AGENDA

CITY OF PEARLAND ♦ CITY COUNCIL

September 22, 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
Deputy City Manager

Clay Pearson
City Manager

Trent Epperson
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.

RECOGNITION AND AWARDS NOTICE

The Mayor and Councilmembers will be present the following:

1. Presentation of a Proclamation proclaiming the month of October, 2014, as "Dyslexia Awareness Month."
2. Presentation of a Proclamation proclaiming the week of October 6th through 13th 2014, as "Fire Prevention Week."

Presentation will be held:

Monday, September 22, 2014
6:15 p.m.
Council Chambers
3519 Liberty Drive
Pearland, Texas 77581

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CITY COUNCIL AGENDA
CITY OF PEARLAND
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 22, 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. ROLL CALL: Mayor Reid, Mayor Pro-Tem Ordeneaux, Councilmembers Carbone, Sherman, Moore, and Hill.

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

V. PUBLIC HEARING: None.

VI. CONSENT AGENDA:

All items listed under the "Consent Agenda" are considered to be routine and require little or no deliberation by the City Council. These items will be enacted/approved by one motion unless a councilmember requests separate action on an item, in which event the item will be removed from the Consent Agenda and considered by separate action *(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 August 11, 2014, Regular Meeting, held at 6:30 p.m.
2. Minutes of the August 13, 2014, Special Meeting, held at 6:00 p.m.
3. Minutes of the August 18, 2014, Joint Public Hearing, held at 7:30 p.m.

B. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1502 – An Ordinance of the City Council of the City of Pearland, Texas, repealing Chapter 4, *Alcoholic Beverages*, of the City of Pearland Code of Ordinances, in its entirety, and adopting a new Chapter 4 for the purposes of complying with state law; having a savings clause, a severability clause, and a repealer clause; providing for publication, codification, and an effective date.

C. Consideration and Possible Action – Resolution No. R2014-115 – 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, Seabrook, Clute, Webster, Texas City, South Houston and Galveston County for Breath Alcohol Technical Supervisor Services.

D. Consideration and Possible Action – Resolution No. R2014-110 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for standby generator maintenance services to Kentech, Inc. in the estimated amount of $50,000.00 for the period of September 2014 through September 2015.

E. Consideration and Possible Action – Resolution No. R2014-111 – A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply bid for school zone flasher systems to Southwest Signal Supply, Inc. in the estimated amount of $ 131,636.00 for the period of October 2014 through September 2015.

F. Consideration and Possible Action – Resolution No. R2014-109 – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit price supply bid with Smith Municipal Supply for signs and sign materials in the estimated amount of $122,000.00 for the period of October 23, 2014 through October 22, 2015.

G. **Council Input and Possible Action – Resolution No. R2014-103 –** A Resolution of the City Council of the City of Pearland, Texas, adopting an amended Investment Policy, Investment Strategy and approved Brokers in accordance with chapter 2256 of the Government Code ("Public Funds Investment Act").

H. **Consideration and Possible Action – Resolution No. R2014-112 –** 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 engineering services with AARK Engineering, in the amount of $155,250.00, for the Southdown Wastewater Treatment Plant Rehabilitation Project.

VI. MATTERS REMOVED FROM CONSENT AGENDA

VII. NEW BUSINESS:

1. **Consideration and Possible Action – First and Only Reading of Ordinance No. 1504 –** An Ordinance authorizing issuance of City of Pearland, Texas, Water and Sewer System Revenue Bonds, Series 2014; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; making other provisions regarding such bonds and matters incident thereto; and declaring an emergency.

2. **Consideration and Possible Action – First and Only Reading of Ordinance No. 1503 –** An Ordinance authorizing the issuance of City of Pearland, Texas Certificates of Obligation, Series 2014; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; making other provisions regarding such certificates and matters incident thereto; and declaring an emergency.

3 **Consideration and Possible Action – First Reading of Ordinance No. 1505 –** An Ordinance adopting a tax rate of $0.7121 and levying taxes for the use and support of the Municipal Government of the City of Pearland, Texas, and providing for the interest and sinking fund of the taxable year 2014.

4. **Consideration and Possible Action – First Reading of Ordinance No. 1506 –** An appropriation ordinance adopting a revised budget for the fiscal year ending September 30, 2014 and adopting a budget for the fiscal year beginning October 1, 2014, and ending September 30, 2015, and pay plans for fiscal year 2015.

5. **Consideration and Possible Action – First Reading of Ordinance No. 1023-4 –** An Ordinance of the City Council of the City of Pearland, Texas, amending development and permit fees; containing a savings clause, a severability clause and a repealer clause; providing for publication and an effective date.

6. **Consideration and Possible Action – First Reading of Ordinance No. 1358-11 –** An Ordinance of the City Council of the City of Pearland, Texas, amending non-development usage and service fees; containing a savings clause, a severability clause and a repealer clause; providing for publication and an effective date.

7. **Consideration and Possible Action – Resolution No. R2014-104 –** A Resolution of the City Council of the City of Pearland, Texas, deducting uncollectible Utility Billing and Parks and Recreation accounts from the City's Financial Statement.

8. **Consideration and Possible Action – Resolution No. R2014-113 –** A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the Business Center Drive Library Expansion Project, to Construction Masters of Houston, Inc., in the amount of $279,700.00.

9. **Consideration and Possible Action – Resolution No. R2014-116 –** A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for hot asphalt mix in the estimated amount of $431,000 for the period beginning October 1, 2014 and ending September 30, 2015.

10. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-118 –** 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 a tract of land containing 2.939 acres out of Lots 20, 21 and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County, Texas Plat Records (located at the northeast corner of Broadway Street and Shauntel Street, Pearland, Texas), Zone Change 2014-12Z; a request of Brian Allen, Baks Brewery, applicant; on behalf of George Gartner, owner; for approval of a change in zoning from General Commercial (GC) to a non-residential Planned Development known as Baks Brewery; on approximately 2.94 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.

11. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-119 –** 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 a tract of land containing 142.9664 acres of land out of Pearland Town Center, a subdivision of 143.6500 acres as recorded under File Number 2007008914 of the Plat Records of Brazoria County, Texas, and situated in the H.T. & B.R.R. Company Survey, Abstract 300, Section 81, Brazoria County, Texas, (located on the south side of Broadway Street, east and west of Kirby Drive, and west of Business Center Drive, Pearland, Texas), Zone Change Application 2014-13Z; a request of Alysia Gordon and Teir Allender, applicants; on behalf of Michael Lebovitz, Executive Vice

President of Development and Administration for Pearland Town Center, LP, owner; for approval of a change in zoning to amend the sign regulations contained within the Pearland Town Center PUD; on approximately 142.97 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.

12. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-117 –** 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 that portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 34 of the deed records of Harris County, Texas, (located at the southwest corner of Spectrum Boulevard and State Highway 288, Pearland, TX), Zone Change 2014- 02Z; a request of Jack Parker, applicant; on behalf of American Modern Green Development (Houston), LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Ivy District PD, on approximately 48.5 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.

OTHER BUSINESS:

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

1. **Section 551.087 – Consultation with City Attorney –** Regarding Economic Development Negotiations.

2. **Section 551.074 – Personnel Matters –** Regarding appointments to the Boards and Commissions.

NEW BUSINESS CONTINUED:

13. **Consideration and Possible Action –** Regarding Economic Development Negotiations.

14. **Consideration and Possible Action –** Regarding appointments to the Boards and Commissions.

VII. MAYOR/COUNCIL ISSUES

IX. 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 August 11, 2014, Regular Meeting, held at 6:30 p.m.
Minutes of the August 13, 2014, Special Meeting, held at 6:00 p.m.
Minutes of the August 18, 2014, Joint Public Hearing, held at 7:30 p.m.

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, AUGUST 11, 2014, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order at 6:30 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
Deputy City Attorney	Nghiem Doan
City Secretary	Young Lorfing

Others in attendance: Daniel Baum Deputy Fire Chief; Claire Bogard Director of Finance; Jon Branson Deputy City Manager; Matt Buchanan President of Pearland Economic Development Cooperation; J.C. Doyle Police Chief; Trent Epperson Assistant City Manager; Michelle Graham Director of Parks and Recreation; Bonita Hall Director of Human Resource and Safety Management; Lata Krishnarao Director of Community Development; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Eric Wilson Director of Public Works; Sparkle Anderson Communications Manager; Joel Hardy Grants Coordinator; Skipper Jones Assistant Director of Capital Projects; Bob Pearce Purchasing Officer.

The invocation was given by Councilmember Carbone and the Pledge of Allegiance was led by Michelle Graham Director of Parks and Recreation.

CALL TO ORDER

ROLL CALL: Mayor Reid, Mayor Pro-Tem Ordeneaux, Councilmembers Carbone, Sherman, Moore, and Hill.

CITIZEN COMMENTS:

Lisa Zalisky, 2704 Fern Creek Lane, addressed Council stating a month ago the Woodcreek Subdivision was approached by the Pearland Parks and Recreation department regarding a "Day in the Park." She stated they were very excited 45 to 50 people were present. The residents completed surveys and returned them to the Parks and Recreation. Her concern is no one has contacted them since the meeting. They have tried several times to contact the Parks and Recreation and never a return call. She feels by this time someone from Parks and Recreation should have returned their calls.

Mike Milam, 1926 Crooked Creek, addressed Council stating he is hoping to improve communication between Woodcreek Home Owners Association and the Pearland Parks and Recreation Department. He stated a month ago the Association and the Parks Department had a meeting and was told some of the equipment in the subdivision's park would be removed because of safety reasons. The equipment was removed several months ago, and has not been restored. We are hoping to improve communications regarding this matter, and would like to see the park restored and improved.

Rene Beckman, 1805 Winding Creek Drive, addressed Council stating she lives down the street from the park in Woodcreek Subdivision. The equipment was removed nine months ago. She feels the equipment should have been replaced by now. The residents feel the Pearland funds are going to the other side of town and Woodcreek is not being considered. After the surveys were completed the residents have made several attempts to get the results from the Pearland Parks and Recreation Department. The residents would like a walking trail, the equipment restored, and the bridge repaired.

Layni Cade, 1901 Meadow Creek Drive, addressed Council stating she has four children that ride their bikes to the Woodcreek Park. She stated the bridge to get to the park was not addressed, it is in need of repair and it is safety hazard. The Homeowners Association was told to contact Center Point to have the lights repaired at the Park. She contacted Center Point immediately, and within three days Center Point repaired their portion of the lights at the park, but the City has not repaired their portion of the lights. The residents feel because they live in an older subdivision they are being ignored by the City. She would like to appeal to the City to please repair and restore the Woodcreek Park.

Andie McIntyre, 1931 Winding Creek Drive, addressed Council stating she has seventeen grandchildren and three grandnieces that live in Woodcreek Subdivision. The condition of the park had deterrated to the point that she no longer allows her grandchildren to go to the park. A park with no amenities will not be utilized. The condition the park is in, and with no lighting it will not take long for undesirable elements to take over. She implores the Council and Parks and Recreation Department to use whatever resources they have to address this issue in a timely manner.

Larry Marcott, 3606 Inverness Court, addressed Council stating his concerns with the condition of the City in terms of the streets and tall grass along FM 518. There are large land owners that do not mow their grass out to the curb or maintain their property. In Sleepy Hollow there is piles of brush everywhere that needs to be taken care of. He thinks it is time to make some revisions to the ordinances. After seeing the City budget last week he became concerned that Community Development was only requesting two new people for Code Enforcement. That is not enough people to cover the City of Pearland.

Adam Carroll, 2502 Alexander Lane, addressed Council stating he is representing the Pearland Police Officers Association. He thanked Council for leaving the dependent care coverage where it is. He also appreciated the Councilmembers asking the Benefit Representatives the same questions the employees had regarding the Health Insurance.

Mayor Reid called the Public Hearing Meeting to order at 6:48 p.m.

PUBLIC HEARING: To gather public comment and testimony regarding the City's plans to apply for grant funding from the Texas Parks and Wildlife Department.

Grants Coordinator Joel Hardy reported the City is proposing to Council a request for approval to apply for funding from the Texas Parks & Wildlife Department – Local Park Grant Program. All grant applications must hold at least one public hearing prior to submission in compliance with the Texas Open Meetings Act. The hearing may be a separate public meeting, or it may occur at the time the governing body regularly meets. The public hearing must be properly posted and advertised in compliance with the Texas Open Meetings Act, and there must be an opportunity for public comment. The City intends to request $400,000 in grant funds.

CITIZEN COMMENTS: None.

COUNCIL/STAFF DISCUSSION

Discussion ensued between Council and Grants Coordinator Joel Hardy regarding no major strings attached to this grant and the park will be built to the City's specifications and design.

Discussion ensued between Council and Parks and Recreation Director Michelle Graham regarding the grant funds will not offset the funds the Municipal Utility District is going to provide. There is a $300,000 to $400,000 gap between the project price and funds available. The grant funds will go towards filling that gap.

Councilmember Sherman asked when the application is made for grant funds will it specifically be for Shadow Creek Ranch Park or will it be a generic request.

Grants Coordinator Joel Hardy stated it has to be specific to Shadow Creek Ranch Park.

Councilmember Sherman stated Shadow Creek Ranch Park is a park the City needs to pay for. If there are other needs and issues with established parks in the City we should be able to use grant funding to offset those projects.

Parks and Recreation Director Michelle Graham stated there are some issues with this grant regarding how it is scored and what is adopted in the City's Master Plan. The City is more likely to receive grant funds and score higher points if the park is a community park verses a neighborhood park. It was this type of grant the City was able to produce Independence Park and Centennial Park. The City has not received this type of grant for smaller parks, however the City has sought out private funding and other grants when the opportunity rises. She stated she communicated that to the residents of Woodcreek. This is an opportunity to seek additional funding, however it is not applicable for the Woodcreek Park project.

Mayor Pro-Tem Ordeneaux asked for clarification, if there are funds left after the Shadow Creek Ranch Park is completed can the remaining funds be used for the Woodcreek Park?

Assistant City Manager Jon Branson stated the grant application is very specific for the park you are applying for. As the Director of Parks and Recreation Michelle Graham stated each project is scored based on its merit, and the City's Master Plan. If the City applies for a grant for $400,000 for a certain park and receives the grant funds, the City has to use those funds for that certain park. If the City wants to make a separate application for another project that can occur, but typically, and historically neighborhood parks do not score high. That does not mean you could not free up funds in the general fund for another project, but this grant is going to be specifically for Shadow Creek Ranch Park.

Mayor Reid stated we need to figure out what needs to be done with the Woodcreek Park and work on a budget to address that. The Parks and Recreation Department is probably already looking to do that.

The Public Hearing was adjourned at 6:59 p.m.

CONSENT AGENDA:

A. Consideration And Possible Action – Approval Of Minutes:

1. Minutes of the July 14, 2014, Regular Meeting, held at 6:30 p.m.

B. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1501 – An ordinance authorizing the issuance of City of Pearland, Texas, permanent improvement and/or refunding bonds in one or more series; setting certain parameters for the bonds; authorizing refunding of certain outstanding obligations; authorizing a pricing officer to approve the amount, the interest rate, price, and terms thereof and certain other procedures and provisions relating thereto.

C. Consideration and Possible Action – Second and Final Reading of Ordinance No. CUP 2014-04 – An ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP), for certain property, being legally described as 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, the parent tract being located at the northwest corner of Broadway Street and Hillhouse Road, Pearland, TX., for Conditional Use Permit Application No. CUP2014-04, to allow for the construction of an Auto Wash (Self Service), with the General Business (GB) zoning district; at the request of Chan Patel with Sparkles Express, applicant; on behalf of The Old Place, Inc., owner; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

D. Consideration and Possible Action – Resolution No. R2014-95 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the rental of an asphalt recycling machine from R. B. Everett and Company, through fiscal year 2015, in the amount of $182,000, and ratifying a prior expenditure with Barrier Equipment in the amount of $67,341.57.

E. Consideration and Possible Action – Resolution No. R2014-97 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the purchase of an extended warranty, associated with the Far Northwest Wastewater Treatment Plant, with Ultra Tech Systems, Inc., in the amount of $54,190 for the period of August 21, 2015 through August 21, 2017.

F. Consideration and Possible Action – Resolution No. R2014-86 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for purchase of three (3) Chevrolet Police Package vehicles, from Caldwell Country Chevrolet, in the amount of $84,226.00.

G. Consideration and Possible Action – Resolution No. R2014-88 – A Resolution of the City Council of the City of Pearland, Texas, renewing a contract for custodial services with C & S Janitorial Services, in the estimated amount of $149,884.00, annually for the period of September 3, 2014 through September 2, 2015.

H. **Consideration and Possible Action – Resolution No. R2014-89 –** A Resolution of the City Council of the City of Pearland, Texas, changing the regular meeting times and dates for September 2014 to comply with City Charter requirements for the City budget process.

I. **Consideration and Possible Action – Resolution No. R2014-96 –** A Resolution of the City Council of the City of Pearland, Texas, authorizing payment of the City Manager's relocation/moving expenses to Mayflower moving company and Action Auto Carriers.

J. **Consideration and Possible Action –** Regarding the appointments to the Library Board of Dale E. Pillow, to Position No. 5 for unexpired term expiring November 1, 2016 and Roshanda Cayette-Contreras to Position No. 6 for an unexpired term expiring November 1, 2015.

K. **Consideration and Possible Action – Resolution No. R2014-87 –** A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract for professional services associated with traffic signal timing to Gerry de Camp, in the estimated amount of $50,000.00 for the period beginning August 2014 and ending July 2015.

L. **Consideration and Possible Action –** regarding appointments to the Animal Control Advisory Committee of Dr. Cara Campbell, to Position No. 1 for term expiring November 1, 2017, Cynthia Rothermel, to Position No. 4 for an unexpiring term November 1, 2015, Mary Hickling, to Position No. 5 for an unexpiring term November 1, 2016.

M. **Consideration and Possible Action– Resolution No. R2014-94 –** A Resolution of the City Council of the City of Pearland, Texas, as hereinafter referred to as "Applicant," designating certain officials as being responsible for, acting for, and on behalf of the Applicant in dealing with the Texas Parks & Wildlife Department, hereinafter referred to as "Department," for the purpose of participating in the Local Park Grant Program, hereinafter referred to as the "Program"; certifying that the Applicant is eligible to receive program assistance; certifying that the Applicant matching share is readily available and is approved for use in the completion of this project; and dedicating the proposed site for permanent (or for the term of the lease for leased property) public park and recreational uses.

N. **Consideration and Possible Action – Resolution No. R2014-90 –** A Resolution of the City Council of the City of Pearland, Texas, adopting an Athletic Field Use Policy for public park facilities.

Councilmember Carbone asked that Consent Agenda Items B and D be removed from the Consent Agenda for further discussion.

Councilmember Moore asked that Consent Agenda Item F 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 N with the exception of Items B, D, and F 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 Carbone Consent Agenda Item B was removed for further discussion.

B. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1501 – An ordinance authorizing the issuance of City of Pearland, Texas, permanent improvement and/or refunding bonds in one or more series; setting certain parameters for the bonds; authorizing refunding of certain outstanding obligations; authorizing a pricing officer to approve the amount, the interest rate, price, and terms thereof and certain other procedures and provisions relating thereto.

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve the Second and Final Reading of Ordinance No. 1501.

City Manager Clay Pearson reported this is an ordinance authorizing the issuance of City of Pearland, Texas, permanent improvement and/or refunding bonds in one or more series; setting certain parameters for the bonds; authorizing refunding of certain outstanding obligations; authorizing a pricing officer to approve the amount, the interest rate, price, and terms thereof and certain other procedures and provisions relating thereto.

Councilmember Carbone asked if this was the refunding only, and not issuing any new debt.

BOSC, Inc. Representative John Robuck gave an explanation of Ordinance No. 1501.

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

Voting "No" Councilmember Carbone.

Motion Passed 4 to 1.

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

D. Consideration and Possible Action – Resolution No. R2014-95 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the rental of an asphalt recycling machine from R. B. Everett and Company, through fiscal year 2015, in the amount of $182,000, and ratifying a prior expenditure with Barrier Equipment in the amount of $67,341.57.

Councilmember Carbone made the motion, seconded by Mayor Pro-Tem Ordeneaux, to approve Resolution No. R2014-95.

City Manager Clay Pearson reported Council is being asked to approve the rental of the asphalt recycle machine from R.B. Everett and Company at a rate of $13,000 per month through fiscal year 2015, based on the Brazoria County Interlocal Agreement, in order to complete scheduled street rehabilitation projects; and ratification of the expense for the trial recycler rental as described above in the total amount of $67,341.57.

Discussion ensued between Council and Purchasing Officer Bob Pearce regarding the monthly rate.

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

Voting "No" None.

Motion Passed 5 to 0.

As requested by Councilmember Moore Consent Agenda Item F was removed for further discussion.

F. Consideration and Possible Action – Resolution No. R2014-86 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for purchase of three (3) Chevrolet Police Package vehicles, from Caldwell Country Chevrolet, in the amount of $84,226.00.

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-86.

City Manager Clay Pearson reported Council is being asked to authorize the purchase of three (3) Chevrolet Police Package vehicles from Caldwell Chevrolet in the amount of $84,226 through the Texas Association of School Board (TASB) Buyboard cooperative purchasing program.

Discussion ensued between Council and City Manager Clay Pearson regarding older vehicles and the safety of the Pearland Police Officers.

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

Voting "No" None.

Motion Passed 5 to 0.

NEW BUSINESS:

Council Action – Resolution No. R2014-93 – A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract for professional services, associated with the Far Northwest Wastewater Treatment Plant Expansion Project, with CDM Smith, Inc., in the amount of $4,162,000.00.

Councilmember Sherman made the motion, seconded by Councilmember Carbone, to approve Resolution No. 2014-93.

City Manager Clay Pearson reported Council is being asked to approve the proposal and award a professional services contract to CDM Smith, Inc. for the Far Northwest Wastewater Treatment Plant Expansion project in the amount of $4,162,000.

Discussion ensued between Council and Assistant City Manager Trent Epperson regarding a rule of thumb on what percent Engineering/design should be of a total project.

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

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2014-98 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the Hughes Ranch Road Sanitary Sewer Improvement Project, to Calco Contracting, Ltd., in the amount of $897,607.00.

Mayor Pro-Tem Ordeneaux made the motion, seconded by Councilmember Carbone, to approve Resolution No. 2014-98.

City Manager Clay Pearson reported Council is being asked to award a construction contract to Calco Contracting, Ltd. for the abandonment of the West Oaks and Somersetshire Lift Stations and Installation of the Hughes Ranch Road Sanitary Sewer in the amount of $897,607.

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

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2014-91 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the McHard Waterline Project (Phase 1), to Calco Contracting, Ltd., in the amount of $3,740,000.00.

Councilmember Moore made the motion, seconded by Councilmember Carbone, to approve Resolution No. 2014-91.

City Manager Clay Pearson reported Council is being asked to award the contract for the construction of the McHard Waterline Phase 1 (SH35 to Mykawa Road and Business Center Drive to Cullen Parkway) in the amount of $3,740,360 to Calco Constructing, Ltd.

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

Voting “No” None.

Motion Passed 5 to 0.

First Reading of Ordinance No. Cup 2014-05 - An Ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit for certain property, being 5.00 Acres out of the G.T. & B.R.R. Company Survey, A-304 in Brazoria County, Texas being the same land described as 5.00 Acres in a warranty deed from Steven C. Muth to Houston Chinese Church, dated July 5, 2007 and recorded as Document No. 2007039242, official records of Brazoria County, Texas. **(located at the 2500 Block of Miller Ranch RD., Pearland, TX** Conditional Use Permit Application No. CUP 2014-05 to allow for a church, temple, or place of worship in the single family residential-1 (R- 1) District at the request of Raymond JJ ZHUO, Applicant, on behalf of Houston Chinese Church, owner, containing a savings clause, a severability clause, an effective date and other provisions related to the subject.

Councilmember Hill made the motion, seconded by Councilmember Sherman, to approve Ordinance No. CUP 2014-05 on its First Reading.

Mayor Reid read into the record the Planning and Zoning Commission’s recommendation to forward to Council for approval of Application No. CUP2014-05.

Director of Community Development Lata Krishnarao reported Staff recommends approval of the CUP 2014-05 to allow for the construction of a church on the approximately 5.00 acres of land.

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

Voting “No” None.

Motion Passed 5 to 0.

Council input and Discussion on: Fiscal Year 2015 Budget, Multi-Year Financial Plan – Debt Service Fund and Tax Rate.

City Manager Clay Pearson reported City Council held its first budget workshop for the 2014-2015 budget on August 4, 2014. The budget as filed included a proposed tax rate of $0.7201 per $100 valuation; $0.4950 for the debt service component per $100 valuation of the tax rate and $0.2251 for the operating component per $100 valuation of the tax rate. The proposed tax rate as filed of $0.7201 is a 1.5 cent increase per $100 valuation from the current tax rate of $0.7051; half a cent increase on the debt component and a penny increase on the operating component per $100 valuation.

Finance Director Claire Bogard gave a PowerPoint Presentation on the Debt Service Fund and Tax Rate.

Discussion ensued between Council and Finance Director Claire Bogard regarding the City receiving the Harris County values if there is a chance the roll back rate could decrease further.

Councilmember Carbone thanked Finance Director Claire Bogard and Staff for all the work they did in preparing the budget and the Debt Service scenarios.

Councilmember Carbone asked for an explanation of the Revenue Loss to the General Fund.

Finance Director Claire Bogard stated the City receives revenue from the TIRZ based on the total tax rate and an administrative fee. When the total tax rate changes the City will see a lower revenue from the TIRZ.

Councilmember Carbone stated his concern with rescheduling the Budget Meetings for the reason that not all Councilmembers will be in attendance. In the past he did not think Budget Meetings were rescheduled. When there is a quorum business can be conducted.

City Manager Clay Pearson stated the schedule was put out based on the information Staff had at the time. With a topic of this importance Staff recommends to have more Councilmembers present than less.

Councilmember Carbone stated he appreciates that, but he also appreciates the time for citizen comments before the City publishes the tax rate. There is a balance between having a quorum that the City would have had on August 18, 2014, and getting citizen input and having more credibility and time to review it.

City Manager Clay Pearson stated August 18, 2014 is the time to publish the tax rate. On September 2, 2014 and September 8, 2014 there will be two Public Hearings, and September 22, 2014 and September 29, 2014 readings on the budget. There are multiple opportunities in September for more input.

Councilmember Carbone stated once the City publishes the tax rate does that not tie our hands to some degree.

City Manager Clay Pearson stated it gives you a tax cap. The City could not go above that cap, but the City could go down.

Mayor Reid stated regarding the budget it is best if every Councilmember is able to participate.

Mayor Pro-Tem Ordeneaux stated he believes the first year is was on Council the Budget Meetings were rescheduled due to Councilmember attendance.

Councilmember Hill asked if the City has anticipated with the forecasted rates that are out there having the same issue in the coming years with the rollback tax rate that the forecast may have to be adjusted.

Finance Director Claire Bogard stated she has not done a forecast for the coming years, because she does not have all the information that would go into the calculation.

City Manager Clay Pearson stated Staff will ask for formal action on this issue August 13, 2014.

Council input and Discussion on: Fiscal Year 2015 Budget, Multi-Year Financial Plan – Including 5-Year Capital Improvement Plan – Budget 2015-2019.

City Manager Clay Pearson reported pursuant to State law and according to City Charter, the City must adopt a budget by the last regularly scheduled Council meeting in September, prior to the beginning of the fiscal year. The budget must contain a complete financial statement of the City and the City must hold a public hearing on the budget and follow truth-in-taxation requirements. The budget process began the last week of July, with the filing and submission of the budget. Council had its first workshop on Monday, August 4, 2014.

Assistant City Manager Trent Epperson gave a PowerPoint Presentation on the 2015-2019 Five-Year Capital Improvement Program.

Discussion ensued between Council and Director of Parks and Recreation Michelle Graham regarding the Wookcreek Park is not in the Capital Improvement Program.

Mayor Pro-Tem Ordeneaux stated after looking at the budget and where the City's debt service is, he would like to see the cost for the Tom Reid Library Expansion and City Hall Complex be reduced. If there is anyway in staying within the spirit of the bond passed in 2007 and reduce some of those costs to make up for the increase due to inflation. He further stated anytime there is mechanical equipment that is 25 years old, your only hurting yourself in the long run by operating equipment that is less efficient and end up costing more than if it were new. As far as trying to reduce some things in the budget I'm looking more at space and things of that nature.

Councilmember Carbone stated he agrees with Mayor Pro-Tem Ordeneaux especially with the City Hall Complex, the City should consider reducing some of that cost.

Discussion ensued between Council and Assistant City Manager Trent Epperson regarding the Kirby Drive Expansion, Smith Ranch Road (CR 94), and Hughes Ranch Road (CR 403).

Discussion ensued between Council and Deputy City Manager Jon Branson regarding the Park-N- Ride, and street lighting on Smith Ranch Road.

Discussion ensued between Council and Assistant City Manager Trent Epperson regarding the Annual Traffic Signal Improvements at Business Center and Discovery Bay.

Mayor Pro-Tem Ordeneaux stated he would like the people to understand that we all want these projects, but we have to come up with the funds. If we are going to do these projects debt will be incurred. The City has to pay that debt down, if not when you look out past 2019 what is the debt going to look like. He would like for the City to pay for these projects as soon as possible.

Mayor Reid stated State Law requires the City to provide adequate services for the safety and welfare of the community. There are a number of Capital Improvements to be made to address the safety and welfare of the community. The City needs to look at how this is going to be addressed in the future.

Assistant City Manager Trent Epperson thanked Staff for the hard work of putting this together.

Discussion ensued between Council and Assistant City Manager Trent Epperson regarding the Southdown Water Wastewater Treatment Plant Rehabilitation.

Discussion ensued between Council and Assistant City Manager Trent Epperson regarding the 8” water line for Regency Park Subdivision.

City Manager Clay Pearson stated Staff will have a packet for Council before the next Regular Council Meeting on August 25, 2014.

OTHER BUSINESS: None.

MAYOR/COUNCIL ISSUES: None.

ADJOURNMENT

Meeting was adjourned at 8:57 p.m.

Minutes approved as submitted and/or corrected this the ___ day of _____A.D. 2014.

_____
Tom Reid
Mayor

ATTEST:

_____
Young Lorfing, TRMC
City Secretary

MINUTES OF A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON WEDNESDAY, AUGUST 13, 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 6:00 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: Claire Bogard Finance Director; Jon Branson Deputy City Manager; J.C. Doyle Police Chief; Michelle Graham Director of Parks and Recreation; Bonita Hall Director of Human Resource and Safety Management; Lata Krishnarao Director of Community Development; Eric Wilson Public Works Director; Sparkle Anderson Communications Manager; Johnny Spires Assistant Police Chief; Joel Hardy Grants Coordinator.

PURPOSE OF THE MEETING:

Council Action – Resolution No. R2014-99 – A Resolution of the City Council of the City of Pearland, Texas, placing on the agendas of September 22, 2014 and September 29, 2014 City Council meetings, consideration of the proposed fiscal year 2014-2015 budget and setting the public hearing on the budget for September 2, 2014.

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-99.

City Manager Clay Pearson reported Council is being asked to approve the dates of the scheduled Public Hearings.

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

Voting “No” None.

Motion Passed 5 to 0.

Council Action – To vote on Proposed Tax Rate and Tax Revenue Increase, establish City Council Meeting Dates to Set Public Hearings on the Proposed FY2014-2015 Tax Rate and Date to Adopt the Tax Rate.

A. Resolution No. R2014-100 – A Resolution of the City Council of the City of Pearland, Texas, voting on a proposed tax rate of $.7121, a property tax revenue increase of 5.62% above the effective tax rate, and placing on the agendas of September 22, 2014 and September 29, 2014 City Council meetings, consideration of the proposed fiscal year 2014-2015 tax rate and setting the public hearings on the tax rate for September 2, 2014 and September 8, 2014.

or

B. Resolution No. R2014-100 - A Resolution of the City Council of the City of Pearland, Texas, voting on a proposed tax rate of $.7171, a property tax revenue increase of 6.36% above the effective tax rate, and placing on the agendas of September 22, 2014 and September 29, 2014 City Council meetings, consideration of the proposed fiscal year 2014-2015 tax rate and setting the public hearings on the tax rate for September 2, 2014 and September 8, 2014.

Councilmember Sherman made a motion, seconded by Mayor Pro-Tem Ordeneaux to vote on the Proposed Tax Rate and Tax Revenue Increase, establish City Council Meeting Dates to Set Public Hearings on the Proposed FY2014-2015 Tax Rate and Date to Adopt the Tax Rate.

City Manager Clay Pearson reported Council is being asked to approve Resolution No. R2014-100 A or B.

Finance Director Claire Bogard gave a power point presentation regarding the Property Tax Rate.

Mayor Pro-Tem Ordeneaux asked if scenario A would keep the City below the roll back.

Finance Director Claire Bogard stated the City would have to lower the tax rate to $.7171 per $100 valuation. The difference between the $.7121 per $100 valuation and $.7171 per $100 valuation is the debt service tax rate.

Mayor Pro-Tem Ordeneaux asked if the City could pay the debt down sooner with the extra half cent.

Finance Director Claire Bogard stated the City is not using it to pay the debt down sooner. She was trying to flatten the impact for 2016.

Mayor Reid asked what the difference would be between the two rates on a $200,000 home.

Finance Director Claire Bogard stated it would be $5.00 per $100,000 property valuation.

Councilmember Carbone stated looking at both scenarios the overall change out to 2019 is a quarter of one cent (.0275). He does not know why the City wants to artificially raise it to potentially save a quarter of one cent (.0275) in 2019. He stated the City is not paying down debt, it is taking the money out of the tax payers pocket to put in the City's fund.

Finance Director Claire Bogard stated Staff is trying to limit the increase the following year.

Councilmember Sherman asked if the revenue loss to the General Fund is going to hurt the City regarding programs, and is the City finding cuts elsewhere.

City Manager Clay Pearson stated the City has a $60,000,000 budget, the Staff is working out ways to pay the nuts and bolts of running a local government. $50,000 will not make or break anything, it just means whatever the City comes up with in terms of programs it will be that much easier to bridge that gap.

Councilmember Hill stated the numbers are in front of Council. Since there is not a significant impact Council should leave the debt service tax rate at $.49 per $100 valuation, either way Council is not increasing Staff's ability to do more. In his opinion that is a reason to vote for option A.

Mayor Pro-Tem Ordeneaux stated he is leaning towards the $.7121 per $100 valuation because he does not see the benefit of the half cent since the City is not going to be paying down debt with it.

Councilmember Carbone asked once this is published does that set the cap.

Finance Director Claire Bogard stated that does set the cap, but the City cannot change the debt service component of the tax rate.

Mayor Pro-Tem Ordeneaux made a motion, seconded by Councilmember Carbone to approve Resolution No. R2014-100 – A Resolution of the City Council of the City of Pearland, Texas, voting on a proposed Tax rate of $.7121, a property tax revenue increase of 5.62% above the effective tax rate, and placing on the agendas of September 22, 2014 and September 29, 2014 City Council meetings, consideration of the proposed fiscal year 2014-2015 tax rate and setting the public hearings on the tax rate for September 2, 2014 and September 8, 2014.

Councilmember Carbone asked if Council has questions or would like to make changes when would that need to be communicated and finalized.

Finance Director Claire Bogard stated all changes would need to be incorporated prior to September 22, 2014. The first reading of the Ordinance will be September 22, 2014.

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

Voting “No” Councilmember Sherman.

Motion Passed 4 to 1.

ADJOURNMENT

Meeting was adjourned at 6:31 p.m.

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

_____
Tom Reid
Mayor

ATTEST:

_____
Young Lorfing, TRMC
City Secretary

MINUTES OF THE JOINT PUBLIC HEARING FOR THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION, CITY OF PEARLAND, TEXAS, HELD ON AUGUST 18, 2014, AT 7:30 P.M., IN THE COUNCIL CHAMBERS - CITY HALL - 3519 LIBERTY DRIVE

CALL TO ORDER

Mayor Tom Reid and P&Z Chairperson Henry Fuertes opened a series of public hearings for the City Council and P&Z Commission at 7:35 p.m.

In attendance were:

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

Also in attendance were City Planner Johnna Matthews, Senior Planner Ian Clowes, City Attorney Darrin Coker, Assistant City Manager Jon Branson, City Manager Clay Pearson and Office Assistant Jennifer Tatum.

City Planner Johnna Matthews read the public hearing process.

Mayor Tom Reid opened the public hearing for Zone Change No. 2014-12Z at 7:38 p.m.

Zone Change Application No. 2014-12Z

A request of Brian Allen with Baks Brewery, applicant; on behalf of George Gartner, owner; for approval of a change in zoning from General Commercial (GC) to a non-residential Planned Development known as Baks Brewery; on approximately 2.94 acres of land, to wit:

Legal Description: Being a 2.939 acre tract out of Lots 20, 21 and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County, Texas Plat Records

General Location: Northeast corner of Broadway Street and Shauntel Street, Pearland, TX

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

City Planner Johnna Matthews read the staff report stating the applicant was seeking a zone change from General Commercial (GC), to a non-residential PD, with a base zoning

and overlay zoning district of GC, with the addition, of the proposed use; for the following reasons:

1. The property is located within the General Commercial (GC) and within the Corridor Overlay District (COD). The applicant proposes to conform to the standards of both. Improvements will be made to the existing building, which will be an enhancement to the neighborhood and will create an enhanced aesthetic appeal. These improvements include façade upgrades to the existing metal building, which will be covered with stucco; over 49% of landscaped/open green space will not be altered and provides a natural buffer between the brewery and the single family subdivision to the North. Improvements will be made to the existing decorative fencing, which encompasses the entire property with the exception of the open green area. Baks Brewery will provide at least two (2) separate bicycle facilities; a new sprinkler system; installation of sidewalks; and removal and replacement of dead and diseased trees and shrubs.

City Planner Johnna Matthews stated staff recommended approval.

APPLICATION INFORMATION AND CASE SUMMARY

Applicant Brian Allen spoke on behalf of Bak's Brewery stating they would provide tastings at the location, as well as distribute the beer that they brew. Mr. Allen talked in regards to the design and set up of the facility, and addressed the 30 foot buffer. Mr. Allen stated that he would provide a 150 foot buffer and put up a fence along the side of the property that will face the daycare. Mr. Allen also stated that he was working with FFA at Pearland High School and providing them left over brewed malt for feed for the student's animals. It was also stated that Mr. Allen and his business partner planned on being at the location for a long while and had no intentions of moving.

PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

Mr. James Dykas of 12501 Broadway #8107 Pearland TX 77584 spoke in favor for the zone change with no further explanation.

Mr. Clarence Henderson of 2725 Shauntel Pearland TX 77581 spoke in opposition with concerns regarding traffic, noise, and security. He stated that this zone change would not benefit his family and if passed he would move.

Mr. Bechir Achour of 2730 Leroy St Pearland TX 77581 spoke in favor of the zone change. He stated that it would be an income generator, bring in more tax money and would be beneficial to the City. He developed 888 Restaurant and will develop more projects to benefit Pearland. He has been a resident of Pearland for 15 years.

Ms. Sarah Allen of 2008 Isla Dr. Pearland TX 77581 spoke in favor of the zone change in regards to having a local home-grown business being run by fellow residents.

Ms. Christina Ehntholt of 2012 Isla Dr. Pearland TX 77581 spoke in favor of the zone

change with no further explanation.

Ms. Lois Mauldin of 1302 Jack St Pearland TX 77581 spoke in opposition of the zone change in regards to there already being enough alcohol businesses in the area.

Ms. Melvinette Olalde of 1304 Jack St Pearland TX 77581 spoke in opposition of the zone change in regards to security issues and things getting out of control with alcohol being served.

COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Council Member Greg Hill stated that local business is crucial and that a lot of residents are tired of the chains. Mr. Hill inquired about seating in the front and back of the property. The applicant Brian Allen stated that there would not be seating in the back out of respect for the daycare. Mr. Hill stated that he did not think safety was an issue and that he was in favor of this zone change.

Council Member Gary Moore stated that this location was a great distance from the daycare and inquired about the hours of operation. Mr. Allen stated 3 p.m. to 9 p.m. but that was not set yet. Mr. Allen also stated that all events will be held inside the facility. Council Member Gary Moore inquired about TABC laws and limits as well as the noise level. Mr. Allen stated that all employees will be TABC certified, and with regards to the noise level, stated that he would only have one truck coming in and out twice a week. Mr. Moore stated he was in favor of the zone change.

Council Member Tony Carbone stated that with this sites current zoning, a bar/beer joint could go in tomorrow and that he was in favor of the zone change.

P&Z Chairperson Henry Fuertes inquired if the creek was part of the 49% landscaped/open green area. Mr. Allen replied yes.

Mayor Tom Reid adjourned the public hearing for Zone Change No. 2014-12Z at 8:20p.m.

Mayor Tom Reid opened the public hearing for Zone Change No. 2014-13Z at 8:21 p.m.

Zone Change Application No. 2014-13Z

A request of Alysia Gordon and Teir Allender, applicants; on behalf of Michael Lebovitz, Executive Vice President of Development and Administration for Pearland Town Center, LP, owner; for approval of a change in zoning to amend the sign regulations contained within the Pearland Town Center PUD; on approximately 142.97 acres of land, to wit:

Legal Description: 142.9664 acres of land out of Pearland Town Center, a subdivision of 143.6500 acres as recorded under File Number 2007008914 of the Plat Records of Brazoria County, Texas, and situated in the H.T. & B.R.R. Company Survey, Abstract 300, Section 81, Brazoria County, Texas

General Location: South Side of Broadway Street, east and west of Kirby Drive, and west of Business Center Drive, Pearland, Texas

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

City Planner Johnna Matthews read the staff report stating the applicant proposes to amend Section VXII, signage; of the Pearland Town Center Planned Unit Development (PUD). Ms. Matthews stated staff recommended approval with the following conditions:

1. The applicant proposes that all off-premise wall advertising signs are approved by the owner. City approval, other than the normal permitting process will no longer be required. Staff recommends City approval once, through the permitting process for all new frames, to ensure public safety and structural integrity of new frames. ***Please clearly indicate this in the PD document.***

2. Staff requests that Exhibit 8-2 is updated to reflect changes proposed regarding advertising on the main tower (J) and the two (2) lower towers (Hand C).

3. Staff requests a red-line and an addendum to be added to the master PD document for the Pearland Town Center.

4. There is a discrepancy regarding the total square footage on Exhibit 8-2, with the removal of Sign G.

APPLICATION INFORMATION AND CASE SUMMARY

City Planner Johnna Matthews read the staff report and stated staff recommended approval.

Applicants Teir Allender and Alysia Gordon stated the signs in question were from the beginning of the Pearland Town Center. Teir Allender stated that they were not able to work with future stores, hospitals, etc. with the current sign regulations.

PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

Wade Abbott of 11215 Harris Ave Pearland TX 77584 spoke in opposition of the zone change in regards to the signs being visible from public roads. Mr. Abbott also stated that there is not enforcement at the Pearland Town Center when it comes to noise levels as well.

Mr. Larry Marcott of 3606 Inverness Ct Pearland TX 77581 spoke in opposition of the zone change in regards to there not being a need for any more signs. Mr. Marcott stated he would like to see the zoning left as it is.

COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Council Member Tony Carbone inquired if this amendment would change the height or lighting of the signs. Mr. Carbone also stated that he felt too much time and money was being used on this issue. Teir Allender stated that only the creative content would change on the signs.

Council Member Gary Moore inquired about the signs being lit. The applicant stated that the signs would not light up.

Council Member Greg Hill wanted to know if a suggested sign would look like the photo on page 3. The applicant stated yes, that they would look just like what was on page 3.

P&Z Chairperson henry Fuertes inquired about whom with the city approved signage for Pearland Town Center. City Planner Johnna Matthews stated that the design review was done by staff.

ADJOURNMENT

Mayor Tom Reid adjourned the series of public hearings at 8:52 p.m.

These minutes are respectfully submitted by:

_____
Jennifer Tatum, Community Development Office Assistant

Minutes approved as submitted and/or corrected on this 15th day of September, 2014 A.D.

_____
Mayor Tom Reid

Consent Agenda Item B

B. **Consideration and Possible Action – Second and Final Reading of Ordinance No. 1502 –** An Ordinance of the City Council of the City of Pearland, Texas, repealing Chapter 4, *Alcoholic Beverages*, of the City of Pearland Code of Ordinances, in its entirety, and adopting a new Chapter 4 for the purposes of complying with state law; having a savings clause, a severability clause, and a repealer clause; providing for publication, codification, and an effective date.

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

AGENDA OF: 09/22/14	**ITEM NO.:** Ordinance No. 1502
DATE SUBMITTED: 8-11-14	**DEPARTMENT OF ORIGIN: Planning**
PREPARED BY: Darrin Coker	**PRESENTOR: Darrin Coker**
REVIEWED BY: NA	**REVIEW DATE: NA**

SUBJECT: Alcohol Ordinance

EXHIBITS: Ordinance No. 1502; June 26, 2014 Council memo; Permit Location Verification Form

EXPENDITURE REQUIRED: **AMOUNT BUDGETED:**
AMOUNT AVAILABLE: **PROJECT NO.:**
ACCOUNT NO.:

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

To be completed by Department:
☐ **Finance** ☒ **Legal** ☒ **Ordinance** ☐ **Resolution**

EXECUTIVE SUMMARY

Attached for Council's consideration is a proposed revision of the City's Alcohol Ordinance that was provided to Council in the June 26th Administrative Packet. The City's current ordinance was drafted in 1960 and does not comply with state law; however, the City's practice of issuing alcohol permits has always followed the state's guidelines. The purpose for the new ordinance is to make the City's ordinance consistent with state law and how the City processes permits. State law generally permits municipalities to regulate the location and hours of operation for the sale of alcoholic beverages, and the following represents a summary of the ordinance:

- **Churches and public hospitals**; not allowed within 300 feet; distance measured front door to front door along right-of-way lines; **NO EXCEPTIONS**

- **Public or Private Schools;** not allowed within 300 feet; distance measured from the property line of the school to the property line of the business and in a direct line across intersections; **EXCEPTION: If the business is a food and**

beverage certificate holder (restaurant) within 300 feet of a private school. A private school is one that offers a course of instruction in one or more grades from K-12th grade and has more than 100 students enrolled and attending courses at a single location.

- **Daycare;** not allowed within 300 feet; distance measured in a direct line from the property line of the daycare to the property line of the business, and in a direct line across intersections; **EXCEPTION: If the business is a food and beverage certificate holder or an off-premise permit (grocery and convenient store) within 300 feet of a daycare.** A daycare facility is one that provides care for more than 12 children under the age of 14 for less than 24 hours per day.

ORDINANCE NO. 1502

An Ordinance of the City Council of the City of Pearland, Texas, repealing Chapter 4, *Alcoholic Beverages*, of the City of Pearland Code of Ordinances, in its entirety, and adopting a new Chapter 4 for the purposes of complying with state law; having a savings clause, a severability clause, and a repealer clause; providing for publication, codification, and an effective date.

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

Section 1. That Chapter 4, *Alcoholic Beverages*, of the City of Pearland Code of Ordinances, is hereby repealed and a new Chapter 4, Alcoholic Beverages, is hereby adopted to read as follows:

"Sec. 4-1. Permit Required; Fees.

No person shall manufacture, sell, distribute or store any alcoholic beverage within the city without first obtaining a permit from the City Secretary. Prior to the issuance of a permit pursuant to this Chapter, the applicant for the permit shall pay to the city such fees as are authorized by state law.

Sec. 4-2. General requirements.

(a) *Churches and public hospitals.* The sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a church or public hospital is prohibited.

(b) *Public and private schools within 300 feet.* The sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a public school or a "private school" as that term is defined in V.T.C.A., Alcoholic Beverage Code § 109.33, is prohibited. This section does not apply to the holder of:

(1) A license or permit who also holds a food and beverage certificate covering a premises that is located within 300 feet or a private school; or

(2) A license or permit covering a premises where minors are prohibited from entering under V.T.C.A.,

Alcoholic Beverage Code § 109.53, and that is located within 300 feet of a private school.

(c) *Day care centers and child care facilities.* The sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a day care center or child care facility, as those terms are defined by V.T.C.A., Human Resources Code § 42.002 is prohibited.

(1) This section does not apply to a permit or license holder who sells alcoholic beverages if:

a. The permit or license holder and the day care center or child care facility are located on different stories of a multistory building; or
b. The permit or license holder and the day care center or child care facility are located in separate buildings and either the permit or license holder or the day care center or child care facility is located on the second story or higher of a multistory building.

(2) This section applies only to a permit or license holder under the following chapters of the V.T.C.A., Alcohol Beverage Code Ch. 25 (Wine and Beer Retailer's Permit), Ch. 28 (Mixed Beverage Permit), Ch. 32 (Private Club Registration Permit), Ch. 69 (Retail Dealer's On-Premises License), or Ch. 74 (Brewpub License) who does not hold a food and beverage certificate.

(3) This section does not apply to a foster group home, foster family home, family home, agency group home, or agency home as those terms are defined by V.T.C.A., Human Resources Code § 42.002.

Sec. 4-3. Measurement of distance.

(a) *Churches and public hospitals.* The measurement of the distance between the place of business where alcoholic beverages are sold and a church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

(b) *Public and private schools, day care centers and child care facilities.* The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school, day care center, or child care facility shall be:

(1) In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

(2) In a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the business is located if the place of business is located on or above the fifth story of a multistory building.

(3) For any permit or license covering premises on September 1, 1983, pursuant to V.T.C.A., Alcoholic Beverage Code § 109.33, the measurement of the distance between the premises and a public or private school shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

Sec. 4-4. Noncontiguous Operations.

A mixed beverage permit holder who holds a food and beverage certificate may designate, as part of the permit holder's premises, a secured noncontiguous area located on a public sidewalk adjoining the premises, so long as the area designated meets the following requirements:

(a) The area does not encroach upon any dedicated public right-of-way or portion thereof;
(b) The area is separated from the permit holder's premises only by a sidewalk or portion that is adjacent to said premises;
(c) The area is directly across the adjoining sidewalk from the permit holder's premises and does not reduce or obstruct the road frontage of any establishment located adjacent to the permit holder.

Sec. 4-5. Hours of Sale.

The holder of a permit authorizing the on-premise consumption of alcohol shall comply with the provisions of V.T.C.A., Alcoholic Beverage Code § 105.03 and 105.05, except that such permittee's shall be allowed to apply for a late hours permit to sell alcohol between midnight and 2 a.m. on any day.

Sec. 4-6. Variances.

City Council may grant a variance to regulation under Section 4-2, if the governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community."

Section 2. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. 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.

Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

ORDINANCE NO. 1502

Section 5. 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 6. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, 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, in the official City newspaper.

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

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING,TRMC
CITY SECRETARY

ORDINANCE NO. 1502

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

DARRIN M. COKER
CITY ATTORNEY
TELEPHONE (281) 652-1678

JENIFER K. SMITH
LEGAL SECRETARY
TELEPHONE (281) 652-1664
TELECOPIER (281) 652-1679

NGHIEM V. DOAN
DEPUTY CITY ATTORNEY
TELEPHONE (281) 652-1665

LAWRENCE G. PROVINS
ASSISTANT CITY ATTORNEY II
TELEPHONE (281) 652-1666

KATIE A. LEININGER
ASSISTANT CITY ATTORNEY I
TELEPHONE (281) 997-5918

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: DARRIN M. COKER, CITY ATTORNEY

DATE: JUNE 26, 2014

SUBJECT: ALCOHOL ORDINANCE

Attached for your review and comment is a draft copy of a proposed rewrite of the City's Alcohol Ordinance. The City's current ordinance was drafted in 1960 and does not comply with state law; however, the City's practice of issuing alcohol permits has always followed the state's guidelines. The purpose for preparing a new ordinance is to make the City's ordinance consistent with state law and how the City processes permits. State law generally permits municipalities to regulate the location and hours of operation for the sale of alcoholic beverages, and the following represents a summary of the ordinance:

- **Churches and public hospitals**; not allowed within 300 feet; distance measured front door to front door along right-of-way lines; **NO EXCEPTIONS**

- **Public or Private Schools;** not allowed within 300 feet; distance measured from the property line of the school to the property line of the business and in a direct line across intersections; **EXCEPTION: If the business is a food and beverage certificate holder (restaurant) within 300 feet of a private school.** A private school is one that offers a course of instruction in one or more grades from K-12th grade and has more than 100 students enrolled and attending courses at a single location.

- **Daycare;** not allowed within 300 feet; distance measured in a direct line from the property line of the daycare to the property line of the business, and in a direct line across intersections; **EXCEPTION: If the business is a food and beverage certificate holder or an off-premise permit (grocery and convenient store) within 300 feet of a daycare.** A daycare facility is one that provides care for more than 12 children under the age of 14 for less than 24 hours per day.

- **Late hours;** permit holders can obtain a late hour permit allowing sales between the hours of midnight and 2 a.m. on any day

- **Variances;** City Council can grant a distance variance for certain hardship circumstances or inequitable situations

I frequently receive questions asking why the City does not amend its ordinance to allow liquor stores or bars that do not serve food. **As a reminder the City's ordinance is not an authorization ordinance and is limited to the regulation of location/hours.** Texas is unique because individual counties provide the authority for the type of alcohol sales that are permitted in cities. Brazoria County at one time was wet for beer only, so for years the City was limited to the sale of beer only (except for restaurants that followed the private club guidelines requiring individual to register as a member). **The only way a city can deviate from a county's wet status is to conduct a local option election.** Brazoria County and the City have conducted two (2) local option elections, and both were approved by the voters. The first election allowed the sale of mixed beverages by food and beverage certificate holders that derive at least 51% of their gross revenue from the sale of food (restaurants). The second election allowed the sale of wine by retailer's for off premise consumption (grocery and convenient stores). Liquor stores and bars would require a separate local option election to be allowed in the Brazoria County portion of the City. On the other hand, liquor stores and bars are allowed in the Harris County portion of the City because Harris County's wet status applies in those areas.

Location Verification for Alcoholic Beverage Permit

Trade Name of Applicant:

Location Address:

City: **Pearland** County: **Brazoria** State: **TX** Zip:

Date Application Received:_____ Date Sent for Verification: _____

Type of Permit Applying For:

___ **BF** Retail Dealer's Off-Premise License
___ **BQ** Wine and Beer Retail Dealer's Off Premise
___ **BG** Wine and Beer Retailer's Permit with FB
___ **BE** Retail Dealer's On Premise License
___ **BL** Retail Dealer's On-Premise Late Hours License
___ ***RM** Mixed Beverage Restaurant Permit with FB (RM)
___ ***LB** Mixed Beverage Late Hours Permit
___ **PE** Beverage Cartage Permit

Will this business be located within 300 feet of a church ____ ***Yes** ___**No**

Will this business be located within 300 feet of any private/public school? ____ ***Yes** ___**No**

*If the above is answered **yes**, attach a picture along with the physical measurements for this application.

Churches	**Public or *Private Schools**	**Daycares**
Not allowed within 300 feet; measured from front door to front door along right-of-way lines.	Not allowed within 300 feet; measured in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections.	Not allowed within 300 feet; measured in a direct line from the property line of the daycare to the property line of the place of business, and in a direct line across intersections.
NO EXCEPTION	****EXCEPTION: if the business is a Food & Beverage Certificate Holder (RM), the 300 foot rule does not apply.***	****EXCEPTION: If the business is a Food & Beverage Certificate Holder (RM), or an Off-Premise Permit the 300 foot rule does not apply.***

Note: A private school is one that offers a course of instruction in one or more grades from kindergarten to grade 12; and has more than 100 students enrolled and attending courses at a single location.

Note: A daycare facility is one that provides care for more than 12 children under the age of 14 for less than 24 hours a day.

Inspections/Code Enforcement:

Certificate of Occupancy Issued: ___ **Yes** ___ **No**
Building Permits Issued: ___ **Yes** ___ **No**

Reviewed By: _____ Date: _____

Measurement:

Inspected By: _____ Printed Name: _____ Date:_____

Given to City Secretary for Signature:_____ **Date:** _____

Consent Agenda Item C

C. **Consideration and Possible Action – Resolution No. R2014-115 –** 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, Seabrook, Clute, Webster, Texas City, South Houston and Galveston County for Breath Alcohol Technical Supervisor Services.

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

AGENDA OF:	9-22-2014	**ITEM NO.:**	Resolution No. R2014-115
DATE SUBMITTED:	9-11-2014	**DEPT. OF ORIGIN:**	Police
PREPARED BY:	Jay Chapman	**PRESENTOR:**	Chief J.C. Doyle
REVIEWED BY:	Jon R. Branson	**REVIEW DATE:**	September 12, 2014

SUBJECT: Interlocal Agreement Concerning Breath Alcohol Technical Supervisor

EXHIBITS: Resolution No. 2014-XXX Contractual Agreement with local Cities

FUNDING:

☐ **Grant** ☐ **Developer/Other** ☐ **Cash**

☐ **Bonds To Be Sold** ☐ **Bonds- Sold** ☐ **L/P – Sold** ☐ **L/P – To Be Sold**

EXPENDITURE REQUIRED: $10,160.22 **AMOUNT BUDGETED: $10,160.22**
AMOUNT AVAILABLE: $10,160.22 **PROJECT NO.:**
ACCOUNT NO.: 2014-010-2216-555.09-00
ADDITIONAL APPROPRIATION REQUIRED: none
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:

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

EXECUTIVE SUMMARY

This is an interlocal agreement among nine (9) local agencies to share the cost of a Breath Alcohol Technical Supervisor. This individual will test the agencies' Breath Alcohol Instruments (commonly known as Breathalyzers) periodically to insure they are operating as designed. This will insure their admissibility of evidence in court. This individual will also insure the inventory of unused mouthpieces required for the instrument's use. The agreement allows for termination of its participation upon thirty days written notice to the other parties.

This is a cost effective method among the agencies to share the expense of a technician to certify their instruments for admissibility in court.

Our current 5 year interlocal agreement expires on September 30, 2014.

SCOPE OF CONTRACT :

SCHEDULE

5 years Commencing October 1, 2014.

POLICY/GOAL CONSIDERATION:

Enhance Public Safety.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

This is a current and past budgeted item for jail operation concerning traffic enforcement of intoxicated impaired drivers.

O&M IMPACT INFORMATION

Fiscal Year	2013	2014	2015
		x	x

RECOMMENDED ACTION

It is recommended that the City of Pearland renew this interlocal agreement as in the past.

RESOLUTION NO. R2014-115

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, Seabrook, Clute, Webster, Texas City, South Houston and Galveston County for Breath Alcohol Technical Supervisor Services.

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

Section 1. That certain Interlocal Agreement by and between the City of Pearland, League City, Seabrook, Clute, Webster, Texas City, South Houston and Galveston County, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest an Interlocal Agreement with League City, League City, Seabrook, Clute, Webster, Texas City, South Houston and Galveston County for Breath Alcohol Technical Advisor 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

INTERLOCAL CONTRACTUAL AGREEMENT
CONCERNING BREATH ALCOHOL TECHNICAL SUPERVIOR

This is an Agreement entered into on the _____ day of _____, 2014, by and between the CITY OF LEAGUE CITY, TEXAS, a home rule City existing in Galveston and Harris Counties, Texas, (hereinafter sometimes called "COLC") and the following governmental entities: THE COUNTY OF GALVESTON, TEXAS, acting on behalf of the offices of its Criminal District Attorney and its Sheriff, a Texas County, CITY OF WEBSTER, TEXAS, a home rule City in Harris County, Texas, CITY OF SEABROOK, TEXAS, a home rule City in Harris County, Texas, CITY OF SOUTH HOUSTON, TEXAS, a home rule City in Harris County, Texas, CLUTE, TEXAS, a home rule City in Brazoria County, Texas, TEXAS CITY, TEXAS, a home rule City in Galveston County, Texas, PEARLAND, TEXAS, a home rule City in Brazoria County, Texas and CITY OF FRIENDSWOOD, TEXAS, a home rule City in Galveston and Harris Counties, Texas, pursuant to the Interlocal Cooperation Act of Texas (Chapter 791, Texas Government Code).

WITNESS:

WHEREAS, all of the contracting parties hereto have need for the services of a certified (by the Scientific Director, Alcohol Testing Program, Texas Department of Public Safety) Breath Alcohol Technical Supervisor, hereinafter sometimes collectively called "Breath Alcohol Technical Supervisor", and for an Evidential Breath Alcohol Instrument (also certified by the same Texas DPS Scientific Director) for use in law enforcement and prosecution of Driving While Intoxicated (hereafter "DWI") arrests; and

WHEREAS, each party shall provide its own certified Evidential Breath Alcohol Instrument including all enhancements, betterments or upgrades selected by the COLC during the term of this agreement at its own cost, but the COLC is committed to providing the Breath Alcohol Technical Supervisor for the provision of services described herein for the COLC and all the collective governmental entities named herein, using and supervising the use of said in house Evidential Breath Alcohol Instrument at the offices of the various contracting parties. That employee/Breath Alcohol Technical Supervisor of the COLC shall be a Breath Alcohol Technical Supervisor at the COLC, who job description shall be that he/she shall, in a capable and professional manner:

1. Comply with and meet all breath Alcohol Testing Regulations set forth in the Texas Breath Alcohol Regulations Title 37 Public Safety and Corrections, Part 1 Texas Department of Public Safety Chapter 19, Breath Alcohol Testing Regulations, Subchapter A, Breath Alcohol Testing Regulations attached hereto and incorporated herein by reference as Exhibit "A" is a recitation of said regulations.
2. Perform any other duties by the Scientific Director, Alcohol Testing Program, Texas Department of Public Safety, which are either required now or in the future as a predicate to admissibility of evidence related to the Evidential Breath Alcohol Instrument equipment or the methods, processes or procedures utilized or followed by each entity.
3. Provide all breath testing needs including mouthpieces and all other collateral supplies (except an ample supply of blood tubes and all State mandated and required paperwork for filing as part of a Driving While Intoxicated (DWI) arrest which shall be provided by the applicable governmental entity).
4. Recognize that he/she is an employee at will of COLC who has no express or implied contract of employment and whose employment may be terminated at any time for any lawful reason; and

WHEREAS, there are significant savings to be realized by the various contracting parties hereto if this service is provided by the employee/Breath Alcohol Technical Supervisor of one entity for the joint use of all named entities herein on a collective cost sharing basis; and

WHEREAS, COLC shall hire the employee/Breath Alcohol Technical Supervisor for purposes of this agreement and all other duties as assigned; and

WHEREAS, all other entities named herein seek the benefit of such services from COLC and understand that in return COLC requires the predictability of a minimum term for the agreement and a predictable allocation of the costs receivable over that term, but not thereafter unless renewed and agreed in writing; and

WHEREAS, COLC has (or shall have by the time the program is initiated) adequate personnel for this service and it would be more cost efficient for the other entities to share in the subject costs, as made the basis of this agreement; and

NOW THEREFORE, for the consideration hereinafter stated the parties do hereby agree as follows:

I.

The terms of this contract shall be for a period of sixty (60) months commencing October 1, 2014, and continuing until September 30, 2019. Any Renewal and/or Proposals concerning this, or subsequent, contract(s), shall be submitted to all parties in contract form, ready for signature no later than sixty (60) days prior to the ending of this contract.

This Agreement will automatically be extended beyond the expiration date to allow each participating agency to review whether or not it wishes to renew the Agreement unless terminated earlier by the provisions of the Agreement. This extension is for a maximum period of six months or until April 1, 2020.

II.

The objective of this contract is to achieve economies of scale by reducing the cost of multiple Breath Alcohol Technical Supervisors for the respective governmental entities.

III.

The recitals in the preamble are incorporated herein as findings and terms. Each entity shall purchase and make available the standardized Intoxylzer hardware called for in the preamble herein. COLC shall provide the Breath Alcohol Technical Supervisor more particularly described in the same preamble. The job performance, duties and responsibilities of the certified Breath Alcohol Technical Supervisor shall be the responsibility of COLC because the certified Breath Alcohol Technical Supervisor shall be an employee of COLC, shall be subject to COLC employee benefits, job performance standards and merit raises and the cost of same has been estimated and calculated to be a gross annual amount of $91,442.00 for each year to provide this employee to meet the objectives contained herein. That cost shall be prepaid annually to COLC by each contracting party in an amount equal to a fraction determined by a numerator of the total gross cost indicated and a denominator of the total signatory parties to this agreement. COLC shall invoice each contracting party within the first week of each October of the contract term and contracting party shall remit payment to COLC within thirty (30) days of receipt of invoice. In the first quarter of the year after each full year is experienced, the real costs actually incurred shall be calculated and compared to the amount prepaid for the year in question and the pro rata cost (and the new prepaid estimate to be charged) shall be adjusted accordingly. An invoice including this "true up" amount shall issue within the first week of each

October following the conclusion of each year of the contract term and contracting party shall remit payment to COLC within thirty (30) days of receipt of invoice.The obligation to pay an equal share for the full five year term shall be enforceable by COLC against any other party whether or not that party decides to withdraw during the term. Such a take or pay provisions shall expire after the first five year term unless agreed otherwise in writing.

IV.

All parties shall abide by reasonable Rules and Regulations established by COLC concerning maintenance of the Evidential Breath Alcohol Instrument equipment, record keeping, documentation or the upgrades or changes to standard equipment and the procedures to follow in the implementation of this contract. COLC agrees that, at a minimum, all Rules and Regulations it establishes will be in strict compliance with Texas Department of Public Safety Rules and Regulations. COLC shall notify all parties in writing, as to any changes to such Rules and Regulations. No changes in Rules and Regulations shall be implemented without the notification of all parties prior to the effective date of such changes. Should any party disagree with or object to the proposed Rules and Regulations, COLC will meet with such party and attempt to reach a mutually agreed upon solution to the disagreement or objection.

V.

Should any party to this Agreement note any material deficiency in the performance of services provided by the Breath Alcohol Technical Supervisor, such deficiency will be reported to the COLC Chief of Police. The COLC Chief of Police shall ensure such deficiencies ae corrected within ten (10) days. If however, the deficiencies are not corrected, the reporting party may terminate its further involvement in this Agreement with no further obligations.

VI.

This contract may be terminated by COLC upon sixty (60) days written notice. Upon the effective date of such termination, all prepaid but unused payments for services will be refunded by COLC to each party. Any other party may terminate its participation in this agreement upon thirty (30) days written notice to the other parties. Upon termination by a party no prepaid but unused payment for services shall be refunded. Unless a withdrawing party terminates its participation in this Agreement in accordance with Article V, the withdrawing party shall pay as it accrues the pro rata share of the withdrawing party for the remainder of the full five (5) year term. There shall be no refunds.

To the extent permitted by the laws and Constitution of the State of Texas, all parties shall be obligated to make payments under this contract from funds budgeted and appropriated for that purpose. Should a party be delinquent in any payment during the first five (5) year term or should a party fail to appropriate funds to make payments during any fiscal year during the term of this contract, COLC shall cease to be obligated to provide the services unless and until the delinquency is cured but the obligation of the party to pay shall not expire.

In conformance with Texas Government Code Section 791.011(d)(3), each payment due from a party to COLC for services provided for herein are payable from the party's then current revenues.

This Agreement will automatically be extended beyond the expiration date to allow each participating agency to review whether or not it wishes to renew the Agreement unless terminated earlier by the provisions of the Agreement. This extension is for a maximum period of six months or until April 1, 2020.

CITY OF LEAGUE CITY, TEXAS

By: Timothy Paulissen, MAYOR

ATTEST:

City Secretary, City of League City, Texas

CITY OF SEABROOK, TEXAS

By: Glenn Royal, MAYOR

ATTEST:

City Secretary, City of Seabrook, Texas

CITY OF PEARLAND, TEXAS

By: Tom Reid, MAYOR

ATTEST:

City Secretary, City of Pearland, Texas

CITY OF CLUTE, TEXAS

By: Calvin Shiflet, MAYOR

ATTEST:

City Secretary, City of Clute, Texas

CITY OF WEBSTER, TEXAS

By: Donna Rogers, MAYOR

ATTEST:

City Secretary, City of Webster, Texas

CITY OF TEXAS CITY, TEXAS

By: Matt Doyle, MAYOR

ATTEST:

City Secretary, City of Texas City, Texas

CITY OF SOUTH HOUSTON, TEXAS

By: Joe Soto, MAYOR

ATTEST:

City Secretary, City of South Houston, Texas

GALVESTON COUNTY, TEXAS

By: Mark A. Henry, Judge

ATTEST:

Galveston County Clerk

CITY OF FRIENDSWOOD, TEXAS

_____

By: Kevin M. Holland, MAYOR

ATTEST:

_____

City Secretary, City of Friendswood, Texas

Consent Agenda Item D

D. **Consideration and Possible Action – Resolution No. R2014-110 –** A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for standby generator maintenance services to Kentech, Inc. in the estimated amount of $50,000.00 for the period of September 2014 through September 2015.

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

AGENDA OF:	September 22, 2014	**ITEM NO.:**	Resolution No. R2014-110
DATE SUBMITTED:	September 8, 2014	**DEPT. OF ORIGIN:**	Finance
PREPARED BY:	Bob Pearce	**PRESENTOR:**	Eric Wilson
REVIEWED BY:	Trent Epperson	**REVIEW DATE:**	September 15, 2014

SUBJECT: Award of Bid for Preventative Maintenance and Repairs to Standby Generators for Period September, 2014 through September, 2015

EXHIBITS: Resolution #R2014-110
Exhibit A – Bid Tabulation

FUNDING:

☐ **Grant** ☐ **Developer/Other** ☒ **Cash**
☐ **Bonds To Be Sold** ☐ **Bonds- Sold** ☐ **L/P – Sold** ☐ **L/P – To Be Sold**

EXPENDITURE REQUIRED: $50,000 (est.) **AMOUNT BUDGETED:** $50,000 (est.)
AMOUNT AVAILABLE: $50,000 (est.) **PROJECT NO.:**

ACCOUNT NO.: Various departmental operating accounts
ADDITIONAL APPROPRIATION REQUIRED: **ACCOUNT NO.:**
PROJECT NO.:

To be completed by Department:
Finance **X Legal** **Ordinance** **X Resolution**

EXECUTIVE SUMMARY

BACKGROUND

It is necessary for the City to retain a contracted vendor for preventative maintenance and repair services for the City's 34 existing emergency standby generators, pursuant to the specifications of Bid No. 0314-28R. This service is necessary and prudent in order to assure the successful operation of the equipment when needed and to extend the life of the City's generators.

SCOPE OF CONTRACT

Contract term shall be one (1) year from date of award. Upon completion of the initial term, the contract maybe be renewed for two (2) additional one-year periods, upon the mutual agreement of the parties and the approval of City council. Pricing for contract years 2 and 3 will be dependent upon any additional maintenance services deemed necessary by City staff, and shall be provided by the contract holder to the City no later than 90 days prior to expiration of the then-current contract term, to allow ample time for subsequent Council review and approval.

BID AND AWARD

Eight (8) sealed bids were received in response to the specifications of Bid No. 0314-28R for preventative maintenance (PM) and repairs on the City's 34 standby generators. The bid specifications require one (1) autumn visual inspection and one (1) springtime full-service visit annually for each generator. A visual inspection shall include the following: start and run generator without load, check electrical voltage and frequency, check fluid levels, check and adjust belts as needed, and provide a written report listing conditions of all generators. A standard full-service visit will include: replacement of all oil, air, water, and fuel filters, check and adjust belts as needed, check all electrical connections, start and load generator, check coolant to temperature rating, provide 2-hour external load bank test, initiate test of transfer switch over to emergency power, and provide itemized report listing conditions of all generators. Additional services may be performed as deemed necessary and approved by Public Works staff.

The bid also includes a component for repair services, with an hourly labor rate and a percentage markup above vendor cost on required repair parts. Per specifications, all repairs must be pre-approved in writing by appropriate City personnel prior to contractor commencing work.

Kentech Inc. is the apparent low bidder for base preventative maintenance service, trip charges based on an estimated annual volume of forty-five (45) calls, ninety (90) labor hours, and a base parts cost of $12,000, with estimates based on recent historical volumes. The recommended award is to Kentech, Inc. at the pricing reflected in the attached bid tabulation. Purchasing staff conducted reference checks, which were unanimously favorable with respect to Kentech's performance, and represented generator fleets of equivalent or larger size than the City's. Fleet Maintenance management staff has reviewed the bid responses and concurs with the award recommendation.

SCHEDULE

Preventative maintenance and repairs to be done throughout the City as reflected on the schedule and on an as-needed-basis.

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 FUNDING /FINANCIAL IMPACTS

Funding for these services will come from the departments' operating budget.

O&M IMPACT INFORMATION

Fiscal Year	2015	2016	2017
Estimated Expenditure	$50,000	$51,650*	$53,355*

*Based upon current 3.3% annual increase in the regional CPI.

RECOMMENDED ACTION

City Council approval of a resolution awarding a bid to Kentech, Inc. for the preventative maintenance and repairs on standby generators, for the period of October 1, 2014 through September 30, 2015, at the respective unit costs reflected in highlighted portion of the attached bid tabulation.

RESOLUTION NO. R2014-110

A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for standby generator maintenance services to Kentech, Inc. in the estimated amount of $50,000.00 for the period of September 2014 through September 2015.

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

Section 1. That the City opened unit supply bids for construction Standby Generator Maintenance Services, and such bids have been reviewed and tabulated.

Section 2. That the City Council hereby awards the bid to Kentech, Inc., in the unit supply amount reflected in Exhibit "A" attached hereto.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for construction Standby Generator Maintenance 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: Preventative Maintenance and Repair for Standby Generators
Bid Opening: Tuesday, August 5, 2014
Bid Number: 0314-28R Addendum 1

			Kentech, Inc.	Mnl Diesel Inc	Precision Pneumatics, Inc	Loftin Equipment Company	Clifford Power Systems, Inc	Waukesha-Pearce Industries	Power Pro-Tech Services	Generators of Houston
	City/State		Porter, TX	Houston, TX	Freeport, TX	Houston, TX	Austin, TX	Houston, TX	Houston, TX	Houston, TX
	Telephone Number		281-358-0980	281-484-4550	979-230-9003	281-310-6858	512-477-6937	281-908-5324	770-721-7111	713-812-7285
	Contact Name		Richard Greer	Harry Lartigue	Rhonda Woods	Tom Wieghard	Ronald Lane	Tim Harrup	Tom Britt	Mark Lindloff
Line	Description	QTY	Unit	Unit	Unit	Unit	Unit	Unit	Unit	Unit
	GENERATOR SITE #1: SHADOW CREEK WATER STATION, 1907 ALMEDA RD.									
1	VISUAL INSPECTION - price per each	1	$300.00	$245.00	$138.00	$135.00	$160.00	$195.00	$150.00	$75.00
2	FULL SERVICE VISIT - price per each	1	$500.00	$845.00	$810.00	$715.00	$1,139.00	$1,270.00	$1,238.00	$1,440.00
	GENERATOR SITE #2: FAR NORTHWEST WASTEWATER TREATMENT PLANT, 1818 REFLECTION BAY									
3	VISUAL INSPECTION - price per each	1	$500.00	$285.00	$210.00	$190.00	$160.00	$195.00	$200.00	$75.00
4	FULL SERVICE VISIT - price per each	1	$2,000.00	$1,800.00	$2,400.00	$2,450.00	$3,228.00	$2,978.00	$5,071.00	$3,540.00
	GENERATOR SITE #3: KIRBY WATER WELL, 3110 KIRBY DR.									
5	VISUAL INSPECTION - price per each	1	$400.00	$285.00	$210.00	$175.00	$160.00	$195.00	$190.00	$75.00
6	FULL SERVICE VISIT - price per each	1	$600.00	$1,800.00	$2,040.00	$2,085.00	$1,800.00	$1,625.00	$2,790.00	$2,850.00
	GENERATOR SITE #4: SOUTHDOWN WASTEWATER TREATMENT PLANT, 3711 SOHO									
7	VISUAL INSPECTION - price per each	1	$260.00	$245.00	$138.00	$130.00	$160.00	$195.00	$150.00	$75.00
8	FULL SERVICE VISIT - price per each	1	$460.00	$745.00	$690.00	$615.00	$1,007.00	$987.00	$889.00	$1,230.00

			Kentech, Inc.	Mnl Diesel Inc	Precision Pneumatics, Inc	Loftin Equipment Company	Clifford Power Systems, Inc	Waukesha-Pearce Industries	Power Pro-Tech Services	Generators of Houston
	GENERATOR SITE #5: CULLEN WATER WELL, 2529 CULLEN									
9	VISUAL INSPECTION - price per each	1	$325.00	$245.00	$174.00	$145.00	$160.00	$195.00	$165.00	$75.00
10	FULL SERVICE VISIT - price per each	1	$525.00	$845.00	$1,020.00	$1,100.00	$1,239.00	$1,190.00	$1,069.00	$1,750.00
	GENERATOR SITE #6: CULLEN FIRE STATION #4, 8333 FREEDOM DR.									
11	VISUAL INSPECTION - price per each	1	$230.00	$245.00	$138.00	$115.00	$160.00	$195.00	$150.00	$75.00
12	FULL SERVICE VISIT - price per each	1	$430.00	$495.00	$540.00	$480.00	$685.00	$900.00	$649.00	$500.00
	GENERATOR SITE #7: PUBLIC SAFETY BUILDING, 2555 CULLEN									
13	VISUAL INSPECTION - price per each	1	$400.00	$285.00	$210.00	$175.00	$160.00	$195.00	$190.00	$75.00
14	FULL SERVICE VISIT - price per each	1	$600.00	$1,800.00	$2,040.00	$1,420.00	$1,800.00	$1,895.00	$2,790.00	$2,850.00
	GENERATOR SITE #8: LIFT STATION, 2810 TRANQUILITY LAKES BLVD.									
15	VISUAL INSPECTION - price per each	1	$250.00	$245.00	$138.00	$120.00	$160.00	$195.00	$150.00	$75.00
16	FULL SERVICE VISIT - price per each	1	$450.00	$495.00	$600.00	$500.00	$802.00	$585.00	$719.00	$815.00
	GENERATOR SITE #9: MARY'S CREEK DETENTION, 6830-1/2 MAGNOLIA									
17	VISUAL INSPECTION - price per each	1	$300.00	$245.00	$138.00	$135.00	$160.00	$195.00	$150.00	$75.00
18	FULL SERVICE VISIT - price per each	1	$500.00	$745.00	$810.00	$890.00	$1,007.00	$1,360.00	$1,200.00	$1,350.00

			Kentech, Inc.	Mnl Diesel Inc	Precision Pneumatics, Inc	Loftin Equipment Company	Clifford Power Systems, Inc	Waukesha-Pearce Industries	Power Pro-Tech Services	Generators of Houston
	GENERATOR SITE #10: SWEC WASTEWATER TREATMENT PLANT, 3423 HARKEY RD.									
19	VISUAL INSPECTION - price per each	1	$400.00	$285.00	$210.00	$160.00	$160.00	$195.00	$185.00	$75.00
20	FULL SERVICE VISIT - price per each	1	$600.00	$1,800.00	$1,620.00	$1,400.00	$1,800.00	$1,900.00	$2,544.00	$2,630.00
	GENERATOR SITE #11: SOUTH CORRIGAN DETENTION, 3053 HATFIELD									
21	VISUAL INSPECTION - price per each	1	$300.00	$245.00	$138.00	$135.00	$160.00	$195.00	$155.00	$75.00
22	FULL SERVICE VISIT - price per each	1	$500.00	$845.00	$810.00	$910.00	$1,007.00	$1,360.00	$1,228.00	$1,440.00
	GENERATOR SITE #12: MCLEAN WATER WELL, 2838 MCLEAN RD.									
23	VISUAL INSPECTION - price per each	1	$260.00	$245.00	$138.00	$130.00	$160.00	$195.00	$150.00	$75.00
24	FULL SERVICE VISIT - price per each	1	$460.00	$745.00	$810.00	$695.00	$1,007.00	$1,350.00	$1,138.00	$1,255.00
	GENERATOR SITE #13: GARDEN WATER WELL, 13711 GARDEN RD.									
25	VISUAL INSPECTION - price per each	1	$260.00	$245.00	$138.00	$135.00	$160.00	$195.00	$150.00	$75.00
26	FULL SERVICE VISIT - price per each	1	$460.00	$745.00	$810.00	$770.00	$1,007.00	$1,210.00	$1,155.00	$1,325.00
	GENERATOR SITE #14: FIRE DEPARTMENT ADMINISTRATION BUILDING, 2703 VETERANS DR.									
27	VISUAL INSPECTION - price per each	1	$260.00	$245.00	$138.00	$130.00	$160.00	$195.00	$150.00	$75.00
28	FULL SERVICE VISIT - price per each	1	$460.00	$745.00	$690.00	$700.00	$1,007.00	$895.00	$924.00	$1,190.00

			Kentech, Inc.	Mnl Diesel Inc	Precision Pneumatics, Inc	Loftin Equipment Company	Clifford Power Systems, Inc	Waukesha-Pearce Industries	Power Pro-Tech Services	Generators of Houston
	GENERATOR SITE #15: FIRE STATION #5, 3100 KIRBY DR.									
29	VISUAL INSPECTION - price per each	1	$260.00	$245.00	$210.00	$130.00	$160.00	$195.00	$150.00	$75.00
30	FULL SERVICE VISIT - price per each	1	$460.00	$495.00	$1,620.00	$660.00	$802.00	$905.00	$0.00	$950.00
	GENERATOR SITE #16: MAGNOLIA WATER WELL, 3812 MAGNOLIA									
31	VISUAL INSPECTION - price per each	1	$260.00	$245.00	$138.00	$135.00	$160.00	$195.00	$150.00	$75.00
32	FULL SERVICE VISIT - price per each	1	$460.00	$745.00	$810.00	$770.00	$1,007.00	$950.00	$1,155.00	$1,325.00
	GENERATOR SITE #17: SOUTHEAST WATER WELL, 3945 WELLS DR.									
33	VISUAL INSPECTION - price per each	1	$325.00	$245.00	$174.00	$145.00	$160.00	$195.00	$165.00	$75.00
34	FULL SERVICE VISIT - price per each	1	$525.00	$845.00	$1,020.00	$1,075.00	$1,239.00	$1,500.00	$1,609.00	$1,750.00
	GENERATOR SITE #18: PUBLIC WORKS SERVICE CENTER, 2018 OLD ALVIN RD.									
35	VISUAL INSPECTION - price per each	1	$260.00	$245.00	$138.00	$125.00	$160.00	$195.00	$150.00	$75.00
36	FULL SERVICE VISIT - price per each	1	$460.00	$645.00	$690.00	$615.00	$835.00	$775.00	$855.00	$1,040.00
	GENERATOR SITE #19: EMS, 2010 OLD ALVIN RD.									
37	VISUAL INSPECTION - price per each	1	$250.00	$245.00	$138.00	$120.00	$160.00	$195.00	$150.00	$75.00
38	FULL SERVICE VISIT - price per each	1	$450.00	$645.00	$600.00	$540.00	$802.00	$590.00	$724.00	$885.00
	GENERATOR SITE #20: PUBLIC WORKS, 3501 E. ORANGE ST.									
39	VISUAL INSPECTION - price per each	1	$260.00	$245.00	$138.00	$125.00	$160.00	$195.00	$150.00	$75.00
40	FULL SERVICE VISIT - price per each	1	$460.00	$645.00	$600.00	$670.00	$802.00	$500.00	$900.00	$950.00

			Kentech, Inc.	Mnl Diesel Inc	Precision Pneumatics, Inc	Loftin Equipment Company	Clifford Power Systems, Inc	Waukesha-Pearce Industries	Power Pro-Tech Services	Generators of Houston
	GENERATOR SITE #21: PARKS MAINTENANCE, 3509 E. ORANGE ST.									
41	VISUAL INSPECTION - price per each	1	$230.00	$245.00	$138.00	$115.00	$160.00	$195.00	$150.00	$75.00
42	FULL SERVICE VISIT - price per each	1	$430.00	$495.00	$540.00	$450.00	$685.00	$480.00	$649.00	$500.00
	GENERATOR SITE #22: PUBLIC WORKS (PORTABLE), 3501 E. ORANGE ST.									
43	VISUAL INSPECTION - price per each	1	$250.00	$245.00	$138.00	$120.00	$160.00	$195.00	$150.00	$75.00
44	FULL SERVICE VISIT - price per each	1	$450.00	$645.00	$600.00	$595.00	$802.00	$550.00	$744.00	$885.00
	GENERATOR SITE #23: PUBLIC WORKS (PORTABLE), 3501 E. ORANGE ST.									
45	VISUAL INSPECTION - price per each	1	$250.00	$245.00	$138.00	$120.00	$160.00	$195.00	$150.00	$75.00
46	FULL SERVICE VISIT - price per each	1	$450.00	$645.00	$600.00	$595.00	$802.00	$550.00	$744.00	$885.00
	GENERATOR SITE #24: PUBLIC WORKS (PORTABLE), 3501 E. ORANGE ST.									
47	VISUAL INSPECTION - price per each	1	$260.00	$245.00	$138.00	$130.00	$160.00	$195.00	$150.00	$75.00
48	FULL SERVICE VISIT - price per each	1	$460.00	$645.00	$690.00	$665.00	$835.00	$550.00	$875.00	$1,075.00
	GENERATOR SITE #25: PUBLIC WORKS (PORTABLE), 3501 E. ORANGE ST.									
49	VISUAL INSPECTION - price per each	1	$260.00	$245.00	$138.00	$130.00	$160.00	$195.00	$150.00	$75.00
50	FULL SERVICE VISIT - price per each	1	$460.00	$645.00	$690.00	$665.00	$835.00	$550.00	$875.00	$1,075.00

			Kentech, Inc.	Mnl Diesel Inc	Precision Pneumatics, Inc	Loftin Equipment Company	Clifford Power Systems, Inc	Waukesha-Pearce Industries	Power Pro-Tech Services	Generators of Houston
	GENERATOR SITE #26: UH-CL PEARLAND CAMPUS, 1200 PEARLAND PKWY.									
51	VISUAL INSPECTION - price per each	1	$250.00	$245.00	$138.00	$120.00	$160.00	$195.00	$150.00	$75.00
52	FULL SERVICE VISIT - price per each	1	$450.00	$645.00	$600.00	$590.00	$802.00	$695.00	$729.00	$885.00
	GENERATOR SITE #27: BARRY ROSE WASTEWATER TREATMENT PLANT, 1902-1/2 BARRY ROSE RD.									
53	VISUAL INSPECTION - price per each	1	$300.00	$245.00	$138.00	$135.00	$160.00	$195.00	$155.00	$75.00
54	FULL SERVICE VISIT - price per each	1	$500.00	$845.00	$810.00	$900.00	$1,007.00	$750.00	$1,228.00	$1,480.00
	GENERATOR SITE #28: LIBERTY WATER WELL, 3503 LIBERTY DR.									
55	VISUAL INSPECTION - price per each	1	$300.00	$245.00	$138.00	$135.00	$160.00	$195.00	$155.00	$75.00
56	FULL SERVICE VISIT - price per each	1	$500.00	$845.00	$810.00	$850.00	$1,007.00	$1,350.00	$1,228.00	$1,480.00
	GENERATOR SITE #29: CITY HALL, 3519 LIBERTY DR.									
57	VISUAL INSPECTION - price per each	1	$250.00	$245.00	$138.00	$120.00	$160.00	$195.00	$150.00	$75.00
58	FULL SERVICE VISIT - price per each	1	$450.00	$495.00	$600.00	$530.00	$732.00	$450.00	$718.00	$810.00
	GENERATOR SITE #30: 518 WATER WELL, 1751 BROADWAY									
59	VISUAL INSPECTION - price per each	1	$300.00	$245.00	$138.00	$135.00	$160.00	$195.00	$150.00	$75.00
60	FULL SERVICE VISIT - price per each	1	$500.00	$745.00	$810.00	$825.00	$1,007.00	$1,525.00	$1,200.00	$1,350.00

			Kentech, Inc.	Mnl Diesel Inc	Precision Pneumatics, Inc	Loftin Equipment Company	Clifford Power Systems, Inc	Waukesha-Pearce Industries	Power Pro-Tech Services	Generators of Houston
	GENERATOR SITE #31: LONGWOOD WASTEWATER TREATMENT PLANT, 2727 DIXIE FARM RD.									
61	VISUAL INSPECTION - price per each	1	$350.00	$285.00	$174.00	$150.00	$160.00	$195.00	$175.00	$75.00
62	FULL SERVICE VISIT - price per each	1	$550.00	$745.00	$1,140.00	$1,030.00	$1,510.00	$1,400.00	$1,959.00	$2,035.00
	GENERATOR SITE #32: COUNTRY PLACE, 3210 S. PEACH HOLLOW CIRCLE									
63	VISUAL INSPECTION - price per each	1	$260.00	$245.00	$138.00	$125.00	$160.00	$195.00	$150.00	$75.00
64	FULL SERVICE VISIT - price per each	1	$460.00	$645.00	$600.00	$515.00	$802.00	$480.00	$744.00	$950.00
	GENERATOR SITE #33: LAKES AT COUNTRY PLACE, 510 COUNTRY PLACE BLVD.									
65	VISUAL INSPECTION - price per each	1	$260.00	$245.00	$138.00	$125.00	$160.00	$195.00	$150.00	$75.00
66	FULL SERVICE VISIT - price per each	1	$460.00	$645.00	$600.00	$515.00	$802.00	$480.00	$744.00	$950.00
	GENERATOR SITE #34: HILLHOUSE SATELLITE SERVICE CENTER, 2559 HILLHOUSE RD.									
67	VISUAL INSPECTION - price per each	1	$260.00	$245.00	$138.00	$130.00	$160.00	$195.00	$150.00	$75.00
68	FULL SERVICE VISIT - price per each	1	$460.00	$745.00	$690.00	$755.00	$1,007.00	$900.00	$877.00	$1,180.00
	Total Bid Amount for Required Maintenance for all Generator Sites		$27,780.00	$36,430.00	$35,970.00	$33,120.00	$42,097.00	$42,065.00	$47,296.00	$49,155.00
69	REPAIR SERVICE - 8:00 AM - 5:00 PM WEEKDAY HOURLY LABOR RATE	90	$95.00	$95.00	$85.00	$85.00	$88.00	$80.00	$95.00	$80.00

			Kentech, Inc.	Mnl Diesel Inc	Precision Pneumatics, Inc	Loftin Equipment Company	Clifford Power Systems, Inc	Waukesha-Pearce Industries	Power Pro-Tech Services	Generators of Houston
	Total Estimated Labor		$8,550.00	$8,550.00	$7,650.00	$7,650.00	$7,920.00	$7,200.00	$8,550.00	$7,200.00
70	TRIP CHARGE - 8:00 AM - 5:00 PM WEEKDAYS	45	$100.00	$0.00	$75.00	$150.00	$150.00	$178.00	$200.00	$250.00
	Total Estimated Trip Charges		$4,500.00	$0.00	$3,375.00	$6,750.00	$6,750.00	$8,010.00	$9,000.00	$11,250.00
71	REPAIR SERVICE - 5:00 PM - 8:00 AM WEEKDAY HOURLY LABOR RATE	1	$157.50	$125.00	$115.00	$85.00	$132.00	$80.00	$142.50	$120.00
72	TRIP CHARGE - 5:00 PM - 8:00 AM WEEKDAYS	1	$100.00	$0.00	$115.00	$175.00	$2.00	$219.00	$300.00	$250.00
73	REPAIR SERVICE - HOLIDAY & WEEKEND HOURLY LABOR RATE	1	$210.00	$158.00	$115.00	$127.50	$132.00	$120.00	$142.50	$120.00
74	TRIP CHARGE - HOLIDAY & WEEKEND	1	$100.00	$0.00	$115.00	$175.00	$2.00	$219.00	$300.00	$350.00
75	PARTS MARKUP COST (ESTIMATED TOTAL ANNUAL PARTS COST IS $12,000)	1	20%	25%	15%	20%	30%	14400	25%	15%
	Total Estimated Parts Cost Markup		$2,400.00	$3,000.00	$1,800.00	$2,400.00	$3,600.00	$1,728.00	$3,000.00	$1,800.00
	Total for All Charges		$43,797.50	$48,263.00	$49,255.00	$50,482.50	$60,635.00	$59,641.00	$68,731.00	$70,245.00
	Emergency Response Time		Within 2 hours of first notification	2 Hours	1 Hour	2 Hours	4 Hours	2 Hours	2 Hours or Less	2 hours

Consent Agenda Item E

E. **Consideration and Possible Action – Resolution No. R2014-111 –** A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply bid for school zone flasher systems to Southwest Signal Supply, Inc. in the estimated amount of $ 131,636.00 for the period of October 2014 through September 2015.

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

AGENDA OF:	September 22, 2014	**ITEM NO.:**	Resolution No. R2014-111
DATE SUBMITTED:	August 29, 2014	**DEPT. OF ORIGIN:**	Finance
PREPARED BY:	Bob Pearce	**PRESENTOR:**	Eric Wilson
REVIEWED BY:	Trent Epperson	**REVIEW DATE:**	September 15, 2014

SUBJECT: Award of Bid for Supply of Networked School Zone Flasher Systems For the Period October 1, 2014 through September 30, 2015

EXHIBITS: R2014-**111**
Exhibit A **–** Bid Tabulation for Bid #0714-48

FUNDING:

	☐**Grant**	☐**Developer/Other**	☒**Cash**
☐**Bonds To Be Sold**	☐**Bonds- Sold**	☐**L/P – Sold**	☐**L/P – To Be Sold**

EXPENDITURE REQUIRED: $131,636 (est.) **AMOUNT BUDGETED:** $131,636
AMOUNT AVAILABLE: $131,636 **PROJECT NO.:**
ACCOUNT NO.: 010-3540-565-73-00; 010-3540-542-29-01

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

To be completed by Department:

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

EXECUTIVE SUMMARY

BACKGROUND

In order to further enhance traffic mobility throughout the City, the current outdated school zone flasher system needs to be replaced. The current school zone flasher system consists of nine (9) zones. Each zone has a minimum of two (2) flashing lights. Each clock must currently be programmed manually for all school holidays, early release dates and daylight savings time and requires a monthly check to ensure that all of the clocks are synced. By upgrading the flasher system to allow electronic cell phone downloads, monthly time clock checks will not be required. All programming can be accomplished from the Traffic Operations center, which will ultimately save approximately 200 man hours per year. Accordingly, Bid No. 0714-48 was issued to solicit sealed bids for the removal of the current flasher equipment, the purchase and installation of the new flasher equipment as well as the central software system, and yielded two (2) responses which opened August 12, 2014.

SCOPE OF CONTRACT

One (1) year agreement for the purchase of a school zone flasher system and related components as needed by the City's Traffic Operations Department.

BID AND AWARD

Bid specifications require the vendor to provide equipment, installation and subsequent removal and transportation of existing school zone flasher equipment to the Traffic Operations center. This initial phase of the project also requires a one-time purchase of a central software system which will allow the Traffic Operations department to program the flasher locations. It is anticipated that the first phase will entail the installation of twenty-one (21) school zone flasher locations with additional locations to be installed as budget allows. Bid specifications requested unit prices for the items which will most commonly used by the Department. After review of the bid responses, the award is recommended to Southwest Signal Supply, Inc. Traffic Operations management concurs with this recommendation.

The original bid specifications require fixed unit costs for a period of one (1) year, with two (2) additional one-year renewal options available upon the mutual agreement of both parties, and the approval of City Council. The specifications allowed the contractor the opportunity to request a price increase percentage not to exceed the rate of increase in the "All Items" category of the Consumer Price Index (CPI), Houston-Galveston-Brazoria region, during the prior 12 month period.

SCHEDULE

Supply of school zone flasher system and related components will occur as needed throughout the term of the agreement.

POLICY/GOAL CONSIDERATION

This purchase will allow the City to directly enhance traffic mobility throughout the City.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Funding for these items come from the General Fund for Traffic Operations and Maintenance.

O&M IMPACT INFORMATION

Fiscal Year	2015	2016
Est. Expenditure	$131,636	TBD

RECOMMENDED ACTION

Consideration and approval of a resolution to award a bid for the supply of a school zone flasher system and related components to Southwest Signal Supply, Inc. at the unit pricing reflected in the attached tabulation for the period October 1, 2014 through September 30, 2015, with an estimated total expense of $131,636.

RESOLUTION NO. R2014-111

A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply bid for school zone flasher systems to Southwest Signal Supply, Inc. in the estimated amount of $ 131,636.00 for the period of October 2014 through September 2015.

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

Section 1. That the City solicited unit supply bids for the supply of school zone flasher systems and such bids were evaluated.

Section 2. That the City Council hereby awards the bid to Southwest Signal Supply, Inc., in the unit price amounts reflected in Exhibit "A" attached hereto.

Section 3. The City Manager or his designee is hereby authorized to execute a supply contract for school zone flasher systems.

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 Number: 0714-48
Bid Title: Networked School Zone Flasher Systems
Opening Date: Tuesday, August 12, 2014 @ 2:00 p.m. CST

	Southwest Signal Supply, Inc. **South Houston, Texas**	**Florida Traffic Control Devices, Inc.** **Houston, Texas**
School Zone Flasher System - Equipment Cost:	$4,796.00	$5,706.25
School Zone Flasher System - Installation Cost:	$975.00	$2,513.59
Total Per System:	$5,771.00	$8,219.84
Quantity:	21	21
Total for All Systems:	$121,191.00	$172,616.64
Central Software System:	$4,025.00	$841.43
Removal of Equipment:	$6,420.00	$1,182.87
Total:	**$131,636.00**	**$174,640.94**

Memo

To: Clay Pearson, City Manager

From: Trent Epperson, Director of Engineering & Capital Projects

CC: Jon Branson, Assistant City Manager

Date: June 20, 2014

Re: School Zone Signs and Flashers

6/23/14
To: Mayor & Cit
Council Membe

Background and pl
for school zone
traffic signage.

History

Two types of signage systems are used in school zones. We have school zones designated by signs only with the school zone times posted on the sign and signs that also include a flashing yellow signal. Most of the School Zone Flashers (flashers) were inherited from TxDOT when the City took over the traffic signals. Currently they are a mix of solar powered and hard wired systems that require their timing plan to be manually set at each location. We are in the second year of a three year program to replace the existing flashers due to their age and to connect them to our Traffic Operations System at Hillhouse Road. This will allow time changes including school hour changes, early release, vacation days, and daylight saving time to be programmed remotely. In addition, the clocks will be synchronized to eliminate time drift that occurs over time.

We have received multiple requests over the past year to install flashers at schools that currently do not have flashers. With approximately sixty-four (64) school zone sign locations, we decided to evaluate the standards by which we determine where to install a flasher system as opposed to signs only. The standards should provide a system that properly alerts motorist to the presence of a school zone, while considering the cost of installation, operation, and maintenance of flashers versus signs only. Another consideration is that research has shown that flashers are not more effective at lowering vehicle speeds in a school zone than signage alone.

Current Standard

While we require any signage or flashers to meet the Texas Manual on Uniform Traffic Control Devices (TMUTCD), there is currently not a documented or stated standard for the City of Pearland to determine where to install flashers. However, the current situation is as follows:

- Flashers are located on most roadways with a speed limit of 45mph or greater. Exceptions where the speed limit is lower include roadways with site distance issues, other obstacles, or locations that were inherited from TxDOT.

- On four-lane boulevard roadways there is only one sign on the right side at each location.

Proposed Standards *

To properly establish and document a standard for School Zone signage, the following is proposed:

- Flashers on roadways with a speed limit of 40mph or greater.
- Flashers on roadways with site distance issues.
- Signs or flashers, based on the above speed requirement, on a four-lane boulevard will have dual signs/flashers at each location where sufficient median width is available. One on the right side and one on the left side in the median.
- If the location does not meet the above criteria, a school district has the option to upgrade to flashers at their expense and the City will maintain the system. The system the school district installs or funds must meet the standards and specifications of the City's system.

Staff has concluded that these standards will provide a higher degree of visibility for school zones on * higher speed and boulevard roadways.

Inventory

We completed a school zone signage inventory in late 2013 as part of the school speed limit ordinance update. The inventory is attached and is sorted by speed limit, the presence of flashers, and number of lanes on the roadway. This was used to evaluate the current deficiencies in relation to the proposed standards.

Evaluation

The current inventory has the following deficiencies based on the proposed standards:

- Add flashers to six locations – There is one 45 mph location and five 40 mph locations that currently do not have flashers. Three of these locations are along boulevards and would require two flashers.
- Seven locations (13 signs) along boulevards would need to add additional signage to the median side lane.

Cost

The general cost for installation of a flasher with the radio system is approximately $4,000. For a dual flasher system on a boulevard roadway the cost is approximately $6,000. The cost for new sign is approximately $200 per sign. This results in the following funding need to bring the school zone sign and flashers up to the proposed criteria:

Install Cost:

6 Single Flashers X $4,000 = $24,000

4 Dual Flashers X $6,000 = $24,000

13 New Signs X $200 = $2,600

Total = $50,600

Incremental Operational Costs:

10 New Flasher Systems X $250/year electrical costs = $2,500

Funding Options

The City has already budgeted for two years of upgrade and replacement of the existing flashers. One year remains on that program, which will replace all existing flashers. To meet the proposed standard, we could continue the program funding an additional two years and install the additional flasher systems. The additional signs can be installed immediately with the existing sign installation budget.

Recommendation

Staff recommends adding the proposed standards to the Engineering Design Criteria Manual and funding the upgrades needed to meet the standard by extending the annual allocation to replace the existing flashers for an additional two years.

Concur

School Zone Sign and Flasher Inventory

June 2014

School	Road Name	Classification	Roadway Speed	School Zone Speed	# of Lanes	Divided Roadway	Signs L/R	Flasher	Comments	Proposed Change
Massey Ranch	FM 1128	Major Thoroughfare	50	35	2	No	Right	Yes		
Rogers	FM 1128	Major Thoroughfare	50	35	2	No	Right	Yes		
Berry Miller	FM 1128	Major Thoroughfare	50	35	2	No	Right	Yes		
Sam Jamison	FM 518	Major Thoroughfare	45	35	4	No	Right	Yes		
Glenda Dawson	FM 865	Major Thoroughfare	45	30	4	Yes	Right	Yes		
Pearland	SH 35	Major Thoroughfare	45	30	4	No	Right	Yes		
Nolan Ryan	FM 2234	Major Thoroughfare	45	35	4	Yes	Right	Yes		
Barbara Cockrell	McHard Rd	Major Thoroughfare	45	30	4	Yes	Right	No		Add 2 Dual Flashers
Leon Sablature	FM 518	Major Thoroughfare	40	25	4	No	Right	Yes		
Pearland East	FM 518	Major Thoroughfare	40	35	4	No	Right	Yes		
Pearland West	FM 518	Major Thoroughfare	40	25	4	No	Right	Yes		
Pearland	Bailey Rd	Major Thoroughfare	40	25	4	Yes	Right	No		Add 1 Dual Flasher
Pearland	Oiler Rd	Major Thoroughfare	40	25	4	Yes	Right	No		Add 1 Median Sign
Pearland	Pearland Parkway	Major Thoroughfare	40	25	4	Yes	Right	No		Add 1 Dual Flasher
Barbara Cockrell	Old Alvin Rd	Major Collector	40	25	2	No	Right	No		Add 2 Single Flasher
Alexander	Old Alvin Rd	Minor Collector	40	25	2	No	Right	No		Add 2 Single Flasher
Pearland South/Turner HS	Veterans Rd	Secondary Thoroughfare	40	20	2	No	Right	No		Add 2 Single Flasher
Magnolia	Magnolia Rd	Secondary Thoroughfare	35	20	4	Yes	Right	Yes	Curve in road	
Pace Center	FM 518	Major Thoroughfare	35	25	4	No	Right	Yes	State Road	
Challenger	Hughes Ranch Rd	Secondary Thoroughfare	35	20	2	No	Right	Yes	Curve in road	
Rogers	Fite Rd	Major Collector	35	20	4	No	Right	No		
Berry Miller	Fite Rd	Major Collector	35	20	4	No	Right	No		
Pearland South	Bailey Rd	Major Thoroughfare	35	20	3	No	Right	No		
Robert Turner	Bailey Rd	Major Thoroughfare	35	20	3	No	Right	No		
H. C. Carleston	Harkey Rd	Secondary Thoroughfare	35	20	2	No	Right	No		
H. C. Carleston	Fite Rd	Major Collector	35	20	2	No	Right	No		
Pearland South	McLean Rd	Major Collector	35	20	2	No	Right	No		
Glenda Dawson	Hughes Ranch Rd	Secondary Thoroughfare	35	29	2	No	Right	No		
Robert Turner	McLean Rd	Major Collector	35	20	2	No	Right	No		
C.J. Harris	Barry Rose Rd	Secondary Thoroughfare	30	20	4	Yes	Right	No		Add 1 Median Sign
Shadycrest	Liberty Dr.	Major Collector	30	20	4	No	Right	No		
Glen York	Kingsley Dr	Secondary Thoroughfare	30	20	4	Yes	Right	No		Add 2 Median Signs
Glen York	Trinity bay Dr.	Minor Collector	30	20	4	Yes	Right	No		Add 2 Median Signs
Mary Burks Marek	Kirby Dr	Secondary Thoroughfare	30	20	4	Yes	Right	No		Add 2 Median Signs
Laura Ingalls Wilder	Kingsley Dr	Secondary Thoroughfare	30	20	4	Yes	Right	No		Add 2 Median Signs
Laura Ingalls Wilder	Regents Bay Dr	Major Collector	30	20	4	Yes	Right	No		Add 2 Median Signs
Nolan Ryan	Business Center Dr	Secondary Thoroughfare	30	20	4	Yes	Right	No		Add 2 Median Signs
Jr. High East/Pace Center	Old Alvin Rd	Major Collector	30	20	2	No	Right	No		
C.J. Harris	Schleider Dr	Minor Collector	30	20	2	No	Right	No		
C.J. Harris	E. Plum ST	Residential	30	20	2	No	Right	No		
Challenger	Bryan Ct	Residential	30	20	2	No	Right	No		

School Zone Sign and Flasher Inventory

June 2014

School	Road Name	Classification	Roadway Speed	School Zone Speed	# of Lanes	Divided Roadway	Signs L/R	Flasher	Comments	Proposed Change
Challenger	N. Hampton Dr	Residential	30	20	2	No	Right	No		
Rustic Oaks	Rustic Oaks	Minor Collector	30	20	2	No	Right	No		
Rustic Oaks	Stevenson Rd	Minor Collector	30	20	2	No	Right	No		
Rustic Oaks	Westfield Ln	Residential	30	20	2	No	Right	No		
Shadycrest	Shadybend Dr	Residential	30	20	2	No	Right	No		
Shadycrest	E. Circle Dr	Residential	30	20	2	No	Right	No		
Shadycrest	W. Circle Dr	Residential	30	20	2	No	Right	No		
Shadycrest	Misty Ln	Residential	30	20	2	No	Right	No		
Alexander	Swensen Rd		30	20	2	No	Right	No		
Leon Sablature	S. Galvenston Ave.	Residential	30	20	2	No	Right	No		
Leon Sablature	Park Ave	Residential	30	20	2	No	Right	No		
Leon Sablature	E. Plum ST	Residential	30	20	2	No	Right	No		
Sam Jamison	Anthony Ln	Residential	30	20	2	No	Right	No		
Sam Jamison	Woody Rd	Residential	30	20	2	No	Right	No		
Sam Jamison	Cherry St	Residential	30	20	2	No	Right	No		
Sam Jamison	Pear St	Residential	30	20	2	No	Right	No		
Sam Jamison	Corrigan Dr	Residential	30	20	2	No	Right	No		
Pearland West	S. Galvenston Ave.		30	20	2	No	Right	No		
Pearland West	N. Galvenston Ave.		30	20	2	No	Right	No		
Pearland West	E. Plum St	Residential	30	20	2	No	Right	No		
Pearland West	Park Ave	Residential	30	20	2	No	Right	No		
Glenda Dawson	Hawk Rd	Residential	30	20	2	No	Right	No		
Glenda Dawson	Hillhouse Rd	Residential	30	20	2	No	Right	No		

Consent Agenda Item F

F. **Consideration and Possible Action – Resolution No. R2014-109 –** A Resolution of the City Council of the City of Pearland, Texas, renewing a unit price supply bid with Smith Municipal Supply for signs and sign materials in the estimated amount of $122,000.00 for the period of October 23, 2014 through October 22, 2015.

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

AGENDA OF:	September 22, 2014	**ITEM NO.:**	Resolution No. R2014-109
DATE SUBMITTED:	August 29, 2014	**DEPT. OF ORIGIN:**	Finance
PREPARED BY:	Bob Pearce	**PRESENTOR:**	Eric Wilson
REVIEWED BY:	Trent Epperson	**REVIEW DATE:**	September 15, 2014

SUBJECT: Renewal of Bid for Traffic Signs and Related Materials for Period October 23, 2014 through October 22, 2015

EXHIBITS: Resolution #R2014-109
Bid Tabulation

FUNDING:

	☐ **Grant**	☐ **Developer/Other**	☒ **Cash**
☐ **Bonds To Be Sold**	☐ **Bonds- Sold**	☐ **L/P – Sold**	☐ **L/P – To Be Sold**

EXPENDITURE REQUIRED: $122,000 (est.) **AMOUNT BUDGETED:** $122,000
AMOUNT AVAILABLE: $122,000 **PROJECT NO.:**
ACCOUNT NO.: 010-1425-542-28-00

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

To be completed by Department:

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

EXECUTIVE SUMMARY

BACKGROUND

In its meeting of October 22, 2012, City Council approved a bid award to Smith Municipal Supply for traffic signs and related materials, subsequent to its bid response to City Bid No. 0712-53.

SCOPE OF CONTRACT

Contractor will provide traffic signs and related materials as required by the specifications of the above-referenced City bid.

BID AND AWARD

Bid specifications stated an initial term of one (1) year with no allowable price increases. At the expiration of the initial term, there is an allowable renewal option for two (2) additional years 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.

Smith Municipal Supply has agreed to renew this bid with no price increase requested, therefore pricing for this final renewal period will be at the amounts originally bid and awarded by Council in October 2012, as reflected by the unit costs in the attached tabulation.

SCHEDULE

Traffic signs and related material will occur as required throughout the term of the agreement.

POLICY/GOAL CONSIDERATION

This bid renewal will positively impact the City's goal to provide for the public safety of its residents as well as address traffic and mobility.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Funding for these services will come from the Traffic Division operating budget.

O&M IMPACT INFORMATION

Fiscal Year	2015	2016
	$122,000	Re-bid

RECOMMENDED ACTION

Staff recommends approval of a resolution to award a bid for the renewal of traffic signs and related materials to Smith Municipal Supply at the unit prices highlighted in the attached tabulation, for the period of October 23, 2014 through October 22, 2015.

RESOLUTION NO. R2014-109

A Resolution of the City Council of the City of Pearland, Texas, renewing a unit price supply bid with Smith Municipal Supply for signs and sign materials in the estimated amount of $122,000.00 for the period of October 23, 2014 through October 22, 2015.

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

Section 1. That the City previously opened unit priced bids for signs and sign materials, and such bid was awarded.

Section 2. That the City Council hereby renews the bid with Smith Municipal Supply in the unit price amount described in Exhibit "A", attached hereto and incorporated for all purposes.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for the purchase of signs and sign materials.

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 # 0712-53 - Traffic Signs & Materials
Smith Municipal Supplies

Item Description	Unit Price
9 x 24 Avery Prismatic White/Green EC, .125 Aluminum, Apply Customer's Date Sticker to Signs, Upper/Lower Case Letters, Street Signs	**$38.51**
9 x 30 Avery Prismatic White/Green EC, .125 Aluminum, Apply Customer's Date Sticker to Signs, Upper/Lower Case Letters, Street Signs	**$46.38**
9 x 36 Avery Prismatic White/Green EC, .125 Aluminum, Apply Customer's Date Sticker to Signs, Upper/Lower Case Letters, Street Signs	**$54.10**
9 x 42 Avery Prismatic White/Green EC, .125 Aluminum, Apply Customer's Date Sticker to Signs, Upper/Lower Case Letters, Street Signs	**$61.93**
9 x 48 Avery Prismatic White/Green EC, .125 Aluminum, Apply Customer's Date Sticker to Signs, Upper/Lower Case Letters, Street Signs	**$69.40**
9 x 54 Avery Prismatic White/Green EC, .125 Aluminum, Apply Customer's Date Sticker to Signs, Upper/Lower Case Letters, Street Signs	**$77.20**
9 x 60 Avery Prismatic White/Green EC, .125 Aluminum, Apply Customer's Date Sticker to Signs, Upper/Lower Case Letters, Street Signs	**$80.99**
9 x 66 Avery Prismatic White/Green EC, .125 Aluminum, Apply Customer's Date Sticker to Signs, Upper/Lower Case Letters, Street Signs	**$85.03**
9 x 72 Avery Prismatic White/Green EC, .125 Aluminum, Apply Customer's Date Sticker to Signs, Upper/Lower Case Letters, Street Signs	**$90.09**
48" Yield Sign, Avery Prismatic White	**$54.15**
48 x 48 Avery Prismatic White or Yellow/Sign Face	**$86.08**
24 x 30 Avery Prismatic White or Yellow/Sign Face	**$46.20**
24 x 36 Avery Prismatic White or Yellow/Sign Face	**$54.83**
30 x 36 Avery Prismatic White or Yellow/Sign Face	**$65.91**
30 x 30 Avery Prismatic White or Yellow/Sign Face	**$56.99**
24 x 48 Avery Prismatic White or Yellow/Sign Face	**$70.07**
24 x 24 Avery Prismatic White or Yellow/Sign Face	**$37.67**
18 x 24 Avery Prismatic White or Yellow/Sign Face	**$25.45**
18 x 18 Avery Prismatic White or Yellow/Sign Face	**$21.86**
6 x 18 Avery Prismatic White or Yellow/Sign Face	**$10.39**
30" Avery Prismatic Stop Signs	**$57.26**
Charge per square foot for Custom Signs	**$0.00**
Hourly cost to pick up customer's used signs; sort re-useable blanks and scrap blanks; store re-useable blanks for future reface; take scrap blanks to scrap yard	**$0.00**
Percentage of scrap dollars collected to be returned to the City of Pearland	**85**
48" Yield Signs	**$29.19**
48 x 48 Avery Prismatic White or Yellow/Sign Face	**$50.08**
24 x 30 Avery Prismatic White or Yellow/Sign Face	**$23.08**

Item Description	Unit Price
24 x 36 Avery Prismatic White or Yellow/Sign Face	**$26.90**
30 x 36 Avery Prismatic White or Yellow/Sign Face	**$32.64**
30 x 30 Avery Prismatic White or Yellow/Sign Face	**$27.85**
24 x 48 Avery Prismatic White or Yellow/Sign Face	**$34.53**
24 x 24 Avery Prismatic White or Yellow/Sign Face	**$19.27**
18 x 24 Avery Prismatic White or Yellow/Sign Face	**$14.29**
18 x 18 Avery Prismatic White or Yellow/Sign Face	**$12.59**
6 x 18 Avery Prismatic White or Yellow/Sign Face	**$7.96**
30" Avery Prismatic Stop Signs	**$30.81**
Charge per square foot for Custom Signs	**$0.00**
12" Flat Blade Crosses, 90 Degree	**$13.86**
12" Flat Blade Caps, for 2-3/8" Posts	**$13.86**
2-3/8" Round Posts Floor Flange w/Hardware	**$27.00**
3" O.D. Post Adapter to 2-3/8" Posts	**$9.04**
Custom Alert Flag Brackets	**$28.94**
Miscellaneous Items	**$24.55**
18 x 18 Safety Flags	**$5.55**
21" x 9" Time Change Decals, White/Black	**$4.00**
Change lettering on customer's 4' x 8' Informational Sign	**$15.00**
City of Pearland custom decal, 16" x 14"	**$11.37**
City of Pearland custom decal, 12.75" x 11"	**$9.12**
City of Pearland custom decal, 7" x 6"	**$5.37**

Consent Agenda Item G

G. **Council Input and Possible Action – Resolution No. R2014-103 –** A Resolution of the City Council of the City of Pearland, Texas, adopting an amended Investment Policy, Investment Strategy and approved Brokers in accordance with chapter 2256 of the Government Code ("Public Funds Investment Act").

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

AGENDA OF:	09/22/2014	**ITEM NO.:**	Resolution No. R2014-103
DATE SUBMITTED:	08/04/2014	**DEPT. OF ORIGIN:**	Finance
PREPARED BY:	Rick Overgaard	**PRESENTOR:**	Claire Bogard
REVIEWED BY:	Jon R. Branson	**REVIEW DATE:**	September 11, 2014

SUBJECT: Adoption of Investment Policy, Investment Strategy and Approval of Broker/Dealers

EXHIBITS: R2014-103
Exhibit A - Investment Policy, Exhibit B- Strategy and Exhibit C - Broker/Dealer List

FUNDING:

	☐Grant	☐Developer/Other	☐Cash Opns
☐Bonds To Be Sold	☐Bonds- Sold	☐L/P – Sold	☐L/P – To Be Sold

EXPENDITURE REQUIRED:N/A **AMOUNT BUDGETED:N/A**
AMOUNT AVAILABLE: **PROJECT NO.:**
ACCOUNT NO
ADDITIONAL APPROPRIATION REQUIRED:
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:
X Finance **X Legal** **Ordinance** **X Resolution**

EXECUTIVE SUMMARY

BACKGROUND

The Public Funds Investment Act (PFIA) requires the governing body to review its investment policy, investment strategies, and approved broker/dealers not less than annually. The governing body must adopt a written instrument by ordinance or resolution stating that it has reviewed the investment policy, investment strategies, approved broker/dealers, and that the written instrument so adopted shall record any changes made to the policy, strategy, and broker/dealers. City Council last approved the policy, strategy, and broker/dealers in August of 2013.

POLICY/GOAL CONSIDERATION

The investment policy contains only one minor correction and no proposed changes. Under the definition for Federal Deposit Insurance Corporation (FDIC), the amount of insurance changed from $100,000 to $250,000.

The PFIA also requires a separate written investment strategy for each fund or pooled group of funds. The strategy must address suitability, safety of principal, liquidity, marketability, diversification, and yield. As such a separate written investment strategy is also included for City Council approval. There are no proposed changes to the investment strategy.

Pursuant to the PFIA, the City must approve a list of broker/dealers with which the City can do business. The Investment Officer can only do business with those businesses as approved. The City's investment policy states that "the City will prepare a Request of Investments Services every two years at a minimum…." In July 2013, the City sent out requests for proposals and staff chose two new broker/dealers in addition to the five current broker/dealers that submitted an RFP. There are no proposed changes to the 2014 approved broker/dealer list attached as Exhibit C.

The City's investment committees met on August 18, 2014 and concur on the recommendations.

FINANCIAL INFORMATION

N/A

RECOMMENDED ACTION

Consideration and approval of a Resolution No. R2014-103 adopting the City's Investment Policy, Investment Strategy, and Approved Broker/Dealers.

RESOLUTION NO. R2014-103

A Resolution of the City Council of the City of Pearland, Texas, adopting an amended Investment Policy, Investment Strategy and approved Brokers in accordance with chapter 2256 of the Government Code ("Public Funds Investment Act").

WHEREAS, the Public Funds Investment Act codified in Government Code Chapter 2256 governs local government investment; and

WHEREAS, the Public Fund Investment Act (Section 2256.005a), as amended, requires the City to adopt an Investment Policy and Investment Strategy by rule, order, ordinance or resolution governing the investment of funds under its control; and

WHEREAS, the Public Fund Investment Act (Section 2256.005e), requires the governing body to review and adopt that Investment Policy and Investment Strategy by rule, order, ordinance or resolution not less than annually, recording any changes made thereto; now, therefore,

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

Section 1. That the City of Pearland has complied with the requirements of the Public Funds Investment Act and the Investment Policy. The modified Investment Policy, Invest Strategy and approved Brokers are attached hereto as Exhibit "A", Exhibit "B" and Exhibit "C" and are hereby adopted effective immediately.

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

_____
TOM REID
MAYOR

RESOLUTION NO. R2014-103

ATTEST:

_____
YOUNGLORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

CITY OF PEARLAND, TEXAS

INVESTMENT POLICY
AND
INVESTMENT STRATEGY

ADOPTED FEBRUARY 12, 2007
Revised February 2008
Revised April 2009
Revised June 2011
Revised June 2012
Revised August 2013

Revised August 2014

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CITY OF PEARLAND
INVESTMENT POLICY

1.0 INVESTMENT AUTHORITY AND SCOPE OF POLICY

1.01 Purpose

To establish and provide specific policy and guidelines for the conduct of the investment program of the City of Pearland.

1.02 Policy

It is the policy of the City of Pearland (the "City") to invest public funds in a manner, which will provide safety of principal while earning the highest reasonable market return in meeting the daily cash flow demands of the City. All funds will be invested in compliance with all state and local statutes and all Governmental Accounting Standards Board Statements, and related financial accounting standards.

This policy satisfies the requirement of the Public Funds Investment Act (PFIA), Texas Government Code 2256.

1.03 Scope

This Investment Policy shall apply to all the funds and investments of the City as well as any other funds held in custody by the City, and include the following funds:

1. General Fund
2. Special Revenue Funds
3. Capital Project Funds
4. Enterprise Funds
5. Trust & Agency Funds
6. Debt Service Funds
7. Internal Service Funds
8. Component Units, excluding those that have adopted a separate investment policy.
   Current component units include:
   a. Pearland Economic Development Corporation
   b. Tax Increment Reinvestment Zone #2
   c. Development Authority of Pearland
9. Any other funds or component units as created by the City.

These funds, as well as funds that may be created from time-to-time, shall be administered in accordance with the provisions of this policy. All

funds invested under this policy shall be considered as a pooled group for investment purposes.

Deferred compensation and the retirement system assets the City sets aside or holds for its employees are not subject to this policy.

1.04 Delegation of Investment Authority

The Director of Finance, Assistant Director of Finance, and Accounting Supervisor are hereby designated as Investment Officers for the City. The City may use other employees or the services of a contractor to aid the investment officer(s) in the execution of their duties. Otherwise, unless authorized by law, no other individual(s) has the authority to deposit, withdraw, transfer or manage the investments of the City. The City may designate a registered investment advisor to invest for the City and act as an additional Investment Officer. Authority granted to a person(s) to deposit, withdraw, invest, transfer or manage the City's investments is effective until rescinded by City Council or until termination of the person's employment or contract.

The Director of Finance is responsible for the management of the investment program. The Investment Officers are responsible for the daily operations of the investment function. The Director of Finance shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

1.05 Ethics and Conflict of Interest

Investment Officers shall refrain from personal business activities that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Investment Officers who have a personal business relationship with a business organization seeking to sell an investment to the City and who have anyone related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that personal interest to the Director of Finance, City Manager, the City Council and the Texas Ethics Commission.

An Investment Officer has a personal business relationship with a business organization if:

1) the investment officer owns 10% or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;

2) funds received by the investment officer from the business organization exceed 10% of the investment officer's gross income for the previous year; or
3) the investment officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for the personal account of the investment officer.

1.06 Investment Committee

The City shall establish an Investment Committee for the purpose of reviewing investment policies and procedures, investment strategies, and investment performance. The members of the Committee shall consist of the City Manager, Assistant City Manager as designated by the City Manager, Director of Finance, and Assistant Director of Finance. The City Manager shall be the Chairman of the Committee.

The Investment Committee shall review quarterly investment reports and annually review the recommended changes to the Investment Policy and Investment Strategy and review the list of brokers authorized to engage in investment transactions with the City.

2.0 INVESTMENT OBJECTIVES AND STRATEGY

2.01 Objective

City investments shall be made in accordance with federal and state laws, this Investment Policy and ordinances of the City. The City's investment portfolio shall be designed with the objective of attaining a market rate of return in accordance with its designated benchmark based on the City's cash flow requirements throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio.

2.02 Safety of Principal

The primary objective of the City's investment program is to ensure the safety of all funds. To attain this objective, it is the City's intent to invest in the safest types of securities, pre-qualify broker/dealers, and advisors and to hold all investments until maturity in order to ensure the return of all invested principal unless as stipulated in Section 4.09 of the policy.

2.03 Liquidity

The City's investment must be based on a cash flow analysis, which will provide the liquidity necessary to pay all expected and unexpected obligations. Liquidity shall be achieved by matching investment maturities with budgetary and economic cycles. A portion of the portfolio

will be maintained in liquid short-term investments that can be converted to cash if necessary to meet disbursement requirements. Investment pools and no-load money market mutual funds provide daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.

2.04 Diversification

The City of Pearland shall diversify its portfolio to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of investments. Investment shall always be selected that provide for stability of income and reasonable liquidity.

2.05 Yield

It will be the objective of the City to earn a reasonable market yield throughout budgetary and economic cycles within the parameters imposed by its safety and liquidity objectives, investment strategies, and state and federal law. Return on investment is of secondary importance to safety and liquidity objectives. The yield and level of risk for the portfolio will be benchmarked against the yield of the one-year Treasury Bill during the comparable period as well as against an agency note with approximately the same maturity as the weighted average maturity of the portfolio.

2.06 Maturity

The portfolio shall be structured primarily to meet City obligations and secondly to achieve a reasonable return of interest. The maximum allowable stated maturity of any individual investment owned by the City shall be five (5) years from date of purchase. The settlement date is considered the date of purchase. However, the City may collateralize its demand deposit accounts, certificates of deposits, and repurchase agreements using longer-dated investments not to exceed thirty (30) years.

The maximum weighted average maturity based on the overall portfolio shall be 30 months, or 900 days.

2.07 Investment Training

Investment Officers shall take (a) 10 hours of training within 12 months after taking office or assuming duties and (b) not less than 10 hours of training in a two year period that begins on the first day of the fiscal year and consists of the two consecutive fiscal years after that date. Training shall include education in investment controls, security risks, strategy risks, market risks, diversification, and compliance. Training

must be provided by an independent source approved by the governing body or designated Investment Committee. For these purposes, courses or seminars offered by the Government Finance Officers Association, Government Finance Officers Association of Texas, Texas Municipal League, Southwest School of Government Finance, University of North Texas, Texas Association of Counties, Treasury Management Association, or the Government Treasurers Organization of Texas will satisfy the training requirements. An external auditor shall review documentation of training hours annually.

2.08 Quality and Capability of Investment Management

Investment Officers shall at all times be cognizant of the standard of care and the investment objectives as set forth in the Public Funds Investment Act and the City's Investment Policy.

The City shall provide investment training as required by the Act to ensure the quality and capability of investment management. Staff sets the standard of training required, which may be over the 10 hours as required by the Act.

2.09 Investment Strategy

In accordance with the Act (2256.005(d)) a separate written investment strategy shall be developed for each portfolio/fund or pooled group of funds under the City's control. The strategy shall be reviewed on an annual basis with formal action by the City Council stating that the strategy has been reviewed and recording any changes made.

2.10 Cash Management

Effective cash management is recognized as essential to good fiscal management. Cash management is defined as the process of managing monies in order to ensure maximum cash availability to the City for investment use. The City shall maintain a comprehensive cash management program that includes collection of accounts receivable, prudent investment of its available cash, disbursement of payments in accordance with invoice terms and the management of banking services.

3.0 AUTHORIZED INVESTMENTS

3.01 Authorized Investments

Authorized investments under this policy shall be limited to the instruments listed below as authorized and defined by the Public Funds Investment Act.

A. Obligations of the United States or its agencies and instrumentalities.
B. Obligations of the State of Texas or its agencies and instrumentalities
C. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the State of Texas or the United States or their respective agencies and instrumentalities.
D. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.
E. Collateralized certificates of deposit of banks or savings banks doing business in Texas, collateralized to 102%, and guaranteed or insured by the Federal Deposit Insurance Corporation or its successor; or secured by obligations of the United State Government, including mortgage backed securities, which pass the bank test, but excluding those mortgage backed securities defined in Section 2256.009(b) of the Act.
F. Constant dollar local government investment pools as defined by the Act (2256.016 and 2256.019) and approved by City Council resolution.
G. AAA-rated, SEC registered no-load money market mutual funds and no-load mutual fund and as further defined in Section 2256.014 of the Act.
H. Collateralized repurchase agreements as defined by the Public Funds Investment Act placed through a primary government securities dealer or a financial institution doing business in this state with a defined maturity date and as further defined in Section 2256.011 of the Act.
I. Interest bearing checking accounts that are fully collateralized at 102% of the ledger balance.
J. Certificates of deposit through the Certificate of Deposit Account Registry Service (CDARS) program.

3.02 Certificates of Deposit

A. Depository certificates of deposit (CD) may be purchased from any depository institution located in the State of Texas.
It is not necessary for a Texas depository institution to be on the City's approved broker/dealer list as CD's are considered depository in nature. Prior to purchase, however, all agreements with the depository institution must be completed prior to the purchase of a CD from the depository institution.
B. All CD's, whether purchased from a brokerage firm or a depository institution require three bids.

C. Amounts purchased over the FDIC limit whether from a depository institution or brokerage firm must be collateralized.

3.03 Unauthorized Investments

Specifically prohibited investments are:

1. Collateralized mortgage obligations
2. Commercial Paper, including Pools which invest in Commercial Paper
3. All swaps including but not limited to even-basis swaps, interest rate swaps
4. Forwards and futures
5. Options
6. Foreign Exchange
7. Planned amortization classes (PAC)
8. Regular floaters tied to government securities
9. Investments with various interest rate caps, floors, and collars
10. Investment pools in which the City would own more than 10% of the market value of the pool
11. Any other investments that are not on the authorized investment list

3.04 Investments with Required Ratings

Investments with minimum required ratings such as investment pools and no-load mutual funds do not qualify as authorized investments during the period the investment does not have the minimum rating. Investment ratings shall be checked monthly online by an Investment Officer to ensure that the ratings have not been downgraded. The City shall take all prudent measures that are consistent with its investment policy to liquidate investments that do not have the minimum rating.

4.0 INVESTMENT CONTROLS

4.01 Selection of Investment Broker/Dealers

The Investment Officers will maintain a list of financial institutions, primary broker/dealers, and local government investment pools authorized by the City Council to provide investment services to the City. Annually, the City Council will approve the list of financial institutions and broker/dealers authorized to conduct business with the City. Investment Officers shall not conduct business with any firm not approved by City Council, except for the purchase of CD's from Texas depository institutions.

The City will prepare a Request for Investment Services every two years at a minimum and notice of said request will be published in the City's

official paper and on the City's on-line bidding system All financial institutions and broker/dealers who desire to become qualified bidders for investment services must fill out the application and return it to the City by the stated day and time. After review of all applicants, a list of selected financial institutions and broker/dealers will be prepared by the Investment Officers and reviewed by the Investment Committee. The following may be required with the application: most recent audited financial statement, list of local government clients, and statements of qualifications.

Criteria used in the selection of the authorized broker/dealers will include, but are not limited to material litigation against the firm, regulatory status of the dealer, completed packet, references from local government clients, background and expertise in investment of public funds.

The top six to seven firms shall be selected to appear on the City's approved list. If, after a firm is selected, they no longer qualify to appear on the City's approved dealer list, or provide services inconsistent with acceptable levels, the Investment Officers may recommend City Council to remove the firm from the approved list and replace it with the next qualified candidate based on the previous Request for Investment Services ranking. Should an approved bank merge with or be acquired by another bank while on the City's approved list, the new bank must agree to meet the same collateralization and certification requirements, or the bank shall be removed from the approved list.

4.02 Certification

A written copy of this Investment Policy shall be presented to any firm seeking to engage in a financial transaction with the City. The authorized representative of the firm shall execute a written instrument substantially in the form of Attachment A of this Policy and to the effect that the representative has:

1. received and thoroughly reviewed the investment policy of the City; and
2. acknowledged that the organization has implemented reasonable procedures and controls in effort to preclude investment transactions that are not authorized by the City's Investment Policy except to the extent that the authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires interpretation of subjective investment standards.

The Investment Officer(s) may not transact business with any firm that has not executed and returned this certification. (2256.005(l)).

The City may contract with a registered investment advisor for the management of the City's portfolio. The advisor shall review the Policy and execute all transactions in accordance with the provisions and controls of the Policy.

4.03 Delivery vs. Payment Settlement

It shall be the policy of the City that all securities shall be purchased on a "Delivery vs. Payment" (DVP) basis, except for investment pools and mutual funds. By so doing, City funds are not released until the City or its approved custodian has received the securities purchased or pledged.

4.04 Internal Control and Annual Audit

The Director of Finance or designee shall establish a system of internal controls. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation of third parties, or imprudent actions by employees or Investment Officers of the City. Controls and managerial emphasis deemed most important include the following:

Imperative Controls:

A. Safekeeping receipts and record management
B. Documentation of investment bidding
C. Written confirmations
D. Reconciliation and comparisons of security receipts with investments and bank records
E. Compliance with investment policies
F. Accurate and timely reporting
G. Adequate training and development of Investment Officers

Controls Where Practical

A. Control of collusion
B. Segregation of duties
C. Clear delegation of authority
D. Staying informed about market conditions, changes and trends that require adjustments in investment strategies.

The City, in conjunction with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the City's established investment policies. This annual audit shall be performed by an external auditor and will include formal review of the quarterly reports.

4.05 Standard of Care

Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived.

In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

1. the investment of all funds over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
2. whether the investment decision was consistent with the City's Investment Policy.

The Director of Finance and the Investment Officers are not personally responsible for changes in the market.

4.06 Competitive Bidding

All purchases of investments will be placed after receiving competitive quotes from at least three financial institutions, broker/dealers, investment pools or any combination thereof. Quotes will be accepted either written or electronically, or a combination thereof. An exception to this rule may be made when time limitations preclude the bidding process.

The investment will be made with the broker/dealer offering the greatest return and quality to the City. If three bids/offers are solicited but three responses are not received within the time frame specified in the solicitation of the bid/offer, the Investment Officer may act based on the responses received as long as the solicitation of and failure to receive the bids/offers is documented. Any investments purchased must have the signature of at least two Investment Officers, when both are present.

4.07 Portfolio Diversification

The City will diversify its investments by security type, institution, and broker/dealer. Requests for bids/offers from broker/dealers shall rotate among approved broker/dealers to ensure that the same brokers are not solicited for every bid/offer request, and to ensure competition among broker/dealers.

With the exception of U.S Treasury Securities and interest bearing checking accounts that are fully collateralized, no more than 75% of the City's total investment portfolio will be invested in a single security type. If the City elects to participate in more than one investment pool, the total percent invested in all pools shall not exceed the maximum percent allowed.

Diversification requirements are as follows:

Investment Type	Maximum Investment %
Repurchase Agreements	Up to 50%
Certificates of Deposit**	Up to 50%
US Treasury Bills/Notes	Up to 100%
Other US Government Securities	Up to 50%
Authorized Investment Pools	Up to 75% in total
CDARS Program	Up to 25%
No-Load MM Mutual Funds	Up to 50%
No-Load Mutual Funds	Per PFIA
Sweep Accounts/DDA***	Up to 100%

** FDIC coverage or fully collateralized
*** Fully collateralized at 102% of value

4.08 Electronic Funds Transfer

The City may use electronic means to transfer or invest all funds collected or controlled by the City.

4.09 Selling Of Securities Before Maturity

While it is the City's intent to hold securities to maturity to ensure safety of principal, if the City needs to sell securities in order to meet disbursement needs or to take advantage of interest rates, the City Manager and the Director of Finance must both approve the sale of the security.

5.0 Arbitrage

Arbitrage rebate provisions require that the City compute earnings on investments from each issue of bonds on an annual basis to determine if a rebate to the IRS is required. The City is required to perform specific calculations relative to the actual yield earned on the investment of the funds and the yield that could have been earned if the funds had been invested at a rate equal to the yield on the bonds sold by the City. The regulations require extreme precision in the monitoring and recording facets of the investments as a whole, and particularly as it relates to yields and computations to insure compliance. Failure to comply can

dictate that the bonds become taxable, retroactively from the date of issuance, or subject the City to severe penalties.

The City's investment position as it relates to arbitrage regulations is as follows: Investments on bond proceeds will be made with safety of principal and liquidity in mind, but with a competitive rate of return. When project timing and cash flows allow, bond proceeds may be invested in instruments allowed under Section 3.0, if the investment can be purchased solely with the individual bond proceeds, and not commingled with operating funds or multiple issues. All investments purchased with bond funds shall be documented clearly and reported to the City's arbitrage consultant for tracking and review. Arbitrage rebate calculations will be performed annually on all debt issues and funds set aside annually for any positive arbitrage. Arbitrage will be rebated to the IRS, as necessary.

6.0 Investment Reporting

The Investment Officers shall report to City Council on no less than a quarterly basis in accordance with the Act (2256.023). The report shall include a detailed listing of all purchases, sales, and payments and a description of each security held as well as management summary information.

