

AGENDA

CITY OF PEARLAND ♦ CITY COUNCIL

December 7, 2015

6:30 p.m.

MAYOR
Tom Reid

Tony Carbone
Mayor Pro-Tem
Position No. 1

COUNCIL MEMBERS

Derrick Reed
Position No. 2



Gary Moore
Position No. 3

Keith Ordeneaux
Position No. 4

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, TRMC
City Secretary

In accordance with the Texas Open Meeting Act the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at the front entrance of the City Hall, 3519 Liberty Drive.



RECOGNITION AND AWARDS NOTICE

The Mayor will be presenting the following:

1. A Presentation of Proclamation from the Governor's office to Lieutenant Jason Corthel for his nomination to the Star of Texas Award to be presented by State Representative Ed Thompson.

Monday, December 7, 2015

**6:15 p.m.
Council Chambers
3519 Liberty Drive
Pearland, Texas 77581**



CITY COUNCIL AGENDA
CITY OF PEARLAND
REGULAR COUNCIL MEETING
MONDAY, DECEMBER 7, 2015 | 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 Carbone, Councilmembers Moore, Reed, Ordeneaux, and Hill.
- IV. **CITIZEN COMMENTS:** In order to hear all citizen comments at a reasonable hour, the City Council requests that speakers respect the three-minute time limit for individual comments and the five-minute time limit for an individual speaking on behalf of a group. This is not a question-answer session, however, it is an opportunity to voice your thoughts with City Council.
- V. **PUBLIC HEARING:** None
- VI. **CONSENT AGENDA:**

All items listed under the “Consent Agenda” are considered to be routine and require little or no deliberation by the City Council. These items will be enacted/approved by one motion unless a councilmember requests separate action on an item, in which event the item will be removed from the Consent Agenda and considered by separate action (*VI. matters removed from Consent Agenda*). Approval of the Consent Agenda enacts the items of legislation.

- A. **Consideration and Possible Action – Approval Of Minutes:**
 - 1. Minutes of the October 26, 2015 Regular Meeting minutes held at 6:30 p.m.
- B. **Consideration and Possible Action – Second and Final Reading of Ordinance No. 1211-2015** – An Ordinance of the city council of the City of Pearland, Texas, amending Chapter 10, Fire Prevention and Protection, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Article III, entitled Fire Code; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

- C. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1209-1** – An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 7, *Building*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to repeal the existing Article V, *Unsafe Building Abatement*; and adopting a new Article V, *Substandard and Vacant Building Abatement*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.
- D. Consideration and Possible Action – Second and Final Reading of Ordinance No. 976-2** – An Ordinance of the City Council of Pearland, Texas, amending Ordinance No. 976-1 as it applies to the City’s Municipal Court of Record; providing for concurrent jurisdiction of the Court with district courts and county courts at law for matters involving the enforcement of health and safety and nuisance abatement ordinances; providing that this ordinance shall be cumulative of all ordinances; providing a savings clause, a severability clause, a repealer clause; and providing for an effective date.
- E. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1416-2015** – An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 9, *Electricity*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Section 9-153, entitled *Adopted*, Section 9-157, entitled *Wiring Generally*, and Section 9-159, entitled *Installation of Service Conduit, Wires, etc.*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.
- F. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1209-2015** – An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 7, *Building*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Section 7-13, entitled *Building Code Adopted*; Section 7-13.1, entitled *Local Amendments*, Section 7-26, entitled *Swimming Pool Code Adopted*; conflicting provisions, Section 7-26.1, entitled *Same Amendments, Modifications, Additions, Deletions*, Section 7-51, entitled *Mechanical Code adopted*, and Section 7-51.1, entitled *Local Amendments*, and to add Article II $\frac{3}{4}$, to be entitled *Existing Building Code*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.
- G. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1210-2015** – An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 23, *Plumbing and Gas*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, to amend Section 23-1, entitled *Plumbing Code Adopted*; to amend Section 23-1.1, entitled *Local Amendments*; and to amend Section 23-161, entitled *Fuel Gas Code Adopted*; having a savings clause, a severability clause, and a repealer clause; and providing for codification - and an effective date.

- H. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1296-2015** – An Ordinance of the City Council of the City of Pearland, Texas, amending chapter 7, *Building*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Section 7-61, entitled *Standard Code Adopted, conflicting provisions*; to adopt a new Article VI, to be entitled *Windstorm Resistant Construction*; to amend Section 7-81, entitled *Residential Code Adopted*; to amend Section 7-81.1, entitled *Local Amendments*; and to amend Section 7-82, entitled *Energy Code Adopted*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.
- I. Consideration and Possible Action – Resolution No. R2015-220** – A Resolution of the City Council of the City of Pearland, Texas, approving a contract amendment with QC Laboratories, Inc., associated with the Sports Complex at Shadow Creek Ranch Project., in the amount of \$13,600.00.
- J. Consideration and Possible Action – Resolution No. R2015-224** – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for the purchase of Police Department firearm ammunition with Bailey’s House of Guns, in the estimated amount of \$65,000.00, for the period of January 14, 2016 through January 13, 2017.
- K. Consideration and Possible Action – Resolution No. R2015-227** – A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply contract for the cleaning of potable waterlines with Flowmore Services, in the estimated amount of \$50,000 for the period of December 23, 2015 through December 22, 2016.
- L. Consideration and Possible Action Resolution No. R2015-209** – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for preventative maintenance and repairs on standby generators to Power Pro-Tech Services, Inc., in the estimated amount of \$82,235.00 annually for the period of December 15, 2015 through December 14, 2016.
- M. Consideration and Possible Action – Resolution No. R2015-228** – A Resolution of the City Council of the City of Pearland, Texas, awarding a sole source purchase of replacement ultra violet lights and a ballast upgrade for the John Hargrove Environmental Center to Ozonia, in the amount of \$67,906.00.
- N. Consideration and Possible Action** – Excuse the absence of Councilmember Greg Hill from the Regular Council Meeting held on November 23, 2015.
- O. Consideration and Possible Action – Resolution No. R2015-226** – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply contract for water fittings and related parts to HD Supply Waterworks, in the estimated amount of \$200,000, beginning December 14, 2015 through December 13, 2016.

- P. **Consideration and Possible Action – Resolution No. R2015-225** – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply contract for water fittings and related parts to MDN Enterprises, in the estimated amount of \$80,000, beginning December 14, 2015 through December 13, 2016.

VII. **NEW BUSINESS:**

1. **Consideration and Possible Action – First Reading of Ordinance No. CUP 2015-10** – An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for a school use and to allow additional height to the existing steeple**, Being a 9.9978 acre tract of land out of Lots E and 105, Section No. 1, A.C.H. & B.R.R Co. survey, Abstract Number 147, according to the plat thereof as filed in Volume 2, Page 1 Brazoria County Plat Records, Pearland, Brazoria County, Texas. **(Located at 2209 Old Alvin Rd., Pearland, TX)**, Conditional Use Permit Application No 2015-10, within the Single Family Residential -2 (R-2) zoning district, at the request of Sheila Rowley of Studio Red Architects, applicant; on behalf of the Archdiocese of Galveston-Houston, owner; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.
2. **Consideration and Possible Action – First Reading of Ordinance No. CUP 2015-11** – An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for a reduction of transparency, articulation and façade requirements on a new building**, being That certain 11.983 acre tract out of a 27.056 acre tract out of a 48.035 acre tract being the Easterly part of a 94.243 acre tract in the F.B. Drake Survey, A-1181, and the H.T.& B.R.R. Survey, A-413, Harris County, Texas **(Located at 3303 S. Sam Houston East, Pearland, TX.)** Conditional Use Permit Application No 2015-11, within the Light Industrial (M-1) zoning district, at the request of N. Khalfe of Powers Brown Architecture, applicant; on behalf of Spencer Bennett, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.
3. **Consideration and Possible Action – First Reading of Ordinance No. CUP 2015-12** – An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for a fuel station and convenience store**, being a tract or parcel containing 1.8712 acres of land, being all of Lot 1, Block 1, Stripes Pearland, Map or Plat thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas; and being a tract or parcel containing 0.4592 acres of land being all of Restricted Reserve “A”, Block 1, Stripes Pearland, Map or Plate thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas.**(Located at 3808 S. Main Street, Pearland, TX.)** Conditional Use Permit Application No 2015-12, within the General Commercial (GC) zoning district, at the request of Windrose Land Services, Inc., applicant; on behalf of T&B Alexander Family LTD Partnership, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

4. **Consideration and Possible Action – First Reading of Ordinance No. 2000T-19**
– An Ordinance of the City Council of the City of Pearland, Texas, amending selected provisions of the Unified Development Code of the City; allowing the Restaurant (With No Drive-In or Drive Thru service) Use in the BP-288 zoning district; having a savings clause, a severability clause, and a repealer clause; providing for codification, publication and an effective date.
5. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-140**
– 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 part of a 31.1339 acre tract out of the H.T. & B. RR Company Survey, Section 11, A-239 and a 10.076 Acre tract out of Section 11. H.T.& B. RR Co. Survey A-239 Pearland, Brazoria County, Texas (**generally located on the east side of Veterans Drive, approximately 450 feet north of Magnolia Road, Pearland, TX**), Zone Change 2015-12Z, a request of R West Development Co, Inc., applicant; on behalf of Henry Kurjee of Houston Business Investments Inc. and Tracy F. Goza of Pearland Magnolia LLC owner; for approval of a change in zoning from the **Light Industrial (M-1) zoning district to the Single Family Residential -3 (R-3) zoning district**; on approximately 35.6674 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.
6. **Consideration and Possible Action – First Reading of Ordinance No. 1518 -1**
– An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1518, the 2015-2016 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.
7. **Consideration and Possible Action – First Reading of Ordinance No. 1518-2**
– An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1518-1 the 2015-2016 Annual Budget Ordinance as it applies to a request for carryovers and budget amendments for the Pearland Economic Development Corporation 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.
8. **Consideration and Possible Action – Resolution No. R2015-218**
– 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 Ardurra Group, in the amount of \$475,000.00, for preliminary engineering services associated with the John Hargrove Environmental Center Wastewater Treatment Plant (“JHEC WWTP”) Expansion Project.
9. **Consideration and Possible Action – Resolution No. R2015-229**
– A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply bid for sludge transfer, dewatering and lift station cleaning services to Magna Flow Environmental, in the estimated amount of \$435,000.00, beginning December 8, 2015 through December 7, 2016.

VIII. MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS

OTHER BUSINESS: None.

IX. ADJOURNMENT

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

All agenda supporting documents are available at pearlandtx.gov

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, OCTOBER 26, 2015, 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	Tony Carbone
Councilmember	Derrick Reed
Councilmember	Gary Moore
Councilmember	Keith Ordeneaux
Councilmember	Greg Hill
City Manager	Clay Pearson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Others in attendance: Claire Bogard Director of Finance; Jon Branson Deputy City Manager; Matt Buchanan President of Economic Development Corporation; J.C. Doyle Police Chief; Trent Epperson Assistant City Manager; Roland Garcia Fire Marshal; Chris Orlea Director of Parks and Recreation; Michelle Graham Director of Human Resource; Lata Krishnarao Director of Community Development; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Daniel McGhinnis Chief Information Officer; Eric Wilson Public Works Director; John McCarter Management Assistant; Sparkle Anderson Communications Manager; Skipper Jones Assistant Director of Capital Projects;

The invocation was given by Councilmember Ordeneaux and the Pledge of Allegiance was led by Police Chief Chris Doyle.

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

CITIZEN COMMENTS:

Ron Dunklee, 4001 Oak Point, President of the Pearland Youth Lacrosse Team addressed Council and stated it has been an honor to be a part of the Hickory Sloughs Sports Complex opening. Mr. Dunklee shared that the Lacrosse team has grown from 14 players in 2009, to 233 players and (12) teams this year. Without things like the Sport Complex and the vision to have them these things would not be possible. He thanked the Council, the City and the Staff for making it happen.

Lance Foss 1409 O'Day RD., addressed Council and stated he recently visited Austin to speak to the Texas Workforce Commission and he also took a Capitol tour. Mr. Foss read the United States Constitution Bill of Rights Section No. 19 "No citizen of this state shall be deprived of life, liberty, property, privileges, or immunities, or in any manner disenfranchised except by the due course of law of the land. He further stated it is in his opinion that unemployment is disenfranchisement.

PUBLIC HEARING: None

CONSENT AGENDA:

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- A. Consideration and Possible Action – Approval Of Minutes:**
 - 1. Minutes of the September 14, 2015 Regular Meeting minutes held at 6:30 p.m.
 - 2. Minutes of the September 21, 2015 Regular Meeting minutes held at 6:30 p.m.
 - 3. Minutes of the September 28, 2015, Joint Public Hearing held at 6:30 p.m.
- B. Consideration and Possible Action –** The reappointment of Shari Coleman to Position No. 3, with the term expiring November 1, 2018 and reappointment of Cynthia Roethermel to Position No. 4 with the term expiring November 1, 2018 and the appointment of Ron Fraser to Position No. 2 with the term expiring November 1, 2016 to serve on the Animal Shelter Advisory Committee.
- C. Consideration and Possible Action –** Ratify the City Manager’s reappointment of James Gilbert, to Position No. 3 to serve on the Civil Service Commission for a 3-year term expiring November 1, 2018.
- D. Consideration and Possible Action –** The reappointment of Gary Shepherd to Position No. 3 with the term expiring November 1, 2018, and reappointment of Teir Allender to Position No. 4 with the term expiring November 1, 2018 to serve on the Convention and Visitor’s Bureau Advisory Board.
- E. Consideration and Possible Action –** The reappointment of Tom Pool to Position No. 1 with the term expiring November 1, 2017 reappointment of Tony Carbone to Position No. 3 with the term expiring November 1, 2017 and the reappointment of Tom Reid to Position No. 5 with the term expiring November 1, 2017 to serve on the Development Authority of Pearland Board.
- F. Consideration and Possible Action –** The reappointment of Mike Besser to Position No. 1 with the term expiring November 1, 2020, to serve on the Gas and Plumbing Board.
- G. Consideration and Possible Action –** The reappointment of Roshanda Cayette-Contreras to Position No. 6 with the term expiring November 1, 2018, to serve on the Library Board.
- H. Consideration and Possible Action –** The reappointment of Buck Stevens to Position No. 2 with the term expiring November 1, 2018 to serve on the Parks, Recreation and Beautification Board.

- I. **Consideration and Possible Action** – The reappointment of Dr. Hugh Patton to Position No. 1 with the term expiring November 1, 2017, reappointment of Rushi Patel to Position No. 3 with the term expiring November 1, 2017, the appointment of Reid Wendell to Position No. 5 with a term expiring November 1, 2017 and the reappointment of Lucy Stevener to Position No. 7 with a term expiring November 1, 2017 to serve on the Pearland Economic Development Corporation Board of Directors.
- J. **Consideration and Possible Action** – The reappointment of Rubye Jo Knight to Position No. 6 with the term expiring November 1, 2017 to serve on the Tax Increment Reinvestment Zone No. 2.
- K. **Consideration and Possible Action** – The reappointment of Mark Lewis to Position No. 2 with the term expiring November 1, 2017 reappointment of Nita Griffin to Position No. 4 with the term expiring November 1, 2017 reappointment of Jerry Acosta to Position No. 5 with the term expiring November 1, 2017 and the reappointment of John Gehring, Jr. to Position No. A2 with the term expiring November 1, 2017 to serve on the Zoning Board of Adjustments.
- L. **Consideration and Possible Action – Second and Final Reading of Ordinance No. 1520** – An Ordinance of the City Council of the City of Pearland, Texas authorizing the issuance of Permanent Improvement Refunding Bonds in one or more series; setting certain parameters for the bonds; authorizing refunding of certain outstanding obligations; authorizing a pricing officer to approve the amount (principal amount to be refunded not to exceed \$15,000,000), the interest rate, price, and terms thereof and certain other procedures and provisions.
- M. **Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000M-136** - 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 1.698 acre tract of land situated in the W.D.C. Hall League, Abstract No. 70, within the City Limits of Pearland, Brazoria County, Texas, being all of Lots 1 and 2 in block 4 of Creekview Subdivision No. 2 recorded in Volume 7, Page 47 and 48 of the Plat Records of Brazoria County; and lots 3, and 4, in block 2 of Creekview Subdivision, recorded in Volume 6, page 205, amended plat recorded in Volume 7, page 5, Public Records, Brazoria County, Texas, **(generally located South of Broadway Street Between East Circle and West Circle Drive, Pearland, TX)**, Zone Change 2015-07Z, a request of C. Davis Wilson, applicant; on behalf of Ybarra Investments Inc., owner; for approval of a change in zoning from the **Single Family Residential – 1 (R-1) zoning district to the Neighborhood Services (NS) zoning district**; on approximately 1.698 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.
- N. **Consideration and Possible Action – Second and Final Reading of Ordinance No. CUP 2015-09** – An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for a restaurant**, Being 2.989 acres situated in the W.D.C. Hall League, Abstract No. 70, within the City Limits of Pearland, Brazoria County, Texas, being all of Lots 1 and 2 in block 4 of Creekview Subdivision No. 2 recorded in Volume 7, Page 47 and 48 of the Plat Records of Brazoria County; and lots 3, and 4, in block 2 of Creekview Subdivision, recorded in Volume 6, page 205, amended plat recorded in Volume 7, page 5, Public Records, Brazoria County, Texas. **(Located at 2202 Broadway Street,**

Pearland, TX), Conditional Use Permit Application No 2015-09, within the Neighborhood Services (NS) zoning district, at the request of C. Davis Wilson, applicant; on behalf of Ybarra Investments, Inc., owner; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

- O. Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000M-137 – 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 4.6 acre tract of land in the H.T. & B.R.R. Co. Survey, Section 80 (A.K.A) the J.S. Talmage Survey, abstract 564, and being out of and a part of Lot A, of the Minor Plat of Ridge Rock Commercial Site No. 1, a Subdivision in Brazoria County, Texas, according to the map or plat thereof recorded in Document No. 2009028465 of the Official Public Records of Brazoria County, Texas, **(generally located on the south side of Broadway Street, east of the Shadow Creek High School entryway, Pearland, TX)**, Zone Change 2015-08Z, a request of CDA Architects, applicant; on behalf Deborah Cabrera and William John Walsh, owner; for approval of a change in zoning from the **Planned Unit Development (PUD) zoning district to the General Business (GB) zoning district**; on approximately 4.6 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. Consideration and Possible Action – Excuse the absence of Councilmember Tony Carbone from the Regular Council Meeting held on October 12, 2015.**
- Q. Consideration and Possible Action – Resolution No. 2015-192 – A Resolution of the City Council of the City Pearland, Texas, awarding the purchase of an ambulance through H-GAC Cooperative Purchasing Contract, from Knapp Chevrolet in the amount of \$146,525.00.**
- R. Consideration and Possible Action – Resolution No. R2015-193 – A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for HVAC/Refrigerator Systems preventative maintenance services with The Lee Thompson Company, in the estimated amount of \$99,000.00, beginning November 1, 2015 through October 31, 2016.**
- S. Consideration and Possible Action – Resolution No. R2015-191 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the supply of traffic signs and related materials to Smith Municipal Supply in the estimated amount of \$100,000.00, for the period of October 27, 2015 through October 26, 2016.**
- T. Consideration and Possible Action – Resolution No. 2015-185 – A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for custodial services associated with City Facilities with C & S Janitorial Services, in the estimated amount of \$161,389.00, beginning October 15, 2015 through October 14, 2016.**

Councilmember Hill made the motion, seconded by Councilmember Ordeneaux, to adopt Consent Agenda Items A through T as presented on the Consent Agenda.

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

Voting "No" None.

Motion Passed 5 to 0.

NEW BUSINESS:

Second and Final Reading of Ordinance No. 2000M-134 – An ordinance of the City Council of the City of Pearland, Texas, **amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas**, for the purpose of changing the classification of certain real property, being all of that certain 79.16 acres of land, located in the A.C.H. & B. Survey, Section 1, A-147 and in the H.T. & B.R.R. Co. Survey 11, A-239, Brazoria County, Texas, out of the tracts of land described as Lots A, B, C, D, E, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U and V", and 2.011 acres in the deed from Felton M. Baker and wife, Mary C. Baker to the Felton M. and Mary C. Baker Revocable Trust, recorded under Document Number 2005011939, of the Official Records of Brazoria County, Texas (**generally located between Main Street to the west and Old Alvin Road to the east, and south of Walnut Street, Pearland, TX**), Zone Change 2015-05Z, a request of Alan Mueller, applicant; on behalf of The Felton M. and Mary C. Baker Revocable Trust, owner; for approval of a change in zoning from the **General Commercial (GC) and Office and Professional (OP) zoning district, to a Planned Development (PD) known as Baker's Landing**; on approximately 79.16 acres of land providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Councilmember Ordeneaux made the motion, seconded by Councilmember Moore, to approve Ordinance No. 2000M-134 on its Second and Final Reading.

Johnathan Woodrow, 14100 Southwest Freeway Suite 500, Sugar Land, Texas, DR Horton Developer for Baker's Landing thanked Council and Staff for the process that Baker's Landing Developers have gone through creating a plan that addresses many different ideas that come from people all over the City. He stated this development is a classic project for the City of Pearland. Mr. Woodrow made himself available for answer any questions as they may come up as this item is discussed.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of the Zone Change 2015-05Z.

City Manager Clay Pearson stated this is a review process of Council Workshops, Public Hearings, and staff reviews. The project has received a positive recommendation when it was presented to Council previously, and the information provided to Council does conform with that approval.

Mayor Reid asked for elaboration on the specific level of homes DR Horton will be constructing.

Johnathan Woodrow, DR Horton Developer stated the question has come up as to whether DR Horton plans to build a certain brand of homes called Express Homes. He stated it has been confirmed that the Express Homes will not be the product built. The construction will include the classic name of the DR Horton product which will include Signature Plans.

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

Voting "No" Councilmembers Ordeneaux and Moore

Motion Passed 3 to 2.

Council Action – Resolution No. R2015-142 – A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract for construction management, construction inspection and material testing services with HDR, Inc., in the amount of \$1,207,897.30 for services associated with the Bailey Road Expansion Project.

Councilmember Carbone made the motion, seconded by Councilmember Moore, to approve Resolution No. R2015-142.

Clay Pearson City Manager stated after long work, planning, and design for a major land acquisition of road improvements of Bailey Road, bringing that lane to a two lane in each direction major storm water improvement. The work has been started on the west end of the project and as the work is carried on there will be a need for construction inspection services and material testing services.

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

Voting “No” None.

Motion Passed 5 to 0 .

Council Action – Resolution No. R2015-188 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the construction of the Trail at John Hargrove Environmental Complex Project to Excel Paving, LLC, in the amount of \$458,072.64.

Councilmember Reed made the motion, seconded by Councilmember, Moore to approve Resolution No. R2015-188.

Clay Pearson City Manager stated Staff is looking forward to getting started on this project as well. This is a pathway along the Trail at John Hargrove Environmental Complex and Storm Water basins south of Magnolia. These trails, and pathways have always come up in the Citizen Surveys, and on inquiries. At this time the City has been able to secure grants and work with Brazoria County at this time we move to recommend this construction contract.

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

Voting “No” None.

Motion Passed 5 to 0.

Council Action – Resolution No. 2015-187 – A Resolution of the City Council of the City of Pearland, Texas, appointing one (1) representative and one (1) alternate to the Houston-Galveston Area Council 2016 General Assembly and Board of Directors.

Councilmember Moore made the motion, seconded by Mayor Pro-Tem Carbone, to approve Resolution No. R2015-87 as amended.

Mayor Pro-Tem Carbone moves to amend the motion Seconded by Councilmember Reed to appoint Mayor Reid as the Representative and Councilmember Greg Hill as the Alternate to serve on the Houston-Galveston Area Council 2016 General Assembly and Board of Directors.

Mayor Reid stated the Houston-Galveston Area Council is a great organization that gives a lot of support and contributions to our roadways and parks. Mayor Reid stated he has been serving on this board as the representative and Councilmember Hill has been serving as the alternate, and he appreciate the confidence and the opportunity to represent and to be reappointed to these positions

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

Voting "No" None.

Motion Passed 5 to 0.

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

Councilmember Moore made the motion, seconded by Councilmember Carbone, to approve Resolution No. R2015-187.

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

Voting "No" None.

Motion Passed 5 to 0.

First Reading of Ordinance No. 1286-2- An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 14, Article III, Junked Vehicles, of the City Of Pearland Code Of Ordinances; having a savings clause, a severability clause, and a repealer clause; providing for publication, codification, and an effective date.

Councilmember Hill made the motion, seconded by Councilmember Moore, to approve Ordinance No. 1286-2 on its First Reading.

City Attorney Darrin Coker stated this item is to amend the current Junked Vehicle Ordinance. The Ordinance is being modified in accordance with state law to accommodate the new definition of going to a One Sticker system for cars. The cars are no longer required a registration sticker and inspection sticker. Modification of the ordinance is needed to meet those changes.

Discussion ensued City Attorney Darrin Coker and Council regarding the definition of the junked vehicle and the time period of a junked vehicle on private property along with the dates of enforcement.

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

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. 2015-189 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Interlocal Agreement with Brazoria County for certain road overlay projects.

Councilmember Ordeneaux made the motion, seconded by Councilmember Hill, to approve Resolution No. R2015-189.

City Manager Clay Pearson stated part of the City's annual budget process is an annual road maintenance program. In addition to road construction the City needs to maintain the roads and has been able to do so with cooperation from Brazoria County. The scope of this agreement is Brazoria County will provide the labor, equipment, and the City will provide some of the monies and material. There is a list of potential streets that are being looked at to determine how much will get accomplished with Brazoria County. This is an Interlocal Agreement with Brazoria County to rehabilitate some of the neighborhood streets.

Councilmember Moore inquired about the possibility of working with Harris County to do the portion from Brazoria County to the Beltway.

Director of Public Works Eric Wilson stated that Mykawa Street is approved for the widening.

Assistant City Manager Trent Epperson stated there will be a small gap between now and when the funding is available. He also stated that staff will take a closer look into the jurisdiction of the specific area being addressed.

Discussion ensued between Council, Director of Public Works Eric Wilson, and Assistant City Manager Trent Epperson regarding work the County typically does in cities within the county and the manner in which the streets will be prioritized for rehabilitation.

Mayor Reid thanked Brazoria County, welcomed Commissioner Stacy Adams for attending the Council meeting and for working with the City.

Councilmember Hill also thanked Commissioner Stacy Adams for doing a fantastic job for the City. He also thanked Staff for their hard work and for working out the Interlocal Agreement.

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

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2015-190 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for asphalt paving services associated with the Orange Street, (S.H.35 to Old Alvin Road) Paving Project to AAA Asphalt Paving, in the amount of \$491,135.00.

Councilmember Carbone made the motion, seconded by Councilmember Ordeneaux to approve Resolution No. R2015-190.

City Manager Clay Pearson stated the scope of this project is to provide utility work and the resurfacing along Orange Street from South Highway 35 to Old Alvin Road. The City has gone out for bids and the lowest one being AAA Asphalt Paving. At this time the Council is being asked for approval of awarding this bid for asphalt paving services associated with the Orange Street S.H. 35 to Old Alvin Road.

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

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. 2015-194 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property; 1747 square feet of land (5' utility easement); 3494 square feet of land (10' water/sewer easement) and 3494 square feet of land (road right-of-way); located in the James Hamilton Survey, A-876, Harris County, Texas, out of the 5.0530 acre tract, from First Interstate bank of Texas to Sterling W. McQueen, D.B.A. FAMCO, recorded under file no. L978459 in the Official Public Records of Real Property of Harris County, Texas, and out of lots 37 ½ and 44, of Block F, in the subdivision, Allison Richey Gulf Coast Home Company Subdivision, recorded in Volume 3, Page 40, for the construction and maintenance of utility, water/sewer and road improvements on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.

Councilmember Reed made the motion, seconded by Councilmember Moore, to approve Resolution No. R2015-194.

City Attorney Darrin Coker stated this is for the Hooper Road project the City is getting ready to endeavor on. It is anticipated to be awarding a bid sometime early next year and this is the only piece of property yet to be acquired. The City has been in negotiations with the property owner and is optimistic about getting it resolved. In the meantime this needs to be adopted by Council in order to initiate the process and file the petition to be ready when the time comes to award the bid.

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

Voting "No" None.

Motion Passed 5 to 0.

MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS

OTHER BUSINESS:

Council adjourned into Executive Session under Texas Government Code at 7:15 p.m. to discuss the following.

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

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

NEW BUSINESS CONTINUED:

Council returned from Executive Session at 8:03 p.m.

No Council Action – Regarding appointments to the City's various Boards and Commissions.

ADJOURNMENT

Meeting was adjourned at 8:04 p.m.

Minutes approved as submitted and/or corrected this the ____ day of _____, A.D., 2015.

Tom Reid
Mayor

ATTEST:

Young Lorfing, TRMC
City Secretary

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

AGENDA OF: December 7, 2015	ITEM NO.: Ord. No. 1211-2015
DATE SUBMITTED:	DEPT. OF ORIGIN: Community Development
PREPARED BY: Kevin Byal	PRESENTOR: Kevin Byal, Roland Garcia
REVIEWED BY: Lata Krishnarao	REVIEW DATE: November 16, 2015
SUBJECT: Consider adoption of 2015 International Codes, 2015 NFPA Life Safety Code and 2014 National Electrical Code	
ATTACHMENTS: ISO/BCEGS Memorandum; November 9, 2015 City Council packet and presentation; Ordinances and attachments	
EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A
ACCOUNT NO.: N/A	
ADDITIONAL APPROPRIATION REQUIRED: N/A	
ACCOUNT NO.: N/A	
PROJECT NO.: N/A	
To be completed by Department:	
Finance	Legal Ordinance Resolution

EXECUTIVE SUMMARY

Summary: At the November 9, 2015, City Council meeting staff presented council with the findings of the comprehensive review of the 2015 International Codes, the 2015 NFPA Life Safety Code and the 2014 National Electrical Code. At that work session, Council asked for clarification on the influence of code adoption on the city's ISO rating. The attached memorandum contains details of our findings.

The following is the list of the codes being considered.

2015 I-Codes being considered:

- Ordinance No. 1209-2015 - International Building Code (IBC)
- Ordinance No. 1211-2015 - International Fire Code (IFC)
- Ordinance No. 1296-2015 - International Residential Code (IRC)
- Ordinance No. 1209-2015 - International Mechanical Code (IMC)
- Ordinance No. 1210-2015 - International Plumbing Code (IPC)
- Ordinance No. 1210-2015 - International Fuel Gas Code (IFGC)
- Ordinance No. 1296-2015 - International Energy Conservation Code (IECC) Mandated by State
- Ordinance No. 1209-2015 - International Property Maintenance Code (IPMC)

Ordinance No. 1209-2015 - International Swimming Pool & Spa Code (ISPSC)
Ordinance No. 1209-2015 - International Existing Building Code (IEBC)

National Fire Protection Association Codes Being Considered:

Ordinance No. 1416-2015 - 2014 National Electrical Code (NEC) Mandated by State
Ordinance No. 1211-2015 - 2015 NFPA 101 Life Safety Code (LSC)

Staff also recommends revisions to the local amendments, many of which eliminate duplicate provisions that are now included in the text of the codes. These are included in the packet and were discussed at the workshop.

Staff Recommendation: Recommends the adoption of the presented codes with the proposed effective date of January 1, 2016.

Memo



To: Lata Krishnarao, Community Development Director
Matt Buchanan, Executive Manager of Development Services

From: Kevin Byal, Chief Building Official
Roland Garcia, Fire Marshal

Date: November 16, 2015

Re: Adopted Code and ISO/BCEGS

During the discussion of the proposed code adoption at the November 9, 2015 Council meeting council asked for additional information concerning a city's adopted code and its influence on the city's Insurance Services Office (ISO), Building Code Effectiveness Grading Schedule (BCEGS) rating.

Staff contacted ISO to discuss credit for adoption of codes. In December 2014, Pearland's Public Protection Classification (PPC) was evaluated and resulted in Class 2 rating. The rating included 6.10 points out of a possible 6.5 for Texas Exceptions, including current fire, building, electrical, mechanical, plumbing/gas, and property maintenance codes.

In May of 2015, ISO revised the evaluation process and removed all codes except fire codes from the PPC evaluation, and changed the title of the category, Texas Exception, to Community Risk Reduction (CRR). PPC points now associated with the CRR will involve adoption of current fire codes, fire code enforcement, fire investigations, and public fire education. Total available CRR points will be 5.5 towards the PPC and adoption of current fire codes accounts for possible .55 points of the CRR.

Since the revised evaluation process, building, electrical, mechanical, plumbing/gas, energy and property maintenance codes are now assessed by ISO through the Building Code Effectiveness Grading Schedule (BCEGS). This does not diminish the effect that up to date code adoption has on insurance rates as the insurance agencies routinely access cities BCEGS rating and are directly linked to the FEMA's National Flood Insurance Program (NFIP) and the Community Rating System (CRS), which affect flood insurance rates.

Although not mandatory, insurers using the rating discounts for risks eligible for the program may have a competitive advantage over insurers not using the discounts. Insurers using the program can highlight that point in their marketing.

Community BCEGS are evaluated every five years or more frequent if requested by the municipality. The City of Pearland was last evaluated in 2013 and resulted in a BCEGS score of 4 for commercial and 5 for residential. ISO evaluates communities on a scale of 1 to 10, with 1 representing exemplary administration of a model code. In preparation of the next assessment cycle, staff will be evaluating the actions necessary to attain a lower score.

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

AGENDA OF: November 9, 2015	ITEM NO.:
DATE SUBMITTED: November 3, 2015	DEPT. OF ORIGIN: Community Develop.
PREPARED BY: Kevin Byal	PRESENTOR: Kevin Byal, Roland Garcia
REVIEWED BY: Lata Krishnarao	REVIEW DATE: November 3, 2015
SUBJECT: Presentation and discussion regarding proposed adoption of 2015 International Codes, 2015 NFPA Life Safety Code and 2014 National Electrical Code	
ATTACHMENTS: PowerPoint Presentation	
EXPENDITURE REQUIRED: N/A AMOUNT AVAILABLE: N/A ACCOUNT NO.: N/A	AMOUNT BUDGETED: N/A PROJECT NO.: N/A
ADDITIONAL APPROPRIATION REQUIRED: N/A ACCOUNT NO.: N/A PROJECT NO.: N/A	
To be completed by Department:	
Finance	Legal Ordinance Resolution

EXECUTIVE SUMMARY

Summary: On September 3, 2015, staff from Community Development (Inspection Services and Planning) and the Fire Marshal's office met to initiate a comprehensive review of the 2015 International Codes with the intent of presenting our findings to the City Council to consider for adoption, replacing the current 2012 edition of the International Codes, the 2012 NFPA Life safety Code and the 2011 National Electrical Code.

Staff recommends that the City consider adoption of the proposed codes for the following reasons:

Conformance to the Current International Code Council (ICC) Codes: ICC codes are developed through a consensus process approved by the American National Standards Institute and adopted by reference to be used with the I-Codes or as a stand-alone document. Every three years the ICC publishes and develops revised standards that address every aspect of the built environment that includes, but is not limited to, commercial and residential structures as well as all of the internal systems that provide lighting, plumbing and conditioned air.

The revisions are supported by building science, technical knowledge and past experiences. The codes provide protection from man-made and natural disasters, guarding public health and

reducing property losses. Safe buildings are achieved through proper design and construction practices in concert with a code administration program that ensures compliance.

Cost Savings: Because new materials and methods are continually introduced, updated codes recognize these advancements and keep construction costs down by establishing uniformity in the construction industry resulting in cost savings. Codes also help protect real estate investments by providing a level of quality and safety which can result in lower insurance costs.

Maintain High Insurance Services Office (ISO) Rating: Pearland currently enjoys a “2” rating on the ISO scale of 1-10 in which 1 is the best and 10 the worst possible rating. A contributing factor to this excellent score is the fact that the City has kept current in its code adoption.

Conformance to State Mandate: At the State level, legislation has been enacted mandating the implementation of the 2015 International Energy Conservation Code and the 2014 National Electrical Code. Municipalities are prohibited from enforcing a code that provides a lesser standard.

The attachment provides additional information on the benefits of the proposed code adoption and a summary of the important changes.

Public Input: At the July 31, 2015 Builders Forum, the presentation included discussion with the audience about the proposed adoption of the 2015 I-Codes. The feedback we received were requests to provide adequate notice to the development community of the impending implementation so they can make any necessary adjustments. For the last several months design teams that have utilized our pre-development meetings have also been informed of the intended code adoption.

2015 I-Codes being considered:

International Building Code (IBC)
International Fire Code (IFC)
International Residential Code (IRC)
International Mechanical Code (IMC)
International Plumbing Code (IPC)
International Fuel Gas Code (IFGC)
International Energy Conservation Code (IECC) Mandated by State
International Property Maintenance Code (IPMC)
International Swimming Pool & Spa Code (ISPSC)
International Existing Building Code (IEBC)

National Fire Protection Association Codes Being Considered:

2014 National Electrical Code (NEC) Mandated by State
2015 NFPA 101 Life Safety Code (LSC)

Staff Recommendation: Consider the adoption of the presented codes with the following proposed timeline.

November 23, 2015 – 1st Reading of Ordinance

December 14, 2015 – 2nd Reading of Ordinance

January 1, 2016 – Effective date of Ordinance



Model Code Update

Presented by:

**Kevin Byal, Building Official
Roland Garcia, Fire Marshal**

Model Code Update



- 2015 International Codes
 - International Building Code
 - International Fire Code
 - International Residential Code
 - International Mechanical Code
 - International Plumbing Code
 - International Fuel Gas Code
 - International Energy Conservation Code Mandated by State
 - International Swimming Pool & Spa Code

Model Code Update



- National Fire Protection Association (NFPA) Codes
 - 2015 NFPA 101 Life Safety Code
 - 2014 National Electrical Code Mandated by State

Model Code Update



Purpose of the Codes

- Provide minimum standards necessary for protection from disaster due to fire, structural collapse, and general deterioration.
- Safeguard public health, safety and welfare.
- Provide for the safety of firefighters/emergency responders.
- Integrate provisions that provide resiliency, and energy efficiency.

Model Code Update



Code Development

- Building codes have been around for centuries.
- Evolved from regulations stemming from tragic experiences to standards designed to prevent them.
- Code development process is structured to result in **consensus** on both public health and safety issues, and on achieving economic value.
- Established scientific and engineering principles.
- Experience of leading technical experts, construction professionals, enforcement personnel and the product manufacturers.

Model Code Update



Benefit of Updated Codes

- Integrate a complete building safety system.
- Provides minimum life safety needs for first responders.
- Provides uniformity and brings together technological and economic elements that benefits both the contractor and the consumer.
- Reassure consumers that their buildings and systems are safe and efficient.

Model Code Update



Benefit of Updated Codes

- Accommodate new technologies and materials.
- Ensure that measures are provided so that our resources are not wasted. This return on investment results in lower utility bills and averts unnecessary infrastructure expansions.
- An up-to-date code maintains compatibility with State and Federal laws, especially in the areas of energy conservation, accessibility and swimming pool safety.
- Inspector recertification cycles occur every three years just as the code cycle does.

Model Code Update



Delayed Code Updates

- Delay's on code adoption may have a negative impact on the ISO (Insurance Services Office) and BCEGS (Building Code Effectiveness Grading Schedule) ratings of Pearland.
- Delays hinder the ability of designers and builders to take advantage of the latest technology based on the current experience, knowledge and industry standards.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 202 Definition of “Private Garage,” 406.3.1 “Classification,” 406.3.2 “Clear Height”	Major Change	Decrease	Private garages are no longer limited to a maximum of 3,000 sq. ft. in a building. Multiple private garages, each a maximum of 1,000 sq. ft., each separated by one-hour fire barriers or horizontal assemblies are now permitted based on their U occupancy classification. Also, a minimum of 7’ clear height will be required in private garages.
IBC 202 Definition of “Fire Retardant Treated Wood”	Major Change	Decrease	Revised definition to permit other treatment methods by other than the pressure process. See also IBC Sections 2303.2.2 and 2303.2.3 for further explanation.
IBC 503 through 506 Building Heights and Area Requirements	Makes Code More User Friendly	Decrease	2012 IBC Table 503 was replaced with the 2015 IBC Tables 504.3, 504.4 and 506.2 with NO changes in the technical application, making the code more user-friendly. The maximum allowable height and number of stories can now be determined directly from Tables 504.3 and 504.4. The maximum allowable sprinkler area increase can also now be determined directly from Table 506.2.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 503 through 506 Building Heights and Area Requirements	Makes Code More User Friendly	Decrease	2012 IBC Table 503 was replaced with the 2015 IBC Tables 504.3, 504.4 and 506.2 with NO changes in the technical application, making the code more user-friendly. The maximum allowable height and number of stories can now be determined directly from Tables 504.3 and 504.4. The maximum allowable sprinkler area increase can also now be determined directly from Table 506.2.
IBC 705.3 Exception #2 “Buildings on the Same Lot”	New Provision	Decrease	Permits a parking garage of Construction Type I or IIA to abut a Group R-2 building with 1½- hour-protected openings (fire doors) in the abutting exterior wall of the garage and no required opening protective(s) in the abutting wall of a sprinklered R-2 building. Previous editions of the Code did not permit any openings in these abutting exterior walls that are at a “0” fire separation distance apart and required a fire wall design between such buildings to be permitted to have openings between the abutting buildings.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 707.5 Exception 2 “Fire Barriers–Continuity”	New: Clarification	Decrease	Clarifies that the walls of an interior exit stairway do not need to extend through the attic space to the underside of the roof deck if the ceiling of the stairway terminates with a fire-rated top enclosure complying with Section 713.12.
IBC 903.2.1.6 “Assembly Occupancies on Roof”	New Provision	Decrease	Code now addresses how to deal with assembly occupancies on the roof of a building. When the occupant load > 100 for Group A-2 (i.e., restaurant), or > 300 for other Group A (i.e., meeting rooms, swimming pools) all floors to, and including, level of exit discharge are required to be sprinklered per NFPA 13 or NFPA 13R, as applicable. Since all new Group R occupancies are already required to be sprinklered, this new requirement is a good clarification of the Code for such common assembly occupancies that are to be located on the roofs of new apartment projects. Note that there is an exception to this sprinkler requirement for open parking garages of Construction Type I or Type II.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC C402 and Chapter 5 Performance Compliance Options	Revision	Decrease	Allow component performance design options for wall, floor, roof and other systems using overall building insulation values to reduce insulation values in individual components.
IECC C504.2.3 Roof Cover- ing Air Barrier	Revision	Decrease	Exemption for repair/replacement of roof recovering from the requirement for an air barrier.
IECC C406 and Chapter 5 Energy Efficiency Packages	Revision	Unknown	Additional choices for required additional energy efficiency packages that can be more cost-effective for new and existing buildings.
IECC Tables C402.1, C402.4, R402.1.2 and R402.1.4–R-values and U-values	No Change from the 2012 IECC	Increase from the 2009 IECC	The R-value and corresponding U-value tables for the commercial and residential requirements have not been changed (except roof insulation), and are the same as in the 2012 versions of the IECC which are not cost effective. See separate document, <i>Recommended Amendments to the 2015 International Energy Conservation Code (IECC)</i> , for more information.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC R402.4.1.2–Thermal Envelope Air Barrier Testing	No Change from the 2012 IECC	Increase from the 2009 IECC	The residential Section R402.1.2 requires that the air barrier be pressure tested in accordance with a test method for one- and two-family dwellings that is not appropriate for R-2 occupancies. See separate document, <i>Recommended Amendments to the 2015 International Energy Conservation Code (IECC)</i> , for more information.
IECC Commercial and Residential Provisions	Revisions and Editorial	Increase	The Commercial portions, which apply to R-2 occupancies four-or-more stories in height; and the Residential portions, which apply to R-2 occupancies three-or-less stories in height, have major revisions to text which need to be considered during the design process.
IECC C403.3.2.1 and Chapter 5	Revision	Increase	Increased hot water piping insulation levels with limits on lengths of hot water piping.
IECC Table C403.2.3(9) Minimum Efficiency Air Conditioners and Condensing Units Serving Computer Rooms	Revision	Increase	Increased stringency of computer room HVAC minimum efficiency levels.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC C405 and Chapter 5 Lighting Controls	New Provision	Increase	Additional more stringent requirements for day- lighting, lighting controls and allowed lighting power densities in new and existing buildings.
IECC C408.2.5.2.6 Lighting Operation and Maintenance Manuals	New Provision	Increase	Lighting contractor required to provide operations and maintenance manuals for lighting and lighting controls.
IECC C408.3.1 Occupant Sensor Controls	Revision	Increase	Requirement for functional testing of occupant sensor controls and time-switch controls.
IECC Chapter 5 Existing Buildings	New Provision	Increase	New Chapter 5, Existing Structures with provisions for existing buildings in addition to those contained in the IEBC.

Model Code Update



Important Changes to the 2015 IFC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IFC 1103.3.2 Elevator Emergency Operation	New Provision	Decrease	New exception to requirements for updating elevators to latest standard which include installation of protective doors, sprinkler protection, and for freight elevators sprinkler protection provided at least one elevator complies with A 17.3.
IFC 1104.22(4) “Means of Egress for Existing Buildings– Exterior Stairway Protection”	Deletion of 2012 IFC Section 1104.21(4.1)	Decrease	Remainder of Section 1104.21 was moved to 1104.22. The requirement to retroactively sprinkler existing, open-ended corridor (i.e., open breezeway) buildings was deleted.
IFC 1103.7.6 Exception 4 “Manual Fire Alarm System in Existing Group R-2 Occupancies”	New Exception	Decrease	Exception 4 eliminates the requirement for a manual fire alarm system in an existing R-2 occupancy where all four requirements are met: <ol style="list-style-type: none"> 1. Building is \leq three stories in height above grade plane. 2. Dwelling units are not served by interior corridors. 3. Dwelling units are separated from each other by 3/4 hour fire barriers. 4. Dwelling units are provided with smoke alarms per Section 907.2.11.

Model Code Update



Important Changes to the 2015 IFC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IFC Appendix B B105 “Fire Flow Requirements for Buildings”	Revisions	Unknown	If a jurisdiction adopts the IFC and makes Appendix B mandatory in the adopting ordinance, then fire flows for townhouses and other buildings can be reduced based on the construction type and sprinkler system installed (NFPA 13, NFPA 13R or NFPA 13D).
IFC Appendix C “Fire Hydrant Locations and Distribution”	Revisions	Unknown	If a jurisdiction adopts the IFC and makes Appendix C mandatory in the adopting ordinance, then the revisions to Sections C103.2 Exception and C104.1 provide increased spacing for existing fire hydrants and credit for existing fire hydrants on adjacent properties that can be used. Also new footnotes “f” and “g” permit fire hydrant spacing increases based on the type of sprinkler system installed in the building.
IFC Appendix L “Fire Fighter Air Replenishment Systems (FARS)”	New Provision	Increase	If a jurisdiction adopts the IFC and makes Appendix L mandatory in the adopting ordinance, then buildings required by the local adopting ordinance to have FARS would be required to comply with Appendix L’s design, installation, testing and maintenance requirements.

Model Code Update



State and Local Adoption Examples

- State of Texas: 2015 IECC (Energy Code)
2014 NEC (Electrical Code)
- Municipal Adoption: City of Sugar Land
City of Missouri City
City of Bellaire
City of San Antonio
- 2016 Adoptions: City of Baytown
City of Pasadena

Model Code Update



Summary of Changes

- Clarification
 - Extent of Fire Barriers in stair wells
- Simplification of Chapter 5 Tables
 - Makes code more user friendly
- Construction Methods and Allowances
 - Multi-family height restrictions greatly relaxed
- Increased Standards
 - International Energy Conservation Code

Model Code Update



Summary of Changes

- Cleanup of local amendments
 - Remove Redundancies
- For the first time, the National Multifamily Housing Council (NMHC), National Apartment Association (NAA), Building Owners and Managers Association (BOMA) and National Association of Home Builders (NAHB) encourage state and local jurisdictions to consider adopting the 2015 I-Codes

Model Code Update



What is Next

- November 23, 2015 – 1st Reading of Ordinance
- December 14, 2015 – 2nd Reading of Ordinance
- January 1, 2016 – Effective date of Ordinance

Model Code Update



Questions?

UPDATE

Since the first reading of this ordinance, Michelle Graham and Katie Leininger identified a potential issue while watching a webinar. Specifically, the International Fire Code, Section 103.2 currently states:

103.2 Appointment. The fire code official shall be appointed by the appointing authority of the jurisdiction; and ***the fire code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.***

Such language has the effect of altering the “at-will” nature of this position. As Council is probably aware, with the exception of police officers, which are civil service employees, the City is an “at-will” employer. Consequently, a minor local amendment has been added to remove the “for cause” language to ensure the position is treated consistently with other non-civil service positions in the City.

ORDINANCE NO. 1211-2015

An ordinance of the city council of the City of Pearland, Texas, amending Chapter 10, *Fire Prevention and Protection*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Article III, entitled *Fire Code*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

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

Section 1. That Chapter 10, *Fire Prevention and Protection*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Article III, entitled *Fire Code*, to read as follows:

“ARTICLE III. FIRE CODE

10-46. Fire code adopted.

There is hereby adopted the “City of Pearland Fire Code,” which shall consist of the International Fire Code, 2015~~42~~ Edition, including appendices as published by the International Code Council, Inc. A copy of said code shall be maintained in the office of the city secretary.

10-47. Local amendments.

The fire code adopted in Section 10-46 is hereby modified as follows:

(a) The following provisions are added:

(1) 103.2 Appointment. The fire code official shall be appointed by the appointing authority of the jurisdiction.

(2) 106.4.1 No waiver. The failure of the Pearland Fire Marshal to enforce any provision of the fire code shall in no case constitute or be deemed a waiver of the applicability of said provision or the authority of the Fire Marshal to enforce it.

(3) 106.4.2 Acceptable compliance alternative. The Pearland Fire Marshal or his designee may accept an alternative method of achieving compliance with any provision of the fire code proposed by the owner or user of a facility, if in the Fire Marshal’s judgment said alternative is equally effective in achieving the objective of the fire code, is more practicable to effect than the usual required method of compliance, and does not negatively impact current or future compliance with the fire code or any other code.

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(43) **106.1.1 Inspection by Fire Marshal.** The Pearland Fire Marshal or his designee shall inspect all registered and licensed personal care facilities, foster care, child-care, and group homes within the City of Pearland for compliance with the fire code and life safety code.

(54) **907.5.1.1 Evacuation.** Upon activation of any automatic fire alarm system, all occupants of the structure shall be evacuated and shall remain outside the structure until the fire department has determined that no fire or danger exists. To enable fire department personnel to locate the area or zone activated, occupants of the structure shall not reset an alarm activation.

(65) **3405.8 Off-loading of trucks.** All incoming tires by truck or trailer shall be off-loaded within 24 hours and worked into stock on non-combustible racks as required for all tire storage. Tires are not to be left on the ground at the end of the workday and the truck or trailer transporting the incoming tires shall be removed from the site immediately following off-loading.

(76) **3405.9 Public nuisance declared.** Tires not designated for retail or wholesale consumption shall not be allowed to accumulate above the limits herein established regardless of their form, whether whole, split, shredded, or chopped, or so as to constitute a fire or health hazard. Any accumulation in violation of this section shall be deemed a public nuisance and their prohibition shall extend to all of the city's extra-territorial jurisdiction (ETJ) within five thousand (5,000) feet of the city's corporate limits.

(b) The following provisions are deleted in their entirety:

- (1) **905.5.1 Groups A-1 and A-2.**
- (2) **905.5.2 Protection.**
- (3) **905.5.3 Class II system 1 inch hose.**

(c) The following provisions are adopted in place of the identically numbered provisions in the International Fire Code, 2015~~42~~ Edition:

(1) **105.1.1 Permits required.** Permits required by this code shall be obtained from the code official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official. Permits are required for the following:

Type I Permit (include review, inspection, testing, and permit)

- Installation of fire sprinkler system.
- Modification of any fire protection system.
- Installation of underground fire mains.
- Installation of smoke control systems.

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- Installation of fire pumps.
- Installation of standpipe system.
- Installation of fixed fire protection systems.
- Installation of fire alarm.
- Installation or removal of flammable/combustible liquid storage tank.
- Installation of residential automatic fire sprinkler system.

Type II Permits (includes permit and site inspection)

- Temporary storage tanks.
- Public displays of fireworks.

- (2) **307.1 General.** No person shall kindle or maintain any type of open fire or burning, including bonfires, recreational fires, and trench-burn fires as defined by the Texas Commission on Environmental Quality (TCEQ), within the city. Such open fires are hereby declared to be a public nuisance, and their prohibition shall extend to all of the city's extra-territorial jurisdiction (ETJ) within five thousand (5,000) feet of the city's corporate limits.

This prohibition does not apply to live firefighting training conducted by the Fire Department in compliance with TCEQ regulations, barbecue pits used for cooking, or an approved outdoor fireplace used for warmth that has three sides and a spark arrestor and complies with Sec. 307. The fire official may prohibit any or all fires, or order the immediate extinguishment of any and all fires when, in his sole discretion, atmospheric conditions or local circumstances make such fires an immediate threat to public safety or the smoke or ash from such fires becomes a public nuisance.

- (3) ~~**308.1.4 Open flame cooking devices.** Charcoal burners and other open flame cooking devices shall not be operated on balconies or within 10 feet (3048 mm) of a building.~~

~~Exceptions:~~

- ~~1. One and two family dwellings.~~
- ~~2. Where the building and the area where the charcoal burner or open flame cooking device is operated, such as a patio, deck, porch, or balcony, are protected by an automatic sprinkler system.~~

~~Charcoal burners, solid fuel cookers, and barbeque pits shall be listed for their intended use and shall not be used inside a structure unless specifically intended or listed for inside use.~~

- (34) **503.3 Marking.** Where required by the code official, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and replaced or repaired when necessary to provide adequate visibility.

Whenever any provision regarding the regulation of fire lanes contained in the most recent edition of the International Fire Code adopted by the City

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is in conflict with the provisions of this subsection, the provisions of this subsection shall govern.

The owner, manager, or person in charge of any new or existing building or property for which fire lanes have been approved or required by the Fire Marshal or his authorized representative shall mark and maintain said fire lanes as provided below.

(a) Fire lanes shall not be located immediately adjacent to a structure if other possible locations exist that are not immediately adjacent but close enough to give sufficient access to at least three sides of the structure. The minimum corner radius on the turns shall be 25' on the inside and 50' on the outside.

(b) All curbs and curb ends shall be painted red with white lettering four inches (4") high and at least one half-inch (½") stroke, stating "NO PARKING - FIRE LANE". Wording may not be spaced more than twenty five feet (25') apart. Fire lanes shall be marked on both sides of access roads so as to assure a minimum of 24' clear width in the middle of said access roads.

(c) In areas where fire lanes are required but no continuous curb is available, one of the following methods shall be used, in conjunction with curb markings where possible, to indicate that the fire lane is continuous:

(1) Signs that comply with Section D103.6 shall be mounted conspicuously along the edge of the fire lane, spaced no more than twenty-five feet (25') apart, and shall have lettering at least two inches (2") high with three-eighths inch (3/8") stroke.

(2) From the point the fire lane begins to the point the fire lane ends, including behind all parking spaces which adjoin a fire lane, there shall be painted one continuous red stripe having a minimum width of at least six inches (6"). Fire lanes shall be stenciled every twenty-five feet (25') apart "NO PARKING FIRE LANE" with white lettering four inches (4") high and at least one half-inch (½") stroke. Fire lanes shall be so marked on both sides of the lane.

| (45) **505.2.3.1 Construction standards.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus in all weather conditions. Access roads shall be constructed of concrete utilizing the standards in the City of Pearland's Engineering Design Criteria Manual for a public local street, unless an alternative is approved by the City Engineer.

| (56) **506.1.3 When required.** All new construction and any existing building with a monitored fire alarm system shall be required to have a key box approved by the Fire Marshal.

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(67) **609.2.1 Fire suppression.** Any domestic cooking appliance installed in a commercial facility, including foster care facilities, shall provide cooking fire suppression as approved by the Fire Code Official.

(7) ~~**903.2.6.15 Group I. 903.2.5 Group I.**~~ An automatic sprinkler system shall be provided throughout buildings with a Group I fire area, except that an automatic sprinkler system installed in accordance with Sections 903.3.1.2 or 903.3.1.3 shall be allowed in Group I-1 facilities. An automatic residential fire alarm system, equipped with emergency force notification and initiated by smoke detection and activation of the automatic sprinkler system, shall also be provided throughout buildings with a Group I fire area. No sprinklers shall be required in Home and Community Based Services (HCS) residences for individuals with intellectual or developmental disabilities regulated by the Texas Department of Aging and Disability Services (DADS), unless DADS would otherwise require sprinklers in such homes.

~~— This section shall only apply to the new construction or registering/licensing of a facility other than a foster care facility housing four (4) or fewer persons that are capable of self-preservation and equipped with fire suppression for domestic cooking appliances as approved by the Fire Code Official.~~

(8) **903.2.87 Group R.** An automatic sprinkler system shall be provided throughout all buildings with a Group R occupancy fire area, including attached balconies, patios, porches, breezeways, car ports, and porte cocheres, regardless of fire separations.

(10) ~~**903.2.9 Group S.**~~ All storage facilities (S-1/S-2) moderate/low-hazard that are 5000 sq. ft. or more shall be fully sprinkled, regardless of the fire area and aggregate floor area. Installation of fire separations is not an exception to sprinklers on structures that have a fire area greater than 5000 sq. ft.

(944) **903.3.7 Fire department connections.** The fire department connection (FDC) shall be located at a point no further than 20 feet from a fire apparatus access road, remotely located away from the building collapse zone at a horizontal distance that is at least one and one-half times the height of the building on the main street side, and easily accessible to the Fire Department. The location of the FDC shall be such so as to provide hose connections that shall not block access to the building or obstruct other fire apparatus from accessing the building. There shall be an approved sign as specified by the Fire Marshal designating the address served by the FDC. A fire hydrant shall be located within one hundred feet (100') of the FDC measured along a fire apparatus access road. FDCs shall have a five inch (5") Storz connection and shall include an approved locking cap as specified by the Fire Marshal.

(1042) **904.3.5 Monitoring.** Where a building fire alarm system is installed, automatic fire-extinguishing systems shall be monitored by the building

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fire alarm system in accordance with NFPA 72. If the building has no fire alarm, a local audible and visible alarm notification appliance shall be required to indicate when the system has activated.

~~(13) **905.1 General.** Standpipe systems shall be provided in new buildings and structures in accordance with this section. Fire hose threads used in connection with standpipe systems shall comply with NFPA 1963 or as otherwise approved and shall be compatible with fire department hose threads. The location of fire department hose connection shall be approved. In buildings used for high-piled combustible storage, fire protection shall be in accordance with Chapter 24. When a standpipe system is required only a Class I or Class III standpipe with a 2 1/2" to 1 1/2" reducer attached shall be acceptable.~~

(114) **905.5.1 Location near auditorium.** In Group A-1 and A-2 occupancies with occupant loads of more than 1,000, Class I or Class III hose connections shall be located on each side of any stage, on each side of the rear of the auditorium, on each side of the balcony, and on each tier of dressing rooms.

~~(15) **907.1 General.** This section covers the application, installation, performance and maintenance of fire alarm systems and their components in new and existing buildings and structures. The requirements of Section 907.2 are applicable to new building and structures. The requirements of Section 907.3 are applicable to existing buildings and structures.~~

~~— All new installations of residential automatic fire alarm systems shall comply with the latest published edition of NFPA 72. Said installations shall include smoke detectors in all sleeping rooms, in the hallway outside the sleeping rooms, and one per floor. The detectors shall be interconnected and electrically hard wired with battery backup in the alarm system.~~

(126) **907.1.3 Equipment.** Systems and their components shall be listed and approved for the purpose for which they are installed. All new fire alarm control panels, remote annunciators, and initiating devices shall be addressable and communication devices shall be monitored by an approved supervising station in accordance with NFPA 72. The system shall have occupant notification throughout the building in compliance with ADA requirements, and manual pull stations shall be required by all exits regardless of any conflicting provision in the code.

(137) **907.2.1.1 System initiation in Group A occupancies with an occupant load of 300 or more.** All new and existing assembly buildings with an occupant load of 300 or greater shall install Emergency Voice Evacuation (EVAC) systems in accordance with NFPA 72.

(148) **907.6.5 Monitoring.** Where required by this chapter or the International Building Code, monitoring shall be provided by an approved supervising station in accordance with NFPA 72. All alarm activations monitored by

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an approved supervising station shall not be subject to pre-qualification. Instead, the local fire department shall immediately be notified of all alarm activations.

(159) **3405.8 Location of storage.** Storage of waste tires in any form, whether whole, split shredded, or chopped, shall only be allowed in no more than one (1) enclosed trailer, 8' x 8' x 20' or 1280 ft.³, located on-site.

~~(20) **D103.6.1 Posting of fire lanes.** Fire access roads that are required to be marked shall have a minimum width of 24 feet and shall be posted on both sides as a fire lane.~~

10-48. Life safety code adopted.

NFPA 101, Life Safety Code Handbook, 2015~~2~~ edition, is hereby adopted and incorporated herein and made a part of hereof for all intents and purposes, and shall apply for repairs, alterations, renovations, and maintenance of all commercial buildings and appurtenances thereto. A copy of said code shall be maintained in the office of the city secretary.

10-49. Local amendments.

The life safety code adopted in Section 10-48 is hereby modified to delete the following provisions in their entirety:

(1) **12.3.5.1**

(2) **24.3.5.1**

10-50. Penalty for violation.

(a) Any person, firm or corporation who violates or fails to comply with the requirements or provisions of the City of Pearland Fire Code or the City of Pearland Life Safety Code, as herein adopted, shall be deemed guilty of a misdemeanor, and shall, upon conviction by a court of competent jurisdiction, be punished as provided in section 1-11 of this Code.

(b) In prosecutions under this section, the requirement that a culpable mental state be pled and proven by the state is hereby waived.”

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

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise

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

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

Section 5. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 6. Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective on January 1, 2016.

PASSED and APPROVED on FIRST READING this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED on SECOND and FINAL READING this the _____ day of _____, A.D., 2015.

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TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

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

AGENDA OF: 12-7-2015	ITEM NO.: Ord. No. 1209-1
DATE SUBMITTED: 11-16-15	DEPARTMENT OF ORIGIN: Planning
PREPARED BY: Darrin Coker	PRESENTOR: Darrin Coker
REVIEWED BY: NA	REVIEW DATE: NA
<p>SUBJECT: An Ordinance of the city council of the City of Pearland, Texas, amending Chapter 7, <i>Building</i>, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to repeal the existing Article V, <i>Unsafe Building Abatement</i>; and adopting a new Article V, <i>Substandard and Vacant Building Abatement</i>; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.</p>	
EXHIBITS: Ordinance No. 1209-2015 (1)	
EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.:	AMOUNT BUDGETED: PROJECT NO.:
ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:	
To be completed by Department:	
<input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

As Council is aware, the City is working to identify and abate substandard structures that are unsafe and that could pose a threat to the safety of others. Historically, once a building official identified a structure as a public nuisance, the property owner was notified and a public hearing conducted before the City’s Building Code Board of Adjustments (“BCBA”). In 2011, the Supreme Court of Texas held that an appointed board’s determination that a building is a public nuisance should not be given deference, but should be reviewed *de novo* (from the beginning) by a court. Simply stated, the court ruled that a city appointed board lacks the jurisdiction or authority to make public nuisance determinations with respect to substandard structures because such officials cannot be relied upon to guard against constitutional violations.

In light of the Supreme Court decision, I have prepared an ordinance in accordance with Local Government Code Chapter 214 (the “Act”), an enabling statute, to regulate substandard structures. Pursuant to the Act, a property owner is entitled to notice and a hearing, and is given a limited time to appeal any decision to a district court. The City’s municipal court is a Court of Record, therefore cases can be filed in municipal court (as opposed to a city board) with any appeals being filed in district court. In an effort to make certain that due process considerations are addressed, I have worked with the various City departments to develop a Substandard and Vacant Building Abatement process that would be incorporated into Chapter 7 of the City’s Code of Ordinances. Although the Building Official and/or Fire Marshal will evaluate structure for compliance, the Legal Department will be involved and will provide checks and balances to the process from the outset. I have also included draft examples of the template notice letter and checklists that will be used by staff to ensure procedural rules are adhered to.

ORDINANCE NO. 1209-2015 (1)

An Ordinance of the city council of the City of Pearland, Texas, amending Chapter 7, *Building*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to repeal the existing Article V, *Unsafe Building Abatement*; and adopting a new Article V, *Substandard and Vacant Building Abatement*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

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

Section 1. That Article V, *Unsafe Building Abatement*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to REPEAL the existing Article V, *Unsafe Building Abatement*, and adopt a new Article V, *Substandard and Vacant Building Abatement*, to read as follows:

“CHAPTER 7 - BUILDING

ARTICLE V. SUBSTANDARD AND VACANT BUILDING ABATEMENT

DIVISION 1. SUBSTANDARD BUILDING ABATEMENT

Sec. 7-61. Minimum standards.

The standards set forth in the International Building Code and the International Property Maintenance Code adopted in this Chapter are hereby adopted as the minimum standards for the continued use and occupancy of all buildings within the city regardless of the date of their construction.

Sec. 7-61.1. Authority.

In accordance with this article, the City's Building Official may require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building that is:

- (1) dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- (2) boarded up, fenced, or otherwise secured in any manner if:
 - (A) the building constitutes a danger to the public even though secured from entry; or

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- (B) regardless of its structural condition, it is unoccupied by its owners, lessees, or other invitees and is inadequately secured to prevent unauthorized entry or the means used to secure the building are inadequate to prevent unauthorized entry or use of the building by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

When used in this Article, the term "Building Official" shall include the City's Building Official or a representative of that person.

Sec. 7-61.2. Substandard buildings described.

Any building that has any of following conditions or defects shall be considered dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare:

- (1) Any building with roof, ceiling, floors, sills, or foundations, or any combination thereof, rotted or decayed and falling apart, windows out, uninhabitable, and untenable, due to obsolescence and deterioration caused by neglect or vandalism or fire damage or old age or the elements;
- (2) Any building in danger of falling and injuring the person or property of another;
- (3) Any building which is a fire menace, to wit, by being in a dilapidated condition, as fully described in subsections (1) or (2) hereof, and which has an accumulation of rubbish, vegetation and solid waste which is likely to become a fire, or be set on fire, in and around said building and endanger the person or property of others;
- (4) Any building which is in the condition or conditions described in subsections (1) or (2) or (3) hereof, which is damp and in unsanitary condition, which is likely to foster disease and sickness;
- (5) Any building that is considered unsafe, unfit for human occupancy, or dangerous as described in Section 108.1 of the International Property Maintenance Code as it may be amended from time to time.

When used in this article the term "building" shall include any erection or structure of any kind or any part thereof. All substandard structures are declared to be public nuisances and shall be vacated, secured, repaired, removed, or demolished as provided in this article.

Sec. 7-61.3. Placard warnings.

The Chief building Official may place or cause to be placed a placard on a building that is dilapidated, substandard or otherwise unfit for human habitation or use as a warning of its substandard conditions. An offense is committed under this section if a person, without authority from the Chief Building Official:

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- (1) defaces, removes or destroys a placard placed in accordance with this section;
- (2) enters, occupies, or otherwise uses a structure on which the Chief Building Official has placed a placard; or
- (3) as owner or operator of a structure, authorizes a person to enter, occupy, or otherwise use a structure on which the Chief Building Official has placed a placard.

Sec. 7-61.4. Notice of hearing.

- (a) *Generally.* Whenever the Chief Building Official determines that a building within the City does not comply with the standards set forth in this Chapter and is substandard as described in section 7-61.2, notice of a public hearing must be sent to the owner, lienholder and mortgagee of the property.
- (b) *Contents of notice.* The notice shall contain the following:
 - (1) The name and address of the owner of the affected property if the information can be determined;
 - (2) A legal description of the affected property;
 - (3) an identification of the building subject to the hearing;
 - (4) a description of the violation of minimum standards set forth in this Article that is present at the building;
 - (5) a description of the hearing;
 - (6) a statement that the city will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time; and
 - (7) a statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this Article and the time it will take to reasonably perform the work.
- (c) *Identity of persons to receive notice.* To determine the identity and address of each owner, mortgagee, and lienholder, the chief building official shall search the following records:
 - (1) county real property records of the county in which the building is located;
 - (2) appraisal district records of the appraisal district in which the building is located;
 - (3) records of the Secretary of State;
 - (4) assumed name records of the county in which the building is located;

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- (5) tax records of the City; and
- (6) utility records of the City.
- (d) *Delivery of notice.*
 - (1) Notice of a hearing shall be personally delivered, sent by certified mail with return receipt requested, or delivered by the United States Postal Service using signature confirmation service, to each identified owner, mortgagee and lienholder. If personal service cannot be obtained and the owner's post office address is unknown, notice shall be given by publishing it at least twice within a 10-day period in a newspaper of general circulation in the county in which the building is located and posting the notice on or near the front door of the building.
 - (2) The notice will be considered delivered if notice is mailed in accordance with this section to a property owner, lienholder, mortgagee, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed."
- (e) *Filing notice.* In addition to providing notice of the hearing in accordance with subsection (d) of this section, the Chief Building Official shall also file notice of the hearing in the official public records of real property in the county in which the property is located. Such notice must contain the name and address of the owner of the affected property if that information can be determined, a legal description of the affected property, and a description of the hearing.

Sec. 7-61.5. Public hearing.

- (a) *Hearing.* The municipal court judge shall hold a public hearing to determine whether a building complies with the standards set forth in this Article. At the public hearing, the owner, lienholder and mortgagee will be given the opportunity to comment, testify or present witnesses or written information about any matter relating to the substandard building.
- (b) *Burden of proof.*
 - (1) In the public hearing, the City shall have the burden of proof to demonstrate by a preponderance of the evidence that the building is substandard as described by section 7-61.2.
 - (2) In a public hearing, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this Article and the time it will take to reasonably perform the work.

Sec. 7-61.6. Order.

- (a) *Generally.* After the public hearing, if a building is found in violation of standards set out in this article, the municipal court judge may order that the building be vacated, secured, repaired, removed, or demolished and may also order that the occupants be relocated within a reasonable time. The order issued by the municipal court judge shall specify a

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reasonable period of time for the owner to take the ordered action and may specify an additional reasonable period of time for the ordered action to be taken by the mortgagees or lienholders in the event the owner fails to comply with the order within the time period provided for action by the owner. The order shall require the owner, lienholder or mortgagee to file proof of compliance with the municipal court as specified in Subsection (g) below.

(b) *Conditions of order.*

(1) *Submission of reports.* If the municipal court judge allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the order shall require the owner, lienholder, or mortgagee to regularly submit progress reports (including inspection results) to the Chief Building Official to demonstrate compliance with the time schedules established for commencement and performance of the work.

(2) *Appearance before the judge.* If the municipal court judge allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the order may require that the owner, lienholder, or mortgagee appear before the municipal court judge to demonstrate compliance with the judge's order.

(3) *Submission of bond.* If the municipal court judge allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building and if the owner, lienholder, or mortgagee owns property, including buildings, structures or improvements on property, within the City limits that exceeds \$100,000 in total value, the order may require the owner, lienholder, or mortgagee to post a cash or surety bond approved by the city attorney in an amount adequate to cover the cost of repairing, removing, or demolishing a building under this section. In lieu of a bond, the order may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the city attorney. The bond must be posted, or the letter of credit or third party guaranty provided, not later than the 30th day after the date the order is issued.

(c) *Filing the order.* Within 10 days after the date that the order is issued, the Chief Building Official shall file a copy of the order in the office of the City Secretary.

(d) *Publishing the order.* Within 10 days after the date that the order is issued, the Chief Building Official shall publish in a newspaper of general circulation in the city in which the building is located a notice containing:

(1) the street address or legal description of the property;

(2) the date of the hearing;

(3) a brief statement indicating the results of the order; and

(4) instructions stating where a complete copy of the order may be obtained.

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- (e) *Mailing the order.* After the hearing, the Chief Building Official shall promptly mail by certified mail with return receipt requested, delivered by the United States Postal Service using signature confirmation service, or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building in the event the owner fails to timely take the ordered action. The order will be considered delivered if notice is mailed to a property owner, lienholder, mortgagee, or registered agent and the United States Postal Service returns the notice as “refused” or “unclaimed.”

- (f) *Reasonable period of time to comply with order.*
 - (1) *Thirty days.* The order shall require the owner, lienholder, or mortgagee of the building, within 30 days, to:
 - (a) secure the building from unauthorized entry; or
 - (b) repair, remove, or demolish the building, unless the owner lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within 30 days.

 - (2) *Securing.* If the municipal court judge allows the owner, lienholder, or mortgagee more than 30 days to complete any part of the work required to repair, remove, or demolish the building, the order shall require the owner, lienholder, or mortgagee to secure the property (in accordance with Section 7-61.15 of this Chapter) from unauthorized entry while the work is being performed.

 - (3) *Thirty-one to ninety days.* If the municipal court judge grants the owner, lienholder, or mortgagee more than 30 days to repair, remove, or demolish the building, the order shall set forth specific time schedules for the commencement and performance of the work.

 - (4) *Over ninety days.* The order shall not allow the owner, lienholder, or mortgagee more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:
 - (a) submits a detailed plan and time schedule for the work at the hearing; and
 - (b) establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

- (g) *Proof of compliance.* The following shall be proof of compliance with the order of the municipal court judge:
 - (1) a certificate of completion issued by the Chief Building Official if the building is secured in accordance with section 7-61.19 of this Chapter;
 - (2) a certificate of completion issued by the Chief Building Official if the building is demolished in accordance with a municipal court order;
 - (3) a certificate of occupancy issued by the Chief Building Official if the building is repaired in accordance with a municipal court order.

ORDINANCE NO. 1209-2015

Sec. 7-61.7. Failing to comply with order.

- (a) If the building is not repaired, vacated, secured, removed, or demolished, or the occupants are not relocated within the allotted time, the municipal court judge shall hold a show cause hearing pursuant to section 7-61.5 and issue another order pursuant to section 7-61.6 authorizing the City to vacate, secure, remove, or demolish the building or relocate the occupants at its own expense. However, this subsection does not limit the ability of the City to collect on a bond or other financial guaranty required by the municipal court judge.
- (b) If the City incurs expenses under subsection (a), the City may assess the expenses, including the actual cost of elimination procedures plus an administrative charge of \$100.00, and the City shall have a lien against the property on which the building was located unless it is a homestead as protected by the Texas Constitution. The lien will be extinguished if the property owner or another person having an interest in the legal title to the property reimburses the City for its expenses. The lien arises and attaches to the property at the time the notice of lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice of lien must contain the name and address of the owner if that information has been determined in accordance with section 7-61.4(c), a legal description of the real property on which the building was located and the amount of expenses incurred by the City and the balance due. Any lien filed pursuant to this section shall be security for the expenditures made and interest accruing at the rate of ten percent on the amount due from the date of payment by the City. The lien shall be superior to all other liens except tax liens.
- (c) The municipal court judge may order the Chief Building Official to revoke any permit issued in furtherance of an order to secure, repair, remove or demolish if the action ordered by the judge is not performed within the time schedules established for commencement and performance of the work pursuant to the judge's order.

Secs. 7-61.8 – 7-61.12 – Reserved.

ORDINANCE NO. 1209-2015

DIVISION 2. VACANT BUILDING ABATEMENT

Sec. 7-61.13. - Purpose.

- (a) The City Council finds and declares that:
- (1) Buildings that are vacant and unsecured or not properly maintained attract criminals and serve as prime locations to conduct illegal criminal activities.
 - (2) Buildings that are vacant and unsecured or not properly maintained are vulnerable to being set on fire by unauthorized persons.
 - (3) Buildings that are vacant and unsecured or not properly maintained are a blight and cause deterioration and instability in neighboring properties and surrounding areas.
 - (4) Buildings that are vacant and unsecured or not properly maintained pose serious threats to the public's health and safety.
 - (5) Abatement and rehabilitation of buildings that are vacant and unsecured or not properly maintained are necessary.
 - (6) Buildings that are vacant and unsecured or not properly maintained are declared to be public nuisances.
- (b) The purpose of this article is to protect the public health, safety, and welfare of the city and its citizens.

Sec. 7-61.14. - Applicability.

This Article applies only to buildings which are either (i) ordered by the municipal court judge to be secured in accordance with Article V, Division 1 of this Code or (ii) any building or structure regardless of whether it is used or intended for supporting or sheltering any use or occupancy as described in Division 2 of Article V.

Sec. 7-61.15. - Definitions.

Unless otherwise expressly stated, the following words, terms, and phrases, when used in this Article, have the meanings ascribed to them in this section, unless the context of their usage clearly indicates a different meaning:

Administrator means the city's Chief Building Official or a representative of that person.

Board when used as a verb means to cover an opening of a building or structure with lumber or panels of wood or other material.

Boarded building means a building on which any opening to the outside is covered with lumber or panels of wood or other material in accordance with section 7-61.22. The term does not include a building secured by normal measures.

Building means any structure used or intended for supporting or sheltering any use or occupancy to which this article applies, and includes an enclosed building, open building, and partially open building.

ORDINANCE NO. 1209-2015

Owner means the owner of record in the county where the real property is situated; the holder of an unrecorded contract for deed; a mortgagee or vendee in possession; a mortgagor or vendor in possession; and an assignee of rents, receiver, executor, trustee, lessee, or other person in possession or with the right to control of the premises or a portion of the premises. Any person who is included in this definition as an owner has joint and several obligations for compliance with the provisions of this Article. A tenant who does not have the right of possession or control of a portion of the building that is unoccupied is not an owner for the purposes of this Article.

Properly maintained means taking measures to:

- (1) Prevent the physical deterioration of the building;
- (2) Keep a building and in a clean, safe, secure, and sanitary condition, compliant with all applicable codes; and
- (3) Prevent the building from becoming a public nuisance.

Secure means to take measures to ensure that the building is weatherproof and watertight and that the interior of the building cannot be accessed by:

- (1) Unauthorized persons; or
- (2) Birds, rodents or other animals through broken windows or other openings in the structure.

Secured by normal measures means the use of structural components of a building, including fixtures, such as doors, unbroken windows, locks, latches, electronic security systems, storm shutters, and security shutters which were installed while the building was constructed or added to the building while the building was occupied and being used for lawful purposes.

Secured by other than normal measures means a building secured by means other than those used in the design of a building or that are normally installed and utilized while a building is occupied and being used for lawful purposes. The term includes boarding any window or door opening.

Solid waste means any and all garbage, trash, refuse, and other discarded materials held or accumulated in containers, including without limitation, animal and waste materials resulting from the preparation, processing, or consumption of food; combustible waste materials such as paper, rags, cartons, boxes, plastics; noncombustible materials such as glass, crockery, and metal cans.

Unoccupied means not being used for a lawful occupancy.

Vacant building means a building that is any of the following:

- a. Occupied by unauthorized persons and unsecured;
- b. Unoccupied and unsecured;
- c. Unoccupied and has had three or more violations of property maintenance ordinances within the previous 12-month period; or

ORDINANCE NO. 1209-2015

Sec. 7-61.16. - Enforcement authority.

The administrator is authorized to enforce the provisions of this Article and to make all necessary inspections, to issue citations, to give notice and to file applicable charges in the enforcement of this Article.

Sec. 7-61.17. Notice of vacant building.

- (a) Upon reasonable suspicion that a building may be a vacant building as determined by the administrator or receipt of a complaint about a vacant building, the administrator may inspect or cause an inspection of the property in order to determine if the building should be classified as a vacant building.
- (b) If the administrator determines that a building may be classified as a vacant building under this Article, the administrator:
 - (1) Shall attempt to contact the owner or an agent of the owner, identified by any sign posted on the property, by telephone or by electronic communication, and advise the owner or agent that the building is a vacant building and that the following measures need to be taken by the owner:
 - a. Take action to correct any code violations; and
 - b. Take measures to secure the building by normal or other than normal means within seven days from receipt of the notice given pursuant to subsection (b)(2) of this section;
 - (2) Shall mail a notice to the owner, with a copy to any agent identified by any sign posted on the property that advises the owner that the building is a vacant building and that the following measures need to be taken by the owner:
 - a. Take action to correct any code violations; and
 - b. Take measures to secure the building by normal or other than normal means within seven days from receipt of the notice given pursuant to this subsection;
 - (3) May post notice on the building that it appears that the building is a vacant building and that the following measures need to be taken by the owner:
 - a. Take action to correct any code violations; and
 - b. Take measures to secure the building by normal or other than normal means within seven days from the receipt of the notice given pursuant to section (b)(2) of this section; and
 - (4) May issue a citation or file a complaint in municipal court for any violations of this Article or other applicable provisions of this Code.
- (c) If the owner disputes the administrator's determination that the building should be classified as a vacant building under this Article, the owner shall file a written notice of appeal with the administrator within twenty (20) days from receipt of the notice provided in this section. The administrator shall schedule a hearing before the Building Code Board of Adjustments and Appeals to determine whether the building should be classified as a vacant building under this Article.

ORDINANCE NO. 1209-2015

Sec. 7-61.18. - Maintenance of vacant building and premises.

- (a) Compliance with applicable laws. Any repairs, improvements, or alterations to the vacant building or on the property must comply with all applicable laws, codes, and regulations.
- (b) Duty to clean.
 - (1) The owner of a vacant building shall remove all solid waste from the interior of the building.
 - (2) The owner of a vacant building shall remove all solid waste, high weeds and brush from the premises on which the vacant building is located.
 - (3) The owner shall keep the premises on which the vacant building is located properly maintained until the building is returned to an authorized occupancy or demolished.
- (c) Duty to secure.
 - (1) The owner of a vacant building shall lock or secure all doors, windows, and other openings to the vacant building.
 - (2) The owner shall keep a vacant building secured, safe, and properly maintained.
 - (3) If securing a vacant building by normal measures fails to keep the vacant building secure, the owner must use other than normal measures to secure the building, including boarding the vacant building in accordance with section 7-61.22.
- (d) Duty to remove or repair. The owner of a vacant building shall promptly remove or repair any element of the building that is in a condition of decay or partial ruin by reason of neglect, misuse, or deterioration.

Sec. 7-61.19. Standards for boarding a vacant building.

- (a) Except as provided in subsection (c) of this section, if the owner is unable to secure a vacant building by normal means, the owner shall board the vacant building in accordance with the following:
 - (1) All unsecured doorways, windows, or other exterior openings must be covered by exterior grade wooden structural panels or other means as approved in writing by the administrator in order to ensure that such doorways, windows and other exterior openings are secured on the exterior of the building and not easily penetrated.
 - (2) All exterior materials used to board a vacant building must be painted or coated the same color that is the predominant color of the building.
 - (3) All broken glass and any other loose material must be removed from the opening before the covering systems are installed.
 - (4) Exterior access to floor areas above the first floor, such as fire escapes and ladders, must be secured.
 - (5) Fascia signs, overhanging signs, roof signs, and all other appurtenances, such as sun visors or awnings must be removed if they are in a dangerous condition or could create such a condition.

ORDINANCE NO. 1209-2015

- (6) All loose or defective materials, trim, or structural elements on the exterior of the building must be removed.
- (7) Any condition which may become a hazard or danger to the public must be corrected.
- (8) The administrator maintains the sole discretion to determine if the building was secured in a manner that meets the requirements and intent of Article V.

Sec. 7-61.20. - Notice and order to abate.

- (a) Upon finding a violation of this Article and following the exhaustion of any right to appeal the administrator's determination, the administrator shall serve, in person or by certified mail, return receipt requested, a final written notice and order to abate upon the owner.
- (b) If the owner fails to abate the violation within the period stated in the notice or within any additional time as the administrator may grant, the administrator may, without further notice, enter upon the property and abate the violation. The owner is liable for the costs incurred by the City to secure the premises and to abate the violation, including any administrative expenses, materials, and labor.

Sec. 7-61.21. - Notice of costs incurred by City; lien.

- (a) The administrator shall mail a notice to the owner, mortgagee and lienholder of the property upon which the nuisance has been abated of the costs incurred or expended by the City to abate the nuisance.
- (b) The notice must advise the owner and lienholder that the city proposes to assess its costs against the property and place a lien on the property to collect the costs incurred by the city.
- (c) The administrator shall file a lien against the property for the city's costs.
- (d) Any lien filed pursuant to this section shall be security for the expenditures made and interest accruing at the rate of ten percent on the amount due from the date of payment by the City. The lien shall be superior to all other liens except tax liens.

Sec. 7-61.22. - Entry or interference with notice prohibited.

- (a) No person may enter or occupy any building that has been posted under section 7-61.17(b) except to repair or demolish the building under proper permit or for a purpose authorized by the owner, or as allowed under section 7-61.18.
- (b) No person may remove or deface any notice that has been posted under section 7-61.17(b).

Sec. 7-61.23. - Cumulative remedies.

The provisions of this Article are not exclusive. The remedies provided by this Article are in addition to other procedures or remedies provided by law. Nothing in this Article may be deemed to abolish or impair existing authority or remedies of the City.

ORDINANCE NO. 1209-2015

Sec. 7-61.24. - Penalties.

Any person violating any provision of this Article or providing false information to the administrator shall upon conviction be punished by a fine in an amount not to exceed two thousand dollars (\$2000.00). A person commits an offense if he or she intentionally, knowingly, or recklessly engages in conduct that violates any provision of this Article.

Section 3. **Savings.** All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. **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 5. **Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 6. **Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 7. **Effective Date.** The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective on _____, 2015.

ORDINANCE NO. 1209-2015

PASSED and APPROVED on FIRST READING this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED on SECOND and FINAL READING this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

DATE

Owner/lienholder/mortgagee

NOTICE OF HEARING

Dear _____:

This letter is your official notice of a hearing to address in an open court the code violations located at _____ (LOCATION). Your court date has been scheduled at _____ AM/PM on _____ (DATE) at the Pearland Municipal Court, located at 2555 Cullen Parkway, Pearland, Texas 77581.

A Building Official inspected the Property pursuant to an administrative search warrant on _____ (DATE) and generated an inspection report. A copy of the results of the Search Warrant Inspection Report has been included for your review.

The City of Pearland's _____ (INSPECTING OFFICIAL) has found the structure at _____ (LOCATION) to be substandard based upon violations of the minimum standards adopted under the _____ Code(s). Specifically, the violations observed include _____

_____.

These violations cause the building to be considered dilapidated, substandard, and/or unfit for human habitation and pose a hazard to the public health, safety, and welfare of the community. The City previously gave notice of these violations on _____ (DATE) by _____ (FORM OF PREVIOUS NOTICE).

According to the real property records of _____ County, and appropriate records of the Secretary of State, Central Appraisal District, tax rolls, etc., _____ is an owner, lienholder, or mortgagee of the real property describe in this notice. If you no longer own or have interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person or entity who acquired the proeprty from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after you receive this notice. If you do not send the affidavit, it will be presumed that you own or have an interest in the property described in this notice, even if you do not.

If you have any questions about this matter, please contact the City of Pearland Legal Department at 281-652-1664.

Respectfully,

Katie Leininger
Assistant City Attorney
City of Pearland
kleininger@pearlandtx.gov

Attachments: Copy of Inspection Report

7-61 NUISANCE ABATEMENT CHECKLIST

PLEASE INCLUDE ANY NOTES, DATES, NAMES, CONTACT INFO, ETC., AND AS MUCH DETAIL AS POSSIBLE WHEN COMPLETING THIS PROCESS.

INITIAL COMPLAINT

- Who made complaint?
- Location of property?
- Nature of complaint?

INITIAL INSPECTION

- Who investigated complaint?
- Was property owner contacted?
- Was a PC affidavit prepared?
- Was a warrant issued to code enforcement/fire marshal/health officer?
- Where all did you inspect?
- What was observed at location? (attach report, pictures, etc.)
- List violations/ordinances being violated.
- Was informal notice of violation(s) given? In what form? To whom?
- Were you able to contact the property owner/occupant?
- Was property owner receptive to idea of correcting the issue?

SECOND INSPECTION (IF APPLICABLE)

- Who conducted follow up inspection?
- Was a PC affidavit prepared? YES/NO
- Was a warrant issued to code enforcement/fire marshal/health officer?
- Where all did you inspect?
- Were original violations still present?
- Were new violations observed?
- What was observed at location? (attach report, pictures, etc.)
- List violations/ordinances being violated.
- Were you able to contact the property owner/occupant?
- Was informal notice of violation(s) given? In what form? To whom?

NOTICE OF HEARING

- Verify which ordinances being violated, specifics of violation.
- Reinspection (second inspection listed above) prior to sending notice of hearing.
- Letter sent to property owner(s), etc. per ordinance. (LEGAL WILL SEND NOTICE?)
- Notice of hearing provided to all witnesses, whether city employees or others.

HEARING

- Reinspection just prior to hearing, to verify whether problem(s) still exist at time of hearing.

Bring case file to court, along with any evidence gathered during course of investigation, copies of ordinances, etc.

Prepare recommendation for court: abate nuisance or demolish?

Court issues order, this must be filed per ordinance.

FOLLOW UP INSPECTION (as ordered by court)

Who conducted follow up inspection?

Were original violations still present?

