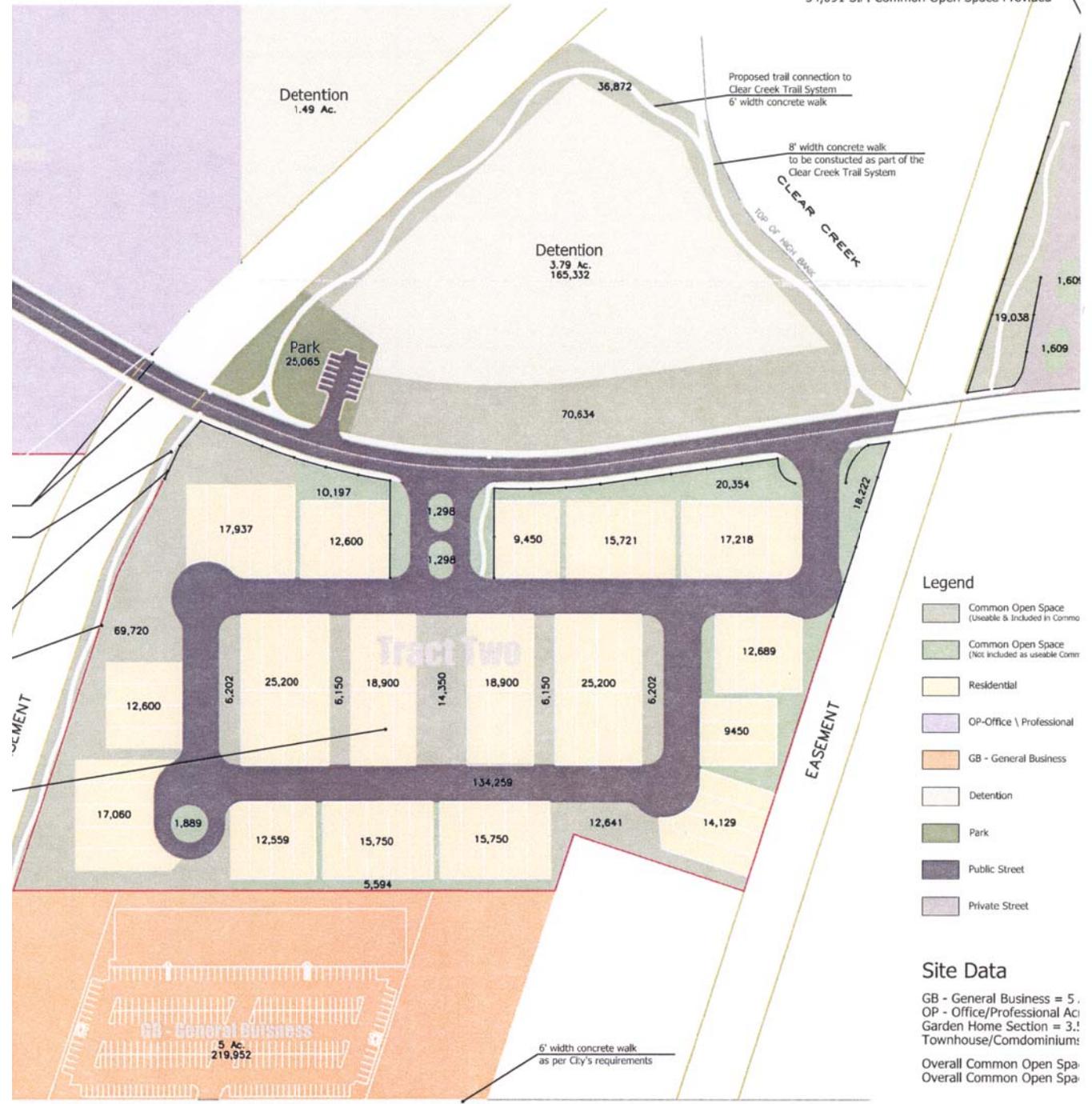








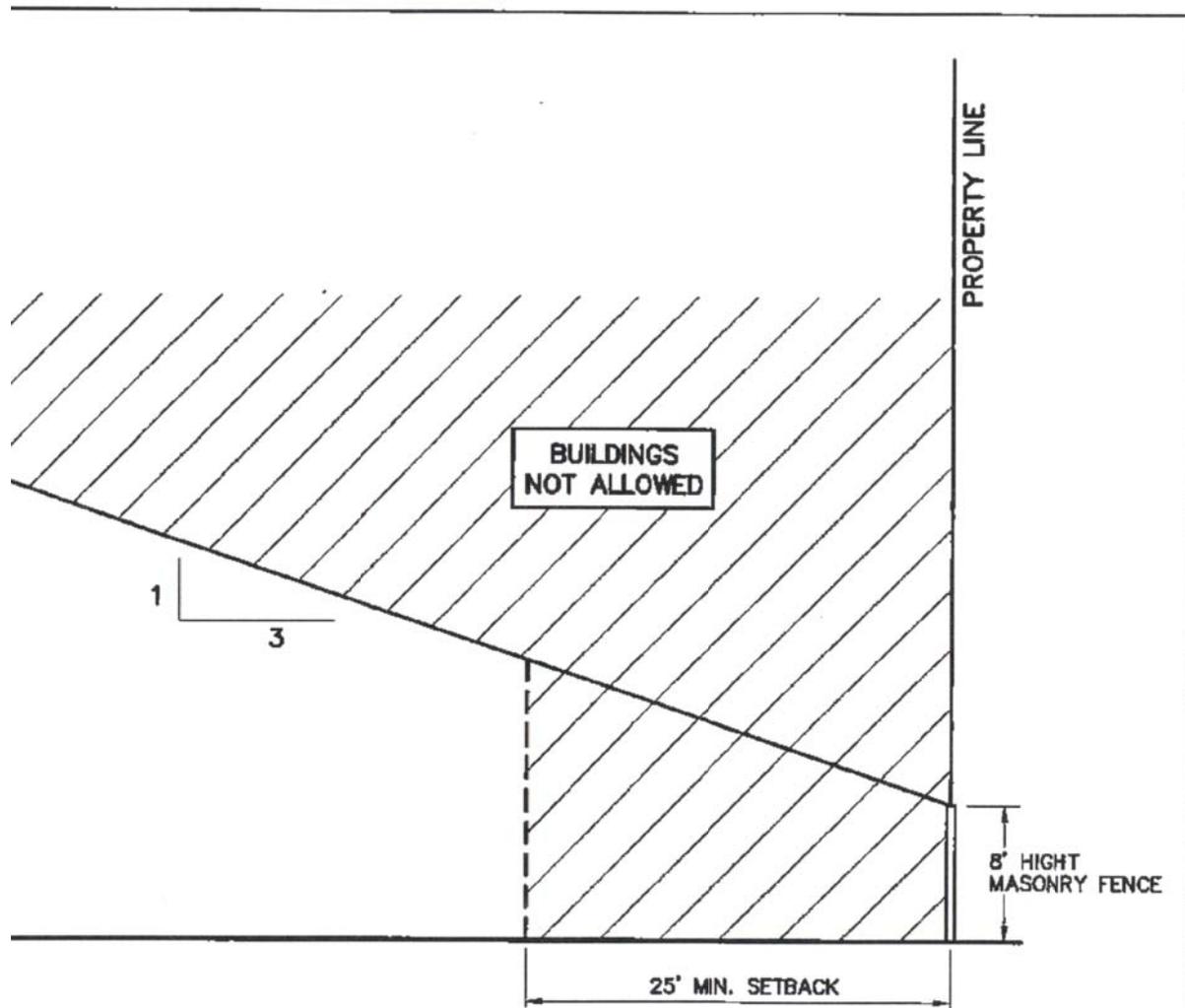
24,300 S.F. Common Open Space Required  
 34,091 S.F. Common Open Space Provided



(Broadway)







**EXHIBIT 8  
REAR SETBACK REQUIREMENT**

SCALE 1"=10'



# APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: PUD - Province Village

Proposed Zoning District: PUD - Amendment #2

**Property Information:**

Address or General Location of Property: Province Village Dr.

Tax Account No. Harris County: 0402230000196 Brazoria County Property ID 59940  
Thomas J Green Survey Abstract 198 & 290

Subdivision: W.D.C. Hall Survey Abstract 70 & 23 Lot: \_\_\_\_\_ Block: \_\_\_\_\_

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

**PROPERTY OWNER INFORMATION:**

NAME Texproj 2008 LLC  
ADDRESS PO Box 800  
CITY Francisville STATE LA ZIP 70775  
PHONE (225) 571 7133  
FAX ( ) \_\_\_\_\_  
E-MAIL ADDRESS danbrown1957@yahoo.com

**APPLICANT/AGENT INFORMATION:**

NAME Alan Mueller  
ADDRESS 4201 Broadway  
CITY Pearland STATE TX ZIP 77581  
PHONE (832) 512 1200  
FAX (281) 412 9060  
E-MAIL ADDRESS alan@gromatexas.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: Donald Brown Date: 4-24-14

Agent's/Applicant's Signature: Alan Mueller Date: 4/24/14

**OFFICE USE ONLY:**

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
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Application No. \_\_\_\_\_

## APPLICATION CHECKLIST FOR THE FOLLOWING

- Zone Changes
- Planned Development Districts (PD)

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**
- Metes and Bounds Description, (Survey, or a Plat of the property that provides or contains the metes and bounds description). *Exhibit 5 in the Amendment*
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

\*Letter of Intent is not required for a PD.

- Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
  - **Zero (0) to less than 25 acres:**
    - \$ 750.00 plus \$25.00 per each type of zoning district requested; or
    - \$ 800.00 if requesting a Planned Development (PD)
  - **25 to less than 50 acres:**
    - \$ 800.00, plus \$25.00 per each type of zoning district requested; or
    - ○ \$ 850.00 if requesting a Planned Development (PD)
  - **50 to less than 75 acres:**
    - \$ 850.00, plus \$25.00 per each type of zoning district requested; or
    - \$ 900.00 if requesting a Planned Development (PD)
  - **75 to less than 100 acres:**
    - \$ 900.00, plus \$25.00 per each type of zoning district requested; or
    - \$ 950.00 if requesting a Planned Development (PD)
  - **100 acres and above:**
    - \$ 950.00, plus \$25.00 per each type of zoning district requested; or
    - \$ 1000.00 if requesting a Planned Development (PD)

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

*Emailed to Lata 4/3/14*

- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing. *Will post one sign on each tract - 3 Total*
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property. *Ordered 4/24/14*
- Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

### **Additional Information:**

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

ZONE CHANGE/ VARIANCE/ [REDACTED] RECORDATION

\$850

(Circle one)  
BA

or [REDACTED] or FE

Description: Input who the check is from

COMMENTS/DESCRIPTION (F10):

Location or Address Prairie Village PD

Applicant Alan Moeller

Owner \_\_\_\_\_

CITY OF PEARLAND  
R E P R I N T

\*\*\* CUSTOMER RECEIPT \*\*\*

Oper: JCOTTER Type: OC Drawer: 1  
Date: 4/24/14 01 Receipt no: 210408

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$850.00
Trans number:		4446315

PRAIRIE VILLAGE PD  
ALAN MOELLER  
VISA

Tender detail	
BR CREDIT CARD	\$850.00
Total tendered	\$850.00
Total payment	\$850.00

Trans date: 4/24/14 Time: 9:14:48

April 24, 2014

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

RE: Letter of Intent  
Province Village PUD – Amendment #2

Ms. Krishnarao:

The purpose of this amendment is to update the zoning of Tracts A, B, and C as described in the attached Province Village Amendment # 2 document. This Amendment will remove the townhome and patio home restrictions to allow for traditional single family development. Additionally, this amendment places several development conditions on the residential developer to implement a variety of recreational and esthetic improvements that will enhance the appearance of Province Village Drive and provide recreational features for residents of Province Village and the general public. This amendment will reduce the allowed number of residential units from 112 in the current PUD to no more than 95 homes in the updated plan.

The Province Village PUD was originally adopted in 2004 and revised by Amendment # 1 in 2009. Tract A is designated as R-4 with a further limitation for patio homes only. Tract B is designated as R-4 with a further limitation for townhomes only. Tract C was originally designated for townhome uses, but was revised to Office & Professional in 2009. Despite several development efforts, demand for townhomes and patio homes in this location has not occurred in the 10 years since the PUD was adopted and much of the PUD remains vacant and under-utilized. The proposed park and trail system have not been developed as of this date.

The benefits of this Amendment include:

- A reduction in residential density from the currently approved plan.
- Repurposing of the land to a use more likely to be developable instead of the currently allowed uses which have not developed in the 10 years since the PUD was approved.
- Housing types that are compatible with surrounding development.
- Implementation of regional wastewater improvements which were included in the Province Village oversizing agreement, which was defaulted upon by the original developer.
- Province Village streetscape improvements including masonry fencing, trees/landscaping, and monumentation.
- Park and trail improvements available to the general public.
- Implementation of a portion of the City's Clear Creek Trail master plan.
- Construction of a parking area that will serve as a trailhead for the Clear Creek trail.
- Development of a .57 acre park to be maintained by the HOA.
- Amenitization of the existing detention pond adjacent to the park site.

This PUD amendment is required to facilitate development of the property. It has been 10 years since approval of the original PUD, which is more than adequate time to illustrate that this location is not marketable as a townhome/patio home product. Approval of this amendment will encourage timely development of the property, allow for the completion of overdue public improvements, and allow the City to benefit from the additional esthetic and recreational improvements contained in this amendment that are above and beyond the current requirements of the PUD.

Please contact me if you have any questions.

Sincerely,



Alan R. Mueller

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 Texproj2008, LLC, for the sole purpose of representing Texproj2008, LLC, in its zoning and/or planned development applications for amendment of the Province Village PUD. 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 Texproj2008, LLC, to any liability or payment obligation.

Please contact me if you have any questions.

Sincerely,



Texproj2008, LLC

By: Dan Brown

Its: Manager

PO Box 800

St. Francisville LA 70775

4/23/14

Date

**Province Village  
Planned Unit Development  
Amendment #2**

**Submitted April 3, 2014**

**Province Village  
Planned Unit Development  
Amendment #2**

**I Introduction**

This Amendment #2 applies only to the Tracts A, B, and C as shown on Exhibit 1 and described by metes and bounds in Exhibit 4. The provisions of Amendment #1 continue to apply to all other property within this PUD.

**A. Description of the Property**

The PUD is bounded on the east by Country Club Drive, on the west by Pearland Parkway, on the north by Clear Creek Park subdivision and Clear Creek, and on the south by FM 518. Province Village Drive, a minor collector, crosses the property from Country Club Drive to Pearland Parkway. Existing development consists of a bank, a restaurant, a retail strip center, and detention ponds. Tracts A, B, and C, the subject of this Amendment #2, are vacant.

The Province Village PUD was originally adopted in 2004 and revised by Amendment # 1 in 2009. Tract A is designated as R-4 with a further limitation for patio homes only. Tract B is designated as R-4 with a further limitation for townhomes only. Tract C was originally designated for townhome uses, but was revised to Office & Professional in 2009. Despite several development efforts, demand for townhomes and patio homes in this location has not occurred in the 10 years since the PUD was adopted and much of the PUD remains vacant and under-utilized. The proposed park and trail system have not been developed as of this date.

**B. Description of Proposed Development**

The proposed use of Tracts A, B, and C is single family residential. In addition, recreational and esthetic improvements will be made along Province Village Drive and within the park and detention reserves as part of the residential development.

**C. Description of the Land**

Tracts A, B, and C are shown on Exhibit 1 and described in Exhibit 5. Tract A is approximately 5.1 acres; Tract B 13.4 acres; and Tract C 5.6 acres.

**D. Purpose**

The purpose of this amendment is to update the zoning of Tracts A, B, and C. This Amendment 2 will remove the townhome and patio home restrictions to allow for traditional single family development. Additionally, this amendment places several development conditions on the residential developer to implement a variety of recreational and esthetic improvements that will enhance the appearance of Province Village Drive and provide recreational features for residents of Province Village and the public in general. This amendment will reduce the allowed

number of residential units from 112 in the current PUD to no more than 95 homes in the updated plan.

The benefits of this Amendment include:

- A reduction in residential density from the currently approved plan.
- Repurposing of the land to a use more likely to be developable instead of the current allowed uses which have not developed in the 10 years since it was approved.
- Housing types that are compatible with surrounding development.
- Province Village streetscape improvements including masonry fencing, trees/landscaping, and monumentation.
- Park and trail improvements available to the general public.
- Implementation of a portion of the City's Clear Creek Trail master plan.
- Construction of a parking area that will serve as a trailhead for the Clear Creek trail.
- Development of a .57 acre park to be maintained by the HOA.
- Amenitization of the existing detention pond adjacent to the park site.

## **II Zoning and Land Use**

### **A. Existing Zoning**

Properties within the PUD have an underlying zoning of Office & Professional, General Business, and R-4 Single Family Residential as shown in Exhibit 1. Tract A is designated R-4 with a further limitation for patio homes only. Tract B is designated R-4 with a further limitation for townhomes only. Tract C is designated as Office & Professional.

### **B. Proposed Base Zoning Districts**

Proposed zoning is shown on Exhibit 2. Tracts A and B will remain as R-4, but with the townhome and patio home restriction removed. Tract C is proposed to be repurposed as R-4. A condition of a minimum lot width of 55' feet is proposed, greater than the typical 50' for standard R-4 and the 30' width that is allowed in the current PUD.

### **C. Standards and Land Use Summary**

Tracts A, B, and C will conform to the UDC requirements of R-4 zoning for traditional single family dwellings, except the minimum lot width is 55' with a minimum lot area of 6,600 square feet. There will be no more than 95 single family residential lots.

#### **1. Land Use Summary**

The land use summary for the entire PUD assuming the proposed amendments to Tracts A, B, and C is shown in Table 1 below:

**Table 1**  
**Land Use Summary Table**

Use	Acres	% of Total	Zoning District
Single Family (Tracts A, B, &C) - Includes +- 2.0 acres of internal open space areas to be maintained by the HOA	24.1	51%	R-4
General Business	5.0	10%	GB
Office & Professional	6.69	14%	OP
Detention	8.59	18%	PUD
Parkland to be maintained by the HOA	0.57	1%	PUD
Collector Street	2.7	6%	PUD
<b>Total</b>	<b>47.65</b>	<b>100%</b>	

Overall Gross Residential Density: 2.86 homes/gross residential acre  
 Net Residential Density: 3.94 homes/net residential acre

**2. Residential Lot Summary**

**Table 2**

Zone	Lot Area	Number
R-4	6,600 SF	95 maximum

**3. Residential Density**

**Table 3**

Zone	Net Residential	Gross Residential	Overall PUD
R-4	3.94	2.86	2.01

**D. Permitted, Conditional and Accessory Uses**

For Tracts A, B, and C, only those permitted, conditional, and accessory uses as may be allowed in the UDC R-4 zoning classification are allowed.

**III Design Standards**

**A. Design Enhancements**

The following design enhancements, amenities, and recreational facilities, shown below in Table 4, will be implemented with the development of Tracts A, B, and C. Refer to the Design Plan in Exhibit 3 and the Park and Detention Amenities Plan in Exhibit 4 for additional clarification.

**Table 4**  
**Design Enhancements, Amenities, and Recreational Facilities**

Item	General Location
Six-foot height brick masonry fence	Adjacent to Province Village Drive and Country Club Drive
Six-foot height "fence-crete" masonry fence	Between Tract B and GB use and Centerpoint substation tract; Between Tract C and OP use
Six-foot height upgraded wood fence (rot board and cap rail with brick columns at +- 100-foot spacing)	West side of Tract B
Ten-foot landscape reserve along Province Village Drive	Adjacent to Tracts A, B, & C
Street trees along Province Village Dr.	Adjacent to Tracts A, B, C, detention, and park
Primary entry monument	West side of tract C
Secondary entry monument	At Country Club Dr.
Landscape/Open Space Reserves	Tracts A, B, and C
.57-acre park with irrigation (1)	Park
Trees/Landscaping with irrigation (1)	Park and Detention
One age appropriate playground (1)	Park
Two picnic tables (1)	Park
Two barbeque grills	Park
One Shade structure (1)	Park
Eight Benches & other site furniture (1)	Detention
Four workout stations (1)	Detention
Ten-foot trail (2)	Detention-adjacent to Clear Creek
Six-foot trail (1)	Detention-connecting park to 10' trail
Four-foot trail	West side of Tract B
Parking lot/Trailhead (1)	Park

(1) Eligible for park fee credits and will be conveyed to the HOA for ownership and maintenance.

(2) Eligible for park fee credits and will be conveyed to City for ownership and maintenance.

All items will be completed prior to the issuance of the first single family home certificate of occupancy (excluding models), unless financial surety in a form acceptable to the City is posted.

**B. Design Plan Elements**

Refer to the Design Plan in Exhibit 3 and the Park and Detention Amenities Plan in Exhibit 4 for a graphical representation of the items in the list above. Locations and quantities shown on the Design Plan and the Park and Detention Amenities Plan are approximate. The residential street configuration and lot layout are subject to change at the discretion of the owner, provided that the total number of lots does not exceed the maximum specified in this Amendment.

**C. Deviations**

No deviations from the R-4 zoning district requirements are proposed.

**D. Unified Development Code Compliance**

Tracts A, B, and C will conform to the requirements of the Unified Development Code unless specifically called out in this Amendment.

**IV Required Dedications**

Residential streets will be dedicated to the City via plat. There are no other required dedications of land. Improvements within the 0.57-acre park will be conveyed to the HOA for ownership and maintenance. The ten-foot Clear Creek trail section will be conveyed to the City for ownership and maintenance.

**V Phasing**

Tracts A, B, and C are anticipated to be developed in a single phase. All design enhancements described in Section III will be completed prior to the issuance of the first single family home certificate of occupancy (excluding models), unless financial surety in a form acceptable to the City is posted.

**VI Exhibits**

1. Existing PUD Zoning Designations
2. Proposed PUD Zoning Designations (only modifications are to Tracts A, B, & C)
3. Design Plan for Tracts A, B, and C
4. Park and Detention Amenity Plan Detail
5. Tracts A, B, and C Metes and Bounds Descriptions
6. Representative home elevations (These are provided to convey a sense of the style and level of finish that is anticipated, but actual elevations may differ from these samples.)

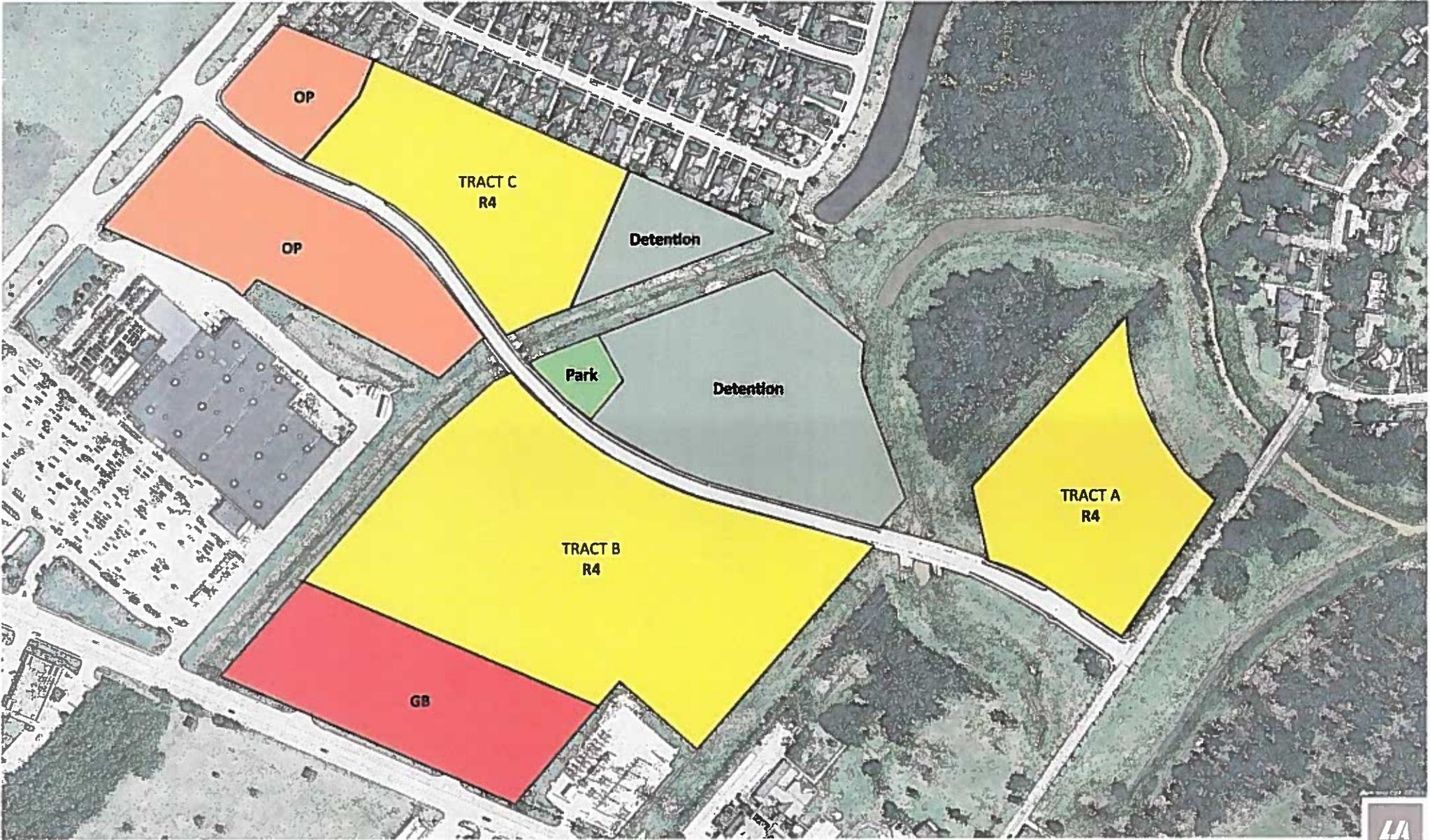
# **Exhibit 1**

## **Existing Zoning**



# **Exhibit 2**

## **Proposed Zoning**

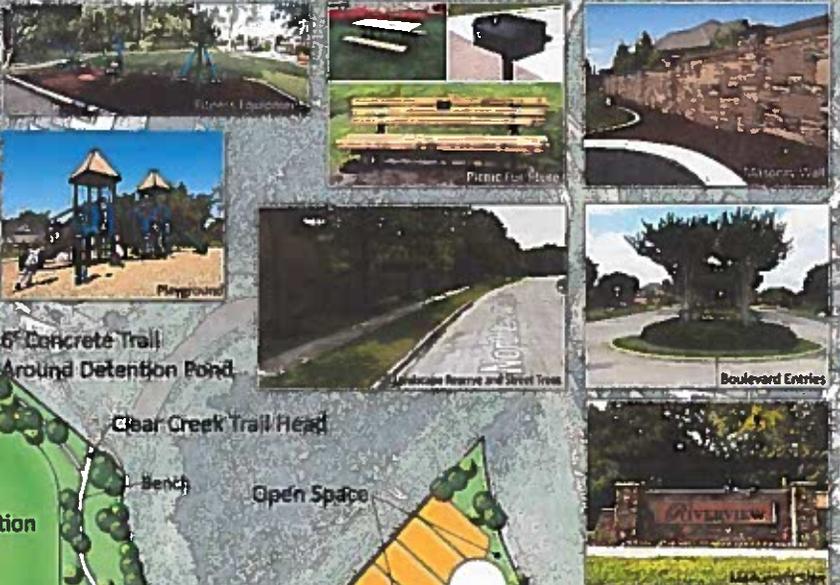


Proposed Zoning  
**Province Village**  
 Exhibit 2



# **Exhibit 3**

## **Design Plan Tracts A, B, & C**



Design Plan  
 Province Village- Tracts A, B, & C  
 Exhibit 3



# **Exhibit 4**

## **Park & Detention Amenity Plan**



Park and Detention Amenities Plan  
Province Village- Tracts A,B, & C  
Exhibit 4

# **Exhibit 5**

## **Metes and Bounds Descriptions**

### **Tracts A, B, & C**

**Gehan Homes, LTD.  
5.176 Acres**

**W.D.C. Hall Survey  
Abstract No. 23**

**TRACT "A"**

STATE OF TEXAS       §

COUNTY OF HARRIS   §

**METES AND BOUNDS DESCRIPTION** of a 5.176-acre tract in the W.D.C. Hall Survey, Abstract No. 23, Harris County, Texas. Said 5.176-acre is in a 5.732-acre tract described in a deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 20070659409 in the Harris County Clerk's Office and is more particularly described by metes and bounds as follows:

**BEGINNING** at the point of intersection of the northwesterly right-of-way line of Country Club Drive, (based on a width of 80-feet), with the northeasterly cut-back corner of Province Village Drive, (based on a width of 60-feet at this location), as shown on the Final Plat of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2007070406 in the Brazoria County Clerk's Office, said point is in the east line of said 5.732-acre tract and is the point of curvature of a curve to the right;

**THENCE**, along said cutback corner and with said curve to the right, having a radius of 35.00 feet, a central angle of 89°56'11", (chord bears South 79°23'59" West, 49.47 feet), for an arc length of 54.94 feet to the point of tangency;

**THENCE**, North 55°37'59" West, along the north line of said Province Village Drive (60-foot wide at this point) for a distance of 71.39 feet to the point of curvature of a curve to the right for the cut-back corner of the southeasterly right-of-way line of Country Club Crossing (not open, based on a width of 80-feet);

**THENCE**, along the southeasterly line of said Country Club Crossing, and with said curve to the right, having a radius of 25.00 feet, a central angle of 89°12'27", (chord bears North 11°01'47" West, 35.11 feet), for an arc length of 38.92 feet to a point for corner;

**THENCE**, North 55°34'03" West, crossing said Country Club Crossing for a distance of 80.00 feet to the northwesterly line of said Country Club Crossing;

**THENCE**, South 34°25' 57" West, along the northwesterly line of said Country Club Crossing for a distance of 1.20 feet to the point of curvature of a curve to the right for a cut-back corner;

**THENCE**, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of 86°58'32", (chord bears South 77°54'49" West, 34.41 feet), for an arc length of 37.95 feet to the point of reverse curvature of a curve to the left on the aforementioned north line of Province Village Drive;

THENCE, along the north line of said Province Village Drive, and with said curve to the left, having a radius of 500.00 feet, a central angle of 13°44'09", (chord bears North 65°28'23" West, 119.58 feet), for an arc length of 119.87 feet to the point of reverse curvature of a curve to the right;

THENCE, continuing along the north line of said Province Village Drive, and with said curve to the right, having a radius of 500.00 feet, a central angle of 01°43'42", (chord bears North 71°28'36" West, 15.08 feet), for an arc length of 15.08 feet to a point for corner, said point is the south corner of Reserve "C" of the aforementioned Final Plat of Province Village Drive, Office Park and Reserves;

THENCE, North 12°31'34" West, along the northeasterly line of said Reserve "C" for a distance of 184.09 feet to a point in the southeasterly line of an 8.805-acre tract described in a deed to Houston Lighting & Power Company as recorded in Clerk's File No. D739468 in the Harris County Clerk's Office;

THENCE, North 42°12'15" East, along the southeasterly line of said 8.805-acre tract, for a distance of 543.84 feet to the most northerly corner of the aforementioned 5.732-acre tract;

THENCE, South 04°51'02" East, along the northeasterly line of said 5.732-acre tract for a distance of 32.98 feet to the point of curvature of a curve to the left;

THENCE, continuing along the northeasterly line of said 5.732-acre tract and with said curve to the left having a radius of 595.00 feet, a central angle of 42°58'54", (chord bears South 26°19'01" East, 435.96 feet), for an arc length of 446.35 feet to the point of tangency;

THENCE, South 47°32'59" East, continuing along the northeasterly line of said 5.732-acre tract for a distance of 27.39 feet to a point for corner in the aforementioned northwesterly line of Country Club Drive;

THENCE, South 34°26'05" West, along the northwesterly line of said Country Club Drive for a distance of 360.79 feet to the POINT OF BEGINNING, containing a computed area of 5.176-acres (225,475 square feet).

**NOTES:**

1. The bearings shown hereon are based on the recorded Final Plat of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2007070406 in the Brazoria County Clerk's Office.
2. This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the zone application for which it was prepared.

