

# AGENDA

## CITY OF PEARLAND ♦ CITY COUNCIL

November 10, 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 achievement award of the 2014 Platinum Leadership Circle Award to the City of Pearland from the Texas Comptroller. To be accepted by the Finance Department.

Presentation will be held:

**Monday, November 10, 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, NOVEMBER 10, 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 October 13, 2014, Regular Meeting, held at 6:30 p.m.
- B. Consideration and Possible Action – Resolution No. R2014-139 –** A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the Hawk Road and Hillhouse Road Sanitary Sewer Project, to AR Turnkey Construction Company, Inc., in the amount of \$221,160.
- C. Consideration and Possible Action – Resolution No. R2014-134 –** A Resolution of the City Council of the City of Pearland, Texas, awarding a wastewater polymer supply contract to Fort Bend Services in the estimated amount of \$150,000 beginning November 15, 2014 through November 14, 2015.
- D. Consideration and Possible Action – Resolution No. R2014-135 –** A Resolution of the City Council of the City of Pearland, Texas, renewing a service contract for larger water meter testing with Southern Flowmeter, Inc. in the estimated amount of \$78,000 beginning November 12, 2014 through November 11, 2015.
- E. Consideration and Possible Action – Resolution No. R2014-141 –** A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Interlocal Agreement with the Houston-Galveston Area Council (H-GAC) for participation in the DWI Task Force Grant Program.
- F. Consideration and Possible Action – Resolution No. R2014-140 –** A Resolution of the City Council of the City of Pearland, Texas, changing the Regular Meeting times and dates for December 2014, due to the holiday season.
- G. Consideration and Possible Action of – Resolution No. R2014-132 –** A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to renew a Software Maintenance Contract with Sungard HTE/OSSI for estimated cost of \$242,663.84 for the period of October 1, 2014 through September 30, 2015.

**VII. MATTERS REMOVED FROM CONSENT AGENDA**

**VIII. NEW BUSINESS:**

1. **Consideration and Possible Action – Resolution No. R2014-123** – A Resolution of Appreciation for Councilmember Susan Sherrouse to recognize her contributions and service as Councilmember Pos. 3.
2. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-124** – 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 Tract No. 26 of Westchester Estates, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H.T. & B. Railroad Survey, Abstract 242, Brazoria County, Texas, located at **2701 Westchester Circle, Zone Change 2014-17Z**, a request of Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential-1 (R-1) to General Business (GB) on approximately 0.90 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.
3. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-125** – 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 3.850 acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850 acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records, Brazoria County, Texas, located at **12216 Broadway Street, Zone Change 2014-18Z**, a request of Arnold A. Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district, on approximately 3.850 acres of land; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.
4. **Consideration and Possible Action – Resolution No. R2014-133** – A Resolution of the City Council of the City of Pearland, Texas, approving the issuance of \$\_\_\_\_\_ Development Authority of Pearland Tax Increment Contract Revenue Bonds, Series 2014; approving a bond resolution, a private placement letter, and other documents relating to the bonds; making certain findings and containing other provisions related thereto.

5. **Consideration and Possible Action – Resolution No. R2014-138** – 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 Municipal Utility District No. 26 and Brazoria-Fort Bend Municipal Utility District No. 1 (“Districts”) for the construction of public water, sewer and drainage facilities to serve the City’s Shadow Creek Ranch Regional Sports Park.
6. **Consideration and Possible Action – Resolution No. R2014-137** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the Pearland Economic Development Corporation to enter into a contract for professional services, associated with the 288 Corridor Master Improvements Plan, with Clark Condon Associates in the estimated amount of \$250,000.
7. **Consideration and Possible Action – Resolution No. R2014-136** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Tax Abatement Agreement with Keystone Engineering Group, Inc. and Pearland Building III for improvements to be constructed near the intersection of McHard Road and SH 35.
8. **Consideration and Possible Action – First Reading of Ordinance No. Ordinance No. 220-11** – An Ordinance of the City Council of the City of Pearland, Texas, amending Article 2, Rates and Charges, of Chapter 30, Utilities, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, relating to water and sewer extensions, pro rata charges, and other charges established on certain properties in the vicinity of Hawk Road and Cullen Parkway; providing a penalty for violation; having a savings clause, a severability clause, and a repealer clause; providing for codification, publication and an effective date.

**OTHER BUSINESS:**

**EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE**

1. **Section 551.087 - Regarding Consultations With City Attorney** – Regarding Economic Development Negotiations.
2. **Section 551.074 – Personnel Matters** – Regarding appointments to the Boards and Commissions.

**NEW BUSINESS CONTINUED:**

- 9. Consideration and Possible Action** – Regarding Economic Development Negotiations.
- 10. Consideration and Possible Action** – Regarding appointments to the Boards and Commissions.

**IX. MAYOR/COUNCIL ISSUES**

**X. ADJOURNMENT**

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281.652.1840 prior to the meeting so that appropriate arrangements can be made. **All agenda supporting documents are available at [pearlandtx.gov](http://pearlandtx.gov)**

# Consent Agenda Item A

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

1. Minutes of the October 13, 2014, Regular Meeting, held at 6:30 p.m.

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, OCTOBER 13, 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
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Others in attendance: Daniel Baum Deputy Fire Chief; Claire Bogard Director of Finance; Jon Branson Assistant 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 Public Works Director; Sparkle Anderson Communications Manager; Bob Pearce Purchasing Officer.

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

**CALL TO ORDER**

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

**CITIZEN COMMENTS:** None.

**PUBLIC HEARING:** None

**CONSENT AGENDA:**

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

1. Minutes of the September 22, 2014, Regular Meeting, held at 6:30 p.m.

**B. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1507 –** An Ordinance of the City Council of the City of Pearland, Texas, finding that the City has established *Guidelines and Criteria for Granting Tax Abatement* pursuant to Resolution No. R2013-14; designating and describing a Reinvestment Zone (to be known as Reinvestment Zone #26) generally located at the intersection of McHard Road and SH35, in accordance with the Property Redevelopment and Tax Abatement Act; finding that the improvements sought are

- feasible and practical and would be a benefit to the land to be included in the zone and the municipality after the expiration of the Tax Abatement Agreement; authorizing the City Manager to sign tax abatement agreements when approved by the City Council; having a savings clause and a severability clause; and an effective date.
- C. Consideration and Possible Action – Resolution No. R2014-120** – 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 Dannenbaum Engineering Corporation, in the amount of \$163,034.00 for the Old Townsite Drainage Study.
- D. Consideration and Possible Action – Resolution No. R2014-114** – 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 Huitt-Zollars, in the amount of \$98,900.00 for the Public Works Orange Street Service Center Renovation Project.
- E. Consideration and Possible Action – Resolution No. R2014-122** – A Resolution of the City Council of the City of Pearland, Texas, establishing the Council Meeting times and dates for 2015.
- F. Consideration and Possible Action – Resolution No. R2014-127** – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for HVAC/Refrigerator Systems Preventative Maintenance Services to The Lee Thompson Company in the estimated amount of \$94,000 beginning October 15, 2014 through October 14, 2015.
- G. Consideration and Possible Action – Resolution No. R2014-124** – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for fire apparatus & preventative maintenance and repairs to Siddons-Martin Emergency Group and Metro Fire Apparatus Specialists in the estimated amount of \$115,000 beginning November 13, 2014 and ending November 12, 2015.
- H. Consideration and Possible Action – Resolution No. R2014-125** – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for purchase of tires from Pearland Tire and Auto in the estimated amount of \$50,000 for the period ending January 31, 2015.
- I. Consideration and Possible Action – Resolution No. R2014-126** – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for liquid waste and bio-solid waste disposal services with Magna Flow Environmental and Republic Services in the estimated amount of \$500,000 beginning October 15, 2014 through October 14, 2015.
- J. Consideration and Possible Action – Resolution No. R2014-128** – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the internal lining rehabilitation of 3 ground storage water tanks, to NG Painting, in the amount of \$238,001.

- K. Consideration and Possible Action – Resolution No. R2014-92** – A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract for property acquisition and relocation services with Right-of-Way Solutions, LLC.

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

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

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

Voting “No” None.

Motion Passed 5 to 0.

**MATTERS REMOVED FROM CONSENT AGENDA:**

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

- D. Consideration and Possible Action – Resolution No. R2014-114** – 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 Huitt-Zollars, in the amount of \$98,900.00 for the Public Works Orange Street Service Center Renovation Project.

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-114.

City Manager Clay Pearson reported the buildings at the Orange Street Service Center date back to the 1970’s and have been only slightly modified and added onto over multiple years. Staff levels at the Service Center have significantly increased since the last update to this facility. With plans to relocate the Capital Projects and Engineering departments as well as Facility Maintenance and Meter Reading to this location, there is a need to renovate and remodel the office space to improve efficiency, and to provide additional staff parking. Fleet Maintenance requires remodeling of its office and parts storage area as well as components of the service bays including the addition of bulk fluids storage area. Upstairs offices in the Building Maintenance and Parks Maintenance building also require renovation at this time.

Discussion ensued between Council and Assistant City Manager Trent Epperson regarding how the Orange Street Service Center renovation relates to the City Hall renovation.

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

Voting “No” None.

Motion Passed 5 to 0.

**NEW BUSINESS:**

**Second and Final 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 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, 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.

Councilmember Sherman made the motion, seconded by Mayor Pro-Tem Ordeneaux, to approve Ordinance No. 2000M-117 on its Second and Final Reading.

Mayor Reid read into the record the Planning & Zoning Commission’s recommendation to forward to Council for approval of Zone Change 2014-02Z.

City Manager Clay Pearson reported this is the Modern Green proposed project that has been long discussed with changes made, and coming back to Council for approval.

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

Voting “No” Councilmembers Sherman, and Moore.

Motion Passed 3 to 2.

**First Reading of Ordinance No. 2000M-120** – 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 being known as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the plat records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Eveyln Pineda under Clerk’s File Number 2006042620 of the real property records of said Brazoria County, Texas located at 4602 Broadway Street, Pearland, TX, Zone Change 2014-6Z; a request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential - 2 (R-2) to Office and Professional (OP) on approximately 0.21 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.

Mayor Pro-Tem Ordeneaux made the motion, seconded by Councilmember Sherman, to approve Ordinance No. 2000M-120 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of Zone Change 2014-06Z.

Director of Community Development Lata Krishnarao reported the purpose of the Office and Professional (OP) zoning district is to permit a wide variety of business, professional and organizational office needs of the community together with desirable associated uses.

Discussion ensued between Council and Director of Community Development Lata Krishnarao regarding the parking and type of business at that location.

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

Voting "No" Councilmember Sherman.

Motion Passed 4 to 1.

**First Reading of Ordinance No. 2000M-121** – 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 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of Business Center Planned Development Tract C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County Texas, further being the residue of a 30.583 acre tract (Part One) and the residue of a 9.990 acre tract (Part Two) described in the deed from Compass Bank to Parkside 59/288 LTD. Recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, located at the **northwest corner of County Road 59 and State Highway 288**, Zone Change 2014-15Z, a request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 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.

Councilmember Moore made the motion, seconded by Councilmember Hill, to approve Ordinance No. 2000M-121 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of Zone Change 2014-15Z.

Director of Community Development Lata Krishnarao reported this is approximately 39 acres that was zoned as a Planned Development a few years back. The applicant proposes to amend the Planned Development to allow minor modifications in the allowable land uses and acreages for various uses, including the addition of a Retail Supercenter.

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

Voting "No" None.

Motion Passed 5 to 0.

**First Reading of Ordinance No 2000M-122** – 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 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot A and a portion of Lot B, Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.), located at the **southeast corner of Province Village Drive and Pearland Parkway**, Zone Change 2014-16Z, a request of LJA Engineering, applicant; on behalf of A S 121 Pearland Parkway-Broadway Street, L.P., owner; for a change in zoning to amend the Province Village PD, on approximately 1.707 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.

Councilmember Hill made the motion, seconded by Councilmember Carbone, to approve Ordinance No. 2000M-122 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of Zone Change 2014-16Z. He further stated the development will be in compliance with all Corridor Overlay District (COD) standards along Pearland Parkway, including street trees, ornamental trees, etc. All standards along Province Village Drive shall follow the General Business (GB) zoning district, unless included within the Planned Development (PD) as a variation. The sign exhibit included within the Planned Development (PD) does not comply as it relates to the effective area of the sign. The exhibit requires modification or removal.

Director of Community Development Lata Krishnarao stated all requirements have been met.

Discussion ensued between Council and Assistant City Manager Trent Epperson regarding the installation of a traffic signal at Province Village Drive and Pearland Parkway, and stop signs at the other end of Province Village Drive and Green Tee.

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

Voting “No” None.

Motion Passed 5 to 0.

**First Reading of Ordinance No. CUP 2014-08** – An Ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit for certain property, being a 2.225 acre (96,940 square feet) tract of land in the H.T. & B.R.R. Co. Survey, Abstract 309, Brazoria County, Texas, said 2.225 acre tract is in the south one-half of lot 30 of the Allison-Richey Gulf Coast Home Company’s Part of Suburban Gardens Subdivision as recorded in Volume 2, Page 23 of the Brazoria County Map records and is further described as being part of a tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on March 10, 1999 as recorded in Clerk’s File No. 99 012327 in the Brazoria County Clerk’s and all of a 0.9326 acre tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on November 28, 2000 as recorded in Clerk’s File No. 01 034492 in Brazoria County Clerk’s Office Brazoria County, Texas; located at **3030 Cullen Parkway**, Pearland, TX; Conditional Use Permit Application No. CUP 2014-08, to allow for a Church, Temple, or Place of Worship within the Neighborhood Services (NS) Zoning District at the request of Pirooz Farhoomand, applicant; on behalf of Artisan Estates, owner; containing a savings clause, a severability clause, an effective date and other provisions related to the subject.

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve Ordinance No. CUP 2014-08 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission’s recommendation to forward to Council for approval of the Conditional Use Permit Application No. CUP 2014-08.

Director of Community Development Lata Krishnarao reported Staff is recommending approval to allow for a church use to locate on site.

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

Voting “No” None.

Motion Passed 5 to 0.

**First Reading of Ordinance No. 443-1** – An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 30, Article III, Sewers, of the City of Pearland Code of Ordinances, for the; having a savings clause, a severability clause, and a repealer clause; providing for publication, codification, and an effective date.

Councilmember Sherman made the motion, seconded by Councilmember Carbone, to approve Ordinance No.443-1 on its First Reading.

City Manager Clay Pearson reported the City's sewer ordinance prohibits the discharge of certain wastes into the City's public sanitary sewer system. The proposed amendment allows such discretion and a more common sense approach when evaluating the potential impact of local smaller businesses.

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

Voting "No" None.

Motion Passed 5 to 0.

**First Reading of Ordinance No. 1508** – An Ordinance of the City Council of the City of Pearland, Texas, adopting a Water Conservation and Drought Contingency and Water Emergency Response Plan for the City of Pearland to promote responsible use of water and to provide for penalties and/or the disconnection of water service for noncompliance with the provisions of the Water Conservation and Drought Contingency and Water Emergency Response Plan.

Mayor Pro-Tem Ordeneaux made the motion, seconded by Councilmember Sherman, to approve Ordinance No.1508 on its First Reading.

City Manager Clay Pearson reported the purpose of a Water Conservation Plan is to ensure efficient water use within the City. The Water Conservation Plan is a strategy or combination of strategies for reducing the consumption of water, reducing the loss or waste of water, improving or maintaining the efficiency in the use of water, or increasing recycling and reuse of water.

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

Voting "No" None.

Motion Passed 5 to 0.

**Council Input and Discussion** – Update regarding contract with The Goodman Corporation and the Status of the proposed Pearland Area Park & Ride located along Smith Ranch Road near Hughes Ranch Road.

Deputy City Manager Jon Branson reported Council will receive input from The Goodman Corporation Consultant regarding the status of their contract with the City and to receive a status update on the financial feasibility of the project. After discussion with the Consultant, if Council would provide direction to staff on how to proceed with the project.

The Goodman Corporation Consultant Barry Goodman gave a status report regarding the contract with the City, and an update on the financial feasibility of the project.

Mayor Reid stated he has not heard from many citizens that want a Park and Ride in Pearland. He is concerned with the cost of this transportation, and the many unanswered questions.

Councilmember Sherman stated he is uncomfortable with this conversation. The discussion is how the City is going to negotiate with METRO. He believes these are topics that need to be discussed in Executive Session.

Assistant City Manager Jon Branson stated he agrees with the specifics of the negotiations, and an Executive Session can be scheduled. Staff wanted to give Council an update on where the City stood regarding METRO, and to get direction from Council if they would like for Staff to move forward with this project.

Councilmember Hill stated if METRO wants to back out of the project then he does not think the City of Pearland needs to move forward.

Councilmember Carbone stated the City would be spending three million dollars over the next five years to benefit a thousand people. He has a concern with spending that amount of money to benefit a small population.

Mayor Pro-Tem Ordeneaux stated the City would be spending money to send the residents to spend money and pay taxes in the Houston METRO taxing region. He views this as a METRO issue, and at this point this would not be something good for Pearland.

Councilmember Moore stated he does not think this is the right time for a Park and Ride for the City or even to have this discussion.

The Goodman Corporation Consultant Barry Goodman stated this meeting was intended to bring Council up to date. The way the City is growing there is a growing need for alternative transportation. The way to achieve seamless regional transit is to get on a bus at one region to get to another region in a cost effective way. He thinks the City should wait and see what METRO does in terms of responding to Mayor Reid's letter.

Assistant City Manager Jon Branson stated from what he has heard, Council does not want to take any specific action or direction. The City will wait to see if METRO responds to Mayor Reid's letter, and have further discussion at another time.

#### **OTHER BUSINESS:**

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

Council adjourned into Executive Session under Texas Government Code at 7:46 p.m. to discuss the following:

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

# Consent Agenda Item B

- B. Consideration and Possible Action – Resolution No. R2014-139 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the Hawk Road and Hillhouse Road Sanitary Sewer Project, to AR Turnkey Construction Company, Inc., in the amount of \$221,160.**

**NEW BUSINESS CONTINUED:**

Council returned from Executive Session at 8:39 p.m.

**Council Action** – Regarding appointments to the Boards and Commissions.

No Council action taken.

**MAYOR/COUNCIL ISSUES:** None.

**ADJOURNMENT**

Meeting was adjourned at 8:40 p.m.

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

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Tom Reid  
Mayor

ATTEST:

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Young Lorfing, TRMC  
City Secretary

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

<b>AGENDA OF:</b> November 10, 2014	<b>ITEM NO.:</b> Resolution No. R2014-139
<b>DATE SUBMITTED:</b> Oct. 31, 2014	<b>DEPT. OF ORIGIN:</b> Projects
<b>PREPARED BY:</b> Jameson Appel	<b>PRESENTOR:</b> Trent Epperson
<b>REVIEWED BY:</b> Trent Epperson	<b>REVIEW DATE:</b> November 5, 2014
<b>SUBJECT: Resolution No. R2014-139 - A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the Hawk Road and Hillhouse Road Sanitary Sewer Project, to AR Turnkee Construction Company, Inc., in the amount of \$221,160.</b>	
<b>EXHIBITS: A – Bid Tab B – Engineer’s Recommendation Letter</b>	
<b>FUNDING:</b> <input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold	
<b>EXPENDITURE REQUIRED: \$221,160.00</b> <b>AMOUNT BUDGETED: \$225,000</b> <b>AMOUNT AVAILABLE: \$222,911</b> <b>PROJECT NO.: WW1505</b> <b>ACCOUNT NO.: 301-0000-565-0300</b> <b>ADDITIONAL APPROPRIATION REQUIRED:</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>	
<b>To be completed by Department:</b> <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution	

**RECOMMENDED ACTION**

Staff recommends that Council approve the bid results, award the contract for the construction of the Sanitary Sewer Extension Hawk Rd. & Hillhouse Rd. in the amount of \$ 221,160.00 to AR TurnKee Construction Company Inc. and authorize the City Manager to execute the contract.

## **BACKGROUND**

The Hawk Road Sanitary Sewer line project was originally contracted for design by Silverlake Community Church as a component of their expansion. The original scope was to provide sanitary sewer line from Cullen Parkway west to Norfolk Dr along Hawk Rd. The proposed line was also to be the future sanitary connection for Eagle Landing, a subdivision development on the NW corner of Hawk Rd and Hillhouse Rd. The Silverlake Church abandoned their plans to build the line when it was determined that a septic system would be more cost effective solution for the church until future infrastructure was available.

The Eagle Landing developer, at the request of the City, had revised their development to connect to the gravity flow system. After the church decided to go in a different direction the City moved forward with development and construction of the sanitary sewer line that had been anticipated by the Eagle Landing developer in their revised plans. Staff met with the developer and agreed to design and construct the portion of the sewer line to serve the subdivision but that a pro-rata fee would be implemented in the service area enabling the City to recoup the cost of the line construction from this and future development. The pro-rata fee is proposed to be adopted by a separate action by the Council. The developer will pay a pro-rata portion of the cost at the time of building permit application for each of the five houses.

## **SCOPE OF CONTRACT/AGREEMENT**

The project will entail the construction of approximately 1,500 linear feet of 10" sanitary sewer line along south side of Hawk Road and west side of Hillhouse Road by open cut method and includes installation of six corrosion resistant manholes, five new service connections, reconnection of Dawson High School's force main, bypass piping and sidewalk/driveway replacement.

## **BID AND AWARD**

The project was advertised October 9<sup>th</sup> and 16<sup>th</sup> 2014 and bids were opened on October 28, 2014, via the E-Bid system. Five firms bid the project with bids ranging from \$221,160.00 to \$478,490.00 the low bid of \$221,160.00, was submitted by AR TurnKee Construction Company Inc, and is approximately 5% over the engineer's estimated construction cost of \$209,952.05. (Exhibit A)

AR TurnKee Construction Company has a completed several sanitary sewer projects in the Houston area. The Design Consultant, Interfield Group, LLC, completed a reference check and found no performance or financial issues either pending or historically, see attached Engineer's Recommendation Letter (Exhibit B).

## **SCHEDULE**

Award of the construction contract will be followed by a Pre-Construction conference held the week of November 10<sup>th</sup>, 2014, and issuance of the Notice to Proceed (NTP) at

that same meeting. Barring weather delays, substantial completion for the work will be forty-five (45) days from NTP with final completion sixty (60) days from NTP.

**POLICY/GOAL CONSIDERATION**

The project addresses the agreement with a private developer to provide sanitary sewer for future residences.

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

Prior Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction		2,089				2,089
FF&E						-
<b>Current Request</b>						
<b>Construction</b>		<b>221,160</b>				<b>221,160</b>
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction		1,751				1,751
FF&E	-					-
<b>Total Expenditures</b>	<b>\$ -</b>	<b>\$ 225,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 225,000</b>
<b>Remaining Balance</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

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

**O&M IMPACT INFORMATION**

Completion of the project will have little impact no Operation and Maintenance Costs.

Year	2014	2015	2016	2017	2018
Operation and Maintenance Costs					

**RESOLUTION NO. R2014-139**

**A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the Hawk Road and Hillhouse Road Sanitary Sewer Project, to AR Turnkee Construction Company, Inc., in the amount of \$221,160.**

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

**Section 1.** That bids were obtained for the construction of the Hawk Road and Hillhouse Road Sanitary Sewer Project.

**Section 2.** That the City Council hereby awards a bid to AR Turnkee Construction Company, Inc., in the total amount of \$221,160.

**Section 3.** The City Manager or his designee is hereby authorized to execute a contract for the construction of the Hawk Road and Hillhouse Road Sanitary Sewer 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

# Exhibit A

## Bid No. 1015-01 Hawk Rd & Hillhouse Rd Proposed Sanitary Sewer Line Extension

Line	Description	UOM	QTY	AR TurnKey		Reliance		Horseshoe		Reddico		Resicom, Inc.	
				Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
Pkg 1	General Items		1		\$12,450.00	\$7,350.00	\$7,350.00	\$20,000.00	\$20,000.00	\$82,000.00	\$82,000.00	\$152,300.00	\$152,300.00
1.1	Mobilization (Not to exceed 3% of total bid) (01505)	LS	1	\$5,250.00	\$5,250.00	\$6,200.00		\$10,000.00		\$12,000.00		\$12,300.00	
1.2	Traffic Control and Regulation, including flagmen as required, complete in place, the sum of: (01555)	LS	1	\$6,000.00	\$6,000.00	\$1,000.00		\$5,000.00		\$35,000.00		\$125,000.00	
1.3	Storm Water Pollution Prevention Plan include all types, complete with maintenance, complete in place, the sum of: (01560)	LS	1	\$1,200.00	\$1,200.00	\$150.00		\$5,000.00		\$35,000.00		\$15,000.00	
Pkg 2	Hawk Rd and Hillhouse Sanitary Sewer		1		\$202,470.00	\$218,642.00	\$218,642.00	\$298,850.00	\$298,850.00	\$321,753.00	\$321,753.00	\$311,090.00	\$311,090.00
2.1	Trench safety system for sanitary sewer mains, for depths greater than 5-feet, complete in place, the sum of: (01570)	LF	1500	\$2.50	\$3,750.00	\$0.01		\$2.00		\$2.00		\$10.00	
2.2	Proposed 10" PVC SDR-26 Sanitary Sewer, by open cut construction, complete in place, the sum of: (02530)	LF	1500	\$83.75	\$125,625.00	\$113.00		\$120.00		\$140.00		\$95.00	
2.3	Proposed 8" PVC SDR-26 Sanitary Sewer, by open cut construction, includes installation of 8" cap and 2" PVC locate riser, complete in place, the sum of: (02530)	LF	60	\$65.00	\$3,900.00	\$113.00		\$200.00		\$135.00		\$125.00	
2.4	6" single service lead (20 LF), includes installation of 4" standard 3' sewer stack, complete in place, the sum of: (02531)	EA	1	\$2,000.00	\$2,000.00	\$1,376.00		\$2,500.00		\$1,900.00		\$1,200.00	
2.5	6" double service lead (20 LF), includes installation of 4" standard 3' sewer stack, complete in place, the sum of: (02531)	EA	2	\$2,500.00	\$5,000.00	\$1,506.00		\$2,250.00		\$2,100.00		\$1,500.00	
2.6	Extra depth of 4" sewer stack (>3'), complete in place, the sum of: (02531)	VF	4	\$100.00	\$400.00	\$1.00		\$400.00		\$57.00		\$50.00	
2.7	Proposed 48" diameter pre-cast corrosion resistant sanitary sewer manhole, up to 8-ft deep, with non-hinged cover, with base extension, and with stainless steel inflow dish, complete in place, the sum of: (02542)	EA	6	\$4,900.00	\$29,400.00	\$4,000.00		\$6,500.00		\$4,700.00		\$6,000.00	
2.8	Extra depth of 48" diameter pre-cast corrosion-resistant sanitary sewer manhole, complete in place, the sum of: (02542)	VF	2	\$350.00	\$700.00	\$25.00		\$500.00		\$500.00		\$700.00	
2.9	Cut, plug, and abandon existing force main and tie in 4" force main with internal drop, complete in place, the sum of: (02669)	EA	1	\$5,000.00	\$5,000.00	\$1,000.00		\$1,250.00		\$6,500.00		\$6,500.00	
2.10	Remove/replace asphalt driveway not to exceed areas shown/called out on drawings, complete in place, the sum of: (02980)	SF	805	\$7.00	\$5,635.00	\$6.00		\$10.00		\$10.00		\$10.00	
2.11	Remove/replace concrete sidewalk, not to exceed areas shown/called out on drawings, complete in place, the sum of: (02775)	SF	645	\$8.00	\$5,160.00	\$6.00		\$10.00		\$15.00		\$12.00	
2.12	Restoration of Public Right of Way (Sidewalk, pavement, utilities, Hydro-mulch Seeding, etc.), complete in place, the sum of: (01140)	LS	1	\$6,000.00	\$6,000.00	\$1,000.00		\$20,000.00		\$10,000.00		\$25,000.00	
2.13	Asphalt pavement repair at Hawk Street and Hillhouse Road crossings, not to exceed areas shown, installed by open cut, one lane open at all times, complete in place, the sum of: (02980)	SF	200	\$12.00	\$2,400.00	\$6.00		\$10.00		\$12.00		\$10.00	
2.14	Control of Ground Water by Well Pointing, as authorized by engineer, complete in place, the sum of: (01564)	LF	500	\$5.00	\$2,500.00	\$0.01		\$25.00		\$17.00		\$20.00	
2.15	Installation, maintenance and removal of 4" bypass piping, complete in place, the sum of:	LF	1000	\$5.00	\$5,000.00	\$2.00		\$5.00		\$20.00		\$45.00	



# Exhibit B



THE  
INTERFIELD  
GROUP  
LLC

401 Studewood, Suite 300  
Houston, Texas 77007  
Telephone: (713) 780-0909  
Fax: (713) 780-8550

Consulting Engineers  
Construction Managers

November 03, 2014

Mr. Jameson Appel  
City of Pearland  
3519 Liberty Drive  
Pearland, Texas 77581

**Re: Proposed Sanitary Sewer Line Extension along Hawk Road and Hillhouse Road  
(City of Pearland Bid No.: 1015-01)  
(Interfield Project No.: 14010.00)**

Dear Mr. Jameson Appel:

Electronic bids for the construction of the above reference project were received on Tuesday, October 28, 2014 and opened at 2:00 p.m. A total of five bids were received.

## **Selection Review:**

### **Comparison of Engineer's Estimate and the bids**

Bid Tabulation Sheets showing Interfield's estimate and the bids received from the five bidders are attached, and summarized as follow:

<b>Bidder</b>	<b>Bid Amount</b>	<b>%Above/Below Engineer's Estimate</b>
AR TurnKee Construction Company Inc.	\$ 221,160.00	5.33% Above
Reliance Construction Services	\$ 226,417.00	7.84% Above
Horseshoe Construction Inc.	\$ 354,550.00	68.87% Above
Reddico Construction Company, Inc.	\$ 413,953.00	97.16% Above
Resicom, Inc.	\$ 478,490.00	127.90% Above

We checked the bids for mathematical errors and found none.

### **Contractor's Qualifications**

The Interfield Group (Interfield) reviewed the Bid Documents submitted by the lowest bidder, AR TurnKee Construction Company Inc. (AR TurnKee). We also contacted three references provided by AR TurnKee. This information, together with the Bid Documents received, were used to evaluate the experience and qualifications of AR TurnKee.

**Reference Check of AR TurnKee**

Reference 1 – Mr. Jonathan White of Jones & Carter (Phone 281-363-4039) – During our phone conversation on 10/29/14, Mr. White indicated that AR TurnKee has performed several construction projects for them including water and sanitary sewer line extensions. Mr. White stated that he did not have any issues with AR TurnKee, and he would use them again in the future.

Reference 2 – Mr. Tom Laseter of Van De Wiele & Vogler, Inc (Phone 713-782-0042) – During a phone conversation on 10/31/14, Mr. Laseter indicated that AR TurnKee has performed two construction projects for his company, and recommended AR TurnKee based on their performance.

Reference 3 – Ms. Sassy Hernandez of Costello Inc. (Phone 713-783-7788) – During our phone conversation on 10/31/14, Ms. Hernandez indicated that AR TurnKee has performed a construction project for her company which included utilities extensions. Ms. Hernandez stated that AR TurnKee provided satisfactory work quality, and recommended AR TurnKee based on their performance.

**Interfield's Communication with AR TurnKee**

We contacted the owner of AR TurnKee, Mr. Adam Turner, on 10/30/14, and discussed their current workload, experience, equipment, and availability to mobilize.

Mr. Turner indicated that they have completed construction of several sanitary sewer projects in the Houston's area. He stated that he had visited the jobsite, and is very familiar with the project of proposed sanitary sewer line extension. He noted that his company had the resources to complete the project, within the specified 45-day construction period.

Based on the above review, Interfield recommends that the City of Pearland award the contract to AR TurnKee for the Proposed Sanitary Sewer Line Extension along Hawk Road and Hillhouse Road (Bid No. 1015-01) at a total contracted price of \$221,160.00.

Thank you for the opportunity to provide this service to you. Please let me know if you have any questions or if I may be of further assistance.

Thank You,  
**THE INTERFIELD GROUP**

  
Sergio Chacon, P.E.  
Project Manager



11/03/14

# Consent Agenda Item C

- C. Consideration and Possible Action – Resolution No. R2014-134 – A Resolution of the City Council of the City of Pearland, Texas, awarding a wastewater polymer supply contract to Fort Bend Services in the estimated amount of \$150,000 beginning November 15, 2014 through November 14, 2015.**

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

<b>AGENDA OF:</b>	November 10, 2014	<b>ITEM NO.:</b>	Resolution No. R2014-134
<b>DATE SUBMITTED:</b>	October 31, 2014	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Bob Pearce	<b>PRESENTOR:</b>	Eric Wilson
<b>REVIEWED BY:</b>	Trent Epperson	<b>REVIEW DATE:</b>	November 4, 2014
<b>SUBJECT: RESOLUTION NO. R2014-134 - A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply bid for wastewater polymer services with Fort Bend Services, in the estimated amount of \$115,000 beginning November 15, 2014 through November 14, 2015</b>			
<b>EXHIBITS:</b> Resolution #R2014-134 Bid Tabulation			
<b>FUNDING:</b>			
<input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Grant <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold			
<b>EXPENDITURE REQUIRED:</b> \$115,000 (est.)		<b>AMOUNT BUDGETED:</b> \$115,000	
<b>AMOUNT AVAILABLE:</b> \$115,000		<b>PROJECT NO.:</b>	
<b>ACCOUNT NO.:</b> 030-4042-542-06-00			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>			
<b>ACCOUNT NO.:</b>			
<b>PROJECT NO.:</b>			
<b>To be completed by Department:</b>			
<input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution			

**EXECUTIVE SUMMARY**

**BACKGROUND**

It was necessary for the Public Works department to contract for the supply of wastewater polymer, which is used in the plants to dewater liquid bio-sludge into a dry product for subsequent disposal per State requirements. Three sealed bids were received October 28, 2014 for the supply of polymer to each of the City's five (5) wastewater treatment plants, pursuant to the specifications of Bid #0914-64. Bid invitations were provided to 52 vendors. Of the three (3) bid responses, two were "no bid" responses, yielding Fort Bend Services as the only responsive bidder. Fort Bend Services is the expiring contract holder and has worked with

the City for the past several years. Public Works personnel report a high level of satisfaction with their product and service and concur with the award recommendation.