Were new violations observed?

What was observed at location? (attach report, pictures, etc.)

If violations not resolved, follow court's orders as to abatement or demolishing property.

ABATEMENT (as ordered by court)

Court orders call for ABATEMENT/DEMOLISH.

Be aware of time period allowed by court for completion. (30 days, 90 days, etc.)

Is vacation of property required?

Verify orders followed by property owner or city, as applicable.

If non-compliance, next step governed by Court's Order.

INITIAL COMPLAINT

Who made complaint?

Location of property?

Nature of complaint?

INITIAL INSPECTION

Who from Pearland investigated complaint?

Was property owner contacted?

Was a PC affidavit prepared?

Was a warrant issued to code enforcement/fire marshal/health officer?

Where all did you inspect?

What was observed at location? (attach report, pictures, etc.)

List violations/ordinances being violated.

Was informal or formal notice of violation(s) given? In what form? To whom?

Were you able to contact the property owner/occupant?

Was property owner receptive to idea of correcting the issue?

SECOND INSPECTION (IF APPLICABLE)

Who conducted follow up inspection?

Was a PC affidavit prepared? YES/NO

Was a warrant issued to code enforcement/fire marshal/health officer?

Where all did you inspect?

Were original violations still present?

Were new violations observed?

What was observed at location? (attach report, pictures, etc.)

List violations/ordinances being violated.

Were you able to contact the property owner/occupant?

Was informal or formal notice of violation(s) given? In what form? To whom?

NOTICE OF HEARING

Verify which ordinances being violated, specifics of violation.

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ABATEMENT (as ordered by court)

Court orders may call for ABATEMENT or DEMOLISH. Be aware of time period allowed by court for completion. (30 days, 90 days, etc.)

Is vacation of property required?

Verify orders followed by property owner or city, as applicable.

If non-compliance, next step governed by Court's Order.

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

AGENDA OF: 12-7-15	ITEM NO.: Ord. No. 976-2
DATE SUBMITTED: 11-16-15	DEPARTMENT OF ORIGIN: Legal
PREPARED BY: Darrin Coker	PRESENTOR: Darrin Coker
REVIEWED BY: NA	REVIEW DATE: NA
SUBJECT: An ordinance of the city council of Pearland, Texas, amending Ordinance No. 976-1 as it applies to the City's Municipal Court of Record; providing for concurrent jurisdiction of the Court with district courts and county courts at law for matters involving the enforcement of health and safety and nuisance abatement ordinances; providing that this ordinance shall be cumulative of all ordinances; providing a savings clause, a severability clause, a repealer clause; and providing for an effective date.	
EXHIBITS: Ordinance No. 976-2	
EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.:	AMOUNT BUDGETED: PROJECT NO.:
ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:	
To be completed by Department: <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

This amendment is necessary due to the anticipated adoption of the Unsafe Building Abatement Ordinance. Before addressing the specifics of why this ordinance requires an amendment, I want provide some background on why a Municipal Court of Record Ordinance exists. Several years ago the City transitioned to a Municipal Court of Record. Before becoming a court of record, defendants could simply post a bond and appeal cases to Brazoria County where they would be entitled to a new trial. Brazoria County lacked adequate personnel to handle such appeals, so the cases were usually dismissed. By transitioning to a court of record, defendants must request and pay for a record of the court proceedings. If an appeal is made to the County Courts, the defendant is not entitled to a new trial, but the appeal must be based on preserved error. It is very rare for a defendant to request a record of the proceedings, which results in very few appeals (approximately 4 appeals in 10 years).

Chapter 30 of the Government Code enables the creation of courts of record, and specifically grants a court of record the authority to adjudicate cases that municipal courts would not otherwise be allowed to hear. Specifically, Chapters 54 and 214 of the Local Government Code provide tools for the municipal abatement of nuisances in various county courts, but Chapter 30 allows a municipal court of record to hear such cases if the court of record ordinance grants such authority. The proposed amendment to Section 3 of the ordinance adds a reference Chapter 214 of the Local Government Code to allow the Pearland Municipal Court to handle nuisance abatement cases and eliminate the need for filintg such cases in the county.

ORDINANCE NO. 976-2

An ordinance of the city council of Pearland, Texas, amending Ordinance No. 976-1 as it applies to the City's Municipal Court of Record; providing for concurrent jurisdiction of the Court with district courts and county courts at law for matters involving the enforcement of health and safety and nuisance abatement ordinances; providing that this ordinance shall be cumulative of all ordinances; providing a savings clause, a severability clause, a repealer clause; and providing for an effective date.

WHEREAS, the City of Pearland, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 30 of the Texas Government Code authorizes Pearland to establish its municipal court as a municipal court of record; and

WHEREAS, the City Council of the City of Pearland previously established a municipal court of record to provide a more efficient disposition of cases arising in the City; and

WHEREAS, the City Council wishes to provide for a more effective means to enforce the ordinances and laws of Pearland; now, therefore,

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

Section 1. The City Council hereby establishes the Pearland Municipal Court as a municipal court of record in order to provide a more efficient disposition of cases arising in the City, and in order to more effectively enforce the ordinances of the City. The municipal court shall become a court of record from and after the 15th day of August, 2000, and shall be known as The Municipal Court of Record in the City of Pearland.

Section 2. This municipal court of record is established pursuant to the authority granted in Subchapter A, Chapter 30, of the Government Code of the State of Texas,

ORDINANCE NO. 976-1

known as the Uniform Municipal Courts of Record Act, and the terms set forth therein are hereby adopted governing the operation of said court.

Section 3. The court shall have concurrent jurisdiction with any justice court in any precinct in which the City of Pearland is located in criminal cases that arise within the City and are punishable only by fine. In addition, the court, in accordance with Section 30.00005 of the Government Code, shall have concurrent jurisdiction with district courts or county courts at law under Subchapter B, Chapter 54 and Chapter 214 of the Local Government Code. Such jurisdiction shall be within the City's territorial limits and extend to any property owned by the City in the City's extra territorial jurisdiction. The court shall establish procedures and local rules in the furtherance of this ordinance for the purpose of promoting the speedy resolution of disputes involving the enforcement of the health and safety and nuisance abatement ordinances of the City.

Section 4. The municipal court of record shall be presided over by a municipal judge who shall be appointed by the City Council for a term of four (4) years. The municipal judge must be a licensed attorney in good standing in the State of Texas, and must have two or more years of experience in the practice of law in Texas. The judge must be a citizen of the United States and of the State of Texas.

Section 5. The city manager or his designee shall appoint a clerk of the Municipal Court of Record who shall perform duties in accordance with state law, the City Charter and City ordinances. During proceedings of the court, the clerk and other court personnel shall serve at the direction of the municipal court judge. At all other times they shall serve at the direction and supervision of the city manager who shall have the authority to remove

ORDINANCE NO. 976-1

the court clerk or other court personnel according to rules set forth in the City's personnel policies.

Section 6. The municipal judge shall continue in office through the expiration of his current term.

Section 7. The city manager shall appoint a court reporter who must meet the qualifications provided by law for official court reporters. The court reporter or court staff may use written notes, transcribing equipment, video or audio recording equipment, or a combination of those methods to record the proceedings of the court. The court reporter or court staff are not required to record testimony in any case unless the judge or one of the parties requests a record in writing, and files the request with the court before trial. If a record is made, it shall be kept for the twenty (20) day period beginning the day after the last day of the court proceeding, trial or denial of motion for new trial, whichever occurs last. The court reporter is not required to be present during proceedings of the municipal court of record, provided that proceedings that are required to be recorded are recorded by a good quality electronic recording device.

Section 8. The municipal judge shall supervise and control the operation and clerical functions of the administrative department of the municipal court, including the court's personnel, during the proceedings or docket of the court. At all other times, the operation and clerical functions of the administrative department of the municipal court shall be under the supervision and direction of the city manager or his designee.

Section 9. The municipal judge shall supervise the selection of persons for jury service.

ORDINANCE NO. 976-1

Section 10. In the event of an appeal, the appellant shall pay a transcript preparation fee in the amount of Twenty-five Dollars (\$25.00). The transcript preparation fee does not include the fee for an actual transcript of the proceedings. The clerk shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the appellant. In addition to the transcript preparation fee, the fee for the actual transcript of the proceedings and statement of facts must be paid by the appellant, pursuant to Government Code ' 30.00014 and ' 30.00019.

Section 11. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 12. 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 13. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 14. Effective Date. This Ordinance shall become effective February 1, 2007.

ORDINANCE NO. 976-1

PASSED and APPROVED ON FIRST READING this the _____ day of _____, A. D., 2007.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING
CITY SECRETARY

PASSED and APPROVED ON SECOND AND FINAL READING this the _____ day of _____, A. D., 2007.

TOM REID
MAYOR

ORDINANCE NO. 976-1

ATTEST:

YOUNG LORFING
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

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

AGENDA OF: December 7, 2015	ITEM NO.: Ord. No. 1416-2015
DATE SUBMITTED: PREPARED	DEPT. OF ORIGIN: Community Development
BY: Kevin Byal	PRESENTOR: Kevin Byal, Roland Garcia
REVIEWED BY: Lata Krishnarao	REVIEW DATE: November 16, 2015
SUBJECT: Consider adoption of 2015 International Codes, 2015 NFPA Life Safety Code and 2014 National Electrical Code	
ATTACHMENTS: ISO/BCEGS Memorandum; November 9, 2015 City Council packet and presentation; Ordinances and attachments	
EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A
ACCOUNT NO.: N/A	
ADDITIONAL APPROPRIATION REQUIRED: N/A	
ACCOUNT NO.: N/A	
PROJECT NO.: N/A	
To be completed by Department:	
Finance	Legal Ordinance Resolution

EXECUTIVE SUMMARY

Summary: At the November 9, 2015, City Council meeting staff presented council with the findings of the comprehensive review of the 2015 International Codes, the 2015 NFPA Life Safety Code and the 2014 National Electrical Code. At that work session, Council asked for clarification on the influence of code adoption on the city's ISO rating. The attached memorandum contains details of our findings.

The following is the list of the codes being considered.

2015 I-Codes being considered:

- Ordinance No. 1209-2015 - International Building Code (IBC)
- Ordinance No. 1211-2015 - International Fire Code (IFC)
- Ordinance No. 1296-2015 - International Residential Code (IRC)
- Ordinance No. 1209-2015 - International Mechanical Code (IMC)
- Ordinance No. 1210-2015 - International Plumbing Code (IPC)
- Ordinance No. 1210-2015 - International Fuel Gas Code (IFGC)
- Ordinance No. 1296-2015 - International Energy Conservation Code (IECC) Mandated by State
- Ordinance No. 1209-2015 - International Property Maintenance Code (IPMC)

Ordinance No. 1209-2015 - International Swimming Pool & Spa Code (ISPSC)
Ordinance No. 1209-2015 - International Existing Building Code (IEBC)

National Fire Protection Association Codes Being Considered:

Ordinance No. 1416-2015 - 2014 National Electrical Code (NEC) Mandated by State
Ordinance No. 1211-2015 - 2015 NFPA 101 Life Safety Code (LSC)

Staff also recommends revisions to the local amendments, many of which eliminate duplicate provisions that are now included in the text of the codes. These are included in the packet and were discussed at the workshop.

Staff Recommendation: Recommends the adoption of the presented codes with the proposed effective date of January 1, 2016.

Memo



To: Lata Krishnarao, Community Development Director
Matt Buchanan, Executive Manager of Development Services

From: Kevin Byal, Chief Building Official
Roland Garcia, Fire Marshal

Date: November 16, 2015

Re: Adopted Code and ISO/BCEGS

During the discussion of the proposed code adoption at the November 9, 2015 Council meeting council asked for additional information concerning a city's adopted code and its influence on the city's Insurance Services Office (ISO), Building Code Effectiveness Grading Schedule (BCEGS) rating.

Staff contacted ISO to discuss credit for adoption of codes. In December 2014, Pearland's Public Protection Classification (PPC) was evaluated and resulted in Class 2 rating. The rating included 6.10 points out of a possible 6.5 for Texas Exceptions, including current fire, building, electrical, mechanical, plumbing/gas, and property maintenance codes.

In May of 2015, ISO revised the evaluation process and removed all codes except fire codes from the PPC evaluation, and changed the title of the category, Texas Exception, to Community Risk Reduction (CRR). PPC points now associated with the CRR will involve adoption of current fire codes, fire code enforcement, fire investigations, and public fire education. Total available CRR points will be 5.5 towards the PPC and adoption of current fire codes accounts for possible .55 points of the CRR.

Since the revised evaluation process, building, electrical, mechanical, plumbing/gas, energy and property maintenance codes are now assessed by ISO through the Building Code Effectiveness Grading Schedule (BCEGS). This does not diminish the effect that up to date code adoption has on insurance rates as the insurance agencies routinely access cities BCEGS rating and are directly linked to the FEMA's National Flood Insurance Program (NFIP) and the Community Rating System (CRS), which affect flood insurance rates.

Although not mandatory, insurers using the rating discounts for risks eligible for the program may have a competitive advantage over insurers not using the discounts. Insurers using the program can highlight that point in their marketing.

Community BCEGS are evaluated every five years or more frequent if requested by the municipality. The City of Pearland was last evaluated in 2013 and resulted in a BCEGS score of 4 for commercial and 5 for residential. ISO evaluates communities on a scale of 1 to 10, with 1 representing exemplary administration of a model code. In preparation of the next assessment cycle, staff will be evaluating the actions necessary to attain a lower score.

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

AGENDA OF: November 9, 2015	ITEM NO.:
DATE SUBMITTED: November 3, 2015	DEPT. OF ORIGIN: Community Develop.
PREPARED BY: Kevin Byal	PRESENTOR: Kevin Byal, Roland Garcia
REVIEWED BY: Lata Krishnarao	REVIEW DATE: November 3, 2015
SUBJECT: Presentation and discussion regarding proposed adoption of 2015 International Codes, 2015 NFPA Life Safety Code and 2014 National Electrical Code	
ATTACHMENTS: PowerPoint Presentation	
EXPENDITURE REQUIRED: N/A AMOUNT AVAILABLE: N/A ACCOUNT NO.: N/A	AMOUNT BUDGETED: N/A PROJECT NO.: N/A
ADDITIONAL APPROPRIATION REQUIRED: N/A ACCOUNT NO.: N/A PROJECT NO.: N/A	
To be completed by Department:	
Finance	Legal Ordinance Resolution

EXECUTIVE SUMMARY

Summary: On September 3, 2015, staff from Community Development (Inspection Services and Planning) and the Fire Marshal's office met to initiate a comprehensive review of the 2015 International Codes with the intent of presenting our findings to the City Council to consider for adoption, replacing the current 2012 edition of the International Codes, the 2012 NFPA Life safety Code and the 2011 National Electrical Code.

Staff recommends that the City consider adoption of the proposed codes for the following reasons:

Conformance to the Current International Code Council (ICC) Codes: ICC codes are developed through a consensus process approved by the American National Standards Institute and adopted by reference to be used with the I-Codes or as a stand-alone document. Every three years the ICC publishes and develops revised standards that address every aspect of the built environment that includes, but is not limited to, commercial and residential structures as well as all of the internal systems that provide lighting, plumbing and conditioned air.

The revisions are supported by building science, technical knowledge and past experiences. The codes provide protection from man-made and natural disasters, guarding public health and

reducing property losses. Safe buildings are achieved through proper design and construction practices in concert with a code administration program that ensures compliance.

Cost Savings: Because new materials and methods are continually introduced, updated codes recognize these advancements and keep construction costs down by establishing uniformity in the construction industry resulting in cost savings. Codes also help protect real estate investments by providing a level of quality and safety which can result in lower insurance costs.

Maintain High Insurance Services Office (ISO) Rating: Pearland currently enjoys a “2” rating on the ISO scale of 1-10 in which 1 is the best and 10 the worst possible rating. A contributing factor to this excellent score is the fact that the City has kept current in its code adoption.

Conformance to State Mandate: At the State level, legislation has been enacted mandating the implementation of the 2015 International Energy Conservation Code and the 2014 National Electrical Code. Municipalities are prohibited from enforcing a code that provides a lesser standard.

The attachment provides additional information on the benefits of the proposed code adoption and a summary of the important changes.

Public Input: At the July 31, 2015 Builders Forum, the presentation included discussion with the audience about the proposed adoption of the 2015 I-Codes. The feedback we received were requests to provide adequate notice to the development community of the impending implementation so they can make any necessary adjustments. For the last several months design teams that have utilized our pre-development meetings have also been informed of the intended code adoption.

2015 I-Codes being considered:

International Building Code (IBC)
International Fire Code (IFC)
International Residential Code (IRC)
International Mechanical Code (IMC)
International Plumbing Code (IPC)
International Fuel Gas Code (IFGC)
International Energy Conservation Code (IECC) Mandated by State
International Property Maintenance Code (IPMC)
International Swimming Pool & Spa Code (ISPSC)
International Existing Building Code (IEBC)

National Fire Protection Association Codes Being Considered:

2014 National Electrical Code (NEC) Mandated by State
2015 NFPA 101 Life Safety Code (LSC)

Staff Recommendation: Consider the adoption of the presented codes with the following proposed timeline.

November 23, 2015 – 1st Reading of Ordinance

December 14, 2015 – 2nd Reading of Ordinance

January 1, 2016 – Effective date of Ordinance



Model Code Update

Presented by:

**Kevin Byal, Building Official
Roland Garcia, Fire Marshal**

Model Code Update



- 2015 International Codes
 - International Building Code
 - International Fire Code
 - International Residential Code
 - International Mechanical Code
 - International Plumbing Code
 - International Fuel Gas Code
 - International Energy Conservation Code Mandated by State
 - International Swimming Pool & Spa Code

Model Code Update



- National Fire Protection Association (NFPA) Codes
 - 2015 NFPA 101 Life Safety Code
 - 2014 National Electrical Code Mandated by State

Model Code Update



Purpose of the Codes

- Provide minimum standards necessary for protection from disaster due to fire, structural collapse, and general deterioration.
- Safeguard public health, safety and welfare.
- Provide for the safety of firefighters/emergency responders.
- Integrate provisions that provide resiliency, and energy efficiency.

Model Code Update



Code Development

- Building codes have been around for centuries.
- Evolved from regulations stemming from tragic experiences to standards designed to prevent them.
- Code development process is structured to result in **consensus** on both public health and safety issues, and on achieving economic value.
- Established scientific and engineering principles.
- Experience of leading technical experts, construction professionals, enforcement personnel and the product manufacturers.

Model Code Update



Benefit of Updated Codes

- Integrate a complete building safety system.
- Provides minimum life safety needs for first responders.
- Provides uniformity and brings together technological and economic elements that benefits both the contractor and the consumer.
- Reassure consumers that their buildings and systems are safe and efficient.

Model Code Update



Benefit of Updated Codes

- Accommodate new technologies and materials.
- Ensure that measures are provided so that our resources are not wasted. This return on investment results in lower utility bills and averts unnecessary infrastructure expansions.
- An up-to-date code maintains compatibility with State and Federal laws, especially in the areas of energy conservation, accessibility and swimming pool safety.
- Inspector recertification cycles occur every three years just as the code cycle does.

Model Code Update



Delayed Code Updates

- Delay's on code adoption may have a negative impact on the ISO (Insurance Services Office) and BCEGS (Building Code Effectiveness Grading Schedule) ratings of Pearland.
- Delays hinder the ability of designers and builders to take advantage of the latest technology based on the current experience, knowledge and industry standards.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 202 Definition of “Private Garage,” 406.3.1 “Classification,” 406.3.2 “Clear Height”	Major Change	Decrease	Private garages are no longer limited to a maximum of 3,000 sq. ft. in a building. Multiple private garages, each a maximum of 1,000 sq. ft., each separated by one-hour fire barriers or horizontal assemblies are now permitted based on their U occupancy classification. Also, a minimum of 7’ clear height will be required in private garages.
IBC 202 Definition of “Fire Retardant Treated Wood”	Major Change	Decrease	Revised definition to permit other treatment methods by other than the pressure process. See also IBC Sections 2303.2.2 and 2303.2.3 for further explanation.
IBC 503 through 506 Building Heights and Area Requirements	Makes Code More User Friendly	Decrease	2012 IBC Table 503 was replaced with the 2015 IBC Tables 504.3, 504.4 and 506.2 with NO changes in the technical application, making the code more user-friendly. The maximum allowable height and number of stories can now be determined directly from Tables 504.3 and 504.4. The maximum allowable sprinkler area increase can also now be determined directly from Table 506.2.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 503 through 506 Building Heights and Area Requirements	Makes Code More User Friendly	Decrease	2012 IBC Table 503 was replaced with the 2015 IBC Tables 504.3, 504.4 and 506.2 with NO changes in the technical application, making the code more user-friendly. The maximum allowable height and number of stories can now be determined directly from Tables 504.3 and 504.4. The maximum allowable sprinkler area increase can also now be determined directly from Table 506.2.
IBC 705.3 Exception #2 “Buildings on the Same Lot”	New Provision	Decrease	Permits a parking garage of Construction Type I or IIA to abut a Group R-2 building with 1½- hour-protected openings (fire doors) in the abutting exterior wall of the garage and no required opening protective(s) in the abutting wall of a sprinklered R-2 building. Previous editions of the Code did not permit any openings in these abutting exterior walls that are at a “0” fire separation distance apart and required a fire wall design between such buildings to be permitted to have openings between the abutting buildings.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 707.5 Exception 2 “Fire Barriers–Continuity”	New: Clarification	Decrease	Clarifies that the walls of an interior exit stairway do not need to extend through the attic space to the underside of the roof deck if the ceiling of the stairway terminates with a fire-rated top enclosure complying with Section 713.12.
IBC 903.2.1.6 “Assembly Occupancies on Roof”	New Provision	Decrease	Code now addresses how to deal with assembly occupancies on the roof of a building. When the occupant load > 100 for Group A-2 (i.e., restaurant), or > 300 for other Group A (i.e., meeting rooms, swimming pools) all floors to, and including, level of exit discharge are required to be sprinklered per NFPA 13 or NFPA 13R, as applicable. Since all new Group R occupancies are already required to be sprinklered, this new requirement is a good clarification of the Code for such common assembly occupancies that are to be located on the roofs of new apartment projects. Note that there is an exception to this sprinkler requirement for open parking garages of Construction Type I or Type II.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC C402 and Chapter 5 Performance Compliance Options	Revision	Decrease	Allow component performance design options for wall, floor, roof and other systems using overall building insulation values to reduce insulation values in individual components.
IECC C504.2.3 Roof Cover- ing Air Barrier	Revision	Decrease	Exemption for repair/replacement of roof recovering from the requirement for an air barrier.
IECC C406 and Chapter 5 Energy Efficiency Packages	Revision	Unknown	Additional choices for required additional energy efficiency packages that can be more cost-effective for new and existing buildings.
IECC Tables C402.1, C402.4, R402.1.2 and R402.1.4–R-values and U-values	No Change from the 2012 IECC	Increase from the 2009 IECC	The R-value and corresponding U-value tables for the commercial and residential requirements have not been changed (except roof insulation), and are the same as in the 2012 versions of the IECC which are not cost effective. See separate document, <i>Recommended Amendments to the 2015 International Energy Conservation Code (IECC)</i> , for more information.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC R402.4.1.2–Thermal Envelope Air Barrier Testing	No Change from the 2012 IECC	Increase from the 2009 IECC	The residential Section R402.1.2 requires that the air barrier be pressure tested in accordance with a test method for one- and two-family dwellings that is not appropriate for R-2 occupancies. See separate document, <i>Recommended Amendments to the 2015 International Energy Conservation Code (IECC)</i> , for more information.
IECC Commercial and Residential Provisions	Revisions and Editorial	Increase	The Commercial portions, which apply to R-2 occupancies four-or-more stories in height; and the Residential portions, which apply to R-2 occupancies three-or-less stories in height, have major revisions to text which need to be considered during the design process.
IECC C403.3.2.1 and Chapter 5	Revision	Increase	Increased hot water piping insulation levels with limits on lengths of hot water piping.
IECC Table C403.2.3(9) Minimum Efficiency Air Conditioners and Condensing Units Serving Computer Rooms	Revision	Increase	Increased stringency of computer room HVAC minimum efficiency levels.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC C405 and Chapter 5 Lighting Controls	New Provision	Increase	Additional more stringent requirements for day- lighting, lighting controls and allowed lighting power densities in new and existing buildings.
IECC C408.2.5.2.6 Lighting Operation and Maintenance Manuals	New Provision	Increase	Lighting contractor required to provide operations and maintenance manuals for lighting and lighting controls.
IECC C408.3.1 Occupant Sensor Controls	Revision	Increase	Requirement for functional testing of occupant sensor controls and time-switch controls.
IECC Chapter 5 Existing Buildings	New Provision	Increase	New Chapter 5, Existing Structures with provisions for existing buildings in addition to those contained in the IEBC.

Model Code Update



Important Changes to the 2015 IFC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IFC 1103.3.2 Elevator Emergency Operation	New Provision	Decrease	New exception to requirements for updating elevators to latest standard which include installation of protective doors, sprinkler protection, and for freight elevators sprinkler protection provided at least one elevator complies with A 17.3.
IFC 1104.22(4) “Means of Egress for Existing Buildings– Exterior Stairway Protection”	Deletion of 2012 IFC Section 1104.21(4.1)	Decrease	Remainder of Section 1104.21 was moved to 1104.22. The requirement to retroactively sprinkler existing, open-ended corridor (i.e., open breezeway) buildings was deleted.
IFC 1103.7.6 Exception 4 “Manual Fire Alarm System in Existing Group R-2 Occupancies”	New Exception	Decrease	Exception 4 eliminates the requirement for a manual fire alarm system in an existing R-2 occupancy where all four requirements are met: <ol style="list-style-type: none"> 1. Building is \leq three stories in height above grade plane. 2. Dwelling units are not served by interior corridors. 3. Dwelling units are separated from each other by 3/4 hour fire barriers. 4. Dwelling units are provided with smoke alarms per Section 907.2.11.

Model Code Update



Important Changes to the 2015 IFC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IFC Appendix B B105 “Fire Flow Requirements for Buildings”	Revisions	Unknown	If a jurisdiction adopts the IFC and makes Appendix B mandatory in the adopting ordinance, then fire flows for townhouses and other buildings can be reduced based on the construction type and sprinkler system installed (NFPA 13, NFPA 13R or NFPA 13D).
IFC Appendix C “Fire Hydrant Locations and Distribution”	Revisions	Unknown	If a jurisdiction adopts the IFC and makes Appendix C mandatory in the adopting ordinance, then the revisions to Sections C103.2 Exception and C104.1 provide increased spacing for existing fire hydrants and credit for existing fire hydrants on adjacent properties that can be used. Also new footnotes “f” and “g” permit fire hydrant spacing increases based on the type of sprinkler system installed in the building.
IFC Appendix L “Fire Fighter Air Replenishment Systems (FARS)”	New Provision	Increase	If a jurisdiction adopts the IFC and makes Appendix L mandatory in the adopting ordinance, then buildings required by the local adopting ordinance to have FARS would be required to comply with Appendix L’s design, installation, testing and maintenance requirements.

Model Code Update



State and Local Adoption Examples

- State of Texas: 2015 IECC (Energy Code)
2014 NEC (Electrical Code)
- Municipal Adoption: City of Sugar Land
City of Missouri City
City of Bellaire
City of San Antonio
- 2016 Adoptions: City of Baytown
City of Pasadena

Model Code Update



Summary of Changes

- Clarification
 - Extent of Fire Barriers in stair wells
- Simplification of Chapter 5 Tables
 - Makes code more user friendly
- Construction Methods and Allowances
 - Multi-family height restrictions greatly relaxed
- Increased Standards
 - International Energy Conservation Code

Model Code Update



Summary of Changes

- Cleanup of local amendments
 - Remove Redundancies
- For the first time, the National Multifamily Housing Council (NMHC), National Apartment Association (NAA), Building Owners and Managers Association (BOMA) and National Association of Home Builders (NAHB) encourage state and local jurisdictions to consider adopting the 2015 I-Codes

Model Code Update



What is Next

- November 23, 2015 – 1st Reading of Ordinance
- December 14, 2015 – 2nd Reading of Ordinance
- January 1, 2016 – Effective date of Ordinance

Model Code Update



Questions?

ORDINANCE NO. 1416-2015

An ordinance of the city council of the City of Pearland, Texas, amending Chapter 9, *Electricity*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Section 9-153, entitled *Adopted*, Section 9-157, entitled *Wiring Generally*, and Section 9-159, entitled *Installation of Service Conduit, Wires, etc.*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

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

Section 1. That Article VII, *Electrical Code*, of Chapter 9, *Electricity*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 9-153, entitled *Adopted*, to read as follows:

“9-153. Electrical code adopted.

(a) All electrical construction and all materials and appliances used in connection with the installation, maintenance and operation of electrical wiring, apparatus or equipment for utilization of the service for the supply company in providing electrical energy for light, heat or power, inside or attached to buildings or property within the jurisdiction of the city shall conform to such special rules and regulations as may be embodied in this or other ordinances of the city and to the 2014 Edition of the Rules and Regulations of the National Fire Protection Association (National Electrical Code - NFPA 70) for the installation of wiring and apparatus for electrical purposes, as they are now established; and such rules and regulations are hereby adopted and approved as part of this chapter.

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

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional

ORDINANCE NO. 1416-2013

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

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

Section 5. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 6. Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective on January 1 2016.

PASSED and APPROVED on FIRST READING this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED on SECOND and FINAL READING this the _____ day of _____, A.D., 2015.

ORDINANCE NO. 1416-2013

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

ORDINANCE NO. 1416-2015

An ordinance of the city council of the City of Pearland, Texas, amending Chapter 9, *Electricity*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Section 9-153, entitled *Adopted*, Section 9-157, entitled *Wiring Generally*, and Section 9-159, entitled *Installation of Service Conduit, Wires, etc.*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

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

Section 1. That Article VII, *Electrical Code*, of Chapter 9, *Electricity*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 9-153, entitled *Adopted*, to read as follows:

“9-153. Electrical code adopted.

(a) All electrical construction and all materials and appliances used in connection with the installation, maintenance and operation of electrical wiring, apparatus or equipment for utilization of the service for the supply company in providing electrical energy for light, heat or power, inside or attached to buildings or property within the jurisdiction of the city shall conform to such special rules and regulations as may be embodied in this or other ordinances of the city and to the ~~2011~~2014 Edition of the Rules and Regulations of the National Fire Protection Association (National Electrical Code - NFPA 70) for the installation of wiring and apparatus for electrical purposes, as they are now established; and such rules and regulations are hereby adopted and approved as part of this chapter.

(b) The ~~2011~~2014 Edition of the National Electrical Code is amended as follows:

~~———— (1) ——— Section (a)230-70, Location, is deleted in its entirety.~~

~~(c) Notwithstanding any contrary provisions in the 2011 Edition of the National Electrical Code, modular or manufactured wiring systems which are UL approved may be used for lighting purposes only.”~~

ORDINANCE NO. 1416-2013

~~**Section 2.** That Article VII, *Electrical Code*, of Chapter 9, *Electricity*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 9-157, entitled *Wiring Generally*, to read as follows:~~

~~**“9-157. Wiring generally.**~~

~~(a) Approved rigid metal conduit or electrical metallic cable or under-floor cast-in-place raceways, shall be required for all wires used to conduct current for light, heat or power, in the wiring of all new buildings and in all old buildings or additions thereof within the fire limits of the city, as they are now or may hereafter be established, and in churches, schools, hotels, theaters and commercial buildings within the jurisdiction of the city.~~

~~(b) Gasoline filling stations will be wired according to the latest rules and regulations of the National Board of Fire Protection Association.~~

~~(c) The use of pancake boxes is not permitted except for bathrooms and cornice overhangs.~~

~~(d) Ground fault circuit interrupter protection will be required in places of public assembly. A place of assembly is a building or other structure designed or intended for the assembly of fifty (50) or more persons.~~

~~(e) All central electrical heating systems installed in duct work must have no fuse disconnection in the attic.~~

~~(f) All plug outlets in a residence must have #12 circuits.”~~

~~**Section 3.** That Article VII, *Electrical Code*, of Chapter 9, *Electricity*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 9-159, entitled *Installation of Service Conduit, Wires, etc.*, to read as follows:~~

~~**“9-159. Installation of service conduit, wires, etc.**~~

~~(a) The service conduit and wires leading from the outside of the customer's building to the meter cabinet and main line switch are to be supplied, owned and controlled by the property owner but the installation of service drops and the connection of these wires to the supply lines is to be made by the public service~~

ORDINANCE NO. 1416-2013

~~company owning and operating the supply lines. The owner must provide a location for brackets or other attachments to the building to which the service wires are to be connected. Such location shall be not more than eighteen (18) inches from the service conduit outlet. On residences of one story or more, the location shall be as high as is practical on the building, but in no event shall it be more than twenty-five (25) nor less than ten (10) feet from the ground. In the business district, where the service is fed from alley construction, the location shall be at the ceiling of the first floor, if not less than ten (10) feet from the ground. The location for the service bracket must be on the building at a point nearest to or more accessible to the supply lines of the public service company.~~

~~(b) — The service outlets shall be no more than twenty-five (25) feet nor less than ten (10) feet from the ground and must be so located as to not be within reach from any porch or stair landing, and shall be so located as to afford direct unobstructed space for stringing the service drops from the service outlet to the public service company's service mains.~~

~~(c) — No service wire of size smaller than 2 awg aluminum or 2 awg copper (125 buss amp panel service) will be allowed between the point where the service drops of the power company terminate on the owner's premises and the main company line entrance switch, and such wire will be enclosed in not less than a two-inch schedule 40 PVC underground conduit. All underground services shall be completely installed in conduit from the meter can to the public service company transformer or the public service company underground tap box, at that point the conduit may stop as per the public service company specifications.~~

~~(d) — Not less than three (3) feet of each conductor shall be left at the service head for connection to service wire from the public service company service drop. Where underground service is supplied to the meter service and where the switch box is designed for aluminum and copper wires, aluminum conductors will be allowed.~~

~~(e) — The service entrance conduit shall not be smaller than one and one-quarter (1¼) inch conduit above ground level or two-inch schedule 40 PVC conduit for underground installation.~~

~~(f) — The service entrance conduit of residences, apartments and combination residences and commercial or industrial establishments must be run exposed on the outside of the building from the point where such conduit contacts the service drops of the public service company.~~

ORDINANCE NO. 1416-2013

~~(g) — The service entrance cable shall not be used as a feeder within any building.~~

~~(h) — Aluminum U.S.E. conductors are permitted for use only on underground residential service and shall be installed in conduit. Aluminum conductors that serve as feeders to sub-panels or main feeders to multi-family units may be used upon the approval of the building official. In no case will aluminum conductors be used for branch circuits.~~

~~(i) — All electrical service disconnecting means for all occupancies shall be installed on the exterior of all buildings. Exception: A commercial service disconnecting means shall only be allowed to be located in the interior of a building provided that:~~

- ~~(1) — An exterior lockable doorway approved by the fire marshal is available providing access to the disconnecting means;~~
- ~~(2) — Approval is granted by the electrical inspector and the fire marshal;~~
- ~~(3) — A key is made available to the fire marshal.”~~

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

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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

Section 5. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

ORDINANCE NO. 1416-2013

Section 6. Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective on ~~August 1, 2013~~ January 1 2016.

PASSED and APPROVED on FIRST READING this the _____ day of _____, A.D., ~~2013~~ 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED on SECOND and FINAL READING this the _____ day of _____, A.D., ~~2013~~ 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

ORDINANCE NO. 1416-2013

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

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

AGENDA OF: 12-7- 2015	ITEM NO.: Ord. No. 1209-2015
DATE SUBMITTED:	DEPT. OF ORIGIN: Community Development
PREPARED BY: Kevin Byal	PRESENTOR: Kevin Byal, Roland Garcia
REVIEWED BY: Lata Krishnarao	REVIEW DATE: November 16, 2015
SUBJECT: Consider adoption of 2015 International Codes, 2015 NFPA Life Safety Code and 2014 National Electrical Code	
ATTACHMENTS: ISO/BCEGS Memorandum; November 9, 2015 City Council packet and presentation; Ordinances and attachments	
EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A
ACCOUNT NO.: N/A	
ADDITIONAL APPROPRIATION REQUIRED: N/A	
ACCOUNT NO.: N/A	
PROJECT NO.: N/A	
To be completed by Department:	
Finance	Legal Ordinance Resolution

EXECUTIVE SUMMARY

Summary: At the November 9, 2015, City Council meeting staff presented council with the findings of the comprehensive review of the 2015 International Codes, the 2015 NFPA Life Safety Code and the 2014 National Electrical Code. At that work session, Council asked for clarification on the influence of code adoption on the city's ISO rating. The attached memorandum contains details of our findings.

The following is the list of the codes being considered.

2015 I-Codes being considered:

- Ordinance No. 1209-2015 - International Building Code (IBC)
- Ordinance No. 1211-2015 - International Fire Code (IFC)
- Ordinance No. 1296-2015 - International Residential Code (IRC)
- Ordinance No. 1209-2015 - International Mechanical Code (IMC)
- Ordinance No. 1210-2015 - International Plumbing Code (IPC)
- Ordinance No. 1210-2015 - International Fuel Gas Code (IFGC)
- Ordinance No. 1296-2015 - International Energy Conservation Code (IECC) Mandated by State
- Ordinance No. 1209-2015 - International Property Maintenance Code (IPMC)

Ordinance No. 1209-2015 - International Swimming Pool & Spa Code (ISPSC)
Ordinance No. 1209-2015 - International Existing Building Code (IEBC)

National Fire Protection Association Codes Being Considered:

Ordinance No. 1416-2015 - 2014 National Electrical Code (NEC) Mandated by State
Ordinance No. 1211-2015 - 2015 NFPA 101 Life Safety Code (LSC)

Staff also recommends revisions to the local amendments, many of which eliminate duplicate provisions that are now included in the text of the codes. These are included in the packet and were discussed at the workshop.

Staff Recommendation: Recommends the adoption of the presented codes with the proposed effective date of January 1, 2016.

Memo



To: Lata Krishnarao, Community Development Director
Matt Buchanan, Executive Manager of Development Services

From: Kevin Byal, Chief Building Official
Roland Garcia, Fire Marshal

Date: November 16, 2015

Re: Adopted Code and ISO/BCEGS

During the discussion of the proposed code adoption at the November 9, 2015 Council meeting council asked for additional information concerning a city's adopted code and its influence on the city's Insurance Services Office (ISO), Building Code Effectiveness Grading Schedule (BCEGS) rating.

Staff contacted ISO to discuss credit for adoption of codes. In December 2014, Pearland's Public Protection Classification (PPC) was evaluated and resulted in Class 2 rating. The rating included 6.10 points out of a possible 6.5 for Texas Exceptions, including current fire, building, electrical, mechanical, plumbing/gas, and property maintenance codes.

In May of 2015, ISO revised the evaluation process and removed all codes except fire codes from the PPC evaluation, and changed the title of the category, Texas Exception, to Community Risk Reduction (CRR). PPC points now associated with the CRR will involve adoption of current fire codes, fire code enforcement, fire investigations, and public fire education. Total available CRR points will be 5.5 towards the PPC and adoption of current fire codes accounts for possible .55 points of the CRR.

Since the revised evaluation process, building, electrical, mechanical, plumbing/gas, energy and property maintenance codes are now assessed by ISO through the Building Code Effectiveness Grading Schedule (BCEGS). This does not diminish the effect that up to date code adoption has on insurance rates as the insurance agencies routinely access cities BCEGS rating and are directly linked to the FEMA's National Flood Insurance Program (NFIP) and the Community Rating System (CRS), which affect flood insurance rates.

Although not mandatory, insurers using the rating discounts for risks eligible for the program may have a competitive advantage over insurers not using the discounts. Insurers using the program can highlight that point in their marketing.

Community BCEGS are evaluated every five years or more frequent if requested by the municipality. The City of Pearland was last evaluated in 2013 and resulted in a BCEGS score of 4 for commercial and 5 for residential. ISO evaluates communities on a scale of 1 to 10, with 1 representing exemplary administration of a model code. In preparation of the next assessment cycle, staff will be evaluating the actions necessary to attain a lower score.

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

AGENDA OF: November 9, 2015	ITEM NO.:
DATE SUBMITTED: November 3, 2015	DEPT. OF ORIGIN: Community Develop.
PREPARED BY: Kevin Byal	PRESENTOR: Kevin Byal, Roland Garcia
REVIEWED BY: Lata Krishnarao	REVIEW DATE: November 3, 2015
SUBJECT: Presentation and discussion regarding proposed adoption of 2015 International Codes, 2015 NFPA Life Safety Code and 2014 National Electrical Code	
ATTACHMENTS: PowerPoint Presentation	
EXPENDITURE REQUIRED: N/A AMOUNT AVAILABLE: N/A ACCOUNT NO.: N/A	AMOUNT BUDGETED: N/A PROJECT NO.: N/A
ADDITIONAL APPROPRIATION REQUIRED: N/A ACCOUNT NO.: N/A PROJECT NO.: N/A	
To be completed by Department:	
Finance	Legal Ordinance Resolution

EXECUTIVE SUMMARY

Summary: On September 3, 2015, staff from Community Development (Inspection Services and Planning) and the Fire Marshal's office met to initiate a comprehensive review of the 2015 International Codes with the intent of presenting our findings to the City Council to consider for adoption, replacing the current 2012 edition of the International Codes, the 2012 NFPA Life safety Code and the 2011 National Electrical Code.

Staff recommends that the City consider adoption of the proposed codes for the following reasons:

Conformance to the Current International Code Council (ICC) Codes: ICC codes are developed through a consensus process approved by the American National Standards Institute and adopted by reference to be used with the I-Codes or as a stand-alone document. Every three years the ICC publishes and develops revised standards that address every aspect of the built environment that includes, but is not limited to, commercial and residential structures as well as all of the internal systems that provide lighting, plumbing and conditioned air.

The revisions are supported by building science, technical knowledge and past experiences. The codes provide protection from man-made and natural disasters, guarding public health and

reducing property losses. Safe buildings are achieved through proper design and construction practices in concert with a code administration program that ensures compliance.

Cost Savings: Because new materials and methods are continually introduced, updated codes recognize these advancements and keep construction costs down by establishing uniformity in the construction industry resulting in cost savings. Codes also help protect real estate investments by providing a level of quality and safety which can result in lower insurance costs.

Maintain High Insurance Services Office (ISO) Rating: Pearland currently enjoys a “2” rating on the ISO scale of 1-10 in which 1 is the best and 10 the worst possible rating. A contributing factor to this excellent score is the fact that the City has kept current in its code adoption.

Conformance to State Mandate: At the State level, legislation has been enacted mandating the implementation of the 2015 International Energy Conservation Code and the 2014 National Electrical Code. Municipalities are prohibited from enforcing a code that provides a lesser standard.

The attachment provides additional information on the benefits of the proposed code adoption and a summary of the important changes.

Public Input: At the July 31, 2015 Builders Forum, the presentation included discussion with the audience about the proposed adoption of the 2015 I-Codes. The feedback we received were requests to provide adequate notice to the development community of the impending implementation so they can make any necessary adjustments. For the last several months design teams that have utilized our pre-development meetings have also been informed of the intended code adoption.

2015 I-Codes being considered:

International Building Code (IBC)
International Fire Code (IFC)
International Residential Code (IRC)
International Mechanical Code (IMC)
International Plumbing Code (IPC)
International Fuel Gas Code (IFGC)
International Energy Conservation Code (IECC) Mandated by State
International Property Maintenance Code (IPMC)
International Swimming Pool & Spa Code (ISPSC)
International Existing Building Code (IEBC)

National Fire Protection Association Codes Being Considered:

2014 National Electrical Code (NEC) Mandated by State
2015 NFPA 101 Life Safety Code (LSC)

Staff Recommendation: Consider the adoption of the presented codes with the following proposed timeline.

November 23, 2015 – 1st Reading of Ordinance

December 14, 2015 – 2nd Reading of Ordinance

January 1, 2016 – Effective date of Ordinance



Model Code Update

Presented by:

**Kevin Byal, Building Official
Roland Garcia, Fire Marshal**

Model Code Update



- 2015 International Codes
 - International Building Code
 - International Fire Code
 - International Residential Code
 - International Mechanical Code
 - International Plumbing Code
 - International Fuel Gas Code
 - International Energy Conservation Code Mandated by State
 - International Swimming Pool & Spa Code

Model Code Update



- National Fire Protection Association (NFPA) Codes
 - 2015 NFPA 101 Life Safety Code
 - 2014 National Electrical Code Mandated by State

Model Code Update



Purpose of the Codes

- Provide minimum standards necessary for protection from disaster due to fire, structural collapse, and general deterioration.
- Safeguard public health, safety and welfare.
- Provide for the safety of firefighters/emergency responders.
- Integrate provisions that provide resiliency, and energy efficiency.

Model Code Update



Code Development

- Building codes have been around for centuries.
- Evolved from regulations stemming from tragic experiences to standards designed to prevent them.
- Code development process is structured to result in **consensus** on both public health and safety issues, and on achieving economic value.
- Established scientific and engineering principles.
- Experience of leading technical experts, construction professionals, enforcement personnel and the product manufacturers.

Model Code Update



Benefit of Updated Codes

- Integrate a complete building safety system.
- Provides minimum life safety needs for first responders.
- Provides uniformity and brings together technological and economic elements that benefits both the contractor and the consumer.
- Reassure consumers that their buildings and systems are safe and efficient.

Model Code Update



Benefit of Updated Codes

- Accommodate new technologies and materials.
- Ensure that measures are provided so that our resources are not wasted. This return on investment results in lower utility bills and averts unnecessary infrastructure expansions.
- An up-to-date code maintains compatibility with State and Federal laws, especially in the areas of energy conservation, accessibility and swimming pool safety.
- Inspector recertification cycles occur every three years just as the code cycle does.

Model Code Update



Delayed Code Updates

- Delay's on code adoption may have a negative impact on the ISO (Insurance Services Office) and BCEGS (Building Code Effectiveness Grading Schedule) ratings of Pearland.
- Delays hinder the ability of designers and builders to take advantage of the latest technology based on the current experience, knowledge and industry standards.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 202 Definition of “Private Garage,” 406.3.1 “Classification,” 406.3.2 “Clear Height”	Major Change	Decrease	Private garages are no longer limited to a maximum of 3,000 sq. ft. in a building. Multiple private garages, each a maximum of 1,000 sq. ft., each separated by one-hour fire barriers or horizontal assemblies are now permitted based on their U occupancy classification. Also, a minimum of 7’ clear height will be required in private garages.
IBC 202 Definition of “Fire Retardant Treated Wood”	Major Change	Decrease	Revised definition to permit other treatment methods by other than the pressure process. See also IBC Sections 2303.2.2 and 2303.2.3 for further explanation.
IBC 503 through 506 Building Heights and Area Requirements	Makes Code More User Friendly	Decrease	2012 IBC Table 503 was replaced with the 2015 IBC Tables 504.3, 504.4 and 506.2 with NO changes in the technical application, making the code more user-friendly. The maximum allowable height and number of stories can now be determined directly from Tables 504.3 and 504.4. The maximum allowable sprinkler area increase can also now be determined directly from Table 506.2.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 503 through 506 Building Heights and Area Requirements	Makes Code More User Friendly	Decrease	2012 IBC Table 503 was replaced with the 2015 IBC Tables 504.3, 504.4 and 506.2 with NO changes in the technical application, making the code more user-friendly. The maximum allowable height and number of stories can now be determined directly from Tables 504.3 and 504.4. The maximum allowable sprinkler area increase can also now be determined directly from Table 506.2.
IBC 705.3 Exception #2 “Buildings on the Same Lot”	New Provision	Decrease	Permits a parking garage of Construction Type I or IIA to abut a Group R-2 building with 1½- hour-protected openings (fire doors) in the abutting exterior wall of the garage and no required opening protective(s) in the abutting wall of a sprinklered R-2 building. Previous editions of the Code did not permit any openings in these abutting exterior walls that are at a “0” fire separation distance apart and required a fire wall design between such buildings to be permitted to have openings between the abutting buildings.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 707.5 Exception 2 “Fire Barriers–Continuity”	New: Clarification	Decrease	Clarifies that the walls of an interior exit stairway do not need to extend through the attic space to the underside of the roof deck if the ceiling of the stairway terminates with a fire-rated top enclosure complying with Section 713.12.
IBC 903.2.1.6 “Assembly Occupancies on Roof”	New Provision	Decrease	Code now addresses how to deal with assembly occupancies on the roof of a building. When the occupant load > 100 for Group A-2 (i.e., restaurant), or > 300 for other Group A (i.e., meeting rooms, swimming pools) all floors to, and including, level of exit discharge are required to be sprinklered per NFPA 13 or NFPA 13R, as applicable. Since all new Group R occupancies are already required to be sprinklered, this new requirement is a good clarification of the Code for such common assembly occupancies that are to be located on the roofs of new apartment projects. Note that there is an exception to this sprinkler requirement for open parking garages of Construction Type I or Type II.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC C402 and Chapter 5 Performance Compliance Options	Revision	Decrease	Allow component performance design options for wall, floor, roof and other systems using overall building insulation values to reduce insulation values in individual components.
IECC C504.2.3 Roof Cover- ing Air Barrier	Revision	Decrease	Exemption for repair/replacement of roof recovering from the requirement for an air barrier.
IECC C406 and Chapter 5 Energy Efficiency Packages	Revision	Unknown	Additional choices for required additional energy efficiency packages that can be more cost-effective for new and existing buildings.
IECC Tables C402.1, C402.4, R402.1.2 and R402.1.4–R-values and U-values	No Change from the 2012 IECC	Increase from the 2009 IECC	The R-value and corresponding U-value tables for the commercial and residential requirements have not been changed (except roof insulation), and are the same as in the 2012 versions of the IECC which are not cost effective. See separate document, <i>Recommended Amendments to the 2015 International Energy Conservation Code (IECC)</i> , for more information.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC R402.4.1.2–Thermal Envelope Air Barrier Testing	No Change from the 2012 IECC	Increase from the 2009 IECC	The residential Section R402.1.2 requires that the air barrier be pressure tested in accordance with a test method for one- and two-family dwellings that is not appropriate for R-2 occupancies. See separate document, <i>Recommended Amendments to the 2015 International Energy Conservation Code (IECC)</i> , for more information.
IECC Commercial and Residential Provisions	Revisions and Editorial	Increase	The Commercial portions, which apply to R-2 occupancies four-or-more stories in height; and the Residential portions, which apply to R-2 occupancies three-or-less stories in height, have major revisions to text which need to be considered during the design process.
IECC C403.3.2.1 and Chapter 5	Revision	Increase	Increased hot water piping insulation levels with limits on lengths of hot water piping.
IECC Table C403.2.3(9) Minimum Efficiency Air Conditioners and Condensing Units Serving Computer Rooms	Revision	Increase	Increased stringency of computer room HVAC minimum efficiency levels.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC C405 and Chapter 5 Lighting Controls	New Provision	Increase	Additional more stringent requirements for day- lighting, lighting controls and allowed lighting power densities in new and existing buildings.
IECC C408.2.5.2.6 Lighting Operation and Maintenance Manuals	New Provision	Increase	Lighting contractor required to provide operations and maintenance manuals for lighting and lighting controls.
IECC C408.3.1 Occupant Sensor Controls	Revision	Increase	Requirement for functional testing of occupant sensor controls and time-switch controls.
IECC Chapter 5 Existing Buildings	New Provision	Increase	New Chapter 5, Existing Structures with provisions for existing buildings in addition to those contained in the IEBC.

Model Code Update



Important Changes to the 2015 IFC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IFC 1103.3.2 Elevator Emergency Operation	New Provision	Decrease	New exception to requirements for updating elevators to latest standard which include installation of protective doors, sprinkler protection, and for freight elevators sprinkler protection provided at least one elevator complies with A 17.3.
IFC 1104.22(4) “Means of Egress for Existing Buildings– Exterior Stairway Protection”	Deletion of 2012 IFC Section 1104.21(4.1)	Decrease	Remainder of Section 1104.21 was moved to 1104.22. The requirement to retroactively sprinkler existing, open-ended corridor (i.e., open breezeway) buildings was deleted.
IFC 1103.7.6 Exception 4 “Manual Fire Alarm System in Existing Group R-2 Occupancies”	New Exception	Decrease	Exception 4 eliminates the requirement for a manual fire alarm system in an existing R-2 occupancy where all four requirements are met: <ol style="list-style-type: none"> 1. Building is \leq three stories in height above grade plane. 2. Dwelling units are not served by interior corridors. 3. Dwelling units are separated from each other by 3/4 hour fire barriers. 4. Dwelling units are provided with smoke alarms per Section 907.2.11.

Model Code Update



Important Changes to the 2015 IFC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IFC Appendix B B105 “Fire Flow Requirements for Buildings”	Revisions	Unknown	If a jurisdiction adopts the IFC and makes Appendix B mandatory in the adopting ordinance, then fire flows for townhouses and other buildings can be reduced based on the construction type and sprinkler system installed (NFPA 13, NFPA 13R or NFPA 13D).
IFC Appendix C “Fire Hydrant Locations and Distribution”	Revisions	Unknown	If a jurisdiction adopts the IFC and makes Appendix C mandatory in the adopting ordinance, then the revisions to Sections C103.2 Exception and C104.1 provide increased spacing for existing fire hydrants and credit for existing fire hydrants on adjacent properties that can be used. Also new footnotes “f” and “g” permit fire hydrant spacing increases based on the type of sprinkler system installed in the building.
IFC Appendix L “Fire Fighter Air Replenishment Systems (FARS)”	New Provision	Increase	If a jurisdiction adopts the IFC and makes Appendix L mandatory in the adopting ordinance, then buildings required by the local adopting ordinance to have FARS would be required to comply with Appendix L’s design, installation, testing and maintenance requirements.

Model Code Update



State and Local Adoption Examples

- State of Texas: 2015 IECC (Energy Code)
2014 NEC (Electrical Code)
- Municipal Adoption: City of Sugar Land
City of Missouri City
City of Bellaire
City of San Antonio
- 2016 Adoptions: City of Baytown
City of Pasadena

Model Code Update



Summary of Changes

- Clarification
 - Extent of Fire Barriers in stair wells
- Simplification of Chapter 5 Tables
 - Makes code more user friendly
- Construction Methods and Allowances
 - Multi-family height restrictions greatly relaxed
- Increased Standards
 - International Energy Conservation Code

Model Code Update



Summary of Changes

- Cleanup of local amendments
 - Remove Redundancies
- For the first time, the National Multifamily Housing Council (NMHC), National Apartment Association (NAA), Building Owners and Managers Association (BOMA) and National Association of Home Builders (NAHB) encourage state and local jurisdictions to consider adopting the 2015 I-Codes

Model Code Update



What is Next

- November 23, 2015 – 1st Reading of Ordinance
- December 14, 2015 – 2nd Reading of Ordinance
- January 1, 2016 – Effective date of Ordinance

Model Code Update



Questions?

ORDINANCE NO. 1209-2015

An ordinance of the city council of the City of Pearland, Texas, amending Chapter 7, *Building*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Section 7-13, entitled *Building Code Adopted*; Section 7-13.1, entitled *Local Amendments*, Section 7-26, entitled *Swimming Pool Code—Adopted; conflicting provisions*, Section 7-26.1, entitled *Same—Amendments, Modifications, Additions, Deletions*, Section 7-51, entitled *Mechanical Code adopted*, and Section 7-51.1, entitled *Local Amendments*, and to add Article II ³/₄, to be entitled *Existing Building Code*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

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

Section 1. That Article II, *Building Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-13, entitled *Building Code Adopted*, to read as follows:

“7-13. Commercial building code adopted.

The International Building Code, 2015 Edition, as published by the International Code Council, Inc., is hereby adopted and incorporated herein by reference, and a true and correct copy of said code is filed in the office of the city secretary.”

Section 2. That Article II, *Building Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-13.1, entitled *Local Amendments*, to read as follows:

“7-13.1. Local amendments.

The building code adopted in section 7-13 is modified in the following respects:

(a) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *Building Code*

ORDINANCE NO. 1209-2013

Of the city of Pearland, Texas, hereinafter sometimes referred to as "this code."

(b) Section 101.2.1 is hereby amended to read as follows:

101.2.1 Appendices. The provisions contained in the appendices referenced and listed below are hereby made part of the adopting ordinance:

- Appendix B "Board of Appeals"
- Appendix C "Agricultural Buildings" Group "U"
- Appendix D "Fire District"
- Appendix E "Supplementary Accessibility"
- Appendix F "Rodent Proofing"
- Appendix G "Flood Resistant Construction"
- Appendix I "Patio Covers"
- Appendix J "ADA for Historic Buildings"

(d) Section 101.4.5 is hereby amended to read as follows:

101.4.5 Property maintenance. The provisions of the 2015 ICC International Property Maintenance Code along with Life Safety Code 2012 shall apply as the standard guide for repairs, alterations, renovations and maintenance of all commercial and residential buildings and appurtenances.

(e) Section 105.2 is hereby amended to read as follows:

105.2 Work exempt from permit. Permits shall not be required for work costing less than three hundred dollars (\$300), unless inspection is required.

The following entities shall be exempt from permit fees and inspections:

- U.S. Government
- Federal agencies
- Federal independent contractors
- State of Texas
- Brazoria County

The following entities shall be exempt from the payment of permit fees only:

- School Districts
- City of Pearland
- City of Pearland Economic Development Corporation

ORDINANCE NO. 1209-2013

(f) Section 109.2 is hereby amended to add the following to the end of said section:

109.2 Permit fees.

...

When the valuation of the proposed construction exceeds \$1,000 and a plan is required to be submitted, a plan-checking fee shall be paid to the Permit Office at the time when plans and specifications are submitted for review. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth in the City Permit Fee Schedule.

(g) Section 109.4 is hereby amended to read as follows:

109.4 Work commencing before permit is issued. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee in an amount that is double the permit fee, except where the work was done to an electrical or plumbing system, in which case the fee shall be four times the permit fee. This fee shall be in addition to the required permit fees.

(h) Section 113.3 is hereby amended to read as follows:

113.3 Qualifications for Board of Appeals. The Board of Adjustment and Appeals shall consist of seven members: five regular members and two alternates. The regular members shall be individuals with knowledge and experience in the technical codes, such as design professionals, contractors, building industry representatives and licensed electrical/mechanical/plumbing tradesmen. The two alternate positions shall be filled by one person from the building industry and one person from the general public.

ORDINANCE NO. 1209-2013

(i) Section 907.2.1.1 is hereby amended to read as follows:

907.2.1.1 All Assembly Buildings with occupancy of 300 or more shall be required to install an Emergency Voice Alarm Evacuation (Evac) System. Installations shall be in accordance with NFPA-72.

(j) Section 907.2 is hereby amended to add the following to the end of the first paragraph of said section:

...

Where required, alarm systems shall be monitored by an off premise central station. Systems shall also have occupant notification throughout the building.

(k) Section 1612 is hereby amended to add the new section as follows:

1612.1.1 Flood Hazard Areas. The Flood Insurance Study for the City of Pearland, Texas, as amended or revised, with accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM), including related supporting data and revisions thereto, is hereby adopted by reference and declared to be a part of this section.

(l) Section 1808.1 is hereby amended to add the following new section as follows:

1808.1.1 Footing and Foundations. All structural members (footing & foundations) for commercial structures shall be approved by a registered professional engineer. Plans shall be submitted with original wet seals applied and signed.

ORDINANCE NO. 1209-2013

- (m) Section 3401 is hereby amended to add the following new section as follows:

3401.3.1 Applicability. Structures existing prior to the effective date hereof, in which there is work involving additions, alterations (50% of size or market value), or changes of occupancy (after 6-month vacancy), shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3405 for Additions, Alterations or Repairs.”

Section 3. That Article II ½, *Swimming Pools*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-26, entitled *Swimming Pool Code Adopted*, to read as follows:

“Sec. 7-26. Swimming pool code adopted.

For the purpose of prescribing minimum standards for the design, construction or installation, repair or alterations of swimming pools, public or private, and equipment related thereto; and requiring a permit and inspection therefor; and providing the administration and enforcement of the standards set forth, within the corporate limits of the city there is hereby adopted and incorporated herein by reference as the swimming pool code of the city that certain swimming pool code known as the 2015 ICC International Swimming Pool and Spa Code. Provided, however, that in the event any conflict may arise between any provision of the swimming pool code adopted by this article and any other applicable provisions of state law or city ordinance, rule or regulation, the provisions of this Code of Ordinances, state law or city rules and regulations shall be controlling. Buildings in which a pool is housed, whether partially or completely, shall utilize moisture removal methods per the 2015 ICC Building and 2015 ICC Mechanical Codes.”

Section 4. That Article II ½, *Swimming Pools*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-26.1, entitled *Local Amendments*, to read as follows:

“Sec. 7-26.1. Local amendments.

The swimming pool code adopted in section 7-26 hereof is hereby modified in the following respects:

ORDINANCE NO. 1209-2013

Section 303.4 is deleted in its entirety.

Section 5. That Article III, *Mechanical Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-51, entitled *Mechanical Code Adopted*, to read as follows:

“7-51. Mechanical code adopted.

The International Mechanical Code, 2015 Edition, as published by the International Code Council, Inc., along with its appendix is hereby adopted by reference and made part of this chapter. In the event of conflict between the International Mechanical Code and the State Energy Conservation Code, the latter shall govern. A true and correct copy of this code shall be on file in the office of the city secretary.”

Section 6. That Article III, *Mechanical Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-51.1, entitled *Local Amendments*, to read as follows:

“7-51.1. Local amendments.

The mechanical code adopted in section 7-51 is modified in the following respects:

(a) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Pearland, Texas, hereinafter sometimes referred to as “this code.”

(b) Section 106.5.2 is hereby amended to read as follows:

106.5.2 Fees. The fees for permits required hereunder shall, from time to time, be established by the city council, and a fee schedule shall be kept in the office of the city secretary.

(c) Section 106.5.3 is hereby added to read as follows:

106.5.3 Refunds. The Building Official shall authorize the refunding of fees where any fee paid hereunder was erroneously paid or collected.

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(d) Section 108.4 is hereby amended to read as follows:

108.4 Violations. Any person, firm or corporation who shall violate or fail to comply with the requirements or provisions of any section or subdivision of the mechanical code adopted by this article shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, and each and every day that such violation continues shall constitute a separate offense.

(e) Section 109.2 is hereby amended to read as follows:

109.2 Board of Appeal: The Building/Fire Code Board of Adjustment and Appeals as established by the city council shall also serve as the mechanical board of appeals for this code.

(f) Section 202 is hereby amended to add the following to the end of said section:

202 Definitions.

...

Whenever the terms “local governing body” or “chief appointing authority” or “administrative authority” or “appropriate authority of the jurisdiction” are used in this code, they shall be construed to mean the City Council of the City of Pearland, Texas.

Whenever the term “department of law” is used in this code, it shall be construed to mean the office of the City Attorney of the City of Pearland, Texas.

Whenever the term “mechanical official” is used in this code, it shall mean the city building official or his duly authorized deputy or assistants or any officer of the city designated by the city council having the duty to enforce the mechanical regulations of the city.

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Section 7. That Article II ³/₄, *Existing Building Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby ADDED, to read as follows:

“ARTICLE II ³/₄. EXISTING BUILDING CODE

10-31. Existing building code adopted.

The International Existing Building Code, 2015 Edition, as published by the International Code Council, Inc., is hereby adopted and incorporated herein by reference, and a true and correct copy of said code is filed in the office of the city secretary. This Code shall apply to the remodeling, enlargement, and/or repair of an existing building.”

Section 8. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 9. 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 10. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 11. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 12. Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of

ORDINANCE NO. 1209-2013

the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective on January 1, 2016.

PASSED and APPROVED on FIRST READING this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED on SECOND and FINAL READING this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

ORDINANCE NO. 1209-2013

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

ORDINANCE NO. 1209-2015

An ordinance of the city council of the City of Pearland, Texas, amending Chapter 7, *Building*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Section 7-13, entitled *Building Code Adopted*; Section 7-13.1, entitled *Local Amendments*, Section 7-26, entitled *Swimming Pool Code—Adopted; conflicting provisions*, Section 7-26.1, entitled *Same—Amendments, Modifications, Additions, Deletions*, Section 7-51, entitled *Mechanical Code adopted*, and Section 7-51.1, entitled *Local Amendments*, and to add Article II ³/₄, to be entitled *Existing Building Code*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

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

Section 1. That Article II, *Building Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-13, entitled *Building Code Adopted*, to read as follows:

“7-13. Commercial building code adopted.

The International Building Code, ~~2012~~2015 Edition, as published by the International Code Council, Inc., is hereby adopted and incorporated herein by reference, and a true and correct copy of said code is filed in the office of the city secretary.”

Section 2. That Article II, *Building Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-13.1, entitled *Local Amendments*, to read as follows:

“7-13.1. Local amendments.

The building code adopted in section 7-13 is modified in the following respects:

(a) Section 101.1 is hereby amended to read as follows:

ORDINANCE NO. 1209-2013

101.1 Title. These regulations shall be known as the *Building Code Of the city of Pearland, Texas*, hereinafter sometimes referred to as “this code.”

(b) Section 101.2.1 is hereby amended to read as follows:

101.2.1 Appendices. The provisions contained in the appendices referenced and listed below are hereby made part of the adopting ordinance:

- Appendix B “Board of Appeals”
- Appendix C “Agricultural Buildings” Group “U”
- Appendix D “Fire District”
- Appendix E “Supplementary Accessibility”
- Appendix F “Rodent Proofing”
- Appendix G “Flood Resistant Construction”
- Appendix I “Patio Covers”
- Appendix J “ADA for Historic Buildings”

~~(c) Section 101.4.1 is hereby amended to read as follows:~~

~~101.4.1 Electrical. The provisions of the NFPA 70, National Electric Code (NEC 2011) as published by the National Fire Protection Association, hereto adopted by the City, as amended, shall apply to the installation of electrical systems, including alterations, repairs and replacement of fixtures.~~

(d) Section 101.4.5 is hereby amended to read as follows:

101.4.5 Property maintenance. The provisions of the ~~2012-2015~~ ICC International Property Maintenance Code along with Life Safety Code 2012 shall apply as the standard guide for repairs, alterations, renovations and maintenance of all commercial and residential buildings and appurtenances.

~~(e)~~ Section 105.2 is hereby amended to read as follows:

105.2 Work exempt from permit. Permits shall not be required for ~~maintenance~~ work costing less than three hundred dollars (\$300), unless inspection is required.

The following entities shall be exempt from permit fees and inspections:

- U.S. Government
- Federal agencies
- Federal independent contractors
- State of Texas
- Brazoria County

ORDINANCE NO. 1209-2013

The following entities shall be exempt from the payment of permit fees only:

- School Districts
- City of Pearland
- City of Pearland Economic Development Corporation

~~(f) Section 106.3.4.1 is hereby amended to add the following to the end of said section:~~

~~106.3.4.1 General.~~

~~...~~

~~For all projects whether privately or publicly funded, except one and two family dwellings, that are classified as Commercial, Educational, Institutional or Assembly type occupancy with three or more stories in height or more than five thousand (5,000) square feet in area, the Designer shall be an Architect or Engineer legally registered under the laws of this state.~~

(feg) Section ~~108.2~~109.2 is hereby amended to add the following to the end of said section:

~~108.2~~109.2 Permit fees.

...

When the valuation of the proposed construction exceeds \$1,000 and a plan is required to be submitted, a plan-checking fee shall be paid to the Permit Office at the time when plans and specifications are submitted for review. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth in the City Permit Fee Schedule.

(gfh) Section ~~108.4~~109.4 is hereby amended to read as follows:

~~108.4~~109.4 ~~Violations~~Work commencing before permit is issued. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee in an amount ~~of~~ that is double the permit fee, except where the work was done to an electrical or plumbing system, in which case the fee shall be four times the permit fee. This fee shall be in addition to the required permit fees.

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(i) ~~Section 110.1 is hereby amended to add the following to the end of said section:~~

~~110.1 Use and Occupancy.~~

~~...~~

~~For the purpose of this section, the moving of furniture or other personal property items into a property prior to issuance of a certificate of occupancy shall constitute the occupancy or use of the property. Such act is hereby prohibited, unless authorized by the Building Official.~~

(hgj) Section ~~412.3~~113.3 is hereby amended to read as follows:

~~412.3~~113.3 Qualifications for Board of Appeals. The Board of Adjustment and Appeals shall consist of seven members: five regular members and two alternates. The regular members shall be individuals with knowledge and experience in the technical codes, such as design professionals, contractors, building industry representatives and licensed electrical/mechanical/plumbing tradesmen. The two alternate positions shall be filled by one person from the building industry and one person from the general public.

(k) ~~Section 903.2.8 is hereby amended to read as follows:~~

~~903.2.8 Group R. All "R-1 to R-4" occupancy type (apartments, etc.) regardless of number of units or story height shall be fully sprinklered, including balcony, patios and porches. Only Single Family Residencies are exempt from this requirement.~~

(l) ~~Section 903.2.10 is hereby amended to read as follows:~~

~~903.2.10 Group S. All storage facilities (S-1/S-2) with a floor area of 5,000 square feet or more shall be fully sprinklered, regardless of the fire area and aggregate floor area.~~

(ihm) Section 907.2.1.1 is hereby amended to read as follows:

907.2.1.1 ~~Special Amusement Buildings.~~ All Assembly Buildings with occupancy of 300 or more shall be required to install an Emergency Voice Alarm Evacuation (Evac) System. Installations shall be in accordance with NFPA-72.

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(~~jjf~~) Section ~~907.2.11.1~~907.2 is hereby amended to ~~read as follows~~add the following to the end of the first paragraph of said section:

~~_____~~
~~...~~

~~907.2.11.1 Alarm System.~~—Where required, alarm systems shall be installed per NFPA-72 standards and monitored by an off premise central station. Systems shall also have occupant notification throughout the building.

~~(o) Section 1505.6 is hereby amended to read as follows:~~

~~1505.6 Wood Shingles and Shakes. No wood shingles or shakes shall be used in the construction of any structure. All plans shall indicate the roofing materials to be used. Additionally, composition shingles shall not be secured with staples.~~

~~(p) Section 1507.8 is hereby deleted in its entirety.~~

~~(q) Section 1507.9 is hereby deleted in its entirety.~~

(~~kj~~) Section ~~4612.4~~1612 is hereby amended to ~~read~~add the new section as follows:

~~4612.4~~1612.1.1 Flood Hazard Areas. The Flood Insurance Study for the City of Pearland, Texas, as amended or revised, with accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM), including related supporting data and revisions thereto, is hereby adopted by reference and declared to be a part of this section.

(~~ks~~) Section ~~4805.1~~1808.1 is hereby amended to add the following new section~~read~~ as follows:

~~4805.1~~1808.1.1 Footing and Foundations. All structural members (footing & foundations) for commercial structures shall be approved by a registered professional engineer. Plans shall be submitted with original wet seals applied and signed.

~~(t) Section 2308.9.1 is hereby amended to add the following to the end of said section:~~

~~2308.9.1 Size, height and spacing.~~

~~...~~

ORDINANCE NO. 1209-2013

~~Two inch by four inch (2"x4") studs shall be spaced a maximum of sixteen inches (16") apart on center, and two inch by six inch (2"x6") studs shall be spaced a maximum of twenty-four inch (24") apart on center O.C.~~

(m) Section ~~3410.23401~~ is hereby amended to add the following new section ~~read~~ as follows:

3410.23401.3.1 Applicability. Structures existing prior to the effective date hereof, in which there is work involving additions, alterations (50% of size or market value), or changes of occupancy (after 6-month vacancy), shall be made to conform to the requirements of this section or the provisions of Sections ~~3402-3403~~ through ~~3406-3405~~ for Additions, Alterations or Repairs."

Section 3. That Article II ½, *Swimming Pools*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-26, entitled *Swimming Pool Code Adopted*, to read as follows:

"Sec. 7-26. Swimming pool code adopted.

For the purpose of prescribing minimum standards for the design, construction or installation, repair or alterations of swimming pools, public or private, and equipment related thereto; and requiring a permit and inspection therefor; and providing the administration and enforcement of the standards set forth, within the corporate limits of the city there is hereby adopted and incorporated herein by reference as the swimming pool code of the city that certain swimming pool code known as the 20122015 ICC International Swimming Pool and Spa Code. Provided, however, that in the event any conflict may arise between any provision of the swimming pool code adopted by this article and any other applicable provisions of state law or city ordinance, rule or regulation, the provisions of this Code of Ordinances, state law or city rules and regulations shall be controlling. Buildings in which a pool is housed, whether partially or completely, shall utilize moisture removal methods per the 20122015 ICC Building and 20122015 ICC Mechanical Codes."

Section 4. That Article II ½, *Swimming Pools*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-26.1, entitled *Local Amendments*, to read as follows:

"Sec. 7-26.1. Local amendments.

ORDINANCE NO. 1209-2013

The swimming pool code adopted in section 7-26 hereof is hereby modified in the following respects:

Section 303.4 is deleted in its entirety.

Section 5. That Article III, *Mechanical Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-51, entitled *Mechanical Code Adopted*, to read as follows:

“7-51. Mechanical code adopted.

The International Mechanical Code, ~~2012~~2015 Edition, as published by the International Code Council, Inc., along with its appendix is hereby adopted by reference and made part of this chapter. In the event of conflict between the International Mechanical Code and the State Energy Conservation Code, the latter shall govern. A true and correct copy of this code shall be on file in the office of the city secretary.”

Section 6. That Article III, *Mechanical Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-51.1, entitled *Local Amendments*, to read as follows:

“7-51.1. Local amendments.

The mechanical code adopted in section 7-51 is modified in the following respects:

(a) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Pearland, Texas, hereinafter sometimes referred to as “this code.”

(b) Section 106.5.2 is hereby amended to read as follows:

106.5.2 Fees. The fees for permits required hereunder shall, from time to time, be established by the city council, and a fee schedule shall be kept in the office of the city secretary.

(c) Section 106.5.3 is hereby added to read as follows:

ORDINANCE NO. 1209-2013

106.5.3 Refunds. The Building Official shall authorize the refunding of fees where any fee paid hereunder was erroneously paid or collected.

(d) Section 108.4 is hereby amended to read as follows:

108.4 Violations. Any person, firm or corporation who shall violate or fail to comply with the requirements or provisions of any section or subdivision of the mechanical code adopted by this article shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, and each and every day that such violation continues shall constitute a separate offense.

(e) Section 109.2 is hereby amended to read as follows:

109.2 Board of Appeal: The Building/Fire Code Board of Adjustment and Appeals as established by the city council shall also serve as the mechanical board of appeals for this code.

(f) Section 202 is hereby amended to add the following to the end of said section:

202 Definitions.

...

Whenever the terms “local governing body” or “chief appointing authority” or “administrative authority” or “appropriate authority of the jurisdiction” are used in this code, they shall be construed to mean the City Council of the City of Pearland, Texas.

Whenever the term “department of law” is used in this code, it shall be construed to mean the office of the City Attorney of the City of Pearland, Texas.

Whenever the term “mechanical official” is used in this code, it shall mean the city building official or his duly authorized deputy or assistants or any officer of the city designated by the city council having the duty to enforce the mechanical regulations of the city.

~~(g) Section 606.1 is hereby amended to read as follows:~~

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~~606.1— Controls Required. All mechanical systems with over 2000 cubic feet per minute (cfm) capacity shall be equipped with smoke/duct detectors on the supply side of the system, and all mechanical systems with capacity over 15,000 cfm shall be equipped with smoke/duct detectors on both supply and return sides of the system to eliminate smoke travel. If the required control is connected to building alarm system, activation shall trigger a general alarm.~~

(h) ~~Section 1107 is hereby amended to read as follows:~~

~~1107— In two inch by four inch (2"X4") exterior wall framing the insulation value for the HVAC linesets entering the vertical wall from the horizontal attic or floor space may be reduced in insulation value and nominal diameter to ensure the structural integrity and continuity of the top plates without overcutting or over-notching the top plates."~~

Section 7. That Article II $\frac{3}{4}$, *Existing Building Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby ADDED, to read as follows:

"ARTICLE II $\frac{3}{4}$. EXISTING BUILDING CODE

10-31. Existing building code adopted.

The International Existing Building Code, ~~2012~~2015 Edition, as published by the International Code Council, Inc., is hereby adopted and incorporated herein by reference, and a true and correct copy of said code is filed in the office of the city secretary. This Code shall apply to the remodeling, enlargement, and/or repair of an existing building."

Section 8. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 9. 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

ORDINANCE NO. 1209-2013

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

Section 10. **Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 11. **Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 12. **Effective Date.** The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective on ~~August 1, 2013~~January 1, 2016.

PASSED and APPROVED on FIRST READING this the _____ day of _____, A.D., ~~2013~~2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

ORDINANCE NO. 1209-2013

PASSED and APPROVED on SECOND and FINAL READING this the
_____ day of _____, A.D., ~~2013~~2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

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

AGENDA OF: 12 -7-2015	ITEM NO.: Ord. No. 1210-2015
DATE SUBMITTED:	DEPT. OF ORIGIN: Community Development
PREPARED BY: Kevin Byal	PRESENTOR: Kevin Byal, Roland Garcia
REVIEWED BY: Lata Krishnarao	REVIEW DATE: November 16, 2015
SUBJECT: Consider adoption of 2015 International Codes, 2015 NFPA Life Safety Code and 2014 National Electrical Code	
ATTACHMENTS: ISO/BCEGS Memorandum; November 9, 2015 City Council packet and presentation; Ordinances and attachments	
EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A
ACCOUNT NO.: N/A	
ADDITIONAL APPROPRIATION REQUIRED: N/A	
ACCOUNT NO.: N/A	
PROJECT NO.: N/A	
To be completed by Department:	
Finance	Legal Ordinance Resolution

EXECUTIVE SUMMARY

Summary: At the November 9, 2015, City Council meeting staff presented council with the findings of the comprehensive review of the 2015 International Codes, the 2015 NFPA Life Safety Code and the 2014 National Electrical Code. At that work session, Council asked for clarification on the influence of code adoption on the city's ISO rating. The attached memorandum contains details of our findings.

The following is the list of the codes being considered.

2015 I-Codes being considered:

- Ordinance No. 1209-2015 - International Building Code (IBC)
- Ordinance No. 1211-2015 - International Fire Code (IFC)
- Ordinance No. 1296-2015 - International Residential Code (IRC)
- Ordinance No. 1209-2015 - International Mechanical Code (IMC)
- Ordinance No. 1210-2015 - International Plumbing Code (IPC)
- Ordinance No. 1210-2015 - International Fuel Gas Code (IFGC)
- Ordinance No. 1296-2015 - International Energy Conservation Code (IECC) Mandated by State
- Ordinance No. 1209-2015 - International Property Maintenance Code (IPMC)

Ordinance No. 1209-2015 - International Swimming Pool & Spa Code (ISPSC)
Ordinance No. 1209-2015 - International Existing Building Code (IEBC)

National Fire Protection Association Codes Being Considered:

Ordinance No. 1416-2015 - 2014 National Electrical Code (NEC) Mandated by State
Ordinance No. 1211-2015 - 2015 NFPA 101 Life Safety Code (LSC)

Staff also recommends revisions to the local amendments, many of which eliminate duplicate provisions that are now included in the text of the codes. These are included in the packet and were discussed at the workshop.

Staff Recommendation: Recommends the adoption of the presented codes with the proposed effective date of January 1, 2016.

Memo



To: Lata Krishnarao, Community Development Director
Matt Buchanan, Executive Manager of Development Services

From: Kevin Byal, Chief Building Official
Roland Garcia, Fire Marshal

Date: November 16, 2015

Re: Adopted Code and ISO/BCEGS

During the discussion of the proposed code adoption at the November 9, 2015 Council meeting council asked for additional information concerning a city's adopted code and its influence on the city's Insurance Services Office (ISO), Building Code Effectiveness Grading Schedule (BCEGS) rating.

Staff contacted ISO to discuss credit for adoption of codes. In December 2014, Pearland's Public Protection Classification (PPC) was evaluated and resulted in Class 2 rating. The rating included 6.10 points out of a possible 6.5 for Texas Exceptions, including current fire, building, electrical, mechanical, plumbing/gas, and property maintenance codes.

In May of 2015, ISO revised the evaluation process and removed all codes except fire codes from the PPC evaluation, and changed the title of the category, Texas Exception, to Community Risk Reduction (CRR). PPC points now associated with the CRR will involve adoption of current fire codes, fire code enforcement, fire investigations, and public fire education. Total available CRR points will be 5.5 towards the PPC and adoption of current fire codes accounts for possible .55 points of the CRR.

Since the revised evaluation process, building, electrical, mechanical, plumbing/gas, energy and property maintenance codes are now assessed by ISO through the Building Code Effectiveness Grading Schedule (BCEGS). This does not diminish the effect that up to date code adoption has on insurance rates as the insurance agencies routinely access cities BCEGS rating and are directly linked to the FEMA's National Flood Insurance Program (NFIP) and the Community Rating System (CRS), which affect flood insurance rates.

Although not mandatory, insurers using the rating discounts for risks eligible for the program may have a competitive advantage over insurers not using the discounts. Insurers using the program can highlight that point in their marketing.

Community BCEGS are evaluated every five years or more frequent if requested by the municipality. The City of Pearland was last evaluated in 2013 and resulted in a BCEGS score of 4 for commercial and 5 for residential. ISO evaluates communities on a scale of 1 to 10, with 1 representing exemplary administration of a model code. In preparation of the next assessment cycle, staff will be evaluating the actions necessary to attain a lower score.

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

AGENDA OF: November 9, 2015	ITEM NO.:
DATE SUBMITTED: November 3, 2015	DEPT. OF ORIGIN: Community Develop.
PREPARED BY: Kevin Byal	PRESENTOR: Kevin Byal, Roland Garcia
REVIEWED BY: Lata Krishnarao	REVIEW DATE: November 3, 2015
SUBJECT: Presentation and discussion regarding proposed adoption of 2015 International Codes, 2015 NFPA Life Safety Code and 2014 National Electrical Code	
ATTACHMENTS: PowerPoint Presentation	
EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A
ACCOUNT NO.: N/A	
ADDITIONAL APPROPRIATION REQUIRED: N/A	
ACCOUNT NO.: N/A	
PROJECT NO.: N/A	
To be completed by Department:	
Finance	Legal Ordinance Resolution

EXECUTIVE SUMMARY

Summary: On September 3, 2015, staff from Community Development (Inspection Services and Planning) and the Fire Marshal's office met to initiate a comprehensive review of the 2015 International Codes with the intent of presenting our findings to the City Council to consider for adoption, replacing the current 2012 edition of the International Codes, the 2012 NFPA Life safety Code and the 2011 National Electrical Code.

Staff recommends that the City consider adoption of the proposed codes for the following reasons:

Conformance to the Current International Code Council (ICC) Codes: ICC codes are developed through a consensus process approved by the American National Standards Institute and adopted by reference to be used with the I-Codes or as a stand-alone document. Every three years the ICC publishes and develops revised standards that address every aspect of the built environment that includes, but is not limited to, commercial and residential structures as well as all of the internal systems that provide lighting, plumbing and conditioned air.

The revisions are supported by building science, technical knowledge and past experiences. The codes provide protection from man-made and natural disasters, guarding public health and

reducing property losses. Safe buildings are achieved through proper design and construction practices in concert with a code administration program that ensures compliance.

Cost Savings: Because new materials and methods are continually introduced, updated codes recognize these advancements and keep construction costs down by establishing uniformity in the construction industry resulting in cost savings. Codes also help protect real estate investments by providing a level of quality and safety which can result in lower insurance costs.

Maintain High Insurance Services Office (ISO) Rating: Pearland currently enjoys a “2” rating on the ISO scale of 1-10 in which 1 is the best and 10 the worst possible rating. A contributing factor to this excellent score is the fact that the City has kept current in its code adoption.

Conformance to State Mandate: At the State level, legislation has been enacted mandating the implementation of the 2015 International Energy Conservation Code and the 2014 National Electrical Code. Municipalities are prohibited from enforcing a code that provides a lesser standard.

The attachment provides additional information on the benefits of the proposed code adoption and a summary of the important changes.

Public Input: At the July 31, 2015 Builders Forum, the presentation included discussion with the audience about the proposed adoption of the 2015 I-Codes. The feedback we received were requests to provide adequate notice to the development community of the impending implementation so they can make any necessary adjustments. For the last several months design teams that have utilized our pre-development meetings have also been informed of the intended code adoption.

2015 I-Codes being considered:

International Building Code (IBC)
International Fire Code (IFC)
International Residential Code (IRC)
International Mechanical Code (IMC)
International Plumbing Code (IPC)
International Fuel Gas Code (IFGC)
International Energy Conservation Code (IECC) Mandated by State
International Property Maintenance Code (IPMC)
International Swimming Pool & Spa Code (ISPSC)
International Existing Building Code (IEBC)

National Fire Protection Association Codes Being Considered:

2014 National Electrical Code (NEC) Mandated by State
2015 NFPA 101 Life Safety Code (LSC)

Staff Recommendation: Consider the adoption of the presented codes with the following proposed timeline.

November 23, 2015 – 1st Reading of Ordinance

December 14, 2015 – 2nd Reading of Ordinance

January 1, 2016 – Effective date of Ordinance



Model Code Update

Presented by:

**Kevin Byal, Building Official
Roland Garcia, Fire Marshal**

Model Code Update



- 2015 International Codes
 - International Building Code
 - International Fire Code
 - International Residential Code
 - International Mechanical Code
 - International Plumbing Code
 - International Fuel Gas Code
 - International Energy Conservation Code Mandated by State
 - International Swimming Pool & Spa Code

Model Code Update



- National Fire Protection Association (NFPA) Codes
 - 2015 NFPA 101 Life Safety Code
 - 2014 National Electrical Code Mandated by State

Model Code Update



Purpose of the Codes

- Provide minimum standards necessary for protection from disaster due to fire, structural collapse, and general deterioration.
- Safeguard public health, safety and welfare.
- Provide for the safety of firefighters/emergency responders.
- Integrate provisions that provide resiliency, and energy efficiency.

Model Code Update



Code Development

- Building codes have been around for centuries.
- Evolved from regulations stemming from tragic experiences to standards designed to prevent them.
- Code development process is structured to result in **consensus** on both public health and safety issues, and on achieving economic value.
- Established scientific and engineering principles.
- Experience of leading technical experts, construction professionals, enforcement personnel and the product manufacturers.

Model Code Update



Benefit of Updated Codes

- Integrate a complete building safety system.
- Provides minimum life safety needs for first responders.
- Provides uniformity and brings together technological and economic elements that benefits both the contractor and the consumer.
- Reassure consumers that their buildings and systems are safe and efficient.

Model Code Update



Benefit of Updated Codes

- Accommodate new technologies and materials.
- Ensure that measures are provided so that our resources are not wasted. This return on investment results in lower utility bills and averts unnecessary infrastructure expansions.
- An up-to-date code maintains compatibility with State and Federal laws, especially in the areas of energy conservation, accessibility and swimming pool safety.
- Inspector recertification cycles occur every three years just as the code cycle does.