The Wilson Survey Group, Inc.  
2006 East Broadway, Suite 103  
Pearland, Texas 77588  
(281) 485-3991  
Job No. 14-127

**Gehan Homes, LTD  
13.361 Acres**

**Thomas J. Green Survey  
Abstract No. 198**

**TRACT "B"**

STATE OF TEXAS §

COUNTY OF BRAZORIA §

**METES AND BOUNDS DESCRIPTION** of a 13.361-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 13.361-acre is in a 21.898-acre tract described in a deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office and is more particularly described by metes and bounds as follows:

**COMMENCING** at the southwest corner of Restricted Lot "A" of the of Province Village General Business Amending Plat No.1 as recorded in Clerk's File No. 2006031446 in the Brazoria County Clerk's Office, said point is at the point of intersection of the northeast right-of-way line of Broadway Street, (aka: FM 518, based on a width of 120-feet) with the east line of a 90-foot wide City of Pearland Drainage Easement as recorded in Volume (87) 496, Page 765 in the Brazoria County Deed Records;

**THENCE**, North 41°28'18" East, along the westerly line of said Restricted Reserve "A", same being the east line of said drainage easement, for a distance of 300.00 feet to the **POINT OF BEGINNING** and southwest corner of the aforementioned 21.898-acre tract, same being the southwest corner of the herein described tract;

**THENCE**, North 41°28'18" East, continuing along the east line of said drainage easement, same being the west line of said 21.898-acre tract, for a distance of 465.23 feet to an angle point;

**THENCE**, North 48°57'15" East, continuing along the east line of said drainage easement, same being the west line of said 21.898-acre tract, for a distance of 198.27 feet to an angle point;

**THENC**, North 63°18'12" East, continuing along the east line of said drainage easement, same being the west line of said 21.898-acre tract, for a distance of 42.13 feet to a point in the south right-of-way line of Province Village Drive, (based on a width of 50-feet), as shown on the Amending Plat No. 1 of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2008019410 in the Brazoria County Clerk's Office, said point is the most northerly corner of the herein described tract and is in a curve to the left,

**THENCE**, along the south line of said Province Village Drive, and with said curve to the left, having a radius of 825.00 feet, a central angle of 02°58'48", (chord bears South 43°42'25" East, 42.90 feet), for an arc length of 42.91 feet to the point of tangency,

**THENCE**, South 45°11'48" East, continuing along the south line of said Province Village Drive, for a distance of 65.89 feet to the point of curvature of a curve to the left;

THENCE, continuing along the south line of said Province Village Drive, and with said curve to the left, having a radius of 825.00 feet, a central angle of  $13^{\circ}27'52''$ , (chord bears South  $51^{\circ}55'45''$  East, 193.43 feet), for an arc length of 193.88 feet to the point of reverse curvature of a curve to the right, said point is the cut-back corner of Parkside Village Boulevard, (not open, based on a width of 80.00-feet);

THENCE, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of  $81^{\circ}50'21''$ , (chord bears South  $17^{\circ}44'57''$  East, 32.75 feet), for an arc length of 35.71 feet to the point of tangency;

THENCE, South  $23^{\circ}09'47''$  West, along the northwesterly line of said Parkside Village Boulevard, for a distance of 8.53 feet to a point for corner;

THENCE, South  $66^{\circ}50'13''$  East, crossing said Parkside Village Boulevard, for a distance of 80.01 feet to a point in the southeasterly line of said Parkside Village Boulevard, said point is the point of curvature of a cut-back corner to the right;

THENCE, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of  $90^{\circ}00'54''$ , (chord bears North  $69^{\circ}46'54''$  East, 35.36 feet), for an arc length of 39.28 feet to the point of tangency in the aforementioned south right-of-way line of Province Village Drive;

THENCE, South  $65^{\circ}13'06''$  East, along the south line of said Province Village Drive, for a distance of 24.45 feet to the point of curvature of a curve to the left;

THENCE, continuing along the south line of said Province Village Drive, and with said curve to the left, having a radius of 825.00 feet, a central angle of  $09^{\circ}50'06''$ , (chord bears South  $70^{\circ}08'09''$  East, 141.44 feet), for an arc length of 141.61 feet to the point of tangency;

THENCE, South  $75^{\circ}03'12''$  East, continuing along the south line of said Province Village Drive for a distance of 239.53 feet to the point of curvature of a cut-back corner of Park Village Lane (not open, based on a width of 50-feet), said cut-back is a curve to the right;

THENCE, along the cut-back corner of said Park Village Lane, and with said curve to the right, having a radius of 25.00 feet, a central angle of  $98^{\circ}13'32''$ , (chord bears South  $25^{\circ}56'43''$  East, 37.80 feet), for an arc length of 42.86 feet to a point for corner;

THENCE, South  $60^{\circ}50'13''$  East, crossing said Park Village Lane for a distance of 50.00 feet to a point in the southeasterly line of said Park Village Lane;

THENCE, North  $23^{\circ}09'43''$  East, along the southeasterly line of said Park Village Lane, for a distance of 14.44 feet to the point of curvature of a cut-back corner, said cut-back corner is a curve to the right;

THENCE, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of  $81^{\circ}46'43''$ , (chord bears North  $64^{\circ}03'17''$  East, 32.73 feet), for an arc length of 35.68 feet to the point of tangency in the aforementioned south line of Province Village Drive;

THENCE, South 75°03'12" East, along the south line of said Province Village Drive for a distance of 50.66 feet to a point in the westerly line of a 1.916 acre tract of land, called "Tract 2", as described in a deed to Houston Lighting & Power Company as recorded in Volume 1147, Page 19 in the Brazoria County Deed Records, said point is in the east line of the aforementioned 21.898-acre tract:

THENCE, South 41°10'05" West, along the west line of said "Tract 2", same being the east line of said 21.898-acre tract, for a distance of 648.11 feet to the northeast corner of a 1.955-acre tract, called "Tract 2", as described in a deed to Houston Lighting & Power Company as recorded in Volume 1147, Page 19 in the Brazoria County Clerk's Office, said point is the most southerly corner of the herein described tract;

THENCE, North 48°49'50" West, along the north line of said "Tract 2", same being the south line of said 21.898-acre tract, for a distance of 249.99 feet to the north corner of said "Tract 2";

THENCE, South 41°10'10" West, along the west line of said "Tract 2", same being an interior line of said 21.898-acre tract, for a distance of 81.21 feet to the northeast corner of Restricted Lot "C" of the aforementioned Province Village General Business Amending Plat 1;

THENCE, North 66°45'54" West, along the north line of said Restricted Lot "C" for a distance of 164.99 feet to the north corner of said Restricted Lot "C", same being the east corner of Restricted Lot "B" of said Province Village General Business Amending Plat 1;

THENCE, North 66°49'46" West, along the north line of said Restricted Lot "B" for a distance of 434.03 feet to the north corner of said Restricted Lot "B", said point is the east corner of the aforementioned Restricted Lot "A";

THENCE, North 66°45'54" West, along the north line of said Restricted Lot "A", for a distance of 165.00 feet to the POINT OF BEGINNING, containing a computed area of 13.361-acres (582,012 square feet).

**NOTES:**

1. The bearings shown hereon are based on the recorded Final Plat of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2007070406 in the Brazoria County Clerk's Office.
2. This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the zone application for which it was prepared.

The Wilson Survey Group, Inc.  
2006 East Broadway, Suite 103  
Pearland, Texas 77588  
(281) 485-3991  
Job No. 14-127

**Gehan Homes, LTD.  
5.617 Acres**

**Thomas J. Green Survey  
Abstract No. 198**

**TRACT "C"**

STATE OF TEXAS       §

COUNTY OF BRAZORIA §

**METES AND BOUNDS DESCRIPTION** of a 5.617-acre tract in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas. Said 5.617-acre is in a 9.805-acre tract described in a deed to TEXPROJ2008, L.L.C. as recorded in Clerk's File No. 2007062105 in the Brazoria County Clerk's Office and is more particularly described by metes and bounds as follows:

**BEGINNING** at a point in the north right-of-way line of Province Village Drive, (based on a width of 50-feet), as shown on the Amending Plat No. 1 of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2008019410 in the Brazoria County Clerk's Office, said point is the southeast corner of Lot 1 of the Development Plat of Hometown Bank Pearland as recorded in Clerks' File No. 2012013017 in the Brazoria County Clerk's Office;

**THENCE**, North 41°57'29" East, along the east line of said Lot 1 for a distance of 197.70 feet, to an angle point;

**THENCE**, North 23°13'37" East, continuing along the east line of said Lot 1 for a distance of 96.94 feet to the northeast corner of said Lot 1, said point is in the south line of Lot 3, Block 5 of the Amending Plat of Clear Creek Park as recorded in Volume 21, Pages 35-36 in the Brazoria County Plat Records;

**THENCE**, South 66°46'23" East, along the south line of said Clear Creek Park, for a distance of 673.35 feet, to the east corner of the herein described tract;

**THENCE**, South 23°13'37" West, along the southeasterly line of the herein described tract for a distance of 350.44 feet to a point for corner in the westerly line of a 90-foot wide City of Pearland Drainage Easement as recorded in Volume (87) 496, Page 765 in the Brazoria County Deed Records;

**THENCE**, South 69°53'28" West, along the westerly line of said drainage easement for a distance of 97.58 feet to an angle point;

**THENCE**, South 63°16'08" West, continuing along the westerly line of said drainage easement, for a distance of 78.94 feet to a point in the north line of the aforementioned Province Village Drive, said point is in a curve to the right;

**THENCE**, along the north line of said Province Village Drive and with said curve to the right, having a radius of 775.00 feet, a central angle of 00°05'44", (chord bears North 36°23'14" West, 1.29 feet), for an arc length of 1.29 feet to the point of tangency;

THENCE, North 36°19'48" West, continuing along the north line of said Province Village Drive for a distance of 221.54 feet to the point of curvature of a curve to the left;

THENCE, continuing along the north line of said Province Village Drive, and with said curve to the left, having a radius of 575.00 feet, a central angle of 19°23'37", (chord bears North 46°01'36" West, 193.70 feet), for a arc length of 194.63 feet to the point of reverse curvature of a curve to the right, said point is the cut-back corner of the southeasterly right-of-way line of Parkside Village Gardens, (not open), (based on a width of 80-feet);

THENCE, along said cut-back corner and with said curve to the right, having a radius of 25.00 feet, a central angle of 78°46'50", (chord bears North 16°20'18" West, 31.73 feet), for an arc length of 34.38 feet to the point of tangency;

THENCE, North 23°02'52" East, along the southeasterly line of said Parkside Village Gardens, for a distance of 11.54 feet to a point for corner;

THENCE, North 66°57'11" West, crossing said Parkside Village Gardens, for a distance of 80.00 feet to the point of curvature of a curve to the right, said point is the cut-back corner of the northwesterly right-of-way of said Parkside Village Gardens;

THENCE, along the northwesterly cut-back corner of said Parkside Village Gardens, and with said curve to the right, having a radius of 25.00 feet, a central angle of 90°12'35", (chord bears South 68°09'10" West, 35.42 feet), for an arc length of 39.36 feet to the point of tangency in the north line of the aforementioned Province Village Drive;

THENCE, North 66°44'29" West, along the north line of said Province Village Drive, for a distance of 79.00 feet to the point of curvature of a curve to the right;

THENCE, continuing along the north line of said Province Village Drive, and with said curve to the right, having a radius of 500.00 feet, a central angle of 04°18'30", (chord bears North 64°34'45" West, 37.59 feet), for an arc length of 37.60 feet to the POINT OF BEGINNING, containing a computed area of 5.617-acres (244,661 square feet).

**NOTES:**

1. The bearings shown hereon are based on the recorded Amending Plat No. 1 of Province Village Drive, Office Park and Reserves as recorded in Clerk's File No. 2008019410 in the Brazoria County Clerk's Office.
2. This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the zone application for which it was prepared.

The Wilson Survey Group, Inc.  
2006 East Broadway, Suite 103  
Pearland, Texas 77588  
(281) 485-3991  
Job No. 14-127

# **Exhibit 6**

## **Elevation Sample Illustrations**

# Gehan<sup>★</sup>HOMES

## the Mimosa



*Elevation P*

This spacious home combines an elegant appearance with comfortable, family-oriented design. Downstairs, the oversized kitchen is perfect for the aspiring gourmet cook and features a huge walk-in pantry, granite countertops, hardwood cabinetry and stainless steel appliances. The breakfast nook overlooks the optional covered patio with optional outdoor kitchen and fireplace – perfect for entertaining al fresco – while the expansive family room features a wall of windows that look into the large backyard. Traverse up the wood or wrought-iron staircase to the bedrooms. The sumptuous master suite features plenty of natural lighting, while the bath boasts a separate garden tub, glass-enclosed shower and huge walk-in closet.

### *Floor Plan Description*

#### *Premier Series*

Square Footage:	2731	Baths:	2.5
Stories:	2	Garages:	2
Bedrooms:	4	Dining Rooms:	2

# Gehan<sup>★</sup>HOMES

## the Sycamore



Elevation P

## Premier Series

3270 Square Feet

Options

Stories: 2  
Bedrooms: 5  
Baths: 2.5  
Garages: 2

Study • Master Suite Bay Window • 3rd Bath  
2-Story Family Room • 6th Bedroom with Bath  
Media Room • 3-Car Garage • Covered Patio  
Outdoor Living



[gehanhomes.com](http://gehanhomes.com)



**Multi-Parcel Tax Certificate**

Remit certificate fee to :

Customer : EMPIRE TITLE - HOUSTON (Branch etb)

Certificate Number : 6376196

User : Joe Pumphrey

Print Date : 04/23/2014

GF Number : 2014-02-6519

Closer : bda

Fee : \$30.00 (includes sales tax)

Buyer(s) : Gehan Homes, Ltd.

National TaxNet  
P.O. Box 848123  
Dallas, Texas 75284-8123

Certificate Current Year Tax Summary		
Jurisdiction	Tax Year	Base Tax
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	2013	\$4,245.39
BRAZORIA COUNTY MUD #28 (ASMT OF SW)	2013	\$8,724.53
PEARLAND CITY	2013	\$7,502.04
PEARLAND ISD	2013	\$15,062.58
BRAZORIA COUNTY DD #4	2013	\$1,346.05
HARRIS COUNTY	2013	\$1,279.79
Current Year Total (as available)		\$38,160.38

Certificate Totals of Taxes Due by Collector			
PAYABLE TO:	Balance Due w/o Penalties	Amount Due 04/2014	Amount Due 05/2014
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	\$0.00	\$0.00	\$0.00
BRAZORIA COUNTY MUD #28 (ASMT OF SW)	\$0.00	\$0.00	\$0.00
HARRIS COUNTY	\$0.00	\$0.00	\$0.00

**Notice**

PLEASE READ THE CERTIFICATE CAREFULLY, AS IMPORTANT COMMENTS AND/OR WARNINGS MAY BE INCLUDED.  
PLEASE CONTACT YOUR BRANCH WITH ANY QUESTIONS YOU MAY HAVE REGARDING THESE COMMENTS/WARNINGS.

**IMPORTANT CERTIFICATE COMMENTS**

## ORDERED AS:

TR A: 5.176 ACRES IN ABST 23. REPORTING ACCT 040-223-000-196 (5.13 ACRES) PER M&amp;B.

TR B: 13.361 ACRES IN ABST 198. REPORTING ACCTS 0198-0003-000 (19.744 ACRES), 7156-0002-001 (0.572 ACRES) AND -002 (6.752 ACRES) PER M&amp;B. SPLIT OUT IS REQUIRED.

TR C: 5.617 ACRES IN ABST 198. REPORTING ACCT 0198-0003-000 (19.7441 ACRES) PER M&amp;B. SPLIT OUT IS REQUIRED.

**CAD Account Number(s)**

0402230000196

71560002002

01980003000

71560002001

Assessment Information		2013 Assessed Values	
Account Number:	0402230000196 (Parcel 1 of 4)		
Owner Name(s):	TEXPROJ2008 LLC	Land:	201,117
Mailing Address:	30349 S SHERWOOD BLVD Unit 300 BATON ROUGE LA 70816	Imprv:	0
Property Address:	COUNTRY CLUB DR	Total:	201,117
Legal Description:	TR 1N ABST 23 WD C HALL		
Acreage:	5.13000		
2013 Exemptions:	None	Total Est. Taxes w/o Exempt: \$7,194.23	
Warnings:	Property is assessed as land only. Please verify no improvements prior to closing or additional taxes may be due.		

Tax Information Detail - CAD Account 0402230000196				
BRAZORIA COUNTY MUD #28 (ASMT OF SW) PO BOX 1388 FRIENDSWOOD, TX 77549 (281) 482-0216		Payments as of:	04/07/2014 Current Year Taxes 04/07/2014 Prior Year Taxes	
2013 Tax Rate: 0.820000 Est. Taxes w/o Exempt: \$1,649.16	Tax Year	Base Tax	Amount Due 04/2014	Amount Due 05/2014
Bill Ref: 710402230000196	2013	\$1,649.16	Paid	Paid
	<b>SUBTOTAL</b>	<b>\$1,649.16</b>	<b>\$0.00</b>	<b>\$0.00</b>
<ul style="list-style-type: none"> <li>● Bonds Approved: \$89,155,000.00</li> <li>● Bonds Issued: \$0.00</li> <li>● No Standby fee assessed</li> </ul>				

Tax Information Detail - CAD Account 0402230000196				
HARRIS COUNTY P.O. BOX 3547 HOUSTON, TX 77253 (713) 368-2000		Payments as of:	04/15/2014 Current Year Taxes 04/15/2014 Prior Year Taxes	
2013 Tax Rate: 0.636338 Est. Taxes w/o Exempt: \$1,279.78	Tax Year	Base Tax	Amount Due 04/2014	Amount Due 05/2014
	2013	\$1,279.79	Paid	Paid
	<b>SUBTOTAL</b>	<b>\$1,279.79</b>	<b>\$0.00</b>	<b>\$0.00</b>

Tax Information Detail - CAD Account 0402230000196					
PEARLAND ISD COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR 111 E LOCUST ANGLETON, TX 77515 (979) 864-1340	2013 Tax Rate: 1.415700 Est. Taxes w/o Exempt: \$2,847.21	Tax Year	Base Tax	Payments as of : 04/04/2014 Current Year Taxes	
				04/04/2014 Prior Year Taxes	
Bill Ref: 08001001100				Amount Due 04/2014	Amount Due 05/2014
	2013	\$2,847.21		Paid	Paid
	<b>SUBTOTAL</b>	<b>\$2,847.21</b>		<b>\$0.00</b>	<b>\$0.00</b>

Tax Information Detail - CAD Account 0402230000196					
PEARLAND CITY COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR 111 E LOCUST ANGLETON, TX 77515 (979) 864-1340	2013 Tax Rate: 0.705100 Est. Taxes w/o Exempt: \$1,418.08	Tax Year	Base Tax	Payments as of : 04/04/2014 Current Year Taxes	
				04/04/2014 Prior Year Taxes	
Bill Ref: 08001001100				Amount Due 04/2014	Amount Due 05/2014
	2013	\$1,418.08		Paid	Paid
	<b>SUBTOTAL</b>	<b>\$1,418.08</b>		<b>\$0.00</b>	<b>\$0.00</b>

Account Summary of Taxes Due			
Payable to:	Balance Due w/o Penalties	Amount Due 04/2014	Amount Due 05/2014
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	\$0.00	\$0.00	\$0.00
BRAZORIA COUNTY MUD #28 (ASMT OF SW)	\$0.00	\$0.00	\$0.00
HARRIS COUNTY	\$0.00	\$0.00	\$0.00

Assessment Information		2013 Assessed Values	
Account Number:	71560002002 (Parcel 2 of 4)		
Owner Name(s):	TEXPROJ2008 LLC	Land:	2,700
Mailing Address:	PO BOX 800 SAINT FRANCISVILLE, LA 70775-8000	Imprv:	0
Property Address:		Total:	2,700
Legal Description:	PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLOCK 2 TRACT B (DETENTION)		
Geo Id:	000000599440		
2013 Exemptions:	None	Total Est. Taxes w/o Exempt:	\$96.90
Warnings:	Property is assessed as land only. Please verify no improvements prior to closing or additional taxes may be due.		

Tax Information Detail - CAD Account 71560002002				
PEARLAND CITY COLLECTED BY BRAZORIA COUNTY ROVIN GARRETT RTA ASSR (979) 864-1340		Payments as of :	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.705100 Est. Taxes w/o Exempt: \$19.04			Amount Due 04/2014	Amount Due 05/2014
	Tax Year	Base Tax		
	2013	\$19.04	Paid	Paid
	<b>SUBTOTAL</b>	<b>\$19.04</b>	<b>\$0.00</b>	<b>\$0.00</b>

Tax Information Detail - CAD Account 71560002002				
BRAZORIA COUNTY DD #4 COLLECTED BY BRAZORIA COUNTY ROVIN GARRETT RTA ASSR (979) 864-1340		Payments as of :	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.156000 Est. Taxes w/o Exempt: \$4.21			Amount Due 04/2014	Amount Due 05/2014
	Tax Year	Base Tax		
	2013	\$4.21	Paid	Paid
	<b>SUBTOTAL</b>	<b>\$4.21</b>	<b>\$0.00</b>	<b>\$0.00</b>

Tax Information Detail - CAD Account 71560002002				
BRAZORIA COUNTY ROVIN GARRETT RTA ASSR 111 E LOCUST ANGLETON, TX 77515 (979) 864-1340		Payments as of :	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.492020 Est. Taxes w/o Exempt: \$13.28			Amount Due 04/2014	Amount Due 05/2014
<u>Tax Year</u>	<u>Base Tax</u>			
2013	\$13.28		Paid	Paid
<b>SUBTOTAL</b>	<b>\$13.28</b>		<b>\$0.00</b>	<b>\$0.00</b>

Tax Information Detail - CAD Account 71560002002				
BRAZORIA COUNTY MUD #28 (ASMT OF SW) PO BOX 1368 FRIENDSWOOD, TX 77549 (281) 482-0216		Payments as of :	04/07/2014 Current Year Taxes 04/07/2014 Prior Year Taxes	
2013 Tax Rate: 0.820000 Est. Taxes w/o Exempt: \$22.14			Amount Due 04/2014	Amount Due 05/2014
<u>Tax Year</u>	<u>Base Tax</u>			
2013	\$22.14		Paid	Paid
<b>SUBTOTAL</b>	<b>\$22.14</b>		<b>\$0.00</b>	<b>\$0.00</b>
Bill Ref: 7171560002002				
<ul style="list-style-type: none"> <li>● Bonds Approved: \$89,155,000.00</li> <li>● Bonds Issued: \$0.00</li> <li>● No Standby fee assessed</li> </ul>				

Tax Information Detail - CAD Account 71560002002				
PEARLAND ISD COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR (979) 864-1340		Payments as of :	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 1.415700 Est. Taxes w/o Exempt: \$38.22			Amount Due 04/2014	Amount Due 05/2014
	Tax Year	Base Tax		
	2013	\$38.22	Paid	Paid
	<b>SUBTOTAL</b>	<b>\$38.22</b>	<b>\$0.00</b>	<b>\$0.00</b>

Account Summary of Taxes Due			
Payable to:	Balance Due w/o Penalties	Amount Due 04/2014	Amount Due 05/2014
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	\$0.00	\$0.00	\$0.00
BRAZORIA COUNTY MUD #28 (ASMT OF SW)	\$0.00	\$0.00	\$0.00

Assessment Information		2013 Assessed Values	
Account Number:	01980003000 (Parcel 3 of 4)		
Owner Name(s):	TEXPROJ2008 LLC	Land:	860,050
Mailing Address:	PO BOX 800 SAINT FRANCISVILLE, LA 70775-8000	Imprv:	0
Property Address:	2709 BROADWAY	Total:	860,050
Legal Description:	A0198 T J GREEN (PEARLAND) TRACT 6-6A ACRES 19.7441		
Geo Id:	000000164164		
Acreage:	19.74410		
2013 Exemptions:	None	Total Est. Taxes w/o Exempt: \$30,865.65	
Warnings:	Property is assessed as land only. Please verify no improvements prior to closing or additional taxes may be due.		

IMPORTANT ACCOUNT COMMENTS
THIS PROPERTY DID HAVE AN AG EXEMPTION FOR TAX YEAR 2004. PER BRAZORIA COUNTY TAX OFFICE, ROLLBACK TAXES OF \$121,908.08 WERE PAID FOR 2003-2004 ROLLBACK YEARS. NO AG EXEMPTION FOR TAX YEARS 2005-2008. PROPERTY IS NOT SUBJECT TO FURTHER ROLLBACK TAXES. (JDS)

Tax Information Detail - CAD Account 01980003000				
PEARLAND CITY COLLECTED BY BRAZORIA COUNTY ROVIN GARRETT RTA ASSR (979) 864-1340		Payments as of :	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.705100 Est. Taxes w/o Exempt: \$6,064.21			Amount Due 04/2014	Amount Due 05/2014
	Tax Year	Base Tax		
	2013	\$6,064.21	Paid	Paid
	<b>SUBTOTAL</b>	<b>\$6,064.21</b>	<b>\$0.00</b>	<b>\$0.00</b>

Tax Information Detail - CAD Account 01980003000				
BRAZORIA COUNTY DD #4 COLLECTED BY BRAZORIA COUNTY ROVIN GARRETT RTA ASSR (979) 864-1340		Payments as of :	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.156000 Est. Taxes w/o Exempt: \$1,341.68			Amount Due 04/2014	Amount Due 05/2014
	Tax Year	Base Tax		
	2013	\$1,341.68	Paid	Paid
	<b>SUBTOTAL</b>	<b>\$1,341.68</b>	<b>\$0.00</b>	<b>\$0.00</b>

Tax Information Detail - CAD Account 01980003000				
BRAZORIA COUNTY ROVIN GARRETT RTA ASSR 111 E LOCUST ANGLETON, TX 77515 (979) 864-1340		Payments as of :		04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes
2013 Tax Rate: 0.492020 Est. Taxes w/o Exempt: \$4,231.62		Tax Year	Base Tax	Amount Due 04/2014
		2013	\$4,231.62	Paid
		SUBTOTAL	\$4,231.62	\$0.00
				Amount Due 05/2014
				Paid
				\$0.00

Tax Information Detail - CAD Account 01980003000				
BRAZORIA COUNTY MUD #28 (ASMT OF SW) PO BOX 1368 FRIENDSWOOD, TX 77549 (281) 482-0216		Payments as of :		04/07/2014 Current Year Taxes 04/07/2014 Prior Year Taxes
2013 Tax Rate: 0.820000 Est. Taxes w/o Exempt: \$7,052.41		Tax Year	Base Tax	Amount Due 04/2014
Bill Ref: 7101980003000		2013	\$7,052.41	Paid
		SUBTOTAL	\$7,052.41	\$0.00
				Amount Due 05/2014
				Paid
				\$0.00
<ul style="list-style-type: none"> <li>• Bonds Approved: \$89,155,000.00</li> <li>• Bonds Issued: \$0.00</li> <li>• No Standby fee assessed</li> </ul>				

Tax Information Detail - CAD Account 01980003000				
PEARLAND ISD COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR (979) 864-1340			Payments as	04/04/2014 Current Year
			of :	Taxes
2013 Tax Rate: 1.415700 Est. Taxes w/o Exempt: \$12,175.73			04/04/2014 Prior Year Taxes	
	Tax Year	Base Tax	Amount Due 04/2014	Amount Due 05/2014
	2013	\$12,175.73	Paid	Paid
	<b>SUBTOTAL</b>	<b>\$12,175.73</b>	<b>\$0.00</b>	<b>\$0.00</b>

Account Summary of Taxes Due			
Payable to:	Balance Due w/o Penalties	Amount Due 04/2014	Amount Due 05/2014
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	\$0.00	\$0.00	\$0.00
BRAZORIA COUNTY MUD #28 (ASMT OF SW)	\$0.00	\$0.00	\$0.00

Assessment Information		2013 Assessed Values	
Account Number:	71560002001 (Parcel 4 of 4)		
Owner Name(s):	TEXPROJ2008 LLC	Land:	100
Mailing Address:	PO BOX 800 SAINT FRANCISVILLE, LA 70775-8000	Imprv:	0
Property Address:		Total:	100
Legal Description:	PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLOCK 2 TRACT A (PARK)		
Geo Id:	000000599439		
2013 Exemptions:	None	Total Est. Taxes w/o Exempt: \$3.59	
Warnings:	Property is assessed as land only. Please verify no improvements prior to closing or additional taxes may be due.		

Tax Information Detail - CAD Account 71560002001				
PEARLAND CITY COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR (979) 864-1340		Payments as of:	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.705100 Est. Taxes w/o Exempt: \$0.71			Amount Due 04/2014	Amount Due 05/2014
	Tax Year	Base Tax		
	2013	\$0.71	Paid	Paid
	<b>SUBTOTAL</b>	<b>\$0.71</b>	<b>\$0.00</b>	<b>\$0.00</b>

Tax Information Detail - CAD Account 71560002001				
BRAZORIA COUNTY DD #4 COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR (979) 864-1340		Payments as of:	04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
2013 Tax Rate: 0.156000 Est. Taxes w/o Exempt: \$0.16			Amount Due 04/2014	Amount Due 05/2014
	Tax Year	Base Tax		
	2013	\$0.16	Paid	Paid
	<b>SUBTOTAL</b>	<b>\$0.16</b>	<b>\$0.00</b>	<b>\$0.00</b>

Tax Information Detail - CAD Account 71560002001				
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR 111 E LOCUST ANGLETON, TX 77515 (979) 864-1340		Payments as of :		04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes
2013 Tax Rate: 0.492020 Est. Taxes w/o Exempt: \$0.49			Amount Due 04/2014	Amount Due 05/2014
	<u>Tax Year</u>	<u>Base Tax</u>	<u>Amount Due 04/2014</u>	<u>Amount Due 05/2014</u>
	2013	\$0.49	Paid	Paid
	<b>SUBTOTAL</b>	<b>\$0.49</b>	<b>\$0.00</b>	<b>\$0.00</b>

Tax Information Detail - CAD Account 71560002001				
BRAZORIA COUNTY MUD #28 (ASMT OF SW) PO BOX 1368 FRIENDSWOOD, TX 77549 (281) 482-0216		Payments as of :		04/07/2014 Current Year Taxes 04/07/2014 Prior Year Taxes
2013 Tax Rate: 0.820000 Est. Taxes w/o Exempt: \$0.82			Amount Due 04/2014	Amount Due 05/2014
	<u>Tax Year</u>	<u>Base Tax</u>	<u>Amount Due 04/2014</u>	<u>Amount Due 05/2014</u>
	2013	\$0.82	Paid	Paid
	<b>SUBTOTAL</b>	<b>\$0.82</b>	<b>\$0.00</b>	<b>\$0.00</b>
<ul style="list-style-type: none"> <li>• Bonds Approved: \$89,155,000.00</li> <li>• Bonds Issued: \$0.00</li> <li>• No Standby fee assessed</li> </ul>				

Tax Information Detail - CAD Account 71560002001				
PEARLAND ISD COLLECTED BY BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR (979) 864-1340	Payments as of :		04/04/2014 Current Year Taxes 04/04/2014 Prior Year Taxes	
	2013 Tax Rate: 1.415700 Est. Taxes w/o Exempt: \$1.42	Tax Year	Base Tax	Amount Due 04/2014
	2013	\$1.42	Paid	Paid
	<b>SUBTOTAL</b>	<b>\$1.42</b>	<b>\$0.00</b>	<b>\$0.00</b>

Account Summary of Taxes Due			
Payable to:	Balance Due w/o Penalties	Amount Due 04/2014	Amount Due 05/2014
BRAZORIA COUNTY RO'VIN GARRETT RTA ASSR	\$0.00	\$0.00	\$0.00
BRAZORIA COUNTY MUD #28 (ASMT OF SW)	\$0.00	\$0.00	\$0.00

Exclusions and Conditions of Tax Certificates
ALL APPLICABLE AD VALOREM TAXES ON THE ABOVE REFERENCED PROPERTY(S) ARE FOUND TO HAVE THE STATUS PROVIDED EXCEPT:
<ul style="list-style-type: none"> <li>a. THE STATUS DOES NOT COVER ANY CHANGES MADE TO THE TAX RECORDS OF THE AGENCIES LISTED AFTER THE "PAYMENTS AS OF" DATE</li> <li>b. DOES NOT INCLUDE OR IS NOT A CERTIFICATION OF ANY <ul style="list-style-type: none"> <li>1. MINERAL TAXES</li> <li>2. PERSONAL PROPERTY TAXES (INCLUDING MOBILE HOMES)</li> <li>3. ANY OTHER NON AD VALOREM TAXES</li> </ul> </li> </ul>

Texas Tax Information
<ul style="list-style-type: none"> <li>• Texas taxes are usually billed for the calendar year on or around October 1st</li> <li>• Taxes are delinquent on February 1st</li> <li>• Additional penalties apply to current year delinquencies on July 1st</li> </ul>



**HOA Certificate**

National TaxNet  
P.O. Box 848123  
Dallas, Texas 75284-8123

Customer : EMPIRE TITLE - HOUSTON (Branch etb)      Certificate Number : 6376196  
User : Joe Pumphrey      Print Date : 04/23/2014  
GF Number : 2014-02-6519  
Closer : bda  
Buyer(s) : Gehan Homes, Ltd.