**SCOPE OF CONTRACT**

The contractor will provide 55 gallon drums of wastewater polymer on an as needed basis throughout the contract term.

**BID AND AWARD**

Fort Bend Services, Inc. was the only respondent to bid on the solicitation with a unit price of \$571.50 per 55 gallon drum. As noted in the bid tabulation, Fort Bend Services has not requested a price increase for the new contract.

This award will provide for fixed rates for a period of one (1) year, with no allowable price increases. At the expiration of the initial term, there is a renewal option for two (2) additional years with the mutual agreement of both parties, and the subsequent approval of City Council. Any price increase request at a renewal period must be substantiated by a commensurate increase during the prior 12 month period in the “All Items” category of the CPI for the Houston-Galveston-Brazoria region.

**SCHEDULE**

Contractor will furnish wastewater polymer, per specifications, as needed throughout the term of this award.

**POLICY/GOAL CONSIDERATION**

This bid award will positively impact the City’s goal of providing and maintaining a safe and reliable water supply for residents throughout the City.

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

Funding for these services will come from the Public Works’ operating budget.

**O&M IMPACT INFORMATION**

<b>Fiscal Year</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Estimated Expenditure	\$115,000	\$117,990 *	\$121,774 *

\* Based upon current 2.6% annual increase in the regional CPI.

**RECOMMENDED ACTION**

City Council consideration and approval of resolution #R2014-134 awarding a unit supply bid for wastewater polymer services with Fort Bend Services, in the estimated amount of \$115,000 beginning November 15, 2014 through November 14, 2015.

**RESOLUTION NO. R2014-134**

**A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply bid for waste water polymer services with Fort Bend Services, in the estimated amount of \$115,000, beginning November 15, 2014 through November 14, 2015.**

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

**Section 1.** That the City opened bids for waste water polymer services, and such bids have been reviewed and tabulated.

**Section 2.** That the City Council hereby awards the bid for waste water polymer services to Fort Bend Services 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 waste water polymer services.

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

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

ATTEST:

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

APPROVED AS TO FORM:

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

**Bid No. 0914-64 - Annual Contract for Polymers**

**Closing Date: October 28, 2014**

Prior Contract Pricing

Award Price

Line	Description	UOM	QTY	Unit	Extended	Unit	Extended
1	Polymer, in 55 gallon drums	DRUMS	200	\$571.50	\$114,300.00	\$571.50	\$114,300.00
<b>Total</b>					<b>\$114,300.00</b>		<b>\$114,300.00</b>

# Consent Agenda Item D

- D** **Consideration and Possible Action – Resolution No. R2014-135 – A** Resolution of the City Council of the City of Pearland, Texas, renewing a service contract for larger water meter testing with Southern Flowmeter, Inc. in the estimated amount of \$78,000 beginning November 12, 2014 through November 11, 2015.

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

<b>AGENDA OF:</b>	November 10, 2014	<b>ITEM NO.:</b>	Resolution No. R2014-135
<b>DATE SUBMITTED:</b>	October 31, 2014	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Bob Pearce	<b>PRESENTOR:</b>	Eric Wilson
<b>REVIEWED BY:</b>	Trent Epperson	<b>REVIEW DATE:</b>	November 4, 2014
<b>SUBJECT: RESOLUTION NO. R2014-135 - A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for large water meter testing and minor repair services with Southern Flowmeter, Inc. in the estimated amount of \$78,000 for the period beginning November 12, 2014 through November 11, 2015.</b>			
<b>EXHIBITS:</b> Resolution #R2014-135 Bid Tabulation			
<b>FUNDING:</b>			
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold			
<b>EXPENDITURE REQUIRED:</b> \$78,000 (est.)		<b>AMOUNT BUDGETED:</b> \$78,000	
<b>AMOUNT AVAILABLE:</b> \$78,000		<b>PROJECT NO.:</b>	
<b>ACCOUNT NO.:</b> 030-4055-555-11-00			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>			
<b>ACCOUNT NO.:</b>			
<b>PROJECT NO.:</b>			
<b>To be completed by Department:</b>			
<input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution			

**EXECUTIVE SUMMARY**

**BACKGROUND**

In September 2013, the City awarded RFP #0713-76 for large (2" and larger) water meter testing services to Southern Flowmeter, Inc. The scope of work in the RFP required the awarded vendor to test meters as directed by Utility Billing and provide minor repairs (upon prior approval of Public Works staff) as necessary to restore meter accuracy. The City has found that, due to the volume of necessary meter repairs relative to the ongoing workloads of both Public Works and UB personnel, it is more time and cost-effective for the awarded vendor to perform needed repairs while already onsite for testing. Since the original award, Public Works has

assumed oversight for this service due to organizational changes made in FY2014. For the past year, Southern Flowmeter has performed the service and staff concurs with the recommendation to the one (1) year renewal.

**SCOPE OF CONTRACT**

Contractor will perform meter testing and minor repairs, as needed, on the following: all meters 4" and larger, as well as 2" and 3" meters older than 2006; and specific meters of questionable accuracy as identified and coordinated with Utility Billing personnel, for an estimated total of 280 meters to be tested this year.

**BID AND AWARD**

Bid specifications required fixed unit costs for a period of one (1) year, with two (2) additional one (1) year renewal available upon the mutual agreement of both parties, and the approval of City Council. The specifications allow the awarded contractor to request a price increase at time of renewal of a percentage not to exceed the rate of increase in the Consumer Price Index (CPI) for the Houston-Galveston-Brazoria region during the prior 12 month period. The vendor is not requesting a price increase in the first renewal.

**SCHEDULE**

Meter testing services, and minor repairs, will be performed over the term of the contract.

**POLICY/GOAL CONSIDERATION**

This bid award will positively impact the City's goal of maximizing applicable revenue sources.

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

Funding for these services will come from meter testing line item.

**O&M IMPACT INFORMATION**

<b>Fiscal Year</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Estimated Expenditure	\$78,000	\$80,028*	Re-bid

\* Based upon current 2.6% annual increase in the regional CPI.

**RECOMMENDED ACTION**

City Council consideration and approval of resolution #R2014-135 renewing a bid for large water meter testing and minor repair services with Southern Flowmeter, Inc. in the estimated amount of \$78,000 for the period beginning November 12, 2014 through November 11, 2015.

**RESOLUTION NO. R2014-135**

**A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for large water meter testing and minor repair services with Southern Flowmeter, Inc., in the estimated amount of \$78,000.00, for the period beginning November 12, 2014 through November 11, 2015.**

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

**Section 1.** That the City previously awarded unit supply bids for large water meter testing services.

**Section 2.** That the City Council hereby renews the bid with Southern Flowmeter, Inc., in the unit price amount reflected in Exhibit "A" attached hereto.

**Section 3.** The City Manager or his designee is hereby authorized to execute a contract for the purchase of large water meter testing and minor repair 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

**RFP #0713-76**  
**Large Water Meter Testing Services**

	<b>2013-2014 Contract Pricing</b>	<b>2014-2015 Contract Pricing</b>
2" Meter Testing Cost	\$85.00	\$85.00
3" Meter Testing Cost	\$125.00	\$125.00
4" Meter Testing Cost	\$125.00	\$125.00
6" Meter Testing Cost	\$125.00	\$125.00
8" Meter Testing Cost	\$125.00	\$125.00
10" Meter Testing Cost	\$125.00	\$125.00
Overtime Rate	N/A	N/A
3/4" Meter Testing Cost	\$30.00	\$30.00
5/8" Meter Testing Cost	\$30.00	\$30.00
1" Meter Testing Cost	\$30.00	\$30.00
Overtime Rate	N/A	N/A

# Consent Agenda Item E

- E. Consideration and Possible Action – Resolution No. R2014-141 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Interlocal Agreement with the Houston-Galveston Area Council (H-GAC) for participation in the DWI Task Force Grant Program.**



## **BACKGROUND**

Driving While Intoxicated (DWI) is a major societal problem, as there are approximately 12,000 DWI-related deaths annually, nationwide. Pearland has had more deaths from DWI-related vehicle crashes than all other types of homicides combined since 1994. In fact, the problem worsens during holidays and when local special events take place in the area.

Since fiscal year 2013, the City has worked with Houston-Galveston Area Council to secure an area wide DWI enforcement grant that includes the City of Pearland's Police Department. Per this grant, the City will be reimbursed a maximum of \$12,500 for its expenditures of \$15,191 in salaries and benefits. Therefore, the City's share for this grant will be \$2,691.00.

The contract will provide that approximately three officers will conduct DWI enforcement activities for three to four nights over the course of nine holidays and special events during the grant's period of performance. The matching portion should also include any vehicle mileage associated with performing these duties. Thanksgiving, Christmas, New Years, St. Patrick's Day, Memorial Day, Labor Day and the period of time Spring Break and the Houston Rodeo occur will be the target holidays and special events our activities will encompass.

The City's participation in the program goes back to fiscal year 2013 and many notable enforcement activities occurred. The fiscal 2014 grant period led to the arrest of 48 DWI offenders, 22 additional criminal charges being filed and 192 municipal traffic citations being filed. Pearland PD was also recognized by Mothers' Against Drunk Driving (MADD) for its participation in the grant. There is a cooperative hope that through the combined efforts of TXDOT and H-GAC that area grants for law enforcement operations could expand and perhaps include additional types of enforcement in the future.

## **SCOPE OF CONTRACT**

The scope of work is described in Attachment A of this Agenda Request and involves the City's Police Department conducting alcohol-impaired driving countermeasures and/or enforcement of Driving While Intoxicated (DWI), Driving Under the Influence (DUI) and other related laws. The period of performance for this grant is for one year and begins on November 22, 2014.

## **SCHEDULE**

The Task Force activities will occur in accordance with Section B in the Scope of Services (Attachment A) and involve the following periods in 2014:

- Thanksgiving (Nov 22 – Dec 1)
- Christmas/New Years Eve (Dec 19 – Dec 31)

... and in 2015:

- New Years cont. (Jan 1 – Jan 2)
- Spring Break/Houston Rodeo/St. Patrick's Day (Mar 7 – 22)
- Memorial Day (May 18 – 31)
- 4<sup>th</sup> of July (June 26 – July 7)
- Labor Day (Aug 21 – Sept 7)

### **POLICY/GOAL CONSIDERATION**

The Pearland Police Department is responsible for enforcement of all local, State and Federal laws within its jurisdiction. The goal of the department is to prevent crime and disorder and maintain the quality of life by providing a safe and peaceful environment within the City of Pearland for all its residents. This program assists the City in meeting this purpose.

### **RECOMMENDED ACTION**

Consideration and approval of a Resolution authorizing the City Manager or his designee to enter into an inter-local agreement with the Houston-Galveston Area Council (HGAC) for participation in the DWI Task Force Grant Program.

**RESOLUTION NO. R2014-141**

**A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Interlocal Agreement with the Houston-Galveston Area Council (H-GAC) for participation in the DWI Task Force Grant Program.**

**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 H-GAC, 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 H-GAC.

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

**ATTACHMENT A - SCOPE OF SERVICES  
REGIONAL DWI TASK FORCE  
RESPONSIBILITIES OF PARTICIPATING AGENCIES:**

The following are a list of expectations for officers and agencies interested in participating in the Regional DWI Task Force. This list is based on TxDOT's requirements for Selective Traffic Enforcement Program (STEP) Grants:

- A. H-GAC will serve as the administrator of the STEP Grant. H-GAC will be responsible for the following activities in the grant's administration:
  - 1. Setting up pre-Task Force meetings with participating agencies to discuss participation, protocols, and operational specifics;
  - 2. Setting up post-Task Force meetings to debrief enforcement activities;
  - 3. Determining how many officers will be participating on an enforcement weekend;
  - 4. Collecting requests for reimbursement, along with associated backup documentation;
  - 5. Submitting requests for reimbursement to TxDOT;
  - 6. Reimbursing agencies for work performed upon receipt of funds from TxDOT;
  - 7. Report on Task Force performance to TxDOT and to Task Force members.
  
- B. Task Force activities will occur during the following periods:
  - 1. Thanksgiving – November 22 – December 1, 2014
  - 2. Christmas/New Years – December 19, 2014 – January 2, 2015 (Two weekends)
  - 3. Spring Break/Rodeo/St. Patrick's Day – March 7-22, 2015 (Two weekends)
  - 4. Memorial Day – May 18 – 31, 2015
  - 5. July 4<sup>th</sup> – June 26 – July 7, 2015
  - 6. Labor Day – August 21 - September 7, 2015
  
- C. Participating agencies will be expected to assist H-GAC in carrying out all performance measures established in the grant, including fulfilling the law enforcement objectives by implementing the Operational Plan contained in this Grant Agreement.
  
- D. Participating agencies will be expected to submit all required reports to H-GAC fully completed with the most current information, and within the required times, as defined in the agency's Agreement with H-GAC and as required by TxDOT. This includes reporting to H-GAC on progress, achievements, and problems in post-operational Performance Reports and attaching necessary source documentation to support all costs claimed in Requests for Reimbursement (RFR).

- E. Participating agencies will be expected to attend H-GAC and TxDOT grant management training, when required.
- F. Participating agencies will be expected to attend meetings according to the following:
  - 1. H-GAC will arrange for Task Force meetings in order to meet with participating agencies prior to an enforcement event to discuss procedures, protocols, and operational specifics relating to the event (e.g. enforcement area determination, intake facility locations, etc.)
  - 2. H-GAC will arrange for Task Force meetings to meet with participating agencies to present status of activities and to discuss problems and the schedule for the following enforcement event's work.
  - 3. H-GAC's project director or other appropriate qualified persons will be available to represent participating agencies at meetings requested by the TxDOT.
- G. Participating agencies will be expected to support grant enforcement efforts with public information and education (PI&E) activities. Salaries being claimed for PI&E activities must be included in the budget.
- H. Participating agencies must maintain verification that all expenses, including wages or salaries, for which reimbursement is requested is for work exclusively related to this project.
- I. Participating agencies, to comply with TxDOT matching fund requirements, will supply the following information (if applicable) associated with the time worked by agency personnel:
  - 1. Retirement match paid by agency
  - 2. Workers Compensation insurance
  - 3. Social Security Tax
  - 4. Medicare Tax
  - 5. Health Insurance
  - 6. Vehicle Mileage for shift
  - 7. Indirect Costs
- J. Participating agencies will be expected to ensure that this grant will in no way supplant (replace) funds from other sources. Supplanting refers to the use of federal funds to support personnel or any activity already supported by local or state funds, or other sources of agency revenue.
- K. Participating agencies will be expected to ensure that each officer working on the STEP project will complete an officer's daily report form. The form should include at a minimum: name, date, badge or identification number, mileage (including starting and ending mileage), hours worked, type of citation issued or arrest made, officer and supervisor signatures. Each officer will need to complete an overtime slip from his or her agency as well, which must be approved by the supervisor.

- L. Participating agencies will be required to identify a supervising officer for each shift being worked by the agency.
- M. Participating agencies will be expected to ensure that no officer above the rank of Lieutenant (or equivalent title) will be reimbursed for enforcement duty, unless the participating agency received specific written authorization from both H-GAC and TxDOT, through eGrants system messaging, prior to incurring costs.
- N. Participating agencies must submit a summary reimbursement request form to H-GAC within eighteen (18) days of the end of the enforcement weekend for reimbursement. With this reimbursement request form shall be attached all of the agency's daily report forms, copies of overtime slips, and copies of the agency's CAD system shift report for the shifts worked. The reimbursement submission must be certified by the agency's financial officer. Failure to submit this information in a timely manner will hold up reimbursements for all participating agencies.
- O. Participating agencies may work additional STEP enforcement hours on holidays or special events not covered under the Operational Plan. However, additional work must be approved in writing by H-GAC and TxDOT, through eGrants system messaging, prior to enforcement. Additional hours must be reported in the Performance Report for the time period for which the additional hours were worked.
- P. An enforcement shift shall be no longer than **eight (8) hours**. Shift length will be determined prior to the shift. However, if an officer makes a STEP-related DWI arrest during the shift, but does not complete the arrest before the shift is scheduled to end, the officer can continue working under the grant to complete that arrest.
- Q. Participating agencies should have a safety belt use policy. If a participating agency does not have a safety belt use policy in place, a policy should be implemented, and a copy maintained for verification during the grant year.
- R. Officers working DWI enforcement must be trained in the National Highway Traffic Safety Administration/International Association of Chiefs of Police Standardized Field Sobriety Testing (SFST).
- S. Participating agencies should have a procedure in place for contacting and using drug recognition experts (DREs) when necessary.
- T. Participating agencies will be expected to follow its own policies and procedures, as well as to enforce and comply with all federal, state, and local laws and regulations.
- U. This grant is a multi-agency effort, requiring all participants to make a diligent effort to patrol and apprehend offenders. Failure of an officer to do so may result in the overall non-achievement of goals, jeopardizing the future ability of being awarded similar grants in the future. If it is deemed that an officer is not producing results, that officer may be denied future shifts during the grant period.

# Consent Agenda Item F

- F. **Consideration and Possible Action – Resolution No. R2014-140 – A** Resolution of the City Council of the City of Pearland, Texas, changing the Regular Meeting times and dates for December 2014, due to the holiday season.

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

<b>AGENDA OF:</b> 11/10/14	<b>ITEM NO.:</b> Resolution No. R2014-140
<b>DATE SUBMITTED:</b> 11/04/2014	<b>DEPARTMENT OF ORIGIN:</b> City Secretary
<b>PREPARED BY:</b> Young Lorfing	<b>PRESENTOR:</b> Young Lorfing
<b>REVIEWED BY:</b> Jon R. Branson	<b>REVIEW DATE:</b> November 3, 2014
SUBJECT: Resolution No. R2014-140 – A Resolution of the City Council of the City of Pearland, Texas, changing the regular meeting times and dates for December 2014, due to the holiday season.	
<b>EXHIBITS:</b> Resolution No. R2014-140 and 10/30/2014 Thursday Packet Calendar Change.	
<b>EXPENDITURE REQUIRED:</b> N/A <b>AMOUNT AVAILABLE:</b> N/A <b>ACCOUNT NO.:</b> N/A	<b>AMOUNT BUDGETED:</b> N/A <b>PROJECT NO.:</b> N/A
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> N/A <b>ACCOUNT NO.:</b> N/A <b>PROJECT NO.:</b> N/A	
<b>To be completed by Department:</b> <input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

In order to free up Christmas Holiday Week this change to the calendar is to have the second meeting of the month on Monday, December 15, at 5:30 p.m. By starting the meeting at 5:30 the Joint Public Hearings may be held at their advertised time of 6:30 p.m.

The December calendar will be as follows:

Monday, December 8, 2014, 1<sup>st</sup> Regular Meeting at 6:30 p.m.

**Monday, December 15, 2014, 2<sup>nd</sup> Reguar Council Meeting at 5:30 p.m. (prior to Joint Public Hearings)**

Monday, December 15, 2014, Joint Public Hearings at 6:30

Monday, December 22, 2014 no scheduled meeting (Christmas Holiday Week)

Monday, December 29, 2014 no scheduled meeting.

**RECOMMENDED ACTION**

Consider and adopt Resolution No. R2014-140.

**RESOLUTION NO. R2014-140**

**A Resolution of the City Council of the City of Pearland, Texas, changing the regular meeting times and dates for December 2014, due to the holiday season.**

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

**WHEREAS, it has been determined that potential conflicts may arise with regard to the regularly scheduled December meeting of December 22, 2014; now, therefore,**

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

**That the second regular meeting date, which would have been held on December 22, 2014, at 6:30 p.m., be and the same is hereby changed to, and will commence at 5:30 p.m. on December 15, 2014, in the Council Chambers, City Hall, Pearland, Brazoria, Fort Bend, and Harris Counties, Texas.**

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

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

**ATTEST:**

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

**RESOLUTION NO. R2010-161**

**APPROVED AS TO FORM:**

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**DARRIN M. COKER  
CITY ATTORNEY**



## Memo

To: Clay Pearson, City Manager  
 From: Young Lorfing, City Secretary  
 Date: October 28, 2014  
 Re: December Council Meeting Calendar

10/28/14  
 To: Mayor & City  
 Council Members

Trust the new date  
 marks for y'all

In order to complete the Council Meeting Calendar for December 2014 we need to make one slight change by Resolution. That is to change the time and date of the second regular meeting in December to December 15, 2014 at 5:30 p.m. to be held before the 6:30 p.m. Joint Public Hearings. This change is in line with the 2015 Council Calendar and was decided after the adoption of the 2014 Council Calendar. \*

The December Council Calendar is below:

Monday	December 8, 2014	Regular Meeting	6:30 p.m.
Monday	December 15, 2014	Regular Meeting	<b>5:30</b> <b>p.m.</b>
Monday	December 15, 2014	Joint Public Hearings	6:30 p.m.

# Consent Agenda Item G

- G. Consideration and Possible Action of – Resolution No. R2014-132 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to renew a Software Maintenance Contract with Sungard HTE/OSSI for estimated cost of \$242,663.84 for the period of October 1, 2014 through September 30, 2015.**

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

<b>AGENDA OF:</b>	November 10, 2014	<b>ITEM NO.:</b>	Resolution No. R2014-132
<b>DATE SUBMITTED:</b>	October 13, 2014	<b>DEPT. OF ORIGIN:</b>	Information Systems
<b>PREPARED BY:</b>	John Knight	<b>PRESENTOR:</b>	Clay Pearson
<b>REVIEWED BY:</b>	Clay Pearson	<b>REVIEW DATE:</b>	October 22, 2014
<b>SUBJECT:</b> A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to renew a Software Maintenance Contract with Sungard HTE/OSSI for estimated cost of \$242,663.84 for the period of October 1, 2014 through September 30, 2015			
<b>EXHIBITS:</b> Resolution NO. R2014-132 SunGard Invoices			
<b>FUNDING:</b>			
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold			
<b>EXPENDITURE REQUIRED:</b> \$ 242,663.84			
<b>AMOUNT BUDGETED:</b> \$245,000.00			
<b>AMOUNT AVAILABLE:</b> \$245,000.00			
<b>ACCOUNT NO.:</b> 010-1250-554.30-00		<b>PROJECT NO.:</b>	
030-4145-554.30-00		\$ 226,542.37	
		\$ 16,121.47	
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>			
<b>ACCOUNT NO.:</b>			
<b>PROJECT NO.:</b>			
<b>To be completed by Department:</b>			
Finance	Legal	Ordinance	Resolution

**EXECUTIVE SUMMARY**

**BACKGROUND**

The City of Pearland has been using SunGard H.T.E. Software for the last eighteen years throughout our city. Six years ago the Police Department replaced SunGard H.T.E. software with SunGard OSSI software.

This year Municipal Court moved from SunGard to Tyler Incode for Municipal Court software. Software maintenance is the process of enhancing and optimizing deployed software as well as remedying issues. We plan to continue software upgrades/updates during the year to all H.T.E./OSSI modules and keep current with the changes and additions to the software.

The City of Pearland receives one full year of software support, including updates and upgrades during the year with SunGard H.T.E./OSSI software maintenance. This also entitles us access to important technical resources including 24\*7 Customer Care, Software Support Engineers and an online database that includes software drivers, technical tips and answers to frequently asked questions.

SunGard H.T.E. Financial module is fully-integrated for our general ledger from accounts payable, budgetary reporting, accounts receivable and asset management. SunGard Community Development Services includes Building Permits, Business Licenses with Land Management tied to GIS software. This allows us to generate a permit with address linked to GIS and track permits in the field. All point of sales, goes through Cash Receipt module that is interfaced with our finance module. Reports/queries are generated from Qrep software with an interface with Laserfiche document management software. Public works uses the Work Orders/Facilities Management module to record all residents/employee issues from pot holes, to water leaks.

Public Safety OSSI starts with Computer Aided Dispatch (CAD) module to record all emergency and non-emergency calls, then deliver information to units in the field. All records are collected, stored and accessed during the course of any incident or investigation thru Records Management System (RMS). Jailers use Jail Management System (JMS) to access and maintain data on all aspects of an inmate confinement. For citizen engagement and multijurisdictional collaboration and to harness the power of the Internet, our police department use the Web Application.

With the city looking at other ERP systems to implement in 2015-2016, we still need the maintenance of H.T.E for running system in parallel and performing data conversions. We will start removing modules from maintenance and work with SunGard on prorating charges once new ERP modules go online.

**SCOPE OF CONTRACT**

Vendor will provide 24/7 maintenance support, yearly upgrades, and updates, Contract renews automatic yearly

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

Funding for these services will come from Information Systems and Utility Billing departmental operating budgets.

**O&M IMPACT INFORMATION**

<b>Fiscal Year</b>	<b>2015</b>	<b>2016</b>
	\$242,663.84	3% increase estimate

**RECOMMENDED ACTION**

City Council consideration and approval of resolution R2014-132 renewing SunGard H.T.E/OSSI software maintenance for \$242,663.84 for the period of October 1, 2014 through September 30, 2015.

**RESOLUTION NO. R2014-132**

**A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to renew a Software Maintenance Contract with Sungard HTE/OSSI for estimated cost of \$242,663.84 for the period of October 1, 2014 through September 30, 2015.**

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

**Section 1.** That the City Manager or his designee is hereby authorized to renew a Software Maintenance Contract with SunGard HTE/OSSI, including the Maintenance Cost Schedule, a copy of which is attached hereto as Exhibit "A".

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

**SUNGARD** PUBLIC SECTOR

1000 Business Center Drive  
 Lake Mary, FL 32746  
 800-727-8088  
 www.sungardps.com

**Invoice**

RECEIVED  
 FINANCE DEPARTMENT  
 2014 SEP 22 AM 7:54

Company	Document No	Date	Page
LG	88021	15/Sep/2014	1 of 4

Bill To: City of Pearland  
 PO Box 2719  
 PEARLAND, TX 77588-2719  
 United States  
 Attn: Claire Manthei 281-652-1600

Ship To: City of Pearland  
 PO Box 2719  
 PEARLAND, TX 77588-2719  
 United States  
 Attn: Claire Manthei 281-652-1600

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1	2101LG City of Pearland		USD	NET30	15/Oct/2014

No	SKU Code/Description/Comments	Units	Rate	Extended
Contract No. 070488				
22	Asset Management II Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	3,146.55	3,146.55
23	Continuing Property Records Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,001.39	2,001.39
Contract No. 071146				
24	OnePoint Point of Sale Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,113.64	1,113.64
Contract No. 071409				
25	Click2Gov - Case Management Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	3,004.72	3,004.72
Contract No. 071438				
26	CLICK2GOV BP Wireless Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	835.23	835.23
Contract No. 080075				
27	Human Resources Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,269.30	2,269.30
28	QRep Administrator Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	327.82	327.82
29	QRep Catalogs for HR Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	315.18	315.18
Contract No. 080743				
30	Cash Receipts Lock Box Interface Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	640.87	640.87
Contract No. 090458				
31	QRep End User Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	327.82	327.82
Contract No. 100694				
32	QRep End User Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	327.82	327.82
Contract No. 101305				

**SUNGARD** PUBLIC SECTOR

1000 Business Center Drive  
 Lake Mary, FL 32746  
 800-727-8088  
 www.sungardps.com

**Invoice**

<i>Company</i>	<i>Document No</i>	<i>Date</i>	<i>Page</i>
LG	88021	15/Sep/2014	2 of 4

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<i>Customer Grp/No.</i>	<i>Customer Name</i>	<i>Customer PO Number</i>	<i>Currency</i>	<i>Terms</i>	<i>Due Date</i>
1	2101LG	City of Pearland	USD	NET30	15/Oct/2014

<i>No</i>	<i>SKU Code/Description/Comments</i>	<i>Units</i>	<i>Rate</i>	<i>Extended</i>
33	QRep End User Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	327.82	327.82
Contract No. 110655				
34	CIS Voice Response Interface Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,623.18	1,623.18
35	Delinquency Call Out Listing Interface Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	640.87	640.87
36	CIX IVR Credit Card Interface Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	640.87	640.87
Contract No. 120386				
37	QRep End User Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	318.27	318.27
Contract No. 20020169				
12	IVR - Selectron I/F - BP Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,255.47	1,255.47
Contract No. 20020784				
13	DMS - Document Management Services Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,040.09	1,040.09
Contract No. 20040417				
14	Click2Gov Core Embedded Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,134.65	1,134.65
15	Click2Gov Customer Information System Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,516.19	2,516.19
Contract No. 20050794				
16	Click2Gov - Building Permits Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,318.50	1,318.50
Contract No. 20051213				
17	P-Card Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,733.49	1,733.49
Contract No. 20061289				

Page Total 12,549.40

**SUNGARD** PUBLIC SECTOR

1000 Business Center Drive  
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Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 2101LG	City of Pearland		USD	NET30	15/Oct/2014

No	SKU Code/Description/Comments	Units	Rate	Extended
18	QRep Administrator Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	327.82	327.82
19	QRep End User Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	4.00	327.82	1,311.28
20	QRep Catalogs for (GM, CX, BP, PR, PI, LX, CS) Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	7.00	315.18	2,206.26
Contract No. 20061414				
21	QRep Catalogs for (CE, WF) Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	2.00	315.18	630.36
Contract No. 6598				
1	Case Management Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	9,439.64	9,439.64
Contract No. 9612129				
2	CIS Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	10,700.36	10,700.36
3	Work Orders/Facilities Management Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	7,553.81	7,553.81
4	Cash Receipts - AS400 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,390.12	2,390.12
5	GMBA with Extended Reporting Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	10,322.15	10,322.15
6	Payroll/Personnel Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	6,219.55	6,219.55
7	Purchasing/Inventory Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	6,167.02	6,167.02
8	BUILDING PERMITS Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	4,654.16	4,654.16
9	BUSINESS LICENSES Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,765.01	1,765.01

Page Total **63,687.54**

**SUNGARD' PUBLIC SECTOR**

1000 Business Center Drive  
 Lake Mary, FL 32746  
 800-727-8088  
 www.sungardps.com

**Invoice**

<b>Company</b>	<b>Document No</b>	<b>Date</b>	<b>Page</b>
LG	88021	15/Sep/2014	4 of 4

Bill To: City of Pearland  
 PO Box 2719  
 PEARLAND, TX 77588-2719  
 United States  
 Attn: Claire Manthei 281-652-1600

Ship To: City of Pearland  
 PO Box 2719  
 PEARLAND, TX 77588-2719  
 United States  
 Attn: Claire Manthei 281-652-1600

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1	2101LG City of Pearland		USD	NET30	15/Oct/2014

No	SKU Code/Description/Comments	Units	Rate	Extended
10	LAND/PARCEL MANAGEMENT Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	3,582.55	3,582.55
11	Retrofit Modification Option Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	38.00	100.00	3,800.00

Page Total 7,382.55

*John KITT*

Account	Project#	Amt.
A-#		
<i>SU</i>		

Remit Payment To: SunGard Public Sector Inc.  
 Bank of America  
 12709 Collection Center Drive  
 Chicago, IL 60693

Subtotal	97,929.83
Sales Tax	0.00
Invoice Total	97,929.83
Payment Received	0.00
Balance Due	97,929.83

# SUNGARD PUBLIC SECTOR

1000 Business Center Drive  
 Lake Mary, FL 32746  
 800-727-8088  
 www.sungardps.com

# Invoice

Company	Document No	Date	Page
LG	87384	04/Sep/2014	1 of 1

Bill To: City of Pearland  
 PO Box 2719  
 PEARLAND, TX 77588-2719  
 United States  
 Attn: Claire Manthei 281-652-1600

Ship To: City of Pearland  
 PO Box 2719  
 PEARLAND, TX 77588-2719  
 United States  
 Attn: Claire Manthei 281-652-1600

Customer Grp/No.	Customer Name	Customer-PO-Number	Currency	Terms	Due Date
1	2101LG City of Pearland		USD	NET30	04/Oct/2014

No	SKU Code/Description/Comments	Units	Rate	Extended
Contract No. 071069				
1	Looking Glass - Centralized Address Manager Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,334.41	1,334.41
Contract No. 080868				
2	GTG LG GeoBlade Viewer Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	10.00	307.72	3,077.20

Page Total 4,411.61

RECEIVED  
 FINANCE DEPARTMENT  
 2014 SEP 10 AM 7:33

John K IT

Project#	Rate
Project#	Rate

52

Remit Payment To: SunGard Public Sector Inc.  
 Bank of America  
 12709 Collection Center Drive  
 Chicago, IL 60693

Subtotal	4,411.61
Sales Tax	0.00
Invoice Total	4,411.61
Payment Received	0.00
Balance Due	4,411.61

**SUNGARD' PUBLIC SECTOR**

1000 Business Center Drive  
 Lake Mary, FL 32746  
 800-727-8088  
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**Invoice**

<b>Company</b> LG	<b>Document No</b> 87385	<b>Date</b> 04/Sep/2014	<b>Page</b> 1 of 1
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Bill To: City of Pearland  
 3519 Liberty Drive  
 PEARLAND, TX 77581  
 United States  
 Attn: Mike Masters

Ship To: City of Pearland  
 PO Box 2719  
 PEARLAND, TX 77588-2719  
 United States  
 Attn: Claire Manthei 281-652-1600

*email orlogkts*

<b>Customer Grp/No.</b> 1	<b>Customer Name</b> City of Pearland	<b>Customer PO Number</b>	<b>Currency</b> USD	<b>Terms</b> NET30	<b>Due Date</b> 04/Oct/2014
------------------------------	--	---------------------------	------------------------	-----------------------	--------------------------------

No	SKU Code/Description/Comments	Units	Rate	Extended
Contract No. 20021118				
1	Looking Glass - Centralized Address Manager Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,031.61	2,031.61

*John K 114*

*[Handwritten scribbles]*

Page Total 2,031.61

Approved:		Date:
Acct#	Project#	Amt.
Acct#	Project#	Amt.