The report must be prepared and signed by all Investment Officers and contain a statement of compliance with regard to the City's Investment Policy and the Act (2256.023).

Market prices used to determine market value in the investment reports shall be obtained from an independent source.

7.0 INVESTMENT COLLATERAL AND SAFEKEEPING

7.01 Collateral

The Investment Officer(s) or Investment Advisor shall ensure that all City funds in time and demand deposits, certificates of deposits and/or repurchase agreements are insured or collateralized consistent with the Public Funds Collateral Act (Texas Government Code 2257) and federal law as well as the then current bank depository contract. The City chooses to accept collateral based on the list of investments authorized under the Public Funds Investment Act. The right of collateral substitution is granted with the approval of the Director or Assistant Director of Finance. The Director or Assistant Director of Finance may approve and release pledged collateral. The City shall request additional

collateral in the event Investment Officer(s) deems that deposits or investments are not sufficiently protected by the pledged collateral.

Collateral will equal 102% of the ledger balance of time and demand deposits, plus principal and accrued interest on certificates of deposit, and repurchase agreements and be held by an independent party outside the bank's or counter-parties' holding company. Pledged collateral will be evidenced by original safekeeping receipts, which are held at the Federal Reserve Bank and readily available to the City. The City's bank and/or counter-party will be responsible for the monitoring and maintaining of margin levels at all times.

7.02 Safekeeping

All City securities shall be held in independent safekeeping by the City, the City's depository bank or a City approved custodian in a third party financial institution. All safekeeping will be evidenced by original safekeeping receipts. Safekeeping receipts shall be maintained by the Investment Officer(s), and shall be available for review upon request.

8.0 INVESTMENT POLICY ADOPTION

The City's Investment Policy shall be adopted by resolution annually by the City Council. The policy shall be reviewed annually by the Investment Committee. Any modifications made thereto must be approved by the City Council and documented by formal action.

GLOSSARY

Accrued Interest: Term designating the interest due on a bond or other fixed income security that must be paid by the buyer of a security to its seller.

Agency: A security, almost always debt, issued by a corporation sponsored by the U.S. Government. Examples: bonds of the Tennessee Valley Authority.

Agency Notes: One to two year obligations offered at a discount from par by U.S. Government Agencies, such as the Federal National Mortgage Association, the Federal Home Administration, and the Farm Credit System.

Bid: The price offered by a buyer of securities – when you are selling securities, you ask for a bid.

Broker: A broker brings buyers and sellers together for a commission.

Certificate of Deposit (CD): A time deposit with a specific maturity evidenced by a certificate.

Collateral: Evidence of deposit or other property, which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Component Unit: Based on generally accepted account principles, the Pearland Economic Development Corporation, TIRZ #2, and the Development Authority of Pearland are considered component units of the City, and as such are included in the City's annual financial reports.

Confirmation: Commonly called a "confirm." The confirmation is a notice to a customer that payment is due on a purchase, or that net proceeds are available on a sale of securities. Federal securities law requires that a confirmation be sent promptly following each purchase and sale.

Conflict of Interest: Term used to describe a financial situation where a person prejudicially places personal affairs before those of constituents that the person is supposed to serve or represent.

Coupon: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

Current Maturity: Used to designate the remaining lifetime of an already outstanding bond.

Dealer: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

Delivery versus Payment: Delivery of securities first, with an exchange of money for the securities after delivery.

Derivatives: (a) Financial instruments whose return profile is linked to, or derived from, the movement of one or more underlying indices or securities, and may include a leveraging factor, or (2) financial contracts based upon notional amounts whose value is derived from an underlying index or security.

Discount: The difference between the cost price of a security and its maturity value when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

Discount Securities: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value. Example: U.S. Treasury Bills.

Discount Yield: Measurement of return that computes interest on face value of security rather than on the dollar amount invested. Used in figuring yield on U.S. Treasury Bills.

Diversification: Dividing investment funds among a variety of securities offering independent returns.

Equivalent Bond Yield: Used to compare the discount yield on money market securities to the coupon yield on government bonds.

Face Value: The dollar amount that appears on the face of the bond certificate. It is the dollar amount the issuer promises to pay to the holder at maturity. Also called par value.

Federal Credit Agencies: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals. Examples: S&L's, small business firms, students, farmers, farm cooperatives.

Federal Deposit Insurance Corporation (FDIC): A federal agency that insures bank deposits, currently up to $250,000~~100,000~~ per depositor.

Federal Funds Rate: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

Federal Farm Credit Bank (FFCB): Fiscal agent for the Farm Credit System, a public government sponsored enterprise (GSE) created in 1916 to lend to agricultural and rural America. Funds for loans are obtained through the issuance of Farm Credit Debt Securities.

Federal Home Loan Bank (FHLB): Government sponsored wholesale banks (currently 12 regional banks), which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions, and insurance companies. The mission of the FHLB is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

Federal Home Loan Mortgage Corporation (FHLMC or Freddie Mac): Public government sponsored enterprise (GSE) created in 1970 to expand the secondary market for mortgages in the US. Along with other GSEs, Freddie

Mac buys mortgages on the secondary market, pools them, and sells them as a mortgage-backed security to investors on the open market. This secondary mortgage market increases the supply of money available for mortgage lending and increases the money available for new home purchases.

Federal National Mortgage Association (FNMA or Fannie Mae): FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. FNMA, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

Federal Open Market Committee (FOMC): Consists of the seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

Federal Reserve System: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

Financial Assets: Cash and other assets that, in the normal course of operations, will become cash.

Government National Mortgage Association (GNMA or Ginnie Mae): A fixed income security that represents an undivided interest in a pool of federally insured mortgages put together by GNMA. GNMA securities are commonly backed by FHA or VA mortgages.

Liquidity: A liquid assets is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable sizes can be done at those quotes.

Local Government Investment Pool (LGIP): An entity created under the public funds investment act to invest public funds jointly on behalf of the entities that participate in the pool and whose investment objectives in order of priority are 1) preservation and safety of principal, 2) liquidity, and 3) yield.

Market Value: The price at which a security is trading and could presumably be purchased or sold.

Master Repurchase Agreement: A written contract covering all future transactions between the parties to repurchase-reverse repurchase agreements that establishes each party's rights in the transactions.

Maturity: The date upon which the principal or stated value of an investment becomes due and payable.

Money Market: The market in which short-term debt instruments (bills, commercial paper, etc.) with a one-year maturity or less, and often 30-days or less, are issued and traded.

Offer: The price asked by a seller of securities.

Overnight Repo: A repurchase agreement with expiration set for the following business day.

Par Value: The dollar amount that appears on the face of the bond certificate. It is the dollar amount the issuer promises to pay to the holder at maturity. Also, called face value.

Portfolio: Collection of securities held by an investor.

Primary Dealer: A designation given by the Federal Reserve System to commercial banks or broker/dealers who meet specific criteria, including capital requirements and participation in Treasury auctions.

Principal: The face amount (par value) of a debt security.

Rate of Return: The yield obtainable on a security based on its purchase price or its current market price. For bonds and notes, it is the coupon rate divided by the price.

Repurchase Agreement (REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date.

Safekeeping: A services to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vault for protection.

Secondary Market: A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities and Exchange Commission: Agency created by Congress to protect investors in security related transactions by administering securities legislation.

Sell: To transfer ownership for a monetary consideration. The term is used in conjunction with the disposition of stocks, bonds, or other financial assets.

Structured Notes: Notes issued by Government Sponsored Enterprises (FFCB, FHLB, FHLMC, FNMA, SLMA, etc.) and Corporations that have imbedded options (e.g.: call features, step-up coupons, floating rate coupons, derivative based returns) into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options and shifts in the shape of the yield curve.

Treasury Bills: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

Treasury Bonds: Long-term coupon bearing U.S. Treasury Securities issued as direct obligations of the U. S. Government and having initial maturities of more than 10 years.

Treasury Notes: Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to ten years.

Uniform Net Capital Rule: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio.

ATTACHMENT A

CERTIFICATION BY BUSINESS ORGANIZATION

This certification is executed on behalf of City of Pearland (the Investor) and _____ (the Business Organization) pursuant to the Public Funds Investment Act, Chapter 2256, Texas Government Code (the Act) in connection with investment transactions conducted between the Investor and the Business Organization.

The undersigned Qualified Representative of the Business Organization hereby certifies on behalf of the Business Organization that:

1. The undersigned is a Qualified Representative of the Business Organization offering to enter into an investment transaction with the Investor as such terms are used in the Public Funds Investment Act, Chapter 2256, Texas Government Code and

2. The Qualified Representative of the Business Organization has received and reviewed the Investment Policy furnished by the Investor and

3. The Qualified Representative of the Business Organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment transactions conducted between the Business Organization and the Investor that are not authorized by the entity's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or required an interpretation of subjective investment standards.

4. The Business Organization will rely upon instructions from only the persons authorized on behalf of the City of Pearland as stated in the Investment Policy and City's resolution designating investment officers.

Qualified Representative of the Business Organization

Signature: _____
Name: _____
Title: _____
Date: _____

ATTACHMENT B

APPROVED/AUTHORIZED LIST OF BROKER/DEALERS

Comerica Securities
Duncan Williams
First Southwest Company
Frost National Bank
Wells Fargo Securities
CastleOak Securities
Gilford Securities

Certificates of deposit may be purchased from Texas depository institutions, which are not on the approved broker/list, as they are considered depository in nature. Certificates of deposit purchased from brokerage firms, however, must be on the approved broker/dealer list as they fall under the Public Funds Investment Act. All deposits over the FDIC limit must be collateralized.

CITY OF PEARLAND
INVESTMENT STRATEGY

The City of Pearland shall adopt by resolution a separate written investment strategy for each of the funds under its control. For Investment purposes, the City shall use a "Pooled Fund Group" which means that all funds under the City's control shall be treated as one fund.

INVESTMENT STRATEGY

I. Suitability

Investments are to be purchased based on the financial requirements of the City. The City of Pearland shall strive to maintain the level of investment of all fund balances, reserves and bond funds as close as possible to 100%. Any investment eligible in the Investment Policy is suitable for all City funds, including component units.

II. Safety of Principal

Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. All investments shall be of high quality with no perceived default risk. It is the City's full intent, at the time of purchase, to hold all investments until maturity in order to ensure the return of all invested principal.

III. Liquidity

The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that might be reasonably anticipated. Liquidity shall be achieved by matching investment maturities with budgetary and economic cycles, and forecasted cash flow requirements. A portion of the portfolio will be maintained in liquid short-term securities that can be converted to cash if necessary to meet disbursement requirements. Investment pools and money market mutual funds provide daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.

IV. Marketability

The City shall invest in securities that, if the need arises, can be liquidated before maturity. Investments will never be prematurely

sold at less than book value plus accrued interest, without the approval of the Director of Finance and the City Manager.

V. Diversification

The City will diversity its investments by security type and by broker/dealer. With the exception of U.S. Treasury securities and fully collateralized demand deposit accounts, no more than 75% of the City's total investment portfolio will be invested in a single security type.

VI. Yield

The investment portfolio shall obtain a competitive rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs. The City shall attempt to obtain an acceptable return provided that the requirements of safety and liquidity are first met. The yield of the one-year U.S. Treasury Bill shall be a yield objective or benchmark as well as benchmarked against an agency note with maturity, which approximates the weighted average maturity of the portfolio.

ATTACHMENT B

APPROVED/AUTHORIZED LIST OF BROKER/DEALERS

Comerica Securities
Duncan Williams
First Southwest Company
Frost National Bank
Wells Fargo Bank
CastleOak Securities
Gilford Securities

Certificates of deposit may be purchased from Texas depository institutions, which are not on the approved broker/list, as they are considered depository in nature. Certificates of deposit purchased from brokerage firms, however, must be on the approved broker/dealer list as they fall under the Public Funds Investment Act. All deposits over the FDIC limit must be collateralized.

Consent Agenda Item H

H. **Consideration and Possible Action – Resolution No. R2014-112 –** 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 engineering services with AARK Engineering, in the amount of $155,250.00, for the Southdown Wastewater Treatment Plant Rehabilitation Project.

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

AGENDA OF: September 22, 2014	**ITEM NO.:** Resolution No. R2014-112
DATE SUBMITTED: September 3, 2014	**DEPT. OF ORIGIN:** Engineering &Projects
PREPARED BY: S Jones	**PRESENTOR:** S Jones
REVIEWED BY: Trent Epperson	**REVIEW DATE:** September 15, 2014

SUBJECT: Engineering Services Contract- Southdown Wastewater Rehabilitation

EXHIBITS: R2014-112 A - Consultant Proposal and Professional Service Contract

FUNDING:

☐**Grant** ☐**Developer/Other** ☐**Cash**

☐**Bonds To Be Sold** ☐**Bonds- Sold** ☐**L/P – Sold** ☐**L/P – To Be Sold**

EXPENDITURE REQUIRED:$155,250 **AMOUNT BUDGETED: 97,635**
AMOUNT AVAILABLE: $61,950 **PROJECT NO.: WW1201**
ACCOUNT NO.:
ADDITIONAL APPROPRIATION REQUIRED: $95,000
ACCOUNT NO.: transfer from Fund 301 to Fund 67
PROJECT NO.: WW1001

To be completed by Department:
Finance **X Legal** **Ordinance** **X Resolution**

EXECUTIVE SUMMARY

RECOMMENDED ACTION

Consideration and approval of a resolution approving an Engineering Services Contract with ARKK Engineering for the Southdown Wastewater Plant Rehabilitation Project, in the amount of $155,250 and authorizing the City Manager to execute the contract

BACKGROUND

The 2013 CIP established funding to study the Southdown WWTP to determine the best course of action for the future to either expand the existing plan or to rehabilitate the existing plant with the objective of abandoning it in the near future as part of the Regionalization plan. That study, “Wastewater Planning for the Southdown Service Area”, was completed in May 2013 and reviewed eight options including, re-routing influent flows to another treatment facility and decommissioning the plant. This review confirmed that continued operational and maintenance costs plus the cost to provide a 1 MGD expansion in ten to twelve years would be

better spent consolidating treatment in one of four regional plants (Far Northwest) and eventually eliminating the Southdown Plant. The Study identified seven system components within the existing plant that required replacement in order to maintain efficient plant operations until approximately 2024 when flows were projected to be diverted to the expanded Far Northwest Plant.

SCOPE OF CONTRACT/AGREEMENT

In a slight departure from routine design contracts, the subject proposal and contract include standard design, bid and construction phase services but add to this Construction Management and Inspection services and overall Project Management services. This scope was specifically requested to supplement Projects staff resources due to existing high work-loads, numerous projects and the additional work involved in managing the TxDoT LGPP projects. Under this scope the Consultant will act as the City's project manager to oversee Design and Bid Phase activities such as advertisement, responding to bidder questions, managing the bid and preparation of contract documents and then fully manage field activities once the project has been awarded.

BID AND AWARD

N/A

SCHEDULE

Design phase activities are scheduled for 180 days to prepare plans and specifications and a detailed description of the work. Bid phase activities are scheduled for 60 days and generally include the advertisement time, a pre-bid meeting and the response time for any questions. Construction phase is scheduled for 210 calendar days. In total the project is scheduled for 450 days to completed construction phase.

POLICY/GOAL CONSIDERATION

Rehabilitation of the Southdown Treatment Plant will extend its operational life into the time frame for the eventual decommissioning and transfer of flows to Far Northwest Plant. The project is an effective investment in infrastructure to reduce long-term operating costs.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Year	To Date	2015	2016	2017	2018	Total
Budget	**$ 192,231**	**$ 540,545**				**$ 732,776**
Prior Expenditures						
PER	35,281					35,281
Land/ROW						-
Design/Survey						-
Construction						-
FF&E						-
Current Request						
Design/Survey	**155,250**					**155,250**
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction		975,000				975,000
FF&E						-
Total Expenditures	**$ 190,531**	**$ 975,000**	**$ -**	**$ -**	**$ -**	**$ 1,165,531**
Remaining Balance	**$ 1,700**	**$ (432,755)**	**$ (432,755)**	**$ (432,755)**	**$ (432,755)**	**$ (432,755)**

Debt Sold						
Debt to Be Sold						
Annual Debt Service						

O&M IMPACT INFORMATION

Year	2014	2015	2016	2017	2018
Operation and Maintenance Costs					

RESOLUTION NO. R2014-112

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 engineering services with AARK Engineering, in the amount of $155,250.00, for the Southdown Wastewater Treatment Plant Rehabilitation Project.

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

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

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest a contract for engineering services associated with the Southdown Wastewater Treatment Rehabilitation Project.

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

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

CONTRACT FOR PROFESSIONAL SERVICES

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

The CITY engages the CONSULTANT to perform professional services for a project known and described as Southdown Wastewater Treatment Plant Rehabilitation("PROJECT"). (Project # WW1201)

SECTION I - SERVICES OF THE CONSULTANT

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

A. The CONSULTANT shall provide professional engineering Services. See Exhibit A, attached, for a detailed SCOPE OF WORK and PROJECT schedule. The PROJECT schedule shall be submitted in digital and hard copy form in the Microsoft Project for Windows format.

B. The CONSULTANT shall prepare and submit a detailed opinion of estimated cost of the PROJECT.

C. The CONSULTANT acknowledges that the CITY (through its employee handbook) considers the following to be misconduct that is grounds for termination of a CITY employee: Any fraud, forgery, misappropriation of funds, receiving payment for services not performed or for hours not worked, mishandling or untruthful reporting of money transactions, destruction of assets, embezzlement, accepting materials of value from vendors, or consultants, and/or collecting reimbursement of expenses made for the benefit of the CITY. The CONSULTANT agrees that it will not, directly or indirectly; encourage a CITY employee to engage in such misconduct.

D. The CONSULTANT shall submit all final construction documents in both hard copy and electronic format. Plans shall be AutoCAD compatible and all other documents shall be Microsoft Office compatible. The software version used shall be compatible to current CITY standards. Other support documents, for example, structural calculations, drainage reports and geotechnical reports, shall be submitted in hard copy only. All Record Drawings electronic files shall be submitted to the CITY in TIF format.

E. The CONSULTANT recognizes that all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT shall be delivered to the CITY upon request, shall become subject to the Open Records Laws of this State.

F. The CONSULTANT shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons, damages to property, or any errors and omissions relating to the performance of any work by the CONSULTANT, its agents, employees or subcontractors under this Agreement, as follows:

(1) Workers' Compensation as required by law.

(2) Professional Liability Insurance in an amount not less than $1,000,000 in the aggregate.

(3) Comprehensive General Liability and Property Damage Insurance with minimum limits of $1,000,000 for injury or death of any one person, $1,000,000 for each occurrence, and $1,000,000 for each occurrence of damage to or destruction of property.

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

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

G. The CONSULTANT shall indemnify and hold the CITY, its officers, agents, and employees, harmless from any claim, loss, damage, suit, and liability of every kind for which CONSULTANT is legally liable, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person, for damage to any property, or errors in design, any of which are caused by the negligent act or omission of the CONSULTANT, his officers, employees, agents, or subcontractors under this CONTRACT.

H. All parties intend that the CONSULTANT, in performing services pursuant to this CONTRACT, shall act as an independent contractor and shall have control of its own work and the manner in which it is performed. The CONSULTANT is not to be considered an agent or employee of the CITY.

SECTION II - PERIOD OF SERVICE

This CONTRACT will be binding upon execution and end 450 calendar days after the notice to proceed is issued.

SECTION III - CONSULTANT'S COMPENSATION

A. The total compensation for the services performed shall not exceed the total noted in Section B.

B. The CITY shall pay the CONSULTANT in installments based upon monthly progress reports and detailed invoices submitted by the CONSULTANT based upon the following:

1.	Design and Bid Phase (Lump Sum)	$76,100.00
2.	Reproduction: Cost plus 10% amount of:	$750.00
3.	Construction Administration Services (Lump Sum)	$13,400.00
4.	Construction Management & Inspection Services (Hourly not to Exceed and cost plus 10%)	$61,725.00
5.	Daily Vehicle Cost ($25 daily) vehicle cost, not to exceed)	$3,275.00
6.	**Total:**	**$155,250.00**

C. The CITY shall make payments to the CONSULTANT within thirty (30) days after receipt and approval of a detailed invoice. Invoices shall be submitted on a monthly basis.

SECTION IV - THE CITY'S RESPONSIBILITIES

A. The CITY shall designate a project manager during the term of this CONTRACT. The project manager has the authority to administer this CONTRACT and shall monitor compliance with all terms and conditions stated herein. All requests for information from or a decision by the CITY on any aspect of the work shall be directed to the project manager.

B. The CITY shall review submittals by the CONSULTANT and provide prompt response to questions and rendering of decisions pertaining thereto, to minimize delay in the progress of the CONSULTANT'S work. The CITY will keep the CONSULTANT advised concerning the progress of the CITY'S review of the work. The CONSULTANT agrees that the CITY'S inspection, review, acceptance or approval of CONSULTANT'S work shall not relieve CONSULTANT'S responsibility for errors or omissions of the CONSULTANT or *its sub-consultant(s) or in any way affect the CONSULTANT'S status as an* independent contractor of the CITY.

SECTION V - TERMINATION

A. The CITY, at its sole discretion, may terminate this CONTRACT for any reason -- with or without cause -- by delivering written notice to CONSULTANT personally or by certified mail at 7322 Southwest Freeway Suite 1040, Houston, Texas 77074. Immediately after receiving such written notice, the CONSULTANT shall discontinue providing the services under this CONTRACT.

B. If this CONTRACT is terminated, CONSULTANT shall deliver to the CITY all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT, entirely or partially completed, together with all unused materials supplied by the CITY on or before the 15th day following termination of the CONTRACT.

C. In the event of such termination, the CONSULTANT shall be paid for services performed prior to receipt of the written notice of termination. The CITY shall make final payment within sixty (60) days after the CONSULTANT has delivered to the CITY a detailed invoice for services rendered and the documents or work product generated by the CONSULTANT under the CONTRACT.

D. If the remuneration scheduled under this contract is based upon a fixed fee or definitely ascertainable sum, the portion of such sum payable shall be proportionate to the percentage of services completed by the CONSULTANT based upon the scope of work.

E. In the event this CONTRACT is terminated, the CITY shall have the option of completing the work, or entering into a CONTRACT with another party for the completion of the work.

F. If the CITY terminates this CONTRACT for cause and/or if the CONSULTANT breaches any provision of this CONTRACT, then the CITY shall have all rights and remedies in law and/or equity against CONSULTANT. Venue for any action or dispute arising out of or relating to this CONTRACT shall be in Brazoria County, Texas. The laws of the State of Texas shall govern the terms of this CONTRACT. The prevailing party in the action shall be entitled to recover its actual damages with interest, attorney's fees, costs and expenses incurred in connection with the dispute and/or action. CONSULTANT and CITY desire an expeditious means to resolve any disputes that may arise between under this CONTRACT. To accomplish this, the parties agree to mediation as follows: If a dispute arises out of or relates to this CONTRACT, or the breach thereof, and if the dispute cannot be settled through negotiation, then the parties agree first to try in good faith, and before pursuing any legal remedies, to settle the dispute by mediation of a third party who will be selected by agreement of the parties.

SECTION VI – ENTIRE AGREEMENT

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

SECTION VII – COVENANT AGAINST CONTINGENT FEES

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

SECTION VIII- SUCCESSORS AND ASSIGNS

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

CITY OF PEARLAND, TEXAS	DATE
CONSULTANT	9/10/2014 DATE

August 22, 2014

Mr. Skipper Jones MPM, CIPM
Assistant Director, Projects Department
City of Pearland
3519 Liberty Drive
Pearland, TX 77581

Re: **Proposal for Engineering Services for Improvements to the Southdown Wastewater Treatment Plant**

Dear Mr. Jones:

ARKK Engineers, LLC (ARKK) is pleased to submit this proposal for engineering services associated with the referenced project. This proposal is based on our meetings and conversations and information provided by the City. A brief overview of the project and scope of services are provided below:

GENERAL OVERVIEW

Based on our site visits to the Southdown Wastewater Treatment Plant, and as documented in our 2012 planning report for the Southdown Service Area, ARKK has developed a list of improvements that should be made to the Southdown WWTP in order to extend the life of the plant and to improve plant operations. The plant is generally in good condition overall, but does have some areas where improvements would be very beneficial. These needed improvements can be summarized as:

- Rehabilitate influent lift station wet well with corrosion-resistant wall liner; Replace pump discharge piping within the wet well.
- Retrofit and rehabilitate the two existing Parkson rotating fine screens.
- Replace sludge airlift pump boxes in aeration basins with stainless steel
- Install process water sprayer assembly at existing clarifier
- Drain clarifier and replace corner sweeps on clarifier mechanism; install custom stamford baffles on square clarifiers.
- Repair sand filter (media, cell walls, misc. mechanical repairs).
- Install gravel road between WWTP and McHard Extension to reroute sludge trucks away from neighborhood; install chain link gate at plant; Install bar gate at McHard; connect

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gravel road to concrete driveway at McHard; and provide an asphalt surface on the proposed gravel road if funds allow.

In addition to the above items, City staff has identified additional items that should be performed at the WWTP. These are summarized as follows:

- Replace drain valve for the chlorine contact basin.
- Replace check valves the lift station discharge piping.
- Replace clamp with piping at lift station
- Paint all piping and valves at the plant
- Add non potable lines to the front of plant and bury
- Bury existing non potable lines
- Replace lift pumps in lift station
- Replace the manual bar screen and box at the plant headworks
- Extend non-potable water to the Parkson fine screens.
- Replace baffles on clarifier #1
- Reseal leaking weirs on clarifiers
- Install new larger scum trough and arm on clarifiers
- Add new pumps (backwash and skimmer) to sand filter)
- Replace backwash trough on sand filter
- Replace valve on back of sand filter (leaks)
- Replace return boxes
- New clarifier drives on both clarifiers
- Replace air valves on both digesters
- Replace all air drops broken /rusted in aeration and splitter box
- Install a curb around the headworks /dumpster area
- Replace all rusted valves

An order-of-magnitude construction cost of the above listed items is **$975,000.**

SCOPE OF SERVICES

A. DESIGN AND BID PHASE

- ARKK will prepare:
    - Construction contract documents suitable for bidding in the City's format.
    - Technical specifications of the proposed work items.

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- Detailed summary of work document describing in detail the work to be performed.
- Any drawings prepared will be 8.5x11 or 11x17 and bound with the technical specifications.
  - Lift Station Rehabilitation – ARKK will prepare a schematic sketch (11x17 drawing) of the lift station and technical specifications for the rehabilitation of the wet well walls.
  - Special Equipment Repair and Service – ARKK will prepare a written scope of work (drawings not required for this work).
  - Road and Site Work – ARKK will prepare:
    - A schematic plan view sketch (11x17 drawing) of the gravel road alignment, which will connect to the existing concrete driveway on McHard Road
    - Gravel road cross section detail
    - Chain link fence and gate detail
    - Bar gate detail
  - Mechanical and Process Improvements – ARKK will prepare:
    - Schematic details (8.5x11 drawings to be bound with the technical specifications) of items where it is determined that more detail is needed to bid and construct the mechanical & process equipment improvements.

- Provide two (2) draft sets of 60% and 90% completion design documents and cost estimates for the project for City review and comments.

  - ARKK will assist the City to advertise for bids. These tasks include the following items:
    - During the bidding process, provide information to and answer questions from potential bidders concerning the Project's construction documents.

    - Coordinate and participate in the pre-bid conference for the project.

    - Evaluate the bids and the qualifications of the apparent low bidder and advise the City as to the acceptability of the apparent low bidder and prepare a letter of recommendation.

- This scope does not include any surveying services or geotechnical services, as these are not believed to be needed at this time.

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B. CONSTRUCTION PHASE

Construction Administration Services

- Conduct a pre-construction conference for the project.
- Act as the City's Project representative during the construction phase.
- Review and respond accordingly to all submittals as required by the contract specifications.
- Prepare change orders necessitated by field conditions.
- Review the contractor's pay estimates, evaluate the completion of work and make payment recommendations to the City.
- Visit the site at intervals appropriate to the various stages of construction to observe the progress and quality of executed work and to determine in general if such work is proceeding in accordance with the Contract Documents.
- ARKK will not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor(s) or the safety precautions and programs incident to the work of the Contractor(s). ARKK's effort will be directed toward providing a greater degree of confidence for the City that the completed work of Contractor(s) will conform to the Contract Documents, but ARKK will not be responsible for the failure of Contractor(s) to perform the work in accordance with the Contract Documents. During site visits and on the basis of on-site observations ARKK shall keep the City informed of the progress of the work, shall endeavor to guard the City against defects and deficiencies in such work and may disapprove or reject work failing to conform to the Contract Documents.
- Conduct a final inspection of the Project and make a recommendation for Final Payment on the project.

Construction Management & Inspection Services

- ARKK will provide Construction Management and Inspection services that will include providing one (1) project site representative to observe the construction of the proposed improvements. The estimated construction duration for the project is 210 calendar days.

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- The fee budget for the construction observation services is based on the site representative being on site an average 20 hours/week for the 210 day calendar day project. The Construction Inspector will be on-site for fewer days per week during the initial and completion stages of the work, and more often during the middle portion of the construction contract when the work is most active.

- ARKK personnel will coordinate with the City and the Construction Contractor regarding the construction activities.

- Provide engineering and technical office personnel support throughout construction. These office personnel, consisting of Professional Engineers and design staff, provide on-site support to address contractor's questions, and resolve conflicts uncovered in the field.

FEE

Design and Bid Phase: The lump sum amount of:	$76,100.00
Reproduction: Cost plus 10% amount of:	$750.00
Construction Administration Services: The lump sum amount of:	$13,400.00
Construction Management & Inspection Services: (Hourly not to Exceed and cost plus 10%)	$61,725.00
Daily Vehicle Cost: ($25 daily) vehicle cost, not to exceed)	$ 3,275.00
Total Fee:	**$155,250.00**

ARKK Engineers, LLC will submit monthly progress invoices for all work completed to invoice date. Hourly charges for on-site field representative shall be charged based on a raw labor rate times a multiplier of 2.70. Hourly rates for office personnel shall be charged based on a raw labor rate times a multiplier of 2.99. Hourly rates for ARKK principal acting in the role of Project Manager and/or Construction Manager shall not exceed $150.00 per hour. Reimbursable expenses will be charged at cost plus 10%.

Additional services beyond those described in the Scope of Services will be invoiced on the basis of direct labor costs times a factor of 2.99 and direct cost plus 10%. No additional services will be performed or invoiced without prior authorization from the City of Pearland.

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ARKK Engineers appreciates the opportunity to submit this proposal and we look forward to continuing our work with the City of Pearland.

Sincerely,
ARKK Engineers, LLC.

David W. Kasper, P.E.
Senior Project Manager / Principal

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RATE SCHEDULE

Employee Classification	Billing Rate
Construction Manager	$150/hour
Project Manager	$150/hour
Site Representative	$83.40/hour
Assistant Construction Manager	$97.75/hour

PROJECT SCHEDULE

Design Phase	–	180 days from Notice to Proceed
Bid & Award Phase	–	60 Days
Construction Phase	–	210 Calendar Days

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CONTRACT FOR PROFESSIONAL SERVICES

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

The CITY engages the CONSULTANT to perform professional services for a project known and described as Southdown Wastewater Treatment Plant Rehabilitation("PROJECT"). (Project # WW1201)

SECTION I - SERVICES OF THE CONSULTANT

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

A. The CONSULTANT shall provide professional engineering Services. See Exhibit A, attached, for a detailed SCOPE OF WORK and PROJECT schedule. The PROJECT schedule shall be submitted in digital and hard copy form in the Microsoft Project for Windows format.

B. The CONSULTANT shall prepare and submit a detailed opinion of estimated cost of the PROJECT.

C. The CONSULTANT acknowledges that the CITY (through its employee handbook) considers the following to be misconduct that is grounds for termination of a CITY employee: Any fraud, forgery, misappropriation of funds, receiving payment for services not performed or for hours not worked, mishandling or untruthful reporting of money transactions, destruction of assets, embezzlement, accepting materials of value from vendors, or consultants, and/or collecting reimbursement of expenses made for the benefit of the CITY. The CONSULTANT agrees that it will not, directly or indirectly; encourage a CITY employee to engage in such misconduct.

D. The CONSULTANT shall submit all final construction documents in both hard copy and electronic format. Plans shall be AutoCAD compatible and all other documents shall be Microsoft Office compatible. The software version used shall be compatible to current CITY standards. Other support documents, for example, structural calculations, drainage reports and geotechnical reports, shall be submitted in hard copy only. All Record Drawings electronic files shall be submitted to the CITY in TIF format.

E. The CONSULTANT recognizes that all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT shall be delivered to the CITY upon request, shall become subject to the Open Records Laws of this State.

F. The CONSULTANT shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons, damages to property, or any errors and omissions relating to the performance of any work by the CONSULTANT, its agents, employees or subcontractors under this Agreement, as follows:

(1) Workers' Compensation as required by law.

(2) Professional Liability Insurance in an amount not less than $1,000,000 in the aggregate.

(3) Comprehensive General Liability and Property Damage Insurance with minimum limits of $1,000,000 for injury or death of any one person, $1,000,000 for each occurrence, and $1,000,000 for each occurrence of damage to or destruction of property.

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

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

G. The CONSULTANT shall indemnify and hold the CITY, its officers, agents, and employees, harmless from any claim, loss, damage, suit, and liability of every kind for which CONSULTANT is legally liable, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person, for damage to any property, or errors in design, any of which are caused by the negligent act or omission of the CONSULTANT, his officers, employees, agents, or subcontractors under this CONTRACT.

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SECTION II - PERIOD OF SERVICE

This CONTRACT will be binding upon execution and end 450 calendar days after the notice to proceed is issued.

SECTION III - CONSULTANT'S COMPENSATION

A. The total compensation for the services performed shall not exceed the total noted in Section B.

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1.	Design and Bid Phase (Lump Sum)	$76,100.00
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5.	Daily Vehicle Cost ($25 daily) vehicle cost, not to exceed)	$3,275.00
6.	**Total:**	**$155,250.00**

C. The CITY shall make payments to the CONSULTANT within thirty (30) days after receipt and approval of a detailed invoice. Invoices shall be submitted on a monthly basis.

SECTION IV - THE CITY'S RESPONSIBILITIES

A. The CITY shall designate a project manager during the term of this CONTRACT. The project manager has the authority to administer this CONTRACT and shall monitor compliance with all terms and conditions stated herein. All requests for information from or a decision by the CITY on any aspect of the work shall be directed to the project manager.

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SECTION V - TERMINATION

A. The CITY, at its sole discretion, may terminate this CONTRACT for any reason -- with or without cause -- by delivering written notice to CONSULTANT personally or by certified mail at 7322 Southwest Freeway Suite 1040, Houston, Texas 77074. Immediately after receiving such written notice, the CONSULTANT shall discontinue providing the services under this CONTRACT.

B. If this CONTRACT is terminated, CONSULTANT shall deliver to the CITY all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT, entirely or partially completed, together with all unused materials supplied by the CITY on or before the 15th day following termination of the CONTRACT.

C. In the event of such termination, the CONSULTANT shall be paid for services performed prior to receipt of the written notice of termination. The CITY shall make final payment within sixty (60) days after the CONSULTANT has delivered to the CITY a detailed invoice for services rendered and the documents or work product generated by the CONSULTANT under the CONTRACT.

D. If the remuneration scheduled under this contract is based upon a fixed fee or definitely ascertainable sum, the portion of such sum payable shall be proportionate to the percentage of services completed by the CONSULTANT based upon the scope of work.

E. In the event this CONTRACT is terminated, the CITY shall have the option of completing the work, or entering into a CONTRACT with another party for the completion of the work.

F. If the CITY terminates this CONTRACT for cause and/or if the CONSULTANT breaches any provision of this CONTRACT, then the CITY shall have all rights and remedies in law and/or equity against CONSULTANT. Venue for any action or dispute arising out of or relating to this CONTRACT shall be in Brazoria County, Texas. The laws of the State of Texas shall govern the terms of this CONTRACT. The prevailing party in the action shall be entitled to recover its actual damages with interest, attorney's fees, costs and expenses incurred in connection with the dispute and/or action. CONSULTANT and CITY desire an expeditious means to resolve any disputes that may arise between under this CONTRACT. To accomplish this, the parties agree to mediation as follows: If a dispute arises out of or relates to this CONTRACT, or the breach thereof, and if the dispute cannot be settled through negotiation, then the parties agree first to try in good faith, and before pursuing any legal remedies, to settle the dispute by mediation of a third party who will be selected by agreement of the parties.

SECTION VI – ENTIRE AGREEMENT

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

SECTION VII – COVENANT AGAINST CONTINGENT FEES

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

SECTION VIII- SUCCESSORS AND ASSIGNS

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

CITY OF PEARLAND, TEXAS	DATE
CONSULTANT	9/10/2014 DATE

ARKK ENGINEERS

August 22, 2014

Mr. Skipper Jones MPM, CIPM
Assistant Director, Projects Department
City of Pearland
3519 Liberty Drive
Pearland, TX 77581

Re: **Proposal for Engineering Services for Improvements to the Southdown Wastewater Treatment Plant**

Dear Mr. Jones:

ARKK Engineers, LLC (ARKK) is pleased to submit this proposal for engineering services associated with the referenced project. This proposal is based on our meetings and conversations and information provided by the City. A brief overview of the project and scope of services are provided below:

GENERAL OVERVIEW

Based on our site visits to the Southdown Wastewater Treatment Plant, and as documented in our 2012 planning report for the Southdown Service Area, ARKK has developed a list of improvements that should be made to the Southdown WWTP in order to extend the life of the plant and to improve plant operations. The plant is generally in good condition overall, but does have some areas where improvements would be very beneficial. These needed improvements can be summarized as:

- Rehabilitate influent lift station wet well with corrosion-resistant wall liner; Replace pump discharge piping within the wet well.
- Retrofit and rehabilitate the two existing Parkson rotating fine screens.
- Replace sludge airlift pump boxes in aeration basins with stainless steel
- Install process water sprayer assembly at existing clarifier
- Drain clarifier and replace corner sweeps on clarifier mechanism; install custom stamford baffles on square clarifiers.
- Repair sand filter (media, cell walls, misc. mechanical repairs).
- Install gravel road between WWTP and McHard Extension to reroute sludge trucks away from neighborhood; install chain link gate at plant; Install bar gate at McHard; connect

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gravel road to concrete driveway at McHard; and provide an asphalt surface on the proposed gravel road if funds allow.

In addition to the above items, City staff has identified additional items that should be performed at the WWTP. These are summarized as follows:

- Replace drain valve for the chlorine contact basin.
- Replace check valves the lift station discharge piping.
- Replace clamp with piping at lift station
- Paint all piping and valves at the plant
- Add non potable lines to the front of plant and bury
- Bury existing non potable lines
- Replace lift pumps in lift station
- Replace the manual bar screen and box at the plant headworks
- Extend non-potable water to the Parkson fine screens.
- Replace baffles on clarifier #1
- Reseal leaking weirs on clarifiers
- Install new larger scum trough and arm on clarifiers
- Add new pumps (backwash and skimmer) to sand filter)
- Replace backwash trough on sand filter
- Replace valve on back of sand filter (leaks)
- Replace return boxes
- New clarifier drives on both clarifiers
- Replace air valves on both digesters
- Replace all air drops broken /rusted in aeration and splitter box
- Install a curb around the headworks /dumpster area
- Replace all rusted valves

An order-of-magnitude construction cost of the above listed items is **$975,000.**

SCOPE OF SERVICES

A. DESIGN AND BID PHASE

- ARKK will prepare:
    - Construction contract documents suitable for bidding in the City's format.
    - Technical specifications of the proposed work items.

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- Detailed summary of work document describing in detail the work to be performed.
- Any drawings prepared will be 8.5x11 or 11x17 and bound with the technical specifications.
  - Lift Station Rehabilitation – ARKK will prepare a schematic sketch (11x17 drawing) of the lift station and technical specifications for the rehabilitation of the wet well walls.
  - Special Equipment Repair and Service – ARKK will prepare a written scope of work (drawings not required for this work).
  - Road and Site Work – ARKK will prepare:
    - A schematic plan view sketch (11x17 drawing) of the gravel road alignment, which will connect to the existing concrete driveway on McHard Road
    - Gravel road cross section detail
    - Chain link fence and gate detail
    - Bar gate detail
  - Mechanical and Process Improvements – ARKK will prepare:
    - Schematic details (8.5x11 drawings to be bound with the technical specifications) of items where it is determined that more detail is needed to bid and construct the mechanical & process equipment improvements.

- Provide two (2) draft sets of 60% and 90% completion design documents and cost estimates for the project for City review and comments.

  - ARKK will assist the City to advertise for bids. These tasks include the following items:
    - During the bidding process, provide information to and answer questions from potential bidders concerning the Project's construction documents.

    - Coordinate and participate in the pre-bid conference for the project.

    - Evaluate the bids and the qualifications of the apparent low bidder and advise the City as to the acceptability of the apparent low bidder and prepare a letter of recommendation.

- This scope does not include any surveying services or geotechnical services, as these are not believed to be needed at this time.

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B. CONSTRUCTION PHASE

Construction Administration Services

- Conduct a pre-construction conference for the project.
- Act as the City's Project representative during the construction phase.
- Review and respond accordingly to all submittals as required by the contract specifications.
- Prepare change orders necessitated by field conditions.
- Review the contractor's pay estimates, evaluate the completion of work and make payment recommendations to the City.
- Visit the site at intervals appropriate to the various stages of construction to observe the progress and quality of executed work and to determine in general if such work is proceeding in accordance with the Contract Documents.
- ARKK will not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor(s) or the safety precautions and programs incident to the work of the Contractor(s). ARKK's effort will be directed toward providing a greater degree of confidence for the City that the completed work of Contractor(s) will conform to the Contract Documents, but ARKK will not be responsible for the failure of Contractor(s) to perform the work in accordance with the Contract Documents. During site visits and on the basis of on-site observations ARKK shall keep the City informed of the progress of the work, shall endeavor to guard the City against defects and deficiencies in such work and may disapprove or reject work failing to conform to the Contract Documents.
- Conduct a final inspection of the Project and make a recommendation for Final Payment on the project.

Construction Management & Inspection Services

- ARKK will provide Construction Management and Inspection services that will include providing one (1) project site representative to observe the construction of the proposed improvements. The estimated construction duration for the project is 210 calendar days.

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- The fee budget for the construction observation services is based on the site representative being on site an average 20 hours/week for the 210 day calendar day project. The Construction Inspector will be on-site for fewer days per week during the initial and completion stages of the work, and more often during the middle portion of the construction contract when the work is most active.

- ARKK personnel will coordinate with the City and the Construction Contractor regarding the construction activities.

- Provide engineering and technical office personnel support throughout construction. These office personnel, consisting of Professional Engineers and design staff, provide on-site support to address contractor's questions, and resolve conflicts uncovered in the field.

FEE

Design and Bid Phase: The lump sum amount of:	$76,100.00
Reproduction: Cost plus 10% amount of:	$750.00
Construction Administration Services: The lump sum amount of:	$13,400.00
Construction Management & Inspection Services: (Hourly not to Exceed and cost plus 10%)	$61,725.00
Daily Vehicle Cost: ($25 daily) vehicle cost, not to exceed)	$ 3,275.00
Total Fee:	**$155,250.00**

ARKK Engineers, LLC will submit monthly progress invoices for all work completed to invoice date. Hourly charges for on-site field representative shall be charged based on a raw labor rate times a multiplier of 2.70. Hourly rates for office personnel shall be charged based on a raw labor rate times a multiplier of 2.99. Hourly rates for ARKK principal acting in the role of Project Manager and/or Construction Manager shall not exceed $150.00 per hour. Reimbursable expenses will be charged at cost plus 10%.

Additional services beyond those described in the Scope of Services will be invoiced on the basis of direct labor costs times a factor of 2.99 and direct cost plus 10%. No additional services will be performed or invoiced without prior authorization from the City of Pearland.

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ARKK Engineers appreciates the opportunity to submit this proposal and we look forward to continuing our work with the City of Pearland.

Sincerely,
ARKK Engineers, LLC.

David W. Kasper, P.E.
Senior Project Manager / Principal

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RATE SCHEDULE

Employee Classification	Billing Rate
Construction Manager	$150/hour
Project Manager	$150/hour
Site Representative	$83.40/hour
Assistant Construction Manager	$97.75/hour

PROJECT SCHEDULE

Design Phase	–	180 days from Notice to Proceed
Bid & Award Phase	–	60 Days
Construction Phase	–	210 Calendar Days

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New Business Item No. 1

1. **Consideration and Possible Action – First and Only Reading of Ordinance No. 1504 –** An Ordinance authorizing issuance of City of Pearland, Texas, Water and Sewer System Revenue Bonds, Series 2014; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; making other provisions regarding such bonds and matters incident thereto; and declaring an emergency.

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

AGENDA OF:	September 22, 2014	**ITEM NO.:**	Ordinance No. 1504
DATE SUBMITTED:	September 8, 2014	**DEPT. OF ORIGIN:**	Finance
PREPARED BY:	Claire Bogard	**PRESENTOR:**	Claire Bogard
REVIEWED BY:	Jon R. Branson	**REVIEW DATE:**	September 14, 2014

SUBJECT: Water-Sewer Revenue Bonds, Series 2014 in the amount of $9,210,000

EXHIBITS: Ordinance 1504
Memo to City Council – Certificate of Obligation and W/S Bonds

FUNDING:

	☐ **Grant**	☐ **Developer/Other**	☐ **Cash**
☒ **Bonds To Be Sold**	☐ **Bonds- Sold**	☐ **L/P – Sold**	☐ **L/P – To Be Sold**

EXPENDITURE REQUIRED: **AMOUNT BUDGETED:**
AMOUNT AVAILABLE: **PROJECT NO.:**
ACCOUNT NO.:

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

To be completed by Department:
X Finance **X Legal** **X Ordinance** **Resolution**

EXECUTIVE SUMMARY

BACKGROUND

The Fiscal Year 2014 budget included the sale of Water-Sewer Revenue Bonds in the amount of $19.4 million for the construction of capital improvement projects appropriated with the annual budget for fiscal year 2014. The amount of the bonds is $10.1 million less than anticipated

mainly due to project timing of the Far Northwest Treatment Plant Expansion and the McHard Road Waterline has been split into two phases to coincide with the McHard Road Street Project. Water/Sewer Revenue Bonds are backed and paid for by the water/sewer system revenues generated by the rates of the system.

The City Council already approved an Intent to Reimburse from Future Bond Proceeds in October 2013 for the projects; Resolution R2013-164. Projects are as follows as compared to original amount of the bond sale:

Project	Original Budget	Revised Amount
McHard Rd Waterline	6,883,947	2,753,235
SH35 Waterline	1,500,000	1,500,000
Far NW WWTP Exp	6,832,000	1,032,000
Mykawa/Scott LS	358,205	-
Hatfield Trunk Basin	2,255,000	2,255,000
Longwood Service Area	644,190	644,190
West Oaks LS	143,350	286,350
Oak Brook LS	256,190	256,190
Pearland Heights LS	255,024	255,024
McHard Rd Trunk Sewer	225,745	225,745
Total	$ 19,353,651	$ 9,207,734

The amount of the bond issue has been built into the water/sewer rate model. As anticipated with last year's forecast, fiscal year 2015 will require a revenue increase of 4.63% for the payment of operations, debt service and to cover the 1.4 times coverage required by our bond covenants and 25% reserve policy.

BID AND AWARD

The City began the bond sale process in July 2014, after notifying Council of the pending bond sale in a Thursday memorandum dated July 3, 2014 and as touched on at the July 28th City Council meeting along with the issuance of Certificates of Obligation. The Water-Sewer Revenue Bond Sale ran concurrently with the sale of $4.6 million in Certificates of Obligation. The bond sale is a competitive sale, with bids due by 11:00am Monday, September 22, 2014. Rating Agency calls with Fitch and Moody's were conducted on Tuesday, September 9, 2014. At the time of this agenda request, updated ratings were not available.

SCHEDULE

City Council would approve the sale of the bond on Monday, September 22, 2014. **The actual Ordinance approving the sale of the bonds will be a First and Final reading and declaring an emergency as pricing and the bond market would not allow the City to hold the bids for two weeks**. The Bonds will close in October.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

The Water-Sewer Revenue Bonds are structured with a 25-year maturity, level debt service payment. The annual debt service was estimated at $674,000. This was incorporated into the five-year forecast shared with City Council during the 2015 budget and multi-year forecast.

The City's financial adviser, BOSC, Inc. will be present to review the results of the competitive sale and make recommendation for awarded bidder.

RECOMMENDED ACTION

Consideration and Approval of Ordinance No. 1504 Authorizing Issuance of City of Pearland, Texas, Water and Sewer System Revenue Bonds, Series 2014; Prescribing the Terms and Conditions Thereof; Providing for the Payment Thereof; Awarding the Sale Thereof; Making Other Provisions Regarding Such Bonds and Matters Incident Thereto; and Declaring an Emergency.

CITY OF PEARLAND, TEXAS

WATER AND SEWER SYSTEM
REVENUE BONDS SERIES 2014

ORDINANCE NO. 1504

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ORDINANCE NO. 1504

Ordinance authorizing issuance of City of Pearland, Texas, Water and Sewer System Revenue Bonds, Series 2014; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; making other provisions regarding such bonds and matters incident thereto; and declaring an emergency.

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

ARTICLE I
FINDINGS AND DETERMINATIONS

Section 1.1. Findings and Determinations. It is hereby officially found and determined that:

(a) The City is authorized by Chapter 1502, Texas Government Code, as amended, to issue revenue bonds payable from the revenues of its water and sewer system for the purpose of constructing repairs, improvements, additions and extensions to the City's waterworks and sanitary sewer system.

(b) The City Council now deems it to be in the best interest of the City to issue, sell and deliver the Series 2014 Bonds (hereinafter defined) as hereinafter authorized, pursuant to the laws of the State of Texas, including specifically, Chapter 1502, Texas Government Code.

(c) The conditions precedent to the issuance of additional bonds which are contained in the ordinances authorizing the issuance of the Previously Issued Bonds and the Series 2014 Bonds (hereinafter defined) have been met, and the City is authorized to issue the revenue bonds and make the pledges and covenants set forth herein

ARTICLE II
DEFINITIONS AND INTERPRETATIONS

Section 2.1. Definitions. In this Ordinance, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

"Act" shall mean, collectively Chapter 1502, Texas Government Code, as amended.

"Additional Bonds" shall mean the additional revenue bonds permitted to be issued by the City pursuant to Section 6.1 hereof.

"Average Annual Principal and Interest Requirements" shall mean the average annual principal and interest requirements for all Bonds. Upon the issuance of the Series 2014 Bonds, the Average Annual Principal and Interest Requirements are hereby determined to be

$_____and shall be recomputed upon the issuance of each series of Additional Bonds and set forth in each ordinance authorizing the issuance of Additional Bonds. For purposes of calculating the Average Annual Principal and Interest Requirements with respect to any variable rate Additional Bonds, interest on such bonds shall be calculated in accordance with Section 6.1 of this Ordinance.

"*Bond Purchase Agreement*" means the purchase agreement, in substantially the form attached hereto as Exhibit C.

"Bonds" shall mean any or all of the Previously Issued Bonds, the Series 2014 Bonds and any Additional Bonds from time to time hereafter issued, but only to the extent such Bonds remain Outstanding within the meaning of this Ordinance.

"Business Day" shall mean any day other than (1) a Saturday or a Sunday, (2) a legal holiday or the equivalent on which banking institutions generally are authorized or required to close in New York, New York or Houston, Texas or any other city in which is located the principal corporate trust office of the Paying Agent/Registrar or (3) a day on which the New York Stock Exchange is closed in whole or in part.

"City" shall mean the City of Pearland, Texas, and, where appropriate, the City Council thereof and any successor to the City as owner of the System.

"Code" shall mean the Internal Revenue Code of 1986, as amended.

"Defeasance Securities" means (1) direct, non-callable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America, (2) non-callable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date of the purchase thereof are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, and (3) non-callable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the City adopts or approves the proceedings authorizing the financial arrangements are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent.

"DTC" shall mean The Depository Trust Company of New York, New York, or any successor securities depository.

"DTC Participant" shall mean brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"Fiscal Year" shall mean the City's fiscal year, which currently runs from October 1 to September 30, but which may be changed from time to time by the City.

"Gross Revenues" shall mean all revenues, income and receipts of every nature derived or received by the City from the operation and ownership of the System; the interest income

from the investment or deposit of money in the Revenue Fund and the Reserve Fund (each hereinafter defined in Article V hereof); and any other revenues hereafter pledged to the payment of all Bonds. Gross Revenues shall not include any of (i) grants from, or payments by, any federal, state or local governmental agency or authority or any other entity or person, the use of which is restricted by law or by the terms of the grant or payment to capital expenditures of the System, (ii) capital assets, debt service funds or debt service reserve funds of water districts or other public or private sewer systems annexed, acquired or otherwise assumed by the City or (iii) any interest earned on items (i) or (ii) above.

"Interest Payment Date," when used in connection with any Series 2014 Bond, shall mean September 1 or March 1 of each year as applicable commencing March 1, 2015.

"Maintenance and Operation Expenses" shall mean the reasonable and necessary expenses of operation and maintenance of the System, including all salaries, labor, materials, repairs and extensions necessary to render efficient service (but only such repairs and extensions as, in the judgment of the governing body of the City, are necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or conditions which would otherwise impair the Bonds), and all payments (including payments of amounts equal to all or a part of the debt service on bonds issued by other political subdivisions and authorities of the State of Texas) under contracts which are now or hereafter defined as operating expenses by the Legislature of Texas. Depreciation shall never be considered as a Maintenance and Operation Expense. Maintenance and Operation Expenses shall include, without limitation, all payments under contracts for the impoundment, conveyance or treatment of water or otherwise which are now or hereafter defined as operating expenses by the Legislature of Texas and the treatment of such payments as Maintenance and Operation Expenses shall not be affected in any way if, subsequent to entering into such contracts, the City acquires as a part of the System title to any properties or facilities used to impound, convey or treat water under such contracts, or if the City contracts to acquire title to such properties or facilities as a part of the System upon the final payment of debt service on the bonds issued to finance such properties or facilities.

"MSRB" means the Municipal Securities Rulemaking Board.

"Net Revenues" shall mean all Gross Revenues remaining after deducting the Maintenance and Operation Expenses.

"Ordinance" shall mean this Bond Ordinance and all amendments hereof and supplements hereto.

"Outstanding" when used with reference to the Bonds shall mean, as of a particular date, all such bonds theretofore delivered except: (a) any such bond canceled by or on behalf of the City at or before said date; (b) any such bond defeased pursuant to the defeasance provisions of the ordinance authorizing its issuance, or otherwise defeased as permitted by applicable law; and (c) any such bond in lieu of or in substitution for which another bond shall have been delivered pursuant to the ordinance authorizing the issuance of such bond.

"Owner" or *"Registered Owner"* when used with respect to any Bond, shall mean the person or entity in whose name such Bond is registered in the Register. Any reference to a particular percentage or proportion of the Owners of the Bonds of a particular class or series of Bonds shall mean the Owners at a particular time of the specified percentage or proportion in aggregate principal amount of all Bonds or the Bonds of such class or series then Outstanding.

"Paying Agent/Registrar" shall mean Wells Fargo Bank, N.A., Minneapolis, Minnesota, and its successors in that capacity.

"Previously Issued Bonds" shall mean the Outstanding City of Pearland, Texas, Water and Sewer System Adjustable Rate Revenue Bonds, Series 1999, City of Pearland, Texas, Water and Sewer System Revenue Bonds, Series 2003, the City of Pearland, Texas, Water and Sewer System Revenue and Refunding Bonds, Series 2006, the City of Pearland, Texas, Water and Sewer System Revenue Bonds, Series 2007, the City of Pearland, Texas, Water and Sewer System Revenue Bonds, Series 2008, the City of Pearland, Texas, Water and Sewer System Revenue Bonds, Series 2009, the City of Pearland, Texas, Water and Sewer System Revenue Bonds, Series 2010A, the City of Pearland, Texas, Water and Sewer System Revenue Refunding Bonds, Series 2010B, and the City of Pearland, Texas Water and Sewer System Revenue and Refunding Bonds, Series 2012.

"Purchaser" shall mean_____.

"Record Date" shall mean, with respect to any Interest Payment Date, the fifteenth day of the month, whether or not a Business Day, next preceding each Interest Payment Date.

"Register" shall mean the books of registration kept by the Paying Agent/Registrar in which are maintained the names and addresses of and the principal amounts registered to each Owner of Series 2014 Bonds.

"Series 2014 Bonds" shall mean the City of Pearland, Texas, Water and Sewer System Revenue Bonds, Series 2014, authorized by this Ordinance.

"Special Project" shall mean, to the extent permitted by law, any water or sewer system property, improvement or facility declared by the City not to be part of the System, for which the costs of acquisition, construction, and installation are paid from proceeds of a financing transaction other than the issuance of bonds payable from ad valorem taxes or revenues of the System and for which all maintenance and operation expenses are payable from sources other than ad valorem taxes or revenues of the System, but only to the extent that and for so long as all or any part of the revenues or proceeds of which are or will be pledged to secure the payment or repayment of such costs of acquisition, construction, and installation under such financing transaction.

"Subordinate Lien Obligations" shall mean the obligations permitted to be issued by the City pursuant to Section 6.2 hereof.

"Surety Policy" shall mean and include a surety bond, bond insurance policy or other credit agreement, as authorized by Section 1502.064, Texas Government Code, provided that the issuer of any Surety Policy shall be rated in the highest rating category at the time of issuance of

such Surety Policy by A.M. Best Company, Standard & Poor's Ratings Group, or Moody's Investors Service. A Surety Policy shall insure all Bonds and Additional Bonds on a pro rata basis. A Surety Policy may include a letter of credit or other agreement or instrument, including any related reimbursement or financial guaranty agreement, whereby the issuer is obligated to provide funds up to and including the maximum amount and under the conditions specified in such agreement or instrument.

"System" shall mean all properties, facilities, improvements, equipment, interests, rights and powers constituting the water and sewer system of the City, and all future extensions, replacements, betterments, additions, improvements, enlargements, acquisitions, purchases and repairs to the System, including without limitation, all those heretofore or hereafter acquired as a result of the annexation and dissolution of water districts or the acquisition of the properties or assets of any other public, private or non-profit entities. The System shall not include any Special Project.

Section 2.2. Interpretations. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance and the Table of Contents of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Bonds and the validity of the lien on and pledge of the Net Revenues to secure the payment of the Bonds.

ARTICLE III
TERMS OF THE SERIES 2014 BONDS

Section 3.1. Name, Amount, Purpose, Authorization. The City of Pearland, Texas Water and Sewer System Revenue Bonds, Series 2014 shall be issued in fully registered form, without coupons, in the aggregate principal amount of [Nine Million Two Hundred Ten Thousand Dollars ($9,210,000)] for the purposes of (i) constructing certain repairs, improvements, additions and extensions to the System, and (ii) payment of expenses of issuance of the Series 2014 Bonds, all under and pursuant to the authority of the Act and all other applicable law.

Section 3.2. Numbers, Date and Denomination. The Series 2014 Bonds shall be initially issued bearing the numbers, in the principal amounts and bearing interest at the rates set forth in Section 3.3 hereof. The Series 2014 Bonds shall be dated as of October 1, 2014, and shall be issued in denominations of $5,000 of principal amount or any integral multiple thereof.

Section 3.3. Interest Payment Dates, Interest Rates and Maturities. The Series 2014 Bonds shall bear interest from the later of the October 1, 2014, or the most recent Interest Payment Date to which interest has been paid or duly provided for, at the rate or rates per annum set forth below, calculated on the basis of a 360-day year composed of twelve 30-day months and payable semiannually on March 1 and September 1 of each year, commencing March 1, 2015, until maturity or prior redemption.

The Series 2014 Bonds shall mature and become payable on the dates and in the respective principal amounts set forth below, subject to prior redemption as set forth in this Ordinance:

Bond Number	Maturity (09/01)	Principal Amount	Interest Rate
R-1			
R-2			
R-3			
R-4			
R-5			
R-6			
R-7			
R-8			
R-9			
R-10			
R-11			
R-12			
R-13			
R-14			
R-15			
R-16			
R-17			
R-18			
R-19			
R-20			
* * *			

Section 3.4. Redemption Prior to Maturity.

(a) *Optional Redemption* - The City reserves the right, at its option, to redeem prior to maturity Series 2014 Bonds maturing on or after September 1, 2025, in whole or in part, in principal installments of $5,000 or any integral multiple thereof, on September 1, 2024, or any date thereafter, at a price equal to the principal amount of the Series 2014 Bonds or portions thereof called for redemption plus accrued interest to the date of redemption.

(b) The Series 2014 Bonds maturing on September 1 in the year (the "Term Bonds") are subject to mandatory sinking fund redemption in the following amounts (subject to reduction as hereinafter provided), on the following dates, in each case at a redemption price equal to the principal amount of the Series 2014 Bonds or the portions thereof so called for redemption plus accrued interest to the date fixed for redemption:

Mandatory Redemption Dates	**Principal Amounts**

Term Bonds Maturing September 1, 20__	September 1, 20	$
	September 1, 20__	
	September 1, 20__	
	September 1, 20__	
	September 1, 20 (maturity)	

The particular Term Bonds to be redeemed shall be selected by the Registrar by lot or other customary random selection method, on or before July 15 of each year in which Term Bonds are to be mandatorily redeemed. The principal amount of Term Bonds to be mandatorily redeemed in each year shall be reduced by the principal amount of such Term Bonds that have been optionally redeemed on or before July 15 of such year and which have not been made the basis for a previous reduction.

(c) Series 2014 Bonds may be redeemed only in integral multiples of $5,000 of principal amount. If a Series 2014 Bond subject to redemption is in a denomination larger than $5,000, a portion of such Series 2014 Bond may be redeemed, but only in integral multiples of $5,000. In selecting portions of Series 2014 Bonds for redemption, the Registrar shall treat each Series 2014 Bond as representing that number of Series 2014 Bonds of $5,000 denomination which is obtained by dividing the principal amount of such Series 2014 Bond by $5,000. Upon surrender of any Series 2014 Bond for redemption in part, the Registrar, in accordance with Section 3.13 hereof, shall authenticate and deliver in exchange therefor a Series 2014 Bond or Bonds of like maturity and interest rate in an aggregate principal amount equal to the unredeemed portion of the Series 2014 Bond so surrendered.

(d) Not less than thirty (30) days prior to a redemption date for the Series 2014 Bonds, a notice of redemption will be sent by U.S. mail, first class postage prepaid, in the name of the City to each Owner of a Series 2014 Bond to be redeemed in whole or in part at the address of such Owner appearing on the Register at the close of business on the Business Day next preceding the date of mailing. Such notices shall state the redemption date, the redemption price, the place at which Series 2014 Bonds are to be surrendered for payment and, if less than all Series 2014 Bonds outstanding are to be redeemed, the numbers of Series 2014 Bonds or portions thereof to be redeemed. Any notice of redemption so mailed as provided in this Section will be conclusively presumed to have been duly given, whether or not the Owner receives such notice. By the date fixed for redemption, due provision shall be made with the Registrar for payment of the redemption price of the Series 2014 Bonds or portions thereof to be redeemed. When Series 2014 Bonds have been called for redemption in whole or in part and notice of redemption has been given as herein provided, the Series 2014 Bonds or portions thereof so redeemed shall no longer be regarded to be outstanding, except for the purpose of receiving payment solely from the funds so provided for redemption, and interest which would otherwise accrue or compound after the redemption date on any Series 2014 Bond or portion thereof called for redemption shall terminate on the date fixed for redemption.

Section 3.5. Manner of Payment, Characteristics, Execution and Authentication. The Paying Agent/Registrar shall be the paying agent for the Series 2014 Bonds. The Series 2014 Bonds shall be payable, shall have the characteristics, shall be signed and executed, shall be

sealed, and shall be authenticated, all as provided Form of Bond included as Exhibit A to this Ordinance. The Series 2014 Bonds initially delivered shall also have attached or affixed to each such Series 2014 Bond the registration certificate of the Comptroller of Public Accounts of the State of Texas.

The Series 2014 Bonds shall be signed on behalf of the City by the Mayor and countersigned by the City Secretary by their manual, lithographed, or facsimile signatures thereon. Such facsimile signature on the Series 2014 Bonds shall have the same effect as if each of the Series 2014 Bonds had been signed manually and in person by each of said officials. If any officer of the City whose manual or facsimile signature shall appear on the Series 2014 Bonds, as provided in the Form of Bond included as Exhibit A hereto, shall cease to be such officer before the authentication of the Series 2014 Bonds or before the delivery of the Series 2014 Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in such office.

The approving legal opinion of Andrews Kurth LLP, Houston, Texas, Bond Counsel, may be printed on the Series 2014 Bonds over the certification of the City Secretary, which may be executed in facsimile. CUSIP numbers also may be printed on the Series 2014 Bonds, but errors or omissions in the printing of either the opinion or the numbers shall have no effect on the validity of the Bonds.

Section 3.6. Approval by Attorney General; Registration by Comptroller. The Initial Series 2014 Bond shall be delivered to the Attorney General of the State of Texas for examination and approval and shall be registered by the Comptroller of Public Accounts of the State of Texas. The manually executed registration certificate of such Comptroller substantially in the form provided in Exhibit A of this Ordinance shall be affixed or attached to the Initial Series 2014 Bonds.

Section 3.7. Authentication. Except for the Series 2014 Bonds to be initially issued, which need not be authenticated, only such Series 2014 Bonds as shall bear thereon a certificate of authentication substantially in the form provided in Exhibit A of this Ordinance, manually executed by an authorized representative of the Paying Agent/Registrar, shall be entitled to the benefits of this Ordinance or shall be valid or obligatory for any purpose. Such duly executed certificate of authentication shall be conclusive evidence that the Series 2014 Bond so authenticated was delivered by the Paying Agent/Registrar hereunder.

Section 3.8. Special Record Date. If interest on any Series 2014 Bond is not paid on any Interest Payment Date and continues unpaid for 30 days thereafter, the Paying Agent/Registrar shall establish a new record date for the payment of such interest, to be known as a "Special Record Date." The Paying Agent/Registrar shall establish a Special Record Date when funds to make such interest payment are received from or on behalf of the City. Such Special Record Date shall be fifteen (15) days prior to the date fixed for payment of such past due interest, and notice of the date of payment and the Special Record Date shall be sent by United States mail, first class, postage prepaid, not later than five (5) days prior to the Special Record Date, to each Registered Owner of an affected Series 2014 Bond as of the close of business on the day prior to the mailing of such notice.

Section 3.9. Ownership. Subject to the further provisions of this Section, the City, the Paying Agent/Registrar, and any other person may treat the person in whose name any Series 2014 Bond is registered on the Register as the absolute Owner of such Series 2014 Bond for the purpose of making and receiving payment of the principal of or interest on such Series 2014 Bond, and for all other purposes, whether or not such Series 2014 Bond is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary. All payments made to the person deemed to be the Owner of any Series 2014 Bond in accordance with this Section 3.9 shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Series 2014 Bond to the extent of the sums paid.

Section 3.10. Book-Entry Only System. The definitive Series 2014 Bonds shall be initially issued in the form of a separate single fully registered Series 2014 Bond for each of the maturities thereof. Upon initial issuance, the ownership of each such Series 2014 Bond shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.12 hereof, all of the Outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the Owner at the close of business on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

With respect to Series 2014 Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Series 2014 Bonds. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (a) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Series 2014 Bonds, (b) the delivery to any DTC Participant or any other person, other than a Registered Owner of a Series 2014 Bond, as shown on the Register, of any notice with respect to the Series 2014 Bonds, including any notice of redemption or (c) the payment to any DTC Participant or any other person, other than a Registered Owner of a Series 2014 Bond as shown in the Register, of any amount with respect to principal of Series 2014 Bonds, premium, if any, or interest on the Series 2014 Bonds.

Except as provided in Section 3.11 of this Ordinance, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Series 2014 Bond is registered in the Register as the absolute owner of such Series 2014 Bond for the purpose of payment of principal of, premium, if any, and interest on Series 2014 Bonds, for the purpose of giving notices of redemption and other matters with respect to such Series 2014 Bond, for the purpose of registering transfer with respect to such Series 2014 Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of Series 2014 Bonds, premium, if any, and interest on the Series 2014 Bonds only to or upon the order of the respective owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Series 2014 Bonds to the extent of the sum or sums so paid. No person

other than an owner shall receive a Series 2014 Bond evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance.

Section 3.11. Payments and Notices to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, as long as any Series 2014 Bonds are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on the Series 2014 Bonds, and all notices with respect to such Series 2014 Bonds shall be made and given, respectively, in the manner provided in the representation letter of the City to DTC.

Section 3.12. Successor Securities Depository; Transfer Outside Book-Entry Only System. In the event that the City or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of the City to DTC, and that it is in the best interest of the beneficial owners of the Series 2014 Bonds that they be able to obtain certificated Series 2014 Bonds, the City or the Paying Agent/Registrar shall (a) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC of the appointment of such successor securities depository and transfer one or more separate Series 2014 Bonds to such successor securities depository or (b) notify DTC of the availability through DTC of Series 2014 Bonds and transfer one or more separate Series 2014 Bonds to DTC Participants having Series 2014 Bonds credited to their DTC accounts. In such event, the Series 2014 Bonds shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names a Registered Owner of a Series 2014 Bond transferring or exchanging Series 2014 Bonds shall designate, in accordance with the provisions of this Ordinance.

Section 3.13. Registration, Transfer, and Exchange. The Paying Agent/Registrar shall keep the Register at its principal corporate trust office and, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Series 2014 Bonds in accordance with the terms of this Ordinance.

Each Series 2014 Bond shall be transferable only upon the presentation and surrender thereof at the principal corporate trust office of the Paying Agent/Registrar, duly endorsed for transfer, or accompanied by an assignment duly executed by the Registered Owner or his authorized representative in form satisfactory to the Paying Agent/Registrar. Upon due presentation of any Series 2014 Bond in proper form for transfer, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor, within three (3) Business Days after such presentation, a new Series 2014 Bond or Series 2014 Bonds, registered in the name of the transferee or transferees, in the same maturity and aggregate principal amount and bearing interest at the same rate as the Series 2014 Bond or Series 2014 Bonds so presented.

All Series 2014 Bonds shall be exchangeable upon presentation and surrender thereof at the principal corporate trust office of the Paying Agent/Registrar for a Series 2014 Bond or Series 2014 Bonds of the same maturity in any authorized denomination and interest rate, in an aggregate amount equal to the unpaid principal amount of the Series 2014 Bond or Series 2014 Bonds presented for exchange. The Paying Agent/Registrar shall be and is hereby authorized to

authenticate and deliver exchange Series 2014 Bonds in accordance with the provisions of this Section 3.11. Each Series 2014 Bond delivered in accordance with this Section 3.11 shall be entitled to the benefits and security of this Ordinance to the same extent as the Series 2014 Bond or Series 2014 Bonds in lieu of which such Series 2014 Bond is delivered.

The City or the Paying Agent/Registrar may require the Owner of any Series 2014 Bond to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of such Series 2014 Bond. Any fee or charge of the Paying Agent/Registrar for such transfer or exchange shall be paid by the City.

The Paying Agent/Registrar shall not be required to transfer or exchange any Series 2014 Bond called for redemption in whole or in part during the forty-five (45) day period immediately prior to the date fixed for redemption; provided, however, that this restriction shall not apply to the transfer or exchange by the Registered Owner of the unredeemed portion of a Series 2014 Bond called for redemption in part.

Section 3.14. Cancellation of Series 2014 Bonds. All Series 2014 Bonds paid or redeemed in accordance with this Ordinance, and all Series 2014 Bonds in lieu of which exchange Series 2014 Bonds or replacement Series 2014 Bonds are authenticated and delivered in accordance herewith, shall be canceled and destroyed upon the making of proper records regarding such payment or redemption. The Paying Agent/Registrar shall furnish the City with appropriate certificates of destruction of such Series 2014 Bonds.

Section 3.15. Mutilated, Lost, or Stolen Series 2014 Bonds. Upon the presentation and surrender to the Paying Agent/Registrar of a mutilated Series 2014 Bond, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like maturity, interest rate, and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Series 2014 Bond to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection therewith and any other expenses connected therewith, including the fees and expenses of the Paying Agent/Registrar.

If any Series 2014 Bond is lost, apparently destroyed, or wrongfully taken, the City, pursuant to the applicable laws of the State of Texas, and in the absence of notice or knowledge that such Series 2014 Bond has been acquired by a bona fide purchaser, shall execute and the Paying Agent/Registrar shall authenticate and deliver, a replacement Series 2014 Bond of like maturity, interest rate, and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner thereof shall have:

(a) furnished to the City and the Paying Agent/Registrar satisfactory evidence of the ownership of and the circumstances of the loss, destruction or theft of such Series 2014 Bond;

(b) furnished such security or indemnity as may be required by the Paying Agent/Registrar and the City to save them harmless;

(c) paid all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar, and any tax or other governmental charge that may be imposed; and

(d) met any other reasonable requirements of the City and the Paying Agent/Registrar.

If, after the delivery of such replacement Series 2014 Bond, a bona fide purchaser of the original Bond in lieu of which such replacement Bond was issued presents for payment such original Series 2014 Bond, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Series 2014 Bond from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost, or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

If any such mutilated, lost, apparently destroyed, or wrongfully taken Series 2014 Bond has become or is about to become due and payable, the City in its discretion may, instead of issuing a replacement Series 2014 Bond, authorize the Paying Agent/Registrar to pay such Series 2014 Bond.

Each replacement Series 2014 Bond delivered in accordance with this Section 3.13 shall be entitled to the benefits and security of this Ordinance to the same extent as the Series 2014 Bond or Series 2014 Bonds in lieu of which such replacement Series 2014 Bond is delivered.

ARTICLE IV
FORM OF SERIES 2014 BONDS AND CERTIFICATES

Section 4.1. Forms. The form of the Series 2014 Bonds, including the form of the Paying Agent/Registrar's Authentication Certificate, the form of Assignment, the form of the Comptroller's Registration Certificate and the form of the Statement of Insurance, if any, which shall be attached or affixed to the Initial Series 2014 Bonds, shall be, respectively, as described in Exhibit A to this Ordinance, with such additions, deletions, and variations as may be necessary or desirable and not prohibited by this Ordinance.

Section 4.2. Legal Opinion; CUSIP Numbers. The approving legal opinion of Andrews Kurth LLP, Houston, Texas, Bond Counsel, may be printed on the Series 2014 Bonds over the certification of the City Secretary, which may be executed in facsimile. CUSIP numbers also may be printed on the Series 2014 Bonds, but errors or omissions in the printing of either the opinion or the numbers shall have no effect on the validity of the Series 2014 Bonds.

ARTICLE V
SECURITY AND SOURCE OF PAYMENT FOR THE BONDS

Section 5.1. Pledge and Source of Payment. The City hereby covenants and agrees that Gross Revenues of the System shall, as collected and received by the City, be deposited and

paid into the special funds hereinafter established, and shall be applied in the manner hereinafter set forth, in order to provide for the payment of all Maintenance and Operation Expenses and to

provide for the payment of principal of, interest on and any redemption premiums on the Bonds and all expenses of paying same; and to provide for the disposition of the remaining Net Revenues. The Bonds shall constitute special obligations of the City that shall be payable solely from and shall be equally and ratably secured by a first lien on and pledge of the Net Revenues as collected and received by the City from the operation and ownership of the System, which Net Revenues shall, in the manner herein provided, be set aside for and are hereby pledged to the payment of the Bonds in the Interest and Sinking Fund and the Reserve Fund as hereinafter provided, and the Bonds shall be, in all respects, on a parity with and of equal dignity with one another. The Owners of the Bonds shall never have the right to demand payment of either the principal of, interest on or any redemption premium on the Bonds out of any funds raised or to be raised by taxation.

Section 5.2. Rates and Charges. So long as any Bonds remain Outstanding, the City shall fix, charge and collect rates and charges for the use and services of the System which are calculated to be fully sufficient to produce Net Revenues in each Fiscal Year at least equal to 115% of the principal and interest requirements scheduled to occur in such Fiscal Year on all Bonds then Outstanding, plus an amount equal to the sum of all deposits required to be made to the Reserve Fund in such Fiscal Year (but in no event shall Net Revenues ever be less than the amount required to establish and maintain the Interest and Sinking Fund and the Reserve Fund as hereinafter provided) and, to the extent that funds for such purpose are not otherwise available, to pay all other outstanding obligations payable from the Net Revenues of the System, including all amounts owed by the City to a provider of a Surety Policy, if any, as and when the same become due. For the purpose of complying with its obligation to fix, charge and collect rates and charges, as herein provided, the City shall be entitled to rely on the certificate described in Section 6.1 of this Ordinance, as therein provided, in determining the amount of interest anticipated to be paid in respect of Bonds bearing interest at a variable rate.

The City will not grant or permit any free service from the System, except for public buildings and institutions operated by the City. In addition, the City will not grant or permit any free service from the System permitted by the previous sentence if to do so would violate any condition or covenant to which the City is bound in connection with any federal grant agreement or otherwise.

Section 5.3. Special Funds. The following "Special Funds" shall be established, maintained and accounted for as hereinafter provided so long as any of the Bonds remain Outstanding:

(a) Revenue Fund;

(b) Interest and Sinking Fund; and

(c) Reserve Fund.

All of such Funds shall be maintained as separate accounts on the books of the City. The Interest and Sinking Fund and the Reserve Fund shall constitute trust funds which shall be held in trust for the Owners of the Bonds and the proceeds of which shall be pledged to the payment

of the Bonds. All of the Funds named above shall be used solely as herein provided so long as any Bonds remain Outstanding.

Section 5.4. Flow of Funds. Gross Revenues of the System shall be deposited as collected into the Revenue Fund. Moneys from time to time on deposit to the credit of the Revenue Fund shall be applied in the following manner and in the following order of priority:

(a) First, to pay Maintenance and Operation Expenses and to provide by encumbrance for the payment of all obligations incurred by the City for Maintenance and Operation Expenses and to establish and maintain an operating reserve equal to one month's estimated Maintenance and Operation Expenses;

(b) Second, to make all deposits into the Interest and Sinking Fund required by any ordinance authorizing the issuance of Bonds;

(c) Third, to reimburse the provider of a Surety Bond any amounts advanced under such Surety Bond;

(d) Fourth, to pay interest to any provider of a Surety Bond any amounts advanced under such Surety Bond;

(e) Fifth, to make all deposits into the Reserve Fund required by any ordinance authorizing the issuance of Bonds;

(f) Sixth, to make all deposits, as may be required by any ordinance of the City authorizing the issuance of certain Subordinate Lien Obligations described in Section 6.2 hereof, in order to provide for the payment of and security for such Subordinate Lien Obligations; and

(g) Seventh, for any lawful purpose.

Section 5.5. Interest and Sinking Fund. On or before the last Business Day of each month so long as any Bonds remain Outstanding, after making all required payments and provision for payment of Maintenance and Operation Expenses, there shall be transferred into the Interest and Sinking Fund from the Revenue Fund the following amounts:

(a) Such amounts, in approximately equal monthly installments, as will be sufficient to accumulate the amount required to pay the interest scheduled to become due on the Bonds on the next Interest Payment Date; and

(b) Such amounts, in approximately equal monthly installments, as will be sufficient to accumulate the amount required to pay the next maturing principal of the Bonds (i.e., the principal amount payable on the next September 1), including the principal amounts of, and any redemption premiums on, any Bonds payable as a result of the operation or exercise of any mandatory or optional redemption provision contained in any ordinance authorizing the issuance of Bonds.

Whenever the total amounts on deposit to the credit of the Interest and Sinking Fund and the Reserve Fund shall be equivalent to the sum of the aggregate principal amount of all Outstanding Bonds plus the aggregate amount of all interest accrued and to accrue thereon, no further payments need be made into the Interest and Sinking Fund or the Reserve Fund, and such Bonds shall not be regarded as being Outstanding except for the purpose of being paid with the moneys on deposit in such Funds.

Moneys deposited to the credit of the Interest and Sinking Fund shall be used solely for the purpose of paying principal (at maturity, prior redemption or tender, or to purchase Bonds in the open market to be credited against mandatory redemption requirements), interest and redemption premiums on the Bonds, plus all bank charges and other costs and expenses relating to such payment.

On or before each date principal becomes due and/or each Interest Payment Date on the Bonds, the City shall transfer from the Interest and Sinking Fund to the Paying Agent for the Bonds an amount equal to the principal of, interest on and any redemption premiums payable on the Bonds on such date, together with an amount equal to all bank charges and other costs and expenses relating to such payment. The Paying Agent shall destroy all paid Bonds and shall provide the City with an appropriate certificate of destruction.

Section 5.6. Reserve Fund. On or before the last Business Day of each month so long as any Bonds remain Outstanding, after making all required payments and provision for payment of Maintenance and Operation Expenses and after making all required transfers into the Interest and Sinking Fund, there shall be transferred into the Reserve Fund from the Revenue Fund amounts equal to one-sixtieth (1/60th) of the Average Annual Principal and Interest Requirements on the Bonds unless or until there has been accumulated in the Reserve Fund money and investments in an aggregate amount at least equal to the Average Annual Principal and Interest Requirements on the Bonds; provided that additional deposits into the Reserve Fund sufficient to provide for the increased reserve requirements resulting from the issuance of any Additional Bonds shall be made by not later than 60 months from the date of issuance of such Additional Bonds as required by Section 6.1(d) hereof. Such additional deposits into the Reserve Fund in connection with the issuance of any Additional Bonds shall be made each month in amounts equal to one-sixtieth (1/60th) of the Average Annual Principal and Interest Requirements on the Bonds and such Additional Bonds. After such amount has accumulated in the Reserve Fund and so long thereafter as such fund contains such amount, no further deposits shall be required to be made into the Reserve Fund, and any excess amounts in the Fund may be transferred to the Revenue Fund; but if and whenever the balance in the Reserve Fund is reduced below such amount, monthly deposits into such Fund shall be resumed and continued in amounts at least equal to one-twelfth (1/12th) of the Average Annual Principal and Interest Requirements on the Bonds until the Reserve Fund has been restored to such amount. The Reserve Fund shall be used to pay the principal of and interest on the Bonds at any time when there is not sufficient money available in the Interest and Sinking Fund for such purpose and it may be used finally to pay and retire the last Bonds to mature or be redeemed.

The requirements of the immediately preceding paragraph of this Section notwithstanding, the City may provide a Surety Policy or Policies issued in amounts equal to all or part of the Average Annual Principal and Interest Requirements on the Bonds in lieu of

depositing cash into the Reserve Fund; provided, however, that no such Surety Policy may be so substituted unless (i) the ordinance authorizing the substitution of the Surety Policy for all or part of the Average Annual Principal and Interest Requirements on the Bonds contains a finding that such substitution is cost effective and (ii) the City obtains an opinion of nationally recognized bond counsel that such substitution is permitted by applicable Texas law then in effect. If a Surety Policy or Policies are issued in accordance with the preceding sentence, such Surety Policy or Policies shall be drawn upon and reimbursed on a pro rata basis.

In the event a Surety Policy issued to satisfy all or a part of the City's obligation with respect to the Reserve Fund causes the amount then on deposit in the Reserve Fund to exceed the Average Annual Principal and Interest Requirements on all Bonds, the City may transfer such excess amount to any fund or funds established for the payment of or security for Bonds or any Subordinate Lien Obligations (including any escrow established for the final payment of any such obligations pursuant to Chapter 1207, Texas Government Code); provided, however, that no funds constituting bond proceeds shall be transferred for the benefit of the Subordinate Lien Obligations.

Section 5.7. Deficiencies in Funds. If in any month there shall not be deposited into any fund maintained pursuant to this Article the full amounts required hereinabove, amounts equivalent to such deficiency shall be set apart and paid into such Special Fund or Funds from the first available and unallocated moneys in the Revenue Fund, and such payment shall be in addition to the amounts otherwise required to be paid into such Funds during any succeeding month or months. To the extent necessary, the rates and charges for the System shall be increased to make up for any such deficiencies.

Section 5.8. Investment of Funds; Transfer of Investment Income.

(a) Money in the Revenue Fund, the Interest and Sinking Fund and the Reserve Fund may, at the option of the City, be invested in time deposits or certificates of deposit secured in the manner required by law for public funds, or be invested in direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, in obligations of any agencies or instrumentalities of the United States of America or as otherwise permitted by state law; provided that all such deposits and investments shall be made in such manner (which may include repurchase agreements for such investments with any national bank) that the money required to be expended from any Special Fund will be available at the proper time or times, and provided further that in no event shall such deposits or investments of moneys in the Reserve Fund mature later than the final maturity date of the Bonds. All such investments shall be valued in terms of current market value no less frequently than the last Business Day of the City's Fiscal Year, except that any direct obligations of the United States of America - State and Local Government Series shall be continuously valued at their par value or principal face amount. Any obligation in which money is so invested shall be kept and held in an official depository of the City, except as hereinafter provided. For purposes of maximizing investment returns, money in such funds may be invested, together with money in other funds or with other money of the City, in common investments of the kind described above, or in a common pool of such investments which shall be kept and held at an official depository of the City, which shall not be deemed to

be or constitute a commingling of such money or funds provided that safekeeping receipts or certificates of participation clearly evidencing the investment or investment pool in which such money is invested and the share thereof purchased with such money or owned by such fund are held by or on behalf of each such fund. If necessary, such investments shall be promptly sold to prevent any default.

(b) All interest and income derived from such deposits and investments shall be credited monthly to the Special Fund from which such investment was made.

Section 5.9. Security for Uninvested Funds. So long as any Bonds remain Outstanding, all uninvested moneys on deposit in, or credited to, the Revenue Fund, the Interest and Sinking Fund and the Reserve Fund shall be secured by the pledge of security as provided by law for cities in the State of Texas.

ARTICLE VI
ADDITIONAL
BONDS

Section 6.1. Additional Bonds. The City reserves the right to issue, for any lawful purpose, including the refunding of any previously issued Bonds or any other bonds or obligations of the City issued in connection with the System or payable from Net Revenues, one or more series of Additional Bonds on a parity with the Outstanding Bonds and any Additional Bonds then Outstanding, payable from, and secured by a first lien on, the Net Revenues of the System; provided, however, that no Additional Bonds may be issued unless:

(a) All Additional Bonds shall mature only on September 1 and interest thereon shall be payable only on March 1 and September 1;

(b) The Interest and Sinking Fund and the Reserve Fund each contains the amount of money then required to be on deposit therein;

(c) For either the preceding Fiscal Year or any consecutive 12-month period out of the 15-month period immediately preceding the month in which the bond ordinance authorizing such Additional Bonds is adopted (the "Base Period") either:

(1) Net Revenues are certified by the Director of Finance of the City to have been equal to at least one hundred and forty percent (140%) of the Average Annual Principal and Interest Requirements on all Bonds, after giving effect to the issuance of the Additional Bonds to be issued; or

(2) Net Revenues, adjusted to give effect to any rate increase or annexation of territory placed into effect or consummated prior to the adoption of the ordinance authorizing the Additional Bonds to the same extent as if such rate increase or annexation had been placed into effect or consummated prior to the commencement of the Base Period, would have been equal to at least the amount required in paragraph (1) above, as certified by an independent consulting engineer or independent firm of consulting engineers;

Provided, however, that this requirement shall not apply to the issuance of any series of Additional Bonds for refunding purposes that will not have the result of increasing the average annual principal and interest requirements on the Bonds; and

(d) Provision is made in the bond ordinance authorizing the Additional Bonds then proposed to be issued for (1) additional payments into the Interest and Sinking Fund sufficient to provide for the payment of the increased principal of and interest on the Bonds resulting from the issuance of such Additional Bonds, and (2) additional payments into the Reserve Fund sufficient to provide for the accumulation therein of the increased reserve requirement resulting from the issuance of such Additional Bonds, by not later than sixty (60) months from the date of issuance of such Additional Bonds.

The provisions of this Section 6.1(a) notwithstanding, the City may issue Additional Bonds that bear interest at a variable rate. Such variable rate bonds may mature on dates other than September 1 and interest thereon may be payable on dates other than March 1 or September 1; provided that the issuance of Additional Bonds as variable rate bonds may not cause the total amount of Outstanding Bonds that are variable rate bonds to exceed 50% (20% as long as the *Series 1999 Bonds* shall remain outstanding) of the aggregate principal amount of all Outstanding Bonds and Subordinate Lien Obligations at the time of such issuance. For purposes of calculating the funding requirements for the Reserve Fund and for the purposes of calculating compliance with the conditions precedent to the issuance of Additional Bonds pursuant to Section 6.1(c) and the rate covenant set forth in Section 5.2, any Bonds that are variable rate bonds shall be assumed to bear interest at a rate which shall be estimated and certified by the financial advisor to the City as the rate that would be borne by such variable rate bonds if they were at the date of such certification issued as Bonds bearing a fixed rate of interest to their scheduled maturity or maturities.

Section 6.2. Subordinate Lien Obligations. The City reserves the right to issue, for any lawful purpose, bonds, notes or other obligations secured in whole or in part by liens on the Net Revenues that are junior and subordinate to the lien on Net Revenues securing payment of the Bonds. Such Subordinate Lien Obligations may be further secured by any other source of payment lawfully available for such purposes. In the event that the City should decide to issue such Subordinate Lien Obligations as variable rate bonds, for purposes of calculating the funding requirements for the reserve fund for such Subordinate Lien Obligations, the variable rate bonds shall be assumed to bear interest at the rate of 10% per annum, and for purposes of calculating compliance with any conditions precedent to the issuance of additional Subordinate Lien Obligations and any rate covenants relating to such Subordinate Lien Obligations, the variable rate bonds shall be assumed to bear interest at the higher of 9% per annum or the highest variable rate over the preceding twenty-four (24) months.

Deposits may be made pursuant to Section 5.4(f) of this Ordinance into such funds as may be created and maintained for the payment of and security for Subordinate Lien Obligations described in this Section (including a reserve fund not to exceed the Average Annual Principal and Interest Requirements on such Subordinate Lien Obligations and any provisions for curing deficiencies in such funds), but only to the extent that the aggregate Outstanding principal amount of such Subordinate Lien Obligations does not exceed 50% of the aggregate principal amount of Bonds and Subordinate Lien Obligations Outstanding on the date of such calculation.

Section 6.3. Special Project Bonds. The City reserves the right to issue revenue bonds secured by liens on and pledges of revenues and proceeds derived from Special Projects.

ARTICLE VII
COVENANTS AND PROVISIONS
RELATING TO BONDS

Section 7.1. Punctual Payment of Bonds. The City covenants that it will punctually pay or cause to be paid the interest on and principal of all Bonds according to the terms thereof and will faithfully do and perform, and at all times fully observe, any and all covenants, undertakings, stipulations and provisions contained in this Ordinance and in any other ordinance authorizing the issuance of such Bonds.

Section 7.2. Power to Own and Operate System; Ratemaking Power. The City covenants that it has all necessary power and authority to own and operate the System as herein described and provided and that it possesses, and shall exercise, all necessary power and authority to establish, fix, increase, impose and collect rates and charges for the use and services of the System in the amounts required to comply with the covenants and provisions contained herein.

Section 7.3. Maintenance of System. So long as any Bonds remain Outstanding, the City covenants that it will at all times maintain the System, or within the limits of its authority cause the same to be maintained, in good condition and working order and will operate the same, or cause the same to be operated, in an efficient and economical manner at a reasonable cost and in accordance with sound business principles. In operating and maintaining the System, the City will comply with all contractual provisions and agreements entered into by it and with all valid rules, regulations, directions or orders of any governmental, administrative or judicial body promulgating same, noncompliance with which would materially and adversely affect the operation of the System.

Section 7.4. Sale or Encumbrance of System. So long as any Bonds remain Outstanding, the City covenants that it will not sell, dispose of or, except as permitted in Article VI, further encumber the System; provided, however, that this provision shall not prevent the City from disposing of any portion of the System which is being replaced or is deemed by the City to be obsolete, worn out, surplus or no longer needed for the proper operation of the System. Net proceeds from any such disposition may be deposited in the Revenue Fund and, notwithstanding any other provision contained herein, shall be used only for System purposes. Any agreement pursuant to which the City contracts with a person, corporation, municipal corporation or political subdivision to operate the System or to lease and/or operate all or part of the System shall not be considered as an encumbrance of the System.

Section 7.5. Insurance. The City covenants that it will keep the System insured with insurers of good standing, against risks, accidents or casualties against which and to the extent customarily insured against by political subdivisions of the State of Texas operating similar properties, to the extent that such insurance is available. All net proceeds of such insurance shall be applied to repair or replace any insured property that is damaged or destroyed, or shall be

deposited in the Revenue Fund, or shall be used to redeem Outstanding Bonds. The cost of all

such insurance, together with any additional insurance, shall be a part of the Maintenance and Operation Expenses.

Section 7.6. Accounts, Records and Audits. So long as any Bonds remain Outstanding, the City covenants that it will maintain a proper and complete system of records and accounts pertaining to the operation of the System in which full, true and proper entries will be made of all dealings, transactions, business and affairs which in any way affect or pertain to the System or the Gross Revenues or the Net Revenues thereof. The City shall, after the close of each Fiscal Year, prepare financial statements of the System, and have those financial statements audited by an independent certified public accountant or independent firm of certified public accountants. After the audit, the City shall furnish a copy of these audited financial statements, together with the independent certified public accountant's report thereon, without cost, to the Municipal Advisory Council of Texas, the major municipal rating agencies, and any Owners of Bonds who shall request the same. All expenses incurred in preparing such audits shall be Maintenance and Operation Expenses.

Section 7.7. Competition. To the extent it legally may, the City covenants that it will not grant any franchise or permit for the acquisition, construction or operation of any competing facilities which might be used as a substitute for the System and will prohibit the operation of any such competing facilities to the extent that such competing facilities would impair the City's ability to pay principal of or interest on the Bonds.

Section 7.8. Pledge and Encumbrance of Net Revenues. The City covenants that it has the lawful power to create a lien on and to pledge the Net Revenues to secure the payment of the Bonds, and has lawfully exercised such power under the Constitution and laws of the State of Texas. The City further covenants that, other than to the payment of the Bonds, the Net Revenues are not and will not be made subject to any other lien, pledge or encumbrance to secure the payment of any debt or obligation of the City, unless such lien, pledge or encumbrance is junior and subordinate to the lien and pledge securing payment of the Bonds.

Section 7.9. Covenants with Respect to Certain Assumed Water District Bonds. So long as any Bonds remain Outstanding, the City covenants as follows:

(a) To the extent it legally may, the City will impose, and strictly enforce, the requirement upon all water districts located within the City's extraterritorial jurisdiction that any bonds issued by such water districts which are secured in whole or in part by pledges of or liens on water or sewer system revenues shall provide that all such pledges of and liens on water or sewer system revenues shall automatically terminate upon the annexation and dissolution of the district by the City;

(b) The City shall use its best efforts to redeem, refund or defease all annexed water district bonds assumed by the City which by their own terms are secured in whole or in part by pledges of or liens on water or sewer system revenues which do not terminate upon annexation and dissolution by the City of such water district, or otherwise to provide for the discharge of such pledges or liens on water or sewer system revenues; and

(c) Pursuant to Section 43.075, Texas Local Government Code (successor to Article 1182c-1, Vernon's Texas Civil Statutes, as amended), the City shall, unless it has theretofore made adequate provision for the payment thereof, annually levy and cause to be collected taxes upon all taxable property of the City sufficient to pay principal of and interest, as they respectively become due and payable, on all assumed bonds, warrants and other obligations that were issued by water districts that have been annexed to, and dissolved by, the City, and which are by their own terms secured in whole or in part by a lien on or pledge of water or sewer system revenues which did not terminate upon the annexation and dissolution by the City of such water district.

Section 7.10. Registered Owners' Rights and Remedies. This Ordinance shall constitute a contract between the City and the Owners of the Series 2014 Bonds from time to time Outstanding and this Ordinance shall be and remain irrepealable until the Series 2014 Bonds and the interest thereon shall be fully paid or discharged or provision therefor shall have been made as provided herein. In the event of a default in the payment of the principal of or interest on any of the Series 2014 Bonds or a default in the performance of any duty or covenant provided by law or in this Ordinance, the Owner or Owners of any of the Series 2014 Bonds may pursue all legal remedies afforded by the Constitution and laws of the State of Texas to compel the City to remedy such default and to prevent further default or defaults. Without in any way limiting the generality of the foregoing, it is expressly provided that any Owner of any of the Series 2014 Bonds may at law or in equity, by suit, action, mandamus, or other proceedings, enforce and compel performance of all duties required to be performed by the City under this Ordinance, including the making and collection of reasonable and sufficient rates and charges for the use and services of the System, the deposit of the revenues thereof into the Special Funds herein provided, and the application of such revenues in the manner required in this Ordinance.

Section 7.11. Defeasance. The City may defease the provisions of this Ordinance and discharge its obligations to the Registered Owners of any or all of the Series 2014 Bonds to pay the principal of and interest thereon in any manner now or hereafter permitted by law, including by depositing with the Paying Agent/Registrar or with the State Treasurer of the State of Texas either:

(a) cash in an amount equal to the principal amount of such Series 2014 Bonds plus interest thereon to the date of maturity or redemption; or

(b) pursuant to an escrow or trust agreement, cash and/or (i) direct noncallable obligations of United States of America, including obligations that are unconditionally guaranteed by the United States of America; (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the governing body of the issuer adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent; or (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the issuer adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its

equivalent, which, in the case of (i), (ii) or (iii), may be in book-entry form, and the principal of and interest on which will, when due or redeemable at the option of the holder, without further investment or reinvestment of either the principal amount thereof or the interest earnings thereon, provide money in an amount which, together with other moneys, if any, held in such escrow at the same time and available for such purpose, shall be sufficient to provide for the timely payment of the principal of and interest thereon to the date of maturity or earlier redemption;

provided, however, that if any of the Series 2014 Bonds are to be redeemed prior to their respective dates of maturity, provision shall have been made for giving notice of redemption as provided in this Ordinance. Upon such deposit, such Series 2014 Bonds shall no longer be regarded to be Outstanding or unpaid. Any surplus amounts not required to accomplish such defeasance shall be returned to the City.

Section 7.12. Legal Holidays. In any case where the date of maturity of interest on or principal of the Series 2014 Bonds or the date fixed for redemption of any Series 2014 Bonds shall be in the City a legal holiday or a day on which the Paying Agent/Registrar for the Series 2014 Bonds is authorized by law to close, then payment of interest or principal need not be made on such date but may be made on the next succeeding day not in the City a legal holiday or a day on which such Paying Agent Registrar is authorized by law to close with the same force and effect as if made on the date of maturity or the date fixed for redemption and no interest shall accrue for the period from the date of maturity or redemption to the date of actual payment.

Section 7.13. Unavailability of Authorized Publication. If, because of the temporary or permanent suspension of any newspaper, journal or other publication, or, for any reason, publication of notice cannot be made meeting any requirements herein established, any notice required to be published by the provisions of this Ordinance shall be given in such other manner and at such time or times as in the judgment of the City or of the Paying Agent/Registrar (or paying agent) for the Series 2014 Bonds shall most effectively approximate such required publication and the giving of such notice in such manner shall for all purposes of this Ordinance be deemed to be in compliance with the requirements for publication thereof.

Section 7.14. No Recourse Against City Officials. No recourse shall be had for the payment of principal of or interest on any Series 2014 Bonds or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Series 2014 Bonds.

Section 7.15. Amendment to Ordinance. The City may, with the consent of Owners holding a majority in aggregate principal amount of the Bonds then Outstanding affected thereby, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Owners of Outstanding Bonds, no such amendment, addition, or rescission shall (1) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof, the redemption price therefor, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Bonds, (2) give any preference to any Bond over any other Bond, or (3) reduce the aggregate principal amount of Bonds required to be held by Owners for consent to any such amendment, addition, or rescission.

ARTICLE VIII
CONCERNING THE PAYING AGENT/REGISTRAR

Section 8.1. Acceptance. Wells Fargo Bank, N.A., Dallas, Texas, is hereby appointed as the initial Paying Agent/Registrar for the Series 2014 Bonds. Such initial Paying Agent/Registrar and any successor Paying Agent/Registrar, by undertaking the performance of the duties of the Paying Agent/Registrar hereunder, and in consideration of the payment of fees and/or deposits of money pursuant to this Ordinance, shall be deemed to accept and agree to abide by the terms of this Ordinance. The registration of and payment of the principal of, premium, if any, and interest on the Series 2014 Bonds when due shall be effectuated pursuant to the terms of a Paying Agent/Registrar Agreement to be entered into by and between the City and the Paying Agent/Registrar, which shall be substantially in the form attached hereto as Exhibit B, the terms and provisions of which are hereby approved, and the Mayor and/or the Mayor Pro Tem are hereby authorized to execute and deliver such Paying Agent/Registrar Agreement on behalf of the City in multiple counterparts and the City Secretary is hereby authorized to attest and affix the City's seal thereto.

Section 8.2. Fiduciary Account. All money transferred to the Paying Agent/Registrar under this Ordinance (except sums representing Paying Agent/Registrar's fees) shall be held in a fiduciary account for the benefit of the City, shall be the property of the City, and shall be disbursed in accordance with this Ordinance.

Section 8.3. Bonds Presented. Subject to the provisions of Section 8.4, all matured Series 2014 Bonds properly and timely presented to the Paying Agent/Registrar for payment shall be paid without the necessity of further instructions from the City. Such Series 2014 Bonds shall be canceled as provided herein.

Section 8.4. Series 2014 Bonds Not Timely Presented. The Paying Agent/Registrar shall remit to the City, upon receipt of the certificate provided for herein, a sum equal to the aggregate face amount of all Series 2014 Bonds which have not been presented for payment prior to the date specified in such certificate. Such certificate shall:

(a) Specify the Series 2014 Bonds or portions thereof to which it applies and the amount of each;

(b) Specify the date on which the City believes itself to be no longer obligated to pay such Series 2014 Bonds or portions thereof by virtue of the expiration of the applicable statute of limitations under the laws of the State of Texas; and

(c) Be signed by the Mayor and attested by the City Secretary.

Funds held by the Paying Agent/Registrar that represent principal of and interest on the Series 2014 Bonds remaining unclaimed by any Registered Owner after the expiration of three years from the date such funds have become due and payable (a) shall be reported and disposed of by the Paying Agent/Registrar in accordance with the provisions of Title 6 of the Texas Property Code, as amended, to the extent such provisions are applicable to such funds, or (b) to the extent such provisions do not apply to the funds, such funds shall be paid by the Paying

Agent/Registrar to the City upon receipt by the Paying Agent/Registrar of a written request therefor from the City.

The Paying Agent/Registrar shall have no liability to the Owners of the Series 2014 Bonds by virtue of actions taken in compliance with this Section.

Section 8.5. Paying Agent/Registrar May Own Series 2014 Bonds. The Paying Agent/Registrar in its individual or any other capacity, may become the Owner or pledgee of Series 2014 Bonds with the same rights it would have if it were not the Paying Agent/Registrar.

Section 8.6. Successor Paying Agents/Registrars. The City covenants that at all times while any Series 2014 Bonds are Outstanding it will provide a legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar for the Series 2014 Bonds. If the Paying Agent/Registrar or its successor for any reason no longer acts as Paying Agent/Registrar hereunder, the City covenants that it will appoint a bank in the same city as the Paying Agent/Registrar initially appointed to perform the duties of Paying Agent/Registrar hereunder. Any successor Paying Agent/Registrar shall be either a national or state banking institution, and a corporation organized and doing business under the laws of the United States of America or any state, which is authorized under such laws to exercise trust powers and is subject to supervision or examination by federal or state authority.

The City reserves the right to change the Paying Agent/Registrar for the Series 2014 Bonds on not less than sixty (60) days written notice to the Paying Agent/Registrar, as long as any such notice is effective not less than sixty (60) days prior to the next succeeding principal or interest payment date on the Series 2014 Bonds. Promptly upon the appointment of any successor Paying Agent/Registrar, the previous Paying Agent/Registrar shall deliver the Register or a copy thereof to the new Paying Agent/Registrar and the new Paying Agent/Registrar shall notify each Registered Owner, by first-class mail, postage prepaid, of such change and of the address of the new Paying Agent/Registrar. Each Paying Agent/Registrar hereunder, by acting in that capacity, shall be deemed to have agreed to the provisions of this Ordinance.

ARTICLE IX
TAX
EXEMPTION

Section 9.1. Covenants to Maintain Tax Exempt Status.

(a) Definitions. When used in this Section, the following terms have the following meanings:

"Code" means the Internal Revenue Code of 1986, as amended by all legislation, if any, enacted on or before the Issue Date.

"Computation Date" has the meaning stated in Section 1.148-1(b) of the Regulations.

"Gross Proceeds" has the meaning stated in Section 1.148-1(b) of the Regulations.

"Investment" has the meaning stated in Section 1.148-1(b) of the Regulations.

"Issue Date" for each series or sub-series of the Series 2014 Bonds or other obligations of the City is the respective date on which such series or sub-series of the Series 2014 Bonds or other obligations of the City is delivered against payment therefor.

"Net Sale Proceeds" has the meaning stated in Section 1.148-1(b) of the Regulations.

"Nonpurpose Investment" has the meaning stated in Section 1.148-1(b) of the Regulations.

"Proceeds" has the meaning stated in Section 1.148-1(b) of the Regulations.

"Rebate Amount" has the meaning stated in Section 1.148-3 of the Regulations.

"Regulations" means the temporary or final Income Tax Regulations applicable to the Bonds issued pursuant to Sections 141 through 150 of the Code. Any reference to a section of the Regulations shall also refer to any successor provision to such section hereafter promulgated by the Internal Revenue Service pursuant to Sections 141 through 150 of the Code and applicable to the Series 2014 Bonds.

"Yield of"

any Investment shall be computed in accordance with Section 1.148-5 of the Regulations, and

the Series 2014 Bonds shall be computed in accordance with Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which, if made or omitted, respectively, would cause the interest on such Series 2014 Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City shall have received a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Series 2014 Bond, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the regulations and rulings thereunder, the City shall, at all times after the Issue Date of any Series 2014 Bond and prior to the last stated maturity of the Series 2014 Bonds

(1) exclusively own, operate, and possess all property the acquisition, construction, or improvement of which is to be financed directly or indirectly with Gross Proceeds of such Series 2014 Bond and not use or permit the use of such Gross Proceeds or

any property acquired, constructed, or improved with such Gross Proceeds in any activity carried on by any person or entity other than a state or local government, unless such use is solely as a member of the general public, or

(2) not directly or indirectly impose or accept any charge or other payment for use of Gross Proceeds of such Series 2014 Bond or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with such Gross Proceeds other than taxes of general application and interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the regulations and rulings thereunder, the City shall not use Gross Proceeds of such Series 2014 Bond to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, Gross Proceeds are considered to be "loaned" to a person or entity if (1) property acquired, constructed or improved with Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes, (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output, or similar contract or arrangement, or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or such property are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the final stated maturity or final payment of such Series 2014 Bond, directly or indirectly invest Gross Proceeds of such Series 2014 Bond in any Investment (or use such Gross Proceeds to replace money so invested), if as a result of such investment the Yield of all Investments allocated to such Gross Proceeds whether then held or previously disposed of, exceeds the Yield on the Series 2014 Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Series 2014 Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the regulations and rulings thereunder.

(g) Information Report. The City shall timely file with the Secretary of the Treasury the information required by Section 149(e) of the Code with respect to each converted series of the Series 2014 Bonds on such forms and in such place as such Secretary may prescribe.

(h) Payment of Rebate Amount. Except to the extent otherwise provided in Section 148(f) of the Code and the regulations and rulings thereunder, the City shall:

(1) account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of such accounting for at least six years after the final Computation Date. The City may, however, to the extent permitted by law, commingle Gross

Proceeds of the Series 2014 Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of such Gross Proceeds and the obligations acquired therewith,

(2) calculate the Rebate Amount with respect to such Series 2014 Bond not less frequently than each Computation Date, in accordance with rules set forth in Section 148(f) of the Code, Section 1.148-3 of the Regulations, and the rulings thereunder. The City shall maintain a copy of such calculations for at least six years after the final Computation Date,

(3) as additional consideration for the purchase of the Series 2014 Bonds by the initial purchasers thereof and the loan of the money represented thereby, and in order to induce such purchase by measures designed to ensure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, pay to the United States the amount described in paragraph (2) above at the times, in the installments, to the place, in the manner and accompanied by such forms or other information as is or may be required by Section 148(f) of the Code and the regulations and rulings thereunder, and

(4) exercise reasonable diligence to assure that no errors are made in the calculations required by paragraph (2) and, if such error is made, to discover and promptly to correct such error within a reasonable amount of time thereafter, including payment to the United States of any interest and any penalty required by the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the regulations and rulings thereunder, the City shall not, at any time after the Issue Date of the Series 2014 Bonds and prior to the earlier of the final stated maturity or final payment of the Series 2014 Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Series 2014 Bonds, not been relevant to either party.

ARTICLE X
CONTINUING DISCLOSURE UNDERTAKING

Section 10.1. Annual Reports. The City shall provide annually to the Municipal Securities Rulemaking Board (the "MSRB"), within six months after the end of each fiscal year ending in or after 2014, financial information and operating data with respect to the City of the general type described in Exhibit F hereto. Any financial statements so to be provided shall be (1) prepared in accordance with the accounting principles described in Exhibit F hereto and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If audited financial statements are not so provided, then the City shall provide unaudited financial statements for the applicable fiscal year by the required time, and audited financial statements when and if audited financial statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to documents (i) available to the public on the MSRB's internet web site or (ii) filed with the SEC.

Section 10.2. Material Event Notices. The City shall notify the MSRB in a electronic format prescribed by the MSRB, in a timely manner (not in excess of ten (10) days after the occurrence of the event), of any of the following events with respect to the Series 2014 Bonds:

(a) Principal and interest payment delinquencies;

(b) Non-payment related defaults, if material;

(c) Unscheduled draws on debt service reserves reflecting financial difficulties;

(d) Unscheduled draws on credit enhancements reflecting financial difficulties;

(e) Substitution of credit or liquidity providers, or their failure to perform;

(f) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

(g) Modifications to rights of holders of the Series 2014 Bonds, if material;

(h) Bond calls, if material, and tender offers;

(i) Defeasances;

(j) Release, substitution, or sale of property securing repayment of the Series 2014 Bonds, if material;

(k) Rating changes;

(l) Bankruptcy, insolvency, receivership or similar event of the City;

(m) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement

relating to any such actions, other than pursuant to its terms, if material; and

(n) Appointment of a successor or additional Paying Agent/Registrar or the change of name of Paying Agent/Registrar, if material.

For the purposes of the event identified in clause (l), the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

The City shall notify the MSRB in an electronic format prescribed by the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Section 10.1 of this Ordinance by the time required by such Section.

Section 10.3. Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Article for so long as, but only for so long as, the City remains an "obligated person" with respect to the Series 2014 Bonds within the meaning of the Rule, except that the City in any event will give the notice required by Section 10.2 of any Series 2014 Bond calls and defeasance that cause the City to be no longer such an "obligated person."

The provisions of this Article are for the sole benefit of the Owners and beneficial owners of the Series 2014 Bonds, and nothing in this Article, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Article and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Article or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Series 2014 Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE OWNER OR BENEFICIAL OWNER OF ANY SERIES 2014 BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS ARTICLE, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Article shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Article is intended or shall act to disclaim, waive or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Article may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status or type of operations of the City, but only if (1) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Series 2014 Bonds in the primary offering of the Series 2014 Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Series 2014 Bonds consent to such amendment or (b) a person or entity that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owners and beneficial owners of the Series 2014 Bonds. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 10.1 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this Article if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, and the City also may amend the provisions of this Article in its discretion in any other manner or circumstance, but in either case only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Series 2014 Bonds in the primary offering of the Series 2014 Bonds.

Section 10.4. Definitions. As used in this Article, the following terms have the meanings ascribed to such terms below:

"MSRB" means the Municipal Securities Rulemaking Board.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

ARTICLE XI
SALE AND DELIVERY OF BONDS; DEPOSIT OF PROCEEDS

Section 11.1. Sale of Series 2014 Bonds; Bond Purchase Agreement. The sale of the Series 2014 Bonds to the Purchaser at a price of $_____(representing the principal amount of the Series 2014 Bonds less an [original issue discount] on the Series 2014 Bonds of $_____and less an underwriting discount of $_____), plus accrued interest to the date of delivery of the Series 2014 Bonds, in accordance with the terms of the Bond Purchase Agreement presented to and hereby approved by the City Council, in substantially the form

attached hereto as Exhibit C which price and terms are hereby found and determined to be the most advantageous reasonably obtainable by the City. The Mayor, Mayor Pro-Tem and all other officials, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to provide for the issuance and delivery of the Bonds.

Section 11.2. Approval, Registration and Delivery. The Mayor and the City Secretary are hereby authorized to have control and custody of the Series 2014 Bonds and all necessary records and proceedings pertaining thereto pending their delivery, and the Mayor of the City, the City Secretary of the City, the City Manager of the City and other officers and employees of the City are hereby authorized, directed and instructed to make such certifications and to execute such instruments (including by printed facsimile signature, the Series 2014 Bonds) as may be necessary to accomplish the delivery of the Series 2014 Bonds and to assure the investigation, examination, and approval thereof by the Attorney General of Texas and the registration of the initial Series 2014 Bonds by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Series 2014 Bonds, the Comptroller of Public Accounts of the State of Texas (or a deputy designated in writing to act for him) shall be requested to sign manually the registration certificate prescribed herein to be attached or affixed to each Series 2014 Bond initially delivered and the seal of the Comptroller of Public Accounts of the State of Texas shall be impressed or printed or lithographed thereon. Delivery of the Series 2014 Bonds is subject to the unqualified approving opinion as to the legality of the Series 2014 Bonds of the Attorney General of Texas and of Andrews Kurth LLP, Houston, Texas, Bond Counsel.

Section 11.3. Offering Documents; Ratings. The City hereby approves the form and contents of the Preliminary Official Statement and the final Official Statement, dated as of the date hereof, relating to the Series 2014 Bonds, and any addenda, supplement or amendment thereto, and ratifies and approves the distribution of such Preliminary Official Statement and Official Statement in the offer and sale of the Series 2014 Bonds and in the reoffering of the Series 2014 Bonds by the Purchaser, with such changes therein or additions thereto as the officials executing same may deem advisable, such determination to be conclusively evidenced by their execution thereof. The Mayor is hereby authorized and directed to execute, and the City Secretary is hereby authorized and directed to attest, the final Official Statement. It is further hereby officially found, determined and declared that the statements and representations contained in the Preliminary Official Statement and final Official Statement are true and correct in all material respects, to the best knowledge and belief of the City Council, and that, as of the date thereof, the Preliminary Official Statement was an official statement of the City with respect to the Series 2014 Bonds that was deemed "final" by an authorized official of the City except for the omission of no more than the information permitted by subsection (b)(1) of Rule 15c2-12 of the Securities and Exchange Commission. Copies of the Preliminary Official Statement and the Official Statement are attached hereto as Exhibits D and Exhibit E, respectively.

Further, the City Council hereby ratifies, authorizes and approves the actions of the Mayor, the City's financial advisor and other consultants in seeking a rating on the Series 2014 Bonds from Moody's Investors Service, Inc. and Standard & Poor's Ratings Services and such actions are hereby ratified and confirmed.

Section 11.4. Application of Proceeds of Series 2014 Bonds. Proceeds from the sale of the Series 2014 Bonds shall, promptly upon receipt by the City, be applied as follows:

(a) First, accrued interest and premium, if any, shall be deposited into the Interest and Sinking Fund; and

(b) Second, the remaining proceeds from the sale of the Series 2014 Bonds shall be deposited to a separate construction fund of the City and used for the purposes set forth in Section 3.1 of this Ordinance and to pay all expenses arising in connection with the issuance of the Series 2014 Bonds. Any proceeds of the Series 2014 Bonds remaining after making all such deposits and payments shall be deposited into the Interest and Sinking Fund.

Section 11.5. Related Matters. In order that the City shall satisfy in a timely manner all of its obligations under this Ordinance, the Mayor, the City Manager, the City Secretary, the Director of Finance and all other appropriate officers, agents, representatives and employees of the City are hereby authorized and directed to take all other actions that are reasonably necessary to provide for the issuance and delivery of the Bonds, including, without limitation, executing and delivering on behalf of the City all certificates, consents, receipts, requests, notices, and other documents as may be reasonably necessary to satisfy the City's obligations under this Ordinance and to direct the transfer and application of funds of the City consistent with the provisions of this Ordinance.

Section 11.6. Control and Delivery of Series 2014 Bonds.

(a) The City Manager of the City is hereby authorized to have control of the Series 2014 Bonds and all necessary records and proceedings pertaining hereto pending investigation, examination and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State and registration with initial exchange or transfer by, the Paying Agent/Registrar.

(b) The Initial Bond(s) shall be the Bonds submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the Purchaser. After registration by the Comptroller of Public Accounts, delivery of the Bonds shall be made to the Purchaser under and subject to the general supervision and direction of the Mayor, against receipt by the City of all amounts due to the City under the terms of sale.

(c) The Mayor, the City Manager, the Director of Finance of the City, and all other officers, employees, and agents of the City, and each of them, shall be and they are expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such agreements, certificates, and instruments, whether herein mentioned, as may be necessary or desirable to carry out the terms and provisions of this Ordinance, the bonds, the sale and delivery of the Bonds, the DTC Blanket Letter of Representations and the Official Statement. The City Council hereby authorizes the payment of the fee of the Office of the Attorney General of the State of Texas for the examination of the proceedings relating to the

issuance of the Bonds, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code.

ARTICLE XII
MISCELLANEO
US

Section 12.1. Related Matters. In order that the City shall satisfy, in a timely manner, all of its obligations under the Ordinance, the Mayor, the City Secretary and other appropriate officers and agents of the City are hereby authorized and directed to take all other actions that are reasonably necessary to provide for issuance and delivery of the Series 2014 Bonds, including executing by manual or facsimile signature and delivering on behalf of the City all certificates, consents, receipts, requests, notices, investment agreements and other documents as may be reasonably necessary to satisfy the City's obligations under the Ordinance and to direct the transfer and application of funds of the City consistent with the provisions of such Ordinance. If requested by the Attorney General of Texas or his representatives, the Mayor may authorize such ministerial changes in the written text of this Ordinance as are necessary to obtain the Attorney General's approval and as he determines are consistent with the intent and purposes of this Ordinance, which determination shall be final.

Section 12.2. Severability. If any Section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such Section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 12.3. Open Meeting. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 12.4. Governing Law. This Ordinance shall be construed in accordance with and governed by the laws of the State of Texas.

Section 12.5. Repealer. All ordinances, or parts thereof inconsistent herewith, are hereby repealed to the extent of such inconsistency.

Section 12.6. Emergency. It is hereby officially found and determined that this Ordinance relates to an immediate public emergency affecting life, health, property and public peace, and that such emergency exists, the specific emergency being that the proceeds from the sale of the Series 2014 Bonds are required as soon as possible for necessary and urgently needed improvements, and that this Ordinance be passed and approved on the date of its introduction.

Section 12.7. Effective Date. This Ordinance shall be in force and effect from and after

its passage on the date shown below.

PASSED AND APPROVED ON FIRST AND ONLY 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

Exhibit A	Form of Bond
Exhibit B	Paying Agent/Registrar Agreement
Exhibit C	Bond Purchase Agreement
Exhibit D	Preliminary Official Statement
Exhibit E	Official Statement
Exhibit F	Description of Annual Financial Information

EXHIBIT A

FORM OF

BOND

United States of America
State of Texas

NUMBER	DENOMINATION
[1]R-	$_____
REGISTERED	REGISTERED

CITY OF PEARLAND, TEXAS
WATER AND SEWER SYSTEM REVENUE BONDS
SERIES 2014

[2]INTEREST RATE:	DATED DATE:	[2]MATURITY DATE:	[2]CUSIP:
___%	October 1, 2014	September 1,____	

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____DOLLARS

[3]THE CITY OF PEARLAND, TEXAS (the "City"), a municipal corporation duly incorporated under the laws of the State of Texas, for value received hereby promises to pay, but solely from certain Net Revenues as hereinafter provided, to the Registered Owner identified above or registered assigns, on the Maturity Date specified above, upon presentation and surrender of this Series 2014 Bond at the designated payment office of Wells Fargo Bank, N.A. in Minneapolis, Minnesota, Texas (the "Paying Agent/Registrar"), the principal amount identified above, in any coin or currency of the United States of America which on the date of payment of such principal is legal tender for the payment of debts due the United States of America, and to pay, solely from such Net Revenues, interest thereon at the rate described below, calculated on the basis of a 360-day year, composed of twelve 30-day months, from the

---

[1] Initial Bond shall be numbered T-1.

[2] Omitted from Initial Bond.

[3] The first sentence of the Initial Bond shall read as follows:

> "THE CITY OF PEARLAND, TEXAS (the "City"), a municipal corporation duly incorporated under the laws of the State of Texas, for value received hereby promises to pay, but solely from certain Net Revenues as hereinafter provided, to the Registered Owner identified above or registered assigns, on the Maturity Date specified below, upon presentation and surrender of this Series 2014 Bond at the designated payment office of Wells Fargo Bank, N.A. in Minneapolis, MinnesotaDallas, Texas (the "Paying Agent/Registrar"), the principal amount set forth in the following schedule: [Insert information regarding years of maturity, principal amounts and interest rates from Section 3.3, in any coin or currency of the United States of America which on the date of payment of such principal is legal tender for the payment of debts due the United States of America, and to

pay, solely from such Net Revenues, interest thereon at the rate described above, calculated on the basis of a 360-day year, composed of twelve 30-day months, from the later of the Dated Date identified above or the most recent interest payment date to which interest has been paid or duly provided for."

later of the Dated Date identified above or the most recent interest payment date to which interest has been paid or duly provided for. Interest on this Series 2014 Bond is payable by check sent by United States mail, first class, postage prepaid, payable on March 1 and September 1, beginning on October 1, 2014, mailed to the Registered Owner as shown on the books of registration kept by the Paying Agent/Registrar as of the fifteenth calendar day of the month next preceding each interest payment date. Any accrued interest payable at maturity or earlier redemption shall be paid upon presentation and surrender of this Series 2014 Bond at the principal corporate trust office of the Paying Agent/Registrar.

THIS SERIES 2014 BOND IS ONE OF A DULY AUTHORIZED SERIES OF BONDS (the "Series 2014 Bonds") aggregating $____, issued for the purpose of constructing certain repairs, improvements, additions and extensions to the City's waterworks and sanitary sewer system and payment of costs of issuance of the Series 2014 Bonds, all under and pursuant to Chapter 1502, Texas Government Code, as amended, and an ordinance adopted by the City on September 22, 2014 (the "Ordinance"), and other applicable law. Capitalized terms used herein without definition are defined in the Ordinance.

THIS SERIES 2014 BOND AND THE SERIES OF WHICH IT IS A PART are special obligations of the City that are payable from and are equally and ratably secured by a first lien on and pledge of the Net Revenues collected and received by the City from the operation and ownership of the City's water and sewer system as defined and provided in the Ordinance, which Net Revenues are required to be set aside and pledged to the payment of the Outstanding Bonds, as described in the Ordinance, the Series 2014 Bonds, and all Additional Bonds issued on a parity therewith, in the Interest and Sinking Fund and the Reserve Fund maintained for the payment of all such Bonds, all as more fully described and provided for in the Ordinance.

THIS SERIES 2014 BOND AND THE SERIES OF WHICH IT IS A PART ARE PAYABLE SOLELY FROM SUCH NET REVENUES AND NEITHER THE STATE, NOR ANY POLITICAL SUBDIVISION OR AGENCY OF THE STATE, SHALL BE OBLIGATED TO PAY THE SAME OR THE INTEREST THEREON AND NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE STATE, THE CITY, OR ANY OTHER POLITICAL CORPORATION, SUBDIVISION OR AGENCY THEREOF IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF OR THE INTEREST ON THE SERIES 2014 BONDS. THE OWNER HEREOF SHALL NEVER HAVE THE RIGHT TO DEMAND PAYMENT OF THIS SERIES 2014 BOND OUT OF ANY FUNDS RAISED OR TO BE RAISED BY AD VALOREM TAXATION.

REFERENCE IS HEREBY MADE TO THE ORDINANCE, a copy of which is on file in the office of the Paying Agent/Registrar, and to all of the provisions of which the Registered Owner of this bond by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the security for the Series 2014 Bonds; the priority for the application and use of the income and revenues of the System; the Net Revenues pledged to the payment of the principal of and interest on the Series 2014 Bonds; the nature and extent and manner of enforcement of the lien and pledge securing the payment of the Series 2014 Bonds; the terms and conditions for the issuance of additional revenue obligations, including Additional Bonds; the terms and conditions for amending the Ordinance; the terms and conditions relating to the transfer or exchange of this bond; the rights, duties, and obligations of the City and the

Paying Agent/Registrar; the terms and provisions upon which the liens, pledges, charges and covenants made therein may be discharged at or prior to the maturity of this bond, and deemed to be no longer Outstanding thereunder; and for the other terms and provisions thereof. Capitalized terms used herein, unless otherwise defined, have the same meanings assigned in the Ordinance.

THE CITY RESERVES THE RIGHT, at its option, to redeem the Series 2014 Bonds maturing on September 1, 2025, and thereafter prior to their scheduled maturities, in whole or in part, in integral multiples of $5,000 on September 1, 2024, or any date thereafter at par plus accrued interest on the principal amounts called for redemption to the date fixed for redemption.

THE SERIES 2014 BONDS MATURING on September 1 in the year _____(the "Term Bonds") are subject to mandatory sinking fund redemption in the following amounts (subject to reduction as hereinafter provided), on the following dates, in each case at a redemption price equal to the principal amount of the Series 2014 Bonds or the portions thereof so called for redemption plus accrued interest to the date fixed for redemption:

	Mandatory Redemption Dates	**Principal Amounts**
Term Bonds Maturing September 1, ____		

The particular Term Bonds to be redeemed shall be selected by the Registrar by lot or other customary random selection method, on or before July 15 of each year in which Term Bonds are to be mandatorily redeemed. The principal amount of Term Bonds to be mandatorily redeemed in each year shall be reduced by the principal amount of such Term Bonds that have been optionally redeemed on or before July 15 of such year and which have not been made the basis for a previous reduction.

NOT LESS THAN THIRTY (30) DAYS prior to a redemption date, a notice of redemption will be sent by U.S. mail, first class postage prepaid, in the name of the City to each registered owner of a Series 2014 Bond to be redeemed in whole or in part at the address of the registered owner appearing on the registration books of the Paying Agent/Registrar at the close of business on the business day next preceding the date of mailing. When Series 2014 Bonds or portions thereof have been called for redemption and due provision has been made to redeem the same, the amounts so redeemed shall be payable solely from the funds provided for redemption, and interest which would otherwise accrue on the Series 2014 Bonds or portions thereof called for redemption shall terminate on the date fixed for redemption.

[4]THIS Series 2014 Bond shall not be valid or obligatory for any purpose or be entitled to any benefit under the Ordinance unless this Bond is authenticated by the Paying Agent/Registrar by due execution of the authentication certificate endorsed hereon.

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[4] In the Initial Bond, this paragraph shall read as follows: "THIS SERIES 2014 BOND shall not be valid or obligatory for any purpose or be entitled to any benefit under the Ordinance unless this Bond is registered by the Comptroller of Public Accounts of the State of Texas by registration certificate attached or affixed hereto."

THIS SERIES 2014 BOND IS TRANSFERABLE only upon presentation and surrender at the designated payment office of the Paying Agent/Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the Registered Owner or his authorized representative, subject to the terms and conditions of the Ordinance.

THIS SERIES 2014 BOND IS EXCHANGEABLE at the corporate trust office of the Paying Agent/Registrar for bonds in the principal amount of $5,000 or any integral multiple thereof, subject to the terms and conditions of the Ordinance.

THE PAYING AGENT/REGISTRAR IS NOT REQUIRED to accept for transfer or exchange any Series 2014 Bond called for redemption in whole or in part during the 45 day period immediately prior to the date fixed for redemption.

THE REGISTERED OWNER of this Series 2014 Bond, by acceptance hereof, acknowledges and agrees to be bound by all the terms and conditions of the Ordinance.

THE CITY has covenanted in the Ordinance that it will at all times provide a legally qualified Paying Agent/Registrar for the Series 2014 Bonds and will cause notice of any change of Paying Agent/Registrar to be mailed to each Registered Owner.

THE CITY HAS RESERVED THE RIGHT TO ISSUE ADDITIONAL PARITY BONDS, subject to the restrictions contained in the Ordinance, which may be equally and ratably payable from, and secured by a first lien on and pledge of, the Net Revenues in the same manner and to the same extent as the Outstanding Bonds, which includes this Series 2014 Bond and the series of which it is a part.

IT IS HEREBY DECLARED AND REPRESENTED that this Series 2014 Bond has been duly and validly issued and delivered; that all acts, conditions, and things required or proper to be performed, to exist, and to be done precedent to or in the issuance and delivery of this Series 2014 Bond have been performed, have existed, and have been done in accordance with law; that the Series 2014 Bonds do not exceed any statutory limitation; and that provision has been made for the payment of the principal of and interest on this Series 2014 Bond and all of the Series 2014 Bonds by the creation of the aforesaid lien on and pledge of the Net Revenues.

IN WITNESS WHEREOF, the City has caused its corporate seal to be impressed or placed in facsimile hereon and has caused this Series 2014 Bond to be executed by the Mayor and countersigned by the City Secretary by manual, lithographed, or printed facsimile signatures.

CITY OF PEARLAND, TEXAS

_____

Mayor

(SEAL)

COUNTERSIGNED

_____

City Secretary

* * * * *

[FORM OF COMPTROLLER'S REGISTRATION CERTIFICATE]

The following form of Comptroller's Registration Certificate shall be attached or affixed to each of the Series 2014 Bonds initially delivered.

THE STATE OF TEXAS

REGISTER NO._____

OFFICE OF THE COMPTROLLER
OF PUBLIC ACCOUNTS

I hereby certify that there is on file and of record in my office a certificate of the Attorney General of the State of Texas to the effect that this bond and the proceedings for the issuance hereof have been examined by him as required by law, that he finds that it has been issued in conformity with the Constitution and laws of the State of Texas and that it is a valid and binding special obligation of the City of Pearland, Texas, payable from the revenues and other funds pledged to its payment by and in the proceedings authorizing the same, and I do further certify that this bond has this day been registered by me.

WITNESS MY SIGNATURE AND SEAL OF OFFICE this _____ _____.

_____
Comptroller of Public Accounts
of the State of Texas

[SEAL]

* * * * *

[FORM OF AUTHENTICATION CERTIFICATE]

The following form of Authentication Certificate shall appear on each of the Series 2014 Bonds.

AUTHENTICATION CERTIFICATE

This bond is one of the Series 2014 Bonds described in and delivered pursuant to the within-mentioned Ordinance; and, except for the Series 2014 Bonds initially delivered, this bond has been issued in conversion of and exchange for or replacement of a bond, bonds or a portion of a bond or bonds of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

WELLS FARGO BANK, N.A., Minneapolis, Minnesota

By:_____
Authorized Signature:_____
Date of Authentication:_____

* * * * *

[FORM OF ASSIGNMENT]

The following form of assignment shall appear on each of the Series 2014 Bonds.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns, and transfers unto _____.

_____

(Social Security or Other Identifying Number)

_____

(Print or type name, address, and zip code of transferee)

the within bond and hereby irrevocably constitutes and appoints_____attorney to transfer said bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED:_____

Signature Guaranteed:

_____

_____
Registered Owner

NOTICE: The signature must be guaranteed by a commercial bank or a member firm of a national securities exchange. Notarized or witnessed signatures are not acceptable.

NOTICE: The signature on this assignment must correspond with the name of the Registered Owner as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatever.

* * * *

EXHIBIT B

PAYING AGENT/REGISTRAR AGREEMENT

See Tab __

EXHIBIT C

BOND PURCHASE AGREEMENT

See Tab __

EXHIBIT D

PRELIMINARY OFFICIAL

STATEMENT

See Tab __

EXHIBIT E

OFFICIAL

STATEMENT

See Tab __

EXHIBIT F

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Article X of this Ordinance:

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Article are as specified below:

1. The financial statements of the City for the most recently concluded fiscal year and the information in the Official Statement under the headings "CITY REVENUE DEBT," and "THE SYSTEM."

Accounting Principles

The accounting principles referred to in Article X are the accounting principles described in the notes to the financial statements referred to in paragraph 1 above.

RESPONSIVE RESULTS-ORIENTED TRUST-BUILDERS ACCOUNTABLE

Memo

7/3/14
To: Mayor & City Council Members
For upcoming action.

To: Clay Pearson, City Manager

From: Claire Bogard, Director of Finance CB

CC: Trent Epperson, Capital Projects & Engineering Director

Date: July 3, 2014

Re: 2014 Certificates of Obligation and Water/Sewer Revenue Bonds

Pursuant to the fiscal year 2014 budget and 2014-2018 Capital Improvement Plan, City staff will be bringing forward for City Council consideration and approval to proceed with the issuance of Certificates of Obligation and Water/Sewer Revenue Bonds. Both of these bond issuances had been included in last year's forecast as well as in the updated forecast for the Debt Service Fund, General Fund, and Water/Sewer Fund. Taking each issuance separately:

Certificates of Obligation – Totals $4,622,570 to construction

The Certificates will fund design and construction or renovation of facilities that were not included in the 2007 bond referendum. The only facilities that were addressed in the 2007 bond referendum were the expansion of Tom Reid Library, the Natatorium/Recreation Center, and the Nature Center. Fire Stations and renovation of existing facilities were not addressed at that time and with the implementation of a combination full-time/volunteer fire department and significant growth since then, City facilities are in dire need of renovation and expansion. City Council did approve an Intent to Reimburse, Resolution R2013-164, in October 2013 and these projects have been moving forward. Below is a list of projects to be funded:

Project	Original Amount	Revised Amount	Description
SCR Trail	$ 38,994		Using cash on hand instead
Green Tee Trail	$ 86,987		Using cash on hand instead
City Hall Complex	$ 372,952	$ 400,000	PER/Design
Fire Station #3	$2,822,423	$3,227,423	Construction
Fire Station #2	$ 473,460	$ 473,460	Land/Design
Hillhouse Phase II	$ 300,000		Reallocated to Service Center
Orange St Service Center		$ 290,000	PER/Design
Project Management	$ 231,687	$ 231,687	
Total	$4,326,503	$4,622,570	

City Hall Complex Renovations – In line with Council direction at the March 2014 retreat; renovate and repurpose all floors in City Hall and the entire Community Center to accommodate department growth and space needs. Preliminary engineering is currently underway, design contract will be forthcoming. Construction dollars in fiscal year 2015 currently at $4.371 million, including contingency, based upon

current discussions with architects, for a total cost of $4.8 million, however total cost a lot less than building a new facility. (See separate memo from Trent Epperson)

Fire Station #3 – Groundbreaking recently held and construction of an approximate 10,000 square foot facility is currently underway. Based on the construction bid received and awarded, the amount of bonds needed increased by $405,000. Estimated operating cost built into the fiscal year 2015 budget is $500,000, not including small furniture/equipment for the station.

Fire Station #2 - Land has been purchased at the northwest corner of Fite and Harkey for the construction of an approximate 10,000 square foot facility and design is underway. Construction dollars in fiscal year 2015 totaling $3.8 million. Annual estimated operating cost is $1.0 million to be incorporated into the fiscal year 2016 budget.

Hillhouse Phase II – In the 2014-2018 capital improvement program, there was $3.6 million projected for a phase II of Hillhouse Road. The 2015-2019 capital improvement program has since been updated and based on current more pressing needs, a portion of the overall monies are planned to be reallocated to renovate and update the Orange Street service center to meet the demands on that facility. This project has been reduced to $1.8 million with design in 2015 and construction in 2016.

Orange Street Service Center - funding for preliminary programming and design of the Orange Street Service Center; including the Fleet area, the storage yard, renovate and upgrade the facilities and adjacent offices, including the old EMS and Fire Marshall buildings. Construction of $2.1 million anticipated in fiscal year 2015.

On July 28th, City Council will be asked to approve a "Notice of Intent to Issue Certificates of Obligation" pursuant to the Certificate of Obligation Act, Section 271.041 – 271.049 of the Texas Local Government Code. The notice will be published once a week for two consecutive weeks in the City's official newspaper, with the date of first publication to be before the 30th day before the ordinance approving the issuance is anticipated. The notice gives the date and time tentatively set for the passage of the ordinance, the maximum amount and purpose of the bonds, and the manner in which the debt will be paid for; ie: property taxes, revenues, etc. The bonds planned for by the City will be property taxed back bonds. The law also provides for a petition signed by at least 5% of the qualified voters. This notice allows for a public process.