**PROPERTY INFORMATION**

Owner Name(s): TEXPROJ2008 LLC  
Legal Description: PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLOCK 2 TRACT A (PARK)  
Situs Address:  
CAD Account: BRAZORIA, #71560002001

**HOMEOWNER'S ASSOCIATION INFORMATION**

HOA Name: NO MAINTENANCE ASSESSED  
Collection Cycle: Unknown  
Collector: NO MAINTENANCE ASSESSED  
Phone:  
Fax:  
Contact:  
Comments: THE LEGAL DESCRIPTION REQUESTED IS NOT ASSESSED BY A HOMEOWNERS ASSOCIATION.  
NO HOMEOWNERS ASSOCIATION FEES APPLY.

**ASSESSMENT INFORMATION**

Billing Cycle	Assessment Type	Base Amount	Balance Due	Payoff	Payoff	Payoff
			<b>Total Due:</b>	\$0.00	\$0.00	\$0.00
Comments:						
HOA Bill Status: Ready						

# HOA Certificate

National TaxNet  
P.O. Box 848123  
Dallas, Texas 75284-8123

Customer : EMPIRE TITLE - HOUSTON (Branch etb)      Certificate Number : 6376196  
User : Joe Pumphrey      Print Date : 04/23/2014  
GF Number : 2014-02-6519  
Closer : bda  
Buyer(s) : Gehan Homes, Ltd.

PROPERTY INFORMATION	
Owner Name(s):	TEXPROJ2008 LLC
Legal Description:	PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLOCK 2 TRACT B DETENTION)
Situs Address:	
CAD Account:	BRAZORIA, #71560002002

HOMEOWNER'S ASSOCIATION INFORMATION	
HOA Name:	NO MAINTENANCE ASSESSED
Collection Cycle:	Unknown
Collector:	NO MAINTENANCE ASSESSED
	Phone: Fax: Contact:
Comments:	THE LEGAL DESCRIPTION REQUESTED IS NOT ASSESSED BY A HOMEOWNERS ASSOCIATION.  NO HOMEOWNERS ASSOCIATION FEES APPLY.

ASSESSMENT INFORMATION						
Billing Cycle	Assessment Type	Base Amount	Balance Due	Payoff	Payoff	Payoff
			Total Due:	\$0.00	\$0.00	\$0.00
Comments: HOA Bill Status: Ready						

**Preliminary HOA Information**National TaxNet  
P.O. Box 848123  
Dallas, Texas 75284-8123

Customer : EMPIRE TITLE - HOUSTON (Branch etb)

Certificate Number : 6376196

User : Joe Pumphrey

Print Date : 04/23/2014

GF Number : 2014-02-6519

Closer : bda

Buyer(s) : Gehan Homes, Ltd.

**PROPERTY INFORMATION**

Owner Name(s): TEXPROJ2008 LLC  
 Legal Description: TR 1N ABST 23 W D C HALL  
 Situs Address: COUNTRY CLUB DR  
 CAD Account: HARRIS, #0402230000196

**HOMEOWNER'S ASSOCIATION INFORMATION**

HOA Name: ASHLEY POINTE HOA \*\* NEW SUB \*\*  
 Collection Cycle: Annually  
 Collector: ASHLEY POINTE HOA \*\* NEW SUB \*\*  
 SAGEGLEN  
 11610 SAGEYORK  
 HOUSTON, TX 77089  
 Phone: 2814812160  
 Fax: 2814812070  
 Contact: CATHERINE SMITH

Comments: \*\*\*SAGEGLEN CHARGES A \$25.00 RUSH FEE  
 \*\*NTN MUST HAVE IN WRITING FROM THE TITLE COMPANY THEY WILL PAY THE RUSH FEE BEFORE NTN WILL RUSH THE FILE.  
 \*\*ATTENTION NTN STAFF EMAIL ADDRESS IS SAGEGLEN@SBCGLOBAL.NET AND IS PROGRAMMED IN MACHINE IF FAX FAILS  
 ASSESSMENTS ARE PAYABLE TO ASHLEY POINT HOA IN A SEPARATE CHECK.  
 REFINANCE FEE OF \$100.00 PAYABLE TO ASHLEY POINTE HOA.  
 TRANSFER FEE OF \$100.00 PAYABLE TO ASHLEY POINTE HOA.  
 RESALE CERTIFICATE IS \$150.00 PAYABLE TO SAGEGLEN C.A.  
 \*\*\*CAP FEE IS REQUIRED ON ALL HMR TO HMR SALES.\*\*\*

**ASSESSMENT INFORMATION**

Billing Cycle	Assessment Type	Base Amount	Balance Due	Payoff	Payoff	Payoff
			Total Due:	\$0.00	\$0.00	\$0.00
Comments:						
HOA Bill Status: Pending						



# New Business Item No. 3

- 3. Consideration and Possible Action – First Reading of Ordinance No. 1499** – An ordinance of the City Council of the City of Pearland, Texas extending traffic rules and regulations to certain private roads owned and maintained by the Lakes at Highland Glen Community Association and contained within the Lakes at Highland Glen Subdivision; providing for enforcement; providing for penalties and fines; providing for administration; providing for conflicts with other laws; providing for severability; providing for an effective date. *Mr. Darrin Coker, City Attorney.*

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

<b>AGENDA OF:</b> June 9, 2014	<b>ITEM NO.:</b> Ordinance No. 1499
<b>DATE SUBMITTED:</b> 6-2-14	<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> Lakes at Highland Glen (Traffic Law Enforcement)	
<b>EXHIBITS:</b> Ordinance No. 1499	
<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**

Section 542.008 of the Texas Transportation Code allows a City to extend its enforcement of traffic laws in private street subdivisions upon the request of the entity that owns and maintains the private streets. To date, the Cabot Cove, the Lakes at Country Place and Bellavita are the only gated neighborhoods that have petitioned the City for such enforcement. The neighborhood POA recently petitioned the City seeking the authorization for the enforcement of traffic laws in accordance with Section 542.008. The proposed ordinance would allow for traffic enforcement to occur once all of the correct traffic signage has been installed at the expense of the POA, but no sooner than July 1, 2014.

**ORDINANCE NO. 1499**

**An ordinance of the City Council of the City of Pearland, Texas extending traffic rules and regulations to certain private roads owned and maintained by the Lakes at Highland Glen Community Association and contained within the Lakes at Highland Glen Subdivision; providing for enforcement; providing for penalties and fines; providing for administration; providing for conflicts with other laws; providing for severability; providing for an effective date.**

**WHEREAS**, Texas Transportation Code § 542.008 provides that traffic rules may be extended by a municipality to privately owned or maintained roads within certain private subdivisions upon the request of certain individuals or entities; and

**WHEREAS**, a request by the Lakes at Highland Glen Community Association, a Texas non-profit property owners association, which owns or maintains those roads within the Lakes at Highland Glen Subdivision has been made to the City pursuant to Texas Transportation Code § 542.008 to enforce certain traffic rules on said private roads; and

**WHEREAS**, the City recognizes its responsibility and authority to impose ordinances, acts, laws, or regulations that are necessary for the government of the City; and,

**WHEREAS**, the purpose of this Ordinance is to protect the public and provide for welfare of the City; and,

**WHEREAS**, the City finds this ordinance in the interest of the municipality generally:

**ORDINANCE NO. 1499**

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

**Section 1. ADOPTION**

The City hereby adopts Title 7 of the Texas Transportation Code to be enforced upon the private roads of the Lakes at Highland Glen Subdivision according to the map or plat of record filed in the Plat Records of Brazoria County

**Section 2. ENFORCEMENT**

Any police officer of the City or any officer of any law enforcement agency authorized to enforce an ordinance of the City may enforce this Ordinance.

**Section 3. ADMINISTRATION**

Any violation of this ordinance shall be prosecuted in the Municipal Court of the City.

**Section 4. PENALTIES AND FINES**

1. A person commits an offense pursuant to this Ordinance if that person commits, causes, permits, allows, or maintains a violation of this Ordinance or the provisions of the Texas Transportation Code adopted herein.
2. A person convicted of an offense that is a misdemeanor under this Ordinance or the portions of the Texas Transportation Code adopted herein for which another penalty is not provided by the applicable portions of the Texas Transportation Code adopted herein shall be punished by a fine of not less than \$1 or more than \$200.
3. No culpable mental state is required for an offense under this Ordinance, unless the applicable provisions of the Texas

**ORDINANCE NO. 1499**

Transportation Code adopted herein otherwise require a culpable mental state.

**Section 5. CONFLICT WITH OTHER STATUTES OR LAWS**

1. This Ordinance does not preempt, and is in addition to, any other applicable statute, law, ordinance, rule, or regulation.
2. Whenever any provision of this Ordinance conflicts with those contained in another ordinance, the most stringent or restrictive provision shall control.

**Section 6. SEVERABILITY**

Should any portion of this Ordinance be held invalid or unenforceable for any reason, the same shall not be construed to affect any other valid portion thereof, and all valid portions shall remain in full force and effect.

**Section 7. EFFECTIVE DATE**

This Ordinance shall become effective July 1, 2014.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**ORDINANCE NO. 1499**

**CITY ATTORNEY**

PASSED and APPROVED ON SECOND AND FINAL READING 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

C/O MMC, Inc.  
P.O. Box 218844  
Houston, TX 77218  
281/647-6166 – Office  
281/647-6174 - Fax

**Lakes at Highland  
Glen CA, Inc.**

# Memo

**To:** Darren Coker, Attorney for the City of Pearland

**Sent Via Email:** [dcoker@ci.pearland.tx.us](mailto:dcoker@ci.pearland.tx.us)

**From:** Shontele Redeaux

**CC:**

**Date:** March 4, 2014

**Re:** Request for City Police to Issue Citations on the Gated Side of this Community

---

Attached please find the meeting minutes from a meeting held by the Board of Directors for the Lakes at Highland Glen CA, Inc.

Per the minutes the Board has approved the City of Pearland to enter and issue citations to speeders in the gated section of the community,

Please advise the next step in this process.

Should you have any questions, please contact my office at 281/647-6166 or via E-Mail at [shontele@mymcinc.com](mailto:shontele@mymcinc.com).

Kindest Regards,

Shontele Redeaux

Lakes at Highland Glen CA, Inc.

Managing Agent

**LAKES AT HIGHLAND GLEN COMMUNITY ASSOCIATION, INC.**  
**BOARD OF DIRECTORS MEETING MINUTES**  
**JANUARY 13, 2014**

**PRESENT:**

**Board Members**

JR Johnson  
Arwen Jackson  
Nghiem Doan  
Jack Ferrante  
Tami Swinbank

**MMC, Inc.:**

Shontele Redeaux

The homeowners as listed on the sign-in log.

**CALL TO ORDER AND ESTABLISH QUORUM:**

A quorum being established the regular session meeting was called to order at 7:37 P.M.

**SUMMARY OF BOARD DECISIONS IN EXECUTIVE SESSION:**

The following items were discussed during Executive Session:

- \*The Board approved the September 9, 2013 Executive Session meeting minutes.
- \*The Board reviewed and approved the collection report.
- \*The Board reviewed seven (7) homeowner requests.
- \*The Board reviewed and approved the deed restriction report.
- \*The Board reviewed twelve (12) deed restriction issues.
- \*The Board reviewed and approved the attorney status report.

**MINUTE REVIEW:**

The Board reviewed the September 9, 2013 meeting minutes. A motion was made, seconded, and unanimously approved to accept the minutes as presented.

**FINANCIAL PRESENTATION:**

The Board reviewed the December 31, 2013 financial statement. A motion was made, seconded, and unanimously approved to accept the financial statement as presented.

The Board instructed management not to send reminder statements to homeowners who have not paid their 2014 assessments.

The Board asked management to advise when the December 2013 financials are posted to the website.

**OLD BUSINESS:**

**WIND COVERAGE**

The Board was advised the Texas Wind Commission came back and stated the premium to insure the Association's items would cost \$55,000. The insurance agent was able to get this number down, however, the Texas Wind Commission requested WP-8's on every structure to be insured. The Board was advised without the WP-8's the policy was cancelled and premium returned. Should the Board wish to pursue this in the future WP-p's would need to be obtained. Director Swinbank advised she would contact her brother-in-law to get additional information on how wind coverage works and if WP-8's are required on all items being insured.

**POOL REPLASTER BIDS**

The Board reviewed bids presented by Poseidon Pools, Sweetwater Pools and A-Beautiful Pools in order to replaster the pool. After discussion, the Board asked management to contact Poseidon Pools to determine if they would be willing to match the lowest bid. The Board will make a decision on this via email.

**Lakes at Highland Glen CA, Inc.**  
**Board Meeting Minutes**  
**January 13, 2014**  
**Page 2**

**PRIMROSE SPONSORSHIP**

The Board reviewed the request by Primrose to sponsor events in the community. After discussion, Director Jackson advised she would follow up with Primrose on their request.

**NEW J-BOX ON METAL POLE**

The Board reviewed a bid to replace the rusted j-boxes with metal boxes. After discussion, the Board asked management to determine if fiberglass j-boxes can be installed instead.

**NEW BUSINESS:**

**2014 MEETING DATES**

February 10<sup>th</sup>

February 19<sup>th</sup> – Annual Meeting

March 31<sup>st</sup>

April – no meeting

May 12<sup>th</sup>

June – no meeting

July 14<sup>th</sup>

August – no meeting

September 8<sup>th</sup>

October – no meeting

November 10<sup>th</sup>

December – no meeting

The Board asked management to secure the school for the Annual Meeting and get pool tag stickers to be handed out at the Annual Meeting.

**2013 TAX RETURN**

The Board reviewed a bid from CPA Joe Stoller; after discussion, a motion was made, seconded and unanimously approved to accept the proposal to have Joe Stoller prepare the necessary 2013 and 2014 tax forms.

**PHOTOCELL BID**

The Board reviewed a bid to change the lighting on the gated side from timers to photocells. After discussion, a motion was made, seconded and unanimously approved to accept the bid from Warfield Electric as presented.

**PAINT WROUGHT IRON FENCE ON GATED SIDE**

The Board was presented with bids to paint the wrought iron fencing leading into the gated section. After discussion, the Board instructed management to contact McKenna Construction to determine their warranty as they repainted that fence in 2011 for \$1,500.

**PEARLAND POLICE DEPARTMENT TO ISSUE CITATIONS**

The Board discussed giving Pearland Police Department the ability to issue traffic citations on the gated side. After discussion, a motion was made, seconded and approved to allow Pearland Police Department to issue citations in the gated section. Director Doan denied this vote. It was recommended the Board President issue a letter to the City Council for the City of Pearland.

**Lakes at Highland Glen CA, Inc.**  
**Board Meeting Minutes**  
**January 13, 2014**  
**Page 3**

**POSEIDON POOLS 2014 CONTRACT**

The Board reviewed the 2014 contract presented by Poseidon Pools. After discussion, the Board tabled this matter and advised they would vote via email.

**POSEIDON POOLS SUMMER EVENTS**

The Board discussed having the free events offered by Poseidon Pools. After discussion, Director Jackson advised she would contact Poseidon Pools in order to discuss what function if any to have in the summer.

**WINTERIZE THE POOL**

The Board asked management to ensure Poseidon Pools winterizes the pool.

**ICS DATA BASE CONTRACT**

The Board reviewed a bid presented by ICS to maintain the gate data base. After discussion, the Board advised management to contact ICS concerning this bid, the Board advised ICS will either need to fix the issue associated with management not being able to program from their office or they need to perform the programming at no additional cost.

**ICS MAINTENANCE CONTRACT**

The Board reviewed the contract presented by ICS. After discussion, the Board decided to table this contract at this time. The Board will vote on this via email once ICS provides answers concerning the data base.

**GATE REPAIR BID**

The Board reviewed a bid from ICS to make repairs to the wrought iron gate. After discussion, the Board asked management to obtain a bid from Houston Fence concerning the issues raised by ICS. In addition, the Board asked management to have Houston Fence bid on repainting the wrought iron fence.

**LAKE PRO 2014 CONTRACT**

The Board reviewed the 2014 contract presented by Lake Pro. After discussion, the Board asked management to obtain a bid from Lake Pro to perform monthly service with no additional trip charges. The Board asked management to obtain a few additional lake management bids.

**LAKE PRO PROBE RELOCATION AND FOUNTAIN REPAIR BIDS**

The Board asked management to contact Alameda Water Well to get a bid directly from them to replace the Control Panel and to relocate the probes. The Board approved the fountain repair bid as presented by Lake Pro, the Board asked management to determine the warranty when Lake Pro overhauls a unit.

**WESTCO BID TO REPAIR VEHICLE DAMAGE**

The Board reviewed a bid from Westco to repair areas damaged by a vehicle. After discussion, a motion was made, seconded and unanimously approved to accept the proposal as presented.

**WESTCO BID TO MOW BEHIND BRIGHTON BROOK LANE**

The Board reviewed a bid from Westco to cut a single pass behind Brighton Brook Lane. After discussion, the Board declined to initiate this service as the area in question does not belong to the

**Lakes at Highland Glen CA, Inc.**  
**Board Meeting Minutes**  
**January 13, 2014**  
**Page 4**

Association. While the Board understands this area may have been mowed while under development the Association will not trespass.

**CYPRESS CREEK PEST CONTROL**

The Board reviewed a bid from Cypress Creek Pest Control to perform mosquito fogging of the community for \$104.74 per application. After discussion, a motion was made, seconded and unanimously approved to accept this contract as presented.

**RATIFY EMAIL VOTE – ABC PEST CONTROL**

A motion was made, seconded and unanimously approved to ratify in the minutes the approval to have ABC Pest Control treat around the lake control panels monthly as to prevent damage caused by tawny ants.

**WEBSITE**

The Board instructed management to have a link put on the website to pay HOA dues and instructions on how to make payments online.

**MMC CONTRACT ADDENDUM**

A motion was made, seconded and unanimously approved MMC's contract addendum to increase the management fee by three percent.

**MONUMENT LIGHTS**

The Board asked management to contact an electrician to meet with Director Jackson to check all of the monument signs and provide a bid to repair/replace any damaged lights.

**LIGHT AT PARK**

The Board asked management to follow up with Pete Thrasher to determine if the bid he presented to install an additional light is still valid. In addition, the Board advised the light in the park is no longer working.

**HOMEOWNER FORUM:**

A homeowner in attendance asked the Board if moving the community garage sale to before school starts can be an option for 2014.

A homeowner in attendance recommended all homeowners bring their pools tags to the meeting when they get their pools tags updated for 2014.

**NEXT BOARD MEETING:**

The next meeting of the Board is tentatively scheduled for Monday, February 10, 2014.

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 9:45 P.M.

Approved by:

Date:

# New Business Item No. 4

- 4. Consideration and Possible Action – First Reading of Ordinance No. 1026-3** – An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 29, Article XVI, *Truck Traffic*, of the City of Pearland Code of Ordinances, as it may have been, from time to time amended, providing for enforcement and penalties, and containing other matters relating to the subject; providing a penalty for violation; having a savings clause, a repealer clause, a severability clause; providing for codification, publication and an effective date. *Mr. Darrin Coker, City Attorney.*

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

<b>AGENDA OF:</b> June 9, 2014	<b>ITEM NO.:</b> Ordinance No. 1026-3
<b>DATE SUBMITTED:</b> 6-2-14	<b>DEPARTMENT OF ORIGIN:</b> PD
<b>PREPARED BY:</b> Darrin Coker	<b>PRESENTOR:</b> Darrin Coker
<b>REVIEWED BY:</b> NA	<b>REVIEW DATE:</b> NA
<b>SUBJECT:</b> Truck Route Ordinance	
<b>EXHIBITS:</b> Ordinance 1026-3; 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 checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

Staff has been working with the police department on proposed amendments to the City's truck route ordinance. The draft amendments were provided to the Council in the May 22<sup>nd</sup> Admin Packet, and include the following:

- Regulation of oversized in addition to overweight vehicles
- Proper references to applicable state laws
- Establishment of the Engineering Department as the permitting authority
- Requirement for the posting of a bond, as part of the permitting process, to guarantee the restoration of damaged City infrastructure
- Designation of a truck route for Dixie Farm Road from FM 518 to SH 35
- Additional enforcement mechanisms for overweight vehicles
- Truck route map that will be posted on the City's website

**ORDINANCE NO. 1026-32**

An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 29, Article XVI, *Truck Traffic*, of the City of Pearland Code of Ordinances, as it may have been, from time to time amended, providing for enforcement and penalties, and containing other matters relating to the subject; providing a penalty for violation; having a savings clause, a repealer clause, a severability clause; providing for codification, publication and an effective date.

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

**Section 1.** That Chapter 29, Article XVI, of the City Code of Ordinances is hereby amended to read as follows:

**"ARTICLE XVI**

**TRUCK TRAFFIC**

**Sec. 29-351 Load Limits and Oversized Vehicles.**

- (a) It shall be unlawful for any person to operate any commercial motor vehicle over, on, or upon any public street or right-of-way in the City of Pearland, Texas, other than state-owned or maintained highways, which has a gross weight in excess of one or more of the following limitations:
- (1) The total gross weight for which the commercial motor vehicle is licensed with the State of Texas; or
  - (2) Twenty thousand (20,000) pounds per single axle as defined in the Texas Transportation Code (hereinafter, the "Code"). ~~Six hundred fifty pounds (650 lbs.) per inch width of tire upon any wheel concentrated upon the surface of the roadway, up to twenty thousand pounds (20,000 lbs.) per single axle, thirty-four thousand pounds (34,000 lbs.) per tandem axle; or~~

**ORDINANCE NO. 1026-32**

(3) Thirty-four thousand (34,000) pounds per tandem axle as defined in the Code. In no event shall the registered gross weight of any commercial vehicle traveling on a road not designated as a truck route exceed 40,000 pounds, including all enforcement tolerances, in the absence of a permit from the Chief of Police; or

(4) Recyclable/solid waste trucks operated in compliance with Chapter 622 of the Code; or In no event shall the registered gross weight of any commercial vehicle traveling on a City owned and maintained road that is designated as a truck route exceed 60,000 pounds.

(5) Ready Mix concrete trucks operated in compliance with Chapter 622 of the Code; or

~~(4)~~(6) Eighty thousand (80,000) pounds gross vehicle weight.

(b) Commercial motor vehicles operating in compliance with Chapter 623 of the Code shall be authorized to have additional weight permitted as described in the Code. It shall be unlawful to operate any commercial vehicle on any state highway within the City of Pearland with a registered gross weight or axles weight in excess of that allowed by state law for state highways outside the limits of incorporated cities and towns.

(c) Commercial motor vehicles requiring an oversize (height or width) permit from the State of Texas shall obtain a permit from the City if the vehicle will be operated on a City maintained roadway. The permit, or copy thereof, shall

**ORDINANCE NO. 1026-32**

be carried in the vehicle and made available, on demand by any police officer, for verification that the vehicle is operating on a City approved route.

~~(b) \_\_\_\_\_~~

**Sec. 29-352 Permits.**

(a) \_\_\_\_\_ The City Engineering Department ("Department")~~Chief of Police~~ may issue a permit for the travel of commercial vehicles over City streets or state highways within the City of Pearland with loads in excess of the load limits provided in Section 29-351 of this Chapter~~4~~, but only when it is impossible or impractical to reduce the weight of the load or use a vehicle capable of hauling the load within the prescribed limit. Such permit shall be issued for only one (1) day and for only one (1) trip by each vehicle. The Department~~Director of Public Works~~ shall determine the route of travel of said vehicle and the permit shall specify the date of the trip, the license plate number of the vehicle, and the route of travel. The permit applicant, prior to issuance of a permit, shall -pay a permit fee in the amount of ~~ten~~ two hundred ten dollars (\$210.00). The permit, or copy thereof, shall be carried in the vehicle and made available, on demand by any police officer, for verification that the vehicle is operating on a City approved route.  
~~for the issuance of such permit shall be paid to the City Secretary by the applicant therefor, prior to issuance.~~

**ORDINANCE NO. 1026-32**

(b) The limitation on weight prescribed by Section 29-351 of this Chapter shall not apply to road construction and maintenance machinery operated on a street by the City or other governmental entity, or any contractor operating such machinery in the performance of a contract with the City or other governmental entity. In the event the machinery described by this section exceeds the weight limits of Section 29-351, the person in charge thereof shall first obtain a permit from the Department that designates the route, including streets and bridges, over which the machinery will operate.

(a)(c) Any person operating a vehicle or machinery that exceeds the weight limits contained in this Chapter shall be liable to the City for any damage to City infrastructure resulting from such operation. The applicant, prior to issuance of a permit, shall file a surety bond, issued by a surety company authorized to do business in the State of Texas, in an amount established by the Department, to guarantee the restoration of any damage to City infrastructure resulting from the operation of the permitted vehicle in the City.

**Sec. 29-353 -Truck Routes.** All commercial motor vehicles shall confine their travel within the City of Pearland to the following streets or highways or parts thereof:

- 1) State Highway 288, from north city limits to south city limits;
- 2) State Highway 35 (Main Street), from north city limits to south city limits;
- 3) FM 518 (Broadway Street), from SH 288 to east city limits;
- 4) Mykawa Road, from FM 518 (Broadway Street) to north city limits;

**ORDINANCE NO. 1026-32**

- 5) McHard Road, from State Highway 35 (Main Street) to Mykawa Road;
- 6) FM 1128 (Manvel Road) from FM 518 (Broadway Street) to south city limits;
- 7) FM 2234 (Shadow Creek Parkway) from State Highway 288 west to FM 521 (Almeda Road);

8) FM 865 (Cullen Road) from FM 518 (Broadway Street) to north city limits.

8)9) Dixie Farm Road, from north city limits to State Highway 35.

Each ~~of such~~ commercial routes shall be clearly marked as aA Truck Route~~@~~ at its intersection with the city limits, at each intersection with other truck routes, and at such other locations along its course as shall be deemed necessary by the Department, Director of Public Works to adequately designate it for commercial motor vehicle travel.

Sec.29-354 Weight Limits on Specific Streets. No person shall operate a vehicle, with a gross weight in excess of the posted weight limits or allowable axles, on a City street for which a sign has been posted giving notice of the limitations.

**Sec. 29-35~~4~~5 Periods of Loading and Unloading.** In the event that a commercial vehicle completely or partially loads and/or unloads at a point which does not lie on a designated truck route, the commercial vehicle may proceed to and from such points of loading and/or unloading, providing that the commercial vehicle follows the shortest route from a designated truck route to and from each point of loading or unloading or otherwise as may be specified by the Director of Public Works.

**Sec. 29-35~~5~~6 Exceptions.**

- (a) Emergency Vehicles. The operation of emergency vehicles upon any street in the City.

**ORDINANCE NO. 1026-32**

- (b) City Vehicles. The operation of commercial vehicles owned or operated by the City upon any street in the City.
- (c) Detoured Trucks. The operation of commercial vehicles upon detours established by the Director of Public Works, provided such commercial vehicle could lawfully be operated upon the street for which such detour is established.
- (d) Local Operations. Any commercial vehicle traveling to and ~~from~~ its base of operation or storage not located on a designated truck route, provided the base of operation or storage is designated as a place of business on the tax rolls of the City and was in operation prior to the passage of this Article or annexation of said base of operation or storage into the City. For purposes of this ordinance, a landfill shall be considered the base of operation for commercial vehicles traveling to or from its location.

**Sec. 29-25~~7~~6 Enforcement.**

- (1) The ~~Department~~City Secretary shall keep and maintain accurate maps setting out truck routes and streets upon which commercial vehicle traffic is permitted. The maps shall be posted on the City's website, kept maintained on file in the office of the City Secretary, and shall be made available to the public.
- (2) Any police officer having reason to believe that the gross weight or axle load of a motor vehicle is unlawful, is authorized to weigh the same by means of certified portable or stationary scales, or the officer may cause the vehicle to be weighed by any public weight service and require the vehicle to be driven to the nearest

**ORDINANCE NO. 1026-32**

~~available scales for the purpose of weighing the vehicle. After weighing, if it is determined that the vehicle exceeds the weight limits of this Chapter, then the cost of the weighing shall be due and payable by the operator of the vehicle to the individual that provided the weighing service. The Chief of Police shall have the authority to require any person driving or in control of any commercial vehicle to proceed to any municipal, public, or private scale available for the purpose of weighing and determining whether this Article has been complied with. Upon such weighing, if it is determined that the commercial vehicle so weighed in excess of the load limit, then the cost of such weighing shall be immediately due and payable by the operator of such commercial vehicle and such commercial vehicle may be lawfully detained by the Police Department until such charge has been paid. In the event that the weight of such commercial vehicle is not in excess of the load limit, any charges for weighing under the terms of this Article shall be in addition to any fine imposed for a violation of its provisions."~~

~~(2)~~(3) In the event the gross weight of a commercial vehicle or an axle load exceeds the maximum allowed weight plus a tolerance of five percent (5%) of the gross weight of authorized by law, any police officer may require the operator of the vehicle to unload or rearrange the cargo to comply with the requirements of this Chapter if the police officer determines that such unloading and rearranging of cargo may be safely accomplished at the location where the vehicle was weighed or the police officer may require the operator of the vehicle to proceed to an alternate location.

**ORDINANCE NO. 1026-32**

Any alternate location shall be the nearest such place to public property, property under the control of the operator or their principal, or property where consent to unload and rearrange cargo has been obtained.

**Section 2. Penalty.** Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by a fine not to exceed Five Hundred Dollars (\$500.00).

**Section 3. Declaration of Emergency.** The Council finds and determines that the need to decrease allowable truck weight and to update street names and truck routes inures to the benefit of the traveling public and, therefore, bears directly upon the health, safety and welfare of the citizenry; and that this Ordinance shall be adopted as an emergency measure, and that the rule requiring this Ordinance to be read on two (2) separate occasions be, and the same is hereby waived.

**Section 4. Savings.** All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

**Section 5. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**ORDINANCE NO. 1026-32**

**Section 6. Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

**Section 7. Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

**Section 8. Publication and Effective Date.** The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official City newspaper.

PASSED and APPROVED ON FIRST AND ONLY READING this the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 201409.