CITY OF PEARLAND  
 PURCHASING DEPARTMENT  
 14 SEP -9 PM 12:13

Remit Payment To: SunGard Public Sector Inc.  
 Bank of America  
 12709 Collection Center Drive  
 Chicago, IL 60693

Subtotal	2,031.61
Sales Tax	0.00
Invoice Total	2,031.61
Payment Received	0.00
Balance Due	2,031.61

**SUNGARD** PUBLIC SECTOR

1000 Business Center Drive  
 Lake Mary, FL 32746  
 800-727-8088  
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**Invoice**

<i>Company</i>	<i>Document No</i>	<i>Date</i>	<i>Page</i>
LG	87876	10/Sep/2014	1 of 5

TO BE PAID BY THE CITY PER J. KNIGHT 9/23/14

Bill To: City of Pearland (OSSI)  
 Police Department  
 2555 Cullen Parkway  
 PEARLAND, TX 77581  
 United States  
 Attn: Accounts Payable

Ship To: City of Pearland (OSSI)  
 Police Department  
 2555 Cullen Parkway  
 PEARLAND, TX 77581  
 United States  
 Attn: Accounts Payable

<i>Customer Grp/No.</i>	<i>Customer Name</i>	<i>Customer PO Number</i>	<i>Currency</i>	<i>Terms</i>	<i>Due Date</i>
1 6025LG	City of Pearland (OSSI)		USD	NET30	10/Oct/2014

<b>No</b>	<b>SKU Code/Description/Comments</b>	<b>Units</b>	<b>Rate</b>	<b>Extended</b>
Contract No. 080654				
1	OSSI Base Computer Aided Dispatch System Tier 3 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	13,152.46	13,152.46
2	OSSI First CAD Map Display and Map Maintenance Software License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,040.09	1,040.09
3	OSSI Additional CAD Map Display Client License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	3.00	378.22	1,134.66
4	OSSI Map Converter Software Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	661.88	661.88
5	OSSI CAD Client AVL License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	4.00	378.22	1,512.88
6	OSSI - Crime Analysis Plus Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,941.68	2,941.68
7	OSSI E911 Interface Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,040.09	1,040.09
8	OSSI Interface to Pagegate Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	189.11	189.11
9	OSSI Alpha Numeric Paging Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,040.09	1,040.09
10	OSSI Medical PROQA Interface Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,229.20	1,229.20
11	OSSI Fire PROQA Interface Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,229.20	1,229.20
12	OSSI Firehouse RMS Interface Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,040.09	1,040.09
13	OSSI - CAD Interface to CryWolf Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,418.31	1,418.31
14	OSSI Client Base Records Management System - 30 Workstation Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	9,329.33	9,329.33

Page Total 36,959.07

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**Invoice**

<b>Company</b>	<b>Document No</b>	<b>Date</b>	<b>Page</b>
LG	87876	10/Sep/2014	2 of 5

Bill To: City of Pearland (OSSI)  
 Police Department  
 2555 Cullen Parkway  
 PEARLAND, TX 77581  
 United States  
 Attn: Accounts Payable

Ship To: City of Pearland (OSSI)  
 Police Department  
 2555 Cullen Parkway  
 PEARLAND, TX 77581  
 United States  
 Attn: Accounts Payable

<i>Customer Grp/No.</i>	<i>Customer Name</i>	<i>Customer PO Number</i>	<i>Currency</i>	<i>Terms</i>	<i>Due Date</i>
1 6025LG	City of Pearland (OSSI)		USD	NET30	10/Oct/2014

<b>No</b>	<b>SKU Code/Description/Comments</b>	<b>Units</b>	<b>Rate</b>	<b>Extended</b>
15	OSSI RMS Map Display and Pin Mapping License - 30 Workstation Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,008.58	1,008.58
16	OSSI Basic Accident Module - 30 Workstation Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	756.43	756.43
17	OSSI Accident Wizard Base Server License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	840.48	840.48
18	OSSI Accident Wizard Workstation License Client + 5 for Moblan Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	43.00	25.21	1,084.03
19	OSSI Bar Coding Server License - 30 Workstation Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	924.53	924.53
20	OSSI Bar Coding Hand-Held Client License (Each) Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	268.11	268.11
21	OSSI Notification Module - 30 Workstation Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,630.53	1,630.53
22	OSSI- Remote Lineup Application - 30 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,260.72	1,260.72
23	OSSI Residential Security Watch Module - 30 Workstation Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	588.34	588.34
24	OSSI Training Module - 5 Workstation Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	588.34	588.34
25	OSSI RMS Canine Tracking Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	924.53	924.53
26	OSSI Crime Analysis Module - Client License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,101.20	2,101.20
27	OSSI Police to Police Annual Subscription Fee Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	0.00	0.00
28	OSSI - Link Analysis Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,941.68	2,941.68
29	OSSI - RMS Citation Interface to HTE Courts System	1.00	1,680.96	1,680.96

**Page Total** 16,598.46

**SUNGARD** PUBLIC SECTOR

1000 Business Center Drive  
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**Invoice**

<b>Company</b>	<b>Document No</b>	<b>Date</b>	<b>Page</b>
LG	87876	10/Sep/2014	3 of 5

Bill To: City of Pearland (OSSI)  
 Police Department  
 2555 Cullen Parkway  
 PEARLAND, TX 77581  
 United States  
 Attn: Accounts Payable

Ship To: City of Pearland (OSSI)  
 Police Department  
 2555 Cullen Parkway  
 PEARLAND, TX 77581  
 United States  
 Attn: Accounts Payable

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 6025LG	City of Pearland (OSSI)		USD	NET30	10/Oct/2014

No	SKU Code/Description/Comments	Units	Rate	Extended
	Maintenance Start: 01/Oct/2014, End: 30/Sep/2015			
30	OSSI Professional Standards (Internal Affairs) Module Client Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,941.68	2,941.68
31	OSSI - QuarterMaster Module - 5 Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	924.53	924.53
32	OSSI Pawn Shop/Pawn Watch - 5 Workstation Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	420.24	420.24
33	OSSI - Intelligence Module Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,260.72	1,260.72
34	OSSI Client Jail Management System Module - 5 Workstation Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,521.44	2,521.44
35	OSSI Client Mugshot Display Software License - 30 Workstation Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,849.06	1,849.06
36	OSSI Mugshot Capture Station Software Only Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	924.53	924.53
37	OSSI State Livescan Interface Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,428.82	1,428.82
38	OSSI's Integrated Messaging Software Switch Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	3,782.16	3,782.16
39	OSSI - LAN Client License for Message Switch Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	4.00	56.73	226.92
40	OSSI Base Mobile Server Software Client Up to 150 Workstations Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	7,942.54	7,942.54
41	OSSI Review Module for Field Reporting Up to 150 Workstions Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	5,883.36	5,883.36
42	OSSI MCT Client for Digital Dispatch Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	101.00	167.25	16,892.25
43	OSSI Mobile Arrest Module + 5 for Moblan Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	35.00	50.43	1,765.05

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# Invoice

Company	Document No	Date	Page
LG	87876	10/Sep/2014	4 of 5

Bill To: City of Pearland (OSSI)  
 Police Department  
 2555 Cullen Parkway  
 PEARLAND, TX 77581  
 United States  
 Attn: Accounts Payable

Ship To: City of Pearland (OSSI)  
 Police Department  
 2555 Cullen Parkway  
 PEARLAND, TX 77581  
 United States  
 Attn: Accounts Payable

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 6025LG	City of Pearland (OSSI)		USD	NET30	10/Oct/2014

No	SKU Code/Description/Comments	Units	Rate	Extended
44	OSSI - MFR Client - Accident Reporting + 5 for Moblan Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	35.00	84.05	2,941.75
45	OSSI - MFR Client- Base Incident/Offense + 5 for Moblan Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	80.00	167.25	13,380.00
46	OSSI - MFR Client - MOBLAN Version (Report Writing Room) Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	5.00	84.05	420.25
47	OSSI - MFR Client Citation + 5 for Moblan Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	35.00	84.05	2,941.75
48	OSSI AVL Server Host License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	6,618.78	6,618.78
49	OSSI Client AVL Mobile License - For Fire Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	18.00	25.21	453.78
50	OSSI - MCT Interface to Firehouse Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	1,418.31	1,418.31
51	OSSI Police to Citizen Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	2,101.20	2,101.20
52	OSSI - OPS CAD Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	4,202.40	4,202.40
53	OSSI - OPS RMS Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	4,202.40	4,202.40
54	OSSI Mobile Client Maps Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	101.00	33.62	3,395.62
Contract No. 090938				
55	OSSI Canine Module in MFR Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	2.00	52.95	105.90
Contract No. 100445				
56	OSSI - Interface to TDEX Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	1.00	252.14	252.14
Contract No. 120076				

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**Invoice**

<i>Company</i>	<i>Document No</i>	<i>Date</i>	<i>Page</i>
LG	87876	10/Sep/2014	5 of 5

Bill To: City of Pearland (OSSI)  
 Police Department  
 2555 Cullen Parkway  
 PEARLAND, TX 77581  
 United States  
 Attn: Accounts Payable

Ship To: City of Pearland (OSSI)  
 Police Department  
 2555 Cullen Parkway  
 PEARLAND, TX 77581  
 United States  
 Attn: Accounts Payable

<i>Customer Grp/No.</i>	<i>Customer Name</i>	<i>Customer PO Number</i>	<i>Currency</i>	<i>Terms</i>	<i>Due Date</i>
1 6025LG	City of Pearland (OSSI)		USD	NET30	10/Oct/2014

<i>No</i>	<i>SKU Code/Description/Comments</i>	<i>Units</i>	<i>Rate</i>	<i>Extended</i>
57	OSSI Additional CAD Console License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	4.00	700.75	2,803.00
58	OSSI Additional CAD Map Display Client License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	4.00	359.31	1,437.24
59	OSSI CAD Client AVL License Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	4.00	378.22	1,512.88
60	OSSI - LAN Client License for Message Switch Maintenance Start: 01/Oct/2014, End: 30/Sep/2015	4.00	56.73	226.92
<b>Page Total</b>				<b>5,980.04</b>

Remit Payment To: SunGard Public Sector Inc.  
 Bank of America  
 12709 Collection Center Drive  
 Chicago, IL 60693

<b>Subtotal</b>	150,735.15
<b>Sales Tax</b>	0.00
<b>Invoice Total</b>	150,735.15
<b>Payment Received</b>	0.00
<b>Balance Due</b>	150,735.15

# New Business Item No. 1

1. **Consideration and Possible Action – Resolution No. R2014-123 – A**  
Resolution of Appreciation for Councilmember Susan Sherrouse to recognize her contributions and service as Councilmember Pos. 3.

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

<b>AGENDA OF: 11/10/2014</b>	<b>ITEM NO.:</b> Resolution No. R2014-123
<b>DATE SUBMITTED: 11/04/2014</b>	<b>DEPARTMENT OF ORIGIN:</b> City Secretary
<b>PREPARED BY:</b> Young Lorfing	<b>PRESENTOR:</b> Mayor and Council
<b>REVIEWED BY:</b> Jon R. Branson	<b>REVIEW DATE:</b> November 4, 2014
<b>SUBJECT: Resolution No. R2014-123 – A Resolution of Appreciation for Councilmember Susan Sherrouse to recognize her contributions and service as Councilmember Pos. 3</b>	
<b>EXHIBITS: Resolution No. R2014-123</b>	
<b>EXPENDITURE REQUIRED:</b> <b>AMOUNT AVAILABLE:</b> <b>ACCOUNT NO.:</b>	<b>AMOUNT BUDGETED:</b> <b>PROJECT NO.:</b>
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>	
<b>To be completed by Department:</b> <input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

This Resolution is presented to past elected officials recognizing their dedication and service to the City of Pearland. They are also presented their portrait and a plaque.

**RECOMMENDED ACTION**

Consider Resolution No. R2014-123

# Resolution

## City of Pearland

**Whereas**, the hereinafter named has unselfishly contributed time, talents and energies to serve the people of the City of Pearland; and

**Whereas**, such contribution has become a part of the foundation upon which this City stands; and

**Whereas**, the members of the City Council of the City of Pearland, Brazoria, Harris, and Fort Bend Counties, State of Texas deem it fitting and proper to recognize the service and contribution of *Councilmember Susan Sherrouse Councilmember 2011- 2014*  
*Mayor Pro-Tem 2012*

**Now, Therefore:** be it resolved and signatures hereunto affixed attest and bear witness that the hereunder signed people of this City, do gratefully acknowledge that service and contribution.

Passed on this 10<sup>th</sup> day of November, A.D., 2014

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

\_\_\_\_\_  
Councilmember Pos. No. 1 Tony Carbone

\_\_\_\_\_  
Councilmember Pos. No. 2 Scott Sherman

\_\_\_\_\_  
Councilmember Pos. No. 3 Gary Moore

Attest:

\_\_\_\_\_  
Councilmember Pos. No. 4 Keith Ordeneaux

\_\_\_\_\_  
Councilmember Pos. No. 5 Greg Hill

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

No. R2014-123

# New Business Item No. 2

- 2. Consideration and Possible Action – First Reading of Ordinance No. 2000M-124** – 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 Tract No. 26 of Westchester Estates, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H.T. & B. Railroad Survey, Abstract 242, Brazoria County, Texas, located at **2701 Westchester Circle, Zone Change 2014-17Z**, a request of Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential-1 (R-1) to General Business (GB) on approximately 0.90 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**

<b>AGENDA OF:</b> November 17, 2014	<b>ITEM NO.:</b> Ordinance No. 2000M-124				
<b>DATE SUBMITTED:</b> November 3, 2014	<b>DEPT. OF ORIGIN:</b> Planning				
<b>PREPARED BY:</b> Johnna Matthews	<b>PRESENTOR:</b> Lata Krishnarao				
<b>REVIEWED BY:</b> Lata Krishnarao	<b>REVIEW DATE:</b> November 5, 2014				
<p><b>SUBJECT:</b> Ordinance No. 2000M-124 - 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 Tract No. 26 of Westchester Estates, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H.T. &amp; B. Railroad Survey, Abstract 242, Brazoria County, Texas, located at 2701 Westchester Circle, Zone Change 2014-17Z, a request of Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential-1 (R-1) to General Business (GB) on approximately 0.90 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.</p>					
<p><b>ATTACHMENTS:</b> Ordinance No. 2000M-124 and Exhibits (Exhibit A – Legal Description; Exhibit B – Vicinity Map Description; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter) 10.20.14 Joint Public Hearing Packet</p>					
<p><b>To be completed by Department:</b></p> <table style="width: 100%; text-align: center; border: none;"> <tr> <td style="width: 25%;"><b>Finance</b></td> <td style="width: 25%;"><b>Legal</b></td> <td style="width: 25%;"><b>Ordinance</b></td> <td style="width: 25%;"><b>Resolution</b></td> </tr> </table>		<b>Finance</b>	<b>Legal</b>	<b>Ordinance</b>	<b>Resolution</b>
<b>Finance</b>	<b>Legal</b>	<b>Ordinance</b>	<b>Resolution</b>		

**EXECUTIVE SUMMARY**

The subject property includes approximately 0.90 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential-1 (R-1) zoning district to the General Business (GB) zoning district. According to the applicant’s letter of intent, the purpose of the requested change in zoning is to convert the existing single family

home into a real estate office. Upon conversion to an office, all requirements of the Unified Development Code (UDC) must be met for a non-residential use.

**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 zone change. Staff has not received any returned notices regarding the request.

**PLANNING AND ZONING COMMISSION DISCUSSION:** At the regular meeting of the Planning and Zoning Commission on October 20, 2014, Commissioner Daniel Tunstall made a motion to recommend approval of the zone change request located at 2701 Westchester Circle. The motion was seconded by Commissioner Elizabeth McLane. The motion passed 5/0.

**STAFF RECOMMENDATION TO COUNCIL:** Consider the change in zoning to amend the zoning of an approximately 0.90 acres located at the southwest corner of Broadway Street and Westchester Circle, commonly known as 2701 Westchester Circle.

## **Ordinance No. 2000M-124**

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 Tract No. 26 of Westchester Estates, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H.T. & B. Railroad Survey, Abstract 242, Brazoria County, Texas, located at **2701 Westchester Circle**, Zone Change 2014-17Z, a request of Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential-1 (R-1) to General Business (GB) on approximately 0.90 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**, Sergio Guzman, owner/applicant; is requesting approval of a change in zoning from Single Family Residential 1 (R-1) to General Business (GB) on approximately 0.90 acres of land; said property being legally described in the legal description attached hereto and made a part hereof for all purposes as Exhibit "A," and more graphically depicted in the vicinity map attached hereto and made a part hereof for all purposes as Exhibit "B," and

**WHEREAS**, on the 20<sup>th</sup> day of October, 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 20<sup>th</sup> day of October, 2014, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed zone change application of Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential 1 (R-1) to General Business (GB) on

approximately 0.90 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 10<sup>th</sup> day of November 2014 and the 24<sup>th</sup> day of November 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 Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential 1 (R-1) to General Business (GB) on approximately 0.90 acres of land, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

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

**Section I.** The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently classified as Single Family Residential 1 (R-1), is hereby granted a change in zoning to General Business (GB), in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

**LEGAL DESCRIPTION:** Tract No. 26 of Westchester Estates, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H.T. & B. Railroad Survey, Abstract 242, Brazoria County, Texas

**GENERAL LOCATION:** 2701 Westchester Circle, Pearland, TX

**Section II.** The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law

have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

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

**Section IV.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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

**Section VI.** The City Secretary is hereby directed to cause to be prepared an amendment to the official Zoning District Map of the City, pursuant to the provisions of Section 2.3.2.2 of Ordinance No. 2000-M and consistent with the approval herein granted for the reclassification of the herein above described property

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

PASSED, APPROVED, and ADOPTED on First Reading this 10<sup>th</sup> day of

November, 2014.

---

TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 24<sup>th</sup>  
day of November, 2014.

---

TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

---

DARRIN M. COKER  
CITY ATTORNEY

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

Tract No. 26 of Westchester Estates, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H.T. & B. Railroad Survey, Abstract 242, Brazoria County, Texas

**Exhibit B  
Vicinity 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: 2014-17Z**

Notice is hereby given that on October 20, 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 Sergio Guzman, applicant and owner; for approval of a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district; on approximately .861 acres of land, to wit:

Being tract 26 of Westchester Estates, according to the Jack C. McKnight Survey thereof, dated April 6, 1962, a partition in the H.T.&B. Railroad Survey, Abstract 242, in Brazoria County, Texas.

General Location: 2701 Broadway 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.

Ian Clowes  
Senior Planner

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



# Planning & Zoning Commission

October 21, 2014

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

Re: Recommendation on Zone Change Application No. 2014-17Z, 2701 Westchester Circle

Honorable Mayor and City Council Members:

At their meeting on October 20, 2014, the Planning and Zoning Commission considered the following:

A request of Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential-1 (R-1) to General Business (GB) on approximately 0.90 acres of land, to wit:

**Legal Description:** Tract No. 26 of Westchester Estates, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H.T. & B. Railroad Survey, Abstract 242, Brazoria County, Texas.

**General Location:** 2701 Westchester Circle, Pearland, TX

Commissioner Daniel Tunstall made a motion to recommend approval of the zone change request located at 2701 Westchester Circle. The motion was seconded by Commissioner Elizabeth McLane. The motion passed 5-0, with Chairman Henry Fuertes, Vice Chair Daniel Tunstall, Commissioner Elizabeth McLane, Commissioner Derrick Reed and Commission Mary Starr, all voting in favor of the requested zone change.

Sincerely,

Johnna Matthews

A handwritten signature in cursive script that reads "Johnna Matthews".

City Planner  
On behalf of the Planning and Zoning Commission



**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, OCTOBER 20, 2014, AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

**Zone Change Application No. 2014-17Z**

A request of Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential-1 (R-1) to General Business (GB) on approximately 0.90 acres of land, to wit:

**Legal Description:** Tract No. 26 of Westchester Estates, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H.T. & B. Railroad Survey, Abstract 242, Brazoria County, Texas.

**General Location:** 2701 Westchester Circle, Pearland, TX

**III. APPLICATION INFORMATION AND CASE SUMMARY**

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

**IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST**

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT**

**This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.**



## Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: October 20, 2014

Re: Zone Change Application Number 2014-17Z

A request of Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential-1 (R-1) to General Business (GB) on approximately 0.90 acres of land, located at 2701 Westchester Circle, Pearland, TX.

### **Proposal**

The subject property includes approximately 0.90 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential-1 (R-1) zoning district to the General Business (GB) zoning district. According to the applicant's letter of intent, the purpose of the requested change in zoning is to convert the existing single family home into a real estate office. Upon conversion to an office, all requirements of the Unified Development Code (UDC) must be met for a non-residential use.

### **Public Notification/Comment**

Staff sent public notices, comment forms and a vicinity map to the owner/applicant and to property owners within 200 feet of the site. 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 approximately 0.90- acre site from R-1 to GB for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the current zoning of R-1 does not conform to the future land use designation of Retail, Offices and Services.
2. The purpose of the proposed zoning district of GB is to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. These types of commercial uses are conducted wholly under a permanent part of the main business structure, such as a marquee. Broadway Street in this location is developed with a host of commercial uses including restaurants, auto-related uses and retail.
3. The existing residential adjacency standards will ensure that any proposed non-residential use has no major impact on the existing single family homes to the south.
4. All applicable requirements of the UDC will be met upon conversion of the structure from residential to office use.

### **Exhibits**

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. Applicant Packet



## Exhibit 1 Staff Report

### Summary of Request

The applicant is requesting approval of a change in zoning from the Single Family Residential-1 (R-1) zoning district to the General Business (GB) zoning district on approximately 0.90 acres of land located at the southeast corner of Broadway Street and Westchester Circle. According to the applicant's letter of intent, the purpose of the requested change in zoning is to convert the existing single family home into a real estate office.

### Site History

The subject property is currently developed with a single family home with an attached garage, which, according to Brazoria County Appraisal district records was constructed in 1977, with a carport added in 1995. The property was annexed into the City of Pearland in 1995. Since prior to the adoption of the Unified Development Code (UDC) in 2006, the property has retained the existing zoning of R-1.

With the exception of the single family subdivision to the south; Westchester Estates, the site is surrounded by non-residential uses and non-residential zoning districts to the north, west and east. The below table identifies surrounding uses and zoning districts:

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	General Business (GB)	Undeveloped, Waffle House
<b>South</b>	Single Family Residential 1 (R-1)	Westchester Estates
<b>East</b>	General Business (GB)	Tottenberry's Private Preschool
<b>West</b>	General Business (GB)	O'Reilly Auto Parts

### **Conformance with the Thoroughfare Plan**

The subject property has approximately 150 feet of frontage along Broadway Street; a major thoroughfare, which requires 120 feet of right-of-way. According to the survey submitted with the application, the existing right-of-way along Broadway Street is 100 feet. Should the property require platting in the future, a portion of the ultimate right-of-way will be required to be dedicated. The property also has frontage on Westchester Circle; a local street, which requires 50 feet of right-of-way. According to GIS records, the existing right-of-way width along Westchester Circle is approximately 60 feet and meets the requirements of the thoroughfare plan.

### **Conformance with the Unified Development Code**

The GB zoning district is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. The subject property meets the requirements of the proposed General Business (GB) zoning district as it relates to lot area, width and depth.

<b>General Business (GB) Area Regulations</b>		
<b>Size of Lots</b>	<b>Required</b>	<b>Existing Lot Dimensions</b>
Minimum Lot Size	22,500 sf.	37,500 sf.
Minimum Lot Width	150 ft.	150 ft.
Minimum Lot Depth	125 ft.	250 ft.

Upon conversion to a non-residential use, all applicable requirements of the UDC for non-residential uses must be met, including façade requirements, residential adjacency screening standards, and parking requirements, including surface and quantity.

### **Conformance with the Comprehensive Plan**

The proposed change in zoning from R-1 to GB will result in compliance with the future land use designation of the Comprehensive Plan, which is *“Retail, Offices and Services.”* According to the Comprehensive Plan, properties located within the aforementioned future land use designation should include neighborhood or convenience shopping centers or separate uses, preferably located at major street intersections, with limited outdoor retail activities. Nonresidential uses should buffer from neighboring single family residential uses. Appropriate zoning districts include the proposed zoning district of General Business (GB), Office and Professional (OP), and Neighborhood Service (NS).

### **Platting Status**

The subject property is not platted. Any increase in building footprint or in impervious surface (paving) will trigger platting.

### **Availability of Utilities**

The subject property has access to utilities. GIS data indicate that water is available to the site via an existing 16-inch waterline along Broadway Street and an existing 8-inch waterline along Westchester Circle. Additionally, there is an existing 8-inch sewer line along Broadway. The impact of the proposed use on the current infrastructure will also be analyzed at the time of permitting.

### **Impact on Existing and Future Development**

Most surrounding properties are developed with and zoned for non-residential uses, with the exception of the property to the north of the site, which is undeveloped and zoned GB, and the single family subdivision; Westchester Estates, to the south, which is zoned R-1. Broadway Street, however, in this location is developed with and zoned for non-residential uses. Existing uses along Broadway Street in this area include a host of non-residential uses including restaurants, auto-related uses and retail.

There should be no major negative impacts to surrounding properties. Various improvements will be required as a result of the change in use from residential to non-residential, including residential adjacency standards to the south, which will provide a minimum buffer of 25 feet from the proposed non-residential use. Screening options include the following:

1. A 25-foot landscape buffer which shall remain open and unobstructed (no parking, driveways, etc.) and an opaque screening wall a minimum of 6-feet, but not to exceed 8-feet in height; or
2. In situations where a fence exists along the property line between the nonresidential and residential use, the screening shall be achieved by a 30-foot buffer and a vegetative screen dense enough to be completely opaque year round, which is at least 4 feet tall at planting and at least 8 feet tall within 12 months, unless the nonresidential use obtains permission from the owner(s) of the existing fence to replace said fence with the above required opaque screening wall.

The existing residential adjacency standards will ensure that any proposed non-residential use has no major impact on the existing single family homes.

### **Additional Comments**

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

### **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.

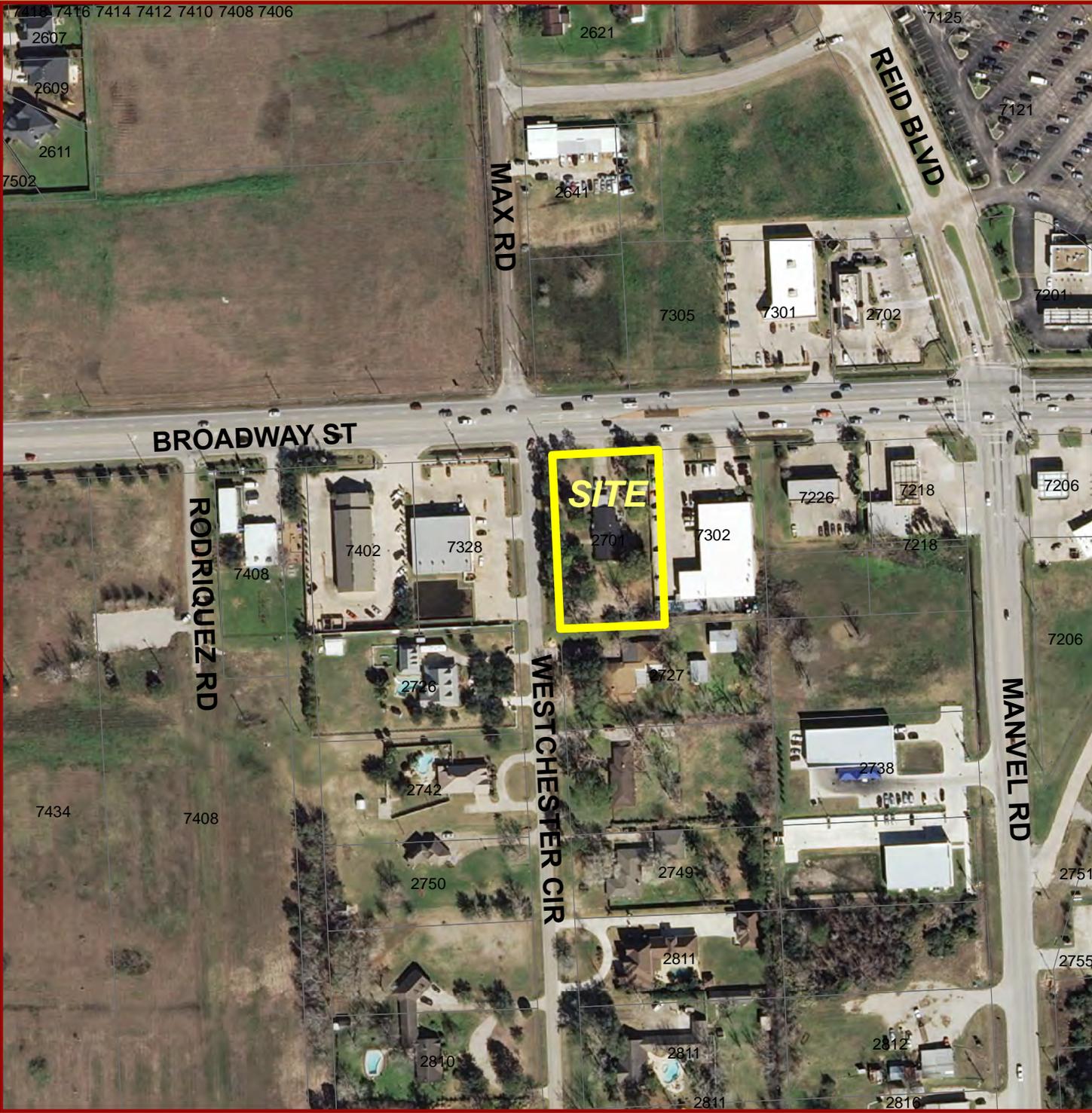
### **Opposition to or Support of Proposed Request**

Staff has not received any returned notices in opposition to or in support of the proposed change in zoning request.

### **Recommendation**

Staff recommends *approval* of the request to change the zoning of the approximately 0.90 acre site from R-1 to GB for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the current zoning of R-1 does not conform to the future land use designation of Retail, Offices and Services.
2. The purpose of the proposed zoning district of GB is to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. These types of commercial uses are conducted wholly under a permanent part of the main business structure, such as a marquee. Broadway Street in this location is developed with a host of commercial uses including restaurants, auto-related uses and retail.
3. The existing residential adjacency standards will ensure that any proposed non-residential use has no major impact on the existing single family homes to the south.
4. All applicable requirements of the UDC will be met upon conversion of the structure from residential to office use.