Water/Sewer Revenue Bonds - $11,507,734 to construction

At the July 28th Council meeting, City staff will also review the schedule and timing of the water/sewer revenue bond sale. There will be no specific action required of City Council, other than concurrence to proceed. Water/Sewer revenue bonds are backed and paid for by the water/sewer system revenues generated by the rates of the system. There is no public notice or voter approved bond propositions required with the sale of water/sewer revenue bonds. City Council did approve an Intent to Reimburse, Resolution R2013-164, in October 2013 and these projects have been moving forward. Projects are as follows:

Project	Original Amount	Revised Amount	Description
McHard Rd Waterline	$ 6,883,947	$ 2,753,235	Project split into phases
SH35 Waterline	$ 1,500,000	$ 1,500,000	Construction
Far NW WWTP Expansion to carryover to future years	$ 6,832,000	$ 3,332,000	Timing. $30million+ project,
Longwood Service Area	$ 644,190	$ 644,190	Design and Construction
West Oaks Lift Station	$ 143,350	$ 286,350	Construction
Oak Brook Lift Station	$ 256,190	$ 256,190	Design and Construction
Pearland Heights Lift Station	$ 255,024	$ 255,024	Design and Construction
McHard Rd. Trunk Sewer	$ 225,745	$ 225,745	Design
Mykawa Scott Lift Station	$ 358,205	$	Project moved to 2016/2017
Hatfield Trunk Basin	$ 2,255,000	$ 2,255,000	Construction
Total	$19,353,541	$11,507,734	

McHard Rd Waterline - split into two phases to coincide with the right of way approval and acquisition for the McHard Road project. Current funding is for construction from Cullen to Business Center Drive and Mykawa to SH35. Mykawa to Cullen will be the second phase scheduled in 2016.

SH35 Waterline – design almost complete to install 1.5 miles of water line along SH35 from FM518 to just south of Magnolia/John Lizer; land acquisition on-going.

Far NW WWTP Expansion - due to project schedule, amount of the issuance has been reduced, however the balance of the funds will be needed in fiscal year 2015 and 2016. Based on the findings of the preliminary engineering, the plant expansion will be larger than the originally planned 2MGD expansion, which will increase the 2016 issuance.

Longwood Service Area – force main diversion to reduce flow to the Longwood WWTP. Design to begin shortly.

Lift Station Projects – are abandonment of lift stations. West Oaks under design; other two to be under design shortly.

McHard Road Trunk Sewer – will provide gravity sewer, extending the Southdown service area to the east to areas not currently served. Design only, construction in 2017.

As previously stated, these projects and associated monies needed are in unification with the fiscal year 2014 budget and capital improvement program as adjusted for known cost and project timing. On July 28th City Council will be asked to approve the Notice of Intent to Issue Certificates of Obligation as well as give approval to proceed with the Water/Sewer Revenue Bonds. Upon these actions, the public notice will be published and the preliminary statements drafted. It is anticipated that the bond sales would occur on September 22, 2014, with a first and final reading, as this bond sale will be competitive with bids due that day. The daily fluctuations in the bond market would not allow us to hold those bids for two weeks. The bonds would close a month later, in October 2014.

New Business Item No. 2

2. **Consideration and Possible Action – First and Only Reading of Ordinance No. 1503 –** An Ordinance authorizing the issuance of City of Pearland, Texas Certificates of Obligation, Series 2014; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; making other provisions regarding such certificates and matters incident thereto; and declaring an emergency.

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

AGENDA OF:	September 22, 2014	**ITEM NO.:**	Ordinance No. 1503
DATE SUBMITTED:	September 9, 2014	**DEPT. OF ORIGIN:**	Finance
PREPARED BY:	Claire Bogard	**PRESENTOR:**	Claire Bogard
REVIEWED BY:	Jon R. Branson	**REVIEW DATE:**	September 12, 2014

SUBJECT: **Certificates of Obligation, Series 2014**

EXHIBITS: Ordinance 1503
Budget Memo – City Hall Complex
Memo to City Council – Certificate of Obligation and W/S Bonds

FUNDING:

	☐ **Grant**	☐ **Developer/Other**	☐ **Cash**
☒ **Bonds To Be Sold**	☐ **Bonds- Sold**	☐ **L/P – Sold**	☐ **L/P – To Be Sold**

EXPENDITURE REQUIRED: **AMOUNT BUDGETED:**
AMOUNT AVAILABLE: **PROJECT NO.:**
ACCOUNT NO.:

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

To be completed by Department:

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

EXECUTIVE SUMMARY

BACKGROUND

Pursuant to the Certificate of Obligation Act in the Local Government Code, 271.041, the fiscal year 2014 budget included issuing $4.3 million in Certificates of Obligation for the following projects:

Project	Original Budget	Revised Amount
SCR Trail	38,994	
Green Tee Trail	86,987	
City Hall Complex	372,952	400,000
Fire Station #3	2,822,423	3,227,423
Fire Station #2	473,640	473,640
Hillhouse Phase II	300,000	
Orange St. Service Center		290,000
Construction Management	231,687	231,687
Total	$4,326,683	$4,622,750

The Certificates will fund design and construction or renovation of facilities that were not included in the 2007 bond referendum. The only facilities that were addressed in the 2007 bond referendum were the expansion of the Tom Reid Library, the Nature Center, Fire Station #5, and the Recreation/Natatorium. Additional need for 24/7 manned fire stations and renovation of existing facilities were not addressed at that time, however enhanced fire service requires the relocation and construction of a new Fire Station #2 and #3 and renovation and expansion of existing City facilities, mainly City Hall and the Orange Street Service Center, for space, security, and functionality needs are required.

The dollar amount of the issuance is higher than budgeted by $296,067 mainly due to Fire Station #3, based on the bid and currently under construction, as construction costs are increasing. Hillhouse Annex Phase II dollars are being reallocated to the renovation of the Orange Street Service Center, which is a more pressing need and the trail projects are being funded with cash versus issuing bonds. The revised bond amount was built into the long-range plan shared with City Council during the discussion on the General Obligation Debt and tax rate impacts.

As discussed during the fiscal year 2015 budget process, the monies for the City Hall Complex, $400,000, is for design. The contract will allow for flexibility, developing a schematic design first with cost estimates for different types of work and logical sections of the building. Options would be presented to City Council to discuss the extent of the renovation before moving forward with full design development and construction drawings based on areas and items that City Council wants to fund.

The Certificate of Obligation Act allows the governing body to issue certificates for professional services (ie: engineers, architects, appraisers, etc.) and construction associated for any public work. Work has begun on most of these projects and City Council approved a notice of intent to be reimbursed from future bond proceeds in October 2013; Resolution R2013-164. Certificates of Obligation, while not approved for the votes, allows for a public process.

SCHEDULE; BID AND AWARD

On July 28, 2014, City Council approved the Notice of Intent to Issue Certificates of Obligation. The notice was published once a week for 2 consecutive weeks in a newspaper that is of general circulation in the area with the date of the first publication before the 30th day tentatively set for the sale of the bonds, as required by State law. The notice stated the time and place tentatively set for the sale of the bonds, maximum amount and purpose of the certificates to be

authorized, and the manner in which the bonds will be paid for, ie: property taxes, revenues, etc. The Act includes provision for petition, 5% of the qualified voters, to require a vote of citizens, as required by state law. The City received no such petition.

The certificates were competitively bid, handled by the city's financial advisor, with bid date of Monday, September 22, 2014; 11:00am.

The actual Ordinance approving the sale of the bonds will be a First and Final reading and declaring an emergency as pricing and the bond market would not allow the City to hold the bids for two weeks. The Bonds will close in October.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

The Certificates of Obligation are structured with a 20-year maturity, level principal payment with a declining annual debt service payment. For fiscal year 2015, the annual debt service was estimated at $494,000 and incorporated into the five-year and long term forecast shared with City Council on the debt service tax rate.

The City's financial advisor, BOSC, INC. will be present to review the results of the competitive sale and make recommendation for awarded bidder.

RECOMMENDED ACTION

Consideration and Approval of Ordinance No. 1503 Authorizing Issuance of City of Pearland, Texas Certificates of Obligation, Series 2014; Prescribing the Terms and Form Thereof; Providing for the Payment of Thereof; Awarding the Sale Thereof; Making Other Provisions Regarding Such Certificates and Matters Incident Thereto; and Declaring an Emergency.

ORDINANCE NO. 1503

Ordinance authorizing the issuance of City of Pearland, Texas Certificates of Obligation, Series 2014; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; making other provisions regarding such certificates and matters incident thereto; and declaring an emergency.

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

ARTICLE I

FINDINGS AND DETERMINATIONS

Section 1.1: Findings and Determinations. The City Council hereby officially finds and determines that:

(a) The City of Pearland, Texas (the "City"), acting through its City Council, is authorized pursuant to and in accordance with the provisions of Texas Local Government Code, Chapter 271, Subchapter C, as amended (the "Act"), to issue certificates of obligation to provide all or part of the funds to pay contractual obligations to be incurred for the construction of public works and the purchase of materials, supplies, equipment, machinery, buildings, land and rights-of-way for authorized needs and purposes and for the payment of contractual obligations for professional services, to wit: i) improvements, renovations and additions to the existing public works service center located at East Orange Street and Old Alvin Road; (iii) acquisition of land for and the design and construction of two new fire stations located at Yost Road and FM 518 and at Harkey Road and Fite Road; (iv) project management for parks, street and facility capital projects within the City; (v) renovations to the existing City Hall Complex; and (vi) professional services rendered in connection with the above listed projects.

(b) The City Council authorized the publication of a notice of intention to issue Certificates of Obligation, Series 2014 (the "Certificates") to the effect that the City Council was tentatively scheduled to meet at 6:30 p.m. on September 22, 2014 at its regular meeting place to adopt an ordinance authorizing the issuance of the Certificates to be payable from (i) an ad valorem tax levied, within the limits prescribed by law, on the taxable property located within the City, and (ii) the revenues to be derived from the City's water and sewer system (the "System") after the payment of all operation and maintenance expenses thereof (the "Net Revenues") in an amount not to exceed $10,000, to the extent that ad valorem taxes are ever insufficient or unavailable for such purposes, provided that the pledge of Net Revenues is and shall be subordinate in all respects to the pledge of Net Revenues to the payment of any obligation of the City, whether authorized heretofore or hereafter, which the City designates as having a pledge senior to the pledge of the Net Revenues to the payment of the Certificates.

(c) Such notice was published at the times and in the manner required by the Act.

(d) No petition signed by at least five percent (5%) of the qualified voters of the City has been filed with or presented to any official of the City protesting the issuance of such Certificates on or before September 22, 2014, or the date of passage of this Ordinance.

(e) The City has determined that it is in the best interests of the City and that it is otherwise desirable to issue the Certificates to provide all or part of the funds to pay contractual obligations to be incurred for the purposes authorized by the Act.

ARTICLE II

DEFINITIONS AND INTERPRETATIONS

Section 2.1: Definitions. As used herein, the following terms shall have the meanings specified, unless the context clearly indicates otherwise:

"Act" shall mean Texas Local Government Code, Chapter 271, Subchapter C, as amended.

"Attorney General" shall mean the Attorney General of the State of Texas.

"Blanket Issuer Letter of Representations" means the Blanket Issuer Letter of Representations between the City, the Registrar and DTC.

"Certificate" or "Certificates" shall mean any or all of the City of Pearland, Texas Certificates of Obligation, Series 2014, authorized by this Ordinance.

"City" shall mean the City of Pearland, Texas and, where appropriate, its City Council.

"City Council" shall mean the governing body of the City.

"Code" shall mean the Internal Revenue Code of 1986, as amended.

"Comptroller" shall mean the Comptroller of Public Accounts of the State of Texas.

"Debt Service Fund" shall mean the Certificates of Obligation, Series 2014 Debt Service Fund established by the City and described in section 5.2 of this Ordinance.

"DTC" means The Depository Trust Company of New York, New York, or any successor securities depository.

"DTC Participant" means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"Fiscal Year" shall mean the City's then designated fiscal year, which currently is the twelve-month period beginning on the first day of October of a calendar year and ending on the last day of September of the next succeeding calendar year and each such period may be designated with the number of the calendar year in which such period ends.

"Interest Payment Date," when used in connection with any Certificate, shall mean March 1, 2015, and each September 1 and March 1 thereafter until maturity or earlier redemption of such Certificate.

"MSRB" means the Municipal Securities Rulemaking Board.

"Ordinance" shall mean this Ordinance and all amendments hereof and supplements hereto.

"Outstanding", when used with reference to the Certificates, shall mean, as of a particular date, all Certificates theretofore and thereupon delivered pursuant to this Ordinance except: (a) any Certificates canceled by or on behalf of the City at or before such date; (b) any Certificates defeased pursuant to the defeasance provisions of this Ordinance or otherwise defeased as permitted by applicable law; and (c) any Certificates in lieu of or in substitution for which a replacement Certificate shall have been delivered pursuant to this Ordinance.

"Paying Agent/Registrar" shall mean Wells Fargo Bank, N.A., Minneapolis, Minnesota and its successors in that capacity.

"Paying Agent/Registrar Agreement" shall mean the agreement between the City and the Paying Agent/Registrar as described more particularly in Section 6.1 hereof.

"Purchaser" shall mean the entity or entities specified in Section 7.1 hereof.

"Record Date" shall mean the close of business on the 15th day of the calendar month immediately preceding the applicable Interest Payment Date.

"Register" shall mean the registration books for the Certificates kept by the Paying Agent/Registrar in which are maintained the names and addresses of, and the principal amounts registered to, each Registered Owner of Certificates.

"Registered Owner" shall mean the person or entity in whose name any Certificate is registered in the Register.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

Section 2.2: Interpretations. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Certificates and the validity of the levy of ad valorem taxes to pay the principal of and interest on the Certificates.

ARTICLE III

TERMS OF THE CERTIFICATES

Section 3.1: Amount, Purpose and Authorization. The Certificates shall be issued in fully registered form, without coupons, under and pursuant to the authority of the Act in the total authorized aggregate principal amount of [FOUR MILLION SIX HUNDRED TWENTY -FIVE THOUSAND AND NO/100 DOLLARS ($4,625,000)] for the purpose of providing all or part of the funds to pay contractual obligations to be incurred for the purposes described in paragraph 1.1(a) hereof.

Section 3.2: Designation, Date and Interest Payment Dates. The Certificates shall be designated as the "City of Pearland, Texas Certificates of Obligation, Series 2014," and shall be dated October 1, 2014. The Certificates shall bear interest at the rates set forth in Section 3.3 below, from the later of the October 1, 2014 or the most recent Interest Payment Date to which interest has been paid or duly provided for, calculated on the basis of a 360-day year of twelve 30-day months, payable on March 1, 2015, and each September 1 and March 1 thereafter until maturity or earlier redemption.

If interest on any Certificate is not paid on any Interest Payment Date and continues unpaid for thirty (30) days thereafter, the Paying Agent/Registrar shall establish a new record date for the payment of such interest, to be known as a Special Record Date. The Paying Agent/Registrar shall establish a Special Record Date when funds to make such interest payment are received from or on behalf of the City. Such Special Record Date shall be fifteen (15) days prior to the date fixed for payment of such past due interest, and notice of the date of payment and the Special Record Date shall be sent by United States mail, first class, postage prepaid, not later than five (5) days prior to the Special Record Date, to each affected Registered Owner as of the close of business on the day prior to mailing of such notice.

Section 3.3: Numbers, Initial Certificates, Denomination, Interest Rates and Maturities. The Certificates shall be issued bearing the numbers, in the principal amounts and bearing interest at the rates set forth in the following schedule, and may be transferred and exchanged as set out in this Ordinance. The Certificates shall mature on March 1 in each of the years and in the amounts set out in such schedule. The Initial Certificate shall be numbered I-1 and all other Certificates shall be numbered in sequence beginning with R-1. Certificates delivered in transfer of or in exchange for other Certificates shall be numbered in order of their authentication by the Paying Agent/Registrar, shall be in the denomination of $5,000 or integral multiples thereof and shall mature on the same date and bear interest at the same rate as the Certificate or Certificates in lieu of which they are delivered.

Certificate Number	Year of Maturity	Principal Amount	Interest Rate
	3/1/____	$	%
	3/1/____	$	%
	3/1/____	$	%
	3/1/____	$	%

3/1/____	$	%
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3/1/____	$	%
3/1/____	$	%
3/1/____	$	%
3/1/____	$	%
3/1/____	$	%
3/1/____	$	%

Section 3.4: Execution of Certificates; Seal. (a) The Certificates shall be signed on behalf of the City by the Mayor and countersigned by the City Secretary, by their manual, lithographed, or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Certificates shall have the same effect as if each of the Certificates had been signed manually and in person by each of said officers, and such facsimile seal on the Certificates shall have the same effect as if the official seal of the City had been manually impressed upon each of the Certificates.

(b) If any officer of the City whose manual or facsimile signature shall appear on the Certificates shall cease to be such officer before the authentication of such Certificates or before the delivery of such Certificates, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Certificate shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Registrar's Authentication Certificate substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Registrar. In lieu of the executed Registrar's Authentication Certificate described above, the Initial Certificate delivered at the Closing Date shall have attached hereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller, or by his duly authorized agent, which certificate shall be evidence that the Initial Certificate has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller.

Section 3.5: Redemption Prior to Maturity. (a) Optional Redemption. The Certificates maturing on and after March 1, 2025, are subject to redemption prior to maturity, at the option of the City, in whole or in part, on March 1, 2024, or any date thereafter, at par plus accrued interest to the date fixed for redemption.

(b) Mandatory Redemption. The Certificates maturing on March 1 in the year 2 , (the "Term Certificates") are subject to mandatory sinking fund redemption in the following amounts (subject to reduction as hereinafter provided), on the following dates, in each case at a redemption price equal to the principal amount of the Certificates or the portions thereof so called for redemption plus accrued interest to the date fixed for redemption:

	Mandatory Redemption Dates	**Principal Amounts**
Term Certificates Maturing March 1, 20__	(stated maturity)	$

The particular Term Certificates to be redeemed shall be selected by the Registrar by lot or other customary random selection method, on or before January 15 of each year in which Term Certificates are to be mandatorily redeemed. The principal amount of Term Certificates to be mandatorily redeemed in each year shall be reduced by the principal amount of such Term Certificates that have been optionally redeemed and which have not been made the basis for a previous reduction.

(c) Certificates may be redeemed in part only in integral multiples of $5,000. If a Certificate subject to redemption is in a denomination larger than $5,000, a portion of such Certificate may be redeemed, but only in integral multiples of $5,000. In selecting portions of Certificates for redemption, each Certificate shall be treated as representing that number of Certificates of $5,000 denomination which is obtained by dividing the principal amount of such Certificate by $5,000. Upon presentation and surrender of any Certificate for redemption in part, the Paying Agent/Registrar, in accordance with the provisions of this Ordinance, shall authenticate and deliver in exchange therefor a Certificate or Certificates of like maturity and interest rate in an aggregate principal amount equal to the unredeemed portion of the Certificate so surrendered.

(d) Notice of any redemption, identifying the Certificates or portions thereof to be redeemed, shall be sent by United States mail, first class, postage prepaid, to the Registered Owners thereof at their addresses as shown on the Register, not less than thirty (30) days before the date fixed for such redemption. By the date fixed for redemption, due provision shall be made with the Paying Agent/Registrar for the payment of the redemption price of the Certificates called for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, the Certificates which are to be so redeemed thereby automatically shall be redeemed prior to their scheduled maturities, they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being Outstanding except for the purpose of being paid with the funds so provided for such payment.

Section 3.6: Manner of Payment, Characteristics, Execution and Authentication. The Paying Agent/Registrar is hereby appointed the agent for the Certificates. The Certificates shall be payable, shall have the characteristics and shall be executed, sealed, registered and authenticated, all as provided and in the manner indicated in the FORM OF CERTIFICATES set forth in Article IV of this Ordinance. If any officer of the City whose manual or facsimile signature shall appear on the Certificates shall cease to be such officer

before the authentication of the Certificates or before the delivery of the Certificates, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in such office.

The approving legal opinion of Andrews Kurth LLP, Houston, Texas, Certificate Counsel, may be printed on the back of the Certificates over the certification of the City Secretary, which may be executed in facsimile but errors or omissions in the printing of the opinion shall have no effect on the validity of the Certificates.

The City may secure identification numbers through CUSIP Global Services, managed on behalf of the American Bankers Association by Standard & Poor's Financial Services LLC, and may authorize the printing of such numbers on the face of the Certificates. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Certificates shall be of no significance or effect in regard to the legality thereof and neither the City nor the attorneys approving said Certificates as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Certificates.

Section 3.7: Authentication. Except for the Certificates to be initially issued, which need not be authenticated by the Registrar, only such Certificates as shall bear thereon a certificate of authentication, substantially in the form provided in Article IV of this Ordinance, manually executed by an authorized representative of the Paying Agent/Registrar, shall be entitled to the benefits of this Ordinance or shall be valid or obligatory for any purpose. Such duly executed certificate of authentication shall be conclusive evidence that the Certificate so authenticated was delivered by the Paying Agent/Registrar hereunder.

Section 3.8: Ownership. The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Certificate is registered as the absolute owner of such Certificate for the purpose of making and receiving payment of the principal thereof and interest thereon and for all other purposes, whether or not such Certificate is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary. All payments made to the person deemed to be the Registered Owner of any Certificate in accordance with this Section shall be valid and effective and shall discharge the liability of the City and the Paying Agent/Registrar upon such Certificate to the extent of the sums paid.

Section 3.9: Registration, Transfer and Exchange. The Paying Agent/Registrar is hereby appointed the registrar for the Certificates. So long as any Certificate remains Outstanding, the Paying Agent/Registrar shall keep the Register at its office in Houston, Texas in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of the Certificates in accordance with the terms of this Ordinance.

Each Certificate shall be transferable only upon the presentation and surrender thereof at the principal corporate trust office of the Paying Agent/Registrar, accompanied by an assignment duly executed by the Registered Owner or his authorized representative in form satisfactory to the Paying Agent/Registrar. Upon due presentation of any Certificate for transfer, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor, within seventy-two (72)

hours after such presentation, a new Certificate or Certificates, registered in the name of the transferee or transferees, in authorized denominations and of the same maturity and aggregate principal amount and bearing interest at the same rate as the Certificate or Certificates so presented and surrendered.

All Certificates shall be exchangeable upon the presentation and surrender thereof at the principal corporate trust office of the Paying Agent/Registrar for a Certificate or Certificates, maturity and interest rate and in any authorized denomination, in an aggregate principal amount equal to the unpaid principal amount of the Certificate or Certificates presented for exchange. The Paying Agent/Registrar shall be and is hereby authorized to authenticate and deliver exchange Certificates in accordance with the provisions of this Section. Each Certificate delivered by the Paying Agent/Registrar in accordance with this Section shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such Certificate is delivered.

All Certificates issued in transfer or exchange shall be delivered to the Registered Owners thereof at the principal corporate trust office of the Paying Agent/Registrar or sent by United States mail, first class, postage prepaid.

The City or the Paying Agent/Registrar may require the Registered Owner of any Certificate to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of such Certificate. Any fee or charge of the Paying Agent/Registrar for such transfer or exchange shall be paid by the City.

The Paying Agent/Registrar shall not be required to transfer or exchange any Certificate called for redemption in whole or in part during the forty-five (45) day period immediately prior to the date fixed for redemption; provided, however, that this restriction shall not apply to the transfer or exchange by the Registered Owner of the unredeemed portion of a Certificate called for redemption in part.

Section 3.10: Replacement Certificates. Upon the presentation and surrender to the Paying Agent/Registrar of a damaged or mutilated Certificate, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Certificate, of the same maturity, interest rate and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Registered Owner of such Certificate to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection therewith and any other expenses connected therewith, including the fees and expenses of the Paying Agent/Registrar and the City.

If any Certificate is lost, apparently destroyed or wrongfully taken, the City, pursuant to the applicable laws of the State of Texas and ordinances of the City, and in the absence of notice or knowledge that such Certificate has been acquired by a bona fide purchaser, shall execute, and the Paying Agent/Registrar shall authenticate and deliver, a replacement Certificate of the same maturity, interest rate and principal amount, bearing a number not contemporaneously outstanding, provided that the Registered Owner thereof shall have:

(a) furnished to the City and the Paying Agent/Registrar satisfactory evidence of the ownership of and the circumstances of the loss, destruction or theft of such Certificate;

(b) furnished such security or indemnity as may be required by the Paying Agent/Registrar and the City to save and hold them harmless;

(c) paid all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that may be imposed; and

(d) met any other reasonable requirements of the City and the Paying Agent/Registrar.

If, after the delivery of such replacement Certificate, a bona fide purchaser of the original Certificate in lieu of which such replacement Certificate was issued presents for payment such original Certificate, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Certificate from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

If any such mutilated, lost, apparently destroyed or wrongfully taken Certificate has become or is about to become due and payable, the City in its discretion may, instead of issuing a replacement Certificate, authorize the Paying Agent/Registrar to pay such Certificate.

Each replacement Certificate delivered in accordance with this Section shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such replacement Certificate is delivered.

Section 3.11: Cancellation. All Certificates paid or redeemed in accordance with this Ordinance, and all Certificates in lieu of which exchange Certificates or replacement Certificates are authenticated and delivered in accordance herewith, shall be canceled and destroyed upon the making of proper records regarding such payment or redemption. The Paying Agent/Registrar shall periodically furnish the City with certificates of destruction of such Certificates.

Section 3.12: Book-Entry Only System. (a) The Initial Certificate shall be registered in the name of the Purchaser. Except as provided in Section 3.12 hereof, all other Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the City and the Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such DTC Participant holds an interest in the Certificates, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the City and the Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC Participant or any other person, other

than an Owner, as shown on the Register, of any notice with respect to the Certificates, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any amount with respect to principal of, premium, if any, or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Register as the absolute Owner of such Certificate for the purpose of payment of principal of and interest on the Certificates, for the purpose of giving notices of redemption and other matters with respect to such Certificate, for the purpose of registering transfer with respect to such Certificate, and for all other purposes whatsoever. The Registrar shall pay all principal of, premium, if any, and interest on the Certificates only to or upon the order of the respective Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payments of principal, premium, if any, and interest on the Certificates to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Register, shall receive a Certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions of this Ordinance with respect to interest checks being mailed to the Owner of record as of the Record Date, the phrase "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

Section 3.13: Successor Securities Depository; Transfer Outside Book-Entry Only System. In the event that the City in its sole discretion, determines that the beneficial owners of the Certificates be able to obtain certificated Certificates, or in the event DTC discontinues the services described herein, the City shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants, as identified by DTC, of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository or (ii) notify DTC and DTC Participants, as identified by DTC, of the availability through DTC of Certificates and transfer one or more separate Certificates to DTC Participants having Certificates credited to their DTC accounts, as identified by DTC. In such event, the Certificates shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

Section 3.14: Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificates are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Certificates, and all notices with respect to such Certificates, shall be made and given, respectively, in the manner provided in the Blanket Letter of Representations.

ARTICLE IV

FORM OF CERTIFICATES

The Certificates, including the Form of Comptroller's Registration Certificate, Form of Paying Agent/Registrar Authentication Certificate, and Form of Assignment, shall be in substantially the form set forth in Exhibit A hereto, with such omissions, insertions and variations as may be necessary or desirable, and not prohibited by this Ordinance.

ARTICLE V

SECURITY FOR THE CERTIFICATES

Section 5.1: Pledge and Levy of Taxes and Revenues. (a) To provide for the payment of principal of and interest on the Certificates, there is hereby levied, within the limits prescribed by law, for the current year and each succeeding year thereafter, while the Certificates or any part of the principal thereof and the interest thereon remain outstanding and unpaid, an ad valorem tax upon all taxable property within the City sufficient to pay the interest on the Certificates and to create and provide a sinking fund of not less than 2% of the principal amount of the Certificates or not less than the principal payable out of such tax, whichever is greater, with full allowance being made for tax delinquencies and the costs of tax collection, and such taxes, when collected, shall be applied to the payment of principal of and interest on the Certificates by deposit to the Debt Service Fund and to no other purpose.

(b) The City hereby declares its purpose and intent to provide and levy a tax legally sufficient to pay the principal of and interest on the Certificates, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax. As long as any Certificates remain outstanding, all moneys on deposit in, or credited to, the Debt Service Fund shall be secured by a pledge of security, as provided by law for cities in the State of Texas.

(c) In addition, pursuant to the authority of Chapter 1502, Texas Government Code, as amended, the City also hereby pledges the revenues to be derived from the City's water and sewer system, after the payment of all operation and maintenance expenses thereof (the "Net Revenues"), in an amount not to exceed $10,000, to the payment of the principal of and interest on the Certificates, provided that the pledge of Net Revenues is and shall be subordinate in all respects to the pledge of Net Revenues to the payment of any obligation of the City, whether authorized heretofore or hereafter, which the City designates as having a pledge senior to the pledge of the Net Revenues to the payment of the Certificates. The City also reserves the right to issue, for any lawful purpose at any time, in one or more installments, bonds, certificates of obligation and other obligations of any kind, secured in whole or in part by a pledge of Net Revenues, that may be prior and superior in right to, on a parity with, or junior and subordinate to the pledge of Net Revenues securing the Certificates.

(d) The City hereby appropriates from current funds on hand and legally available therefor, funds sufficient, when added to the accrued interest received from the sale of the Certificates, to pay the interest on the Certificates payable on March 1, 2015.

Section 5.2: Debt Service Fund. The Certificates of Obligation, Series 2014 Debt Service Fund (the "Debt Service Fund") is hereby created as a special fund solely for the benefit of the Certificates. The City shall establish and maintain such fund at an official City depository and shall keep such fund separate and apart from all other funds and accounts of the City. Any amount on deposit in the Debt Service Fund shall be maintained by the City in trust for the Registered Owners of the Certificates. Such amount, plus any other amounts deposited by the City into such fund and any and all investment earnings on amounts on deposit in such fund, shall be used only to pay the principal of, premium, if any, and interest on the Certificates.

Section 5.3: Further Proceedings. After the Certificates to be initially issued have been executed, it shall be the duty of the Mayor to deliver the Certificates to be initially issued and all pertinent records and proceedings to the Attorney General for examination and approval. After the Certificates to be initially issued shall have been approved by the Attorney General, they shall be delivered to the Comptroller for registration. Upon registration of the Certificates to be initially issued, the Comptroller (or a deputy lawfully designated in writing to act for the Comptroller) shall manually sign the Comptroller's registration certificate prescribed herein to be affixed or attached to the Certificates to be initially issued, and the seal of said Comptroller shall be impressed, or placed in facsimile, thereon.

ARTICLE VI

CONCERNING THE PAYING AGENT/REGISTRAR

Section 6.1: Acceptance. Wells Fargo Bank, N.A., Minneapolis, Minnesota is hereby appointed as the initial Paying Agent/Registrar for the Certificates pursuant to the terms and provisions of the Paying Agent/Registrar Agreement by and between the City and the Paying Agent/Registrar. The Paying Agent/Registrar Agreement shall be substantially in the form attached hereto as Exhibit B, the terms and provisions of which are hereby approved, and the Mayor is hereby authorized to execute and deliver such Paying Agent/Registrar Agreement on behalf of the City in multiple counterparts and the City Secretary is hereby authorized to attest thereto and affix the City's seal. Such initial Paying Agent/Registrar and any successor Paying Agent/Registrar, by undertaking the performance of the duties of the Paying Agent/Registrar hereunder, and in consideration of the payment of any fees pursuant to the terms of any contract between the Paying Agent/Registrar and the City and/or the deposits of money pursuant to this Ordinance, shall be deemed to accept and agree to abide by the terms of this Ordinance.

Section 6.2: Trust Funds. All money transferred to the Paying Agent/Registrar in its capacity as Paying Agent/Registrar for the Certificates under this Ordinance (except any sums representing Paying Agent/Registrar's fees) shall be held in trust for the benefit of the City, shall be the property of the City and shall be disbursed in accordance with this Ordinance.

Section 6.3: Certificates Presented. Subject to the provisions of Section 6.4, all matured Certificates presented to the Paying Agent/Registrar for payment shall be paid

without the necessity of further instructions from the City. Such Certificates shall be canceled as provided herein.

Section 6.4: Unclaimed Funds Held by the Paying Agent/Registrar. Funds held by the Paying Agent/Registrar that represent principal of and interest on the Certificates remaining unclaimed by the Registered Owner thereof after the expiration of three years from the date such funds have become due and payable (a) shall be reported and disposed of by the Paying Agent/Registrar in accordance with the provisions of Title 6 of the Texas Property Code, as amended, to the extent such provisions are applicable to such funds, or (b) to the extent such provisions do not apply to the funds, such funds shall be paid by the Paying Agent/Registrar to the City upon receipt by the Paying Agent/Registrar of a written request therefor from the City.

The Paying Agent/Registrar shall have no liability to the Registered Owners of the Certificates by virtue of actions taken in compliance with this Section.

Section 6.5: Paying Agent/Registrar May Own Certificates. The Paying Agent/Registrar in its individual or any other capacity, may become the owner or pledgee of Certificates with the same rights it would have if it were not the Paying Agent/Registrar.

Section 6.6: Successor Paying Agents/Registrars. The City covenants that at all times while any Certificates are Outstanding it will provide a legally qualified bank, trust company, financial institution or other agency to act as Paying Agent/Registrar for the Certificates. The City reserves the right to change the Paying Agent/Registrar for the Certificates on not less than sixty (60) days' written notice to the Paying Agent/Registrar, as long as any such notice is effective not less than 60 days prior to the next succeeding principal or interest payment date on the Certificates. Promptly upon the appointment of any successor Paying Agent/Registrar, the previous Paying Agent/Registrar shall deliver the Register or a copy thereof to the new Paying Agent/Registrar, and the new Paying Agent/Registrar shall notify each Registered Owner, by United States mail, first class, postage prepaid, of such change and of the address of the new Paying Agent/Registrar. Each Paying Agent/Registrar hereunder, by acting in that capacity, shall be deemed to have agreed to the provisions of this Ordinance.

ARTICLE VII

PROVISIONS CONCERNING SALE AND APPLICATION OF PROCEEDS OF CERTIFICATES

Section 7.1: Sale of Certificates. The Certificates are hereby sold and shall be delivered to the Purchaser,_____at a price of $_____(which is the par amount of the Certificates plus net premium on the Certificates of $_____, minus underwriter's discount of $_____) plus accrued interest, in accordance with the terms of the Bid Form of even date herewith, presented to and hereby approved by the City Council, which price and terms are hereby found and determined to be the most advantageous reasonably obtainable by the City. The Mayor and other appropriate officials of the City are hereby authorized to

do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Certificates.

Section 7.2: Approval, Registration and Delivery. The Mayor is hereby authorized to have control and custody of the Certificates and all necessary records and proceedings pertaining thereto pending their delivery, and the Mayor and other officers and employees of the City are hereby authorized and directed to make such certifications and to execute such instruments as may be necessary to accomplish the delivery of the Certificates and to assure the investigation, examination and approval thereof by the Attorney General and the registration of the initial Certificates by the Comptroller. Upon registration of the Certificates, the Comptroller (or the Comptroller's certificates clerk or an assistant certificates clerk lawfully designated in writing to act for the Comptroller) shall manually sign the Comptroller's Registration Certificates prescribed herein to be attached or affixed to each Certificates initially delivered and the seal of the Comptroller shall be impressed or printed or lithographed thereon.

Section 7.3: Application of Proceeds of Certificates. Proceeds from the sale of the Certificates shall, promptly upon receipt by the City, be applied as follows:

(1) Accrued interest, if any, shall be deposited into the Debt Service Fund created in Section 5.2 of this Ordinance;

(2) A portion of the proceeds shall be applied to pay expenses arising in connection with the issuance of the Certificates;

(3) The remaining proceeds shall be applied, together with other funds of the City, to provide funds to pay contractual obligations to be incurred for the purposes set forth in Section 3.1 of this Ordinance.

Section 7.4: Tax Exemption.

The City intends that the interest on the Certificates shall be excludable from gross income of the owners thereof for federal income tax purposes pursuant to Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended, (the "Code") and all applicable temporary, proposed and final regulations (the "Regulations") and procedures promulgated thereunder and applicable to the Certificates. For this purpose, the City covenants that it will monitor and control the receipt, investment, expenditure and use of all gross proceeds of the Certificates (including all property, the acquisition, construction or improvement of which is to be financed directly or indirectly with the proceeds of the Certificates) and take or omit to take such other and further actions as may be required by Sections 103 and 141 through 150 of the Code and the Regulations to cause the interest on the Certificates to be and remain excludable from the gross income, as defined in Section 61 of the Code, of the owners of the Certificates for federal income tax purposes. Without limiting the generality of the foregoing, the City shall comply with each of the following covenants:

(a) The City shall not use, permit the use of or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which, if made or omitted,

respectively, would cause the interest on any Certificate to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City shall have received a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Certificate, the City shall comply with each of the specific covenants in this Section.

(b) Except as permitted by Section 141 of the Code and the regulations and rulings thereunder, the City shall, at all times prior to the last stated maturity of the Certificates,

(1) exclusively own, operate, and possess all property the acquisition, construction, or improvement of which is to be financed directly or indirectly with Gross Proceeds of such series of the Certificates and not use or permit the use of such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds in any activity carried on by any person or entity other than a state or local government, unless such use is solely as a member of the general public, or

(2) not directly or indirectly impose or accept any charge or other payment for use of Gross Proceeds of such series of the Certificates or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with such Gross Proceeds.

(c) Except to the extent permitted by Section 141 of the Code and the regulations and rulings thereunder, the City shall not use Gross Proceeds of the Certificates to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, Gross Proceeds are considered to be "loaned" to a person or entity if (1) property acquired, constructed or improved with Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes, (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output, or similar contract or arrangement, or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or such property are otherwise transferred in a transaction which is the economic equivalent of a loan.

(d) Except to the extent permitted by Section 148 of the Code and the regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the final stated maturity or final payment of the Refunded Obligations, directly or indirectly invest Gross Proceeds of such Certificates in any Investment (or use such Gross Proceeds to replace money so invested), if as a result of such investment the Yield of all Investments allocated to such Gross Proceeds whether then held or previously disposed of, exceeds the Yield on the Refunded Obligations.

(e) Based on all of the facts and estimates now known or reasonably expected to be in existence on the date the Certificates are delivered, the City reasonably expects that the proceeds of the Certificates (to the extent any of such proceeds remain unexpended) will not be used in a manner that would cause the Certificates or any portion thereof to be "arbitrage bonds" within the meaning of Section 148 of the Code.

(f) At all times while the Certificates are outstanding, the City will identify and properly account for all amounts constituting gross proceeds of the Certificates in accordance with the Regulations. The City will monitor the yield on the investments of the proceeds of the Certificates and, to the extent required by the Code and the Regulations, will restrict the yield on such investments to a yield which is not materially higher than the yield on the Certificates. To the extent necessary to prevent the Certificates from constituting "arbitrage bonds," the City will make such payments as are necessary to cause the yield on all yield restricted nonpurpose investments allocable to the Certificates to be less than the yield that is materially higher than the yield on the Certificates.

(g) The City will not take any action or knowingly omit to take any action, if taken or omitted, would cause the Certificates to be treated as "federally guaranteed" obligations for purposes of Section 149(b) of the Code.

(h) The City represents that not more than fifty percent (50%) of the proceeds of any new money portion of the Certificates was invested in nonpurpose investments (as defined in Section 148(f)(b)(A) of the Code) having a substantially guaranteed yield for four years or more within the meaning of Section 149(g)(3)(A)(ii) of the Code, and the City reasonably expected at the time each issue of the Refunded Certificates was issued that at least eighty-five percent (85%) of the spendable proceeds of the Certificates or the Refunded Certificates would be used to carry out the governmental purpose of such Certificates within the corresponding three-year period beginning on the respective dates of the Certificates or the Refunded Certificates.

(i) The City will take all necessary steps to comply with the requirement that certain amounts earned by the City on the investment of the gross proceeds of the Certificates, if any, be rebated to the federal government. Specifically, the City will (i) maintain records regarding the receipt, investment and expenditure of the gross proceeds of the Certificates as may be required to calculate such excess arbitrage profits separately from records of amounts on deposit in the funds and accounts of the City allocable to other obligations of the City or moneys which do not represent gross proceeds of any obligations of the City and retain such records for at least six years after the day on which the last outstanding Certificate is discharged, (ii) account for all gross proceeds under a reasonable, consistently applied method of accounting, not employed as an artifice or device to avoid, in whole or in part, the requirements of Section 148 of the Code, including any specified method of accounting required by applicable Regulations to be used for all or a portion of the gross proceeds, (iii) calculate, at such times as are required by applicable Regulations, the amount of excess arbitrage profits, if any, earned from the investment of the gross proceeds of the Certificates and (iv) timely pay, as required by applicable Regulations, all amounts required to be rebated to the federal government. In addition, the City will exercise reasonable diligence to assure that no errors are made in the calculations required by the preceding sentence and, if such an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter, including payment to the federal government of any delinquent amounts owed to it, including interest thereon and penalty.

(j) The City will not indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with respect to the gross proceeds of the Certificates that might result in a reduction in the amount required to be paid to the federal

government because such arrangement results in smaller profit or a larger loss than would have resulted if such arrangement had been at arm's length and had the yield on the issue not been relevant to either party.

(k) The City will timely file or cause to be filed with the Secretary of the Treasury of the United States the information required by Section 149(e) of the Code with respect to the Certificates on such form and in such place as the Secretary may prescribe.

(l) The City will not issue or use the Certificates as part of an "abusive arbitrage device" (as defined in Section 1.148 10(a) of the Regulations). Without limiting the foregoing, the Certificates are not and will not be a part of a transaction or series of transactions that attempts to circumvent the provisions of Section 148 of the Code and the Regulations, by (i) enabling the City to exploit the difference between tax exempt and taxable interest rates to gain a material financial advantage, or (ii) increasing the burden on the market for tax-exempt obligations.

(m) Proper officers of the City charged with the responsibility for issuing the Certificates are hereby directed to make, execute and deliver certifications as to facts, estimates or circumstances in existence as of the Issue Date and stating whether there are facts, estimates or circumstances that would materially change the City's expectations. On or after the Issue Date, the City will take such actions as are necessary and appropriate to assure the continuous accuracy of the representations contained in such certificates.

(n) The covenants and representations made or required by this Section are for the benefit of the Certificate holders and any subsequent Certificate holder, and may be relied upon by the Certificate holder and any subsequent Certificate holder and bond counsel to the City.

In complying with the foregoing covenants, the City may rely upon an unqualified opinion issued to the City by nationally recognized bond counsel that any action by the City or reliance upon any interpretation of the Code or Regulations contained in such opinion will not cause interest on the Certificates to be includable in gross income for federal income tax purposes under existing law.

Notwithstanding any other provision of this Ordinance, the City's representations and obligations under the covenants and provisions of this Section 7.4 shall survive the defeasance and discharge of the Certificates for as long as such matters are relevant to the exclusion of interest on the Certificates from the gross income of the owners for federal income tax purposes.

Section 7.5: Reserved.

Section 7.6: Related Matters. In order that the City shall satisfy in a timely manner all of its obligations under this Ordinance, the Mayor, the Mayor, City Secretary and all other appropriate officers, agents, representatives and employees of the City are hereby authorized and directed to take all other actions that are reasonably necessary to provide for the issuance and delivery of the Certificates, including, without limitation, executing and delivering on behalf of the City all certificates, consents, receipts, requests, notices, and other documents as may be reasonably necessary to satisfy the City's obligations under this Ordinance and to

direct the transfer and application of funds of the City consistent with the provisions of this Ordinance.

ARTICLE VIII

MISCELLANEOUS

Section 8.1: Defeasance. The Certificates may be discharged, defeased, redeemed or refunded in any manner now or hereafter permitted by law.

Section 8.2: Application of Chapter 1208, Government Code. Chapter 1208, Government Code, applies to the issuance of the Certificates and the pledge of the taxes granted by the City under Section 5.1 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Certificates are outstanding and unpaid such that the pledge of the taxes granted by the City under Section 5.1 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the Registered Owners of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

Section 8.3: Ordinance a Contract - Amendments. This Ordinance shall constitute a contract with the Registered Owners from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Certificate remains Outstanding except as permitted in this Section. The City may, without the consent of or notice to any Registered Owners, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Registered Owners, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the consent of Registered Owners who own in the aggregate 51% of the principal amount of the Certificates then Outstanding, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Registered Owners of Outstanding Certificates, no such amendment, addition, or rescission shall (i) extend the time or times of payment of the principal of and interest on the Certificates, reduce the principal amount thereof, the redemption price, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of or interest on the Certificates, (ii) give any preference to any Certificate over any other Certificate, or (iii) reduce the aggregate principal amount of Certificates required to be held by Registered Owners for consent to any such amendment, addition, or rescission.

Section 8.4: Legal Holidays. In any case where the date interest accrues and becomes payable on the Certificates or principal of the Certificates matures or the date fixed for redemption of any Certificates or a Record Date shall be in the City a Saturday, Sunday, legal holiday or a day on which banking institutions are authorized by law to close, then payment of interest or principal need not be made on such date, or the Record Date shall not occur on such date, but payment may be made or the Record Date shall occur on the next succeeding day which is not in the City a Saturday, Sunday, legal holiday or a day on which

banking institutions are authorized by law to close with the same force and effect as if (i) made on the date of maturity or the date fixed for redemption and no interest shall accrue for the period from the date of maturity or redemption to the date of actual payment or (ii) the Record Date had occurred on the fifteenth day of that calendar month.

Section 8.5: No Recourse Against City Officials. No recourse shall be had for the payment of principal of or interest on any Certificates or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Certificates.

Section 8.6: Further Proceedings. The Mayor, Mayor Pro-Tem, City Secretary and other appropriate officials of the City are hereby authorized and directed to do any and all things necessary and/or convenient to carry out the terms of this Ordinance.

Section 8.7: Severability. If any Section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such Section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 8.8: Power to Revise Form of Documents. Notwithstanding any other provision of this Ordinance, the Mayor is hereby authorized to make or approve such revisions, additions, deletions, and variations to this Ordinance and in the form of the documents attached hereto as exhibits as, in the judgment of the Mayor, and in the opinion of Certificate Counsel to the City, may be necessary or convenient to carry out or assist in carrying out the purposes of this Ordinance, or as may be required for approval of the Certificates by the Attorney General of Texas; provided, however, that any changes to such documents resulting in substantive amendments to the terms and conditions of the Certificates or such documents shall be subject to the prior approval of the City Council

Section 8.9: Open Meeting. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at City Hall for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 8.10: Official Statement. The City Council hereby approves the form and content of the Preliminary Official Statement and the Notice of Sale prepared for the initial offering and sale of the Certificates and hereby authorizes the preparation of a final Official Statement reflecting the terms of the Bid Form and other relevant matters. The use of such Official Statement in the reoffering of the Certificates by the Purchaser is hereby approved and authorized.

Section 8.11: Repealer. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8.12: Continuing Disclosure Undertaking. (a) Annual Reports. The City will provide certain updated financial information and operating data to the MSRB annually in an electronic format as prescribed by the MSRB and available via the Electronic Municipal Market Access ("EMMA") system at www.emma.msrb.org. The information to be updated includes all quantitative financial information and operating data with respect to the City of the general type included in the final Official Statement authorized by Section 8.10 of this Ordinance under the headings "INVESTMENT AUTHORITY AND INVESTMENT OBJECTIVES OF THE CITY - Current Investments," "CITY TAX DEBT" (except under the subheading "Estimated Overlapping Taxes"), "TAX DATA" , "SELECTED FINANCIAL DATA," and in APPENDIX "B." The City will update and provide this information within six months after the end of each fiscal year.

If the City changes its fiscal year, it will submit a notice of such change to the MSRB, and the date of the new fiscal year end prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the MSRB's Internet Web site or filed with the SEC, as permitted by the SEC Rule. The updated information will include audited financial statements, if the City commissions an audit and it is completed by the required time. If audited financial statements are not available by the required time, the City will provide unaudited financial statements by the required time and audited financial statements when and if such audited statements become available. Any such financial statements will be prepared in accordance with the accounting principals described in APPENDIX B or such other accounting principals as the City may require to employ from time to time pursuant to State law or regulation.

(b) Material Event Notices. The City shall notify the MSRB in an electronic format prescribed by the MSRB, in a timely manner (not in excess of ten (10) days after the occurrence of the event), of any of the following events with respect to the Certificates:

(i) Principal and interest payment delinquencies;
(ii) Non-payment related defaults, if material;
(iii) Unscheduled draws on debt service reserves reflecting financial difficulties;
(iv) Unscheduled draws on credit enhancements reflecting financial difficulties;
(v) Substitution of credit or liquidity providers or their failure to perform;
(vi) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Certificates, or other material events affecting the tax status of the Certificates;
(vii) Modifications to rights of holders of the Certificates, if material;
(viii) Certificate calls, if material, and tender offers;
(ix) Defeasances;

(x) Release, substitution, or sale of property securing repayment of the Certificates, if material;
(xi) Rating changes;
(xii) Bankruptcy, insolvency, receivership or similar event of the City;
(xiii) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
(xiv) Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material.

For the purposes, any event described in the immediate proceeding paragraph (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding Under States Bankruptcy Code or any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance this Section by the time required by such Section.

(c) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Texas law that causes Certificates no longer to be outstanding.

The provisions of this Section are for the sole benefit of the holders and the beneficial owners of the Certificates, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER

PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE UNLIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Order for purposes of any other provision of this Order.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, or status or type of principal payment of the City, if (1) the agreement, as so amended, would have permitted an underwriter to purchase or sell Certificates in the initial primary offering in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the holders of a majority in aggregate amount of the outstanding Certificates consent to such amendment or (b) a person unaffiliated with the City (such as nationally recognized bond counsel) determines that the amendment will not materially impair the interests of the holders and beneficial owners of the Certificates. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Certificates in the primary offering of the Certificates. If any such amendment is made, the City will include in its next annual update an explanation in narrative form of the reasons for the change and its impact on the type of operating data or financial information being provided.

Section 8.13: Emergency. It is hereby officially found and determined that this Ordinance relates to an immediate public emergency affecting life, health, property and the public peace, and that such emergency exists, the specific emergency being that the proceeds from the sale of the Certificates are required as soon as possible for necessary and urgently needed improvements, and that this Ordinance be passed and approved on the date of its introduction.

Section 8.14: No Personal Liability. No recourse shall be had for payment of the principal of or interest on any Certificates or for any claim based thereon, or on this Ordinance, against any official or employee of the City or any person executing any Certificates.

Section 8.15: Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

[*signature page follows*]

PASSED AND APPROVED ON FIRST AND ONLY READING pursuant to Section 3.10 of the City Charter this the 22nd day of September, A.D., 2014.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

Exhibit A – Form of Certificate
Exhibit B – Paying Agent/Registrar Agreement
Exhibit C - Bid Form

EXHIBIT A

FORM OF CERTIFICATE

UNITED STATES OF AMERICA
STATE OF TEXAS

CITY OF PEARLAND, TEXAS
CERTIFICATE OF OBLIGATION, SERIES 2014

NUMBER DENOMINATION
[1]R- $_____
REGISTERED REGISTERED

[2]INTEREST RATE: [2]MATURITY DATE: DATED DATE: October 1, 2014
March 1, ____

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

[3]THE CITY OF PEARLAND, TEXAS, a municipal corporation of the State of Texas (the "City"), for value received, hereby promises to pay to the Registered Owner identified above or its registered assigns, on the Maturity Date specified above, upon presentation and surrender of this Certificate at the principal corporate trust office of Wells Fargo Bank, N.A., or its successor (the "Paying Agent/Registrar"), the principal amounts identified above (or so much thereof as shall not have been paid or deemed to have been paid upon prior redemption) payable in any coin or currency of the United States of America which on the date of payment of such principal is legal tender for the payment of debts due to the United States of America, and to pay interest thereon at the rate shown above, calculated on a basis of a 360-day year composed of twelve 30-day months, from the later of the Dated Date identified above or the most recent

---

[1] Initial Certificate shall be numbered I-1.

[2] Omitted from initial Certificate.

[3] The first sentence of the initial Bond shall read as follows:

> THE CITY OF PEARLAND, TEXAS, a municipal corporation of the State of Texas (the "City"), for value received, hereby promises to pay to the Registered Owner identified above or its registered assigns, on March 1 of the year of maturity specified below (or so much thereof as shall not have been paid or deemed to have been paid upon prior redemption), upon presentation and surrender of this Certificate at the office of Wells Fargo Bank, N.A., or its successor (the "Paying Agent/Registrar"), the principal amount identified set forth in the following schedule: [Insert information regarding years of maturity, principal amounts and interest rates from the Section 3.3 of the Certified Ordinance] payable in any coin or currency of the United States of America which on the date of payment of such principal is legal tender for the payment of debts due to the United States of America, and to pay interest thereon at the rate shown above, calculated on a basis of a 360-day year composed of twelve 30-day months, from the later of the Dated Date identified above or the most recent interest payment date to which interest has been paid or duly provided for.

interest payment date to which interest has been paid or duly provided for. Interest on this Certificate is payable by check on March 1 and September 1, beginning on March 1, 2014, mailed to the registered owner of record as of the close of business on the last business day of the month next preceding each interest payment date.

THIS CERTIFICATE IS ONE OF A DULY AUTHORIZED SERIES OF CERTIFICATES (the "Certificates") in the aggregate principal amount of [$4,625,000] issued pursuant to an ordinance adopted by the City Council of the City on September 22, 2014 (the "Ordinance") for the purpose of providing all or part of the funds to pay contractual obligations to be incurred for the construction of public works and the purchase of materials, supplies, equipment, machinery, buildings, land and rights-of-way for authorized needs and purposes and for the payment of contractual obligations for professional services, to wit: (i) improvements, renovations and additions to the existing public works service center located at East Orange Street and Old Alvin Road; (iii) acquisition of land for and the design and construction of two new fire stations located at Yost Road and FM 518 and at Harkey Road and Fite Road; (iv) project management for parks, street and facility capital projects within the City; (v) renovations to the existing City Hall Complex; and (vi) professional services rendered in connection with the above listed projects.

[3] THIS CERTIFICATE shall not be valid or obligatory for any purpose or be entitled to any benefit under the Ordinance unless this Certificate is authenticated by the Paying Agent/Registrar by due execution of the authentication certificate endorsed hereon.

THE CITY RESERVES THE RIGHT, at its option, to redeem, prior to their maturity, Certificates maturing on and after March 1, 2025, in whole or in part, on March 1, 2024, or any date thereafter, at par plus accrued interest to the date fixed for redemption.

THE CERTIFICATES maturing on March 1 in the year , (the "Term Certificates") are subject to mandatory sinking fund redemption in the following amounts (subject to reduction as hereinafter provided), on the following dates, in each case at a redemption price equal to the principal amount of the Certificates or the portions thereof so called for redemption plus accrued interest to the date fixed for redemption:

	Mandatory Redemption Dates	**Principal Amounts**
Term Certificates Maturing March 1, 20__	March 1, 20__	$
	March 1, 20__ (stated maturity)	

The particular Term Certificates to be redeemed shall be selected by the Registrar by lot or other customary random selection method, on or before January 15 of each year in which Term Certificates are to be mandatorily redeemed. The principal amount of Term Certificates to be mandatorily redeemed in each year shall be reduced by the principal amount of such Term

[3] In the initial Certificate, this paragraph shall read as follows:

THIS CERTIFICATE shall not be valid or obligatory for any purpose or be entitled to any benefit under the Ordinance unless this Certificate is registered by the Comptroller of Public Accounts of the State of Texas by due execution of the registration certificate endorsed hereon.

Certificates that have been optionally redeemed and which have not been made the basis for a previous reduction.

CERTIFICATES MAY BE REDEEMED IN PART only in integral multiples of $5,000. If a Certificate subject to redemption is in a denomination larger than $5,000, a portion of such Certificate may be redeemed, but only in integral multiples of $5,000. In selecting portions of Certificates for redemption, each Certificate shall be treated as representing that number of Certificates of $5,000 denomination which is obtained by dividing the principal amount of such Certificate by $5,000. Upon surrender of any Certificate for redemption in part, the Paying Agent/Registrar, in accordance with the provisions of the Ordinance, shall authenticate and deliver in exchange therefor a Certificate or Certificates of like maturity and interest rate in an aggregate principal amount equal to the unredeemed portion of the Certificate so surrendered.

NOTICE OF ANY SUCH REDEMPTION, identifying the Certificates or portions thereof to be redeemed, shall be sent by United States mail, first class, postage prepaid, to the Registered Owners thereof at their addresses as shown on the books of registration kept by the Paying Agent/Registrar, not less than thirty (30) days before the date fixed for such redemption. By the date fixed for redemption, due provision shall be made with the Paying Agent/Registrar for the payment of the redemption price of the Certificates called for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, the Certificates which are to be so redeemed thereby automatically shall be redeemed prior to their scheduled maturities, they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the purpose of being paid with the funds so provided for such payment.

THIS CERTIFICATE IS TRANSFERABLE only upon presentation and surrender at the principal corporate trust office of the Paying Agent/Registrar, accompanied by an assignment duly executed by the Registered Owner or its authorized representative, subject to the terms and conditions of the Ordinance.

THIS CERTIFICATE IS EXCHANGEABLE at the principal corporate trust office of the Paying Agent/Registrar for a Certificate or Certificates of the same maturity and interest rate and in the principal amount of $5,000 or any integral multiple thereof, subject to the terms and conditions of the Ordinance.

THE PAYING AGENT/REGISTRAR is not required to accept for transfer or exchange any Certificate called for redemption, in whole or in part, during the forty-five (45) day period immediately prior to the date fixed for redemption; provided, however, that such limitation shall not apply to the transfer or exchange by the Registered Owner of an unredeemed portion of a Certificate called for redemption in part.

THE CITY OR PAYING AGENT/REGISTRAR may require the Registered Owner of any Certificate to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of a Certificate. Any fee or charge of the Paying Agent/Registrar for a transfer or exchange shall be paid by the City.

THE REGISTERED OWNER of this Certificate by acceptance hereof, acknowledges and agrees to be bound by all the terms and conditions of the Ordinance.

IT IS HEREBY DECLARED AND REPRESENTED that this Certificate has been duly and validly issued and delivered; that all acts, conditions and things required or proper to be performed, exist and to be done precedent to or in the issuance and delivery of this Certificate have been performed, exist and have been done in accordance with law; that the Certificates do not exceed any constitutional or statutory limitation; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied, within the limits prescribed by law, against all taxable property in the City and have been irrevocably pledged for such payment.

IT IS FURTHER DECLARED AND REPRESENTED that the revenues to be derived from the City's water and sewer system, after the payment of all operation and maintenance expenses thereof (the "Net Revenues"), in an amount not to exceed $10,000, are pledged to the payment of the principal of and interest on the Certificates, provided that the pledge of Net Revenues is and shall be junior and subordinate in all respects to the pledge of Net Revenues to the payment of any obligation of the City, whether authorized heretofore or hereafter, which the City designates as having a pledge senior to the pledge of the Net Revenues to the payment of the Certificates. The City also reserves the right to issue, for any lawful purpose at any time, in one or more installments, bonds, certificates of obligation and other obligations of any kind, secured in whole or in part by a pledge of Net Revenues, that may be prior and superior in right to, on a parity with, or junior and subordinate to the pledge of Net Revenues securing the Certificates.

REFERENCE IS HEREBY MADE TO THE ORDINANCE, a copy of which is filed with the Paying Agent/Registrar, for the full provisions thereof, to all of which the Registered Owners of the Certificates assent by acceptance of the Certificates.

IN WITNESS WHEREOF, the City has caused its corporate seal to be impressed or placed in facsimile hereon and this Certificate to be signed by the Mayor, countersigned by the City Secretary by their manual, lithographed or printed facsimile signatures.

CITY OF PEARLAND, TEXAS

_____

Mayor

(SEAL)

COUNTERSIGNED:

_____

City Secretary

* * *

FORM OF COMPTROLLER'S REGISTRATION CERTIFICATE

The following form of Comptroller's Registration Certificate shall be attached or affixed to each of the Certificates initially delivered:

OFFICE OF THE COMPTROLLER	§	
OF PUBLIC ACCOUNTS	§	REGISTER NO._____
THE STATE OF TEXAS	§	

I hereby certify that this certificate has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and that this certificate has been registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS MY SIGNATURE AND SEAL OF OFFICE this_____.

_____
Comptroller of Public Accounts
of the State of Texas

[SEAL]

* * *

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

The following form of authentication certificate shall be printed on the face of each of the Certificates other than those initially delivered:

AUTHENTICATION CERTIFICATE

This Certificate is one of the Certificates described in and delivered pursuant to the within mentioned Ordinance; and, except for the Certificates initially delivered, this Certificate has been issued in exchange for or replacement of a Certificate, Certificates, or a portion of a Certificate or Certificates of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

WELLS FARGO BANK, NATIONAL
ASSOCIATION, as Paying Agent/Registrar

By_____
Authorized Signature

Date of Authentication:_____

* * *

FORM OF ASSIGNMENT

The following form of assignment shall be printed on the back of each of the Certificates:

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

_____

(Please print or type name, address, and zip code of Transferee)

_____

(Please insert Social Security or Taxpayer Identification Number of Transferee)
the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____attorney to transfer such bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED:_____

Signature Guaranteed:

_____

_____

NOTICE: Signature must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

_____

_____

Registered Owner

NOTICE: The signature above must correspond to the name of the Registered Owner as shown on the face of this bond in every particular, without any alteration, enlargement or change whatsoever.

* * *

EXHIBIT B

PAYING AGENT/REGISTRAR AGREEMENT

EXHIBIT C

Bid Form

RESPONSIVE RESULTS-ORIENTED TRUST-BUILDERS ACCOUNTABLE

Memo

7/3/14
To: Mayor & City Council Members
For upcoming action.

To: Clay Pearson, City Manager

From: Claire Bogard, Director of Finance CB

CC: Trent Epperson, Capital Projects & Engineering Director

Date: July 3, 2014

Re: 2014 Certificates of Obligation and Water/Sewer Revenue Bonds

Pursuant to the fiscal year 2014 budget and 2014-2018 Capital Improvement Plan, City staff will be bringing forward for City Council consideration and approval to proceed with the issuance of Certificates of Obligation and Water/Sewer Revenue Bonds. Both of these bond issuances had been included in last year's forecast as well as in the updated forecast for the Debt Service Fund, General Fund, and Water/Sewer Fund. Taking each issuance separately:

Certificates of Obligation – Totals $4,622,570 to construction

The Certificates will fund design and construction or renovation of facilities that were not included in the 2007 bond referendum. The only facilities that were addressed in the 2007 bond referendum were the expansion of Tom Reid Library, the Natatorium/Recreation Center, and the Nature Center. Fire Stations and renovation of existing facilities were not addressed at that time and with the implementation of a combination full-time/volunteer fire department and significant growth since then, City facilities are in dire need of renovation and expansion. City Council did approve an Intent to Reimburse, Resolution R2013-164, in October 2013 and these projects have been moving forward. Below is a list of projects to be funded:

Project	Original Amount	Revised Amount	Description
SCR Trail	$ 38,994		Using cash on hand instead
Green Tee Trail	$ 86,987		Using cash on hand instead
City Hall Complex	$ 372,952	$ 400,000	PER/Design
Fire Station #3	$2,822,423	$3,227,423	Construction
Fire Station #2	$ 473,460	$ 473,460	Land/Design
Hillhouse Phase II	$ 300,000		Reallocated to Service Center
Orange St Service Center		$ 290,000	PER/Design
Project Management	$ 231,687	$ 231,687	
Total	$4,326,503	$4,622,570	

City Hall Complex Renovations – In line with Council direction at the March 2014 retreat; renovate and repurpose all floors in City Hall and the entire Community Center to accommodate department growth and space needs. Preliminary engineering is currently underway, design contract will be forthcoming. Construction dollars in fiscal year 2015 currently at $4.371 million, including contingency, based upon

current discussions with architects, for a total cost of $4.8 million, however total cost a lot less than building a new facility. (See separate memo from Trent Epperson)

Fire Station #3 – Groundbreaking recently held and construction of an approximate 10,000 square foot facility is currently underway. Based on the construction bid received and awarded, the amount of bonds needed increased by $405,000. Estimated operating cost built into the fiscal year 2015 budget is $500,000, not including small furniture/equipment for the station.

Fire Station #2 - Land has been purchased at the northwest corner of Fite and Harkey for the construction of an approximate 10,000 square foot facility and design is underway. Construction dollars in fiscal year 2015 totaling $3.8 million. Annual estimated operating cost is $1.0 million to be incorporated into the fiscal year 2016 budget.

Hillhouse Phase II – In the 2014-2018 capital improvement program, there was $3.6 million projected for a phase II of Hillhouse Road. The 2015-2019 capital improvement program has since been updated and based on current more pressing needs, a portion of the overall monies are planned to be reallocated to renovate and update the Orange Street service center to meet the demands on that facility. This project has been reduced to $1.8 million with design in 2015 and construction in 2016.

Orange Street Service Center - funding for preliminary programming and design of the Orange Street Service Center; including the Fleet area, the storage yard, renovate and upgrade the facilities and adjacent offices, including the old EMS and Fire Marshall buildings. Construction of $2.1 million anticipated in fiscal year 2015.

On July 28th, City Council will be asked to approve a "Notice of Intent to Issue Certificates of Obligation" pursuant to the Certificate of Obligation Act, Section 271.041 – 271.049 of the Texas Local Government Code. The notice will be published once a week for two consecutive weeks in the City's official newspaper, with the date of first publication to be before the 30th day before the ordinance approving the issuance is anticipated. The notice gives the date and time tentatively set for the passage of the ordinance, the maximum amount and purpose of the bonds, and the manner in which the debt will be paid for; ie: property taxes, revenues, etc. The bonds planned for by the City will be property taxed back bonds. The law also provides for a petition signed by at least 5% of the qualified voters. This notice allows for a public process.

Water/Sewer Revenue Bonds - $11,507,734 to construction

At the July 28th Council meeting, City staff will also review the schedule and timing of the water/sewer revenue bond sale. There will be no specific action required of City Council, other than concurrence to proceed. Water/Sewer revenue bonds are backed and paid for by the water/sewer system revenues generated by the rates of the system. There is no public notice or voter approved bond propositions required with the sale of water/sewer revenue bonds. City Council did approve an Intent to Reimburse, Resolution R2013-164, in October 2013 and these projects have been moving forward. Projects are as follows:

Project	Original Amount	Revised Amount	Description
McHard Rd Waterline	$ 6,883,947	$ 2,753,235	Project split into phases
SH35 Waterline	$ 1,500,000	$ 1,500,000	Construction
Far NW WWTP Expansion to carryover to future years	$ 6,832,000	$ 3,332,000	Timing. $30million+ project,
Longwood Service Area	$ 644,190	$ 644,190	Design and Construction
West Oaks Lift Station	$ 143,350	$ 286,350	Construction
Oak Brook Lift Station	$ 256,190	$ 256,190	Design and Construction
Pearland Heights Lift Station	$ 255,024	$ 255,024	Design and Construction
McHard Rd. Trunk Sewer	$ 225,745	$ 225,745	Design
Mykawa Scott Lift Station	$ 358,205	$	Project moved to 2016/2017
Hatfield Trunk Basin	$ 2,255,000	$ 2,255,000	Construction
Total	$19,353,541	$11,507,734	

McHard Rd Waterline - split into two phases to coincide with the right of way approval and acquisition for the McHard Road project. Current funding is for construction from Cullen to Business Center Drive and Mykawa to SH35. Mykawa to Cullen will be the second phase scheduled in 2016.

SH35 Waterline – design almost complete to install 1.5 miles of water line along SH35 from FM518 to just south of Magnolia/John Lizer; land acquisition on-going.

Far NW WWTP Expansion - due to project schedule, amount of the issuance has been reduced, however the balance of the funds will be needed in fiscal year 2015 and 2016. Based on the findings of the preliminary engineering, the plant expansion will be larger than the originally planned 2MGD expansion, which will increase the 2016 issuance.

Longwood Service Area – force main diversion to reduce flow to the Longwood WWTP. Design to begin shortly.

Lift Station Projects – are abandonment of lift stations. West Oaks under design; other two to be under design shortly.

McHard Road Trunk Sewer – will provide gravity sewer, extending the Southdown service area to the east to areas not currently served. Design only, construction in 2017.

As previously stated, these projects and associated monies needed are in unification with the fiscal year 2014 budget and capital improvement program as adjusted for known cost and project timing. On July 28th City Council will be asked to approve the Notice of Intent to Issue Certificates of Obligation as well as give approval to proceed with the Water/Sewer Revenue Bonds. Upon these actions, the public notice will be published and the preliminary statements drafted. It is anticipated that the bond sales would occur on September 22, 2014, with a first and final reading, as this bond sale will be competitive with bids due that day. The daily fluctuations in the bond market would not allow us to hold those bids for two weeks. The bonds would close a month later, in October 2014.

EXHIBIT J

Memo

To: Clay Pearson, City Manager

From: Trent Epperson, Assistant City Manager

CC: Jon Branson, Deputy City Manager
Claire Bogard, Finance Director
Bobby Pennington, Budget Officer
Skipper Jones, Assistant Director - Projects

Date: August 15, 2014

Re: City Hall Complex Renovations

The Community Center was built in 1983 and City Hall was constructed in 1986. A major renovation to both buildings, collectively referred to as the City Hall Complex, has been in the planning stage for several years. The need for the renovations is based on the need to replace thirty year old building systems, provide additional space for current and future staff, upgrade building security, and reallocate space to improve building efficiency. The end result will be an updated complex that will meet the needs of the citizens and staff for the next thirty years.

Most recently, a $400,000 allocation from Certificates of Obligation was approved to provide the funding for needs assessment, adjacencies study, design, cost estimates for decision-making, and eventual bidding. With that allocation, at this stage, we will further develop the cost estimates and come back with options within the $4.1 million construction budget.

30 Year Old Building Systems

The Heating, Ventilation, and Air Conditioning (HVAC) equipment and other building systems for this facility are beyond their expected life and need to be replaced or upgraded during the planned renovation prior to a major failure. A review of this equipment was conducted in 2010 and 2013. The recommendations from the reports are below:

- Replace badly corroded exterior HVAC piping
- Existing Air Handling Units are past the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) service life and need replaced
- HVAC controls and zones need to be expanded and adjusted
- Exterior electrical distribution equipment is past the ASHRAE service life and should be replaced with new technology
- Replace existing ductwork in Community Center

- Install a new sprinkler water service and fire suppression system throughout the Community Center building
- Parts are becoming obsolete for the existing elevators. The recommendation is to upgrade the elevators to reduce life-cycle cost to maintain and operate

All of the recommended building system upgrades or replacements will increase the building efficiency, decrease the cost to operate, or are required to meet code.

Americans with Disabilities Act (ADA)

Making City Hall accessible not just to meet current minimum standards, but to bring our public meeting spaces into a state for people of all mobility range remains a priority. Both buildings have several items that will need to be brought into compliance with the ADA at a minimum, especially in the restrooms.

Additional Space

Current staff is utilizing areas originally designated for storage and the existing layout is *very* inefficient. To accommodate current staffing and storage needs as well as future staffing and storage needs, the remaining large rooms in the Community Center need to be built-out and existing space needs to be reallocated.

The idea is to coordinate the most-often used functions needed by the public. For instance, the Civic Center space (which would be lost for recreational programming) would be converted to first floor space for the Finance Department. That Finance space will bring together Finance, Purchasing, and Water/Sewer billing. Bill payments will be across the hall from Community Development so that residents and contractors can move from permits issuance to payment more easily. There is also a desire to consolidate cash management and points of payment. Another idea to coordinate functions is to bring the City Secretary and City Manager's Office to the first floor of City Hall where records and staff can be easily accessed by the public. Moreover, the entire building's office space does not maximize the floor space for productive area. There are multiple areas for office supplies. There are hallways in each wing of each floor which are not productive space nor conducive for departments to work openly with each other. Furthermore, each office pod is not able to share administrative front counter staff for receiving the public or answering calls. We have been through modern office spaces such as Kelsey-Seybold where their design emphasizes open collaborations and shared common spaces.

In addition, two Councilmembers will be added over the next two years. This will require additional space at the Council Chamber dais. To provide the additional space, multiple ideas are under consideration including potentially removing a wall to create more space and provide natural light from the west elevation.

Reallocation of Space

Current spaces within City Hall and the Community Center were originally built-out for different departments and a smaller number of employees. This has created a situation where space is use inefficiently and good departmental adjacencies are lacking. The space is not flexible for future growth or changing departmental needs. The renovation will provide much more flexible open space that can

be reallocated and changed in the future by rearranging modular furniture instead of moving walls, electrical, and IT infrastructure.

Safety and Security

A Business Security Survey was conducted for the City Hall Complex by the Pearland Police Department in 2103. The recommendations from this report have been included in the project. These include limited access to employee only areas, security cameras, exterior lighting, and upgrades to teller windows where cash transactions are handled. The security upgrades will make use of card access readers to limit access to office areas. An additional idea under consideration is to perhaps eliminate the first floor stair case which takes up valuable public lobby space and provides open unaccompanied access to office areas.

Cost Estimate

Initial cost estimates for the project were based on the architect's current projects and industry input from contractors performing similar work during this time period. The Architect's cost estimates projected construction costs of $75.00 per square foot (SF). Staff was able to look at costs for the West Side Library build-out (totaling approximately $62.50/SF) and the remodel work done on the Fire and EMS building (totaling approximately $69.77/SF) and confirmed the $75.00/SF was a reasonable factor to utilize for planning purposes at this early stage.

The renovation includes the following spaces:

City Hall First Floor	9,489 SF
City Hall Second Floor	9,489 SF
City Hall Third Floor	8,831 SF
Community Center	23,109 SF
Total SF	50,918 SF

The estimate that will need to be revised once we move into design of the renovations. During the design we may discover that a particular area does not need much renovation or that a building system (HVAC or Electrical) has more needs than currently identified in pre-design study. To remain within budget or potentially reduce the budget, the project can be bid with a base amount of work to take care of the most critical areas (HVAC, Electrical, Community Center Buildout and Renovations, Council Chambers, City Hall 1st Floor, etc.) with other areas (City Hall 2nd & 3rd floor) as add-alternate bid items. The main issue with the piecemeal approach is that as each space modification is made in the future, you have to modify the balance of the HVAC system to accommodate the re-arranged spaces. The issues that this approach causes are exemplified by the current HVAC issues in the Community Center. The building was originally a library and the HVAC system was not properly modified to accommodate the way the building was built-out. Therefore, the HVAC system is difficult to control causing some areas to always be cold and other area not cool enough. It is also a very expensive system to operate based on age and operational setup.

Alternate Solution & Recommendation

As estimated in the attached July 2, 2014 Thursday Packet, a New City Hall would cost approximately $24M. It would last about thirty years before needing a major building renovation to replace mechanical equipment and update the facility. A $4.85M renovation (including design and construction) of the existing 30-year old facility is a much more cost effective use of funds and is the recommended solution.

Memo

To: Clay Pearson, City Manager

From: Trent Epperson, Director of Engineering & Capital Projects

CC: Jon Branson, Assistant City Manager
Claire Bogard, Finance Director

Date: July 1, 2014

Re: City Hall Complex Renovations

7/2/14
To: Mayor & City Council Members
Update on City Hall improvements project.

The Community Center was built in 1983 and City Hall was constructed in 1986. A major renovation to both building, collectively referred to as the City Hall Complex, has been in the planning stage for several years. Included in this memo is a history of the renovation project, how the scope has evolved, cost estimates, and an alternative cost for a new centrally located facility.

History

In 2007, it was planned to move Community Development from the Community Center to the Old Police Department building on Veterans Drive after completion of the new Public Safety Building (PSB). Then the Community Center would be renovated to accommodate the growth of departments in City Hall. In addition, targeted renovations within City Hall were included. After Hurricane Ike, the renovations were scaled back due to the wall, carpet, ceiling, paint, and roofing replacements made after the hurricane.

After completion of the Public Safety Building in 2010, Municipal Courts moved out of City Hall creating additional space in City Hall for Utility Billing and other departments. However, also in 2010, the concept for the Old PD building changed to a Fire Administration building instead of Community Development. This meant that Community Development would remain in the Community Center building and the space would not be available for the growing departments in City Hall.

Also in 2010, a study of the exiting City Hall Complex prompted adding major HVAC renovations at the Community center to the project.

* The funds to move forward with this project were originally scheduled in 2010 but have been delayed to this point. In the interim, only minor renovations have taken place in the Administration suite and Human Resources suite.

Original Scope & Cost

Building Spaces

The original scope for this project focused on a significant renovation of the Community Development area of the Community Center Building. This encompassed approximately 9,000 SF. In addition, targeted minor renovations were included for specific areas of City Hall. This included the Projects and Utility Billing/IT areas. The concept for these areas was to move some walls and office space to more efficiently utilize the existing space. The City Hall areas totaled 3,350 square feet (SF).

HVAC/Plumbing/Electrical

The original scope included upgrades to the HVAC system in the Community Center and modifications to the electrical, plumbing, and fire sprinkler systems to meet current code requirements. In 2011, this part of the scope was changed to a replacement of the HVAC system within the Community Center.

Roof

The original scope included the replacement of the roof at City Hall. After Hurricane Ike the roof was replaced and this was removed from the scope.

Cost

The budget was approximately $2.3M for the original scope, which was developed in 2008 and was included in the 2009-2013 Capital Improvement Program budget. After Hurricane Ike, much of both buildings received new paint and carpet. In addition, the roof on City Hall was replaced. At that time a new budget was developed that included a less extensive renovation because of the new roof, carpet, and paint. The budget was reduced to $751,000 in the 2011-2015 Capital Improvement Program (CIP) budget. This budget was based on approximately $55/SF for a limited renovation of approximately 12,350 SF. Over the following three budget cycles the scope was expanded to include additional area within City Hall, security upgrades, and limited build-out of the Community Center space. This resulted in a 2014-2018 CIP Budget of approximately $2.7M.

Current Scope & Cost

Since the original scope was developed, it has been determined that a more comprehensive renovation will be more cost effective and serve the needs for the City Hall complex for the next 20+ years. This scope addresses building security, HVAC systems, adjacency improvements, workload requirements, and improves public meeting spaces.

Building Spaces

In addition to the full renovation of the Community Development area of the Community Center Building, the existing community center space will be converted to office space. This will conceptually

include Utility Billing and Finance, which will consolidate all of the public financial transactions into one building. This adds an additional 14,000 SF to the original 9,000SF renovation of the Community Center.

Within City Hall, the space necessary for staff has grown for the departments that will remain. In addition, the renovation will include more efficient utilization of space and improve the adjacencies of frequently interacting departments. The addition of two City Councilmembers over the next two years and re-orientation of the speaker's podium will also require re-allocation of space within the Council Chambers. This results in a more extensive renovation to most of the building, which is approximately 30,000 SF.

For both buildings, all restrooms will be updated to address any ADA issues, install more efficient fixtures, and meet the aesthetics of the newly renovated building.

Safety/Security

A Business Security Survey was conducted for the City Hall Complex by the Pearland Police Department in 2103. The recommendations from this report have been included in the project. These include limited access to employee only areas, security cameras, exterior lighting, and upgrades to teller window where cash transactions are handled.

HVAC, Plumbing, & Electrical

An assessment of the HVAC system in City Hall was completed since the last building assessment. The system is currently past its expected useful life and is therefore recommended for replacement during the renovation project.

Major Scope Changes

Major changes to the original scope that occurred over several years include:

- Reduction in scope due to the Hurricane Ike restoration project
- HVAC upgrades in the Community Center changed to HVAC replacement
- HVAC system replacement in City Hall
- Community Development remaining in the Community Center created a need for additional space for the other departments in the City Hall Complex
- Build-out of the community spaces on the Community Center were added to accommodate staff growth (added 14,000 SF)
- Significant security upgrades to both buildings
- Extensive reallocation of space in City Hall and Council Chamber changes (added 26,650 SF)

Cost

The most recent construction estimate from the architect is $4.01M for construction only, which equates to approximately $75/square foot for the renovation of approximately 53,460SF. We have estimated a 10% design fee, 9% contingency, and $75,000 for Fixtures, Furnishings, and Equipment (FF&E). The following is a summary of the proposed budget:

Design (10%)	$ 400,000
Construction ($75/SF)	$4,010,000
FF&E	$ 75,000
Contingency (9%)	$ 360,900
Total	$4,845,900

New City Hall Alternative – Cost

As an alternative to a major renovation of the existing buildings, staff developed a cost estimate for a new centralized City Hall. Based on the programming exercise conducted for the renovations and projected space requirements, a new City Hall building would need to be approximately 50,000-60,000 square feet. A reasonable estimate for a new facility that includes all of the necessary site work, parking lot, water, sewer, and storm water utilities, landscaping, etc. is $325-350 per square foot. 55,000 SF and $325/SF are used for the estimate.

Approximately seven to ten acres of centrally located land would need to be purchased. The cost of centrally located land is widely variable. The tax role value of property without frontage on FM518 or other major roadways varies from $30,000 to 40,000 per acre. For property on FM518 or other major roadways the tax appraised value is around $125,000 per acre. Typically, the open market value will be higher than the appraised value. Ten acres and $80,000 per acre is used for the estimate.

The design estimate is at 15% of construction cost because of the addition of geotechnical engineering, civil engineering, structural engineering, and lengthier construction phase services. FF&E was held constant but would probably need to be higher for a new facility and the Contingency was increased to 15% based on the uncertainty of land cost, unforeseen conditions, and the rapidly rising construction costs. The estimate is below:

Land Acquisition	$ 800,000
Design (15%)	$ 2,681,250
Construction	$17,875,000
FF&E	$ 75,000
Contingency (15%)	$ 2,681,250
Total	$24,112,500

Recommendation

Staff recommends moving forward with the more extensive City Hall Complex renovation, which will result in a modern and efficient facility that will serve the City of Pearland for the next 20-30 years. The recommended project is included in the proposed sale of Certificates of Obligation that will be presented to City Council on July 14, 2014.

New Business Item No. 3

3 **Consideration and Possible Action – First Reading of Ordinance No. 1505 –** An Ordinance adopting a tax rate of $0.7121 and levying taxes for the use and support of the Municipal Government of the City of Pearland, Texas, and providing for the interest and sinking fund of the taxable year 2014.

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

AGENDA OF:	09/22/2014	**ITEM NO.:** Ordinance No. 1505	
DATE SUBMITTED:	09/08/2014	**DEPT. OF ORIGIN:**	Finance
PREPARED BY:	Claire Bogard	**PRESENTOR:**	Claire Bogard
REVIEWED BY:	Jon R. Branson	**REVIEW DATE:**	September 11, 2014

SUBJECT: First Reading of an Ordinance Adopting a Tax Rate of $0.7121 and Levying Taxes for the Uses and Support of the Municipal Government of the City of Pearland, Texas, and providing for the interest and sinking fund of the taxable year 2014

EXHIBITS: Ordinance No. 1505

FUNDING: ☐Grant ☐Developer/Other ☐Cash Opns ☐Bonds To Be Sold ☐Bonds- Sold ☐L/P – Sold ☐L/P – To Be Sold

EXPENDITURE REQUIRED:N/A **AMOUNT BUDGETED:N/A**
AMOUNT AVAILABLE: **PROJECT NO.:**
ACCOUNT NO
ADDITIONAL APPROPRIATION REQUIRED:
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:
X Finance **X Legal** **X Ordinance** **Resolution**

EXECUTIVE SUMMARY

BACKGROUND

Tax Code Section 26.05 requires a taxing unit to adopt its tax rate before September 30 or by the 60th day after the taxing unit receives the certified appraisal roll, whichever day is later.

The tax rate as proposed for the City of Pearland for tax year 2014, for fiscal year 2015, is $0.7121 per $100 valuation, which is 5.62% greater than the effective tax rate of $0.67423 but lower than the rollback rate of $0.71215. As such, the City of Pearland was required to hold two public hearings on the tax rate pursuant to truth-in-taxation requirements. The public hearings were held on September 2 and September 8, 2014.

The City must adopt the tax rate in two components: operations & maintenance and debt service. The operations & maintenance rate is $0.2221 and the debt service rate is $0.4900. The debt service component of the tax rate is the same as the current debt service tax rate; however the operating component of the tax rate increased from $0.2151 to $0.2221, or .007 cents.

The tax rate along with property valuations provides the property tax revenues needed for the payment of debt service obligation and for operating costs for departments such as public safety, parks, and public works.

FINANCIAL INFORMATION

The City of Pearland is proposing a tax rate of $0.7121, and increase of .007 cents from the current tax rate of $0.7051 per $100 valuation. The increase is attributable to the operations component of the total tax rate. There had been a $0.010 increase anticipated in the original budget and as shown in prior year's multi-year financial plan, however, the tax roll calculations for the rollback rate necessitated a lesser increase.

POLICY/GOAL CONSIDERATION:

Adoption of a tax rate that will provide for payment of debt service and for the program of services for fiscal year 2014-2015.

The motion to adopt the Ordinance must be made in the following form:

I move that the property tax rate be increased by the adoption of a tax rate of $0.7121, which is effectively a 5.62% increase in the tax rate.

The vote must be a record vote.

RECOMMENDED ACTION

Consideration and approval of the Ordinance adopting a tax rate of $0.7121 and levying taxes for the use and support of the municipal government of the City of Pearland, Texas, and providing for the interest and sinking fund of the taxable year 2014.

ORDINANCE NO.1505

An Ordinance adopting a tax rate of $0.7121 and levying taxes for the use and support of the Municipal Government of the City of Pearland, Texas, and providing for the interest and sinking fund of the taxable year 2014.

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

Section 1. That there is hereby levied and there shall be collected for the use and support of the Municipal Government of the City of Pearland, Texas, and to provide Interest and Sinking Fund for the Year Two Thousand Thirteen upon all property, real, personal, and mixed within the corporate limits of said City subject to taxation, a tax of $0.7121 on each One Hundred Dollars ($100.00) valuation of property, said tax being so levied and apportioned for the specific purpose herein set forth:

(1) For the maintenance and support of the General Government (General Fund), the sum of $0.2221 on each $100 valuation of property, and

(2) For the Interest and Sinking Fund, the sum of $0.4900.

Section 2. All monies collected under this ordinance for the specific items therein named, be and the same are hereby appropriated and set apart for the specific purpose indicated in each item and that the Assessor and Collector of Taxes, the Director of Finance, and the City Manager shall so keep these accounts as to readily and distinctly show the amount collected, the amounts expended, and the amount on hand at any time belonging to such funds. It is hereby made the duty of the Tax Assessor and Collector of Taxes and every person collecting money for the City of Pearland to deliver to the Director of Finance and the City Manager,

at the time of depositing of any monies, a statement showing to what fund such deposit should be made, and from what source received. All receipts for the City not specifically apportioned by this ordinance are hereby made payable to the General Fund of the City.

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

New Business Item No. 4

4. **Consideration and Possible Action – First Reading of Ordinance No. 1506 –** An appropriation ordinance adopting a revised budget for the fiscal year ending September 30, 2014 and adopting a budget for the fiscal year beginning October 1, 2014, and ending September 30, 2015, and pay plans for fiscal year 2015.

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

AGENDA OF: 9/22/2014	**ITEM NO.:** Ordinance No. 1506
DATE SUBMITTED: 9/8/2014	**DEPARTMENT OF ORIGIN: Finance**
PREPARED BY: Claire Bogard	**PRESENTOR: Clay Pearson**
REVIEWED BY: Jon R. Branson	**REVIEW DATE: September 12, 2014**

SUBJECT: First Reading of the Appropriation Ordinance Adopting a Revised Budget for the Fiscal Year Ending September 30, 2014 and Adopting a Budget for the Fiscal Year Beginning October 1, 2014, and Ending September 30, 2015, and Pay Plans for Fiscal Year 2015.

EXHIBITS: Ordinance No. 1506
Exhibit A Revised 2014 Budget, Exhibit B Adopted 2015 Budget
Exhibit C Pay Plans (attachment)
FY2014 and FY2015 Final Budget Changes (attachment)

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED: N/A**
AMOUNT AVAILABLE: N/A **PROJECT NO.: N/A**
ACCOUNT NO.: N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:
☒ **Finance** ☒ **Legal** ☒ **Ordinance** ☐ **Resolution**

EXECUTIVE SUMMARY

BACKGROUND

The City Council has reviewed the fiscal year 2014-2015 budget through a series of budget workshops and held a public hearing on the budget. The operating budget for fiscal year 2014-2015 totals $166,250,407 and the capital improvement program (CIP) totals $60,750,139 including transfers. The capital improvement program is year one of the five-year CIP (2015-2019) and the action tonight will appropriate funds for anticipated 2015 spending. The operating budget is for one year and capital improvements are for project length.

Pursuant to City Charter, Section 8.10, the budget shall be adopted no later than the last regularly scheduled council meeting in September. The second and final reading of the ordinance will be on September 29, 2014.

Also for Council consideration is the adoption of a revised budget for the 2013-2014 fiscal year. The revised budget is based on revenue and expenditure projections for the year. Adopting a revised budget more accurately reflects the City's financial position, as well as preserves a fund balance that was used in the preparation of the 2014-2015 operating budget. The revised budget also includes the Capital Improvement Funds and changes from the adopted budget include carryover of funding of projects that were still in progress as well as identified savings.

The proposed pay plans for the 2015 fiscal year for all civil service and all civilian positions are being presented for your consideration and adoption. Public Safety departments have individual pay plans; Police as they are Civil Service; and Fire/EMS because they work a different number of hours per pay period. Police and Civil Service includes a 2% step increase and any new positions added into the pay plan. Also, Fire and EMS have been consolidated into one plan.

FINANCIAL INFORMATION

The proposed FY2015 budget was filed with City Council on July 28, 2014. Since that time, there have been a few changes to the 2015 budget as well as projections for 2014. These changes are incorporated into the final budget ordinance attached for Council consideration on September 22 and 29.

The budget, as filed, incorporated a property tax rate of $0.7201 per $100 valuation to fund basic services, provide for growth and development and fund select capital requests. Pursuant to truth-in-taxation laws Council voted on August 13, 2014 to reduce the rate below the rollback rate to $0.7121 per $100 valuation. The proposed operating tax rate is $0.2221, an increase of .0070 from the current year, and the proposed debt service tax rates is $0.4900, the same as the current tax rate. A list of General Fund expenditure reductions were presented to Council on August 25th to offset the lowering of the property tax rate. The first reading of the tax ordinance is scheduled for September 22, with the second and final reading scheduled for September 29, 2014.

The General Fund budget, as filed, totaled $67,175,937. Subsequent changes to the budget presented to Council on August 25th include the property tax and TIRZ rate revenue reduction of $259,774 due to Roll-Back Calculation and an increase of $20,000 in the KPB contract. Reductions to expenditures of $265,578 were needed to offset the reduction in tax revenue. The August 25th expenditure reduction proposal include the elimination of a proposed Patrol Sergeant, proposed PT Fire/Investigator, shared cost of the Facilities Superintendent position from the Water/Sewer Fund that originally was supported entirely by the General Fund and the elimination of a vacated Parks Maintenance Worker. Other reductions are provided in Trail Connectivity, $5,920; Custodial - Janitorial Supplies, $7,500; Paving/Sidewalks, $5,416; Ditch Cleaning, $20,000; and Tuition Reimbursement, $5,000. Due to the potential emergency

replacement of the Natatorium HVAC, $500,000 in contingency is included. Revenue increases related to adjustments to service fees, including a $20 building permit processing fee, as well as increases to health and planning fees are included in the proposed budget.

Additional changes were proposed at the September 2nd and 8th Council meeting to include a budget sufficient for an additional four Police Officers budgeted for 8 months and reinstate the Proposed Sergeant recommended for elimination on August 25th. An additional Sergeant had already been included in the budget, creating funding for a total four (4) new police officer positions and two (2) new sergeant positions in FY15.

Sources for funding the additional Police Positions at $599,364, require reductions and additional revenue sources to the Proposed Budget. Reductions for Parks Mowing Equipment, $28,450; Parks Software, $37,106; Pavement/Sidewalks, $262,331; defer the Business Analyst position, $57,477; and lower General Fund Contingency by $50,000 are related to funding the additions to Police. The budget incorporates a police vacancy savings of $54,000 due to the current four vacant positions in Police that are actively being recruited, but will not realistically be filled for an entire year, as well as increasing the new building permit processing fee that had been proposed from $10 to $20 resulting in an additional $110,000 in revenue.

The budget for General Government totals $10,373,879, a $2,066,763 increase from fiscal year 2014 projections and includes funding needed for capital outlay to implement technology improvements and software related to ERP.

The budget for Public Safety, which includes Police, and Fire totals $ 35,389,548, a $1,701,272 increase from fiscal year 2014 projections and includes organizational reassignment of Animal Control and Health/Code Enforcement under Public Safety. Police is increasing $1,410,749 over 2014 projections for 2 Patrol Sergeants, 4 Police Officers starting February 2015, and normal replacement of Police vehicles and equipment. Animal Control is increasing $26,534 mainly due to a scheduled vehicle replacement. Fire includes the integration of Emergency Medical Services and reassignment Health/Code Enforcement under the Fire Marshal. Total Fire related services is budgeted at $12,167,894. Excluding the reassignment Health Code Enforcement, Fire decreased by $956,362 mainly due to the 2014 purchase of 3 fire trucks ($1.6 million) and City of Houston Radio transition ($500K). The Fire budget includes $59,890 for additional FFE for both Station 2 and 3, $50,000 for training tower structural repairs, and $134,045 for ambulance remount and SUV vehicle replacement.

The Community Services budget totals $2,949,771. This is a decrease of $986,915 from fiscal year 2014 projections mainly due to organizational restructuring with Health/Code Enforcement and Animal Control assigned to Public Safety. Community Development includes $41,587 for an additional Permit Clerk, $50,000 for plan review services in lieu of hiring a planner, $34,244 to advance the department use of electronic filing with the assistance of a part-time Intern.

Public Works budget totals $10,486,794, a $1,106,910 increase from 2014 projections. The increase can be attributed to the overall organizational restructuring with Facilities Maintenance with a budget of $985,347, Custodial Services, with a budget of $317,089, and Right-of-Way Maintenance with a budget of $731,463. For 2015, $231,712 is under Information Systems as part of the overall reorganization. Public Works budget includes additional equipment and capital improvements budgeted in FY 2015 for Traffic Management, including $192,000 for intersection upgrades, $138,186 for a flashing left turn arrow program, $38,760 for school flasher replacements, and the replacement of a dump truck. As part of police officer funding, pavement/sidewalk funding has been reduced by $262K.

The budget for Parks & Recreation totals $ 6,773,623, a decrease of $1,466,266 from fiscal year 2014 projections. The decrease is related to the department restructuring, transferring $985,347 for Facilities Maintenance and $317,089 for Custodial Services to Public Works. A portion of Park Maintenance related to right-of-ways also is transferred to Public Works. Parks & Recreation includes $106,840 Shadow Creek Sportsplex operation and maintenance for last 2 months of 2015, $39,921 Centennial Park operation and maintenance for last 4 months of 2015 and a full year funding for Max Road Sportsplex.

As proposed for adoption, the General Fund fiscal year 2015 revenues are $63,692,881 with expenditures of $67,520,359. Revenues are under expenditures by $3,827,478. This is a planned drawdown of fund balance, as the City is using fund balance to fund its non-recurring purchases totaling $3.4 million. Ending balance at 9/30/2015 is estimated to be $11.7 million which is over the two month reserve policy requirement by $1.3 million.

Changes to the budget since filed on July 28, 2014 includes changes to several other funds. Water/Sewer Fund includes an adjustment of $36,132 for the 33.3% share of a Facilities Superintendent position. The City-Wide Donation Fund includes the reduction and removal of the Animal Control Study. CIP changes are related to FY2014 Projected inter-fund transfers and funding related to Shadow Creek Ranch Park, Lift Station projects, and lowering expenditures for Hillhouse Annex Phase II. The PEDC Fund added funding for the Pearland Chamber of Commerce contract as approved by the Board in July.

The Water and Sewer Fund totals $37,017,108. The 2015 budget includes funding enhancements of $4,764,782, $1,252,059 recurring and $3,512,723 non-recurring, and include funding for one Wastewater Treatment Utility Inspector with vehicle ($79,784), auto dialer alarm system ($231,000), automatic priming centrifugal pump ($40,000), lift station rehabilitation ($500,000), sludge dewatering/hauling ($525,000), interior lining for three ground storage tanks ($400,000), pigging of water lines ($300,000), analyze and improve SCADA System ($100,000), painting of exterior piping at water facilities ($59,000), replacement of two Ford F350's with vehicles having larger towing capacity ($120,470), Vacuum Truck ($459,026), quick valve insertion machine ($65,422), 100M pump on a trailer ($42,072), laser excavator system ($45,770), two trailers ($58,332),

Longwood Street manhole rehabilitation ($159,600), backbone to wireless read system ($304,790), and pro-rata share of ERP ($802,797). In order to fund water/sewer operations, a 4.63% revenue increase is needed due to annual debt service and bond coverage requirements.

The Capital Project portion of the budget totals $55.1 million, excluding inter-fund transfers, for Parks, Streets, Drainage, Facilities, Water and Sewer. Projects include but are not limited to: Tom Bass Park Loop, Regency Park Subdivision 8" Waterline, SWEC Filter and Bar Screen Improvements, Southdown WWTP Rehabilitation, Green Tee 1 to Riverstone Wastewater Diversion, McHard Road extension, Bailey Road, Fite Road, Max Road, Regency Park Subdivision Paving, Hooper Road Extension, Industrial Drive Realignment, Tom Reid Library, City Hall Complex, Orange Street Service Center, Old Townsite Drainage, and Centennial Park Phase II.

The City's budget also includes other funds, such as the Hotel/Motel Occupancy Tax Fund, CDBG Fund, Grant Fund, Police State Seizure Fund, Solid Waste Fund, and the Pearland Economic Development Corporation.

The vote to adopt the budget must be a record vote, as the adopted budget must contain a cover page stating the record vote of each member of the governing body.

RECOMMENDED ACTION

Consideration and approval of the Ordinance amending the budget for fiscal year 2013-2014, adopting a budget for the 2014-2015 fiscal year and adopting the fiscal year 2014-2015 pay plans.

ORDINANCE NO.1506

An appropriation ordinance adopting a revised budget for the fiscal year ending September 30, 2014 and adopting a budget for the fiscal year beginning October 1, 2014, and ending September 30, 2015, and pay plans for fiscal year 2015.

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

Section 1. That the City Manager's estimated 2013-2014 Budget and proposed 2014-2015 Budget, attached hereto as Exhibit ''A'' and Exhibit ''B'', be adopted in compliance with provisions of Article 8 of the Home Rule Charter of the City of Pearland, Texas which sets forth certain specific requirements as to the City of Pearland,

Section 2. The City Council hereby adopts a revised budget for the current fiscal year ending September 30, 2014 consisting of certain appropriations, more specifically identified on Exhibit ''A'' attached hereto.

Section 3. That City Council hereby appropriates certain sums, more specifically identified on Exhibit ''B'' attached hereto, for the proposed fiscal year 2014-2015 Budget.

Section 4. That the City Council hereby confers upon the City Manager general authority to contract for expenditures without further approval of the Council for all budgeted items the cost of which do not exceed the constitutional and statutory requirements for competitive bidding.

Section 5. That the City Council deems the Pay Plans (Exhibit ''C'') and Organizational Plan contained in the 2014-2015 Budget to be in the best interest of the City and is hereby adopted.

Section 6. That this ordinance shall become effective from and after its passage on second and final reading.

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

EXHIBIT A

City of Pearland
Fiscal Year 2013-2014 Revised Budget

		REVENUES			EXPENDITURES		
Fund #	Fund Description	2014 Adopted	2014 Revised	$ Change	2014 Adopted	2014 Revised	$ Change
010	General	60,161,236	63,245,053	3,083,817	63,349,499	66,336,042	2,986,543
015	P.E.D.C.	9,126,881	9,003,762	(123,119)	6,819,102	6,946,723	127,621
020	Debt Service-General	28,070,980	61,612,893	33,541,913	28,842,896	62,228,869	33,385,973
	Proprietary Funds						
030	Water and Sewer	32,380,706	32,488,364	107,658	31,086,191	31,814,713	728,522
031	Solid Waste	8,458,930	6,916,829	(1,542,101)	8,520,935	6,739,002	(1,781,933)
	Special Revenue Funds						
017	Municipal Court	66,417	54,683	(11,734)	78,678	78,457	(221)
018	Citywide Donation	30,632	69,235	38,603	81,185	103,094	21,909
019	Court Technology	78,420	62,246	(16,174)	77,790	339,994	262,204
023	Court Juvenile Management	39,265	37,249	(2,016)	43,074	44,092	1,018
033	Street Assessment Fund	-	62,588	62,588	-	62,588	62,588
035	Traffic Impact Improvement	870	42,850	41,980	10,625	10,625	-
043	Regional Detention	-	-	-	-	-	-
045	Hotel/Motel	1,151,088	1,429,994	278,906	761,195	780,922	19,727
046	Parks Donations	81,100	104,165	23,065	71,500	136,367	64,867
047	Park & Recreation Development	51,200	225,081	173,881	48,700	248,023	199,323
049	Tree Trust	25	854	829	5,000	5,391	391
055	Sidewalk	5,300	33,715	28,415	-	14,652	14,652
060	Police State Seizure	15,132	47,187	32,055	102,733	113,637	10,904
062	Federal Police	50	9,326	9,276	29,000	31,842	2,842
101	Grant	378,838	630,514	251,676	393,263	650,915	257,652
111	Community Development	333,253	753,146	419,893	333,253	753,146	419,893
140	University of Houston	258,447	340,935	82,488	258,266	340,935	82,669
141	University of Houston Capital Renewal Fun	-	330	330	-	-	-
145	Municipal Channel	234,105	265,407	31,302	40,500	46,546	6,046
	Internal Service Fund						
095	Property/Liability Insurance	1,355,938	1,209,206	(146,732)	1,355,888	1,271,354	(84,534)
099	Medical Self-Insurance	5,499,891	6,810,948	1,311,057	5,505,785	6,292,592	786,807
	Sub-Total Operations	**147,778,704**	**185,456,560**	**37,677,856**	**147,815,058**	**185,390,521**	**37,575,463**

EXHIBIT A

City of Pearland
Fiscal Year 2013-2014 Revised Budget

		REVENUES			EXPENDITURES		
Fund #	Fund Description	2014 Adopted	2014 Revised	$ Change	2014 Adopted	2014 Revised	$ Change
	CAPITAL IMPROVEMENT PROGRAM (CIP)						
	Water/Sewer CIP						
042	Utility Impact Fee	20,364,862	13,506,154	(6,858,708)	21,333,184	16,009,968	(5,323,216)
044	Shadow Creek Impact Fee	1,399,320	2,149,066	749,746	2,692,612	3,992,612	1,300,000
064	1998 Certificate of Obligation	-	1,702	1,702	-	847,080	847,080
067	1999 W & S Revenue Bonds	1,658,326	4,102,909	2,444,583	2,164,747	9,793,754	7,629,007
301	Water/Sewer Pay As You Go	250	66,100	65,850	-	2,068,713	2,068,713
302	MUD 4 Capital Program	-	2,423	2,423	503,763	477,802	(25,961)
	Capital Projects Funds						
050	Capital Projects	293,500	3,341,177	3,047,677	292,500	4,827,434	4,534,934
068	Capital Projects-CO 2001	5,391,413	6,140,223	748,810	5,438,240	6,150,089	711,849
070	Capital Projects Mobility CO 2001	-	1,110	1,110	510,084	829,651	319,567
200	Capital Projects-CO 2006	2,145,000	3,000	(2,142,000)	2,879,889	2,002,170	(877,719)
201	Capital Projects-CO 2007	-	80	80	-	66,043	66,043
202	Capital Projects-GO 2007A	400,000	453,445	53,445	1,464,922	2,032,595	567,673
203	Capital Projects-GO 2009	23,630,615	18,092,067	(5,538,548)	24,297,286	25,566,988	1,269,702
	Sub-Total CIP	**$55,283,286**	**$47,859,456**	**($7,423,830)**	**$61,577,227**	**$74,664,899**	**$13,087,672**
	TOTAL:	**$203,061,990**	**$233,316,016**	**$30,254,026**	**$209,392,285**	**$260,055,420**	**$50,663,135**

EXHIBIT B

City of Pearland
Fiscal Year 2014-2015 Adopted Budget

Fund	Fund Description		REVENUES 2015 Adopted		EXPENDITURES 2015 Adopted
OPERATIONS-					
010	General	$	63,692,881	$	67,520,359
015	P.E.D.C.	$	9,415,766	$	14,708,556
020	Debt Service-General	$	29,869,444	$	29,749,859
	Special Revenue Funds				
017	Municipal Court Security	$	57,208	$	99,497
018	Citywide Donation	$	23,250	$	22,000
019	Court Technology	$	65,510	$	66,665
023	Court Juvenile Management	$	38,322	$	44,229
033	Street Assessment	$	-	$	-
035	Traffic Impact Improvement	$	1,800	$	91
043	Regional Detention	$	-	$	-
045	Hotel/Motel	$	1,393,078	$	819,213
046	Parks Donations	$	81,140	$	80,000
047	Park & Recreation Development	$	51,100	$	118,532
049	Tree Trust	$	45	$	69,100
055	Sidewalk	$	5,240	$	67,224
060	Police State Seizure	$	20,100	$	54,100
062	Federal Police	$	15	$	-
101	Grant	$	262,297	$	276,959
111	Community Development	$	313,794	$	313,794
140	University of Houston	$	339,955	$	339,915
141	University of Houston Capital Renewal Fund	$	8,376	$	-
145	Municipal Channel	$	270,500	$	83,700
	Internal Service Fund				
095	Property/Liability Insurance	$	1,390,375	$	1,374,360
099	Medical Self-Insurance	$	6,821,888	$	6,821,888
	Proprietary Funds				
030	Water and Sewer	$	35,583,118	$	37,017,108
031	Solid Waste	$	6,616,649	$	6,603,258
	SUB TOTAL - OPERATIONS	**$**	**156,321,851**	**$**	**166,250,407**
CAPITAL IMPROVEMENT PROGRAM (CIP)-					
	Water/Sewer Capital Projects Funds				
042	Utility Impact Fee	$	4,760,368	$	3,438,770
044	Shadow Creek Impact Fee	$	556,186	$	623,018
064	Certificates of Obligation 1998	$	-	$	-
067	1999 W & S Revenue Bonds	$	2,705,415	$	2,949,746
301	Water/Sewer Pay As You Go	$	224,500	$	424,947
302	MUD 4 Capital Program	$	-	$	22,431
	Capital Projects Funds				
050	Capital Projects	$	3,835,500	$	3,884,372
068	Capital Projects-CO 2001	$	10,928,569	$	10,956,770
070	Capital Projects Mobility CO 2001	$	-	$	75,841
200	Capital Projects-CO 2006	$	-	$	-
201	Capital Projects-CO 2007	$	-	$	-
202	Capital Projects-GO Series 2007A	$	-	$	805,296
203	Capital Projects-GO Series 2009	$	37,965,612	$	37,568,948
	SUB TOTAL - CIP	**$**	**60,976,150**	**$**	**60,750,139**
	GRAND TOTAL:	**$**	**217,298,001**	**$**	**227,000,546**

Position Title	Salary Range	Minimum Annual	Minimum Hourly	Midpoint Annual	Midpoint Hourly	Maximum Annual	Maximum Hourly
City Manager, City Attorney and Municipal Court Judge	Determined By City Council						
Department Heads	Determined by City Manager						
Deputy City Attorney	72	$84,949	$40.8408	$106,186	$51.0510	$127,423	$61.2612
	71	$82,877	$39.8447	$103,596	$49.8058	$124,315	$59.7670
Assistant Police Chief	70	$80,856	$38.8729	$101,069	$48.5911	$121,283	$58.3093
	69	$78,883	$37.9247	$98,604	$47.4059	$118,325	$56.8871
Vice President - EDC	68	$76,959	$36.9997	$96,199	$46.2497	$115,439	$55.4996
	67	$75,082	$36.0973	$93,853	$45.1216	$112,624	$54.1460
Assistant City Attorney	66	$73,251	$35.2169	$91,564	$44.0211	$109,877	$52.8253
	65	$71,465	$34.3579	$89,331	$42.9474	$107,197	$51.5369
Assistant Director, Finance	64	$69,721	$33.5199	$87,152	$41.8999	$104,582	$50.2799
Capital Projects, Assistant Director	64						
Fire Marshal / EMC	64						
City Planner	64						
Assistant City Engineer	63	$68,021	$32.7024	$85,026	$40.8780	$102,031	$49.0536
Assistant Director, Public Works	63						
	62	$66,362	$31.9048	$82,952	$39.8810	$99,543	$47.8571
Assistant Director, Parks & Recreation	61	$64,743	$31.1266	$80,929	$38.9083	$97,115	$46.6899
Redevelopment Manager	61						
Budget Officer	60	$63,164	$30.3674	$78,955	$37.9593	$94,746	$45.5511
Building Official	60						
Director, Marketing (EDC)	60						
Manager, Information Technology	60						
Facilities Manager	60						
Purchasing Officer	60						
	59	$61,624	$29.6267	$77,030	$37.0334	$92,435	$44.4401
Associate City Attorney	58	$60,121	$28.9041	$75,151	$36.1302	$90,181	$43.3562
Planner, Senior	58						
Project Manager	57	$58,654	$28.1992	$73,318	$35.2490	$87,981	$42.2987
Municipal Court Prosecutor	57						

Position Title	Salary Range	Minimum Annual	Minimum Hourly	Midpoint Annual	Midpoint Hourly	Maximum Annual	Maximum Hourly
Accounting Supervisor	56	$57,224	$27.5114	$71,530	$34.3892	$85,836	$41.2671
Manager, Fleet	56						
Manager, GIS	55	$55,828	$26.8404	$69,785	$33.5505	$83,742	$40.2606
Municipal Court Administrator	55						
Manager, Animal Control	55						
Manager, Water Billing & Collection	55						
Manager, Sales and Event (CVB)	55						
Network Administrator	54	$54,466	$26.1857	$68,083	$32.7322	$81,699	$39.2786
System Administrator	54						
Superintendent, Parks Dev. & Operations	54						
Superintendent, Recreation	54						
Superintendent, Streets & Drainage	54						
Superintendent, Treatment Plant	54						
Superintendent, ROW	54						
Superintendent, Water & Sewer	54						
Manager, Acquisition	53	$53,138	$25.5471	$66,422	$31.9338	$79,707	$38.3206
Planner, Associate	52	$51,842	$24.9240	$64,802	$31.1549	$77,763	$37.3859
Budget Analyst	52						
Management Assistant	52						
Crime Analyst	52						
Grants Coordinator	52						
Manager, Traffic	52						
Sales and Event Manager (CVB)	51	$50,577	$24.3161	$63,222	$30.3951	$75,866	$36.4741
Deputy Fire Marshal	50	$49,344	$23.7230	$61,680	$29.6537	$74,016	$35.5845
Jail Division Supervisor	50						
Police Support Services Supervisor	50						
Staff Accountant	50						
Construction Inspector, Chief	49	$48,140	$23.1444	$60,175	$28.9305	$72,210	$34.7166
Emergency Management Planner	48	$46,966	$22.5799	$58,708	$28.2248	$70,449	$33.8698
Fire Inspector/Investigator	48						
Health & Environmental Services Supervisor	48						
Manager, Resource Development	48						
Planner	48						
Marketing Manager (CVB)	48						
Deputy City Secretary	47	$45,821	$22.0291	$57,276	$27.5364	$68,731	$33.0437
Executive Assistant	47						
Water Billing & Collection Asst. Manager	46	$44,703	$21.4918	$55,879	$26.8648	$67,055	$32.2378
HR Generalist	46						
Plans Examiner	46						
Building Inspector	45	$43,613	$20.9677	$54,516	$26.2096	$65,419	$31.4515
Police Telecommunications Coordinator	45						

Position Title	Salary Range	Minimum Annual	Minimum Hourly	Midpoint Annual	Midpoint Hourly	Maximum Annual	Maximum Hourly
Aquatics Supervisor	44	$42,549	$20.4562	$53,186	$25.5703	$63,823	$30.6844
Recreation Center Supervisor	44						
Recreation Program Coordinator	44						
Senior Center Supervisor	44						
Special Events Coordinator	44						
Communications Specialist	44						
Building Maintenance Supervisor	44						
Park Supervisor	44						
Construction Inspector	44						
Engineering Technician	44						
Maintenance Supervisor	44						
Treatment Plant Supervisor	44						
Crime Victim Liaison	44						
Multimedia Specialist	44						
Computer Support Technician, Senior	43	$41,511	$19.9573	$51,889	$24.9466	$62,267	$29.9360
Project Coordinator	43						
Vol Fire Recruit/Retention Coordinator	43						
Buyer	42	$40,499	$19.4706	$50,623	$24.3382	$60,748	$29.2058
Chief Mechanic	42						
Safety Officer	42						
Therapeutic Recreation Specialist	42						
GIS Specialist	41	$39,511	$18.9957	$49,389	$23.7446	$59,266	$28.4935
Telecommunications Operator, Lead	41						
Lead Jailer	41						
Urban Forester	41						
Accounts Payable Supervisor	40	$38,547	$18.5324	$48,184	$23.1654	$57,821	$27.7985
Code Enforcement/Health Officer, Senior	40						
Legal Secretary	40						
Office Supervisor	40						
Customer Service Supervisor	40						
Volunteer Coordinator	40						
Electrician	39	$37,607	$18.0803	$47,009	$22.6004	$56,411	$27.1205
GIS Technician	38	$36,690	$17.6394	$45,862	$22.0492	$55,035	$26.4590
Planning Technician	38						
Maintenance Crew Leader	38						
Utility Maintenance Technician, Senior	38						
Treatment Plant Operator II	38						
Program Specialist	38						
Recreation Program Coordinator, Assistant	38						
Recreation Specialist	38						
Utility Field Service Technician, Lead	38						
Videographer / Editor	38						

Position Title	Salary Range	Minimum Annual	Minimum Hourly	Midpoint Annual	Midpoint Hourly	Maximum Annual	Maximum Hourly
Code Enforcement / Health Officer	37	$35,795	$17.2091	$44,744	$21.5114	$53,692	$25.8137
Crime Victim Specialist	37						
Jailer	37						
Telecommunications Operator	37						
Administrative Assistant	36	$34,922	$16.7894	$43,652	$20.9867	$52,383	$25.1841
Building Maintenance Technician	36						
Traffic Signal Technician	36						
HR Assistant	35	$34,070	$16.3799	$42,588	$20.4749	$51,105	$24.5698
Park Maintenance Crew Leader	35						
Payroll Technician	34	$33,239	$15.9804	$41,549	$19.9755	$49,859	$23.9706
Computer Support Technician	34						
Recycling Center Supervisor	34						
Treatment Plant Operator I	34						
Utility Maintenance Technician	34						
CCTV Technician	34						
Pre-Treatment Technician	34						
Property Room Technician	33	$32,428	$15.5906	$40,536	$19.4883	$48,643	$23.3859
Custodial Crew Leader	32	$31,638	$15.2104	$39,547	$19.0130	$47,456	$22.8155
Mechanic	32						
Records and Information Coordinator	32						
Traffic Signal Technician, Trainee	32						
Humane Officer, Senior	31	$30,866	$14.8394	$38,582	$18.5492	$46,299	$22.2591
Accounts Payable Clerk	30	$30,113	$14.4774	$37,641	$18.0968	$45,170	$21.7162
GPS Specialist	30						
Heavy Equipment Operator	30						
Water & Sewer Equipment Operator	30						
Plans Expediter	30						
Police Records Clerk, Lead	30						
Utility Billing Specialist	30						
Animal Shelter Supervisor	29	$29,379	$14.1243	$36,723	$17.6554	$44,068	$21.1865
Deputy Court Clerk, Senior	29						
ROW Inspector	29						
GPS Field Technician	29						
Humane Officer	29						
Office Assistant, Senior	28	$28,662	$13.7798	$35,828	$17.2248	$42,993	$20.6698
Court Bailiff	27	$27,963	$13.4437	$34,954	$16.8047	$41,944	$20.1656
Utility Field Service Technician	27						

Position Title	Salary Range	Minimum Annual	Minimum Hourly	Midpoint Annual	Midpoint Hourly	Maximum Annual	Maximum Hourly
Equipment Operator	26	$27,281	$13.1158	$34,101	$16.3948	$40,921	$19.6738
Fleet Services Assistant	26						
Records and Information Coordinator, Ass't	26						
Recycling Center Specialist	26						
Senior Center Shuttle Bus Driver	26						
Utility Maintenance Worker	26						
Deputy Court Clerk	25	$26,616	$12.7960	$33,269	$15.9949	$39,923	$19.1939
Customer Service Representative	24	$25,966	$12.4839	$32,458	$15.6048	$38,950	$18.7258
Permit Clerk	24						
Police Records Clerk	24						
Sign Technician	24						
	23	$25,333	$12.1794	$31,666	$15.2242	$38,000	$18.2691
Building Maintenance Worker	22	$24,715	$11.8823	$30,894	$14.8529	$37,073	$17.8235
Office Assistant	22						
Park Maintenance Worker	22						
Receptionist	22						
Humane Officer, Trainee	21	$24,112	$11.5925	$30,140	$14.4906	$36,169	$17.3887
	20	$23,524	$11.3098	$29,405	$14.1372	$35,286	$16.9646
Custodian	19	$22,951	$11.0339	$28,688	$13.7924	$34,426	$16.5509
Animal Shelter Attendant	18	$22,391	$10.7648	$27,988	$13.4560	$33,586	$16.1472
	17	$21,845	$10.5022	$27,306	$13.1278	$32,767	$15.7533
	16	$21,312	$10.2461	$26,640	$12.8076	$31,968	$15.3691
Water Safety Instructor	15	$20,792	$9.9962	$25,990	$12.4952	$31,188	$14.9943
Camp Coordinator	15						
	14	$20,285	$9.7524	$25,356	$12.1905	$30,427	$14.6285
	13	$19,790	$9.5145	$24,738	$11.8931	$29,685	$14.2718
	12	$19,307	$9.2824	$24,134	$11.6031	$28,961	$13.9237
Head Lifeguard	11	$18,837	$9.0560	$23,546	$11.3201	$28,255	$13.5841
Recycling Center Attendant	10	$18,377	$8.8352	$22,971	$11.0440	$27,566	$13.2527
Lifeguard W/WSI	9	$17,929	$8.6197	$22,411	$10.7746	$26,893	$12.9295
	8	$17,492	$8.4094	$21,865	$10.5118	$26,237	$12.6142
Ballfield Attendant	7	$17,065	$8.2043	$21,331	$10.2554	$25,598	$12.3065
Fitness Attendant	7						
Lifeguard	7						
Camp Counselor	7						
Recreation Attendant	7						

CITY OF PEARLAND

POLICE PAY PLAN

FY 2015

	0 - 6 mos.
Police Cadet	$16.1600

	0	1	2	3	4	5	6	7	8	9	10	11
Police Officer	$24.6607	$25.4005	$26.1625	$26.9474	$27.7558	$28.5885	$29.4462	$30.3295	$31.2394	$32.1766	$33.1419	$34.1362
	$4,274.52	$4,402.75	$4,534.84	$4,670.88	$4,811.01	$4,955.34	$5,104.00	$5,257.12	$5,414.83	$5,577.28	$5,744.60	$5,916.93
	$51,294.23	$52,833.06	$54,418.05	$56,050.59	$57,732.11	$59,464.07	$61,247.99	$63,085.43	$64,978.00	$66,927.34	$68,935.16	$71,003.21

	1st year	2nd year	3rd year	4th year	5th year	6th year
Sergeant	$35.1602	$36.2151	$37.3015	$38.4205	$39.5732	$40.7604
	$6,094.44	$6,277.28	$6,465.59	$6,659.56	$6,859.35	$7,065.13
	$73,133.31	$75,327.31	$77,587.13	$79,914.74	$82,312.18	$84,781.55

	1st year	2nd year	3rd year	4th year
Lieutenant	$41.9832	$43.2427	$44.5399	$45.8761
	$7,277.08	$7,495.40	$7,720.26	$7,951.86
	$87,324.99	$89,944.74	$92,643.09	$95,422.38

	1st year	2nd year	3rd year
Captain	$47.2524	$48.6700	$50.1301
	$8,190.42	$8,436.13	$8,689.22
	$98,285.05	$101,233.60	$104,270.61

Education / Incentive Pay

All officers shall receive certification pay as follows, after successful completion of their probationary period:

TCLEOSE BASIC CERTIFICATE	$ .00/hr.
TCLEOSE INTERMEDIATE CERTIFICATE	$ .29/hr.
TCLEOSE ADVANCED CERTIFICATE	$ .58/hr.
TCLEOSE MASTER PEACE CERTIFICATE	$ .87/hr.

In addition, add the following to the above, if the officer holds an Intermediate, Advanced or Master Certificate and has:

ASSOCIATE DEGREE	$ .58/hr.
BACHELORS DEGREE	$ .87/hr.
MASTERS DEGREE	$1.15/hr.

All college degrees must be issued by an approved institution of higher education which is duly accredited by one of the regional accreditation agencies. No mail order degree will be approved.

Monthly longevity pay is received by the Classified Employees of the City of Pearland in accordance with the Local Government Code, Chapter 141.032. When Classified Employee is eligible, shift differential pay is $86.00 bi-monthly.

All overtime for any classification shall be paid in accordance with applicable State and Federal law.

CITY OF PEARLAND

FIRE PAY PLAN

FY 2015

Fire Certified Personnel (48/96)

Salary Range	Job Title	Rank	MINIMUM 2756 annual hours		MIDPOINT 2756 annual hours		MAXIMUM 2756 annual hours	
			Annual	Hourly	Annual	Hourly	Annual	Hourly
F-1	Firefighter	Firefighter	$45,000	$16.3280	$56,250	$20.4100	$67,500	$24.4920
F-2	Driver/Operator Field Training Officer	Driver/Operator 2nd Lieutenant	$49,672	$18.0231	$62,089	$22.5288	$74,507	$27.0346
F-3	Lieutenant	Lieutenant	$54,828	$19.8940	$68,535	$24.8676	$82,242	$29.8411
F-4	Captain	Captain	$62,000	$22.4964	$77,500	$28.1205	$93,000	$33.7446
F-5	Battalion Chief	Battalion Chief	$70,000	$25.3991	$87,500	$31.7489	$105,000	$38.0987

Hourly rate or regular rate of pay based on 2756 Regular Hours (although scheduled for 2920 in total.)

Non-Fire Certified Personnel (48/96)

Salary Range	Job Title	Rank	MINIMUM 2080 annual hours		MIDPOINT 2080 annual hours		MAXIMUM 2080 annual hours	
			Annual	Hourly	Annual	Hourly	Annual	Hourly
E-1	EMT	EMT	$21,798	$10.4798	$27,248	$13.0998	$32,697	$15.7197
E-3	EMT-Intermediate	EMT-Intermediate	$24,918	$11.9798	$31,148	$14.9748	$37,377	$17.9697
E-5	Paramedic	Paramedic	$30,534	$14.6798	$38,168	$18.3498	$45,801	$22.0197
E-7	EMS Lieutenant	2nd Lieutenant	$33,696	$16.2000	$42,120	$20.2500	$50,544	$24.3000
E-9	EMS Captain	Captain	$39,247	$18.8688	$49,059	$23.5859	$58,871	$28.3031

Hourly rate or regular rate of pay based on 2080 Regular Hours (although scheduled for 2920 in total.)

Note: As the last employee in each "E" salary range is assigned to fire fighting duties or leaves the City the range will no longer exist.

Uniformed Administrative Personnel (40 hour work week)

Salary Range	Job Title	Rank	MINIMUM 2080 annual hours		MIDPOINT 2080 annual hours		MAXIMUM 2080 annual hours	
			Annual	Hourly	Annual	Hourly	Annual	Hourly
F-6	EMS Training Captain Logistics Captain Clinical Manager	Captain	$62,000	$29.8077	$77,500	$37.2596	$93,000	$44.7115
F-7	Training Battalion Chief	Battalion Chief	$70,000	$33.6538	$87,500	$42.0673	$105,000	$50.4808

Hourly rate or regular rate of pay based on 2080 Regular Hours.

GENERAL FUND - CHANGE LIST (FUND 10)

The purpose of the change list is to track all changes to the Proposed Budget since it was presented to Council on September 2.

	FY2013-14 PROJECTED	FY2014-15 PROPOSED	DATE OF CHANGE
Preliminary Revenues:	$63,245,053	$63,582,881	
Changes to Preliminary Revenues:			
Building Permit Processing Fee from $10 to $20		$110,000	
Total Revenue Changes:	$0	$110,000	
Total Revenue with Changes:	$63,245,053	$63,692,881	
Preliminary Expenditures:	$66,336,042	$67,410,359	
Changes to Preliminary Expenditures:			
Parks Mower Equipment		(28,450)	9/3/2014
Business Analyst - Defer		(57,477)	9/3/2014
Contingency Reduction		(50,000)	9/3/2014
Pavement/Sidewalk		(353,437)	9/3/2014
Parks Software		(37,106)	9/4/2014
Policy Vacancy Savings (Police)		(54,000)	9/4/2014
Pavement/Sidewalk		91,106	9/4/2014
Add 1 Sergeant/4 Officers to current 1 Sergeant in Patrol		599,364	9/9/2014
Total Change in Expenditures:	0	110,000	
Total Expenditures with Changes:	66,336,042	67,520,359	
Net Revenues Over/(Under) Expenses	(3,090,989)	(3,827,478)	
Beginning Fund Balance	$18,623,117	$15,532,128	
Ending Fund Balance	$15,532,128	$11,704,650	

GENERAL FUND - 10
SUMMARY OF REVENUES, EXPENDITURES AND FUND BALANCE
FY 2015 PROPOSED BUDGET

OVERVIEW

The General Fund provides the financing for all of the City of Pearland's basic services except water, sewer and solid waste, which is accounted for through the Water & Sewer and Solid Waste Funds. The principal sources of revenue include property taxes, sales and franchise taxes, licenses and permits, fines and forfeitures, and charges for services. Expenditures are comprised of five major functional areas: Public Works, Public Safety, General Government, Community Services, and Parks and Recreation. Public Safety provides all emergency services to the citizens of Pearland and accounts for 53% of total operating expenditures (excluding transfers). General Government includes departments such as Mayor and City Council, City Manager, Finance, Legal and Human Resources. Expenditures include all personnel costs for 509.75 full-time employees and 141 part-time employees, utilities, fuel, park and right-of-way maintenance, street lighting, just to name a few.

	FY2013 ACTUAL	FY2014 AMENDED BUDGET	FY2014 YEAR END PROJECTION	FY 2015 PROPOSED BUDGET
REVENUES				
Property Taxes	$11,178,950	$11,818,335	$11,901,823	$13,197,208
Sales and Use Taxes	15,919,785	17,428,319	17,038,649	18,063,535
Franchise Fees	5,758,776	6,106,615	6,264,559	6,646,438
Licenses & Permits	2,988,859	2,877,117	3,642,823	3,922,331
Fines & Forfeitures	3,333,675	3,568,281	2,945,940	3,105,239
Charges for Service	12,567,692	13,175,835	12,828,870	13,984,727
Miscellaneous	717,581	595,362	2,329,940	611,309
Transfers in	3,764,560	3,709,547	3,865,462	2,975,094
Other Financing Sources	1,179,413	2,754,764	2,426,987	1,187,000
TOTAL REVENUES	**57,409,291**	**62,034,175**	**63,245,053**	**63,692,881**
EXPENDITURES				
General Government	6,697,743	7,630,655	8,307,116	10,373,879
Public Safety	29,407,660	34,449,353	33,688,276	35,389,548
Community Services	3,312,707	3,953,705	3,936,686	2,949,771
Public Works	7,741,495	10,136,545	9,379,884	10,486,794
Parks & Recreation	7,224,818	8,641,990	8,239,889	6,773,623
Total Operating Expenditures	**54,384,423**	**64,812,248**	**63,551,851**	**65,973,615**
Transfers Out	1,973,712	1,386,903	2,784,191	1,546,744
TOTAL EXPENDITURES	**56,358,135**	**66,199,151**	**66,336,042**	**67,520,359**
Revenues Over/(Under) Expenses	1,051,156	(4,164,976)	(3,090,989)	(3,827,478)
Beginning Fund Balance	**17,571,961**	**18,623,117**	**18,623,117**	**15,532,128**
Ending Fund Balance	**$18,623,117**	**$14,458,141**	**$15,532,128**	**$11,704,650**
Policy - 2 months Recurring Oper.		9,660,155	9,450,047	10,438,413
Fund Balance over Policy		4,797,986	6,082,081	1,266,236

New Business Item No. 5

5. **Consideration and Possible Action – First Reading of Ordinance No. 1023-4 –** An Ordinance of the City Council of the City of Pearland, Texas, amending development and permit fees; containing a savings clause, a severability clause and a repealer clause; providing for publication and an effective date.

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

AGENDA OF: September 22, 2014	**ITEM NO.:** Ordinance No. 1023-4
DATE SUBMITTED: September 15, 2014	**DEPT. OF ORIGIN: Community Development**
PREPARED BY: Lata Krishnarao	**PRESENTOR: Lata Krishnarao**
REVIEWED BY: Lata Krishnarao	**REVIEW DATE: September 17, 2014**
SUBJECT: Amendments to Development and Permit Fees	
EXHIBIT: Ordinance No. 1023-4 with Exhibits A-G.	
To be completed by Department:	
Finance	**Legal** **Ordinance** **Resolution**

EXECUTIVE SUMMARY

The 2015 budget proposes increases to development related fees. These increases were proposed for certain application fees and permit fees based upon increasing cost of service (wages and benefits, and commodities), comparisons of fees in other municipalities, and revenue requirements.

Specifically, increases were proposed to application fees and permit fees related to health permits, building permits, subdivision applications, and zoning applications. The proposed fees discussed during the budget workshop are included in the attached exhibit. Background information and additional budget details are available on the City's website – pearlandtx.gov

RECOMMENDED ACTION

Consider the proposed increases.

ORDINANCE NO. 1023-4

An Ordinance of the City Council of the City of Pearland, Texas, amending development and permit fees; containing a savings clause, a severability clause and a repealer clause; providing for publication and an effective date.

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

Section 1. That the charges and fees related to development and permitting contained in the attached Exhibits "A-G" are hereby adopted.

Section 2. 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 3. 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.

Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, 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, in the official City newspaper.

ORDINANCE NO. 1023-4

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
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

ORDINANCE NO. 1023-4

FEES FOR ZONING CHANGE REQUESTS

(A) 0 to less than 25 acres:

1. ~~$750~~ $1000 plus $25 per each type of zoning requested on a tract of land; or
2. ~~$800~~ $1200 if Planned Unit Development

(B) 25 to less than 50 acres:

1. ~~$800~~ $1025 plus $25 per each type of zoning requested on a tract of land; or
2. ~~$850~~ $1250 if Planned Unit Development

(C) 50 to less than 75 acres:

1. ~~$850~~ $1050 plus $25 per each type of zoning requested on a tract of land; or
2. ~~$900~~ $1300 if Planned Unit Development

(D) 75 to less than 100 acres:

1. ~~$900~~ $1075 plus $25 per each type of zoning requested on a tract of land; or
2. ~~$950~~ $1350 if Planned Unit Development

(E) 100 acres and over:

1. ~~$950~~ $1100 plus $25 per each type of zoning requested on a tract of land; or
2. ~~$600~~ $1400 if Planned Unit Development

PLATTING FEE SCHEDULE

(A) Preliminary Subdivision/Development Plats:

1. ~~$600.00~~ $1000.00 filing fee, plus

2. The platting fee, as follows:

   a. For residential purposes or dwelling units where lots are not designated on the plat, ~~$6.00~~ $8.00 per designated lot, tract, or building site

   b. For tracts, blocks, or areas not divided into lots and to be used for commercial, industrial, multiple dwellings, or unrestricted uses, $30.00 per acre or any fraction thereof.

(B) Final Subdivision/Development Plats:

1. ~~$600.00~~ $1000.00 filing fee, plus

2. The platting fee, as follows:

   a. For residential purposes or dwelling units where lots are not designated on the plat, ~~$6.00~~ $8.00 per designated lot, tract, or building site.

   b. For tracts, blocks, or areas not divided into lots and to be used for commercial, industrial, multiple dwellings, or unrestricted uses, $30.00 per acre or any fraction thereof.

(C) Vacation of Subdivisions:

Fee amount: $600.00 per acre (gross area of whole tract) or any fraction thereof.

(D) Extension of Approval:

Fee amount: $150.00 filing fee.

(E) Minor Plat:

1. $600.00 filing fee, plus
2. The platting fee as follows:
   a. For residential purposes or dwelling units where lots are not designated on the plat, $ 6.00 per designated lot, tract, or building site.

   b. For tracts, blocks, or areas not divided into lots and to be used for commercial, industrial, multiple dwellings, or unrestricted uses, $30.00 per acre or any fraction thereof.

(F) Minor Plat: (one lot with existing home or business) $150.00 filing fee.

(G) Amending Plat:

Fee amount: $600.00 filing fee, plus $6.00 per lot increase. (No lot increase greater than six (6)). For tracts, blocks, or areas not divided into lots and to be used for commercial, industrial, multiple dwellings, or unrestricted uses, $30.00 per acre or any fraction thereof.

(H) Replat:

1. Residential: Fee amount: $600.00, plus $6.00 per lot increase.

2. Commercial: Fee amount: $600.00. For tracts, blocks, or areas not divided into lots and to be used for commercial, industrial, multiple dwellings, or unrestricted uses, $30.00 per acre or any fraction thereof.

(I) Master Plat:

1. $600.00 filing fee, plus

2. The platting fee, as follows:

   a. For residential purposes or dwelling units where lots are not designated on the plat, $6.00 per designated lot, tract, or building site.

   b. For tracts, blocks, or areas not divided into lots and to be used for commercial, industrial, multiple dwellings, or unrestricted uses, $30.00 per acre or any fraction thereof.

(J) Recheck of Plats and Associated Construction Drawings:

1. Fee amount: $200.00.

2. Payment deadline: Due upon or before resubmission of corrected plat or drawing.

(K) Second Submittal Fee: $200.00

(L) Park Dedication:

1. Fee amount: $750.00 per residential unit, or 1 acre/50 units, at discretion of City.

2. Payment deadline: Due before approval of final plat.

ORDINANCE NO. 1023-4

CLUSTER PLANS

1. 0 to less than 25 acres: ~~$400~~ $1200
2. 25 to less than 50 acres: ~~$450~~ $1250
3. 50 to less than 75 acres: ~~$500~~ $1300
4. 75 to less than 100 acres: ~~$550~~ $1350
5. 100 acres and over: ~~$600~~ $1400

P & Z SUBDIVISION VARIANCE

1. ~~$250.00~~ $400.00

ZONING BOARD OF ADJUSTMENTS FEE SCHEDULE

ZBA Applications for Variance, Special Exceptions, etc.

Residential	~~$300~~ $500.00
Commercial	$500.00

ZONING VERIFICATION LETTERS

Residential	$25.00
Commercial	$35.00

ORDINANCE NO. 1023-4

PROCESSING FEE
BASED ON PERMIT TYPE

Banner	$10.00
Commercial	~~$0.00~~ $20.00
Demolition	~~0.00~~ 20.00
Electrical	~~0.00~~ 20.00
Fire Permits	~~$0.00~~ $20.00
Foster Homes	~~$0.00~~ $0.00
Garage sales/Includes 3 signs and stakes	$15.00
Irrigation	~~$0.00~~ $20.00
Mechanical	~~$0.00~~ $20.00
Moving	~~$0.00~~ $20.00
Plumbing	~~$0.00~~ $20.00
Residential Addition Alteration	~~$0.00~~ $20.00
Residential New Single Family	~~$0.00~~ $20.00
Residential New Two Family	~~$0.00~~ $20.00
Residential New Three or more Family	~~$0.00~~ $20.00
Swimming Pools	~~$0.00~~ $20.00
Signs	~~$0.00~~ $20.00
Tenant Occupancy	~~$0.00~~ $20.00
Annual Registration fee for contractors	~~$0.00~~ $0.00

BUILDING FEE SCHEDULE

(A) Civil Site Work Permit

1. Fee Amount: Percent of construction value -- $16.50 for first $1,000.00; $5.50 for each $1,000 or fraction thereof thereafter.

2. Payment Deadline: Due before issuance of site work permit.

(B) Plan Check Fee:

1. Fee Amount: An amount equal to one-half of building or civil site work permit fee.

2. Payment Deadline: Due upon plan submission.

(C) Building Permit:

1. Fee Amount: Percent of construction value -- $69.34 per square foot for commercial or residential; $36.34 per square foot for detached garage.