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TOM REID  
MAYOR

ATTEST:

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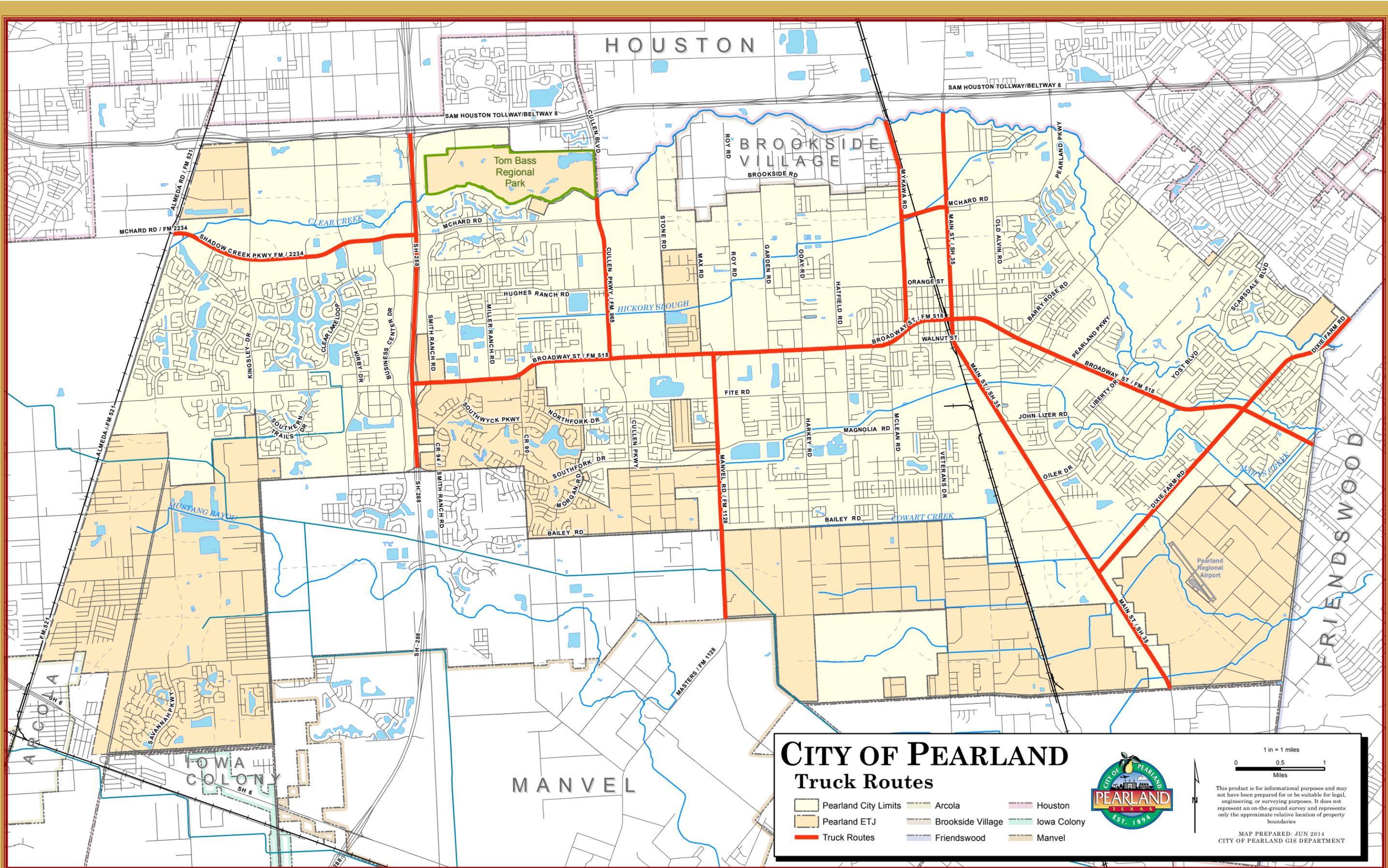
YOUNG LORFING  
CITY SECRETARY

APPROVED AS TO FORM:

| **ORDINANCE NO. 1026-32**

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DARRIN M. COKER  
CITY ATTORNEY



## CITY OF PEARLAND Truck Routes

Pearland City Limits	Arcola	Houston
Pearland ETJ	Brookside Village	Iowa Colony
Truck Routes	Friendswood	Manvel

1 in = 1 miles  
0 0.5 1  
Miles

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

MAP PREPARED: JUN 2014  
CITY OF PEARLAND GIS DEPARTMENT

# New Business Item No. 5

5. **Consideration and Possible Action – Resolution No. R2014-58** – A Resolution of the City Council of the City of Pearland, Texas, approving the U. S. Department of Housing and Urban Development Community Development Block Grant Program Projects for program year 2014 and fiscal year 2015. *Mr. Joel Hardy, Grants Coordinator.*



allocation amounts are formula-based and determining factors include population, income levels, and other demographics.

HUD restricts the use of these funds, allowing up to 15% of the total for social services programs and no more than 20% for planning and administration, leaving the remainder for infrastructure, public facilities, code enforcement and/or housing. However, it is not required that budgets meet these caps, only that they not be exceeded in the areas of public services and program administration.

Local agencies submitted applications requesting FY 2015 CDBG funding in May of this year and City staff assessed the eligibility and feasibility of several capital improvements based on the requirement that they be located in areas that serve low-moderate income Pearland residents based on Census data and income levels.

The Pearland Neighborhood Center and Forgotten Angels Foundation submitted requests for funding in the public services and infrastructure/improvements categories, respectively. PNC requested \$20,000 for continuation of its emergency rental/utility assistance program and Forgotten Angels has requested \$58,000 for the purchase of a new transportation vehicle for its clients.

City departments are proposing to utilize a share of the funding for code enforcement in eligible low-moderate income census block groups and minor rehabilitation and repairs of single family owner-occupied residences of low-moderate income citizens in Pearland. A total of \$145,262 from prior years' unspent funds is being recommended for re-allocation to increase capacity of the proposed single family housing rehab program, as well as to replace approximately 2,200 linear feet of AC Waterlines in low-moderate income census block groups in Pearland.

Staff also recommends that the City continue to budget for the use of the 20% allowable portion of the allocation amount for program administration (\$62,758) with the remaining for the following infrastructure/facility improvement projects:

## **RECOMMENDATIONS**

The planning team for developing recommendations for presentation to the City's management team consisted of directors and staff from Public Works, Finance, Capital Projects & Engineering, Community Development, Parks & Recreation, and Health/Environmental Services. Application reviews, cost-analyses, feasibility, scope of work, and eligibility assessments were conducted by the group during the month of April, and program/project priorities presented to the City Manager on May 19<sup>th</sup>. The following priorities are being recommended for approval by Council, and would subsequently appear in the City's 8<sup>th</sup> Annual Action Plan to be submitted to HUD in August.

- \$62,758 for Administration of the CDBG Program
- \$20,000 for local public services activities (Pearland Neighborhood Center)
- \$49,039 for time and effort (staff) associated with code enforcement activities
- \$21,016 for time and effort (staff) associated with single family housing rehab program activities

- \$160,981 for single family housing rehab direct costs (housing rehab activities)  
Total of \$313,794 FY2014-2015 Plann Allocation

The City will also re-allocate prior year funding from CDBG Program Year 2012 to accomplish the following activities:

- \$77,259 to replace approximately 2,200 linear feet of AC Waterlines in Old Townsite area
- \$68,003 for additional capacity for single family housing rehab direct costs (housing rehab activities)

In total, the expenditure of PY 2014 allocations of \$313,794 and PY 2012 re-allocation of \$145,262 will give the City a total of \$459,056 for the aforementioned projects.

A Public Hearing will be conducted in the month of June during the required 30-day public comment period scheduled to begin on June 17<sup>th</sup> and end July 18<sup>th</sup>. The PY'14 CDBG Action Plan will be submitted to Council for final approval, and must be submitted to HUD no later than August 15, 2014.

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

The CDBG PY 2014 contract between the City and HUD will be for one year beginning October 1, 2014 and ending September 30, 2015, and will only restrict the use of program administration and public services funds for that period of performance. Infrastructure/improvement monies unspent for code enforcement and single family housing rehab activities, as well as those associated with the replacement of AC Waterlines, may be carried over and used in following years as such projects may take longer to complete or all rehabilitation activities may not meet available funding.

### **BID AND AWARD**

The award/allocation from HUD will be \$313,794 for PY 2014 and will be issued to the City upon the successful completion, and subsequent HUD approval, of the City's Annual Action Plan. This plan will include overall objectives for administrative, public services and infrastructure activities, including our efforts to continue affirmatively furthering fair housing. The plans are due to HUD on August 15, 2014 and are on the proper course and timeline for completion, Council approval, and submission to HUD.

### **POLICY/GOAL CONSIDERATION**

HUD National Objectives to serve low-moderate income communities and reduce poverty are met by completing these projects. The City's citizens benefit by having improved public services, infrastructure, and efforts that affirmatively further fair housing.

### **PLANNING ACTIVITIES**

While the traditional elements of the CDBG Program were planned for in the same manner prior year activities and expenditures were proposed, the new Code Enforcement and

Single Family Housing Rehabilitation Program (SFHRP) elements of the CDBG Program were approached more comprehensively. Staff representatives from Community Development, Finance, Capital Projects, and Public Works, with Parks/Recreation and Engineering being informed as updates warranted the need to do so, put forth efforts to investigate other surrounding cities' practices, researched HUD policies and procedures, and assessed the successes and challenges other communities faced delivering these types of services.

Community Development and Finance Department staff visited Missouri City and met with their program management team to discuss their approaches to delivering Code Enforcement and SFHRP activities with CDBG funding. City of Pearland CDBG consultant Peg Purser of MKP Consulting was present at the meeting, as she also represents Missouri City in a similar capacity. The group walked away with sample policies and procedures and an improved grasp of the pros and cons associated with the program.

Staff is currently engaged in the development of the City's 8<sup>th</sup> CDBG Annual Action Plan and has conducted several internal meetings with all relevant departments to gather the expertise needed to shape Pearland's Code Enforcement and SFHRP program. The results include a draft of policies and procedures, a proper schedule of allocation amounts and program delivery costs, and 50% completion of the public/citizen participation process required to obtain HUD approval for the proposed expenditure plan.

Six planning meetings, one on-site visit to a neighboring jurisdiction, completing a draft of the program policies and procedures, three "desk reviews" of other surrounding cities' programs (Baytown, Pasadena, Waco), a "windshield inspection" of homes in the City that represent a clear need for rehabilitation/improvement, and regular engagement with HUD officials and our contract consultant for technical assistance with the program design, have all been conducted to-date and used to establish the basic elements of our program parameters. Ultimately, directors from Community Development, Finance, Capital Projects, and Public Works, with leadership from the Assistant City Managers Jon Branson and Mike Hodge, were able to propose recommended program elements to City Manager Clay Pearson and with the intent to present them to Council for approval.

The remaining 50% of activities needed to finalize local and HUD approval for these projects will involve Council's approval to move forward with the inclusion of these projects in the City's Action Plan, completion of the Action Plan, hosting a second public hearing and 30 day comment period, bringing the final version of the City's Action Plan back to Council for approval in late-July, and finally submitting the City's 8<sup>th</sup> CDBG Annual Action Plan to HUD prior to August 15<sup>th</sup>.

## **GUIDELINES**

A table has been provided that provides a draft overview of the Code Enforcement and Single Family Housing Rehabilitation Program guidelines (Attachment G). These come from staff reviews of generally-accepted program characteristics as described by HUD, surrounding jurisdiction's programs, and some elements of our own experiences as a recipient and overseer of CDBG Local Entitlement Jurisdiction Program funding. As Council acts on this current request, the planning team will continue to make improvements and adjustments to the design so as to complete the full scope of policies and procedures

needed to implement the program in the second quarter of fiscal year 2015. Applications, certifications, contracts and other documents that will be used to administer the program can be further developed for completion following Council's approval for taking the CDBG program in this proposed new direction. According to these Guidelines, rehabilitation activities can be provided at a maximum amount of \$15,000 per home, but with higher amounts available for properties that are in an emergency state or that are uninhabitable or unsuitable for living conditions.

The overall City of Pearland CDBG Program would continue to be administered through the Finance Department, but the specific activities involving Code Enforcement and Single Family Housing Rehabilitation Program would be handled day-to-day by the Community Development Department through the proposed "Community Revitalization Program Coordinator." Training, technical assistance, and overall professional development needed to grow staff experience in handling this type of venture can be accessed via HUD, National Community Development Association, MKP Consulting, surrounding cities, and other entities that provide such assistance/expertise. The City's Grants Coordinator has provided substantive program oversight for the past five years and has a strong grasp of the regulatory, financial management, and programmatic requirements of the Community Development Block Grant program.

While Section 3 of the Housing and Community Development Act is applicable (*hiring local low-moderate income workers when needed to perform construction*) to the Single Family Housing Rehabilitation Program, Davis-Bacon Act, Contract Work Hours Safety Standards Act, and others are expected to be excluded from our obligations to HUD.

## **ATTACHMENTS**

In addition to the Agenda Request, the backup documentation for this agenda item includes:

1. HUD's published local entitlement jurisdiction funding allocations for Pearland, and surrounding areas for information purposes only.
2. A city-wide map of the sections of Pearland that are eligible for locating area-benefit projects such as code enforcement, housing rehabilitation, drainage, sidewalk, and other infrastructure improvements.
3. A map of recent code enforcement activity that demonstrates the potential coverage area for the CDBG-funded code enforcement efforts and single housing rehabilitation activities.
4. A map locating the segment of AC Waterlines being proposed for replacement with Program Year 2012 CDBG funds.
5. A table with the list of projects and activities being proposed for implementation in Program Year 2014, with funds from PY 2014 and re-allocated funds from PY 2012.
6. Local Housing Concerns – Pictures.
7. Code Enforcement/Housing Rehab Draft Table of Guidelines.
8. Title 24 CFR 570-202: Eligible Activities.

## **RECOMMENDED ACTION**

Council consideration and approval of a resolution approving these projects presented herein to be included in the CDBG PY14/FY15 Annual Action Plan for the City of Pearland.

**RESOLUTION NO. R2014-58**

**A Resolution of the City Council of the City of Pearland, Texas, approving the U. S. Department of Housing and Urban Development Community Development Block Grant Program Projects for program year 2014 and fiscal year 2015.**

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

**Section 1.** That certain Projects for the Community Development Block Grant Program Annual Action Plan, attached hereto as Exhibit "A", are hereby authorized and approved.

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

HUD > Program Offices > Community Planning and Development > About > CPD Appropriations Budget > Community Planning and Development Program Formula Allocations for FY 2014

# Community Planning and Development Program Formula Allocations for FY 2014

The Fiscal Year (FY) 2014 budget for the Department of Housing and Urban Development has been enacted. These spreadsheets provide full-year allocations for the Office of Community Planning and Development's (CPD) formula programs: Community Development Block Grants (CDBG); HOME Investment Partnerships (HOME), Housing Opportunities for Persons with AIDS (HOPWA); and Emergency Solutions Grants (ESG).

The allocations reflect the level of funding approved for these programs in your community. The amounts also reflect approved grant reductions and include any reallocated funds for the CDBG and HOME programs. Under the CDBG program, some metropolitan cities have a **joint grant agreement** with an urban county to administer their CDBG grant. The urban county amounts shown in this table do not include the funds allocated to any metropolitan city. The metropolitan city and urban county amounts are shown separately. The HOPWA allocations reflect an adjustment made on April 14th, 2014 to account for minor changes to the national data set of cumulative AIDS cases, along with incidence data, received from the Centers for Disease Control and Prevention (CDC).

**Please note:** If you do not have Microsoft Excel available to view these worksheets, you may download the **free Excel viewer** from Microsoft.

## TX-FY14 Allocations

KEY	CNSRTKEY	NAME	STA	CDBG14
483612		Missouri City	TX	\$330,211
484068		Pasadena	TX	\$1,645,056
484080		Pearland	TX	\$313,794
485202		Sugar Land	TX	\$301,641
485346		Texas City	TX	\$372,450
489039		Brazoria County	TX	\$1,626,004

**CDBG PROGRAM YEAR 2014  
ELIGIBLE PROJECTS BY REQUESTS AND LOCATION  
CITY OF PEARLAND**

**CDBG Community Development: Code Enforcement (\$71,684)  
FUNDING CATEGORY (I)**

**CDBG Community Development: City-Wide LMC Single Family Housing Rehabilitation (\$159,352)  
FUNDING CATEGORY (I)**

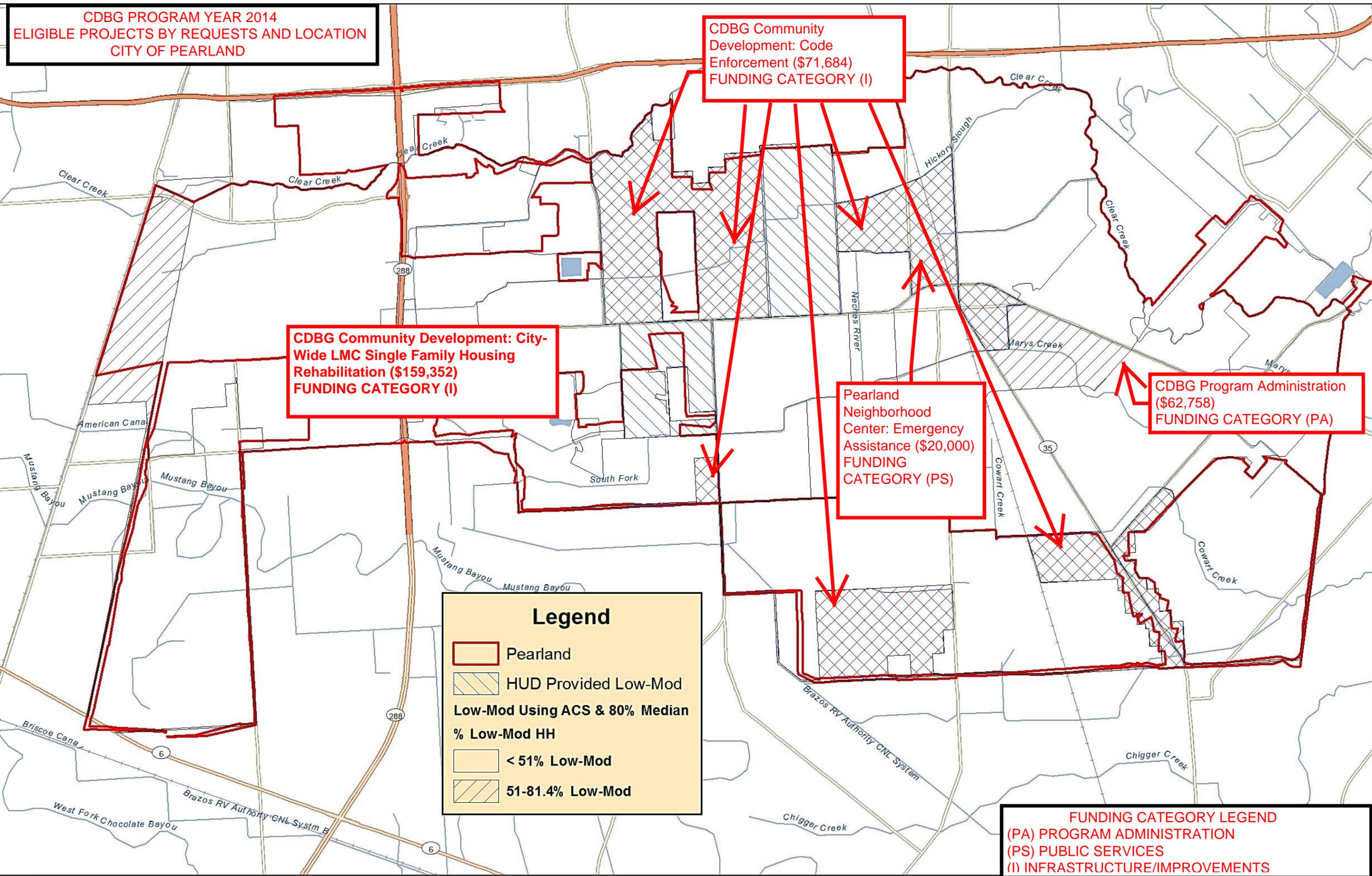
**Pearland Neighborhood Center: Emergency Assistance (\$20,000)  
FUNDING CATEGORY (PS)**

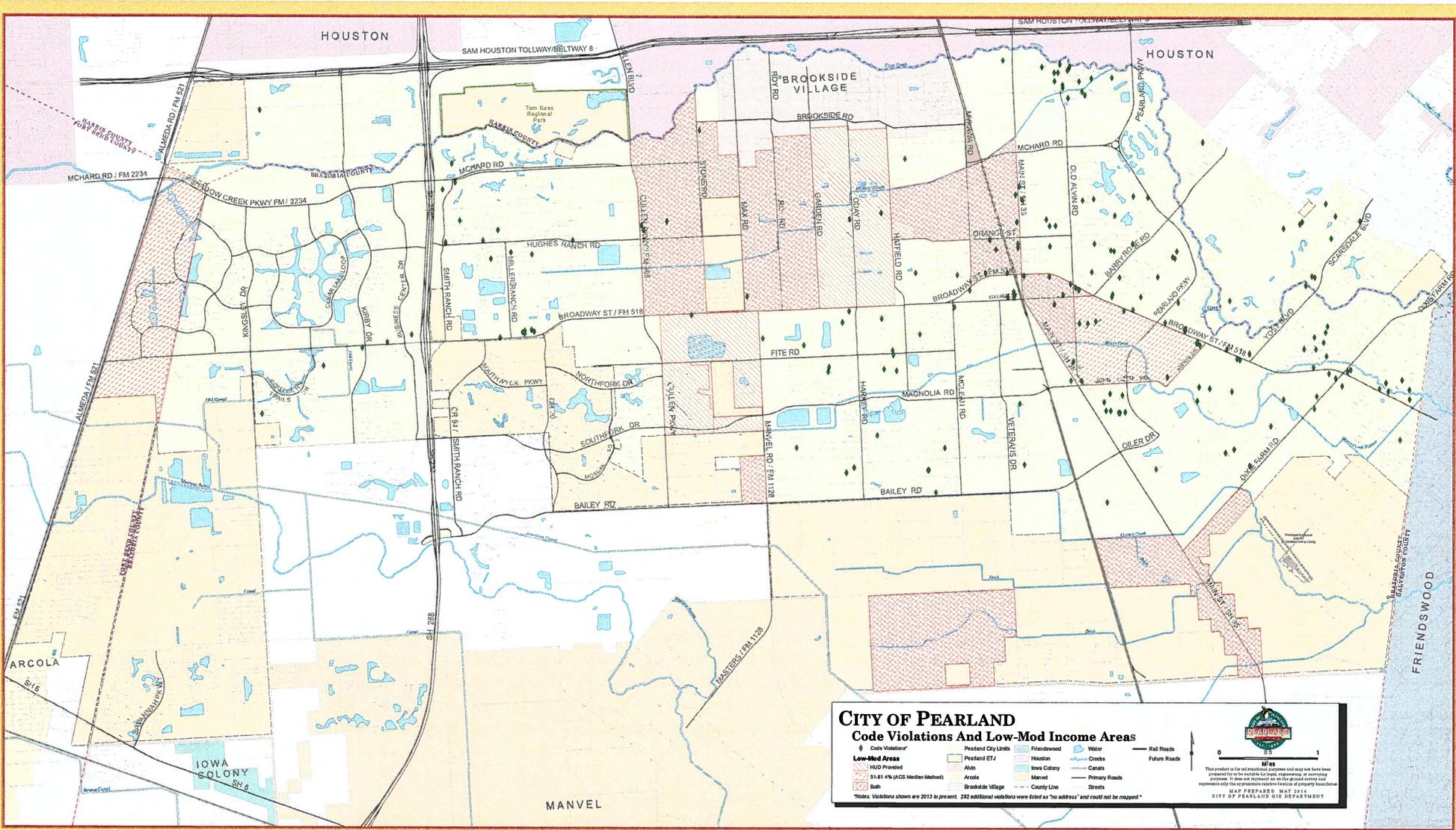
**CDBG Program Administration (\$62,758)  
FUNDING CATEGORY (PA)**

**Legend**

- Pearland
- HUD Provided Low-Mod Low-Mod Using ACS & 80% Median % Low-Mod HH
- < 51% Low-Mod
- 51-81.4% Low-Mod

**FUNDING CATEGORY LEGEND**  
(PA) PROGRAM ADMINISTRATION  
(PS) PUBLIC SERVICES  
(I) INFRASTRUCTURE/IMPROVEMENTS





### CITY OF PEARLAND Code Violations And Low-Mod Income Areas

<ul style="list-style-type: none"> <li>◆ Code Violations</li> <li><b>Low-Mod Areas</b></li> <li>■ HUD Provided</li> <li>■ 51-81 4% (ACS Median Method)</li> <li>■ Both</li> </ul>	<ul style="list-style-type: none"> <li>▭ Pearland City Limits</li> <li>▭ Pearland ETJ</li> <li>▭ Arcola</li> <li>▭ Brookside Village</li> <li>▭ Friendswood</li> <li>▭ Houston</li> <li>▭ Iowa Colony</li> <li>▭ Manvel</li> <li>▭ Brookside Village</li> </ul>	<ul style="list-style-type: none"> <li>▭ Water</li> <li>▭ Creeks</li> <li>▭ Canals</li> <li>▭ Primary Roads</li> <li>▭ Streets</li> <li>▭ County Line</li> <li>▭ Rail Roads</li> <li>▭ Future Roads</li> </ul>
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This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or planning purposes. It may be subject to the ground survey and represent only the approximate relative location of property boundaries.  
 MAP PREPARED MAY 2014  
 CITY OF PEARLAND GIS DEPARTMENT

\*Notes: Violations shown are 2013 to present. 282 additional violations were listed as "no address" and could not be mapped.



**OLD TOWN SITE**

**HUD ZONES  
"Waterlines"**

-  HUD Provided Low-Mod
-  <51% Low-Mod

**Legend**

-  51-81.4% Low-Mod
-  OLD TOWN SITE
-  CityLimits
-  Hydrants
-  Water Lines
-  Proposed 2100' of 10" AC Waterline to 12" C-900 Waterline Replacement



1 inch = 1,000 feet

MAY 15, 2014  
PUBLIC WORKS

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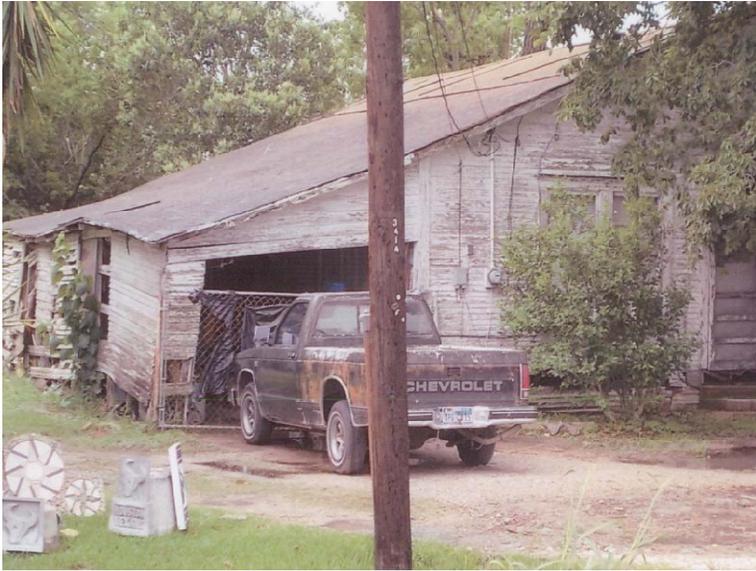
### Community Development Block Grant Projected Use of PY 2014 Funds and Prior Year Re-allocations

CDBG Project Code	Projects	Units	PY 2014 Allocation	Prior Year CDBG Re-Allocations	Totals
05Q	Pearland Neighborhood Center's Emergency Assistance (LMC) - 2335 N. Texas Avenue	01-People: 62	\$20,000	\$0	\$20,000
<b>Subtotal</b>		<b>01-People: 62</b>	<b>\$20,000</b>	<b>\$0</b>	<b>\$20,000</b>
03J	Water/Sewer Improvements (Old Townsite AC Waterlines)	01 – People: 1,037	\$0	\$77,259* (PY '12)	\$77,259
15	Code Enforcement & Rehabilitation Program Coordination	01-People: 3,733	\$70,055	\$0	\$71,684
14A	Single Family Housing Rehab	01-People: 15	\$160,981	\$68,003* (PY '12)	\$227,355
<b>Subtotal</b>		<b>01-People: 4,785</b>	<b>\$231,036</b>	<b>\$145,262*</b>	<b>\$376,298</b>
21 A - E	Contract consultants and in-house staff & expenses	N/A	\$62,758	\$0	\$62,758
<b>Subtotal</b>			<b>\$62,758</b>	<b>\$0</b>	<b>\$62,758</b>
<b>Total CDBG Expenditures</b>		<b>01-People: 4,847</b>	<b>\$313,794</b>	<b>\$145,262</b>	<b>\$459,056</b>

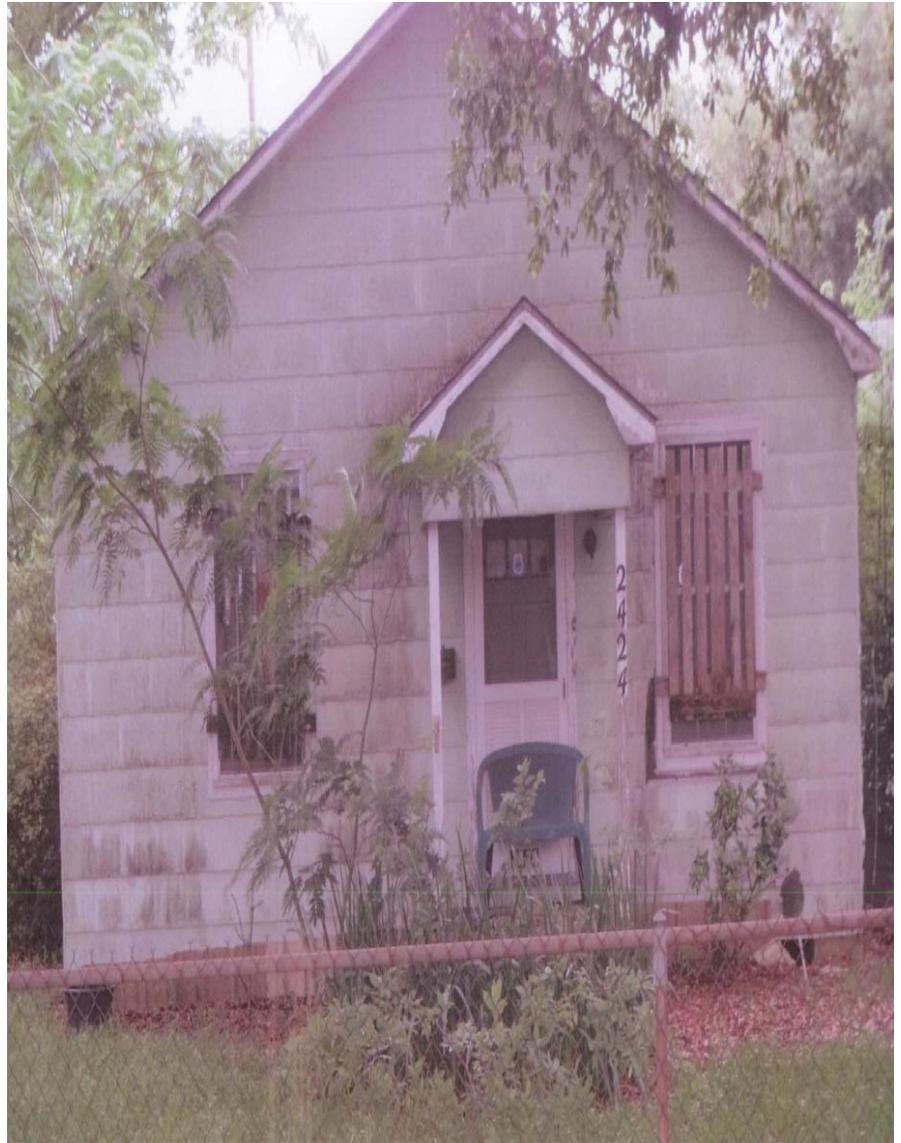
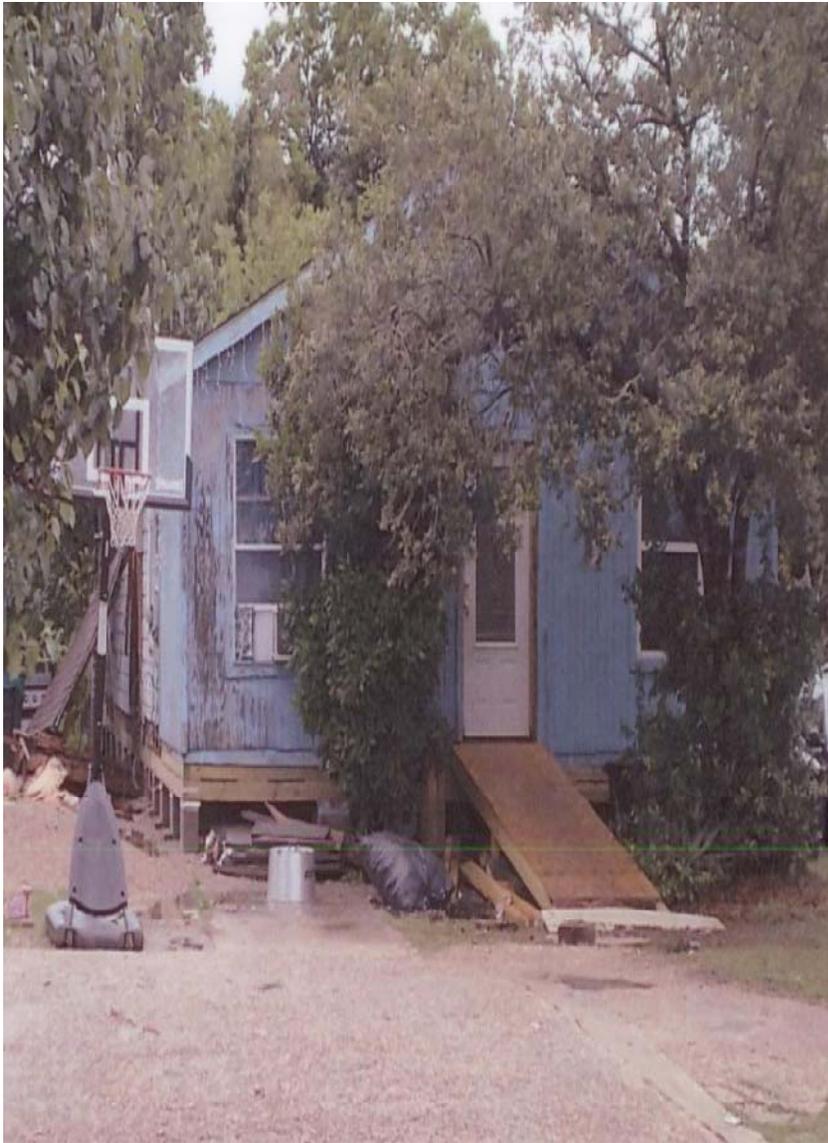
\*These funds were previously allocated to install sidewalks and associated drainage on North Houston and East Orange in Program Year 2012 (FY '13), but HUD denied the release of funds due to the fact that 2006-2010 American Community Survey data from the U.S. Census Bureau had not yet been approved for use in planning activities at the Entitlement Jurisdiction levels. This funding is now available for use in another capacity and City staff is recommending its re-allocation to projects that will replace old AC Waterlines and associated infrastructure and offer rehabilitation grants to local low-moderate income households that occupy their homes that are in need of minor repairs and code compliant improvements.