**AERIAL MAP**

**ZONE CHANGE  
2014-17Z**

**2701 WESTCHESTER  
CIRCLE**

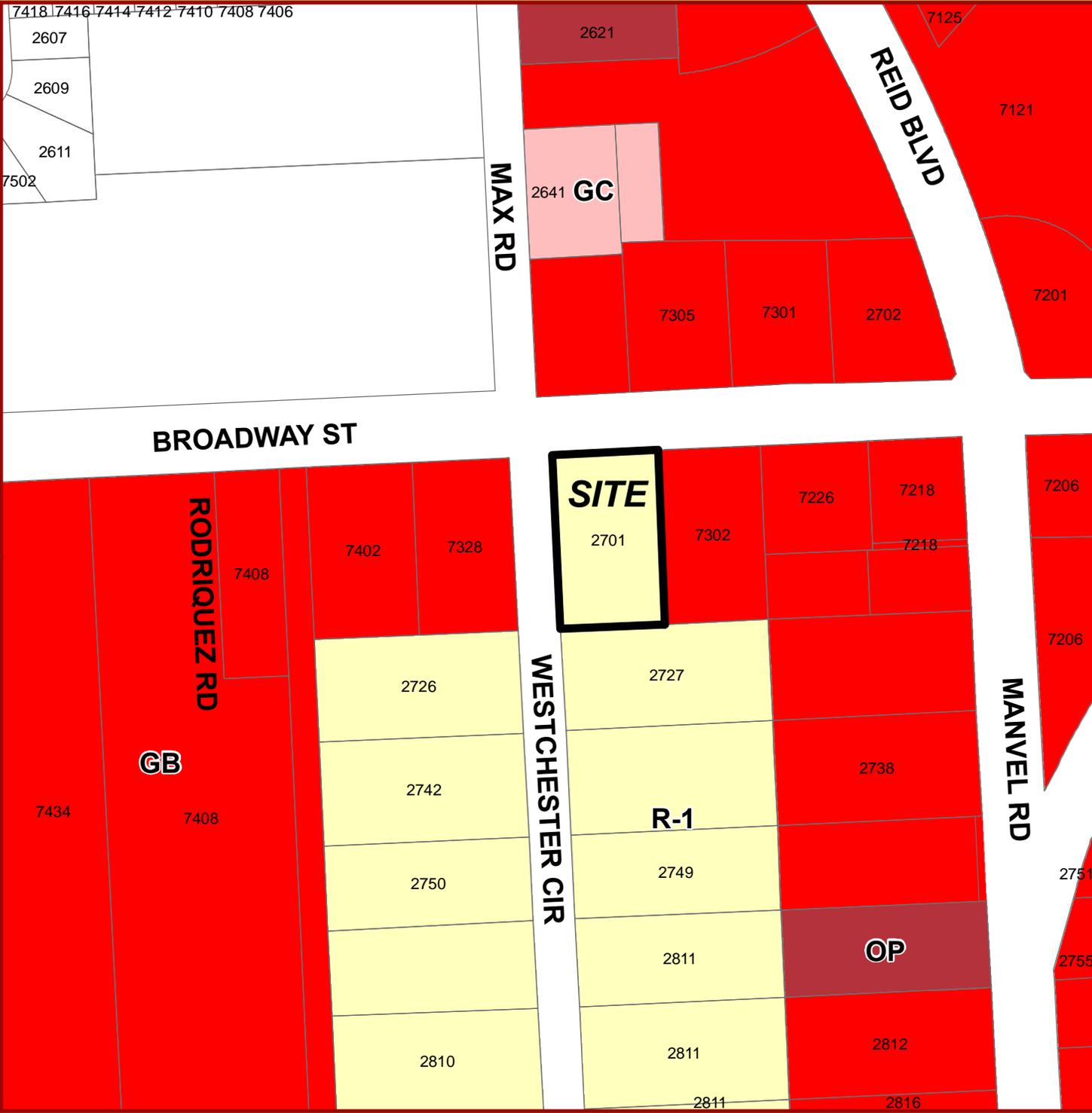


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1 inch = 211 feet

22 MAY 2014  
PLANNING DEPARTMENT





**ZONING MAP**  
**ZONE CHANGE**  
**2014-17Z**

**2701 WESTCHESTER CIRCLE**

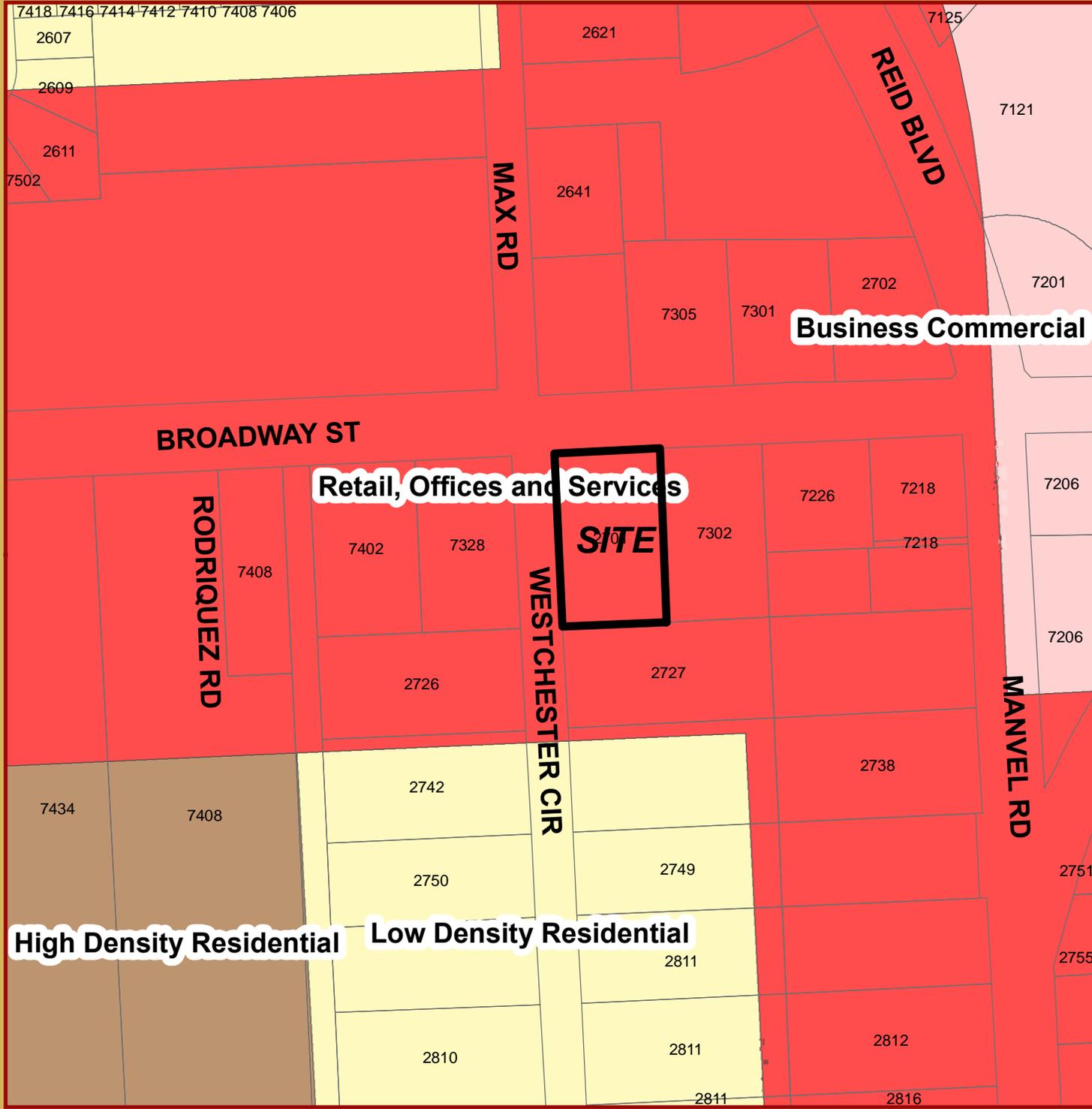


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1 inch = 211 feet

22 MAY 2014  
 PLANNING DEPARTMENT





**FLUP MAP**  
**ZONE CHANGE**  
**2014-17Z**

**2701 WESTCHESTER CIRCLE**

**Business Commercial**

**Retail, Offices and Services**

**SITE**

**High Density Residential**

**Low Density Residential**

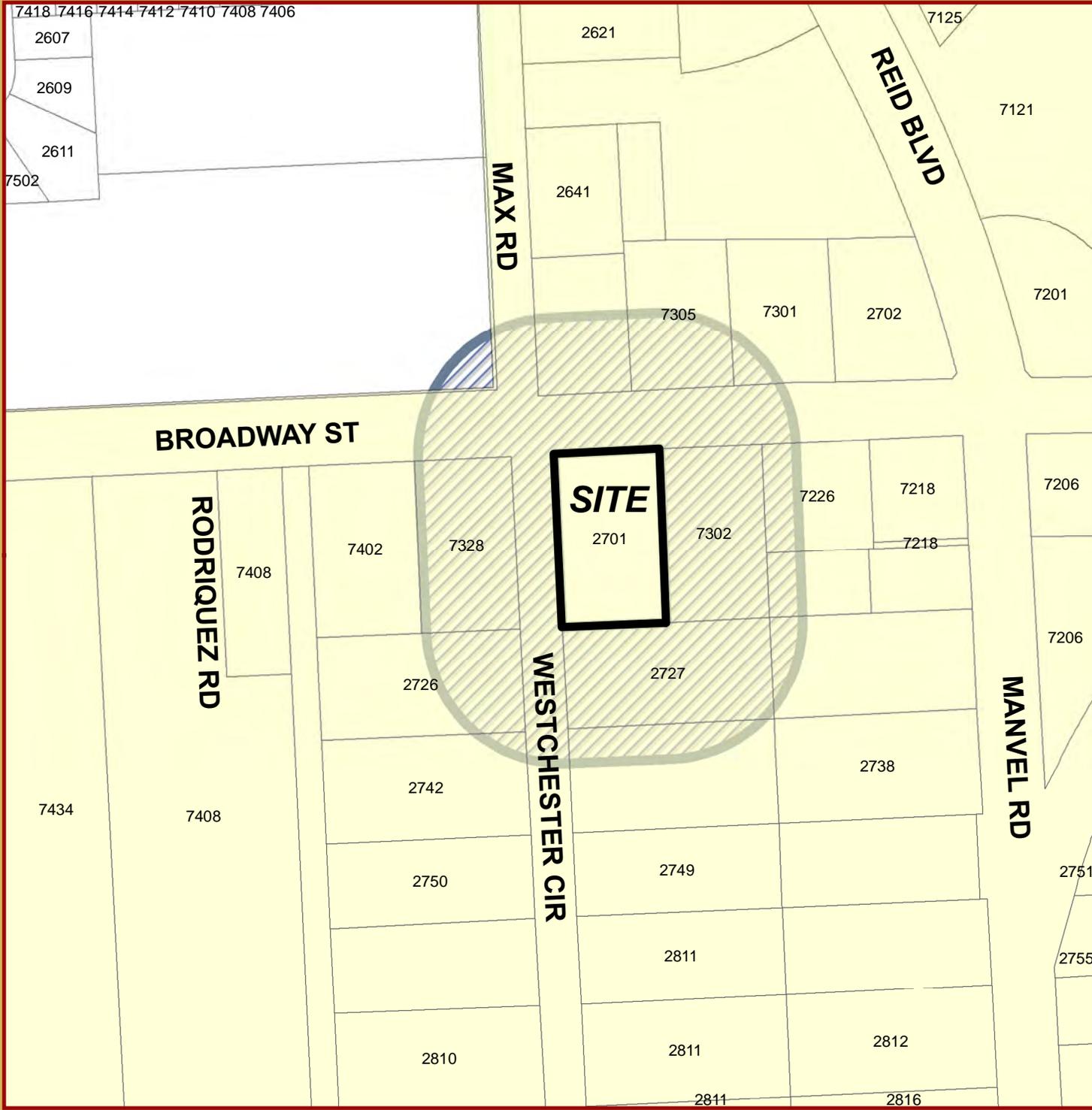


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1 inch = 211 feet

22 MAY 2014  
 PLANNING DEPARTMENT





**NOTIFICATION MAP**  
**ZONE CHANGE**  
**2014-17Z**  
**2701 WESTCHESTER**  
**CIRCLE**



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1 inch = 211 feet

22 MAY 2014  
 PLANNING DEPARTMENT



<b>PROPERTY OWNER</b>	<b>ADDRESS</b>	<b>SUITE</b>	<b>CITY</b>	<b>STATE</b>
BIBBS GEORGE E	2701 WESTCHESTER CIR		PEARLAND	TX
BUI DAT DUC & MYLINH LAM	6214 BUI DR		PEARLAND	TX
COLLINS GREGORY A & CYNTHIA L	2742 WESTCHESTER CIR		PEARLAND	TX
HAMM DAVE E	2726 WESTCHESTER CIR		PEARLAND	TX
HI-LO AUTO SUPPLY LP	PO BOX 1156		SPRINGFIELD	MO
KENDRICK RALSTON CS	12243 TRAUTWEIN RD		AUSTIN	TX
KWAK JUNG HWAN	2621 SUNFISH DR		PEARLAND	TX
MIDTOWN CARWASH INC	7226 BROADWAY ST		PEARLAND	TX
ORGAN CHARLES B JR	1204 MYRTLEWOOD DR		FRIENDSWOOD	TX
SYMS GROUP LLC	2307 HARTMAN DR		SUGAR LAND	TX
THOMAS JAMES D	PO BOX 1884		PEARLAND	TX
WH CAPITAL	3290 NORTHSIDE PKWY NW	STE 385	ATLANTA	GA
SERGIO GUZMAN	5401 COUNTY ROAD 100		PEARLAND	TX

**ZIP**

77584

77581

77584

77584

65801

78737

77584

77581

77546

77478

77588

30327

77584



# APPLICATION FOR A CHANGE IN ZONING

City of Pearland  
Community Development  
3523 Liberty Drive  
(Community Center)  
Pearland, Texas 77581  
281-652-1765  
281-652-1702 fax  
www.cityofpearland.com

Current Zoning District: R-1 Single-Family Residential-1 District

Proposed Zoning District: General Business (GB) of Office & Professional District (OP)

**Property Information:**

Address or General Location of Property: 2701 Westchester Circle  
Pearland, TX 77584

Tax Account No. 8215 - 0023 - 000 : 001

Subdivision: Westchester Lot: 26 Block: \_\_\_\_\_

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

**PROPERTY OWNER INFORMATION:**

NAME Sergio Guzman  
ADDRESS 5401 County Road 100  
CITY Pearland STATE Tx ZIP 77584  
PHONE( 281 ) 830-6186  
FAX( 281 ) 619-2880  
E-MAIL ADDRESS Sergiorealtor@hotmail.com

**APPLICANT/AGENT INFORMATION:**

NAME Same  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE( \_\_\_\_\_ ) \_\_\_\_\_  
FAX( \_\_\_\_\_ ) \_\_\_\_\_  
E-MAIL ADDRESS \_\_\_\_\_

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

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

Owner's Signature: Sergio Guzman Date: 9/18/2014

Agent's/Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE ONLY:**

FEES PAID: <u>\$775.00</u>	DATE PAID: <u>19 Sept. 14</u>	RECEIVED BY: <u>JM</u>	RECEIPT NUMBER: <u>355819</u>
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Application No. 2014-17Z

## APPLICATION CHECKLIST FOR THE FOLLOWING

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

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

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

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

- **Zero (0) to less than 25 acres:**
  - \$ 750.00, plus \$25.00 per each type of zoning district requested; or
  - \$ 800.00 if requesting a Planned Development (PD)
- **25 to less than 50 acres:**
  - \$ 800.00, plus \$25.00 per each type of zoning district requested; or
  - \$ 850.00 if requesting a Planned Development (PD)
- **50 to less than 75 acres:**
  - \$ 850.00, plus \$25.00 per each type of zoning district requested; or
  - \$ 900.00 if requesting a Planned Development (PD)
- **75 to less than 100 acres:**
  - \$ 900.00, plus \$25.00 per each type of zoning district requested; or
  - \$ 950.00 if requesting a Planned Development (PD)
- **100 acres and above:**
  - \$ 9450.00, plus \$25.00 per each type of zoning district requested; or
  - \$ 1000.00 if requesting a Planned Development (PD)

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

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

### **Additional Information:**

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

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

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

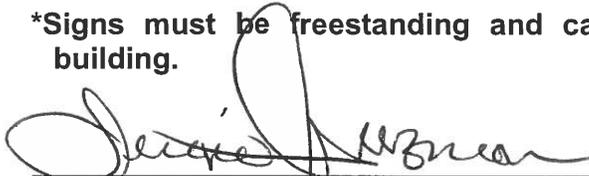
Such sign(s) shall be located as follows:

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

**PROPOSED (SPECIFY REQUEST)**  
**Contact City of Pearland**  
**281-652-1765**

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

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

  
\_\_\_\_\_  
Acknowledgement signature

9/18/2014  
\_\_\_\_\_  
Date

**ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION**

(circle one)  
\$ 775<sup>00</sup> **BA** or **PF** or **FE**

Description: Input who the check is from

**COMMENTS/DESCRIPTION (F10):**

Location or Address Zone Change

Applicant 2701 West Chester

Owner Sergio Guzman

CITY OF PEARLAND  
R E P R I N T  
\*\*\* CUSTOMER RECEIPT \*\*\*  
Oper: MHARRIS      Type: DC      Drawer: 1  
Date: 9/19/14 01      Receipt no: 355019

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$775.00
Trans number:		4598054

SERGIO GUZMAN  
MARIA A GUZMAN  
5401 COUNTY RD 100  
PEARLAND, TX 77584  
SERGIO GUZMAN  
ZONE CHANGE  
2701 WEST CHESTER  
MJH

Tender detail		
CK CHECK	9600	\$775.00
Total tendered		\$775.00
Total payment		\$775.00

Trans date: 9/19/14      Time: 8:18:50

## Sergio Guzman

5401 County Road 100  
Pearland, TX 77584  
(281) 830-6186  
sergiorealtor@hotmail.com

September 18, 2014

City of Pearland- Zoning  
3523 Liberty Drive  
Pearland, TX 77581

To Whom it May Concern,

My name is Sergio Guzman and I am writing this letter with the intent to request a zoning change for 2701 Westchester Circle, Pearland, TX 77584.

My intent for this property is to change the zoning from a Residential Zoning District to a Non-Residential Zoning district, specifically to General Business (GB) ~~or to an Office Professional District (OP)~~.  
SG

My wife and I are owners of Re/Max Pearland and hope to turn this location into our primary and owned office location. We have been leasing out an office space for many years and are now ready to have our own office space.

Your support and consideration will be greatly appreciated. Thank you for your time.

Warmest Regards,

  
Sergio Guzman

- Layers
  - Elevation Layers
  - Land Marks
  - Utilities
  - Capital Projects
  - Planning Layers
    - Plats
    - Zoning
    - Zoning Ordinances
    - CUP SUP
    - Future Road Connections
    - Thoroughfare Plan
    - Thoroughfare Intersections
    - Land Use Retail Node
    - Land Use Plan
  - Regional Growth Forecast
  - Boundary Layers
  - Roads
  - Aerials
  - Appraisal Districts
  - City Boundaries



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

**LEGEND** \* ITEMS THAT MAY APPEAR IN \*  
DRAWING BELOW

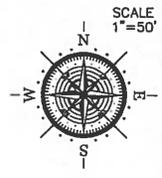
- M.U.E. = MUNICIPAL UTILITY EASEMENT
- U.E. = UTILITY EASEMENT
- A.E. = AERIAL EASEMENT
- D.E. = DRAINAGE EASEMENT
- S.S.E. = SANITARY SEWER EASEMENT
- ST.U.S.E. = STORM SEWER EASEMENT
- W.L.E. = WATER LINE EASEMENT

- F.I.R. = FOUND IRON ROD
- F.I.P. = FOUND IRON PIPE
- S.I.R. = SET IRON ROD
- W.P. = WOODEN POST
- M.P. = METAL POST
- C.F.# = CLERK'S FILE NUMBER
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- BL. = BUILDING LINE
- FND. = FOUND
- BRS. = BEARS

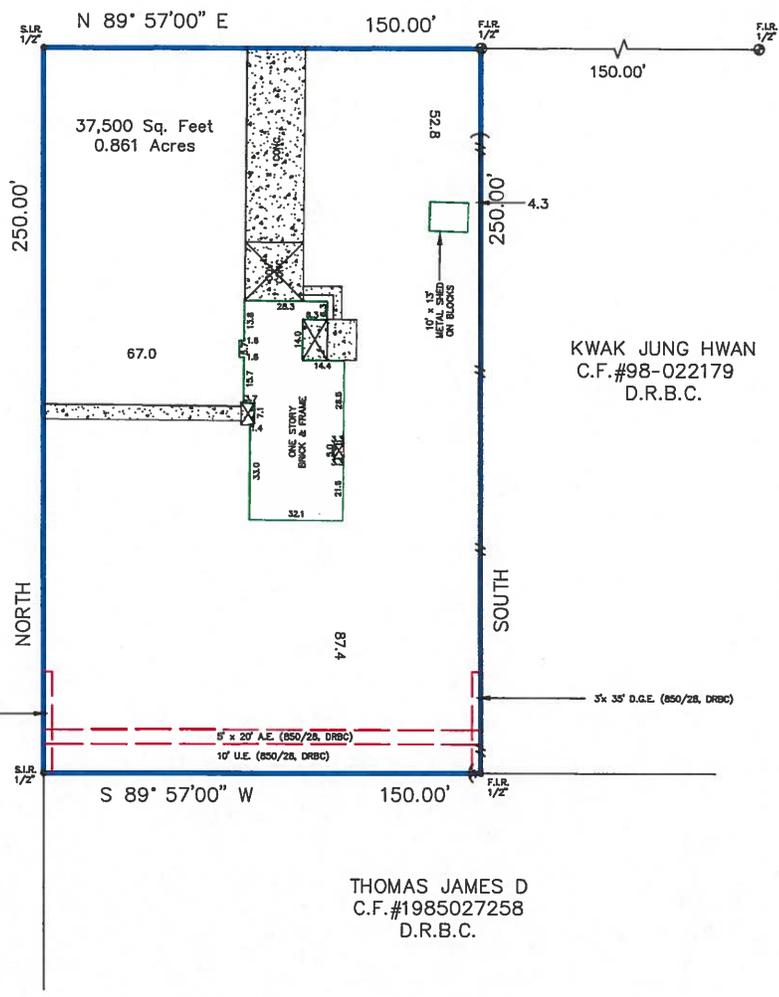
- P.A.E. = PERMANENT ACCESS EASEMENT
- P.U.E. = PUBLIC UTILITY EASEMENT
- W.S.E. = WATER & SEWER EASEMENT
- E.E. = ELECTRIC EASEMENT
- P.C. = POINT OF CURVATURE
- P.T. = POINT OF TANGENCY
- P.R.C. = POINT OF REVERSE CURVATURE
- P.C.C. = POINT OF COMPOUND CURVATURE
- P.P. = POWER POLE
- S.F.A.F. = SEARCHED FOR, NOT FOUND
- U.T.S. = UNABLE TO SET

- ⊙ = CONTROL MONUMENT
- = PROPERTY LINE
- = EASEMENT LINE
- = BUILDING SETBACK LINE
- = BUILDING WALL
- = WOODEN FENCE
- = CHAIN LINK FENCE
- ⊙ = METAL FENCE
- = WIRE FENCE
- = VINYL FENCE

**BROADWAY STREET**  
FARM TO MARKET 518  
100' R.O.W.



2701 WESTCHESTER CIRCLE



**KWAK JUNG HWAN**  
C.F.#98-022179  
D.R.B.C.

**THOMAS JAMES D**  
C.F.#1985027258  
D.R.B.C.

Reviewed & Accepted by: \_\_\_\_\_ Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_

**NOTES:**

- BEARING BASIS: DEED - C.F.# 1971011684
- SUBJECT TO ANY AND ALL RECORDED AND UNRECORDED EASEMENTS
- SURVEYOR HAS NOT INDEPENDENTLY ABSTRACTED PROPERTY
- UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND IMPROVEMENTS, FOUNDATIONS AND/OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED BY THIS SURVEY
- THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS
- SUBJECT TO RESTRICTIVE COVENANTS AS PER TITLE COMMITMENT
- SUBJECT TO ZONING AND BUILDING ORDINANCES ENFORCED BY LOCAL MUNICIPALITIES
- UNSPECIFIED WIDTH UTILITY EASEMENT, VOL 1034, PG 779, D.R.B.C.
- PAGE 1 OF 2

**LEGAL DESCRIPTION**  
TRACT 26 OF WESTCHESTER ESTATES, ACCORDING TO THE JACK C MCKNIGHT SURVEY THEREOF, DATED APRIL 6, 1962, A PARTITION IN THE H.T.&B. RAILROAD SURVEY, ABSTRACT 242, IN BRAZORIA COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN METES AND BOUNDS AS ATTACHED

**CLIENT** MARIA GUZMAN  
SERGIO GUZMAN

**ADDRESS** 2701 WESTCHESTER CIRCLE



I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON (OR ON ATTACHED SHEET), AND THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN, AND WAS DONE BY ME OR UNDER MY SUPERVISION, AND CONFORMS TO OR EXCEEDS THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

**JOB #** 1408045  
**DATE** 08/07/2014  
**GF#** 1499-14-1067

**PRO-SURV**  
P.O. BOX 1366, FRIENDSWOOD, TX 77549  
PHONE- 281-996-1113 FAX - 281-996-0112  
EMAIL: orders@prosurv.net

ONLY SURVEY MAPS WITH THE SURVEYOR'S ORIGINAL SIGNATURE ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.  
© 2014 PRO-SURV - ALL RIGHTS RESERVED

<b>B. Type of Loan</b>			
1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> RHS	3. <input type="checkbox"/> Conv. Unins.	6. File Number: 1499-14-1067
4. <input type="checkbox"/> VA	5. <input type="checkbox"/> Conv. Ins.		7. Loan Number:
			8. Mortgage Insurance Case Number:
<p><b>C.</b> NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside of the closing; they are shown here for informational purposes and are not included in the totals.</p>			
<b>D. Name and Address of Borrower</b> MARIA GUZMAN AND SERGIO GUZMAN  10015 W BROADWAY STE B PEARLAND, TX 77584		<b>E. Name and Address of Seller</b> CHRISTOPHER BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE E. BIBBS, DECEASED  2701 WESTCHESTER CIRCLE PEARLAND, TX 77584	
		<b>F. Name and Address of Lender</b> .....	
<b>G. Property Location</b> 2701 WESTCHESTER CIRCLE, PEARLAND, TX 77584  COUNTY: BRAZORIA LOT: 26 BLOCK: SUBDIVISION: WESTCHESTER		<b>H. Settlement Agent</b> AMERICAN TITLE COMPANY OF HOUSTON  <b>Place of Settlement</b> 3322 E. WALNUT AVENUE, SUITE 111 PEARLAND, TX 77581	
		<b>I. Settlement Date</b> 09/18/2014	
<b>J. SUMMARY OF BORROWER'S TRANSACTIONS</b>		<b>K. SUMMARY OF SELLER'S TRANSACTIONS</b>	
<b>100. Gross Amount Due From Borrower</b>		<b>400. Gross Amount Due To Seller</b>	
101. Contract Sales Price	\$327,000.00	401. Contract Sales Price	\$327,000.00
102. Personal Property		402. Personal Property	
103. Settlement Charges to Borrower	\$288.00	403.	
<b>Adjustments For Items Paid By Seller In Advance</b>		<b>Adjustments For Items Paid By Seller in Advance</b>	
113. City/Town Taxes		413. City/Town Taxes	
114. County Taxes		414. County Taxes	
118. Assessments		418. Assessments	
119.		419.	
<b>120. Gross Amount Due From Borrower</b>	<b>\$327,288.00</b>	<b>420. Gross Amount Due To Seller</b>	<b>\$327,000.00</b>
<b>200. Amounts Paid By Or In Behalf Of Borrower</b>		<b>500. Reductions In Amount Due To Seller</b>	
201. (See Exhibit 201)	\$6,100.00	501. (See Exhibit 501)	\$3,100.00
202. Principal		<b>502. Settlement Charges to Seller</b>	<b>\$22,998.44</b>
203. Existing Loan(s) Taken Subject to		503. Existing Loan(s) Taken Subject to	
206.		506. Earnest money retained by Agent	
<b>Adjustments For Items Unpaid By Seller</b>		<b>Adjustments For Items Unpaid By Seller</b>	
210.		510. Ad Valorem Taxes 2013 to Brazoria County Tax Assessor - Collector	\$2,674.67
211.		511. Research and Probate Copies to Court Record Research, Inc.	\$62.89
212.		512.	
213. City/Town Taxes		513. City/Town Taxes	
214. County Taxes		514. County Taxes	
216. All Taxes 1899.0300/yr 01/01/14 to 09/19/14	\$1,357.94	516. All Taxes 1899.0300/yr 01/01/14 to 09/19/14	\$1,357.94
218. Assessments		518. Assessments	
219.		519.	
<b>220. Buyer's Total Credits</b>	<b>\$7,457.94</b>	<b>520. Seller's Total Charges</b>	<b>\$30,193.94</b>
<b>300. Cash At Settlement From/To Borrower</b>		<b>600. Cash At Settlement To/From Seller</b>	
301. Gross Amount Due From Borrower (line 120)	\$327,288.00	601. Gross Amount Due To Seller (line 420)	\$327,000.00
302. Less Amounts Paid By/For Borrower (line 220)	\$7,457.94	602. Less Deductions In Amt. Due To Seller (line 520)	\$30,193.94
<b>303. Cash [ X ] From [ ] To Borrower</b>	<b>\$319,830.06</b>	<b>603. Cash [ X ] To [ ] From Seller</b>	<b>\$296,806.06</b>

S.G.  
CML

KRP

L. Settlement Statement

700. Total Sale Commission 327000.00 @ 6 % = 19620.00		Paid From Borrower's Funds At Settlement	Paid From Seller's Funds At Settlement
Division of Commission (line 700) As Follows:			
701. \$9810.00 to Cullen Realty, LLC			
702. \$9810.00 to ReMax Pearland			
703. Commission paid at settlement			
<b>800. Items Payable In Connection With Loan</b>			\$19,620.00
801. Loan Origination Fee			
802. Loan Discount			
803. Appraisal Fee			
804. Credit Report			
805. Lender Inspection Fee			
<b>900. Items Required By Lender To Be Paid In Advance</b>			
901. Interest			
902. Mortgage Insurance Premium			
903. Hazard Ins. Premium			
<b>1000. Reserves Deposited With Lender</b>			
1001. Hazard Ins. Reserve			
1002. Mortgage Ins. Reserve			
1003. City Property Taxes			
1004. County Property Taxes			
1010. Aggregate Accounting Adjustment			
<b>1100. Title Charges</b>			
1101. Settlement/Closing Fee			
1102. Abstract or Title Search			
1103. Title examination			
1104. Title Insurance Binder			
1105. Document preparation Deed & Affidavit to Law Office of Kenneth R. Phillips, PC			
1106. Notary fee			\$250.00
1107. Attorney Fee			
1108. Title Ins. Total to American Title Company of Houston/Law Office of Kenneth R. Phillips, PC			
1109. Lender's Coverage			\$2,133.00
1110. Owner's Coverage (327000.00) (American Title Company of Houston, 45.00 %, 959.85) (Law Office of Kenneth R. Phillips, PC, 55.00 %, 1173.15)			
1120. Escrow Fee to Law Office of Kenneth R. Phillips, PC			
1138. Tax Certificate to Processing Solutions, Inc.	\$250.00		\$250.00
1152. Texas Policy Guaranty Fee - Owner to ATCOH/F.B.O. PGF			\$89.95
<b>1200. Government Recording And Transfer Charges</b>			\$1.80
1201. Recording Fees for Deed 38.00; Recording Fees for Release; Recording Fees for Mortgage			
1239. Other Recording Fees - None Lena Bibbs Probate to Kenneth R. Phillips/Office Expense Account	\$38.00		
1243. Other Recording Fees - None George Bibbs Probate to Kenneth R. Phillips/Office Expense Account			\$42.00
<b>1300. Additional Settlement Charges</b>			\$46.00
1301. Survey to Pro-Surv			
1302. Pest inspection			\$565.69
<b>1400. Total Settlement Charges</b>		\$288.00	\$22,998.44

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief it is true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

**BUYERS**  
  
 Maria Guzman  
  
 Sergio Guzman  
 The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.  
 Settlement Agent  

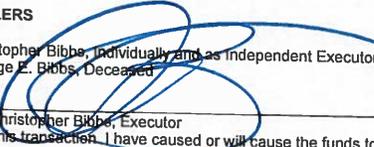
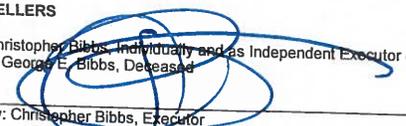

**SELLERS**  
  
 Christopher Bibbe, Individually and as Independent Executor of the Estate of George E. Bibbs, Deceased  
 By: Christopher Bibbe, Executor  
 Date  
 09/18/2014

Exhibit	Buyer(s)	Seller(s)
Exhibit 201	Deposit or earnest money	
	Option Fee	(\$3,000.00)
	Earnest Money Extension	(\$100.00)
Exhibit 501	Option Fee	(\$3,000.00)
	Earnest Money Extension	\$100.00
		\$3,000.00

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief it is true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

**BUYERS**  
  
 Maria Guzman  
  
 Sergio Guzman

**SELLERS**  
  
 Christopher Bibbs, Individually and as Independent Executor of the Estate of George E. Bibbs, Deceased  
 By: Christopher Bibbs, Executor

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

**Settlement Agent**  
  
 \_\_\_\_\_

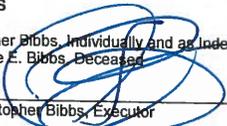
**Date**  
 09/18/2014

## HUD-1 Addendum

<b>File Number:</b>	1499-14-1067	<b>Settlement Agent/Place of Settlement:</b>	
<b>Property Address:</b>	2701 WESTCHESTER CIRCLE, PEARLAND, TX 77584  COUNTY: BRAZORIA LOT: 26 BLOCK: SUBDIVISION: WESTCHESTER	<b>AMERICAN TITLE COMPANY OF HOUSTON</b> 3322 E. WALNUT AVENUE, SUITE 111 PEARLAND, TX 77581 Phone : (281) 412-9922	
<b>Seller(s):</b>	CHRISTOPHER BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE E. BIBBS, DECEASED		
<b>Buyer(s):</b>	MARIA GUZMAN AND SERGIO GUZMAN	<b>Settlement Date:</b>	9/18/2014
		<b>Disbursement Date:</b>	9/19/2014
<b>Loan Number:</b>	<b>Lender: ....</b>	<b>Mortgage Broker:</b>	
		<b>Buyer Charges</b>	<b>Seller Charges</b>
<b>Title and Escrow Charges:</b>			
Deed & Affidavit to Law Office of Kenneth R. Phillips, PC			\$250.00
Escrow Fee to Law Office of Kenneth R. Phillips, PC		\$250.00	
Tax Certificate to Processing Solutions, Inc.			\$89.95
<b>Line 1101 Total:</b>		<b>\$250.00</b>	<b>\$339.95</b>
Owner's Coverage (Company) to American Title Company of Houston			\$959.85
Owner's Coverage (FA/P-22 Attorney) to Law Office of Kenneth R. Phillips, PC			\$1,173.15
Guaranty Assessment Recoupment Charge - Owner to ATCOH/F.B.O. PGF			\$1.80
<b>Line 1103 Total:</b>		<b>\$0.00</b>	<b>\$2,134.80</b>
Escrow Fee to Law Office of Kenneth R. Phillips, PC			\$250.00

I have carefully reviewed the HUD-1 Addendum Statement and to the best of my knowledge and belief, it is true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Addendum Statement.

**BUYERS**  
  
 Maria Guzman  
  
 Sergio Guzman

**SELLERS**  
 Christopher Bibbs, Individually and as Independent Executor of the Estate of George E. Bibbs, Deceased  
  
 By: Christopher Bibbs, Executor

The HUD-1 Addendum Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

**Settlement Agent**  


**Date**  
 09/18/2014

**NOTICE OF CONFIDENTIALITY RIGHTS. IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED OF RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER; OR YOUR DRIVER'S LICENSE NUMBER.**

**WARRANTY DEED  
with Vendor's Lien**

**THE STATE OF TEXAS           §  
  §           **KNOW ALL MEN BY THESE PRESENTS:**  
**COUNTY OF BRAZORIA       §****

**THAT**, the undersigned, **CHRISTOPHER ALLEN BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE EDWARD BIBBS, DECEASED**, a resident of Brazoria County, Texas, [the "Grantor"], has executed this instrument for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** cash, along with other good and valuable consideration, to him in hand paid by **SERGIO I. GUZMAN and wife, MARIA A. GUZMAN**, residents of Brazoria County, Texas [the "Grantees"], the receipt and sufficiency of which is hereby acknowledged and confessed.

**NOW, THEREFORE**, for an in consideration as aforesaid, Grantor does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto the said Grantees, all that certain tract of land, together with all improvements thereon, lying and being situated in the County of Brazoria, the State of Texas:

TRACT NO. 26 of WESTCHESTER ESTATES, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H. T. & B. Railroad Survey, Abstract 242, in Brazoria County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2 inch iron rod located SOUTH, a distance of 250.00 feet and S 89° 57' W, a distance of 448.00 feet from a 3/4-inch iron pipe marking the intersection of the south line of F.M. Road #518 and the west line of F.M. Road #1128;

THENCE S 89° 57' W along a line parallel to the south line of F.M. #518, a distance of 150.00 feet to a 1/2-inch iron rod for corner;

THENCE NORTH along a line parallel to the west line of F.M. #1128, a distance of 250.00 to a 1/2-inch iron rod on the south line of F.M. Road #518;

THENCE N 89° 57' E along the south line of F.M. Road #518, 100 feet wide, a distance of 150.00 feet to a 1/2-inch iron rod for corner;

THENCE SOUTH along a line parallel to the west line of F.M. Road #1128, a distance of 250.00 feet to the PLACE OF BEGINNING,

together with all rights, ways, privileges and easements appurtenant to the land, including Grantor's right, title and interest in and to all strips, gores, streets, alleys and way, public or private, adjoining or crossing said land [the "Property"].

**FURTHER**, for and in consideration as aforesaid, Grantor has conveyed the Property and, by the recording of this instrument, Grantees have so accepted the Property, in its present condition, "*AS IS-WHERE IS-WITH ALL FAULTS*" and, except for the warranty of title set forth below, Grantors make no warranty, either express or implied, as to the condition, merchantability or fitness of the Property.