2. Payment Deadline: Due before issuance of building permit.

(D) Sign, Fence, and Miscellaneous Building Permits:

1. Fee Amount: Percent of construction value -- $16.50 for first $1,000.00; $5.50 for each $1,000.00 or fraction thereof thereafter.

2. Payment Deadline: Due before issuance of building permit.

(E) Water & Sewer Impact Fee:

1. Fee Amount: Based on most current applicable impact fee study at the time of platting.

2. Payment Deadline:

a. If at existing building:

(1) Due before connection; or

(2) Paid via 36-month payment plan with interest, subject to City Managers approval.

b. If at new building, due before issuance of building permit.

(F) Water & Sewer Pro-rata Fee (limited areas):

1. Fee Amount:

a. *Park Street between Walnut and Pear Streets:*

	Lots 1-23 of Block 25	Lots 26-44 of Block 26
Water -	$354.29 per 25' Lot ($14.17 per linear foot)	$354.29 per 25' Lot ($14.17 per linear foot)
Sewer -	$537.83 per 25' Lot ($21.51 per linear foot)	

b. *Pearland Parkway between Barry Rose Road and Mary=s Creek:*

Water- 96.9 acres at $776.00 per acre

Sewer- 360.2 acres at $584.33 per acre

c. *FM 518 at FM 1128 west of Reid Boulevard:*

	North Side of FM 518	South Side of FM 518
Sewer-	$44.60 per linear foot	$53.91 per linear foot

d. *Service Area 1 (South of Beltway 8, North of Clear Creek, West of State Highway 288, and East of FM 521):*

Water - 1638 acres at $41.00 per acre

Sewer- 1638 acres at $15.00 per acre

e. *Service Area 2 (South of Broadway Street, North of County* 59, *East of County Road 48, and West of State Highway 288):*

Water- 521 acres at $74.00 per acre

Sewer- 2221 acres at $33.00 per acre

2. Payment Deadline:

a. If platting, before approval of final plat.

b. If not platting, before issuance of building

permit. (G) Water and/or Sewer Tap Fee:

1. Fee Amount: Actual cost, not less than $250.00.

2. Payment Deadline:

a. If at existing building, before connection.

b. If at new building, before issuance of building

permit. (H) Pearland Parkway Street Light Charge:

1. Fee Amount: $1,200.00 per pole.

2. Payment Deadline:

a. If platting, before subdivision acceptance.

b. If not platting, before issuance of certificate of occupancy.

(I) Street Light Operation and Maintenance Escrow (Two Years):

1. Fee Amount: $16.00- $25.00 per light per month (minimum = $384.00 per light).

2. Payment Deadline:

a. If platting, before subdivision acceptance.

b. If not platting, before issuance of certificate of occupancy.

(J) Construction Inspection of Streets, Drainage, Water, and Sanitary Sewer Facilities for New Subdivision Construction:

1. Fee Amount: One percent (1%) of direct construction cost, not including engineering, survey, testing, and contingencies.

2. Payment Deadline: payable prior to approval of final plat.

(K) Traffic Impact Analysis Review/Thoroughfare Amendment Review Fee

2. Fee Amount: $750.00

3. Payment Deadline:

4. Development within City Limits:

1) If platting, before approval of final plat.

2) If not platting, before issuance of building permit.

5. Development in ETJ: Due before approval of final plat.

(L) Variance Application Fee

1. Fee Amount: $250.00.

2. Payment Deadline: Due at time of application.

(M) Sidewalk Fee (In lieu of)

1. Fee Amount: The cost per square foot is $4.00 and changes to reflect the city current contract price at any given time.

2. Due before approval of final plat or before Certificate of Occupancy.

ELECTRICAL FEE SCHEDULE

For residential and commercial projects with additions, alterations and expansion of habitable space that is less than 500 square feet.

(A) Electrical Permit - Permit fee is the total of the following per item charges:

1. Meter Loop & Service (includes four outlets).....$6.00
2. Outlets, Including Switches $0.25
3. Fixtures $0.15
4. Range Receptacle.....$1.25
5. Clothes Dryer $1.25
6. Cooking Top.....$1.25
7. Ovens $1.25
8. Garbage Disposal $1.25
9. Dishwasher $1.25
10. Electric Heater.....$1.25
11. Water Heater.....$1.25
12. Window Air/Washer Receptacle $1.25
13. Motors up to but not including 2 hip.....$0.60
14. 2 h.p. and less than 10 h.p.....$2.50
15. 10 h.p. and less than 50 h.p.....$5.00
16. Temporary Saw Pole.....$10.00
17. Temporary Cut In $10.00
1. Reconnection Fee $10.00
2. Transfer.....$10.00
3. Temporary Lighting and Equipment Connections $5.00
18. Temporary, such as Carnivals or Shows.....$15.00
19. Minimum Fee $24.00
20. Fee for Issuing Permit $1.00

(2) Electrical License Fees

1. Master- $50.00
2. Journeyman - $25.00
3. Apprentice- $15.00

ELECTRICAL FEE SCHEDULE

For residential and commercial projects with additions, alterations and expansion of habitable space that is 500 square feet or greater.

(A) Electrical Permit - Permit fee is the total of the following per item charges:

1. Meter Loop & Service (includes four outlets).....$6.90
2. Outlets, Including Switches $0.29
3. Fixtures $0.17
4. Range Receptacle.....$1.44
5. Clothes Dryer $1.44
6. Cooking Top.....$1.44
7. Ovens $1.44
8. Garbage Disposal $1.44
9. Dishwasher $1.44
10. Electric Heater.....$1.44
11. Water Heater.....$1.44
12. Window Air/Washer Receptacle $1.44
13. Motors up to but not including 2 h.p.....$0.69
14. 2 h.p. and less than 10 h.p.....$2.88
15. 10 h.p. and less than 50 h.p.....$5.75
16. Temporary Saw Pole.....$11.50
17. Temporary Cut In $11.50
1. Reconnection Fee $11.50
2. Transfer.....$11.50
3. Temporary Lighting and Equipment Connections $5.75
18. Temporary, such as Carnivals or Shows.....$17.25
19. Minimum Fee $27.60
20. Fee for Issuing Permit $1.15

(2) Electrical License Fees

1. Master- $50.00
2. Journeyman - $25.00
3. Apprentice- $15.00

MECHANICAL PERMIT FEE SCHEDULE

For residential and commercial projects with additions, alterations and expansion of habitable space that is less than 500 square feet.

Permit Fee is the total of the following per item charges:

(1)	Heating and Air Conditioning	$10.00 + $2.00 per 1000
(2)	Refrigeration	$10.00 + $2.00 per 1000
(3)	Cooling Tower	$2.00
(4)	Vent System (Bathroom)	$5.00
(5)	Duct Extensions	$5.00
(6)	Vent Hood (Commercial)	$5.00
(7)	Air Conditioning Outlets	$2.00
(8)	Kitchen Vent (Residential)	$2.00
(9)	Commercial Kitchen (Makeup Air)	$2.00
(10)	Mobile Home	$25.00
(11)	Repairs per 1000 of job cost	$2.00
(12)	Miscellaneous (Dryer, Water Heater, etc.)	$2.00
(13)	Application Fee	$15.00

MECHANICAL PERMIT FEE SCHEDULE

For residential and commercial projects with additions, alterations and expansion of habitable space that is 500 square feet or greater.

Permit Fee is the total of the following per item charges:

(1) Heating and Air Conditioning .....$10.00 + $2.30 per 1000

(2) Refrigeration .....$10.00 + $2.30 per 1000

(3) Cooling Tower..... $2.30

(4) Vent System (Bathroom)..... $5.75

(5) Duct Extensions $5.75

(6) Vent Hood (Commercial) $5.75

(7) Air Conditioning Outlets $2.30

(8) Kitchen Vent (Residential) $2.30

(9) Commercial Kitchen (Makeup Air) $2.30

(10) Mobile Home $28.75

(11) Repairs per 1000 of Job Cost $2.30

(12) Miscellaneous (Dryer, Water Heater, etc.) $2.30

(13) Application Fee $17.25

PLUMBING FEE SCHEDULE

For residential and commercial projects with additions, alterations and expansion of habitable space that is less than 500 square feet.

(A) Plumbing Permit - Permit Fee is the total of the following per item charges:

1. Plumbing

1.	Sewer Collection System	$15.00
2.	Water Distribution System	$5.00
3.	Water Closet	$2.50
4.	Tubs/Showers	$2.50
5.	Urinals	$2.50
6.	Disposal and Dishwasher	$2.50
7.	Washing Machine	$2.50
8.	Air Conditioning Trap	$2.50
1.	Basin, Sink	$2.50
10.	Miscellaneous	$2.50
11.	Hose BibNacuum Breaker	$2.50
12.	Grease Trap	$15.00
13.	Tanks 1,000 Gallon	$20.00
14.	Tanks 6,000 Gallon	$30.00
15.	Sample Well	$10.00
p.	Plumbing Permit Fee	$15.00

2. Gas

a.	Central Heating Plant	$25.00
b.	Commercial Oven	$2.50
c.	Commercial Dryer	$2.50
d.	Central Heating	$2.50
e.	Floor Furnace	$2.50
f.	Wall Heater	$2.50
g.	Space Heater	$2.50
h.	Unit Heater	$2.50
i.	Cooking Range	$2.50
10.	Dryer	$2.50
11.	Water Heater	$2.50
12.	Bake Oven	$2.50
13.	Gas Piping	$10.00
14.	G. T. O	$10.00
15.	Fireplace	$2.50
16.	Miscellaneous	$2.50

(B) Irrigation Permit - Permit Fee is the total of the following applicable charges:

1. Water Distribution System.....$5.00
2. Backflow Preventer Device $2.50
3. Sprinkler Heads to 25.....$10.00
4. Sprinkler Heads to 50.....$20.00
5. Each Additional Sprinkler Head.....$0.20
6. Permit Fee.....$15.00

PLUMBING FEE SCHEDULE

For residential and commercial projects with additions, alterations and expansion of habitable space that is 500 square feet or greater.

(1) Plumbing Permit - Permit Fee is the total of the following per item charges:

1. Plumbing

1.	Sewer Collection System	$17.25
2.	Water Distribution System	$5.75
3.	Water Closet	$2.88
4.	Tubs/Showers	$2.88
5.	Urinals	$2.88
6.	Disposal and Dishwasher	$2.88
7.	Washing Machine	$2.88
8.	Air Conditioning Trap	$2.88
1.	Basin, Sink	$2.88
10.	Miscellaneous	$2.88
11.	Hose Bib Vacuum Breaker	$2.88
12.	Grease Trap	$17.25
13.	Tanks 1,000 Gallon	$23.00
14.	Tanks 6,000 Gallon	$34.50
15.	Sample Well	$11.50
p.	Plumbing Permit Fee	$17.25

2. Gas

a.	Central Heating Plant	$28.75
b.	Commercial Oven	$2.88
c.	Commercial Dryer	$2.88
d.	Central Heating	$2.88
e.	Floor Furnace	$2.88
f.	Wall Heater	$2.88
g.	Space Heater	$2.88
h.	Unit Heater	$2.88
i.	Cooking Range	$2.88
10.	Dryer	$2.88
11.	Water Heater	$2.88
12.	Bake Oven	$2.88
13.	Gas Piping	$11.50
14.	G. T. O	$11.50
15.	Fireplace	$2.88
16.	Miscellaneous	$2.88

(B) Irrigation Permit - Permit Fee is the total of the following applicable charges:

1. Water Distribution System.....$5.75
2. Backflow Preventor Device $2.88
3. Sprinkler Heads to 25..... $11.50
4. Sprinkler Heads to 50..... $23.00
5. Each Additional Sprinkler Head.....$0.23
6. Permit Fee..... $17.25

HEALTH AND SANITATION FEE SCHEDULE

Fees for Health Certificates and Re-inspections on Food Related Establishments

	Full Service	Limited Preparation
1-4 employees	$100.00	$ 100.00
5-9 employees	~~$150.00~~ $375.00	~~$100.00~~ $175.00
10-25 employees	~~$300.00~~ $525.00	~~$150.00~~ $225.00
26-50 employees	~~$450.00~~ $650.00	~~$150.00~~ $300.00
51-100 employees	~~$550.00~~ $750.00	~~$200.00~~ $350.00
101 or more employees	~~$700.00~~ $900.00	~~$200.00~~ $400.00

Prepackaged Only	~~$100.00~~ $125.00
Mobile Units	~~$175.00~~ $200.00
Additional Units	$175.00
Produce Vendor	~~$75.00~~ $100.00
Schools/Day Cares	~~$75.00~~ $125.00
Temporary Fees for Special Events	~~$20.00~~ $30.00
Service Fees, Re-inspection Fees	$25.00
Pre-opening Inspection Fees	~~$50.00~~ $100.00

MISCELLANEOUS FEES

A. Garage Sale Permit..... $15.00

B. Occupancy Permit $50.00

C. Re-inspection Fee..... $35.00

D. Returned Check Fee $25.00

E. Waiver of Encroachment

General Utility Easement $250.00

City Right-of-Way or Easement..... $500.00

F. After Hours Emergency Inspection Fees…….. $100.00

New Business Item No. 6

6. **Consideration and Possible Action – First Reading of Ordinance No. 1358-11 –** An Ordinance of the City Council of the City of Pearland, Texas, amending non-development usage and service fees; containing a savings clause, a severability clause and a repealer clause; providing for publication and an effective date.

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

AGENDA OF:	September 22, 2014	**ITEM NO.:**	Ordinance No. 1358-11
DATE SUBMITTED:	September 10, 2014	**DEPT. OF ORIGIN:**	Finance
PREPARED BY:	Claire Bogard	**PRESENTOR:**	Claire Bogard
REVIEWED BY:	Jon R. Branson	**REVIEW DATE:**	September 11, 2014

SUBJECT: First Reading of an Ordinance of the City Council of the City of Pearland, Texas, Amending Non-Development Usage and Service Fees; containing a savings clause, a severability clause and a repealer clause; providing for publication and an effective date

EXHIBITS: Ordinance 1358-11

FUNDING: ☐ Bonds To Be Sold ☐ Grant ☐ Bonds- Sold ☐ Developer/Other ☐ L/P – Sold ☐ Cash ☐ L/P – To Be Sold

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED: N/A**
AMOUNT AVAILABLE: **PROJECT NO.:**
ACCOUNT NO.:

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

To be completed by Department:
X Finance **X Legal** **Ordinance** **X** **Resolution**

EXECUTIVE SUMMARY

BACKGROUND

Annually, as part of the budget process, City staff rate necessary additions and/or changes in fees in order to cover the cost of service being provided as well as conduct a rate analysis as part of the water/sewer rate model. Changes typically come about based on changes in contract pricing, such as the meters, increases to fees to comply with the Parks Revenue Management Plan, and new fees.

Fee changes have been discussed as part of the budget process in budget workshops held in August and September. The background material and rationale for all of these items have been and remain available on the budget section of pearlandtx.gov

The changes to the fees for fiscal year 2015 include:

1. Changes to meters costs based on new meter pricing effective with contract renewal May 2014. The City is already charging the new costs, just updating the fee schedule.
2. Increases in the water and sewer rates, specifically on the volume side of the rate pursuant to the 4.63% revenue increase needed to fund the water/sewer system operations and meet debt coverage requirements for fiscal year 2015.
3. Including the word "credit card" in the NSF/Returned Check area, as the City does on occasion receive a credit card denial.
4. Adding a $25 per year resident Sr. Center membership, that is incorporated into the fiscal year 2015 budget to assist in paying for the direct cost of services.
5. Removing rental fees associated with the Independence Park swimming pool as operations are now under a contractual agreement with a third party to operate the pool.
6. Adding a section on Athletic Field Usage Fees pursuant to the Athletic Field Usage policy adopted on August 11, 2014; Resolution 2014-90; and as incorporated into the fiscal year 2015 budget.
7. Removing section for advertising in Parks Brochures, as the cost is based on cost to the City as well as market demand.
8. Removing the section on "Recreation Programs Cost Recovery Tier Plan" as the plan itself is not a "fee" but rather how to calculate the fee. Parks is currently updating its cost recovery plan based on a cost of service review conducted in 2014.

RECOMMENDED ACTION

Consideration and approval of Ordinance 1358-11 amending non-development usage and service fees; containing a savings clause, a severability clause and a repealer clause; providing for publication and an effective date.

ORDINANCE NO. 1358-11

An Ordinance of the City Council of the City of Pearland, Texas, amending non-development usage and service fees; containing a savings clause, a severability clause and a repealer clause; providing for publication and an effective date.

WHEREAS, various departments of the City charge fees for usage, permits, and other services not related to development; and

WHEREAS, the organization of all such non-development fees into one ordinance enhances the efficiency of the fee amendment process and improves customer service; now, therefore,

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

Section 1. That the charges and fees contained in the attached Exhibit "A" are hereby adopted.

Section 2. 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 3. 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.

Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, 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, in the official City newspaper.

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

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
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

FEE SCHEDULE

EMS

Ambulance Application Fee	$250.00
Ambulance Permit Fee	$100.00

FIRE

Re-inspection Fees

Initial and 1st Re-inspection	$ 0.00
2nd Re-inspection	$75.00
3rd Re-inspection and thereafter, each	$200.00
After hours Inspection (After 5:00pm Monday-Thursday; after 4:00pm on Friday, and on weekends)	$200.00

POLICE

Accident Report (As may be amended from time to time by State Statute)	$6.00
Notarized Accident Report (As may be amended from time to time by State Statute)	$8.00
Clearance Letter (As may be amended from time to time by State Statute)	$5.00
Copies	.10 per page
Crafted Precious Metal Dealer License Fee	$100.00 annually

Alarm Permit:

Residential	Rates provided in
Commercial	Ordinance No. 569-3

False Alarm Fee:

Police Department (per occurrence after 5 per yr)	Rates provided in
Fire Department (per occurrence after 5 per yr)	Ordinance No. 569-3

UTILITY BILLING

Delinquent Fees:

First Time Reconnect	$25.00
Subsequent Reconnect Charges	$50.00
Connect Fee	$30.00

Deposits:

Commercial	$200.00 + 2 months of garbage
Residential Owner	$100.00
Residential	
Renter-low risk rating	$150.00
Renter-medium/high risk rating	$225.00
Residential Garbage Only	$50.00
Commercial Garbage Only	2 months of garbage

Additional deposit for services terminated twice within six months

Residential	$75.00
Commercial	$150.00 plus 1 month of garbage

Meter Cost:	**New**	**Replacement**
	New and Replacement	
5/8”	$271.00	
1”	$328.00	
2” Displacement	$633.00	
2” Compound	$1,528.00	
3”	$8,555.00	
4”	$10,005.00	
6”	$13,402.00	
8” (6 x 8)	$14,605.00	
10”	$28,515.00	
12”	$29,693.00	

(subject to change based on contract pricing)
New meters would also require deposit and connection fee

Register Replacement	$240.00
Antenna Replacement	based on cost

Meter Testing:

5/8 – ¾” Meter	$60.00
1” Meter	$85.00
1 ½” Meter	$100.00
2” – 8” Meters	$150.00
8” and above Meters	$200.00
Same Day New Service Connections	$100.00
Grease Traps	$100.00/yr

Meter Inspection:	
Initial	$35.00
Re-inspection	$35.00
Temporary Fire Hydrant Meter ($75.00 non refundable)	$1500.00
Temporary Fire Hydrant Location Change	$50.00
Additional Recycling Bin	$8.00
Temporary Water/Sewer Service for Residential Landlords/Property Managers	$50 for ten days, 2000 gallons and connection
*Water Base Charges	
Single Unit	$11.98
Multi-Unit	$10.98
*Water Volume	
Residential	
0-2,000 gallons	In Base
2,001-6,000	$3.16
6,001-15,000	$3.96
15,001-25,000	$4.75
25,001+	$6.33
*Commercial/Multi-Unit	
0-2,000	In Base
2,001+	$3.96
*Landscape	
0-2,000	In Base
2,001+	$4.75
*Sewer Base Charges for All	$14.41
*Sewer Volume	
0-2,000	In Base
All Users	$3.28

Residential Wastewater Cap

Standardized monthly billing amount (gallons) to be based on the average consumption of the months of December, January, February, which are typically billed in Jan, Feb, Mar, not to exceed 12,000 gallons. Wastewater Cap would be adjusted each April.

New Residents

Default billing amount (gallons) of 6,000 gallons

Billing Adjustments
Water adjustments may be given for leaks and sewer adjustment may be given as it applies to the setting of the Winter Quarter Average. See Ordinance 870-6

Customer without metered water
Default billing amount (gallons) of 10,000.

*Customer outside City Limits
*All charges for water and sewer service are at a rate of 1-1/2 times that existing in the City.

Sewer Use Credit Program

Application Fee	$500
Monthly Administrative Charge	$ 50
Annual Testing Fee	See Above

If repairs are needed, in addition to the testing fee, there will be charges for labor and parts, plus retesting fee of $75.00

Accounts opened for the purpose of the sewer use credit for sub-metering will not be required to put down a deposit nor billed water or sewer rates.

FINANCE

NSF or Returned Check/Credit Card Fee	$25.00

ENGINEERING

Grading Permit	$125.00

PUBLIC WORKS

Water/Sewer Tap	Actual Cost, not less than $250

CITY SECRETARY

Copy Charge: (pursuant to State law, including but not limited to and as may be amended from time to time by State Statute)

Paper	$.10
Oversize Paper	$.50
Diskette	$1.00
Magnetic tape	Actual Cost
Data Cartridge	Actual Cost
Tape Cartridge	Actual Cost
Rewritable CD (CD-RW)	$1.00
Non-rewritable CD (CD-R)	$1.00
Digital video disc (DVD)	$3.00

JAZ Drive	Actual Cost
Other electronic media	Actual Cost
VHS cassette	$2.50
Audio cassette	$1.00
Oversize paper copy	$.50
Specialty paper	Actual Cost
Labor charge	$15.00/hr
Overhead	20% of labor
Alcohol Beverage Permit:	
BE – On Premise	$150.00
BQ – Wine & Beer Off-Premise	$60.00
BF – Off Premise	$60.00
BG-Wine&Beer On-Premise that hold a Food/Bev. Permit	$175.00
BL – Late Hours On-Premise	$250.00
PE – Charge	$20.00
LB – Late Hours Mixed Beverage	$150.00
RM – Mixed Beverage Restaurant	$750.00
Peddlers Permit	
Primary Permit Holder	$75.00 max of 3 months
Assistant working under primary	$5.00 / month for each assistant
Surety Bond (required)	$1,000.00

ANIMAL CONTROL

1st impound	30.00
2nd impound	40.00
3rd impound	50.00
Adoption unaltered	30.00
Transportation	5.00
Adoption altered with Rabies	87.00
Adoption altered w/out Rabies	75.00
Livestock impound per head	100.00
2nd impound	125.00
3rd impound	150.00
Quarantine impound	40.00
Daily board domestic	10.00 per day
Daily board livestock	25.00 per day
City License	
Altered one year	10.00
3 year	30.00
Un Altered one year	20.00
3 year	60.00
Replacement tag	5.00
Dangerous Dog registration	50.00

Disposal Domestic Animals	
Up to 25 lbs	25.00
26lbs to 60 lbs	50.00
61 lbs and over	75.00
Large animal contract	125.00 plus
Euthanasia on demand	40.00
Surrender of owned Pet	40.00
Return check fee	25.00
Cat carrier	5.00
Collars	3.00
Micro-chip implant	$25.00
Includes pet registration	
T-shirts	7.00
Hats	7.00

PARKS & RECREATION

Non-resident fees Programs and Leagues

Resident Fee	Non-resident charge
≤$50	+ $20
$51-$200	+ $30
≥$201	+ $40

Non-resident fees for Household & Hazardous Waste $80 per 100 pounds of HHW
Non-resident fees for Electronic Waste $20 per 100 pounds of electronic waste
Non-resident fee for Senior Center $50/year
Resident fee for Senior Center $25/year
Transportation fees for the Melvin Knapp Senior Center $2 round-trip (Specialty Trip)
Banner Installation Fee $300
Special Event Permit Fee $50
Deposits

	Deposit
Centennial Park Pavilions	$50
Southdown Park Pavilion	$50
Independence Park Large Pavilion	$200
Independence Park Barbeque Shelter	$100
Independence Park Swimming Pool	$100
Gazebo at City Hall	$50
Westside Event Center Meeting Room	$140
Westside Event Center Banquet Hall	$140
Community Center	$140
Banner Installation	$50

Indoor rental cleaning Fee $180
Administrative fee for rental cancellations $25

Rental Fees
Outdoor

	Resident	**Non-Resident**
Centennial Park Pavilions	**$30/day**	**$60/day**
Southdown Park Pavilion	**$30/day**	**$60/day**
Independence Park Large Pavilion	**$130/day**	**$200/day**
Independence Park Barbeque Shelter	**$60/day**	**$120/day**
Gazebo at City Hall	**$30/day**	**$60/day**

Indoor

	Non-Profit	**Resident**	**Non-Resident**
Westside Event Center Meeting Room	**$50/hr**	**$60/hr**	**$70/hr**
Westside Event Center Banquet Hall	**$60/hr**	**$85/hr**	**$95/hr**
Community Center	**$37.50/hr**	**$65/hr**	**$85/hr**

Athletic Field Usage Fees

Recognized Sports Associations		
Deposit (Per Season)	Player Fee	Utility Fee
$500	$10 Res $20 Non-Res	$150 Month

Hourly Usage		
	Resident	Non-Resident
Field Fee	$15	$30
Utility Fee	$15	$15

Recreation Center and Natatorium Membership Fees

Annual Membership with Contract

Initiation Fee, for all $25

Recreation Center & Natatorium

Category	**Resident Rate**	**Non-Resident Rate**
Adult	$300	$450
Additional person	$150	$225
Active Adult	$210	$315
Additional Active Adult	$100	$150
Household	$600	$900
Natatorium Only		
Individual	$200	$300
Household	$400	$600

Monthly Membership without Contract

Recreation Center & Natatorium

Category	**Resident Rate**	**Non-Resident Rate**
Adult	$32	$48
Additional person	$16	$24
Active Adult	$22	$33
Additional Active Adult	$11	$17
Household	$63	$95
Natatorium Only		
Individual	$21	$32

Household	$42	$63

Recreation Center and Natatorium Membership includes facilities, drop in child care, basic health and fitness classes

Natatorium Only membership includes access to the natatorium only

Trial Membership	30 days for $30	(one-time per individual)

Daily Fees

Individual	
18+ years of Age	$8
12-17 years of Age	$5
3-11 years of Age	$3
Family	$12
Child care	$5

Formulas used

Non-resident	Resident rate +50%
Monthly fee	Annual /12+ 25%

Definitions

Individual	12-59 years old
Active Adult	60+ years old
Household	Up to 5 people residing in the same home
Additional Person	is an addition to an existing membership/fee. Must reside in the same house as primary
Child	3-11 years old
Family	Limit of 5 people and maximum 2 adults

Locker Rentals $100 per year or $10 per month
(maximum rentals – 10 lockers in each locker room)

Recreation Center Rental Rates

- Entire Recreation Facility includes the following:

	Non-Profit	Membership Rate	Resident (NM)	Nonresident (NM)	
Entire Rec Facility	$225/hour	$450/hour	$675/hour	$900/hour	**Minimum 5 hours
One Full Court Hourly	$40/hour	$80/hour	$120/hour	$160/hour	**Minimum 3 hours
Daily	$400/day	$800/day	$1,200/day	$1,600/day	**Minimum 5 hours
Entire Gym Hourly	$80/hour	$160/hour	$240/hour	$320/hour	**Minimum 5 hours
Daily	$800/day	$1,600/day	$2,400/day	$3,200/day	**Minimum 5 hours
One Multipurpose/ Activity Room	$33/hour	$65/hour	$98/hour	$130/hour	**Minimum 3 hours
Entire Multipurpose/ Activity Room	$65/hour	$130/hour	$195/hour	$260/hour	**Minimum 3 hours

Kidz Korner, The Zone, Gymnasium, Multipurpose Room, Track, Activity Room, Racquetball
Courts, 2nd floor café area.

- Day=12 hours
- For Non-athletic Events in the Gymnasium the following fees apply:
  Floor Covering: $100/court per day

Group Exercise Punch Cards
20 Punch Card $50

# of Participants	COP Security Fee (Paid directly to COP Security Officers at beginning of event)	COP Custodial Fee*	Event Staff
Less than 75	No security required if no admission is charged. 1 @ $30/hour when admission is charged	$100 per day	$50
75 - 250	No security required if no admission is charged. 1 @ $30/hour when admission is charged	$200 per day	$50
251 - 500	2 @ $30/hour	$350 per day	$100
501 - 1000	2 @ $30/hour	$450 per day	$150
More than 1000	2 @ $30/hour	$600 per day	$200
COP P&R Aquatics Supervision (CPO/AFO) Fee (500 + events only)			$100 or $250 per day
Timing System (One System) (If operator is included, then additional staff charges will apply)			$150 per day
Timing System (Two Systems) (If operator is included, then additional staff charges will apply)			$200 per day
Events Requiring 50-meter configuration will require an additional set-up fee			$150
Special Note: 2 parking lot attendants are required for all events with an anticipated 500+ total attendance. Attendants are paid directly at $15 per hour.			

* Custodial fee includes the additional cleaning supplies and inventory to support the rental as well as any staff needed to manage the cleaning of restrooms, trash, stands, etc.

* For large rental/meets (over 500+) an additional "Extra Heavy Cleanup/Restoration Fee" of $250 will be assessed.

NATATORIUM RENTAL RATES

A short term rental is defined as a rental ranging from 1 hour to 1 day in length.

A. "Non-Athletic" Short Term Rental (Personal/Organizational, Meetings, etc. - (Not Including "Parties")	**Non-Profit/School**	**RCN Member**	**Resident (NM)**	**Non-Resident (NM)**
Activity Pool	$30/hour	$40/hour	$60/hour	$80/hour
Meeting Room	$20/hour	$30/hour	$45/hour	$60/hour
Patio Area	$20/hour	$30/hour	$45/hour	$60/hour
B. Athletic Short Term Rental (Swim/Dive Meets, Water Polo Tournaments, etc.)	**Non-Profit/School**	**RCN Member**	**Resident**	**Non-Resident**
The Natatorium is capable of multiple configurations based on the need of the individual/organization renting the facility. (See Facility Information Form.)				
Entire Natatorium Facility (Pools + Meeting Room + Ops Room + Patio)	$100/hour	NA	$150/hour	$200/hour
50 Meter Pool + Activity Pool (Pool Use Only)	$75/hour	NA	$100/hour	$150/hour
50 Meter Pool (Pool Use Only)	$55/hour	NA	$75/hour	$110/hour
50 Meter Pool with Add-Ons (Meeting Room + Ops Room + Patio)	$75/hour	NA	$110/hour	$150/hour
25 yd CC configuration (10 lanes)	$25/hour	NA	$35/hour	$50/hour
25 yd CC configuration (10 lanes) w/Add-ons (Meeting Room + Ops Room + Patio)	$50/hour	NA	$75/hour	$100/hour
25 yd/mt configuration (8 lanes)	$30/hour	NA	$45/hour	$60/hour
25 yd/mt configuration (8 lanes) w/Add-ons (Meeting Room + Ops Room + Patio)	$55/hour	NA	$80/hour	$110/hour
Diving Well Only (5 lanes)	$25/hour	NA	$35/hour	$50/hour
C. Athletic Long Term Rentals (Swim/Dive Team Water Polo Practices, etc.)	**Non-Profit/School**	**RCN Member**	**Resident**	**Non-Resident**
A Long-term rental is defined as a rental for practices or any continued event longer than two (2) weeks in length. A "per-lane participant limit" (10 participant per lane max) will be enforced.				
Activity Pool only (per lane) (max 3 lanes)	$4/hour	NA	$6/hour	$8/hour
50 Meter Pool + Activity Pool (per lane)	$11/hour	NA	$15/hour	$22/hour
50 Meter Pool Configuration (per lane)	$7/hour	NA	$10/hour	$14/hour
25 yd CC configuration (per lane / Max = 10 lanes)	$5/hour	NA	$7/hour	$10/hour
25 yd/mt configuration (per lane/ Max = 8 lanes)	$5/hour	NA	$7/hour	$10/hour
Diving Well Only (5 lanes)	$25/hour	NA	$35/hour	$50/hour

D. Special Event/Unique Situation Rentals

Requests for use of Natatorium space for events or activities that do not conform to one of the above catagories will be considered a "Special Event." In this case there will be a "case by case" consideration and negotiations with the potential renter.

Membership rental rates will only be available for Short-Term Non-Athletic Rentals

Rental Formula = (base lane cost) x (number of lanes) x (number of hours) + (cost of lifeguards)

Deposit: 25% of Total Rental (Total Rental = Base lane useage + All Additional Fees assessed based on size and duration of event)

Admission Fees for selected General Athletic Events: Adults=$3, Student=$2, Childeren 7-12=$1, Children 0-6=No Charge
Admission Fees for selected CHAMPIONSHIP Level Athletic Events: Adults=$5, Student=$4, Childeren 7-12=$2, Children 0-6=No Charge
(Multi-day events will have discounts made available on a case-by-case basis.)

Additional fees are assessed based on size, type, and duration of rental (see Section II)

II. Additional Associated Fees

Total Number of Participants & Spectators	**COP Security Fee**	**COP Custodial Fee *** (*subject to change)	**Event Staff Fee (Extra Lifeguards, etc.)**
Less than 75	No security required if no admission is charged. 1 @ $55/ hour when admission is charged.	$50 per day	$25 per day
76 to 250	No security required if no admission is charged. 1 @ $55/ hour when admission is charged.	$150 per day	$25 per day

251- 500	1 @ $55/hour	$350 per day	$50 per day
501-1000	1 @ $55/hour	$450 per day	$75 per day
More than 1000	1 @ $55/hour	$600 per day	$100 per day
COP P&R Aquatics Supervision (CPO/AFO) Fee (500+ events only)			$100 for events 1-6 hours per day $200 for events longer than 6 hours
Timing System (One System) (If Operator is included then an additional staff charge of $30 per hour will apply)			$100 per day
Timing System (Two Systems) (If Operators are included then an additional staff charge of $60 per hour will apply)			$200 per day
Events requiring any change from the usual 25-yard cross-course configuration will incur an additional setup fee.			$150
Some items will incur an additional cost to use during some events. Please ask facility staff for more information.			
Special Note: 1 or 2 parking lot attendants are required for all events with an anticipated 500+ attendance. Rate is $15 per attendant per hour.			
*Custodial Fee includes the additional cleaning supplies and inventory to support the rental, as well as any staff needed to manage the cleaning of restrooms, trash, stands, etc. **For large rental/ meets (Over 500+) an additional "Extra Heavy Cleanup/Restoration Fee" of $250 * will be assessed. * subject to change pending new Custodial Services Contract			

FEE SCHEDULE

RED-LINED VERSION

EMS

Ambulance Application Fee	$250.00
Ambulance Permit Fee	$100.00

FIRE

Re-inspection Fees

Initial and 1st Re-inspection	$ 0.00
2nd Re-inspection	$75.00
3rd Re-inspection and thereafter, each	$200.00
After hours Inspection (After 5:00pm Monday-Thursday; after 4:00pm on Friday, and on weekends)	$200.00

POLICE

Accident Report (As may be amended from time to time by State Statute)	$6.00
Notarized Accident Report (As may be amended from time to time by State Statute)	$8.00
Clearance Letter (As may be amended from time to time by State Statute)	$5.00
Copies	.10 per page
Crafted Precious Metal Dealer License Fee	$100.00 annually

Alarm Permit:

Residential	Rates provided in
Commercial	Ordinance No. 569-3

False Alarm Fee:

Police Department (per occurrence after 5 per yr)	Rates provided in
Fire Department (per occurrence after 5 per yr)	Ordinance No. 569-3

UTILITY BILLING

Delinquent Fees:

First Time Reconnect	$25.00
Subsequent Reconnect Charges	$50.00
Connect Fee	$30.00

Deposits:

Commercial	$200.00 + 2 months of garbage
Residential Owner	$100.00
Residential	
Renter-low risk rating	$150.00
Renter-medium/high risk rating	$225.00
Residential Garbage Only	$50.00
Commercial Garbage Only	2 months of garbage

Additional deposit for services terminated twice within six months

Residential	$75.00
Commercial	$150.00 plus 1 month of garbage

Meter Cost:

	New	**Replacement**
	New and Replacement	
5/8”	$271~~55~~.00	
1”	$328~~12~~.00	
2” Displacement	$633.00	
2” Compound	$1,528~~760~~.00	
3”	$8,555~~035~~.00	
4”	$10,005~~9,390~~.00	
6”	$13,402~~12,565~~.00	
8” (6 x 8)	$14,605~~13,035~~.00	
10”	$28,515~~26,690~~.00	
12”	$29,693~~27,790~~.00	

(subject to change based on contract pricing)
New meters would also require deposit and connection fee

Register Replacement	$240.00
Antenna Replacement	based on cost

Meter Testing:

5/8 – ¾” Meter	$60.00
1” Meter	$85.00
1 ½” Meter	$100.00
2” – 8” Meters	$150.00
8” and above Meters	$200.00
Same Day New Service Connections	$100.00
Grease Traps	$100.00/yr

Meter Inspection:	
Initial	$35.00
Re-inspection	$35.00
Temporary Fire Hydrant Meter ($75.00 non refundable)	$1500.00
Temporary Fire Hydrant Location Change	$50.00
Additional Recycling Bin	$8.00
Temporary Water/Sewer Service for Residential Landlords/Property Managers	$50 for ten days, 2000 gallons and connection
*Water Base Charges	
Single Unit	$11.98
Multi-Unit	$10.98
*Water Volume	
Residential	
0-2,000 gallons	In Base
2,001-6,000	$3.16~~2.93~~
6,001-15,000	$3.96~~3.67~~
15,001-25,000	$4.75~~4.40~~
25,001+	$6.33~~5.86~~
*Commercial/Multi-Unit	
0-2,000	In Base
2,001+	$3.96~~3.67~~
*Landscape	
0-2,000	In Base
2,001+	$4.75~~4.40~~
*Sewer Base Charges for All	$14.41
*Sewer Volume	
0-2,000	In Base
All Users	$3.28~~3.03~~

Residential Wastewater Cap

Standardized monthly billing amount (gallons) to be based on the average consumption of the months of December, January, February, which are typically billed in Jan, Feb, Mar, not to exceed 12,000 gallons. Wastewater Cap would be adjusted each April.

New Residents

Default billing amount (gallons) of 6,000 gallons

Billing Adjustments
Water adjustments may be given for leaks and sewer adjustment may be given as it applies to the setting of the Winter Quarter Average. See Ordinance 870-6

Customer without metered water
Default billing amount (gallons) of 10,000.

*Customer outside City Limits
*All charges for water and sewer service are at a rate of 1-1/2 times that existing in the City.

Sewer Use Credit Program

Application Fee	$500
Monthly Administrative Charge	$ 50
Annual Testing Fee	See Above

If repairs are needed, in addition to the testing fee, there will be charges for labor and parts, plus retesting fee of $75.00

Accounts opened for the purpose of the sewer use credit for sub-metering will not be required to put down a deposit nor billed water or sewer rates.

FINANCE

NSF or Returned Check/Credit Card Fee	$25.00

ENGINEERING

Grading Permit	$125.00

PUBLIC WORKS

Water/Sewer Tap	Actual Cost, not less than $250

CITY SECRETARY

Copy Charge: (pursuant to State law, including but not limited to and as may be amended from time to time by State Statute)

Paper	$.10
Oversize Paper	$.50
Diskette	$1.00
Magnetic tape	Actual Cost
Data Cartridge	Actual Cost
Tape Cartridge	Actual Cost
Rewritable CD (CD-RW)	$1.00
Non-rewritable CD (CD-R)	$1.00
Digital video disc (DVD)	$3.00

JAZ Drive	Actual Cost
Other electronic media	Actual Cost
VHS cassette	$2.50
Audio cassette	$1.00
Oversize paper copy	$.50
Specialty paper	Actual Cost
Labor charge	$15.00/hr
Overhead	20% of labor
Alcohol Beverage Permit:	
BE – On Premise	$150.00
BQ – Wine & Beer Off-Premise	$60.00
BF – Off Premise	$60.00
BG-Wine&Beer On-Premise that hold a Food/Bev. Permit	$175.00
BL – Late Hours On-Premise	$250.00
PE – Charge	$20.00
LB – Late Hours Mixed Beverage	$150.00
RM – Mixed Beverage Restaurant	$750.00
Peddlers Permit	
Primary Permit Holder	$75.00 max of 3 months
Assistant working under primary	$5.00 / month for each assistant
Surety Bond (required)	$1,000.00

ANIMAL CONTROL

1st impound	30.00
2nd impound	40.00
3rd impound	50.00
Adoption unaltered	30.00
Transportation	5.00
Adoption altered with Rabies	87.00
Adoption altered w/out Rabies	75.00
Livestock impound per head	100.00
2nd impound	125.00
3rd impound	150.00
Quarantine impound	40.00
Daily board domestic	10.00 per day
Daily board livestock	25.00 per day
City License	
Altered one year	10.00
3 year	30.00
Un Altered one year	20.00
3 year	60.00
Replacement tag	5.00
Dangerous Dog registration	50.00

Disposal Domestic Animals	
Up to 25 lbs	25.00
26lbs to 60 lbs	50.00
61 lbs and over	75.00
Large animal contract	125.00 plus
Euthanasia on demand	40.00
Surrender of owned Pet	40.00
Return check fee	25.00
Cat carrier	5.00
Collars	3.00
Micro-chip implant	$25.00
Includes pet registration	
T-shirts	7.00
Hats	7.00

PARKS & RECREATION

~~Advertising~~

- ~~Parks leisure Brochure- Actual Costs (will vary based on number of advertisements purchased)~~
- ~~Parks Web-Site- $25 per ad, per event for those businesses participating in the event (limited to the Trick or Treat Trail and/or Hometown Christmas Parade events only).~~
- ~~Ad Space at Recreation/Natatorium – will vary based on size and number of banners/ads~~

~~Recreation Program Cost Recovery Plan Per Tier~~

~~Tier~~	~~Benefits~~	~~% of direct cost recovery~~	~~% of indirect recovered~~
~~1~~	~~Community as the whole benefits~~	~~0-25%~~	~~0%~~
~~2~~	~~Individuals receive direct benefit and community receives residual benefit~~	~~100%~~	~~25%~~
~~3~~	~~Individuals receive direct benefit~~	~~150%~~	~~50%~~

Non-resident fees Programs and Leagues

Resident Fee	Non-resident charge
≤$50	+ $20
$51-$200	+ $30
≥$201	+ $40

Non-resident fees for Household & Hazardous Waste $80 per 100 pounds of HHW
Non-resident fees for Electronic Waste $20 per 100 pounds of electronic waste
Non-resident fee for Senior Center $50/year
Resident fee for Senior Center $25/year
Transportation fees for the Melvin Knapp Senior Center $2 round-trip (Specialty Trip)
Banner Installation Fee $300
Special Event Permit Fee $50
Deposits

	Deposit
Centennial Park Pavilions	$50
Southdown Park Pavilion	$50
Independence Park Large Pavilion	$200
Independence Park Barbeque Shelter	$100
Independence Park Swimming Pool	$100
Gazebo at City Hall	$50
Westside Event Center Meeting Room	$140
Westside Event Center Banquet Hall	$140
Community Center	$140
Banner Installation	$50

Indoor rental cleaning Fee $180
Administrative fee for rental cancellations $25

Rental Fees
Outdoor

	Resident	**Non-Resident**
Centennial Park Pavilions	**$30/day**	**$60/day**
Southdown Park Pavilion	**$30/day**	**$60/day**
Independence Park Large Pavilion	**$130/day**	**$200/day**
Independence Park Barbeque Shelter	**$60/day**	**$120/day**
~~Independence Park Swimming Pool~~		
~~1-50 people~~	**~~$70/hr~~**	**~~$100/hr~~**
~~50-100 people~~	**~~$90/hr~~**	**~~$120/hr~~**
~~101-150 people~~	**~~$110/hr~~**	**~~$140/hr~~**
~~151-250 people~~	**~~$150/hr~~**	**~~$180/hr~~**
Gazebo at City Hall	**$30/day**	**$60/day**

Remove Independence Pool due to contractual agreement.

Indoor

	Non-Profit	Resident	Non-Resident
Westside Event Center Meeting Room	**$50/hr**	**$60/hr**	**$70/hr**
Westside Event Center Banquet Hall	**$60/hr**	**$85/hr**	**$95/hr**
Community Center	**$37.50/hr**	**$65/hr**	**$85/hr**

Athletic Field Usage Fees

Recognized Sports Association		
Deposit (Per Season)	**Player Fee**	**Utility Fee**
$500	$10 ® $20 (NR)	$150 month

Hourly Usage		
	Resident	**Non-Resident**
Field Fee	$15	$30
Utility Fee	$15	$15

Recreation Center and Natatorium Membership Fees

Annual Membership with Contract

Initiation Fee, for all $25

Recreation Center & Natatorium

Category	Resident Rate	Non-Resident Rate
Adult	$300	$450
Additional person	$150	$225
Active Adult	$210	$315
Additional Active Adult	$100	$150
Household	$600	$900
Natatorium Only		
Individual	$200	$300
Household	$400	$600

Monthly Membership without Contract

Recreation Center & Natatorium

Category	Resident Rate	Non-Resident Rate

Adult	$32	$48
Additional person	$16	$24
Active Adult	$22	$33
Additional Active Adult	$11	$17
Household	$63	$95
Natatorium Only		
Individual	$21	$32
Household	$42	$63

Recreation Center and Natatorium Membership includes facilities, drop in child care, basic health and fitness classes

Natatorium Only membership includes access to the natatorium only

Trial Membership	30 days for $30	(one-time per individual)

Daily Fees

Individual	
18+ years of Age	$8
12-17 years of Age	$5
3-11 years of Age	$3
Family	$12
Child care	$5

Formulas used

Non-resident	Resident rate +50%
Monthly fee	Annual /12+ 25%

Definitions

Individual	12-59 years old
Active Adult	60+ years old
Household	Up to 5 people residing in the same home
Additional Person	is an addition to an existing membership/fee. Must reside in the same house as primary
Child	3-11 years old
Family	Limit of 5 people and maximum 2 adults

Locker Rentals $100 per year or $10 per month
(maximum rentals – 10 lockers in each locker room)

Recreation Center Rental Rates

- Entire Recreation Facility includes the following:

	Non-Profit	Membership Rate	Resident (NM)	Nonresident (NM)	
Entire Rec Facility	$225/hour	$450/hour	$675/hour	$900/hour	**Minimum 5 hours
One Full Court Hourly	$40/hour	$80/hour	$120/hour	$160/hour	**Minimum 3 hours
Daily	$400/day	$800/day	$1,200/day	$1,600/day	**Minimum 5 hours
Entire Gym Hourly	$80/hour	$160/hour	$240/hour	$320/hour	**Minimum 5 hours
Daily	$800/day	$1,600/day	$2,400/day	$3,200/day	**Minimum 5 hours
One Multipurpose/ Activity Room	$33/hour	$65/hour	$98/hour	$130/hour	**Minimum 3 hours
Entire Multipurpose/ Activity Room	$65/hour	$130/hour	$195/hour	$260/hour	**Minimum 3 hours

Kidz Korner, The Zone, Gymnasium, Multipurpose Room, Track, Activity Room, Racquetball Courts, 2nd floor café area.

- Day=12 hours
- For Non-athletic Events in the Gymnasium the following fees apply:
  Floor Covering: $100/court per day

Group Exercise Punch Cards
20 Punch Card $50

# of Participants	COP Security Fee (Paid directly to COP Security Officers at beginning of event)	COP Custodial Fee*	Event Staff
Less than 75	No security required if no admission is charged. 1 @ $30/hour when admission is charged	$100 per day	$50
75 - 250	No security required if no admission is charged. 1 @ $30/hour when admission is charged	$200 per day	$50
251 - 500	2 @ $30/hour	$350 per day	$100
501 - 1000	2 @ $30/hour	$450 per day	$150
More than 1000	2 @ $30/hour	$600 per day	$200
COP P&R Aquatics Supervision (CPO/AFO) Fee (500 + events only)			$100 or $250 per day
Timing System (One System) (If operator is included, then additional staff charges will apply)			$150 per day
Timing System (Two Systems) (If operator is included, then additional staff charges will apply)			$200 per day
Events Requiring 50-meter configuration will require an additional set-up fee			$150
Special Note: 2 parking lot attendants are required for all events with an anticipated 500+ total attendance. Attendants are paid directly at $15 per hour.			

* Custodial fee includes the additional cleaning supplies and inventory to support the rental as well as any staff needed to manage the cleaning of restrooms, trash, stands, etc.

* For large rental/meets (over 500+) an additional "Extra Heavy Cleanup/Restoration Fee" of $250 will be assessed.

NATATORIUM RENTAL RATES

A short term rental is defined as a rental ranging from 1 hour to 1 day in length.

A. "Non-Athletic" Short Term Rental (Personal/Organizational, Meetings, etc. - (Not Including "Parties")	**Non-Profit/School**	**RCN Member**	**Resident (NM)**	**Non-Resident (NM)**
Activity Pool	$30/hour	$40/hour	$60/hour	$80/hour
Meeting Room	$20/hour	$30/hour	$45/hour	$60/hour
Patio Area	$20/hour	$30/hour	$45/hour	$60/hour
B. Athletic Short Term Rental (Swim/Dive Meets, Water Polo Tournaments, etc.)	**Non-Profit/School**	**RCN Member**	**Resident**	**Non-Resident**
The Natatorium is capable of multiple configurations based on the need of the individual/organization renting the facility. (See Facility Information Form.)				
Entire Natatorium Facility (Pools + Meeting Room + Ops Room + Patio)	$100/hour	NA	$150/hour	$200/hour
50 Meter Pool + Activity Pool (Pool Use Only)	$75/hour	NA	$100/hour	$150/hour
50 Meter Pool (Pool Use Only)	$55/hour	NA	$75/hour	$110/hour
50 Meter Pool with Add-Ons (Meeting Room + Ops Room + Patio)	$75/hour	NA	$110/hour	$150/hour
25 yd CC configuration (10 lanes)	$25/hour	NA	$35/hour	$50/hour
25 yd CC configuration (10 lanes) w/Add-ons (Meeting Room + Ops Room + Patio)	$50/hour	NA	$75/hour	$100/hour
25 yd/mt configuration (8 lanes)	$30/hour	NA	$45/hour	$60/hour
25 yd/mt configuration (8 lanes) w/Add-ons (Meeting Room + Ops Room + Patio)	$55/hour	NA	$80/hour	$110/hour
Diving Well Only (5 lanes)	$25/hour	NA	$35/hour	$50/hour
C. Athletic Long Term Rentals (Swim/Dive Team Water Polo Practices, etc.)	**Non-Profit/School**	**RCN Member**	**Resident**	**Non-Resident**
A Long-term rental is defined as a rental for practices or any continued event longer than two (2) weeks in length. A "per-lane participant limit" (10 participant per lane max) will be enforced.				
Activity Pool only (per lane) (max 3 lanes)	$4/hour	NA	$6/hour	$8/hour
50 Meter Pool + Activity Pool (per lane)	$11/hour	NA	$15/hour	$22/hour
50 Meter Pool Configuration (per lane)	$7/hour	NA	$10/hour	$14/hour
25 yd CC configuration (per lane / Max = 10 lanes)	$5/hour	NA	$7/hour	$10/hour
25 yd/mt configuration (per lane/ Max = 8 lanes)	$5/hour	NA	$7/hour	$10/hour
Diving Well Only (5 lanes)	$25/hour	NA	$35/hour	$50/hour

D. Special Event/Unique Situation Rentals

Requests for use of Natatorium space for events or activities that do not conform to one of the above catagories will be considered a "Special Event." In this case there will be a "case by case" consideration and negotiations with the potential renter.

Membership rental rates will only be available for Short-Term Non-Athletic Rentals

Rental Formula = (base lane cost) x (number of lanes) x (number of hours) + (cost of lifeguards)

Deposit: 25% of Total Rental (Total Rental = Base lane useage + All Additional Fees assessed based on size and duration of event)

Admission Fees for selected General Athletic Events: Adults=$3, Student=$2, Childeren 7-12=$1, Children 0-6=No Charge
Admission Fees for selected CHAMPIONSHIP Level Athletic Events: Adults=$5, Student=$4, Childeren 7-12=$2, Children 0-6=No Charge
(Multi-day events will have discounts made available on a case-by-case basis.)

Additional fees are assessed based on size, type, and duration of rental (see Section II)

II. Additional Associated Fees

Total Number of Participants & Spectators	**COP Security Fee**	**COP Custodial Fee *** (*subject to change)	**Event Staff Fee (Extra Lifeguards, etc.)**
Less than 75	No security required if no admission is charged. 1 @ $55/ hour when admission is charged.	$50 per day	$25 per day
76 to 250	No security required if no admission is charged. 1 @ $55/ hour when admission is charged.	$150 per day	$25 per day

251- 500	1 @ $55/hour	$350 per day	$50 per day
501-1000	1 @ $55/hour	$450 per day	$75 per day
More than 1000	1 @ $55/hour	$600 per day	$100 per day
COP P&R Aquatics Supervision (CPO/AFO) Fee (500+ events only)			$100 for events 1-6 hours per day $200 for events longer than 6 hours
Timing System (One System) (If Operator is included then an additional staff charge of $30 per hour will apply)			$100 per day
Timing System (Two Systems) (If Operators are included then an additional staff charge of $60 per hour will apply)			$200 per day
Events requiring any change from the usual 25-yard cross-course configuration will incur an additional setup fee.			$150
Some items will incur an additional cost to use during some events. Please ask facility staff for more information.			
Special Note: 1 or 2 parking lot attendants are required for all events with an anticipated 500+ attendance. Rate is $15 per attendant per hour.			
*Custodial Fee includes the additional cleaning supplies and inventory to support the rental, as well as any staff needed to manage the cleaning of restrooms, trash, stands, etc. **For large rental/ meets (Over 500+) an additional "Extra Heavy Cleanup/Restoration Fee" of $250 * will be assessed. * subject to change pending new Custodial Services Contract			

New Business Item No. 7

7. **Consideration and Possible Action – Resolution No. R2014-104 –** A Resolution of the City Council of the City of Pearland, Texas, deducting uncollectible Utility Billing and Parks and Recreation accounts from the City's Financial Statement.

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

AGENDA OF: 8/25/2014	**ITEM NO.:** Resolution No. R2014-104
DATE SUBMITTED: 8/13/2014	**DEPARTMENT OF ORIGIN: Finance**
PREPARED BY: Pamela Thompson	**PRESENTOR: Clay Pearson**
REVIEWED BY: Jon R. Branson	**REVIEW DATE: September 12, 2014**

SUBJECT: Write-off of Doubtful Accounts

EXHIBITS: R2014-104, Exhibits A & B

EXPENDITURE REQUIRED:
AMOUNT AVAILABLE:
ACCOUNT NO.:

AMOUNT BUDGETED:
PROJECT NO.:

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

To be completed by Department:

☒ **Finance** ☒ **Legal** ☐ **Ordinance** ☒ **Resolution**

EXECUTIVE SUMMARY

For Fiscal Year ending 2012, Utility Billing billed and collected for water, wastewater, and solid waste on 24,963 accounts monthly, for a total billing of $25.7 million. Most of our customers pay their bills, but we also must terminate services when payment is not forthcoming. When services are terminated, we then enter a phase of collecting past due amounts when the customer has moved from the City. To final or close out lower amounts due, we use their Utility Deposit, offer payment plans, and if necessary, place a lien on non-homesteaded property where service was received.

Parks and Recreation also has unpaid amounts due to be written off as uncollectable. These are from unpaid membership fees, programs, rentals, events, etc.

There are many reasons why accounts become uncollectable: foreclosures, bankruptcies, loss of jobs, death, incarceration, and moves by those who have no intention of satisfying their remaining balance.

Based on the City's Financial Management Policy Statement adopted on August 31, 2009, staff is bringing forward for Council consideration the annual write-off of doubtful accounts from fiscal year 2012. The amount for Utility Billing is $24,740.98 on 151 accounts and represents less

than .001% on $25.7 million billed that fiscal year. This compares to $27,931.82 on 192 accounts on last year's request for FY 2011.

The break-down is as follows:

Account Write-offs for FY 2011-2012

Account Types	Count of Amount	Sum of Amount	%
Builder	8	$ 1,445.64	6%
Commercial	5	$ 4,639.34	19%
Multi Unit - CO	0	$ 0.00	0%
Owner	107	$ 16,335.11	66%
Renter	28	$ 2,183.00	9%
Realtor	3	$ 137.89	1%
Total	151	$ 24,740.98	100%

The amount for Parks and Recreation is $1,087.50 on 14 accounts. Current Park processes in place include terminating memberships if not paid, payment prior to classes, etc. The break-down is as follows:

Parks & Recreation Account Write Off List	
Older than 12/31/2010	
Membership	$ 460.50
Programs	352.00
Rental	50.00
NSF	225.00
	$ 1,087.50

It is important to note that staff is not asking Council to forgive any debt owed the City but rather asking Council to allow the City to remove the uncollectible accounts from the main accounts receivable module to facilitate staff's ongoing control over reviewing delinquent accounts and subsequent collection efforts. Amounts removed from the system will be maintained and referenced when new accounts are opened in the future. Amounts due are still payable by the debtor. These amounts are submitted to the Credit Bureau for possible collections in the future and noted on their accounts for historical credit usage.

Also, the City contracted with National Recovery Agency (NRA) in January 2013, and have also sent these accounts for collection. NRA to date has collected $5,929 of Utility Billing delinquent accounts out of a total of $137,731 dated as old as 1998, and $2,663 for Parks and Recreation out of $11,153 on all accounts sent to-date.

RECOMMENDED ACTION

Consideration and approval R2014-104 to write-off $24,740.98 in outstanding utility accounts and $1,087.50 in outstanding Parks and Recreation accounts are requested.

Revised 2013_08-2013

RESOLUTION NO. R2014-104

A Resolution of the City Council of the City of Pearland, Texas, deducting uncollectible Utility Billing and Parks and Recreation accounts from the City's Financial Statement.

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

Section 1. That the uncollectible Utility Billing and Parks and Recreation accounts, attached hereto as Exhibit "A" and Exhibit "B" made a part hereof for all purposes, are hereby deducted and removed from the City's Financial Statement.

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

2014 UTILITY BILLING WRITE OFFS

Account Write-offs for FY2011-2012

Customer	Location	Status	Amount Owed	Percentage
99441	33496	Builder	$79.27	
98057	80122	Builder	$50.71	
99445	80234	Builder	$421.58	
96929	72750	Builder	$83.17	
39889	53460	Builder	$9.27	
39889	62202	Builder	$235.20	
39889	62230	Builder	$204.14	
37061	73540	Builder	$362.30	
	Total accts 8			
	Total amount owed		$1,445.64	6
106967	79106	Commercial	$44.73	
37569	32732	Commercial	$521.03	
97525	80114	Commercial	$3,514.99	
17899	15520	Commercial	$246.24	
103121	224	Commercial	$312.35	
	Total accts 5			
	Total amount owed		$4,639.34	19
71959	10716	Owner	$32.08	
78409	62908	Owner	$158.08	
60617	50030	Owner	$21.87	
82305	64478	Owner	$92.61	
60857	8912	Owner	$14.79	
89701	2460	Owner	$156.29	
103861	55006	Owner	$38.77	
65201	42304	Owner	$100.62	
100175	65390	Owner	$93.24	
61941	55518	Owner	$119.84	
31315	4712	Owner	$42.43	
106059	83270	Owner	$6.00	
86695	63130	Owner	$1.15	
21041	14770	Owner	$31.17	
59359	10232	Owner	$51.32	
50323	37998	Owner	$1.00	
97989	10454	Owner	$22.01	
70303	13874	Owner	$40.58	
56197	47440	Owner	$35.48	
18595	12364	Owner	$16.81	
52795	20620	Owner	$1,165.28	
7393	6294	Owner	$134.91	
99823	66504	Owner	$105.29	

79047	1842	Owner	$187.83
47221	37664	Owner	$59.70
79953	64546	Owner	$40.78
92113	63146	Owner	$148.61
18253	15842	Owner	$275.86
62115	22324	Owner	$100.00
55133	24758	Owner	$4.12
66401	60730	Owner	$0.60
90215	54682	Owner	$177.20
66803	60480	Owner	$129.15
71247	49732	Owner	$33.23
75385	21836	Owner	$1.74
69519	48744	Owner	$231.77
20829	43848	Owner	$54.55
61393	20068	Owner	$117.06
62715	37886	Owner	$341.63
381	346	Owner	$45.45
105303	66532	Owner	$29.45
44153	32538	Owner	$30.00
81763	51456	Owner	$32.45
92495	11124	Owner	$284.38
38339	12414	Owner	$54.62
78967	1944	Owner	$1.59
72471	67804	Owner	$109.91
12567	10944	Owner	$266.98
2651	2344	Owner	$63.66
92509	12898	Owner	$4.76
99941	33614	Owner	$134.06
67801	58962	Owner	$20.35
43627	75498	Owner	$83.46
107789	84450	Owner	$61.54
68283	74634	Owner	$67.45
26231	21208	Owner	$16.35
84979	62932	Owner	$27.08
79927	58818	Owner	$14.74
73021	65754	Owner	$11.70
73757	70420	Owner	$0.62
74651	68120	Owner	$4.58
72969	58062	Owner	$26.14
27327	20882	Owner	$88.88
107541	84664	Owner	$28.00
40117	6544	Owner	$52.89
71639	70686	Owner	$1,551.25
89459	49768	Owner	$44.34
50037	42508	Owner	$119.56
74411	70726	Owner	$205.25
49475	35282	Owner	$448.49

102215	70366	Owner	$68.92	
100515	14460	Owner	$225.00	
89703	34836	Owner	$107.34	
52021	34626	Owner	$34.64	
49519	20728	Owner	$4,532.43	
74709	69936	Owner	$57.27	
26079	16868	Owner	$56.19	
67373	11624	Owner	$15.15	
16021	13950	Owner	$3.65	
9467	8190	Owner	$32.74	
58439	36824	Owner	$19.10	
48567	35478	Owner	$65.54	
56063	45836	Owner	$105.34	
33103	36518	Owner	$75.00	
97001	14124	Owner	$100.21	
46475	32540	Owner	$11.61	
57929	46072	Owner	$134.62	
102043	64938	Owner	$10.70	
105495	48192	Owner	$21.62	
67785	37006	Owner	$38.66	
60589	47710	Owner	$96.41	
71029	39386	Owner	$82.52	
66695	40474	Owner	$47.81	
82361	53806	Owner	$27.21	
45379	2462	Owner	$16.04	
101237	56492	Owner	$179.57	
28831	20172	Owner	$1,150.95	
27775	31558	Owner	$214.43	
67815	50376	Owner	$115.66	
79947	51690	Owner	$41.64	
63999	58450	Owner	$40.51	
79833	70628	Owner	$17.80	
90417	7040	Owner	$109.78	
107885	84684	Owner	$17.00	
59847	47696	Owner	$121.16	
66301	60236	Owner	$5.48	
62239	50194	Owner	$19.98	
	Total accts 107			
	Total amount owed		$16,335.11	66
105255	9017	Realtor	$60.08	
77507	52156	Realtor	$43.83	
99247	51402	Realtor	$33.98	
	Total accts 3			
	Total amount owed		$137.89	1
43765	18782	Renter	$161.38	

103023	16654	Renter	$50.07	
94189	54604	Renter	$42.85	
96463	762	Renter	$32.35	
98505	52156	Renter	$56.02	
99973	50752	Renter	$13.28	
95609	21172	Renter	$499.10	
95551	284	Renter	$8.14	
99311	26162	Renter	$32.45	
101863	164	Renter	$8.29	
97355	30926	Renter	$133.32	
101633	1456	Renter	$16.85	
95451	53320	Renter	$42.24	
84277	5024	Renter	$9.25	
54539	55166	Renter	$20.36	
91657	30028	Renter	$238.55	
104723	22796	Renter	$381.22	
97041	564	Renter	$56.27	
105309	28808	Renter	$83.22	
71407	58420	Renter	$8.19	
87467	22422	Renter	$21.82	
93389	14122	Renter	$7.27	
98903	69124	Renter	$42.86	
97143	7460	Renter	$52.90	
70081	37664	Renter	$78.90	
97521	34810	Renter	$33.06	
102529	5102	Renter	$21.39	
91489	12962	Renter	$31.40	
	Total accts 28			
	Total amount owed		$2,183.00	9
	Total accts 151			
	Total amount owed		$24,740.98	
	Total %			100

2014 Parks & Recreation Debt Write Off		
Account Name	**Transaction**	**Dollar Amount**
Farias, Rafael	NSF Fee for lack of Membership Payment	$25.00
Garibay, Sulema	Garibay, Julio: Recreation Center and Natatorium - Recreation Center Memberships - Household - Annual	$75.00
Guerrero, Grace	Returned Rental Check	$50.00
Jowers, Samantha	Recreation Center and Natatorium Membership; NSF Fee	$62.50
Kelly, Stephanie	Recreation Center and Natatorium Membership; NSF Fee	$151.00
Lan, Jennifer	Cheng, Ethan: #14882 : MJS001 - 2010 W/S - 001	$58.00
Lan, Jennifer	Cheng, Ethan: #14957 : PSCH135 - 2010 W/S - 001	$49.00
Lindsay, Carleigh	NSF Fee for lack of Membership Payment	$25.00
Lindsay, Carleigh	Lindsay, Carleigh: Recreation Center and Natatorium - Recreation Center Memberships - Individual - M2M	$96.00
Perez, Juan	Recreation Center and Natatorium Membership; NSF Fee	$88.00
Porche, Arlene	Porche, Jared, II: #15059 : NFL FLAG - 2010 W/S - 001	$70.00
Reed, Deborah	Morris, Adrian: #15321 : AQU101B - 2010 SUMMER - 005	$35.00
Sample, Emily	NSF Fee for lack of Membership Payment	$25.00
Sonthivongnorath, Nicole	Recreation Center and Natatorium Membership; NSF Fee	$88.00
Tracy, Mike	NSF Fee for lack of Membership Payment	$25.00
Wilson, Cheryl	Returned Rental Check	$25.00
Wilson, Cheryl	3280 - Graduation	$140.00
14 Total Accounts		***$1,087.50***

New Business Item No. 8

8. **Consideration and Possible Action – Resolution No. R2014-113 –** A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the Business Center Drive Library Expansion Project, to Construction Masters of Houston, Inc., in the amount of $279,700.00.

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

AGENDA OF:	September 22, 2014	**ITEM NO.:**	Resolution No. R2014-113
DATE SUBMITTED:	August 21, 2014	**DEPT. OF ORIGIN:**	Projects
PREPARED BY:	Jennifer Lee	**PRESENTOR:**	Trent Epperson
REVIEWED BY:	Trent Epperson	**REVIEW DATE:**	September 15, 2014

SUBJECT: Award of Construction Contract for Business Center Drive Library Expansion

EXHIBITS: R2014-113; A – Architect's Recommendation Letter and Bid Tab

FUNDING:

☐ **Grant** ☐ **Developer/Other** ☐ **Cash**

☒ **Bonds To Be Sold** ☒ **Bonds- Sold** ☐ **L/P – Sold** ☐ **L/P – To Be Sold**

EXPENDITURE REQUIRED: $279,700.00 **AMOUNT BUDGETED: $450,000**
AMOUNT AVAILABLE: $412,300 **PROJECT NO.: FA1403**
ACCOUNT NO.: 050-0000-565-03-00
ADDITIONAL APPROPRIATION REQUIRED: No
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:

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

RECOMMENDED ACTION

Staff recommends that Council approve the Bid results, Award the Contract for the construction of the Business Center Drive Library (Westside Library) expansion in the amount of $279,700.00 to Construction Masters of Houston, Inc. and authorize the City Manager to execute the contract.

BACKGROUND

The Westside Library which opened in April of 2013, was originally designed to be a 6,000 square foot storefront facility. Since its opening, it has been one of the Brazoria County Library System's top performing facility. The existing space provides limited seating for patrons, has no small group meeting space, and the combination workroom/breakroom used by staff has been inundated with books that are circulated through the library weekly, Citizens have complained that there is not an area to have small group meetings without using the large meeting room which is separate from the main shelving area. It has also been determined that more young adult and teenagers use the library than originally expected. It is because of these deficiencies, the empty shell space adjacent to the facility was considered for the expansion of the library.

SCOPE OF CONTRACT/AGREEMENT

The project will entail a 4,000 square foot interior build out expansion of the existing library facility. The expansion is within the retail shell space adjacent to the original facility. The facility will include two study rooms; two offices for staff; the expansion of the existing workroom; reconfiguration of the existing breakroom; additional computer stations; reading areas; solar shades at the west window to help control temperature; and the relocation/reconfiguration of the existing circulation desk. Mechanical, electrical, and plumbing, including a roof top air handling system are also programmed in the expansion. The Brazoria County Library system will provide staff and computer equipment for the expanded facility.

BID AND AWARD

The project was advertised July 31 and August 7 of 2014 and bids were opened on August 19, 2014, via the E-Bid system. Eight construction firms bid the project with bids ranging from $279,700.00 to $335,000.00. The low bid of $279,700.00, submitted by Construction Masters of Houston, Inc., was approximately 32% below the Architect's estimated construction cost of $415,000.00.

Construction Masters of Houston has a very positive history with the City; having constructed the original 6,000 square foot library, and currently working on the Max Road Sports Complex. The Design Consultant, Wilson Architect Group, completed a reference check and found no performance or financial issues either pending or historically, see attached Architect's Recommendation Letter.

SCHEDULE

Successful award of the construction contract is planned to be followed by a Pre-Construction conference held late in the week of September 15, 2014, and issuance of the Notice to Proceed (NTP) at that same meeting. Barring weather delays, substantial completion for the work will be sixty (60) days from NTP with final completion ninety (90) days from NTP.

POLICY/GOAL CONSIDERATION

The project addresses the Council goal to expand the West Side Library to accommodate the high volume of traffic experienced at the library.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Year	To Date	2015	2016	2017	2018	Total
Budget	**$ 450,000**					**$ 450,000**
Prior Expenditures						
PER						-
Land/ROW						-
Design/Survey	37,700					37,700
Construction						-
FF&E						-
Current Request						
Construction						**-**
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction	279,700					279,700
FF&E	50,000					50,000
Total Expenditures	**$ 367,400**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 367,400**
Remaining Balance	**$ 82,600**	**$ 82,600**	**$ 82,600**	**$ 82,600**	**$ 82,600**	**$ 82,600**

Debt Sold						
Debt to Be Sold						
Annual Debt Service						

O&M IMPACT INFORMATION

Year	2014	2015	2016	2017	2018
Operation and Maintenance Costs					

RESOLUTION NO. R2014-113

A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the Business Center Drive Library Expansion Project, to Construction Masters of Houston, Inc., in the amount of $279,700.00.

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

Section 1. That bids were obtained for the expansion of the Business Center Drive Library.

Section 2. That the City Council hereby awards a bid to the Construction Masters of Houston, Inc., in the total amount of $279,700.00.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for construction of the Business Center Drive Library Expansion 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

WILSON
ARCHITECTURAL GROUP

August 22, 2014

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

Re: Business Center Drive Library Expansion

Dear Ms. Lee:

We recommend Construction Masters be awarded the Contract for Construction of The Business Center Drive Library Expansion. The review of contractor's financial standing and client references provided indicate they are in good standing and committed to customer service and timely, quality construction.

As low bidder for the project, their bid of two hundred seventy-nine thousand seven hundred dollars ($279,700) was within the estimated design budget for the following reasons:

- Construction Masters was the contractor on the original build-out for the Business Center Drive Library and have knowledge of the building, local authorities, and requirements of the building owner.

- Our design estimate of $415,000.00 was based on current construction costs in the Houston Area of approximately $100.00 per square foot. Construction Masters is local business in Pearland, Texas and can provide costs substantially lower than others

For your reference below is a list of all bids submitted:

Contractor	City	Bid Amount
Construction Masters	Pearland	$279,700
Gadberry Construction Company, Inc.	Dallas	$285,000
Ardent Construction, LLC	Friendswood	$297,405
Bass Construction Co., Inc.	Rosenberg	$298,500
Triad Retail Construction Inc.	Pearland	$299,000
Frost Construction Co., Inc.	Humble	$303,000
DT Construction, LP	Humble	$324,900
Comex Corporation	La Porte	$335,000

If there are any questions regarding this recommendation for award of contract, please do not hesitate to contact us.

Sincerely,

Brendon Hoffman
Project Manager

5051 Westheimer, Suite 200 Houston, Texas 77056 Phone 713 621 8714 Fax 713 621 8716 wilsonargroup.com

Event Number	0714-51 Addendum 2	**Organization**	Pearland, TX
Event Title	Business Center Drive Library Expansion	**Workgroup**	Projects Department
		Event Owner	Debbie Cody
Event Type	Invitation to Bid	**Email**	dcody@pearlandtx.gov
Issue Date	7/31/2014 12:00:00 PM Central	**Phone**	281 (652) 1732
Close Date	8/19/2014 2:00:00 PM Central	**Fax**	

Responding Supplier	City	State	Response Submitted	Lines Responded	Response Total
Construction Masters	Pearland	TX	8/19/2014 1:36:19 PM	1	$279,700.00
Gadberry Construction Company, Inc.	Dallas	TX	8/19/2014 1:54:30 PM	1	$285,000.00
Ardent Construction, LLC	Friendswood	TX	8/19/2014 1:52:48 PM	1	$297,405.00
Bass Construction Co., Inc.	Rosenberg	TX	8/19/2014 1:53:28 PM	1	$298,500.00
TRIAD RETAIL CONSTRUCTION INC	PEARLAND	TX	8/19/2014 11:33:23 AM	1	$299,000.00
Frost Construction Co., Inc.	Humble	TX	8/19/2014 1:53:33 PM	1	$303,000.00
DT Construction, LP	Humble	TX	8/19/2014 1:56:41 PM	1	$324,900.00
Comex Corporation	La Porte	TX	8/19/2014 1:55:08 PM	1	$335,000.00

Please note: Lines Responded and Response Total only includes responses to specification. No alternate response data is included.

New Business Item No. 9

9. **Consideration and Possible Action – Resolution No. R2014-116 –** A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for hot asphalt mix in the estimated amount of $431,000 for the period beginning October 1, 2014 and ending September 30, 2015.

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

AGENDA OF:	September 22, 2014	**ITEM NO.:**	Resolution No. R2014-116
DATE SUBMITTED:	September 8, 2014	**DEPT. OF ORIGIN:**	Finance
PREPARED BY:	Bob Pearce	**PRESENTOR:**	Eric Wilson
REVIEWED BY:	Trent Epperson	**REVIEW DATE:**	September 15, 2014

SUBJECT: Renewal of Purchase of Hot Mix Asphalt Contract
October 1, 2014 – September 30, 2015

EXHIBITS: Resolution R2014-116
Brazoria County Interlocal Agreement
Brazoria County Contract for Asphalt

FUNDING:

	☐ **Grant**	☐ **Developer/Other**	☒ **Cash**
☐ **Bonds To Be Sold**	☐ **Bonds- Sold**	☐ **L/P – Sold**	☐ **L/P – To Be Sold**

EXPENDITURE REQUIRED: $431,000 (est.) **AMOUNT BUDGETED:** $ 431,000
AMOUNT AVAILABLE: $ 431,000 **PROJECT NO.:**
ACCOUNT NOS.: 010-3570-553.04-00

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

To be completed by Department:

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

EXECUTIVE SUMMARY

BACKGROUND

For the past several years, the City has utilized a Brazoria County bid award to Century Asphalt Materials for the purchase of HMAC Type 'D' hot asphalt mix for Public Works street rehabilitation projects, via the City's standing interlocal agreement with the County. The term of the Brazoria County award runs through September 30, 2014, with an available one-year renewal to be presented to the Commissioners' Court in September, 2014.

SCOPE OF CONTRACT

One (1) year agreement for the purchase of hot mix asphalt by the Public Works Department.

BID AND AWARD

Brazoria County contract pricing (see attached) has been obtained from Century Asphalt Materials of Houston, Texas for the purchase of hot asphalt mix for use by the Public Works Department. The contract meets all requirements of Local Government Code, Chapter 252 with respect to competitive bidding by Texas municipalities.

SCHEDULE

Supply of HMAC Type 'D' hot asphalt mix will occur as needed throughout FY2015.

POLICY/GOAL CONSIDERATION

Purchase of this item is needed by the Public Works Department in order to complete targeted street maintenance, which will contribute to the overall City objective for public safety.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Funding for these items come from the General Fund for Public Works Streets and Drainage. The award is on a unit-cost basis, with purchases made as needed.

O&M IMPACT INFORMATION

Fiscal Year	2015	2016
Est. Expenditure	$431,000	$445,223*

*Based upon estimated 3.3% annual increases of the current CPI

RECOMMENDED ACTION

Consideration and approval of a resolution to renew the contract for the purchase of hot asphalt mix from Century Asphalt Materials, based on the Brazoria County Interlocal Agreement, in order to complete the scheduled street rehabilitation projects targeted for FY2015.

RESOLUTION NO. R2014-116

A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for hot asphalt mix in the estimated amount of $431,000 for the period beginning October 1, 2014 and ending September 30, 2015.

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

Section 1. That the City previously obtained pricing for hot asphalt through an interlocal cooperative pricing arrangement with Brazoria County.

Section 2. That the City Council hereby awards the bid to Century Asphalt Materials, in the unit price amounts reflected in Exhibit "A" attached hereto.

Section 3. The City Manager or his designee is hereby authorized to execute a supply contract for hot asphalt mix.

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

RESOLUTION NO. R2005-89

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 BRAZORIA COUNTY FOR COOPERATION IN THE PURCHASING OF VARIOUS COMMODITIES.

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

Section 1. That certain interlocal agreement by and between the City of Pearland and Brazoria County, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest an interlocal agreement with Brazoria County, for cooperation in the purchasing of various commodities.

PASSED, APPROVED and ADOPTED this the 23rd day of May, A.D., 2005.

TOM REID
MAYOR

ATTEST:

YOUNG LOREING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

INTERLOCAL AGREEMENT
BETWEEN COUNTY OF BRAZORIA AND CITY OF PEARLAND, TEXAS

This agreement is made this 28th day of April 2005 between the County of Brazoria, Texas and the City of Pearland, Texas.

Pursuant to the authority granted by the "Texas Interlocal Cooperation Act", Chapter 791 Texas Government Code providing for the cooperation between local governmental bodies, the parties hereto, in consideration of the promises and mutual promises contained herein, agree as follows:

WHEREAS, the contract is made under the authority of Section 791.001-791.029 of the Texas Government Code; and,

WHEREAS, the parties, in performing governmental functions or in paying for the performance of governmental functions hereunder shall make that performance or those payments from current revenues legally available to that party;

WHERAS, the governing bodies of each party find that the subject of this contract is necessary for the benefit of the public and that each party has the legal authority to perform and to provide the governmental function or service which is the subject matter of this contract; furthermore, the governing bodies find that the performance of this contract is in the common interest of both parties; and that the division of cost fairly compensates the performing party for the services performed under this contract.

I.

Each party hereby makes, constitutes and appoints the other party its true and lawful purchasing agent for the purchase of various commodities using Annual Contracts (Bids). Each party will maintain a listing of Annual Contracts which are available for the other party's use. To utilize one or more of these contracts, each party must request authorization, in writing, to the other party. Upon receipt of request, the receiving party will forward a copy of the appropriate Annual Contract to the requesting entity. Each party agrees that the other party shall serve as the purchasing agent for selected items, and agrees that the bidding shall be conducted by the other party according to its usual bidding procedures and in accordance with applicable State statutes.

II.

Each party agrees that all specifications for selected items shall be as determined by the other party.

III.

Each party agrees to pay the supplier for all goods, equipment and products pursuant to this agreement. The successful bidder or bidders shall bill each party directly for all items purchased and each party shall be responsible for vendor's compliance with all conditions of delivery and quality of the purchased items.

IV.

Bill Eisen, City Manager, is hereby designated as the official representative to act for the City of Pearland, Texas in all matters relating to this agreement.

V.

John Willy, County Judge, is hereby designated as the official representative to act for the County of Brazoria, Texas in all matters relating to this agreement.

VI.

This agreement shall be in effect from the date of execution until terminated by either party to the agreement.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their authorized officers the day and year first above written.

BRAZORIA COUNTY	CITY OF PEARLAND, TEXAS
BY: _____ (Signature)	BY: _____ (Signature)
NAME: JOHN WILLY	NAME: BILL EISEN
TITLE: COUNTY JUDGE	TITLE: CITY MANAGER
DATE: 28 April 05	DATE: May 24, 2005

BRAZORIA COUNTY PURCHASING DEPARTMENT

Susanne Brumley CPPB
Procurement Officer

Tracy Jackson CPPB
Contract Specialist

Charles Crook CPPB
County Purchasing Agent

May 2, 2005

Mr. Bill Eisen
City Manager
City of Pearland
3519 Liberty Drive
Pearland, TX 77581

RE: Contract #05-59 Interlocal Agreement between City of Pearland, Texas and Brazoria County

Dear Mr. Eisen:

Enclosed are two copies of the agreement between the City of Pearland, Texas and Brazoria County, that have already been signed by the Brazoria County Judge.

If you are in agreement with this contract, please sign both copies and return one of them back to Brazoria County Purchasing Department for our records. It should be addressed to the following:

Charles Crook CPPB
Brazoria County Purchasing Agent
111 E. Locust, Bldg. A-29, Suite 100
Angleton, TX 77515

Thank you for your interest in Brazoria County. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Charles Crook CPPB

Charles Crook CPPB
Brazoria County Purchasing Agent

Enclosure(s)

111 E. Locust Street, Bldg. A-29, Suite 100, Angleton, Texas 77515
Telephone (979)864-1825 or (281)756-1825 Fax (979)864-1034

BRAZORIA COUNTY CONTRACT SHEETS
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DELIVERED TO JOBSITE AND IN PLACE.....3
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BRAZORIA COUNTY CONTRACT SHEETS

RECYCLED ASPHALTIC CONCRETE PAVEMENT (RACP) – TXDOT ITEM 340, TYPE D MIXED WITH AC-20

PICKED UP & LOADED ONTO COUNTY TRUCKS

	BIDDERS NAME		**AMERICAN MATERIALS**
DATE OF BID OPENING			**10126 CASH ROAD**
Thursday, September 12, 2013			**STAFFORD, TX 77477**
10:00 A.M., Local Time	QUOTED BY		**JERRY L BERRY**
October 1,2013 - September 30, 2014	TELEPHONE #		**281-499-1551**
	FAX #		**281-499-1525**
PERSON TO CONTACT FOR PLACING ORDERS			**JERRY L BERRY**
PERSON TO CONTACT FOR BILLING ISSUES			**JERRY L BERRY**
DESCRIPTION			
SURFACE COURSES	**COMM CODE**	**COUNTY ID #**	
1.0 RECYCLED ASPHALTIC CONCRETE PAVEMENT RACP)			**Plant Location**
TxDot Item 340, Type D, mixed with AC-20			500 WARD ST, ANGLETON 2122 HWY 90A MISSOURI CITY
1.1 Price per ton bidder's plant / siding loaded onto County trucks	**745-68**	**6780**	
County Facility			**PRICE PER TON**
Airport			$55.00
Alvin Svc Ctr			$55.00
Angleton Svc Ctr			$55.00
Brazoria Svc Ctr			$55.00
Camp Mohawk			$55.00
Clute Svc Ctr			$55.00
Hanson Park			$55.00
Manvel Svc Ctr			$55.00
Mosquito Control			$55.00
Quintana Cty Park			$55.00
Resoft Park			$55.00
San Luis Cty Park			$55.00
W. Columbia Svc			$55.00

BRAZORIA COUNTY CONTRACT SHEETS

DELIVERED TO JOBSITE AND IN PLACE

	BIDDERS NAME		**AMERICAN MATERIALS**
DATE OF BID OPENING			**10126 CASH ROAD**
Thursday, September 12, 2013			**STAFFORD, TX 77477**
10:00 A.M., Local Time	QUOTED BY		**JERRY L BERRY**
October 1,2013 - September 30, 2014	TELEPHONE #		**281-499-1551**
	FAX #		**281-499-1525**
PERSON TO CONTACT FOR PLACING ORDERS			**JERRY L BERRY**
PERSON TO CONTACT FOR BILLING ISSUES			**JERRY L BERRY**
DESCRIPTION			
SURFACE COURSES	**COMM CODE**	**COUNTY ID #**	**Plant Location**
1.0 RECYCLED ASPHALTIC CONCRETE PAVEMENT (RACP)			500 WARD ST, ANGLETON 2122 HWY 90A, MISSOURRI CITY
TxDot Item 340, Type D, mixed with AC-20			**Price per ton**
1.2 Price per ton as delivered to jobsite	745-68	**6780**	$55.00
HAULING FIRST MILE	745-68	7087	$2.90
HAULING EA ADDTL MILE	745-68	7088	$0.25
1.3 Price per ton in place	745-68	**7759**	$70.00
HAULING FIRST MILE	745-68	7087	$2.90
HAULING EA ADDTL MILE	745-68	7088	$0.25
1.4 State mininum truckload if required			14 TONS

BRAZORIA COUNTY CONTRACT SHEETS

RECYCLED ASPHALTIC CONCRETE PAVEMENT (RACP) – TXDOT ITEM 340, TYPE B MIXED WITH AC-20

PICK UP & LOADED ONTO COUNTY TRUCKS

	BIDDERS NAME		**AMERICAN MATERIALS**
DATE OF BID OPENING			**10126 CASH ROAD**
Thursday, September 12, 2013			**STAFFORD, TX 77477**
10:00 A.M., Local Time	QUOTED BY		**JERRY L BERRY**
October 1,2013 - September 30, 2014	TELEPHONE #		**281-499-1551**
	FAX #		**281-499-1525**
PERSON TO CONTACT FOR PLACING ORDERS			**JERRY L BERRY**
PERSON TO CONTACT FOR BILLING ISSUES			**JERRY L BERRY**
DESCRIPTION			
SURFACE COURSES	**COMM CODE**	**COUNTY ID #**	
2.0 RECYCLED ASPHALTIC CONCRETE PAVEMENT (RACP)			**Plant Location**
TxDot Item 340, Type B, mixed with AC-20			500 WARD ST, ANGLETON 2122 HWY 90A MISSOURI CITY
2.1 Price per ton bidder's plant / siding loaded onto County trucks	**745-68**	**6781**	
County Facility			**PRICE PER TON**
Airport			$55.00
Alvin Svc Ctr			$55.00
Angleton Svc Ctr			$55.00
Brazoria Svc Ctr			$55.00
Camp Mohawk			$55.00
Clute Svc Ctr			$55.00
Hanson Park			$55.00
Manvel Svc Ctr			$55.00
Mosquito Control			$55.00
Quintana Cty Park			$55.00
Resoft Park			$55.00
San Luis Cty Park			$55.00
W. Columbia Svc			$55.00

BRAZORIA COUNTY CONTRACT SHEETS

DELIVERED TO JOBSITE and IN PLACE

	BIDDERS NAME		**AMERICAN MATERIALS**
DATE OF BID OPENING			**10126 CASH ROAD**
Thursday, September 12, 2013			**STAFFORD, TX 77477**
10:00 A.M., Local Time	QUOTED BY		**JERRY L BERRY**
October 1,2013 - September 30, 2014	TELEPHONE #		**281-499-1551**
	FAX #		**281-499-1525**
PERSON TO CONTACT FOR PLACING ORDERS			**JERRY L BERRY**
PERSON TO CONTACT FOR BILLING ISSUES			**JERRY L BERRY**
DESCRIPTION			
SURFACE COURSES	**COMM CODE**	**COUNTY ID #**	**Plant Location**
2.0 RECYCLED ASPHALTIC CONCRETE PAVEMENT (RACP)			500 WARD ST, ANGLETON 2122 HWY 90A, MISSOURRI CITY
TxDot Item 340, Type B, mixed with AC-20			**Price per ton**
2.2 Price per ton as delivered to jobsite	745-68	**6781**	$55.00
HAULING FIRST MILE	745-68	7078	$2.90
HAULING EA ADDTL MILE	745-68	7079	$0.25
1.3 Price per ton in place	745-68	**7760**	$70.00
HAULING FIRST MILE	745-68	7078	$2.90
HAULING EA ADDTL MILE	745-68	7079	$0.25
1.4 State mininum truckload if required			14 TONS

BRAZORIA COUNTY CONTRACT SHEETS

HOT MIX ASPHALTIC CONCRETE PAVEMENT

PICK UP & LOADED ONTO COUNTY TRUCKS– PRIMARY AWARD

	BIDDERS NAME		CENTURY ASPHALT, LTD	AMERICAN MATERIALS
DATE OF BID OPENING			5303 NAVIGATION BLVD	10126 CASH ROAD
Thursday, September 12, 2013			HOUSTON, TX 77011	STAFFORD, TX 77477
10:00 A.M., Local Time	QUOTED BY		RICHARD GREER	JERRY L BERRY
October 1,2013 - September 30, 2014	TELEPHONE #		713-292-2868	281-499-1551
	FAX #		713-292-2885	281-499-1525
PERSON TO CONTACT FOR PLACING ORDERS			JOHNNY MCPEEK-713-923-1988	JERRY L BERRY
PERSON TO CONTACT FOR BILLING ISSUES			LINDA ROSALES-713-292-2868	JERRY L BERRY
DESCRIPTION				
SURFACE COURSES	COMM CODE	COUNTY ID #		
3.0 HOT MIX APAHALTIC CONCRETE PAVEMENT			PRIMARY AWARD	
3.1 ASPHALT MIX TYPE D			Plant Location	Plant Location
3.1.1 Price per ton bidder's plant / siding loaded onto County trucks	745-21	6782	5303 NAVIGATION BLVD, HOUSTON 9519 GALVESTON RD, HOUSTON	500 WARD ST, ANGLETON 2122 HWY 90A MISSOURI CITY
County Facility			Price per ton	Price per ton
Airport			-	$55.00
Alvin Svc Ctr			-	$55.00
Angleton Svc Ctr			-	$55.00
Brazoria Svc Ctr			-	$55.00
Camp Mohawk			-	$55.00
Clute Svc Ctr			-	$55.00
Hanson Park			-	$55.00
Manvel Svc Ctr			$53.50	-
Mosquito Control			-	$55.00
Quintana Cty Park			-	$55.00
Resoft Park			$53.50	-
San Luis Cty Park			-	$55.00
W. Columbia Svc			-	$55.00

BRAZORIA COUNTY CONTRACT SHEETS

PICK UP & LOADED ONTO COUNTY TRUCKS–SECONDARY AWARD

	BIDDERS NAME		CENTURY ASPHALT, LTD	AMERICAN MATERIALS
DATE OF BID OPENING			5303 NAVIGATION BLVD	10126 CASH ROAD
Thursday, September 12, 2013			HOUSTON, TX 77011	STAFFORD, TX 77477
10:00 A.M., Local Time October 1,2013 - September 30, 2014	QUOTED BY		RICHARD GREER	JERRY L BERRY
	TELEPHONE #		713-292-2868	281-499-1551
	FAX #		713-292-2885	281-499-1525
PERSON TO CONTACT FOR PLACING ORDERS			JOHNNY MCPEEK-713-923-1988	JERRY L BERRY
PERSON TO CONTACT FOR BILLING ISSUES			LINDA ROSALES-713-292-2868	JERRY L BERRY
DESCRIPTION				
SURFACE COURSES	**COMM CODE**	**COUNTY ID #**		
3.0 HOT MIX APAHALTIC CONCRETE PAVEMENT			**SECONDARY AWARED**	
3.1 ASPHALT MIX TYPE D			**Plant Location**	**Plant Location**
3.1.1 Price per ton bidder's plant / siding loaded onto County trucks	**745-21**	**6782**	9519 GALVESTON RD, HOUSTON	500 WARD ST, ANGLETON 2122 HWY 90A MISSOURI CITY
County Facility			Price per ton	Price per ton
Airport			$53.50	-
Alvin Svc Ctr			$53.50	-
Angleton Svc Ctr			$53.50	-
Brazoria Svc Ctr			$53.50	-
Camp Mohawk			$53.50	-
Clute Svc Ctr			$53.50	-
Hanson Park			$53.50	-
Manvel Svc Ctr			-	$55.00
Mosquito Control			$53.50	-
Quintana Cty Park			$53.50	-
Resoft Park			-	$55.00
San Luis Cty Park			$53.50	-
W. Columbia Svc			$53.50	-

BRAZORIA COUNTY CONTRACT SHEETS

DELIVERED TO JOBSITE

	BIDDERS NAME		CENTURY ASPHALT, LTD	AMERICAN MATERIALS
DATE OF BID OPENING			5303 NAVIGATION BLVD	10126 CASH ROAD
Thursday, September 12, 2013			HOUSTON, TX 77011	STAFFORD, TX 77477
10:00 A.M., Local Time	QUOTED BY		RICHARD GREER	JERRY L BERRY
October 1,2013 - September 30, 2014	TELEPHONE #		713-292-2868	281-499-1551
	FAX #		713-292-2885	281-499-1525
PERSON TO CONTACT FOR PLACING ORDERS			JOHNNY MCPEEK-713-923-1988	JERRY L BERRY
PERSON TO CONTACT FOR BILLING ISSUES			LINDA ROSALES-713-292-2868	JERRY L BERRY
DESCRIPTION			PRIMARY AWARD	SECONDARY AWARD
SURFACE COURSES	COMM CODE	COUNTY ID #	*1*	PLANT LOCATION
3.0 HOT MIX APAHALTIC CONCRETE PAVEMENT			9519 GALVESTON ROAD HOUSTON, TX	500 WARD ST, ANGLETON 2122 HWY 90 A MISSOURI CITY
3.1 ASPHALT MIX TYPE D			PRICE PER TON	PRICE PER TON
3.1.2 Price per ton as delivered to jobsite	745-21	6782	$53.50	$55.00
Hauling First Mile	745-21	7494	$2.75	$2.90
Hauling EA Addtl Mile	745-21	7495	$0.25	$0.25
3.1.3 State Minimum truckload if required			14 TONS	14 TONS

New Business Item No. 10

10. Consideration and Possible Action – First Reading of Ordinance No. 2000M-118 – 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 a tract of land containing 2.939 acres out of Lots 20, 21 and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County, Texas Plat Records (located at the northeast corner of Broadway Street and Shauntel Street, Pearland, Texas), Zone Change 2014-12Z; a request of Brian Allen, Baks Brewery, applicant; on behalf of George Gartner, owner; for approval of a change in zoning from General Commercial (GC) to a non-residential Planned Development known as Baks Brewery; on approximately 2.94 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.

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

AGENDA OF: September 22, 2014	**ITEM NO.:** Ordinance No. 2000M-118
DATE SUBMITTED: September 16, 2014	**DEPT. OF ORIGIN: Planning**
PREPARED BY: Johnna Matthews	**PRESENTOR: Lata Krishnarao**
REVIEWED BY: Lata Krishnarao	**REVIEW DATE: September 17, 2014**

SUBJECT: A request of Brian Allen with Baks Brewery, applicant; on behalf of George Gartner, owner; for approval of a change in zoning from General Commercial (GC) to a non-residential Planned Development known as Baks Brewery; on approximately 2.94 acres of land, to wit:

General Location: Northeast corner of Broadway Street and Shauntel Street, Pearland, TX

ATTACHMENTS: Ordinance No. 2000M- 118 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter; Exhibit E – Baks Brewery PD document); Attachment A: Joint Public Hearing Packet

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED: N/A**
AMOUNT AVAILABLE: N/A **PROJECT NO.: N/A**
ACCOUNT NO.: N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:
Finance **Legal** **Ordinance** **Resolution**

EXECUTIVE SUMMARY

The subject property includes approximately 2.939 acres of land, of which the applicant is requesting approval of a Planned Development (PD) in order to operate a micro-brewery. The existing primary building on site will be converted into a micro-brewery that will brew and distribute beer, as well as provide a tasting room and retail operation open to the public. A small area inside of the brewery will be available to the general

public to rent for special events, such as birthday parties, wedding receptions, corporate functions, etc.

Proposed improvements include compliance with the requirements of the Corridor Overlay District (COD), with few exceptions listed within the PD. The applicant proposes enhanced landscaping, including the addition of shrubs and trees along Broadway and Shauntel Streets and internal landscaping; construction of a trail, when the City constructs the proposed hike and bike trail along Mary's Creek; and a large area towards the rear of the property that will be maintained as open space.

It is important to note that the existing zoning district permits a host of various non-residential uses, including the applicant's proposed retail component of the brewery and the hosting of special events. The purpose of the PD is to allow the "brewery" portion of the business, categorized as a manufacturing use; *"Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law."* The Unified Development Code (UDC) defines the manufacturing component of the business as a facility that houses manufacturing, storage, and assembly operations including, but not limited to, beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, mill, printing plant, publishing and bindery plant, masonry products manufacturing, refinery for nonagricultural products, food products, processing and packaging plant, and precision instruments manufacturing."

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 received three (3) returned notices from property owners within 200 feet of the site; one (1) in support of and two (2) in opposition to the proposed Baks Brewery PD.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on August 18, 2014, Planning and Zoning Commissioner Daniel Tunstall made a motion to approve the change in zoning. The motion was seconded by Commissioner Mary Starr, with conditions regarding minor staff concerns, including details regarding the phasing plan and revision of the deviation table. The motion passed 7/0.

STAFF RECOMMENDATION TO COUNCIL: Consider Zone Change Application 2014-12Z to change the zoning of the approximately 2.9 acre site from General Commercial (GC), to Baks Brewery PD.

Ordinance No. 2000M-118

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 a tract of land containing 2.939 acres out of Lots 20, 21 and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County, Texas Plat Records (located at the northeast corner of Broadway Street and Shauntel Street, Pearland, Texas), Zone Change 2014-12Z; a request of Brian Allen, Baks Brewery, applicant; on behalf of George Gartner, owner; for approval of a change in zoning from General Commercial (GC) to a non-residential Planned Development known as Baks Brewery; on approximately 2.94 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, Brian Allen with Baks Brewery, applicant; on behalf of George Gartner, owner; is seeking approval of a change in zoning from General Commercial (GC) to a non-residential Planned Development known as Baks Brewery; on approximately 2.94 acres of land; said property being legally described in the original application for amendment attached hereto and made a part hereof for all purposes as Exhibit “A” and more graphically depicted in the location map identified as Exhibit “B”; and

WHEREAS, on the 18th day of August, 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 19th day of August, 2014, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the zone change application of Brian Allen with Baks Brewery, applicant; on

behalf of George Gartner, owner; for approval of a change in zoning from General Commercial (GC) to a non-residential Planned Development known as Baks Brewery; on approximately 2.94 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 22nd day of September 2014 and the 29th day of September 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 Brian Allen with Baks Brewery, applicant; on behalf of George Gartner, owner; for approval of a change in zoning from General Commercial (GC) to a non-residential Planned Development known as Baks Brewery; on approximately 2.94 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 located within the General Commercial (GC) zoning district, is hereby granted a change in zoning to a Planned Development (PD), known as Baks Brewery PD district; said PD attached hereto as Exhibit E; 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:

> Being a 2.939 acre tract out of Lots 20, 21 and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof

recorded in Volume 2, Page 20, of the Brazoria County, Texas Plat Records

GENERAL LOCATION**:** Northeast corner of Broadway Street and Shauntel Street, 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. This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 22nd day of September, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 29th day of September, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

BEING a 2.939 acre tract out of Lots 20, 21, and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County Plat Records, and being more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of a tract conveyed to Hazeldale Construction, in Volume (84)10, Page 459, Brazoria County Official Records, said point being on the North line of Broadway, a 100 foot right-of-way known also-known-as Farm to Market 518, said point being marked by a found "X";

THENCE North 45°35'04" East, a distance of 448.85 feet, to the the centerline of Mary's Creek and a found "X";

THENCE with the center line of Mary's Creek as follows:

South 87°19'43" East, a distance of 120.73 feet;

South 70°15'36" East, a distance of 68.59 feet;

South 47°57'43" East, a distance of 59.88 feet;

South 38°23'24" East, a distance of 39.33 feet;

South 58°32'30" East, a distance of 7.89 feet to the west line of a tract conveyed to Bruce Bristol in Volume 1010, Page 162 of the Brazoria County Deed Records;

THENCE South 45°35'04" West, following the west line of said Bruce tract, a distance of 492.73 feet, to the side North line of Broadway, and a set 1/2 inch rod;

THENCE North 59°36'42" West, following the said North line of Broadway, a distance of 265.96 feet to the point of beginning, and containing 2.939 acres (128,016 square feet) more or less.

Exhibit B
Location Map

AERIAL MAP

ZONE CHANGE
2014-12Z

BAKS BREWERY PD

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.

1 inch = 250 feet

22 MAY 2014
PLANNING DEPARTMENT

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 NUMBER: 2014-12Z

Notice is hereby given that on August 18, 2014 at 7:30 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 Brian Allen with Baks Brewery, applicant; on behalf of George Gartner, owner; for approval of a change in zoning from the General Commercial (GC) to a non-residential Planned Development known as Baks Brewery; on approximately 2.94 acres of land, to wit:

Being a 2.939 acre tract out of Lots 20, 21 and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County, Texas Plat Records

General Location: Northeast corner of Broadway Street and Shauntel 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

August 19, 2014

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

Re: Recommendation on Zone Change Application No. 2014-12Z, Baks Brewery Planned Development (PD)

Honorable Mayor and City Council Members:

At their meeting on August 18, 2014, the Planning and Zoning Commission considered the following:

> A request of Brian Allen with Baks Brewery, applicant; on behalf of George Gartner, owner; for approval of a change in zoning from General Commercial (GC) to a non-residential Planned Development known as Baks Brewery; on approximately 2.94 acres of land, to wit:
>
> **Legal Description:** Being a 2.939 acre tract out of Lots 20, 21 and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County, Texas Plat Records
>
> **General Location**: Northeast corner of Broadway Street and Shauntel Street, Pearland, TX

Commissioner Daniel Tunstall made a motion to approve the zone change request, known as Baks Brewery PD. The motion was seconded by Commissioner Mary Starr.

The motion passed 7/0, with the following conditions:

1. Provide details within the PD regarding the phasing of improvements, including the proposed trail system.

2. Revise the Design Standards Deviation Table regarding outdoor activities with specifics, as opposed to the current statement “Activities including, but not limited to, a covered seating area for customers.

Sincerely,

Johnna Matthews

City Planner
On behalf of the Planning and Zoning Commission

Exhibit E
Baks Brewery Planned Development (PD)

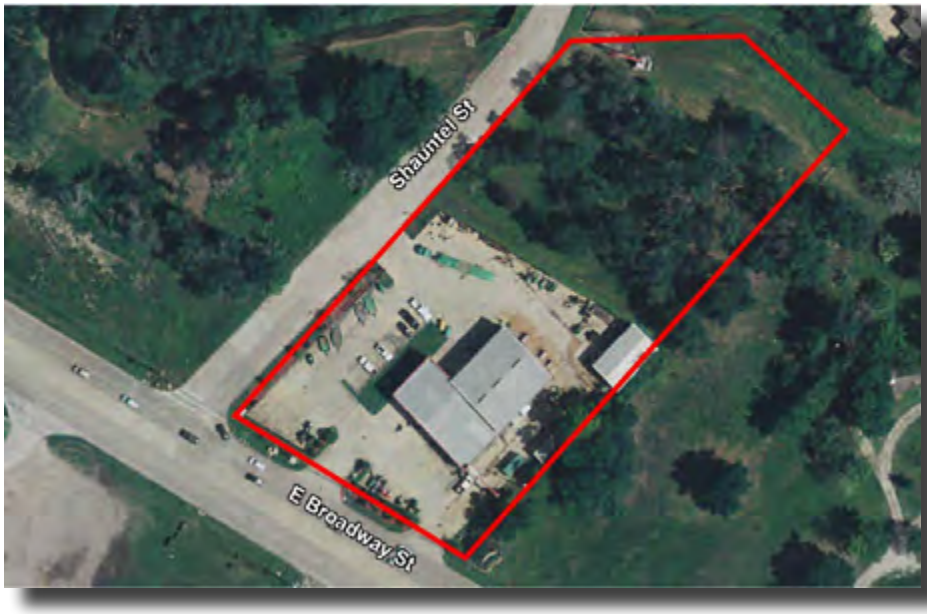
See Following Page

BAKS Brewing Management, Inc.
Planned Development District (PD)
for City of Pearland

CURRENT PROPERTY DESCRIPTION

Description of the Subject Property.

Subject property is located at 1231 Broadway Street, in Pearland, Texas. It sits on 2.94 acres of which approximately half is developed and fenced and contains the primary building which is ± 8,753 SF total. This building includes a 2,000 SF showroom, 849 SF Office/s and 5,144 SF warehouse. Within the developed fenced area is an additional 1500 SF wash bay and 400 SF storage building. Besides facing Broadway, Shauntel Street runs adjacent to the property. The back section of the property is undeveloped green area which borders along Mary's Creek.



1.3480 Acres Developed Area
1.2748 Acres Undeveloped Area
0.316 Acres Dedicated Street Easement

2.9388 Acres Total Tract

PROPOSED DEVELOPMENT DESCRIPTION

The proposed development will be to convert the use of the building to a working production craft brewery with a public taproom (Think: wine tasting room).

COMPANY DESCRIPTION

BAKS Brewing Management Inc. is a privately held corporation owned and managed by its founders, Brian Allen and Kris Szecsy. The business of the company is the production of quality, fresh, flavorful beer for the local market. BAKS believes that when looking at local breweries around the Houston area there are very few options for the Southern Houston region. Pearland is not only the town where Brian grew up, but with its growth over the last 10 years, it provides a prime market that can and will support a local brewery.

BAKS BREWING WILL PRODUCE ITS OWN NON-ALCOHOLIC ROOT BEER

BAKS Brewing will initially produce five different styles of beer and a non-alcoholic root beer. These styles include: a Belgian Texas Blonde, American Pale Ale, Session India Pale Ale (IPA), Porter and American IPA . These products will be distributed in kegs to licensed retail outlets. The beers of the BAKS Brewing Company will be sold to bars and restaurants in the greater Pearland area with our initial focus being on the communities south of downtown Houston, including Pearland, Friendswood, Clear Lake, League City, Alvin, Webster, Kemah, Dickinson & Galveston.

BAKS Brewing will produce beer with a 20 barrel, stainless steel brewing plant. Production capacity of our 20-barrel plant with five fermenters is approximately 5000 barrels a year (1 barrel equals 31 gallons, which equals two standard 15.5-gallon kegs).

BAKS Brewing will have a tap room where customers may come to view and tour the operation of the brewery. They will also be able to purchase our beers at retail prices for both on-site consumption and beer to go in the form of growler fills (and eventually 6-packs & 22oz. bottles). Promotional merchandise with our name/logo such as pint glasses, t-shirts and growlers will also be sold.

Additionally, BAKS will have a dedicated area within the actual brewery warehouse that will be available for rental and special events, such as corporate meetings, wedding receptions and fund raising events.

BAKS will also provide scheduled tours of the brewery that will give an intimate and hands on experience. These tours will be reserved in advance and will take place with one of the owners or brewers. The tours will allow patrons to see, experience and taste the complete brewing process. They will be able to sample the ingredients (ie. Malt, hops, etc.), that go into making the beer as well as sample the beer at different stages of fermentation. We will be able to help educate them on the actual process of making the beer.

POTENTIAL IMPROVEMENTS & BENEFITS

PROPERTY IMPROVEMENTS AND BENEFITS

- Improved landscaping - will not only improve and add additional landscaping where available (currently most green area in and directly surrounding the property is already landscaped) but will add a row of shrubs along back fence to add one more layer of concealment from residential neighborhood
- Improved building façade - will cover the metal exterior with stucco, masonry or stone
- Will include a small rental area inside of the brewery (but separated from any brewing equipment) for event rentals such as birthdays, wedding receptions, corporate functions, etc.)
- New sprinkler system for both warehouse and retail area (tap room)
- Minimal building changes and renovations required to support the brewery - some minimal cosmetic improvements made to the front retail area to convert it to the tap room, installing trench drains are all that is required
- Improved green (outdoor) area behind property by adding seating & picnic nodes
- Will add a trail connecting to the proposed hike & bike trail to the brewery and will provide an area to park bicycles
- Will add park benches to green area between brewery and hike & bike trail

BAKS PLANS TO SUPPORT PISD BY PROVIDING ITS SPENT GRAIN AT NO COST TO THE SCHOOL'S FAA PROGRAM FOR USE AS LIVESTOCK FEED.

NEARBY AREA BENEFITS

- Green area behind property will be maintained as a buffer to residential community located on the opposite side of Mary's Creek
- Will add an additional line of shrub coverage (eg. Large wax myrtles) along the outside of the back property fence
- Will support local eating establishments as we do not serve food and patrons will want some place to eat before/after visiting the tap room.
- Will also work with local area Pearland dining establishments to create custom beers based on their style preference
- Heavy equipment and large truck traffic will decrease as we will only have 1 small refrigeration truck stop by for loading/unloading kegs 1-2 times a week

BAKS BREWING WILL WORK WITH OTHER LOCAL BUSINESSES SUCH AS PEARLAND COFFEE ROASTERS TO PROVIDE INGREDIENTS FOR SPECIALITY BEERS (EG. COFFEE PORTER)

OVERALL CITY BENEFITS

- Additional tourism and related financial benefit for Pearland (Saint Arnold Brewery is currently a top 10 tourist destination for Houston)
- Hike & Bike Trail destination
- Additional tax dollars
- A destination for local residents seeking entertainment other than just a restaurant
- Pearland will have its own brewery producing and selling craft beer to the greater Houston area

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Land Acreage Description

The attached site survey shows the total property acreage to be 2.9388

PD Purpose & Intent Statement

The purpose and intent of the PD established is to allow a new use 'Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law' (which has been identified by the city as the most appropriate) on this property which is currently zoned as General Commercial (GC).

This new use is described as a facility that houses manufacturing, storage, and assembly operations including, but not limited to, beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, mill, printing plant, publishing and bindery plant, masonry products manufacturing, refinery for nonagricultural products, food products, processing and packaging plant, and precision instruments manufacturing.

This use is not permitted by right in the GC zoning district and thus would require a zone change to operate. Based on this information and guidance from the city's planning/zoning department, the applicant determined the best path forward would be to apply for a Planned Development to operate a small craft brewery.

POSSIBLE CITIZEN'S CONCERNS

1. Increased traffic into neighborhood located behind property.

There is only 1 access gate onto Shauntel that would allow patrons to drive into the neighborhood. BAKS will post signage on both sides of gate upon exiting that states: 'DO NOT TURN RIGHT NOT A THRU STREET'. This should eliminate the majority, if not all traffic from accidently turning into the neighborhood. We will also be able to close this gate when not needed to limit any traffic from entering/leaving our property via the Shauntel street entrance.

2. Patrons being able to see, watch or speak to people (employees or children) located at the business and home 2 lots over.

BAKS will install (2) gates approximately 6' high gates blocking all traffic from entering the property on the East side and North side of the building. (See attached site plan for proposed gate locations) This will prohibit any and all traffic from being able to see, watch or speak to any persons on the adjacent property.

Additionally, the outdoor seating area is located adjacent to the building on the opposite side of the business which prevents any chance of anyone seeing or speaking to anyone else outside of the property.

3. Smells

The only smell produced by brewing beer is the smell of boiling grain to produce wort. The smell is not unpleasant and is similar to cooked oatmeal. Additionally, the smell will be contained and disbursed within the warehouse.

Additional Community Involvement

We will work with other local Pearland businesses to help promote both enterprises. For instance, we have spoken with the owners of Pearland Coffee Roasters about providing roasted coffee beans to be used in speciality beers such as a coffee porter.

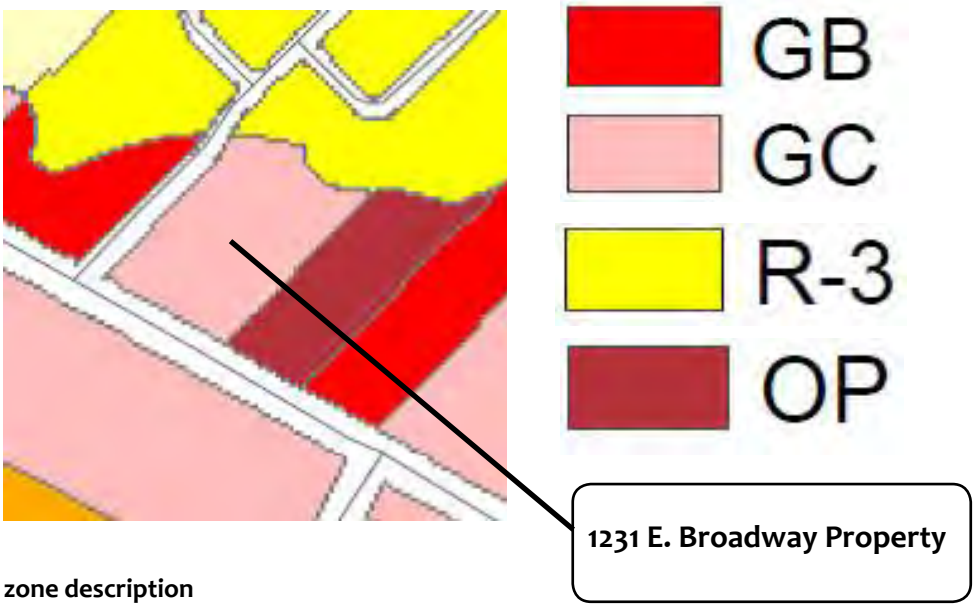
One of the only by-products from brewing is spent grain (the grain we have boiled to produce wort). This makes great livestock feed and generally, breweries work with local farmers to pick-up and use the spent grain. We have spoken with the Agriculture Department of Pearland Independent School District and will work with them (Hunter Morgan) to provide our spent grain at no cost to students to use for their livestock.

Lastly, we plan to hire locally and provide jobs for Pearland. Our first and currently only employee (part time book keeper) is a Pearland resident.

ZONING & LAND USE

Existing zoning district and boundary description

The property is currently zoned as a General Commercial District (GC) which is intended 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 that may require outside storage uses. The front South West property line runs along a major thoroughfare, West Broadway, on which the other side is also zoned 'GC' (and includes a restaurant). The North West property line runs along Shauntel Street, on which the opposite property is zoned as 'General Business Retail District (GB). The North East property line runs along Mary's Creek, for which the District on the other side is zoned as a Single-Family Residential-3 (R3). Lastly, the South East property line runs adjacent to a property which is zoned as Office & Professional District (OP).



Base zone description

The base zone to be overlaid will be GC.

This zone will encompass the entire property which has the same district boundaries as mentioned above, "The front South West property line runs along a major thoroughfare, East Broadway, on which the opposite side property is also zoned 'GC'. The North West property line runs along Shauntel Street, on which the opposite property is zoned as 'General Business Retail District (GB). The North East property line runs along Mary's Creek, for which the District on the other side is zoned as a Single-Family Residential-3 (R3). Lastly, the South East property line runs adjacent to a property which is zoned as Office & Professional District (OP)."

Use	Acres	Percentage of Total Acres	Zoning District
Single Family	n/a	n/a	
Multiple Family	n/a	n/a	
General Business/Commercial	1.5	50%	GC w/PD
Parkland to be dedicated to the city	n/a	n/a	
Common Open Spaces/Trails/Recreation	1.44	~49%	GC w/PD
Detention	n/a	n/a	
Thoroughfares/ROW	n/a	n/a	
Internal Streets/Vehicular Circulation	n/a	n/a	
Others	n/a	n/a	

DESIGN STANDARDS

All zoning standards not expressly set forth for the district in the adopting ordinance shall be as provided in the base zoning district(s), and that any standard in this ordinance that has not been expressly varied in the adopting ordinance shall be applicable to subsequent development permits for land within the PD district.

The following standards will be improved to meet both the 'GC' and 'Corridor Overlay District' UDC requirements:

- **Building Facade** - we will cover the existing metal facade with stucco in a neutral color (from the approved color palate) to match the existing brick. See attachment for rendering.

- **Signage** - Once the building facade has been covered will install sign with our company name that is not more than 15% of surface area. We will also update the existing monument sign which is also within the COD UDC requirement (ie. replace Sunbelt with BAKS)

- **Landscaping** - The current landscaping exceeds the UDC COD requirements, but we will replace all dead and diseased trees and shrubs, as well as lay all new mulch and ensure the installed irrigation system is working correctly.

- **Screening/Fencing** - The entire property (excluding open green area) is fenced with a 6' black rod iron fence which is surrounded by additional landscaping. We will fix and replace any bent or damaged fencing as well as plant additional trees along the back of the property fence for additional screening.

- **Lighting** - All current (3) light poles on the property along with building lighting will be inspected and updated to meet current COD Standards

The following standards **exceed** both the 'GC' and 'Corridor Overlay District' UDC requirements:

- **Green Area** - BAKS Brewing currently provides approximately 49% of its property as green area and we plan for it to remain that way. Almost half of the property is an open green area (outside of the property fence) located at the rear of the property which end long Mary's Creek. BAKS intends to promote the green area in support of the city's proposed hike & bike trail by adding seating and picnic nodes, additional bench seating and a compacted gravel trail connecting the hike & bike trail to the rear of the brewery, where we will locate a (lockable) gate to provide access onto the brewery. We will also install a security camera to monitor traffic and provide an additional level of security

- **Bicycle Parking** - BAKS will have at least (2) separate bicycle parking facilities; one in front and one located at the back of the property where there will be a gate and pathway connecting the brewery to the city's proposed hike & bike trail. BAKS will also support and promote local running and biking organizations.

Parking Table
Existing Spaces: 16
Additional Proposed Spaces: 17+

Total Spaces: 33+

DESIGN STANDARDS (Cont.)

PD Districts are "intended to encourage flexible and creative planning and property development" and this PD is for an existing property that already meets most of the standards.

We understand that "the Corridors Overlay District (COD) is intended to help the City exercise greater control over the aesthetic, functional and safety characteristics of development along newly constructed major thoroughfares within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop."

Due to the existing layout with existing parking lot, fence, irrigation system and landscaping that exceeds COD Standards, as well as several utility connections (including: AT&T box with 6 surrounding bollards, storm water access, fire hydrant, light pole, water line access and waste water lift station), we are proposing to build the sidewalk within the TxDOT ROW similar to what was done (2) lots down. We will work within the area to provide a 6' wide side walk and are currently working with Johnson Traffic Engineers for the TxDOT application. (See attachment for graphical presentation).

Additionally, where our sidewalk will end at the east end of property, there is only approximately 1100' to the end of the city limits.

View of west frontage, looking west

View of far west frontage @ Shauntel Street

View of center frontage looking west

View of smaller eastern frontage looking east towards Friendswood

View of property located (2) lots to the west

DESIGN STANDARDS DEVIATION TABLE

Standard	GC/COD Requirement	PD Deviation
Parking	One space for each 1.5 employees = 4.5 spaces	We will exceed by providing 33 spaces that meet UDC standards
Sidewalk	6' wide, 6' separation from back of curb with 80% curved alignment	Due to existing conditions sidewalk will be 6'wide and constructed within TxDOT ROW but will not provide 6' separation from curb nor 80% curved alignment
Use	Does Not Allow for 'Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law'	Allows for 'Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law'
Landscaping	- 15% of gross lot area shall consist of landscaped open areas - Large shade trees (2") caliper for each (10') of frontage = 78" for 386' frontage - Ornamental trees (1") caliper for each (15') of frontage = 26" for 386' frontage	- We will exceed standard with ~50% of area for landscaped open areas - We will exceed standard with 94" tree calipers on 386' of frontage - We will exceed standard with 65" tree calipers on 386' of frontage - Large undeveloped green area in back of property provides an additional 40+ shade trees 20' - 50' in height - Will support future Hike & Bike train along Marys's Creek by connecting to it with a path and providing seating/picnic nodes
Bicycle Parking	Amount equal to 5% of total parking spaces	We will exceed standard with an amount of 20% of total parking spaces provided for bicycle parking

SCHEDULE

PD is approved
Lease is signed

Month 1
- Brewing equipment is ordered
- Apply for TABC & TTP Licences

Months 1-3
- 450 SF cold room assembled and attached to back of warehouse
- Trench floor drains are installed in the warehouse
- Sprinkler system installed in warehouse and public area (eg. Tap room)
- Electrical and plumbing provisions are made to support forthcoming brew system
- Showroom is renovated to support the tap room
- Landscaping improvements are made
- Stuuco is added to exterior of building
- Sidewalk is constructed in front of property

Month 4
- Brew system arrives and is installed
- Building inspections approved
- New signage goes up

Month 5
- Grand Opening…. Beer is made and happily served to excited customers!

Month 6
- Picnic and seating nodes are added to undeveloped green area. A trail and bicycle parking will be added once the city has constructed the Hike & Bike trail along Mary's Creek in order to maximize the location and layour of the trail to best serve the public.

"BAKS Brewery would be an asset to Pearland in providing group tours and tastings as well as providing a venue for corporate/social events. This can only aide Pearland in its growth of tourism businesses."

Kim Sinistore, Executive Director
City of Pearland Convention & Visitors Bureau (CVB)

INDUSTRY OVERVIEW

INDUSTRY DESCRIPTION

Today America, and especially Texas, is experiencing a revival of its brewing tradition. Craft breweries are defined by the Brewers Association as small (producing less than 6 million barrels), independent (less than 25% of the craft brewery is owned or controlled by alcoholic beverage industry member that is not a craft brewer) and traditional (all malt flagship or at least 50% of its volume in all malt beers which use adjuncts to enhance rather than lighten flavor). 2,347 craft breweries operated for some or all of 2012, comprised of 1,132 brewpubs, 1,118 microbreweries and 97 regional craft breweries, this is the most in operation since the pre-Prohibition era. Growth of the craft brewing industry in 2012 was 15% by volume and 17% by dollars compared to growth in 2011 of 13% by volume and 15% by dollars.

INDUSTRY BACKGROUND

INTRODUCTION TO CRAFT BREWERIES

Craft breweries are a historic means for satisfying the public's demand for a greater variety of fresh quality beer. In the late nineteenth and early twentieth centuries, the United States supported nearly four thousand (4000) breweries, the majority being independent local and regional operations producing a vast array of Old World beer styles. Without question, Prohibition nearly destroyed this American brewing history and tradition.

"LIGHT BEER IS CEDING GROUND AS CABERNET-LOVING BABY BOOMERS AND MILLENNIALS WEANED ON EXOTIC COCKTAILS SEEK MORE COMPLEX FLAVORS IN THEIR BREWS."

- BLOOMBERG NEWS, MARCH 2012

ADVANTAGES OF CRAFT BREWERIES

One of the advantages of a craft brewery is its ability to supply its product to the consumer when it is at its peak of freshness. Craft breweries are brewing a handcrafted product on a more limited scale where quality is the most important concern. For this reason, using the highest quality traditional ingredients – malted barley, hops, yeast and water – is justified, rather than the chemicals and cheaper adjuncts such as corn and rice which are used by large scale brewers to cut costs. Fresh quality beer produced locally, without chemicals in processing or for preservation, is the key note of the craft beer industry.

The craft brewery has the additional advantage of bringing the beer drinking public into immediate contact with the equipment, people and operation associated with the beer production. A well designed craft brewery with tap room allows the public to witness first-hand the creation of the handcrafted beer they are drinking, feel like they are part of the process, and take pride in their 'local' beer.

INDUSTRY OUTLOOK *(cont.)*

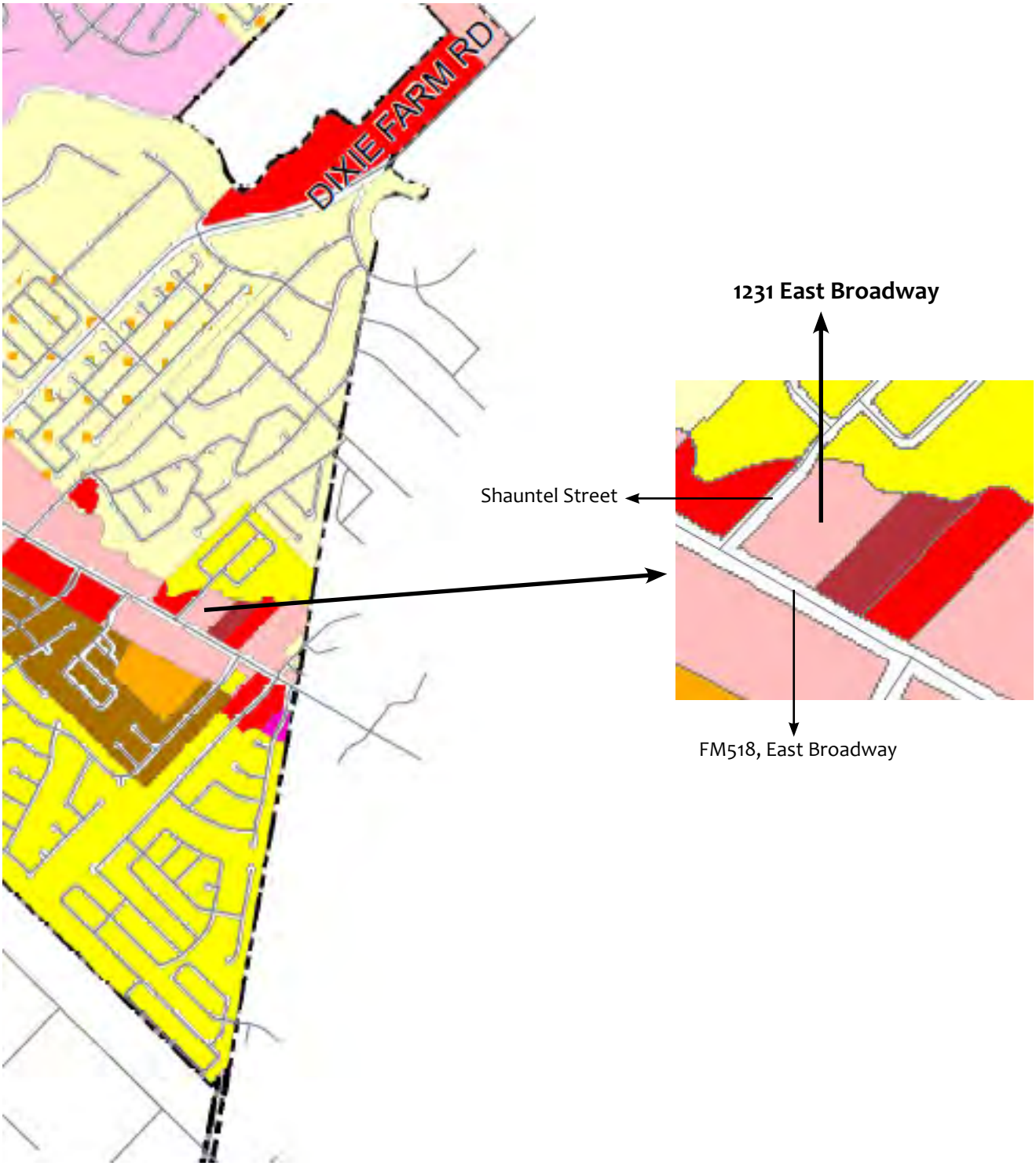
LOCAL MARKET ANALYSIS

Craft breweries & brewpubs in the greater Houston area.

BREWERY	CITY	BREWERY SIZE	PRODUCTION
Saint Arnold	Houston	120 bbl brew system & 240 bbl fermentors	49,112 bbls in 2012 (Projected 60,000 bbl 2013)
Karbach	Houston	30 bbl brew system & 60 bbl fermenting tanks	30,000 bbls Annually
No Label	Katy	15 bbl brew system & (2) 15 bbl / (1) 30 bbl fermenting tanks & 30 bbl conditioning tank	700 bbls in 2011 1700 bbls in 2012 5000 bbls in 2013
8th Wonder Brewing	Houston	20 bbl	1000 bbls Annually
Buffalo Bayou Brewing	Houston		1000 bbls Annually
Lone Pint	Magnolia	30 bbl	2000 bbls Annually
Galactic Coast	Dickinson	3 bbl Upgrading to 7 bbl	1000 bbls Annually
Southern Star	Beaumont	15 bbl (upgrading to 60 bbl in 2014)	8,000 bbls in 2012 10,000 bbls in 2013
Fort Bend Brewing	Missouri City	30 bbl w/(4) 30 bbl & (2) 60 bbl fermenters & (1) 60 bbl bright tank	3000 bbls Annually
Cycler's Brewing	Montgomery	8 bbl	<500 bbls Annually
Texian Brewing	Richmond	30 bbl brewhouse & 60 bbl hot liquor tank	n/a
Houston Budweiser			12.5 million bbls

EVEN CEDAR RAPIDS, IOWA, WITH A POPULATION ALMOST EQUAL TO PEARLAND'S, IS HOME TO THREE (3) LOCAL CRAFT BREWERIES!

PARCEL MAP


DIXIE FARM RD
1231 East Broadway
Shauntel Street
FM518, East Broadway

Attachment A
Joint Public Hearing Packet

Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: August 18, 2014

Re: Zone Change Application Number 2014-12Z

A request of Brian Allen with Baks Brewery, applicant; on behalf of George Gartner, owner; for approval of a change in zoning from General Commercial (GC) to a non-residential Planned Development known as Baks Brewery; on approximately 2.94 acres of land.

Proposal

The subject property includes approximately 2.939 acres of land, of which the applicant is requesting approval of a Planned Development (PD) in order to operate a brewery. The applicant's intent is to convert the primary building on site into a micro-brewery that will brew and distribute beer to licensed retail outlets, as well as provide a tasting room and retail operation open to the public. Customers will have the ability to purchase beer at retail prices for both on-site consumption and beer to go in the form of growler fills, and eventually 6 packs and 22 ounce bottles. A small area inside of the brewery will be available to the general public to rent for special events, such as birthday parties, wedding receptions, corporate functions, etc. The applicant intends to construct an additional building of less than 500 square feet for storage of ingredients and products and will utilize all other existing primary and accessory buildings on site.

The overlay zoning district for the proposed development, is General Commercial (GC), with the addition of the proposed use. It is important to note that the existing zoning district permits a host of various non-residential uses, including the applicant's proposed retail component of the brewery and the hosting of special events. Additionally, a restaurant that serves alcohol would also be allowed at the subject location. The purpose of the PD is to allow the manufacturing component of the business, categorized by the Unified Development Code (UDC) as *"Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law,"* and is defined as a facility that houses manufacturing, storage, and assembly operations including, but not limited to, beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, mill, printing plant,

publishing and bindery plant, masonry products manufacturing, refinery for nonagricultural products, food products, processing and packaging plant, and precision instruments manufacturing."

Various improvements are proposed, including over 49% open green space, including the area towards the rear of the existing buildings (north of the site), along Mary's Creek. This area will remain as undeveloped open green space with park benches, and a small picnic area. In support of the City's hike and bike trail, the applicant proposes a trail that will eventually connect to the city's trail, where a gate will provide access to the brewery. This area will provide a significant natural buffer between the existing single family subdivision and the brewery and should mitigate the majority of potential negative impacts. Other improvements include façade upgrades. The current façade is metal and the applicant will cover with masonry materials. Baks Brewey will provide at least two (2) separate bicycle racks; a new sprinkler system; installation of sidewalks; and removal and replacement of dead and diseased trees and shrubs. The trail will be constructed with other site improvements, prior to the issuance of a Certificate of Occupancy. It is important to note that the Parks Department has indicated that the proposed trail in the area is listed on their long range plan and there are no active planning efforts for construction of the proposed hike and bike trail in the area.

A variance was approved by the ZBA in April, 2014 to reduce the lot size for a non-residential PD. At the public hearing nearby residents raised concerns regarding the following:

- Consumption of alcohol on site
- Odor from the brewing process
- Potential for loud music and noise
- Proximity of proposed use to a daycare
- U-Turns into the daycare to access the Brewery from the east bound lanes on Broadway
- Hours of operation
- Increase in traffic along Shauntel Street

The applicant addressed traffic issues, screening/buffering and smells in the PD document. Staff addressed concerns as well below:

<u>Traffic:</u>
There is only one (1) driveway with a gate onto Shauntel Street that would allow patrons to drive into the neighborhood. Baks proposes signage on both sides of the gate upon exiting that will state "DO NOT TURN RIGHT. NOT A THRU STREET." The proposed signage should prevent patrons of the brewery from entering the neighborhood. The

applicant also proposes to close the gate when not needed to limit any traffic from entering/leaving the property via Shauntel Street.

Screening:
Baks proposes to install two (2) gates, approximately 6 feet in height to block vehicles from accessing the rear and side yards of the property, adjacent to the east and north sides of the building. According to the applicant, this will prevent traffic from being able to see, watch or speak to anyone on adjacent property. Additionally, the outdoor seating area will be on the west side of the building, which according to the applicant will also prevent anyone from seeing/speaking to any persons on adjacent property.

Additionally, the applicant proposes over 49% open /green space, most of which is located on the north side of the site near Mary's Creek and the existing single family subdivision. This area will provide a significant natural buffer and will reduce any negative impacts to the existing neighborhood.

Smells:
According to the applicant, the only smells produced by brewing beer would be the smell of boiling grain. The smells will not be unpleasant and will be similar to cooked oatmeal.

Noise:
The City of Pearland has a noise ordinance that would be applicable to the property, similar to other properties on Broadway Street, and throughout the City of Pearland. According to the City's Charter, it is unlawful for any person to knowingly make, cause to be made or allow any loud, disturbing or unnecessary noise in the City which is offensive to the sensibilities of a reasonable prudent person, so that it renders the enjoyment of life or property uncomfortable, or interferes with the public peace and comfort. There is no mention of decibel (loudness) levels.

Proximity to Daycare:
The applicant has contacted TABC, and the separation requirements are met. The daycare is not directly adjacent to the subject property, and is separated by two (2) tracts to the east.

Public Notification/Comment

Staff sent 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 Baks Brewery PD. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the

property by the applicant. As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

Recommendation

Staff recommends approval of the request to change the zoning of the site from General Commercial (GC), to a non-residential PD, with a base zoning and overlay zoning district of GC, with the addition, of the proposed use; for the following reasons:

1. The property is located within the General Commercial (GC) zoning district, and within the Corridor Overlay District (COD) overlay district. The applicant proposes to conform to the standards of both. Improvements will be made to the existing building, which will be an enhancement to the neighborhood and will create an enhanced aesthetic appeal. These improvements include façade upgrades to the existing metal building, which will be covered with stucco; over 49% of landscaped/open green space will not be altered and provides a natural buffer between the brewery and the single family subdivision to the north. Improvements will be made to the existing decorative fencing, which encompasses the entire property with the exception of the open green area. Baks Brewey will provide at least two (2) separate bicycle racks; a new sprinkler system; installation of sidewalks; and removal and replacement of dead and diseased trees and shrubs.

2. The applicant has attempted to address concerns raised by the neighborhood, as illustrated on pages 2 and 3 of this memo.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. PD Document

Exhibit 1
Staff Report

Summary of Request

The subject property includes approximately 2.939 acres of land, of which the applicant is requesting approval of a Planned Development (PD) in order to operate a brewery. The applicant's intent is to convert the primary building on site into a micro-brewery that will brew and distribute beer, as well as provide a tasting room and retail operation open to the public. A small area inside of the brewery will be available to the general public to rent for special events, such as birthday parties, wedding receptions, corporate functions, etc. The applicant proposes to add a small cold room, of less than 500 square feet, directly to the rear of the building for storage of ingredients and products.

Currently the existing primary building is comprised of a metal façade. The applicant intends to improve the façade of the primary building by upgrading the metal façade with masonry materials. This will create a more attractive building with frontage along Broadway Street, and will be in compliance with the façade requirements of the Corridor Overlay District. The site has a variety of landscaping on site which includes street trees and shrubbery planted along Broadway Street and Shauntel Street. The site includes a black wrought iron fence along Broadway Street and Shauntel Street, which the applicant intends to repair, where needed, while also adding new shrubbery and trees along Broadway and Shauntel Street, as well as internal landscaping on site.

As part of the micro-brewery concept the applicant intends to transform the existing outdoor breezeway area into outdoor seating that will be available when the brewery is open for tours and tastings to the public. There is a proposed trail in the rear of the property which will run along Mary's Creek. The applicant intends to construct a trail connecting this development to the City's trail in order to promote walkability and access to the trail along the creek. This large green space at the rear of the property will be maintained as a landscaped open space buffer to the residential neighborhood located across Mary's Creek. The applicant will also construct picnic and seating nodes in this

area to enhance the hike and bike trail and open green area. This area will be available to the public.