Model Code Update



Delayed Code Updates

- Delay's on code adoption may have a negative impact on the ISO (Insurance Services Office) and BCEGS (Building Code Effectiveness Grading Schedule) ratings of Pearland.
- Delays hinder the ability of designers and builders to take advantage of the latest technology based on the current experience, knowledge and industry standards.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 202 Definition of “Private Garage,” 406.3.1 “Classification,” 406.3.2 “Clear Height”	Major Change	Decrease	Private garages are no longer limited to a maximum of 3,000 sq. ft. in a building. Multiple private garages, each a maximum of 1,000 sq. ft., each separated by one-hour fire barriers or horizontal assemblies are now permitted based on their U occupancy classification. Also, a minimum of 7’ clear height will be required in private garages.
IBC 202 Definition of “Fire Retardant Treated Wood”	Major Change	Decrease	Revised definition to permit other treatment methods by other than the pressure process. See also IBC Sections 2303.2.2 and 2303.2.3 for further explanation.
IBC 503 through 506 Building Heights and Area Requirements	Makes Code More User Friendly	Decrease	2012 IBC Table 503 was replaced with the 2015 IBC Tables 504.3, 504.4 and 506.2 with NO changes in the technical application, making the code more user-friendly. The maximum allowable height and number of stories can now be determined directly from Tables 504.3 and 504.4. The maximum allowable sprinkler area increase can also now be determined directly from Table 506.2.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 503 through 506 Building Heights and Area Requirements	Makes Code More User Friendly	Decrease	2012 IBC Table 503 was replaced with the 2015 IBC Tables 504.3, 504.4 and 506.2 with NO changes in the technical application, making the code more user-friendly. The maximum allowable height and number of stories can now be determined directly from Tables 504.3 and 504.4. The maximum allowable sprinkler area increase can also now be determined directly from Table 506.2.
IBC 705.3 Exception #2 “Buildings on the Same Lot”	New Provision	Decrease	Permits a parking garage of Construction Type I or IIA to abut a Group R-2 building with 1½- hour-protected openings (fire doors) in the abutting exterior wall of the garage and no required opening protective(s) in the abutting wall of a sprinklered R-2 building. Previous editions of the Code did not permit any openings in these abutting exterior walls that are at a “0” fire separation distance apart and required a fire wall design between such buildings to be permitted to have openings between the abutting buildings.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 707.5 Exception 2 “Fire Barriers–Continuity”	New: Clarification	Decrease	Clarifies that the walls of an interior exit stairway do not need to extend through the attic space to the underside of the roof deck if the ceiling of the stairway terminates with a fire-rated top enclosure complying with Section 713.12.
IBC 903.2.1.6 “Assembly Occupancies on Roof”	New Provision	Decrease	Code now addresses how to deal with assembly occupancies on the roof of a building. When the occupant load > 100 for Group A-2 (i.e., restaurant), or > 300 for other Group A (i.e., meeting rooms, swimming pools) all floors to, and including, level of exit discharge are required to be sprinklered per NFPA 13 or NFPA 13R, as applicable. Since all new Group R occupancies are already required to be sprinklered, this new requirement is a good clarification of the Code for such common assembly occupancies that are to be located on the roofs of new apartment projects. Note that there is an exception to this sprinkler requirement for open parking garages of Construction Type I or Type II.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC C402 and Chapter 5 Performance Compliance Options	Revision	Decrease	Allow component performance design options for wall, floor, roof and other systems using overall building insulation values to reduce insulation values in individual components.
IECC C504.2.3 Roof Cover- ing Air Barrier	Revision	Decrease	Exemption for repair/replacement of roof recovering from the requirement for an air barrier.
IECC C406 and Chapter 5 Energy Efficiency Packages	Revision	Unknown	Additional choices for required additional energy efficiency packages that can be more cost-effective for new and existing buildings.
IECC Tables C402.1, C402.4, R402.1.2 and R402.1.4–R-values and U-values	No Change from the 2012 IECC	Increase from the 2009 IECC	The R-value and corresponding U-value tables for the commercial and residential requirements have not been changed (except roof insulation), and are the same as in the 2012 versions of the IECC which are not cost effective. See separate document, <i>Recommended Amendments to the 2015 International Energy Conservation Code (IECC)</i> , for more information.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC R402.4.1.2–Thermal Envelope Air Barrier Testing	No Change from the 2012 IECC	Increase from the 2009 IECC	The residential Section R402.1.2 requires that the air barrier be pressure tested in accordance with a test method for one- and two-family dwellings that is not appropriate for R-2 occupancies. See separate document, <i>Recommended Amendments to the 2015 International Energy Conservation Code (IECC)</i> , for more information.
IECC Commercial and Residential Provisions	Revisions and Editorial	Increase	The Commercial portions, which apply to R-2 occupancies four-or-more stories in height; and the Residential portions, which apply to R-2 occupancies three-or-less stories in height, have major revisions to text which need to be considered during the design process.
IECC C403.3.2.1 and Chapter 5	Revision	Increase	Increased hot water piping insulation levels with limits on lengths of hot water piping.
IECC Table C403.2.3(9) Minimum Efficiency Air Conditioners and Condensing Units Serving Computer Rooms	Revision	Increase	Increased stringency of computer room HVAC minimum efficiency levels.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC C405 and Chapter 5 Lighting Controls	New Provision	Increase	Additional more stringent requirements for day- lighting, lighting controls and allowed lighting power densities in new and existing buildings.
IECC C408.2.5.2.6 Lighting Operation and Maintenance Manuals	New Provision	Increase	Lighting contractor required to provide operations and maintenance manuals for lighting and lighting controls.
IECC C408.3.1 Occupant Sensor Controls	Revision	Increase	Requirement for functional testing of occupant sensor controls and time-switch controls.
IECC Chapter 5 Existing Buildings	New Provision	Increase	New Chapter 5, Existing Structures with provisions for existing buildings in addition to those contained in the IEBC.

Model Code Update



Important Changes to the 2015 IFC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IFC 1103.3.2 Elevator Emergency Operation	New Provision	Decrease	New exception to requirements for updating elevators to latest standard which include installation of protective doors, sprinkler protection, and for freight elevators sprinkler protection provided at least one elevator complies with A 17.3.
IFC 1104.22(4) “Means of Egress for Existing Buildings– Exterior Stairway Protection”	Deletion of 2012 IFC Section 1104.21(4.1)	Decrease	Remainder of Section 1104.21 was moved to 1104.22. The requirement to retroactively sprinkler existing, open-ended corridor (i.e., open breezeway) buildings was deleted.
IFC 1103.7.6 Exception 4 “Manual Fire Alarm System in Existing Group R-2 Occupancies”	New Exception	Decrease	Exception 4 eliminates the requirement for a manual fire alarm system in an existing R-2 occupancy where all four requirements are met: <ol style="list-style-type: none"> 1. Building is \leq three stories in height above grade plane. 2. Dwelling units are not served by interior corridors. 3. Dwelling units are separated from each other by 3/4 hour fire barriers. 4. Dwelling units are provided with smoke alarms per Section 907.2.11.

Model Code Update



Important Changes to the 2015 IFC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IFC Appendix B B105 “Fire Flow Requirements for Buildings”	Revisions	Unknown	If a jurisdiction adopts the IFC and makes Appendix B mandatory in the adopting ordinance, then fire flows for townhouses and other buildings can be reduced based on the construction type and sprinkler system installed (NFPA 13, NFPA 13R or NFPA 13D).
IFC Appendix C “Fire Hydrant Locations and Distribution”	Revisions	Unknown	If a jurisdiction adopts the IFC and makes Appendix C mandatory in the adopting ordinance, then the revisions to Sections C103.2 Exception and C104.1 provide increased spacing for existing fire hydrants and credit for existing fire hydrants on adjacent properties that can be used. Also new footnotes “f” and “g” permit fire hydrant spacing increases based on the type of sprinkler system installed in the building.
IFC Appendix L “Fire Fighter Air Replenishment Systems (FARS)”	New Provision	Increase	If a jurisdiction adopts the IFC and makes Appendix L mandatory in the adopting ordinance, then buildings required by the local adopting ordinance to have FARS would be required to comply with Appendix L’s design, installation, testing and maintenance requirements.

Model Code Update



State and Local Adoption Examples

- State of Texas: 2015 IECC (Energy Code)
2014 NEC (Electrical Code)
- Municipal Adoption: City of Sugar Land
City of Missouri City
City of Bellaire
City of San Antonio
- 2016 Adoptions: City of Baytown
City of Pasadena

Model Code Update



Summary of Changes

- Clarification
 - Extent of Fire Barriers in stair wells
- Simplification of Chapter 5 Tables
 - Makes code more user friendly
- Construction Methods and Allowances
 - Multi-family height restrictions greatly relaxed
- Increased Standards
 - International Energy Conservation Code

Model Code Update



Summary of Changes

- Cleanup of local amendments
 - Remove Redundancies
- For the first time, the National Multifamily Housing Council (NMHC), National Apartment Association (NAA), Building Owners and Managers Association (BOMA) and National Association of Home Builders (NAHB) encourage state and local jurisdictions to consider adopting the 2015 I-Codes

Model Code Update



What is Next

- November 23, 2015 – 1st Reading of Ordinance
- December 14, 2015 – 2nd Reading of Ordinance
- January 1, 2016 – Effective date of Ordinance

Model Code Update



Questions?

ORDINANCE NO. 1210-2015

An ordinance of the city council of the City of Pearland, Texas, amending Chapter 23, *Plumbing and Gas*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, to amend Section 23-1, entitled *Plumbing Code Adopted*; to amend Section 23-1.1, entitled *Local Amendments*; and to amend Section 23-161, entitled *Fuel Gas Code Adopted*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

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

Section 1. That Article I, *Plumbing Code*, of Chapter 23, *Plumbing and Gas*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 23-1, entitled *Plumbing Code Adopted*, to read as follows:

“Sec. 23-1. Plumbing code adopted.

The International Plumbing Code, 2015 Edition, as published by the International Code Council, Inc., along with its appendix is hereby adopted by reference and made part of this chapter. A true and correct copy of this code shall be on file in the office of the city secretary.”

Section 2. That Article I, *Plumbing Code*, of Chapter 23, *Plumbing and Gas*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 23-1.1, entitled *Local Amendments*, to read as follows:

“Sec. 23-1.1. Local amendments.

The plumbing code adopted in section 23-1 is modified in the following respects:

(a) Section 106.6.2 is hereby amended to read as follows:

106.6.2 Fees. The fees for all plumbing work shall from time to time be established by city council, and a fee schedule shall be kept in the office of the city secretary.

ORDINANCE NO. 1210-2013

(b) Section 106.6.3 is hereby added to read as follows:

106.6.3 Refunds. The Building Official shall authorize the refunding of fees where any fee paid hereunder was erroneously paid or collected.

(c) Section 108.4 is hereby amended to read as follows:

108.4 Violations. Any person, firm or corporation who shall violate or fail to comply with the requirements or provisions of the plumbing code herein adopted shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished as provided in Section 1-11 of the Code of Ordinances of the city.

(d) Section 109.2 is hereby amended to read as follows:

109.2 Board of Appeal. The Gas and Plumbing Board of Adjustment and Appeals as established by City Council shall serve as the Plumbing Board.

(e) Section 305.4.1 is hereby added to read as follows:

305.4.1 Building Sewers. All sewer pipes, including those connected to private sewage disposal systems, shall be buried in trenches that are at least twelve inches (12") wide by twelve inches (12") deep at all points below finished grade.

(a) Lawn Sprinkler Irrigation shall be regulated per TCEQ requirements. A permit, construction documents and inspections shall be per TCEQ guidelines.

(b) Domestic Potable residential fire sprinklers shall be permitted and inspected per the Texas Department of Plumbing Examiner Guidelines and requirements.

(f) Section 602.2.1. is hereby added to read as follows:

602.2.1 Public water service is to be considered available to a property when a municipal water main is located within two hundred (200) feet of said property. At the time that public water main becomes available to a property served by a private water supply, a direct connection shall be made to the public water main, in compliance with this article and all applicable laws and regulations, within thirty (30) days after the date of the official notice to do so, and the private water system shall be discontinued. No construction,

ORDINANCE NO. 1210-2013

expansion, or repairs costing over fifty percent (50%) of new construction cost shall be allowed for any private water system if public sewer service is available. If a malfunction of a private water system necessitates remedial action by the city in order to protect public health, the owner of such system shall be responsible for and shall reimburse the city the full cost of that remedial action.

(g) Section 701.2.1. is hereby added to read as follows:

701.2.1 Public sewer service is to be considered available to a property when a municipal sewer or manhole is located within two hundred (200) feet of said property. At the time that public sewer service becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer, in compliance with this article and all applicable laws and regulations, within thirty (30) days after the date of the official notice to do so, and all septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. No construction, expansion, or repairs costing over fifty percent (50%) of new construction cost shall be allowed for any private sewage disposal system if public sewer service is available. If a malfunction of a private sewage disposal system necessitates remedial action by the city in order to protect public health, the owner of such system shall be responsible for and shall reimburse the city the full cost of that remedial action.

(h) Section 1003.3 is hereby amended to read as follows:

1003.3 Grease Traps. When waste pretreatment is required by the Building Official or under this code, a grease trap and sample well approved under this code shall be installed in the waste line leading from any drains, sinks, and other equipment or fixtures in all establishments where grease may be introduced into the drainage or sewage system. Businesses may not share grease traps or sample wells.

Where installed, grease and lint traps shall be cleaned on a regular basis, which shall be at a minimum once every ninety (90) days, or as deemed necessary by the Building or Utility Inspector. Owners shall maintain complete records of all cleanings which shall be available upon request. The generator

ORDINANCE NO. 1210-2013

of grease is responsible for the waste until it is properly disposed by a registered transporter.

Where required, grease traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, leak resistant, and equipped with easily removable covers, that shall be gas/water tight and of size no less than 500 gallons. Grease trap sizing shall be based on an approved formula such as EPA-2 Model.”

Section 3. That Article VI, *Gas Code*, of Chapter 23, *Plumbing and Gas*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 23-161, entitled *Fuel Gas Code Adopted*, to read as follows:

“Sec. 23-161. Fuel gas code adopted.

The International Fuel Gas Code, 2015 Edition, as published by the International Code Council, Inc., along with its appendix is hereby adopted by reference and made part of this chapter. In the event of conflict between the International Fuel Gas Code and the Examination Plumbing Code and Study Guide, the latter shall govern. A true and correct copy of this code shall be on file in the office of the city secretary.”

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

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

ORDINANCE NO. 1210-2013

Section 7. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 8. Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective on January 1, 2016.

PASSED and APPROVED on FIRST READING this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED on SECOND and FINAL READING this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ORDINANCE NO. 1210-2013

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

ORDINANCE NO. 1210-2015

An ordinance of the city council of the City of Pearland, Texas, amending Chapter 23, *Plumbing and Gas*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, to amend Section 23-1, entitled *Plumbing Code Adopted*; to amend Section 23-1.1, entitled *Local Amendments*; and to amend Section 23-161, entitled *Fuel Gas Code Adopted*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

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

Section 1. That Article I, *Plumbing Code*, of Chapter 23, *Plumbing and Gas*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 23-1, entitled *Plumbing Code Adopted*, to read as follows:

“Sec. 23-1. Plumbing code adopted.

The International Plumbing Code, ~~2012~~2015 Edition, as published by the International Code Council, Inc., along with its appendix is hereby adopted by reference and made part of this chapter. ~~In the event of conflict between the International Plumbing Code and the Examination Plumbing Code and Study Guide, the latter shall govern.~~—A true and correct copy of this code shall be on file in the office of the city secretary.”

Section 2. That Article I, *Plumbing Code*, of Chapter 23, *Plumbing and Gas*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 23-1.1, entitled *Local Amendments*, to read as follows:

“Sec. 23-1.1. Local amendments.

The plumbing code adopted in section 23-1 is modified in the following respects:

(a) Section 106.6.2 is hereby amended to read as follows:

ORDINANCE NO. 1210-2013

106.6.2 Fees. The fees for all plumbing work shall from time to time be established by city council, and a fee schedule shall be kept in the office of the city secretary.

(b) Section 106.6.3 is hereby added to read as follows:

106.6.3 Refunds. The Building Official shall authorize the refunding of fees where any fee paid hereunder was erroneously paid or collected.

(c) Section 108.4 is hereby amended to read as follows:

108.4 Violations. Any person, firm or corporation who shall violate or fail to comply with the requirements or provisions of the plumbing code herein adopted shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished as provided in Section 1-11 of the Code of Ordinances of the city.

(d) Section 109.2 is hereby amended to read as follows:

109.2 Board of Appeal. The Gas and Plumbing Board of Adjustment and Appeals as established by City Council shall serve as the Plumbing Board.

(e) Section ~~305.6.4~~305.4.1 is hereby added to read as follows:

~~305.6.4~~305.4.1 Building Sewers. All sewer pipes, including those connected to private sewage disposal systems, shall be buried in trenches that are at least twelve inches (12") wide by twelve inches (12") deep at all points below finished grade.

(a) Lawn Sprinkler Irrigation shall be regulated per TCEQ requirements. A permit, construction documents and inspections shall be per TCEQ guidelines.

(b) Domestic Potable residential fire sprinklers shall be permitted and inspected per the Texas Department of Plumbing Examiner Guidelines and requirements.

(f) Section 602.2.1. is hereby added to read as follows:

602.2.1 Public water service is to be considered available to a property when a municipal water main is located within two hundred (200) feet of said property. At the time that public water main becomes available to a property served by a private water supply, a direct

ORDINANCE NO. 1210-2013

connection shall be made to the public water main, in compliance with this article and all applicable laws and regulations, within thirty (30) days after the date of the official notice to do so, and the private water system shall be discontinued. No construction, expansion, or repairs costing over fifty percent (50%) of new construction cost shall be allowed for any private water system if public sewer service is available. If a malfunction of a private water system necessitates remedial action by the city in order to protect public health, the owner of such system shall be responsible for and shall reimburse the city the full cost of that remedial action.

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(gf) Section 701.2.1. is hereby added to read as follows:

701.2.1 Public sewer service is to be considered available to a property when a municipal sewer or manhole is located within two hundred (200) feet of said property. At the time that public sewer service becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer, in compliance with this article and all applicable laws and regulations, within thirty (30) days after the date of the official notice to do so, and all septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. No construction, expansion, or repairs costing over fifty percent (50%) of new construction cost shall be allowed for any private sewage disposal system if public sewer service is available. If a malfunction of a private sewage disposal system necessitates remedial action by the city in order to protect public health, the owner of such system shall be responsible for and shall reimburse the city the full cost of that remedial action.

~~(g) Section 702.2 is hereby added to read as follows:~~

~~702.2 Drain Pipes. Building sewer piping shall have a minimum interior diameter of four inches (4") and conform to one of the standards listed in Table 702.1 — 702.4. Six inch (6") diameter and larger sewer pipes may be SDR 35 or better.~~

~~(h) Section 903.1 is hereby added to read as follows:~~

~~903.1 Stack Required. Every building other than single and two family residential dwellings shall have installed a main vent that is either a vent stack or stack vent with a minimum diameter of a three inches (3"). Such vent shall run undiminished in size and as~~

ORDINANCE NO. 1210-2013

~~directly as possible from the building drain to open air, extending at least six inches (6") above the roof's lowest elevation.~~

(hgi) Section 1003.3 is hereby amended to read as follows:

1003.3 Grease Traps. When waste pretreatment is required by the Building Official or under this code, a grease trap and sample well approved under this code shall be installed in the waste line leading from any drains, sinks, and other equipment or fixtures in all establishments where grease may be introduced into the drainage or sewage system. Businesses may not share grease traps or sample wells.

Where installed, grease and lint traps shall be cleaned on a regular basis, which shall be at a minimum once every ninety (90) days, or as deemed necessary by the Building or Utility Inspector. Owners shall maintain complete records of all cleanings which shall be available upon request. The generator of grease is responsible for the waste until it is properly disposed by a registered transporter.

Where required, grease traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, leak resistant, and equipped with easily removable covers, that shall be gas/water tight and of size no less than 500 gallons. Grease trap sizing shall be based on an approved formula such as EPA-2 Model."

Section 3. That Article VI, *Gas Code*, of Chapter 23, *Plumbing and Gas*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 23-161, entitled *Fuel Gas Code Adopted*, to read as follows:

"Sec. 23-161. Fuel gas code adopted.

The International Fuel Gas Code, ~~2012~~2015 Edition, as published by the International Code Council, Inc., along with its appendix is hereby adopted by reference and made part of this chapter. In the event of conflict between the International Fuel Gas Code and the Examination Plumbing Code and Study Guide, the latter shall govern. A true and correct copy of this code shall be on file in the office of the city secretary."

ORDINANCE NO. 1210-2013

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

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 7. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 8. Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective on ~~August 1, 2013~~January 1, 2016.

PASSED and APPROVED on FIRST READING this the _____ day of _____, A.D., ~~2013~~2015.

TOM REID
MAYOR

ORDINANCE NO. 1210-2013

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED on SECOND and FINAL READING this the

_____ day of _____, A.D., ~~2013~~2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

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

AGENDA OF: 12-7-2015	ITEM NO.: Ord. No. 1296-2015
DATE SUBMITTED:	DEPT. OF ORIGIN: Community Development
PREPARED BY: Kevin Byal	PRESENTOR: Kevin Byal, Roland Garcia
REVIEWED BY: Lata Krishnarao	REVIEW DATE: November 16, 2015
SUBJECT: Consider adoption of 2015 International Codes, 2015 NFPA Life Safety Code and 2014 National Electrical Code	
ATTACHMENTS: ISO/BCEGS Memorandum; November 9, 2015 City Council packet and presentation; Ordinances and attachments	
EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A
ACCOUNT NO.: N/A	
ADDITIONAL APPROPRIATION REQUIRED: N/A	
ACCOUNT NO.: N/A	
PROJECT NO.: N/A	
To be completed by Department:	
Finance	Legal Ordinance Resolution

EXECUTIVE SUMMARY

Summary: At the November 9, 2015, City Council meeting staff presented council with the findings of the comprehensive review of the 2015 International Codes, the 2015 NFPA Life Safety Code and the 2014 National Electrical Code. At that work session, Council asked for clarification on the influence of code adoption on the city's ISO rating. The attached memorandum contains details of our findings.

The following is the list of the codes being considered.

2015 I-Codes being considered:

- Ordinance No. 1209-2015 - International Building Code (IBC)
- Ordinance No. 1211-2015 - International Fire Code (IFC)
- Ordinance No. 1296-2015 - International Residential Code (IRC)
- Ordinance No. 1209-2015 - International Mechanical Code (IMC)
- Ordinance No. 1210-2015 - International Plumbing Code (IPC)
- Ordinance No. 1210-2015 - International Fuel Gas Code (IFGC)
- Ordinance No. 1296-2015 - International Energy Conservation Code (IECC) Mandated by State
- Ordinance No. 1209-2015 - International Property Maintenance Code (IPMC)

Ordinance No. 1209-2015 - International Swimming Pool & Spa Code (ISPSC)
Ordinance No. 1209-2015 - International Existing Building Code (IEBC)

National Fire Protection Association Codes Being Considered:

Ordinance No. 1416-2015 - 2014 National Electrical Code (NEC) Mandated by State
Ordinance No. 1211-2015 - 2015 NFPA 101 Life Safety Code (LSC)

Staff also recommends revisions to the local amendments, many of which eliminate duplicate provisions that are now included in the text of the codes. These are included in the packet and were discussed at the workshop.

Staff Recommendation: Recommends the adoption of the presented codes with the proposed effective date of January 1, 2016.

Memo



To: Lata Krishnarao, Community Development Director
Matt Buchanan, Executive Manager of Development Services

From: Kevin Byal, Chief Building Official
Roland Garcia, Fire Marshal

Date: November 16, 2015

Re: Adopted Code and ISO/BCEGS

During the discussion of the proposed code adoption at the November 9, 2015 Council meeting council asked for additional information concerning a city's adopted code and its influence on the city's Insurance Services Office (ISO), Building Code Effectiveness Grading Schedule (BCEGS) rating.

Staff contacted ISO to discuss credit for adoption of codes. In December 2014, Pearland's Public Protection Classification (PPC) was evaluated and resulted in Class 2 rating. The rating included 6.10 points out of a possible 6.5 for Texas Exceptions, including current fire, building, electrical, mechanical, plumbing/gas, and property maintenance codes.

In May of 2015, ISO revised the evaluation process and removed all codes except fire codes from the PPC evaluation, and changed the title of the category, Texas Exception, to Community Risk Reduction (CRR). PPC points now associated with the CRR will involve adoption of current fire codes, fire code enforcement, fire investigations, and public fire education. Total available CRR points will be 5.5 towards the PPC and adoption of current fire codes accounts for possible .55 points of the CRR.

Since the revised evaluation process, building, electrical, mechanical, plumbing/gas, energy and property maintenance codes are now assessed by ISO through the Building Code Effectiveness Grading Schedule (BCEGS). This does not diminish the effect that up to date code adoption has on insurance rates as the insurance agencies routinely access cities BCEGS rating and are directly linked to the FEMA's National Flood Insurance Program (NFIP) and the Community Rating System (CRS), which affect flood insurance rates.

Although not mandatory, insurers using the rating discounts for risks eligible for the program may have a competitive advantage over insurers not using the discounts. Insurers using the program can highlight that point in their marketing.

Community BCEGS are evaluated every five years or more frequent if requested by the municipality. The City of Pearland was last evaluated in 2013 and resulted in a BCEGS score of 4 for commercial and 5 for residential. ISO evaluates communities on a scale of 1 to 10, with 1 representing exemplary administration of a model code. In preparation of the next assessment cycle, staff will be evaluating the actions necessary to attain a lower score.

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

AGENDA OF: November 9, 2015	ITEM NO.:
DATE SUBMITTED: November 3, 2015	DEPT. OF ORIGIN: Community Develop.
PREPARED BY: Kevin Byal	PRESENTOR: Kevin Byal, Roland Garcia
REVIEWED BY: Lata Krishnarao	REVIEW DATE: November 3, 2015
SUBJECT: Presentation and discussion regarding proposed adoption of 2015 International Codes, 2015 NFPA Life Safety Code and 2014 National Electrical Code	
ATTACHMENTS: PowerPoint Presentation	
EXPENDITURE REQUIRED: N/A AMOUNT AVAILABLE: N/A ACCOUNT NO.: N/A	AMOUNT BUDGETED: N/A PROJECT NO.: N/A
ADDITIONAL APPROPRIATION REQUIRED: N/A ACCOUNT NO.: N/A PROJECT NO.: N/A	
To be completed by Department:	
Finance	Legal Ordinance Resolution

EXECUTIVE SUMMARY

Summary: On September 3, 2015, staff from Community Development (Inspection Services and Planning) and the Fire Marshal's office met to initiate a comprehensive review of the 2015 International Codes with the intent of presenting our findings to the City Council to consider for adoption, replacing the current 2012 edition of the International Codes, the 2012 NFPA Life safety Code and the 2011 National Electrical Code.

Staff recommends that the City consider adoption of the proposed codes for the following reasons:

Conformance to the Current International Code Council (ICC) Codes: ICC codes are developed through a consensus process approved by the American National Standards Institute and adopted by reference to be used with the I-Codes or as a stand-alone document. Every three years the ICC publishes and develops revised standards that address every aspect of the built environment that includes, but is not limited to, commercial and residential structures as well as all of the internal systems that provide lighting, plumbing and conditioned air.

The revisions are supported by building science, technical knowledge and past experiences. The codes provide protection from man-made and natural disasters, guarding public health and

reducing property losses. Safe buildings are achieved through proper design and construction practices in concert with a code administration program that ensures compliance.

Cost Savings: Because new materials and methods are continually introduced, updated codes recognize these advancements and keep construction costs down by establishing uniformity in the construction industry resulting in cost savings. Codes also help protect real estate investments by providing a level of quality and safety which can result in lower insurance costs.

Maintain High Insurance Services Office (ISO) Rating: Pearland currently enjoys a “2” rating on the ISO scale of 1-10 in which 1 is the best and 10 the worst possible rating. A contributing factor to this excellent score is the fact that the City has kept current in its code adoption.

Conformance to State Mandate: At the State level, legislation has been enacted mandating the implementation of the 2015 International Energy Conservation Code and the 2014 National Electrical Code. Municipalities are prohibited from enforcing a code that provides a lesser standard.

The attachment provides additional information on the benefits of the proposed code adoption and a summary of the important changes.

Public Input: At the July 31, 2015 Builders Forum, the presentation included discussion with the audience about the proposed adoption of the 2015 I-Codes. The feedback we received were requests to provide adequate notice to the development community of the impending implementation so they can make any necessary adjustments. For the last several months design teams that have utilized our pre-development meetings have also been informed of the intended code adoption.

2015 I-Codes being considered:

International Building Code (IBC)
International Fire Code (IFC)
International Residential Code (IRC)
International Mechanical Code (IMC)
International Plumbing Code (IPC)
International Fuel Gas Code (IFGC)
International Energy Conservation Code (IECC) Mandated by State
International Property Maintenance Code (IPMC)
International Swimming Pool & Spa Code (ISPSC)
International Existing Building Code (IEBC)

National Fire Protection Association Codes Being Considered:

2014 National Electrical Code (NEC) Mandated by State
2015 NFPA 101 Life Safety Code (LSC)

Staff Recommendation: Consider the adoption of the presented codes with the following proposed timeline.

November 23, 2015 – 1st Reading of Ordinance

December 14, 2015 – 2nd Reading of Ordinance

January 1, 2016 – Effective date of Ordinance



Model Code Update

Presented by:

**Kevin Byal, Building Official
Roland Garcia, Fire Marshal**

Model Code Update



- 2015 International Codes
 - International Building Code
 - International Fire Code
 - International Residential Code
 - International Mechanical Code
 - International Plumbing Code
 - International Fuel Gas Code
 - International Energy Conservation Code Mandated by State
 - International Swimming Pool & Spa Code

Model Code Update



- National Fire Protection Association (NFPA) Codes
 - 2015 NFPA 101 Life Safety Code
 - 2014 National Electrical Code Mandated by State

Model Code Update



Purpose of the Codes

- Provide minimum standards necessary for protection from disaster due to fire, structural collapse, and general deterioration.
- Safeguard public health, safety and welfare.
- Provide for the safety of firefighters/emergency responders.
- Integrate provisions that provide resiliency, and energy efficiency.

Model Code Update



Code Development

- Building codes have been around for centuries.
- Evolved from regulations stemming from tragic experiences to standards designed to prevent them.
- Code development process is structured to result in **consensus** on both public health and safety issues, and on achieving economic value.
- Established scientific and engineering principles.
- Experience of leading technical experts, construction professionals, enforcement personnel and the product manufacturers.

Model Code Update



Benefit of Updated Codes

- Integrate a complete building safety system.
- Provides minimum life safety needs for first responders.
- Provides uniformity and brings together technological and economic elements that benefits both the contractor and the consumer.
- Reassure consumers that their buildings and systems are safe and efficient.

Model Code Update



Benefit of Updated Codes

- Accommodate new technologies and materials.
- Ensure that measures are provided so that our resources are not wasted. This return on investment results in lower utility bills and averts unnecessary infrastructure expansions.
- An up-to-date code maintains compatibility with State and Federal laws, especially in the areas of energy conservation, accessibility and swimming pool safety.
- Inspector recertification cycles occur every three years just as the code cycle does.

Model Code Update



Delayed Code Updates

- Delay's on code adoption may have a negative impact on the ISO (Insurance Services Office) and BCEGS (Building Code Effectiveness Grading Schedule) ratings of Pearland.
- Delays hinder the ability of designers and builders to take advantage of the latest technology based on the current experience, knowledge and industry standards.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 202 Definition of “Private Garage,” 406.3.1 “Classification,” 406.3.2 “Clear Height”	Major Change	Decrease	Private garages are no longer limited to a maximum of 3,000 sq. ft. in a building. Multiple private garages, each a maximum of 1,000 sq. ft., each separated by one-hour fire barriers or horizontal assemblies are now permitted based on their U occupancy classification. Also, a minimum of 7’ clear height will be required in private garages.
IBC 202 Definition of “Fire Retardant Treated Wood”	Major Change	Decrease	Revised definition to permit other treatment methods by other than the pressure process. See also IBC Sections 2303.2.2 and 2303.2.3 for further explanation.
IBC 503 through 506 Building Heights and Area Requirements	Makes Code More User Friendly	Decrease	2012 IBC Table 503 was replaced with the 2015 IBC Tables 504.3, 504.4 and 506.2 with NO changes in the technical application, making the code more user-friendly. The maximum allowable height and number of stories can now be determined directly from Tables 504.3 and 504.4. The maximum allowable sprinkler area increase can also now be determined directly from Table 506.2.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 503 through 506 Building Heights and Area Requirements	Makes Code More User Friendly	Decrease	2012 IBC Table 503 was replaced with the 2015 IBC Tables 504.3, 504.4 and 506.2 with NO changes in the technical application, making the code more user-friendly. The maximum allowable height and number of stories can now be determined directly from Tables 504.3 and 504.4. The maximum allowable sprinkler area increase can also now be determined directly from Table 506.2.
IBC 705.3 Exception #2 “Buildings on the Same Lot”	New Provision	Decrease	Permits a parking garage of Construction Type I or IIA to abut a Group R-2 building with 1½- hour-protected openings (fire doors) in the abutting exterior wall of the garage and no required opening protective(s) in the abutting wall of a sprinklered R-2 building. Previous editions of the Code did not permit any openings in these abutting exterior walls that are at a “0” fire separation distance apart and required a fire wall design between such buildings to be permitted to have openings between the abutting buildings.

Model Code Update



Important Changes to the 2015 IBC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IBC 707.5 Exception 2 “Fire Barriers–Continuity”	New: Clarification	Decrease	Clarifies that the walls of an interior exit stairway do not need to extend through the attic space to the underside of the roof deck if the ceiling of the stairway terminates with a fire-rated top enclosure complying with Section 713.12.
IBC 903.2.1.6 “Assembly Occupancies on Roof”	New Provision	Decrease	Code now addresses how to deal with assembly occupancies on the roof of a building. When the occupant load > 100 for Group A-2 (i.e., restaurant), or > 300 for other Group A (i.e., meeting rooms, swimming pools) all floors to, and including, level of exit discharge are required to be sprinklered per NFPA 13 or NFPA 13R, as applicable. Since all new Group R occupancies are already required to be sprinklered, this new requirement is a good clarification of the Code for such common assembly occupancies that are to be located on the roofs of new apartment projects. Note that there is an exception to this sprinkler requirement for open parking garages of Construction Type I or Type II.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC C402 and Chapter 5 Performance Compliance Options	Revision	Decrease	Allow component performance design options for wall, floor, roof and other systems using overall building insulation values to reduce insulation values in individual components.
IECC C504.2.3 Roof Covering Air Barrier	Revision	Decrease	Exemption for repair/replacement of roof recovering from the requirement for an air barrier.
IECC C406 and Chapter 5 Energy Efficiency Packages	Revision	Unknown	Additional choices for required additional energy efficiency packages that can be more cost-effective for new and existing buildings.
IECC Tables C402.1, C402.4, R402.1.2 and R402.1.4—R-values and U-values	No Change from the 2012 IECC	Increase from the 2009 IECC	The R-value and corresponding U-value tables for the commercial and residential requirements have not been changed (except roof insulation), and are the same as in the 2012 versions of the IECC which are not cost effective. See separate document, <i>Recommended Amendments to the 2015 International Energy Conservation Code (IECC)</i> , for more information.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC R402.4.1.2–Thermal Envelope Air Barrier Testing	No Change from the 2012 IECC	Increase from the 2009 IECC	The residential Section R402.1.2 requires that the air barrier be pressure tested in accordance with a test method for one- and two-family dwellings that is not appropriate for R-2 occupancies. See separate document, <i>Recommended Amendments to the 2015 International Energy Conservation Code (IECC)</i> , for more information.
IECC Commercial and Residential Provisions	Revisions and Editorial	Increase	The Commercial portions, which apply to R-2 occupancies four-or-more stories in height; and the Residential portions, which apply to R-2 occupancies three-or-less stories in height, have major revisions to text which need to be considered during the design process.
IECC C403.3.2.1 and Chapter 5	Revision	Increase	Increased hot water piping insulation levels with limits on lengths of hot water piping.
IECC Table C403.2.3(9) Minimum Efficiency Air Conditioners and Condensing Units Serving Computer Rooms	Revision	Increase	Increased stringency of computer room HVAC minimum efficiency levels.

Model Code Update



Important Changes to the 2015 IECC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IECC C405 and Chapter 5 Lighting Controls	New Provision	Increase	Additional more stringent requirements for day- lighting, lighting controls and allowed lighting power densities in new and existing buildings.
IECC C408.2.5.2.6 Lighting Operation and Maintenance Manuals	New Provision	Increase	Lighting contractor required to provide operations and maintenance manuals for lighting and lighting controls.
IECC C408.3.1 Occupant Sensor Controls	Revision	Increase	Requirement for functional testing of occupant sensor controls and time-switch controls.
IECC Chapter 5 Existing Buildings	New Provision	Increase	New Chapter 5, Existing Structures with provisions for existing buildings in addition to those contained in the IEBC.

Model Code Update



Important Changes to the 2015 IFC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IFC 1103.3.2 Elevator Emergency Operation	New Provision	Decrease	New exception to requirements for updating elevators to latest standard which include installation of protective doors, sprinkler protection, and for freight elevators sprinkler protection provided at least one elevator complies with A 17.3.
IFC 1104.22(4) “Means of Egress for Existing Buildings– Exterior Stairway Protection”	Deletion of 2012 IFC Section 1104.21(4.1)	Decrease	Remainder of Section 1104.21 was moved to 1104.22. The requirement to retroactively sprinkler existing, open-ended corridor (i.e., open breezeway) buildings was deleted.
IFC 1103.7.6 Exception 4 “Manual Fire Alarm System in Existing Group R-2 Occupancies”	New Exception	Decrease	Exception 4 eliminates the requirement for a manual fire alarm system in an existing R-2 occupancy where all four requirements are met: <ol style="list-style-type: none"> 1. Building is \leq three stories in height above grade plane. 2. Dwelling units are not served by interior corridors. 3. Dwelling units are separated from each other by 3/4 hour fire barriers. 4. Dwelling units are provided with smoke alarms per Section 907.2.11.

Model Code Update



Important Changes to the 2015 IFC

<i>Section(s) and Issue(s)</i>	<i>Type of Change</i>	<i>Cost Implication</i>	<i>Comment</i>
IFC Appendix B B105 “Fire Flow Requirements for Buildings”	Revisions	Unknown	If a jurisdiction adopts the IFC and makes Appendix B mandatory in the adopting ordinance, then fire flows for townhouses and other buildings can be reduced based on the construction type and sprinkler system installed (NFPA 13, NFPA 13R or NFPA 13D).
IFC Appendix C “Fire Hydrant Locations and Distribution”	Revisions	Unknown	If a jurisdiction adopts the IFC and makes Appendix C mandatory in the adopting ordinance, then the revisions to Sections C103.2 Exception and C104.1 provide increased spacing for existing fire hydrants and credit for existing fire hydrants on adjacent properties that can be used. Also new footnotes “f” and “g” permit fire hydrant spacing increases based on the type of sprinkler system installed in the building.
IFC Appendix L “Fire Fighter Air Replenishment Systems (FARS)”	New Provision	Increase	If a jurisdiction adopts the IFC and makes Appendix L mandatory in the adopting ordinance, then buildings required by the local adopting ordinance to have FARS would be required to comply with Appendix L’s design, installation, testing and maintenance requirements.

Model Code Update



State and Local Adoption Examples

- State of Texas: 2015 IECC (Energy Code)
2014 NEC (Electrical Code)
- Municipal Adoption: City of Sugar Land
City of Missouri City
City of Bellaire
City of San Antonio
- 2016 Adoptions: City of Baytown
City of Pasadena

Model Code Update



Summary of Changes

- Clarification
 - Extent of Fire Barriers in stair wells
- Simplification of Chapter 5 Tables
 - Makes code more user friendly
- Construction Methods and Allowances
 - Multi-family height restrictions greatly relaxed
- Increased Standards
 - International Energy Conservation Code

Model Code Update



Summary of Changes

- Cleanup of local amendments
 - Remove Redundancies
- For the first time, the National Multifamily Housing Council (NMHC), National Apartment Association (NAA), Building Owners and Managers Association (BOMA) and National Association of Home Builders (NAHB) encourage state and local jurisdictions to consider adopting the 2015 I-Codes

Model Code Update



What is Next

- November 23, 2015 – 1st Reading of Ordinance
- December 14, 2015 – 2nd Reading of Ordinance
- January 1, 2016 – Effective date of Ordinance

Model Code Update



Questions?

ORDINANCE NO. 1296-2015

An ordinance of the city council of the City of Pearland, Texas, amending chapter 7, *Building*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Section 7-61, entitled *Standard Code Adopted, conflicting provisions*; to adopt a new Article VI, to be entitled *Windstorm Resistant Construction*; to amend Section 7-81, entitled *Residential Code Adopted*; to amend Section 7-81.1, entitled *Local Amendments*; and to amend Section 7-82, entitled *Energy Code Adopted*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

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

Section 1. That Article V, *Property Maintenance Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-61, entitled *Standard Code Adopted; Conflicting Provisions*, to read as follows:

“Sec. 7-61. Standard code adopted.

For the purpose of requiring the repair or demolition of those buildings which are dilapidated, substandard or unfit for human habitation and which constitute a hazard to the health, safety and welfare of the citizens of the city, and for the purpose of establishing minimum standards for the continued use and occupancy of such structures, to apply to buildings regardless of when constructed, there is hereby adopted and incorporated herein by reference as the ICC Property Maintenance Code, 2015 Edition. In the event of a conflict between any provision of the Property Maintenance Code adopted by this article and any other applicable provisions of state law or city ordinance, rule or regulation, the provisions of this Code of Ordinances, state law, or city rules and regulations shall control.”

Section 2. That Article VI, *Windstorm Resistant Construction Guide*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby AMENDED to read as follows:

“ARTICLE VI. WINDSTORM RESISTANT CONSTRUCTION

Sec. 7-62. Construction standards adopted.

For the purpose of establishing minimum standards for the construction of windstorm resistant buildings within the corporate limits of the city, the windstorm resistant construction standards adopted by the Texas Department of Insurance Windstorm in Title 28 of the Texas Administrative Code, Section 5.4011, are hereby adopted by

ORDINANCE NO. 1296-2013

reference, incorporated herein, and made a part hereof for all purposes, a true and correct copy of which shall be maintained in the office of the city secretary.”

Secs. 7-63—7.80. Reserved.”

Section 3. That Article VII, *Residential and Energy Codes*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-81, entitled *Residential Code Adopted*, to read as follows:

“7-81. Residential code adopted.

The International Residential Code, 2015 Edition, as published by the International Code Council, Inc., is hereby adopted and incorporated herein by reference, and a true and correct copy of said code is filed in the office of the city secretary.”

Section 4. That Article VII, *Residential and Energy Codes*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-81.1, entitled *Local Amendments*, to read as follows:

“7-81.1. Local amendments.

The residential code adopted in section 7-81 is modified in the following respects:

(a) Section R105.1.1 is hereby added to read as follows:

R105.1.1 Easements for utilities: Except where alleys are permitted for the purpose, the city may require easements at least ten (10) feet, for poles, wires, conduits, storm and sanitary sewers, gas and water or other utility lines, along all rear lot lines, adjacent to side lot lines if necessary, or if, in the opinion of the city advisable. Easements of the same or greater widths may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities. Easements adjacent to lots, tracts or reserves shall be noted: "This easement shall be kept clear of buildings, trees and other permanent obstructions unless the City has agreed to a waiver of encroachment.”

(b) Section 2901.1 is hereby added

2901.1 Potable water available. Public water service is to be considered available to a property when a municipal water main is located within two hundred (200) feet of said property. The public water service must be utilized for new buildings or when no suitable means of potable water is available for an existing structure.

(c) Section 3002.2.1 is hereby added to read as follows:

ORDINANCE NO. 1296-2013

3002.2.1 Sewer available. Public sewer service is to be considered available to a property when a municipal sewer or manhole is located within two hundred (200) feet of said property. The public sewer must be utilized for new buildings or when no suitable means of disposal is available for an existing structure.

(d) Section R101.1 is hereby amended to read as follows:

R101.1 Title. These regulations shall be known as the *Residential Code Of the city of Pearland, Texas*, hereinafter sometimes referred to as "this code."

(e) Section R104.10.1 is hereby amended to read as follows:

R104.10.1 Areas Prone to Flooding. The Flood Insurance Study for the City of Pearland, Texas, as amended or revised, with accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM), including related supporting data and revisions thereto, is hereby adopted by reference and declared to be a part of this section.

(f) Section R105.2 is hereby amended to read as follows:

R105.2 Work exempt from permit. Permits shall not be required for work costing less than three hundred dollars (\$300), unless inspection is required.

(g) Section R403.1.7.3 is hereby amended to read as follows:

R403.1.7.3 Foundation elevation. On graded sites, the top of any exterior foundation shall extend above the elevation of the top of the nearest curb inlet or the inlet of an approved drainage device a minimum of 12 inches (305mm) plus 2 percent. Alternate elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

1. On natural graded sites the floor elevation shall be set at the highest point, which may be the curb inlet plus 12 inches.
2. On natural graded sites with an open ditch roadway without a curb, the edge of the roadway shall be considered the highest point and the point of reference for establishment of the floor elevation.

:

ORDINANCE NO. 1296-2013

(h) Section R112.3 is hereby amended to read as follows:

R112.3 Qualifications for Board of Appeals. The Board of Adjustment and Appeals shall consist of seven members: five regular members and two alternates. The regular members shall be individuals with knowledge and experience in the technical codes, such as design professionals, contractors, building industry representatives and licensed electrical/mechanical/ plumbing tradesmen. The two alternate positions shall be filled by one person from the building industry and one person from the general public.

(i) Section R113.4 is hereby amended to read as follows:

R113.4 Violations. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee in an amount of double the permit fee, except where the work was done to an electrical or plumbing system, in which case the fee shall be four times the permit fee. This fee shall be in addition to the required permit fees.

(j) Section R102.5 is hereby amended to read as follows:

R102.5 Appendices. The provisions contained in the appendices referenced and listed below are hereby made part of the adopting ordinance:
 Appendix A, *Sizing and Capacities of Gas*
 Appendix B, *Sizing of Venting Systems*
 Appendix D, *Recommended Procedure for Safety Inspection of an Existing appliance installation.*
 Appendix E, *Manufactured Housing Used as Dwelling*
 Appendix H, *Patio Covers*
 Appendix J, *Existing Buildings and Structures*

(k) Table R301.2(1) is amended to read as follows:

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	WIND DESIGN				Seismic Design Category ^f	Subject To Damage From			Winter Design Temp ^e	Ice Shield Under-Layment Required ^b	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
	Speed ^d (mph)	Topographic effects ^k	Special wind region ^l	Wind-borne debris zone ^m		Weatherring ^a	Frost Line Depth ^b	Termite ^c					
None	110 mph Exposure C	N/A	N/A	N/A	N/A	Moderate	N/A	VERY Heavy	24°F	None	Jurisdiction Specific	36*	64*

(Footnotes to remain unchanged)

ORDINANCE NO. 1296-2013

Section 5. That Article VII, *Residential and Energy Codes*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-82, entitled *Energy Code Adopted*, to read as follows:

“7-82. Energy code adopted.

The International Energy Conservation Code, 2015 Edition, as published by the International Code Council, Inc., is hereby adopted and incorporated herein by reference, and a true and correct copy of said code is filed in the office of the city secretary.”

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

Section 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 9. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 10. Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective on January 1, 2016.

PASSED and APPROVED on FIRST READING this the _____ day of _____, A.D., 2015.

ORDINANCE NO. 1296-2013

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED on SECOND and FINAL READING this the _____
day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

ORDINANCE NO. 1296-2015

An ordinance of the city council of the City of Pearland, Texas, amending chapter 7, *Building*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to amend Section 7-61, entitled *Standard Code Adopted, conflicting provisions*; to adopt a new Article VI, to be entitled *Windstorm Resistant Construction*; to amend Section 7-81, entitled *Residential Code Adopted*; to amend Section 7-81.1, entitled *Local Amendments*; and to amend Section 7-82, entitled *Energy Code Adopted*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

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

Section 1. That Article V, *Property Maintenance Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-61, entitled *Standard Code Adopted; Conflicting Provisions*, to read as follows:

“Sec. 7-61. Standard code adopted.

For the purpose of requiring the repair or demolition of those buildings which are dilapidated, substandard or unfit for human habitation and which constitute a hazard to the health, safety and welfare of the citizens of the city, and for the purpose of establishing minimum standards for the continued use and occupancy of such structures, to apply to buildings regardless of when constructed, there is hereby adopted and incorporated herein by reference as the ICC Property Maintenance Code, 2012 2015 Edition. In the event of a conflict between any provision of the Property Maintenance Code adopted by this article and any other applicable provisions of state law or city ordinance, rule or regulation, the provisions of this Code of Ordinances, state law, or city rules and regulations shall control.”

Section 2. That Article VI, *Windstorm Resistant Construction Guide*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby AMENDED to read as follows:

“ARTICLE VI. WINDSTORM RESISTANT CONSTRUCTION

Sec. 7-62. Construction standards adopted.

For the purpose of establishing minimum standards for the construction of windstorm resistant buildings within the corporate limits of the city, the windstorm resistant construction standards adopted by the Texas Department of Insurance Windstorm in Title 28 of the Texas Administrative Code, Section 5.4011, are hereby adopted by

ORDINANCE NO. 1296-2013

reference, incorporated herein, and made a part hereof for all purposes, a true and correct copy of which shall be maintained in the office of the city secretary.”

Secs. 7-63—7.80. Reserved.”

Section 3. That Article VII, *Residential and Energy Codes*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-81, entitled *Residential Code Adopted*, to read as follows:

“7-81. Residential code adopted.

The International Residential Code, 2012-2015 Edition, as published by the International Code Council, Inc., is hereby adopted and incorporated herein by reference, and a true and correct copy of said code is filed in the office of the city secretary.”

Section 4. That Article VII, *Residential and Energy Codes*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-81.1, entitled *Local Amendments*, to read as follows:

“7-81.1. Local amendments.

The residential code adopted in section 7-81 is modified in the following respects:

(a) Section R105.1.1 is hereby added to read as follows:

R105.1.1 Easements for utilities: Except where alleys are permitted for the purpose, the city may require easements at least ten (10) feet, for poles, wires, conduits, storm and sanitary sewers, gas and water or other utility lines, along all rear lot lines, adjacent to side lot lines if necessary, or if, in the opinion of the city advisable. Easements of the same or greater widths may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities. Easements adjacent to lots, tracts or reserves shall be noted: "This easement shall be kept clear of buildings, trees and other permanent obstructions unless the City has agreed to a waiver of encroachment.”

(b) Section 2901.1 is hereby added

2901.1 Potable water available. Public water service is to be considered available to a property when a municipal water main is located within two hundred (200) feet of said property. The public water service must be utilized for new buildings or when no suitable means of potable water is available for an existing structure.

(c) Section 3002.2.1 is hereby added to read as follows:

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3002.2.1 Sewer available. Public sewer service is to be considered available to a property when a municipal sewer or manhole is located within two hundred (200) feet of said property. The public sewer must be utilized for new buildings or when no suitable means of disposal is available for an existing structure.

~~(c) Section R3501.2.1 is hereby added to read as follows:~~

~~R3501.2.1 To avoid relocation of service lines for future development on the lot, all utility service lines shall be installed such that they run along property or easement lines (no further than three feet away) and may only deviate in a perpendicular line to the point on the building where they are to be connected. Underground electrical service lines shall be installed in approved conduit and at least 24 inches in depth below the surface of the ground. Exception: This requirement may be eased on a case by case basis for single family lots larger than 1 ½ acres.~~

(d) Section R101.1 is hereby amended to read as follows:

R101.1 Title. These regulations shall be known as the *Residential Code Of the city of Pearland, Texas*, hereinafter sometimes referred to as “this code.”

(e) Section R104.10.1 is hereby amended to read as follows:

R104.10.1 Areas Prone to Flooding. The Flood Insurance Study for the City of Pearland, Texas, as amended or revised, with accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM), including related supporting data and revisions thereto, is hereby adopted by reference and declared to be a part of this section.

(f) Section R105.2 is hereby amended to read as follows:

R105.2 Work exempt from permit. Permits shall not be required for ~~maintenance~~ work costing less than three hundred dollars (\$300), unless inspection is required.

~~(g) Section R324.2.1 is hereby amended to read as follows:~~

~~R324.2.1 Elevation requirements.~~

- ~~1. Buildings and structures shall have the lowest floors elevated to or above the design flood elevation.~~
- ~~2. In areas prone to flooding (AO Zones) buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet (mm) plus 12 inches (305 mm) on the~~

ORDINANCE NO. 1296-2013

~~FIRM or at least 2 feet (610mm) plus 12 inches (305 mm) if a depth number is not specified.~~

(g) Section R403.1.7.3 is hereby amended to read as follows:

- R403.1.7.3 Foundation elevation. On graded sites, the top of any exterior foundation shall extend above the elevation of the top of the nearest curb inlet or the inlet of an approved drainage device a minimum of 12 inches (305mm) plus 2 percent. Alternate elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.
1. On natural graded sites the floor elevation shall be set at the highest point, which may be the curb inlet plus 12 inches.
 2. On natural graded sites with an open ditch roadway without a curb, the edge of the roadway shall be considered the highest point and the point of reference for establishment of the floor elevation.

~~(i) Section R905.7 is hereby amended to read as follows:~~

~~R905.7 Wood Shingles and Shakes. No wood shingles or shakes shall be used in the construction of any structure. All plans shall indicate the roofing materials to be used. Additionally, composition shingles shall not be secured with staples.~~

~~(j) Section R110.1 is hereby amended to add the following to the end of said section:~~

~~R110.1 Use and Occupancy.~~

~~...~~

~~For the purpose of this section, the moving of furniture or other personal property items into a property prior to issuance of a certificate of occupancy shall constitute the occupancy or use of the property. Such act is hereby prohibited, unless authorized by the Building Official.~~

(h) Section R112.3 is hereby amended to read as follows:

- R112.3 Qualifications for Board of Appeals. The Board of Adjustment and Appeals shall consist of seven members: five regular members and two alternates. The regular members shall be individuals with knowledge and experience in the technical codes, such as design professionals, contractors, building industry representatives and licensed electrical/mechanical/ plumbing tradesmen. The two alternate

ORDINANCE NO. 1296-2013

positions shall be filled by one person from the building industry and one person from the general public.

(ii) Section R113.4 is hereby amended to read as follows:

R113.4 Violations. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee in an amount of double the permit fee, except where the work was done to an electrical or plumbing system, in which case the fee shall be four times the permit fee. This fee shall be in addition to the required permit fees.

(jm) Section ~~R301.2~~R102.5 is hereby amended to read as follows:

~~R301.2~~R102.5 Appendices. The provisions contained in the appendices referenced and listed below are hereby made part of the adopting ordinance:

- Appendix A, *Sizing and Capacities of Gas*
- Appendix B, *Sizing of Venting Systems*
- Appendix D, *Recommended Procedure for Safety Inspection of an Existing appliance installation.*
- Appendix E, *Manufactured Housing Used as Dwelling*
- Appendix H, *Patio Covers*
- Appendix J, *Existing Buildings and Structures*

~~(n) Section R3113.1 is hereby amended to read as follows:~~

~~R3113.1 Vent pipes shall not be less than 1 ¼ inches NPS in diameter except for water closets which shall be no smaller than 2 inches NPS. The aggregate venting area (sq inches) of all vents shall only equal the aggregate area (sq inches) of the building sewer.~~

~~(o) Section R3114.3 is hereby amended to read as follows:~~

~~R3114.3 Where permitted. Air admittance valves shall only be considered for use with prior approval of the construction documents and plans and on a case by case basis as a Modification to the Construction Code.~~

(kp) Table R301.2(1) is amended to read as follows:

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	WIND DESIGN				Seismic Design Category ^f	Subject To Damage From			Winter Design Temp ^e	Ice Shield Under-Layment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
	Speed ^d (mph)	Topographic effects ^k	Special wind region ^l	Wind-borne debris zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c					
None	110 mph Exposure C	N/A	N/A	N/A	N/A	Moderate	N/A	VERY Heavy	24°F	None	Jurisdiction Specific	36*	64*
-	-	-	Subject To Damage From			-	-	-	-	-	-	-	-

ORDINANCE NO. 1296-2013

Ground Snow Load	Wind Speed ⁶ (mph)	Seismic Design Category ⁹	Weathering ⁸	Frost Line Depth ^h	Termite ^e	Decay ^d	Winter Design Temp ^f	Ice Shield Under-Layment Required ⁱ	Flood Hazards ^h	Air Freezing Index ^j	Me Ann Tem
None	110 mph Exposure C	A	Moderate	N/A	VERY Heavy	Slight to Moderate	24°F	-None	Jurisdiction Specific	-36*	64

(Footnotes to remain unchanged)

~~(q) — Table R3004.1 is amended to remove the section for Multiple Bath Groups and Footnote C associated therewith.~~

~~(r) — Section G2415.9.1 (404.9.1), Individual Outside Appliances, is deleted in its entirety.”~~

Section 5. That Article VII, *Residential and Energy Codes*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-82, entitled *Energy Code Adopted*, to read as follows:

“7-82. Energy code adopted.

The International Energy Conservation Code, 2012-2015 Edition, as published by the International Code Council, Inc., is hereby adopted and incorporated herein by reference, and a true and correct copy of said code is filed in the office of the city secretary.”

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

Section 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

ORDINANCE NO. 1296-2013

Section 9. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 10. Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective on ~~August 1, 2013~~ January 1, 2016.

PASSED and APPROVED on FIRST READING this the _____ day of _____, A.D., ~~2013~~ 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED on SECOND and FINAL READING this the _____ day of _____, A.D., ~~2013~~ 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

ORDINANCE NO. 1296-2013

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

SCOPE OF CONTRACT/AGREEMENT

QC Laboratories, Inc. had an original contract value of \$42,400 based on an estimate of the effort required to perform testing on the original components of the Park. The original contract was not taken before Council as it was under the Council approval threshold. This amendment is also under the threshold normally requiring Council approval, however, it will push the contract value over \$50,000, therefore requiring Council approval.

One factor that has contributed to the additional testing expense includes smaller more frequent concrete pours due to the high demand and lack of availability of concrete. Also, upon awarding the contract for traffic signal modifications associated with the park, QC provided testing services for the signal foundations and associated work that were not originally included in their scope. The attached request for a contract amendment provides a list of all testing performed to date for a total of \$53,000. Current overruns in testing of the original scope total approximately \$10,600. These test quantities were overrun due to the immediate need to keep up with the progress of the work and efforts to avoid any delays.

Additional concrete testing estimated at \$3,000 is required to complete the plazas, dugouts and concrete trail added back to the scope via Change Order 6 approved in October. The request for additional funds totals \$13,600.00 which will bring their total contract value to \$56,000.

BID AND AWARD

N/A

SCHEDULE

Testing services are ongoing and will continue to proceed upon authorization of the contract amendment.

POLICY/GOAL CONSIDERATION

Strategic Goals: Fiscally Responsible, Quality Parks, Recreation & Events

Construction of this park with all amenities as originally planned provides a multipurpose sports complex in this area of the community as called for in the Parks and Recreation Master Plan originally identified in the 2007 bond program.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Year	To Date	2017	2018	2019	2020	Total
Budget	\$ 10,125,051					\$ 10,125,051
Prior Expenditures						
PER	37,051					37,051
Land/ROW	3,908					3,908
Design/Survey	669,609					669,609
Construction	8,591,663					8,591,663
FF&E						-
Current Request						
Construction	13,600					13,600
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey	809,221					809,221
Construction						-
FF&E						-
Total Expenditures	\$ 10,125,051	\$ -	\$ -	\$ -	\$ -	\$ 10,125,051
Remaining Balance	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)

Debt Sold						
Debt to Be Sold	8,361,000					
Annual Debt Service	585,270	585,270	585,270	585,270	585,270	

O&M IMPACT INFORMATION

Year	2016	2017	2018	2019	2020
Operation and Maintenance Costs	\$ 524,616	\$ 540,659	\$ 551,838	\$ 560,000	\$ 570,000

RECOMMENDED ACTION

Consideration and approval of a resolution approving a contract amendment to the professional services contract for QC Laboratories, Inc. in the amount of \$13,600.00 for the Sports Complex at Shadow Creek Ranch Project and authorizing the City Manager to execute the agreement.



November 13, 2015

Ms. Cara Davis
City of Pearland
Projects Group
3519 Liberty Drive
Pearland, TX 77581

**Reference: Construction Material Testing Services
Shadow Creek Ranch Sports Complex
FM 2234, Pearland, Texas
QCL Fee Schedule No.: 24199-A**

Dear Ms. Davis:

QC Laboratories, Inc. (QCL) is requesting a change order in the amount of \$13,600.00 to cover Material Testing Services provide by QCL on the above detailed project. The original QCL Contract amount for this project was \$42,400.00. The total fee for Materials Testing Services to date conducted on this site is \$53,000.00. We anticipate that an additional \$3,000 for Material Testing Services will be needed to complete this project. Therefore, QCL is requesting that the contract amount be increased to \$56,000.00.

We appreciate the opportunity to be of service to the City of Pearland.

Sincerely,

QC Laboratories, Inc.

A handwritten signature in blue ink that reads 'Bob Copus'.

Bob Copus, P.G., CAPM
TDSHS IAC 10-5445



10810 Northwest Freeway
Houston, TX 77092
Tel: 713-695-1133
Fax: 713-695-0808

Date: 3/27/2014
Client: City of Pearland
Project Name: Shadow Creek Ranch Sports Complex
QCL Proposal No: 24199-A

Service	Unit Cost	Unit Basis	No.	Extension	
Site Utilities / Soil Fill / Subgrade Inspection					
Engineering Technician	\$ 45.00	Hour	184	8,280	
Engineering Technician - OT	\$ 67.50	Hour	36	2,430	
Vehicle Charge	\$ 55.00	Trip	27	1,485	
Density Gauge Rental	\$ 60.00	Trip	27	1,620	
Moisture/Density Relationship (ASTM D-698 Method A)	\$ 175.00	Each	9	1,575	
Moisture/Density Relationship (Stabilized)	\$ 185.00	Each	4	740	
Optimum Lime Determination by pH Method	\$ 195.00	Each	4	780	
Atterberg Limits (ASTM D-4318)	\$ 65.00	Each	13	845	
Minus #200 Sieve Analysis (ASTM C-1140)	\$ 45.00	Each	9	405	
Compressive Strength Cement Stabilized Sand	\$ 50.00	Each	4	200	
				Subtotal	18,360
Drilled Pier - Installation Inspection					
Engineering Technician	\$ 45.00	Hour	0	0	
Engineering Technician - OT	\$ 67.50	Hour	0	0	
Vehicle Charge	\$ 55.00	Trip	0	0	
Compressive Strength Test (ASTM C-39)	\$ 16.00	Each	0	0	
				Subtotal	0
Concrete Pier Caps / Grade Beams / Slabs and Paving					
Concrete Mix design Review for ACI Compliance	\$ 85.00	Each	0	0	
Engineering Technician	\$ 45.00	Hour	327	14,715	
Engineering Technician - OT	\$ 67.50	Hour	72	4,860	
Vehicle Charge	\$ 55.00	Trip	83	4,565	
Compressive Strength Test (ASTM C-39)	\$ 16.00	Each	232	3,712	
				Subtotal	27,852
Structural Masonry					
Engineering Technician	\$ 45.00	Hour	55	2,475	
Engineering Technician - OT	\$ 67.50	Hour	7	473	
Vehicle Charge	\$ 55.00	Trip	12	660	
Compressive Strength Mortar Cubes (ASTM C-109)	\$ 16.50	Each	36	594	
Grout Prisms (ASTM C-1019)	\$ 35.00	Each	24	840	
				Subtotal	5,042
Structural Steel					
Visual Welding Inspector	\$ 65.00	Hour	4	260	
Visual Welding Inspector - OT	\$ 97.50	Hour	0	0	
Level II Ultrasonic Technician	\$ 95.00	Hour	0	0	
Level II Ultrasonic Technician - OT	\$ 142.50	Hour	0	0	
Ultrasonic Test Equipment	\$ 55.00	Trip	0	0	
Ultrasonic Test Consumable Supplies	\$ 30.00	Quart	0	0	
Vehicle Charge	\$ 55.00	Trip	1	55	
				Subtotal	315
Project Management					
Project Management	\$ 75.00	Hour	19	1,425	
Project Manager - Project Site Visits	\$ 75.00	Hour	0	0	
Project Manager - Vehicle	\$ 55.00	Trip	0	0	
				Subtotal	1,425
TOTAL COST ESTIMATE					\$ 53,000

This total cost estimate is based on the information currently available concerning the service scope and estimated construction schedule. Services will be invoiced based on the actual units provided above.

RESOLUTION NO. R2015-220

A Resolution of the City Council of the City of Pearland, Texas, approving a contract amendment with QC Laboratories, Inc., associated with the Sports Complex at Shadow Creek Ranch Project., in the amount of \$13,600.00

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

Section 1. That certain contract amendment associated with the Sports Complex at Shadow Creek Ranch Project, 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 the amended contract associated with the Sports Complex at Shadow Creek Ranch Project.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

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

AGENDA OF:	December 7, 2015	ITEM NO.:	R2015-224
DATE SUBMITTED:	November 20, 2015	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Bob Pearce	PRESENTOR:	J.Spires/B.Pearce
REVIEWED BY:	Jon R. Branson	REVIEW DATE:	December 3, 2015
SUBJECT: Resolution No. R2015-224 – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for the purchase of Police Department firearm ammunition with Bailey’s House of Guns, in the estimated amount of \$65,000 for the period of January 14, 2016 through January 13, 2017.			
EXHIBITS: Resolution R2015-224 Bid Tab			
FUNDING:			
	<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
EXPENDITURE REQUIRED: \$65,000 (est.)		AMOUNT BUDGETED: \$82,285	
AMOUNT AVAILABLE: \$65,000		PROJECT NO.:	
ACCOUNT NO.: 010-2222-542-19-00			
ADDITIONAL APPROPRIATION REQUIRED:			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
X Finance	X Legal	Ordinance	X Resolution

EXECUTIVE SUMMARY

BACKGROUND

In December of 2013, City staff issued a solicitation #1114-05 for the purchase of ammunition for the Police Department. Invitations were sent to eight (8) vendors, published in the newspaper of record and on the City’s website. One (1) bidder responded to the solicitation, Bailey’s House of Guns, Inc. Bailey’s has provided ammunition to the City for several years, with the Police Department expressing a high degree of satisfaction with the products supplied.

SCOPE OF CONTRACT

Police Department staff will purchase ammunition as needed throughout the final one-year renewal of this agreement. Staff will prepare and solicit bids for this commodity in the fall of 2016.

BID AND AWARD

The bid specifications requested unit prices for ammunition most commonly used by the Department, which are reflected in the attached bid tabulation. The items included on the bid include both duty and training munitions. .

This will be the final one-year renewal term of the contract awarded by City Council in January of 2014. Bid specifications allow the contractor the opportunity to request a price increase at the time of any renewal in an amount not to exceed the percentage increase in the “All-Items” category of the Consumer Price Index for the Houston-Galveston-Brazoria region during the previous 12 month period. Bailey’s House of Guns, Inc. has requested no price increase. Their pricing reflects the prices originally bid in December of 2013.

SCHEDULE

Supply of ammunition will occur as needed throughout the term of the agreement.

POLICY/GOAL CONSIDERATION

Purchase of these items is needed in order to provide ammunition for on-duty and training purposes for the Police Department, all contributing to the overall City objective for public safety.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Funding for these items come from the General Fund for Police Training. There is \$82,285 budgeted in FY2016 for the purchase of ammunition. The renewal is on a unit price basis, with purchases made as needed.

O&M IMPACT INFORMATION

Fiscal Year	2016	2017
Est. expenditure	\$65,000	N/A

RECOMMENDED ACTION

City Council consideration and approval of City Council Resolution No. R2015- of the City Council of the City of Pearland, Texas, renewing a unit supply bid for the purchase of firearm ammunition for the Police Department with Bailey’s House of Guns in the estimated amount of \$65,000 for the period of January 14, 2016 through January 13, 2017.

RESOLUTION NO. R2015-224

A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for the purchase of Police Department firearm ammunition with Bailey's House of Guns, in the estimated amount of \$65,000.00, for the period of January 14, 2016 through January 13, 2017.

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

Section 1. That the City previously opened unit supply bids for the supply of ammunition, and such bids were reviewed and tabulated.

Section 2. That the City Council hereby renews a bid with Baileys House of Guns, in the unit price amounts reflected in Exhibit "A" attached hereto.

Section 3. The City Manager or his designee is hereby authorized to execute a unit supply contract for ammunition.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

BID TABULATION: POLICE DEPARTMENT AMMUNITION

BID OPENING DATE: TUESDAY, DECEMBER 10, 2013

BID NUMBER: 1114-05

Bailey's House of Guns	Current Contract Price	FY 2015 Contract Price
Remington Golden Sabre Bonded, 9MM, Duty, 125	\$196.80	\$196.80
Quantity	15 CS	15 CS
Total:	\$2,952.00	\$2,952.00
Remington UMC, 9MM, Practice	\$115.63	\$115.63
Quantity	50 CS	50 CS
Total:	\$5,781.50	\$5,781.50
Remington Golden Sabre Bonded, .380, Duty, 90	\$155.63	\$155.63
Quantity	10 CS	10 CS
Total:	\$1,556.30	\$1,556.30
Remington UMC, .380, Practice	\$137.50	\$137.50
Quantity	10 CS	10 CS
Total:	\$1,375.00	\$1,375.00
Remington Golden Sabre Bonded, .40, Duty, 165 GR	\$208.12	\$208.12
Quantity	22 CS	22 CS
Total:	\$4,578.64	\$4,578.64
Remington UMC, .40, Practice	\$147.50	\$147.50
Quantity	150 CS	150 CS
Total:	\$22,125.00	\$22,125.00
Remington Golden Sabre Bonded, .45, Duty, 185 GR	\$242.50	\$242.50
Quantity	5 CS	5 CS
Total:	\$1,212.50	\$1,212.50
Remington UMC, .45, Practice	\$161.25	\$161.25
Quantity	40 CS	40 CS
Total:	\$6,450.00	\$6,450.00
Remington, 12 GA, Birdshot - Light 1 oz.	\$76.87	\$76.87
Quantity	20 CS	20 CS
Total:	\$1,537.40	\$1,537.40

Bailey's House of Guns	Current Contract Price	FY 2015 Contract Price
Remington, 12 GA, Buckshot - Reduced Recoil	\$144.37	\$144.37
Quantity	2 CS	2 CS
Total:	\$288.74	\$288.74
Remington, 12 GA, Slug - Reduced Recoil	\$126.56	\$126.56
Quantity	2 CS	2 CS
Total:	\$253.12	\$253.12
Remington, .223, 55 PSP	\$83.75	\$83.75
Quantity	60 CS	60 CS
Total:	\$5,025.00	\$5,025.00
Remington UMC, .223, Practice	\$76.00	\$76.00
Quantity	120 CS	120 CS
Total:	\$9,120.00	\$9,120.00
Bid Total:	\$62,255.20	\$62,255.20

No price increase requested.

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

AGENDA OF:	December 07, 2015	ITEM NO.:	R2015-227
DATE SUBMITTED:	November 23, 2015	DEPT. OF ORIGIN:	Public Works
PREPARED BY:	John Hines	PRESENTOR:	Eric Wilson
REVIEWED BY:	Trent Epperson	REVIEW DATE:	December 2, 2015
SUBJECT: R2015-227 - A Resolution of the City Council of the City of Pearland, Texas, awarding a unit price contract for the cleaning of potable waterlines with Flowmore Services, in the estimated amount of \$50,000 for the period of December 23, 2015 through December 22, 2106.			
EXHIBITS: R2015-227; Exhibit A – Bid and Documents			
FUNDING:	<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input checked="" type="checkbox"/> Cash
<input type="checkbox"/> Bonds To Be Sold	<input type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – Sold	<input type="checkbox"/> L/P – To Be Sold
EXPENDITURE REQUIRED: Est. \$50,000.00		AMOUNT BUDGETED: \$50,000.00	
AMOUNT AVAILABLE: \$50,000.00		PROJECT NO.:	
ACCOUNT NO: 030-4043-555.11-00			
ADDITIONAL APPROPRIATION REQUIRED:			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution

EXECUTIVE SUMMARY

BACKGROUND

Over the past two years, the City has contracted with Flowmore Services to clean the water distribution system in the Villages of Mary’s Creek, Dixie Woods and Longwood Subdivisions. During trials utilizing this cleaning method, residents and staff have reported high satisfaction with the results.

This cleaning process is part of a City program to improve water quality throughout the City. Over time, water lines start to build up sediment and other materials that are present in the potable water system. This cleaning process uses the waters hydraulic pressure to force a “Swab/Pig” through the waterline to loosen and remove unwanted materials.

Staff chose the original area, Villages of Mary's Creek, based on a heat map comprised of water quality complaints. This trial project was done in April of 2014. The Public Works Department has not received any water quality complaints from this area since the completion of the cleaning.

The goal of this program is to have all 508 miles of waterlines throughout the City cleaned within the next 5 to 6 years. The industry standard for the frequency of this type of cleaning, based on source water quality, is 15 to 25 years.

SCOPE OF CONTRACT

Flowmore Services will perform Cleaning of Potable Waterlines as required by the specifications of City Bid No. 0915-65 pricing is good for a period of one year with two possible renewals based on agreement of both parties and the City Purchasing Policy.

BID AND AWARD

One (1) sealed bid was received November 17, 2015, for a contract, for Cleaning of Potable Water Lines, per the specifications of City Bid No.0915-65. Bid notices were provided to and published in the newspaper, and posted on the City's electronic bidding website in accordance with City Purchasing Policy.

SCHEDULE

Cleaning of Potable Water lines will occur in several subdivisions throughout the City based on concentration of water quality complaints. The first locations will include the areas served by the Garden Road water facility which is currently down for repairs. After the Garden Road area is addressed the operation will traverse the city from its north east limits to its southwest limits. This work will commence as soon as practical once contract documents have been executed.

POLICY/GOAL CONSIDERATION

This bid award positively impacts the City's Strategic Priority of Sustainable Infrastructure.

O&M IMPACT INFORMATION

Fiscal Year	2016	2017	2018
	\$50,000.00	\$50,000.00	\$50,000.00

RECOMMENDED ACTION

R2015-227 - A Resolution of the City Council of the City of Pearland, Texas, awarding a unit price contract a bid for Cleaning of potable waterlines with Flowmore Services, in the estimated amount of \$50,000 for the period of December 23, 2015 through December 22, 2106.

Edit Bid Response - 0915-65

[Return](#) [No Bid](#) [Documents](#) [Response History](#) [Bid History](#) [Error Check Response](#)

Bid Number 0915-65 (Cleaning of Potable Water Pipelines)

Close Date & Time 11/17/2015 2:00:00 PM Central

Time Left 18 days 4 hours 2 minutes 43 seconds

Response Status **NOT SUBMITTED - To complete your response, you must click 'Submit Response' in the Response Submission tab.**

[Event Details](#) [Participants](#) [Attachments](#) [Attributes](#) [Line Items](#)

[Response Attachments](#) [Response Submission](#)

Bid Line Items

[Save](#) [Go to Line](#) [No Bid Lines](#) [Error Check](#)

Specification

Qty UOM Response Extended

1 Per Day Fee For Cleaning Multi-Diameter Potable Water Pipelines.

5,800.00 Price

[No Bid](#)

[Add Notes](#)

2 Extra Work Rates Per Hour - to be used in the event unplanned circumstances are encountered.

1 EA * 1,088.00 Price

[Add Notes](#)

3 Extra Pigs - to be used in the event unplanned circumstances are encountered.

1 EA * Price

Please See Attachment [Add Notes](#)

Items 1-3 shown of 3

1

Exhibit A



FLOWMORE SERVICES

A DIV. OF PIPELINE PIGGING PRODUCTS, INC.

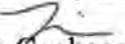
11-5-15

ATTACHMENT FOR BID NUMBER 0915-65 (Cleaning of Potable Water Pipelines)

1. Flowmore Services has submitted pricing for work by the day. The amount of piping that can be cleaned in one day is dependent upon water valves, locating these valves, the ability to operate these valves in a timely manner.
2. The amount of pig runs that can be accomplished in one day is dependent upon item number (1) one.
3. Flowmore Services **HAS NOT INCLUDED THE COST FOR PIGS INTO OUR DAILY RATE!** We do not know if we will be pigging one long line or multiple short lines. **WE AVERAGE SIX PIGS PER SECTION TO BE CLEANED.**
4. Flowmore Services rates for this contract are based on (8) eight hour days. Anything over (8) eight hours per day constitutes going into an overtime rate of \$1,088.00 per hour with a minimum of (4) four hours.
5. Locating valves or obstructions in the pipe would be based on \$1,088.00 per hour along with \$170.00 per day for pig tracking equipment and the cost of the pig. Cost of the pigs for pig tracking equipment is as follows:
 - a. 12" B1 swab w/cavity for pig tracking equipment @ \$158.00 per pig
 - b. 10" B1 swab w/cavity for pig tracking equipment @ \$149.00 per pig
 - c. 8" B1 swab w/cavity for pig tracking equipment @ \$135.00 per pig
 - d. 6" B1 swab w/cavity for pig tracking equipment @ \$124.00 per pig
6. Costs for pigs are as follows:
 - a. 12" B1 swabs @ \$53.00 each
 - b. 8" B1 swabs @ \$30.00 each
 - c. 4" B1 swabs @ \$13.00 each

NOTE: The 12" B1 swabs are used for all piping ranging from 6" up to 12". 8" B1 swabs can be used to clean 8" through 4" if there is a 4" line sized opening to exit the pig. 4" B1 swabs are used for cleaning 2" through 4" pipe utilizing a 2" Blow off.

Respectfully submitted by,


Tim Geohagan
Manager of Field Services
Flowmore Services
P.O. Box 692005
Houston, Texas 77269

Edit Bid Response - 0915-65[Return](#) [No Bid](#) [Documents](#) [Response History](#) [Bid History](#) [Error Check Response](#)**Bid Number** 0915-65 (Cleaning of Potable Water Pipelines)**Close Date & Time** 11/17/2015 2:00:00 PM Central**Time Left** 11 days 23 hours 18 minutes 12 seconds**Response Status** **NOT SUBMITTED - To complete your response, you must click 'Submit Response' in the Response Submission tab.**[Event Details](#) [Participants](#) [Attachments](#) [Attributes](#) [Line Items](#)[Response Attachments](#) [Response Submission](#)**Bid Attributes**[Save](#) [Error Check](#)# **Attribute** **Response**1 **Specification Acknowledgement** * ✓

Bidder has reviewed specifications and agrees that their bid adheres fully. If not, bidder will need to provide written explanation of any exceptions.

2 **Insurance Requirement Acknowledgement** * ✓

I have read and agree to the City of Pearland's Contractor Insurance Requirements & Agreement.

3 **Local Bidder Preference Claim Form** * ✓

Bidder claims Pearland local bidder preference, pursuant to provisions of Local Bidder Preference claim form and Texas Local Government Code, Chapter 271.9051.

4 **Conflict of Interest Questionnaire** * ✓

I am submitting a completed and signed copy of the Conflict of Interest Questionnaire.

5 **Non-Collusion Statement** * ✓

I am submitting a

completed and signed copy,
of the Contractor
Questionnaire.

7 **Vendor References** * I agree

I have attached my
company's list of
references, as required.

8 **Cooperative Purchase** *
Are these items on a
cooperative purchasing
agreement/contract? If so,
please state which
agreement and the contract
number.

N/A

9 **Bid Security** * I have uploaded a copy of my Bid Bond.

Bidder understands and has
completed the following:
Bid Security required by Bid
Specifications has been
uploaded as an attachment
within the E-bid system
and, a fully executed,
signed and sealed hard
copy of the Bid Bond has
been delivered to the Office
of City Purchasing, Finance
Department, 2nd Floor,
City Hall, 3519 Liberty
Drive, Pearland, Texas,
77581.

N/A
Per Conversation with
Julie Blackmore # 11-5-15

10 **Normal Business Hours** *

Please state your normal
business hours in which
standard hourly rates will
apply.

8-5

11 **Phone Number** *

Please state the phone
number that should be
called during normal
working hours if the City of
Pearland requires service.

0#281-351-7979

12 **Emergency Phone
Numbers** *

Please list the phone
numbers that should be
called if the City of
Pearland requires service
after hours, on a weekend,
or on a holiday. Please also
provide the contact name
for each phone number
given.

Tim @ 281-782-0026
Walt @ 832-250-1599

13 **Materials/Supplies** *

14 **Warranty for Labor/Workmanship** *

Please state your warranty for labor/workmanship.

15 **Warranty for Materials/Supplies** *

Please state your warranty for materials/supplies.

16 **Company Owned Equipment** * yes

Is the equipment that is to be used on this project currently owned by your company?

17 **Minimum Charge per Call-Out** *

Do you have a minimum charge per call-out for emergency (after hours) repairs? If so, please state the minimum charge.

18 **Service Call/Trip Charge** * \$1,000⁰⁰ p.m. p 8hrs. Trucks @ \$/200.00

Please indicate if your company charges a service call/trip charge per callout.

p.d. mileage @ \$2⁰⁰ p.m. Plus any additional Equipment & Pigs

19 **Service Call/Trip Charge Amount**

Please indicate the amount of the service call/trip charge your company charges per callout.

N/A



Contractor Insurance Requirements & Agreement

Requirements

Contractors performing work on City property or public right-of-way for the City of Pearland shall provide the City a certificate of insurance or a copy of their insurance policy(s) evidencing the coverages and coverage provisions identified herein. Contractors shall provide the City evidence that all subcontractors performing work on the project have the same types and amounts of coverages as required herein or that the subcontractors are included under the contractor's policy.

All insurance companies and coverages must be authorized by the Texas Department of Insurance to transact business in the State of Texas and must be acceptable to the City of Pearland.

Listed below are the types and amounts of insurances required. The City reserves the right to amend or require additional types and amounts of coverages or provisions depending on the nature of the work.

	TYPE OF INSURANCE	AMOUNT OF INSURANCE	PROVISIONS
1.	Workers' Compensation Employers' Liability	Statutory Limits \$100,000 per occurrence	City to be provided a waiver of subrogation and 30 day notice of cancellation or material change in coverage.
2.	Commercial General (Public) Liability to include coverage for: a) Premises/Operations b) Products/Completed Operations c) Independent Contractors d) Personal Injury e) Contractual Liability	Personal Injury - \$1,000,000 per person; Property Damage - \$1,000,000 per occurrence ; General Aggregate - \$1,000,000	City to be listed as Additional Insured on Contractor's policy and provided 30 day notice of cancellation or material change in coverage.
3.	Business Auto Liability to include coverage for: a) Owned/Leased vehicles b) Non-owned vehicles c) Hired vehicles	Combined Single Limit - \$1,000,000	City shall be provided 30 day notice of cancellation or material change in coverage.

Certificate of Insurance forms may be **emailed** to: Purchasing Department at ebids@pearlandtx.gov. Questions regarding required insurance should be directed to Bob Pearce, City of Pearland Purchasing Officer, at bpearce@pearlandtx.gov.

This form must be signed and returned with your quotation. You are stating that you do have the required insurance and if selected to perform work for the City, will provide a certificate of insurance, and a copy of insurance policy with the above requirements to the City. **A purchase order will not be issued without evidence of required insurance.**

Agreement

I agree to provide the above described insurance coverages within 10 working days if selected to perform work for

NON-COLLUSION STATEMENT

"The undersigned affirms that they are duly authorized to execute this contract, that this company, corporation, firm, partnership or individual has not prepared this bid in collusion with any other bidder, and that the contents of this bid as to prices, terms or conditions of said bid have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this bid."

Vendor Flowmore Services A Division of Pipeline Pigging Products

Address P.O. Box 692005, Houston, Tx 77269

Phone Number 281-351-7979

Fax Number 281-255-2385

Email Address Tim@pipepigs.com

Bidder (Signature) 

Position with Company MANAGER Field Services

Signature of Company
Official Authorizing This Bid 

Company Official (Printed Name) Robert Tim Geohagan

Official Position MANAGER Field Services

Contractor Questionnaire

- | Yes | No | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Has the City of Pearland or other governmental entity incurred costs as a result of contested change order(s) from the undersigned company? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. Has the City of Pearland or other governmental entity been involved in litigation relative to contract performance with the undersigned company? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Has the undersigned company failed to meet bid specifications or time limits on other contracts? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Has the undersigned company abandoned a contract or refused to perform without legal cause after submitting a bid? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Has the undersigned company had bidding errors or omissions in two or more bid submissions within a thirty six (36) month period? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Has the undersigned company failed to perform or performed unsatisfactory on two or more contracts within a thirty six (36) month period? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Does the undersigned company have adequate equipment, personnel and expertise to complete the proposed contract? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 8. Does the undersigned company have a record of safety violations in two or more contracts within a thirty six (36) month period? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Does the undersigned have a criminal offense as an incident to obtaining or attempting to obtain a public or private contractor subcontract, or in the performance of such a contract or subcontract within a ten (10) year period? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 10. Has the undersigned company been convicted of a criminal offense within a ten (10) year period of embezzlement, theft, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which might affect responsibility as a municipal contractor? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 11. Has the undersigned company been convicted of state or federal antitrust statutes within a ten (10) year period arising out of submission of bids or proposals? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 12. Has the undersigned company been disbarred or had a similar proceeding by another governmental entity? |

If you answered "yes" to Items 1-6 or 8-12 or answered "no" to Item 7, please attach a full explanation to this questionnaire.

Company Name: Flowmore Services A Division of Pipeline Pigging Products

Address: P.O. Box 692005, Houston, TX 77269

Name: Tim Geohagan Title: Manager Field Services
(Please Print) (Please Print)

As of January 1, 2006, the Texas Local Government Code Chapter 176 requires all vendors and potential vendors who contract or seek to contract for the sale or purchase of property, goods, or services with any local government to complete and submit a Conflict of Interest Questionnaire. In filling out the questionnaire, the following are current City Council members and City employees who may either recommend or approve bid awards.

City Council: Mayor	Tom Reid
Councilmember	Tony Carbone
Councilmember	Derrick Reed
Councilmember	Gary Moore
Councilmember	Keith Ordeneaux
Councilmember	Greg Hill

City Staff:	Clay Pearson
City Manager	Claire Bogard
Director of Finance	Rick Overgaard
Asst. Director of Finance	Bob Pearce
Purchasing Officer	

This questionnaire is being filed in accordance with chapter 176 of the Local Government Code by a person doing business with the governmental entity.

By law this questionnaire must be filed with the records administrator of the local government not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

Date Received

1 Name of person doing business with local governmental entity.

Flow more Services

2 Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than September 1 of the year for which an activity described in Section 176.006(a), Local Government Code, is pending and not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Describe each affiliation or business relationship with an employee or contractor of the local governmental entity who makes recommendations to a local government officer of the local governmental entity with respect to expenditure of money.

N/A

4 Describe each affiliation or business relationship with a person who is a local government officer and who appoints or employs a local government officer of the local governmental entity that is the subject of this questionnaire.

N/A

5 Name of local government officer with whom filer has affiliation or business relationship. (Complete this section only if the answer to A, B, or C is YES.)

This section, item 5 including subparts A, B, C & D, must be completed for each officer with whom the filer has affiliation or business relationship. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?

Yes

No

B. Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the local government officer named in this section AND the taxable income is not from the local governmental entity?

Yes

No

C. Is the filer of this questionnaire affiliated with a corporation or other business entity that the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes

No

D. Describe each affiliation or business relationship.

6 Describe any other affiliation or business relationship that might cause a conflict of interest

7



REFERENCES

Bidder must furnish, with this bid, a list of three (3) references from customers with a similar or larger operation as the City of Pearland. This document, or a similar version issued by your company, must be uploaded with your bid response.