5/22/14











CITY OF PEARLAND CDBG COMMUNITY DEVELOPMENT - CODE ENFORCEMENT/HOUSING REHAB DRAFT GUIDELINES

These draft guidelines are the result of the City's review of surrounding cities' housing rehab and code enforcement programs. Missouri City, Baytown, Pasadena, and Waco Texas were all reviewed, in conjunction with consultation from CDBG expert Margaret Purser (MKP Consulting) to provide the basic elements of how staffing, application review, eligible activities, and funding allocations occur.

Area	Activity	Methods of Delivery	Funding	Eligibility Conditions	Terms	Timeline
CDBG Community Development Activities	Code Enforcement	Community Revitalization Program Coordinator will administer the Code Enforcement and Single Family Housing Rehab programs, under the supervision of the Health & Environmental Code Enforcement Officer and Community Development Director.	\$ 49,039	CDBG Matrix Code 15	\$19,3556 - \$21,8889/hour (\$40,260 - \$51,893 per year)	Oct 2014 - Sept 2015
	Single Family Housing Rehab		\$ 21,017	CDBG Matrix Code 14A		Oct 2014 - Sept 2015
	Funding	CDBG	\$ 227,355	24 CFR 570.202	CDBG Timely Spending and Annual Allocations	Oct-14
Disbursement of Single Family Housing Rehab Funding to Eligible Households	Providing review and assessments of applications for Single Family Housing Rehab Program and determining award or denial of funding. Committee structure with consensus decision-making ability for allocations below \$50,000. Additional allocation amounts require Council approval. Committee will meet during application review period and periodically for other purposes.	Community Development Advisory Committee	N/A	N/A	2 year terms for non-staff members and elected officials	Oct - Nov 2014
						Oct - Nov 2014
						Oct - Nov 2014
						Oct - Nov 2014
						Oct - Nov 2014
						Oct - Nov 2014
Allocations of Community Development Funds	Category #1: Owner/Occupant Low-Mod Income	Limited Conditional Grant	\$4,999 or less	(max 80% MSA)	1-Year Depreciable Lien	Jan 2015 - Sep 2015
		Conditional Grant	\$5,000 - \$9,999	(max 80% MSA)	Annual Income Inspection w/ 3 Year Depreciable Lien	Jan 2015 - Sep 2015
		Forgivable Loan	\$10,000 - \$15,000	(max 80% MSA)	Annual Income Inspection w/ 5 Year Depreciable Lien	Jan 2015 - Sep 2015
	Category #2: Owner w/ Life Tenancy Occupied	Forgivable Loan w/ Special Conditions	Up to \$15,000	Owner must be low/mod income and 51% of tenants must be low/mod income		Jan 2015 - Sep 2015
	Category #3: Unsuitable Living Conditions	Forgivable Loan	\$ 150,000	max 80% MSA w/ Repayment conditions (Fire Sprinkler required also)	10-Year Depreciable Lien	Jan 2015 - Sep 2015
	Sewer Hookup Program Category #1 (short)	Limited Conditional Grant	\$200 - \$1,999	max 80% MSA w/ Repayment conditions	No Lien	Jan 2015 - Sep 2015
	Sewer Hookup Program Category #2 (long)	Conditional Grant	\$2,000 - \$5,000	max 80% MSA w/ Repayment conditions	2 Year Depreciable Lien	Jan 2015 - Sep 2015
Housing Rehab	Labor and Materials for Repairs and Design/Construction	Option #1: Non-profit Subrecipient such as 5th Ward Community Redevelopment Corp. UIM Army Fort Competitive Bid for Construction or Home Repair Contractors	Included in the cost of repairs	Qualifications, Competitive Bid, Eligible Agency (non-profit with experience)	Contract and/or Subrecipient Agreement	Jan 2015 - Sep 2015

§ 570.202 Eligible rehabilitation and preservation activities.

**(a) *Types of buildings and improvements eligible for rehabilitation assistance.*** CDBG funds may be used to finance the rehabilitation of:

**(1)** Privately owned buildings and improvements for residential purposes; improvements to a single-family residential property which is also used as a place of business, which are required in order to operate the business, need not be considered to be rehabilitation of a commercial or industrial building, if the improvements also provide general benefit to the residential occupants of the building;

**(2)** Low-income public housing and other publicly owned residential buildings and improvements;

**(3)** Publicly or privately owned commercial or industrial buildings, except that the rehabilitation of such buildings owned by a private for-profit business is limited to improvement to the exterior of the building, abatement of asbestos hazards, lead-based paint hazard evaluation and reduction, and the correction of code violations;

**(4)** Nonprofit-owned nonresidential buildings and improvements not eligible under § [570.201\(c\)](#); and

**(5)** Manufactured housing when such housing constitutes part of the community's permanent housing stock.

**(b) *Types of assistance.*** CDBG funds may be used to finance the following types of rehabilitation activities, and related costs, either singly, or in combination, through the use of grants, loans, loan guarantees, interest supplements, or other means for buildings and improvements described in paragraph (a) of this section, except that rehabilitation of commercial or industrial buildings is limited as described in paragraph (a)(3) of this section.

**(1)** Assistance to private individuals and entities, including profit making and nonprofit organizations, to acquire for the purpose of rehabilitation, and to rehabilitate properties, for use or resale for residential purposes;

**(2)** Labor, materials, and other costs of rehabilitation of properties, including repair directed toward an accumulation of deferred maintenance, replacement of principal fixtures and components of existing structures, installation of security devices, including smoke detectors and dead bolt locks, and renovation through alterations, additions to, or enhancement of existing structures and improvements, abatement of asbestos hazards (and other contaminants) in buildings and improvements that may be undertaken singly, or in combination;

**(3)** Loans for refinancing existing indebtedness secured by a property being rehabilitated with CDBG funds if such financing is determined by the recipient to be necessary or appropriate to achieve the locality's community development objectives;

**(4)** Improvements to increase the efficient use of energy in structures through such means as installation of storm windows and doors, siding, wall and attic insulation, and conversion, modification, or replacement of heating and cooling equipment, including the use of solar energy equipment;

**(5)** Improvements to increase the efficient use of water through such means as water savings faucets and shower heads and repair of water leaks;

**(6)** Connection of residential structures to water distribution lines or local sewer collection lines;

**(7)** For rehabilitation carried out with CDBG funds, costs of:

**(i)** Initial homeowner warranty premiums;

**(ii)** Hazard insurance premiums, except where assistance is provided in the form of a grant; and

**(iii)** Flood insurance premiums for properties covered by the Flood Disaster Protection Act of 1973, pursuant to § [570.605](#).

**(8)** Costs of acquiring tools to be lent to owners, tenants, and others who will use such tools to carry out rehabilitation;

**(9)** Rehabilitation services, such as rehabilitation counseling, energy auditing, preparation of work specifications, loan processing, inspections, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in rehabilitation activities authorized under this section, under section 312 of the Housing Act of 1964, as amended, under section 810 of the Act, or under section 17 of the United States Housing Act of 1937;

**(10)** Assistance for the rehabilitation of housing under section 17 of the United States Housing Act of 1937; and

**(11)** Improvements designed to remove material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to buildings and improvements eligible for assistance under paragraph (a) of this section.

**(c) Code enforcement.** Costs incurred for inspection for code violations and enforcement of codes (e.g., salaries and related expenses of code enforcement inspectors and legal proceedings, but not including the cost of correcting the violations) in deteriorating or deteriorated areas when such enforcement together with public or private improvements, rehabilitation, or services to be provided may be expected to arrest the decline of the area.

**(d) Historic preservation.** CDBG funds may be used for the rehabilitation, preservation or restoration of historic properties, whether publicly or privately owned. Historic properties are those sites or structures that are either listed in or eligible to be listed in the National Register of Historic Places, listed in a State or local inventory of historic places, or designated as a State or local landmark or historic district by appropriate law or ordinance. Historic preservation, however, is not authorized for buildings for the general conduct of government.

**(e) Renovation of closed buildings.** CDBG funds may be used to renovate closed buildings, such as closed school buildings, for use as an eligible public facility or to rehabilitate such buildings for housing.

**(f) Lead-based paint activities.** Lead-based paint activities pursuant to § [570.608](#).

[53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 60 FR 1944, Jan. 5, 1995; 60 FR 56911, Nov. 9, 1995; [64 FR 50225](#), Sept. 15, 1999; [71 FR 30035](#), May 24, 2006]

# New Business Item No. 6

- 6. Consideration and Possible Action – Resolution No. R2014-53 – A**  
Resolution of the City Council of the City of Pearland, Texas, adopting City Council Rules and Order of Business (“Rules”) as guidelines for the organization and governance of the City Council. *Mr. Darrin Coker, City Attorney.*

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

<b>AGENDA OF: 6-9-14</b>	<b>ITEM NO.:</b> Resolution No. R2014-53
<b>DATE SUBMITTED: 6-2-14</b>	<b>DEPARTMENT OF ORIGIN: Administration</b>
<b>PREPARED BY: Darrin Coker</b>	<b>PRESENTOR: Darrin Coker</b>
<b>REVIEWED BY: NA</b>	<b>REVIEW DATE: NA</b>
<b>SUBJECT: City Council Rules and Order of Business</b>	
<b>EXHIBITS: R2014-53</b>	
<b>EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.:</b>	<b>AMOUNT BUDGETED: PROJECT NO.:</b>
<b>ADDITIONAL APPROPRIATION REQUIRED: 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 checked="" type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

Attached is a marked copy of the proposed City Council Rules and Order of Business (“Rules”) with revisions made to sections 6, 12 and 13 after the last City Council meeting. As noted at the meeting, the vast majority of the information contained in the Rules already exists in multiple locations (i.e., City Charter, Council Procedure Resolution, and Ethics Ordinance). The purpose of the Rules is to consolidate the information into one location to serve as centrally located guidelines for the manner of conducting business. It is anticipated that the Rules would need to be amended periodically to address changing circumstances (i.e., Charter revisions).

**RESOLUTION NO. R2014-53**

**A Resolution of the City Council of the City of Pearland, Texas, adopting City Council Rules and Order of Business (“Rules”) as guidelines for the organization and governance of the City Council.**

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

**Section 1.** That the City Council hereby approves the Rules attached hereto as Exhibit “A”.

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 COUNCIL RULES AND ORDER OF BUSINESS ("RULES")

1. ORGANIZATION

The governing body of the City shall consist of the Mayor and five (5) councilmembers ("Council"). The Mayor is elected in the City at large, and the Council members are elected at large by positions 1, 2, 3, 4 and 5. The Mayor shall be the presiding officer for Council meetings and, pursuant the City's Charter, shall only vote in the event of a tie vote. These Rules shall serve as guidelines for the organization and conduct of Council to ensure that the City is governed in an orderly fashion.

2. REGULAR MEETINGS

The Council shall hold at least two regular meetings per month in accordance with Section 3.08 of the City Charter. Regular meetings shall be held on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month at 6:30 P.M. in the Council Chambers of City Hall, and the public is invited to attend the meetings.

If the Council meets at a place or time other than its regular meeting place, then public notice to such effect shall be posted in accordance with the Texas Open Meetings Act.

3. SPECIAL MEETINGS

A special meeting may be held upon the written request of the Mayor or any two (2) councilmembers. Notice of special meetings must be posted in accordance with the Texas Open Meetings Act.

4. JOINT MEETINGS

The Council may hold Joint Meetings with various Boards, Commissions, and/or various governmental entities that share a community interest with the City. Such meetings shall be scheduled for a specific purpose or goal, agreed to by the City and the other entity prior to the meeting and posted for public information in accordance with the Texas Open Meetings Act.

5. EXECUTIVE SESSIONS

Pursuant to the Texas Open Meetings Act, the Council may conduct closed meetings that are not open to the public when the following matters are considered:

- A. Consultation with an attorney regarding pending or contemplated litigation; a settlement offer; or to receive advice on legal matters not associated with litigation.
- B. Deliberations associated with the sale, purchase or exchange of real property.
- C. Personnel matters.

- D. Deliberations regarding security matters.
- E. Deliberations regarding economic development negotiations.

The purpose of an executive session shall be stated in the motion to call the closed session and any action taken on a matter discussed in executive session shall be taken in an open meeting following the deliberation in closed session.

6. AGENDA

The City Manager and the City Secretary, with consultation and concurrence of the Mayor, shall prepare an agenda for business to be considered at each regular Council meeting. It shall be the practice of the City to include on any regular Council meeting agenda all items that are deemed appropriate by the City Manager, the Mayor, or any one Councilmember. For the Mayor or any Councilmember to have an item placed on the regular meeting agenda, the request shall be in writing and shall be filed with the City Secretary no later than noon on the Monday the week before the regular meeting at which it is requested for consideration. Agenda items requested by the Mayor or Councilmembers shall be placed on the Mayor/Councilmember Issues portion of the agenda. If the filing is later than noon on that Monday before the regular meeting, the item shall be placed on the agenda of the next regular meeting, unless the Mayor and/or City Manager determine –that delaying the requested item would be contrary to the City’s best interest.

The Agenda for the City Council Regular Meetings shall be developed by the City Manager and published by the City Secretary in the manner generally prescribed as follows:

- A. Call to Order
- B. Invocation and the Pledge of Allegiance to the United States of America flag and Texas flag
- C. Roll Call
- D. Recognition and Awards
- E. Audience Comments
- F. Public Hearings
- G. Consent Agenda
- H. Matters Removed from Consent Agenda
- I. New Business
- J. Other Business

K. New Business (Part II, if Needed)

L. Mayor/ Council Issues

M. Adjournment

## 7. PUBLIC COMMENT RULES

- A. All members of the audience addressing the Council (“Speaker”) shall direct their remarks to the person in charge of the meeting (“Chair”).
- B. No Speaker shall address the Council unless recognized by the Chair for that purpose.
- C. Remarks shall be limited to those pertaining to matters before the council, to City business or policy, or to issues of community concern or interest. Profane, vulgar or abusive language or personal attacks will not be tolerated.
- D. No Speaker shall continue to address the Council after being informed by the Chair that the Speaker’s time for addressing the Council has expired.
- E. The Speaker shall be limited to 3 minutes to address the Council. If a single individual has been designated, on behalf of a larger group, to speak for the group, then such individual shall be allowed a maximum of 5 minutes to speak. The Chair has the authority to grant additional time, if requested by a Speaker, for good cause. At the end of the Speaker’s allotted time, the Chair shall direct the Speaker to wrap up and the Speaker shall not exceed 1 additional minute of speaking time.
- F. Council shall not respond to Speakers; however the Mayor may direct City administration to respond to the Speaker, if appropriate, outside of or during the meeting.

## 8. QUORUM

Two-thirds (2/3) of the qualified members of the Council, including the Mayor, shall constitute a quorum for conducting business. A quorum for conducting business can be achieved with the presence of the Mayor and three councilmembers; or, in the absence of the Mayor, four councilmembers.

## 9. VOTING

Unless otherwise provided by City Charter, law or ordinance, the affirmative vote of the majority of those councilmembers present shall be necessary to adopt any ordinance or resolution. The vote on all ordinances and resolutions shall be taken by roll call and entered into the City’s official record.

## 10. DEBATE AND DECORUM

Robert's Rules of Order Newly Revised shall, to the extent feasible, govern the proceedings of Council. The City Attorney shall act as Parliamentarian for Council meetings.

#### 11. ETHICAL STANDARDS

It is the official policy of the city that:

A. City officials shall be independent, impartial, and responsible to the citizens of the city;

B. City officials shall not have a financial interest, and shall not engage in any business, transaction, or professional activity, or incur any obligation that conflicts with the proper discharge of their duties for the city in the public interest;

C. The principles of personal conduct and ethical behavior that should guide the behavior of city officials include:

- (1) A commitment to the public welfare;
- (2) Respect for the value and dignity of all individuals;
- (3) Accountability to the citizens of the city;
- (4) Truthfulness; and
- (5) Fairness.

D. Under such principles of conduct and ethical behavior, city officials should:

- (1) Conduct business with integrity and in a manner that merits the trust and support of the public;
- (2) Be responsible stewards of the taxpayers' resources; and
- (3) Take no official actions that would result in personal benefit in conflict with the best interests of the city.

E. To implement the aforementioned purpose and principles, the Council has enacted rules of ethical conduct to govern city officials (City Ordinance No. 1462-1 as it may be amended from time to time). It is the purpose and intent of city council to assure a fair opportunity for all of the city's citizens to participate in government, to adopt standards of disclosure and transparency in government, and to promote public trust in government.

#### 12. USE OF CITY COMPUTERS/TABLETS

The City shall ~~make supply~~ computers and/or electronic tablets ("Device") available to Council ~~that are intended~~ to be used for City business and City related purposes. Personal use of ~~any~~

Device is discouraged and should only be incident to the intended use of the Device. The following rules shall apply to Council members' ~~usage of~~ a City issued Device:

- A. The ~~City shall supply Council with a~~ Device ~~shall contain~~ all associated hardware and software. Council members shall not install hardware or software on a Device with~~out~~ prior approval of the City's Information Technology Department.
- B. The Device will be equipped to allow internet access and e-mail capabilities; however, Council members shall refrain from using such features to communicate with other Council members during Council meetings.
- C. Council members shall have use of the Device during the member's term of office, and such right shall terminate at the same time the member's term of office ends, at which time the Device and all associated equipment shall be returned to the City.
- D. Council members shall be responsible for maintaining the Device in good condition, and to reasonably protect it from theft, loss or damage.
- E. Council Members may not use a Device in connection with election or re-election efforts or campaigning, either for the member or any candidate for public office.
- F. Council members shall not use the Device for any commercial or financial gain, and shall not use the Device to access, store or download inappropriate or obscene material.
- G. Council should recognize that most of the documents that exist on the Device may be subject to the Texas Public information Act or other means of discovery, and should govern their use accordingly.
- H. Council members shall not use the Device in a manner that would violate the terms of the Texas Open Meetings Act.

#### 13. COUNCIL APPROVAL OF INDIVIDUAL COUNCIL MEMBER NON-ROUTINE REQUESTS FOR INFORMATION OR INVESTIGATIONS BY CITY STAFF

Any Council members' request to the City Manager for the Manager or City staff to create reports or other information, other than routine requests (i.e., requests [for existing information or new research](#) that can be answered ~~within 5-10~~[under 30](#)-minutes), ~~shall be added to a raised~~ ~~at a~~ Council meeting ~~agenda in the manner prescribed under section 6 of these Rules, considered~~ under the Mayor/Council- Issues ~~portion of the meeting, -~~ and [thereafter considered for authorization to proceed](#) ~~authorized~~ by a majority of the Council.

#### 14. NEW COUNCIL MEMBER ORIENTATION

Each new Council member shall, upon taking the oath of office, be provided various forms of vital information which shall include, but not be limited to, the following:

DRAFT

- A. City Charter
- B. Comprehensive Plan
- C. Current Budget
- D. Comprehensive Annual Financial Report for the last Fiscal Year
- E. Council rules
- F. Public Information Act and Open Meetings Act Training

Each new member of Council shall be offered an opportunity by the City Manager to tour various City facilities (i.e., City Hall, Police/Fire stations, Park facilities, Public works facilities, etc.).

# New Business Item No. 7

- 7. Consideration and Possible Action – Resolution No. R2014-55 – A**  
Resolution of the City Council of the City of Pearland, Texas, renewing, a unit supply bid for electric and Supervisory Control And Data Acquisition (SCADA) services to Boyer, Inc. in the estimated amount of \$515,000 annually. *Mr. Eric Wilson, Director of Public Works.*

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

<b>AGENDA OF:</b>	June 9, 2014	<b>ITEM NO.:</b>	Resolution No. 2014-55
<b>DATE SUBMITTED:</b>	May 30, 2014	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Bob Pearce	<b>PRESENTOR:</b>	Eric Wilson
<b>REVIEWED BY:</b>	Jon R. Branson	<b>REVIEW DATE:</b>	June 2, 2014
<b>EXHIBITS:</b> R2014-55 Bid Tabulation			
<b>EXPENDITURE REQUIRED:</b> \$173,000 (est. rest of year) <b>AMOUNT BUDGETED:</b> \$490,000 <b>AMOUNT AVAILABLE:</b> \$173,000 <b>PROJECT NO.:</b> <b>ACCOUNT NO.:</b> 010-3570-565-73-00; 010-3570-555-11-00; 010-3590-553-01-00; 030-4041-554-05-00; 030-4042-554-05-00; 030-4043-554-04-00			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>			
<b>ACCOUNT NO.:</b>			
<b>PROJECT NO.:</b>			
<b>To be completed by Department:</b>			
<input checked="" type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution			

**EXECUTIVE SUMMARY**

**BACKGROUND**

Two (2) sealed bids were received May 13, 2014 for providing electrical and SCADA services throughout the City's water and wastewater facilities. The services provided will consist of the maintenance and repair of existing SCADA equipment in service (including general electrical, motor controls, SCADA/PLC, communication and data, and instrumentation), and integration of new equipment into the City system as needed. The SCADA system allows for real-time, remote monitoring and control of the City's various water facilities. Proper maintenance is critical for the system to maintain its operational integrity.

**SCOPE OF CONTRACT**

The term of this bid award is one (1) year, with two (2) one-year renewal options upon the mutual agreement of the parties, and the approval of City Council.

**BID AND AWARD**

Two (2) sealed bids were received May 13, 2014 for electrical and SCADA services in response to City bid number 0314-32. Bid specifications required bidders to submit their respective hourly rates for electrician, helper and emergency response. The apparent low bidder for this bid is Boyer Inc., and is thus recommended for award by Public Works and Purchasing staff.

Boyer Inc. has recently acquired DMG Electric, which has been the contracted vendor for these services for several years, and Public Works personnel have reported exemplary service by DMG for the duration of its tenure. The principal owner of DMG Electric will be retained by Boyer, and it has been indicated that he will be the primary electrician/SCADA technician on City of Pearland work. It should be noted that the rates submitted by the current low bidder are considerably higher than the City has previously enjoyed (as reflected in the Prior Bid Pricing column on the attached tabulation), but they are nevertheless the low bidder.

This award will provide for fixed service rates for a period of one (1) year, with no allowable price increases. At the expiration of the initial term, there is a renewal option for two (2) additional years with the mutual agreement of both parties, and the subsequent approval of City Council. Any price increase request at a renewal period must be substantiated by a commensurate increase during the prior 12 month period in the "All Items" category of the CPI for the Houston-Galveston-Brazoria region.

**SCHEDULE**

Electrical and SCADA services to be performed as needed throughout the year.

**CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS**

<b>Fiscal Year</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Estimated Expenditure	\$173,000 rest of year	\$515,000	\$529,420

**RECOMMENDED ACTION**

Consideration and approval of a resolution to award a bid for provision of electrical and SCADA services to Boyer Inc. of Houston, Texas, at the rates reflected in the attached bid tabulation.

**RESOLUTION NO. R2014-55**

**A Resolution of the City Council of the City of Pearland, Texas, renewing, a unit supply bid for electric and Supervisory Control And Data Acquisition (SCADA) services to Boyer, Inc. in the estimated amount of \$515,000 annually.**

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

**Section 1.** That the City recently opened unit price bids for electric and SCADA services.

**Section 2.** That the City Council hereby awards a bid to Boyer, Inc., in the unit price amounts reflected in Exhibit "A" attached hereto.

**Section 3.** The City Manager or his designee is hereby authorized to execute a unit supply contract for electrical and SCADA 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

**Bid Tabulation: Electrical and SCADA Services**

**Bid Opening Date: Tuesday, May 13, 2014**

**Bid Number: 0314-32 Addendum 1**

City/State Telephone Number Contact Name				Boyer, Inc. Houston, TX 713-466-5395 Mark L. Boyer	Powergen Controls, LLC Pearland, TX 615-538-0073 Juan P. Restrepo	Prior Bid Pricing (DMG Electric)
<b>Line</b>	<b>Description</b>	<b>QTY</b>	<b>UOM</b>	<b>Unit</b>	<b>Unit</b>	<b>Unit</b>
1	Standard Rate Per Hour	1	HR	<b>\$90.00</b>	\$150.00	\$45.00
2	Helper Rate Per Hour	1	HR	<b>\$35.00</b>	\$100.00	\$32.50
3	Emergency Repair Rate Per Hour	1	HR	<b>\$135.00</b>	\$225.00	\$45.00
<b>Total</b>				<b>\$260.00</b>	\$475.00	\$122.50
	Service Call/Trip Charge			<b>No Charge</b>	No Charge	\$50.00
	Minimum Charge per Call-Out			<b>2 hours</b>	2 hours	4 hours
	Materials/Supplies Mark-up			<b>20%</b>	10%	10%
	Warranty for Labor/Workmanship			<b>1 Year</b>	3 Months	3 Months
	Warranty for Materials/Supplies			<b>1 Year</b>	Per Manufacturer Warranty	
	Normal Business Hours			<b>7 am-5:30 pm</b>	7:30 am - 5:00 pm	7:00 am - 3:30 pm
	If emergency or after hours service is required, can your company respond?			<b>Yes</b>	Yes	
	Emergency Respond Time			<b>2 hours</b>	2 hours	
	Phone Number			<b>281-598-0332</b>	615-538-0073	
	Emergency Phone Numbers			<b>281-841-3209</b>	832-235-6007	

# New Business Item No. 8

8. **Consideration and Possible Action – Resolution No. R2014-57 –**  
A Resolution of the City Council of the City of Pearland, Texas, awarding a unit price bid for the purchase of motor fuel from Houston-Pasadena Apache Oil in an estimated amount of \$1,163,000 annually.  
*Mr. Eric Wilson, Director of Public Works.*

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

<b>AGENDA OF:</b>	June 9, 2014	<b>ITEM NO.:</b> Resolution No. R2014-57
<b>DATE SUBMITTED:</b>	May 30, 2014	<b>DEPT. OF ORIGIN:</b> Finance
<b>PREPARED BY:</b>	Bob Pearce	<b>PRESENTOR:</b> Eric Wilson
<b>REVIEWED BY:</b>	Jon R. Branson	<b>REVIEW DATE:</b> June 2, 2014
<b>SUBJECT:</b> Bid Award for Purchase of Motor Fuels		
<b>EXHIBITS:</b> R2014-57 Bid Tabulation		
<b>EXPENDITURE REQUIRED:</b> \$693,014 (est. rest of year) <b>AMOUNT BUDGETED:</b> \$1,268,061 <b>AMOUNT AVAILABLE:</b> \$693,014 <b>PROJECT NO.:</b> <b>ACCOUNT NO.:</b> Various accounts (Among General Fund, Water & Sewer Fund & PEDC)		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>		
<b>To be completed by Department:</b> <input checked="" type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution		

**EXECUTIVE SUMMARY**

**BACKGROUND**

It is necessary for the City to contract with a fuel supplier in order to assure a constant, reliable fuel source for City vehicles and equipment. Sealed bids were recently solicited for this purpose, with six (6) bid responses received. The City uses an average monthly total of 34,000 gallons of unleaded gasoline and 14,000 gallons of un-died low sulfur diesel through the Public Works and Hillhouse Service Centers.

**SCOPE OF CONTRACT**

Based upon the bid margins received, it is recommended that the bid for motor fuel supply be awarded to Houston-Pasadena Apache Oil. The term of the proposed award is one (1) year, with four (4) one-year renewal options, upon the mutual agreement of both parties, and the approval of City Council.

### **BID AND AWARD**

Six (6) sealed bids were received May 15, 2014 for the purchase of motor fuels (regular unleaded and low-sulfur No. 2 diesel). Bid specifications required bidders to price fuels to the city at the average Oil Price Information Service (OPIS) Houston daily rack price plus/minus a fixed differential margin. OPIS compiles and publishes the daily average price and lists all the fuel prices at the Houston rack site, with the average derived from those prices. It is believed that a fixed margin on the daily OPIS average affords the City the most price stability possible.

Based upon the bid margins received, it is recommended that the bid for transport purchases of unleaded and diesel fuel be awarded to Houston-Pasadena Apache Oil. The company has previously held the City contract for fuel supply services, and the Fleet department reports a high degree of satisfaction with their products and service.

While Petroleum Traders was the lowest bid for the bobtail-delivered product, upon notice by Purchasing staff, they elected not to be considered for only that portion of overall award, therefore, staff recommends award of all motor fuel supply to Houston-Pasadena Apache Oil. Bobtail deliveries are very occasional, occurring typically during extended usage of emergency generators, with the fuel delivered directly to the subject generator (as during times of pre-emergency event preparation, or post-emergency event recovery); therefore the deliveries are critical to City operations, but are not particularly attractive to a vendor as a stand-alone contract.

The pricing margins above OPIS average for all fuels included in the recommended award are reflected in the following table (a full tabulation of bids received is attached as exhibit).

<b>Fuel Type</b>	<b>Recommended Award</b>	<b>Bid Margin Over OPIS Daily Average</b>
Unleaded gasoline, transport delivery	<b>Houston-Pasadena Apache Oil</b>	<b>\$0.0000</b>
No. 2, low-sulfur diesel, transport delivery	<b>Houston-Pasadena Apache Oil</b>	<b>+\$0.0175</b>
1-750 gallon diesel, bobtail delivery	<b>Houston-Pasadena Apache Oil</b>	<b>+0.45</b>
751-2,000 gallon diesel, bobtail delivery	<b>Houston-Pasadena Apache Oil</b>	<b>+0.16</b>
2,001-3,000 gallon diesel, bobtail delivery	<b>Houston-Pasadena Apache Oil</b>	<b>+\$0.06</b>

### **SCHEDULE**

Fuel to be purchased as needed throughout the year.

### **POLICY/GOAL CONSIDERATION**

The City's fueling stations are vital to the City's ability to deliver needed services. This supply contract will provide the necessary fuel to keep City vehicles and equipment in operation.

**CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS**

<b>Fiscal Year</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Estimated Expenditure</b>	\$693,014 (Remaining for FY 2014)	\$1,163,011	\$1,195,575

**RECOMMENDED ACTION**

Consideration and approval of a resolution awarding a bid for motor fuel supply to Houston-Pasadena Apache Oil, with pricing margins above the OPIS daily average as referenced in the table above.

**RESOLUTION NO. R2014-57**

**A Resolution of the City Council of the City of Pearland, Texas,  
awarding a unit price bid for the purchase of motor fuel from Houston-  
Pasadena Apache Oil in an estimated amount of \$1,163,000 annually.**

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

**Section 1.** That the City opened unit supply bids for the purchase of motor fuels,  
and such bids have been reviewed and tabulated.

**Section 2.** That the City Council hereby awards the bid to Houston-Pasadena  
Apache Oil, in the unit supply amounts reflected in Exhibit "A" attached hereto.

**Section 3.** The City Manager or his designee is hereby authorized to execute a  
unit supply contract for the purchase of motor fuels.