Conformance with the Thoroughfare Plan

The subject property is located at the northeast corner of Broadway and Shauntel Streets. Broadway Street is a major thoroughfare to be widened. The ultimate right-of-way required is 120 feet. Shauntel Street is a local street which requires an ultimate right-of-way of 50 feet. According to the survey provided Broadway Street has an existing right-of-way width of 100 feet and Shauntel Street width varies. Additional right-of-way will be required along Broadway Street at the time of platting and possibly along Shauntel Street.

Site History

The subject property is developed with an approximately 8,753 square foot building, and an approximately 400 square foot accessory building used for storage that was constructed in 1998. The property was annexed into the City of Pearland in June, 1960 and was most recently occupied by Sunbelt Rentals; a construction equipment and tool rental company. Staff began discussions with the applicant regarding a micro-brewery at the subject location in January 2014, when a pre-development meeting was held with the applicant. The applicant indicated that the intent was to convert the primary building on site into a micro-brewery that will brew and distribute beer, as well as provide a tasting room and retail operation open to the public. The brewery component of the use is categorized as “Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law” by the UDC and is not permitted within the existing zoning district. All other uses proposed are permitted. Staff discussed the idea of a Planned Development (PD) to allow for the development, as proposed.

Chapter 2 of the Unified Development Code requires a gross contiguous area of at least 3 acres for a non-residential Planned Development district. As the site is currently developed and a recent survey of the property has been completed, the property includes 2.939 acres. On April 3, 2014, the Zoning Board of Adjustment approved a variance to allow a reduction in the minimum district size of a nonresidential PD.

During the public hearing for the variance, nearby residents raised concerns regarding the following:

- Consumption of alcohol on site
- Odor from the brewing process
- Potential for loud music and noise
- Proximity of proposed use to a daycare
- Access issues regarding the use of nearby properties
- Hours of operation

- Increase in traffic along Shauntel

The applicant addressed traffic issues, screening and smells in the PD document. Staff addressed concerns as well below:

Traffic:
There is only one (1) driveway with a gate onto Shauntel Street that would allow patrons to drive into the neighborhood. Baks proposes signage on both sides of the gate upon exiting that will state "DO NOT TURN RIGHT. NOT A THRU STREET." The proposed signage should prevent patrons of the brewery from entering the neighborhood. The applicant also proposes to close the gate when not needed to limit any traffic from entering/leaving the property via Shauntel Street.

Screening:
Baks proposes to install two (2) gates, approximately 6 feet in height to block vehicles from accessing the rear and side yards of the property, adjacent to the east and north sides of the building. According to the applicant, this will prevent traffic from being able to see, watch or speak to anyone on adjacent property. Additionally, the outdoor seating area will be on the west side of the building, which according to the applicant will also prevent anyone from seeing/speaking to any persons on adjacent property.

Additionally, the applicant proposes over 49% open /green space, most of which is located on the north side of the site near Mary's Creek and the existing single family subdivision. This area will provide a significant natural buffer and will reduce any negative impacts to the existing neighborhood.

Smells:
According to the applicant, the only smells produced by brewing beer would be the smell of boiling grain. The smells will not be unpleasant and will be similar to cooked oatmeal.

Noise:
The City of Pearland has a noise ordinance that would be applicable to the property, similar to other properties on Broadway Street, and throughout the City of Pearland. According to the City's Charter, it is unlawful for any person to knowingly make, cause to be made or allow any loud, disturbing or unnecessary noise in the City which is offensive to the sensibilities of a reasonable prudent person, so that it renders the enjoyment of life or property uncomfortable, or interferes with the public peace and comfort. There is no mention of decibel (loudness) levels.

Proximity to Daycare:
The applicant has contacted TABC, and the separation requirements are met. The daycare is not directly adjacent to the subject property, and is separated by two (2) tracts to the east.

The site is surrounded by a mix of various uses, including Hazeldale Estates to the north, single family subdivision; and various non-residential uses such as restaurants, skate center and a strip retail center to the south; a daycare to the east and undeveloped land to the west. The below table identifies surrounding uses and zoning districts:

	Zoning	**Land Use**
North	Single Family Residential 3 (R3)	Hazeldale Estates Single Family Subdivision
South	General Commercial (GC)	Undeveloped Land, Restaurants, Skate Center
East	General Commercial (GC) Office Professional (OP)	Undeveloped, Daycare
West	General Business (GB)	Undeveloped Land

Conformance with the Unified Development Code

The proposed micro-brewery is categorized as "*Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law"* by the Unified Development Code (UDC). The proposed use is defined as a facility that houses manufacturing, storage and assembly operations, including, but not limited to, beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, mill, printing plant, publishing and bindery plant, masonry products manufacturing, refinery for nonagricultural products, food products, processing and packaging plant and precision instruments manufacturing. Additionally a variance was approved by the Zoning Board of Adjustment to allow a reduction of the land area for a PD. The PD, if approved, will conform to the regulations of the GC zoning district, as well as the Corridor Overlay District, with few exceptions.

Conformance with the Comprehensive Plan

The subject property is located within the Retail, Offices and Services Future Land Use Designation, which incorporates neighborhood or convenience shopping centers, or developed or separate uses located on major street intersections, with limited outdoor retail activities, adequate buffers from adjacent single family subdivisions. Appropriate zoning districts include OP, NS and selected GB uses.

Platting Status

The subject property is not platted. Improvements that increase the impervious surface area on site will trigger platting of the property.

Availability of Utilities

According to GIS data, there is an existing 12 inch water line running along the frontage of the property along Broadway Street and an 8 inch water line along Shauntel Street. The property has a pump system which is connected to a sanitary force main for sewer services.

Impact on Existing and Future Development

The property is zoned as GC, General Commercial district and abuts GB, General Business district to the west across Shauntel Street, the R-3, Single-Family Residential district to the north across Mary's Creek, and the GC, General Commercial district to the east and south across Broadway Street.

The site is currently developed and the applicant intends to add a cold room of less than 500 square feet for storage of ingredients and products. There should be no major impact on existing and future developments. Due to the amount of open space (49%) near the rear of the property along the north side, this area will provide a natural buffer between the brewery and the single family subdivision to the north.

Additional Comments

The request has been reviewed by the Development Review Committee (DRC), and there are no further comments.

Public Notification

Staff sent 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. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed Baks Brewery PD.

Recommendation

Staff recommends approval of the request to change the zoning of the site from General Commercial (GC), to a non-residential PD, with a base zoning and overlay zoning district of GC, with the addition, of the proposed use; for the following reasons:

1. The property is located within the General Commercial (GC) and within the Corridor Overlay District (COD) overlay district. The applicant proposes to conform to the standards of both. Improvements will be made to the existing building, which will be an enhancement to the neighborhood and will create an enhanced aesthetic appeal. These improvements include façade upgrades to the existing metal building, which will be covered with stucco; over 49% of landscaped/open green space will not be altered and provides a natural buffer between the brewery and the single family subdivision to the north. Improvements will be made the existing decorative fencing, which encompasses the entire property with the exception of the open green area. Baks Brewey will provide at least two (2) separate bicycle facilities; a new sprinkler system; installation of sidewalks; and removal and replacement of dead and diseased trees and shrubs.

AERIAL MAP

ZONE CHANGE 2014-12Z

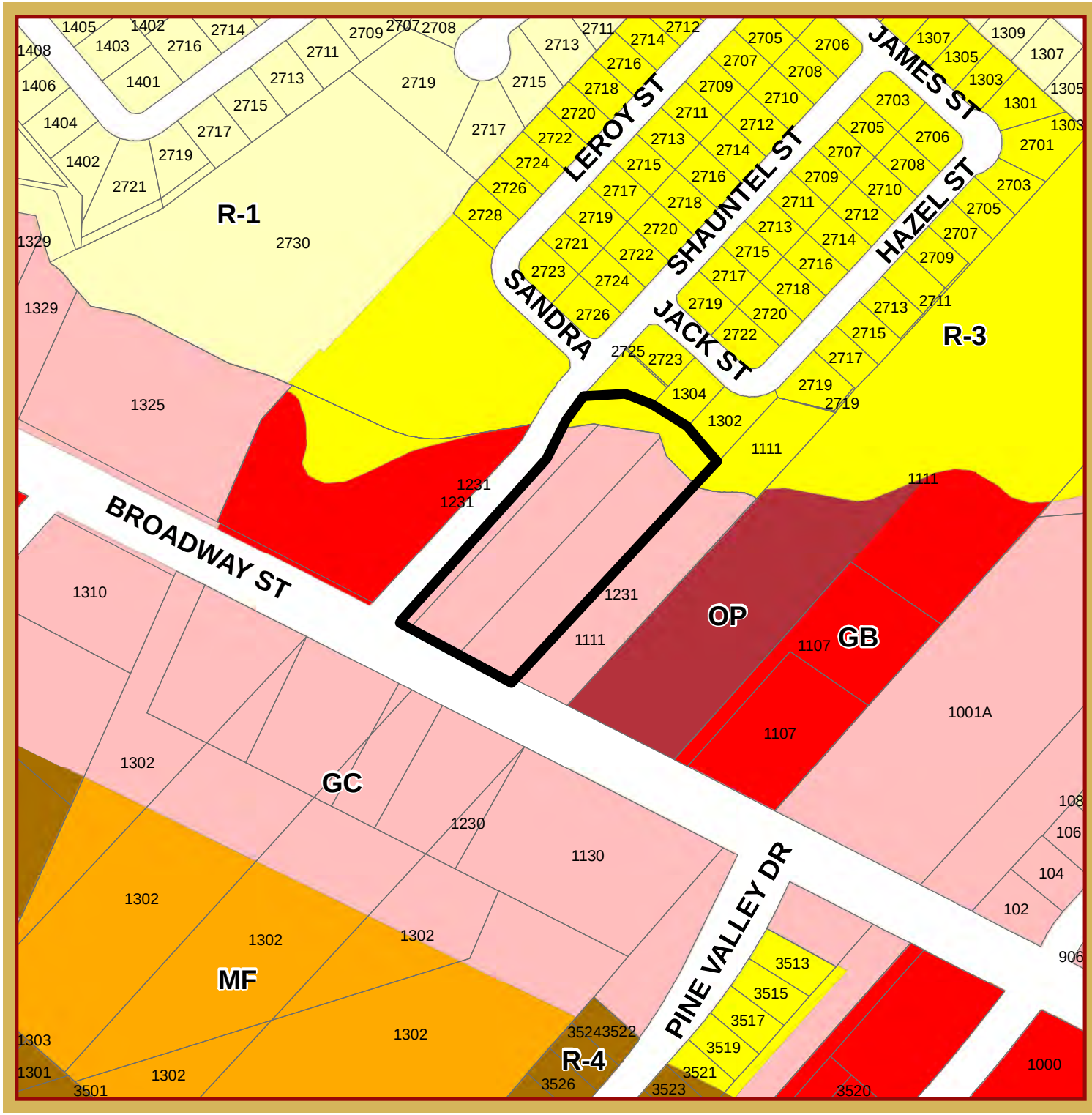
BAKS BREWERY PD

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.

1 inch = 250 feet

22 MAY 2014
PLANNING DEPARTMENT

N



ZONING MAP

ZONE CHANGE 2014-12Z

BAKS BREWERY PD

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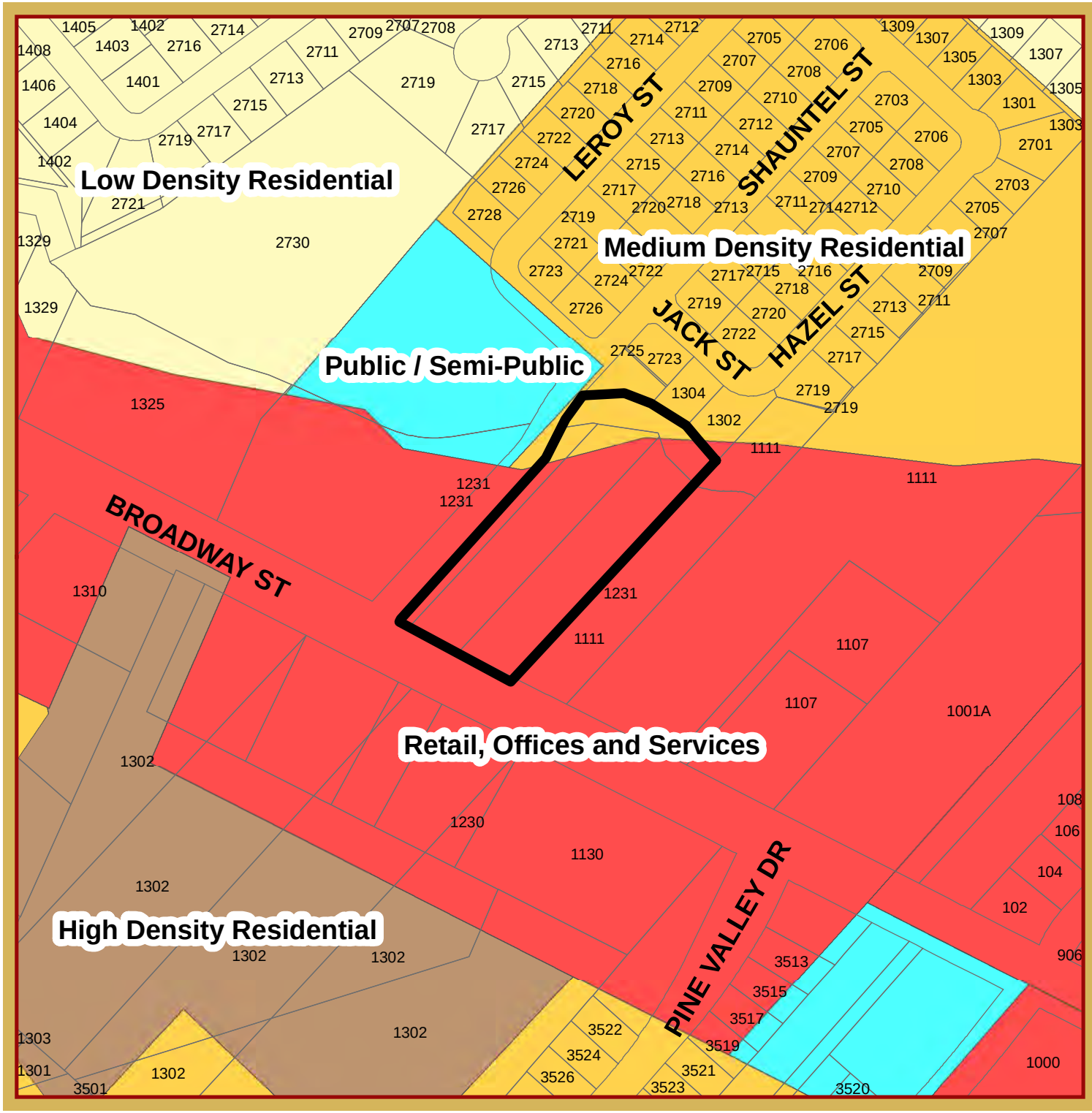
22 MAY 2014
PLANNING DEPARTMENT

N



FLUP MAP

ZONE CHANGE 2014-12Z

BAKS BREWERY PD

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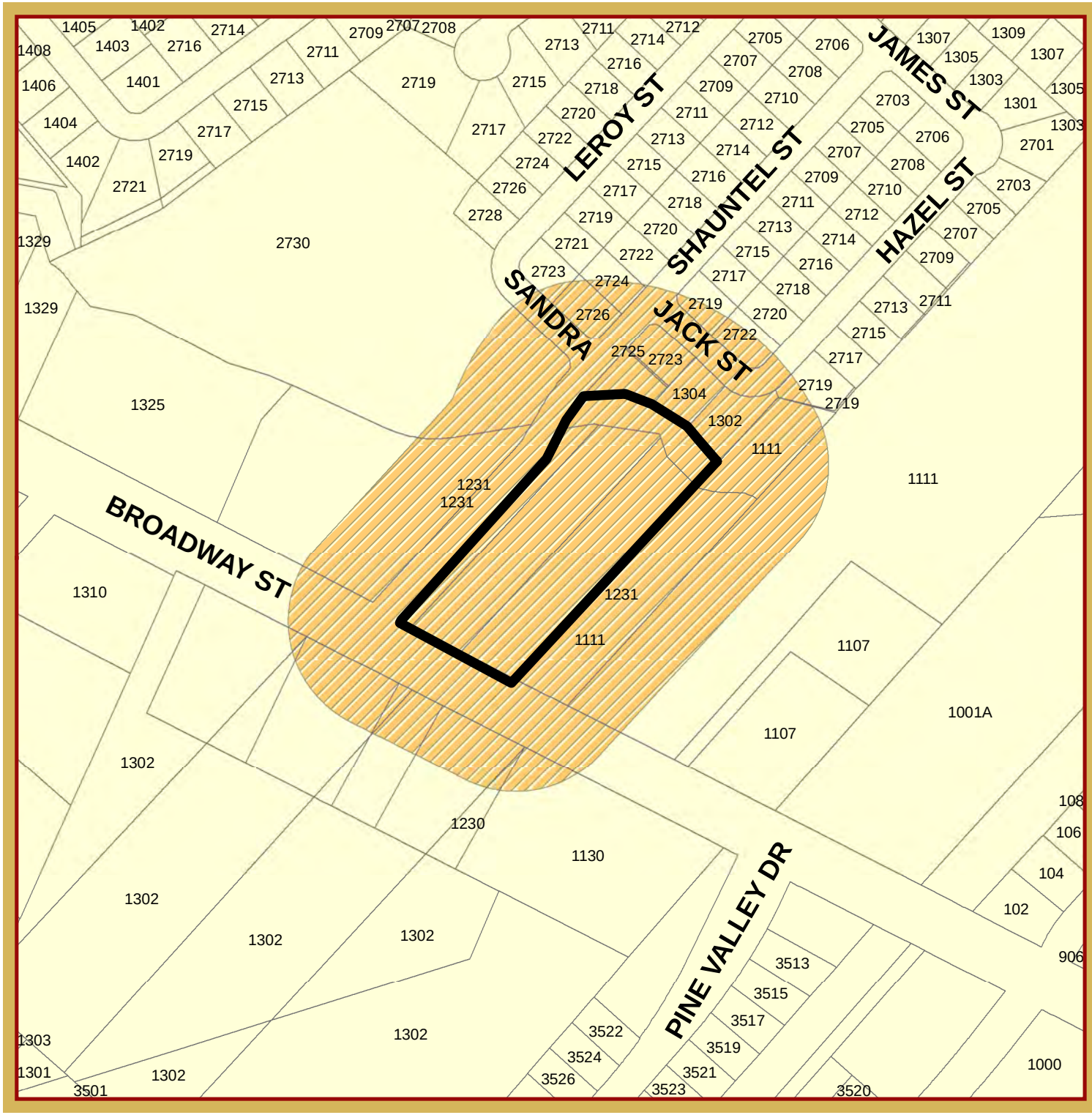
22 MAY 2014
PLANNING DEPARTMENT

N



NOTIFICATION MAP

ZONE CHANGE 2014-12Z

BAKS BREWERY PD

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1 inch = 250 feet

22 MAY 2014
PLANNING DEPARTMENT

N

NAME	ADRESS	ADDRESS 2	CITY	STATE	ZIP
HOBBS HELEN MERRITTIA	2722 SHAUNTEL ST		PEARLAND	TX	77581
RIVERA PEREZ RAFAEL A & MARIA D CRISPIN	2723 LEROY ST		PEARLAND	TX	77581
BOYKIN DIXIE L	3703 W PINE ORCHARD DR		PEARLAND	TX	77581
DAHSE JENNIFER L	2719 SHAUNTEL ST		PEARLAND	TX	77581
BURGE-MAREZ NAOMI DELORA	2726 SHAUNTEL ST		PEARLAND	TX	77581
BEAN JENNIFER H & BRENT D	2722 HAZEL ST		PEARLAND	TX	77581
BELKANP PETER W & LINDA G	2723 SHAUNTEL ST		PEARLAND	TX	77581
HENDERSON CLARENCE J & VERONICA M	2725 SHAUNTEL ST		PEARLAND	TX	77581
EAVES JONATHAN	2719 HAZEL ST		PEARLAND	TX	77581
OLALDE FRANCISCO & MELVINETTE	1304 JACK ST		PEARLAND	TX	77581
MAULDIN TROY L & LOIS	1302 JACK ST		PEARLAND	TX	77581
EAVES JONATHAN	2719 HAZEL ST		PEARLAND	TX	77581
DOCKSIDE THREADING INC	1020-789W PENDER ST E	VANCOUVER BC V6A 1V8	CANADA		
CLEMMONS LAURIE G	1111 BROADWAY ST		PEARLAND	TX	77581
GARTNER INTEREST LTD	2433 MAX RD		PEARLAND	TX	77581
CLEMMONS LAURIE G	1111 BROADWAY ST		PEARLAND	TX	77581
FLOYDS PEARLAND DEVELOPMENT INC	1300 BROADWAY ST		PEARLAND	TX	77581
JRC 1300 LLC	6307 WASHINGTON AVE		HOUSTON	TX	77007
FLOYDS PEARLAND DEVELOPMENT INC	1300 BROADWAY ST		PEARLAND	TX	77581
MOORE MARTIN R	2404 LONGWOOD DR		PEARLAND	TX	77581
ACHOUR BECHIR	2730 LEROY ST		PEARLAND	TX	77581
BRIAN ALLEN	2914 PICCADILLY CIR		PEARLAND	TX	77581

PUBLIC COMMENT FORM

rcvd 7:10pm 8/18/14

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

ZONE CHANGE APPLICATION NO. 2014-12Z

A request of Brian Allen with Baks Brewery, applicant; on behalf of George Gartner, owner; for approval of a change in zoning from the General Commercial (GC) to a non-residential Planned Development (PD) known as Baks Brewery; on approximately 2.94 acres of land.

Joint Public Hearing to be held Monday, August 18, 2014 at 7:30 PM in the Council Chambers of City Hall, 3519 Liberty Drive, Pearland, Texas.

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

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

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

Name: Henderson Clarence J.

Address (***of property within 200 feet of the subject site***): 2725 Shaunte1 St.

Signature: [signature] Date: 18 Jun 14

COMMENTS: There is no benefit to my family or the community to substantiate a change the city ~~and~~ zoning from GC to PD

PUBLIC COMMENT FORM

RECEIVED
AUG 1 6 2014
PM 1 2 3 4 5 6 7 8 9 10 11 12 AM 1 2 3 4 5 6 7 8 9 10 11 12 PM

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

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

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

Name: Pete & Linda Belknap

Address (***of property within 200 feet of the subject site***): 2723 Shaunte

Signature: Linda Belknap Date: Aug 18, 14
Pete Belknap

COMMENTS: making and selling beer just outside of our home is not right. People will be driving through our sub division sober & drunk. We have alot of children here and do not need more hassels of people

driving through here.

also if they plan on parties bands or other noisey things go on we do not need this. we already have a bar across the street and up the street. that are noisey enough. We like our nice quiet sub and do not need more car coming through.

thank you
Linda Belknap

Pete Belknap

P.S we like it just like it is.

PUBLIC COMMENT FORM

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

RECEIVED
AUG 14 2014

ZONE CHANGE APPLICATION NO. 2014-12Z

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

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

Name: GEORGE GARTNER

Address (***of property within 200 feet of the subject site***): 1231 BROADWAY

Signature: _____ Date: 8-14-14

COMMENTS:

New Business Item No. 11

11. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-119 –** 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 a tract of land containing 142.9664 acres of land out of Pearland Town Center, a subdivision of 143.6500 acres as recorded under File Number 2007008914 of the Plat Records of Brazoria County, Texas, and situated in the H.T. & B.R.R. Company Survey, Abstract 300, Section 81, Brazoria County, Texas, (located on the south side of Broadway Street, east and west of Kirby Drive, and west of Business Center Drive, Pearland, Texas), Zone Change Application 2014-13Z; a request of Alysia Gordon and Teir Allender, applicants; on behalf of Michael Lebovitz, Executive Vice President of Development and Administration for Pearland Town Center, LP, owner; for approval of a change in zoning to amend the sign regulations contained within the Pearland Town Center PUD; on approximately 142.97 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.

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

AGENDA OF: September 22, 2014	**ITEM NO.:** Ordinance No. 2000M-119
DATE SUBMITTED: September 16, 2014	**DEPT. OF ORIGIN: Planning**
PREPARED BY: Johnna Matthews	**PRESENTOR: Lata Krishnarao**
REVIEWED BY: Lata Krishnarao	**REVIEW DATE: September 17, 2014**

SUBJECT: A request of Alysia Gordon and Teir Allender, applicants; on behalf of Michael Lebovitz, Executive Vice President of Development and Administration for Pearland Town Center, LP, owner; for approval of a change in zoning to amend the sign regulations contained within the Pearland Town Center PUD; on approximately 142.97 acres of land

General Location: South side of Broadway Street, east and west of Kirby Drive, and west of Business Center Drive, Pearland, Texas

ATTACHMENTS: Ordinance No. 2000M- 119 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission\ Recommendation Letter; Exhibit E – Pearland Town Center PUD Addendum); Attachment A: Joint Public Hearing Packet; Attachment B: Existing Sign Regulations

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED: N/A**
AMOUNT AVAILABLE: N/A **PROJECT NO.: N/A**
ACCOUNT NO.: N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:
Finance **Legal** **Ordinance** **Resolution**

EXECUTIVE SUMMARY

The applicant proposes to amend Section XVII, Signage; of the Pearland Town Center Planned Unit Development (PUD) to remove a number of restrictions on off-premise wall signs which are interior to the development, and not visible from public streets. In

this context, off-premise signs are those signs that advertise businesses within the Town Center and throughout the development; and will allow businesses not located within the Town Center to advertise within the Town Center.

The existing restrictions include limitations on the number, location, size, color, background, etc.; and require approval from the City of Pearland. According to the applicant, because of the existing restrictions, many of the signs are not being utilized because advertisers typically have their own "branding" advertising materials, color schemes and backgrounds. The amendment, as proposed would allow businesses to utilize their own branding elements with no restrictions on the look, pattern, colors, etc.

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 received two (2) returned notices from property owners within 200 feet of the site; one (1) in support of and one (1) in opposition to the proposed amendment to the Pearland Town Center PD.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on August 18, 2014, Planning and Zoning Commissioner Elizabeth McLane made a motion to approve the PD amendment. The motion was seconded by Commissioner Linda Cowles. The motion passed 7/0, with the following conditions:

1. The applicant proposes that all off-premise wall advertising signs are approved by the owner. City approval, other than the normal permitting process will no longer be required. Staff recommends City approval once, through the permitting process for all new frames, to ensure public safety and structural integrity of new frames.

2. Exhibit B-2 requires a revision to reflect changes proposed regarding advertising on the main tower (J) and the two (2) lower towers (H and C).

3. A red-line and an addendum is required and will be added to the master PD document for the Pearland Town Center.

4. Adjust discrepancy regarding the total square footage on Exhibit B-2, with the removal of Sign G.

All above concerns have been addressed.

STAFF RECOMMENDATION TO COUNCIL: Consider Zone Change Application 2014-13Z to amend the sign regulations of the Pearland Town Center PD.

Ordinance No. 2000M-119

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 a tract of land containing 142.9664 acres of land out of Pearland Town Center, a subdivision of 143.6500 acres as recorded under File Number 2007008914 of the Plat Records of Brazoria County, Texas, and situated in the H.T. & B.R.R. Company Survey, Abstract 300, Section 81, Brazoria County, Texas, (located on the south side of Broadway Street, east and west of Kirby Drive, and west of Business Center Drive, Pearland, Texas), Zone Change Application 2014-13Z; a request of Alysia Gordon and Teir Allender, applicants; on behalf of Michael Lebovitz, Executive Vice President of Development and Administration for Pearland Town Center, LP, owner; for approval of a change in zoning to amend the sign regulations contained within the Pearland Town Center PUD; on approximately 142.97 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, Alysia Gordon and Teir Allender, applicants; on behalf of Michael Lebovitz, Executive Vice President of Development and Administration for Pearland Town Center, LP, owner; are seeking approval of a change in zoning to amend the sign regulations contained within the Pearland Town Center PUD; on approximately 142.97 acres of land; said property being legally described in the original application for amendment attached hereto and made a part hereof for all purposes as Exhibit “A” and more graphically depicted in the location map identified as Exhibit “B”; and

WHEREAS, on the 18th day of August, 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 19th day of August, 2014, the Planning and Zoning

Commission of the City submitted its report and recommendation to the City Council regarding the zone change application of Alysia Gordon and Teir Allender, applicants; on behalf of Michael Lebovitz, Executive Vice President of Development and Administration for Pearland Town Center, LP, owner; for approval of an amendment to the sign regulations of the Pearland Town Center PD; on approximately 142.9664 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 22nd day of September 2014 and the 29th day of September 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 Alysia Gordon and Teir Allender, applicants; on behalf of Michael Lebovitz, Executive Vice President of Development and Administration for Pearland Town Center, LP, owner; for approval of an amendment to the sign regulations of the Pearland Town Center PD; on approximately 148.9664 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 located within the Pearland Town Center PD, is hereby granted an amendment to the sign regulations; said PD addendum attached hereto as Exhibit E; 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:

> 142.9664 acres of land out of Pearland Town Center, a subdivision of 143.6500 acres as recorded under File Number 2007008914 of the Plat Records of Brazoria County, Texas, and situated in the H.T. & B.R.R. Company Survey, Abstract 300, Section 81, Brazoria County, Texas
>
> GENERAL LOCATION**:** South Side of Broadway Street, east and west of Kirby Drive, and west of Business Center Drive, 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. This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 22nd day of September, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 29th day of September, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

142.9664 acres of land out of Pearland Town Center, a subdivision of 143.6500 acres as recorded under File Number 2007008914 of the Plat Records of Brazoria County, Texas, and situated in the H.T. & B.R.R. Company Survey, Abstract 300, Section 81, Brazoria County, Texas

Exhibit B
Location Map

Exhibit C
Legal Ad

NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL

AND

THE PLANNING AND ZONING COMMISSION

OF THE CITY OF PEARLAND, TEXAS

ZONE CHANGE APPLICATION NUMBER: 2014-13Z

Notice is hereby given that on August 18, 2014 at 7:30 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 Alysia Gordon and Tier Allender, applicants; on behalf of Pearland Town Center, owner; for approval of a change in zoning to amend the signage regulations of the Pearland Town Center PUD; on approximately 142.97 acres of land, to wit:

142.9664 acres of land out of Pearland Town Center, a subdivision of 143.6500 acres as recorded under File Number 2007008914 of the Plat Records of Brazoria County, Texas, and situated in the H.T. & B.R.R. Company Survey, Abstract 300, Section 81, Brazoria County, Texas

General Location: South Side of Broadway Street, between Kirby Drive, to the west and Business Center Drive, to the east, Pearland, Texas

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

Johnna Matthews
City Planner

Exhibit D
Planning and Zoning Commission Recommendation Letter

Planning & Zoning Commission

August 19, 2014

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

Re: Recommendation on Zone Change Application No. 2014-13Z; an amendment to the Pearland Town Center Planned Development (PD), regarding off-premise wall signs

Honorable Mayor and City Council Members:

At their meeting on August 18, 2014, the Planning and Zoning Commission considered the following:

A request of Alysia Gordon and Teir Allender, applicants; on behalf of Michael Lebovitz, Executive Vice President of Development and Administration for Pearland Town Center, LP, owner; for approval of a change in zoning to amend the sign regulations contained within the Pearland Town Center PUD; on approximately 142.97 acres of land, to wit:

Legal Description: 142.9664 acres of land out of Pearland Town Center, a subdivision of 143.6500 acres as recorded under File Number 2007008914 of the Plat Records of Brazoria County, Texas, and situated in the H.T. & B.R.R. Company Survey, Abstract 300, Section 81, Brazoria County, Texas

General Location: South side of Broadway Street, east and west of Kirby Drive, and west of Business Center Drive, Pearland, Texas

Commissioner Elizabeth McLane made a motion to approve the zone change request, to amend the sign regulations regarding off-premise advertising for the Pearland Town Center PD. The motion was seconded by Commissioner Linda Cowles.

The motion passed 7/0, with the following conditions:

1. The applicant proposes that all off-premise wall advertising signs are approved by the owner. City approval, other than the normal permitting process will no longer be required. Staff recommends City approval once, through the permitting process for all new frames, to ensure public safety and structural integrity of new frames. ***Please clearly indicate this in the PD document.***

2. Staff requests that Exhibit B-2 is updated to reflect changes proposed regarding advertising on the main tower (J) and the two (2) lower towers (H and C).

3. Staff requests a red-line and an addendum to be added to the master PD document for the Pearland Town Center.

4. There is a discrepancy regarding the total square footage on Exhibit B-2, with the removal of Sign G.

Sincerely,

Johnna Matthews

City Planner
On behalf of the Planning and Zoning Commission

Exhibit E
Pearland Town Center Planned Development (PD)

See the Following Pages

AMENDMENT TO

PEARLAND TOWN CENTER PUD

(PUD DISTRICT) ORDINANCE

Article XVII, Section 13 (Off-Premises Advertising Signs) is hereby amended as follows:

1. Subsection a(1) is hereby amended by deleting Exhibit B-2 (on Page 39) and substituting the attached Exhibit B-2 in its place.
2. All off-premise wall advertising signs are approved by the owner. City approval, other than the normal permitting process will no longer be required. Staff recommends City approval once, through the permitting process for all new frames, to ensure public safety and structural integrity of new frames. This does not apply to existing frames. This does not apply to creative design.

2. Subsection a(2) and Exhibit D are hereby deleted, and the following is substituted in their place:

2(A) **OFF-PREMISES ADVERTISING WALL SIGN DESIGN GUIDELINE USE:**

The purpose of these Off-Premises Advertising Wall Sign Design Guidelines is to communicate the design guidelines and establish responsibilities for design, review and implementation of the signs. Design character, specific detail of the structure as well as general quality standards are to be considered by the advertiser and its Graphic Designer & Advertiser. The Design Criteria will provide specific aesthetic examples and outline acceptable guidelines to insure a cohesive vision for Pearland Town Center. Specific topics concerning location, size and Pearland Town Center Design Vision are addressed. In addition, individual signs must adhere to specific criteria which is determined by their location and their specific architectural context. In this way, each sign will be reviewed on an individual basis in context to ensure diverse and creative design solutions. The Graphic Designer and installer should also understand this criteria in order to expedite design approval. All signs shall be subject to the approval of the Owner.

(B) **OVERALL CONCEPT:**

Signage should be inviting and easily understood. Awareness of the contextual complexities of the surrounding wall and common outdoor areas and how that applies to the overall center and the individual advertising sign is critical. With that in mind, the Owner encourages a wide range of design freedom within this context for the signage contractor and advertiser to express their corporate image and individuality. The entirety of the wall sign may be used by the advertiser to express their corporate image, products and services. Ultimately, exciting design with quality, durable materials will be the primary criteria.

The advertiser shall not display or permit to be displayed any sign that (i) contains material that is obscene or defamatory, (ii) is not suitable for all audiences, (iii) contains material of a graphic nature, which includes but is not limited to violent or pornographic imagery, (iv) advertises for or otherwise relates to tobacco or tobacco products, firearms, political figures, candidates or issues, religion, religious figures, or places of worship, or (v) otherwise includes material inimical to the retail environment that Owner seeks to maintain with respect to the Shopping Center.

Advertising Signs are intended to be fixed to the existing frames that are currently on the façade of the building at established locations and be non-illuminated. They are intended as much for their decorative value to the buildings and streetscape as for their advertisement of the advertiser's identity. The Owner encourages the use of identity graphic elements and/or creative color and material innovations.

The Owner is anticipating a wealth of unique and tasteful means of Advertiser expression establishing appropriate levels of distinction and authenticity within the project adding variety and visual character to the overall center. Off-premises Advertising Signs shall provide a friendly, pedestrian scale with attention directed to those strolling along the sidewalks and driving through the center.

(C) **OWNER APPROVAL:**

All signage, including signs of a temporary nature, must be approved by the Owner in writing before use.

The sign contractor is to provide a dimensioned color layout showing the proposed image for approval by the Owner.

(D) **SIGN CONTRACTOR RESPONSIBILITIES:**

The Sign Contractor is responsible for field verifying the actual sign frames.

All signs remain subject to Owner's Advertising Wall Sign Design Guidelines and Owner approval.

The Sign Contractor is responsible for installing and removing all graphic panels. Frames are to remain as part of the Owner's property. If frame is damaged during install or removal of panels, Sign Contractor is responsible for repair or replacement.

Sign Contractor is responsible for reinstalling Owner's placeholder graphics once Sign Contractor provided graphics are removed.

(E) **OWNER RESPONSIBILITIES:**

To ensure the off-premises advertising signs compliment the overall architectural character of the Pearland Town Center.

3. Subsection (a)(4) is hereby deleted.

4. The following Subsection (b) is hereby added:

Off-Premises Banners, etc., shall be permitted as follows:

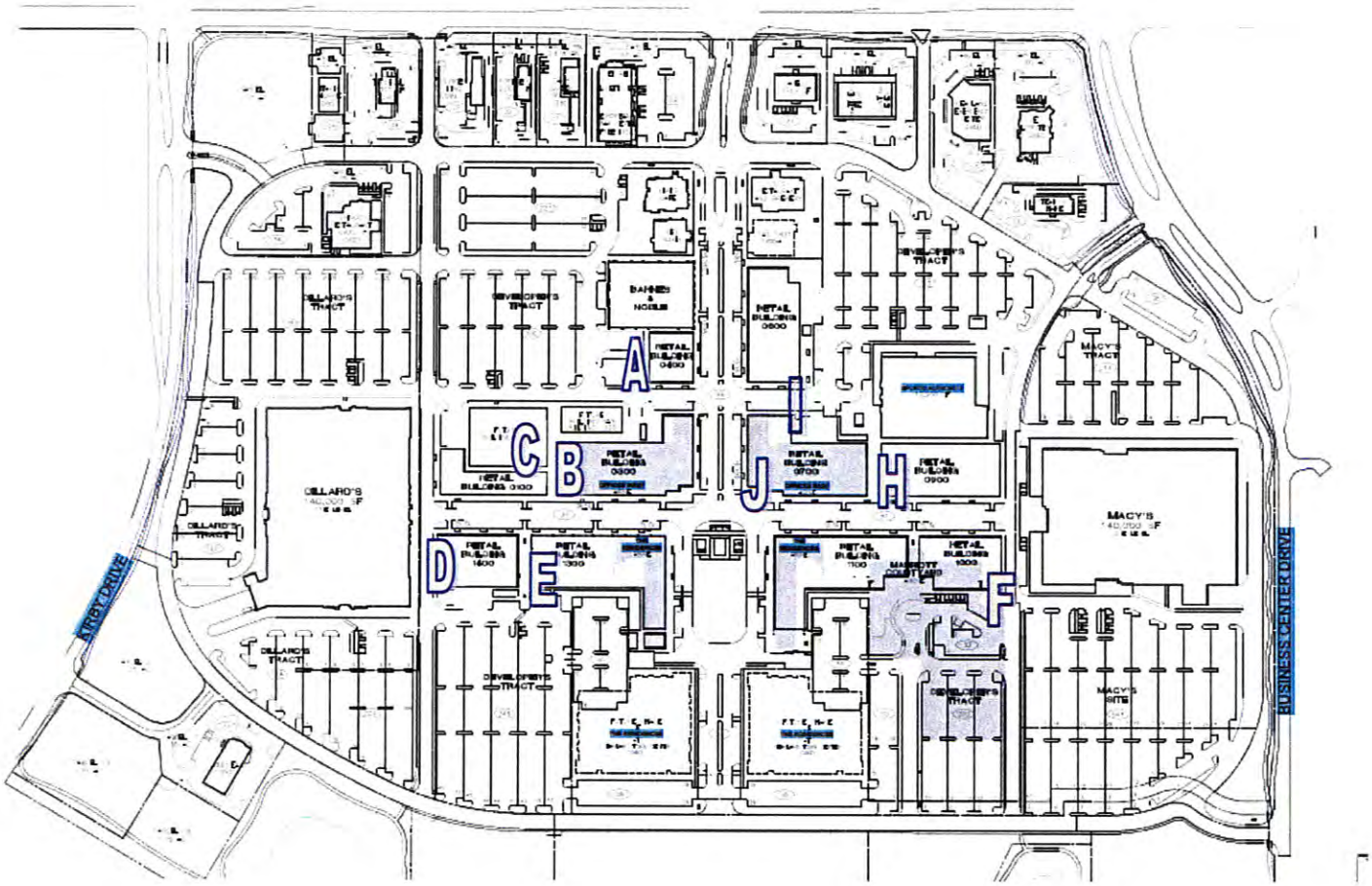
Off-Premises advertising banners and windblown signs, such as pennants, banners, flags and streamers, provided each does not exceed 432 SF in area. There shall be no limit on the amount of advertising pennants, banners, flags and streamers along Town Center Drive, East or West Main Streets or other circulation routes within the PUD, provided they are not visible from public streets. All pennants, banners, flags and streamers shall be submitted to the Owner for review and approval.

5. The following Subsection (c) is hereby added:

Tower advertising shall be permitted as follows:

Off-Premises wall signs shall be permitted on the Main Tower and the two Lower Towers designated on Exhibit B-2. All signage must be approved by the Owner in writing before use. Tower signage shall comply with the requirements of Section a(2) above.Tower Signage is defined as a Wallscape Sign that has elevation.

Exhibit B-2 Off-Premise Advertising Signs



Sign	Visible Opening	Area (SF)
A	24'-00" x 18'-0"	432.00 SF
B	12'-0" x 18' - 0"	216.00 SF
C	10'-6 3/8" x 15'-4 3/4"	162.14 SF
D	10'-0" x 18' -0"	180.00 SF
E	14'-0" x 10'-0"	140.00 SF
F	10'-0" x 15'-8"	156.67 SF
H	10'-6 3/8" x 15'-4 3/4"	162.14 SF
I	16'-0" x 9'-6"	152.00 SF
J	13'-0" x 30'-0"	390.00 SF
TOTAL		1990.95 SF

Pearland
TOWN CENTER

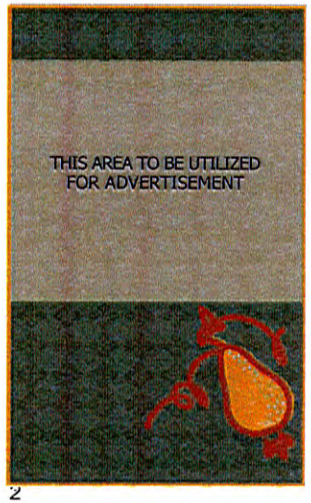
OFF PREMISE ADVERTISING WALL SIGN DESIGN GUIDELINES / 11.16.09
EXHIBIT D OF THE PEARLAND TOWN CENTER PD

CBL
CBL & ASSOCIATES PROPERTIES, INC.

omniplan

~~FRAME OPTION~~

1



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~~FRAME OPTION~~

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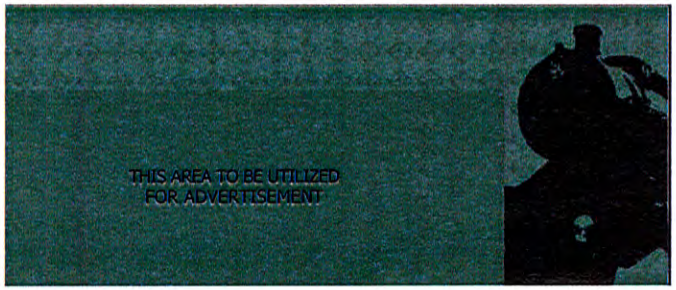
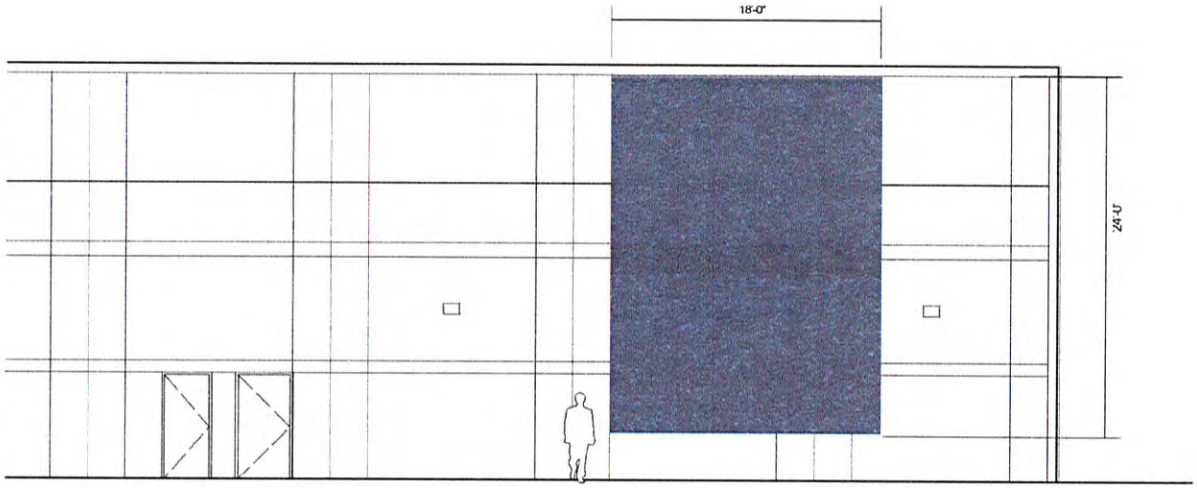


6

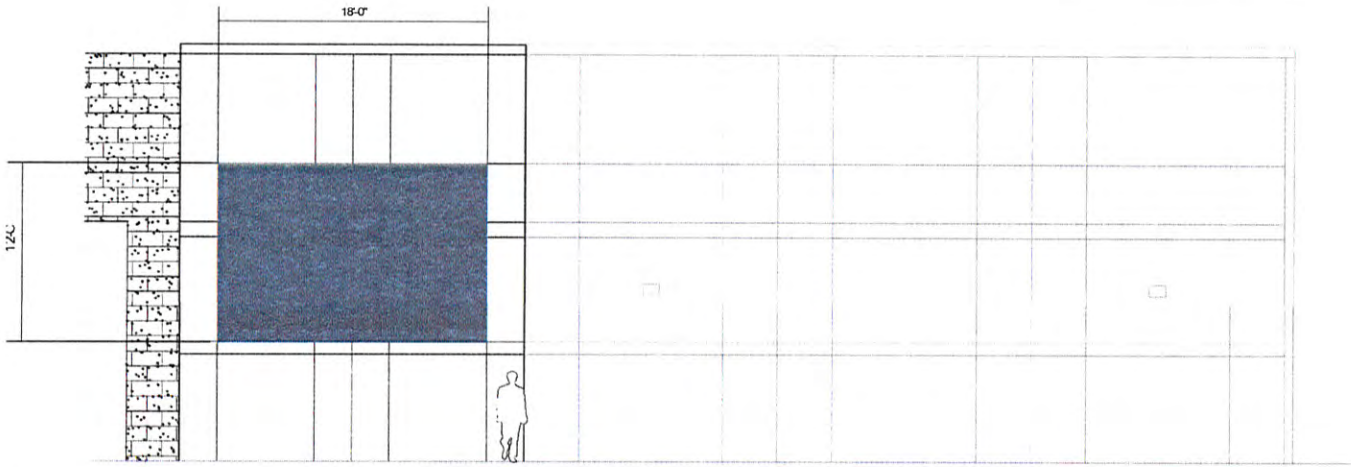
3

~~THIS AREA TO BE UTILIZED FOR ADVERTISEMENT~~



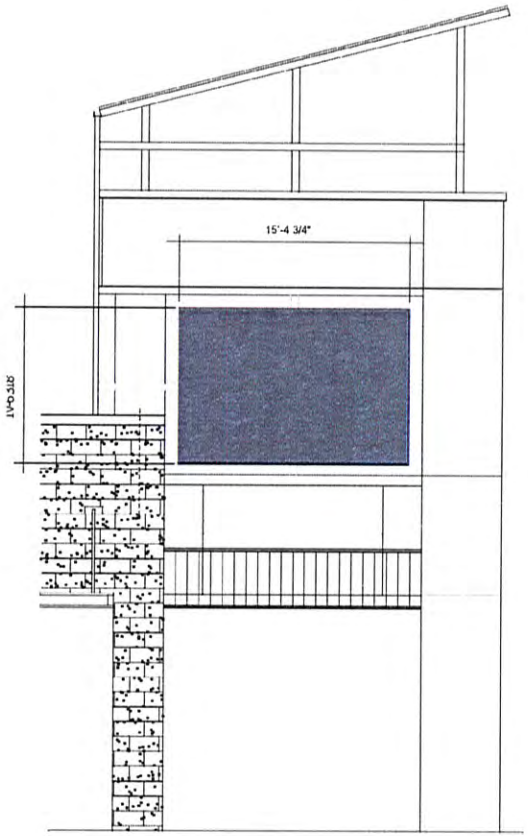
~~SIGN TYPE A - BUILDING 0400 - WEST WALL~~

~~scale 1/8" = 1'-0"~~

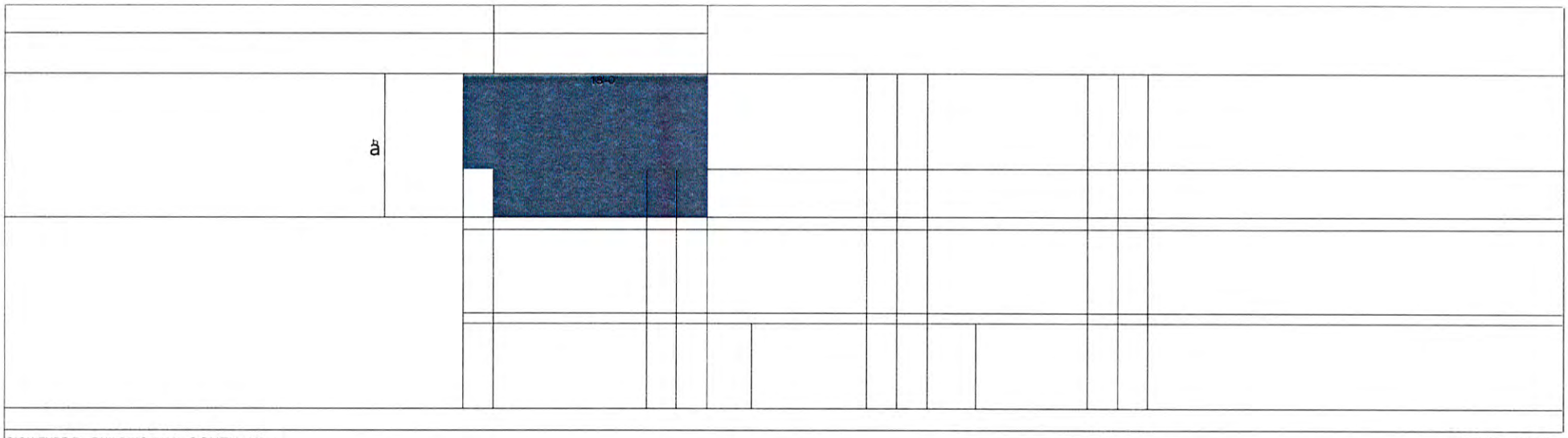


~~SIGN TYPE B - BUILDING 0100 - EAST WALL~~

~~scale 1/8" = 1'-0"~~

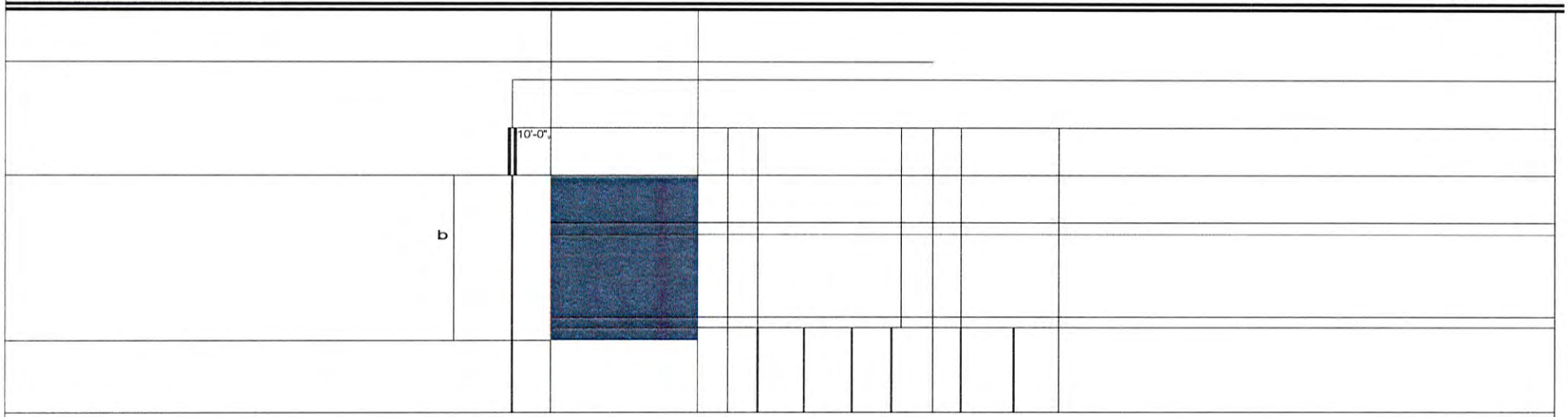


~~SIGN TYPE C - BUILDING 0100 - TOWER~~ ~~scale 1/8" = 1'-0"~~



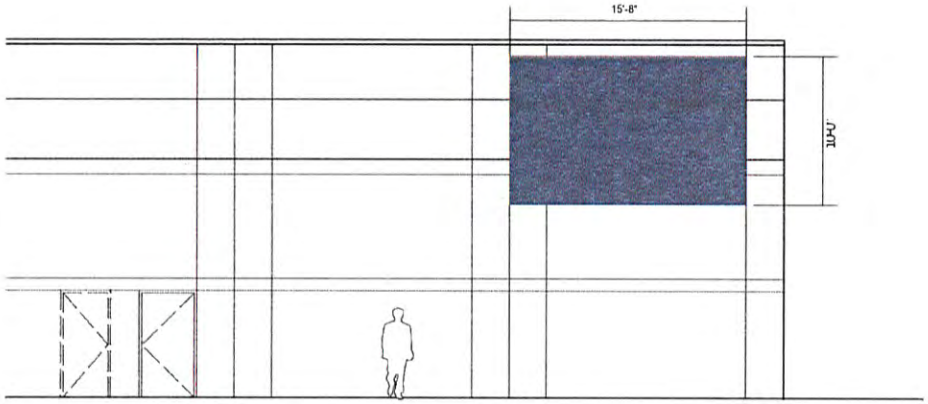
SIGN TYPE D - BUILDING 1400 - SOUTH WALL

scale 1/8" = 1'-0"



SIGN TYPE E - BUILDING 1300 - SOUTH WALL

scale 1/8" = 1'-0"



~~SIGN TYPE F - BUILDING 1000 - SOUTH WALL~~

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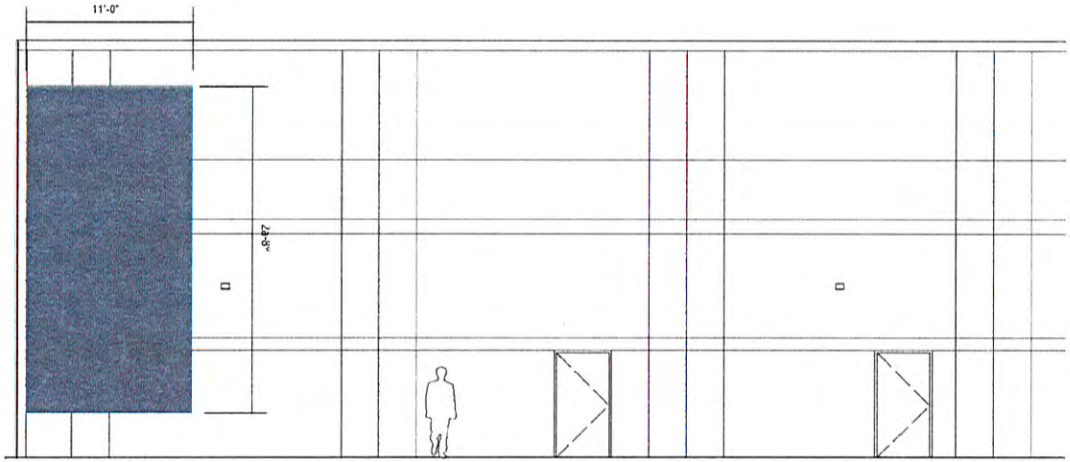
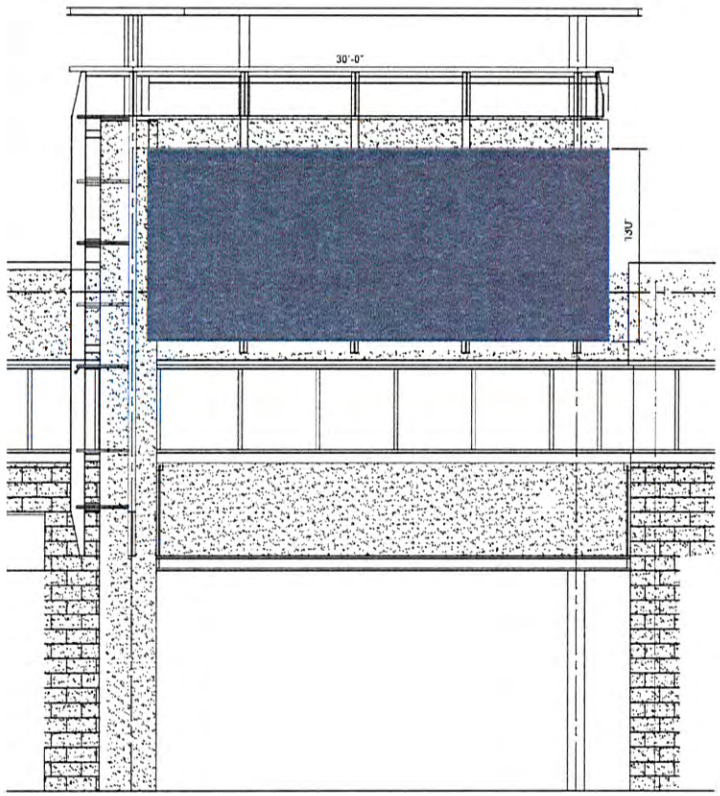


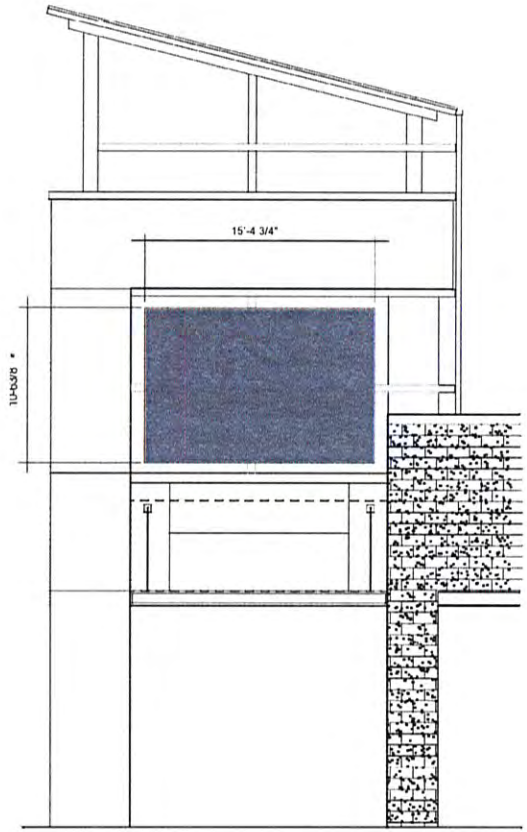
~~SIGN TYPE G - BUILDING 0900 - NORTH WALL~~

~~scale 1/8" = 1'-0"~~



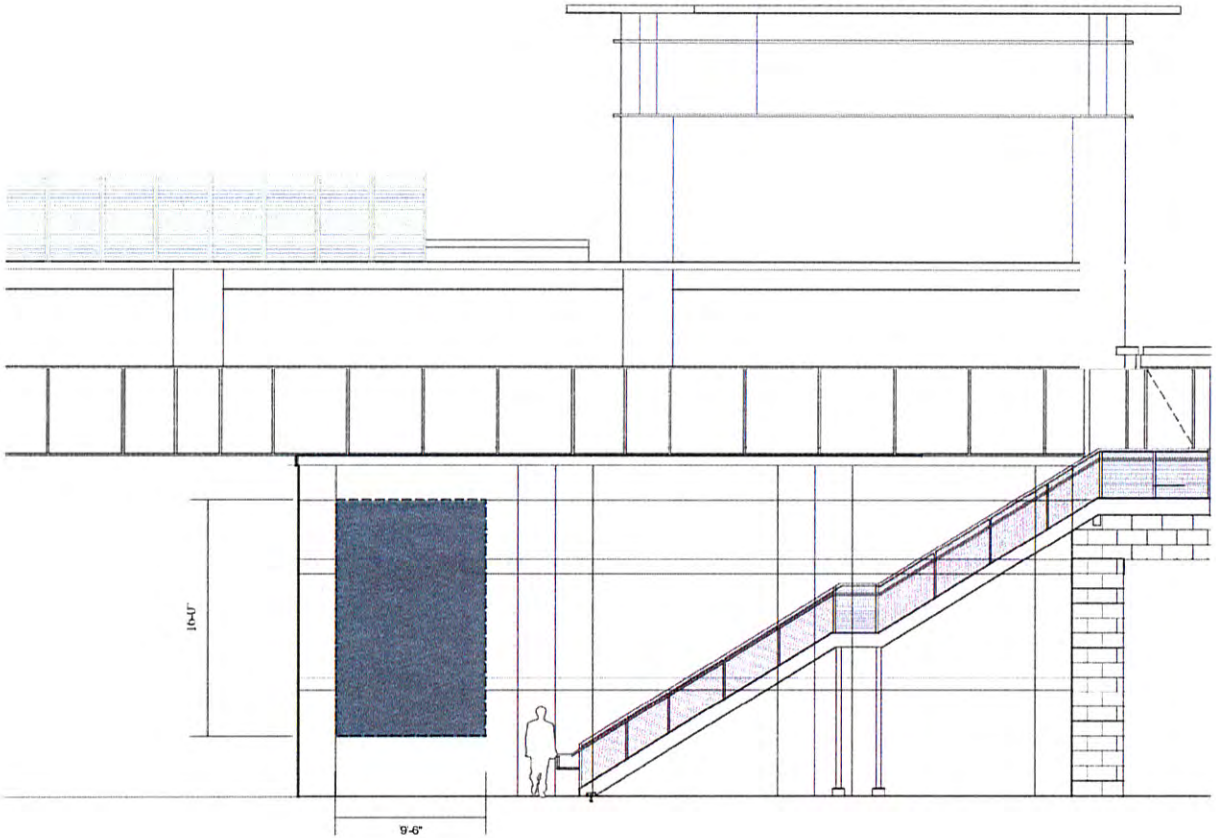
~~SIGN TYPE J - BUILDING 0700 - TOWER~~

~~scale 1/8" = 1'-0"~~



SIGN TYPE H - BUILDING 0900 - TOWER

~~scale 1/8" = 1'-0"~~



~~SIGN TYPE I - BUILDING 0700 - NORTH WALL~~

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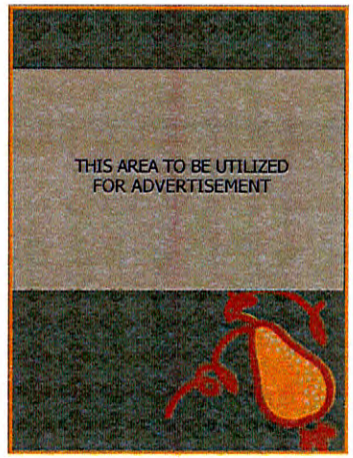

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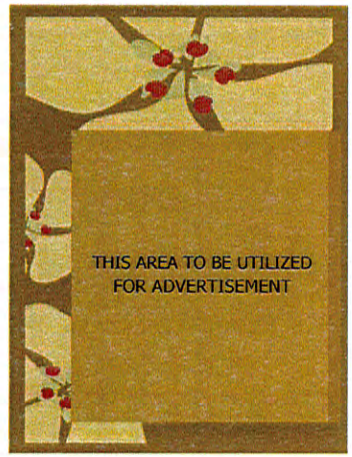

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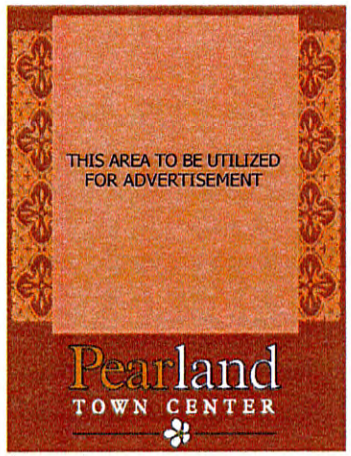

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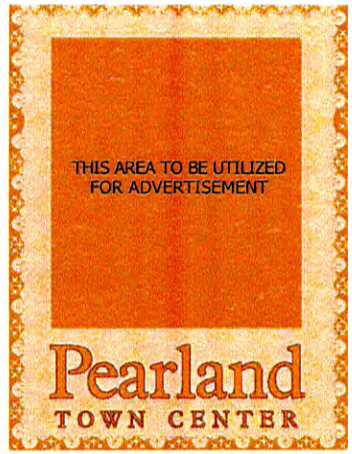

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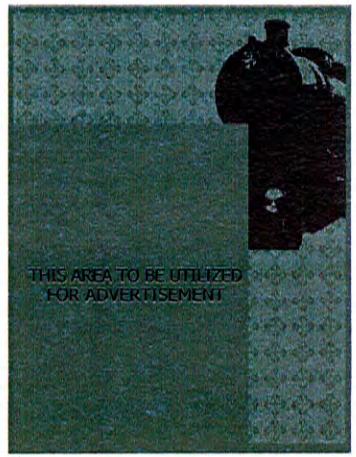

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~~FRAME OPTION~~

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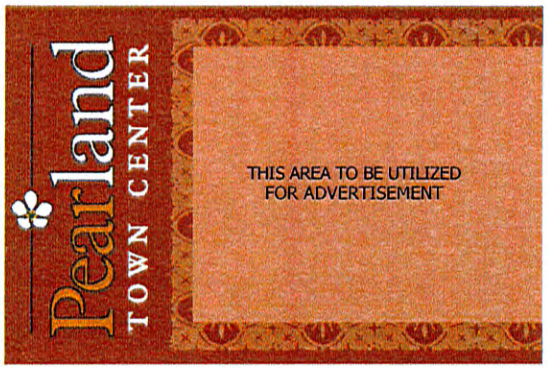

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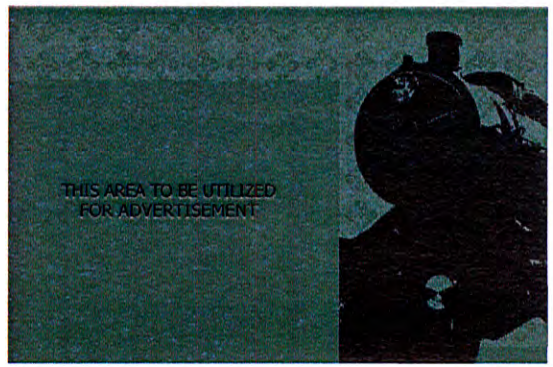

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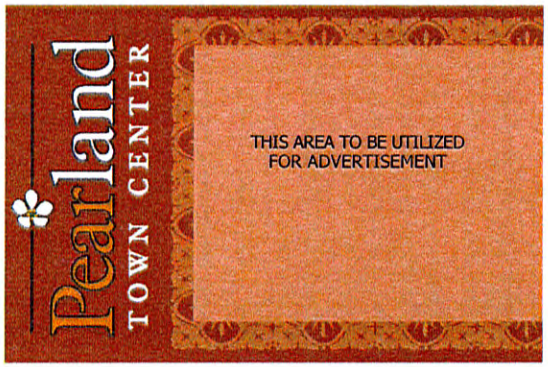

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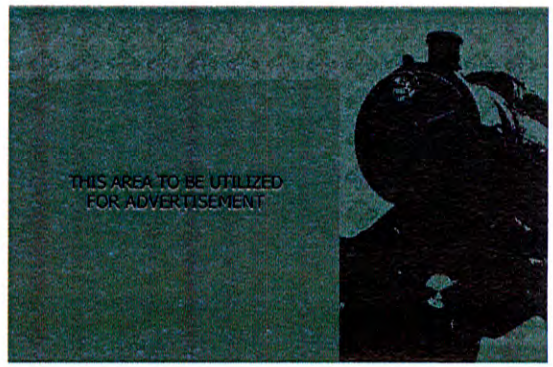

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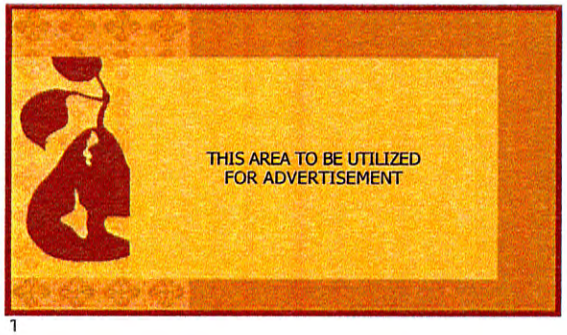

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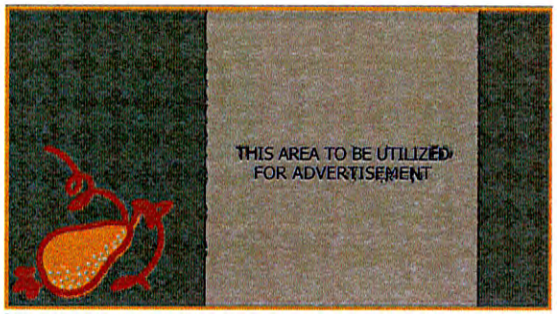

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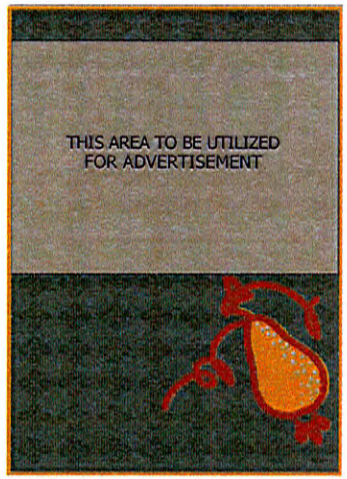

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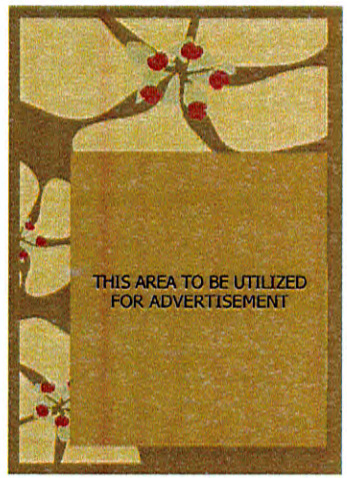

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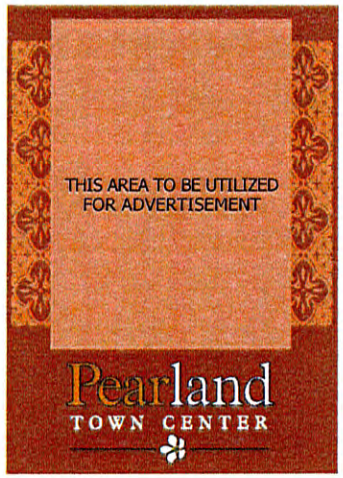

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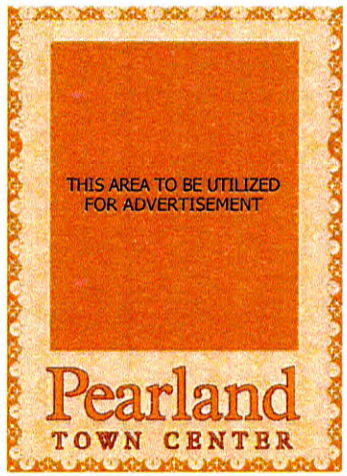

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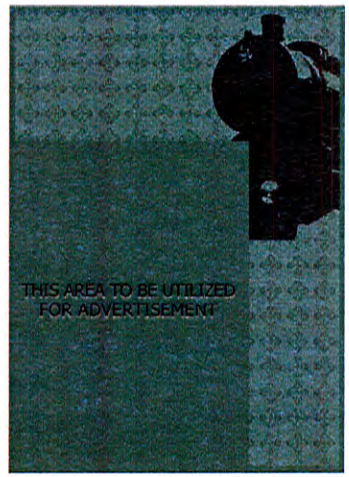

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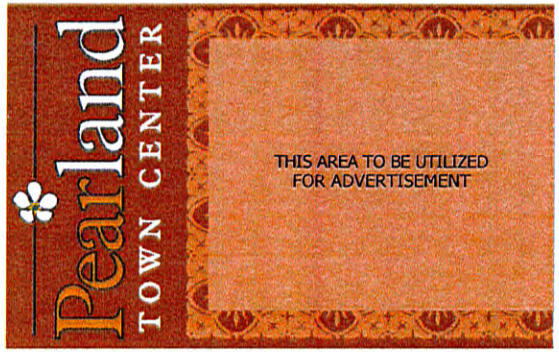

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~~FRAME OPTION~~

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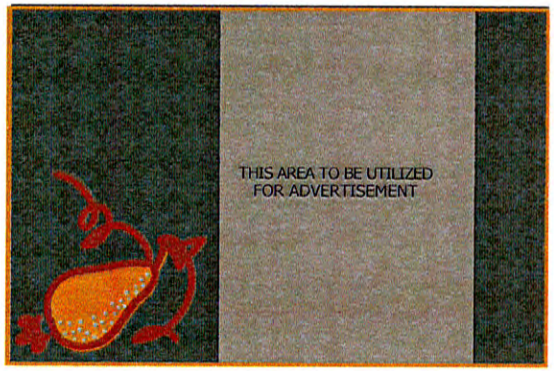

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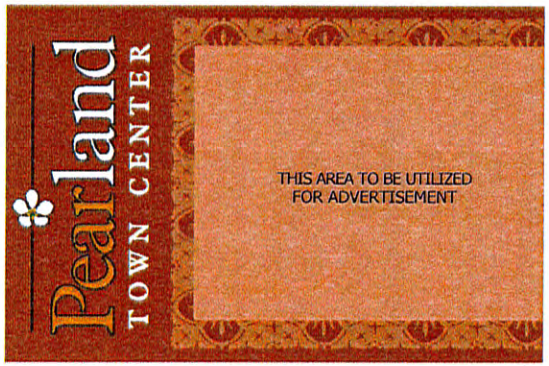

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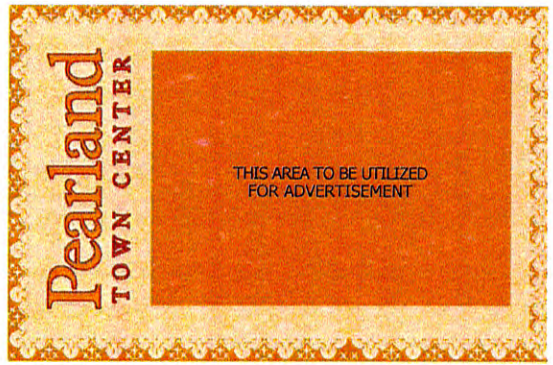

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6

~~PALETTE OPTION~~

~~PALETTE OPTION: EXAMPLE LAYOUTS~~

~~The example layouts are provided for reference only to convey the general spirit and design vision for the implementation of the Palette Option. Advertiser, Graphic Designer and Sign Contractor are encouraged to be creative in the use and composition of the advertisement sign design incorporating the permissible colors, patterns and/or imagery to e* ectively compliment the intended advertisement and character of Pearland Town Center.~~

~~Color example: background color has been selected from the palette of colors on page 10. The logo, text and pestle/mortar image are no greater than 30% of the viewable area.~~

~~Color/pattern example: edge color has been selected from the palette of colors on page 10. The background pattern has been selected from page 11, pattern colors have been selected from page 10. The logo, text and pestle/mortar image are no greater than 30% of the viewable area.~~

~~Color/pattern/imagery example: edge color has been selected from the palette of colors on page 10. The background pattern has been selected from page 11, pattern colors have been selected from page 10. Pharmacist image has been taken from image #CB/I 6 on page 13. The logo, text and pestle/mortar image are no greater than 30% of the viewable area.~~

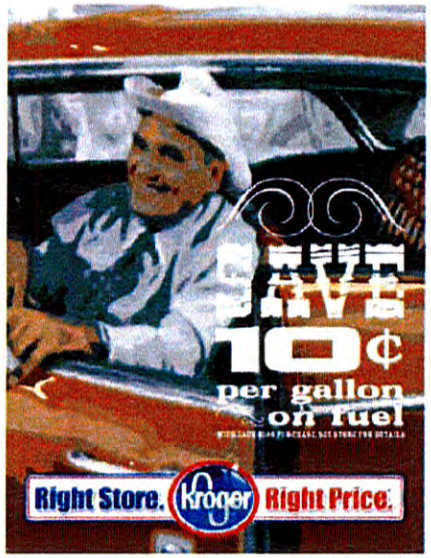
C
OLOR EXAMPLE

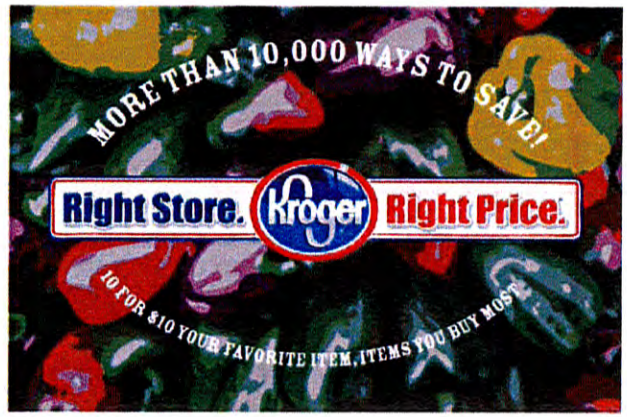
COLOR/PATTERN EXAMPLE

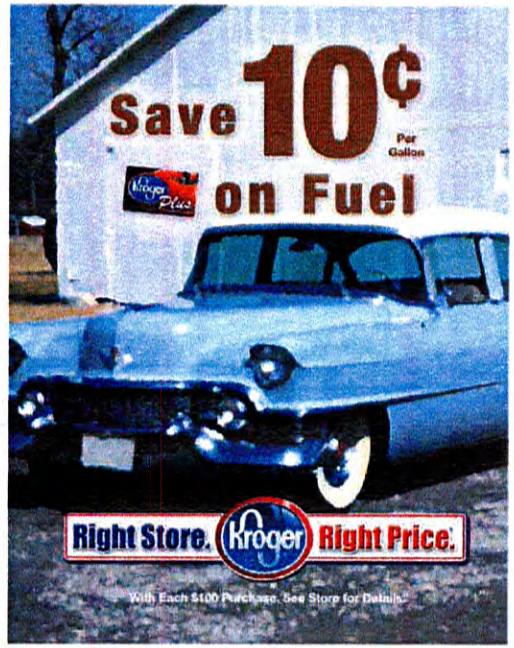
COLOR/PATTERN/IMAGERY EXAMPLE

~~PALETTE OPTION: IMAGERY EXAMPLE LAYOUTS~~

~~These examples show the imagery as the "background" of the advertising elements. Advertisers who chose to use the provided imagery may also use it as a portion or part of the ad and not the entire background. The image may be digitally adjusted using * ltering software and content may be taken out of the image as a single item as shown on page 4. The imagery selected by the advertiser is meant to form a basis for the graphic layout and design.~~

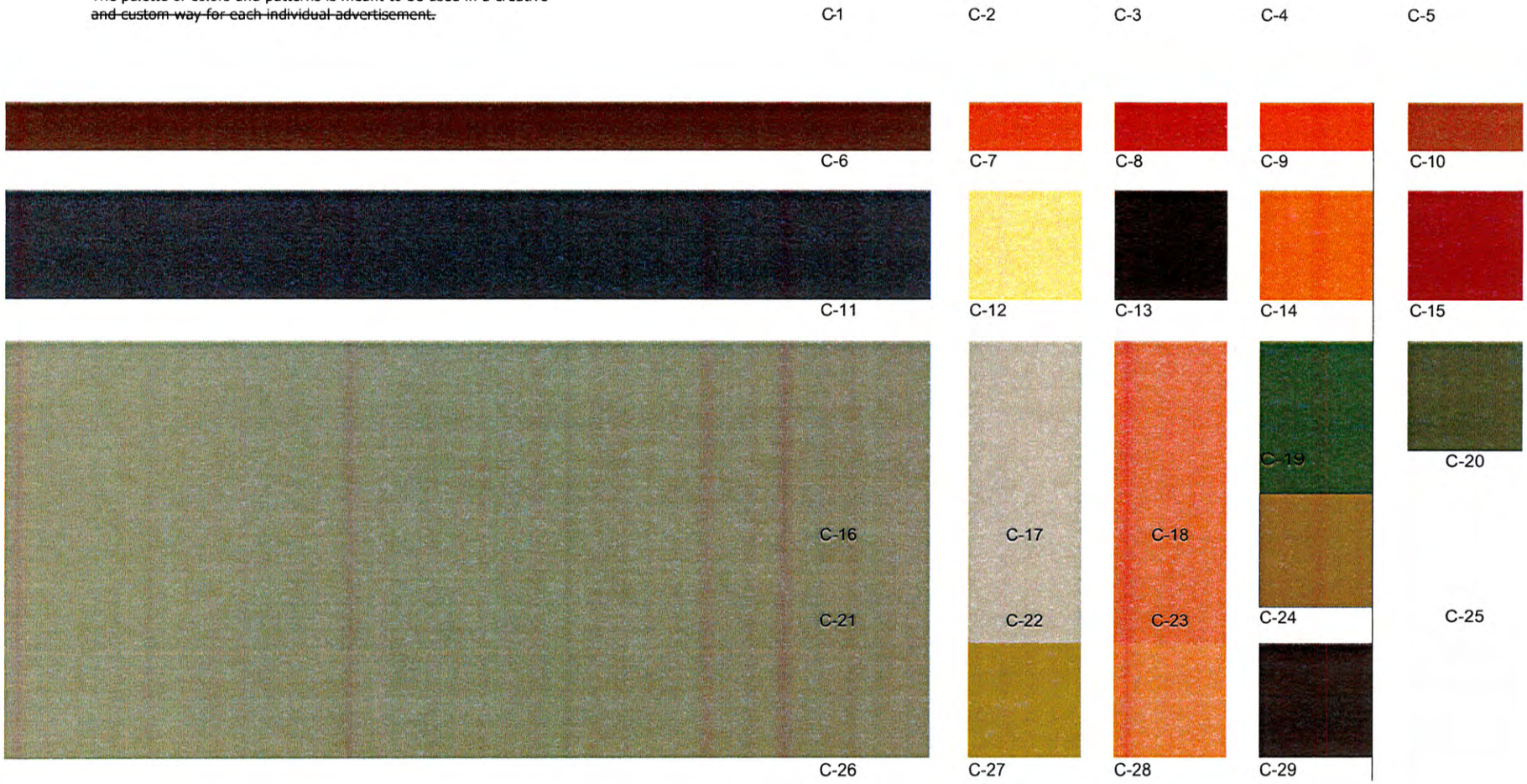






~~PALETTE OPTION: COLORS~~

~~The palette of colors and patterns is meant to be used in a creative and custom way for each individual advertisement.~~



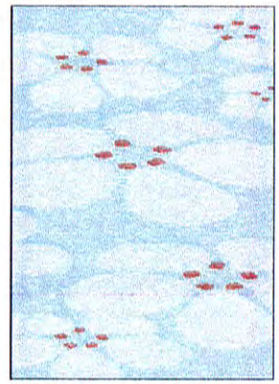
~~PALETTE OPTION: PATTERNS~~

~~Patterns may be scaled as well as ajusted to contain any of the colors in the color palette. These are the patterns available in any of the approved colors in the color palette.H~~

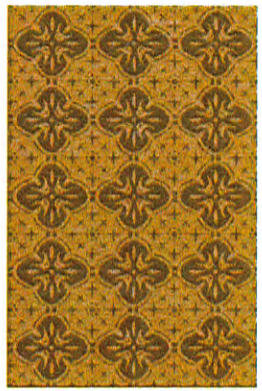
P-1

P-2

P-3


P-4

P-5


P-6

P-7

P-8

~~PALETTE OPTION: HARVEST IMAGERY~~

HI-1

HI-2

HI-3

HI-4

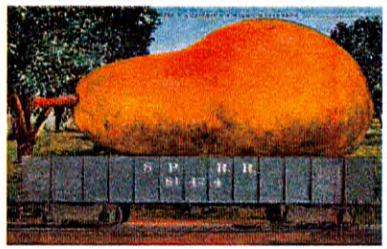
HI-5

HI-15

HI-14

HI-6

HI-16



HI-13

HI-12

HI-9

HI-8

HI-7

HI-11

HI-10

~~PALETTE OPTION: COMMERCE/BUSINESS IMAGERY~~

C/BI-1

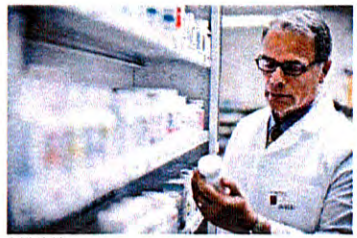
C/BI-2

C/BI-3

C/BI-4

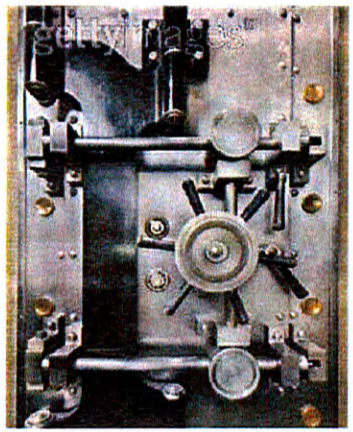
C/BI-5

C/BI-6



C/BI-7

C/BI-8



C/BI-9

~~PALETTE OPTION: HOLIDAY/SEASONAL IMAGERY~~

H/SI-1

H/SI-2

H/SI-3

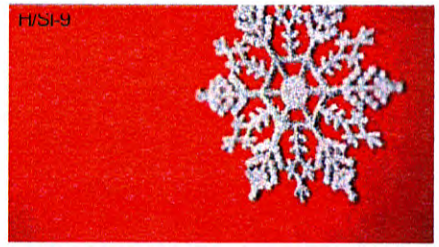
H/SI-4

H/SI-5

H/SI-6

H/SI-7

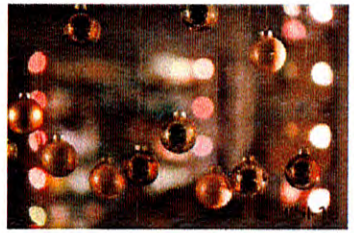
H/SI-8

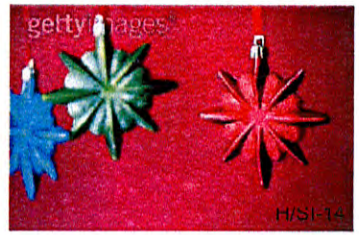

H/SI-9

H/SI-10

H/SI-11

H/SI-12

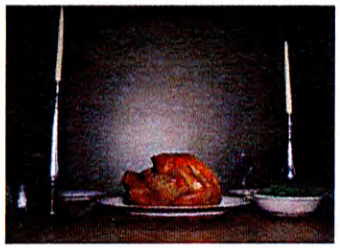

H/SI-13


H/SI-14

H/SI-15

H/SI-16

H/SI-17


H/SI-18

H/SI-19

H/SI-20

H/SI-21

~~PALETTE OPTION: RODEO/COWBOY IMAGERY~~

R/CI-1

R/CI-2

R/CI-3

R/CI-4

R/CI-5

R/CI-6

R/CI-7

R/CI-8

R/CI-9

R/CI-10

R/CI-11

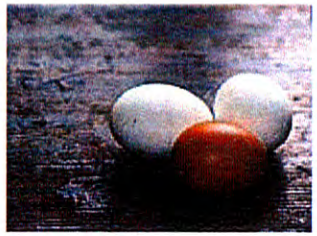
~~PALETTE OPTION: MISCELLANEOUS IMAGERY~~

MI-1

MI-2

MI-3

MI-4



MI-5

MI-6

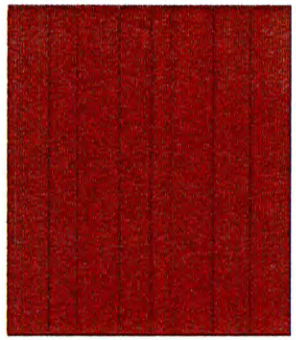
MI-7

MI-8

MI-9

MI-10

MI-11



MI-12

MI-13

~~FRAME OPTION~~

~~FRAME OPTION EXAMPLES~~

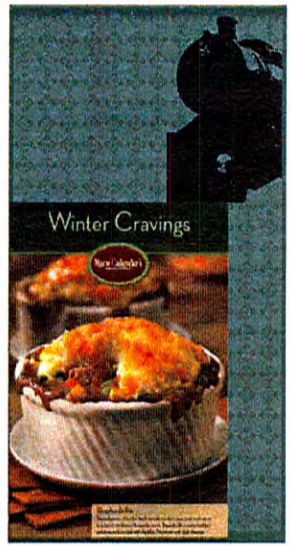
~~Frames form a standard background for an advertisement. Each sign position(A, D,E,F,G and I) will have 6 frame options to choose from. The layout is standardized and cannot be adjusted. The standardized background pattern and imagery icon are standard to the layout and cannot be adjusted. If desired, the colors may be adjusted if chosen from the palette of permissible colors (refer to page 9 in these Guidelines).~~

1

3

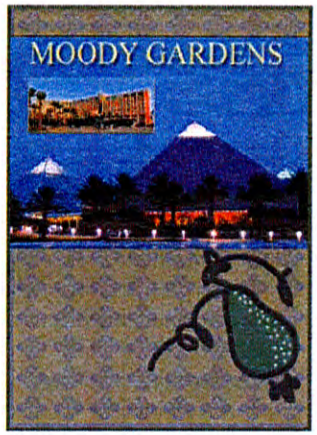
4

6



5

2



GENERAL INFORMATION

Owner / Developer

CBL & Associates Properties, Inc.
CBL Center
2030 Hamilton Place Blvd., Suite 500
Chattanooga, TN 37421
o.423-855-0001
f.423-490-8626
Contact - Ken Wittler

Architect

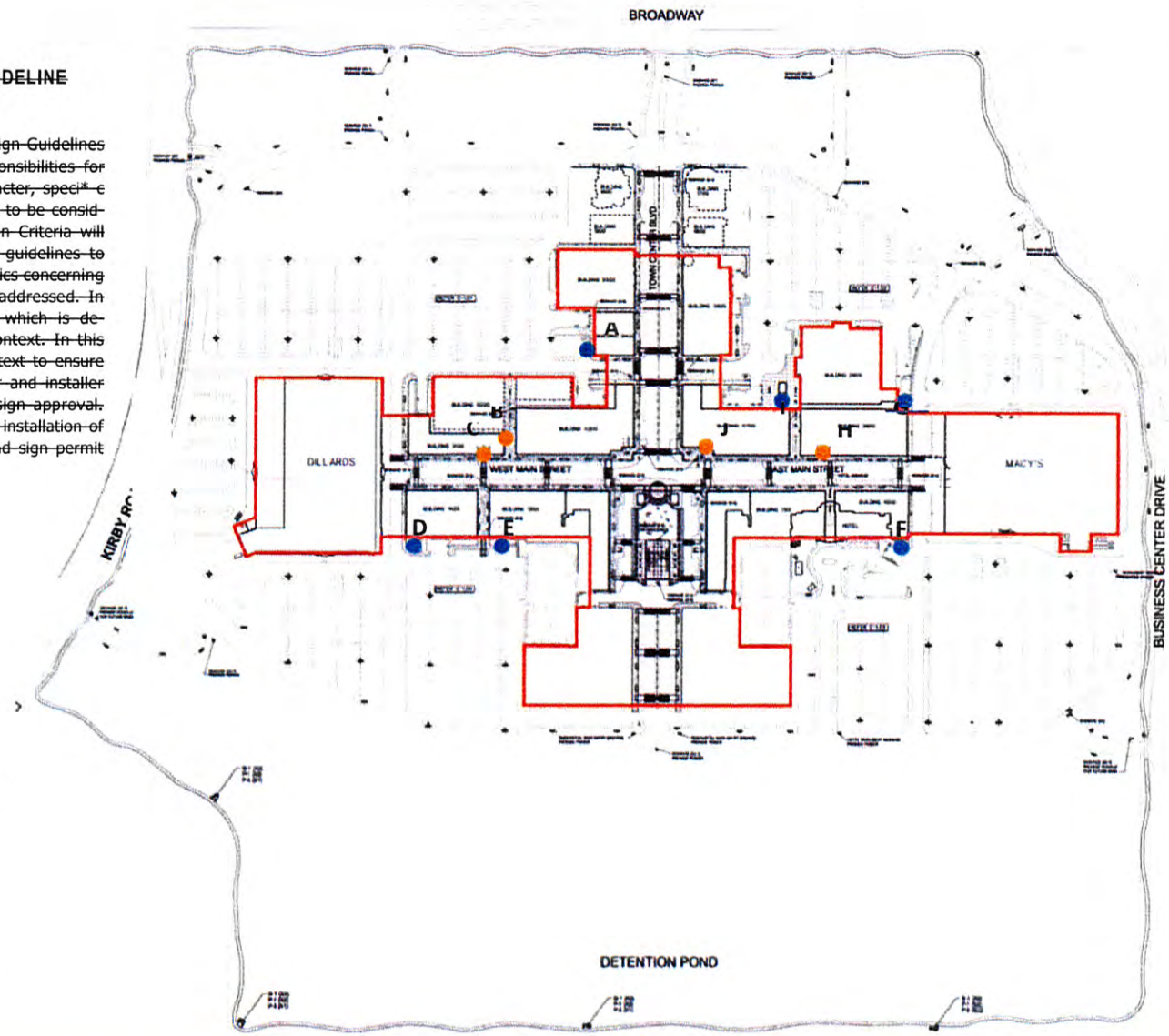
Omniplan
1845 Woodall Rodgers Frwy.
Suite 1500
Dallas TX, 75201 o.214-826-7080 Contact - Randy McCown

Permitting and Design Review

City Hall
3523 Liberty Drive
Pearland, TX 77581
o.281-652-1701
www.cityofpearland.com

~~OFF-PREMISE ADVERTISING WALL SIGN DESIGN GUIDELINE USE:~~

~~The purpose of these O*-Premise Advertising Wall Sign Design Guidelines is to communicate the design guidelines and establish responsibilities for design, review and implementation of the signs. Design character, speci*-c detail of the structure as well as general quality standards are to be considered by you, your Graphic Designer & Advertiser. The Design Criteria will provide speci*-c aesthetic examples and outline acceptable guidelines to insure a cohesive vision for Pearland Town Center. Speci*-c topics concerning location, size and Pearland Town Center Design Vision are addressed. In addition, individual signs must adhere to speci*-c criteria which is determined by their location and their speci*-c architectural context. In this way, each sign will be reviewed on an individual basis in context to ensure diverse and creative design solutions. Your Graphic Designer and installer should also understand this criteria in order to expedite design approval. After the Sign has been approved by the Owner, and prior to installation of the o*-premise advertising sign, an approved City of Pearland sign permit must be obtained.~~



~~EXTERIOR FACING WALL SIGN LOCATIONS~~

~~MUST BE SUBMITTED TO OWNER AND CITY FOR REVIEW APPROVAL~~

~~INTERIOR FACING WALL SIGN LOCATIONS~~

~~MUST BE SUBMITTED TO OWNER FOR REVIEW APPROVAL~~

~~LOCATION PLAN~~

~~DESIGN VISION:~~

~~Shopping and entertainment complement life and work activities in this mixed-use lifestyle center. Diverse components harmoniously woven together help form an authentic place with a strong connection to the Pearland, Texas community. Master planned as an "urban" town center, the street grid organizes single and multi-story structures to create interesting outdoor spaces while framing compelling vistas. Vehicular circulation provides access and dynamic movement energizing the outdoor space. Community space, specialty merchandising, patron amenities and sidewalk activity allow customers diverse opportunities to "dial-in" their own personal experiences. Nodes and intersections provide energized focal points and transitional connections between blocks. Paseos provide pedestrian access from parking areas to the shops and frame interesting views. Plaza nodes provide energized activity points and transitional connections between the outdoor spaces. Aesthetic character of this place is derived from qualities and identity connected to this time and place; a pragmatic and meaningful architectural, graphics, landscaping and lighting expression appropriate to Pearland heritage and this region of Texas. The primary form given for the project is retail. High quality storefront design utilizing quality materials executed in authentic stylistic proportion and composition will make this a desirable place to spend time and foster an emotional patron connection.~~

~~OVERALL CONCEPT:~~

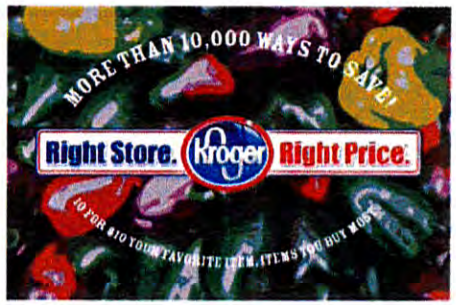
~~**There are 2 options for creating the advertising signage, a palette option and a frame option.** The palette option makes use of a given palette of colors, patterns and imagery for the advertisers to use in creating their ad panel. The frame option uses standard frames as backgrounds for the advertisement.~~

~~Digital templates for the Frame Option as well as individual digital images for the permissible color, pattern and background components of the Palette Option will be provided by the owner for advertiser, graphic design or sign contractor use.~~

~~Signage should be inviting and easily understood. Awareness of the contextual complexities of the surrounding wall and common outdoor areas and how that applies to the overall center and the individual advertising sign is critical. With that in mind, the Owner encourages a wide range of design freedom within this context for the signage contractor and advertiser to express their corporate image and individuality. Ultimately, exciting design with quality, durable materials will be the primary criteria.~~

~~Advertising Signs are intended to be * xed to the existing frames that are currently on the facade of the building at established locations(refer to signage location plan) and be non illuminated. They are intended as much for their decorative value to the buildings and streetscape as for their advertisement of the advertiser's identity. The owner encourages the use of identity graphic elements and/or creative color and material innovations.~~

~~The Owner is anticipating a wealth of unique and tasteful means of Advertiser expression establishing appropriate levels of distinction and authenticity within the project adding variety and visual character to the overall center. O* -premise Advertising Signs shall provide a friendly, pedestrian scale with attention directed to those strolling along the sidewalks and driving thru the center.~~

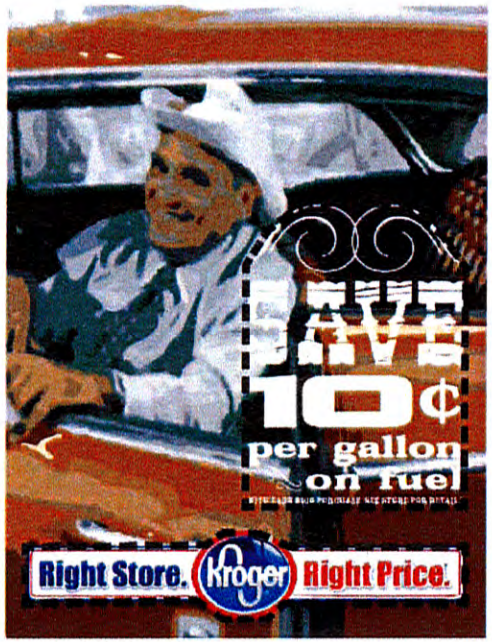


~~Palette Option Criteria:~~
~~Advertiser must use the provided palette of colors/ patterns and imagery to create a custom ad that works with the style of the center and the history and nostalgia of Pearland. Any combination of the provided color, pattern or imagery options may be used to create the advertisement. The area permissible for the advertisers logo, text and brand imagery is 30% of the viewable panel face. The area is calculated by calculating the individual logos, text or brand imagery that is not a part of the provided imagery.~~

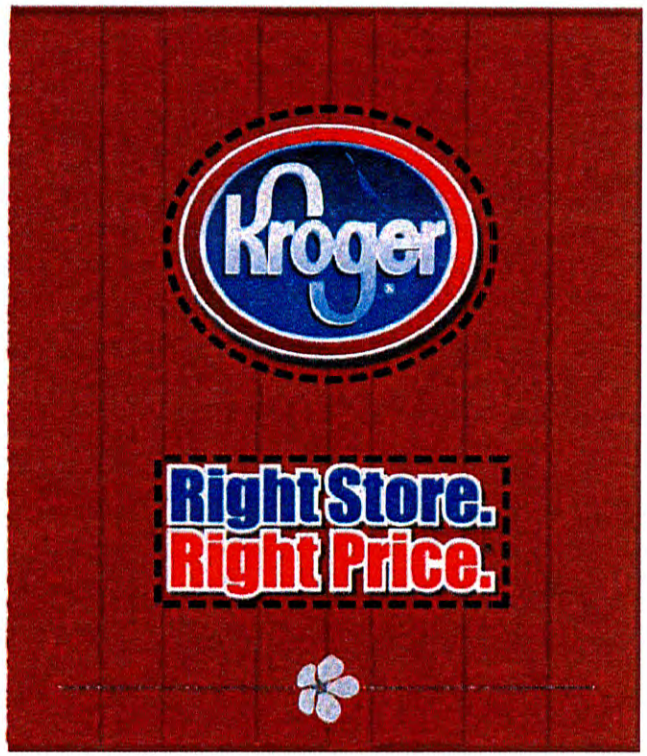
~~Frame Option Criteria:~~
~~Advertiser may choose to use the provided frames for their advertisement. The area permissable for their logo, text and brand imagery is 50% of the viewable panel face. Advertisers may choose to change the colors of the provided frames provided that the colors selected are from the color palette as shown in these guidelines.~~

~~CALCULATION OF ADVERTISEMENT LOGO, TEXT, AND BRANDING IMAGE:~~

~~The area permissible for the advertisers logo, text and brand imagery is 30% of the viewable panel face. The area of the advertiser logo , text and brand imagery is calculated by delineating a tight line about the individual logo, text or brand imagery elements(eg., if a circle is utilized, then the calculation is for the outer edge of the circle, if irregular, then the outer edge of the irregular shape. The permissible colors, patterns and background are not included in the calculation.~~



CALCULATION EXAMPLE A



CALCULATION EXAMPLE B

~~**OWNER APPROVAL:**~~

~~All signage, including signs of a temporary nature, must be approved by the Owner in writing before use.~~

~~The sign contractor is to provide a dimensioned color layout showing the proposed image for approval by the Owner. Submittal must include a drawing indicating which option has been selected(frame or palette). For the palette option, a drawing showing the calculated area of logo or advertisement coverage as well as clearly documented colors, pattern and/or imagery utilized from the permissible options.~~

~~**SIGN CONTRACTOR RESPONSIBILITIES:**~~

~~The Sign Contractor is responsible for * eld verifying the actual sign frame.~~

~~All signs remain subject to Owner's Advertising Wall Sign Design Guidelines and Owner approval.~~

~~All signs must comply with applicable local code and Pearland PUD requirements. Sign Contractor responsible for submittng all signs to City for permit prior to installation. All signs must comply with the Pearland Town Center Planned Development Document and the current Uni* ed Development Code. The Sign Contractor is responsible for obtaining an approved City of Pearland sign permit prior to the installation of O* premise Advertising Sign.~~

~~Sign Contractor is responsible for installing and removing all graphic panels. Frames are to remain as part of Landlord property. If frame is damaged during install or removal of panels Sign Contractor is reponsible for repair or replacement.~~

~~Sign Contractor is responsible for reinstalling Owner's placeholder graphics once Sign Contractor provided graphics are removed.~~

~~**OWNER RESPONSIBILITIES:**~~

~~The ensure the O* premise advertising signs shall compliment the overall architectural character of the Pearland Town Center.~~

Attachment A
Joint Public Hearing Packet

Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: August 18, 2014

Re: Zone Change Application Number 2014-13Z

A request of Alysia Gordon and Teir Allender, applicants; on behalf of Michael Lebovitz, Executive Vice President of Development and Administration for Pearland Town Center, LP, owner; for approval of a change in zoning to amend the sign regulations contained within the Pearland Town Center PUD; on approximately 142.97 acres of land.

Proposal

The applicant proposes to amend Section XVII, Signage; of the Pearland Town Center Planned Unit Development (PUD). The existing regulations within the PUD impose a number of restrictions on off-premise wall signs which are interior to the development, and not visible from public streets. In this context, off-premise signs are those signs that advertise businesses within the Town Center and throughout the development; and will allow businesses not located within the Town Center to advertise within the Town Center. The existing restrictions include limitations on the number, location, size, color, background, etc.; and requires approval from the City of Pearland. According to the applicant, because of the existing restrictions, many of the signs are not being utilized because advertisers typically have their own “branding” advertising materials, color schemes and backgrounds. The amendment, as proposed would allow businesses to utilize their own branding elements with no restrictions on the look, pattern, colors, etc.

The below table indicates existing regulations regarding off-premise advertising, the page number in which the existing sign regulation is to be found in the latest approved amendment (November, 2009) to the PUD and the proposed amendments:

Existing Sign Regulation	Page Number	Proposed Amendment
Replace Exhibit B-2, which	39	Sign G will be completely removed,

removes a 227.33 sf. sign identified as "Sign G."		which decreases the total square footage for all off-premise advertising signs from 2,218.28 sf. to 1,991.21 sf. Applicant is advised to adjust the total square footage on Exhibit B-2, as it illustrates 2,190.95 sf.
Section 13. A. 2 refers to Exhibit D which imposes the following restrictions on off-premise wall signs: • Location restrictions • Design guidelines • City of Pearland approvals • Color palette • Background patterns • Patterns • Imagery Harvest; Commerce/Business; Holiday/Seasonal; Rodeo/Cowboy; Miscellaneous Imagery • Over 60 Frame Options	Exhibit D Page 42	**Amend/Remove the following pages from Exhibit D (Page 42):** • Page 1 to remain • Page 2 to be amended to **remove** "an approved City of Pearland sign permit must be obtained." **Add** "A sign permit shall be approved once by the City of Pearland for all new frames to ensure public safety and structural integrity. • **Remove Location Plan** for off-premise signs and legend, as the applicant proposes no restrictions on the location of off-premise signs, interior to the development, which are not visible from public roadways. • **Add 2(A): Off-Premise Advertising Wall Sign Design Guideline Use,** essentially authorizes Graphic Designer and Advertiser to consider design character to ensure a cohesive vision and authorizes the owner to approve off-premise wall signs. • **Add 2(B) Overall Concept** which allows design freedom of advertising for off-premise wall signs, with restrictions on obscene or defamatory imagery.

		• **Add 2(C) Owner Approval,** requires sign contractor to provide a dimensional color layout and proposed imagery for approval by the owner. • **Add 2(D) Sign Contractor Responsibilities** • **Add 2(E) Owner Responsibilities,** which places square footage limitations of 432 square feet on off-premise advertising banners and windblown signs, such as pennants, banners, flags and streamers, and there shall be no limit on the amount of advertising pennants, banners, flags and streamers along Town Center Drive, east and west of Main Streets or other circulation routes within the PUD, provided they are not visible from public streets. • **Add C, Tower Advertising,** which allows advertising on the Main Tower and the 2 Lower Towers designated on the new Exhibit B2. • **Pages 3-28 to be deleted**, which restrict color, imagery, etc., as indicated above. • **Pages 29-34 to remain, with the exception of Page 32, regarding Sign G, which is proposed to be removed, as part of the proposed amendment.** These pages provide square footage and height regulations for Signs A-F and H-J, as indicated on the

		revised Exhibit B-2.
Replace Exhibit B-2, which removes a 227.33 sf. sign identified as "Sign G."	**39**	Sign G will be completely removed, which decreases the total square footage for all off-premise advertising signs from 2,218.28 sf. to 2,190.95 sf.

Public Notification/Comment

Staff sent 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 amendment to the Pearland Town Center PUD amendment. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant. As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

Recommendation

Staff recommends approval of the amendment to the Pearland Town Center PUD, to remove various restrictions, as it relates to off-premise wall signs, for the following reasons:

1. As used within the Pearland Town Center PUD, "off-premise wall signs" are signs attached to exterior walls of structures within the Town Center that display advertising throughout the entire development. Advertising of businesses not located within the Town Center will also be allowed. Although the PUD is a mixed use development, with a plethora of various uses including residential, retail, restaurants, etc., the PUD is one cohesive development, owned and operated by Pearland Town Center, LP. Current regulations pertaining to off-premise signage do not consider the internal nature of the development and signage, nor do the current regulations allow for design freedom, individuality and "branding" of commercial uses, as it relates to advertising. Signage located within the development are similar to signage within an enclosed mall, which are not visible from public streets and are not regulated by the City of Pearland.

2. The proposed amendment restricts off-premise advertising, where visible from public streets, obscene or defamatory imagery, including pornography or advertising related to tobacco/tobacco products, firearms, political figures, candidates or issues, or religious issues, and will provide a pedestrian scale.

3. The proposed amendment places responsibilities on the owner and sign contractor related to the design character and details of off-premise wall signs, to

ensure a cohesive vision for the Pearland Town Center, with specific criteria regarding individual signs which will be determined by location and specific architectural context, and will be reviewed on an individual basis to ensure diverse and innovative design standards.

Staff Condition/Addition

1. The applicant proposes that all off-premise wall advertising signs are approved by the owner. City approval, other than the normal permitting process will no longer be required. Staff recommends City approval once, through the permitting process for all new frames, to ensure public safety and structural integrity of new frames.
2. Staff requests that Exhibit B-2 is updated to reflect changes proposed regarding advertising on the main tower (J) and the two (2) lower towers (H and C).
3. Staff requests a red-line and an addendum to be added to the master PD document for the Pearland Town Center.
4. There is a discrepancy regarding the total square footage on Exhibit B-2, with the removal of Sign G.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. Red-lined Sections of PD to be Amended
8. Proposed Amendment

Exhibit 1
Staff Report

Summary of Request

The Pearland Town Center Planned Unit Development (PUD) was originally approved in October, 2005. To date, eighteen (18) amendments to the original PUD have been approved between 2005 and 2009. The applicant proposes a 19th amendment to Article XVII as it relates to design standards for off-premise wall signs. In this context, off-premise signs are those signs that would advertise businesses within the Town Center and throughout the development; and will allow businesses not located within the Town Center to advertise within the Town Center; and not visible from any public streets. Specifically, the amendment proposes the following changes:

- Removal of exhibits and language which restrict the location, imagery, colors, background patterns, etc., of off-premise attached signs, which are not visible from public streets;
- Off-premise wall signs are subject to approval of the owner, and not the City, with the exception of the "normal" permitting process. Staff proposes clarification authorizing City approvals for all new frames to ensure public safety and structural integrity.
- Wall signs shall be permitted on the main tower and the two lower towers.

Conformance with the Thoroughfare Plan

The subject property has frontage on Broadway Street, a major thoroughfare of sufficient width which requires 120 feet of right-of-way; Kirby Drive; a secondary thoroughfare of sufficient width in certain areas and to be widened in certain areas. The ultimate right-of-way for Kirby Drive is 100 feet. The subject property also has frontage on Business Center Drive, also a secondary thoroughfare of sufficient width which requires 100 feet of right-of-way. Most of the property is platted, with the exception of minimal acreage along the west side of Kirby Drive. The development generally

conforms to the thoroughfare plan.

Site History

The subject property is currently developed with a mix of uses including residential, commercial, including retail, office and restaurants. The PD was originally approved in October, 2005 and has been amended several times.

The site is surrounded by a mix of various uses, including single family subdivisions to the north and south; and various non-residential uses on all other sides. The below table identifies surrounding uses and zoning districts:

	Zoning	**Land Use**
North	General Commercial (GC) WCF PUD	Shadow Creek Town Center, Restaurants, Office, Retail
South	Single Family Residential 2 (R2)	South Gate, Sections 1 and 2 Single Family Subdivision
East	Business Park 288 (BP-288) General Commercial (GC)	Park & Ride Storage Facility
West	PUD Single Family Estate (RE) Single Family Residential 3 (R2)	South Gate Section 1 Single Family Subdivison, Fire Station # 5 and Undeveloped Land

Conformance with the Unified Development Code

The Pearland Town Center PUD was originally approved on October 3, 2005, prior to the adoption of the current Unified Development Code (UDC). The PUD meets the requirements of the PUD and amendments approved.

Conformance with the Comprehensive Plan

The subject property is located within four (4) future land use designations; Business Park within the eastern most portion of the site; Retail, Offices and Services within the center of the site; Low Density Residential within the western most portion of the site and Major Nodes just south of Broadway Street, within the northwest portion of the site. A brief description of each future land use designation follows:

Business Park Future Land Use Designation, generally encompasses the SH 288 corridor and portions of Beltway 8 nearest SH 288. The Comprehensive Plan indicates a mixed use area developed in coordinated, master-planned campus-like settings with

interdependent and complimentary uses. Preferred uses include office buildings of various heights, regional shopping centers and malls, research and development facilities and light manufacturing.

Retail, Offices and Services Future Land Use Designation, incorporates neighborhood or convenience shopping centers, or developed or separate uses located on major street intersections, with limited outdoor retail activities, adequate buffers from adjacent single family subdivisions. Appropriate zoning districts include OP, NS and selected GB uses.

Low Density Residential Future Land Use Designation is designed for the conventional single-family detached subdivisions at a density of 0-4 dwelling units per acre with an average lot size of 7,500 square feet. Smaller lots may be acceptable if common open space is provided and overall density is not increased. Appropriate zoning districts are R-1 and R-2.

Major Nodes Future Land Use Designation is intended to have an approximate minimum of 50 acres zoned for retail, office and service uses and is generally located at key intersections such as Broadway Street and Kirby Drive; major and secondary thoroughfares, respectively.

The Pearland Town Center PUD generally meets the intent of all future land use designations in which it is located with the exception of the “low density” future land use designation. However, the Comprehensive Plan anticipated that the City would likely encounter development proposals that do not directly reflect the purpose and intent of the Comprehensive Plan. However, the Plan recognizes that developments, such as PUDs/PDs which may be contrary to the Plan could be an improvement that exceeds recommendations of the Plan.

Platting Status

The majority of the property is platted in the Pearland Town Center Subdivision. Portions of the land included within the PUD located on the west side of Kirby Drive are platted in the Kirby Section 1 and Kirby Water Plant and Fire Station 35 subdivisions. There is a small portion on the west side of Kirby Drive that is not platted. Platted of the property will be required prior to the issuance of permits. The proposed amendment to the sign regulations do not affect the platting status.

Availability of Utilities

The subject PUD is served by public water and sewer. The proposed amendment does not require any changes to existing utilities.

Impact on Existing and Future Development

It is not anticipated that the proposed amendment to the sign regulations of the Pearland Town Center PUD will have any significant impact on existing or future developments. The changes proposed are interior to the development similar to an enclosed mall, and will not be visible from public streets

Additional Comments

The request has been reviewed by the Development Review Committee (DRC), and there are no further comments.

Public Notification

Staff sent 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. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed change in zoning request to amend the off-premise wall sign regulations of the Pearland Town Center PUD..

Recommendation

Staff recommends approval of the request to amend the sign regulations for off-premise wall advertising of the Pearland Town Center PUD, for the following reasons:

1. As used within the Pearland Town Center PUD, “off-premise wall signs” are signs attached to exterior walls of structures within the Town Center that display advertising throughout the entire development. Advertising of businesses not located within the Town Center will also be allowed. Although the PUD is a mixed use development, with a plethora of various uses including residential, retail, restaurants, etc., the PUD is one cohesive development, owned and operated by Pearland Town Center, LP. Current regulations pertaining to off-premise signage do not consider the internal nature of the development and signage, nor do the current regulations allow for design freedom, individuality and “branding” of commercial uses, as it relates to advertising. Signage located within the development are similar to signage within an enclosed mall, which are not visible from public streets and are not regulated by the City of Pearland.

2. The proposed amendment restricts off-premise advertising, where visible from public streets, obscene or defamatory imagery, including pornography or

advertising related to tobacco/tobacco products, firearms, political figures, candidates or issues, or religious issues, and will provide a pedestrian scale.

3. The proposed amendment places responsibilities on the owner and sign contractor related to the design character and details of off-premise wall signs, to ensure a cohesive vision for the Pearland Town Center, with specific criteria regarding individual signs which will be determined by location and specific architectural context, and will be reviewed on an individual basis to ensure diverse and innovative design standards.

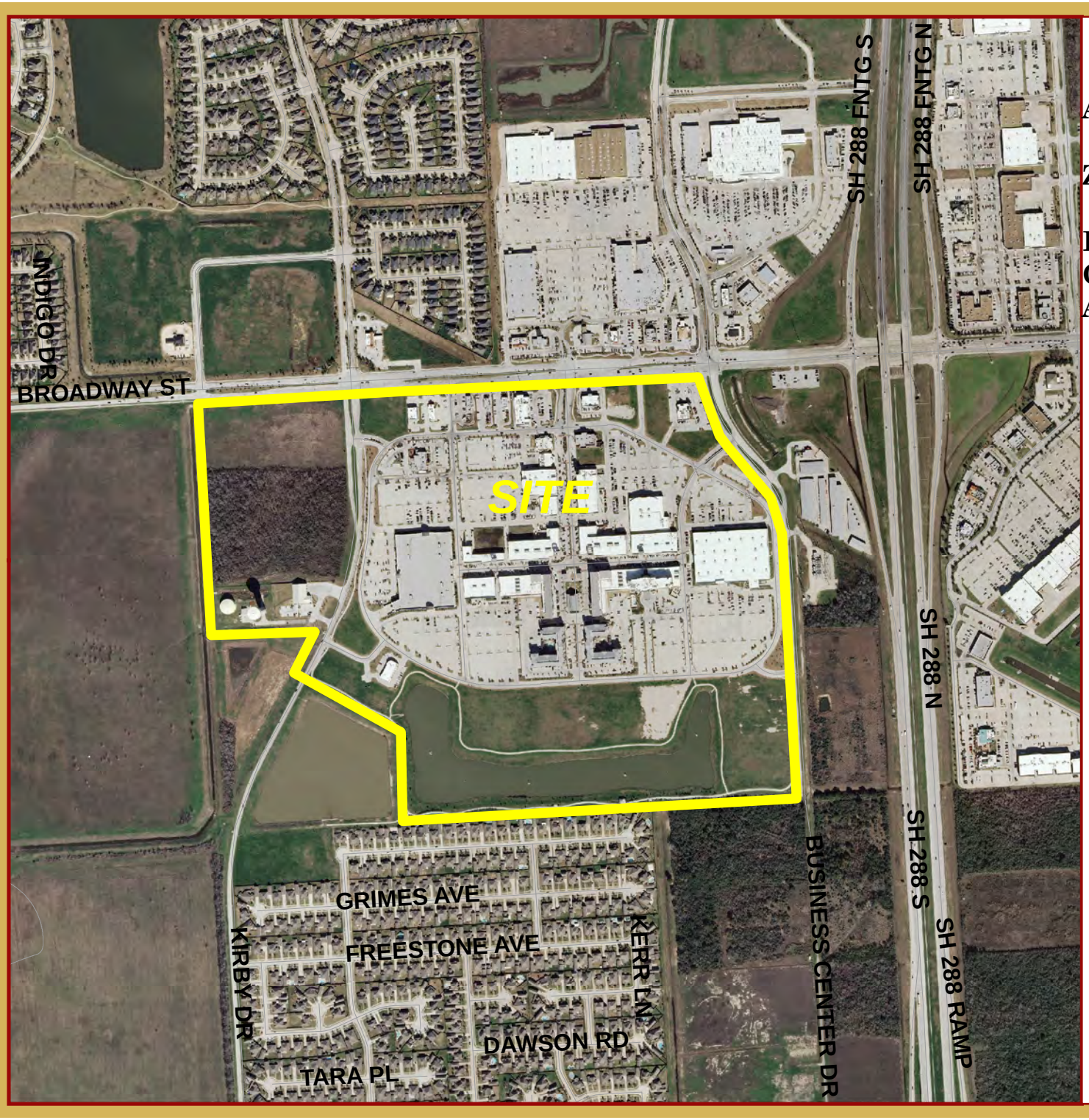
Staff Condition/Addition

1. The applicant proposes that all off-premise wall advertising signs are approved by the owner. City approval, other than the normal permitting process will no longer be required. Staff recommends City approval once, through the permitting process for all new frames, to ensure public safety and structural integrity of new frames.

2. Staff requests that Exhibit B-2 is updated to reflect changes proposed regarding advertising on the main tower (J) and the two (2) lower towers (H and C).

3. Staff requests a red-line and an addendum to be added to the master PD document for the Pearland Town Center.

4. There is a discrepancy regarding the total square footage on Exhibit B-2, with the removal of Sign G.



AERIAL MAP

ZONE CHANGE 2014-13Z

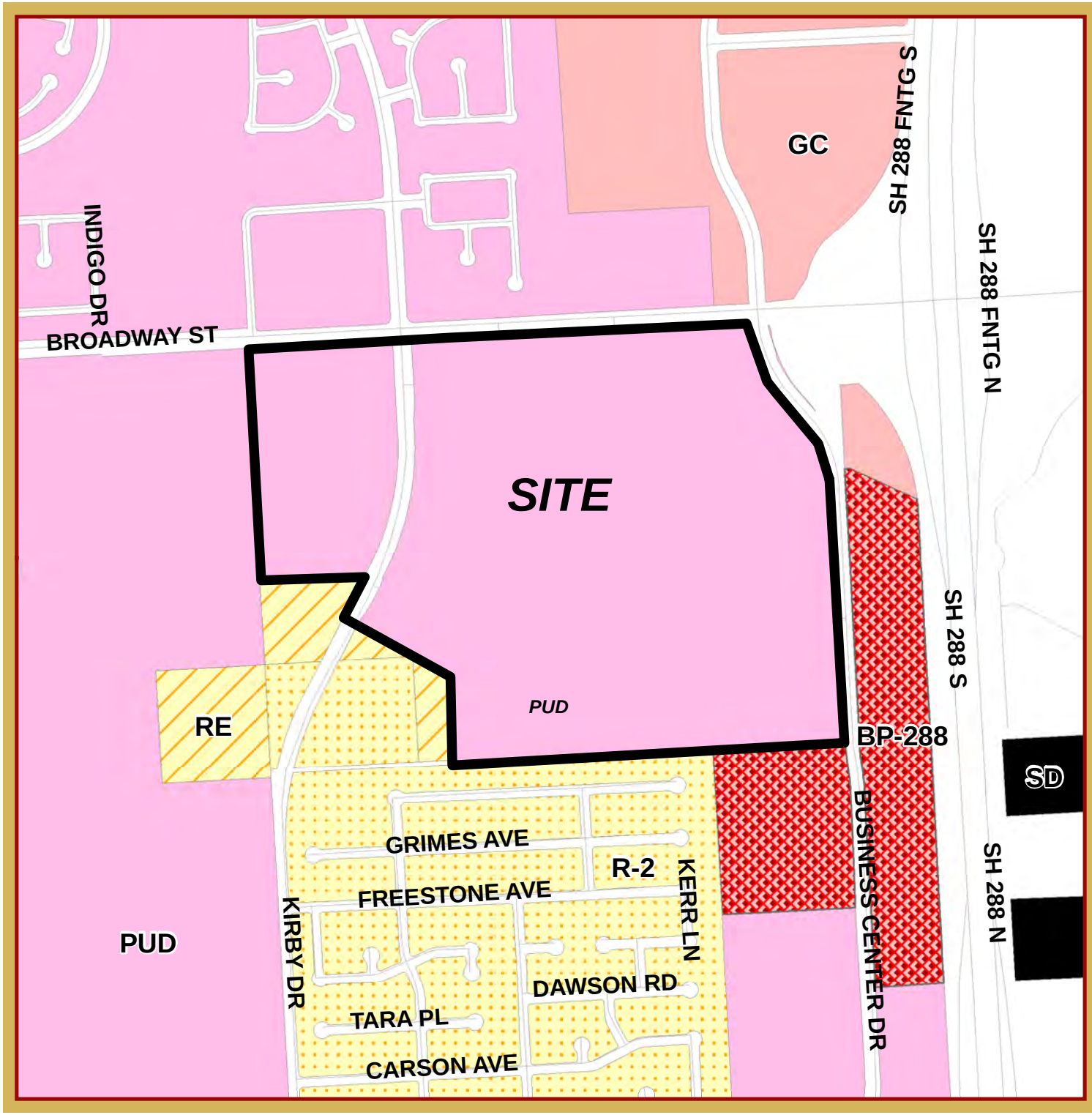
PEARLAND TOWN-CENTER PD AMENDMENT

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.

1 inch = 844 feet

22 MAY 2014
PLANNING DEPARTMENT

N



ZONING MAP

ZONE CHANGE 2014-13Z

PEARLAND TOWN-CENTER PD AMENDMENT

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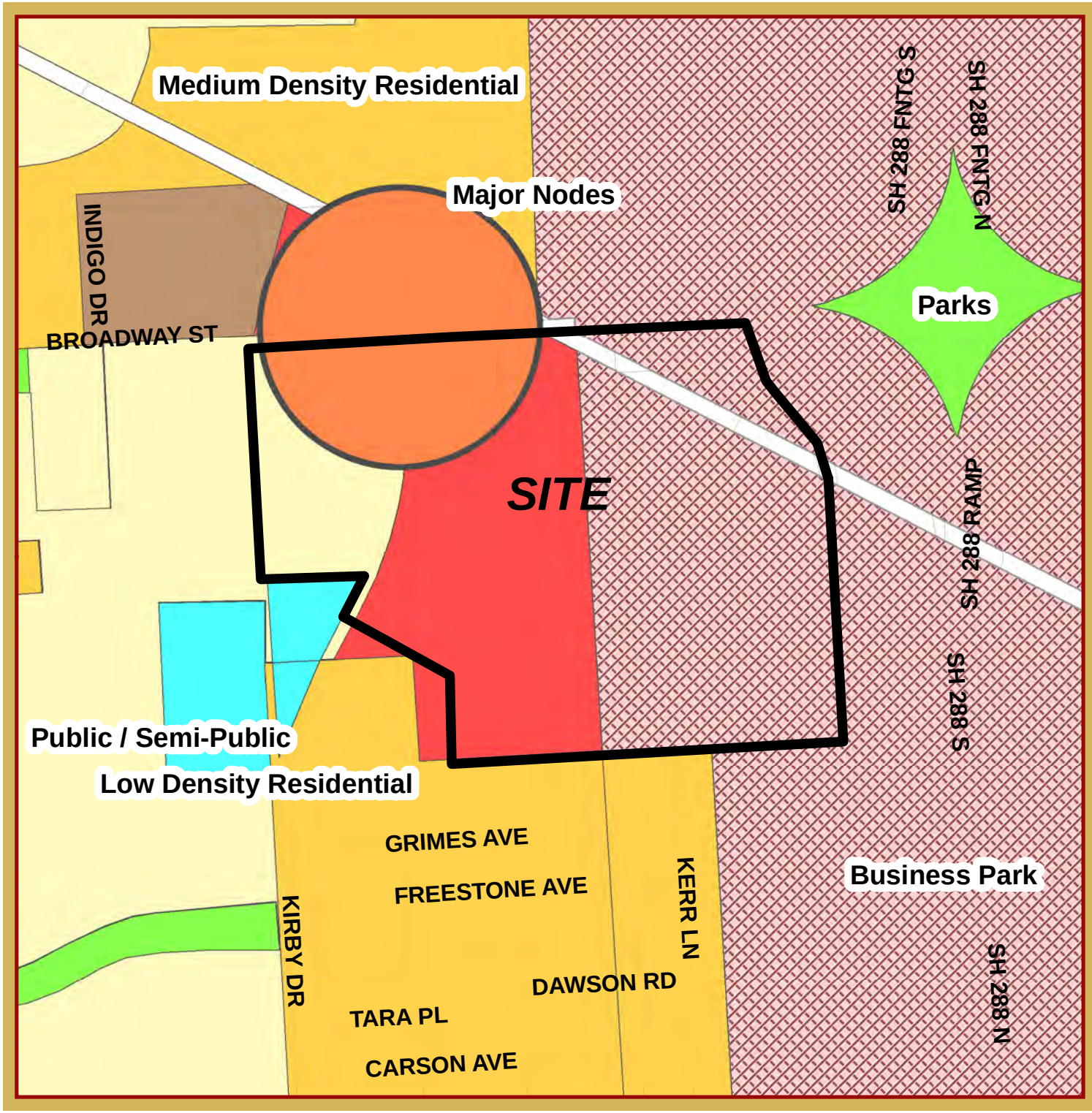
1 inch = 844 feet

22 MAY 2014
PLANNING DEPARTMENT

N



FLUP MAP

ZONE CHANGE 2014-13Z

PEARLAND TOWN-CENTER PD AMENDMENT

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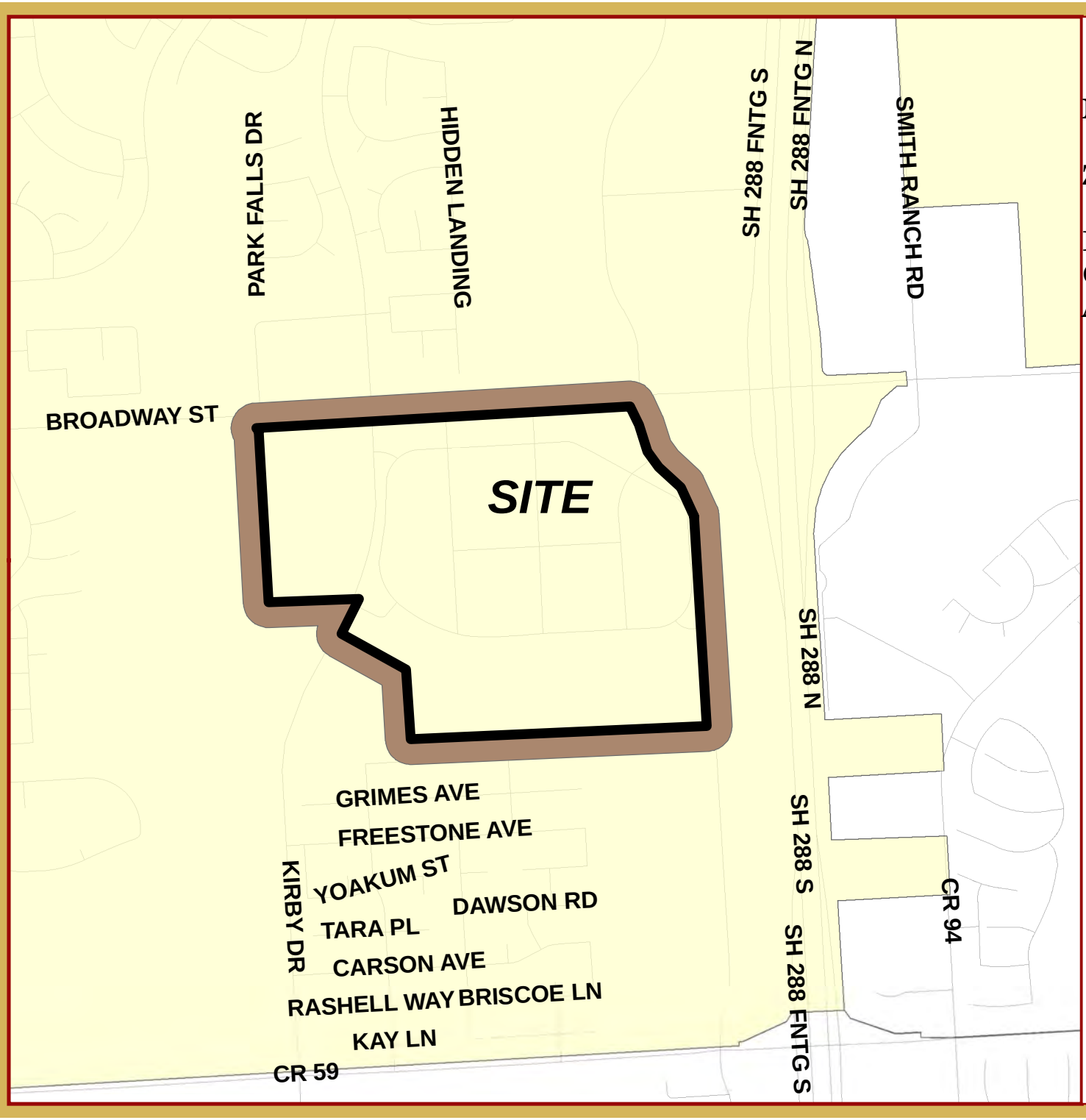
1 inch = 844 feet

22 MAY 2014
PLANNING DEPARTMENT

N



NOTIFICATION MAP

ZONE CHANGE 2014-13Z

PEARLAND TOWN-CENTER PD AMENDMENT

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.

1 inch = 1,125 feet

22 MAY 2014
PLANNING DEPARTMENT

N

Owner Name	C/O	Address	Suite	City
288/SUGARLAND LP		10575 WESTOFFICE DR		HOUSTON
518 AT KIRBY LLC		3606 WILLOW SPRINGS DR		MANVEL
ABBOTT CHANDA JO & CLIFFORD		11215 HARRIS AVE		PEARLAND
ALDI LLC		2500 WESTCOURT RD		DENTON
ALVIN INDEPENDENT SCHOOL DISTRICT		301 E HOUSE ST		ALVIN
AMREIT SPF SHADOW CREEK LP	%AMREIT REALTY INVESTMENT CORPORATION	8 GREENWAY PLZ		HOUSTON
BARLAS ENTERPRISES		4407 W FUQUA ST	STE A	HOUSTON
CAMARA VICTOR MANUEL GARCIA		11405 HARRIS AVE		PEARLAND
CARTER ALLEN F JR & ANGELA R		11303 GRIMES AVE		PEARLAND
CBL & ASSOCIATES MANAGEMENT		2030 HAMILTON PLACE BLVD	STE 500	CHATTANOOGA
CENTERPOINT ENERGY INC	ELECTRIC OPERATIONS	PO BOX 1475		HOUSTON
CHALITA JUAN & VICTORIA		11211 HARRIS AVE		PEARLAND
CITY OF PEARLAND		3519 LIBERTY DR		PEARLAND
FUENTES JOSE D		11301 HARRIS AVE		PEARLAND
GLOBAL NEW MILLENIUM PTNRS LTD		4415 HIGHWAY 6		SUGAR LAND
GOLDENFASE DEVELOPER		1618 SHADYBROOK DR		HOUSTON
GORBY CHARLES W & TERRI L		11201 HARRIS AVE		PEARLAND
HAYES KENNETH R & JOHNNIE S		11311 HARRIS AVE		PEARLAND
HOPKINS MELVIN & JOLYNN		11203 HARRIS AVE		PEARLAND
JAMES JONATHAN M & QIANA J		11307 HARRIS AVE		PEARLAND
JEFFERSON FREDERICK R & WANDA G		11207 HARRIS AVE		PEARLAND
JOHNSON HARRY J & SYLVIA S	LEATHERWOOD BRIAN & MITZI	11409 HARRIS AVE		PEARLAND
LAND DEADROL		11401 HARRIS AVE		PEARLAND
LANGHAM PAUL W III & PAMELA		11217 HARRIS AVE		PEARLAND
LEFTWICH JAMES J & SHIRLEY R		11411 HARRIS AVE		PEARLAND
LINGO SOUTHGATE LTD		3900 MAGNOLIA ST		PEARLAND
MACYS RETAIL HOLDINGS INC	ATTN: TAX DEPARTMENT	7 W 7TH ST	STE 1100	CINCINNATI
METHODIST HOSPITAL		6565 FANNIN ST		HOUSTON
NEC PEARLAND ASSET HOLDINGS INC		10223 BROADWAY ST	STE P	PEARLAND

NEW BROADWAY LTD	% DEAN LANE NEWQUEST PROPERTIES	8807 W SAM HOUSTON PKWY N		HOUSTON
PEARLAND INVESTMENTS LTD PRT		PO BOX 95398		LAS VEGAS
PEARLAND TOWN CENTER LP	%MARK STEPHENS	2030 HAMILTON PLACE BLVD	STE 500	CHATTANOOGA
PLANT DALE W & JAN W		11202 HARRIS AVE		PEARLAND
PROSPERITY BANK		1301 N MECHANIC ST		EL CAMPO
REALTEX REIT LLC		PO BOX 841094		PEARLAND
RENFRO ROCHELL		11305 HARRIS AVE		PEARLAND
RENFROE JAMISON L		11309 HARRIS AVE		PEARLAND
RILEY HOLDINGS LTD		PO BOX 258		NORWALK
RL PTX LLC	PROPERTY TAX DEPARTMENT	PO BOX 695019		ORLANDO
SANDERS JOHN & JEANETTE		11403 HARRIS AVE		PEARLAND
SHADOW CREEK RANCH MAINTENANCE ASSOCIATION		12234 SHADOW CREEK PKWY	BLDG 3	PEARLAND
SNS REAL ESTATE HOLDINGS		2245 TEXAS DR	STE 300	SUGARLAND
SOUTHGATE COMMUNITY ASSOC		PO BOX 3217		PEARLAND
STRASSERKING FIONA E		11213 HARRIS AVE		PEARLAND
VIRANI AHMADALI		2814 ACORN WOOD WAY		HOUSTON
VO VIET V		11407 HARRIS AVE		PEARLAND
WATSON ANTHONY R		11205 HARRIS AVE		PEARLAND
WC WALSH FAMILY LTD		PO BOX 760		PEARLAND
WEBBER EFFRUM G & SHAPEL M		11209 HARRIS AVE		PEARLAND
WEEMS F CARRINGTON		1603 W CLAY ST		HOUSTON
ZAPATA ALFONSO		10190 KATY FWY	STE 510	HOUSTON

State	Zipcode
TX	77042
TX	77578
TX	77584
TX	76207
TX	77511
TX	77046
TX	77045
TX	77584
TX	77584
TN	37421
TX	77251
TX	77584
TX	77581
TX	77584
TX	77478
TX	77094
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TX	77584
OH	45202
TX	77030
TX	77584

TX	77040
NV	89193
TN	37421
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TX	77584
TX	77584
OH	44857
FL	32869
TX	77584
TX	77584
TX	77479
TX	77588
TX	77584
TX	77059
TX	77584
TX	77584
TX	77588
TX	77584
TX	77019
TX	77043

PUBLIC COMMENT FORM

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

ZONE CHANGE APPLICATION NO. 2014-13Z

A request of Alysia Gordon and Tier Allender, applicants; on behalf of Pearland Town Center, LP, owner; for approval of a change in zoning to amend the signage regulations of the Pearland Town Center Planned Unit Development (PUD); on approximately 142.97 acres of land.