See Attached

Company Name: _____

Contact: _____

Phone Number: _____

Email Address: _____

Company Name: _____

Contact: _____

Phone Number: _____

Email Address: _____

Company Name: _____

Contact: _____

Phone Number: _____

Peoria, IL
Joe Dunn (309) 272-4862
\$23,570.27

10/15 **TAPANI INC.**
Cleaning new 4", 14" & 16" sanitary force main
Battle Ground, WA
Justin Massie (360) 687-1148
\$25,805.50

10/15 **CITY OF PEARLAND**
2 days cleaning multi-diameter potable water piping
Pearland, TX
Tracy Sambrano (281) 652-1799
\$13,014.00

9/15 **GV JONES & ASSOCIATES INC.**
Cleaning 6" HDPE raw water piping approximately 2500'
Barrow, AK
Greg Jones (907) 346-4123
\$20,782.00

9/15 **STEVE P RADOS, INC.**
Cleaning four (3) sections of new 24" HDPE sewer main
Santa Ana, CA
Les Brown (714) 835-4612
\$36,069.32

9/15 **CITY OF HUNTSVILLE**
Cleaning approximately 60,000' of multi-diameter potable water piping
Huntsville, TX
Steven Nicholas (936) 662-3143
\$29,518.00

8/15 **CITY OF PEARLAND**
5 days cleaning multi-diameter potable water piping
Pearland, TX
Tracy Sambrano (281) 652-1799
\$36,486.00

4/15 **ALBEMARLE CORPORATION**
Pigging 6" fiberglass chemical line approximately 500'
Houston, TX

Pigging 6" HDPE raw water piping approximately 2500'
Barrow, AK
Greg Jones (907) 346-4123
\$20,782.00

1/15 **QUEST INSPAR, LLC**
Cleaning (4) four section of 20" C.S. X 100' pipe
Page, AR
Bill Lepola (281) 793-1577
\$18,378.62

11/14 **WRB REFINING LP**
Cleaning 16" river water header, north in plant header & 1 - 12" lateral at the
river
Roxana, IL
Courtney Tanway (618) 255-2302
\$45,155.34

10/14 **HAYS UTILITY NORTH**
Cleaning 14", 8", and 6" potable water lines in April Sounds to remove sugar,
sand, iron and manganese
Montgomery, TX
Julio Ojeda (832) 347-4244
\$6,474.00

10/14 **HORSESHOE CONSTRUCTION**
Cleaning 300' of 24" HDPE
La Porte, TX
Taylor Jones (281) 478-5477
\$4,877.00

10/14 **WALKER COUNTY SPECIAL UTILITY DISTRICT**
Cleaning potable water piping in Holleman Ranch
Huntsville, TX
\$6,026.00

10/14 **CLIMAX MOLYBDENUM COMPANY**
Cleaning approximately 7600' of 14" seep water piping
Leadville, Colorado
Doug Maclaren (303) 761-4130
\$22,865.00

Huntsville, TX
Kyle Mathews (936) 294-5733
\$14,245.00

9/14 **PICA Corp (USA)**
Pigging 1500' of 12" (Phase 1)
Columbus, OH
Mark Pochodylo (614) 410-3072
\$18,384.00

8/14 **HORSESHOE CONSTRUCTION INC.**
Pigging 1000' of 24" and 600' of 16" new construction.
La Porte, TX
Taylor Jones (281) 478-5477
\$6,802.00

8/14 **REYTEC CONSTRUCTION RESURCES INC.**
Cleaning 500' of 36" FRC and 900' of 42" HDPE
Houston, TX
Tomas Garza (281) 382-2144
\$5,498.00

6/14 **CITY OF PEARLAND**
Cleaning of multi diameter potable water piping in the City of Pearland, TX
Pearland, TX
Julian Kelly (832) 473-7062
\$17,127.00

5/14 **F.A. WILHELM CONSTRUCTION**
Mobilization of two man crew, airfare, vehicle, hotel, and per diem
Indianapolis, IN
Nate Crowell (317) 359-5411
\$26,333.56

5/14 **JM2 CONSTRUCTION**
Cleaning a 10" forcemain San Jacinto College lift station
Conroe, TX
John Mireles (936) 697-2205
\$8,473.00

5/14 **CITY OF JERSEYVILLE**
Cleaning 4000' of 12" PVC pipe from well #3 to treatment plant
Jerseyville, IL
D. J. ... (618) 750-2127

- 4/14** **ERIKSEN CONSTRUCTION CO. INC.**
Cleaning of South Omaha Industrial area Lift Station
Blair, NE
Jenny Bornhorst (402) 426-3119
\$19,959.40
- 3/14** **WRB REFINING LP**
Cleaning 16" crossover header, 20" river well header, 14" south header & 12"
river well laterals
Roxana, IL
Gill Wood (618) 225-2468
\$95,083.94
- 3/14** **ERIKSEN CONSTRUCTION CO. INC.**
Inspection trip/cleaning/teaching 2 men airfare, hotel, per diem and vehicle
rental
Blair, NE
Jenny Bornhorst (402) 426-3119
\$19,000.00
- 2/14** **SI ENVIRONMENTAL LLC**
Cleaning the 10" treated effluent line approx. 1 mile long
Rosenberg, TX
Chris Goan (832) 490-1511
\$3,535.00
- 11/13** **NORTH AMERICAN SPECIALTY PRODUCTS**
Dewatering a test section of yelomine fracking pipe
Wayne, PA
Steven Gross (484) 253-4530
\$11,250.00
- 10/13** **ALBEMARLE CORPORATION**
Cleaning 500' of 6" fiberglass pipe
Houston, TX
Mike Dillard (281) 291-2241
\$9,993.00
- 9/13** **CITY OF HUNTSVILLE**
Cleaning 2 miles of potable water piping
Huntsville, TX
Mike Dillard (281) 291-2241

- 8/13 HORSESHOE CONSTRUCTION INC.**
Cleaning 6500' of 8" HDPE & PVC
La Porte, TX
M.E. Hoppel (281) 478-5477
\$3,857.00
- 6/13 WATER DISTRICT MANAGEMENT**
Cleaning Preston Woods potable water piping
Spring, TX
Josh Rowe (281) 733-8875
\$4,346.00
- 6/13 LAKE OF THE PINES TO WELSH POWER PLANT**
Cleaning 16 miles of raw water piping
Canton, OH
Greg Carter (903) 746-4585
\$18,146.82
- 5/13 CITY OF TALLAHASSEE**
Cleaning of approx. 17 miles of potable water distribution pipe
Tallahassee, FL
David Roberts (850) 891-6191
\$184,455.00
- 5/13 TRINITY RIVER AUTHORITY**
Cleaning approx. 4.5 miles of 36 x 30 raw water piping
Huntsville, TX
Keith Bass (936) 295-9388
\$14,898.00
- 4/13 GARRET MECHANICAL, INC.**
Cleaning 2000' of 24" chilled water piping
Bryan, TX
Jeremy Hobson (515) 419-1030
\$56,744.00
- 4/13 TOWN OF COWARTS**
Cleaning approx. 10 miles of 6" PVC
Cowarts, AL
Roger (334) 792-8920

3/13

WRB REFINING LP

Cleaning 16" river well header at Conoco Phillips WRB refining LLC

Bartlesville, OK

Darryl Randle (618) 255-2106

\$40,595.85

10/12

HAYES UTILITY NORTH

Cleaning approx. 2500' of 12" D.I. potable water piping

Montgomery, TX

Julio Ojeda (832) 347-4244

\$3,500

SUBJECT: EXPERIENCE MODIFICATION RATE
FOR: FLOWMORE SERVICES AND
PIPELINE PIGGING PRODUCTS, INC.

TO WHOM IT MAY CONCERN:

THE EXPERIENCE MODIFICATION RATES FOR THE PAST THREE YEARS ARE
AS FOLLOWS:

JULY 15, 2013 THRU JULY 15, 2014	.79
JULY 15, 2014 THRU JULY 15, 2015	.78
JULY 15, 2015 THRU JULY 15, 2016	.74

RESOLUTION NO. R2015-227

A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply contract for the cleaning of potable waterlines with Flowmore Services, in the estimated amount of \$50,000 for the period of December 23, 2015 through December 22, 2016.

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

Section 1. That the City obtained unit supply bids for the cleaning of potable waterlines.

Section 2. That the City Council hereby awards the bid to Flowmore Services, in the unit price amounts reflected in Exhibit "A" attached hereto.

Section 3. The City Manager or his designee is hereby authorized to execute a supply contract for the cleaning of potable waterlines.

PASSED, APPROVED and ADOPTED this the _____ day of _____,
A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

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

AGENDA OF:	December 7, 2015	ITEM NO.:	R2015-209
DATE SUBMITTED:	November 23, 2015	DEPT. OF ORIGIN:	Public Works
PREPARED BY:	Bob Fitzpatrick	PRESENTOR:	Bob Fitzpatrick
REVIEWED BY:	Trent Epperson	REVIEW DATE:	December 2, 2015
SUBJECT: Resolution No. R2015-209 - A resolution of the City Council of the City of Pearland, Texas, awarding a bid for preventative maintenance and repairs on standby generators to Power Pro-Tech Services, Inc., in the estimated amount of \$82,235.00 annually for the period of December 15, 2015 through December 14, 2016.			
EXHIBITS: Resolution No. R2015-209; Exhibit A – Proposal Evaluation & Pricing			
FUNDING:	<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input checked="" type="checkbox"/> Cash
	<input type="checkbox"/> Bonds To Be Sold	<input type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – To Be Sold
EXPENDITURE REQUIRED: \$82,235.00 (est.)	AMOUNT BUDGETED: \$82,235.00 (est.)		
AMOUNT AVAILABLE: \$82,235.00 (est.)	PROJECT NO.:		
ACCOUNT NO.: 010-3522-554.12-00/030-4042-554.05-00/030-4043-554.04-00			
ADDITIONAL APPROPRIATION REQUIRED:	ACCOUNT NO.:		
PROJECT NO.:			
To be completed by Department:			
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution

EXECUTIVE SUMMARY

BACKGROUND

It is necessary for the City to retain a contracted vendor for preventative maintenance and repair services for the City's 37 existing emergency standby generators, pursuant to the specifications of Bid No.0915-66. These generators provide necessary disaster recovery ability to the City's Water Production Plants, Water & Sewer Facilities, storm water pumping stations and multiple Pearland locations needed for daily business and essential services. This service contract is necessary and prudent in order to assure the successful operation of this equipment when needed and to ensure equipment meets its end-of-life projections.

SCOPE OF CONTRACT

Contract term shall be one (1) year from date of award. Upon completion of the initial term, the contract maybe renewed for two (2) additional one-year periods, upon the mutual agreement of the parties and the approval of City council. Pricing for contract years 2 and 3 will be dependent upon additional maintenance services deemed necessary by City staff, and shall be provided by the

contract holder to the City no later than 90 days prior to expiration of the then-current contract term, to allow ample time for subsequent Council review and approval.

BID AND AWARD

Ten (10) competitive sealed proposals were received in response to the specifications of RFP No. 0915-66 for preventative maintenance (PM) and repairs on the City's 37 standby generators. As you will note in Exhibit A (bid tabulation) the proposals were evaluated / scored based on the following criteria:

40% Pricing
30% Experience, qualifications and methodology
20% References
10% Timeline

Each vendor was evaluated based on the criteria listed above and scored. Power Pro-Tech Services, Inc. scored highest.

The bid specifications require one (1) visual inspection and one (1) full-service inspection annually for each generator. A visual inspection includes checking the engine lube system, cooling system, air intake system, engine fuel system, engine exhaust system, electrical system, switchgear and transfer switch and to record operating parameters. A standard full-service visit will include all of the visual inspection tasks plus an engine oil change, replacement of filters (air or fuel) as needed, and provide 2-hour external load bank test. A load bank test is critical to this contract for it offers the ability to see the generator run under a load condition. The vendor will attach a load bank to the generator and incrementally add more load to the generator to verify operation. This is the safest way to test these units without having to do an actual transfer, which can be risky if an issue occurs during such a transfer event. The vendor will record engine vital statistics each time the load is increased. Seeing the unit run under load will allow a technician to see any underlying issues where merely turning the generator on/off would never expose. An itemized report listing conditions of each generator for the visual and full service inspection is to be submitted by the vendor. Additional services may be performed as deemed necessary and approved by Public Works staff.

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

Careful consideration, time and due diligence were invested into making the recommendation for this work. While other vendors came in with commendable experience, Power Pro-Tech Services was rated highest because of their coverage ability in a crisis, technician knowledge across a variety of different generator manufacturer's equipment and they operate their own 24/7 emergency services call center for faster customer service which also provides their technicians with time-saving support with sourcing parts from their network of suppliers and answering questions regarding any generator manufacturer's equipment.

With Power Pro-Tech Services operating in a number of states, it is to the City's benefit that in an emergency weather situation, they have trained technicians that they can source from other locations to help us should it be needed. Also, they are the only proposer who trains, staffs and operates their own 24/7 customer service call center. This call center also houses technical experts to assist their field technicians with manufacturer-related questions and sourcing parts for faster turnaround of repairs. Being a large purchaser of parts from major manufacturers, access to the proprietary software for each is secured. Lastly, all technicians are equipped with a "mobile office" consisting of a laptop, mobile wireless internet access, a scanner, a printer and a digital camera. Work reports can then be sent via email in real time. While price is always a consideration, we feel that the service expectation of Power Pro-Tech Services, Inc. is worth the extra cost in comparison to other bids received. In speaking with their references, two (2) of the

three would only use Power Pro-Tech Services for this work and no other. Further it is the opinion of the Public Works Department that the systems and methodologies used by Power Pro-Tech Services, Inc. for parts sourcing and dispatching will resolve the scheduling and delay issues the City has experienced in the past with other vendors for these services.

Therefore, the recommended award is to Power Pro-Tech Services, Inc. at the pricing reflected in the attached bid tabulation. References checks for this vendor have been satisfactorily completed.

SCHEDULE

Preventative maintenance inspections will be completed throughout the City per the schedule as determined by City Facilities Maintenance personnel. All emergency repairs will be responded to within a two hour window. All other needed repairs will be handled as quickly as possible.

POLICY/GOAL CONSIDERATION

Safe Community, Sustainable Infrastructure, Fiscally responsible.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Funding for these services will come from the departments' operating budget. This contract will be split amongst Public Works Facilities Management (\$23,173.33), Water Production (\$27,838.33) and Water & Sewer (\$31,223.34) Departments.

O&M IMPACT INFORMATION

Fiscal Year	2016	2016	2017
Estimated Expenditure	\$82,235	\$84,949*	\$87,783*

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

RECOMMENDED ACTION

City Council approval of a resolution awarding a bid to Power Pro-Tech Services, Inc. for the preventative maintenance and repairs on standby generators, for the period of December 15, 2015 through December 14, 2016, at the respective unit costs reflected in highlighted portion of the attached bid tabulation in the estimated amount of \$82,235.00.

Bid No.	0915-66 Addendum 2				Exhibit A	
Title	Preventative Maintenance and Repair Services on Standby Generators					
SCORING SHEET						
VENDOR	40% PRICING	30% QUALIFICATIONS/ EXPERIENCE/ METHODOLOGY	20% REFERENCES	10% TIMELINE	TOTAL	NOTES
Power Pro-Tech Services, Inc.	16.4	27	20	1	64.4	All contact with Power Pro-Tech is with an actual employee, whether a daytime issue or an after hours emergency. Power Pro-Tech operates their own 24/7 Emergency Services line. This is the vendor of choice.
Mnl Diesel Inc	29	18	16	1	64	Laid out PM's to be completed including 6 more line items. Provided Mnl safety procedures document. Provided technician factory trained certificates.
Loftin Equipment Company	32	21	8	1	62	All technicians are certified through manufacturer training and Loftin University, company in house training facility. Most technicians got their start in the military. Detailed background information on all Lofkin Technicians in the bid. Added emergency response planning
Evolve Power Generation	36.6	12	10	0	58.6	A couple of sentences on all techs being factory certified but no certificates provided. Made specific point of being "Emergency Diesel Fire Pump" certified. Not sure why this is relevant to us.
Allegiance Power Systems Inc.	40	3	12	1	56	Only in business for 8 years. Run out of Austin, Tx. Defines months and number of technicians to be assigned during semi and annual PM's.
Precision Pneumatics, Inc	38.8	3	8	0	49.8	No background information or scheduling provided. Unable to reach third reference. Unable to reach third reference.
Kentech, Inc.	18	18	12	1	49	Current vendor. Chasing them down to get info and scheduling of PM's is a bit frustratng. Suggests doing load bank test at the semi-annual inspections instead of at the annual. Also, breaking up the scheduling to 6 units per month will allow for having a Kentect Technician in the City at least one week per month to respond to emergency services more quickly. I believe they are technically qualified to handle the work. Not sure of their methodology in getting there all the time. Unable to reach third reference.
Generator Industries LLC	34.5	3	8	0	45.5	Local Pearland Company. Claims "local person to be trained to do the work". Not sure we want to be a training ground for a technician. Unable to reach third reference.

Power Field Services	6.8	24	0	1	31.8	Provided Factory Certificates for technician training completed. All techs have laptops and wireless internet access. I have used this service in a previous job and found them to be very good. They are located in Dickinson which is just 30 minutes away. However, they are the most expensive bidder. Eliminated prior to checking references due to highest bid of all vendors.
Waukesha-Pearce Industries, Inc	13.4	15	0	0.5	28.9	Previous City vendor prior to KenTech. Provided a method of work description of service to be performed. While schedule of locations is not included, a sentence regarding the addition of all. City generators to their scheduling system that creates reminders to ensure all PM's are done on time. Technician qualifications said to be in the bid but I didn't see them. Eliminated prior to checking references due to previous work with COP. Cost was second highest.

Bid No.	0915-66 Addendum 2									
Title	Preventative Maintenance and Repair									
Line Items				<u>Allegiance Power Systems Inc.</u>		<u>Precision Pneumatics, Inc</u>		<u>Evolve Power Generation</u>		<u>Generator Industries LLC</u>
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended	Unit
1	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #1: SHADOW CREEK WATER STATION, 1907 ALMEDA RD.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
2	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #1: SHADOW CREEK WATER STATION, 1907 ALMEDA RD.	EA	1	\$900.00	\$900.00	\$810.00	\$810.00	\$1,000.00	\$1,000.00	\$795.00
3	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #2: FAR NORTHWEST WASTEWATER TREATMENT PLANT, 1818 REFLECTION BAY	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
4	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #2: FAR NORTHWEST WASTEWATER TREATMENT PLANT, 1818 REFLECTION BAY	EA	1	\$2,900.00	\$2,900.00	\$2,400.00	\$2,400.00	\$4,890.00	\$4,890.00	\$1,895.00
5	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #3: KIRBY WATER WELL, 3110 KIRBY DR.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
6	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #3: KIRBY WATER WELL, 3110 KIRBY DR.	EA	1	\$2,200.00	\$2,200.00	\$2,040.00	\$2,040.00	\$2,040.00	\$2,040.00	\$1,495.00
7	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #4: SOUTHDOWN WASTEWATER TREATMENT PLANT, 3711 SOHO	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
8	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #4: SOUTHDOWN WASTEWATER TREATMENT PLANT, 3711 SOHO	EA	1	\$800.00	\$800.00	\$690.00	\$690.00	\$1,000.00	\$1,000.00	\$795.00
9	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #5: CULLEN WATER WELL, 2529 CULLEN	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00

<u>Line</u> <u>Items</u>				<u>Allegiance</u> <u>Power</u> <u>Systems Inc.</u>		<u>Precision</u> <u>Pneumatics</u> <u>, Inc</u>		<u>Evolve</u> <u>Power</u> <u>Generation</u>		<u>Generator</u> <u>Industries</u> <u>LLC</u>
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended	Unit
10	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #5: CULLEN WATER WELL, 2529 CULLEN	EA	1	\$1,200.00	\$1,200.00	\$1,020.00	\$1,020.00	\$1,000.00	\$1,000.00	\$795.00
11	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #6: CULLEN FIRE STATION #4, 8333 FREEDOM DR.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
12	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #6: CULLEN FIRE STATION #4, 8333 FREEDOM DR.	EA	1	\$400.00	\$400.00	\$900.00	\$900.00	\$360.00	\$360.00	\$495.00
13	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #7: PUBLIC SAFETY BUILDING, 2555 CULLEN	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
14	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #7: PUBLIC SAFETY BUILDING, 2555 CULLEN	EA	1	\$2,200.00	\$2,200.00	\$2,040.00	\$2,040.00	\$2,040.00	\$2,040.00	\$995.00
15	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #8: LIFT STATION, 2810 TRANQUILITY LAKES BLVD.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
16	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #8: LIFT STATION, 2810 TRANQUILITY LAKES BLVD.	EA	1	\$600.00	\$600.00	\$600.00	\$600.00	\$400.00	\$400.00	\$495.00
17	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #9: MARY'S CREEK DETENTION, 6830-1/2 MAGNOLIA	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
18	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #9: MARY'S CREEK DETENTION, 6830-1/2 MAGNOLIA	EA	1	\$950.00	\$950.00	\$810.00	\$810.00	\$1,000.00	\$1,000.00	\$795.00
19	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #10: SWEC WASTEWATER TREATMENT PLANT, 3423 HARKEY RD.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00

<u>Line</u> <u>Items</u>				<u>Allegiance</u> <u>Power</u> <u>Systems Inc.</u>		<u>Precision</u> <u>Pneumatics</u> <u>, Inc</u>		<u>Evolve</u> <u>Power</u> <u>Generation</u>		<u>Generator</u> <u>Industries</u> <u>LLC</u>
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended	Unit
20	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #10: SWEC WASTEWATER TREATMENT PLANT, 3423 HARKEY RD.	EA	1	\$2,000.00	\$2,000.00	\$1,620.00	\$1,620.00	\$2,040.00	\$2,040.00	\$1,295.00
21	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #11: SOUTH CORRIGAN DETENTION, 3053 HATFIELD	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
22	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #11: SOUTH CORRIGAN DETENTION, 3053 HATFIELD	EA	1	\$975.00	\$975.00	\$810.00	\$810.00	\$1,000.00	\$1,000.00	\$895.00
23	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #12: MCLEAN WATER WELL, 2838 MCLEAN RD.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
24	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #12: MCLEAN WATER WELL, 2838 MCLEAN RD.	EA	1	\$780.00	\$780.00	\$810.00	\$810.00	\$850.00	\$850.00	\$795.00
25	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #13: GARDEN WATER WELL, 13711 GARDEN RD.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
26	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #13: GARDEN WATER WELL, 13711 GARDEN RD.	EA	1	\$800.00	\$800.00	\$810.00	\$810.00	\$850.00	\$850.00	\$795.00
27	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #14: FIRE DEPARTMENT ADMINISTRATION BUILDING, 2703 VETERANS DR.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
28	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #14: FIRE DEPARTMENT ADMINISTRATION BUILDING, 2703 VETERANS DR.	EA	1	\$700.00	\$700.00	\$810.00	\$810.00	\$850.00	\$850.00	\$695.00
29	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #15: FIRE STATION #5, 3100 KIRBY DR.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00

<u>Line</u> <u>Items</u>				<u>Allegiance</u> <u>Power</u> <u>Systems Inc.</u>		<u>Precision</u> <u>Pneumatics</u> <u>, Inc</u>		<u>Evolve</u> <u>Power</u> <u>Generation</u>		<u>Generator</u> <u>Industries</u> <u>LLC</u>
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended	Unit
30	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #15: FIRE STATION #5, 3100 KIRBY DR.	EA	1	\$700.00	\$700.00	\$1,620.00	\$1,620.00	\$850.00	\$850.00	\$695.00
31	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #16: MAGNOLIA WATER WELL, 3812 MAGNOLIA	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
32	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #16: MAGNOLIA WATER WELL, 3812 MAGNOLIA	EA	1	\$800.00	\$800.00	\$810.00	\$810.00	\$900.00	\$900.00	\$795.00
33	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #17: SOUTHEAST WATER WELL, 3945 WELLS DR.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
34	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #17: SOUTHEAST WATER WELL, 3945 WELLS DR.	EA	1	\$1,250.00	\$1,250.00	\$1,020.00	\$1,020.00	\$1,000.00	\$1,000.00	\$895.00
35	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #18: PUBLIC WORKS SERVICE CENTER, 2018 OLD ALVIN RD.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
36	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #18: PUBLIC WORKS SERVICE CENTER, 2018 OLD ALVIN RD.	EA	1	\$600.00	\$600.00	\$690.00	\$690.00	\$500.00	\$500.00	\$595.00
37	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #19: EMS, 2010 OLD ALVIN RD.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
38	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #19: EMS, 2010 OLD ALVIN RD.	EA	1	\$580.00	\$580.00	\$600.00	\$600.00	\$400.00	\$400.00	\$495.00
39	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #20: PUBLIC WORKS, 3501 E. ORANGE ST.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
40	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #20: PUBLIC WORKS, 3501 E. ORANGE ST.	EA	1	\$600.00	\$600.00	\$600.00	\$600.00	\$450.00	\$450.00	\$595.00

<u>Line</u> <u>Items</u>				<u>Allegiance</u> <u>Power</u> <u>Systems Inc.</u>		<u>Precision</u> <u>Pneumatics</u> <u>, Inc</u>		<u>Evolve</u> <u>Power</u> <u>Generation</u>		<u>Generator</u> <u>Industries</u> <u>LLC</u>
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended	Unit
41	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #21: PARKS MAINTENANCE, 3509 E. ORANGE ST.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
42	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #21: PARKS MAINTENANCE, 3509 E. ORANGE ST.	EA	1	\$400.00	\$400.00	\$540.00	\$540.00	\$360.00	\$360.00	\$495.00
43	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #22: PUBLIC WORKS (PORTABLE), 3501 E. ORANGE ST.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
44	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #22: PUBLIC WORKS (PORTABLE), 3501 E. ORANGE ST.	EA	1	\$580.00	\$580.00	\$600.00	\$600.00	\$450.00	\$450.00	\$595.00
45	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #23: PUBLIC WORKS (PORTABLE), 3501 E. ORANGE ST.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
46	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #23: PUBLIC WORKS (PORTABLE), 3501 E. ORANGE ST.	EA	1	\$580.00	\$580.00	\$600.00	\$600.00	\$450.00	\$450.00	\$595.00
47	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #24: PUBLIC WORKS (PORTABLE), 3501 E. ORANGE ST.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
48	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #24: PUBLIC WORKS (PORTABLE), 3501 E. ORANGE ST.	EA	1	\$700.00	\$700.00	\$690.00	\$690.00	\$500.00	\$500.00	\$595.00
49	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #25: PUBLIC WORKS (PORTABLE), 3501 E. ORANGE ST.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
50	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #25: PUBLIC WORKS (PORTABLE), 3501 E. ORANGE ST.	EA	1	\$700.00	\$700.00	\$690.00	\$690.00	\$500.00	\$500.00	\$595.00

<u>Line</u> <u>Items</u>				<u>Allegiance</u> <u>Power</u> <u>Systems Inc.</u>		<u>Precision</u> <u>Pneumatics</u> <u>, Inc</u>		<u>Evolve</u> <u>Power</u> <u>Generation</u>		<u>Generator</u> <u>Industries</u> <u>LLC</u>
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended	Unit
51	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #26: UH-CL PEARLAND CAMPUS, 1200 PEARLAND PKWY.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
52	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #26: UH-CL PEARLAND CAMPUS, 1200 PEARLAND PKWY.	EA	1	\$580.00	\$580.00	\$600.00	\$600.00	\$450.00	\$450.00	\$595.00
53	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #27: BARRY ROSE WASTEWATER TREATMENT PLANT, 1902-1/2 BARRY ROSE RD.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
54	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #27: BARRY ROSE WASTEWATER TREATMENT PLANT, 1902-1/2 BARRY ROSE RD.	EA	1	\$975.00	\$975.00	\$810.00	\$810.00	\$1,000.00	\$1,000.00	\$795.00
55	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #28: LIBERTY WATER WELL, 3503 LIBERTY DR.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
56	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #28: LIBERTY WATER WELL, 3503 LIBERTY DR.	EA	1	\$975.00	\$975.00	\$810.00	\$810.00	\$1,000.00	\$1,000.00	\$795.00
57	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #29: CITY HALL, 3519 LIBERTY DR.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
58	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #29: CITY HALL, 3519 LIBERTY DR.	EA	1	\$550.00	\$550.00	\$600.00	\$600.00	\$450.00	\$450.00	\$495.00
59	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #30: 518 WATER WELL, 1751 BROADWAY	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
60	ANNUAL FULL SERVICE INSPECTION - GENERATOR SITE #30: 518 WATER WELL, 1751 BROADWAY	EA	1	\$975.00	\$975.00	\$810.00	\$810.00	\$850.00	\$850.00	\$795.00

<u>Line</u> <u>Items</u>				<u>Allegiance</u> <u>Power</u> <u>Systems Inc.</u>		<u>Precision</u> <u>Pneumatics</u> <u>, Inc</u>		<u>Evolve</u> <u>Power</u> <u>Generation</u>		<u>Generator</u> <u>Industries</u> <u>LLC</u>
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended	Unit
61	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #31: LONGWOOD WASTEWATER TREATMENT PLANT, 2727 DIXIE FARM RD.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$200.00	\$200.00	\$265.00
62	ANNUAL FULL SERVICE INSPECTION GENERATOR SITE #31: LONGWOOD WASTEWATER TREATMENT PLANT, 2727 DIXIE FARM RD.	EA	1	\$1,600.00	\$1,600.00	\$1,140.00	\$1,140.00	\$1,300.00	\$1,300.00	\$795.00
63	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #32: COUNTRY PLACE, 3210 S. PEACH HOLLOW CIRCLE	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
64	ANNUAL FULL SERVICE INSPECTION GENERATOR SITE #32: COUNTRY PLACE, 3210 S. PEACH HOLLOW CIRCLE	EA	1	\$600.00	\$600.00	\$600.00	\$600.00	\$450.00	\$450.00	\$495.00
65	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #33: LAKES AT COUNTRY PLACE, 407 CHICKORY WOOD.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
66	ANNUAL FULL SERVICE INSPECTION GENERATOR SITE #33: LAKES AT COUNTRY PLACE, 510 COUNTRY PLACE BLVD.	EA	1	\$600.00	\$600.00	\$600.00	\$600.00	\$450.00	\$450.00	\$495.00
67	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #34: HILLHOUSE SATELLITE SERVICE CENTER, 2559 HILLHOUSE RD.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
68	ANNUAL FULL SERVICE INSPECTION GENERATOR SITE #34: HILLHOUSE SATELLITE SERVICE CENTER, 2559 HILLHOUSE RD.	EA	1	\$600.00	\$600.00	\$690.00	\$690.00	\$850.00	\$850.00	\$595.00
69	REPAIR SERVICE - 8:00 AM - 5:00 PM WEEKDAY HOURLY LABOR RATE	HR	90	\$85.00	\$7,650.00	\$85.00	\$7,650.00	\$85.00	\$7,650.00	\$95.00
70	TRIP CHARGE - 8:00 AM - 5:00 PM WEEKDAYS	EA	45	\$25.00	\$1,125.00	\$75.00	\$3,375.00	\$85.00	\$3,825.00	\$170.00

<u>Line</u> <u>Items</u>				<u>Allegiance</u> <u>Power</u> <u>Systems Inc.</u>		<u>Precision</u> <u>Pneumatics</u> <u>Inc</u>		<u>Evolve</u> <u>Power</u> <u>Generation</u>		<u>Generator</u> <u>Industries</u> <u>LLC</u>
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended	Unit
71	REPAIR SERVICE - 5:00 PM - 8:00 AM WEEKDAY HOURLY LABOR RATE	HR	10	\$127.50	\$1,275.00	\$115.00	\$1,150.00	\$85.00	\$850.00	\$142.50
72	TRIP CHARGE - 5:00 PM - 8:00 AM WEEKDAYS	EA	5	\$25.00	\$125.00	\$75.00	\$375.00	\$85.00	\$425.00	\$170.00
73	REPAIR SERVICE - HOLIDAY & WEEKEND HOURLY LABOR RATE	HR	10	\$127.50	\$1,275.00	\$115.00	\$1,150.00	\$127.50	\$1,275.00	\$190.00
74	TRIP CHARGE - HOLIDAY & WEEKEND	EA	5	\$25.00	\$125.00	\$75.00	\$375.00	\$127.50	\$637.50	\$170.00
75	PARTS MARKUP COST (ESTIMATED TOTAL ANNUAL PARTS COST IS \$12,000)	EA	1	0		0		15		15
76	ANNUAL FULL SERVICE INSPECTION GENERATOR SITE #35: Alice Water Well, 3702 Alice St.	EA	1	\$2,100.00	\$2,100.00	\$1,620.00	\$1,620.00	\$200.00	\$200.00	\$895.00
77	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #35: Alice Water Well, 3702 Alice St.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$2,040.00	\$2,040.00	\$265.00
78	ANNUAL FULL SERVICE INSPECTION GENERATOR SITE #36: Fire Station #3, 3207 Yost Road.	EA	1	\$700.00	\$700.00	\$690.00	\$690.00	\$500.00	\$500.00	\$495.00
79	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #36: Fire Station #3, 3207 Yost Rd.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
80	ANNUAL FULL SERVICE INSPECTION GENERATOR SITE #37: Fire Station #2, 6050 Fite Rd.	EA	1	\$700.00	\$700.00	\$690.00	\$690.00			\$495.00
81	SEMI-ANNUAL VISUAL INSPECTION - GENERATOR SITE #37: Fire Station #2, 6050 Fite Rd.	EA	1	\$115.00	\$115.00	\$132.00	\$132.00	\$150.00	\$150.00	\$265.00
			Total		\$51,680.00		\$53,249.00		\$56,332.50	

	<u>Loftin Equipment Company</u>		<u>Mnl Diesel Inc</u>		<u>Kentech, Inc.</u>		<u>Power Pro- Tech Services, Inc.</u>		<u>Waukesha- Pearce Industries, Inc</u>		<u>Power Field Services</u>	
Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
\$265.00	\$135.00	\$135.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$795.00	\$760.00	\$760.00	\$1,265.00	\$1,265.00	\$1,150.00	\$1,150.00	\$1,245.00	\$1,245.00	\$1,528.54	\$1,528.54	\$1,554.15	\$1,554.15
\$265.00	\$195.00	\$195.00	\$245.00	\$245.00	\$290.00	\$290.00	\$250.00	\$250.00	\$393.00	\$393.00	\$283.80	\$283.80
\$1,895.00	\$2,070.00	\$2,070.00	\$2,095.00	\$2,095.00	\$4,250.00	\$4,250.00	\$5,055.00	\$5,055.00	\$3,829.91	\$3,829.91	\$4,132.23	\$4,132.23
\$265.00	\$175.00	\$175.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$1,495.00	\$1,670.00	\$1,670.00	\$1,720.00	\$1,720.00	\$2,100.00	\$2,100.00	\$3,085.00	\$3,085.00	\$2,521.89	\$2,521.89	\$3,534.14	\$3,534.14
\$265.00	\$130.00	\$130.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$795.00	\$650.00	\$650.00	\$1,165.00	\$1,165.00	\$1,050.00	\$1,050.00	\$1,005.00	\$1,005.00	\$1,348.87	\$1,348.87	\$1,498.39	\$1,498.39
\$265.00	\$145.00	\$145.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80

	<u>Loftin Equipment Company</u>		<u>Mnl Diesel Inc</u>		<u>Kentech, Inc.</u>		<u>Power Pro- Tech Services, Inc.</u>		<u>Waukesha- Pearce Industries, Inc</u>		<u>Power Field Services</u>	
Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
\$795.00	\$1,180.00	\$1,180.00	\$1,265.00	\$1,265.00	\$1,275.00	\$1,275.00	\$1,715.00	\$1,715.00	\$1,802.88	\$1,802.88	\$1,978.23	\$1,978.23
\$265.00	\$130.00	\$130.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$495.00	\$690.00	\$690.00	\$915.00	\$915.00	\$650.00	\$650.00	\$880.00	\$880.00	\$958.46	\$958.46	\$1,213.67	\$1,213.67
\$265.00	\$175.00	\$175.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$995.00	\$3,190.00	\$3,190.00	\$1,720.00	\$1,720.00	\$2,100.00	\$2,100.00	\$3,085.00	\$3,085.00	\$1,984.86	\$1,984.86	\$3,355.34	\$3,355.34
\$265.00	\$120.00	\$120.00	\$245.00	\$245.00	\$290.00	\$290.00	\$150.00	\$150.00	\$393.00	\$393.00	\$283.80	\$283.80
\$495.00	\$545.00	\$545.00	\$915.00	\$915.00	\$850.00	\$850.00	\$740.00	\$740.00	\$994.26	\$994.26	\$1,025.20	\$1,025.20
\$265.00	\$135.00	\$135.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$795.00	\$890.00	\$890.00	\$1,165.00	\$1,165.00	\$1,250.00	\$1,250.00	\$1,210.00	\$1,210.00	\$1,449.27	\$1,449.27	\$1,642.04	\$1,642.04
\$265.00	\$165.00	\$165.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80

	<u>Loftin Equipment Company</u>		<u>Mnl Diesel Inc</u>		<u>Kentech, Inc.</u>		<u>Power Pro- Tech Services, Inc.</u>		<u>Waukesha- Pearce Industries, Inc</u>		<u>Power Field Services</u>	
Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
\$1,295.00	\$1,470.00	\$1,470.00	\$1,720.00	\$1,720.00	\$2,100.00	\$2,100.00	\$2,815.00	\$2,815.00	\$2,545.90	\$2,545.90	\$2,541.48	\$2,541.48
\$265.00	\$135.00	\$135.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$895.00	\$900.00	\$900.00	\$1,265.00	\$1,265.00	\$1,250.00	\$1,250.00	\$1,245.00	\$1,245.00	\$1,494.67	\$1,494.67	\$1,557.04	\$1,557.04
\$265.00	\$130.00	\$130.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$795.00	\$740.00	\$740.00	\$1,165.00	\$1,165.00	\$1,050.00	\$1,050.00	\$1,100.00	\$1,100.00	\$1,381.87	\$1,381.87	\$1,326.05	\$1,326.05
\$265.00	\$135.00	\$135.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$795.00	\$810.00	\$810.00	\$1,165.00	\$1,165.00	\$1,050.00	\$1,050.00	\$1,145.00	\$1,145.00	\$1,975.87	\$1,975.87	\$1,418.56	\$1,418.56
\$265.00	\$130.00	\$130.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$695.00	\$735.00	\$735.00	\$1,165.00	\$1,165.00	\$1,050.00	\$1,050.00	\$1,070.00	\$1,070.00	\$1,348.87	\$1,348.87	\$1,896.16	\$1,896.16
\$265.00	\$130.00	\$130.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80

	<u>Loftin Equipment Company</u>		<u>Mnl Diesel Inc</u>		<u>Kentech, Inc.</u>		<u>Power Pro- Tech Services, Inc.</u>		<u>Waukesha- Pearce Industries, Inc</u>		<u>Power Field Services</u>	
Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
\$695.00	\$735.00	\$735.00	\$915.00	\$915.00	\$1,000.00	\$1,000.00	\$1,070.00	\$1,070.00	\$1,248.87	\$1,248.87	\$1,361.67	\$1,361.67
\$265.00	\$135.00	\$135.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$795.00	\$820.00	\$820.00	\$1,165.00	\$1,165.00	\$1,050.00	\$1,050.00	\$1,145.00	\$1,145.00	\$1,427.57	\$1,427.57	\$1,458.56	\$1,458.56
\$265.00	\$145.00	\$145.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$895.00	\$1,105.00	\$1,105.00	\$1,265.00	\$1,265.00	\$1,275.00	\$1,275.00	\$1,715.00	\$1,715.00	\$1,826.58	\$1,826.58	\$1,639.84	\$1,639.84
\$265.00	\$130.00	\$130.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$595.00	\$650.00	\$650.00	\$1,065.00	\$1,065.00	\$1,000.00	\$1,000.00	\$805.00	\$805.00	\$1,558.07	\$1,558.07	\$1,160.83	\$1,160.83
\$265.00	\$125.00	\$125.00	\$245.00	\$245.00	\$290.00	\$290.00	\$150.00	\$150.00	\$393.00	\$393.00	\$283.80	\$283.80
\$495.00	\$560.00	\$560.00	\$1,065.00	\$1,065.00	\$850.00	\$850.00	\$715.00	\$715.00	\$1,074.86	\$1,074.86	\$1,035.61	\$1,035.61
\$265.00	\$125.00	\$125.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$595.00	\$715.00	\$715.00	\$1,065.00	\$1,065.00	\$950.00	\$950.00	\$760.00	\$760.00	\$1,132.66	\$1,132.66	\$1,326.45	\$1,326.45

	<u>Loftin Equipment Company</u>		<u>Mnl Diesel Inc</u>		<u>Kentech, Inc.</u>		<u>Power Pro- Tech Services, Inc.</u>		<u>Waukesha- Pearce Industries, Inc</u>		<u>Power Field Services</u>	
Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
\$265.00	\$115.00	\$115.00	\$245.00	\$245.00	\$290.00	\$290.00	\$150.00	\$150.00	\$393.00	\$393.00	\$283.80	\$283.80
\$495.00	\$465.00	\$465.00	\$915.00	\$915.00	\$650.00	\$650.00	\$560.00	\$560.00	\$981.96	\$981.96	\$1,019.33	\$1,019.33
\$265.00	\$120.00	\$120.00	\$245.00	\$245.00	\$290.00	\$290.00	\$150.00	\$150.00	\$393.00	\$393.00	\$283.80	\$283.80
\$595.00	\$630.00	\$630.00	\$1,065.00	\$1,065.00	\$850.00	\$850.00	\$735.00	\$735.00	\$1,074.86	\$1,074.86	\$1,229.46	\$1,229.46
\$265.00	\$125.00	\$125.00	\$245.00	\$245.00	\$290.00	\$290.00	\$150.00	\$150.00	\$393.00	\$393.00	\$283.80	\$283.80
\$595.00	\$635.00	\$635.00	\$1,065.00	\$1,065.00	\$850.00	\$850.00	\$735.00	\$735.00	\$1,074.86	\$1,074.86	\$1,229.46	\$1,229.46
\$265.00	\$135.00	\$135.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.30	\$283.30
\$595.00	\$705.00	\$705.00	\$1,065.00	\$1,065.00	\$1,000.00	\$1,000.00	\$880.00	\$880.00	\$1,223.47	\$1,223.47	\$1,229.46	\$1,229.46
\$265.00	\$135.00	\$135.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$595.00	\$705.00	\$705.00	\$1,065.00	\$1,065.00	\$1,000.00	\$1,000.00	\$880.00	\$880.00	\$1,223.47	\$1,223.47	\$1,285.47	\$1,285.47

	<u>Loftin Equipment Company</u>		<u>Mnl Diesel Inc</u>		<u>Kentech, Inc.</u>		<u>Power Pro- Tech Services, Inc.</u>		<u>Waukesha- Pearce Industries, Inc</u>		<u>Power Field Services</u>	
Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
\$265.00	\$125.00	\$125.00	\$245.00	\$245.00	\$290.00	\$290.00	\$150.00	\$150.00	\$393.00	\$393.00	\$283.80	\$283.80
\$595.00	\$600.00	\$600.00	\$1,065.00	\$1,065.00	\$850.00	\$850.00	\$765.00	\$765.00	\$1,074.86	\$1,074.86	\$946.30	\$946.30
\$265.00	\$140.00	\$140.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$795.00	\$900.00	\$900.00	\$1,265.00	\$1,265.00	\$1,250.00	\$1,250.00	\$1,245.00	\$1,245.00	\$1,495.87	\$1,495.87	\$1,557.004	\$1,557.004
\$265.00	\$140.00	\$140.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$795.00	\$900.00	\$900.00	\$1,265.00	\$1,265.00	\$1,250.00	\$1,250.00	\$1,245.00	\$1,245.00	\$1,495.87	\$1,495.87	\$1,533.16	\$1,533.16
\$265.00	\$125.00	\$125.00	\$245.00	\$245.00	\$290.00	\$290.00	\$150.00	\$150.00	\$393.00	\$393.00	\$283.80	\$283.80
\$495.00	\$545.00	\$545.00	\$915.00	\$915.00	\$850.00	\$850.00	\$650.00	\$650.00	\$1,041.86	\$1,041.86	\$1,008.21	\$1,008.21
\$265.00	\$135.00	\$135.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$795.00	\$895.00	\$895.00	\$1,165.00	\$1,165.00	\$1,250.00	\$1,250.00	\$1,210.00	\$1,210.00	\$1,472.97	\$1,472.97	\$1,513.16	\$1,513.16

	<u>Loftin Equipment Company</u>		<u>Mnl Diesel Inc</u>		<u>Kentech, Inc.</u>		<u>Power Pro- Tech Services, Inc.</u>		<u>Waukesha- Pearce Industries, Inc</u>		<u>Power Field Services</u>	
Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
\$265.00	\$155.00	\$155.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$795.00	\$1,035.00	\$1,035.00	\$1,265.00	\$1,265.00	\$1,400.00	\$1,400.00	\$2,075.00	\$2,075.00	\$2,063.18	\$2,063.18	\$1,961.38	\$1,961.38
\$265.00	\$125.00	\$125.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$495.00	\$535.00	\$535.00	\$1,065.00	\$1,065.00	\$850.00	\$850.00	\$760.00	\$760.00	\$1,155.16	\$1,155.16	\$1,126.89	\$1,126.89
\$265.00	\$125.00	\$125.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$495.00	\$535.00	\$535.00	\$1,065.00	\$1,065.00	\$850.00	\$850.00	\$760.00	\$760.00	\$1,155.16	\$1,155.16	\$941.18	\$941.18
\$265.00	\$135.00	\$135.00	\$245.00	\$245.00	\$290.00	\$290.00	\$200.00	\$200.00	\$393.00	\$393.00	\$283.80	\$283.80
\$595.00	\$815.00	\$815.00	\$1,165.00	\$1,165.00	\$1,000.00	\$1,000.00	\$1,035.00	\$1,035.00	\$1,314.77	\$1,314.77	\$1,384.51	\$1,384.51
\$8,550.00	\$85.00	\$7,650.00	\$105.00	\$9,450.00	\$105.00	\$9,450.00	\$95.00	\$8,550.00	\$85.00	\$7,650.00	\$105.00	\$9,450.00
\$7,650.00	\$225.00	\$10,125.00	\$0.00	\$0.00	\$200.00	\$9,000.00	\$250.00	\$11,250.00	\$85.00	\$3,825.00	\$178.80	\$8,046.00

	<u>Loftin Equipment Company</u>		<u>Mnl Diesel Inc</u>		<u>Kentech, Inc.</u>		<u>Power Pro- Tech Services, Inc.</u>		<u>Waukesha- Pearce Industries, Inc</u>		<u>Power Field Services</u>	
Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
\$1,425.00	\$127.50	\$1,275.00	\$158.00	\$1,580.00	\$157.50	\$1,575.00	\$95.00	\$950.00	\$127.50	\$1,275.00	\$157.50	\$1,575.00
\$850.00	\$262.50	\$1,312.50	\$0.00	\$0.00	\$200.00	\$1,000.00	\$250.00	\$1,250.00	\$127.50	\$637.50	\$231.30	\$1,156.50
\$1,900.00	\$127.50	\$1,275.00	\$158.00	\$1,580.00	\$210.00	\$2,100.00	\$142.50	\$1,425.00	\$127.50	\$1,275.00	\$210.00	\$2,100.00
\$850.00	\$262.50	\$1,312.50	\$0.00	\$0.00	\$200.00	\$1,000.00	\$375.00	\$1,875.00	\$127.50	\$637.50	\$283.80	\$1,419.00
	20		25		20		20		15		30	
\$895.00	\$1,860.00	\$1,860.00	\$1,720.00	\$1,720.00	\$2,100.00	\$2,100.00	\$200.00	\$200.00	\$393.00	\$393.00	\$3,153.14	\$3,153.14
\$265.00	\$165.00	\$165.00	\$245.00	\$245.00	\$290.00	\$290.00	\$2,815.00	\$2,815.00	\$2,471.39	\$2,471.39	\$283.80	\$283.80
\$495.00	\$760.00	\$760.00	\$1,065.00	\$1,065.00	\$1,000.00	\$1,000.00	\$200.00	\$200.00	\$393.00	\$393.00	\$1,316.40	\$1,316.40
\$265.00	\$125.00	\$125.00	\$245.00	\$245.00	\$290.00	\$290.00	\$940.00	\$940.00	\$1,245.97	\$1,245.97	\$283.80	\$283.80
\$495.00	\$125.00	\$125.00	\$1,065.00	\$1,065.00	\$1,000.00	\$1,000.00	\$200.00	\$200.00	\$393.00	\$393.00	\$1,316.40	\$1,316.40
\$265.00	\$760.00	\$760.00	\$245.00	\$245.00	\$290.00	\$290.00	\$940.00	\$940.00	\$1,245.97	\$1,245.97	\$283.80	\$283.80
\$58,745.00		\$62,190.00		\$66,180.00		\$80,155.00		\$82,235.00		\$86,087.38		\$94,653.154

RESOLUTION NO. R2015-209

A resolution of the City Council of the City of Pearland, Texas, awarding a bid for preventative maintenance and repairs on standby generators to Power Pro-Tech Services, Inc., in the estimated amount of \$82,235.00 annually for the period of December 15, 2015 through December 14, 2016.

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

Section 1. That competitive bids have been obtained for preventative maintenance and repair services for standby generators.

Section 2. That the City Council hereby awards the contract to Power Pro-Tech Services, Inc., in the estimated amount of \$82,235.00.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for the purchase of preventative maintenance and repair services on standby generators.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

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

AGENDA OF:	December 7, 2015	ITEM NO.:	Resolution No. R215-228
DATE SUBMITTED:	November 20, 2015	DEPT. OF ORIGIN:	Public Works
PREPARED BY:	Mark Wahlstrom	PRESENTOR:	Eric Wilson
REVIEWED BY:	Trent Epperson	REVIEW DATE:	December 2, 2015
SUBJECT: RESOLUTION NO. R2015-228 - A Resolution of the City Council of the City of Pearlland, Texas, awarding a sole source purchase of replacement ultra violet lights and a ballast upgrade for the John Hargrove Environmental Center to Ozonia, in the amount of \$67,906.00.			
EXHIBITS: Resolution #R2015-228 Exhibit A: Hartwell Environmental Corporation Quote Exhibit B: Ozonia Sole Source Letter			
FUNDING:			
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold			
EXPENDITURE REQUIRED: \$67,906.00 (bid) AMOUNT BUDGETED: \$67,906.00			
AMOUNT AVAILABLE: \$71,210		PROJECT NO.:	
ACCOUNT NO.: 030-4042-554.05-00			
ADDITIONAL APPROPRIATION REQUIRED:			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
<input checked="" type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution			

EXECUTIVE SUMMARY

BACKGROUND

The City of Pearland John Hargrove Environmental Center has been in operation since 2000. The plant currently uses ultraviolet light for disinfection of bacteria. The ultraviolet light bulbs have a lifespan of approximately one year at which time they need to be replaced or they will fail. The City purchases enough to replace each of the bulbs, once per year, totaling 240 bulbs

for the system. The ballast are also an expendable commodity. Ballasts for the current system are no longer available, so an upgrade is needed. It takes two (2) control units to retro fit one module. The Control unit contains the ballast and all the hardware needed for the upgrade. There are six (6) modules at this facility. The funding in this request will upgrade one module and provide for bulbs for the entire system. The ballasts that are still serviceable will be retained for use in the other 5 modules.

SCOPE OF CONTRACT

To purchase needed bulbs and control units to perform maintenance and the required upgrade to one module.

BID AND AWARD

The City received a Quote from Hartwell Environmental the sole authorized distributor for Ozonia in this region, as evidenced by the attached sole source statement from the manufacturer.

SCHEDULE

The work will begin on the upgrade of the first unit as soon as the materials are received. This upgrade process will be repeated every six to twelve months until all units have been upgraded.

POLICY/GOAL CONSIDERATION

Provide a sustainable infrastructure and protect the public's health and welfare.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Funding for these services will come from the Wastewater Treatment Division of Public Works' operating budget.

O&M IMPACT INFORMATION

Fiscal Year	2016	2017	2018
Estimated Expenditure	\$67,906	\$67,906	\$67,906

RECOMMENDED ACTION

City Council consideration and approval of resolution #R2015-228 awarding the Replacement Lights for the UV System and Control Units to upgrade to Hartwell Environmental Corp. in the amount of \$67,906.00.



**HARTWELL
ENVIRONMENTAL
CORPORATION**

Quotation

22115 Hufsmith Kohrville Rd.

Tomball, TX 77375-6952

281-351-8501 Tel 281-351-8323 Fax

Email: justin@hartwellenv.com

Date	Quotation #
11/18/2015	1118150

Quotation For:

Company: City of Pearland

Attn: Mark Wahlstrom

Tel:

Email:

Hartwell Environmental is pleased to provide our quotation on the following equipment item:

Terms	Delivery	Ship Via	Freight	Part Manufacturer
Net 30	2-3 Weeks	Best Way	Prepay & Add	Ozonias
Qty.	Part Number	Description	Unit Price	Total
240	X0016H15	Lamp, Complete Assy, UV 3X	230.00	55,200.00
2	X0075H03	Power Control Center, UV 3X	6,353.00	12,706.00
		FREIGHT IS NOT INCLUDED		
TOTAL				\$67,906.00

Comments or Special Instructions:

Quote prepared by: Justin Rodriguez

THANK YOU FOR YOUR BUSINESS!

|

|

Kingwood Central

Reference: Sole Source Aquaray™ UV Systems

September 2, 2014

Aquaray™ UV Systems are a trademark of Ozonia NA, 600 Willow Tree Road, Leonia, NJ 07605, and are designed and engineered specifically for your treatment application and installation.

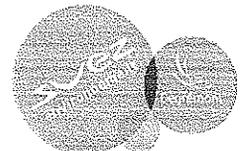
Ozonia NA sells components for all Aquaray™ UV Systems either directly to the end-users or through our manufacturers sales representative Hartwell Environmental Corp. The components are not sold through distribution networks. The components for your Aquaray™ UV Systems are designed, engineered, and produced specifically for your equipment and application. Ozonia NA is the sole source supplier for Aquaray™ UV Systems and parts. The lamps, ballasts and controllers are tested for electrical compatibility, UV output at end of life, the EPA required dosage and disinfection limits of your plant.

Ozonia NA is committed to providing quality equipment, parts, and service for your plant. If you have any service or parts needs, please call Richard Keller @ 800-446-1150 ext. 7722.

Sincerely,



Rich Keller
UV Parts Coordinator
Ozonia Customer Care



RESOLUTION NO. R2015-228

A Resolution of the City Council of the City of Pearland, Texas, awarding a sole source purchase of replacement ultra violet lights and a ballast upgrade for the John Hargrove Environmental Center to Ozonia, in the amount of \$67,906.00.

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

Section 1. That sole source pricing for the purchase of replacement ultra violet lights and a ballast upgrade have been obtained.

Section 2. That the City Council hereby awards the purchase to Ozonia, in the amount of \$67,906.00.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for the purchase of replacement ultra violet lights and a ballast upgrade.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

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

AGENDA OF: 12-07-2015	ITEM NO.: Consent Agenda
DATE SUBMITTED: 12-02-2015	DEPARTMENT OF ORIGIN: City Secretary
PREPARED BY: Maria E. Rodriguez	PRESENTOR: City Council
REVIEWED BY: Jon R. Branson	REVIEW DATE: December 2, 2015
SUBJECT: Excuse the absence of Councilmember Greg Hill from the Regular Council Meeting held on November 23, 2015.	
EXHIBITS: None	
EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A
ACCOUNT NO.: N/A	
ADDITIONAL APPROPRIATION REQUIRED: N/A	
ACCOUNT NO.: N/A	
PROJECT NO.: N/A	
To be completed by Department:	
<input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

Councilmember Greg Hill was absent from the November 23, 2015, Regular City Council Meeting. The purpose of this item is to excuse Councilmember Greg Hill's absence from the meeting.

RECOMMENDED ACTION

Council consideration required.

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

AGENDA OF:	December 7, 2015	ITEM NO.:	R2015-226
DATE SUBMITTED:	12-1-2015	DEPT. OF ORIGIN:	Public Works
PREPARED BY:	John Hines	PRESENTOR:	Eric Wilson
REVIEWED BY:	Trent Epperson	REVIEW DATE:	December 2, 2015
SUBJECT: RESOLUTION NO. R2015-226 - A Resolution of the City Council of the City of Pearland, Texas, renewing an amended contract award for a unit supply contract for water fittings and related parts to HD Supply Waterworks in the estimated amount of \$200,000 for December 14, 2015 through December 13, 2016.			
EXHIBITS: R2015 Exhibit A – Bid Tabulation for Bid #0914-61 Amended			
FUNDING:			
<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			
EXPENDITURE REQUIRED: \$200,000 (annual est.) AMOUNT BUDGETED: \$200,000			
AMOUNT AVAILABLE: \$200,000		PROJECT NO.:	
ACCOUNT NO.: 030-4044-542-29-00; 030-4047-542-29-00; 030-4055-542.58-03; 010-3570-542-13-00; and 030-4042-554-05-00			
ADDITIONAL APPROPRIATION REQUIRED:		ACCOUNT NO.:	
PROJECT NO.:			
To be completed by Department:			
X Finance	X Legal	Ordinance	X Resolution

EXECUTIVE SUMMARY

BACKGROUND

As part of the City's program to maintain a sustainable infrastructure, staff must repair various water distribution lines and sanitary sewer collection lines. As part of this work, it is necessary to purchase various fittings and parts. In compliance with the City contracts the City has discussed this purchasing contract with vendor. City Council approved a bid award in October, 2014, for the purchase of water fittings and related parts, pursuant to the specifications of Bid #0914-61, to HD Supply Waterworks.

SCOPE OF CONTRACT

One (1) year agreement for the purchase of water fittings and related parts as needed by the City’s Public Works Department. This is the first of two one (1) year contract renewals as allowed by the original contract.

BID AND AWARD

HD Supply Waterworks has agreed to hold pricing for the items that make up most of the contract cost. However, the vendor required a cost increase in excess of what the contract allows for the brass fitting items. They have agreed to hold pricing on those items for two months, while we re-bid those items. The bid tabulation has been amended to reflect the items that are being renewed.

The recommended award is denoted by the yellow highlighted portions of the bid tabulation under water parts HD Supply – Exhibit A.

SCHEDULE

Supply of water fittings and related parts will occur as needed throughout the term of the agreement.

POLICY/GOAL CONSIDERATION

Purchase of these water fittings and related parts will ensure the Public Works Department’s capability to provide repairs, installations and maintenance of the City’s water and wastewater lines for our citizens.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Funding for these items come from the Water and Sewer Operations and the General Fund for Public Works.

O&M IMPACT INFORMATION

Fiscal Year	2014	2015	2016
Estimated expenditure	\$200,000	\$205,200*	\$210,535*

*Based on current 2.6% CPI 12-month increase.

RECOMMENDED ACTION

Consideration and approval of Resolution number R2015-226 renewing an award of a unit supply contract for water fittings and related parts to HD Waterworks in the estimated amount of \$200,000 for December 14, 2015 through December 13, 2016.

**EXHIBIT A
 BID #0914-61 PURCHASE OF FITTINGS VALVES AND COUPLINGS**

						HD Supply Waterworks	
	Description	Mfgr	MfgNo	UOM	QTY	Unit	Extended
SEC 13	CURB STOPS AND BRASS CTS FITTINGS						
13.1	3/4 IN. CTS X 3/4 M/NUT	FORD	B43-232W	EA	48	\$32.30	\$1,550.40
13.2	1 IN. CTS X 3/4 M/NUT	FORD	B43-334W	EA	144	\$53.50	\$7,704.00
13.3	1 IN. CTS X 1 IN. M/NUT	FORD	B43-444W	EA	144	\$73.20	\$10,540.80
13.4	3/4 IN. FIP X FIP	FORD	B11-333	EA	48	\$38.40	\$1,843.20
13.5	1 IN. FIP X FIP	FORD	B11-344	EA	24	\$42.70	\$1,024.80
13.6	3/4 IN. CTS X 3/4 IN. M/NUT 90	FORD	B43-232W	EA	24	\$31.90	\$765.60
13.7	1 IN. CTS X 3/4 M/NUT 90	FORD	B43-242W	EA	48	\$41.10	\$1,972.80
13.8	1 IN. CTS X 1 IN. M/NUT 90	FORD	B43-344W	EA	24	\$64.80	\$1,555.20
13.9	3/4 IN. FIP X 3/4 IN. METER NUT (ANGLE 90 DEG)	FORD	B13-232W	EA	24	\$27.10	\$650.40
13.10	3/4 IN. FIP X 3/4 IN. METER NUT (STRAIGHT)	FORD	B13-232W	EA	24	\$26.80	\$643.20
13.11	1 IN. FIP X 1 IN. METER NUT (ANGLE 90 DEG)	FORD	B13-344W	EA	12	\$54.50	\$654.00
13.12	1 IN. FIP X 1 IN. METER NUT (STRAIGHT)	FORD	B13-344W	EA	12	\$48.00	\$576.00
13.13	2 IN. PJ-CTS X FLANGE	FORD	BF43-777W	EA	12	\$221.80	\$2,661.60
13.14	2 IN. PJ-CTS X FLANGE 90 DEG	FORD	FV43-777W	EA	12	\$173.90	\$2,086.80
13.15	1-1/2 IN. FLANGE X CTS	FORD	BF43-666W	EA	6	\$130.90	\$785.40
	SECTION 13 TOTAL						\$35,014.20
SEC 14	U-BRANCH ASSEMBLY						
14.1	1 IN. PJ-CTS X 3/4 IN. METER NUT (STRAIGHT)	FORD	UVBS43	EA	144	\$88.00	\$12,672.00
14.2	1 IN. PJ-CTS X 3/4 IN. METER NUT (ANGLED)	FORD	UVB43	EA	144	\$92.60	\$13,334.40
14.3	3/4 IN. CTS UNION	FORD	C44-33	EA	144	\$13.10	\$1,886.40
14.4	3/4 IN. CTS X 3/4 IN. PVC UNION	FORD	C47-33	EA	12	\$17.70	\$212.40
14.5	3/4 IN. INSTA TITE COUPLING	FORD	C44-33-U-NL	EA	144	\$13.10	\$1,886.40
14.6	1 IN. CTS UNION 90	FORD	L44-44	EA	24	\$21.70	\$520.80

						HD Supply Waterworks	
	Description	Mfgr	MfgNo	UOM	QTY	Unit	Extended
14.7	1 IN. CTS X 3/4 IN. CTS UNION	FORD	C44-34	EA	24	\$15.20	\$364.80
14.8	1 IN. CTS UNION	FORD	C44-44	EA	144	\$15.00	\$2,160.00
14.9	1 IN. CTS X 1 IN. PVC UNION	FORD	C47-44	EA	12	\$25.60	\$307.20
14.10	1 IN. PVC UNION	FORD	C77-44	EA	12	\$32.50	\$390.00
14.11	1 IN. INSTA TITE COUPLING	FORD	C44-44-U-NL	EA	144	\$15.00	\$2,160.00
14.12	1-1/2 IN. CTS UNION	FORD	C44-66	EA	6	\$50.20	\$301.20
14.13	2 IN. CTS UNION	FORD	C44-77	EA	12	\$67.70	\$812.40
14.14	2 IN. CTS UNION 90	FORD	L44-77	EA	24	\$141.40	\$3,393.60
14.15	1 IN. CC X 1 IN. CTS CORP	FORD	F1000-4-NL	EA	288	\$35.50	\$10,224.00
14.16	2 IN. CC X 2 IN. CTS CORP	FORD	FB1000-7	EA	24	\$169.00	\$4,056.00
14.17	3/4 IN. X 3/4 IN. X 3/4 IN. PJ-CTS (TEE)	FORD	T444-333	EA	2	\$31.00	\$62.00
14.18	1 IN. X 1 IN. X 3/4 IN. PJ-CTS (TEE)	FORD	T444-443	EA	2	\$34.15	\$68.30
14.19	1 IN. X 1 IN. X 1 IN. PJ-CTS (TEE)	FORD	T444-444	EA	2	\$33.20	\$66.40
14.20	1 IN. X 3/4 IN. X 3/4 IN. PJ-CTS (WYE)	FORD	Y44-243	EA	2	\$27.10	\$54.20
14.21	1-1/2 IN. FLANGE (BRASS)	FORD	CF31-66	EA	6	\$31.10	\$186.60
14.22	2 IN. FLANGE (BRASS)	FORD	CF31-77	EA	24	\$40.60	\$974.40
14.23	3/4 IN. SPUDS	FORD	C38-13-2.188	EA	144	\$7.70	\$1,108.80
14.24	1 IN. SPUDS	FORD	C38-44-2	EA	144	\$10.40	\$1,497.60
14.25	3/4 IN. X 2-1/2 IN. SPUDS	FORD	C38-23-2.5	EA	12	\$7.00	\$84.00
14.26	3/4 IN. X 3 IN. SPUDS	FORD	C38-23-3	EA	12	\$8.40	\$100.80
14.27	3/4 IN. X 8-1/2 IN. SPUDS	FORD	C38-23-8.5	EA	12	\$18.00	\$216.00
	SECTION 14 TOTAL						\$59,100.70
SEC 15	METER RISERS						
15.1	3/4 IN. 7 IN.	FORD		EA	4	\$65.90	\$263.60
15.2	3/4 IN. 9 IN.	FORD		EA	4	\$66.70	\$266.80
15.3	3/4 IN. 15 IN.	FORD		EA	4	\$71.90	\$287.60

						HD Supply Waterworks	
	Description	Mfgr	MfgNo	UOM	QTY	Unit	Extended
15.4	1 IN. 9 IN.	FORD		EA	4	\$125.00	\$500.00
15.5	1 IN. 15 IN.	FORD		EA	4	\$132.00	\$528.00
	SECTION 15 TOTAL						\$1,846.00
SEC 17	BRASS ADAPTERS						
17.14	1 IN. X 3/4 IN. METER NUT ADAPTER	FORD		EA	6	\$17.80	\$106.80
17.22	2 IN. FIP X PVC COMP	FORD	C07-77	EA	6	\$79.60	\$477.60
	SECTION 17 TOTAL						\$584.40
SEC 20	TAPPING SADDLES						
20.1	2 X 1 CC	ROMAC IND.		EA	4	\$18.40	\$73.60
20.2	2-1/2 X 1 CC	ROMAC IND.		EA	2	\$18.40	\$36.80
20.3	3 X 1 CC	ROMAC IND.		EA	2	\$18.90	\$37.80
20.4	4 X 1 CC	ROMAC IND.		EA	2	\$19.95	\$39.90
20.5	4 X 2 CC	ROMAC IND.		EA	2	\$25.05	\$50.10
20.6	4 X 2 IP	ROMAC IND.		EA	6	\$25.05	\$150.30
20.7	6 X 1 CC	ROMAC IND.		EA	12	\$23.15	\$277.80
20.8	6 X 2 CC	ROMAC IND.		EA	12	\$27.20	\$326.40
20.9	6 X 2 IP	ROMAC IND.		EA	4	\$27.20	\$108.80
20.10	8 X 1 CC	ROMAC IND.		EA	24	\$27.50	\$660.00
20.11	8 X 2 CC	ROMAC IND.		EA	12	\$32.80	\$393.60
20.12	8 X 2 IP	ROMAC IND.		EA	2	\$32.80	\$65.60
20.13	10 X 1 CC	ROMAC IND.		EA	12	\$30.50	\$366.00
20.14	10 X 2 CC	ROMAC IND.		EA	12	\$37.30	\$447.60
20.15	10 X 2 IP	ROMAC IND.		EA	2	\$37.30	\$74.60
20.16	12 X 1 CC	ROMAC IND.		EA	12	\$35.30	\$423.60
20.17	12 X 2 CC	ROMAC IND.		EA	12	\$43.35	\$520.20

						HD Supply Waterworks	
	Description	Mfgr	MfgNo	UOM	QTY	Unit	Extended
20.18	12 X 2 IP	ROMAC IND.		EA	2	\$43.35	\$86.70
20.19	16 X 1 CC	ROMAC IND.		EA	6	\$87.95	\$527.70
20.20	16 X 2 CC	ROMAC IND.		EA	12	\$96.00	\$1,152.00
20.21	16 X 2 IP	ROMAC IND.		EA	2	\$96.00	\$192.00
	SECTION 20 TOTAL						\$6,011.10
SEC 31	MISCELLANEOUS SUPPLIES						
31.1	"T PLUS 2 TEFLON PASTE, 1/2 PINT CANS"			EA	48	\$11.00	\$528.00
	SECTION 31 TOTAL						\$528.00

ITEMS BELOW WERE ON PREVIOUS CONTRACT AND WILL NOT BE RENEWED

SEC 7	24 IN. COVERS						
7.1	COVERS W/CITY LOGO	EJIW-OLD CASTLE		EA	96	\$71.05	\$6,820.80
7.2	M/H RING W/FLAT BASE	EJIW-OLD CASTLE		EA	48	\$102.00	\$4,896.00
7.3	M/H RING W/MUD RING	EJIW-OLD CASTLE		EA	48	\$142.00	\$6,816.00
7.4	INVERTED M/H RING	EJIW-OLD CASTLE		EA	12	\$71.05	\$852.60
7.5	2 IN. C.I. RISER	EJIW-OLD CASTLE		EA	48	\$32.10	\$1,540.80
7.6	3 IN. C.I. RISER	EJIW-OLD CASTLE		EA	6	\$57.50	\$345.00
7.7	4 IN. C.I. RISER	EJIW-OLD CASTLE		EA	6	\$77.40	\$464.40
7.8	6 IN. C.I. RISER	EJIW-OLD CASTLE		EA	6	\$94.10	\$564.60
7.9	2 IN. CONCRETE RISER	EJIW-OLD CASTLE		EA	48	\$18.80	\$902.40
7.10	3 IN. CONCRETE RISER	EJIW-OLD CASTLE		EA	48	\$20.30	\$974.40
7.11	4 IN. CONCRETE RISER	EJIW-OLD CASTLE		EA	48	\$24.20	\$1,161.60
7.12	6 IN. CONCRETE RISER	EJIW-OLD CASTLE		EA	48	\$28.50	\$1,368.00
	SECTION 7 TOTAL						\$26,706.60
SEC 8	32 IN. COVERS						
8.7	2 IN. CONCRETE RISER	EJIW-OLD CASTLE		EA	48	\$23.80	\$1,142.40

HD Supply Waterworks

	Description	Mfgr	MfgNo	UOM	QTY	Unit	Extended
8.10	6 IN. CONCRETE RISER	EJIW-OLD CASTLE		EA	6	\$36.70	\$220.20
	SECTION 8 TOTAL						\$1,362.60
SEC 10	STAINLESS STEEL- ADJUSTABLE BAND						
10.1	18 IN. STAINLESS STEEL- ADJUSTABLE BAND			EA	24	\$1.90	\$45.60
10.2	24 IN. STAINLESS STEEL- ADJUSTABLE BAND			EA	24	\$2.15	\$51.60
10.3	36 IN. STAINLESS STEEL- ADJUSTABLE BAND			EA	72	\$2.50	\$180.00
	SECTION 10 TOTAL					\$277.20	\$277.20
SEC 11	FULL CIRCLE CLAMPS						
11.21	7.05 X 7.45 X 15 6 IN.- ROUGH	FORD	FSI-745X15	EA	12	\$83.40	\$1,000.80
	SECTION 11 TOTAL						\$1,000.80
SEC 23	SCH 80 FITTINGS						
23.8	2-1/2 IN. 22-1/2 DEG- SOLVENT WELD	LASCO		EA	2	\$22.00	\$44.00
23.18	4 IN. 22-1/2 DEG SOLVENT- WELD	LASCO		EA	2	\$41.05	\$82.10
23.22	6 IN. 22-1/2 DEG SOLVENT- WELD	LASCO		EA	2	\$55.70	\$111.40
23.25	6 IN. UNFLANGE SOLVENT- WELD	LASCO		EA	2	\$24.70	\$49.40
	SECTION 23 TOTAL						\$286.90
SEC 25	ONE-LOCKS						
25.1	2 IN.	SIP		EA	4	\$16.80	\$67.20
25.2	3 IN.	SIP		EA	4	\$16.80	\$67.20
25.3	4 IN.	SIP		EA	12	\$18.10	\$217.20
25.4	6 IN.	SIP		EA	12	\$21.90	\$262.80
25.5	8 IN.	SIP		EA	24	\$32.40	\$777.60
25.6	10 IN.	SIP		EA	12	\$61.30	\$735.60
25.7	12 IN.	SIP		EA	12	\$64.50	\$774.00
25.8	16 IN.	SIP		EA	12	\$137.90	\$1,654.80
25.9	20 IN.	SIP		EA	1	\$212.00	\$212.00
25.10	24 IN.	SIP		EA	1	\$245.00	\$245.00
25.11	30 IN.	SIP		EA	1	\$624.00	\$624.00
	SECTION 25 TOTAL				4		\$5,637.40
SEC 26	PIPE RESTRAINTS						
26.1	3 IN.	SIGMA		EA	2	\$26.80	\$53.60
SEC 28	VALVES - ALL BOLTS- PROVIDED WITH ITEMS- UNDER THIS SECTION- SHALL BE STAINLESS- STEEL.					Award to HD	

						HD Supply Waterworks	
	Description	Mfgr	MfgNo	UOM	QTY	Unit	Extended
28.1	2 IN. T 550 BLOW OFF VALVE	KUPFERLE		EA	24	\$360.00	\$8,640.00
28.2	2 IN. FIP RMW IRON BODY GATE VALVE	AMERICAN-DARLING		EA	24	\$201.00	\$4,824.00
28.3	2 IN. IPS BRASS GATE VALVE	AMERICAN-DARLING		EA	24	\$28.35	\$680.40
28.4	4 IN. PUSH ON RS GATE VALVE WITH OPERATING NUT AND EARS	AMERICAN-DARLING		EA	2	\$339.00	\$678.00
28.5	4 IN. MJ RSW GATE VALVE	AMERICAN-DARLING		EA	2	\$330.00	\$660.00
28.6	6 IN. PUSH ON RS GATE VALVE WITH OPERATING NUT AND EARS	AMERICAN-DARLING		EA	12	\$446.00	\$5,352.00
28.7	6 IN. MJ RSW GATE VALVE	AMERICAN-DARLING		EA	12	\$421.00	\$5,052.00
28.8	8 IN. PUSH ON RS GATE VALVE WITH OPERATING NUT AND EARS	AMERICAN-DARLING		EA	2	\$678.00	\$1,356.00
28.9	8 IN. MJ RSW GATE VALVE	AMERICAN-DARLING		EA	2	\$671.00	\$1,342.00
28.10	10 IN. PUSH ON RS GATE VALVE WITH OPERATING NUT AND EARS	AMERICAN-DARLING		EA	2	\$1,095.00	\$2,190.00
28.11	10 IN. MJ RSW GATE VALVE	AMERICAN-DARLING		EA	2	\$1,046.00	\$2,092.00
28.12	12 IN. PUSH ON RS GATE VALVE WITH OPERATING NUT AND EARS	AMERICAN-DARLING		EA	2	\$1,372.00	\$2,744.00
28.13	12 IN. MJ RSW GATE VALVE	AMERICAN-DARLING		EA	2	\$1,324.00	\$2,648.00
28.14	16 IN. MJ GATE VALVE WITH OPERATING NUT AND EARS	AMERICAN-DARLING		EA	4	\$4,438.00	\$17,752.00
	SECTION 28 TOTAL				4		\$56,010.40
SEC 29	MJ FITTINGS						
29.3	8" X 2" MJ REDUCER	SIGMA		EA	6	\$56.30	\$337.80
SEC 30	FIRE HYDRANTS-PUSH ON WITH EARS FOR C900. ALL FIRE HYDRANTS PROVIDED UNDER THIS CONTRACT SHALL BE SUPPLIED WITH A 4" X 5" STORZ FITTING WITH ALUMINUM CAP AND CHAIN. ALL BOLTS PROVIDED WITH ITEMS UNDER THIS SECTION SHALL BE STAINLESS-STEEL.						

						HD Supply Waterworks	
	Description	Mfgr	MfgNo	UOM	QTY	Unit	Extended
30.1	4 FT.	AMERICAN-DARLING, MUELLER, EAST JORDAN IRON WORKS (EJIW)		EA	20	\$1,740.00	\$34,800.00
30.2	5 FT.	AMERICAN-DARLING, MUELLER, EAST JORDAN IRON WORKS (EJIW)		EA	20	\$1,810.00	\$36,200.00
30.3	6 FT.	AMERICAN-DARLING, MUELLER, EAST JORDAN IRON WORKS (EJIW)		EA	8	\$1,880.00	\$15,040.00
SECTION 30 TOTAL							\$86,040.00
SEC 33	VALVE BOXES						
33.1	18 IN. X 24 IN.	SIGMA		EA	48	\$24.20	\$1,161.60
33.2	24 IN. X 36 IN.	SIGMA		EA	48	\$34.70	\$1,665.60
33.3	36 IN. X 48 IN.	SIGMA		EA	48	\$55.50	\$2,664.00
33.4	48 IN. X 60 IN.	SIGMA		EA	48	\$67.40	\$3,235.20
33.5	LIDS - WATER	SIGMA		EA	22	\$9.50	\$209.00
33.6	LIDS - SEWER	SIGMA		EA	48	\$9.50	\$456.00
33.7	1 IN. RISERS	SIGMA		EA	144	\$3.95	\$568.80
33.8	2 IN. RISERS	SIGMA		EA	144	\$8.40	\$1,209.60
33.9	4 IN. RISERS	SIGMA		EA	72	\$11.50	\$828.00
33.10	6 IN. RISERS	SIGMA		EA	72	\$17.80	\$1,281.60
SECTION 33 TOTAL					4		\$13,279.40

RESOLUTION NO. R2015-226

A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply contract for water fittings and related parts to HD Supply Waterworks, in the estimated amount of \$200,000, beginning December 14, 2015 through December 13, 2016.

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

Section 1. That the City previously awarded a supply contract for water fittings and related parts.

Section 2. That the City Council hereby renews a contract with HD Supply Waterworks, in the unit price amount reflected in Exhibit "A" attached hereto.

Section 3. The City Manager or his designee is hereby authorized to execute a supply contract for water fittings and related parts.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

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

AGENDA OF:	December 7, 2015	ITEM NO.:	R2015-225
DATE SUBMITTED:	12-1-2015	DEPT. OF ORIGIN:	Public Works
PREPARED BY:	John Hines	PRESENTOR:	Eric Wilson
REVIEWED BY:	Trent Epperson	REVIEW DATE:	December 2, 2015
SUBJECT: RESOLUTION NO. R2015-225 - A Resolution of the City Council of the City of Pearland, Texas, renewing a contract award for a unit supply contract for water fittings and related parts to MDN Enterprises in the estimated amount of \$80,000 from December 14, 2015 through December 13, 2016.			
EXHIBITS: R-2015 Exhibit A – Bid Tabulation for Bid #0914-61			
FUNDING:	<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 – To Be Sold
EXPENDITURE REQUIRED: \$80,000 (annual est.) AMOUNT BUDGETED: \$80,000			
AMOUNT AVAILABLE: \$80,000		PROJECT NO.:	
ACCOUNT NO.: 030-4044-542-29-00; 030-4047-542-29-00; 030-4055-542.58-03; 010-3570-542-13-00; and 030-4042-554-05-00			
ADDITIONAL APPROPRIATION REQUIRED:		ACCOUNT NO.:	
PROJECT NO.:			
To be completed by Department:			
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution

EXECUTIVE SUMMARY

BACKGROUND

As part of the City's program to maintain a sustainable infrastructure staff must repair various water distribution lines and sanitary sewer collection lines. As part of this work, it is necessary to purchase various fittings and parts. The City is renewing this contract, approved in October of 2014 for the purchase of such parts and fittings. In compliance with the City contracts the City has discussed the extension of this purchasing contract with the vendor. City Council approved a bid award in October, 2014, for the purchase of water fittings and related parts, pursuant to the specifications of Bid #0914-61, to MDN Enterprises.

SCOPE OF CONTRACT

One (1) year agreement for the purchase of water fittings and related parts as needed by the City’s Public Works Department. This is the first of two one (1) year contract renewals as allowed by the original contract.

BID AND AWARD

MDN Enterprises has agreed to hold pricing for their contract.

The recommended award is denoted by the yellow highlighted portions of the bid tabulation under water parts MDN Enterprises – Exhibit A.

SCHEDULE

Supply of water fittings and related parts will occur as needed throughout the term of the agreement.

POLICY/GOAL CONSIDERATION

Purchase of these water fittings and related parts will ensure the Public Works Department’s capability to provide repairs, installations and maintenance of the City’s water and wastewater lines for our citizens.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Funding for these items come from the Water and Sewer Operations and the General Fund for Public Works.

O&M IMPACT INFORMATION

Fiscal Year	2014	2015	2016
Estimated expenditure	\$80,000	\$82,080*	\$84,214*

*Based on current 2.6% CPI 12-month increase.

RECOMMENDED ACTION

Consideration and approval of Resolution number R2015-225 renewing an award of a unit supply contract for water fittings and related parts to MDN Enterprises in the estimated amount of \$80,000 from December 14, 2015 through December 13, 2016.

**EXHIBIT A
 BID #0914-61 PURCHASE OF FITTINGS VALVES AND COUPLINGS**

						HD Supply Waterworks	
	Description	Mfgr	MfgNo	UOM	QTY	Unit	Extended
SEC 13	CURB STOPS AND BRASS CTS FITTINGS						
13.1	3/4 IN. CTS X 3/4 M/NUT	FORD	B43-232W	EA	48	\$32.30	\$1,550.40
13.2	1 IN. CTS X 3/4 M/NUT	FORD	B43-334W	EA	144	\$53.50	\$7,704.00
13.3	1 IN. CTS X 1 IN. M/NUT	FORD	B43-444W	EA	144	\$73.20	\$10,540.80
13.4	3/4 IN. FIP X FIP	FORD	B11-333	EA	48	\$38.40	\$1,843.20
13.5	1 IN. FIP X FIP	FORD	B11-344	EA	24	\$42.70	\$1,024.80
13.6	3/4 IN. CTS X 3/4 IN. M/NUT 90	FORD	B43-232W	EA	24	\$31.90	\$765.60
13.7	1 IN. CTS X 3/4 M/NUT 90	FORD	B43-242W	EA	48	\$41.10	\$1,972.80
13.8	1 IN. CTS X 1 IN. M/NUT 90	FORD	B43-344W	EA	24	\$64.80	\$1,555.20
13.9	3/4 IN. FIP X 3/4 IN. METER NUT (ANGLE 90 DEG)	FORD	B13-232W	EA	24	\$27.10	\$650.40
13.10	3/4 IN. FIP X 3/4 IN. METER NUT (STRAIGHT)	FORD	B13-232W	EA	24	\$26.80	\$643.20
13.11	1 IN. FIP X 1 IN. METER NUT (ANGLE 90 DEG)	FORD	B13-344W	EA	12	\$54.50	\$654.00
13.12	1 IN. FIP X 1 IN. METER NUT (STRAIGHT)	FORD	B13-344W	EA	12	\$48.00	\$576.00
13.13	2 IN. PJ-CTS X FLANGE	FORD	BF43-777W	EA	12	\$221.80	\$2,661.60
13.14	2 IN. PJ-CTS X FLANGE 90 DEG	FORD	FV43-777W	EA	12	\$173.90	\$2,086.80
13.15	1-1/2 IN. FLANGE X CTS	FORD	BF43-666W	EA	6	\$130.90	\$785.40
	SECTION 13 TOTAL						\$35,014.20
SEC 14	U-BRANCH ASSEMBLY						
14.1	1 IN. PJ-CTS X 3/4 IN. METER NUT (STRAIGHT)	FORD	UVBS43	EA	144	\$88.00	\$12,672.00
14.2	1 IN. PJ-CTS X 3/4 IN. METER NUT (ANGLED)	FORD	UVB43	EA	144	\$92.60	\$13,334.40
14.3	3/4 IN. CTS UNION	FORD	C44-33	EA	144	\$13.10	\$1,886.40
14.4	3/4 IN. CTS X 3/4 IN. PVC UNION	FORD	C47-33	EA	12	\$17.70	\$212.40
14.5	3/4 IN. INSTA TITE COUPLING	FORD	C44-33-U-NL	EA	144	\$13.10	\$1,886.40
14.6	1 IN. CTS UNION 90	FORD	L44-44	EA	24	\$21.70	\$520.80

						HD Supply Waterworks	
	Description	Mfgr	MfgNo	UOM	QTY	Unit	Extended
14.7	1 IN. CTS X 3/4 IN. CTS UNION	FORD	C44-34	EA	24	\$15.20	\$364.80
14.8	1 IN. CTS UNION	FORD	C44-44	EA	144	\$15.00	\$2,160.00
14.9	1 IN. CTS X 1 IN. PVC UNION	FORD	C47-44	EA	12	\$25.60	\$307.20
14.10	1 IN. PVC UNION	FORD	C77-44	EA	12	\$32.50	\$390.00
14.11	1 IN. INSTA TITE COUPLING	FORD	C44-44-U-NL	EA	144	\$15.00	\$2,160.00
14.12	1-1/2 IN. CTS UNION	FORD	C44-66	EA	6	\$50.20	\$301.20
14.13	2 IN. CTS UNION	FORD	C44-77	EA	12	\$67.70	\$812.40
14.14	2 IN. CTS UNION 90	FORD	L44-77	EA	24	\$141.40	\$3,393.60
14.15	1 IN. CC X 1 IN. CTS CORP	FORD	F1000-4-NL	EA	288	\$35.50	\$10,224.00
14.16	2 IN. CC X 2 IN. CTS CORP	FORD	FB1000-7	EA	24	\$169.00	\$4,056.00
14.17	3/4 IN. X 3/4 IN. X 3/4 IN. PJ-CTS (TEE)	FORD	T444-333	EA	2	\$31.00	\$62.00
14.18	1 IN. X 1 IN. X 3/4 IN. PJ-CTS (TEE)	FORD	T444-443	EA	2	\$34.15	\$68.30
14.19	1 IN. X 1 IN. X 1 IN. PJ-CTS (TEE)	FORD	T444-444	EA	2	\$33.20	\$66.40
14.20	1 IN. X 3/4 IN. X 3/4 IN. PJ-CTS (WYE)	FORD	Y44-243	EA	2	\$27.10	\$54.20
14.21	1-1/2 IN. FLANGE (BRASS)	FORD	CF31-66	EA	6	\$31.10	\$186.60
14.22	2 IN. FLANGE (BRASS)	FORD	CF31-77	EA	24	\$40.60	\$974.40
14.23	3/4 IN. SPUDS	FORD	C38-13-2.188	EA	144	\$7.70	\$1,108.80
14.24	1 IN. SPUDS	FORD	C38-44-2	EA	144	\$10.40	\$1,497.60
14.25	3/4 IN. X 2-1/2 IN. SPUDS	FORD	C38-23-2.5	EA	12	\$7.00	\$84.00
14.26	3/4 IN. X 3 IN. SPUDS	FORD	C38-23-3	EA	12	\$8.40	\$100.80
14.27	3/4 IN. X 8-1/2 IN. SPUDS	FORD	C38-23-8.5	EA	12	\$18.00	\$216.00
	SECTION 14 TOTAL						\$59,100.70
SEC 15	METER RISERS						
15.1	3/4 IN. 7 IN.	FORD		EA	4	\$65.90	\$263.60
15.2	3/4 IN. 9 IN.	FORD		EA	4	\$66.70	\$266.80
15.3	3/4 IN. 15 IN.	FORD		EA	4	\$71.90	\$287.60

						HD Supply Waterworks	
	Description	Mfgr	MfgNo	UOM	QTY	Unit	Extended
15.4	1 IN. 9 IN.	FORD		EA	4	\$125.00	\$500.00
15.5	1 IN. 15 IN.	FORD		EA	4	\$132.00	\$528.00
	SECTION 15 TOTAL						\$1,846.00
SEC 17	BRASS ADAPTERS						
17.14	1 IN. X 3/4 IN. METER NUT ADAPTER	FORD		EA	6	\$17.80	\$106.80
17.22	2 IN. FIP X PVC COMP	FORD	C07-77	EA	6	\$79.60	\$477.60
	SECTION 17 TOTAL						\$584.40
SEC 20	TAPPING SADDLES						
20.1	2 X 1 CC	ROMAC IND.		EA	4	\$18.40	\$73.60
20.2	2-1/2 X 1 CC	ROMAC IND.		EA	2	\$18.40	\$36.80
20.3	3 X 1 CC	ROMAC IND.		EA	2	\$18.90	\$37.80
20.4	4 X 1 CC	ROMAC IND.		EA	2	\$19.95	\$39.90
20.5	4 X 2 CC	ROMAC IND.		EA	2	\$25.05	\$50.10
20.6	4 X 2 IP	ROMAC IND.		EA	6	\$25.05	\$150.30
20.7	6 X 1 CC	ROMAC IND.		EA	12	\$23.15	\$277.80
20.8	6 X 2 CC	ROMAC IND.		EA	12	\$27.20	\$326.40
20.9	6 X 2 IP	ROMAC IND.		EA	4	\$27.20	\$108.80
20.10	8 X 1 CC	ROMAC IND.		EA	24	\$27.50	\$660.00
20.11	8 X 2 CC	ROMAC IND.		EA	12	\$32.80	\$393.60
20.12	8 X 2 IP	ROMAC IND.		EA	2	\$32.80	\$65.60
20.13	10 X 1 CC	ROMAC IND.		EA	12	\$30.50	\$366.00
20.14	10 X 2 CC	ROMAC IND.		EA	12	\$37.30	\$447.60
20.15	10 X 2 IP	ROMAC IND.		EA	2	\$37.30	\$74.60
20.16	12 X 1 CC	ROMAC IND.		EA	12	\$35.30	\$423.60
20.17	12 X 2 CC	ROMAC IND.		EA	12	\$43.35	\$520.20

						HD Supply Waterworks	
	Description	Mfgr	MfgNo	UOM	QTY	Unit	Extended
20.18	12 X 2 IP	ROMAC IND.		EA	2	\$43.35	\$86.70
20.19	16 X 1 CC	ROMAC IND.		EA	6	\$87.95	\$527.70
20.20	16 X 2 CC	ROMAC IND.		EA	12	\$96.00	\$1,152.00
20.21	16 X 2 IP	ROMAC IND.		EA	2	\$96.00	\$192.00
	SECTION 20 TOTAL						\$6,011.10
SEC 31	MISCELLANEOUS SUPPLIES						
31.1	"T PLUS 2 TEFLON PASTE, 1/2 PINT CANS"			EA	48	\$11.00	\$528.00
	SECTION 31 TOTAL						\$528.00

ITEMS BELOW WERE ON PREVIOUS CONTRACT AND WILL NOT BE RENEWED

SEC 7	24 IN. COVERS						
7.1	COVERS W/CITY LOGO	EJIW-OLD CASTLE		EA	96	\$71.05	\$6,820.80
7.2	M/H RING W/FLAT BASE	EJIW-OLD CASTLE		EA	48	\$102.00	\$4,896.00
7.3	M/H RING W/MUD RING	EJIW-OLD CASTLE		EA	48	\$142.00	\$6,816.00
7.4	INVERTED M/H RING	EJIW-OLD CASTLE		EA	12	\$71.05	\$852.60
7.5	2 IN. C.I. RISER	EJIW-OLD CASTLE		EA	48	\$32.10	\$1,540.80
7.6	3 IN. C.I. RISER	EJIW-OLD CASTLE		EA	6	\$57.50	\$345.00
7.7	4 IN. C.I. RISER	EJIW-OLD CASTLE		EA	6	\$77.40	\$464.40
7.8	6 IN. C.I. RISER	EJIW-OLD CASTLE		EA	6	\$94.10	\$564.60
7.9	2 IN. CONCRETE RISER	EJIW-OLD CASTLE		EA	48	\$18.80	\$902.40
7.10	3 IN. CONCRETE RISER	EJIW-OLD CASTLE		EA	48	\$20.30	\$974.40
7.11	4 IN. CONCRETE RISER	EJIW-OLD CASTLE		EA	48	\$24.20	\$1,161.60
7.12	6 IN. CONCRETE RISER	EJIW-OLD CASTLE		EA	48	\$28.50	\$1,368.00
	SECTION 7 TOTAL						\$26,706.60
SEC 8	32 IN. COVERS						
8.7	2 IN. CONCRETE RISER	EJIW-OLD CASTLE	4 of 7	EA	48	\$23.80	\$1,142.40

HD Supply Waterworks

	Description	Mfgr	MfgNo	UOM	QTY	Unit	Extended
8.10	6 IN. CONCRETE RISER	EJIW-OLD CASTLE		EA	6	\$36.70	\$220.20
	SECTION 8 TOTAL						\$1,362.60
SEC 10	STAINLESS STEEL- ADJUSTABLE BAND						
10.1	18 IN. STAINLESS STEEL- ADJUSTABLE BAND			EA	24	\$1.90	\$45.60
10.2	24 IN. STAINLESS STEEL- ADJUSTABLE BAND			EA	24	\$2.15	\$51.60
10.3	36 IN. STAINLESS STEEL- ADJUSTABLE BAND			EA	72	\$2.50	\$180.00
	SECTION 10 TOTAL					\$277.20	\$277.20
SEC 11	FULL CIRCLE CLAMPS						
11.21	7.05 X 7.45 X 15 6 IN.- ROUGH	FORD	FSI-745X15	EA	12	\$83.40	\$1,000.80
	SECTION 11 TOTAL						\$1,000.80
SEC 23	SCH 80 FITTINGS						
23.8	2-1/2 IN. 22-1/2 DEG- SOLVENT WELD	LASCO		EA	2	\$22.00	\$44.00
23.18	4 IN. 22-1/2 DEG SOLVENT- WELD	LASCO		EA	2	\$41.05	\$82.10
23.22	6 IN. 22-1/2 DEG SOLVENT- WELD	LASCO		EA	2	\$55.70	\$111.40
23.25	6 IN. UNFLANGE SOLVENT- WELD	LASCO		EA	2	\$24.70	\$49.40
	SECTION 23 TOTAL						\$286.90
SEC 25	ONE-LOCKS						
25.1	2 IN.	SIP		EA	4	\$16.80	\$67.20
25.2	3 IN.	SIP		EA	4	\$16.80	\$67.20
25.3	4 IN.	SIP		EA	12	\$18.10	\$217.20
25.4	6 IN.	SIP		EA	12	\$21.90	\$262.80
25.5	8 IN.	SIP		EA	24	\$32.40	\$777.60
25.6	10 IN.	SIP		EA	12	\$61.30	\$735.60
25.7	12 IN.	SIP		EA	12	\$64.50	\$774.00
25.8	16 IN.	SIP		EA	12	\$137.90	\$1,654.80
25.9	20 IN.	SIP		EA	1	\$212.00	\$212.00
25.10	24 IN.	SIP		EA	1	\$245.00	\$245.00
25.11	30 IN.	SIP		EA	1	\$624.00	\$624.00
	SECTION 25 TOTAL				1		\$5,637.40
SEC 26	PIPE RESTRAINTS						
26.1	3 IN.	SIGMA		EA	2	\$26.80	\$53.60
SEC 28	VALVES - ALL BOLTS- PROVIDED WITH ITEMS- UNDER THIS SECTION- SHALL BE STAINLESS- STEEL.					Award to HD	

						HD Supply Waterworks	
	Description	Mfgr	MfgNo	UOM	QTY	Unit	Extended
28.1	2 IN. T 550 BLOW OFF VALVE	KUPFERLE		EA	24	\$360.00	\$8,640.00
28.2	2 IN. FIP RMW IRON BODY GATE VALVE	AMERICAN-DARLING		EA	24	\$201.00	\$4,824.00
28.3	2 IN. IPS BRASS GATE VALVE	AMERICAN-DARLING		EA	24	\$28.35	\$680.40
28.4	4 IN. PUSH ON RS GATE VALVE WITH OPERATING NUT AND EARS	AMERICAN-DARLING		EA	2	\$339.00	\$678.00
28.5	4 IN. MJ RSW GATE VALVE	AMERICAN-DARLING		EA	2	\$330.00	\$660.00
28.6	6 IN. PUSH ON RS GATE VALVE WITH OPERATING NUT AND EARS	AMERICAN-DARLING		EA	12	\$446.00	\$5,352.00
28.7	6 IN. MJ RSW GATE VALVE	AMERICAN-DARLING		EA	12	\$421.00	\$5,052.00
28.8	8 IN. PUSH ON RS GATE VALVE WITH OPERATING NUT AND EARS	AMERICAN-DARLING		EA	2	\$678.00	\$1,356.00
28.9	8 IN. MJ RSW GATE VALVE	AMERICAN-DARLING		EA	2	\$671.00	\$1,342.00
28.10	10 IN. PUSH ON RS GATE VALVE WITH OPERATING NUT AND EARS	AMERICAN-DARLING		EA	2	\$1,095.00	\$2,190.00
28.11	10 IN. MJ RSW GATE VALVE	AMERICAN-DARLING		EA	2	\$1,046.00	\$2,092.00
28.12	12 IN. PUSH ON RS GATE VALVE WITH OPERATING NUT AND EARS	AMERICAN-DARLING		EA	2	\$1,372.00	\$2,744.00
28.13	12 IN. MJ RSW GATE VALVE	AMERICAN-DARLING		EA	2	\$1,324.00	\$2,648.00
28.14	16 IN. MJ GATE VALVE WITH OPERATING NUT AND EARS	AMERICAN-DARLING		EA	4	\$4,438.00	\$17,752.00
	SECTION 28 TOTAL				1		\$56,010.40
SEC 29	MJ FITTINGS						
29.3	8" X 2" MJ REDUCER	SIGMA		EA	6	\$56.30	\$337.80
SEC 30	FIRE HYDRANTS-PUSH ON WITH EARS FOR C900. ALL FIRE HYDRANTS PROVIDED UNDER THIS CONTRACT SHALL BE SUPPLIED WITH A 4" X 5" STORZ FITTING WITH ALUMINUM CAP AND CHAIN. ALL BOLTS PROVIDED WITH ITEMS UNDER THIS SECTION SHALL BE STAINLESS-STEEL.						