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

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

ATTEST:

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

APPROVED AS TO FORM:

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

BID TABULATION: PURCHASE OF MOTOR FUELS

BID OPENING DATE: Tuesday, May 15, 2014

BID NUMBER: 0414-34

Vendor	Houston-Pasadena Apache Oil Co	Petroleum Traders	Sun Coast	IPC USA Inc.	Reladyne/The Hurt Company	Atlantic Petroleum
Regular Unleaded, Transport Delivery - Per Gallon Margin	0.0000	0.0094	0.0148	0.0217	0.0197	0.2000
Diesel, low sulfur, Transport Delivery - Per Gallon Margin	0.0175	0.0193	0.0169	0.0388	0.0293	0.2000
<b>Bobtail delivery Diesel - Low Sulfur</b>						
Per Gallon (0 - 750 Gallons) Diff.	\$0.45	\$0.22	\$0.3990	No Bid	\$0.2970	\$0.25
Per Gallon (751 - 2,000 Gallons) Diff.	\$0.16	\$0.15	\$0.1898	No Bid	\$0.2493	\$0.25
Per Gallon (2,001 - 3,000 Gallons) Diff.	\$0.06	\$0.07	\$0.0741	No Bid	\$0.1493	\$0.20

# New Business Item No. 9

9. Council Input and Discussion – Regarding Council Policy Development Debt Structure – Tax Backed Obligations.  
*Ms. Claire Bogard, Director of Finance.*

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

<b>AGENDA OF:</b>	June 9, 2014	<b>ITEM NO.:</b>	New Business No. 9
<b>DATE SUBMITTED:</b>	May 29, 2014	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Claire Bogard	<b>PRESENTOR:</b>	Claire Bogard
<b>REVIEWED BY:</b>	Clay Pearson	<b>REVIEW DATE:</b>	Clay Pearson
<b>SUBJECT:</b> Debt Service Structures			
<b>EXHIBITS:</b> A – Memo on Residential Tax Impact B - Debt Service Restructuring Options (May 29 Thursday Packet) C – Previous Rating Outlooks – Fitch and S&P D – Restructuring NPV Savings Analysis			
<b>FUNDING:</b>			
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input 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> NA <b>AMOUNT BUDGETED:</b> NA			
<b>AMOUNT AVAILABLE:</b> NA <b>PROJECT NO.:</b>			
<b>ACCOUNT NO:</b>			
<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>			
<input checked="" type="checkbox"/> Finance	<input type="checkbox"/> Legal	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution

**EXECUTIVE SUMMARY**

**BACKGROUND**

The City has historically issued level debt with a 25-year maturity life. This practice and structure has been in place for many years and was the structure used in determining the debt service tax rate impact for the 2007 bond referendum and remaining debt from the 2001 bond referendum. In doing so, the City's annual debt service requirements are level, meaning there is no decline in the debt structure, leaving no capacity for the City to issue new debt without relying on new growth, property re-valuation increases or tax rate increases. This will present an issue as the city grows, builds-out and ages. By having 25-year debt, pay-off of principal is slower and higher interest is being paid. (Attached you will find rating outlooks from Fitch dated January 2014 and from Standard & Poor's dated August 2013).

Finance staff began evaluating debt structure options back in 2012 for consideration. Due to a less than optimistic forecast, as a result of the slower economy, the options presented resulted in considerably higher tax rate increase when compared to the existing 25-year level debt practice. As such, options by the City were not pursued.

Now that the economy has picked up with the City's taxable value growing, as well as a current low interest rate environment, the City's financial advisors, BOSC, Inc, has run various debt options for **new** 20- and 25-year debt maturities for the City based on the 2014 planned issuances and the 2015-2019 draft Capital Improvement Program (much already backed by voters in the 2007 bond referendum), of which projects funded by tax-backed debt total \$118 million over the time period. The future new issuance section (pages 1-4 of the BOSC analysis attached) does *not* include debt that may be approved in a future bond referendum package. The new debt planned was then used to analyze principal pay-off, interest savings, as well as tax rate impacts in the City's 5-Year Forecast of the Debt Service Fund based on debt and valuation assumptions.

Based on the analysis attached, the 20-year level principal debt structures on all new tax backed debt issues, saves \$37.6 million in future interest payments from the 25-year traditional approach, accelerates the principal pay-off from 56% to 89% in 20 years, while projecting a lower debt service tax rate over the next 5-years than last year's forecast.

At the same time that staff is looking to change to a 20-year debt structure for new debt to be issued, **with today's low interest rates, the City also has the opportunity to refinance and restructure a portion of the City's existing debt outstanding totaling \$294.7 million as of 9/30/2013. There is approximately \$69.4 million of 23.5% of the City's outstanding principal that can be refinanced and restructured, saving approximately \$8.3 million in future interest cost with a net present value savings of 7.24%. (See attached analysis)**

When building the restructuring into the analysis, the 20-year level principal debt service tax rate is .5375 by 2018, just slightly higher than last year's forecast of .5325, but drops to .4675 by 2022 and to .4300 by 2027. **The short-term slight increase due to refinancing and restructuring in the debt service tax rate, 77 cents a month or \$9.31 a year, saves \$45.9 million in future interest payments, accelerate the pay-off of principal and builds capacity in the debt service fund for future debt to be sold.** The attached May 30, 2014 memorandum from Finance Director Claire Bogard shows the City tax impact on a sample residential value. Staff's recommendation is to proceed with a 20-year level principal structure for all new debt and to incorporate the refunding and restructuring of \$69.3 million.

Our goal is to manage long-term liabilities and ensure the long-term financial health of the City.

Attached are the results and staff and BOSC, Inc. will be at the meeting on June 9<sup>th</sup> to discuss, get feedback and consensus on moving forward. Also available after the meeting, is the Financial Advisor's long-term analysis and assumption spreadsheet, for review.

### **POLICY/GOAL CONSIDERATION**

Excerpt from City's Financial Policy Statements:

Objectives: To maintain appropriate financial capacity for present and future needs  
To protect the City's credit rating and provide for adequate resources to meet the provisions of the City's debt obligations on all municipal debt.

Excerpt from the City's Financial Policy Statements on Debt:

The City currently has a level debt service structure...The City shall seek to begin making attempts to structure future debt issuances, where affordable, to a declining structure.

**SCHEDULE**

The City is ready to proceed with its FY2014 debt issuances as planned for in the City's 2013-2014 fiscal year. Based upon City Council direction at the June 9<sup>th</sup> Council meeting, if the City Council is ready, staff will pull the trigger to being processing to issue the new debt as well as refund and restructure the \$69.5 million in existing debt, watching the interest rate environment which is currently favorable.

Also, Council direction will greatly assist the staff with preparing and presenting the FY2015 budget and forecast for the City's Debt Service Fund, to be filed with City Council the end of July. Current projections, in line with last year's multi-year forecast predict \$0.01 in separate tax rate increase for operations and maintenance for City services.

**FINANCIAL IMPACT INFORMATION**

Attached

**RECOMMENDED ACTION**

Discussion and direction on debt service structure for tax-backed obligations.



# Memo

To: Clay Pearson, City Manager

From: Claire Bogard, Director of Finance

Date: May 30, 2014

Re: Debt Service Structure

In the Debt Service Structure City Council Policy write-up, I included the differences in the total property tax rate by year (2015-2019) from last year's 5-Year Forecast versus the total property tax rate when moving to a 20-year level principal debt service structure, including refunding and restructuring \$69.5 million in existing debt. What I did not include was the comparison of the actual taxes paid for each based on the residential average taxable value.

Below is a comparison of the property tax levy from last year's forecast by year compared to the property tax levy for a 20-Year Level Principal Debt Structure, including the restructuring of existing debt. This is based on preliminary Brazoria and Fort Bend County's average residential taxable value for tax year 2014, fiscal year 2015 of \$186,173.

	<u>Last Year's Forecast</u>			<u>20-Year Level Principal with Restructuring</u>			
	<u>O&amp;M</u>	<u>Debt Service</u>	<u>Total</u>	<u>O&amp;M</u>	<u>Debt Service</u>	<u>Total</u>	<u>Variance</u>
2015	414.23	949.48	1,363.72	419.08	958.79	1,377.87	14.15
2016	414.23	986.72	1,400.95	419.08	1,000.68	1,419.76	18.80
2017	414.23	991.37	1,405.61	419.08	1,000.68	1,419.76	14.15
2018	414.23	991.37	1,405.61	419.08	1,000.68	1,419.76	14.15
2019	NA	NA	NA				

As you can see, the increase is roughly \$14 a year or \$1.167 a month. Of this amount \$4.85 or \$.0133 cents a day is attributable to operations (public safety, streets, parks, etc.) and \$9.31 or \$.0255 cents a day is mainly attributable to the change to a 20-year level principal debt structure.

For \$.0255 cents a day or 77 cents per month, the City can reduce future interest payments by \$45.9 million, build capacity for future debt issuances that will occur, manage long-term liabilities and ensure the long-term financial health of the City.

## Council Policy Development Debt Structure – Tax Backed Obligations

5/29/14  
To: Mayor & City  
Council Members

**BACKGROUND**

**Debt Structure**

*Substantive background for your review regarding City's debt structure, opportunity to reframe for interest savings.*

The City has historically issued level debt with a 25-year maturity life to minimize any potential debt service tax rate increase. This practice and structure has been in place for many years, and was the structure used in determining the debt service tax rate impact for the 2007 bond referendum and remaining debt from the 2001 bond referendum. In doing so, the City's annual debt service requirements are level, meaning there is no decline in the debt service structure in the near future. (See attached – Attachment A) This leaves no capacity for the City to issue new debt without relying on property value re-valuation, new growth, or tax rate increases. As the City grows, builds out and ages, issuing new debt could continue to require tax rate increases.

Also, by having a 25-year level debt service structure, pay-off of principal is slower as higher principal payments are seen in the outer years, resulting in higher interest being paid by the City and taxpayer.

City finance staff began evaluating debt structure options and presented options to the City's audit committee in August 2012 for consideration when issuing new debt. Due to a less than optimistic forecast, as a result of the slower economy, the options presented resulted in higher tax rate increases compared to the City's current debt issuance practices. As such, the audit committee did not want to pursue changing the City's practice of issuing 25-year level debt.

Now that the economy has picked up and the future is brighter, staff has re-ran two debt structure options for 20 debt maturities; level principal and level debt service in comparison to our current practice of 25-year level debt service.

The forecast is based on preliminary values for fiscal year 2015 and the draft 5-Year CIP 2015-2019 and does not include projects that are currently identified, but not funded, from a potential future bond referendum totaling \$70.5 million. Below is the assumption used in the analysis of new debt to be issued based on funded projects in the 5-Year CIP 2015-2019, totaling \$118,455,000.

Type	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
General Obligation	12,630,000	17,630,000	16,475,000	15,190,000	22,865,000	7,150,000
Certificates of Obligation	4,725,000	11,295,000	8,730,000	1,765,000	-0-	-0-
Total	17,355,000	28,925,000	25,205,000	16,955,000	22,865,000	7,150,000

Analysis

The analysis shows that by moving to a 20-year maturity schedule for new debt, the rate of principal pay-off is quicker as shown below. \*

**RATE OF PRINCIPAL PAY-OFF (new debt only anticipated over the next 5-years)**

Years	20-Level DS	20-Level Principal	25-Level DS (current practice)
5 Years	8%	14%	5%
10 Years	27%	39%	18%
15 Years	52%	64%	34%
20 Years	83%	89%	56%
25-Years	100%	100%	85%
To Maturity			100%

Fitch Ratings has previously mentioned that the City's current rate of principal pay-off is below average. This is due to a 25-year maturity schedule and the fact that higher principal payments are structured on the back-end of the maturity schedule in a level debt service structure. Based on the anticipated debt issuances over the next 5-years, pay-off of principal for the new debt is only 56% after 20 years for the 25-year level debt service structure. If the City decided to move to a 20-year debt service structure, this change would increase principal pay-off to over an 80% rate. ))

The analysis also shows a significant savings in future interest payments by moving to a 20-year maturity schedule for new debt to be issued, as shown below based upon the 2015-2019 CIP. ))



	20-Year Level DS	20-Year Level Principal	25-Year Level DS (current practice)
Total Interest Paid	\$73,061,642	\$61,829,267	\$99,535,142
Interest Savings (from current practice)	\$26,473,500	\$37,705,875	

**Existing Debt**

With today's low interest rates, the City also has the opportunity to refinance and restructure a portion of the City's existing debt. As of 9/30/2013, there was \$294.7 million in debt outstanding. There is approximately \$69,365,000 or 23.5% of the bonds outstanding backed by property taxes in existing bonds from eight issuances that can be refinanced. The bonds to be refunded are at an average interest rate of 4.801% and can be refinanced and restructured down to approximately 3.159% ("all costs" true interest rate), in today's tax-exempt bond market. The transactions is expected to save the City \$8.3 million in future interest cost.

Staff ran two types of scenarios. 1) 20-year debt with only new debt going forward being structured with 20-year maturities (new debt) and 2) 20-year debt maturity for new debt and incorporating the restructuring of the \$69million in existing debt (restructuring)

Based on the latest 5-Year forecast of the Debt Service Fund, debt service tax rate impacts for each scenario are shown below, with and without the restructuring of existing debt.

**DEBT SERVICE TAX RATE FORECAST COMPARISON**

*With Restructuring Existing*

Fiscal Year	Last Years Forecast 25-Yr Level DS	20-Level DS new debt only	20-Level Principal wo Restruct	20-Level DS w Restruct.	20-Level Prin. W Restruct	25-Level DS wo Restruct. (current practice)
2015	.5100	.4900	.4950	.5100	.5150	.4900
2016	.5300	.4900	.5150	.5150	.5375	.4900
2017	.5325	.5000	.5200	.5150	.5375	.4900
2018	.5325	.5000	.5200	.5150	.5375	.4900
2019	Na	.5150	.5425	.5150	.5375	.5000

With the current forecast based upon preliminary property values for FY2015 and a brighter forecast, the City's current practice of 25-year level debt service shows no debt service tax rate is needed until 2019, however the 20-year tax rate impacts (without restructuring of current debt) are better than last year's forecast. Including the refunding and restructuring of \$69.4 million in existing debt, the 20-year level debt service tax rate is lower than last year's forecast and the 20-year level principal tax rate is just slightly higher than last year's forecast but builds significant capacity in the debt service fund in the future.

While the above shows the Debt Service Tax Rate Impacts, you may want to see how this compares to the Total Tax Rate Impact. Last year's 5-Year General Fund forecast showed a need for a .0074 increase in the operations tax rate. Based upon the current budget review for the FY2015 General Fund budget, it appears that we will need a full-cent increase in the operations tax rate, limited by a preliminary effective tax rate calculation. This one-cent increase is built into the comparison below for each year, however the General Fund 5-Year forecast has not been updated and street and sidewalk needs from the current on-going right of way assessment may necessitate further increases in the operating component of the tax rate over and above what is shown here.

**TOTAL TAX RATE FORECAST COMPARISON**

Fiscal Year	* Last Years Forecast	20-Level DS new debt only	20-Level Principal wo Restruct	With Restructuring Existing		
				20-Level DS w Restruct.	20-Level Prin. W Restruct	25-Level DS wo Restruct. (current practice)
2015	.7325	.7151	.7201	.7351	.7401	.7151
2016	.7525	.7151	.7401	.7401	.7626	.7151
2017	.7550	.7251	.7451	.7401	.7626	.7151
2018	.7550	.7251	.7451	.7401	.7626	.7151
2019	Na	.7401	.7676	.7401	.7626	.7251



Staff's recommendation is to make the policy change to a 20-year level principal debt service maturity structure for all new tax backed debt to be issued and refinance and restructure the \$69.4 million of existing debt. The proposed change, based on the 2015-2019 capital improvement program and anticipated debt to be issued, would pay-off debt sooner and reduce interest charges to the City by \$37.6 million based on a 20-year level principal and save \$8.3 million in interest charges on the refunded debt for a total interest savings of \$45.9 million.

The 20-year level principal option (in yellow) increases the over-all tax rate from last-years forecast in the short-term, by .0076, however the debt service tax rate decreases to .4675 cents by 2022 and to .4300 cents by 2027 and down to .3400 by 2030 which allows for capacity for future debt to be issued. Our goal is to manage long-term liabilities and ensure the long-term financial sustainability of the City

## **POLICY/GOAL CONSIDERATION**

Financial Management Policy Statement Objectives:

To maintain appropriate financial capacity for present and future needs.

To protect the City's credit rating and provide for adequate resources to meet the provisions of the City's debt obligations on all municipal debt.

Financial Management Policy Statements that addresses Debt-. "The City currently has a level debt service structure....**The City shall seek to begin making attempts to structure future debt issuances, where affordable, to a declining structure.**

The City's future financial health in the ability to issue new debt without needing to increase the tax rate or rely on property tax growth is at issue. Changing the structure would also save on interest paid.

Will City Council want to raise the tax rate higher than need be in to order to implement a 20-year declining rate structure?

## **SCHEDULE**

This information packet will be sent to City Council for their preview on Thursday May 29, 2014 with an upcoming discussion, feedback and direction from Council to be placed on the Monday June 9<sup>th</sup> City Council agenda.

Begin structuring debt maturities, based upon Council direction, beginning with the upcoming FY2014 debt issuance. This strategy would be built into the City's current and future long-range forecasts.

## **KEY STAFF**

City Manager, Director of Finance, and BOSC, Inc., the City's financial advisors.

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### **KEY STAFF**

City Manager, Director of Finance, and BOSC, Inc., the City's financial advisors.



# City of Pearland, Texas

## Overview of Debt Service Structures and Financing Options

June 9, 2014

Broker/Dealer Services and Securities offered by BOSG, Inc., an SEC registered investment adviser, a registered broker/dealer, member FINRA/SIPC. SEC registration does not imply a certain level of skill or training. Insurance offered by BOSG Agency, Inc., an affiliated agency. Investments and insurance are not insured by FDIC, are not deposits or other obligations of, and are not guaranteed by, any bank or bank affiliate. Investments are subject to risks, including possible loss of principal amount invested.



# Debt Structure Assumptions and Options

## Structure Assumptions Based On:

- Draft 5-Year Capital Improvement Plan 2015-2019 (funded projects only)
- Does not include any projects from future referendums
- Preliminary fiscal year 2015 tax rolls and assumptions for growth
- Tax rate impact includes current and future debt anticipated to be issued in the 5-Year Capital Improvement Plan

## Debt Service Scenarios:

- **20-Year Maturity**
  - Level Debt Service
  - Level Principal
- **25-Year Maturity**
  - Level Debt Service  
(Current Practice)

## Par Amount and Interest Rate Assumptions:

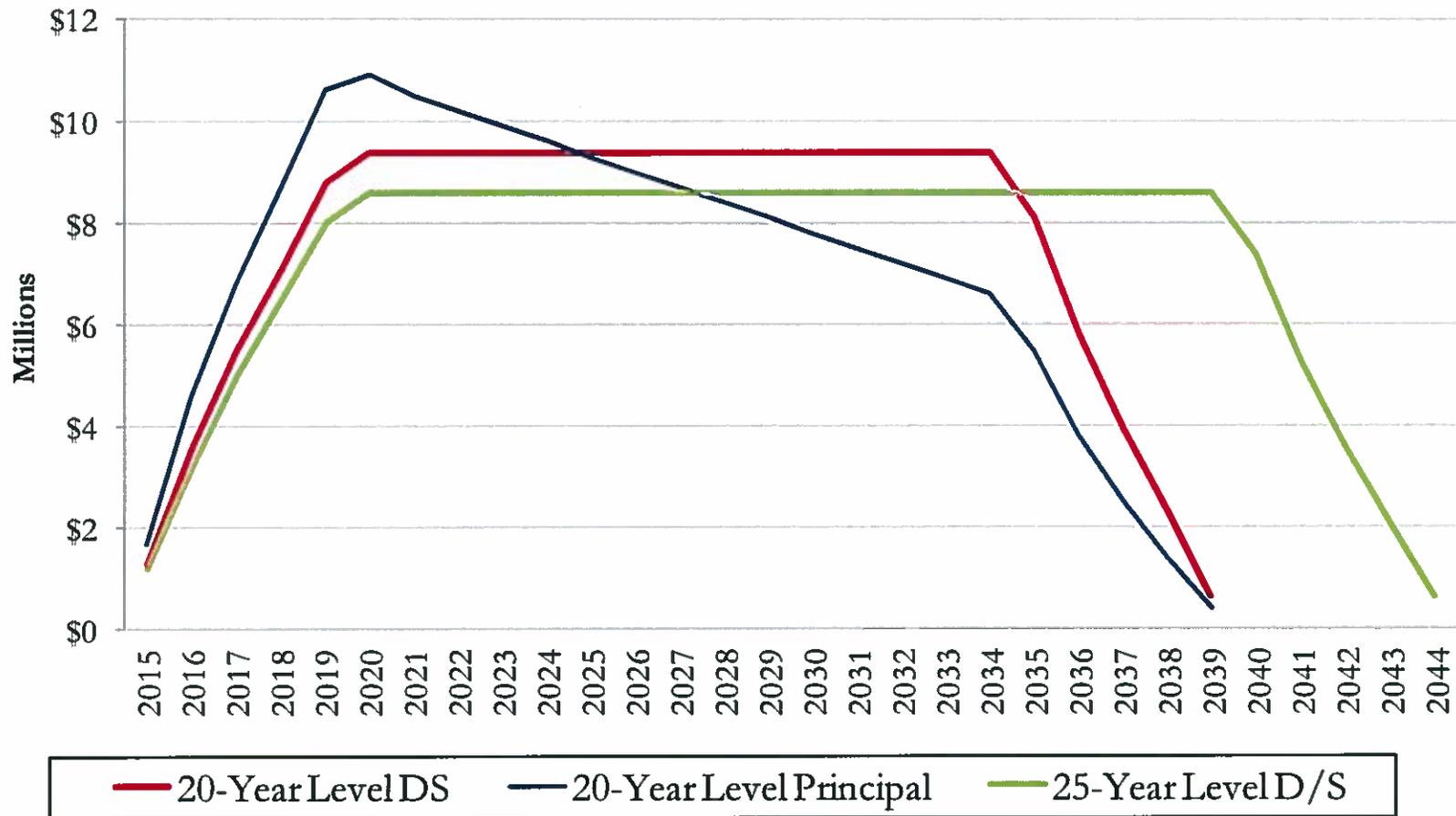
<u>Par Amount</u>	<u>Bond Issue</u>	<u>20-Year Maturity</u>	<u>25-Year Maturity</u>
\$12,630,000	Series 2014 General Obligation	4.75%	5.00%
4,725,000	Series 2014 Certificates of Obligation	4.75%	5.00%
17,630,000	Series 2015 General Obligation	5.00%	5.25%
11,295,000	Series 2015 Certificates of Obligation	5.00%	5.25%
16,475,000	Series 2016 General Obligation	5.25%	5.50%
8,730,000	Series 2016 Certificates of Obligation	5.25%	5.50%
15,190,000	Series 2017 General Obligation	5.50%	5.75%
1,765,000	Series 2017 Certificates of Obligation	5.50%	5.75%
22,865,000	Series 2018 General Obligation	5.75%	6.00%
7,150,000	Series 2019 General Obligation	6.00%	6.25%
<b>\$118,455,000</b>	<b>Total</b>		



# Debt Structure Options

## Debt Service Requirements on 5-Year Capital Improvement Plan

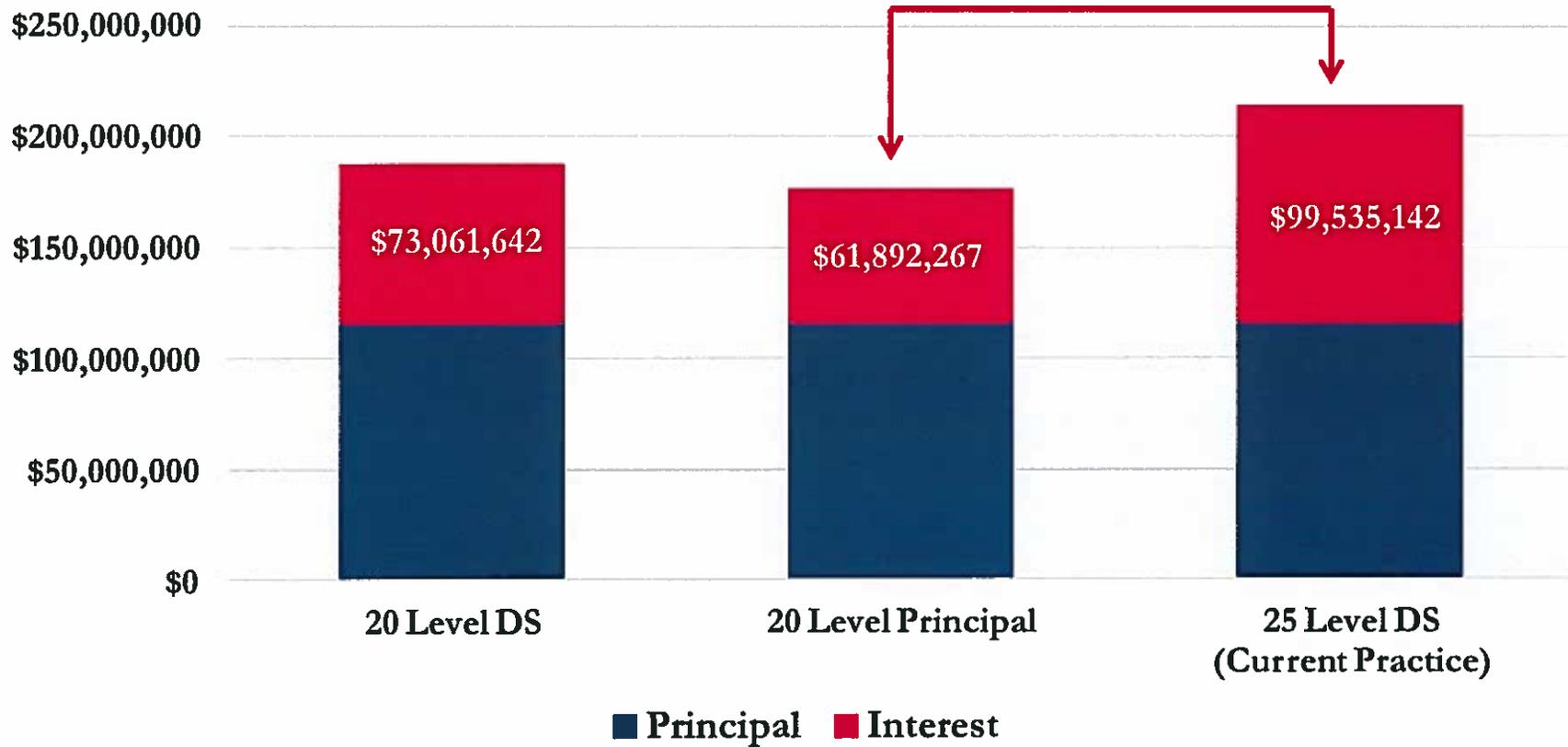
### Annual Requirements





# Debt Structure Options

## Interest Cost Comparison



The City could reduce its interest cost on the \$115,095,000 5-Year Capital Improvement Plan by approximately \$37.6 million by utilizing the 20-Year Level Principal debt structure compared to the 25-Year Level Debt Service structure (current practice).



# Debt Structure Options

## Rate of Principal Payoff Comparison (5-Year CIP Only)

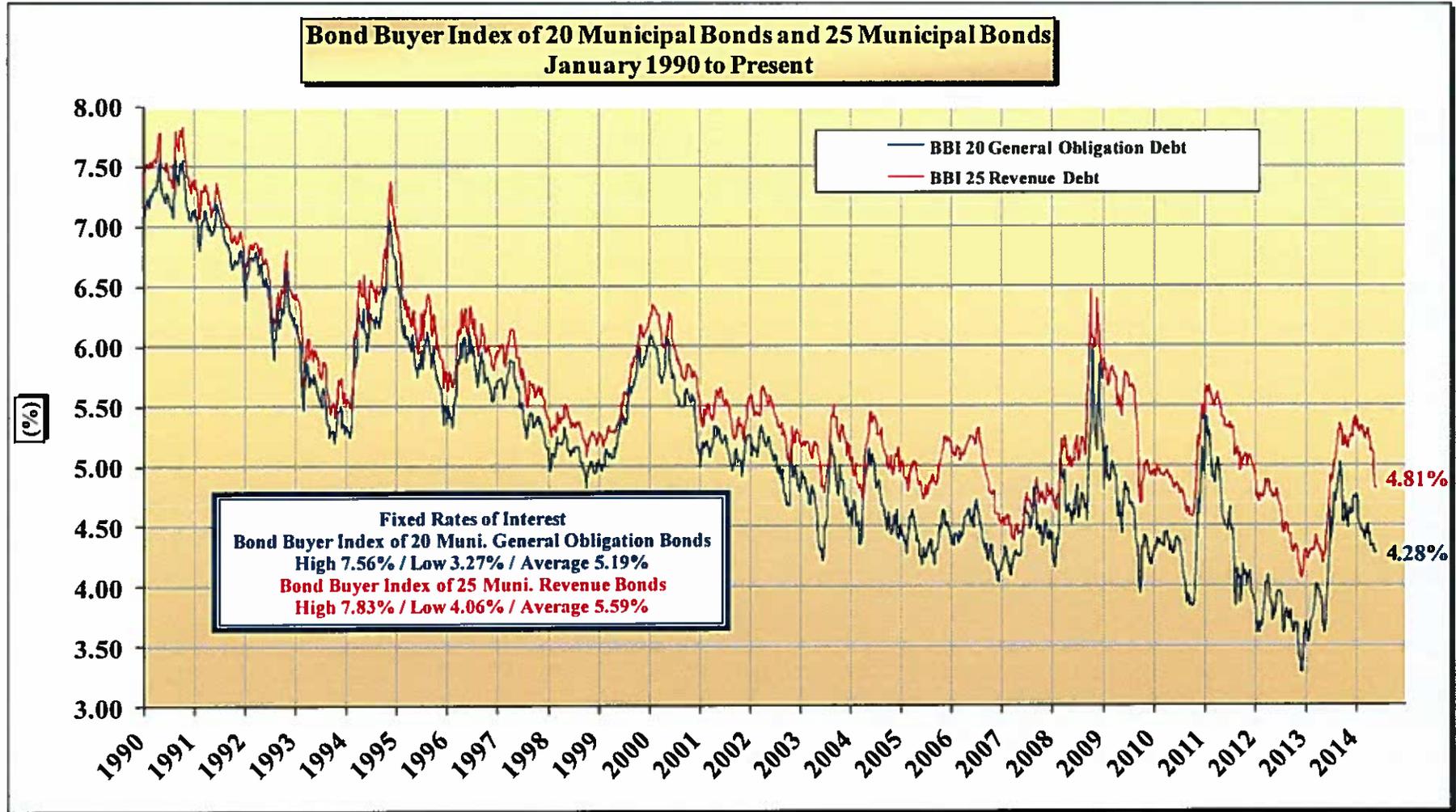
Year	20-Year Debt Structures		25-Year Debt Structure
	Level Debt Service	Level Principal	Level D/S (Current Practice)
5-Years	8.25%	14.21%	5.18%
10-Years	27.03%	39.19%	17.70%
15-Years	51.37%	64.20%	34.29%
20-Years	83.47%	89.19%	56.13%
25-Years	100.00%	100.00%	84.92%

Fitch Ratings commented that the City's rate of amortization is slightly below average. Paying off principal sooner would address high debt burdens and assist in managing long-term liabilities.