Joint Public Hearing to be held Monday, August 18, 2014 at 7:30 PM in the Council Chambers of City Hall, 3519 Liberty Drive, Pearland, Texas.

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

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

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

Name: Kenneth Hayes

Address (***of property within 200 feet of the subject site***): _____

Signature: Kenneth R Hayes Date: 8.12.14

COMMENTS: Don't want our taxes to go up.

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

PUBLIC COMMENT FORM

RECEIVED
AUG 12 2014

ZONE CHANGE APPLICATION NO. 2014-13Z

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

Name: BARLAS ENTERPRISES INC

Address (***of property within 200 feet of the subject site***): 3209 Kirby Drive

Signature: [signature] Date: 8/11/14

COMMENTS:

Article XV. Utilities.

1) All proposed utility lines within the PUD development including water supply, sanitary sewer service, electricity, telephone and gas as well as their connections shall be placed underground, with the exception of the existing overhead electric lines crossing through or adjacent to the PUD or installed along Kirby Road, Broadway or = Business Center Drive. Meters, transformers, etc. may be placed above ground provided they are located within screened areas or are otherwise screened from view to the general public. Approved screening techniques include masonry, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof. Location and size of Loading Spaces can be adjusted as approved by planning director.

(2) If required to accommodate utility extensions through the PUD District, a sixteen-foot (16') wide utility easement along the rear lot line or other approved onsite utility corridor shall be provided to accommodate underground utility distribution lines, including but not limited to, electric, phone, and cable television.

Article XVI. Storm Water Management

1) The proposed storm water management area in sub area F shall be designed to control storm water run-off from Sub Areas A through D. Water Quality will be controlled through the use of a wet detention basin(s), and by methods as required by Pearland's engineering design criteria manual in force as of the date of this ordinance. Separate, stand alone storm water management facilities will be provided on Sub Area*s E and G* to accommodate runoff from that sub area. All Storm water management plans must be approved by the City Engineer
2) Storm water management will be designed in accordance with generally accepted engineering practice and in accordance with methodology recommended by the drainage district and the City of Pearland.
3) Cross access easements shall be provided between each parcel that is created within this PUD to insure conveyance of storm water to the storm water management area.

Article XVII. Signage

1) General Standards & Requirements

a) Applicability. All signs shall be erected, displayed, altered and reconstructed in conformance with this division. Where the requirements of this division for a particular sign are different than comparable requirements contained in any other law, ordinance or regulation, the requirements and standards established in this PUD text shall govern.

2) Signage has been classified by the following types:

   a) Town Center identification signs, including Pylon Sign.
   b) Department Store and Event Center exterior signs.
   c) Main Street Tenant exterior signs.
   d) Free Standing Out Parcel Building signs.
   e) Directional, Informational and Traffic Control signs.
   f) Service Door signs.
   g) Announcement Signs
   h) On-premise Wayfinding Signs
   i) Interior Project Boundary
   j) Off-Premise Advertising Wall Signs

3) General Criteria

   a) No exterior sign shall be permitted upon any parcel comprising the Pearland Town Center PUD that:
      - flashes, blinks, rotates, moves, is animated or emits any sound, provided; however, that any theater, event center or developer information kiosk, reader boards or electronic displays located within Sub-areas "A" or "C" shall not be deemed to be flashing or moving signs for the purpose of this criteria.
      - is painted on the exterior surface of any building, installed upon the roof of any building. In Sub Area A, exterior wall treatments may include painted wall or advertising signs, provided that such painted signs are designed as an integral part of the architectural theme being developed for the Town Center and Tenant Store.
      - The architectural character of signs shall complement and be coordinated with building designs.

4) Town Center Identification Signs

   a) One ground monument Town Center identification sign shall be permitted for each of the six (6) driveway entrances to the development. The Ground signs may be mirrored on both sides of each entry driveway to create a gateway entry feature. Each sign shall be limited to 15' height including the base and support structures. Each sign shall not exceed 100 square feet per face, per side of entrance including exposed supporting structure or associated decorative walls. The portion of the base of the sign within two(2) feet of the grade of the ground shall not be included in area calculations if that portion has no signage, logo, or lettering. In the event Town Center identification is incorporated into any proposed entry wall or

landscape feature only the actual area of sign text and any logo identifying the development shall be measured.

b) One additional ground monument identification sign shall be permitted in Sub-Area E *and one for Sub Area G*, provided it is coordinated with the design of the ground monument signs at the Kirby Road entry drives. Sub Area E *and Sub Area G signs* shall meet the size requirements of Paragraph 4 a) above.

c) One overhead gateway feature identification sign shall be permitted for the main Town Center entry driveway (at FM 518).The sign shall have a vehicle clearance of at least 14' and a maximum overall height of 24'. Letter height and sign area are not limited. The sign is restricted to include only the name of the project and any logos or graphics associated with the identity of the Town Center. Refer "Exhibit A- Town Center feature identification sign" of the attached appendix.

5) Department Store and Event Center Exterior Signs

a) The maximum allowable number of signs per Department Store or Event Center is Four (4). Signs on one elevation must be contained in one area and not exceed 400 s.f. per sign.

b) The maximum height of all individual sign letters shall not exceed 96" for capital and lower case letters, with the top of the department store exterior signs being limited to a height of 40' above the average exterior grade.

c) As an alternative to the above, one (1) Primary Wall Sign may be permitted with 96" high letters, provided the remaining three permitted wall signs are limited to 60" high letters.

d) Any Event Center may have an electronic changeable message sign = not to exceed 400 SF. See UDC Section 4.2.5.3 par. 7 for requirements.

6) Main Street Tenant Exterior Signs

a) All tenant stores located within sub-area "A" shall be permitted an exterior building sign for each separate exterior "customer" entrance. Tenant signs shall not exceed 70% of the store front length on which the sign is placed. Letter height shall not exceed 36" in height except hotels which shall be permitted 60" high letters. Blade signs, canopy signs and three dimensional signs are also permitted, provided the total tenant signage does not exceed the maximum calculated square footage available based on tenant frontage.

7) Free Standing Out Parcel Buildings Signs (Sub areas B, C, and D only)

a) The maximum allowable number of signs per free standing building is one. (1) sign for each public street or circulation drive frontage. Signs must be contained in one area on the facade and shall not exceed 70 % of length of the building face to which it is attached. Letter height shall not exceed 36" in height except hotels which shall be permitted 60" high letters. One detached ground monument sign shall be permitted within Sub Areas B through D for each individual building and such sign shall not exceed five (5') feet in height and not exceed 45 square feet in surface area per face. Monument sign base shall match the primary exterior building materials, and shall conform to a standardized ground monument sign detail to be established by Developer.

b) Flat wall signs shall not extend more than 8" beyond the face of the surface to which the sign is mounted. Blade signs, canopy signs and three dimensional signs are also permitted, provided the total tenant signage does not exceed the maximum calculated square footage available based on tenant frontage.

c) Signs shall be composed of individual, free-standing letters. No "belt" or "box" type signs or "pillow" signs will be permitted unless they are part of a tenants national identity. All necessary sign supports and electrical connections shall be concealed.

d) All signs must be illuminated and shall derive light from a concealed source. No exposed lamps, globes or tubes will be permitted. Minimum return depth for illuminated signs shall be 5". Illuminated signs may be "pegged out" from mounting surface for silhouette effects.

e) Lettering on all store signs shall be limited to business or trade name of the premises. No sign manufacturer's name, union labels, or other lettering shall be visible. Logo signs will be reviewed on an individual basis by Developer, but in general, national tenants with recognizable logos within or adjacent to their trade name are acceptable. All logos shall adhere to the requirements of this criteria.

f) No exterior sign or sign panel will be permitted to extend above any roof line.

8) Directional, Informational and Traffic Control Signs

a) All traffic control signage on public streets shall conform to the size requirements of the "Manual of Uniform Traffic Control Devices and the City of Pearland."

b) Pedestrian directional signs, information kiosks and electronic information devices shall be permitted throughout the Town Center Sub Area A and Event Center Sub Area C without limitation, provided that they are used solely to convey directional, town center special event, public service and related information to the general public.

c) Directional signage identifying receiving and loading areas, access routes and other elements requiring further identification are permitted provided they have a consistent design and appearance coordinated with the other Town Center identification signs.

9) Service Door Signs

a) Each Tenant shall be permitted to install one sign on a service door to identify the name of the business. The content of the sign shall be limited to the name of the business only.
b) The lettering shall be consistent color and type style, two inches high, and shall be located no higher than 5'-6" above finish floor.

10) Announcement Signs

a) The following types of Announcement signs shall be permitted within the PUD:

- Project Announcement Signs - Limited to two (2) Overall Development Signs not exceeding 96 SF per face each sign, and one (1) additional sign for each sale or lease parcel created by Developer, not exceeding 64 SF per face for each additional sign.
- Banners, Pennants and Temporary Signs used for advertising purposes provided that they are not visible from public streets. On premise externally illuminated portable signs, banners, and windblown signs such as pennants, flags, and streamers for special events and grand openings shall be permitted provided they do not exceed 20 SF in area. There shall be no limit on the amount of Developer placed Banners, flags or signs along Town Center Drive, East or West Main Streets or other circulation routes within the PUD.
- Project Announcement signs shall be removed within 30 days after an occupancy permit is issued.
- Land Available and Real Estate Signs. Signs offering land available for sale or lease shall be limited to 64 SF per sale or lease parcel provided that no more than one sign be installed for each 500 feet of frontage.

11) On-Premise Wayfinding Signs

a) On-premise way finding signs are permitted within the PUD for the specific purpose of directing vehicular traffic around the site and to major anchor stores, Hotels, Residential, Offices and amenities. (12) signs are permitted.

b) Maximum Height: The maximum height of any vertical On-premise way finding sign shall not exceed 12'-0" (refer to exhibit C on page 40).
c) Maximum Sign Area: The maximum effective sign area shall not exceed 174 square feet (refer to exhibit C on page 39) including the sign base, and supporting structures and associated decorative walls.

12) Interior Project Boundary

a) Signs located within the Interior Project Boundary, (refer to Exhibit B on page 38) are considered interior signage and therefore exempt from PD and UDC requirements. These signs shall not exceed the height of the buildings to which they are attached or immediately adjacent. These include signs such as: mall directories, traffic control, way-finding, banners, flags, tenant advertising, portable sidewalk signs, information kiosks and electronic information devices.
b) For Signs A-J in Exhibit B-2 on page 39, refer to Article XVII Signage:13 Off-Premise Advertising Wall Signs.

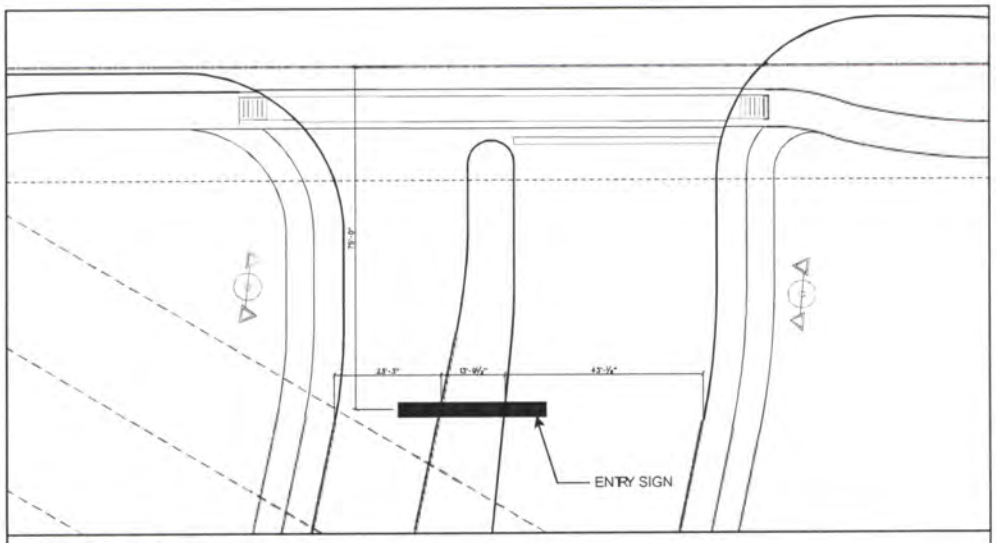
13) Off-Premise Advertising Wall Signs

A) Off–premise Advertising Wall Signs shall be permitted as follows:

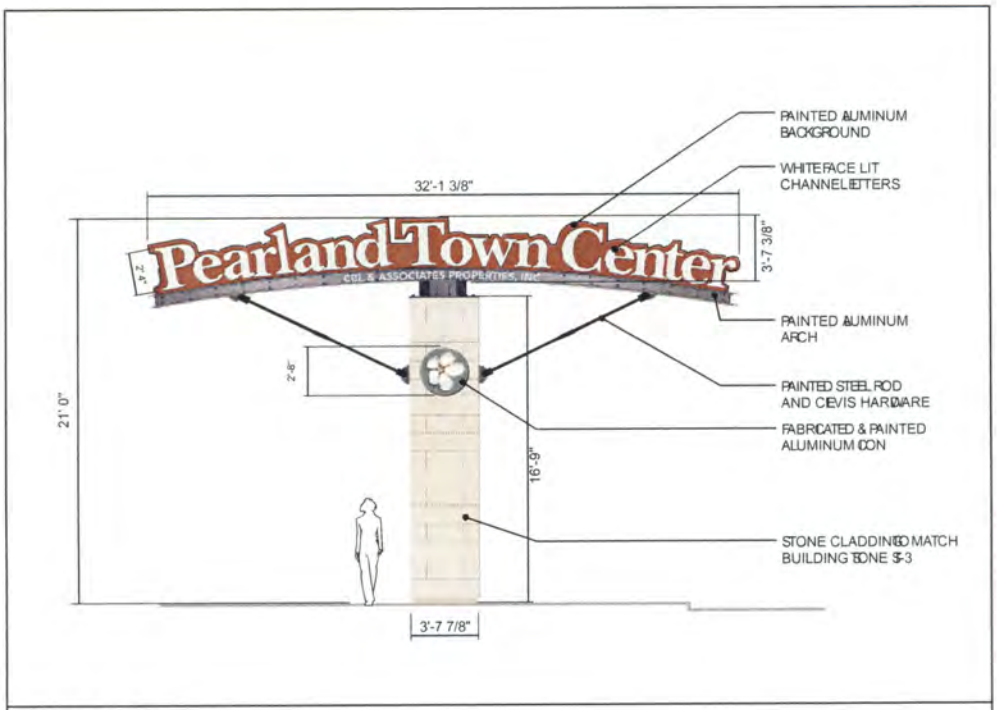
1. Shall be located as indicated on the attached Exhibit B-2 (on page 39).
2. Proposed designs must conform to the Off-Premise Advertising Wall Sign Design Guidelines called Exhibit D (on page 42).
3. No more than 7 of the 10 specified Off-Premise Advertising Wall Signs shall be utilized for off-premise advertising concurrently at any time. All Off-Premise Advertising Wall Signs may be used for On-premise or Town Center advertising at any time.
4. Signs designated as A-J shall be submitted first to the Owner for approval and then to the City of Pearland to obtain an approved sign permit prior to the installation of any sign.

Appendix

Exhibit A Town Center Feature Identification Sign



SIGN LOCATION PLAN
1/32" = 1'-0"



SIGN ELEVATION
1/8" = 1'-0"

Exhibit B: Interior Project Boundary

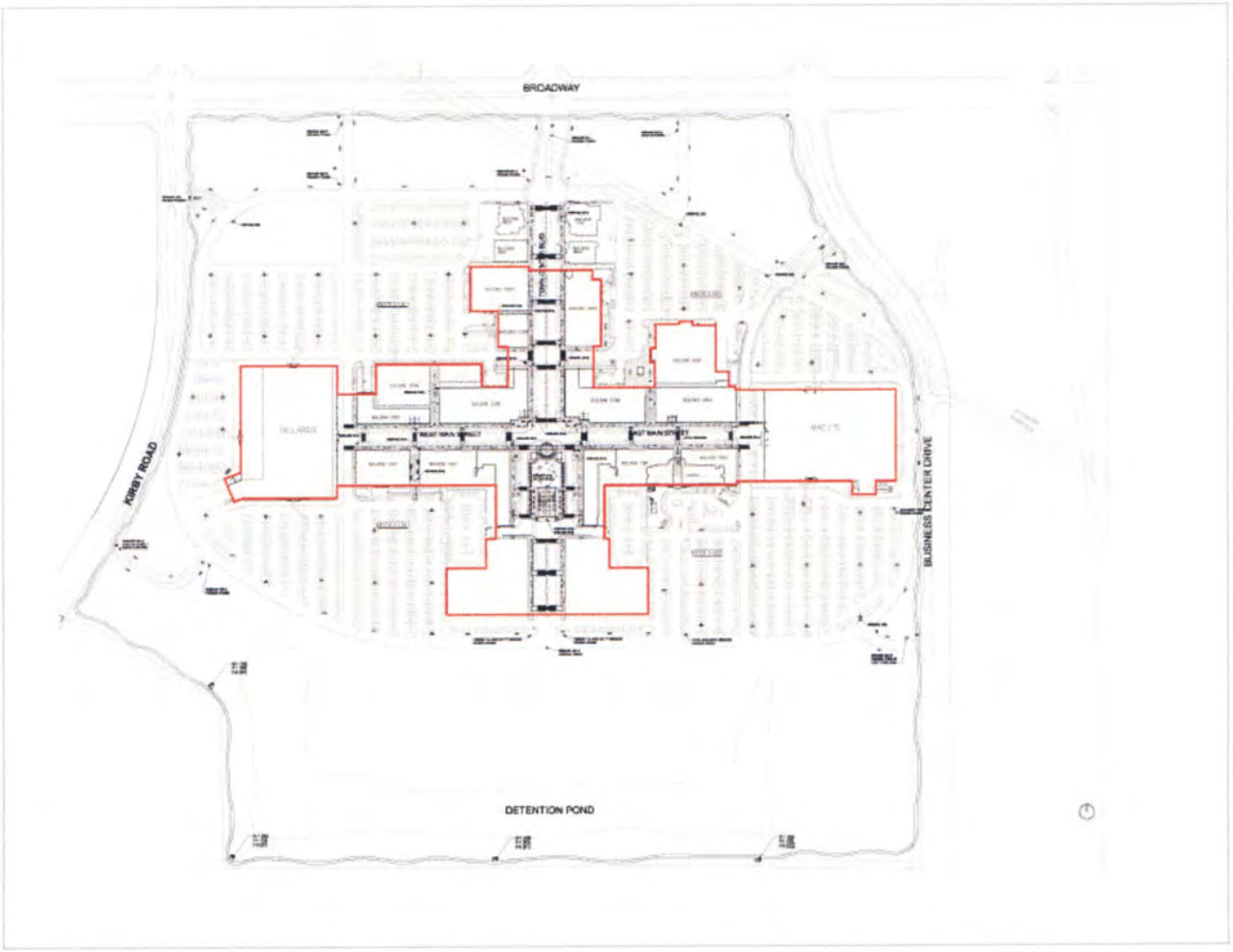
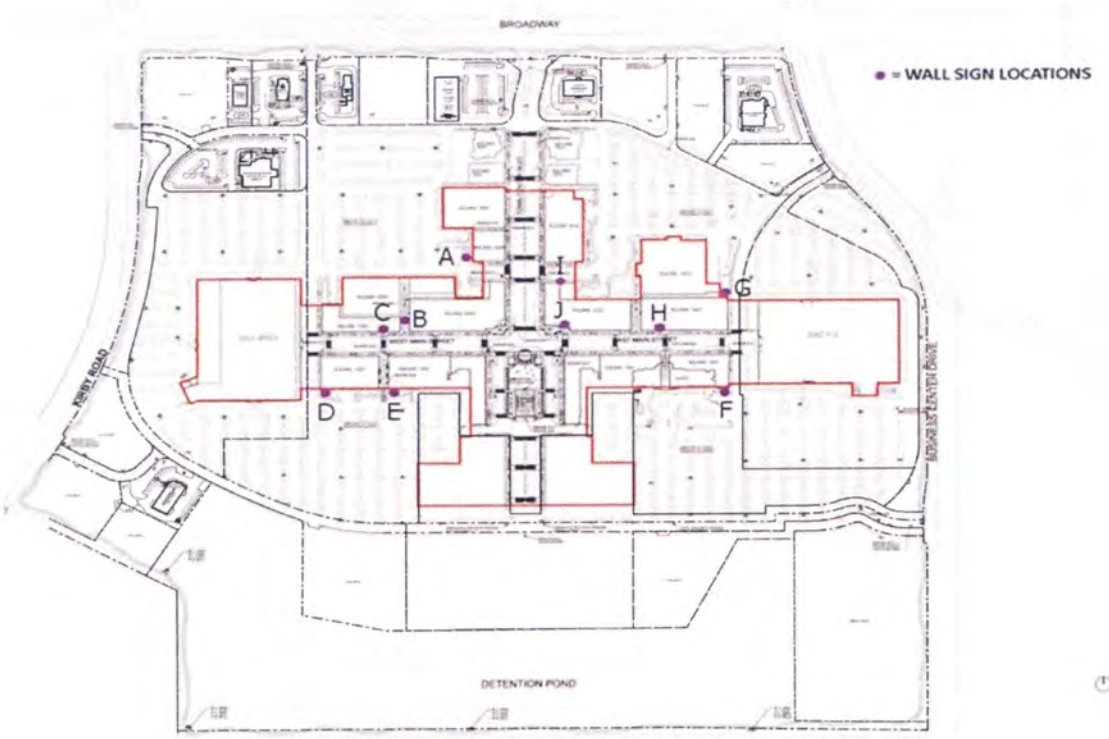
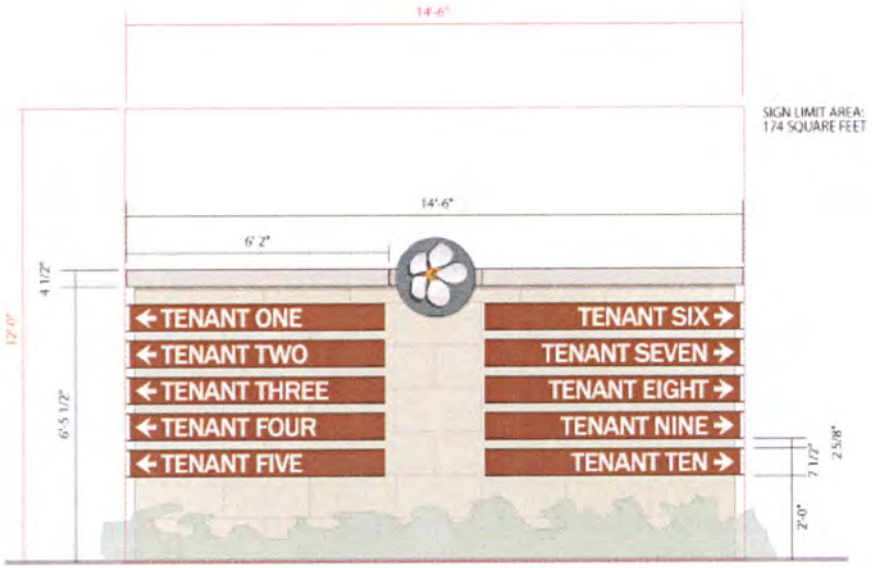


Exhibit B-2: Off-premise Advertising Signs

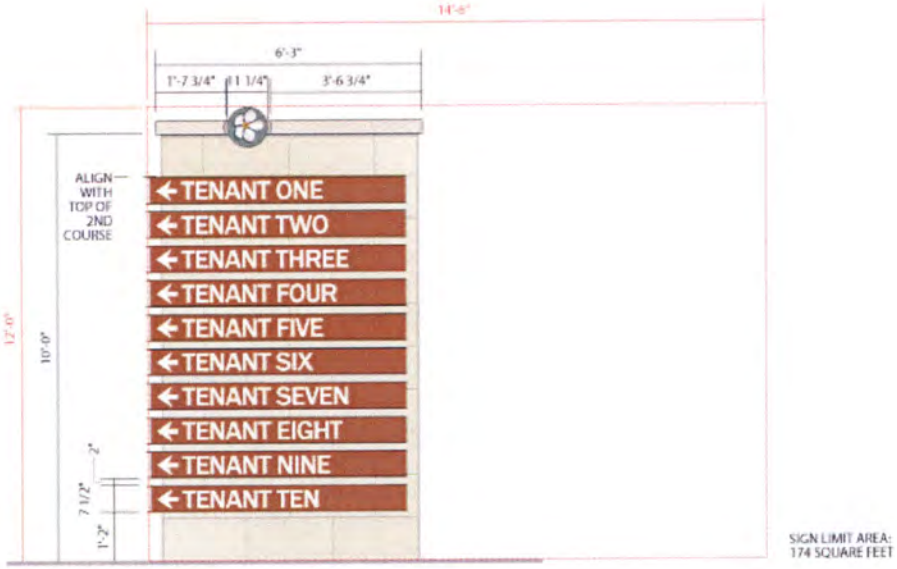


Sign	Visible Opening (tall x wide)	Area (SQ. FT.)
A	24'-0" x 18'-0"	432.00
B	12'-0" x 18'-0"	216.00
C	10'-6 3/8" x 15'-4 3/4"	162.14
D	10'-0" x 18'-0"	180.00
E	14'-0" x 10'-0"	140.00
F	10'-0" x 15'-8"	156.67
G	20'-8" x 11'-0"	227.33
H	10'-6 3/8" x 15'-4 3/4"	162.14
I	16'-0" x 9'-6"	152.00
J	13'-0" x 30'-0"	390.00
Totals		2218.28

Exhibit C On-Premise Wayfinding Signs



02 ELEVATION - HORIZONTAL EXAMPLE



01 ELEVATION-VERTICAL EXAMPLE

Exhibit D: Off-premise Advertising Wall Sign Design Guidelines

Pearland
TOWN CENTER

OFF PREMISE ADVERTISING WALL SIGN DESIGN GUIDELINES / 11.16.09
EXHIBIT D OF THE PEARLAND TOWN CENTER PD

CBL
CBL & ASSOCIATES PROPERTIES, INC.
omniplan

GENERAL INFORMATION

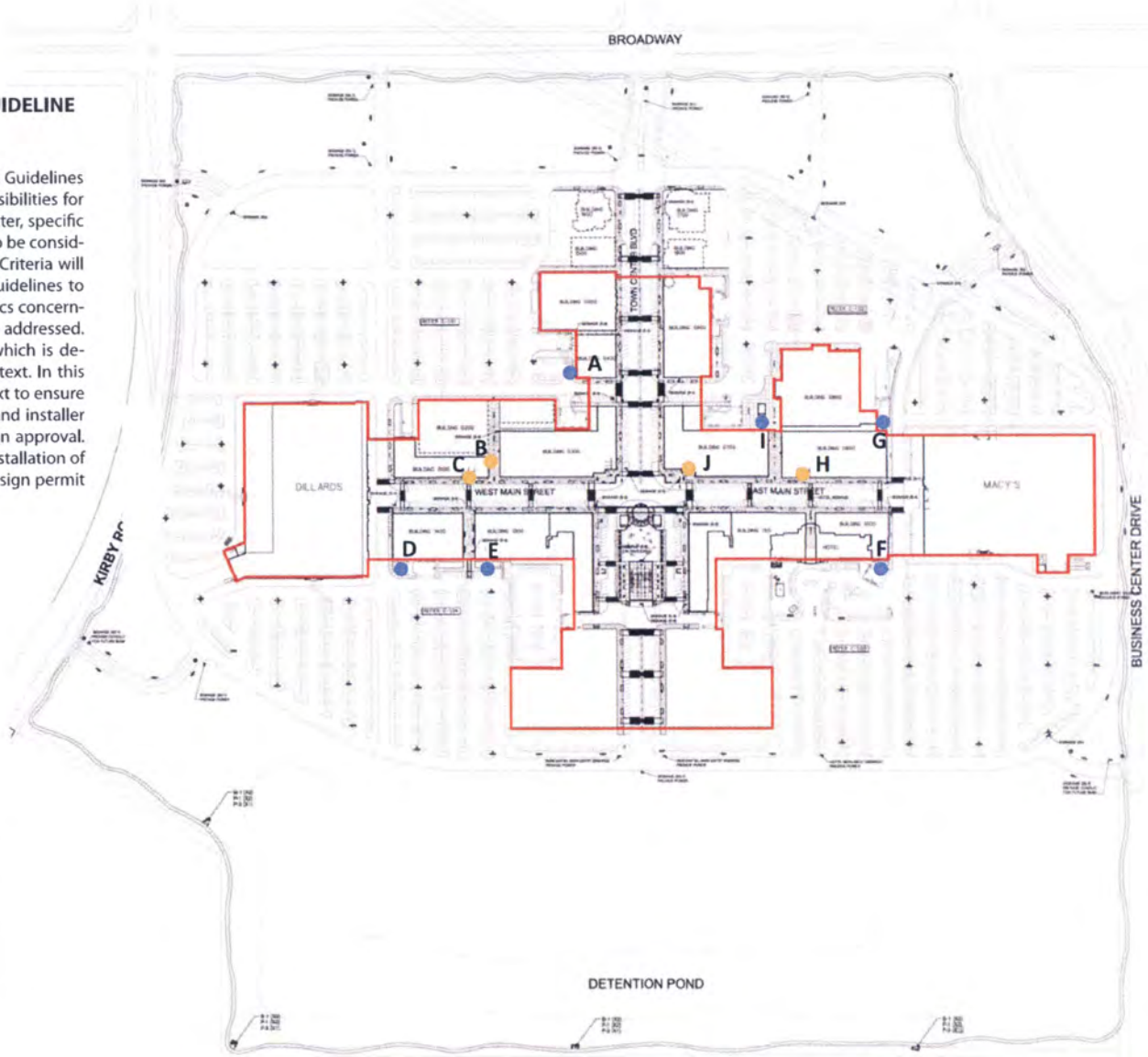
Owner / Developer
CBL & Associates Properties, Inc.
CBL Center
2030 Hamilton Place Blvd., Suite 500
Chattanooga, TN 37421
o.423-855-0001
f.423-490-8626
Contact - Ken Wittler

Architect
Omniplan
1845 Woodall Rodgers Frwy.
Suite 1500
Dallas TX, 75201
o.214-826-7080
Contact - Randy McCown

Permitting and Design Review
City Hall
3523 Liberty Drive
Pearland, TX 77581
o.281-652-1701
www.cityofpearland.com

OFF-PREMISE ADVERTISING WALL SIGN DESIGN GUIDELINE USE:

The purpose of these Off-Premise Advertising Wall Sign Design Guidelines is to communicate the design guidelines and establish responsibilities for design, review and implementation of the signs. Design character, specific detail of the structure as well as general quality standards are to be considered by you, your Graphic Designer & Advertiser. The Design Criteria will provide specific aesthetic examples and outline acceptable guidelines to insure a cohesive vision for Pearland Town Center. Specific topics concerning location, size and Pearland Town Center Design Vision are addressed. In addition, individual signs must adhere to specific criteria which is determined by their location and their specific architectural context. In this way, each sign will be reviewed on an individual basis in context to ensure diverse and creative design solutions. Your Graphic Designer and installer should also understand this criteria in order to expedite design approval. After the Sign has been approved by the Owner, and prior to installation of the off-premise advertising sign, an approved City of Pearland sign permit must be obtained.



- **EXTERIOR FACING WALL SIGN LOCATIONS**
  MUST BE SUBMITTED TO OWNER AND CITY FOR REVIEW APPROVAL
- **INTERIOR FACING WALL SIGN LOCATIONS**
  MUST BE SUBMITTED TO OWNER FOR REVIEW APPROVAL

LOCATION PLAN

DESIGN VISION:

Shopping and entertainment complement life and work activities in this mixed-use lifestyle center. Diverse components harmoniously woven together help form an authentic place with a strong connection to the Pearland, Texas community. Master planned as an "urban" town center, the street grid organizes single and multi-story structures to create interesting outdoor spaces while framing compelling vistas. Vehicular circulation provides access and dynamic movement energizing the outdoor space. Community space, specialty merchandising, patron amenities and sidewalk activity allow customers diverse opportunities to "dial-in" their own personal experiences. Nodes and intersections provide energized focal points and transitional connections between blocks. Paseos provide pedestrian access from parking areas to the shops and frame interesting views. Plaza nodes provide energized activity points and transitional connections between the outdoor spaces. Aesthetic character of this place is derived from qualities and identity connected to this time and place; a pragmatic and meaningful architectural, graphics, landscaping and lighting expression appropriate to Pearland heritage and this region of Texas. The primary form given for the project is retail. High quality storefront design utilizing quality materials executed in authentic stylistic proportion and composition will make this a desirable place to spend time and foster an emotional patron connection.

OVERALL CONCEPT:

There are 2 options for creating the advertising signage, a palette option and a frame option. The palette option makes use of a given palette of colors, patterns and imagery for the advertisers to use in creating their ad panel. The frame option uses standard frames as backgrounds for the advertisement.

Digital templates for the Frame Option as well as individual digital images for the permissible color, pattern and background components of the Palette Option will be provided by the owner for advertiser, graphic design or sign contractor use.

Signage should be inviting and easily understood. Awareness of the contextual complexities of the surrounding wall and common outdoor areas and how that applies to the overall center and the individual advertising sign is critical. With that in mind, the Owner encourages a wide range of design freedom within this context for the signage contractor and advertiser to express their corporate image and individuality. Ultimately, exciting design with quality, durable materials will be the primary criteria.

Advertising Signs are intended to be fixed to the existing frames that are currently on the facade of the building at established locations(refer to signage location plan) and be non-illuminated. They are intended as much for their decorative value to the buildings and streetscape as for their advertisement of the advertiser's identity. The owner encourages the use of identity graphic elements and/or creative color and material innovations.

The Owner is anticipating a wealth of unique and tasteful means of Advertiser expression establishing appropriate levels of distinction and authenticity within the project adding variety and visual character to the overall center. Off-premise Advertising Signs shall provide a friendly, pedestrian scale with attention directed to those strolling along the sidewalks and driving thru the center.

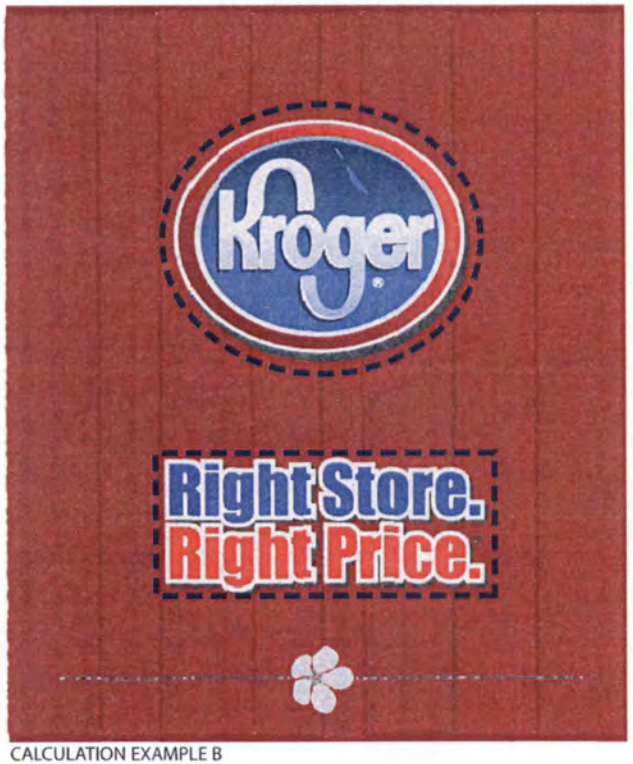
Palette Option Criteria:
Advertiser must use the provided palette of colors/ patterns and imagery to create a custom ad that works with the style of the center and the history and nostalgia of Pearland. Any combination of the provided color, pattern or imagery options may be used to create the advertisement. The area permissible for the advertisers logo, text and brand imagery is 30% of the viewable panel face. The area is calculated by calculating the individual logos, text or brand imagery that is not a part of the provided imagery.

Frame Option Criteria:
Advertiser may choose to use the provided frames for their advertisement. The area permissable for their logo, text and brand imagery is 50% of the viewable panel face. Advertisers may choose to change the colors of the provided frames provided that the colors selected are from the color palette as shown in these guidelines.

CALCULATION OF ADVERTISEMENT LOGO, TEXT, AND BRANDING IMAGE:

The area permissible for the advertisers logo, text and brand imagery is 30% of the viewable panel face. The area of the advertiser logo , text and brand imagery is calculated by delineating a tight line about the individual logo, text or brand imagery elements(eg., if a circle is utilized, then the calculation is for the outer edge of the circle, if irregular, then the outer edge of the irregular shape. The permissible colors, patterns and background are not included in the calculation.

CALCULATION EXAMPLE A



CALCULATION EXAMPLE B

OWNER APPROVAL:

All signage, including signs of a temporary nature, must be approved by the Owner in writing before use.

The sign contractor is to provide a dimensioned color layout showing the proposed image for approval by the Owner. Submittal must include a drawing indicating which option has been selected(frame or palette). For the palette option, a drawing showing the calculated area of logo or advertisement coverage as well as clearly documented colors, pattern and/or imagery utilized from the permissible options.

SIGN CONTRACTOR RESPONSIBILITIES:

The Sign Contractor is responsible for field verifying the actual sign frame.

All signs remain subject to Owner's Advertising Wall Sign Design Guidelines and Owner approval.

All signs must comply with applicable local code and Pearland PUD requirements. Sign Contractor responsible for submittng all signs to City for permit prior to installation. All signs must comply with the Pearland Town Center Planned Development Document and the current Unified Development Code. The Sign Contractor is responsible for obtaining an approved City of Pearland sign permit prior to the installation of Off-premise Advertising Sign.

Sign Contractor is responsible for installing and removing all graphic panels. Frames are to remain as part of Landlord property. If frame is damaged during install or removal of panels Sign Contractor is reponsible for repair or replacement.

Sign Contractor is responsible for reinstalling Owner's placeholder graphics once Sign Contractor provided graphics are removed.

OWNER RESPONSIBILITIES:

The ensure the Off-premise advertising signs shall compliment the overall architectural character of the Pearland Town Center.

PALETTE OPTION

PALETTE OPTION: EXAMPLE LAYOUTS

The example layouts are provided for reference only to convey the general spirit and design vision for the implementation of the Palette Option. Advertiser, Graphic Designer and Sign Contractor are encouraged to be creative in the use and composition of the advertisement sign design incorporating the permissible colors, patterns and/or imagery to effectively compliment the intended advertisement and character of Pearland Town Center.

Color example: background color has been selected from the palette of colors on page 10. The logo, text and pestle/mortar image are no greater than 30% of the viewable area.

Color/pattern example: edge color has been selected from the palette of colors on page 10. The background pattern has been selected from page 11, pattern colors have been selected from page 10. The logo, text and pestle/mortar image are no greater than 30% of the viewable area.

Color/pattern/imagery example: edge color has been selected from the palette of colors on page 10. The background pattern has been selected from page 11, pattern colors have been selected from page 10. Pharmacist image has been taken from image #CB/I-6 on page 13. The logo, text and pestle/mortar image are no greater than 30% of the viewable area.

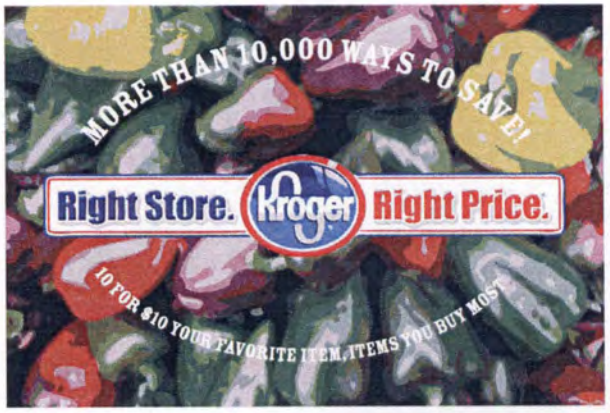
COLOR EXAMPLE

COLOR/PATTERN EXAMPLE

COLOR/PATTERN/IMAGERY EXAMPLE

PALETTE OPTION: IMAGERY EXAMPLE LAYOUTS

These examples show the imagery as the "background" of the advertising elements. Advertisers who chose to use the provided imagery may also use it as a portion or part of the ad and not the entire background. The image may be digitally adjusted using filtering software and content may be taken out of the image as a single item as shown on page 4. The imagery selected by the advertiser is meant to form a basis for the graphic layout and design.



PALETTE OPTION: COLORS

The palette of colors and patterns is meant to be used in a creative and custom way for each individual advertisement.

C-1	C-2	C-3	C-4	C-5
C-6	C-7	C-8	C-9	C-10
C-11	C-12	C-13	C-14	C-15
C-16	C-17	C-18	C-19	C-20
C-21	C-22	C-23	C-24	C-25
C-26	C-27	C-28	C-29	

PALETTE OPTION: PATTERNS

Patterns may be scaled as well as ajusted to contain any of the colors in the color palette. These are the patterns available in any of the approved colors in the color palette.H

P-1

P-2

P-3

P-4

P-5

P-6

P-7

P-8

PALETTE OPTION: HARVEST IMAGERY

HI-1

HI-4

HI-5

HI-2

HI-3

HI-14

HI-15

HI-13

HI-12

HI-16

HI-17

HI-6

HI-9

HI-8

HI-7

HI-11

HI-10

PALETTE OPTION: COMMERCE/BUSINESS IMAGERY

C/BI-2

C/BI-1

C/BI-3

C/BI-9

C/BI-4

C/BI-8

C/BI-7

C/BI-6

C/BI-5

PALETTE OPTION: HOLIDAY/SEASONAL IMAGERY

H/SI-1

H/SI-2

H/SI-3

H/SI-4

H/SI-6

H/SI-7

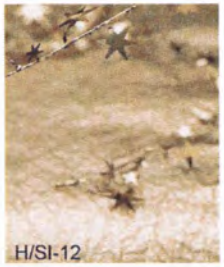
H/SI-8

H/SI-9

H/SI-5

H/SI-10

H/SI-11


H/SI-12

H/SI-13

H/SI-14

H/SI-15

H/SI-16

H/SI-17

H/SI-18

H/SI-19

H/SI-20

H/SI-21

PALETTE OPTION: RODEO/COWBOY IMAGERY

R/CI-1

R/CI-2

R/CI-3

R/CI-4

R/CI-5

R/CI-6

R/CI-7

R/CI-8

R/CI-9

R/CI-10

R/CI-11

PALETTE OPTION: MISCELLANEOUS IMAGERY

MI-1

MI-2

MI-3

MI-4

MI-5

MI-6

MI-7

MI-8

MI-9

MI-10

MI-11

MI-12

MI-13

FRAME OPTION

FRAME OPTION EXAMPLES

Frames form a standard background for an advertisement. Each sign position(A, D,E,F,G and I) will have 6 frame options to choose from. The layout is standardized and cannot be adjusted. The standardized background pattern and imagery icon are standard to the layout and cannot be adjusted. If desired, the colors may be adjusted if chosen from the palette of permissible colors (refer to page 9 in these Guidelines).

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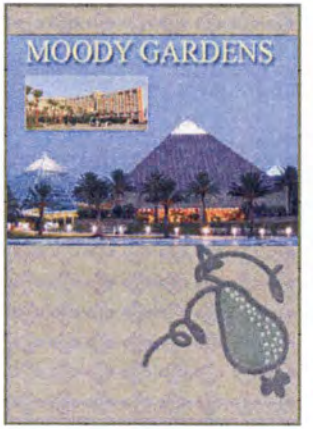
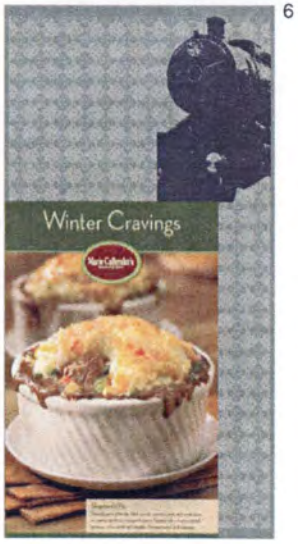
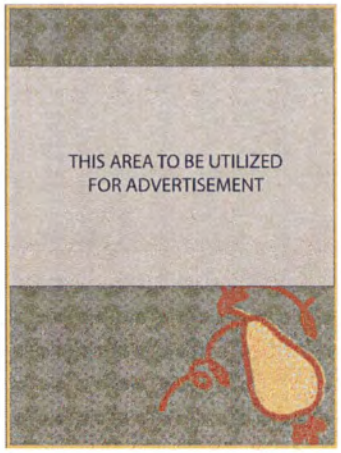


6



FRAME OPTION

1



2

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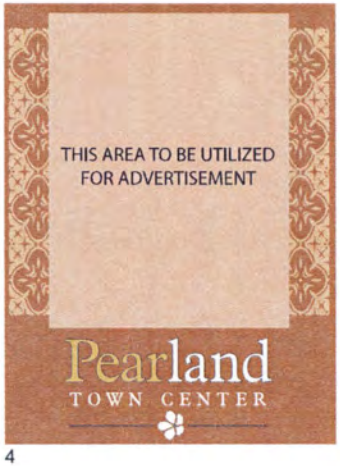

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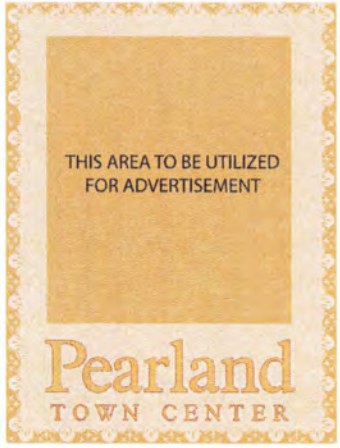

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FRAME OPTION

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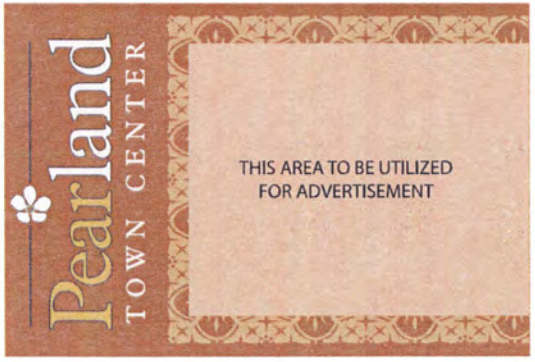

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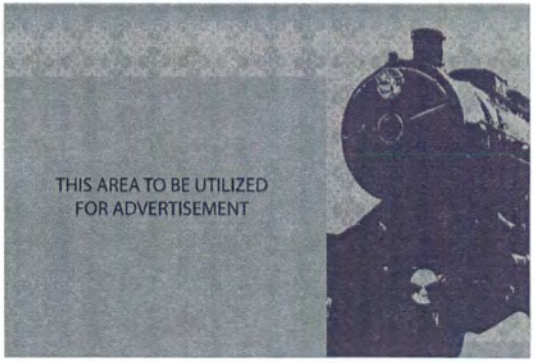

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FRAME OPTION

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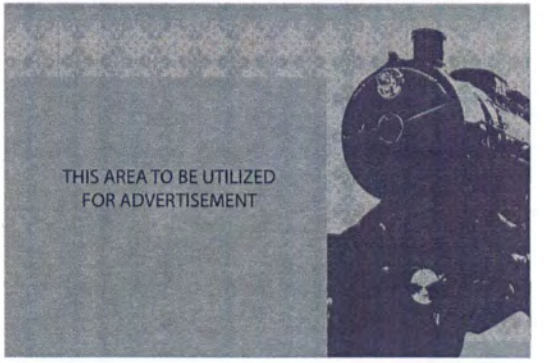

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FRAME OPTION

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FRAME OPTION

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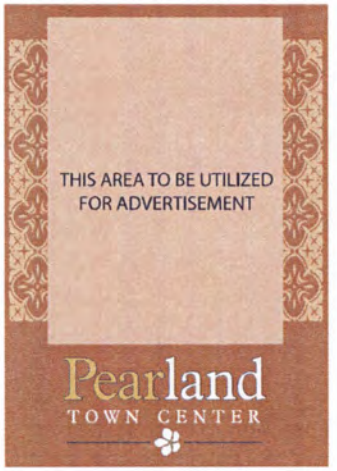

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FRAME OPTION

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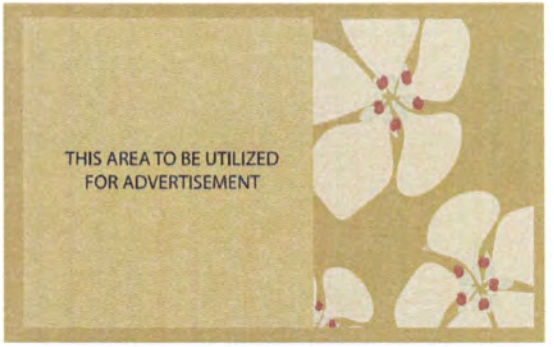

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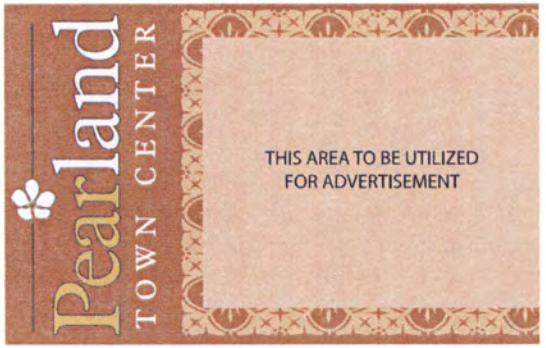

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FRAME OPTION

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FRAME OPTION

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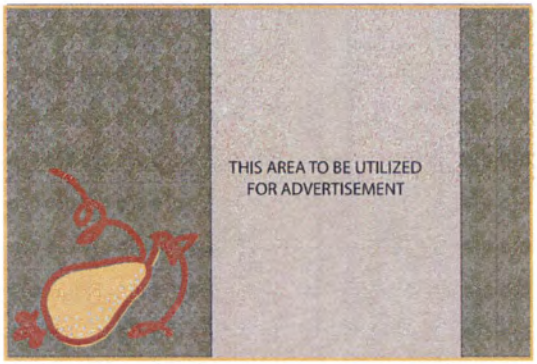

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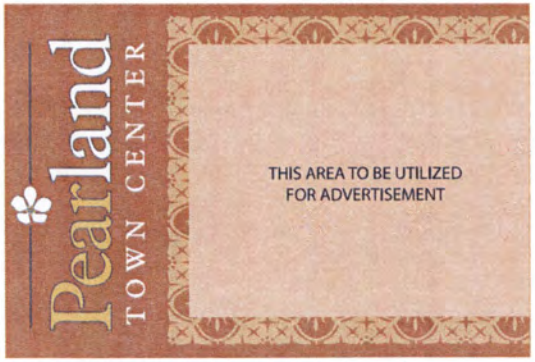

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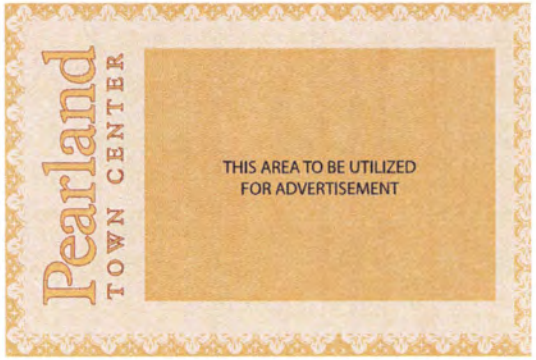

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FRAME OPTION

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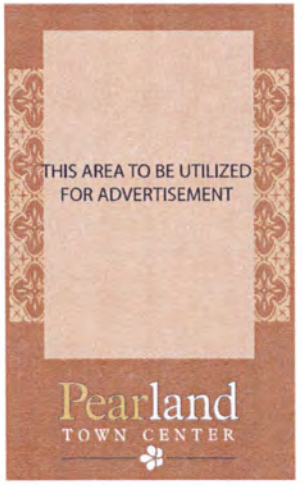

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FRAME OPTION

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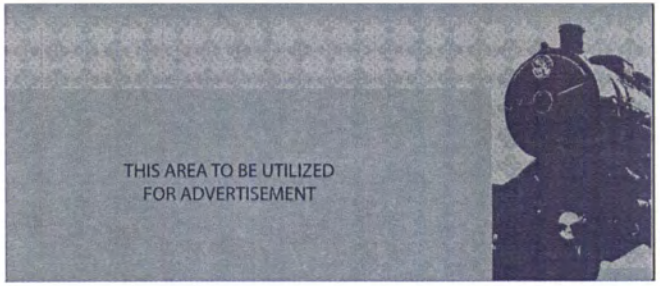

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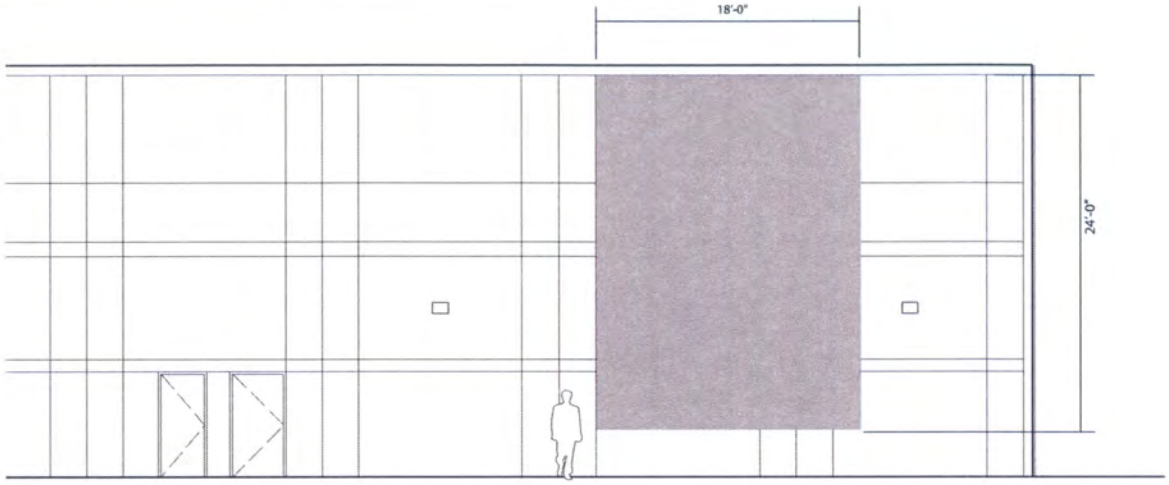

SIGN TYPE A - BUILDING 0400 - WEST WALL

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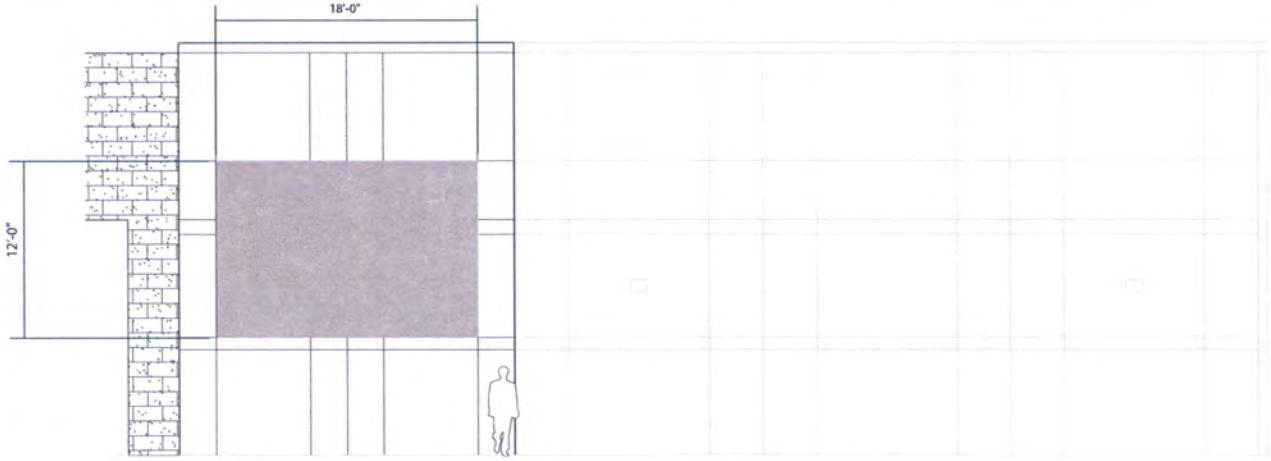

SIGN TYPE B - BUILDING 0100 - EAST WALL

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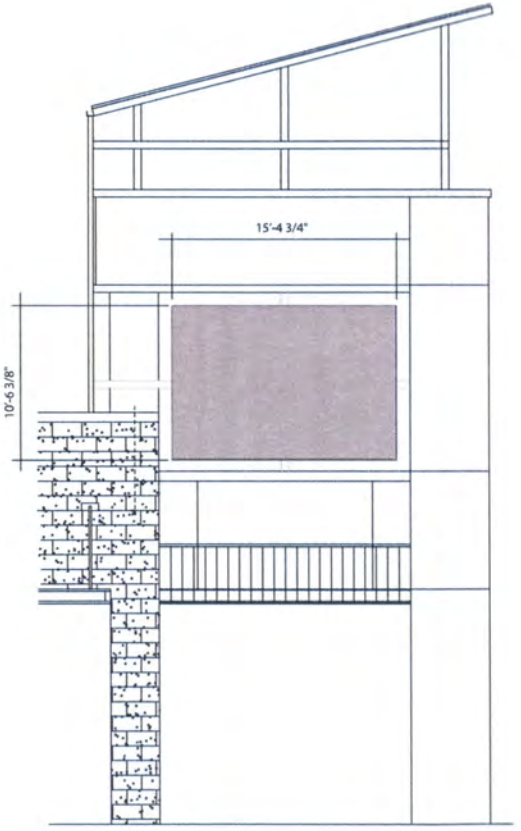

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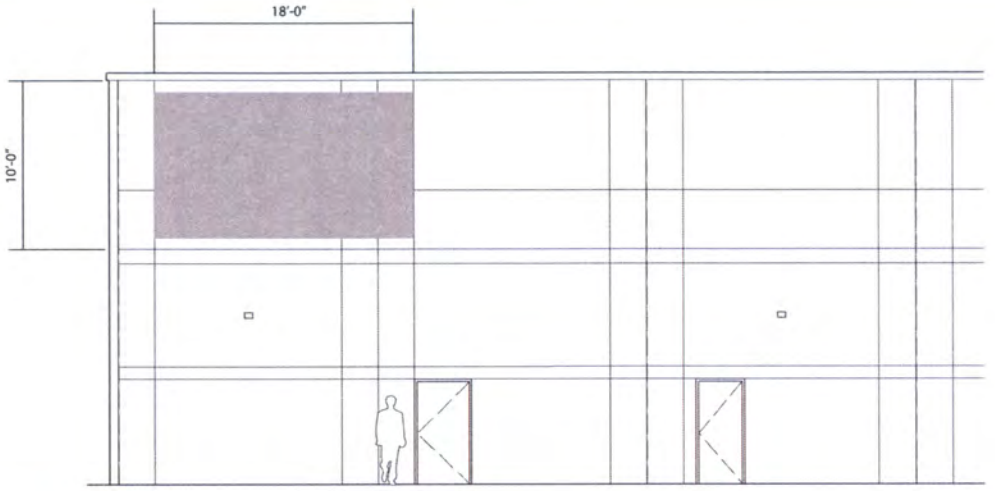

SIGN TYPE D - BUILDING 1400 - SOUTH WALL

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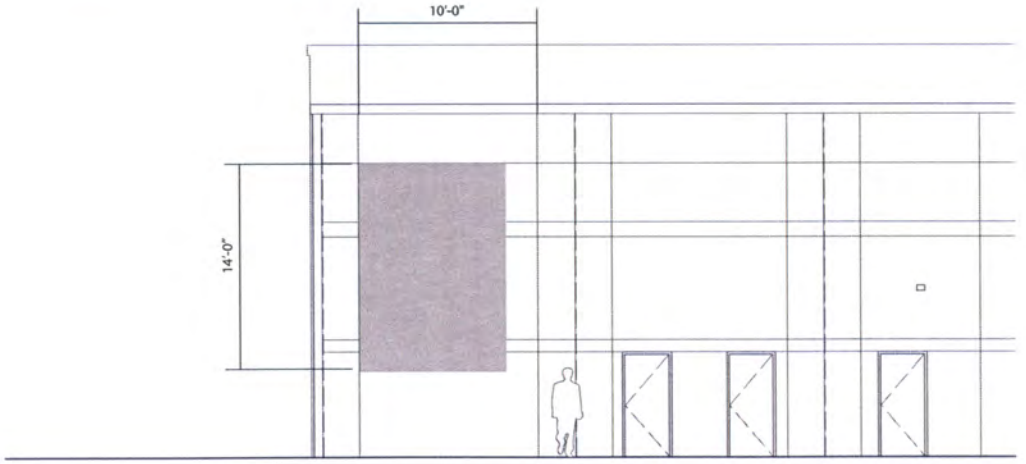

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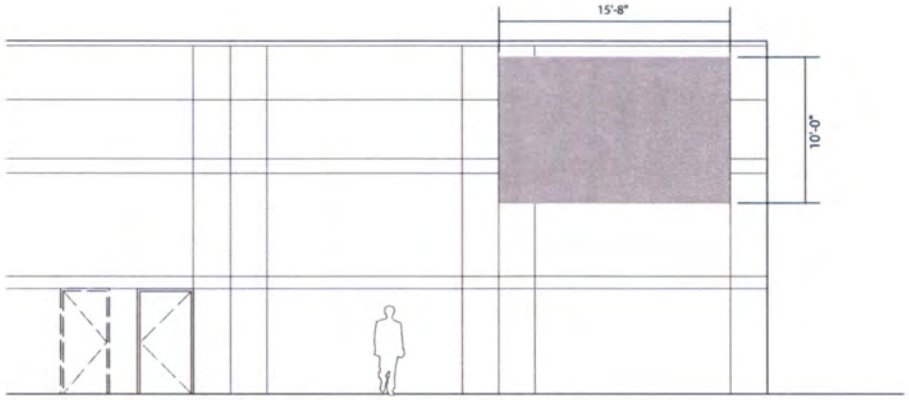

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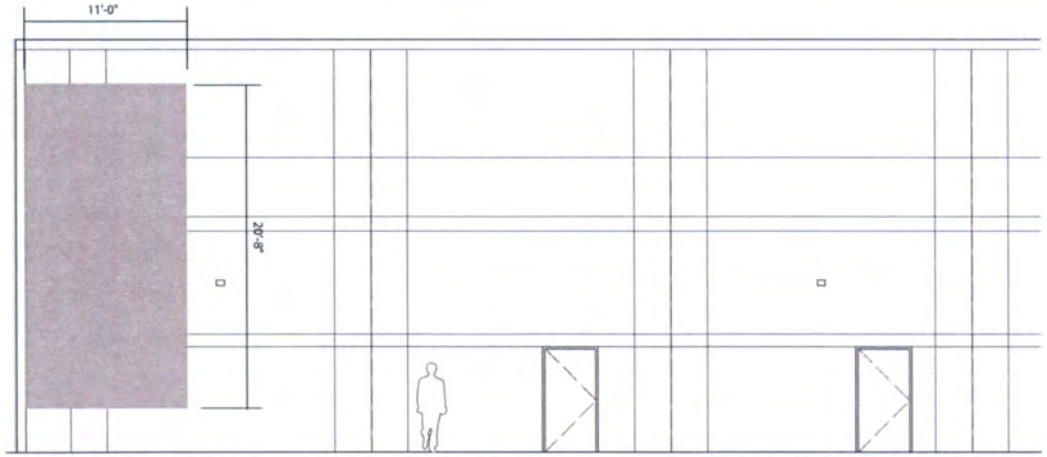
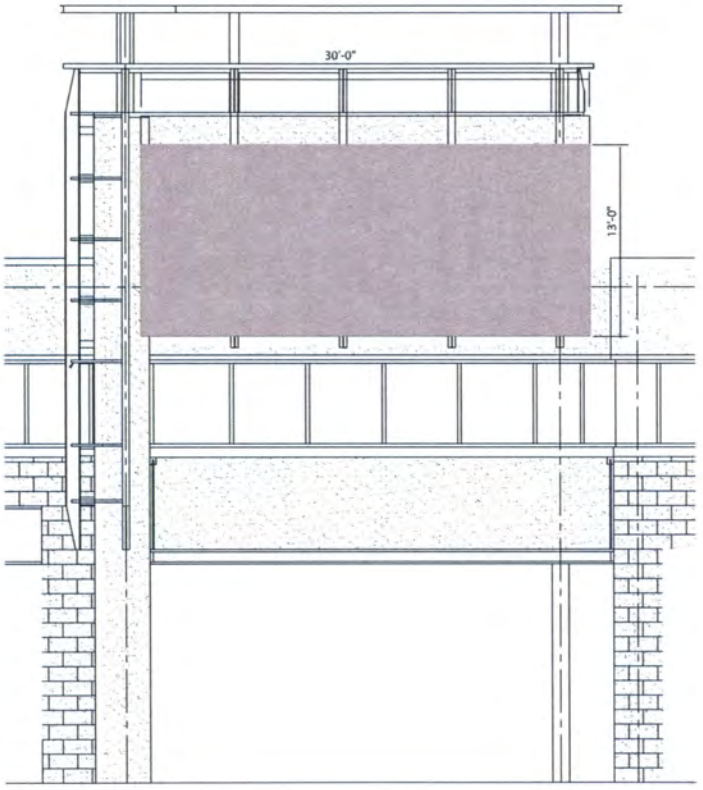


SIGN TYPE G - BUILDING 0900 - NORTH WALL

scale 1/8" = 1'-0"



SIGN TYPE J - BUILDING 0700 - TOWER

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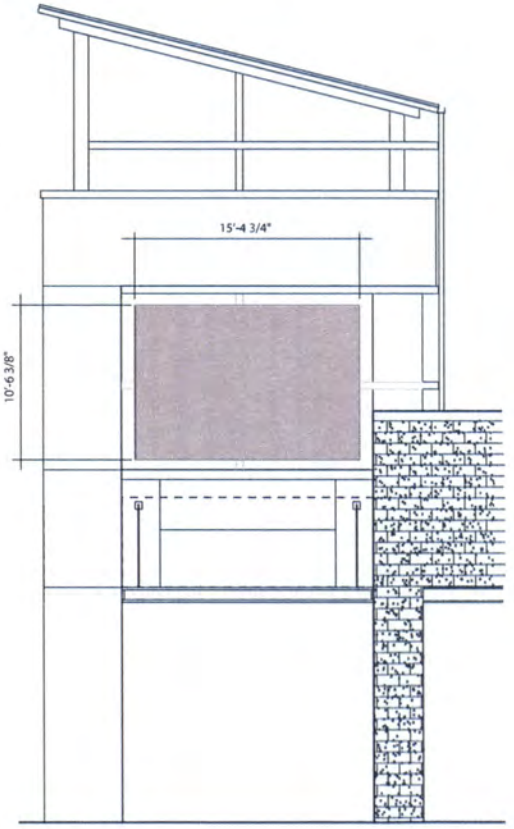
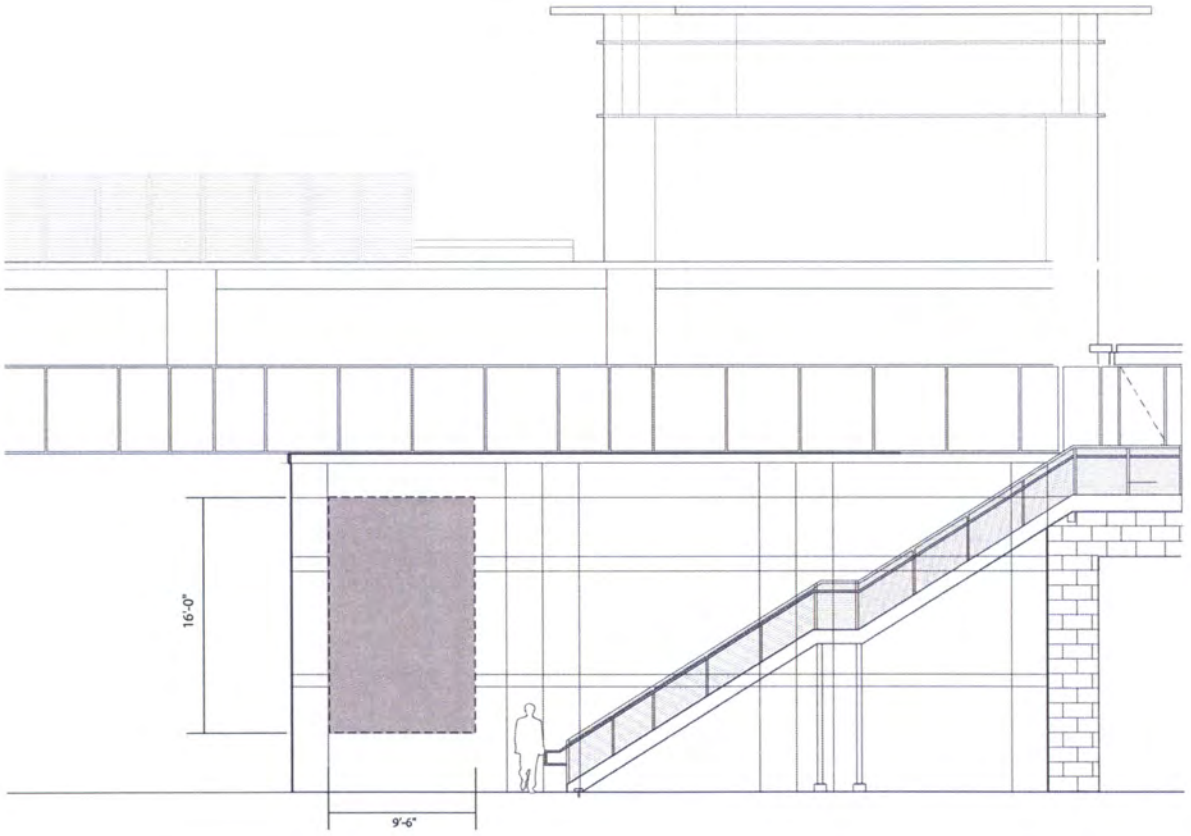


SIGN TYPE H - BUILDING 0900 - TOWER

scale 1/8" = 1'-0"



SIGN TYPE I - BUILDING 0700 - NORTH WALL

New Business Item No. 12

12. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-117 –** 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 that portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 34 of the deed records of Harris County, Texas, (located at the southwest corner of Spectrum Boulevard and State Highway 288, Pearland, TX), Zone Change 2014- 02Z; a request of Jack Parker, applicant; on behalf of American Modern Green Development (Houston), LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Ivy District PD, on approximately 48.5 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.

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

AGENDA OF: September 22, 2014	**ITEM NO.:** Ordinance No. 2000M-117
DATE SUBMITTED: September 8, 2014	**DEPT. OF ORIGIN: Community Development**
PREPARED BY: Lata Krishnarao	**PRESENTOR: Lata Krishnarao**
REVIEWED BY: Matt Buchanan	**REVIEW DATE: September 16, 2014**

SUBJECT: A request of Jack Parker, applicant; on behalf of America Modern Green Development (Houston), LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Ivy District PD, on approximately 48.5 acres of land on the following described property, to wit:

General Location: Southwest corner of Spectrum Boulevard and State Highway 288

ATTACHMENTS:

- **Ordinance No. 2000M-112 and Exhibits (Exhibit A – Application; Exhibit B - Vicinity and Zoning Map; Exhibit C - Legal Ad; Exhibit D - Planning and Zoning Commission Recommendation; Exhibit E – PD Document)**
- **Joint Public Hearing Staff Report**
- **Future Land Use Map**
- **Abutter Map**
- **Returned Notices**
- **Abutter List**
- **Aerial Map**
- **Original PUD**
- **Planning and Zoning Commission Recommendation Letter**
- **Modern Green Ivy District Public Comments**

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED: N/A**
AMOUNT AVAILABLE: N/A **PROJECT NO.: N/A**
ACCOUNT NO.: N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:			
Finance	**Legal**	**Ordinance**	**Resolution**

PROJECT SUMMARY: The applicant Jack Parker, on behalf of the owner America Modern Green Development (Houston) LLC., is proposing a 48.5 acre mixed use, pedestrian oriented development located on the west side of SH 288, east of Kirby Drive, south of South Spectrum Boulevard, and north of Clear Creek.

PROJECT COMPONENTS: The proposed project will consist of eleven (11) blocks, of which seven (7) will contain retail or offices in the first floor and residential and other uses in the top floors. One (1) block with house the Continuum Care Retirement Community (CCRC) and the remaining three (3) blocks will house residential units. The blocks will have a minimum of two (2) stories and a maximum of seventeen (17) stories. The project will consist of the following components.

Commercial: The commercial uses will include a minimum of 140,000 square feet of offices, 160,000 square feet of retail (restaurants, shopping and personal services), and a 150-room hotel with a 15,000 square foot conference center. All areas may be increased based on the market demand.

Retirement Community: The proposed project will also incorporate a 225-unit Continuum Care Retirement Community (CCRC) with a combination of independent living, assisted living, skilled nursing, and related uses.

Community Center: A 10,000 square feet Community Center is proposed at the base of the residential building on Block 7, and will be available for use by the entire community, not just the residents.

Residential: The multi-family component will comprise of a maximum of 1150 units, of which 750 will be individually owned residential units and 400 will be rental units. These units will be in the form of urban style dwellings (residential units wrapped around parking), flats or lofts, and townhouses. Garden style dwellings will be prohibited.

Open Space and Recreation: The project incorporates approximately fifteen (15) acres of public recreational open space along the Clear Creek with amenities such as trails, picnic tables, barbeque pits, exercise areas, pavilions, restrooms, benches, and drinking fountains. Additionally, plazas, courtyards, and other gathering spaces will be located within the development, totaling to approximately twenty (20) acres of open space.

Phasing: The entire project is proposed to be developed in two (2) phases. The first phase, consisting of seven (7) blocks (numbered 1-7 on the Building Program Plan), will encompass public recreational open space along the Clear Creek and all related amenities, the Continuing Care Retirement Community (CCRC), hotel, conference center, offices, some retail, shopping, and 575 residential units. The public recreational open space along the Clear Creek and all related amenities will be completed in the first

phase, prior to the first building being occupied. The remaining residential and retail, in four (4) blocks (numbered 8-11 on the Building Program Plan), will be completed in the second phase.

Expected Program Density by Phase - Summary		
	Phase 1	Phase 2 – Total of Both Phases
Office	140,000 sf (minimum)	140,000 sf (minimum)
Hotel	150 hotel keys (minimum)	150 hotel keys (minimum)
Hotel Conference Center	15,000 sf (minimum)	15,000 sf (minimum)
CCRC	225 units (minimum)	225 units (minimum)
Restaurants, Shopping,	120,000 sf (estimate)	160,000 sf (minimum)
Residential - Individual	375 units (estimate)	750 units (maximum)
Residential - Rental	200 units (estimate)	400 units (maximum)
Community Center	10,000 sf (minimum)	10,000 sf (minimum)

Exhibit B4 Building Program Plan

PROCESS: This project was first discussed at a joint workshop of the City Council and Planning and Zoning Commission in October 7, 2013. City Council and Planning and Zoning Commission conducted a joint public hearing on March, 17, 2014. Subsequently, at their regular meeting of July 7, 2014, the Planning and Zoning Commission made a recommendation to the City Council to approve the project with conditions. The next steps include City Council's consideration and action at their two regular meetings of August 25, 2014 and September 8, 2014.

PREVIOUS DISCUSSION ITEMS: Since October 2013, the following items and concerns were discussed with the applicant and addressed in their July 2014 submittal:

Codification and Design Standards:

- Require built-form, as shown in the exhibits
- Discourage conventional apartments
- Define all land use terms used in the PD and provide a breakdown of area/ number of units for each of these
- Images need to be tied to the map and to the components for better clarity to assist in review and approval of future permits.

Land Use:

- Land use mix - Increase the percentage of offices and retail uses and lower multi-family
- More buildings to include first floor commercial / office uses.

Open Space/Amenities:

- Details on parks and open space - meet the city's requirements
- Details of infrastructure improvements and lake amenities within and outside PD boundaries – assign responsibility for construction, maintenance, & ownership.

Multi-Family Housing Form

- Need better regulations to prevent "garden style" development
- Include minimum heights, details on designs, and restrictions on parking in areas along the streets by limiting the building setbacks. Provide building design and elevations to ensure pedestrian oriented, high-density, with parking area/structure enveloped by housing, and shared parking for commercial and residential uses (Texas Wrap Housing Product).

Street Network

- Clarify that all external roads will be public and constructed by the developer. Internal roads can be private
- Identify ownership and maintenance responsibility of all in the PD.

The table below summarizes the proposed uses and the changes compared to the previously approved Waterlights District and the October and January submittals to the current July 2014 submittal:

	Waterlights District	**% of total land**	**October 2013 - Modern Green Ivy District**	**% of total land**	**January 2014 - Modern Green Ivy District**	**% of total land**	**July 2014 - Proposed Ivy District**	**% of total land**
Site Area	57.7 acres	NA	48.5 acres	NA	48.5 acres	NA	48.5 acres	NA
Office	390,000 sf	15.5%	110,000 sf	5.2%	100,000 sf	4.7%	140,000 sf	6.6%
Retail Shopping Restaurant	218,000 sf	8.6%	80,000 sf	3.7%	130,000 sf	6.1%	160,000 sf	7.6%
Hotel	500 keys		450 keys		100 keys		150 keys	
Hotel Conference Center	NA		NA		NA		15,000 sf	0.7%
Senior Facility	0		Included in hotel		310 keys		225 units	
Residential	1150 units* on 48.5 acres (1400 on 57.7 acres) Additional 10 acres not included in Modern Green PD	24.26 units/acre	1410 units on 48.5 acres	29 .07 units/acre	1300 units on 48.5 acres MF rental: 400 units MF-condo:900 units Additional 25% (95 units) allowed	26 .8 units/ acre	1150 units on 48.5 acres MF rental – 400 units MF Individual owner: 750 units Capped	23.7 units/ acre
Community Center	Within residential blocks		Not calculated		80,000 sf	3.8%	10,000 sf	0.47 %

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration, as well as property owners within the existing Planned Development. A legal notice of public hearing was published in the local newspaper, and a notification sign was placed on the subject property. No comments were received from property owners within 200 feet of the subject property. A number of comments were received from other residents, predominantly from Shadow Creek Ranch, and a summary is attached with this packet.

PLANNING AND ZONING COMMISSION ACTION: At the regular meeting of the Planning and Zoning Commission on July 7, 2014, Planning and Zoning Commission

discussed the proposal including hotel size, park dedication fees, type of multi-family units, parameters used for the market study, whether this PD would be considered a destination point for the Houston region, gains for residents of Pearland, etc.

Commissioner Linda Cowles made a motion to approve with conditions, and P&Z Vice Chairperson Mary Starr seconded. The vote was 4-2. Commissioners Reed and Tunstall voted against the motion and Commissioners Cowles, Fuertes, Starr, and McLane voted in favor. Zone Change No. 2014-02Z was approved with eighteen (18) conditions as detailed in the attached P &Z approval letter. The corrections were minor edits and clarifications to the document, except for the first condition on Parkland Dedication and Open Space that is discussed below.

> Parkland Dedication – City Council and P &Z specifically did not approve any variance to the Parkland Dedication, since this can be a payment in lieu of. Please indicate how the balance (based on $900/unit) will be addressed. Currently a standard of $700 sf/unit has been used in the PD.

STAFF RECOMMENDATION: Staff has been working with the applicant over the past few weeks and the P & Z conditions of approval have been addressed.

As indicated above, one of the comments was clarification on Parkland Dedication and Open Space requirements, which has been clarified as follows:

Parkland Dedication: The PD document establishes a Parkland Dedication requirement to provide amenities valued at $750 per residential and CCRC independent living units in conformance with the City's requirement.

Open Space Requirements: City's standards require 27.1 acres of public open space for the proposed number of multi-family units (including CCRC), at 900 square feet per unit. This amounts to 55.9% of the gross area. Applicant has stated in the PD that – "Due to the nature of the traditional neighborhood design contemplated in the Lower Kirby Urban Center and proposed for the Ivy District, the density of residential units in the Ivy District PD zoning district will be significantly higher than any other current zoning district." Therefore, the PD establishes a maximum requirement of 40% of the total gross area as open space, which equals to 19.4 acres. This will be a combination of 18.7 acres (minimum) as public open space and remaining as private open space.

Staff recommends approval of the proposed PD for the following reasons:

1. The proposed PD is in compliance with the intent of the Comprehensive Plan's Lower Kirby Urban Center Development Code.
2. The proposed PD is in compliance with the purpose of the PD as stated in the UDC.

Consider the zone change request for Ivy District PD.

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

AGENDA OF: September 22, 2014	**ITEM NO.:** Ordinance No. 2000M-117
DATE SUBMITTED: September 8, 2014	**DEPT. OF ORIGIN: Community Development**
PREPARED BY: Lata Krishnarao	**PRESENTOR: Lata Krishnarao**
REVIEWED BY: Matt Buchanan	**REVIEW DATE: September 16, 2014**

SUBJECT: A request of Jack Parker, applicant; on behalf of America Modern Green Development (Houston), LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Ivy District PD, on approximately 48.5 acres of land on the following described property, to wit:

General Location: Southwest corner of Spectrum Boulevard and State Highway 288

ATTACHMENTS:

- **Ordinance No. 2000M-112 and Exhibits (Exhibit A – Application; Exhibit B - Vicinity and Zoning Map; Exhibit C - Legal Ad; Exhibit D - Planning and Zoning Commission Recommendation; Exhibit E – PD Document)**
- **Joint Public Hearing Staff Report**
- **Future Land Use Map**
- **Abutter Map**
- **Returned Notices**
- **Abutter List**
- **Aerial Map**
- **Original PUD**
- **Planning and Zoning Commission Recommendation Letter**
- **Modern Green Ivy District Public Comments**

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED: N/A**
AMOUNT AVAILABLE: N/A **PROJECT NO.: N/A**
ACCOUNT NO.: N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:			
Finance	**Legal**	**Ordinance**	**Resolution**

PROJECT SUMMARY: The applicant Jack Parker, on behalf of the owner America Modern Green Development (Houston) LLC., is proposing a 48.5 acre mixed use, pedestrian oriented development located on the west side of SH 288, east of Kirby Drive, south of South Spectrum Boulevard, and north of Clear Creek.

PROJECT COMPONENTS: The proposed project will consist of eleven (11) blocks, of which seven (7) will contain retail or offices in the first floor and residential and other uses in the top floors. One (1) block with house the Continuum Care Retirement Community (CCRC) and the remaining three (3) blocks will house residential units. The blocks will have a minimum of two (2) stories and a maximum of seventeen (17) stories. The project will consist of the following components.

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Staff recommends approval of the proposed PD for the following reasons:

1. The proposed PD is in compliance with the intent of the Comprehensive Plan's Lower Kirby Urban Center Development Code.
2. The proposed PD is in compliance with the purpose of the PD as stated in the UDC.

Consider the zone change request for Ivy District PD.

Ordinance No. 2000M-117

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 that portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 34 of the deed records of Harris County, Texas, (located at the southwest corner of Spectrum Boulevard and State Highway 288, Pearland, TX), Zone Change 2014-02Z; a request of Jack Parker, applicant; on behalf of American Modern Green Development (Houston), LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Ivy District PD, on approximately 48.5 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, Jack Parker, applicant; on behalf of American Modern Green Development (Houston), LLC., owner; is seeking approval of a change in zoning the Waterlights PD to the Ivy District PD, on approximately 48.5 acres of land; said property being legally described in the original application for amendment attached hereto and made a part hereof for all purposes as Exhibit “A” and more graphically depicted in the location map identified as Exhibit “B”; and

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

WHEREAS, on the 7th day of July, 2014, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the zone change application of Jack Parker, applicant; on behalf of American Modern Green

Development (Houston), LLC., owner; for approval of a change in zoning from the Waterlights PD to the Ivy District PD, on approximately 48.5 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 25th day of August 2014 and the 8th day of September 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 Jack Parker, applicant; on behalf of American Modern Green Development (Houston), LLC., owner; for seeking approval of a change in zoning from the Waterlights PD to the Ivy District PD, on approximately 48.5 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 located within the Waterlights PD, is hereby granted a change in zoning to the Ivy District PD; said PD attached hereto as Exhibit E, 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:

> That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.

GENERAL LOCATION**:** Southwest corner of Spectrum Boulevard and State Highway 288

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. This Ordinance shall become effective after its passage and

approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 22nd day of September, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 13th day of October, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

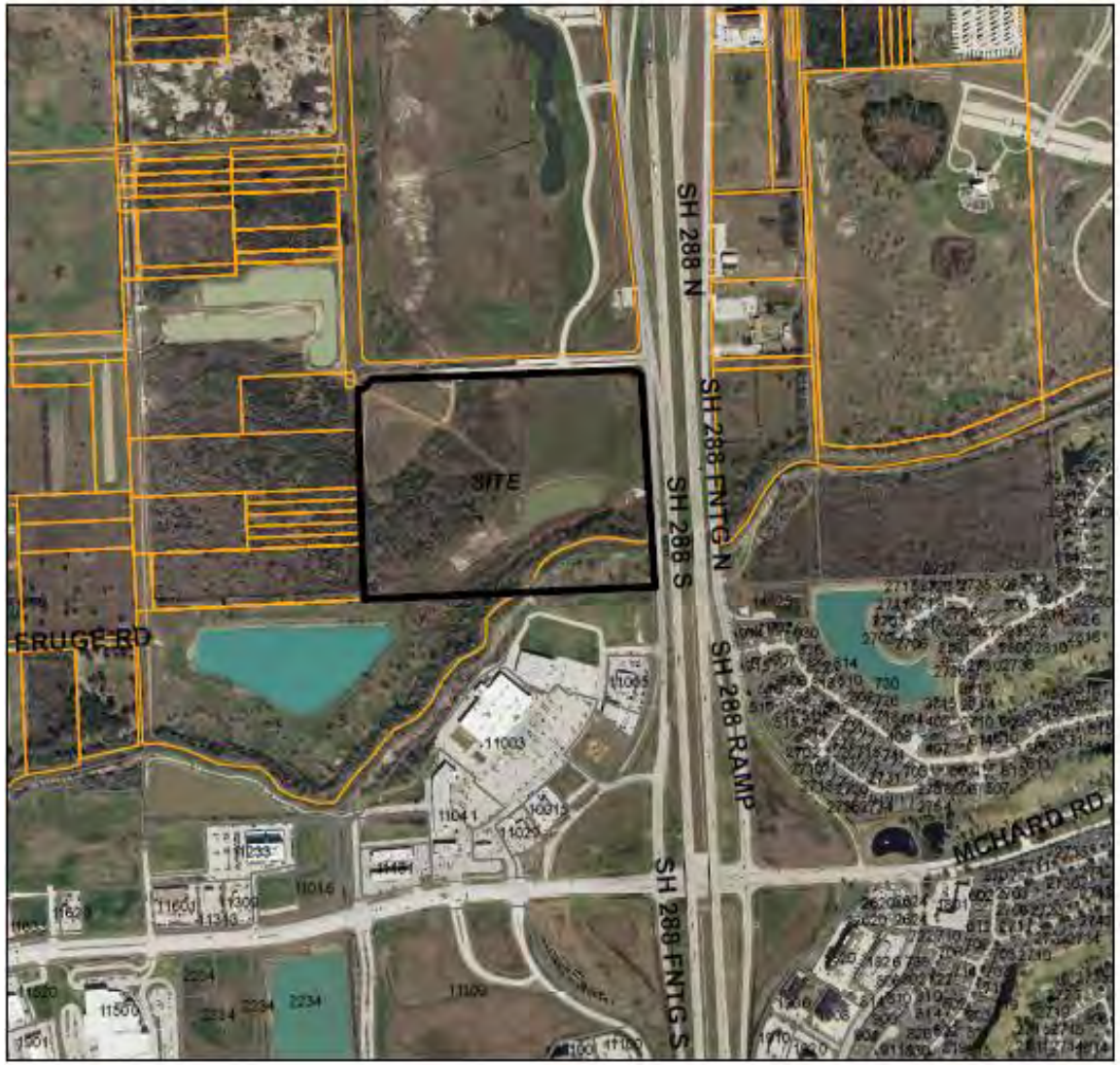
APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.

Exhibit B
Location Map



Aerial Map

Zone Change 2014-2Z

Modern Green/
Ivy District

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.

0 190 380 760 Feet

N

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 No. 2014-2Z

Notice is hereby given that on March 17, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of Steven Biegel, applicant; on behalf of America Modern Green Development, LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Modern Green-Ivy District PD, on approximately 48 acres of land, more specifically described as:

Legal Description: TR 5 ML Parker U/R ABST 881 D WHITE

General Location: Southwest corner of Spectrum Boulevard and State Highway 288, Harris County, Texas

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

Johnna Matthews
Senior Planner

Exhibit D
Planning and Zoning Commission Recommendation Letter

Planning & Zoning Commission

July 8, 2014

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

Re: Recommendation on Zone Change Application No. 2014-02Z

Honorable Mayor and City Council Members:

At their meeting on July 7, 2014, the Planning and Zoning Commission considered the following:

> A request of Kevin Cole, applicant; on behalf of American Modern Green Development, LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD), to the Modern Green-Ivy District PD, on approximately 48.5 acres of land on the following described property, to wit:
>
> **Legal Description:** That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.
>
> **General Location**: Southwest corner of Spectrum Boulevard and State Highway 288.

After staff presentation by the Director of Community Development, Lata Krishnarao, approval was recommended by staff.

After discussion, P&Z Commissioner Linda Cowles made the motion to recommend approval with conditions, and P&Z Vice Chairperson Mary Starr seconded. The vote passed (4-2), with Commissioners Derrick Reed and Daniel Tunstall in opposition.

Recommended conditions follow:

1. Parkland Dedication – City Council and P &Z specifically did not approve any variance to the Parkland Dedication, since this can be a payment in lieu of. Please indicate how the balance (based on $900/unit) will be addressed. Currently a standard of $700 sf/unit has been used in the PD.

2. Page 21 – F. Minor Deviations – line 9- "Design" was misspelled.

3. Page 27 – Marquee Sign – Flashing lights not permitted by UDC. Please remove the sentence that refers to flashing lights.

4. Page 43 – Residential Uses –The table indicates that townhomes are permitted in Public Square. Other areas of the PD indicate that townhomes will be restricted to Parkside Neighborhood. Please clarify.

5. Page 46 – as previously discussed add phasing to the Program Density to plan to indicate what can be expected in terms of land use breakdown at the end of each phase.

6. Page 48 – Please add the block numbers in Table 7.1 for better clarity.

7. Pager 50, 51 – Under Utilities and Block Standards please refer to sections of the PD that address this, and replace the note– "There are no specific…)

8. Page 51 – e. (10) Building Height conflicts with Table 7.2 –Building Height Standards.

9. Page 51 – C.1.c, d , and g– Refer to Chapter 8 on Building Design Standards and replace the note "There are no specific …".

10. Page 52, Building Materials - As indicated in previous discussions, staff recommends percentage breakdown of various materials to avoid a monotonous 100% stucco/brick building.

11. Page 53 – f. (5) "windows and doors ~~or~~ and visually…" Replace.

12. Page 55 – 2.c and d – refer to sections in the PD that address this, replace "None".

13. Page 56 – C. 2 – Public Square Sub-District Guidelines – Refer to regulatory plans and chapters in the PD.

14. Page 56, Building Materials - As indicated in previous discussions, staff recommends percentage breakdown of various materials to avoid a monotonous 100% stucco/brick building.

15. Page 57 – B. 5. – Fruge Road – Connection is shown to a section of Fruge Road that does not exist. Improvement of the road needs to be shown.

16. Page 62 – C.1.2 – Island width shown is less than 5 feet for certain streets. How will this requirement of tree being 4 feet from the curb be met?

17. Page 61 – C.2. – Guidelines – Refer to Master Streetscape Plan and Public Open Space Plan – Page 23.

18. 2. Guidelines – Need to refer to Page 23.3. Master Plans - to be provided prior to Platting.

Sincerely,

Johnna Matthews

City Planner
On behalf of the Planning and Zoning Commission

Exhibit E
Ivy District PD

THE MODERN GREEN

IVY DISTRICT

The Planned Development Zoning District (PD) Document

Submitted to the City of Pearland | November 15, 2013
Revision Submitted to the City of Pearland | January 31, 2014
Revision Submitted to the City of Pearland | May 2, 2014
Revision Submitted to the City of Pearland | June 20, 2014
Revision Submitted to the City of Pearland | August 7, 2014

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America Modern Green Development (Houston) LLC | Skidmore, Owings & Merrill LLP | Hargreaves Associates ©2014

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The goal of the Modern Green "Ivy District" is to create a vibrant, walkable and ecological mixed-use community where residents of Pearland, Texas, can live, work, shop and play. The vision for the new district builds upon the recent growth and momentum that has shaped Pearland into one of most desirable urban centers within the Greater Houston metropolitan region. The Ivy District will set a new standard for development of a high quality urban environment for residents and visitors alike.

1 | PURPOSE AND INTENT

The purpose of the "Ivy District" Planned Development (referred to herein as the "Ivy District PD" or "Ivy District"), proposed by America Modern Green Development (Houston) LLC ("Modern Green"), is to capitalize on and respond to key attributes and unique characteristics of its land and location to create a distinctive, innovative and ecologically sensitive mixed-use urban community that will be a model for achieving the goals and objectives of the City of Pearland's Comprehensive Plan. The following are key attributes and unique characteristics of the Ivy District site that warrant its classification as a PD zoning district pursuant to UDC Section 2.2.2.1(b):

- Paragraph (2): Clear Creek runs through the southern portion of the Ivy District site. With the creek and its floodway covering a large area of the site, an ecologically sensitive approach to development is required to protect this unique environmental feature.
- Paragraph (3): It is located within the proposed Lower Kirby Urban Center, which has been incorporated into the City's Comprehensive Plan, that is envisioned as a mixed-use development with traditional neighborhood design, which requires an innovative approach to development.
- Paragraph (7): It is adjacent to and readily accessible from State Highway 288 (SH-288) to the east, and adjacent to and directly accessible from South Spectrum Drive to the north. The site is also a short distance from Kirby Drive to the west and easily accessible from Beltway 8 to the north. The proximity of the site to SH-288 and other important thoroughfares presents a unique development opportunity that calls for a distinctive, high-quality development.

To achieve its purpose, the Ivy District PD establishes a land use and development strategy focused on distinct, yet compatible and integrated neighborhood spaces within convenient walking distances for residents and easily accessible to visitors, that will be developed in a sustainable and ecologically-sensitive manner, and will adhere to high-quality design standards. The result will be a vibrant, sustainable and attractive community in which residents and visitors can engage in a wide range of public spaces and supporting amenities within a pedestrian-friendly environment.

Guided by this land use and development strategy, the intent of the Ivy District is to:

(1) Create a diverse and multi-generational mixed-use community that includes an office complex, hotel and conference center, anchor retail establishments, a retirement community, and an urban residential neighborhood, all integrated within a street network with neighborhood-oriented retail shops in an ecologically-friendly setting of public and private open spaces.

(2) Build a mixed-use neighborhood on the western portion of the site that is residentially oriented and organized within a setting of public parks. This neighborhood will be unique in character and offer a range of amenities for residents set within an attractive pedestrian environment.

(3) Build a mixed-use neighborhood on the eastern portion of the site that is commercially oriented and organized around a public square. This vibrant neighborhood will be highly visible and readily accessible from the SH-288 corridor, yet integrated with the residential component of the Ivy District community and within convenient walking distance for its residents.

(4) Build a state-of-the-art Continuing Care Retirement Community (CCRC) that will provide a high quality of life for its residents and promote their interaction with the broader Ivy District community,

(5) Build a community center that will be an amenity accessible to both the Ivy District and broader Pearland communities that would be used for special public and private activities, events and performances.

(6) Promote sustainable and ecologically sensitive development by establishing standards and guidelines for environmentally friendly and innovative design and construction methods.

(7) Promote aesthetically pleasing development by establishing standards and guidelines for high-quality building and landscape design.

2 | DESCRIPTION OF THE PLANNED DEVELOPMENT

A. Site Description

The Ivy District property is a 48.5-acre site generally located on the west side of State Highway 288 (SH-288), east of Kirby Drive, south of South Spectrum Boulevard, and north of Fruge Road, within the City of Pearland (City), Harris County, Texas.

The land is predominantly undeveloped grassland and wooded areas, with Clear Creek running through the southeast corner of the site. There is a partially constructed detention pond on the east side of the site, just north of Clear Creek. Access to the site is from South Spectrum Boulevard and an access driveway off the SH-288 frontage road.

Figure 2.1, "Location Map," shows the location of Ivy District site. The following site-related information is provided in Appendix A, "Site Description":

Exhibit A1 – Location Map
Exhibit A2 – Site Survey
Exhibit A3 – Legal Description
Exhibit A4 – CLOMR Plan
Exhibit A5 – FEMA Letter

Figure 2.1 Location Map

B. Master Plan

The Master Plan for the Ivy District envisions a unique mixed-use community with extensive open space. Office, retail, hotel, a retirement community, and residential uses will be integrated into a pedestrian-oriented urban environment. Figures 2.2 through 2.7, at the end of this part, illustrate the Master Plan vision, described as follows:

Figure 2.2, "Illustrative Master Plan" identifies the types of buildings and other improvements proposed, and is an artistic depiction of the proposed location and arrangement of buildings and other improvements that would be effected by the complete implementation of the Ivy District PD.

Figure 2.3, "Illustrative Perspective Keyplan" is an artistic depiction of the scale and massing of the proposed buildings in the Ivy District.

Figure 2.4, "Illustrative Aerial Perspective" is an artistic depiction of the scale and massing of the proposed buildings in the Ivy District.

Figure 2.5, "Illustrative Perspective - Clear Creek Recreational Park" is an artistic depiction of the character of Clear Creek Recreational Park.

Figures 2.6 and 2.7, "Illustrative Perspective – Green Ivy Drive" and "Illustrative Perspective – Jade Street" are artistic depictions of the human-scale vision for a vibrant urban experience.

Note that the buildings depicted in these figures provide context and illustrate the proposed scale and massing, but are not representative of the proposed architectural design; see Part 8 of this PD document for building design controls and representative examples of architectural design intent.

C. Design Plan

The "Design Plan" for the Ivy District establishes the proposed conceptual design for the PD within the framework of the PD's zoning and land use regulations, building form and development standards, and design controls. It is the intent of the Ivy District to implement the elements of the Design Plan

as proposed and depicted on the Design Plan exhibits, which are provided in Appendix B. However, during implementation of the PD, market and other factors may influence changes to elements of the Design Plan; changes that are in compliance with PD zoning and land use regulations, building form and development standards, and design controls will be considered "Minor Deviations." Administration of Minor Deviations are discussed further in Part 3 of this PD document.

Descriptions of each Design Plan exhibit are provided below. Allowed variations that would be considered Minor Deviations are identified in Table 3.1 in Part 3 of this PD document.

Exhibit B1 – "Site Plan"
Illustrates the PD site boundaries and how the basic PD framework—street network and blocks—will be arranged and interface with existing conditions.

Exhibit B2 – "Illustrative Master Plan"
Identifies the types of buildings and other improvements proposed, and illustrates the proposed location and arrangement of the buildings and other improvements that would be effected by the complete implementation of the Ivy District PD. The rendered elements of this plan are artistic depictions and may not reflect the actual design; see Parts 8, 9 and 11 for building, streetscape and landscape design controls and representative examples of intended architectural, streetscape and landscape design character.

Exhibit B3 – "Street Network Plan"
Establishes (a) the number, types and classifications of streets that will be developed within and adjacent to the Ivy District, (b) their connection points to existing or planned new streets, and (c) their conceptual alignment and configuration.

Exhibit B4 – "Building Program Plan"
Illustrates the conceptual location, type, configuration and program areas of proposed buildings.

Exhibit B5 – "Setbacks Plan"
Illustrates application of setback standards based on the proposed program.

Exhibit B6 – "Public Open Space Plan"
Identifies land area proposed and calculated as public open space, and identifies proposed parks, greens, plazas, squares and gardens.

Exhibit B7 – "Parkland Landscape Plan"
Identifies the type and character of landscaping proposed within the public open spaces.

Exhibit B8 – "Parkland Amenities Plan"
Identifies the type, locations, and quantities of amenities proposed within the public open spaces.

Exhibit B9 – "Phasing Plan"
Illustrates the boundaries of the proposed phases of development. See Part 3, Section H, for additional phasing information.

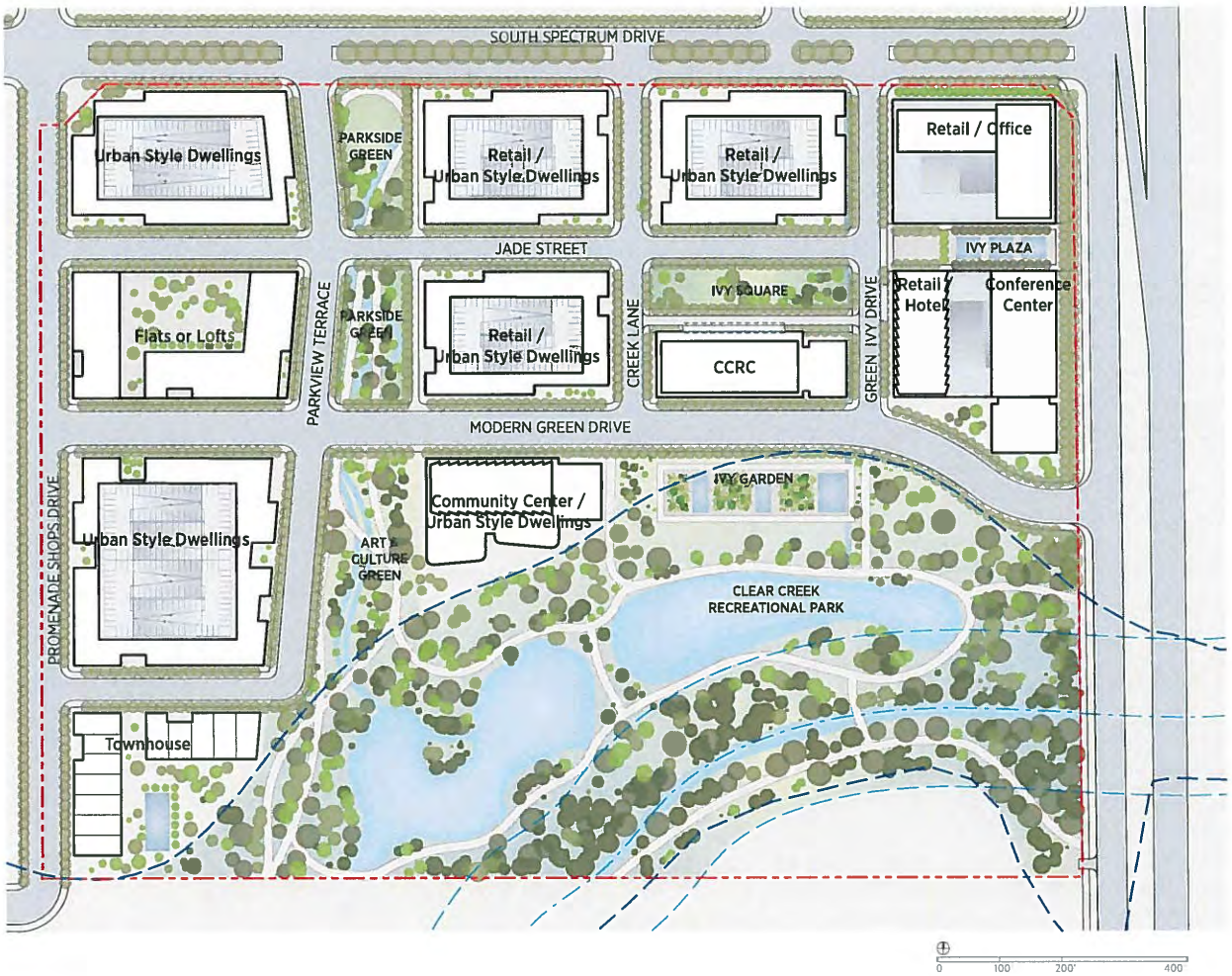


Figure 2.2 Illustrative Master Plan

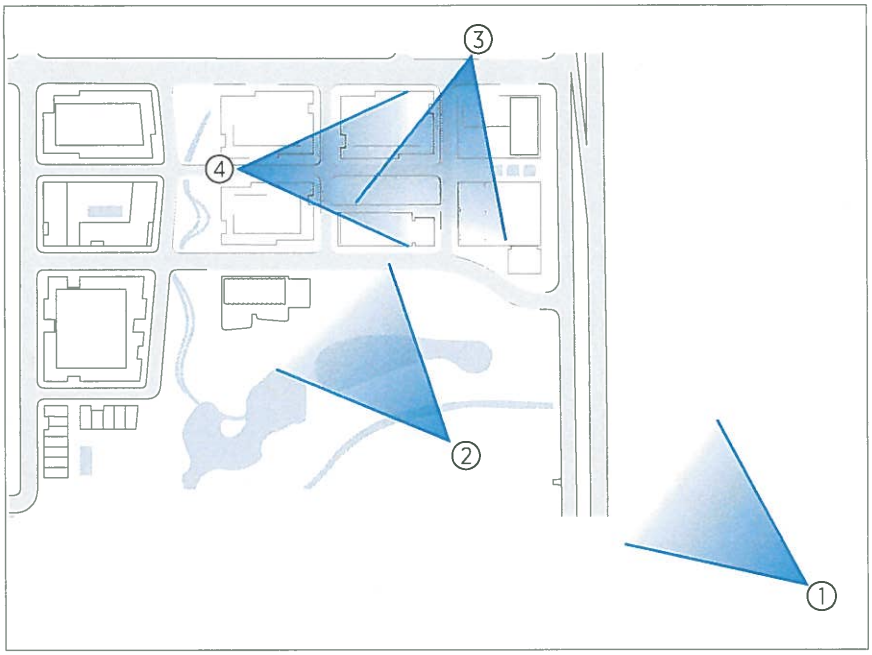


Figure 2.3 Illustrative Perspective Key Plan

1. Figure 2.4 Illustrative Aerial Perspective
2. Figure 2.5 Illustrative Perspective - Clear Creek Recreational Park
3. Figure 2.6 Illustrative Perspective - Green Ivy Drive
4. Figure 2.7 Illustrative Perspective - Jade Street

Figure 2.4 Illustrative Aerial Perspective

Note: Renderings reflect design vision and final design may vary.

Figure 2.5 Illustrative Perspective - Clear Creek Recreational Park

Note: Renderings reflect design vision and final design may vary.

Figure 2.6 Illustrative Perspective - Green Ivy Drive

Note: Renderings reflect design vision and final design may vary.

Figure 2.7 Illustrative Perspective - Jade Street

Note: Renderings reflect design vision and final design may vary.

3 | ADMINISTRATION

A. Components of the PD Document

The purposes of this PD document and its corresponding components are:

(1) Describe the purpose and intent of the Ivy District PD.

Part 1 – "Purpose and Intent of the Ivy District Planned Development"

(2) Provide a description of the PD site, the proposed conceptual design for the PD (the "Design Plan"), and overview of the zoning and regulatory framework.

Part 2 – "Description of the Ivy District Planned Development"

(3) Establish administrative procedures and other bases for City of Pearland officials and staff to assess development applications during the implementation phases.

Part 3 – "Administration"

(4) Establish definitions for terms that have specific application to and/or specific meaning relative to the Ivy District PD.

Part 4 – "Definitions"

(5) Establish the PD zone and zoning regulatory framework for the Ivy District PD.

Part 5 – "Zoning"

(6) Establish land use and development regulations.

Part 6 – "Land Use"

(7) Establish building form and other physical development standards.

Part 7 – "Building Form and Development Standards"

(8) Establish design controls to guide and instruct implementation of the PD.

Part 8 – "Building Design Controls"

Part 9 – "Street and Streetscape Design Controls"

Part 10 – "Signage Design Controls"

Part 11 – "Open Space Design Controls"

B. Compliance with the Unified Development Code

The Ivy District Planned Development (PD) will be established as the City of Pearland's "Ivy District" zoning district. Except as modified by this PD document, all development within the Ivy District shall comply with the requirements of the City of Pearland's ("City") Unified Development Code, 8th Edition, January 2013, and the T-15 and T-16 amendments approved June 24, 2013, and December 16, 2013, referred to altogether throughout this PD document as "UDC."

C. Compliance with other City Requirements

Implementation of the Ivy District PD shall comply with all applicable City requirements, current at the time of implementation, including but not limited to, the Engineering Design Criteria Manual (EDCM).

D. Compliance with Requirements of Authorities Having Jurisdiction

Implementation of the Ivy District PD shall comply with requirements of all authorities having jurisdiction over development of the site.

E. Design Plan

The Design Plan established in Part 2 and Appendix B of this PD document illustrates the conceptual element of the PD, including proposed location and boundaries of the PD site and its access via the existing street network; location of buildings and other improvements; configuration and classification of the street network; location and arrangement of land uses and conceptual configuration and program for buildings; the application of setback standards based on the conceptual configuration and program for buildings; public open space and parkland landscaping and amenities; and phasing plan.

The Design Plan shall be construed in conjunction with the Ivy District zoning regulations established in Part 5 and Appendix C of this PD document, the land use provisions established in Part 6 of this PD document, building form and development standards established in Part 7 of this PD document, and the design controls established in Parts 8 through 11 of this PD document. Therefore, during implementation of the PD, changes to conceptual elements of the Design Plan due to market and other factors may be permitted as "Minor Deviations" provided that such changes are in compliance with PD zoning and land use regulations, building form and development standards, and design controls. Administration of Minor Deviations are discussed further in Section F below.

F. Minor Deviations

During the implementation of the PD, the City Manager or his or her designee (altogether, "City Manager") shall have the authority to approve "Minor Deviations" from the Design Plan without a public hearing process. Should the developer wish to appeal a decision of the City Manager on a proposed Minor Deviation, then the developer may apply for an appeal to the City Council for a ruling on the matter without a public hearing process. Should the developer wish to pursue a proposed change to the Design Plan that is not deemed a Minor Deviation by the City Manager, or by the City Council upon appeal, then the proposed change will be considered a "Major Deviation" administered according to the provisions in Section G below.

Allowed variations that would be considered Minor Deviations, subject to the approval processes described above, are identified in Table 3.1, on the following page.

G. Major Deviations

"Major Deviations" from the Design Plan, development standards and design controls, and PD zoning and land-use regulations must be submitted to the City of Pearland's Planning and Zoning Commission and City Council for approval with a public hearing as an amendment to the Ivy District PD.

Major Deviations include:

(1) Any changes to the Ivy District zone characteristics or zoning and land-use regulating plans, and

(2) Any variations from the Design Plan, building form, development standards, and design controls that are either (i) not listed in Table 3.1 and approved pursuant to the provisions of Section F above, or (ii) not otherwise permitted by the provisions of this PD document.

H. Phasing

Exhibit B9 illustrates the boundaries of Phases 1 and 2. Generally, all development within Phase 1 must be complete prior to commencing development in Phase 2, as described below:

(1) Development of the entire Clear Creek Recreational Park must be complete prior to granting of a Certificate of Occupancy by the City for the first building or groups of buildings to be completed in Phase 1.

(2) As a minimum, development of proposed buildings or other improvements must be completed on six of the eight development blocks within the Phase 1 boundaries (Blocks 1 through 7 and 12) and pad sites must be developed for the remaining two blocks before development on Blocks 8 through 11 within the Phase 2 boundaries may begin. A block shall be deemed developed when a building or other improvement is completed sufficient for its intended purpose and a Certificate of Occupancy is granted when applicable; however, usable space within a new building does not have to be fully leased or occupied.

(3) Development of the entire street network serving the area within the Phase 1 boundaries must be completed prior to commencing Phase 2 development. However, development of streets and pad sites for Phase 2 may begin and be completed during Phase 1 development.

(4) Completion of any additional on- and/or off-street improvements resulting from a traffic impact analysis (see Section I below) must be achieved for the entire 48.5 acre site during the first increment of Phase 1 development and if required will be a condition for granting of a Certificate of Occupancy for any building or facility.

(5) Drainage improvements, open space and parkland dedication requirements must be achieved proportionately as they apply to each increment of development within both primary phases and compliance must be demonstrated prior to granting of a Certificate of Occupancy for any building or improvement.

I. Additional Requirements

1. Traffic Impact Analysis

A Traffic Impact Analysis (TIA) must be prepared for the Ivy District PD and approved prior to submittal of a plat application. Should the results of the TIA indicate that additional on- and/or off-site street improvements are required, then such improvements shall be incorporated as an amendment to the Ivy District PD prior to submittal of a plat application. Any additional street improvements resulting from the TIA must be completed for the entire 48.5 acre site during the first increment of development.

TABLE 3.1 MINOR DEVIATIONS	
Item	***Allowed Variation***
Design Plan	
Site Plan (Exhibit B1)	(a) The conceptual alignment of the streets and their connection points to existing streets where there is no existing intersection are allowed to vary during implementation of the PD, but the number of streets shall not change. (b) The general configuration of blocks are allowed to vary in correlation to permitted variations in conceptual street alignment, but the number of blocks shall not change.
Illustrative Master Plan (Exhibit B2)	The form, scale and design of buildings, streetscape and landscape depicted are artistic renderings of the design vision for the completed PD and the designs depicted are permitted to vary during implementation of the PD.
Street Network (Exhibit B3)	(a) The conceptual street alignment and connection points to existing streets where there is no existing intersection are allowed to vary during implementation of the PD, but the number of streets, designated street types and classifications, and connection points to existing intersections shall not change. (b) Street names are placeholders and may vary.
Program Area (Exhibit B4)	Locations, types, configurations and program of buildings are allowed to vary provided that variations are in compliance with PD zoning and land use regulations, building form and development standards, and design controls.
Setbacks (Exhibit B5)	Setbacks depicted are allowed to vary in correlation to allowed program variations.
Public Open Space (Exhibit B6)	All proposed parks, greens, squares, plazas and gardens shall be developed in the general locations depicted, but their size and configuration are allowed to vary in correlation to permitted variations in street alignment, block configuration, buildings and structures.
Parkland Landscape (Exhibit B7)	The proposed configuration of landscaping and water bodies depicted may vary, but the general location and types of landscaping and water bodies may not vary.
Parkland Amenities (Exhibit B8)	The proposed configuration and placement of amenities depicted may vary, but the extent, types and quantities of amenities may not vary.
Phasing (Exhibit B9)	Delineation of phases depicted is not allowed to vary; see Section H for further information on phasing.
Development Standards	
Building Frontage	No more than 15% reduction in the length of the required frontage is allowed only to accommodate port cocheres for drop-off and pick-up areas.
Street Cross Sections	Cross sections of new streets may be adjusted with respect to number of lanes, lane widths, on-street parking configuration, and pedestrian accommodation due to regulatory factors such as the results of a traffic impact analysis, to accommodate fire access, and the like.
Detention / Retention Areas	Location, configuration and/or shape of detention/retention areas may be varied due to regulatory factors such as those associated with the results of the drainage analysis.

2. Drainage Study

A drainage study must be prepared for the Ivy District PD and approved prior to submittal of a plat application. Should the results of the drainage study indicate that additional on- and/or off-site drainage improvements are required, then such improvements shall be required to be incorporated as an amendment to the Ivy District PD prior to submittal of a plat application. Any additional drainage improvements resulting from the drainage study may be completed incrementally provided that drainage requirements are met for each increment of development.

3. Master Plans

The following master plans for the entire Ivy District must be approved by the City Manager prior to submittal of a plat application:

(1) Master Streetscape Plan, as prescribed in Part 9, Section C, of this PD document.

(2) Master Signage and Wayfinding Plan, as prescribed in Part 10, Section A, of this PD document.

(3) Master Public Open Space and Landscape Plan, as prescribed in Part 11, Section A, of this PD document.

4 | DEFINITIONS

In addition to Definitions in Chapter 5 of the City of Pearland UDC, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, the following terms shall have the corresponding interpretations. The definitions in this subsection under the Ivy District PD document shall supersede definitions of any terms also in Chapter 5 of the UDC and shall only apply to development within the Ivy District.

A. General Terms

Assisted Living Facilities / Units (ALU) are licensed by the State of Texas to provide personal assistance to residents. They typically have smaller accommodations than congregate or independent living facilities, and sometimes provide small kitchenettes.

Auto-Related Sales and Service Uses means establishments that provide retail sales and services related to automobiles including, but not limited to, cars, trucks, tires, parts, batteries, gasoline, etc.

Balcony is a platform projecting from a second or higher story interior or exterior wall of a building, usually enclosed for privacy and protection by a rail. A balcony usually has French or sliding glass doors leading out to it, and can be entered from a living room or bedroom.

Block Face Dimensions are the linear dimension of a block along one of its street frontages.

Bioswales are landscape elements designed to remove silt and pollution from surface runoff water. They consist of shallow, trough-like depressions with gently sloped sides (less than six percent) and filled with vegetation and/or compost. The water's flow path, along with the wide and shallow ditch, is designed to maximize the time water spends in the swale, which aids the trapping of pollutants and silt.

Block Perimeter means the aggregate dimension of a block along all of its street frontages.

Block means the aggregate of lots, pedestrian passages and rear alleys, circumscribed on all sides by streets (or the projected extension of streets, the Clear Creek floodway or other boundaries when not circumscribed on all sides by streets).

Build-to Line means the line at which the principal building's front façade shall be built.

Building Form Standards means the standards established for each Sub-District that specify the height, bulk, orientation, and elements for all new construction and development.

Canopy means an awning-like projection from a wall that is made of rigid materials and is permanently attached to a building's facade and allowed to project over public sidewalks.

City Manager means the City Manager of the City of Pearland or his/her designee.

Colonnade means a structure that is similar to an arcade except that it is supported by vertical columns without arches.

Commercial or Mixed Use Building means a building in which the first floor of the building is built to commercial ready standards and any of the floors are occupied by non-residential or residential uses.

Commercial Ready means space constructed at a minimum floor to floor height of 15 feet which may be used for non-commercial uses and can be converted into retail/commercial use. Prior to the issuance of a certificate of occupancy for a retail/commercial use in a Commercial Ready space, the space must comply with all building and construction codes for that use. The intent of Commercial Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

Community Garden is a small to medium size garden cultivated by members of an area for small scale agricultural uses for the benefit of the same people. It may consist of individually tended plots on a shared parcel or may be communal (everyone shares a single plot).

Comprehensive Plan means the City of Pearland Comprehensive Plan that establishes policy guidance for the long-term growth and development of the City as adopted on the effective date of this PD.

Congregate Living Units (CLU) are differentiated from independent living units (ILU) by the lack of full cooking facilities. They may have a kitchenette with refrigerator and microwave, sometimes a small cook-top, but they generally do not have an oven. They are not licensed to provide assisted living services.

Continuing Care Retirement Community (CCRC) means any buildings specifically designed for and occupied by senior citizens, designed to meet the physical or social needs of senior citizens, which may include: assisted living, congregate living, independent living or skilled nursing facilities, rehabilitative services, medical or personal care services, social gathering space, restaurant and dining space, assembly and entertainment space, or education and cultural space.

Courtyard is a landscaped open space, usually in the center of the block with no street frontage, bounded by walls or buildings on at least two sides.

Encroachment means any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public R.O.W., into an Easement, or above a height limit.

Façade Rhythm means the repetition of a vertical or horizontal feature, bay width or architectural element on a façade at a regular interval that provides scale and massing to a building.

Forecourt is a small private open space between a building facade and the Build-to Line.

Formula Retail means a retail business which, along with seven or more business locations, is required by contractual or other arrangement to maintain any of the following: standardized merchandise, services, décor, uniforms, architecture, colors, signs or other similar features.

Gallery means an extension of the main façade of the building that is at or near the front property line. The gallery or column-supported canopy-like structure may overlap the public sidewalk provided that (a) all columns remain within the property line of the building; and (b) with City approval.

Garden Style Apartment means a development of one or more apartment buildings in which each building is no more than four stories tall, and there are no internal hallways or stairs connecting any individual units. Entries to each apartment unit are from a common exterior stairwell or sidewalk that serve more than two units, and the buildings are typically surrounded by outdoor landscaping, hardscape, and surface parking.

Independent Living Units (ILU) are defined by the presence of a private living area (a room or apartment that can be locked), with full cooking facilities (oven and cooktop as well as a refrigerator and sink). Independent living for older adults may be on a campus with other types of living and care such as assisted living, or they may be limited to amenities and some services.

Kiosk means a small temporary or permanent structure often open on one or more sides used for sales in civic/open spaces.

Live-Work Unit means a mixed-use building type with a dwelling unit that may also be used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The 'work' component is usually located on the first floor which is built to Commercial Ready standards. The 'live' component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises, and customers may be served on site.

Living Screen means a Street Screen composed of landscaping in the form of vegetation.

Master Sign Plan means a unique sign plan to implement a specific vision for a portion or all of the development that meets Part 10 of this PD document.

Minor Modification means any changes to the Ivy District PD that meet the threshold criteria established in Part 3F and Table 3.1.

Patio is an outdoor space for dining or recreation that adjoins a residence and is often paved. It may also be a roofless inner courtyard within a residence, typically found in Mediterranean dwellings.

Pedestrian Easement means a grant of use of private property to the public for pedestrian access and use.

Pedestrian Passage is an intimate street level passage way for pedestrians from the interior of one block or building to a public sidewalk. These paths provide direct pedestrian access to residential addresses and create unique spaces for frontages to engage and enter off of.

Playground is a space designed and equipped for children's recreation. A playground may be fenced and may include an open shelter. Playgrounds may be located within residential areas, placed within a block, or included in other civic/ open spaces.

Private Open Space means open space provided for all residential uses, privately accessible open spaces such as courtyards, porches, and balconies.

Public Open Space means publicly accessible open space in the form of parks, gardens, squares, plazas, greens, pocket parks, playgrounds, etc. that may be privately or publicly owned.

> ***Garden (formal)*** means a Public Open Space with formal landscaping intended to be a quiet, relaxing and meditative space.
>
> ***Green*** means a Public Open Space intended for unstructured recreation, spatially defined by landscaping rather than building frontages.
>
> ***Park*** means a Public Open Space that is a preserve largely available for unstructured recreation.
>
> ***Plaza*** means a primarily hardscaped Public Open Space with formal landscaping, available for civic purposes and commercial activities.
>
> ***Square*** means a Public Open Space designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees, formally arranged.

Recommended Public Open Space means plaza, green, square, or park area identified on Exhibit B6, Public Open Space Plan, which is shown as a suggested feature within the Ivy District. A Recommended Public Open Space is not required and is at the election of an applicant or developer.

Regulating Plan means the Ivy District Regulating Plans attached hereto as Appendix C that shows the Sub-Districts, Land Uses, open space, general layout of the street network, and other Special Requirements applicable to the Ivy District subject to the standards in this PD document.

Required Public Open Space means plaza, green, square, or park area identified on Exhibit B6, Public Open Space Plan, which is shown as a mandatory feature within the Ivy District. A "Required Public Open Space Plan" shall be provided at the time of development and its design and location may be adjusted to meet the context of the development provided it meets the standards established in Part 11 of this PD document.

Residential Building means a building type that is built to accommodate only residential uses on all floors of the building such as townhomes, apartment buildings, duplexes, etc.

Retail Sales Retail establishments are the final step in the distribution of merchandise. They are organized to sell in small quantities to many customers. Establishments in stores operate as fixed point-of-sale locations, which are designed to attract walk-in customers. Retail establishments often have displays of merchandise and sell to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation. Included in, but not limited to this category, are durable consumer goods sales and service, consumer goods, other grocery, food, specialty food, beverage, dairy, etc., and health and personal services. Excluded from this category are formula retail establishments (refer to formula retail definition).

Roof Terraces are flat areas on top of a building which are accessible for use as a recreation space for the residents and users of the building.

Senior Citizen includes any elderly person over the age of 55 (This age criteria is the same as the City of Pearland UDC, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013 definition for "Assisted Living Facility")

Service Uses means a category for limited personal service establishments which offer a range of personal services that include (but not limited to) clothing alterations, shoe repair, dry cleaners, laundry, health and beauty spas, etc.

Sign, Building Blade means a pedestrian-oriented sign that is affixed perpendicular to the corner of a building or to the front façade of a building above the first floor to provide identification for the whole building.

Sign, Marquee means a sign structure placed over the entrance to a theatre or other public gathering venue. It has signage stating either the name of the establishment or the name of the event, artist, and other details of the event appearing at that venue. Marquee signs may often be combined with Building Blade signs.

Sign, Monument means any sign which is connected to the ground and which has no clear space for the full width of the sign between the bottom of the sign and the surface of the ground. A monument sign may include a sign face and sign structure, and may also include a sign base and sign cap.

Sign, Sandwich Board means a portable sign consisting of two panels of equal size, which are hinged at the top or one panel with a support and placed on the ground or pavement so as to be self-supporting.

Sign, Tenant Blade means a smaller pedestrian-oriented sign that is affixed perpendicular to the building façade under a canopy or awning or immediately over a tenant space and provides identification for individual tenants within a building.

Skilled Nursing Facilities (SNF) are licensed in the State of Texas. They provide 24-hour supervision and nursing/ medical care.

Street Screen means a freestanding wall or living screen built along the BTZ or in line with the building façade line along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

Street Type means a specific designation for streets in the Ivy District that establishes a certain character and cross-sections to improve walkability within the development.

Street Network means the Required and Recommended network for new and existing streets within the Ivy District as established in the Street Network Plan, Exhibit B3.

Sub-District means an area within the Ivy District development that creates a distinct urban form different from other areas within the Ivy District. Sub-Districts are identified in the Sub-Districts Regulating Plan, Exhibit C1.

Tree Planting Area means the actual ground area which is disturbed for planting a tree. It shall include the root ball and backfill soil around it. The tree planting area may be larger than the tree well which is placed over the tree planting area.

Tree Well means an unpaved area around the trunk of a tree within the sidewalk area that is either landscaped with ground cover or covered with a tree grate.

B. Technical Terms

Arcade means a portion of the main façade of the building that is at or near the property line and a colonnade that supports the upper floors of the building. Arcades are intended for buildings with first floor commercial or retail uses and the arcade may be one or two stories.

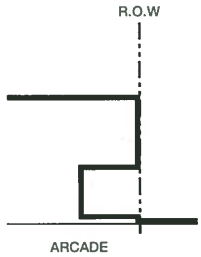


Figure 4.1 Arcade

Build-to Zone (BTZ) means the area between the minimum and maximum setbacks within which the principal building's

front façade (building façade line) is to be located.

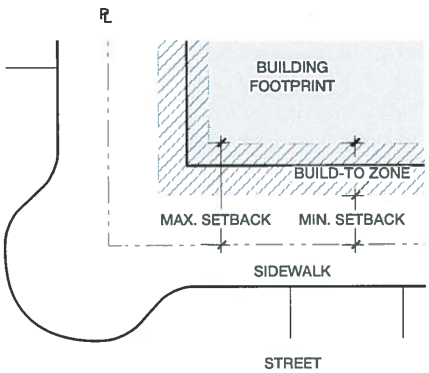


Figure 4.2 Build-to Zone

Building Façade Line means the vertical plane along a lot where the portion of the building's front facade closest to the street is actually located.

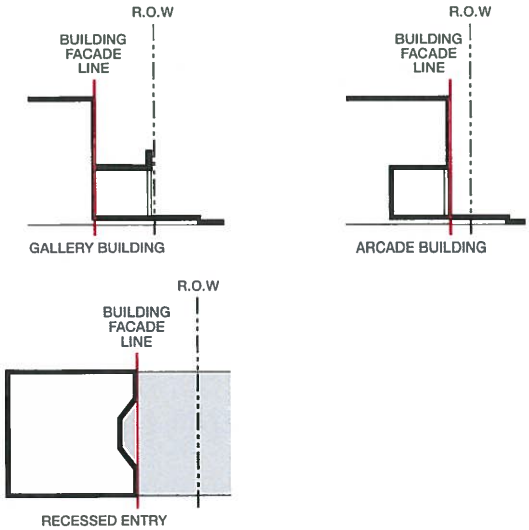


Figure 4.3 Building Facade Line

Building Frontage means the percentage of the building's front façade that is required to be located at the front Build-to Line or Zone as a proportion of the lot's frontage along that public street. Courtyards, forecourts, and pedestrian breezeway frontages shall be considered as building façade for the calculation of building frontage.

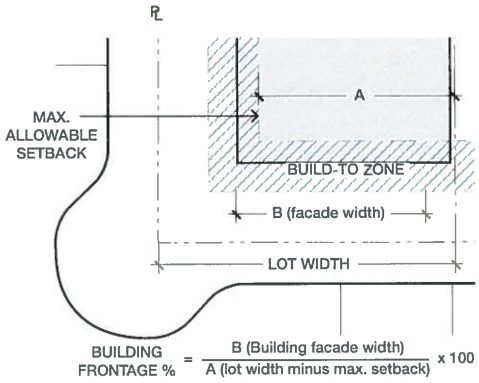


Figure 4.4 Building Frontage Calculation

C. Residential Building Typology

1. Garden Style Apartment

a. A large development of small, clustered apartment buildings.

b. Each building is usually two to four stories tall, and there are no internal hallways, although adjacent apartments may share a wall.

c. Each apartment entrance is from a common stairwell or patio, and the buildings are typically surrounded by outdoor landscaping, patios, and large surface parking lots.

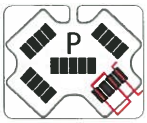
Typical Characteristics

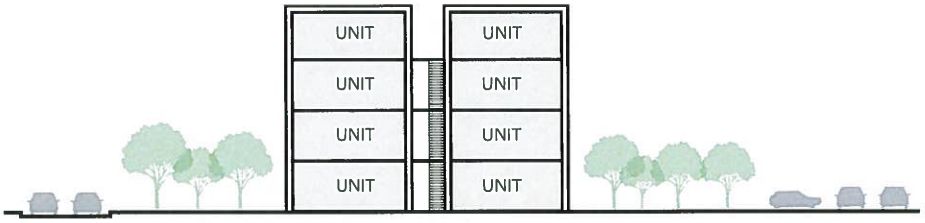
Typically setbacks are between 30' and 60'.

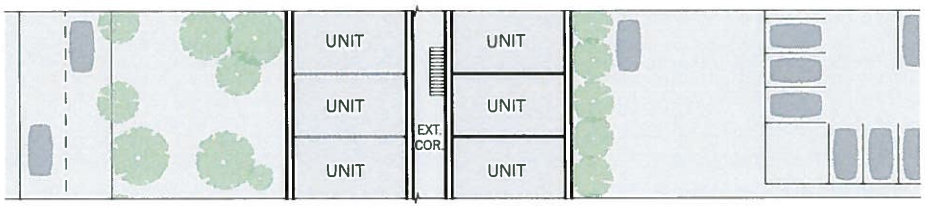
Direct access to each unit is from common external circulation areas.

Typically there is no street level retail.

Surface parking areas.

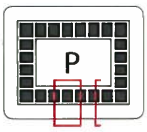


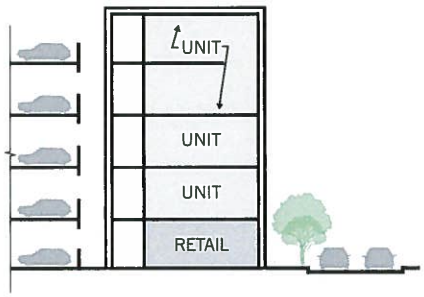




2. Urban Style Dwellings with Internal Parking

a. Self-contained dwelling units that occupy only part of a building.
b. Plan organization where all the dwelling units are along one side of the access corridor.
c. Residential units surround an internal parking structure.
d. Buildings are usually 3- to 5-stories tall and reinforce the street edge.





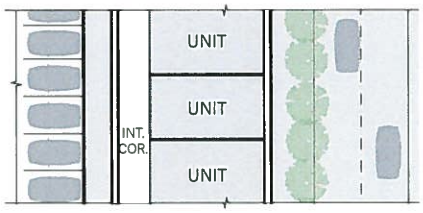
Typical Characteristics

Setbacks are regulated to be between 5' and 15'.

Common point of entry into lobby accessing common internal circulation area (direct access to street level units is permitted if there is no street level retail).

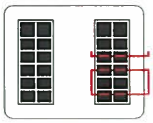
Street level retail is permitted and typical for this building type.

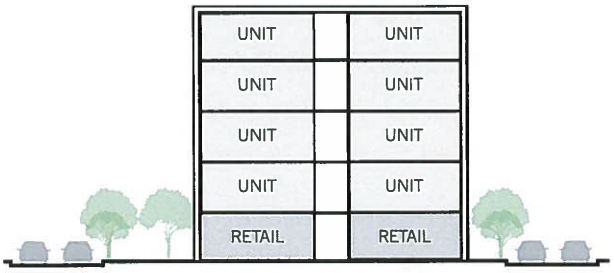
All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.



3. Urban Style Dwellings with No Internal Parking

a. Self-contained dwelling units that occupy only part of a building.
b. Plan organization where all the dwelling units are along either side of a corridor.
c. Buildings are usually 3- to 5-stories tall and reinforce the street edge.





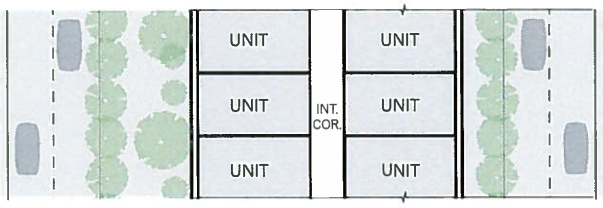
Typical Characteristics

Setbacks are regulated to be between 5' and 15'.

Common point of entry into lobby accessing common internal circulation area (direct access to street level units is permitted if there is no street level retail).

Street level retail is permitted and typical for this building type.

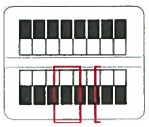
All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.