						HD Supply Waterworks	
	Description	Mfgr	MfgNo	UOM	QTY	Unit	Extended
30.1	4 FT.	AMERICAN-DARLING, MUELLER, EAST JORDAN IRON WORKS (EJIW)		EA	20	\$1,740.00	\$34,800.00
30.2	5 FT.	AMERICAN-DARLING, MUELLER, EAST JORDAN IRON WORKS (EJIW)		EA	20	\$1,810.00	\$36,200.00
30.3	6 FT.	AMERICAN-DARLING, MUELLER, EAST JORDAN IRON WORKS (EJIW)		EA	8	\$1,880.00	\$15,040.00
SECTION 30 TOTAL							\$86,040.00
SEC 33	VALVE BOXES						
33.1	18 IN. X 24 IN.	SIGMA		EA	48	\$24.20	\$1,161.60
33.2	24 IN. X 36 IN.	SIGMA		EA	48	\$34.70	\$1,665.60
33.3	36 IN. X 48 IN.	SIGMA		EA	48	\$55.50	\$2,664.00
33.4	48 IN. X 60 IN.	SIGMA		EA	48	\$67.40	\$3,235.20
33.5	LIDS - WATER	SIGMA		EA	22	\$9.50	\$209.00
33.6	LIDS - SEWER	SIGMA		EA	48	\$9.50	\$456.00
33.7	1 IN. RISERS	SIGMA		EA	144	\$3.95	\$568.80
33.8	2 IN. RISERS	SIGMA		EA	144	\$8.40	\$1,209.60
33.9	4 IN. RISERS	SIGMA		EA	72	\$11.50	\$828.00
33.10	6 IN. RISERS	SIGMA		EA	72	\$17.80	\$1,281.60
SECTION 33 TOTAL					4		\$13,279.40

RESOLUTION NO. R2015-225

A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply contract for water fittings and related parts to MDN Enterprises, in the estimated amount of \$80,000, beginning December 14, 2015 through December 13, 2016.

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

Section 1. That the City previously awarded a supply contract for water fittings and related parts.

Section 2. That the City Council hereby renews a contract to MDN Enterprises, in the unit price amount reflected in Exhibit "A" attached hereto.

Section 3. The City Manager or his designee is hereby authorized to execute a supply contract for water fittings and related parts.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

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

AGENDA OF: December 7, 2015	ITEM NO.: Ordinance No. CUP 2015-10				
DATE SUBMITTED: November 17, 2015	DEPT. OF ORIGIN: Planning				
PREPARED BY: Ian Clowes	PRESENTOR: Lata Krishnarao				
REVIEWED BY: Lata Krishnarao	REVIEW DATE: 12/1/2015				
<p>SUBJECT: Ordinance No. CUP 2015-10 - An ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for a school use and to allow additional height to the existing steeple, Being a 9.9978 acre tract of land out of Lots E and 105, Section No. 1, A.C.H. & B.R.R Co. survey, Abstract Number 147, according to the plat thereof as filed in Volume 2, Page 1 Brazoria County Plat Records, Pearland, Brazoria County, Texas. (Located at 2209 Old Alvin Rd., Pearland, TX), Conditional Use Permit Application No 2015-10, within the Single Family Residential -2 (R-2) zoning district, at the request of Sheila Rowley of Studio Red Architects, applicant; on behalf of the Archdiocese of Galveston-Houston, owner; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.</p>					
<p>ATTACHMENTS: Ordinance No. CUP 2015-10 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter; Exhibit E – Site Plan) Joint Public Hearing Packet (11.16.15)</p>					
<p>EXPENDITURE REQUIRED: N/A AMOUNT AVAILABLE: N/A ACCOUNT NO.: N/A</p>	<p>AMOUNT BUDGETED: N/A PROJECT NO.: N/A</p>				
<p>ADDITIONAL APPROPRIATION REQUIRED: N/A ACCOUNT NO.: N/A PROJECT NO.: N/A</p>					
<p>To be completed by Department:</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 25%;">Finance</td> <td style="text-align: center; width: 25%;">Legal</td> <td style="text-align: center; width: 25%;">Ordinance</td> <td style="text-align: center; width: 25%;">Resolution</td> </tr> </table>		Finance	Legal	Ordinance	Resolution
Finance	Legal	Ordinance	Resolution		

EXECUTIVE SUMMARY

The applicant is requesting approval of a conditional use permit (CUP) to allow for the expansion of a school use on approximately 9.9978 acres located at 2209 Old Alvin Street, and bring into conformance the existing non-conforming steeple by increasing the maximum permitted height of 35' to 45'. The property is currently zoned Single Family Residential-2 (R-2). The property currently consists of a large church/school campus and multiple supporting buildings, including the smaller former sanctuary. This CUP will allow for an overall increase of 25,000 square feet. When the expansion is complete the school will be a total of 42,600 square feet. The CUP will also bring the steeple into conformance. The steeple on the existing church was constructed in 2002 and exceeds the maximum height limitation by approximately 10 feet.

A Specific Use Permit (SUP) was approved in 2002 to allow the church use prior to the construction of the new larger sanctuary, under the old Land Use and Urban Development Ordinance. At that time, the new sanctuary steeple height and existing school use were not addressed.

Several concerns were raised reading traffic circulation. At the time of the permit, a traffic impact analysis will be required and traffic plans will be reviewed to ensure that the concerns are addressed.

Recommendation

Staff recommends approval of the requested CUP on the approximately 9.9978 acre site to allow a school use and to allow for the existing steeple height for the following reasons:

1. The approved CUP will allow for the existing school on site to expand their foot print, ultimately expanding the capacity of the school and allowing them to serve more students in the community.
2. The approved CUP will result in bringing a nonconforming structure (church steeple) and school use into conformance with the Unified Development Code (UDC).
3. All requirements of the UDC will be met for any future redevelopment and expansion on the site. Screening and buffering as required by the UDC will protect the health, safety, and welfare of the existing neighborhoods, as prioritized by the 2015 Comprehensive Plan.

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 CUP. 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.

PLANNING AND ZONING COMMISSION DISCUSSION

At the regular meeting of the Planning and Zoning Commission on November 16, 2015, P&Z Commissioner Derrell Isenberg made a motion to recommend approval of the CUP request. The motion was seconded by P&Z Commissioner Troy Pradia. The vote was 5-0 and the motion was approved. Commissioners Pradia, Starr, Tunstall, Isenberg, and McFadden all voted in favor of the requested CUP.

Ordinance No. CUP 2015-10

An ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for a school use and to allow additional height to the existing steeple**, Being a 9.9978 acre tract of land out of Lots E and 105, Section No. 1, A.C.H. & B.R.R Co. survey, Abstract Number 147, according to the plat thereof as filed in Volume 2, Page 1 Brazoria County Plat Records, Pearland, Brazoria County, Texas. **(Located at 2209 Old Alvin Rd., Pearland, TX)**, Conditional Use Permit Application No 2015-10, within the Single Family Residential -2 (R-2) zoning district, at the request of Sheila Rowley of Studio Red Architects, applicant; on behalf of the Archdiocese of Galveston-Houston, owner; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

WHEREAS, Sheila Rowley of Studio Red Architects, applicant; on behalf of the Archdiocese of Galveston-Houston, owner; is requesting approval of a Conditional Use Permit (CUP) to allow for a school use and to allow additional height to the existing steeple on approximately 9.9978 acres of land on the following described property; 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 16th day of November 2015, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C," said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 16th day of November 2015, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed Conditional Use Permit to allow for a Restaurant on approximately 9.9978

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 7th day of December 2015 and the 14th day of December 2015; 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 Sheila Rowley of Studio Red Architects, applicant; on behalf of the Archdiocese of Galveston-Houston, owner; for approval of a Conditional Use Permit on approximately 9.9978 acres of land to allow for a school use and to allow additional height to the existing steeple; 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 being located within the Single Family Residential – 2 (R-2) zoning district, is hereby granted a Conditional Use Permit to allow for a school use and to allow additional height to the existing steeple, subject to all requirements of the R-2 zoning district and the site plan attached hereto and made a part hereof for all purposes as Exhibit “E”, in accordance with all conditions and requirements of the current Unified Development Code and the following conditions approved by the City Council and incorporated for all purposes, such property being more particularly described as:

Legal Description: Being a 9.9978 acre tract of land out of Lots E and 105, Section No. 1, A.C.H. & B.R.R Co. survey, Abstract Number 147, according to the plat thereof as filed in Volume 2, Page 1 Brazoria County Plat Records, Pearland, Brazoria County, Texas.

General Location: 2209 Old Alvin 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 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 7th day of December, 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 14th
day of December, 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

Being a 9.9978 acre tract of land out of Lots E and 105, Section No. 1, A.C.H. & B.R.R Co. survey, Abstract Number 147, according to the plat thereof as filed in Volume 2, Page 1 Brazoria County Plat Records, Pearland, Brazoria County, Texas.

Exhibit B Vicinity Map



Exhibit 1

AERIAL MAP

CUP 2015-10

2209 Old Alvin Rd.



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 = 232 feet

OCTOBER 2015
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**

**CONDITIONAL USE PERMIT APPLICATION NUMBER:
2015-10**

Notice is hereby given that on November 16, 2015 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 Sheila Rowley of Studio Red Architects, applicant; on behalf of the Archdiocese of Galveston-Houston, owner; for approval of a Conditional Use Permit (CUP) to allow for a school use in the Single Family Residential -2 (R-2) zoning district; on approximately 9.9978 acres of land, to wit:

Being a 9.9978 acre tract of land out of Lots E and 105, Section No. 1, A.C.H. & B.R.R Co. survey, Abstract Number 147, according to the plat thereof as filed in Volume 2, Page 1 Brazoria County Plat Records, Pearland, Brazoria County, Texas.

General Location: 2209 Old Alvin 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.

Ian Clowes
Senior Planner

Exhibit D

Planning and Zoning Commission Recommendation Letter



Planning & Zoning Commission

Recommendation Letter

November 17, 2015

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

Re: Recommendation on CUP Application 2015-10

Honorable Mayor and City Council Members:

At their regular meeting on November 16, 2015, the Planning and Zoning Commission considered the following:

A request of Sheila Rowley of Studio Red Architects, applicant; on behalf of the Archdiocese of Galveston-Houston, owner; for approval of a Conditional Use Permit (CUP) to allow for a school use in the Single Family Residential -2 (R-2) zoning district; on approximately 9.9978 acres of land, to wit:

Legal Description: Being a 9.9978 acre tract of land out of Lots E and 105, Section No. 1, A.C.H. & B.R.R Co. survey, Abstract Number 147, according to the plat thereof as filed in Volume 2, Page 1 Brazoria County Plat Records, Pearland, Brazoria County, Texas.

General Location: 2209 Old Alvin Road, Pearland, TX

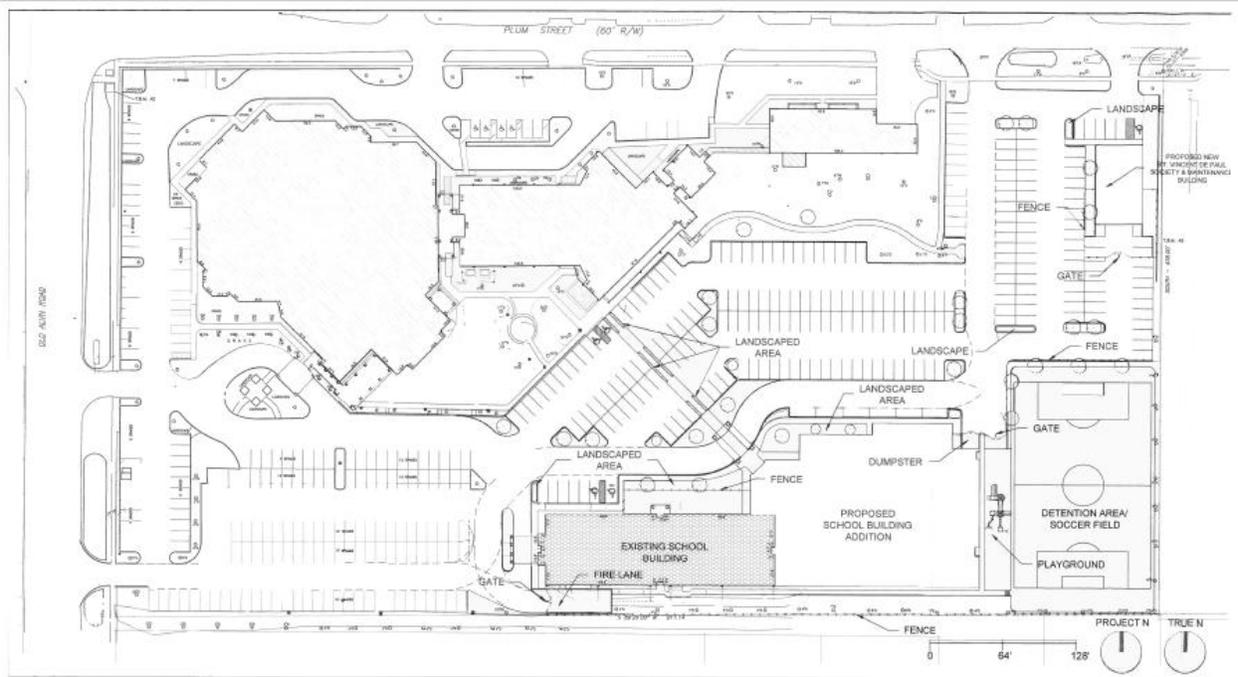
P&Z Commissioner Derrell Isenberg made a motion to recommend approval of the CUP request. The motion was seconded by P&Z Commissioner Troy Pradia. The vote was 5-0 and the motion was approved. Commissioners Pradia, Starr, Tunstall, Isenberg, and McFadden all voted in favor of the requested CUP.

Sincerely,



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

Exhibit E Site Plan

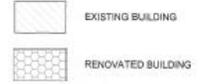


1350 McQueen Freeway, Suite 1700a
www.studioredarchitects.com 713-623-8333

PROJECT: ST. HELEN CATHOLIC CHURCH
SRA PROJECT #: 1538
DESCRIPTION: EDUCATION SCHOOL RENOVATION AND ADDITION
DATE: 09/17/2015
SCALE: 1/8" = 1'-0"

PARKING SPACES	
EXISTING:	350 SPACES
REMOVED:	- 132 SPACES
ADDED:	+ 247 SPACES
TOTAL:	465 SPACES

ACCESSIBLE PARKING	
REQUIRED:	9
VAN ACCESSIBLE:	2
EXIST:	14
REMOVED:	- 4
ADDED:	+ 5
TOTAL:	15
VAN:	3





JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, NOVEMBER 16, 2015, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Application No. 2015-10

A request of Sheila Rowley of Studio Red Architects, applicant; on behalf of the Archdiocese of Galveston-Houston, owner; for approval of a Conditional Use Permit (CUP) to allow for a school use in the Single Family Residential-2 (R-2) zoning district; on approximately 9.9978 acres of land, to wit:

Legal Description: Being a 9.9978 acre tract of land out of Lots E and 105, Section No. 1, A.C.H. & B.R.R Co. survey, Abstract Number 147, according to the plat thereof as filed in Volume 2, Page 1 Brazoria County Plat Records, Pearland, Brazoria County, Texas.

General Location: 2209 Old Alvin 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.



Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: November 16, 2015

Re: Conditional Use Permit Application No. 2015-10

A request of Sheila Rowley of Studio Red Architects, applicant; on behalf of the Archdiocese of Galveston-Houston, owner; for approval of a Conditional Use Permit (CUP) to allow for a school use and to allow for an increase in the maximum building height in the Single Family Residential (R-2) zoning district; on approximately 9.9978 acres of land.

General Location: 2209 Old Alvin Road, Pearland, TX.

Summary of Request

The applicant is requesting approval of a conditional use permit (CUP) to:

- a. allow for the expansion of a school use in the Single Family Residential (R-2) zoning district on approximately 9.9978 acres located at 2209 Old Alvin Street, and
- b. bring into conformance the existing non-conforming steeple by increasing the maximum permitted height of 35' to 45'.

The property currently consists of a large church/school campus and multiple supporting buildings, including the smaller former sanctuary. The steeple on the existing church was constructed in 2002 and exceeds the maximum height limitation by approximately 10 feet. This CUP will allow a 34,000 square foot expansion of the existing school building. In the process, they will remove a 16,800 square foot portion of the existing school building for an overall increase of 25,000 square feet. When the expansion is complete the school will be a total of 42,600 square feet.

A Specific Use Permit (SUP) was approved in 2002 to allow the church use prior to the construction of the new larger sanctuary, under the old Land Use and Urban Development Ordinance. At that time, the new sanctuary steeple height and existing

school use were not addressed. The Unified Development Code adopted in 2006, with a CUP, permits the proposed uses and the additional height for the steeple.

Recommendation

Staff recommends approval of the requested CUP on the approximately 9.9978 acre site to allow a school use and to allow for the existing steeple height for the following reasons:

1. The approved CUP will allow for the existing school on site to expand their foot print, ultimately expanding the capacity of the school and allowing them to serve more students in the community.
2. The approved CUP will result in bringing a nonconforming structure (church steeple) and school use into conformance with the Unified Development Code (UDC).
3. All requirements of the UDC will be met for any future redevelopment and expansion on the site. Screening and buffering as required by the UDC will protect the health, safety, and welfare of the existing neighborhoods, as prioritized by the 2015 Comprehensive Plan.

Site History

The subject property is currently developed with an existing church and private school. The property was first developed for a church in the late 1970's, prior to the city's first zoning ordinance. The school was later added in the 1980's. A SUP was approved for the church use in 2002, allowing them to construct a new sanctuary for the growing church.

The site is surrounded by residential zoning but is adjacent on three sides by property owned by Pearland Independent School District (PISD) and utilized for non-residential uses. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Single-Family Residential (R-2)	Linwood Subdivision
South	Single-Family Residential (R-2)	Pearland Jr. High East
East	Single-Family Residential (R-2)	PISD Bus Barn
West	Single-Family Residential (R-2)	PISD Athletic Field (Prensner Stadium)

Conformance with the Thoroughfare Plan

The subject property has frontage on Old Alvin Drive, a major collector which requires a minimum of 80 feet of right-of-way, and on East Plum Street, a local street requiring a minimum of 50 feet of right-of-way. Both streets are currently at sufficient width.

Conformance with the Unified Development Code

The approval of the requested CUP to allow for a school use and to allow for the extended height of the existing steeple, will bring the existing site into conformance with the UDC. The subject property meets the requirements of the proposed R-2 zoning district as it relates to lot area, width, and depth.

Single Family Residential – 2 (R-2) Area Regulations

Size of Lots	Required	Existing Lot Dimensions
Minimum Lot Size	7,700 sf.	9.9978 acres
Minimum Lot Width	70 ft.	478 ft.
Minimum Lot Depth	90 ft.	911.4 ft.

Conformance with Comprehensive Plans

The proposed CUP request is in conformance with the 2015 Comprehensive Plan that designates for this area for Public/Semi- Public uses.

Platting Status

The subject property has not been platted. A plat has been submitted and is currently pending approval.

Availability of Utilities

The subject property has access to utilities. GIS data indicates that water is available to the site via an existing 20-inch waterline and a 12-inch sewer line along Old Alvin Road.

Impact on Existing and Future Development

The proposed expansion of the existing school site, which has been in place in its current configuration for over three decades, will not significantly impact surrounding properties or developments. The site is surrounded mostly by other non-residential uses focusing mostly on public education uses. The overall master plan for the church and school campus will further alleviate parking and traffic concerns by providing additional onsite parking for the overall campus.

Additional Comments

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

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

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

Exhibits

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



Exhibit 1

AERIAL MAP

CUP 2015-10

2209 Old Alvin Rd.



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1 inch = 232 feet

OCTOBER 2015
PLANNING DEPARTMENT



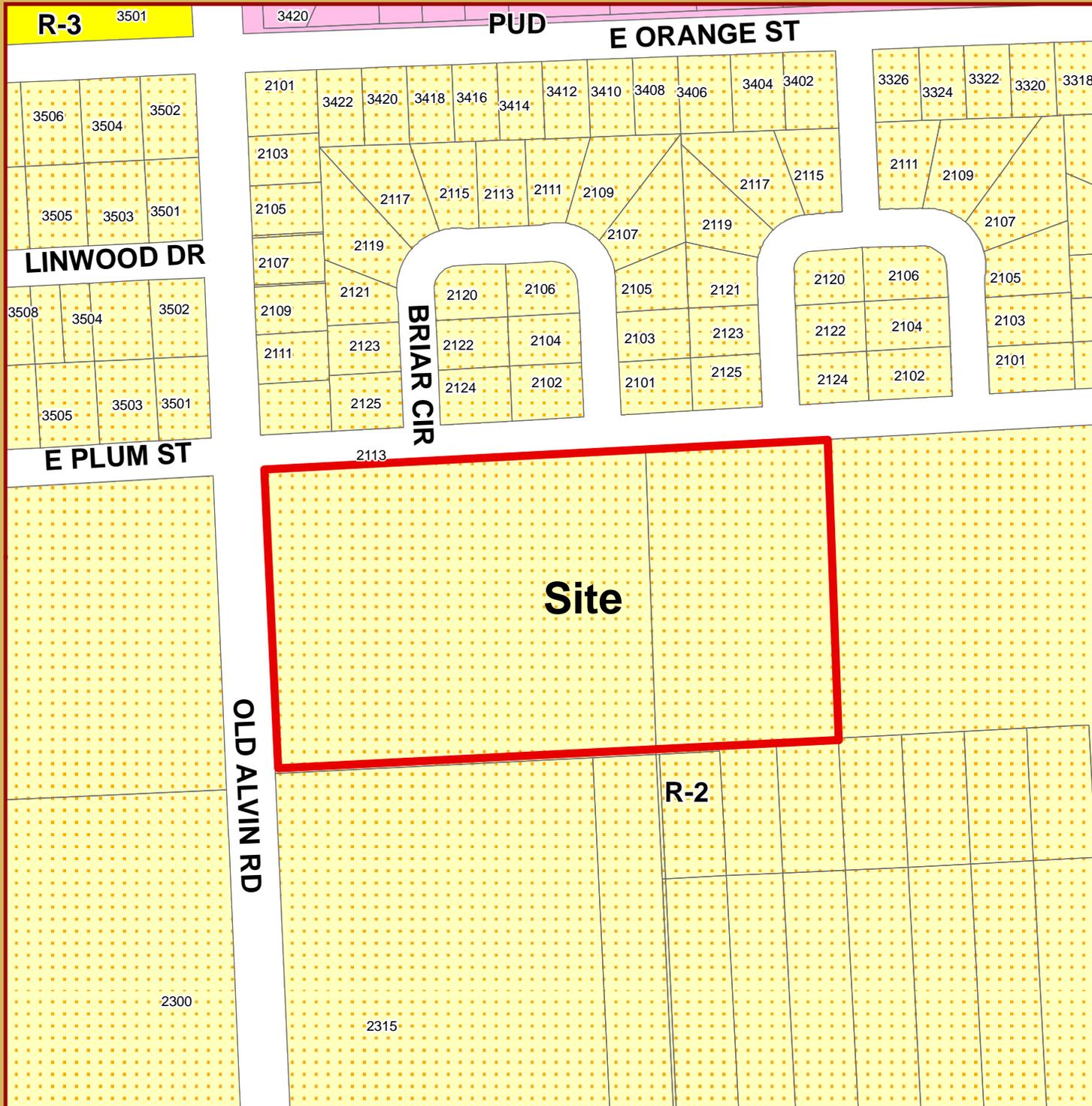


Exhibit 2

ZONING MAP

CUP 2015-10

2209 Old Alvin Rd.



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OCTOBER 2015
PLANNING DEPARTMENT



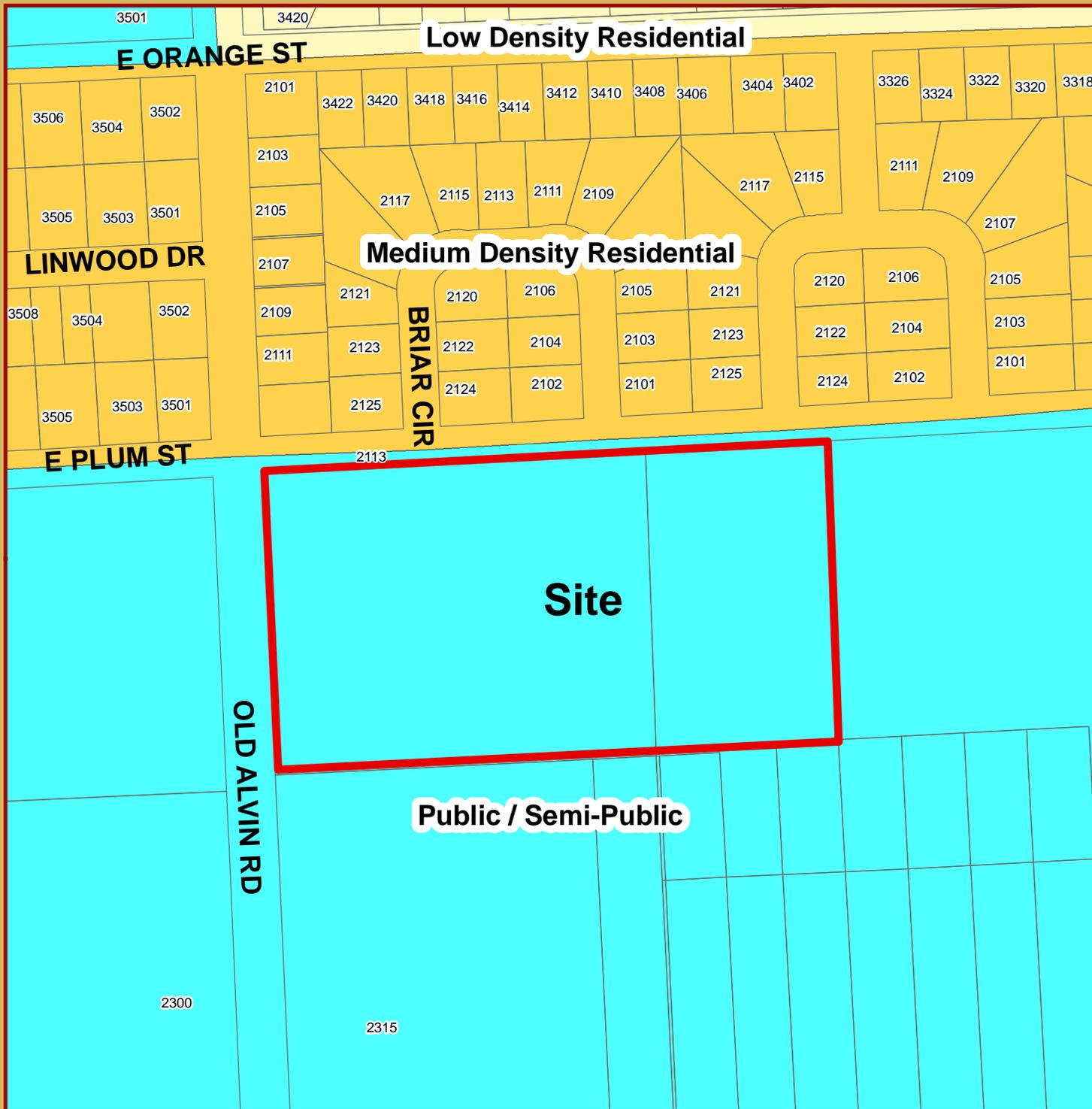


Exhibit 3

FLUP MAP

CUP 2015-10

2209 Old Alvin Rd.



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 = 232 feet

OCTOBER 2015
PLANNING DEPARTMENT



EXHIBIT 5

CUP 2015-10

Owner	Address	City	State	Zip
WISCHNEWSKY ANTHONY	3503 E PLUM ST	PEARLAND	TX	77581
BATTENFIELD BRETT L	2101 BRIAR CIR	PEARLAND	TX	77581
BORDELON D A	2102 BRIAR CIR	PEARLAND	TX	77581
BRACKNEY DALE H	2124 E LINWOOD OAKS ST	PEARLAND	TX	77581
CAMERON DANIEL A	2104 BRIAR CIR	PEARLAND	TX	77581
COTTRELL JIMMIE ANN	2123 E LINWOOD OAKS ST	PEARLAND	TX	77581
DUBOIS KENNETH R	2111 OLD ALVIN RD	PEARLAND	TX	77581
ESQUIVEL EMELIO R	151 TARPON ST	HITCHCOCK	TX	77563
HARTSELL JOHN C	2104 E LINWOOD OAKS ST	PEARLAND	TX	77581
HOLLIDAY TOMMIE J JR & ANGELINA	2125 BRIAR CIR	PEARLAND	TX	77581
HOWELL WENDY L	717 17TH ST STE 2200	DENVER	CO	80202
LUNA RICARDO R & SARAH E	2503 WOOD CREEK DR	PEARLAND	TX	77581
MONTGOMERY RONALD P	2124 BRIAR CIR	PEARLAND	TX	77581
MORKOVSKY JOHN L MOST REV	PO BOX 907	HOUSTON	TX	77001
MULLER MICHELLE L	2123 BRIAR CIR	PEARLAND	TX	77581
PEARLAND ISD	PO BOX 7	PEARLAND	TX	77588
WILLIAMS BYRON LEE & MELISSA JO	2103 BRIAR CIR	PEARLAND	TX	77581
WILLIAMS DYWANE & ANNE M	2658 TAHOMA WAY	SAULT S MARIE	MI	49783
WILSON VICTORIA SANTELLANA	2122 E LINWOOD OAKS ST	PEARLAND	TX	77581
SHEILA RWLEY STUDIO RED ARCH.	1320 MCGOWEN ST	HOUSTON	TX	77004



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

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

Conditional Use Permit Request for: School addition / Church and steeple height variance
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: R-2

Property Information:

Address or General Location of Property: 2209 Old Alvin Rd., Pearland TX 77581

Tax Account No. N/A

Subdivision: REFER TO PLAT

Lot: _____

Block: _____

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

PROPERTY OWNER INFORMATION:

NAME Archdiocese - Galveston Houston
ADDRESS 2209 Old Alvin Road
CITY Pearland STATE Tx ZIP 77581
PHONE(281) 485 2431
FAX(_____) _____
E-MAIL ADDRESS Fr Jim @ ST HELEN CHURCH.ORG

APPLICANT/AGENT INFORMATION:

NAME Sheila Rowley - Studio Red Architects
ADDRESS 1320 McGowen St.
CITY Houston STATE TX ZIP 77004
PHONE((713) 255-8820) _____
FAX((713) 255-8770) _____
E-MAIL ADDRESS rowley@studioreredarchitects.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: Mr. Jim Powell Date: 9-17-15

Agent's/
Applicant's Signature: Sheila Rowley Date: 9-18-15

OFFICE USE ONLY:

FEES PAID: <u>\$250.⁰⁰</u>	DATE PAID: <u>9/18/15</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>362996</u>
---------------------------------------	---------------------------	---------------------------------	-------------------------------

Application No. CUP-2015-10

St. Helen Catholic Church

Archdiocese of Galveston-Houston

2209 Old Alvin Road, Pearland Texas 77581
281.485.2421 Fax 281.485.6789

September 18, 2015

Mr. Ian Clowes
City of Pearland
Planning Department
3523 Liberty Drive
Pearland, TX 77581

RE: St. Helen Catholic Church
Conditional Use Permit application

Dear Mr. Clowes,

This note serves as acknowledgement of the requirement to post zoning notification signs for the Conditional Use Permit (CUP) on the church property ten days prior to the scheduled hearing date. The notification signs will conform to the specifications provided in the CUP Application requirements, a copy of which is attached to this letter.

Sincerely,



Rev. Carl James Courville, Pastor
St. Helen Catholic Church
2209 Old Alvin Road
Pearland, TX 77581

Cc: Anthony LaCoste, Supervisor



St. Helen Catholic Church

Archdiocese of Galveston-Houston

2209 Old Alvin Road, Pearland Texas 77581
281.485.2421 Fax 281.485.6789

September 18, 2015

Mr. Ian Clowes
City of Pearland
Planning Department
3523 Liberty Drive
Pearland, TX 77581

RE: St. Helen Catholic Church
Conditional Use Permit application

Dear Mr. Clowes,

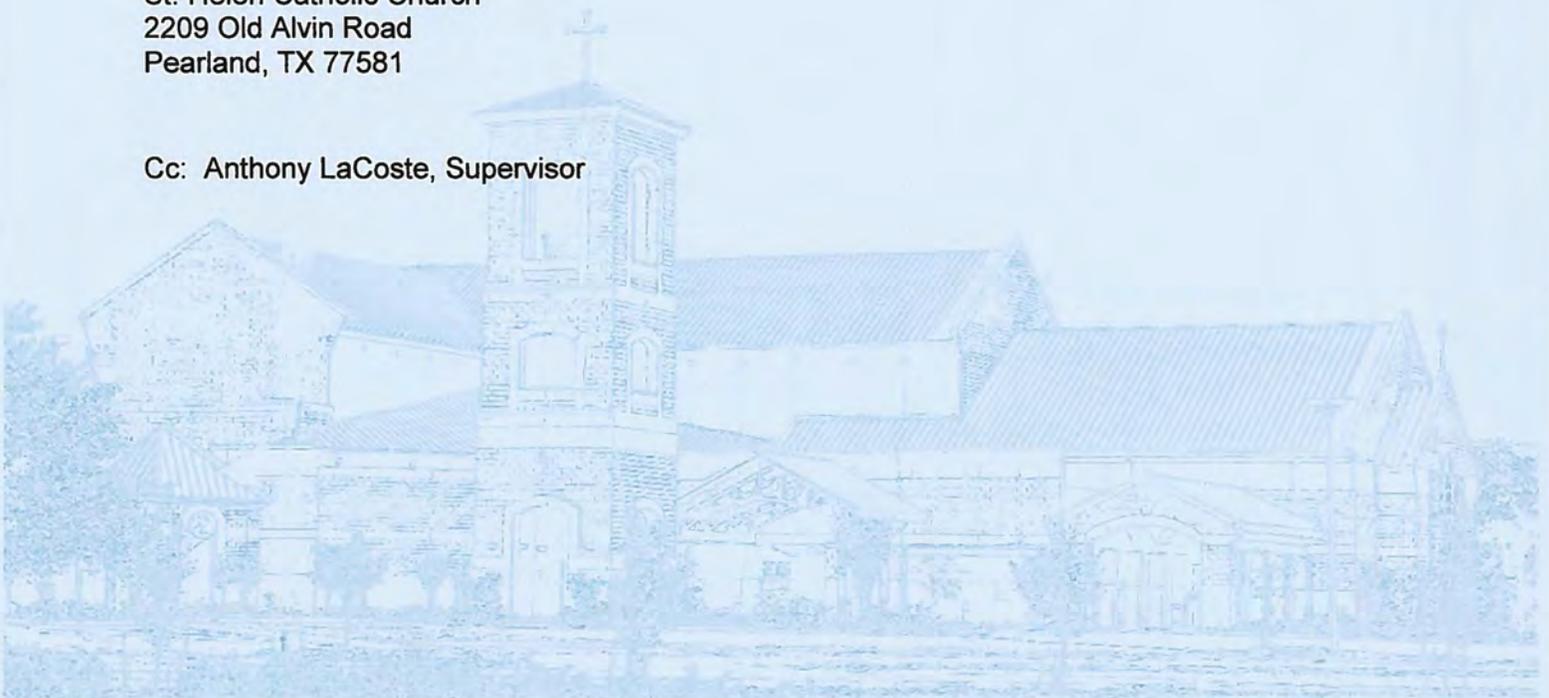
This note serves to authorize to Studio RED Architects to act as designated agent and to apply for a Conditional Use Permit (CUP) on behalf of St. Helen Catholic Church. The requirement to apply for a CUP was identified in the Pre-Development meeting for the project which occurred on September 9, 2015.

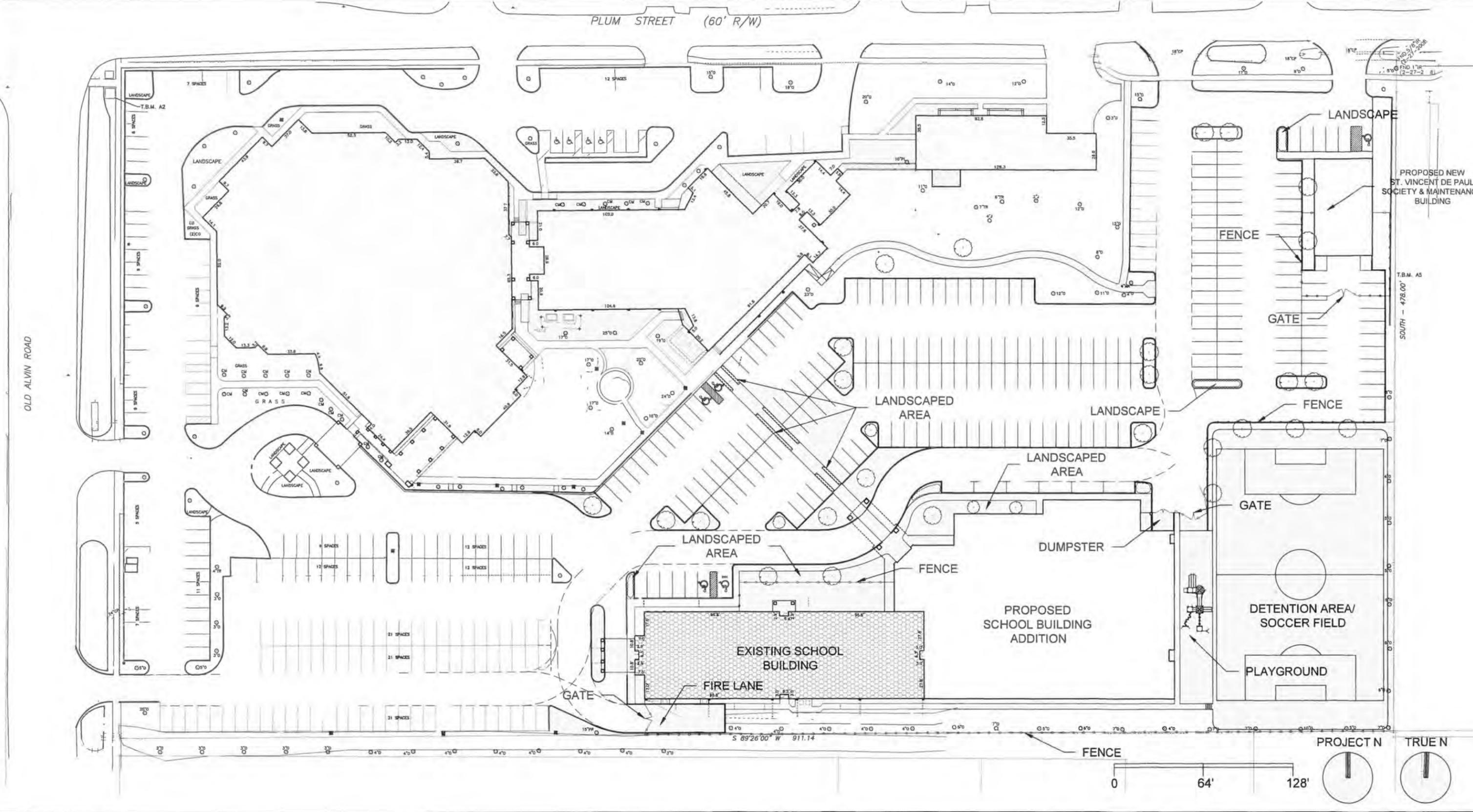
Sincerely,



Rev. Carl James Courville, Pastor
St. Helen Catholic Church
2209 Old Alvin Road
Pearland, TX 77581

Cc: Anthony LaCoste, Supervisor



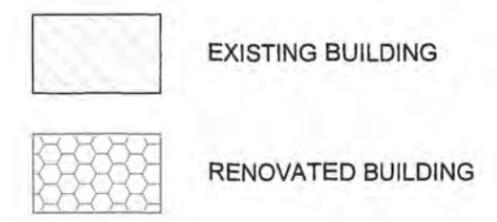


1320 mcgowen houston, texas 77004
www.studioredarchitects.com 713-622-5333

PROJECT : ST. HELEN CATHOLIC CHURCH
 SRA PROJECT # : 1539
 DESCRIPTION : EDUCATION SCHOOL RENOVATION AND ADDITION
 DATE : 09/17/2015
 SCALE : 1/64" = 1'-0"

PARKING SPACES	
EXISTING:	350 SPACES
REMOVED:	- 132 SPACES
ADDED:	+ 247 SPACES
TOTAL:	465 SPACES

ACCESSIBLE PARKING			
REQUIRED:	9	EXIST:	14
		REMOVED:	- 4
VAN ACCESSIBLE:	2	ADDED:	+ 5
		TOTAL:	15
		VAN:	3



Charter Title Company

811 Main Street, Suite 1575, Houston, Texas 77002
(713) 222-6060 FAX (713) 222-7213

CITY PLANNING SEARCH REPORT

May 4, 2015

City of Houston Planning Commission
611 Walker Street 6th Floor
Houston, Tx 77002

We, Charter Title Company duly incorporated and doing business under the laws of the State of Texas, hereby certify that we have made a careful search of the Real Property Records BRAZORIA County, Texas, as of April 30, 2015 insofar as they pertain to:

ST HELEN'S CATHOLIC CHURCH

All that certain 9.9978 acres out of Lots E and 105, Section No. 1, A.C.H. & B. R.R. Co. Survey, Abstract Number 147, according to the plat thereof as filed in Volume 2, Page 1 Brazoria County Plat Records, Pearland, Brazoria County, Texas and being out of that certain tract as described in a deed dated 12-28-1965 from John N. Waling, et al. to Most Reverend John L. Morkovsky, Apostolic Administrator of Galveston-Houston Diocese as filed in Volume 929, Page 440 Brazoria County Deed Records

And find the following:

RECORD TITLE APPEARS TO BE VESTED IN:

The Most Reverend Joseph A. Fiorenza

EASEMENTS AND OTHER ENCUMBRANCES:

Easement granted to Houston Lighting and Power Company, as recorded in Volume 1024, Page 640 of the Deed Records of Brazoria County, Texas.

Easement granted to CenterPoint Energy Houston Electric, LLC, for electric distribution facilities as recorded under Brazoria County Clerk's File No. 2004019493.

Easement granted to CenterPoint Energy Houston Electric, LLC, for electric distribution facilities as recorded under Brazoria County Clerk's File No. 2003070107.

Access Easement by and between Pearland ISD and Galveston-Houston Diocese, a/k/a

Archdiocese of Galveston- Houston, as recorded under Brazoria County Clerk's File No. 2012023687.

RESTRICTIONS:

None of Record

LIENS:

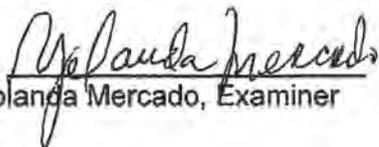
None of Record

No examination has been made as to Abstract of Judgments, state or federal tax liens, the status of taxes, tax suits, or paving assessments.

This certificate is issued for the use of and shall inure to the benefit of City of Houston; and liability of Charter Title Company hereunder for mistakes and/or errors in this certificate is limited to the cost of said certificate.

This company does not undertake to give or express any opinion as to the validity of the title to the property above described, nor the validity or effect of the instruments listed, and this certificate is neither a guaranty nor warranty of title.

Prepared by:

BY: 
Yolanda Mercado, Examiner

May 4, 2015

METES AND BOUNDS DESCRIPTION
9.9978 ACRES OUT OF
LOTS E AND 105, SECTION NO. 1
A.C.H & B. R.R. CO. SURVEY 1
ABSTRACT 147
PEARLAND, BRAZORIA COUNTY, TEXAS

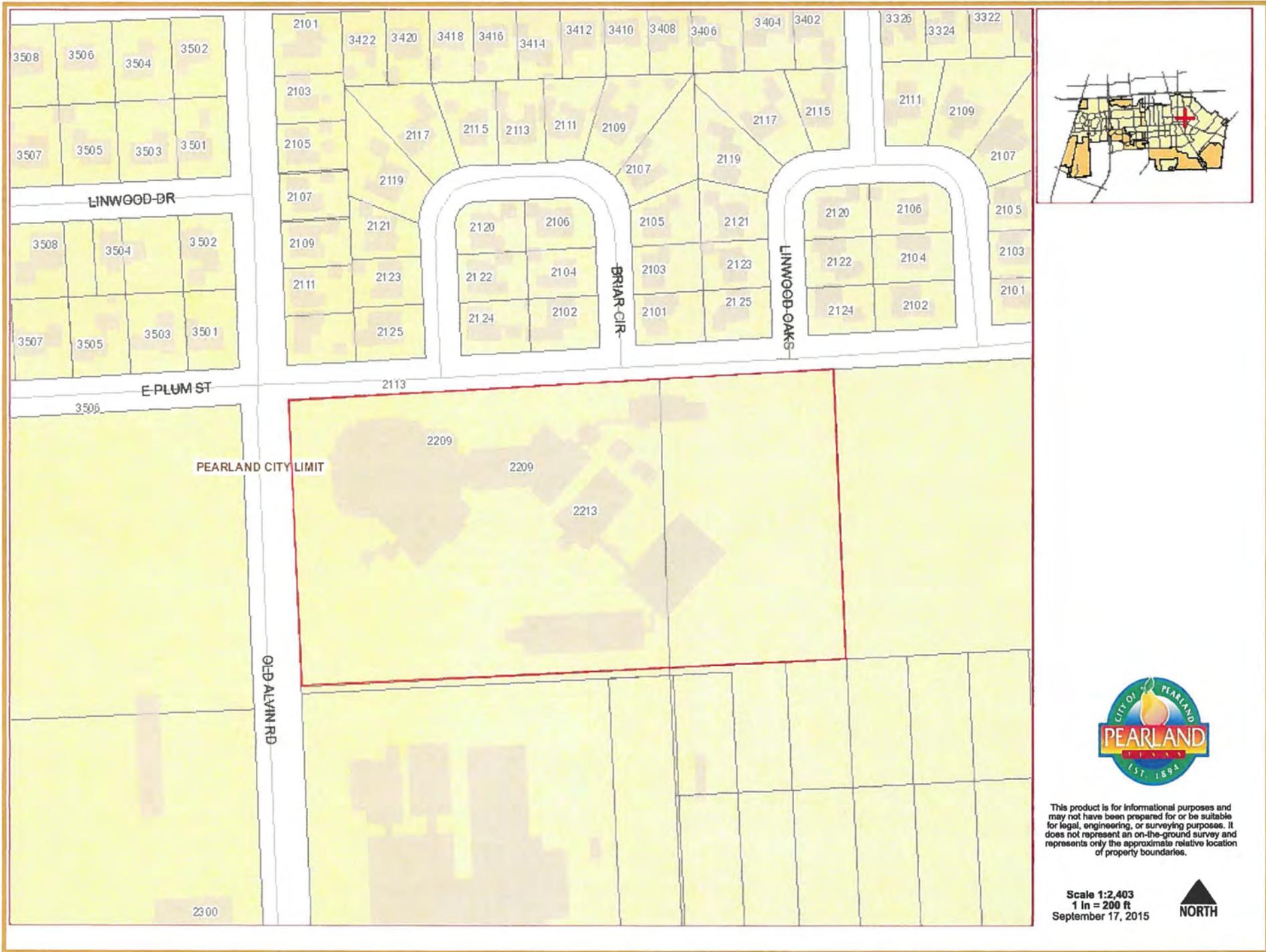
All that certain 9.9978 acres out of Lots E and 105, Section No. 1, A.C.H. & B. R.R. Co. Survey, Abstract Number 147, according to the plat thereof as filed in Volume 2, Page 1 Brazoria County Plat Records, Pearland, Brazoria County, Texas and being out of that certain tract as described in a deed dated 12-28-1965 from John N. Waling, et al. to Most Reverend John L. Morkovsky, Apostolic Administrator of Galveston-Houston Diocese as filed in Volume 929, Page 440 Brazoria County Deed Records (bearings based on Texas Coordinate System of 1983, South Central Zone);

Commencing at Harris Galveston County Subsidence District No. 76 having grid coordinates of (N: 13,765,214.51), (E: 3,150,845.644); Thence N 06° 18' 05" E – 7,554.70' to a found "X" cut in concrete marking the intersection of the east right-of-way line of Old Alvin Road (width varies) and the south right-of-way line of Plum Street (60' wide) and marking the POINT OF BEGINNING of herein described tract;

1. Thence N 86° 55' 31" E – 911.14' with the south right-of-way line of said Plum Street to a found 5/8" iron rod for corner;
2. Thence S 02° 30' 29" E – 478.00' with the west line of that certain tract as described in a deed dated 09-20-1977 from S.G. Lipic Co. to Pearland Independent School District as filed in Volume 1369, Page 411 Brazoria County Deed Records to a found 5/8" iron rod for corner;
3. Thence S 86° 55' 31" W – 911.14' with the north line of that certain tract as described in a deed dated 05-09-1972 from S.G. Lipic Co. to Pearland Independent School District as filed in Volume 1123, Page 532 Brazoria County Deed Records and the north line of that certain tract as described in a deed dated 06-21-1971 from S.G. Lipic Co. to Pearland Independent School District as filed in Volume 1093, Page 173 Brazoria County Deed Records to a point for corner (unable to set corner due to storm culvert), from which a found 5/8" iron rod bears N 86° 55' 31" E – 5.00' for reference;
4. Thence N 02° 30' 29" W – 478.00' with the east right-of-way line of said Old Alvin Road to the POINT OF BEGINNING and containing 9.9978 acres (435,504 square feet) of land more or less.

This metes and bounds description is accompanied by a separate plat, drawing or exhibit per Texas Board of Professional Land Surveyor's "General Rules of Procedures and Practices" Section 663.19(9).

Compiled by: C.L. Davis & Company
Firm No. 10082000
Job Number: 11-1061-ST-HELENS PLAT M&B
05-04-2015



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 1:2,403
1 in = 200 ft
September 17, 2015



St. Helen Catholic Church

September 18, 2015

Archdiocese of Galveston-Houston

2209 Old Alvin Road, Pearland Texas 77581
281.485.2421 Fax 281.485.6789

Mr. Ian Clowes
City of Pearland
Planning Department
3523 Liberty Drive
Pearland, TX 77581

RE: St. Helen Catholic Church
Conditional Use Permit application – Letter of Intent

Dear Mr. Clowes,

In 2002 St. Helen Catholic Church went through a Special Use Permit (SUP) process with the City to allow for a church in what was an SD zone at that time, according to the information you provided in the Pre-Development meeting on September 9, 2015. Although the school was existing at that time, it was considered a non-conforming use. In the Pre-Development meeting you noted that although the church and steeple were allowed to be built in 2002, they exceed the 35'-0" building height limit for the R-2 zone, which is the current site zoning where the property is located. The school use and the church and steeple heights were not addressed in the 2002 SUP.

The current project proposes to build a new school building (34,400 SF) adjacent to the existing school (25,000 SF) along the south property line and to demolish the existing Middle School building (16,800 SF) in the middle of the campus. The existing pavilion/covered play area (15,000 SF) will be removed. The school addition will include: lobby area; multi-purpose room/gym; cafeteria with kitchen; library/resource room; classrooms; and support spaces. The existing school building will be renovated, including changes for the Pre-K classrooms and administrative spaces. On the site the detention area, which also serves as a playing field, will be expanded to accommodate detention for additional impervious area on the site. Approximately 150 parking spaces will be added and the site will be opened through the center to increase visibility and to provide better traffic flow through the campus. A separate structure for the St. Vincent de Paul Society and church maintenance will be added near the NE corner of the campus.

The purpose of the CUP is to allow for the addition to the existing school, which is considered a non-conforming use in the R-2 zone, and to give a variance for the existing church and steeple heights, which exceed the building height limits for the R-2 zone.

Sincerely,



Rev. Carl James Courville, Pastor
St. Helen Catholic Church
2209 Old Alvin Road
Pearland, TX 77581

Cc: Anthony LaCoste, Supervisor

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

AGENDA OF: December 7, 2015	ITEM NO.: Ordinance No. CUP 2015-11				
DATE SUBMITTED: November 17, 2015	DEPT. OF ORIGIN: Planning				
PREPARED BY: Ian Clowes	PRESENTOR: Lata Krishnarao				
REVIEWED BY: Lata Krishnarao	REVIEW DATE: 12/1/2015				
<p>SUBJECT: Ordinance No. CUP 2015-11 - An ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for a reduction of transparency, articulation and façade requirements on a new building, being That certain 11.983 acre tract out of a 27.056 acre tract out of a 48.035 acre tract being the Easterly part of a 94.243 acre tract in the F.B. Drake Survey, A-1181, and the H.T.& B.R.R. Survey, A-413, Harris County, Texas (Located at 3303 S. Sam Houston East, Pearland, TX.) Conditional Use Permit Application No 2015-11, within the Light Industrial (M-1) zoning district, at the request of N. Khalfe of Powers Brown Architecture, applicant; on behalf of Spencer Bennett, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.</p>					
<p>ATTACHMENTS: Ordinance No. 2015-11 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter; Exhibit E – Site Plan) Joint Public Hearing Packet (11.16.15))</p>					
<p>To be completed by Department:</p> <table style="width: 100%; text-align: center;"> <tr> <td style="width: 25%;">Finance</td> <td style="width: 25%;">Legal</td> <td style="width: 25%;">Ordinance</td> <td style="width: 25%;">Resolution</td> </tr> </table>		Finance	Legal	Ordinance	Resolution
Finance	Legal	Ordinance	Resolution		

EXECUTIVE SUMMARY

The applicant is requesting approval of a conditional use permit (CUP) to allow for a 24,000 square foot expansion of Speed Shore Corporation’s existing campus that currently consist of their corporate headquarters and two manufacturing buildings. The campus is located on Beltway 8 at 3303 South Sam Houston Parkway East at the

southwest corner of Fellows Road. Speed Shore manufactures shoring and trench safety equipment.

The CUP will allow the applicant to expand existing parking areas without adding the required landscaping and vegetative screening and construct a new building in a similar manner to one of the existing buildings, with no transparency, articulation, or masonry material on the façade portion facing Beltway 8. Transparency and articulation are requirements of the Corridor Overlay District (COD) and Beltway 8 is located within the COD. A minimum of 15% of the front facade of a building located along a COD is required to be transparent, and the façade is required to incorporate articulation. The masonry façade requirement requires that any building in the M-1 or M-2 zoning district that is less than 250' away from the roadway, have at least 50% masonry material on the portion of the façade facing the roadway. The proposed metal building will be located 243' from the roadway, allowing it to be in line with the adjoining metal building.

In lieu of meeting the parking lot screening, articulation, transparency and building material requirements, the applicant has proposed to add additional landscaping that would not otherwise be required per the UDC. This is intended to screen the new building and one of the existing metal buildings by providing heavily landscaped areas. Additionally, the existing detention pond will be expanded along Beltway 8. The expanded detention pond will be wet bottom with natural edges and a fountain along the street frontage. The eastern portion of the campus is heavily landscaped and this additional landscaping will enhance the overall character of the site.

STAFF RECOMMENDATION: Staff recommends approval of the requested CUP with conditions on the approximately 11.983 acre site to allow for the expansion of existing parking areas without adding the required landscape screening and elimination of transparency, articulation, and façade requirements for the following reasons:

1. The CUP will allow for the retention and expansion of an existing industrial employer that developed prior to annexation into the City while meeting the intent of the COD requirements.
2. The CUP requires that additional landscaping be added to the site including a wet bottom detention pond. This will screen the metal building and greatly enhance the overall character of the site.
3. Future planned expansions that may include an additional office building and/or helipad will meet all requirements of the UDC at the time of development.

The CUP is conditioned on development of the site in accordance with the submitted site plan showing the enhanced landscaping and wet detention pond and attached landscaping calculations.

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.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on November 16, 2015, P&Z Commissioner Mary Starr made a motion to approve the CUP request; the motion was seconded by P&Z Commissioner Troy Pradia. The motion was approved 5-0. Commissioners Isenberg, Starr, Pradia, McFadden, and Tunstall all voted in favor of the requested CUP.

Ordinance No. CUP 2015-11

An ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for a reduction of transparency, articulation and façade requirements on a new building**, being That certain 11.983 acre tract out of a 27.056 acre tract out of a 48.035 acre tract being the Easterly part of a 94.243 acre tract in the F.B. Drake Survey, A-1181, and the H.T.& B.R.R. Survey, A-413, Harris County, Texas (**Located at 3303 S. Sam Houston East, Pearland, TX.**) Conditional Use Permit Application No 2015-11, within the Light Industrial (M-1) zoning district, at the request of N. Khalfe of Powers Brown Architecture, applicant; on behalf of Spencer Bennett, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

WHEREAS, N. Khalfe of Powers Brown Architecture, applicant; on behalf of Spencer Bennett, owner; is requesting approval of a Conditional Use Permit (CUP) to allow for the reduction of transparency, articulation, and façade requirements on a new building on approximately 11.983 acres of land on the following described property; 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 16th day of November 2015, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C," said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 16th day of November 2015, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed Conditional Use Permit to allow for the reduction of transparency, articulation, and façade requirements on a new building on approximately 11.983 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 7th day of December 2015 and the 14th day of December 2015; 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 N. Khalfe of Powers Brown Architecture, applicant; on behalf of Spencer Bennett, owner; for approval of a Conditional Use Permit on approximately 11.983 acres of land to allow for the reduction of transparency, articulation, and façade requirements on a new building; 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 being located within the Light Industrial (M-1) zoning district, is hereby granted a Conditional Use Permit to allow for the reduction of transparency, articulation, and façade requirements on a new building, subject to all requirements of the M-1 zoning district and the site plan attached hereto and made a part hereof for all purposes as Exhibit “E”, in accordance with all conditions and requirements of the current Unified Development Code and the following conditions approved by the City Council and incorporated for all purposes, such property being more particularly described as:

Legal Description: That certain 11.983 acre tract out of a 27.056 acre tract out of a 48.035 acre tract being the Easterly part of a 94.243 acre tract in the F.B. Drake Survey, A-1181, and the H.T.& B.R.R. Survey, A-413, Harris County, Texas..

General Location: 3303 S. Sam Houston East, 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 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 7th day of December, 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 14th
day of December, 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

That certain 11.983 acre tract out of a 27.056 acre tract out of a 48.035 acre tract being the Easterly part of a 94.243 acre tract in the F.B. Drake Survey, A-1181, and the H.T.& B.R.R. Survey, A-413, Harris County, Texas.

**Exhibit B
Vicinity Map**



Exhibit 1

AERIAL MAP

CUP 2015-11

3330 Beltway 8 South.



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 = 309 feet

OCTOBER 2015
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**

**CONDITIONAL USE PERMIT APPLICATION NUMBER:
2015-11**

Notice is hereby given that on November 16, 2015 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 N. Khalfe of Powers Brown Architecture, applicant; on behalf of Spencer Bennett, owner; for approval of a Conditional Use Permit (CUP) to allow for the reduction of transparency, articulation, and façade requirements on a new building in the Light Industrial (M-1) zoning district; on approximately 11.983 acres of land, to wit:

That certain 11.983 acre tract out of a 27.056 acre tract out of a 48.035 acre tract being the Easterly part of a 94.243 acre tract in the F.B. Drake Survey, A-1181, and the H.T.& B.R.R. Survey, A-413, Harris County, Texas.

General Location: 3303 S. Sam Houston East, 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 17, 2015

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

Re: Recommendation on CUP Application 2015-11

Honorable Mayor and City Council Members:

At their regular meeting on November 16, 2015, the Planning and Zoning Commission considered the following:

A request of N. Khalfe of Powers Brown Architecture, applicant; on behalf of Spencer Bennett, owner; for approval of a Conditional Use Permit (CUP) to allow for the reduction of transparency, articulation, and façade requirements on a new building in the Light Industrial (M-1) zoning district; on approximately 11.983 acres of land, to wit:

Legal Description: That certain 11.983 acre tract out of a 27.056 acre tract out of a 48.035 acre tract being the Easterly part of a 94.243 acre tract in the F.B. Drake Survey, A-1181, and the H.T.& B.R.R. Survey, A-413, Harris County, Texas.

General Location: 3303 S. Sam Houston East, Pearland, TX

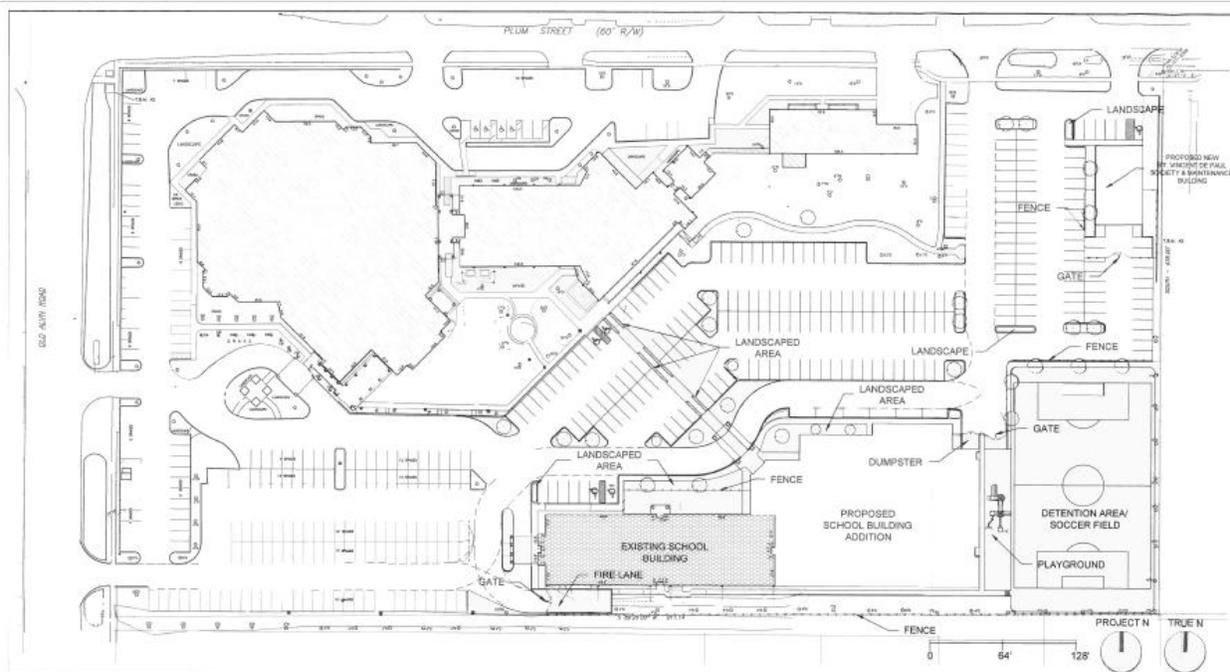
P&Z Commissioner Mary Starr made a motion to approve the CUP request; the motion was seconded by P&Z Commissioner Troy Pradia. The motion was approved 5-0. Commissioners Isenberg, Starr, Pradia, McFadden, and Tunstall all voted in favor of the requested CUP.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ian Clowes', with a stylized flourish at the end.

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

Exhibit E Site Plan



1350 mcgowan boulevard, suite 17004
www.studioredarchitects.com 713-622-8321

PROJECT : ST. HELEN CATHOLIC CHURCH
SRA PROJECT # : 1536
DESCRIPTION : EDUCATION SCHOOL RENOVATION AND ADDITION
DATE : 09/17/2015
SCALE : 1/8" = 1'-0"

PARKING SPACES	
EXISTING:	350 SPACES
REMOVED:	- 132 SPACES
ADDED:	+ 247 SPACES
TOTAL:	465 SPACES

ACCESSIBLE PARKING	
REQUIRED:	9
EXIST:	14
REMOVED:	- 4
ADDED:	+ 5
TOTAL:	15
VAN:	3





JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, NOVEMBER 16, 2015, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Application No. 2015-11

A request of N. Khalfe of Powers Brown Architecture, applicant; on behalf of Spencer Bennett, owner; for approval of a Conditional Use Permit (CUP) to allow for the reduction of transparency, articulation, and façade requirements on a new building in the Light Industrial (M-1) zoning district; on approximately 11.983 acres of land, to wit:

Legal Description: That certain 11.983 acre tract out of a 27.056 acre tract out of a 48.035 acre tract being the Easterly part of a 94.243 acre tract in the F.B. Drake Survey, A-1181, and the H.T.& B.R.R. Survey, A-413, Harris County, Texas.

General Location: 3303 S. Sam Houston East, 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.



Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: November 16, 2015

Re: Conditional Use Permit Application No. 2015-11

A request of N. Khalfe of Powers Brown Architecture, applicant; on behalf of Spencer Bennett, owner; for approval of a Conditional Use Permit (CUP) to allow for the reduction of transparency, articulation, and façade requirements on a new building in the Light Industrial (M-1) zoning district; on approximately 11.983 acres of land.

General Location: 3303 S. Sam Houston East, Pearland, TX.

Summary of Request

The applicant is requesting approval of a conditional use permit (CUP) to allow for a 24,000 square foot expansion of Speed Shore Corporation's existing campus that currently consist of their corporate headquarters and two manufacturing buildings. The campus is located on Beltway 8 at 3330 South Sam Houston Parkway East at the southwest corner of Fellows Road. Speed Shore manufactures shoring and trench safety equipment.

The CUP will allow the applicant to expand existing parking areas without adding the required landscaping and vegetative screening and construct a new building in a similar manner to one of the existing buildings, with no transparency, articulation, or masonry material on the façade portion facing Beltway 8. Transparency and articulation are requirements of the Corridor Overlay District (COD) and Beltway 8 is located within the COD. A minimum of 15% of the front facade of a building located along a COD is

required to be transparent, and the façade is required to incorporate articulation. The masonry façade requirement requires that any building in the M-1 or M-2 zoning district that is less than 250' away from the roadway, have at least 50% masonry material on the portion of the façade facing the roadway. The proposed metal building will be located 243' from the roadway, allowing it to be in line with the adjoining metal building.

In lieu of meeting the parking lot screening, articulation, transparency and building material requirements, the applicant has proposed to add additional landscaping that would not otherwise be required per the UDC. This is intended to screen the new building and one of the existing metal buildings by providing heavily landscaped areas. Additionally, the existing detention pond will be expanded along Beltway 8. The expanded detention pond will be wet bottom with natural edges and a fountain along the street frontage. The eastern portion of the campus is heavily landscaped and this additional landscaping will enhance the overall character of the site.

Recommendation

Staff recommends approval of the requested CUP with conditions on the approximately 11.983 acre site to allow for the expansion of existing parking areas without adding the required landscape screening and elimination of transparency, articulation, and façade requirements for the following reasons:

1. The CUP will allow for the retention and expansion of an existing industrial employer that developed prior to annexation into the City while meeting the intent of the COD requirements.
2. The CUP requires that additional landscaping be added to the site including a wet bottom detention pond. This will screen the metal building and greatly enhance the overall character of the site.
3. Future planned expansions that may include an additional office building and/or helipad will meet all requirements of the UDC at the time of development.

The CUP is conditioned on development of the site in accordance with the submitted site plan showing the enhanced landscaping and wet detention pond and attached landscaping calculations.

Site History

The subject property is currently developed with two existing industrial buildings. An office area occupies the front of one of the buildings, and includes a large amount of transparency and articulation. The existing development was constructed in 1998, prior to annexation onto the city limits in 1999. The portion of the site that is currently developed is nicely landscaped with a large amount of large growth trees that will remain in place.

The site is surrounded by non-residential uses. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Extra Territorial Jurisdiction (ETJ)	Undeveloped Land
South	Extra Territorial Jurisdiction (ETJ)	Tom Bass Park
East	Extra Territorial Jurisdiction (ETJ)	Office Warehouse
West	Light Industrial (M-1)	Office Warehouse

Conformance with the Thoroughfare Plan

The subject property has frontage on the Beltway 8 frontage road, a major thoroughfare which requires a minimum of 120 feet of right-of-way. Additional right-of-way may need to be obtained at the time of platting.

Conformance with the Unified Development Code

The approval of the requested CUP to allow for the expansion of an existing industrial use, currently operating on site, does not meet all the current requirements of the UDC. The subject property meets the requirements of the M-1 zoning district as it relates to lot area, width, and depth.

Below is the landscaping calculation table which states the required landscaping and the provided landscaping. As you can see, the applicant is proposing to go well above the required minimums in order to help offset some of the building variances.

Percentage of gross landscaped area = 33.7% (required percentages vary by zone)

Street Trees: Required: Minimum 2" caliper - 1" / 15' of frontage =
1" / 550 feet = 36.67" calipers
Provided: 63" total calipers

Shrubs to screen parking lots: Required: Number of shrubs = 5X total caliper inches
of street trees = 5X 91.67" = 458.3" calipers
Provided: 460" total calipers

Side yard landscaping: Required: 35% of length of parking lot
Provided: 40%

Each tree planted on at least 36 sq. ft and min. 6' dimension.
Requirement met

Interior Landscaping: Parking lot trees –
Required:
Minimum 2" caliper - 1"/5 parking spaces = 4.4"
Provided: 6" total calipers

Setback Area Landscaping: areas	Required: 15% shall consist of landscaped open areas Provided: <u>33.7%</u>
% of gross landscaped area:	Required: 15% of the gross lot area. Provided: <u>33.7%</u>
Trees:	Required: 50% of the required trees shall be located along the front yard along Corridor. Provided: <u>60%</u>
Shade/street trees with a min. 2" caliper:	Required: 1" /10' of street frontage = 1"X550' = <u>55"</u> Provided: <u>63"</u> total calipers
Ornamental trees with a min. 2" caliper:	Required: 1" / 15' of street frontage = 1"/550' = <u>36.66"</u> Provided: <u>56"</u> total calipers
Parking lot trees:	Required: Minimum 2" caliper: 1"/5 parking spaces – 1"X = <u>4.4"</u> Provided: <u>6"</u> total calipers
Evergreen Trees:	Required: 60% of required street trees shall be evergreen Provided: <u>65%</u>
Tree setbacks:	Required: Min. 8' tree between trunk and the back of any curb and between a tree trunk & planned/existing underground public utility.
Distance between trees:	Required: Min. 6' shall be provided between trees.
Shrubs:	Required number = 5X total caliper inches of street trees = 5X91.66" = <u>458.3"</u> Provided: <u>460"</u> total calipers

Conformance with the Comprehensive Plan

The proposed CUP is in conformance with the Comprehensive Plan as the area is described as light industrial. The proposed expansion and approval of the requested CUP will follow the guidelines of the UDC.

Platting Status

The subject property has not been platted. A plat will be required prior to the issuance of any construction permits.

Availability of Utilities

The subject property has access to utilities. GIS data indicates that water is available to the site via an existing 12-inch waterline and 8-inch sewer line along Beltway 8.

Impact on Existing and Future Development

The proposed CUP will not significantly impact surrounding properties or developments. The character of the mostly industrial area will not change with the proposed CUP approval. The applicant has committed to enhancing the overall site by greatly increasing the required landscaping on site. This will mitigate the potential negative impact from the requested exemptions from the façade, transparency, and articulation requirements for this proposed expansion.

Additional Comments

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

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

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

Exhibits

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



Exhibit 1

AERIAL MAP

CUP 2015-11

3330 Beltway 8 South.



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 = 309 feet

OCTOBER 2015
PLANNING DEPARTMENT





Exhibit 2

ZONING MAP

CUP 2015-11

3330 Beltway 8 South.



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 = 309 feet

OCTOBER 2015
PLANNING DEPARTMENT



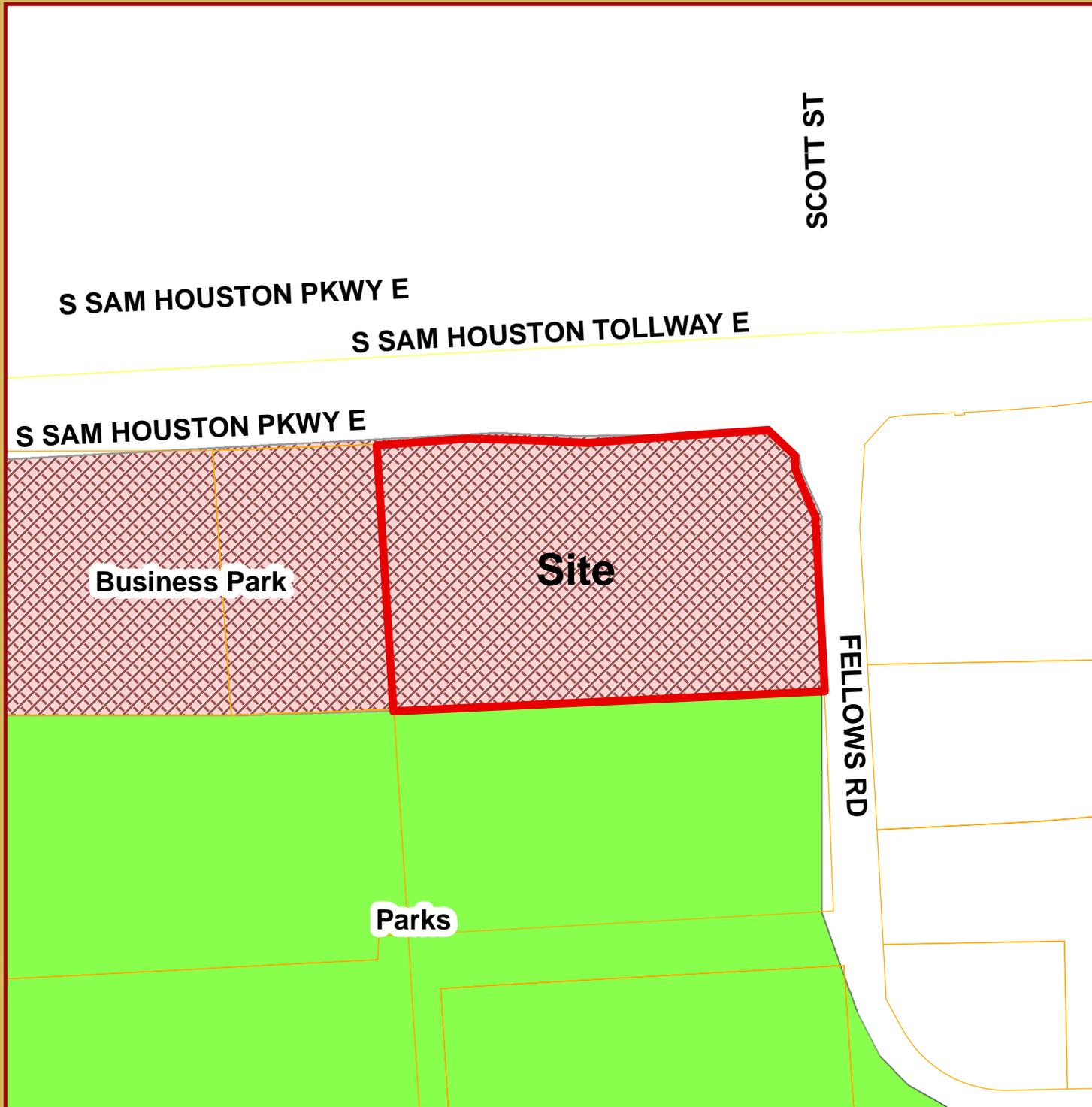


Exhibit 3

FLUP MAP

CUP 2015-11

3330 Beltway 8 South.



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 = 309 feet

OCTOBER 2015
PLANNING DEPARTMENT

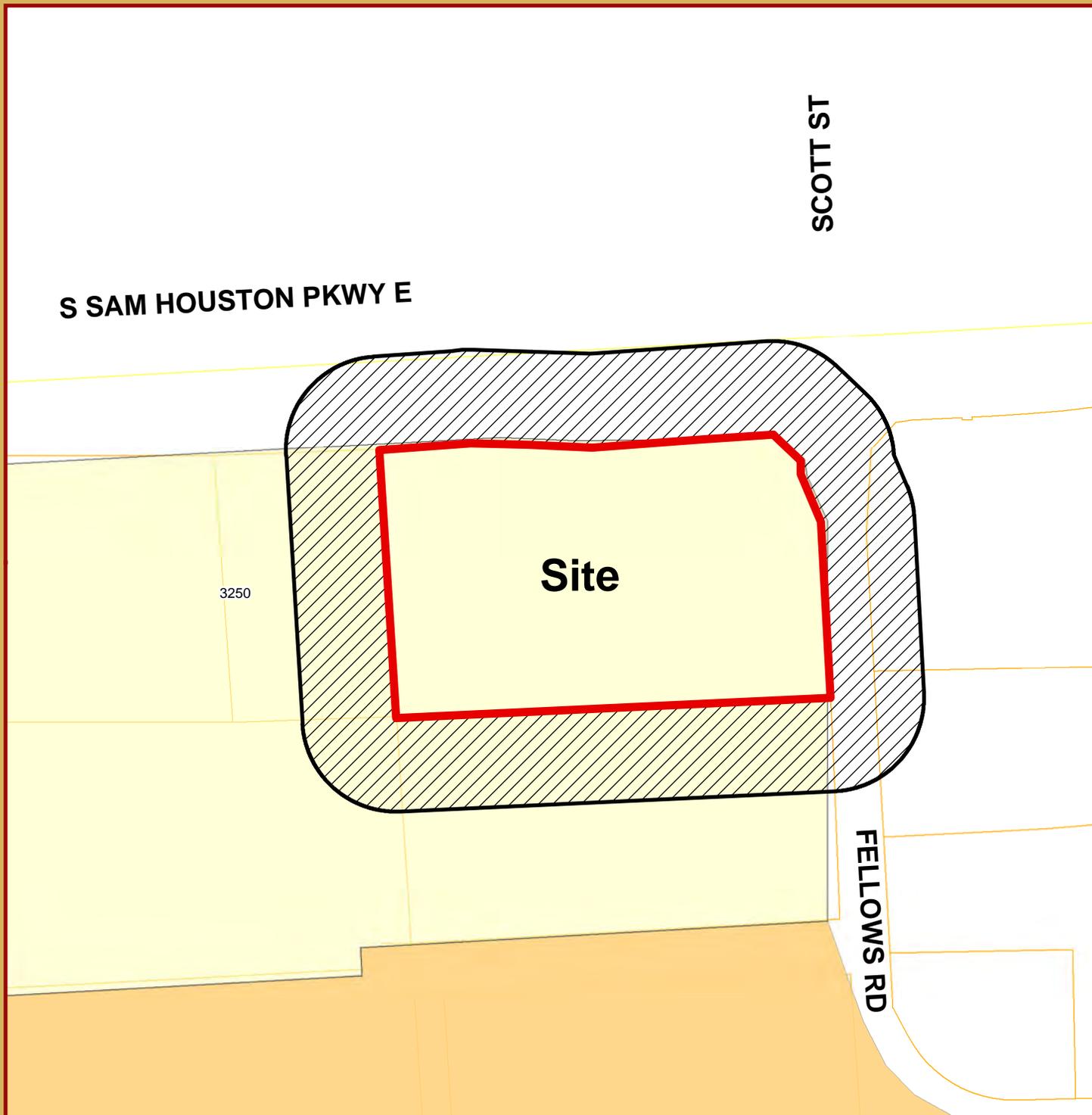


Exhibit 4

NOTIFICATION MAP

CUP 2015-11

3330 Beltway 8 South.



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 = 309 feet

OCTOBER 2015
PLANNING DEPARTMENT



EXHIBIT 5

CUP 2015-11

Owner	Address	City	State	Zip
C 2 REAL ESTATE HOLDINGS LTD	PO BOX 37109	HOUSTON	TX	77237-7109
HARRIS COUNTY ROW DEPT	10555 NORTHWEST FWY STE 210	HOUSTON	TX	77092-8215
MARIE BODDIE TR OF THE	3250 S SAM HOUSTON PKWY E	HOUSTON	TX	77047-6507
PLANK MICHAEL J	3330 S SAM HOUSTON PKWY E	HOUSTON	TX	77047-6503
N KHALFE POWERS BROWN	1314 TEXAS AVE STE 200	HOUSTON	TX	77002



City of Pearland Planning Department Universal Application

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281.852.1768
281.852.1702 (fax)
pearlandtx.gov

Please complete each field - incomplete applications will not be accepted.
Include the applicable checklist for each project type with this application.
Refer to the schedule on the City's website and/or within the Planning Department
for deadlines and anticipated meeting dates for each project type.

TYPE OF APPLICATION:

- | | |
|---|--|
| <input type="checkbox"/> Zoning Change | <input type="checkbox"/> ZBA Variance |
| <input type="checkbox"/> Cluster Development Plan | <input type="checkbox"/> P&Z Variance |
| <input type="checkbox"/> Planned Development Workshop | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Plat (list type): _____ | <input checked="" type="checkbox"/> Conditional Use Permit |

PROJECT INFORMATION:

Residential Commercial Property Platted Property Not Platted

Project Name: Speed Shore Tax ID: 74-1672412

Project Address/Location: 3330 S. Sam Houston East, Houston, TX

Subdivision: _____ No. of Lots: _____ Total Acres 11.98

Brief Description of Project: New 31,920 SF Manufacturing Facility

****When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.****

PROPERTY OWNER INFORMATION:

APPLICANT/AGENT INFORMATION:

Name: <u>STEVEN BENNETT</u>	Name: <u>N. Khalfe on behalf of Powers Brown Architecture</u>
Address: <u>3330 S. Sam Houston (Platte)</u>	Address: <u>1314 Texas Ave., Suite 200</u>
City: <u>HOUSTON</u> State: <u>TX</u> Zip: <u>77047</u>	City: <u>Houston</u> State: <u>TX</u> Zip: <u>77002</u>
Phone: <u>713 578 1234</u>	Phone: <u>713.224.0456</u>
Fax: _____	Fax: <u>713.224.0457</u>
Email Address: <u>sbennett@nationalpropertyholdings.com</u>	Email Address: <u>khalfepowersbrown.com</u>

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.
As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: [Signature] Date: 10/16/15

Agent's/
Applicant's Signature: [Signature] Date: 10/16/15

OFFICE USE ONLY:

FEES PAID: <u>250</u>	DATE PAID: <u>10/19/15</u>	RECEIVED BY: <u>VH</u>	RECEIPT NUMBER: <u>17791</u>
Late - 3.45			APPLICATION NUMBER: <u>CUP 2015-11</u>

October 7, 2015

City of Pearland
Planning Department
3519 Liberty Drive
Pearland, Texas 77581

RE: Conditional Use Permit for 3330 S Sam Houston Pkwy E., Houston, Texas 77047-6503

Dear Sirs:

On behalf of myself and Speed Shore Corporation, I hereby authorize National Property Holdings to act on our behalf in the conditional use permit request of the property the which I own and is being submitted under the name "Speed Shore". Speed Shore's representation may be withdrawn at any point prior to the final approval of the conditional use permit by the City of Pearland.

We would respectfully request that the City approve this permit for the project.

Sincerely,

Michael Plank
President

Speed Shore Corporation

—
POWERS BROWN ARCHITECTURE



1314 Texas Ave., 2nd Floor
Houston, Texas 77002

713.224.0456
713.224.0457 fax

powers
brown
archi
ecture

Dear Sir /madam

RE: Speedshore variance request and CUP Application

Speedshore is seeking variances for its new 32,000sf manufacturing facility at 3330 S. Sam Houston East. The existing Speedshore facility is the national corporate headquarters initially located in Harris County and later grandfathered into the City of Pearland. The intent for Speedshore is to build adjacent to existing facility instead of relocate the entire company to a development across the street at Scott St. There are some logistical issues as well as site hardships that do come along with the new project being adjacent to the existing facility, and it is due to these hardships we are seeking variances for the following items. (Reference exhibits attached).