**THE CONVEYANCE** evidenced by this instrument is made and accepted **SUBJECT TO:**

1. All ad valorem taxes, fees and assessments, if any, for the year 2014, and for all subsequent years, the payment of which Grantees assume (at the time of transfer of title), and all subsequent assessments for this and all prior years due to change(s) in land usage (including, but not limited to, the presence or absence of improvements, if any, on the Property), ownership, or both, the payment of which Grantees assume;
2. All valid oil, gas and mineral rights, interests or leases, royalty reservations, mineral interest and transfers of interests of any character, in the oil, gas or minerals of record in any county in which any portion of the Property is located;
3. All covenants, conditions, restrictions, zoning ordinances and other items of record in any county in which any portion of the Property is located, but only to the extent the same are still in force and effect;
4. All easements and rights-of-way, or record, pertaining to any portion of the herein described Property; and
5. All other presently recorded instruments (other than liens and conveyances by, through or under Grantor) that affect the Property and any portion thereof;

**TO HAVE AND TO HOLD** the above described Property, together with all and singular the rights and appurtenances thereto, unto the said Grantees, their heirs, successors and assigns forever, and the Grantor does hereby bind himself, his heirs, successors and assigns to **WARRANT AND FOREVER DEFEND** all and singular the said Property unto the said Grantees, their heirs, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument has been executed in Brazoria County, Texas, on this the 18<sup>th</sup> day of September, 2014.



**CHRISTOPHER ALLEN BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE EDWARD BIBBS, DECEASED**

THE STATE OF TEXAS                   §  
  §  
COUNTY OF BRAZORIA               §

BEFORE ME, the undersigned authority, on this day personally appeared **CHRISTOPHER A. BIBBS, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF GEORGE EDWARD BIBBS, DECEASED**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 18<sup>th</sup> day of September, 2014.



**Notary Public in and for  
The State of Texas**

**RETURN TO:**

American Title Company / Pearland  
Post Office Box 2887  
Pearland, Texas 77581

**MAILING ADDRESS OF GRANTEEES:**

10015 W. Broadway, Suite B  
Pearland, Texas 77584

# New Business Item No. 3

- 3. Consideration and Possible Action – First Reading of Ordinance No. 2000M-125** – 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 3.850 acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850 acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records, Brazoria County, Texas, located at **12216 Broadway Street, Zone Change 2014-18Z**, a request of Arnold A. Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district, on approximately 3.850 acres of land; 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**

<b>AGENDA OF:</b> October 23, 2014	<b>ITEM NO.:</b> Ordinance No. 2000M-125				
<b>DATE SUBMITTED:</b> November 3, 2014	<b>DEPT. OF ORIGIN:</b> Planning				
<b>PREPARED BY:</b> Ian Clowes	<b>PRESENTOR:</b> Lata Krishnarao				
<b>REVIEWED BY:</b> Lata Krishnarao	<b>REVIEW DATE:</b> November 5, 2014				
<p><b>SUBJECT:</b> Ordinance No. 2000M-125 - 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 3.850 acre tract in the H.T. &amp; B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850 acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records, Brazoria County, Texas, located at 12216 Broadway Street, Zone Change 2014-18Z, a request of Arnold A Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district, on approximately 3.850 acres of land; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.</p>					
<p><b>ATTACHMENTS:</b> Ordinance No. 2000M-125 and Exhibits (Exhibit A – Legal Description; Exhibit B – Vicinity and Zoning Map; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter) 10.20.14 Joint Public Hearing Packet</p>					
<p><b>To be completed by Department:</b></p> <table style="width: 100%; text-align: center;"> <tr> <td style="width: 25%;">Finance</td> <td style="width: 25%;">Legal</td> <td style="width: 25%;">Ordinance</td> <td style="width: 25%;">Resolution</td> </tr> </table>		Finance	Legal	Ordinance	Resolution
Finance	Legal	Ordinance	Resolution		

**EXECUTIVE SUMMARY**

The subject property includes approximately 3.850 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district. According to the applicant's letter

of intent, the purpose of the requested change is to allow for the property owner to divide the current lot and market a portion of it for commercial use.

Prior to and during the Planning and Zoning Commission's meeting on October 20, 2014, staff discussed with the applicant alternative zoning options that could alleviate neighbors' and Council's concerns. However, the applicant decided to move forward with the existing request.

### **Public Notification/Comment**

Staff sent public notices, comment forms and a vicinity map to the applicant, owner of the property, and to property owners within 200 feet of the site. Additionally, a legal notice of 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 received 14 notices from property owners, 4 of which were within 200 feet of the site, all in opposition to the requested zone change. Neighbors cited noise and light pollution, degrading of property values, and possible crime, as reasons for their opposition. Several property owners expressed these concerns at the Joint Public Hearing also.

### **Recommendation**

Staff is unable to recommend approval of the request to change the zoning of the approximately 3.850 acre site from R-1 to GB for the following reasons:

1. The change in zoning is not in conformance with the Future Land Use Plan designation of "Low Density Single Residential". The most recent update to the Future Land Use Plan called out a number of significant retail nodes in this area centered on the major intersections to prevent further development of retail strip centers along the entire length of Broadway. The subject parcel is not located within any of these retail nodes. The proposed zone change, if approved, would go against this specific goal and could set precedence for future zone changes in this area.
2. The subject parcel is surrounded on three sides by existing residential uses and residential zoning. A zone change to GB for the purposes of commercial use could be deemed as spot zoning and would have a significant negative impact to the adjacent homes.

**PLANNING AND ZONING COMMISSION DISCUSSION:** At the regular meeting of the Planning and Zoning Commission on September 15, 2014, the Planning and Zoning Commission recommended denial of the proposed zone change, by a vote of 0-5.

**STAFF RECOMMENDATION TO COUNCIL:** Consider Zone Change Application 2014-18Z to change the zoning of the approximately 3.850 acres from R-1 to GB.

## **Ordinance No. 2000M-125**

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 3.850 acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850 acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records, Brazoria County, Texas, located at 12216 Broadway Street, **Zone Change 2014-18Z**, a request of Arnold A. Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district, on approximately 3.850 acres of land; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

**WHEREAS**, Arnold A. Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc., owner; is requesting approval of a change in zoning from Single Family Residential - 1 (R-1) to General Business (GB) on approximately 3.850 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 20<sup>th</sup> day of October, 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 20<sup>th</sup> day of October, 2014, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed zone change application Arnold A. Patterson, applicant; on behalf of Pearland

New Harvest Christian Fellowship, Inc., owner; for approval of a change in zoning from Single Family Residential – 1 (R-1) to General Business (GB) on approximately 3.850 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 10<sup>th</sup> day of November 2014 and the 24<sup>th</sup> day of November 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 Arnold A. Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc., owner; for approval of a change in zoning from Single Family Residential – 1 (R-1) to General Business (GB) on approximately 3.850 acres of land, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

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

**Section I.** The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently classified as Province Village PD, is hereby amended, in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

**LEGAL DESCRIPTION:** Being a 3.850 acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850 acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk’s File No. 2010052506 in the Brazoria County Official Public Records

**GENERAL LOCATION:** 12216 Broadway Street, Pearland, Texas

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

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

**Section IV.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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

**Section VI.** The City Secretary is hereby directed to cause to be prepared an amendment to the official Zoning District Map of the City, pursuant to the provisions of Section 2.3.2.2 of Ordinance No. 2000-M and consistent with the approval herein granted for the reclassification of the herein above described property

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

PASSED, APPROVED, and ADOPTED on First Reading this 10<sup>th</sup> day of November, 2014.

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TOM REID  
MAYOR

ATTEST:

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YOUNG LORFING, TRMC  
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 24<sup>th</sup> day of November, 2014.

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TOM REID  
MAYOR

ATTEST:

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YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

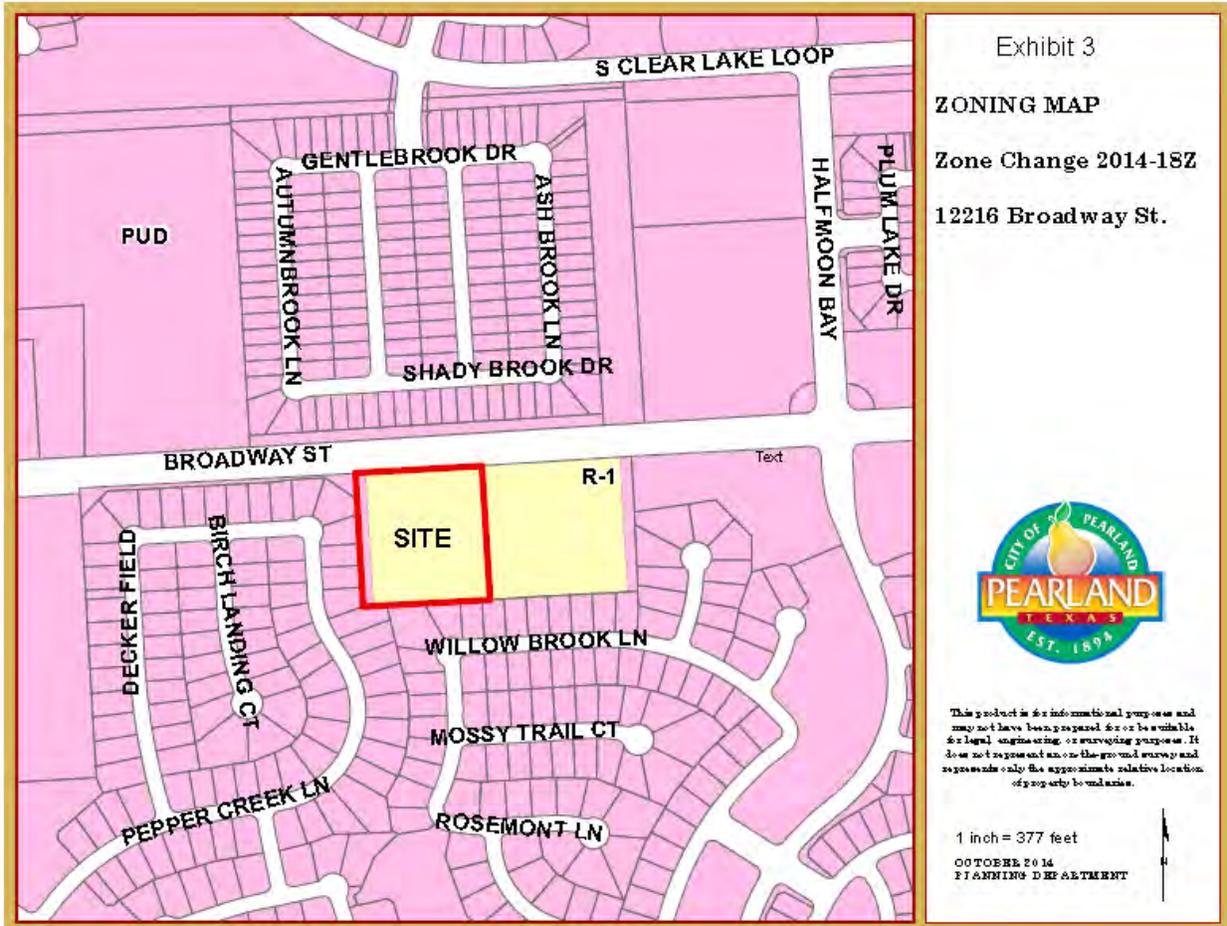
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DARRIN M. COKER  
CITY ATTORNEY

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

Being a 3.850 acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850 acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records

**Exhibit B  
Vicinity and Zoning Map**



**Exhibit C  
Legal Ad**

**NOTICE OF A JOINT PUBLIC HEARING OF  
THE CITY COUNCIL**

**AND**

**THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF PEARLAND, TEXAS**

**ZONE CHANGE APPLICATION NUMBER: 2014-18Z**

Notice is hereby given that on October 20, 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 Arnold A Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district; on approximately 3.850 acres of land, to wit:

Being a 3.850 acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850 acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records.

General Location: 12216 Broadway 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.

**Ian Clowes  
Senior Planner**

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



# Planning & Zoning Commission

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Recommendation Letter

October 21, 2014

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

Re: Recommendation on Zone Change Application No. 2014-18Z

Honorable Mayor and City Council Members:

At their regular meeting on October 20, 2014, the Planning and Zoning Commission considered the following:

A request of Arnold A Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district; on approximately 3.850 acres of land, on the following described property:

**LEGAL DESCRIPTION:** Being a 3.850 acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850 acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records Brazoria County, Texas.

**GENERAL LOCATION:** 12216 Broadway Street Pearland, TX

P&Z Vice Chairperson Daniel Tunstall made a motion to recommend approval of the Zone Change request. The motion was seconded by P&Z Commissioner Mary Starr. The vote was 0-5 and the motion failed. Commissioners Tunstall, Starr, Fuentes, Reed, and McLane all voted in opposition of the requested zone change.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ian Clowes".

Ian Clowes  
Senior Planner  
On behalf of the Planning and Zoning Commission



**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, OCTOBER 20, 2014, AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

**Zone Change Application No. 2014-18Z**

A request of Arnold A Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district; on approximately 3.850 acres of land, to wit:

**Legal Description:** Being a 3.850 acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850 acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records, Brazoria County, Texas

**General Location:** 12216 Broadway Street, Pearland, TX

**III. APPLICATION INFORMATION AND CASE SUMMARY**

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

**IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST**

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT**

**This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.**



## Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: October 20, 2014

Re: Zone Change Application Number 2014-18Z

A request of Arnold A Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district; on approximately 3.850 acres of land, located at 12216 Broadway Street, Pearland, TX

### **Proposal**

The subject property includes approximately 3.850 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district. According to the applicant's letter of intent, the purpose of the requested change is to allow for the property owner to divide the current lot and market a portion of it for commercial use.

### **Public Notification/Comment**

Staff sent public notices, comment forms and a vicinity map to the applicant, owner of the property, and to property owners within 200 feet of the site. Additionally, a legal notice of 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 in favor or in opposition to the request.

### **Recommendation**

Staff is unable to recommend approval of the request to change the zoning of the approximately 3.850 acre site from R-1 to GB for the following reasons:

1. The change in zoning is not in conformance with the Future Land Use Plan designation of "Low Density Single Residential". The most recent update to the Future Land Use Plan called out a number of significant retail nodes in this area

centered on the major intersections to prevent further development of retail strip centers along the entire length of Broadway. The subject parcel is not located within any of these retail nodes. The proposed zone change, if approved, would go against this specific goal and could set precedence for future zone changes in this area.

2. The subject parcel is surrounded on three sides by existing residential uses and residential zoning. A zone change to GB for the purposes of commercial use could be deemed as spot zoning and would have a significant negative impact to the adjacent homes. The GB zone allows for a number of high impact commercial uses, such as gas stations, restaurants, and auto repair.

### **Exhibits**

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. Applicant Packet



## Exhibit 1 Staff Report

### Summary of Request

The subject property includes approximately 3.850 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential – 1 (R-1) zoning district to the General Business (GB) zoning district. According to the applicant's letter of intent, the purpose of the requested change is to allow for the property owner to divide the current lot and market a portion of it for commercial use.

### Site History

The subject property includes a total of 8.635 acres undeveloped and is currently partially developed with New Harvest Fellowship Church. The church proposes to subdivide the property, leaving 3.850 acres of land to the west as a separate lot. The applicant proposes to rezone the 3.850 acre tract to GB and sell it to a yet to be determined developer for commercial purposes.

The site is surrounded by Planned Development (PD) zoning to the north, west and south, with the future adjoining lot to the east being R-1. To the south and west are single family homes which are part of the Southern Trails Planned Development. Across Broadway, to the north, are additional single family homes that are part of the Shadow Creek Ranch Planned Development. To the east is the New Harvest Fellowship Church.

The below table identifies surrounding uses and zoning districts:

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Shadow Creek Planned Development (PD)	Single Family Subdivision
<b>South</b>	Southern Trails Planned Development (PD)	Single Family Subdivision
<b>East</b>	Single Family Residential – 1 (R-1)	Church
<b>West</b>	Southern Trails Planned Development (PD)	Single Family Subdivision

### **Conformance with the Unified Development Code**

The property is currently undeveloped. The proposed site dimensions of 392 feet by 428 feet exceed the requirements of the GB zone. All other requirements of the UDC will need to be met upon development of the site including the requirements of the Corridor Overlay District.

A comparison of the existing R-1 and proposed GB zoning districts follow as it relates to the site in terms of the general regulations:

		<b>Existing Zoning District Regulations (R-1)</b>	<b>Proposed Zoning District Regulations (GB)</b>	<b>Site</b>
Minimum Lot Area		8,800 square feet	22,500 square feet	167,776 feet (3.850 acres)
Minimum Lot Width		80 feet	150 feet	392 feet
Minimum Lot Depth		90 feet	125 feet	428 feet
Minimum Front Yard		25 feet	25 feet	25 feet (30 feet if parking is up front)
Minimum Side Yard		7.5 feet	10 feet	25 feet (due to residential adjacency)
Minimum Rear Yard		20 feet	25 feet	25 feet
Residential Adjacency		N/A	30 foot with hedge or 25 foot with masonry wall	30 foot with hedge or 25 foot with masonry wall

### **Conformance with the Comprehensive Plan**

The proposed change in zoning from R-1 to GB on the subject property does not conform to the future land use designation of the Comprehensive Plan which is "Low Density Residential." According to the Comprehensive Plan, the aforementioned future land use designation is designed for medium to larger lot residential. During the 2010

Future Land Use Plan Update, this area was discussed at length regarding how future commercial growth should be planned for. The Planning and Zoning Commission and City Council approved the addition of retail nodes at the major intersections (Broadway/Kirby and Broadway/Kingsley) with an ultimate goal of preventing further development of retail strip centers along the entire length of Broadway. The proposed zone change is not located within one of these retail nodes and is surrounded by residential. Therefore, the proposed zone change is not in conformance with the Comprehensive Plan.

### **Conformance with the Thoroughfare Plan**

The property has frontage on Broadway Street; a major thoroughfare of sufficient width which requires 120 feet of right-of-way.

### **Platting Status**

The property was platted in December of 2010 as the Minor Plat of New Harvest Christian Fellowship. A replat will be required in order to subdivide the existing parcel.

### **Availability of Utilities**

The subject property has access to public infrastructure. According to GIS records, there is an existing 16 inch water line on the north side of Broadway. Additionally, there is an existing 10 inch sewer line along the south side of Broadway. At the time of development, the developer will be required to tap into the provided services and payment of impact fees will be required.

### **Impact on Existing and Future Development**

The GB zone allows for a number of high impact commercial uses, such as gas stations, restaurants, and auto repair. The subject property is surrounded by residential uses on three sides with the existing church facility to the east. The residential homes located within the Southern Trails subdivision to the south and west will be greatly impacted by this proposed zone change. Though a residential adjacency buffer is required, there still will be a significant negative impact regarding noise, lighting pollution, and traffic, to the existing residential homes. Furthermore, these homes were established with the existing R-1 zoning in place adjacent to their property which only permits residential uses or low impact nonresidential uses such as a church, school, or governmental building.

The applicant at this time has no proposed use for the land and intends to sell the property to a yet to be determined developer. If a commercial zone is considered appropriate for this area, staff would recommend a lesser zone of either Neighborhood Services (NS) in order to mitigate any potential impacts to the existing residential.

With the 2010 Future Land Use Plan update, precedence was established that would prevent this section of Broadway from having a continuous stretch of commercial and retail, by planning for retail nodes around the major intersections. If this zone change were to be approved, this would establish a case for future rezoning applications in the future along other sections of Broadway.

### **Additional Comments**

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

### **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.

### **Recommendation**

Staff is unable to recommend approval of the request to change the zoning of the approximately 3.850 acre site from R-1 to GB for the following reasons:

1. The change in zoning is not in conformance with the Future Land Use Plan designation of "Low Density Single Residential". The most recent update to the Future Land Use Plan called out a number of significant retail nodes in this area centered on the major intersections to prevent further development of retail strip centers along the entire length of Broadway. The subject parcel is not located within any of these retail nodes. The proposed zone change, if approved, would go against this specific goal and could set precedence for future zone changes in this area.
2. The subject parcel is surrounded on three sides by existing residential uses and residential zoning. A zone change to GB for the purposes of commercial use could be deemed as spot zoning and would have a significant negative impact to the adjacent homes. The GB zone allows for a number of high impact commercial uses, such as gas stations, restaurants, and auto repair.



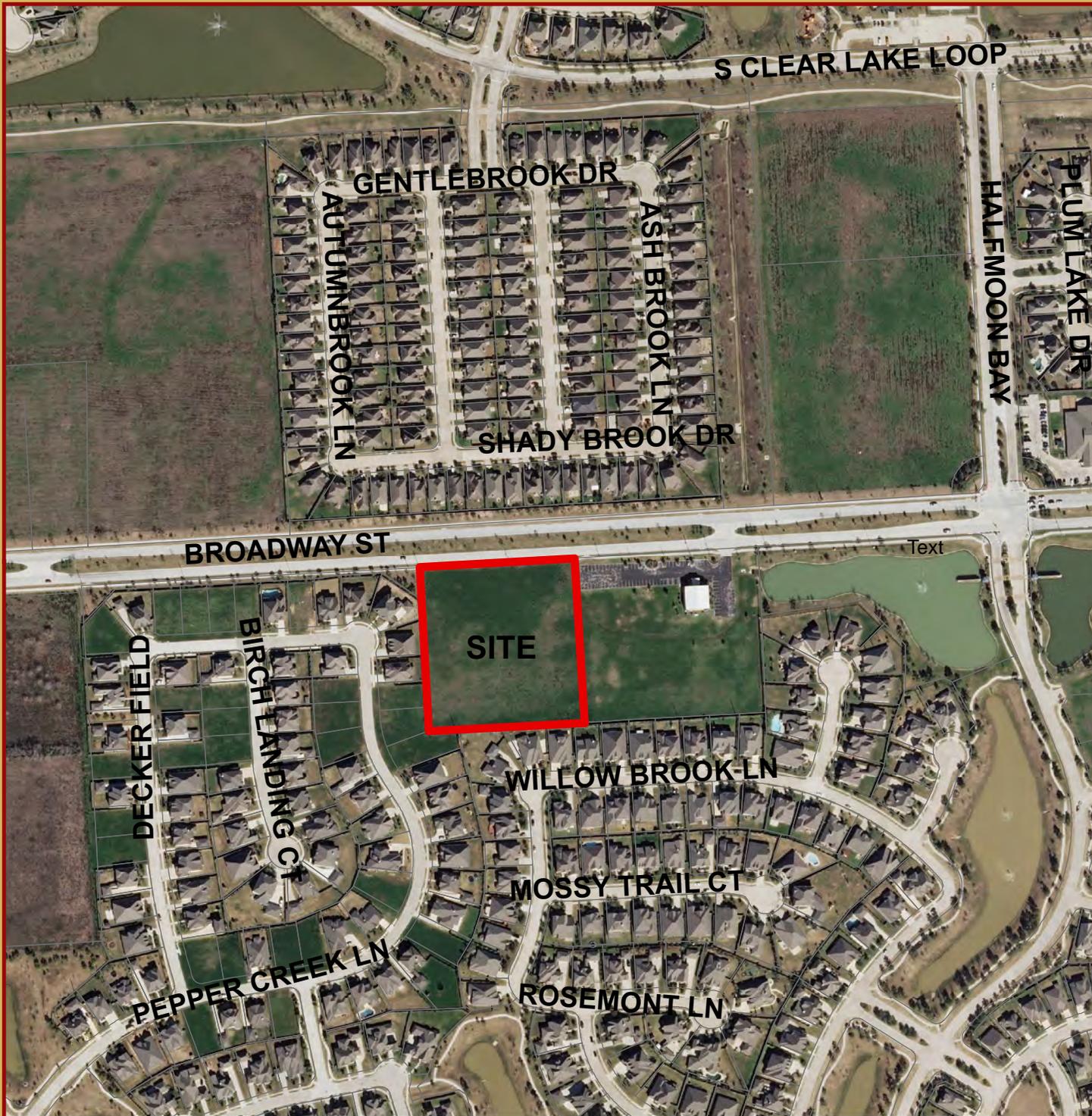


Exhibit 2

AERIAL MAP

Zone Change 2014-18Z

12216 Broadway St.



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 = 377 feet

OCTOBER 2014  
PLANNING DEPARTMENT



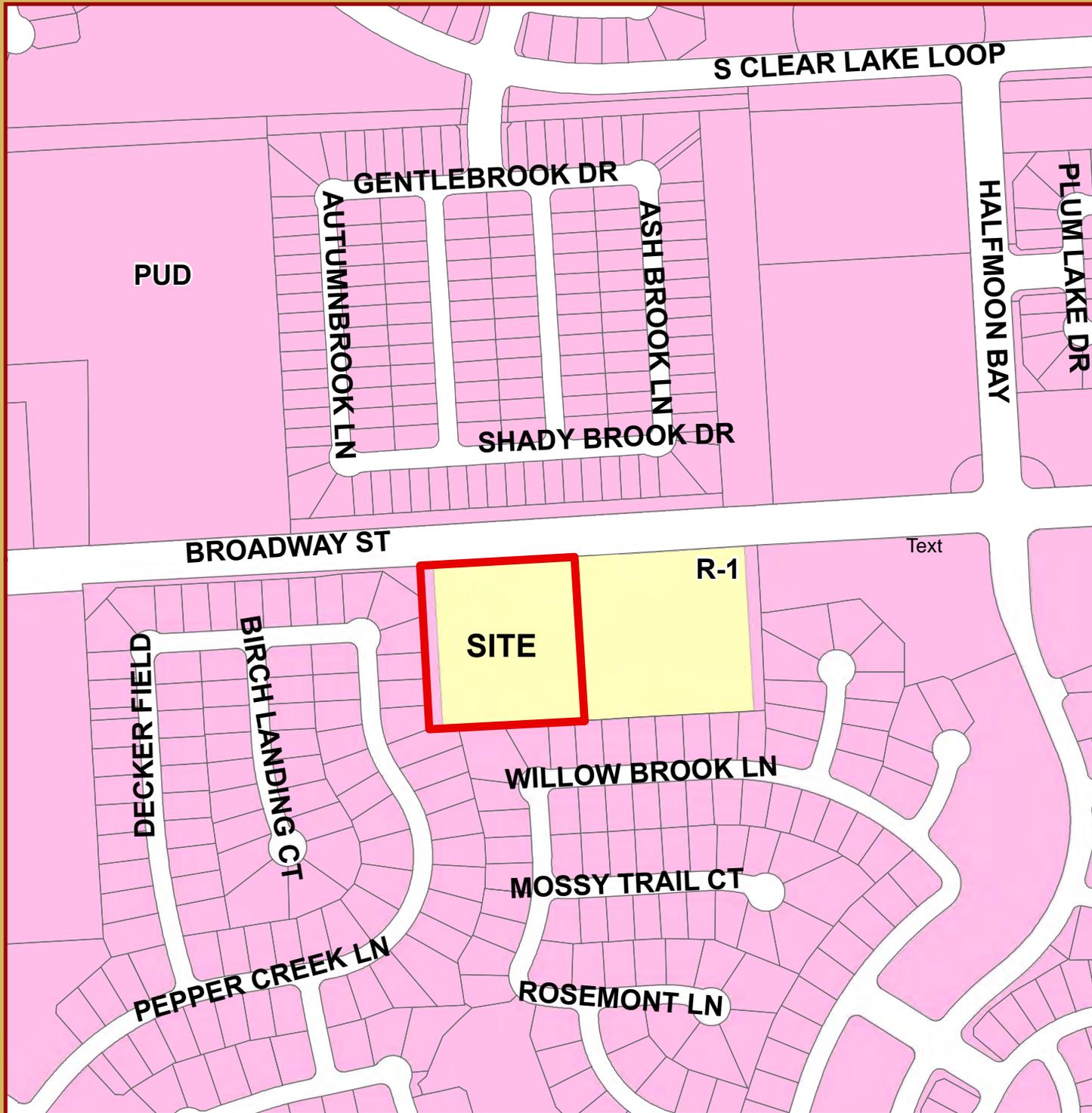


Exhibit 3

ZONING MAP

Zone Change 2014-18Z

12216 Broadway St.



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OCTOBER 2014  
PLANNING DEPARTMENT





Exhibit 4

FLUP MAP

Zone Change 2014-18Z

12216 Broadway St.



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OCTOBER 2014  
PLANNING DEPARTMENT



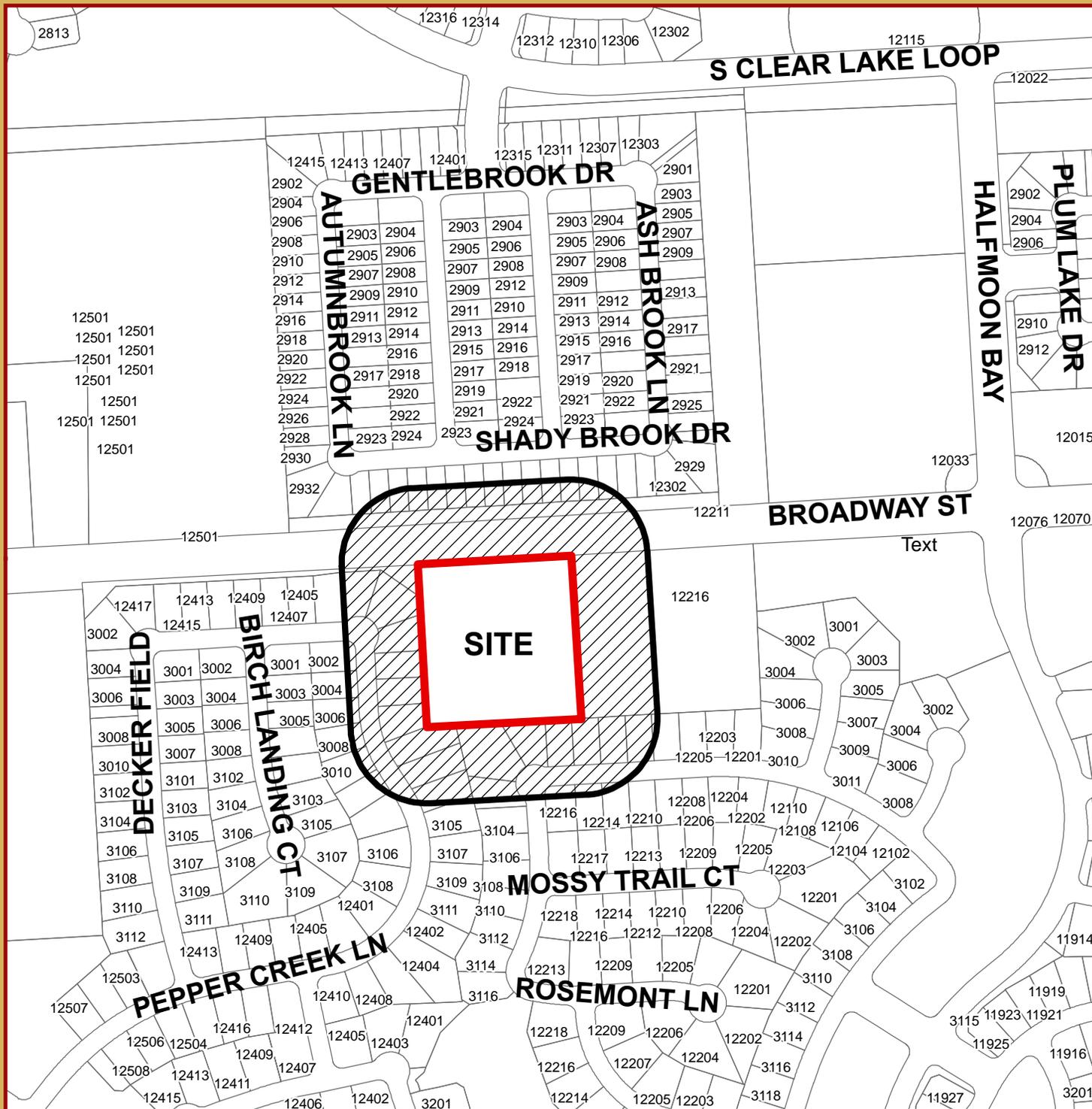


Exhibit 5

NOTIFICATION MAP

Zone Change 2014-18Z

12216 Broadway St.



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1 inch = 377 feet

OCTOBER 2014  
PLANNING DEPARTMENT



## Exhibit 6

### ZONE CHANGE 2014-14Z NOTIFICATION LIST

<b>Owner</b>	<b>Address</b>	<b>City</b>
SCHNITZER ALAN	12217 WILLOW BROOK LN	PEARLAND
CHEMUDUPATY SIVARAMA M	12212 WILLOW BROOK LN	PEARLAND
NIEVE FERNANDO A & LETICIA	12216 WILLOW BROOK LN	PEARLAND
BURTON MILLICENT	12306 SHADY BROOK DR	PEARLAND
DINH TUAN	12314 SHADY BROOK DR	PEARLAND
RAVIKOYY LLC	15414 PALM GRASS CT	HOUSTON
GAUVAIN TAGGART T & ERIN B	12406 SHADY BROOK DR	PEARLAND
THOMPSON FREDRICK & LOCKETT-		
THOMPSON KATRINA	12408 SHADY BROOK DR	PEARLAND
RIGGINS CHELSIE	12410 SHADY BROOK DR	PEARLAND
POPP CHARLES M & AMY J	12412 SHADY BROOK DR	PEARLAND
UNGER WILLIAM L & YOLAND	12414 SHADY BROOK DR	PEARLAND
HEAD ANGELA	12416 SHADY BROOK DR	PEARLAND
SHADOW CREEK RANCH MAINTENANCE	12234 SHADOW CREEK PKWY	
ASSOCIATION	BLFDG 3	PEARLAND
ORTEGA JESUS	12219 WILLOW BROOK LN	PEARLAND
AYYAGARI SRINIVAS & SUNEETHA	3102 MOSSY TRAIL LN	PEARLAND
	11375 S SAM HOUSTON PKWY W	
ASHTON HOUSTON RESIDENTIAL LLC	STE 100	HOUSTON
PERRY HOMES	PO BOX 34306	HOUSTON
WARREN RONALD P JR	3005 MASON GROVE LN	PEARLAND
GREEN BRIAN H & LISA M	3105 MASON GROVE LN	PEARLAND
ANDERSON ROBERT K & MARTHA N	3104 MASON GROVE LN	PEARLAND
POLAR MARTIN K & TIFFANY J	3103 MASON GROVE LN	PEARLAND
LLAMAS RENATO L & IMELDA	3102 MASON GROVE LN	PEARLAND
JOSEPH JOSH Y	3010 MASON GROVE LN	PEARLAND
NGUYEN CLIFF & TRACY T	3101 MASON GROVE LN	PEARLAND
IMPERIAL HOMES TEXAS LTD		
BIGI MARINUS A & AMANDA L	3008 MASON GROVE LN	PEARLAND
PERRY HOMES	PO BOX 34306	HOUSTON
THOMAS BINOY C & BINDHU M CHERIAN	3006 MASON GROVE LN	PEARLAND
CHUNDRU GHOWTHAM & APARNA KAJA	3002 MASON GROVE LN	PEARLAND
LINVILLE CAIN & ERIKA SATO	3003 MASON GROVE LN	PEARLAND
TILLMAN JASON A & WYKENA M LIPSCOMB	12401 CLOVER CREEK LN	PEARLAND
RAEZER SHERYL	3001 MASON GROVE LN	PEARLAND
SOUTHERN TRAILS RESIDENTIAL ASSOC INC	2500 LEGACY DR STE 220	FRISCO

PEARLAND NEW HARVEST SULOCHANA PRIYA & RUPESH	PO BOX 1966	PEARLAND
ARAVINDAKSHAN	12214 WILLOW BROOK LN	PEARLAND
LAO JOSEPH M & FAYE V	12308 SHADY BROOK DR	PEARLAND
ROSALIND ROSE	12304 SHADY BROOK DR	PEARLAND
KONGO DANIEL H	12312 SHADY BROOK DR	PEARLAND
SPARKS KEITH	12318 SHADY BROOK DR	PEARLAND
MANARANG LUZVIMINDA T & YOLANDO B		
WEYRICH STEVEN A JR	12404 SHADY BROOK DR	PEARLAND
HUNG OSWALDO & FANNY T	12207 WILLOW BROOK LN	PEARLAND
MOHAN PATRICK & MARY	12209 WILLOW BROOK LN	PEARLAND
HARRIS SHEILA H & STACY L	12211 WILLOW BROOK LN	PEARLAND
DONNELLY PAUL & DAWN	12213 WILLOW BROOK LN	PEARLAND
DAVIS DARREL & DONNA MURRAY	12215 WILLOW BROOK LN	PEARLAND



TX 77588

TX 77584

TX 77584

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TX 77584



# APPLICATION FOR A CHANGE IN ZONING

City of Pearland  
Community Development  
3523 Liberty Drive  
(Community Center)  
Pearland, Texas 77581  
281-652-1765  
281-652-1702 fax  
www.cityofpearland.com

Current Zoning District: R-1

Proposed Zoning District: GB - GENERAL BUSINESS

**Property Information:**

Address or General Location of Property: 12216 W. BROADWAY  
PEARLAND, TX. 77584

Tax Account No. CHURCH

Subdivision: ALLISON-RICHEY GULF COAST Lot: 1 Block: 1  
HOME CO. SUBURBAN GARDENS

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

**PROPERTY OWNER INFORMATION:**

**APPLICANT/AGENT INFORMATION:**

NAME PEARLAND NEW HARVEST CHRISTIAN FELLOWSHIP, INC.  
ADDRESS 12216 W. BROADWAY  
CITY PEARLAND STATE TX ZIP 77584  
PHONE (713) 436-2400  
FAX ( )  
E-MAIL ADDRESS

NAME ARNOLD B. PATTERSON  
ADDRESS 17103 LOBLOLLY BAY CT.  
CITY HOUSTON STATE TX ZIP 77059  
PHONE (832) 284-4482  
FAX ( )  
E-MAIL ADDRESS ARABATTI9460@GMAIL.COM

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

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

Owner's Signature: Keith Anderson Date: 9-11-2014

Agent's/Applicant's Signature: Arnold B. Patterson Date: 9-11-2014

**OFFICE USE ONLY:**

FEES PAID: <u>\$ 775.00</u>	DATE PAID: <u>19 Sept. 14</u>	RECEIVED BY: <u>IC</u>	RECEIPT NUMBER: <u>356800</u>
-----------------------------	-------------------------------	------------------------	-------------------------------

Application No. 2014-187

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

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

Such sign(s) shall be located as follows:

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

**PROPOSED (SPECIFY REQUEST)**  
**Contact City of Pearland**  
**281-652-1765**

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

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

  
\_\_\_\_\_  
Acknowledgement signature

9-11-2014  
Date

Aug. 26, 2014

City of Pearland  
Pearland, TX.

