

# AGENDA

## CITY OF PEARLAND ♦ CITY COUNCIL

December 8, 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.



**CITY COUNCIL AGENDA**  
CITY OF PEARLAND  
REGULAR COUNCIL MEETING  
**MONDAY, DECEMBER 8, 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 November 10, 2014, Regular Meeting, held at 6:30 p.m.
  - 2. Minutes of the November 17, 2014, Special Meeting, held at 7:30 p.m.
- B. **Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000M-126** – 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 26.524 acres of land located in the Thomas J.GreenSurvey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in

Volume 1725, Page 193 (B.C.D.R.), Brazoria County, Texas (**generally located at the southeast corner of Pearland Pkwy. and Barry Rose Rd., Pearland, Texas**), **Zone Change 2014-11Z**; a request of Salim Obeid, LJA Engineering, applicant; on behalf of Robert Lee Alexander, owner; by his attorney A.G.Crouch; for approval of a change in zoning from Office Professional (OP), General Business (GB) and Single Family Residential 2 (R2) to a non-residential Planned Development (PD) known as Pearland Marketplace on approximately 26.5 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.

- C. Consideration and Possible Action** – Excuse the absence of Councilmember Greg Hill from the Regular Council Meeting held on November 24, 2014.
- D. Consideration and Possible Action – Resolution No. R2014-151** – A Resolution of the City Council of the City of Pearland, Texas, conveying an easement to CenterPoint Energy for utility service at the Shadow Creek Ranch Sports Complex.
- E. Consideration and Possible Action – Resolution No. R2014-154** – A Resolution of the City Council of the City of Pearland, Texas, supporting Brazoria County’s applications to the Houston-Galveston Area Council for inclusion in the 2015-2018 Transportation Improvement Plan.

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

## **VIII. NEW BUSINESS:**

- 1. Consideration and Possible Action – First Reading of Ordinance No. 2000M-127** - 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 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas, (**located at 6906 Broadway Street**), **Zone Change 2014-19Z**, a request of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 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.
- 2. Consideration and Possible Action – Resolution No. R2014-148** – A Resolution of the City Council of the City of Pearland, Texas, adopting an Impact Fee Deferred Payment Policy.

3. **Consideration and Possible Action – Resolution No. R2014-158** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Amended Interlocal Agreement with Brazoria County Municipal Utility District No. 26 (“District”) extending the term for the District’s use of a portion of the Shadow Creek Ranch Sports Complex property for temporary multi-use athletic fields.
4. **Consideration and Possible Action – First Reading of Ordinance No. 1506-1** – An Ordinance of the City Council of the City of Pearland, Texas, Amending Ordinance No. 1506, the 2014-2015 annual budget Ordinance, by; authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council; providing a savings clause, a severability clause, a repealer clause, and an effective date.
5. **Consideration and Possible Action – Resolution No. R2014-150** – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the SH35 Water Line Project to Reddico Construction Company in the amount of \$1,767,071.75.
6. **Consideration and Possible Action – Resolution No. R2014-157** – A Resolution of the City Council of the City of Pearland, Texas, adopting a State Legislative Agenda for the 84<sup>th</sup> Session of the Texas Legislature.
7. **Consideration and Possible Action – Resolution No. R2014-155** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract with Linebarger, Goggan, Blair, & Sampson, LLP for collection services associated with delinquent fines and fees, and a contract with Perdue, Brandon, Fielders, Collins and Mott, LLP for collection services associated with delinquent property taxes.

**OTHER BUSINESS:** None.

**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 November 10, 2014, Regular Meeting, held at 6:30 p.m.
2. Minutes of the November 17, 2014, Special Meeting, held at 7:30 p.m.

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, NOVEMBER 10, 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: Clair Bogard Director of Finance; Jon Branson Assistant City Manager; Richard Mancilla Interim Deputy Director/City Engineer; 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; Vance Riley Fire Chief; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Eric Wilson Public Works Director; Sparkle Anderson Communications Manager; Rick Overgaard Assistant Finance Director; Bob Pearce Purchasing Officer.

The invocation was given by the Pastor of New Harvest Christian Fellowship Church Keith Anderson and the Pledge of Allegiance was led by Police Chief J.C. Doyle.

**CALL TO ORDER**

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

**CITIZEN COMMENTS:**

Carol Artz-Bucek, President/CEO of the Pearland Chamber of Commerce, 6117 Broadway, addressed Council stating that Leadership Pearland is a program of the Pearland Chamber of Commerce organized in 1999. She stated past Councilmember Larry Marcott was in the first Leadership Pearland class in 1999. This is a great program not only for the Chamber of Commerce, but for the Community. It allows people to become volunteers for the City, County and other Organizations.

Graduates of Leadership Pearland Class of 2014-2015 introduced themselves. Fay Watson, Keep Pearland Beautiful; Preston Philips, Amegy Bank; Seth Thompson, AGCM, Inc.; Jacob Williamson, Frost Bank; Mark Smith, The Law Office of Mark Smith, PLLC; Jim Johnson, Pearland Chamber of Commerce; Kevin Murphy Triad Retail Construction; Marylyn Harris, Harland Healthcare; Donna Coneley, Memorial Hermann; Brian Castille, Cobb, Fendley & Associates, Inc.; Clay Herndon, Freese and Nichols, Inc.; Rodney Porter, Kelsey Seybold Clinic; Wendy Del Bello, Alvin Community College.

Larry Marcott, 3606 Inverness Court, addressed Council stating he has a concern with the street lights on Pearland Parkway. The lights stay out for a long period of time before they are replaced. He further stated the City is wasting money for a service they are paying for, but not receiving. He feels something needs to be done.

**PUBLIC HEARING:** None

**CONSENT AGENDA:**

- 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.**

Councilmember Carbone asked that Consent Agenda Item G 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 G with the exception of item G 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 G was removed for further discussion.

- 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.**

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-132.

City Manager Clay Pearson reported Council is being asked for approval to renew SunGard H.T.E./OSSI software maintenance for \$242,663.84 for the period of October 1, 2014 through September 30, 2015.

Discussion ensued between Council and City Manager Clay Pearson regarding the renewal of the contract and a copy of the contract was not included in the Agenda Packet.

City Attorney Darrin Coker stated this is renewing an existing contract and the upgrades that come with it.

Councilmember Sherman made the motion, seconded by Councilmember Carbone, to postpone approving Resolution No. R2014-132 until Council can review the contract.

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

Voting "No" None.

Motion Passed 5 to 0.

## **VIII. NEW BUSINESS:**

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

Councilmember Sherman made the motion, seconded by Councilmember Carbone, to approve Resolution No. R2014-123.

Mayor Reid presented Resolution No. R2014-123 of Appreciation to past Councilmember Susan Sherrouse to recognize her contributions and service as a Councilmember.

Past Councilmember Sherrouse stated she feels blessed to have been a Councilmember to give of her time and talent. She further stated she learned a lot about the City, and thanked everyone for the opportunity to serve the City of Pearland.

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

Voting "No" None.

Motion Passed 5 to 0.

**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.

Mayor Pro-Tem Ordeneaux made the motion, seconded by Councilmember Sherman, to approve Ordinance No. 2000M-124 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 2014-17Z.

City Manager Clay Pearson reported Council is being asked to 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.

Director of Community Development Lata Krishnarao gave an overview of the owner/applicant's request for a zone change.

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

Voting "No" None.

Motion Passed 5 to 0.

**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.

Councilmember Moore made the motion, seconded by Councilmember Carbone, to approve Ordinance No. 2000M-125 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for denial of Zone Change 2014-18Z.

Stephen Daalling, 1882 Broadway Street, addressed Council stating he and his family recently relocated to Pearland, Texas, and started attending New Harvest Christian Fellowship Church. He asked Council to approve the zone change so the church can expand to meet the needs of the community.

Kevin Naquin, 13107 Split Creek Lane, addressed Council stating he supports the petition for approval of the zone change so the church can continue to grow. He stated the mission of New Harvest Christian Fellowship Church is to reach out to the community, and to serve Pearland.

Doug Kirkman, 2923 Laurel Brook Lane, addressed Council stating he recently retired from the military, and lives in Pearland. He stated New Harvest Church is trying to enhance the quality of the community. He would appreciate Council's approval of the zone change so the church can continue to grow and bless the community.

Keith Anderson, 4026 Wingtail Way, addressed Council stating as the Pastor of New Harvest Christian Fellowship Church they would like the opportunity to grow their church. Everything the church has tried to do is to enhance Pearland. The Mission Statement is "Changing Lives through Christ One Success at a Time". A couple of weeks ago Council suggested the zone change of Neighborhood Services (NS), New Harvest Church sought Council, and would be willing to do that. He stated the church is asking Council to consider who they are, what they have done for the City, and how the church can better the Community.

Arnold Patterson, 17103 Loblouy Bay Court, addressed Council stating he would like to share the vision God has given the people of New Harvest Church. To build a new church that will serve the needs of the community. The sanctuary seats one hundred people, and last weekend there were three hundred and fifty people that attended the services. The land being zoned residential is worthless to the people as a church. By re-zoning the property to General Business or Neighborhood Services it will allow the church to sell the property and build a larger facility to serve the needs of the community.

Michael Stoeru, 2201 Grand Shore Court, addressed Council stating as a member of New Harvest Church we want to improve the community. New Harvest Church is a benefit to the community because it teaches Christian biblical values. This country needs strong churches that can change lives, build values in our youth, and people, so they will become valued citizens.

Janet Matura, 12017 Cedar Creek, addressed Council stating New Harvest Church wants to bring something of value to the community, not something that would harm the community.

She would appreciate Council giving New Harvest Church consideration.

Gary Galgas, 2308 Diamond Springs Drive, addressed Council stating one of the benefits of rezoning the property will hopefully generate revenue. The way the property is zoned at this time is useless. He stated he is asking Council to consider the fact that it will bring revenue into the City, and improve everything New Harvest Church is trying to do. Please consider the zone change.

Roland Falgoust, 12208 Willow Brook Lane, addressed Council stating many residents bought houses in the area of New Harvest Church because it was zoned residential. The residents knew there would be a church or homes built in that area. If the zoning is changed to General Business it could bring in a number of businesses that could degrade property values, cause noise and light pollution, and possible crime.

Karen Easter, 12501 Broadway #16110, addressed Council stating she loves the fact there are more businesses coming into that area. She further stated if a larger church is allowed to be built it will provide more services to the community.

Mayor Reid stated the challenge is what type of zone change that piece of property should be changed to so a quality development can be built in that location.

City Manager Clay Pearson reported that this is a land use and re-zoning decision. A decision stems from the Future Land Use Plan that was created for the City of Pearland.

Director of Community Development Lata Krishnarao gave an overview of the zone request.

Discussion ensued between Council and City Attorney Darrin Coker regarding the type of zone change the property should be re-zoned to, and the process if this motion fails or is postponed.

Councilmember Hill made the motion, seconded by Councilmember Carbone, to amend the motion from a General Business (GB) zoning district to a Neighborhood Services (NS) zoning district.

City Attorney Darrin Coker stated there will need to be three votes to amend the motion.

Mayor Reid called for the vote to amend the motion.

Voting "Aye" Councilmembers Carbone, and Hill.

Voting "No" Councilmembers Sherman, Ordeneaux, and Moore.

Motion Failed 3 to 2.

City Attorney Darrin Coker stated the amended motion will require four votes to be approved.

Mayor Reid called for the vote on the original motion as amended.

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

Voting "No" Councilmembers Sherman, and Ordeneaux.

Motion Failed 3 to 2.

Mayor Reid called a recess at 8:22 p.m.

Mayor Reid called the meeting to order at 8:35 p.m.

**Council Action – Resolution No. R2014-133** – A Resolution of the City Council of the City of Pearland, Texas, approving the issuance of \$8,060,000. 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.

Councilmember Hill made the motion, seconded by Councilmember Carbone, to approve Resolution No. R2014-133.

City Manager Clay Pearson reported Council is being asked for approval of 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.

BOSC, Inc. Representative John Robuck and Andrews Kurth, LLP Bond Council Rick Witte gave a power point overview of the Tax Increment Contract Revenue Bonds, Series 2014.

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

Voting “No” None.

Motion Passed 5 to 0.

**Council 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.

Councilmember Carbone made the motion, seconded by Mayor Pro-Tem Ordeneaux, to approve Resolution No. R2014-138.

City Manager Clay Pearson reported after conducting public meetings, the Districts are moving forward with their bond packages that include approximately \$1.3 million in water/sewer/drainage improvements to serve the Park.

Discussion ensued between Council, City Manager Clay Pearson, and City Attorney Darrin Coker regarding this Resolution is paving the way for the Municipal Utility Districts to move forward with their applications. It does not bind the City to anything.

Councilmember Sherman stated this is a City Park and believes the City should be supplying all the funds. He further stated it is not the fault of the Municipal Utility District residents the economy went down and Past Councilmembers decided not to move forward with this project.

City Attorney Darrin Coker stated before the Texas Commission on Environmental Quality (TCEQ) approves any additional funds, they need to see that there is a relationship between the City and the Municipal Utility Districts. Resolution No. R2014-138 establishes this relationship. Once TCEQ gives their approval, the MUD will give the funds to the City and the City will build those improvements.

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

Voting "No" Councilmember Sherman.

Motion Passed 4 to 1.

**Council 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.

Councilmember Sherman made the motion, seconded by Mayor Pro-Tem Ordeneaux, to approve Resolution No. R2014-137.

City Manager Clay Pearson reported Council is being asked for approval of the Pearland Economic Development Corporation expenditure for Professional Services for engineering and landscaping with Clark Condon Associates for the implementation of the 288 Corridor Master Improvement Plan.

President of Pearland Economic Development Corporation Matt Buchanan gave an overview of the Professional Services of the 288 Corridor Master Improvement Plan.

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

Voting "No" None.

Motion Passed 5 to 0.

**Council 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.

Mayor Pro-Tem Ordeneaux made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-136.

City Manager Clay Pearson reported Council is being asked for approval to execute the tax abatement agreement with Keystone Engineering Group, Inc. and Pearland Building III.

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

Voting "No" None.

Motion Passed 5 to 0.

**First Reading of 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.

Councilmember Moore made the motion, seconded by Councilmember Hill, to approve Ordinance No. 220-11 on its First Reading.

City Manager Clay Pearson reported Council is being asked for approval regarding the creation for a Pro-Rata fee in the amount of \$788.17/Equivalent Single Family Connection (ESFC) to the public sanitary sewer at the intersection of Hawk Road and Hillhouse Road that is to be constructed by the City.

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

Voting “No” None.

Motion Passed 5 to 0.

**OTHER BUSINESS:**

Council adjourned into Executive Session under Texas Government Code at 9:18 p.m.to discuss the following:

**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:**

Council returned from Executive Session at 10:04 p.m.

**Council Action** – Regarding Economic Development Negotiations.

Councilmember Moore made a motion, seconded by Councilmember Sherman to authorize Pearland Economic Development Corporation to provide an incentive for Prospect Number 1408 in an amount not to exceed \$300,000.

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

Voting “No” None.

Motion Passed 5 to 0.

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

Mayor Pro-Tem Ordeneaux made a motion, seconded by Councilmember Sherman, to appoint Mona Chavarria to Position No. 4 with a term expiring November 1, 2016 to serve on the Pearland Economic Development Board of Directors.

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

Voting “No” None.

Motion Passed 5 to 0.

Mayor Pro-Tem Ordeneaux made a motion, seconded by Councilmember Carbone, to reappoint Brandon Dansby to Position No. 2 with a term expiring November 1, 2016 to serve on the Pearland Economic Development Board of Directors.

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

Voting “No” None.

Motion Passed 5 to 0.

Mayor Pro-Tem Ordeneaux made a motion, seconded by Councilmember Carbone, to appoint Jeff Barry to Position No. 6 with a term expiring November 1, 2016 to serve on the Pearland Economic Development Board of Directors.

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

Voting “No” Councilmembers Ordeneaux and Sherman.

Motion Passed 3 to 2.

Mayor Pro-Tem Ordeneaux made a motion, seconded by Councilmember Moore, to appoint Thomas Duncan to Position No. 2 with a term expiring November 1, 2017 to serve on the Planning and Zoning Commission.

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

Voting “No” None.

Motion Passed 5 to 0.

Mayor Pro-Tem Ordeneaux made a motion, seconded by Councilmember Carbone, to reappoint Daniel Tunstall to Position No. 7 with a term expiring November 1, 2017 to serve on the Planning and Zoning Commission.

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

Voting “No” None.

Motion Passed 5 to 0.

**MAYOR/COUNCIL ISSUES**

Mayor Reid stated the Assistant City Manager will take care of the concerns of Larry Marcott regarding the street lights on Pearland Parkway.

**ADJOURNMENT**

Meeting was adjourned at 10:09 p.m.

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

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Tom Reid  
Mayor

ATTEST:

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Young Lorfing, TRMC  
City Secretary

**MINUTES OF A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, NOVEMBER 17, 2014, AT 7:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

Mayor Reid called the meeting to order at 7:34 p.m. with the following present:

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

Others in attendance: Jon Branson Deputy City Manager; Matt Buchanan President of Pearland Economic Development Corporation; Lata Krishnarao Director of Community Development; Sparkle Anderson Communications Manager; Johnna Matthews City Planner.

**CALL TO ORDER:**

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

**New Business:**

Council adjourned into Executive Session under Texas Government Code at 7:35 p.m.

**Executive Session under Texas Government Code**

1. **Section 551.074 – Personnel Matters** – Regarding the City Manager’s 6-month Review and Priorities Ahead.
2. **Section 551.074 – Personnel Matters** – Regarding the Annual Evaluation of the Municipal Court Judge.

**New Business Continued:**

Council returned from Executive Session at 9:44 p.m.

**Council Action** – Regarding the City Manager’s 6-month Review and Priorities Ahead.

No Council action taken.

**Council Action** – Regarding the Annual Evaluation of the Municipal Court Judge.

Councilmember Sherman made the motion, seconded by Councilmember Hill, to adjust the salary of the Municipal Court Judge as discussed in the Executive Session.

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

Voting “No” None.

Motion Passed 5 to 0.

**Adjournment**

Meeting was adjourned at 9:45 p.m.

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

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

ATTEST:

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

# Consent Agenda Item B

- B. Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000M-126** – 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 26.524 acres of land located in the Thomas J.GreenSurvey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in Volume 1725, Page 193 (B.C.D.R.), Brazoria County, Texas **(generally located at the southeast corner of Pearland Pkwy. and Barry Rose Rd., Pearland, Texas), Zone Change 2014-11Z;**a request of Salim Obeid, LJA Engineering, applicant; on behalf of Robert Lee Alexander, owner; by his attorney A.G.Crouch; for approval of a change in zoning from Office Professional (OP), General Business (GB) and Single Family Residential 2 (R2) to a non-residential Planned Development (PD) known as Pearland Marketplace on approximately 26.5 acres of land,providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

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

|                                     |  |
|-------------------------------------|--|
| <b>AGENDA OF:</b> December 8, 2014  | <b>ITEM NO.:</b> Ordinance No. 2000M-126 |
| <b>DATE SUBMITTED:</b>              | <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> December 2, 2014     |

**SUBJECT:** Ordinance No. 2000M-126 - 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 26.524 acres of land located in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in Volume 1725, Page 193 (B.C.D.R.), Brazoria County, Texas (generally located at the southeast corner of Pearland Pkwy. and Barry Rose Rd., Pearland, Texas), Zone Change 2014-11Z; a request of Salim Obeid, LJA Engineering, applicant; on behalf of Robert Lee Alexander, owner; by his attorney A.G.Crouch; for approval of a change in zoning from Office Professional (OP), General Business (GB) and Single Family Residential 2 (R2) to a non-residential Planned Development (PD) known as Pearland Marketplace on approximately 26.5 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.

**ATTACHMENTS:** Ordinance No. 2000M- 126 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter; Exhibit E – Pearland Marketplace PD)  
Joint Public Hearing Packet (7.21.14)

|                                  |                             |
|----------------------------------|-----------------------------|
| <b>EXPENDITURE REQUIRED:</b> N/A | <b>AMOUNT BUDGETED:</b> N/A |
| <b>AMOUNT AVAILABLE:</b> N/A     | <b>PROJECT NO.:</b> N/A     |
| <b>ACCOUNT NO.:</b> N/A          |                             |

**ADDITIONAL APPROPRIATION REQUIRED: N/A**  
**ACCOUNT NO.: N/A**  
**PROJECT NO.: N/A**

**To be completed by Department:**

**Finance**

**Legal**

**Ordinance**

**Resolution**

### **EXECUTIVE SUMMARY**

**UPDATE FROM FIRST READING:** The City Council approved the zone change at the first reading on November 24, 2014. Staff recommended approval with conditions and conditions have been met.

**PROJECT SUMMARY:** The applicant proposes to change the zoning of an approximately 26.5 acre site, out of a called 42.6 acres of land, from Office and Professional (OP), General Business (GB) and Single Family Residential -2 (R-2) to a non-residential Planned Development (PD) known as Pearland Marketplace located at the southeast corner of Pearland Parkway and Barry Rose Road. The proposed development will comply with the standards of the General Business (GB) zoning district and the Corridor Overlay District (COD) standards, with minor deviations, including a list of prohibited uses identified as Exhibit F of the PD document. Pearland Marketplace will be developed with a mix of neighborhood service retail and pad sites that will be anchored with a grocery store. Each building will include a percentage of stone and/or brick material. Pearland Marketplace is proposed to be developed in three (3) phases. Proposed amenities include a retail plaza with outdoor seating; ornamental lighting; a detention area with enhanced landscaping and a 6-foot concrete pedestrian trail along the edge of the detention basin with 2 park benches, which will tie into Barry Rose Road along the access road; avenue entrances with tree-lined driveways accented with flowering shrubs and trees; enhanced pavers; and pedestrian connectivity throughout the site.

At the joint public hearing on July 21, 2014, nearby residents voiced concerns about the proposed retail use and the potential of abandonment of the retail space similar to existing unoccupied retail space in Pearland which contribute to vandalism, crime, etc.; traffic and congestion; disturbance of habitat due to development of the property; lighting standards; noise within close proximity to single family homes; hours of loading and unloading; flooding; and the fact that it was unknown if the detention pond would retain water or if it would remain dry. Chairman Henry Fuertes indicated that the screening wall would possibly mitigate nearby concerns regarding lighting and noise.

The applicant indicated that if an 8-foot masonry wall is the recommendation of the Planning and Zoning Commission to achieve screening between the proposed development and Banbury Crossing Subdivision, that he would prefer a dry bottom

pond. He also mentioned neighborhood concerns based on previous neighborhood meetings, regarding wet ponds and mosquitos, etc.

Discussion also ensued regarding the existing zoning of GB, OP and R2, and when the aforementioned zoning designations were applied to the property. After researching the subject, staff has determined that the subject property was annexed into the city in 1960. Twenty-six (26) years later; in 1986, with the adoption of the City of Pearland's first Land Use Ordinance, which established the first zoning guidelines in the City, the subject property was zoned as is today; GB, OP and R2. The original 1986 zoning map is attached.

Access to the site will include two (2) primary entry driveways located along Pearland Parkway and three (3) located along Barry Rose Road. A note was added to the PD on page 1, B.1 stating that the location and number of entry driveways and any additional traffic improvements are subject to change upon review and approval of a traffic impact analysis (TIA).

**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 received three (3) notices in support of the request; one of which was returned by the property owner of the subject property. A letter was also received from a nearby resident outside of the 200 foot area, who is generally in support of the proposal, however, has concerns as identified above.

**PLANNING AND ZONING COMMISSION DISCUSSION:** At the regular meeting of the Planning and Zoning Commission on July 21, 2014, Planning and Zoning Commissioner Derrick Reed amended the original motion of approval to include the following conditions to help address neighborhood concern. The motion was seconded by Commissioner Mary Starr. The motion passed 6/0 with Planning and Zoning Commissioners Henry Fuertes, Daniel Tunstall, Elizabeth McLane, Derrick Reed, Ginger McFadden and Mary Starr all in favor. Commissioner Linda Cowles was not present.

1. A 25-foot unobstructed buffer and an 8ft. masonry wall is required to meet residential adjacency standards, where the proposed development will abut the existing single family subdivision, Banbury Cross.

*Exhibit D-1 of the PD document illustrates a 25-foot landscape buffer along a portion of the property line near Banbury Cross Subdivision, with an 8-foot masonry wall. The remaining property line adjacent to Banbury Cross Subdivision includes a 100-foot area which includes the proposed dry detention and an 8-foot masonry wall.*

2. The proposed dry detention shall include enhanced landscaping and a walking trail. A landscape plan was requested for the detention area.

*Exhibit D-1 illustrates enhanced landscaping around the detention area, including a continuous row of shrubs along the southern most boundary of the detention area, continuing along the detention area adjacent to Barry Rose Road, with heavy screening where the detention area is located directly behind the proposed 120,000 square foot building, including evergreen and medium sized trees. A 5-foot concrete trail along the edge of the detention basin and along Barry Rose Road is shown, which includes 2 park benches.*

**STAFF RECOMMENDATION:** Staff recommends approval of the change in zoning of the 26.5 acres from OP, R2 and GB to a non-residential PD; Pearland Marketplace, with an overlay zoning district of GB and compliance with the COD standards, and with conditions as listed below, for the following reasons.

1. Most of the property included within the PD is located within the GB zoning district, and as such would allow any use that is a permitted use without any further approvals. The proposed PD as a zoning alternative helps to facilitate development of this site as per the applicant's desires while addressing various concerns, including incompatibility of certain uses in close proximity to existing single family residential developments. The applicant has restricted a number of uses which may be perceived as incompatible. These uses include various auto-related uses, hotels/motels. See Exhibit F of the PD for a full list of prohibited uses.
2. The proposed change is in accord with existing/proposed plans for providing public facilities. Residential uses are not proposed at this time for this development, and therefore should have no impact on the public school system.
3. The proposed development will not negatively impact the existing single family subdivisions. Adequate screening between the site and the existing single family subdivision, Banbury Crossing is proposed.

**Conditions:**

1. Clarification is required regarding the difference between Exhibit D-1 (Design Plan) and Exhibit D-2 (Design Plan). It appears that they are similar.

*According to the applicant, Exhibit D-1 includes the property and surrounding properties. Exhibit D-2 is zoomed in to the subject property.*

2. Page 1, B4 of the PD states that the concrete trail along the edge of the detention basin is proposed to be 6-feet wide. However, Exhibit D-3 (Conceptual Landscape Plan) illustrates a 5-foot concrete trail. Please correct Exhibit D-3 to show a 6-foot wide concrete trail.

*Exhibit D-3 has been revised to illustrate a 6-foot wide concrete trail.*

3. The original Exhibit D of the PD has been revised. Table of Contents needs to be updated to reflect the updated exhibits.

*The Table of Contents has been revised to include all exhibits.*

4. There is reference to an Exhibit M in the Table of Contents and within the PD document and there is no Exhibit M included. If there is an Exhibit M, please provide it and label it as Exhibit "H" for consistency in the "numbering" of exhibits. The Table of Contents includes reference to Exhibit A, B, C, D, E, F, G, M.
5. Revise the date on the PD cover to reflect the latest submission of October 28, 2014.

**Original 1986 Zoning Map**



## **Ordinance No. 2000M-126**

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 26.524 acres of land located in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in Volume 1725, Page 193 (B.C.D.R.), Brazoria County, Texas (**generally located at the southeast corner of Pearland Pkwy. and Barry Rose Rd., Pearland, Texas**), Zone Change 2014-11Z; a request of Salim Obeid, LJA Engineering, applicant; on behalf of Robert Lee Alexander, owner; by his attorney A.G.Crouch; for approval of a change in zoning from Office Professional (OP), General Business (GB) and Single Family Residential 2 (R2) to a non-residential Planned Development (PD) known as Pearland Marketplace on approximately 26.5 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

**WHEREAS**, Salim Obeid, LJA Engineering, applicant; on behalf of Robert Lee Alexander, owner; by his attorney A.G.Crouch; is seeking approval of a change in zoning from Office and Professional (OP), General Business (GB) and Single Family Residential 2 (R-2) to a non-residential Planned Development (PD) known as Pearland Marketplace, with an overlay district of GB, on approximately 26.5 acres of land; said property being legally described in the original application for amendment attached hereto and made a part hereof for all purposes as Exhibit "A" and more graphically depicted in the location map identified as Exhibit "B"; and

**WHEREAS**, on the 21st day of July, 2014, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C", said call and notice being in strict conformity with provisions of

Section 1.2.2.2 of Ordinance No. 2000T; and

**WHEREAS**, on the 21st day of July, 2014, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the zone change application of Salim Obeid, LJA Engineering, applicant; on behalf of Robert Lee Alexander, owner; by his attorney A.G.Crouch, for approval of a change in zoning from Office and Professional (OP), General Business (GB) and Single Family Residential 2 (R-2) to a non-residential Planned Development (PD) known as Pearland Marketplace, with an overlay zoning district of GB, on approximately 26.5 acres of land, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "D" and said PD attached as Exhibit "E;" and

**WHEREAS**, upon receipt of the report from the Planning and Zoning Commission, City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meetings on the 24<sup>th</sup> day of November 2014 and the 8th 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 Salim Obeid, LJA Engineering, applicant; on behalf of Robert Lee Alexander, owner; by his attorney A.G.Crouch, for approval of a change in zoning from Office and Professional (OP), General Business (GB) and Single Family Residential 2 (R-2) to a non-residential Planned Development (PD) known as Pearland Marketplace, with an overlay district of GB, on approximately 26.5 acres of land, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

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

**Section I.** The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently located within the Office and Professional (OP), General Business (GB) and Single Family Residential 2 (R-2), is hereby granted a change in zoning to the Pearland Marketplace PD, with an overlay district of 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:

Being 26.524 acres of land located in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in Volume 1725, Page 193 (B.C.D.R.), Brazoria County, Texas

GENERAL LOCATION: Southeast corner of Pearland Parkway and Barry Rose Road, Pearland, TX

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

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

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

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

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

PASSED, APPROVED, and ADOPTED on First Reading this 24th 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 8th day of December, 2014.

---

TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

---

DARRIN M. COKER  
CITY ATTORNEY

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

Being 26.524 acres of land located in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in Volume 1725, Page 193 (B.C.D.R.), Brazoria County, Texas

Exhibit B  
Location Map



**Exhibit C  
Legal Ad**

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

**ZONE CHANGE APPLICATION NUMBER: 2014-11Z**

Notice is hereby given that on July 21, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of Salim Obeid, LJA Engineering, applicant; on behalf of Robert Lee Alexander, owner; by his attorney A.G.Crouch; for approval of a change in zoning from Office Professional (OP), General Business (GB) and Single Family Residential 2 (R2) to a non-residential Planned Development (PD) known as Pearland Marketplace on approximately 26.5 acres of land, more specifically described as follows:

Being 26.524 acres of land located in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in Volume 1725, Page 193 (B.C.D.R.), Brazoria County, Texas

General Location: Southeast corner of Pearland Parkway and Barry Rose Road, Pearland, TX

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Johnna Matthews  
City Planner

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



# Planning & Zoning Commission

July 22, 2014

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

Re: Recommendation on Zone Change Application No. 2014-11Z, Pearland Marketplace Planned Development (PD)

Honorable Mayor and City Council Members:

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

A request of Salim Obeid, LJA Engineering, applicant; on behalf of Robert Lee Alexander, owner; by his attorney A.G.Crouch; for approval of a change in zoning from Office Professional (OP), General Business (GB) and Single Family Residential 2 (R2) to a non-residential Planned Development (PD) known as Pearland Marketplace on approximately 26.5 acres of land, to wit:

**Legal Description:** Being 26.524 acres of land located in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in Volume 1725, Page 193 (B.C.D.R.), Brazoria County, Texas

**General Location:** Southeast corner of Pearland Parkway and Barry Rose Road, Pearland, TX

After staff presentation, discussion ensued regarding the residential adjacency screening standards. Staff advised that there are two options. The first being a 25-foot unobstructed buffer and a maximum 8-foot masonry screening wall and the second option is a 30-foot vegetative screen, dense enough to be completely opaque year round. Chairman Henry Fuertes indicated that the screening wall would possibly mitigate nearby concerns regarding lighting and noise.

Discussion also ensued regarding the detention area and if proposed to be wet or dry bottom. The applicant indicated that if the 8-foot wall is the recommendation of the Planning and Zoning Commission, that he would prefer a dry bottom pond. He also mentioned neighborhood concerns based on previous neighborhood meetings, regarding wet ponds and mosquitos, etc.

Commissioner Derrick Reed amended the original motion of approval to include the following conditions. The motion was seconded by Commissioner Mary Starr. The motion passed 6/0 with Planning and Zoning Commissioners Henry Fuertes, Daniel Tunstall, Elizabeth McLane, Derrick Reed, Ginger McFadden and Mary Starr all in favor. Commissioner Linda Cowles was not present.

1. A 25-foot buffer including an 8-foot masonry wall where the development abuts the existing single family subdivision, Banbury Cross; and
2. The proposed dry detention shall include enhanced landscaping and a walking trail. A landscape plan was requested for the detention area.

Sincerely,

Johnna Matthews

City Planner

On behalf of the Planning and Zoning Commission

**Exhibit E**  
**Pearland Marketplace Planned Development**

See Following Pages

**Planned Development for  
Pearland Marketplace**

**Prepared For  
Milestone Properties**

**LJA Engineering, Inc.  
November 2014**

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## **I. INTRODUCTION**

### **A. Description of the Subject Property**

Pearland Marketplace is located at the south corner of the intersection of Pearland Parkway and Barry Rose Road. The site is a 26.524 Acre property out of ±46.0 acres bounded the southeast by the existing Banbury Cross Section IV subdivision, bounded on the southwest by the existing Alexander Landing Section 4 subdivision, bounded on the northeast by Pearland Parkway and bounded on the northwest by Barry Rose Road. The site is currently vacant. Milestone Properties has contracted to buy and develop the site. Refer to Exhibit A – Project Location. Refer to Exhibit B, for legal description.

### **B. Description of Proposed Development.**

Pearland Marketplace will be developed as a mix of neighborhood service retail and pad sites that will be anchored with a grocery store. The site is designed to maximize the separation of pedestrian and vehicular circulation allowing safe and easy access to these services while enhancing the overall development. Key elements of the overall site plan include:

1. Vehicular access to the site will include two primary entry driveways located along Pearland Parkway and three located along Barry Rose Rd., which allow easy vehicular access throughout the site. These primary driveways are accented with special paving, landscaping, signage and monumentation at the entrances, intersections and terminus creating points of interest at the main activity nodes throughout the site creating a cohesive development with a unified theme. Other areas accented with special paving, landscaping and/or monumentation include the secondary driveway entrances, pedestrian crossings, and main entrances to the grocery store. Special paving shall consist of Pave Stone pavers or equal. Refer to Exhibit E - Special Paving Images. The location and number of entry driveways and any additional traffic improvements are subject to change upon review and approval of a traffic impact analysis.
2. The primary retail plaza is located close to Pearland Parkway and will provide the development with an accessible outdoor urban public space that will be accented with landscaping, site furnishings and is adjacent to an open space area. The plaza is located on the Northeast end of the retail building providing shade in the afternoon making it suitable location for a restaurant or café that provides outdoor dining. It is a generous size and will function as a multi-use area. The opposite end of the retail building includes a smaller plaza with access to and views of the trail along the detention basin. This location with access to the trail would also be ideal for outdoor dining, café or a coffee house. Refer to Exhibit G - Examples of Site Furnishings
3. Pedestrians can access the site along Pearland Parkway and Barry Rose Rd. at the primary and secondary driveways. Access is provided for the neighborhood to the South at the end of Westminster Rd. tying in with the primary retail plaza. Primary pedestrian circulation through the site is along a 6' wide sidewalk located along one side of the primary and secondary driveways. The retail building and grocery store also provide pedestrian circulation and paving along their façade.
4. A 6' wide concrete pathway will be located along the edge of the detention basin providing additional access and recreational opportunities for the retail center and the adjacent neighborhood. This pathway will also tie into Barry Rose Rd. along the access road. The pathway will be planted with shade trees along the path and accented with flowering trees. Refer to Exhibit D2 for tree and pathway locations.

5. While the approach to the landscape design is typical for this type of development, the planting strategy and the amount of planting exceed what is typical enhancing the development and making it unique. The landscape design includes tree lined driveways and sidewalks creating an “avenue” effect that is pleasant for pedestrians and vehicles. Driveway entrances, key intersections, pedestrian crossings and pedestrian plazas are accented with flowering shrubs and trees. The parking lots are primarily planted with shade trees while high activity areas are accented with flowering trees. Shrubs screen the parking areas from the main driveways and the public street.
6. The landscaping area will include a combination of shrubs and trees near the detention facility and will enhance the screening of the center along the southeastern property line. The detention ponds have been strategically located to provide the maximum buffering from the proposed development to the adjoining residential area coupled with the park like walking trails along the pond.
7. Proposed tenants will include a 120,000 square foot anchor grocer, fast food restaurants, national retail tenants and multiple pad sites occupied by national restaurants, banks, and/or stand alone retail uses. There will be two reserve sites for future development by uses included within the PD.
8. All parking areas will be constructed of concrete to enhance the quality and longevity of the project and specific areas will receive decorative paving for site enhancement and connectivity. Refer to Exhibit E for examples of paving designs.
9. The proposed landscaping and open space shown on the site plan will be 15% of the total gross area of the project including the proposed detention ponds and various pockets of landscaping.

**C. Describe the area of land in acreage.**

The total land area is 26.524 acres. Refer to Exhibit A – Site Location and Exhibit B – Survey and Legal Description.

**D. A statement as to the purpose and intent of the PD district established therein.**

The purpose and intent of the PD district is to facilitate the design and implementation of a retail development that is designed to aesthetically complement the adjacent residential and commercial areas.

**II. ZONING AND LAND USE**

**A. Describe the existing zoning districts and the boundaries of said districts.**

There are four existing zoning areas for the tract consisting of an Office-Professional PD prepared for New Life Lutheran Church, R-2, general business (GB), and office-professional (OP). Refer to Exhibit C –Existing Zoning Map.

**B. Describe the base zoning district(s) to be overlaid.**

The PD is proposed to be based upon general business zoning district (GB).

**C. The general standards applicable to development within the district**

The site, regardless of zoning district, is located on Pearland Parkway, a designated corridor within the Corridor Overlay District. The Corridor Overlay District affects any tract located

along specified major thoroughfares in Pearland. The project complies with the GB and the COD districts. The COD is discussed further in Section III of this document. Other aspects of the project such as the parking, signage, lighting, etc. are discussed further in Section III of this document.

The management of the project will be overseen by a professional commercial property manager with expertise in maintenance and continuity of the common areas. The phasing plan is discussed further in Section V of this document.

**Standards within Zoning District Table**

|                  | <b>GB</b>                       |
|------------------|---------------------------------|
| Density          | None listed                     |
| Lot Area (Min.)  | 22,500 sq. ft.                  |
| Lot Width (Min.) | 150'                            |
| Lot Depth (Min.) | 125'                            |
| Lot Coverage     | None listed                     |
| Building Height  | 45'                             |
| Front Setback    | 25'                             |
| Side Setback     | 10' or 25' if abuts residential |
| Rear Setback     | 25'                             |

**1. Provide the percentage of use in each zoning classification.**

The land use in the overall project is 100% commercial/retail/detention and will be in accordance with the land uses permitted in GB zone, except for prohibited uses listed below. There is no parkland dedication requirement, and there are no public streets located internally to the project.

**2. Prohibited Uses**

Currently, the GB zone allows for several uses that are not suited for a retail development. Exhibit F is a list of all the prohibited uses that otherwise are allowed in the GB zone.

**D. The permitted, conditional and accessory uses authorized in the district, the location of such uses, the residential densities or other measurements of development intensity associated with base districts or phases of the development in conformance with the approved Design Plan.**

Pearland Marketplace is a proposed retail/commercial project and at this time, the tenants have not been selected. A detention pond is proposed to retain storm water for this site as required by Brazoria Drainage District 4 and the City of Pearland.

**III. DESIGN STANDARDS APPLICABLE TO THE DEVELOPMENT**

**A. Design Standards. Specific design standards, including signage, building height, landscaping, fencing, parking, etc., that are applicable to this development are the standards set forth for the GB zoning district which are listed in Chapter 2, Article 4, Division 4, Section 4 of the UDC and the design standards for the Corridor Overlay District, as listed in Chapter 2, Article 4, Division 5, Section 1 of the UDC. Refer to Exhibit D – Design Plan.**

**1. Building Materials**

The project complies with the current UDC standards. Beyond minimum standards, buildings within this project will be required to include two types of materials for each store front and multi-tenant pad site, a stucco, tilt-wall or concrete masonry building. Each building will include a percentage of stone &/or brick material. This minimum is 30% of the non-transparency area of the building. In addition to the two types of materials, architectural enhancements, such as towers, pilasters, and canopies will also be included on each building. Other architectural enhancements shall be reviewed and approved by City Pearland Planning and Zoning department during permit review.

**2. Landscape Enhancements:**

While the approach to the landscape design is typical for this type of development, the planting strategy and the amount of planting exceed what is typical enhancing the development and making it unique. The landscape design includes tree lined driveways and sidewalks creating an “avenue” effect that is pleasant for pedestrians and vehicles. Driveway entrances, key intersections, pedestrian crossings and pedestrian plazas are accented with flowering shrubs and trees. The parking lots are primarily planted with shade trees while high activity areas are accented with flowering trees. Shrubs screen the parking areas from the main driveways and the public street.

**3. Plaza**

The primary retail plaza is located close to Pearland Parkway and will provide the development with an accessible outdoor urban public space that will be accented with landscaping, site furnishings and is adjacent to an open space area. The plaza is located on the Northeast end of the retail building providing shade in the afternoon making it suitable location for a restaurant or café that provides outdoor dining. It is a generous size and will function as a multi-use area. The opposite end of the retail building includes a smaller plaza with access to and views of the trail along the detention basin. This location with access to the trail would also be ideal for outdoor dining, café or a coffee house. Refer to Exhibit D- Design Plan, Refer to Exhibit E and G for examples of site furnishings and plaza examples.

**4. Sidewalks**

The sidewalk located along Pearland Parkway complies with the width and material standards stated in the current UDC 2.4.5.1(l). Primary pedestrian circulation through the site is along a 6’ wide sidewalk located along one side of the primary and secondary driveways. The retail building and grocery store also provide pedestrian circulation and paving along their façade. A 6’ wide concrete pathway will be located along the edge of the detention basin providing additional access and recreational opportunities for the retail center and the adjacent neighborhood. This pathway will also tie into Barry Rose Rd. along the access road. Refer to Exhibit D –Design Plan for general location and proposed alignment of the sidewalks.

**5. Parking, Vehicular Circulation, and Lighting**

The project complies with the current UDC. This section also includes standards of lighting of the parking lot and sidewalks. The lighting height will not exceed 20’ or building height. Refer to Exhibit D - Design Plan for general layout of the parking lot and the vehicle circulation plan.

**6. Fencing**

The tracts to the southeast and southwest are currently zoned residential, which requires masonry fencing or a 25' landscape buffer. The required 25' buffer will be maintained, with the exception that the detention ponds will be allowed within the landscape buffers.

**7. Corridor Overlay District**

The project complies with the current UDC standards for the COD. These standards apply because the project abuts Pearland Parkway. Included within these standards are requirements for building articulation and building material, increased building line and landscape enhancements along the street and the increased screening standards along any parking areas.

**8. Signage**

Section 4.2.5.4 (b)(2) places a maximum of two multi-user/multi-tenant signs per street frontage separated by a minimum of 600' for an integrated business development. The frontage the project possesses along Pearland Parkway is  $\pm 1,100$  feet. The project abuts approximately 1,300 feet along Barry Rose Road. Due to the size of the property and the number of tenants proposed for this development, an additional multi-tenant sign, for a total of four signs, is required to accommodate signage for all of the tenants. Two of the multi-tenant signs will accommodate the tenants in the rear of the property along Barry Rose, while the last two multi-tenant signs will accommodate the multiple tenants in the building sites adjacent to Pearland Parkway. Each building site will hold approximately three to five tenants. All signs will be consistent in material and style. The multi-user/multi-tenant signs will comply with maximum height and maximum area as stated in the current UDC. We request that signage requirements apply to the PD rather than to the parcels of land within the PD that may fall under separate ownership. Refer to Exhibit – D Design Plan, for sign locations and call-outs on-site.

**B. Refer to Design Plan and describe which aspects of plan are precise and which are general.**

The Design Plan in this document is included for the sole purpose of establishing general design guidelines as to the basic character and physical relationships of the planned uses and facilities. The ideas and plans represent the intent of the developer and the quality and character of the development. Adjustments to the Design Plan that do not introduce or remove new public facilities, do not deviate from the Design Plan and otherwise comply with the intent of the various requirements within the Pearland Marketplace PD and other city ordinances and regulations in effect at the time this document is adopted shall not require separate or additional approvals from City Council or the Planning & Zoning Commission. It is essential to the success of the Pearland Marketplace PD to maintain flexibility in the site plan process in order to respond to ever changing market conditions and retail demand. Listed below are criteria to further define the flexibility with respect to the Master plan.

- The location of the open space may shift within the project to accommodate specific change in the dimensions of buildings, parking and pad sites so long as the basic concept and intent of the Master plan remains intact.
- The location of buildings including pad sites may shift or be altered in size and dimension. Such changes may be made without separate or further approvals from the City Council or the Planning and Zoning Commission so long as the movements and changes are less than 10 feet or 10% in size.

**C. A specific list of deviations from standards in the base zoning district(s), together with any standards in the ordinance which are to be varied for development within the PD district.**

The intent of the proposed plan is to comply with the standards of the GB zoning district for the entire project.

**D. All requirements of the Unified Development Code will be met, except those specifically mentioned above in Section III C of this Planned Development.**

**IV. REQUIRED DEDICATIONS OF LAND OR PUBLIC IMPROVEMENTS**

Pearland Marketplace is solely commercial and does not require dedication of land for parkland or public improvements to any roadways, unless required by the City.

**V. PHASING SCHEDULE FOR THE PROJECT**

The project is divided into three phases. The development of the Grocer Anchor building, parking lot and fuel station are Phase I. Phase II will consist of development of the strip retail center. Phase III will consist of the development of the pad sites.



DESCRIPTION OF  
26.524 ACRES  
PROPOSED ZONE BOUNDARY

Being 26.524 acres of land located in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in Volume 1725, Page 193 (B.C.D.R.), said 26.524 acres being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 2001 adjustment);

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" previously set for the northwest corner of Banbury Cross Section IV, a subdivision of record in Volume 19, Page 487-488 of the Plat Records of said Brazoria County (B.C.P.R.), being the north corner of Block 11, Lot 13 of said Banbury Cross Section IV, being in an easterly line of the residue of said 172.0566 acre tract, from which a found 5/8-inch iron rod bears South 46° 29' 44 West, 4.90 feet;

Thence, South 41° 43' 28" West, along said easterly line and the northwesterly line of said Banbury Cross Section IV, 604.43 feet to a 5/8-inch iron rod found for the most northerly common corner of Lot 4 and Lot 5, Block 11 of said Banbury Cross Section IV;

Thence, North 47° 01' 13" West, departing said easterly line acres and the northwesterly line of said Banbury Cross Section IV, 768.74 feet to 5/8-inch iron rod with cap stamped "RPLS 1718", found on the south line of that certain called 3.644 acre tract (Parcel 3) conveyed to City of Pearland by instrument of record under Document Number 20050118363 of the Official Records of said Brazoria County, B.C.O.R.;

Thence, North 41° 40' 30" East, along the south line of said 3.644 acres, the south line of that certain called 4.137 acres tract (Parcel 5) conveyed to City of Pearland by instrument of record under File Number 04-003782, B.C.O.R. and the south line of that certain called 0.149

acre tract (Tract 1) conveyed to City of Pearland by instrument of record under File Number 01-032032, B.C.O.R., 1,262.37 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for corner, same being an angle point on the south line of said 0.419 acre tract;

Thence, South  $86^{\circ} 04' 59''$  East, along the south line of said 0.419 acre tract, 43.93 feet to a point for corner on the south line of that certain called 2.739 acres tract conveyed to City of Pearland, by instrument of record in File Number 98-054852, B.C.O.R. and a point on the south right-of-way line of Pearland Parkway (130 feet wide), from which a 5/8-inch iron rod with cap stamped "Wilson" bears North  $75^{\circ} 20' 20''$  East, 0.47 feet;

Thence, along the south line of said 2.739 acres, the westerly line of that certain called 1.164 acre tract conveyed to City of Pearland, by instrument of record under File Number 98-054881, B.C.O.R. and Pearland Parkway the following two (3) courses;

1. South  $48^{\circ} 23' 21''$  East, 367.45 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for corner, the beginning of a curve;
2. 532.98 feet along the arc of a tangent curve to the right, having a radius of 1805.00 feet, a central angle of  $16^{\circ} 55' 06''$ , and a chord which bears South  $39^{\circ} 55' 48''$  East, 531.05 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for corner;
3. South  $31^{\circ} 28' 15''$  East, 208.12 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for the northwest corner of that certain called 0.299 acre tract conveyed to City of Pearland, by instrument of record under File Number 99-013566, B.C.O.R. and being on a northerly line of a called 100 feet wide Drainage Easement conveyed to Brazoria County Drainage District Number Four (4) by instruments of record in Volume 1736, Page 884, B.C.D.R. and in Volume 1760, Page 655, B.C.D.R.;

26.524 acre

April 18, 2014  
Job No. 1727-7002

Thence, South 56° 00' 19" West, departing the south line of said Pearland Parkway and the south line of said 1.164 acre tract, along a northerly line of said 100 feet wide Drainage Easement, 359.97 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for corner;

Thence, South 18° 03' 06" East, along a westerly line of said 100 feet wide Drainage Easement, 30.04 feet to the northeast corner of aforementioned Banbury Cross Section IV, and being the northeast corner of Block 8, Lot 86 of said Banbury Cross Section IV, from which a found 5/8-inch iron rod, bears North 20° 47' 07" West, 0.60 feet;

Thence North 82° 38' 01" West, along the northeasterly line of said Banbury Cross Section IV, 356.54 feet to the POINT OF BEGINNING and containing 26.524 acres of land.



LJA Engineering, Inc.



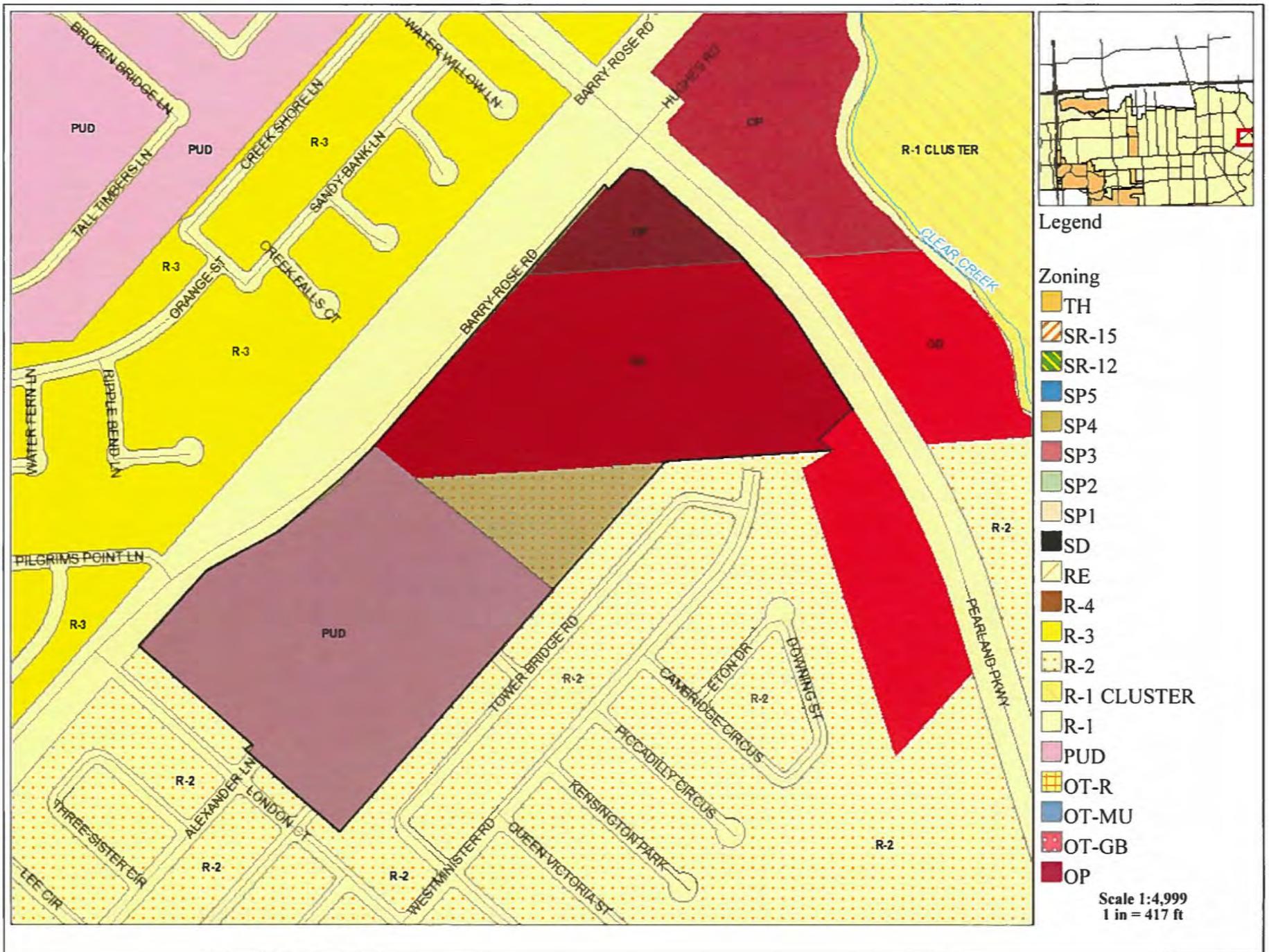
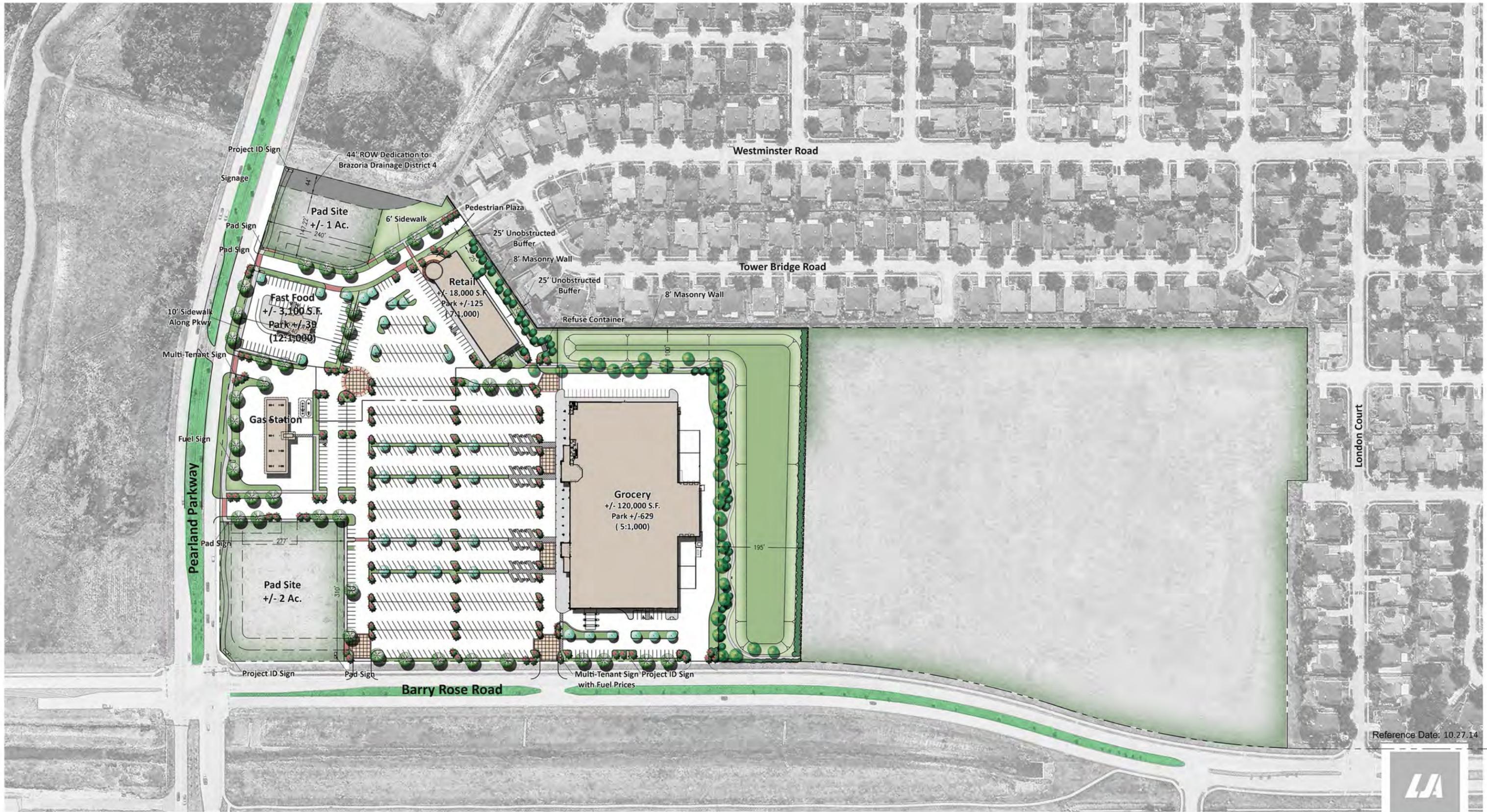


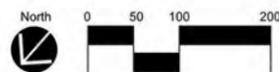
Exhibit C - Existing Zoning Map



Reference Date: 10.27.14

Exhibit D-1  
Design Plan

Proposed Barry Rose  
Pearland Parkway Development  
City of Pearland, Texas



**LJA**  
**Planning & Landscape Architecture**  
 Sustainable Design  
 Community Planning  
 Urban Design  
 Landscape Architecture  
**LJA Engineering, Inc.**  
 2929 Briarpark Drive, Suite 600  
 Houston, Texas 77042-3703  
 713.953.5200 f 713.953.5026  
 25231 Grogan's Hill Road, Suite 330  
 The Woodlands, Texas 77380  
 281.210.1750 f 281.210.1799

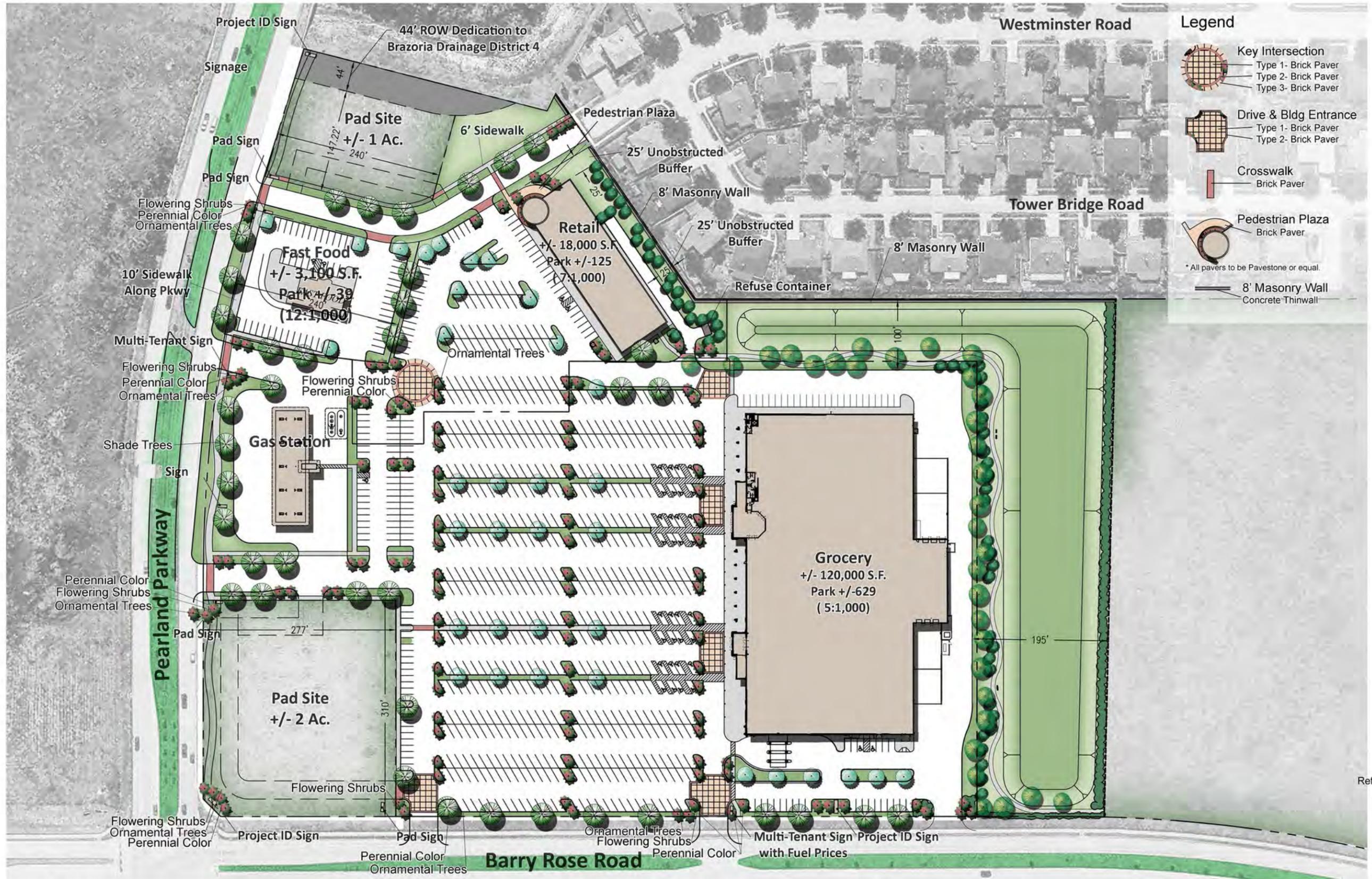


Exhibit D-2  
Design Plan

Proposed Barry Rose  
Pearland Parkway Development  
City of Pearland, Texas

Reference Date: 10.27.14

**Planning & Landscape Architecture**  
Sustainable Design  
Community Planning  
Urban Design  
Landscape Architecture

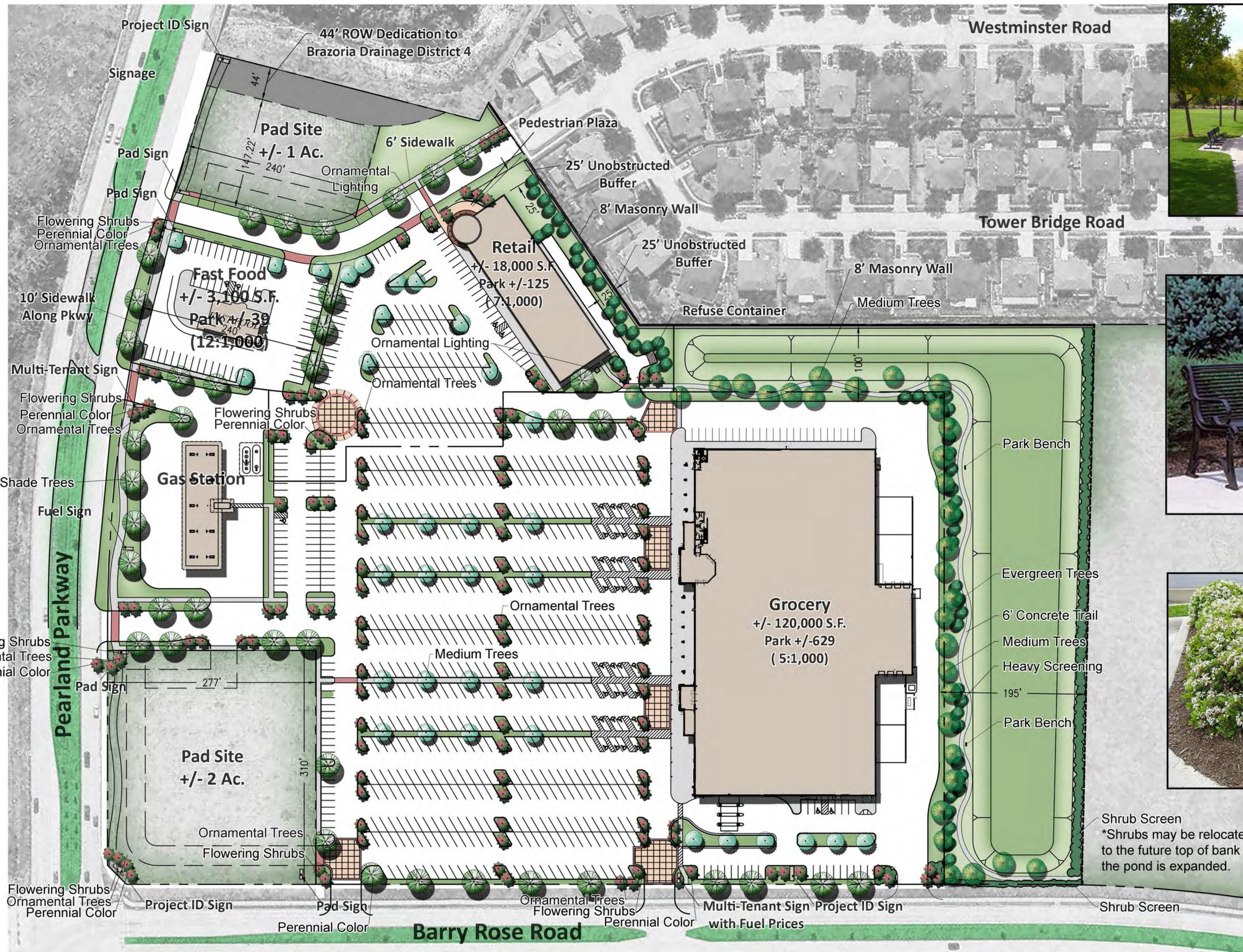
**LJA Engineering, Inc.**  
2929 Briarpark Drive, Suite 600  
Houston, Texas 77042-3703  
713.953.5200 F 713.953.5026

25231 Grogan's Mill Road, Suite 330  
The Woodlands, Texas 77380  
281.216.1700 F 281.216.1799

**Legend**

-  Large Tree
-  Medium Tree
-  Evergreen Tree
-  Small Ornamental Tree
-  \*all trees to be min. 2" caliper
-  Shrub Screen-plants to be min. 36" ht., spaced min. 36" o.c. or equal to mature width not to exceed 48" o.c.
-  Ornamental Lighting

- Note:**
1. Irrigation is required for all landscaping.
  2. All base landscaping requirements set forth by the UDC are to be met.
  3. Ornamental lighting is to be located as shown on plan. Additional non-ornamental lighting shall be provided within parking areas.



5' Concrete Trail



Park Bench



Shrub Screen

Reference Date: 11.20.14



**Planning & Landscape Architecture**  
 Sustainable Design  
 Community Planning  
 Urban Design  
 Landscape Architecture  
**LJA Engineering, Inc.**  
 2929 Briarpark Drive, Suite 600  
 Houston, Texas 77042-3703  
 713.953.5200 f 713.953.5026  
 25231 Grogan's Mill Road, Suite 330  
 The Woodlands, Texas 77380  
 281.210.1750 f 281.210.1799

# Exhibit D-3 Conceptual Landscape Plan

# Proposed Barry Rose Pearland Parkway Development City of Pearland, Texas

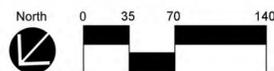


EXHIBIT E  
SPECIAL PAVING IMAGES



Vehicular



Plaza



Driveway Intersection



Intersection



Retail Front

EXHIBIT F  
PROHIBITED USES LIST

Agriculture (Field or crop)  
Agriculture Animal Husbandry  
Farm (Ranch or Livestock)  
Feed & grain store supply (C)  
Boarding or Rooming House  
Farm Accessory Building  
Guest, caretaker or security quarters (C)  
Off street parking incidental to residential main use  
Social & Recreational building (homeowners association, neighborhood recreation center  
Country Club, private or public golf course  
Fairgrounds, Rodeo grounds (C)  
Swimming pool private (Resident Use Only)  
Tennis or swim club (Private, for Profit)  
Tennis Court (private/lighted)(C)

Auto uses

All terrain vehicles (go-carts & motor cycles) dealer/ sales  
Auto glass repair/tinting (C)  
Auto interior shop/upholstery (C)  
Auto Parts Sales with outside storage or Display (C)  
Auto Parts Sales (Indoors Only; with repair bays) (C)  
Auto Rental (C)  
Auto repair minor (C)  
Auto sales/dealer (new –in building, auto servicing and used auto sales as accessory uses only)  
    Combined auto lease  
Auto wash (full service, detail shop)  
Commercial transit terminal  
Parking lot or garage for passenger cars and trucks of less than one ton capacity

Office uses

Credit agency  
Office, parole-probation, bail bonds  
Office/Clinic Veterinarian (Animal Hospital with Outside Pens)  
Telemarketing agency (C)  
Ambulance service (C)  
Bed & breakfast inn  
Check Cashing Service  
Extended stay motel/hotel  
Funeral Home (including crematorium (C)  
Laundromat (self service laundry)  
Rehabilitation care facility (halfway house)  
Rehabilitation care institution (commercial)  
Astrology, hypnotists or psychic arts  
Bakery (wholesale)  
Convenience Store (without gasoline)  
Garage and/or yard sales (C)  
General Retail Store, other than listed  
Market – Open Air (Flea Market)(C)  
Medical Appliances & Sales  
Piano and Musical Instruments (retail only)

Institutional and government uses

Adult day care (business)  
Assisted living facility

Auction house  
Child day care (business)  
Child Day Nursery  
Church, temple, or place of worship  
Civic center (municipal)  
Civic club  
Convent or monastery  
Day camp (for children)  
Fraternal Organization  
Fraternity or sorority house  
Governmental building or use  
Home of alcoholic, narcotic or psychiatric patients (C)  
Hospital (for profit or not for profit)  
Institution of religious, education, or philanthropic nature  
Library, public or museum (indoor)  
Mortuary/cemetery  
Municipal public administration offices  
Nursing/Convalescent Home (Skilled Nursing facility)  
School — elementary, junior or high school  
School — other than public or parochial  
Sheltered care facility (C)  
Studio or radio and or television (no towers)

#### Utility and Related Uses

Cellular Communications Tower/PCS (C)  
Electric Substation (C)  
Franchised Private Utility (other than those listed)(C)  
Gas Transmission & Metering Station (C)  
Radio or Television or Microwave Towers (C)  
Radio or Television Transmission Station (C)  
Satellite Dish (Private, greater than 4' diameter)  
Telephone Exchange Switching relay & Transmitting Equipment (C)

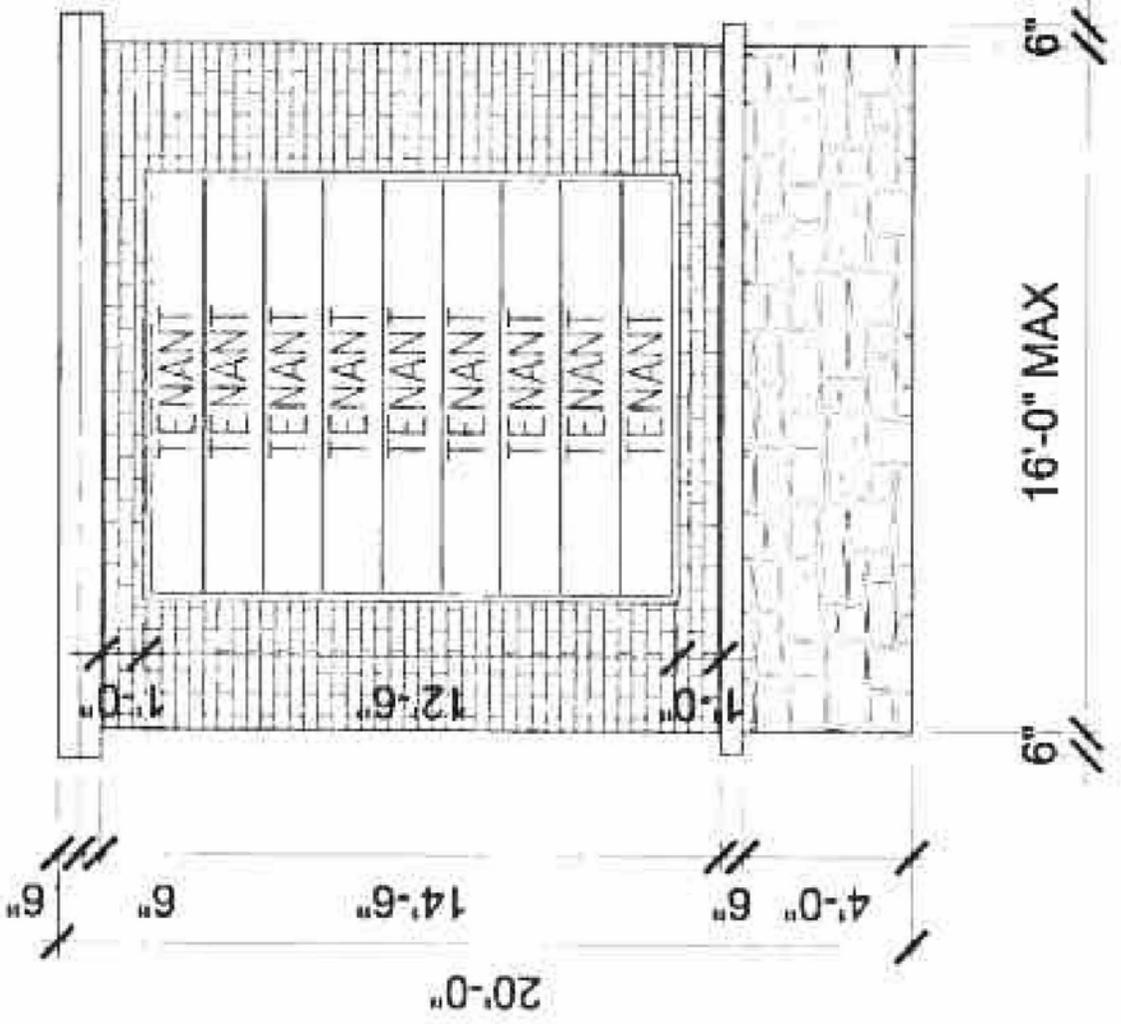
#### Commercial and related uses

Cabinet business  
Cannery Wholesale (C)  
Dance hall or night club (C)  
Drive in theater (C)  
Exterminator service/company (no outdoor sales or storage)(C)  
Heating and air conditioning sales/service (C)  
Mini warehouse/self storage (C)  
Moving and storage company (C)  
News printing/book binding (C)  
Outside Storage (C)

#### Industrial uses

Airport and helipad landing field (C)  
Animal-processing(C)  
Asphalt batching plant (C)  
Asphalt/concrete batching plant (C)  
Commercial extraction of soil, sand or gravel (C)  
Petroleum or petroleum product extraction (C)

EXHIBIT G  
MULTI-TENANT SIGN MAXIMUM DIMENSION





**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, JULY 21, 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. 2014-11Z**

A request of Salim Obeid, LJA Engineering, applicant; on behalf of Robert Lee Alexander, owner; by his attorney A.G.Crouch; for approval of a change in zoning from Office Professional (OP), General Business (GB) and Single Family Residential 2 (R2) to a non-residential Planned Development (PD) known as Pearland Marketplace on approximately 26.5 acres of land, to wit:

**Legal Description:** Being 26.524 acres of land located in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in Volume 1725, Page 193 (B.C.D.R.), Brazoria County, Texas

**General Location:** Southeast corner of Pearland Parkway and Barry Rose Road, 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: July 21, 2014

Re: Zone Change Application Number 2014-11Z

A request of Salim Obeid, LJA Engineering, applicant; on behalf of Robert Lee Alexander, owner; by his attorney A.G.Crouch; for approval of a change in zoning from Office Professional (OP), General Business (GB) and Single Family Residential 2 (R2) to a non-residential Planned Development (PD) known as Pearland Marketplace on approximately 26.5 acres of land, located at the southeast corner of Pearland Pkwy and Barry Rose Road.

### **Proposal**

The applicant proposes to change the zoning of an approximately 26.5 acres, out of a called 42.6 acres of land to a non-residential Planned Development (PD); Pearland Marketplace, with an overlay zoning district of General Business (GB). Pearland Marketplace is proposed to be developed with a mix of neighborhood service retail and pad sites that will be anchored with a grocery store.

### **Background**

The parent tract includes approximately 42.6 acres of land located within four (4) zoning districts; Planned Development (PD), Office and Professional (OP), General Business (GB) and Single Family Residential 2 (R2). The subject 26.5 acres of land is currently located within three (3) zoning districts; OP, R2 and GB, with the majority of the property located within the GB zoning district.

The property is currently undeveloped, including the approximately 20 acres currently located within the PD, which was approved in 2007, and has since expired due to inactivity. The PD allowed for uses consistent with the OP zoning district, including a church with the exception of hotels/motels, bed and breakfast and convenience stores. Prior to approval of the PD, the 20 acres was zoned R2 and GB and the subject 26.5 acres was zoned as it is currently zoned with most of the land being zoned GB; R2

zoning at the southeast corner of the subject property near the existing R2 zoning district and single family residential subdivision, Banbury Cross; and OP zoning at the intersection of Pearland Parkway and Barry Rose Road. The property was annexed into the City of Pearland in 1960.

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 is in favor of the proposed Pearland Marketplace PD. However, staff recommends that the following concerns are addressed:

- Conformance with the residential adjacency screening requirements, which include a 25-foot buffer and a masonry screening wall or a 30-foot vegetative buffer, where the development abuts the residential subdivision, Banbury Cross. It is important to note that in situations where a fence exists along the property line between a non-residential use and a residential use, the screening may be achieved by the 30-foot vegetative screen.
- A PD requires a list of deviations from the standards in the base zoning district(s), together with any standards in the ordinance which are to be varied for development within the PD. The applicant listed deviations from the sign ordinance. However, there are no deviations from the sign ordinance. However, staff identified other deviations, included above;
- North arrow needs to be corrected.
- Page numbers within the PD document are off.
- Codification of enhancements that are mentioned throughout the PD and illustrated in the design plan, Exhibit E (Special Paving Images) and Exhibit G (Site Furnishings) to ensure that staff is able to implement the design standards.
- A legend should be included on the design plan to ensure that staff can implement the standards.
- Clarification of the lighting standards is required. The PD states that the lighting height will be a maximum of 20 feet. This section goes on to state that no pole shall be taller than the height of the building.
- The PD references enhanced street lighting. A street lighting exhibit is required to ensure that the standards of the PD can be implemented by staff.

Contingent upon the above concerns being addressed, staff recommends approval of the Pearland Marketplace PD for the following reasons:

1. Pursuant to Section 2.2.1.4 (Criteria for Approval):
  - The proposed PD does not conform to the future land use element of the Comprehensive Plan. However, if the PD is approved, staff will include the site in its annual amendment to the comprehensive plan.
  - Most of the property included within the PD is located within the GB zoning district, and as such would allow any use that is a permitted use without any further approvals. The proposed PD as a zoning alternative helps to facilitate development of this site as per the applicant's desires while addressing the above mentioned concerns of non-conformance to the Comprehensive Plan, residential adjacency concerns, and incompatibility of certain uses in close proximity to single family residential development. The applicant has restricted a number of uses which may be perceived as incompatible with the existing single family subdivisions. These uses include various auto-related uses, hotels/motels. See Exhibit F of the PD for a full list of prohibited uses.
  - The proposed change is in accord existing or proposed plans for providing streets, water supply, sanitary sewers, and other public services and utilities in the area. Residential uses are not proposed at this time for this development, and therefore should have no impact on the public school system
2. The proposed development will not negatively impact the existing single family subdivisions. The residential adjacency screening requirements will be adhered to as well as various other safeguards to ensure compatibility, such as COD regulations.

**Exhibits**

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



## Exhibit 1 Staff Report

### Summary of Request

The subject 26.5 acres of land is part of a larger tract which includes 42.6 acres of land. Of the approximately 42.6 acres included within the parent tract, the applicant proposes a change in zoning for approximately 26.5 acres of land currently located within three (3) zoning districts; OP, R2 and GB; to a non-residential PD; Pearland Marketplace. The remaining acreage, although not included within the proposed PD, is located within a PD which was approved in 2007; however due to inactivity, has expired. The applicant proposes that all design standards and land uses will be in accordance with the GB zoning district as an overlay zoning with the exception of prohibited uses listed as Exhibit F, which may be considered inappropriate or incompatible with the existing and surrounding single family subdivisions; Banbury Cross, to the east, Alexander Landing to the south; and Creekside to the west. The property is also located within the Corridor Overlay District (COD), and the applicant proposes to comply with COD regulations, with few exceptions, as illustrated in the table on page 2.

Specifically, the applicant has indicated that the following design standards of the GB zoning district and the COD will be adhered to, with minor exceptions:

- Lot and area requirements of the GB zoning district;
- Landscaping
- Fencing
- Parking
- Signage
- COD

The following table lists deviations between the GB zoning district/COD regulations, and the proposed Marketplace PD:

| Standard                        | General Business<br>(GB)/COD   | Pearland Marketplace PD   |
|---------------------------------|--|---|
| COD Building Articulation       | <ul style="list-style-type: none"> <li>• &gt; 50,000 sf = 3 ft./25 ft.</li> <li>• &lt; 50,000 sf = 1ft./10ft</li> </ul>  | <ul style="list-style-type: none"> <li>• No continuous façade longer than 400 feet</li> <li>• Offsets no less than 3 feet</li> </ul>  |
| Residential Adjacency Screening | <ul style="list-style-type: none"> <li>• 25-foot unobstructed buffer with an opaque screening wall, max. 8 ft. in height; or</li> <li>• 30-foot vegetative screen, dense enough to be completely opaque year round</li> </ul>  | <ul style="list-style-type: none"> <li>• 25-foot buffer with detention pond allowed within the buffer, as well as loading/unloading areas for commercial uses</li> <li>• No screening wall is proposed</li> </ul>       |
| Multi-Tenant Signage            | <ul style="list-style-type: none"> <li>• 1 multi-tenant sign per 600 linear feet (cumulative street frontage for corner lots)</li> <li>• Based on a cumulative street frontage of approximately 2,400 feet, 4 signs would be allowed</li> </ul> <p><b>**This is not a deviation.</b></p> | <ul style="list-style-type: none"> <li>• 2 multi-tenant signs along Pearland Pkwy.</li> <li>• 2 multi-tenant signs along Barry Rose Rd.</li> <li>• Signage requirements apply to the PD, rather than parcels</li> </ul> |

### Discussion Items/Minor Staff Concerns

1. As part of the PD, the applicant is required to include within the PD document a specific list of deviations from standards in the base zoning district(s), together

with any standards in the ordinance which are to be varied for development within the PD. The applicant listed that the only standard proposed for deviation is regarding multi-tenant signage. However, as proposed, signage requirements will be met. The number of multi-tenant signs on one site is limited to 1 sign per 600 linear feet of street frontage. The cumulative street frontage shall be calculated for corner lots. Cumulatively, the site has approximately 2,400 feet of frontage. Four signs are allowed and 4 signs are proposed.

2. The subject property has approximately 1,300 feet of frontage on Barry Rose Road. The applicant was asked to revise this section, as the PD indicates that the site has 3,470 feet of frontage along Barry Rose.
3. Staff has identified the following regulations within the PD that vary from the regulations of the GB zoning district and the COD regulations. Please see the above table for detailed information.
  - Building articulation
  - Residential adjacency screening  
Staff recommends that the required masonry wall is provided to meet the residential adjacency screening requirements, and that the loading/unloading area is removed to create an unobstructed area. The applicant may choose a 30-foot vegetative screen in lieu of a 25-foot vegetative screen and masonry wall. It is important to note that this provision only applies to the area adjacent to the existing single family subdivision; Banbury Cross, and behind the proposed 18,000 square foot retail building. It appears that area near the pond which abuts Banbury Cross may be 30 feet, in which case a vegetative screen dense enough to be completely opaque year round will be required.
4. North arrow needs to be corrected.
5. Page numbers within the PD document are off.
6. Codification of enhancements such as furniture (quantity), enhanced paving materials (materials, width), flowering shrubs in various locations.
7. A legend should be included on the design plan to ensure that staff can implement the standards.
8. Clarification of the lighting standards is required. The PD states that the lighting height will be a maximum of 20 feet. This section goes on to state that no pole

shall be taller than the height of the building. The maximum building height allowed in the GB zoning district is 45 feet.

9. The PD references enhanced street lighting. A street lighting exhibit is required to ensure that the standards of the PD can be implemented by staff.

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

The subject property has frontage on Pearland Parkway; a major thoroughfare of sufficient width, which requires a minimum of 120 feet of right-of-way; and Barry Rose Road; a secondary thoroughfare of sufficient width, which requires a minimum of 100 feet of right-of-way. Additionally, according to the recently approved thoroughfare plan, Westminster Road; a minor collector will extend from the east through the subject property, and connect to Barry Rose Road. Minor collectors require a minimum of 60 feet of right-of-way. The applicant proposes an amendment to the thoroughfare plan and proposes the extension of Westminster Road through the site to connect to Pearland Parkway. The design plan illustrates two (2) driveways to serve the development along Pearland Parkway and Westminster Road connecting to Pearland Parkway.

The proposed extension of Westminster Road generally meets the intent of the thoroughfare plan. However, staff has concerns regarding the driveways and street separation on Pearland Parkway which need to be addressed with a Traffic Impact Analysis (TIA). Additional offsite improvements may be required based on the TIA and superstreet concept for Pearland Parkway. The developer will need to utilize traffic calming measures at the entrance of the residential subdivision on Westminster Road. This can be in the form of a choking down the street or constructing a median that can utilize landscaping and signage to distinguish between the residential and commercial areas.

All improvements must meet the design criteria per the Engineering Design Criteria Manual (EDCM). These additional improvements could cause a change in the design plan that could potentially result in the need for an amendment to the PD.

It is also important to note that approval of the PD does not constitute approval of the driveway locations.

### **Site History**

The subject property is currently undeveloped, including the approximately 20 acres currently located within the PD, which was approved in 2007. The PD allowed for uses consistent with the OP zoning district and a church, with the exception of hotels/motels, bed and breakfast and convenience stores. Prior to approval of the PD, the 20 acre property was zoned R2 and GB. At the time that the PD was approved, the subject 26.5

acres was zoned as it is currently zoned with most of the land being zoned GB; with R2 zoning at the southeast corner of the subject property near the existing R2 zoning district and single family residential subdivision, Banbury Cross; and OP zoning at the inter intersection of Pearland Parkway and Barry Rose Road. The PD has expired. The property was annexed into the City of Pearland in 1960.

The site is surrounded by residential subdivisions to the south, east and west, as well as undeveloped land to the west, south and north. The below table identifies surrounding uses and zoning districts:

|       | <b>Zoning</b>  | <b>Land Use</b>                                  |
|-------|--|--|
| North | Office and Professional (OP)<br>Single Family Residential 1 (R1) Cluster | Undeveloped                                      |
| South | Planned Development (PD) (Expired)<br>Single Family Residential 2 (R2)   | Undeveloped,<br>Alexander Landing<br>Subdivision |
| East  | Single Family Residential 2 (R2)   | Banbury Cross Subdivision                        |
| West  | General Business (GB)<br>Single Family Residential 3 (R3)                | Undeveloped,<br>Creekside Subdivision            |

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

The site is currently undeveloped. As part of the Pearland Marketplace PD, the applicant proposes to comply with the regulations of the GB zoning district, as well as the regulations of the COD, with the exception of those listed within the PD. The general regulations of the proposed GB zoning district follow:

|                            |   |
|----------------------------|---|
| Minimum Lot Area           | 22,500 square feet  |
| Minimum Lot Width          | 150 feet  |
| Minimum Lot Depth          | 125 feet  |
| Minimum Front Yard Setback | 25 feet   |
| Minimum Side Yard Setback  | 10 feet, 25 feet if side yard abuts a residential zoning district |
| Minimum Rear Yard Setback  | 25 feet   |
| Maximum Height             | 45 feet   |

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

The future land use designation for the subject property, according to the Comprehensive Plan is “*Medium Density Residential*.” According to the Comprehensive Plan, the aforementioned future land use designation is designed for less traditional attached and detached developments, including duplexes, townhomes and patio homes; or a mix of low and high density residential uses with an average density of 4-10 dwelling units per acre on average lot sizes of 4,000 to 6,000 square feet. Smaller lots may be acceptable if common open space is provided and overall density is not increased. Appropriate zoning districts for the “Medium Density Residential” future land use designation include R3 and R4 Single Family districts.

Although the proposed development does not conform to the future land use element of the Comprehensive Plan, if the PD is approved, staff will include the property in its annual review and ultimate amendment of the future land use designation of the Comprehensive Plan, to ensure that zoning districts and developments across the city comply with the future land use element of the Comprehensive Plan.

### **Platting Status**

The property is not platted. Platting of the site will be required prior to any development or the issuance of building permits. A TIA is required as part of the platting process.