1. Building distance from back of curb from beltway 8 referenced in Chapter 2, Article 6, Division 2, Section 2.6.2.1(b)(1)b. of the UDC.
Currently we are approximately 243' from the back of curb to the façade of the new building. We would like both buildings to align and as it our intent to be 250' away we would also like to keep the facades of buildings similar i.e no masonry.
Exhibit A
2. The requirement of 15% transparency on the façade of the building facing beltway 8 referenced in the UDC, Chapter 2, Division 5, section 2.4.5.1(d)(2)c.
As we would like to mimic the exiting building façade, a new design would be more detrimental to the entire campus. In addition it is the intent of Speedshore to provide substantially more landscaping than what the ordinance requires. The landscaping would screen the façade of the building, and effectively nullify the transparency. The detention pond will be an organically designed wet bottom pond, similar in style as those shown in exhibit B,
Exhibit B shows the tree locations on the new site plan as well as potential styles for a wet detention pond
3. A smoke stack for a paint booth that is to be installed at the rear of the building, and will more than likely extend a couple of feet beyond the ridge of the roof. Due to that, it will be extremely difficult to screen a smoke stack

4. The landscaping for the new development will be more than required by code for the City of Pearland referenced in the UDC Chapter 4, Section 4.2.2.4. In addition the site has numerous large caliper existing trees that are to be kept and designed around.

In addition we are NOT proposing to do any landscape modifications to any other landscaping apart from those that effect the new development.

Exhibit C shows the existing landscaping and the new proposed

5. The site plan references an area denoted as "Area A". This is for a future development. This will be designed at a later date and tie and per the code at time of submission.

Exhibit D

As always feel free to call if you have any questions.

Yours Sincerely

Nazir Khalfe, AIA, RIBA

Landscaping Calculations

PLEASE SHOW THE FOLLOWING INFORMATION ON LANDSCAPE PLANS

Percentage of gross landscaped area = 33.7% (required percentages vary by zone)

Street Trees: Required: Minimum 2" caliper - 1" / 15' of frontage =
1" / 550 feet = 36.67" calipers
Provided: 63" total calipers

Shrubs to screen parking lots: Required: Number of shrubs = 5X total caliper inches
of street trees = 5X 91.67" = 458.3" calipers
Provided: 460" total calipers

Side yard landscaping: Required: 35% of length of parking lot
Provided: 40%

Each tree planted on at least 36 sq. ft and min. 6' dimension.
Requirement met

Interior Landscaping: Parking lot trees –
Required:
Minimum 2" caliper - 1"/5 parking spaces = 4.4"
Provided: 6" total calipers

No parking space shall be greater than 100' from a tree.

Landscape areas with trees = 36 sq. ft. minimum, with minimum dimension of 6' wide.

Islands within parking lot = 162 sq. ft., minimum dimension of 9', minimum of 4' between tree and edge of island.

75% of landscaping installed in front yard.

Adjacent to a Single-Family Use or Zoning District: A 25' wide landscaped buffer along the property line that is adjacent to such use or district. May be located with the required yard/setback area and may count towards landscaped area.

Corridor Overlay District – Chapter 2, Section 2.4.5.1 of Unified Development Code

Front setback landscaping: Required: 30' landscaped buffer for parking areas
Provided: no frontage parking

Setback Area Landscaping: Required: 15% shall consist of landscaped open areas
 Provided: 33.7%

% of gross landscaped area: Required: 15% of the gross lot area.
 Provided: 33.7%

Trees: Required: 50% of the required trees shall be located along the front yard along Corridor.
 Provided: 60%

Shade/street trees with a min. 2" caliper:
 Required: 1" / 10' of street frontage = 1"X550' = 55"
 Provided: 63" total calipers

Ornamental trees with a min. 2" caliper:
 Required: 1" / 15' of street frontage = 1" / 550' = 36.66"
 Provided: 56" total calipers

Parking lot trees: Required: Minimum 2" caliper: 1" / 5 parking spaces – 1"X = 4.4"
 Provided: 6" total calipers

Evergreen Trees: Required: 60% of required street trees shall be evergreen
 Provided: 65%

Tree setbacks: Required: Min. 8' tree between trunk and the back of any curb and between a tree trunk & planned/existing underground public utility.

Distance between trees: Required: Min. 6' shall be provided between trees.

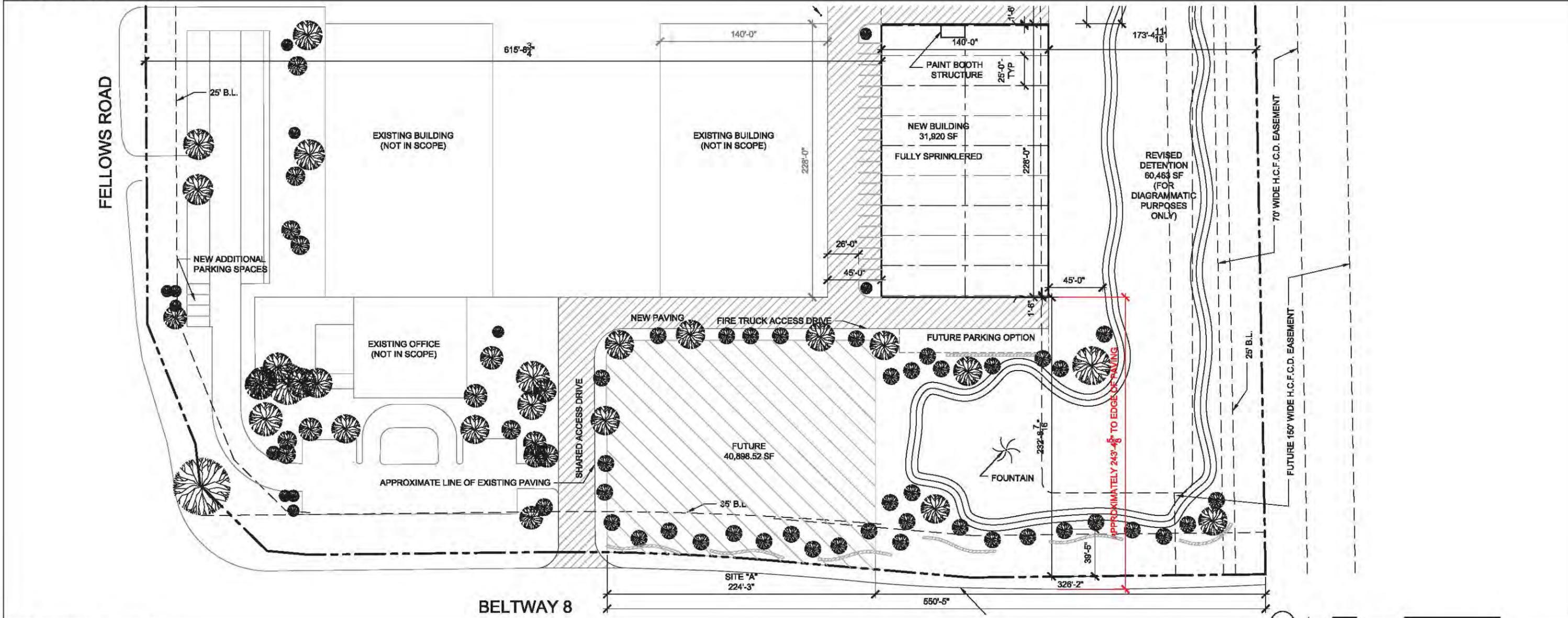
Shrubs: Required number = 5X total caliper inches of street trees = 5X91.66" = 458.3"
 Provided: 460" total calipers

SPEED SHORE SITE



EXHIBIT A

PARTIAL SITE PLAN



NORTH ELEVATION

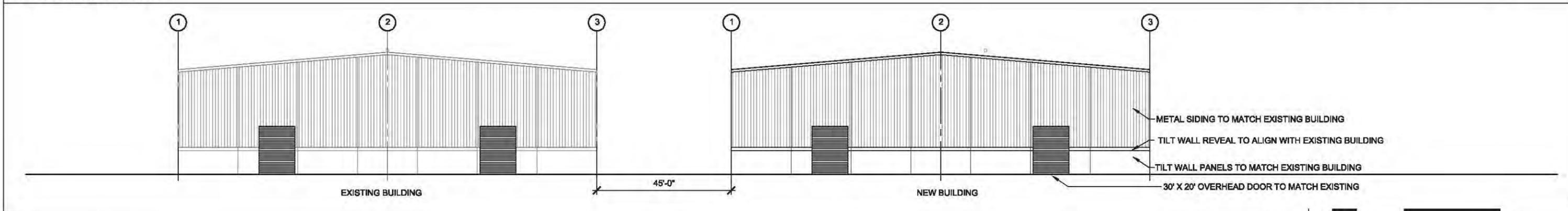
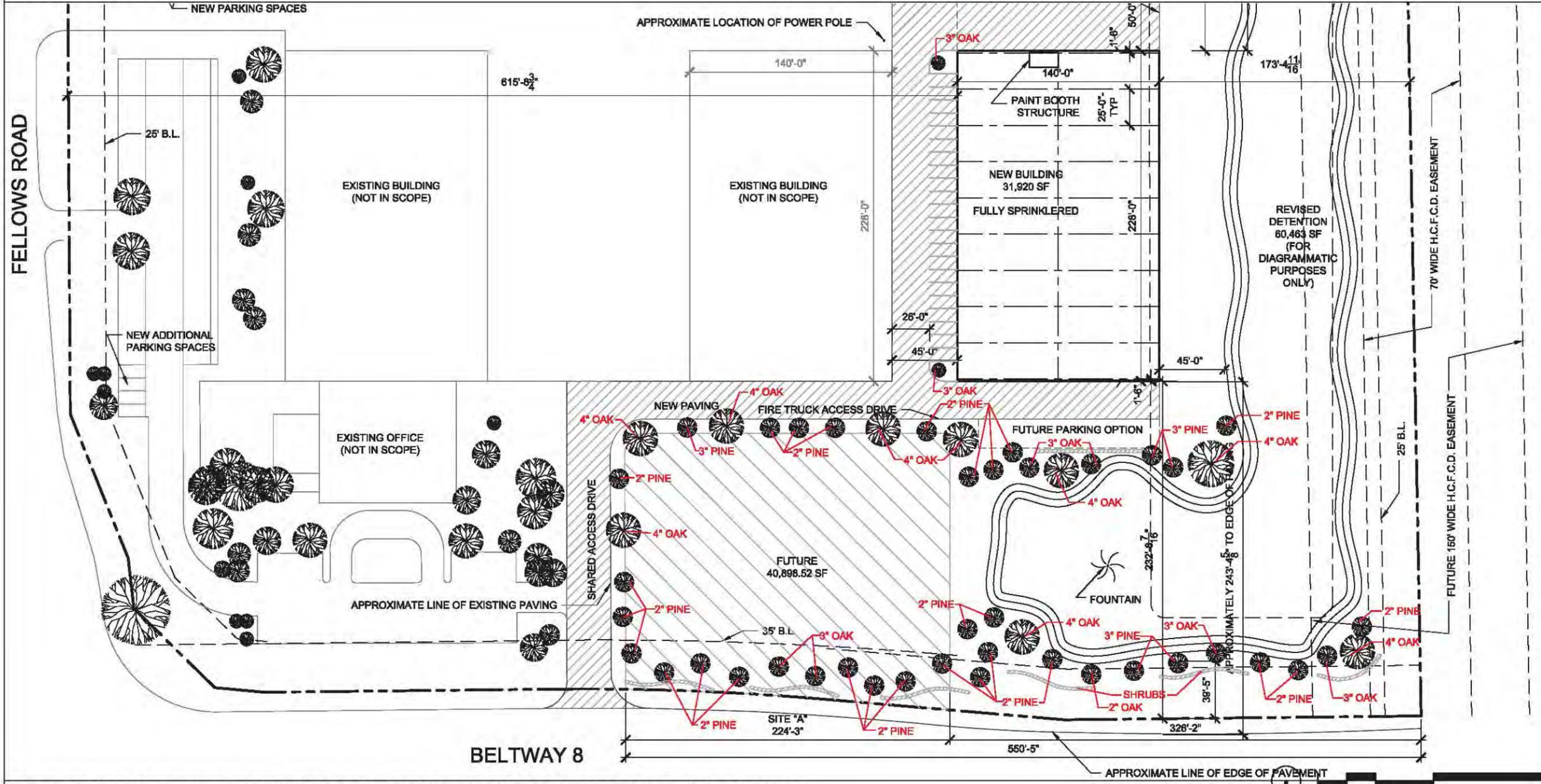


EXHIBIT B- PART 1

PARTIAL SITE PLAN



LANDSCAPE REQUIREMENTS

- No parking space shall be greater than 100' from a tree.
- Landscape areas with trees = 36 sq. ft. minimum, with minimum dimension of 6' wide.
- Islands within parking lot = 162 sq. ft., minimum dimension of 9', minimum of 4' between tree and edge of island.
- 75% of landscaping installed in front yard.
- Front setback landscaping: Required: 30' landscaped buffer for parking areas
- Setback Area Landscaping: Required: 15% shall consist of landscaped open areas
Provided: 33.7%
- % of gross landscaped area: Required: 15% of the gross lot area.
Provided: 33.7%
- Trees: Required: 50% of the required trees shall be located along the front yard along Corridor.
Provided: 60%
- Shade/street trees with a min. 2" caliper: Required: 1" / 10' of street frontage = 1"X550' = 55"
Provided: 63" total calipers
- Ornamental trees with a min. 2" caliper: Required: 1" / 15' of street frontage = 1"X550' = 36.66"
Provided: 56" total calipers
- Parking lot trees: Required: Minimum 2" caliper: 1/75 parking spaces - 1"X = 4.4"
Provided: 6" total calipers
- Evergreen Trees: Required: 80% of required street trees shall be evergreen
Provided: 65%
- Tree setbacks: Required: Min. 8' tree between trunk and the back of any curb and between a tree trunk & planned/existing underground public utility.
- Distance between trees: Required: Min. 6' shall be provided between trees.
- Shrubs: Required number = 5X total caliper inches of street trees = 5X91.66" = 458.3"
Provided: 460" total calipers

NORTH ELEVATION- VIEW FROM BELTWAY 8 SHOWING LANDSCAPE SCREENING

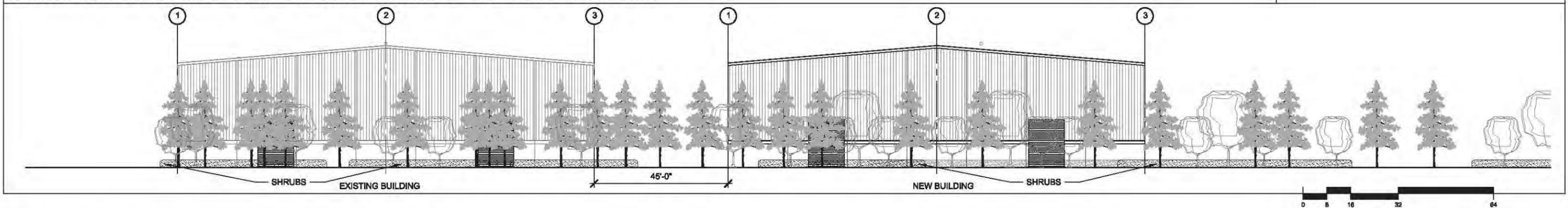


EXHIBIT B- PART 2

SITE PLAN

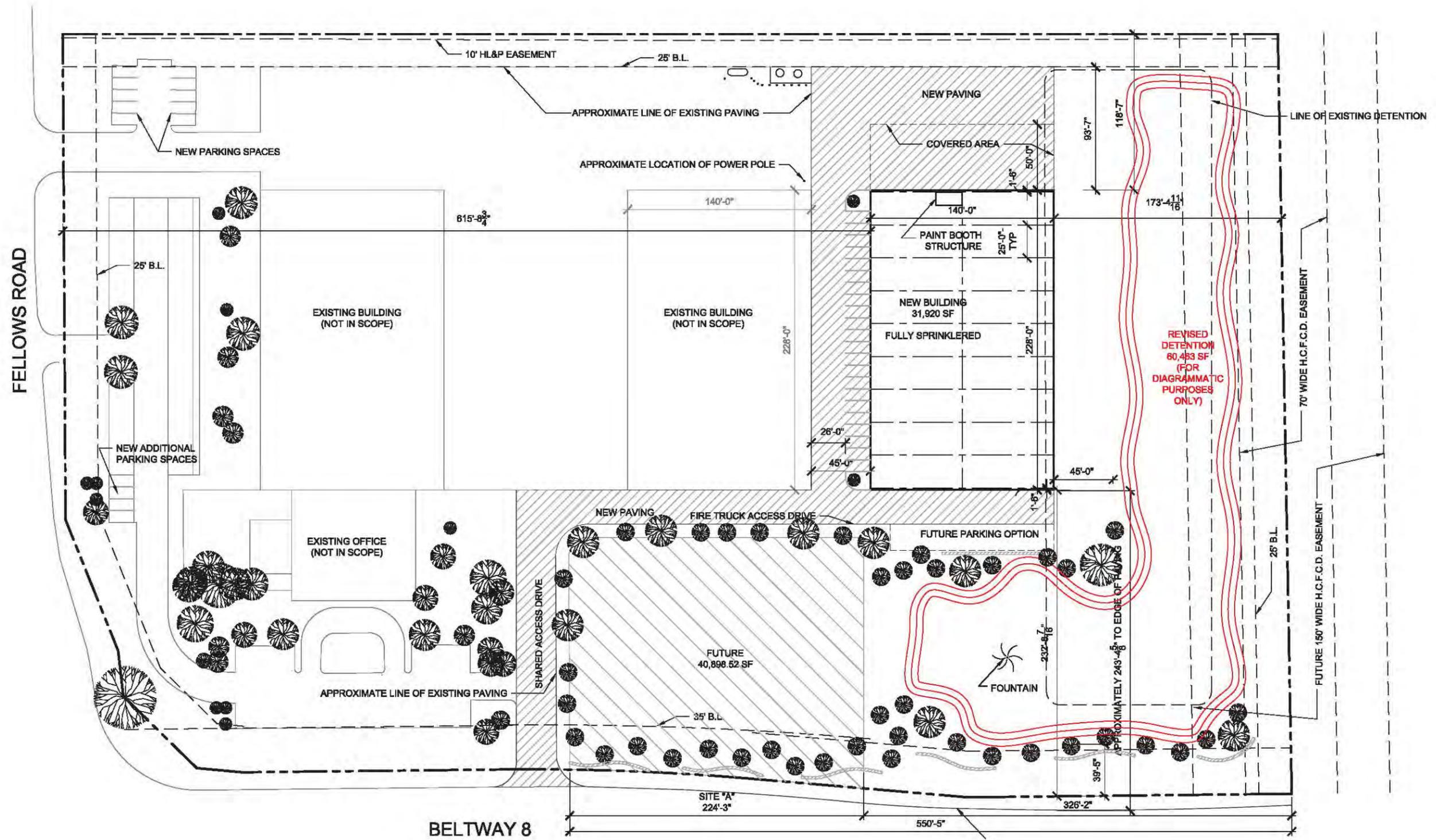
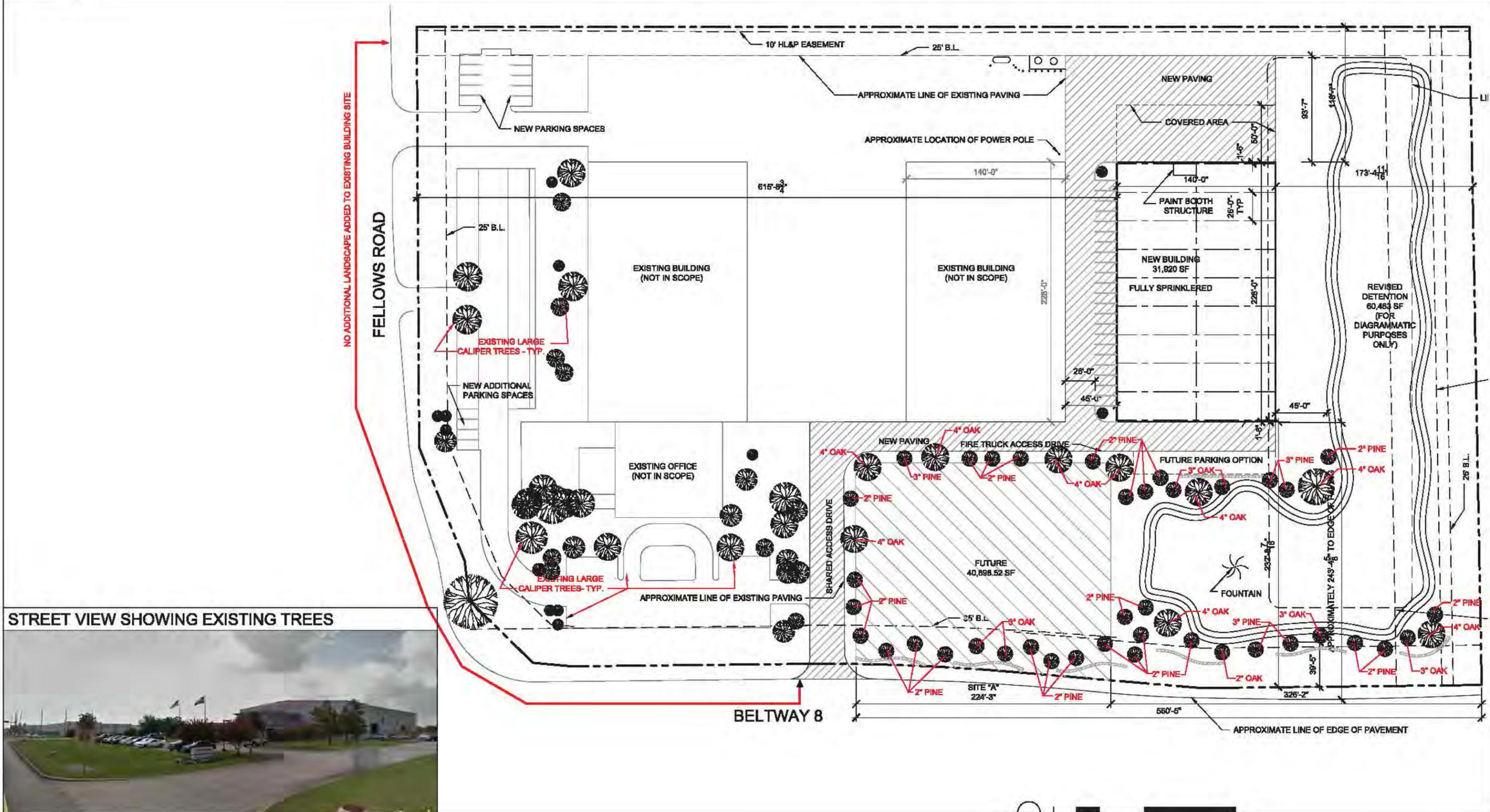


EXHIBIT C

SITE PLAN



NO ADDITIONAL LANDSCAPE ADDED TO EXISTING BUILDING SITE

FELLOWS ROAD

STREET VIEW SHOWING EXISTING TREES



BELTWAY 8



SPEEDSHORE
a project for
NPH

HOUSTON

30 OCTOBER 2016

power
brown
archit
ecture

TEXAS

151168

EXHIBIT C - PART 2

EXISTING SITE TREE PLAN

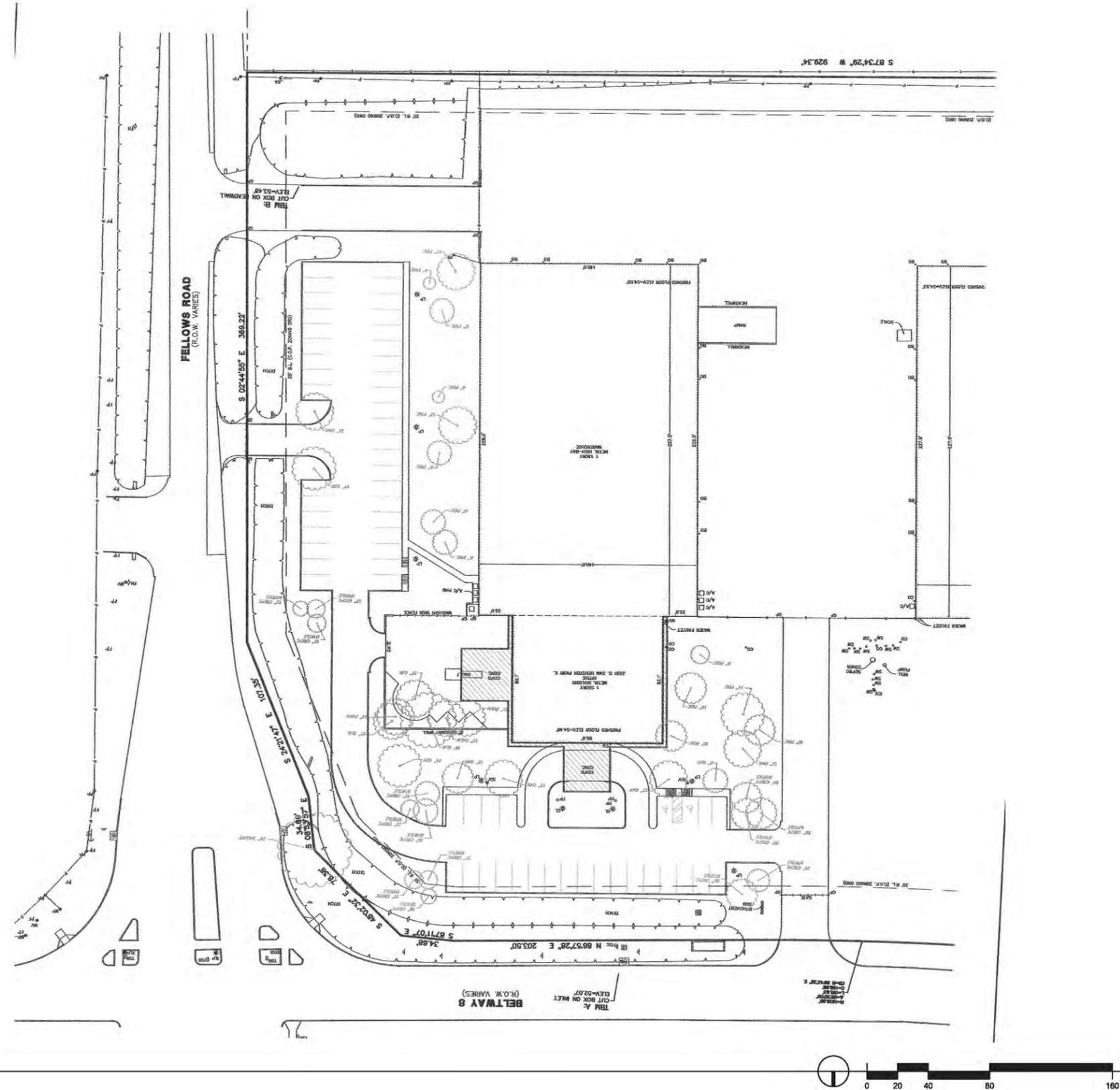


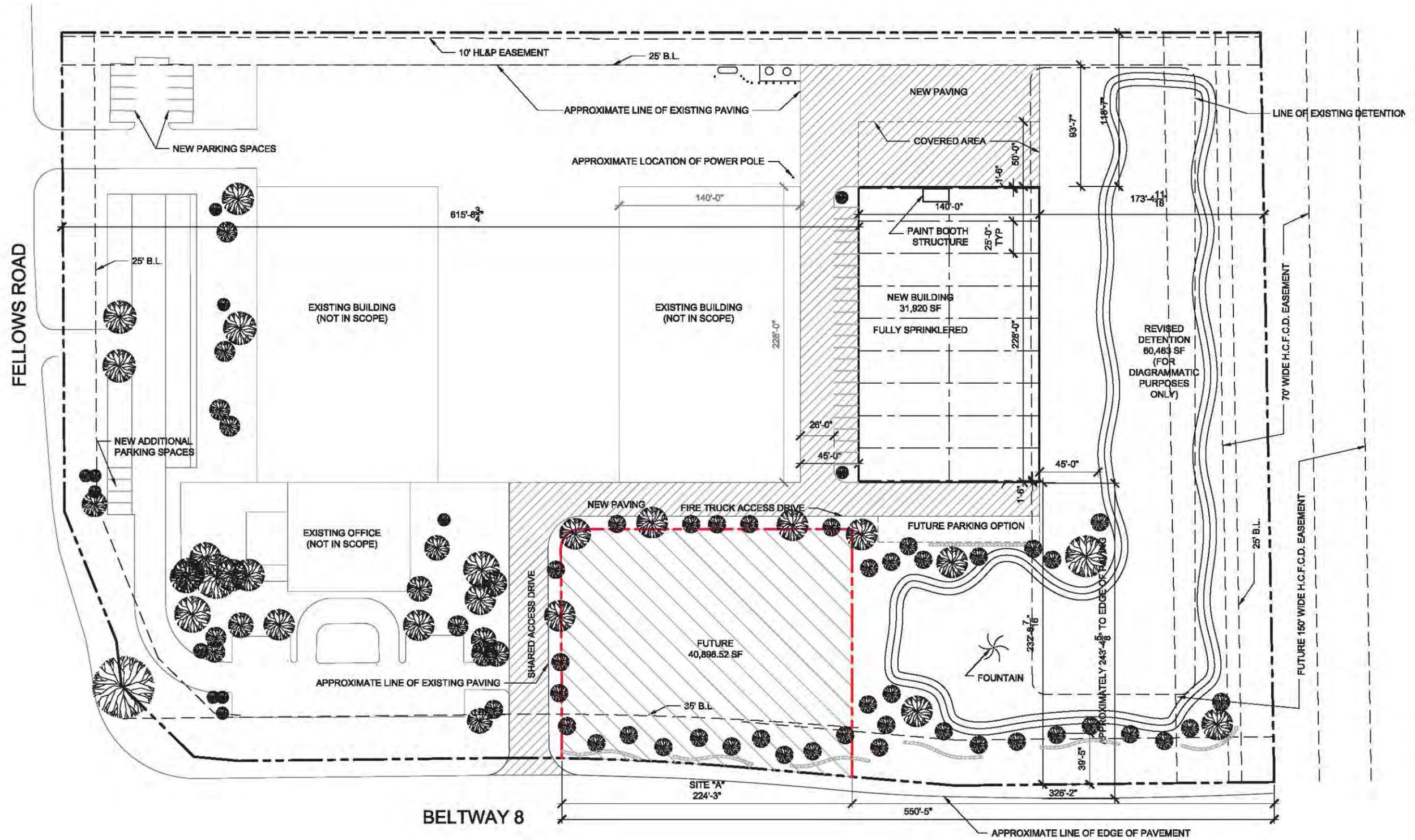
EXHIBIT D

NEW BUILDING AREA: 31,920 SF (140' X 228')

NEW PARKING: 36 SPACES @ 1.1/1000

SITE "A": 40,898.52 SF

OVERALL SITE AREA: 520,338.00 SF (11.94 ACRES)



W

S625855

HOLD FOR
CHICAGO TITLE
GF 212642
KARR

514-68-0253

GENERAL WARRANTY DEED WITH VENDOR'S LIEN

STATE OF TEXAS

09/05/97 100559225 S625855

\$15.00

COUNTY OF HARRIS

KNOW ALL MEN BY THESE PRESENTS:

That, WILLIAMS BROTHERS CONSTRUCTION CO., INC. (a/k/a WILLIAM BROTHERS CONSTRUCTION CO., INC.), a Texas corporation ("Grantor") for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor this day paid and agreed to be paid by MICHAEL J. PLANK ("Grantee"), whose mailing address is 8601 Gulf Freeway, Houston, Texas 77017, the receipt and sufficiency of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantee of that certain promissory note ("Note") of even date herewith in the original principal sum of \$2,000,000.00 payable to the order of Texas Commerce Bank National Association ("Lender"), bearing interest and being payable as therein provided, which Note is secured by a vendor's lien herein reserved against the Subject Property (hereafter defined), and is additionally secured by a Deed of Trust, Absolute Assignment of Rents, Security Agreement and Financing Statement of even date herewith executed by Grantee to David L. Mendez, Trustee, reference to which is here made for all purposes; and in consideration of the payment of a portion of the sum above mentioned, Grantor hereby transfers, sets over, assigns and conveys unto Lender, its successors and assigns, the vendor's lien and superior title herein conveyed, in the same manner and to the same extent as if the Note had been executed in Grantor's favor and assigned by Grantor to Lender without recourse, has GRANTED, BARGAINED, SOLD and CONVEYED and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee all of the following described real and personal property situated in Harris County, Texas, to-wit:

K
K

- (a) That certain 11.983 acre tract out of a 27.056 acre tract out of a 48.035 acre tract being the Easterly part of a 94.243 acre tract in the F.B. DRAKE SURVEY A-1181, and the H.T. & R.R. SURVEY A-413, Harris County, Texas said 94.243 acre tract being the same as conveyed to J.A. HARRIS by Deed recorded in Volume 1288, Page 299 of the Deed Records of Harris County, Texas; said 11.983 acres lying entirely within the H.T. & B.R.R. Survey and being described by metes and bounds as follows:

D

BEGINNING at found concrete monument with a brass cap marking the most Southerly R.O.W. of Beltway 8 and the most Westerly R.O.W. of Fellows Road and having coordinate of X equal 3,154,484.47 and Y equal 659,127.28 based on the Texas State Plane Coordinate System (South Central Zone).

THENCE S 02 deg. 49 min. 03 sec. E. (called S 02 deg. 54 min. 11 sec. E) along the Westerly R.O.W. of Fellows Road a distance of 368.62' to a found 5/8" iron rod marking the Southeast corner of the herein described tract.

THENCE S 87 deg. 30 min. 25 sec. W. along a chain link fence, at 894.34' passing a set 1/2" iron rod marking the Easterly side of a 70' H.C.F.C. District Drainage Easement, for a total distance of 929.34'.

514-68-0254

THENCE N 03 deg. 32 min. 37 sec. W along the center of said easement a distance of 577.70' to a point marking the North West corner of the herein described tract.

THENCE N 86 deg. 53 min. 24 sec. E. along the Southerly R.O.W. of Beltway B passing 35' a set 1/4" iron rod a total distance of 246.90' to a found concrete monument.

THENCE S 87 deg. 36 min. 36 sec. E. a distance of 167.79' to a found concrete monument.

THENCE following a curve to the left having a radius of 1936.86 and a delta of 05 deg. 30 min. a total arc length of 185.93' to a found concrete monument.

THENCE N 86 deg. 53 min. 24 sec. E. a distance of 203.50' to a found concrete monument.

THENCE S 87 deg. 15 min. 11 sec. E. a distance of 34.68' to a found concrete monument.

THENCE S 48 deg. 06 min. 36 sec. E. a distance of 78.38' to a set 1/4" iron rod.

THENCE S 08 deg. 58 min. 01 sec. E. a distance of 34.69' to a set 1/4" iron rod.

THENCE S 24 deg. 25 min. 51 sec. E. a distance of 107.35 to the POINT OF BEGINNING and containing 11.983 acres or 521,990 square feet of land (the "Land").

- (b) Together with (i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting said real property and any of Grantor's rights to use same; (iv) all minerals, oil, gas and other hydrocarbon substances on and under said real property owned by Grantor, if any; (v) any and all utilities, development rights, water, water rights, wastewater capacity, capital recovery charges or deposits, riparian rights relating to said real property, (vi) any and all rights of ingress and egress to and from said real property and any of Grantor's rights to use same; and (vii) all right, title and interest of Grantor, if any, in and to (a) any and all roads, streets, alleys and ways (open or proposed) affecting, crossing, fronting or bounding said real property, including any awards made or to be made relating thereto including, without limitation, any unpaid awards or damages payable by reason of damages thereto or by reason of a widening of or changing of the grade with respect to same, (b) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to said real property (whether owned or claimed by deed, limitations or otherwise), and (c) any and all reversionary interests in and to said real property (said real property

514-68-0255

together with any and all of the related improvements, appurtenances, rights and interests referenced in items (i) through (vii) above are herein collectively referred to as the "Subject Property").

This conveyance is made by Grantor and accepted by Grantee subject to the following matters, but only to the extent such matters from time to time are valid, subsisting and enforceable and affect and cover the Subject Property (the "Permitted Exceptions"):

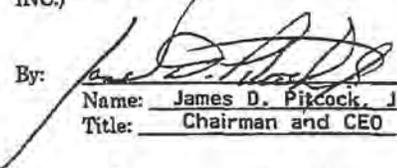
- (a) Harris County Flood Control District easement along westerly property line, as set forth and defined in instrument recorded in Volume 1941, Page 640 of the Deed Records of Harris County, Texas;
- (b) A 1/8 royalty interest in and to all oil, gas and other minerals on, in, or under that may be produced from the Subject Property as set forth instrument recorded in Volume 732, Page 674 of the Deed Records of Harris County, Texas;
- (c) Reservation of the oil, gas and other minerals as set forth in instrument recorded in Volume 1288, Page 299 of the Deed Records of Harris County, Texas; and
- (d) Waiver of surface rights for mineral exploration as set out in instrument recorded under Clerk's File No. N555026.

TO HAVE AND TO HOLD the Subject Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, his heirs, administrators and assigns, forever; and Grantor does hereby bind herself, its legal representatives, successors and assigns, to WARRANT and FOREVER DEFEND all and singular the Subject Property unto Grantee, his heirs, administrators and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject, however to (i) the Permitted Exceptions, (ii) taxes for 1997, which have been prorated to the date of this Deed, and Grantee hereby expressly assumes liability for the payment thereof and for subsequent years, and (iii) the liens herein described.

But the express vendor's lien and superior title are retained in favor of Lender and its successors and assigns, upon the Subject Property until the Note and all other sums to accrue or to become payable thereunder shall have been paid in full in accordance with the face, tenor, effect and reading of the Note, whereupon this Deed shall become absolute.

EXECUTED as of the 29th day of August, 1997. *to be effective 9/14/97.*

WILLIAMS BROTHERS CONSTRUCTION CO., INC.
(A/K/A WILLIAM BROTHERS CONSTRUCTION CO.,
INC.)

By: 

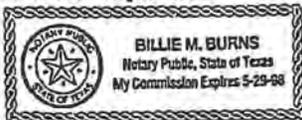
Name: James D. Pitcock, Jr.
Title: Chairman and CEO

514-68-0256

STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on August 29, 1997, by James D. Pitcock, Jr., Chairman & CEO of WILLIAMS BROTHERS CONSTRUCTION CO., INC. (a/k/a WILLIAM BROTHERS CONSTRUCTION CO., INC.), a Texas corporation, on behalf of said corporation.



After Recording, Return to:

Billie M. Burns

Notary Public, State of Texas

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, REUSE, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS VOID AND UNENFORCEABLE UNDER FEDERAL LAW THE STATE OF TEXAS COUNTY OF HARRIS I hereby certify that this instrument was FILED in File Number _____ Sequence on the day and at the time stamped herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

SEP 5 1997

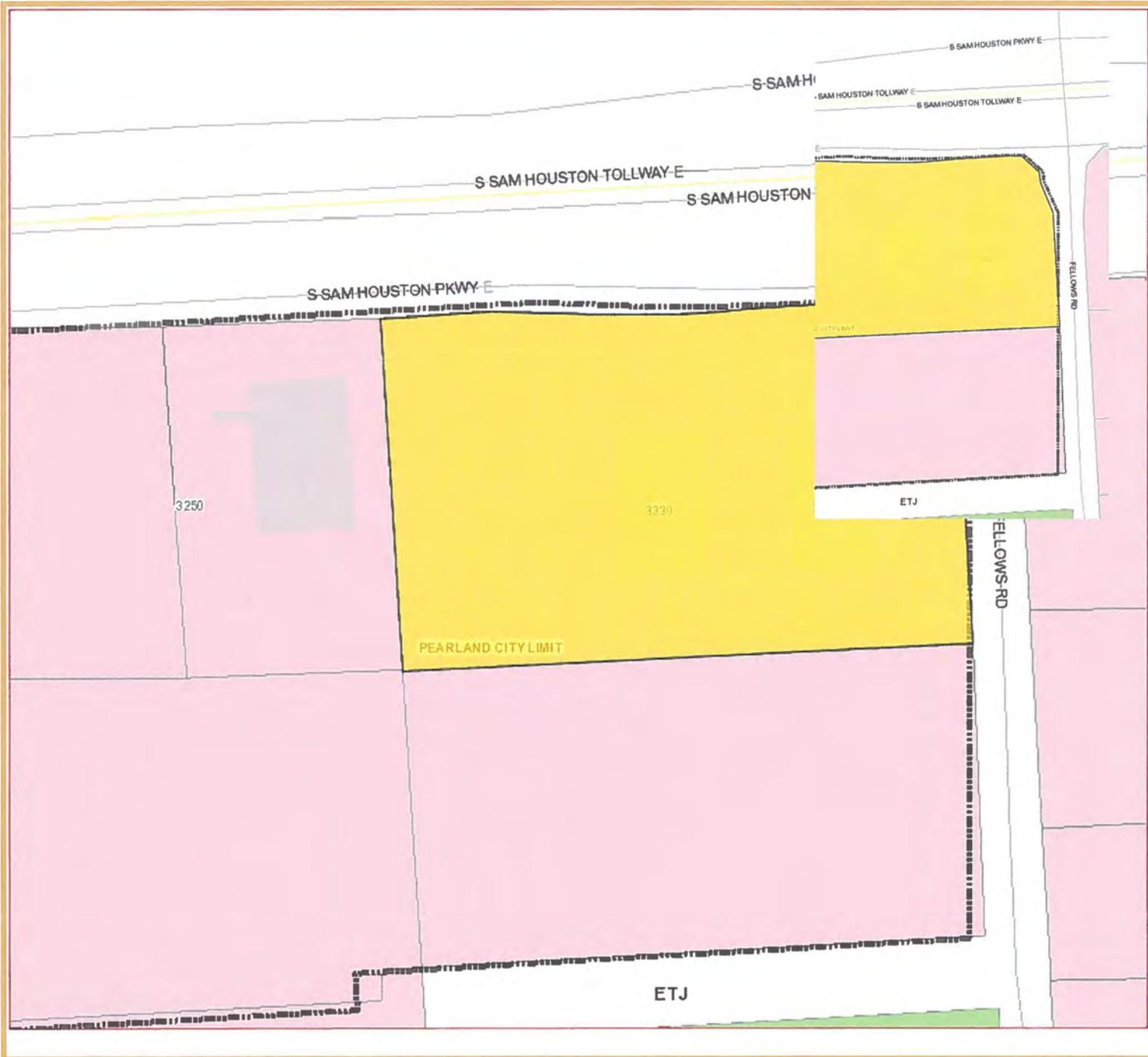


Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY TEXAS

Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY TEXAS

97 SEP -5 PM 4: 27

FILED



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 1:2,607
1 in = 217 ft
October 07, 2015





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 1:2,607
1 in = 217 ft
October 07, 2015



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

<p>AGENDA OF: December 7, 2015</p> <p>DATE SUBMITTED: November 17, 2015</p> <p>PREPARED BY: Ian Clowes</p> <p>REVIEWED BY: Lata Krishnarao</p>	<p>ITEM NO.: Ordinance No. CUP 2015-12</p> <p>DEPT. OF ORIGIN: Planning</p> <p>PRESENTOR: Lata Krishnarao</p> <p>REVIEW DATE: 12/1/2015</p>				
<p>SUBJECT: Ordinance No. CUP 2015-12 - An ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for a fuel station and convenience store, being a tract or parcel containing 1.8712 acres of land, being all of Lot 1, Block 1, Stripes Pearland, Map or Plat thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas; and being a tract or parcel containing 0.4592 acres of land being all of Restricted Reserve "A", Block 1, Stripes Pearland, Map or Plate thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas. (Located at 3808 S. Main Street, Pearland, TX.) Conditional Use Permit Application No 2015-12, within the General Commercial (GC) zoning district, at the request of Windrose Land Services, Inc., applicant; on behalf of T&B Alexander Family LTD Partnership, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.</p>					
<p>ATTACHMENTS: Ordinance No. 2015-12 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter; Exhibit E – Site Plan) Joint Public Hearing Packet (11.16.15)</p>					
<p>To be completed by Department:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 25%; text-align: center;">Finance</td> <td style="width: 25%; text-align: center;">Legal</td> <td style="width: 25%; text-align: center;">Ordinance</td> <td style="width: 25%; text-align: center;">Resolution</td> </tr> </table>		Finance	Legal	Ordinance	Resolution
Finance	Legal	Ordinance	Resolution		

EXECUTIVE SUMMARY

The applicant is requesting approval of a conditional use permit (CUP) to allow for a fuel station use to be located within the General Commercial (GC) zoning district. A zone change was approved for this site in February of 2015 when the applicant requested a zone change from M-1 to GC to allow them to construct a fuel station with convenience store on the site. After the approval of the zone change, an amendment to the UDC was approved by Council in August of 2015, requiring that fuel stations, along with a list of other mostly automobile related uses, obtain approval of a CUP prior to the issuance of any permits.

The applicant was unable to submit formal construction plans prior to the approval of the UDC Amendment, therefore they were not grandfathered under the previous version of the code.

The subject property is currently undeveloped. The property was split due to the construction of Bailey Road in 2006. The owner of the property entered into a settlement with the city due to the land split. One of the terms of the agreement was that staff will use their best efforts to zone the property for General Commercial use. The proposed zone change is in conformance with this agreement.

STAFF RECOMMENDATION: Staff recommends approval of the requested CUP on the approximately 2.3304 acre site to allow a fuel station and convenience store for the following reasons:

1. The approved CUP will allow for a previously planned use to move forward with construction plans as intended after the initial zone change approval.
2. It is not anticipated that the proposed change in zoning will have significant negative impacts on surrounding properties or developments.
3. All requirements of the UDC will be met for any future redevelopment and expansion on the site. Screening and buffering, as well as new zoning/land use definitions as determined by City staff will protect the health, safety and welfare of the existing neighborhoods, as prioritized by the Comprehensive Plan.

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.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on November 16, 2015, P&Z Commissioner Derrell Isenberg made a motion to approve the CUP request; the motion was seconded by P&Z Commissioner Mary Starr. The motion was approved 5-0. Commissioners Isenberg, Starr, Pradia, McFadden, and Tunstall all voted in favor of the requested CUP.

Ordinance No. CUP 2015-12

An ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for a fuel station and convenience store**, being a tract or parcel containing 1.8712 acres of land, being all of Lot 1, Block 1, Stripes Pearland, Map or Plat thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas; and being a tract or parcel containing 0.4592 acres of land being all of Restricted Reserve "A", Block 1, Stripes Pearland, Map or Plate thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas. **(Located at 3808 S. Main Street, Pearland, TX.)** Conditional Use Permit Application No 2015-12, within the General Commercial (GC) zoning district, at the request of Windrose Land Services, Inc., applicant; on behalf of T&B Alexander Family LTD Partnership, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

WHEREAS, Windrose Land Services, Inc., applicant; on behalf of T&B Alexander Family LTD Partnership, owner; is requesting approval of a Conditional Use Permit (CUP) to allow for a fuel station and convenience store use on approximately 2.3304 acres of land on the following described property; 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 16th day of November 2015, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C," said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 16th day of November 2015, the Planning and Zoning

Commission submitted its report and recommendation to the City Council regarding the proposed Conditional Use Permit to allow for a fuel station and convenience store use on approximately 2.3304 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 7th day of December 2015 and the 14th day of December 2015; 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 Windrose Land Services, Inc., applicant; on behalf of T&B Alexander Family LTD Partnership, owner; for approval of a Conditional Use Permit on approximately 2.3304 acres of land to allow for a fuel station and convenience store use; 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 being located within the General Commercial (GC) zoning district, is hereby granted a Conditional Use Permit to allow for a fuel station and convenience store use, subject to all requirements of the GC zoning district and the site plan attached hereto and made a part hereof for all purposes as Exhibit "E", in accordance with all conditions and requirements of the current Unified Development Code and the following conditions approved by the City Council and incorporated for all purposes, such property being more particularly described as:

Legal Description: A tract or parcel containing 1.8712 acres of land, being all of Lot 1, Block 1, Stripes Pearland, Map or Plat thereof recorded under Brazoria

County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas; and being a tract or parcel containing 0.4592 acres of land being all of Restricted Reserve "A", Block 1, Stripes Pearland, Map or Plate thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas.

General Location: 3808 S. Main 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 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 7th day of December, 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 14th
day of December, 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

A tract or parcel containing 1.8712 acres of land, being all of Lot 1, Block 1, Stripes Pearland, Map or Plat thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas; and being a tract or parcel containing 0.4592 acres of land being all of Restricted Reserve "A", Block 1, Stripes Pearland, Map or Plate thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas.

Exhibit B Vicinity Map



Exhibit 1

AERIAL MAP

CUP 2015-12

2808 S. Main 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 = 309 feet

OCTOBER 2015
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**

**CONDITIONAL USE PERMIT APPLICATION NUMBER:
2015-12**

Notice is hereby given that on November 16, 2015 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 Windrose Land Services, Inc., applicant; on behalf of T&B alexander Family LTD Partnership, owner; for approval of a Conditional Use Permit (CUP) to allow for a fuel station and convenience store in the General Commercial (GC) zoning district; on approximately 2.3304 acres of land, to wit:

A tract or parcel containing 1.8712 acres of land, being all of Lot 1, Block 1, Stripes Pearland, Map or Plat thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas; and being a tract or parcel containing 0.4592 acres of land being all of Restricted Reserve "A", Block 1, Stripes Pearland, Map or Plate thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County Texas.

General Location: 3808 S. Main Street, Pearland, TX

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

Ian Clowes
Senior Planner

Exhibit D
Planning and Zoning Commission Recommendation Letter



Planning & Zoning Commission

Recommendation Letter

November 17, 2015

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

Re: Recommendation on CUP Application 2015-12

Honorable Mayor and City Council Members:

At their regular meeting on November 16, 2015, the Planning and Zoning Commission considered the following:

A request of Windrose Land Services, Inc., applicant; on behalf of T&B alexander Family LTD Partnership, owner; for approval of a Conditional Use Permit (CUP) to allow for fuel station and convenience store in the General Commercial (GC) zoning district; on approximately 2.3304 acres of land, to wit:

Legal Description: A tract or parcel containing 1.8712 acres of land, being all of Lot 1, Block 1, Stripes Pearland, Map or Plat thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas; and being a tract or parcel containing 0.4592 acres of land being all of Restricted Reserve "A", Block 1, Stripes Pearland, Map or Plate thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas.

General Location: 3808 S. Main Street, Pearland, TX

P&Z Commissioner Derrell Isenberg made a motion to approve the CUP request; the motion was seconded by P&Z Commissioner Mary Starr. The motion was approved 5-

0. Commissioners Isenberg, Starr, Pradia, McFadden, and Tunstall all voted in favor of the requested CUP.

Sincerely,



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 16, 2015, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Application No. 2015-12

A request of Windrose Land Services, Inc., applicant; on behalf of T&B Alexander Family LTD Partnership, owner; for approval of a Conditional Use Permit (CUP) to allow for fuel station and convenience store in the General Commercial (GC) zoning district; on approximately 2.3304 acres of land, to wit:

Legal Description: A tract or parcel containing 1.8712 acres of land, being all of Lot 1, Block 1, Stripes Pearland, Map or Plat thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas; and being a tract or parcel containing 0.4592 acres of land being all of Restricted Reserve "A", Block 1, Stripes Pearland, Map or Plate thereof recorded under Brazoria County Clerks File (B.C.C.F.) No. 2015042573, situated in the A.C.H. & B. Survey, Abstract No. 507, Brazoria County, Texas.

General Location: 3808 S. Main 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.



Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: November 16, 2015

Re: Conditional Use Permit Application No. 2015-12

A request of Windrose Land Services, Inc., applicant; on behalf of T&B alexander Family LTD Partnership, owner, for approval of a Conditional Use Permit (CUP) to allow for fuel station and convenience store in the General Commercial (GC) zoning district; on approximately 2.3304 acres of land.

General Location: 3808 S. Main Street, Pearland, TX

Summary of Request

The applicant is requesting approval of a conditional use permit (CUP) to allow for a fuel station use to be located within the General Commercial (GC) zoning district. A zone change was permitted for this site in February of 2015. The applicant sought the zone change from M-1 to GC to allow them to construct a fuel station with convenience store on the site. The zone change was approved. After the approval of the zone change, an amendment to the UDC was approved by Council in August of 2015, requiring that fuel stations, along with a list of other mostly automobile related uses, obtain approval of a CUP prior to the issuance of any permits.

The applicant was unable to submit formal construction plans prior to the approval of the UDC Amendment, so they were not grandfathered under the previous version of the code.

Recommendation

Staff recommends approval of the requested CUP on the approximately 2.3304 acre site to allow a fuel station use for the following reasons:

1. The approved CUP will allow for a previously planned use to move forward with construction plans as intended after the initial zone change approval.

2. It is not anticipated that the proposed change in zoning will have significant negative impacts on surrounding properties or developments.
3. All requirements of the UDC will be met for any future redevelopment and expansion on the site. Screening and buffering, as well as new zoning/land use definitions as determined by City staff will protect the health, safety and welfare of the existing neighborhoods, as prioritized by the Comprehensive Plan.

Site History

The subject property is currently undeveloped. The property was split due to the construction of Bailey Road back in 2006. The owner of the property entered into a settlement with the city due to the land split. One of the terms of the agreement was that staff will use their best efforts to zone the property for General Commercial use. The proposed zone change is in conformance with this agreement.

The site is surrounded by non-residential uses and non-residential zoning districts. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Heavy Industrial (M-2)	Vacant Industrial Property
South	Heavy Industrial (M-2)	Clayton Homes
East	General Commercial (GC)	Vacant Commercial Property/Pearland High School
West	Heavy Industrial (M-2)	Vacant Industrial Property

Conformance with the Thoroughfare Plan

The subject property has approximately 725 feet of frontage along Main Street and 858 feet of frontage along Bailey Road; both of which are major thoroughfares, which requires 120 feet of right-of-way. It appears from GIS records that the existing right-of-way at this location, is approximately 120 feet; and therefore is in compliance with the thoroughfare plan.

Conformance with the Unified Development Code

The property is currently undeveloped. The applicant has plans to develop a portion of the property as a gas station with convenience store. Both uses are permitted within the GC zone. Any subdivision of the property in the future will be required to conform to the GC standards. The GC requirements can be found in the provided table below. All

other requirements of the UDC will need to be met including all Corridor Overlay District (COD) standards along Bailey Road and Main Street.

General Commercial (GC) Area Regulations	
Size of Lot	Required
Minimum Lot Size	22,500 sf.
Minimum Lot Width	150 ft.
Minimum Lot Depth	125 ft.

Conformance with the Comprehensive Plan

The current zoning of GC on the subject property is not in conformance with the future land use designation of the Comprehensive Plan which is “Light Industrial.” The current zoning of GC is in conformance with the signed agreement between the City and the property owner.

Platting Status

A minor plat has been approved and recorded for this site.

Availability of Utilities

The subject property has access to public infrastructure. GIS data indicates that water is available to the site via a 16-inch waterline along the west side of Main Street and a 24-inch water line along the north side of Bailey Road. Additionally, there is an existing 30-inch sewer line along the eastern side of Main Street and a 12-inch sewer line along the south side of Bailey Road.

Impact on Existing and Future Development

The proposed CUP will not significantly impact surrounding properties or developments. The site is surrounded by commercial and industrial sites. The proposed fuel station will not be out of character with the surrounding area. All requirements of the UDC, including the Corridor Overlay District requirements will have to be met upon development. This will ensure that any business built on site will be of a high quality.

Additional Comments

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

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

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

Exhibits

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



Exhibit 1

AERIAL MAP

CUP 2015-12

2808 S. Main 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 = 309 feet

OCTOBER 2015
PLANNING DEPARTMENT



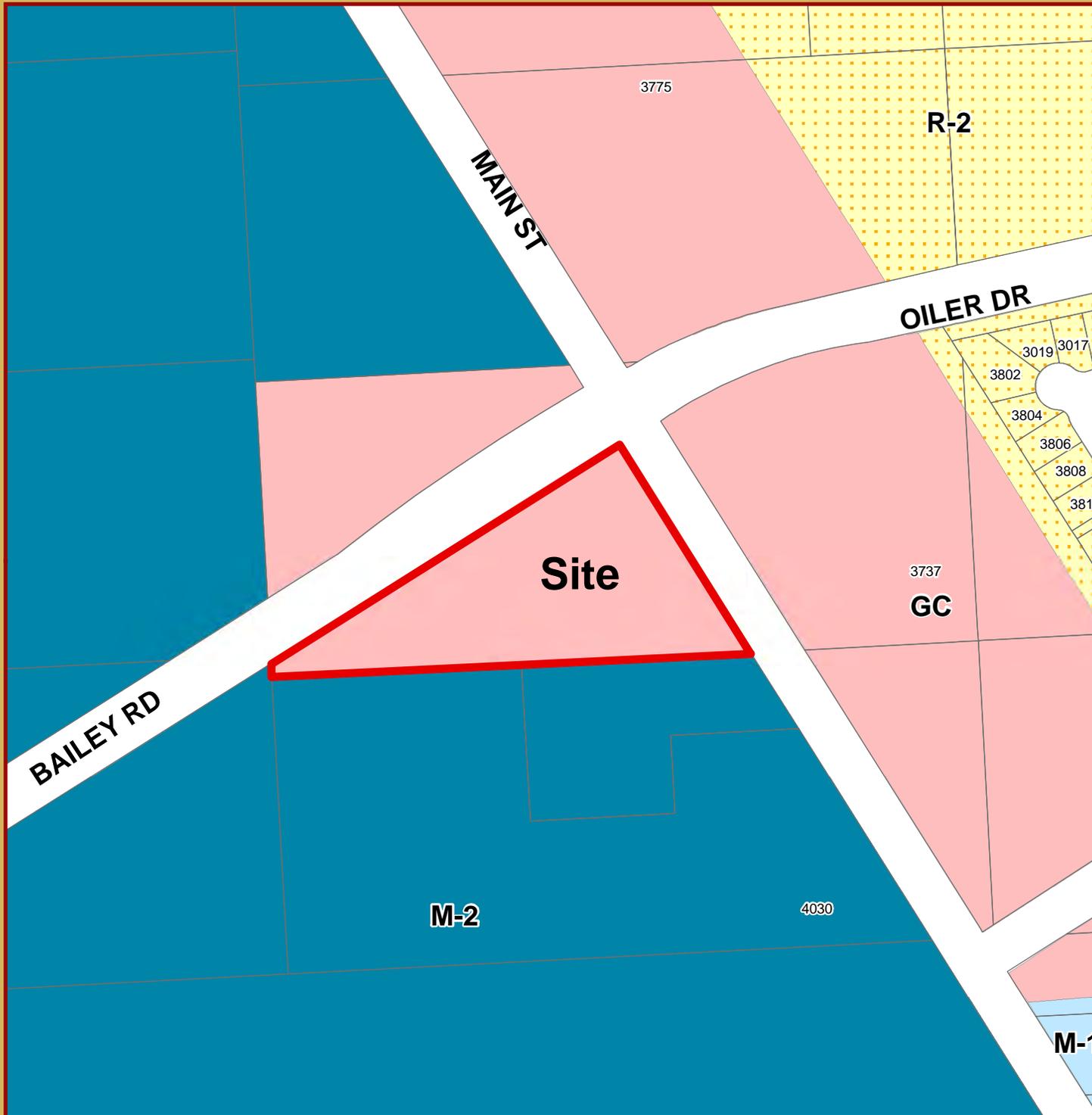


Exhibit 2

ZONING MAP

CUP 2015-12

2808 S. Main St.



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1 inch = 309 feet

OCTOBER 2015
PLANNING DEPARTMENT



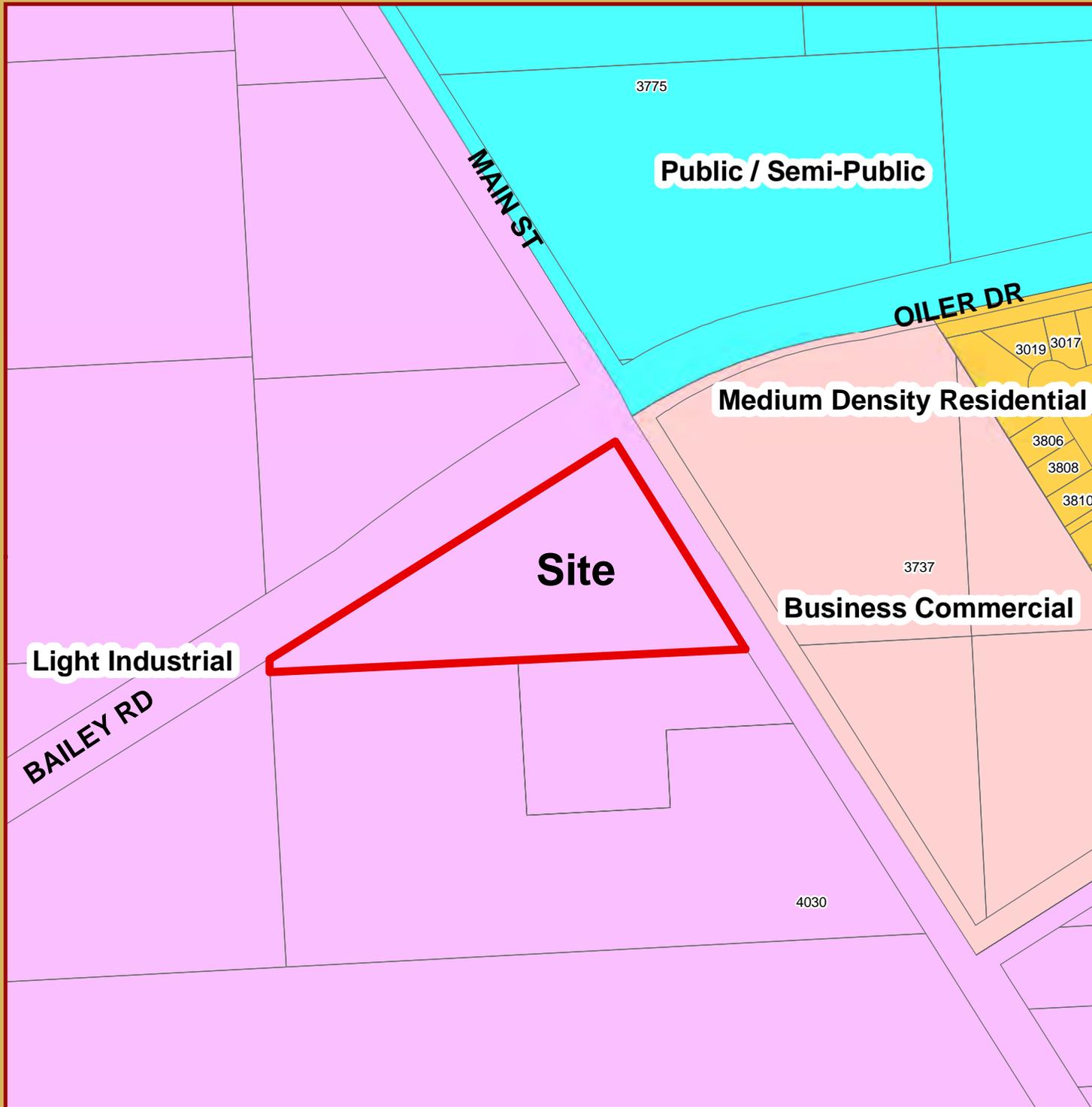


Exhibit 3

FLUP MAP

CUP 2015-12

2808 S. Main 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 = 309 feet

OCTOBER 2015
PLANNING DEPARTMENT

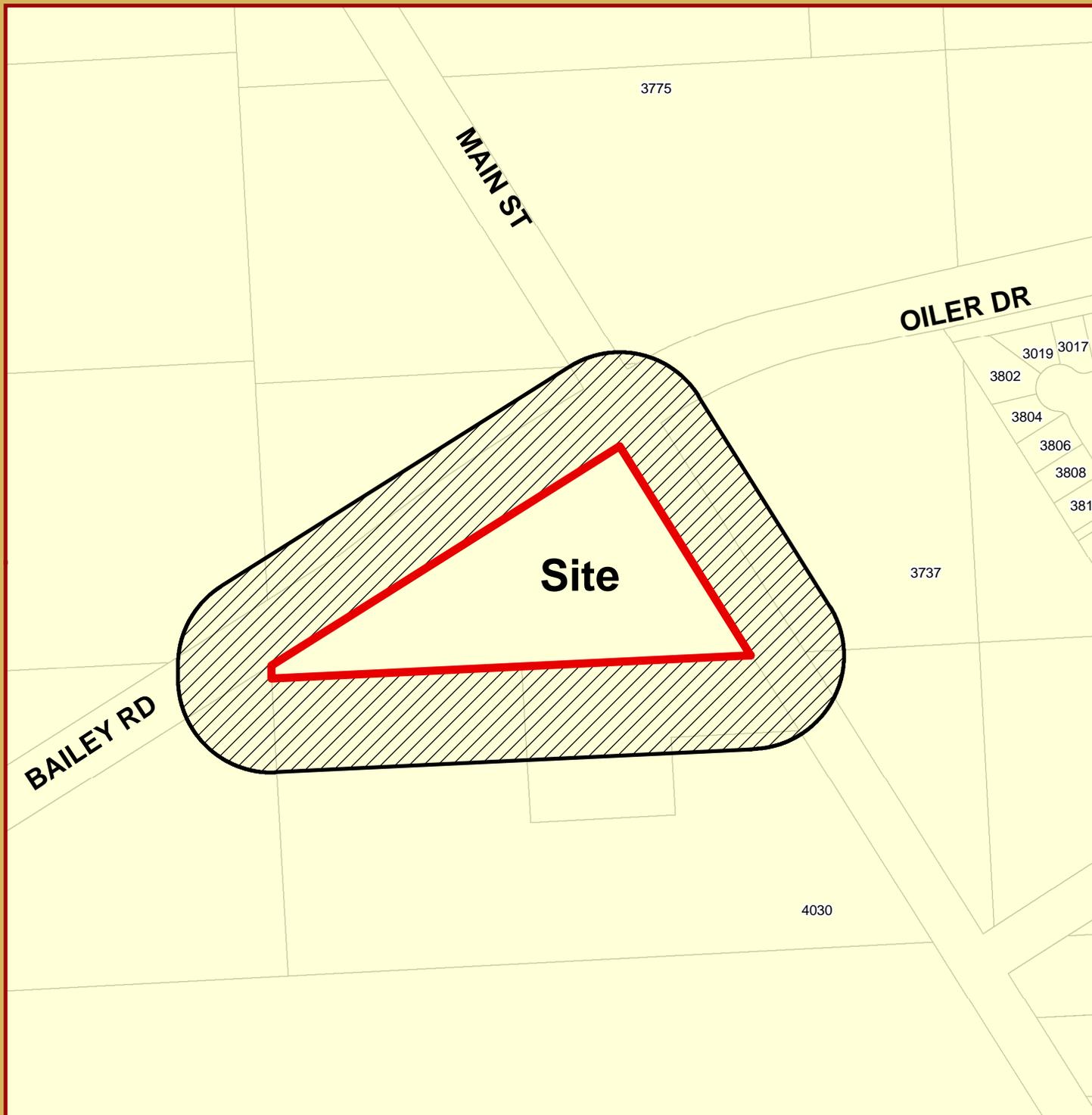


Exhibit 4

NOTIFICATION MAP

CUP 2015-12

2808 S. Main 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 = 309 feet

OCTOBER 2015
PLANNING DEPARTMENT



EXHIBIT 5

CUP 2015-12

Owner	Address	City	State	Zip
ALEXANDER T & B FAMILY LTD PRTNSHP	2411 PARK AVE	PEARLAND	TX	77581
BURNS RICHARD J	PO BOX 459	PEARLAND	TX	77588
J M PROJECTS LLC	PO BOX 2024	FRIENDSWOOD	TX	77549
PEARLAND ISD	PO BOX 7	PEARLAND	TX	77588
R WEST DEVELOPMENT CO INC	7918 BROADWAY ST STE 106	PEARLAND	TX	77581
RYAN STEVEN & CHARLOTTE	3714 OAK DALE DR	PEARLAND	TX	77581
TOWNE LAKE LP	7918 BROADWAY ST STE 106	PEARLAND	TX	77581
WINDROSE LAND SERVICES INC.	3200 WILCREST STE 325	HOUSTON	TX	77042



City of Pearland Planning Department Universal Application

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281.652.1768
281.652.1702 (fax)
pearlandtx.gov

Please complete each field - incomplete applications will **not** be accepted.
Include the applicable checklist for each project type with this application.
Refer to the schedule on the City's website and/or within the Planning Department
for deadlines and anticipated meeting dates for each project type.

TYPE OF APPLICATION:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Zoning Change | <input type="checkbox"/> ZBA Variance |
| <input type="checkbox"/> Cluster Development Plan | <input type="checkbox"/> P&Z Variance |
| <input type="checkbox"/> Planned Development Workshop | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Plat (list type): _____ | <input type="checkbox"/> Conditional Use Permit |

PROJECT INFORMATION:

Residential Commercial Property Platted Property Not Platted

Project Name: Stripes Pearland Tax ID: 175985

Project Address/Location: Southwest intersection of Main Street (SH 35) and Bailey Road

Subdivision: Stripes Pearland Minor Plat (Lot 1, RR A) No. of Lots: 1 lot / 1 Reserve Total Acres: 2.3304

Brief Description of Project: Conditional Use Permit (CUP) to allow gasoline station (Stripes) in GC District

****When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.****

PROPERTY OWNER INFORMATION:

Name: T&B Alexander Family LTD Partnership

Address: 2411 Park Avenue

City: Pearland State: TX Zip: 77581-4233

Phone: 281.507.1412

Fax: 281.412.4735

Email Address: attyKRP@aol.com

APPLICANT/AGENT INFORMATION:

Name: Windrose Land Services, Inc.

Address: 3200 Wilcrest, Suite 325

City: Houston State: TX Zip: 77042

Phone: 713.458.2281

Fax: 713.461.1151

Email Address: andrew.allemand@windroseservices.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: LETTER OF AUTHORIZATION ATTACHED Date: _____

Agent's/
Applicant's Signature: Andrew J. Allemand Date: 10/13/2015

OFFICE USE ONLY:

FEES PAID: <u>\$ 1025</u>	DATE PAID: <u>10/19/15</u>	RECEIVED BY: <u>IC</u>	RECEIPT NUMBER: <u>18806</u>
			APPLICATION NUMBER: <u>CUP 2015-12</u>



5. Additional landscaping
6. Curbing, sidewalk, vehicular access, and/or parking improvements
7. Placement or orientation of buildings and entryways, buffer yards, landscaping and screening
8. Signage restrictions
9. Design and maintenance of buildings and outdoor areas
10. Duration of the permit
11. Hours of operation

f. Expiration

A Conditional Use Permit shall expire if:

1. A building permit, if any, for the use has not been approved within one year of the date of approval of the permit;
2. The building permit subsequently expires;
3. The use has been discontinued for a period exceeding six months; or
4. A termination date attached to the permit has passed.

g. Checklist

- Application and checklist filled out completely and signed by the owner of the property.
- 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 (UDC).**
- Metes and bounds description (survey or 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 Conditional Use Permit request in detail, specifying:
 - Proposed uses: GAS STATION
 - Specific operations of the use: FUEL, FOOD, CONVENIENCE STORE
 - Square footage of buildings/lot sizes: ON SITE PLAN
 - Unique characteristics of the property: SITE PLAN
 - Other necessary information (list here): _____



- Site plan showing the following:
 - Proposed layout of the subject property _____
 - Proposed buildings _____
 - Parking _____
 - Landscape plan _____
 - Detention ponds _____
 - Fence _____
 - Other relevant information (list here) _____
- Acknowledgement of the sign to be posted on the property ten (10) days prior to the public hearing.
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only). Please refer to the City's webpage www.pearlandtx.gov for updated fees.

NA

Additional Application Requirements for Telecommunications Towers, Antennas, and Shared Use on Existing Towers and Alternate Structures per Section 2.5.5.2 of the Unified Development Code

- An inventory of the applicant's existing towers that are either within the City or within one mile of the corporate limits specifying:
 - Location
 - Height
 - Design

Note: This information may be shared by the Planning Department with other applicants.

- Site plan to scale specifying:
 - Location of tower(s)
 - Transmission building and other accessory uses
 - Street access
 - Parking
 - Fences
 - Landscaped areas
 - Adjacent land uses

LETTER OF AUTHORIZATION

Date: October 12, 2015

To:
City of Pearland
Planning Department
3519 Liberty Drive
Pearland, TX 77581
(281) 652-1740

By:
T&B Alexander Family LTD Partnership
2411 Park Avenue
Pearland, TX 77581-4233
(281) 507-1412

C/O: Law Office of Kenneth R. Phillips, PC
Attn: Mr. Kenneth R. Phillips
3322 E. Walnut Avenue, Suite 111
Pearland, TX 77581
O: (281) 412-9003

Re: Land Use Zoning Application – Lot 1 and Restricted Reserve A of STRIPES PEARLAND, a subdivision of Brazoria County, Texas, according to the map or plat thereof recorded under County Clerk’s File No. 2015-042573, being out of a called tract of 5.7495 Acres, situated in the ACH&B Survey, Section No. 2, Abstract No. 507, located at the southwest corner of S Main Street (SH 35) and Bailey Road, City of Pearland, City Limits, Brazoria County, Texas.

To Whom It May Concern:

The undersigned duly authorized representative of T&B Alexander Family LTD Partnership, the record owner of the referenced property does hereby authorize Windrose Land Services, Inc. to submit for City review and consideration, a land use zoning application requesting rezoning of the subject property from General Commercial District (GC) with Corridor Overlay District (COD) to General Commercial District (GC) with Corridor Overlay District (COD) with Conditional Use Permit (CUP) to allow a gasoline station, said property being wholly located within the corporate limits of the City of Pearland, Brazoria County, Texas.



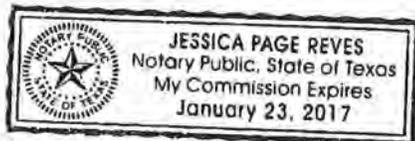
Kenneth R. Phillips, Attorney in Fact for
T&B Alexander Family LTD, Partnership
Partner

State of Texas
County of Brazoria

I, Jessica Page Reves, a Notary Public for the State of Texas, do hereby certify that Kenneth R. Phillips personally came before me this day and acknowledged that he is the Attorney in Fact for T&B Alexander Family LTD Partnership, a Texas limited partnership, and that he being authorized to do so, executed the foregoing on behalf of the partnership.

Witness my hand and official seal, this the 9th day of October, 2015.

(Personalized Seal)





Notary Public

My Commission Expires: January 23, 2017



Windrose Land Services, Inc

3200 Wilcrest, Suite 325

Houston, Texas 77042

Phone (713) 458-2281 Fax (713) 461-1151

Professional Development Consultants

Land Surveying, Platting, Project Management and GIS Services

Firm Registration No. 10108800

October 12, 2015

City of Pearland
Planning Department
3519 Liberty Drive
Pearland, TX 77581
(281) 652-1740

Re: Letter of Intent to Rezone Called 2.3304 Acres, being Lot 1 and Restricted Reserve "A", Stripes Pearland, File No. 2015042573, Brazoria County Map Records, situated in the ACH&B Survey, Section No. 2, Abstract No. 507, located at the southwest corner of S Main Street (SH 35) and Bailey Road, City of Pearland, City Limits, Brazoria County, Texas.

To Whom It May Concern:

On behalf of and as the duly authorized representative of the record owner of the above referenced property, T&B Alexander Family LTD Partnership (the "Owner"), Windrose Land Services (the "Applicant") hereby requests that the City of Pearland rezone the subject property from General Commercial District (GC) with Corridor Overlay District (COD) to GC with COD and Conditional Use Permit (CUP). The Owner desires the requested CUP zoning in order to enable their buyer, Susser Petroleum Corporation, to develop a gasoline station on the property.

The Owner and their prospective buyer have been consistently working towards the development of the Stripes gasoline station for nearly a year. They submitted a rezoning case in December 2014 and a follow-on subdivision plat application in February 2015, both City-mandated approvals undertaken with the expressed purpose of developing a Stripes gasoline station on the subject property. We understand that an ordinance was approved in August 2015 that requires a CUP for gasoline stations in the GC District. While we certainly believe that our development is exempt from this regulation due to vesting laws outlined in Chapter 245 of the Texas Local Government Code, as our development activity and related permit submittals date back to December 2014, we have been instructed to seek a CUP.

The proposed use is consistent with the Light Industrial designation of the City's Comprehensive Plan and the existing General Commercial zoning district. Fuel service and food service facilities are essential to supporting the Industrial Park/Foreign Trade environment that the City is seeking to foster. It is common development practice to reserve the land at major intersections within industrial and manufacturing centers for general commercial uses (e.g. retail, restaurant, fuel service, office). This practice ensures that the industrial and manufacturing facilities have the commercial services in close proximity that they need to support their employment base. Given its location at the intersection of a Freeway (State Highway 35) and a Major Thoroughfare (Bailey Road) as designated on the City's Thoroughfare Plan, the subject property is extremely viable for a gasoline station. Regarding the infrastructure, the site has immediate access to water and sanitary sewer infrastructure and the on-site storm sewer infrastructure will be provided that is consistent with abutting roadway and storm sewer systems. Finally, the prospective development will meet all conditions of the GC District, the overlay district and any conditions associated with the CUP.

Sincerely,

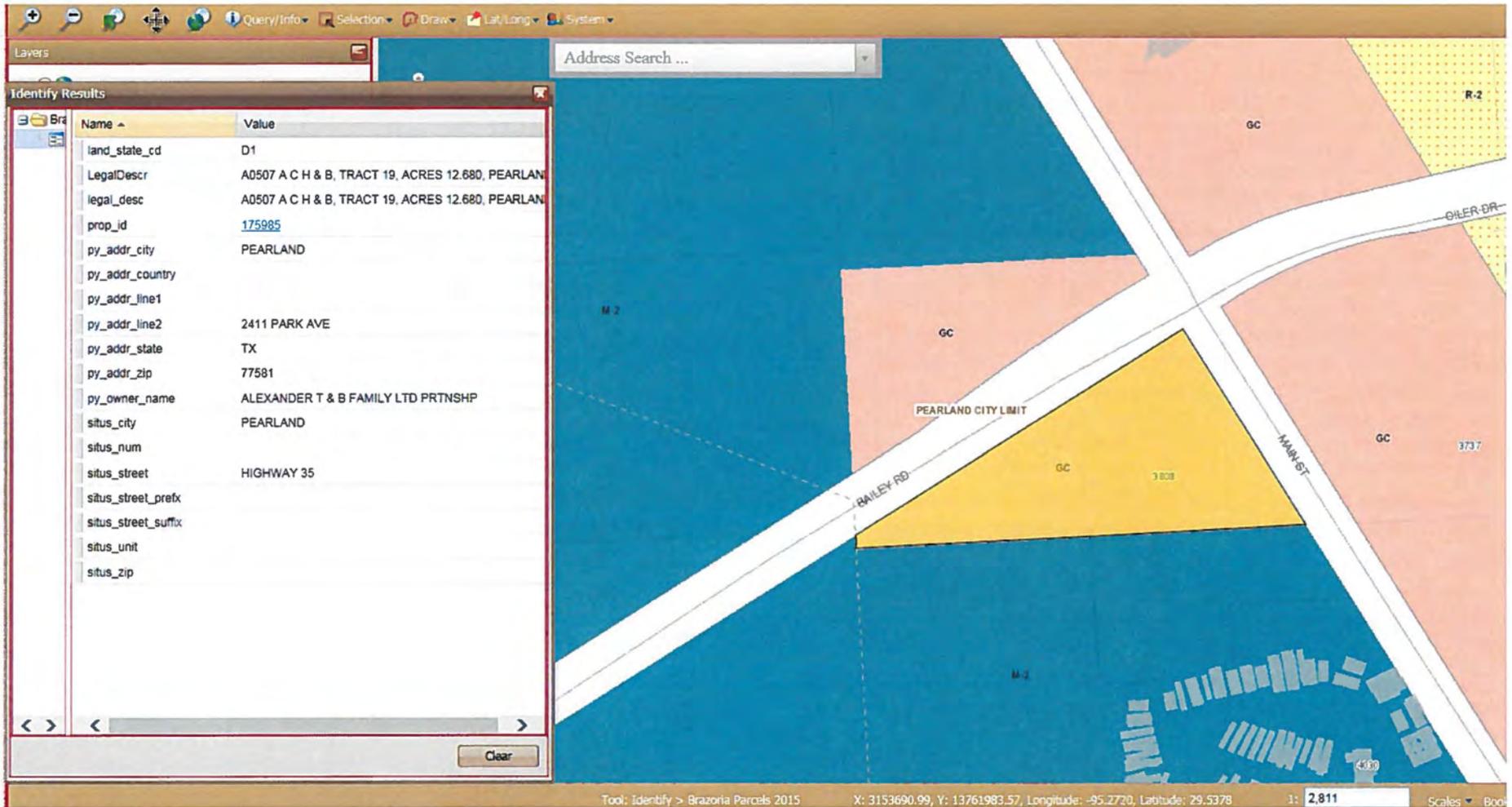
Andrew Alhemand, A.I.C.P.

Director of Planning

Windrose Land Services, Inc.

PARCEL MAP FROM CITY OF PEARLAND WEBSITE

14-OCT-2015



Address Search ...

Identify Results

Name	Value
land_state_cd	D1
LegalDescr	A0507 A C H & B, TRACT 19, ACRES 12.680, PEARLAN
legal_desc	A0507 A C H & B, TRACT 19, ACRES 12.680, PEARLAN
prop_id	175985
py_addr_city	PEARLAND
py_addr_country	
py_addr_line1	
py_addr_line2	2411 PARK AVE
py_addr_state	TX
py_addr_zip	77581
py_owner_name	ALEXANDER T & B FAMILY LTD PRTNSHP
situs_city	PEARLAND
situs_num	
situs_street	HIGHWAY 35
situs_street_prefix	
situs_street_suffix	
situs_unit	
situs_zip	

PEARLAND CITY LIMIT

BAILEY RD

MARKET ST

OILER DR

GC

M-2

R-2

3737

1803

400

Tool: Identify > Brazoria Parcels 2015 X: 3153690.99, Y: 13761983.57, Longitude: -95.2720, Latitude: 29.5378 1: 2,811 Scales Book

PROPERTY COVERED UNDER BRAZORIA COUNTY APPRAISAL DISTRICT PROPERTY ID 175985

Brazoria CAD [Property Search](#) [Map Search](#) [Map Administration](#) [Login](#)

Property Search Results > Property ID 175985 ALEXANDER T & B FAMILY LTD PRTNSHP for Year 2014 [New Search](#)

[Details](#) [Map](#) [Help](#)

Account Property ID: 175985 Geo. ID: <u>0507-0019-000</u> Type: Real Legal Description: A0507 A C H & B, TRACT 19, ACRES 12.680, PEARLAND	Location Situs Address: HIGHWAY 35 PEARLAND, Neighborhood: ABSTRACT 1990 AND NEWER Mapsc0: Jurisdictions: CAD, CPL, DR4, GBC, RDB, SPL	Owner Owner Name: ALEXANDER T & B FAMILY LTD PRTNSHP Mailing Address: , 2411 PARK AVE , PEARLAND, TX 77581-4233	Property Appraised Value: \$1,270.00
--	---	--	--

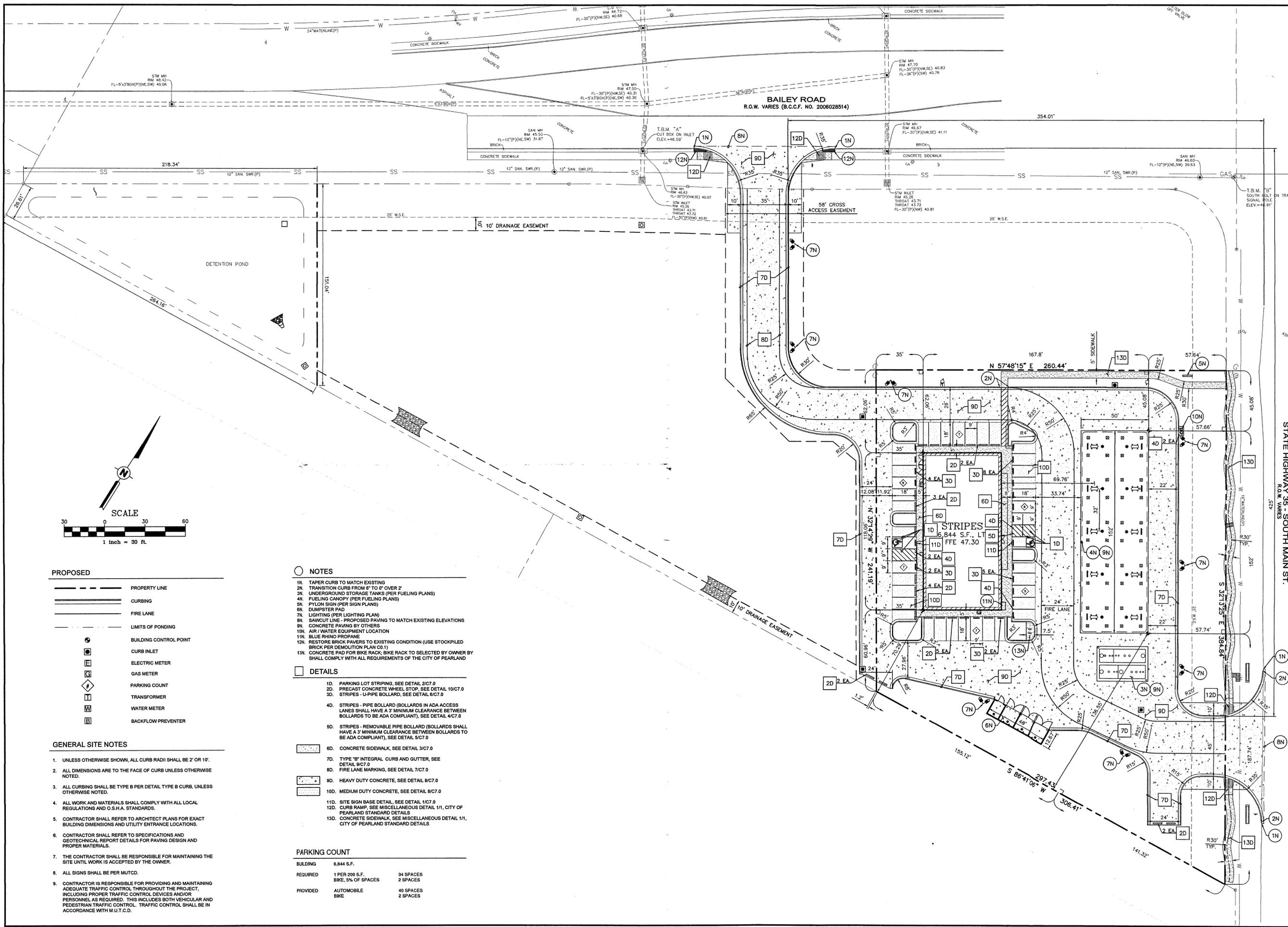
Layers

- Parcels Group
- Abstracts
- City Limits
- Lakes
- Streets
- County

Radius Search Map Search

Map showing property 175985 highlighted in blue. Neighboring properties are labeled 9590, 176000, 521287, 546802, and 175970. A scale bar indicates 202 Feet.

Sep29,2015-2:23pm - User: cheryl.mcguire
 I:\10\10-15-00056 Pearl and Main\Disciplines\Civil\Construction Documents\2015-09-24 (100%)\10-15-00056 Proj.dwg



- PROPOSED**
- PROPERTY LINE
 - CURBING
 - FIRE LANE
 - LIMITS OF PONDING
 - BUILDING CONTROL POINT
 - CURB INLET
 - ELECTRIC METER
 - GAS METER
 - PARKING COUNT
 - TRANSFORMER
 - WATER METER
 - BACKFLOW PREVENTER

- GENERAL SITE NOTES**
- UNLESS OTHERWISE SHOWN, ALL CURB RADI SHALL BE 2' OR 10'.
 - ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
 - ALL CURBING SHALL BE TYPE B PER DETAIL TYPE B CURB, UNLESS OTHERWISE NOTED.
 - ALL WORK AND MATERIALS SHALL COMPLY WITH ALL LOCAL REGULATIONS AND O.S.H.A. STANDARDS.
 - CONTRACTOR SHALL REFER TO ARCHITECT PLANS FOR EXACT BUILDING DIMENSIONS AND UTILITY ENTRANCE LOCATIONS.
 - CONTRACTOR SHALL REFER TO SPECIFICATIONS AND GEOTECHNICAL REPORT DETAILS FOR PAVING DESIGN AND PROPER MATERIALS.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE SITE UNTIL WORK IS ACCEPTED BY THE OWNER.
 - ALL SIGNS SHALL BE PER MUTCD.
 - CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND MAINTAINING ADEQUATE TRAFFIC CONTROL THROUGHOUT THE PROJECT, INCLUDING PROPER TRAFFIC CONTROL DEVICES AND/OR PERSONNEL AS REQUIRED. THIS INCLUDES BOTH VEHICULAR AND PEDESTRIAN TRAFFIC CONTROL. TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH M.U.T.C.D.