This letter is Pearland New Harvest Christian Fellowship's formal request to the City of Pearland to rezone part of our church property from its current zoning of R-1 to GB-General Business. As described in the meets and bounds description, this parcel of land contains approximately 3.85 acres. With the tremendous residential growth in our area, the frontage along Broadway is perfect for many small businesses. We feel that the best use of the 3.85 acres is for the development of businesses to serve the local community.

Our goal is to sell the 3.85 acres and use the proceeds to build a new 500 seat sanctuary on our existing property. We also plan to build a new meeting/conference hall that will seat 200-250. Our current church is too small to meet the needs of the rapidly growing community around us. We are holding multiple services and a larger church would better match the need of the community. It is our intent to make the meeting/conference hall available to the public which will also help meet the shortage of meeting space in the local area.

If you have any questions please let me know, I would be happy to meet and discuss this with you.

Sincerely,



Keith Anderson, Senior Pastor  
Pearland New Harvest Christian Fellowship

pearland

*new harvest*  
christian fellowship

Keith Anderson, *Senior Pastor*

12216 W. Broadway  
Pearland, Texas 77584  
713-436-2444  
Fax: 713-436-2500

---

Aug. 26, 2014

To whom it may concern:

Pearland New Harvest Christian Fellowship Church, Inc. authorizes Pastor Keith Anderson and Arnold Patterson, Church Administrator, to handle any and all matters concerning the rezoning of the church's property at 12216 W. Broadway, Pearland, Texas.

Thank you,



Keith Anderson, Senior Pastor  
Pearland New Harvest Christian Fellowship Church, Inc.

**ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION**

(circle one)  
\$ 775<sup>00</sup> **BA** or **PE** or **FE**

Description: Input who the check is from

**COMMENTS/DESCRIPTION (F10):**

Location or Address Pearland Harvest Christian Fellowship

Applicant Arnold Patterson

Owner 12216 W Broadway

CITY OF PEARLAND  
\*\*\* CUSTOMER RECEIPT \*\*\*  
Oper: AGONZALES Type: OC Drawer: 1  
Date: 9/22/14 01 Receipt no: 356800

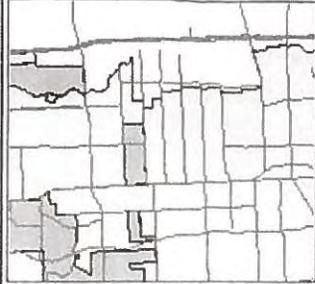
Description	Quantity	Amount
3A BOARD OF ADJUSTMENTS	1.00	\$775.00
Trans number:		4599054

BOARD OF ADJ. FOR:  
PEARLAND HARVEST CHRISTIAN  
FELLOWSHIP 713.436.2444  
ARNOLD PATTERSON  
12216 W. BROADWAY

Tender Detail		
CK CHECK	85602	\$775.00
Total tendered		\$775.00
Total payment		\$775.00

Trans date: 9/19/14 Time: 16:45:45

Broadway



3.85 ACRES  
12216 W. BROADWAY



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.

Scale 1:16,114  
1 in = 1,343 ft  
August 13, 2014



TAX CERTIFICATE



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

Issued To:
PEARLAND NEW HARVEST CHRISTIAN FELLOWSHI
12216 W. BROADWAY
PEARLAND, TX 77584

Legal Description
A0564 H T & B R R BLOCK 1 TRACT 1, NEW
HARVEST CHRISTIAN FELLOWSHIP ACRES
8.635

Fiduciary Number: 23318119

Parcel Address: 12216 BROADWAY

Legal Acres: 8.6350

Account Number: 0564-0034-005

Print Date: 09/11/2014

Certificate No: 223390808

Paid Date: 09/11/2014

Certificate Fee: \$10.00

Issue Date: 09/11/2014

Operator ID: CHARISE

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. TAXES THRU 2013 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2014.

Exemptions:

PRORATED-EXXV

Certified Owner:

PEARLAND NEW HARVEST
CHRISTIAN FELLOWSHIP INC
PO BOX 1966
PEARLAND, TX 77588-1966

2013 Value: 938,950
2013 Levy: \$0.00
2013 Levy Balance: \$0.00
Prior Year Levy Balance: \$0.00
Total Levy Due: \$0.00
P&I + Attorney Fee: \$0.00
Total Amount Due: \$0.00

Certified Tax Unit(s):

1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

Reference (GF) No: N/A

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

**Pearland New Harvest Christian Fellowship, Inc.  
3.850 Acres  
Zone Change Application**

**H.T. & B.R.R. Company Survey  
Abstract No. 564**

STATE OF TEXAS                   §

COUNTY OF BRAZORIA           §

**METES AND BOUNDS DESCRIPTION** of a 3.850-acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850-acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records and is more particularly described by metes and bounds as follows:

**COMMENCING** at the northeast corner of said New Harvest Christian Fellowship Subdivision, said point is in the south line of Broadway Street (based on a width of 120-feet);

**THENCE**, South 86°46'15" West, along the south line of said Broadway Street for a distance of 488.00 feet to the **POINT OF BEGINNING** and northeast corner of the herein described tract;

**THENCE**, South 03°09'17" East, 488-feet west of and parallel to the east line of the aforementioned New Harvest Christian Fellowship Subdivision for a distance of 427.49 feet to the southeast corner of the herein described tract, said point being in the north line of Block 3 of Southern Trails, Phase 1, Section 3 as recorded in Clerk's File No. 2005042725 in the Brazoria County Clerk's Office;

**THENCE**, South 86°40'32" West, along said north line, same being the south line of said New Harvest Christian Fellowship Subdivision, for a distance of 392.00 feet to the southwest corner of the herein described tract, same being the southwest corner of said New Harvest Christian Fellowship Subdivision;

**THENCE**, North 03°09'17" West, along the west line of said New Harvest Christian Fellowship Subdivision, same being the east line of Block 2 of Southern Trails, Phase 1, Section 7 as recorded in Clerk's File No. 2007035728 in the Brazoria County Clerk's Office, for a distance of 428.14 feet to the northwest corner of the herein described tract, same being the northwest corner of said New Harvest Christian Fellowship Subdivision, said point is in the aforementioned south line of Broadway Street;

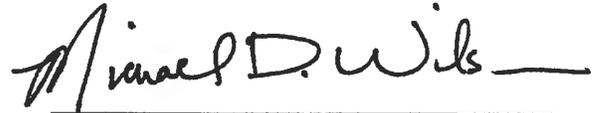
**THENCE**, North 86°46'15" East, along the south line of said Broadway Street, for a distance of 392.00 feet to the **POINT OF BEGINNING**, containing a computed area of 3.850-acres (167,705 square feet).

**Note:**

1. The bearings shown hereon are based on the Texas Coordinate System of 1983, South Central Zone.

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

The Wilson Survey Group, Inc.  
2006 East Broadway, Suite 103  
Pearland, Texas 77581  
(281) 485-3991  
WSG Job No. 10-149



Michael D. Wilson, R.P.L.S.  
Registration No. 4821



09/10/14

# New Business Item No. 4

- 4. Consideration and Possible Action – Resolution No. R2014-133 – A Resolution of the City Council of the City of Pearland, Texas, approving the issuance of \$\_\_\_\_\_ Development Authority of Pearland Tax Increment Contract Revenue Bonds, Series 2014; approving a bond resolution, a private placement letter, and other documents relating to the bonds; making certain findings and containing other provisions related thereto.**

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

<b>AGENDA OF:</b>	November 11, 2014	<b>ITEM NO.:</b>	Resolution No. R2014-133
<b>DATE SUBMITTED:</b>	October 29, 2014	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Claire Bogard	<b>PRESENTOR:</b>	Claire Bogard
<b>REVIEWED BY:</b>	Jon R. Branson	<b>REVIEW DATE:</b>	November 3, 2014
<b>SUBJECT: Resolution 2014-133 Approving the Issuance of Development Authority of Pearland Tax Increment Contract Revenue Bonds, Series 2014; Approving a Bond Resolution, a Private Placement Letter, and Other Documents Relating to the Bonds; Making Certain Findings and Containing Other Provisions Related Thereto</b>			
<b>EXHIBITS: Resolution 2014- 133</b>			
<b>FUNDING:</b>	<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash
	<input checked="" type="checkbox"/> Bonds To Be Sold	<input type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – Sold
			<input type="checkbox"/> L/P – To Be Sold
<b>EXPENDITURE REQUIRED:</b>	\$8,090,000 est	<b>AMOUNT BUDGETED:</b>	
<b>AMOUNT AVAILABLE:</b>		<b>PROJECT NO.:</b>	
<b>ACCOUNT NO.:</b>		<b>ACCOUNT NO.:</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>		<b>ACCOUNT NO.:</b>	
<b>PROJECT NO.:</b>			
<b>To be completed by Department:</b>			
Finance	X Legal	Ordinance	X Resolution

**EXECUTIVE SUMMARY**

**BACKGROUND**

In 1998, by Ordinance No. 891, the City of Pearland created Tax Reinvestment Zone Number Two (TIRZ), otherwise known as Shadow Creek Ranch. The purpose of the TIRZ is to provide financial assistance through public-private partnership enabling the construction and installation of public works facilities including streets, street lights, drainage, water and sewer utilities among others. In 1999, by Ordinance 918 and as amended since then, the financing plan for the TIRZ was approved.

Upon creation of the Zone, new development and the property value and property taxes thereon by the participating entities in the Zone (City of Pearland, Alvin ISD, Brazoria and Fort Bend County) is used to reimburse the developer(s) for the public infrastructure as outlined in the TIRZ financing plan.

In 2004, by Resolution 2004-107, the City authorized the creation of the Development Authority of Pearland to aid, assist and act on behalf of the City with respect to, and to providing financing for the TIRZ plan of finance. Pursuant to the Tri-Party Agreement between the TIRZ, the City, and the Development Authority, each year in August, all TIRZ revenues after operating expenditures are transferred to the Development Authority for the financing of infrastructure reimbursements.

Financing for the reimbursement of the construction and installation of public infrastructure, pursuant to the plan of finance, is accomplished in two ways; either by the sale of bonds supported by the incremental property value or by the use of cash.

To-date, there is approximately \$182.5 million of audited and actual improvements approved for reimbursement by the TIRZ board, of which \$97.6 million has yet to be reimbursed, excluding accrued interest. On September 29, 2014, the Board approved a cash reimbursement to the developer in the amount of \$6,285,000.

At that same meeting, the Authority's Financial Advisor, BOSC, Inc. presented a financial analysis based on estimated property values as of 7/1/2014, and recommended the board proceed with a competitive private placement of bonds. The Board concurred and bid forms were prepared and distributed to 17 financial institutions with bids due on Monday, November 10, 2014.

As of October 28, 2014, based on indicative market pricing, the estimated amount of the bond sale would have been \$8,090,000 with \$7,920,000 available for developer reimbursement. The bonds will actually be priced on Monday, November 10, 2014 with final results presented to the Board for approval prior to the City Council meeting. Upon final results, the resolution authorizing the issuance will be completed in its entirety.

Before the Authority issues the bonds, pursuant to the Tri-Party Agreement, City Council must also approve the sale of the bonds.

### **BID AND AWARD**

In order to save on issuance costs and minimize reserve funding, the bonds were placed via a competitive private placement bid. Bid forms were sent to 17 financial institutions with bids due on Monday, November 10, 2014. The Authority's financial advisor, BOSC, Inc. will be present to go over the results and recommendation of award.

### **SCHEDULE**

Upon approval of the private placement, it is anticipated that funding will occur December 9, 2014. At that time, the developer will be reimbursed approximately \$7,920,000 for public infrastructure in the Tax Increment Reinvestment Zone, pursuant to the financing plan.

### **CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS**

With this issuance, the Development Authority will have issued approximately \$74.155 million in debt with approximately \$65.525 million outstanding after this bond sale. Based on an assumed interest rate of 2.65%, reflective of October 28 indicative market pricing, average annual debt service on Series 2014 bonds is \$652,000 and average annual debt service on all debt is \$5.573 million. The Authority maintains its 1.25 bond coverage ratio. All debt is paid off in 2029.

### **RECOMMENDED ACTION**

Consideration and approval of Resolution 2014-133 of the City of Pearland, Texas, Approving the Issuance of Development Authority of Pearland Tax Increment Contract Revenue Bonds, Series 2014; Approving a Bond Resolution, A Private Placement Letter and Other Documents Relating to the Bonds; Making Certain Findings and Containing Other Provisions Related Thereto.

**RESOLUTION NO. 2014-133**

**A Resolution of the City Council of the City of Pearland, Texas, approving the issuance of \$\_\_\_\_\_ Development Authority of Pearland Tax Increment Contract Revenue Bonds, Series 2014; approving a bond resolution, a private placement letter, and other documents relating to the bonds; making certain findings and containing other provisions related thereto.**

**WHEREAS**, by City Ordinance No. 891, the City of Pearland, Texas (the "City") created Reinvestment Zone Number Two, City of Pearland, Texas (the "Zone") pursuant to Chapter 311, Texas Tax Code (the "TIRZ Act"); and

**WHEREAS**, by Resolution No. 2004-107 adopted by the City Council of the City on June 28, 2004, the City authorized the creation of the Development Authority of Pearland (the "Authority") as a local government corporation pursuant to Subchapter D of Chapter 431, Texas Transportation Code (the "LGC Act"), to aid, assist and act on behalf of the City in the performance of the City's governmental and proprietary functions with respect to the common good and general welfare of the Zone; and

**WHEREAS**, by City Ordinance No. R2004-170, the City authorized an agreement with the Zone and the Authority (the "Tri-Party Agreement"), which sets forth, among other things, the duties and responsibilities of the Authority, the City and the Zone as they relate to reimbursements for Project Costs (as defined in the Indenture) in the Zone, and pursuant to which the City and the Zone have agreed to pay the Authority on an annual basis certain of the Tax Increments (as defined in the Indenture) then available in the Tax Increment Fund (as defined in the Indenture); and

**WHEREAS**, the Tri-Party Agreement authorizes the Authority to issue bonds secured by payments made to the Authority under the Tri-Party Agreement and further authorizes the Authority to issue such bonds for the purpose of making developer reimbursements for Project Costs only with the approval of the City; and

**RESOLUTION NO. 2014-133**

**WHEREAS**, the Authority has currently outstanding its \$56,915,000 Tax Increment Contract Revenue and Refunding Bonds, Series 2012, and its \$9,150,000 Tax Increment Contract Revenue Bonds, Series 2013 and

**WHEREAS**, the Authority desires to issue its Tax Increment Contract Revenue Bonds, Series 2014 in the aggregate principal amount of \$\_\_\_\_\_ (the "Bonds") pursuant to a resolution authorizing the issuance of the Bonds (the "Bond Resolution") adopted by the Authority on November 10, 2014, and the Authority desires to use the proceeds from the sale of such Bonds for the purposes of (1) paying Project Costs (which includes amounts owed to developers under certain development agreements and the acquisition and the construction of certain public works and public improvements within the Zone) and (2) paying costs of issuance of the Bonds, all under and pursuant to the authority of the Act and all other applicable law; and

**WHEREAS**, none of the proceeds of the Bonds shall be used for the purpose of paying or otherwise providing for educational facilities, and

**WHEREAS**, the City Council desires to approve the issuance of the Authority's Tax Increment Contract Revenue Bonds, Series 2014; Now, therefore,

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

**Section 1. Preamble.** The facts and recitations set out in the preamble of this Resolution are found to be true and correct and are hereby adopted and made a part hereof for all purposes.

**Section 2. Approval of Bonds; Authorization of Agreements; Approval of Reimbursements.** City Council hereby approves the issuance of the Bonds by the Authority and all reasonable agreements necessary in connection with the issuance of the Bonds, including without limitation the following: the Private Placement Letter with (attached hereto as Exhibit A) and any and all other documents and agreements reasonable and necessary for the Authority to issue the Bonds (collectively, the

**RESOLUTION NO. 2014-133**

“Agreements”). City Council hereby reconfirms its prior approval of certain developer reimbursements and acknowledges that a portion of the proceeds from the sale of the Bonds will be used to make such reimbursements.

**Section 3. Approval of Bond Resolution.** City Council hereby approves the Authority’s Bond Resolution authorizing the issuance of the Authority’s \$\_\_\_\_\_ Development Authority of Pearland Tax Increment Contract Revenue Bonds, Series 2014, a copy of which is attached hereto as Exhibit B.

**Section 4. Authorization of Other Matters Relating Thereto.** The Mayor, City Secretary and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this Resolution.

**Section 5. Effective Date.** This Resolution shall take effect immediately upon passage.

**Section 6. Public Meeting.** It is officially found, determined and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Resolution, was given all as required by the Texas Government Code, Chapter 551, as amended.

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

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

**RESOLUTION NO. 2014-133**

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

---

DARRIN M. COKER  
CITY ATTORNEY

**EXHIBIT A**

Private Placement

Letter See Transcript

Tab 2

A-1

**EXHIBIT B**

Bond Resolution

See Transcript

Tab 5

B-1



# Development Authority of Pearland

## Overview of:

**\$8,090,000\* Tax Increment Contract Revenue Bonds, Series 2014**

**October 28, 2014**

\* Preliminary, subject to change.

Broker/Dealer Services and Securities offered by BOSC, Inc., an SEC registered investment adviser, a registered broker/dealer, member FINRA/SIPC. SEC registration does not imply a certain level of skill or training. Insurance offered by BOSC Agency, Inc., an affiliated agency. Investments and insurance are not insured by FDIC, are not deposits or other obligations of, and are not guaranteed by, any bank or bank affiliate. Investments are subject to risks, including possible loss of principal amount invested.



# Development Authority of Pearland

## Estimated Sources and Uses of Funds

### Private Placement (Market Indication)

Principal Amount of the Bonds:	\$8,090,000
Less: Expenses:	(170,000)

**Total Proceeds (Developer Reimbursement): \$7,920,000**

**"All Cost" True Interest Rate (a): 2.957%**

Average Life: 7.976 Years

Sale Date 11/10/2014

Closing Date 12/9/2014

(a) Includes transaction costs.



# Development Authority of Pearland

## Estimated Debt Service Requirements

Development Authority of Pearland  
Tax Increment Contract Revenue and Refunding Bonds, Series 2014

Fiscal Year Ending (9/30)	Current Total Debt Service (a)	Plus: The Series 2014 Bonds			Total Debt Service
		Principal	Interest (b)	Total	
2014	\$5,075,018				\$5,075,018
2015	5,074,295	\$555,000	\$156,025	\$711,025	5,785,320
2016	5,071,965	510,000	199,678	709,678	5,781,642
2017	5,071,460	525,000	186,163	711,163	5,782,622
2018	5,072,696	540,000	172,250	712,250	5,784,946
2019	5,070,416	555,000	157,940	712,940	5,783,356
2020	4,844,654	480,000	143,233	623,233	5,467,886
2021	4,847,093	490,000	130,513	620,513	5,467,606
2022	4,843,479	505,000	117,528	622,528	5,466,006
2023	4,843,424	520,000	104,145	624,145	5,467,569
2024	4,847,112	530,000	90,365	620,365	5,467,477
2025	4,844,927	545,000	76,320	621,320	5,466,247
2026	4,846,868	560,000	61,878	621,878	5,468,745
2027	4,847,535	575,000	47,038	622,038	5,469,573
2028	4,846,741	590,000	31,800	621,800	5,468,541
2029	4,844,296	610,000	16,165	626,165	5,470,461
<b>Totals</b>	<b>\$78,891,975</b>	<b>\$8,090,000</b>	<b>\$1,691,037</b>	<b>\$9,781,037</b>	<b>\$88,673,012</b>

(a) Interest on the Series 2012 Bonds is 3.07% through the 10-Year Put date of 5/21/22 and then 6.00% thereafter.

(b) Interest estimated at 2.65% based on an indication rate as of October 28, 2014.

\* Preliminary, subject to change.



# Development Authority of Pearland

## Debt Service Requirements: Bond Issue Parameters and Coverage Requirements Private Placement (Market Indication – Fixed Rate)

Development Authority of Pearland  
Series 2014 Tax Increment Contract Revenue Bonds  
Bond Issuance Parameters  
Values as of: July 1, 2014

Year	City of Pearland			Brazoria County			Fort Bend County			Total Collections	Coverage 125%	DAP Current Debt	Plus: \$8,090,000 Series 2014 (a)	Total Debt
	Participation	Tax Rate	Collections	Participation	Tax Rate	Collections	Participation	Tax Rate	Collections					
	Estimated Value: \$1,729,320,485			Estimated Value: \$1,461,237,712			Estimated Value: \$268,082,773							
	1998 Base Year Value: (7,172,980)			1998 Base Year Value: (4,143,160)			1998 Base Year Value: (3,029,820)							
	Estimated Captured Value: \$1,722,147,505			Estimated Captured Value: \$1,457,094,552			Estimated Captured Value: \$265,052,953							
Ending 9/30														
2014	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.468075	1,178,614	7,231,699	5,785,359	5,075,018		5,075,018
2015	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.468075	1,178,614	7,231,699	5,785,359	5,074,295	711,025	5,785,320
2016	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.468075	1,178,614	7,231,699	5,785,359	5,071,965	709,678	5,781,642
2017	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.468075	1,178,614	7,231,699	5,785,359	5,071,460	711,163	5,782,622
2018	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.468075	1,178,614	7,231,699	5,785,359	5,072,696	712,250	5,784,946
2019	36%	0.255000	4,171,902	38%	0.135900	1,881,182	2019-2028	0.312050	1,178,614	7,231,699	5,785,359	5,070,416	712,940	5,783,356
2020	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.312050	785,743	6,838,827	5,471,062	4,844,654	623,233	5,467,886
2021	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.312050	785,743	6,838,827	5,471,062	4,847,093	620,513	5,467,606
2022	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.312050	785,743	6,838,827	5,471,062	4,843,479	622,528	5,466,006
2023	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.312050	785,743	6,838,827	5,471,062	4,843,424	624,145	5,467,569
2024	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.312050	785,743	6,838,827	5,471,062	4,847,112	620,365	5,467,477
2025	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.312050	785,743	6,838,827	5,471,062	4,844,927	621,320	5,466,247
2026	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.312050	785,743	6,838,827	5,471,062	4,846,868	621,878	5,468,745
2027	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.312050	785,743	6,838,827	5,471,062	4,847,535	622,038	5,469,573
2028	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.312050	785,743	6,838,827	5,471,062	4,846,741	621,800	5,468,541
2029	36%	0.255000	4,171,902	38%	0.135900	1,881,182		0.312050	785,743	6,838,827	5,471,062	4,844,296	626,165	5,470,461
										<b>Total:</b>		<b>78,891,975</b>	<b>9,781,037</b>	<b>88,673,012</b>

(a) Generates \$7,920,000 in proceeds to the Authority. Private Placement with an indication interest rate of 2.65%.  
Collection rate of 95%. Appraised value estimates provided by Shadow Creek Ranch.

**Average Annual: 5,542,063**

# New Business Item No. 5

- 5. Consideration and Possible Action – Resolution No. R2014-138 – A**  
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 Municipal Utility District No. 26 and Brazoria-Fort Bend Municipal Utility District No. 1 (“Districts”) for the construction of public water, sewer and drainage facilities to serve the City’s Shadow Creek Ranch Regional Sports Park.

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

<b>AGENDA OF: 11-10-14</b>	<b>ITEM NO.:</b> Resolution No. R2014-138
<b>DATE SUBMITTED: 11-03-14</b>	<b>DEPARTMENT OF ORIGIN: Projects</b>
<b>PREPARED BY: Darrin Coker</b>	<b>PRESENTOR: Darrin Coker</b>
<b>REVIEWED BY: NA</b>	<b>REVIEW DATE: NA</b>
<p><b>SUBJECT: 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 Municipal Utility District No. 26 and Brazoria-Fort Bend Municipal Utility District No. 1 ("Districts") for the construction of public water, sewer and drainage facilities to serve the City's Shadow Creek Ranch Regional Sports Park.</b></p>	
<p><b>EXHIBITS: R2014-138; Cost Sharing Agreement</b></p>	
<p><b>EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.:</b></p>	<p><b>AMOUNT BUDGETED: PROJECT NO.:</b></p>
<p><b>ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:</b></p>	
<p><b>To be completed by Department:</b></p> <p> <input type="checkbox"/> Finance                                  <input checked="" type="checkbox"/> Legal                                  <input type="checkbox"/> Ordinance                                  <input checked="" type="checkbox"/> Resolution       </p>	

**EXECUTIVE SUMMARY**

After conducting public meetings, the Districts are moving forward with their bond packages that include approximately 1.3 million (685k from each MUD) in water/sewer/drainage improvements to serve the Park. The net savings resulting from the joint participation will allow the following projects to be added into the scope of the Park Project:

- |   |           |
|---|-----------|
| • Crushed granite trail around detention pond | \$225,581 |
| • Clear and grubbing Phase 2 open space       | \$204,701 |
| • Playground                                  | \$178,353 |
| • Lawn Amphitheater                           | \$150,833 |
| • Volleyball Courts                           | \$82,653  |
| • Maintenance Building                        | \$350,360 |

• 4 <sup>th</sup> lighted softball field	\$400,065
• Scoreboards for softball fields	<u>\$55,683</u>
<b>TOTAL</b>	<b>\$1,650,229</b>

**NOTE: Parks has applied for a \$400,000 grant. If the grant is approved, there should be sufficient funds to construct all of the above referenced projects. If only a portion, or none of the grant funds, is approved, the projects will be constructed in accordance with available funds and priority.**

The proposed agreement requires each District to include an additional \$685,000 in their proposed bond package and requires them to provide the funds to the City within 30 days following their receipt of the same. The new bonds will not extend the maturity date of their current bonds, and neither District will require a tax increase to support the bonds. The agreement also recognizes that the resulting cost savings to the City, subject to availability, will be used to construct the above referenced park facilities. This agreement does not obligate the City to construct the additional facilities. A second agreement, clarifying the priority and the City's obligation, will be presented to the Council after the TCEQ confirms reimbursement amount.

**TIMELINE MOVING FORWARD:**

<b>November 10<sup>th</sup>:</b>	Cost Sharing Agreement between City and Districts
<b>December:</b>	MUDs submit bond application to TCEQ
<b>March:</b>	TCEQ staff memo and Preliminary Official Statement for bonds
<b>April:</b>	Bonds sold
<b>May:</b>	Receipt of funds

**RESOLUTION NO. R2014-138**

**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 Municipal Utility District No. 26 and Brazoria-Fort Bend Municipal Utility District No. 1 (“Districts”) for the construction of public water, sewer and drainage facilities to serve the City’s Shadow Creek Ranch Regional Sports Park.**

**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 the Districts, 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 the Districts.

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 AGREEMENT  
BETWEEN  
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 26,  
BRAZORIA-FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 1,  
AND  
THE CITY OF PEARLAND RELATED TO  
CONSTRUCTION OF PUBLIC WATER, SEWER AND DRAINAGE FACILITIES

THE STATE OF TEXAS           §  
  §  
COUNTY OF BRAZORIA       §

This Agreement (this "Agreement") is made and entered into as of the \_\_\_ day of \_\_\_\_\_, 2014, by and between Brazoria County Municipal Utility District No. 26, Brazoria-Fort Bend County Municipal Utility District No. 1 (individually "MUD 26" and "MUD 1," respectively, and collectively, the "Districts"), political subdivisions of the State of Texas, organized pursuant to Article XVI, Section 59 of the Constitution of the State of Texas and Chapters 49 and 54 of the Texas Water Code, as amended, and the City of Pearland, Texas (the "City"), a Texas home rule city.

RECITALS

WHEREAS, pursuant to Chapter 54.012 of the Texas Water Code, as amended, the Districts were created (among other purposes) for the purposes of providing water, sanitary sewer and drainage improvements to property within the boundaries of the Districts; and

WHEREAS, pursuant to Chapter 54.201 and Chapter 49.211 of the Texas Water Code, as amended, the Districts have the authority to purchase, construct, acquire, maintain, repair, improve or extend (among other things) water, sanitary sewer and drainage improvements and facilities necessary to accomplish the purposes of its creation or the purposes authorized by law; and

WHEREAS, pursuant to Chapter 49.227 of the Texas Water Code, as amended, the Districts have the authority to act jointly with (among others) a public entity in the performance of any of the powers and duties permitted by State law; and

WHEREAS, the City is developing a tract which is split between the boundaries of the Districts, as is more particularly shown on the map attached as Exhibit "A" (the "Tract"); and

WHEREAS, the Districts and the City agree that their cooperation of efforts in jointly financing and constructing certain public improvements so as to avoid

duplication of effort and to minimize cost, pursuant to the Interlocal Cooperation Act, will allow the City to more quickly develop the Tract; and

WHEREAS, the Districts and the City have determined that it is more economical for the City to construct the public water, sanitary sewer and drainage facilities needed for development of the Tract (the "Facilities"), and to invoice the Districts for the cost of these projects, which they shall share equally; and

WHEREAS, the City will be responsible for operation and maintenance of all Facilities constructed by the City on the Tract.

### AGREEMENT

Now therefore, for and in consideration of the mutual promises, covenants, benefits, and obligations herein set forth, the Districts and the City hereby agree and contract as follows:

Section 1: The City shall proceed with the development of the Tract, and will design the Facilities at its cost. The Districts shall pay the costs for the construction of the Facilities. The City recognizes that the assumption of the cost of construction of the Facilities results in a cost savings to the City in the development of the Tract; therefore, the City agrees it shall use such savings to construct additional portions of future phases of development of the Tract as agreed upon in a separate agreement between the City and the Districts.

Section 2: The City shall proceed to construct and complete the Facilities in accordance with applicable competitive bidding requirements. The City has informed the Districts the total construction cost of the Facilities is estimated to be approximately \$1,370,000 based upon bids received by the City. The Districts agree each to include \$685,000 toward the construction cost in their next bond applications submitted to the Texas Commission of Environmental Quality ("TCEQ"). Within 30 days of receipt of funds from the sale of the bonds approved by the TCEQ for the funding of the cost of the Facilities, the Districts each shall pay \$685,000 to the City ("Reimbursement Funds") as reimbursement for their pro rata equal share of the cost.

Section 3: Upon receipt of the Reimbursement Funds from the Districts, the City shall construct additional public improvements on the Tract in accordance with a separate agreement with the Districts.

Section 4: The City and the Districts each represent to the other that each has full right and authority to enter into this Agreement and that the person signing on behalf of each has full authority to bind such party by executing this Agreement.