### **Availability of Utilities**

According to GIS data, the subject property has access to public water and sewer via a 12-inch water line along the east side of Barry Rose Road, and a 16 inch water line along the north side of Pearland Parkway; and a 15 and 18-inch sewer line along the south side of Pearland Parkway. Any extensions of existing infrastructure will be determined at the time of platting and will be the responsibility of the applicant/owner.

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

The site is surrounded by residential subdivisions to the south, east and west, as well as undeveloped land to the west, south and north. Through the PD process, the applicant proposes to restrict various uses which may be perceived as incompatible (See Exhibit F of the PD) with the existing neighborhoods. Due to residential adjacency screening requirements and various other safeguards, such as enhanced landscaping, the proposed PD will enhance the area and will be in accordance with other commercial developments along Pearland Parkway.

### **Additional Comments**

The Marketplace PD has been reviewed by the Development Review Committee (DRC). There are no additional comments outside 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 in favor of the proposed Pearland Marketplace PD. However, staff recommends that the following concerns are addressed:

- Conformance with the residential adjacency screening requirements, which include a 25-foot buffer and a masonry screening wall or a 30-foot vegetative buffer, where the development abuts the residential subdivision, Banbury Cross. It is important to note that in situations where a fence exists along the property line between a non-residential use and a residential use, the screening may be achieved by the 30-foot vegetative screen.
- A PD requires a list of deviations from the standards in the base zoning district(s), together with any standards in the ordinance which are to be varied for development within the PD. The applicant listed deviations from the sign ordinance. However, there are no deviations from the sign ordinance. However, staff identified other deviations, included above;
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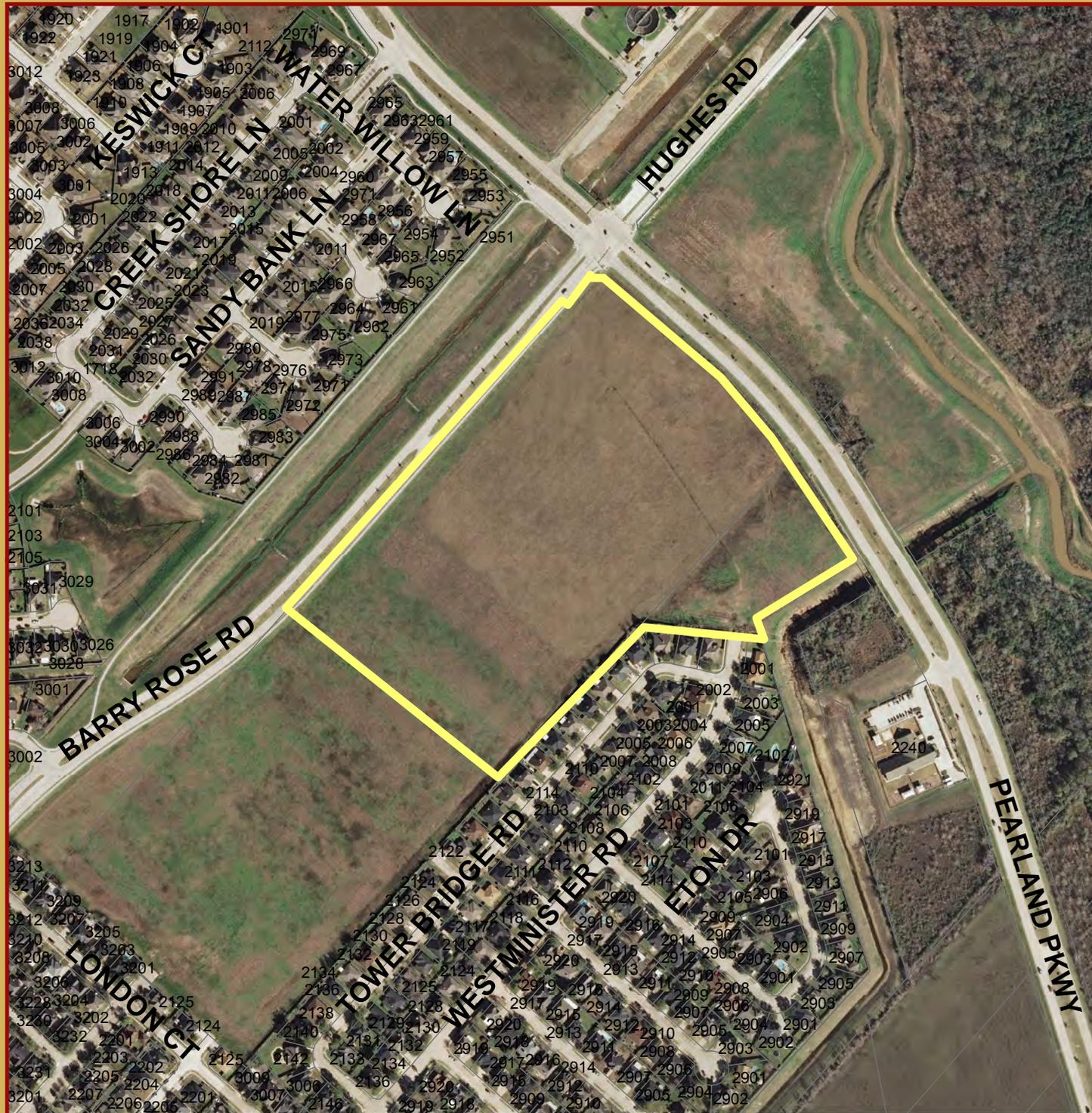
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Contingent upon the above concerns being addressed, staff recommends approval of the Pearland Marketplace PD for the following reasons:

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  - Most of the property included within the PD is located within the GB zoning district, and as such would allow any use that is a permitted use without any further approvals. The proposed PD as a zoning alternative helps to facilitate development of this site as per the applicant's desires while addressing the above mentioned concerns of non-conformance to the Comprehensive Plan, residential adjacency concerns, and incompatibility of certain uses in close proximity to single family residential development. The applicant has restricted a number of uses which may be perceived as incompatible with the existing single family subdivisions. These uses include various auto-related uses, hotels/motels. See Exhibit F of the PD for a full list of prohibited uses.
  - The proposed change is in accord existing or proposed plans for providing streets, water supply, sanitary sewers, and other public services and utilities in the area. Residential uses are not proposed at this time for this development, and therefore should have no impact on the public school system
2. The proposed development will not negatively impact the existing single family subdivisions. The residential adjacency screening requirements will be adhered to as well as various other safeguards to ensure compatibility, such as COD regulations.





# AERIAL MAP

## 2014-11Z PEARLAND MARKETPLACE PD

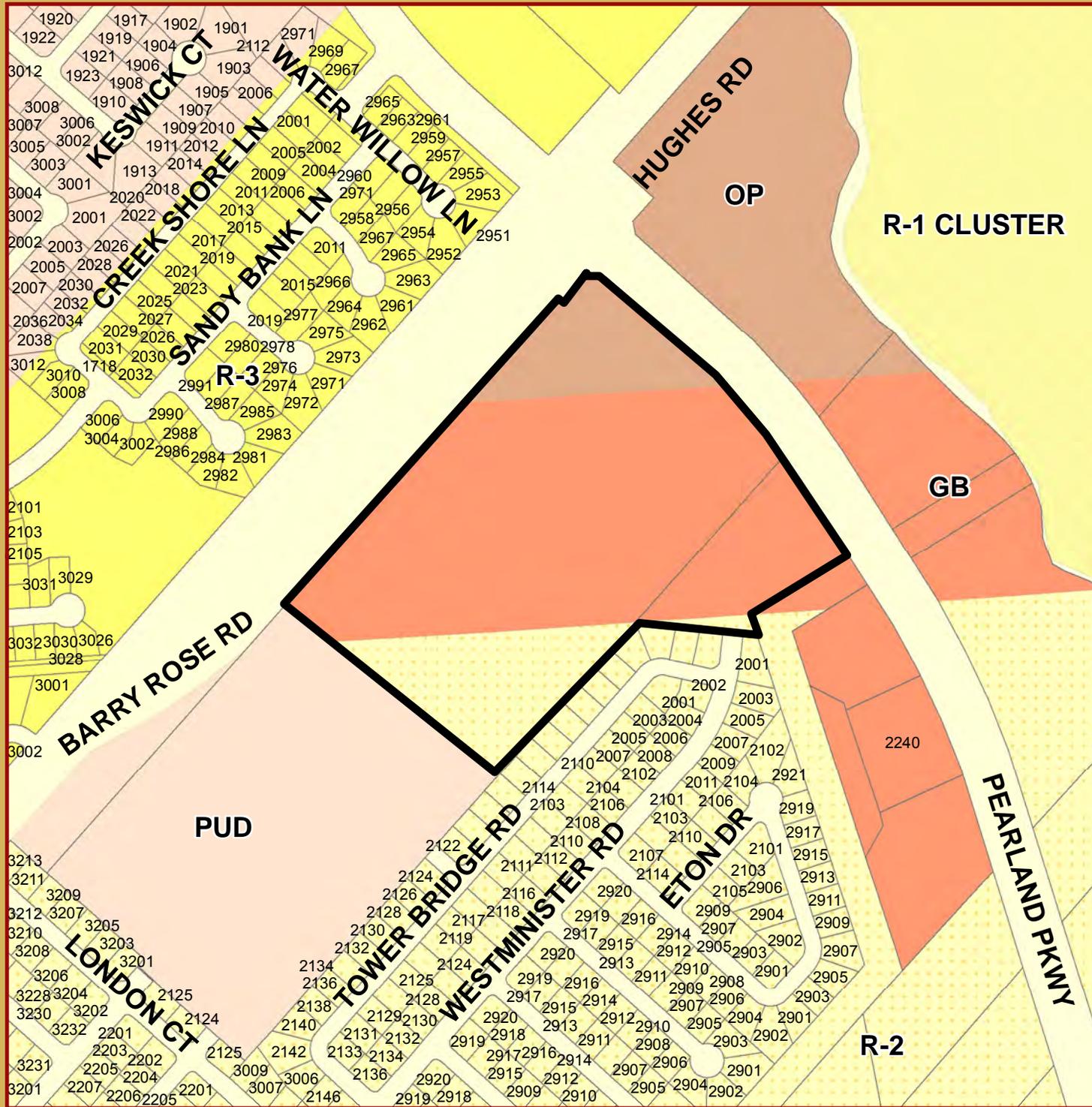


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 422 feet

22 MAY 2014  
PLANNING DEPARTMENT





# ZONING MAP

## 2014-11Z PEARLAND MARKETPLACE PD

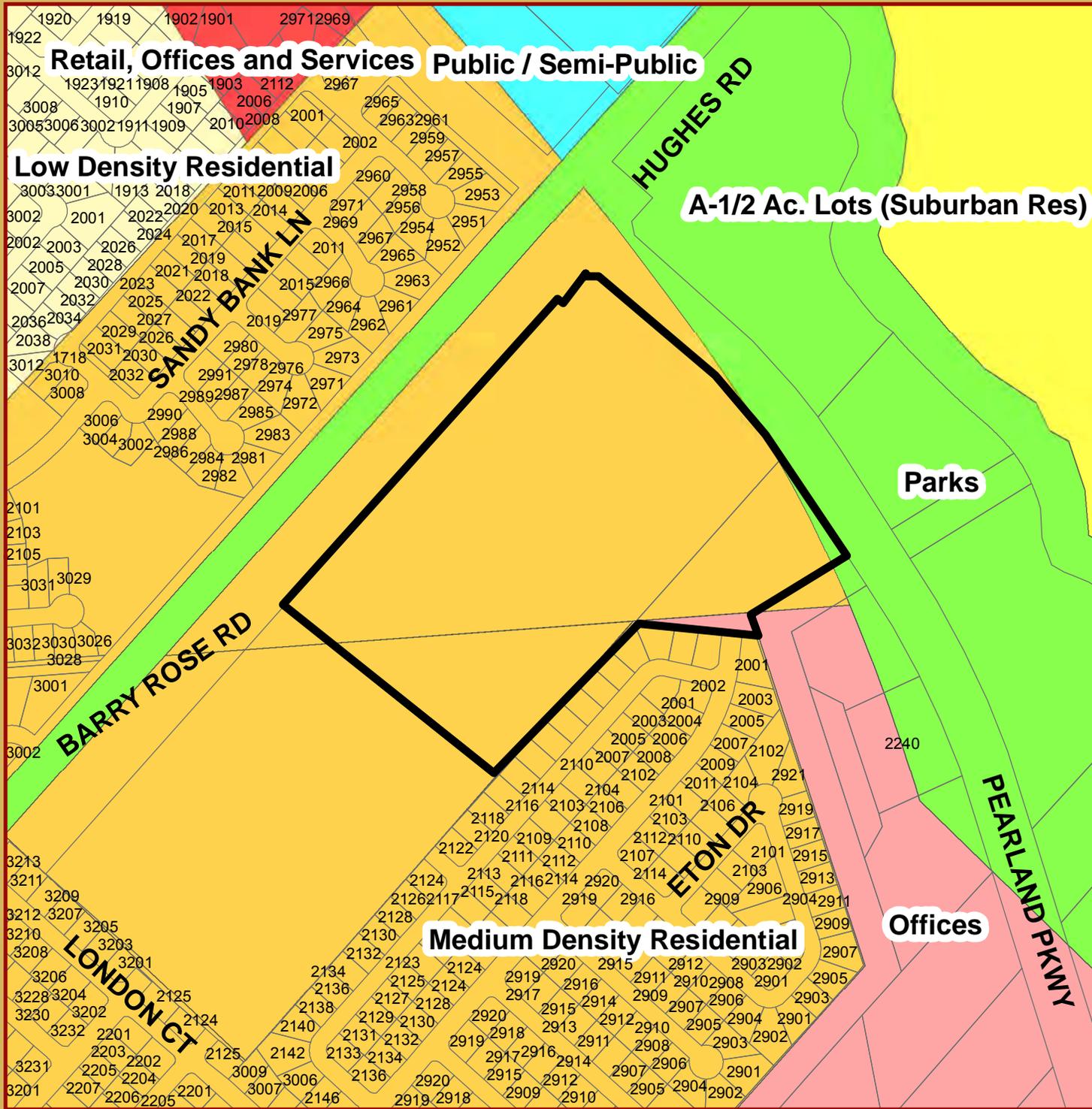


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1 inch = 422 feet

22 MAY 2014  
PLANNING DEPARTMENT





**FLUP MAP**

**2014-11Z  
PEARLAND  
MARKETPLACE PD**



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1 inch = 422 feet

22 MAY 2014  
PLANNING DEPARTMENT





**ZONE CHANGE 11Z  
NOTIFICATION LIST**

| <b>NAME</b>                               | <b>C/O</b>            | <b>ADDRESS</b>                       |
|---|-----------------------|--------------------------------------|
| AINSWORTH ALLISON L                       |                       | 2131 TOWER BRIDGE RD                 |
| ALEXANDER JOHN FAMILY LIMITED PARTNERSHIP |                       | PO BOX 127                           |
| ALEXANDER ROBERT L                        |                       | 219 TIMBER VIEW DR                   |
| ASUNCION ROMEO S & ELSIE N                |                       | 2110 TOWER BRIDGE RD                 |
| BEAZER HOMES TEXAS LP                     |                       | 10235 W LITTLE YORK RD STE 200       |
| BEAZER HOMES TEXAS LP                     |                       | 10110 W SAM HOUSTON PKWY N STE A-100 |
| BENNETT LAURA MARIE                       |                       | 2133 TOWER BRIDGE RD                 |
| BETANCOURT HERMAN                         |                       | 4828 LOOP CENTRAL DR                 |
| BIESZKE STEVEN                            |                       | 2102 TOWER BRIDGE RD                 |
| BRAZORIA COUNTY                           | COURTHOUSE WEST ANNEX | 451 N VELASCO ST                     |
| BRUCE STEVEN                              |                       | 2114 TOWER BRIDGE RD                 |
| CARLSON CRAIG & DE'ANNA                   |                       | 2124 TOWER BRIDGE RD                 |
| CISNEROS IRMA                             |                       | 2111 TOWER BRIDGE RD                 |
| CISNEROS LIVIA                            |                       | 2109 TOWER BRIDGE RD                 |
| CITY OF PEARLAND                          |                       | 3519 LIBERTY DR                      |
| COLLINS WILLIAM M & APRIL M               |                       | 2204 SAINT JAMES PL                  |
| CONE ANDREW & GABRIELLA                   |                       | 108 TANAGER LN                       |
| COTTON ASHLEY DAWN                        |                       | 2138 TOWER BRIDGE ROAD               |
| CROUCH MARTHA ALEXANDER                   |                       | 235 W SEALY ST                       |
| DILWORTH RODNEY RICK                      |                       | 3131 RUBY FALLS CT                   |
| DIMAS ROBERTO & BECKY                     |                       | 2128 TOWER BRIDGE RD                 |
| ELLIS DWAYNE ALBERT                       |                       | 2001 WESTMINISTER ST                 |
| ENDRIS ROBERT T JR & PEIHONG DONG ENDRIS  |                       | 3210 LONDON CT                       |
| FREITAG GILBERT ALAN & EMILIA E           |                       |                                      |
| FULLER KEVIN                              |                       | 2105 TOWER BRIDGE RD                 |
| GEORGIU JOSEPH & GLORIA                   |                       | 2004 TOWER BRIDGE RD                 |
| GILMER HENRY G III & MONICA               |                       | 2129 TOWER BRIDGE RD                 |
| GOSS MARSHELLE D                          |                       | 2130 TOWER BRIDGE RD                 |
| GUERRIERE THOMAS A & MADELEINE            |                       | 3201 LONDON CT                       |
| HAMILTON TRAVIS S & AMY J                 |                       | 2002 WESTMINISTER ST                 |

|   |                      |
|---|----------------------|
| HARDY RONALD R & SHELLEY                      | 2108 TOWER BRIDGE RD |
| HARRIS THOMAS R                               | 2201 MANCHESTER LN   |
| HECKMAN RONALD W & KIM T                      | 2001 TOWER BRIDGE RD |
| HINTON JOHN J & JEREMY                        | 2118 TOWER BRIDGE RD |
| INGEBREDTSEN THOMAS & TONI                    | 2123 TOWER BRIDGE RD |
| JUBERT DUANE C & AMANDA M                     | 3208 LONDON CT       |
| KENNEY STEVE & DANA                           | 2116 TOWER BRIDGE RD |
| KENNEY STEVE & GERALD                         | 2116 TOWER BRIDGE RD |
| KING GEORGE R & SANDRA W                      | 2008 TOWER BRIDGE RD |
| LAFLEUR MELISSA MICHELLE & MATTHEW WAYNE ROSE | 2003 TOWER BRIDGE RD |
| LAROWE LOTTIE NELL REV TRST                   | 4325 LAUREN LN       |
| LAUDANO JOSEPH JR                             | 2124 MANCHESTER LN   |
| LE KEVIN & THANH KIM PHAM                     | 3206 LONDON CT       |
| LOPEZ JOSE & LUZ M LOPEZ                      | 2203 MANCHESTER LN   |
| LOZANO ANSELMO JR & SANDRA                    | 3213 LONDON CT       |
| MACK GARY A                                   | 3212 LONDON CT       |
| MANZANO ROBERT L & CYNTHIA                    | 2006 TOWER BRIDGE RD |
| MARCONTELL DOUGLAS E & SUSAN C                | 3209 LONDON CT       |
| MARESH LARRY G & EVELYN                       | 3207 LONDON CT       |
| MCCREADY GEORGE S & MAGINA                    | 2115 TOWER BRIDGE RD |
| MORENO JOEANN & BIANCA Y                      | 2101 TOWER BRIDGE RD |
| MORRISON JONATHAN P                           | 2202 SAINT JAMES PL  |
| NGUYEN CUONG QUOC                             | 3205 LONDON CT       |
| NGUYEN VINH VAN & LENDI THI                   | 2202 MANCHESTER LN   |
| NUNN BARNETT G                                | 3204 LONDON CT       |
| PERRY ZACHARY & FANNIE P                      | 3009 LONDON CT       |
| PETERS GREGORY F & MELISSA                    | 2120 TOWER BRIDGE RD |
| PORTER RIKKI S & ALLISON                      | 2106 TOWER BRIDGE RD |
| POWERS MICHAEL & ROBLES-POWERS JOAQUINA       | 2113 TOWER BRIDGE RD |
| RAMIREZ ROGELIO E                             | 2203 ALEXANDER LN    |
| RATHJE MATTHEW L & DEANNA                     | 2125 ALEXANDER LN    |
| RATLIFF CLYDE ANTHONY & DALY MELISSA RENE     | 939 MANZANO ST NE    |
| REDLINGER JAMES WILLIAM                       | 2201 ALEXANDER LN    |
| RENDON KATY                                   | 2126 TOWER BRIDGE RD |

RESTIVO GEORGE J & MARGARET D  
RINGROSE ROY M & LYNETTE  
RIVERA EDGAR & LAURA ZEPEDA  
ROBINSON CHARLENE B  
RUDELL GARRY D & DONNA J  
SANDSTRUM DONALD W & JANICE K  
SKLENARIK CLARENCE F & PAULA  
SLOMINSKI EDWARD M & LUCY  
SPESHOCK CARL H & ANGELES C  
SPOZIO RONALD CRAIG  
STUEBER JAMES H & CLAIRE  
THIRD COAST RESOURCES I LTD  
VERA ROBERT & LISA  
VILLEJOIN DAVID  
WATKINS ROBERT E & PHYLLIS  
WEST JEFFERY R & PAMELA  
WIGINTON MARCUS E  
WILLIAMS OPAL A  
WITTMAN WENDY A  
WOLLAM RYAN A & AMANDA M  
WOODARD JAMES M  
ROBERT ALEXANDER  
SALIM OBEID  
A.J. CROUCH

LJA ENGINEERING

2002 TOWER BRIDGE RD  
2132 TOWER BRIDGE RD  
3211 LONDON CT  
3203 LONDON CT  
2144 TOWER BRIDGE RD  
2121 TOWER BRIDGE RD  
3214 LONDON CT  
2005 TOWER BRIDGE RD  
2112 TOWER BRIDGE RD  
2119 TOWER BRIDGE RD  
3202 LONDON CT  
606 WHITEHURST CT  
2136 TOWER BRIDGE RD  
PO BOX 717  
2142 TOWER BRIDGE RD  
2125 TOWER BRIDGE RD  
2007 TOWER BRIDGE RD  
2104 TOWER BRIDGE RD  
2127 TOWER BRIDGE RD  
2122 TOWER BRIDGE RD  
2003 WESTMINISTER ST  
219 TIMBER VIEW DR  
2929 BRIARPARK  
235 SEALY ST





|     |          |    |       |
|-----|----------|----|-------|
|     | PEARLAND | TX | 77581 |
|     | PEARLAND | TX | 77581 |
|     | PEARLAND | TX | 77584 |
|     | PEARLAND | TX | 77581 |
|     | KATY     | TX | 77450 |
|     | PEARLAND | TX | 77581 |
|     | PEARLAND | TX | 77588 |
|     | PEARLAND | TX | 77581 |
|     | BOERNE   | TX | 78006 |
| 600 | HOUSTON  | TX | 77042 |
|     | ALVIN    | TX | 77571 |

# Planned Development for Pearland Marketplace

Prepared For  
Milestone Properties

LJA Engineering, Inc.  
July 2014

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## I. INTRODUCTION

### A. Description of the Subject Property

Pearland Marketplace is located at the south corner of the intersection of Pearland Parkway and Barry Rose Road. The site is a 26.524 Acre property out of ±46.0 acres bounded the southeast by the existing Banbury Cross Section IV subdivision, bounded on the southwest by the existing Alexander Landing Section 4 subdivision, bounded on the northeast by Pearland Parkway and bounded on the northwest by Barry Rose Road. The site is currently vacant. Milestone Properties has contracted to buy and develop the site. Refer to Exhibit A -- Project Location.

### B. Description of Proposed Development.

Pearland Marketplace will be developed as a mix of neighborhood service retail and pad sites that will be anchored with a grocery store. The site is designed to maximize the separation of pedestrian and vehicular circulation allowing safe and easy access to these services while enhancing the overall development. Key elements of the overall site plan include:

1. Vehicular access to the site will include two primary entry driveways located along Pearland Parkway and two located along Barry Rose Rd., which allow easy vehicular access throughout the site. These primary driveways are accented with special paving, landscaping, signage and monumentation at the entrances, intersections and terminus creating points of interest at the main activity nodes throughout the site creating a cohesive development with a unified theme. Other areas accented with special paving, landscaping and/or monumentation include the secondary driveway entrances, pedestrian crossings, and main entrances to the grocery store. Special paving shall consist of Pave Stone pavers or equal. Refer to Exhibit E - Special Paving Images. The location and number of entry driveways is subject to change upon review and approval of a traffic impact analysis.
2. The primary retail plaza is located close to Pearland Parkway and will provide the development with an accessible outdoor urban public space that will be accented with landscaping, site furnishings and is adjacent to an open space area. The plaza is located on the Northeast end of the retail building providing shade in the afternoon making it suitable location for a restaurant or café that provides outdoor dining. It is a generous size and will function as a multi-use area. The opposite end of the retail building includes a smaller plaza with access to and views of the trail along the detention basin. This location with access to the trail would also be ideal for outdoor dining, café or a coffee house. Refer to Exhibit G - Examples of Site Furnishings
3. Pedestrians can access the site along Pearland Parkway and Barry Rose Rd. at the primary and secondary driveways. Access is provided for the neighborhood to the South at the end of Westminster Rd. tying in with the primary retail plaza. Primary pedestrian circulation through the site is along a 6' wide sidewalk located along one side of the primary and secondary driveways. The retail building and grocery store also provide pedestrian circulation and paving along their façade.
4. A 6' wide concrete pathway will be located along the edge of the detention basin providing additional access and recreational opportunities for the retail center and the adjacent neighborhood. This pathway will also tie into Barry Rose Rd. along the access road. The pathway will be planted with shade trees along the path and accented with flowering trees.

5. While the approach to the landscape design is typical for this type of development, the planting strategy and the amount of planting exceed what is typical enhancing the development and making it unique. The landscape design includes tree lined driveways and sidewalks creating an "avenue" effect that is pleasant for pedestrians and vehicles. Driveway entrances, key intersections, pedestrian crossings and pedestrian plazas are accented with flowering shrubs and trees. The parking lots are primarily planted with shade trees while high activity areas are accented with flowering trees. Shrubs screen the parking areas from the main driveways and the public street.
  6. The landscaping area will include a combination of shrubs and trees near the detention facility and will enhance the screening of the center along the southeastern property line. The detention ponds have been strategically located to provide the maximum buffering from the proposed development to the adjoining residential area coupled with the park like walking trails along the pond.
  7. Proposed tenants will include a 120,000 square foot anchor grocer, fast food restaurants, national retail tenants and multiple pad sites occupied by national restaurants, banks, and/or stand alone retail uses. There will be two reserve sites for future development by uses included within the PD.
  8. All parking areas will be constructed of concrete to enhance the quality and longevity of the project and specific areas will receive decorative paving for site enhancement and connectivity.
  9. The proposed landscaping and open space shown on the site plan will be 15% of the total gross area of the project including the proposed detention ponds and various pockets of landscaping.
- C. Describe the area of land in acreage.**  
The total land area is 26.524 acres. Refer to Exhibit A – Site Location and Exhibit B – Survey and Legal Description.
- D. A statement as to the purpose and intent of the PD district established therein.**  
The purpose and intent of the PD district is to facilitate the design and implementation of a retail development that is designed to aesthetically complement the adjacent residential and commercial areas.

## II. ZONING AND LAND USE

- A. Describe the existing zoning districts and the boundaries of said districts.**  
There are four existing zoning areas for the tract consisting of an Office-Professional PD prepared for New Life Lutheran Church, R-2, general business (GB), and office-professional (OP). Refer to Exhibit C –Existing Zoning Map.
- B. Describe the base zoning district(s) to be overlaid.**  
The PD is proposed to be based upon general business zoning district (GB).
- C. The general standards applicable to development within the district**  
The site, regardless of zoning district, is located on Pearland Parkway, a designated corridor within the Corridor Overlay District. The Corridor Overlay District affects any tract located along specified major thoroughfares in Pearland. The project complies with the GB and the COD districts. The COD is discussed further in Section III of this document. Other aspects

of the project such as the parking, signage, lighting, etc. are discussed further in Section III of this document.

The management of the project will be overseen by a professional commercial property manager with expertise in maintenance and continuity of the common areas. The phasing plan is discussed further in Section V of this document.

**Standards within Zoning District Table**

|                  | <b>GB</b>                       |
|------------------|---------------------------------|
| Density          | None listed                     |
| Lot Area (Min.)  | 22,500 sq. ft.                  |
| Lot Width (Min.) | 150'                            |
| Lot Depth (Min.) | 125'                            |
| Lot Coverage     | None listed                     |
| Building Height  | 45'                             |
| Front Setback    | 25'                             |
| Side Setback     | 10' or 25' if abuts residential |
| Rear Setback     | 25'                             |

**1. Provide the percentage of use in each zoning classification.**

The land use in the overall project is 100% commercial/retail/detention and will be in accordance with the land uses permitted in GB zone, except for prohibited uses listed below. There is no parkland dedication requirement, and there are no public streets located internally to the project.

**2. Prohibited Uses**

Currently, the GB zone allows for several uses that are not suited for a retail development. Exhibit F is a list of all the prohibited uses that otherwise are allowed in the GB zone.

**D. The permitted, conditional and accessory uses authorized in the district, the location of such uses, the residential densities or other measurements of development intensity associated with base districts or phases of the development in conformance with the approved Design Plan.**

Pearland Marketplace is a proposed retail/commercial project and at this time, the tenants have not been selected. A detention pond is proposed to retain storm water for this site as required by Brazoria Drainage District 4 and the City of Pearland.

**III. DESIGN STANDARDS APPLICABLE TO THE DEVELOPMENT**

**A. Design Standards. Specific design standards, including signage, building height, landscaping, fencing, parking, etc., that are applicable to this development are the standards set forth for the GB zoning district which are listed in Chapter 2, Article 4, Division 4, Section 4 of the UDC and the design standards for the Corridor Overlay District, as listed in Chapter 2, Article 4, Division 5, Section 1 of the UDC. Refer to Exhibit D – Design Plan.**

**1. Building Materials**

The project complies with the current UDC standards. Beyond minimum standards, buildings within this project will be required to include two types of materials for each store front and multi-tenant pad site, a stucco, tilt-wall or concrete masonry building. Each building will include a percentage of stone &/or brick material. This minimum is 30% of the non-transparency area of the building. In addition to the two types of materials, architectural enhancements, such as towers, pilasters, and canopies will also be included on each building. Other architectural enhancements shall be reviewed and approved by City Pearland Planning and Zoning department during permit review.

**2. Landscape Enhancements:**

While the approach to the landscape design is typical for this type of development, the planting strategy and the amount of planting exceed what is typical enhancing the development and making it unique. The landscape design includes tree lined driveways and sidewalks creating an "avenue" effect that is pleasant for pedestrians and vehicles. Driveway entrances, key intersections, pedestrian crossings and pedestrian plazas are accented with flowering shrubs and trees. The parking lots are primarily planted with shade trees while high activity areas are accented with flowering trees. Shrubs screen the parking areas from the main driveways and the public street.

**3. Plaza**

The primary retail plaza is located close to Pearland Parkway and will provide the development with an accessible outdoor urban public space that will be accented with landscaping, site furnishings and is adjacent to an open space area. The plaza is located on the Northeast end of the retail building providing shade in the afternoon making it suitable location for a restaurant or café that provides outdoor dining. It is a generous size and will function as a multi-use area. The opposite end of the retail building includes a smaller plaza with access to and views of the trail along the detention basin. This location with access to the trail would also be ideal for outdoor dining, café or a coffee house. Refer to Exhibit D- Design Plan.

**4. Sidewalks**

The sidewalk located along Pearland Parkway complies with the width and material standards stated in the current UDC 2.4.5.1(1). Primary pedestrian circulation through the site is along a 6' wide sidewalk located along one side of the primary and secondary driveways. The retail building and grocery store also provide pedestrian circulation and paving along their façade. A 6' wide concrete pathway will be located along the edge of the detention basin providing additional access and recreational opportunities for the retail center and the adjacent neighborhood. This pathway will also tie into Barry Rose Rd, along the access road. Refer to Exhibit D -Design Plan for general location and proposed alignment of the sidewalks.

**5. Parking, Vehicular Circulation, and Lighting**

The project complies with the current UDC. This section also includes standards of lighting of the parking lot and sidewalks. The lighting height will be a cohesive plan with a maximum of 20 foot height around. However, no light pole will be taller than the building it serves. Refer to Exhibit D - Design Plan for general layout of the parking lot and the vehicle circulation plan.

**6. Fencing**

The tracts to the southeast and southwest are currently zoned residential, which requires masonry fencing or a 25' landscape buffer. The required 25' buffer will be

maintained, with the exception that the detention ponds will be allowed within the landscape buffers.

**7. Corridor Overlay District**

The project complies with the current UDC standards for the COD. These standards apply because the project abuts Pearland Parkway. Included within these standards are requirements for building articulation and building material, increased building line and landscape enhancements along the street and the increased screening standards along any parking areas.

**B. Refer to Design Plan and describe which aspects of plan are precise and which are general.**

The Design Plan in this document is included for the sole purpose of establishing general design guidelines as to the basic character and physical relationships of the planned uses and facilities. The ideas and plans represent the intent of the developer and the quality and character of the development. Adjustments to the Design Plan that do not introduce or remove new public facilities, do not deviate from the Design Plan and otherwise comply with the intent of the various requirements within the Pearland Marketplace PD and other city ordinances and regulations in effect at the time this document is adopted shall not require separate or additional approvals from City Council or the Planning & Zoning Commission. It is essential to the success of the Pearland Marketplace PD to maintain flexibility in the site plan process in order to respond to ever changing market conditions and retail demand. Listed below are criteria to further define the flexibility with respect to the Master plan.

- The location of the open space may shift within the project to accommodate specific change in the dimensions of buildings, parking and pad sites so long as the basic concept and intent of the Master plan remains intact.
- In general, it is the intent that the variations and offsets be constructed as shown in these exhibits. In no case shall there be a continuous facade longer than 400 feet of the collective building and each offset shall be no less than a minimum of 3 feet.
- The location of buildings including pad sites may shift or be altered in size and dimension. Such changes may be made without separate or further approvals from the City Council or the Planning and Zoning Commission so long as the movements and changes are less than 10 feet or 10% in size.

**C. A specific list of deviations from standards in the base zoning district(s), together with any standards in the ordinance which are to be varied for development within the PD district.**

The intent of the proposed plan is to comply with the standards of the GB zoning district for the entire project with the exception of those items listed below.

**1. Signage**

Section 4.2.5.4 (b)(2) places a maximum of two multi-user/multi-tenant signs per street frontage separated by a minimum of 600' for an integrated business development. The frontage the project possesses along Pearland Parkway is ±1,100 feet. The project abuts approximately 3,470 feet along Barry Rose Road. Due to the size of the property and the number of tenants proposed for this development, an additional multi-tenant sign, for a total of four signs, is required to accommodate signage for all of the tenants. Two of the multi-tenant signs will accommodate the tenants in the rear of the property along Barry Rose, while the last two multi-tenant

signs will accommodate the multiple tenants in the building sites adjacent to Pearland Parkway. Each building site will hold approximately three to five tenants. All signs will be consistent in material and style. The multi-user/multi-tenant signs will comply with maximum height and maximum area as stated in the current UDC. We request that signage requirements apply to the PD rather than to the parcels of land within the PD that may fall under separate ownership. Refer to Exhibit – D Design Plan, for sign locations and call-outs on-site.

**D. All requirements of the Unified Development Code will be met, except those specifically mentioned above in Section III C of this Planned Development.**

**IV. REQUIRED DEDICATIONS OF LAND OR PUBLIC IMPROVEMENTS**

Pearland Marketplace is solely commercial and does not require dedication of land for parkland or public improvements to any roadways, unless required by the City.

**V. PHASING SCHEDULE FOR THE PROJECT**

The project is divided into three phases. The development of the Grocer Anchor building, parking lot and fuel station are Phase I. Phase II will consist of development of the strip retail center. Phase III will consist of the development of the pad sites.



DESCRIPTION OF  
26.524 ACRES  
PROPOSED ZONE BOUNDARY

Being 26.524 acres of land located in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in Volume 1725, Page 193 (B.C.D.R.), said 26.524 acres being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 2001 adjustment);

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" previously set for the northwest corner of Banbury Cross Section IV, a subdivision of record in Volume 19, Page 487-488 of the Plat Records of said Brazoria County (B.C.P.R.), being the north corner of Block 11, Lot 13 of said Banbury Cross Section IV, being in an easterly line of the residue of said 172.0566 acre tract, from which a found 5/8-inch iron rod bears South 46° 29' 44 West, 4.90 feet;

Thence, South 41° 43' 28" West, along said easterly line and the northwesterly line of said Banbury Cross Section IV, 604.43 feet to a 5/8-inch iron rod found for the most northerly common corner of Lot 4 and Lot 5, Block 11 of said Banbury Cross Section IV;

Thence, North 47° 01' 13" West, departing said easterly line acres and the northwesterly line of said Banbury Cross Section IV, 768.74 feet to 5/8-inch iron rod with cap stamped "RPLS 1718", found on the south line of that certain called 3.644 acre tract (Parcel 3) conveyed to City of Pearland by instrument of record under Document Number 20050118363 of the Official Records of said Brazoria County, B.C.O.R.;

Thence, North 41° 40' 30" East, along the south line of said 3.644 acres, the south line of that certain called 4.137 acres tract (Parcel 5) conveyed to City of Pearland by instrument of record under File Number 04-003782, B.C.O.R. and the south line of that certain called 0.149

acre tract (Tract 1) conveyed to City of Pearland by instrument of record under File Number 01-032032, B.C.O.R., 1,262.37 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for corner, same being an angle point on the south line of said 0.419 acre tract;

Thence, South  $86^{\circ} 04' 59''$  East, along the south line of said 0.419 acre tract, 43.93 feet to a point for corner on the south line of that certain called 2.739 acres tract conveyed to City of Pearland, by instrument of record in File Number 98-054852, B.C.O.R. and a point on the south right-of-way line of Pearland Parkway (130 feet wide), from which a 5/8-inch iron rod with cap stamped "Wilson" bears North  $75^{\circ} 20' 20''$  East, 0.47 feet;

Thence, along the south line of said 2.739 acres, the westerly line of that certain called 1.164 acre tract conveyed to City of Pearland, by instrument of record under File Number 98-054881, B.C.O.R. and Pearland Parkway the following two (3) courses;

1. South  $48^{\circ} 23' 21''$  East, 367.45 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for corner, the beginning of a curve;
2. 532.98 feet along the arc of a tangent curve to the right, having a radius of 1805.00 feet, a central angle of  $16^{\circ} 55' 06''$ , and a chord which bears South  $39^{\circ} 55' 48''$  East, 531.05 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for corner;
3. South  $31^{\circ} 28' 15''$  East, 208.12 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for the northwest corner of that certain called 0.299 acre tract conveyed to City of Pearland, by instrument of record under File Number 99-013566, B.C.O.R. and being on a northerly line of a called 100 feet wide Drainage Easement conveyed to Brazoria County Drainage District Number Four (4) by instruments of record in Volume 1736, Page 884, B.C.D.R. and in Volume 1760, Page 655, B.C.D.R.;

26.524 acre

April 18, 2014  
Job No. 1727-7002

Thence, South 56° 00' 19" West, departing the south line of said Pearland Parkway and the south line of said 1.164 acre tract, along a northerly line of said 100 feet wide Drainage Easement, 359.97 feet to a 5/8-inch iron rod with cap stamped "LJA ENG", previously set for corner;

Thence, South 18° 03' 06" East, along a westerly line of said 100 feet wide Drainage Easement, 30.04 feet to the northeast corner of aforementioned Banbury Cross Section IV, and being the northeast corner of Block 8, Lot 86 of said Banbury Cross Section IV, from which a found 5/8-inch iron rod, bears North 20° 47' 07" West, 0.60 feet;

Thence North 82° 38' 01" West, along the northeasterly line of said Banbury Cross Section IV, 356.54 feet to the POINT OF BEGINNING and containing 26.524 acres of land.



LJA Engineering, Inc.



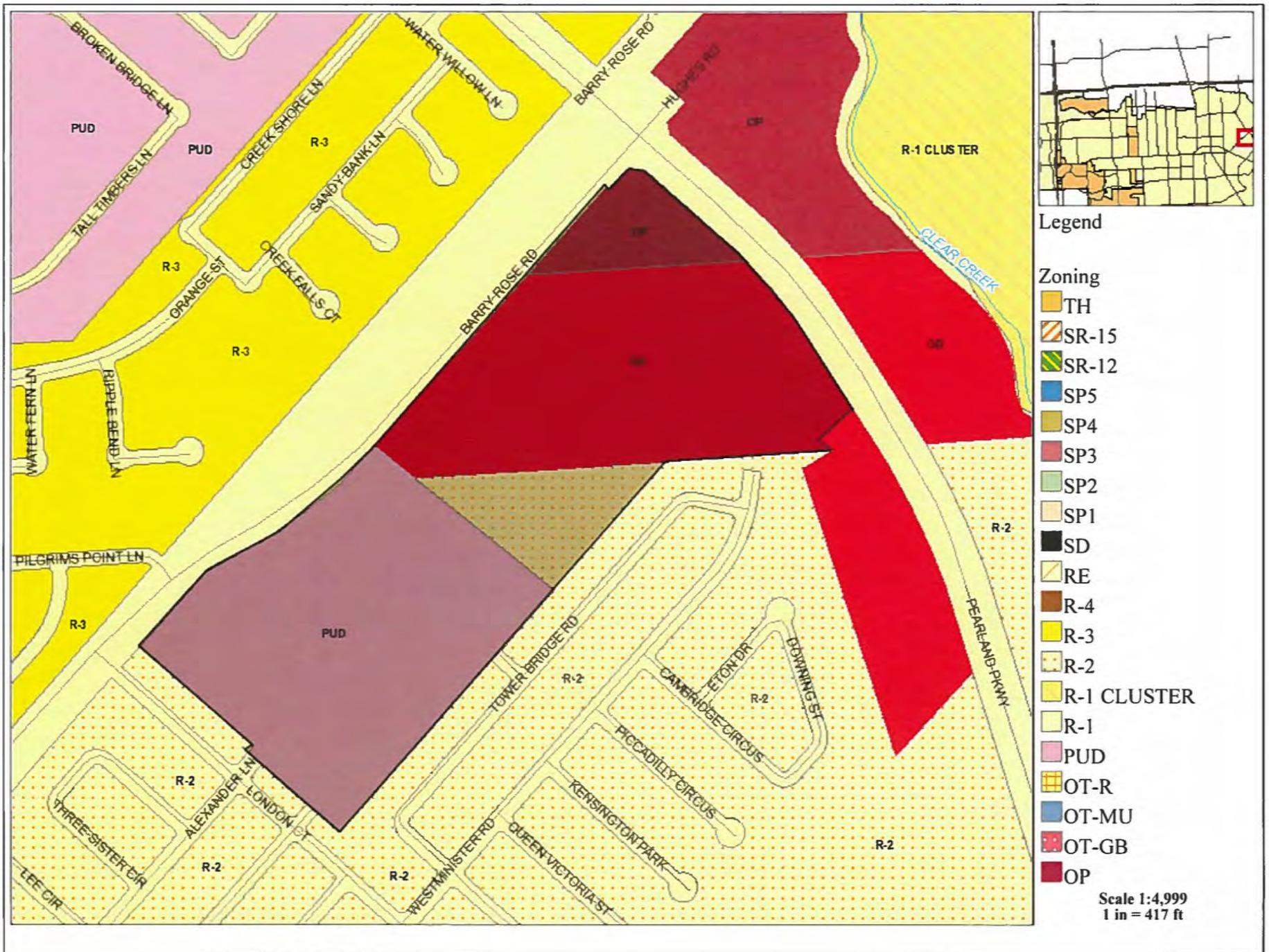
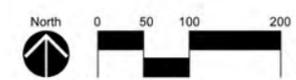


Exhibit C - Existing Zoning Map



Reference Date: 7.11.14

# Exhibit D Design Plan

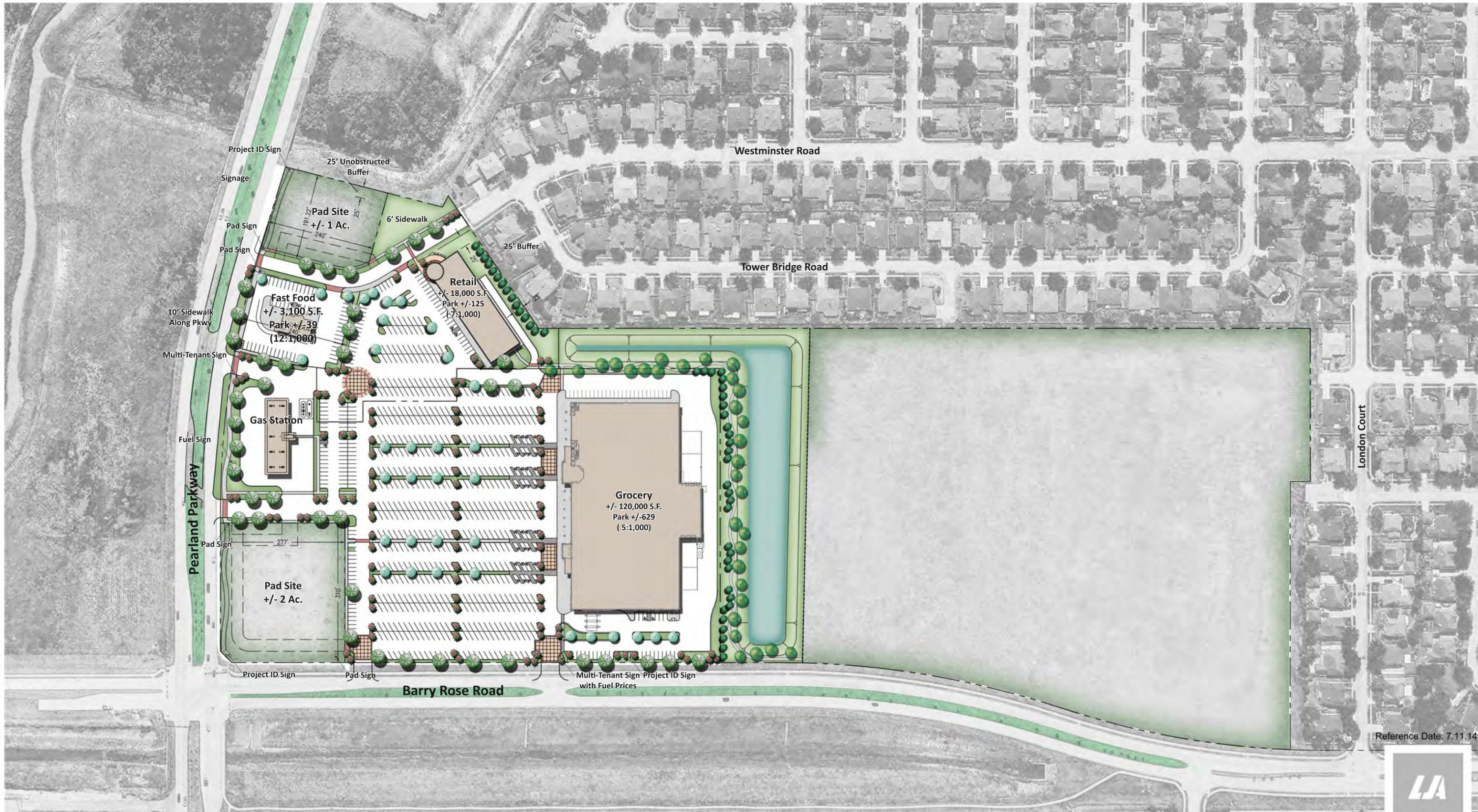


## Proposed Barry Rose Pearland Parkway Development City of Pearland, Texas

**Planning & Landscape Architecture**  
Sustainable Design  
Community Planning  
Urban Design  
Landscape Architecture

**LJA Engineering, Inc.**  
2929 Briarpark Drive, Suite 600  
Houston, Texas 77042-3763  
713.953.5200 F 713.953.5026

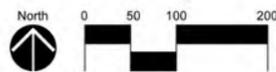
25231 Grogan's Hill Road, Suite 330  
The Woodlands, Texas 77380  
281.210.1750 F 281.210.1799



Reference Date: 7.11.14

# Exhibit D Design Plan

## Proposed Barry Rose Pearland Parkway Development City of Pearland, Texas



**Planning & Landscape Architecture**  
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EXHIBIT E  
SPECIAL PAVING IMAGES



Vehicular



Plaza



Driveway Intersection



Intersection



Retail Front

EXHIBIT F  
PROHIBITED USES LIST

Agriculture (Field or crop)  
Agriculture Animal Husbandry  
Farm (Ranch or Livestock)  
Feed & grain store supply (C)  
Boarding or Rooming House  
Farm Accessory Building  
Guest, caretaker or security quarters (C)  
Off street parking incidental to residential main use  
Social & Recreational building (homeowners association, neighborhood recreation center  
Country Club, private or public golf course  
Fairgrounds, Rodeo grounds (C)  
Swimming pool private (Resident Use Only)  
Tennis or swim club (Private, for Profit)  
Tennis Court (private/lighted)(C)

Auto uses

All terrain vehicles (go-carts & motor cycles) dealer/ sales  
Auto glass repair/tinting (C)  
Auto interior shop/upholstery (C)  
Auto Parts Sales with outside storage or Display (C)  
Auto Parts Sales (Indoors Only; with repair bays) (C)  
Auto Rental (C)  
Auto repair minor (C)  
Auto sales/dealer (new –in building, auto servicing and used auto sales as accessory uses only)  
    Combined auto lease  
Auto wash (full service, detail shop)  
Commercial transit terminal  
Parking lot or garage for passenger cars and trucks of less than one ton capacity

Office uses

Credit agency  
Office, parole-probation, bail bonds  
Office/Clinic Veterinarian (Animal Hospital with Outside Pens)  
Telemarketing agency (C)  
Ambulance service (C)  
Bed & breakfast inn  
Check Cashing Service  
Extended stay motel/hotel  
Funeral Home (including crematorium (C)  
Laundromat (self service laundry)  
Rehabilitation care facility (halfway house)  
Rehabilitation care institution (commercial)  
Astrology, hypnotists or psychic arts  
Bakery (wholesale)  
Convenience Store (without gasoline)  
Garage and/or yard sales (C)  
General Retail Store, other than listed  
Market – Open Air (Flea Market)(C)  
Medical Appliances & Sales  
Piano and Musical Instruments (retail only)

Institutional and government uses

Adult day care (business)  
Assisted living facility

Auction house  
Child day care (business)  
Child Day Nursery  
Church, temple, or place of worship  
Civic center (municipal)  
Civic club  
Convent or monastery  
Day camp (for children)  
Fraternal Organization  
Fraternity or sorority house  
Governmental building or use  
Home of alcoholic, narcotic or psychiatric patients (C)  
Hospital (for profit or not for profit)  
Institution of religious, education, or philanthropic nature  
Library, public or museum (indoor)  
Mortuary/cemetery  
Municipal public administration offices  
Nursing/Convalescent Home (Skilled Nursing facility)  
School — elementary, junior or high school  
School — other than public or parochial  
Sheltered care facility (C)  
Studio or radio and or television (no towers)

#### Utility and Related Uses

Cellular Communications Tower/PCS (C)  
Electric Substation (C)  
Franchised Private Utility (other than those listed)(C)  
Gas Transmission & Metering Station (C)  
Radio or Television or Microwave Towers (C)  
Radio or Television Transmission Station (C)  
Satellite Dish (Private, greater than 4' diameter)  
Telephone Exchange Switching relay & Transmitting Equipment (C)

#### Commercial and related uses

Cabinet business  
Cannery Wholesale (C)  
Dance hall or night club (C)  
Drive in theater (C)  
Exterminator service/company (no outdoor sales or storage)(C)  
Heating and air conditioning sales/service (C)  
Mini warehouse/self storage (C)  
Moving and storage company (C)  
News printing/book binding (C)  
Outside Storage (C)

#### Industrial uses

Airport and helipad landing field (C)  
Animal-processing(C)  
Asphalt batching plant (C)  
Asphalt/concrete batching plant (C)  
Commercial extraction of soil, sand or gravel (C)  
Petroleum or petroleum product extraction (C)



Sidewalk Bench



Bike Rack



Trash Receptacle

## Exhibit G

### Examples of Site Furnishings

## Proposed Barry Rose Pearland Parkway Development

City of Pearland, Texas

Reference Date: 7.11.14



**Planning &  
Landscape Architecture**  
Sustainable Design  
Community Planning  
Urban Design  
Landscape Architecture

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25231 Grogan's Mill Road, Suite 330  
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281.210.1750 f 281.210.1799

# Consent Agenda Item C

- C. Consideration and Possible Action** – Excuse the absence of Councilmember Greg Hill from the Regular Council Meeting held on November 24, 2014.

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

|   |   |
|---|---|
| <b>AGENDA OF: 12-08-2014</b>  | <b>ITEM NO.: Consent Agenda</b>             |
| <b>DATE SUBMITTED: 12-01-2014</b>   | <b>DEPARTMENT OF ORIGIN: City Secretary</b> |
| <b>PREPARED BY: Maria E. Rodriguez</b>  | <b>PRESENTOR: City Council</b>              |
| <b>REVIEWED BY: Jon R. Branson</b>  | <b>REVIEW DATE: December 1, 2014</b>        |
| <b>SUBJECT:</b> Excuse the absence of Councilmember Greg Hill from the Regular Council Meeting held on November 24, 2014. |   |
| <b>EXHIBITS:</b> None   |   |
| <b>EXPENDITURE REQUIRED: N/A</b>  | <b>AMOUNT BUDGETED: N/A</b>                 |
| <b>AMOUNT AVAILABLE: N/A</b>  | <b>PROJECT NO.: N/A</b>                     |
| <b>ACCOUNT NO.: N/A</b>   |   |
| <b>ADDITIONAL APPROPRIATION REQUIRED: N/A</b>   |   |
| <b>ACCOUNT NO.: N/A</b>   |   |
| <b>PROJECT NO.: N/A</b>   |   |
| <b>To be completed by Department:</b>   |   |
| <input type="checkbox"/> <b>Finance</b>   | <input type="checkbox"/> <b>Legal</b>       |
| <input type="checkbox"/> <b>Ordinance</b>   | <input type="checkbox"/> <b>Resolution</b>  |

**EXECUTIVE SUMMARY**

Excuse Councilmember Greg Hill's absence from the November 24, 2014, Regular Council Meeting.

**RECOMMENDED ACTION**

Council action required.

# Consent Agenda Item D

- D. Consideration and Possible Action – Resolution No. R2014-151 – A Resolution of the City Council of the City of Pearland, Texas, conveying an easement to CenterPoint Energy for utility service at the Shadow Creek Ranch Sports Complex.**

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

|   |  |
|---|--|
| <b>AGENDA OF:</b> December 8, 2014  | <b>ITEM NO.:</b> Resolution No. R2014-151                      |
| <b>DATE SUBMITTED:</b> Dec. 2, 2014   | <b>DEPARTMENT OF ORIGIN:</b><br>Engineering & Capital Projects |
| <b>PREPARED BY:</b> Anthony Vu  | <b>PRESENTOR:</b> S Jones                                      |
| <b>REVIEWED BY:</b> Trent Epperson  | <b>REVIEW DATE:</b> December 2, 2014                           |
| <b>SUBJECT:</b> Resolution No. R2014-151 - A Resolution of the City Council of the City of Pearland, Texas, conveying an easement to CenterPoint Energy for utility service at the Shadow Creek Ranch Sports Complex. |  |
| <b>EXHIBITS:</b> Resolution 2014-151 ; A- Short Form Blanket Easement & Vicinity Map  |  |
| <b>EXPENDITURE REQUIRED:</b> N/A<br><b>AMOUNT AVAILABLE:</b><br><b>ACCOUNT NO.:</b>   | <b>AMOUNT BUDGETED:</b><br><b>PROJECT NO.:</b>                 |
| <b>ADDITIONAL APPROPRIATION REQUIRED:</b><br><b>ACCOUNT NO.:</b><br><b>PROJECT NO.:</b>   |  |
| <b>To be completed by Department:</b><br><input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution                 |  |

**RECOMMENDED ACTION**

Staff recommends granting a blanket easement to Centerpoint Energy, for the Shadow Creek Ranch Park project and authorizing the City Manager to execute the easement.

**EXECUTIVE SUMMARY**

Centerpoint Energy has requested the City to grant an unobstructed, perpetual blanket easement for the Shadow Creek Ranch Park located at the North West corner of Shadow Creek Parkway and Kingsley Drive. The proposed blanket easement is necessary for CenterPoint to provide electrical services for the construction site and future Shadow Creek Ranch Park.

The Short Form Blanket Easement, Survey and Map are attached.

**RESOLUTION NO. R2014-151**

**A Resolution of the City Council of the City of Pearland, Texas, conveying an easement to CenterPoint Energy for utility service at the Shadow Creek Ranch Sports Complex.**

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

**Section 1.** That certain Easement attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby conveyed to CenterPoint Energy.

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

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

ATTEST:

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

APPROVED AS TO FORM:

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



December 16, 2002 and filed of record under County Clerk's File 02065583 in the Official Public Records of Brazoria County, Texas and County Clerk's File W303449 and Film Code No. 560-70-1732 in the Official Public Records of Real Property of Harris County, Texas, (the "Easement Area").

The Easement Area herein granted is a blanket easement and shall apply only insofar as the boundaries of Grantor's Property will permit. Grantee further reserves the right to extend services and drops within Grantor's Property and to adjacent land owners from said Facilities.

Grantor or its successors or assigns shall observe and exercise all notification laws as per the Underground Facility Damage Prevention and Safety Act, also known as "ONE CALL" & "CALL BEFORE YOU DIG" when working in or near the Easement Area.

To the extent that such laws and codes apply to Grantor, its successors and assigns, Grantor, its successors and assigns shall observe all safety codes and laws which apply to working along, within and or near the Easement Area and Facilities during construction activities and safe clearance from such Facilities, including O.S.H.A., Chapter 752 of the Texas Health and Safety Code, the National Electric Code, and the National Electrical Safety Code. Grantor, its successors or assigns, is hereby obligated to place National Electrical Safety Code notices into Community Deed Restrictions when Easement Area falls within residential developments.

Grantor herein reserves the right to grant easements in favor of third parties across the herein described Easement Area in a near perpendicular fashion to Grantee's Facilities, the approximate locations of which are shown on Exhibit "A", attached hereto and made a part hereof, provided (i) no other utilities are permitted to cross within a vertical distance of twenty-four (24) inches of Grantee's below ground Facilities, (ii) no other facilities or structures shall be permitted longitudinally within a distance of five (5)

feet of the centerline of any of Grantee's below ground and above ground Facilities, (iii) no other utilities or structures shall be permitted longitudinally within a distance of fifteen (15) feet of the centerline of any of Grantee's overhead Facilities, beginning at a plane sixteen (16) feet above the ground and extending upward, hereinafter collectively referred to as "Grantee's Exclusive Easement Area", and, (iv) doing so does not, in the sole opinion of Grantee, endanger or interfere with the efficient, safe and proper operation and maintenance of Grantee's Facilities.

Grantor herein covenants and agrees that, in the event that any third party facilities or obstructions are located within Grantee's Exclusive Easement Area, Grantor will take immediate action to remove and/or relocate said facilities and/or obstructions to a location outside of Grantee's Exclusive Easement Area at Grantor's sole cost and expense.

If Grantor, its successors or assigns should, at any future date, request that the Easement herein granted be further defined, Grantee agrees, at Grantor's expense, to prepare a new, defined easement described by a sealed survey sketch. Defined easements shall be unobstructed and may be further described by, but not limited to, the following descriptions:

- 1.) A ten (10) foot wide easement (for above and below ground facilities);
- 2.) A ten (10) foot wide easement together with ten (10) foot aerial easement adjoining both sides of said ten (10) foot wide easement (for above ground and overhead facilities that are not located adjacent to property lines);
- 3.) A ten (10) foot wide easement together with an adjoining eleven (11) foot, six (6) inch wide aerial easement (for above ground and overhead perimeter facilities);
- 4.) A fourteen (14) foot wide easement together with an adjoining seven (7) foot, six (6) inch wide aerial easement (for above ground and overhead perimeter facilities);
- 5.) An easement sixteen (16) feet wide and twenty-four (24) feet long (for Grantee's pad-mounted transformer station purposes).

Grantee further agrees to release this Easement upon execution and delivery of the new defined easement by Grantor.

In the event that Grantor, its successors and assigns, desires that Grantee's Facilities be relocated, then Grantee agrees to relocate said Facilities provided that Grantor furnishes a suitable and feasible site or location for such relocation and, provided that Grantor, its successors and assigns, shall, if requested by Grantee, furnish to Grantee a suitable and acceptable easement covering the new location. Any and all costs associated with relocating said Facilities will be at Grantor's sole expense.

Grantee shall also have reasonable rights of ingress and egress to and from said Easement Area, together with reasonable working space, for the purposes of erecting, installing, operating, maintaining, replacing, inspecting, and removing said Facilities, together with the additional right to remove from said Easement Area, all bushes, trees and parts thereof, or other structures which, in the opinion of Grantee, endanger or may interfere with the efficient, safe and proper operation, and maintenance of said Facilities.

TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee forever, and Grantor does hereby bind itself and its successors, heirs, assigns, and legal representatives, to fully warrant and forever defend all and singular the above described Easement Area and rights unto said Grantee, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise. In the event of a deficiency in title or actions taken by others which results in the relocation of Grantee's Facilities, the Grantor herein, its successors and assigns, will be responsible for all costs associated with the relocation and/or removal of Grantee's Facilities.

**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

City of Pearland, Texas

BY: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Name typed or printed

\_\_\_\_\_  
Title

STATE OF TEXAS }

COUNTY OF \_\_\_\_\_ }

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_, \_\_\_\_\_ of City of Pearland, Texas, 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, in the capacity therein stated, and as the act and deed of said city.

**Given under my hand and seal of office** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary's Signature

\_\_\_\_\_  
Name typed or printed

\_\_\_\_\_  
Commission Expires



**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

City of Pearland, Texas

**BY:** \_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name typed or printed

**SUBSCRIBED and SWORN** before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary's Signature

\_\_\_\_\_  
Name typed or printed

\_\_\_\_\_  
Commission Expires

**AFTER RECORDING RETURN TO:  
SURVEYING & RIGHT OF WAY  
CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC  
P. O. BOX 1700  
HOUSTON, TX 77251-1700**



# Shadow Creek Ranch Park



1 inch = 1,000 feet

OCT 2014  
GIS DEPARTMENT

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.

# Consent Agenda Item E

- E. **Consideration and Possible Action – Resolution No. R2014-154 – A** Resolution of the City Council of the City of Pearland, Texas, supporting Brazoria County’s applications to the Houston-Galveston Area Council for inclusion in the 2015-2018 Transportation Improvement Plan.

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

|   |   |
|---|---|
| <b>AGENDA OF:</b> Dec. 15, 2014   | <b>ITEM NO.:</b> Resolution No. R2014-154 |
| <b>DATE SUBMITTED:</b> Nov. 19, 2014  | <b>DEPT. OF ORIGIN:</b> Projects          |
| <b>PREPARED BY:</b> S Jones   | <b>PRESENTOR:</b> Trent Epperson          |
| <b>REVIEWED BY:</b> Trent Epperson  | <b>REVIEW DATE:</b> December 2, 2014      |
| <b>SUBJECT: Resolution No. R2014-154 - A Resolution of the City Council of the City of Pearland, Texas, supporting Brazoria County's applications to the Houston-Galveston Area Council for inclusion in the 2015-2018 Transportation Improvement Plan.</b>                           |   |
| <b>EXHIBITS: R2014-154; Exhibit A – Project Maps</b>  |   |
| <b>FUNDING:</b> <input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input type="checkbox"/> Cash<br><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: N/A</b> <b>AMOUNT BUDGETED: N/A</b><br><b>AMOUNT AVAILABLE:</b> <b>PROJECT NO.: N/A</b><br><b>ACCOUNT NO.:</b><br><b>ADDITIONAL APPROPRIATION REQUIRED:</b><br><b>ACCOUNT NO.: N/A</b><br><b>PROJECT NO.: N/A</b>  |   |
| <b>To be completed by Department:</b><br>Finance                      X Legal                      Ordinance                      X Resolution  |   |

**RECOMMENDED ACTION**

Consideration and approval of a resolution providing for the City Council's support for Brazoria County's application for TIP funding of certain projects as identified below.

**EXECUTIVE SUMMARY**

**BACKGROUND**

Brazoria County Staff is preparing submittals to the Houston-Galveston Area Council (H-GAC) for the 2015-2018 Transportation Improvement Program (TIP) "Call for Projects". The TIP process will select transportation projects that will receive up to 80% federal or state funding. The application process places a premium on inter-agency cooperation and support for projects seeking federal and state funding.

Brazoria County is planning to submit TIP applications and providing the matching funds for the following projects:

1. Reconstruction of the **SH288/FM518 Overpass** (20% matching funds to be provided by TxDOT)
2. Expansion of **Bailey Road** from FM1128 to CR90
3. Expansion of **CR 59** from Kirby to CR48
4. Expansion of **CR 58** from CR 48 to Savannah Parkway

All of these County sponsored projects directly or indirectly benefit the citizens of Pearland and residents in the City's ETJ. For that reason, Staff requests that Council consider a Resolution supporting this list of projects for the County for use in their TIP application.

A forthcoming Agenda Request will address the projects that the City will sponsor in the TIP "Call for Projects".

### **SCHEDULE**

The submittal date in the 2105-2019 TIP Call for Projects has been delayed until January 12, 2015. The Transportation Policy Council approval of projects has also been delayed to May 2015.

### **POLICY/GOAL CONSIDERATION**

Leveraging local funds with state and federal funds to fund needed capital improvements.

**RESOLUTION NO. R2014-154**

**A Resolution of the City Council of the City of Pearland, Texas, supporting Brazoria County's applications to the Houston-Galveston Area Council for inclusion in the 2015-2018 Transportation Improvement Plan.**

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

**Section 1.** That the City Council hereby supports Brazoria County's applications to the Houston-Galveston Area Council for inclusion in the 2015-2018 Transportation Improvement Plan.

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

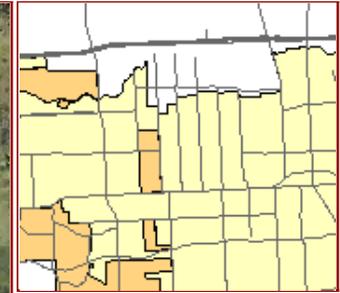


CR58: CR48 to Savannah



Terminates at divided cross section

Begins at Taper



CR58: CR48 to Savannah

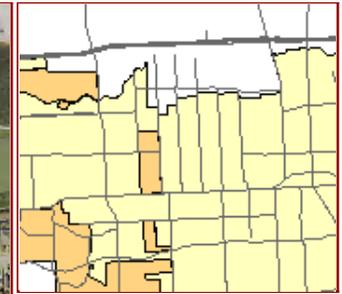


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Scale 1:7,735  
1 in = 645 ft  
November 20, 2014



CR59: Kirby to CR48



Begin Kirby intersection

Terminate at CR 48

CR59: Kirby to CR48

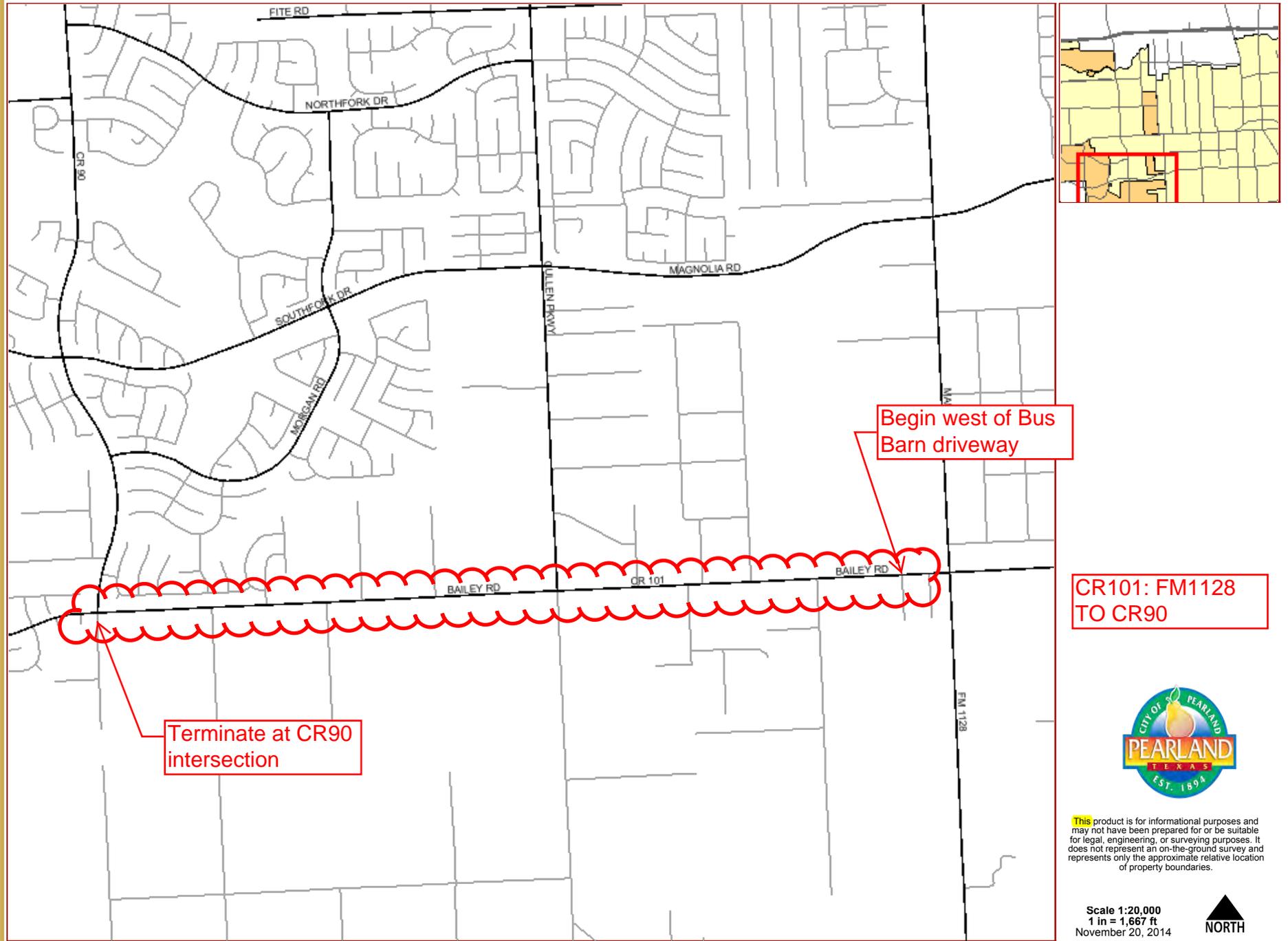


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Scale 1:9,560  
1 in = 797 ft  
November 20, 2014



CR101: FM1128 to CR90



CR101: FM1128  
TO CR90



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 1:20,000  
1 in = 1,667 ft  
November 20, 2014



# New Business Item No. 1

- 1. Consideration and Possible Action – First Reading of Ordinance No. 2000M-127** - 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 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East  $\frac{1}{2}$  of Northwest  $\frac{1}{4}$  of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East  $\frac{1}{2}$  of Northwest  $\frac{1}{4}$  of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas, **(located at 6906 Broadway Street), Zone Change 2014-19Z**, a request of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 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> December 8, 2014  | <b>ITEM NO.:</b> Ordinance No. 2000M-127 |
| <b>DATE SUBMITTED:</b> December 1, 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> December 2, 2014     |
| <p><b>SUBJECT:</b> Ordinance No. 2000M-127 - 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 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&amp;B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&amp;B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas, located at 6906 Broadway Street, Zone Change 2014-19Z, a request of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 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-127 and Exhibits (Exhibit A – Legal Description; Exhibit B – Vicinity Map Description; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter)<br/>11.17.14 Joint Public Hearing Packet</p>   |  |
| <b>To be completed by Department:</b>   |  |
| <b>Finance</b>  | <b>Legal</b>                             |
| <b>Ordinance</b>  | <b>Resolution</b>                        |

## **EXECUTIVE SUMMARY**

The subject property includes approximately 2.743 acres of land, of which the applicant is requesting a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family Residential – 1 (R-1) zoning districts. According to the applicant's letter of intent, the purpose of the requested change is to allow for a mixed use subdivision with property fronting Broadway Street having a zoning designation of GB and a single family residential subdivision to the south zoned R-1.

**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 November 17, 2014, Commissioner Mary Starr made a motion to approve the zone change request located at 6906 Broadway Street. The motion was seconded by Commissioner Derrick Reed. The motion passed 7-0.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the request to change the zoning of the approximately 2.743 acre site from GB and GC to GB and R-1 for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the requested zoning of GB and R-1 complies with the Business Commercial Land Use Designation along Broadway and the Low Density Residential Land Use Designation adjacent to the south.
2. The subject parcel has frontage on Broadway, a major thoroughfare and is surrounded by residential on its southern portion. A zone change to GB along Broadway and R-1 to the south would be in compliance with the surrounding land uses and zoning designations.
3. The existing residential adjacency standards and the COD regulations will ensure that any proposed non-residential use has no major impact on any existing or future single family homes.
4. All requirements of the UDC will be met upon development of the site.

## **Ordinance No. 2000M-127**

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 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas, located at **6906 Broadway Street**, Zone Change 2014-19Z, a request of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 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**, Chad Thuman, applicant; on behalf of Wayne Thuman, owner; is requesting approval of a change in zoning from General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) on approximately 2.734 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 17<sup>th</sup> day of November, 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 17<sup>th</sup> day of November, 2014, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed zone change application of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) on approximately 2.743 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 8<sup>th</sup> day of December 2014 and the 15<sup>th</sup> day of December 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 Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) on approximately 2.743 acres of land, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

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

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

**LEGAL DESCRIPTION:** Being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas

**GENERAL LOCATION:** 6906 Broadway Street, Pearland, TX

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

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

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

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

**Section VI.** 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 8<sup>th</sup> day of Decemberr, 2014.

---

TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 15<sup>th</sup> day of December, 2014.

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TOM REID  
MAYOR

ATTEST:

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YOUNG LORFING, TRMC

CITY SECRETARY

APPROVED AS TO FORM:

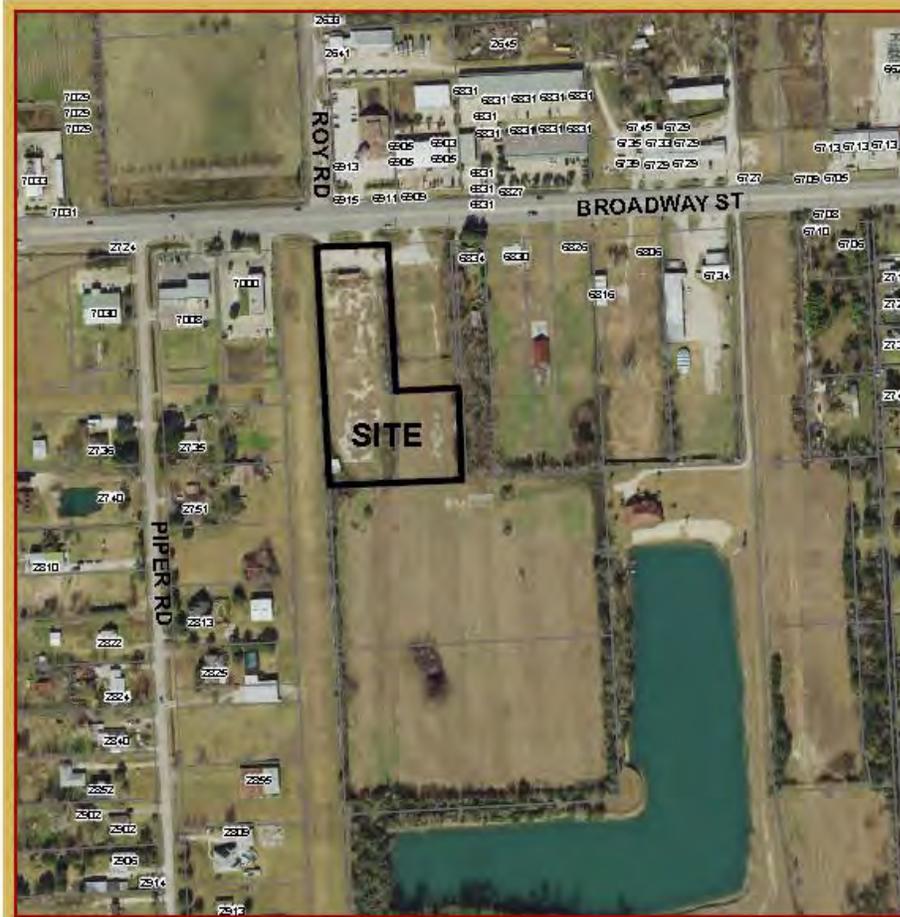
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DARRIN M. COKER  
CITY ATTORNEY

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

Being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East  $\frac{1}{2}$  of Northwest  $\frac{1}{4}$  of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East  $\frac{1}{2}$  of Northwest  $\frac{1}{4}$  of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas

**Exhibit B  
Vicinity Map**



**Exhibit 2**

**AERIAL MAP**  
**Zone Change 2014-19Z**  
**6906 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 = 263 feet  
OCTOBER 20 14  
PLANNING DEPARTMENT



**Exhibit C  
Legal Ad**

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

**AND**

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

**ZONE CHANGE APPLICATION NUMBER: 2014-19Z**

Notice is hereby given that on November 17, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 acres of land, to wit:

Being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East  $\frac{1}{2}$  of Northwest  $\frac{1}{4}$  of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East  $\frac{1}{2}$  of Northwest  $\frac{1}{4}$  of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas.

General Location: 6906 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

---

**Recommendation Letter**

November 18, 2014

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

Re: Recommendation on Zone Change Application No. 2014-19Z

Honorable Mayor and City Council Members:

At their regular meeting on November 17, 2014, the Planning and Zoning Commission considered the following:

A request Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 acres of land, on the following described property:

**LEGAL DESCRIPTION:** Being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East  $\frac{1}{2}$  of Northwest  $\frac{1}{4}$  of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East  $\frac{1}{2}$  of Northwest  $\frac{1}{4}$  of Section 15, HT&B RR Co. Survey, A-

241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas.

**GENERAL LOCATION:** 6906 Broadway Street, Pearland, TX

P&Z Commissioner Mary Starr made a motion to recommend approval of the Zone Change request. The motion was seconded by P&Z Commissioner Derrick Reed. The vote was 7-0 and the motion was approved. Commissioners Reed, Starr, McLane, McFadden, Fuertes, Tunstall, and Duncan all voted in favor of the requested zone change.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ian Clowes", is written over a faint circular stamp.

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, NOVEMBER 17, 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. 2014-19Z**

A request of Chad Thumann, applicant; on behalf of Wayne Thumann, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 acres of land, to wit:

**Legal Description:** Being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East  $\frac{1}{2}$  of Northwest  $\frac{1}{4}$  of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East  $\frac{1}{2}$  of Northwest  $\frac{1}{4}$  of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas

**General Location:** 6906 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: November 17, 2014

Re: Zone Change Application Number 2014-19Z

A request of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 acres of land, located at 6906 Broadway Street, Pearland, TX

### **Proposal**

The subject property includes approximately 2.743 acres of land, of which the applicant is requesting a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family Residential – 1 (R-1) zoning districts. According to the applicant's letter of intent, the purpose of the requested change is to allow for a mixed use subdivision with property fronting Broadway Street having a zoning designation of GB and a single family residential subdivision to the south zoned R-1.

### **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 recommends approval of the request to change the zoning of the approximately 2.743 acre site from GB and GC to GB and R-1 for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the requested zoning of GB and R-1 complies with the Business Commercial Land Use Designation along Broadway and the Low Density Residential Land Use Designation adjacent to the south.
2. The subject parcel has frontage on Broadway, a major thoroughfare and is surrounded by residential on its southern portion. A zone change to GB along Broadway and R-1 to the south would be in compliance with the surrounding land uses and zoning designations.
3. The existing residential adjacency standards and the COD regulations will ensure that any proposed non-residential use has no major impact on any existing or future single family homes.
4. All requirements of the UDC will be met upon development of the site.

### **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 2.743 acres of land, of which the applicant is requesting a change in zoning from the General Business (GB) and General Commercial (GC) zoning districts to the General Business (GB) and Single Family Residential – 1 (R-1) zoning districts. According to the applicant's letter of intent, the purpose of the requested change is to allow for a mixed use subdivision with property fronting Broadway Street having a zoning designation of GB and a single family residential subdivision to the south zoned R-1.

### Site History

The subject property includes a total of 16.55 acres of mostly undeveloped land. Approximately 2.5 acres of land fronting on Broadway recently was utilized as a landscaping business. All existing structures on site will be removed prior to further development.

The site is surrounded by commercial zoning (GB and GC) to the north, northwest and east, with R-1 abutting the property to the south and southeast. Across Broadway, to the north, are developed commercial parcels with existing auto repair, commercial retail, and medical offices.

The below table identifies surrounding uses and zoning districts:

|              | <b>Zoning</b>  | <b>Land Use</b>                                    |
|--------------|--|--|
| <b>North</b> | General Business (GB), General Commercial (GC)             | General Retail, Auto Repair, Medical Office        |
| <b>South</b> | Single Family Residential -1 (R-1)                         | Undeveloped Residential                            |
| <b>East</b>  | General Business (GB)                                      | Undeveloped Commercial                             |
| <b>West</b>  | General Business (GB), Single Family Residential – 1 (R-1) | Air Strip, Dry Cleaners, Single Family Subdivision |

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

The property is currently undeveloped with a small portion along Broadway previously being used for a landscaping business. The proposed site dimensions of 320 feet by 573 feet exceed the requirements of the GB and R-1 zones. 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 GB and GC zones and the proposed R-1 and GB zoning districts follow as it relates to the site in terms of the general regulations:

|                       |            | <b>R-1 Zoning District Requirements</b> | <b>GB/GC Zoning Requirements</b>                | <b>Site</b>  |
|-----------------------|------------|---|---|--|
| Minimum Area          | Lot        | 8,800 square feet                       | 22,500 square feet                              | 119,354 square feet (2.743 acres)                                  |
| Minimum Width         | Lot        | 80 feet                                 | 150 feet  | 320 feet   |
| Minimum Depth         | Lot        | 90 feet                                 | 125 feet  | 573 feet   |
| Minimum Front Yard    | Front Yard | 25 feet                                 | 25 feet   | 25 feet (30 feet if parking is up front)                           |
| Minimum Side Yard     | Side Yard  | 7.5 feet                                | 10 feet   | 10 feet/25 feet (where adjacent to residential)                    |
| Minimum Rear Yard     | Rear Yard  | 20 feet                                 | 25 feet   | 20 feet in R-1, 25 feet in GB                                      |
| Residential Adjacency |            | N/A                                     | 30 foot with hedge or 25 foot with masonry wall | 30 foot with hedge or 25 foot with masonry wall (where applicable) |

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

The proposed change in zoning from GB and GC to R-1 and GB on the subject property is in conformance with the future land use designation of the Comprehensive Plan which is "Business Commercial." Property adjacent to the south has a land use designation of "Low Density Residential," which is in compliance with the proposed R-1 zone change adjacent to the north.

### **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. A road, constructed to city standards, will be built by the developer in order to access the residential subdivision to the south. The proposed road will require a minimum right-of-way of 50 feet.

### **Platting Status**

The property has not been platted. A Preliminary and Final plat will be required prior to the issuance of any building permits for the site.

### **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 south side of Broadway. Additionally, there is an existing 8 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 is considered to be appropriate for this section of Broadway due to the existing surrounding uses. The subject property to the south, to be zoned R-1 will be in conformance with the existing R-1 property that is adjacent to it on the south, east and west. The applicant is proposing to construct a road with direct access to Broadway for the residential portion of the property. The lots fronting Broadway will be developed as commercial outparcels, with a 29 lot single family subdivision to the south. The proposed plan is in conformance with the surrounding land uses and is not anticipated to have a negative impact on the general are.

### **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**

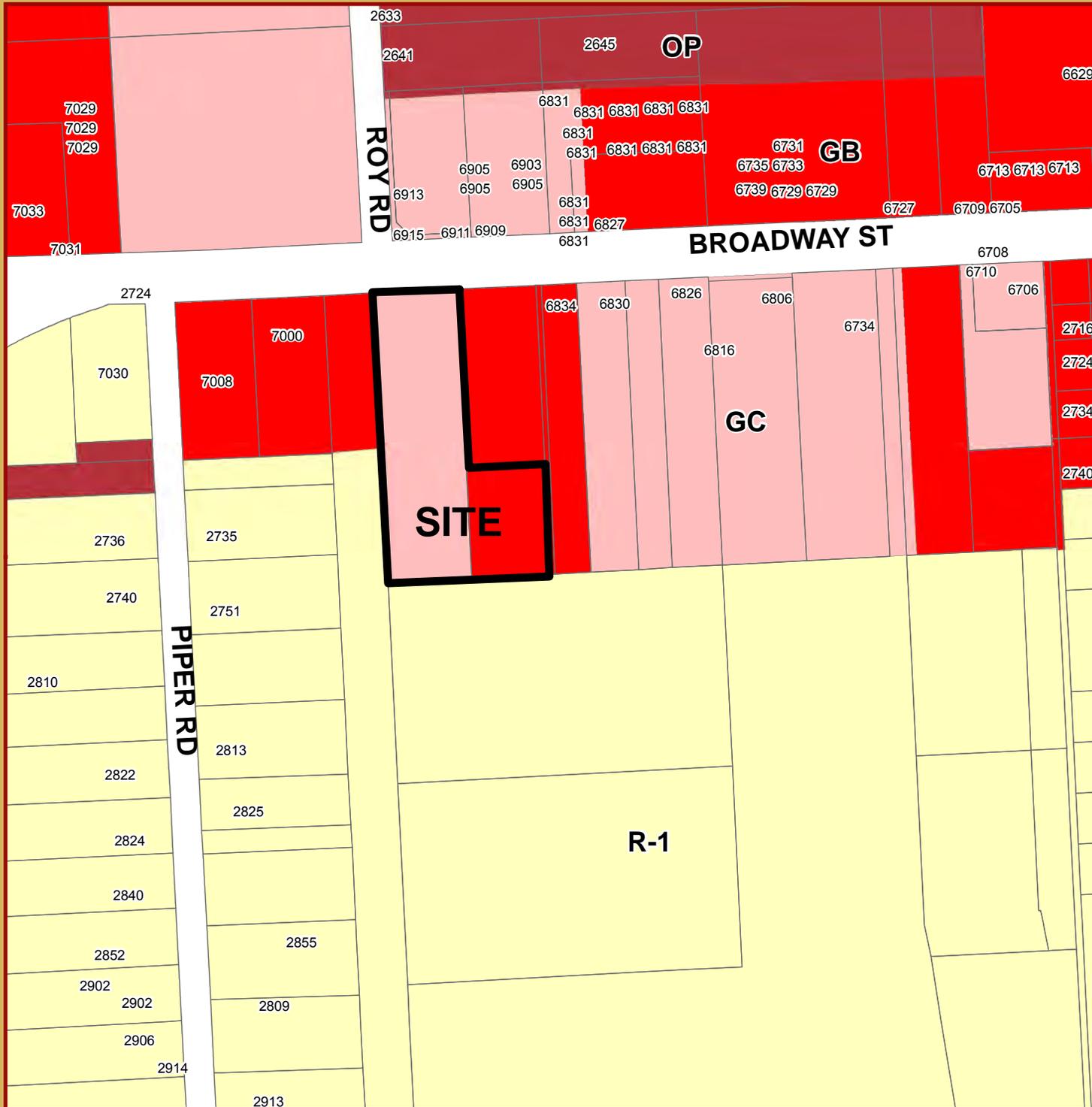
As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed change in zoning request.

### **Recommendation**

Staff recommends approval of the request to change the zoning of the approximately 2.743 acre site from GB and GC to GB and R-1 for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the requested zoning of GB and R-1 complies with the Business Commercial Land Use Designation along Broadway and the Low Density Residential Land Use Designation adjacent to the south.
2. The subject parcel has frontage on Broadway, a major thoroughfare and is surrounded by residential on its southern portion. A zone change to GB along Broadway and R-1 to the south would be in compliance with the surrounding land uses and zoning designations.
3. The existing residential adjacency standards and the COD regulations will ensure that any proposed non-residential use has no major impact on any existing or future single family homes.
4. All requirements of the UDC will be met upon development of the site.





# Exhibit 3

## ZONING MAP

### Zone Change 2014-19Z

#### 6906 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 = 283 feet

OCTOBER 2014  
PLANNING DEPARTMENT



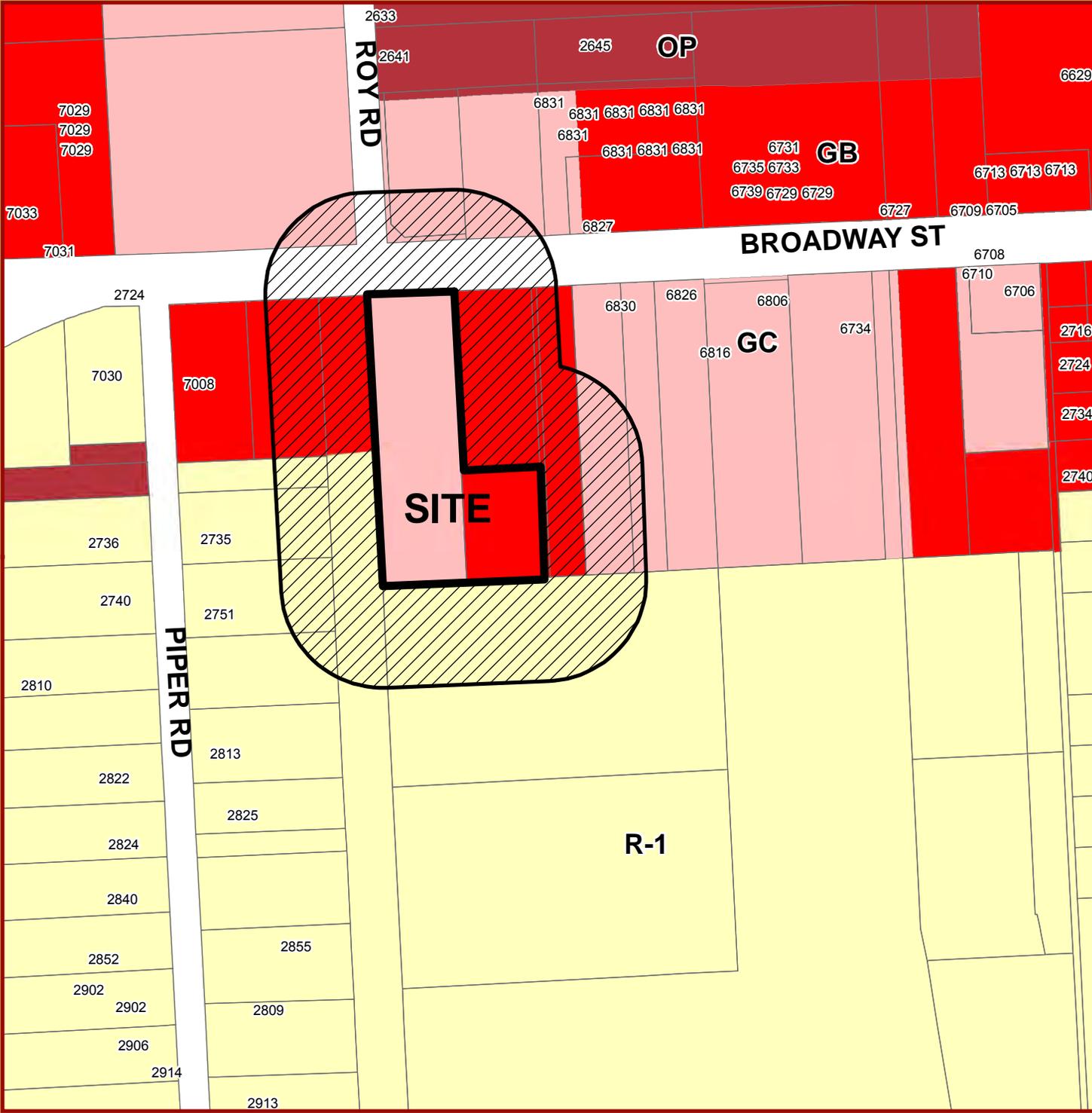


# Exhibit 5

## NOTIFICATION MAP

### Zone Change 2014-19Z

6906 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 = 283 feet

OCTOBER 2014  
PLANNING DEPARTMENT



**Exhibit 6**

**Zone Change 2014-19Z**

**Notification List**

| <b>Owner</b>                  | <b>Address</b>           | <b>City</b> | <b>State</b> | <b>Zip</b> |
|-------------------------------|--------------------------|-------------|--------------|------------|
| II CB LP % ELLIS MANAGEMENT   | 2825 WILCREST DR STE 300 | HOUSTON     | TX           | 77042      |
| DAVID V BLOCK INVESTMENTS LLC | 3500 DALROCK RD          | ROWLETT     | TX           | 75088      |
| SCHANK SYBIL M                | 2751 PIPER RD            | PEARLAND    | TX           | 77584      |
| PEARLAND DENTAL LABORTARY     | PO BOX 740               | PEARLAND    | TX           | 77588      |
| ADAMS FRANCES P FAMILY INT    |                          |             |              |            |
| PARTNERSHIP LTD               | 3305 CHURCHILL ST        | PEARLAND    | TX           | 77581      |
| PILGRIM WEST LLC              | 7600 JOPLIN ST           | HOUSTON     | TX           | 77087      |
| SKYWAY MANOR AIRCRAFT OWNR    | 2913 PIPER RD            | PEARLAND    | TX           | 77584      |
| K & T DRYCLEAN CORPORATION    | 7000 BROADWAY ST         | PEARLAND    | TX           | 77581      |
| WEBSTER MYRTLE LEE            | 3901 BLUEBIRD WAY        | PEARLAND    | TX           | 77584      |
| RODRIGUEZ ANA E & ESTEBAN V   | PO BOX 84110             | PEARLAND    | TX           | 77584      |
| PATSCHKE ALLEN G ET UX        | 16911 COUNTY ROAD 831    | PEARLAND    | 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: GC + GB

Proposed Zoning District: Parcel R1 + GB

**Property Information:**

Address or General Location of Property: 6906 Broadway

Tax Account No. 166334 + 166324

Subdivision: MANANAY Lot: 7+8 Block: 1241 HT+B 15

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

**PROPERTY OWNER INFORMATION:**

NAME WAYNE THOMANN  
ADDRESS 3823 FM 1128  
CITY PEARLAND STATE TX ZIP 77584  
PHONE ( 281 ) 914-5202  
FAX ( ) \_\_\_\_\_  
E-MAIL ADDRESS Chad@rwestdevelopment.com

**APPLICANT/AGENT INFORMATION:**

NAME CHAD THOMANN  
ADDRESS 3823 FM 1128  
CITY PEARLAND STATE TX ZIP 77584  
PHONE ( 281 ) 914-5202  
FAX ( ) \_\_\_\_\_  
E-MAIL ADDRESS Chad@rwestdevelopment.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: Wayne Thomann Date: 9-15-14

Agent's/Applicant's Signature: Chad Thomann Date: 9-15-14

**OFFICE USE ONLY:**

|                            |                               |                        |                               |
|----------------------------|-------------------------------|------------------------|-------------------------------|
| FEE PAID: \$ <u>800.00</u> | DATE PAID: <u>15 Sept. 14</u> | RECEIVED BY: <u>JM</u> | RECEIPT NUMBER: <u>361847</u> |
|----------------------------|-------------------------------|------------------------|-------------------------------|

Application No. 2014-197

## 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

9-24-14  
Date

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

(circle one)  
\$ 800 **BA** or **PF** or **FE**

Description: Input who the check is from

**COMMENTS/DESCRIPTION (F10):**

Location or Address 6906 Broadway

Applicant Chad Thumann

Owner Wayne Thumann

City of Pearland Building Permits  
3519 Liberty Dr  
Pearland, TX 77581  
Telephone: 281-652-1638

\*\*\* SALES SLIP \*\*\*

Oper: AGONZALES Type: OC Drawer: 1  
Date: 9/24/14 01 Receipt no: 361847  
Merch ID #: Seq no. 3598589  
Cross ref#: 0002 762993

Card no: \*\*\*\*\*4555  
Card type: DISCOVER CARD

Auth code: 02439B  
Date: 9/24/14 Time: 14:00:00

Payment total: \$800.00

CARDHOLDER ACKNOWLEDGES RECEIPT OF GOODS AND/OR SERVICES IN THE AMOUNT OF THE TOTAL SHOWN HEREON AND AGREES TO PERFORM THE OBLIGATIONS SET FORTH IN THE CARD-HOLDER'S AGREEMENT WITH THE ISSUER.

Signature: CHAD A. THUMANN

CUSTOMER COPY

CITY OF PEARLAND  
\*\*\* CUSTOMER RECEIPT \*\*\*  
Oper: AGONZALES Type: OC Drawer: 1  
Date: 9/24/14 01 Receipt no: 361847  
Description Quantity Amount  
BA BOARD OF ADJUSTMENTS 1.00 \$800.00  
Trans number: 4604291  
BOARD OF ADJ FOR:  
6906 BROADWAY  
CHAD THUMANN FOR WAYNE THUMANN  
Tender detail  
BR CREDIT CARD \$800.00  
Total tendered \$800.00  
Total payment \$800.00  
Trans date: 9/24/14 Time: 14:00:00

Wayne Thumann  
3823 FM 1128  
Pearland, TX 77584

9-15-14

City of Pearland P&Z  
Ian Clowes  
3523 Liberty Dr  
Pearland, TX 77584

Re: 6906 Broadway Zoning

MR Clowes,

In Regards to 6906 Broadway (Bacd properties 166334 and 166324), I would like to designate Chad Thumann to act on my behalf as acting agent in all matters concerning zoning.

Please process our application and put us on the next P&Z zoning agenda. Feel free to contact me with any concerns or questions.

Best Regards,



Wayne Thumann

9-15-14

City of Pearland P&Z  
Ian Clowes  
3523 Liberty Dr  
Pearland, TX 77584

Re: 6906 Broadway Zoning

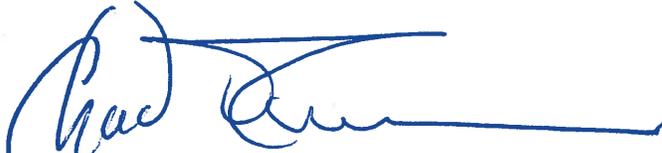
MR Clowes,

In Regards to 6906 Broadway (Bacd properties 166334 and 166324), we would like to request a zone change. We would like to have the front of the property zoned as GB to accommodate future commercial property. We would also like to have the rear of the property zoned to R1 to accommodate single family dwellings (see attached subdivision layout).

We would also like to request a variance on the commercial lot width. Our proposed commercial lot widths would be 135ft instead of the required 150ft.

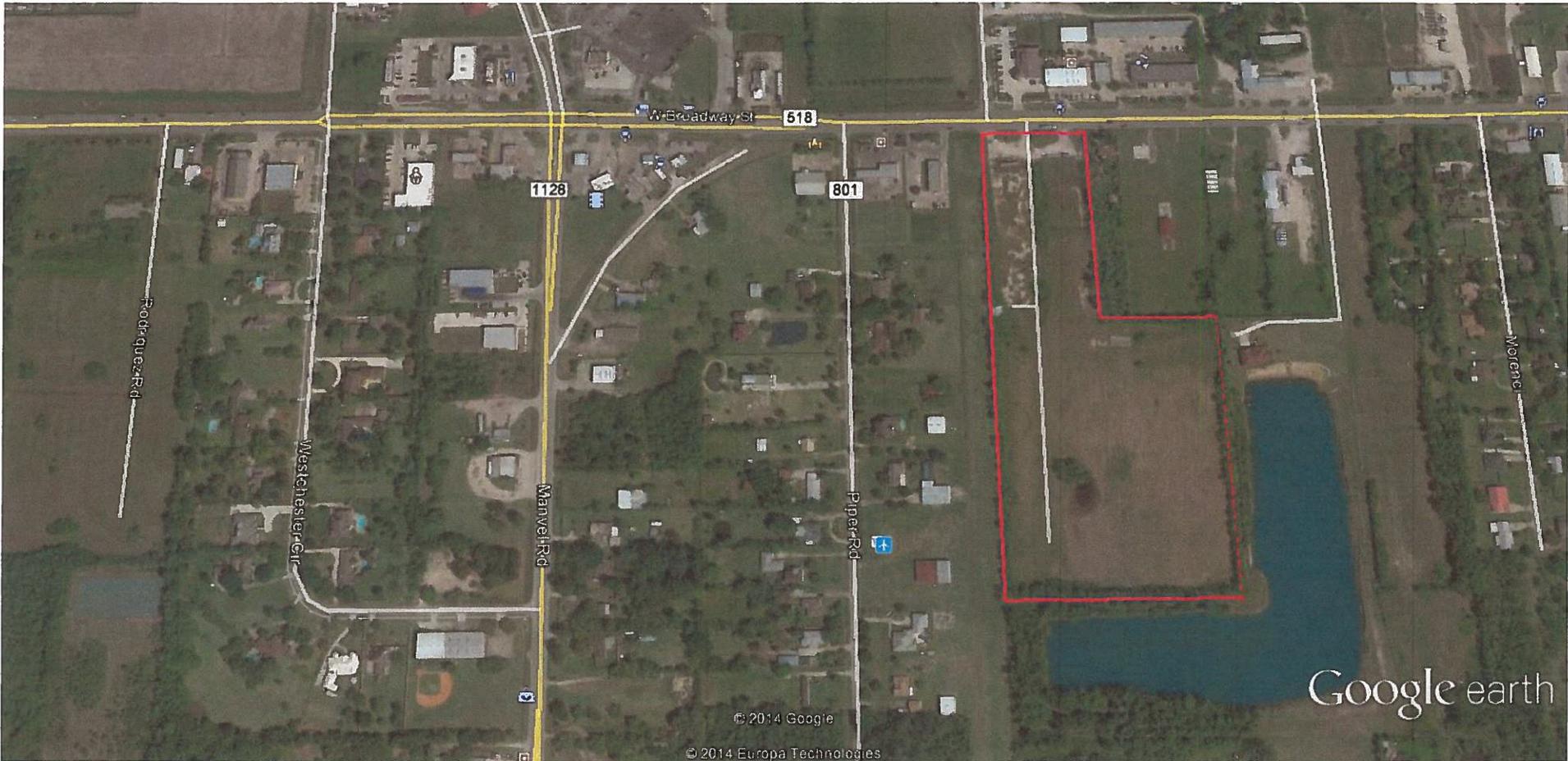
Please process our application and put us on the next P&Z zoning agenda. Feel free to contact me with any concerns or questions.

Best Regards,



Chad Thumann

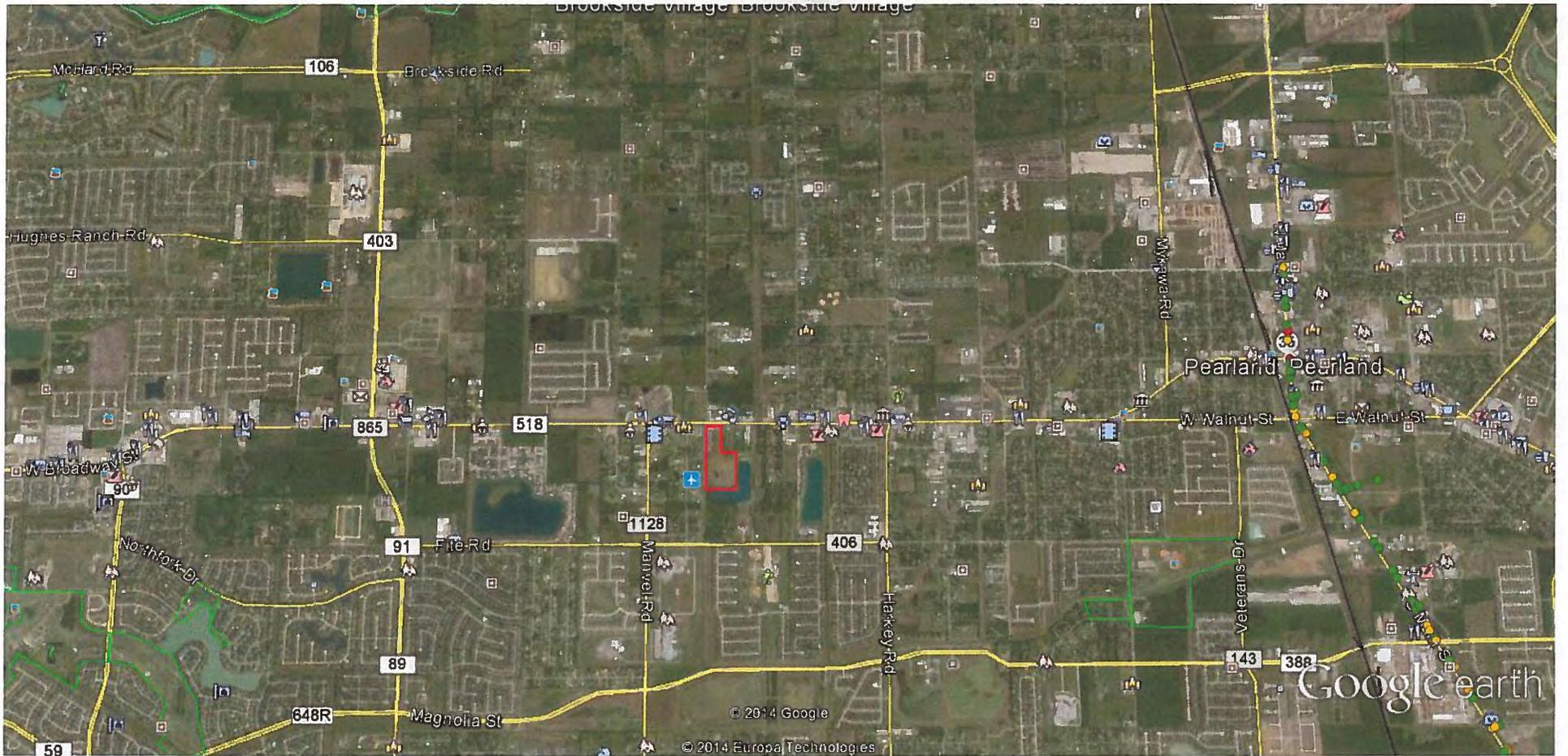




Google earth

feet  
meters





Google earth

miles  
km



GIS Mapping Interface - Pearland, Texas

Layers

- All Layers
- Addresses
- Elevation Layers
- Land Marks
- Utilities
- Capital Projects
- Planning Layers
- Zoning

Queries

Address Locator

Markup

Lat / Long

Overview Map

PEARLAND CITY LIMIT

Street names: BROADWAY ST, MENDELHALL ST, KINNEL RD, PINER RD, WHITE OAK LN, PALM CT, FERN CT, FIFE RD

Zoning districts: R-1, R-3, MF, GC, GB, NS, OP, PU, PD, PUD, OP

Tool: Pan X: 3134845.11, Y: 13768760.10, Longitude: -95.3305, Latitude: 29.5580 1: 11,237 Scales Bookmarks

2013 TAX STATEMENT



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

**Certified Owner:**  
 THUMANN WAYNE  
 4002 QUAIL RUN DR  
 PEARLAND, TX 77584

**Legal Description:**  
 MAHANAY LT 7 241 H T & B 15, ACRES 2.039

Account No: 0241-0014-000

Appr. Dist. No.: 166324

Legal Acres: 2.0390

Parcel Address: 6906 BROADWAY FM 518

As of Date: 09/16/2014

Print Date: 09/16/2014

| Market Value |             | Appraised Value | Assessed Value | Capped Value | Homesite Value | Agricultural Market Value | Non-Qualifying Value |
|--------------|-------------|-----------------|----------------|--------------|----------------|---------------------------|----------------------|
| Land         | Improvement |                 |                |              |                |                           |                      |
| \$261,290    | \$1,170     | \$262,460       | \$262,460      | \$0          | \$0            | \$0                       | \$262,460            |

| Taxing Unit   | Assessed Value (100%) | Exemptions |        | Taxable Value | Tax Rate  | Tax        |
|---|-----------------------|------------|--------|---------------|-----------|------------|
|   |                       | Code       | Amount |               |           |            |
| BRAZORIA COUNTY<br><i>Amount saved by additional sales tax revenue \$248.08</i> | \$262,460             |            | \$0.00 | \$262,460     | 0.4320200 | \$1,133.88 |
| SPECIAL ROAD & BRIDGE   | \$262,460             |            | \$0.00 | \$262,460     | 0.0600000 | \$157.48   |
| PEARLAND ISD  | \$262,460             |            | \$0.00 | \$262,460     | 1.4157000 | \$3,715.65 |
| BRAZORIA DRAINAGE DIST 4  | \$262,460             |            | \$0.00 | \$262,460     | 0.1560000 | \$409.44   |
| CITY OF PEARLAND  | \$262,460             |            | \$0.00 | \$262,460     | 0.7051000 | \$1,850.61 |

**Total Tax:** \$7,267.06  
**Total Tax Paid to date:** \$7,267.06  
**Total Tax Remaining:** \$0.00

**Exemptions:**

**AMOUNT DUE IF PAID BY THE END OF:**

|              |              |              |              |              |              |
|--------------|--------------|--------------|--------------|--------------|--------------|
| SEP 2014 20% | OCT 2014 21% | NOV 2014 22% | DEC 2014 23% | JAN 2015 24% | FEB 2015 25% |
| \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       |
| MAR 2015 26% | APR 2015 27% | MAY 2015 28% | JUN 2015 29% | JUL 2015 30% | AUG 2015 31% |
| \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       |

**School Information:**

PEARLAND ISD 2013 M&O 1.0400000 I&S .37570000 Total 1.4157000 2012 M&O 1.0400000 I&S .37940000 Total 1.4194000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.1.51

**Print Date:** 09/16/2014

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

RO'VIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515  
 (979) 864-1320, (979) 388-1320, (281) 756-1320



\* 0 2 4 1 0 0 1 4 0 0 0 \*

0241-0014-000  
 THUMANN WAYNE  
 4002 QUAIL RUN DR  
 PEARLAND, TX 77584

**AMOUNT PAID:**

\$ \_\_\_\_\_

02410014000 2013 092014 00000000000 00000000000 00000000000 3

## FIELD NOTES

TRACT 1:  
PROPOSED GB ZONING (1.385 ACRES)

1.385 acres of land out of a called 14.0513 acres of land, said 14.135 acres being all of Lots 9 & 12 and Part of Lot 7 of partition of the East 1/2 of the Northwest 1/4 of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas, according to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas, and said 1.385 acres being more particularly described as follows:

BEGINNING at a found 3/4 inch iron pipe for the Southwest corner of said Lot 12 and the Southwest corner of the herein described tract;

THENCE N 02 deg. 45 min. 06 sec. W along the West lines of Lot 12 and 9 a distance of 792.42 feet to a point for the Northwest corner of Lot 9;

THENCE N 87 deg. 16 min. 16 sec. E along the North line of Lot 9 and the South line of Lot 8 a distance of 165.19 feet to a point for the Southwest corner of Lot 7;

THENCE N 02 deg. 46 min. 16 sec. W along the West line of Lot 7 a distance of 183.67 feet to the POINT OF BEGINNING of the herein described proposed 1.385 acre tract to be rezoned GB1;

THENCE continuing along said line of Lot 7, a distance of 389.25 feet to a point for corner in the South R.O.W. line of Broadway (F.M. 518);

THENCE N 87 deg. 12 min. 50 sec. E along the South R.O.W. line of F.M. 518 a distance of 155.00 feet to a set 1/2 inch iron rod for corner;

THENCE S 02 deg. 46 min. 16 sec. E a distance of 389.31 feet to a point for corner for the Southeast corner of the herein described 1.385 acre tract;

THENCE S 87 deg. 14 min. 01 sec. W along the South line of Lot 7 a distance of 155.00 feet to the PLACE OF BEGINNING and containing 1.385 acres of land, more or less.

TRACT TWO:  
PROPOSED R1 ZONING (1.349 ACRES)

The South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 are tract being all of Lots 9 & 12 and Part of Lot 7 of partition of the East 1/2 of the Northwest 1/4 of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas, according to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas, and said 1.349 acres being more particularly described as follows:

BEGINNING at The Southwest corner of the aforementioned Lot 8;

THENCE North  $02^{\circ}45'06''$  West, a distance of 183.60 feet to a point for corner in the West line of Lot 8;

THENCE North  $87^{\circ}14'01''$  East, a distance of 320.13 feet to a point for corner;

THENCE S  $02^{\circ}46'16''$  E a distance of 183.77 feet to a point for corner for the Southeast corner of the herein described 1.385 acre tract in the North line of Lot 9;

THENCE South  $87^{\circ}16'00''$  West, a distance of 320.19 feet to the POINT OF BEGINNING of the herein described tract and containing 1.349 acres of land, more or less.

# New Business Item No. 2

2. **Consideration and Possible Action – Resolution No. R2014-148 – A**  
Resolution of the City Council of the City of Pearland, Texas, adopting an Impact Fee Deferred Payment Policy.

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

|  |   |
|--|---|
| <b>AGENDA OF: 12-08-2014</b>   | <b>ITEM NO.:</b> Resolution No. R2014-148 |
| <b>DATE SUBMITTED: 11-17-2014</b>  | <b>DEPARTMENT OF ORIGIN: City Council</b> |
| <b>PREPARED BY: Darrin Coker</b>   | <b>PRESENTOR: Darrin Coker</b>            |
| <b>REVIEWED BY: NA</b>   | <b>REVIEW DATE: NA</b>                    |
| <b>SUBJECT: A Resolution of the City Council of the City of Pearland, Texas, adopting an Impact Fee Deferred Payment Policy.</b>                             |   |
| <b>EXHIBITS: R2014-148</b>   |   |
| <b>EXPENDITURE REQUIRED:<br/>AMOUNT AVAILABLE:<br/>ACCOUNT NO.:</b>  | <b>AMOUNT BUDGETED:<br/>PROJECT NO.:</b>  |
| <b>ADDITIONAL APPROPRIATION REQUIRED:<br/>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**

Following the City Council's recent discussion on this topic, Staff met to develop narrowly tailored options for a payment plan as well as possible changes to the Service Unit Equivalent Table in our existing ordinance. The following represents staff's recommendations:

**Proposed Payment Plan Criteria**

- Must be an existing business relocating or expanding an existing site

*Rationale: Existing businesses are already invested in the community and represent a low risk for non-payment*

- Fee must be greater than \$5000 and less than \$50,000 unless otherwise approved by the City Council

*Rationale: The intent is to help small businesses that are relocating or expanding. Fees less than \$5000 are not burdensome and should be paid up*

*front, and fees greater than \$50,000 would typically be a business that has greater resources and not necessarily require a payment plan*

- Available to businesses served by a single meter and not a master meter serving multiple businesses

*Rationale: Some strip centers operate off a master meter. The city's primary tool for enforcement of these agreements will be to turn off the water, and this only works if the business has an individual meter. Otherwise, the City will need the tenant to agree that their Certificate of Occupancy could be revoked in the event of default; thereby allowing the power to be cut off (staff did not think this would be a favorable option). Without the water cutoff tool, the only enforcement would be to sue for breach which does not make sense given that we would be litigating something we could have easily avoided.*

- Applicant must be current on their property taxes, and not have been late 3 times or more on a utility bill in the last 12 months

*Rationale: The City does not want to extend the city's credit to a high risk applicant*

- Terms
  - ❖ 50% down
  - ❖ 5% compounded interest
  - ❖ 12 month term
  - ❖ Water cut off for non-payment

#### Future Ordinance Amendments

This will take longer to develop, but staff proposes the following changes:

- Amendment of the Service Unit Equivalent (SUE) Table
- Addition of new categories to differentiate businesses that are currently being compared to businesses that are very different
- Develop options for certain SUE's (i.e., square foot option and a seating option where the lowest rate would apply)
- In an effort to create more transparency, development of a comprehensive explanation of why impact fees exist, how the fees are calculated and step by step example of how the fee is developed (simplified calculation sheet)

**RESOLUTION NO. 2014-148**

**A Resolution of the City Council of the City of Pearland, Texas,  
adopting an Impact Fee Deferred Payment Policy.**

**WHEREAS**, the City recognizes the important role that local businesses play in providing services and creating jobs in the City; and

**WHEREAS**, the City desires to foster commercial expansions and relocating existing businesses in the City by helping minimize the initial financial costs associated with impact fees.

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

**Section 1.** That the City Council hereby adopts the Impact Fee Deferred Payment Policy attached hereto as Exhibit "A".

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

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

ATTEST:

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

APPROVED AS TO FORM:

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

## **IMPACT FEE DEFERRED PAYMENT POLICY**

### **Purpose**

The City of Pearland has developed an Impact Fee Deferred Payment Policy in an effort to foster commercial expansions and relocations by helping minimize the initial financial costs associated with impact fees.

### **How it Works**

This program enables qualifying businesses to defer payment of a portion of their impact fees and make monthly installment payments for up to one year. Deferred payments start one month following the date of building permit issuance.

### **Eligibility Requirements**

- Applicant must be an existing business relocating or expanding an existing site
- The total impact fee to be deferred must be greater than \$5000 and less than \$50,000, unless otherwise approved by City Council
- Eligible businesses must be served by a single meter and not by a master meter serving multiple businesses
- Applicant must be current on their property taxes, and must not have been late on their city utility bill more than 3 times during the preceding 12 month period

### **Terms**

- Subject to a written agreement between City and applicant
- 50% of total impact fee paid upon execution of the agreement
- Deferred impact fees will be charged compounded interest at a rate of 5%
- Term of agreement not to exceed 12 months, unless otherwise approved by City Council
- Payments to be made to City on a monthly basis until the impact fee and accrued interest are paid in full
- Notice of default with a 30 day cure period provided; failure to cure will result in water being disconnected



**RESOLUTION NO. R2014-158**

**A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Amended Interlocal Agreement with Brazoria County Municipal Utility District No. 26 ("District") extending the term for the District's use of a portion of the Shadow Creek Ranch Sports Complex property for temporary multi-use athletic fields.**

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

**Section 1.** That certain Amended Interlocal Agreement by and between the City of Pearland and Brazoria County Municipal Utility District No. 26, 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 amended Interlocal Agreement with Brazoria County Municipal Utility District No. 26.

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

---

TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

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DARRIN M. COKER  
CITY ATTORNEY

# New Business Item No. 3

- 3. Consideration and Possible Action – Resolution No. R2014-158 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Amended Interlocal Agreement with Brazoria County Municipal Utility District No. 26 (“District”) extending the term for the District’s use of a portion of the Shadow Creek Ranch Sports Complex property for temporary multi-use athletic fields.**

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

|  |   |  |   |
|--|---|--|---|
| <b>AGENDA OF:</b>  | 12-08-2014                                | <b>ITEM NO.:</b>   | Resolution No. R2014-158  |
| <b>DATE SUBMITTED:</b>   | 12-01-2014                                | <b>DEPT. OF ORIGIN:</b>  | Legal   |
| <b>PREPARED BY:</b>  | Darrin Coker                              | <b>PRESENTOR:</b>  | Michelle Smith  |
| <b>REVIEWED BY:</b>  |   | <b>REVIEW DATE:</b>  |   |
| <p><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 an Amended Interlocal Agreement with Brazoria County Municipal Utility District No. 26 ("District") extending the term for the District's use of a portion of the Shadow Creek Ranch Sports Complex property for temporary multi-use athletic fields.</p> |   |  |   |
| <p><b>EXHIBITS:</b> Interlocal Agreement, Amended Interlocal Agreement; R2014- 158</p>   |   |  |   |
| <b>FUNDING:</b>  | <input type="checkbox"/> Bonds To Be Sold | <input type="checkbox"/> Grant<br><input type="checkbox"/> Bonds- Sold | <input type="checkbox"/> Developer/Other<br><input type="checkbox"/> L/P – Sold |
|  |   |  | <input type="checkbox"/> Cash<br><input type="checkbox"/> L/P – To Be Sold      |
| <b>EXPENDITURE REQUIRED:</b>   |   | <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**

**BACKGROUND**

One year ago the City and Brazoria County MUD No. 26 entered into a 1 year agreement that would allow the MUD to use 4 acres of the City's park property to construct temporary recreational improvements and multi-use athletic fields. Any improvements constructed by the MUD are required to be approved by the Director of Parks and Recreation. The subject property is not planned for development during the next 4 years, so the MUD has asked the City to extend the term of the agreement until December 2018.

**SCHEDULE**

This Amendment would extend the existing agreement until December of 2018.

**RECOMMENDED ACTION**

Staff recommends approval of the Amendment.

**AMENDMENT TO INTERLOCAL AGREEMENT  
BETWEEN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 26  
AND THE CITY OF PEARLAND  
REGARDING USE OF THE SHADOW  
CREEK RANCH SPORTS COMPLEX**

This Amendment to Interlocal Agreement ("Amendment") is made and entered into as of \_\_\_\_\_ day of \_\_\_\_\_, 2014 by and between BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 26 (the "District") and the CITY OF PEARLAND, Texas, a Texas Municipality (the "City").

RECITALS

WHEREAS, the District and City previously entered into an Interlocal Agreement Regarding Use of the Shadow Creek Ranch Sports Complex (the "Agreement") regarding the use of a portion of the property, which is a part of the property to be developed as part of the Shadow Creek Ranch Sports Complex, for the construction of temporary recreational improvements; and

WHEREAS, the District and City desire to amend and extend the original term of the Agreement to allow the residents of the Shadow Creek Ranch area additional time to use the temporary recreational improvements planned for construction by the District.

NOW, THEREFORE, in consideration of the promises and for the other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Section 3 of the Agreement is amended as follows:  
The Term of the Agreement shall be extended and shall terminate on December 31, 2018, unless terminated earlier pursuant to other provisions of the Agreement, or extended by mutual agreement of the governing bodies of the City and the District. Notwithstanding anything to the contrary in this Amendment or the Agreement, either party may terminate the Agreement earlier, without penalty, upon 120 days written notice to the other Party. Early termination for default shall be governed by the terms of Section 4 of the Agreement.
2. Except as specifically amended in this Amendment, the Agreement shall remain in full force and effect in accordance with its original terms and conditions.

[EXECUTION PAGES FOLLOW]

IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the day and year first above written.

\_\_\_\_\_  
Brazoria County MUD No.26

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
City of Pearland

\_\_\_\_\_  
Date Signed

ATTEST:  
\_\_\_\_\_

\_\_\_\_\_  
Date Signed

**RESOLUTION NO. R2013-186**

**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.**

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

**Section 1.** That certain Interlocal Agreement by and between the City of Pearland and Brazoria County Municipal Utility District No. 26, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

**Section 2.** That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest an Interlocal Agreement with Brazoria County Municipal Utility District No. 26.

PASSED, APPROVED and ADOPTED this the 25<sup>th</sup> day of November, A.D., 2013.



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

ATTEST:

  
\_\_\_\_\_  
MARIA E, RODRIGUEZ  
DEPUTY CITY SECRETARY

APPROVED AS TO FORM:

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

INTERLOCAL AGREEMENT  
BETWEEN BRAZORIA COUNTY MUNICIPAL UTILITY  
DISTRICT NO. 26 AND THE CITY OF PEARLAND  
REGARDING USE OF THE SHADOW  
CREEK RANCH SPORTS COMPLEX

This Interlocal Agreement (this "Agreement"), is made and entered into as of the 23<sup>RD</sup> day of NOVEMBER, 2013 by and between the BRAZORIA COUNTY MUNICIPAL DISTRICT NO. 26 (the "District") and the CITY OF PEARLAND, TEXAS, a Texas Municipality (the "City").

**RECITALS**

WHEREAS, Both parties desire to enter into this Agreement in accordance with the provisions of the Interlocal Cooperation Act, being Chapter 791 of the Texas Government Code;

WHEREAS, The City and the District share similar objectives as both are serving a common base of taxpayers; and

WHEREAS, Based on the City's beliefs, the Pearland Parks & Recreation Department is dedicated to promoting a higher quality of life for City and District residents through developed parks and well maintained facilities that are safe and accessible to all, and the District supports the City in such endeavors; and

WHEREAS, The City owns certain property to be developed as the Shadow Creek Ranch Sports Complex, the entirety of which is currently not required for City use; and

WHEREAS, The City desires to allow a portion of the property to be used by the District for governmental purposes.

NOW, THEREFORE, in consideration of the promises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

## **AGREEMENT**

### **1. City Responsibilities**

The City shall allow the District to use the property, depicted in Exhibit A and attached hereto (the "Property"), for the purpose of constructing temporary recreational improvements in the form of multi-use athletic fields ("Improvements"). Prior to commencing construction of Improvements, the District shall submit the plans for the Improvements to the City's Director of Parks and Recreation for approval. Upon approval and receipt of the insurance certificates required herein, the City shall provide the District access to the Property.

### **2. District Responsibilities**

- a. The District shall have the right to use the Property, provided such use is limited to the purposes described herein.
- b. The District shall be responsible for all construction, maintenance and repairs associated with the Improvements. The District shall be responsible for keeping the Property maintained to ensure the Property complies with the City's regulations for property related to Parks. At the conclusion of this Agreement or upon its termination by either party, any Improvements made by the District to the Property shall become the property of the City with no compensation due to the District unless the District chooses to first remove such Improvements and restore the Property to its prior condition.
- c. The District shall at all times ensure the Property is operated compliance with applicable City rules and regulations.
- d. The District agrees, to the extent allowed by law, that it shall defend, hold harmless and indemnify the City, its officers, agents and employees from any and all demands, claims, losses, suits, actions and legal proceedings brought against it arising from the District's use of the Property.
- e. Prior the District's occupancy of the Property, the District shall provide a certificate of general liability insurance to the City evidencing coverage in the amount of \$1,000,000 per occurrence/\$2,000,000 aggregate, naming the City as

an additional insured and including a waiver of subrogation in favor of the City.

- f. The District shall be responsible for managing the use of the Property which shall include the responsibility for scheduling the use of the Property with user groups.

### **3. Term**

This Agreement shall commence on December 1, 2013, and shall terminate on the last day of December, 2014, unless terminated earlier pursuant to other provisions of this Agreement, or extended by mutual agreement of the governing bodies of the City and the District. Notwithstanding anything to the contrary in this Agreement, either party may terminate this Agreement earlier, without penalty, upon 120 days written notice to the other Party. Early termination for default shall be governed by the terms of Section 4 of this Agreement.

### **4. Default**

The District shall comply with all City policies, state and federal laws and regulations pertaining to the Property. Violations of any applicable policies, laws and regulations shall constitute a default, and this Agreement may be terminated up 60 days' notice. Before the failure of any party to perform its obligations under this Agreement shall be deemed a breach, the party claiming such failure shall notify, in writing, the party alleged to have failed to perform and shall demand performance. No breach of this Agreement may be found if the alleged default has been corrected within 30 days of the receipt of such notice.

### **5. Notices**

To be effective, notices provided under this Agreement must be in writing, and shall be deemed to have been received for all purposes upon the earlier to occur of (a) actual receipt by any reasonable means, or (b) three (3) days after the same is deposited by U.S. certified or registered mail, return receipt requested, and addressed as follows:

If to the District: Allen Boone Humphries Robinson  
Phoenix Tower  
3200 Southwest Freeway, Suite 2600  
Houston, TX 77027  
ATTN: Lynne Humphries

If to the City: Michelle A. Smith  
Director, Parks & Recreation  
3519 Liberty Drive  
Pearland, TX 77581

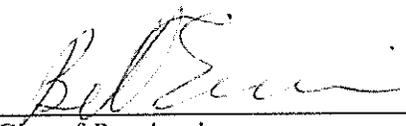
**6. Assignment**

The District shall not have the right to sublease any portion of the Property or assign this Agreement in whole or in part.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the day and year first above written.

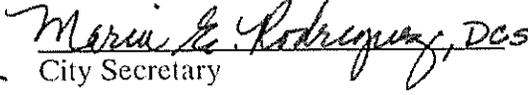
  
\_\_\_\_\_  
BCMUD NO. 26

11/27/13  
Date

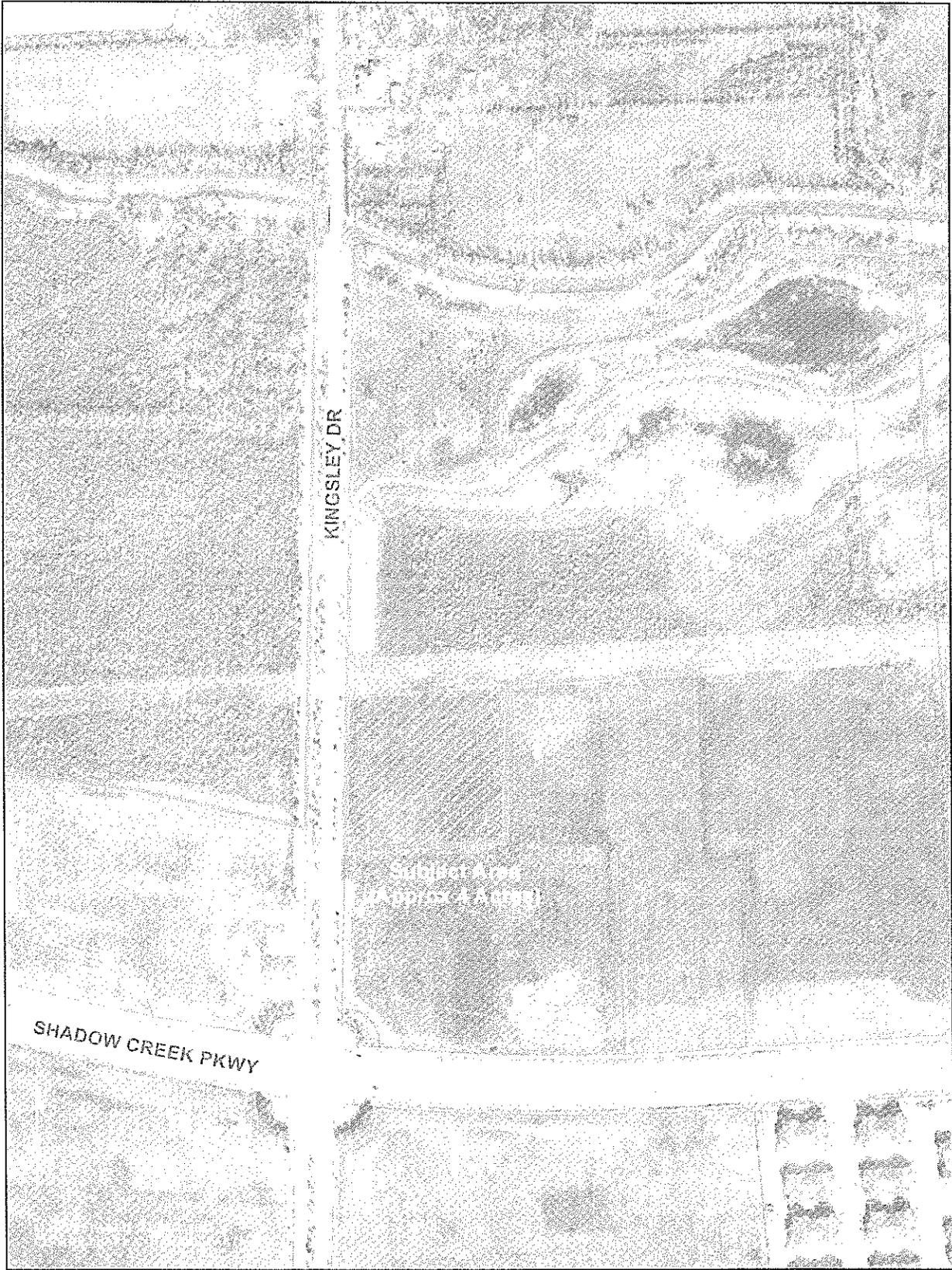
  
\_\_\_\_\_  
City of Pearland

11/26/13  
Date

ATTEST:

*Deputy*   
City Secretary

11.26.13  
Date



KINGSLEY DR

SHADOW CREEK PKWY

SHADOW CREEK

# New Business Item No. 4

- 4. Consideration and Possible Action – First Reading of Ordinance No. 1506-1** – An Ordinance of the City Council of the City of Pearland, Texas, Amending Ordinance No. 1506, the 2014-2015 annual budget Ordinance, by; authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council; providing a savings clause, a severability clause, a repealer clause, and an effective date.

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

|  |                  |                             |   |
|--|------------------|-----------------------------|---|
| <b>AGENDA OF:</b>  | December 8, 2014 | <b>ITEM NO.:</b>            | Ordinance No. 1506-1                      |
| <b>DATE SUBMITTED:</b>   | December 1, 2014 | <b>DEPT. OF ORIGIN:</b>     | Finance                                   |
| <b>PREPARED BY:</b>  | Bobby Pennington | <b>PRESENTOR:</b>           | Claire Bogard                             |
| <b>REVIEWED BY:</b>  | Jon R. Branson   | <b>REVIEW DATE:</b>         | December 2, 2014                          |
| <b>SUBJECT:</b> Ordinance No. 1506-1, An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1506, the 2014-2015 Annual Budget Ordinance, by; authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council; providing a savings clause, a severability clause, a repealer clause, and an effective date. |                  |                             |   |
| <b>EXHIBITS:</b> Ordinance No. 1506-1; Exhibit A   |                  |                             |   |
| <b>FUNDING:</b>  |                  |                             |   |
| <input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash<br><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> N/A |   |
| <b>AMOUNT AVAILABLE:</b> N/A   |                  | <b>PROJECT NO.:</b> N/A     |   |
| <b>ACCOUNT NO.:</b> N/A  |                  |                             |   |
| <b>ADDITIONAL APPROPRIATION REQUIRED:</b> \$4,090,759  |                  |                             |   |
| <b>ADDITIONAL REVENUES REQUIRED:</b> \$1,123,811   |                  |                             |   |
| <b>ACCOUNT NO.:</b> AS SHOWN IN EXHIBIT A  |                  |                             |   |
| <b>PROJECT NO.:</b> N/A  |                  |                             |   |
| <b>To be completed by Department:</b>  |                  |                             |   |
| X  | Finance          | Legal                       | Ordinance                      Resolution |

**EXECUTIVE SUMMARY**

**BACKGROUND**

The City's 2013-14 fiscal year ended September 30, 2014. At that time there were contracts, purchases of goods and services and other items that were approved and budgeted in fiscal year 2013-2014, but the actual expenditure and receipt of revenue will be incurred in the 2014-2015 fiscal year. The carryover for those expenditures are being requested, and the budget for those items to be re-established in this fiscal year. These expenditures were originally included in the projections for fiscal year 2014, and estimated ending balances assumed that these funds would be spent. All carryover items will be funded from available balances as of 9/30/2014.

## **POLICY/GOAL CONSIDERATION**

One of Council's Strategic Directions was to ensure sound financial policies. Amending the budget for projects and expenditures still in progress from last year will ensure funding is available to complete these projects as well as assist us in projecting correct revenues and expenditures for fiscal year 2015. The City will continue to exceed the policy of maintaining an unrestricted fund balance of two months recurring operating expenditures in the General Fund as well as cash reserve and bond coverage in the Water/Sewer Fund.

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

General Fund carryovers total \$574,000 for revenues and \$1,902,267 for expenditures for a net carryover amount (expenditures less revenues) of \$1,328,267. The actual fund balance for the General Fund at 9/30/2014 is \$19,454,500, \$3,922,372 more than the amended budget fund balance of \$15,532,128. Therefore, after net carryovers, the General Fund balance is \$18,126,232, or 27% of FY 2014/15 budgeted expenditures. Fiscal Year 2014 numbers reflected herein are the latest numbers after all year-end entries have been made but before completion of the fiscal audit by the auditors.

General Fund fiscal year 2014 total actual revenues of \$63,289,709 are slightly higher than the amended budget of \$63,247,053 by \$42,656, (0.07%). Capital lease for the funding of a fire truck budgeted and ordered in 2014 but to be delivered in fiscal year 2015 in 2014 is still outstanding and the funding is being requested to be carried over.

Fiscal year 2014 expenditures of \$62,458,326 are under the amended budget by \$3,877,716, (5.85%). Program expenditures remaining at fiscal year-end include \$423K for Business Center Drive Library Expansion, \$311K for Pierce Quantum Pumper and equipment; \$198K for migration of new radio system; \$139K for police vehicle replacements; \$79K for finalization of the Comprehensive Plan Update; \$78K for the school zone flasher system; \$60K for the R.O.W. Assessment Project and \$69K for Parks and Recreation Master Plan Development. Of the \$3.9 million in expenditure savings, \$1,902,267 is being requested for carryover, resulting in a true savings of \$2.0 million. This savings is made up of various line-items through-out the departments, including \$700K in salary savings, \$110K in Software maintenance savings, and \$337K in fuel and repairs.

Using the actual General Fund ending fund balance for 9/30/2014, of \$19,454,500, (25.3% over the projected); the fiscal year 2015 adopted budget shows an estimated fund balance at 9/30/2015 of \$15,627,022, which is \$5,188,609 over the \$10,438,413 reserve policy of 2 months. Including the recommended carryovers, the General Fund fund balance is reduced by the net of \$1,328,267 and the General Fund would be budgeted to end the 2015 fiscal year at \$3,860,342 over policy with an estimated fund balance at 9/30/2015 of \$14,298,755 versus the \$11,704,650 originally budgeted.

|   | <b>FY2015<br/>Adopted Budget<br/><i>Projected Beginning<br/>Fund Balance</i></b> | <b>FY2015<br/>Adopted Budget<br/><i>Actual Beginning<br/>Fund Balance</i></b> | <b>FY2015<br/>Revised Budget<br/><i>with Proposed<br/>Carryovers</i></b> |
|---|--|---|--|
| Beginning Fund Balance  | \$15,532,128   | \$19,454,500  | \$19,454,500   |
| Total Revenues  | \$63,692,881   | \$63,692,881  | \$64,266,881   |
| Total Expenditures  | \$67,520,359   | \$67,520,359  | \$69,422,626   |
| Ending Fund Balance   | \$11,704,650   | \$15,627,022  | \$14,298,755   |
| Policy - 2 months Recurring Oper.<br>Fund Balance over Policy | \$10,438,413<br>\$1,266,236  | \$10,438,413<br>\$5,188,609   | \$10,438,413<br>\$3,860,342  |

Recommendations will be made during the FY2016 budget process on how these funds might be spent on non-recurring expenditures keeping in mind the City's fund balance policy and the economy, including use of cash versus capital lease proceeds for the purchase of a new ERP software system.

The Water and Sewer fund balance on a cash basis at 9/30/2014 was projected at \$12,145,202 million. The actual available fund balance is \$13,292,945; \$1,147,743, or 9.5%, more than budgeted. Revenues are under budget by \$723,180, or 2.2%, due to lower than projected water sales. Expenses are under budget by \$1,870,923, or 5.9%, mainly in water production; purchase of surface water, and in Utility Billing, purchase of meters. Recommended carryovers total net \$820,386 leaving an estimated balance at 9/30/2014 of approximately \$12.5M, still \$327K over FY2014 projections. Fiscal year 2015 ending fund balance is now estimated at \$10.8 million versus the \$10.4 million projected during the budget process, including the carryovers.

|                          | <b>FY2015<br/>Adopted Budget<br/><i>Projected Beginning<br/>Fund Balance</i></b> | <b>FY2015<br/>Adopted Budget<br/><i>Actual Beginning<br/>Fund Balance</i></b> | <b>FY2015<br/>Revised Budget<br/><i>with Proposed<br/>Carryovers</i></b> |
|--------------------------|--|---|--|
| Beginning Cash Equiv.    | \$14,074,705   | \$15,373,775  | \$15,373,775   |
| Total Revenues           | \$35,583,118   | \$35,583,118  | \$35,583,118   |
| Total Expenses           | \$37,017,108   | \$37,017,108  | \$37,837,494   |
| Reserve for Debt Service | \$2,278,256  | \$2,278,256   | \$2,278,256  |
| Ending Cash Equiv.       | \$10,362,459   | \$11,661,529  | \$10,841,143   |

Other carryover requests for other funds are listed in Exhibit A and funded from available balances as of 9/30/2014.

Exhibit A shows the carryover request by fund. The carryovers for PEDC totaling \$645,354 will be contingent upon the board approval on December 10, 2015, but before the second reading of the Ordinance.

**O&M IMPACT INFORMATION**

No additional O&M impact on City's financials as these funds were projected to be spent in last fiscal year.

**RECOMMENDED ACTION**

Consideration and approval of Ordinance 1506-1 an Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1506, the 2014-2015 Annual Budget Ordinance, by; authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council; providing a savings clause, a severability clause, a repealer clause, and an effective date.

## ORDINANCE NO.1506-1

**An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1506, the 2014-2015 Annual Budget Ordinance, by; authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council; providing a savings clause, a severability clause, a repealer clause, and an effective date.**

**WHEREAS**, the City Council is authorized by law to make changes in the City budget for municipal purposes and for emergency appropriations to meet a pressing need for public expenditure to protect the public health, safety, and welfare as a result of unusual and unforeseen conditions; and

**WHEREAS**, said amendments are necessary to reflect additional appropriations for fiscal year 2014 carryovers for revenue and expenses; now therefore,

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

**Section 1.** That the City Manager or his designee is authorized to make appropriations for fiscal year 2014 carryovers as set out in Exhibit A, attached hereto and incorporated herein by reference for all purposes, as authorized by law for municipal purposes.

**Section 2.** That final approval of the PEDC carryovers referenced in Exhibit A shall be contingent upon approval of said carryovers by the PEDC Board of Directors.

**Section 3.** That the City Manager or his designee is authorized to take all actions necessary to facilitate the changes identified herein without further approval of City Council.

**Section 4. Savings.** All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

**ORDINANCE NO. 1506-1**

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

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

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

ATTEST:

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

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

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

**ORDINANCE NO. 1506-1**

ATTEST:

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YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

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DARRIN M. COKER  
CITY ATTORNEY

**FY2014 CARRYOVER RECOMMENDATION**

| Department          | Revenue \$ | Expenditure \$ | Description   | Account #                                | PO #          | Notes  |
|---------------------|------------|----------------|---|--|---------------|--|
| <b>General Fund</b> |            |                |   |  |               |  |
| Human Resources     |            | \$6,015        | Conference room chairs; scanners for HR staff                 | 010-1040-542.23-00                       | 142493        | Purchase order for conference room chairs only -- received 11/03/14. Scanners were not purchased due to laserfiche project being moved to FY15.  |
| Human Resources     |            | \$14,704       | Benefit administration fees.                                  | 010-1040-555.10-01                       |               | Continuing reconciliation of FY 2014 invoices, multiple vendors with invoices still coming in.   |
| Human Resources     |            | \$24,806       | Performance audit of benefit plans.                           | 010-1040-555.11-00                       |               | Due to the dependent audit ending later as planned, the performance audit was delayed. Start date is November 2014.  |
| City Manager        |            | \$24,750       | Goodman Corp.   | 010-1020-555.11-00                       | 150676        | Transit Study - FY 2014 project, but not invoiced and paid in FY 2014.   |
| Information Systems |            | \$9,656        | BerryDunn   | 010-1085-555.11-00                       | 141317        | ERP Consulting.  |
| Information Systems |            | \$52,000       | Closed Network Ring/Loop and Internet Connectivity/Redundancy | 010-1085-565.83-00 (formerly 010-1250)   |               | Projects and invoices not completed in FY 2014.  |
| Information Systems |            | \$15,000       | BerryDunn   | 010-1085-555.11-00                       | 141317        | Additional Asset Management Piece.   |
| Information Systems |            | \$15,000       | Sciens  | 010-1085-555.11-00                       | 142627        | IT Master Plan Update.   |
| Police Dept         |            | \$41,000       | SecuraDyne maintenance for door access, cameras, servers      | 010-2215-554.31-00                       |               | Maintenance invoices received FY 2014.   |
| Police Dept         |            | \$102,673      | Replacements for 3 wrecked vehicles                           | 010-2212-565.80-00                       | 150871        | Replacements for 3 wrecked vehicles - approved for purchase November 2014.   |
| Police Dept         |            | \$4,550        | Extreme Tactical, Inc.  | 00-2212-542.37-01                        | 142430        | SWAT Vest equipment.   |
| Police Dept         |            | \$36,555       | Equipment for replacement vehicles                            | 010-2212-2213 & 2214-565.81-00           | part of above | Equipment/radios for wrecked vehicles.   |
| Library             |            | \$80,000       | FFE for Business Center Drive Library Expansion               | 010-1380-564-01-00                       |               | Expenditures budgeted for in FY 14 for the design, construction, furnishings/fitings, and necessary contingencies associated with the expansion of the Business Center Drive Library (West Side). <b>(1 of 3 Requests)</b>   |
| Library             |            | \$12,668       | Design/Engineering - Bus. Center Drive Library Expansion      | 010-1380-565-01-00                       | 142075        | Expenditures budgeted for in FY 14 for the design, construction, furnishings/fitings, and necessary contingencies associated with the expansion of the Business Center Drive Library (West Side). <b>(2 of 3 Requests)</b>   |
| Library             |            | \$330,000      | Construction - Bus. Center Drive Library Expansion            | 010-1380-565-03-00<br>010-1380-565-45-00 |               | Expenditures budgeted for in FY 14 for the design, construction, furnishings/fitings, and necessary contingencies associated with the expansion of the Business Center Drive Library (West Side). <b>(3 of 3 Requests)</b>   |
| Fire                |            | \$297,125      | Pierce Quantum Pumper   | 2320-565.80-00                           | 141589        | New fire engine for Fire Station 3, anticipated delivery March 2015. Remaining payment on Acceptance.  |
| Fire                |            | \$9,839        | Tools & Equipment   | 2320-542.23-00                           | 142532        | Firefighting tools and equipment to outfit new fire engine. Dooley Tackaberry Inc.   |
| Fire                |            | \$3,850        | Wireless Headsets   | 2320-554.08-00                           | 142436        | Wireless headsets to interface with radio and intercom system on new fire engine. Municipal Emergency Service.   |
| Fire                |            | \$1,500        | Engineering Services  | 2320-554.03-00                           | 141323        | Engineering services for installation of new antenna on tower at 2703 Veterans Dr. Crown Castle USA.   |
| Fire                |            | \$197,988      | COH Radio System  | 2320-565.81-00                           | 131268        | P25 radio system migration, portable radios, dispatch consoles and related equipment.  |
| Fire                |            | \$2,920        | NFFPA Physicals   | 2320-555.33-09                           | 142555        | NFFPA physicals conducted in Sept. for remaining three former EMS employees to cross-train.  |
| Fire                |            | \$8,555        | EMS Training Equipment  | 2320-555.33-00                           | 142531        | Repair and upgrade of ALS patient simulator mannequin and related equipment.   |
| Fire                |            | \$5,000        | Vehicle Striping  | 2320-554.20-02                           |               | High visibility striping of code enforcement vehicles moved to Fire Department.  |
| Parks & Recreation  |            | \$69,136       | Master plan development                                       | 010-3395-555.11-00                       | 142230        | GreenPlay - Master Plan Development  |
| Parks & Recreation  |            | \$2,296        | Playground repairs at Southdown Park                          | 010-3390-553.01-00<br>PKSD               | 142463        | Lone Star Recreation - Playground Repairs at Southdown Park  |
| Parks & Recreation  |            | \$3,680        | Scanner stations @ Sr Center & Kidz Korner                    | 010-3394-542.35-00<br>SHAF               | 142529        | Axess/North America - Scanner Stations   |
| Parks & Recreation  |            | \$17,341       | Fees for upgrading and data migration from CLASS to Active    | 010-3395-554.30-00                       | 142516        | The Active Network - Upgrading, Data Migration, and Purchasing New Credit Card Readers   |
| Parks & Recreation  |            | \$18,450       | Money to cover purchase of mowing equipment                   | 010-3390-565.73-00                       |               | The request was originally approved to be purchased in FY15 however we realized we had funds in the FY14 budget that could cover that so the funding was removed from the FY15 budget supplemental list. We were able to purchase a portion of the equipment and have it delivered in time for the year end but need the remaining funds to proceed with other equipment purchases. Equipment removed included a 6' mower deck replacement, a 10' mower and 60" mower. |

**FY2014 CARRYOVER RECOMMENDATION**

|                                      |                  |                    |   |                    |        |   |
|--------------------------------------|------------------|--------------------|---|--------------------|--------|---|
| Parks & Recreation                   |                  | \$13,300           | Signage for various parks   | 010-3390-565.23-00 |        | The supplemental from last year was funded partially through zone money and partially in the general fund. The design process changed and therefore we have not been able to make the purchases for these signs as of yet.  |
| Parks & Recreation                   |                  | \$21,053           | Unfinished improvements approved for Corrigan, Centennial and Woody parks | 010-3390-565.73-00 |        | Signs for Parks - in design phase.  |
| Engineering                          |                  | \$3,499            | Engineering Service   | 010-1420-556.10-00 | 131912 | Engineering Contract with Cobb Fendley for Industrial/SH 35 intersection alignment - Project TR1305. The study is being finalized and we should be receiving a final invoice.   |
| Engineering                          |                  | \$2,150            | Engineering Service   | 010-1420-556.10-00 | 131922 | Engineering Contract with EPIC Transportation Group for Engineering Design and inspection for Garden Road Traffic Signal - Project TR1306. Project has had construction delays but appears to be back on track. The construction project should be complete in a couple of months. A partial invoice was recently received. |
| Engineering                          |                  | \$783              | Engineering Service   | 010-1420-556.10-00 | 141567 | Engineering Contract with Freese Nichols for Storm Water Management Plan Phase II review.   |
| Engineering                          |                  | \$12,449           | Engineering Service   | 010-1420-556.10-00 | 141731 | Engineering Contract with Interfield Group for Design and Inspection services for Hillhouse Sanitary Sewer Line. Scheduled to begin construction.   |
| Engineering                          |                  | \$2,614            | Engineering Service   | 010-1420-556.10-00 | 141977 | Engineering Contract with Cobb Fendley for Business Center Dr. Access Management Study. This is for a study that is still ongoing.  |
| Engineering                          |                  | \$17,210           | Engineering Service   | 010-1420-556.10-00 | 142561 | Engineering Contract with Dannenbaum for Modeling Mapping update of Mary's Creek. Engineering analysis that was recently completed and awaiting final invoice.  |
| Engineering                          |                  | \$7,412            | Engineering Service   | 010-1420-556.10-00 | 142626 | Engineering Contract with Cobb Fendley for Pearland Parkway Corridor Improvements. Project at 80% completion.   |
| Community Development Administration |                  | \$79,322           | Special Services  | 010-1605-555.11-00 | 132298 | Original budget of \$181,204 for the Comprehensive Plan Update, began FY'13, continued through FY'14. Contract re-negotiations in process and will resume November FY'15  |
| Permits/Inspections                  |                  | \$6,560            | Special Services  | 010-1610.555.11-00 | 131918 | To continue use of Bureau Veritas in absence of Building Official, and for any unexpected overflow of inspections (invoices pending from September 2014) \$440. PO 131918 in amount of \$6560 is encumbered). Need both carried over.   |
| Planning                             |                  | \$7,830            | Special Services  | 010-1650-555.11-00 | 142447 | Carryover funds for Freese & Nichols - 1 outstanding invoice in amount of \$5,900 and anticipate retaining contract help until positions are filled; planning assistance.   |
| GF - PW Admin                        |                  | \$60,084           | Special Services  | 010-3520-555.11-00 | 142171 | R.O.W. Assessment Project - Contract with Infrastructure Management Services is partially complete with the balance of the work to be completed this fiscal year. Rolling the fund and keeping the purchase order open would allow us to complete the contract.   |
| Facilities Maintenance               |                  | \$2,328            | Buildings & Grounds   | 010-3522-553.01-00 | 141895 | Rimkus Consulting - Consultation for evaluation of mechanical equipment and structural elements inspection of pearland's Natatoriums HVAC system. Funds to be moved from 010-3321-553.01-00. Does not take into account cost of repairs.  |
| Facilities Maintenance               |                  | \$93,294           | Buildings & Grounds   | 010-3522-553.01-00 | 142308 | Fire Station #4 Roofing Contract with Garland/DBS. Funds to be moved from 010-3321-553.01-00  |
| Traffic                              |                  | \$5,880            | Maintenance of Streets  | 010-3540-553.04-00 | 142564 | Batterson, LLP - Dixie Farm Striping. Funds to be moved from 010-1425-553.04-00   |
| Traffic                              |                  | \$33,775           | Maintenance of Streets  | 010-3540-553.04-00 | 142481 | Gerry DeCamp - This purchase Order is for the timing adjustment for the ITS project and new intersections along SH 35. Funds to be moved from 010-1425-553.04-00  |
| Traffic                              |                  | \$14,300           | Special Services  | 010-3540-555.11-00 | 121425 | CDM Smith change order for Traffic Management Plan. Funds to be moved from 010-1425-555.11-00   |
| Traffic                              |                  | \$77,520           | School Zone Flasher Program   | 010-3540-565.73-00 | None   | Resolution # R2014-111 Passed on 9-15-2014. Funds to be moved from 010-1425-565.73-00   |
| Streets & Drainage                   |                  | \$11,350           | Survey Services   | 010-3570-555.11-00 |        | C.L. Davis & Co. to complete survey services of Hoang Tract final plat.   |
| Streets & Drainage                   |                  | \$18,297           | Survey Services   | 010-3570-555.11-01 | 142472 | PO is for WTC, Inc. to complete survey/engr. services of 3 roadside ditch locations.  |
| Service Center                       |                  | \$4,200            | Special Services  | 010-3590-555.11-00 | 141926 | Faster Asset Solutions - The fuel interface had not been completed until October 2014. Invoice to be processed in November.   |
| Lease/Purchase                       | \$574,000        |                    |   |                    |        | Lease/Purchase of Fire Truck.   |
| <b>GENERAL FUND TOTAL</b>            | <b>\$574,000</b> | <b>\$1,902,267</b> |   |                    |        |   |
| <b>Net Carryover</b>                 |                  | <b>\$1,328,267</b> |   |                    |        |   |
| <b>Amount Available</b>              |                  | <b>\$3,922,372</b> |   |                    |        |   |
| <b>Available Balance</b>             |                  | <b>\$2,594,105</b> |   |                    |        |   |
| <b>Water/Sewer Fund</b>              |                  |                    |   |                    |        |   |
| Wastewater                           |                  | \$30,250           | Lift Station Cleaning   | 030-4042-555.11-00 | 142521 | This purchase Order is for cleaning Lift Stations at SWEC and Far Northwest WWTP. Magana Flow has completed the job's, but has not sent the invoice yet.  |

**FY2014 CARRYOVER RECOMMENDATION**

|   |            |                    |  |                    |        |   |
|---|------------|--------------------|--|--------------------|--------|---|
| Water Production  |            | \$233,000          | GCWA   | 030-4043-542-01-04 |        | Rights to 10 MGD contract through GCWA  |
| Water Production  |            | \$49,000           | analog at seven facilities   | 030-4033-554.04-00 |        | \$49,000 is budgeted for purchase of flow meters and the analogs .These two components that work together to make sure the correct amount of chemical is being feed with the amount of water flow. This eliminates wasted chemicals. This was not completed in FY due to transition with the new contractor.                              |
| Water Production  |            | \$15,000           | Electrical Panel T Green Tee Facility  | 030-4043-554.04-00 | 142130 | \$15,000 is budgeted for the panel that is being built Boyer. The existing panel is in deplorable condition and was not designed to run all equipment at the facility. This was not completed in FY due to new contractor transition.   |
| Water Production  |            | \$17,000           | Consultant fee from Dunham Engineering and inspections for the interior lining project | 030-4043-554.04-00 | 142148 | The budgeted balance of \$17,000 is the consulting fee for Dunham Engineering on the project for Cullen, McLean, & 518.   |
| Water Production  |            | \$15,000           | Spool piece for South down header pipe   | 030-4043-554.04-00 |        | \$15,000 budgeted is needed for the header pipe at Southdown that is in deplorable condition. This pipe consists of flanges and valves of different shapes. The contactor (STP) is working on locating replacement parts.   |
| Water Production  |            | \$7,500            | External Receptacles   | 030-4043-554.04-00 |        | The balance that is needing to be rolled over is \$7,500. This is for receptacles that either need replacement from being out dated or new external receptacles to run different equipment at the facilities. This was not taken care of in FY 14 due to a transition from a new contactor.   |
| Water Production  |            | \$52,000           | Flow meters at seven facilities  | 030-4043-554.04-00 |        | \$52,000 is the balance needing to be rolled over for purchase of flow meters and the analogs .These two components that work together to make sure the correct amount of chemical is being feed with the amount of water flow. This eliminates wasted chemicals. This was not completed in FY due to transition with the new contractor. |
| Water Production  |            | \$34,326           | Special Services   | 030-4043-555.11-00 | 112667 | \$34,326 is the balance that needs to be carried over for the consulting fee from Freese and Nichols for Phase 4 in the UDF (uni directional flushing) program.   |
| Water Production  |            | \$57,019           | Special Services   | 030-4043-555.11-00 | 122255 | \$57,019. is the balance that needs to be carried over for the consulting fee from Freese and Nichols for Phase 5 in the UDF (uni directional flushing) program   |
| Water Production  |            | \$6,113            | Special Services   | 030-4043-555.11-00 | 131848 | \$6,113 is the remaining balance on a water quality study that has been conducted by the help of Freese and Nichols.  |
| Water Production  |            | \$300,000          | 518, Cullen, McLean GST internal Lining Project  | 030-4043-565.73-00 | 150578 | This project started on Nov.3, 2014 with Cullen being first. This will help improve water quality and extend infrastructure life.   |
| Finance   |            | \$1,178            | Cobb Fendley   | 030-4246-555.11-00 | 131796 | Bed & Banks Permit MUD 4. FY 2014 project, but not invoiced and paid in FY 2014.  |
| Finance   |            | \$3,000            | Texas Water Foundation   | 030-4246-555.11-00 | 132212 | Goldwater Project Pledge Participation. FY 2014 project, but not invoiced and paid in FY 2014.  |
| <b>WATER/SEWER FUND TOTAL</b>                           | <b>\$0</b> | <b>\$820,386</b>   |  |                    |        |   |
| <b>Amount Available</b>                                 |            | <b>\$1,147,743</b> |  |                    |        |   |
| <b>Available Balance</b>                                |            | <b>\$327,357</b>   |  |                    |        |   |
| <b>Municipal Court - 017-1540</b>                       |            |                    |  |                    |        |   |
| Municipal Court - 017                                   |            | \$10,000           | SecuraDyne maintenance for door access, cameras, servers                               | 017-1540-554.30-00 |        | FY 2014 maintenance.  |
| <b>Municipal Court 017 GRAND TOTAL</b>                  | <b>\$0</b> | <b>\$10,000</b>    |  |                    |        |   |
| <b>Amount Available</b>                                 |            | <b>\$11,624</b>    |  |                    |        |   |
| <b>Available Balance</b>                                |            | <b>\$1,624</b>     |  |                    |        |   |
| <b>Donation Fund - Animal Services 018</b>              |            |                    |  |                    |        |   |
| Animal Services 018                                     |            | \$9,869            | A/C for Van Cages  | 018-1520-565.80-00 | 140855 | PO was for van and equipment. A/C was not installed in cage section before delivery - dept manager has been working with purchasing to complete the installation.   |
| Animal Services 018                                     |            | \$10,675           | 9 cages for van  | 018-1520-542.23-00 |        | No PO at this time - holding until A/C is installed, a part of PO 140855 purchase.  |
| <b>Donation Fund - Animal Services 018 GRAND TOTAL</b>  | <b>\$0</b> | <b>\$20,544</b>    |  |                    |        |   |
| <b>Balance Available</b>                                |            | <b>\$49,667</b>    |  |                    |        |   |
| <b>Fund 19 - Municipal Court Technology</b>             |            |                    |  |                    |        |   |
| Municipal Court Technology                              |            | \$15,951           | Tyler Technologies   | 019-1540-565.73-00 | 132609 | Training on new software.   |
| <b>Fund 19 - Municipal Court Technology GRAND TOTAL</b> | <b>\$0</b> | <b>\$15,951</b>    |  |                    |        |   |

**FY2014 CARRYOVER RECOMMENDATION**

|  |                  |                  |  |   |        |  |
|--|------------------|------------------|--|---|--------|--|
| <b>Amount Available</b>                  |                  | <b>\$42,746</b>  |  |   |        |  |
| <b>Available Balance</b>                 |                  | <b>\$26,795</b>  |  |   |        |  |
| <b>CVB - 045-1350</b>                    |                  |                  |  |   |        |  |
| CVB                                      |                  | \$11,000         | CVB Website Visitpearland.com                        | 045-1350-555.07-00                                      | 150852 | In 2014, the CVB could not complete the redesign and upgrade to the website, visitpearland.com, due to contractor inability. The CVB requests use of leftover funds from various accounts to assist with website.  |
| CVB                                      |                  | \$6,800          | Taste of Pearland special event                      | 045-1350 various  |        | In 2014, the CVB could not complete the coordination of a culinary event. Partners agreed to then preview this culinary event during another event. Currently, restaurants and HEB are interested in moving forward with launching this event as a stand alone for 2015. As a result, the CVB requests use of leftover funds from various accounts to assist with event. |
| CVB                                      | \$2,478          |                  | Revenue from Art Show and Packaging Workshop         | 045-0000-358.99-05<br>\$2,435 & 045-0000-358.99-00 \$43 |        | Revenue collected from Packaging Workshop and Art & Crafts show. This revenue assists in offsetting event expenses of approximately \$1187 and a donation of \$1000 to Pearland Arts League.   |
| <b>CVB - 045-1350 GRAND TOTAL</b>        | <b>\$2,478</b>   | <b>\$17,800</b>  |  |   |        |  |
| <b>Amount Available</b>                  |                  | <b>\$78,244</b>  |  |   |        |  |
| <b>Available Balance</b>                 |                  | <b>\$62,922</b>  |  |   |        |  |
| <b>Parks Donations - 046</b>             |                  |                  |  |   |        |  |
| Parks Donations - 046                    |                  | \$16,653         | Design service for signage for facilities and parks  | 046-0000-542.35-00                                      | 142302 | Clark Condon Associates - Design service for signage. Parks has been funded to replace signs in the parks, however, in an effort to standardize signage for both parks & facilities in a professional manner, the department has contracted for design services prior to purchasing the signs.   |
| <b>Parks Donations - 046 GRAND TOTAL</b> | <b>\$0</b>       | <b>\$16,653</b>  |  |   |        |  |
| <b>Amount Available</b>                  |                  | <b>\$15,475</b>  |  |   |        |  |
| <b>Available Balance</b>                 |                  | <b>\$1,178</b>   |  |   |        |  |
| <b>Parks Development - 047</b>           |                  |                  |  |   |        |  |
| Parks Development - 047                  |                  | \$48,700         | Signage for various parks                            | 047-0000-565.76-02,07,08,09,10,11                       |        | The design process changed and therefore we have not been able to make the purchases for these signs as of yet.  |
| Parks Development - 047                  |                  | \$31,935         | Max Road Soccer Complex FF&E                         | 047-0000-565.76-06                                      |        | Max Road Soccer Complex FF&E   |
| <b>Parks Donations - 046 GRAND TOTAL</b> | <b>\$0</b>       | <b>\$80,635</b>  |  |   |        |  |
| <b>Amount Available</b>                  |                  | <b>\$215,174</b> |  |   |        |  |
| <b>Available Balance</b>                 |                  | <b>\$134,539</b> |  |   |        |  |
| <b>Grant Fund -101</b>                   |                  |                  |  |   |        |  |
| Fund 101                                 | \$8,464          |                  | Bulletproof Vest Partnership - Department of Justice | 101-0000-346.02-05                                      |        | Ballistic Vests Grant Revenue - Half the Expense   |
| Fund 101                                 |                  | \$16,928         |  | 101-2212-542.04-02                                      | 141959 | Ballistic Vests - Officers (unspent in Fy 14 for use in Fy 15)   |
| Fund 101                                 |                  |                  | TCLEOSE  | 101-0000-346.01-04                                      |        | Police/Fire Marshal Training Grant Revenue (rec. all that was budgeted)  |
| Fund 101                                 |                  | \$5,372          |  | 101-2212-555.34-00                                      |        | Police/Fire Marshal Training   |
| Fund 101                                 | \$2,704          |                  | SAFER Grant  | 101-0000-346.02-11                                      |        | Turnout Gear Grant Revenue   |
| Fund 101                                 |                  | \$2,704          |  | 101-2320-542.04-00                                      |        | Turnout Gear (unspent in Fy 14 for use in Fy 15)   |
| Fund 101                                 | \$5,656          |                  | SAFER Grant  | 101-0000-346.02-11                                      |        | Printing/Marketing Grant Revenue   |
| Fund 101                                 |                  | \$5,656          |  | 101-2320-555.24-00                                      |        | Printing/Marketing (unspent in Fy 14 for use in Fy 15)   |
| Fund 101                                 | \$7,114          |                  | TIFMAS   | 101-0000-346.01-17                                      |        | Fire Training Grant Revenue  |
| Fund 101                                 |                  | \$7,114          |  | 101-2320-555.33-00                                      |        | Fire Training  |
| Fund 101                                 | \$4,625          |                  | HGAC Solid Waste Recycling                           | 101-0000-346.01-09                                      |        | Glass Crusher Grant Revenue  |
| Fund 101                                 |                  | \$4,625          |  | 101-3351-565.73-00                                      |        | Glass Crusher: This money is remaining for installation, PPE, and other supplies/materials. Grant period of performance cuts across multiple fiscal years (2014 and 2015).   |
| Fund 101                                 | \$200,000        |                  | Texas Parks & Wildlife                               | 101-0000-346.01-14                                      |        | Recreational Trails Grant Revenue  |
| Fund 101                                 |                  | \$200,000        |  | 101-8600-556.30-00                                      |        | Recreational Trails - Phase II (pending construction).   |
| <b>CDBG FUND 101 TOTAL</b>               | <b>\$228,563</b> | <b>\$242,399</b> |  |   |        |  |
| <b>CDBG Fund -108</b>                    |                  |                  |  |   |        |  |
| Fund 108                                 | \$48             |                  | HUD CDBG Revenue                                     | 108-0000-357.01-05                                      |        | Grant Revenue Fiscal Year 2011   |
| Fund 108                                 |                  | \$48             | HUD CDBG - Infrastructure/Construction               | 108-9000-556.03-34                                      |        | Unspent funds from Adult Reading Center - ADA Compliant Railing/Deck. Carryover from multiple years.   |

**FY2014 CARRYOVER RECOMMENDATION**

|                            |                    |                    |   |                    |        |   |
|----------------------------|--------------------|--------------------|---|--------------------|--------|---|
| <b>CDBG FUND 108 TOTAL</b> | <b>\$48</b>        | <b>\$48</b>        |   |                    |        |   |
| <b>CDBG Fund -109</b>      |                    |                    |   |                    |        |   |
| Fund 109                   | \$62,995           |                    | HUD CDBG Revenue                          | 109-0000-357.01-05 |        | Grant Revenue Fiscal Year 2012  |
| Fund 109                   |                    | \$62,995           | HUD CDBG -<br>Infrastructure/Construction | 109-9000-556.03-34 |        | Unspent funds   |
| <b>CDBG FUND 108 TOTAL</b> | <b>\$62,995</b>    | <b>\$62,995</b>    |   |                    |        |   |
| <b>CDBG Fund -110</b>      |                    |                    |   |                    |        |   |
| Fund 110                   | \$172,699          |                    | HUD CDBG Revenue                          | 110-0000-357.01-05 |        | Grant Revenue Fiscal Year 2013  |
| Fund 110                   |                    | \$27,437           | HUD CDBG -<br>Infrastructure/Construction | 110-9000-556.03-34 |        | De-obligated Adult Reading Center - Subject to re-allocation for infrastructure use only                |
| Fund 110                   |                    | \$145,262          | HUD CDBG -<br>Infrastructure/Construction | 110-9000-565.03-00 |        | East Orange/North Houston sidewalks (ineligible) - Subject to re-allocation for infrastructure use only |
| <b>CDBG FUND 110 TOTAL</b> | <b>\$172,699</b>   | <b>\$172,699</b>   |   |                    |        |   |
| <b>CDBG Fund -111</b>      |                    |                    |   |                    |        |   |
| Fund 111                   | \$83,028           |                    | HUD CDBG Revenue                          | 111-0000-357.01-05 |        | Grant Revenue Fiscal Year 2014  |
| Fund 111                   |                    | \$10,225           | HUD CDBG -<br>Infrastructure/Construction | 111-9000-556.03-34 |        | Construction (Re-allocates to FY 2015 Infrastructure Use Only)  |
| Fund 111                   |                    | \$26,044           | HUD CDBG -<br>Infrastructure/Construction | 111-9000-556.03-34 |        | Construction (Re-allocated to Forgotten Angels Day Hab - Outdoor Flat Surface/ADA)                      |
| Fund 111                   |                    | \$46,759           | HUD CDBG -<br>Infrastructure/Construction | 111-9000-556.30-00 | 141928 | Construction (FM518/Broadway - Garden Road Signal: Traffic Sys. Construct., Inc.)                       |
| <b>CDBG FUND 111 TOTAL</b> | <b>\$83,028</b>    | <b>\$83,028</b>    |   |                    |        |   |
| <b>Total Grants</b>        | <b>\$547,333</b>   | <b>\$561,169</b>   |   |                    |        |   |
| <b>TOTAL</b>               | <b>\$1,123,811</b> | <b>\$3,445,405</b> |   |                    |        |   |
| <b>Net Carryover</b>       |                    | <b>\$2,321,594</b> |   |                    |        |   |

| <b>REQUESTING CARRYOVER APPROVAL FROM THE PEDC BOARD</b> |                    |                    |                         |                    |          |   |
|--|--------------------|--------------------|-------------------------|--------------------|----------|---|
| <b>Fund 15 - PEDC</b>                                    |                    |                    |                         |                    |          |   |
| PEDC - Contingent on Board & Council Approval            |                    | \$29,354           | Business Center Drive   | 015-5000-555.75-01 | multiple | Business Center Drive – outstanding PO's totaling                                     |
| PEDC - Contingent on Board & Council Approval            |                    | \$89,000           | Kirby Drive             | 015-5000-555.45-00 | 142584   | LK Electrical (includes PO to LJA for Kirby Duct Bank - \$73,744                      |
| PEDC - Contingent on Board & Council Approval            |                    | \$27,000           | Hooper Road             | 015-5000-555.75-01 |          | Hooper Road Water and SS (PER/Design)   |
| PEDC - Contingent on Board & Council Approval            |                    | \$500,000          | Max Road Soccer Complex | 015-5000-555.75-01 |          | Max Road Soccer Complex (\$451,000 encumbered+some extra to cover any change orders). |
| <b>Fund 15 - PEDC GRAND TOTAL</b>                        |                    | <b>\$645,354</b>   |                         |                    |          |   |
| <b>Amount Available</b>                                  |                    | <b>\$1,836,911</b> |                         |                    |          |   |
| <b>Available Balance</b>                                 |                    | <b>\$1,191,557</b> |                         |                    |          |   |
| <b>TOTAL (with PEDC)</b>                                 | <b>\$1,123,811</b> | <b>\$4,090,759</b> |                         |                    |          |   |
| <b>Net Carryover (W/ PEDC)</b>                           |                    | <b>\$2,966,948</b> |                         |                    |          |   |

# New Business Item No. 5

5. **Consideration and Possible Action – Resolution No. R2014-150 – A** Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the SH35 Water Line Project to Reddico Construction Company in the amount of \$1,767,071.75.

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

|   |   |
|---|---|
| <b>AGENDA OF:</b> December 8, 2014  | <b>ITEM NO.:</b> Resolution No. R2014-150 |
| <b>DATE SUBMITTED:</b> November 24, 2014  | <b>DEPT. OF ORIGIN:</b> Capital Projects  |
| <b>PREPARED BY:</b> Cara Davis  | <b>PRESENTOR:</b> Skipper Jones           |
| <b>REVIEWED BY:</b> Trent Epperson  | <b>REVIEW DATE:</b> December 2, 2014      |
| <b>SUBJECT: Resolution No. R2014-150 - A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the SH35 Water Line Project to Reddico Construction Company in the amount of \$1,767,071.75.</b>                    |   |
| <b>EXHIBITS: R2014-150; A – Engineer’s Recommendation Letter and Bid Tab</b>  |   |
| <b>FUNDING:</b> <input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input type="checkbox"/> Cash<br><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: \$1,767,071.75</b> <b>AMOUNT BUDGETED: \$</b><br><b>AMOUNT AVAILABLE: \$1,981,098</b> <b>PROJECT NO.: WA1302</b><br><b>ACCOUNT NO.: 42-0000-565.03.00</b><br><b>ADDITIONAL APPROPRIATION REQUIRED:</b><br><b>ACCOUNT NO.:</b><br><b>PROJECT NO.:</b>         |   |
| <b>To be completed by Department:</b><br><input checked="" type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution  |   |

**RECOMMENDED ACTION**

Consideration and approval of a resolution approving a construction contract with Reddico Construction Company, Inc. for the SH 35 16” Water Line – FM 1128 to John Lizer Road Project and authorizing the City Manager to execute the contract.

**EXECUTIVE SUMMARY**

**BACKGROUND**

The SH35 Water Line from FM 518 to John Lizer Rd is part of the 2013-2017 CIP Program. The project generally includes 6,800 linear feet of 16-inch water line with connections to existing service lines along SH35. The purpose of the new line is to distribute water from the Alice

Street Water Plant, which receives water through the 30" interconnect from the City of Houston. It will also connect newly installed 16" water lines to the north and south.

Brown & Gay Engineers, Inc. was selected to provide professional engineering services for this project and was awarded the design contract in June 2013.

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

The Project entails installation of approximately 6,800 linear feet of 16-inch water line, with some 12-inch and 8-inch water line, associated service transfers, water line abandonment, pavement removal and replacement, and removal and replacement of sanitary sewer.

### **BID AND AWARD**

The project was advertised October 30<sup>th</sup> and November 6<sup>th</sup> of 2014. A pre-bid was held November 11, 2014 which was attended by six general contractors and two subcontractors. Bids were opened on November 18, 2014, via the E-Bid system. Three bids were received for the project from Reddico Construction Company, Inc., Calco Contracting, Ltd, and Resicom, Inc. in the amounts of \$1,767,071.75, \$1,959,295.00 and \$2,143,042.80 respectively. The apparent low responsible bid was approximately 17% below the Engineer's estimated construction cost of \$2,132,405.91.

Reddico out of Conroe, TX is a known contractor to the to the City of Pearland, having performed several jobs successfully for the Capital Projects and Public Works Departments over the last several years. They have also completed several projects successfully designed by Brown & Gay for other entities. The Design Consultant, Brown & Gay Engineers, completed a reference check and found no performance or financial issues either pending or historically, see attached Engineer's Recommendation Letter

### **SCHEDULE**

Successful award of the construction contract is planned to be followed by a Pre-Construction conference held late in the week of December 15, 2014, and issuance of the Notice to Proceed (NTP) at that same meeting to start after the first of the new year 2015. Barring weather delays, substantial completion for the work will be one-hundred twenty (180) days from NTP with final completion one-hundred fifty (210) days from NTP.

### **POLICY/GOAL CONSIDERATION**

The water line project is in accordance with the Council goals for planning and constructing for future economic and population growth and is based on the requirements set out by the City's Water Model Updates. In addition, the project will complete another segment of line to distribute the water from the COH 30" water line.

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

| Year                      | To Date             | 2015                | 2016              | 2017              | 2018              | Total               |
|---------------------------|---------------------|---------------------|-------------------|-------------------|-------------------|---------------------|
| <b>Budget</b>             | <b>\$ 2,326,142</b> |                     |                   |                   |                   | <b>\$ 2,326,142</b> |
| Prior Expenditures        |                     |                     |                   |                   |                   |                     |
| PER                       |                     |                     |                   |                   |                   | -                   |
| Land/ROW                  | 87,266              |                     |                   |                   |                   | 87,266              |
| Design/Survey             | 155,200             |                     |                   |                   |                   | 155,200             |
| Construction              | <b>102,578</b>      |                     |                   |                   |                   | 102,578             |
| FF&E                      |                     |                     |                   |                   |                   | -                   |
| <b>Current Request</b>    |                     |                     |                   |                   |                   |                     |
| <b>Construction</b>       |                     | <b>1,767,072</b>    |                   |                   |                   | <b>1,767,072</b>    |
| Future Expenditures       |                     |                     |                   |                   |                   |                     |
| PER                       |                     |                     |                   |                   |                   | -                   |
| Land/ROW                  |                     |                     |                   |                   |                   | -                   |
| Design/Survey             |                     |                     |                   |                   |                   | -                   |
| Construction              |                     | 50,000              |                   |                   |                   | 50,000              |
| FF&E                      |                     |                     |                   |                   |                   | -                   |
| <b>Total Expenditures</b> | <b>\$ 345,044</b>   | <b>\$ 1,817,072</b> | <b>\$ -</b>       | <b>\$ -</b>       | <b>\$ -</b>       | <b>\$ 2,162,116</b> |
| <b>Remaining Balance</b>  | <b>\$ 1,981,098</b> | <b>\$ 164,026</b>   | <b>\$ 164,026</b> | <b>\$ 164,026</b> | <b>\$ 164,026</b> | <b>\$ 164,026</b>   |

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

**O&M IMPACT INFORMATION**

The project will have a negligible impact on O&M costs.

| Year                            | 2014 | 2015 | 2016 | 2017 | 2018 |
|---------------------------------|------|------|------|------|------|
| Operation and Maintenance Costs |      |      |      |      |      |

**RESOLUTION NO. R2014-150**

**A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the SH35 Water Line Project to Reddico Construction Company in the amount of \$1,767,071.75.**

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

**Section 1.** That bids were obtained for the construction of the SH 35 Water Line Project.

**Section 2.** That the City Council hereby awards a bid to the Reddico Construction Company, in the total amount of \$1,767,071.75.

**Section 3.** The City Manager or his designee is hereby authorized to execute a contract for construction of the SH 35 Water Line Project.

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

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

ATTEST:

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

APPROVED AS TO FORM:

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



November 21, 2014

Ms. Cara Davis  
City of Pearland  
3519 Liberty Drive  
Pearland, Texas 77581

Re: Recommendation of Award  
SH 35 – 16” Waterline – FM 518 to Magnolia Road  
City of Pearland Project Number: WA1302  
Bid No.: 1015-03

Dear Ms. Davis:

On November 18, 2014 three (3) bids were received for the SH 35 Waterline from FM 518 to Magnolia Road project. A summary of the bid proposals is as follows.

|    |                                    | Base Bid       | Extra Work Items | Mobilization | Base Bid Plus Extra Work Items Plus Mobilization |
|----|------------------------------------|----------------|------------------|--------------|--|
| 1. | Reddico Construction Company, Inc. | \$1,685,011.75 | \$31,560.00      | \$50,500.00  | \$1,767,071.75                                   |
| 2. | Calco Contracting, Ltd             | \$1,859,245.00 | \$42,050.00      | \$58,000.00  | \$1,959,295.00                                   |
| 3. | Resicom, Inc.                      | \$2,064,342.80 | \$17,700.00      | \$61,000.00  | \$2,143,042.80                                   |

The Engineer's cost estimate for the project was \$2,132,405.91. The low bid is 17% under the Engineer's estimate. Attached is a copy of the bid tabulation.

Based on their previous experience with the City of Pearland, Reddico Construction Company has a positive experience record with this type of work. Reddico has also performed waterline construction projects for BGE clients with successful completion. Based on the bid submitted, it is recommended that Reddico be authorized to perform the work for the proposed amount of \$1,767,071.75, contingent upon verification of their bonds and insurance coverage.

Sincerely,

Jim Johnson, PE  
Senior Project Manager

**Bid No. 1015-03 Addendum 2**  
**Closing: November 18, 2014**

Reddico Construction Company, Inc.      Calco Contracting, Ltd.      Resicom, Inc.      Engineer's Estimate

| Line                        | Description   | UOM | QTY  | Unit        | Extended     | Unit        | Extended     | Unit         | Extended     | Unit        | Extended     |
|-----------------------------|---|-----|------|-------------|--------------|-------------|--------------|--------------|--------------|-------------|--------------|
| <b>Pkg 1 Base Bid Items</b> |   |     |      |             |              |             |              |              |              |             |              |
| 1.1                         | Traffic Control and Regulation (01555)  | LS  | 1    | \$50,000.00 | \$50,000.00  | \$18,000.00 | \$18,000.00  | \$175,000.00 | \$175,000.00 | \$40,000.00 | \$40,000.00  |
| 1.2                         | Flagmen (01555)   | LS  | 1    | \$43,000.00 | \$43,000.00  | \$17,000.00 | \$17,000.00  | \$90,000.00  | \$90,000.00  | \$40,000.00 | \$40,000.00  |
| 1.3                         | Storm Water Pollution Prevention Plan Implementation (01565)  | LS  | 1    | \$200.00    | \$200.00     | \$3,200.00  | \$3,200.00   | \$35,000.00  | \$35,000.00  | \$1,500.00  | \$1,500.00   |
| 1.4                         | Reinforced Filter Fabric Barrier (01561)  | LF  | 5015 | \$1.70      | \$8,525.50   | \$2.00      | \$10,030.00  | \$2.00       | \$10,030.00  | \$2.00      | \$10,030.00  |
| 1.5                         | Inlet Protection Barrier (01566)  | LF  | 360  | \$4.00      | \$1,440.00   | \$35.00     | \$12,600.00  | \$10.00      | \$3,600.00   | \$7.00      | \$2,520.00   |
| 1.6                         | Sand Bags (01566)   | EA  | 10   | \$35.00     | \$350.00     | \$10.00     | \$100.00     | \$10.00      | \$100.00     | \$25.00     | \$250.00     |
| 1.7                         | Stabilized Construction Exit (Install) (01550)  | SY  | 400  | \$33.00     | \$13,200.00  | \$17.00     | \$6,800.00   | \$10.00      | \$4,000.00   | \$20.00     | \$8,000.00   |
| 1.8                         | Stabilized Construction Exit (Remove) (01550)   | SY  | 400  | \$5.00      | \$2,000.00   | \$10.00     | \$4,000.00   | \$4.00       | \$1,600.00   | \$2.00      | \$800.00     |
| 1.9                         | Trench Safety System (01570)  | LF  | 6500 | \$3.00      | \$19,500.00  | \$1.00      | \$6,500.00   | \$0.01       | \$65.00      | \$2.00      | \$13,000.00  |
| 1.10                        | Project Identification Signs (01580)  | EA  | 2    | \$1,100.00  | \$2,200.00   | \$1,300.00  | \$2,600.00   | \$1,200.00   | \$2,400.00   | \$641.00    | \$1,282.00   |
| 1.11                        | Clearing and Grubbing (02200)   | AC  | 1    | \$11,000.00 | \$11,000.00  | \$6,000.00  | \$6,000.00   | \$8,000.00   | \$8,000.00   | \$2,000.00  | \$2,000.00   |
| 1.12                        | Remove and Dispose - Concrete Foundations, Curbs, Buried Debris (02220)   | SY  | 1250 | \$25.00     | \$31,250.00  | \$12.00     | \$15,000.00  | \$1.00       | \$1,250.00   | \$20.00     | \$25,000.00  |
| 1.13                        | Remove and Dispose - Concrete Driveways (02220)   | SY  | 1455 | \$22.00     | \$32,010.00  | \$1.00      | \$1,455.00   | \$0.01       | \$14.55      | \$15.00     | \$21,825.00  |
| 1.14                        | Replace Concrete Driveways (02980)  | SY  | 1455 | \$72.00     | \$104,760.00 | \$1.00      | \$1,455.00   | \$0.01       | \$14.55      | \$80.00     | \$116,400.00 |
| 1.15                        | Remove and Dispose - Asphalt Driveways (02220)  | SY  | 715  | \$31.00     | \$22,165.00  | \$12.00     | \$8,580.00   | \$0.01       | \$7.15       | \$9.00      | \$6,435.00   |
| 1.16                        | Replace Asphalt Driveways (02980)   | SY  | 715  | \$60.00     | \$42,900.00  | \$87.00     | \$62,205.00  | \$0.01       | \$7.15       | \$70.00     | \$50,050.00  |
| 1.17                        | Remove and Dispose - Asphalt Roadway, With or Without Base (For Open Cut Water Line Installation) Pear Street, and North of Walnut Street (02220)                             | SY  | 770  | \$36.00     | \$27,720.00  | \$12.00     | \$9,240.00   | \$0.01       | \$7.70       | \$9.00      | \$6,930.00   |
| 1.18                        | Replace Asphalt Roadway to TxDOT Standards (For Open Cut Water Line Installation) - Pear Street, and North of Walnut Street (02980)   | SY  | 770  | \$76.00     | \$58,520.00  | \$114.00    | \$87,780.00  | \$0.01       | \$7.70       | \$80.00     | \$61,600.00  |
| 1.19                        | Remove and Dispose - Concrete Roadway, With or Without Base (For Open Cut Water Line Installation) - John Lizer Road (02220)  | SY  | 45   | \$30.00     | \$1,350.00   | \$25.00     | \$1,125.00   | \$100.00     | \$4,500.00   | \$15.00     | \$675.00     |
| 1.20                        | Replace Concrete Roadway to TxDOT Standards (For Open Cut Water Line Installation) - John Lizer Road (02980)  | SY  | 45   | \$100.00    | \$4,500.00   | \$132.00    | \$5,940.00   | \$200.00     | \$9,000.00   | \$90.00     | \$4,050.00   |
| 1.21                        | Curb, Curb & Gutter, and Headers (02770)  | LF  | 355  | \$11.00     | \$3,905.00   | \$30.00     | \$10,650.00  | \$1.00       | \$355.00     | \$25.00     | \$8,875.00   |
| 1.22                        | Hydromulch Seeding (02921)  | AC  | 4    | \$2,000.00  | \$8,000.00   | \$1,500.00  | \$6,000.00   | \$2,000.00   | \$8,000.00   | \$2,000.00  | \$8,000.00   |
| 1.23                        | Install and Remove Temporary Chain Link Fence (01500)   | LF  | 20   | \$53.00     | \$1,060.00   | \$24.00     | \$480.00     | \$30.00      | \$600.00     | \$20.00     | \$400.00     |
| 1.24                        | Remove & Reinstall Existing Street Signs, Billboards, Fences, Bollards, Landscape Sprinklers/Piping, Water Meter Boxes/Piping, Trees, and other Surface Feature Items (01500) | LS  | 1    | \$11,000.00 | \$11,000.00  | \$3,500.00  | \$3,500.00   | \$1,500.00   | \$1,500.00   | \$5,000.00  | \$5,000.00   |
| 1.25                        | 16-inch PVC Water Main & Appurtenances Complete-in-Place (Open Cut) (02510)   | LF  | 6015 | \$112.75    | \$678,191.25 | \$146.00    | \$878,190.00 | \$153.00     | \$920,295.00 | \$120.00    | \$721,800.00 |
| 1.26                        | 16-inch PVC Water Main & Appurtenances Complete-in-Place (Auger) (02417)  | LF  | 130  | \$139.75    | \$18,167.50  | \$840.00    | \$109,200.00 | \$341.00     | \$44,330.00  | \$150.00    | \$19,500.00  |

Reddico Construction Company, Inc.

Calco Contracting, Ltd.

Resicom, Inc.

Engineer's Estimate

| Line | Description   | UOM | QTY | Unit        | Extended     | Unit        | Extended     | Unit        | Extended     | Unit        | Extended     |
|------|---|-----|-----|-------------|--------------|-------------|--------------|-------------|--------------|-------------|--------------|
| 1.27 | 16-inch PVC Water Main w/Restrained Joints and Appurtenances in Welded 24" Steel Casing Complete-in-Place (Auger) (02417) | LF  | 310 | \$297.75    | \$92,302.50  | \$370.00    | \$114,700.00 | \$628.00    | \$194,680.00 | \$500.00    | \$155,000.00 |
| 1.28 | 12" PVC Water Main (Open Cut) (02510)   | LF  | 50  | \$68.00     | \$3,400.00   | \$200.00    | \$10,000.00  | \$245.00    | \$12,250.00  | \$90.00     | \$4,500.00   |
| 1.29 | 8" PVC Water Main (Open Cut) (02510)  | LF  | 70  | \$57.00     | \$3,990.00   | \$160.00    | \$11,200.00  | \$193.00    | \$13,510.00  | \$75.00     | \$5,250.00   |
| 1.30 | 6" PVC Water Main (Open Cut) (02510)  | LF  | 20  | \$53.00     | \$1,060.00   | \$160.00    | \$3,200.00   | \$160.00    | \$3,200.00   | \$65.00     | \$1,300.00   |
| 1.31 | 12-inch PVC Water Main w/Restrained Joints and Appurtenances in Welded 20" Steel Casing Complete-in-Place (Auger) (02417) | LF  | 80  | \$220.00    | \$17,600.00  | \$315.00    | \$25,200.00  | \$610.00    | \$48,800.00  | \$425.00    | \$34,000.00  |
| 1.32 | 16-inch Fusible PVC Water Main in Uncased Bore (Directional Drill) (02420)  | LF  | 363 | \$265.00    | \$96,195.00  | \$350.00    | \$127,050.00 | \$291.00    | \$105,633.00 | \$375.00    | \$136,125.00 |
| 1.33 | 2" Gooseneck Connection (02510)   | EA  | 1   | \$700.00    | \$700.00     | \$1,600.00  | \$1,600.00   | \$1,500.00  | \$1,500.00   | \$400.00    | \$400.00     |
| 1.34 | 6" Wet Connection (02510)   | EA  | 1   | \$800.00    | \$800.00     | \$1,500.00  | \$1,500.00   | \$1,900.00  | \$1,900.00   | \$700.00    | \$700.00     |
| 1.35 | 16" Wet Connection (02510)  | EA  | 1   | \$2,500.00  | \$2,500.00   | \$3,600.00  | \$3,600.00   | \$6,200.00  | \$6,200.00   | \$2,500.00  | \$2,500.00   |
| 1.36 | 20" Wet Connection (02510)  | EA  | 1   | \$3,400.00  | \$3,400.00   | \$7,400.00  | \$7,400.00   | \$7,500.00  | \$7,500.00   | \$4,000.00  | \$4,000.00   |
| 1.37 | Cut, Plug & Abandon Exist. 8" Water Line (02510)  | EA  | 1   | \$500.00    | \$500.00     | \$1,000.00  | \$1,000.00   | \$1,700.00  | \$1,700.00   | \$300.00    | \$300.00     |
| 1.38 | Grout-Fill Exist. 8" Water Line along SH 35 (02510)   | LF  | 630 | \$9.00      | \$5,670.00   | \$10.00     | \$6,300.00   | \$25.00     | \$15,750.00  | \$35.00     | \$22,050.00  |
| 1.39 | Cut, Plug & Abandon Exist. 6" Water Line (02510)  | EA  | 1   | \$500.00    | \$500.00     | \$1,000.00  | \$1,000.00   | \$1,600.00  | \$1,600.00   | \$250.00    | \$250.00     |
| 1.40 | Grout-Fill Exist. 6" Water Line along SH 35 (02510)   | LF  | 540 | \$10.00     | \$5,400.00   | \$11.00     | \$5,940.00   | \$25.00     | \$13,500.00  | \$30.00     | \$16,200.00  |
| 1.41 | Cut, Plug & Abandon Exist. 8" Sanitary Sewer (02530)  | EA  | 1   | \$900.00    | \$900.00     | \$1,300.00  | \$1,300.00   | \$1,700.00  | \$1,700.00   | \$200.00    | \$200.00     |
| 1.42 | Fire hydrant Assembly Including 6" Branch, 6" Gate Valve & Box, Complete in Place (02514)                                 | EA  | 22  | \$5,100.00  | \$112,200.00 | \$4,000.00  | \$88,000.00  | \$6,128.00  | \$134,816.00 | \$4,000.00  | \$88,000.00  |
| 1.43 | Remove and Salvage Fire Hydrant and Deliver to City of Pearland Public Works Dept. (01100)                                | EA  | 1   | \$600.00    | \$600.00     | \$650.00    | \$650.00     | \$300.00    | \$300.00     | \$200.00    | \$200.00     |
| 1.44 | Regrade Existing Swales and Roadside Ditch (01140)  | LF  | 250 | \$9.00      | \$2,250.00   | \$16.00     | \$4,000.00   | \$25.00     | \$6,250.00   | \$4.00      | \$1,000.00   |
| 1.45 | Clean, Plug & Backfill Abandoned Sanitary Sewer Manholes, Remove and Dispose of Cone (02220)                              | EA  | 4   | \$1,200.00  | \$4,800.00   | \$1,300.00  | \$5,200.00   | \$2,500.00  | \$10,000.00  | \$1,500.00  | \$6,000.00   |
| 1.46 | Remove and Dispose of Abandoned Sanitary Sewer Lift Station, Manhole and 10" Sanitary Sewer at Sta. 47+10 (02220)         | LS  | 1   | \$11,000.00 | \$11,000.00  | \$18,000.00 | \$18,000.00  | \$25,000.00 | \$25,000.00  | \$1,000.00  | \$1,000.00   |
| 1.47 | Precast Concrete Corrosion-Resistant Sanitary Sewer Manhole (02542)   | EA  | 2   | \$6,000.00  | \$12,000.00  | \$6,800.00  | \$13,600.00  | \$6,000.00  | \$12,000.00  | \$18,000.00 | \$36,000.00  |
| 1.48 | 6" PVC Sanitary Sewer Service Line Connections at Manholes (02542)  | EA  | 2   | \$225.00    | \$450.00     | \$1,800.00  | \$3,600.00   | \$2,500.00  | \$5,000.00   | \$250.00    | \$500.00     |
| 1.49 | 6" PVC Sanitary Sewer Service Line (Open Cut) (02531)   | LF  | 90  | \$62.00     | \$5,580.00   | \$100.00    | \$9,000.00   | \$48.00     | \$4,320.00   | \$75.00     | \$6,750.00   |
| 1.50 | 6" PVC Sanitary Sewer Service Line in 10" Steel Casing (Auger) (02415)  | LF  | 55  | \$144.00    | \$7,920.00   | \$225.00    | \$12,375.00  | \$280.00    | \$15,400.00  | \$150.00    | \$8,250.00   |
| 1.51 | 12" PVC Sanitary Sewer Line (Open Cut) (02530)  | LF  | 10  | \$98.00     | \$980.00     | \$260.00    | \$2,600.00   | \$95.00     | \$950.00     | \$125.00    | \$1,250.00   |
| 1.52 | 16" Gate Valve & Box (02541)  | EA  | 10  | \$7,200.00  | \$72,000.00  | \$7,300.00  | \$73,000.00  | \$7,600.00  | \$76,000.00  | \$27,000.00 | \$270,000.00 |
| 1.53 | 12" Gate Valve w/Box (02541)  | EA  | 1   | \$2,700.00  | \$2,700.00   | \$2,800.00  | \$2,800.00   | \$2,700.00  | \$2,700.00   | \$15,000.00 | \$15,000.00  |
| 1.54 | 8" Gate Valve w/Box (02541)   | EA  | 2   | \$1,500.00  | \$3,000.00   | \$1,600.00  | \$3,200.00   | \$1,400.00  | \$2,800.00   | \$4,500.00  | \$9,000.00   |

Reddico Construction Company, Inc.      Calco Contracting, Ltd.      Resicom, Inc.      Engineer's Estimate

| Line   | Description   | UOM | QTY | Unit        | Extended              | Unit        | Extended              | Unit        | Extended              | Unit        | Extended              |
|--|---|-----|-----|-------------|-----------------------|-------------|-----------------------|-------------|-----------------------|-------------|-----------------------|
| 1.55   | 6" Gate Valve w/Box (02541)   | EA  | 1   | \$1,100.00  | \$1,100.00            | \$1,100.00  | \$1,100.00            | \$1,100.00  | \$1,100.00            | \$4,000.00  | \$4,000.00            |
| 1.56   | 16"x12" Tee, 12" Gate Valve & Box, and 12" Blind Flange, along 16" Waterline south of Walnut St, w/location to be designated by City of Pearland Public Works (02541) | EA  | 2   | \$4,300.00  | \$8,600.00            | \$5,000.00  | \$10,000.00           | \$7,300.00  | \$14,600.00           | \$17,500.00 | \$35,000.00           |
| 1.57   | Water Tap & Polyethylene Service Line, Short Side (1") (02515)  | EA  | 5   | \$1,600.00  | \$8,000.00            | \$700.00    | \$3,500.00            | \$800.00    | \$4,000.00            | \$1,000.00  | \$5,000.00            |
| <b>Total - Package 1</b>   |   |     |     |             | <b>\$1,685,011.75</b> |             | <b>\$1,859,245.00</b> |             | <b>\$2,064,342.80</b> |             | <b>\$2,045,647.00</b> |
| <p>Extra Work Items: These items are extra work items and are to be used only if ordered by the Owner's Engineer or Construction Manager. No compensation will be received for any part of the quantities unless they are ordered and used on the job. The cost of these items should be included in the total construction bid.</p> <p><b>Pkg 2</b></p> |   |     |     |             |                       |             |                       |             |                       |             |                       |
| 2.1  | Groundwater Control for Open Cut Construction (01564)   | LF  | 500 | \$26.00     | \$13,000.00           | \$30.00     | \$15,000.00           | \$5.00      | \$2,500.00            | \$20.00     | \$10,000.00           |
| 2.2  | Additional Removal of Concrete Roadway, With or Without base (02220)  | SY  | 50  | \$30.00     | \$1,500.00            | \$15.00     | \$750.00              | \$18.00     | \$900.00              | \$15.00     | \$750.00              |
| 2.3  | Additional Replacement of Concrete Roadway (02980)  | SY  | 50  | \$100.00    | \$5,000.00            | \$200.00    | \$10,000.00           | \$90.00     | \$4,500.00            | \$90.00     | \$4,500.00            |
| 2.4  | Additional Removal of Asphalt Roadway, With or Without base (02220)   | SY  | 50  | \$36.00     | \$1,800.00            | \$10.00     | \$500.00              | \$18.00     | \$900.00              | \$9.00      | \$450.00              |
| 2.5  | Additional Replacement of Asphalt Roadway (02980)   | SY  | 50  | \$60.00     | \$3,000.00            | \$150.00    | \$7,500.00            | \$81.00     | \$4,050.00            | \$80.00     | \$4,000.00            |
| 2.6  | Hand Excavation (02318)   | CY  | 10  | \$26.00     | \$260.00              | \$20.00     | \$200.00              | \$25.00     | \$250.00              | \$25.00     | \$250.00              |
| 2.7  | Water Tap & Polyethylene Service Line, Short Side (1") (02515)  | EA  | 2   | \$1,600.00  | \$3,200.00            | \$750.00    | \$1,500.00            | \$800.00    | \$1,600.00            | \$1,000.00  | \$2,000.00            |
| 2.8  | Water Tap & Polyethylene Service Line, Short Side (2") (02515)  | EA  | 2   | \$1,900.00  | \$3,800.00            | \$3,300.00  | \$6,600.00            | \$1,500.00  | \$3,000.00            | \$1,350.00  | \$2,700.00            |
| <b>Total - Package 2</b>   |   |     |     |             | <b>\$31,560.00</b>    |             | <b>\$42,050.00</b>    |             | <b>\$17,700.00</b>    |             | <b>\$24,650.00</b>    |
| <b>Pkg 3</b>   |   |     |     |             |                       |             |                       |             |                       |             |                       |
| 3.1  | Mobilization (Maximum value is limited to 3% of subtotal) (01505)   | LS  | 1   | \$50,500.00 | \$50,500.00           | \$58,000.00 | \$58,000.00           | \$61,000.00 | \$61,000.00           | \$62,028.00 | \$62,108.91           |
| <b>Total - Package 3</b>   |   |     |     |             | <b>\$50,500.00</b>    |             | <b>\$58,000.00</b>    |             | <b>\$61,000.00</b>    |             | <b>\$62,108.91</b>    |
| <b>Response Total</b>  |   |     |     |             | <b>\$1,767,071.75</b> |             | <b>\$1,959,295.00</b> |             | <b>\$2,143,042.80</b> |             | <b>\$2,132,405.91</b> |

# New Business Item No. 6

6. **Consideration and Possible Action – Resolution No. R2014-157 – A** Resolution of the City Council of the City of Pearland, Texas, adopting a State Legislative Agenda for the 84<sup>th</sup> Session of the Texas Legislature.

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

|  |   |  |   |
|--|---|--|---|
| <b>AGENDA OF:</b>  | December 8, 2014                          | <b>ITEM NO.:</b>                         | Resolution No. R2014-157                  |
| <b>DATE SUBMITTED:</b>   | December 1, 2014                          | <b>DEPT. OF ORIGIN:</b>                  | Administration                            |
| <b>PREPARED BY:</b>  | Trent Epperson                            | <b>PRESENTOR:</b>                        | Trent Epperson                            |
| <b>REVIEWED BY:</b>  | Trent Epperson                            | <b>REVIEW DATE:</b>                      | December 1, 2014                          |
| <b>SUBJECT: RESOLUTION NO. R2014-157 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, ADOPTING A STATE LEGISLATIVE AGENDA FOR THE 84th SESSION OF THE TEXAS LEGISLATURE.</b> |   |  |   |
| <b>EXHIBITS: R2014-157;</b> Exhibit A - Resolution & The City of Pearland, Texas 2015 Legislative Agenda Position Statements; Exhibit B – Thursday Admin. Packet Memo from November 24, 2014   |   |  |   |
| <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>   | NA  | <b>AMOUNT BUDGETED:</b>                  | NA  |
| <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  | Legal                                     | Ordinance                                | Resolution                                |

**RECOMMENDED ACTION**

Consideration and approval of a resolution adopting a State Legislative Agenda for the 84<sup>th</sup> Session of the Texas Legislature.

**EXECUTIVE SUMMARY**

**BACKGROUND**

This agenda item provides a City Legislative Agenda for the upcoming state legislative session. The agenda will be provided to the City’s representatives in the state legislature, will be used to communicate the legislative issues to our citizens, and will be utilized during

Pearland Day and Brazoria County Day in Austin to articulate the City's positions and priorities. This item was detailed in the attached Thursday Packet memo from November 24, 2014.

**RESOLUTION NO. R2014-157**

**A Resolution of the City Council of the City of Pearland, Texas, adopting a State Legislative Agenda for the 84th Session of the Texas Legislature.**

**WHEREAS**, local government is the most direct and frequent point of contact with its residents; and

**WHEREAS**, the process for local government is a public and participatory process whereby the actions of local governments are subject to the public scrutiny of the residents; and

**WHEREAS**, local government is responsible for providing critical and emergency services for prevention and planning every day; and

**WHEREAS**, local governments are the first responders in local emergencies, understanding that County, State, and Federal resources are likely days or more away from the start of major incidents; and

**WHEREAS**, the ability of local government to provide those services is dependent on the ability to have the necessary resources and authority to carry out its responsibilities; and

**WHEREAS**, local government officials are elected by the residents they represent to provide a wide array of services; and

**WHEREAS**, state representatives and senators are charged with working in the best interest of the citizens they represent; and

**WHEREAS**, residents of the state of Texas expect elected government officials representing local governments to make every effort to be informed on the needs of the constituents and the local government to ensure that local governments have the necessary authorities and resources in which to fulfill the desired needs of the citizens who have elected them; now, therefore,

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

**Section 1.** That City Council members will meet with area state representatives and senators to discuss the City's legislative agenda and provide both information and assistance on all matters relating to bills and other legislative matters that come before the Legislature to ensure that they have the resources to call upon in making decisions that impact the lives of their constituents.

**Section 2.** The City of Pearland shall proactively seek the filing and passage of any legislation identified as being sought in Exhibit A.

**Section 3.** The City Council and staff shall work with TML, peer cities in the State and other appropriate entities to jointly pursue the passage or defeat of legislation that is listed as "supported" or "opposed" by the City of Pearland in Exhibit A.

**Section 4.** The City Manager and his staff shall:

- a. Take all necessary actions to inform Pearland residents of the City's legislative agenda;
- b. Encourage residents to make every effort to be aware of the local and state governing and legislative process and expect their elected representatives from all levels to seek a proactive and positive relationship that does not pass a burden from the State to the County or City without providing the tools and resources to undertake the added responsibility.

**Section 5.** That City Council believes it is incumbent of all legislators to work in concert with City and County government to ensure that the entire governing process is as effective as possible and, to that end, seek input and advice from the local level of government on issues that have a direct impact on their ability to undertake their responsibilities.

**RESOLUTION NO. R2014-157**

**Section 6.** That the City Council trusts elected representatives of state government to fully understand the implications of legislation they act upon to ensure there are no negative impacts on the community and to strongly support and take all actions necessary in furtherance of the attached legislation agenda, as it may be amended from time to time.

**Section 7.** That the City Council believes the state legislative body should not exempt its members any regulation that they impose upon any other member of a political subdivision unless it can clearly be shown that there is a clear and compelling need to do so.

**Section 8.** That the City Council hereby adopts the 2015 Legislative Agenda as shown on Exhibit A, attached to and incorporated into this resolution by reference.

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

## THE CITY OF PEARLAND, TEXAS 2015 STATE LEGISLATIVE AGENDA Position Statements

### Local Control

The City of Pearland is able to meet the need of its citizens because our elected officials have the authority to set a balance budget, levy tax rates appropriate with the community's needs, annex, provide zoning and much more. Property taxes are locally reviewed and determined and provide 21% of local operating revenues. Likewise, local sales taxes diversify the revenue stream and have a relationship to the business activity and traffic served. In support of local control, we have the following legislative priorities:

#### 1. Municipal Powers and Authority

- Oppose legislation that erodes the authority of city government or is detrimental to cities.
- Oppose legislation that would require expenditures by the City without a source of revenue provided by the State.

#### 2. Protect Municipal Revenue

- Oppose changes to the current property and sales tax systems as well as other income producing structures that would cause the City to lose revenue or the ability to raise revenue, including lowering the appraisal cap or lowering the effective tax rate provision.
- Support legislation that simplifies the effective tax rate calculation and that accurately notifies and explains to taxpayers the actual impacts of the effective tax rate while deleting parts of the notification and adoption process that causes confusion and is inconsistent with the goal of providing a transparent budget and tax rate setting process.
- Oppose legislation that would restrict the ability of municipalities to issue debt through either General Obligation or Certificates of Obligation bonds.
- Support state or federal legislation that would expand the use of public, educational, and government (PEG) fees to include operational and related costs associated with PEG channels.
- Oppose legislation that would further lower the appraisal cap and unfairly shift taxes to other taxpayers.
- Support legislation to modify the deadline for publication of the *Notice of Proposed Property Tax Rate* from September 1 of each year to "before the later of September 1 or the 30<sup>th</sup> day after the date the certified appraisal roll is received by the taxing unit."

#### 3. Land-Use Regulation and Annexation

- Strongly oppose legislation that would restrict the zoning authority of cities, would restrict a city's ability to adopt or amend zoning regulation, or vest or otherwise create a property right in a zoning classification.
- Oppose legislation that would allow special districts to form in a city or its extraterritorial jurisdiction without the city's permission, or that would impose additional requirements on cities relating to special districts.
- Protect the current annexation laws that allow for municipalities to expand their borders, grow their tax base, and provide safe-guards for adjacent properties.
- Oppose any legislation that would limit the City's ability to enact building code requirements or assess building inspection fees.

## **Keeping Families Safe and Healthy**

The City of Pearland has built a strong reputation as being a safe environment for families and businesses to call home. Multiple generations remain in our community and new residents choose our community because we provide excellent public safety through police, fire, and code enforcement, while providing multiple parks and recreation services for all ages to enjoy. We ask that the State also consider the importance of water in this session and not impose any unnecessary burdens for local governments or water systems. In support of keeping families safe and healthy, we have the following legislative priorities:

### **Public Safety**

- Support legislation to return the power of arrest and citation to school-based law enforcement officers for Class C misdemeanors committed on school property, including but not limited to, theft under \$50, simple assault (unwanted touching), narcotic paraphernalia, possession of tobacco or alcohol, that were de-criminalized by SB 393 (83R) and SB 1114 (83R) resulting in negative impact on school safety.
- Support legislation to increase support and funding for the Texas Commission on Fire Protection, thereby preventing cities from paying additional fees to support the agency.
- Oppose legislation that would impose a presumption that first responders incur illnesses or injuries in the line of duty.
- Oppose legislation that would impose expanded collective bargaining rights or expand the current meet and confer law.
- Oppose any further reduction of local government oversight of the safety of home cottage food facilities.
- Oppose legislation that would implement Recommendation 3.1 in the Texas Sunset Advisory Commission Staff Report to deregulate the Code Enforcement Officer licensing program in Texas

### **Park & Recreation**

- Support any initiative to restore funding from the Sporting Goods Sales Tax, dedicated to Local Park Fund Grants and State Parks.
- Support legislation to enable the City to build and operate recreational facilities in utility easements, including power line easements, for the purposes of walking and biking trails and other recreational uses/facilities, while also reducing any liability for those utility owner/operators.

### **Water Resources**

- Actively monitor, evaluate, and act, if necessary, on any legislation related to the Gulf Coast Water Authority and the Brazos River Authority including governance, water planning, water fees, and Watermaster issues.
- Support legislation that provides funding for State Water Plan projects that increase the State's water resources or further establishes long-term planning efforts for an affordable and reliable water supply for the Brazos River Authority, Gulf Coast Water Authority, Brazoria County, and the Houston Region - provided that the investments already made by the City are reflected in any proposed financing mechanisms.
- Oppose legislation that elevates the recreational use of water above the public health and safety needs for drinking water and industrial use.

- Oppose legislation that would impose on cities: mandatory water conservation measures; "tap fees" or other types of state charge on municipal water systems; or any other onerous regulations as it relates to utilities provided by a city.

## **Expanding Business Growth**

Cities have been the economic engines for this state during the past couple of decades, as we provide incentives and land for business recruitment and expansion. We intend to continue with our economic development successes in cooperation with the State. In support of expanding business growth, we have the following legislative priorities:

### **Economic Development**

- Oppose attempts to restrict the ability of cities to use Type A (4A) and Type B (4B) funds.
- Oppose attempts to restrict the use of economic development tools available to local governments such as tax abatement, tax increment reinvestment zones, and Chapter 380 agreements.
- Support continuation of the Hotel Occupancy Tax (HOT) for tourism marketing.
- Support legislation that removes the population brackets restricting the use of the Hotel Occupancy Tax (HOT) on existing sports facilities and fields in a manner that promotes tourism and benefits the interest of the local hotel and motel industry.

### **Education**

- Support legislation that will provide Tuition Revenue Bonds /Capital Construction Funds for a Health Sciences and Classroom Building at the University of Houston – Clear Lake Pearland Campus.

### **Transportation**

- Support for funding for local projects including FM518, SH288, SH35, and SH35 Tollway.
- Support legislation that would discontinue the diversion of transportation revenues to non-transportation purposes.
- Support legislation that will provide additional funding to the Texas Department of Transportation and local funding options for transportation projects that would benefit cities, so long as existing funding formulas are followed.

### **Right-of-Way and Utilities**

- Oppose legislation that would further erode a city's ability to condemn property for a public use, would negatively impact the City's authority over its right-of-way, would erode municipal authority to require utility companies to pay the costs of relocating their facilities in a timely manner, as required by current law, or would limit the current ability of the City to receive fair market compensation for use of the public rights-of-way to which the City is responsible and entrusted.
- Support legislation that would increase the authority of municipalities in requiring increased public notice of major pipeline activities - such as flaring- that have a direct impact on the quality of life of city residents.
- Oppose any legislation that would diminish or limit the City's original jurisdiction over electric and gas rates.

## **Increase Efficiency and Reduce Waste**

Especially in light of the changing economy during the past decade, cities such as Pearland have looked inward to find answers on how to balance our budgets. There are mandates and restriction that come from the State that add to our cost of doing business. We ask that the State be considerate of opportunities to increase efficiencies for cities and not impose an unfunded mandates. In support of increasing the efficiency and reducing waste in local government, we have the following legislative priorities:

### **Open Meetings/Open Records**

1. Support uniform application of the public information and open meetings laws at every level of government including State legislative and executive branches.
2. Support expansion of the ability to charge for cost recovery related to reproduction of public information, including costs of materials, labor, overhead, electronic copies and for viewing of documents.

### **Public Advertising**

1. Support legislation that would enable the use of online electronic notice rather than obsolete print media for all public notices.

### **Purchasing**

1. Support continuation of alternative project delivery methods that allow municipalities to select contractors based on both price and qualifications.

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11/25/2014

To: Mayor and City Council members

For your review and comments, draft legislative agenda and background.

As shared earlier, we would like to suggest that the City Council adopt its own legislative agenda to guide looking at specific issues that come up in the session. As first effort, especially appreciate any thoughts and comments before we present in December at a Council meeting to you. Also, the Texas Municipal League backgrounder on pages 9 and 10 is worth reviewing and understanding.

Clay

## Memo

To: Clay Pearson – City Manager

From: Trent Epperson – Assistant City Manager

CC: John McCarter – Management Assistant

Jon Branson – Deputy City Manager

Date: November 24, 2014

Re: City of Pearland Legislative Agenda

For the first time, the City of Pearland has compiled a Legislative Agenda in preparation for the 84<sup>th</sup> Texas State Legislature. The purpose of this document is to establish a set of position statements regarding issues that may be discussed or acted upon during this Legislative Session. It has become common practice among other municipalities and public organizations to adopt similar documents. The attached Legislative Agenda is the result of a collective effort by City staff to provide Legislators, residents, and the general public with background on those issues most important to the City of Pearland.

The Legislative Agenda is a useful tool for several reasons. First, the Agenda is a proactive means taken by the City to get involved in State-level policy making. Decisions made at the State level have a large impact on municipalities. This Agenda allows the City to establish positions on key issues before they are acted upon by Legislators. It is imperative that the City of Pearland ensure adequate support and effective partnerships with the State; this Agenda is a first step toward accomplishing that goal.

Second, this document is an educational tool. It is crucial that our representatives have a firm understanding of the implications of State action; as local government Officials it is our obligation to provide the information necessary to educate representatives on local issues. The City partners with organizations like the Texas Municipal League (TML) and other municipalities on State-wide issues, however this Legislative Agenda allows the City to articulate positions on local issues that may be impacted by Legislative action, like funding for SH 288 or the University of Houston – Clear Lake expansion.

The attached Agenda is broken into four sections; Local Control, Keeping Families Safe and Healthy, Expanding Business Growth, and Increase Efficiency and Reduce Waste. In an effort to make the document accessible and easy to understand, each section contains a brief summary of the issues to follow. Each section is further broken into issues, each with a set of position statements clearly defining the City's stance.

In addition to the City of Pearland Legislative Agenda, please find several additional Legislative resources for your reference. Also attached is a handout published by TML outlining the work that cities do on behalf of the State. The Legislative Agenda published by Brazoria County for Brazoria County Day 2013 in Austin. We have also attached the City of Sugar Land's Legislative

Agenda, which has been adopted by City Council to provide an example of how other model communities have put together their Agendas.

As the 84<sup>th</sup> Session progresses City staff will monitor legislation and provide additional information and support to the legislature as necessary. Listed below are several important dates to keep in mind during the 84<sup>th</sup> Session:

- **November 10, 2014** – Prefilling of legislation begins
- **January 13, 2015** – 84<sup>th</sup> Legislature convenes at noon
- **February 27-28, 2015** – Pearland Day in Austin
- **March 3, 2015** – Brazoria County Day in Austin
- **March 13, 2015** – Deadline for filing bills
- **June 1, 2015** – Last Day of the 84<sup>th</sup> Session
- **June 21, 2015** – Last day the Governor can sign or veto bills

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS,  
ADOPTING A STATE LEGISLATIVE AGENDA FOR THE 84th SESSION OF THE TEXAS  
LEGISLATURE.

WHEREAS, local government is the most direct and frequent point of contact with its residents; and

WHEREAS, the process for local government is a public and participatory process whereby the actions of local governments are subject to the public scrutiny of the residents; and

WHEREAS, local government is responsible for providing critical and emergency services for prevention and planning every day; and

WHEREAS, local governments are the first responders in local emergencies, understanding that County, State, and Federal resources are likely days or more away from the start of major incidents; and

WHEREAS, the ability of local government to provide those services is dependent on the ability to have the necessary resources and authority to carry out its responsibilities; and

WHEREAS, local government officials are elected by the residents they represent to provide a wide array of services; and

WHEREAS, state representatives and senators are charged with working in the best interest of the citizens they represent; and

WHEREAS, residents of the state of Texas expect elected government officials representing local governments to make every effort to be informed on the needs of the constituents and the local government to ensure that local governments have the necessary authorities and resources in which to fulfill the desired needs of the citizens who have elected them; NOW, THEREFORE,

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

**Section 1.** That City Council members will meet with area state representatives and senators to discuss the City's legislative agenda and provide both information and assistance on all matters relating to bills and other legislative matters that come before the Legislature to ensure that they have the resources to call upon in making decisions that impact the lives of their constituents.

**Section 2.** The City of Pearland shall proactively seek the filing and passage of any legislation identified as being sought in Exhibit A.

**Section 3.** The City Council and staff shall work with TML, peer cities in the State and other appropriate entities to jointly pursue the passage or defeat of legislation that is listed as "supported" or "opposed" by the City of Pearland in Exhibit A.

**Section 4.** The City Manager and his staff shall:

- a. Take all necessary actions to inform Pearland residents of the City's legislative agenda;

- b. Encourage residents to make every effort to be aware of the local and state governing and legislative process and expect their elected representatives from all levels to seek a proactive and positive relationship that does not pass a burden from the State to the County or City without providing the tools and resources to undertake the added responsibility.

**Section 5.** That it believes it is incumbent of all legislators to work in concert with City and County government to ensure that the entire governing process is as effective as possible and, to that end, seek input and advice from the local level of government on issues that have a direct impact on their ability to undertake their responsibilities.

**Section 6.** That it trusts elected representatives of state government to fully understand the implications of legislation they act upon to ensure there are no negative impacts on the community and to strongly support and take all actions necessary in furtherance of the attached legislation agenda, as it may be amended from time to time.

**Section 7.** That it believes the state legislative body should not exempt its members any regulation that they impose upon any other member of a political subdivision unless it can clearly be shown that there is a clear and compelling need to do so.

**Section 8.** That it adopts the 2015 Legislative Agenda as shown on Exhibit A, attached to and incorporated into this resolution by reference.

# EXHIBIT A

## THE CITY OF PEARLAND, TEXAS 2015 STATE LEGISLATIVE AGENDA Position Statements

### Local Control

The City of Pearland is able to meet the need of its citizens because our elected officials have the authority to set a balance budget, levy tax rates appropriate with the community's needs, annex, provide zoning and much more. Property taxes are locally reviewed and determined and provide 21% of local operating revenues. Likewise, local sales taxes diversify the revenue stream and have a relationship to the business activity and traffic served. In support of local control, we have the following legislative priorities:

#### 1. Municipal Powers and Authority

- Oppose legislation that erodes the authority of city government or is detrimental to cities.
- Oppose legislation that would require expenditures by the City without a source of revenue provided by the State.

#### 2. Protect Municipal Revenue

- Oppose changes to the current property and sales tax systems as well as other income producing structures that would cause the City to lose revenue or the ability to raise revenue, including lowering the appraisal cap or lowering the effective tax rate provision.
- Support legislation that simplifies the effective tax rate calculation and that accurately notifies and explains to taxpayers the actual impacts of the effective tax rate while deleting parts of the notification and adoption process that causes confusion and is inconsistent with the goal of providing a transparent budget and tax rate setting process.
- Oppose legislation that would restrict the ability of municipalities to issue debt through either General Obligation or Certificates of Obligation bonds.
- Support state or federal legislation that would expand the use of public, educational, and government (PEG) fees to include operational and related costs associated with PEG channels.
- Oppose legislation that would further lower the appraisal cap and unfairly shift taxes to other taxpayers.
- Support legislation to modify the deadline for publication of the *Notice of Proposed Property Tax Rate* from September 1 of each year to "before the later of September 1 or the 30<sup>th</sup> day after the date the certified appraisal roll is received by the taxing unit."

#### 3. Land-Use Regulation and Annexation

- Strongly oppose legislation that would restrict the zoning authority of cities, would restrict a city's ability to adopt or amend zoning regulation, or vest or otherwise create a property right in a zoning classification.
- Oppose legislation that would allow special districts to form in a city or its extraterritorial jurisdiction without the city's permission, or that would impose additional requirements on cities relating to special districts.
- Protect the current annexation laws that allow for municipalities to expand their borders, grow their tax base, and provide safe-guards for adjacent properties.
- Oppose any legislation that would limit the City's ability to enact building code requirements or assess building inspection fees.

## **Keeping Families Safe and Healthy**

The City of Pearland has built a strong reputation as being a safe environment for families and businesses to call home. Multiple generations remain in our community and new residents choose our community because we provide excellent public safety through police, fire, and code enforcement, while providing multiple parks and recreation services for all ages to enjoy. We ask that the State also consider the importance of water in this session and not impose any unnecessary burdens for local governments or water systems. In support of keeping families safe and healthy, we have the following legislative priorities:

### **Public Safety**

- Support legislation to return the power of arrest and citation to school-based law enforcement officers for Class C misdemeanors committed on school property, including but not limited to, theft under \$50, simple assault (unwanted touching), narcotic paraphernalia, possession of tobacco or alcohol, that were de-criminalized by SB 393 (83R) and SB 1114 (83R) resulting in negative impact on school safety.
- Support legislation to increase support and funding for the Texas Commission on Fire Protection, thereby preventing cities from paying additional fees to support the agency.
- Oppose legislation that would impose a presumption that first responders incur illnesses or injuries in the line of duty.
- Oppose legislation that would impose expanded collective bargaining rights or expand the current meet and confer law.
- Oppose any further reduction of local government oversight of the safety of home cottage food facilities.
- Oppose legislation that would implement Recommendation 3.1 in the Texas Sunset Advisory Commission Staff Report to deregulate the Code Enforcement Officer licensing program in Texas

### **Park & Recreation**

- Support any initiative to restore funding from the Sporting Goods Sales Tax, dedicated to Local Park Fund Grants and State Parks.
- Support legislation to enable the City to build and operate recreational facilities in utility easements, including power line easements, for the purposes of walking and biking trails and other recreational uses/facilities, while also reducing any liability for those utility owner/operators.

### **Water Resources**

- Actively monitor, evaluate, and act, if necessary, on any legislation related to the Gulf Coast Water Authority and the Brazos River Authority including governance, water planning, water fees, and Watermaster issues.
- Support legislation that provides funding for State Water Plan projects that increase the State's water resources or further establishes long-term planning efforts for an affordable and reliable water supply for the Brazos River Authority, Gulf Coast Water Authority, Brazoria County, and the Houston Region - provided that the investments already made by the City are reflected in any proposed financing mechanisms.
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1. Support continuation of alternative project delivery methods that allow municipalities to select contractors based on both price and qualifications.



## **Texas Cities Do the State's Local Work: Safe Communities, Essential Infrastructure, Vital Services**

Cities, the government closest to the people, embody the idea that “We the People” should be in control. **Cities provide the services that we cannot do without.** Those services reflect the will of the local taxpayers. They are not the kind of services people think of when they say they want less government. **Put simply: City services are the nuts and bolts of our society.**

Starting with Texas' statehood in 1845, the legislature began creating cities to do its local work. **The Texas Municipal League now represents more than 1,100 cities of every size, shape, and service level.** The locally-elected city councils in those cities decide – based on the wants of their citizens – how to provide appropriate services.

They provide police and fire protection, the roads we drive on, local business development, the utilities we need to survive and prosper, the protection of property values through thoughtful rules that benefit everyone, and more. It costs money to provide these services, but **keeping taxes low while meeting citizens' demand for services** is a core value of city officials.

**Cities don't typically seek funding from the state, and they receive virtually nothing from the state.** What cities need in lieu of state funding is **to be treated as partners in keeping Texas great.** They want to continue providing local services in the way they were elected to do. That leads to the following legislative priorities:

1. Ensure that local decisions are made locally by supporting reasonable enhancements to regulatory authority and by opposing attempts to harm the ability of cities to:
  - Protect property values by imposing reasonable development standards;
  - Enact zoning ordinances; and
  - Respond to citizen demands for orderly development.
2. Protect and enhance essential infrastructure by opposing efforts to diminish municipal revenue and by supporting initiatives that will meet the needs of our cities for:
  - Streets, roads, and bridges;
  - Clean water;
  - Safe and effective wastewater treatment;
  - Stormwater management; and
  - Sustainable solid waste collection and disposal.
3. Ensure funding for vital community services by vigorously opposing efforts to erode revenue needed to:
  - Keep cities safe from crime;
  - Respond to emergencies;
  - Enhance economic growth and job creation;
  - Provide recreational facilities, parks, and libraries; and
  - Protect the natural environment.

**The City Message to Legislators is Clear:  
Continue Partnering with Cities to do the State's Local Work**

To learn more, visit [www.tml.org](http://www.tml.org) or call 512-231-7400  
Legislative direct contact: Shanna Igo 512-750-8718

## Texas Cities: Did You Know?

1. Texas cities **lead the nation in population growth**. In 2014, seven of the 15 fastest growing cities in the nation are in Texas. On average, somewhere around **1,000 people are added to the Texas population each day**. [*U.S. Census Bureau.*]
2. **Seventy-four percent of Texas residents live in incorporated cities** (of which there are 1,216) and 86 percent of Texans live in urban areas. [*U.S. Census Bureau.*]
3. **From 1990 to 2011, the total city property tax levy rose an average of 5.48 percent per year**. This increase is closely aligned with Texas' population growth plus inflation over the same period of time, which averaged out to a 4.7 percent average yearly increase. [*Texas Comptroller, Biennial Property Tax report for 2010 and 2011 and U.S. Census Bureau.*]
4. From 2009-2013, **total outstanding state debt increased by 27.8 percent**, total outstanding local debt increased by 14.9 percent, and **total outstanding city debt increased by only 13.7 percent**. [*Texas Bond Review Board, 2013 Annual Report and 2013 Local Annual Report.*]
5. Seventeen percent of property taxes statewide go to cities. **The majority of property taxes (54 percent) go to fund public schools**. Of the remainder, sixteen percent goes to counties, and 13 percent goes to special districts. [*Texas Comptroller, Annual Property Tax Report for Tax Year 2009.*]
6. **Texas cities receive virtually no financial assistance from the state**. In fact, Texas ranks 49th out of the 50 states in the amount of general revenue it receives from state government. [*National League of Cities, City and State Fiscal Structure (2008).*]
7. Using a unique concept dubbed "reverse intergovernmental aid," the Texas Legislature requires **cities to generate and remit to the state over \$200 million annually to fund state programs**. [*TML article, Reverse Intergovernmental Aid Revisited, Again (2013).*]
8. In fiscal year 2012, **cities pitched in more than \$112 million** in cash and much more in right-of-way donations and in-kind services **for state highway projects initiated by TxDOT**. [*TML article, Reverse Intergovernmental Aid Revisited, Again (2013).*]
9. **Local economic development incentives dwarf the economic development incentives offered by the state**. [*Committee Testimony by Executive Director of Governor's Office for Economic Development and Tourism, House Economic and Small Business Development Committee (2014).*]





# ***Brazoria County Day Legislative Issues***

## **EDUCATION / WORKFORCE TRAINING**

### ***We support . . .***

- aligning public education with workforce needs.
- adequate and equitable funding of public education to include full State funding for State mandated programs.
- adequate funding for community colleges, which provides the best local education means for workforce training and development and access to transfer path to four-year degrees.
- the State's creating flexibility under the 4 x 4 requirement to allow for career and technology courses with applied math and science components.
- adequate funding for Workforce Programs. The Brazoria County petrochemical industry will need as many as 5,000 new hires over the next six years. More than 50% of the new positions will require skills training.
- the reduction of student assessment testing.

## **NATURAL RESOURCES / ENVIRONMENTAL**

### ***We support . . .***

- funding for the implementation of the State Water Plan.
- establishing a Watermaster for the Brazos River Basin.
- the State of Texas issuing Greenhouse Gas Permits.
- continuation of the current law stating start date of the Allen's Creek Reservoir project begins in 2018 and to block any effort to delay the project.
- water use policies that recognize the importance of conservation and the need to adopt sustainable methods of water usage and new sources that recognize and balance the rights of all users within a watershed.
- legislation to provide the State match to federal dollars for a feeder beach project at Treasure Island that would provide nourishment and protection along the entire length of Follett's Island.
- increasing Texas' share of federal dollars dedicated for erosion control efforts with the establishment of a GLO Beach Maintenance Plan.
- the continuation of the Texas Emissions Reduction Program (TERP) and the Low Income Vehicle Repair Assistance Program (LIRAP) to further reduce mobile source emissions.
- TxDOT sponsorship and funding for the re-opening of the San Bernard River.

## **TRANSPORTATION**

### ***We support . . .***

- eliminating diversions from TxDOT's gasoline tax revenues.
- research into a revenue system to adequately fund transportation.
- efforts to streamline and accelerate the environmental review process for highway projects.
- the I-69 southern route in order to serve Texas ports more effectively.
- the Brazoria County segment of the Grand Parkway.
- construction of toll roads including SH 35 (from I 45 to the City of Alvin) and SH 288 (from US 59 to SH 99/County Road 60 in Brazoria County).
- designation of SH 36 and FM 523 to and from Port Freeport as primary truck routes to highways SH 288, US 59, IH 45 and IH 10.
- innovative State funding measures for State highways and rail service to Port Freeport, including SH 36.
- completion of the main lanes on State Highway 35 Bypass in Alvin to accommodate increased traffic and goods coming from Port Freeport.

## **ECONOMIC DEVELOPMENT**

### ***We support . . .***

- re-authorization of Chapter 313 of the Texas Economic Development Act.
- maintaining local control and flexibility in the use of tax abatements, tax increment financing, reinvestment zones and other incentives to promote economic development and job creation.
- maintaining the allocation of 1/12 of the State hotel occupancy tax revenue to fund the tourism advertising and promotion program of the Governor's Office of Economic Development and Tourism.
- continuation of Texas Enterprise Fund and additional incentives which attract more business to Texas.
- continuation of Texas Emerging Technology Fund which fosters innovation, research and job creation in emerging high-tech industries.

## **GOVERNMENT**

### ***We support . . .***

- allowing counties to enforce the Uniform Building Codes.
- providing counties with the ability to manage the unincorporated areas on such issues as fireworks, noise, salvage yard regulations, and standards for subdivisions.
- providing a workable program on OSSF (on-site sewage facilities) – aerobic systems.
- local retention and control of collections of fines and fees.

## **HEALTHCARE**

### ***We support . . .***

- stabilization of Medicaid to include funding increases due to demands from the population growth in the State.
- increasing funding to hospitals over the current 50% of their Texas Health and Human Services Commission audited costs for inpatient services.
- protection of our hospitals, as they were the second largest source of new jobs from 2006 to 2010.
- confirmation of health coverage for employees of companies that receive Texas Enterprise funds.
- initiatives to support uncompensated trauma care funding.
- any funding opportunities that address behavioral health services to include an adequate outpatient treatment system.

## **COUNTY / STATE ISSUES**

### ***We support . . .***

- legislation for affordable and available windstorm insurance.
- the reduction of the size and scope of government.
- restoring funding to the 2010 level for Statewide Library Programs.
- the full dedication of the sporting goods sales tax to funding the State and local parks systems.
- the State's partnership with coastal counties and federal officials to resolve the levee decertification issue.
- the elimination of unfunded mandates.
- the constitutional principle that property taxation be equal and uniform for all Texans.

## **ADVANCED TECHNOLOGY**

### ***We support . . .***

- the Texas Legislature's efforts to ensure Texans have access to cutting edge networks and technologies, including IP broadband, that can deliver substantial economic benefits for consumers and businesses.
- promotion of innovation over burdensome regulation, through smart incentives and tax policy that can unleash a new wave of economic growth and job creation to strengthen our State and our nation.
- private investment and competition to provide innovation, consumer choice, and the proliferation of advanced technologies to meet our education, health care, community and economic needs.



## RESOLUTION NO. 14-31

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A LEGISLATIVE AGENDA FOR THE 84th SESSION OF THE TEXAS LEGISLATURE.**

WHEREAS, local government is the most direct and frequent point of contact with its residents; and

WHEREAS, the process for local government is a public and participatory process whereby the actions of local governments are subject to the public scrutiny of the residents; and

WHEREAS, local government is responsible for providing basic and emergency services; and

WHEREAS, local governments are the first responders in local emergencies; and

WHEREAS, the ability of local government to provide those services is dependent on the ability to have the necessary resources and authority to carry out its responsibilities; and

WHEREAS, local government officials are elected by the residents they represent to provide a wide array of services; and

WHEREAS, state representatives and senators are charged with working in the best interest of the citizens they represent; and

WHEREAS, residents of the state of Texas expect elected government officials representing local governments to make every effort to be informed on the needs of the constituents and the local government to ensure that local governments have the necessary authorities and resources in which to fulfill the desired needs of the citizens who have elected them; NOW, THEREFORE,

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:**

**Section 1.** That City Council members will meet with area state representatives and senators to discuss the City's legislative agenda and provide both information and assistance on all matters relating to bills and other legislative matters that come before the Legislature to ensure that they have the resources to call upon in making decisions that impact the lives of their constituents.

**Section 2.** The City of Sugar Land shall proactively seek the filing and passage of any legislation identified as being sought in Exhibit A.

**Section 3.** The City Council IG Committee and the City's representative on the Texas Municipal League (TML) Resolutions Committee shall work with TML, peer cities in the State and other appropriate entities to jointly pursue the passage or defeat of legislation that is listed as "supported" or "opposed" by the City of Sugar Land in Exhibit A.

**Section 4.** The City Manager and his staff shall:

- a. Take all necessary actions to inform Sugar Land residents of the City's legislative agenda;
- b. Encourage residents to make every effort to be aware of the local and state governing and legislative process and expect their elected representatives from all levels to seek a proactive and positive relationship that does not pass a burden from the State to the County or City without providing the tools and resources to undertake the added responsibility.

**Section 5.** That it believes it is incumbent of all legislators to work in consort with City and County government to ensure that the entire governing process is as effective as possible and, to that end, seek input and advice from the local level of government on issues that have a direct impact on their ability to undertake their responsibilities.

**Section 6.** That it expects elected representatives of state government to fully understand the implications of legislation they act upon to ensure there are no negative impacts on the community and to strongly support and take all actions necessary in furtherance of the attached legislation agenda, as it may be amended from time to time.

**Section 7.** That it believes the state legislative body should not exempt its members any regulation that they impose upon any other member of a political subdivision unless it can clearly be shown that there is a clear and compelling need to do so.

**Section 8.** That it adopts the 2015 Legislative Agenda as shown on Exhibit A, attached to and incorporated into this resolution by reference.

**Section 7.** That Resolution No. 12-24 is repealed.

APPROVED on \_\_\_\_\_, 2014.

\_\_\_\_\_  
James A. Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:

Attachment: Exhibit A- 2015 Legislative Agenda

## **EXHIBIT A**

### **THE CITY OF SUGAR LAND 2015 LEGISLATIVE AGENDA Position Statements**

#### **Un-Funded Mandates**

1. *Oppose legislation that would require expenditures by the City without a source of revenue provided by the State.*
2. *Oppose legislation that would impose a presumption that first responders incurred illnesses or injuries in the line of duty.*

#### **Municipal Powers**

1. *Oppose legislation that erodes the authority of city government or is detrimental to cities.*
2. *Support legislation that is beneficial to the City's interest.*

#### **Municipal Revenue**

1. *Oppose changes to the current property and sales tax systems as well as other income producing structures that would cause the City to lose revenue or the ability to raise revenue.*
2. *Support simplifying the effective tax rate calculation for notice purposes only, provided the legislation would have no effect on the underlying effective tax rate and rollback tax rate calculations themselves.*
3. *Support legislation that accurately notifies and explains to taxpayers the actual impacts of the effective tax rate while deleting parts of the notification and adoption process that causes confusion and is inconsistent with the goal of providing a transparent budget and tax rate setting process.*
4. *Support any initiative to restore funding from the Sporting Goods Sales Tax, dedicated to Local Park Fund Grants and State Parks.*
5. *Support legislation that would enable municipalities to raise the fee amounts for the City portion of municipal court fees collected by cities.*
6. *Oppose legislation that would restrict the ability of municipalities to issue debt through either General Obligation or Certificates of Obligation bonds.*
7. *Support state or federal legislation that would expand the use of public, educational, and government (PEG) fees to include operational and related costs associated with PEG channels.*
8. *Oppose legislation that would further lower the appraisal cap and unfairly shift taxes to other taxpayers.*
9. *Support legislation that would increase funding for arts & cultural programs.*

#### **Collective Bargaining**

1. *Oppose legislation that would impose expanded collective bargaining rights.*
2. *Oppose legislation that would expand the current meet and confer law.*

#### **Land-Use Regulation and Annexation**

1. *Oppose legislation that would restrict the zoning authority of cities.*
2. *Monitor the creation or modification of special districts within the City and its ETJ, and support or oppose them as necessary.*
3. *Oppose legislation that erodes the authority of cities to annex.*

4. *Oppose any legislation that would limit the City's ability to enact building code requirements or assess building inspection fees.*
5. *Support legislation to modify language in state law under Local Government Code Chapter 212 in order to eliminate the public hearing requirement for residential re-plats which must be approved per state law if all code requirements are met or to revise the required public notice to include a statement that says, "If the plat meets all codes, it must be approved."*

### **Economic Development**

1. *Oppose attempts to restrict the ability of cities to use Type A (4A) and Type B (4B) funds.*
2. *Support the ability of cities to hold a single election to eliminate one sales and use tax and to adopt another.*
3. *Oppose attempts to restrict the use of economic development tools available to local governments such as tax abatement, tax increment reinvestment zones, and Chapter 380 agreements.*
4. *Support expansion or continuation of adequate funding for the Texas Enterprise Fund, Emerging Technology Fund, Skills Development Fund, Texas Enterprise Zone Program, and the Research and Development tax credit program.*
5. *Support continuation of the Hotel Occupancy Tax (HOT) for tourism marketing.*

### **Transportation**

1. *Support state-funded and local-option funding choices to be utilized for transportation purposes.*
2. *Support legislation that would discontinue the diversion of transportation revenues to non-transportation purposes and appropriate all revenues from highway user fees and taxes to fund transportation projects.*
3. *Support funding of the voter-approved Texas Rail Relocation & Improvement Fund.*

### **Right-of-Way and Utilities**

1. *Oppose legislation that would negatively impact the City's authority over its right-of-way.*
2. *Oppose legislation that would limit the current ability of the City to receive fair market compensation for use of its public rights-of-way.*
3. *Oppose legislation that would impose on cities: mandatory water conservation measures; "tap fees" or other types of state charge on municipal water systems; or any other onerous regulations as it relates to utilities provided by a city.*
4. *Support legislation to enable the City to build and operate recreational facilities in utility easements, including power line easements, for the purposes of walking and biking trails and other recreational uses/facilities, while also reducing any liability for those utility owner/operators.*
5. *Support legislation that would increase the authority of municipalities in requiring increased public notice of major pipeline activities – such as flaring – that have a direct impact on the quality of life of city residents.*
6. *Oppose any legislation that would diminish or limit the City's original jurisdiction over electric and gas rates.*

### **Water Resources**

1. *Actively monitor, evaluate, and act, if necessary, on any legislation related to the Gulf Coast Water Authority, the Fort Bend Subsidence District, and the Brazos River Authority including governance, water planning, water fees, and Watermaster issues.*
2. *Support legislation that would protect and expand the City's ability to purchase water, provide water to its residents and customers, use water within its City and Extraterritorial Jurisdiction*

*Areas, and collaborate with local and regional entities on projects or initiatives that seek to enhance the City's water resources goals.*

- 3. Support legislation that provides funding for State Water Plan projects that increase the State's water resources or further establishes long-term planning efforts for an affordable and reliable water supply for the Fort Bend and Houston areas – provided that the investments already made by the City are reflected in any proposed financing mechanisms.*

### **Open Meetings/Open Records**

- 1. Oppose any attempt that would make the current open meetings and public information laws more restrictive and ambiguous.*
- 2. Support uniform application of the public information and open meetings laws at every level of government including State legislative and executive branches.*
- 3. Support clarifications to public information and open meetings laws so that elected officials, including State legislative & executive officials, can better communicate with their constituents.*
- 4. Support expansion of the ability to charge for costs related to reproduction of public information, including costs of materials, labor, overhead, electronic copies and for viewing of documents.*
- 5. Support legislation reducing the financial burden on local governments required by the Open Meetings Act and Open Records Requests.*

### **Homeowners Associations (HOAs)**

- 1. Support the authority and role of Homeowners Associations and to oppose limitation of functions HOA's were created to perform.*
- 2. Support legislation that would enable HOAs to gain access to funding to maintain properties as neighborhoods age.*

### **Public Advertising**

- 1. Support legislation that would enable the use of electronic notice for all public notices.*

### **Texas Municipal Retirement System**

- 1. Support legislation that would protect the City's previous and future investments in the TMRS system.*

### **Purchasing**

- 1. Support legislation to clarify change orders for Public Works projects as it relates to previous changes to Chapters 252, 271, and 2267 of the Texas Local Government Code.*
- 2. Support continuation of alternative project delivery methods that allow municipalities to select contractors based on both price and qualifications.*

### **Public Safety**

- 1. Support the ability of local governing bodies to determine the appropriate use of technology in public safety.*
- 2. Oppose any further reduction of local government oversight of the safety of home cottage food facilities.*

## 2015 State Public Policy Agenda

The Economic Alliance Houston Port Region was created in 1985 to provide professional economic development services on behalf of 16 communities surrounding the 25-mile Houston Ship Channel. Since 2008, the Economic Alliance has supported over 40 successful projects that have helped create **more than 4,400 new jobs** and **over \$5.5 billion** of capital investment to the Houston Port Region.

### Economic Development:

- Advocate for maintaining and modernizing valuable economic development programs for the continued development and growth of the region.
- Work with, support, and lead where necessary, alliances of Economic Development partners, businesses and industry associations, to accomplish important public policy goals.

### Manufacturing / Petrochemical:

- Advocate for environmental legislation that is fair, consistent, and based on sound science.
- Advocate for a fair tax structure that does not place businesses at a competitive disadvantage.
- Advocate for the resources to continue building and maintaining critical infrastructure necessary to retain and develop business and industry in the region.
- Advocate for legislation that ensures continued development of historic gulf coast oil fields through enhanced oil recovery by removing regulatory barriers and creating an improved statutory procedure for full unit operations.

### Transportation & Infrastructure:

- Support funding for completion of overpasses on TX-146 through Seabrook.
- Advocate and provide recommendations for funding, to build and maintain critical transportation infrastructure to support the industries and communities we represent.
- Advocate for funding to build and maintain critical infrastructure necessary to protect communities, businesses, and industry in the region from the impact of coastal storm surge damage caused by future storms.

### Maritime:

- Support the Texas Department of Transportation's efforts to incorporate ports and freight mobility into the overall transportation system through improvements to roads, rail and the Gulf Intracoastal Waterway.
- Advocate for environmental legislation on air quality, water quality, and sustainable practices, based on sound science that keep Texas ports competitive in the global market.

### Education/Workforce Development:

- Promote workforce and skills alignment by enhanced funding for the Skills Development Fund and Jobs and Education for Texans (JET) program.
- Empower community colleges by developing a process by which colleges who demonstrate the need for proposed bachelor degree programs in their region are allowed to offer those degrees to students.

- Affirm state funding commitments to core college operations, contact hours, and student success points. Student success points should be funded at a rate that is no less than the rate funded in the 83<sup>rd</sup> Session.
- Allow implementation of HB5 to continue with little or very minor changes, as this was implemented in Fall 2014, and school districts and colleges need time to discover where improvements can be made.
- Require the use of common course numbering systems at all public institutions of higher education to enhance transferability and degree completion for students.
- Provide funding for Adult Basic Education. Current funding is for 100,000 students and there are 3 million eligible students.
- Any increase in Texas Grants funding should also include a corresponding increase in funding for the Texas Educational Opportunity Grant (TEOG) program.

# New Business Item No. 7

7. **Consideration and Possible Action – Resolution No. R2014-155** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract with Linebarger, Goggan, Blair, & Sampson, LLP for collection services associated with delinquent fines and fees, and a contract with Perdue, Brandon, Fielders, Collins and Mott, LLP for collection services associated with delinquent property taxes.

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

|   |                   |                         |                          |
|---|-------------------|-------------------------|--------------------------|
| <b>AGENDA OF:</b>   | December 8, 2014  | <b>ITEM NO.:</b>        | Resolution No. R2014-155 |
| <b>DATE SUBMITTED:</b>  | November 26, 2014 | <b>DEPT. OF ORIGIN:</b> | Finance                  |
| <b>PREPARED BY:</b>   | Bob Pearce        | <b>PRESENTOR:</b>       | Claire Bogard            |
| <b>REVIEWED BY:</b>   | Jon R. Branson    | <b>REVIEW DATE:</b>     | December 2, 2014         |
| <b>SUBJECT:</b> Resolution No. R2014-155 – A Resolution of the City Council of The City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract with Linebarger, Goggan, Blair, & Sampson, LLP for collection services associated with delinquent fines and fees, and a contract with Perdue, Brandon, Fielders, Collins and Mott, LLP for collection services associated with delinquent property taxes. |                   |                         |                          |
| <b>EXHIBITS:</b> Resolution #R2014-155<br>Exhibit A – Contract with Linebarger, Goggan, Blair & Sampson LLP<br>Exhibit B – Contract with Perdue, Brandon, Fielders, Collins and Mott LLP  |                   |                         |                          |
| <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> \$402,000 (est. total, paid by the taxpayer/defendant)   |                   |                         |                          |
| <b>AMOUNT BUDGETED:</b> \$ N/A  |                   |                         |                          |
| <b>AMOUNT AVAILABLE:</b> \$ N/A   |                   |                         |                          |
| <b>PROJECT NO.:</b>   |                   |                         |                          |
| <b>ACCOUNT NO.:</b>   |                   |                         |                          |
| <b>ADDITIONAL APPROPRIATION REQUIRED:</b> N/A   |                   |                         |                          |
| <b>ACCOUNT NO.:</b>   |                   |                         |                          |
| <b>PROJECT NO.:</b>   |                   |                         |                          |
| <b>To be completed by Department:</b>   |                   |                         |                          |
| X Finance   | Legal             | Ordinance               | Resolution               |

**EXECUTIVE SUMMARY**

## **BACKGROUND**

For many years, the City has utilized the services of Linebarger, Goggan, Blair & Sampson, LLP (hereafter referenced as Linebarger) for collection services related to delinquent property taxes and Municipal Court fines and fees. At the recent renewal period of the City's agreement with Linebarger for Court fines and fees, City Council expressed its interest in a competitive solicitation for these services, as well as those related to delinquent property tax collections (at its expiration of 12/31/14) for the period beginning January 1, 2015. Subsequently, City staff developed specifications for a Request for Proposal (RFP) for the necessary collection services, and solicited responses from interested firms.

## **SCOPE OF CONTRACT**

Collection services related to delinquent property taxes and Municipal Court fines and fees, as identified and assigned by authorized City personnel.

## **BID AND AWARD**

Three (3) proposals were received in response to RFP #0914-58: Linebarger, Perdue Brandon Fielder Collins and Mott, LLP (hereafter Perdue), and McCreary Veselka Bragg & Allen, P.C. (hereafter McCreary, and including only Court collection services). The RFP subdivided the Property Tax and Court collection services into separate sections, as the two disciplines require some variation in the collection process. Specifications allow for the award of the contract to a single vendor or multiple, as deemed to be most advantageous to the City.

The proposals were subsequently reviewed and evaluated independently by Finance management staff for the property tax portion, and by Municipal Court management staff for the Court fines and fees. Staff reviews were pursuant to the evaluation criteria contained in the RFP, which include demonstrated success in collecting delinquent municipal accounts; demonstrated experience and proficiency in same, including approach and methodology; sufficiency of experienced professional staff to manage City's collection services; reporting capabilities, including communications; quality of references; and collection fee.

Based upon the scoring provided by the above-referenced City staff, it is respectfully recommended that the awards for Property Tax and Municipal Court Fines/Fee collections be awarded to Perdue and Linebarger, respectively.

Contributing factors in the staff evaluations and recommendation for the Property Tax award to Perdue include the following:

- Collection rate calculations for Perdue on existing delinquent accounts provided were slightly higher than for those provided by Linebarger;
- Reporting capabilities and level of detail, as well as communications on current accounts (particularly pending suits and bankruptcy) described in proposal by Perdue exceeded both that provided in the proposal by Linebarger, and that previously experienced by the Finance Department in its past engagement with Linebarger with respect to property taxes;

The collection fee is based on delinquent taxes collected and is paid by the delinquent taxpayer. The collection fee is 20% of the total amount of taxes, penalties and interest collected for tax years 2003 and forward and 15% for tax years 2002 and prior. These fees are set by the Texas Property Tax Code, not to exceed.

Contributing factors in the staff evaluations and recommendation for the Court Fines and Fees award to Linebarger include the following:

- Municipal Court personnel report a high degree of satisfaction with Linebarger's performance and customer service during their previous engagement with the firm, with City experience with a vendor typically representing the most indicative reference possible for future performance.
- Municipal Court management scored the quantity and proficiency of Linebarger's staffing levels for work on Court accounts higher than for those of Perdue and McCreary.

The collection fee proposed is 30% on all accounts with offenses that occurred on or after June 28, 2003 that are 60 days past due, as well as adjudicated cases that occurred before that date. On offenses that occurred prior to June 18, 2003, with no current adjudication, the proposed collection fee is 0%. This is pursuant to state law, Texas Code of Criminal Procedure. This fee is paid by the defendant.

### **SCHEDULE**

It is anticipated that the awarded firms will commence collection services effective January 1, 2015 for an initial term of three (3) years, with four (4) one-year renewal options.

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

Funding for the services described herein will be on a contingency basis and determined by the actual amount of delinquent accounts subsequently collected.

### **RECOMMENDED ACTION**

City Council consideration and approval of Resolution No. R2014-155 authorizing the City Manager or his designee to enter into a contract with Linebarger, Goggan, Blair and Sampson, LLP for collection services associated with delinquent fines and fees, and a contract with Perdue, Brandon, Fielders, Collins and Mott, LLP for collection services associated with delinquent property taxes.

**RESOLUTION NO. R2014-155**

**A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract with Linebarger, Goggan, Blair, & Sampson, LLP for collection services associated with delinquent fines and fees, and a contract with Perdue, Brandon, Fielders, Collins and Mott, LLP for collection services associated with delinquent property taxes.**

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

**Section 1.** That certain contracts for collection services, copies of which are attached hereto as Exhibits "A" and "B" are hereby authorized and approved.

**Section 2.** That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest the contracts for collection services.

PASSED, APPROVED and ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_,

A.D., 2014

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

ATTEST:

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

APPROVED AS TO FORM:

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

**Contract for Fines and Fees Collection Services**

STATE OF TEXAS

COUNTY OF BRAZORIA

THIS CONTRACT (hereinafter "AGREEMENT") is made and entered into by and between the City of Pearland, acting herein by and through its governing body, hereinafter styled "CLIENT", and Linebarger Goggan Blair & Sampson, LLP, hereinafter styled "FIRM".

**Article I***Nature of Relationship and Authority for Contract*

1.01 The parties hereto acknowledge that this AGREEMENT creates an attorney-client relationship between CLIENT and FIRM.

1.02 The CLIENT hereby employs the FIRM to provide the services hereinafter described for compensation hereinafter provided.

1.03 This AGREEMENT is entered into pursuant to and as authorized by Subsection (a) of ART. 103.0031, Texas Code of Criminal Procedure.

**Article 2***Scope of Services*

2.01 CLIENT agrees to employ and does hereby employ FIRM to provide specific legal services provided herein and enforce the collection of delinquent court fees and fines that are subject to this AGREEMENT, pursuant to the terms and conditions described herein. Such legal services shall include but not be limited to recommendations and legal advice to CLIENT to take legal enforcement action; representing CLIENT in any dispute or legal challenge over authority to collect such court fees and fines; defending CLIENT in litigation or challenges of its collection authority; and representing CLIENT in collection interests in bankruptcy matters as determined by FIRM and CLIENT. This AGREEMENT supersedes all prior oral and written agreements between the parties regarding court fees and fines, and can only be amended if done so in writing and signed by all parties. Furthermore, this contract cannot be transferred or assigned by either party without the written consent of all parties.

2.02 The CLIENT may from time-to-time specify in writing additional actions that should be taken by the FIRM in connection with the collection of the fines and fees that are subject to this AGREEMENT. CLIENT further constitutes and appoints the FIRM as CLIENT's attorneys to sign all legal instruments, pleadings, drafts, authorizations and papers as shall be reasonably necessary to pursue collection of the CLIENT's claims.

2.03 Fines and fees that are subject to this AGREEMENT are those that are more than sixty (60) days past due as of the effective date hereof and those that become more than sixty (60) days past due during the term hereof. As used in this section, "more than 60 days past due" has that meaning assigned by Subsection (f) of Art. 103.0031, Texas Code of Criminal Procedure [as amended by Senate Bill 782, 78th Legislature (2003), effective June 18, 2003]. The meaning assigned to the phrase "more than 60 days past due" shall, for the term and purposes of this AGREEMENT, survive any future amendments to, or repeal of, Article 103.0031, Texas Code of Criminal Procedure, or any parts thereof.

2.04 The CLIENT agrees to provide to the FIRM data regarding any fines and fees that are subject to this AGREEMENT. The data shall be provided by electronic medium in a file format specified by the FIRM. The CLIENT and the FIRM may from time-to-time agree in writing to modify this format. The CLIENT shall provide the data to the FIRM not less frequently than monthly.

2.05 The FIRM, in all communications seeking the collection of fines and fees, shall direct all payments directly to the CLIENT at an address designated by the CLIENT. If any fines and fees are paid to the FIRM, said payments shall be expeditiously turned over to the CLIENT.

### **Article 3** *Compensation*

3.01 The CLIENT agrees to pay the FIRM as compensation for the services required hereunder thirty (30%) percent of the total amount of all the fines and fees [exclusive of any collection fee assessed by the CLIENT pursuant to Subsection (b) of Article 103.0031, Texas Code of Criminal Procedure] subject to the terms of this AGREEMENT as set forth in Section 2.03 above that are collected by the CLIENT during the term of this AGREEMENT, for all offenses that occurred on or after June 18, 2003, as well as adjudicated cases that occurred before that date. The collection fee stated herein does not apply to an offense committed prior to June 18, 2003, which has not been adjudicated. All compensation shall become the property of the FIRM at the time payment of the fines and fees is made to the CLIENT.

3.02 The CLIENT shall pay the FIRM by the twentieth day of each month all compensation earned by the FIRM for the previous month as provided in this Article 3. The CLIENT shall provide an accounting showing all collections for the previous month with the remittance.

### **Article 4** *Intellectual Property Rights*

4.01 The CLIENT recognizes and acknowledges that the FIRM owns all right, title and interest in certain proprietary software that the FIRM may utilize in conjunction with performing the services provided in this AGREEMENT. The CLIENT agrees and hereby grants to the FIRM the right to use and incorporate any information provided by the CLIENT ("CLIENT Information") to update the databases in this proprietary software, and, notwithstanding that CLIENT Information has been or shall be used to update the databases in this proprietary software, further stipulates and agrees that the CLIENT shall have no rights or ownership whatsoever in and to the software or the data contained therein, except that the CLIENT shall be entitled to obtain a copy of such data that directly relates to the CLIENT's accounts at any time.

4.02 The FIRM agrees that it will not share or disclose any specific confidential CLIENT Information with any other company, individual, organization or agency, without the prior written consent of the CLIENT, except as may be required by law or where such information is otherwise publicly available. It is agreed that the FIRM shall have the right to use CLIENT Information for internal analysis, improving the proprietary software and database, and generating aggregate data and statistics that may inherently contain CLIENT Information. These aggregate statistics are owned solely by the FIRM and will generally be used internally, but may be shared with the FIRM's affiliates, partners or other third parties for purposes of improving the FIRM's software and services.

### **Article 5** *Costs*

5.01 The FIRM and CLIENT recognize that certain costs may be incurred in the process of providing any additional services contemplated in Section 2.02 above or in providing any special litigation services. The CLIENT agrees that all such costs shall be billed to the CLIENT, but that the FIRM will either (i) advance such costs on behalf of the CLIENT or, (ii) when possible, arrange with the vendor or agency providing the service that the costs of services will not be paid unless and until such costs are recovered by the CLIENT from the debtor.

5.02 The CLIENT acknowledges that the FIRM may provide such services with its own employees or with other entities or individuals who may be affiliated with the FIRM, but the FIRM agrees that any charges for such services will be reasonable and consistent with what the same services would cost if obtained from a third party.

5.03 The CLIENT agrees that upon the recovery of such costs, the CLIENT will (i) pay the FIRM for any such costs that have been advanced by the FIRM or performed by the FIRM and (ii) pay any third party agency or vendor owed for performing such services.

## **Article 6** *Term and Termination*

6.01 This AGREEMENT shall be effective \_\_\_\_\_, 2015 (the "Effective Date") and shall continue in force and effect until \_\_\_\_\_ 2018 (the "Expiration Date") unless extended as hereinafter provided.

6.02 Unless prior to sixty (60) days before the Expiration Date, the CLIENT or the FIRM notifies the other in writing that it does not wish to continue this AGREEMENT beyond its initial term, this AGREEMENT shall be automatically renewed for up to four (4) optional one-year renewals without the necessity of any further action by either party. In the absence of any such sixty (60) day notice by either the CLIENT or the FIRM, the AGREEMENT shall continue to automatically renew for additional and successive one-year terms in the same manner at the end of each renewal period.

6.03 If, at any time during the initial term of this AGREEMENT or any extension hereof, the CLIENT determines that the FIRM's performance under this AGREEMENT is unsatisfactory, the CLIENT shall notify the FIRM in writing of the CLIENT's determination. The notice from the CLIENT shall specify the particular deficiencies that the CLIENT has observed in the FIRM's performance. The FIRM shall have sixty (60) days from the date of the notice to cure any such deficiencies. If, at the conclusion of that sixty (60) day remedial period, the CLIENT remains unsatisfied with the FIRM's performance, the CLIENT may terminate this AGREEMENT effective upon the expiration of thirty (30) days following the date of written notice to the FIRM of such termination ("Termination Date").

6.04 Whether this AGREEMENT expires or is terminated, the FIRM shall be entitled to continue to collect any items and to pursue collection of any claims that were referred to and placed with the FIRM by the CLIENT prior to the Termination Date or Expiration Date for an additional ninety (90) days following termination or expiration. The CLIENT agrees that the FIRM shall be compensated as provided by Article 3 for any such item or pending matters during the ninety (90) day period.

6.05 The CLIENT agrees that the FIRM shall be reimbursed for any costs advanced and shall be paid for any services performed pursuant to Article 5 when such costs are recovered by or on behalf of the CLIENT, regardless of the date recovered. It is expressly agreed that neither the expiration nor the termination of this AGREEMENT constitutes a waiver by the FIRM of its entitlement to be reimbursed for such costs and to be paid for such services. It is further expressly agreed that the expiration of any ninety (90) day period under Section 6.04 does not constitute any such waiver by the FIRM.

## **Article 7** *Miscellaneous*

7.01 Subcontracting. The FIRM may from time-to-time obtain co-counsel or subcontract some of the services provided for herein to other law firms or entities. In such cases, the FIRM will retain supervisory control and responsibility for any services provided by such co-counsel or subcontractors and shall be responsible to pay any compensation due to any such co-counsel or subcontractor.

7.02 Arbitration. Any controversy between the parties to this AGREEMENT involving the construction or application of any of the terms, covenants, or conditions of this AGREEMENT shall, on the written request of one party served on the other, be submitted to arbitration, and such arbitration shall comply with and be governed by the provisions of the Texas General Arbitration Act.

7.03 Integration. This AGREEMENT contains the entire AGREEMENT between the parties hereto and may only be modified in a written amendment, executed by both parties.

7.04 Representation of Other Governmental Entities. The CLIENT acknowledges and consents to the representation by the FIRM of other governmental entities that may be seeking the payment of fines and fees or other claims from the same person(s) as the CLIENT.

7.05 Notices. For purposes of sending any notice under the terms of this contract, all notices from CLIENT shall be sent to FIRM by certified United States mail, or delivered by hand or by courier, and addressed as follows:

Linebarger Goggan Blair & Sampson, LLP  
Attention: Director of Client Services  
The Terrace II  
2700 Via Fortuna Drive  
Suite 400  
Austin, TX 78746

All notices from the FIRM to the CLIENT shall be sent to CLIENT by certified United States mail, or delivered by hand or by courier, and addressed as follows:

City of Pearland  
Office of the City Secretary  
3519 Liberty Drive  
Pearland, TX 77581

EXECUTED ON the            day of            , 20            .

By: \_\_\_\_\_  
Tom Reid  
Mayor

Linebarger Goggan Blair & Sampson, LLP

By: \_\_\_\_\_  
Richard S. Hill  
For the FIRM

**CONTRACT FOR THE COLLECTION OF  
DELINQUENT TAXES**

**THE STATE OF TEXAS** §  
§  
**COUNTY OF BRAZORIA** §

THIS CONTRACT is made and entered into by and between the **CITY OF PEARLAND**, a political subdivision of the State of Texas, acting by and through its City Council, hereinafter called Taxing Authority, and **PERDUE, BRANDON, FIELDER, COLLINS & MOTT, L.L.P.**, Attorneys at Law, Houston, Texas, or their duly authorized representatives, hereinafter called the Firm.

**I.**

Taxing Authority agrees to employ and does hereby employ the Firm to enforce by suit or otherwise, the collection of all delinquent taxes, penalty and interest, owing to the Taxing Authority which the Taxing Authority's Tax Collector refers to the Firm, provided current years taxes becoming delinquent within the period of this contract shall become subject to its terms upon the following conditions:

- A. Taxes that become delinquent during the term of this contract that are not delinquent for any prior year become subject to the terms of this contract on the 1st day of July, of the year in which they become delinquent; and
- B. Taxes that become delinquent during the term of this contract on property that is delinquent for prior years and upon which the firm initiates or has initiated legal activity shall become subject to its term on the first day of delinquency.
- C. Taxing Authority reserves the right to make the final decision as to whether or not to enforce by suit any delinquent tax account turned over to the Firm for collection.
- D. All delinquent personal property taxes shall become subject to this contract and are to be turned over to the FIRM for collection 60 days after the delinquency date for said taxes. A 20% penalty shall be assessed to defray the cost of collecting those taxes as provided by §33.11, Texas Property Tax Code. All collection penalties or attorney fees collected on those taxes are the property of the firm and shall be paid in the same manner as all other collection penalties or attorney fees under this contract.

**II.**

The Firm is to call to the attention of the collector or other officials any errors, double assessments or other discrepancies coming under their observation during the progress of the work and is to intervene on behalf of the Taxing Authority in all suits for taxes hereafter filed by any taxing unit on property located within its taxing jurisdiction.

**III.**

The Firm agrees to make quarterly progress reports and one annual report to the Taxing Authority and any other information as requested and to advise the Taxing Authority of all cases where investigation reveals taxpayers to be financially unable to pay their delinquent taxes.

**IV.**

Taxing Authority agrees to pay the Firm as compensation for services rendered hereunder, the percentage as set forth below, of the total amount of all delinquent taxes, penalty and interest which are subject to this contract and which are actually collected and paid to the Taxing Authority's Collector of Taxes, when an equal amount of Section 33.07 or 33.08 penalties is recovered from the taxpayer. Other taxes, including current taxes, which are turned over to the Firm by the Taxing Authority's Tax Assessor-Collector because of the necessity of filing claims in Bankruptcy, with other Federal authorities, or for other reasons, shall become subject to the terms of this contract at the time they are turned over to the Firm and the Firm shall be entitled to the appropriate percentage, as set forth below, of any amounts of delinquent taxes, penalties, and interest actually received by the Taxing Authority, and also the appropriate percentage, as set forth below, of current taxes actually received by the Taxing Authority when such percentage is actually recovered from the taxpayer, if collected prior to July 1<sup>st</sup> of any tax year.

**Compensation Amounts**

15% for tax year 2002 and prior year collections;  
20% for tax year 2003 and subsequent year collections.

**V.**

Taxing Authority agrees to furnish to the Firm all data and information in its possession as to the name and address of the taxpayer, the legal description of the property, years the property is delinquent and the amount of taxes due. Taxing Authority further agrees to update said information by furnishing a list of paid accounts and adjustments to the Tax Roll as necessary. Section 33.48(a)(4) of the Texas Property Tax Code provides: "In addition to other costs authorized by law, a taxing unit is entitled to

recover...reasonable expenses that are incurred by the taxing unit in determining the name, identity and location of necessary parties and in procuring necessary legal descriptions of the property on which a delinquent tax is due:..." The Firm agrees to advance on behalf of Taxing Authority such costs and expenses. In consideration of the advancement of such costs and expenses by the Firm, Taxing Authority assigns its right to recover the same to the extent approved by the Court and/or customarily and usually approved by the Court. The Firm expressly waives any claim against Taxing Authority for uncollected costs or expenses.

## VI.

This Contract shall commence on \_\_\_\_\_, 2015, and continue in force and effect until \_\_\_\_\_, 2018, except that either party to this agreement may terminate this agreement by giving the other party thirty (30) days written notice of their desire and intention to terminate this agreement; this contract will be automatically renewed on its identical terms for four (4) one year terms commencing on the anniversary date of this contract unless written notice of intent not to automatically renew is delivered by the City to the firm not less than sixty (60) days prior to the expiration date of the initial 3 year term or the anniversary date of any one year renewal period; and further provided that the Firm shall have an additional six (6) months to reduce to payment or judgment all tax suits and bankruptcy claims filed prior to the date this agreement becomes terminated.

## VIII.

Every provision of this Agreement is intended to be severable. If any term or provision hereof is hereafter deemed by a Court to be illegal, invalid, void or unenforceable, for any reason or to any extent whatsoever, such illegality, invalidity, or unenforceability shall not affect the validity of the remainder of this Agreement, it being intended that such remaining provisions shall be construed in a manner most closely approximating the intention of the Parties with respect to the illegal, invalid, void or unenforceable provision or part thereof.

In consideration of the terms and compensation here stated, the Firm hereby accepts said employment and undertakes the performance of this Contract as above written.

This Contract is executed on behalf of the Taxing Authority by the presiding officer of the governing body who is authorized to execute this instrument by Order heretofore passed and duly recorded in its minutes.

WITNESS the signatures of all parties hereto in duplicate originals this the \_\_\_\_\_ day of \_\_\_\_\_, 2014, Brazoria County, Texas.

**PERDUE, BRANDON, FIELDER  
COLLINS & MOTT, L.L.P.**

BY: \_\_\_\_\_  
MICHAEL J. DARLOW

ATTEST:

**CITY OF PEARLAND**

\_\_\_\_\_  
SECRETARY

BY: \_\_\_\_\_  
CITY MANAGER