- NOTES**
- TAPER CURB TO MATCH EXISTING
 - TRANSITION CURB FROM 6" TO 0" OVER 2'
 - UNDERGROUND STORAGE TANKS (PER FUELING PLANS)
 - FUELING CANOPY (PER FUELING PLANS)
 - PYLON SIGN (PER SIGN PLANS)
 - DUMPSTER PAD
 - LIGHTING (PER LIGHTING PLAN)
 - SAWCUT LINE - PROPOSED PAVING TO MATCH EXISTING ELEVATIONS
 - CONCRETE PAVING BY OTHERS
 - AIR / WATER EQUIPMENT LOCATION
 - BLUE RHINO PROPANE
 - RESTORE BRICK PAVERS TO EXISTING CONDITION (USE STOCKPILED BRICK PER DEMOLITION PLAN CO.1)
 - CONCRETE PAD FOR BIKE RACK; BIKE RACK TO SELECTED BY OWNER SHALL COMPLY WITH ALL REQUIREMENTS OF THE CITY OF PEARLAND

- DETAILS**
- PARKING LOT STRIPING, SEE DETAIL 2/C7.0
 - PRECAST CONCRETE WHEEL STOP, SEE DETAIL 10/C7.0
 - STRIPES - U-PIPE BOLLARD, SEE DETAIL 6/C7.0
 - STRIPES - PIPE BOLLARD (BOLLARDS IN ADA ACCESS LANES SHALL HAVE A 3' MINIMUM CLEARANCE BETWEEN BOLLARDS TO BE ADA COMPLIANT), SEE DETAIL 4/C7.0
 - STRIPES - REMOVABLE PIPE BOLLARD (BOLLARDS SHALL HAVE A 3' MINIMUM CLEARANCE BETWEEN BOLLARDS TO BE ADA COMPLIANT), SEE DETAIL 5/C7.0
 - CONCRETE SIDEWALK, SEE DETAIL 3/C7.0
 - TYPE "B" INTEGRAL CURB AND GUTTER, SEE DETAIL 9/C7.0
 - FIRE LANE MARKING, SEE DETAIL 7/C7.0
 - HEAVY DUTY CONCRETE, SEE DETAIL 8/C7.0
 - MEDIUM DUTY CONCRETE, SEE DETAIL 8/C7.0
 - SITE SIGN BASE DETAIL, SEE DETAIL 11/C7.0
 - CURB RAMP, SEE MISCELLANEOUS DETAIL 1/1, CITY OF PEARLAND STANDARD DETAILS
 - CONCRETE SIDEWALK, SEE MISCELLANEOUS DETAIL 1/1, CITY OF PEARLAND STANDARD DETAILS

PARKING COUNT

BUILDING	6,844 S.F.		
REQUIRED	1 PER 200 S.F. BIKE, 5% OF SPACES	34 SPACES	2 SPACES
PROVIDED	AUTOMOBILE BIKE	40 SPACES	2 SPACES

HFA
 ARCHITECTS
 ENGINEERS
 INTERIORS
 & ASSOCIATES, LTD.

HARRISON FRENCH
 1705 S. Walton Blvd., Suite 3
 Bentonville, Arkansas 72712
 t 479.273.7780
 f 888.520.9685
 www.hfa-ac.com

STIPULATION FOR REUSE
 THIS DRAWING WAS PREPARED FOR USE ON A PROJECT IN PEARLAND, TEXAS. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HFA ARCHITECTS, ENGINEERS, INTERIORS & ASSOCIATES, LTD. ANY REUSE OF THIS DRAWING FOR ANY OTHER PROJECT OR IN ANY OTHER MANNER WITHOUT THE WRITTEN PERMISSION OF HFA ARCHITECTS, ENGINEERS, INTERIORS & ASSOCIATES, LTD. IS STRICTLY PROHIBITED.

stripes

STORE ###
 HWY 35 & BAILEY RD.
 PEARLAND, TX 77661

PROJ NUMBER: 10-15-00056

ISSUE BLOCK

NO.	TITLE	DATE
95%		9/10/15
100%		10/2/15

STORE NO.: ###
 DOCUMENT DATE: 9/28/2015
 CHECKED BY: DRG
 DRAWN BY: CLM



FOR PERMIT
 TEXAS COA
 #F-8576

SITE PLAN

SHEET:
C1.0

STIPULATION FOR REUSE
THIS DRAWING WAS PREPARED FOR THE PROJECT AND IS NOT TO BE REUSED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF HARRISON FRENCH & ASSOCIATES, LTD. ANY REUSE OF THIS DRAWING FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF HARRISON FRENCH & ASSOCIATES, LTD. IS PROHIBITED. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.



stripes
TBD
SVC HWY 35 AND OLLER
PEARLAND, TX 77581
JOB NUMBER: 10-14-0001 STORE NO. TBD

ISSUE BLOCK

NO.	DATE	DESCRIPTION

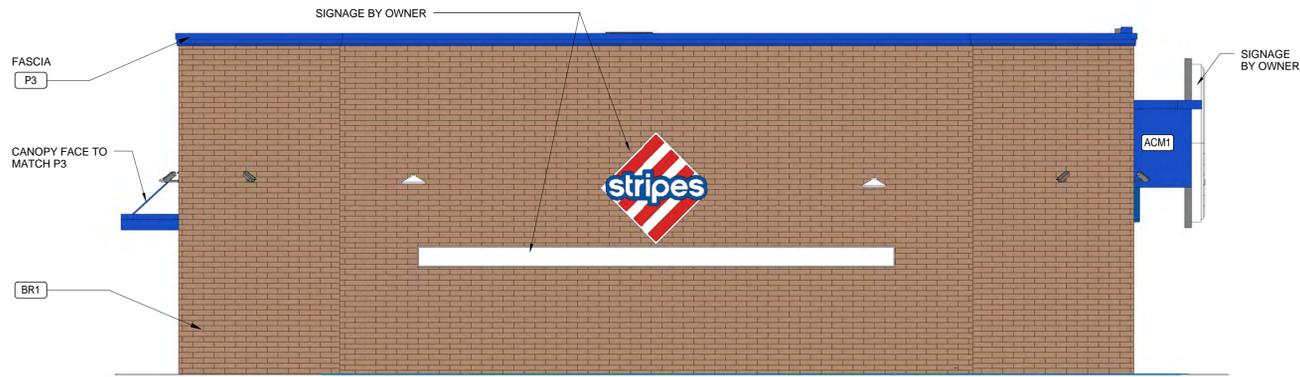
CHECKED BY: CEB
DRAWN BY: JRS
DOCUMENT DATE: --/--
PROTO: 6844-L
PROTO CYCLE: 2015.1
PLAN ISSUE: REVIEW

FOR REVIEW / REFERENCE ONLY
NOT FOR CONSTRUCTION

COLOR ELEVATIONS

SHEET: CE100

FINISH LEGEND				
MARK	DESCRIPTION	MANUFACTURER	MODEL	COMMENTS
ACM1	ALUMINUM COMPOSITE PANEL	---	BLUE	ACM TO MATCH STRIPES BLUE
BR1	CONCRETE BRICK	OLDCASTLE	QUIK BRIK - AUTUMN BLEND	4 X 4 X 16 - DO NOT PAINT
P1	PAINT	PPG	STRIPES WHITE	EXTERIOR
P2	PAINT	PPG	STRIPES RED	EXTERIOR
P3	PAINT	PPG	STRIPES BLUE	EXTERIOR
P4	PAINT	PPG	STRIPES YELLOW	EXTERIOR
SO1	STUCCO	---	---	P4 YELLOW PAINTED BY GC



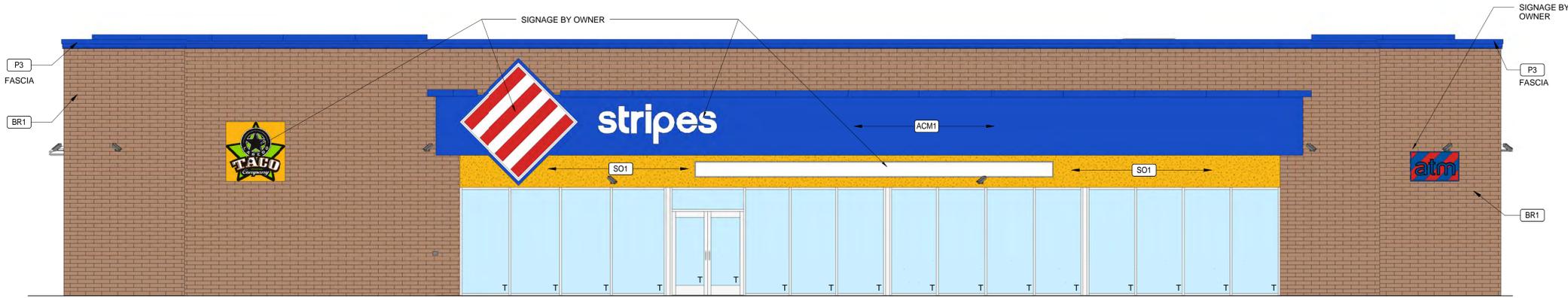
4 LEFT ELEVATION
3/16" = 1'-0"



3 RIGHT ELEVATION
3/16" = 1'-0"



2 REAR ELEVATION
3/16" = 1'-0"



1 FRONT ELEVATION
3/16" = 1'-0"



Windrose Land Services, Inc
3200 Wilcrest, Suite 325
Houston, Texas 77042
Phone (713) 458-2281 Fax (713) 461-1151

Professional Development Consultants
Land Surveying, Platting, Project Management and GIS Services
Firm Registration No. 10108800

**DESCRIPTION OF 2.3304 ACRES OR 101,512 SQ. FT.
BEING THOSE TRACTS INCLUDED IN CITY OF PEARLAND
REZONING APPLICATION ZONING FOR CONDITIONAL USE PERMIT**

TRACT A – LOT 1, BLOCK 1, STRIPES PEARLAND

A TRACT OR PARCEL CONTAINING 1.8712 ACRES OR 81,508 SQUARE FEET OF LAND, BEING ALL OF LOT 1, BLOCK 1, STRIPES PEARLAND, MAP OR PLAT THEREOF RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2015042573, SITUATED IN THE A.C.H. & B., SURVEY, ABSTRACT NO. 507, BRAZORIA COUNTY, TEXAS, AND BEING PART OF AND OUT OF A CALLED 14.02 ACRE TRACT OF LAND CONVEYED TO THE T. & B. ALEXANDER FAMILY LTD. PARTNERSHIP IN THAT CERTAIN WARRANTY DEED FILED UNDER B.C.C.F. NO. 98-053938, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83):

COMMENCING AT A 5/8 INCH IRON ROD WITH CAP STAMPED "WINDROSE LAND SERVICES" FOUND MARKING THE NORTHEAST CORNER OF A CALLED 3.611 ACRE TRACT OF LAND CONVEYED TO STEVE RYAN AND CHARLOTTE RYAN IN THAT CERTAIN GENERAL WARRANTY DEED FILED FOR RECORD UNDER B.C.C.F. NO. 2013010994 AND THE SOUTHEAST CORNER OF THE 4,075 SQUARE FOOT TRACT DEDICATED TO THE PUBLIC FOR RIGHT-OF-WAY PURPOSES BY SAID MAP OF STRIPES PEARLAND;

THENCE, ALONG THE COMMON LINE BETWEEN THE SAID 4,075 SQUARE FOOT TRACT AND THE SAID 3.611 ACRE TRACT, SOUTH 86 DEG. 41 MIN. 06 SEC. WEST, A DISTANCE OF 8.76 FEET TO THE SOUTHEAST CORNER AND **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

THENCE, CONTINUING ALONG THE NORTH LINE OF THE SAID 3.611 ACRE TRACT, SOUTH 86 DEG. 41 MIN. 06 SEC. WEST, A DISTANCE OF 297.43 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE MOST WESTERLY COMMON LINE BETWEEN LOT 2 AND LOT 1 OF SAID MAP OF STRIPES PEARLAND, NORTH 32 DEG. 14 MIN. 29 SEC. WEST, A DISTANCE OF 241.19 FEET TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE MOST NORTHERLY COMMON LINE BETWEEN LOT 2 AND LOT 1 OF SAID MAP OF STRIPES PEARLAND, NORTH 57 DEG. 48 MIN. 15 SEC. EAST, A DISTANCE OF 260.44 FEET TO A POINT ALONG THE WEST LINE OF THE SAID 4,075 SQUARE FOOT TRACT AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE COMMON LINE BETWEEN THE SAID 4,075 SQUARE FOOT TRACT AND THE HEREIN DESCRIBED TRACT, SOUTH 32 DEG. 13 MIN. 25 SEC. EAST, A DISTANCE OF 384.84 FEET TO THE **PLACE OF BEGINNING**, AND CONTAINING 1.8712 ACRES OR 81,508 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 52102-CUP ZONING DESCRIPTION, PREPARED BY WINDROSE LAND SERVICES, INC.

TRACT B – RESTRICTED RESERVE "A", BLOCK 1, STRIPES PEARLAND

A TRACT OR PARCEL CONTAINING 0.4592 ACRES OR 20,004 SQUARE FEET OF LAND, BEING ALL OF RESTRICTED RESERVE "A", BLOCK 1, STRIPES PEARLAND, MAP OR PLAT THEREOF RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2015042573, SITUATED IN THE A.C.H. & B., SURVEY, ABSTRACT NO. 507, BRAZORIA COUNTY, TEXAS, AND BEING PART OF AND OUT OF A CALLED 14.02 ACRE TRACT OF LAND CONVEYED TO THE T. & B. ALEXANDER FAMILY LTD. PARTNERSHIP IN THAT CERTAIN WARRANTY DEED FILED UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 98-053938, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83):

COMMENCING AT A 5/8 INCH IRON ROD WITH CAP STAMPED "WINDROSE LAND SERVICES" FOUND MARKING THE WEST END OF A CURVED CUTBACK CORNER OF THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY (R.O.W.) LINE OF BAILEY ROAD (CALLED VARYING WIDTH) AS RECORDED UNDER B.C.C.F. NO. 2006028514 AND THE SOUTHWESTERLY R.O.W. LINE OF STATE HIGHWAY 35 (A.K.A. SOUTH MAIN STREET, WIDTH VARIES);

THENCE, ALONG THE SOUTHEASTERLY R.O.W. LINE OF SAID BAILEY ROAD, SOUTH 57 DEG. 45 MIN. 50 SEC. WEST, A DISTANCE OF 270.73 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "C.L. DAVIS" FOUND MARKING A POINT OF CURVATURE;



Windrose Land Services, Inc

3200 Wilcrest, Suite 325

Houston, Texas 77042

Phone (713) 458-2281 Fax (713) 461-1151

Professional Development Consultants

Land Surveying, Platting, Project Management and GIS Services

Firm Registration No. 10108800

THENCE, ALONG THE CURVED SOUTHEASTERLY R.O.W. LINE OF SAID BAILEY ROAD, IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 92.72 FEET, SUBTENDING A CENTRAL ANGLE OF 02 DEG. 36 MIN. 03 SEC., HAVING A RADIUS OF 2042.50 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 59 DEG. 03 MIN. 51 SEC. WEST, 92.71 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "C.L. DAVIS" FOUND MARKING A POINT OF REVERSE CURVATURE;

THENCE, ALONG THE CURVED SOUTHEASTERLY R.O.W. LINE OF SAID BAILEY ROAD, IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE TO THE LEFT A DISTANCE OF 88.86 FEET, SUBTENDING A CENTRAL ANGLE OF 02 DEG. 36 MIN. 03 SEC., HAVING A RADIUS OF 1957.58 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 59 DEG. 03 MIN. 51 SEC. WEST, 88.85 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "C.L. DAVIS" FOUND MARKING A POINT OF TANGENCY;

THENCE, ALONG THE SOUTHEASTERLY R.O.W. LINE OF SAID BAILEY ROAD, SOUTH 57 DEG. 45 MIN. 50 SEC. WEST, A DISTANCE OF 186.91 FEET TO THE NORTHEAST CORNER AND **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

THENCE, DEPARTING THE SOUTHEASTERLY R.O.W. LINE OF SAID BAILEY ROAD, SOUTH 32 DEG. 14 MIN. 18 SEC. EAST, A DISTANCE OF 151.04 FEET TO A POINT ON THE NORTH LINE OF THE RESIDUE OF A CALLED 53.8565 ACRE TRACT OF LAND QUITCLAIMED TO RICHARD J. BURNS IN THAT CERTAIN QUITCLAIM DEED FILED FOR RECORD UNDER B.C.C.F. NO. 2004071110, SAME BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG SAID NORTH LINE, SOUTH 86 DEG. 41 MIN. 06 SEC. WEST, A DISTANCE OF 264.16 FEET TO A 1 INCH IRON PIPE FOUND MARKING AN INTERIOR CORNER OF SAID CALLED 53.8565 ACRE RESIDUE TRACT AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 03 DEG. 18 MIN. 54 SEC. WEST, A DISTANCE OF 26.61 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "C.L. DAVIS" FOUND ON THE SOUTHEASTERLY R.O.W. LINE OF SAID BAILEY ROAD AND MARKING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE SOUTHEASTERLY R.O.W. LINE OF SAID BAILEY ROAD, NORTH 57 DEG. 45 MIN. 50 SEC. EAST, A DISTANCE OF 218.34 FEET TO THE **PLACE OF BEGINNING**, AND CONTAINING 0.4592 ACRES OR 20,004 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 52102-CUP ZONING DESCRIPTION, PREPARED BY WINDROSE LAND SERVICES, INC.


MIKE KURKOWSKI
R.P.L.S. NO. 5101
STATE OF TEXAS



10-14-15
DATE

2015 TAX STATEMENT



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

Certified Owner:

ALEXANDER T & B FAMILY LTD PRTNSHP
 2411 PARK AVE
 PEARLAND, TX 77581-4233

Legal Description:

A0507 A C H & B, TRACT 19, ACRES
 12.680, PEARLAND

Account No: 0507-0019-000

Appr. Dist. No.: 175985

Legal Acres: 12.6800

Parcel Address: HIGHWAY 35

As of Date: 10/14/2015

Print Date: 10/14/2015

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$317,000	\$0	\$317,000	\$317,000	\$0	\$0	\$317,000	\$0

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY <i>Amount saved by additional sales tax revenue \$1.10</i>	\$317,000	OSP	\$315,920.00	\$1,080	0.4260000	\$4.60
SPECIAL ROAD & BRIDGE	\$317,000	OSP	\$315,920.00	\$1,080	0.0600000	\$0.65
PEARLAND ISD	\$317,000	OSP	\$315,920.00	\$1,080	1.4156000	\$15.29
BRAZORIA DRAINAGE DIST 4	\$317,000	OSP	\$315,920.00	\$1,080	0.1555000	\$1.68
CITY OF PEARLAND	\$317,000	OSP	\$315,920.00	\$1,080	0.7053000	\$7.62

Total Tax: \$29.84
 Total Tax Paid to date: \$0.00
 Total Tax Remaining: \$29.84

Exemptions:

OSP OPEN SPACE 1-D-1

AMOUNT DUE IF PAID BY:

10/31/2015 0%	11/30/2015 0%	12/31/2015 0%	01/31/2016 0%	02/29/2016 7%	03/31/2016 9%
\$29.84	\$29.84	\$29.84	\$29.84	\$31.93	\$32.53
04/30/2016 11%	05/31/2016 13%	06/30/2016 15%	07/31/2016 18 + up to 20%	08/31/2016 19 + up to 20%	09/30/2016 20 + up to 20%
\$33.12	\$33.72	\$34.31	\$41.36	\$41.69	\$42.05

School Information:

PEARLAND ISD 2015 M&O 1.0400000 I&S .37560000 Total 1.4156000 2014 M&O 1.0400000 I&S .37570000 Total 1.4157000

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

4.1.62

Print Date: 10/14/2015



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



0507-0019-000
 ALEXANDER T & B FAMILY LTD PRTNSHP
 2411 PARK AVE
 PEARLAND, TX 77581-4233

AMOUNT PAID:

\$ _____

05070019000 2015 102015 00000002984 00000002984 00000002984 5

Brazoria CAD

Property Search Results > 175985 ALEXANDER T & B FAMILY LTD PRTNSHP for Year 2016

Property

Account

Property ID: 175985 Legal Description: A0507 A C H & B, TRACT 19, ACRES 12.680, PEARLAND
 Geographic ID: 0507-0019-000 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: HIGHWAY 35 Mapsco:
 PEARLAND,
 Neighborhood: ABSTRACT 1990 AND NEWER Map ID:
 Neighborhood CD: SPL.N

Owner

Name: ALEXANDER T & B FAMILY LTD PRTNSHP Owner ID: 260856
 Mailing Address: 2411 PARK AVE % Ownership: 100.000000000000%
 PEARLAND, TX 77581-4233
 Exemptions:

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	

(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	

(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: ALEXANDER T & B FAMILY LTD PRTNSHP
 % Ownership: 100.000000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
CPL	CITY OF PEARLAND	N/A	N/A	N/A	N/A
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	N/A	N/A	N/A	N/A
GBC	BRAZORIA COUNTY	N/A	N/A	N/A	N/A
RDB	ROAD & BRIDGE FUND	N/A	N/A	N/A	N/A
SPL	PEARLAND INDEPENDENT SCHOOL DISTRICT	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
Taxes w/Current Exemptions:					N/A
Taxes w/o Exemptions:					N/A

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A4	IMPROVED PASTURE	12.6800	552340.80	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2016	N/A	N/A	N/A	N/A	N/A	N/A
2015	\$0	\$317,000	1,080	1,080	\$0	\$1,080
2014	\$0	\$317,000	1,270	1,270	\$0	\$1,270
2013	\$0	\$317,000	1,400	1,400	\$0	\$1,400
2012	\$0	\$317,000	1,400	1,400	\$0	\$1,400
2011	\$0	\$317,000	1,400	1,400	\$0	\$1,400
2010	\$0	\$317,000	1,400	1,400	\$0	\$1,400
2009	\$0	\$317,000	1,270	1,270	\$0	\$1,270
2008	\$0	\$317,000	1,210	1,210	\$0	\$1,210
2007	\$0	\$317,000	1,210	1,210	\$0	\$1,210
2006	\$0	\$152,160	1,200	1,200	\$0	\$1,200
2005	\$0	\$152,160	1,200	1,200	\$0	\$1,200
2004	\$0	\$152,160	1,200	1,200	\$0	\$1,200
2003	\$0	\$177,520	1,200	1,200	\$0	\$1,200
2002	\$0	\$88,760	1,270	1,270	\$0	\$1,270
2001	\$0	\$88,760	1,270	1,270	\$0	\$1,270

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	12/14/1998	WD	WARRANTY DEED	ALEXANDER THOMAS P ESTATE	T & B ALEXANDER FMLY LTD PRTNSP	98	053938	0

Questions Please Call (979) 849-7792

This year is not certified and ALL values will be represented with "N/A".



- Any other information which may be requested by the Planning Department to fully evaluate and review the application and the potential impact of a proposed tower or antenna.

h. Posting of Notification Signs on Property Under Consideration for a Conditional Use Permit (CUP)

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 (30) feet 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 two (2) feet by three (3) feet, but no larger than four (4) feet by four (4) feet
 - At least two (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 CUP
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.

I hereby acknowledge that notification signs will be posted on-site in accordance with the regulations outlined above.


Applicant's Signature

ANDREW J.N. ALLEMAND
Applicant's Printed Name

10/13/2015
Date

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

AGENDA OF: December 7, 2015	ITEM NO.: Ordinance No. 2000T-19
DATE SUBMITTED: November 17, 2015	DEPT. OF ORIGIN: Planning
PREPARED BY: Ian Clowes	PRESENTOR: Lata Krishnarao
REVIEWED BY: Lata Krishnarao	REVIEW DATE: 12/1/2015
<p>SUBJECT: Ordinance No. 2000T-19 - An ordinance of the City Council of the City of Pearland, Texas, amending selected provisions of the Unified Development Code of the City regarding allowing the Restaurant (With No Drive-In or Drive Thru service) in the BP-288 Zoning District; having a savings clause, a severability clause, and a repealer clause; providing for codification, publication and an effective date.</p>	
<p>ATTACHMENTS: Ordinance No. 2000T-19 and Exhibits (Exhibit A – Text Amendment; Exhibit B – Planning and Zoning Commission Recommendation Letter; Exhibit C - Legal Ad) 11.16.15 Joint Public Hearing Packet</p>	
To be completed by Department:	
Finance	Legal
Ordinance	Resolution

SUMMARY: Staff recently met with a proposed developer for an area of land along SH 288 currently zoned as Business Park – 288 (BP-288). The developer is proposing a commercial development with a major restaurant as a key anchor to the development. No restaurant is currently permitted within the BP-288 zone.

According to the 2015 Comprehensive Plan, the intent of the BP-288 zoning district is to encourage large office and medical complexes in a campus like setting along with complementary retail uses. Allowing for a restaurant use with no drive-thru or drive-in services would work towards meeting this goal.

STAFF RECOMMENDATION: Staff recommends approval of the proposed changes to the UDC for the following reason:

1. Changing the Land Use Matrix to allow for a Restaurant Use (with no Drive-in or Drive-Thru Service) is in conformance with the stated intent of the 288 Gateway

(BP-288 Zoning District) Designation as described in the 2015 Comprehensive Plan.

2. Allowing this use within the BP-288 zoning District will not change the overall intent of the zoning district.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on November 16, 2015, P&Z Commissioner Mary Starr made a motion to recommend approval of the proposed amendments to the UDC. The motion was seconded by P&Z Commissioner Derrell Isenberg. The vote was 5-0 and the motion was approved. Commissioners, Starr, Tunstall, McFadden, Pradia, and Isenberg voted in favor of the proposed changes.

Ordinance No. 2000-T-19

An ordinance of the City Council of the City of Pearland, Texas, amending selected provisions of the Unified Development Code of the City; allowing the Restaurant (With No Drive-In or Drive Thru service) Use in the BP-288 zoning district; having a savings clause, a severability clause, and a repealer clause; providing for codification, publication and an effective date.

WHEREAS, on the 16th day of November, 2015, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C", said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 16th day of November, 2015, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the proposed amendments to the Unified Development Code, whereby the Commission recommended approval of the amendments, with condition, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "B"; now, therefore,

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

Section 1. That certain provisions of the Unified Development Code are hereby amended as shown in Exhibit "A" attached hereto and made a part hereof for all purposes.

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

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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

Section 5. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 6. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall become effective immediately upon final passage.

PASSED and APPROVED ON FIRST READING this the 7th day of December, 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED ON SECOND AND FINAL READING this the 14th day of December, 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Exhibit A UDC Amendment

Land Use Matrix Section 2.5.2.1

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Restaurant (With No Drive-In or Drive-Thru Service)												S1	S2	S3	S4	S5	C	C		P		C		P	C	P	P	C	
	Description: An establishment that prepares and sells food and beverages for immediate consumption, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e. pizza) and similar uses.																												
	Parking: One space for each 50 square feet of public seating and waiting area (including outdoor areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.																												

Exhibit B
Planning and Zoning Commission Recommendation Letter



Planning & Zoning Commission

Recommendation Letter

November 17, 2015

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

Re: Recommendation on the Unified Development Code Amendment T-19

Honorable Mayor and City Council Members:

At their regular meeting on November 16, 2015, the Planning and Zoning Commission considered the following:

Amendment T-18 to the Unified Development Code (UDC).

P&Z Commissioner Mary Starr made a motion to recommend approval of the proposed amendments to the UDC. The motion was seconded by P&Z Commissioner Derrell Isenberg. The vote was 5-0 and the motion was approved. Commissioners, Starr, Tunstall, McFadden, Pradia, and Isenberg voted in favor of the proposed changes.

Sincerely,

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

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

**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

**AMENDMENTS TO THE UNIFIED DEVELOPMENT
CODE (UDC)**

Notice is hereby given that on November 16, 2015 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, on the request of the City of Pearland, for proposed amendments to the Unified Development Code, Ordinance No. 2000T.

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



JOINT PUBLIC HEARING

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

MONDAY, NOVEMBER 16, 2015 AT 6:30 P.M.

COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Amendments to the Unified Development Code (UDC)

A request of the City of Pearland for approval of a Unified Development Code (UDC) amendment to permit the Restaurant (With No Drive-In or Drive Thru service) Use in the Business Park – 288 (BP-288) zoning district.

Legal Description: N/A

General Location: N/A

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.



Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: November 16, 2015

Re: Request of the City of Pearland for approval of a Unified Development Code (UDC) amendment to permit the Restaurant (With No Drive-In or Drive-Thru service) Use in the Business Park – 288 (BP-288) zoning district.

Summary of Request

Staff recently met with a proposed developer for an area of land along SH 288 currently zoned as Business Park – 288 (BP-288). The developer is proposing a commercial development with a major restaurant as a key anchor to the development. Restaurants are currently not permitted within the BP-288 zone.

According to the 2015 Comprehensive Plan, the intent of the BP-288 zoning district is to encourage large office and medical complexes in a campus like setting along with complementary retail uses. Allowing for a restaurant use with no drive-thru or drive-in services would provide complimentary services to the office and medical complexes. Additionally, multiple restaurants have been built recently along the 288 corridor, as part of Planned Developments.

Recommendation

Staff recommends approval of the proposed changes to the UDC for the following reason:

1. Changing the Land Use Matrix to allow for a Restaurant Use (with no Drive-in or Drive-Thru Service) is in conformance with the stated intent of the 288 Gateway (BP-288 Zoning District) Designation as described in the 2015 Comprehensive Plan.
2. Allowing this use within the BP-288 zoning District will not change the overall intent of the zoning district.

Proposed Changes:

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Restaurant (With No Drive-In or Drive-Thru Service)												S1	S2	S3	S4	S5															
												P	P	P			C	C				P									
	Description: An establishment that prepares and sells food and beverages for immediate consumption, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e. pizza) and similar uses. Parking: One space for each 50 square feet of public seating and waiting area (including outdoor areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.																														

Exhibit 1

Proposed Changes to the Land Use Matrix

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Restaurant (With No Drive-In or Drive-Thru Service)												S1	S2	S3	S4	S5													
												P	P	P			C	C		P		C		P					
	<p>Description: An establishment that prepares and sells food and beverages for immediate consumption, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e. pizza) and similar uses.</p> <p>Parking: One space for each 50 square feet of public seating and waiting area (including outdoor areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.</p>																												

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

AGENDA OF: December 7, 2015	ITEM NO.: Ordinance No. 2000M-140				
DATE SUBMITTED: November 17, 2015	DEPT. OF ORIGIN: Planning				
PREPARED BY: Ian Clowes	PRESENTOR: Lata Krishnarao				
REVIEWED BY: Lata Krishnarao	REVIEW DATE: 12/1/2015				
<p>SUBJECT: Ordinance No. 2000M-140 - 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 part of a 31.1339 acre tract out of the H.T. & B. RR Company Survey, Section 11, A-239 and a 10.076 Acre tract out of Section 11. H.T.& B. RR Co. Survey A-239 Pearland, Brazoria County, Texas (generally located on the east side of Veterans Drive, approximately 450 feet north of Magnolia Road, Pearland, TX), Zone Change 2015-12Z, a request of R West Development Co, Inc., applicant; on behalf of Henry Kurjee of Houston Business Investments Inc. and Tracy F. Goza of Pearland Magnolia LLC owner; for approval of a change in zoning from the Light Industrial (M-1) zoning district to the Single Family Residential -3 (R-3) zoning district; on approximately 35.6674 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>ATTACHMENTS: Ordinance No. 2000M-140 and Exhibits (Exhibit A – Legal Description; Exhibit B – Vicinity Map Description; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter) 11.16.15 Joint Public Hearing Packet</p>					
<p>To be completed by Department:</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 25%;">Finance</td> <td style="text-align: center; width: 25%;">Legal</td> <td style="text-align: center; width: 25%;">Ordinance</td> <td style="text-align: center; width: 25%;">Resolution</td> </tr> </table>		Finance	Legal	Ordinance	Resolution
Finance	Legal	Ordinance	Resolution		

EXECUTIVE SUMMARY

The applicant is requesting approval of a change in zoning from the Light Industrial (M - 1) zoning districts to the Single Family Residential – 3 (R-3) zoning district on approximately 35.6674 acres located along Veterans Drive and Magnolia Road. The applicant is seeking a zone change for the entire parcel to allow for a single family residential development that will consist of individual lots with minimum widths of 60 feet.

Recommendation

Staff is unable to recommend approval of the request to change the zoning of the approximately 35.6674 acre site from M-1 to R-3 for the following reasons:

1. The change in zoning is not in conformance with the 2015 Comprehensive Plan's Future Land Use Plan that calls for this area to be Light Industrial. The existing M-1 zoning designation is in conformance with the 2015 Comprehensive Plan.
2. The proposed site is surrounded on three sides by industrial zoned property as well as an existing railroad line. This site is not conducive to residential development due to negative effects of noise, dust, odors, truck traffic, and other environmental and safety impacts of the surrounding industrial uses and abutting railroad tracks.
3. The proposed zone change is not in conformance with the Unified Development code which states that the purpose of the R-3 residential district is to provide a buffer between lower density residential and non-residential zoning districts. This property is bounded by railroad tract on the east, industrial zones and uses on the north and south, and mobile homes on the west across Veterans Drive. The proposed zone would create an island of single family residences, surrounded by incompatible uses.
4. The proposed zone change does not provide for diversity in lot sizes. As discussed with previous zone changes, there is a need throughout the city for more diversity in single family lots. This development proposes small R-3 sized lots (60' lot widths) as opposed to a mix of lot sizes including larger lots

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.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on November 16, 2015, P&Z Commissioner Ginger McFadden made a motion to approve the zone change request; the motion was seconded by P&Z Commissioner Derrell Isenberg. The motion failed 0-5. Commissioners Isenberg, Starr, Pradia, McFadden, and Tunstall all voted against the requested zone change.

Ordinance No. 2000M-140

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 part of a 31.1339 acre tract out of the H.T. & B. RR Company Survey, Section 11, A-239 and a 10.076 Acre tract out of Section 11. H.T.& B. RR Co. Survey A-239 Pearland, Brazoria County, Texas (**generally located on the east side of Veterans Drive, approximately 450 feet north of Magnolia Road, Pearland, TX**), Zone Change 2015-12Z, a request of R West Development Co, Inc., applicant; on behalf of Henry Kurjee of Houston Business Investments Inc. and Tracy F. Goza of Pearland Magnolia LLC owner; for approval of a change in zoning from the **Light Industrial (M-1) zoning district to the Single Family Residential -3 (R-3) zoning district**; on approximately 35.6674 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, of R West Development Co, Inc., applicant; on behalf of Henry Kurjee of Houston Business Investments Inc. and Tracy F. Goza of Pearland Magnolia LLC, owner; is requesting approval of a change in zoning from the Light Industrial (M-1) zoning districts to the Single Family Residential - 3 (R-3) zoning district; on approximately 35.6674 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 16th day of November, 2015, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C," said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 16th day of November, 2015, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed zone change application of R West Development Co, Inc., applicant; on behalf of Henry Kurjee of Houston Business Investments Inc. and Tracy F. Goza of Pearland Magnolia LLC, owner; for approval of a change in zoning from the Light Industrial (M-1) zoning districts to the Single Family Residential - 3 (R-3) zoning district; on approximately 35.6674 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 7th day of December 2015 and the 14th day of December 2015; 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 R West Development Co, Inc., applicant; on behalf of Henry Kurjee of Houston Business Investments Inc. and Tracy F. Goza of Pearland Magnolia LLC, owner; for approval of a change in zoning from the Light Industrial (M-1) zoning districts to the Single Family Residential - 3 (R-3) zoning district; on approximately 35.6674 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 Light Industrial (M-1),

is hereby granted a change in zoning to Single Family Residential - 3 (R-3), in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

LEGAL DESCRIPTION: Being a part of a 31.1339 acre tract out of the H.T. & B. RR Company Survey, Section 11, A-239 and a 10.076 Acre tract out of Section 11. H.T.& B. RR Co. Survey A-239 Pearland, Brazoria County, Texas.

GENERAL LOCATION: East side of Veterans Drive, approximately 450 feet north of Magnolia 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. 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 7th day of December 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 14th day of December, 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

Being a part of a 31.1339 acre tract out of the H.T. & B. RR Company Survey, Section 11, A-239 and a 10.076 Acre tract out of Section 11. H.T.& B. RR Co. Survey A-239 Pearland, Brazoria County, Texas.

**Exhibit B
Vicinity Map**



Exhibit 1

AERIAL MAP

Zone Change 2015-12Z

**Veterans Dr. north of
Magnolia Rd.**



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 = 484 feet

OCTOBER 2015
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: 2015-12Z

Notice is hereby given that on November 16, 2015 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 R West Development Co, Inc., applicant; on behalf of Henry Kurjee of Houston Business Investments Inc. and Tracy F. Goza of Pearland Magnolia LLC, owners; for approval of a change in zoning from the Light industrial (M-1) zoning district to the Single Family Residential -3 (R-3) zoning district; on approximately 35.6674 acres of land, to wit:

Being a part of a 31.1339 acre tract out of the H.T. & B. RR Company Survey, Section 11, A-239 and a 10.076 Acre tract out of Section 11. H.T.& B. RR Co. Survey A-239 Pearland, Brazoria County, TX.

General Location: East side of Veterans Drive, approximately 450 feet north of Magnolia 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.

Ian Clowes
Senior Planner

Exhibit D
Planning and Zoning Commission Recommendation Letter



Planning & Zoning Commission

Recommendation Letter

November 17, 2015

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

Re: Recommendation on Zone Change Application No. 2015-12Z

Honorable Mayor and City Council Members:

At their regular meeting on November 16th, 2015, the Planning and Zoning Commission considered the following:

A request of R West Development Co, Inc., applicant; on behalf of Henry Kurjee of Houston Business Investments Inc. and Tracy F. Goza of Pearland Magnolia LLC, owners; for approval of a change in zoning from the Light industrial (M-1) zoning district to the Single Family Residential -3 (R-3) zoning district; on approximately 35.6674 acres of land:

LEGAL DESCRIPTION: Being a part of a 31.1339 acre tract out of the H.T. & B. RR Company Survey, Section 11, A-239 and a 10.076 Acre tract out of Section 11. H.T.& B. RR Co. Survey A-239 Pearland, Brazoria County, Texas.

GENERAL LOCATION: East side of Veterans Drive, approximately 450 feet north of Magnolia Road, Pearland, TX

P&Z Commissioner Ginger McFadden made a motion to approve the zone change request; the motion was seconded by P&Z Commissioner Derrell Isenberg. The motion

failed 0-5. Commissioners Isenberg, Starr, Pradia, McFadden, and Tunstall all voted against the requested zone change.

Sincerely,



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 16, 2015, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2015-12Z

A request of R West Development Co, Inc., applicant; on behalf of Henry Kurjee of Houston Business Investments Inc. and Tracy F. Goza of Pearland Magnolia LLC, owners; for approval of a change in zoning from the Light industrial (M-1) zoning district to the Single Family Residential -3 (R-3) zoning district; on approximately 35.6674 acres of land, to wit:

Legal Description: Being a part of a 31.1339 acre tract out of the H.T. & B. RR Company Survey, Section 11, A-239 and a 10.076 Acre tract out of Section 11. H.T.& B. RR Co. Survey A-239 Pearland, Brazoria County, Texas.

General Location: East side of Veterans Drive, approximately 450 feet north of Magnolia 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.



Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: November 16, 2015

Re: Zone Change Application Number 2015-12Z

A request of R West Development Co, Inc., applicant; on behalf of Henry Kurjee of Houston Business Investments Inc. and Tracy F. Goza of Pearland Magnolia LLC, owners; for approval of a change in zoning from the Light Industrial (M-1) zoning district to the Single Family Residential - 3 (R-3) zoning district; on approximately 35.6674 acres of land..

General Location: East side of Veterans Drive, approximately 450 feet north of Magnolia Road, Pearland, TX.

Summary of Request

The applicant is requesting approval of a change in zoning from the Light Industrial (M - 1) zoning districts to the Single Family Residential (R-3) zoning district on approximately 35.6674 acres located on the east side Veterans Drive and north of Magnolia Road. The applicant is seeking a zone change for the entire parcel to allow for a single family residential development that will consist of individual lots with minimum widths of 60 feet.

Recommendation

Staff is unable to recommend approval of the request to change the zoning of the approximately 35.6674 acre site from M-1 to R-3 for the following reasons:

1. The change in zoning is not in conformance with the 2015 Comprehensive Plan's Future Land Use Plan that calls for this area to be Light Industrial. The existing M-1 zoning designation is in conformance with the 2015 Comprehensive Plan.
2. The proposed site is surrounded on three sides by industrial zoned property as well as an existing railroad line. This site is not conducive to residential development due to negative effects of noise, dust, odors, truck traffic, and other

environmental and safety impacts of the surrounding industrial uses and abutting railroad tracks.

3. The proposed zone change is not in conformance with the Unified Development code which states that the purpose of the R-3 residential district is to provide a buffer between lower density residential and non-residential zoning districts. This property is bounded by railroad tract on the east, industrial zones and uses on the north and south, and mobile homes on the west across Veterans Drive. The proposed zone would create an island of single family residences, surrounded by incompatible uses.
4. The proposed zone change does provide for diversity in lot sizes. As discussed with previous zone changes, there is a need throughout the city for more diversity in single family lots. This development proposes small R-3 sized lots (60' lot widths) as opposed to a mix of lot sizes including larger lots.

Site History

The subject property is currently undeveloped. The property has frontage along Veterans Drive. A second point of access will need to extend through the city right-of-way along Magnolia Road to gain the required amount of access points for a development of this size.

The site is surrounded by industrial zoned properties and uses, with the exception of the mobile home park to the west across Veterans Drive. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Light Industrial (M-1)	Concrete Plant
South	Light Industrial (M-1)	Warehousing/Distribution/ Undeveloped Land
East	Mobil Home (MH)	Warehousing/Distribution/Railroad Tracts
West	Light Industrial (M-1)	Magnolia Oaks Mobile Home Park

Conformance with the Thoroughfare Plan

The subject property has frontage along Veterans Drive and Magnolia Road; both are listed as secondary thoroughfares which requires a minimum of 100 feet of right-of-way. Additional right-of-way may be required along Veterans Drive at the time of platting.

Platting Status

The subject property, if rezoned from single family, will need to be platted to reflect the new lot layout and road configurations.

Conformance with the Unified Development Code

All proposed developments on site will be required to be in compliance with the Unified Development Code (UDC). The proposed development will have a minimum of 2 access points to be in compliance with the access management section of the UDC. All lots will be platted in conformance with the approved zoning for the property.

The below table shows the development requirements of the proposed R-3 zoning designation.

Single Family Residential Area Regulations	
Size of Lots	R-3 (Proposed Zone) Requirements
Minimum Lot Size	6,600 sf.
Minimum Lot Width	60 ft.
Minimum Lot Depth	90 ft.

Conformance with Comprehensive Plan

The proposed change in zoning from M-1 to R-3 is not in conformance with the 2015 Comprehensive Plan. The Comprehensive Plan calls for this area to be Light Industrial. The existing M-1 zoning is a zoning designation that would meet the requirements of the Comprehensive Plan.

Availability of Utilities

The property has access to utilities. GIS data indicates that there is an existing 30-inch sewer line and 12-inch waterline located along Magnolia Road and an existing 16-inch sewer line and 6-inch waterline located in front of the subject parcel along Veterans Drive.

Impact on Existing and Future Development

This property is bounded by railroad tract on the east, industrial zones and uses on the north and south, and mobile homes on the west across Veterans Drive. The proposed zone would create an island of single family residences, surrounded by incompatible uses. Therefore, this site is not conducive to future residential development due to negative effects of noise, dust, odors, truck traffic, and other environmental and safety impacts of the surrounding industrial uses (existing and future) and abutting railroad tracks. Additionally, future industrial development on abutting M-1 zoned parcels will have the added burden of dealing with residential adjacency requirements in the future if this zone change is approved.

Additional Comments

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

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

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

Exhibits

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



Exhibit 1

AERIAL MAP

Zone Change 2015-12Z

Veterans Dr. north of
Magnolia Rd.



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 = 464 feet

OCTOBER 2015
PLANNING DEPARTMENT



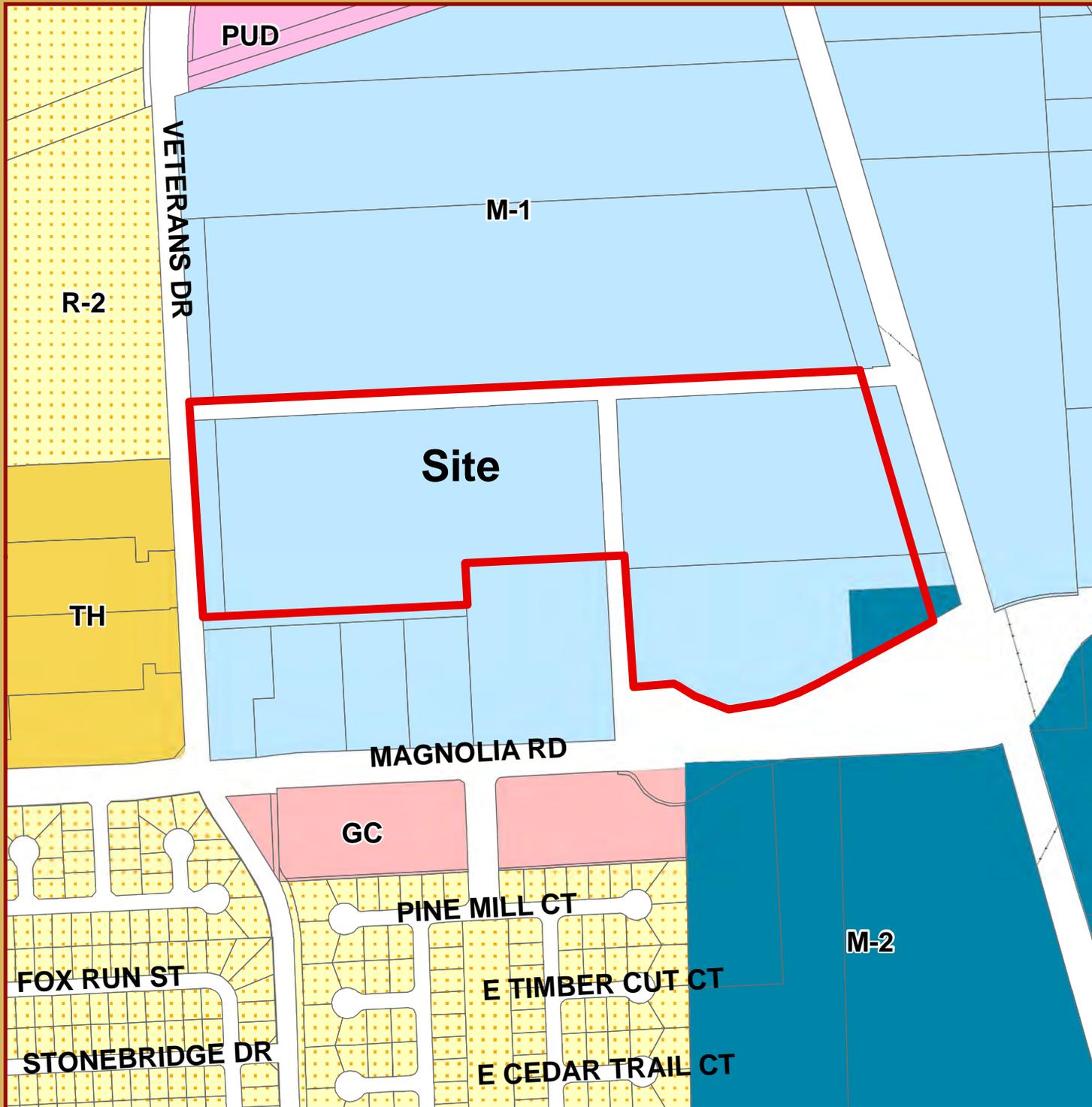


Exhibit 2

ZONING MAP

Zone Change 2015-12Z

Veterans Dr. north of
Magnolia Rd.



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OCTOBER 2015
PLANNING DEPARTMENT



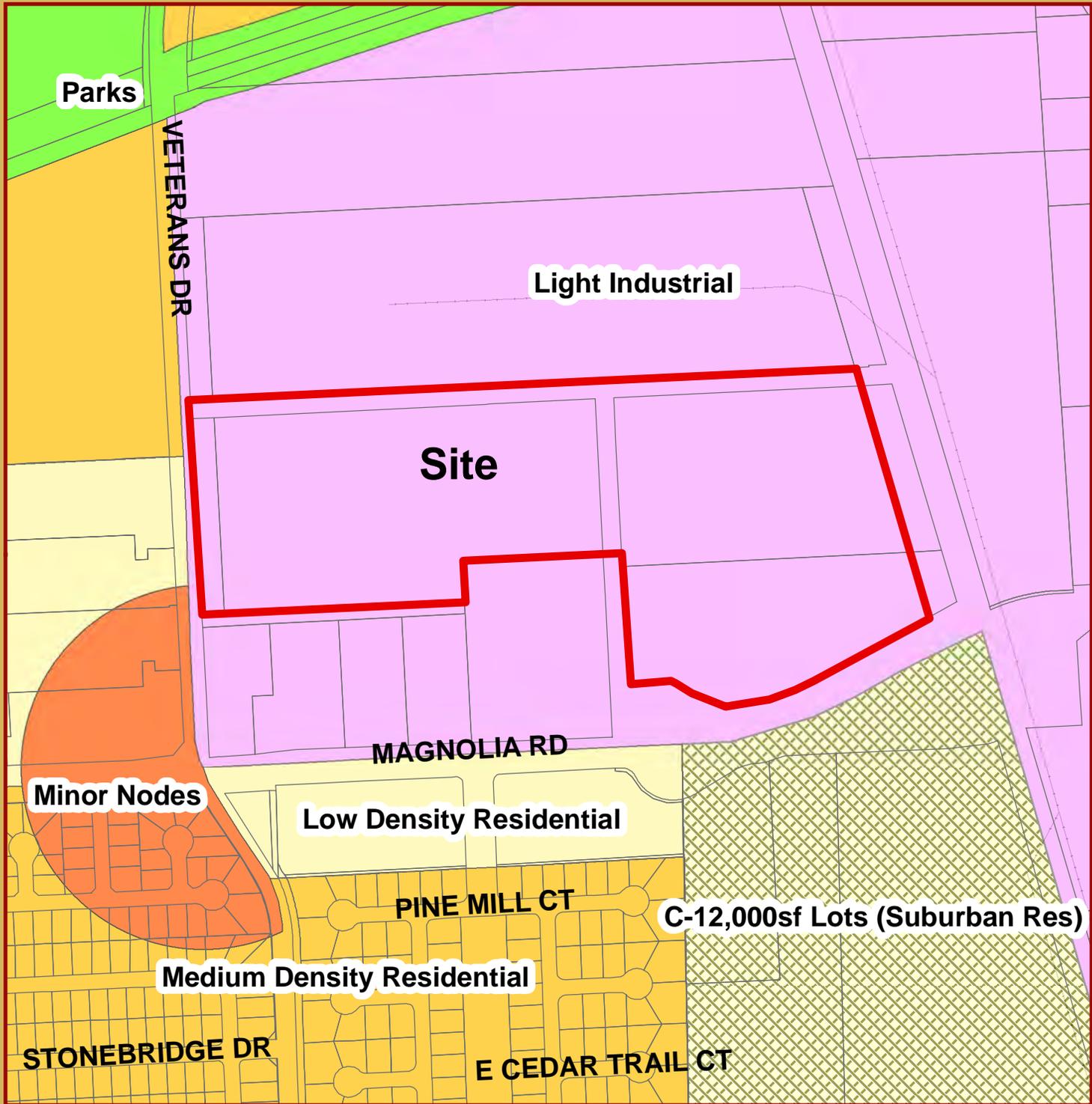


Exhibit 3

FLUP MAP

Zone Change 2015-12Z

Veterans Dr. north of Magnolia Rd.



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1 inch = 464 feet

OCTOBER 2015
PLANNING DEPARTMENT

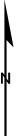


Exhibit 4

NOTIFICATION MAP

Zone Change 2015-12Z

**Veterans Dr. north of
Magnolia Rd.**



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1 inch = 464 feet

OCTOBER 2015
PLANNING DEPARTMENT



EXHIBIT 5

Zone Change 2015-12Z

Owner	Address	City	State	Zip
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
BRAZORIA CO DRAINAGE #4	4805 BROADWAY ST	PEARLAND	TX	77581
CORNER MARKET #2	3419 VETERANS DR	PEARLAND	TX	77584
CORREIA HOLDING INC	1737 COUNTY ROAD 57	ROSHARON	TX	77583
ENNEKING INVESTMENT INC	4301 MAGNOLIA ST	PEARLAND	TX	77584
GATE CONCRETE PRODUCTS	PO BOX 38	PEARLAND	TX	77588
HANNOVER ESTATES LTD	1616 S VOSS RD STE 618	HOUSTON	TX	77057
HOUSTON BUSINESS INVSTMNTS INC	7107 CRANFORD CT	SUGAR LAND	TX	77479
INTERCONTINENTAL MACHINE	4271 MAGNOLIA ST	PEARLAND	TX	77584
MAGNOLIA - FLOW ASSOCIATES	3000 TOWN CTR STE 540	SOUTHFIELD	MI	48075
OCEAN GEOPHYSICAL SERVICE INC	4181 MAGNOLIA ST	PEARLAND	TX	77584
PEARLAND MAGNOLIA LLC	3900 MAGNOLIA ST	PEARLAND	TX	77584
R WEST DEVELOPMENT CO	7918 BROADWAY STE 106	PEARLAND	TX	77581



City of Pearland Planning Department Universal Application

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281.652.1768
281.652.1702 (fax)
pearlandtx.gov

Please complete each field - incomplete applications will **not** be accepted.
Include the applicable checklist for each project type with this application.
Refer to the schedule on the City's website and/or within the Planning Department
for deadlines and anticipated meeting dates for each project type.

TYPE OF APPLICATION:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Zoning Change | <input type="checkbox"/> ZBA Variance |
| <input type="checkbox"/> Cluster Development Plan | <input type="checkbox"/> P&Z Variance |
| <input type="checkbox"/> Planned Development Workshop | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Plat (list type): _____ | <input type="checkbox"/> Conditional Use Permit |

PROJECT INFORMATION:

Residential Commercial Property Platted Property Not Platted

Project Name: Terra Estates Tax ID: _____

Project Address/Location: 3901 Magnolia

Subdivision: Magnolia Industrial #2 No. of Lots: 136 Total Acres: 35.6674

Brief Description of Project: Single Family Residential Development

When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.

PROPERTY OWNER INFORMATION:

Name: See Attachment A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Fax: _____

Email Address: _____

APPLICANT/AGENT INFORMATION:

Name: R West Development Co, Inc.

Address: 7918 Broadway, Suite 106

City: Pearland State: TX Zip: 77581

Phone: (281) 997-1500

Fax: (281) 997-2886

Email Address: chris@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: SEE ATTACHED Date: _____

Agent's/
Applicant's Signature: [Signature] Date: 10-15-2015

OFFICE USE ONLY:

FEES PAID: <u>\$875.</u>	DATE PAID: <u>10/16/15</u>	RECEIVED BY: <u>VH</u>	RECEIPT NUMBER: <u>16828</u>
			APPLICATION NUMBER: <u>2015-122</u>



APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: M1

Proposed Zoning District: R3

Property Information:

Address or General Location of Property: 3901 MAGNOLIA PLUS ADJACENT ACREAGE

Tax Account No. 166281 & 227817

Subdivision: MAGNOLIA INDUSTRIAL #2 Lot: _____ Block: _____

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

PROPERTY OWNER INFORMATION:

NAME SEE ATTACHMENT A
ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE(_____) _____
FAX(_____) _____
E-MAIL ADDRESS _____

APPLICANT/AGENT INFORMATION:

NAME R WEST DEVELOPMENT CO, INC
ADDRESS 7918 BROADWAY, SUITE 106
CITY PEARLAND STATE TX ZIP 77581
PHONE(281) 997-1500
FAX(281) 997-2886
E-MAIL ADDRESS CHRS@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: SEE ATTACHED Date: _____

Agent's/Applicant's Signature: [Signature] Date: 10-15-2015

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
------------	------------	--------------	-----------------

Application No. _____



City of Pearland Planning Department Universal Application

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281.652.1768
281.652.1702 (fax)
pearlandtx.gov

Please complete each field - incomplete applications will **not** be accepted.
Include the applicable checklist for each project type with this application.
Refer to the schedule on the City's website and/or within the Planning Department
for deadlines and anticipated meeting dates for each project type.

TYPE OF APPLICATION:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Zoning Change | <input type="checkbox"/> ZBA Variance |
| <input type="checkbox"/> Cluster Development Plan | <input type="checkbox"/> P&Z Variance |
| <input type="checkbox"/> Planned Development Workshop | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Plat (list type): _____ | <input type="checkbox"/> Conditional Use Permit |

PROJECT INFORMATION:

Residential Commercial Property Platted Property Not Platted

Project Name: Terra Estates Tax ID: _____

Project Address/Location: 3901 Magnolia

Subdivision: Magnolia Industrial #2 No. of Lots: _____ Total Acres: 35.6674

Brief Description of Project: Single Family Residential Development

****When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.****

PROPERTY OWNER INFORMATION:

Name: See Attachment A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Fax: _____

Email Address: _____

APPLICANT/AGENT INFORMATION:

Name: R West Development Co, Inc.

Address: 7918 Broadway, Suite 106

City: Pearland State: TX Zip: 77581

Phone: (281) 997-1500

Fax: (281) 997-2886

Email Address: chris@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:  _____ Date: 10-14-2015

Agent's/
Applicant's Signature: _____ Date: _____

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
			APPLICATION NUMBER:



City of Pearland Planning Department Universal Application

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281.652.1768
281.652.1702 (fax)
pearlandtx.gov

Please complete each field - incomplete applications will **not** be accepted.
Include the applicable checklist for each project type with this application.
Refer to the schedule on the City's website and/or within the Planning Department
for deadlines and anticipated meeting dates for each project type.

TYPE OF APPLICATION:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Zoning Change | <input type="checkbox"/> ZBA Variance |
| <input type="checkbox"/> Cluster Development Plan | <input type="checkbox"/> P&Z Variance |
| <input type="checkbox"/> Planned Development Workshop | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Plat (list type): _____ | <input type="checkbox"/> Conditional Use Permit |

PROJECT INFORMATION:

- Residential Commercial Property Platted Property Not Platted

Project Name: Terra Estates Tax ID: _____

Project Address/Location: 3901 Magnolia

Subdivision: Magnolia Industrial #2 No. of Lots: _____ Total Acres: 35.6674

Brief Description of Project: Single Family Residential Development

****When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.****

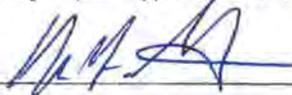
PROPERTY OWNER INFORMATION:

APPLICANT/AGENT INFORMATION:

Name: <u>See Attachment A</u>	Name: <u>R West Development Co, Inc.</u>
Address: _____	Address: <u>7918 Broadway, Suite 106</u>
City: _____ State: _____ Zip: _____	City: <u>Pearland</u> State: <u>TX</u> Zip: <u>77581</u>
Phone: _____	Phone: <u>(281) 997-1500</u>
Fax: _____	Fax: <u>(281) 997-2886</u>
Email Address: _____	Email Address: <u>chris@rwestdevelopment.com</u>

*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:  Date: 10-14-2015

Agent's/
Applicant's Signature: _____ Date: _____

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
			APPLICATION NUMBER:

Houston Business Investments Inc
7170 Cranford Ct
Sugar Land, TX 77479-5633
Tel: (832) 646-0287

October 12, 2015

City of Pearland
Planning Department
3523 Liberty Drive
Pearland, Texas 77581

Ref: Unified Development Code - Section 1.2.1.1 (a)

Planning Department,

I authorize R West Development Co, Inc. as agent to file zoning application changes for our property located at Magnolia and Veterans and identified by Brazoria County Appraisal District by Property ID 227817.

Sincerely,



Henry Kurjee
President

PEARLAND MAGNOLIA, LLC
211 E. PARKWOOD, SUITE 100
FRIENDSWOOD, TX 77546
Tel: (832) 736-9600

October 12, 2015

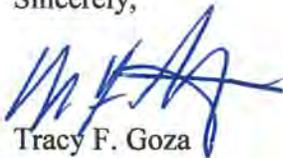
City of Pearland
Planning Department
3523 Liberty Drive
Pearland, Texas 77581

Ref: Unified Development Code - Section 1.2.1.1 (a)

Planning Department,

I authorize R West Development Co, Inc. as agent to file zoning application changes for our property located at 3901 Magnolia and identified by Brazoria County Appraisal District by Property ID 166281.

Sincerely,



Tracy F. Goza
President

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:**
 - \$ 950.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 1000.00 if requesting a Planned Development (PD)

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

- 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.



136 LOTS

DETENTION POND
V = 24.5 AC_FT

NO.	DESCRIPTION	DATE	BY	CHK.

7-848

Everest Design Group, LLC
 Planning, Engineering, Construction Management
 4814 FRESHWOOD DRIVE, SUITE 200
 PEARLAND, TX 77584
 PHONE: 281-954-1776 FAX: 281-448-2241

PEARLAND
 City of Pearland, Texas
 MAGNOLIA SUBDIVISION
 PEARLAND, TEXAS

SCHEMATIC LAYOUT PLAN

Project No. X0000000	Scale: NONE	AS SHOWN	SHEET 1
Date: OCTOBER 14 2016	Drawn By: BT	Check By: NONE	
Sheet No. 01			OF 1

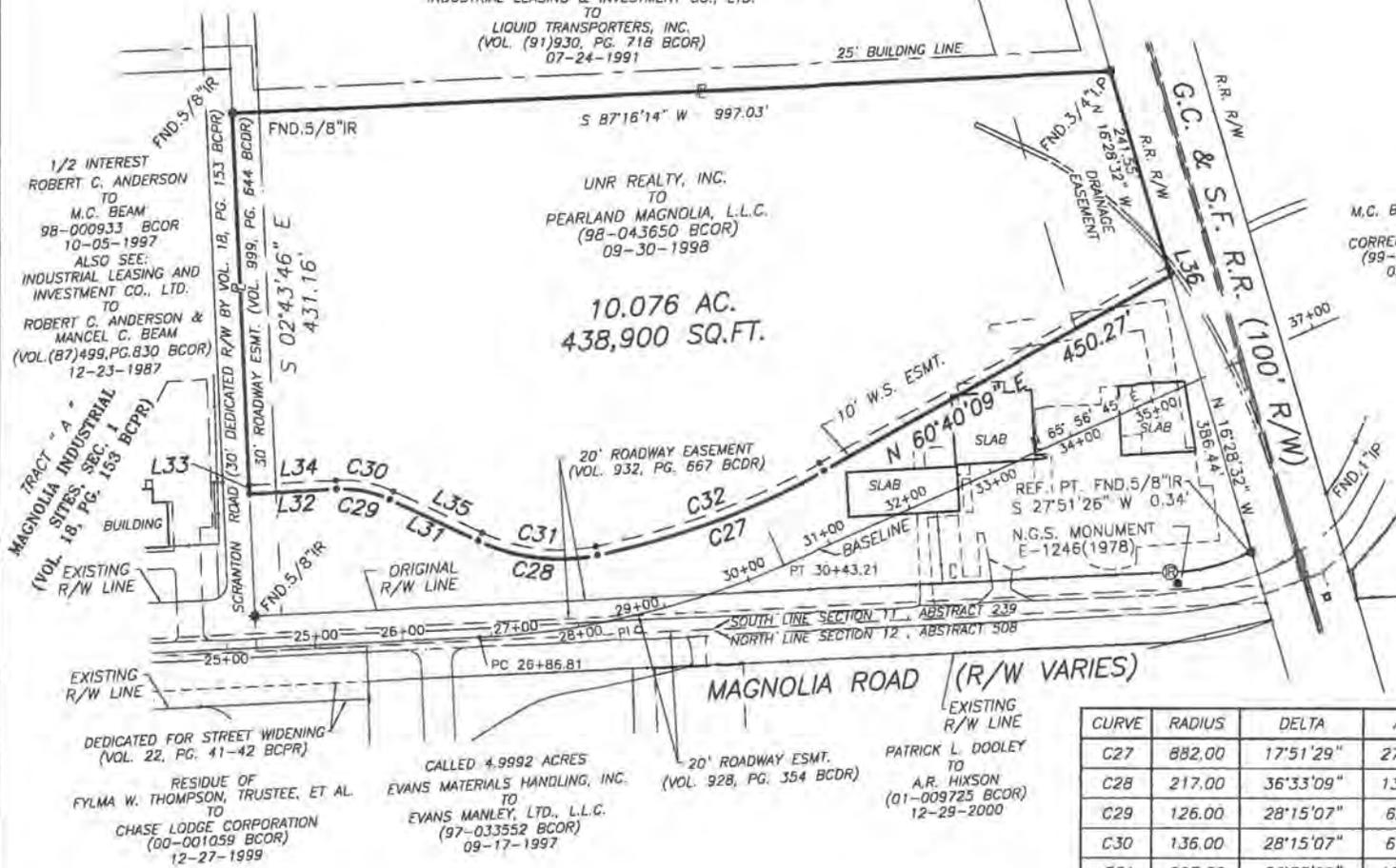
MAGNOLIA INDUSTRIAL SITES, SECTION 2
(VOL. 18, PG. 391 BCPR)

INDUSTRIAL LEASING & INVESTMENT CO., LTD.
TO
LIQUID TRANSPORTERS, INC.
(VOL. (91)930, PG. 718 BCOR)
07-24-1991

UNR REALTY, INC.
TO
PEARLAND MAGNOLIA, L.L.C.
(98-043650 BCOR)
09-30-1998

10.076 AC.
438,900 SQ.FT.

M.C. BOLLINTON L.L.C.
TO
CORREIA HOLDING, INC.
(99-046851 BCOR)
09-22-1999



LINE	DISTANCE	BEARING
L31	111.19'	S 64°55'12" E
L32	98.62'	N 86°49'40" E
L33	10.00'	S 02°43'46" E
L34	98.54'	S 86°49'40" W
L35	111.19'	N 64°55'12" W
L36	10.26'	N 16°28'32" W

CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C27	882.00	17°51'29"	274.90	138.58	N 69°35'54" E	273.79
C28	217.00	36°33'09"	138.44	71.67	S 83°11'47" E	136.10
C29	126.00	28°15'07"	62.13	31.71	S 79°02'46" E	61.50
C30	136.00	28°15'07"	67.06	34.23	N 79°02'46" W	66.38
C31	207.00	36°33'09"	132.06	68.36	N 83°11'47" W	129.63
C32	872.00	17°51'29"	271.79	137.00	S 69°35'54" W	270.69

NOTES :

- ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (1993 ADJ.), THROUGH TXDOT HIGHWAY 35 CONTROL MONUMENT No.'s 43 AND 60. ALL COORDINATES SHOWN ARE SURFACE VALUES. TO CONVERT SURFACE TO GRID VALUES DIVIDE BY TXDOT'S SURFACE ADJUSTMENT FACTOR OF 1.000130.
- FOR ADDITIONAL RESTRICTIONS SEE RESTRICTIVE COVENANTS.
- THIS SURVEY PLAT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION PER TEXAS BOARD OF PROFESSIONAL LAND SURVEYOR'S "GENERAL RULES OF PROCEDURES AND PRACTICES" SECTION 663.19(9).

LEGEND

- ⊕ SET 5/8" IRON ROD w/CAP
- PROPERTY CORNER FOUND AS NOTED
- P — PROPERTY LINE
- BCDR BRAZORIA COUNTY DEED RECORDS
- BCOR BRAZORIA COUNTY OFFICIAL RECORDS
- BCPR BRAZORIA COUNTY PLAT RECORDS
- P.O.B. POINT OF BEGINNING
- R/W RIGHT-OF-WAY

C.L. DAVIS & CO. 1500 WINDING WAY
LAND SURVEYING FRIENDSWOOD, TEXAS 77546
281-482-9490

EXHIBIT

10.076 AC. OUT OF
SECTION 11
H.T. & B. RR. CO. SURVEY
ABSTRACT 239
PEARLAND, BRAZORIA COUNTY, TEXAS

DATE: 07-02-2008 SCALE: 1" = 200' JOB NO.: 11-421-34-4

Query/Info Selection Draw Lat/Long System

Address Search ...

Layers

All Layers

- Addresses
- Elevation Layers
- Land Marks
- Parks and Trails
- Utilities
- Capital Projects
- Planning Layers
- Regional Growth Forecast
- Boundary Layers
- Roads
- Aerials
- Appraisal Districts
- City Boundaries

Identify Results

Brazoria Parcels 2015	
Name	Value
Feature	land_state_cd
Feature	C2
Feature	LegalDescr
Feature	ABST - 239 Tract - 15A1A
	legal_desc
	A0239 H T & B R R, TRACT 15A1A, ACRES 10.069
	prop_id
	188281
	py_addr_city
	PEARLAND
	py_addr_country
	py_addr_line1
	py_addr_line2
	3900 MAGNOLIA
	py_addr_state
	TX

Clear

Queries

Address Locator

Markup

Lat / Long

Overview Map

Tool: Identify > Brazoria Parcels 2015 X: 3146369.73, Y: 13766992.16, Longitude: -95.2945,

Letter of Intent
3910 Magnolia and adjacent property

The developer will develop the specified property into a residential neighborhood consistent and similar to the residential developments that border or are near the property. In order to accomplish this, the zoning designation of M1 must be changed to R3. The following residential developments are near the proposed rezoning:

1. Magnolia Place (Mobile Home Park)
2. Cobblestone
3. Westwood Village
4. Cabot Cove
5. Twin Lakes
6. Lakes at Walnut Bend
7. Canterbury Park
8. Pearland Farms

The highest and best use for this property is residential.

Brazoria CAD

Property Search Results > 166281 PEARLAND MAGNOLIA LLC for Year 2015

Property

Account

Property ID: 166281 Legal Description: A0239 H T & B R R TRACT 15A1A ACRES 10.069
 Geographic ID: 0239-0044-000 Agent Code: ID:375
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 3901 MAGNOLIA PEARLAND, Mapsco:
 Neighborhood: COMM ACCTS Map ID:
 Neighborhood CD: COMM

Owner

Name: PEARLAND MAGNOLIA LLC Owner ID: 276789
 Mailing Address: 3900 MAGNOLIA ST % Ownership: 100.0000000000%
 PEARLAND, TX 77584-1610

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$71,440	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$71,440	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$71,440	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$71,440	

Taxing Jurisdiction

Owner: PEARLAND MAGNOLIA LLC
 % Ownership: 100.0000000000%
 Total Value: \$71,440

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax	
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	0.000000	\$71,440	\$71,440	\$0.00	
CPL	CITY OF PEARLAND	0.712100	\$71,440	\$71,440	\$508.73	
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	0.156000	\$71,440	\$71,440	\$111.45	
GBC	BRAZORIA COUNTY	0.438500	\$71,440	\$71,440	\$313.27	
RDB	ROAD & BRIDGE FUND	0.060000	\$71,440	\$71,440	\$42.86	
SPL	PEARLAND INDEPENDENT SCHOOL DISTRICT	1.415700	\$71,440	\$71,440	\$1,011.38	
Total Tax Rate:		2.782300				
					Taxes w/Current Exemptions:	\$1,987.69
					Taxes w/o Exemptions:	\$1,987.68

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	S1	PRIMARY SITE	2.0000	87120.00	0.00	0.00	\$30,490	\$0
2	A1	FRONT ACREAGE	8.0690	351485.64	0.00	0.00	\$40,950	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2016	N/A	N/A	N/A	N/A	N/A	N/A
2015	\$0	\$71,440	0	71,440	\$0	\$71,440
2014	\$0	\$71,440	0	71,440	\$0	\$71,440
2013	\$0	\$71,440	0	71,440	\$0	\$71,440
2012	\$0	\$72,500	0	72,500	\$0	\$72,500
2011	\$0	\$72,500	0	72,500	\$0	\$72,500
2010	\$0	\$72,500	0	72,500	\$0	\$72,500
2009	\$0	\$72,500	0	72,500	\$0	\$72,500
2008	\$0	\$72,500	0	72,500	\$0	\$72,500
2007	\$0	\$72,500	0	72,500	\$0	\$72,500
2006	\$0	\$68,030	0	68,030	\$0	\$68,030
2005	\$71,870	\$68,030	0	139,900	\$0	\$139,900
2004	\$69,970	\$108,000	0	177,970	\$0	\$177,970
2003	\$69,970	\$101,250	0	171,220	\$0	\$171,220
2002	\$59,430	\$132,000	0	191,430	\$0	\$191,430
2001	\$87,400	\$132,000	0	219,400	\$0	\$219,400

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	9/30/1998	WD	WARRANTY DEED	UNR INDUSTRIES INC	PEARLAND MAGNOLIA LLC	98	043650	0

Questions Please Call (979) 849-7792

Brazoria CAD

Property Search Results > 227817 HOUSTON BUSINESS INVSTMNTS INC for Year 2015

Property

Account

Property ID:	227817	Legal Description:	MAGNOLIA INDUSTRIAL #2 (PEARLAND) BLK 1 LOT 1 ACRES 25.5914
Geographic ID:	6373-0004-000	Agent Code:	ID:1028317
Type:	Real		
Property Use Code:			
Property Use Description:			

Location

Address:	MAGNOLIA PEARLAND,	Mapsco:	
Neighborhood:		Map ID:	
Neighborhood CD:			

Owner

Name:	HOUSTON BUSINESS INVSTMNTS INC	Owner ID:	367456
Mailing Address:	7107 CRANFORD CT SUGAR LAND, TX 77479-5633	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$255,910	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$255,910	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$255,910	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$255,910	

Taxing Jurisdiction

Owner: HOUSTON BUSINESS INVSTMNTS INC
 % Ownership: 100.0000000000%
 Total Value: \$255,910

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax	
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	0.000000	\$255,910	\$255,910	\$0.00	
CPL	CITY OF PEARLAND	0.712100	\$255,910	\$255,910	\$1,822.34	
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	0.156000	\$255,910	\$255,910	\$399.22	
GBC	BRAZORIA COUNTY	0.438500	\$255,910	\$255,910	\$1,122.17	
RDB	ROAD & BRIDGE FUND	0.060000	\$255,910	\$255,910	\$153.55	
SPL	PEARLAND INDEPENDENT SCHOOL DISTRICT	1.415700	\$255,910	\$255,910	\$3,622.91	
Total Tax Rate:		2.782300				
					Taxes w/Current Exemptions:	\$7,120.19
					Taxes w/o Exemptions:	\$7,120.18

Improvement / Building

Thursday, October 15, 2015

[Shopping Cart](#) 

Property Tax Status

[Begin a New Search](#) [Go to Your Portfolio](#) [Tax Office FAQ's](#)

Make your check or money order payable to:

Ro'Vin Garrett
111 E. Locust
Angleton, Texas 77515

Shopping Cart: For your convenience you may pay several accounts at once. Click the 'Click Here to Pay Now' button to add this account to the shopping cart. Additional accounts can be added by doing a search again, then clicking the 'Click Here to Pay Now' button for each account. Up to 50 accounts may be paid at one time. Accounts are not saved in the shopping cart after you go to the Certified Payment web site.

If using Internet Explorer version 8 or later, you may experience problems adding more than four accounts to your shopping cart. Please consider using a different browser (for ex., Chrome or Firefox) to manage your shopping cart.



A [Convenience Fee](#) of up to 2.4% will be charged for all credit card payments by the vendor providing this service. For eChecks, a convenience fee of \$1.50 will be charged for each transaction. The fee covers the cost of making payments by credit card possible. The fee will appear as a charge to 'Certified Payments'. No part of this fee is retained by Brazoria County.

Unless otherwise noted, all data refers to tax information for 2015. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

Account Number: 02390044000

Address:

PEARLAND MAGNOLIA LLC
3900 MAGNOLIA ST
PEARLAND, TX 77584-1610

Property Site Address:

3901 MAGNOLIA

Legal Description:

A0239 H T & B R R TRACT 15A1A ACRES
10.069

Current Tax Levy: \$1,973.45

Current Amount Due: \$1,973.45

Prior Year Amount Due: \$0.00

Total Amount Due: \$1,973.45

Last Payment Amount for Current Year Taxes:

Not Received

Active Lawsuits: None

Pending Credit Card or E-Check Payments:

No Payment Pending

[Click Here to Pay Now](#)

Jurisdictions:

BRAZORIA COUNTY
BRAZORIA DRAINAGE DIST 4
CITY OF PEARLAND
PEARLAND ISD
SPECIAL ROAD & BRIDGE

Market Value: \$71,440

Land Value: \$71,440

Improvement Value: \$0

Capped Value: \$0

Agricultural Value: \$0

Exemptions: None

Last Certified Date: 09/27/2015

[Taxes Due Detail by Year and Jurisdiction](#)

[Payment Information](#)

[Print a Current Tax Statement](#)

[Click Here](#) to see your estimated amount due for a different date. You can see this information by year and by both year and jurisdiction.

Tax Office:

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[Appraisal District](#)
[Your Tax Portfolio](#)

[Tax Rates & Entities](#)
[Related Links](#)

[Tax Office FAQ](#)
[Tax Office Home Page](#)

Brazoria County:

Thursday, October 15, 2015

[Shopping Cart](#) 

Property Tax Status

[Begin a New Search](#) [Go to Your Portfolio](#) [Tax Office FAQ's](#)

Make your check or money order payable to:

Ro'Vin Garrett
111 E. Locust
Angleton, Texas 77515

Shopping Cart: For your convenience you may pay several accounts at once. Click the 'Click Here to Pay Now' button to add this account to the shopping cart. Additional accounts can be added by doing a search again, then clicking the 'Click Here to Pay Now' button for each account. Up to 50 accounts may be paid at one time. Accounts are not saved in the shopping cart after you go to the Certified Payment web site.

If using Internet Explorer version 8 or later, you may experience problems adding more than four accounts to your shopping cart. Please consider using a different browser (for ex., Chrome or Firefox) to manage your shopping cart.



A [Convenience Fee](#) of up to 2.4% will be charged for all credit card payments by the vendor providing this service. For eChecks, a convenience fee of \$1.50 will be charged for each transaction. The fee covers the cost of making payments by credit card possible. The fee will appear as a charge to 'Certified Payments'. No part of this fee is retained by Brazoria County.

Unless otherwise noted, all data refers to tax information for 2015. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

Account Number: 63730004000

Address:

HOUSTON BUSINESS INVSTMNTS INC
7107 CRANFORD CT
SUGAR LAND, TX 77479-5633

Property Site Address:

MAGNOLIA

Legal Description:

MAGNOLIA INDUSTRIAL #2 (PEARLAND) BLK 1
LOT 1 ACRES 25.5914

Current Tax Levy: \$7,069.26

Current Amount Due: \$7,069.26

Prior Year Amount Due: \$0.00

Total Amount Due: \$7,069.26

Last Payment Amount for Current Year Taxes:

Not Received

Active Lawsuits: None

Pending Credit Card or E-Check Payments:

No Payment Pending

[Click Here to Pay Now](#)

Jurisdictions:

BRAZORIA COUNTY
BRAZORIA DRAINAGE DIST 4
CITY OF PEARLAND
PEARLAND ISD
SPECIAL ROAD & BRIDGE

Market Value: \$255,910

Land Value: \$255,910

Improvement Value: \$0

Capped Value: \$0

Agricultural Value: \$0

Exemptions: None

Last Certified Date: 10/13/2015

[Taxes Due Detail by Year and Jurisdiction](#)

[Payment Information](#)

[Print a Current Tax Statement](#)

[Click Here](#) to see your estimated amount due for a different date. You can see this information by year and by both year and jurisdiction.

Tax Office:

[Search & Pay Taxes](#)
[Appraisal District](#)
[Your Tax Portfolio](#)

[Tax Rates & Entities](#)
[Related Links](#)

[Tax Office FAQ](#)
[Tax Office Home Page](#)

Brazoria County:

Attachment A
Property Ownership Detail

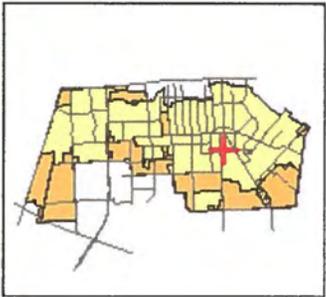
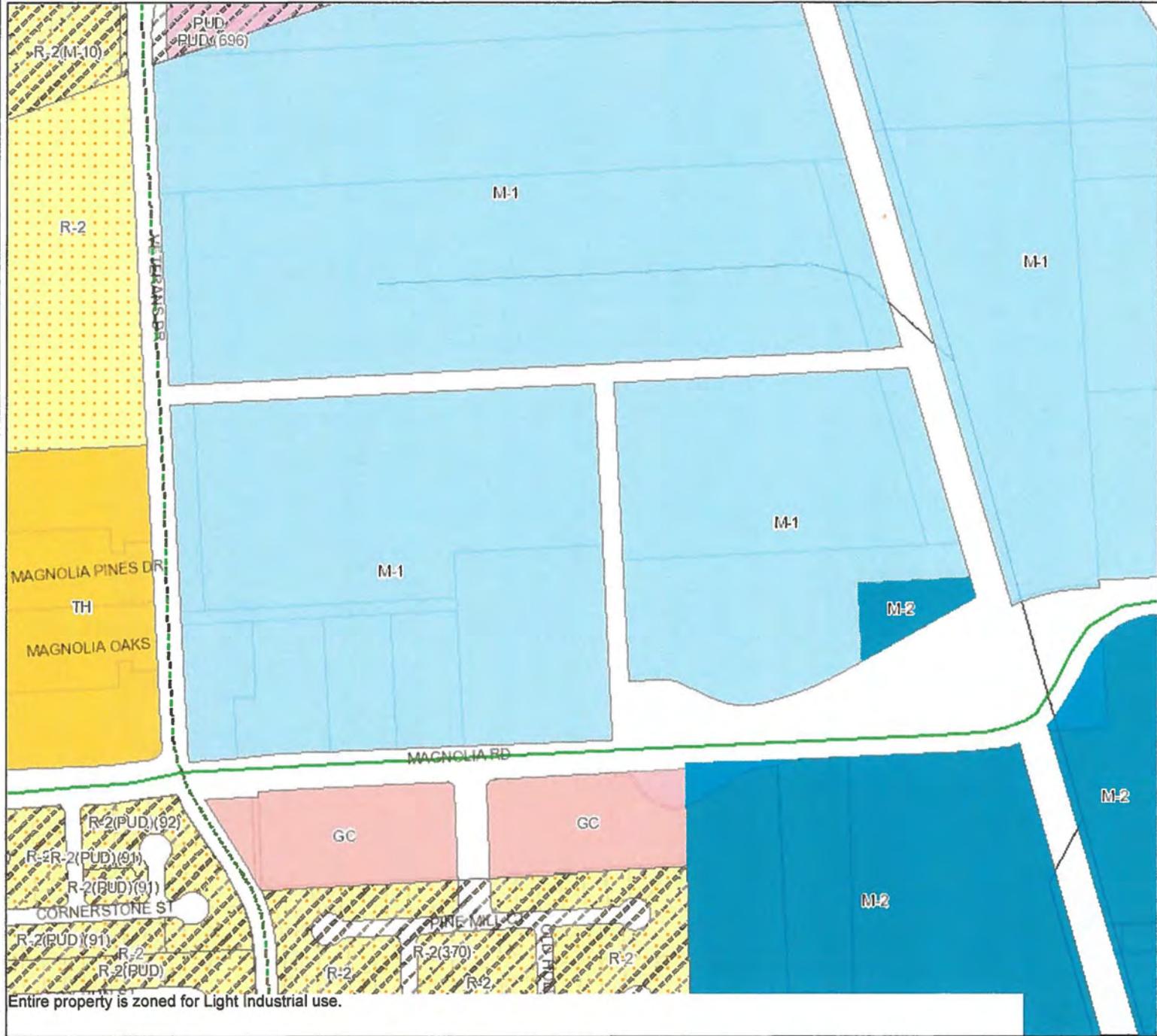
Property ID: 166281 (10.069 acres)

Pearland Magnolia LLC
211 E. Parkwood, Suite 100
Friendswood, Texas 77546
Tel: 832-736-9600
Fax: 832-736-9607
Email: tgoza@lpidev.net

Property ID: 227817 (25.5914 acres)

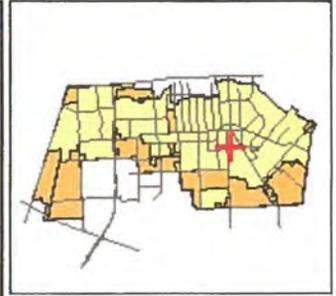
Houston Business Investments Inc
7170 Cranford Ct
Sugar Land, TX 77479-5633
Tel: (832) 646-0287
Email: kurjeel@hotmail.com

Zoning Map



Scale 1:4,998
1 in = 417 ft

Utilities Map



Scale 1:4,998
1 in = 417 ft

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

AGENDA OF:	December 7, 2015	ITEM NO.:	Ordinance No. 1518-1
DATE SUBMITTED:	November 30, 2015	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Tara Kilpatrick	PRESENTOR:	Tara Kilpatrick
REVIEWED BY:	Jon R. Branson	REVIEW DATE:	November 30, 2015
SUBJECT: Ordinance No. 1518-1, An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1518, the 2015-2016 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.			
EXHIBITS: Thursday Packet Memo; Ordinance No. 1518-1; Exhibit A			
FUNDING:			
<input type="checkbox"/> Grant		<input type="checkbox"/> Developer/Other	
<input checked="" type="checkbox"/> Cash		<input type="checkbox"/> L/P – To Be Sold	
<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	
EXPENDITURE REQUIRED: N/A		AMOUNT BUDGETED: N/A	
AMOUNT AVAILABLE: N/A		PROJECT NO.: N/A	
ACCOUNT NO.: N/A			
ADDITIONAL APPROPRIATION REQUIRED: \$5,247,773			
ADDITIONAL REVENUES REQUIRED: \$2,300,348			
ACCOUNT NO.: AS SHOWN IN EXHIBIT A			
PROJECT NO.: N/A			
To be completed by Department:			
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution

EXECUTIVE SUMMARY

BACKGROUND

The City's 2014-15 fiscal year ended September 30, 2015. At that time, there were contracts, purchases of goods and services and other items that were approved and budgeted in fiscal year 2014-2015, but the actual expenditure and receipt of revenue will be incurred in the 2015-2016 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 2015, and estimated ending balances assumed that these funds would be spent. All carryover items will be funded from available balances as of 9/30/2015.

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 2016. 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 \$800,000 for revenues and \$2,585,960 for expenditures for a net carryover amount (expenditures less revenues) of \$1,785,960. Before carryovers, the unaudited ending fund balance for the General Fund at 9/30/2015 is \$21,354,239, \$5,794,606 more than the amended fund balance of \$15,559,633. After net carryovers, the General Fund, fund balance at 9/30/16 would be \$16,086,758; \$4,008,646 or 32.2% higher than the FY2016 budgeted fund balance of \$12,078,112. Fiscal Year 2015 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 2015 total actual revenues of \$66,146,760 are higher than the amended budget of \$65,341,507 by \$805,253, (1.2%) mainly due to licenses & permits, charges for services (Fire/EMS fees, parks, emergency fees), sale of property and audited FEMA reimbursements for Hurricane Ike.

Fiscal year 2015 expenditures of \$64,247,021 are under the amended budget by \$4,989,353, (7.2%). Program expenditures remaining at fiscal year-end include \$1,562,603 for ERP software/hardware upgrades, \$876,968 for vehicles, \$171,435 for Parks and Recreation, \$130,580 for school zone flashers, and \$50,456 for street painting. Of the \$5 million in expenditures under estimate, \$2,585,960 is being requested for carryover, resulting in a true expenditure savings of \$2.4 million or 3.7%. This savings is made up of various line-items throughout the departments. Salary savings is the biggest line item of the savings representing \$1.2 million from Police, Fire, Public Works and Parks & Recreation with the remaining \$1.2 million from various departmental line item savings.

The actual unaudited General Fund ending fund balance for 9/30/2015 is \$21,354,239; 37.3% over the projected budget. The fiscal year 2016 adopted budget shows an estimated fund balance at 9/30/2016 of \$12,078,112, which is \$909,544 over the \$11,168,568 reserve policy of 2 months. With the unaudited beginning fund balance and including the recommended carryovers, the General Fund fund balance is revised to \$16,086,758 versus the \$12,078,112 originally budgeted, an increase of \$4,008,646 and in excess of the 2-month recurring fund balance policy by \$4.9 million. These funds are available for non-recurring expenditures of which a portion may be used to enhance the street maintenance budget.