Section 5: While the provisions of this Agreement are, in part, intended to establish as between the parties an acceptable manner of allocating responsibilities for the development of this Tract that will benefit the residents of the Districts, this Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any benefit or right upon any customers, residents, or members of the Districts or the City, or on any other party.

Section 6: This Agreement shall not be deemed to create a partnership or joint venture of any sort between the City and the Districts.

Section 7: This Agreement may only be amended by written agreement of the Parties.

Section 8: The term of this Agreement shall be two (2) years from the date first shown above, except when both Districts have paid their \$685,000, and the additional improvements constructed pursuant to the Parties separate agreement, this Agreement shall terminate.

Section 09: This Agreement shall become effective upon the date first written above and upon the date a separate agreement between all of the Parties is signed.

Section 10: This Agreement is not assignable by any Party hereto except with the prior written consent of the other Parties.

Section 11: In addition to any other available remedies, the Parties hereto shall have the right to injunctive relief in the event a Party hereto violates any term of this Agreement.

Section 12: This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are to be performed in Brazoria and Fort Bend County, Texas, as the Tract is located in both Counties.

IN WITNESS WHEREOF, the parties have executed this Agreement in multiple copies, each of which shall be deemed an original as of the date and year first written above.

BRAZORIA COUNTY MUNICIPAL UTILITY  
DISTRICT NO. 26

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President, Board of Directors

ATTEST:

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Secretary, Board of Directors

(SEAL)

BRAZORIA-FORT BEND COUNTY  
MUNICIPAL UTILITY DISTRICT NO. 1

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President, Board of Directors

ATTEST:

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Secretary, Board of Directors

(SEAL)

City of Pearland, Texas

By: \_\_\_\_\_  
Mayor, City of Pearland

ATTEST:

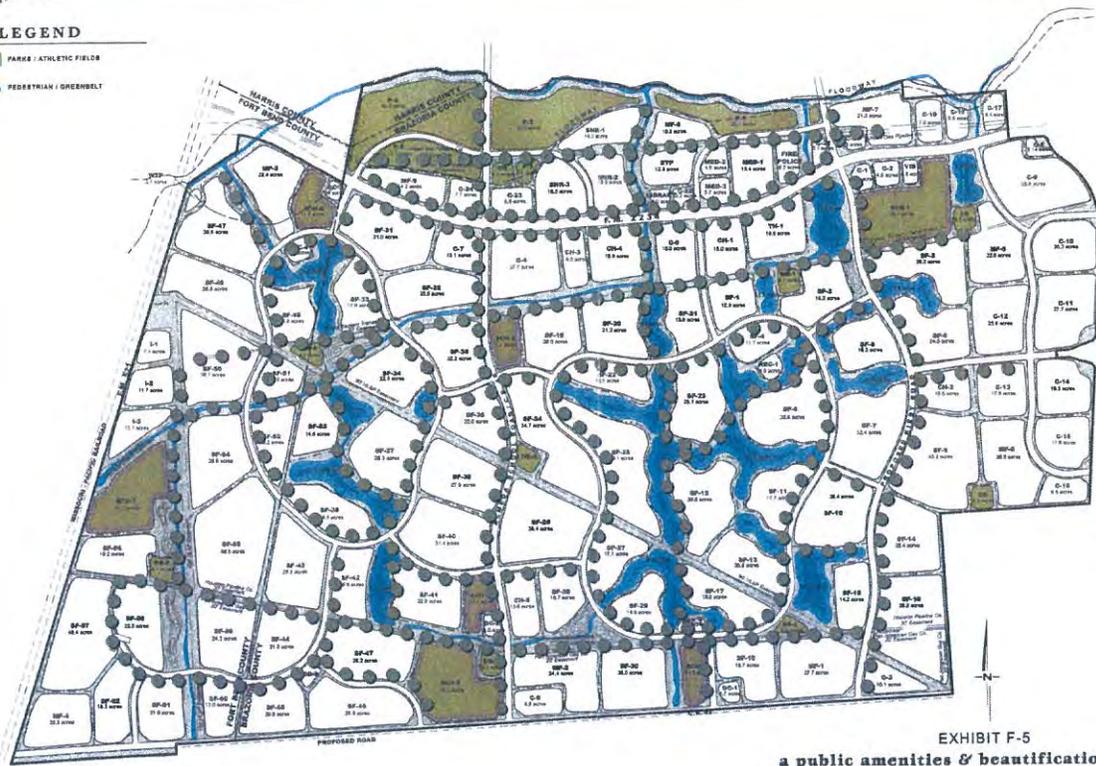
\_\_\_\_\_  
City Secretary, City of Pearland

(SEAL)

Exhibit "A"

**LEGEND**

- PARKS / ATHLETIC FIELD
- PEDESTRIAN / GREENBELT



NOLAN RYAN EXPRESSWAY / S.H. 288

**EXHIBIT F-5**  
**a public amenities & beautification map for**  
**SHADOW CREEK RANCH**  
 prepared for  
**SHADOW CREEK RANCH DEV. CO., L.P.**

ERRY & GILBERT'S ALLEGRADES, LLP  
 4500 W. CAMPBELL  
 SUITE 100  
 FORT WORTH, TEXAS 76102  
 TEL: 817-339-1111  
 FAX: 817-339-1112

SCALE  
 1" = 100'

JUN 26, 2009  
 KSA 09031419

THIS MAP IS A PUBLIC AMENITIES & BEAUTIFICATION MAP FOR THE SHADOW CREEK RANCH DEVELOPMENT. IT IS NOT A LEGAL DOCUMENT AND DOES NOT CONSTITUTE AN OFFER OF REAL ESTATE. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND SHOULD NOT BE RELIED UPON FOR ANY LEGAL OR FINANCIAL DECISIONS. THE DEVELOPER AND ARCHITECT ASSUME NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THIS MAP IS THE PROPERTY OF EERRY & GILBERT'S ALLEGRADES, LLP AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF EERRY & GILBERT'S ALLEGRADES, LLP.



# New Business Item No. 6

- 6. Consideration and Possible Action – Resolution No. R2014-137 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the Pearland Economic Development Corporation to enter into a contract for professional services, associated with the 288 Corridor Master Improvements Plan, with Clark Condon Associates in the estimated amount of \$250,000.**

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

<b>AGENDA OF:</b> November 10, 2014	<b>ITEM NO.:</b> Resolution No. R2014-137
<b>DATE SUBMITTED:</b> November 3, 2014	<b>DEPT. OF ORIGIN:</b> PEDC
<b>PREPARED BY:</b> Matt Buchanan	<b>PRESENTOR:</b> Matt Buchanan
<b>REVIEWED BY:</b> Matt Buchanan	<b>REVIEW DATE:</b> November 3, 2014
<b>SUBJECT:</b> A Resolution of the City Council of the City of Pearland, Texas, authorizing the Pearland Economic Development Corporation to enter into a contract for professional services, associated with the 288 Corridor Master Improvements Plan, with Clark Condon Associates in the estimated amount of \$250,000.	
<b>EXHIBITS:</b> 1. R2014-137; 2. Professional Services Contracts with Clark Condon Associates; 3. Photos; 4. Timeline of 288 Events	
<b>FUNDING:</b> <input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold	
<b>EXPENDITURE REQUIRED:</b> <b>AMOUNT AVAILABLE:</b> <b>ACCOUNT NO.:</b> <b>ADDITIONAL APPROPRIATION REQUIRED:</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>	<b>AMOUNT BUDGETED:</b> <b>PROJECT NO.:</b>
<b>To be completed by Department:</b> <div style="display: flex; justify-content: space-around;"> <span>Finance</span> <span>Legal</span> <span>Ordinance</span> <span>Resolution</span> </div>	

**EXECUTIVE SUMMARY**

We are beginning the implementation of two related key initiatives of the Pearland 20/20 Strategic Plan: (1) the optimization of the development potential of principal commercial corridors; and (2) the implementation of a comprehensive beautification strategy. Working together to accomplish these initiatives the City, PEDC, Pearland Municipal Management District #2 (PMMD2) and others recently completed a 288 Corridor Master Improvements Plan and City Gateways Beautification Strategy.

Until recently, the 288 Corridor in Pearland received almost no maintenance and does not reflect a quality place. In the last 20 years the corridor has transformed from a rural area to the commercial center of our growing community, including over 2.3M square-feet of retail space, office buildings, two new hospitals and high quality residential development. It is crucial as a community that we recognize the economic importance of the 288 corridor by dramatically raising the visual impact of the open space/right of way to create a sense of arrival and place.

Our community is well thought of in the region and it is important that we invest in the 288 corridor to compete for investment with the other economic centers of our region, state and beyond.

Gerald Hines, founder and chairman of Houston-based Hines, one of the nation's most respected real estate developers and responsible for projects such as the Houston Galleria and One Shell Plaza, recently spoke to a group of policy makers from Houston and surrounding cities. The developer stated "I have been a strong believer, since the start of my real estate firm in 1957 that better aesthetics lead to better cities, and better economies."

Creating an even higher quality of place will enhance our community's ability to attract quality jobs and investment. Competition for investment is significant and this competition will only increase over time within the corridor, therefore, we need to ensure that we differentiate our community. The proposed toll road is an opportune time to capitalize on these improvements to enhance the aesthetic appeal of our community.

The ability of our community to provide public safety, maintain our streets and ensure the quality of our students' classrooms will all correlate to the taxable value that is generated from the 288 corridor and our other major corridors. Just as Pearland Parkway has created a high-quality entrance to a major section of our community, it is important that we improve other major corridors. We are currently working on a strategy for SH 35 and are planning on beginning an evaluation of the FM 518 corridor in late 2015. The economic vitality and appearance of these major corridors will have a determining impact on our financial future and the overall successes of our community and neighborhoods.

**288 Maintenance:** The PMMD #2 has entered into an Advance Funding Agreement (AFA) with TxDOT that allows for the maintenance and ultimate improvements in the 288 Corridor. TxDOT requested that we establish an agreement with the concessionaire, once one has been selected by the State, for the portion of 288 from Clear Creek to Beltway 8. Since approval, the PMMD #2 Board has entered into a maintenance contract with Bio Landscape to begin more frequent mowing, sweeping, and trash collection along the corridor. At the end of September, Bio concluded a large scale clean-up of the corridor. Funding for the maintenance of the corridor and long-term improvements will be the primary responsibility of PMMD #2 via its taxing authority. Attached are before and after pictures demonstrating the extent of the clean-up.

**288 Corridor Master Improvements Plan:** We have also been working to begin implementation of the long-term projects from the 288 Corridor Master Improvements Plan in unison with BCTRA and TxDOT plans for the managed toll lanes. The total estimated cost for the projects identified in the Plan is \$14M and PEDC has allocated for this cost in our most recent five year budget, including \$250,000 budgeted in FY 2014-15 for design and engineering. PMMD#2 will be responsible for the subsequent maintenance associated with the improvements.

We have been working on two scopes of services to begin design and engineering of the long-term improvements. The first scope of work for this initial phase includes the hardscape enhancements that will be included in the County's toll lane construction contract for work such as retaining walls, brick pavers, grading and amenitized detention ponds for the entire corridor. We have had multiple meetings with the County and its design engineer, HDR, and they provided us their topo survey and 90% civil drawings for the toll lanes. The City and PEDC will need to enter into an interlocal agreement with the County for the inclusion of these items in their construction work and to cover the proportionate cost of these enhancements.

The second scope of work includes the improvements at the toll lane entrance at Hughes Ranch/Discovery Bay Drive and the McHard/Shadow Creek Parkway interchange. The design development of this phase is based on the approved Master Plan improvements. The completed design documents will depict actual materials, sizes and specific locations of all landscape elements, fine grading, lighting, irrigation, sidewalks and gateway markers. The Broadway, CR 59 and Beltway 8 intersections will be completed in later phases.

Attached are two Professional Services Contracts along with corresponding proposals and cost breakdown from Clark Condon for your consideration. The PEDC Board of Directors approved these expenditures at their October 30<sup>th</sup> meeting on a 6-0 vote. Because the expenditure exceeds \$200,000 it requires City Council approval.

### **RECOMMENDED ACTION**

Consideration and approval of the PEDC expenditure for Professional Services for engineering and landscaping with Clark Condon Associates for the implementation of the 288 Corridor Master Improvements Plan.

**RESOLUTION NO. R2014-137**

**A Resolution of the City Council of the City of Pearland, Texas, authorizing the Pearland Economic Development Corporation to enter into a contract for professional services, associated with the 288 Corridor Master Improvements Plan, with Clark Condon Associates in the estimated amount of \$250,000.**

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

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

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 Pearland Economic Development Corporation ("PEDC") and Clark Condon and Associates ("CONSULTANT").

The PEDC engages the CONSULTANT to perform professional services for a project known and described as SH 288 Engineering Construction Document Support.

### **SECTION I - SERVICES OF THE CONSULTANT**

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

- A. The CONSULTANT shall perform work for original CADD modifications/additions to the 90% civil drawings for the managed toll lanes and provide other engineering document support as necessary for the construction of landscape improvements on SH 288 right-of-way. See Exhibit A, attached, for detailed a 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 PEDC (through its City of Pearland employee handbook) considers the following to be misconduct that is grounds for termination of a PEDC or 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 PEDC. The CONSULTANT agrees that it will not, directly or indirectly; encourage a PEDC 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 PEDC 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 PEDC 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 PEDC 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 PEDC 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 PEDC 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 PEDC and only after the PEDC has been provided with written notice of such Change in Coverage, such notice to be sent to the PEDC either by hand delivery to the PEDC President or by certified mail, return receipt requested, and received by the PEDC 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 PEDC 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 PEDC, 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 PEDC.

## **SECTION II - PERIOD OF SERVICE**

This CONTRACT will be binding upon execution and end upon successful completion of approved deliverables as outlined on the attached SCOPE OF WORK and PROJECT schedule.

## **SECTION III - CONSULTANT'S COMPENSATION**

- A. The method of payment for this CONTRACT is monthly based on the portion of the total estimated fee. Total compensation for the services performed shall be the sum of \$45,500 and include reimbursable expenses at cost plus 10%.
- B. The PEDC shall pay the CONSULTANT in installments based upon monthly progress reports and detailed invoices submitted by the CONSULTANT.
- C. The PEDC 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 PEDC'S RESPONSIBILITIES**

- A. The PEDC shall designate a project manager during the term of this CONTRACT who may be a staff member of the City of Pearland. 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 PEDC on any aspect of the work shall be directed to the project manager.
- B. The PEDC 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 PEDC will keep the CONSULTANT advised concerning the progress of the PEDC'S review of the work. The CONSULTANT agrees that the PEDC'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 PEDC.

#### **SECTION V - TERMINATION**

- A. The PEDC, 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 10401 Stella Link Road, Houston, Texas 77025. 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 PEDC 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 PEDC on or before the 15<sup>th</sup> 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 PEDC shall make final payment within sixty (60) days after the CONSULTANT has delivered to the PEDC 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 PEDC 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 PEDC terminates this CONTRACT for cause and/or if the CONSULTANT breaches any provision of this CONTRACT, then the PEDC 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 PEDC 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 PEDC 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 PEDC 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.

The parties have executed this CONTRACT this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
PEARLAND ECONOMIC  
DEVELOPMENT CORPORATION

\_\_\_\_\_  
CONSULTANT







SH 288 & Beltway 8



SH 288 & Beltway 8



SH 288 & Beltway 8

Before



After



SH 288 & Beltway 8



SH 288-Shadow Creek Parkway



SH 288-Shadow Creek Parkway

Before



After



SH 288-Shadow Creek Parkway

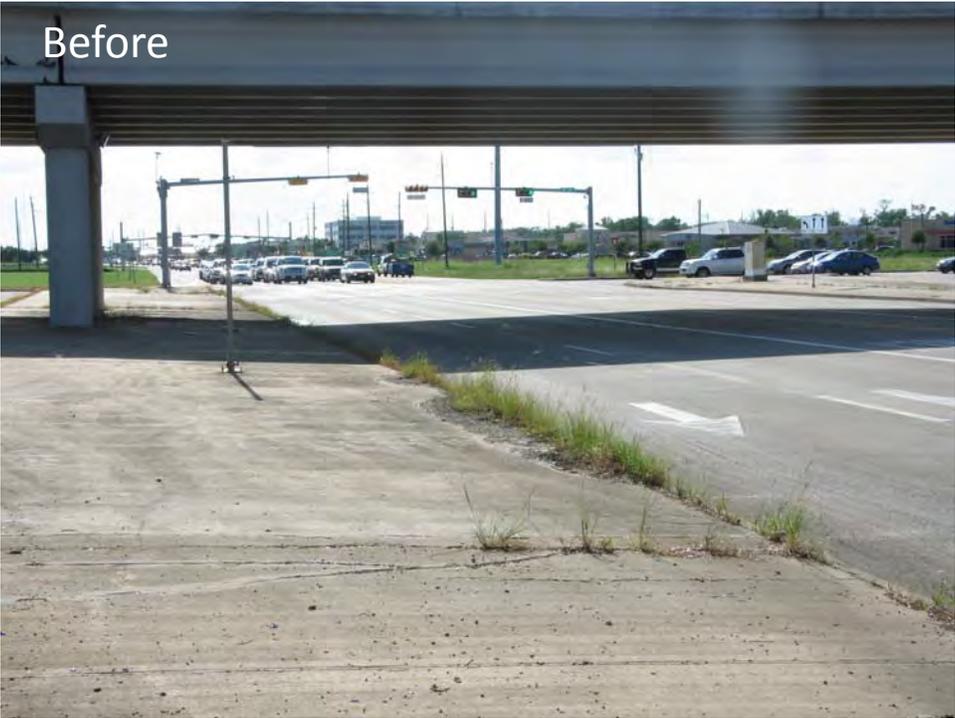
Before



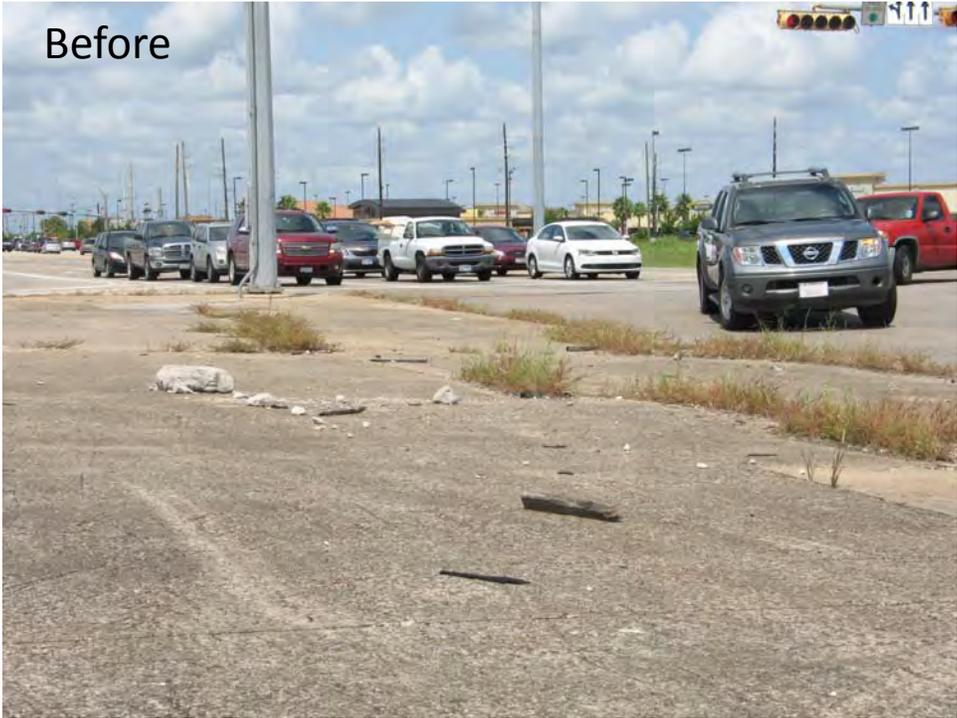
After



# SH 288-Shadow Creek Parkway



Before



After



## Key Milestones – 288 Corridor

### 2012

- August** Meetings began with major property owners along 288 Corridor to discuss interest in improving the corridor and possible creation of municipal management district.
- September 10** City Council workshop to discuss the need for improvements to the 288 corridor and Council's willingness to consent to the creation of a municipal management district.
- November** Legislative staff reviews proposed legislation and Senator Taylor and Ellis and Representatives Thompson and Allen agree to sponsor legislation.
- November 29** PEDC Board of Directors approves moving forward with the creation of the district.
- December 10** City Council holds public meeting to discuss proposed legislation and consent to the creation of the district. Council unanimously approves management district creation.

### 2013

- January 9** A public notice was posted in the Pearland Reporter News and also mailed to the approximately 130 property owners in the proposed district.
- February 18** City Council voted unanimously to recommend seven individuals who have agreed to serve on the initial Board of Directors.
- May** Creation of Pearland Municipal Management District 2 is approved by Legislature and signed by Governor Perry.
- June 21** First meeting of the PMMD2
- October** PEDC and PMMD2 enter into an administrative services agreement for PEDC to provide services to the District.
- November 5** Election measure passes that allows PMMD2 to levy up to a ten cent tax for maintenance and operations.
- November 13** Begin 288 Master Improvements Plan

### 2014

- April** PEDC Board of Directors approves 288 Corridor Master Improvements Plan
- June** PMMD2 Board approves 288 Master Improvements Plan
- August 29** PMMD2 enters into Advance Funding Agreement (AFA) with TxDOT for maintenance and construction of improvements on 288 right-of-way.
- September** PMMD2 enters into maintenance agreement with Bio Landscape and major clean-up takes place on 288 right-of-way.

# New Business Item No. 7

7. **Consideration and Possible Action – Resolution No. R2014-136 –** A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Tax Abatement Agreement with Keystone Engineering Group, Inc. and Pearland Building III for improvements to be constructed near the intersection of McHard Road and SH 35.

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

<b>AGENDA OF:</b> November 10, 2014	<b>ITEM NO.:</b> Resolution No. R2014-136
<b>DATE SUBMITTED:</b> November 4, 2014	<b>DEPT. OF ORIGIN:</b> PEDC
<b>PREPARED BY:</b> Matt Buchanan	<b>PRESENTOR:</b> Matt Buchanan
<b>REVIEWED BY:</b> Darrin Coker	<b>REVIEW DATE:</b> November 4, 2014
<b>SUBJECT:</b> A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Tax Abatement Agreement with Keystone Engineering Group, Inc. and Pearland Building III for improvements to be constructed near the intersection of McHard Road and SH 35.	
<b>EXHIBITS:</b> R2014-136 and Tax Abatement Agreement	
<b>FUNDING:</b>	
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold	
<b>EXPENDITURE REQUIRED:</b> N/A	<b>AMOUNT BUDGETED:</b>
<b>AMOUNT AVAILABLE:</b>	<b>PROJECT NO.:</b>
<b>ACCOUNT NO.:</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	
<b>ACCOUNT NO.:</b>	
<b>PROJECT NO.:</b>	
<b>To be completed by Department:</b>	
Finance	X Legal                      Ordinance                      X Resolution

**EXECUTIVE SUMMARY**

PEDC and the City have been working with Keystone Engineering Group, Inc. on the possible construction of a headquarters and manufacturing facility. The proposed facility would include office, manufacturing and warehouse area in a 45,000 – 50,000 sq. ft. tilt-up concrete building. The structure will be located immediately to the south of the Kemlon facility on SH 35 and of similar quality and style as their facility. Investment in land, building and equipment is estimated at \$6.5M and will create approximately 70 jobs.

Keystone Engineering Group, Inc. is a multi-disciplined engineering consulting firm with over 300 employees and locations in Texas and Louisiana. Founded in 1988, they provide civil/structural, mechanical, process, electrical, instrumentation and controls programming/integration engineering services to a largely industrial clientele.

We are proposing to provide the company tax abatement on real and fixed property over a 7-year period at the following rates:

2015 - 2018 75%

2019 - 2021 50%

**RECOMMENDED ACTION**

Authorize the City Manager to execute the tax abatement agreement with Keystone Engineering Group, Inc. and Pearland Building III.

**RESOLUTION NO. R2014-136**

**A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Tax Abatement Agreement with Keystone Engineering Group, Inc. and Pearland Building III for improvements to be constructed near the intersection of McHard Road and SH 35.**

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

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

**Section 2.** That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest a Tax Abatement Agreement.

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

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

ATTEST:

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

APPROVED AS TO FORM:

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



**WHEREAS**, the Improvements, as defined below, constitute a major investment within the Reinvestment Zone that will substantially increase the appraised value of property within the zone and will contribute to the retention or expansion of primary and secondary employment within the City; and

**WHEREAS**, there will be no substantial adverse effect on the provision of city services or on its tax base, and the planned use of the Premises will not constitute a hazard to public safety, health, or welfare; and,

**WHEREAS**, but for the benefits provided through this Tax Abatement Agreement, the Improvements as defined below would not be made in the City; and

**WHEREAS**, the Companies declare that they will be the sole beneficiaries of the benefits provided through this Tax Abatement Agreement and that they will not share any portion of the proceeds of the benefits received through this Tax Abatement Agreement with any other party as compensation or award for consulting or other services received by the Companies contingent upon the successful execution of this Agreement;

**T H E R E F O R E:** For and in consideration of the mutual agreements and obligations set forth below, the sufficiency of which is hereby acknowledged by the parties hereto, the Companies and the City mutually agree as follows:

**1. PREMISES:** The property subject to this Agreement shall be only that property described by metes and bounds and map attached hereto as **Exhibit "A"** (the "Premises").

**2. CONFLICT OF INTEREST:** The City represents and warrants that the Premises does not include any property that is owned by a member of its council or boards, agencies, commissions, other governmental bodies or employees approving, or having responsibility for the approval of, this Agreement.

**3. ABATEMENT:** Subject to the terms and conditions of this Agreement, and subject to the rights and holders of any outstanding bonds of the City, a portion of ad valorem property taxes assessed to the Premises and certain Improvements only as defined herein and otherwise owed to the City shall be abated. The City hereby acknowledges that it is not aware of any terms or conditions of any outstanding bonds which would invalidate this Agreement or would conflict with the provisions of this Agreement. This Agreement shall be effective with the January 1<sup>st</sup> valuation date immediately following the date of execution of this Agreement (the "Effective Date"). In each year that this Agreement is in effect, the amount of abatement shall be an amount equal to the percentage indicated below of the taxes assessed upon the increased

value of the Premises due to the Improvements defined herein, exclusive of future or other capital investment made at the Premises not contemplated herein, over the market value as of January 1<sup>st</sup> in the year in which this Agreement is executed. The abatement as herein provided shall be for the following years and in the following amounts: 1) Seventy-Five percent (75%) of the taxes assessed upon the increased value of the Building, Fixed Machinery and Equipment and Fixed Improvements set forth below exclusive of future or other capital investment made at the Premises, annually for a period of four (4) years beginning January 1, 2016 and ending December 31, 2019; 2) Fifty percent (50%) of the taxes assessed upon the increased value of the Building, Fixed Machinery and Equipment and Fixed Improvements set forth below exclusive of future or other capital investment made at the Premises, annually for a period of three (3) years beginning January 1, 2020 and ending December 31, 2022;

**4. FUNDING CONDITIONS:** The Companies must meet or cause to be met all of the following: Lease Agreement, Capital Improvement and Job Creation conditions described in (a), (b) and (c) below (“Funding Conditions”), or Companies shall be jointly and severally liable for liquidated damages and/or repayment of abated taxes in accordance with this Agreement:

**a. Lease Agreement:** Keystone and Pearland Building III shall execute an agreement providing for the construction and lease of an approximately 45,000 sf headquarters and manufacturing facility (“Facility”) on the Premises. Keystone, as the tenant under the lease, shall maintain operations at the Facility for the term of this Agreement.

**b. Capital Improvements:** Keystone and/or Pearland Building III shall construct various improvements on the Premises, which when complete shall have a minimum investment value of one million dollars five hundred thousand (\$1,500,000) for the real property and/or improvements (“Fixed Improvements”) and five hundred thousand dollars (\$500,000) in other “Ineligible Property” (i.e., personal property and inventory) which shall be substantially complete on or before October 1, 2016; provided, that the Companies shall have such additional time to complete the Improvements as may be required in the event of “force majeure” (as set forth herein) if the Companies are diligently and faithfully pursuing completion of the Improvements. The date of completion of the Improvements (the “Improvement Completion Date”) shall be defined as the date a Final Certificate of Occupancy is issued by the City.

**c. Job Creation:** Keystone shall create and retain a minimum of 70 “Employment Positions,” as defined herein, in accordance with the following schedule:

Keystone shall demonstrate compliance with this Section by maintaining a minimum of ninety five percent (95%) or more of the required Employment Positions at the Premises for the entire duration of this Agreement. Employment Positions, for purposes of this Agreement, shall only be counted if the number of Employment Positions is greater than the total number of Employment Positions located at the Facility when this Agreement is executed (the "Threshold"). For purposes of this Agreement, the parties agree that the Threshold shall be zero because no Employment Positions existed in the City prior to execution of this Agreement.

**d. Employment Positions.** For the purposes of this Agreement, "Employment Positions" shall be defined as Keystone's jobs meeting all of the following criteria:

- 1) New full-time employment positions (at least 2000 hours annually per employee) in the City that are located at the Premises ; and
- 2) The Employment Positions must have an average annual gross compensation of at least \$40,000.00 per year (excluding benefits); and
- 3) Medical benefits must be provided for each Employment Position.

**5. APPLICATION FOR TAX ABATMENT:** Keystone agrees and covenants that the information provided in the Application for Tax Abatement attached hereto as **Exhibit "B"** is true and correct and that any materially false or misleading information provided to applicable taxing jurisdictions shall be an event of default and grounds for termination of this Agreement.

**6. GOOD FAITH, COMPLIANCE AND CONSIDERATION:** The Companies agree and covenant that they will diligently and faithfully, in a good and workmanlike manner, pursue completion of the Improvements as a good and valuable consideration of this Agreement. The Companies further covenant and agree that all construction of the Improvements will be in accordance with all applicable federal, state and local laws and regulations or valid waiver thereof. In further consideration, Companies shall thereafter, from the date a Final Certificate of Occupancy is issued until the expiration of this Agreement, continuously operate and maintain the Premises and limit the use of said Premises to that use which is consistent with the terms of this Agreement and the general purpose of encouraging development or redevelopment of the Reinvestment Zone during the period that this Agreement is in effect.

**7. ANNUAL COMPLIANCE VERIFICATIONS:** No later than 60 days after January 1, 2017, and continuing every year thereafter through 2023, Companies shall deliver to the City an Annual Compliance Verification, in the form of **Exhibit “C”** attached hereto, signed by a duly authorized representative of and Companies certifying the following information:

- a. the number Employment Positions created and maintained by Keystone on the Premises, the general description the Employment Positions existing as of December 31st of the preceding year and the wage information for all Employment Positions; and
- b. the appraised value, as determined by the Central Appraisal District, of the Improvements as defined herein, supporting evidence that the Improvements were constructed or installed on or before the Improvements Completion Date and a general description of the Improvements existing as of December 31st of the preceding year

There shall be a total of seven (7) Annual Compliance Verifications submitted to the City in years 2017 through 2023. Each Annual Compliance Verification shall include specific back-up information supporting the Employment Position data. Furthermore, all Annual Improvement Compliance Verifications shall consist of a certified copy of the appraised value of the Improvements as shown by the Central Appraisal District supported by all correspondence, renditions, appeals or contests and settlement of appraised value and shall provide appropriate back-up data for the Improvements exclusive of other investments made at the Premises.

**8. CERTIFICATION OF GOOD STANDING/DELINQUENT TAXES:** By execution of this Agreement, the Companies certify that they are companies in good standing under the laws of the State in which they were formed or organized, and that they have provided the City evidence of such. In addition, the Companies certify that they owe no delinquent taxes to any taxing unit of the State of Texas, the City or any other local tax levying political subdivision with jurisdiction to levy taxes in or on the operations and property of the Companies at the Premises.

**9. CERTIFICATION RELATING TO UNDOCUMENTED WORKERS:** By execution of this Agreement, the Companies, including any business, branch, division, and department of the Companies, certify that they do not and will not knowingly employ an undocumented worker (as defined by Texas Government Code Section 2264.001(4)). If after any abatement of taxes under this Agreement and during the term of this Agreement, the Companies, or a business, branch, division, or department of the Companies, is convicted of a violation under 8 U.S.C. Section 1324a(f), the Companies

shall repay the amount of any funds abated plus interest at the rate of 8% per year. The repayment shall be due and owing not later than the 120th day after the date of the conviction without the requirement of notice from the City.

**10. ACCESS TO PREMISES:** The Companies further agree that the City, its agents and employees shall have the right to enter upon the Premises at any reasonable time to inspect the Improvements in order to determine whether the construction of the Improvements is in accordance with this Agreement and all applicable federal, state, and local laws, ordinances, and regulations or valid waiver thereof. After completion of the Improvements, the City shall have the continuing right to enter upon and inspect the Premises at any reasonable time during normal business hours, after 24 hours notice has been given, to determine whether the Premises are thereafter maintained and operated in accordance with this Agreement and all applicable federal, state, and local law, ordinances, and regulations. The City shall conduct at least one inspection annually to ensure compliance with the guidelines contained in Resolution No. R2013-14. Notwithstanding any other provision of this Agreement, if the City determines that a violation of a federal, state, or local law, ordinance or regulation exists on the Premises, the City may, in addition to any other authorized enforcement action, provide to the Companies written notice of such violation. For the purposes of this Agreement, the Companies shall have thirty (30) days from the date of the notice to cure or remedy such violation. If the Companies refuse to cure or remedy the violation within such thirty (30) day period, the Companies are subject to the forfeiture, at the discretion of the City, of any right to any tax abatement for the period of such violation through to the end of the period covered by this Agreement.

**11. LIQUIDATED DAMAGES:**

**a. Funding Condition Targets.** As set forth herein, during the term of this Agreement, Keystone shall deliver to the City an Annual Compliance Verification, signed by Keystone and Pearland Building III, demonstrating compliance with the Funding Conditions of this Agreement for the preceding year. If Keystone fails to timely provide an Annual Compliance Verification or provides an Annual Compliance Verification that demonstrates the Companies failed to meet a Funding Condition target(s) for that year, then the City may, at its sole discretion and in addition to all other remedies for the recapture of lost tax revenue provided herein, require the Companies to pay liquidated damages up to the amount of the abatement received for the year in which the Companies did not meet the Funding Conditions.

**b. General Provisions Related to Liquidated Damages:** Liquidated damages provided for herein shall be construed in accordance with Section 312.205, Tax Code, V.A.T.S., as amended, and shall include all taxes which otherwise would have been paid to the City without the benefit of abatement (but without the addition of penalty; interest will be charged at the statutory rate for delinquent taxes as determined by Section 33.01 of the Tax Code) and shall become a debt to the City and shall be due, owing and paid to the City as liquidated damages subject to the expiration of any cure period or the termination date, whichever is applicable. The City shall retain all remedies for the recapture and collection of the lost tax revenue as provided generally in the Tax Code for the collection of delinquent property taxes and in accordance with Resolution No. R2013-14. The Companies shall be jointly and severally liable to the City for any liquidated damages contemplated herein.

**12. DEFAULTS AND REMEDIES:**

**a.** Each of the following occurrences, acts or omissions of Keystone and/or Pearland Building III shall constitute an act of default of the Companies under this Agreement:

- 1) The failure to meet the Capital Improvements Funding Conditions by the Improvement Completion Date.
- 2) The failure to provide or submit Annual Compliance Verification Report(s) as required by this Agreement.
- 3) The failure to meet any Capital Improvement or Job Creation Funding Conditions of this Agreement.
- 4) The Companies allow their ad valorem taxes owed to any taxing jurisdiction to become delinquent, and fail to timely and properly follow the legal procedures for protest and/or contest of any such ad valorem taxes.
- 5) Keystone terminates its lease of the facility.

**b.** In the event of a default of the terms of this Agreement, the City shall provide the Companies written notice of such default, which notice shall be delivered by personal delivery or certified mail to:

William S. Ring  
Keystone Engineering, Inc.  
6310 Sydney Street  
Houston, TX 77021

Mark Ring  
Pearland Building III, Inc.  
1424 N. Main Street  
Pearland, TX 77581

**c.** If Keystone and/or Pearland Building III fail to satisfactorily cure a default under this Agreement within thirty (30) days of the date of receiving written notice to cure the default, this Agreement may be terminated by the City at its discretion without further notice or liability to the Companies. In the event Keystone and/or Pearland Building III fail to cure a default within thirty (30) days of receiving such written notice to cure, the Companies shall immediately refund to the City any amounts abated under this Agreement, plus interest at the rate of 8% per year, compounded annually from January 1 of the year in which the default occurs (“Default Year”) to the date of payment of the refunded taxes.

**d.** Keystone shall provide the City a written notice a minimum of thirty (30) days before any of the Employment Positions or Improvements are moved from the Premises that would result in a reduction below the then required Employment Positions. In the event that Keystone shall move any of the Employment Positions or Improvements required by this Agreement from the Premises during the term of the Agreement, the City in its sole discretion, may terminate this Agreement and require the Companies to immediately refund, to the City, all or a portion of the taxes previously abated under this Agreement , plus interest at the rate of 8% per year, compounded annually from January 1 of the year following the execution of this Agreement to the date of repayment.

**e.** All taxes abated herein shall be deemed due and owing to the City at any point that Keystone and/or Pearland Building III cannot pay their respective bills as they come due. If after Keystone and/or Pearland Building III is no longer able to pay its bills as they come due, it files for protection from its creditors by any chapter of the bankruptcy code, the

City may, at its discretion, pursue the abated taxes as a creditor in the bankruptcy for unpaid property taxes subject to any and all tax liens applicable thereto.

**13. CITY AUDIT RIGHTS:**

**a. Duty to Maintain Records.** The Companies shall maintain adequate records to support its compliance with the terms of this Agreement. The Companies shall also maintain such records as are reasonably deemed necessary by the City and auditors of the City, or such other persons or entities designated by the City, to ensure proper accounting for all costs and performances related to this Agreement.

**b. Records Retention.** The Companies shall maintain and retain for a period of four (4) years after the submission of the final Annual Compliance Verification report, or until full and final resolution of all audit or litigation matters which arise after the expiration of the four (4) year period after the submission of the final Annual Compliance Verification report, whichever time period is longer, such records as are necessary to fully disclose the extent of services provided under this Agreement, including but not limited to any daily activity reports and time distribution and attendance records, and other records which may show the basis for the calculation of full time positions.

**c. Audit Trails.** Appropriate audit trails shall be maintained by the Companies to provide accountability for updates and changes to automated personnel and financial systems. Audit trails maintained by the Companies shall, at a minimum, identify the changes made, the individual making the change and the date the change was made. An adequate history of transactions shall be maintained by the Companies to permit an audit of the system by tracing the activities of individuals through the system. The Companies' automated systems provide the means whereby authorized personnel have the ability to audit and establish individual accountability for any action that can potentially cause access to, generation of, or modification of information related to the performances of this Agreement. The Companies agree that their failure to maintain adequate audit trails and corresponding documentation shall create a presumption that the performances were not performed.

**d. Access.** The Companies shall, upon reasonable advance notice, grant the City, or such other persons or entities designated by City for the

purposes of inspecting, auditing, or copying such books and records, access, during normal business hours on a not to interfere basis, to all paper and electronic records, books, documents, accounting procedures, practices or any other items relevant to the performance of this Agreement,. All records, books, documents, accounting procedures, practices or any other items relevant to the performance of this Agreement shall be subject to examination or audit by City, or such other persons or entities designated by City in accordance with all applicable state and federal laws, regulations or directives. Keystone and/or Pearland Building III will direct any subcontractor with whom it has established a contractual relationship to discharge their obligation to likewise permit access to, inspection of, and reproduction of all books and records of their subcontractor(s) which pertain to this Agreement.

**e. Location and Reimbursement.** Any audit authorized herein shall be conducted at the Premises during normal business hours and conducted at City's expense and in a manner not to unreasonably interfere with Keystone's or Pearland Building III business; provided all reasonable costs incurred by City in conducting any such audit shall be reimbursed by Keystone and/or Pearland Building III in the event such audit reveals an aggregate discrepancy in any of the reporting of compliance as required by this Agreement. If any audit or examination reveals that the reports for the audited period are not accurate for such period, then Keystone and/or Pearland Building III shall reimburse the City in accordance with Section 11 of this Agreement.

**f. Corrective Action Plan.** If an audit reveals any discrepancies or inadequacies which must be remedied in order to maintain compliance with this Agreement, Keystone and/or Pearland Building III agree, within thirty (30) calendar days after their receipt of the audit findings, to propose and submit to the City a corrective action plan to correct such discrepancies or inadequacies subject to the approval of the City. The Companies further agree that the sole cost to complete the corrective action shall be the responsibility of the Companies, and implementation shall be within thirty (30) calendar days after the City approves the corrective action plan.

**g. Reports.** Keystone and/or Pearland Building III shall provide to the City periodic status reports in accordance with the City's audit procedures regarding the their resolution of any audit-related compliance activity for which they are responsible.

**14. REPORTS AND BRIEFINGS:** In a manner consistent with the need to protect privacy and the intellectual property of the Companies and third parties, the Companies will provide periodic briefings as reasonably requested by the City on the general activities, economic impact and progress of the new project development and business operations in Texas.

**15. USE AND RETENTION OF CITY CRAFTSMEN, TRADES AND SUPPLIERS:** Although not an event of default or a condition to this Agreement, the City requests that the Companies satisfy its need for additional employees from City of Pearland, Texas, residents and purchase all materials, supplies and services necessary to affect the occupancy of the property from City of Pearland merchants and businesses.

**16. COMMUNITY INVOLVEMENT:** Although not an event of default or condition of any advance hereunder, the Companies agree to actively participate in community and charitable organizations and/or activities, the purpose of which are to improve the quality of life in the City of Pearland, Texas, and to actively encourage its employees to be involved in such organization and/or activities.

**17. FINANCIAL INFORMATION:** The Companies shall furnish the City, if requested, on an annual basis by February 28 of each year throughout the term of this Agreement, information regarding the general business status, market and general summary financial updates regarding the Companies.

**18. INDEMNITY AND HOLD HARMLESS:** THE COMPANIES HEREBY AGREE TO RELEASE, ACQUIT, INDEMNIFY, AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, EMPLOYEES, SUCCESSORS, AND ASSIGNS, FROM ANY AND ALL KINDS OF CLAIMS, DEMANDS, LOSSES, DAMAGES, INJURIES, RIGHTS, CAUSES OF ACTION, OR JUDGMENTS OF WHATSOEVER CHARACTER OR NATURE, INCLUDING ATTORNEYS' FEES, WHICH MAY ARISE AS A RESULT OF ACTION OR OMISSION BY PEARLAND BUILDING III AND/OR KEYSTONE UNDER THIS AGREEMENT. THE PROVISIONS OF THIS SECTION REFLECT THE EXPRESSED INTENTIONS OF THE COMPANIES AND THE CITY AND SHALL SURVIVE THE TERMINATION, EXPIRATION, OR CANCELLATION OF THIS AGREEMENT.

**19. EXPRESS NEGLIGENCE.** THE INDEMNITY SET FORTH IN THIS AGREEMENT IS INTENDED TO BE ENFORCEABLE AGAINST THE COMPANIES AND THEIR SUCCESSORS AND ASSIGNS IN ACCORDANCE WITH THE EXPRESS TERMS AND SCOPE HEREOF NOTWITHSTANDING TEXAS' EXPRESS NEGLIGENCE RULE OR ANY SIMILAR DIRECTIVE THAT WOULD PROHIBIT OR OTHERWISE LIMIT INDEMNITIES BECAUSE OF THE NEGLIGENCE (WHETHER

SOLE, CONCURRENT, ACTIVE OR PASSIVE) OR OTHER FAULT OR STRICT LIABILITY OF THE CITY.

## 20. GENERAL PROVISIONS

a. **Authority.** Each party represents that it has obtained all necessary authority to enter into this Agreement.

b. **Relationship of Parties and Disclaimer of Liability.** The parties will perform their respective obligations under this Agreement as independent contractors and not as agents, employees, partners, joint ventures, or representatives of the other party. Neither party can make representations or commitments that bind the other party. The Companies are not a “governmental body” by virtue of this Agreement or the City’s granting of an abatement.

c. **Limitation of Liability.** In no event will either party be liable to the other party for any indirect, special, punitive, exemplary, incidental or consequential damages. This limitation will apply regardless of whether or not the other party has been advised of the possibility of such damages.

d. **Term.** The term of this Agreement commences on the Effective Date of this Agreement and continues until **December 31, 2023** unless terminated earlier pursuant to the terms of this Agreement.

e. **Termination for Cause.** Either party may terminate this Agreement for Cause upon thirty (30) days prior written notice to the other party. “Cause” is any failure to perform a material obligation under this Agreement within the specified time; including the Companies’ failure to comply with any Funding Conditions contained herein. The sole remedy for any termination for Cause (and for the “cause” giving rise to the termination) shall be that each party is relieved of its obligation to perform hereunder; however, following termination by the City, the Companies will continue to be obligated to the City for liquidated damages and/or repayment of abated taxes in accordance with applicable provisions of this Agreement.

f. **Dispute Resolution and Applicable Law.**

- 1) **Informal Meetings.** The parties' representatives will meet as needed to implement the terms of this Agreement and will make a good faith attempt to informally resolve any disputes.
- 2) **Applicable Law and Venue.** This Agreement is made and entered into in the state of Texas, and this Agreement and all disputes arising out of or relating thereto shall be governed by the laws of the state of Texas, without regard to any otherwise applicable conflict of law rules or requirements. The Companies agree that any action, suit, litigation or other proceeding (collectively "litigation") arising out of or in any way relating to this Agreement, or the matters referred to therein, shall be commenced exclusively in the State of Texas in any court with proper jurisdiction to hear this matter closest to the City Hall of the City of Pearland, and hereby irrevocably and unconditionally consent to the exclusive jurisdiction of those courts for the purpose of prosecuting and/or defending such litigation. The Companies hereby waive and agree not to assert by way of motion, as a defense, or otherwise, in any suit, action or proceeding, any claim that (a) the Companies are not personally subject to the jurisdiction of the above-named courts, (b) the suit, action or proceeding is brought in an inconvenient forum or (c) the venue of the suit, action or proceeding is improper.

## 21. MISCELLANEOUS PROVISIONS

- a. **Counterparts.** This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, and it shall not be necessary in establishing proof of this Agreement to produce or account for more than one such counterpart.
- b. **Merger.** This document constitutes the final entire agreement between the parties and supersedes any and all prior oral or written communication, representation or agreement relating to the subject matter of this Agreement.
- c. **Severability.** Any term in this Agreement prohibited by, or unlawful or unenforceable under, any applicable law or jurisdiction is void without invalidating the remaining terms of this said Agreement. However, where the provisions of any such applicable law may be waived, they are hereby waived by either party, as the case may be, to the fullest extent permitted

by the law, and the affected terms are enforceable in accordance with the parties' original intent.

**d. Survival of Promises.** Notwithstanding any expiration, termination or cancellation of this Agreement, the rights and obligations pertaining to payment or repayment of abated taxes and/or liquidated damages, confidentiality, disclaimers and limitation of liability, indemnification, and any other provision implying survivability will remain in effect after this Agreement ends.

**e. Binding Effect.** This Agreement and all terms, provisions and obligations set forth herein shall be binding upon and shall inure to the benefit of the parties and their successors and all other state agencies and any other agencies, departments, divisions, governmental entities, public corporations and other entities which shall be successors to each of the parties or which shall succeed to or become obligated to perform or become bound by any of the covenants, agreements or obligations hereunder of each of the parties hereto.

**f. Successors and Assigns/Notice.** The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto. This Agreement may be transferred or assigned by the Companies only upon written permission by the City in accordance with Resolution R2013-14, which permission shall not be unreasonably withheld. No assignment shall be approved if the assignor or assignee is indebted to the City for ad valorem taxes or other obligations. The Companies, or any legal successor thereto or prior assignee thereof, may assign its rights and obligations under this Agreement, including by merger or operation of law, to any legal successor or any person or entity that acquires all or substantially all of its business and operations. In addition, with the prior written consent of the City, which consent shall not be unreasonably withheld or delayed, the Companies, or any legal successor to the Companies or prior assignee thereof, may assign its rights and obligations under this Agreement to any parent or wholly owned subsidiary that it currently has in place or later establishes, if it is constituted as a separate legally recognized business entity. Any such assignment will be made without additional consideration being payable to the City. This Agreement shall survive any sale, change of control or similar transaction involving the Companies, any successor thereto or prior assignee thereof and no such transaction shall require the consent of the City. The Companies shall provide the City written notice of any assignment, sale, change of control or similar transaction pursuant to this

section as soon as possible and in no event not later than thirty (30) calendar days following such event.

**g. Force Majeure.** Neither party shall be required to perform any obligation under this Agreement or be liable or responsible for any loss or damage resulting from its failure to perform so long as performance is delayed by force majeure or acts of God, including but not limited to strikes, lockouts or labor shortages, embargo, riot, war, revolution, terrorism, rebellion, insurrection, flood, natural disaster, interruption of utilities from external causes.

**h. Notice.** All notices, requests, demands and other communications will be in writing and will be deemed given and received (i) on the date of delivery when delivered by hand or via electronic mail, (ii) on the following business day when sent by confirmed simultaneous telecopy and (iii) on the following business day when sent via overnight courier (e.g., Federal Express).

**22. AGRICULTURAL VALUATION:** It is understood and agreed by the City and the Companies that if the Premises has been designated and taxed as agricultural land pursuant to Chapter 23, Subchapter C, Tax Code, V.A.T.S., this Agreement shall not be effective and no abatement granted until the Companies has removed the agricultural use designation and all taxes due pursuant to Section 23.55, Tax Code, V.A.T.S., as amended, (roll back taxes) have been paid.

**23. CITY AUTHORIZATION:** This Agreement was authorized by Resolution of the City Council at its council meeting on the 27<sup>th</sup> day of November, 2014, authorizing the City Manager to execute the Agreement on behalf of the City.

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

CITY

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

By: \_\_\_\_\_  
Clay Pearson  
City Manager

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Darrin M. Coker  
City Attorney

KEYSTONE ENGINEERING, INC.

By: \_\_\_\_\_  
William S. Ring  
President

PEARLAND BUILDING III, INC.

By: \_\_\_\_\_  
Mark Ring  
President



THE STATE OF \_\_\_\_\_ '
COUNTY OF \_\_\_\_\_ '

BEFORE ME, the undersigned Notary Public, on this day personally appeared Mark Ring, Pearland Building III, Inc. known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

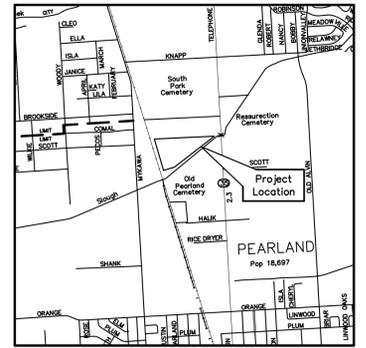
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_\_.

NOTARY PUBLIC, STATE OF \_\_\_\_\_
Printed Name: \_\_\_\_\_
Commission Expires: \_\_\_\_\_

Exhibit "A"

PREMISES

Property Description



VICINITY MAP  
NOT TO SCALE

ABBREVIATIONS

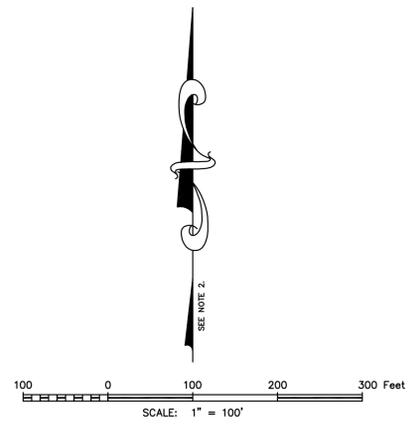
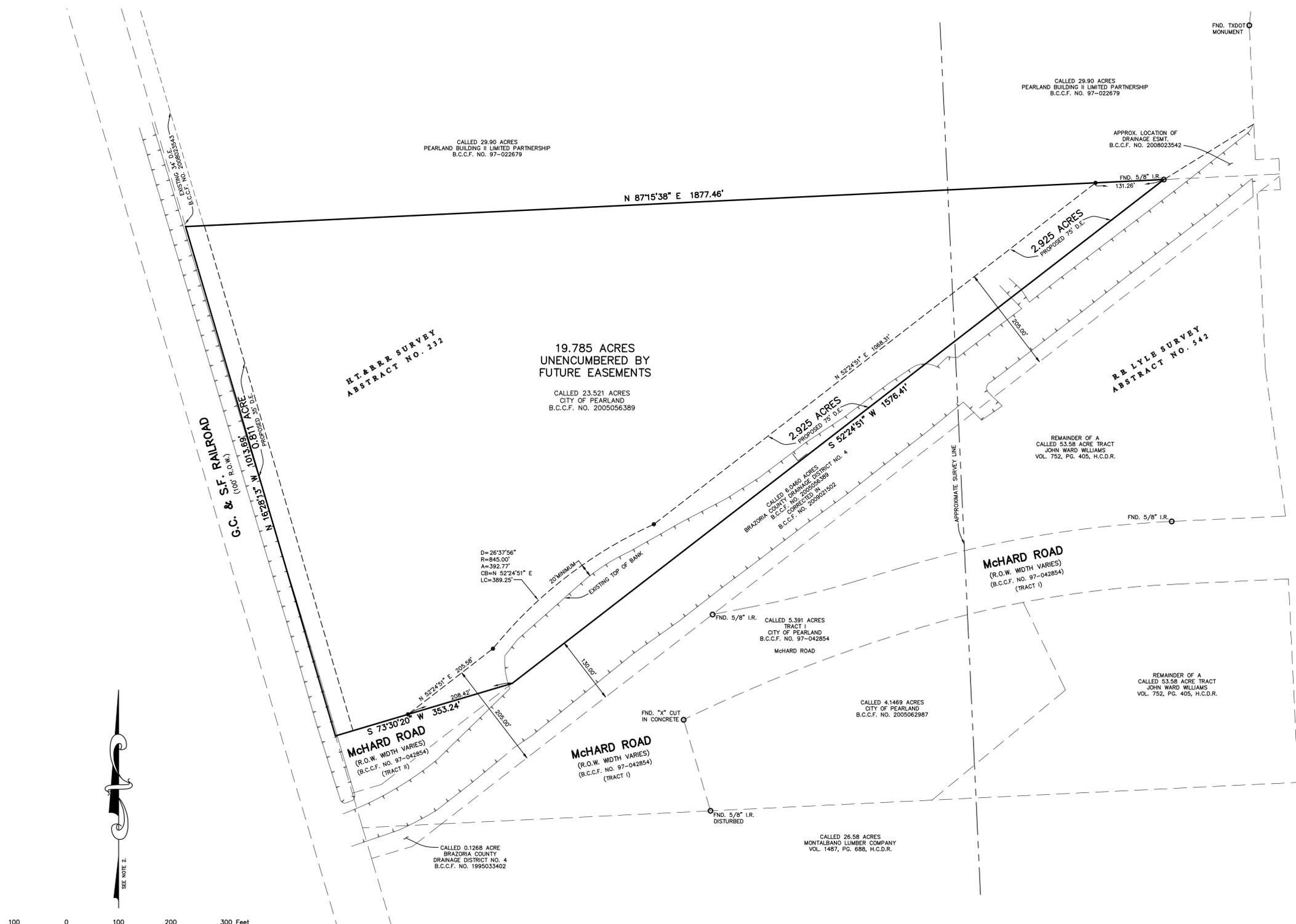
- D.E. = DRAINAGE EASEMENT
- ESMT. = EASEMENT
- FND. = FOUND
- B.C.C.F. = BRAZORIA COUNTY CLERK'S FILE
- B.C.D.R. = BRAZORIA COUNTY DEED RECORDS
- B.C.P.R. = BRAZORIA COUNTY PLAT RECORDS
- No. = NUMBER
- P.G. = PAGE
- R.O.W. = RIGHT OF WAY
- VOL. = VOLUME
- I.R. = IRON ROD
- I.P. = IRON PIPE

EXHIBIT  
OF  
**23.521 ACRES**  
BEING ALL OF A CALLED 23.521 ACRE  
TRACT OF LAND RECORDED IN THE  
NAME OF CITY OF PEARLAND IN  
B.C.C.F. No. 2005056389  
IN THE  
H.T. & B.R.R. Co. SURVEY  
ABSTRACT NO. 232  
AND THE  
R.B. LYLE SURVEY  
ABSTRACT NO. 542  
BRAZORIA COUNTY, TEXAS



SCALE: 1" = 100'		DRAWN BY: S.L.
DATE: 06/05/14		CHECKED BY: M.H.
PROJECT NO.: CS 14062	FIELD BOOK NO.:	DRAWING NO.: 1 OF 1

- NOTES
- THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE OR A TITLE REPORT. NO ADDITIONAL RESEARCH REGARDING THE EXISTENCE OF EASEMENTS, RESTRICTIONS, OR OTHER MATTERS OF RECORD HAS BEEN PERFORMED BY THE SURVEYOR.
  - THE BEARINGS SHOWN ON THIS EXHIBIT ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.



STATE HIGHWAY 35  
(AKA MAIN STREET)  
(R.O.W. WIDTH VARIES)  
(B.C.C.F. Nos. 2004076267, 2005037676 & 20110043982)

Exhibit "B"

APPLICATION FOR TAX ABATEMENT IN THE CITY

EXHIBIT "C"

FORM OF ANNUAL EMPLOYMENT COMPLIANCE VERIFICATION



**CITY OF PEARLAND  
TAX ABATEMENT ANNUAL INVESTMENT AND EMPLOYMENT  
COMPLIANCE VERIFICATION**

Verification should be submitted to the Pearland Economic Development Corporation President, 1200 Pearland Parkway, Suite 200, Pearland, Texas 77581, 281.997.3000, [www.pearlandedc.com](http://www.pearlandedc.com). Please attach exhibits and additional information.

**Company Information**

---

Name of Business:

Date:

Address:

City:

State:

Zip:

Contact Person:

Title:

Phone:

Fax:

Email:

**Annual Compliance Verification**

---

Please check the box that applies:

First Time Filing

Subsequent Filing

If subsequent, date last compliance submitted:

Report Covers Period: Begin Date:

End Date:

This is compliance of .

## Employment-Position Information

---

All positions must be full-time (2,000 hours or more annually) and permanent, with the Company.

1. Total Number of Employment Positions Reported (previously certified and new):
2. Total Number of Employment Positions Previously Certified:
3. Total Number of New Employment Positions Submitted for Certification (line 1 – line 2):
4. Total Payroll for all Employment Positions Reported this Claim Period: \$
5. Average annual gross compensation at this Company/Project Facility (line 3/line 4):

Did the Company meet the “Job Target” for this reporting period?  Yes  No  
 If no, please explain why:

Does the Company provide medical and dental benefits to all employees?  Yes  No

## Investment Information

---

1. Total new value previously certified:
2. Total new value submitted for certification this claim period:
3. Total value reported (previously certified and new line 1 and 2):

Generally describe the improvements existing as of December 31 of the preceding year?

Did the Company install or construct all improvements before the Improvements Completion Date?  Yes  No  
 If no, please explain why:

TAXABLE VALUE ON SITE	20__ ORIGINAL BASE VALUE	TAX YEAR 20__	TOTAL INCREASE OVER 20__ BASE
Land	\$	\$	\$
Building and Improvements	\$	\$	\$
Fixed Equipment	\$	\$	\$
Personal Property	\$	\$	\$
Inventory	\$	\$	\$
<b>Total Value</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>

Please attach the Business Personal Property Rendition form submitted to the Appraisal District.

## Attachments

---

Please attach the following documents:

A1 Employment Verification

A2 Certified copy of the appraised and settled value of the Improvements as shown by the appropriate Central Appraisal District supported by all correspondence, renditions, appeals or contests and settlement of appraised value and shall provide appropriate back-up data for the Improvements exclusive of other investments made at the Premises.

A3 Business Personal Property Rendition of Taxable Property Form

## Certification

---

I certify the appraised value of the improvements as defined in our agreement with the City of Pearland.

I certify the Business has not, within the reporting period, been cited or convicted for violating any state or federal statutes, rules, and regulations, including environmental, worker safety and immigration regulations

Under penalty of perjury, I declare that the information in this document and any attachments are true and correct to the best of my knowledge and belief.

**For the Business:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title (typed or printed)

# ANNUAL EMPLOYMENT COMPLIANCE VERIFICATION

ABC Company, Inc.  
Project Approved: 10/23/98

**Job Certification Period:** January 1, 2000 through December 31, 2000

ABC Company  
114 Oak Drive  
Bluebonnet, Texas 77777

Job No.	Position Title	Social Security Number	Employee Name	Wages During Claim Period	Hours Worked During Claim Period	Date Hired to Position/Date Left Position	City of Pearland Resident
---------	----------------	------------------------	---------------	---------------------------	----------------------------------	---	---------------------------

**PREVIOUSLY CERTIFIED JOBS (updated):**

001	Division Director	###-##-####	Dennis Director	\$68,987	2,318	09/01/98 to Present	N
002	Office Manager	###-##-####	Mary Worker	\$15,236	1,200	01/15/98 to 8/31/98	Y
002A		###-##-####	Lindsey Sellsmith	\$12,008	900	9/1/98 to Present	Y

**NEW JOBS THIS CERTIFICATION:**

003	Sales Manager	###-##-####	Delores Incharge	\$29,695	2,080	09/01/99 to Present	N
004	Print Shop Manager	###-##-####	Adam Typeset	\$32,450	2,056	09/01/99 to Present	Y

**Total Jobs Created: 4**  
**Total Payroll: \$###,###**  
**Vacant Positions: 0**

**TOTAL # OF JOBS ON THIS PAGE 4**

**PAGE # 1 of 1**

**TOTAL # OF JOBS ON THIS CLAIM 4**

# New Business Item No. 8

8. **Consideration and Possible Action – First Reading of Ordinance No. Ordinance NO. 220-11** – An ordinance of the city council of the city of Pearland, Texas, amending Article 2, Rates and Charges, of Chapter 30, Utilities, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, relating to water and sewer extensions, pro rata charges, and other charges established on certain properties in the vicinity of Hawk Road and Cullen Parkway; providing a penalty for violation; having a savings clause, a severability clause, and a repealer clause; providing for codification, publication and an effective date.

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

<b>AGENDA OF:</b>	November 10, 2014	<b>ITEM NO.:</b>	Ordinance No. 220-11									
<b>DATE SUBMITTED:</b>	November 4, 2014	<b>DEPT. OF ORIGIN:</b>	Engineering									
<b>PREPARED BY:</b>	Richard Mancilla P.E.	<b>PRESENTOR:</b>	Richard Mancilla, P.E.									
<b>REVIEWED BY:</b>	Trent Epperson	<b>REVIEW DATE:</b>	November 5, 2014									
<p><b>SUBJECT:</b> Ordinance No. 220-11 - An ordinance of the city council of the city of Pearland, Texas, amending Article 2, <i>Rates and Charges</i>, of Chapter 30, <i>Utilities</i>, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, relating to water and sewer extensions, pro rata charges, and other charges established on certain properties in the vicinity of Hawk Road and Cullen Parkway; providing a penalty for violation; having a savings clause, a severability clause, and a repealer clause; providing for codification, publication and an effective date.</p>												
<p><b>EXHIBITS:</b> Ordinance, Exhibit A - Service Area Exhibit</p>												
<p><b>FUNDING:</b></p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Grant</td> <td><input type="checkbox"/> Developer/Other</td> <td><input type="checkbox"/> Cash</td> </tr> <tr> <td><input type="checkbox"/> Bonds To Be Sold</td> <td><input type="checkbox"/> Bonds- Sold</td> <td><input type="checkbox"/> L/P – Sold</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> L/P – To Be Sold</td> </tr> </table>				<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash	<input type="checkbox"/> Bonds To Be Sold	<input type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – Sold			<input type="checkbox"/> L/P – To Be Sold
<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash										
<input type="checkbox"/> Bonds To Be Sold	<input type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – Sold										
		<input type="checkbox"/> L/P – To Be Sold										
<p><b>EXPENDITURE REQUIRED:</b></p> <p><b>AMOUNT AVAILABLE:</b></p> <p><b>ACCOUNT NO.:</b></p> <p><b>ADDITIONAL APPROPRIATION REQUIRED:</b></p> <p><b>ACCOUNT NO.:</b></p> <p><b>PROJECT NO.:</b></p>		<p><b>AMOUNT BUDGETED:</b></p> <p><b>PROJECT NO.:</b></p>										
<p><b>To be completed by Department:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Finance</td> <td style="text-align: center;">Legal</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Resolution</td> </tr> </table>				Finance	Legal	Ordinance	Resolution					
Finance	Legal	Ordinance	Resolution									

**RECOMMENDED ACTION**

Consideration and approval of an ordinance regarding the creation for a Pro-Rata fee in the amount of \$778.17/ESFC for connection to the public sanitary sewer at the intersection of Hawk Rd and Hillhouse Rd. that is to be constructed by the City.

**EXECUTIVE SUMMARY**

## **BACKGROUND**

In 2013 the City was approached by Silverlake Church at the intersection of Hawk Rd and Cullen Pkwy with the intention of connecting a lift station and force main to the City's wastewater system within the Southdown subdivision on Norfolk St. At that time the City began pursuing an oversized agreement with the church to allow for a gravity flow main that would be able to serve other properties in the area including the residential subdivision known as Eagle Landing at the NW corner of Hawk Rd. and Hillhouse Rd. Since that time the Church abandoned the project in favor of a more cost-effective septic system onsite.

The Eagle Landing developer, at the request of the City, had revised their development to connect to the gravity flow system. After the church decided to go in a different direction the City moved forward with development and construction of the sanitary sewer line. The construction contract is being awarded under a separate resolution by City Council this evening. This ordinance is for the creation of a pro-rata fee to offset the cost of the construction in the amount of \$778.17/Equivalent Single Family Connection (ESFC) for any property within the service area that will utilize this sewer. The pro-rata fee will be collected at the time of permitting. The pro-rata fee amount is being established based on the construction contract amount divided by the number of ESFCs served by the sewer line.

**ORDINANCE NO. 220-11**

An ordinance of the city council of the city of Pearland, Texas, amending Article 2, *Rates and Charges*, of Chapter 30, *Utilities*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, relating to water and sewer extensions, pro rata charges, and other charges established on certain properties in the vicinity of Hawk Road and Cullen Parkway; providing a penalty for violation; having a savings clause, a severability clause, and a repealer clause; providing for codification, publication and an effective date.

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

**Section 1.** That Article 2, *Rates and Charges*, of Chapter 30, *Utilities*, of the City of Pearland Code of Ordinances, be and the same is hereby amended by ADDING a subsection (7) to Section 30-44 (a) hereafter provide as follows:

"Section 30-44. Pro Rata and Other Charges Established.

(a) A charge, which shall be known as the pro rata shall be made against each lot or tract of land, and the owner thereof, whose water or sewer lines shall be hereafter connected with any water mains or sewer mains in the following manner and in accordance with procedures and service area maps promulgated by City staff:

**(7) Certain properties located in the vicinity of Hawk Road and Cullen Parkway.**

**Sewer     \$ 778.17 per Equivalent Single Family Connection**

(b) In addition to the pro rata charge on water and sewer mains, the property owner must pay all other applicable charges as established by City ordinance.

**Section 2.** That all pro rata charges made against any owner of a lot or tract of land whose water and sewer lines are connected with the City sewer mains shall be in accordance with Exhibit "A" attached hereto and incorporated herein for all purposes.

ORDINANCE NO. 220-11

**Section 3. Penalty.** Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by a fine in any sum not exceeding Two Hundred Dollars (\$200.00).

**Section 4. 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 5. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 6. Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

**Section 7. Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

ORDINANCE NO. 220-11

**Section 8. Publication and Effective Date.** The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official City newspaper.

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

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

ATTEST:

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

ORDINANCE NO. 220-11

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



MCHARD RD

BROOKSIDE RD

ADAMO LN

SERVICE AREA -  
284 ESFC

LINDALN

LEE RD

HUGHES RANCH RD

CULLEN PKWY

**Service Area - 284 ESFC**

- Church - 44
- School - 119
- Eagle Landing - 5
- Additional Acreage - 116

Based on Future Land Use Assumptions

Construction Cost - \$ 221,160

Cost per ESFC =  $\$221,160 / 284 = \$778.17$



# New Business Item No. 9

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

# New Business Item No. 10

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