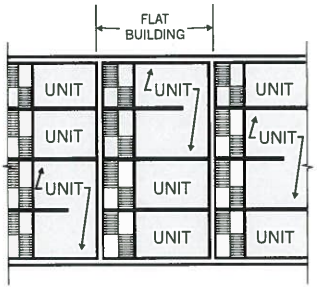


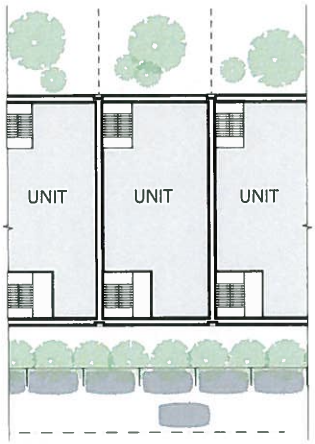
4. *Flats or Lofts*

a. A dwelling unit having a common wall with or abutting one or more adjacent buildings, with both front and rear access to the outside.

b. A flat or loft building contains multiple dwelling units organized vertically and is adjacent to other flat or loft buildings on either side, but not on its front or back.







Typical Characteristics

Setbacks are regulated to be between 5' and 15'.

Access to each "stack" of units is from the street level leading to common internal circulation area.

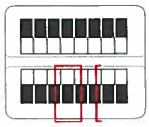
Street level retail is permitted but not typical for this building type.

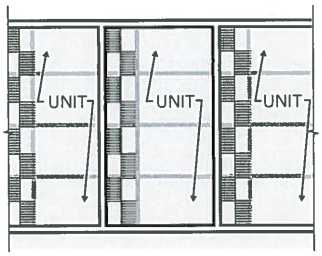
All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.

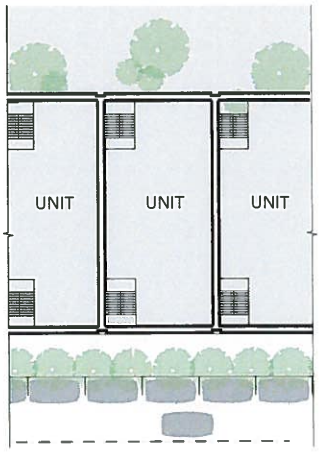
5. *Townhouse*

a. A dwelling unit having a common wall with or abutting one or more adjacent buildings and neither above nor below any other dwelling unit.

b. Dedicated front and rear access to the outside.







Typical Characteristics

Setbacks are regulated to be between 5' and 15'.

Direct access to each unit from street level with private internal circulation.

Street level retail is permitted, but not typical for this building type.

All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.

5 | ZONING

A. Relationship to the Base Zoning District

The Ivy District site was previously zoned for another PD that was not implemented and has expired; therefore, the base zoning district for the site is now designated for an unspecified PD. Prior to designation as a PD zoning district, the site was primarily within the Spectrum zoning district; specifically, Districts S1, S2 and S3. The intended character of development within those districts is generally similar to the Ivy District. In addition, the Ivy District site is also within the area proposed for a new "Lower Kirby Urban Center," which the City has incorporated into its Comprehensive Plan, but a corresponding zoning district has not been establish. The intended character of development with the proposed Lower Kirby Urban Center is also generally similar to the Ivy District.

In consideration of all of the above factors, The Ivy District PD will establish a new zoning district that will replace the current unspecified PD zoning district and be governed by development regulations, design controls, and administrative and other requirements established in this PD document. Figure 5.1, on the following page, illustrates the boundaries of the Ivy District superimposed on the City's Zoning Map.

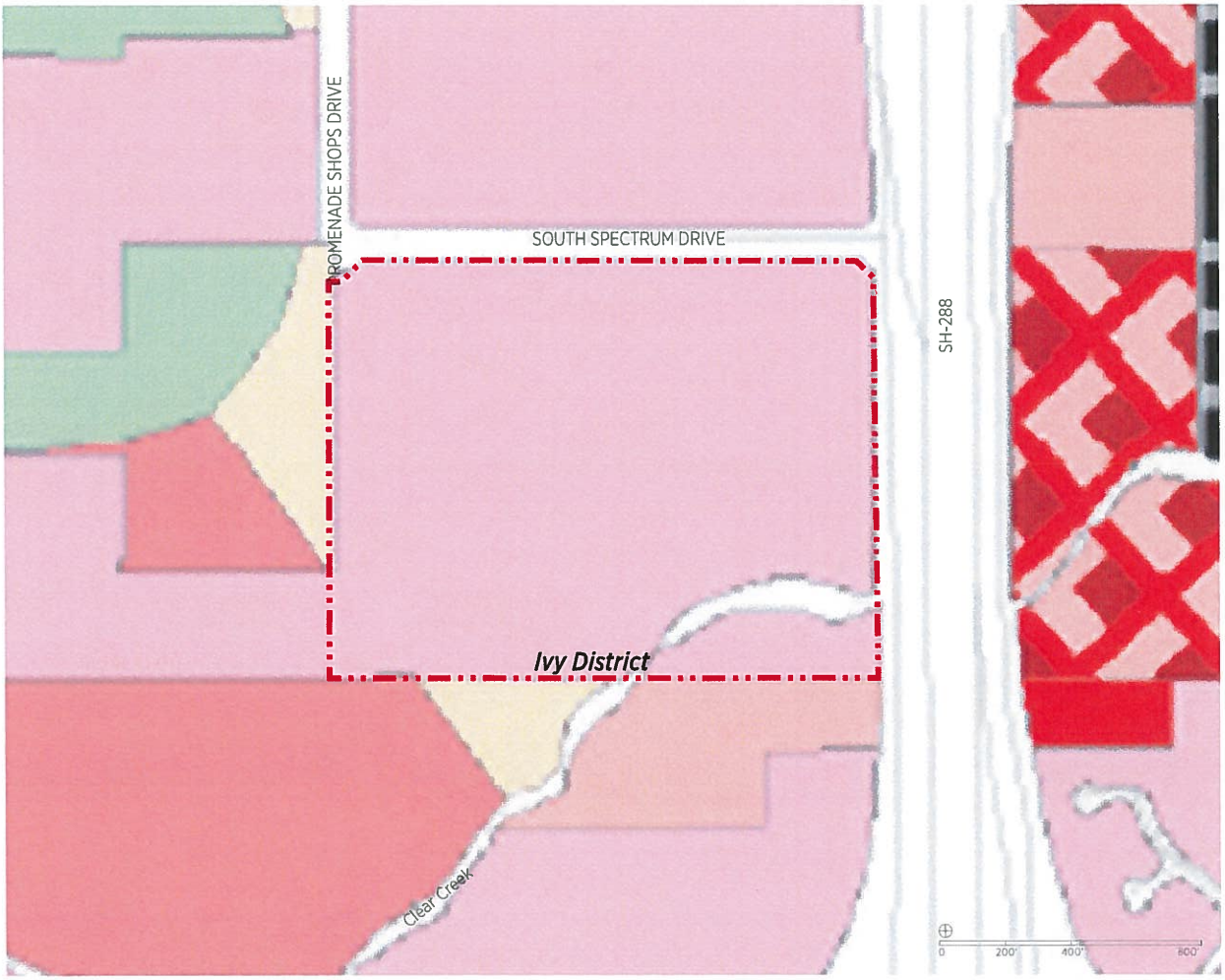


Figure 5.1 Zoning Plan Excerpt

Source: City of Pearland Zoning Plan, 27 Jan 2014

Zoning Districts Legend

SP1	GB
SP2	GC
SP3	BP-288
SP4	PD
Ivy District Boundary	

B. Influence of the Proposed Lower Kirby District

The Ivy District site is also located within a portion of a proposed new "Lower Kirby Urban Center" (referred to also as the "Lower Kirby" plan) that the City has incorporated into its Comprehensive Plan. Therefore, the planning for the proposed Ivy District was influenced by the vision for the Lower Kirby plan, and the basis and template for this PD document was the "Proposed Form-based Code for Lower Kirby Urban Center," dated November 17, 2011.

The Lower Kirby plan establishes five "Character Zones," three of which are designated for the land within the Ivy District site. The following is a summary description of those Character Zones:

1. Urban Neighborhood

Designated for land on the west/southwest portion of the Ivy District site, the Urban Neighborhood consists primarily of a residential fabric. The area is intended to have a mix of small apartments, townhomes and live-work units with commercial activity concentrated at street intersections and along the Clear Creek frontage.

2. Highway Commercial

Designated for land on the east/northeast portion of the Ivy District site, Highway Commercial is intended to provide an appropriate transition in the Lower Kirby Urban Center from the Beltway 8 and SH 288 access roads. This area is intended for regional office and retail development.

3. Commercial Transition

Designated for a small portion of land on the northwest corner of the Ivy District site, Commercial Transition is intended to provide for a range commercial (retail, office and live-work) and residential uses as a transition from the Mixed Use core (designated for land northwest of the Ivy District site).

In addition to the Character Zones described above, the Lower Kirby plan also designates Clear Creek and the land within its floodway in the southeast corner of the Ivy District site as required open space.

Figure 5.2, on the following page, illustrates the boundaries of the Ivy District superimposed on the Lower Kirby plan. As will be discussed further below, the Ivy District will establish sub-districts with similar qualities as the three Lower Kirby Character Zones described above.

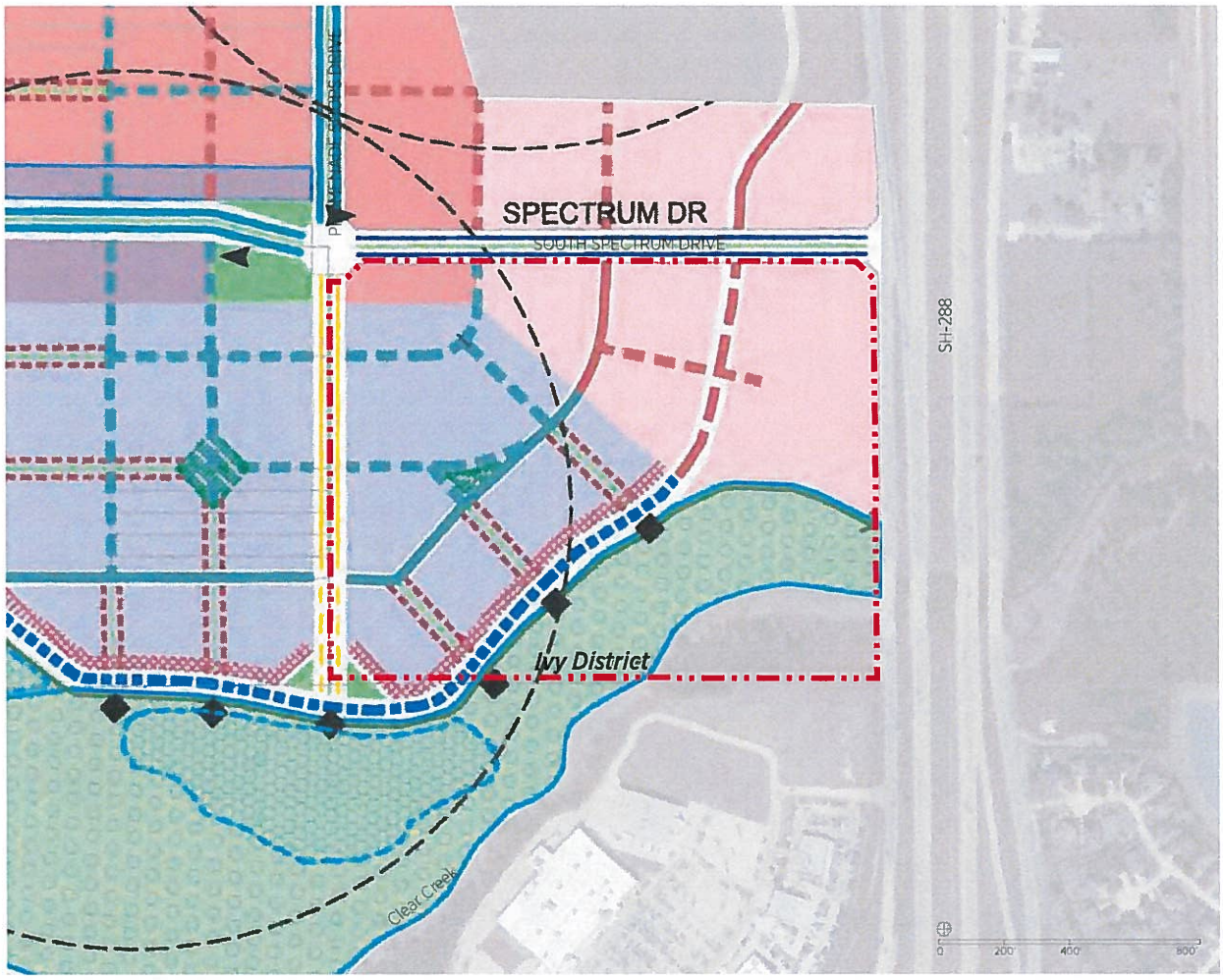


Figure 5.2 Lower Kirby Plan Excerpt

Source: City of Pearland, Lower Kirby Urban Center Development Code, 24 Jun 2011

Lower Kirby Legend

Character Zones
- Urban Neighborhood
- Commercial Transition
- Highway Commercial

Open Space
- Required Regional Detention / Floodway
- Designated Floodway
- Required Open Space

Streets
- AV-94-48 (2-Lane Avenue)
- "Neighborhood Tributary" - ROW varies
- ST-62-38 (Urban Neighborhood Street - Type A)
- Waterfront Promenade
- AV-82-44 (Avenue)
- RD-44-22 (Service/Access Road)
- NOTE: For all street types, a dashed line denotes a recommended private street; a solid line denotes a public required street

Frontage Type
- "Promenade" Frontage

Special Conditions
- Recommended Civic Use
- Recommended Access Point to Greenway
- Approximate Parcel Line
- 1/4-mile Radius Pedestrian Shed
- Bike/ped-way
- Ivy District Boundary

C. Proposed Ivy District

The proposed Ivy District will include two sub-districts for which their corresponding land use characteristics and locations within the Ivy District are generally consistent with the Lower Kirby Character Zones described above. In addition, a third sub-district will be established that designates Clear Creek and the land within its floodway as required open space, also consistent with the Lower Kirby plan. Therefore, these three Ivy District sub-districts will effectively be the first increment in the development of the Lower Kirby Urban Center.

The Ivy District sub-districts are described below.

1. "Public Square" Sub-district

The Public Square Sub-district will be zoned for "Mixed Use – Predominantly Commercial." This Sub-district will have the tallest buildings, highest density and the most pedestrian activity. This Sub-district will have the greatest variety of uses, consisting of retail, office, hotel, and potentially some residential. Required open space will also be incorporated into the development of this Sub-district, envisioned predominantly in the form of a public square that will be an organizing feature of this Sub-district. This Sub-district combines characteristics of the Lower Kirby "Highway Transition" and "Commercial Transition" zones.

A parcel of land south of Clear Creek is also a part of the Public Square Sub-District. That parcel is designated for potential development of commercial and/or retail uses; development within the parcel will comply with all zoning and land-use regulations, building form and development standards, design controls, and administrative and other requirements established in this PD document, specifically as they apply to the Public Square Sub-district.

2. "Parkside Neighborhood" Sub-district

The Parkside Neighborhood Sub-district will be zoned for Mixed Use – Predominantly High Density Residential." This Sub-district will consist primarily of an urban residential fabric, with street-level retail in strategic areas. Commercial development compatible with the residential neighborhood would also be permitted in the eastern portion of this Sub-district. Required open space will also be incorporated into the development of this Sub-district, envisioned predominantly in the form of public parks that will be an organizing feature of this Sub-district. This Sub-district combines characteristics of the Lower Kirby "Urban Neighborhood" and "Commercial Transition" zones.

3. "Clear Creek" Sub-district

The Clear Creek Sub-district will be zoned for "Public Open Space." This Sub-district is defined by the Clear Creek floodway and will be developed as public open space, envisioned as a recreational park.

The proposed Ivy District Sub-districts and their relationship to the proposed Lower Kirby plan are illustrated in Figure 5.3, on the following page.

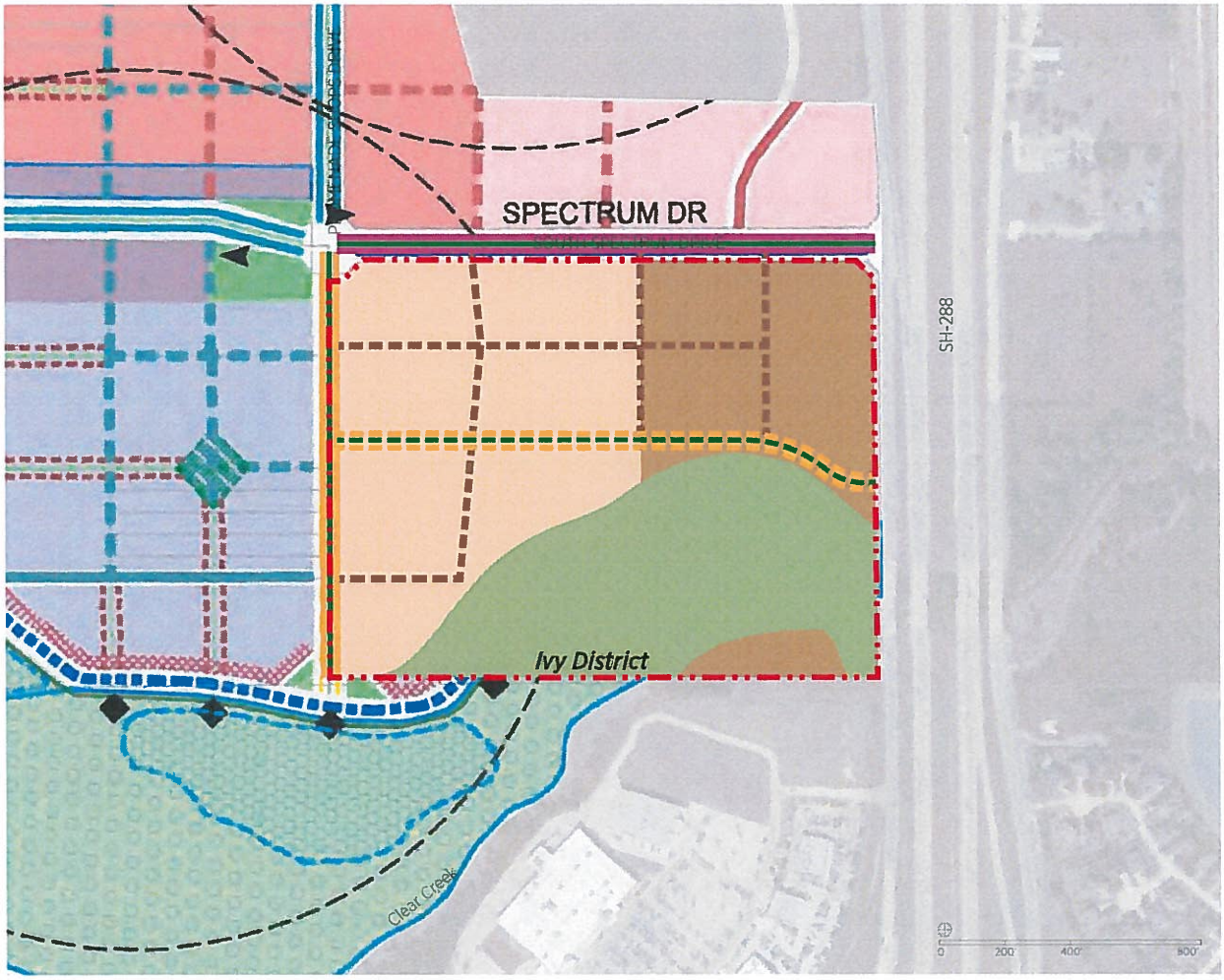


Figure 5.3 Ivy District Plan (overlaying Lower Kirby Plan)

Ivy District Legend

Sub-districts
- Public Square
- Parkside Neighborhood
- Clear Creek
- Ivy District Boundary

Street Types
- "Boulevard" Street
- "Neighborhood Collector" Street
- "Local" Street
- Solid line denotes a Public Street, fixed alignment
- Dashed line denotes Private Street, variable alignment

D. Permitted Land Use

To further reinforce the intent of the Ivy District Sub-districts, only specified land uses will be permitted for each block that correspond to the desired characteristics of the Sub-district to which they belong. The permitted land uses, by general categories, are illustrated in Figure 5.4, on the following page, and discussed further in Part 6 of this PD document.

E. Regulating Plans

The Regulating Plans described below and included in Appendix C, "Regulating Plans," establish the Ivy District PD zoning sub-districts and permitted land uses.

1. Ivy District Sub-districts Regulating Plan

Included in Appendix C, Exhibit C1, is the "Ivy District Sub-district Regulating Plan" that establishes the boundaries of the Ivy District and its Sub-districts as described above. No variations from this plan shall be permitted without amending the Ivy District PD.

2. Ivy District Land Use Regulating Plan

Included in Appendix C, Exhibit C2, is the "Ivy District Land Use Regulating Plan" that establishes the permitted land uses for each development block within the Public Square and Parkside Neighborhood Sub-districts, as well as the permitted land use for the Clear Creek Sub-district. Note the following:

(1) For the Public Square and Parkside Neighborhood Sub-districts, permitted land uses are established under the following general categories: Commercial, Retail and Residential. Refer to Part 6 for more information on specific land uses permitted within these categories. For any given block, the permitted uses include all or any combination of the uses specified. Further, public open space shall also be incorporated within the development of the blocks as required to comply with open-space requirements established in Part 6 this PD document.

(2) For the Clear Creek Sub-district, public open space is the only permitted land use. Refer to Part 6 of this PD document for more specific information on allowed development within public open space.

(3) The street network depicted on this plan and the corresponding block configurations are provided for context and reference and may vary during implementation in accordance with the Minor Deviation provisions established in Part 3 of this PD document. However, variations from the number of blocks, their designated locations, and their permitted land uses as established by this plan shall not be permitted without amending the Ivy District PD.

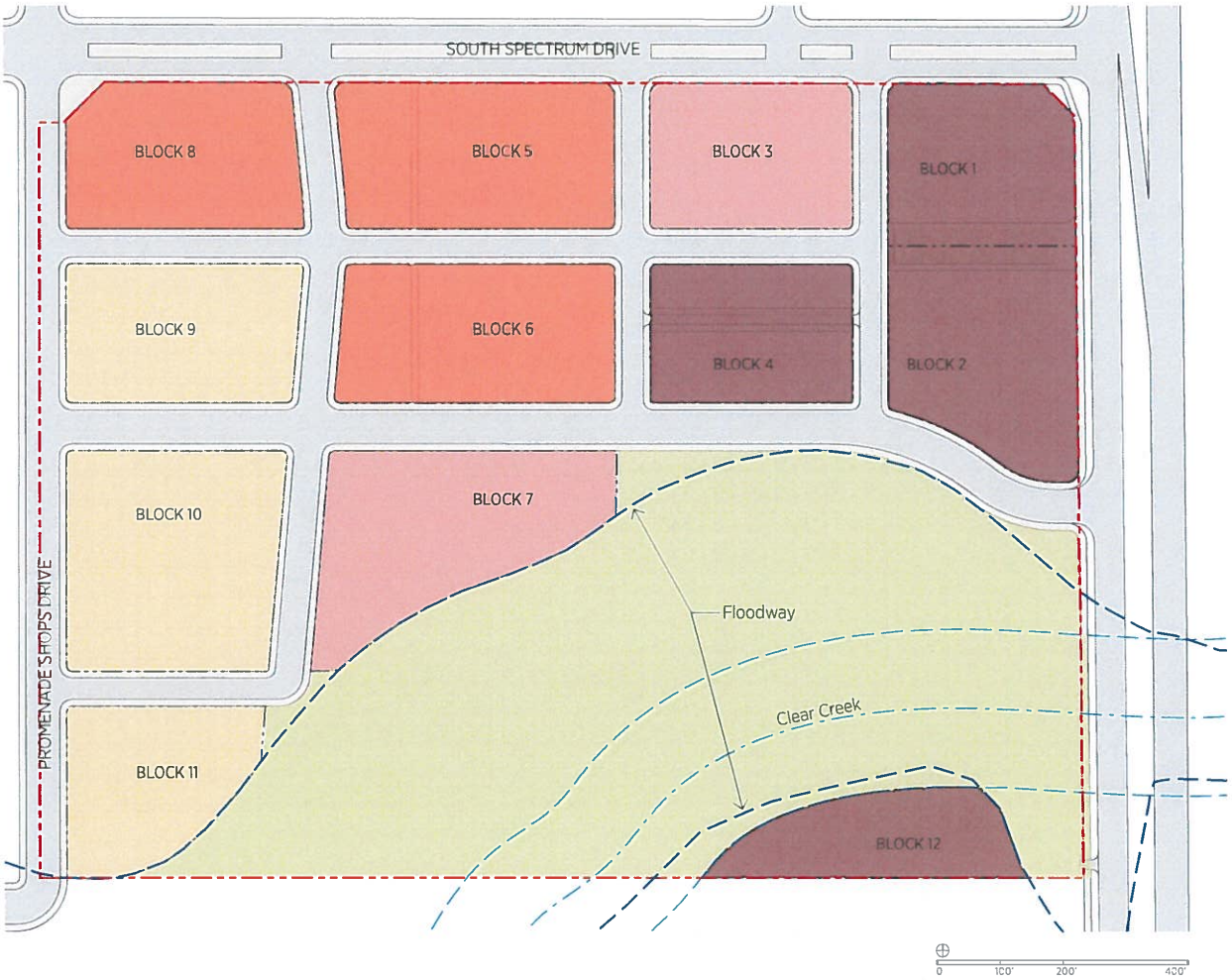


Figure 5.4 Land Use Regulating Plan

Ivy District Legend

- Commercial, Retail
- Retail, Residential
- Public Open Space
- Commercial, Retail, Residential
- Residential
- Ivy District Boundary

Notes:

1. The depicted alignment of streets and configuration of blocks are conceptual and variable pursuant to the minor deviation provisions established in this PD document.
2. Public open space is the only permitted land use where indicated on this plan; however, public open space shall also be incorporated in the development blocks as required to meet open space requirements as established in this PD document.

6 | LAND USE

A. Ivy District Area Summary

Exhibit C1, "Ivy Districts Sub-Districts Regulating Plan," establishes the boundaries of the Sub-districts; Table 6.1 presents the gross areas of the Ivy District Sub-districts.

TABLE 6.1 - ZONING SUB-DISTRICTS AREA	
Public Square	11.7 acres
Parkside Neighborhood	21.3 acres
Clear Creek	15.5 acres
Ivy District Total	***48.5 acres***

B. Land Use Area Summary

1. Permitted Land Uses

Exhibit C2, "Ivy District Land Use Regulating Plan" designates the permitted land-use categories for the Ivy District Sub-districts, designated by general category—Commercial, Retail, Residential—for each block. Due to the mixed-use nature of the Ivy District PD, more than one permitted use is assigned to most blocks. Table 6.2 presents a summary of the area (acres) of each land use category.

TABLE 6.2 - PERMITTED LAND USE AREAS	
Use	***Location***
Mixed Use - Commercial, Retail	Blocks 1, 2, 4 and 12
Mixed Use - Commercial, Retail, Residential	Blocks 3 and 7
Mixed Use – Residential, Retail	Blocks 5, 6 and 8
Residential	Blocks 9, 10 and 11
Public Open Space	Clear Creek Sub-district

2. Schedule of Permitted Uses

Table 6.3, on pages 42-43, establishes a schedule of specifically permitted uses for the Ivy District grouped under general land use categories, and Table 6.4, on pages 44-45, establishes use criteria. Specific uses that are not listed in the schedule but are substantially similar to specified uses may be permitted in accordance with deviation procedures established in Part 3 of this PD document.

C. Building Program

Exhibit B4, "Building Program Plan," illustrates the proposed program for Ivy District buildings. Table 6.5, on page 46, establishes density limits, either minimum or maximum (as applicable to a specific use), in terms of either gross area (square footage) or number of units (as applicable to a specific use) for the buildings, grouped by general land use categories. Table 6.6, on page 46, provides program densities expected at the completion of each phase, as illustrated in Exhibit B9, "Phasing Plan," and described in Section H of Part 3 of this PD document.

D. Residential

1. Residential Density

The residential component of the Ivy District will be comprised of a maximum of 1,150 residential units. Refer to Table 6.7, on page 46, for Residential Density calculations as defined by the UDC.

2. Residential Building Types

Exhibit B2, "Illustrative Master Plan," indicates the type of residential buildings envisioned in the residential land-use locations. Thorough definitions of each proposed residential building type in the Ivy District are provided in Part 4, Section C, of this PD document. "Urban Style Dwellings" with internal parking shall comprise a minimum of 50% of all residential units.

3. Prohibition of Garden Style Apartments

A thorough definition of "Garden Style Apartment" type of residential building is provided in Part 4, Section C, of this PD document. Due to the desire to create a vibrant, "urban style" neighborhood within the Ivy District, construction of any garden style apartments within any sub-district of the Ivy District is expressly prohibited.

E. Continuing Care Retirement Community (CCRC)

1. Description

The Continuing Care Retirement Community (CCRC) will be a single tall building categorized as a commercial use. The CCRC will have the following defining characteristics:

- Healthcare facilities licensed by the State of Texas
- Structured entrance fees and/or monthly fees
- Support-staff intensive
- Age-restricted population
- Aging in place benefits and resources
- Hospitality and Healthcare related staff
- Dedicated commercial dining facilities for daily meal service
- Multiple programs, services and amenities for residents

The principal elements of the CCRC will be:

- Independent living units
- Assisted living units
- Memory care units
- Skilled nursing units

2. Independent Living Component

Approximately 70% of the total units will be independent living units; the exact number of independent living units developed will be required to be included in the required open space calculations. For purposes of this PD document, 158 units (70% of the minimum 225 total units) is included in the calculation of open space and parkland dedication requirements in Sections G and H .

3. Healthcare Component

The healthcare component of the CCRC includes the assisted living, memory care and skilled nursing units. Those healthcare-related units shall comprise a minimum of 30% of all CCRC units.

F. Community Center

The Community Center is envisioned as a space that can be used for residents living in the Ivy District community or the Greater Pearland community for public or private events, activities or performances. As illustrated on Exhibit B4, "Building Program Plan," the Community Center is proposed to be located in the street level of the residential building on Block 7.

G. Public Open Space Requirements

1. The Calculation of Open Space Requirements

The total amount of open space required for the Ivy District shall be calculated as follows:

- 900 sf/residential unit
- 900 sf/independent living unit in the CCRC

Based on the proposed Design Plan, the estimated open space requirement is:

- 1,150 residential units x 900 sf = 23.8 acres
- 158 CCRC independent living units x 900 sf = 3.3 acres
- Total required = 27.1 acres

As illustrated in Exhibit B6, "Public Open Space Plan," 18.7 acres of public open space is proposed. An additional amount of private open space will also be developed, but it would be difficult to achieve program goals as well as the additional 8.4 acres of open space required by the calculation above. Further, the total requirement of 27.1 acres of public open space is 55.9% of the gross area, which is contradictory to the goals of a walkable urban neighborhood. Due to the nature of the traditional neighborhood design contemplated in the Lower Kirby Urban Center and proposed for the Ivy District, the density of residential units in the Ivy District PD zoning district will be significantly higher than any other current zoning district. Therefore, the higher residential density resulting from an urban neighborhood must be taken into account in the application of open space requirements.

TABLE 6.3 - SCHEDULE OF PERMITTED USES	***Sub-District*** Public Square	Parkside Neighborhood	Clear Creek
Commercial Uses			
Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, with no drive through facility	P	P/C	NP
Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, etc.	P	P/C	NP
Research laboratory headquarters, laboratories and associated facilities	P	NP	NP
Hotels	P/C	NP	NP
Continuing Care Retirement Community (CCRC)	P/C	P/C	NP
Retail Uses			
Formula Retail	P/C	P/C	NP
Retail Sales or Service with no drive through facility (includes alcohol sales which shall meet Chapter 4 of the City of Pearland Code of Ordinances. Excluded from this category are Auto-Retail Sales and Service Uses (see Part 4 of this PD for Definition of Retail, Service uses, and Auto-related Sales and Service)	P	P/C	NP
Food Service Uses such as full-service restaurants, cafeterias, caterers, bakeries and snack bars Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation. Also included in this category is the sale of alcoholic beverages which shall meet Chapter 4 of the City of Pearland Code of Ordinances.	P	P/C	P/C
Residential Uses			
Home Occupations	P/A	P/A	NP
Multi-family Residential			
First Floor	NP	P/C	NP
Upper Floor	P	P	NP
Residential Lofts	P	P	NP
Single-family residential attached dwelling unit (Townhomes)	NP	P	NP
Live-work unit	P	P	NP
Garden Style Apartment	NP	NP	NP
Other Uses			
Art galleries	P	P/C	NP
Art, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service)	P	NP	NP
Games arcade establishments	P/CUP	NP	NP
Theater, cinema, dance, music or other entertainment establishment	P	NP	NP
Performing arts center	P	NP	NP
Community center	P	NP	NP
Museums and other special purpose recreational institutions	P	NP	NP
Fitness, recreational sports, gym, or athletic club	P	NP	P/C
Parks, greens, plazas, squares, and playgrounds	P	P	P
Drag Strip, Fairgrounds, Gaming Establishment, Private Club or Adult Entertainment	NP	NP	NP
Business associations and professional membership organizations	P	P/C	NP

P	Permitted by right	P/C	Permitted with design criteria per Table 6.4	P/A	Permitted Accessory Use	P/A/C	Permitted as an Accessory Use with design criteria per Table 6.4
NP	Not Permitted	P/CUP	Permitted with a Conditional Use Permit	NA	Not applicable	A	Accessory use to not exceed 25% of the primary use building square footage

**Model homes are limited to a time period until all homes are sold in the neighborhood

TABLE 6.3 - SCHEDULE OF PERMITTED USES, CONTINUED	Public Square	Parkside Neighborhood	Clear Creek
Other Uses			
Child day care and preschools	P	P	NP
Schools, libraries, and community halls	P	NP	NP
Universities and Colleges	P	NP	NP
Hospital	NP	NP	NP
Clinic, Emergency Medical Center or Medical Office Building	P	NP	NP
Civic uses	P	NP	NP
Social services and philanthropic organizations	P	NP	NP
Religious Institutions	P	NP	NP
Funeral homes	P	NP	NP
Warehouse and storage	NP	NP	NP
Artisanal Production (included in this category are jewelry, silverware, personal metal goods, flatware, dolls, toys, games, musical instruments, medical equipment, high-tech/clean manufacturing, office supplies, and signs.)	P/C	P/C	NP
Wholesale trade establishment, Manufacturing or Assembly	NP	NP	NP
Publishing (newspaper, books, periodicals, software)	NP	NP	NP
Motion picture and sound recording	P	NP	NP
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc.)	NP	NP	NP
Information services and data processing	P	NP	NP
Model homes for sales and promotion**	P	P	NP
Cigars, Tobacco Shops (Retail Only)	P/CUP	NP	NP
Parking, surface (primary use of property)	NP	NP	NP
Parking, surface (accessory use of property)	P/A	P/A	P/A
Parking, structure	P	P	NP
Private attached garage	NP	P	NP
Private detached garage	NP	P	NP
Sales from kiosks	P	NP	P
Community garden	P	P	P
Antennas including cell, accessory, and mounted on top of buildings	P/A/C	NP	NP
Solar energy equipment	P/A/C	P/A	P/A
Special Event	P/C	P/C	P/C
Rain harvesting equipment	P/C	P/C	P/C
Utility equipment (includes electrical transformers, gas meters, etc.)	P/A/C	P/A/C	P/C
Any use with a drive through facility	NP	NP	NP
Auto-related Service, Bail Bonds, Crematorium, Travel Trailer, Home for Alcoholic, Narcotic or Psychiatric Patients or Pawn Shop	NP	NP	NP
Veterinarian Animal Hospital (No Animal Hospital with Outside Pens)	P	NP	NP

P	Permitted by right	P/C	Permitted with design criteria per Table 6.4	P/A	Permitted Accessory Use	P/A/C	Permitted as an Accessory Use with design criteria per Table 6.4
NP	Not Permitted	P/CUP	Permitted with a Conditional Use Permit	NA	Not applicable	A	Accessory use to not exceed 25% of the primary use building square footage

**Model homes are limited to a time period until all homes are sold in the neighborhood

TABLE 6.4 - USE CRITERIA		
Use	***Sub-District***	***Use Criteria***
Commercial Uses		
Finance, Insurance, and Real Estate establishments	Parkside Neighborhood, Clear Creek	Building area shall not exceed 5,000 sf per instance, per block for Parkside Neighborhood. Limited to one (1) building in Clear Creek.
Food Service Uses such as full-service restaurants, cafeterias, bakeries and snack bars with no drive through facilities		
Offices for business, professional, and technical uses	Parkside Neighborhood, Public Square	Shall be permitted in any live-work building where the first floor is built to Commercial Ready standards with 14' first floor clear height and handicapped access. All other buildings for office and art gallery uses shall be limited to 6,000 sf, except in Block 7.
Assisted Living & Skilled Nursing	Public Square	Assisted living or skilled nursing units shall not exceed more than 30% of the total unit mix of the CCRC.
Retail Uses		
Formula Retail	Parkside Neighborhood, Public Square	No Restaurants (including shops providing one type of food, but not including Coffee Shops), Convenience Stores or Big Box retail are permitted in the development. All Formula Retail must adhere to design guidelines established in this PD.
Retail sales and service	Parkside Neighborhood	Building area shall not exceed 5,000 sf per instance, per block.
Residential Uses		
Urban-style dwellings and flats or lofts	Parkside Neighborhood, Public Square	Urban-style dwellings with internal parking shall comprise a minimum of 50% of all residential units. Efficiency units shall not exceed more the 25% of overall unit mix.
Townhouses	Parkside Neighborhood	Minimum Lot Width - Twenty feet (20')

TABLE 6.4 - USE CRITERIA, CONTINUED		
Use	***Sub-District***	***Use Criteria***
Other Uses		
Art Galleries	Parkside Neighborhood, Public Square	Shall be permitted in any live-work building or any commercial building where the first floor is built to Commercial Ready standards with 14' first floor clear height and handicapped access. All other buildings for office and art gallery uses shall be limited to 6,000 sf.
Business Associations and professional membership organizations	Parkside Neighborhood	Shall only be permitted on corner lots in the Parkside Neighborhood Sub-district Building area shall not exceed 5,000 sf per block
Miscellaneous manufacturing and assembly (included in this category are jewelry, silverware, personal metal goods, flatware, dolls, toys, games, musical instruments, medical equipment, high-tech/clean manufacturing, office supplies, and signs.)	Parkside Neighborhood, Public Square	No outdoor storage is permitted. Service, loading, unloading and truck access shall be located in compliance with the Service and Loading Regulating Plan (Appendix E) All buildings for manufacturing, assembly and wholesale trade uses shall be limited to 1,000 sf per unit in the Parkside Neighborhood Sub-district and 3,000 sf per user in the Public Square Sub-district.
Wholesale trade establishment		
Fitness, recreational sports, gym, and athletic club	Clear Creek	Building area shall not exceed 10,000 sf.
Hotel	Public Square	The hotel may include specific design provisions or guest services for senior citizens, such as enhanced accessibility design standards and concierge services.
Antennas including cell, accessory and mounted (Excluded from this category are freestanding and commercial antennas and equipment buildings)	Public Square	Antennas shall be permitted on rooftops. Antennas shall be screened entirely. Antennas shall not be visible from the ground and any area below 50'-0" in height.
Special Events such farmers' market, holiday sales and festivals	All sub-districts	Small events and outdoor activities do not need a Special Events permit. Larger events that meet the criteria of the City's Special Events ordinance shall be permitted. The Building Official shall issue a permit for special events when he finds: That there is an adequate off-street parking area, approved by the City; and That the location and layout of drives and parking areas, of lighting, and of temporary event signs will not constitute a hazard to the public traveling to the abutting public streets and will not obstruct the visibility along such streets.
Rainwater harvesting equipment	All sub-districts	Rainwater harvesting equipment must be installed in buildings or below grade
Utility equipment (includes electrical transformers, gas meters, etc)	All sub-districts	Utility equipment shall be integrated and screened from view within buildings. All utility distribution throughout the district shall be located below grade.

TABLE 6.5 - BUILDING PROGRAM DENSITY		
	Minimum	***Maximum***
Commercial		
Office	140,000 sf	
Hotel	150 hotel keys	
Hotel Conference Center	15,000 sf	
CCRC	225 units*	
Retail		
Restaurants, Shopping, Personal Services	160,000 sf	
Residential		
Individual Owner		750 units
Rental		400 units
Other		
Community Center	10,000 sf**	

* Refer to Section E for more information.

** Refer to Section F for more information.

TABLE 6.6 - EXPECTED PROGRAM DENSITY BY PHASE		
	Phase 1	***Phase 2***
Commercial		
Office	140,000 sf (minimum)	140,000 sf (minimum)
Hotel	150 hotel keys (minimum)	150 hotel keys (minimum)
Hotel Conference Center	15,000 sf (minimum)	15,000 sf (minimum)
CCRC	225 units (minimum)	225 units (minimum)
Retail		
Restaurants, Shopping, Personal Services	120,000 sf (estimate)	160,000 sf (minimum)
Residential		
Individual Owner	375 units (estimate)	750 units (maximum)
Rental	200 units (estimate)	400 units (maximum)
Other		
Community Center	10,000 sf (minimum)	10,000 sf (minimum)

TABLE 6.7 - RESIDENTIAL DENSITY			
Use	***Gross Density***	***Net Density***	***Gross Residential Density***
Primary Residential	23.7 units/acre	39.4 units/acre	29.9 units/acre

Due to the higher density that will result from the Ivy District's urban residential neighborhood, a maximum requirement of 40% of the total gross area will also be established for the Ivy District. Therefore, the overall maximum open space requirement is calculated as follows:

Maximum requirement: 48.5 acres x 40% = 19.4 acres

The minimum amount of public open space developed will be 18.7 acres as proposed. In addition, private open space and potentially more public open space will be developed to comply with the minimum open space requirement.

2. Proportionate Development of Open Space

Open space requirements shall be satisfied for residential and CCRC ILU development within each phase, as well as each increment of development within a phase, until the overall maximum requirement has been satisfied.

H. Parkland Dedication Requirements

1. Calculation of Parkland Dedication Requirements

The parkland dedication requirement for the Ivy District PD shall be based on the value of parkland amenities provided in lieu of land dedication. The required value of parkland amenities shall be calculated as follows:

- $750/residential unit
- $750/CCRC independent living unit

Based on the proposed Design Plan, the estimated required value of amenities will be:

- 1,150 residential units x $750 = $862,500
- 158 CCRC independent living units x $750 = $118,500
- Total value required = $981,000

Items considered to be parkland amenities shall include:

- Shade trees
- Walking, running and bicycle trails
- Picnic and gathering areas with picnic tables and barbeque pits
- Play areas and exercise stations with playground and exercise equipment

2. Proportionate Development of Amenities

Parkland amenities requirements shall be satisfied for residential and CCRC ILU development within each phase, as well as each increment of development within a phase.

Developer shall provide an estimated value of amenities as part of a plat development application and provide evidence of compliance with the required amenity value prior to receipt of a Certificate of Occupancy.

I. Parking Requirements

1. Commercial and Retail

(1) Required off-street parking for non-residential use (with the exception of the CCRC) shall be one (1) space per three hundred square feet (300 sf) gross.

(2) Required off-street parking for the CCRC shall be one (1) space per independent living unit.

2. Residential

(1) Required off-street parking for residential uses within the Public Square Sub-district shall be one (1) space per residential unit.

(2) Required off-street parking for residential uses within the Parkside Neighborhood Sub-district shall be one and a half (1.5) spaces per unit.

7 BUILDING FORM AND DEVELOPMENT STANDARDS

This part of the PD Document establishes Building Form and Development Standards for the Ivy District that apply generally to all development within the district and specifically to the Public Square and Parkside Neighborhood Sub-districts. Diagrams and reference letters are used for illustrative purposes only. Reference letters may not be in continuous sequence.

A. General

The following Building Form and Development Standards shall apply to the entire Ivy District development.

1. Standards

a. Building Placement

(1) Build-to Zones (BTZ). See Sections B and C of this part for BTZ standards applicable to the Public Square and Parkside Neighborhood Sub-districts, respectively.

(2) Setbacks. Table 7.1 establishes requirements for distance from property line to BTZ for all Sub-districts, as illustrated in Exhibit B5, "Setbacks Plan."

TABLE 7.1 - IVY DISTRICT - SETBACK STANDARDS

Block	*Frontage*	*Min. (ft.)*	*Max. (ft.)*
3, 5-11	Residential & Retail/Residential Above	5	10
4	CCRC	5	8
1, 2, 4	Ivy Square & Ivy Plaza (North and South Frontages)	5	8
2	Hotel (South Frontage)	5	8
4	Creek Lane (East Frontage)*	5	8
1, 3, 5, 8	Spectrum Drive*	8	10
1-4	Green Ivy Drive*	10	15
1, 2	Highway 288*	-	25

*These street frontages supersede any use frontages

b. Block Standards

(1) There are no general block standards.

c. Commercial Frontage Requirements

(1) See Sections B and C of this part for Commercial Frontage Requirements applicable to the Public Square and Parkside Neighborhood Sub-districts, respectively.

d. Special Frontage Requirements

(1) See Sections B and C of this part for Special Frontage Requirements applicable to the Public Square and Parkside Neighborhood Sub-districts, respectively.

e. Building Height

(1) Maximum height limits establish a predominant low-rise, neighborhood fabric and the location of taller buildings. Height zones at the Ivy District focus the greatest density near transit, provide a comfortable pedestrian environment that is visually and socially engaging, and protect views for neighbors.

(2) The height of structures shall comply with the minimum and maximum heights as is indicated for each development block in Table 7.2.

TABLE 7.2 - IVY DISTRICT - BUILDING HEIGHT STANDARDS

Block	*Stories (min.-max)**	*Height (min.- max)**
1	2 - 17	25 - 210 feet
2	2 - 17	25 - 210 feet
3	2 - 17	25 - 210 feet
4	2 - 17	25 - 210 feet
5	2 - 5	25 - 70 feet
6	2 - 5	25 - 70 feet
7	2 - 17	25 - 210 feet
8	2 - 5	25 - 70 feet
9	2 - 5	25 - 70 feet
10	2 - 5	25 - 70 feet
11	2 - 5	25 - 70 feet
12	2 - 17	25 - 210 feet

* For "Urban Style" and "Flats or Lofts" residential buildings, the minimum stories and height shall be 3 stories and 30 feet.

(3) Photovoltaic and thermal solar collectors, rain water and fog collecting equipment, wind turbines and other sustainability components may project above the maximum height limit.

(4) Those portions of a building that may project above the maximum height limit are:

- Parapets up to four feet (4') in height.
- Mechanical enclosures and other rooftop support facilities that occupy less than twenty percent (20%)

of the roof area up to ten feet (10') in height.

- For buildings taller than one hundred feet (100') wall planes extensions such as those used for screening of mechanical equipment that are either fifty percent (50%) physically and visibly permeable or translucent, up to ten feet (10') in height.

Residential common areas are permitted to project twelve feet (12') above the maximum height limit. Residential, active uses include, but are not limited to: community rooms and kitchens; recreational facilities; and greenhouses. Those portions of a building that do project above the height limit must step-back at a minimum ratio of one-point-two feet (1.2') in a horizontal dimension, from the exterior building wall facing a right-of-way, for every one foot (1') above the maximum height limit. All other sides of that projection must step-back at a minimum ratio of one-half foot (0.5') in a horizontal dimension, from the exterior wall of the habitable floor below, for every one foot (1') above the maximum height limit.

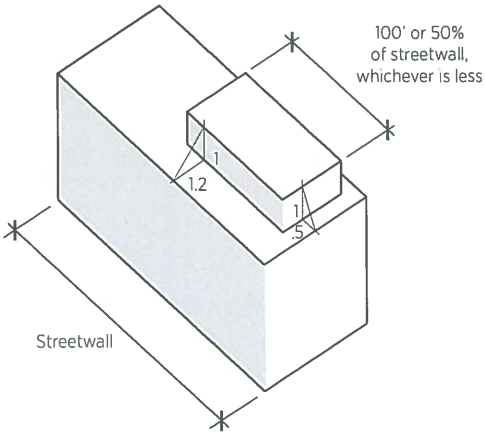


Figure 7.1 Height Limit Exceptions

Those portions of a building that exceed the indicated maximum height limit shall be no longer than fifty percent (50%) of building length (Figure 7.1). Railings, planters and visually permeable building elements no greater than forty-two inches (42") above the roof are exempt from step-back requirements (Figure 7.2).

(5) First floor-to-floor height shall be fifteen feet (15') minimum for non-residential use and ten feet (10') minimum for residential use. See note (C) in Figure 7.2.

(6) First floor finish level shall be twelve inches (12") maximum above sidewalk for first floor commercial use and thirty inches (30") minimum, twenty-four to forty-eight inches (24-48") for residential use. See note (D) in Figure 7.2.

(7) Upper floor-to-floor heights shall be ten feet (10') minimum. See note (E) in Figure 7.2.

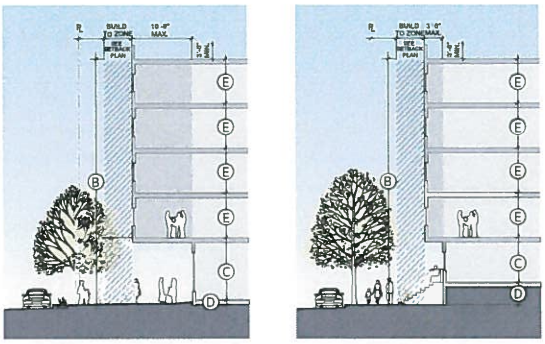


Figure 7.2 Commercial and Residential Buildings Heights

f. Parking and Service Areas

(1) Parking driveway width shall be twenty feet (20') maximum, only to be exceeded when driveway width must address service access or fire lane standards

(2) Shared driveways and cross access easements are required between lots to minimize curb cuts.

(3) Spacing between driveways shall comply with UDC and EDCM standards.

g. Encroachments

(1) In no case shall an encroachment be located over an on-street parking space or travel lane.

(2) All encroachments over public right-of-way shall obtain a Waiver of Encroachment from the City of Pearland.

h. Utilities

(1) All primary utility lines shall be located underground.

(2) All secondary utility lines shall be located underground where practical.

(3) Any secondary utility lines or equipment located above ground shall be approved by the City Manager or designee.

2. *General Notes*

(1) The area between the building and the edge of the BTZ or the edge of the public sidewalk shall be paved flush with the sidewalk. This area can have landscaping and planting within tree wells and planters but shall not have lawns or landscape islands.

(2) Attics and mezzanines less than seven feet (7') (avg.) height shall not be counted as a story.

(3) Corner buildings may exceed the maximum building height by fifteen percent (15%) for twenty percent (20%) of the building's frontage along each corresponding street façade.

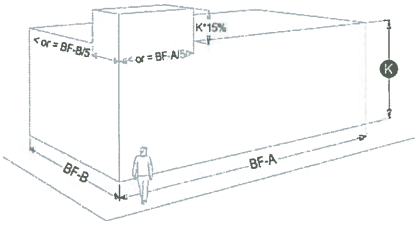


Figure 7.3 Corner Building Height

(4) Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than thirty-six inches (36"), the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.

(5) Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the building façade line.

(6) Chapter 4 Site Development Section 4.2.1.3 of the City of Pearland Unified Development Code, Eighth Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, shall apply for design of off-street parking areas, except as modified by this PD document.

(7) All parking structures must have at least three (3) sides of occupiable uses (at all floor levels) and the remaining side must be clad in an architectural screen.

B. Public Square Sub-district

The following Building Form and Development Standards, which complement and/or amplify corresponding standards in Section A of this part, shall apply specifically to development within the Public Square Sub-district.

1. *Public Square Sub-district Standards*

a. Building Placement

(1) Refer to Figure 7.4 for Build-To Zone (BTZ) requirements (Distance from property line to the edge of the BTZ)

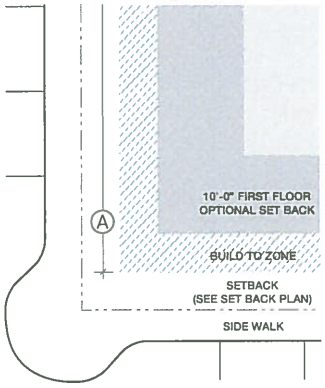


Figure 7.4 Public Square Sub-district BTZ

(2) Building Frontage required: 80% (min.). See note (A) in Figure 7.4.

b. Block Standards

(1) There are no block standards that apply specifically to the Public Square Sub-district.

c. Commercial Frontage Requirements

(1) First floors of Retail uses shall be built to include first floor-to-floor height of fifteen feet (15') minimum, ingress and egress, handicap access, and first floor elevation flush with the sidewalk.

(2) Refer to Part 8 of this PD document for additional frontage design controls.

d. Special Frontage Requirements

(1) First floors of all buildings fronting Ivy Square shall be occupied by Retail uses.

(2) Refer to Part 8 of this PD document for additional frontage design controls.

e. Building Height

(1) Refer to Table 7.2 for building height standards applicable to the Public Square Sub-district.

f. Encroachments

(1) Canopies, signs, awnings and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of eight feet (8').

g. Utilities

(1) There are no utilities standards that apply specifically to the Public Square Sub-district.

2. Public Square Sub-district Notes

(1) First floor heights shall not apply to parking structures

(2) All buildings in the Public Square Sub-district shall meet the Building Design Controls in Part 8 of this document.

(3) One district parking structure may be allowed with all sides clad in an architectural screen, in lieu of an occupiable use.

C. Parkside Neighborhood Sub-district

The following Building Form and Development Standards, which complement and/or amplify corresponding standards in Section A of this part, shall apply specifically to development within the Parkside Neighborhood Sub-district.

1. Parkside Neighborhood Sub-district Standards

a. Building Placement

(1) Refer to Figure 7.5 for Build-To Zone (BTZ) requirements (Distance from property line to the edge of the BTZ)

(2) Building Frontage required: 60% (min.). See note (A) in Figure 7.4.

b. Block Standards

(1) There are no block standards that apply specifically to the Parkside Neighborhood Sub-district.

c. Commercial Frontage Requirements

(1) There are no commercial frontage standards that apply specifically to the Parkside Neighborhood Sub-district.

d. Special Frontage Requirements

(1) There are no special frontage standards that apply specifically to the Parkside Neighborhood Sub-district.

e. Building Height

(1) Refer to Table 7.2 for building height standards applicable to the Parkside Neighborhood Sub-district.

(2) Any Accessory Building shall have a maximum height limit of one (1) story.

f. Encroachments

(1) At corner lots, canopies, signs, awnings and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of eight feet (8').

g. Utilities

(1) There are no utilities standards that apply specifically to the Parkside Neighborhood Sub-district.

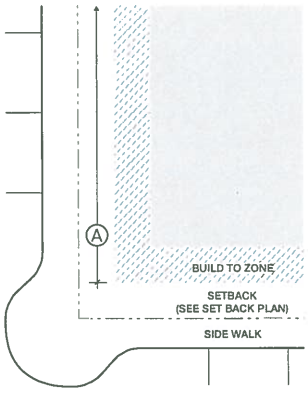


Figure 7.5 Parkside Neighborhood Sub-district BTZ

2. Parkside Neighborhood Sub-district Notes

(1) All buildings in the Parkside Neighborhood Sub-district shall comply with the Building Design Controls in Part 8 of this document.

(2) All parking structures must have at least three (3) sides of occupiable uses (at all floor levels), and the remaining side must be clad in an architectural screen.

8 BUILDING DESIGN CONTROLS

A. Introduction

The Building Design Controls for the Ivy District shall establish a coherent urban character and encourage enduring and attractive development. Development plans or site plans shall be reviewed by the City Manager or Designee for compliance with the controls below. The key design principles establish essential goals for development in the Ivy District to encourage the preservation, sustainability, and visual quality of this unique environment.

B. General Building Design Controls

1. General Standards

a. Overall

(1) Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces.

(2) New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm.

(3) Building façades shall include appropriate architectural details to create variety and interest.

(4) Open space(s) shall be incorporated to provide usable public areas integral to the urban environment.

b. Building Orientation

(1) Primary entrance to buildings shall be located on the street along which the building is oriented.

(2) All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access.

c. Design of Parking Structures

(1) Where above-ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are completely hidden from view from all adjacent public and private streets.

(2) Parking garage ramps shall not be visible from any public street. Ramps shall not be located along the perimeter of the parking structure.

(3) Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting. Architectural screens shall have consistent façade materials with neighboring buildings and shall be complementary in their articulation. In addition, the first-floor façade treatment (building materials, windows, and architectural detailing) shall be continued to the second floor of a parking structure.

(4) When parking structures are located at street intersections, corner architectural elements shall be incorporated, such as corner entrance, signage and glazing.

(5) Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible to entering and exiting automobiles.

d. Building Materials

(1) Primary building façade materials shall consist of the following: brick, stone, stucco utilizing a three-step process, spandrel glass shadow box, cementitious panel, colored or patterned resin-impregnated panel, or glass block. Resin-impregnated panels shall be composed of kraft paper or layers or similar material impregnated with phenolic resin which has been compressed and bonded under heat and high pressure. Primary building façade materials shall comprise no less than eighty percent (80%) of a building's façade (excluding doors and windows). The remaining twenty percent (20%) may consist of either a complementary primary façade material or an allowable accent material (see Par. 2 below). If one or more complementary primary material is used for accent or contrast, then the accenting or contrasting primary materials may exceed twenty percent (20%), as long as no single primary material exceeds eighty percent (80%).

(2) Materials allowed exclusively as an accent material include the following: wood, modular architectural metal panel system with concealed fasteners and high-performance coating or natural-weathering face material, split-face concrete block, tile, or pre-cast concrete panels. Materials allowed exclusively as accent materials may be used on no more than twenty percent (20%) of a building's façade. More than one (1) accent material may be used as long as the total amount does not exceed twenty percent (20%).

(3) Façades shall not be made of EIFS. EIFS shall be limited to moldings and architectural detailing on building façades. EIFS materials shall constitute less

than ten percent (10%) of any building and shall not be used on any portion of any wall that is lower than twenty feet (20') from grade, unless otherwise approved by the Building Official.

(4) Cementitious-fiber panels with at least a fifty (50)-year warranty shall only be used on twenty percent (20%) of the upper floor.

(5) Roofing materials visible from any public right-of-way shall be copper, zinc, factory finished standing seam metal or metal panel, terra cotta, stone, synthetic stone, or similar materials.

e. Façade Composition

(1) Non-residential structures fifty-thousand (50,000) square feet in area or greater shall incorporate façade articulation of at least three feet (3') in depth for every twenty-five feet (25') (not cumulatively) in vertical height or horizontal length.

(2) Non-residential structures less than fifty-thousand (50,000) square feet shall incorporate façade articulation of at least one foot (1') in depth for every ten feet (10') (not cumulatively) in vertical height or horizontal length.

(3) Residential buildings shall incorporate façade articulation of at least four inches (4") in depth at each floor vertically and between twenty feet (20') and thirty feet (30') in horizontal length.

(4) Buildings three (3) stories or higher shall provide façade articulation which distinguishes between the street level and the upper level of the building. This rhythm shall be expressed by changing materials, or color, or by using design elements such as fenestration, columns, or by façade articulation.

(5) For retail storefront buildings, display window areas shall be utilized.

(6) Storefronts on façades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.

(7) Building entrances shall be defined and articulated by architectural elements such as entry portals, porches, overhangs, railings, balustrades, and others as appropriate. All building elements shall be compatible with the architectural style, materials, colors, and details of the building as a whole.

f. Commercial Frontage

(1) All primary retail entrances must meet the sidewalk at grade.

(2) Active use first floors must have a minimum floor-to-floor height of fifteen feet (15') with a minimum of twelve foot (12') ceilings.

(3) Active use spaces shall be expressed with façade treatments that are scaled to human activity on the street. Lower levels of the building shall include changes in materials or changes in fenestration scaled to create a comfortable pedestrian zone.

(4) First floor retail and other commercial uses must be physically and visually oriented towards a public right-of-way or easement, such as a plaza or pedestrian passage.

(5) At least fifty percent (50%) of the length of the first floor façade between the height of two (2) and twelve (12) feet shall be devoted to transparent windows, doors and/or visually open spaces (such as courtyards, forecourts, and pedestrian breezeways), to allow maximum visual interaction between sidewalk areas and the interior of active use spaces. The use of dark or mirrored glass is not permitted.

(6) In order to allow for multiple storefronts, retail bays shall be no greater than thirty-five feet (35') wide, measured along the street frontage, even if initial retail tenants occupy more than one bay.

(7) Tenant improvements of retail spaces must maintain the transparency of the storefront; this may be achieved with the placement of public areas of the proposed use adjacent to the façade and by avoiding the use of shades, curtains or displays that compromise visibility into the space.

(8) When commercial first floor uses incorporate outdoor seating and dining, a minimum sidewalk through-way dimension of six feet (6') must be maintained.

g. Residential Frontage

(1) Each first floor residential unit shall have an individual entry door directly from an adjacent courtyard, dedicated open space, public right-of-way or easement.

(2) Where first floor residential units face a public right-of-way or easement residential entries shall occur

at a minimum average of one (1) door per thirty-five (35) linear feet of building frontage.

(3) Residential entries shall be sheltered from the rain and wind and provide an entry light. First floor residential unit entries shall be recessed a minimum of eighteen inches (18") from the streetwall.

(4) At least fifty percent (50%) of the first floor façade of residential buildings shall be devoted to transparent windows and doors to allow maximum visual interaction between sidewalk areas and the interior of residential units. The use of dark or mirrored glass is not permitted.

(5) First floor residential units shall have a minimum floor to floor height of ten feet (10').

(6) Along a sloped street frontage, the elevation change between the first habitable floor of a residential dwelling unit and the back of sidewalk are permitted to be up to five feet (5') in height for fifty percent (50%) of the streetwall.

(7) A twenty-four to forty-eight inch (24–48") elevation change shall be provided between the first habitable floor of first floor residential dwelling units and the sidewalk grade in order to provide adequate separation between the interior of residential units and the public realm, while maintaining visual connection. Entries and common areas to residential buildings may be at sidewalk grade.

h. Windows and Doors

(1) Windows and doors on street-fronting façades shall be designed to be proportional and appropriate to the specific architectural qualities of the building.

(2) First-floor windows shall not be opaque, tinted or mirrored glass.

(3) All first floor retail front façades of buildings shall have transparent storefront windows covering no less than fifty percent (50%) of the façade area.

(4) Glazing must be of low reflectance (12% of visible exterior light).

(5) All commercial building façades should have transparent windows covering at least fifty percent (50%) of the façade area for all floors.

(6) All façades of residential buildings shall have transparent windows covering at least thirty percent (30%) of the façade area for all floors.

i. Sustainability

(1) Guidelines for all sustainable site and building elements or systems shall meet all current sustainable industry standards and best practices.

(2) All new Ivy District buildings shall be LEED® certified. Buildings shall be constructed to all current sustainable industry standards and best practices to contribute to the ecological sustainability and overall health and wellness of the neighborhood residents.

j. Building Top

(1) Mechanical equipment located on top of buildings must be screened from public view and from neighboring buildings with enclosures, parapets, setbacks, landscaping, or other means. Any enclosure or screening used must be designed as a logical extension of the building, using similar materials and detailing as the rest of the building's surfaces.

(2) A minimum of twenty percent (20%) of all building and parking structure roof area shall incorporate photovoltaic panels in the Parkside Neighborhood and Public Square Sub-Districts. Guidelines for installation of photovoltaic panels shall meet all current industry standards and best practices.

(3) A minimum of twenty percent (20%) of all building of area shall include green roofs systems in the Parkside Neighborhood and Public Square Sub-Districts. Guidelines for green roof construction standards shall meet all current industry standards and best practices. Green roofs shall be constructed in such a way to encourage residents or visitors to inhabit them.

(4) Where feasible, roof designs shall include systems such as vegetated roof covers, with growing media and plants which minimize heat island effect and stormwater run-off and improve thermal envelope performance.

(5) Living roofs must incorporate regionally appropriate plant species to minimize water consumption requirements.

2. General Guidelines

The following General Building Design Guidelines complement corresponding general standards in Section B.1 of this part.

a. Overall

(1) Compatibility is not meant to be achieved through uniformity, but through the use of complementary variations in building elements to achieve individual building identity.

(2) All new buildings at Ivy District should use a high quality, contemporary design vocabulary to provide the neighborhood with an overall modern aesthetic

(3) Residential units should be designed to maximize opportunities for residents to enjoy a more seamless connection between indoor and outdoor spaces. This may be reflected in the design of the building façade by including terraces, decks, balconies and roof gardens.

(4) Building designs should incorporate modulation and articulation such as massing reveals, changes of textures, materials, and/or colors, or shifts of the façade plane in order to create a pedestrian-scaled façade. Any façade articulation should be based on the overall building size and height in order to be legible at an urban scale.

b. Building Orientation

(1) At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection.

(2) Secondary and service entrances may be located from internal parking areas or alleys.

c. Design of Parking Structures

(1) There are no general building design guidelines that apply specifically to parking structures.

d. Building Materials

(1) There are no general building design guidelines that apply specifically to building materials.

e. Façade Composition

(1) Entrances to upper level uses may be defined and integrated into the design of the overall building façade.

(2) Corner emphasizing architectural features, awnings, blade signs, arcades, colonnades and balconies may be used along commercial storefronts to add pedestrian interest.

(3) Blank walls of more than twelve feet (12') in length are discouraged.

(4) Frontages used for utilities, storage, and services should be minimized and integrated into the overall articulation and fenestration of the façade by continuing design elements across these areas and therefore enhancing the visual interest of the service areas for pedestrians.

(5) Buildings which are located on axis with a terminating street or at the intersection of streets may be considered as feature buildings. Such buildings may be designed with features which take advantage of that location, such as an accentuated entry and a unique building articulation, which is offset from the front wall planes and goes above the main building eave or parapet line.

f. Commercial Frontage

(1) Active-use frontages should be designed in a manner that promotes a sense of vitality and liveliness in order to focus social activity at the Ivy District.

(2) Commercial and storefront entrances should be easily identifiable and distinguishable from residential entrances. Recessed doorways, awnings, transparencies, changes in color or materials are encouraged to identify and enhance retail entrances.

g. Residential Frontage

(1) To foster a pedestrian-focused neighborhood, building bases should convey a sense of activity and liveliness.

(2) Residential buildings should make every effort to activate and enliven the building base as the interface between the public and private realm.

h. Windows and Doors

(1) Punched windows in a predominantly solid wall should be recessed a minimum of two inches (2") in order to give building façades a sense of substance and depth.

i. Sustainability

(1) All new Ivy District buildings are intended to be constructed using ecologically sustainable materials and technologies in order to contribute to the reduction of natural resource consumption and waste production.

(2) Ivy District will develop goals and strategies

for building energy and water use, construction activities, and the selection of building materials, utilities and appliances.

j. Building Top

(1) Buildings should provide usable rooftop and/ or terraced open spaces such as rooftop gardens and decks accessible to all units in the building.

(2) Green roofs may sustain a variety of plants and invertebrates, as well as provide a habitat for various bird species that enhance biodiversity within the Ivy District and the region as a whole.

3. General Examples

See Appendix D, Building Examples for images of building tops that are representative of the building character for green roofs.

C. Public Square Sub-district Building Design Controls

The following Building Design Controls complement and/or amplify General Building Design Standards and Guidelines in Sections A and B of this part.

1. Public Square Sub-district Standards

a. Building Materials

(1) Side and rear façades shall be of finished quality and of the same color that blends with the front of the building

(2) Accessory buildings, enclosed garages, or carports shall be designed and constructed of the same material as the primary building.

2. Public Square Sub-district Guidelines

There are no building design guidelines that apply specifically to the Public Square Sub-district.

3. Public Square Sub-district Examples

See Appendix D, Building Examples for images of elevations that are representative of the intended design character for proposed buildings in the Public Square Sub-district.

D. Parkside Neighborhood Sub-district Building Design Controls

The following Building Design Controls complement and/or amplify General Building Design Standards and Guidelines in Sections A and B of this part.

1. Parkside Neighborhood Sub-district Standards

a. Building Materials

(1) Side and rear façades shall be of finished quality and of the same color that blend with the front of the building.

(2) Accessory buildings, enclosed garages or carports shall be designed and constructed of the same material as the primary building.

b. Façade Composition

(1) At least one of the following—porches, bay windows, stoops, eaves or balconies—shall be added every thirty feet (30') along the front residential façades to add pedestrian interest along the street.

(2) Porches must be a minimum of five feet (5') by eight feet (8') and covered with a roof. Bay windows must be at least a two foot (2') projection, four feet (4') wide and eight feet (8') tall.

(3) Stoops are elevated entrances and must be at least five feet (5') by five feet (5') at the entry level.

(4) Eaves must be at least one foot (1') deep.

(5) Balconies must be five feet (5') by eight feet (8') and are not required to be covered.

(6) Any façade articulation shall be based on the overall building size and height in order to be legible at an urban scale.

(7) For residential buildings the grade of the slab or first floor elevation shall be elevated at least thirty inches (30") above the grade of the sidewalk.

2. Parkside Neighborhood Sub-district Guidelines

There are no building design guidelines that apply specifically to the Parkside Neighborhood Sub-district.

3. Parkside Examples

See Appendix D, Building Examples for images of elevations that are representative of the intended design character for proposed buildings in the Parkside Neighborhood Sub-district.

9 | STREET AND STREETSCAPE DESIGN CONTROLS

A. Introduction

Streets in the Ivy District need to support the overall goal of a mixed use, compact, pedestrian oriented district. They balance all forms of mobility while maximizing convenience for residents and visitors. The Street Network Plan (Exhibit B3) designates the street network within the Ivy District. This part of the PD document specifies the typical configuration of streets within the Ivy District. The specifications address vehicular lane width, parkway widths, right-of-way (R.O.W.) widths, number of travel lanes, on-street parking, and pedestrian and bicycle accommodation. The character of streets in the Ivy District will vary based on the location. This part of the PD document also establishes streetscape design controls.

B. Street Design Controls

This portion of the PD document specifies design standards for Ivy District streets.

1. Public Streets

Major perimeter streets serving the Ivy District shall be public streets dedicated to and maintained by the City of Pearland.

2. Private Streets

Interior streets within the Ivy District shall be private streets owned and maintained by the developer.

3. South Spectrum Drive

The intersection of South Spectrum Drive and SH-288 frontage road, as well as portion of the street continuing west, has been constructed and the existing street section will be extended westward to the intersection of Promenade Shops Drive to serve the Ivy District. Therefore, the proposed "Boulevard" street type (see Table 9.1 and Section 2.a of this Part 9), which applies to South Spectrum Drive, will be conformed to match existing conditions.

4. SH 288

Access to the Ivy District from the SH 288 west frontage road will be via the existing South Spectrum Drive intersection; therefore, no modifications to the SH 288 frontage road are proposed.

5. Fruge Road

A connection to Fruge Road from Promenade Shops Drive will be made as illustrated in Exhibit B1, "Site Plan" in Appendix B.

6. Street Classification

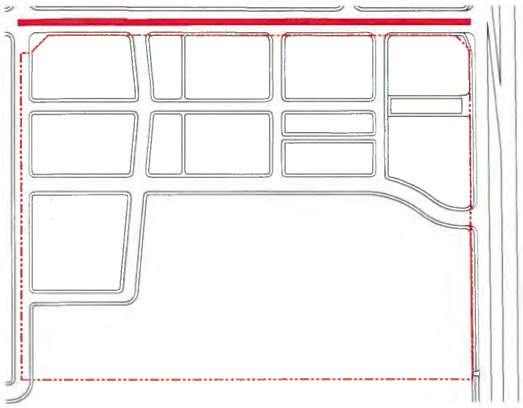
Table 9.1 and associated cross sections shall establish the cross sections for each street type. The proposed cross sections may be adjusted prior to plat approval to meet the requirements of the Ivy District Traffic Impact Analysis Report in order to ensure that all roads comply with applicable engineering requirements and traffic policies of the City of Pearland in compliance with Texas Municipal Uniform Traffic Control Devices and AASHTO, latest edition, as well as all other applicable codes in place at the time of development.

TABLE 9.1 - STREET GUIDELINES

Street Classification	*Street Width (Recommended min. R.O.W)*	*Number of Vehicular Lanes*	*Vehicular Lane Widths*	*Number of Bike Lanes**	*Bike Lane Widths*	*Turn Radius (max.)*	*Median*	*On-Street Parking*	*Pedestrian Sidewalk Width (min.)*	*Parkway/ Tree Well*
Boulevard Street Type (Public)	82 feet	4	11 feet	0	None	30 feet	Yes, 14 feet	None	7' wide	5' wide
Neighborhood Collector Street Type (Public)	94 feet	2	11 feet	2	5 feet	20 feet	Yes, 14 feet	Yes	11' wide	5' wide
Neighborhood Collector Street Type (Private)	76 feet	2	11 feet	2	6 feet	20 feet	None	Yes	6'-6" wide	4'-6" wide
Local Street Type (Private)	56 feet	2	11 feet	0	None	15 feet	None	Yes	6'-0" wide	4'-0" wide

* The Ivy District shall encourage the extension of bike lanes into adjoining future developments. If such extension does not happen, the Ivy District shall provide an alternate connection to any future bike lanes that are part of Spectrum Drive.

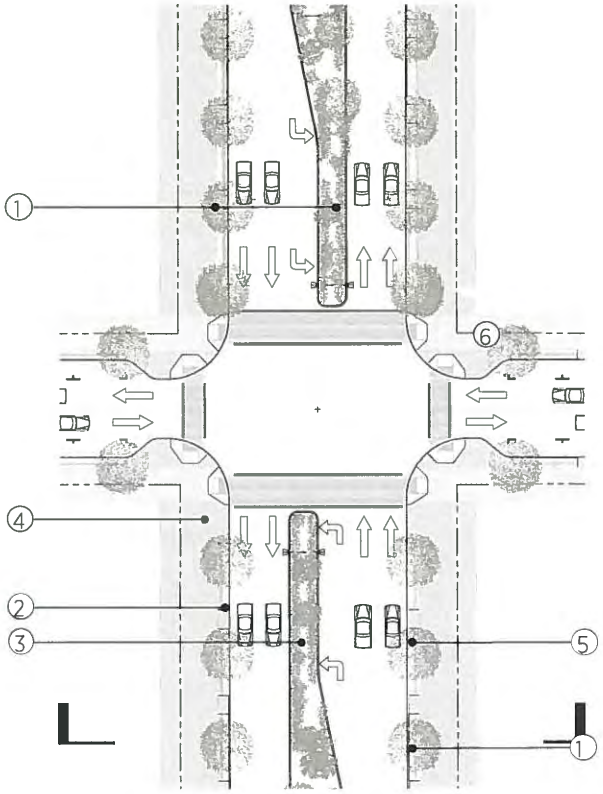
a. Boulevard Street Type (Public) - 82' R.O.W.



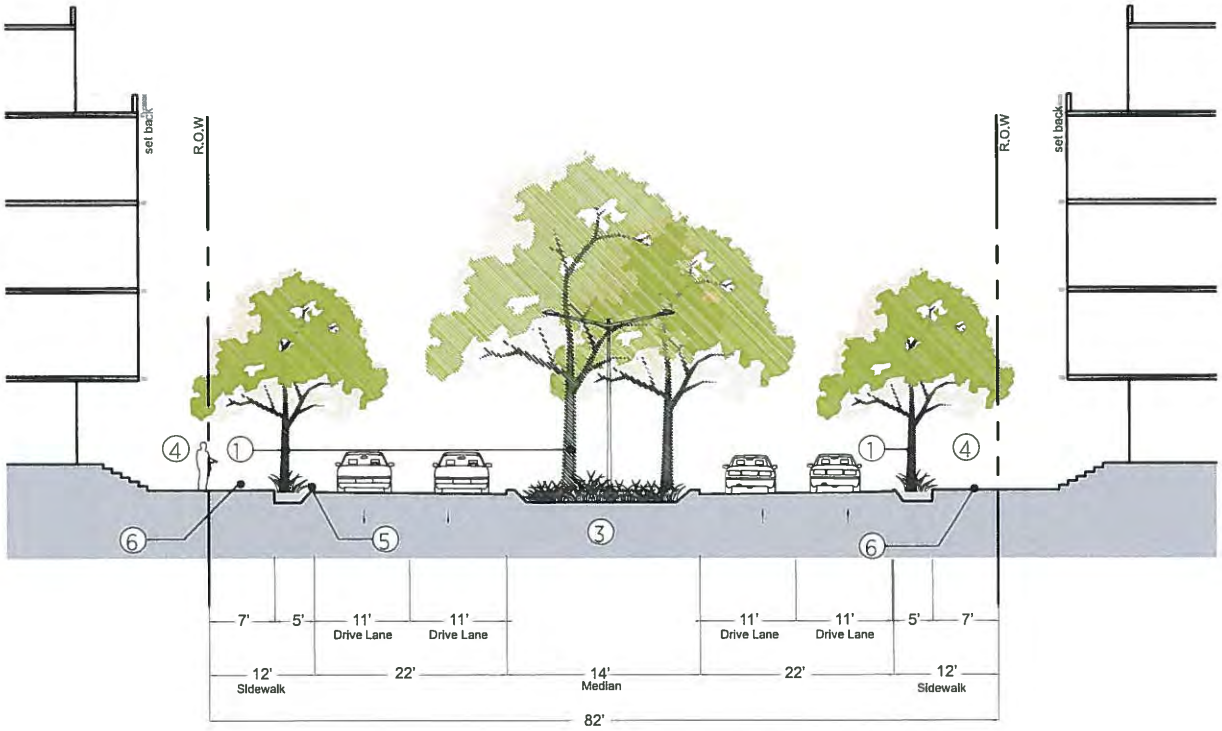
Key Plan

Boulevard Design Features

1. Street tree
2. Seating zone
3. Planted median
4. Paved pedestrian zone
5. Tree grate
6. Concrete sidewalk



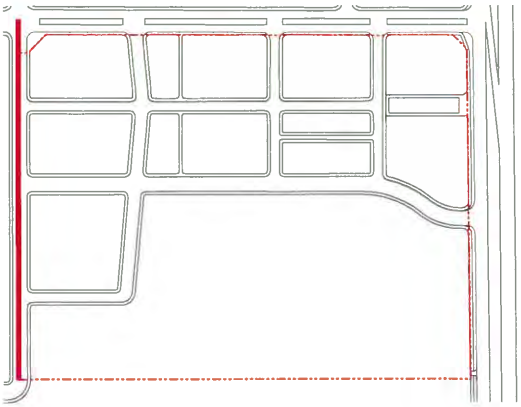
Illustrative Plan



Typical Section

*Lane width established for a WB-50 design vehicle.

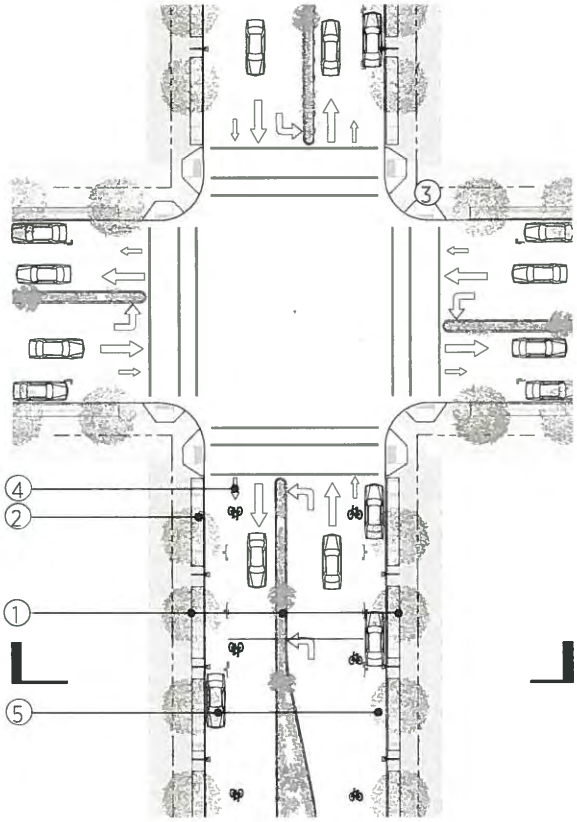
b. Neighborhood Collector Street Type (Public) - 94' R.O.W.



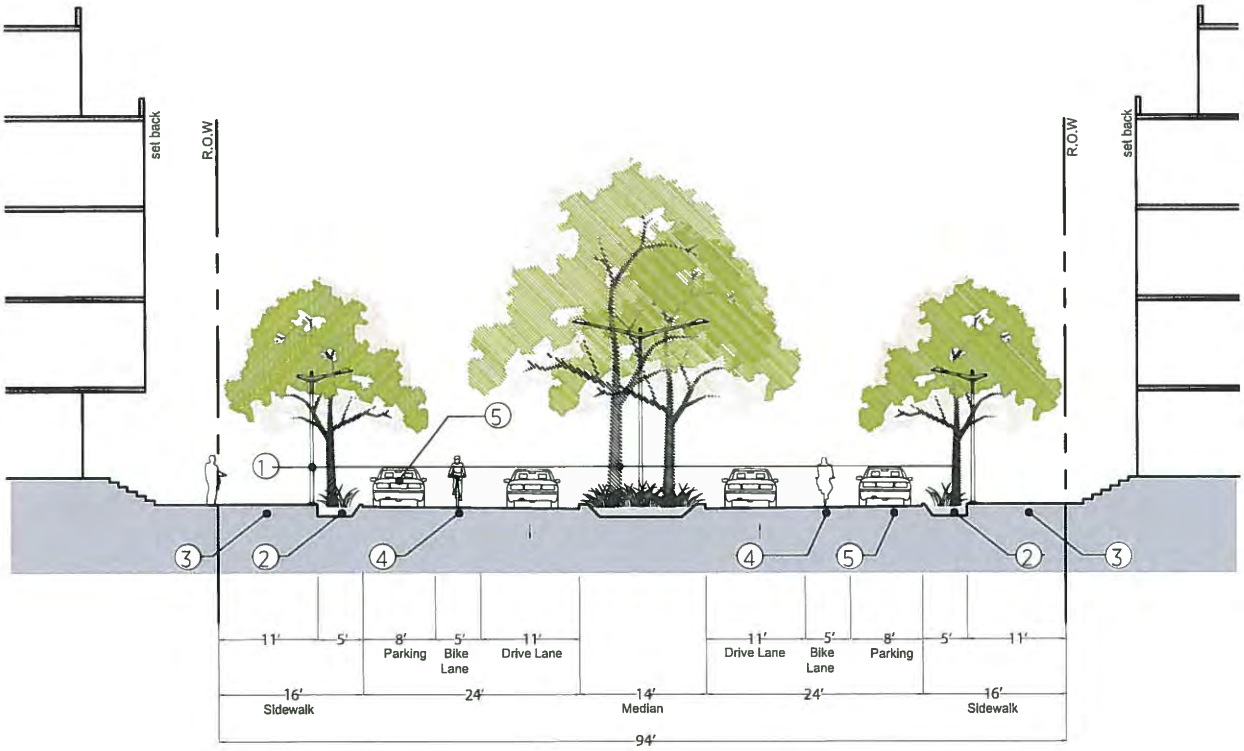
Key Plan

Neighborhood Collector Street Design Features

1. Street trees
2. Tree grate
3. Concrete sidewalk
4. Bike Lane
5. On-street parking



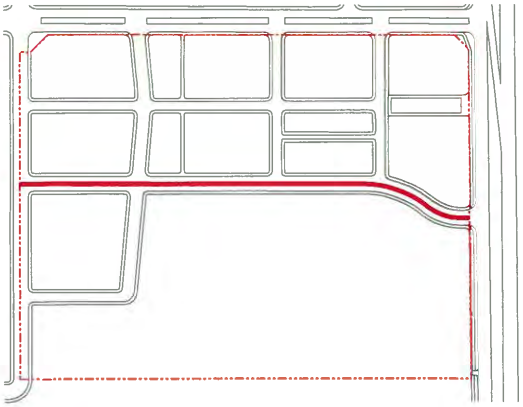
Illustrative Plan



Typical Section

*Lane width established for a WB-50 design vehicle.

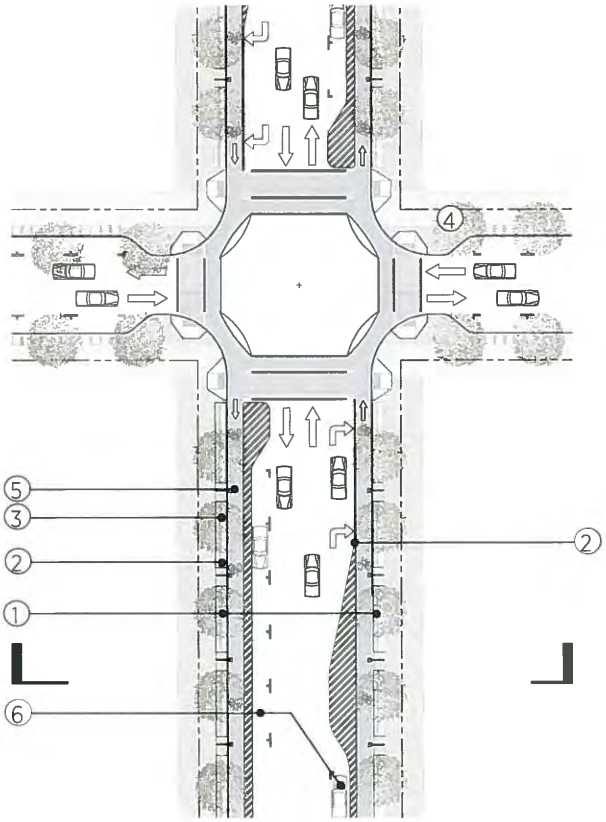
c. Neighborhood Collector Street Type (Private) - 76' R.O.W.



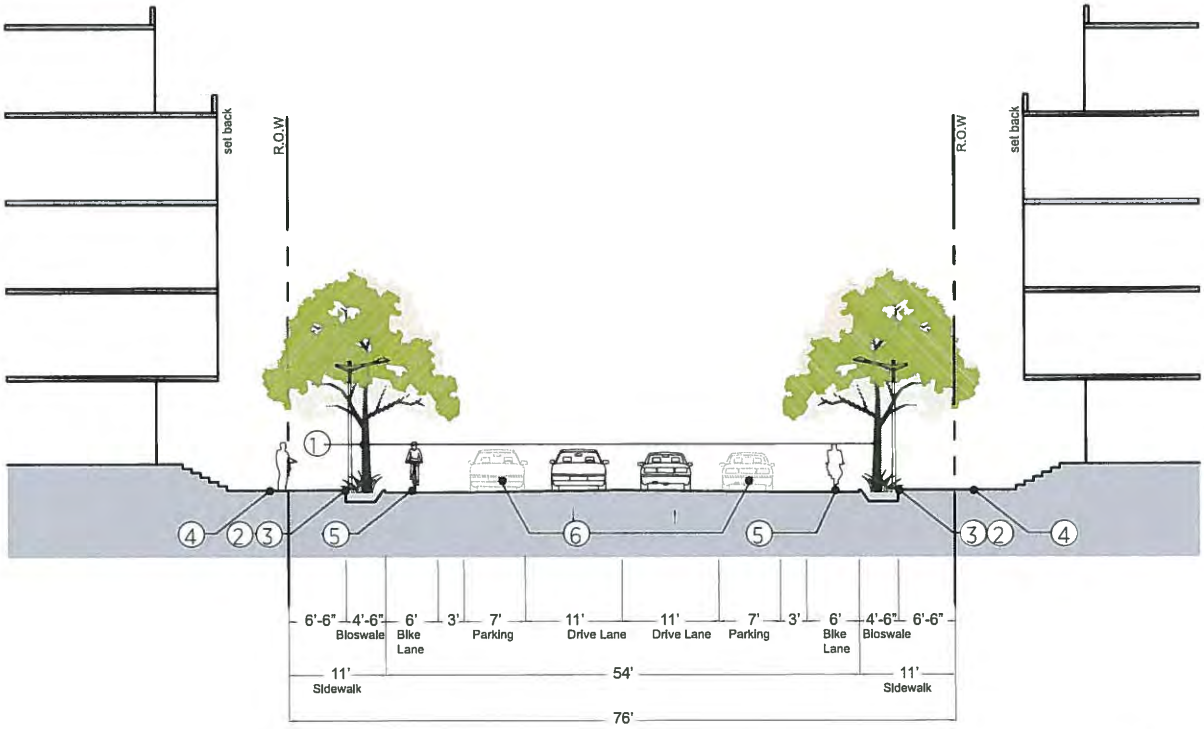
Key Plan

Neighborhood Collector Street Design Features

1. Street trees
2. Planted bioswale
3. Tree grate
4. Concrete sidewalk
5. Bike Lane
6. On-Street Parking



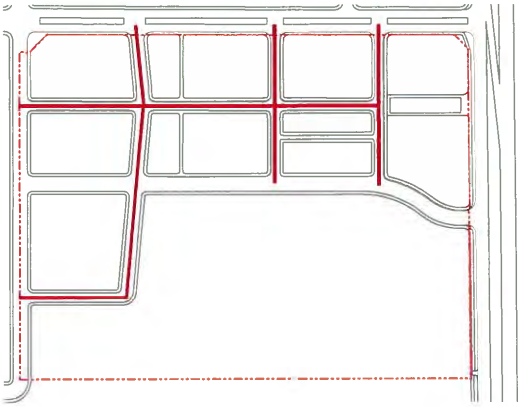
Illustrative Plan



Typical Section

*Lane width established for a WB-50 design vehicle.

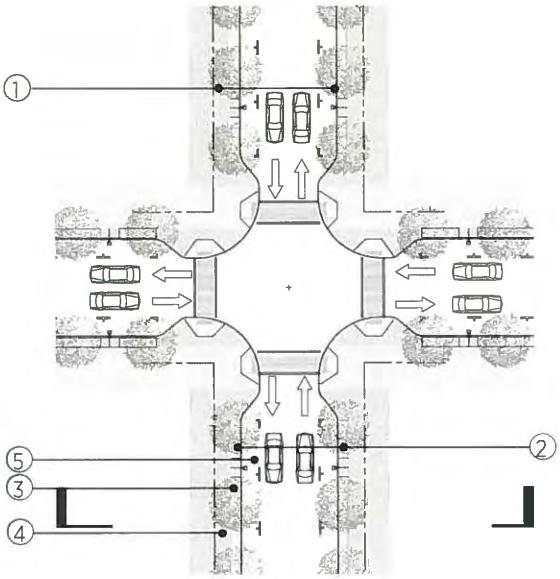
d. Local Street Type (Private) - 56' R.O.W.



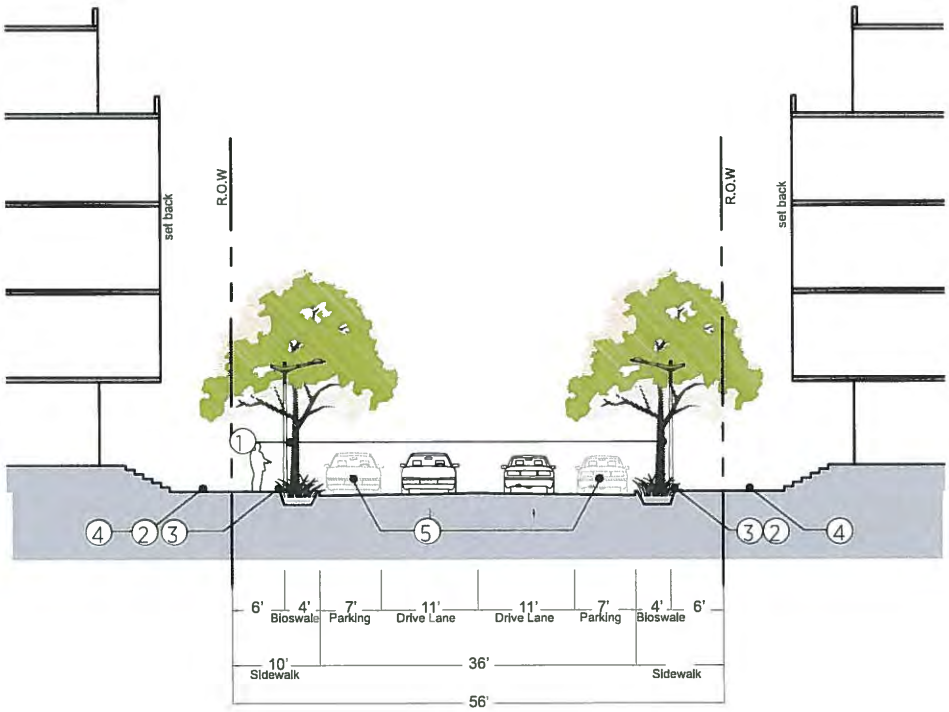
Key Plan

Local Street Design Features

1. Street trees
2. Planted bioswale
3. Tree grate
4. Concrete sidewalk
5. On-Street Parking



Illustrative Plan



Typical Section

*Lane width established for a WB-50 design vehicle.

C. Streetscape Design Controls

Streetscape standards and guidelines shall apply to all streets within Ivy District. Streetscape standards shall address all elements between the building face and edge of the curb. Typical streetscape elements addressed are street trees, lighting, street furniture and pedestrian amenities, and materials. A "Master Streetscape Plan" shall be prepared based on the design controls, which include standards, guidelines and examples, in this section and shall be approved by the City Manager prior to submittal of a plat application.

1. Standards

a. Street Trees

(1) Street trees shall be required on streets in the Ivy District (except on alleys).

(2) Street trees shall be planted approximately four feet (4') behind the curb line.

(3) Street tree spacing shall be an average of 30 feet (30') on center (measured per block face) along all streets.

(4) The minimum caliper size (caliper size for a multi trunk tree shall be the total of the diameter of the largest trunk and one half (½) of the diameter of each additional trunk, measured at a height of four and a half feet (4.5') above the ground) for each tree shall be 3 in. and shall be a minimum of 12 feet in height at planting. Each tree shall be planted in a planting area no less than 40 sf. However, the tree well area shall be no smaller than 16 sf.

(5) Boulevard trees shall be required in the median and spacing and species type shall be maintained along a street. The minimum caliper size for each boulevard tree shall be 3 in. and shall be a minimum of 12 feet in height at planting. Each tree shall be planted in a planting area no less than 40 sf. However, the tree well area shall be no smaller than 16 sf.

(6) Development of City standards and standards of other agencies having jurisdiction over public streets and SH 288 frontage roads for street trees and landscape are in progress; therefore, developer will coordinate with the City and other agencies to incorporate their requirements for street trees along public streets and the SH 288 frontage road into the Ivy District's Master Public Open Space and Landscape Plan.

(7) Street trees shall not conflict with the Utility Easements as defined in the Pearland Engineering Design Criteria Manual, June 2007.

b. Planted Areas

(1) When visible from the street and alleys, all unpaved ground areas shall be planted with low growing shrubs or ground cover, ornamental grasses, or a combination thereof. Turf grass must be installed as solid sod and not seeded on.

(2) Species shall include plants from the approved list of ground cover, vines, perennials, shrubs, and xeriscape plant list in Chapter 4 Site Development Section 4.2.2.5 and the Replacement Tree List in Chapter 4 Site Development Section 4.2.3.9 of the City of Pearland Unified Development Code, Eight Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, except as modified by this PD document.

(3) Developer will coordinate with the City and other agencies to incorporate their requirements for planted areas along public streets and the SH 288 frontage road into the Ivy District's Master Public Open Space and Landscape Plan.

c. Maintenance

(1) Developer will maintain all street trees and planted areas along public streets from the back of the curb that is adjacent to the Ivy District site.

(2) Developer will maintain all street trees and planted areas along the SH 288 frontage road west of the site's eastern boundary.

(3) Developer will maintain all street trees and planted areas along and within the R.O.W. of all private streets.

2. Guidelines

There are no design guidelines established by this PD document that complement the standards established in the previous Subsection C.1 or the examples presented in the

following Subsection C.3 that apply specifically to streetscape and the development of the required Master Streetscape Plan.

3. Examples

See Appendix E, Streetscape Examples for images that are representative of the intended streetscape design character.

D. Street Furniture, Lighting, and Materials Design Controls

Street furniture, lighting, and materials standards and guidelines shall apply to all streets and streetscape within the Ivy District. Street furniture, lighting, and materials shall be incorporated into the Master Streetscape Plan.

1. Standards

a. Overall

(1) The specific terms related to the maintenance of light standards, street furniture, and sidewalk paving materials located within the sidewalks and roads dedicated to the city shall be outlined in the Development Agreement between the Ivy District and the City of Pearland. The Development agreement shall be in place prior to submittal of a development application.

(2) All utility service lines shall be located underground along all streets.

b. Street Furniture

(1) Street furniture and pedestrian amenities such as benches are required along all streets.

(2) All street furniture shall be located in such a manner as to allow a clear sidewalk passageway of a minimum of six feet (6').

(3) Trash receptacles and bike racks shall be required along streets. A minimum of one each per block face shall be required.

c. Lighting

(1) Ivy District shall use energy efficient bulbs and fixtures.

(2) All lighting must be shielded to prevent glare to private and public uses, especially residential units. The angle of maximum candela from each interior luminaire as located in the building shall intersect opaque building interior surfaces and not exit out through the windows.

(3) Lighting in Commercial Areas shall illuminate drive lanes and pedestrian areas. See Figure 9.1.

(4) Lighting types shall be modern, minimal and urban in character and shall not include historic replications.

(5) Lighting levels and fixture types shall be selected according to the use of each fixture type. For instance, bollards and other lighting fixtures that illuminate the ground plane but do not directly illuminate adjacent residential units shall be used in courtyards.

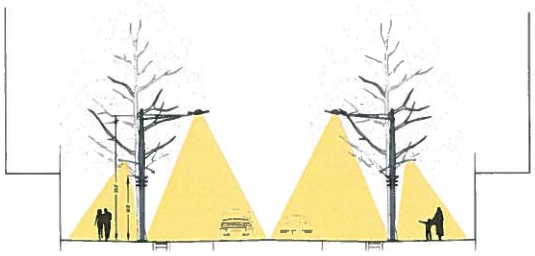


Figure 9.1 Commercial Lighting Typical Section

(6) Lighting in Residential Areas shall illuminate streetscape and pedestrian areas. See Figure 9.2.

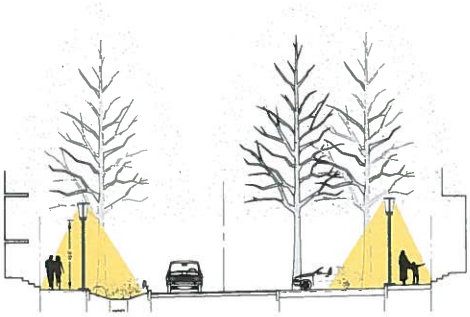


Figure 9.2 Residential Lighting Typical Section

(7) Pedestrian scale lighting, with the top of fixture being no more than 20 feet from the ground, shall be provided along all streets except alleyways.

(8) Street lights shall be placed at 50 feet (min.) on center, approximately 2 feet behind the curb line.
(9) The light standard selected shall be compatible with the design of the street and buildings.

d. Materials

(1) Materials for all public and private streets are required to be concrete paving and are required to meet the minimum design performance specifications per the Pearland Engineering Design Criteria Manual, June 2007. Permeable paving zones are not permitted for either public or private streets.
(2) Materials for sidewalk paving shall be pavers or concrete paving that will meet the minimum design performance specifications per the Pearland Engineering Design Criteria Manual, June 2007.
(3) Materials selected for street furniture shall be of durable quality and require minimal maintenance.

2. Guidelines

The following guidelines complement Street Furniture, Lighting, and Materials Design Standards in Section D.1 of this part.

a. Overall

(1) There are no design guidelines that apply overall to street furniture, lighting, and materials.

b. Street Furniture

(1) There are no design guidelines that apply specifically to street furniture.

c. Lighting

(1) Security should primarily be provided through lighting and increased visibility, in place of armoring of windows and doorways.
(2) Certain areas of the Ivy District neighborhood are intended to have lower lighting levels, such as the Clear Creek Recreational Park where it is important to minimize light pollution so as not to disturb wildlife and maintain a natural setting.

d. Materials

(1) There are no design guidelines that apply specifically to materials.

3. Examples

See Appendix E, Streetscape Examples for images that are representative of furniture, lighting, and materials that would comply with the corresponding design controls.

10 | SIGNAGE DESIGN CONTROLS

A. Introduction

Signage helps to highlight the identity of businesses while enhancing the appearance of the streetscape and should be of a creative and engaging nature at the Ivy District. Except as specifically listed below, and in Table 10.1 in the following page, all other signage and sign standards must comply with Chapter 4 Site Development, Article 2, Division 5 Signage, as amended, of the City of Pearland UDC, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, as amended, City Standards and the Texas Municipal Uniform Traffic Control Devices, latest edition. The signage standards and guidelines in this part shall apply to all signs in the Ivy District. A "Master Signage and Wayfinding Plan" shall be prepared based on the design controls in this part.

B. Signage Design Controls

1. Standards

a. Overall

(1) No billboards, roof signs, back-lit box signs, flashing, moving or video signs are permitted. Where possible, exposed junction boxes, lamps, tubing, conduits, or raceways are not permitted.

(2) Signage is intended to address the pedestrian level and no portion of any sign may extend more than twenty-five (25') above sidewalk grade.

b. Signage Area

(1) Sign area is defined as the area of a sign that is used for display purposes excluding small supports. Sign area shall be computed on the basis of a rectangle large enough to frame the display or text.

(2) Retail wall signs on buildings shall not exceed three square feet (3 sf) per linear foot of retail frontage or forty-five square feet (45 sf), whichever is lower, for each street frontage. Wall signs related to a full service grocery store may be up to one hundred fifty square feet (150 sf) per building face along a public right-of-way.

c. Signage Types

(1) One projecting sign per every thirty linear feet (30') of retail is permitted. Each primary projecting sign for retail tenants shall not exceed twenty-four square feet (24 sf) in area, and if a single tenant maintains more than thirty linear feet (30') of street frontage, each additional sign shall not exceed ten square feet (10 sf). Corner businesses are allowed one primary projecting sign per street frontage. Three-dimensional projecting signs shall not exceed forty-eight cubic feet (48 cf) in volume. Parking directional signs shall not exceed an area of fifteen square feet (15 sf).

(2) Signage on awnings is permitted in lieu of projecting signs and must not exceed thirty square feet (30 sf) of sign area.

(3) Residential wall signs shall not exceed twenty square feet (20 sf). Residential projects may utilize signage on awnings over the primary multi-unit entryway. Copy areas on awnings shall not exceed thirty square feet (30 sf).

2. Guidelines

The following guidelines complement Signage Design Standards in Section B.1 of this part.

a. Overall

(1) Consistency among signs within the Ivy District is encouraged to create visual harmony between signs, buildings, and other components of the district.

(2) Compatibility between signage, architectural and site design features are encouraged within the Ivy District.

(3) Signage that is in character with planned and existing uses is encouraged to create a unique sense of place.

(4) Multi-tenant commercial uses are encouraged to develop a unique set of sign regulations in conjunction with development standards.

3. Examples

See Appendix F, Signage Examples for images that are representative of signs that would comply with the signage design controls.

TABLE 10.1			
Sign Type	***Predominately Non-residential Areas***	***Predominately Residential Areas***	***Standard***
Wall (Building or Attached) Signs	P	P (Commercial and live-work uses only)	For all first floor commercial uses (retail, office, and restaurant): One sign per tenant space; area to be calculated at 1.5 sq. feet per linear foot of public street frontage for the tenant space with a maximum of 100 sq. ft per tenant. Second and upper floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 1.5 sq. feet per linear foot of second or upper floor frontage along that public street with a maximum of 125 sq. feet. Institutional uses (non-profits and churches): One sign per tenant space; area to be calculated at 1.5 sq. feet per linear foot of public street frontage with a maximum of 100 sq. feet. Live-Work and Home occupations: One sign limited to an area of 20 sq. feet max. Building sign may encroach a maximum of 12" on to a sidewalk while maintaining a vertical clearance of 8 feet from the finished sidewalk. Building signs may be externally lit. Marquee signs as only permitted as specified below.
Monument Signs	P	NP	One monument sign at the project entry for the purposes of identifying the project or district. Shall be in compliance with the Pearland Unified Development Code, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, except as modified by this PD document.
Window Signs	P	P (Commercial and live-work uses only)	Limited to 20% of the window area. The following shall be exempt from this limitation: Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs; Mannequins and storefront displays of merchandise sold; and Interior directory signage identifying shopping aisles and merchandise display areas. Shall be in compliance with the Pearland Unified Development Code, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, except as modified by this PD document.
Building Blade Signs	P	P (Commercial and live-work uses only)	One per building (commercial and mixed use buildings only). Area = 30 sq. feet maximum per sign face. May encroach a maximum of 6 feet over a sidewalk, but shall not encroach over any parking or travel lane. Building blade signs may be attached to the building at the corners of building or along any street facing façade above the first floor facade.
Tenant Blade Signs	P	P (Commercial and live-work uses only)	One per commercial tenant space (retail, office, or restaurant use). Area = 16 sq. feet maximum per sign face. May encroach a maximum of 4 feet over a public sidewalk, but shall not encroach over any parking or travel lane. Tenant blade signs shall be oriented perpendicular to the building façade and hung under the soffit of an arcade or under a canopy/awning or attached to the building façade immediately over the first floor tenant space while maintaining a vertical clearance of 8 feet from the finished sidewalk.

Sign Type	Predominately Non-residential Areas	Predominately Residential Areas	Standard
Marquee Signs	P	NP	Permitted for theaters, auditoriums, and other public gathering venues of 100 persons or more. Marquee signs shall be attached to the building or located above or below a canopy only. Area = 100 sq. feet maximum. Message board may be changeable copy (electronic and non-electronic) and shall be limited to 50% of the sign area. Electronic message boards shall be non-flashing, nor shall flashing lights of any kind be permitted. Electric Marquee signs shall have an accessible disconnect switch and shall be labeled to indicate the voltage and amperage of electrical circuits connected to the sign.
For Sale/For Lease Signs	P	P	Same as City of Pearland Sign Regulations
Address Signs	P	P	Same as City of Pearland Sign Regulations
Temporary Construction Signs	P	P	Same as City of Pearland Sign Regulations
Banners	P	P	Same as City of Pearland Sign Regulations
Sandwich Board Signs	P	P (Commercial and live-work uses only)	Permitted only for retail, service, or restaurant uses. Limited to 12 sq. feet per sign face per storefront. Sign may not exceed 4 feet in height. A minimum of 6 feet of sidewalk shall remain clear. Chalkboards may be used for daily changing of messages. Readerboards (electronic and non-electronic) shall be prohibited. Sign shall be removed every day after the business is closed Sign shall remain out of the public R.O.W.
Light Pole Banners	P	P	Permitted only with approval of the City. Must allow for 8 ft. clear height below banner. Max. 10 sq. feet per sign face. Limited to one per light pole. All light pole banners shall be approved by the appropriate utility company prior to consideration by the City. Light pole banners shall be limited to publicize community-wide events, holiday celebrations, public art, and other city sponsored events. Light pole banners shall have a unified design for the entire district.
Directory Signs	P	P (Commercial and live-work uses only)	Shall be allowed for all multi-tenant commercial and mixed use buildings only. One directory sign per multi-tenant building limited to 12 sq. feet in area. Design of the sign shall be integral to the façade on which the sign is to be affixed.
Pole Signs	NP	NP	
LED Signs	NP	NP	

P = Permitted

NP = Not Permitted

11 | OPEN SPACE DESIGN CONTROLS

A. Introduction

This part establishes the Public Open Space and Private Open Space Design Controls for Ivy District. The Public Open Space Design Plan, Exhibit B6, designates several areas for proposed Public Open Space types within Ivy District. The detailed Public Open Space Design Controls for each type are included in this portion of the PD document. A "Master Open Space and Landscape Plan" shall be prepared based on the design controls in this part.

B. Public Open Space Design Controls

The design of Public Open Space shall be regulated by the Public Open Space standards herein which shall create a network of open spaces that recognizes the natural qualities of the area while providing a range of both passive and active recreational opportunities. These opportunities are accommodated in a variety of spaces ranging from larger parks to neighborhood-scaled greens to urban squares, plazas, and gardens. The open space network will be serviced by an interconnected network of trails and paths for pedestrians and bicyclists alike. Open space designs shall adhere to the standards and guidelines, contained within this section, for specific, open space types illustrated in Exhibit B6, Public Open Space Plan.

1. Standards

a. Overall

(1) Areas designated as publicly accessible open space at the Ivy District are illustrated in Exhibit B6, Public Open Space Plan. Publicly Accessible Open Space at The Ivy District, excluding tower areas and courtyards, must be publicly accessible at all times, subject to reasonable maintenance, operations, and repair and security rights.

(2) Building structures may be permitted within areas designated as Dedicated Open Space in Exhibit B6, Public Open Space Plan. Some permitted buildings include public restrooms no greater than 500 square feet; and open-air park pavilions, and buildings and uses specifically permitted within Tables 6.3 and 6.4.

(3) All amenities located in the Public Open Spaces shall also meet the standards of the Harris and Brazoria County Flood Control District. Public use of amenities that overlap with the Harris and Brazoria County Flood Control District water shed space shall be approved by both the Harris and Brazoria County Flood Control Districts prior to submittal of a plat application.

(4) Public Open Spaces shall include a rainwater detention area for street and roof runoff.

b. Clear Creak Recreational Park

(1) The Clear Creek Recreational Park shall be defined by multi-use pathways, as well as landscaped open space.

(2) The Clear Creek Recreational Park shall include limited hardscape areas with benches and areas for casual seating.

(3) Restroom facilities shall be provided in a convenient location for users of the Clear Creek Recreational Park.

(4) Water Drinking fountains shall be provided in a convenient location for users of the Clear Creek Recreational Park.

(5) Where necessary, Clear Creek shall be lined to reduce erosion and protect the existing slope south of the stream.

c. Art & Culture Green

(1) Art & Culture Green shall include a rainwater detention pond, fed by rainwater runoff from adjacent streets.

(2) In order to allow overland flows of rainwater from the street to the detention pond Art & Culture Green shall be curbless. Bollards or other visually attractive barriers must be incorporated to separate and define vehicle and pedestrian zones.

d. Parkside Green

(1) Parkside Green shall primarily be naturally landscaped with many shaded places to sit.

(2) Parkside Green shall incorporate an active or structured recreational component such as, but not limited to, a playground, community gardens or bocce court.

e. Ivy Square

(1) The square shall have a more urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets.

(2) All buildings adjacent to the square shall front onto the square.
(3) Adjacent streets shall be lined with appropriately scaled trees that help to define the square.
(4) The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches.
(5) Shaded areas for seating shall be provided.

f. Ivy Plaza

(1) Size shall range from 0.25 acre to 1 acre. Shall front on at least one (1) street.
(2) Building frontages shall define these spaces.
(3) The landscape shall consist primarily of hardscape. If trees are included, they shall be formally arranged and of appropriate scale.
(4) Planting, including trees and shrubs, are required.
(5) Casual seating, along with tables and chairs, shall be provided.

g. Ivy Garden

(1) Ivy Garden shall be defined by a formal pattern of walkways.
(2) Lawns, trees, and ornamental plants shall be planted in formal patterns.
(3) Shaded areas with seating shall be provided.

h. Ancillary Structures

(1) Ancillary structures within public Public Open Spaces shall be formal in character and generally related to, but clearly subordinate to surrounding buildings.
(2) Each individual structure shall keep in character or complement the style of nearby buildings.
(3) Ancillary structures shall have one or more open sides or covered area that provides shade and shelter.

2. Guidelines

The following guidelines complement Public Open Space Design Standards in Section B.2 of this part.

a. Overall

(1) The open space network should provide a wide range of activities including, but not limited to: active recreation areas such as sports courts and playgrounds; social activity and gathering areas such as outdoor dining and seating areas; food production areas such as community gardens and the organic farm; and natural settings such as the stream corridor.
(2) Public Open Spaces should be planted with native or acclimated tree and plant species.
(3) Tree planting should follow the optimal growth of each tree species chosen and defined by a certified arborist at the time of planting.
(4) Rainwater detention areas should incorporate a water feature as an amenity for residents.
(5) Public Open Spaces should include seating, bike racks, trash and recycling bins where needed.
(6) Separately defined areas within Public Open Spaces may be defined by distinct planting schemes.

b. Clear Creek Recreational Park

(1) Clear Creek should have a natural look, with a meandering channel.
(2) Once established, vegetation within the Clear Creek Corridor should not require irrigation and should require only minimal maintenance.

c. Art & Culture Green

(1) The use of Art & Culture Green is unstructured and passive recreation, casual seating/picnicking, outdoor concerts and special events
(2) The character of Art & Culture Green should be of a large, open space defined by landscaping and building frontages; detention and retention, paths, trails, open shelters, lawns, trees and shrubs naturally disposed to provide space for special events.
(3) The multi-purpose lawn should be planted with low maintenance, acclimated lawn alternative species which have low water needs.
(4) A space for community events, gatherings and festivities such as farmer's markets or outdoor concerts should be provided within Art & Culture Green. Areas with tree plantings may be included in this space.
(5) Areas with seating should be provided and be carefully integrated into the overall design of Art & Culture Green.
(6) The bike lane along Art & Culture Green should be paved with pervious unit pavers.
(7) Art & Culture Green should be planted with native or acclimated plant species.

d. Parkside Green

(1) Parkside Green should be available for civic purposes, commercial activity, unstructured recreation and other passive uses.

(2) Appropriate paths, civic elements, fountains or open shelters may be included and shall be formally placed within the green.

(3) An open area, either paved or lawn, should be provided in Parkside Green to accommodate social gatherings, informal play and sitting.

(4) Parkside Green should include clearly defined areas for programmed activities such as, but not limited to, a picnic area, a community garden, a bocce ball court, a mini soccer field, basketball or tennis court, a playground or an outdoor dining area.

(5) Ground floor active uses are encouraged to open onto and occupy parts of the Parkside Green adjacent to buildings with outdoor spaces.

(6) Parkside Green should include ample seating. Trees should provide maximum wind protection, and seating should be located to offer sunny, wind protected places to sit and gather.

(7) Rainwater detention areas should incorporate a water feature as an amenity for residents.

(8) Separately defined areas within Parkside Green should be defined by distinct planting schemes.

e. Ivy Square

(1) A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square.

(2) An open area, either paved or lawn, should be provided to accommodate social gatherings, informal play and sitting.

(3) Ivy Square should include ample seating. Trees should provide maximum wind protection, and seating should be located to offer sunny, wind protected places to sit and gather.

f. Ivy Plaza

(1) Plazas typically should be located at the intersection of important streets. Plazas are appropriate in the Public Square Sub-District.

(2) Typical uses are commercial and civic uses; casual seating; outdoor dining; retail and food kiosks.

g. Ivy Garden

(1) Ivy Garden is intended to be a quiet, relaxing and meditative space.v

(2) A predominate feature will be a bosque of shade trees planted in a formal, orchard-like arrangement.

h. Ancillary Structures

(1) Typically, these structures are located at prominent locations within an appropriate Public Open Space.

(2) Ancillary structures located in the Public Square Sub-District may have minor commercial uses, such as small food or news vendors, but may also serve as civic elements for general public use with more passive activities.

(3) Small, stand alone structure may be located within a Park, Green, Square or Plaza.

(4) Primary uses should be civic or minor commercial uses.

(5) Casual seating/picnicking, or recreational support facilities should be provided.

3. Examples

See Appendix G, Open Space Examples for images representative of the intended design character for public open spaces.

C. Private Open Space Design Controls

Given the mixed use nature of the Ivy District, all residential development within Ivy District shall meet the Private Open Space standards established in this portion of the PD document.

1. Standards

a. Overall

(1) At least fifty percent (50%) of all residential units fronting on a street, public Public Open Space, forecourt, or courtyard shall provide one balcony or patio; or one playground or other Private Open Space amenity

(2) All other Private Open Spaces are optional.

b. Balconies

(1) Balconies that are not flush shall be a minimum of 5 feet clear in depth and a minimum of 8 feet in width.

c. Patios

(1) Patios shall be a minimum of 150 square feet.

(2) Patios shall have a clear sense of enclosure and separation from the public realm.

d. Courtyards

(1) Courtyards shall be bounded on at least two sides by buildings with at least one pedestrian connection to an adjoining building or public sidewalk.

(2) The courtyard shall be a minimum of one hundred-fifty (150) square feet.

e. Forecourts

(1) A Forecourt is a small private open space between a building facade and the Build-to Line.

f. Pedestrian Passages

(1) The minimum width shall be fifteen feet (15') wide.

g. Playgrounds

(1) Playgrounds shall be a minimum of four hundred (400) square feet.

(2) Playground equipment and design must be reviewed and approved by the City prior to installation.

(3) Playgrounds shall be permitted in parks and greens to provide open space designed and equipped for the recreation of children.

(4) These playgrounds shall serve as quiet, safe places – protected from the street – and typically located where children do not have to cross major roads to access them.

h. Community Gardens

(1) Maximum size shall be one (1) acre.

(2) Gardens shall be enclosed by a fence on all open sides.

(3) Fences shall be installed straight and plumb, with vertical supports at a minimum of eight feet (8') on center.

(4) Fencing Materials Permitted: pressure treated wood (must be painted or stained medium to dark color), wrought iron, painted galvanized steel

(5) Fencing Materials not permitted: chicken wire, chain link, bobbed wire, vinyl, un-painted/stained pressure treated wood, plywood.

i. Roof Terraces

(1) A Roof Terrace shall be at least be fifty percent (50%) of the building footprint area.

(2) A Roof Terrace shall provide landscaping in the form of potted plants, seating, and other amenities for the users of the building.

2. Guidelines

The following guidelines complement Public Open Space Design Standards in Section C.1 of this part.

a. Overall

(1) Drinking fountains should be provided at all active recreation areas. Lighting should be provided in some of the active recreation areas to allow for evening use.

(2) Outdoor dining areas should be located in sunny, wind-protected locations. Outdoor cooking facilities are encouraged.

b. Balconies

(1) Balconies may be semi-recessed or recessed. Projecting metal or slab balconies are only permitted if they have some means of visible support.

c. Patios

(1) There are no guidelines that apply specifically to patios.

d. Courtyards

(1) Courtyards should be large enough to allow for public activities and have sunlight during midday.

(2) Courtyards should be designed to connect to adjacent buildings or to the public sidewalk through a pedestrian passage.

e. Forecourts

(1) There are no guidelines that apply specifically to forecourts.

f. Pedestrian Passages

(1) A pedestrian passage may be used to visually reduce the impact of a large development block. Building edges may accommodate active uses such as shops and restaurants.

(2) Pedestrian passages shall consist of a hardscape pathway activated by frequent entries and exterior stairways.

(3) The edges may simply be landscaped with minimal planting and potted plants.

g. Playgrounds

(1) Playgrounds may be fenced.

(2) An open shelter, play structures or interactive art and fountains may be included with landscaping between. Shaded areas and seating shall be provided. A larger playground may be incorporated into the park, whereas a more intimate playground may be incorporated into the green.

(3) Separate play areas should be provided for toddlers (2-5 year old) and older children (5-12 year old). Play equipment that allows for multiple uses and encourages free-play is desirable.

(4) The design, color, and material of play and recreation equipment should relate to the overall modern design aesthetic of the specific space in which it is located.

h. Community Gardens

(1) There are no guidelines that apply specifically to community gardens.

i. Roof Terraces

(1) A Roof Terrace may also include a portion of the roof as a green roof which may or may not have public access.

3. Examples

See Appendix G, Open Space Examples for images representative of the intended design character for private open spaces.

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Appendix A:
Site Description

Exhibit A1	Location Map
Exhibit A2	Survey
Exhibit A3	Legal Description
Exhibit A4	CLOMR Plan
Exhibit A5	FEMA Letter

Exhibit A1 Location Map

Exhibit A2 Survey

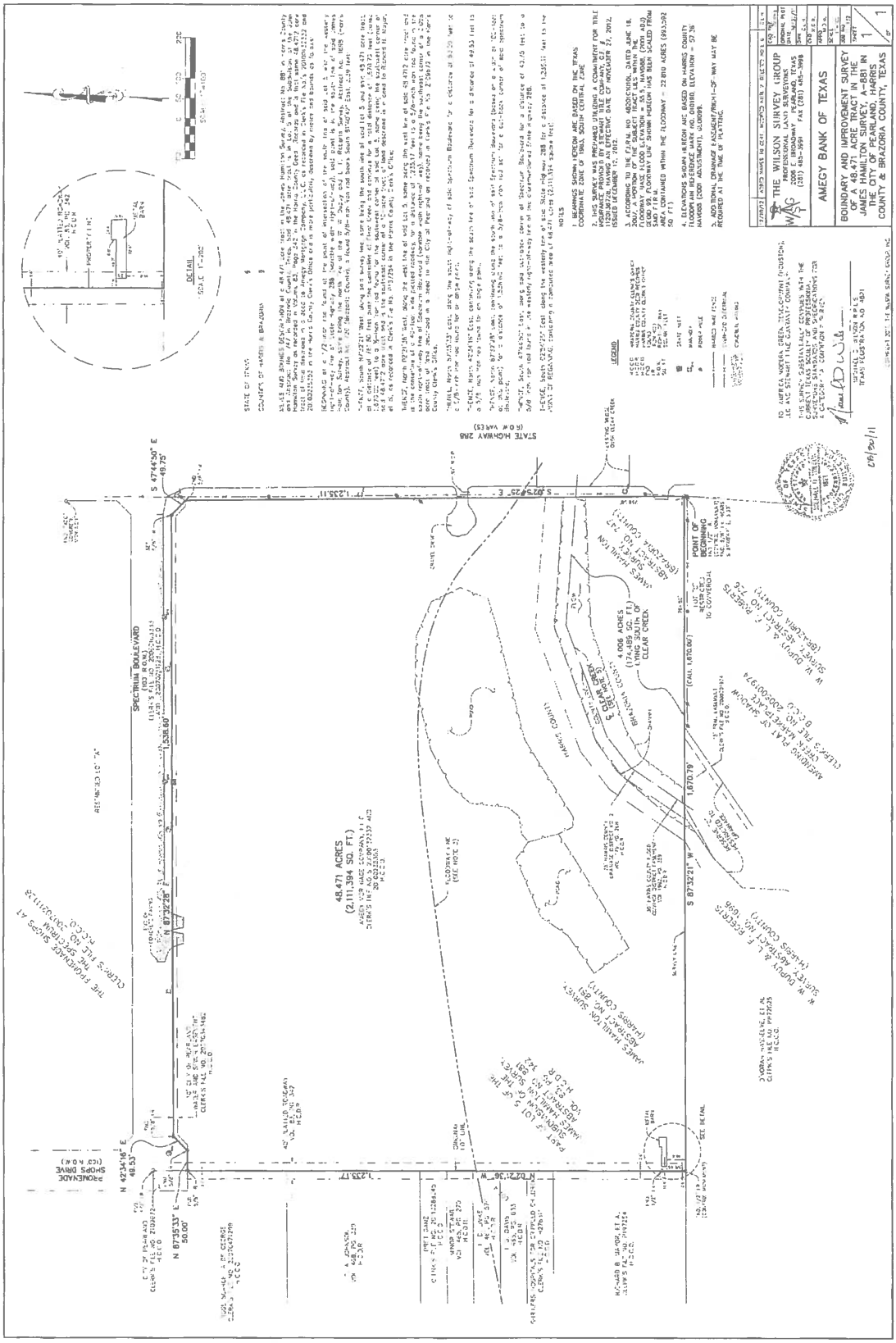

Exhibit A3 Legal Description

35.4743 P. 7

LEGAL DESCRIPTION

That portion of Lot 5 of the Subdivision of the James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the Deed Records of Harris County, Texas, being described by metes and bounds description as follows;

Being a tract of land containing 48.4712-acres (2,111,404 square feet) out of 50.4429-acre tract situated in the James Hamilton Survey, A-881 in Harris County, Texas and said 50.4429-acre tract being all of a tract described as a 50.4589-acre tract as conveyed unto Ruth Y. Fruge, Dennis D. Fruge, Paul Fruge Jr. And Gary A. Fruge as recorded in Volume 63, Page 342 D.R.H.C.deed and also being out of a called 80.00-acre tract conveyed unto Paul Fruge as recorded in Volume 3298, Page 117 D.R.B.C and Volume 683, Page 471 D.R.B.C and all being out of Harris County and Brazoria County, Texas. Said 48.4712-acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for the Southwest corner of said 50.4429-acre tract and for a point in the North line of a 39.0027-acre tract of land as conveyed unto Elizabeth M. Powers in File No. R564784 O.P.R.R.P.H.C. and for a the Southeast corner of a 10-acre tract as conveyed unto E.A. Mayor et Al as recorded in Volume 5775, Page 89 D.R.H.C. and for the Southwest corner of said tract herein described;

THENCE North 02 18' 50" West coincident with the East line of said 10-acre tract and the West line of said 50.4429-acre tract, a distance of 1,235.18 feet to a 1/2-inch iron rod set for the Southwest corner of a 1.9718-acre tract as conveyed unto the City of Pearland in a deed as recorded in File no. 20060103333 O.P.R.R.P.H.C. and for the Southernmost Northwest corner of said tract herein described;

THENCE North 87 38' 49" East coincident with the South line of said 1.9718-acre tract, a distance of 50.00 feet to a 1/2-inch iron rod set for a cutback corner of said 1.9718-acre tract and for a corner of said tract herein described;

THENCE North 42 37' 02" East coincident with the South line of said 1.9718-acre tract, a distance of 49.53 feet to a 1/2-inch iron rod set for a the northernmost Southwest cutback corner of said 1.9718-acre tract and for a corner in the North line of said tract herein described;

THENCE North 87 35' 14" East coincident with the South line of said 1.9718-acre tract, a distance of 1,538.60 feet to a 1/2-inch iron rod set for a Northernmost Southeast cutback corner in the South line of said 1.9718-acre tract and for the Northernmost Northeast corner of said tract herein described;

THENCE South 47 42' 04" East coincident with said South line of said 1.9718-acre tract, a distance of 49.75 feet to a 1/2-inch iron set for the Southernmost Southeast cutback corner of said 1.9718-acre tract and for a point in the West right-of-way line of State Highway 288 being a 10.105-acre as conveyed unto the Texas State Highway Department in Volume 7709, Page 340 D.R.H.C. and for the Southernmost Northeast corner of said tract herein described;

THENCE South 02 51' 39" East coincident with said West right-of-way of State Highway 288, a distance of 1235.11 feet to a 1/2-inch iron rod set for the Southeast corner of said 50.4429-acre tract and for the Northeast corner of said Powers tract and for the Southeast corner of said tract herein described;

THENCE South 87 35' 07" West coincident with the South line of said 50.4429-acre tract and the North line of said Powers tract, a distance of 1,670.00 feet to the POINT OF BEGINNING, containing in all 48.4712-acre (2,111,404 square (eet) of land, more or less.

Note: The Company is prohibited from insuring the area or quantity of land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

THE STATE OF TEXAS
COUNTY OF HARRIS

FEB 26 2007

COUNTY CLERK
HARRIS COUNTY, TEXAS

Return To
Texas Nations Title
3 Riverway, Suite 725
Houston, TX 77056

Exhibit A4 Revised 2011 CLOMR Plan

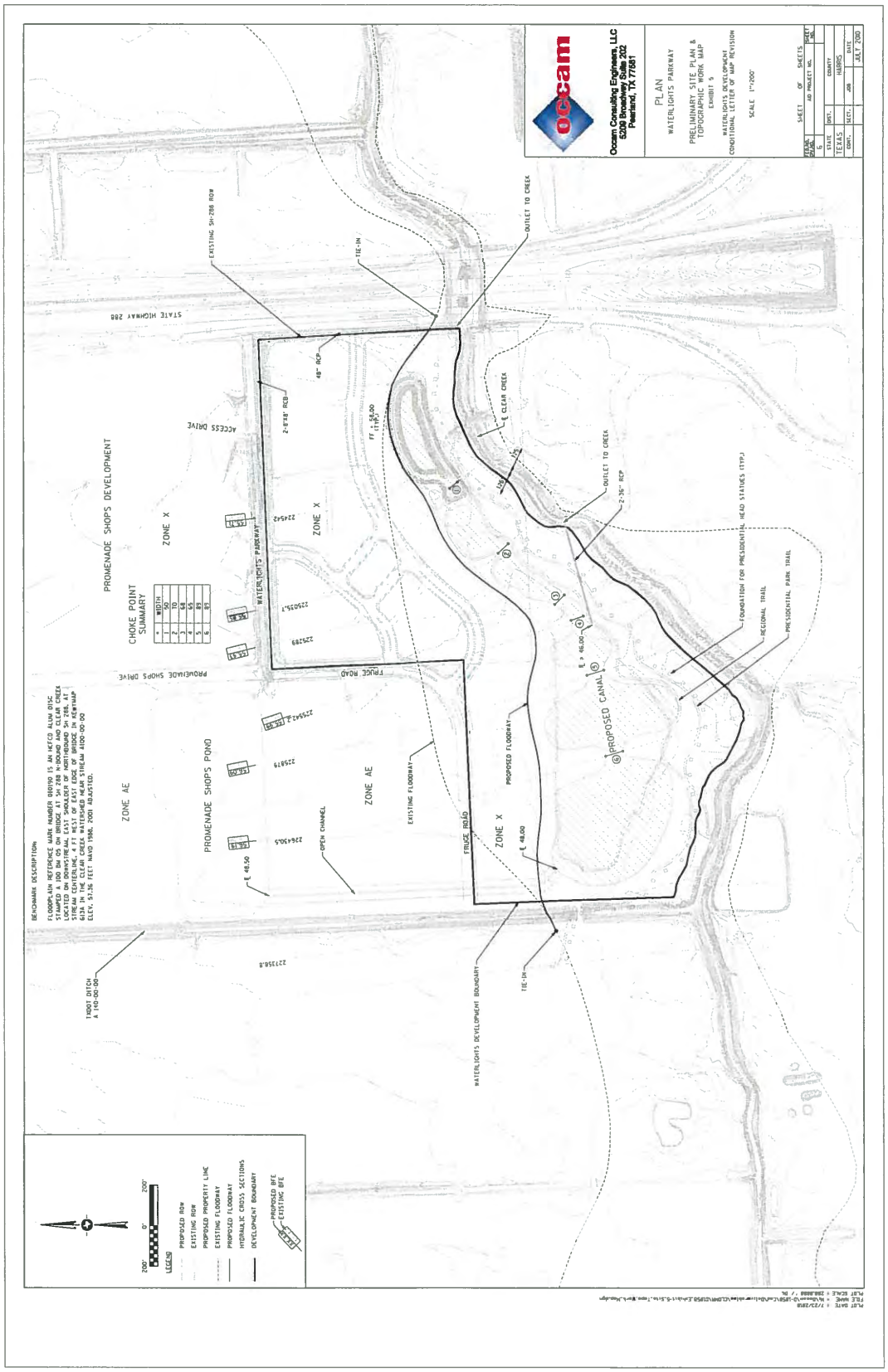

Exhibit A5 FEMA Letter

Federal Emergency Management Agency

Washington, D.C. 20472

May 31, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
Case No.: 10-06-3168R

The Honorable Tom Reid
Mayor, City of Pearland
3519 Liberty Drive
Pearland, TX 77581

Community: City of Pearland, TX
Community No.: 480077

104

Dear Mayor Reid:

This responds to a request that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) comment on the effects that a proposed project would have on the effective Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Brazoria and Harris Counties, Texas, and Incorporated Areas (the effective FIRM and FIS report for your community), in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. In a submitted report dated July 2010, Mr. Peter A. Polk, P.E., Occam Consulting Engineers, Inc., requested that FEMA evaluate the effects that proposed Waterlights Development project along A100-00-00 (Clear Creek), from approximately 8,150 feet downstream of State Route 288 to approximately 8,670 feet upstream of State Route 288, would have on the flood hazard information shown on the effective FIRM and FIS report. The proposed project will include excavation, placement of fill and a detention basin along the left overbank of A100-00-00 (Clear Creek), from approximately 200 feet upstream of State Route 288 to approximately 3,820 feet upstream of State Route 288. The area of the proposed revision is shown on Brazoria County, Texas, and Incorporated Areas, FIRM Panel numbers, 48039C0010 I and 48039C0030 I both dated September 22, 1999 and on Harris County, Texas, and Incorporated Areas, FIRM Panel numbers, 48201C1010 L and 48201C1030 L, both dated June 18, 2007.

All data required to complete our review of this request for a Conditional Letter of Map Revision (CLOMR) were submitted with letters from Mr. Polk.

Because this revision request also affects the unincorporated areas of Brazoria and Harris Counties, Texas, separate CLOMRs for those communities were issued on the same date as this CLOMR.

We reviewed the submitted data and the data used to prepare the effective FIRM for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. The submitted existing conditions HEC-RAS hydraulic computer model, dated March 4, 2010, based on updated topographic information, was used as the base conditions model in our review of the proposed conditions model for this CLOMR request. We believe that, if the proposed project is constructed as shown on the submitted topographic work map, entitled "Exhibit 5, Waterlights Development Conditional Letter of Map Revision Topographic Work Map," prepared by Occam Consulting Engineers, Inc., dated February 2011, and the data listed below are received, a revision to the FIRM and FIS report would be warranted.

2

Area Within Brazoria County

The effective Harris County modeling for A100-00-00 (Clear Creek) is being used as the basis of the preliminary modeling and mapping currently in progress for Brazoria County. Therefore, Harris County A100-00-00 (Clear Creek) modeling was used as the base conditions for the development of corrected effective/existing conditions model.

Our comparison of existing conditions to the effective flood hazard information revealed that the Base (1-percent-annual-chance) Flood Elevations (BFEs) increased and decreased compared to the effective BFEs for Clear Creek. The maximum increase in BFE for the project area and your community, 0.4 foot, occurred approximately 4,130 feet upstream of State Route 288. The maximum decrease in BFE for the project area and your community, 1.0 foot, occurred approximately 5,100 feet downstream of State Route 288. The increases and decreases in BFEs are due to updated topography and revised hydrology.

As a result of the proposed project, the BFEs will decrease compared to the existing conditions BFEs for Clear Creek. The maximum decrease in BFE for the project area and your community, 0.2 foot, will occur approximately 1,700 feet upstream of State Route 288.

As a result of the proposed project and updated topographic information, the BFEs will increase and decrease compared to the effective BFEs for Clear Creek. The maximum increase in BFE for the project area and your community, 0.3 foot, will occur approximately 4,130 feet upstream of State Route 288. The maximum decrease in BFE, 1.0 foot for the project area and your community, will occur approximately 5,100 feet downstream of State Route 288.

As a result of the proposed project and updated topographic information, the width of the Special Flood Hazard Area (SFHA), the area that would be inundated by the base flood, will increase and decrease compared to the effective SFHA width along Clear Creek. No increase in SFHA width will occur for your community. The maximum increase in SFHA width for the project area, approximately 5,730 feet, will occur approximately 790 feet upstream of State Route 288. The maximum decrease in SFHA width for the project area, approximately 1,810 feet, will occur approximately 3,070 feet downstream of State Route 288. No decrease in SFHA width will occur for your community.

As a result of the updated topographic information and the proposed project, the width of the regulatory floodway will increase and decrease compared to the effective floodway width along Clear Creek. The maximum increase in floodway width for the project area, approximately 1,200 feet, will occur approximately 6,550 feet upstream of State Route 288. The maximum increase in floodway width for your community, approximately 120 feet, will occur approximately 2,740 feet upstream of State Route 288. The maximum decrease in floodway width for the project area, approximately 510 feet, will occur approximately 1,130 feet downstream of State Route 288. The maximum decrease in floodway width for your community, approximately 130 feet, will occur approximately 5,100 feet downstream of State Route 288.

Area Within Harris County

Our comparison of existing conditions to the effective flood hazard information revealed that the BFEs increased and decreased compared to the effective BFEs for A100-00-00 (Clear Creek). The maximum increase in BFE for the project area and your community, 0.2 foot, occurred approximately 4,480 feet upstream of State Route 288. The maximum decrease in BFE for the project area and your community, 0.2 foot, occurred approximately 900 feet upstream of State Route 288. The increases and decreases in BFEs are due to updated topography and revised hydrology.

3

As a result of the proposed project, the BFEs will decrease compared to the existing conditions BFEs for A100-00-00 (Clear Creek). The maximum decrease in BFE for the project area and your community, 0.2 foot, will occur approximately 1,700 feet upstream of State Route 288.

As a result of the proposed project and updated topographic information, the BFEs will increase and decrease compared to the effective BFEs for A100-00-00 (Clear Creek). The maximum increase in BFE for the project area and your community, 0.1 foot, will occur approximately 4,480 feet upstream of State Route 288. The maximum decrease in BFE for the project area and your community, 0.4 foot, will occur approximately 900 feet upstream of State Route 288.

As a result of the proposed project and updated topographic information, the SFHA width will decrease compared to the effective SFHA width along A100-00-00 (Clear Creek). The maximum decrease in SFHA width for the project area and your community, approximately 4,200 feet, will occur approximately 2,290 feet upstream of State Route 288.

As a result of the updated topographic information and the proposed project, the width of the regulatory floodway will decrease compared to the effective floodway width along A100-00-00 (Clear Creek). The maximum decrease in floodway width for the project area and your community, approximately 630 feet, will occur approximately 2,170 feet upstream of State Route 288.

Upon completion of the project, your community may submit the data listed below and request that we make a final determination on revising the effective FIRM and FIS report.

- Detailed application and certification forms must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1, entitled "Overview and Concurrence Form," must be included. (A copy of this form is enclosed.)

- The detailed application and certification forms listed below may be required if as-built conditions differ from the preliminary plans. If required, please submit new forms (copies of which are enclosed) or annotated copies of the previously submitted forms showing the revised information.

  Form 2, entitled "Riverine Hydrology and Hydraulics Form"

  Hydraulic analyses, for as-built conditions, of the base flood; the 10-percent-, 2-percent-, and 0.2-percent-annual-chance floods; and the regulatory floodway must be submitted with Form 2.

- As-built plans, certified by a registered Professional Engineer, of all proposed project elements.

- A topographic work map showing the revised and effective floodplain and floodway boundaries.

- A copy of the annotated FIRM, at the scale of the effective FIRM, showing the revised floodway and base floodplain boundary delineations and a clear tie-in with the effective delineations at the upstream and downstream ends of the revised reach.

4

- A copy of the public notice distributed by your community stating its intent to revise the regulatory floodway, or a statement by your community that it has notified all affected property owners and affected adjacent jurisdictions.

- Documentation of individual legal notices that were sent to property owners affected by any widening or shifting of the SFHA, and any increases in BFEs.

- An officially adopted maintenance and operation plan for the detention pond. This plan, which may be in the form of a written statement from the community Chief Executive Officer, an ordinance, or other legislation, must describe the nature of the maintenance activities, the frequency with which they will be performed, and the title of the local community official who will be responsible for ensuring that the maintenance activities are accomplished.

- We are preparing a revised countywide FIRM and FIS report for Brazoria County. Preliminary copies of the revised FIRM and FIS report will be distributed for review in next several months. The ongoing preliminary study encompasses a portion of the reach for which this CLOMR is being issued. Upon completion of the project for which this CLOMR is issued, the BFEs and SFHA/floodway boundary delineations must tie into the revised flood hazard information.

Effective January 13, 2010, FEMA revised the fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps. In accordance with this schedule, the current fee for this map revision request is $5,000 and must be received before we can begin processing the request. Please note, however, that the fee schedule is subject to change, and requesters are required to submit the fee in effect at the time of the submittal. Payment of this fee shall be made in the form of a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only).

The payment, along with the revision application, must be forwarded to the following address:

FEMA LOMC Clearinghouse
7390 Coca Cola Drive, Suite 204
Hanover, MD 21076

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the BFEs would change as a result of the project, a 90-day appeal period would be initiated, during which community officials and interested persons may appeal the revised BFEs based on scientific or technical data.

This CLOMR is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all floodplain development and for ensuring all necessary permits required by Federal or State law have been received. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

5

If you have any questions regarding floodplain management regulations for your community or the NFIP in general, please contact the Consultation Coordination Officer (CCO) for your community. Information on the CCO for your community may be obtained by calling the Director, Mitigation Division of FEMA in Denton, Texas, at (940) 898-5127. If you have any questions regarding this CLOMR, please contact the FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,

Michael J. McGinn, Program Specialist
Engineering Management Branch
Federal Insurance and Mitigation Administration

For: Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosures

cc: The Honorable Ed Emmett
Harris County Judge

The Honorable Joe King
Brazoria County Judge

Mr. Narciso Lira III, P.E.
City Engineer, City of Pearland

Ms. Kelly Hamby, CFM
Floodplain Administrator, Brazoria County

Mr. Raymond Anderson, P.E., CFM
Manager of Permits, Harris County

Mr. Mark Loethen, P.E., CFM
City Engineer, City of Houston

Mr. Peter A. Polk, P.E.
Occam Consulting Engineers, LLC

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Appendix B:
Design Plan

Exhibit B1	Site Plan
Exhibit B2	Illustrative Master Plan
Exhibit B3	Street Network Plan
Exhibit B4	Building Program Plan
Exhibit B5	Setbacks Plan
Exhibit B6	Public Open Space Plan
Exhibit B7	Parkland Landscape Plan
Exhibit B8	Parkland Amenities Plan
Exhibit B9	Phasing Plan

Exhibit B1 Site Plan

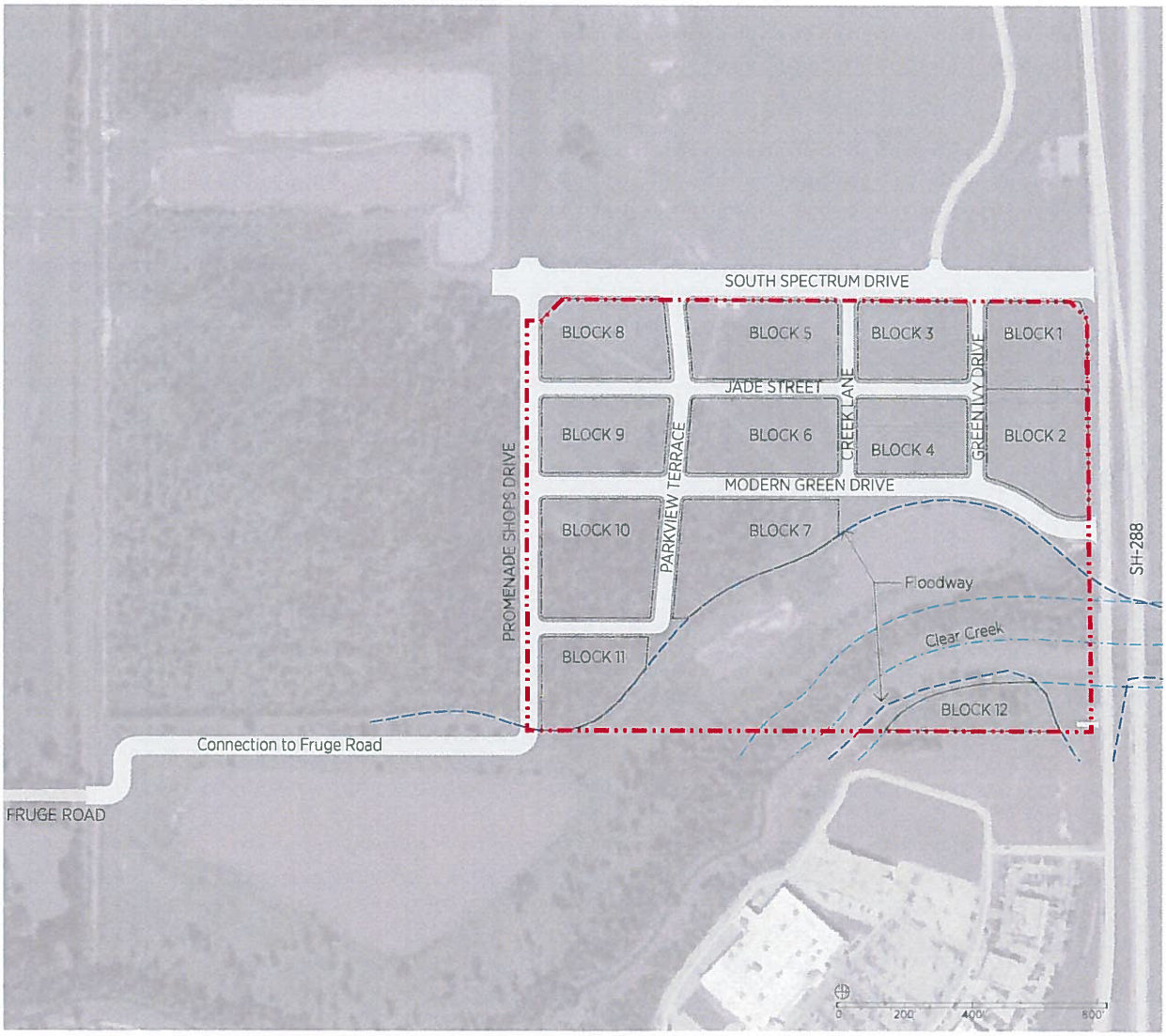


Exhibit B2 Illustrative Master Plan

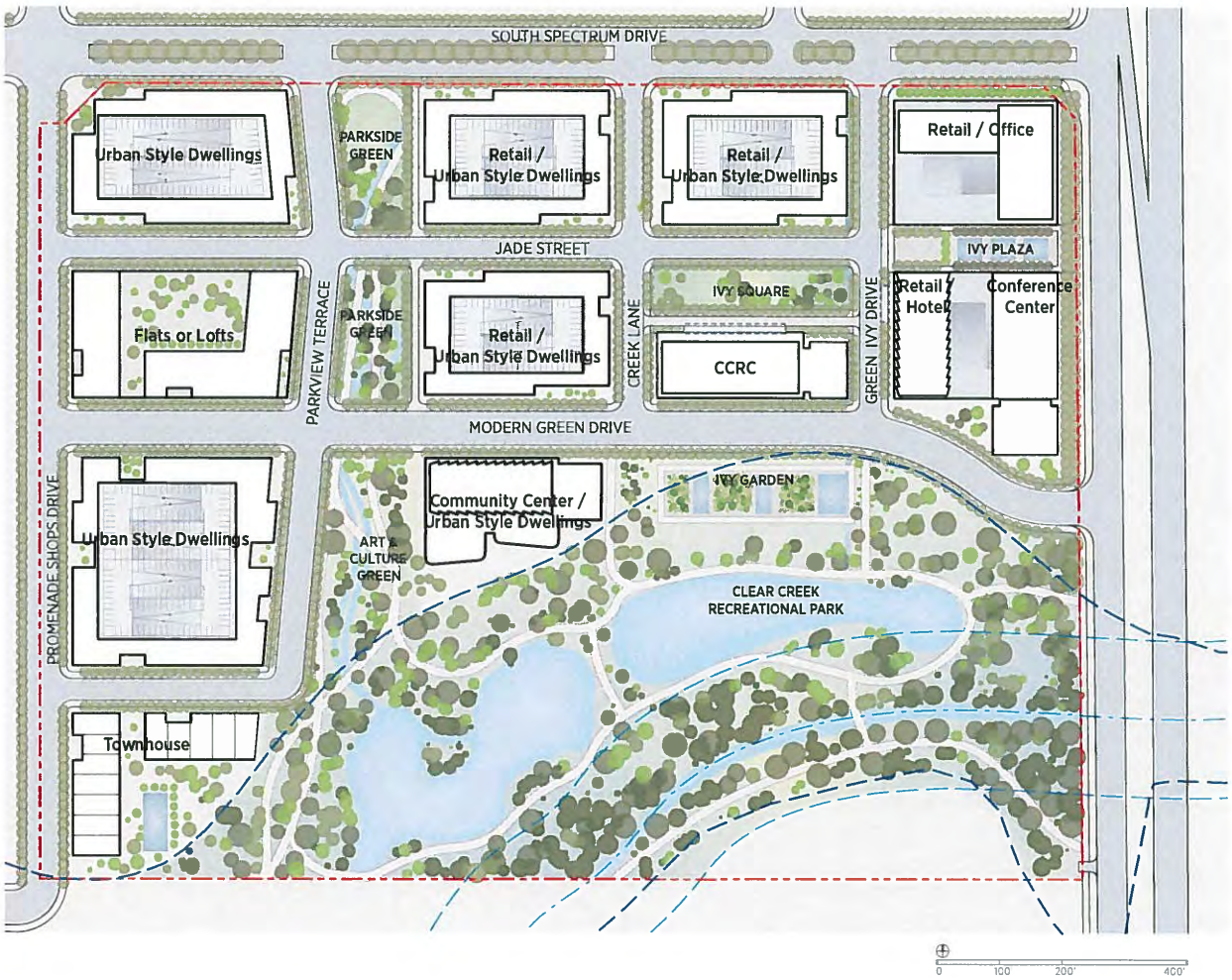
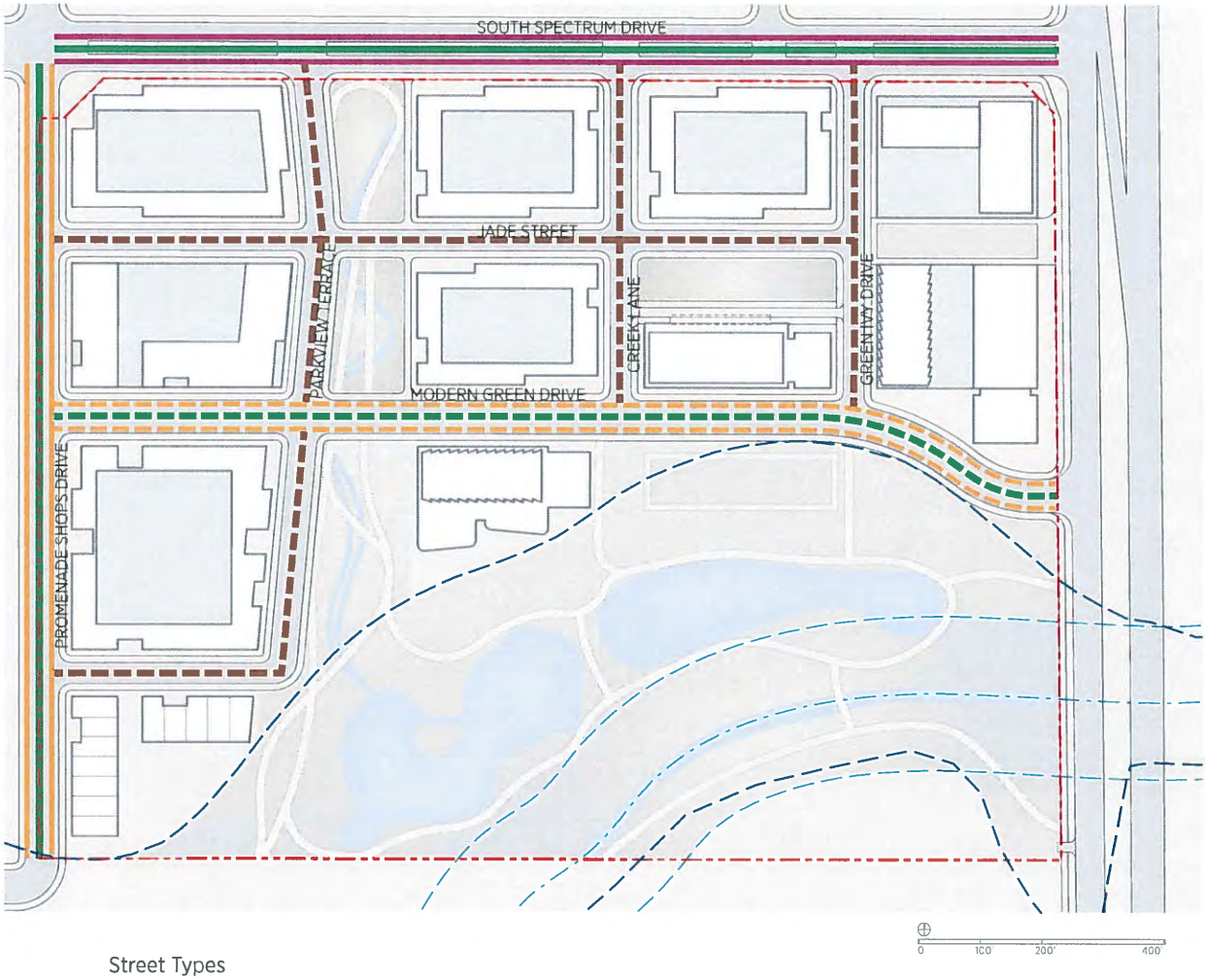


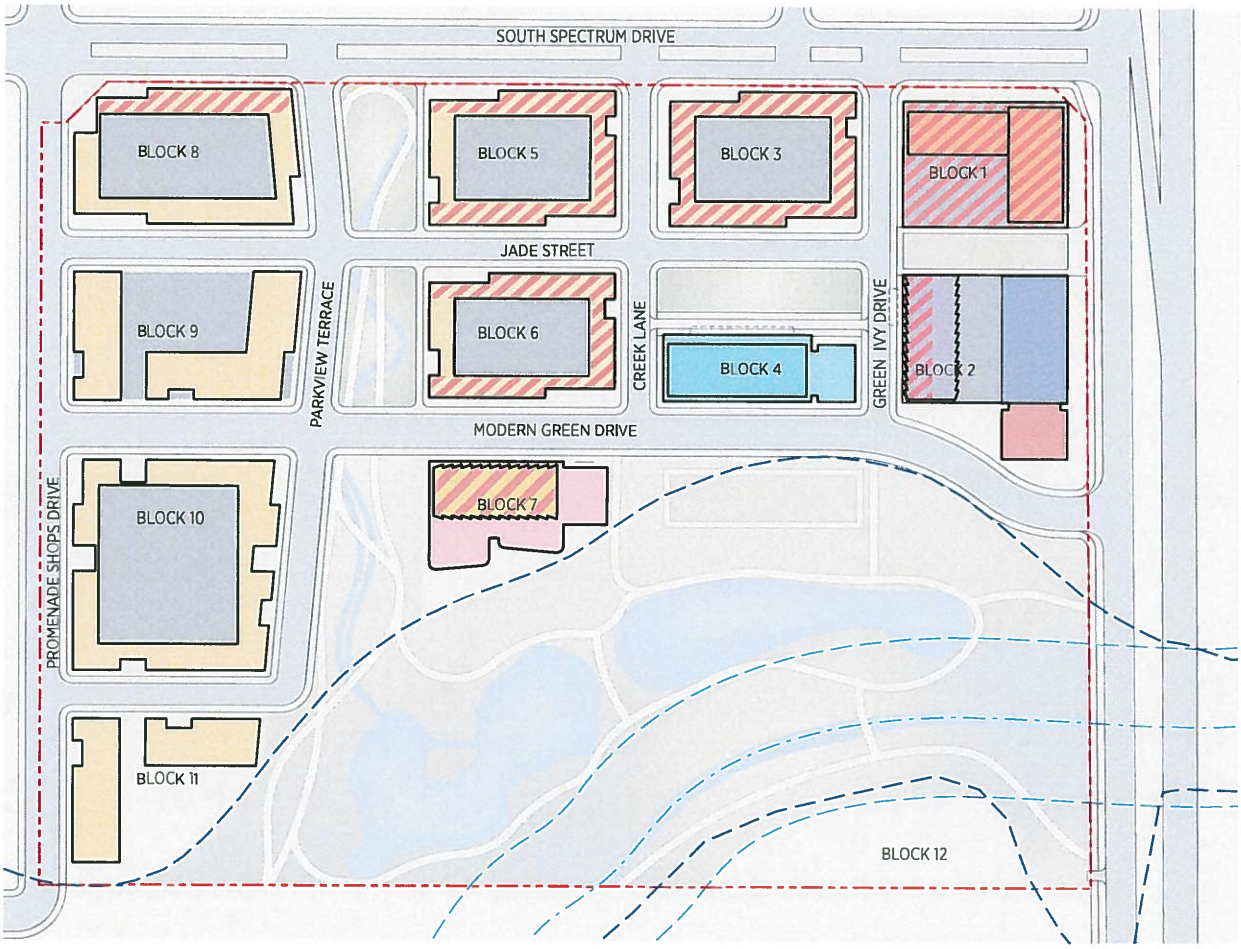
Exhibit B3 Street Network Plan



Street Types

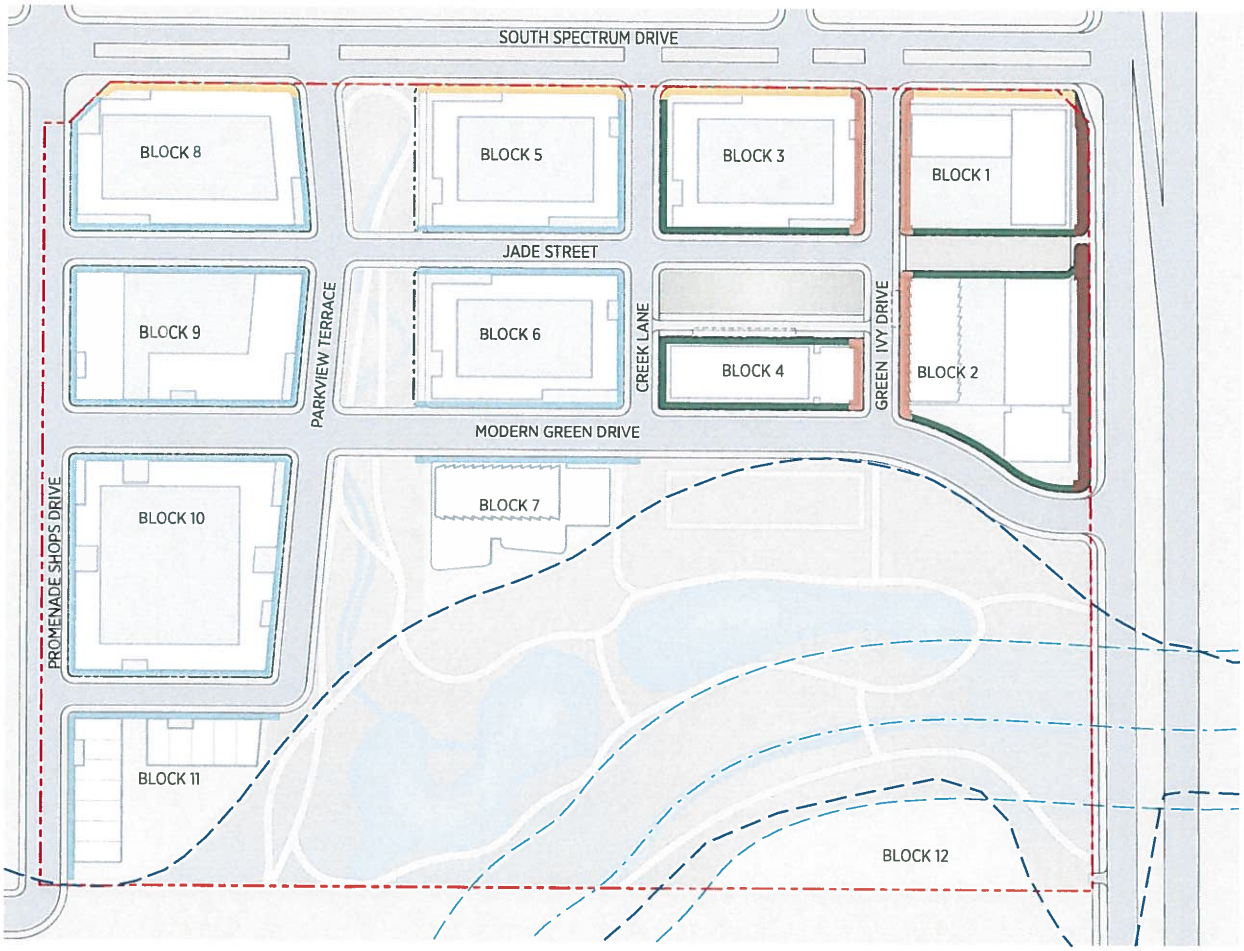
- "Boulevard" Street
- "Neighborhood Collector" Street
- "Local" Street
- Dashed line denotes a Private Street, with variable alignment
- Solid line denotes a Public Street, with fixed alignment

Exhibit B4 Building Program Plan



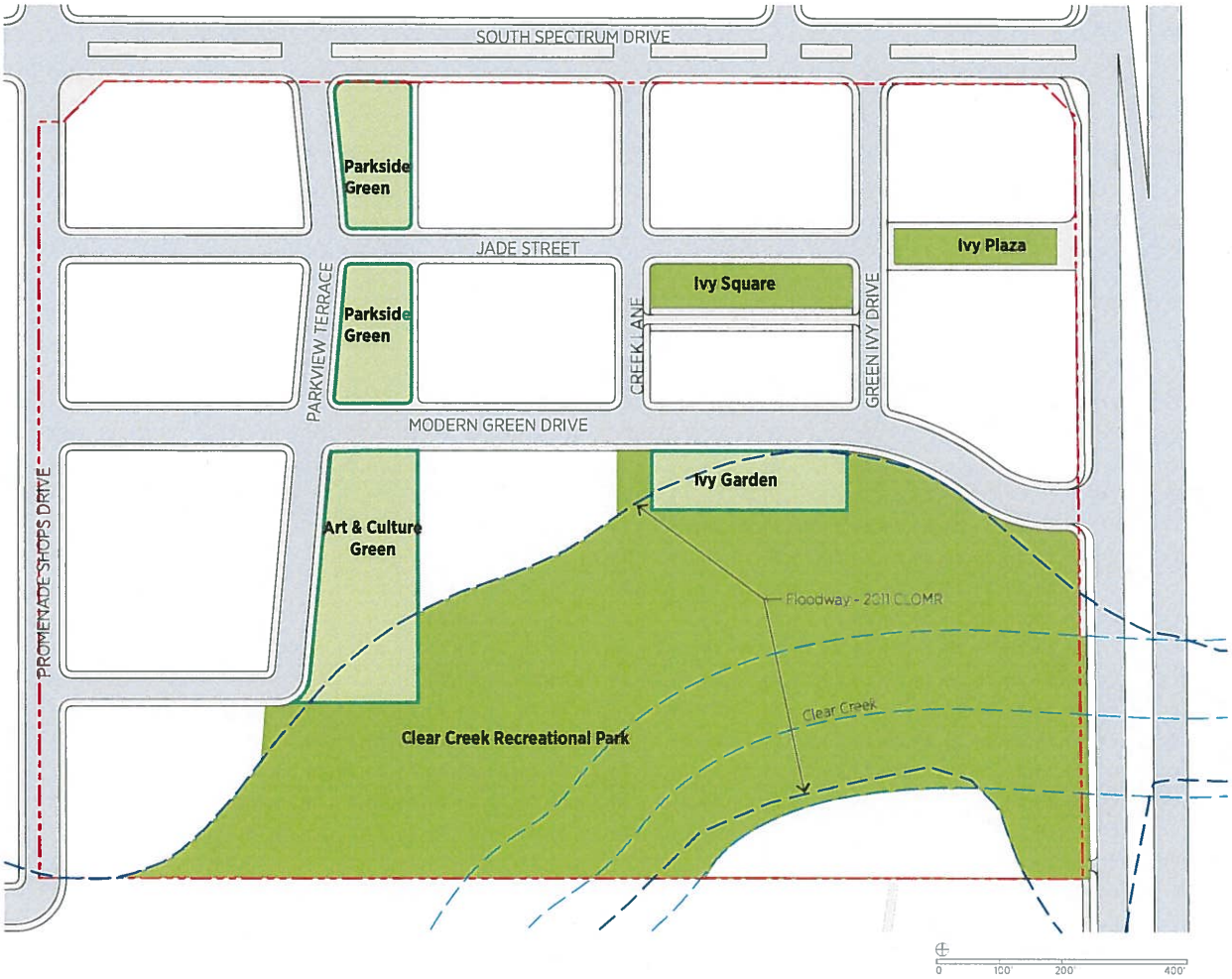
Residential
Retail
Retail, Residential Above
Retail, Parking Above
Office
Hotel
Convention Center
CCRC
Community Center
Retail, Hotel Above
Retail, Office Above
Parking

Exhibit B5 Setbacks Plan



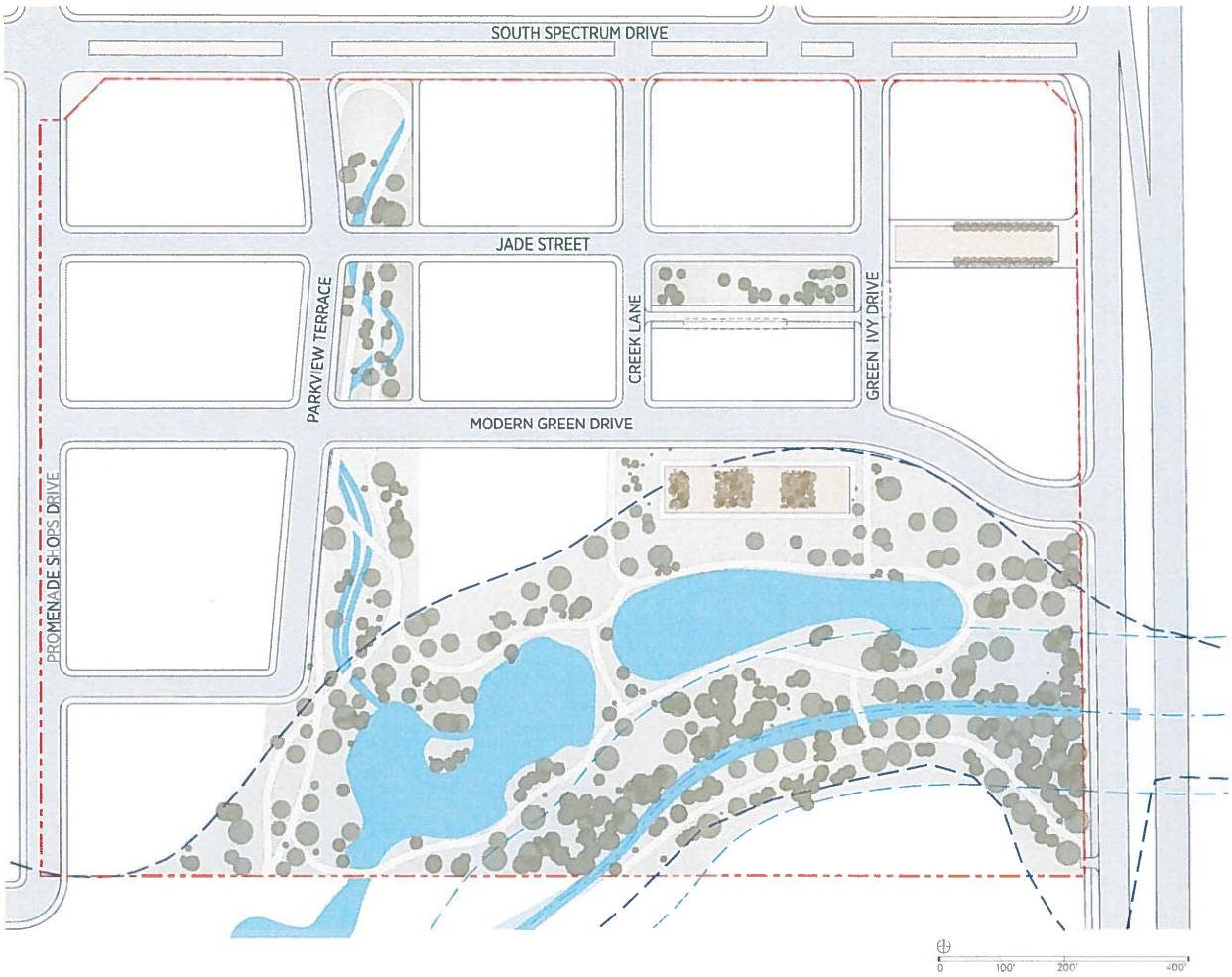
- 25' max. setback
- 10'min. - 15'max. setback
- 8'min. - 10'max. setback
- 5'min. - 10'max. setback
- 5'min. - 8'max. setback

Exhibit B6 Public Open Space Plan



Note: Total area of public open space identified is 18.7 acres.

Exhibit B7 Parkland Landscape Plan



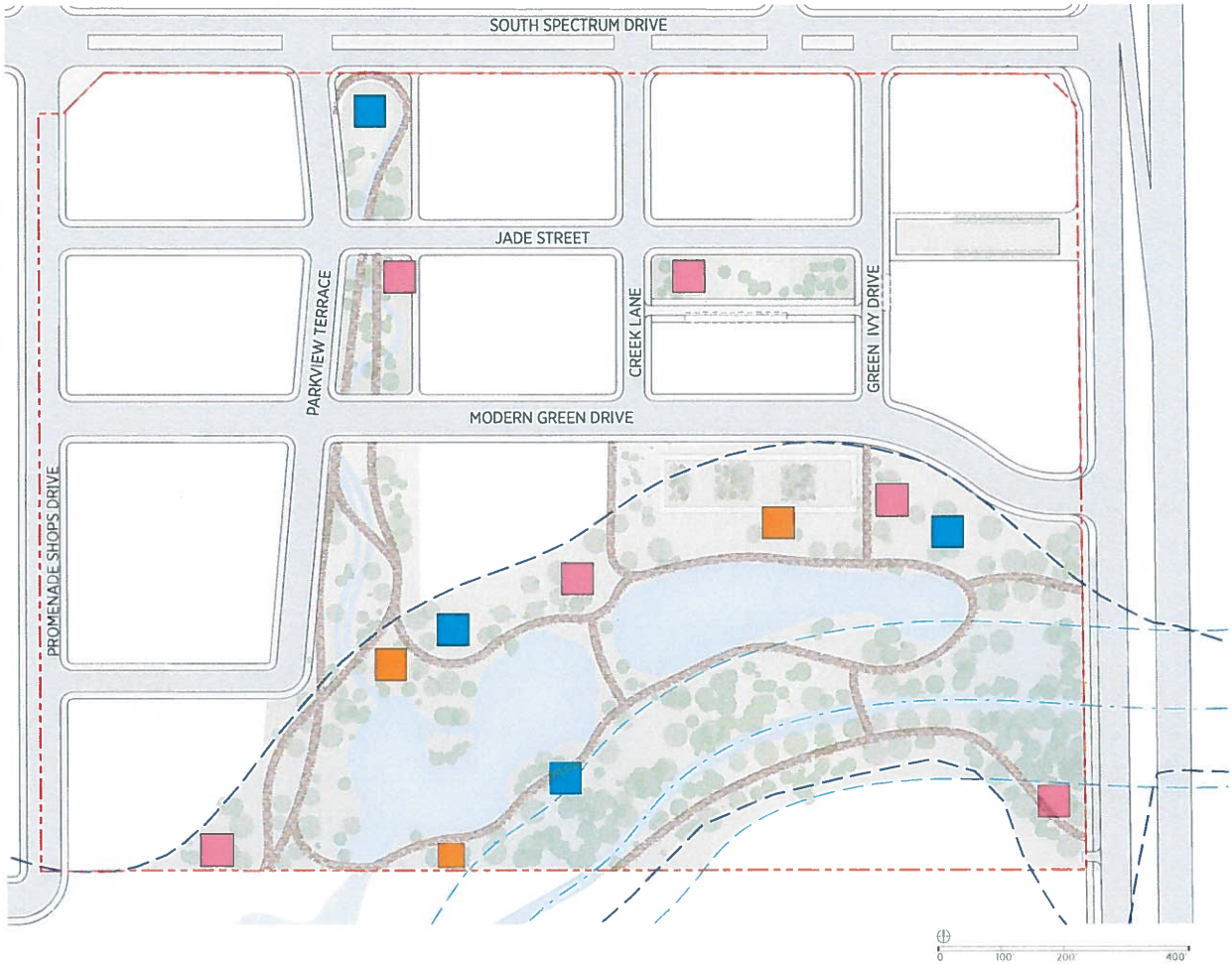
Predominately softscape surface (e.g. lawns, meadows, under-planting)

Predominately hardscape surface (e.g. pavement, pavers, crushed stone)

Water bodies

Concentrations of shade trees
3" - 6" caliper
10 trees / acre of public open space

Exhibit B8 Parkland Amenities Plan



Trails
Bicycle, walking, and jogging
1,200 sf / acre of public open space

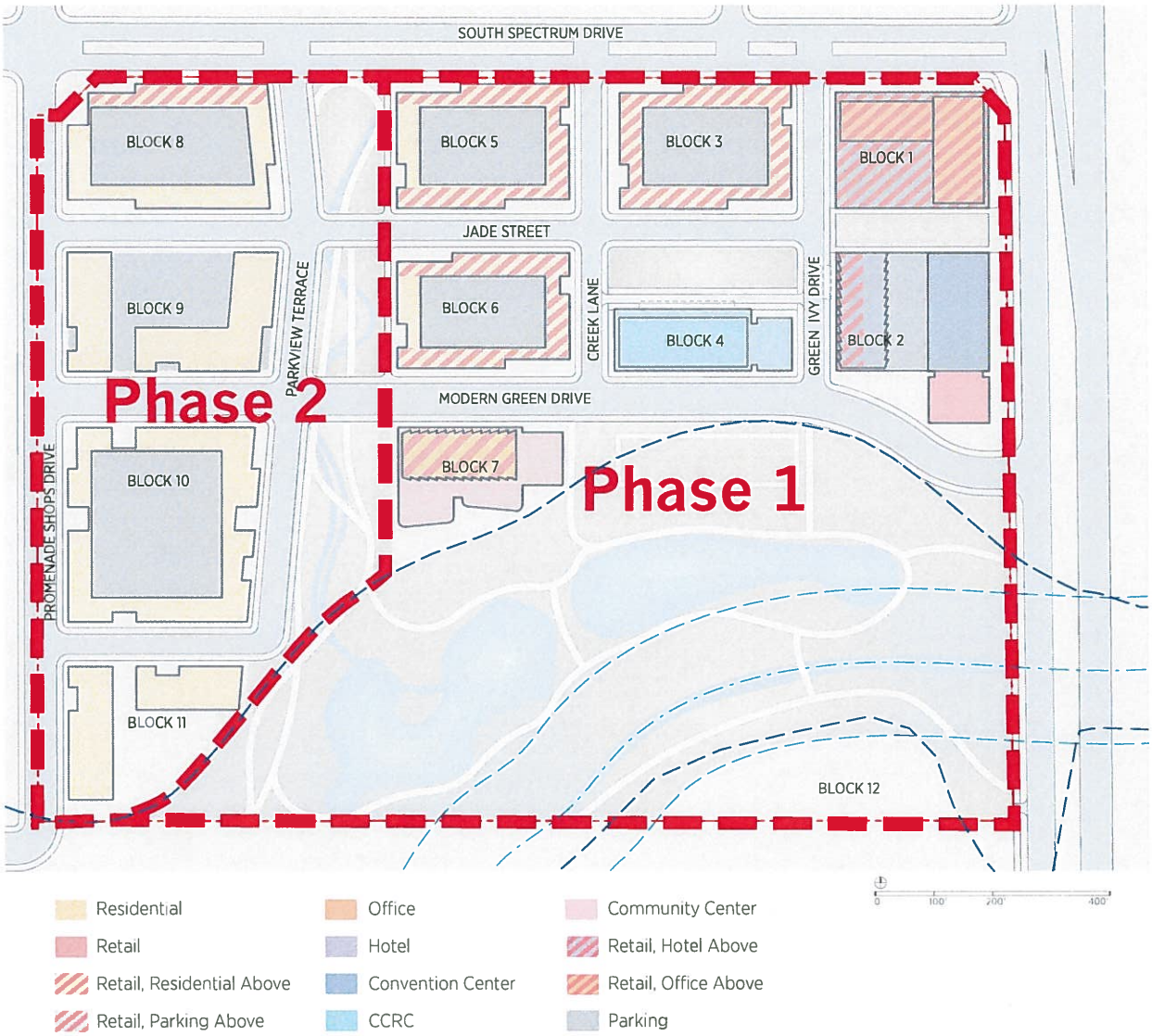
Picnic, BBQ, and Gathering Areas
Picnic tables and barbeque pits
100 sf / acre of public open space

Play and Exercise Areas
Playgrounds and exercise stations
100 sf / acre of public open space

Ancillary Structures
Shade and small-scale performance pavilions, restrooms, and the like
Distributed as shown

Furnishings
Benches, drinking fountains, and the like
Distributed as shown

Exhibit B9 Phasing Plan



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Appendix C:
Regulating Plans

Exhibit C1 Sub-Districts Regulating Plan
Exhibit C2 Land Use Regulating Plan

Exhibit C1 Sub-Districts Regulating Plan

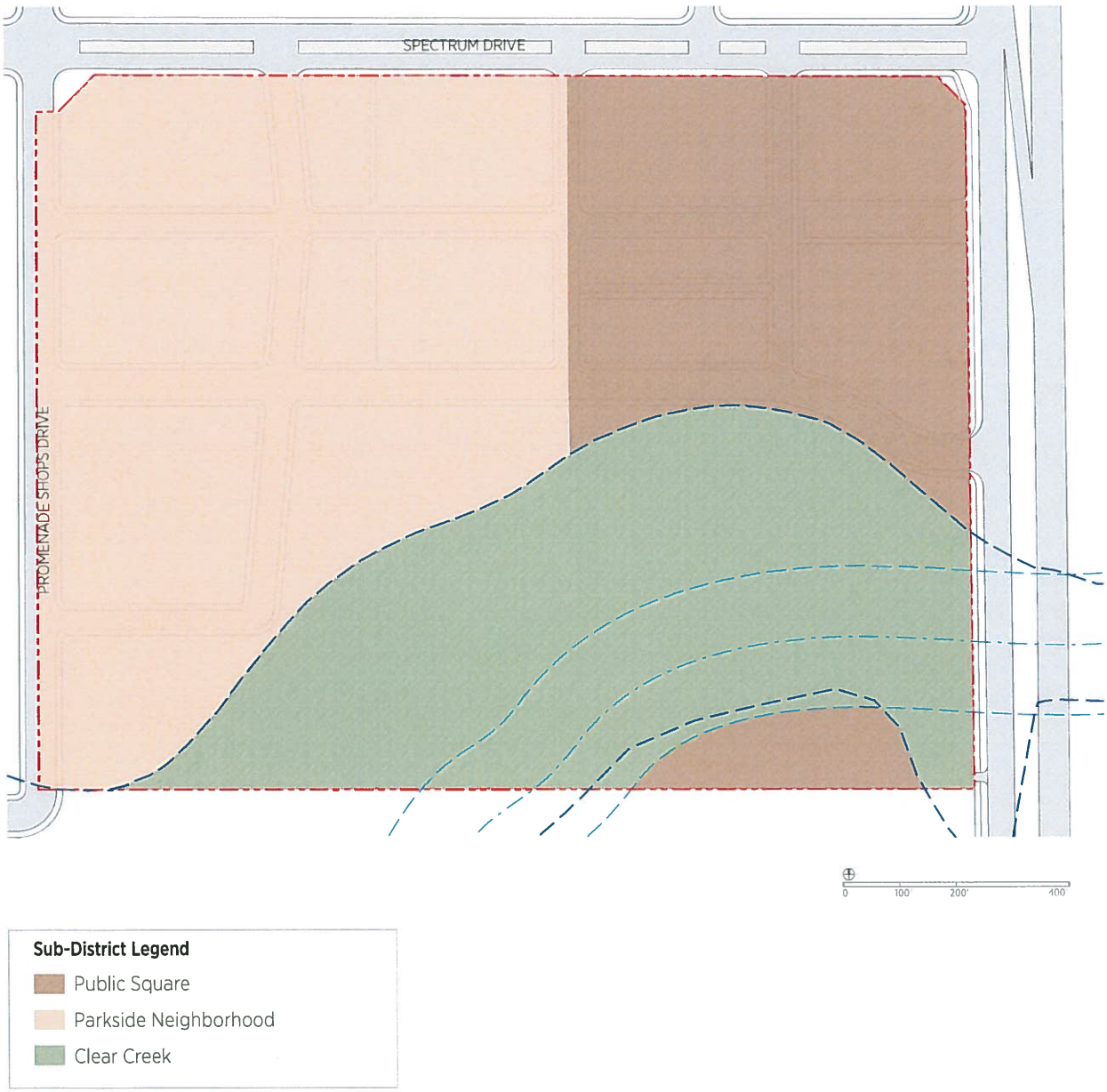
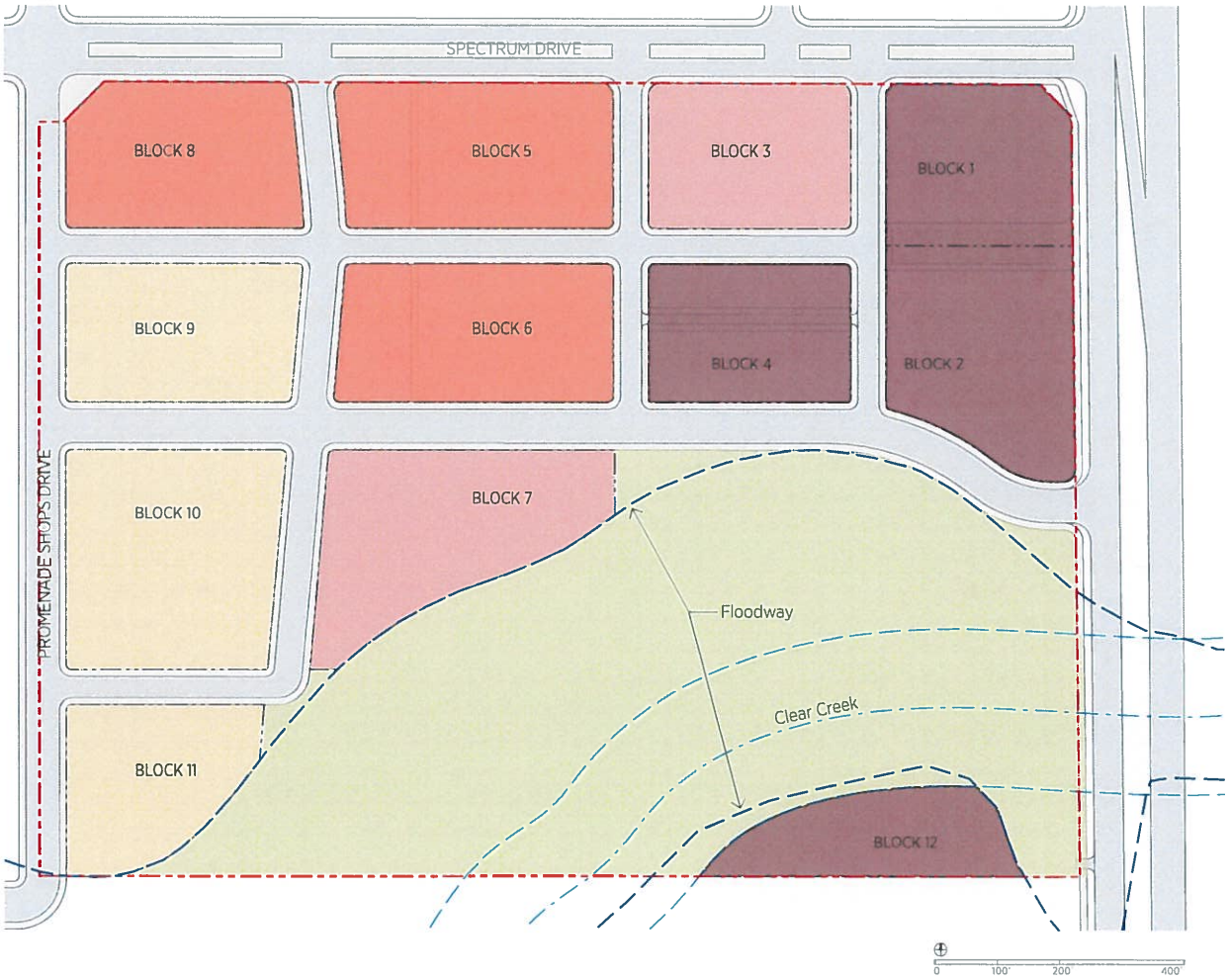


Exhibit C2 Land Use Regulating Plan



Land Use Legend

- Commercial, Retail
- Retail, Residential
- Public Open Space
- Commercial, Retail, Residential
- Residential

Notes:

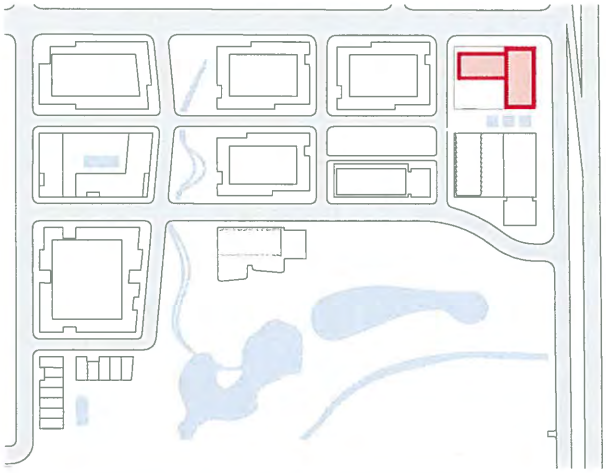
1. The depicted alignment of streets and configuration of blocks are conceptual and variable pursuant to the minor devation provisions established in this PD document.
2. Public open space is the only permitted land use where so indicated on this plan; however, public open space shall also be incorporated in the development blocks as required to meet open space requirements as established in this PD document.

Appendix D:
Building Examples

Exhibit D1 Office Building Examples
Exhibit D2 Hotel and Conference Center Examples
Exhibit D3 Continuing Care Retirement Community (CCRC) Examples
Exhibit D4 Community Square Examples
Exhibit D5 Anchor Retail Examples
Exhibit D6 Residential - Urban Style Dwellings Examples
Exhibit D7 Residential - Flats or Lofts Examples
Exhibit D8 Residential - Townhouse Examples
Exhibit D9 Building Top Examples

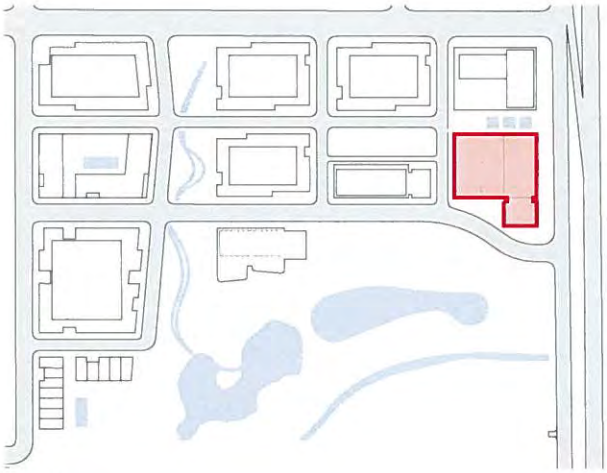
Exhibit D1 Office Building

Office buildings in the Ivy District will help promote a community where one can both live and work. The inclusion of office program will also help activate the neighborhood during office hours. The images shown are representative of the intended design character for office buildings and illustrate appropriate application of design standards for building elevations.



Key Plan

Exhibit D2 Hotel and Conference Center



Key Plan

A hotel and conference center will help draw non-residents to the community, activate the retail center and provide additional hospitality amenities to the Pearland area. The images shown are representative of the intended design character for hotel and conference center buildings and illustrate appropriate application of design standards for building elevations.

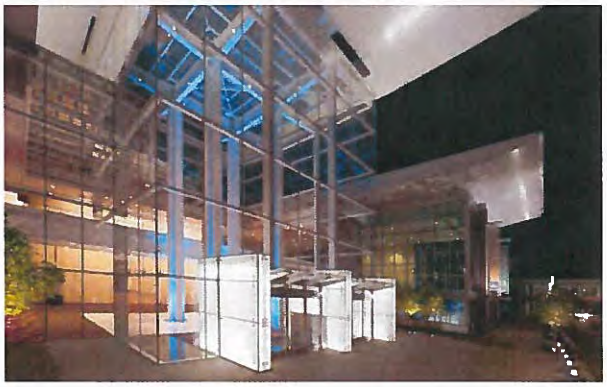
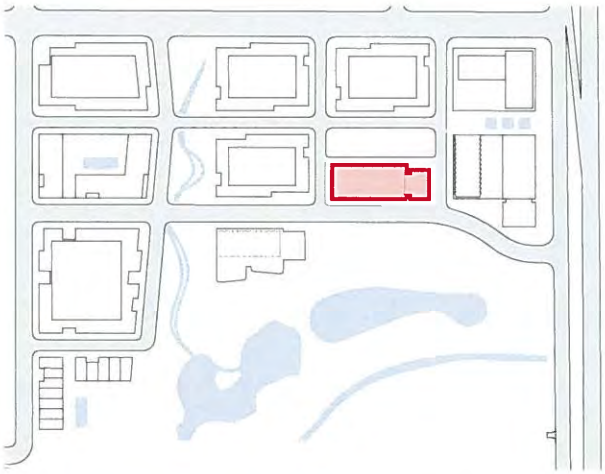


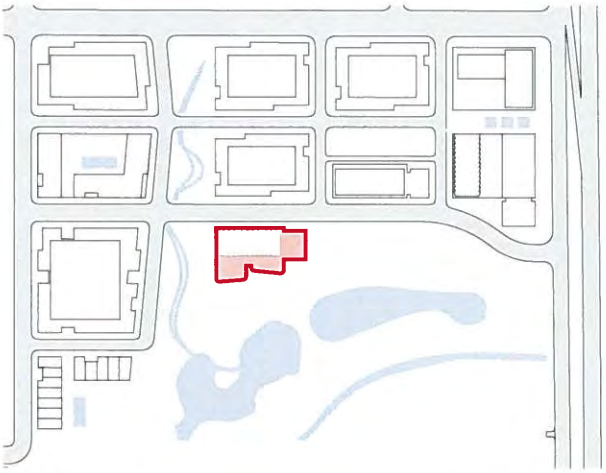
Exhibit D3 Continuing Care Retirement Community (CCRC)

A Continuing Care Retirement Community (CCRC) means any buildings specifically designed to meet the physical or social needs of senior citizens. The images shown are representative of the intended design character for CCRC building and illustrate appropriate application of design standards for building elevations.



Key Plan

Exhibit D4 Community Center

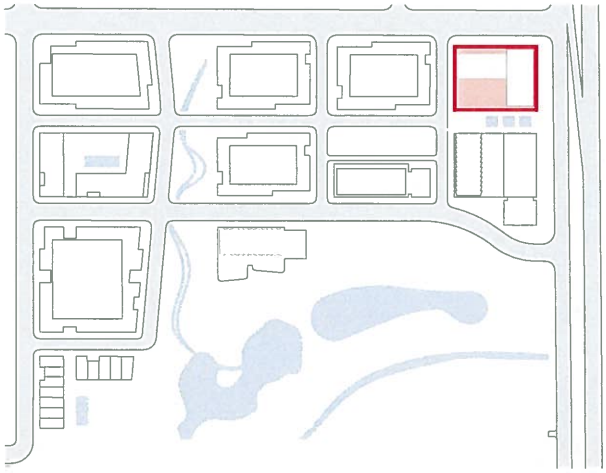


Key Plan

The community center is intended to support the creation of smaller community gathering places and is meant to create a hub of activity and social engagement at the Ivy District. Located adjacent to the Clear Creek Recreational Park, the community center should foster a strong relationship between the interior of buildings and the outdoors. The images shown are representative of the intended design character for Community Center building and illustrate appropriate application of design standards for building elevations.

Exhibit D5 Anchor Retail

To create a vibrant neighborhood commercial center, Anchor Retail is intended to support and serve the entire Ivy District neighborhood and broader Pearland community. The images shown are representative of the intended design character for Anchor Retail building and illustrate appropriate application of design standards for building elevations.



Key Plan

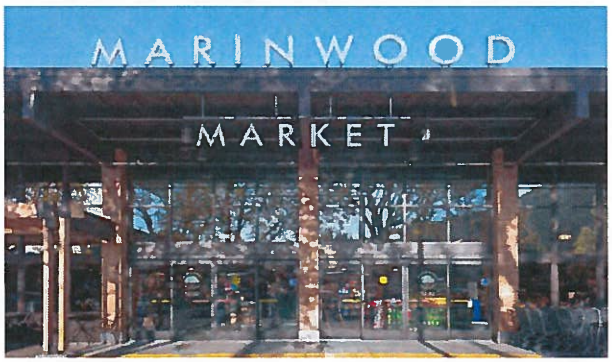


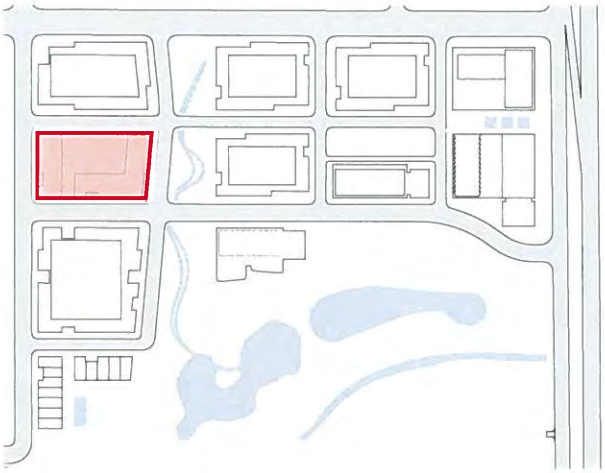
Exhibit D6 Residential - Urban Style Dwellings

Key Plan

Urban-style residential buildings are intended to include a range of dwelling unit types in order to encourage a diversity of households within the Ivy District. Non-residential uses within these buildings are intended to support and serve the surrounding residential population with small-scale, community oriented spaces and services. The images shown are representative of the intended design character for Urban Style residential buildings and illustrate appropriate application of design standards for building elevations.

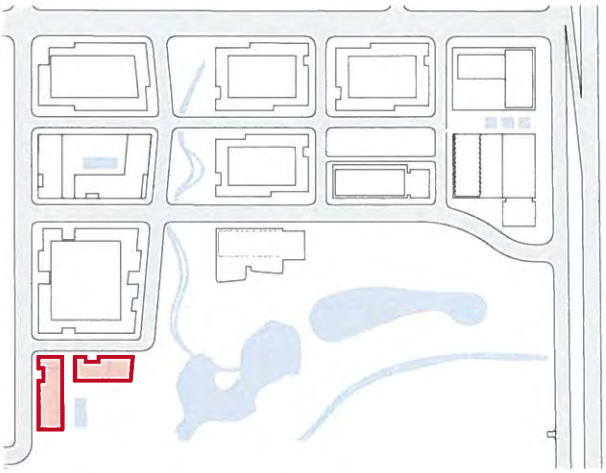
Exhibit D7 Residential - Flats or Lofts

Flats or lofts are intended to include a range of dwelling unit types in order to encourage a diversity of households within the Ivy District. The images shown are representative of the intended design character for Flats or Lofts residential buildings and illustrate appropriate application of design standards for building elevations.



Key Plan

Exhibit D8 Residential - Townhouse



Key Plan

Townhouses are intended to include a range of dwelling unit types in order to encourage a diversity of households within the Ivy District. The images shown are representative of the intended design character for Townhouse residential buildings and illustrate appropriate application of design standards for building elevations.

Exhibit D9 Building Top Examples

The tops of buildings at Ivy District should be designed to support stated goals of sustainability. The images shown represent examples of how those goals may be achieved by providing space for alternative energy production, incorporating vegetated roof covers, addressing rainwater run-off, and allowing residents to inhabit them.

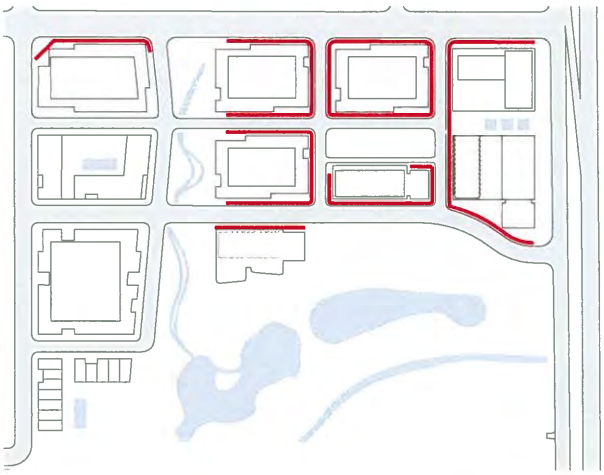
Key Plan

Appendix E:
Streetscape Examples

Exhibit E1 Streetscape - Mixed Use Examples
Exhibit E2 Streetscape - Residential Examples
Exhibit E3 Bioswale Examples
Exhibit E4 Paving Examples
Exhibit E5 Bicycle Parking Examples
Exhibit E6 Site Furnishings Examples
Exhibit E7 Lighting Examples
Exhibit E8 Material and Color Examples
Exhibit E9 Pedestrian Bridges Examples

Exhibit E1 Streetscape - Mixed Use Examples

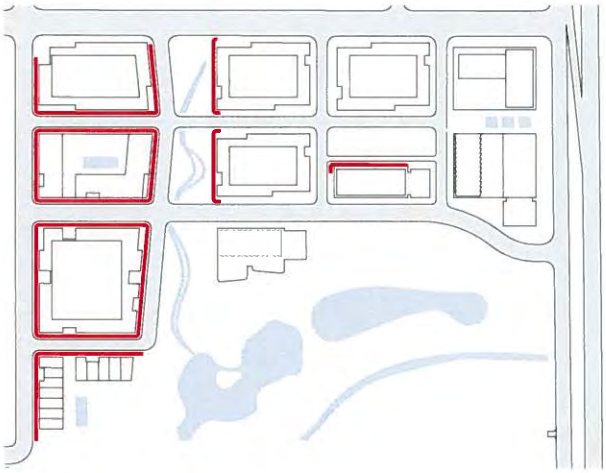
Retail signage, street trees and planting areas, and accommodations for bike and pedestrian traffic should be provided. Outdoor seating areas are encouraged.



Key Plan

Exhibit E2 Streetscape - Residential Examples

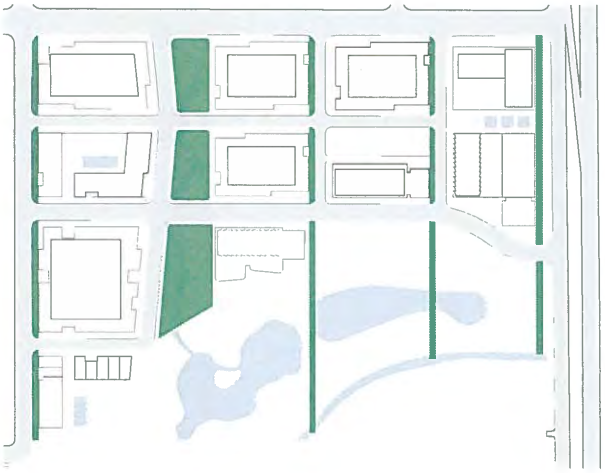
Planting should not obscure stoops and entryways. Sidewalks should be kept clear for pedestrian traffic.



Key Plan

Exhibit E3 Bioswale Examples

Bioswales located within the sidewalks throughout the Ivy District street network are designed for storm water runoff conveyance that provides an alternative to storm sewers. They can absorb low flows or carry runoff from heavy rains to storm sewer inlets or directly to surface waters. Bioswales improve water quality by infiltrating the first flush of storm water runoff and filtering the large storm flows they convey. The maintenance of bioswales will be the responsibility of the owner.



Key Plan

Exhibit E4 Paving Examples

Key Plan

- Pathway
- Sidewalk
- Street

The ground plane within the public realm plays a critical role in both maximizing site permeability as well as enhancing the character of the Ivy District as a pedestrian focused neighborhood. In order to encourage a modern, simple neighborhood aesthetic, the paving palette is intended to be limited to a small range of textures and colors. The use of recycled or renewable materials, when possible, is encouraged. Materials for sidewalks are permitted to be pavers or concrete paving that will meet the minimum design performance requirements per the Pearland Engineering Design Criteria Manual, June 2007. All streets must be concrete and meet the minimum strength requirement of the Pearland Engineering Design Criteria Manual, June 2007 and a Geotech Report signed and sealed by a Texas Professional Engineer.

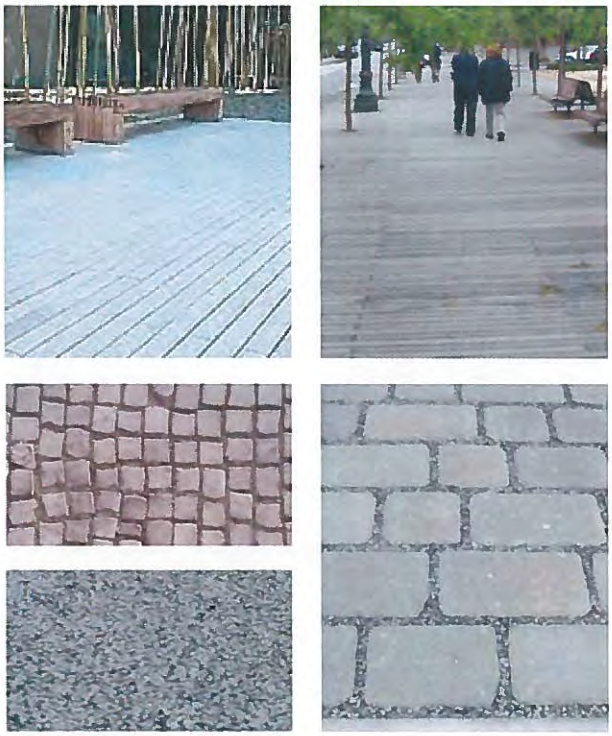
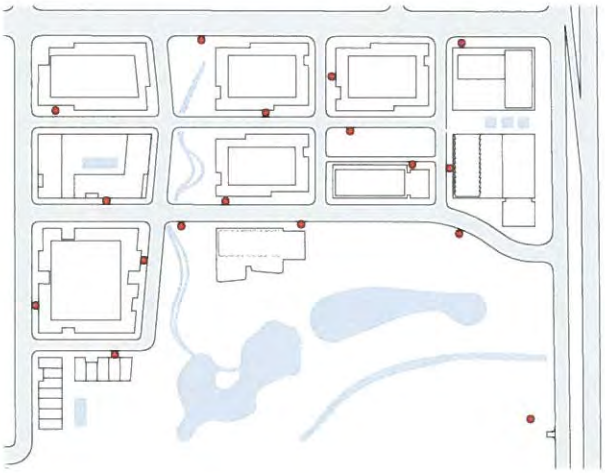


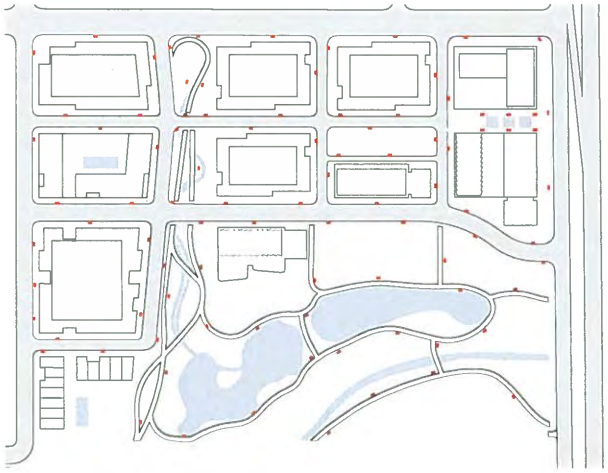
Exhibit E5 Bicycle Parking Examples

Bicycle parking and other public amenities are intended to support the design and function of streets and open spaces and enhance the character of the Ivy District as a pedestrian and bicyclist focused neighborhood. Bicycle parking shall be made of durable and vandal-resistant materials such as stainless steel or other heavy duty materials where appropriate.



Key Plan

Exhibit E6 Site Furnishings Examples

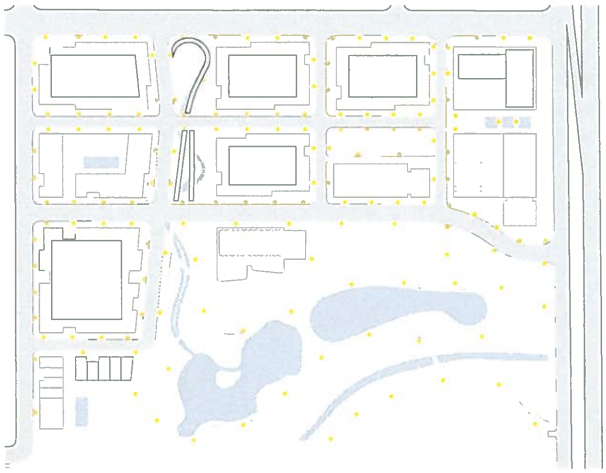


Key Plan

Materials, site furnishings and other public amenities described in this section are intended to support the design and function of streets and open spaces, while aesthetically enhancing the public character of the Ivy District as a pedestrian focused neighborhood. Bollards and trash and recycling bins are intended to have a consistent design vocabulary throughout the neighborhood.

Exhibit E7 Lighting Examples

Lighting is intended to be attractive and visually engaging, while providing public safety and enhancing the character of the Ivy District as a pedestrian focused neighborhood. Certain areas of the Ivy District neighborhood are intended to have lower lighting levels, such as the Clear Creek Recreational Area where it is important to minimize light pollution so as not to disturb wildlife and maintain a natural setting. The Ivy District shall develop a "Master Lighting Plan" for review and approval by the city manager and the city council before submittal of a development application.



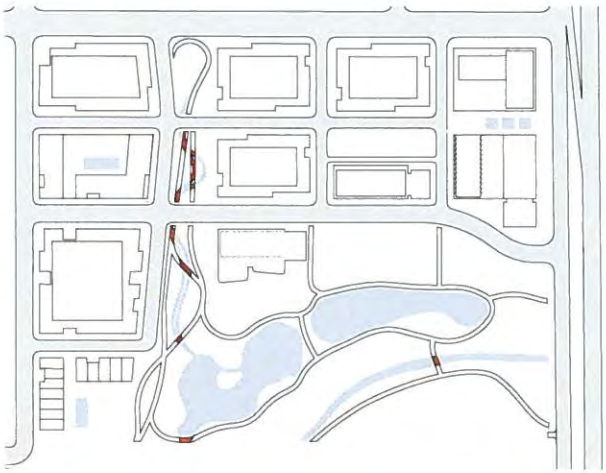
Key Plan

Exhibit E8 Material and Color Examples

The use of materials and colors help to define the quality and nature of a place. Individual buildings at Ivy District are encouraged to use a variety of material and color palettes, weaving together a vibrant neighborhood tapestry.

Exhibit E9 Pedestrian Bridge Examples

Pedestrian bridges shall be located within Public Open Space. Design of pedestrian bridges in the Ivy District shall take the urban context into consideration including pedestrian amenities, architectural detailing, railings, and appropriate materials. The images in this section are intended to provide examples of pedestrian bridges. The incorporation of public art is also encouraged to provide a unique sense of place and identity to the landscaped open space.



Key Plan

Appendix F:
Signage Examples

Exhibit F1 Signage Examples

Exhibit F1 Signage Examples

charles david
MICHAEL KORS
bebe

PRISCILLA OF BOSTON

babycottons
babycottons

Appendix G:
Open Space Examples

Exhibit G1 Clear Creek Recreation Park Examples
Exhibit G2 Art and Culture Green Examples
Exhibit G3 Parkside Green Examples
Exhibit G4 Ivy Square Examples
Exhibit G5 Plaza Examples
Exhibit G6 Ancillary Structure Examples
Exhibit G7 Balcony Examples
Exhibit G8 Patio Examples
Exhibit G9 Courtyard Examples
Exhibit G10 Forecourt Examples
Exhibit G11 Pedestrian Passage Examples
Exhibit G12 Playground Examples
Exhibit G13 Community Garden Examples
Exhibit G14 Roof Terrace Examples
Exhibit G15 Other Private Open Space Examples

Exhibit G1 Clear Creek Recreational Park Examples

The Clear Creek Recreational Park is intended to provide an active open space along Clear Creek at the southern edge of the project. The area is also a significant element of the regional detention strategy for the Ivy District and takes advantage of the Clear Creek Floodway, as well as the city's proposed "Lower Kirby Regional Detention Facility", study dated July 2013, which is located on the south western edge of the 48.5 acre Ivy District site.

The intent is to create a vibrant and active edge along the creek and regional detention area with recreational activities. The Clear Creek Recreational Park provides a casual place for residents and visitors to the Ivy District to walk, bike, or jog. The Clear Creek Recreational Park shall be defined by multi-use pathways, as well as landscaped open space.

Key Plan

Exhibit G2 Art and Culture Green Examples

Key Plan

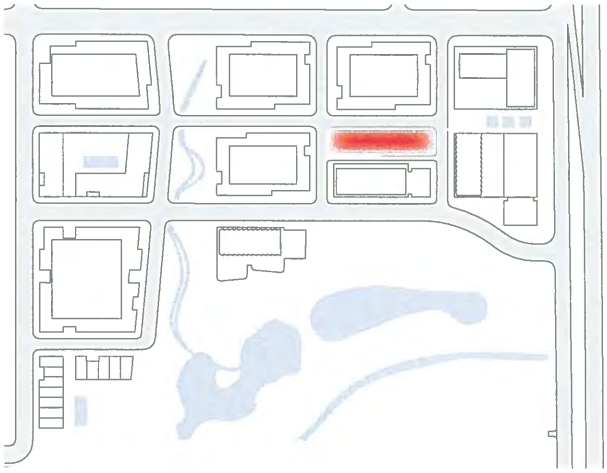
The Art and Culture Green will create an important public space that connects the Clear Creek Recreational Park with the Ivy District and allows for active and passive recreation, as well as provides space for outdoor music and special events. The Art and Cultural Green shall primarily be naturally landscaped with many places to sit on benches or low walls. Passive recreation activities in the park includes grassy lawn for unstructured and informal active recreational activities. Appropriate civic elements, fountains or open shelters may be included.

Exhibit G3 Parkside Green Examples

The Parkside Green will serve as an important public space for the Ivy District. The green will be available for civic purposes, commercial activity, unstructured recreation and other passive uses. The green shall primarily be naturally landscaped with many shaded places to sit. Appropriate paths, civic elements, fountains or open shelters may be included and shall be formally placed within the green. The Parkside Green is the heart of the Parkside Neighborhood Sub District.

Key Plan

Exhibit G4 Ivy Square Examples



Key Plan

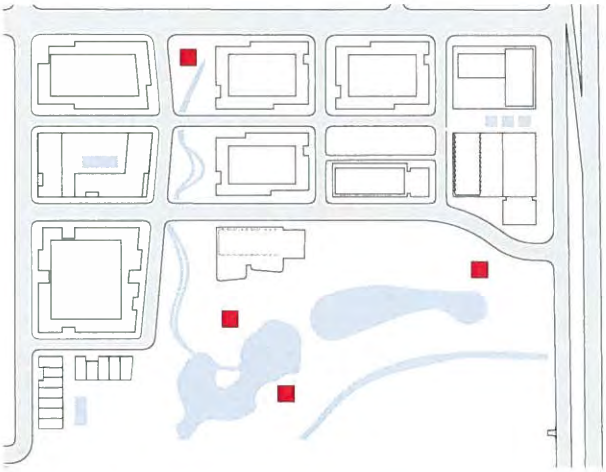
Ivy Square serves as an open space available for civic purposes, commercial activity, unstructured recreation and other passive uses. The square shall have a more urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square shall front onto the square. Adjacent streets shall be lined with appropriately scaled trees that help to define the square. The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating shall be provided. A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square. Ivy Square is located at the heart of the Public Square Sub-District.

Exhibit G5 Plaza Examples

Plazas add to the vibrancy of streets within the more urban districts and create formal open spaces available for civic purposes and commercial activity. Building frontages shall define these spaces. The landscape shall consist primarily of hardscape. If trees are included, they shall be formally arranged and of appropriate scale. Casual seating, along with tables and chairs, shall be provided. Plazas typically should be located at the intersection of important streets. Plazas are appropriate in the Public Square Sub-District.

Key Plan

Exhibit G6 Ancillary Structures Examples



Key Plan

Ancillary structures within public Public Open Spaces shall be formal in character and generally related to, but clearly subordinate to surrounding buildings. Each individual structure shall keep in character or complement the style of nearby buildings. Typically, these structures are located at prominent locations within an appropriate Public Open Space. Ancillary structures located in the Public Square Sub-District may have minor commercial uses, such as small food or news vendors, but may also serve as civic elements for general public use with more passive activities.

Exhibit G7 Balcony Examples

A balcony is a platform projecting from a second or higher story interior or exterior wall of a building, usually enclosed for privacy and protection by a rail. A balcony usually has French or sliding glass doors leading out to it, and can be entered from a living room or bedroom.

Key Plan

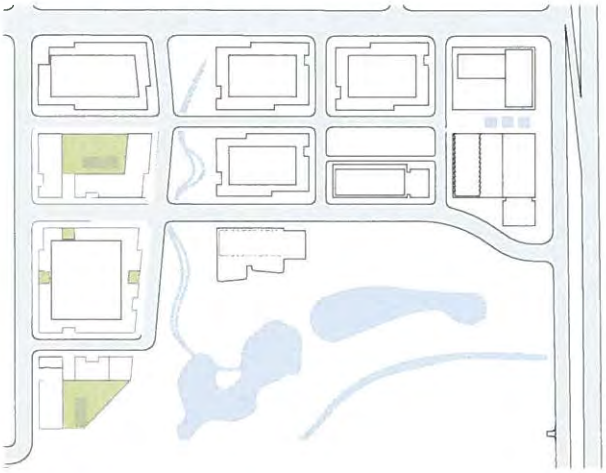
Exhibit G8 Patio Examples

Key Plan

A Patio is an outdoor space for dining or recreation that adjoins a residence and is often paved. It may also be a roofless inner courtyard within a residence, typically found in Mediterranean dwellings.

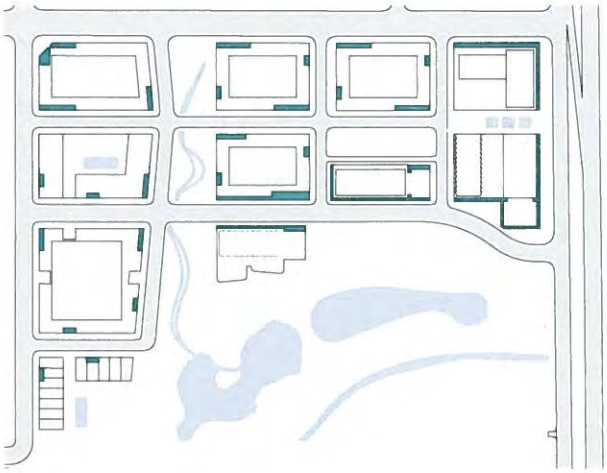
Exhibit G9 Courtyard Examples

A Courtyard is a landscaped open space in the center of the block, usually with no street frontage, bounded by walls or buildings on at least two sides. It shall be large enough to allow for public activities and have sunlight during midday. It shall be designed to connect to adjacent buildings or to the public sidewalk through a pedestrian passage.



Key Plan

Exhibit G10 Forecourt Examples

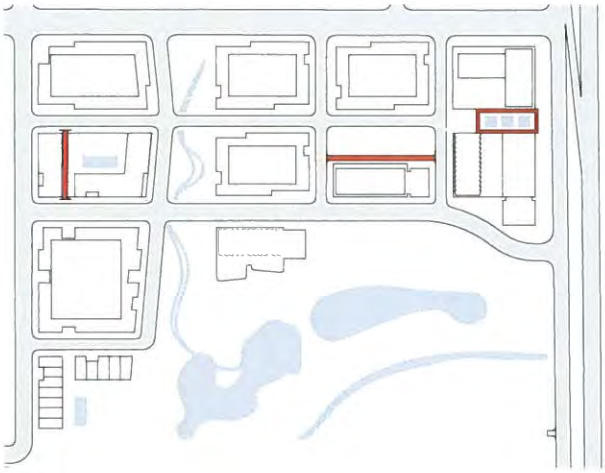


Key Plan

A Forecourt is a small private open space between a building facade and the Build-to Line.

Exhibit G11 Pedestrian Passage Examples

A Pedestrian Passage is an intimate street level passage way for pedestrians from the interior of one block or building to a public sidewalk. These paths provide direct pedestrian access to residential addresses and create unique spaces for frontages to engage and enter off of. A pedestrian passage may be used to visually reduce the impact of a large development block.



Key Plan

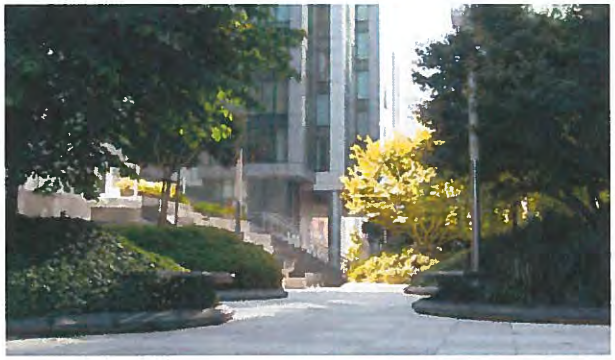
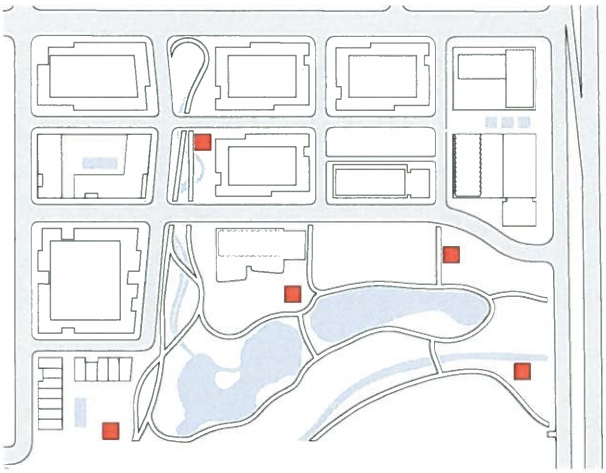


Exhibit G12 Playground Examples

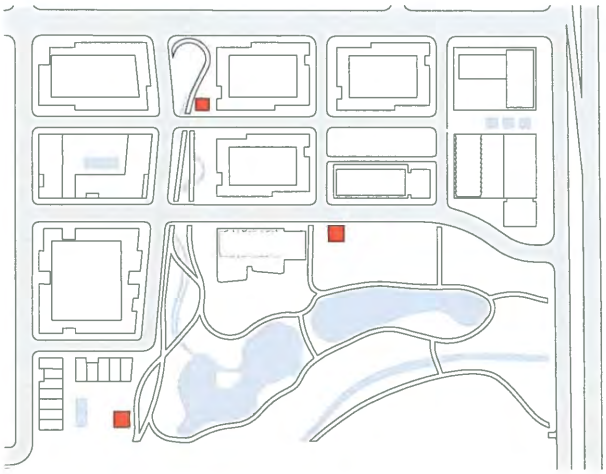


Key Plan

Playgrounds shall be permitted in parks and greens to provide open space designed and equipped for the recreation of children. These playgrounds shall serve as quiet, safe places – protected from the street and typically located where children do not have to cross major streets to access.

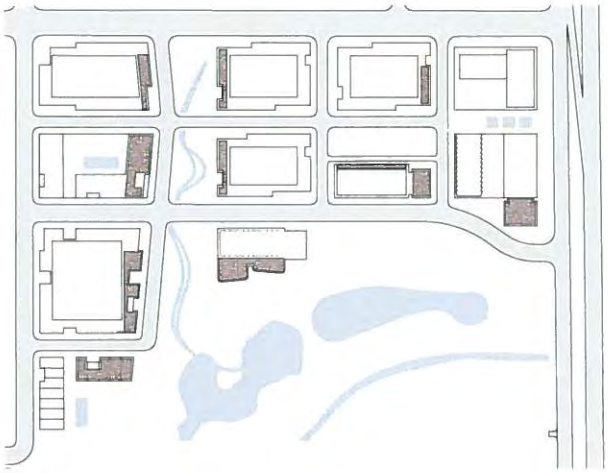
Exhibit G13 Community Garden Examples

A Community Garden is a small to medium size garden cultivated by members of an area for small scale agricultural uses for the benefit of the same people. It may consist of individually tended plots on a shared parcel or may be communal (everyone shares a single plot).



Key Plan

Exhibit G14 Roof Terrace Examples

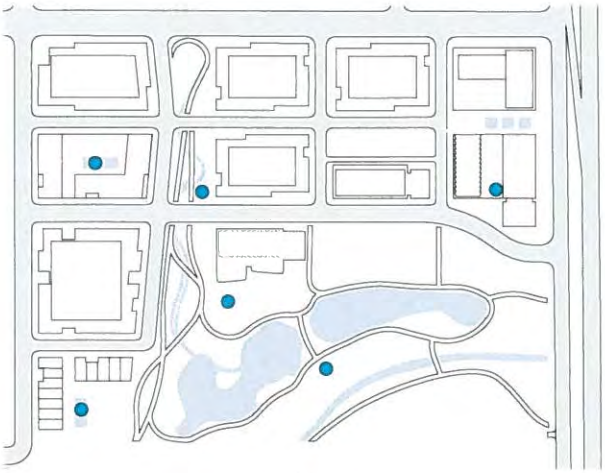


Key Plan

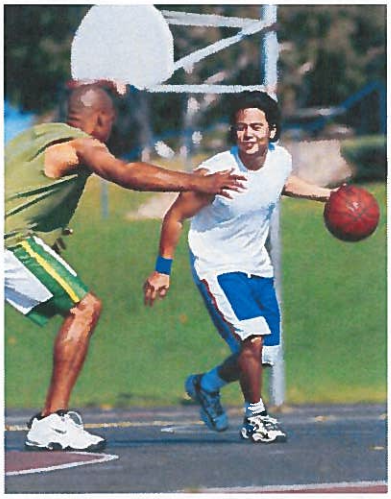
Roof terraces are flat areas on top of a building which are accessible for use as a recreation space for the residents and users of the building.

Exhibit G15 Other Private Open Space Examples

Other Private Open Space could include a pool (swimming, lap pool, spa area), play courts (basketball, volleyball), or picnic areas with shade structures.



Key Plan



JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF MARCH 17, 2014

Zone Change No. 2014-02Z

A request of Steven Biegel, applicant; on behalf of America Modern Green Development, LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Modern Green-Ivy District PD, on approximately 48 acres of land on the following described property, to wit:

Legal Description: That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.

General Location: Southwest corner of Spectrum Boulevard and State Highway 288

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application could be considered as follows:

	If P& Z makes a recommendation on March 17, 2014	If action on the application is postponed
Planning and Zoning Commission	March 17, 2014	April 21, 2014
City Council for First Reading	April 14, 2014	May 12, 2014
City Council for Second Reading	April 28, 2014	May 26, 2014

These dates may change further based on the outcome of the meetings.

Project Summary

The applicant Steven Beigel, on behalf of the owner America Modern Green Development (Houston) LLC is proposing a 48.5 acre mixed use development located on the west side SH 288, east of Kirby Drive, south of South Spectrum Boulevard, and north of Clear Creek. This site was the location of a previously approved Planned Development of Waterlights District in March 2008, also a mixed use district.

The site is currently vacant, with a detention pond that was constructed a few years back, in anticipation of the first phase of Waterlights development. Due to the downturn in the economy, the Waterlights project did not advance, and the property was foreclosed by Amegy in 2010. The property is currently owned by the applicant America Modern Green Development LLC.

It is proposed that this "pedestrian oriented, urban" development could include an unspecified mix of offices, retail, restaurants, cafes, social and recreational center, and high density multi-family residential. Some other potential uses listed in the PD, which were not included in the Waterlights, include assisted living, skilled nursing, long-term stay hotel, and related uses.

Summary of October 7, 2013 Joint Workshop

The PD was discussed at a joint workshop of the City Council and Planning and Zoning Commission on October 7, 2013. Although there was no formal motion made, it is staff interpretation that the City Council and Planning and Zoning Commission had the following major comments:

1. **Codification and Design Standards:**
   The design and illustrations shown in the PD need to be codified. The text needs to reflect the overall design and concept. Building guidelines need to be clarified and revised to ensure that the built-form, as shown in the exhibits, are requirements rather than guidelines. The codes and details need to ensure that the goal of the Modern Green Ivy District is met – "…to promote a range of development within an overall street network, public space, and sustainable infrastructure framework that will become a model, vibrant, and ecological neighborhood for the City of Pearland, Texas".

   Specifically for residential development, need to discourage conventional two-three storied single-use, multi-family rental apartments, surrounded by parking lots (garden–style apartments) and encourage pedestrian oriented high-density, parking area/structure enveloped by housing, with shared parking for commercial and residential uses (Texas Wrap Housing Product). Ensure that the codes in the PD result in a development that meets the proposed objective of the PD, which is to "…build a residential community that is both highly sustainable and unique in character, while offering a range of amenities for residents, set within an attractive pedestrian environment."

2. **Land Use and Open Space:**
   a. Review the land use mix. Increase the percentage of offices and retail uses and lower multi-family.
   b. More buildings need to include first floor commercial / office uses.
   c. Provide more details on parks and open space and how it meets the city's requirements on park dedication and open space.

d. Provide definition of the land use terms used in the PD and provide a breakdown of area/ number of units for each of these uses - Community Center, Senior Living, MF Rentals, MF Condos, Assisted Living, Skilled Nursing, Short-term/Long-term Hotels, Multi-Family Residential with Non-Residential on First Floor, Luxury Condos, Performing Arts Center, etc.

3. **Infrastructure and Amenities:**
   Provide details of infrastructure improvements and lake amenities within and outside PD boundaries – assign responsibility for construction, maintenance, ownership of these improvements.

Staff Analysis of the Current Proposal

The proposed PD has a strong focus on residential and senior living component, especially with the proposed flexibility of 25% increase in the 11.5 acres of Parkside neighborhood. This flexibility could allow an increase of approximately 95 units, when compared to the previously approved Waterlights PD. The following table compares the Waterlights PD to the proposal discussed at the workshop on October 7, 2013 and the current proposal.

	Waterlights District	**% of total land**	**Proposed Modern Green Ivy District Oct. 2013**	**% of total land**	**Proposed Modern Green Ivy District Jan. 2014**	**% of total land**
Site Area	57.7 acres	NA	48.5 acres	NA	48.5 acres	NA
Office	390,000 square feet	15.5%	110,000 square feet	5.2%	100,000 square feet	4.7%
Retail Shopping & Restaurant	218,000 square feet	8.6%	80,000 square feet	3.7%	130,000 square feet	6.1%
Hotel Short Stay	500 keys		450keys		100 keys	
Senior Facility	0		Included above		310 keys	
Residential	1150 units* on 48.5 acres (1400 on 57.7 acres) 350 units were proposed on additional 10 acres that is not included in Modern Green Ivy District	24.26 units/acre	1410 units on 48.5 acres	29 .07 units/acre	1300 units on 48.5 acres MF rental: 400 units MF- condo:900 units 25% increase allowed in the PD will result in additional 95 units	26 .8 units/acre
Community Center	Within each residential block		Not calculated		80,000 sf	3.8%
Parking	5100 – 5900 spaces		4,500 spaces		3,600 spaces	

Major Concerns

Staff has the following major comments for the PD submitted on January 31, 2014. These comments largely echo the concerns raised by the City Council and Planning and Zoning Commission in October. Additional comments have been listed at the end of this report.

1. **Land Use Breakdown** – As discussed earlier in the workshop, staff recommends that a true mix of uses, both vertical and horizontal be considered. Despite the changes to the land use breakdown, there appears to be an uneven balance of residential to commercial, with residential uses dominating the PD.

   While the previously approved Waterlights PD had proposed 1,150 units on 48.5 acres, this PD proposes 1,300 residential units and 310 units in the Senior Facility, totaling 1,610 units on the same acreage. Additionally, the allowed 25% increase could result in **1,705** total units.

   Currently Office use is at 4.7% of the total land area, and Retail, Shopping and Restaurant is at 6.1%. Cumulatively, these have not increased substantially since the last workshop. Staff recommends that these percentages be increased to 8-10% for Office use, and 12-15% for Retail, Shopping and Restaurants.

2. **Open Space and Parkland Dedication** – The PD will need to address how the applicant will meet the parkland dedication and open space requirements. Details of acreages, amenities, and quantities need to be included. Amenities and non-traditional open spaces (plazas etc.) are eligible for credit towards this requirement. Staff recommends that all UDC requirements (including quantity) be met by a combination of open space, amenities, and parkland dedication fees. The UDC requires the following quantities for 1,610 units:

   Parkland dedication at 1 acre per 50 units or $750/units =32.2 acres
   Open space requirement at 900 sf/residential unit = 33.2 acres

   Other open space requirements of the UDC Section 2.4.2.10.g and Section 2.2.2.1 need to be met. Staff recommends that acreages be added in Appendix I with appropriate coding to identity the type of open space in conformance with Chapter 11. Images need to be tied to the map and to the components for better clarity to assist in review and approval of future permits.

   Since the PD does not provide a breakdown on the type of units included in the Senior Facility, this calculation assumes that Senior Housing will comprise of

independent 55+ older units, which are subject to the open space and parkland dedication calculations.

3. **Multi-Family Housing Form** – The PD lacks regulations to prevent "garden style" development. Staff recommends that the built form be better defined, and include minimum heights, details on designs, and restrictions on parking in areas along the streets by limiting the building setbacks. This would ensure a development that is pedestrian oriented, high-density, with parking area/structure enveloped by housing, and shared parking for commercial and residential uses (Texas Wrap Housing Product).

4. **Street Network** – The PD should clarify that all external roads will be public and constructed by the developer. Internal roads can be private. The ownership and maintenance responsibility of all roads needs to be clearly identified in the PD.

5. **Deviations** – The following deviations proposed in the proposed PD would not be permitted by the UDC:

    a. Twenty Five (25) percent modification for land uses.
    b. Fifteen (15) percent change in setbacks would be in addition to the range specified already.
    c. Deviations for street screen.
    d. Page 33, Table 9.1 - South Spectrum is a secondary thoroughfare on the Thoroughfare Plan and is not conducive to on street parking, especially since the road continues west of this development. Promenade Shops is a major collector (4 lanes, no on-street parking) with western frontage on another property. Staff recommends that the on-street parking be confined to their internal streets.

SURROUNDING ZONING AND LAND USES:

	Zoning	Land Use
North	Planned Development (PD) Promenade Shops.	Bass Pro Shops and vacant land.
South	General Commercial (GC) and Spectrum 1 (SP1 - The Beltway District)	Detention & vacant land. Clear Creek.
East	BP-288 (Business Park District)	Vacant land. State Highway 288.
West	Spectrum 1 (SP1 - The Beltway District) and Planned Development (PD) Waterlights.	Vacant

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): As previously mentioned, the property is currently zoned Planned Development (PD) - Waterlights. The application seeks to change the Waterlights PD to Modern Green Ivy District PD.

According to the UDC – "The purpose of an overlay planned development zoning district ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Design Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD Districts are intended to implement generally the goals and objectives of the City's Comprehensive Plan. PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts."

In this case, the concept document provided by the applicant does not include sufficient description and details to meet the intent and purpose of the PD, as required by the UDC.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: As indicated by the adopted Comprehensive Plan, approximately 75% of the subject property is designated as *The Beltway District* (S1) and 25% as *The Mixed-Use High Density Residential Distric*t (S3).

The 2004 Comprehensive Plan Update and the Lower Kirby Urban Center (LKUC) Development Code supported a high density, mixed use, livable center concept. The examples mentioned in the Comprehensive Plan included The Legacy in Plano, The Arboretum in Austin, and The Woodlands Town Center in the Woodlands, all of which have a higher percentage of non-residential uses than proposed.

The LKUC Development Code states – "The Lower Kirby Urban Center is intended to be a diverse regional destination that includes significant employment uses along Kirby Drive transitioning to light industrial uses to the west, regional retail along the highway frontages, and a pedestrian-oriented, mixed-use core anchoring the District. The goal of Lower Kirby Urban Center is to promote for a range of development opportunities within an overall urban design, street network and drainage infrastructure framework."

The land use break-down proposed in the PD, with over 25% of the land designated for multi-family single use buildings, would not be in conformance with the Comprehensive Plan.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The eastern boundary of the subject property has frontage on State Highway 288 , a State Highway. The northern boundary has frontage on Spectrum Drive, a major thoroughfare, with a minimum of 120' right-of-way. The western boundary has frontage on Promenade Shops Drive, a major collector, with a minimum of 80' right-of-way. Right of way dedication for all or portions of these streets would be required at the time of platting and the applicant would be required

to construct or extend these roads to city standards. A Traffic Impact Analysis (TIA) would be required and the applicant would be required to construct all improvements as per the TIA.

PLATTING STATUS: Platting is a separate process that commences after the approval of the PD and prior to any land development. The property will need to be platted prior to the issuance of any permits.

AVAILABILITY OF UTILITIES: The subject parcel is not serviced by public water and sewer. The applicant would need to extend the utilities to serve the site. The applicant has not provided any information on the proposed extension of services or how the capacity issues and other required off-site improvements will be addressed.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: As discussed above, this zone change would not be in conformance with the recommendations of the Comprehensive Plan, specifically due to the proposed conceptual land-use mix that is predominantly (vertically and horizontally) multi-family residential. The development as proposed may encourage other predominantly multi-family residential developments in the future, and be detrimental to the development of this area as envisioned in the 1999 Comprehensive Plan, the 2004 Comprehensive Plan Update and the Lower Kirby Urban Center (LKUC) Development Code.

The 1999 Comprehensive Plan recommended creation of "an attractive business park environment along State Highway 288". It recommended campus like settings, office buildings, light manufacturing uses, restaurants, retail, regional shopping centers, hotels, and multi-family development with limitation on the number of units per acre.

The 2004 Comprehensive Plan Update and the Lower Kirby Urban Center (LKUC) Development Code supported a high density, mixed use, livable center concept. The examples mentioned in the Comprehensive Plan included The Legacy in Plano, The Arboretum in Austin, and The Woodlands Town Center in the Woodlands, all of which have a higher percentage of non-residential uses than proposed.

The LKUC Development Code states – "The Lower Kirby Urban Center is intended to be a diverse regional destination that includes significant employment uses along Kirby Drive transitioning to light industrial uses to the west, regional retail along the highway frontages, and a pedestrian-oriented, mixed-use core anchoring the District. The goal of Lower Kirby Urban Center is to promote for a range of development opportunities within an overall urban design, street network and drainage infrastructure framework."

ADDITONAL COMMENTS: This request has been reviewed by the City's Development Review Committee. Additional comments from other departments have been relayed to the applicant and have been included in this report.

SITE PLAN CONSIDERATIONS: The site plan that has been included in the PD

document is a very conceptual plan. Staff recommends that additional details, clarifications and modifications, as listed in this report, be added to the site plan for further review.

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration, as well as property owners within the existing Planned Development. A legal notice of public hearing was published in the local newspaper, and a notification sign was placed on the subject property. There are limited existing adjoining landowners and users in this area due to the land being in its pre-development stage.

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

STAFF RECOMMENDATION: Staff recommends that all comments be addressed before any action is taken on the PD. At this time, staff recommends that the applicant be provided more time to provide a complete document that is in conformance with the expectations set by the City Council and Planning and Zoning Commission at their October workshop, and that addresses all staff's comments. The extension of time would also provide an opportunity for the applicant to ensure that:

1. The proposed PD is in compliance with the Comprehensive Plan and Lower Kirby Urban Center Development Code.
2. The proposed PD is in compliance with the purpose of the PD as stated in the UDC.
3. All staff comments and concerns have been addressed, especially those related to the land-use breakdown; open space and parkland dedication; multi-family housing form; and street ownership and maintenance.

SUPPORTING DOCUMENTS:

- Vicinity and Zoning Map
- Property Ownership/Abutter Map
- Property Owner Notification/Abutter List
- Future Land Use Plan
- Aerial Map
- Newspaper Notice
- Lower Kirby Urban Center Regulating Plan
- Zone Change Application and Applicant Documents
- Related Document - Spectrum District Land Use Map

ADDITIONAL STAFF COMMENTS: These comments pertain to the details contained in the PD. These comments would need to be addressed after the expectations set by the City Council and Planning and Zoning Commission at their October workshop, and major comments listed earlier in this report (related to the land-use breakdown, open space and parkland dedication, multi-family housing form, and street ownership and maintenance) are addressed.

1. PD Refers to the UDC 8th edition throughout the document. This should be changed to the new 9th edition.
2. The modification process on Page 9 is confusing and is contradictory. Please clarify. Staff recommends that PD amendments follow the process in the UDC. Appeal of City Manager's decision – needs clarification that this will be through an application process, and the decision will be made without a public hearing process.
3. Ownership component (condo units) needs to be defined and identified on the plan.
4. Page 8 – 3. Administration, A. Please revise to read "The development standards under the UDC…shall apply except as specified herein."
5. Page 9 – Add 'Or street classifications and connectivity locations to City streets.' to D.6.
6. Page 11 – Building facades – "Parks and breezeways would be considered as buildings" - need to discuss.
7. Page 11 – Use the term First Floor instead of Ground Floor.
8. Page 12 – Formula Retail – would these meet the standards in the PD are will they be allowed to follow their own standards?
9. Gallery – For Public Streets, any encroachment on the street needs City approval. The street needs to be designed such that private spaces are separated from public ROW.
10. Page 13 "Minor Modification" references Part 3 h of the PD Document. There is no Part 3H. This should reference 3D.
11. Page 13- Minor Modifications- Table 3 is missing.
12. Page 13 – Plaza – defined by building on how many sides? How is this different from a Square?
13. Page 11- Senior Citizen – Not sure which age criteria is referred to? The UDC definition may not apply to the type of development proposed.
14. Page 16, Item 5 I - Any private streets are not patrolled by City Police Department to enforce traffic laws unless an Ordinance has been passed for private street enforcement.
15. Page 17, Table 6.2 – Does Personal and Business include amenities within residential? Need to clarify these amenities or refer to UDC.
16. Page 18 – Table 6.4 – Drive through uses do not work well in a pedestrian friendly environmental without locational and other design criteria. Please address this.
17. Page 18 – Hospitals are not permitted. This area may benefit from such uses and staff recommends that they be included.
18. Page 18 –
    a. Table 6.4 – Residential Uses – Single Family… - Design Criteria states "…or the width of the lot…". Where is "the width of the lot" defined in the PD document?
    b. Table 6.4 – Other Uses – Long-Term Hotel – Design Criteria – Why is it limited to just the initial renter has to be a senior citizen? Does that mean the next renter

does not have to be a senior citizen? What defines a senior citizen? What is an "other qualified residents"?

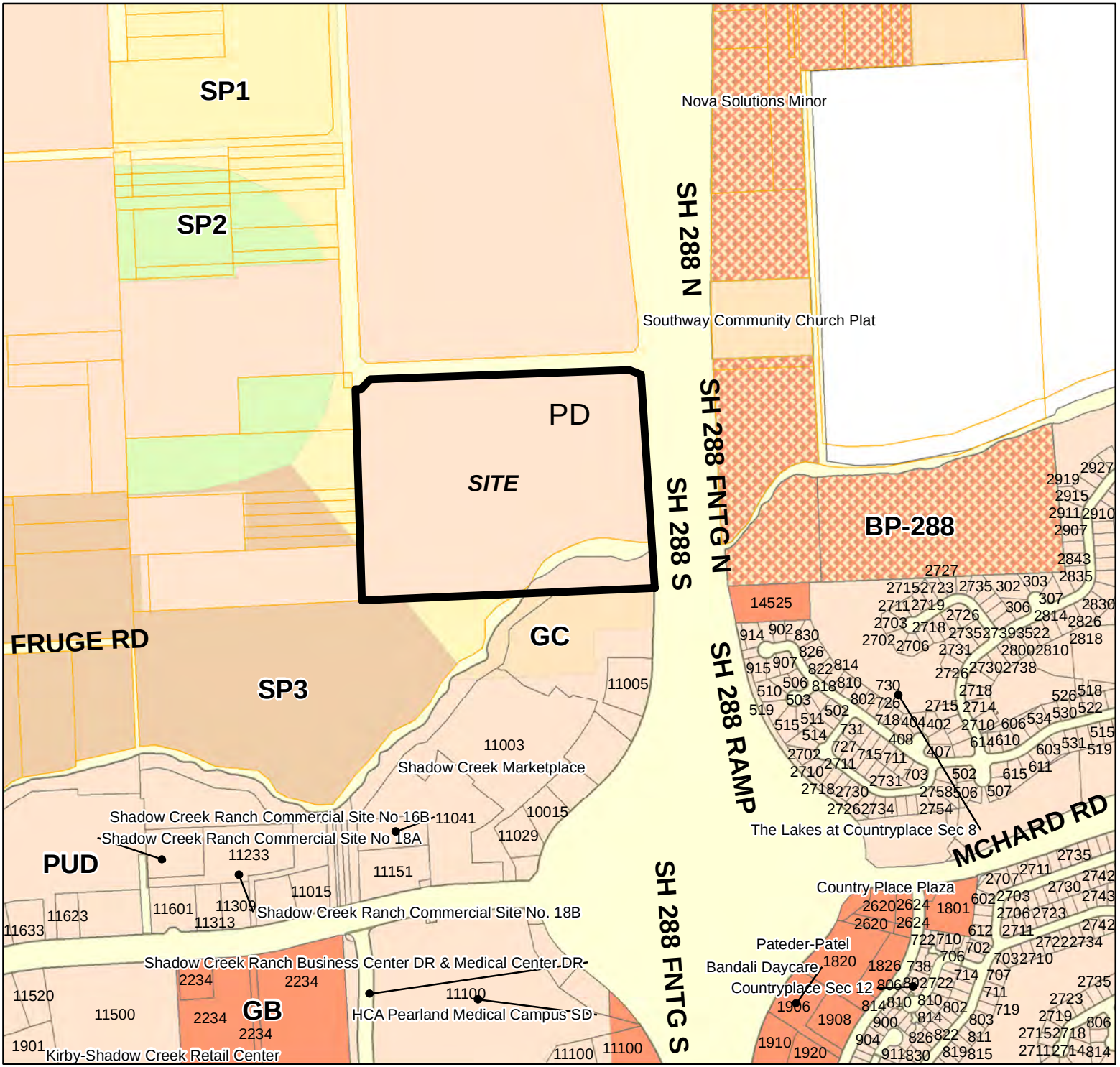
19. Page 19- Other Uses – Surface parking needs to be in accordance with the Appendix C – Program Area Regulation Plan.
20. Page 20 - Table 6.5 –Formal Retail – needs clarification.
21. Page 20- Table 6.5 – Not sure what the cap on Assisted Living units is, not to exceed 30% of 301 units?
22. How is Assisted Living defined? Independent units or ones with shared facilities? Need to explain each use included under Senior Family including skilled nursing. It appears that assisted living and extended stay hotel would be similar to each other.
23. Page 20 – Special Events would need a Special Events Permit from the City. This needs to be differentiated from outdoor activities and events that would not need additional parking and city services. For recurring smaller events, a Special Permit process may be too cumbersome for some of these events.
24. Page 24- Facade Composition – explain the term "façade rhythm" in terms of articulation required by projections or recesses with a certain horizontal or vertical distance, or similar.
25. Page 25 – 4.B. ii –reference the percentage of EIFS and other material listed on page 26.
26. Page 25 – 4.C. 1 and 2 - Façade Composition and Windows and Doors – Need specific standards for implementation.
27. Page 26 – 3 ii – Incomplete sentence.
28. Page 26, Table 8.1 – Need to add minimum stories and height
29. Page 26 – Table 8.1 – What do the Block numbers in the Table reference?
30. Page 30 & 31 – The road network as depicted in this rendering does not match Appendix C.
31. Page 32 references the 2012 International Fire Code. The Codes in place at the time of development should be adhered to. This should include the Building, Fire, Energy Conservation, Mechanical, Electrical, Plumbing Codes, etc.
32. Page 32 – General Comments on all items included in the **Street & Streetscape Design Standards**
    a. Assumption should be that everything in this section of the PD document is privately owned, operated, and maintained unless specifically designated to be publically owned, operated, and maintained.
    b. All streets private or public must be concrete and meet the minimum strength requirement of the Engineering Design Criteria Manual and a Geotech Report signed and sealed by a Texas Professional Engineer.
33. Page 33 – South Spectrum Boulevard – As mentioned earlier, a bike lane is recommended to connect this development to surrounding future developments.
34. Page 33 –F.5 – Need standards for Boulevard trees.
35. Page 3 – F.7 – Remove the term "clearly". All exposed unpaved areas need to have a ground cover.
36. Page 33 – F.10 – Appendix D does not show "highway access roads" or "arterials". The UDC does not have standards for these as stated in the PD. Add standards.

37. Page 34 – H – Need a utility map showing underground and above ground utilities. The Spectrum District requires all utilities to be underground.
38. Pages 35-37 – Need to show pavers on page 35. This will help in visually identifying and unifying the district. The special pavers shown in cross walks need to be detailed – material etc.
39. Page 35 - City standard lane width is 12' not the 11' lanes as shown.
40. Page 36 & 37 - If these are private streets, there is no issue. If these are intended to be public, the lanes should be 12' wide.
41. Page 41 "Bicycle parking is **encouraged** to be made of durable and vandal resistant materials…" should read "Bicycle parking **shall** be made of durable…"
42. Page 45 - Pedestrian Bridge Design
    a. How many pedestrian bridges are proposed? Appendix G looks like it could have as many as 10+ pedestrian bridges.
    b. Last sentence is out of place.
43. Page 46 & 47 – The streets look like pavers or textured concrete. The PD document does not match the picture.
44. Page 49 – Sandwich signs need to be outside of Public ROW.
45. Page 49 – Light Pole Banners – need to have a unified design for the entire district.
46. All open spaces and open elements in Chapter 11 need to be identified on Appendix I – Illustrative Plan.
47. Page 50 - General Comment on all items included in the **Public Open Space & Private Open Space Standards** – Assumption should be that everything in this section of the PD document is privately owned, operated, and maintained unless specifically designated to be publically owned, operated, and maintained.
48. Page 50 – What shows the areas proposed to be public open space versus private open space?
49. Need details on the Entertainment & Recreation/Community Center located on the southeast corner of the site.
50. Add notes on outdoor activities, storage, display, mobile vendors and carts, etc.
51. Need to add parking standards from LKUD.
    Comments from last submission- Parking – Based on ratios in page 20, retail would require 1184 spaces. That leaves only 2142 spaces for 1360 residential units, 140 hotel (that include long term stay), and Senior Facility (assisted living and skilled nursing). If this is deemed adequate, please provide backup information or break-down. The provided parking is also less by 1211 spaces as required by city's ratios. However, since this is a mixed use development, staff understands that there would be some reduction.
52. Other Uses – Permitting surface parking on parcels designated as future phase building sites will not ensure that the intent of this development as a "…unique in character, while offering a range of amenities for residents, set within an attractive pedestrian environment" is met until all phases area developed. Staff is not in favor of this.
53. Need a detailed signage plan/design plan.
54. There are several typos throughout the document. The word "though" should be "through," on pages 9, 16, and throughout the document etc.
55. Any set timeline on when all 4 phases will be complete.

56. Provide additional details regarding the phasing plan. There should be a proportionate amount of residential/nonresidential at all times.
57. Add Development Agreement referenced on Page 17, 32, etc., and all other documents related to the PD document, to the PD document to have all necessary review materials in one place.
58. Whether including the acreage for the residential component or all acreage included within the PD, the density calculations on page 17 do not appear to be accurate.
59. Add legend to page 18 just as on page 19, for ease of use.
60. Staff would like to see the paving palette identified on page 40, to avoid ambiguity during future reviews.
61. Provide a lighting plan identified on page 43 to be included in the PD.
62. Show pedestrian bridges identified on page 45 on one of the plans in the appendix and label or some vision of what this would look like.
63. For ease of use/review, it would be nice if all design standards can be in the form of a table in the appendix that references the section of the PD. For example, a “forecourts” and courtyards are required, and it would be nice to look in one area of the PD for all requirements and for specifics related to the requirement, one can reference a particular section of the PD.
64. Fencing materials listed on page 54 for community gardens allows chicken wire. Provide locations on map, or add text to limit chicken wire to areas that are not visible from streets.
65. Add the base zoning district to the Regulating Plan found in the appendix and within the body of the PD document.
66. Provide a detailed description of all development standards that are different from those in the base zoning district.
67. Provide Master Wayfinding Plan.
68. Page 60 – Location and Size – No size is given here or in the referenced Appendix A.
69. Page 60 - Improvements on the south side of Clear Creek will need to be approved by Brazoria Drainage District #4.
70. Page 62
    a. Location and Size – No size is in Appendix A.
    b. Location and Size – 0.5 to 2 acres seems like a large range.
    c. Typical Uses – This repeats the location and size information. Remove and include typical uses.
71. Page 63 – Location and Size – Plaza Areas are not shown on Appendix A.
72. Appendix A – What is the building area shown south of Clear Creek? Is that a driveway from the SH288 frontage road to a parking lot on the south side of Clear Creek?
73. Appendix C - It is difficult to see where the driveways to access the parking areas are located. The driveways will need to meet the City's driveway spacing requirements of the UDC/EDCM.
74. Appendix D - Promenade shops is a 4 lane major collector in the Thoroughfare Plan. However, it is shown as a 2 lane road in the PD document.
75. Identify private streets and who will own and maintain.
76. ADD "A Traffic Impact Analysis is required for the site. Approval of the TIA is required prior to the approval of the Plat. As a result of the TIA, additional roadway network may

be required to be constructed by MGID as a result of the impact of the traffic volumes generated by the MGID development."

77. Table 9.1 vs. cross section illustrations, General, the cross sections in the table do not match the illustrations of the cross sections.
78. South Spectrum is referred to as 102’ vs. 106’ - South Spectrum should be 106'
79. Dimension shown in cross sections must be legible, the current sections are not.
80. APPX D - What is the difference between dashed and solid local street on far east end of South Jade? It appears to be a dead end, please clarify what type of street or feature this is.



Vicinity and Zoning Map

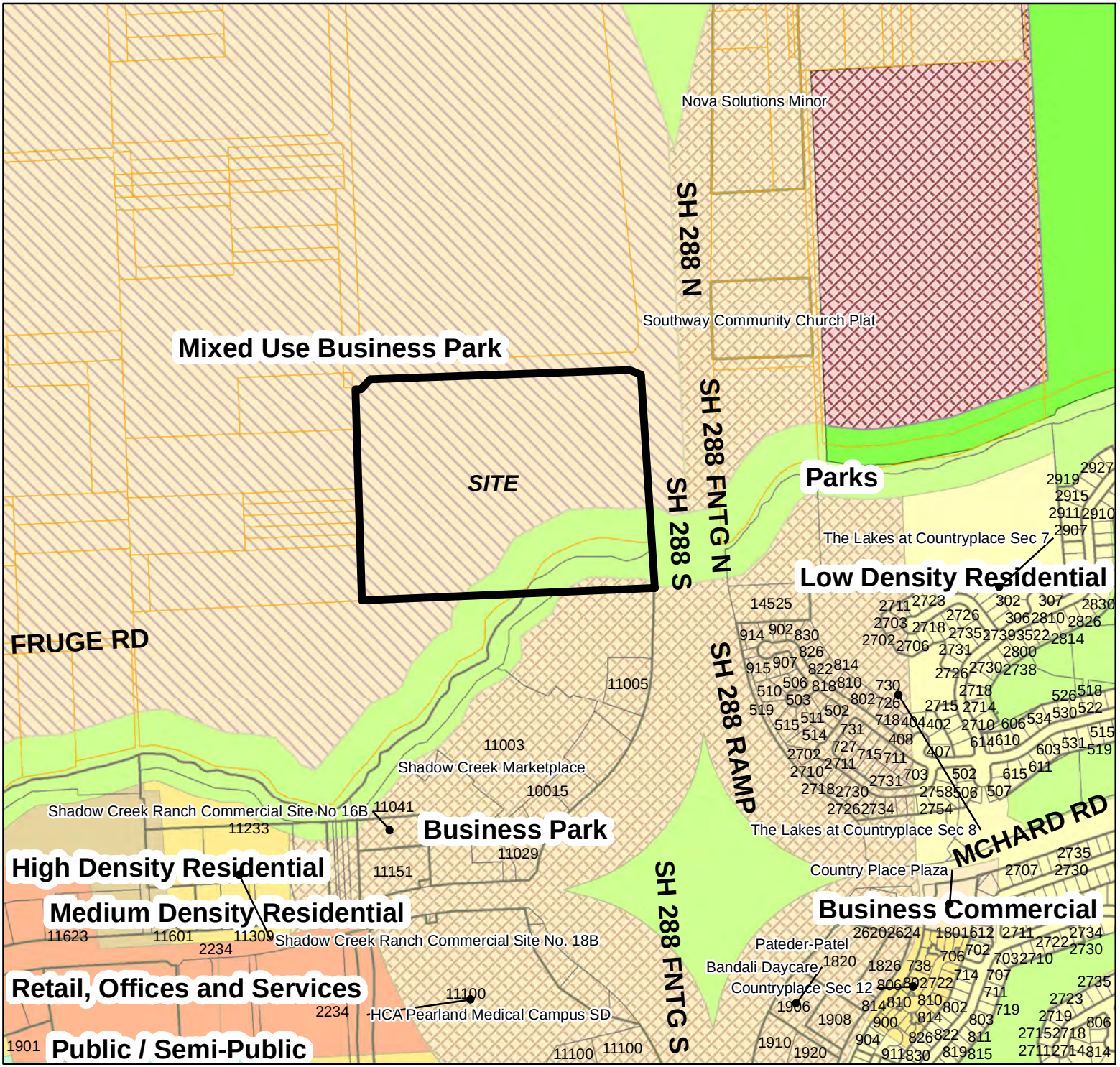
Zone Change 2014-2Z

Modern Green/ Ivy District

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.

N

0 190 380 760 Feet



FLUP Map

Zone Change 2014-2Z

Modern Green/ Ivy District

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N

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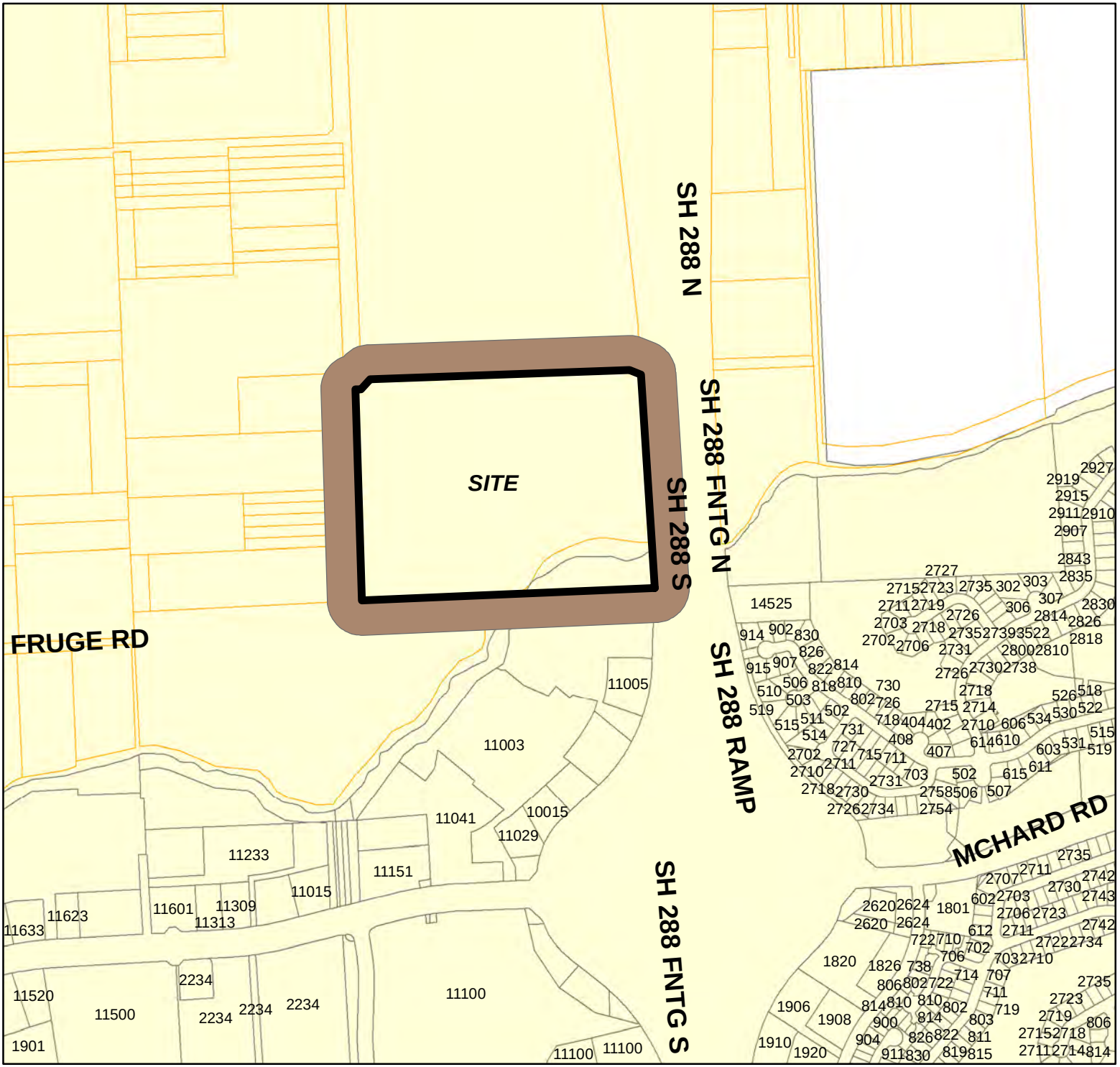

Abutter Map

Zone Change 2014-2Z

Modern Green/ Ivy District

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N

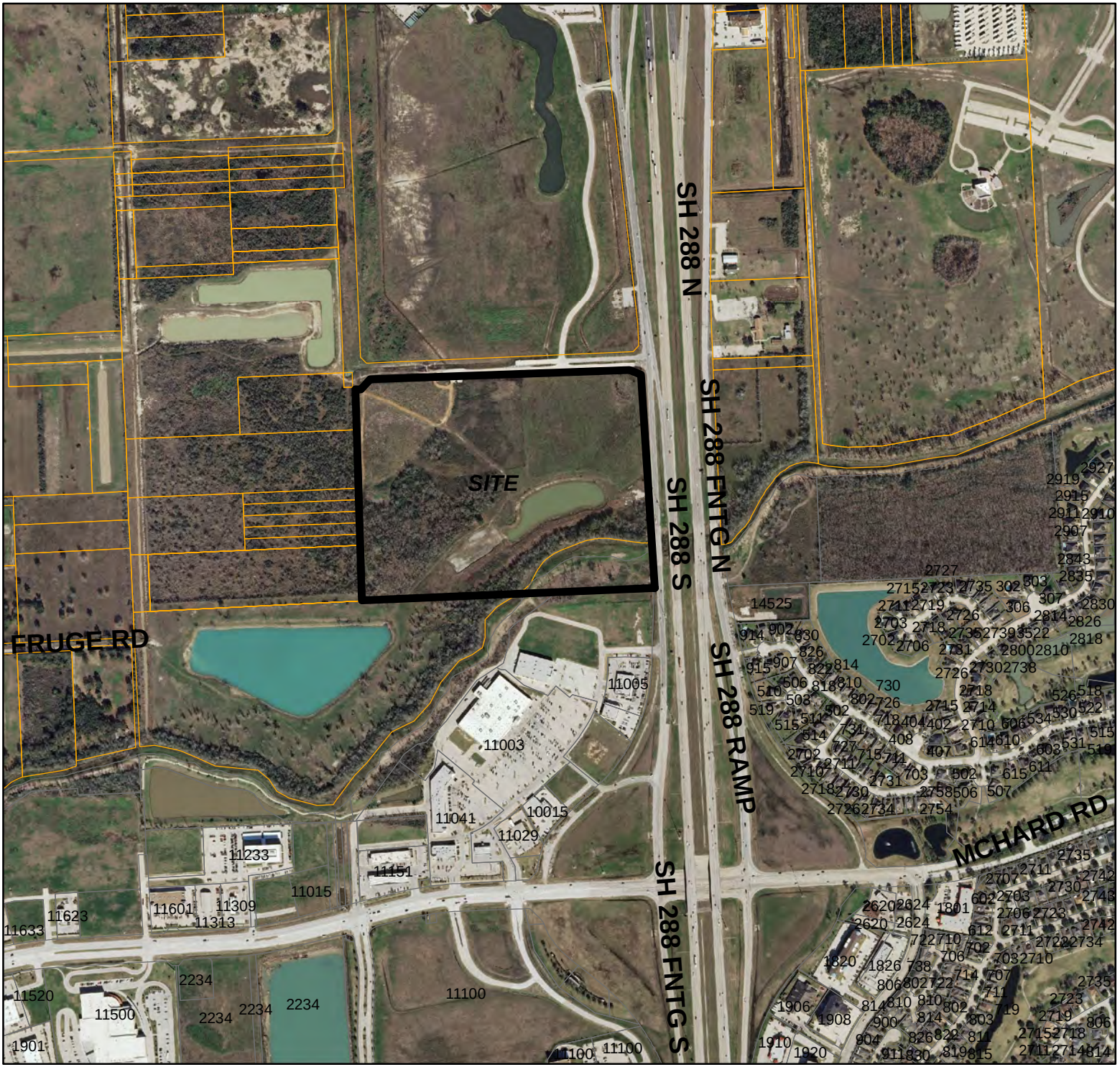
0 190 380 760 Feet

Zone Change No. 2014-2Z

Modern Green/Ivy District

NAME	ADDRESS UNKNOWN
GCCLE - SHADOW CREEK LP	3120 ROGERDALE RD
DE GEORGE ROSE ESTATE OF % GIACOMO DE GEORGE	606 SADDLE ROCK DR
ALLEN DOROTHY ATWATER	505 N ADAMS ST
CITY OF PEARLAND	111 E LOCUST ST
STUDE M S	815 WALKER ST
MINOR STEWART	ADDRESS UNKNOWN
SHRINERS HOSPITALS FOR CRIPPLED CHILDREN % DON	PO BOX 31356
BROWN ' BRADSHAW	ADDRESS UNKNOWN
MARTINI RICHARD A &	1306 E ANDERSON RD
PEARLAND LIFESTYLE CENTER LP ATTN LEGAL DEPARTMENT	2650 THOUSAND OAKS BLVD
MAYOR RICHARD B	2121 KIRBY DR UNIT 13NW
MAYOR JAMES M	2006 ELM CRST
MAYOR THOMAS H	5555 DEL MONTE DR UNIT 1306
AMERICA MODERN GREEN DEV	9889 BELLAIRE BLVD
STEVEN BIEGEL	6001 SAVOY DR.

ADDRESS 2	CITY	STATE	ZIP
STE 150	HOUSTON	TX	77042
	HOUSTON	TX	77037-2024
	FREDERICKSBURG	TX	78624-3363
	ANGLETON	TX	77515-4642
STE 1650	HOUSTON	TX	77002-5748
	HOUSTON	TX	
	TAMPA	FL	33631-3356
	UNKNOWN		
	HOUSTON	TX	77047-5226
STE 3150	MEMPHIS	TN	38118-2486
	HOUSTON	TX	77019-6070
	SAN ANTONIO	TX	78230-2714
	HOUSTON	TX	77056-4184
STE 214	HOUSTON	TX	77036-3591
STE 120	HOUSTON	TX	77036



Aerial Map

Zone Change 2014-2Z

Modern Green/ Ivy District

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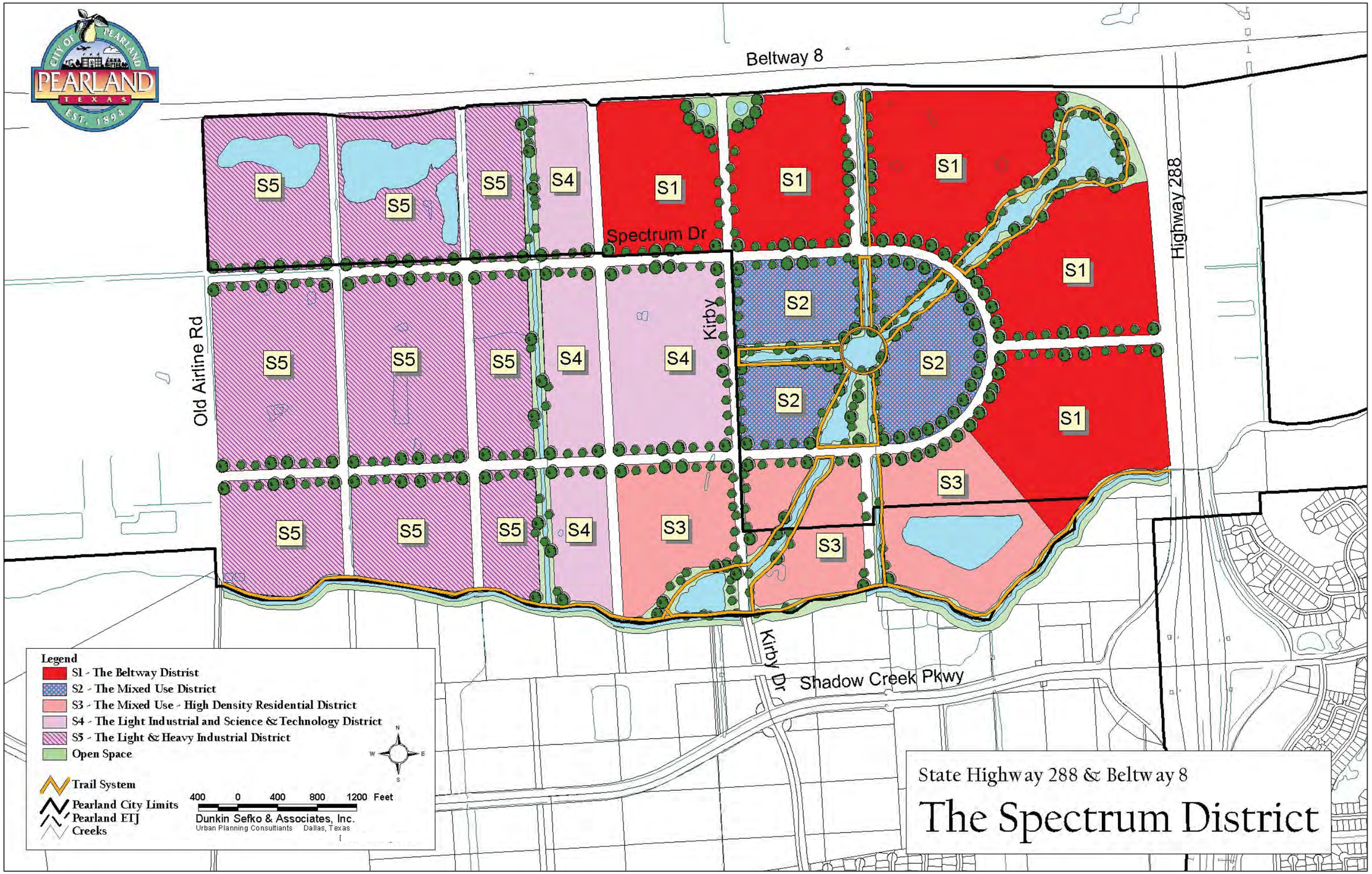
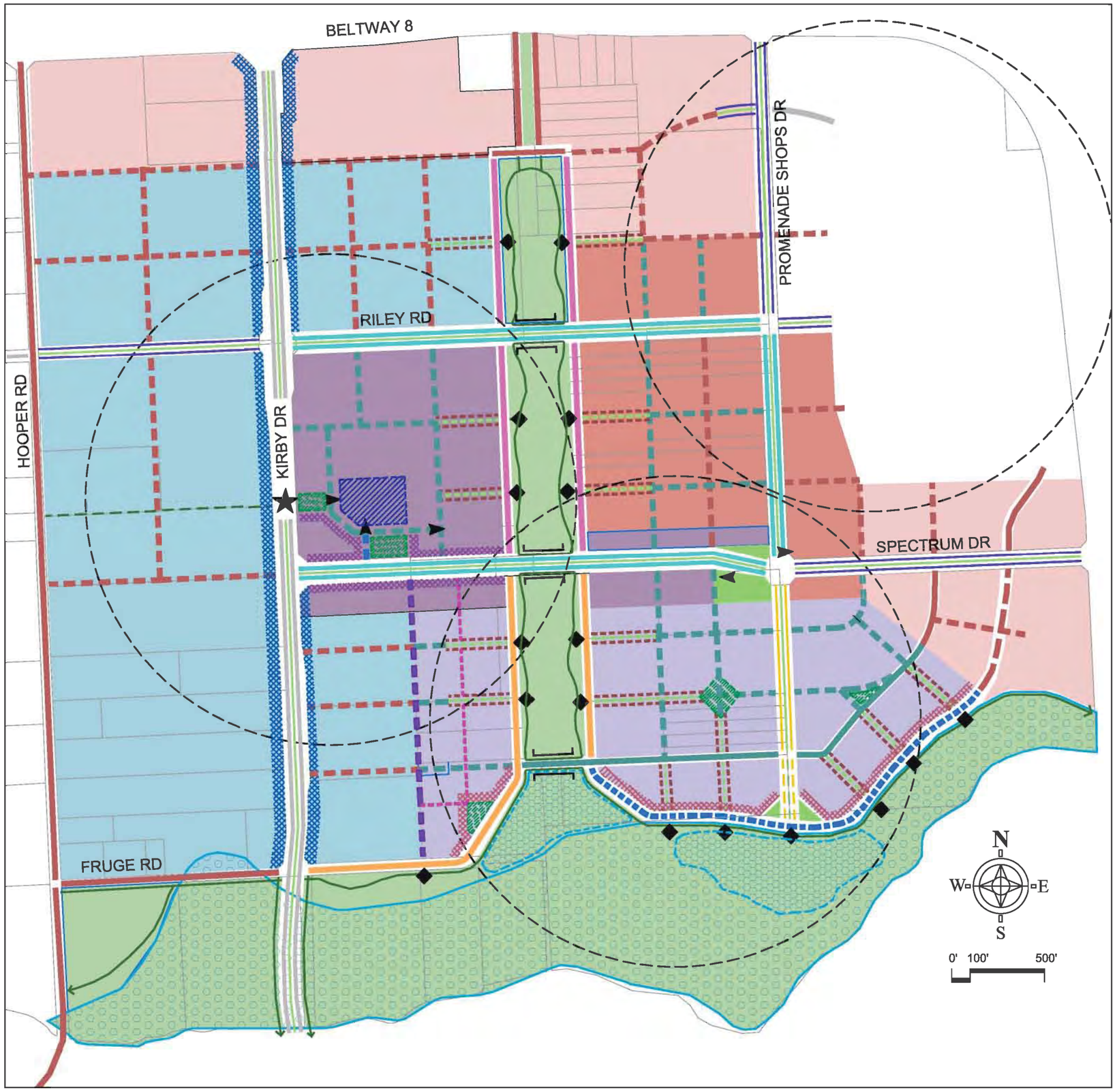
0 190 380 760 Feet

N


Beltway 8
Highway 288
Spectrum Dr
Kirby
Old Airline Rd
Kirby Dr
Shadow Creek Pkwy
S1
S2
S3
S4
S5
Legend
S1 - The Beltway Distrist
S2 - The Mixed Use District
S3 - The Mixed Use - High Density Residential District
S4 - The Light Industrial and Science & Technology District
S5 - The Light & Heavy Industrial District
Open Space
Trail System
Pearland City Limits
Pearland ETJ
Creeks
400 0 400 800 1200 Feet
Dunkin Sefko & Associates, Inc.
Urban Planning Consultants Dallas, Texas
State Highway 288 & Beltway 8
The Spectrum District

Appendix B



LEGEND

CHARACTER ZONES

- Mixed Use Core
- Urban Neighborhood
- Commercial Transition
- Highway Commercial
- Research/Tech Campus

FRONTAGE TYPES

- Kirby Drive Frontage
- "Main Street" Frontage
- "Promenade" Frontage

TYPE 'A' STREETS

- Kirby Drive
- BV-114-70 (Urban Boulevard)
- AV-94-48 (2-Lane Avenue)
- "Neighborhood Tributary" - ROW varies - refer to street sections
- ST-61-29 (Urban Greenway St)
- ST-53-29 (Neighborhood Greenway St)
- ST-62-38 (Urban Neighborhood Street - Type A)
- Waterfront Promenade
- Pedestrian Paseo

TYPE 'B' STREETS

- AV-82-44 (Avenue)
- ST-62-38 (Urban Neighborhood Street - Type B)
- RD-44-22 (Service/Access Road)
- Existing Street

NOTE: For all street types, a dashed line denotes a recommended street; a solid line denotes a required street

OPEN SPACE

- Required Regional Detention / Floodway
- Designated Floodway
- Recommended water feature
- Recommended Regional Detention
- Required Open Space
- Recommended Open Space

SPECIAL CONDITIONS

- Recommended Civic Use
- Proposed Light Rail stop
- Required Vista Terminus
- Recommended access point to Greenway
- Special Bridge Design
- Approximate parcel line
- ¼ Mile Radius Pedestrian Shed
- Bike/ped-way

LOWER KIRBY URBAN CENTER REGULATING PLAN

City of Pearland, Texas FINAL DRAFT - June 24, 2011

New Business Item No. 13

13. Consideration and Possible Action – Regarding Economic Development Negotiations.

New Business Item No. 14

14. **Consideration and Possible Action –** Regarding appointments to the Boards and Commissions.