# Current Market Review – Interest Rates

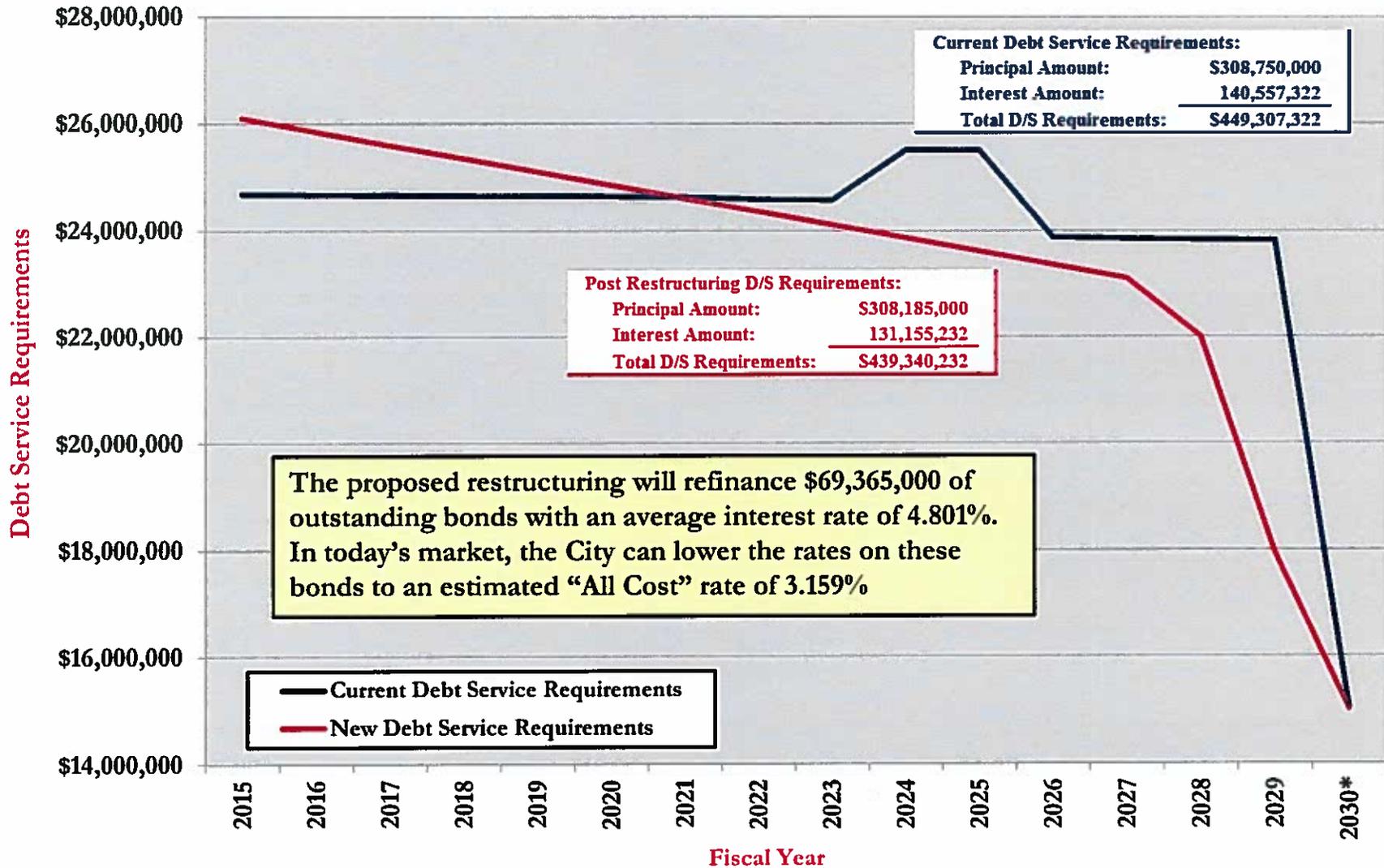
## Current Market Conditions



The BBI 20 is published every Thursday. The rate consists of general obligation bonds maturing in 20 years with an average rating equivalent to Moody's "Aa2" and S&P's "AA." The BBI 25 is also published every Thursday. The rate consists of revenue bonds maturing in 30 years with an average rating equivalent to Moody's "A1" and S&P's "A+".



# Restructuring Debt Service Comparison



The chart above does not include the City's Debt Service Requirements after fiscal year ending 2030, which is the final year of the restructuring.



# Restructuring Debt Service Comparison (Continued)

## Preliminary Restructuring Debt Service Requirements

Fiscal Year Ending (9/30)	Current Total Debt Service	Less: Debt Service on the Refunded Bonds *	Plus: The Series 2014 Refunding Bonds		Total Debt Service	Estimated Savings (b)
			Principal *	Interest (a)		
2014	\$24,791,541	\$1,659,396			\$23,132,145	\$4,396
2015	24,679,607	4,084,591	\$2,905,000	\$2,599,550	26,099,566	(1,419,959)
2016	24,663,813	4,508,286	3,150,000	2,539,000	25,844,527	(1,180,714)
2017	24,660,314	4,505,702	2,960,000	2,477,900	25,592,512	(932,198)
2018	24,643,600	6,435,381	4,760,000	2,376,900	25,345,119	(701,519)
2019	24,641,281	7,784,159	6,025,000	2,215,125	25,097,247	(455,966)
2020	24,633,840	8,267,671	6,450,000	2,028,000	24,844,169	(210,329)
2021	24,619,589	8,268,280	6,440,000	1,802,450	24,593,759	25,830
2022	24,575,282	8,264,993	6,490,000	1,543,850	24,344,139	231,143
2023	24,560,320	8,437,246	6,695,000	1,280,150	24,098,224	462,096
2024	25,496,548	7,861,716	5,200,000	1,016,250	23,851,082	1,645,466
2025	25,491,336	7,179,845	4,520,000	773,250	23,604,741	1,886,595
2026	23,858,897	5,672,748	4,620,000	544,750	23,350,899	507,998
2027	23,837,330	5,791,020	4,740,000	310,750	23,097,060	740,270
2028	23,819,334	4,834,046	2,890,000	120,000	21,995,288	1,824,046
2029	23,814,046	6,699,383	800,000	27,750	17,942,413	5,871,633
2030	15,009,140	172,178	155,000	3,875	14,995,837	13,303
2031	14,994,658				14,994,658	
2032	15,006,131				15,006,131	
2033	3,704,681				3,704,681	
2034	3,688,669				3,688,669	
2035	1,784,856				1,784,856	
2036	1,013,772				1,013,772	
2037	663,938				663,938	
2038	654,800				654,800	
<b>Totals</b>	<b>\$449,307,322</b>	<b>\$100,426,641</b>	<b>\$68,800,000</b>	<b>\$21,659,550</b>	<b>\$439,340,231</b>	<b>\$8,312,091</b>

\* Preliminary, subject to change.

(a) Interest estimated at current market rates.

(b) Includes estimated transaction costs and any necessary debt service fund transfers.



# Tax Rate Impact Analysis

## Debt Service Tax Rate Comparison \*

Fiscal Year	Last Year's Forecast	20-Year Debt Structures				25-Year Debt
		Level D/S Without Restructuring	Level D/S With Restructuring	Level Principal Without Restructuring	Level Principal With Restructuring	Level D/S Without Restructuring
2015	\$0.5100	\$0.4900	\$0.5100	\$0.4950	\$0.5150	\$0.4900
2016	0.5300	0.4900	0.5150	0.5150	0.5375	0.4900
2017	0.5325	0.5000	0.5150	0.5200	0.5375	0.4900
2018	0.5325	0.5000	0.5150	0.5200	0.5375	0.4900
2019	N/A	0.5150	0.5150	0.5425	0.5375	0.5000

## Total Tax Rate Comparison \*

Fiscal Year	Last Year's Forecast	20-Year Debt Structures				25-Year Debt
		Level D/S Without Restructuring	Level D/S With Restructuring	Level Principal Without Restructuring	Level Principal With Restructuring	Level D/S Without Restructuring
2015	\$0.7325	\$0.7151	\$0.7351	\$0.7201	\$0.7401	\$0.7151
2016	0.7525	0.7151	0.7401	0.7401	0.7626	0.7151
2017	0.7550	0.7251	0.7401	0.7451	0.7626	0.7151
2018	0.7550	0.7251	0.7401	0.7451	0.7626	0.7151
2019	N/A	0.7401	0.7401	0.7676	0.7626	0.7251

\* The Debt Service Tax Rate comparison is based on the proposed 5-Year Capital Improvement Plan (new bond issues) being issued as 20-year debt. The restructuring includes the refinancing of the City's existing outstanding debt.



# Tax Rate Impact Analysis

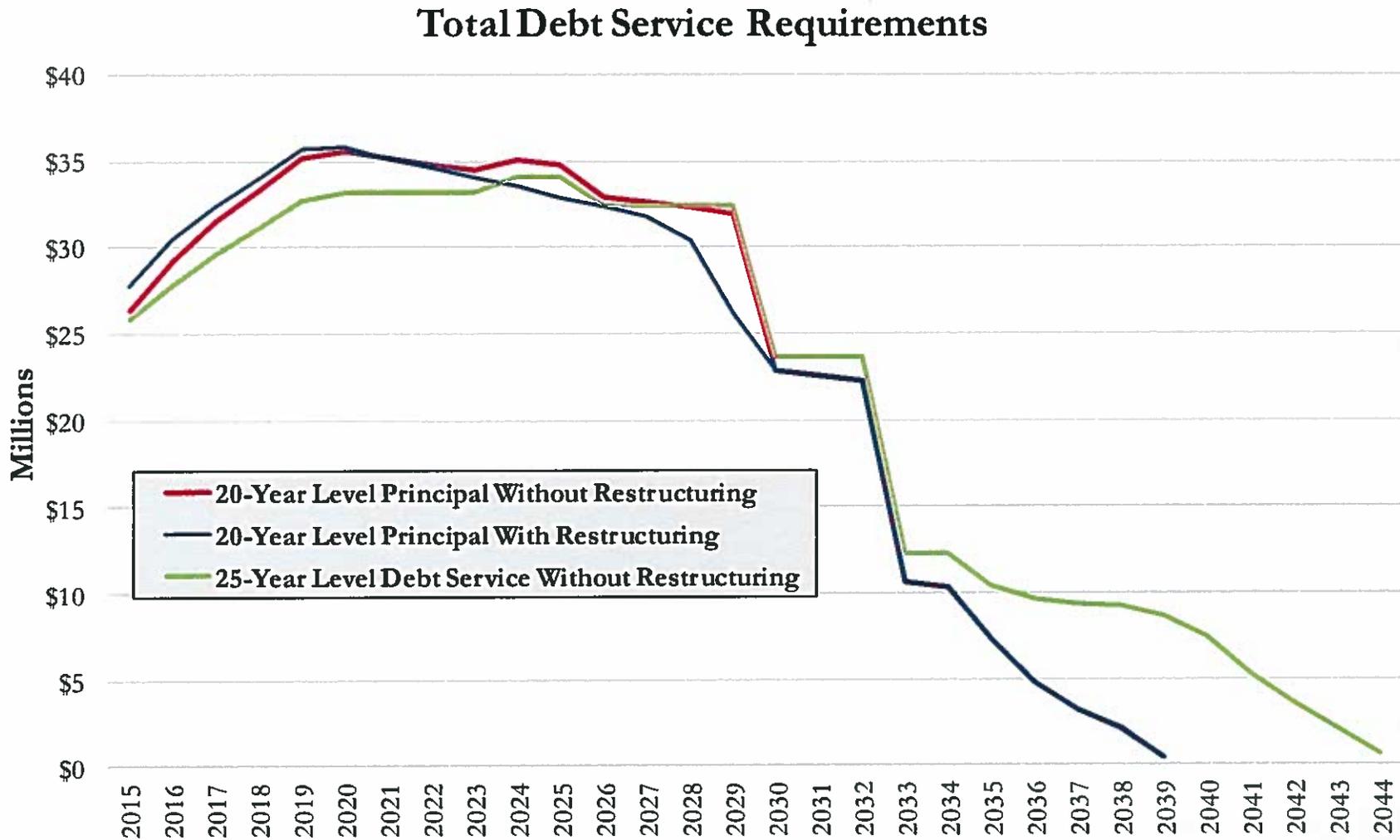
The restructuring would minimize the total tax rate increase by 1/2 cent (\$0.5425 down to \$0.5375) based on the 5-Year Capital Improvement Plan and provide approximately 1.25 cents of additional capacity beginning in 2019 for future bond issuances.

Fiscal Year	Last Year's Forecast	20-Year Level Principal Structure	20-Year Level Principal Structure (Includes Restructuring)
2015	\$0.5100	\$0.4950	\$0.5150
2016	0.5300	0.5150	0.5375
2017	0.5325	0.5200	0.5375
2018	0.5325	0.5200	0.5375
2019		0.5425	0.5375
2020		0.5200	0.5175
2021		0.4950	0.4875
2022		0.4700	0.4675
2023		0.4600	0.4575
2024		0.4500	0.4400
2025		0.4500	0.4350
2026		0.4500	0.4300
2027		0.4500	0.4300
2028		0.4400	0.4200
2029		0.4250	0.3725
2030		0.3400	0.3400
<b>Average Tax Rate:</b>		<b>\$0.3408</b>	<b>\$0.3381</b>
<b>Maximum Tax Rate:</b>		<b>\$0.0525</b>	<b>\$0.0475</b>



# Total Debt Service Requirements

## Total Debt Service Requirements (Includes 5-Year CIP and Restructuring)





## Tentative Schedule of Events



## FITCH AFFIRMS PEARLAND, TEXAS, GOS & COS AT 'AA'; OUTLOOK STABLE

Fitch Ratings-Austin-23 January 2014: Fitch Ratings affirms its 'AA' rating on the following Pearland, Texas (the city), obligations:

--\$212.9 million permanent improvement bonds series 2005, 2006, 2007, 2008, 2009, and 2012;  
--\$60.3 million certificates of obligation (COs) series 2003, 2004, 2006, 2007, 2008, 2009, and 2009A.

The Rating Outlook is Stable.

### SECURITY

Permanent improvement bonds are voted general obligations of the city. Both the bonds and the COs are secured by a property tax levy that is limited to \$2.50 per \$100 of assessed valuation. The COs are additionally secured by a limited pledge of net revenues of the city's water and sewer system.

### KEY RATING DRIVERS

**PRUDENT FINANCIAL MANAGEMENT:** The city maintains satisfactory reserve levels and a consistent record of conservative budget practices. Fitch expects reserves to remain healthy given sound management policies.

**STRONG REGIONAL ECONOMY; RAPID GROWTH:** The city benefits from its close proximity to the strong and diverse Houston metropolitan statistical area (MSA). Rapid growth within the city is of some concern but wealth levels are above average, unemployment is low, and tax base growth has been somewhat more measured.

**LARGE DEBT PROFILE:** The city's high debt levels are the key credit risk. Rapid growth and development, as well as sizable overlapping municipal utility district (MUD) debt, yields a high debt burden unlikely to change given growth related needs.

**SALES TAX DEPENDENCE:** The city relies heavily on sales tax revenues for operations, but healthy reserve levels temper risk to volatility in sales tax performance.

### RATING SENSITIVITIES

**RESERVES CREATE FINANCIAL CUSHION:** Fitch expects the city to retain its healthy reserve position to counterbalance concerns over the reliance on sales tax revenue and high overall debt levels, credit factors that Fitch believes limit the rating to its current level.

### CREDIT PROFILE

Pearland is located just south of Houston's outer loop, mostly in Brazoria County. The city experienced rapid population growth of 142% between the 2000 and 2010 census, rising to approximately 106,500 by 2014.

### MANAGEMENT PRACTICES SUPPORT HEALTHY FINANCIAL PROFILE

The city maintains a sound financial profile with healthy general fund reserve levels in excess of its formal fund balance policy. The city's policy is to maintain reserves equivalent to two months (or roughly 17%) of recurring operating expenditures. The unrestricted general fund balance at the close of fiscal year 2012 was \$17.4 million or 34.8% of spending. Unaudited results for fiscal 2013 reflect an increase of \$1.2 million in contrast to a budgeted \$1.8 million operating deficit.

The city's annual budget process prudently includes the preparation of a five-year forecast. The 2014-2018 projections show a draw on general fund reserves reaching a minimum of 20% in fiscal 2016, consistent with the city's minimum reserve policy. Fitch believes the city is likely to continue its practice of outperforming the budget and views healthy reserves as a key mitigant to sales tax volatility and a high debt load.

#### ROBUST SALES TAX ACTIVITY; GROWTH RELATED SPENDING

Economically sensitive sales taxes typically comprise about 30% of general fund revenues, with such receipts increasing by 7% in fiscal 2013. Fitch views the city's 7.8% budgeted sales tax growth in 2014 as somewhat optimistic considering historical fluctuations from year to year. The fiscal 2014 budget was adopted with a planned \$3.2 million drawdown for non-recurring expenditures.

The city's expense base is largely driven by service related costs associated with rapid growth, reflected in increases to public safety and public works. Carrying costs for debt service, 100% funding of the pension actuarially required contribution (ARC) and other postemployment benefits (OPEB) expense are a high 29%; debt service alone is 25%.

#### HIGH DEBT BURDEN; OTHER LONG-TERM LIABILITIES MANAGEABLE

Fitch expects debt levels to remain high. Overall debt is \$8,595 per capita and 12.3% of market value including overlapping MUD and school district debt. The rate of amortization is slightly below average and the city's five-year capital improvement plan (CIP) is expansive. The city has adequate existing bond authorization for its capital plans in the near term. Immediate plans include \$21.7 million in fiscal 2014 for facilities, drainage, streets, and parks; an increase of 5.6%.

The city participates in the Texas Municipal Retirement System (TMRS) for pension benefits to civil employees and has contributed 100% of its ARC for the last three fiscal years. The funded position is adequate at 79% for fiscal year 2012, based on an assumed 7% rate of return. OPEB are handled on a pay-go basis. The city's OPEB liability is modest, offering only an implicit rate subsidy.

#### TRANSITIONING BEDROOM COMMUNITY WITH ACCESS TO HOUSTON MSA

Pearland's proximity to the Houston core provides easy access to major transportation arteries and the broad, diverse economy of the MSA. Residential development continues to occur throughout the city, as evidenced by the increasing number of single family permits issued in 2012 and 2013. The TAV for fiscal 2014 is \$6.99 billion; up 18% from five years ago. Tax base growth and diversification are expected to continue with recent investments from the healthcare and manufacturing sectors, including two hospitals scheduled to open during 2015.

Wealth indicators are substantially higher than state and national levels, with median household income 70% higher than the national average. Employment growth is robust yielding an unemployment rate of 4.7% for August 2013 that is below the state and national rates of 6.3% and 7.3%, respectively.

Contact:

Primary Analyst  
Shane Sellstrom  
Analyst  
+1-512-215-3727

Summary:

# Pearland, Texas; General Obligation

## Credit Profile

US\$9.315 mil GO bnds ser 2013 dtd 08/01/2013 due 03/01/2038

*Long Term Rating* AA-/Stable New

US\$2.745 mil certs of oblig ser 2013 dtd 08/01/2013 due 03/01/2038

*Long Term Rating* AA-/Stable New

**Brazoria Cnty Mun Util Dist #1, Texas**

Pearland, Texas

**Brazoria Cnty Mun Util Dist #1 GO**

*Unenhanced Rating* AA-(SPUR)/Stable Affirmed

## Rationale

Standard & Poor's Ratings Services assigned its 'AA-' long-term rating to Pearland, Texas' series 2013 certificates of obligation and permanent improvement bonds. At the same time, Standard & Poor's affirmed its 'AA-' long-term rating and underlying rating (SPUR) on the city's previously issued general obligation (GO) debt. Standard & Poor's also affirmed its 'AA-' SPUR on Brazoria County Municipal Utility District No. 1's GO debt issued for the city. The outlook is stable.

The rating reflects what we view as the city's:

- Access to Houston's deep economic base;
- Very strong wealth and income indicators; and
- Very strong financial position, supported by what we consider strong financial management practices.

Partly offsetting the above strengths, in our view, are Pearland's:

- High overall debt burden, along with high carrying charges; and
- Ongoing capital needs to address growth.

Revenue from the city's ad valorem property tax levied within the legal limit secures the bonds. Officials will use certificate and bond proceeds to construct a fire station and hike and bike trails, to pay for library improvements and equipment, and to make other citywide, city park, and drainage street improvements.

Pearland, which borders Houston to the south, has become a center for commercial activity in Brazoria County. The local economy's manufacturing presence is mostly related to the oil industry. Residents who do not work in the city itself have access to employment opportunities throughout the broader Houston metroplex. Reflecting the depth and diversity of the area economy, median household effective buying income is, in our view, a very strong 147% of the national level. Market value, a wealth indicator, is a very strong \$71,773 per capita, in our opinion.

Residential and commercial growth has recently fueled the city's very strong property tax base expansion. Assessed value (AV) has more than doubled since fiscal 2005 to \$6.45 billion. Officials are projecting a 7% increase in property values for fiscal 2014, largely because of the annexation of Brazoria County Municipal Utility District No. 4 last year. Because of general economic conditions, new residential and commercial construction has recently slowed; city officials are projecting continued growth, albeit at a more moderate pace than what Pearland has experienced in the past several years. There is no concentration among the city's 10 leading property taxpayers. Officials are projecting roughly 1,000 new single-family home starts next year, partly because of the expansion of the health care sector.

In our opinion, Pearland's financial operations remain very strong. The city ended fiscal 2012 with an available general fund balance of \$17.5 million, or 35% of operations. Officials attribute the operational surplus to \$3 million in cost cutting measures as well as \$1.2 million in higher-than-budgeted revenue. Based on unaudited results, officials project to end fiscal 2013 with an available general fund balance of \$15.9 million. For fiscal 2014, management plans to use \$2.8 million of reserves to fund one-time capital items. Sales tax collections were the general fund's primary revenue source in fiscal 2012 (30%), followed by charges for services (24%) and property taxes (22%). The city's sales tax revenue more than doubled to \$14.8 million in fiscal 2012 from \$6.7 million in fiscal 2004. Officials attribute the rise to the city's role as a major commercial center. The city's fiscal 2013 tax rate was less than 71 cents per \$100 of AV, with 49 cents allocated for debt service and the remainder for operations. Property tax collection rates remain strong, averaging nearly 99% annually during the past four years.

We deem Pearland's financial management practices "strong" under our financial management assessment (FMA) methodology. An FMA of strong indicates our view that practices are strong, well embedded, and likely sustainable. The government maintains best practices, well embedded in its daily operations and practices, deemed critical to supporting credit quality. Formal policies support many of these activities, adding to the likelihood that management will continue these practices, which should transcend operating environment or personnel changes. Management's general fund balance policy calls for the maintenance of at least two months' operating expenditures in reserve. Revenue and expenditure projections are, in our opinion, based on a conservative estimate of economic conditions and historical trends. A formalized debt management policy outlines which types of projects the city can fund with certain debt, along with a goal of a minimum savings of 3% for refunding.

Management reviews Pearland's budget and investments monthly and reports its findings in writing to the city council. Management performs capital planning through a five-year rolling plan that identifies funding sources. Officials forecast long-range financial projections five years out for the major operating funds. Officials have also recently adopted Government Accounting Standards Board State No. 54's fund balance policy.

Following this issuance, we consider the overall net debt burden a high 14% of fiscal 2013 AV, or \$8,646 per capita. About two-thirds of overall debt was overlapping, which management primarily attributes to local school districts and several municipal utility districts. The debt service carrying charge was, in our view, a high 28% of fiscal 2012 total governmental expenditures. Debt amortization is what we regard as average, with officials planning to retire 55% of the principal in 10 years, 97% in 20 years, and all principal by 2038. In May 2007, the electorate authorized the issuance of \$162 million of GO bonds; \$95 million of unissued authorization remains. Management plans to issue about \$17 million of additional GO debt next year, followed by \$28.6 million in 2015.

Pearland provides pension benefits to employees through the state-administered Texas Municipal Retirement System. The city made its annual required contribution of \$3.5 million, or 4.6% of general fund expenditures, in fiscal 2012. According to the latest actuary report, the unfunded liability is about \$16.6 million, or less than 1% of market value. For retiree health care benefits, the city allows retirees to participate in its group health insurance plan; however, it does not pay any portion of the retiree premium. Therefore, the city has no direct liability.

## Outlook

The stable outlook reflects our view that the city will likely successfully manage its growth-related operating and capital pressures despite relatively flat property and sales tax base growth projections, which will challenge the city's revenue stream. Strong financial management policies and practices lend additional stability to the rating. We do not anticipate changing the rating within the two-year outlook horizon, as we believe the city's fund balance will likely remain what we consider very strong and that the debt levels will remain manageable despite the continued capital needs.

## Related Criteria And Research

USPF Criteria: GO Debt, Oct. 12, 2006

### Ratings Detail (As Of August 9, 2013)

<b>Pearland GO</b>		
<i>Long Term Rating</i>	AA-/Stable	Affirmed
Pearland GO (wrap of insured) (FGIC) (MBIA) (National) (SEC MKT)		
<i>Unenhanced Rating</i>	AA-(SPUR)/Stable	Affirmed
<b>Pearland GO</b>		
<i>Unenhanced Rating</i>	AA-(SPUR)/Stable	Affirmed
<b>Pearland GO (CIFG)</b>		
<i>Unenhanced Rating</i>	AA-(SPUR)/Stable	Affirmed
<b>Brazoria Cnty Mun Util Dist #1, Texas</b>		
Pearland, Texas		
<b>Brazoria Cnty Mun Util Dist #1 wtrwks &amp; swr</b>		
<i>Unenhanced Rating</i>	AA-(SPUR)/Stable	Affirmed
Many issues are enhanced by bond insurance.		

Complete ratings information is available to subscribers of RatingsDirect at [www.globalcreditportal.com](http://www.globalcreditportal.com). All ratings affected by this rating action can be found on Standard & Poor's public Web site at [www.standardandpoors.com](http://www.standardandpoors.com). Use the Ratings search box located in the left column.

**City of Pearland, Texas- General Obligation Debt  
Refunding Effects  
Revised Restructuring Analysis**

Year Ending 09/30	Less: Debt Service		Plus: Refunding Analysis			Post Rfndg Debt Service	Post Rfndg Savings (2)
	Current Total Debt Service	on Refunded Bonds(1)	Current Interest Bonds		Capital Appr Bonds		
			Principal	Interest			
2014	24,791,541	1,659,396				23,132,145	4,396
2015	24,679,607	4,084,591	2,905,000	2,599,550		26,099,566	-1,419,959
2016	24,663,813	4,508,286	3,150,000	2,539,000		25,844,527	-1,180,714
2017	24,660,314	4,505,702	2,960,000	2,477,900		25,592,512	-932,198
2018	24,643,600	6,435,381	4,760,000	2,376,900		25,345,119	-701,519
2019	24,641,281	7,784,159	6,025,000	2,215,125		25,097,248	-455,966
2020	24,633,840	8,267,671	6,450,000	2,028,000		24,844,170	-210,329
2021	24,619,589	8,268,280	6,440,000	1,802,450		24,593,759	25,830
2022	24,575,282	8,264,993	6,490,000	1,543,850		24,344,139	231,143
2023	24,560,320	8,437,246	6,695,000	1,280,150		24,098,224	462,096
2024	25,496,548	7,861,716	5,200,000	1,016,250		23,851,081	1,645,466
2025	25,491,336	7,179,845	4,520,000	773,250		23,604,741	1,886,595
2026	23,858,897	5,672,748	4,620,000	544,750		23,350,899	507,997
2027	23,837,330	5,791,020	4,740,000	310,750		23,097,060	740,270
2028	23,819,334	4,834,046	2,890,000	120,000		21,995,288	1,824,046
2029	23,814,046	6,699,383	800,000	27,750		17,942,414	5,871,633
2030	15,009,140	172,178	155,000	3,875		14,995,838	13,302
2031	14,994,658					14,994,658	
2032	15,006,131					15,006,131	
2033	3,704,681					3,704,681	
2034	3,688,669					3,688,669	
2035	1,784,856					1,784,856	
2036	1,013,772					1,013,772	
2037	663,938					663,938	
2038	654,800					654,800	
<b>Totals</b>	<b>\$449,307,323</b>	<b>\$100,426,641</b>	<b>\$68,800,000</b>	<b>\$21,659,550</b>		<b>\$439,340,235</b>	<b>\$8,312,090</b>

- (1) - This column only reflects debt payments scheduled after the closing date of 09/01/2014.  
(2) - Savings are reduced by fund transfers at closing totaling \$1,655,000.00 (see Sources of funds report).

**City of Pearland, Texas- General Obligation Debt  
Sources & Uses Report  
Revised Restructuring Analysis**

<b>Sources of Funds:</b>	
Principal Amount of Current Interest Bonds (CIBs)	68,800,000.00
CIB Premium	6,889,916.80
Issuer Contribution	1,655,000.00
<b>Total SOURCES of Funds</b>	<b>\$77,344,916.80</b>
<b>Uses of Funds:</b>	
SLG Escrow Cost	76,690,310.52
Issuance Expenses: ( \$650,100.00)	
Underwriter's Discount	395,600.00
Rating Agency	65,000.00
Bond Counsel	70,000.00
Printing	8,000.00
Trustee	12,000.00
Financial Advisor	70,000.00
Attorney General	9,500.00
Verification Agent	5,000.00
Miscellaneous	15,000.00
Rounding Amount	4,506.28
<b>Total USES of Funds</b>	<b>\$77,344,916.80</b>

**Miscellaneous Bond Issuance Information:**

Delivery Date:	09/01/2014
Principal Amount of Bonds Being Refunded	69,365,000.00
Principal Amount of the Refunding Bonds	68,800,000.00
Proceeds of "The (new) Bonds"	75,689,916.80
Rate/Yield on the Refunded Bonds	4.80165064%
"All Costs Included" TIC on the New Issue is	2.85968152%
Federal Arbitrage Yield on the New Issue is	2.44879577%
Yield on Escrow	0.55992995%
Total Debt Service Savings	8,312,090.11
Present Value Savings @ 2.44879577%	5,028,326.92
Total Debt Service Savings as a Percent of Total Debt Service of Refunded Bonds	8.27677806%
Present Value Savings as a Percent of Principal Amount of Bonds Being Refunded	7.24908373%

**City of Pearland, Texas- General Obligation Debt  
Refunding Analysis Savings Report  
Revised Restructuring Analysis**

Dates	Maturing Amount	Proceeds @ Issue Date	Coupon	Yield	Interest Amount	Total Debt Service	Escrowed Debt	FY Begins 10/01 Savings	Cumulative Savings(1)	PV of Savings 2.44879577%
09/01/2014							1,659,395.63	4,395.63	4,395.63	4,395.63
03/01/2015	2,905,000	2,928,472.40	2.000	0.380000	1,314,300.00	4,219,300.00	2,369,395.63	-1,849,904.37	-1,845,508.74	-1,827,528.15
09/01/2015					1,285,250.00	1,285,250.00	1,715,195.63	429,945.63	-1,415,563.11	419,607.40
03/01/2016	3,150,000	3,216,213.00	2.000	0.590000	1,285,250.00	4,435,250.00	2,818,830.63	-1,616,419.37	-3,031,982.48	-1,558,469.97
09/01/2016					1,253,750.00	1,253,750.00	1,689,455.63	435,705.63	-2,596,276.85	415,004.08
03/01/2017	2,960,000	3,042,524.80	2.000	0.870000	1,253,750.00	4,213,750.00	2,842,993.13	-1,370,756.87	-3,967,033.72	-1,289,835.78
09/01/2017					1,224,150.00	1,224,150.00	1,662,708.76	438,558.76	-3,528,474.96	407,677.34
03/01/2018	4,760,000	5,049,408.00	3.000	1.220000	1,224,150.00	5,984,150.00	4,846,208.76	-1,137,941.24	-4,666,416.20	-1,045,017.16
09/01/2018					1,152,750.00	1,152,750.00	1,589,172.51	436,422.51	-4,229,993.69	395,936.49
03/01/2019	6,025,000	6,416,805.75	3.000	1.500000	1,152,750.00	7,177,750.00	6,307,572.51	-870,177.49	-5,100,171.18	-779,903.78
09/01/2019					1,062,375.00	1,062,375.00	1,476,586.26	414,211.26	-4,685,959.92	366,749.79
03/01/2020	6,450,000	6,850,093.50	3.000	1.810000	1,062,375.00	7,512,375.00	6,919,886.26	-592,488.74	-5,278,448.66	-518,254.26
09/01/2020					965,625.00	965,625.00	1,347,784.38	382,159.38	-4,896,289.28	330,234.24
03/01/2021	6,440,000	7,167,398.00	4.000	2.130000	965,625.00	7,405,625.00	7,055,984.38	-349,640.62	-5,245,929.90	-298,479.33
09/01/2021					836,825.00	836,825.00	1,212,295.63	375,470.63	-4,870,459.27	316,652.66
03/01/2022	6,490,000	7,203,510.60	4.000	2.390000	836,825.00	7,326,825.00	7,195,348.13	-131,476.87	-5,001,936.14	-109,539.64
09/01/2022					707,025.00	707,025.00	1,069,645.00	362,620.00	-4,639,316.14	298,461.64
03/01/2023	6,695,000	7,411,030.25	4.000	2.590000	707,025.00	7,402,025.00	7,517,595.00	115,570.00	-4,523,746.14	93,971.61
09/01/2023					573,125.00	573,125.00	919,651.25	346,526.25	-4,177,219.89	278,357.23
03/01/2024	5,200,000	6,077,136.00	5.000	2.760000	573,125.00	5,773,125.00	7,092,341.25	1,319,216.25	-2,858,003.64	1,046,880.60
09/01/2024					443,125.00	443,125.00	769,375.00	326,250.00	-2,531,753.64	255,768.16
03/01/2025	4,520,000	5,237,911.60	5.000	2.880000	443,125.00	4,963,125.00	6,551,960.00	1,588,835.00	-942,918.64	1,230,522.48
09/01/2025					330,125.00	330,125.00	627,885.00	297,760.00	-845,158.64	227,820.03
03/01/2026	4,620,000	5,312,445.60	5.000	2.990000	330,125.00	4,950,125.00	5,155,305.00	205,180.00	-439,978.64	155,086.99
09/01/2026					214,625.00	214,625.00	517,442.50	302,817.50	-137,161.14	226,118.51
03/01/2027	4,740,000	5,416,018.80	5.000	3.080000	214,625.00	4,954,625.00	5,389,647.50	435,022.50	297,861.36	320,908.83
09/01/2027					96,125.00	96,125.00	401,372.50	305,247.50	603,108.86	222,452.28
03/01/2028	2,890,000	3,283,675.80	5.000	3.160000	96,125.00	2,986,125.00	4,528,470.00	1,542,345.00	2,145,453.86	1,110,404.14
09/01/2028					23,875.00	23,875.00	305,576.25	281,701.25	2,427,155.11	200,356.35
03/01/2029	800,000	903,248.00	5.000	3.250000	23,875.00	823,875.00	6,537,422.50	5,713,547.50	8,140,702.61	4,014,532.52
09/01/2029					3,875.00	3,875.00	161,960.00	158,085.00	8,298,787.61	109,732.33
03/01/2030	155,000	174,024.70	5.000	3.330000	3,875.00	158,875.00	3,588.75	-155,286.25	8,143,501.36	-106,485.81
09/01/2030							168,588.75	168,588.75	8,312,090.11	114,209.47
<b>Acc Int</b>	<b>\$68,800,000</b>	<b>\$75,689,916.80</b>			<b>\$21,659,550.00</b>	<b>\$90,459,550.00</b>	<b>\$100,426,640.11</b>	<b>\$8,312,090.11</b>		<b>\$5,028,326.92</b>
<b>Grnd Total</b>	<b>\$68,800,000</b>	<b>\$75,689,916.80</b>			<b>\$21,659,550.00</b>	<b>\$90,459,550.00</b>	<b>\$100,426,640.11</b>	<b>\$8,312,090.11</b>		<b>\$5,028,326.92</b>

(1) Includes: -1,655,000.00 Transfer. and \$0.00 New Funds.

**City of Pearland, Texas- General Obligation Debt  
Aggregation Spreadsheet Report  
Revised Restructuring Analysis**

Data are Principal Amounts

Data are to Maturity

FY 10/01 Dates	Totals	OLD04R	OLD05REFR	OLD06R	OLD06REFR	OLD07MUD1R	OLD07R	OLD07REFR	OLD08GOR
2014	0.00								
2015	780,000.00	710,000.00				70,000.00			
2016	1,250,000.00		1,175,000.00			75,000.00			
2017	1,305,000.00		480,000.00	405,000.00	345,000.00	75,000.00			
2018	3,340,000.00		550,000.00	405,000.00	360,000.00	80,000.00	1,005,000.00	940,000.00	
2019	4,885,000.00		210,000.00	505,000.00	1,000,000.00	85,000.00	1,060,000.00	1,620,000.00	405,000.00
2020	5,620,000.00		215,000.00	470,000.00	1,110,000.00	90,000.00	1,115,000.00	2,195,000.00	425,000.00
2021	5,895,000.00		220,000.00	500,000.00	1,185,000.00	95,000.00	1,170,000.00	2,280,000.00	445,000.00
2022	6,180,000.00		225,000.00	525,000.00	1,255,000.00	100,000.00	1,230,000.00	2,375,000.00	470,000.00
2023	6,660,000.00		485,000.00	555,000.00	1,610,000.00	110,000.00	1,295,000.00	2,115,000.00	490,000.00
2024	6,400,000.00			585,000.00	1,610,000.00	115,000.00	1,360,000.00	2,215,000.00	515,000.00
2025	6,020,000.00			605,000.00	1,700,000.00	120,000.00	1,430,000.00	1,620,000.00	545,000.00
2026	4,780,000.00			730,000.00	1,795,000.00	130,000.00	1,500,000.00		625,000.00
2027	5,140,000.00		1,690,000.00	765,000.00	1,890,000.00	135,000.00			660,000.00
2028	4,410,000.00			805,000.00	2,765,000.00	145,000.00			695,000.00
2029	6,535,000.00			850,000.00	5,530,000.00	155,000.00			
2030	165,000.00					165,000.00			
<b>Totals</b>	<b>\$69,365,000.00</b>	<b>\$710,000.00</b>	<b>\$5,250,000.00</b>	<b>\$7,705,000.00</b>	<b>\$22,155,000.00</b>	<b>\$1,745,000.00</b>	<b>\$11,165,000.00</b>	<b>\$15,360,000.00</b>	<b>\$5,275,000.00</b>
<b>Component</b>		<b>Face Amt</b>	<b>Title</b>			<b>From</b>		<b>To</b>	<b>%</b>
OLD04R		\$710,000.00	Certificates of Obligation, Series 2004						
OLD05REFR		\$5,250,000.00	Perm Improv & Refunding Bonds, Series 2005						
OLD06R		\$7,705,000.00	Certificates of Obligation, Series 2006						
OLD06REFR		\$22,155,000.00	Permanent Improvement & Refunding Bonds, Series 2006						
OLD07MUD1R		\$1,745,000.00	WWSS Comb U/L Tax & Rev Bds, Series 2007						
OLD07R		\$11,165,000.00	Certificates of Obligation, Series 2007						
OLD07REFR		\$15,360,000.00	Permanent Improvement and Refunding Bonds, Series 2007						
OLD08GOR		\$5,275,000.00	Series 2008 Permanent Improvement Bonds						

**City of Pearland, Texas- General Obligation Debt  
Refunding Effects  
Revised Restructuring Analysis**

Year Ending 09/30	Less: Debt Service		Plus: Refunding Analysis			Post Rfndg Debt Service	Post Rfndg Savings (2)
	Current Total	on Refunded	Current Interest Bonds		Capital		
	Debt Service	Bonds(1)	Principal	Interest	Appr Bonds		
2014	24,791,541	1,659,396				23,132,145	4,396
2015	24,679,607	4,084,591	2,905,000	2,599,550		26,099,566	-1,419,959
2016	24,663,813	4,508,286	3,150,000	2,539,000		25,844,527	-1,180,714
2017	24,660,314	4,505,702	2,960,000	2,477,900		25,592,512	-932,198
2018	24,643,600	6,435,381	4,760,000	2,376,900		25,345,119	-701,519
2019	24,641,281	7,784,159	6,025,000	2,215,125		25,097,248	-455,966
2020	24,633,840	8,267,671	6,450,000	2,028,000		24,844,170	-210,329
2021	24,619,589	8,268,280	6,440,000	1,802,450		24,593,759	25,830
2022	24,575,282	8,264,993	6,490,000	1,543,850		24,344,139	231,143
2023	24,560,320	8,437,246	6,695,000	1,280,150		24,098,224	462,096
2024	25,496,548	7,861,716	5,200,000	1,016,250		23,851,081	1,645,466
2025	25,491,336	7,179,845	4,520,000	773,250		23,604,741	1,886,595
2026	23,858,897	5,672,748	4,620,000	544,750		23,350,899	507,997
2027	23,837,330	5,791,020	4,740,000	310,750		23,097,060	740,270
2028	23,819,334	4,834,046	2,890,000	120,000		21,995,288	1,824,046
2029	23,814,046	6,699,383	800,000	27,750		17,942,414	5,871,633
2030	15,009,140	172,178	155,000	3,875		14,995,838	13,302
2031	14,994,658					14,994,658	
2032	15,006,131					15,006,131	
2033	3,704,681					3,704,681	
2034	3,688,669					3,688,669	
2035	1,784,856					1,784,856	
2036	1,013,772					1,013,772	
2037	663,938					663,938	
2038	654,800					654,800	
<b>Totals</b>	<b>\$449,307,323</b>	<b>\$100,426,641</b>	<b>\$68,800,000</b>	<b>\$21,659,550</b>		<b>\$439,340,235</b>	<b>\$8,312,090</b>

(1) - This column only reflects debt payments scheduled after the closing date of 09/01/2014.

(2) - Savings are reduced by fund transfers at closing totaling \$1,655,000.00 (see Sources of funds report).

**City of Pearland, Texas- General Obligation Debt  
Sources & Uses Report  
Revised Restructuring Analysis**

**Sources of Funds:**

Principal Amount of Current Interest Bonds (CIBs)	68,800,000.00
CIB Premium	6,889,916.80
Issuer Contribution	1,655,000.00
<b>Total SOURCES of Funds</b>	<b>\$77,344,916.80</b>

**Uses of Funds:**

SLG Escrow Cost	76,690,310.52
Issuance Expenses: ( \$650,100.00)	
Underwriter's Discount	395,600.00
Rating Agency	65,000.00
Bond Counsel	70,000.00
Printing	8,000.00
Trustee	12,000.00
Financial Advisor	70,000.00
Attorney General	9,500.00
Verification Agent	5,000.00
Miscellaneous	15,000.00
Rounding Amount	4,506.28
<b>Total USES of Funds</b>	<b>\$77,344,916.80</b>

**Miscellaneous Bond Issuance Information:**

Delivery Date:	09/01/2014
Principal Amount of Bonds Being Refunded	69,365,000.00
Principal Amount of the Refunding Bonds	68,800,000.00
Proceeds of "The (new) Bonds"	75,689,916.80
Rate/Yield on the Refunded Bonds	4.80165064%
"All Costs Included" TIC on the New Issue is	2.85968152%
Federal Arbitrage Yield on the New Issue is	2.44879577%
Yield on Escrow	0.55992995%
Total Debt Service Savings	8,312,090.11
Present Value Savings @ 2.44879577%	5,028,326.92
Total Debt Service Savings as a Percent of Total Debt Service of Refunded Bonds	8.27677806%
Present Value Savings as a Percent of Principal Amount of Bonds Being Refunded	7.24908373%

**City of Pearland, Texas- General Obligation Debt  
Refunding Analysis Savings Report  
Revised Restructuring Analysis**

Dates	Maturing Amount	Proceeds @ Issue Date	Coupon	Yield	Interest Amount	Total Debt Service	Escrowed Debt	FY Begins 10/01 Savings	Cumulative Savings(1)	PV of Savings 2.44879577%
09/01/2014							1,659,395.63	4,395.63	4,395.63	4,395.63
03/01/2015	2,905,000	2,928,472.40	2.000	0.380000	1,314,300.00	4,219,300.00	2,369,395.63	-1,849,904.37	-1,845,508.74	-1,827,528.15
09/01/2015					1,285,250.00	1,285,250.00	1,715,195.63	429,945.63	-1,415,563.11	419,607.40
03/01/2016	3,150,000	3,216,213.00	2.000	0.590000	1,285,250.00	4,435,250.00	2,818,830.63	-1,616,419.37	-3,031,982.48	-1,558,469.97
09/01/2016					1,253,750.00	1,253,750.00	1,689,455.63	435,705.63	-2,596,276.85	415,004.08
03/01/2017	2,960,000	3,042,524.80	2.000	0.870000	1,253,750.00	4,213,750.00	2,842,993.13	-1,370,756.87	-3,967,033.72	-1,289,835.78
09/01/2017					1,224,150.00	1,224,150.00	1,662,708.76	438,558.76	-3,528,474.96	407,677.34
03/01/2018	4,760,000	5,049,408.00	3.000	1.220000	1,224,150.00	5,984,150.00	4,846,208.76	-1,137,941.24	-4,666,416.20	-1,045,017.16
09/01/2018					1,152,750.00	1,152,750.00	1,589,172.51	436,422.51	-4,229,993.69	395,936.49
03/01/2019	6,025,000	6,416,805.75	3.000	1.500000	1,152,750.00	7,177,750.00	6,307,572.51	-870,177.49	-5,100,171.18	-779,903.78
09/01/2019					1,062,375.00	1,062,375.00	1,476,586.26	414,211.26	-4,685,959.92	366,749.79
03/01/2020	6,450,000	6,850,093.50	3.000	1.810000	1,062,375.00	7,512,375.00	6,919,886.26	-592,488.74	-5,278,448.66	-518,254.26
09/01/2020					965,625.00	965,625.00	1,347,784.38	382,159.38	-4,896,289.28	330,234.24
03/01/2021	6,440,000	7,167,398.00	4.000	2.130000	965,625.00	7,405,625.00	7,055,984.38	-349,640.62	-5,245,929.90	-298,479.33
09/01/2021					836,825.00	836,825.00	1,212,295.63	375,470.63	-4,870,459.27	316,652.66
03/01/2022	6,490,000	7,203,510.60	4.000	2.390000	836,825.00	7,326,825.00	7,195,348.13	-131,476.87	-5,001,936.14	-109,539.64
09/01/2022					707,025.00	707,025.00	1,069,645.00	362,620.00	-4,639,316.14	298,461.64
03/01/2023	6,695,000	7,411,030.25	4.000	2.590000	707,025.00	7,402,025.00	7,517,595.00	115,570.00	-4,523,746.14	93,971.61
09/01/2023					573,125.00	573,125.00	919,651.25	346,526.25	-4,177,219.89	278,357.23
03/01/2024	5,200,000	6,077,136.00	5.000	2.760000	573,125.00	5,773,125.00	7,092,341.25	1,319,216.25	-2,858,003.64	1,046,880.60
09/01/2024					443,125.00	443,125.00	769,375.00	326,250.00	-2,531,753.64	255,768.16
03/01/2025	4,520,000	5,237,911.60	5.000	2.880000	443,125.00	4,963,125.00	6,551,960.00	1,588,835.00	-942,918.64	1,230,522.48
09/01/2025					330,125.00	330,125.00	627,885.00	297,760.00	-645,158.64	227,820.03
03/01/2026	4,620,000	5,312,445.60	5.000	2.990000	330,125.00	4,950,125.00	5,155,305.00	205,180.00	-439,978.64	155,086.99
09/01/2026					214,625.00	214,625.00	517,442.50	302,817.50	-137,161.14	226,118.51
03/01/2027	4,740,000	5,416,018.80	5.000	3.080000	214,625.00	4,954,625.00	5,389,647.50	435,022.50	297,861.36	320,908.83
09/01/2027					96,125.00	96,125.00	401,372.50	305,247.50	603,108.86	222,452.28
03/01/2028	2,890,000	3,283,675.80	5.000	3.160000	96,125.00	2,986,125.00	4,528,470.00	1,542,345.00	2,145,453.86	1,110,404.14
09/01/2028					23,875.00	23,875.00	305,576.25	281,701.25	2,427,155.11	200,356.35
03/01/2029	800,000	903,248.00	5.000	3.250000	23,875.00	823,875.00	6,537,422.50	5,713,547.50	8,140,702.61	4,014,532.52
09/01/2029					3,875.00	3,875.00	161,960.00	158,085.00	8,298,787.61	109,732.33
03/01/2030	155,000	174,024.70	5.000	3.330000	3,875.00	158,875.00	3,588.75	-155,286.25	8,143,501.36	-106,485.81
09/01/2030							168,588.75	168,588.75	8,312,090.11	114,209.47
<b>Acc Int</b>	<b>\$68,800.00</b>	<b>\$75,689,916.80</b>			<b>\$21,659,550.00</b>	<b>\$90,459,550.00</b>	<b>\$100,426,640.11</b>	<b>\$8,312,090.11</b>		<b>\$5,028,326.92</b>
<b>Grnd Total</b>	<b>\$68,800.00</b>	<b>\$75,689,916.80</b>			<b>\$21,659,550.00</b>	<b>\$90,459,550.00</b>	<b>\$100,426,640.11</b>	<b>\$8,312,090.11</b>		<b>\$5,028,326.92</b>

(1) Includes: -1,655,000.00 Transfer. and \$0.00 New Funds.

**City of Pearland, Texas- General Obligation Debt  
Aggregation Spreadsheet Report**

**Revised Restructuring Analysis**

Data are Principal Amounts

Data are to Maturity

FY 10/01 Dates	Totals	OLD04R	OLD05REFR	OLD06R	OLD06REFR	OLD07MUD1R	OLD07R	OLD07REFR	OLD08GOR
2014	0.00								
2015	780,000.00	710,000.00				70,000.00			
2016	1,250,000.00		1,175,000.00			75,000.00			
2017	1,305,000.00		480,000.00	405,000.00	345,000.00	75,000.00			
2018	3,340,000.00		550,000.00	405,000.00	360,000.00	80,000.00	1,005,000.00	940,000.00	
2019	4,885,000.00		210,000.00	505,000.00	1,000,000.00	85,000.00	1,060,000.00	1,620,000.00	405,000.00
2020	5,620,000.00		215,000.00	470,000.00	1,110,000.00	90,000.00	1,115,000.00	2,195,000.00	425,000.00
2021	5,895,000.00		220,000.00	500,000.00	1,185,000.00	95,000.00	1,170,000.00	2,280,000.00	445,000.00
2022	6,180,000.00		225,000.00	525,000.00	1,255,000.00	100,000.00	1,230,000.00	2,375,000.00	470,000.00
2023	6,660,000.00		485,000.00	555,000.00	1,610,000.00	110,000.00	1,295,000.00	2,115,000.00	490,000.00
2024	6,400,000.00			585,000.00	1,610,000.00	115,000.00	1,360,000.00	2,215,000.00	515,000.00
2025	6,020,000.00			605,000.00	1,700,000.00	120,000.00	1,430,000.00	1,620,000.00	545,000.00
2026	4,780,000.00			730,000.00	1,795,000.00	130,000.00	1,500,000.00		625,000.00
2027	5,140,000.00		1,690,000.00	765,000.00	1,890,000.00	135,000.00			660,000.00
2028	4,410,000.00			805,000.00	2,765,000.00	145,000.00			695,000.00
2029	6,535,000.00			850,000.00	5,530,000.00	155,000.00			
2030	165,000.00					165,000.00			
<b>Totals</b>	<b>\$69,365,000.00</b>	<b>\$710,000.00</b>	<b>\$5,250,000.00</b>	<b>\$7,705,000.00</b>	<b>\$22,155,000.00</b>	<b>\$1,745,000.00</b>	<b>\$11,165,000.00</b>	<b>\$15,360,000.00</b>	<b>\$5,275,000.00</b>
<b>Component</b>		<b>Face Amt</b>	<b>Title</b>			<b>From</b>		<b>To</b>	<b>%</b>
OLD04R		\$710,000.00	Certificates of Obligation, Series 2004						
OLD05REFR		\$5,250,000.00	Perm Improv & Refunding Bonds, Series 2005						
OLD06R		\$7,705,000.00	Certificates of Obligation, Series 2006						
OLD06REFR		\$22,155,000.00	Permanent Improvement & Refunding Bonds, Series 2006						
OLD07MUD1R		\$1,745,000.00	WWSS Comb U/L Tax & Rev Bds, Series 2007						
OLD07R		\$11,165,000.00	Certificates of Obligation, Series 2007						
OLD07REFR		\$15,360,000.00	Permanent Improvement and Refunding Bonds, Series 2007						
OLD08GOR		\$5,275,000.00	Series 2008 Permanent Improvement Bonds						

**City of Pearland, Texas- General Obligation Debt  
Refunding Effects  
Revised Restructuring Analysis**

Year Ending 09/30	Less: Debt Service		Plus: Refunding Analysis			Post Rfndg Debt Service	Post Rfndg Savings (2)
	Current Total	on Refunded	Current Interest Bonds		Capital		
	Debt Service	Bonds(1)	Principal	Interest	Appr Bonds		
2014	24,791,541	1,659,396				23,132,145	4,396
2015	24,679,607	4,084,591	2,905,000	2,599,550		26,099,566	-1,419,959
2016	24,663,813	4,508,286	3,150,000	2,539,000		25,844,527	-1,180,714
2017	24,660,314	4,505,702	2,960,000	2,477,900		25,592,512	-932,198
2018	24,643,600	6,435,381	4,760,000	2,376,900		25,345,119	-701,519
2019	24,641,281	7,784,159	6,025,000	2,215,125		25,097,248	-455,966
2020	24,633,840	8,267,671	6,450,000	2,028,000		24,844,170	-210,329
2021	24,619,589	8,268,280	6,440,000	1,802,450		24,593,759	25,830
2022	24,575,282	8,264,993	6,490,000	1,543,850		24,344,139	231,143
2023	24,560,320	8,437,246	6,695,000	1,280,150		24,098,224	462,096
2024	25,496,548	7,861,716	5,200,000	1,016,250		23,851,081	1,645,466
2025	25,491,336	7,179,845	4,520,000	773,250		23,604,741	1,886,595
2026	23,858,897	5,672,748	4,620,000	544,750		23,350,899	507,997
2027	23,837,330	5,791,020	4,740,000	310,750		23,097,060	740,270
2028	23,819,334	4,834,046	2,890,000	120,000		21,995,288	1,824,046
2029	23,814,046	6,699,383	800,000	27,750		17,942,414	5,871,633
2030	15,009,140	172,178	155,000	3,875		14,995,838	13,302
2031	14,994,658					14,994,658	
2032	15,006,131					15,006,131	
2033	3,704,681					3,704,681	
2034	3,688,669					3,688,669	
2035	1,784,856					1,784,856	
2036	1,013,772					1,013,772	
2037	663,938					663,938	
2038	654,800					654,800	
<b>Totals</b>	<b>\$449,307,323</b>	<b>\$100,426,641</b>	<b>\$68,800,000</b>	<b>\$21,659,550</b>		<b>\$439,340,235</b>	<b>\$8,312,090</b>

(1) - This column only reflects debt payments scheduled after the closing date of 09/01/2014.

(2) - Savings are reduced by fund transfers at closing totaling \$1,655,000.00 (see Sources of funds report).

**City of Pearland, Texas- General Obligation Debt  
Sources & Uses Report  
Revised Restructuring Analysis**

**Sources of Funds:**

Principal Amount of Current Interest Bonds (CIBs)	68,800,000.00
CIB Premium	6,889,916.80
Issuer Contribution	1,655,000.00
<b>Total SOURCES of Funds</b>	<b>\$77,344,916.80</b>

**Uses of Funds:**

SLG Escrow Cost	76,690,310.52
Issuance Expenses: ( \$650,100.00)	
Underwriter's Discount	395,600.00
Rating Agency	65,000.00
Bond Counsel	70,000.00
Printing	8,000.00
Trustee	12,000.00
Financial Advisor	70,000.00
Attorney General	9,500.00
Verification Agent	5,000.00
Miscellaneous	15,000.00
Rounding Amount	4,506.28
<b>Total USES of Funds</b>	<b>\$77,344,916.80</b>

**Miscellaneous Bond Issuance Information:**

Delivery Date:	09/01/2014
Principal Amount of Bonds Being Refunded	69,365,000.00
Principal Amount of the Refunding Bonds	68,800,000.00
Proceeds of "The (new) Bonds"	75,689,916.80
Rate/Yield on the Refunded Bonds	4.80165064%
"All Costs Included" TIC on the New Issue is	2.85968152%
Federal Arbitrage Yield on the New Issue is	2.44879577%
Yield on Escrow	0.55992995%
Total Debt Service Savings	8,312,090.11
Present Value Savings @ 2.44879577%	5,028,326.92
Total Debt Service Savings as a Percent of Total Debt Service of Refunded Bonds	8.27677806%
Present Value Savings as a Percent of Principal Amount of Bonds Being Refunded	7.24908373%

**City of Pearland, Texas- General Obligation Debt  
Refunding Analysis Savings Report  
Revised Restructuring Analysis**

Dates	Maturing Amount	Proceeds @ Issue Date	Coupon	Yield	Interest Amount	Total Debt Service	Escrowed Debt	FY Begins 10/01 Savings	Cumulative Savings(1)	PV of Savings 2.44879577%
09/01/2014							1,659,395.63	4,395.63	4,395.63	4,395.63
03/01/2015	2,905,000	2,928,472.40	2.000	0.380000	1,314,300.00	4,219,300.00	2,369,395.63	-1,849,904.37	-1,845,508.74	-1,827,528.15
09/01/2015					1,285,250.00	1,285,250.00	1,715,195.63	429,945.63	-1,415,563.11	419,607.40
03/01/2016	3,150,000	3,216,213.00	2.000	0.590000	1,285,250.00	4,435,250.00	2,818,830.63	-1,616,419.37	-3,031,982.48	-1,558,469.97
09/01/2016					1,253,750.00	1,253,750.00	1,689,455.63	435,705.63	-2,596,276.85	415,004.08
03/01/2017	2,960,000	3,042,524.80	2.000	0.870000	1,253,750.00	4,213,750.00	2,842,993.13	-1,370,756.87	-3,967,033.72	-1,289,835.78
09/01/2017					1,224,150.00	1,224,150.00	1,662,708.76	438,558.76	-3,528,474.96	407,677.34
03/01/2018	4,760,000	5,049,408.00	3.000	1.220000	1,224,150.00	5,984,150.00	4,846,208.76	-1,137,941.24	-4,666,416.20	-1,045,017.16
09/01/2018					1,152,750.00	1,152,750.00	1,589,172.51	436,422.51	-4,229,993.69	395,936.49
03/01/2019	6,025,000	6,416,805.75	3.000	1.500000	1,152,750.00	7,177,750.00	6,307,572.51	-870,177.49	-5,100,171.18	-779,903.78
09/01/2019					1,062,375.00	1,062,375.00	1,476,586.26	414,211.26	-4,685,959.92	366,749.79
03/01/2020	6,450,000	6,850,093.50	3.000	1.810000	1,062,375.00	7,512,375.00	6,919,886.26	-592,488.74	-5,278,448.66	-518,254.26
09/01/2020					965,625.00	965,625.00	1,347,784.38	382,159.38	-4,896,289.28	330,234.24
03/01/2021	6,440,000	7,167,398.00	4.000	2.130000	965,625.00	7,405,625.00	7,055,984.38	-349,640.62	-5,245,929.90	-298,479.33
09/01/2021					836,825.00	836,825.00	1,212,295.63	375,470.63	-4,870,459.27	316,652.66
03/01/2022	6,490,000	7,203,510.60	4.000	2.390000	836,825.00	7,326,825.00	7,195,348.13	-131,476.87	-5,001,936.14	-109,539.64
09/01/2022					707,025.00	707,025.00	1,069,645.00	362,620.00	-4,639,316.14	298,461.64
03/01/2023	6,695,000	7,411,030.25	4.000	2.590000	707,025.00	7,402,025.00	7,517,595.00	115,570.00	-4,523,746.14	93,971.61
09/01/2023					573,125.00	573,125.00	919,651.25	346,526.25	-4,177,219.89	278,357.23
03/01/2024	5,200,000	6,077,136.00	5.000	2.760000	573,125.00	5,773,125.00	7,092,341.25	1,319,216.25	-2,858,003.64	1,046,880.60
09/01/2024					443,125.00	443,125.00	769,375.00	326,250.00	-2,531,753.64	255,768.16
03/01/2025	4,520,000	5,237,911.60	5.000	2.880000	443,125.00	4,963,125.00	6,551,960.00	1,588,835.00	-942,918.64	1,230,522.48
09/01/2025					330,125.00	330,125.00	627,885.00	297,760.00	-645,158.64	227,820.03
03/01/2026	4,620,000	5,312,445.60	5.000	2.990000	330,125.00	4,950,125.00	5,155,305.00	205,180.00	-439,978.64	155,086.99
09/01/2026					214,625.00	214,625.00	517,442.50	302,817.50	-137,161.14	226,118.51
03/01/2027	4,740,000	5,416,018.80	5.000	3.080000	214,625.00	4,954,625.00	5,389,647.50	435,022.50	297,861.36	320,908.83
09/01/2027					96,125.00	96,125.00	401,372.50	305,247.50	603,108.86	222,452.28
03/01/2028	2,890,000	3,283,675.80	5.000	3.160000	96,125.00	2,986,125.00	4,528,470.00	1,542,345.00	2,145,453.86	1,110,404.14
09/01/2028					23,875.00	23,875.00	305,576.25	281,701.25	2,427,155.11	200,356.35
03/01/2029	800,000	903,248.00	5.000	3.250000	23,875.00	823,875.00	6,537,422.50	5,713,547.50	8,140,702.61	4,014,532.52
09/01/2029					3,875.00	3,875.00	161,960.00	158,085.00	8,298,787.61	109,732.33
03/01/2030	155,000	174,024.70	5.000	3.330000	3,875.00	158,875.00	3,588.75	-155,286.25	8,143,501.36	-106,485.81
09/01/2030							168,588.75	168,588.75	8,312,090.11	114,209.47
<b>Acc Int</b>	<b>\$68,800.00</b>	<b>\$75,689,916.80</b>			<b>\$21,659,550.00</b>	<b>\$90,459,550.00</b>	<b>\$100,426,640.11</b>	<b>\$8,312,090.11</b>		<b>\$5,028,326.92</b>
<b>Grnd Total</b>	<b>\$68,800.00</b>	<b>\$75,689,916.80</b>			<b>\$21,659,550.00</b>	<b>\$90,459,550.00</b>	<b>\$100,426,640.11</b>	<b>\$8,312,090.11</b>		<b>\$5,028,326.92</b>

(1) Includes: -1,655,000.00 Transfer. and \$0.00 New Funds.

**City of Pearland, Texas- General Obligation Debt  
Aggregation Spreadsheet Report**

**Revised Restructuring Analysis**

Data are Principal Amounts

Data are to Maturity

FY 10/01 Dates	Totals	OLD04R	OLD05REFR	OLD06R	OLD06REFR	OLD07MUD1R	OLD07R	OLD07REFR	OLD08GOR
2014	0.00								
2015	780,000.00	710,000.00				70,000.00			
2016	1,250,000.00		1,175,000.00			75,000.00			
2017	1,305,000.00		480,000.00	405,000.00	345,000.00	75,000.00			
2018	3,340,000.00		550,000.00	405,000.00	360,000.00	80,000.00	1,005,000.00	940,000.00	
2019	4,885,000.00		210,000.00	505,000.00	1,000,000.00	85,000.00	1,060,000.00	1,620,000.00	405,000.00
2020	5,620,000.00		215,000.00	470,000.00	1,110,000.00	90,000.00	1,115,000.00	2,195,000.00	425,000.00
2021	5,895,000.00		220,000.00	500,000.00	1,185,000.00	95,000.00	1,170,000.00	2,280,000.00	445,000.00
2022	6,180,000.00		225,000.00	525,000.00	1,255,000.00	100,000.00	1,230,000.00	2,375,000.00	470,000.00
2023	6,660,000.00		485,000.00	555,000.00	1,610,000.00	110,000.00	1,295,000.00	2,115,000.00	490,000.00
2024	6,400,000.00			585,000.00	1,610,000.00	115,000.00	1,360,000.00	2,215,000.00	515,000.00
2025	6,020,000.00			605,000.00	1,700,000.00	120,000.00	1,430,000.00	1,620,000.00	545,000.00
2026	4,780,000.00			730,000.00	1,795,000.00	130,000.00	1,500,000.00		625,000.00
2027	5,140,000.00		1,690,000.00	765,000.00	1,890,000.00	135,000.00			660,000.00
2028	4,410,000.00			805,000.00	2,765,000.00	145,000.00			695,000.00
2029	6,535,000.00			850,000.00	5,530,000.00	155,000.00			
2030	165,000.00					165,000.00			
<b>Totals</b>	<b>\$69,365,000.00</b>	<b>\$710,000.00</b>	<b>\$5,250,000.00</b>	<b>\$7,705,000.00</b>	<b>\$22,155,000.00</b>	<b>\$1,745,000.00</b>	<b>\$11,165,000.00</b>	<b>\$15,360,000.00</b>	<b>\$5,275,000.00</b>
<b>Component</b>		<b>Face Amt</b>	<b>Title</b>			<b>From</b>		<b>To</b>	<b>%</b>
OLD04R		\$710,000.00	Certificates of Obligation, Series 2004						
OLD05REFR		\$5,250,000.00	Perm Improv & Refunding Bonds, Series 2005						
OLD06R		\$7,705,000.00	Certificates of Obligation, Series 2006						
OLD06REFR		\$22,155,000.00	Permanent Improvement & Refunding Bonds, Series 2006						
OLD07MUD1R		\$1,745,000.00	WWSS Comb U/L Tax & Rev Bds, Series 2007						
OLD07R		\$11,165,000.00	Certificates of Obligation, Series 2007						
OLD07REFR		\$15,360,000.00	Permanent Improvement and Refunding Bonds, Series 2007						
OLD08GOR		\$5,275,000.00	Series 2008 Permanent Improvement Bonds						

# New Business Item No. 10

10. **CONSIDERATION AND POSSIBLE ACTION** – Regarding personnel matters. *City Council.*