	FY2016 Adopted Budget Projected Beginning Fund Balance	FY2016 Adopted Budget Actual Beginning Fund Balance	FY2016 Revised Budget with Proposed Carryovers
Beginning Fund Balance	15,559,633	21,354,239	21,354,239
Total Revenues	69,791,421	69,791,421	70,591,421
Total Expenditures	73,272,942	73,272,942	75,858,902
Ending Fund Balance	12,078,112	17,872,718	16,086,758
Policy - 2 months Recurring Oper.	11,168,568	11,168,568	11,168,568
Fund Balance over Policy	909,544	6,704,150	4,918,190

The Water and Sewer fund balance on a cash basis at 9/30/2015 was projected at \$9,662,145 million. The actual unaudited available fund balance is \$13,058,433; \$3,396,288 or 35.2% more than the amended budget. Revenues are over budget by \$1,058,383, or 3.3%, mainly due to the sale of water. Expenses are under budget by \$2,337,905 or 6.6%, mainly in water production, distribution & collection, and lift stations. When using unaudited beginning 2015 balances and including net recommended carryovers of \$898,571 the estimated balance at 9/30/2016 is now estimated at \$9,680,156 million versus the \$9,460,694 projected during the budget process, including the carryovers.

	FY2016 Adopted Budget Projected Beginning Fund Balance	FY2016 Adopted Budget Actual Beginning Fund Balance	FY2016 Revised Budget with Proposed Carryovers
Beginning Cash Equivalents	11,940,401	13,058,433	13,058,433
Total Revenues	38,566,275	38,566,275	38,989,568
Total Expenses	38,422,759	38,422,759	39,744,623
Reserve for Debt Service	2,623,222	2,623,222	2,623,222
Ending Cash Equivalents	9,460,695	10,578,727	9,680,156

A complete listing of carryover requests for all funds is listed in the Thursday Packet memo dated November 23, 2015. Carryovers are to be funded from available balances as of 9/30/2015.

Please note that the Thursday Packet spreadsheet required some corrections. The spreadsheet listed \$17,000 for 4P Entertainment Group and \$1,500 for Green Play under Parks and Recreation. These items were listed in error and have been removed from the list of carryovers for your consideration. With the removal of these items, the totals for the General Fund changed as well as the Net Carryover amounts with and without PEDC. Also corrected was the Amount Available and Available Balance for Fund 30. These changes are highlighted in yellow on the Thursday Packet spreadsheet and an updated spreadsheet is listed as Exhibit A.

The carryovers for PEDC totaling \$4,382,268 were approved by the PEDC Board on November 19, 2015 and will be presented to Council in a separate Action Request on December 7, 2015.

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 1518-1 an Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1518, the 2015-2016 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.

Memo



To: Clay Pearson, City Manager
 From: Claire Bogard, Finance Director
 Via: Tara Kilpatrick, Budget Officer
 Date: November 24, 2015
 Re: Fiscal Year 2015 Carryovers

11/25/2015
 To: Mayor and City Council members
 Annual carry-overs for budget amendment consideration in December. Clay

The City's 2014-15 fiscal year ended September 30, 2015. At that time, there were contracts, purchases of goods and services and other items that were approved and budgeted in fiscal year 2014-2015, but the actual expenditure and receipt of revenue will be incurred in the 2015-2016 fiscal year. The request to carryover those expenditures is being made and the budget for those items is requested to be re-established in fiscal year 2016. These expenditures were originally included in the fiscal year 2015 budget and estimated ending balances assumed that these funds would be spent. Carryover items will be funded from available balances as of September 30, 2015.

Departments submitted their requests for revenue/expenditure carryovers to the Budget Office. The Budget Office has reviewed the requests internally and with City Management. After multiple reviews, the attached recommended list of carryovers will be on the December 7, 2015 Council agenda for the first reading with the second and final reading on December 14th.

The recommended carryovers include:

- General Fund - \$1,804,460 net amount
- City Wide Donation Fund - \$6,000
- Municipal Court Technology Fund - \$6,875
- Water & Sewer Fund - \$898,571 net amount
- Solid Waste Fund - \$60,000
- Hotel Occupancy Tax Fund - \$61,336
- Parks & Recreation Development Fund - \$65,282
- Property Liability Insurance Fund - \$3,205
- Grant Funds - \$15,255
- UofH Fund - \$44,941

The unaudited ending fund balance for the General Fund at 9/30/15 is \$21,354,239, \$5,794,606 over projections. After net carryovers of \$1,804,460, there will be an additional \$3,990,146 added to the General Fund fund balance. The adopted General Fund balance at 9/30/16 is \$12,078,112. With the fiscal year 2015 unaudited results and carryovers, the projected fund balance for the General Fund at 9/30/16 would be \$16,068,258; a \$3,990,146 increase.

The PEDC's request for carryovers is also included on the attachment. However, a separate Thursday memo will be produced pertaining to their carryover and budget amendment request.

FY2015 CARRYOVER RECOMMENDATION

Department	Revenue \$	Expenditure \$	Description	Account #	PO#	Notes
City Manager		21,625	Gulf Coast Centers	010-1020-555-11-00	150676	Cost incurred but not billed yet. Taxi service provided to Pearland citizens who are elderly or disable who need assistance getting around town or into Houston. The Gulf Coast Center pays for half of such taxi fares and this account pays the balance.
Human Resources		9,515	Proscreening	010-1040-555-12-00	150932	Cost of implementation of assessment and onboarding services in ApplicantPro
		6,000	Strategic Gov't Resources	010-1040-555-14-00	152349	Potential payment of Finance Director if we hire from their list
		17,000	Strategic Gov't Resources	010-1040-555-33-02	152368	Cost for implementation of Learning Management System.
		4,000	University of VA	010-1040-555-33-02		Cost for implementation to attend in FY15 however issues arose that did not allow for that. FY16 money is already allocated for attendees so I would like to roll over the cost for his attendance from last year.
		2,798	Lane Staffing	010-1040-555.11-13	160594	Lane Staffing 2015 invoices that are for Permit temporary employees that were paid out of HR in 2016.
		1,025	TEI Staffing	010-1040-555.11-13	160595	TEI Staffing 2015 invoices that are for Permit temporary employees that were paid out of HR in 2016.
Information Systems		6,875	Executime Software	010-1085-554-30-00	151971	ERP; project ongoing
		202,450	Berrydunn	010-1085-555-11-26	151527	ERP; project ongoing
		538,302	New World Systems	010-1085-555-11-26	151528	ERP; project ongoing
		131,150	CRW Systems	010-1085-555-11-26	151732	ERP; project ongoing
		19,402	Executime Software	010-1085-555-11-26	151971	ERP; project ongoing
		152,400	SunGard	010-1085-555-11-26	152038	ERP; project ongoing
		14,719	Berrydunn	010-1085-555-11-27	151527	ERP; project ongoing
		47,228	New World Systems	010-1085-555-11-27	151528	ERP; project ongoing
		21,250	CRW Systems	010-1085-555-11-27	151732	ERP; project ongoing
		21,250	SunGard	010-1085-555-11-27	152038	ERP; project ongoing
		70,000	ERP 3rd Party Interfaces	010-1085-555-11-29		Projects to begin 2016; Sungard, Tyler Incode, Faster, Cahmeleon, Activenet, Selectron, GIS, Executime
		337,577	Special Equipment	010-1085-564-73-00 010-1085-565-73-00		ERP; project ongoing; desktop scanners, additional workstations, mobile devices, printers, electronic time & attendance, additonal switches/routers needed at remote facilities for time and attendance, consultant service
		7,038	Securadyne Systems	010-1085-554-30-00	152195	Milestone maintenance reeval; rec'd invoice late October - PSB Security
	800,000		010-0000-360-03-00		Capital Lease Proceeds - ERP	
GIS		9,850	Geonorth	010-1086-555-11-50	151215	GIS server upgrade; invoice received late

Department	Revenue \$	Expenditure \$	Description	Account #	PO#	Notes
Other Requirements		15,715	The Gulf Coast Center	010-1270-555-11-00	150676	Transit study - still owe
		400	Silsbee Ford	010-1270-565-83-00	151751	Fees for cars not yet delivered
		6,005	Brazoria County	010-1270-555-11-00		Reimbursement to Brazoria County for proceeds from the sale of federally-funded transportation/vehicle
Engineering		875	Cobb Fendley	010-1420-556-10-00	131912	Industrial/SH35 intersection alignment. Close - last invoice received to pay 11/6 (invoiced paid in period 2)
		8,776	Dannebaum Engineering	010-1420-556-10-00	142561	Storm water modeling mapping update Mary's Creek. Project still ongoing
		32,666	Freese and Nichols	010-1420-556-10-00	151636	Engineering design criteria manual update. Project still ongoing
		6,000	CDM Smith	010-1420-556-10-00	152179	Synchro model update traffic mgmt plan. Waiting on invoice for total amount
Capital Projects		10,795	Cobb Fendley	010-1440-555.11-00	152135	Barry Rose & Country Club Drive traffic engineering service.
Police		13,559	Ballistic Vest Replacement	010-2212-542-04-02		Ballistic vest replacement. Ordering times have delayed delivery. BVP grant not available in FY16 due to City's population
		4,308	Replace Docking Stations in Vehicles	010-2212-542-23-00		This was requested by IT to refit fleet for laptops. Docking stations not purchased.
		108,296	Capital Outlay Vehicles with permanently installed equipment	010-2212-565-80-00 010-2212-542-23-00 010-2212-564.01-00		During the development of the FY16 budget, Units C331 and C351 were involved in fleet accidents. The crashes have seriously handicapped patrol efforts to maintain fleet numbers.
		61,214	Radar units & hand-held radios for new Officers	010-2212-564.01-00		Not yet purchased for recent hires
		23,226	Silsbee Ford	010-2216-565-80-00	151751	Van for the jail was ordered but has not been delivered to date.
		5,564	Tasers International	010-2222-535-80-00	152319	Tasers purchased for new officers.
		11,229	TCOLE Training	010-2222-555-33-00		Restricted to TCOLE (formerly TCLOSEE) training for Police
Animal Control		5,518	Additional Equipment for Animal Control Vehicle	010-2225-565-80-00	151751	This vehicle was purchased and delivered in October 2015. It is at All-American, the equipment costs are still pending.
		5,167	Intervet	010-2225-542-06-00	150984 150638 & 150685	FY 15 purchases, invoices received after 10/1 - for microchips, medical supplies for animals.
		3,647	HLP	010-2225-554-30-00	151045	Web licensing. Camilion software (adoption on web). Invoice received after 10/1.
		1,166	Staples	010-2225-542-03-00	150636	FY 15 purchases, invoices received after 10/1
		198	Pearland Animal Hospital	010-2225-555-11-00	150924	Necropsy animal cruelty FY 15 purchases, invoices received after 10/1
		1,548	Beta Technology	010-2225-542-06-00	150685	FY 15 purchases, invoices received after 10/1, for washing machine chemicals.

Department	Revenue \$	Expenditure \$	Description	Account #	PO#	Notes
Fire		141,000	Chastang Ford	010-2320-565-80-00	151562	Replacement brush truck. Expected delivery Dec 2015
		7,000	City of Houston	010-2320-554-08-00	131268 160562	Radio programming for City of Houston radio system; new PO# issued
P&R		17,000	4P Entertainment Group	010-3393-542.35-00	151908	Snow for Winterfest- Requesting to roll over the PO without funds
		1,500	Green Play	010-3395-555.11-00	142230	Master Plan Development
		25,394	Victor Stanley	010-3390-553.01-11	152213	Replacement of furnishings at Pine Hollow Park
		14,048	Brian Hood	010-3390-553.01-00	152103	Remodel Roof at Bluebonnet & Tejas Pavilion at Centennial Park
		6,100	Brian Hood	010-3390-553.01-00	151329	Rebuild of gazebo at Heritage Park
		2,000	Interpretive Insights	010-3390-553.01-00	152102	Reface sign at Nature Trail entrance to be legible
		31,136	Creative Components	010-3390-553.01-00	152109	Replacement parts & installations for Southdown Park play structure
		6,130	Waste Management	010-3351-555-45-01	160538	Encumbered in FY15, invoice received in FY16
		3,559	Creative Components	010-3390-564.01-00	151853	Freestanding Panels for Independence Park
		4,900	Olen Williams	010-3390-553.01-00	151851	Replacement scoreboard at Centennial Park to match existing in use presently at Centennial Park
		2,400	Interpretive Insights	010-3390-553.01-00	152175	Development of new digital park map for Nature Trail. These dollars will contribute to Communications when developing the new map that highlights park locations and facts.
		26,590	Winfield Solutions	010-3390-553.01-00	152289	Ryegrass seeds for Parks, Hickory Slough, Shadow Creek and Centennial Sports fields. Delayed due to park completion dates.
		34,000	Rubber Flooring Systems Inc.	010-3340-553-01.00	160647	Supplemental funding was given for a new weight room floor at the RCN for FY 15. Due to scheduling conflicts and facility closures we were unable to get the project completed for FY 15 and are looking to schedule December 2015.
	15,178	Securadyne	010-3340-553-01.00	152194	Due to scheduling conflict we were unable to get the Securadyne upgrade completed for FY 15. IT is coordinating.	
Facilities Maintenance		4,990	Siemens	010-3522-553.01-00	152300	System repair for proper emergency generator operation @ Public Safety Bldg.
		7,500	Dawson Van Orden	010-3522-553.05-00	152332	MEP and Structural Scopes for A/C Renovation @ Fire Station 4. Work commenced in FY2015, and is close to completion. Engineer is evaluating Fire Station 4, and will provide bid specs for the replacement of the HVAC System.
		6,709	Texas Air systems	010-3522-553.05-00	152165	AAON Unit Repairs and Space Sensor Installation @ Fire Station 5. Work is near completion.

Department	Revenue \$	Expenditure \$	Description	Account #	PO#	Notes
		6,758	Rimkus Consulting	010-3522-553.05-00	151350	Consultation for evaluation of mechanical equipment - Natatorium's Dectron HVAC System. Consultation is still ongoing.
Custodial		42,452	Silsbee Ford	010-3523-565.80-00	151751	Cargo van on order, but not been received as yet.
		6,000	Custodial Services	010-3523-542.17-00		Contracts with A&A Janitorial and C&S Janitorial are funded in special services, 010-3523-555.11-00. An oversight of charges were not included in the Agenda Request for C&S Janitorial, which also affected the amount budgeted for FY2016. \$6,000 is needed for the Westside Library.
Traffic Operations		50,456	Lone Star Pavement	010-3540-553.04-00	150541	The scheduled street painting could not be done by the contractor due to mechanical failures of the equipment. Streets are scheduled to be re-painted annually. Streets not completed last year were Dixie Farm, Woody, Kirby and Kingsley. If funds are not carried over, it will impact the # of streets budgeted for the current year, as this is more than 1/2 of the budgeted funds.
		13,363	Gerry DeCamp	010-3540-555.11-00	142481	The retiming of FM 518 from Kirby to Sunrise could not be completed until TXDot approved the realignment of FM 518 @ SH 288.
		130,580	Southwest Signal	010-3540-565.73-00	152078	The contractor has ordered the equipment for the school zone flashers. Project was delayed by the over run of the ITS project. Traffic Ops has changed the communication system for the flashers and the project is underway.
Streets & Drainage		22,705	Drainage Supplies	010-3570-542-13-00		Unexpected projects at time of budget due to extensive rain received. 60x30 RCP culvert x \$29.25/lf for FM518/Garden Rd project (\$1,755); 2 30" RCP with 45° bend x \$850/ea. for FM518/Garden project (\$1,700); 354' x 24" RCP x \$20.50/lf for Wagon Trail/Fite project (\$7,257); 162'x30" RCP x \$29.50/lf for Wagon Trail/Fite project (\$4,739); 156'x36" RCP x \$46.50/lf for Wagon Trail/Fite project \$7,254).
ROW		7,687	Econocuts	010-3580-555.11-15	150353	August and September FEMA lot invoices
GENERAL FUND TOTAL	\$800,000	\$2,604,460				
Amount Available		\$5,794,607				
Available Balance		\$3,190,147				

Department	Revenue \$	Expenditure \$	Description	Account #	PO#	Notes
Fund 18 City Wide Donation Fund		6,000	Steel Kennel expansions for vehicle unit	018-2225-565.80-00		Completion of vehicle kennels due to a late vehicle purchase.
Total 018	\$0	\$6,000				
Amount Available		\$33,071				
Available Balance		\$27,071				
Fund 19 Municipal Court		1,375	Tyler Technologies	019-1540-554-30-00	151930	Maintenance Computer Software
		5,500	Tyler Technologies	019-1540-555-11-00	151930	Interface with OSSI. Software already installed waiting on invoice.
Total 019	\$0	\$6,875				
Amount Available		\$9,255				
Available Balance		\$2,380				
Fund 30 Water/Sewer		3,989	Davis Multi Service	030-4041-553.01-00	152307	Fence Installation & Repairs @ Lift Stations
		4,580	Detail Construction	030-4041-553.01-00	152324	Fence Installation & Repairs @ Lift Stations
		50,559	Freese & Nichols	030-4041-554.05-00	151860	Engineering Services - Liberty & Parkview Lift Stations. Services provided for this lift station rehab project are ongoing. Actual rehab will take place this year. PO needs to be carried over for future invoices.
		220,000	Electrical Field Services	030-4041-565.73-00	152331	Work commenced in September, and completion is expected by year's end. The auto dialers provide alarm notification for 42 lift stations. The remaining \$17,056.00 is needed for any related unforeseen parts and services not included in bid specs.
		6,540	Weisinger	030-4043-554.04-00	152090	Pull, Camera Survey, Inspect Garden Water Well. Work recently completed, and will be invoiced this month.
		12,000	Pittsburg Tank Inspection	030-4043-555.11-00	151987	Exterior and Interior inspection of various water tanks. Vendor's schedule has been booked, and will not allow for inspection to begin until 11/17/15.
		67,000	Auto Flushers/Sample Stations	030-4043-555.11-00		Funds needed to cover the installation of 35 auto flushers and 35 sample stations purchased in July 2015. Job will be completed by July 2016.
		200,000	Pardalis	030-4043-565.73-00	152345	Interior lining rehabilitation of Southdown ground storage tanks. Approved by Council in August, Job started in September, with an estimated completion of 11/26/15. Supplemental was approved for \$200,000.00. PO of \$180,000.00 should be carried over, as well as the remaining \$20,000 to cover any change orders.
		17,000	Dunham Engineering	030-4043-565.73-00	151684	Engineering and inspection services for interior lining project. Project is still in progress.

Department	Revenue \$	Expenditure \$	Description	Account #	PO#	Notes
		70,000	Garden Well Facility	030-4043-565.73-00		Funds needed for the replacement of the Garden Well Facility. Well was surveyed and bid received for \$63,000. The entire well needs new replacement parts, except the well screen. Work can be completed by Jan. 2016.
		19,843	Silsbee Ford	030-4043-565.80-00	151751	Silsbee Ford - Vehicles on order, but not been received as yet.
		19,420 99,038	Silsbee Ford	030-4042-565.80-00 030-4044-565.80-00	151751	Silsbee Ford - Vehicles on order, but not been received as yet.
	423,293			030-0000-360.03-00		Capital lease proceeds for Gap Vax Truck.
		423,293	Rush Truck Center	030-4044-565.80-00	151205	Gap Vax Truck is on order and should arrive before year's end.
		159,600	Longwood Manhole Rehab	030-4047-565.42-00		The Longwood manhole rehab did not get underway due to mid-year transition of new Superintendent . Several manholes are in need of repair, and plans are to get project started this year.
		50,654	Topcon Laser Excavator System	030-4047-565.73-00		Funds were allocated for the Topcon X62 2D Laser Excavator System, which insures grade level set for sewer & water lines laid in house, and insures staff safety. Purchase was delayed due to the mid-year transition of new Superintendent.
		10,000	The Document Group	030-4145-555-11-00	151006	Scanning in August 2015. The invoice for this service has not been presented for payment as the job is still being worked on by The Document Group.
		1,806	CDW Gov't Inc.	030-4145-542-23-00	152207	CDW Government Inc.'s PO is open. This PO was to pay for receipt printers necessary to print water billing customer receipts at PSB. They were received in Sept. 2015. Invoice paid in Period 2 of FY16.
		5,000	Pro Comp Construction	030-4145-555-11-00	152341	Window for garage sale signs at Public Safety building
Total 030	\$423,293	\$1,321,864				
Amount Available		\$7,333,067				
Available Balance		\$6,011,203				
Fund 31 Solid Waste		\$60,000	Waste Management	031-3350-555-11-00		Additional amount due to Waste Management for actual number of customers receiving service
Total 031	\$0	\$60,000				
Amount Available		\$224,603				
Available Balance		\$164,603				

Department	Revenue \$	Expenditure \$	Description	Account #	PO#	Notes
Fund 45 HOT		20,000	Co-op Regional Advertising Opportunity with Houston First/GHCVB	045-1350-555-07-00		Houston First/Greater Houston CVB could not provide the Beyond Houston regional partnership with a timely co-op advertising package for the 2016 budget process. This co-op advertising program is to market the Houston & Beyond region in a joint effort to gain improved media buy opportunities needed to drive new business into our region.
		7,336	Art & Crafts on the Pavilion show	045-0000-542-35-00 045-1350-555-07-00		Total revenues collected, deposited and remaining in this account from FY2015 which is necessary to pay expenditures in FY2016 - shared advertising revenues collected in FY15 and spent in FY16
		34,000	Fiber	045-1350-565-23-00		Funds added to the FY2015 operating budget for fiber installation project which did not get completed during FY2015 (IT related).
Total 045	\$0	\$61,336				
Amount Available		\$89,255				
Available Balance		\$27,919				
Fund 47 P&R Dev Fund		17,480	2 pet water fountains	047-0000-565-76-04		Timeline needs to run concurrently with the play surface update. When prices came in last year they were much higher than expected and became a supplemental for this year.
		38,250	Developer	047-0000-565-80-00		Refund due to developer of Canterbury Park - meeting on 12/3/15 to finalize.
		9,552	sign - Shadow Creek Trail	047-0000-565-76-01		Project is underway and nearly complete so we should have invoices very soon. Some interpretive signage is complete with the main entry sign still outstanding.
Total 047	\$0	\$65,282				
Amount Available		\$190,249				
Available Balance		\$124,967				
Fund 95 Property Liability Ins		1,975	Maldonado Nursery	095-1270-556-03-00	151780	insurance claim - work not completed
		1,230	Maldonado Nursery	095-1270-556-03-00	151782	insurance claim - work not completed
Total 095	\$0	\$3,205				
Amount Available		\$23,043				
Available Balance		\$19,838				
Fund 101 Grant Fund		9,565	State Farm Grant	101-2320-542-33-00		State Farm has issued a cash-advanced grant for Teen Driver Texting and Impaired Driving Prevention to the Fire Department
		5,690	TIFMAS	101-0000-346-01-17 101-2320-555-33-00		Fire Training: FY'15 advances and/or revenues have not been used and may be carried over for use in FY'16
	200,000	200,000	Texas Parks & Wildlife	101-0000-346-01-14 101-8600-556-30-00		Recreational Trails - Phase II (pending construction)

Department	Revenue \$	Expenditure \$	Description	Account #	PO#	Notes
	463,350	463,350	Coastal Impact Assistance Program	101-0000-346-04-01 101-8600-556-30-00	Pending Award	JHEC Trails at John Hargrove Environmental Center - Dept. of Fish and Wildlife Services via Brazoria County
Total 101	\$663,350	\$678,605				
Fund 108 CDBG (FY2011)	48	48	HUD CDBG - Infrastructure/Construction	108-0000-357-01-05 108-9000-565-03-00		Unspent funds from Adult Reading Center - ADA compliant railing/deck (will go to Forgotten Angels outdoor paving project in FY 16)
Total 108	\$48	\$48				
Fund 110 CDBG (FY2013)	167,531	167,531	HUD CDBG - Infrastructure/Construction	110-0000-357-01-05 110-9000-565-03-00		\$145,262 for transite waterline replacement - re-allocated from unprogrammed CDBG funding initially considered for N. Houston/E. Orange sidewalks/drainage in PY'12 Action Plan. Remaining \$22,269 should to Forgotten Angels Day Hab Center - outdoor flat surface/ADA for handicapped clientele
Total 110	\$167,531	\$167,531				
Fund 111 CDBG (FY2014)	16,051	16,051	HUD CDBG - Infrastructure/Construction	111-0000-357-01-05 111-9000-556-03-34		Construction (\$3,735 to be re-allocated to Forgotten Angles Day Hab - outdoor flat surface/ADA and remaining \$12,316 can be reprogrammed for other eligibly infrastructure/facility uses)
Total 111	\$16,051	\$16,051				
Fund 112 CDBG (FY2015)	230,075	1,193	HUD CDBG	112-0000-357-01-05 112-9000-556-03-34		Unspent minor tools/office equipment budgeted for Code Enforcement hardware/tablet
		331	HUD CDBG - Program Admin*	112-9000-556-03-34		Advertising/public notice (re-allocates to FY2016 infrastructure use only)
		460	HUD CDBG - Program Admin*	112-9000-556-03-34		Postage (re-allocates to FY2016 infrastructure use only)
		100	HUD CDBG - Program Admin*	112-9000-556-03-34		Mileage (re-allocates to FY2016 infrastructure use only)
		3,000	HUD CDBG - Program Admin*	112-9000-556-03-34		Professional development (re-allocates to FY2016 infrastructure use only)
		1,252	HUD CDBG - Program Admin*	112-9000-556-03-34		Professional development - travel (re-allocates to FY2016 infrastructure use only)
		6,000	HUD CDBG - Program Admin*	112-9000-556-03-34		Consulting/administration (re-allocates to FY2016 infrastructure use only)
		193	HUD CDBG - Social Services	112-9000-556-03-34		Social services (re-allocates to FY2016 infrastructure use only)
		159,981	HUD CDBG - Infrastructure/Construction	112-9000-556-03-34		Single family housing rehab program
	57,565	HUD CDBG - Transfer to GF*	112-9000-556-03-34		Construction (re-allocates to FY2016 infrastructure use only)	
* these funds, totaling \$68,708 will be available for re-allocation to existing HUD-approved projects or they can be reprogrammed for use in other projects involving eligible construction or facility improvements						
Total 112	\$230,075	\$230,075		9		

Department	Revenue \$	Expenditure \$	Description	Account #	PO#	Notes
Fund 140 UofH		1,500	EFI Global	140-3320-553.01-00	152080	Indoor air quality survey at UofH. Received invoice on 10/30/15. Rollover of funding is needed to cover invoice
		43,441	Unanticipated repairs at UofH site	140-3321-553-01-00		Per agreement, unanticipated repairs at UofH site after an inspection of leased premises
Total 140	\$0	\$44,941				

TOTAL \$2,070,273 \$5,036,198
NET CARRYOVER \$2,965,925

Fund 15 PEDC		6,400	CDS Market Research	015-5000-555-43-00	152376	Demographic profile update
		10,000	Atlas Advertising	015-5000-555-43-00	160105	Website development
		26,800	Market Street	015-5000-555-45-00	151890	Midcourse Strategic Plan Update
		29,934	Ricker-Cunningham	015-5000-555-45-00	150493	Redevelopment Plan for SH35
		86,592	Lower Kirby - underground electrical phase I	015-5000-565-83-00		Transfer to City, Construction
		1,784,796	Lower Kirby - lateral I	015-5000-565-83-00		Transfer to City
		1,487,000	LJA Engineering	015-5000-565-83-00	150800	Lower Kirby - Hooper Road - Transfer to City
		15,096	Clark Condon	015-5000-565-83-00	151767	Cullen Design - Phase I and II - Capital Outlay
		500,000	Cullen - Phase I (construction)	015-5000-565-83-00		Transfer to City, Construction
		22,703	Clark Condon	015-5000-565-83-00	151328	Dixie Farm Road - Capital Outlay, Design
		233,947	Clark Condon	015-5000-565-83-00	150980 151172 151543 151543	SH288 enhancements - Capital Outlay
Total 015	\$0	\$4,382,268				
Amount Available		\$4,981,864				
Available Balance		\$599,596				

Total (with PEDC) \$2,070,273 \$9,418,466
Net Carryover (w/PEDC) \$7,348,193

ORDINANCE NO.1518-1

An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1518, the 2015-2016 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 2015 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 2015 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 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 3. Savings. All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. 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 5. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

ORDINANCE NO. 1518-1

Section 6. **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., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED ON SECOND AND FINAL READING this the _____ day of _____, A. D., 2015.

TOM REID
MAYOR

ORDINANCE NO. 1518-1

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

City of Pearland
Fiscal Year 2016 Changes to Adopted Budget for Carryovers and Amendments

<u>Fund</u>	<u>Fund Description</u>	<u>Revenues as Adopted</u>	<u>Carryover Amount</u>	<u>Revenues With Carryovers</u>	<u>Expenses as Adopted</u>	<u>Carryover Amount</u>	<u>Expenses With Carryovers</u>
010	General	69,791,421	800,000	70,591,421	73,272,942	2,585,960	75,858,902
020	Debt Service - General	31,687,635		31,687,635	31,528,207		31,528,207
				0			0
	<u>Special Revenue Funds</u>			0			0
017	Municipal Court Security	52,920		52,920	114,350		114,350
018	Citywide Donation	20,350		20,350	50,477	6,000	56,477
019	Court Technology	60,020		60,020	69,865	6,875	76,740
023	Court Juvenile Management	37,060		37,060	44,435		44,435
033	Street Assessment	0		0	0		0
035	Traffic impact Improvement	3,000		3,000	46,800		46,800
043	Regional Detention	0		0	0		0
045	Hotel/Motel	1,535,233		1,535,233	927,604	61,336	988,940
046	Parks Donations	101,050		101,050	105,636		105,636
047	Park & Recreation Development	103,000		103,000	231,000	65,282	296,282
049	Tree Trust	8		8	0		0
055	Sidewalk	5,034		5,034	0		0
060	Police State Seizure	200		200	36,320		36,320
062	Federal Police	55		55	68,000		68,000
101-112	Grants	177,834	1,077,055	1,254,889	177,834	1,092,310	1,270,144
113	Community Development	319,085		319,085	319,085		319,085
140	University of Houston	319,260		319,260	319,260	44,941	364,201
141	University of Houston Capital Renewal Fund	55,489		55,489	0		0
145	Municipal Channel	314,700		314,700	214,350		214,350
199	Lower Kirby	2,764,300		2,764,300	2,764,300		2,764,300
				0			0
	<u>Internal Service Fund</u>			0			0
095	Property/Liability Insurance	1,315,507		1,315,507	1,311,977	3,205	1,315,182
099	Medical Self-Insurance	8,068,084		8,068,084	7,871,876		7,871,876
				0			0
	<u>Proprietary Funds</u>			0			0
030	Water and Sewer	38,566,275	423,293	38,989,568	38,422,759	1,321,864	39,744,623
031	Solid Waste	6,830,997		6,830,997	6,831,464	60,000	6,891,464
Budget Amendment - Ordinance 1518-1							
Total		162,128,517	2,300,348	164,428,865	164,728,541	5,247,773	169,976,314

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

AGENDA OF:	December 7, 2015	ITEM NO.:	Ordinance No. 1518-2
DATE SUBMITTED:	November 30, 2015	DEPT. OF ORIGIN:	Finance/PEDC
PREPARED BY:	Tara Kilpatrick	PRESENTOR:	Matt Buchanan
REVIEWED BY:	Matt Buchanan	REVIEW DATE:	December 1, 2015
SUBJECT: Ordinance No. 1518-2, An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1518-1 the 2015-2016 Annual Budget Ordinance as it applies to a request for carryovers and budget amendments for the Pearland Economic Development Corporation 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.			
EXHIBITS: Thursday Packet Memo; Ordinance No. 1518-2			
FUNDING:			
<input type="checkbox"/> Grant		<input type="checkbox"/> Developer/Other	
<input type="checkbox"/> Bonds To Be Sold		<input checked="" type="checkbox"/> Cash	
<input type="checkbox"/> Bonds- Sold		<input type="checkbox"/> L/P – Sold	
		<input type="checkbox"/> L/P – To Be Sold	
EXPENDITURE REQUIRED: N/A		AMOUNT BUDGETED: N/A	
AMOUNT AVAILABLE: N/A		PROJECT NO.: N/A	
ACCOUNT NO.: N/A			
ADDITIONAL APPROPRIATION REQUIRED: \$5,146,938			
ADDITIONAL REVENUES REQUIRED: \$0			
ACCOUNT NO.:			
PROJECT NO.: N/A			
To be completed by Department:			
X Finance		X Legal	
		X Ordinance	
		Resolution	

EXECUTIVE SUMMARY

BACKGROUND

As with the City, at 2015 fiscal year end, there were PEDC contracts, purchases and projects that were approved and budgeted in fiscal year 2015 but the actual expenditures will not be incurred until fiscal year 2016. The carryover for these expenditures are being requested and the budget for those items to be re-established in fiscal year 2016. Along with a request for carryovers, the PEDC is also amending their FY2016 approved budget to reflect the current estimates for multiple proposed projects. All expenditures are consistent with the Pearland 20/20 Strategic Plan.

The PEDC Board approved the requested carryovers and amendments at their November 19, 2015 meeting. A description of the projects for which carryover monies and amendments to the budget are being requested are listed below.

INCENTIVES

- New Industry Incentives - \$1,670,500 budget amendment reduction: Two large projects projected payments have been postponed into future years and a few are on hold or cancelled reducing incentives in FY2016 by \$1,670,500 million. In FY2016 the incentive budget will now be \$1.6M reduced from the previous amount of \$3.5M.

LOWER KIRBY DISTRICT

- Lower Kirby Underground Electrical Phase I - \$86,592 carryover: In January 2015 the PEDC entered into a reimbursement agreement with the City to contribute \$912,297.50 towards construction. The City has completed construction of the underground duct bank and is awaiting CenterPoint's installation of the electrical lines. The carryover represents the contract retainage to be paid.
- Lower Kirby Underground Electrical Phase II - \$200,000 amendment reduction: Phase II extends the underground duct bank from the end of the Phase I project along the east side of Kirby Drive to the north side of the former Kirby ditch and then east along Tool Flo's southern boundary approximately 650 feet. The PEDC Board approved engineering design in March 2015 for an amount not to exceed \$147,202. To meet CenterPoint's strict schedule, PEDC will contract and pay for design and construction. The design cost is \$103,825 and construction is estimated at \$995,000 including 18% contingency. Both design and construction will be funded with FY2016 funds. The construction contract expenditure will be presented to Council on December 14 for consideration.
- Lower Kirby Underground Electrical Phase III Design - \$135,000 budget amendment: Phase III extends the underground duct bank from the Phase II project north along the east side of Kirby Drive to North Spectrum Boulevard. It also will extend the duct bank west under Kirby Drive along the south side of North Spectrum Boulevard approximately 490 feet. PEDC, per a reimbursement agreement with the City, will contract and pay for 100% of the design engineering per the City's development agreement with Spectrum 86 to facilitate the Tool-Flo project. The design cost is \$132,419.
- Lower Kirby Underground Electrical Phase III Construction - \$777,170 budget amendment: Construction cost is currently estimated at \$1,351,600 of which 50% will be paid by the developer per the Spectrum 86 development agreement with the City leaving \$675,800 or the remaining 50% to be paid by the City. PEDC and the City have entered into a reimbursement agreement for an amount estimated at \$777,170 to cover the construction cost plus 15% contingency. Spectrum 86 will construct this phase in conjunction with North Spectrum Boulevard extension construction project to facilitate the Tool Flo project.
- Lower Kirby Lateral I - \$1,784,796 carryover, \$135,000 budget amendment: A series of box culverts were installed to enclose the Kirby ditch in anticipation of the construction cost increasing after a new Clean Water Act rule was to go into effect in August 2015. The PEDC and City entered into a reimbursement agreement in August 2015 for the actual project cost of \$1,784,796. These funds were originally projected for fiscal year 2017. With the first phase of excavation of the Lower Kirby Regional Detention Pond and the filling in of the Lower Kirby Lateral 1, the condition of Fruge road was significantly deteriorated due to the heavy tandem truck traffic. The City has determined appropriate repairs and the PEDC and the City have entered into an amended reimbursement agreement to cover the repairs estimated to be \$135,000. The project costs will be reimbursed by the Lower Kirby Pearland Management District (LKPMDD).

- Lower Kirby South Spectrum Preliminary Engineering Report (PER) - \$35,000 budget amendment reduction: The City has contracted to perform a preliminary engineering study to determine an appropriate alignment to make a roadway connection between Kirby Drive and the existing South Spectrum Boulevard coming off of SH288. PEDC and the City entered into a reimbursement agreement for an amount not to exceed \$214,137. The PER cost will be reimbursed by the LKPMD.
- Lower Kirby Hooper Road - \$1,487,000 carryover, \$373,000 budget amendment: Hooper Road design and construction is currently estimated to cost a total of \$4,995,000 including 10% contingency for construction. The cost also includes approximately \$440,000 for right-of-way acquisition which was needed for detention for the new expanded roadway. The City has entered into a cost sharing agreement with MHI who has contributed \$2,400,000 towards the estimated cost of design and construction and will be responsible for sharing the actual cost of the project. In May 2014, PEDC and the City entered into a reimbursement agreement for PEDC to cover the remaining cost of the project currently estimated to be \$1,860,000. The project costs are being reimbursed by the LKPMD.
- Lower Kirby Traffic Signal - \$250,000 budget amendment: The construction of North Spectrum Boulevard east of Kirby Drive will generate the need to have a traffic signal installed at the intersection. The City of Pearland entered into a development agreement with Spectrum 86 in September 2015 in which the City agreed to pay 100% of the design and construction cost for the signal and the developer agreed to perform the design and construction along with construction of North Spectrum. The project costs are being reimbursed by the LKPMD. PEDC and the City entered into a reimbursement agreement for an amount estimated to be \$250,000.
- Cullen Design Phase I and II - \$15,096 carryover: The Phase I project design, Cullen Boulevard Gateway Sign & Median Improvements, between Clear Creek and McHard Road is complete and ready for construction. The Phase II project design from McHard Road to Broadway is nearly complete as work with TxDOT to finalize the construction plans continues. The PEDC Board approved design development for both phases in June 2014 for \$37,500 and then approved construction documents for the first phase in December 2014. TxDOT will finalized the construction documents for the second phase.

ENTRY WAYS AND CORRIDOR ENHANCEMENTS

- Cullen Design and Phase I Construction - \$515,096 carryover: The Cullen Boulevard Gateway Sign & Median Improvements construction contract between Clear Creek and McHard Road was awarded by City Council at its October 12, 2015 meeting. The PEDC Board approved a reimbursement agreement with the City of Pearland for \$452,119.98 to cover the cost of construction at its August 2015 meeting. The contractor started mobilizing for construction on November 9th. Also included in this carryover is \$15,096 for the design work for both phases.
- Cullen Phase II Construction - \$345,000 budget amendment: TxDOT is finalizing the construction plans in an effort to start the five-month review process before letting the project for construction this coming spring. PEDC has been working with Keep Pearland Beautiful (KPB) who received a \$270,000 grant from TxDOT for enhancements to a TxDOT corridor in the community. This grant will be applied to the construction cost, which is currently estimated to be \$612,680. This will leave approximately \$345,000 remaining to be covered by the PEDC. The City will need to enter into an Advance Funding Agreement with TxDOT to commit to paying the difference in cost and PEDC will enter into a reimbursement agreement with the City.
- Pearland Parkway/Dixie Farm Road Design - \$22,703 carryover: Both Pearland Parkway and Dixie Farm Road are included in one corridor enhancement design set that is nearly ready to be advertised for construction bid. The PEDC Board approved the contract for design in December 2014.

- Dixie Farm Road Construction - \$50,000 budget amendment: The Dixie Farm Road corridor improvements construction plans include a Gateway Sign with landscaping adjacent to the detention pond and electricity extension to the sign. At the October 2015 meeting, the PEDC Board discussed the current project budget estimated to be \$388,000 including 15% contingency and concurred with the proposed scope to move forward with bidding for construction. PEDC will enter into a reimbursement agreement with the City and Council will consider the expenditure when the construction contract is ready for award by the City in early 2016.
- Pearland Parkway Construction - \$600,000 budget amendment: The construction plans for Pearland Parkway's corridor improvements include a Gateway Sign complete with landscaping, replanting of trees in the median from the round-a-bout up to Clear Creek, enhanced landscaping at the Star Monument and the median, two large fountains for the existing detention ponds located on either side of the road, electricity extension to the sign and fountains, irrigation in the enhanced areas and power washing and painting of the bridge over Clear Creek. At the October 2015 PEDC meeting, the Board discussed the current project budget estimated to be \$1,250,000 including 15% contingency and concurred with the proposed scope to move forward with bidding for construction. PEDC will enter into a reimbursement agreement with the City and Council will consider the expenditure when the construction contract is ready for award by the City in early 2016.
- SH288 Enhancements - \$233,947 carryover, \$100,000 budget reduction: The 288 Corridor Enhancements include hardscape and landscape improvements planned from the BW8 interchange to the FM518 interchange. In October 2014 the Board and City Council approved two Professional Service Contracts for engineering and design services in the amounts of \$45,500 for the hardscape improvements design and \$199,000 for the McHard Road and t-ramp landscape design. In March 2015, the Board approved a Professional Service Contract for \$33,000 to incorporate hardscape improvements into Brazoria County Toll Road Authority's (BCTRA) managed lanes construction plans. On August 5, 2015 the Board approved a Professional Service Contract for \$103,000 for the landscaping design from the t-ramp to CR59 including the FM518 interchange. FY2016 funds will be used to continue design coordination efforts on BCTRA's construction plans as they evolve with plans for widening FM518 and to contract for the design of improvements for the BW8 interchange.

OTHER ITEMS

- Hickory Slough Sportsplex - \$179,000 carryover, \$105,000 budget amendment: In the fall of 2013 the City and PEDC entered into an agreement for PEDC to pay up to \$700,000 toward the development of the facility. In FY 15 only \$459,000 was budgeted. In October 2015 the Board approved an additional \$105,000 for the project. PEDC total contribution to facility will be \$564,000.
- Contracted Services - \$56,734 carryover: The Board approved the Pearland 20/20 Strategic Plan midcourse update March 2015 and professional contract services for the development of the SH35 Redevelopment Strategy in July 2014. Funds will be used to complete the projects as approved.
- Marketing - \$16,400 carryover: Funds will be used to continue a redesign of the current website and demographic overview update.

FINANCIAL INFORMATION

The attached Thursday Packet memo dated November 23, 2015 provides a summary of requested carryovers and amendments. The PEDC carryover requests total \$4,382,268 and fiscal year 2016 budget amendments total \$764,670, for a total budget amendment of \$5,146,938. The PEDC's projected ending fund balance at 9/30/15 was \$13,117,177. The unaudited actual fund balance as of 9/30/15 is \$18,222,303, \$5,105,126 or 38.9% more than the projected fund balance. With the

unaudited fund balance and taking into account the carryover and amendment requests, the FY2016 ending fund balance will be \$13,198,626, \$41,812 or 0.3% lower than the FY2016 adopted budget.

RECOMMENDED ACTION

Consideration and approval of Ordinance 1518-2 an Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1518, the 2015-2016 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. Consideration and approval of Ordinance 1518 an Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1518, the 2015-2016 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.



Memo

To: Clay Pearson, City Manager
 From: Claire Bogard, Finance Director
 Via: Tara Kilpatrick, Budget Officer
 Date: November 23, 2015
 Re: PEDC Fiscal Year 2015 Carryovers and Budget Amendments

11/25/2015

To: Mayor and City Council members
 PEDC FY 2015/16 budget amendment forthcoming, including carry-overs from projects underway last fiscal year. Many of the projects have been previously approved and also are in the City's benefit for assistance in capital funding. Clay

As with the City, at fiscal yearend, there were contracts and projects that were approved and budgeted in fiscal year 2014-2015 for the PEDC, but the actual expenditure will be incurred in the 2015-2016 fiscal year. Therefore, a request to carryover those expenditures is being made. The budget for those items is requested to be re-established in fiscal year 2016. These expenditures were originally included in the fiscal year 2015 budget and estimated ending balances assumed that these funds would be spent. Carryover items will be funded from available balances as of September 30, 2015. A total of \$4,382,268 is being requested to be carried over for projects such as Lower Kirby, Cullen and Pearland Parkway. Unaudited ending balance for the PEDC at 9/30/15 is \$18,222,302, \$5,105,125 over projections.

The PEDC is also requesting FY2016 budget amendments in the net amount of \$764,670. This includes increases for Lower Kirby, Cullen, Dixie Farm Road and Pearland Parkway with reductions to Business Incentives and SH288 Enhancements.

Attached is the PEDC carryover and budget amendment requests as provided to the PEDC Board. On November 19, 2015, the Board approved the FY2015 carryovers and amendments to the FY2016 budget. An Action Request will be on the December 7th Council agenda for approval for first reading with the second and final reading on December 14th.

After these amendments, the projected fiscal year 2016 fund balance for the Corporation will be \$13,198,626 versus a budgeted ending balance of \$13,240,438.

**PEARLAND ECONOMIC DEVELOPMENT CORPORATION
CARRYOVER REQUEST FROM FY 2015 TO FY 2016
AND FY 2016 BUDGET AMENDMENT REQUEST**

Adopted FY 2016 Budget - Expenditures **\$12,192,688**

<u>Adjustments:</u>	<u>Carryovers</u>	<u>Amendments</u>	
<u>New Industry Incentives:</u>		(1,670,500)	
<u>Lower Kirby Projects:</u>			
Lower Kirby Underground Electrical Phase I - Transfer to City, Construction	86,592		
Lower Kirby Underground Electrical Phase II - Capital Outlay, Design & Construction		(200,000)	
Lower Kirby Underground Electrical Phase III - Capital Outlay, Design		135,000	
Lower Kirby Underground Electrical Phase III - Transfer to City, Construction		777,170	
Lower Kirby Lateral I - Transfer to City	1,784,796	135,000	
Lower Kirby South Spectrum PER - Transfer to City		(35,000)	
Lower Kirby Hooper Road - Transfer to City	1,487,000	373,000	
Lower Kirby Traffic Signal - Transfer to City		250,000	
<u>Entryways & Corridor Enhancements:</u>			
Cullen Design Phase I & II - Capital Outlay	15,096		
Cullen Phase I - Transfer to City, Construction	500,000		
Cullen Phase II - Transfer to City, Construction		345,000	
Pearland Parkway/Dixie Farm Road - Capital Outlay, Design	22,703		
Dixie Farm Road - Transfer to City, Construction		50,000	
Pearland Parkway - Transfer to City, Construction		600,000	
SH288 Enhancements - Capital Outlay	233,947	(100,000)	
<u>Recreation</u> Hickory Slough Sportsplex - Transfer to City	179,000	105,000	
<u>Operations:</u>			
Ricker-Cunningham PO 150493 SH35 Redevelopment Plan Professional Services	29,934		
Market Street Services PO 151890 Midcourse Strategic Plan Update Services	26,800		
CDS Market Research PO 152376 Demographic Profile Update	6,400		
Website Development	10,000		
Total Adjustments:	\$4,382,268	\$764,670	<u>\$5,146,938</u>
Amended FY 2016 Budget - Expenditures			\$17,339,626

ORDINANCE NO.1518-2

An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1518-1, the 2015-2016 Annual Budget Ordinance as it applies to a request for carryovers and budget amendments for the Pearland Economic Development Corporation 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 2015 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 2015 carryovers and amendments 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 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 3. Savings. All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

ORDINANCE NO. 1518-2

Section 5. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

Section 6. 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., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED ON SECOND AND FINAL READING this the _____ day of _____, A. D., 2015.

TOM REID
MAYOR

ORDINANCE NO. 1518-2

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

This item is budgeted in the FY 2016-2020 CIP as a Plant Expansion from four million gallons per day (4 MGD) capacity to six million gallons per day (6 MGD). The expansion is based on growth projections for the service area as well as additional flows that will be diverted to the JHEC WWTP from the Longwood Service Area. The proposed Preliminary Engineer Report (PER) presented here is tasked with confirming the service area and contributing flows.

SCOPE OF CONTRACT/AGREEMENT

The scope of this agreement will include analysis of the service area including determination of the ultimate plant inflows demands and treatment requirements and quantities, analysis of the existing treatment processes and equipment to provide a recommendation for improvements and/or replacements of existing equipment and to prepare for increased inflows, master planning of the site for the ultimate plant capacity and intermediate development phases as well as modeling of the service area basin to include the planned incorporation of the Longwood area.

Additional services will be provided as authorized for surveying, both topographic and hydraulic, geotechnical investigation, TCEQ Permitting, Texas Water Development Board (TWDB) Funding Assistance, and TWDB Funding NEPA Compliance, required for TWDB funding approvals.

The attached proposal from Ardurra Group totals of \$475,000.00, which is approximately 1.8% of the currently estimated construction cost of \$26.8 million and is within the industry standards for this type of rehabilitation project in an operating plant. The schedule for this activity is 224 calendar days for completion of the PER and additional services as authorized.

Ardurra Group was selected as the most qualified firm for this project based on past experience of the leadership and project staff appointed to serve on this job and previously demonstrated competencies. Lead members of this team have performed well on past work for the City including; the PER and early design phases of the Reflection Bay plant, the Alice Street Water Plant and 30" City of Houston Interconnect Water Line. This team is also involved in a number of other Sequential Batch Reactor (SBR) design projects in the greater Houston metro area demonstrating the in-depth working knowledge of SBR Technology.

BID AND AWARD

N/A

SCHEDULE

Work is scheduled to begin immediately and the final PER should be submitted by June 2016. The TPDES permit will be submitted within 30 days of receipt of comments from the draft PER. Approval of this permit takes 10-12 months from submittal.

POLICY/GOAL CONSIDERATION

The project and this contract meet several of Council's strategic goals including Sustainable infrastructure, Fiscal Responsibility and Safe Community.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Of the total project budget of \$36.7 million, \$1.8 million is being funded with cash with the remaining from the issuance of future system revenue bonds.

Year	To Date	2017	2018	2019	2020	Total
Budget	\$ 3,260,000	\$ 26,780,000	\$ 6,678,300			\$ 36,718,300
Prior Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction						-
FF&E						-
Current Request						
PER	475,000					475,000
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey	2,785,000					2,785,000
Construction		26,780,000	6,678,300			33,458,300
FF&E						-
Total Expenditures	\$ 3,260,000	\$ 26,780,000	\$ 6,678,300	\$ -	\$ -	\$ 36,718,300
Remaining Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Debt Sold						
Debt to Be Sold	1,430,000	26,780,000	6,678,300			
Annual Debt Service		100,100	1,981,000	2,442,160	2,442,160	

O&M IMPACT INFORMATION

Year	2016	2017	2018	2019	2020
Operation and Maintenance Costs			\$ 80,115	\$ 240,344	\$ 240,344

RECOMMENDED ACTION

Consideration and approval of a resolution awarding a contract for the Preliminary Engineering Services for JHEC WWTP Expansion Project to Ardurra Group in the amount of \$475,000.00 and authorizing the City Manager to execute the agreement.

EXHIBIT “A”



October 20, 2015

**Scope of Services
For
Preliminary Engineering Report and Additional Services
For
John Hargrove Water Reclamation Facility Expansion and Improvements**

The Engineer will perform necessary tasks to complete preliminary engineering services and additional services for improvements to the John Hargrove Water Reclamation Facility (JHWRF) for the City of Pearland as defined in this scope. Once the final design phase scope is determined from the Preliminary Engineering Phase, final design services, bid phase services, and engineering services during construction will commence under a supplemental contract. The work associated with these engineering services is separated into the following services and tasks:

- I. Preliminary Engineering Services
- II. Additional Services
- III. Schedule
- IV. Cost
- V. Clarifications and Exclusions

I. PRELIMINARY DESIGN PHASE SERVICES

Preliminary engineering services for the improvements to the JHWRF will be performed as outlined below. The preliminary engineering services will include analysis of the service area including determination of the ultimate plant flow, analysis of the existing treatment plant to provide recommendations for improvements and/or replacement of existing equipment and to allow for a phased expansion of treatment capacity from the current average daily (ADF) of 4.0 MGD in accordance with current design standards, regulatory requirements, and end of service life improvements. The service area analysis in conjunction with expansion criteria developed during the preliminary design phase will determine the proposed phased expansion capacity which is currently anticipated to be at least 2.0 MGD ADF. The following detailed scope of work is for the preliminary engineering services.

A. Project Management:

- 1. Conduct a project initiation meeting to identify critical success factors, brainstorm potential design solutions, and establish a clear set of objectives for the project based on client input and consultation with senior technical experts;
- 2. Coordinate with staff and project personnel to complete project tasks and meet project objectives;



3. Conduct progress meetings with City staff on a monthly basis and provide appropriate and necessary documentation;
4. Develop and maintain a project schedule with detailed milestones;
5. Provide quality control reviews and technical reviews of all evaluations and recommendations, technical memoranda, and reports, and;
6. Work with City Project Manager (and other designated City personnel) to coordinate City reviews of final report. Work with internal project team to document and incorporate City comments.

B. Water Reclamation Facility Master Planning

The purpose of this task is to determine the ultimate capacity of the JHWRF, including the current Longwood WWTP service area currently planned to be ultimately partially diverted to the JHWRF service area. The ultimate capacity and potential intermediate development interval(s) defined below will be used to plan for the ultimate plant site layout and proposed expansion sizes.

1. Utilize existing “Infoworks” wastewater model and bring up to date within existing software platform for both the JHWRF and Longwood service area.
2. Existing model is assumed to be dry and wet weather calibrated and lift station/facilities operation controls are accurate to current operations.
3. Create/add wastewater model for portions of the Longwood WWTP service area currently planned to be diverted to the JHWRF.
4. Use existing flow data from the WWTP servicing BCMUD Nos. 2, 3 & 6 for inclusion into the expanded or ultimate flow to the JHWRF depending on anticipated timing provided by the City. Include preliminary conveyance route including identification of undersized gravity trunk lines to the JHWRF.
5. Flow quantities for each undeveloped area will be in accordance with the planning densities shown in the zoning map.
6. Review the current CIP projects within these service areas to create an updated existing base scenario and update any planned future projects within the planning window.
7. Update wastewater flow projections per City provided expected population growth for ten year and ultimate build out.



8. Perform modeling runs for the following scenarios based on expected growth provided by the City and modeling assumptions approved by the City including the Longwood Service Area Planning Study, June 2012:
 - a. Baseline of existing flows for both JHWRF and Longwood WWTP service areas. Although highly unanticipated, any areas of existing gravity line found insufficient to convey the existing flows will be noted and generally upsized to allow the projected flow to reach the treatment plant unimpeded in order to determine the actual flow rates for the planning period.
 - a. Ten year growth projection for the JHWRF and Longwood service areas. Any areas of existing gravity line found insufficient to convey the projected flows will be noted and generally upsized to allow the projected flow to reach the treatment plant unimpeded in order to determine the actual flow rates for the planning period.
 - b. Ultimate build out growth projection and improvements (combining all or part of Longwood WWTP service area into JHWRF service area). Any areas of existing gravity line found insufficient to convey the projected flows will be noted and generally upsized to allow the projected flow to reach the treatment plant unimpeded in order to determine the actual flow rates for the planning period.
 9. Determine appropriate schedule for conversion of Longwood WWTP service area to JHWRF service area based on the Longwood Service Area Planning Study, June 2012 and model results.
 10. The results of the modeling effort will be documented in summary form within the Preliminary Engineering Report. All other pertinent data will be saved to be used in future modeling activities.
- B. Data Collection & Analysis
1. Attend Design Kick-Off meeting with City.
 - a. Review City informational resources and make arrangements to obtain these.
 - b. Discuss objectives of project and adjacent projects.
 2. Obtain such additional data (survey and geotechnical report) as required through other services and/or sub consultants.
 3. Review relevant reports and plant data received from the City necessary to determine design criteria, including but not limited to:
 - a. At least one, but up to 5 years' worth if available (5 years being the amount of data the TCEQ uses to determine peaking factors) of the following:



- (1) Influent Flow (average day and peak 2-hour), CBOD₅, TSS, TKN (or NH₃-N)
 - (2) Effluent Flow, CBOD₅, TSS, NH₃-N
 - (3) MLSS, Waste Rates, TSS, Sludge Hauling Rates (e.g. lb./day or week)
- b. Any As-Builts available from previous projects
 - c. Any CAD files available
 - d. Any surveys available that may not be included in As-Built drawings
 - e. Any previous geotechnical reports that may be available
4. Develop 3D model of existing facility from as-built drawings and survey information for use in preparation of PER figures and to provide a base model to use during final design modeling effort.
- C. Preliminary Engineering Report (PER):
1. The Engineer shall prepare a preliminary engineering report (PER) for approval and revise as required from a consolidated set of review comments from the City of Pearland.
 2. The preliminary engineering report will address, at a minimum, the following items:
 - a. Identification of the existing design conditions, current flow, 10 year projected flow, and projected ultimate capacity needs of the plant service area.
 - b. Analysis of entire existing facility to include the following:
 - (1) Development of a hydraulic profile of the facility and analysis of potential bottlenecks for future expansion and hydraulic capacities of existing structures and piping.
 - (2) General condition assessment of existing process equipment and structures.
 - (3) Determination of adequacy of existing treatment capacity and processes to treat current flows and loadings based on updated design loadings.
 - (4) Identification of areas for improvement to efficiency, performance, or reliability of the facility.
 - c. Evaluation of alternatives for improvements that will be included in final design and construction to include but not be limited to:



- (1) Improvements in the existing lift station(s) (new lift station structure is not anticipated) to increase capacity and address ease of operation and maintenance, and condition assessment of existing pump stations including safety concerns as well as condition of the existing wet well piping.
- (2) Analysis of the existing bar screen structure to be reused and/or modified to include grit removal downstream while providing increased capacity and able to accommodate improved screenings equipment, including analysis for ultimate flows. Analysis of new bar screen structure with integral grit removal in lieu of reusing existing and for cost and constructability comparison.
- (3) Conversion of existing sequencing batch reactor (SBR) basins to alternate equipment (including possible replacement of existing decanters and replacement of jet aeration system with fine bubble diffusers), with consideration of continuous batch or hybrid true batch/continuous batch processes, and expansion of biological treatment capacity with additional treatment units. Analysis shall include consideration for future nutrient removal.
- (4) Evaluation of existing tertiary cloth filtration capacity, which will include consideration of redundancy and future ultimate flows.
- (5) Increased capacity of ultraviolet light (UV) disinfection system, as well as post-aeration system and flow measurement.
- (6) Improvements to sludge handling processes to handle increase in plant loading, including expansion of sludge holding capacity and considerations for changing from centrifuge dewatering to belt press dewatering including polymer system and conveyor modifications.
- (7) Improvements to ancillary systems and processes such as non-potable water system and existing equalization basin and intermediate lift station.
- (8) Various site and maintenance improvements as identified during preliminary evaluation of existing conditions.
- (9) New operations building to accommodate operator work space, kitchen/breakroom, document storage room, and meeting/training room. Architecture to match existing buildings aesthetics.
- (10) Electrical and Instrumentation requirements to accommodate proposed process expansions and technology changes, including additional generator capacity. Provide a condition assessment of existing control wiring.

Exhibit A / Detailed Scope of Services



- d. Facility design criteria recommendations based on available plant data and data analyses, which include determining the capacity of each process unit based on current regulatory criteria and industry standards.
- e. Determination of proposed electrical load as a result of the proposed expansion and improvements necessary to accommodate the increased load including determination of new electrical service and/or additional standby diesel generator. Include recommendations for replacement of existing control wiring as well as additional utility receptacles to aid in normal plant operation and maintenance.
- f. Analysis and condition assessment of existing electrical system including switchgear, electrical feeders, and electrical lines serving equipment.
- g. Analysis of existing SCADA system compatibility with proposed improvements and recommendation(s) for upgrades, if necessary.
- h. Documentation for Texas Commission on Environmental Quality (TCEQ) Coordination.
- i. Schedule of final design/construction.
- j. Engineer's opinion of probable construction cost for the recommended improvements (including contingency appropriate for PER level of design).
- k. Drawings/figures include the following:
 - (1) Detailed process flow diagram(s) for the various alternatives and options.
 - (2) Hydraulic profile(s) for the various alternatives/options as necessary.
 - (3) General site layout(s) for the proposed alternatives and ultimate plant site layout and equipment arrangement drawings for viable alternatives. General site layouts and equipment arrangement drawings will consist of footprints represented by dimensionally accurate simple shapes such as rectangles, circles, squares, etc.... Perspectives may include standard plan views and/or isometric views generated from the 3D model of the existing plant. The number and level of detail of the isometric drawings will be commensurate with the need to communicate the proposed and recommended plant expansion options and phasing plans (if necessary). Detailed piping and equipment drawings will be provided in the final design phase.
 - (4) Other information as necessary to complete the permitting application process described under Additional Services.



Exhibit A / Detailed Scope of Services

D. Deliverable

1. The Engineer shall submit three (3) copies of the draft preliminary engineering report, with CD copy in PDF format provided with each.
2. After receipt of review comments, the Engineer shall provide a written response to review comments.
3. Engineer shall incorporate review comments, as appropriate, and submit five (5) copies of the final preliminary engineering report, with CD copy in PDF format provided with each.

II. ADDITIONAL SERVICES

Additional services will be provided on an as-needed basis as described below.

A. Surveying

1. Engineer will perform design topographical surveying for the treatment plant site. Permanent control points based on City of Pearland bench marks to USGS datum will be established. The following items will be included in the Survey scope:
 - a. Identification of the adjacent property for the purposes of establishing the existing property corners as necessary, as well as identification of adjacent easements and right-of-ways for the purposes of accurately establishing buffer zone requirements for site improvements;
 - b. Location of all structures and above ground improvements for the purposes of establishing an As-Built base file for use in preparation of design documents;
 - c. Surveying of all hydraulic control point elevations for the purposes of developing an accurate hydraulic profile through the facility, as well as finished floor and top of concrete elevations for all structures;
 - d. Topographical survey of site within known boundaries, and;
 - e. Remobilization and location of Geotechnical borings upon completion of drilling.

B. Geotechnical Investigation

Engineer will subcontract the preparation of Geotechnical Report including design recommendations for the project, citing boring locations & depths, tailoring field investigation & laboratory activities to specific requirements of the project as necessary, customary & in keeping with best practices for the project type & requirements. The following items will be included in the Geotechnical Investigation Scope:

Exhibit A / Detailed Scope of Services



1. Borings determined to be required for the following structures assumed to be included in the final design:
 - a. New grit removal structure (and possibly new integral headworks structure with bar screens if hydraulics prevent addition of stand-alone grit removal system);
 - b. New SBR structure;
 - c. New tertiary filter structure;
 - d. New aerated sludge holding tank structure;
 - e. New belt press dewatering building;
 - f. New operations building;
 - g. New electrical building(s) to support proposed improvements, and;
 - h. New standby generator foundation.
 2. Laboratory tests to determine subsurface conditions and provide recommendations for foundations and subsurface improvements to accommodate proposed structures;
 3. Coordination with geotechnical subconsultant and oversight of activities, including selection and marking of boring locations, and determination of necessary depths, clearing of utilities;
 4. Analysis of laboratory results and preparation of detailed report outlining foundation requirements, pavement recommendations, and documenting boring logs and groundwater depths.
- C. TCEQ Permitting
1. Engineer will prepare and submit on behalf of the City, a major amendment application for the existing TPDES permit for the proposed expansion and improvements. It is assumed that TCEQ filing fee will be paid by the City.
 2. Engineer will prepare and submit on behalf of the City, notification for reuse authorization in accordance with Texas Administrative Code 210 for the treated effluent from the improved facility.
- D. Texas Water Development Board (TWDB) Funding Assistance

Exhibit A / Detailed Scope of Services



1. Engineer will prepare an application for funding assistance from the Texas Water Development Board (TWDB). This scope item will only be utilized if specifically authorized by the City of Pearland should they decide to apply for TWDB funding. Otherwise, this scope item will not be utilized and no work or subsequent invoices will be accrued towards this task item. Specific scope items include the following:
 - a. Attendance at TWDB Pre-Application Meeting
 - b. Preparation of Financial Assistance Application
 - c. Assistance with preparation of Closing Documents (if applicable)
 - d. Incorporation of Davis-Bacon Act wage rates into the Contract Documents (SRF loans)
 - e. Incorporation of EPA's Disadvantaged Business Enterprise documents into the Contract Documents (SRF loans)
 - f. Clarifications/Limitations and Assumptions
 - (1) City's Financial Advisor and Legal will provide all financial and legal related data necessary for the application
 - (2) Assumes City already has an approved Water Conservation and Drought Contingency Plan required by TWDB

E. TWDB Funding NEPA Compliance

1. Should the City elect to apply for Federal SRF, NEPA compliance will be required. This scope item will only be utilized if specifically authorized by the City of Pearland should this task be required by the terms and conditions of the TWDB funding. Otherwise, this scope item will not be utilized and no work or subsequent invoices will be accrued towards this task item. Because the history and extent of the current site conditions are not completely known, Engineer proposes to provide the following services, as authorized by the City of Pearland, up to the allowance amount specified in **Table A-1**. Specific scope items may include the following:
 - a. Documentation necessary for Categorical Exclusion (CE); and/or
 - b. Performance and submittal of an Environmental Assessment (EA); and/or
 - c. Preparation of an Environmental Impact Statement (EIS)
 - d. Preparing, presenting and attending public meetings as may be required by the Texas Water Development Board process.



Exhibit A / Detailed Scope of Services

2. If the above services are authorized, a full budget estimate for each task will be prepared, submitted an authorized prior to commencement of work. Should the proposed budget exceed the remaining allowance, Engineer will perform work (if authorized) up to the maximum allowance and pause work until additional funding is authorized to complete the task.

III. SCHEDULE

- A. The Engineer shall initiate each phase of work described herein immediately upon the execution of the Agreement and upon issuance by City of Notice to Proceed.
- B. Engineer shall schedule Project Initiation/Kickoff Meeting within 15 working days of notice-to-proceed.
- C. Engineer shall complete the preliminary survey field work within 30 calendar days of notice-to-proceed assuming favorable weather conditions. Final survey shall be completed during production of Preliminary Engineering Report and delivered with the Draft Preliminary Engineering Report.
- D. Engineer shall complete Wastewater Master Planning effort within 60 calendar days of City providing existing wastewater model, growth data, Longwood WWTP service area information, and CIP project updates.
- E. Engineer shall complete the existing 3D wastewater treatment plant model prior to submission of the Draft PER.
- F. Engineer shall deliver the Draft Preliminary Engineering Report within 60 days calendar days of completion of the wastewater flow projection model and completion of the data analysis and subsequent process calculations.
- G. Engineer shall deliver the Final Preliminary Engineering Report within 30 calendar days of receipt of City comments.
- H. The Geotechnical Report will be initiated towards the end of the Draft Preliminary Engineering Report schedule and the Draft will be included with the Final Preliminary Engineering Report. Final Geotechnical Report to be completed during final design and included with the Contract Documents.
- I. The TPDES application shall be delivered to the TCEQ within 30 calendar days after receipt of comments from the Draft Preliminary Engineering Report. It is expected that the final approval of the application from the TCEQ Executive Director will take 10-12 months from submittal of the application.
- J. The Texas Water Development Board funding application shall be completed, provided City provides necessary data, within 30 calendar days (or sooner) of the completion of the Final

Exhibit A / Detailed Scope of Services



Preliminary Engineering Report. Environmental public meeting and attendance thereof to be determined at some point through the course of the project.

IV. COST

- A. A summary of proposed fees is shown in Table A-1 and the fee schedule and breakdown is included as Exhibit B.

V. CLARIFICATIONS AND EXCLUSIONS

- A. It is assumed that improvements will be confined within the existing property and no work will be done outside of the plant fence, including modification of the outfall or discharge piping.
- B. Engineer understands that existing stormwater detention will be adequate for proposed improvements, so no analysis of runoff will be required.
- C. Based on infrequency of odor complaints, additional odor control systems will not be examined in the PER.
- D. Wastewater Master Planning effort assumes that the existing model is dry and wet weather calibrated and lift station/facilities operations are accurate to existing operations.

Exhibit A / Detailed Scope of Services



TABLE A-1
 AGREEMENT BETWEEN ENGINEER AND OWNER FOR PROFESSIONAL SERVICES
 FOR
 CITY OF PEARLAND
 PRELIMINARY ENGINEERING REPORT AND ADDITIONAL SERVICES
 JOHN HARGROVE WATER RECLAMATION FACILITY EXPANSION AND IMPROVEMENTS

BASIC AND ADDITIONAL SERVICES FEES

TASK NO.	TASK DESCRIPTION	LUMP SUM AMOUNT
	Basic Services	
I.	Preliminary Engineering Report	
A.	Meetings and Documentation	\$35,000
B.	Wastewater Demand Model Updates	\$33,000
C.	Draft Preliminary Engineering Report	\$234,000
	Subtotal Basic Services (LS)	\$302,000
II.	Final Preliminary Engineering Report (HNE)	\$20,000
III.	Additional Services	
A.	Surveying (NTE)	\$30,000
B.	Geotechnical (NTE)	\$40,000
C.	TPDES Permit & Reuse Notification (HNE)	\$36,000
D.	Texas Water Development Board (TWDB) Funding Assistance (HNE)	\$21,000
E.	TWDB NEPA Compliance Assistance (HNE)	\$26,000
	Subtotal Additional Services	\$153,000
	Total Contract Value	\$475,000

LS – Lump Sum

HNE – Hourly Not to Exceed

NTE – Not to Exceed

Exhibit A / Detailed Scope of Services



TABLE A-2
AGREEMENT BETWEEN ENGINEER AND OWNER
FOR
PROFESSIONAL SERVICES
FOR
CITY OF PEARLAND
PRELIMINARY ENGINEERING REPORT AND ADDITIONAL SERVICES
JOHN HARGROVE WATER RECLAMATION FACILITY EXPANSION AND IMPROVEMENTS

HOURLY LABOR RATES

LABOR CATEGORY	Hourly Rate
Principal/Sr. Proj. Manager	\$225
Sr. Tech Specialist (QA/QC)	\$225
Engineer 7	\$190
Engineer 5/6	\$175
Engineer 3/4	\$160
Engineer 1/2	\$145
Senior Designer/Drafter	\$135
Drafter	\$120
Sr. GIS Technician	\$120
GIS Technician	\$100
Administrative/Accounting	\$90



GEOTEST ENGINEERING, INC.

Geotechnical Engineers & Materials Testing

5600 Bintliff Drive

Houston, Texas 77036

Telephone: (713) 266-0588

Fax: (713) 266-2977

Proposal No. 1140370399

November 16, 2015

Mr. Jeffrey S. Peters, P.E., BCEE
Principal Engineer
Ardurra Group
5851 San Felipe Street, Ste 425
Houston, Texas 77057

**Re: Proposal for Geotechnical Investigation
Pearland-John Hargrove Water
Reclamation Facility Expansion
Pearland, Texas**

Dear Mr. Peters:

As per your request, Geotest Engineering, Inc. (Geotest) is pleased to submit this revised proposal for the Pearland-John Hargrove Water Reclamation Facility Expansion in Pearland, Texas. The proposed improvements include the following:

- new electrical building, approximately 12' x 45' plan area;
- new SBR structure (common wall with the existing), approximately 100' x 120' and existing 3 feet below grade;
- new filter structure approximately 30' x 80' and 3 feet below existing grade;
- new grit removal structure, 50' x 80', partially elevated structure (approximately 20 feet);
- new generator pad approximately 15' x 50';
- new beltpress dewatering 2-story building approximately 80' x 80';
- new operations 1-story building 100'x 75'; and
- two (2) new aerated sludge holding tanks, 30' x 95' each.

It is our understanding that the project is in the preliminary stage and the structure location and sizes may alter during the design.

Purpose and Scope

The purpose of this study is to explore the subsurface conditions at the proposed site and to develop geotechnical recommendations pertinent to the design and construction of the proposed improvements.

The scope of services is based on the information provided to us on August 8, 2015 and August 27, 2015 and consists of the following tasks:

- provide utilities clearance for new boring locations. It includes:
 - all Texas One Call referencing with street name and Key Map block number and
 - mark the borings location and coordinate with representative of utility companies as well as plant representatives to clear the marked boring location;
- drill and sample:
 - two (2) 20-foot;
 - two (2) 25-foot;
 - eight (8) 40-foot deep borings at various structure locations.
- Convert three (3) borings into a piezometer for steady state long term water level measurements. The proposed boring/piezometer program is shown on Attachment No. 1.
- perform laboratory tests on selected representative soil samples including consolidation tests to determine the engineering properties of the soils and to select design soil parameters;
- perform engineering analyses with to develop geotechnical recommendations for the design and construction of the proposed structures;
- perform a limited review of existing fault maps to identify the presence of known active faults that may impact the project; and
- prepare a geotechnical report.

It is understood that the survey information of the boring will be provided by Ardurra Group.

Project Schedule

We should be able to start the field work within two (2) weeks after receiving your written authorization. The field work will be completed in about three (3) weeks, barring bad weather. The laboratory tests will be completed in about six (6) weeks. The geotechnical investigation report, which will include field and laboratory data and design recommendations, will be submitted in about fifteen (15) weeks after receiving the written authorization.

Cost

Based on the scope of work outlined above, the cost of the field investigation, laboratory testing, engineering analyses, and a final report will be a lump sum of \$39,996.00. The cost breakdown is given on Attachment No. 2.

We appreciate the opportunity to propose on this project. We hope this proposal meets your approval. Please sign one copy of this letter in the space below and return it to us along with your purchase order. If you have any questions, please contact us.

Very truly yours,
GEOTEST ENGINEERING, INC.



Naresh Kolli, P.E.
Assistant Project Manager



Mohan Ballagere, P.E.
Vice President

MB\NK\lego
Copies Submitted: (1)
Attachment No. 1 – Proposed Boring/Piezometer Program
Attachment No. 2 – Cost Breakdown
PC38\Geotechnical\Proposals\40370399R.DOC

ACCEPTED BY: _____

PRINTED NAME: _____

TITLE: _____

DATE: _____

ATTACHMENT NO. 1

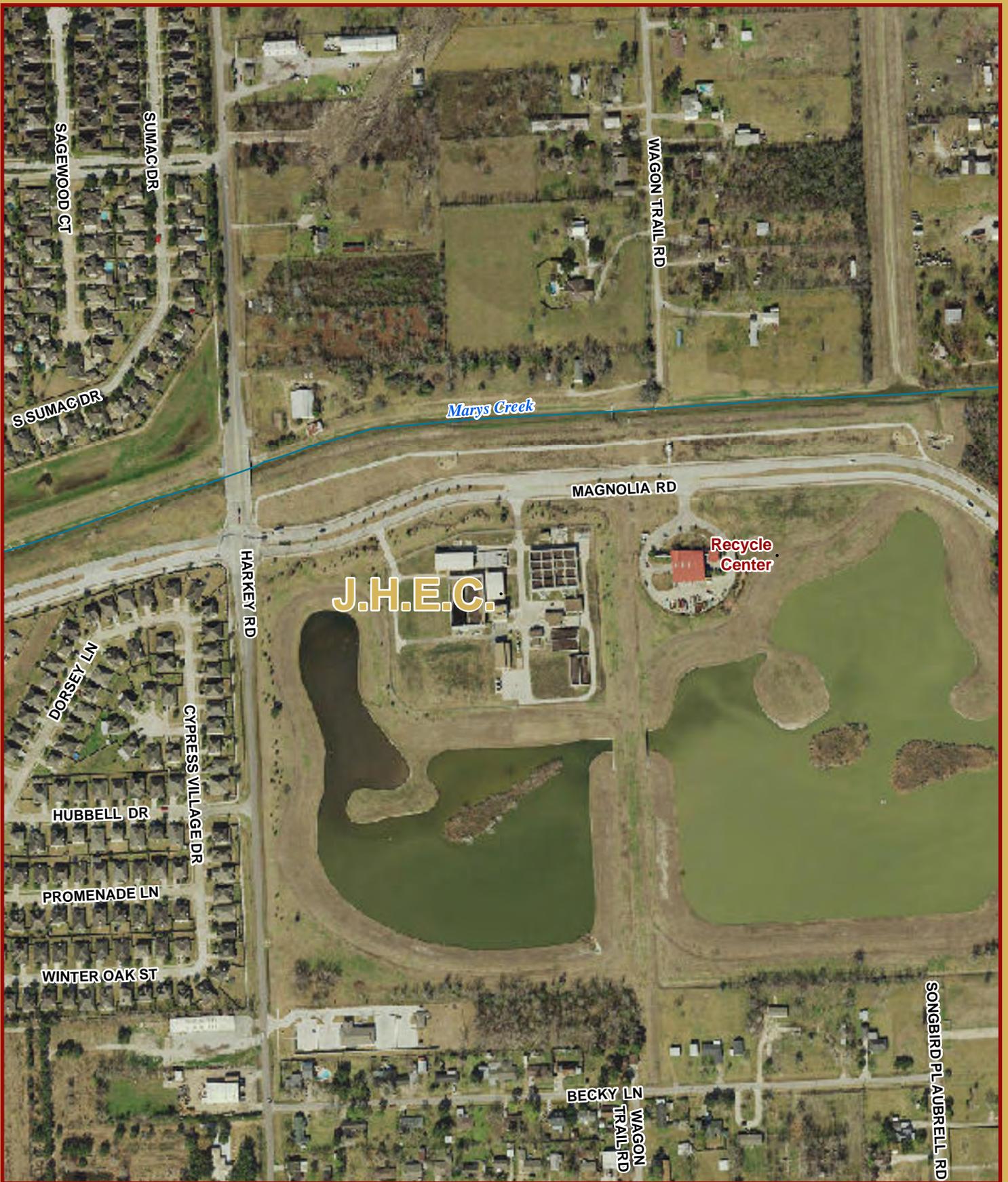
PROPOSED BORING/PIEZOMETER PROGRAM

Item No.	Facility/Structure	Borings			Piezometeres		
		Quantity (number)	Depth (feet)	Footage (feet)	Quantity (number)	Depth (feet)	Footage (feet)
1	New Electrical Building (12'x45')	1	20	20			
2	New SBR Structures (Common Wall with Existing) (100'x120')	2	40	80	1	40	40
3	New Filter Structure (30'x80')	1	40	40			
4	New Grit Removal Structure (50'x80')	1	40	40	1	40	40
5	New Generator Pad (15x50')	1	20	20			
6	New Belt Press Dewatering Bldg - 2 Story (80'x80')	2	40	80			
7	New operations Building - 1 Story 100'x75'	2	25	50			
8	New Aerated Sludge Holding Tanks - 30'x95' each	2	40	80	1	40	40
		12		410	3		120

ATTACHMENT NO. 2
COST BREAKDOWN

	<u>QUANTITY</u>	<u>UNIT RATE</u>	<u>COST</u>
Field Investigation			
Truck Mounted Drilling Rig, Water Truck, Crew	1 LS	\$300.00	\$300.00
Drilling and Continuous Sampling, from 0 to 20 ft	200 ft.	\$19.00	\$3,800.00
Drilling and Intermittent Sampling, from 20 to 50 ft	180 ft.	\$17.00	\$3,060.00
Drilling and Intermittent Sampling, from 50 to 100 ft	30 ft.	\$20.00	\$600.00
Surcharge for Buggy	410 ft.	\$7.00	\$2,870.00
Concrete Coring (Min Charge)	1 LS	\$300.00	\$300.00
Marking Borings	7 hrs.	\$77.00	\$539.00
Utility Clearance and Field Coordination for Boring Locations	12 hrs.	\$77.00	\$924.00
Cement Bentonite Grout	290 ft.	\$7.00	\$2,030.00
Piezometer Installation	120 ft.	\$25.00	\$3,000.00
Water Level Readings in piezometer (24 hr and 30 day)	8 hrs.	\$77.00	\$616.00
Vehicle Charge for Water Level Readings	20 hrs.	\$8.00	\$160.00
Abandonment of Piezometer (wash boring \$8 + grouting \$5)	120 ft.	\$14.00	\$1,680.00
		Subtotal:	\$19,879.00
Laboratory Tests			
Liquid and Plastic Limits	41 ea.	\$57.00	\$2,337.00
Percent Passing No. 200 Sieve	41 ea.	\$44.00	\$1,804.00
Sieve Analysis through No. 200 Sieve	12 ea.	\$53.00	\$636.00
Moisture Content	110 ea.	\$8.00	\$880.00
Unconsolidated Undrained Compressive Strength	41 ea.	\$58.00	\$2,378.00
Specific Gravity	2 ea.	\$51.00	\$102.00
Consolidation (one cycle)	2 ea.	\$310.00	\$620.00
Consolidation- Additional Increments	16 ea.	\$44.00	\$704.00
		Subtotal:	\$9,461.00
Engineering Services/Geotechnical Report			
Sr. Project Manager, Principal	9 hrs.	\$173.00	\$1,557.00
Sr. Engineer, Project Manager	27 hrs.	\$137.00	\$3,699.00
Project Engineer	50 hrs.	\$96.00	\$4,752.00
Support Personnel, Word Processing	14 hrs.	\$48.00	\$648.00
		Subtotal:	\$10,656.00
		Total	\$39,996.00

EXHIBIT “B”



CITY OF PEARLAND

John Hargrove
Environmental Complex



1 inch = 400 feet

NOVEMBER 2015
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.

RESOLUTION NO. R2015-218

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 Ardurra Group, in the amount of \$475,000.00, for preliminary engineering services associated with the John Hargrove Environmental Center Wastewater Treatment Plant (“JHEC WWTP”) Expansion Project.

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

Section 1. That certain contract for preliminary engineering services associated with the JHEC WWTP Expansion Project, a copy of which is attached hereto as Exhibit “A” and made a part hereof for all purposes, is hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest a contract for preliminary engineering services associated with the JHEC WWTP Expansion Project.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

transfer the sludge, or if the quantity is great enough, have a contractor provide dewatering services onsite. Onsite dewatering is a reduced cost when compared to a sludge transfer operation.

There are 78 City owned lift stations within the City Limits. These lift stations get a buildup of debris in them that needs to be cleaned out several times a year. This buildup can cause significant operational problems at the lift stations, ranging from overflows to pump failure.

The contract in the past was established for sludge transfer. Staff is adding dewatering and lift station cleaning to the contract. Dewatering and lift station cleaning were previously done on a single bid purchase process, with funds coming from the same account as the transfers.

Due to the growth of the city in the past years, the amount of services has increased along with the cost.

We have used Magna Flow Environmental for the past several years and we are well satisfied with their service.

SCOPE OF CONTRACT

One (1) year agreement for the purchase of Sludge Transfer, Dewatering, and Lift Station Cleaning services as needed by the City's Public Works Department.

BID AND AWARD

The City received two (2) responses to Bid 1016-03, Magna Flow Environmental was the low bidder for liquid sludge transfer, dewatering and lift station cleaning services with the other bidder not bidding on all items that are required. Purchasing and Public Works staff recommend this company being awarded the contract. This company is a TCEQ-certified sludge hauler and will utilize only disposal sites as approved by TCEQ.

In the bid tabulation sheet everything highlighted in light blue is included for this contract.

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

SCHEDULE

Sludge Transfers, Dewatering and Lift Station Cleaning services will occur as needed throughout the term of the agreement.

POLICY/GOAL CONSIDERATION

Safe Community and Sustainable Infrastructure

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

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

O&M IMPACT INFORMATION

Fiscal Year	2016	2017	2018
Estimated Expenditure	\$435,000	\$477,000 *	\$524,000 *

* Based upon current 10.0% annual increase in the production volume.

RECOMMENDED ACTION

City Council consideration and approval of resolution #R2015-229 award the transfer of bio-solid sludge, dewatering, and lift station cleaning contract to Magna Flow Environmental in the estimated amount of \$435,000 beginning December 8, 2015 through December 7, 2016.

Bid No. 1016-03

Title Sludge Transportation and Disposal Services

Line	Description	UOM	QTY	Republic Services		Magna Flow Environmental		Solid Recovery Services	
				Unit	Extended	Unit	Extended	Unit	Extended
1	COST PER HOUR TO TRANSFER LIQUID SLUDGE FROM THE SOUTHDOWN WASTEWATER PLANT (OR APPLICABLE CITY FACILITY) TO THE SOUTHWEST ENVIRONMENTAL CENTER (SWEC) OR APPLICABLE CITY FACILITY.	HRS	600			\$125.00	\$75,000.00	\$100.00	\$60,000.00
2	COST PER GALLON TO HAUL LIQUID SLUDGE FROM THE SOUTHDOWN WASTEWATER PLANT (OR APPLICABLE CITY FACILITY) TO SLUDGE DISPOSAL SITE.	GALS	351000			\$0.055	\$19,305.00	\$0.05	\$17,550.00
3	COST PER GALLON TO DEWATER SLUDGE ON-SITE.	GAL	4000000			\$0.04	\$160,000.00	\$0.05	\$200,000.00
4	COST PER CUBIC YARD TO DISPOSE DEWATERED SLUDGE FROM THE CITY LOCATION TO SLUDGE DISPOSAL SITE.	CY	1000			\$0.00	\$0.00	\$15.00	\$15,000.00
5	COST PER CUBIC YARD TO TRANSFER BIO-SOLID SLUDGE FROM BARRY ROSE WASTEWATER PLANT TO TCEQ PERMITTED FACILITY.	CY	2100	\$25.00	\$52,500.00			\$12.96	\$27,216.00
6	COST PER CUBIC YARD TO TRANSFER BIO-SOLID SLUDGE FROM LONGWOOD WASTEWATER PLANT TO TCEQ PERMITTED FACILITY.	CY	3900	\$25.00	\$97,500.00			\$12.96	\$50,544.00
7	COST PER CUBIC YARD TO TRANSFER BIO-SOLID SLUDGE FROM SOUTHWEST ENVIRONMENTAL CENTER (SWEC) TO TCEQ PERMITTED FACILITY.	CY	5100	\$25.00	\$127,500.00			\$12.96	\$66,096.00
8	COST PER CUBIC YARD TO TRANSFER BIO-SOLID SLUDGE FROM FAR NORTHWEST ENVIRONMENTAL CENTER TO TCEQ PERMITTED FACILITY.	CY	5400	\$25.00	\$135,000.00			\$12.96	\$69,984.00
9	COST FOR EXTRA TESTING AS DESCRIBED IN SECTION 2, ITEM 2.13 OF TECHNICAL SPECIFICATIONS.	EA	1			\$0.00	\$0.00	\$10.00	\$10.00
10	COST FOR EXTRA TESTING AS DESCRIBED IN SECTION 2, ITEM 2.13 OF TECHNICAL SPECIFICATIONS.	EA	1			\$0.00	\$0.00	\$0.00	\$0.00
11	COST FOR EXTRA REPORTS AS DESCRIBED IN SECTION 2, ITEM 2.14 OF TECHNICAL SPECIFICATIONS.	EA	1			\$0.00	\$0.00	\$0.00	\$0.00

Specification Responses

Line	Description	UOM	QTY	Republic Services		Magna Flow Environmental		Solid Recovery Services	
				Unit	Extended	Unit	Extended	Unit	Extended
12	COST FOR EXTRA REPORTS AS DESCRIBED IN SECTION 2, ITEM 2.14 OF TECHNICAL SPECIFICATIONS.	EA	1			\$0.00	\$0.00	\$0.00	\$0.00
13	COST FOR ANY OTHER SERVICES THE COMPANY PROVIDES (LIME STABILIZATION, TANK CLEANING, ETC.) WHICH THE COMPANY CONSIDERS INTEGRAL TO PROFESSIONAL SLUDGE MANAGEMENT AND OF BENEFIT TO THE CITY.	EA	1	\$125.00	\$125.00	\$1.00	\$1.00	\$1.00	\$1.00
14	Cost Per Hour For Sewer Cleaner/Vacuum Truck and Operator (combination) for Cleaning of Lift Stations	HR	275			\$185.00	\$50,875.00		
15	Cost Per Hour for Helper to Clean of Lift Stations	HR	350			\$32.00	\$11,200.00		
16	Cost Per Hour for Support Truck for Cleaning of Lift Stations	HR	200			\$32.00	\$6,400.00		
17	Cost Per Hour for Roll Off Truck for Cleaning of Lift Stations	HR	200			\$95.00	\$19,000.00	\$100.00	\$20,000.00
18	Cost Per Day For Vacuum Box to Clean Lift Stations	Day	60			\$35.00	\$2,100.00		
19	Cost Per Cubic Yard For Debris Removal and Haul From the City Location to Disposal Site for Cleaning of Lift Stations	CY	1200			\$75.00	\$90,000.00	\$5.00	\$6,000.00
20	Cost for any other services the Company provides which may be integral to the professional Cleaning of Lift Stations. Include notes regarding the specifics.	CY	1			\$1.00	\$1.00		
Sludge Transfer Dewatering & LS Cleaning Total						0.00	433,881.00	303,550.00	

RESOLUTION NO. R2015-229

A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply bid for sludge transfer, dewatering and lift station cleaning services to Magna Flow Environmental, in the estimated amount of \$435,000.00, beginning December 8, 2015 through December 7, 2016.

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

Section 1. That the City obtained bids for sludge transfer, dewatering and lift station cleaning services, and such bids have been reviewed and tabulated.

Section 2. That the City Council hereby awards a bid for sludge transfer, dewatering and lift station cleaning services to Magna Flow Environmental, in the unit price amount reflected in Exhibit "A" attached hereto.

Section 3. The City Manager or his designee is hereby authorized to execute a supply contract for sludge transfer, dewatering and lift station cleaning services.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY