

AGENDA

CITY OF PEARLAND ♦ CITY COUNCIL

December 14, 2015

5:30 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.



CITY COUNCIL AGENDA
CITY OF PEARLAND REGULAR
COUNCIL MEETING
MONDAY, DECEMBER 14, 2015 | 5:30 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 November 16, 2015, Special Meeting held at 7:30 p.m.

- B. Consideration and Possible Action – Second and Final 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.
- C. Consideration and Possible Action – Second and Final 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.
- D. Consideration and Possible Action – Second and Final 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.
- E. Consideration and Possible Action – Second and Final 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.

- F. **Consideration and Possible Action – Resolution No. R2015-231** - A Resolution of the City Council of the City of Pearland, Texas, renewing a Fire/EMS dispatch services agreement with Harris County Emergency Corps, in the amount of \$180,000 for the period of January 1, 2016 through December 31, 2016.
- G. **Consideration and Possible Action – Second and Final 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.
- H. **Consideration and Possible Action** – Excuse the absence of Councilmember Greg Hill from the Regular Council Meeting held on December 7, 2015.
- I. **Consideration and Possible Action – Resolution No. R2015-223** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Development Agreement with DR Horton associated with the oversizing of the Bakers Landing Detention Pond and constructing the associated improvements in the estimated amount of \$120,000.00.
- J. **Consideration and Possible Action – Resolution No. R2015-234** – A Resolution granting the consent of the City Council of the City of Pearland, Texas, consenting to the annexation of property, generally located at the intersection of SH 35 and Hampshire Street, into Harris-Brazoria Counties Municipal Utility District No. 509.
- K. **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 – Resolution No. R2015-232** – 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 Halff Associated, in the amount of \$106,575.00 for engineering services associated with the joint City of Pearland/Brazoria Drainage District No. 4 Master Drainage Plan Project Phase 1.
- 2. **Consideration and Possible Action – Second and Final 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.

3. **Consideration and Possible Action – Resolution No. R2015-230** – A Resolution of the City Council of the City of Pearland, Texas, awarding a Bid for Sludge Disposal Services to Solid Recovery Services, Inc., in the estimated amount of \$379,000.00, beginning December 15, 2015 through December 14, 2016.
4. **Consideration and Possible Action – Resolution No. R2015-233** – A Resolution of the City Council of the City of Pearland, Texas, approving Pearland Economic Corporation expenditures estimated to be \$758,900 for construction of the Lower Kirby Underground Electrical Phase II Duct Bank Facility and approving the related Terms and Conditions agreement with CenterPoint Energy.
5. **Consideration and Possible Action – Resolution No. R2015-235** – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of thirty-seven (37) fleet vehicles from Caldwell Country Chevrolet-Ford in the amount of \$1,157,139.47 through the TASB Buyboard.

VIII. MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS OTHER BUSINESS:

Executive Session under Texas Government Code

1. **Section 551.074 – Personnel Matters** – Regarding the City Manager's Annual Review.

New Business Continued:

6. **Consideration and Possible Action** – Regarding the City Manager's Annual Review.

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 SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, NOVEMBER 16, 2015, AT 7:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order at 8:28 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 Attorney	Darrin Coker
City Secretary	Young Lorfing

Others in attendance: Matt Buchanan President of Pearland Economic Development Corporation; Trent Epperson Assistant City Manager; Michelle Graham Director of Human Resource; Lata Krishnarao Director of Community Development; Frankie Legaux City Planner; Lawrence Provins Deputy City Attorney.

New Business:

Council adjourned into Executive Session under Texas Government Code at 8:28 p.m. to discuss the following:

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

- 1. Section 551.074 – Personnel Matters** – Regarding the Annual Evaluation of the City Attorney.

New Business Continued:

Council returned from Executive Session at 8:45 p.m.

Council Action – Regarding the Annual Evaluation of the City Attorney.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Ordeneaux to adjust the City Attorney's salary as discussed in the Executive Session.

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

Voting "No" None.

Motion Passed 5 to 0.

Adjournment:

Meeting was adjourned at 8:46 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 14, 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 BUDGETED: N/A AMOUNT AVAILABLE: N/A PROJECT NO.: N/A ACCOUNT 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

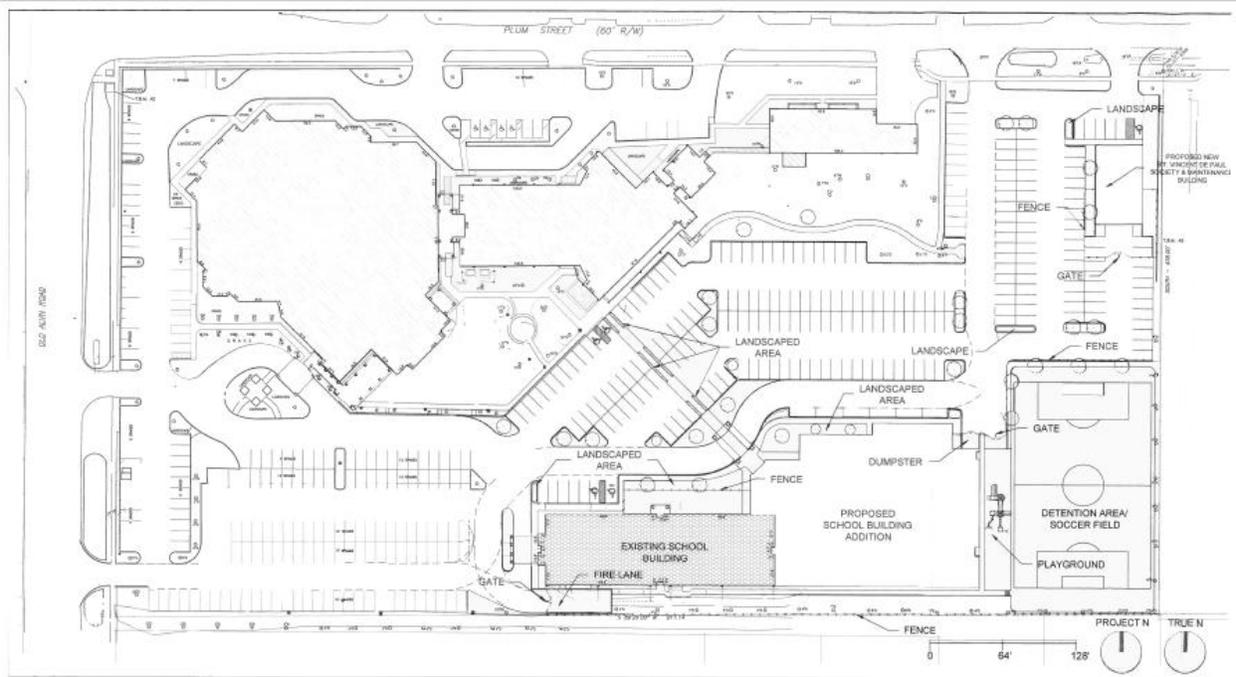
P&Z Commissioner Derrell Isenberg made a motion to recommend approval of the CUP request. The motion was seconded by P&Z Commissioner Troy Pradia. The vote was 5-0 and the motion was approved. Commissioners Pradia, Starr, Tunstall, Isenberg, and McFadden all voted in favor of the requested CUP.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ian Clowes', with a stylized, cursive script.

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

Exhibit E Site Plan

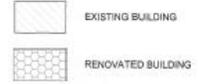


1350 McQueen Boulevard, Suite 1700a
www.studioredarchitects.com 713-623-8333

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
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

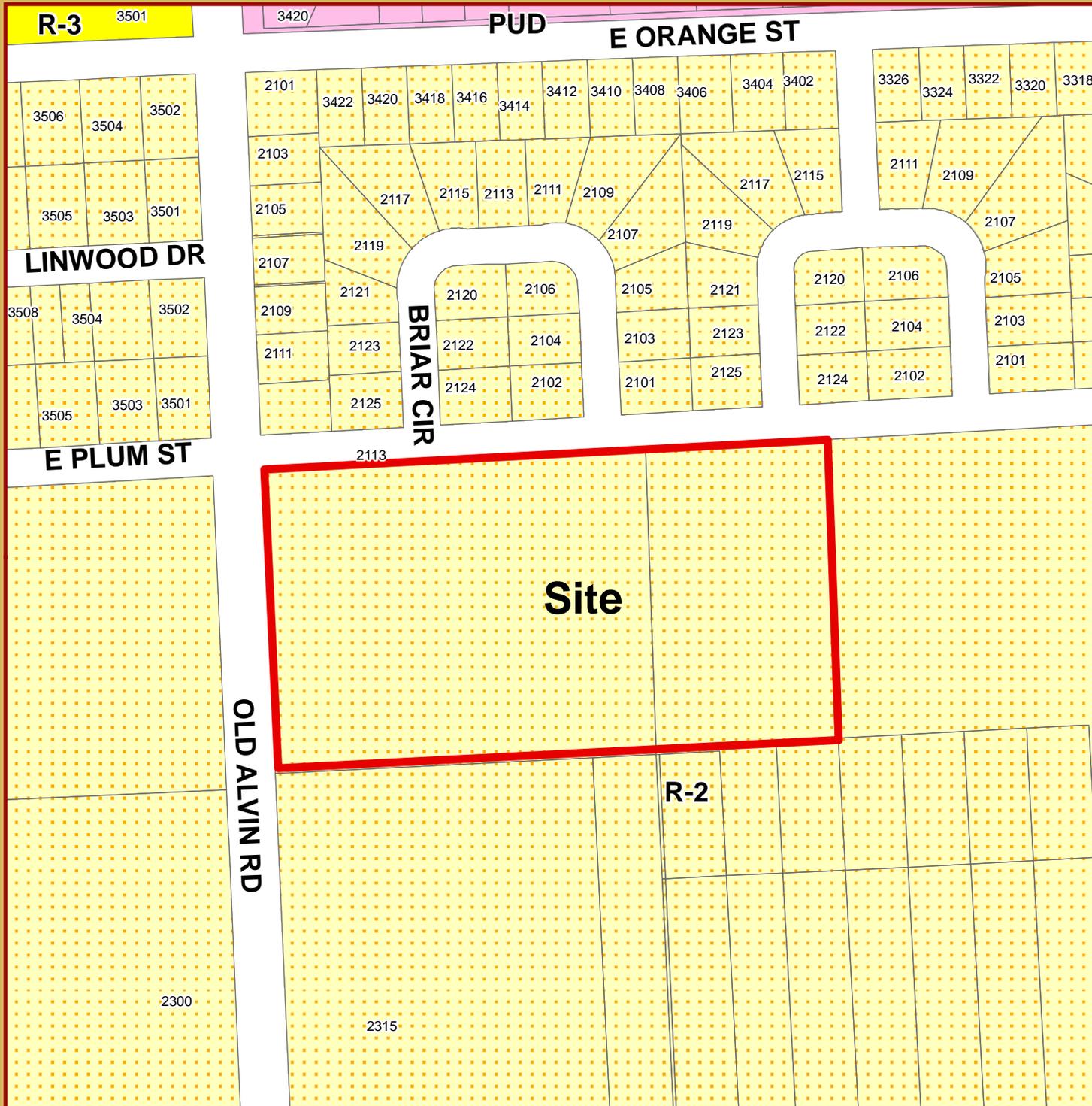


Exhibit 2

ZONING 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



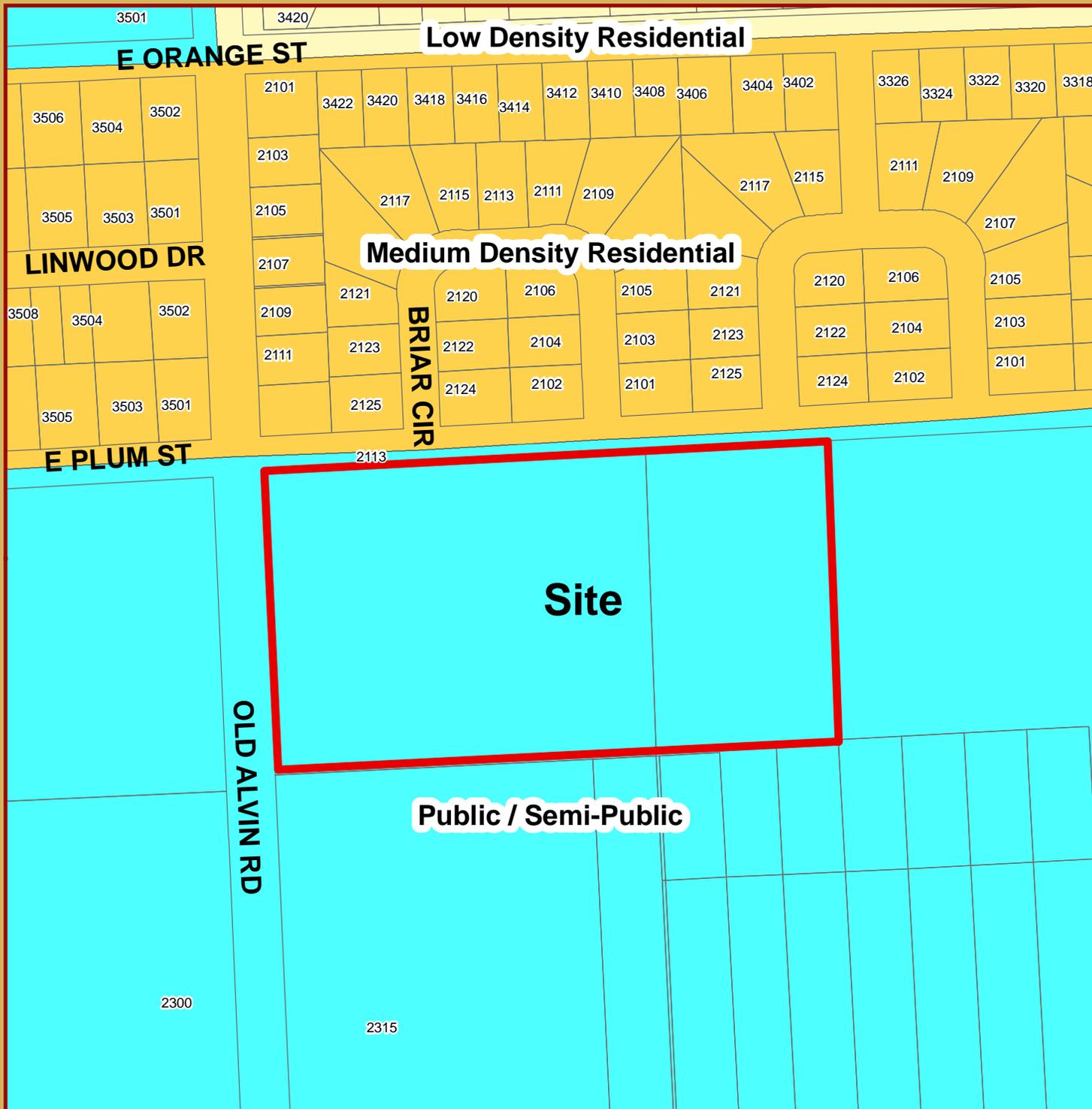


Exhibit 3

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>
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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,

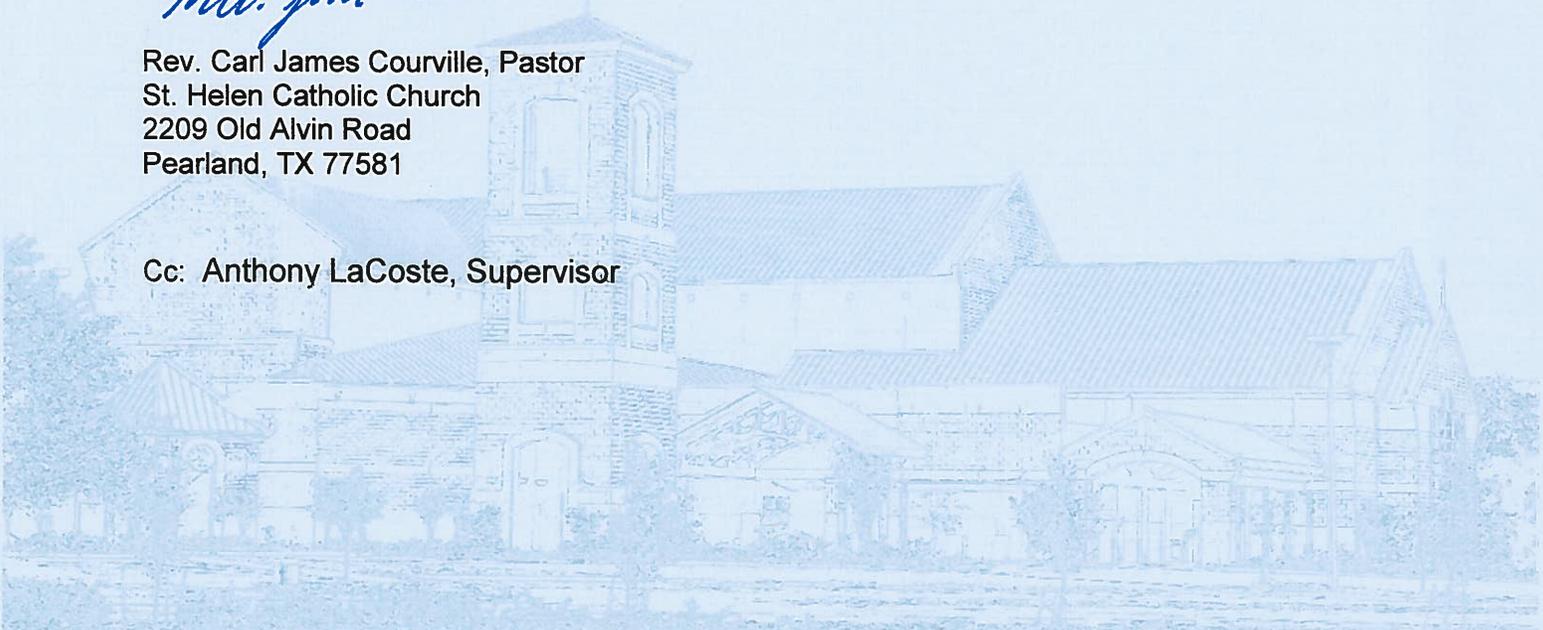
This note serves as acknowledgement of the requirement to post zoning notification signs for the Conditional Use Permit (CUP) on the church property ten days prior to the scheduled hearing date. The notification signs will conform to the specifications provided in the CUP Application requirements, a 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,

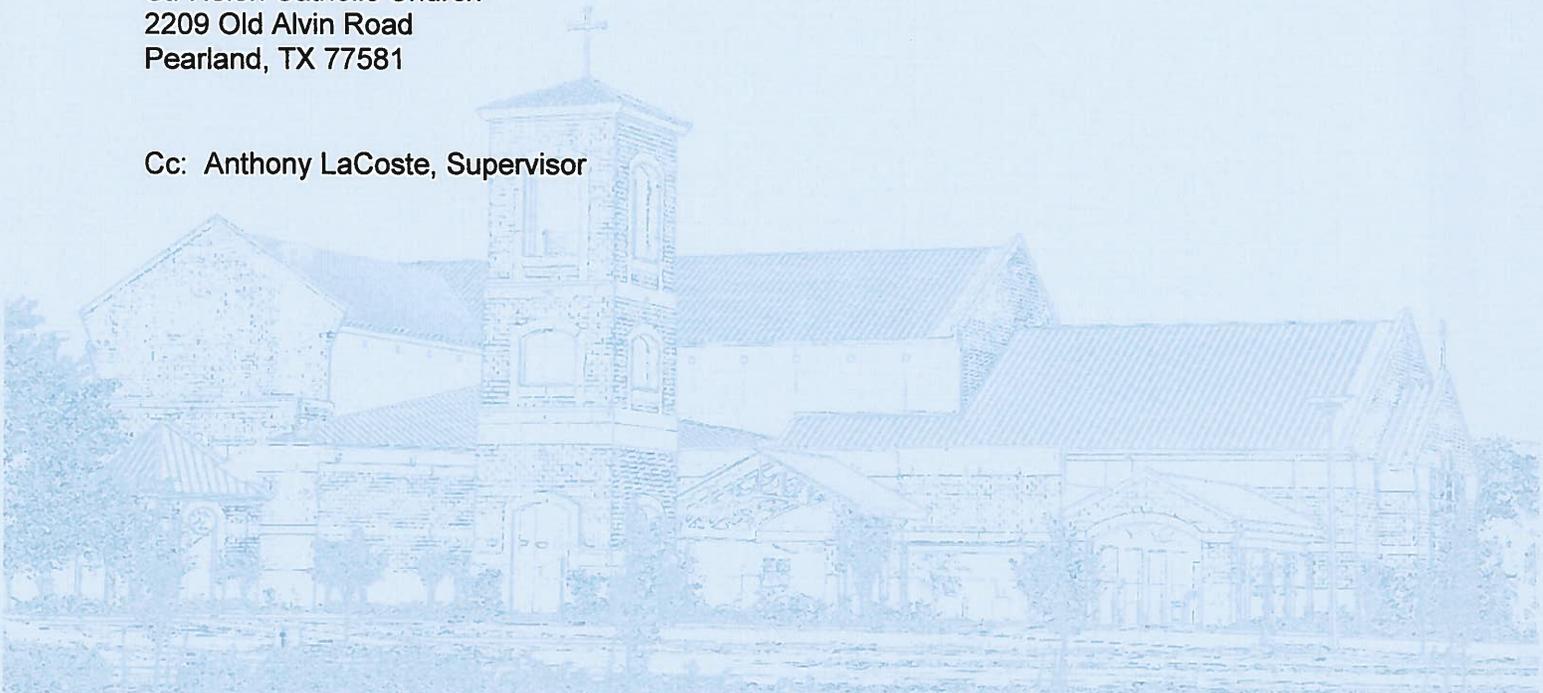
This note serves to authorize to Studio RED Architects to act as designated agent and to apply for a Conditional Use Permit (CUP) on behalf of St. Helen Catholic Church. The requirement to apply for a CUP was identified in the Pre-Development meeting for the project which occurred on September 9, 2015.

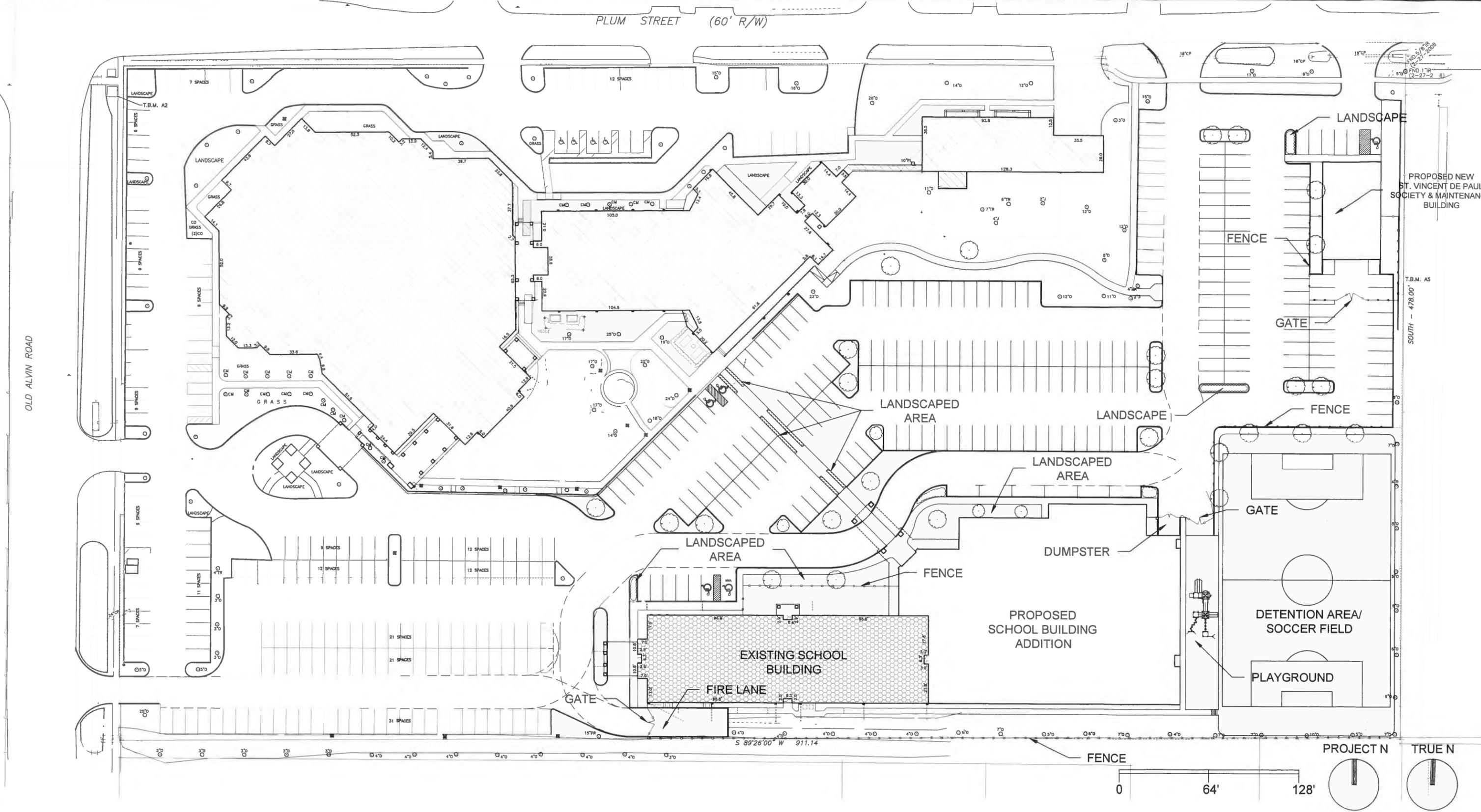
Sincerely,



Rev. Carl James Courville, Pastor
St. Helen Catholic Church
2209 Old Alvin Road
Pearland, TX 77581

Cc: Anthony LaCoste, Supervisor



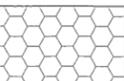


1320 mcgowen houston, texas 77004
www.studioreredarchitects.com 713-622-5333

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

	EXISTING BUILDING
	RENOVATED BUILDING

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:

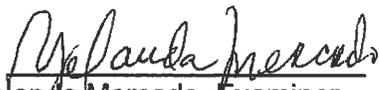
None of Record

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

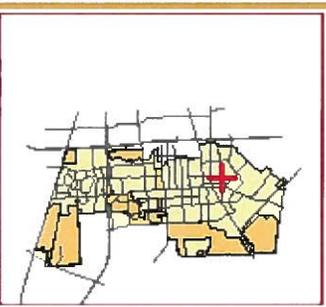
All that certain 9.9978 acres out of Lots E and 105, Section No. 1, A.C.H. & B. R.R. Co. Survey, Abstract Number 147, according to the plat thereof as filed in Volume 2, Page 1 Brazoria County Plat Records, Pearland, Brazoria County, Texas and being out of that certain tract as described in a deed dated 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.

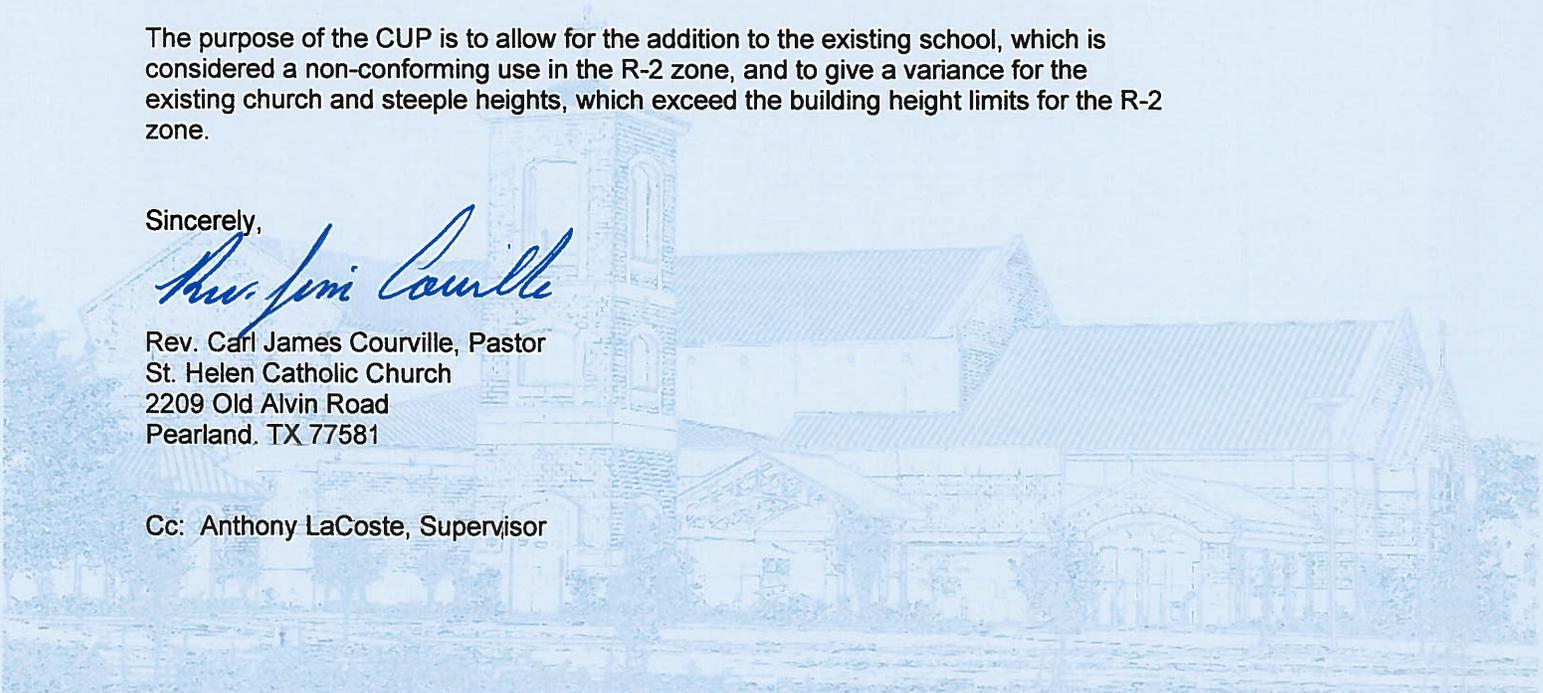
The purpose of the CUP is to allow for the addition to the existing school, which is considered a non-conforming use in the R-2 zone, and to give a variance for the existing church and steeple heights, which exceed the building height limits for the R-2 zone.

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 14, 2015	ITEM NO.: Ordinance No. CUO 2015-11
DATE SUBMITTED: November 17, 2015	DEPT. OF ORIGIN: Planning
PREPARED BY: Ian Clowes	PRESENTOR: Lata Krishnarao
REVIEWED BY:	REVIEW DATE:
<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>	
To be completed by Department:	
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 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.

The site plan attached to the ordinance has been changed to reflect the correct project.

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



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 =
 $1" / \underline{550} \text{ feet} = \underline{36.67"} \text{ calipers}$
 Provided: 63" total calipers

Shrubs to screen parking lots: Required: Number of shrubs = 5X total caliper inches
 of street trees = $5X \underline{91.67"} = \underline{458.3"} \text{ calipers}$
 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 = $1"X550' = \underline{55"} \text{ calipers}$ Provided: <u>63"</u> total calipers
Ornamental trees with a min. 2" caliper:	Required: 1" / 15' of street frontage = $1"/550' = \underline{36.66"} \text{ calipers}$ Provided: <u>56"</u> total calipers
Parking lot trees:	Required: Minimum 2" caliper: 1"/5 parking spaces – $1"X = \underline{4.4"} \text{ calipers}$ 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 = $5X \underline{91.66"} = \underline{458.3"} \text{ calipers}$ 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.



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1 inch = 309 feet

OCTOBER 2015
PLANNING DEPARTMENT





Exhibit 2

ZONING MAP

CUP 2015-11

3330 Beltway 8 South.



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1 inch = 309 feet

OCTOBER 2015
PLANNING DEPARTMENT



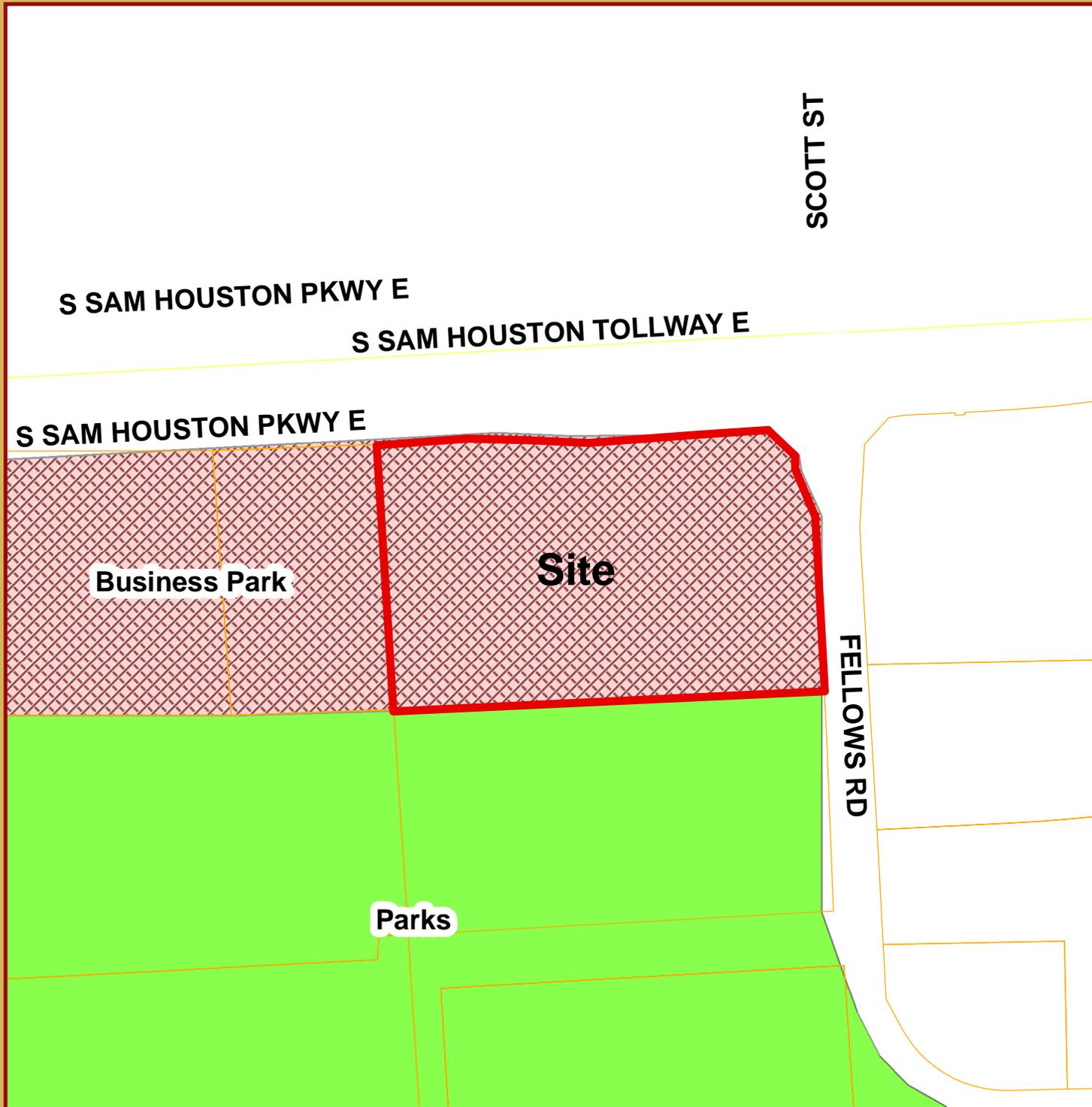


Exhibit 3

FLUP MAP

CUP 2015-11

3330 Beltway 8 South.



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1 inch = 309 feet

OCTOBER 2015
PLANNING DEPARTMENT

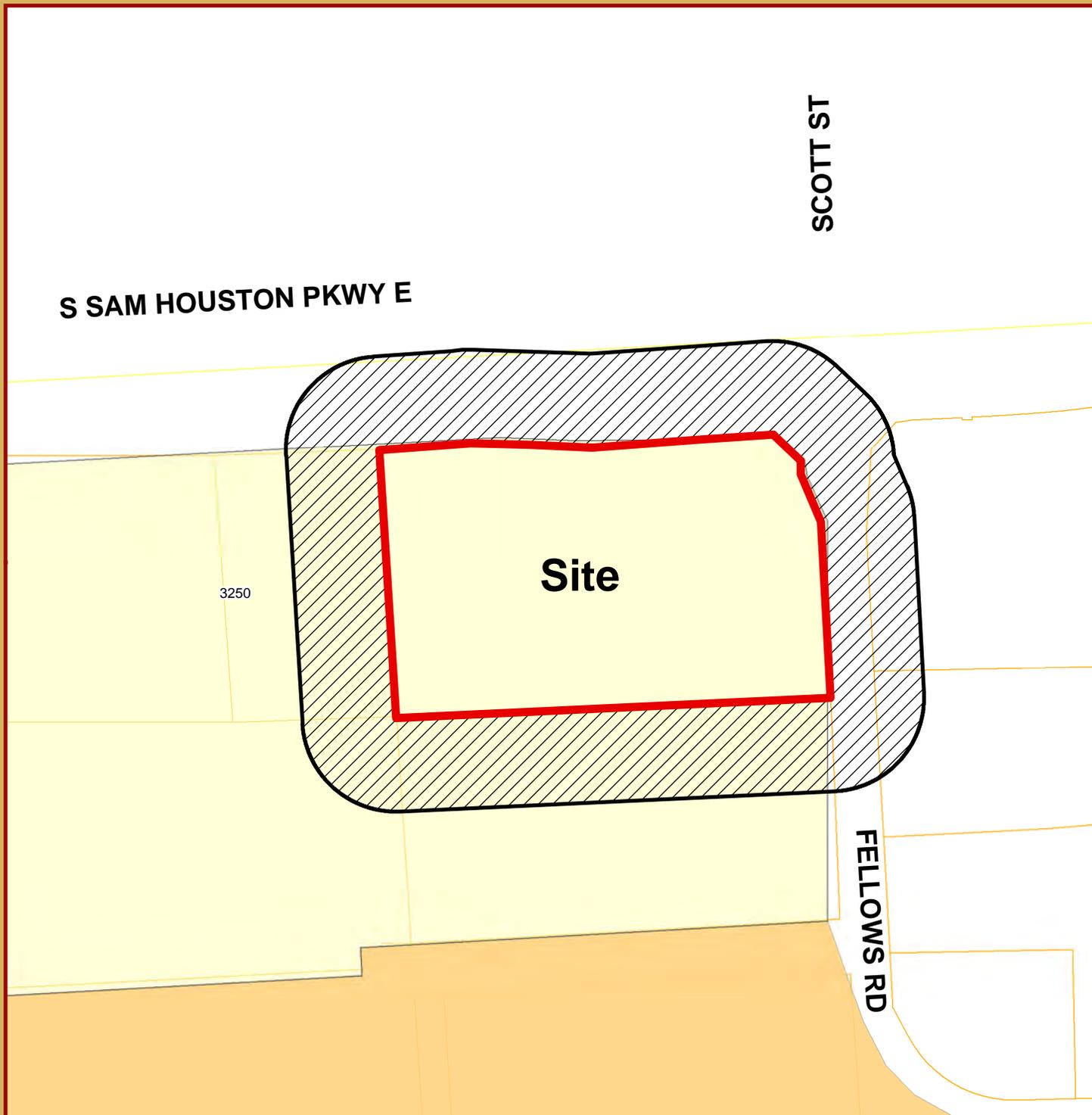


Exhibit 4

NOTIFICATION MAP

CUP 2015-11

3330 Beltway 8 South.



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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
281.652.1768
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 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>khalf@powersbrown.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>
Lose - 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



SITE PLAN

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)

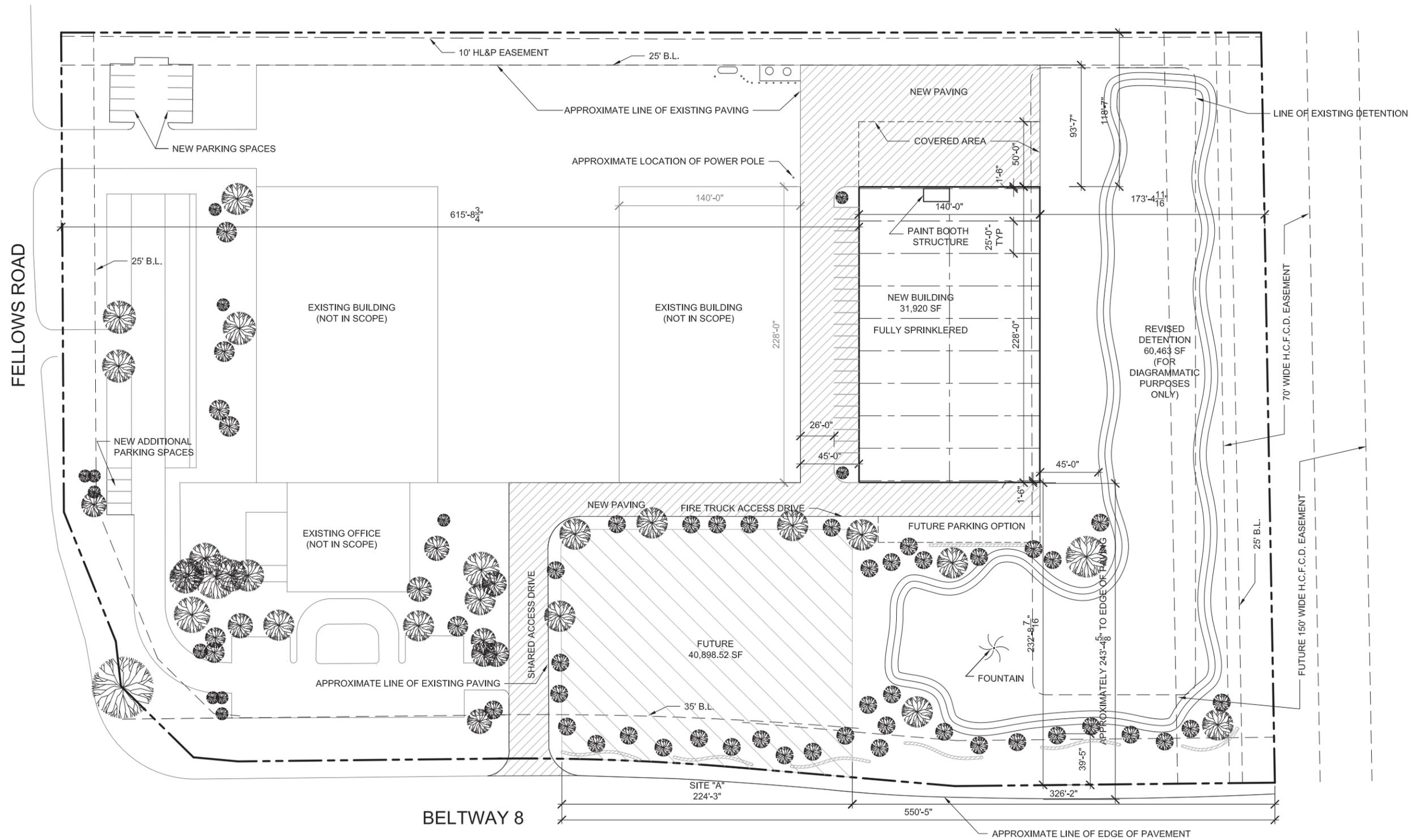
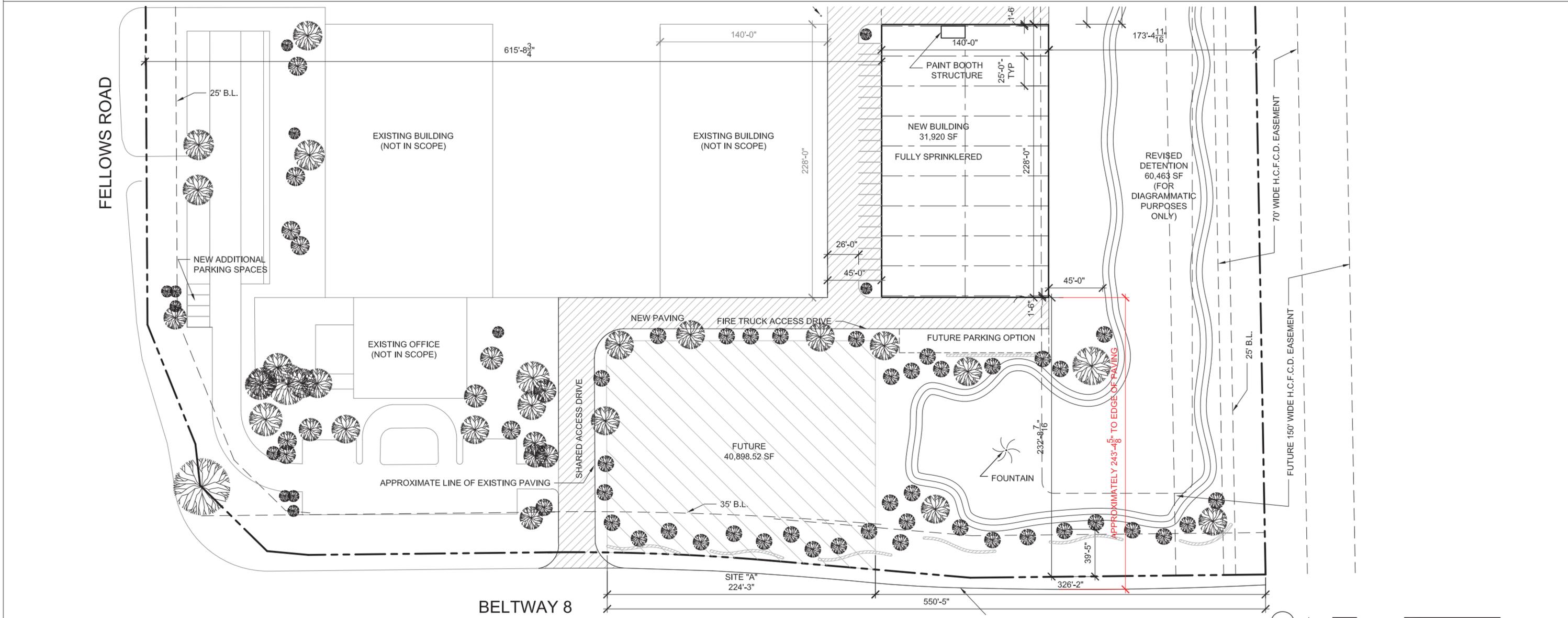


EXHIBIT A

PARTIAL SITE PLAN



NORTH ELEVATION

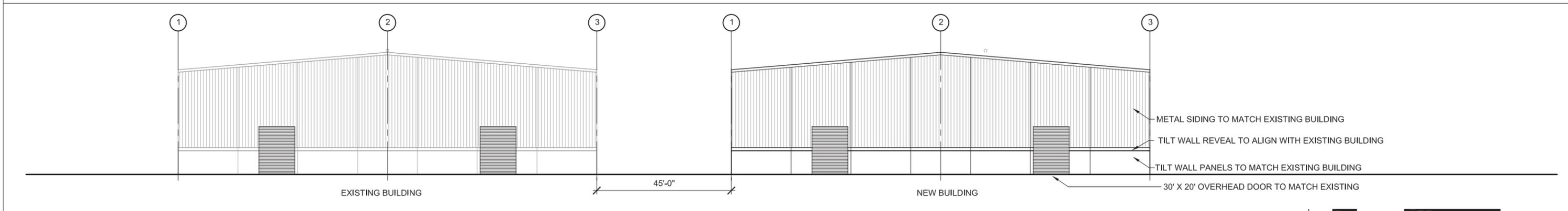


EXHIBIT B- PART 2

SITE PLAN

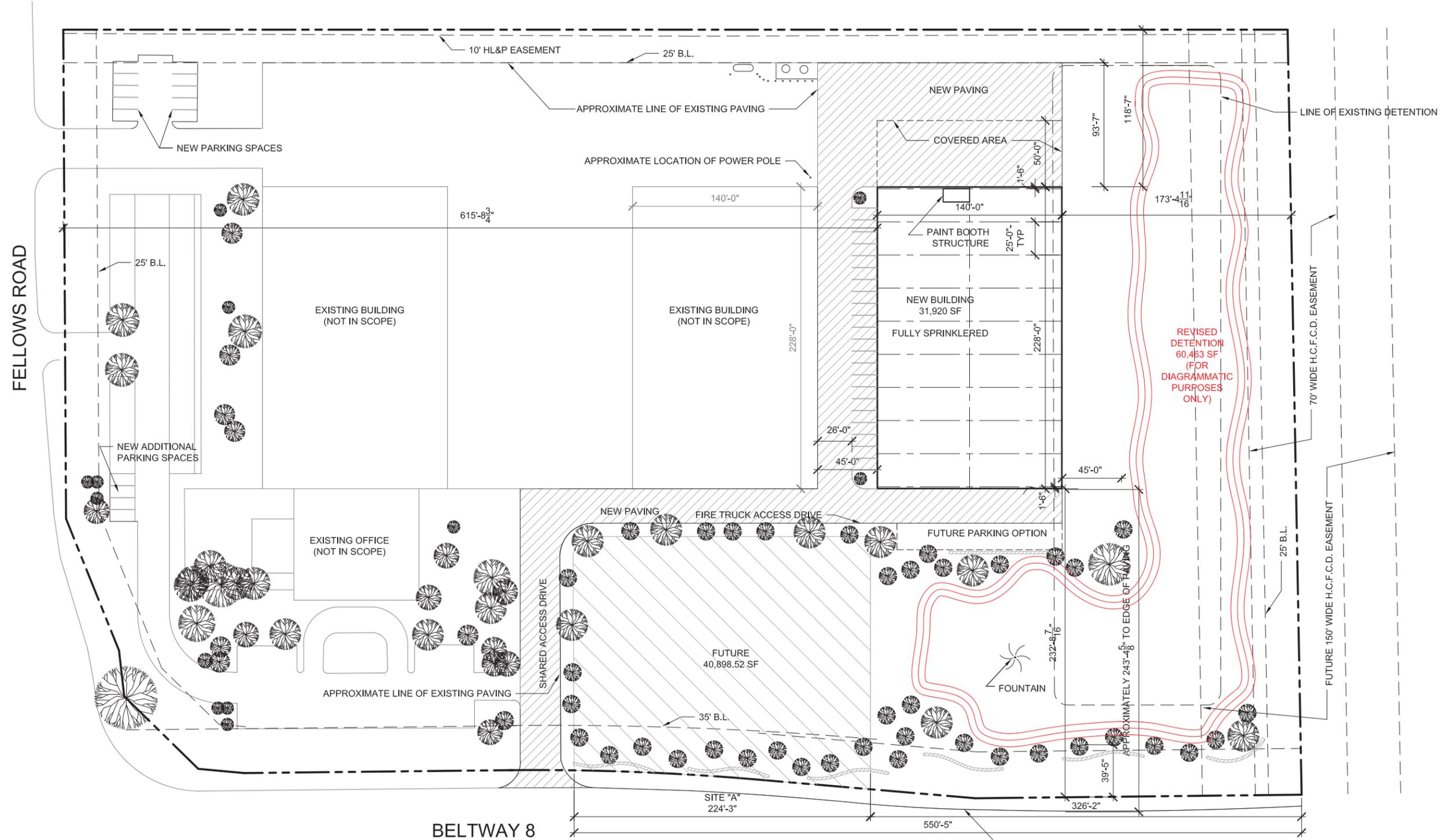
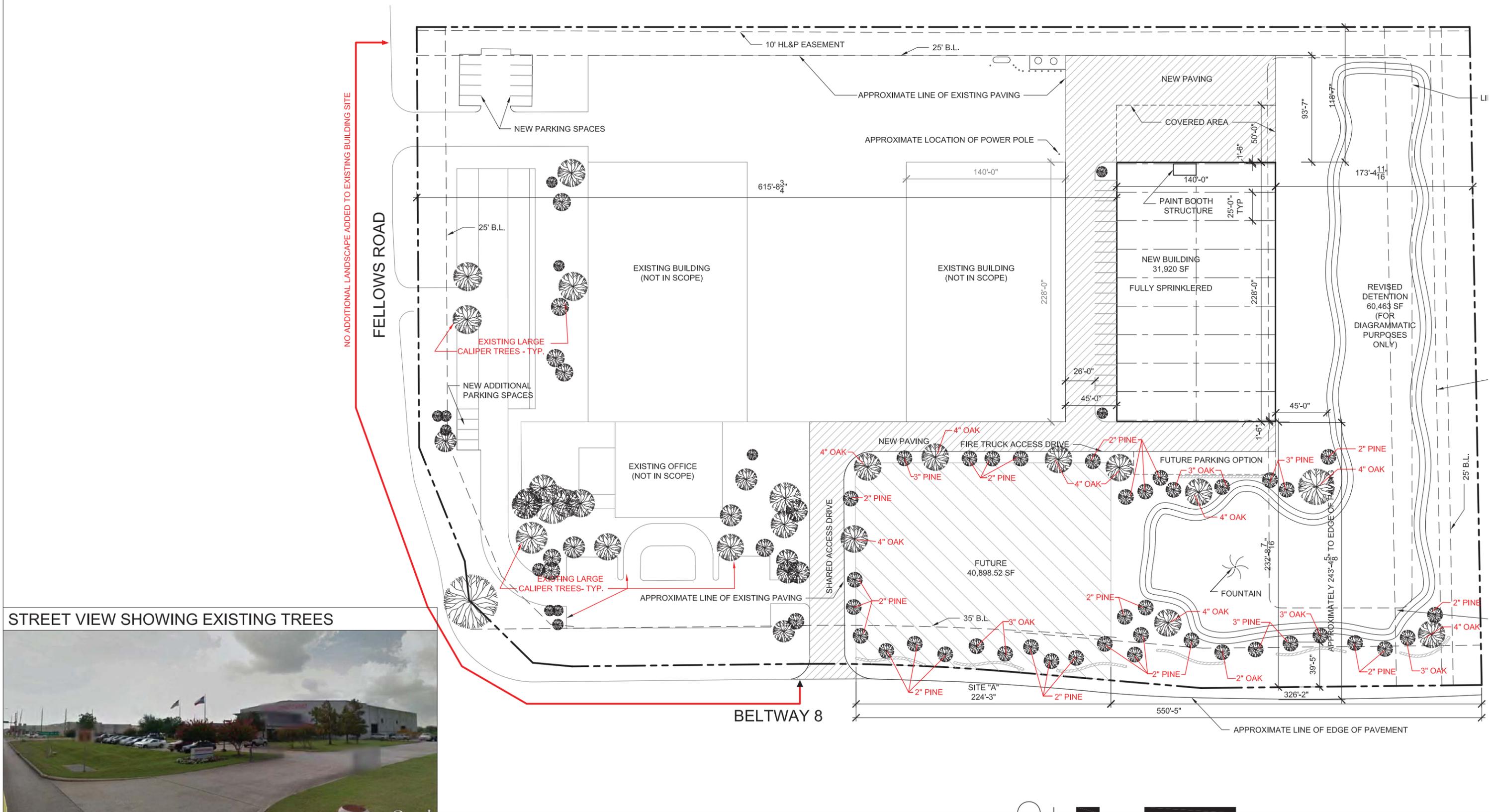


EXHIBIT C

SITE PLAN



STREET VIEW SHOWING EXISTING TREES



EXHIBIT C - PART 2

EXISTING SITE TREE PLAN

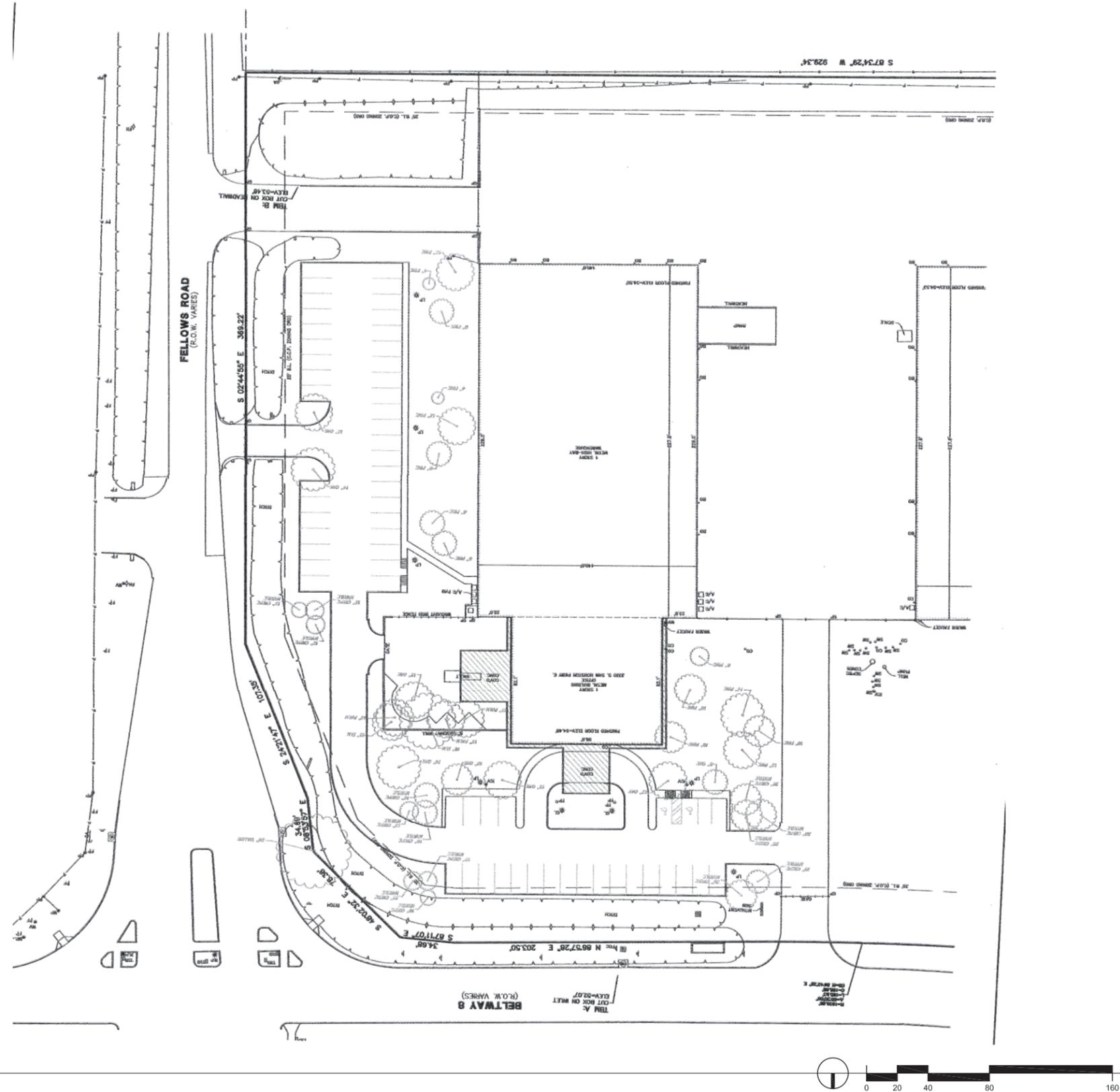


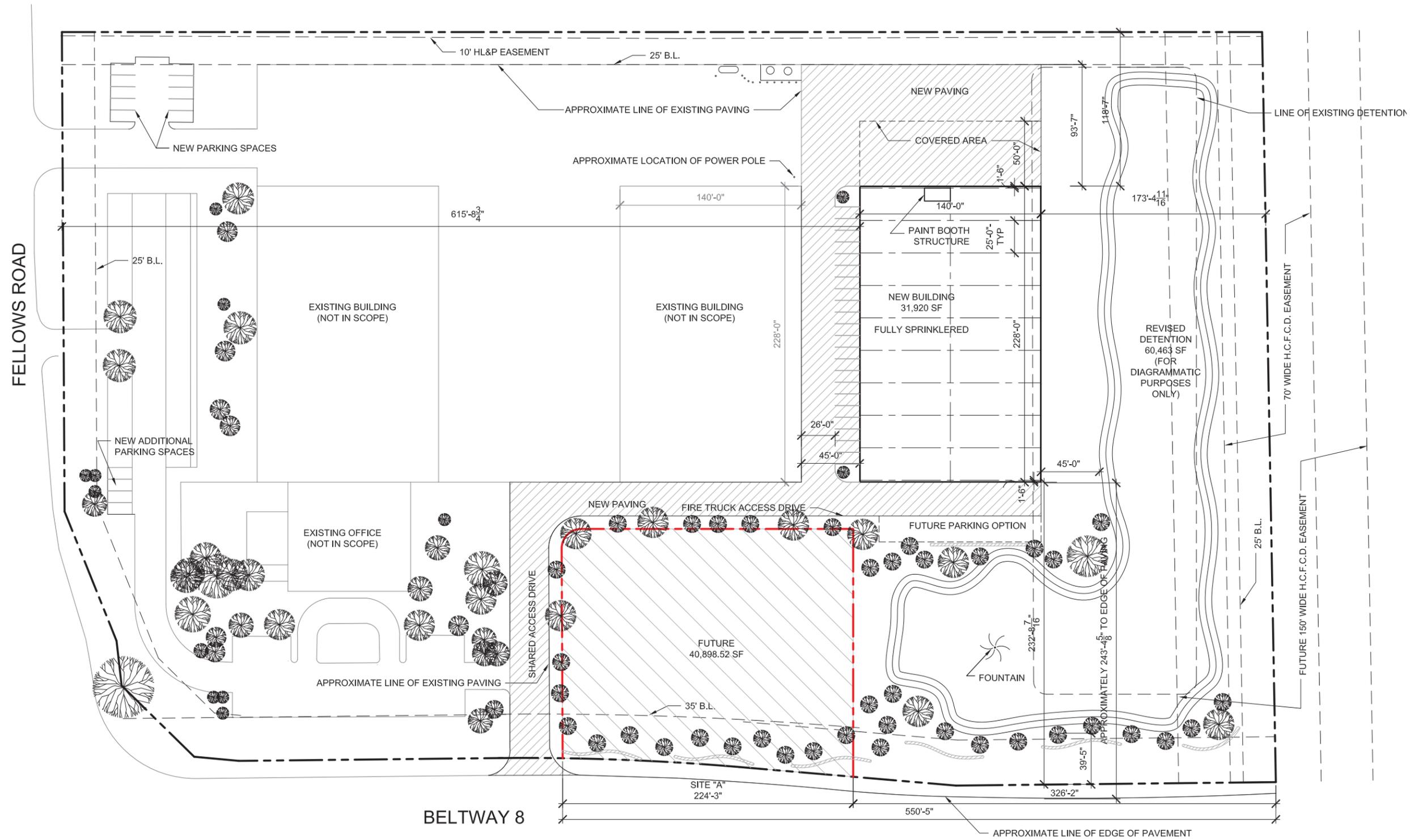
EXHIBIT D

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)



WD

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

- (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 1/2" 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 1/2" iron rod.

THENCE S 08 deg. 58 min. 01 sec. E. a distance of 34.69' to a set 1/2" 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"):

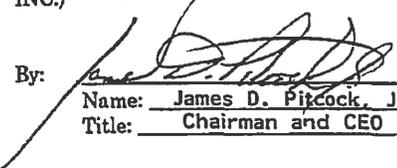
- (a) Harris County Flood Control District easement along westerly property line, as set forth and defined in instrument recorded in Volume 1941, Page 640 of the Deed Records of Harris County, Texas;
- (b) A 1/8 royalty interest in and to all oil, gas and other minerals on, in, or under that may be produced 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 9/4/97.*

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, RENTAL, 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 date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

SEP 5 1997

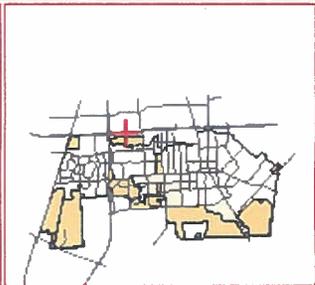
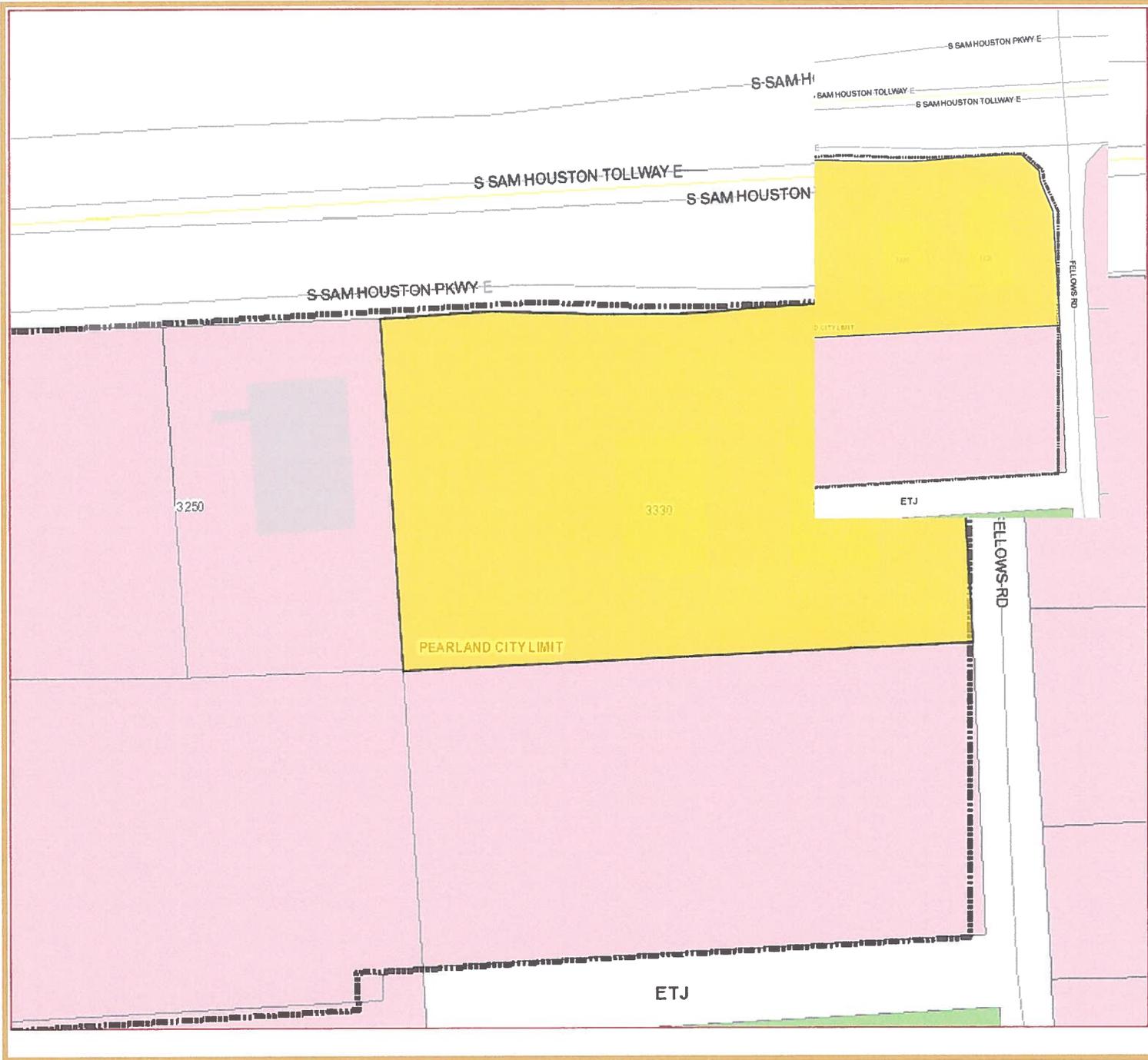


Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY TEXAS

Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY TEXAS

97 SEP -5 PM 4: 27

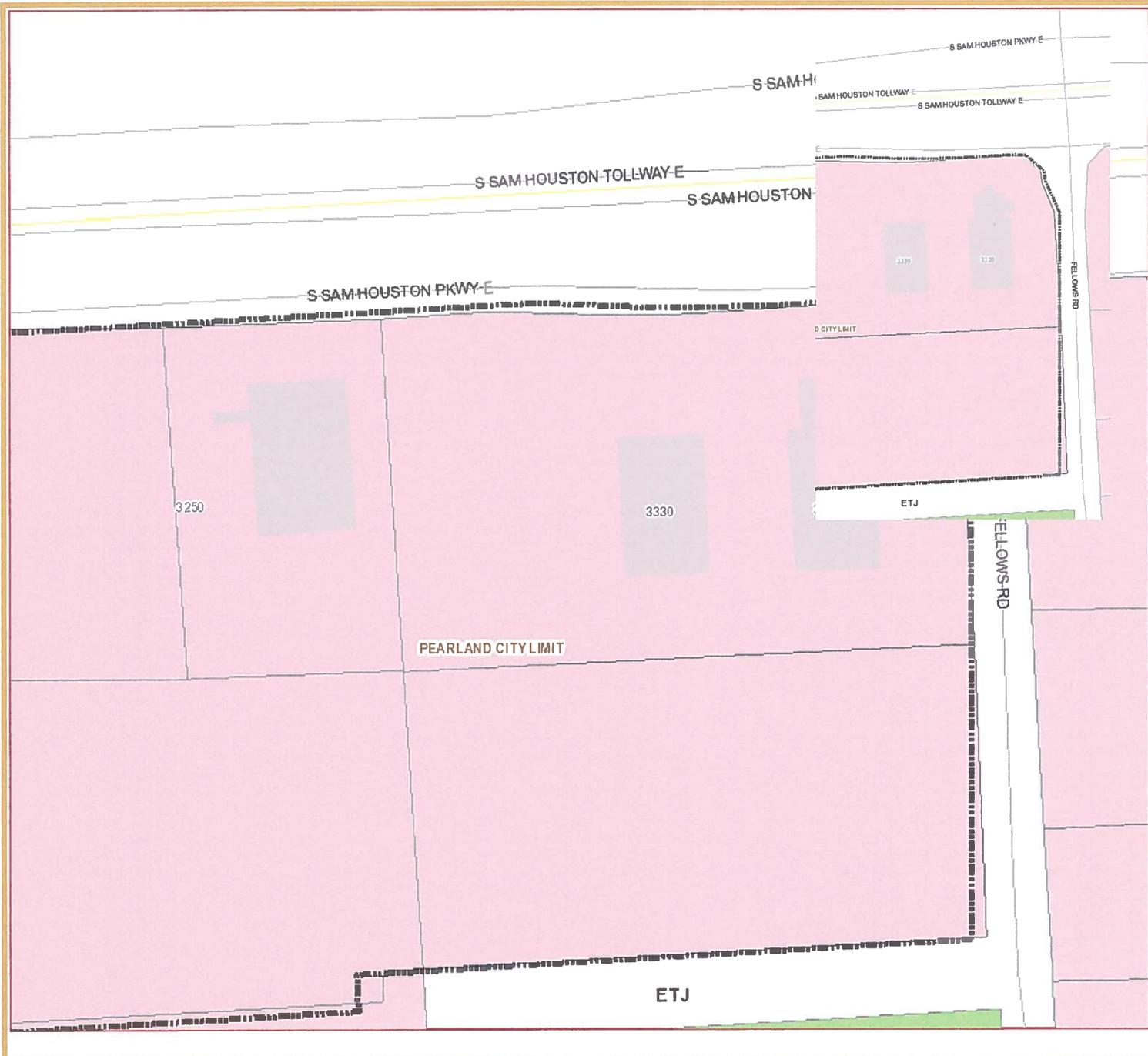
FILED



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





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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 14, 2015</p> <p>DATE SUBMITTED: November 17, 2015</p> <p>PREPARED BY: Ian Clowes</p> <p>REVIEWED BY:</p>	<p>ITEM NO.: Ordinance No. CUP 2015-12</p> <p>DEPT. OF ORIGIN: Planning</p> <p>PRESENTOR: Lata Krishnarao</p> <p>REVIEW DATE:</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="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 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.

As is required of all commercial properties in the city, the applicant's property will be required to have joint access to all adjoining properties, including the property to the south. Due to driveway spacing, this will require a shared driveway allowing access to the applicant's property and the property to the south. The recorded plat includes a note that states "access rights to parking areas and driveways are hereby granted to all adjoining commercial properties."

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-

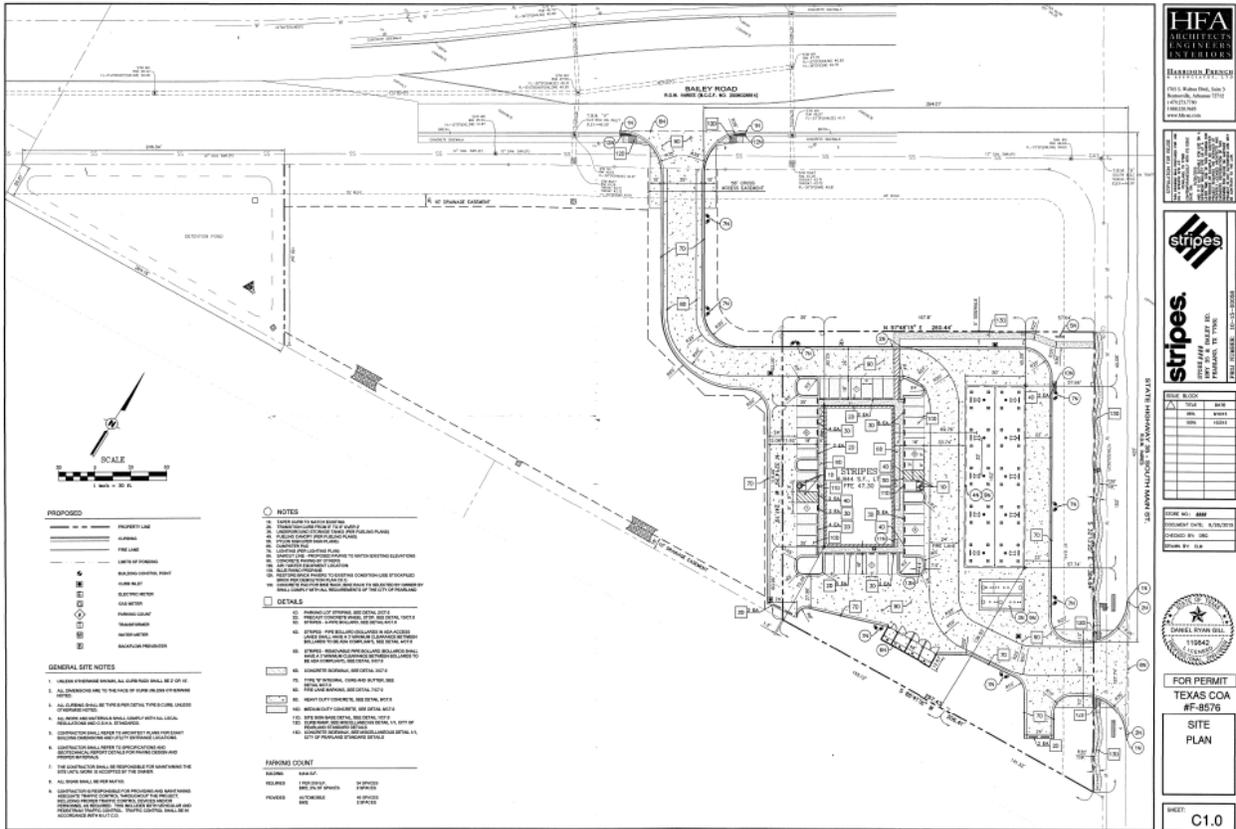
0. Commissioners Isenberg, Starr, Pradia, McFadden, and Tunstall all voted in favor of the requested CUP.

Sincerely,



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

Exhibit E Site Plan



- PROPOSED**
- PROPERTY LINE
 - ASPHALT
 - PAVE LANE
 - LANDSCAPE
 - CONCRETE
 - GRAVEL
 - GRASS
 - WOOD
 - ROCK
 - IRON
 - COPPER
 - STEEL
 - ALUMINUM
 - BRASS
 - GLASS
 - PLASTER
 - CEILING
 - FLOORING
 - MECHANICAL
 - ELECTRICAL
 - PLUMBING
 - PAINT
 - FINISH
 - LANDSCAPE
 - CONCRETE
 - GRAVEL
 - GRASS
 - WOOD
 - ROCK
 - IRON
 - COPPER
 - STEEL
 - ALUMINUM
 - BRASS
 - GLASS
 - PLASTER
 - CEILING
 - FLOORING
 - MECHANICAL
 - ELECTRICAL
 - PLUMBING
 - PAINT
 - FINISH

- GENERAL SITE NOTES**
1. OWNER TO PROVIDE ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.
 2. ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.
 3. ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.
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 8. ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.
 9. ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.
 10. ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.

- NOTES**
1. OWNER TO PROVIDE ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.
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 10. ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.

- DETAILS**
1. OWNER TO PROVIDE ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.
 2. ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.
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 4. ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.
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 6. ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.
 7. ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.
 8. ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.
 9. ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.
 10. ALL UTILITIES SHALL BE 2' DIA. AT ALL TIMES AND TO THE DEPTH OF 48" FROM SURFACE.

PARKING COUNT

TYPE	QUANTITY	REMARKS
TOTAL	100	
RESERVED	20	
AVAILABLE	80	

HFA
HARRIS COUNTY
ENGINEERS
ARCHITECTS

stripes
STRIPES ENGINEERING
ARCHITECTURE
PLANNING, TX, INC.

NO.	DATE	DESCRIPTION
1	10/15/15	ISSUED FOR PERMIT

DATE: 10/15/15
PROJECT: CUP 1507015
DRAWN BY: JAC
CHECKED BY: JAC



FOR PERMIT
TEXAS COA
#F-8576

SITE
PLAN

SHEET: C1.0



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



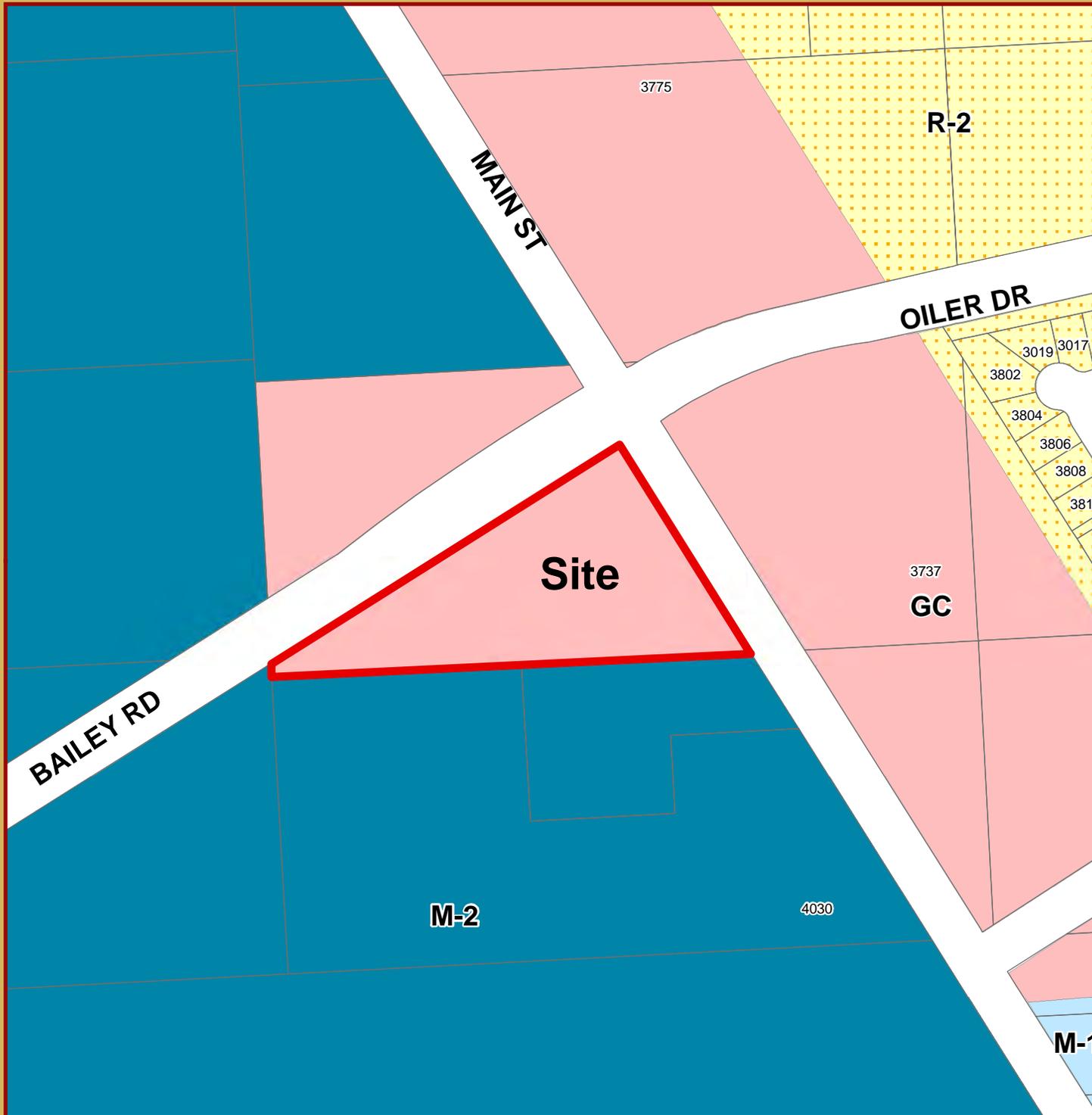


Exhibit 2

ZONING MAP

CUP 2015-12

2808 S. Main St.



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1 inch = 309 feet

OCTOBER 2015
PLANNING DEPARTMENT



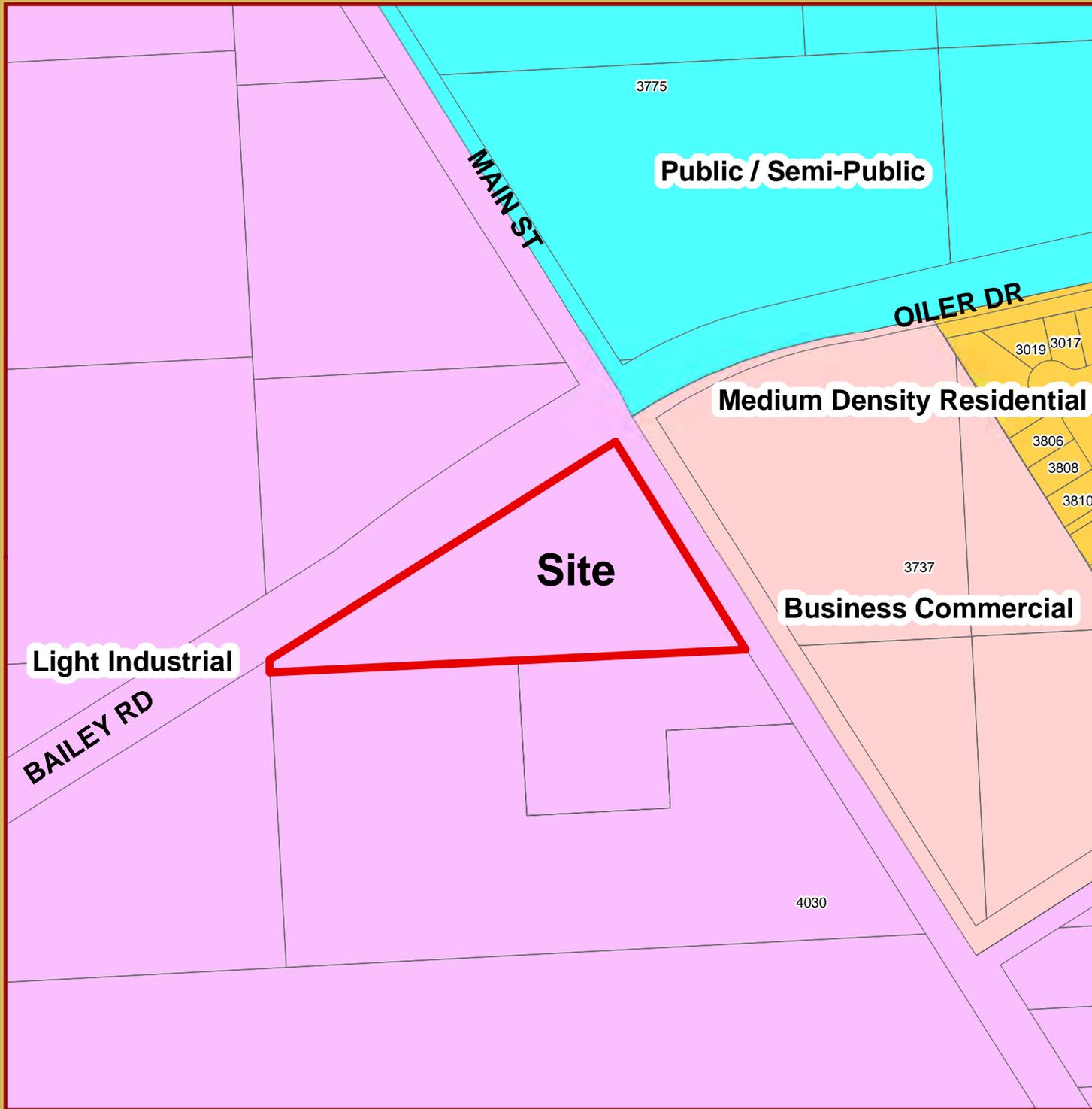


Exhibit 3

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

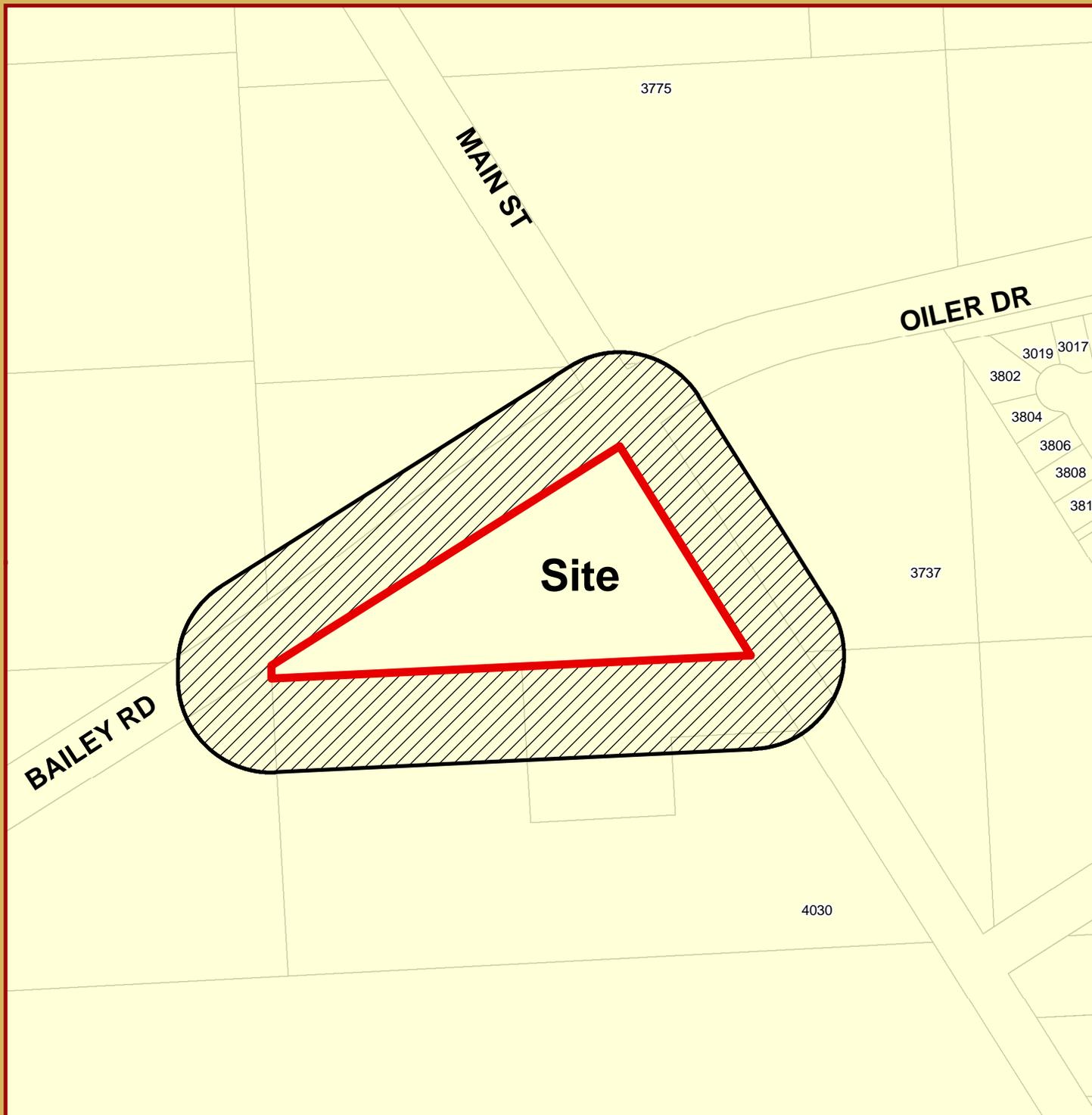


Exhibit 4

NOTIFICATION MAP

CUP 2015-12

2808 S. Main St.



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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.



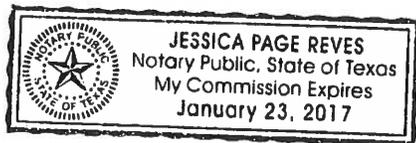
Kenneth R. Phillips, Attorney in Fact for
T&B Alexander Family LTD, Partnership
Partner

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 A. Hemand, A.I.C.P.

Director of Planning

Windrose Land Services, Inc.

PARCEL MAP FROM CITY OF PEARLAND WEBSITE

14-OCT-2015

The screenshot displays a GIS application interface. On the left, an 'Identify Results' window is open, showing a table of metadata for a selected parcel. The table includes fields such as 'land_state_cd', 'LegalDescr', 'prop_id', and 'py_owner_name'. The 'prop_id' field contains the value '175985'. The 'py_owner_name' field contains 'ALEXANDER T & B FAMILY LTD PRTNSHP'. The main map area shows a parcel map with various colored regions (blue, orange, yellow) and labels for streets like 'BAILEY RD', 'HAWK ST', and 'OHLER DR'. A 'PEARLAND CITY LIMIT' line is also visible. The status bar at the bottom indicates the tool used is 'Identify > Brazoria Parcels 2015' and provides coordinates: X: 3153690.99, Y: 13761983.57, Longitude: -95.2729, Latitude: 29.5378. The scale is set to 1: 2,811.

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	

Tool: Identify > Brazoria Parcels 2015 X: 3153690.99, Y: 13761983.57, Longitude: -95.2729, 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: 0507-0019-000 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

175985

546802

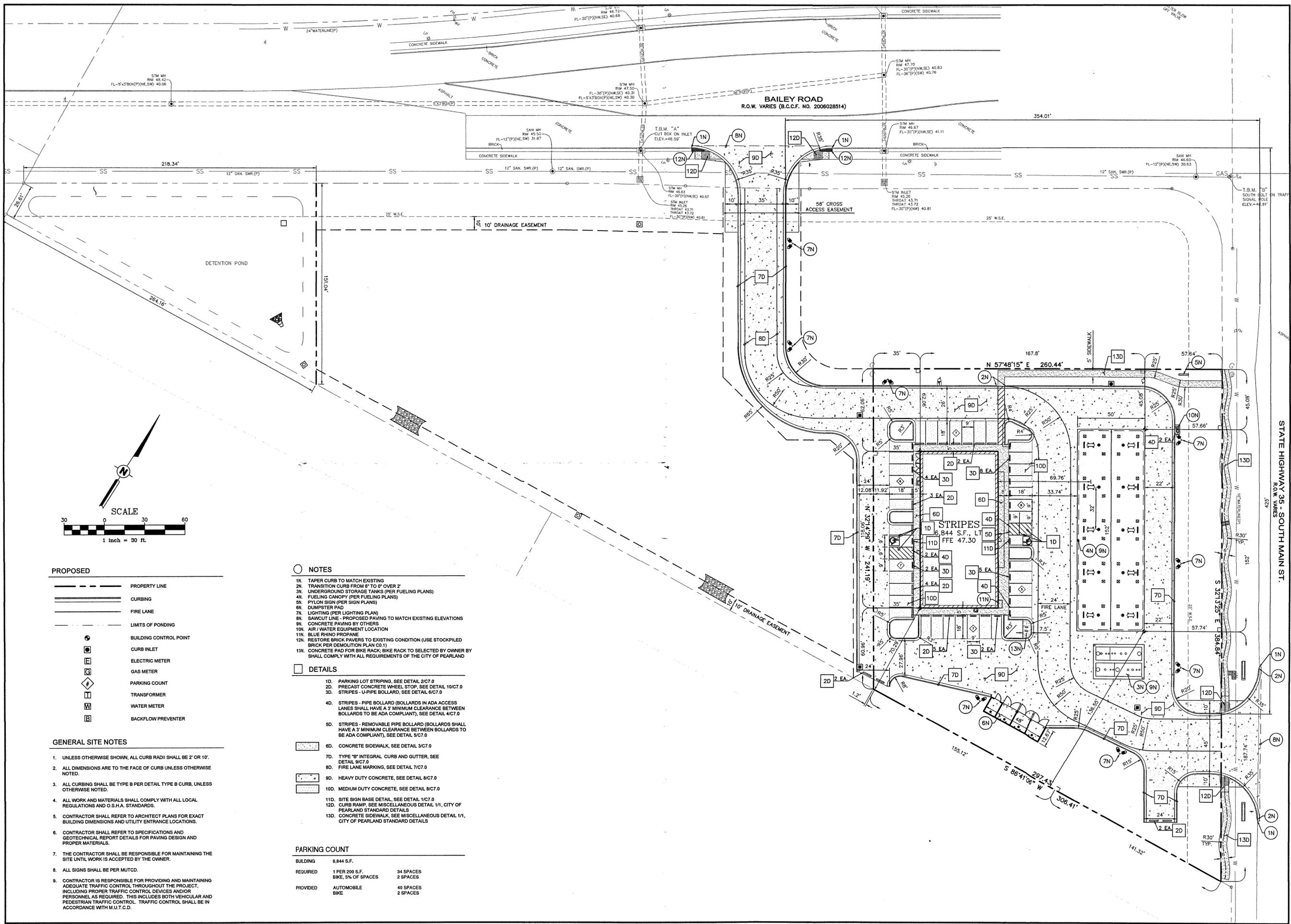
175970

9590

176000 521287

202 Feet

Sep29,2015-2:23pm - User: cheryl.meguire
 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

1. UNLESS OTHERWISE SHOWN, ALL CURB RADI SHALL BE 2' OR 10'.
2. ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
3. ALL CURBING SHALL BE TYPE B PER DETAIL TYPE B CURB, UNLESS OTHERWISE NOTED.
4. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL LOCAL REGULATIONS AND O.S.H.A. STANDARDS.
5. CONTRACTOR SHALL REFER TO ARCHITECT PLANS FOR EXACT BUILDING DIMENSIONS AND UTILITY ENTRANCE LOCATIONS.
6. CONTRACTOR SHALL REFER TO SPECIFICATIONS AND GEOTECHNICAL REPORT DETAILS FOR PAVING DESIGN AND PROPER MATERIALS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE SITE UNTIL WORK IS ACCEPTED BY THE OWNER.
8. ALL SIGNS SHALL BE PER MUTCD.
9. 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

- 1N. TAPER CURB TO MATCH EXISTING
- 2N. TRANSITION CURB FROM 6" TO 0" OVER 2'
- 3N. UNDERGROUND STORAGE TANKS (PER FUELING PLANS)
- 4N. FUELING CANOPY (PER FUELING PLANS)
- 5N. PYLON SIGN (PER SIGN PLANS)
- 6N. DUMPSTER PAD
- 7N. LIGHTING (PER LIGHTING PLAN)
- 8N. SAWCUT LINE - PROPOSED PAVING TO MATCH EXISTING ELEVATIONS
- 9N. CONCRETE PAVING BY OTHERS
- 10N. AIR / WATER EQUIPMENT LOCATION
- 11N. BLUE RHINO PROPANE
- 12N. RESTORE BRICK PAVERS TO EXISTING CONDITION (USE STOCKPILED BRICK PER DEMOLITION PLAN CD 1)
- 13N. CONCRETE PAD FOR BIKE RACK; BIKE RACK TO SELECTED BY OWNER BY SHALL COMPLY WITH ALL REQUIREMENTS OF THE CITY OF PEARLAND

DETAILS

- 1D. PARKING LOT STRIPING, SEE DETAIL 2/C7.0
- 2D. PRECAST CONCRETE WHEEL STOP, SEE DETAIL 10/C7.0
- 3D. STRIPES - U-PIPE BOLLARD, SEE DETAIL 6/C7.0
- 4D. 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
- 5D. STRIPES - REMOVABLE PIPE BOLLARD (BOLLARDS SHALL HAVE A 3' MINIMUM CLEARANCE BETWEEN BOLLARDS TO BE ADA COMPLIANT), SEE DETAIL 5/C7.0
- 6D. CONCRETE SIDEWALK, SEE DETAIL 3/C7.0
- 7D. TYPE "B" INTEGRAL CURB AND GUTTER, SEE DETAIL 9/C7.0
- 8D. FIRE LANE MARKING, SEE DETAIL 7/C7.0
- 9D. HEAVY DUTY CONCRETE, SEE DETAIL 8/C7.0
- 10D. MEDIUM DUTY CONCRETE, SEE DETAIL 8/C7.0
- 11D. SITE SIGN BASE DETAIL, SEE DETAIL 1/C7.0
- 12D. CURB RAMP, SEE MISCELLANEOUS DETAIL 1/1, CITY OF PEARLAND STANDARD DETAILS
- 13D. 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

HARRISON FRENCH & ASSOCIATES, LTD.

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 REUSED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF HARRISON FRENCH & ASSOCIATES, LTD. ANY REUSE OF THIS DRAWING FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF HARRISON FRENCH & ASSOCIATES, LTD. IS PROHIBITED.

stripes

STORE ###
HWY 35 & BAILEY RD.
PEARLAND, TX 77661

PROJ NUMBER: 10-15-00056

ISSUE BLOCK

TITLE	DATE
95%	9/10/15
100%	10/2/15

STORE NO.: ###
DOCUMENT DATE: 9/28/2015
CHECKED BY: DRG
DRAWN BY: CLM

STATE OF TEXAS
DANIEL RYAN GILL
119842
LICENSED PROFESSIONAL ENGINEER

FOR PERMIT
TEXAS COA
#F-8576

SITE
PLAN

SHEET:
C1.0



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: 100.0000000000%
 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 <input type="text" value="N/A"/>
(+) Timber Market Valuation:	+	N/A <input type="text" value="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: 100.0000000000%
 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 ½ 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 14, 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:	REVIEW DATE:
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.	
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	
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.

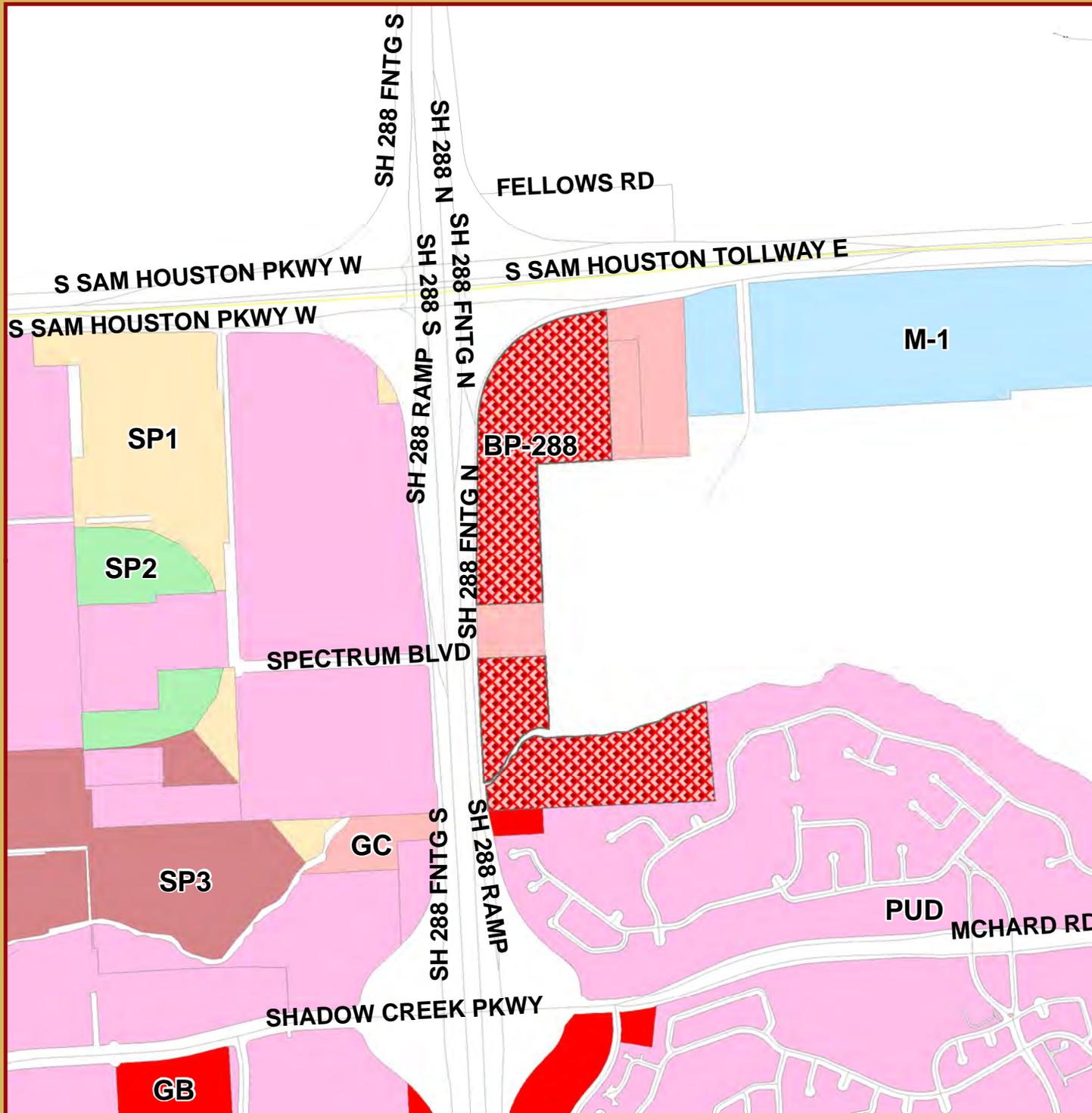
According to the 2015 Comprehensive Plan, the intent of the BP-288 zoning district is to encourage large office and medical complexes in a campus like setting along with complementary retail uses. Allowing for a restaurant use with no drive-thru or drive-in services would work towards meeting this goal.

Attached are 3 maps, as requested by City Council at the 1st reading, showing the existing areas in the city currently zoned as BP-288. All areas are located on the west side of town within the SH 288 corridor.

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.



BP-288 Zoning District

Map 1

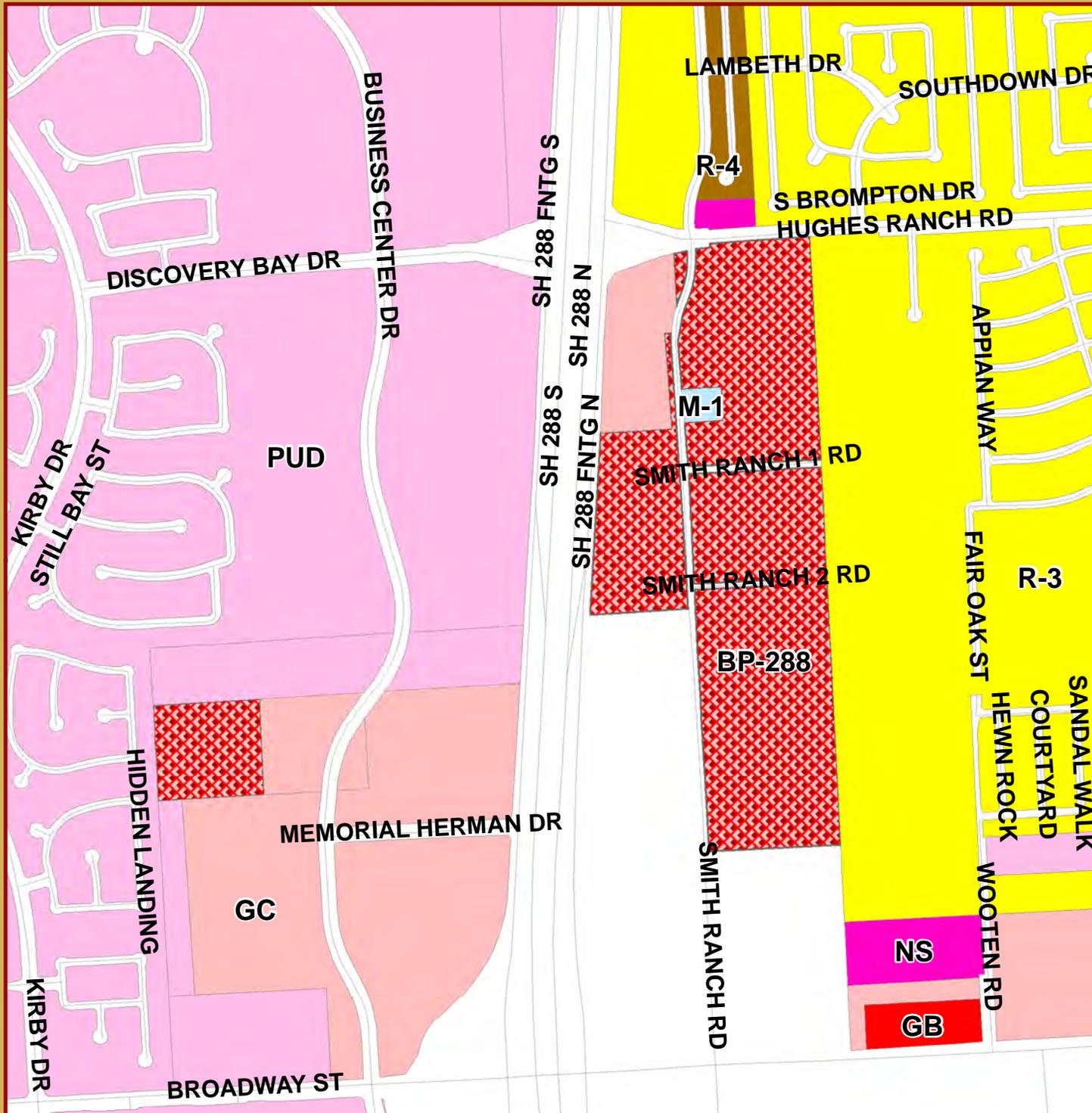


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 1,236 feet

DECEMBER 2015
PLANNING DEPARTMENT





**BP-288
Zoning District**

Map 2

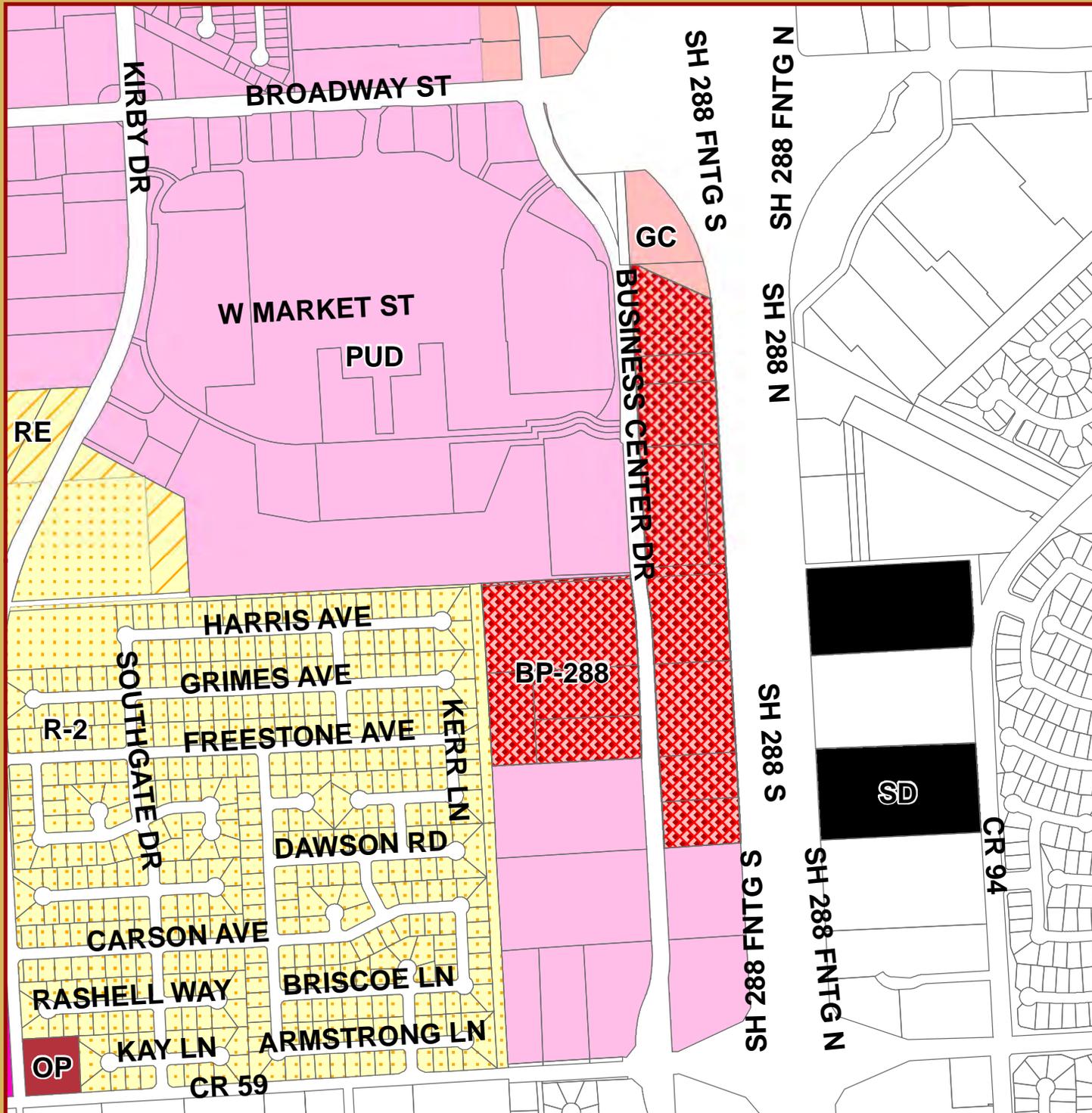


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 927 feet

DECEMBER 2015
PLANNING DEPARTMENT





**BP-288
Zoning District**

Map 3



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 = 773 feet

DECEMBER 2015
PLANNING DEPARTMENT



Ordinance No. 2000-T-19

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.

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													
												P	P	P			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.

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 14, 2015	ITEM NO.:	R2015-231
DATE SUBMITTED:	December 3, 2015	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Bob Pearce	PRESENTOR:	Vance Riley
REVIEWED BY:	Vance Riley	REVIEW DATE:	December 10, 2015
SUBJECT: : Resolution #R2015-231 - A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for Fire and EMS dispatching services with Harris County Emergency Corps.			
EXHIBITS: Resolution #R2015-231 Executed Contract Memo from V. Riley			
FUNDING:			
<input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input type="checkbox"/> Cash <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold			
EXPENDITURE REQUIRED: \$180,000		AMOUNT BUDGETED: \$180,000	
AMOUNT AVAILABLE: \$180,000		PROJECT NO.:	
ACCOUNT NO.: 010-2320-555.11-00			
ADDITIONAL APPROPRIATION REQUIRED:			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
X Finance	Legal	Ordinance	Resolution

EXECUTIVE SUMMARY

BACKGROUND

In November, 2012, the City awarded a bid to Harris County Emergency Corps for EMS and Fire dispatching services. The initial term of the agreement runs through December 31, 2015. Fire Department management recommends that the contract be renewed for one (1) year. In the spring, staff will present future options for dispatching services for Council review and discussion at the Spring Council Budget Workshop.

SCOPE OF CONTRACT

Renewal of contract for the provision of EMS and Fire dispatching services for the City of Pearland at the rate of \$18.00 per incident based on the Pearland FD estimate of 10,000 calls annually, for a one (1) year term. This will result in a monthly billing of \$15,000, an increase from a monthly billing of \$13,500 in FY2015. The monthly billing increase is due to an increase in the estimated annual number of incidents. This increase is not due to a rate increase.

This contract may be terminated by either party without cause at any time with 180 days advance notice.

BID AND AWARD

In 2012, the City issued a Request for Proposal (RFP) for EMS and Fire dispatching services and received two (2) responses. Harris County Emergency Corp was awarded the contract for a three (3) year term with automatic renewal options available. The initial three (3) year term expires in December, 2015, therefore, staff is requesting Council approval of a one (1) year renewal term.

SAFE COMMUNITY

This purchase is contemplated and recommended for the purpose of ensuring the ability to effectively perform emergency dispatching services to our community.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Funding for this service will come from the Fire Department operating budget.

RECOMMENDED ACTION

A Resolution of The City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to renew a contract for EMS and Fire dispatching services with Harris County Emergency Corp at the rate of \$18.00 per incident for a one (1) year term, beginning January 1, 2016 through December 31, 2016.

EMERGENCY COMMUNICATION CENTER
DISPATCH SERVICE AGREEMENT

This agreement is made on this 16th day of January 2013, between Harris County Emergency Corps, hereinafter referred to as "HCEC", and City of Pearland, hereinafter referred to as a "Dispatch Client."

RECITALS:

- A. WHEREAS, HCEC provides emergency dispatch and communication services; and
- B. WHEREAS Dispatch Client is an emergency medical services provider for a geographic area of the State of Texas the boundaries of which Dispatch Client has provided to HCEC; and
- C. WHEREAS Dispatch Client desires to obtain emergency dispatch and communications services for its operations; and
- D. WHEREAS HCEC desires to provide such services and has the necessary equipment, training, and expertise to do so,

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

1. *Responsibilities of HCEC.* During the term of this Agreement, HCEC agrees to provide the following services to the Dispatch Client:
 - (a) Receive and dispatch all calls for emergency medical service within Dispatch Client's geographic boundaries as provided to HCEC;
 - (b) Maintain a computer dispatch record of all calls received and pertinent time records of those calls;
 - (c) Maintain a tape library of all radio/telephone traffic of calls to Dispatch Client for review by the designated Dispatch Client representative;
 - (d) Coordinate communications needs of Dispatch Client based upon the capabilities of HCEC's communications system;
 - (e) Provide Dispatch Client with certain periodic reports as more specifically identified in Exhibit A; and
 - (f) Provide Dispatch Client an invoice monthly for billing and auditing purposes.
 - (g) Provide dispatch services and capabilities as described in HCEC's response to City's Request for Proposals, attached hereto as Exhibit B.

2. *Responsibilities of the Dispatch Client.* In consideration of the services to be provided to the Dispatch Client by HCEC, it is mutually agreed and consented to that the Dispatch Client shall provide HCEC with the following:

- (a) A detailed description of Dispatch Client's response area, which may include metes and bounds, physical descriptions, or maps of the area;
- (b) The installation and operations readiness of one radio with tone remote control capability and external roof mounted antenna with a back up unit. The charges for the use of the lines shall be billed to the Dispatch Client including 911 incoming emergency lines;
- (c) As Dispatch Client does not operate under its own independent FCC license, Dispatch Client will supply to HCEC a copy of the FCC license used by Dispatch Client;
- (d) Record of Dispatch Client's adoption all current and future operating procedures and policies that are being used by HCEC within 60 days of Dispatch Client's receipt of said procedures and policies from HCEC; and
- (e) A signed copy of HCEC's Standard Operating Procedures for emergency medical dispatch within 60 days of Dispatch Client's receipt of said procedures from HCEC.

3. *Consideration for Services Provided by HCEC.* The Dispatch Client shall pay to HCEC the sum of \$13,500 per month (based on approximately 9000 calls annually) prior to services being rendered due and payable on the first day of each month. This fee is based on Dispatch Client's call volume. After January 1, 2015, HCEC may change this amount with 30 days notice to Dispatch Client.

4. *Assignment.* The interest, obligations and duties of the parties and the rights under this Agreement may be transferred only with prior written consent of the parties hereto. Any assignment or attempted assignment not in accordance with this provision shall be void.

5. *Term & Termination.* This Agreement is for an initial term of one (1) year, commencing as of January 1, 2013. The Agreement shall automatically renew for additional one-year periods unless otherwise terminated as provided herein. In addition, either party may terminate this Agreement without cause at any time by giving the other party one hundred eighty (180) days' advance written notice of termination and either party may terminate this Agreement for cause for a breach of any term of this Agreement upon providing fifteen (15) days advance written notice to the breaching party, setting forth the nature of the breach, if the party receiving such notice does not cure the breach within the fifteen (15) day period. Dispatch Client shall pay any amounts due to HCEC within thirty (30) days after termination of this Agreement.

6. *Notices.* All notices or requests provided for or permitted to be given pursuant to this Agreement must be in writing and may be given or served by depositing the same in the United States mail, addressed to the party to be notified, post-paid, and registered, or certified with return receipt requested, or by delivering such notice in person to such party. Notices given or served pursuant hereto shall be effective upon receipt by the party to be notified. All notices shall be addressed to HCEC or the Dispatch Client at the following respective address:

In the case of HCEC:

Harris County Emergency Corps
ATTN: Mark Smith
2800 Aldine Bender Rd.
Houston, Texas 77032

In the case of the Dispatch Client:

Pearland EMS
2703 Veterans Drive
Pearland, Texas 77584

By giving HCEC and/or the Dispatch Client at least 10 days' written notice thereof, HCEC and/or the Dispatch Client and their respective successors and assigns shall have the right from time to time and at any time during the term of this Agreement to change their respective addresses and each shall have the right to specify as its address any other address within the United States of America.

7. *Mediation of Disputes.* The parties agree any and all disputes, controversies, claims, causes of action or demands arising out of or relating to this Agreement or any of its provisions, whether in contract, tort, or otherwise, at law or in equity, including but not limited to any action for breach of contract, for damages or any other relief, first shall be submitted to mediation prior to filing any claims with the appropriate legal authority, either judicial or administrative. Mediation shall be conducted by a mutually agreeable mediator. In the event the parties cannot agree on a mediator, the American Arbitration Association shall choose a mediator for the dispute. The parties agree to share the costs of mediation evenly.

8. *Exclusive Terms.* This written agreement contains the sole and entire agreement between the parties, and supersedes any and all other agreements between them. The parties acknowledge and agree that neither of them has made any representation with respect to the subject matter of this agreement or any representations inducing the

execution and delivery hereof except such representations as are specifically set forth herein, and each party acknowledges that he or it has relied on his or its own judgment in entering into the agreement. The parties further acknowledge that any statements or representations that may have heretofore been made by either of them to the other are void and of no effect and that neither of them has relied thereon in connection with his or its dealings with the other.

9. *Contract Governed by Texas Law.* This agreement and performance hereunder shall be construed in accordance with the laws of the State of Texas.

10. *Contract Binding.* This agreement shall be binding on and inure to the benefit of the respective parties and their respective heirs, legal representatives, successors, and assigns.

11. *Entire Agreement.* This Agreement contains the entire Agreement between HCEC and the Dispatch Client relative to the operation of the communication center. No waiver or modification of this agreement or of any covenant, condition, or limitation herein contained shall be valid unless in writing and duly executed by the party to be charged therewith. Furthermore, no evidence of any waiver or modification shall be offered or received in evidence in any proceeding, arbitration, or litigation between the parties arising out of or affecting this agreement, or the rights or obligations of any party hereunder, unless such waiver or modification is in writing, duly executed as aforesaid. The provisions of this paragraph may not be waived except as herein set forth.

12. *Severability.* If any provision of the Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provisions to other persons or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

13. *Independent Contractor.* Each party is an independent contractor and nothing in this Agreement shall be construed as creating an employment relationship, agency, partnership, or joint venture between the parties. Each party shall control and direct the methods by which it performs its responsibilities hereunder. Except as provided herein, neither party is authorized to act on behalf of the other in any other matter whatsoever.

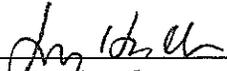
14. *Force Majeure.* Either party shall be excused for failures and delays in performance of its respective obligations under this Agreement due to any cause beyond its control and without fault, including without limitation, any act of God, war, riot or insurrection, law or regulation, strike, flood, fire, terrorism, explosion or inability due to any of the aforementioned causes to obtain labor, materials, roadways or facilities. In addition to the above, Provider shall be excused for failures and delays in

performance of its obligations under this Agreement due to adverse weather conditions, natural physical barriers, such as mountains, hills or washes, traffic conditions, natural disasters and/or other limitations of access to the person requiring Services. Such conditions may impede or effect or block Provider's efforts to provide Services and/or ability to utilize some or all of its Services' equipment. Nevertheless, each party shall use its best efforts to avoid or remove such causes and to continue performance whenever such causes are removed, and shall notify the other party of the problem.

AGREED and entered into this 16th day of January, 2013:

Harris County Emergency Corps

City of Pearland



By: Jeremy Hyde
President/EMS Director



By: Bill Eisen
City Manager

EXHIBIT A

HCEC shall provide Dispatch Client with the following reports:

Weekly Reports

Monthly Reports

Annual Reports

These reports shall be provided at no additional charge to Dispatch Client. If Dispatch Client requests additional reports, HCEC may charge additional fees for such reports.

Exhibit B

Procedures

1. Describe the process of handling calls from time of 911 call to dispatch of Fire/EMS units.

When a 911 call is taken the call taker answers the phone, "Fire and ambulance." The call taker then asks the address of the emergency and the caller's phone number. This information is verified with the ANI/ALI information. The call taker then asks the caller's name and says, "Okay, tell me exactly what happened." After the call taker enters the EMD/EFD determinate code, the call then goes into pending to be pre-alert dispatched by the dispatcher. At this point, two things are happening simultaneously. The dispatcher then uses the Recommend feature of the CAD to add unit(s) to the the pre-determined run card call based on closest unit to the call for the call type in reference. The dispatcher sends the station alert for the units recommended and voice dispatches the units. The call taker is still on the line gathering information from the caller using the EMD/EFD protocols asking pre-set interrogation questions. Once the information through interrogation is gathered, the final determinate is sent automatically to the dispatcher and the call is reconfigured based on that determinate to see if any additional resources are needed. If any additional units are needed, they are placed on the call from the run card and dispatched.

2. Describe the process of transitioning from current dispatch center to new dispatch center.

HCEC will require approximately 45 days before the transition date for CAD configuration to input the City of Pearland Fire/EMS units, stations, personnel, and run cards. GHC911 requests 30 days for switching the Emergency Service Numbers (ESN). During this time a meeting will be required with the City of Pearland Fire/EMS Administration to discuss the CAD configuration and training for field responders and Pearland dispatch on MDT, browser, and radio procedures.

3. Describe communication and coordination with Pearland Communications Center when handling incident that needs law enforcement response as well as Fire/EMS.

HCEC dispatchers will call the City of Pearland dispatch center via an emergency landline or utilize the GHC911 system if law enforcement is needed for call. These calls for assistance are made as soon as the need is determined. If units are needed to stage for scene safety issues, HCEC Communications checks the status of calls with law enforcement for updates and relays the information to the Fire/EMS units.

4. Describe backup procedures in the event of communications and or system failure.

Power Failure - HCEC Communications systems are backed up by an Eaton battery backup capable of powering the communications center for a minimum of 30 minutes. Within one minute, a backup

natural gas generator will start to power up the center. In the event of a failure, there are two redundant generators at the facility.

Greater Harris County 911 onsite failure - Calls are routed to our 10 digit lines for call taking.

Total Systems Failure (Fire, etc) - Calls are transferred to Cypress Creek EMS and our dispatchers respond there to assist in call taking. Our CAD system is backed up offsite and is setup to be accessed from a remote location.

5. Describe the ability to accommodate the current call volume of Pearland Fire/EMS and capability of handling future growth.

HCEC Communications recently created three more fulltime call taker/dispatcher positions in anticipation of future growth. The current Communications Center, based on active call volume, needs four full-time manned consoles, with a fifth manned console during peak hours determined through evaluation of monthly reporting. The center has eight fully functioning consoles for immediate use whenever additional communications resources are needed. Located next to the main communications center is an additional 1,500 square foot area with raised flooring, backup power receptacles, and public safety network access. This area can be configured for public safety communications very quickly if the additional space is needed, without the loss of any functionality found in the current primary communications center. Current and anticipated future call volumes (up to an additional 50,000 annual calls) can be managed with the infrastructure and resources we currently have in place. Some of HCEC administrative staff, field medics, and EMS supervisors are EMD/EFD certified and are available if needed at high call volume times.

6. Describe how you will meet each of the requirements outlined in the scope of work.

1. The Contractor will be responsible for providing dispatching services for the City's Fire and Emergency Medical Services (EMS) Departments.

Harris County Emergency Corps (HCEC) currently provides dispatching services for 14 agencies as a secondary PSAP.

2. The Contractor shall utilize National Academies of Emergency Dispatch certified EFD and EMD dispatchers.

HCEC currently utilizes the National Academies of Emergency Dispatch EMD and EFD protocols with certified EMD and EFD certified dispatchers.

3. Contractor must have ability to accept 9-1-1 calls as a secondary PSAP.

HCEC receives incoming 911 calls via GHC911 (Greater Harris County 911) Vesta systems and 10 digit emergency lines.

4. Contractor must have interoperability with Greater Harris County 911 and H-GAC 911 and be interoperable with other agencies within those systems.

HCEC utilizes GHC911 systems to receive and transfer 911 calls to other agencies in Harris County and surrounding counties.

5. Contractor must have the ability to receive ANI and ALI (number and location) information from callers and Phase 2 wireless cellular callers.

HCEC receives ANI/ALI information through the VESTA system from 911 calls and Phase 2 wireless callers.

6. Contractor must be able to receive ANI and ALI information when a 911 call is transferred to them.

HCEC receives ANI/ALI information on 911 calls transferred inbound.

7. The Contractor will facilitate the provision of required Mobile Data software.

HCEC will obtain licensing for Mobile Data software and will install or assist the City of Pearland in the installation. Any software licensing fees incurred will be passed on to the City of Pearland.

8. The Contractor shall use the City of Pearland GIS mapping system for emergency incident locations. The Contractor shall accept updated COP GIS maps as they are available.

HCEC uses GIS data containing map data which includes the following counties –Harris, Fort Bend, Brazoria, Montgomery, and Liberty. Active incidents are viewed on the data set showing the location. Harris County Emergency Corps uses updates from County and Municipal jurisdictions, as well as Fire and EMS departments to keep map data updated.

9. The Contractor CAD software must provide real-time mapping showing the locations of all units at all times with locations automatically updated at approximately 4 second

intervals, even when not dispatched to an incident.

HCEC CAD shows units updated every 3 seconds. Units are tracked at all times regardless of incident status.

10. The Contractor CAD software must be able to record unit locations by time and map location plus speed, direction and latitude/longitude of individual vehicles at approximately 4 second intervals. This data must be available to the Fire & EMS Chiefs and/or their designees for incident response review.

HCEC CAD software records units by speed, location, direction, and latitude/longitude. This is available to the dispatcher at the workstation and on the Mobile Data Terminal.

11. The Contractor will install the CAD and Incident Mapping Software on COP owned laptop or mobile computers in Fire & EMS vehicles. This software must also be available to dispatchers in the Pearland PSAP.

HCEC will facilitate the install of MDT software on COP computer in the units as well as a install at COP PSAP showing incident information.

12. The Contractor must be responsible for installing, maintaining and updating the CAD and Incident Mapping Software in all current and future vehicles and must provide a response time of 2 hours for repairs during normal business hours and 3 hours for repairs at other times.

HCEC Communications employs in-house GIS personnel allowing for immediate and on-going mapping updates, corrections, and improvements. We have an online portal for our clients to submit requests, and/or discovered mapping issues, that automatically notify the GIS personnel, who then take the information and update the dataset, in most cases, the same day, depending on the time the request is submitted.

13. The Contractor must provide software for the Fire Chief & EMS Chief that provides the ability to prepare administrative reports and similar.

HCEC prepares custom reports for clients that are available daily, weekly, or monthly at the client's request. Clients may also prepare reports through our browser based system and the MDT.

14. The Contractor must be able to seamlessly provide data for FireHouse Software for the

preparation of emergency incident reports (TXFIRS).

We currently have the Firehouse/CAD interface. Our IT Department will configure the interface to send the information at specified intervals needed by the Pearland Fire & EMS Department.

15. The Contractor must be able to integrate with ImageTrend ePCR software.

HCEC CAD has the ability to interface with Image Trend ePCR.

16. The Contractor must be able to dispatch emergency incidents using any and/or all of the following: COP UHF Repeater System COP ComTech Communications Fire Station Alerting System, Cellular telephone text, Cellular telephone voice. The Contractor must be able to dispatch emergency incidents using the COP UHF Repeater system simultaneously with the ComTech Communications Fire Station Alerting System.

HCEC has full capabilities to access and use the City of Pearland UHF repeater system for the dispatch of emergency incidents. Additionally, HCEC has verified with ComTech Communications Fire Station Alerting System that we have full compatibility with their hardware and software. Our CAD system, TriTech VisiCAD, has multiple information transmission capabilities including interfacing with station alerting equipment for both voice and data transmission, all phone carriers for SMS data transmission, SMTP protocols for email notifications, as well as other popular protocols for paging including SNPP, WCTP, and IP based "rip and run" protocols for station side printers. Any of the above mentioned protocols and/or services can be used independently or all of them used simultaneously as required by the end user.

17. The Contractor will charge a per-call fee for dispatch services. Any separate fees for start-up costs or necessary software will be detailed separately.

See fee schedule.

18. The Contractor must have the capability to page on the City's UHF frequencies using the existing paging alert tone schematics as well as have the ability to add additional paging alert tones in the future.

HCEC Communications utilizes the Telex Nexus IP Radio Dispatch Console System. This system has no maximum limit for encoding, and has several paging protocols available including 2 tone sequential, 5 tone, Knox, and DTMF, as well as other data protocols including MDC-

1200, Fleetsync, Nexedge, and Mototrbo. We currently have the capability to match Pearland Fire Department's encoding format, as well as future additions needed for continued operations and expanded operations.

19. The Contractor must have the capability to dispatch and communicate on both the Harris County 800 MHz system and the City of Houston 700 MHz system.

HCEC Communications is a current user of the Harris County Regional Radio System, with both analog, and digital control stations in daily public safety use. We have the infrastructure in place to also use the City of Houston 700 MHz system including control station antennas, transmission cables, and radio system expansion room to accommodate the use of additional control station radios.

In addition, HCEC Communications also has one of only three non Harris County Information Technologies, Radio Services employed programmers in-house, cutting down on wait time to add or modify programming on field radios when needed.

20. The Contractor must have 24/7 operations.

Our Communications Center operates 24/7.

21. The Contractor must be able to demonstrate full compliance with NFPA 1221 Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems, 2013 edition.

HCEC Communications has confirmed full compatibility with the ComTech Communications Fire Station Alerting System. The fully functioning system meets all applicable standards for alarm circuit monitoring. Our use of TriTech CAD system makes all time based standards achievable on percentages higher than the NFPA minimum standards. Daily, weekly, and/or monthly reporting on these benchmarks will be made available to Pearland Fire Department at whatever frequency requested.

HCEC Communications utilizes backup and redundant systems for all critical communication areas of the operation, and meets, and/or exceeds NFPA and ISO standards in all areas, from testing, maintenance, grounding, and administrative alerting for failures. All maintenance functions carried by our in-house maintenance department are logged and are available for review whenever needed.

22. The Contractor must be able to demonstrate full compliance with applicable sections of NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, 2010 Edition. In particular, the performance objectives for Alarm Answering Time, Alarm Handling Time, Alarm Processing Time and Alarm Transfer Time.

See Response to Item 21.

23. The Contractor must be able to demonstrate compliance with the requirements of the Insurance Services Office Rating Schedule for Communications with no loss of points.

See Response to Item 21.

24. The Contractor must provide monthly or quarterly, and annually, or have available on-line reports that demonstrate compliance with the above mentioned standards.

HCEC will provide reports as requested by COP or representative.

25. The Contractor must be able to demonstrate current emergency incident communications loads and the capacity to add the City of Pearland, and its future growth, without slowing or being unable to meet the standards mentioned above.

The Communications center was designed in 2009 with additional expansion room available, if needed. The current Communications Center, based on active call volume, needs 4 full-time manned consoles, with a 5 manned console during peak hours determined through evaluation of monthly reporting. The center has 8 fully functioning consoles for immediate use whenever additional communications resources are needed. Located next to the main communications center is an additional 1,500 square foot area already fitted with raised flooring, backup power receptacles, and public safety network access. This area can be configured for public safety communications very quickly if the additional space is needed, without the loss of any functionality found in the current primary communications center.

Current and anticipated future call volumes (up to an additional 50,000 annual calls) can be managed with the infrastructure and resources we currently have in place. Some of HCEC administrative staff, field medics, and EMS supervisors are EMD/EFD certified and are available if needed at high call volume times.

26. The Contractor must allow the Fire Department and EMS Departments to retain their current single unit resources nomenclature and numbering systems. (For example, Engine 1, Ladder 1, Medic 5, etc.)

Our CAD system is a hierarchy and map based CAD system. It allows all clients to work completely independently, without reliance of any other agency setup or CAD configuration. In short, our CAD system will allow Pearland Fire Department to use any apparatus, emergency vehicle, and/or emergency personnel numbering system, and also utilize any response configuration, including unique response packages for each EMD, or EFD determinate nature. In addition, Pearland would have access to the use of alternative responses in the event a unit is unavailable for a normal response (ie. a Chief Officer, secondary apparatus, or an automatic mutual aid response). These options may or may not be used or configured at the request of the City of Pearland Fire & EMS Department and be added, modified, or removed at any time.

27. The Contractor must be able to transfer Pearland operations to the Pearland PSAP in case of Communications Center or system failures.

Greater Harris County 9-1-1 will setup an automatic and manually activated fail-over phone routing configuration in the 9-1-1 trunked system. This systems will either automatically re-route callers to Pearland PSAP or can be manually transferred at any time by HCEC.

28. The Contractor must have an on-duty supervisor at all times.

HCEC Communications has a Communications Supervisor on shift at all times (24/7).

29. The Contractor shall automatically record all radio traffic on dedicated City frequencies and be able to immediately play back any radio traffic for review.

HCEC records all radio traffic on all radio frequencies, inbound and outbound. The recordings are available for immediate playback.

30. The Contractor shall automatically record all emergency calls and be able to immediately play back any emergency call to review the conversation.

HCEC records all emergency and nonemergency calls, inbound and outbound. The recordings are available for immediate playback.

31. The Contractor shall have the ability to monitor for integrity of the primary dispatch circuit. The monitoring shall automatically detect for faults and failures in the system and

send visual and audible indications to Communication Center personnel.

Monitoring of dispatch circuits will be managed through the ComTech Communications Station Alerting System. The required equipment will be installed at Pearland Fire Department, HCEC Communications, and redundantly installed at Pearland PSAP. All aspects of the NFPA 1221 standards on monitoring dispatch circuits will be met or exceeded with this system.

32. The Contractor shall have two (2) sources of power. The secondary power source shall be inspected weekly and exercised under load monthly.

Our main power source is the public electrical supply. If needed, our secondary power supply is generated through the use of a 150 KW generator, powered with natural gas, and monitored through the manufacturer supplied monitoring system. This generator has 2 additional, identical generators which can be used in the case of failure on the primary unit. The secondary units are subjected to the same preventative maintenance, inspection, and testing procedures as the primary unit.

The three units are inspected each Monday morning by our Maintenance Division and are run under load on the 1st of each month. Full preventative maintenance is performed by a 3rd party vendor, specializing in generator maintenance, twice annually.

33. Inspections and load tests shall be recorded and maintained at the Communications Center for 5 years.

All records of inspections, load testing and preventive maintenance are logged, and retained with the Maintenance Division. These records are available for five years.

34. The Contractor shall be capable of dispatching the closest resource to an emergency through a Dynamic Vehicle Locator (DVL) type system.

Our TriTech VisiCAD system uses response recommendations based on closest unit(s) to the scene, with response time calculated by known variables, such as posted road speed, road construction, and most logical route. The CAD system determines the recommendation based on the data gathered by each unit using the Dynamic, or Automatic Vehicle Locator system. If DVL isn't available on one or more units, CAD will use the last know location of the unit. This function is only applicable for agencies not using DVL, or if a unit experiences a failure of the DVL unit.

35. The Contractor shall be capable of transmitting, electronically, alarm notification to

appropriate Fire & EMS stations via station alerting systems. The selected contractor must be able to interface with ComTech Station Alerting Systems.

HCEC Communications has contacted ComTech Communications and has verified our system's compatibility between and equipment installed with the City of Pearland Fire & EMS Department. No functionality loss will occur after the transition to HCEC Communications.

36. The Contractor shall be able to notify both on duty and off duty personnel via cell phone and text messaging.

In addition to available notification functions with the station alerting system, our CAD system has many paging, email, and other information transmissions protocols available for notifying on and/or off duty personnel, including SMS, SMTP, SNPP, WTCP, and rip and run printers.

37. The Incident Command System will be utilized for all incidents.

All communications personnel are trained and knowledgeable about the Incident Command System, and are required to pass all applicable NIMS courses.

38. The Contractor must be able to set up "run cards" using boxes and/or grids provided by the City. Units must be able to be dispatched based on those run cards using a variety of unit types and quantities based upon the type of the incident.

Response areas are drawn out using ESRI software by our GIS personnel according to specifications submitted by Pearland Fire Department. Response packages are tied to the individual EMD, or EFD natures, and can be completely customized by Pearland Fire Department without restrictions or dependence on any configurations already in CAD.

39. The Contractor must provide on-site training, and/or "train the trainer" type training, for Pearland Fire & EMS personnel in the use of MDT software, proper radio procedures, and the ability of command staff to run and view reports.

HCEC shall provide training for COP Fire and EMS personnel regarding the MDT software, radio procedures, and CAD browser for reports and incident information. This training shall be available at a City of Pearland site or at Harris County Emergency Corps Administration building.



Memo

To: Clay Pearson, City Manager

From: Vance Riley, Fire Chief *VR*

CC: Jon Branson, Deputy City Manager; Trent Epperson, Assistant City Manager;

J.C. Doyle, Chief of Police

Date: 18 November 2015

Re: Pearland FD Dispatching Contract Renewal

11/19/15

To: Mayor and City Council members
Background on forthcoming renewal consideration. Clay

When a person dials 911, the call is answered by a Public Safety Answering Point (PSAP). For callers within the City of Pearland, the PSAP is the Pearland Police Department. For callers within the ETJ, the PSAP is usually the Brazoria County Sheriff's Department in Angleton. For callers calling from a cell phone, the PSAP could be either one of these, or even Harris County or City of Houston, depending on what cell phone tower the call originates on.

If a caller in the Pearland ETJ needs Fire or EMS service, the Brazoria County PSAP screens the call and transfers it to the Pearland PSAP to dispatch the appropriate resources. This transfer is accomplished through a process that is seamless to the caller and near instantaneous.

With current computer technology, GPS, and mapping solutions, the physical location of the dispatch center has no bearing on the level of service provided to our constituents. The time delay of the transfer is minimal, typically a matter of seconds.

Since early 2013 we have contracted our FD dispatching (Fire, EMS, and Rescue) with Harris County Emergency Corps (HCEC). The 911 calls still go to the original PSAP, be it Pearland or Brazoria County. After determining the nature of the incident, those PSAPs transfer the call to HCEC.

The HCEC Communications Center serves fire and EMS agencies throughout Southeast Texas. Currently the communications center serves 16 agencies and dispatches over 50,000 calls per year. The HCEC Communications Center follows the guidelines from the National Academy for Quality Assurance, and has a dedicated staff to ensure they meet or exceed the National Academy standards. All Communications personnel are certified through the National Academy of Emergency Dispatch in both Emergency Medical and Emergency Fire Dispatch.

Staffing levels at HCEC allow for a calltaker to remain on the phone with the reporting party and give medical or other safety instructions while a separate dispatcher sends the appropriate and closest emergency vehicles and equipment to handle the call. This high level of service has resulted in many CPR, choking and other high risk medical incident saves. This service level was not previously available to us.

In the event of a technology failure, the Pearland PSAP still services our calls in an emergency situation. HCEC also has a backup dispatch center in a different location, if necessary, as well.

Pearland FD has direct radio communication capabilities with the Pearland PD dispatch center as well as Pearland PD patrol units to facilitate coordination with the Police Department. The two dispatch centers can also simultaneously be on the line with a caller, as well as talk to each other if that level of coordination is necessary for a particular incident.

HCEC currently charges \$18 per incident dispatched based on our initial 2013 estimate of 9000 annual incidents. Actual 2013 incident totals are not readily available due to Fire & EMS consolidation of two different tracking systems. We went 'live' with HCEC on 1 May 2013. Actual incidents transferred to and handled by HCEC in calendar year 2014 were 8869. Estimates for calendar year 2015 are 9583. This annual fee of \$162,000 has remained the same since 2013 though our number of incidents has increased.

There have been a few customer service issues at times since the start of the original contract both with persons reporting incidents and our FD Operations personnel. We believe that these issues are about 1% of all incidents dispatched. Recently, I met with Jeremy Hyde, President and CEO, Harris County Emergency Corps to discuss these issues. There has been a marked improvement since that meeting and we look forward to additional training for FD personnel and process improvement in the coming months.

We are preparing a white paper about Fire and EMS dispatching future options that will be available for Council review and discussion at the Spring Council Budget Workshop. The contract with HCEC renews annually unless notice is given by either party. At a December City Council meeting we will be recommending renewal of the contract with HCEC for one more year. This year will give us the opportunity to explore remaining with HCEC or selecting another option.

Please contact us if you have any further questions. Thank you for your consideration.

RESOLUTION NO. R2015-231

A Resolution of the City Council of the City of Pearland, Texas, renewing a Fire/EMS dispatch services agreement with Harris County Emergency Corps, in the amount of \$180,000 for the period of January 1, 2016 through December 31, 2017.

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

Section 1. That certain dispatch services agreement by and between the City of Pearland and the Harris County Emergency Corps, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby renewed.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest a dispatch services agreement with the Harris County Emergency Corps.

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 14, 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 TCLOSE) 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: 12-14-2015	ITEM NO.: Consent Agenda
DATE SUBMITTED: 12-9-2015	DEPARTMENT OF ORIGIN: City Secretary
PREPARED BY: Maria E. Rodriguez PRESENTOR: City Council	
REVIEWED BY: Jon R. Branson REVIEW DATE: December 9, 2015	
SUBJECT: Excuse the absence of Councilmember Greg Hill from the Regular Council Meeting held on December 7, 2015.	
EXHIBITS: None	
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: <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 December 7, 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 14, 2015	ITEM NO.: R2015-223
DATE SUBMITTED: November 19, 2015	DEPT. OF ORIGIN: Capital Projects
PREPARED BY: Andrea Brinkley	PRESENTOR: Susan Polka, P.E.
REVIEWED BY: Trent Epperson	REVIEW DATE: December 8, 2015
SUBJECT: R2015-223 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Development Agreement with DR Horton associated with the oversizing of the Bakers Landing Detention Pond and constructing the associated improvements in the amount of \$120,000.00.	
EXHIBITS: R-2015-223, Exhibit A – Development Agreement; Exhibit B – Baker’s Landing Pond Plan; Exhibit C – Baker’s Landing Pond Oversize Engineer’s Estimate of Costs Sharing and Pond Plan	
FUNDING:	
<input type="checkbox"/> Bonds To Be Sold	<input type="checkbox"/> Grant <input type="checkbox"/> Bonds- Sold
<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash <input type="checkbox"/> L/P – Sold
<input type="checkbox"/> L/P – To Be Sold	
EXPENDITURE REQUIRED: \$120,000	AMOUNT BUDGETED: \$768,834
AMOUNT AVAILABLE: \$600,780	PROJECT NO.: DR1302
ACCOUNT NO.: 203-0000-565-03-00	
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 Old Townsite Drainage project was budgeted in the FY 2014-2018 CIP as the prelude to developing a sub-regional detention plan for the 41 acre Old Town area. The project is a short term priority project in the City’s Sub-Regional Detention Plan to address the need for detention in the southeast quadrant of the Old Townsite, to guide future development and redevelopment and mitigate the impacts of the expansion of the roadway network in this quadrant.

The entire watershed area is 195 acres: bounded by Broadway on the north, Mary’s Creek on the south, Old Alvin Road on the east and SH 35/South Main Street on the west, however, the Old Townsite Drainage project is focused on developing a plan for sub-regional detention for

the 41 acre area in an effort to encourage re-development. In late 2014, the City hired Dan-nenbaum Engineering Corporation to complete the Drainage Study and a Preliminary Engi-neering Report. The study progressed with information gathering, and City staff was made aware of a possible cooperative opportunity with the Baker's Landing mixed use development project.

In late October 2015, Council approved the Planned Development (PD) for the Baker's Land-ing subdivision and discussions were held with the developer, DR Horton, to determine if a co-operative development agreement could be reached wherein both parties would benefit so that the City would be able to obtain detention capacity in the detention pond that is a part of the Baker's Landing subdivision reducing the impact of land lost to ponds, while providing deten-tion capacity for redevelopment as soon as possible.

The discussions with DR Horton resulted in the pond oversizing agreement, addressed in the attached Development Agreement. A future conveyance oversizing agreement will include the oversizing of storm sewer within the Baker's Landing development to accommodate flows to the pond.

SCOPE OF CONTRACT/AGREEMENT

The Development Agreement outlines the responsibilities and sets forth the estimated costs for each party as a participant to the agreement. The developer will construct the detention pond in accordance with the Plan contained in Exhibit "B". The City will pay the cost for oversizing the pond construction including the associated design costs encumbered by the Developer in the amount estimated to be \$120,000.00.

The scope of the Development Agreement includes:

- Design of the oversizing of the detention pond from the required 59.15 acre feet by 8.52 acre feet for a total volume of 67.67 acre feet.
- Construction of the pond, including the additional capacity required for the City
- City reimbursement for associated costs

BID AND AWARD

N/A

SCHEDULE

The developer will begin work in December 2015 and, per the agreement, will complete that work on or before June 1, 2016.

POLICY/GOAL CONSIDERATION

This project complies with the Council Strategic Priorities for Sustainable Infrastructure, Fiscally Responsible and Healthy Economy by implementing regional detention capacity in the Old Townsite area, increasing the potential for redevelopment by not requiring on site detention through the purchase of rights into regional detention, and working with private development activity to accomplish a mutually beneficial goal.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

The project is funded by the 2007 voted bond referendum.

Year	To Date	2017	2018	2019	2020	Total
Budget	\$ 768,834	\$ 2,204,800	\$ 826,800	\$ -	\$ -	\$ 3,800,434
Prior Expenditures						
PER						-
Land/ROW						-
Design/Survey	163,034					163,034
Construction						-
FF&E						-
Current Request						
Construction	120,000					\$120,000
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey	485,800					485,800
Construction		\$2,204,800	\$826,800			\$3,031,600
FF&E						\$0
Total Expenditures	\$ 768,834	\$ 2,204,800	\$ 826,800	\$ -	\$ -	\$ 3,800,434
Remaining Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Debt Sold	100,000					
Debt to Be Sold	487,834	2,204,800	826,800			
Annual Debt Service	6,700	55,400	275,900	358,640		

O&M IMPACT INFORMATION

No operations and maintenance costs are anticipated in the pond oversizing as the pond will be maintained by the Baker's Landing HOA.

Year	2016	2017	2018	2019	2020
Operation and Maintenance Costs	\$ -	\$ -	\$ -	\$ -	\$ -

RECOMMENDED ACTION

Staff recommends the consideration and approval of the Development Agreement with DR Horton for the oversizing of the Baker's Landing Detention Pond and constructing the associated improvements in the amount of \$120,000.00.

DEVELOPMENT AGREEMENT

This Agreement is entered into this _____ day of _____, 2015, by and between the CITY OF PEARLAND, TEXAS, (hereinafter "City"), and _____, (hereinafter "Developer").

WHEREAS, Developer plans to construct a planned unit development consisting of single family residential, town home, and general business uses to be known as Baker's landing ("Development"); and

WHEREAS, Developer is required to construct a detention pond with 59.15 acre-feet of detention volume to serve the Development; and

WHEREAS, City desires to cooperate with Developer to oversize the detention pond by adding an additional 8.52 acre-feet of detention capacity to serve the Old Town Site area of the City; and

WHEREAS, Developer's detention requirement plus the City's oversizing request shall collectively be referred to as the Improvements herein; and

WHEREAS, City and Developer desire an agreement to set forth their respective responsibilities with regard to providing the Improvements to.

W I T N E S S E T H :

NOW THEREFORE, in consideration of the foregoing premises and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is hereby agreed as follows:

1. Developer shall install the Improvements in accordance with the specifications contained in Exhibit "A" attached hereto. The estimated cost for the portion of the Improvements to serve the Development is \$912,500.00. The estimated total cost for all of the Improvements is estimated to be \$1,032,600.00. Therefore, the total estimated cost for the City's portion of the Improvements is \$120,000.00, however, the City's actual portion of the improvements shall be determined upon receipt and approval by the City of the bids obtained in accordance with Section 2 of this Agreement (hereinafter "City's Cost"), and City agrees to reimburse Developer for the City's Cost in accordance with Section 4 of this Agreement.
2. Upon approval of the plans and specifications by the City, Developer's engineers shall obtain competitive line item bids in accordance with Local Government Code Chapter 252 for the construction of the Improvements in accordance with the plans

and specifications. Developer and the City will review the bids and Developer will award a contract to the successful bidder. City reserves the right to reject any and all bids for the construction of the City Improvements within ten (10) days following submission to the City for review, following the expiration of which the bids selected by Developer shall be deemed approved by the City. In the event the City rejects the bids, this Agreement shall automatically terminate and Developer shall be authorized to construct the improvements needed to serve the Development only.

3. Following approval of the bids by the City, Developer shall cause construction of the Improvements to commence on or before the date two (2) weeks following the later of such approval by the City or the deemed approval pursuant to Section 2 above, and Developer shall cause the Improvements to be substantially complete, as reasonably determined by the City's Engineer, in accordance with the plans and specifications on or before December 31, 2016. If Developer shall fail to cause construction to commence by the aforementioned date, and following thirty (30) days' written notice to Developer, the City shall have the right to terminate this Agreement, in which event Developer shall be authorized to construct the improvements needed to serve the Development only. Developer's engineer and the City Engineer or his designee shall monitor the progress and workmanship of the contractor. Developer shall advance the funds necessary to pay the contractor for the work performed. Developer shall cause the City to be named as an additional obligee under any performance bond obtained by Developer to secure the construction of the Improvements.
4. The City will reimburse Developer for the City's Cost within thirty (30) days following acceptance of the Improvements by the City and evidence of paid invoices. Provided, however, that the City shall not be obligated under any circumstance to reimburse Developer for more than 100% of the City Cost, unless the City Council shall approve such an increase beyond the City Cost ("Additional Costs") prior to construction of the improvements that result in the Additional Costs. Furthermore, Developer shall be responsible for all Additional Costs that are not approved as provided herein.
5. The initial term of this Agreement shall be for a period of eighteen (18) months, commencing on the ____ day of _____, 2015, and terminating on the 30th day of June, 2017, provided, however, that this Agreement shall be automatically renewed in one (1) month increments (up to a maximum of 6 months) until all of the obligations of the parties hereunder have been fully discharged or specifically waived in writing by the beneficiary thereof.
6. This Agreement may only be amended, modified, or supplemented by written agreement and signed by both parties.
9. No assignment by a party hereto of any rights under or interests in this agreement will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation moneys that may become due and moneys that are due may not be assigned without such consent (except to

the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

10. Nothing herein is intended to supersede or waive any City ordinance or regulation pertaining to such construction.
11. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is prohibitive or invalid under applicable law, such provision shall be ineffective to the extent of such provision or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement.
12. This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Texas.
13. To accomplish execution of this Agreement, it may be executed in multiple counterparts.
14. **DEVELOPER HEREBY RELEASES, ACQUITS, AND FOREVER DISCHARGES THE CITY, ITS OFFICERS, AGENTS, EMPLOYEES, SUCCESSORS, AND ASSIGNS FROM ANY AND ALL CLAIMS, DEMANDS, RIGHTS OR CAUSES OF ACTION OF WHATSOEVER CHARACTER OR NATURE, INCLUDING ATTORNEYS' FEES, ARISING FROM OR BY REASON OF ANY AND ALL BODILY OR PERSONAL INJURIES, INCLUDING DEATH AND MENTAL ANGUISH, DAMAGE TO PROPERTY AND THE CONSEQUENCES THEREOF WHICH MAY BE SUSTAINED BY DEVELOPER, ITS HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS, OR ASSIGNS AS A RESULT OF THE NEGLIGENT DESIGN BY DEVELOPER OF THE IMPROVEMENTS REFERENCED ABOVE, UNLESS CAUSED IN WHOLE OR IN PART BY THE NEGLIGENCE OF THE CITY, ITS OFFICERS, AGENTS, EMPLOYEES, SUCCESSORS, OR ASSIGNS. THE PROVISIONS OF THIS SECTION SHALL SURVIVE THE TERMINATION, EXPIRATION, OR CANCELLATION OF THIS AGREEMENT FOR A PERIOD OF TWO YEARS.**
15. **DEVELOPER SHALL KEEP AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, EMPLOYEES, SUCCESSORS, AND ASSIGNS FROM ANY AND ALL COST, LIABILITY, DAMAGE OR EXPENSE OF ANY NATURE AND HOWSOEVER CAUSED, INCLUDING ATTORNEYS' FEES, CLAIMED OR RECOVERED BY ANYONE BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR PERSONS OR DAMAGE TO OR DESTRUCTION OF PROPERTY CAUSED BY THE NEGLIGENT DESIGN BY DEVELOPER, ITS AGENTS, EMPLOYEES, SUCCESSORS, OR ASSIGNS OF THE IMPROVEMENTS REFERENCED ABOVE, UNLESS CAUSED IN WHOLE OR IN PART BY THE NEGLIGENCE OF THE CITY, ITS OFFICERS, AGENTS, EMPLOYEES,**

SUCCESSORS, OR ASSIGNS. THE PROVISIONS OF THIS SECTION SHALL SURVIVE THE TERMINATION, EXPIRATION, OR CANCELLATION OF THIS AGREEMENT FOR A PERIOD OF TWO YEARS.

16. The Parties agree that any suit arising out of or related to this Agreement shall be filed in Brazoria County Texas.
17. All notices which are required or may be given pursuant to this Agreement shall be in writing and shall be sufficient if delivered personally or by first class mail, postage prepaid, return receipt requested, or by a nationally recognized courier, to the parties and their attorneys at the addresses set out below or such other addresses as the parties or their attorneys may hereafter notify one another:

If to City: City of Pearland
 Attn: Clay Pearson
 3519 Liberty Drive
 Pearland, TX 77581

If to Developer: D.R. Horton – Texas, Ltd.
 14100 Southwest Freeway, Ste. 500
 Sugar Land, TX 77478
 Attn: Chris Lindhorst & Eric Windsor
 Email: clindhorst@drhorton.com /
 ewindsor@drhorton.com

Notice delivered in accordance with the terms hereof shall be effective upon receipt.

18. Force Majeure. No party to this Agreement shall be in default for breach of any covenant in this Agreement, other than a covenant to make payment when due, which is caused by or results from any causes beyond such party's reasonable control, including but not limited to acts of God, war, riot, civil disobedience or disturbance, weather, impracticality, accident, strike or other labor disputes, delays of suppliers, contractors or carriers, fire, flood or casualty, governmental or judicial actions and shortages of material, components, fuel, labor or facilities.

In witness whereof, the parties have hereunto set their hands and signatures on the date first above mentioned.

D. R. HORTON – TEXAS, LTD.,
a Texas limited partnership

By: D. R. Horton, Inc., a Delaware corporation,
its Authorized Agent

By: _____

Name: Christopher Lindhorst

Its: Division President

CITY OF PEARLAND,
a Texas municipal corporation

By: _____
Clay Pearson,
City Manager

ATTEST:

Young Lorfing
City Secretary

STATE OF TEXAS §
 §
FORT BEND COUNTY §

This instrument was acknowledged before me on this _____ day of _____, 2015, by Christopher Lindhorst, Division President of D.R. Horton, INC., a Delaware corporation, the authorized agent of D.R. Horton – Texas, Ltd., a Texas limited partnership.

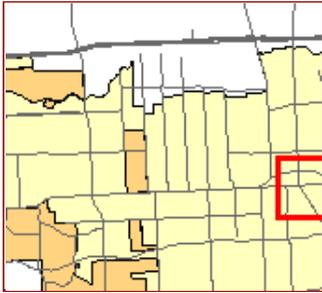
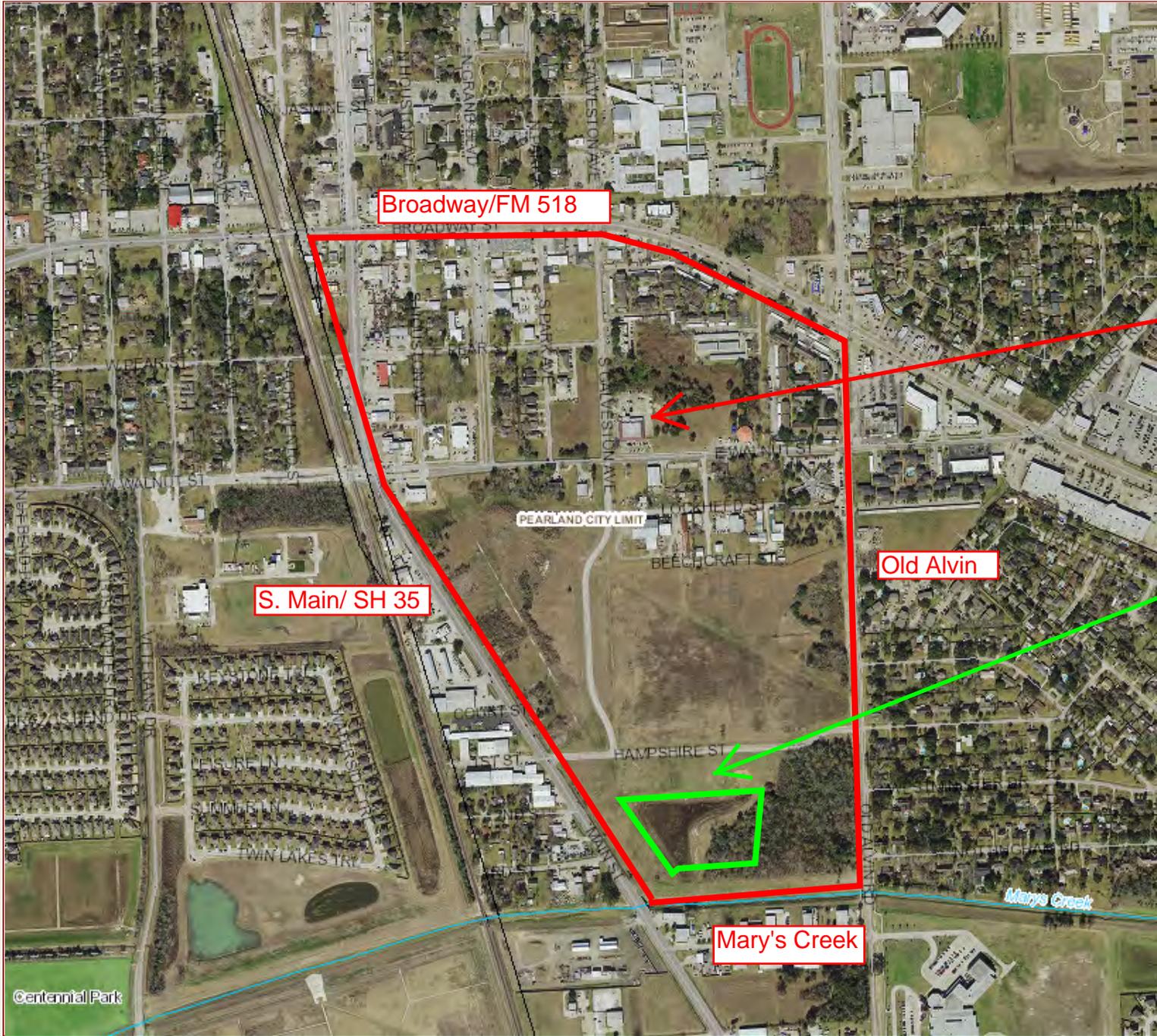
Notary Public
My Commission Expires: _____

STATE OF TEXAS §
 §
BRAZORIA COUNTY §

This instrument was acknowledged before me on this _____ day of _____, 2015, by Clay Pearson, City Manager of the City of Pearland, a Texas home rule municipality, on behalf of said municipality.

Notary Public, State of Texas
My Commission Expires: _____

Old Townsite Drainage Study & PER Area And Baker's Landing Pond Oversizing



Old TownSite
Drainage Study
Area

Proposed Baker's
Landing Pond



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

Scale 1:9,221
1 in = 768 ft
September 12, 2014



PRELIMINARY ENGINEER'S ESTIMATE FOR:

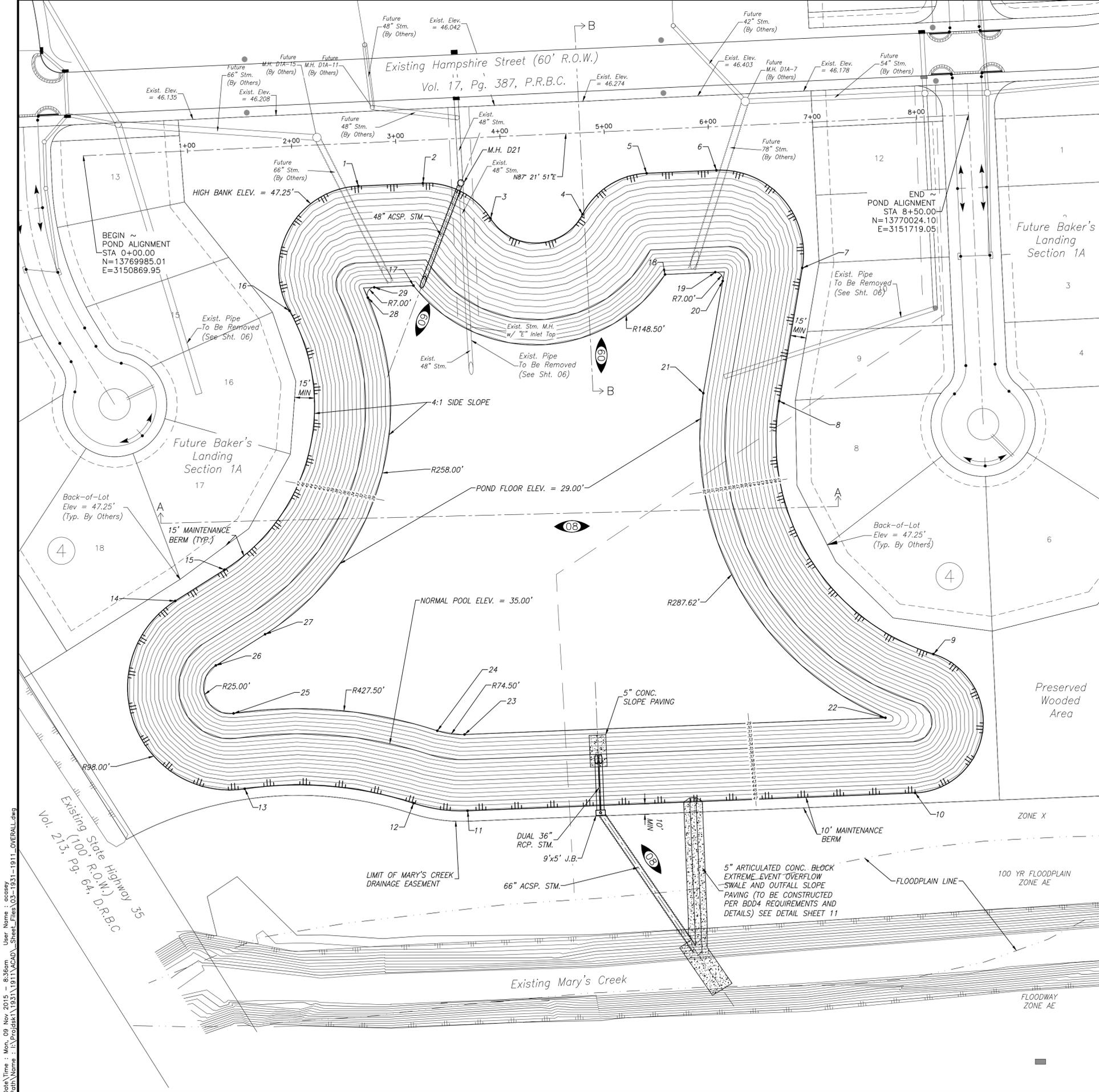
BAKER'S LANDING
 WATER, SEWER, DRAINAGE,
 DETENTION AND PAVING
 CITY OF PEARLAND, TEXAS
 ANC/ARC
 11/12/2015
 1931-1901

ESTIMATE BY:**ESTIMATE DATE:****LJA JOB NO.**

ITEM	DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL COST	DR HORTON COST	PEARLAND COST
DETENTION POND ITEMS							
1	EXCAVATION, HAULING, PLACEMENT, AND COMPACTION OF POND TO SERVE BAKER'S LANDING	CY	110,800	\$ 5.00	\$ 554,000	\$ 554,000	\$ -
2	EXCAVATION, HAULING, PLACEMENT, AND COMPACTION OF POND TO SERVE CITY OF PEARLAND	CY	13,700	5.00	68,500	-	68,500
3	OUTFALL - 36" RCP STM SWR, ALL CUTS (1)	LF	150	105.00	15,750	13,703	2,048
4	OUTFALL - 66" CMP STM SWR, ALL CUTS (1)	LF	169	150.00	25,350	22,055	3,296
5	OUTFALL - 9'x5' JUNCTION BOX (1)	EA	1	5,000.00	5,000	4,350	650
6	OUTFALL - TRENCH SAFETY (1)	LF	319	1.25	399	347	52
7	OUTFALL EROSION CONTROL - 5" CONCRETE SLOPE PAVING (1)	SY	54	127.00	6,858	5,966	892
8	OUTFALL OVERFLOW SWALE - 5" ARTICULATED CONC. BLOCK (1)	SY	405	80.00	32,400	28,188	4,212
SUBTOTAL DETENTION ITEMS					\$ 708,300	\$ 628,600	\$ 79,600
MISCELLANEOUS ITEMS							
1	STABILIZED CONSTRUCTION EXIT (1)	EA	1	\$ 2,000.00	\$ 2,000	\$ 1,740	\$ 260
2	TEMPORARY ROCK FILTER DAM (1)	EA	1	135.00	135	117	18
3	DEWATERING	LF	1,000	25.00	25,000	25,000	-
4	ADDITIONAL COST FOR STORM SEWER BEDDING AND BACKFILL WHERE UNSATISFACTORY SOIL CONDITIONS EXIST	LF	1,000	15.00	15,000	15,000	-
5	BROADCAST SEEDING OF FILL AREAS AND MAINT. BERMS (1)	AC	52.9	550.00	29,095	25,313	3,782
6	HYDROMULCH SEEDING OF POND SIDE SLOPES (1)	AC	3.0	1,100.00	3,300	2,871	429
7	STORM WATER POLLUTION PREVENTION COMPLIANCE (1)	EA	1	5,000.00	5,000	4,350	650
SUBTOTAL MISCELLANEOUS ITEMS					\$ 79,500	\$ 74,400	\$ 5,100
DETENTION ESTIMATE SUMMARY							
SUBTOTAL DETENTION POND					\$ 708,300	\$ 628,600	\$ 79,600
SUBTOTAL MISCELLANEOUS ITEMS					79,500	74,400	5,100
TOTAL CONSTRUCTION AMOUNT					\$ 787,800	\$ 703,000	\$ 84,700
CONTINGENCIES (10%)					\$ 78,800	\$ 70,300	\$ 8,500
ENGINEERING AND TESTING (18%)					\$ 156,000	\$ 139,200	\$ 16,800
REVISE DRAINAGE STUDY					\$ 10,000	\$ -	\$ 10,000
TOTAL					\$ 1,032,600	\$ 912,500	\$ 120,000

NOTE:

(1) PRO-RATED BASED ON EXCAVATION



LEGEND

- PROPOSED STORM SEWER & MANHOLE
- EXISTING STORM SEWER AND MANHOLE
- PROPOSED STORM SEWER, MANHOLE, AND "H-2" OR "C-1" INLETS
- INDICATES SHEET REFERENCE NUMBER
- PROPOSED LIMITS OF NORMAL POOL

85-ACRE BAKER'S LANDING DETENTION SUMMARY

DETENTION BASIN DRAINAGE AREA	97.47 ACRES		
PROPOSED DEVELOPMENT	78 ACRES		
DETENTION STORAGE RATE	0.65 ACRES-FT/ACRE MINIMUM		
DETENTION STORAGE REQUIRED	8.45 AC-FT EXISTING	30.7 AC-FT NEW	
FLOODPLAIN FILL MITIGATION REQUIRED	0.0 ACRE-FEET		
DETENTION STORAGE PROVIDED	67.67 ACRE-FEET		
FLOODPLAIN FILL MITIGATION PROVIDED	0.0 ACRE-FEET		
	3 YEAR	10 YEAR	1% (100 YEAR)
DESIGN WATER SURFACE ELEVATION	38.42	42.99	45.14
MAXIMUM ALLOWABLE OUTFLOW (CF5)	82.4	104.8	143.7
MAXIMUM OUTFLOW PROVIDED (CF5)	71.4	62.8	90.7

- #### NOTES:
- ALL T.C. ELEVATIONS SHOWN ON PLAN AND PROFILE ARE BASED ON 6" CURB. TO OBTAIN 4"x12" CURB ELEVATION, SUBTRACT 0.17'.
 - ALL INTERIOR CONCRETE CURBS SHALL BE 4"x12", 6" CONCRETE CURB SHALL BE INSTALLED AT AREAS ADJACENT TO RESERVES AND ON COLLECTOR ROAD. (REFER TO PAVING DRAINAGE & PERMANENT SIGNAGE LAYOUT SHEET)
 - WATER LINE WITH MECHANICAL JOINT SHALL BE CONSTRUCTED AS PER CITY OF PEARLAND STANDARDS.
 - MAN HOLE RIM ELEVATIONS SHOWN ON PLAN ARE APPROXIMATE ONLY. UTILITIES CONTRACTOR SHALL ADJUST MAN HOLE RIM TO 0.3' ABOVE FINISHED GRADE.
 - REFER TO PAVING DRAINAGE & PERMANENT SIGNAGE LAYOUT SHEET FOR SIDEWALK, WHEELCHAIR RAMP AND SIGNAGE LOCATIONS.
 - CONTRACTOR SHALL FIELD VERIFY FLOWLINES OF ALL EXISTING SANITARY SEWER, STORM SEWER, AND WATER LINES WHERE TYING IN.
 - CONTRACTOR SHALL NOT EXCEED 1/2 MANUFACTURER'S RECOMMENDED MAXIMUM PIPE DEFLECTION

RECORD DRAWING

I CERTIFY THAT THIS DRAWING REFLECTS THE IMPROVEMENTS CONSTRUCTED AS TO SIZE, LOCATION AND GRADE AND THAT THE CONSTRUCTION WAS IN FULL COMPLIANCE WITH THE CONTRACT DOCUMENTS

INITIAL _____ DATE _____

NOTES:

- CONTRACTOR SHALL BE RESPONSIBLE FOR THE CARE AND CONTROL OF WATER WITHIN MARY'S CREEK NECESSARY TO CONSTRUCT THE 66" ACSP OUTFALL AND THE CONCRETE EXTREME EVENT OVERFLOW SWALE.
- CONTRACTOR SHALL INSTALL A COFFER DAM SYSTEM TO ALLOW WORK AREA TO BE PUMPED OUT CREATING A DRY ENVIRONMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUBMITTING APPROVAL OF COMPLETE WORK PLAN WITH SIGNED AND SEALED DRAWINGS OF THE COFFER DAM SYSTEM

HIGH BANK POINT TABLE (47.25')

POINT	STATION & OFFSET
1	2+62.26 (41.14' R)
2	3+24.24 (41.25' R)
3	3+87.39 (77.87' R)
4	4+75.73 (78.03' R)
5	5+39.01 (41.64' R)
6	6+05.97 (41.76' R)
7	6+83.93 (139.06' R)
8	6+56.00 (265.22' R)
9	7+92.56 (513.79' R)
10	7+68.93 (645.71' R)
11	3+39.38 (643.01' R)
12	2+88.05 (633.45' R)
13	1+26.84 (612.25' R)
14	0+68.60 (429.54' R)
15	1+17.18 (401.94' R)
16	1+90.78 (157.35' R)

TOE POINT TABLE (29.00')

POINT	STATION & OFFSET
17	3+10.74 (138.73' R)
18	5+52.16 (139.17' R)
19	6+00.41 (139.25' R)
20	6+07.19 (147.94' R)
21	5+83.69 (254.31' R)
22	7+43.86 (572.55' R)
23	3+39.84 (570.01' R)
24	3+13.91 (565.18' R)
25	1+19.51 (539.62' R)
26	1+04.65 (493.01' R)
27	1+53.23 (465.42' R)
28	2+66.51 (148.18' R)
29	2+72.99 (138.66' R)

PROJECT BENCHMARK:
CITY OF PEARLAND MONUMENT GPS-1: BRASS CAP SET FLUSH IN CONCRETE IN FRONT OF CITY HALL 3519 LIBERTY DRIVE PEARLAND TX, 77581. POINT IS LOCATED +/- 46 FEET NORTHWEST OF THE NORTHERLY CORNER OF THE CONCRETE CITY HALL SIGN AND +/- 15 FEET SOUTHEAST OF THE SOUTHEASTERLY EDGE OF PAVEMENT OF LIBERTY DRIVE.

ELEVATION = 45.19 FEET NGVD29 1987 ADJ.

SITE TEMPORARY BENCHMARK:
TBM "A": TOP OF A 5/8" IRON ROD WITH PLASTIC CAP STAMPED LIA CONTROL AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH MAIN STREET AND HAMPSHIRE STREET. THE POINT IS LOCATED +/- 5 FEET SOUTH OF THE SOUTHERN EDGE OF PAVEMENT OF HAMPSHIRE STREET AND +/- 39 FEET EAST OF THE PROJECTED EASTERLY EDGE OF PAVEMENT LINE OF SOUTH MAIN STREET

ELEVATION = 48.00 FEET NGVD 1987 ADJ.

- #### NOTES:
- ALL T.C. ELEVATIONS SHOWN ON PLAN AND PROFILE ARE BASED ON 6" CURB. TO OBTAIN 4"x12" CURB ELEVATION, SUBTRACT 0.17'.
 - ALL INTERIOR CONCRETE CURBS SHALL BE 4"x12", 6" CONCRETE CURB SHALL BE INSTALLED AT AREAS ADJACENT TO RESERVES AND ON COLLECTOR ROAD. (REFER TO PAVING DRAINAGE & PERMANENT SIGNAGE LAYOUT SHEET)
 - WATER LINE WITH MECHANICAL JOINT SHALL BE CONSTRUCTED AS PER CITY OF PEARLAND STANDARDS.
 - MAN HOLE RIM ELEVATIONS SHOWN ON PLAN ARE APPROXIMATE ONLY. UTILITIES CONTRACTOR SHALL ADJUST MAN HOLE RIM TO 0.3' ABOVE FINISHED GRADE.
 - REFER TO PAVING DRAINAGE & PERMANENT SIGNAGE LAYOUT SHEET FOR SIDEWALK, WHEELCHAIR RAMP AND SIGNAGE LOCATIONS.
 - CONTRACTOR SHALL FIELD VERIFY FLOWLINES OF ALL EXISTING SANITARY SEWER, STORM SEWER, AND WATER LINES WHERE TYING IN.
 - CONTRACTOR SHALL NOT EXCEED 1/2 MANUFACTURER'S RECOMMENDED MAXIMUM PIPE DEFLECTION

RECORD DRAWING

I CERTIFY THAT THIS DRAWING REFLECTS THE IMPROVEMENTS CONSTRUCTED AS TO SIZE, LOCATION AND GRADE AND THAT THE CONSTRUCTION WAS IN FULL COMPLIANCE WITH THE CONTRACT DOCUMENTS

INITIAL _____ DATE _____

CITY OF PEARLAND APPROVAL STAMP

NOTE: IN CASE OF CONFLICT BETWEEN DETAILS SHOWN ON THIS SHEET AND THE CITY OF PEARLAND DESIGN STANDARDS, THE MORE STRINGENT SHALL APPLY.

DATE	REVISION	BY

THIS DOCUMENT IS ISSUED FOR INTERIM REVIEW AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMITTING PURPOSES.

TAYLOR BAUMGARTNER, P.E.
TEXAS P.E. #109710

ISSUED ON:
NOV 09 2015

LJA Engineering, Inc.

2929 Briarpark Drive
Suite 600
Houston, Texas 77042

Phone 713.953.3200
Fax 713.953.5026
FRN - F-1386



HARRIS COUNTY M.U.D. NO. 509

DETENTION POND TO SERVE BAKER'S LANDING

OVERALL LAYOUT

LJA Project No.: 1931-1911 Scale: 1" = 50'

Date: OCT 2015 SHEET 3 OF 11

Dwn By: ANC, ARC

Chkd By: TPB

Date/Time : Mon, 09 Nov 2015 - 8:36am User Name : acasey
Path Name : I:\Projects\1931\1911\ACAD_Sheet_Files\05-1931-1911_OVERALL.dwg

DETENTION POND TO SERVE BAKER'S LANDING - JOB NO. 1931-1911

RESOLUTION NO. R2015-223

A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Development Agreement with DR Horton associated with the oversizing of the Bakers Landing Detention Pond and constructing the associated improvements in the estimated amount of \$120,000.00.

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

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

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

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: 12-14-15	ITEM NO.: Resolution No. R2015-234
DATE SUBMITTED: 12-7-15	DEPARTMENT OF ORIGIN: Planning
PREPARED BY: Darrin Coker	PRESENTOR: Darrin Coker
REVIEWED BY: NA	REVIEW DATE: NA
SUBJECT: A resolution granting the consent of the City Council of the City of Pearland, Texas, consenting to the annexation of property, generally located at the intersection of SH 35 and Hampshire Street, into Harris-Brazoria Counties Municipal Utility District No. 509.	
EXHIBITS: R2015-234; Mud Data Information; Vicinity Map	
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 type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

MUD 509 (the "Mud") recently submitted an application for the City's consent to the annexation of an additional 84.946 acres into its boundaries. The acreage will be developed as the Baker's Landing Development near the intersection of SH 35 and Hampshire Street. Consistent with past Council action, the Mud rebate for the acreage will be \$0.10, not the \$0.15 that applies to the original MUD foot print. The Developer's Mud Data Form indicates the current taxable value of the property is a \$2.7 million, and the projected valuation at build out is expected to be approximately \$80.5 million. Ryan Harper, attorney for the Mud, will be present to answer any questions the Council may have.

RESOLUTION NO. R2015-234

A resolution granting the consent of the City Council of the City of Pearland, Texas, consenting to the annexation of property, generally located at the intersection of SH 35 and Hampshire Street, into Harris-Brazoria Counties Municipal Utility District No. 509.

WHEREAS, Harris-Brazoria Counties Municipal Utility District No. 509 was created by House Bill No. 4080, 80th Legislature, Regular Session, of the State of Texas (the "Legislation") and is located wholly in the City's corporate boundaries; and

WHEREAS, Section 54.016 of the Texas Water Code provides that land within a city's corporate boundaries may not be included within a district without the city's written consent; now, therefore,

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

Section 1. That the City Council of the City of Pearland, Texas, gives its written consent to the annexation of 84.946 acres, as more accurately described in Exhibit "A" attached hereto, into the boundaries of Harris-Brazoria Counties Municipal Utility District No. 509, subject to the conditions attached hereto as Exhibit "B," which conditions apply to all land in the District.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2015.

TOM REID
MAYOR

RESOLUTION NO. R2015-234

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

November 9, 2015
Job No. 1326-0003

METES AND BOUNDS DESCRIPTION OF
84.946 ACRES OF LAND
IN THE A.C.H.& B. SURVEY, SECTION 1, ABSTRACT NO. 147 AND THE
H.T.& B. R.R. CO. SURVEY 11, ABSTRACT NO. 239
BRAZORIA COUNTY, TEXAS

All of that certain 84.946 acres of land, located in the A.C.H.& B. Survey, Section 1, A-147 and 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 2005011938, of the Official Records of Brazoria County, Texas, the 1.3590 acre tract described as Tract One, the 4.0033 acre tract described as Tract Two, and the 5.4609 acre tract described as Tract Three, in the deed from First Republicbank Galveston, N.A., to Felton M. Baker, recorded under Document Number 1990018373, of the Official Records of Brazoria County, Texas, the tract of land described as "Lots Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19) and Twenty (20)" in the deed from Felton M. Baker to Houston Helicopters, Inc., recorded under Document Number 1995031382, of the Official Records of Brazoria County, Texas, the tract of land described as "Lots Four (4), Five (5), Fourteen (14) and Fifteen (15) in the deed from Felton M. Baker to Houston Helicopters, Inc., recorded under Document Number 1995031383, of the Official Records of Brazoria County, Texas, the 59.932 acre tract described in the deed from Raymond V. Kliesign to Houston Helicopters, Inc., recorded under Volume 1523, Page 840, of the Deed Records of Brazoria County, Texas, the private road referred to as Beechcraft (60' wide) as shown on the plat recorded under Volume 8, Page 17, of the Plat Records of Brazoria County, Texas, and more particularly described by metes and bounds as follows (Bearings based on Texas Coordinate System, South Central Zone, NAD83, 1993 Adjustment):

TRACT 1-A

BEGINNING at a northwest corner of Lot A of said REPLAT OF PEARLAND PAVILION, in the east line of the 0.459 acre tract described in the deed from Amerisource Funding, Inc. to Warfield Electric, LLC, recorded under Document Number 201201461, of the Official Records of Brazoria County, Texas, in the south line of the 30' reserve for road widening of East Walnut Street, shown on said REPLAT OF PEARLAND PAVILION, from which a found 5/8" iron rod bears North 71° 12' 03" East – 1.29';

THENCE North 87° 18' 10" East – 44.64', along a north line of said Lot A, common to the south line of said 30' reserve to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northeast corner of the herein describe tract, common to the northeast corner of said Lot A, in the west right-of-way line of South Galveston Avenue (60' wide) (Volume 8, Page 17, of the Plat Records of Brazoria County, Texas);

THENCE along the east line of said Lot A, common to the west right-of-way line of South Galveston Avenue, the following six (6) bearings and distances:

South 02° 51' 34" East – 272.99 to a 1/2" iron rod found for the beginning of a tangent curve to right;

Along said curve to the right, an arc length of 178.83', with a radius of 227.89', a central angle of 44° 57' 44", and a chord bearing and distance of South 19° 37' 18" West – 174.28' to a 1/2" iron rod found for the point of reverse curvature to the left,

Along said curve to the left, an arc length of 223.62', with a radius of 285.00', a central angle of 44° 57' 23", and a chord bearing and distance of South 19° 37' 29" West – 217.93' to a 1/2" iron rod found for the end of curve;

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South $02^{\circ} 51' 13''$ East – 511.49' (at 358.44' passing a $1/2''$ iron rod found for the southeast corner of aforesaid Lot A, common to the northeast corner of Lot B of aforesaid REPLAT OF PEARLAND PAVILION) to a $5/8''$ iron rod found for the beginning of a tangent curve to the left;

Along said curve to the left, an arc length of 250.75', (at an arc length of 125.62' passing a $5/8''$ iron rod found for the southeast corner of said Lot B, common to the northeast corner of Lot C of said REPLAT OF PEARLAND PAVILION) with a radius of 489.33', a central angle of $29^{\circ} 21' 35''$, and a chord bearing and distance of South $17^{\circ} 32' 01''$ East – 248.01' to the point of reverse curvature to the right, from which a found $1/2''$ iron rod bears South $65^{\circ} 33' 51''$ East – 0.27';

Along said curve to the right, an arc length of 173.34', with a radius of 398.48', a central angle of $24^{\circ} 55' 28''$, and a chord bearing and distance of South $19^{\circ} 45' 05''$ East – 171.98' to a $5/8''$ iron rod found for the point of compound curvature to the right, common to the north end of the northwest right-of-way cutback curve at the intersection of aforesaid South Galveston Avenue and Hampshire Street (60' wide) (Volume 17, Page 395 of the Plat Records of Brazoria County, Texas), and the most easterly southeast corner of said Lot C;

THENCE along said curve to the right, along said northwest right-of-way cutback curve, an arc length of 33.04', with a radius of 20.00', a central angle of $94^{\circ} 39' 11''$, and a chord bearing and distance of South $40^{\circ} 02' 15''$ West – 29.41' to the west end of said northwest right-of-way cutback curve, common to the most southerly southeast corner of said Lot C, from which a found $5/8''$ iron rod bears North $65^{\circ} 33' 57''$ East – 0.27';

THENCE South $87^{\circ} 21' 51''$ West – 271.60', along the north right-of-way line of aforesaid Hampshire Street, common to the south line of said Lot C, to a 5/8" iron rod found for the most southerly southwest corner of said Lot C, common to the east end of the northeast right-of-way cutback curve at the intersection of said Hampshire Street and State Highway 35 (110' wide) (Volume 211, Page 493, of the Deed Records of Brazoria County, Texas and Volume 17, Page 395, of the Plat Records of Brazoria County, Texas), and the beginning of a tangent curve to the right;

THENCE along said curve to the right, along said northeast right-of-way cutback curve, an arc length of 42.14', with a radius of 40.00', a central angle of $60^{\circ} 21' 42''$, and a chord bearing and distance of North $62^{\circ} 27' 18''$ West – 40.22' to a 5/8" iron rod with cap stamped "LJA-ENG" set for the most westerly southwest corner of the herein described tract, common to the north end of said northeast right-of-way cutback curve, and the most westerly southwest corner of said Lot C, in the northeast right-of-way line of said State Highway 35;

THENCE North $32^{\circ} 16' 27''$ West – 1361.95', along said northeast right-of-way line, common to the southwest line of said Lot C, the southwest line of aforesaid Lot B, and the southwest line of aforesaid Lot A to a 5/8" iron rod with cap stamped "LJA-ENG" set for the west corner of the herein described tract, common to the west corner of said Lot A, in the southeast line of the 2.1642 acre tract described in the deed from Liquilux, Inc. to Autozone, Inc., recorded under Document Number 1995031278, of the Official Records of Brazoria County, Texas;

THENCE North $57^{\circ} 38' 15''$ East – 229.00', along the northwest line of said Lot A, common to the southeast line of said 2.1642 acre tract, (at 20.03' passing a found 1/2" iron rod with cap stamped "Brown & Gay") to a 5/8" iron rod found for an angle corner of said Lot A, common to the east corner of said 2.1642 acre tract;

THENCE North $29^{\circ} 42' 45''$ West – 285.90', along a southwest line of said Lot A, common to the northeast line of said 2.1642 acre tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northwest corner of the herein described tract, common to the northwest corner of said Lot A, in the south line of the 30' reserve for road widening of East Walnut Street, shown on aforesaid REPLAT OF PEARLAND PAVILION;

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THENCE North $87^{\circ} 18' 10''$ East – 211.11', along said 30' reserve, common to the north line of said Lot A, to an angle corner of said Lot A, in the west line of the 0.1435 acre tract described in the deed from Jose C. Rodriguez and Ana L. Rodriguez to City of Pearland, recorded under Document Number 2007037508, of the Official Records of Brazoria County, Texas, from which a found $5/8''$ iron rod bears North $80^{\circ} 34' 30''$ West – 1.63';

THENCE South $02^{\circ} 25' 27''$ East – 95.00', along an east line of said Lot A, common to the west line of said 0.1435 acre tract, to an angle corner of said Lot A, common to the southwest corner of said 0.1435 acre tract, from which a found $5/8''$ iron rod bears North $77^{\circ} 22' 40''$ West – 1.26';

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THENCE North 87° 18' 10" East – 529.09', along a north line of said Lot A, common to the south line of said 0.1435 acre tract, the south line of the tract described as "100 x 125 feet" in the deed to Joe Flores and wife Laura Flores to Elias Garcia, Jr. and wife, Eufemia Garcia, recorded under Volume 797, Page 386, of the Deed Records of Brazoria County, Texas, the south line of the 0.2152 acre tract described in the deed from Betty Harper, et al. to City of Pearland, recorded under Document Number 2008057966, of the Official Records of Brazoria County, Texas, the south line of the tract described as "the East 1/2 of Lot 5, and the West 1/2 of Lot 4" in the deed from Thomas Trevino, Jr. to Elvira Trevino, recorded under Document Number 1995035445, of the Official Records of Brazoria County, Texas, the south line of the tract described as "Lot 3 and Part of Lot 4" in the deed from Juan Luis Arevalo to Ho P. Lam, recorded under Document Number 2013032624, of the Official Records of Brazoria County, Texas, the south line of the 0.129 acre tract described in the deed from Mary Pope to Lonnie Charles Harper, recorded under Document Number 1976011274, of the Official Records of Brazoria County, Texas, the south line of the tract described as "Lot 2, Block 1" in the deed from Raymond V. Kliesing to Early B. Russett, recorded under Volume 648, Page 470, of the Deed Records of Brazoria County, Texas, and the south line of the 0.2583 acre tract described in the deed from Thomas Fisher and wife, Kathleen Fisher to Headwaves, Inc., recorded under Document Number 2008055587, of the Official Records of Brazoria County, Texas, to a 5/8" iron rod with cap stamped "LJA-ENG" set for an angle corner of the herein described tract, common to the southeast corner of said 0.2583 acre tract, and an angle corner of said Lot A, in the west line of the 0.3581 acre tract described in the deed from Raymond Z. Dorozynski to Warfield Electric, LLC, recorded under Document Number 2012036082, of the Official Records of Brazoria County, Texas;

THENCE South 02° 51' 30" East – 75.00', along an east line of said Lot A, common to the west line of said 0.3581 acre tract, to the southwest corner of said 0.3581 acre tract, common to an angle corner of said Lot A, from which a 5/8" iron rod bears South 45° 42' 33" East – 2.04';

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THENCE North $87^{\circ} 08' 30''$ East – 178.00', along a north line of said Lot A, common to the south line of said 0.3581 acre tract (at 78.00' passing a 1/2" iron rod with cap stamped "RPLS 5565" found for the southeast corner of said 0.3581 acre tract, common to the southwest corner of aforesaid 0.459 acre tract, from which a found 1" iron pipe bears South $00^{\circ} 23' 32''$ West – 2.68') and the south line of said 0.459 acre tract to the southeast corner of said 0.459 acre tract, common to an angle corner of said Lot A, from which a 1/2" iron rod bears South $08^{\circ} 28' 32''$ East – 1.02';

THENCE North $02^{\circ} 48' 23''$ West – 169.50', along the east line of said 0.459 acre tract, common to an west line of said Lot A, to the **POINT OF BEGINNING** of the herein described tract and containing 21.62 acres of land.

TRACT 1-B

BEGINNING at a 5/8" iron rod found for the northeast corner of Lot L of aforesaid REPLAT OF PEARLAND PAVILION, in the west line of the 4.0033 acre tract described as Tract Two in the deed from First Republicbank Galveston, N.A. to Felton M. Baker, recorded under Document Number 1990018373, of the Official Records of Brazoria County, Texas;

THENCE South $02^{\circ} 54' 50''$ East – 340.83', along the east line of said Lot L, common to the west line of said 4.0033 acre tract to a 1/2" iron rod found for the most easterly southeast corner of said Lot L, common to the southwest corner of said 4.0033 acre tract, in the north line of Lot M of said REPLAT OF PEARLAND PAVILION;

THENCE North $87^{\circ} 21' 21''$ East – 177.43', along the north line of said Lot M, common to the south line of said 4.0033 acre tract, to a 1/2" iron rod found for the beginning of a tangent curve to the left;

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THENCE along said curve to the left, continuing along the north line of said Lot M, common to the south line of said 4.0033 acre tract, an arc length of 282.88' (at an arc length of 88.96' passing a 5/8" iron rod found for the southeast corner of said 4.0033 acre tract, common to the southwest corner of the 5.46009 acre tract described as Tract Three in the deed from First Republicbank Galveston, N.A. to Felton M. Baker, recorded under Document Number 1990018373, of the Official Records of Brazoria County, Texas, common to the northeast corner of said Lot M, common to the northwest corner of Lot Q of aforesaid REPLAT OF PEARLAND PAVILION), then continuing with the north line of said Lot Q, common to the south line said 5.4609 acre tract, and said curve to the left, with a radius of 314.79', a central angle of 51° 29' 14", and a chord bearing and distance of North 61° 36' 45" East – 273.45' to a 5/8" iron rod with cap stamped "LJA-ENG" set for an angle corner of the herein described tract, common to the point of reverse curvature of a curve to the right;

THENCE along said curve to the right, continuing along the north line of said Lot Q, common to the south line of said 5.4609 acre tract, an arc distance of 237.86' (at an arc length of 87.92' passing a 5/8" iron rod found for the northeast corner of said Lot Q, common to the northwest corner of Lot S of said REPLAT OF PEARLAND PAVILION), then continuing with the north line of said Lot S, common to the south line of said 5.4609 acre tract, and said curve to the right, with a radius of 264.97', a central angle of 51° 26' 02", and a chord bearing and distance of North 61° 35' 09" East – 229.95' to a 1/2" iron rod found for the end of curve;

THENCE North 87° 18' 10" East – 79.46', continuing along the north line of said Lot S, common to the south line of said 5.4609 acre tract, to the beginning of a tangent curve to the left, from which a found 1/2" iron rod bears North 42° 15' 26" East – 0.29';

THENCE along said curve to the left, continuing along the north line of said Lot S, common to the south line of said 5.4609 acre tract, an arc distance of 31.42', with a radius of 20.00', a central angle of 90° 00' 17", and a chord bearing and distance of North 42° 18' 01" East – 28.29' to a 5/8" iron rod with cap stamped "LJA-ENG" set for the most easterly northeast corner of the herein described tract, common to the end of curve, the northeast corner of said Lot S, and the most easterly southeast corner of said 5.4609 acre tract, in the west right-of-way of Old Alvin Road (65' wide) (Volume 17, Page 395, of the Plat Records of Brazoria County, Texas);

THENCE South $02^{\circ} 42' 08''$ East – 335.48', along the east line of said Lot S, common to the west right-of-way line of said Old Alvin Road (at 220.28' passing the southeast corner of said Lot S, common to the northeast corner of Lot T of said REPLAT OF PEARLAND PAVILION), then continuing with the east line of said Lot T, common to the said west right-of-way line, to the beginning of a curve to the right, common to the north end of the northwest right-of-way cutback curve at the intersection of said Old Alvin Road and Hampshire Street (60' wide) (Volume 17, Page 395 of the Plat Records of Brazoria County, Texas), and the most easterly southeast corner of said Lot T, from which a found 5/8" iron rod (bent) bears North $17^{\circ} 44' 23''$ East – 0.49';

THENCE along said curve to the right, along said northwest right-of-way cutback curve, an arc length of 31.41', with a radius of 20.00', a central angle of $89^{\circ} 59' 05''$, and a chord bearing and distance of South $42^{\circ} 17' 25''$ West – 28.28' to the west end of said northwest right-of-way cutback curve, common to the most southerly southeast corner of said Lot T, from which a found 5/8" iron rod bears North $87^{\circ} 16' 57''$ East – 0.45';

THENCE South $87^{\circ} 16' 57''$ West – 66.57, along the south line of said Lot T, common to the north right-of-way line of said Hampshire Street to a 5/8" iron rod found for the beginning of a curve to the left;

THENCE along said curve to the left, continuing along said south line of said Lot T, common to said north right-of-way line, an arc distance of 155.67' (at an arc distance of 125.65' passing a 5/8" iron rod found for the southeast corner of said Lot T, common to the southeast corner of aforesaid Lot Q), continuing along the south line of said Lot Q, common to said north right-of-way line, and said curve to the left, with a radius of 248.87', a central angle of $35^{\circ} 50' 20''$, and a chord bearing and distance of South $69^{\circ} 21' 47''$ West – 153.15' to a 5/8" iron rod found for the point of reverse curvature of a curve to the right;

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THENCE along said curve to the right, continuing along the south line of said Lot Q, common to said north right-of-way line an arc distance of 118.60', with a radius of 189.17', a central angle of 35° 55' 14", and a chord bearing and distance of South 69° 24' 14" West – 116.66' to a 1/2" iron rod found for the end of curve;

THENCE South 87° 21' 51" West – 963.75', continuing along the south line of said Lot Q, common to the said north right-of-way line (at 97.03' passing a 1/2" iron rod (bent) found for the southeast corner of said Lot Q, common to the southeast corner of aforesaid Lot M), then continuing along the south line of said Lot M, common to said north right-of-way line (at 515.61' passing a 5/8" iron rod found for the most southerly southwest corner of said Lot M, common to the southeast corner of aforesaid Lot L), then continuing along the south line of said Lot L, common to said north right-of-way line (at 761.80' passing a 5/8" iron rod found for the most southerly southwest corner of said Lot L, common to the southeast corner of Lot J of said REPLAT OF PEARLAND PAVILION), then continuing along the south line of said Lot J, common to said north right-of-way line to a 5/8" iron rod found for the most southerly southwest corner of said Lot J, common to the east end of the northeast right-of-way cutback curve at the intersection of aforesaid Hampshire Street and South Galveston Avenue (60' ROW) (Volume 17, Page 395, of the Plat Records of Brazoria County, Texas), and the beginning of a curve to the right;

THENCE along said curve to the right, along said northeast right-of-way cutback curve, an arc distance of 30.13', with a radius of 20.00', a central angle of 86° 19' 17", and a chord bearing and distance of North 49° 28' 31" West – 27.36', to a 5/8" iron rod found for the most westerly southwest corner of said Lot J, common to the north end of said northeast right-of-way cutback curve, and the point of reverse curvature to the left, in the east right-of-way line of said South Galveston Avenue;

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THENCE along said curve to the left, along the west line of said Lot J, common to said east right-of-way line, an arc distance of 207.24' (at an arc distance of 66.29' passing the northwest corner of said Lot J, common to the southwest corner of Lot I of said REPLAT OF PEARLAND PAVILION), then continuing with the west line of said Lot I, common to said east right-of-way line, and with said curve to the left, with a radius of 458.48', a central angle of 25° 53' 54", and a chord bearing and distance of North 19° 15' 51" West – 205.48' to the point of compound curvature to the right, from which a found 5/8" iron rod bears South 38° 43' 02" East – 0.28';

THENCE along said curve to the right, continuing along the west line of said Lot I, common to said east right-of-way line, an arc distance of 220.00' (at an arc distance of 109.92' passing a 1/2" iron rod found for the northwest corner of said Lot I, common to the southwest corner of Lot H of said REPLAT OF PEARLAND PAVILION), then continuing with the west line of said Lot H, common to said east right-of-way line, and with said curve to the right, with a radius of 429.33', a central angle of 29° 21' 35", and a chord bearing and distance of North 17° 32' 01" West – 217.60' to a 1/2" iron rod found for the end of curve;

THENCE North 02° 51' 13" West – 511.49', continuing along the west line of said Lot H, common to said east right-of-way line (at 114.69' passing a 1/2" iron rod found for the northwest corner of said Lot H, common to the southwest corner of Lot G of said REPLAT OF PEARLAND PAVILION), then continuing along the west line of said Lot G, common to said east right-of-way line, (at 404.56' passing the northwest corner of said Lot G, common to the southwest corner of Lot E of said REPLAT OF PEARLAND PAVILION), then continuing along the west line of said Lot E, common to said east right-of-way line, to a 5/8" iron rod with cap stamped "LJA-ENG" set for an angle corner of the herein described tract, common to the beginning of a curve to the right;

THENCE along said curve to the right, continuing along the west line of said Lot E, common to said east right-of-way line, an arc distance of 176.54', with a radius of 225.00', a central angle of 44° 57' 23", and a chord bearing and distance of North 19° 37' 29" East – 172.05' to the point of reverse curvature to the left, from which a found 1/2" iron rod bears North 47° 51' 50" West – 0.27';

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THENCE along said curve to the left, continuing along the west line of said Lot E, common to said east right-of-way line, an arc distance of 221.25', with a radius of 287.89', a central angle of 44° 01' 58", and a chord bearing and distance of North 20° 05' 11" East – 215.87' to the north corner of said Lot E, in the west line of Lot 10, Block 4, of aforesaid AIRPORT SUBDIVISION, SECTION 4, from which a found "X" cut in concrete bears North 02° 51' 34" West – 4.68';

THENCE South 02° 51' 34" East – 755.08', along the east line of said Lot E, common to the west line of said AIRPORT SUBDIVISION, SECTION 4, (at 288.39' passing the southwest corner of said AIRPORT SUBDIVISION, SECTION 4), then continuing along the east line of said Lot E, (at 464.68' passing the southeast corner of said Lot E, common to the northeast corner of aforesaid Lot G), then continuing along the east line of said Lot G, to a 5/8" iron rod found for the southeast corner of said Lot G, common to the northeast corner of aforesaid Lot H, and the northwest corner of aforesaid Lot L;

THENCE North 87° 20' 50" East – 559.79', along the north line of said Lot L, to the **POINT OF BEGINNING** and containing 14.75 acres of land.

TRACT 1-C

BEGINNING the southeast corner of Lot V of aforesaid REPLAT OF PEARLAND PAVILION, common to the northeast corner of Lot 22 of aforesaid THOMAS & GILBERT INDUSTRIAL TRACTS, in the west right-of-way line of Old Alvin Road (65' wide) (Volume 17, Page 395, of the Plat Records of Brazoria County, Texas), from which a found 1/2" iron rod bears South 11° 48' 06" West – 0.73', and a 1/2" iron rod found at the northeast corner of said THOMAS & GILBERT INDUSTRIAL TRACTS bears North 89° 18' 12" East – 14.86';

THENCE South 88° 22' 24" West – 194.59', along the south line of said Lot V, common to the north lines of Lots 18-22 of said THOMAS & GILBERT INDUSTRIAL TRACTS, to a 5/8" iron rod with cap stamped "LJA-ENG" set for an angle corner of the herein described tract, in the north line of said Lot 18;

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THENCE South 88° 00' 37" West – 200.03', continuing along the south line of said Lot V, common to the north lines of Lots 14-18 of said THOMAS & GILBERT INDUSTRIAL TRACTS, to a 1/2" iron rod (bent) found for an angle corner of said Lot V, in the north line of said Lot 14;

THENCE South 87° 56' 38" West – 200.06', continuing along the south line of said Lot V, common to the north lines of Lots 10-14 of said THOMAS & GILBERT INDUSTRIAL TRACTS, to a 5/8" iron rod with cap stamped "LJA-ENG" set for an angle corner of the herein described tract, in the north line of said Lot 10;

THENCE South 89° 45' 38" West – 200.25', continuing along the south line of said Lot V, common to the north lines of Lots 6-10 of said THOMAS & GILBERT INDUSTRIAL TRACTS, to an angle corner of said Lot V, in the north line of said Lot 6, from which a brass disk bears North 31° 23' 10" East – 1.26';

THENCE South 88° 45' 26" West – 199.91', continuing along the south line of said Lot V, common to the north lines of Lots 3-6 of said THOMAS & GILBERT INDUSTRIAL TRACTS, to an angle corner of said Lot V, common to the northwest corner of said Lot 3, and the northeast corner of the 0.3580 acre tract described in the deed from Thomas and Gilbert Enterprises, Inc. to James N. Wallace and Henry C. Robson, Jr., recorded under Document Number 1981024192, of the County Clerk Records of Brazoria County, Texas, from which a brass disk bears North 19° 40' 36" East – 1.31';

THENCE South 88° 19' 12" West – 178.72', continuing along the south line of said Lot V, common to the north line of said 0.3580 acre tract, to a 1/2" iron rod with cap stamped "Brown & Gay" found for the most southerly southwest corner of said Lot V, common to the southeast corner of the 10' reserve for road widening as shown on aforesaid REPLAT OF PEARLAND PAVILION, in the northeast right-of-way line of State Highway 35 (110' wide) (Volume 213, Page 64, of the Deed Records of Brazoria County, Texas and Volume 17, Page 395 of the Plat Records of Brazoria County, Texas);

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THENCE North 32° 13' 54" West – 203.43', along the southwest line of said Lot V, common to said northeast right-of-way line (at 121.59' passing a 1/2" iron rod with cap stamped "Brown & Gay) (at 144.99' passing the intersection of the north line of aforesaid THOMAS & GILBERT INDUSTRIAL TRACTS, and the southwest line of said REPLAT OF PEARLAND PAVILION), to a 5/8" iron rod with cap stamped "LJA-ENG" set for the most westerly southwest corner of the herein described tract, common to the most westerly southwest corner of said Lot V, in the east line of aforesaid 2.011 acre tract;

THENCE North 03° 18' 29" West – 545.65', along the west line of said Lot V, common to the east line of said 2.011 acre tract, (at 497.99' passing a 5/8" iron rod found for the most westerly northwest corner of said Lot V, common to the southwest corner of Lot K of said REPLAT OF PEARLAND PAVILION), continuing along the west line of said Lot K, common to the east line of said 2.011 acre tract, to a 5/8" iron rod found for the northeast corner of said 2.011 acre tract, common to the southeast corner of Lot D of said REPLAT OF PEARLAND PAVILION;

THENCE South 86° 45' 33" West – 301.70', along the south line of said Lot D, common to the north line of said 2.011 acre tract, to a 1/2" iron rod with cap stamped "Brown & Gay" found for the southwest corner of said Lot D, common to the southeast corner of the 10' reserve for road widening as shown on aforesaid REPLAT OF PEARLAND PAVILION, in the northeast right-of-way line of State Highway 35 (110' wide) (Volume 211, Page 493, of the Deed Records of Brazoria County, Texas and Volume 17, Page 395 of the Plat Records of Brazoria County, Texas);

THENCE North 32° 13' 54" West – 110.32', along the southeast line of said Lot D, common to said northeast right-of-way line, to the most westerly northwest corner of said Lot D, common to the south end of the southeast right-of-way cutback curve at the intersection of said State Highway 35 and Hampshire Street (60' wide) (Volume 17, Page 395 of the Plat Records of Brazoria County, Texas), and the beginning of a curve to the right, from which a found 5/8" iron rod bears South 82° 42' 52" East – 1.04';

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THENCE along said curve to the right, along said southeast right-of-way cutback curve, an arc distance of 83.49', with a radius of 40.00', a central angle of 119° 35' 45", and a chord bearing and distance of North 27° 33' 58" East – 69.14' to the most northerly northwest corner of said Lot D, common to the east end of said southeast right-of-way cutback curve, in the south right-of-way line of said Hampshire Street, from which a found 1/2" iron rod bears South 89° 53' 35" East – 0.83';

THENCE North 87° 21' 51" East – 1257.10', along said south right-of-way line, common to the north line of said Lot D, (at 319.25' passing a 1/2" iron rod found for the northeast corner of said Lot D, common to the northwest corner of aforesaid Lot K), then continuing with said south right-of-way line, common to the north line of said Lot K, (at 661.92' passing a 1/2" iron rod found for the northeast corner of said Lot K, common to the northwest corner of Lot N of aforesaid REPLAT OF PEARLAND PAVILION), then continuing with said south right-of-way line, common to the north line of said Lot N, (at 886.82' passing a 1/2" iron rod found for the northeast corner of said Lot N, common to the northwest corner of Lot O of said REPLAT OF PEARLAND PAVILION), then continuing with said south right-of-way line, common to the north line of said Lot O, (at 1109.98' passing a 5/8" iron rod found for the northeast corner of said Lot O, common to the most northerly northwest corner of aforesaid Lot V), then continuing with said south right-of-way line, common to the north line of said Lot V, (at 1161.78' passing a 1/2" iron rod found for the most northerly northeast corner of said Lot V, common to the northwest corner of Lot R of said REPLAT OF PEARLAND PAVILION), then continuing with said south right-of-way line, common to the north line of said Lot R, to a 1/2" iron rod found for the beginning of a curve to the left;

THENCE along said curve to the left, continuing along said south right-of-way line, common to the north line of said Lot R, an arc distance of 156.21' (at an arc distance of 108.13' passing a 1/2" iron rod found for the northeast corner of said Lot R, common to the northwest corner of Lot U of said REPLAT OF PEARLAND PAVILION), then continuing along said south right-of-way line, common to the north line of said Lot U, and said curve to the left, with a radius of 249.17', a central angle of 35° 55' 14", and a chord bearing and distance of North 69° 24' 14" East – 153.67' to the point of reverse curvature to the right, from which a found 1/2" iron rod bears North 24° 52' 31" West – 0.37';

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THENCE along said curve to the right, continuing along said south right-of-way line, common to the north line of said Lot U, an arc distance of 118.14', a radius of 188.87', a central angle of 35° 50' 20", and a chord bearing and distance of North 69° 21' 47" East – 116.22' to a 1/2" iron rod found for the end of curve;

THENCE North 87° 16' 57" East – 66.54', continuing along said south right-of-way line, common to the north line of said Lot U, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the most northerly northeast corner of the herein described tract, common to the most northerly northeast corner of said Lot U, the west end of the southwest right-of-way cutback corner at the intersection of aforesaid Hampshire Street and aforesaid Old Alvin Road, and the beginning of a curve to the right;

THENCE along said curve to the right, along said southwest right-of-way cutback corner, an arc distance of 31.42', with a radius of 20.00', a central angle of 90° 00' 55", and a chord bearing and distance of South 47° 42' 35" East – 28.29' to the most easterly northeast corner of said Lot U, common to the south end of said southwest right-of-way cutback corner, in the west right-of-way line of said Old Alvin Road, from which a found 5/8" iron rod (bent) bears North 19° 13' 27" East – 2.71';

THENCE South 02° 42' 08" East – 962.34', along the west right-of-way line of said Old Alvin Road, common to the east line of said Lot U, (at 263.17' passing the southeast corner of said Lot U, common to the most easterly northeast corner of aforesaid Lot V) then continuing along said west right-of-way line common to the east line of said Lot V, (at 837.31' passing the intersection of the north line of aforesaid THOMAS & GILBERT INDUSTRIAL TRACTS, and the east line of said REPLAT OF PEARLAND PAVILION), then continuing along said west right-of-way line common to the east line of said Lot V, to the **POINT OF BEGINNING** and containing 27.38 acres of land.

TRACT 2

BEGINNING at the northeast corner of aforesaid 1.3590 acre tract, common to the southeast corner of aforesaid AIRPORT SUBDIVISION, SECTION NO. 4, in the west line of the 3.00 acre tract described in the deed from Estate of Raymond V. Kliesing to Mona Kliesign Bomsburger, recorded under Document Number 1987012143, of the Official Records of Brazoria County, Texas, from which a 5/8" iron rod bears North 02° 52' 20" West – 0.44';

THENCE South 02° 52' 20" East – 148.75', along the east line of said 1.3590 acre tract, common to the west line of said 3.00 acre tract, to a 5/8" iron rod found for the southeast corner of said 1.3590 acre tract, common to the southwest corner of said 3.00 acre tract, in the north line of aforesaid 5.4609 acre tract;

THENCE South 87° 19' 40" West – 398.12, along the south line of said 1.3590 acre tract, common to the north line of said 5.4609 acre tract (at 132.06' passing the northwest corner of said 5.4609 acre tract, common to the northeast corner of aforesaid 4.0033 acre tract), then continuing with the south line of said 1.3590 acre tract, and the north line of said 4.0033 acre tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the southwest corner of the herein described tract, common to the southwest corner of said 1.3590 acre tract;

THENCE North 02° 54' 50" West – 149.02', along the west line of said 1.3590 acre tract, (at 130.46' passing a found 3/4" iron pipe) then continuing along said west line, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northwest corner of the herein described tract, common to the northwest corner of said 1.3590 acre tract, in the south line of aforesaid AIRPORT SUBDIVISION, SECTION NO. 4;

THENCE North 87° 21' 55" East – 398.23', along the north line of said 1.3590 acre tract, common to the south line of said AIRPORT SUBDIVISION SECTION NO. 4, to the **POINT OF BEGINNING** of the herein described tract and containing 1.361 acres of land.

TRACT 3

BEGINNING at a 1/2" iron rod found for the southwest corner of aforesaid 4.0033 acre tract, common to the most easterly southeast corner of Lot L of aforesaid REPLAT OF PEARLAND PAVILION, in the north line of Lot M of said REPLAT OF PEARLAND PAVILION;

THENCE North 02° 54' 50" West – 658.34', along the west line of said 4.0033 acre tract, common to the east line of said Lot L, (at 340.83' passing a 5/8" iron rod found for the northeast corner of said Lot L), continuing along said west line, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northwest corner of the herein described tract, common to the northwest corner of said 4.0033 acre tract, and the southwest corner of aforesaid 1.3590 acre tract;

THENCE North 87° 19' 40" East – 266.06', along the north line of said 4.0033 acre tract, common to the south line of said 1.3590 acre tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northeast corner of the herein described tract, common to the northeast corner of said 4.0033 acre tract, common to the northwest corner of aforesaid 5.4609 acre tract;

THENCE South 02° 50' 38" East – 645.98', along the east line of said 4.0033 acre tract, common to the west line of said 5.4609 acre tract, to a 5/8" iron rod found for the southeast corner of said 4.0033 acre tract, common to the southwest corner of said 5.4609 acre tract, the northwest corner of Lot Q of aforesaid REPLAT OF PEARLAND PAVILION, the northeast corner of Lot M of said REPLAT OF PEARLAND PAVILION, and the beginning of a curve to the right;

THENCE along said curve to the right, along the south line of said 4.0033 acre tract, common to the north line of said Lot M, an arc distance of 88.96', with a radius of 314.79', a central angle of 16° 11' 33", and a chord bearing and distance of South 79° 15' 35" West – 88.67' to a 1/2" iron rod found for the end of curve;

THENCE South 87° 21' 21" West – 177.43', continuing along the south line of said 4.0033 acre tract, common to the north line of said Lot M, to the **POINT OF BEGINNING** and containing 4.007 acres of land.

TRACT 4

BEGINNING at a 5/8" iron rod found for the southwest corner of aforesaid 5.4609 acre tract, common to the southwest corner of aforesaid 4.0033 acre tract, the northwest corner of Lot Q of aforesaid REPLAT OF PEARLAND PAVILION, the northeast corner of Lot M of said REPLAT OF PEARLAND PAVILION;

THENCE North 02° 50' 38" West – 645.98', along the west line of said 5.4609 acre tract, common to the east line of said 4.0033 acre tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northwest corner of the herein described tract, common to the northwest corner of said 5.4609 acre tract, and the northeast corner of said 4.0033 acre tract, in the south line of aforesaid 1.3590 acre tract;

THENCE North 87° 19' 35" East – 466.89', along the north line of said 5.4609 acre tract, common to the south line of said 1.3590 acre tract, (at 132.06' passing a 5/8" iron rod found for the southeast corner of said 1.3590 acre tract, common to the southwest corner of aforesaid 3.00 acre tract, then continuing along the north line of said 5.4609 acre tract, common to the south line of said 3.00 acre tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northeast corner of the herein described tract, common to the northeast corner of said 5.4609 acre tract, and the southeast corner of said 3.00 acre tract, in the west right-of-way of aforesaid Old Alvin Road;

THENCE South 02° 42' 08" East – 419.86', along the east line of said 5.4609 acre tract, common to said west right-of-way line, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the most easterly southeast corner of the herein described tract, common to the most easterly southeast corner of said 5.4609 acre tract, the north corner of Lot S of aforesaid REPLAT OF PEARLAND PAVILION, and the beginning of a curve to the right;

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THENCE along said curve to the right, along the south line of said 5.4609 acre tract, common to the north line of said Lot S, an arc distance of 31.42', with a radius of 20.00', a central angle of 90° 00' 17", and a chord bearing and distance of South 42° 18' 01" West – 28.29' to the most southerly southeast corner of said 5.4609 acre tract, from which a found 1/2" iron rod bears North 42° 15' 26" East – 0.29';

THENCE South 87° 18' 10" West – 79.46', continuing along the south line of said 5.4609 acre tract, common to the north line of said Lot S, to a 1/2" iron rod found for the beginning of a curve to the left;

THENCE along said curve to the left, along the south line of said 5.4609 acre tract, common to the north line of said Lot S, an arc distance of 237.86', (at an arc distance of 149.94' passing a 5/8" iron rod found for the northwest corner of said Lot S, common to the northeast corner of aforesaid Lot Q), continuing with the south line of said 5.4609 acre tract, common to the north line of said Lot Q, and said curve to the left, with a radius of 264.97', a central angle of 51° 26' 02", and a chord bearing and distance of South 61° 35' 09" West – 229.95' to a 5/8" iron rod with cap stamped "LJA-ENG" set for the point of reverse curvature to the right;

THENCE along said curve to the right, along the south line of said 5.4609 acre tract, common to the north line of said Lot Q, an arc distance of 193.91', with a radius of 314.79', a central angle of 35° 17' 38", and a chord bearing and distance of South 53° 30' 57" West – 190.86', to the **POINT OF BEGINNING** and containing 5.453 acres of land.

TRACT 5

BEGINNING at the northwest corner of aforesaid 2.011 acre tract, common to the southwest corner of a 10' reserve for road widening as shown on aforesaid REPLAT OF PEARLAND PAVILION, in the northeast right-of-way line of State Highway 35 (100' wide) (Volume 211, Page 493, of the Deed Records of Brazoria County, Texas), from which a 1/2" iron rod with cap stamped "Brown & Gay" bears South 86° 45' 33" West – 0.99';

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THENCE North 86° 45' 33" East – 312.22', along the north line of said 2.011 acre tract, (at 10.52' passing a 1/2" iron rod with cap stamped "Brown and Gay" found for the southwest corner of Lot D of said REPLAT OF PEARLAND PAVILION), then continuing with the north line of said 2.011 acre tract, common to the south line of said Lot D, to a 5/8" iron rod found for the northeast corner of said 2.011 acre tract, common to the southeast corner of said Lot D, in the west line of Lot K of said REPLAT OF PEARLAND PAVILION;

THENCE South 03° 18' 29" East – 561.07', along the east line of said 2.011 acre tract, common to the west line of said Lot K, (at 47.66' passing a 5/8" iron rod found for the southwest corner of said Lot K, common to the most westerly northwest corner of Lot V of said REPLAT OF PEARLAND PAVILION), then continuing with the east line of said 2.011 acre tract, common to the west line of said Lot V, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the south corner of the herein described tract, common to the south corner of said 2.011 acre tract, the west corner of a 10' reserve for road widening as shown on aforesaid REPLAT OF PEARLAND PAVILION, the north corner of the right-of-way deed recorded under Volume 213, Page 64, of the Deed Records of Brazoria County, Texas, and the east corner of the right-of-way deed recorded under Volume 210, Page 348, of the Deed Records of Brazoria County, Texas, in the northeast right-of-way line of State Highway 35 (100' wide);

THENCE North 32° 23' 13" West – 642.41', along the southwest line of said 2.011 acre tract common to said northeast right-of-way line, to the **POINT OF BEGINNING** and containing 2.011 acres of land.

TRACT 6

BEGINNING at a 1 1/4" iron pipe found for the northeast corner of Lot 4, Block 4 of aforesaid AIRPORT SUBDIVISION, SECTION NO. 4, common to the northwest corner of Lot 3, of said Block 4, and the northeast corner of aforesaid Houston Helicopters, Inc. tract (1995031383), and the northwest corner of the tract of land described as "Lots 2-3-12-13, Block 4", in the deed from Woodrow V. Lesikar Family Trust to Carolyn Ann Lesikar Moon Special Trust, recorded under Document Number 2010006200, of the Official Records of Brazoria County, Texas, in the south right-of-way line of Lockheed Street (60' wide) (Volume 8, Page 17, of the Plat Records of Brazoria County, Texas);

THENCE South 02° 48' 51" East – 238.00', along the east line of Lot 4 and Lot 14, of said Block 4, common to the west lines of Lot 3 and Lot 13 of said Block 4, the east line of said Houston Helicopters, Inc. tract (1995031383), and the west line of said Moon tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the southeast corner of the herein described tract, common to the southeast corner of said Lot 14, common to the southwest corner of said Lot 13, the southeast corner of said Houston Helicopters, Inc. tract (1995031383), and the southwest corner of said Moon tract, in the north right-of-way line of Beechcraft Street (Private) (60' wide) (Volume 8, Page 17, of the Plat Records of Brazoria County, Texas);

THENCE South 87° 21' 55" West – 346.28, along the south line of said Block 4, common to said north right-of-way line, (at 100.00 feet passing the southwest corner of Lot 15, of said Block 4, common to the southeast corner of Lot 16, of said Block 4, the southwest corner of said Houston Helicopters, Inc. tract (1995031383), and the southeast corner of the aforesaid Houston Helicopters, Inc. tract (1995031382), from which a 5/8" iron rod bears South 08° 55' 12" West – 0.98', then continuing along the south line of said Block 4, common to said north right-of-way line, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the southwest corner of the herein described tract, common to the southwest corner of Lot 20, of said Block 4, and the southwest corner of said Houston Helicopters, Inc. tract (1995031382), in the west line of aforesaid AIRPORT SUBDIVISION, SECTION NO. 4, common to the east line of Lot E, of aforesaid REPLAT OF PEARLAND PAVALION;

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THENCE North 02° 51' 34" West – 238.00', along the west lines of Lot 20 and Lot 10 of said Block 4, common to the west line of said AIRPORT SUBDIVISION, SECTION NO. 4, the west line of said Houston Helicopters, Inc. tract (1995031382), and the east line of said Lot E, (at 228.38' passing the north corner of said Lot E), then continuing along said common west lines and the east right-of-way line of South Galveston Road (60' wide) (Volume 17, Page 395 of the Plat Records of Brazoria County, Texas), (at 233.07' passing a found "X" cut in concrete), then continuing along said common west lines, and said east right-of-way line, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northwest corner of the herein described tract, common to the northwest corner of said Lot 10, common to the northwest corner of said Houston Helicopters, Inc. tract (1995031382), in the south right-of-way line of aforesaid Lockheed Street;

THENCE North 87° 21' 55" East – 346.47', along the north line of said Block 4, common to said south right-of-way line, to the POINT OF BEGINNING and containing 1.893 acres of land.

TRACT 7

BEGINNING at a 5/8" iron rod found for the northwest corner of Lot L of aforesaid REPLAT OF PEARLAND PAVILION, common to the northeast corner of Lot H of said REPLAT OF PEARLAND PAVILION, and the southeast corner of Lot G of said REPLAT OF PEARLAND PAVILION;

THENCE North 02° 51' 34" West – 466.69' along the east line of said Lot G, (at 290.40' passing the northeast corner of said Lot G, common to the southeast corner of Lot E, of said REPLAT OF PEARLAND PAVILION), continuing along the east line of said Lot E, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northwest corner of the herein described tract, common to the southeast corner of aforesaid AIRPORT SUBDIVISION, SECTION NO. 4, in the south right-of-way line of Beechcraft Street (Private)(60' wide) (Volume 8, Page 17, of the Plat Records of Brazoria County, Texas);

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THENCE North $87^{\circ} 21' 55''$ East – 559.34', along the south line of said AIRPORT SUBDIVISION, SECTION NO. 4, common to said south right-of-way line, to a 5/8" iron rod stamped "LJA-ENG" set for the northeast corner of the herein described tract, common to the northwest corner of aforesaid 1.3590 acre tract;

THENCE South $02^{\circ} 54' 50''$ East – 466.52', along the west line of said 1.3590 acre tract, (at 18.56' passing a found 3/4" iron pipe), then continuing along said west line (at 149.02' passing the southwest corner of said 1.3590 acre tract, common to the northwest corner of aforesaid 4.0033 acre tract), then continuing along the west line of said 4.0033 acre tract, to a 5/8" iron rod found for the northeast corner of aforesaid Lot L;

THENCE South $87^{\circ} 20' 50''$ West – 559.79', along the north line of said Lot L, to the POINT OF BEGINNING and containing 5.994 acres of land.

TRACT 8

COMMENCING at a 1 ¼" iron pipe found for the northeast corner of Lot 4, Block 4 of aforesaid AIRPORT SUBDIVISION, SECTION NO. 4, common to the northwest corner of Lot 3, of said Block 4, and the northeast corner of the tract of land described as "Lots Four (4), Five (5), Fourteen (14) and Fifteen (15) in the deed from Felton M. Baker to Houston Helicopters, Inc., recorded under Document Number 1995031383, of the Official Records of Brazoria County, Texas, and the northwest corner of the tract of land described as "Lots 2-3-12-13, Block 4", in the deed from Woodrow V. Lesikar Family Trust to Carolyn Ann Lesikar Moon Special Trust, recorded under Document Number 2010006200, of the Official Records of Brazoria County, Texas, in the south right-of-way line of Lockheed Street (60' wide) (Volume 8, Page 17, of the Plat Records of Brazoria County, Texas); **THENCE** South 02° 48' 51" East – 238.00', along the east line of Lot 4 and Lot 14, of said Block 4, common to the west lines of Lot 3 and Lot 13 of said Block 4, the east line of said Houston Helicopters, Inc. tract (1995031383), and the west line of said Moon tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northeast corner of the herein described tract, common to the southeast corner of said Lot 14, the southwest corner of said Lot 13, the southeast corner of said Houston Helicopters, Inc. tract (1995031383), and the southwest corner of said Moon tract, in the north right-of-way line of said Beechcraft Street;

THENCE South 02° 48' 51" East – 60.00', to a 5/8" iron rod with cap stamped "LJA-ENG" set for the southeast corner of the herein described tract, in the south line of said Beechcraft Street, common to the north line of the 59.932 acre tract described in the deed from Raymond V. Kliesign to Houston Helicopters, Inc., recorded under Volume 1523, Page 840, of the Deed Records of Brazoria County, Texas;

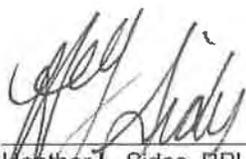
THENCE South 87° 21' 55" West – 346.24', along the south line of said Beechcraft Street, common to the south line of said AIRPORT SUBDIVISION, SECTION NO. 4, and the north line of said 59.932 acre tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the southwest corner of the herein described tract, common to the northwest corner of said 59.932 acre tract, in the east line of Lot E of the REPLAT OF PEARLAND PAVILION, a subdivision recorded under Volume 17, Page 395, of the Plat Records of Brazoria County, Texas;

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THENCE North 02° 51' 34" West – 60.00', along the west line of said AIRPORT SUBDIVISION, SECTION NO. 4, common to the east line of said Lot E, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northwest corner of the herein described tract, common to the southwest corner of Lot Twenty (20), of said AIRPORT SUBDIVISION, SECTION NO. 4, Block 4, and the southwest corner of the tract of land described as "Lots Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19) and Twenty (20)" in the deed from Felton M. Baker to Houston Helicopters, Inc., recorded under Document Number 1995031382, of the Official Records of Brazoria County, Texas, in the north right-of-way line of said Beechcraft Street;

THENCE North 87° 21' 55" East – 346.28', along the north right-of-way line of said Beechcraft Street, common to the south line of said of AIRPORT SUBDIVISION, SECTION NO. 4, Block 4, and the south line of said Houston Helicopters Inc. tract (1995031382), (at 246.28' passing the southwest corner of the aforesaid Houston Helicopters Inc. tract (1995031383), of the Official Records of Brazoria County, Texas, from which a found 5/8" iron rod bears South 08° 55' 12" West – 0.98,) then continuing along the north right-of-way line of said Beechcraft Street, common to the south line of said AIRPORT SUBDIVISION, SECTION NO. 4, Block 4, and the south line of said Houston Helicopters Inc. tract (1995031383), to the POINT OF BEGINNING and containing 0.477 acres of land

FOR A COMBINED TOTAL ACREAGE OF 84.946 ACRES.



Heather L. Sides, RPLS, CFedS
Registered Professional Land Surveyor
Texas Registration No. 5997



EXHIBIT "B"

(a) The City of Pearland, Texas (the "City"), by execution of its City Manager, and the developer on behalf of the District have entered into and executed a utility agreement that specifies the terms and conditions for providing water and sewage treatment services (and other services) to the District (the "Utility Agreement"). The District shall assume all the rights, obligations, and interests of the developer under the Utility Agreement, as set forth therein.

(b) The District may issue bonds, including refunding bonds, for any purposes authorized by law, including but not limited to, purchasing, refinancing, designing and constructing, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, or recreational facilities, or parts of such systems or facilities, and to make any and all necessary purchases, constructions, improvements, extensions, additions, and repairs thereto, and to purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District. Such bonds must provide that the District reserves the right to redeem said bonds on any date subsequent to the fifteenth (15th) anniversary of the date of issuance (or any earlier date at the discretion of the District) without premium, and none of such bonds, other than refunding bonds, will be sold for less than 95% of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent (2%) above the highest average interest rate reported by the *Daily Bond Buyer* in its weekly "20 Bond Index" during the one-month period next preceding the date of the sale of such bonds. The resolution authorizing the issuance of the District's bonds will contain a provision that the pledge of any revenues from the operation of the District's water and sewer and/or drainage system to the payment of the District's bonds will terminate when and if the City annexes the District, takes over the assets of the District, and assumes all of the obligations of the District.

(c) Before the commencement of any construction within the District, its directors, officers, or developers and landowners will submit to the City, or to its designated representative, all plans and specifications for the construction of water, sanitary sewer, and drainage facilities to serve the District and obtain the approval of such plans and specifications therefrom. All water wells, water meters, flushing valves, valves, pipes, and appurtenances thereto, installed or used within the District, will conform to the specifications of the City. All water service lines and sewer service lines, lift stations, and appurtenances thereto, installed or used within the District will comply with the City's standard plans and specifications as amended from time to time. Prior to the construction of such facilities within or by the District, the District or its engineer will give written notice by registered or certified mail to the City, stating the date that

such construction will be commenced. The construction of the District's water, sanitary sewer, and drainage facilities will be in accordance with the approved plans and specifications and with applicable standards and specifications of the City; and during the progress of the construction and installation of such facilities, the City may make periodic on-the-ground inspections.

(d) Before the District commences construction of any recreational facilities which will be financed with bond proceeds, the District will submit to the Director of the City's Parks and Recreation Department, or to his designated representative, all plans and specifications for the construction of such facilities and obtain the approval of such plans and specifications.

(e) Prior to the sale of any lot or parcel of land, the owner or the developer of the land included within the limits of the District will obtain the approval of the Planning and Zoning Commission of the City of a plat which will be duly recorded in the Official Records of Harris or Brazoria County, Texas, and otherwise comply with the rules and regulations of the Engineering Department and the Department of Public Works of the City of Pearland.

**City of Pearland
In-City MUD Data Form
MUD # Harris-Brazoria Counties MUD No. 509
November 24, 2015**

General Information		Existing MUD	Proposed Tract(s)
1	Proposed Zoning Classification (also show on map)	R-1	PD
2	Projected Date of Completion of All Homes/Businesses	2017	2017

Area	Existing MUD	Proposed Tract(s)	Total	
3	Total Acreage	515.347	84.946	600.293
4	Currently Platted Residential Acreage (including road rights of way)	114.144	0.000	114.144
5	Currently Platted Commercial Acreage (including road rights of way)	0.000	0.000	0.000
6	Currently Undeveloped Acreage	401.203	84.946	486.149
7	Projected Undeveloped Acreage to be Platted Residential	398.878	78.946	477.824
8	Projected Undeveloped Acreage to be Platted Commercial	2.325	6.000	8.325
9	Current and Projected Detention & Transmission Utility Easements (acres)	0.000	0.000	0.000
10	All Other Acreage (Landscaping Reserves, Parks, etc)	0.000	0.000	0.000

Note: Lines 7 and 8 should total to Line 6.

Lines 4, 5, 6, 9, and 10 should total to Line 3. Line 3 should equal the total acreage in the MUD or the Proposed Tracts.

Residential Lots		Existing MUD	Proposed Tract(s)	Total
11	Total Existing and Planned Residential Lots	1190	239	1429
12	Number of Currently Completed/Occupied Homes	0	0	0
13	Number of Currently Completed Lots	291	0	291
14	Number of Lots Under Construction	245	0	245
15	Number of Future Lots	654	239	893

Note: Lines 12, 13, 14, and 15 should total to Line 11

Property Values		Existing MUD	Proposed Tract(s)	Total
16	Most Recent HCAD/BCAD Valuation (Estimated Date: June 1, 2015)	\$ 23,196,756.00	\$ 2,719,190.00	\$25,915,946.00
17	Projected Total Valuation at Build Out Date	\$ 279,312,500.00	\$ 80,500,065.00	\$359,812,565.00
18	Projected Residential Valuation at Build Out	\$ 279,312,500.00	\$ 67,000,065.00	\$346,312,565.00
19	Projected Commercial Valuation at Build Out	\$ -	\$ 13,500,000.00	\$ 13,500,000.00
20	Estimated Average Home Value (Date: January 1, 2013)	\$ -	\$ -	\$ -
21	Estimated Average Home Value - at Build Out	\$ 250,000.00	\$ 280,335.00	\$255,073.52

Note: Lines 18 and 19 should total to Line 17

Property Tax Revenues		Existing MUD	Proposed Tract(s)	Total
22	Pre-Development General Fund Taxes @ Annexation	\$ 5,519.66	\$ 3,039.96	\$8,559.61
23	Most Recent Year City Property Taxes @ \$.7053/\$100	\$ 163,608.72	\$ 19,178.45	\$182,785.17
24	Projected City Property Taxes @ \$.7053/\$100 at Build Out	\$ 1,969,991.06	\$ 567,766.96	\$2,537,758.02
25	Most Recent Year MUD Rebate Amount	\$ 23,196.76	\$ 2,719.19	\$25,915.95
26	Projected MUD Rebate Amount at Build Out	\$ 279,312.50	\$ 80,500.07	\$359,812.57

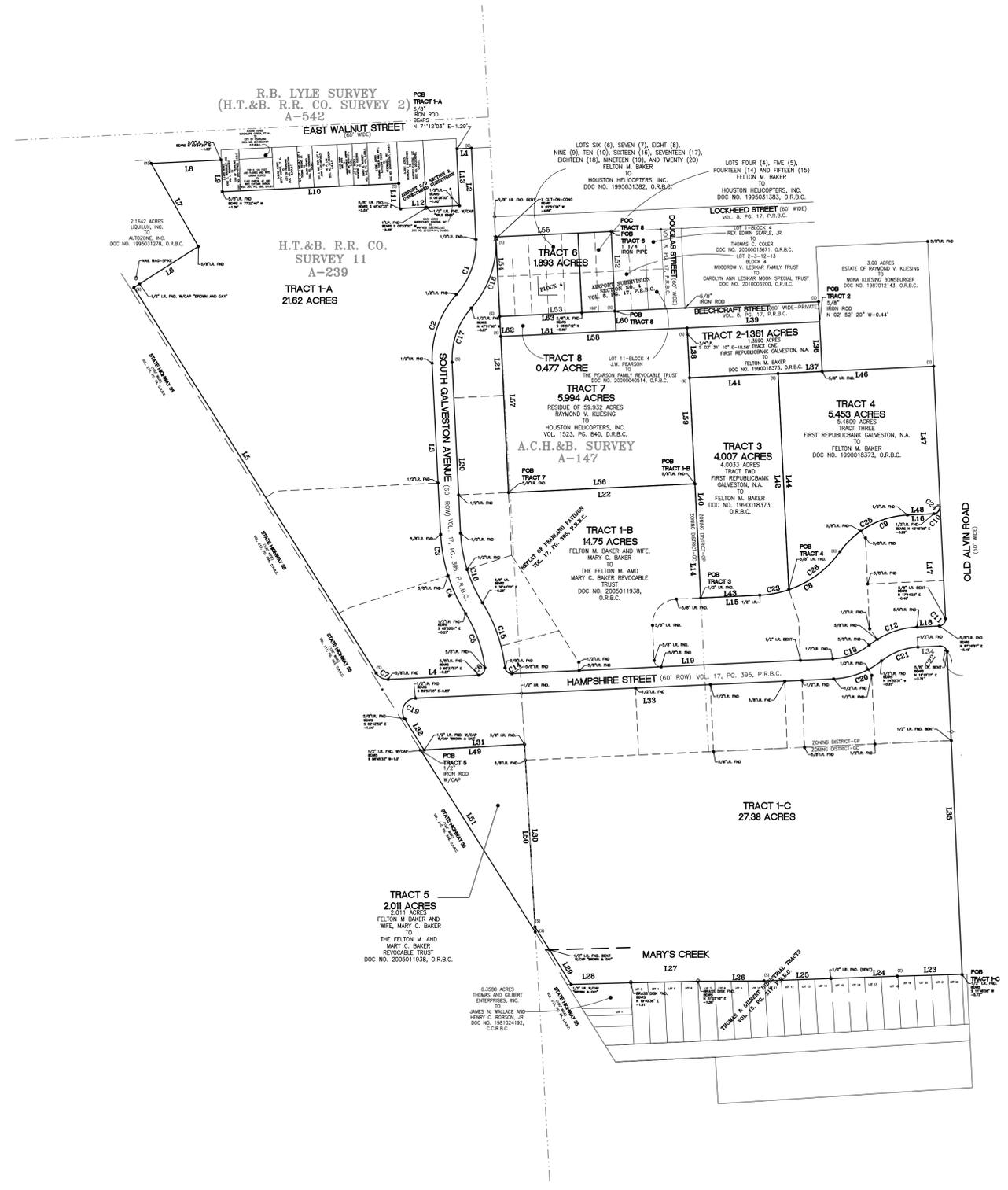
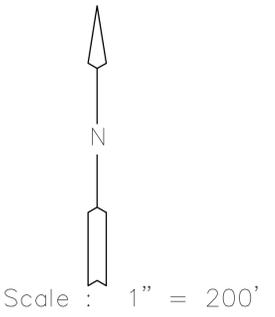
Calculations		Existing MUD	Proposed Tract(s)	Total
27	Approx. Net Density at Build Out- Homes/Acre (Line 11/(3-9))	2.31	2.81	2.38
28	Net Annual Revenue to City - Current Estimate (Line 23-25-22)	\$ 134,890.30	\$ 13,419.31	\$148,309.61
29	Net Annual Revenue to City - Build Out Estimate (Line 24-26-22)	\$ 1,685,158.90	\$ 484,226.94	\$2,169,385.85

THIS DOCUMENT IS ISSUED FOR INTERIM REVIEW AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMITTING PURPOSES.

CHANCE VINKLAREK, P.E.
TEXAS P.E. #98361
TBPE FIRM # F-1386

11/24/15

LINE	BEARING	DISTANCE
L1	N 87°18'10" E	44.64'
L2	S 02°51'34" E	272.99'
L3	S 02°51'13" E	511.49'
L4	S 87°21'51" W	271.60'
L5	N 32°19'27" W	1361.85'
L6	N 57°38'15" E	229.00'
L7	N 29°42'45" W	285.90'
L8	N 87°18'10" E	211.11'
L9	S 02°25'27" E	95.00'
L10	N 87°18'10" E	529.09'
L11	S 02°51'30" E	75.00'
L12	N 87°08'30" E	178.00'
L13	N 02°48'23" W	169.50'
L14	S 02°54'50" E	340.83'
L15	N 87°21'21" E	177.43'
L16	N 87°18'10" E	79.46'
L17	S 02°42'08" E	335.48'
L18	S 87°18'57" W	66.57'
L19	S 87°21'51" W	963.75'
L20	N 02°51'13" W	511.49'
L21	S 02°51'34" E	755.08'
L22	N 87°20'50" E	559.79'
L23	S 88°22'24" W	194.59'
L24	S 88°00'37" W	200.03'
L25	S 87°56'38" W	200.06'
L26	S 89°45'38" W	200.25'
L27	S 88°45'26" W	199.91'
L28	S 88°19'12" W	178.72'
L29	N 32°13'54" W	203.43'
L30	N 03°18'29" W	545.65'
L31	S 86°45'33" W	301.70'
L32	N 32°13'59" W	110.32'
L33	N 87°21'51" E	1257.10'
L34	N 87°16'57" E	66.54'
L35	S 02°42'08" E	962.34'
L36	S 02°52'00" E	148.75'
L37	S 87°19'40" W	398.12'
L38	N 02°54'50" W	149.02'
L39	N 87°21'55" E	358.23'
L40	N 02°54'50" W	658.34'
L41	N 87°19'40" E	266.08'
L42	S 02°50'38" E	645.98'
L43	S 87°21'51" W	177.43'
L44	N 02°50'38" W	645.98'
L45	N 87°19'35" E	466.89'
L46	S 02°42'08" E	419.86'
L47	S 87°18'10" W	79.46'
L48	N 86°45'33" E	312.22'
L49	S 03°18'29" E	561.07'
L50	N 32°23'13" W	642.41'
L51	S 02°48'51" E	238.00'
L52	S 87°21'55" W	346.28'
L53	N 02°51'34" W	238.00'
L54	N 87°21'55" E	346.47'
L55	S 87°20'50" W	559.79'
L56	N 02°51'34" W	446.89'
L57	N 87°21'55" E	559.34'
L58	S 02°54'50" E	466.52'
L59	S 02°48'51" E	60.00'
L60	S 87°21'55" W	346.24'
L61	N 02°51'34" W	60.00'
L62	N 87°21'55" E	346.28'
L63	N 87°21'55" E	346.28'



NOTES:

- All bearings referenced to the Texas Coordinate System, South Central Zone (NAD83) and are on surface coordinates. To scale to grid, apply a scale factor of 0.9998726013.
- This document, prepared under §22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

ACREAGE SUMMARY

TRACT 1-A	21.62 ACRES
TRACT 1-B	14.75 ACRES
TRACT 1-C	27.38 ACRES
TRACT 2	1.361 ACRES
TRACT 3	4.007 ACRES
TRACT 4	5.453 ACRES
TRACT 5	2.011 ACRES
TRACT 6	1.893 ACRES
TRACT 7	5.994 ACRES
TRACT 8	0.477 ACRES
TOTAL ACREAGE	84.946 ACRES

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	178.83'	227.89'	44°57'44"	S 19°37'18" W	174.28'
C2	223.62'	285.00'	44°57'23"	S 19°37'29" W	217.93'
C3	125.62'	489.33'	14°42'31"	S 10°12'59" E	125.27'
C4	125.13'	489.33'	14°39'05"	S 24°53'08" E	124.79'
C5	173.34'	398.48'	24°55'28"	S 19°45'05" E	171.98'
C6	33.04'	20.00'	94°39'13"	S 40°02'15" W	29.41'
C7	42.14'	40.00'	80°21'42"	N 52°01'18" W	40.22'
C8	282.88'	314.79'	51°29'14"	N 61°36'45" E	273.45'
C9	237.86'	264.97'	51°26'02"	N 61°35'09" E	229.95'
C10	31.42'	20.00'	90°00'17"	N 42°18'01" E	28.29'
C11	31.41'	20.00'	89°59'05"	S 42°17'25" W	28.28'
C12	155.67'	248.87'	35°50'20"	S 69°21'47" W	153.15'
C13	118.60'	189.17'	35°55'14"	S 69°24'14" W	116.66'
C14	30.13'	20.00'	86°19'17"	N 49°28'11" W	27.56'
C15	207.24'	458.48'	25°33'54"	N 19°15'51" W	205.48'
C16	220.00'	429.33'	29°21'35"	N 17°32'01" W	217.60'
C17	176.54'	225.00'	44°57'23"	N 19°37'29" E	172.05'
C18	221.25'	287.89'	44°01'58"	N 20°05'11" E	215.54'
C19	83.49'	40.00'	119°35'45"	N 27°33'58" E	69.14'
C20	156.21'	249.17'	35°55'14"	N 69°24'14" E	153.67'
C21	118.14'	188.87'	35°50'20"	N 69°21'47" E	118.22'
C22	31.42'	20.00'	90°00'55"	S 47°42'35" E	28.29'
C23	88.96'	314.79'	16°11'33"	S 79°15'35" W	88.67'
C24	31.42'	20.00'	90°00'17"	S 42°18'01" W	28.29'
C25	237.86'	264.97'	51°26'02"	S 61°35'09" W	229.95'
C26	193.91'	314.79'	35°17'38"	S 53°30'57" W	190.86'

ANNEXATION TRACTS FOR
HARRIS-BRAZORIA COUNTIES
MUNICIPAL UTILITY DISTRICT NO. 509

IN THE
THOMAS J. GREEN SURVEY, A-290
HARRIS COUNTY, TEXAS
A.C.H.&B. SURVEY,
SECTION 1, A-147
H.T. & B.R.R. COMPANY
SURVEY 11, 239
BRAZORIA COUNTY, TEXAS
NOVEMBER 2015 JOB NO. 1326-0006

LJA Engineering, Inc.
2929 Briarpark Drive Suite 600 Houston, Texas 77042
Phone 713.953.5200 Fax 713.953.5026 T.B.P.L.S. Firm No. 10110501
Contact: Heather L. Sides, RPLS, CFeds hsides@ljaengineering.com

PETITION FOR CONSENT TO ANNEX LAND INTO
HARRIS-BRAZORIA COUNTIES MUNICIPAL UTILITY DISTRICT NO. 509

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

The undersigned, HARRIS-BRAZORIA COUNTIES MUNICIPAL UTILITY DISTRICT NO. 509 (the "District"), and THE FELTON M. AND MARY C. BAKER REVOCABLE TRUST and HOUSTON HELICOPTERS, INC., a Texas corporation (collectively, the "Petitioner"), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.301 of that Code, together with all amendments and additions thereto, respectfully petition the City Council of the City of Pearland, Texas (the "City"), for its written consent to the annexation by the District of the 84.946 acres of land described by metes and bounds in **Exhibit A** (the "Land"), which is attached hereto and incorporated herein for all purposes. In support of this petition, the undersigned would show the following:

I.

The District is a municipal utility district duly created under the laws of the State of Texas on June 15, 2007. The District was created and organized under the terms and provisions of Article XVI, Section 59, of the Constitution of Texas, and is governed by the provisions of Chapters 49 and 54, Texas Water Code.

II.

The Petitioner holds fee simple title to the Land, as indicated by the certificates of ownership provided by the Brazoria County Appraisal District. The Petitioner represents that there are no lienholders on the Land.

III.

The Land is situated wholly within Brazoria County, Texas. All of the Land is within the corporate limits of the City. All of the Land may properly be annexed into the District.

IV.

The general nature of the work to be done within the Land is the construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system, a drainage and storm sewer system, and parks and recreational facilities.

V.

There is, for the following reasons, a necessity for the above-described work. The Land, which will be developed for commercial and/or residential purposes, is urban in nature, is within the growing environs of the City, is in close proximity to populous and developed sections of Brazoria County, and within the immediate future will experience a substantial and sustained residential and commercial growth. There is not now available within the Land an adequate waterworks and sanitary sewer system nor an adequate drainage system, nor parks or recreational facilities, and it is not presently economically feasible for the Land to provide for such systems and facilities itself. Because the health and welfare of the present and future inhabitants of the Land and of lands adjacent thereto require the construction, acquisition, maintenance and operation of an adequate waterworks and sanitary sewer system, a drainage and storm sewer system, and parks and recreational facilities, a public necessity exists for the annexation of the Land into the District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system, such drainage and storm sewer system, and such parks and recreational facilities, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VI.

The undersigned estimate, from such information as they have at this time, that the cost of extending the District's facilities to serve the Land is \$9,685,000.

VII.

D. R. HORTON - TEXAS, LTD., a Texas limited partnership, has entered into an earnest money contract to purchase the Land and desires to be considered a petitioner for consent to the annexation.

VIII.

The Petitioner and the District agree and hereby covenant that if the requested consent to the annexation of the Land to the District is given, the Petitioner and the District will adopt and abide by the conditions set forth in **Exhibit B**, attached hereto and incorporated herein for all purposes.

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City give its written consent to the annexation of the Land into the District.

[EXECUTION PAGES FOLLOW.]

RESPECTFULLY SUBMITTED on this 19 day of November, 2015.

**HARRIS-BRAZORIA COUNTIES
MUNICIPAL UTILITY DISTRICT
NO. 509**

By: [Signature]

Name: Wes Christensen

Title: VP

ATTEST:

By: [Signature]

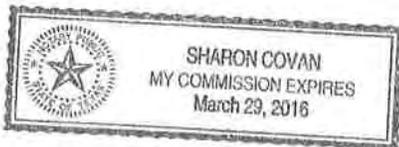
Name: Gregory Lambhoff

Title: Secretary



THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 19th day of November, 2015 by Wes Christensen, as Vice President, and Gregory Lambhoff, as Secretary, of the Board of Directors of HARRIS-BRAZORIA COUNTIES MUNICIPAL UTILITY DISTRICT NO. 509, a political subdivision of the State of Texas, on behalf of said political subdivision.



[Signature]
Notary Public, State of Texas

(NOTARY SEAL)

THE FELTON M. AND MARY C.
BAKER REVOCABLE TRUST

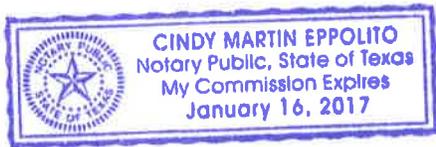
By: Karen DeAnn Jantz
Karen DeAnn Jantz Co-Trustee

By: Gary A. Baker
Gary A. Baker, Co-Trustee

THE STATE OF TEXAS §
COUNTY OF Brazoria §

This instrument was acknowledged before me on this 16 day of November, 2015, by Karen DeAnn Jantz, Co-Trustee of THE FELTON M. AND MARY C. BAKER REVOCABLE TRUST, on behalf of said Trust.

(NOTARY SEAL)

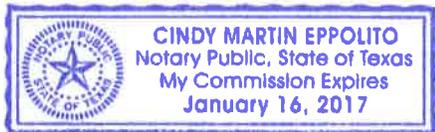


Cindy Martin Eppolito
Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF Brazoria §

This instrument was acknowledged before me on this 16 day of November, 2015, by Gary A. Baker, Co-Trustee of THE FELTON M. AND MARY C. BAKER REVOCABLE TRUST, on behalf of said Trust.

(NOTARY SEAL)



Cindy Martin Eppolito
Notary Public, State of Texas

HOUSTON HELICOPTERS, INC., a Texas corporation

By: *Gary Baker*

Name: Gary Baker

Title: V - President

THE STATE OF TEXAS

§

COUNTY OF Brazoria

§

§

This instrument was acknowledged before me on this 16 day of November, 2015, by Gary Baker of HOUSTON HELICOPTERS, INC., a Texas corporation, on behalf of said corporation.

(NOTARY SEAL)



Cindy Martin Eppolito
Notary Public, State of Texas

**D. R. HORTON – TEXAS, LTD., a Texas
limited partnership**

By: D.R. Horton, Inc., a Delaware
corporation, Its Authorized
Agent

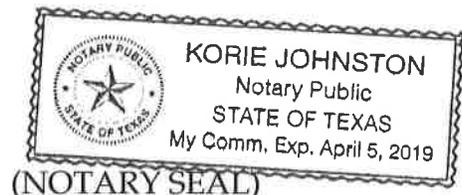
By: 

Name: Christopher Lindhorst
Division President

Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on November 10, 2015 by CHRISTOPHER LINDHORST, DIVISION PRESIDENT of D.R. Horton, Inc., a Delaware corporation, Authorized Agent of D. R. HORTON – TEXAS, LTD., a Texas limited partnership, on behalf of said corporation and said limited partnership.




Notary Public, State of Texas

Attachments:
Exhibit A: Description of the Land
Exhibit B: Conditions of the City

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, Attn: Yvonne Onak.

EXHIBIT A

November 9, 2015
Job No. 1326-0003

METES AND BOUNDS DESCRIPTION OF
84.946 ACRES OF LAND
IN THE A.C.H.& B. SURVEY, SECTION 1, ABSTRACT NO. 147 AND THE
H.T.& B. R.R. CO. SURVEY 11, ABSTRACT NO. 239
BRAZORIA COUNTY, TEXAS

All of that certain 84.946 acres of land, located in the A.C.H.& B. Survey, Section 1, A-147 and 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 2005011938, of the Official Records of Brazoria County, Texas, the 1.3590 acre tract described as Tract One, the 4.0033 acre tract described as Tract Two, and the 5.4609 acre tract described as Tract Three, in the deed from First Republicbank Galveston, N.A., to Felton M. Baker, recorded under Document Number 1990018373, of the Official Records of Brazoria County, Texas, the tract of land described as "Lots Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19) and Twenty (20)" in the deed from Felton M. Baker to Houston Helicopters, Inc., recorded under Document Number 1995031382, of the Official Records of Brazoria County, Texas, the tract of land described as "Lots Four (4), Five (5), Fourteen (14) and Fifteen (15) in the deed from Felton M. Baker to Houston Helicopters, Inc., recorded under Document Number 1995031383, of the Official Records of Brazoria County, Texas, the 59.932 acre tract described in the deed from Raymond V. Kliesign to Houston Helicopters, Inc., recorded under Volume 1523, Page 840, of the Deed Records of Brazoria County, Texas, the private road referred to as Beechcraft (60' wide) as shown on the plat recorded under Volume 8, Page 17, of the Plat Records of Brazoria County, Texas, and more particularly described by metes and bounds as follows (Bearings based on Texas Coordinate System, South Central Zone, NAD83, 1993 Adjustment):

TRACT 1-A

BEGINNING at a northwest corner of Lot A of said REPLAT OF PEARLAND PAVILION, in the east line of the 0.459 acre tract described in the deed from Amerisource Funding, Inc. to Warfield Electric, LLC, recorded under Document Number 201201461, of the Official Records of Brazoria County, Texas, in the south line of the 30' reserve for road widening of East Walnut Street, shown on said REPLAT OF PEARLAND PAVILION, from which a found 5/8" iron rod bears North 71° 12' 03" East – 1.29';

THENCE North 87° 18' 10" East – 44.64', along a north line of said Lot A, common to the south line of said 30' reserve to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northeast corner of the herein describe tract, common to the northeast corner of said Lot A, in the west right-of-way line of South Galveston Avenue (60' wide) (Volume 8, Page 17, of the Plat Records of Brazoria County, Texas);

THENCE along the east line of said Lot A, common to the west right-of-way line of South Galveston Avenue, the following six (6) bearings and distances:

South 02° 51' 34" East – 272.99 to a 1/2" iron rod found for the beginning of a tangent curve to right;

Along said curve to the right, an arc length of 178.83', with a radius of 227.89', a central angle of 44° 57' 44", and a chord bearing and distance of South 19° 37' 18" West – 174.28' to a 1/2" iron rod found for the point of reverse curvature to the left,

Along said curve to the left, an arc length of 223.62', with a radius of 285.00', a central angle of 44° 57' 23", and a chord bearing and distance of South 19° 37' 29" West – 217.93' to a 1/2" iron rod found for the end of curve;

November 9, 2015
Job No. 1326-0003

South $02^{\circ} 51' 13''$ East – 511.49' (at 358.44' passing a $1/2''$ iron rod found for the southeast corner of aforesaid Lot A, common to the northeast corner of Lot B of aforesaid REPLAT OF PEARLAND PAVILION) to a $5/8''$ iron rod found for the beginning of a tangent curve to the left;

Along said curve to the left, an arc length of 250.75', (at an arc length of 125.62' passing a $5/8''$ iron rod found for the southeast corner of said Lot B, common to the northeast corner of Lot C of said REPLAT OF PEARLAND PAVILION) with a radius of 489.33', a central angle of $29^{\circ} 21' 35''$, and a chord bearing and distance of South $17^{\circ} 32' 01''$ East – 248.01' to the point of reverse curvature to the right, from which a found $1/2''$ iron rod bears South $65^{\circ} 33' 51''$ East – 0.27';

Along said curve to the right, an arc length of 173.34', with a radius of 398.48', a central angle of $24^{\circ} 55' 28''$, and a chord bearing and distance of South $19^{\circ} 45' 05''$ East – 171.98' to a $5/8''$ iron rod found for the point of compound curvature to the right, common to the north end of the northwest right-of-way cutback curve at the intersection of aforesaid South Galveston Avenue and Hampshire Street (60' wide) (Volume 17, Page 395 of the Plat Records of Brazoria County, Texas), and the most easterly southeast corner of said Lot C;

THENCE along said curve to the right, along said northwest right-of-way cutback curve, an arc length of 33.04', with a radius of 20.00', a central angle of $94^{\circ} 39' 11''$, and a chord bearing and distance of South $40^{\circ} 02' 15''$ West – 29.41' to the west end of said northwest right-of-way cutback curve, common to the most southerly southeast corner of said Lot C, from which a found $5/8''$ iron rod bears North $65^{\circ} 33' 57''$ East – 0.27';

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THENCE South $87^{\circ} 21' 51''$ West – 271.60', along the north right-of-way line of aforesaid Hampshire Street, common to the south line of said Lot C, to a 5/8" iron rod found for the most southerly southwest corner of said Lot C, common to the east end of the northeast right-of-way cutback curve at the intersection of said Hampshire Street and State Highway 35 (110' wide) (Volume 211, Page 493, of the Deed Records of Brazoria County, Texas and Volume 17, Page 395, of the Plat Records of Brazoria County, Texas), and the beginning of a tangent curve to the right;

THENCE along said curve to the right, along said northeast right-of-way cutback curve, an arc length of 42.14', with a radius of 40.00', a central angle of $60^{\circ} 21' 42''$, and a chord bearing and distance of North $62^{\circ} 27' 18''$ West – 40.22' to a 5/8" iron rod with cap stamped "LJA-ENG" set for the most westerly southwest corner of the herein described tract, common to the north end of said northeast right-of-way cutback curve, and the most westerly southwest corner of said Lot C, in the northeast right-of-way line of said State Highway 35;

THENCE North $32^{\circ} 16' 27''$ West – 1361.95', along said northeast right-of-way line, common to the southwest line of said Lot C, the southwest line of aforesaid Lot B, and the southwest line of aforesaid Lot A to a 5/8" iron rod with cap stamped "LJA-ENG" set for the west corner of the herein described tract, common to the west corner of said Lot A, in the southeast line of the 2.1642 acre tract described in the deed from Liquilux, Inc. to Autozone, Inc., recorded under Document Number 1995031278, of the Official Records of Brazoria County, Texas;

THENCE North $57^{\circ} 38' 15''$ East – 229.00', along the northwest line of said Lot A, common to the southeast line of said 2.1642 acre tract, (at 20.03' passing a found 1/2" iron rod with cap stamped "Brown & Gay") to a 5/8" iron rod found for an angle corner of said Lot A, common to the east corner of said 2.1642 acre tract;

THENCE North $29^{\circ} 42' 45''$ West – 285.90', along a southwest line of said Lot A, common to the northeast line of said 2.1642 acre tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northwest corner of the herein described tract, common to the northwest corner of said Lot A, in the south line of the 30' reserve for road widening of East Walnut Street, shown on aforesaid REPLAT OF PEARLAND PAVILION;

November 9, 2015
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THENCE North $87^{\circ} 18' 10''$ East – 211.11', along said 30' reserve, common to the north line of said Lot A, to an angle corner of said Lot A, in the west line of the 0.1435 acre tract described in the deed from Jose C. Rodriguez and Ana L. Rodriguez to City of Pearland, recorded under Document Number 2007037508, of the Official Records of Brazoria County, Texas, from which a found 5/8" iron rod bears North $80^{\circ} 34' 30''$ West – 1.63';

THENCE South $02^{\circ} 25' 27''$ East – 95.00', along an east line of said Lot A, common to the west line of said 0.1435 acre tract, to an angle corner of said Lot A, common to the southwest corner of said 0.1435 acre tract, from which a found 5/8" iron rod bears North $77^{\circ} 22' 40''$ West – 1.26';

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THENCE North 87° 18' 10" East – 529.09', along a north line of said Lot A, common to the south line of said 0.1435 acre tract, the south line of the tract described as "100 x 125 feet" in the deed to Joe Flores and wife Laura Flores to Elias Garcia, Jr. and wife, Eufemia Garcia, recorded under Volume 797, Page 386, of the Deed Records of Brazoria County, Texas, the south line of the 0.2152 acre tract described in the deed from Betty Harper, et al. to City of Pearland, recorded under Document Number 2008057966, of the Official Records of Brazoria County, Texas, the south line of the tract described as "the East 1/2 of Lot 5, and the West 1/2 of Lot 4" in the deed from Thomas Trevino, Jr. to Elvira Trevino, recorded under Document Number 1995035445, of the Official Records of Brazoria County, Texas, the south line of the tract described as "Lot 3 and Part of Lot 4" in the deed from Juan Luis Arevalo to Ho P. Lam, recorded under Document Number 2013032624, of the Official Records of Brazoria County, Texas, the south line of the 0.129 acre tract described in the deed from Mary Pope to Lonnie Charles Harper, recorded under Document Number 1976011274, of the Official Records of Brazoria County, Texas, the south line of the tract described as "Lot 2, Block 1" in the deed from Raymond V. Kliesing to Early B. Russett, recorded under Volume 648, Page 470, of the Deed Records of Brazoria County, Texas, and the south line of the 0.2583 acre tract described in the deed from Thomas Fisher and wife, Kathleen Fisher to Headwaves, Inc., recorded under Document Number 2008055587, of the Official Records of Brazoria County, Texas, to a 5/8" iron rod with cap stamped "LJA-ENG" set for an angle corner of the herein described tract, common to the southeast corner of said 0.2583 acre tract, and an angle corner of said Lot A, in the west line of the 0.3581 acre tract described in the deed from Raymond Z. Dorozynski to Warfield Electric, LLC, recorded under Document Number 2012036082, of the Official Records of Brazoria County, Texas;

THENCE South 02° 51' 30" East – 75.00', along an east line of said Lot A, common to the west line of said 0.3581 acre tract, to the southwest corner of said 0.3581 acre tract, common to an angle corner of said Lot A, from which a 5/8" iron rod bears South 45° 42' 33" East – 2.04';

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THENCE North 87° 08' 30" East – 178.00', along a north line of said Lot A, common to the south line of said 0.3581 acre tract (at 78.00' passing a 1/2" iron rod with cap stamped "RPLS 5565" found for the southeast corner of said 0.3581 acre tract, common to the southwest corner of aforesaid 0.459 acre tract, from which a found 1" iron pipe bears South 00° 23' 32" West – 2.68') and the south line of said 0.459 acre tract to the southeast corner of said 0.459 acre tract, common to an angle corner of said Lot A, from which a 1/2" iron rod bears South 08° 28' 32" East – 1.02';

THENCE North 02° 48' 23" West – 169.50', along the east line of said 0.459 acre tract, common to an west line of said Lot A, to the **POINT OF BEGINNING** of the herein described tract and containing 21.62 acres of land.

TRACT 1-B

BEGINNING at a 5/8" iron rod found for the northeast corner of Lot L of aforesaid REPLAT OF PEARLAND PAVILION, in the west line of the 4.0033 acre tract described as Tract Two in the deed from First Republicbank Galveston, N.A. to Felton M. Baker, recorded under Document Number 1990018373, of the Official Records of Brazoria County, Texas;

THENCE South 02° 54' 50" East – 340.83', along the east line of said Lot L, common to the west line of said 4.0033 acre tract to a 1/2" iron rod found for the most easterly southeast corner of said Lot L, common to the southwest corner of said 4.0033 acre tract, in the north line of Lot M of said REPLAT OF PEARLAND PAVILION;

THENCE North 87° 21' 21" East – 177.43', along the north line of said Lot M, common to the south line of said 4.0033 acre tract, to a 1/2" iron rod found for the beginning of a tangent curve to the left;

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THENCE along said curve to the left, continuing along the north line of said Lot M, common to the south line of said 4.0033 acre tract, an arc length of 282.88' (at an arc length of 88.96' passing a 5/8" iron rod found for the southeast corner of said 4.0033 acre tract, common to the southwest corner of the 5.46009 acre tract described as Tract Three in the deed from First Republicbank Galveston, N.A. to Felton M. Baker, recorded under Document Number 1990018373, of the Official Records of Brazoria County, Texas, common to the northeast corner of said Lot M, common to the northwest corner of Lot Q of aforesaid REPLAT OF PEARLAND PAVILION), then continuing with the north line of said Lot Q, common to the south line said 5.4609 acre tract, and said curve to the left, with a radius of 314.79', a central angle of $51^{\circ} 29' 14''$, and a chord bearing and distance of North $61^{\circ} 36' 45''$ East – 273.45' to a 5/8" iron rod with cap stamped "LJA-ENG" set for an angle corner of the herein described tract, common to the point of reverse curvature of a curve to the right;

THENCE along said curve to the right, continuing along the north line of said Lot Q, common to the south line of said 5.4609 acre tract, an arc distance of 237.86' (at an arc length of 87.92' passing a 5/8" iron rod found for the northeast corner of said Lot Q, common to the northwest corner of Lot S of said REPLAT OF PEARLAND PAVILION), then continuing with the north line of said Lot S, common to the south line of said 5.4609 acre tract, and said curve to the right, with a radius of 264.97', a central angle of $51^{\circ} 26' 02''$, and a chord bearing and distance of North $61^{\circ} 35' 09''$ East – 229.95' to a 1/2" iron rod found for the end of curve;

THENCE North $87^{\circ} 18' 10''$ East – 79.46', continuing along the north line of said Lot S, common to the south line of said 5.4609 acre tract, to the beginning of a tangent curve to the left, from which a found 1/2" iron rod bears North $42^{\circ} 15' 26''$ East – 0.29';

THENCE along said curve to the left, continuing along the north line of said Lot S, common to the south line of said 5.4609 acre tract, an arc distance of 31.42', with a radius of 20.00', a central angle of $90^{\circ} 00' 17''$, and a chord bearing and distance of North $42^{\circ} 18' 01''$ East – 28.29' to a 5/8" iron rod with cap stamped "LJA-ENG" set for the most easterly northeast corner of the herein described tract, common to the end of curve, the northeast corner of said Lot S, and the most easterly southeast corner of said 5.4609 acre tract, in the west right-of-way of Old Alvin Road (65' wide) (Volume 17, Page 395, of the Plat Records of Brazoria County, Texas);

THENCE South $02^{\circ} 42' 08''$ East – 335.48', along the east line of said Lot S, common to the west right-of-way line of said Old Alvin Road (at 220.28' passing the southeast corner of said Lot S, common to the northeast corner of Lot T of said REPLAT OF PEARLAND PAVILION), then continuing with the east line of said Lot T, common to the said west right-of-way line, to the beginning of a curve to the right, common to the north end of the northwest right-of-way cutback curve at the intersection of said Old Alvin Road and Hampshire Street (60' wide) (Volume 17, Page 395 of the Plat Records of Brazoria County, Texas), and the most easterly southeast corner of said Lot T, from which a found $5/8''$ iron rod (bent) bears North $17^{\circ} 44' 23''$ East – 0.49';

THENCE along said curve to the right, along said northwest right-of-way cutback curve, an arc length of 31.41', with a radius of 20.00', a central angle of $89^{\circ} 59' 05''$, and a chord bearing and distance of South $42^{\circ} 17' 25''$ West – 28.28' to the west end of said northwest right-of-way cutback curve, common to the most southerly southeast corner of said Lot T, from which a found $5/8''$ iron rod bears North $87^{\circ} 16' 57''$ East – 0.45';

THENCE South $87^{\circ} 16' 57''$ West – 66.57, along the south line of said Lot T, common to the north right-of-way line of said Hampshire Street to a $5/8''$ iron rod found for the beginning of a curve to the left;

THENCE along said curve to the left, continuing along said south line of said Lot T, common to said north right-of-way line, an arc distance of 155.67' (at an arc distance of 125.65' passing a $5/8''$ iron rod found for the southeast corner of said Lot T, common to the southeast corner of aforesaid Lot Q), continuing along the south line of said Lot Q, common to said north right-of-way line, and said curve to the left, with a radius of 248.87', a central angle of $35^{\circ} 50' 20''$, and a chord bearing and distance of South $69^{\circ} 21' 47''$ West – 153.15' to a $5/8''$ iron rod found for the point of reverse curvature of a curve to the right;

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THENCE along said curve to the right, continuing along the south line of said Lot Q, common to said north right-of-way line an arc distance of 118.60', with a radius of 189.17', a central angle of 35° 55' 14", and a chord bearing and distance of South 69° 24' 14" West – 116.66' to a 1/2" iron rod found for the end of curve;

THENCE South 87° 21' 51" West – 963.75', continuing along the south line of said Lot Q, common to the said north right-of-way line (at 97.03' passing a 1/2" iron rod (bent) found for the southeast corner of said Lot Q, common to the southeast corner of aforesaid Lot M), then continuing along the south line of said Lot M, common to said north right-of-way line (at 515.61' passing a 5/8" iron rod found for the most southerly southwest corner of said Lot M, common to the southeast corner of aforesaid Lot L), then continuing along the south line of said Lot L, common to said north right-of-way line (at 761.80' passing a 5/8" iron rod found for the most southerly southwest corner of said Lot L, common to the southeast corner of Lot J of said REPLAT OF PEARLAND PAVILION), then continuing along the south line of said Lot J, common to said north right-of-way line to a 5/8" iron rod found for the most southerly southwest corner of said Lot J, common to the east end of the northeast right-of-way cutback curve at the intersection of aforesaid Hampshire Street and South Galveston Avenue (60' ROW) (Volume 17, Page 395, of the Plat Records of Brazoria County, Texas), and the beginning of a curve to the right;

THENCE along said curve to the right, along said northeast right-of-way cutback curve, an arc distance of 30.13', with a radius of 20.00', a central angle of 86° 19' 17", and a chord bearing and distance of North 49° 28' 31" West – 27.36', to a 5/8" iron rod found for the most westerly southwest corner of said Lot J, common to the north end of said northeast right-of-way cutback curve, and the point of reverse curvature to the left, in the east right-of-way line of said South Galveston Avenue;

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THENCE along said curve to the left, along the west line of said Lot J, common to said east right-of-way line, an arc distance of 207.24' (at an arc distance of 66.29' passing the northwest corner of said Lot J, common to the southwest corner of Lot I of said REPLAT OF PEARLAND PAVILION), then continuing with the west line of said Lot I, common to said east right-of-way line, and with said curve to the left, with a radius of 458.48', a central angle of 25° 53' 54", and a chord bearing and distance of North 19° 15' 51" West – 205.48' to the point of compound curvature to the right, from which a found 5/8" iron rod bears South 38° 43' 02" East – 0.28';

THENCE along said curve to the right, continuing along the west line of said Lot I, common to said east right-of-way line, an arc distance of 220.00' (at an arc distance of 109.92' passing a 1/2" iron rod found for the northwest corner of said Lot I, common to the southwest corner of Lot H of said REPLAT OF PEARLAND PAVILION), then continuing with the west line of said Lot H, common to said east right-of-way line, and with said curve to the right, with a radius of 429.33', a central angle of 29° 21' 35", and a chord bearing and distance of North 17° 32' 01" West – 217.60' to a 1/2" iron rod found for the end of curve;

THENCE North 02° 51' 13" West – 511.49', continuing along the west line of said Lot H, common to said east right-of-way line (at 114.69' passing a 1/2" iron rod found for the northwest corner of said Lot H, common to the southwest corner of Lot G of said REPLAT OF PEARLAND PAVILION), then continuing along the west line of said Lot G, common to said east right-of-way line, (at 404.56' passing the northwest corner of said Lot G, common to the southwest corner of Lot E of said REPLAT OF PEARLAND PAVILION), then continuing along the west line of said Lot E, common to said east right-of-way line, to a 5/8" iron rod with cap stamped "LJA-ENG" set for an angle corner of the herein described tract, common to the beginning of a curve to the right;

THENCE along said curve to the right, continuing along the west line of said Lot E, common to said east right-of-way line, an arc distance of 176.54', with a radius of 225.00', a central angle of 44° 57' 23", and a chord bearing and distance of North 19° 37' 29" East – 172.05' to the point of reverse curvature to the left, from which a found 1/2" iron rod bears North 47° 51' 50" West – 0.27';

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THENCE along said curve to the left, continuing along the west line of said Lot E, common to said east right-of-way line, an arc distance of 221.25', with a radius of 287.89', a central angle of 44° 01' 58", and a chord bearing and distance of North 20° 05' 11" East – 215.87' to the north corner of said Lot E, in the west line of Lot 10, Block 4, of aforesaid AIRPORT SUBDIVISION, SECTION 4, from which a found "X" cut in concrete bears North 02° 51' 34" West – 4.68';

THENCE South 02° 51' 34" East – 755.08', along the east line of said Lot E, common to the west line of said AIRPORT SUBDIVISION, SECTION 4, (at 288.39' passing the southwest corner of said AIRPORT SUBDIVISION, SECTION 4), then continuing along the east line of said Lot E, (at 464.68' passing the southeast corner of said Lot E, common to the northeast corner of aforesaid Lot G), then continuing along the east line of said Lot G, to a 5/8" iron rod found for the southeast corner of said Lot G, common to the northeast corner of aforesaid Lot H, and the northwest corner of aforesaid Lot L;

THENCE North 87° 20' 50" East – 559.79', along the north line of said Lot L, to the **POINT OF BEGINNING** and containing 14.75 acres of land.

TRACT 1-C

BEGINNING the southeast corner of Lot V of aforesaid REPLAT OF PEARLAND PAVILION, common to the northeast corner of Lot 22 of aforesaid THOMAS & GILBERT INDUSTRIAL TRACTS, in the west right-of-way line of Old Alvin Road (65' wide) (Volume 17, Page 395, of the Plat Records of Brazoria County, Texas), from which a found 1/2" iron rod bears South 11° 48' 06" West – 0.73', and a 1/2" iron rod found at the northeast corner of said THOMAS & GILBERT INDUSTRIAL TRACTS bears North 89° 18' 12" East – 14.86';

THENCE South 88° 22' 24" West – 194.59', along the south line of said Lot V, common to the north lines of Lots 18-22 of said THOMAS & GILBERT INDUSTRIAL TRACTS, to a 5/8" iron rod with cap stamped "LJA-ENG" set for an angle corner of the herein described tract, in the north line of said Lot 18;

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THENCE South 88° 00' 37" West – 200.03', continuing along the south line of said Lot V, common to the north lines of Lots 14-18 of said THOMAS & GILBERT INDUSTRIAL TRACTS, to a 1/2" iron rod (bent) found for an angle corner of said Lot V, in the north line of said Lot 14;

THENCE South 87° 56' 38" West – 200.06', continuing along the south line of said Lot V, common to the north lines of Lots 10-14 of said THOMAS & GILBERT INDUSTRIAL TRACTS, to a 5/8" iron rod with cap stamped "LJA-ENG" set for an angle corner of the herein described tract, in the north line of said Lot 10;

THENCE South 89° 45' 38" West – 200.25', continuing along the south line of said Lot V, common to the north lines of Lots 6-10 of said THOMAS & GILBERT INDUSTRIAL TRACTS, to an angle corner of said Lot V, in the north line of said Lot 6, from which a brass disk bears North 31° 23' 10" East – 1.26';

THENCE South 88° 45' 26" West – 199.91', continuing along the south line of said Lot V, common to the north lines of Lots 3-6 of said THOMAS & GILBERT INDUSTRIAL TRACTS, to an angle corner of said Lot V, common to the northwest corner of said Lot 3, and the northeast corner of the 0.3580 acre tract described in the deed from Thomas and Gilbert Enterprises, Inc. to James N. Wallace and Henry C. Robson, Jr., recorded under Document Number 1981024192, of the County Clerk Records of Brazoria County, Texas, from which a brass disk bears North 19° 40' 36" East – 1.31';

THENCE South 88° 19' 12" West – 178.72', continuing along the south line of said Lot V, common to the north line of said 0.3580 acre tract, to a 1/2" iron rod with cap stamped "Brown & Gay" found for the most southerly southwest corner of said Lot V, common to the southeast corner of the 10' reserve for road widening as shown on aforesaid REPLAT OF PEARLAND PAVILION, in the northeast right-of-way line of State Highway 35 (110' wide) (Volume 213, Page 64, of the Deed Records of Brazoria County, Texas and Volume 17, Page 395 of the Plat Records of Brazoria County, Texas);

THENCE North 32° 13' 54" West – 203.43', along the southwest line of said Lot V, common to said northeast right-of-way line (at 121.59' passing a 1/2" iron rod with cap stamped "Brown & Gay) (at 144.99' passing the intersection of the north line of aforesaid THOMAS & GILBERT INDUSTRIAL TRACTS, and the southwest line of said REPLAT OF PEARLAND PAVILION), to a 5/8" iron rod with cap stamped "LJA-ENG" set for the most westerly southwest corner of the herein described tract, common to the most westerly southwest corner of said Lot V, in the east line of aforesaid 2.011 acre tract;

THENCE North 03° 18' 29" West – 545.65', along the west line of said Lot V, common to the east line of said 2.011 acre tract, (at 497.99' passing a 5/8" iron rod found for the most westerly northwest corner of said Lot V, common to the southwest corner of Lot K of said REPLAT OF PEARLAND PAVILION), continuing along the west line of said Lot K, common to the east line of said 2.011 acre tract, to a 5/8" iron rod found for the northeast corner of said 2.011 acre tract, common to the southeast corner of Lot D of said REPLAT OF PEARLAND PAVILION;

THENCE South 86° 45' 33" West – 301.70', along the south line of said Lot D, common to the north line of said 2.011 acre tract, to a 1/2" iron rod with cap stamped "Brown & Gay" found for the southwest corner of said Lot D, common to the southeast corner of the 10' reserve for road widening as shown on aforesaid REPLAT OF PEARLAND PAVILION, in the northeast right-of-way line of State Highway 35 (110' wide) (Volume 211, Page 493, of the Deed Records of Brazoria County, Texas and Volume 17, Page 395 of the Plat Records of Brazoria County, Texas);

THENCE North 32° 13' 54" West – 110.32', along the southeast line of said Lot D, common to said northeast right-of-way line, to the most westerly northwest corner of said Lot D, common to the south end of the southeast right-of-way cutback curve at the intersection of said State Highway 35 and Hampshire Street (60' wide) (Volume 17, Page 395 of the Plat Records of Brazoria County, Texas), and the beginning of a curve to the right, from which a found 5/8" iron rod bears South 82° 42' 52" East – 1.04';

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THENCE along said curve to the right, along said southeast right-of-way cutback curve, an arc distance of 83.49', with a radius of 40.00', a central angle of $119^{\circ} 35' 45''$, and a chord bearing and distance of North $27^{\circ} 33' 58''$ East – 69.14' to the most northerly northwest corner of said Lot D, common to the east end of said southeast right-of-way cutback curve, in the south right-of-way line of said Hampshire Street, from which a found $1/2''$ iron rod bears South $89^{\circ} 53' 35''$ East – 0.83';

THENCE North $87^{\circ} 21' 51''$ East – 1257.10', along said south right-of-way line, common to the north line of said Lot D, (at 319.25' passing a $1/2''$ iron rod found for the northeast corner of said Lot D, common to the northwest corner of aforesaid Lot K), then continuing with said south right-of-way line, common to the north line of said Lot K, (at 661.92' passing a $1/2''$ iron rod found for the northeast corner of said Lot K, common to the northwest corner of Lot N of aforesaid REPLAT OF PEARLAND PAVILION), then continuing with said south right-of-way line, common to the north line of said Lot N, (at 886.82' passing a $1/2''$ iron rod found for the northeast corner of said Lot N, common to the northwest corner of Lot O of said REPLAT OF PEARLAND PAVILION), then continuing with said south right-of-way line, common to the north line of said Lot O, (at 1109.98' passing a $5/8''$ iron rod found for the northeast corner of said Lot O, common to the most northerly northwest corner of aforesaid Lot V), then continuing with said south right-of-way line, common to the north line of said Lot V, (at 1161.78' passing a $1/2''$ iron rod found for the most northerly northeast corner of said Lot V, common to the northwest corner of Lot R of said REPLAT OF PEARLAND PAVILION), then continuing with said south right-of-way line, common to the north line of said Lot R, to a $1/2''$ iron rod found for the beginning of a curve to the left;

THENCE along said curve to the left, continuing along said south right-of-way line, common to the north line of said Lot R, an arc distance of 156.21' (at an arc distance of 108.13' passing a $1/2''$ iron rod found for the northeast corner of said Lot R, common to the northwest corner of Lot U of said REPLAT OF PEARLAND PAVILION), then continuing along said south right-of-way line, common to the north line of said Lot U, and said curve to the left, with a radius of 249.17', a central angle of $35^{\circ} 55' 14''$, and a chord bearing and distance of North $69^{\circ} 24' 14''$ East – 153.67' to the point of reverse curvature to the right, from which a found $1/2''$ iron rod bears North $24^{\circ} 52' 31''$ West – 0.37';

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THENCE along said curve to the right, continuing along said south right-of-way line, common to the north line of said Lot U, an arc distance of 118.14', a radius of 188.87', a central angle of 35° 50' 20", and a chord bearing and distance of North 69° 21' 47" East – 116.22' to a 1/2" iron rod found for the end of curve;

THENCE North 87° 16' 57" East – 66.54', continuing along said south right-of-way line, common to the north line of said Lot U, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the most northerly northeast corner of the herein described tract, common to the most northerly northeast corner of said Lot U, the west end of the southwest right-of-way cutback corner at the intersection of aforesaid Hampshire Street and aforesaid Old Alvin Road, and the beginning of a curve to the right;

THENCE along said curve to the right, along said southwest right-of-way cutback corner, an arc distance of 31.42', with a radius of 20.00', a central angle of 90° 00' 55", and a chord bearing and distance of South 47° 42' 35" East – 28.29' to the most easterly northeast corner of said Lot U, common to the south end of said southwest right-of-way cutback corner, in the west right-of-way line of said Old Alvin Road, from which a found 5/8" iron rod (bent) bears North 19° 13' 27" East – 2.71';

THENCE South 02° 42' 08" East – 962.34', along the west right-of-way line of said Old Alvin Road, common to the east line of said Lot U, (at 263.17' passing the southeast corner of said Lot U, common to the most easterly northeast corner of aforesaid Lot V) then continuing along said west right-of-way line common to the east line of said Lot V, (at 837.31' passing the intersection of the north line of aforesaid THOMAS & GILBERT INDUSTRIAL TRACTS, and the east line of said REPLAT OF PEARLAND PAVILION), then continuing along said west right-of-way line common to the east line of said Lot V, to the **POINT OF BEGINNING** and containing 27.38 acres of land.

TRACT 2

BEGINNING at the northeast corner of aforesaid 1.3590 acre tract, common to the southeast corner of aforesaid AIRPORT SUBDIVISION, SECTION NO. 4, in the west line of the 3.00 acre tract described in the deed from Estate of Raymond V. Kliesing to Mona Kliesign Bomsburger, recorded under Document Number 1987012143, of the Official Records of Brazoria County, Texas, from which a 5/8" iron rod bears North 02° 52' 20" West – 0.44';

THENCE South 02° 52' 20" East – 148.75', along the east line of said 1.3590 acre tract, common to the west line of said 3.00 acre tract, to a 5/8" iron rod found for the southeast corner of said 1.3590 acre tract, common to the southwest corner of said 3.00 acre tract, in the north line of aforesaid 5.4609 acre tract;

THENCE South 87° 19' 40" West – 398.12, along the south line of said 1.3590 acre tract, common to the north line of said 5.4609 acre tract (at 132.06' passing the northwest corner of said 5.4609 acre tract, common to the northeast corner of aforesaid 4.0033 acre tract), then continuing with the south line of said 1.3590 acre tract, and the north line of said 4.0033 acre tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the southwest corner of the herein described tract, common to the southwest corner of said 1.3590 acre tract;

THENCE North 02° 54' 50" West – 149.02', along the west line of said 1.3590 acre tract, (at 130.46' passing a found 3/4" iron pipe) then continuing along said west line, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northwest corner of the herein described tract, common to the northwest corner of said 1.3590 acre tract, in the south line of aforesaid AIRPORT SUBDIVISION, SECTION NO. 4;

THENCE North 87° 21' 55" East – 398.23', along the north line of said 1.3590 acre tract, common to the south line of said AIRPORT SUBDIVISION SECTION NO. 4, to the **POINT OF BEGINNING** of the herein described tract and containing 1.361 acres of land.

TRACT 3

BEGINNING at a 1/2" iron rod found for the southwest corner of aforesaid 4.0033 acre tract, common to the most easterly southeast corner of Lot L of aforesaid REPLAT OF PEARLAND PAVILION, in the north line of Lot M of said REPLAT OF PEARLAND PAVILION;

THENCE North 02° 54' 50" West – 658.34', along the west line of said 4.0033 acre tract, common to the east line of said Lot L, (at 340.83' passing a 5/8" iron rod found for the northeast corner of said Lot L), continuing along said west line, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northwest corner of the herein described tract, common to the northwest corner of said 4.0033 acre tract, and the southwest corner of aforesaid 1.3590 acre tract;

THENCE North 87° 19' 40" East – 266.06', along the north line of said 4.0033 acre tract, common to the south line of said 1.3590 acre tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northeast corner of the herein described tract, common to the northeast corner of said 4.0033 acre tract, common to the northwest corner of aforesaid 5.4609 acre tract;

THENCE South 02° 50' 38" East – 645.98', along the east line of said 4.0033 acre tract, common to the west line of said 5.4609 acre tract, to a 5/8" iron rod found for the southeast corner of said 4.0033 acre tract, common to the southwest corner of said 5.4609 acre tract, the northwest corner of Lot Q of aforesaid REPLAT OF PEARLAND PAVILION, the northeast corner of Lot M of said REPLAT OF PEARLAND PAVILION, and the beginning of a curve to the right;

THENCE along said curve to the right, along the south line of said 4.0033 acre tract, common to the north line of said Lot M, an arc distance of 88.96', with a radius of 314.79', a central angle of 16° 11' 33", and a chord bearing and distance of South 79° 15' 35" West – 88.67' to a 1/2" iron rod found for the end of curve;

THENCE South 87° 21' 21" West – 177.43', continuing along the south line of said 4.0033 acre tract, common to the north line of said Lot M, to the **POINT OF BEGINNING** and containing 4.007 acres of land.

TRACT 4

BEGINNING at a 5/8" iron rod found for the southwest corner of aforesaid 5.4609 acre tract, common to the southwest corner of aforesaid 4.0033 acre tract, the northwest corner of Lot Q of aforesaid REPLAT OF PEARLAND PAVILION, the northeast corner of Lot M of said REPLAT OF PEARLAND PAVILION;

THENCE North 02° 50' 38" West – 645.98', along the west line of said 5.4609 acre tract, common to the east line of said 4.0033 acre tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northwest corner of the herein described tract, common to the northwest corner of said 5.4609 acre tract, and the northeast corner of said 4.0033 acre tract, in the south line of aforesaid 1.3590 acre tract;

THENCE North 87° 19' 35" East – 466.89', along the north line of said 5.4609 acre tract, common to the south line of said 1.3590 acre tract, (at 132.06' passing a 5/8" iron rod found for the southeast corner of said 1.3590 acre tract, common to the southwest corner of aforesaid 3.00 acre tract, then continuing along the north line of said 5.4609 acre tract, common to the south line of said 3.00 acre tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northeast corner of the herein described tract, common to the northeast corner of said 5.4609 acre tract, and the southeast corner of said 3.00 acre tract, in the west right-of-way of aforesaid Old Alvin Road;

THENCE South 02° 42' 08" East – 419.86', along the east line of said 5.4609 acre tract, common to said west right-of-way line, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the most easterly southeast corner of the herein described tract, common to the most easterly southeast corner of said 5.4609 acre tract, the north corner of Lot S of aforesaid REPLAT OF PEARLAND PAVILION, and the beginning of a curve to the right;

THENCE along said curve to the right, along the south line of said 5.4609 acre tract, common to the north line of said Lot S, an arc distance of 31.42', with a radius of 20.00', a central angle of 90° 00' 17", and a chord bearing and distance of South 42° 18' 01" West – 28.29' to the most southerly southeast corner of said 5.4609 acre tract, from which a found 1/2" iron rod bears North 42° 15' 26" East – 0.29';

THENCE South 87° 18' 10" West – 79.46', continuing along the south line of said 5.4609 acre tract, common to the north line of said Lot S, to a 1/2" iron rod found for the beginning of a curve to the left;

THENCE along said curve to the left, along the south line of said 5.4609 acre tract, common to the north line of said Lot S, an arc distance of 237.86', (at an arc distance of 149.94' passing a 5/8" iron rod found for the northwest corner of said Lot S, common to the northeast corner of aforesaid Lot Q), continuing with the south line of said 5.4609 acre tract, common to the north line of said Lot Q, and said curve to the left, with a radius of 264.97', a central angle of 51° 26' 02", and a chord bearing and distance of South 61° 35' 09" West – 229.95' to a 5/8" iron rod with cap stamped "LJA-ENG" set for the point of reverse curvature to the right;

THENCE along said curve to the right, along the south line of said 5.4609 acre tract, common to the north line of said Lot Q, an arc distance of 193.91', with a radius of 314.79', a central angle of 35° 17' 38", and a chord bearing and distance of South 53° 30' 57" West – 190.86', to the **POINT OF BEGINNING** and containing 5.453 acres of land.

TRACT 5

BEGINNING at the northwest corner of aforesaid 2.011 acre tract, common to the southwest corner of a 10' reserve for road widening as shown on aforesaid REPLAT OF PEARLAND PAVILION, in the northeast right-of-way line of State Highway 35 (100' wide) (Volume 211, Page 493, of the Deed Records of Brazoria County, Texas), from which a 1/2" iron rod with cap stamped "Brown & Gay" bears South 86° 45' 33" West – 0.99';

THENCE North 86° 45' 33" East – 312.22', along the north line of said 2.011 acre tract, (at 10.52' passing a 1/2" iron rod with cap stamped "Brown and Gay" found for the southwest corner of Lot D of said REPLAT OF PEARLAND PAVILION), then continuing with the north line of said 2.011 acre tract, common to the south line of said Lot D, to a 5/8" iron rod found for the northeast corner of said 2.011 acre tract, common to the southeast corner of said Lot D, in the west line of Lot K of said REPLAT OF PEARLAND PAVILION;

THENCE South 03° 18' 29" East – 561.07', along the east line of said 2.011 acre tract, common to the west line of said Lot K, (at 47.66' passing a 5/8" iron rod found for the southwest corner of said Lot K, common to the most westerly northwest corner of Lot V of said REPLAT OF PEARLAND PAVILION), then continuing with the east line of said 2.011 acre tract, common to the west line of said Lot V, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the south corner of the herein described tract, common to the south corner of said 2.011 acre tract, the west corner of a 10' reserve for road widening as shown on aforesaid REPLAT OF PEARLAND PAVILION, the north corner of the right-of-way deed recorded under Volume 213, Page 64, of the Deed Records of Brazoria County, Texas, and the east corner of the right-of-way deed recorded under Volume 210, Page 348, of the Deed Records of Brazoria County, Texas, in the northeast right-of-way line of State Highway 35 (100' wide);

THENCE North 32° 23' 13" West – 642.41', along the southwest line of said 2.011 acre tract common to said northeast right-of-way line, to the **POINT OF BEGINNING** and containing 2.011 acres of land.

TRACT 6

BEGINNING at a 1 1/4" iron pipe found for the northeast corner of Lot 4, Block 4 of aforesaid AIRPORT SUBDIVISION, SECTION NO. 4, common to the northwest corner of Lot 3, of said Block 4, and the northeast corner of aforesaid Houston Helicopters, Inc. tract (1995031383), and the northwest corner of the tract of land described as "Lots 2-3-12-13, Block 4", in the deed from Woodrow V. Lesikar Family Trust to Carolyn Ann Lesikar Moon Special Trust, recorded under Document Number 2010006200, of the Official Records of Brazoria County, Texas, in the south right-of-way line of Lockheed Street (60' wide) (Volume 8, Page 17, of the Plat Records of Brazoria County, Texas);

THENCE South 02° 48' 51" East – 238.00', along the east line of Lot 4 and Lot 14, of said Block 4, common to the west lines of Lot 3 and Lot 13 of said Block 4, the east line of said Houston Helicopters, Inc. tract (1995031383), and the west line of said Moon tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the southeast corner of the herein described tract, common to the southeast corner of said Lot 14, common to the southwest corner of said Lot 13, the southeast corner of said Houston Helicopters, Inc. tract (1995031383), and the southwest corner of said Moon tract, in the north right-of-way line of Beechcraft Street (Private) (60' wide) (Volume 8, Page 17, of the Plat Records of Brazoria County, Texas);

THENCE South 87° 21' 55" West – 346.28, along the south line of said Block 4, common to said north right-of-way line, (at 100.00 feet passing the southwest corner of Lot 15, of said Block 4, common to the southeast corner of Lot 16, of said Block 4, the southwest corner of said Houston Helicopters, Inc. tract (1995031383), and the southeast corner of the aforesaid Houston Helicopters, Inc. tract (1995031382), from which a 5/8" iron rod bears South 08° 55' 12" West – 0.98', then continuing along the south line of said Block 4, common to said north right-of-way line, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the southwest corner of the herein described tract, common to the southwest corner of Lot 20, of said Block 4, and the southwest corner of said Houston Helicopters, Inc. tract (1995031382), in the west line of aforesaid AIRPORT SUBDIVISION, SECTION NO. 4, common to the east line of Lot E, of aforesaid REPLAT OF PEARLAND PAVALION;

THENCE North 02° 51' 34" West – 238.00', along the west lines of Lot 20 and Lot 10 of said Block 4, common to the west line of said AIRPORT SUBDIVISION, SECTION NO. 4, the west line of said Houston Helicopters, Inc. tract (1995031382), and the east line of said Lot E, (at 228.38' passing the north corner of said Lot E), then continuing along said common west lines and the east right-of-way line of South Galveston Road (60' wide) (Volume 17, Page 395 of the Plat Records of Brazoria County, Texas), (at 233.07' passing a found "X" cut in concrete), then continuing along said common west lines, and said east right-of-way line, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northwest corner of the herein described tract, common to the northwest corner of said Lot 10, common to the northwest corner of said Houston Helicopters, Inc. tract (1995031382), in the south right-of-way line of aforesaid Lockheed Street;

THENCE North 87° 21' 55" East – 346.47', along the north line of said Block 4, common to said south right-of-way line, to the POINT OF BEGINNING and containing 1.893 acres of land.

TRACT 7

BEGINNING at a 5/8" iron rod found for the northwest corner of Lot L of aforesaid REPLAT OF PEARLAND PAVILION, common to the northeast corner of Lot H of said REPLAT OF PEARLAND PAVILION, and the southeast corner of Lot G of said REPLAT OF PEARLAND PAVILION;

THENCE North 02° 51' 34" West – 466.69' along the east line of said Lot G, (at 290.40' passing the northeast corner of said Lot G, common to the southeast corner of Lot E, of said REPLAT OF PEARLAND PAVILION), continuing along the east line of said Lot E, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northwest corner of the herein described tract, common to the southeast corner of aforesaid AIRPORT SUBDIVISION, SECTION NO. 4, in the south right-of-way line of Beechcraft Street (Private)(60' wide) (Volume 8, Page 17, of the Plat Records of Brazoria County, Texas);

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THENCE North $87^{\circ} 21' 55''$ East – 559.34', along the south line of said AIRPORT SUBDIVISION, SECTION NO. 4, common to said south right-of-way line, to a 5/8" iron rod stamped "LJA-ENG" set for the northeast corner of the herein described tract, common to the northwest corner of aforesaid 1.3590 acre tract;

THENCE South $02^{\circ} 54' 50''$ East – 466.52', along the west line of said 1.3590 acre tract, (at 18.56' passing a found 3/4" iron pipe), then continuing along said west line (at 149.02' passing the southwest corner of said 1.3590 acre tract, common to the northwest corner of aforesaid 4.0033 acre tract), then continuing along the west line of said 4.0033 acre tract, to a 5/8" iron rod found for the northeast corner of aforesaid Lot L;

THENCE South $87^{\circ} 20' 50''$ West – 559.79', along the north line of said Lot L, to the POINT OF BEGINNING and containing 5.994 acres of land.

TRACT 8

COMMENCING at a 1 ¼" iron pipe found for the northeast corner of Lot 4, Block 4 of aforesaid AIRPORT SUBDIVISION, SECTION NO. 4, common to the northwest corner of Lot 3, of said Block 4, and the northeast corner of the tract of land described as "Lots Four (4), Five (5), Fourteen (14) and Fifteen (15) in the deed from Felton M. Baker to Houston Helicopters, Inc., recorded under Document Number 1995031383, of the Official Records of Brazoria County, Texas, and the northwest corner of the tract of land described as "Lots 2-3-12-13, Block 4", in the deed from Woodrow V. Lesikar Family Trust to Carolyn Ann Lesikar Moon Special Trust, recorded under Document Number 2010006200, of the Official Records of Brazoria County, Texas, in the south right-of-way line of Lockheed Street (60' wide) (Volume 8, Page 17, of the Plat Records of Brazoria County, Texas); **THENCE** South 02° 48' 51" East – 238.00', along the east line of Lot 4 and Lot 14, of said Block 4, common to the west lines of Lot 3 and Lot 13 of said Block 4, the east line of said Houston Helicopters, Inc. tract (1995031383), and the west line of said Moon tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northeast corner of the herein described tract, common to the southeast corner of said Lot 14, the southwest corner of said Lot 13, the southeast corner of said Houston Helicopters, Inc. tract (1995031383), and the southwest corner of said Moon tract, in the north right-of-way line of said Beechcraft Street;

THENCE South 02° 48' 51" East – 60.00', to a 5/8" iron rod with cap stamped "LJA-ENG" set for the southeast corner of the herein described tract, in the south line of said Beechcraft Street, common to the north line of the 59.932 acre tract described in the deed from Raymond V. Kliesign to Houston Helicopters, Inc., recorded under Volume 1523, Page 840, of the Deed Records of Brazoria County, Texas;

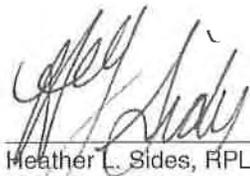
THENCE South 87° 21' 55" West – 346.24', along the south line of said Beechcraft Street, common to the south line of said AIRPORT SUBDIVISION, SECTION NO. 4, and the north line of said 59.932 acre tract, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the southwest corner of the herein described tract, common to the northwest corner of said 59.932 acre tract, in the east line of Lot E of the REPLAT OF PEARLAND PAVILION, a subdivision recorded under Volume 17, Page 395, of the Plat Records of Brazoria County, Texas;

November 9, 2015
Job No. 1326-0003

THENCE North 02° 51' 34" West – 60.00', along the west line of said AIRPORT SUBDIVISION, SECTION NO. 4, common to the east line of said Lot E, to a 5/8" iron rod with cap stamped "LJA-ENG" set for the northwest corner of the herein described tract, common to the southwest corner of Lot Twenty (20), of said AIRPORT SUBDIVISION, SECTION NO. 4, Block 4, and the southwest corner of the tract of land described as "Lots Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19) and Twenty (20)" in the deed from Felton M. Baker to Houston Helicopters, Inc., recorded under Document Number 1995031382, of the Official Records of Brazoria County, Texas, in the north right-of-way line of said Beechcraft Street;

THENCE North 87° 21' 55" East – 346.28', along the north right-of-way line of said Beechcraft Street, common to the south line of said of AIRPORT SUBDIVISION, SECTION NO. 4, Block 4, and the south line of said Houston Helicopters Inc. tract (1995031382), (at 246.28' passing the southwest corner of the aforesaid Houston Helicopters Inc. tract (1995031383), of the Official Records of Brazoria County, Texas, from which a found 5/8" iron rod bears South 08° 55' 12" West – 0.98,) then continuing along the north right-of-way line of said Beechcraft Street, common to the south line of said AIRPORT SUBDIVISION, SECTION NO. 4, Block 4, and the south line of said Houston Helicopters Inc. tract (1995031383), to the POINT OF BEGINNING and containing 0.477 acres of land

FOR A COMBINED TOTAL ACREAGE OF 84.946 ACRES.



Heather L. Sides, RPLS, CFedS
Registered Professional Land Surveyor
Texas Registration No. 5997



EXHIBIT B

(a) The City of Pearland, Texas (the "City"), by execution of its City Manager, and the developer on behalf of the District have entered into and executed a utility agreement that specifies the terms and conditions for providing water and sewage treatment services and other services to the District (the "Utility Agreement"). The District shall assume all the rights, obligations, and interests of the developer under the Utility Agreement, as set forth therein.

(b) The District may issue bonds, including refunding bonds, for any purposes authorized by law, including but not limited to, purchasing, refinancing, designing and constructing, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, or recreational facilities, or parts of such systems or facilities, and to make any and all necessary purchases, constructions, improvements, extensions, additions, and repairs thereto, and to purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District. Such bonds must provide that the District reserves the right to redeem said bonds on any date subsequent to the fifteenth (15th) anniversary of the date of issuance (or any earlier date at the discretion of the District) without premium, and none of such bonds, other than refunding bonds, will be sold for less than 95% of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent (2%) above the highest average interest rate reported by the *Daily Bond Buyer* in its weekly "20 Bond Index" during the one-month period next preceding the date of the sale of such bonds. The resolution authorizing the issuance of the District's bonds will contain a provision that the pledge of any revenues from the operation of the District's water and sewer and/or drainage system to the payment of the District's bonds will terminate when and if the City annexes the District, takes over the assets of the District, and assumes all of the obligations of the District.

(c) Before the commencement of any construction within the District, its directors, officers, or developers and landowners will submit to the City, or to its designated representative, all plans and specifications for the construction of water, sanitary sewer and drainage facilities to serve the District and obtain the approval of such plans and specifications therefrom. All water wells, water meters, flushing valves, valves, pipes, and appurtenances thereto, installed or used within the District, will conform to the specifications of the City. All water service lines and sewer service lines, lift stations, and appurtenances thereto, installed or used within the District will comply with the City's standard plans and specifications as amended from time to time. Prior to the construction of such facilities within or by the District, the District or its engineer will give written notice by registered or certified mail to the City, stating the date that

such construction will be commenced. The construction of the District's water, sanitary sewer, and drainage facilities will be in accordance with the approved plans and specifications and with applicable standards and specifications of the City; and during the progress of the construction and installation of such facilities, the City may make periodic on-the-ground inspections.

(d) Before the District commences construction of any recreational facilities which will be financed with bond proceeds, the District will submit to the Director of the City's Parks and Recreation Department, or to his designated representative, all plans and specifications for the construction of such facilities and obtain the approval of such plans and specifications.

(e) Prior to the sale of any lot or parcel of land, the owner or the developer of the land included within the limits of the District will obtain the approval of the Planning and Zoning Commission of the City of a plat which will be duly recorded in the Official Records of Brazoria County or Harris County, Texas, as appropriate, and otherwise comply with the rules and regulations of the Engineering Department and the Department of Public Works of the City of Pearland.

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

AGENDA OF:	December 14, 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-2015-225, Exhibit A – Bid Tabulation for Bid #0914-61			
FUNDING:			
<input type="checkbox"/> Bonds To Be Sold	<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash
<input type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – 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 - AMENDED

Bid Opening Date: October 7, 2014 @ 2:00 p.m.

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
SEC 1	BENDS				
1.1	4 IN. X 45 SPIGOT X GASKET	EA	72	\$4.41	\$317.52
1.2	4 IN. X 45 GASKETED	EA	72	\$4.90	\$352.80
1.3	4 IN. X 22.5 SPIGOT X GASKET	EA	72	\$4.66	\$335.52
1.4	4 IN. X 22.5 GASKETED	EA	72	\$4.89	\$352.08
1.5	6 IN. X 45 SPIGOT X GASKET	EA	48	\$8.77	\$420.96
1.6	6 IN. X 45 GASKETED	EA	48	\$9.89	\$474.72
1.7	6 IN. X 22.5 SPIGOT X GASKET	EA	48	\$9.10	\$436.80
1.8	6 IN. X 22.5 GASKETED	EA	48	\$9.59	\$460.32
	SECTION 1 TOTAL				\$3,150.72
SEC 2	TEES				
2.1	4X4X4 GASKETED	EA	36	\$7.89	\$284.04
2.2	4X4X4 SPIGOT X GASKET	EA	36	\$10.37	\$373.32
2.3	6X6X6 GASKETED	EA	12	\$16.92	\$203.04
2.4	6X6X6 SPIGOT X GASKET	EA	12	\$23.70	\$284.40
2.5	6X6X4 GASKETED	EA	12	\$16.55	\$198.60
2.6	6X6X4 SPIGOT X GASKET	EA	12	\$21.36	\$256.32
2.7	8X8X8 GASKETED	EA	12	\$37.54	\$450.48
2.8	8X8X8 SPIGOT X GASKET	EA	12	\$84.38	\$1,012.56
2.9	8X8X6 GASKETED	EA	12	\$26.45	\$317.40
2.10	8X8X6 SPIGOT X GASKET	EA	12	\$30.42	\$365.04
2.11	8X8X4 GASKETED	EA	12	\$25.30	\$303.60

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
2.12	8X8X4 SPIGOT X GASKET	EA	12	\$29.09	\$349.08
	SECTION 2 TOTAL				\$4,397.88
SEC 3	WYES				
3.1	4X4X4 GASKETED	EA	36	\$8.40	\$302.40
3.2	4X4X4 SPIGOT X GASKET	EA	36	\$12.39	\$446.04
3.3	6X6X6 GASKETED	EA	6	\$19.30	\$115.80
3.4	6X6X6 SPIGOT X GASKET	EA	6	\$30.26	\$181.56
3.5	6X6X4 GASKETED	EA	6	\$17.04	\$102.24
3.6	6X6X4 SPIGOT X GASKET	EA	6	\$27.96	\$167.76
3.7	8X8X6 GASKETED	EA	6	\$30.32	\$181.92
3.8	8X8X6 SPIGOT X GASKET	EA	6	\$34.88	\$209.28
3.9	8X8X4 SPIGOT X GASKET	EA	6	\$32.42	\$194.52
3.10	GASKETED ONLY (CONSTRUCTION WYE)	EA	48	\$23.95	\$1,149.60
	SECTION 3 TOTAL				\$3,051.12
SEC 4	FITTINGS				
4.1	4 IN. CLEAN OUT (FEMALE ADAPTER)	EA	24	\$2.34	\$56.16
4.2	4 IN. CAPS (THREADED)	EA	24	\$1.42	\$34.08
4.3	4 IN. CAPS (SOLVENT WELD)	EA	24	\$1.03	\$24.72
4.4	4 IN. CAPS (PUSH IN)	EA	24	\$2.38	\$57.12
4.5	4 IN. COLLARS (GASKETED)	EA	24	\$6.02	\$144.48
4.6	6 IN. CLEAN OUT (FEMALE ADAPTER)	EA	12	\$11.05	\$132.60
4.7	6 IN. CAPS (THREADED)	EA	12	\$7.14	\$85.68
4.8	6 IN. CAPS (SOLVENT WELD)	EA	12	\$3.76	\$45.12

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
4.9	6 IN. CAPS (PUSH IN)	EA	12	\$3.64	\$43.68
4.10	6 IN. COLLARS (GASKETED)	EA	12	\$12.03	\$144.36
4.11	8 IN. CLEAN OUT (FEMALE ADAPTER)	EA	12	\$36.78	\$441.36
4.12	8 IN. CAPS (THREADED)	EA	12	\$25.83	\$309.96
4.13	8 IN. CAPS (SOLVENT WELD)	EA	12	\$12.33	\$147.96
4.14	8 IN. CAPS (PUSH IN)	EA	12	\$12.92	\$155.04
4.15	8 IN. COLLARS (GASKETED)	EA	12	\$20.43	\$245.16
4.16	INCREASER COUPLING G616-4 G X G	EA	12	\$18.15	\$217.80
4.17	6X4 INCREASER BUSHING G606-4 G X G	EA	12	\$17.29	\$207.48
4.18	6X4 INCREASER BUSHING G1216 S X G	EA	12	\$8.77	\$105.24
4.19	INCREASER BUSHING G1306-4 S X G	EA	12	\$9.20	\$110.40
4.20	4 IN. DWV ADAPTER SDR35 TO SCH40 GLUEON	EA	24	\$2.99	\$71.76
4.21	4 IN. DWV BUSHING SDR SPIGOT X DWV HUB	EA	24	\$5.70	\$136.80
4.22	4 IN. DWV ADAPTER DWV X GASKET	EA	12	\$17.08	\$204.96
4.23	4 IN. FEMALE ADAPTER S/W SDR (C/O CAP)	EA	12	\$1.42	\$17.04
	SECTION 4 TOTAL		1		\$3,138.96
SEC 5	FERNCO COUPLINGS				
5.1	4 IN. PVC X 4 IN. PVC	EA	144	\$3.22	\$463.68
5.2	4 IN. PVC X 4 IN. CONCRETE	EA	144	\$3.47	\$499.68
5.3	6 IN. CONCRETE X 4 IN. PLASTIC	EA	12	\$7.99	\$95.88
5.4	6 IN. PVC X 6 IN. PVC	EA	48	\$6.80	\$326.40
5.5	6 IN. PVC X 6 IN. CONCRETE	EA	48	\$7.53	\$361.44
5.6	8 IN. PVC X 8 IN. PVC	EA	12	\$10.47	\$125.64

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
5.7	8 IN. PVC X 8 IN. CONCRETE	EA	12	\$11.30	\$135.60
5.8	10 IN. PVC X 10 IN. PVC	EA	12	\$15.72	\$188.64
5.9	10 IN. PVC X 10 IN. CONCRETE	EA	12	\$15.72	\$188.64
5.10	12 IN. PVC X 12 IN. PVC	EA	6	\$18.34	\$110.04
5.11	12 IN. PVC X 12 IN. CONCRETE	EA	6	\$18.34	\$110.04
5.12	15 IN. PVC X 15 IN. PVC	EA	12	\$32.77	\$393.24
5.13	15 IN. PVC X 15 IN. CONCRETE	EA	12	\$45.71	\$548.52
5.14	6 IN. PVC X 4 IN. PVC	EA	6	\$7.99	\$47.94
5.15	8 IN. PVC X 6 IN. PVC	EA	6	\$12.64	\$75.84
5.16	6 IN. PVC X 4 IN. PVC	EA	6	\$46.29	\$277.74
5.17	8 IN. PVC X 6 IN. PVC	EA	6	\$65.09	\$390.54
5.18	4 IN. SEWER TAPPING SADDLE	EA	24	\$27.24	\$653.76
5.19	6 IN. SEWER TAPPING SADDLE	EA	24	\$36.00	\$864.00
	SECTION 5 TOTAL				\$5,857.26
SEC 6	WATER TITE GASKETS				
6.1	4 IN.	EA	6	\$3.99	\$23.94
6.2	6 IN.	EA	6	\$6.93	\$41.58
6.3	8 IN.	EA	2	\$9.17	\$18.34
6.4	10 IN.	EA	2	\$11.37	\$22.74
6.5	12 IN.	EA	2	\$12.90	\$25.80
	SECTION 6 TOTAL				\$132.40
SEC 8	32 IN. COVERS				
8.1	COVERS W/CITY LOGO	EA	36	\$167.56	\$6,032.16

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
8.2	RING & COVER	EA	18	\$131.39	\$2,365.02
8.3	RING & COVER WITH MUD RING	EA	18	\$188.52	\$3,393.36
8.4	2 IN. C.I. RISER	EA	24	\$48.50	\$1,164.00
8.5	3 IN. C.I. RISER	EA	6	\$76.22	\$457.32
8.6	4 IN. C.I. RISER	EA	6	\$97.62	\$585.72
8.8	3 IN. CONCRETE RISER	EA	6	\$27.00	\$162.00
8.9	4 IN. CONCRETE RISER	EA	6	\$34.20	\$205.20
8.10	6 IN. CONCRETE RISER	EA	6	NO BID	
	SECTION 8 TOTAL				\$14,364.78
SEC 9	INFLOW PROTECTORS				
9.1	24 IN. PLASTIC	EA	48	\$22.92	\$1,100.16
9.2	24 IN. STAINLESS	EA	48	\$135.42	\$6,500.16
9.3	32 IN. STAINLESS	EA	72	\$166.67	\$12,000.24
	SECTION 9 TOTAL				\$19,600.56
SEC 11	FULL CIRCLE CLAMPS				
11.1	2.35 X 2.62 X 7.5 2 IN. C900	EA	24	\$29.34	\$704.16
11.2	2.35 X 2.63 X 12 2 IN. C900	EA	24	\$47.96	\$1,151.04
11.3	2.7 X 3 X 7.5 2-1/2 IN. PVC SCH 40	EA	2	\$29.97	\$59.94
11.4	2.7 X 3 X 12 2-1/2 IN. PVC SCH 40	EA	2	\$51.83	\$103.66
11.5	3.96 X 4.25 X 7.5 3 IN. AC MOA	EA	2	\$36.87	\$73.74
11.6	3.96 X 4.25 X 12 3 IN. PVC SCH 40	EA	2	\$54.76	\$109.52
11.7	3.46 X 3.7 X 7.5 3 IN. PVC SCH 40	EA	2	\$35.68	\$71.36
11.8	3.46 X 3.7 X 12 3 IN. PVC SCH 40	EA	2	\$52.66	\$105.32

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
11.9	4.45 X 4.73 X 7.5 4 IN. SCH 40	EA	4	\$36.15	\$144.60
11.10	4.45 X 4.73 X 12.5 4 IN. SCH 40	EA	4	\$56.38	\$225.52
11.11	4.74 X 5.14 X 7.5 4 IN. AC ROUGH	EA	4	\$36.96	\$147.84
11.12	4.74 X 5.14 X 12.5 4 IN. AC ROUGH	EA	4	\$56.71	\$226.84
11.13	6.56 X 6.96 X 7.5 6 IN. SCH 40	EA	2	\$43.69	\$87.38
11.14	6.56 X 6.96 X 12.5 6 IN. SCH 40	EA	2	\$68.45	\$136.90
11.15	6.56 X 6.96 X 15 6 IN. SCH 40	EA	2	\$80.79	\$161.58
11.16	6.84 X 7.24 X 7.5 6 IN. MCA OR C900	EA	6	\$43.09	\$258.54
11.17	6.84 X 7.24 X 12 6 IN. MCA OR C900	EA	6	\$69.07	\$414.42
11.18	6.84 X 7.24 X 15 6 IN. MCA OR C900	EA	6	\$76.05	\$456.30
11.19	7.05 X 7.45 X 7.5 6 IN. ROUGH	EA	12	\$44.36	\$532.32
11.20	7.05 X 7.45 X 12 6 IN. ROUGH	EA	12	\$69.70	\$836.40
11.21	7.05 X 7.45 X 15 6 IN. ROUGH	EA	12	NO BID	
11.22	8.54 X 8.94 X 7.5 8 IN. SCH 40	EA	2	\$50.07	\$100.14
11.23	8.54 X 8.94 X 12.5 8 IN. SCH 40	EA	2	\$80.18	\$160.36
11.24	8.99 X 9.39 X 7.5 8 IN. C900	EA	4	\$50.39	\$201.56
11.25	8.99 X 9.39 X 12 8 IN. C900	EA	4	\$80.49	\$321.96
11.26	8.99 X 9.39 X 15 8 IN. C900	EA	4	\$92.52	\$370.08
11.27	9.27 X 9.67 X 7.5 8 IN. AC ROUGH	EA	12	\$51.17	\$614.04
11.28	9.27 X 9.67 X 12 8 IN. AC ROUGH	EA	12	\$81.19	\$974.28
11.29	9.27 X 9.67 X 15 8 IN. AC ROUGH	EA	12	\$97.36	\$1,168.32
11.30	11.04 X 11.44 X 12 10 IN. C900	EA	2	\$102.66	\$205.32
11.31	11.04 X 11.44 X 15 10 IN. C900	EA	2	\$119.15	\$238.30
11.32	11.34 X 11.74 X 7.5 10 IN. AC MOA	EA	2	\$65.90	\$131.80

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
11.33	11.75 X 12.15 X 12 10 IN. AC ROUGH	EA	6	\$103.30	\$619.80
11.34	11.75 X 12.15 X 15 10 IN. AC ROUGH	EA	6	\$120.40	\$722.40
11.35	13.1 X 13.5 X 12 12 IN. C900	EA	2	\$124.30	\$248.60
11.36	13.1 X 13.5 X 15 12 IN. C900	EA	2	\$141.39	\$282.78
11.37	13.7 X 14.1 X 7.5 12 IN. AC MOA	EA	2	\$88.98	\$177.96
11.38	14 X 14.4 X 12 12 IN. AC ROUGH	EA	4	\$126.83	\$507.32
11.39	14 X 14.4 X 15 12 IN. AC ROUGH	EA	4	\$145.39	\$581.56
11.40	17.15 X 17.90 X 12 16 IN. C900	EA	4	\$289.04	\$1,156.16
11.41	17.15 X 17.90 X 15 16 IN. C900	EA	4	\$341.05	\$1,364.20
11.42	18.46 X 19.21 16 IN. AC	EA	4	\$353.52	\$1,414.08
	SECTION 11 TOTAL				\$17,568.40
SEC 12	UNIVERSAL COUPLINGS				
12.1	3 IN.	EA	4	\$102.35	\$409.40
12.2	4 IN.	EA	12	\$128.43	\$1,541.16
12.3	6 IN.	EA	24	\$169.57	\$4,069.68
12.4	8 IN.	EA	12	\$192.04	\$2,304.48
12.5	10 IN.	EA	6	\$244.35	\$1,466.10
12.6	12 IN.	EA	6	\$298.58	\$1,791.48
12.7	16 IN.	EA	6	\$836.63	\$5,019.78
	SECTION 12 TOTAL				\$16,602.08
SEC 16	IDLERS				
16.1	3/4 IN. IDLER	EA	12	\$3.68	\$44.16
16.2	1 IN. IDLER	EA	12	\$5.16	\$61.92

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
	SECTION 16 TOTAL				\$106.08
SEC 17	BRASS ADAPTERS				
17.1	3/4 IN. FLARE X PJ-CTS	EA	6	\$18.41	\$110.46
17.2	3/4 IN. MIP X PJ-CTS	EA	6	\$13.61	\$81.66
17.3	3/4 IN. FIP X PJ-CTS	EA	6	\$13.51	\$81.06
17.4	3/4 IN. PVC COMP 3/4 IN. FIP	EA	6	\$12.30	\$73.80
17.5	1 IN. MIP X PVC COMPRESSION	EA	6	\$21.21	\$127.26
17.6	1 IN. FIP X PVC COMPRESSION	EA	6	\$20.82	\$124.92
17.7	1 IN. PVC COMP X 3/4 IN. FIP	EA	6	\$18.77	\$112.62
17.8	1 IN. FLARE X PJ-CTS	EA	6	\$30.04	\$180.24
17.9	1 IN. MIP X PJ-CTS	EA	6	\$12.16	\$72.96
17.10	1 IN. FIP X PJ-CTS	EA	6	\$14.65	\$87.90
17.11	1 IN. CTS X 3/4 IN. FIP	EA	6	\$12.72	\$76.32
17.12	1 IN. CTS X 3/4 IN. MIP	EA	6	\$11.37	\$68.22
17.13	1 IN. IPS X 3/4 IN. IPS (BUSHING)	EA	6	\$17.78	\$106.68
17.14	1 IN. X 3/4 IN. METER NUT-ADAPTER	EA	6	NO BID	
17.15	1-1/2 IN. MIP X 1-1/2 IN. PJ-CTS	EA	6	\$33.31	\$199.86
17.16	1-1/2 IN. FIP X 1-1/2 IN. PJ-CTS	EA	6	\$42.60	\$255.60
17.17	1-1/2 IN. MIP X PVC COMPRESSION	EA	6	\$41.72	\$250.32
17.18	1-1/2 IN. FIP X PVC COMPRESSION	EA	6	\$45.05	\$270.30
17.19	2 IN. MIP X 2 IN. PJ-CTS	EA	6	\$48.53	\$291.18
17.20	2 IN. FIP X 2 IN. PJ-CTS	EA	6	\$50.71	\$304.26
17.21	2 IN. MIP X PVC COMP	EA	6	\$60.62	\$363.72

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
17.22	2 IN. FIP X PVC COMP	EA	6	NO BID	
17.23	3/4 IN. X 3 IN. NIPPLE	EA	6	\$2.26	\$13.56
17.24	3/4 IN. X 4 IN. NIPPLE	EA	6	\$2.95	\$17.70
17.25	3/4 IN. X 6 IN. NIPPLE	EA	6	\$4.30	\$25.80
17.26	3/4 IN. X 12 IN. NIPPLE	EA	6	\$8.24	\$49.44
17.27	1 IN. X 3 IN. NIPPLE	EA	6	\$3.28	\$19.68
17.28	1 IN. X 4 IN. NIPPLE	EA	6	\$4.27	\$25.62
17.29	1 IN. X 6 IN. NIPPLE	EA	6	\$6.29	\$37.74
17.30	1 IN. X 12 IN. NIPPLE	EA	6	\$12.36	\$74.16
17.31	1-1/2 IN. X 3 IN. NIPPLE	EA	6	\$5.74	\$34.44
17.32	1-1/2 IN. X 4 IN. NIPPLE	EA	6	\$7.48	\$44.88
17.33	1-1/2 IN. X 6 IN. NIPPLE	EA	6	\$11.05	\$66.30
17.34	1-1/2 IN. X 12 IN. NIPPLE	EA	6	\$21.69	\$130.14
17.35	2 IN. X 3 IN. NIPPLE	EA	24	\$7.36	\$176.64
17.36	2 IN. X 4 IN. NIPPLE	EA	24	\$9.63	\$231.12
17.37	2 IN. X 5 IN. NIPPLE	EA	24	\$11.90	\$285.60
17.38	2 IN. X 6 IN. NIPPLE	EA	24	\$14.21	\$341.04
17.39	2 IN. X 12 IN. NIPPLE	EA	24	\$28.00	\$672.00
17.40	3/4 IN. TEE	EA	6	\$3.69	\$22.14
17.41	3/4 IN. 45 DEG ELL	EA	6	\$3.00	\$18.00
17.42	3/4 IN. 90 DEG ELL	EA	6	\$3.00	\$18.00
17.43	3/4 IN. STR. ELL	EA	6	\$3.91	\$23.46
17.44	3/4 IN. COLLAR	EA	6	\$2.43	\$14.58
17.45	3/4 IN. PLUG	EA	6	\$1.76	\$10.56

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
17.46	3/4 IN. CAP	EA	6	\$1.94	\$11.64
17.47	1 IN. TEE	EA	6	\$6.55	\$39.30
17.48	1 IN. 45 DEG ELL	EA	6	\$5.07	\$30.42
17.49	1 IN. 90 DEG ELL	EA	6	\$4.63	\$27.78
17.50	1 IN. STR ELL	EA	6	\$6.47	\$38.82
17.51	1 IN. COLLAR	EA	6	\$3.69	\$22.14
17.52	1 IN. PLUG	EA	6	\$2.32	\$13.92
17.53	1 IN. CAP	EA	6	\$3.04	\$18.24
17.54	1-1/2 IN. TEE	EA	6	\$12.65	\$75.90
17.55	1-1/2 IN. 45 DEG ELL	EA	6	\$10.16	\$60.96
17.56	1-1/2 IN. 90 DEG ELL	EA	6	\$9.20	\$55.20
17.57	1-1/2 IN. STR. ELL	EA	6	\$12.90	\$77.40
17.58	1-1/2 IN. COLLAR	EA	6	\$7.84	\$47.04
17.59	1-1/2 IN. PLUG	EA	6	\$4.40	\$26.40
17.60	1-1/2 IN. CAP	EA	6	\$6.24	\$37.44
17.61	2 IN. TEE	EA	6	\$20.73	\$124.38
17.62	2 IN. 45 DEG ELL	EA	6	\$16.47	\$98.82
17.63	2 IN. 90 DEG ELL	EA	6	\$14.97	\$89.82
17.64	2 IN. STR. ELL	EA	6	\$21.87	\$131.22
17.65	2 IN. COLLAR	EA	6	\$12.90	\$77.40
17.66	2 IN. PLUG	EA	6	\$6.93	\$41.58
17.67	2 IN. CAP	EA	6	\$10.58	\$63.48
17.68	3/4 IN. X CLOSE NIPPLE	EA	6	\$1.34	\$8.04
17.69	3/4 IN. X 2 IN. NIPPLE	EA	6	\$1.69	\$10.14

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
17.70	1 IN. X 2 IN. NIPPLE	EA	6	\$2.44	\$14.64
17.71	1-1/2 IN. X CLOSE NIPPLE	EA	6	\$3.88	\$23.28
17.72	2 IN. X CLOSE NIPPLE	EA	6	\$5.91	\$35.46
	SECTION 17 TOTAL				\$6,892.80
SEC 18	BUSHING REDUCERS				
18.1	1-1/2 IN. MIP X 3/4 IN. FIP	EA	6	\$6.47	\$38.82
18.2	1-1/2 IN. MIP X 1 IN. FIP	EA	6	\$5.28	\$31.68
18.3	2 IN. MIP X 3/4 IN. FIP	EA	6	\$9.44	\$56.64
18.4	2 IN. MIP X 1 IN. FIP	EA	6	\$9.44	\$56.64
18.5	2 IN. MIP X 1-1/2 IN. FIP	EA	6	\$7.84	\$47.04
	SECTION 18 TOTAL				\$230.82
SEC 19	BELL REDUCERS				
19.1	2 IN. FIP X 3/4 IN. FIP	EA	6	\$16.58	\$99.48
19.2	2 IN. FIP X 1 IN. FIP	EA	6	\$16.58	\$99.48
19.3	2 IN. FIP X 1-1/2 IN. FIP	EA	6	\$7.84	\$47.04
	SECTION 19 TOTAL				\$246.00
SEC 21	ALL THREAD				
21.1	5/8 IN. COUPLINGS STAINLESS	EA	24	\$0.77	\$18.48
21.2	5/8 IN. HEAVY NUTS STAINLESS	EA	1000	\$0.30	\$300.00
21.3	STAINLESS WASHERS	EA	4000	\$0.30	\$1,200.00
21.4	5/8 IN. X 2 IN. STAINLESS BOLTS	EA	1000	\$1.45	\$1,450.00
21.5	5/8 IN. X 2-1/2 IN. STAINLESS BOLTS	EA	1000	\$1.57	\$1,570.00

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
21.6	5/8 IN. X 3 IN. STAINLESS BOLTS	EA	1000	\$1.68	\$1,680.00
21.7	EYE BOLT	EA	144	\$1.41	\$203.04
21.8	LUG WASHERS	EA	72	\$2.34	\$168.48
21.9	NUTS	EA	144	\$0.22	\$31.68
	SECTION 21 TOTAL				\$6,621.68
SEC 22	SCH 40 FITTINGS				
22.1	3/4 IN. GLUE ON COLLARS	EA	144	\$0.12	\$17.28
22.2	3/4 IN. CAPS	EA	24	\$0.14	\$3.36
22.3	3/4 IN. 90 DEGREE	EA	48	\$0.15	\$7.20
22.4	1 IN. GLUE ON COLLARS	EA	144	\$0.20	\$28.80
22.5	1 IN. CAPS	EA	24	\$0.21	\$5.04
22.6	1 IN. 90 DEGREE	EA	48	\$0.26	\$12.48
	SECTION 22				\$74.16
SEC 23	SCH 80 FITTINGS				
23.1	3/4 IN. COLLAR-SOLVENT X FIP	EA	144	\$1.55	\$223.20
23.2	1 IN. COLLAR-SOLVENT X FIP	EA	144	\$2.29	\$329.76
23.3	2 IN. COLLARS	EA	48	\$2.74	\$131.52
23.4	2 IN. 45 DEG SOLVENT WELD	EA	48	\$5.19	\$249.12
23.5	2 IN. 90 DEG SOLVENT WELD	EA	48	\$2.20	\$105.60
23.6	2 IN. TEES	EA	48	\$7.83	\$375.84
23.7	2-1/2 IN. COLLARS	EA	6	\$6.74	\$40.44
23.8	2-1/2 IN. 22-1/2 DEG SOLVENT WELD	EA	2	NO BID	
23.9	2-1/2 IN. 45 DEG SOLVENT WELD	EA	2	\$10.90	\$21.80

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
23.10	2-1/2 IN. 90 DEG SOLVENT WELD	EA	2	\$5.15	\$10.30
23.11	2-1/2 IN. TEES	EA	2	\$8.51	\$17.02
23.12	3 IN. COLLARS	EA	2	\$7.74	\$15.48
23.13	3 IN. 22-1/2 DEG SOLVENT WELD	EA	2	\$15.64	\$31.28
23.14	3 IN. 45 DEG SOLVENT WELD	EA	2	\$13.26	\$26.52
23.15	3 IN. 90 DEG SOLVENT WELD	EA	2	\$5.76	\$11.52
23.16	3 IN. TEES	EA	2	\$10.64	\$21.28
23.17	4 IN. COLLARS	EA	2	\$9.69	\$19.38
23.18	4 IN. 22-1/2 DEG SOLVENT WELD	EA	2	NO BID	
23.19	4 IN. 45 DEG SOLVENT WELD	EA	2	\$23.89	\$47.78
23.20	4 IN. 90 DEG SOLVENT WELD	EA	2	\$8.80	\$17.60
23.21	4 IN. TEES	EA	2	\$12.33	\$24.66
23.22	6 IN. 22-1/2 DEG SOLVENT WELD	EA	2	NO BID	
23.23	6 IN. 45 DEG SOLVENT WELD	EA	2	\$30.08	\$60.16
23.24	6 IN. 90 DEG SOLVENT WELD	EA	2	\$25.03	\$50.06
23.25	6 IN. UNFLANGE SOLVENT WELD	EA	2	NO BID	
	SECTION 23 TOTAL				\$1,830.32
SEC 24	MJ GLAND PACKS				
24.1	2 IN.	EA	4	\$6.64	\$26.56
24.2	3 IN.	EA	4	\$6.64	\$26.56
24.3	4 IN.	EA	12	\$9.12	\$109.44
24.4	6 IN.	EA	12	\$12.44	\$149.28
24.5	8 IN.	EA	24	\$14.10	\$338.40

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
24.6	10 IN.	EA	12	\$20.31	\$243.72
24.7	12 IN.	EA	12	\$21.14	\$253.68
24.8	16 IN.	EA	12	\$34.82	\$417.84
24.9	20 IN.	EA	1	\$65.08	\$65.08
24.10	24 IN.	EA	1	\$91.20	\$91.20
24.11	30 IN.	EA	1	\$162.91	\$162.91
	SECTION 24 TOTAL				\$1,884.67
SEC 26	PIPE RESTRAINTS				
26.1	3 IN.	EA	2	NO-BID	
26.2	4 IN.	EA	4	\$26.43	\$105.72
26.3	6 IN.	EA	12	\$34.51	\$414.12
26.4	8 IN.	EA	12	\$57.10	\$685.20
26.5	10 IN.	EA	4	\$99.28	\$397.12
26.6	12 IN.	EA	4	\$108.61	\$434.44
26.7	16 IN.	EA	4	\$258.66	\$1,034.64
	SECTION 26 TOTAL				\$3,071.24
SEC 27	ELCEN CLAMPS				
27.1	3 IN.	EA	6	\$16.58	\$99.48
27.2	4 IN.	EA	6	\$17.62	\$105.72
27.3	6 IN.	EA	6	\$18.66	\$111.96
27.4	8 IN.	EA	6	\$20.52	\$123.12
27.5	10 IN.	EA	6	\$20.61	\$123.66
27.6	12 IN.	EA	6	\$25.40	\$152.40

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
27.7	14 IN.	EA	6	\$98.67	\$592.02
27.8	16 IN.	EA	6	\$124.08	\$744.48
	SECTION 27 TOTAL				\$2,052.84
SEC 29	MJ FITTINGS				
29.1	4" X 2" MJ REDUCER	EA	6	\$19.15	\$114.90
29.2	6" X 2" MJ REDUCER	EA	6	\$33.95	\$203.70
29.3	8" X 2" MJ REDUCER	EA	6	NO BID	
29.4	4 IN. MJ 22 BEND	EA	6	\$23.94	\$143.64
29.5	4 IN. MJ 45 BEND	EA	6	\$25.25	\$151.50
29.6	4 IN. MJ 90 BEND	EA	6	\$30.47	\$182.82
29.7	4 IN. MJ TEE	EA	6	\$41.95	\$251.70
29.8	6 IN. MJ 22 BEND	EA	6	\$37.43	\$224.58
29.9	6 IN. MJ 45 BEND	EA	6	\$40.48	\$242.88
29.10	6 IN. MJ 90 BEND	EA	6	\$50.06	\$300.36
29.11	6 IN. MJ TEE	EA	6	\$76.15	\$456.90
29.12	8 IN. MJ 22 BEND	EA	6	\$60.64	\$363.84
29.13	8 IN. MJ 45 BEND	EA	6	\$62.01	\$372.06
29.14	8 IN. MJ 90 BEND	EA	6	\$76.60	\$459.60
29.15	8 IN. MJ TEE	EA	6	\$113.99	\$683.94
29.16	8" X 6" MJ TEE	EA	6	\$94.84	\$569.04
29.17	12" X 6" MJ TEE	EA	6	\$154.11	\$924.66
	SECTION 29 TOTAL		1		\$5,646.12
SEC 31	MISCELLANEOUS SUPPLIES				

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
31.1	"T PLUS 2 TEFLON PASTE, 1/2 PINT CANS"	EA	48	NO BID	
31.2	HTH	EA	72	\$14.73	\$1,060.56
31.3	"PIPE SOAP, QTS 2 LB"	EA	72	\$3.28	\$236.16
31.4	"PIPE SOAP, GALLON"	EA	48	\$9.39	\$450.72
31.5	"HOT GLUE, QT"	EA	72	\$13.83	\$995.76
31.6	"PRIMER, QT"	EA	72	\$9.90	\$712.80
31.7	48 IN. PROBING ROD	EA	24	\$22.00	\$528.00
31.8	60 IN. PROBING ROD	EA	12	\$23.50	\$282.00
31.9	48 IN. CURB KEY/CURBSTOP WRENCH	EA	24	\$36.00	\$864.00
31.10	SIPHONING PUMP W/6 FT. DISCHARGE	EA	24	\$21.26	\$510.24
31.11	HYDRANT WRENCH	EA	24	\$16.15	\$387.60
	SECTION 31 TOTAL				\$6,027.84
SEC 32	METER BOXES				
32.1	1200 SERIES METER BOX LID	EA	288	\$5.60	\$1,612.80
32.2	1200 SERIES METER BOX	EA	288	\$5.16	\$1,486.08
32.3	1500 SERIES METER BOX	EA	85	\$16.30	\$1,385.50
32.4	1015 TRAFFIC METER BOX	EA	12	\$47.45	\$569.40
32.5	1416 TRAFFIC METER BOX	EA	12	\$58.53	\$702.36
32.6	1730 TRAFFIC METER BOX	EA	24	\$95.30	\$2,287.20
32.7	1015C CAST IRON LID	EA	12	\$28.26	\$339.12
32.8	1416C CAST IRON LID	EA	12	\$37.39	\$448.68
32.9	1730C CAST IRON LID	EA	24	\$93.03	\$2,232.72
	SECTION 32				\$11,063.86

				MDN ENTERPRISES	
	Description	UOM	QTY	Unit	Extended
SEC 34	HYDRANT METERS				
34.1	3 IN. HYDRANT METER (NEPTUNE)	EA	1	\$775.00	\$775.00
34.2	2-1/2 IN. NST X 3 IN. MPT SWIVEL ADAPTER	EA	1	\$43.34	\$43.34
34.3	GASKETS FOR 2-1/2 IN. SWIVEL ADAPTER	EA	1	\$1.05	\$1.05
	SECTION 34 TOTAL				\$819.39

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 14, 2015	ITEM NO.: R2015-232								
DATE SUBMITTED: December 1, 2015	DEPT. OF ORIGIN: Engineering & Capital Projects								
PREPARED BY: Sue Polka, P.E.	PRESENTOR: Sue Polka, P.E.								
REVIEWED BY: Trent Epperson	REVIEW DATE: December 10, 2015								
SUBJECT: R2015-232 - 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 Half Associated, in the amount of \$106,575.00 for engineering services associated with the joint City of Pearland/Brazoria Drainage District No. 4 Master Drainage Plan Project Phase I.									
EXHIBITS: Resolution, A - BDD4 Memorandum of Understanding; B – Contract for Professional Services; C - Wagon Trail Road Ditch Drainage Analysis, MBCO Engineering; D – Wagon Trail/Fite Road Drainage Analysis, Staff; E – Letters to A-Better Plumbing and AA Cleaning Services, dated November 20, 2015									
FUNDING: <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;"><input type="checkbox"/> Grant</td> <td style="width: 25%;"><input type="checkbox"/> Developer/Other</td> <td style="width: 25%;"><input type="checkbox"/> Cash</td> <td style="width: 25%;"></td> </tr> <tr> <td><input type="checkbox"/> Bonds To Be Sold</td> <td><input checked="" type="checkbox"/> Bonds- Sold</td> <td><input type="checkbox"/> L/P – Sold</td> <td><input type="checkbox"/> L/P – To Be Sold</td> </tr> </table>		<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash		<input type="checkbox"/> Bonds To Be Sold	<input checked="" type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – Sold	<input type="checkbox"/> L/P – To Be Sold
<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash							
<input type="checkbox"/> Bonds To Be Sold	<input checked="" type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – Sold	<input type="checkbox"/> L/P – To Be Sold						
EXPENDITURE REQUIRED: \$106,575.00 AMOUNT BUDGETED: \$500,000 AMOUNT AVAILABLE: \$500,000 PROJECT NO.: DR1501 ACCOUNT NO.: 203-0000-565.01-00 ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:									
To be completed by Department: <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;"><input checked="" type="checkbox"/> Finance</td> <td style="width: 25%;"><input checked="" type="checkbox"/> Legal</td> <td style="width: 25%;"><input type="checkbox"/> Ordinance</td> <td style="width: 25%;"><input checked="" type="checkbox"/> Resolution</td> </tr> </table>		<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution				
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution						

EXECUTIVE SUMMARY

BACKGROUND

One of the key components to the success of a growing City is a well-planned community. Master Plans provide guidance and criteria for future infrastructure throughout the City. In addition, the Master Plan could look at older parts of the City where rehabilitation of older infrastructure is needed. At the City Council Retreat in March 2015 staff presented the need to begin updating and creating new master plans for the City. The first one proposed to be updated is the Master Drainage Plan. The last Master Drainage Plan was completed in 1998. Since then the City has had multiple localized drainage studies and analyses conducted over the years for various parts of the City. It has been determined a

comprehensive Master Drainage Plan is needed to help consolidate and update this data into one study.

Brazoria Drainage District #4 (BDD4) has agreed to participate in the Master Drainage Plan and has agreed to share in 50% of the cost. The City and BDD4 will be equal partners and will share all decision making responsibilities for the project. This will be memorialized in a Memorandum of Understanding to be executed by staff and is included as Exhibit A.

SCOPE OF CONTRACT

Master Drainage Plan (MDP)

Staff is requesting the City Council approve a professional services contract for development of a City-wide Master Drainage Plan in conjunction with Brazoria Drainage District #4 (BDD4). In August, the City and District developed a shortlist of five consultants to present qualifications for the Master Drainage Plan. Halff Associates was selected as the most qualified consultant to perform the study. The Master Drainage Plan will be performed in two phases. Phase I will include data collection and evaluation to develop a base model of current conditions as well as identify potential areas of focus. Phase II will include updating the model and developing recommendations and alternatives for future development, as well as, improvements where there may be existing issues. As part of this contract only Phase I is being completed. Once Phase I is complete, staff will bring Phase II to the City Council for approval. Based on these recommendations we can develop and prioritize future CIP projects for the City. The prioritization will be based on the type of flooding and a cost-benefit analysis of the proposed projects.

Projects will generally break down into three types of projects: 1) General maintenance type projects where ditch cleaning and culvert replacement occur as part of ongoing infrastructure recapitalization efforts in the Public Works annual budget; 2) Minor capital projects that may be funded with cash-on-hand or through the annual budget process; 3) Major Capital Projects that require bond funding. Within each type of project structure flooding is a much higher priority than street or nuisance flooding.

The Master Drainage Plan will cover the entire City Limits and Extraterritorial Jurisdiction of the City of Pearland as well as the entire jurisdiction of BDD4.

One of the first tasks to be accomplished with the master drainage plan is to study the Wagon Trail Road area to determine a potential solution for the area flooding. This includes review of existing drainage information, topographic survey, development of a 2D model of the existing conditions, and analysis of potential flood reduction. Completion of this area study will allow staff to bring forward a potential Capital Improvement Project that can be vetted and prioritized with other drainage projects.

Other tasks of Phase I include the following:

Project Management and Coordination – Development of a project management plan for staff, monthly progress reports, and development of a web map which will be continually updated as Halff completes the data inventory.

Data Collection and Model Inventory – Collection of all data available including GIS Data, hydrologic and hydraulic models and drainage reports. All data that is collected will be digitized in Adobe (.pdf) and GIS formats for future City use.

Analysis of Collected Data – Analysis of all data collected per Task 3 as well as analysis of the current 5-year Capital Improvement Program Drainage projects, Design Criteria and funding of future projects.

Field Verification – Onsite verification and investigation of major drainage infrastructure and appurtenances which will be incorporated into the GIS data.

Phase I Recommendations – Provide recommendations from the data collection and analysis for development of Phase II, including data and modeling needs.

Flood Protection Planning Grant Application – Preparation of an application for grant funding from the Texas Water Development Board for flood protection planning.

All project deliverables will be in digital and hard copy formats as applicable. The City will also receive all engineering models for use by staff.

The total cost of Phase I is \$213,150.00 with the City's share equal to \$106,575.00, which is 50% of the cost per the MOU with BDD4.

A notice to proceed will be issued jointly by the City and Brazoria Drainage District #4 once both agencies have executed the contract.

The contract is attached as Exhibit B.

DISCUSSION

Periodically the Engineering Department and the Public Works Department receive drainage complaints, many of which are isolated. With the heavy rains that were received in Pearland starting in May of this year, staff received complaints of nuisance, street and structure flooding in several areas in the City, primarily older, established neighborhoods. When these types of complaints are received, Engineering and Public Works work cooperatively to determine the cause and potential solutions. These problems and solutions can range from cleaning or repairing existing infrastructure (ditches, pipes, etc.), advising property owners of a private property issue, researching past complaints, or ultimately, a potential engineering study to determine feasible solutions.

Ongoing efforts have focused on complaints of structure flooding on Wagon Trail Road between Broadway and Fite Roads and non-structural drainage issues in the Green Tee and the Sleepy Hollow subdivisions. Staff contracted with MBCO Engineering to prepare a drainage analysis of the Wagon Trail Road culverts and ditches and with proposed improvements (Exhibit C). Most recently, questions have been brought forward regarding drainage issues in the Old Townsite neighborhood, specifically along Linwood Drive.

Wagon Trail Road/Fite Road

Engineering staff reviewed and modified the study completed by MBCO (Exhibit D) as the MBCO study focused on Wagon Trail and did not address the Wagon Trail/Fite intersection or the Fite outfall, which is located within the Mary's Creek Watershed. Currently staff is working on a project to regrade roadside ditches along Wagon Trail Road between Bardet Road and Fite Road, as well as along the north side of Fite Road from Wagon Trail Road and the Corrigan Diversion Ditch. In addition to ditch work, staff is replacing culverts that are either undersized or damaged. The new culverts are sized to accommodate a 3-year rain event which is in accordance with City standards for residential streets with the exception of the culverts along the west side of the Wagon Trail. One of the challenges that staff has faced is a conflict with a 16" high pressure gas line that was installed in 1954 and is above the ditch flowline resulting in a 24" pipe installation versus the 30" that would be required. Attached is a letter (Exhibit E) sent to two of the property owners who experienced several incidents of structure flooding this year. The letter outlines the work being completed as well as a schedule. As a part of the project, staff is removing and replacing a culvert at the intersection of Fite Road and Wagon Trail Road that had completely deteriorated (see photo below). Residents in the area were notified of the work and periodic road closures

While the work underway will not address the structure flooding that has occurred at the two properties, it should alleviate the amount of water that flows along Wagon Trail Road north of Bardet Road and into the Broadway storm drain system. Due to the elevations of the existing properties, and survey information received with the last building permit request, it appears that private property on-site improvements will be required to alleviate structure flooding, possibly in conjunction with a future capital

project to divert flows to the Corrigan Ditch. To fully address these issues within the Mary's Creek Watershed requires a review of the localized drainage areas as well as the larger sub-basins and the entire watershed. These things will be analyzed and prioritized within the Master Drainage Plan update.



Linwood Drive

Linwood Drive is part of the Town Ditch watershed and originally had open ditches which were piped in in 2001 due to complaints regarding residents having to mow the ditches. In the past, although reviewed by the City Engineer, this was done without a comprehensive drainage study to look at the impacts or to size the pipes. Currently, we would complete an analysis in accordance with the Engineering Design Criteria Manual to determine the feasibility, proper pipe sizes, and proper outfall capacity before closing the ditches. Staff has reviewed complaint logs for the area and have found no instances of structure flooding. Therefore our best assumption is that the current complaints are for nuisance and street flooding, this will be verified during the completion of the Master Drainage Plan.

Currently the storm sewer pipe south of Linwood along Old Alvin Road consists of 18" pipe and smaller from the south. In 2013, a portion of the drainage system for the future widening of Old Alvin Road was installed with the Old Alvin water line project. At that time, new storm sewer was installed to help conveyance capacity along the west side of Old Alvin Road and consists of a 36" pipe from the northwest corner of Linwood to the southwest corner of Orange Street where it transitions to a 5'X4' box to the north with a 48" outfall at Town Ditch. Previously the storm sewer had been an 18" and 48" pipe. This provided the proper pipe sizes and outfall for the areas that drain to the Old Alvin Road drainage system within this segment of Old Alvin Road.

RECOMMENDED ACTION

Consideration and approval of a resolution approving a Professional Services contract with Halff Associates, in the amount of \$106,575.00, for the City Pearland/Brazoria Drainage District #4 Master Drainage Plan Phase I and authorize the City Manager to execute the contract.

Exhibit A

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”), made and entered into by and between the City of Pearland, a home rule municipality incorporated under the laws of the State of Texas, hereinafter (“City”), and Brazoria Drainage District No.4, a body corporate and politic under the laws of the State of Texas, hereinafter (“District”);

RECITALS

Whereas, the City and District understand the importance of developing a comprehensive Master Drainage Plan to develop and guide future drainage policies and improvements in their respective jurisdictions; and

Whereas, the City and District desire to utilize the same consultant to develop a Master Drainage Plan that will be used by both entities in implementing drainage policies; and

Whereas, the City and District desire to set forth an MOU to set forth their respective responsibilities with regard to the Master Drainage Plan; and

WITNESSETH

NOW THEREFORE, in consideration of the mutual covenants, agreements and benefits to the parties herein named, it is hereby agreed as follows:

I. Responsibilities of the Parties

- A. The City and District agree to select an engineer that will prepare a scope of services to develop Master Drainage Plan to serve as a drainage policy implementation tool for both entities.
- B. Upon selection of an engineer, City and District shall separately contract with the engineer to develop the Master Drainage Plan, and each party shall be responsible for 50% of the total costs associated with preparation of the Master Drainage Plan.
- C. City and District agree to present the final version Master Drainage Plan to their respective governing bodies for approval and adoption.

II. CURRENT FUNDS AVAILABLE

Both parties hereto represent that they have appropriated sufficient funds to satisfy their respective obligations under this Agreement.

III. MISCELLANEOUS

A. City and District recognize and agree that City, in performance of this MOU, shall act as an independent contractor and shall have control of its own work and the manner in which it is performed.

B. City and District recognize and agree that the District, in performance of this MOU, shall act as an independent contractor and shall have control of its own work and the manner in which it is performed.

C. City and District shall comply with all applicable laws, regulations and requirements in performance of their respective obligations under this MOU.

D. City and District recognize and agree that nothing herein shall be construed to create any rights in third parties.

E. City and District agree that no party shall have the right to seek indemnification or contribution from any other party hereto for any losses, costs, expenses, or damages directly or indirectly arising, in whole or part from this MOU.

Each person signing below represents that he or she has read this MOU in its entirety, including any and all attachments and exhibits, understands its terms, is duly authorized to execute this MOU on behalf of the party indicated by his or her name below and agrees on behalf of said party that the party will be bound by these terms.

SIGNED and ENTERED his _____ day of _____, 2015.

BRAZORIA DRAINAGE DISTRICT No.4

ATTEST:

CITY OF PEARLAND

Clay Pearson, City Manager

ATTEST:

Young Lorfing, City Secretary

CONTRACT FOR PROFESSIONAL SERVICES

THIS CONTRACT is entered into upon final execution by and between the City of Pearland ("CITY") and Half Associates, Inc. ("CONSULTANT").

The CITY engages the CONSULTANT to perform professional services for a project known and described as City of Pearland & Brazoria Drainage District No. 4 Master Drainage Plan ("PROJECT").

SERVICES OF THE CONSULTANT

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

- A. The CONSULTANT shall prepare a drainage master plan. See Exhibit A, attached, for a detailed SCOPE OF WORK and PROJECT schedule. The PROJECT schedule shall be submitted in digital and hard copy form in the Microsoft Project for Windows format.
- B. The CONSULTANT shall prepare and submit a detailed opinion of estimated cost of the PROJECT.
- C. The CONSULTANT acknowledges that the CITY (through its employee handbook) considers the following to be misconduct that is grounds for termination of a CITY employee: Any fraud, forgery, misappropriation of funds, receiving payment for services not performed or for hours not worked, mishandling or untruthful reporting of money transactions, destruction of assets, embezzlement, accepting materials of value from vendors, or consultants, and/or collecting reimbursement of expenses made for the benefit of the CITY. The CONSULTANT agrees that it will not, directly or indirectly; encourage a CITY employee to engage in such misconduct.
- D. The CONSULTANT shall submit all final construction documents in both hard copy and electronic format. Plans shall be AutoCAD compatible and all other documents shall be Microsoft Office compatible. The software version used shall be compatible to current CITY standards. Other support documents, for example, structural calculations, drainage reports and geotechnical reports, shall be submitted in hard copy only. All Record Drawings electronic files shall be submitted to the CITY in TIF format.
- E. The CONSULTANT recognizes that all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT shall be delivered to the CITY upon request, shall become subject to the Open Records Laws of this State.

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

- (1) Workers' Compensation as required by law.
- (2) Professional Liability Insurance in an amount not less than \$1,000,000 in the aggregate.
- (3) Comprehensive General Liability and Property Damage Insurance with minimum limits of \$1,000,000 for injury or death of any one person, \$1,000,000 for each occurrence, and \$1,000,000 for each occurrence of damage to or destruction of property.
- (4) Comprehensive Automobile and Truck Liability Insurance covering owned, hired, and non-owned vehicles, with minimum limits of \$1,000,000 for injury or death of any one person, \$1,000,000 for each occurrence, and \$1,000,000 for property damage.

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

- G. The CONSULTANT shall indemnify and hold the CITY, its officers, agents, and employees, harmless from any claim, loss, damage, suit, and liability of every kind for which CONSULTANT is legally liable, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person, for damage to any property, or errors in design, any of which are caused by the negligent act or omission of the CONSULTANT, his officers, employees, agents, or subcontractors under this CONTRACT.
- H. All parties intend that the CONSULTANT, in performing services pursuant to this CONTRACT, shall act as an independent contractor and shall have control of its own work and the manner in which it is performed. The CONSULTANT is not to be considered an agent or employee of the CITY.

SECTION II - PERIOD OF SERVICE

This CONTRACT will be binding upon execution and end September 1, 2016 .

SECTION III - CONSULTANT'S COMPENSATION

- A. The total compensation for the services performed shall not exceed the total noted in Section B.
- B. The CITY shall pay the CONSULTANT in installments based upon monthly progress reports and detailed invoices submitted by the CONSULTANT based upon the following:

1. Basic Services (Lump Sum)	<u>\$106,575.00</u>
2. Additional Services shall require independent and specific authorization and shall be billed as (Lump Sum):	_____
3. Bid Phase Services (Hourly Not to Exceed)	_____
4. Construction Phase Services (Hourly Not to Exceed)	_____
5. Reimbursable Expenses (Not to Exceed)	_____
6. Total:	<u>\$106,575.00</u>
- C. The CITY shall make payments to the CONSULTANT within thirty (30) days after receipt and approval of a detailed invoice. Invoices shall be submitted on a monthly basis.

SECTION IV - THE CITY'S RESPONSIBILITIES

- A. The CITY shall designate a project manager during the term of this CONTRACT. The project manager has the authority to administer this CONTRACT and shall monitor compliance with all terms and conditions stated herein. All requests for information from or a decision by the CITY on any aspect of the work shall be directed to the project manager.
- B. The CITY shall review submittals by the CONSULTANT and provide prompt response to questions and rendering of decisions pertaining thereto, to minimize delay in the progress of the CONSULTANT'S work. The CITY will keep the CONSULTANT advised concerning the progress of the CITY'S review of the work. The CONSULTANT agrees that the CITY'S inspection, review, acceptance or approval of CONSULTANT'S work shall not relieve CONSULTANT'S responsibility for errors or omissions of the CONSULTANT or its sub-consultant(s) or in any way affect the CONSULTANT'S status as an independent contractor of the CITY.

SECTION V - TERMINATION

- A. The CITY, at its sole discretion, may terminate this CONTRACT for any reason - with or without cause -- by delivering written notice to CONSULTANT personally or by certified mail at 14800 St. Mary's Lane, Suite 160, Houston, Texas 77079. Immediately after receiving such written notice, the CONSULTANT shall discontinue providing the services under this CONTRACT.
- B. If this CONTRACT is terminated, CONSULTANT shall deliver to the CITY all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT, entirely or partially completed, together with all unused materials supplied by the CITY on or before the 15th day following termination of the CONTRACT.
- C. In the event of such termination, the CONSULTANT shall be paid for services performed prior to receipt of the written notice of termination. The CITY shall make final payment within sixty (60) days after the CONSULTANT has delivered to the CITY a detailed invoice for services rendered and the documents or work product generated by the CONSULTANT under the CONTRACT.
- D. If the remuneration scheduled under this contract is based upon a fixed fee or definitely ascertainable sum, the portion of such sum payable shall be proportionate to the percentage of services completed by the CONSULTANT based upon the scope of work.

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

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

SECTION VI – ENTIRE AGREEMENT

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

SECTION VII – COVENANT AGAINST CONTINGENT FEES

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

SECTION VIII- SUCCESSORS AND ASSIGNS

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

CITY OF PEARLAND, TEXAS

DATE



CONSULTANT TERRY M. BARR

24 NOV 2015

DATE

CITY OF PEARLAND & BRAZORIA DRAINAGE DISTRICT NO.4
MASTER DRAINAGE PLAN
SCOPE OF WORK
November 11, 2015

Preface

Over the last several decades, the City of Pearland (City) and Brazoria Drainage District No. 4 (BDD4) have experienced significant growth and development throughout. The last decade alone has seen a two-fold increase in the area’s population. With development comes an increased risk of flooding from streams as well as other sources, which can present hazards to the public and impede growth. In an effort to more effectively plan drainage improvements and consider regulatory measures aimed at minimizing negative development impacts, the City and BDD4 have taken a proactive approach. As such, the City of Pearland and Brazoria Drainage District No. 4 have selected Halff Associates to prepare a drainage master plan update for the combined area. The services and products resulting from the study shall be referred to as the ***City of Pearland/Brazoria Drainage District No. 4 Master Drainage Plan***.

The Pearland/Brazoria DD4 Drainage Master Plan is located within the shared boundary of the City and BDD4, which encompasses a combined area of nearly 97 sq. mi. The project is generally bound by Clear Creek to the north and FM 521 to the west. The eastern and southern boundaries are less clearly demarcated, with a portion of the City extending into Harris County on the east side of Clear Creek. The Galveston County line serves as the remainder of the eastern boundary. A majority of BDD4 is located north of SH6, with the exception of the area near the Fort Bend County line, which includes portions of Iowa Colony and Manvel.

Streams to be included in the study will be Clear Creek, Hickory Slough, Mary’s Creek, Cowart Creek and associates ditches and diversions, Chigger Creek and Mustang Bayou. The specific tasks to be completed for each stream will be specified in subsequent sections of this scope. The study area lies within fourteen (14) FEMA FIRM panels in three counties; Brazoria, Harris, and Fort Bend. The panels include those in Brazoria (48039C 0010I, 0020H, 0030I, 0035I, 0040I, 0045J, 0110H), in Harris (48201C 1010L, 1030L, 1035L, 1055L), and in Fort Bend (48157 0305L, 0315L, 0455L). The effective dates vary.

Project Purpose

The purpose of the Master Drainage Plan is to conduct a two-phase update of the existing drainage information. While there does not appear to be an actively used drainage master plan, both the City and BDD4 have an extensive collection of drainage reports, studies, models, infrastructure plans, and other data that can be leveraged to plan for and encourage growth in a safe and cost-effective manner. In general, the tasks to be performed in each of the two phases are as follows:

- Phase I – Collection of all relevant drainage information, including plans, reports, drainage complaints, flood insurance claims, hydrologic and hydraulic models, drainage criteria information, funding sources, etc.; Evaluation of the plans, reports, models, criteria, etc.; field investigation, verification, and documentation of existing drainage infrastructure; Generation of a digital inventory for all data collected; Updated drainage area and zone of influence delineations; Development and presentation of recommendations for Phase 2, including data and

modeling needs, alternative funding sources (such as Flood Protection Planning Grants), criteria updates, and implementation strategies.

- **Phase II – (NOT INCLUDED IN THIS CONTRACT)** Updates to the existing conditions base modeling for both hydrology and hydraulics, which may include a variety of tools ranging from traditional 1D steady models to more advanced 2D modeling strategies; Identification of existing and future flood hazards and their sources; Comparisons of the existing flood mapping to the flood loss data; Evaluation of future growth patterns; Development of potential flood improvement alternatives using various mitigation strategies; Cost estimation and prioritization of potential capital projects; Implementation of the Master Drainage Plan and updates to the Drainage Criteria.

A preliminary scope for Phase II will be prepared as part of the Phase I recommendations and/or Flood Protection Planning Grant application. Upon completion of Phase I and delivery of the recommendations to the City and BDD4, a detailed final scope will be prepared. The specific tasks associated with Phase I are discussed in the following scope of services.

Project Scope

Task 1: Wagon Trail Road Drainage Evaluation

In response to historical as well as recent flooding in the area along Wagon Trail Road, Halff will evaluate the drainage patterns in an effort to identify flooding sources and recommend potential flood reduction measures in the area. The study area is located within the City of Pearland along Wagon Trail Road, between W Broadway St (FM 518) to the north and Mary's Creek to the south. There are several low-lying structures in the vicinity that experience flooding on a regular basis. This task will start upon approval of the contract and will be completed independently of the Master Drainage Plan discussed in subsequent tasks. Specific tasks relating to the Wagon Trail Rd. drainage evaluation include:

a. Review of Existing Drainage Information

- i. Review the memorandum, calculations, and recommendations provided by IEA to the City in the 2013 report, *Wagon Trail Road Drainage Improvement from Bardet Road to the Outfall at Fite Road Bridge*.
- ii. Review plans and drainage calculations relating to the construction of the Corrigan Bypass channel.

b. Topographic Survey

- i. Halff will prepare a 3-D Microstation file of 100' cross-sections limited to grade breaks and paving elevations within the outside top-of-bank of the roadside swale ditches and driveway approaches located along Wagon Trail Road (from Broadway to Ochoa), Cantu and Ochoa. Flowline information will be collected where physically possible on visible storm water facilities. Finish floor elevations of up to 6 adjacent structures will be tied. Benchmark elevations will be on the same datum as the City of Pearland. This proposal does not include uncovering or field tying any other improvements, above ground utilities or subsurface utilities, trees.
- ii. Right of Entry permissions will need to be obtained by the City.

c. Existing Conditions 2D Modeling

- i. Develop of a 2D computational mesh for the area generally bound by W Broadway Rd (north), Mary’s Creek (south), Corrigan Bypass (east) and O’day Ditch (west). The initial 2D surface will include minimal feature detail. The detail will be refined after the initial run to focus on those areas where flooding is present.
- ii. Develop rainfall hyetographs for the 3-year (design) storm, 100-year, and recent historical rainfall obtained from gage records available on the Harris County Flood Warning System website. Infiltration losses will be estimated using HEC-HMS and the excess rainfall hyetograph will be entered into the 2D model for analysis.
- iii. Evaluate the modeled drainage patterns and compare to known flooding instances. Adjust and/or refine model detail based on initial findings.
- iv. Halff will meet with the City/BDD4 to discuss the existing conditions analysis findings and consider potential improvements to be modeled.

d. Flood Reduction Alternatives Analysis

- i. Consider potential improvements to reduce flooding in the project area. Halff will evaluate up to three (3) small projects in the area, which may include but are not limited to increasing roadside ditch capacity, storm sewer improvements, and rerouting flow away from Wagon Trail Rd to the Corrigan Bypass.
- ii. Flood reduction alternatives will be sized using methods specified in the City/BDD4 design criteria.
- iii. Halff will develop conceptual level opinions of probable construction cost (OPCC) for each alternative. The OPCC’s will include a contingency of 30-35% to account for potential conflicts during the design and construction phase.
- iv. Halff will prepare a technical memorandum discussing the analysis methodology, findings, improvement recommendations and associated costs.

Task 2: Project Management and Coordination

Halff Associates project management activities shall include task leadership and direction, telephone and written communication, project status reports, project progress meetings, project invoicing, and personnel and data management among other general project management activities. Specific meetings beyond staff management coordination and regular communication include the following:

e. Project Meetings

- i. Attend one (1) project kickoff meeting with staff from both the City and BDD4. The meeting will be coordinated by the Halff Project Manager and is intended to discuss key items such as project schedule, budget, and any specific directives. Halff will provide a preliminary schedule of tasks.
- ii. Attend up to three (3) progress meetings throughout Phase I to discuss specific tasks such as data collection and inventory, model evaluation, and field verification, project tracking tools, etc.

- iii. Attend one (1) meeting specifically related to the current drainage criteria and any desired updates or clarifications.
- iv. Attend two (2) meetings specifically related to the Phase I recommendations. The first shall be a preliminary recommendations discussion and the second shall be a final recommendations meeting, which shall be conducted near the Final Phase I submittal deadline.
- v. Attend one (1) public meeting or City Council meeting for the City of Pearland to discuss process, findings, and recommendations for Phase II and answer questions.
- vi. Attend one (1) public meeting or Brazoria County Commissioners Court meeting to discuss process, findings, and recommendations for Phase II and answer questions.
- vii. Meetings listed do **NOT** include those necessary to apply for or fulfill the obligations of an awarded Flood Protection Planning Grant. Application meetings are specifically identified in Task 7 and public meeting required to meet grant obligations will be conducted if a grant is awarded and will be included with the Phase II scope of services.
- viii. Meeting notes shall be submitted to the City and BDD4 Project Managers within five (5) working days after each meeting.

f. Development of a Project Management Plan

- i. Develop a Project Management Plan (PMP) for the City and BDD4. This is a planning and communication document that will include specific information regarding to the scope and budget, as well as schedule, team resources, discussion of quality control procedures, and a communication plan. PMP shall be completed prior to the project kickoff meeting.
- ii. Within the PMP, the project schedule will be provided. Any delays to the project schedule shall be discussed in writing and provided to the City and BDD4 for review and approval.

g. Project Status Reports

- i. Monthly project status reports shall be provided to the City and BDD4 with the monthly invoices. Separate monthly invoices will be provided for each agency, but the same project status reports will be provided. Progress shall include notes regarding work completed in the preceding billing cycle, work expected to be completed in the next cycle, and any outstanding questions or issues for discussion.

h. Web Map Development

- i. A significant part of the communication and coordination effort for the Master Drainage Plan will be transparency of Halff's progress. Beyond the normal communication channels, Halff will develop a project web map, which may be accessed by both the City and BDD4. The web map will be continually updated with the data inventory and field data collection efforts that will be detailed in subsequent sections. Access permissions for the web map will be set to meet the specifications of the City and BDD4.

Task 3: Data Collection and Model Inventory

Data Collection and model inventory tasks will generally include gathering and organization of all data provided, both hard copy and digital format. Data and models shall be provided by the City and BDD4, as well as from other sources such as Fort Bend County Drainage District (FBDD), Harris County Flood Control District (HCFCD), the Federal Emergency Management Agency (FEMA), the U.S Army Corps of Engineers (USACE), and other consultants if necessary. The data shall be organized and linked to a GIS dataset so that future data collection efforts by the City, BDD4, and other interested parties will be more efficient. Specific tasks relating to data collection include the following:

a. GIS Data Collection

- i. Data requests will be directed to the City and BDD4, with additional requests made to outside entities if necessary.
- ii. Halff will collect and catalogue all relevant GIS data including, but not limited to, terrain (LiDAR) Data, landuse/zoning, FEMA (both mapping and loss data), planimetrics, political boundaries, development and subdivisions, detention locations, utility information, etc.
- iii. All GIS data gathered will be organized in Geodatabase format for use during the Master Drainage Plan process and will be provided back to the City and BDD4 as part of the Phase I Submittal.

b. H&H Model Collection

- i. Models for Clear Creek will be downloaded from HCFCD website. In addition, USACE has a Federal project planned for Clear Creek. The model will be requested to ensure that planning efforts within the MDP area do not negatively impact the project.
- ii. Hydraulic models for the Clear Creek Tributaries, including Mary's Creek, Hickory Slough, Cowart Creek, and Chigger Creek will be requested from the City and BDD4. Hydrologic models for the tributaries will also be requested; however, they are also included in the Clear Creek model prepared for HCFCD.
- iii. Hydrologic and hydraulic models for Mustang Bayou will be requested from the City and/or BDD4 and, if necessary, FBDD. Mustang Bayou is not a tributary of Clear Creek and, as such, will not be connected to HCFCD.
- iv. Additional models developed within the project boundary will also be requested. These include modeling developed for regional detention pond projects, channel improvement projects, large scale developments, etc. A preliminary look at the models will be done to determine if they are relevant or if the watershed models include that information.

c. Drainage Report and Record Drawings Collection

- i. Drainage reports developed for major development projects or capital projects, including detention, channel improvement, and storm sewer improvement, will be requested from the City and BDD4
- ii. Record or "As-Built" drawings will be requested for improvements including, but not limited to, creek/bayou improvements, detention ponds, storm sewer trunk line, and major developments. Major detention facilities, such as the Mary's Creek Regional Detention Basin and the Southwest Environmental Center Regional Detention Basin, will be collected as part of this effort.

d. Data Organization and GIS Inventory

- i. As part of the data collection and inventory process, Halff will generate a digital record of all data including models, reports, and record drawings. Digital scans will be taken of each document and will be stored in an Adobe Acrobat (.pdf) format. The data will be managed by Halff Associates and delivered to the City and BDD4.
- ii. A GIS polygon layer will be created to represent the location of each report, plan set, and model identified during the project. Within the polygon feature class, records will contain the name of the project or study, agency responsible, a short description, and the pdf file of the report as a geodatabase attachment. Specific exhibits, such as those identifying feature ownership, will be provided with the submittal discussed in *Task 7: Phase I Submittal*. Areas within the feature classes will include but are not limited to:
 - a. Areas depicting physical changes such as detention ponds, channel improvements, storm sewer trunk line improvements, or others completed as part of CIP or private development projects. Associated data fields will include information such as feature owner, type of improvement, date of completion, engineer of record, impacted area, and other fields requested by the City and BDD4.
 - b. Hydrologic studies performed for watersheds or smaller areas will be identified with a watershed boundary. Associated data fields may include watershed name, agency responsible, receiving stream, watershed area, study date, engineer of record, and other fields requested by the City and BDD4.
 - c. Hydraulic studies performed for creeks, bayous, or ditches may be identified with a linear feature denoting the specific location and limits of the study. Associated data fields may include stream name, owner, receiving stream (if applicable), study length, study date, engineer of record, and other fields requested by the City and BDD4.
- iii. The Geodatabase will be structured such that as new studies and projects are completed, they may be added into the GIS for future identification.
- iv. Halff will work with the City and BDD4 to transfer the data such that the proper linkage is maintained and the GIS and .pdf and model files remain connected. In the case of models, a file location may be provided or a .zip file with the relevant model files may be linked.
- v. The data inventory progress may be continually tracked and accessed by the City and BDD4 using the project web map discussed in the Transparency Tools section above.
- vi. Additional levels of data inventory may be provided to the City and BDD4 upon request, but are NOT included in this scope of services. This includes scans of individual plan sheets and report exhibits and connection to individual GIS features (i.e. a georeferenced polygon connecting to a specific plan sheet).

Task 4: Analysis of Collected Data

Data analysis tasks will generally include comprehensive analysis of all models, reports, record drawings and GIS information to determine the accuracy and validity of each. In addition, Halff will evaluate the current funding sources and consider alternative options for funding of future projects and studies. Halff

will also review the current drainage criteria and work with the City and BDD4 to recommend any potential changes or clarifications that may be needed. Specific tasks relating to data analysis include the following:

a. H&H Model Assessment

- i. Conduct a comprehensive evaluation of the hydrologic models for the major creeks and their tributaries received. Halff will check the models for reasonableness of model assumptions, rainfall inputs, loss parameters, hydrograph transform parameters, storage assumptions, and results. In addition, comparisons will be made to the discharges in the Effective FIS to ensure consistency. Any computational issues with the models will be identified.
- ii. Conduct a comprehensive evaluation of the hydraulic models for the major creeks and their tributaries. Halff will check models for reasonableness of reach and cross section layouts, section data, geometric parameters, including roughness, hydraulic structures, and results. The steady flow data will also be checked for correctness and consistency with the hydrologic models and/or Effective FIS.
- iii. In those cases where hydrologic models are in HEC-1 or hydraulic models are in HEC-2, a preliminary conversion to HEC-HMS/RAS will be done for evaluation. No significant changes will be made to the models during Phase I of the MDP.
- iv. Model results will be compared to the Effective DFIRM mapping data and the flood insurance claim data provided and discrepancies will be identified. For flood insurance claim data, Halff will compare the effective floodplains to specific claim locations to help determine if the flooding is riverine or caused by a localized flooding source.
- v. Halff will consider the drainage patterns and determine if the modeling tools utilized are appropriate or if other tools, including unsteady 1D or 2D modeling are recommended.

b. Drainage Report and Record Drawing Analysis

- i. Conduct a comprehensive evaluation of the LOMRs, CLOMRs, and drainage reports for regional detention, channel improvements or major developments. A cursory review of other drainage reports will be conducted to determine if the information provided impacts the larger study. Halff will review the scope, assumptions, methodologies, and recommendations of reports. If results were carried forward to design or construction, Halff will compare with the construction or record drawings for consistency. Constructed projects will be evaluated for consistency during the field verification phase, which will be detailed below.
- ii. Halff will review record or “as-built” drawings of constructed projects. Comparisons will be made to on-the-ground information gathered during the field verification process and discrepancies will be identified. Comparisons to the models for storage volume and outfall capacity will also be conducted.

c. Master Plan and CIP Plan Analysis

- i. A review of the current City of Pearland drainage plan (1998) will be conducted and its assumptions, findings and recommendations considered.
- ii. A review of the current Brazoria DD4 drainage plan (1997) will be conducted and its assumptions, findings and recommendations considered.

- iii. A review of the City of Pearland 2015-2019 CIP Plan will be conducted with a focus on the drainage projects recommended. These projects will be included in the evaluation and prioritization to be completed as part of Phase II.

d. Drainage Criteria Analysis

- i. Review the current drainage criteria for both the City and BDD4. Discuss with the City and BDD4 the general effectiveness of the criteria, areas of concern, clarifications, or additional criteria that should be considered with respect to the design procedure or land use and zoning regulations.

e. Funding Analysis

- i. Halff will assess the current sources of funding and determine if alternative means of study and project funding are necessary and feasible. Long term sources of project and study funding may include a Storm Water Utility (SWU), Storm Water Impact fees for areas benefiting from CIP, such as detention or channel improvements, and others.

Task 5: Field Verification

Field verification tasks will include on-site investigation of all major detention ponds and outfall structures into open channels. Halff will also evaluate the channels for general conformity with model assumptions and identify any significant erosion hazards. Mobile GIS data collection technology will be utilized during the process. Specific tasks relating to data analysis and field verification include the following:

a. Mobile GIS Map Development

- i. Prior to the on-site reconnaissance process, Halff will configure a mobile map service for us with the Halff GIS iOS app. This app is designed to support field data collection and is available from the Apple App Store as a free download. The mobile map service allows users to access GIS data in real time from iPhones and iPads. The Halff GIS iOS app supports creating new data features, updating existing features, and referencing supporting GIS data layers.

b. Field Data Collection

- i. Halff will conduct site visits of all storm sewer outfalls, regional detention ponds, and sections of the identified streams. Site visits will be conducted by two (2) persons, a project engineer and an EIT. During the site visits, Halff will geo-locate all features, photograph the feature, and include notes regarding the dimensions, conditions, etc. This data will be entered into the Halff GIS iOS app, which is connected to the server in real time through a cellular or Wi-Fi network.
- ii. As features are photographed and documented, the status will be updated from “not verified” to “verified”. This designation will allow the City and BDD4 to continually track the field verification progress using the Transparency Tools discussed above.
- iii. Once the field verification process is complete, the GIS data developed will be evaluated for completeness and correctness and finalized. The data will be provided to the City and BDD4 as part of the final submittal.

Task 6: Phase I Recommendations

The Phase I recommendations will include the development of a number of specific actions intended to improve the existing data, modeling, funding, and drainage criteria. These will be discussed with the City and BDD4 during a preliminary and final meeting, which are listed in Task 2. Specific tasks relating to the Phase I Recommendations include the following:

a. Develop Phase I Recommendations

- i. Identify any additional data necessary to begin work on Phase II, such as survey, additional modeling, GIS information, etc.
- ii. Determine what updates and changes need to be made to the existing conditions modeling during Phase II. Halff will attempt to utilize existing models to the maximum extent practicable. Updates may include the use of more advanced modeling techniques such as Unsteady and 2D modeling if necessary. Other updates may include modification of development levels, updated terrain information, etc.
- iii. Demonstrate the benefits of specific alternative funding sources such as Storm Water Utilities, Storm Water Impact fees, grants, etc. Provide recommendations for further exploring these options. Development and implementation of specific alternative funding streams is NOT included in this scope of services.
- iv. Recommend changes, additions, and/or clarifications to the existing drainage criteria. This may include changes to specific design criteria, as well as policy updates aimed at avoiding negative development impacts.

Task 7: Flood Protection Planning Grant Application

Preparation of the application for a Flood Protection Planning Grant (FPPG) to be submitted to the Texas Water Development Board (TWDB). TWDB will advertise for the 2016 grants in the fall of 2015 and applications will be due in early 2016. Development of the grant application will include the following tasks:

a. Stakeholder Coordination

- i. Meet with City staff to confirm the purpose of the FPP Study and clearly define the detail study area located within the watershed basin.
- ii. Define potential project stakeholders (i.e. City of Pearland, Brazoria Drainage District No. 4, etc.) within the watershed FPP Study.
- iii. Meet with TWDB to coordinate the Grant application and confirm project objectives.
- iv. Notify political subdivisions, agencies, authorities, and planning groups in the proposed project area that an application for grant assistance is being submitted to the TWDB.
- v. Obtain Letters of Support and/or Interlocal Agreements with project stakeholders.

b. Grant Application

- i. Document the study needs and compile existing available leverage (LiDAR, H&H Models, HWM's, Flood Records, SRL's ...etc.). This task will be completed as part of the data collection and analysis tasks discussed above.

- ii. Develop a project scope and budget for the FPP and define sources of funding (Cash contribution, In-Kind, Interlocal Agreements, etc.)
- iii. Prepare the Grant Application and submit to TWDB

Task 8: Phase I Submittal

The Phase I submittal will include the project deliverables; a detailed narrative discussing the data collection and inventory process, compilation of all the data collected and evaluated, updated digital information, including GIS, H&H models, photos, and recommendations for Phase II. Specific tasks relating to the Phase I Submittal preparation include the following:

a. Digital Data Deliverable

- i. Prepare the MDP Geodatabase for submittal. The Geodatabase will include the feature classes relating to the model inventory and report/plan inventory developed as part of Task 3 as well as the field data collected as specified in Task 5. Among other data fields, ownership of features will be identified. Other relevant digital data collected will be organized into the Geodatabase as well.
- ii. Update delineations of all drainage basins located within the project areas using a polygon feature. These will include delineations for the stream watershed as well as drainage subbasins for contributing streams and ditches. These will be included in the Geodatabase.
- iii. Identify service areas for the major regional detention facilities, identifying the contributing area using a polygon feature. The information will be included in the Geodatabase.
- iv. Map the 100- and 500-year floodplains for Clear Creek on the Brazoria County side. Halff will utilize the effective BFE's from the HCFCD study and map on the most current LiDAR terrain surface. The information will be included in the Geodatabase.
- v. Provide the full library of scanned documentation, including reports and record drawings. The associated GIS features will be included in the Geodatabase.
- vi. Provide all models collected as well as any model updates. The models will be catalogued and include the location, date prepared, and any other information available. The associated GIS features will be included in the Geodatabase. The evaluation will be provided as part of the narrative; but notes will be included in the GIS.
- vii. Provide all photos taken during the field verification process in .jpg format. Photos will be compressed to a size not to exceed 1Mb. The associated GIS features will be included in the Geodatabase.

b. Report Deliverable

- i. Prepare a detailed report, including a narrative discussion the procedures and findings of each task, relevant figures and tables, meeting notes and a log of project decisions. Copies of the digital information will be included on CD/DVD with the report.
- ii. A preliminary scope of services and fees for Phase II will be provided with the final report. The scoping will be completed as part of the Flood Protection Planning Grant application discussed in Task 7.

Task 9: Quality Assurance/Quality Control

Each task will be subjected to internal QA/QC by a separate water resources team at Halff. Associated documentation will be provided with the Final Phase I Report. Specific tasks relating to the QA/QC process include the following:

a. QA/QC Procedures

- i. The QA/QC program will include a multi-level approach to ensure that senior members review, comment, and approve the completed work. Quality control check lists shall be created for the data collection, GIS data development, and final report elements of the work. Each checklist shall include milestone review events that describe the items to be reviewed and include documentation of the comments by the reviewer and responses from the Project Manager. All project materials presented to the City and BDD4 as draft or final products will be accompanied by QA/QC certification. QA/QC will be performed for the following specific tasks:
 - a. Data and Model Inventory – Including the data scans and associated Geodatabase
 - b. Field Data Verification – Including notes and photos taken as well as the GIS data developed in the field.
 - c. Phase I Report – Including the narrative, exhibits, and tables. The final digital submittal will also be reviewed.
- ii. The ENGINEER shall retain all work products generated and information gathered and used during the course of the project. This includes, but is not limited to, base data as well as intermediate work products.

CITY OF PEARLAND & BRAZORIA DRAINAGE DISTRICT NO. 4
MASTER DRAINAGE PLAN
LEVEL OF EFFORT ESTIMATE
November 11, 2015

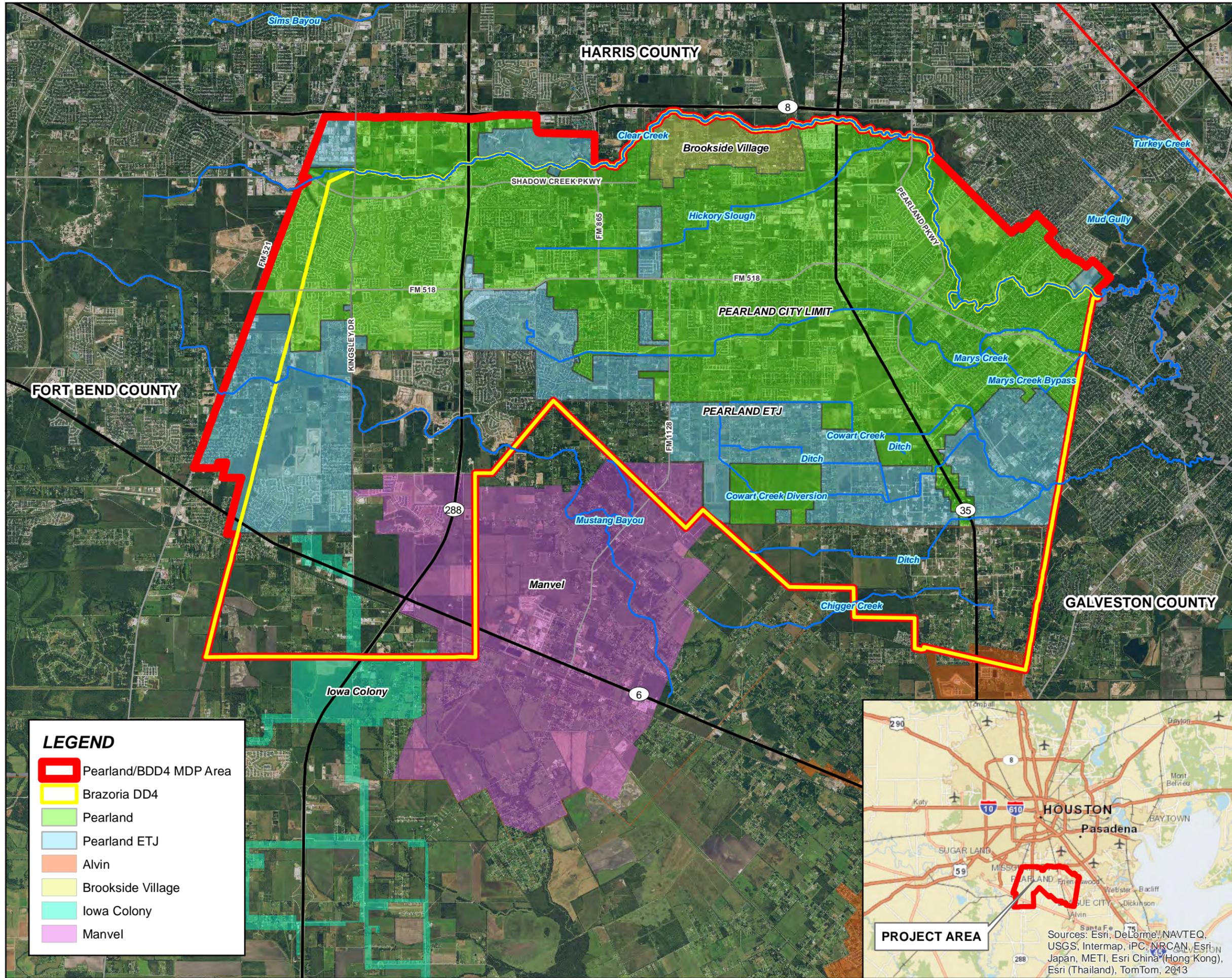
Project Phases and Tasks*	Senior Technical Advisor	Project Manager	Task Leader Engineer	Project Engineer	Engineer in Training	2-Man Survey Crew/ RPLS	Senior GIS	Junior GIS	Administrative	Effort Subtotal	Direct Costs	Project Total
	\$250.00	\$200.00	\$175.00	\$150.00	\$100.00	\$150.00	\$110.00	\$75.00	\$65.00	Hours		
Task 1: Wagon Trail Road Drainage Evaluation												
Review Drainage Report and Calculations		2		4	8					\$1,800		\$1,800
Topographic Survey						64				\$9,600		\$9,600
Existing Conditions 2D Modeling		12		18	48			4		\$10,200		\$10,200
Flood Reduction Alternatives Analysis		8		16	40			4		\$8,300		\$8,300
Subtotal Task 1	0	22	0	38	96	64	0	8	0	\$29,900	\$0	\$29,900
Task 2: MDP Management & Coordination												
Development of Project Mangement Plan	1	12	4							\$3,350		\$3,350
Project Kickoff Meeting & Minutes (1)	2	3	2	2					4	\$2,010	\$50	\$2,060
Project Update Meetings & Minutes (6)		18		12			2		4	\$5,880	\$300	\$6,180
Preparation and Public Meeting (2)	1	8	8	4	4					\$4,250	\$120	\$4,370
Project Coordination		8	4	4						\$2,900		\$2,900
Project Status Reports (8)		4							8	\$1,320		\$1,320
Web Map Development		4			4		8	16		\$3,280		\$3,280
Subtotal Task 2	4	57	18	22	8	0	10	16	16	\$22,990	\$470	\$23,460
Task 3: Data Collection & Model Inventory												
GIS Data Collection (City, BDD4, FEMA, Etc.)			2	8						\$1,550		\$1,550
H&H Model Collection			2	8						\$1,550		\$1,550
Drainage Report and Record Drawings		4		8	16					\$3,600	\$100	\$3,700
Data Organization and GIS Inventory												
Digital Scan of Reports/Plans		1		2	8				24	\$2,860		\$2,860
Development of Geodatabase		1			8		2	8		\$1,820		\$1,820
Digitize Feature Classes for Data		2			8			2		\$1,350		\$1,350
Digitize Feature Classes for Models		2			8			2		\$1,350		\$1,350
Subtotal Task 3	0	10	4	26	48	0	2	12	24	\$14,080	\$100	\$14,180

CITY OF PEARLAND & BRAZORIA DRAINAGE DISTRICT NO. 4
MASTER DRAINAGE PLAN
LEVEL OF EFFORT ESTIMATE
November 11, 2015

Project Phases and Tasks*	Senior Technical Advisor	Project Manager	Task Leader Engineer	Project Engineer	Engineer in Training	2-Man Survey Crew/ RPLS	Senior GIS	Junior GIS	Administrative	Effort Subtotal	Direct Costs	Project Total
Task 4: Analysis of Collected Data												
H&H Model Assessment												
Evaluate H&H Models		4	4	32	64					\$12,700		\$12,700
Convert Models to HEC-HMS/RAS		1	2	16	24					\$5,350		\$5,350
Compare Results to FEMA Maps and Loss Info		1		4	8					\$1,600		\$1,600
Drainage Report and Record Drawing Assessment		2	8	40	80					\$15,800		\$15,800
Master Plan and CIP Evaluation		8		20	40					\$8,600		\$8,600
Drainage Criteria Evaluation		4	8	16	8					\$5,400		\$5,400
Funding Assessment	4	8	8	6						\$4,900		\$4,900
<i>Subtotal Task 4</i>	4	28	30	134	224	0	0	0	0	\$54,350	\$0	\$54,350
Task 5: Field Verification												
Mobile GIS Map Development		1					2	8		\$1,020		\$1,020
Field Data Collection/Documentation												
Field Data Collection		16		80	80			8		\$23,800	\$600.00	\$24,400
GIS Data Review		4	8				8			\$3,080		\$3,080
<i>Subtotal Task 5</i>	0	21	8	80	80	0	10	16	0	\$27,900	\$600	\$28,500
Task 6: Phase I Recommendations												
Specify Additional Data Needs		1	2		8					\$1,350		\$1,350
Recommend Updates to Existing Models		4		8	16					\$3,600		\$3,600
Recommend Alternative Funding Options	2	16	12	8	8					\$7,800		\$7,800
Recommend Criteria Updates	4	8	6	8	8					\$5,650		\$5,650
<i>Subtotal Task 6</i>	6	29	20	24	40	0	0	0	0	\$18,400	\$0	\$18,400

CITY OF PEARLAND & BRAZORIA DRAINAGE DISTRICT NO. 4
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Project Phases and Tasks*	Senior Technical Advisor	Project Manager	Task Leader Engineer	Project Engineer	Engineer in Training	2-Man Survey Crew/ RPLS	Senior GIS	Junior GIS	Administrative	Effort Subtotal	Direct Costs	Project Total
Task 7: Flood Protection Planning Grant												
Stakeholder Coordination	2	6	6	4	12				4	\$4,810	\$300.00	\$5,110
Grant Application	1	4	4	8	6				2	\$3,680		\$3,680
<i>Subtotal Task 7</i>	3	10	10	12	18	0	0	0	6	\$8,490	\$300	\$8,790
Task 8: Phase I Submittal												
Digital Data Submittal												
Complete Final Geodatabase		1		2	4		2	4		\$1,420		\$1,420
Update Drainage Basin Delineation		1		4	16			1		\$2,475		\$2,475
Delineate Regional Detention Service Areas		1		1	8			1		\$1,225		\$1,225
Clear Creek Floodplain Mapping		1		2	8					\$1,300		\$1,300
Prepare Drainage Report/Record Drawing Library		1		2	4					\$900		\$900
Prepare Model Catalogue				2	4					\$700		\$700
Prepare Photo Catalogue				2	8					\$1,100		\$1,100
Report Preparation												
Narrative Development		24		4	16				1	\$7,065		\$7,065
Exhibit Preparation		4		4	16				2	\$3,130		\$3,130
Tables & Figures Preparation		4		4	8				2	\$2,330		\$2,330
<i>Subtotal Task 8</i>	0	37	0	27	92	0	2	6	5	\$21,645	\$0	\$21,650
Task 9: Quality Assurance/Quality Control												
Data and Model Inventory QA/QC	2	8	12				4			\$4,640		\$4,640
Field Data Verification QA/QC	2	8	12				4			\$4,640		\$4,640
Phase I Report QA/QC	2	8	12				4			\$4,640		\$4,640
<i>Subtotal Task 9</i>	6	24	36	0	0	0	12	0	0	\$13,920	\$0	\$13,920
PROJECT TOTALS	23	238	126	363	606	64	36	58	51	\$211,675	\$1,470	\$213,150
MAN-HOUR PERCENTAGES	1.5%	15.2%	8.1%	23.2%	38.7%	4.1%	2.3%	3.7%	3.3%			



LEGEND

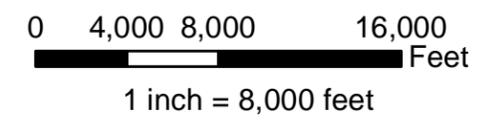
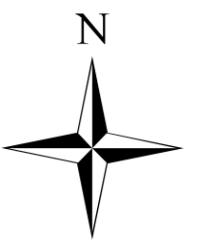
- Pearland/BDD4 MDP Area
- Brazoria DD4
- Pearland
- Pearland ETJ
- Alvin
- Brookside Village
- Iowa Colony
- Manvel



**CITY OF PEARLAND
BRAZORIA DD4
MASTER DRAINAGE PLAN**

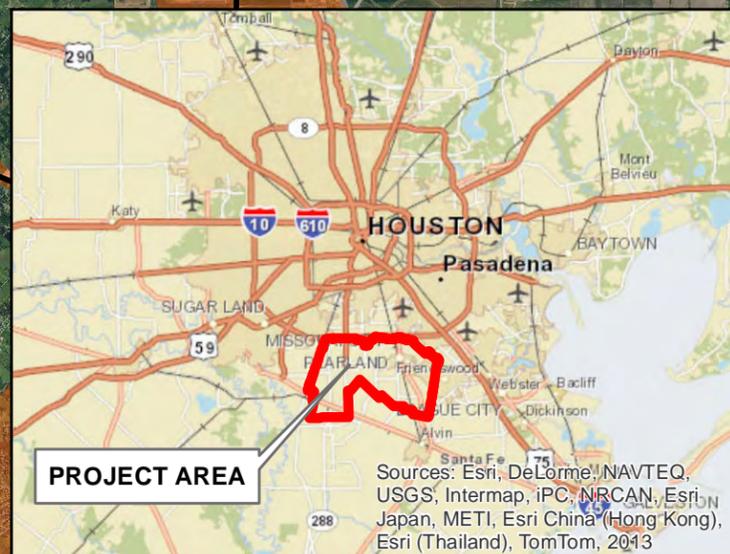
**PROJECT LOCATION
MAP**

October 2015



Notes:

- 1) Aerial imagery for Pearland, TX and surrounding areas provided by Landiscor 2014.
- 2) Project area includes the City of Pearland and Brazoria DD4. Portions of other cities including Brookside Village, Manvel, Iowa Colony, and Alvin are also located within the project area as well.



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, IPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

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WAGON TRAIL ROAD DITCH DRAINAGE ANALYSIS

PROJECT SCOPE

The City of Pearland Public Works employed MBCO Engineering, LLC. (MBCO) to perform the drainage analysis of the Wagon Trail Road ditches from Mary's Creek to FM 518 and along FM 518 from west of Wagon Trail Road to the Corrigan Creek By-Pass. The project scope consisted of the following steps to perform the ditch drainage analysis:

1. Collect Topographical Survey Data and LIDAR data of the project area along Wagon Trail Road, FM 518, Hatfield Road, Mary's Creek and Corrigan Creek By-Pass.
2. Analyze the data to determine drainage areas, flow patterns, and size the existing ditches to help with future drainage
3. Develop letter report and recommendations for the City of Pearland Public Works to identify methods that will improve the drainage along Wagon Trail Road.

EXISTING CONDITIONS

The project area is a two lane asphalt roadway with open ditch drainage and a 60 foot right of way. The limits of Wagon Trail Road with respect to the project area is from Mary's Creek to FM 518. The distance of the project area along Wagon Trail Road is approximately 4,725 linear feet of roadway which equates to approximately 9,450 linear feet of ditches. The project area has cross streets and drainage which include: Figland Street, Fite Road, Bardet Street, Ochoa Road, Cantu Road and Josephine Street. The cross streets are 2 lane asphalt roadways with open ditch drainage. The project area included 200 linear feet of each of the cross streets.

The existing drainage along Wagon Trail Road travels north and south with the high point being south of Bardet Street at approximate Station 17+50. There are seventy (70) existing culverts that convey the drainage along Wagon Trail with sizes varying from 15 inch to 30 inch diameter pipes and the material of the pipes vary from corrugated metal to HDPE to reinforced concrete pipe. Several of the culverts do not meet the current City of Pearland Standard minimum culvert size.

Through meetings with stakeholders in the project area, the area has experienced flooding during extreme rain events since the beginning of the year. Observations during some of the recent rain events show that the FM 518 ditch and the west ditch north of Bardet to FM 518 experience the worst back-up and potential for area flooding within the project area. There was also structural flooding coming out of the inlets on both FM 518 and Wagon Trail as well as street flooding due to the severity of the storms.

TOPOGRAPHICAL SURVEY AND CULVERT FLOW SPREADSHEET

The first part of the scope of services was to gather data through the use of survey equipment to develop the digital terrain model and pick up the topographical features of the project area. MBCO sent out a three man crew with two GPS Trimble units to collect the existing terrain of the project area. The surveying took 4 days in the field. The crew collected the ditch along the south side of FM 518 and along both sides of Hatfield and the first 400 linear feet of

Wagon Trail on the first day. On the second day the crew collected the ditches along Josephine, Ochoa, Bardet, Fite and the next 3000 linear feet of Wagon Trail. The crew picked up the rest of Wagon Trail and the topography of Mary's Creek at the end of Wagon Trail and the cross sections along Corrigan Creek By-Pass. The final day the team collected the inverts of the storm sewers and collected some missing data requested by the engineer.

Once we had all the field data, MBCO processed and created a 3 dimensional topographical survey file and developed a digital terrain model (DTM) of the project area. Once the topographical survey was completed, road alignments were created for the project and all the culverts were assigned a Station ID. The Station IDs and the survey allowed the Engineer to input the following data into the Culvert Flow Spreadsheet (See Exhibit 1):

- Upstream and downstream flow line elevations of each culvert
- Station location of the each culvert
- Distance between each culvert
- Culvert Size and material

Based on the information above the Culvert Flow spreadsheet computed the slope (%) and direction (North/South/East/West) of each culvert and the slope (%) and direction (North/South/East/West) of the ditches between each culvert. This will allow the City of Pearland (City) to look at the entire project and determine which culverts are in need of adjustment due to settlement and/or age of culvert. This data also allows the City to have a snapshot on the flow patterns of the existing ditches and identify areas of potential ponding due to contraflow of the ditch because of a culvert sloped in the wrong direction and/or slope.

The second purpose of the Culvert Flow spreadsheet is to provide upstream and/or downstream flow lines to make the corrections to the existing culverts to change the slopes on the ditches to create improved flow in the ditches. The culvert sizes will be evaluated in the drainage analysis defined in the next section and sizes may be adjusted in the Culvert Flow spreadsheet based on the findings of the Drainage Analysis to improve ditch capacity and flow.

DRAINAGE ANALYSIS

The purpose of the drainage analysis is to determine the existing flow patterns along Wagon Trail, quantify peak discharges to the roadside ditches, and determine proposed driveway culvert sizes. The drainage analysis was performed in accordance with the *City of Pearland Engineering Design Criteria Manual*, dated June 2007. Peak runoff discharges and proposed driveway culvert capacities were analyzed using a 3-year storm event. The following is a detailed summary of the drainage analysis along Wagon Trail.

Drainage Areas and Flow Patterns

Drainage areas were delineated using a combination of 2008 LiDAR based contour mapping as provided by the City, topographical survey data, and field observations. Survey data collected along Wagon Trail provided flow line elevations for the existing ditches and driveway culverts. This survey information was used to provide a more detailed examination of the flow patterns within the existing Wagon Trail ROW and to aid in the delineation of the drainage areas. A thorough site visit was conducted on July 22, 2015 to verify the existing drainage area boundaries, flow patterns, and land use conditions.

The land use of the contributing drainage areas is a mixture of commercial, residential, and open grassy areas. The contributing drainage areas are relatively flat and the drainage patterns consist of overland sheet flow to Wagon Trail. The roadside ditches along Wagon Trail collect the runoff from the contributing areas and convey the runoff to two outfall points located at FM 518 and Mary’s Creek. An existing drainage divide within the roadside ditches is located near Bardet Street. From this drainage divide, the existing roadside ditches drain north to FM 518 and south to Mary’s Creek. For the purpose of this drainage analysis, there are a total of four drainage outfall points. These four outfall points account for the ditches on the east and west side of Wagon Trail that drain to FM 518 and Mary’s Creek. The outfall points are identified as A, B, C, and D. The drainage area ID’s used for this analysis are named according to their respective outfall location. The drainage area map is provided as Exhibit 2.

Computed Peak Discharges

Peak runoff discharges were computed using the Rational Method. The Rational Method parameters include the drainage area, runoff coefficient (C-Value), time of concentration, and rainfall intensity. Runoff coefficients for the Wagon Trail roadway and contributing areas were based on current land use conditions. The offsite contributing drainage areas development types and impervious cover was determined by using aerial photography. The impervious cover along Wagon Trail was determined using topographic survey data. The C-Values selected for the offsite contributing areas were obtained from Chapter 5 of the COPEDCM and are listed Table 1 below.

Table 1 - Rational Method Runoff Coefficients “C-Values”

Land Use Description	C-value
Large Lot Residential	0.40
Small Lot Residential	0.50
Commercial	0.85
Wagon Trail Pavement	0.90
Open Grassy Areas	0.20

Time of concentrations for the Rational Method were determined by dividing the flow into two segments: overland and ditch flow. For the overland flow segment, an assumed velocity of 0.50 fps was used and a velocity of 1.0 fps was assumed for the ditches. Each flow segment travel time was summed to determine the total time of concentration for each drainage area. A 15-minute minimum time of concentration was considered for all drainage areas.

Rainfall intensity calculations for the Rational Method are dependent on the time of concentration. Rainfall Intensity Duration Frequency Curves (IDF) obtained from the City of Pearland Drainage Criteria Manual were used to determine rainfall intensities for each drainage area.

The peak runoff discharges were calculated for a 3-year storm event. Table 2 provides a summary of the peak discharges for each drainage area.

Driveway Culverts

The driveway culverts were evaluated to determine the proposed sizes based on hydraulic capacity in comparison with each driveway culverts peak discharge. The driveway culverts were determined based on full flow capacity

using a max size of 24" RCP due to the shallow ditches. An 18" RCP was set as the minimum size for this analysis. Multiple culverts were used in order to meet the hydraulic capacities. In some cases, more than two culverts were used even though this will most likely not fit within the ROW of Wagon Trail. The goal is to provide the flow area that is required for each of the driveway culverts needed to satisfy the hydraulic capacity requirements. Table 3 provides a summary of the driveway culvert sizes.

**Table 2 - Summary of Peak Discharges
 3-Year Storm Event**

NODE ID	CUMULATIVE AREA (ac)	TC (minutes)	CUMULATIVE C VALUE	INTENSITY (in/hr)	CUMULATIVE DISCHARGE (cfs)
DITCH A					
A-1	6.15	27.37	0.83	4.09	20.97
A-2	5.90	25.98	0.84	4.20	20.69
A-3	4.84	23.60	0.84	4.40	17.79
A-4	4.07	21.93	0.84	4.56	15.52
A-5	3.25	20.06	0.84	4.75	12.90
A-6	2.79	19.04	0.84	4.86	11.36
A-7	2.25	17.69	0.84	5.02	9.47
A-8	1.32	15.65	0.84	5.28	5.88
A-9	0.78	15.00	0.84	5.37	3.50
DITCH B					
B-1	22.91	41.45	0.46	3.3	34.90
B-2	22.81	40.48	0.46	3.3	34.77
B-3	22.51	39.66	0.46	3.34	34.70
B-4	22.15	38.64	0.46	3.39	34.60
B-5	21.60	38.09	0.46	3.47	34.46
B-6	21.6	37.11	0.46	3.47	34.45
B-7	21.29	36.25	0.46	3.52	34.36
B-8	18.85	35.14	0.45	3.58	30.69
B-9	15.84	32.92	0.45	3.71	26.35
B-10	15.52	31.71	0.45	3.78	26.29
B-11	9.62	31.18	0.42	3.82	15.31
B-12	2.96	29.18	0.42	3.95	4.96
B-13	2.81	27.73	0.42	4.06	4.80
B-14	2.72	26.76	0.42	4.13	4.70
B-15	2.68	26.34	0.42	4.17	4.65
B-16	2.62	25.68	0.42	4.22	4.59
B-17	2.39	23.11	0.41	4.44	4.34
B-18	1.74	21.54	0.4	4.59	3.20
B-19	0.78	18.49	0.38	4.92	1.46
B-20	0.19	15	0.27	5.37	0.28

Table 2 - Summary of Peak Discharges (Cont.)

NODE ID	CUMULATIVE AREA (ac)	TC (minutes)	CUMULATIVE C VALUE	INTENSITY (in/hr)	CUMULATIVE DISCHARGE (cfs)
DITCH C					
C-23	57.89	61.89	0.37	2.55	54.33
C-22	48.21	57.29	0.38	2.68	49.12
C-21	47.31	56.73	0.38	2.70	48.44
C-20	46.10	55.89	0.38	2.72	47.56
C-19	41.60	54.16	0.38	2.80	43.92
C-18	41.48	53.72	0.38	2.80	43.78
C-17	41.30	53.26	0.38	2.80	43.57
C-16	40.48	51.65	0.38	2.86	43.43
C-15	38.98	49.24	0.38	2.94	43.00
C-14	33.84	46.91	0.38	3.03	38.58
C-13	28.91	45.38	0.38	3.09	33.95
C-12	28.49	44.42	0.38	3.13	33.86
C-11	27.69	42.58	0.38	3.21	33.68
C-10	25.39	41.29	0.39	3.27	31.94
C-9	22.98	39.33	0.38	3.36	29.53
C-8	20.19	34.59	0.38	3.61	27.87
C-7	19.81	33.44	0.38	3.68	27.84
C-6	12.93	33.00	0.46	3.70	22.22
C-5	7.86	21.41	0.55	4.61	19.84
C-4	6.47	20.06	0.58	4.75	17.74
C-3	3.65	17.25	0.71	5.07	13.16
C-2	2.36	15.93	0.83	5.24	10.28
C-1	1.65	15.00	0.84	5.37	7.43
DITCH D					
D-21	22.17	52.59	0.46	2.83	28.55
D-20	19.67	50.72	0.45	2.89	25.79
D-19	18.8	49.26	0.46	2.94	25.22
D-18	18.31	48.35	0.46	2.97	24.92
D-17	17.92	47.69	0.46	3	24.66
D-16	16.69	45.36	0.46	3.09	23.87
D-15	15.37	44.67	0.47	3.12	22.43
D-14	12.72	43.76	0.48	3.16	19.34
D-13	11.6	40.17	0.49	3.32	18.78
D-12	10.71	39.12	0.5	3.37	17.86
D-11	8.34	36.55	0.48	3.5	14.08
D-10	6.9	35.02	0.41	3.58	10.12
D-9	5.06	32.63	0.4	3.73	7.50

Table 2 - Summary of Peak Discharges (Cont.)

NODE ID	CUMULATIVE AREA (ac)	TC (minutes)	CUMULATIVE C VALUE	INTENSITY (in/hr)	CUMULATIVE DISCHARGE (cfs)
DITCH D					
D-8	2.98	30.57	0.42	3.86	4.86
D-7	2.83	28.99	0.42	3.97	4.69
D-6	2.72	27.92	0.41	4.05	4.55
D-5	2.54	26.03	0.41	4.19	4.35
D-4	2.24	23.58	0.41	4.4	4.07
D-3	1.3	20.9	0.41	4.66	2.49
D-2	0.64	17.5	0.41	5.04	1.34
D-1	0.24	15	0.41	5.37	0.54

**Table 3 - Summary of Driveway Culverts
 3-Year Storm Event**

ID	STATION	CUMULATIVE AREA (ac)	CUMULATIVE DISCHARGE (cfs)	CULVERT N-VALUE	CULVERT SLOPE (FT/FT)	CULVERT QUANTITY	PIPE DIAMETER (FT)	CULVERT CAPACITY (CFS)
DITCH A								
A-1	10+53.48	6.15	20.97	0.013	0.002	3	2	30.43
A-2	11+68.49	5.90	20.69	0.013	0.002	3	2	30.43
A-3	13+58.70	4.84	17.79	0.013	0.002	2	2	20.29
A-4	14+85.40	4.07	15.52	0.013	0.002	2	2	20.29
A-5	16+22.77	3.25	12.90	0.013	0.002	2	2	20.29
A-6	16+98.81	2.79	11.36	0.013	0.002	2	2	20.29
A-7	17+88.60	2.25	9.47	0.013	0.002	1	2	10.14
A-8	18+94.92	1.32	5.88	0.013	0.002	1	2	10.14
A-9	19+51.43	0.78	3.50	0.013	0.002	1	2	10.14
DITCH B								
B-1	12+38.73	22.91	34.90	0.013	0.002	4	2	40.58
B-2	13+29.61	22.81	34.77	0.013	0.002	4	2	40.58
B-3	14+05.98	22.51	34.70	0.013	0.002	4	2	40.58
B-4	15+00.58	22.15	34.60	0.013	0.002	4	2	40.58
B-5	15+52.60	21.60	34.46	0.013	0.002	4	2	40.58
B-6	16+43.12	21.6	34.45	0.013	0.002	4	2	40.58
B-7	17+23.15	21.29	34.36	0.013	0.002	4	2	40.58
B-8	18+24.57	18.85	30.69	0.013	0.002	4	2	40.58
B-9	20+19.54	15.84	26.35	0.013	0.002	3	2	30.43
B-10	21+25.62	15.52	26.29	0.013	0.002	3	2	30.43
B-11	21+65.87	9.62	15.31	0.013	0.002	2	2	20.29
B-12	22+80.94	2.96	4.96	0.013	0.002	1	2	10.14

Table 3 - Summary of Driveway Culverts (Cont.)

ID	STATION	CUMULATIVE AREA (ac)	CUMULATIVE DISCHARGE (cfs)	CULVERT N-VALUE	CULVERT SLOPE (FT/FT)	CULVERT QUANTITY	PIPE DIAMETER (FT)	CULVERT CAPACITY (CFS)
DITCH B								
B-13	23+65.99	2.81	4.80	0.013	0.002	1	2	10.14
B-14	24+21.10	2.72	4.70	0.013	0.002	1	1.5	4.71
B-15	24+46.45	2.68	4.65	0.013	0.002	1	1.5	4.71
B-16	24+85.16	2.62	4.59	0.013	0.002	1	1.5	4.71
B-17	26+27.73	2.39	4.34	0.013	0.002	1	1.5	4.71
B-18	27+06.97	1.74	3.20	0.013	0.002	1	1.5	4.71
B-19	28+42.37	0.78	1.46	0.013	0.002	1	1.5	4.71
B-20	29+43.09	0.19	0.28	0.013	0.002	1	1.5	4.71
DITCH C								
C-23	56+26.06	57.89	54.33	0.013	0.002	6	2	60.87
C-22	51+67.87	48.21	49.12	0.013	0.002	5	2	50.72
C-21	51+12.10	47.31	48.44	0.013	0.002	5	2	50.72
C-20	50+29.39	46.10	47.56	0.013	0.002	5	2	50.72
C-19	48+60.56	41.60	43.92	0.013	0.002	5	2	50.72
C-18	48+17.50	41.48	43.78	0.013	0.002	5	2	50.72
C-17	47+72.61	41.30	43.57	0.013	0.002	5	2	50.72
C-16	46+16.11	40.48	43.43	0.013	0.002	5	2	50.72
C-15	43+82.47	38.98	43.00	0.013	0.002	5	2	50.72
C-14	41+61.04	33.84	38.58	0.013	0.002	4	2	40.58
C-13	40+20.16	28.91	33.95	0.013	0.002	4	2	40.58
C-12	38+77.79	28.49	33.86	0.013	0.002	4	2	40.58
C-11	37+07.80	27.69	33.68	0.013	0.002	4	2	40.58
C-10	35+89.80	25.39	31.94	0.013	0.002	4	2	40.58
C-9	34+14.98	22.98	29.53	0.013	0.002	3	2	30.43
C-8	29+92.70	20.19	27.87	0.013	0.002	3	2	30.43
C-7	28+91.23	19.81	27.84	0.013	0.002	3	2	30.43
C-6	28+34.06	12.93	22.22	0.013	0.002	3	2	30.43
C-5	26+04.06	7.86	19.84	0.013	0.002	2	2	20.29
C-4	24+96.86	6.47	17.74	0.013	0.002	2	2	20.29
C-3	22+86.30	3.65	13.16	0.013	0.002	2	2	20.29
C-2	21+91.18	2.36	10.28	0.013	0.002	2	2	20.29
C-1	21+04.90	1.65	7.43	0.013	0.002	1	2	10.14
DITCH D								
D-21	56+40.00	22.17	28.55	0.013	0.002	3	2	30.43
D-20	53+91.00	19.67	25.79	0.013	0.002	3	2	30.43
D-19	52+66.53	18.8	25.22	0.013	0.002	3	2	30.43

Table 3 - Summary of Driveway Culverts (Cont.)

ID	STATION	CUMULATIVE AREA (ac)	CUMULATIVE DISCHARGE (cfs)	CULVERT N-VALUE	CULVERT SLOPE (FT/FT)	CULVERT QUANTITY	PIPE DIAMETER (FT)	CULVERT CAPACITY (CFS)
DITCH D								
D-18	51+89.96	18.31	24.92	0.013	0.002	3	2	30.43
D-17	51+33.69	17.92	24.66	0.013	0.002	3	2	30.43
D-16	49+37.45	16.69	23.87	0.013	0.002	3	2	30.43
D-15	48+79.74	15.37	22.43	0.013	0.002	3	2	30.43
D-14	48+07.16	12.72	19.34	0.013	0.002	2	2	20.29
D-13	45+22.82	11.6	18.78	0.013	0.002	2	2	20.29
D-12	44+39.60	10.71	17.86	0.013	0.002	2	2	20.29
D-11	42+47.32	8.34	14.08	0.013	0.002	2	2	20.29
D-10	41+38.68	6.9	10.12	0.013	0.002	1	2	10.14
D-9	39+78.95	5.06	7.50	0.013	0.002	1	2	10.14
D-8	38+62.54	2.98	4.86	0.013	0.002	1	2	10.14
D-7	37+72.64	2.83	4.69	0.013	0.002	1	1.5	4.71
D-6	37+09.96	2.72	4.55	0.013	0.002	1	1.5	4.71
D-5	36+05.19	2.54	4.35	0.013	0.002	1	1.5	4.71
D-4	34+71.00	2.24	4.07	0.013	0.002	1	1.5	4.71
D-3	32+72.48	1.3	2.49	0.013	0.002	1	1.5	4.71
D-2	31+34.52	0.64	1.34	0.013	0.002	1	1.5	4.71
D-1	30+49.54	0.24	0.54	0.013	0.002	1	1.5	4.71

RECOMMENDATIONS

The Wagon Trail Road drainage system is under sized and is in need of repair. There is a large amount of drainage area that is coming to the open ditch system that discharges into Mary’s Creek and into the FM 518 ditch system. As shown in Table 3 in the drainage analysis section, the amount of pipes needed at each culvert crossing exceeds the size the ditch currently allows and would require additional right of way to be put in place.

The recommendations of this report are two fold and are described below:

Short Term/ Immediate Recommendations

The original design frequency for the ditches in this area are unknown. For the purpose of the engineering calculations in this report it is assumed that the Wagon Trail ditches can hold a 3-year frequency storm and the ditches along FM 518 can hold a 5-year frequency storm to stay consistent with the City of Pearland Storm Sewer Design Criteria, Chapter 5, Section 5.5.2, Design of Storm Sewers. The flooding issues will not be resolved without a major capital improvement initiative that will increase the storm frequency that the systems can handle. Any storms that exceed the current design frequencies will result in the surrounding ditches and storm sewer systems to flow at or above capacity. The short term and immediate recommendation is to make sure that the ditches on Wagon

Trail and the south ditch along FM 518 from Wagon Trail to the Corrigan By-Pass are included in the City's ditch maintenance program and are adjusted by referring to the Culvert Flow spreadsheet. Ditches may also be widened in the field to help increase the storage capacity and allow for the installation of additional culverts but these modifications need to be field engineered by the Engineer of Record and will only improve the system's efficiency but not correct the current situation. Based on the results from Table 3 and the recommendations of the culvert improvements in the Exhibit 1; Exhibits 3 and 4 are the preliminary installation costs for Wagon Trail Road culverts. These costs do not include any recommended adjustments on cross streets as they will need to be evaluated and adjusted on an as need basis to improve the drainage on Wagon Trail Road.

Additionally, stakeholders in the area should evaluate their individual property's drainage systems for deficiencies and low spots that can and will cause localized spot flooding independent of the Drainage District's or City's drainage systems.

Long Term Recommendations

The long term recommendation is to extend the current study into a Phase II Study focusing on the possibility of diverting some of the existing drainage areas away from the Wagon Trail ditch system and redirecting it to the Corrigan Creek By-Pass System. This will allow the team to reanalyze the capacity needs of the Wagon Trail ditch system and ultimately reduce any potential for future flooding. This study should look at the diversion of the drainage on Cantu, Ochoa, and Fite and the diversion of drainage on Hatfield and possibly from FM 518 into Corrigan Creek By-Pass.

Should the Phase II Study confirm that diversions will provide needed relief to the Wagon Trail Ditch System then Phase III, which will be the design of the diversions identified in the Phase II Study, should be implemented.

MBCO and IEA are pleased to provide the City of Pearland Public Works this report and should you have any questions or concerns please contact Brock Crenek, PE at brock.crenek@mbcoengineering.com or via phone at 832-607-2047. Again thank you for the opportunity to help better the City of Pearland and we look forward to working with you in the future.

EXHIBITS

Exhibit 1 – Culvert Flow Calculations

Exhibit 2 – Drainage Area Map

Exhibit 3 – RCP Installed Cost Estimate

Exhibit 4 – HDPE Installed Cost Estimate

Wagon Trail Road Drainage Improvement from Bardet Road to the outfall at Fite Road Bridge



Prepared By: Engineering and Project Department
City of Pearland
3523 Liberty Dr
Pearland, Texas 77581

November 5, 2014

Wagon Trail Drainage Improvement from Bardet Road to the outfall at Fite Road Bridge

Introduction

Wagon Trail between FM 518 and Fite Rd can be divided into two segments in terms of drainage area boundary. Based on the survey, lidar, field visit and the drainage report titled "Wagon Trail Road Ditch Drainage Analysis" dated September 16, 2015 and prepared by MBCO Engineering, LLC, the area north of Bardet Rd drains into FM 518 roadside ditch whereas the area south of Bardet Rd drains into roadside ditch of Fite Rd through a 24" CMP across Wagon Trail. Based on the drainage report, discussion within the city as well as using engineering judgment, it will not be wise to initiate the drainage improvement on the north side of Bardet Rd without a good drainage master plan to take care of flooding issue near FM 518 as well as Cantu Road and Ocho Road.

The city revisited the drainage report prepared by MBCO and revised the drainage calculation to design culvert size along Wagon Trail between Bardet Rd and Fite Rd. In addition, GIS survey was done along Fite Rd between the Wagon Trail/ Fite Rd intersection and east outfall near the Fite Rd bridge.

Findings:

1. Approximately 19.83 Acres of drainage area is draining into Fite Rd system from west side of Wagon Trail through a 24" CMP which is at the condition of failure due to corrosion and as well as silt deposit.
2. Approximately 24.76 Acres of drainage area is draining into Fite Rd system from east and west side of Wagon Trail from the intersection with culvert pipe as small as 18" diameter.
3. The existing pipe size varies between 15" diameters to 24" diameter with some of the pipes installed reverse flow direction.

Proposed Solutions:

1. The culvert size along east and west side Wagon Trail as well as north side of Fite Rd has been designed to handle 3-year storm event.
2. Minimum pipe size is kept as 24" diameter to increase the capacity of the culvert. The culverts along north side of Fite Rd are designed as 36" diameter.
3. Majority of culvert size along west side of Wagon trail as well as the cross culvert across Wagon Trail has been increased to 30" diameter.

Limitations:

1. Proposed recommendation will improve the drainage condition of the area but may not be able to flood proof the area as the system is designed for 3-year storm event. It is expected to see some temporary ponding in the vicinity of drainage ditch during higher storm event (10-year, 100-year and above).

Wagon Trail Drainage Calculation

Based on MBCO Drainage Area divide version 9/16/2015

System D

Total drainage area from D1 to D7 up to Fite Rd on east side	4.28 AC
Redirect drainage area B-15 to system D	0.65 AC
New Total Area	4.93 AC
Length of overland flow	360 FT
Length of ditch flow	950 FT
Overland Flow velocity	0.5 fps
Ditch flow velocity	1 fps
Time of concentration	33.83 min
Rainfall intensity (3-yr DD4 criteria)	3.72 inch/hr
Runoff coefficient (from MBOC report)	0.43
Peak discharge	7.89 cfs

System C

Total drainage area from C1 to C6 up to Fite Rd	19.83 AC
DA C-6 essentially flow south to north through 24" RCP. So, it is assumed to be a part of Fite Road North ditch system. MBCO's cal for DA C-6 appears to be erroneous (5.07 ac where as it should be about 1.5 AC)	
New Total Area	19.83 AC
Length of overland flow	630 FT
Length of ditch flow	950 FT
Overland Flow velocity	0.5 fps
Ditch flow velocity	1 fps
Time of concentration	36.08 min
Rainfall intensity (3-yr DD4 criteria)	3.6 inch/hr
Runoff coefficient (from MBCO report)	0.31
Peak discharge	22.13 cfs

Routing of System C and System D

Drainage Area	24.76 AC
Time of concentration (greater of Sys C and Sys D)	36.08 min
Rainfall intensity (3-yr DD4 criteria)	3.6 inch/hr
Runoff coefficient (large residential lot with roadway)	0.35
Peak Discharge	31.198 cfs

Estimate of Pipe Capacity for Wagon Trail Ditch Improvement

D (ft)	A	R	s	Pipe Ca. Q	
1.5	1.76715	0.375	0.0015	4.08	2.308391
2	3.1416	0.5	0.0015	9.52	3.029451
2.5	4.90875	0.625	0.0015	15.93	3.244954
3	7.0686	0.75	0.0015	25.90	3.664342

1.5	1.76715	0.375	0.002	4.71	2.6655
2	3.1416	0.5	0.002	10.99	3.498109
2.5	4.90875	0.625	0.002	18.39	3.74695
3	7.0686	0.75	0.002	29.91	4.231218

1.5	1.76715	0.375	0.001	3.33	1.884793
2	3.1416	0.5	0.001	7.77	2.473537
2.5	4.90875	0.625	0.001	13.01	2.649494
3	7.0686	0.75	0.001	21.15	2.991923

Ditch Capacity

W	H	A	P	R	s	v	Q
	8	6	48	28	1.714286	0.001	5.609098 269.2367
	9	4	36	26	1.384615	0.0009	4.260064 153.3623

H 2.5
 Cd 0.64
 D 0.5
 A 0.19635
 Q 1.593754 cfs

Culvert Pipe Size Estimate for Wagon Trail Drainage Improvement

System	Pipe ID	Pipe dia (inches)	Actual Length (ft)	Length to ordered (ft)
D	D1	24	30	30
	D2	24	26	30
	D3	24	26	30
	D3A	24	25	30
	D4	24	28	30
	D5	24	28	30
	D6	24	26	30
	D6A	24	30	30
	D7	24	25	30
C	C1	24	50	54
	C2	24	55	30
	C3	30	48	48
	C4	30	27	30
	C5	30	39	42
E	E1	36	30	30
	E2	36	33	36
	E3	36	29	30
	E4	36	29	30
	E5	36	29	30
Across Wagon Trail		30	40	42
Total		24	349	354
		30	154	162
		36	150	156
			653	672

Assumption: No replacement of the existing SET and 36" from SET to inlet.

**Table 2 - Summary of Peak Discharges
 3-Year Storm Event**

CULVERT ID	CUMULATIVE AREA (ac)	TC (minutes)	CUMULATIVE C VALUE	INTENSITY (in/hr)	CUMULATIVE DISCHARGE (cfs)
DITCH A					
A-1	14.02	39.36	0.66	3.36	31.09
A-2	13.77	38.09	0.66	3.42	31.08
A-3	12.7	35.98	0.65	3.53	29.14
A-4	11.94	34.55	0.64	3.61	27.59
A-5	11.11	32.98	0.62	3.71	25.56
A-6	10.65	32.1	0.61	3.76	24.43
A-7	10.11	31.04	0.6	3.83	23.23
A-8	8.64	29.04	0.56	3.96	19.16
A-9	6.21	26.87	0.45	4.13	11.54
A-10	5.51	25.57	0.41	4.23	9.56
A-11	4.22	24.13	0.41	4.35	7.53
A-12	1.4	20	0.41	4.75	2.73
DITCH B					
B-1	21.16	35.52	0.47	3.56	35.73
B-2	21.06	34.54	0.47	3.61	35.73
B-3	20.77	33.73	0.47	3.66	35.73
B-4	20.4	32.72	0.47	3.72	35.67
B-5	19.85	31.19	0.46	3.82	34.88
B-6	19.55	30.34	0.46	3.87	34.80
B-7	17.11	29.22	0.46	3.95	31.09
B-8	14.1	27	0.45	4.12	26.14
B-10	7.88	24.95	0.42	4.28	14.17
B-11	1.22	22.65	0.46	4.49	2.52
B-12	1.07	20.88	0.45	4.66	2.24
B-13	0.98	19.74	0.45	4.78	2.11
B-14	0.87	18.37	0.45	4.94	1.93
B-15	0.65	15	0.43	5.37	1.50
DITCH C					
C-18	50.02	65.59	0.34	2.46	41.84
C-17	40.35	60.7	0.35	2.58	36.44
C-16	39.44	60.1	0.35	2.6	35.89
C-15	38.24	59.21	0.34	2.63	34.19
C-14	33.74	57.33	0.34	2.69	30.86
C-13	33.61	56.86	0.34	2.69	30.74
C-12	33.43	56.36	0.34	2.71	30.80
C-11	32.62	54.62	0.33	2.76	29.71
C-10	31.11	52.02	0.33	2.85	29.26
C-9	25.97	49.45	0.32	2.93	24.35
C-8	21.05	47.74	0.32	3	20.21
C-7	20.62	46.6	0.32	3.04	20.06
C-6	19.83	44.52	0.31	3.12	19.18
C-5	17.53	43.04	0.31	3.19	17.34
C-4	15.12	40.67	0.3	3.29	14.92

Table 2 - Summary of Peak Discharges (Cont.)

CULVERT ID	CUMULATIVE AREA (ac)	TC (minutes)	CUMULATIVE C VALUE	INTENSITY (in/hr)	CUMULATIVE DISCHARGE (cfs)
DITCH C					
C-3	12.32	35	0.28	3.59	12.38
C-2	11.95	33.61	0.27	3.67	11.84
C-1	5.07	33	0.33	3.7	6.19
DITCH D					
D-24	23.91	52.99	0.43	2.81	28.89
D-23	21.41	50.03	0.44	2.91	27.45
D-22	20.54	48.6	0.45	2.97	27.45
D-21	20.05	47.73	0.45	3	27.07
D-20	19.67	47.09	0.45	3.02	26.73
D-19	18.43	44.84	0.45	3.11	25.79
D-18	17.11	44.17	0.45	3.14	24.18
D-17	14.46	43.3	0.46	3.18	21.15
D-16	13.34	39.88	0.47	3.33	20.88
D-15	12.45	38.86	0.47	3.38	19.78
D-14	10.08	36.37	0.46	3.51	16.28
D-13	8.64	34.91	0.39	3.59	12.10
D-12	6.8	32.56	0.38	3.73	9.64
D-11	4.73	30.72	0.39	3.85	7.10
D-10	4.57	29.27	0.39	3.95	7.04
D-9	4.46	28.24	0.38	4.02	6.81
D-7	4.28	26.63	0.38	4.14	6.73
D-6	3.99	24.51	0.38	4.32	6.55
D-5	3.04	22.3	0.37	4.52	5.08
D-4	2.39	19.78	0.36	4.78	4.11
D-3	1.99	18.19	0.35	4.96	3.45
D-2	1.55	16.55	0.34	5.16	2.72
D-1	0.96	15	0.41	5.37	2.11

**Table 3 - Summary of Driveway Culverts
 3-Year Storm Event**

CULVERT ID	STATION	CUMULATIVE AREA (ac)	CUMULATIVE DISCHARGE (cfs)	CULVERT N-VALUE	CULVERT SLOPE (FT/FT)	CULVERT QUANTITY	PIPE DIAMETER (FT)	CULVERT CAPACITY (CFS)
DITCH A								
A-1	0+71.30	14.02	31.09	0.013	0.002	4	2	40.58
A-2	1+86.41	13.77	31.08	0.013	0.002	4	2	40.58
A-3	3+76.74	12.7	29.14	0.013	0.002	3	2	30.43
A-4	5+03.44	11.94	27.59	0.013	0.002	3	2	30.43
A-5	6+40.74	11.11	25.56	0.013	0.002	3	2	30.43
A-6	7+16.72	10.65	24.43	0.013	0.002	3	2	30.43
A-7	8+06.51	10.11	23.23	0.013	0.002	3	2	30.43
A-8	9+69.38	8.64	19.16	0.013	0.002	2	2	20.29
A-9	11+22.78	6.21	11.54	0.013	0.002	2	2	20.29
A-10	12+09.04	5.51	9.56	0.013	0.002	1	2	10.14
A-11	13+04.16	4.22	7.53	0.013	0.002	1	2	10.14
A-12	15+14.64	1.4	2.73	0.013	0.002	1	1.5	4.71
DITCH B								
B-1	2+56.68	21.16	35.73	0.013	0.002	4	2	40.58
B-2	3+47.56	21.06	35.73	0.013	0.002	4	2	40.58
B-3	4+23.82	20.77	35.73	0.013	0.002	4	2	40.58
B-4	5+18.42	20.4	35.67	0.013	0.002	4	2	40.58
B-5	6+61.02	19.85	34.88	0.013	0.002	4	2	40.58
B-6	7+41.12	19.55	34.80	0.013	0.002	4	2	40.58
B-7	8+42.49	17.11	31.09	0.013	0.002	4	2	40.58
B-8	10+37.53	14.1	26.14	0.013	0.002	3	2	30.43
B-10	11+83.87	7.88	14.17	0.013	0.002	2	2	20.29
B-11	12+98.95	1.22	2.52	0.013	0.002	1	1.5	4.71
B-12	13+83.95	1.07	2.24	0.013	0.002	1	1.5	4.71
B-13	14+39.05	0.98	2.11	0.013	0.002	1	1.5	4.71
B-14	15+03.25	0.87	1.93	0.013	0.002	1	1.5	4.71
B-15	16+45.72	0.65	1.50	0.013	0.002	1	1.5	4.71
DITCH C								
C-18	46+42.00	50.02	41.84	0.013	0.002	5	2	50.72
C-17	41+85.88	40.35	36.44	0.013	0.002	4	2	40.58
C-16	41+30.16	39.44	35.89	0.013	0.002	4	2	40.58
C-15	40+47.45	38.24	34.19	0.013	0.002	4	2	40.58
C-14	38+78.55	33.74	30.86	0.013	0.002	4	2	40.58
C-13	38+35.49	33.61	30.74	0.013	0.002	4	2	40.58
C-12	37+90.60	33.43	30.80	0.013	0.002	4	2	40.58

Table 3 - Summary of Driveway Culverts (Cont.)

CULVERT ID	STATION	CUMULATIVE AREA (ac)	CUMULATIVE DISCHARGE (cfs)	CULVERT N-VALUE	CULVERT SLOPE (FT/FT)	CULVERT QUANTITY	PIPE DIAMETER (FT)	CULVERT CAPACITY (CFS)
DITCH C								
C-11	36+34.10	32.62	29.71	0.013	0.002	3	2	30.43
C-10	34+00.40	31.11	29.26	0.013	0.002	3	2	30.43
C-9	31+79.06	25.97	24.35	0.013	0.002	3	2	30.43
C-8	30+38.19	21.05	20.21	0.013	0.002	2	2	20.29
C-7	28+95.73	20.62	20.06	0.013	0.002	2	2	20.29
C-6	27+25.87	19.83	19.18	0.013	0.002	2	2	20.29
C-5	26+12.93	17.53	17.34	0.013	0.002	2	2	20.29
C-4	24+32.73	15.12	14.92	0.013	0.002	2	2	20.29
C-3	20+10.61	12.32	12.38	0.013	0.002	2	2	20.29
C-2	19+09.14	11.95	11.84	0.013	0.002	2	2	20.29
C-1	18+52.08	5.07	6.19	0.013	0.002	2	1.5	9.42
DITCH D								
D-24	46+73.25	23.91	28.89	0.013	0.002	3	2	30.43
D-23	44+08.76	21.41	27.45	0.013	0.002	3	2	30.43
D-22	42+84.31	20.54	27.45	0.013	0.002	3	2	30.43
D-21	42+07.88	20.05	27.07	0.013	0.002	3	2	30.43
D-20	41+51.61	19.67	26.73	0.013	0.002	3	2	30.43
D-19	39+55.38	18.43	25.79	0.013	0.002	3	2	30.43
D-18	38+97.67	17.11	24.18	0.013	0.002	3	2	30.43
D-17	38+25.10	14.46	21.15	0.013	0.002	3	2	30.43
D-16	35+40.85	13.34	20.88	0.013	0.002	3	2	30.43
D-15	34+57.63	12.45	19.78	0.013	0.002	2	2	20.29
D-14	32+65.31	10.08	16.28	0.013	0.002	2	2	20.29
D-13	31+56.57	8.64	12.10	0.013	0.002	2	2	20.29
D-12	29+96.84	6.8	9.64	0.013	0.002	2	1.5	9.42
D-11	28+80.51	4.73	7.10	0.013	0.002	2	1.5	9.42
D-10	27+90.61	4.57	7.04	0.013	0.002	2	1.5	9.42
D-9	27+27.81	4.46	6.81	0.013	0.002	2	1.5	9.42
D-7	26+23.00	4.28	6.73	0.013	0.002	2	1.5	9.42
D-6	24+89.15	3.99	6.55	0.013	0.002	2	1.5	9.42
D-5	22+90.28	3.04	5.08	0.013	0.002	2	1.5	9.42
D-4	21+52.49	2.39	4.11	0.013	0.002	1	1.5	4.71
D-3	20+67.51	1.99	3.45	0.013	0.002	1	1.5	4.71
D-2	19+61.06	1.55	2.72	0.013	0.002	1	1.5	4.71
D-1	18+60.24	0.96	2.11	0.013	0.002	1	1.5	4.71

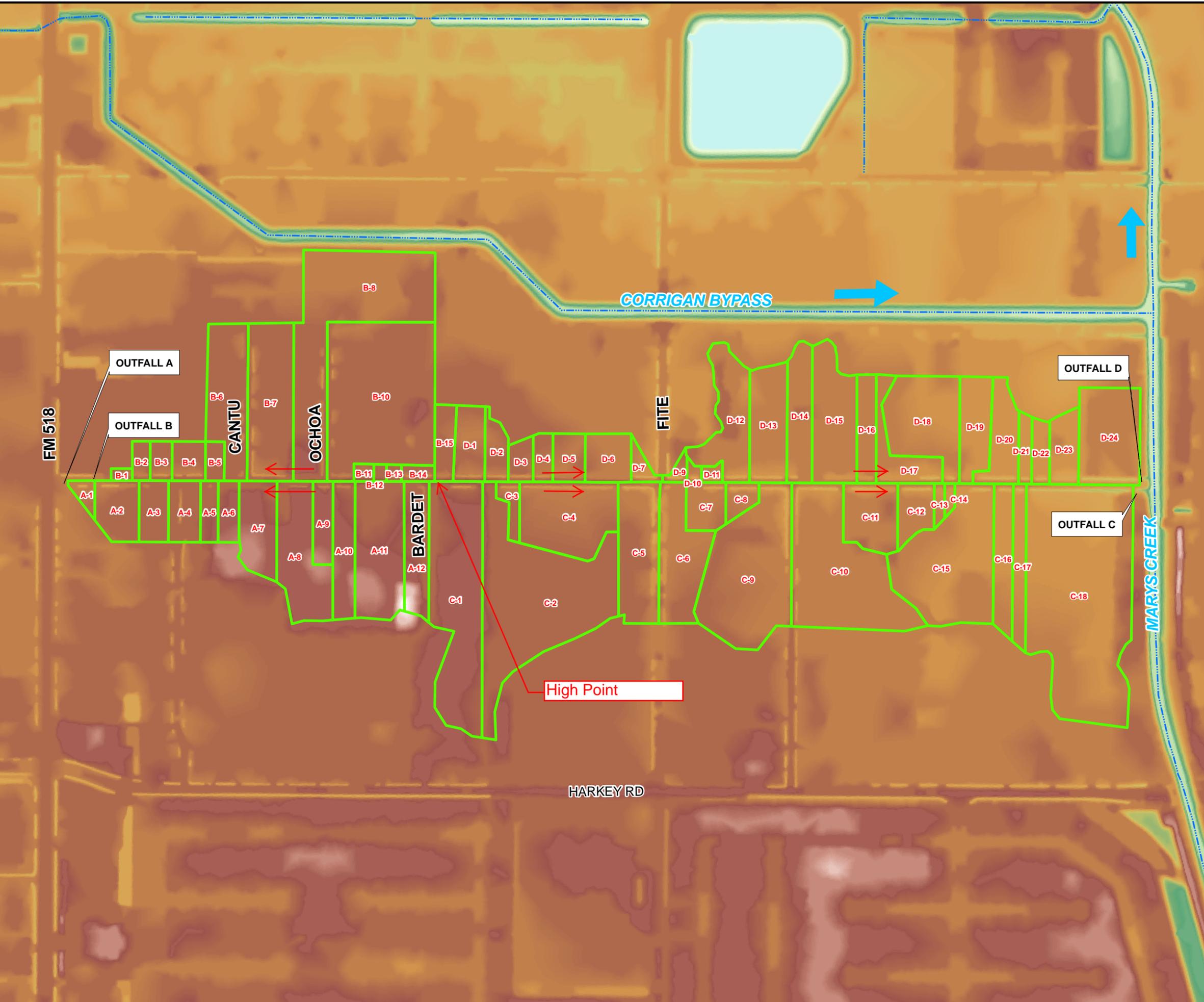
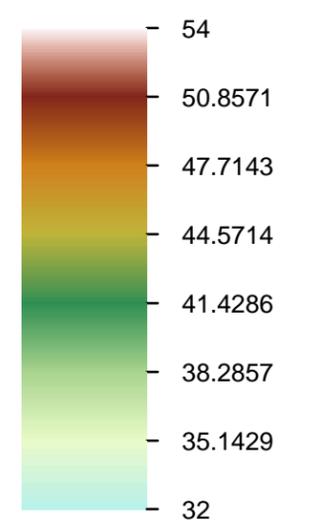


1 inch = 400 feet

LEGEND

-  DRAINAGE BOUNDARY
-  FLOW DIRECTION
-  STREAM

ELEVATIONS



IEA 1225 NORTH LOOP WEST, SUITE 320
HOUSTON, TX 77008
832-494-3800 FIRM REGISTRATION No. F-10161

WAGON TRAIL DRAINAGE ANALYSIS

Exhibit E



City of Pearland

3519 Liberty Drive
Pearland, Texas 77581
Tel: 281.625.1641
pearlandtx.gov

November 20, 2015

Mona and Sergio Chavaria
A & A Cleaning Services
2810 Wagon Trail Road
Pearland, TX 77584

Dear Mr. & Mrs. Chavaria:

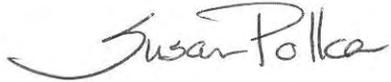
Beginning the week of November 23, 2015, the City of Pearland will commence a ditch and culvert maintenance project along Wagon Trail Road and Fite Road with preliminary preparation currently underway. Ditches will be regraded and culverts replaced along the east and west sides of Wagon Trail Road between Bardet Road and Fite Road as well as the north side of Fite Road from Wagon Trail Road to the Corrigan Diversion ditch. In addition to the ditch/culvert work, a damaged culvert at the intersection of Wagon Trail Road and Fite Road will be replaced requiring periodic road closures and detours. Several of the culverts will be up-sized to allow flow for a 3-year storm design which is the City's standard on residential streets. Weather permitting, this work should be completed by December 31st.

This work should allow for improved conveyance of storm water in the immediate area around Wagon Trail Road and Fite Road. The maintenance work and basic improvements that we have and are undertaking with our operations staff is of scope within the existing public right-of-way to improve drainage without causing unintended negative consequences. However, what we are going to undertake this year is not a solution to the flooding that you have been experiencing on your property further to the north. Properties with localized water during intense rainfalls may still have episodes, particularly for properties that have additional impervious surfaces or grades below roadways. As we have shared, you can continue to review your options for stormwater management on your property with whatever professional design assistance you deem appropriate.

The City is in the process of preparing a City-wide Master Drainage Plan. As a part of this plan, your neighborhood will be studied and potential drainage solutions will be identified. Staff will utilize this information to develop and prioritize future Capital Improvement projects.

If you have any questions, please contact me at 281-652-1641 or spolka@pearlandtx.gov.

Sincerely,

A handwritten signature in black ink that reads "Susan Polka". The signature is written in a cursive, flowing style.

Susan Polka, P.E.
Director of Engineering

Cc: Trent Epperson, Asst. City Manager
Mike Leech, Asst. Public Works Director
Andrea Broughton, Brazoria County Drainage District #4



City of Pearland

3519 Liberty Drive
Pearland, Texas 77581
Tel: 281.625.1641
pearlandtx.gov

November 20, 2015

Sandy and Roland Cavazos
A-Better Plumbing
5828 W. Broadway Street
Pearland, TX 77581

Dear Mr. & Mrs. Cavazos:

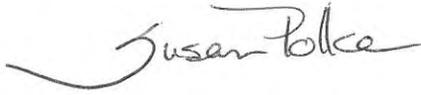
Beginning the week of November 23, 2015, the City of Pearland will commence a ditch and culvert maintenance project along Wagon Trail Road and Fite Road with preliminary preparation currently underway. Ditches will be regraded and culverts replaced along the east and west sides of Wagon Trail Road between Bardet Road and Fite Road as well as the north side of Fite Road from Wagon Trail Road to the Corrigan Diversion ditch. In addition to the ditch/culvert work, a damaged culvert at the intersection of Wagon Trail Road and Fite Road will be replaced requiring periodic road closures and detours. Several of the culverts will be up-sized to allow flow for a 3-year storm design which is the City's standard for residential streets. Weather permitting, this work should be completed by December 31st.

This work should allow for improved conveyance of storm water in the immediate area around Wagon Trail Road and Fite Road. The maintenance work and basic improvements that we have and are undertaking with our operations staff is of scope within the existing public right-of-way to improve drainage without causing unintended negative consequences. However, what we are going to undertake this year is not a solution to the flooding that you have been experiencing on your property further to the north. Properties with localized water during intense rainfalls may still have episodes, particularly for properties that have additional impervious surfaces or grades below roadways. As we have shared, you can continue to review your options for stormwater management on your property with whatever professional design assistance you deem appropriate.

The City is in the process of preparing a City-wide Master Drainage Plan. As a part of this plan, your neighborhood will be studied and potential drainage solutions will be identified. Staff will utilize this information to develop and prioritize future Capital Improvement projects.

If you have any questions, please contact me at 281-652-1641 or spolka@pearlandtx.gov.

Sincerely,

A handwritten signature in black ink that reads "Susan Polka". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Susan Polka, P.E.
Director of Engineering

Cc: Trent Epperson, Asst. City Manager
Mike Leech, Asst. Public Works Director
Andrea Broughton, Brazoria County Drainage District #4

RESOLUTION NO. R2015-232

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 Halff Associated, in the amount of \$106,575.00 for engineering services associated with the joint City of Pearland/Brazoria Drainage District No. 4 Master Drainage Plan Project Phase I.

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

Section 1. That certain contract for engineering services associated with the joint City of Pearland/Brazoria Drainage District No. 4 Master Drainage Plan Project Phase I, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest a contract for engineering services associated with the joint City of Pearland/Brazoria Drainage District No. 4 Master Drainage Plan Project Phase I.

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

DRAFT



City of Pearland/Brazoria Drainage District #4 Master Drainage Plan

RESPONSIVE

RESULTS-ORIENTED

TRUST-BUILDERS

ACCOUNTABLE

Master Drainage Plan



- Phase I
 - Data Collection
 - Digitize and combine previous studies and models
 - Analysis and verification of data

Master Drainage Plan



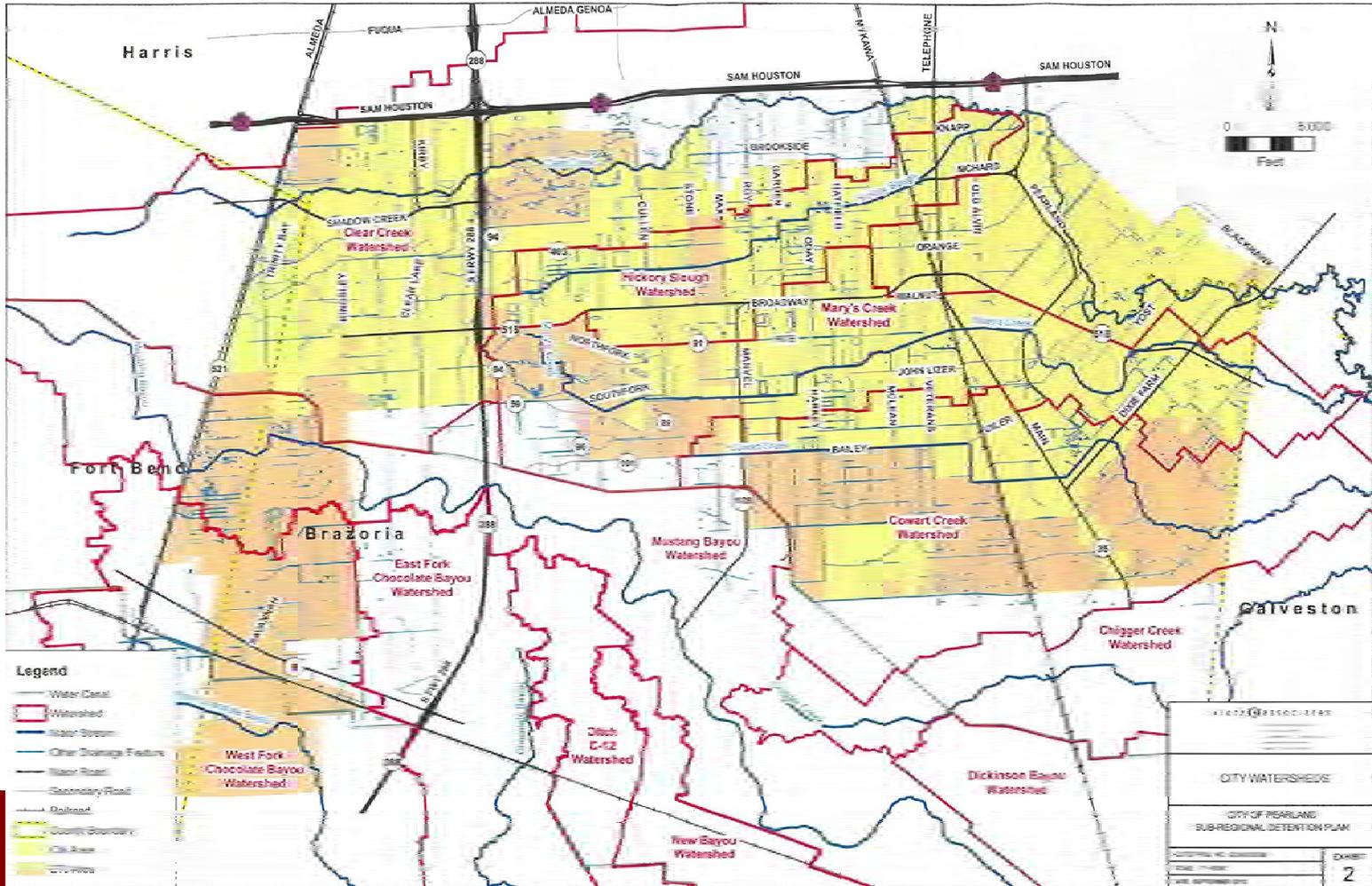
- Phase I (Cont.)
 - Develop base engineering model
 - Recommendation of potential areas of focus
 - Flood Protection Planning Grant Application
 - Wagon Trail Analysis

Master Drainage Plan



- Phase II (Future)
 - Update Models – Based on watersheds
 - Develop and Prioritize Projects
 - Nuisance Flooding
 - Street Flooding
 - Structure Flooding

Master Drainage Plan Watersheds



Ongoing Items



- Mary's Creek Watershed
- Town Ditch Watershed
- Clear Creek Watershed

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

AGENDA OF:	December 14, 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 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			
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:			
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> 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	\$5,146,938
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

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

AGENDA OF:	December 14, 2015	ITEM NO.:	R2015-230
DATE SUBMITTED:	November 20, 2015	DEPT. OF ORIGIN:	Public Works
PREPARED BY:	Mark Wahlstrom	PRESENTOR:	Eric Wilson
REVIEWED BY:	Trent Epperson	REVIEW DATE:	December 10, 2015
SUBJECT: RESOLUTION NO. R2015-230 - A Resolution of the City Council of the City of Pearland, Texas, awarding a Bid for Dewatered Bio-Solids Disposal Services to Solid Recovery Services, Inc. in the estimate amount of \$461,000.00 beginning December 15, 2015 through December 14, 2016.			
EXHIBITS: Resolution R2015-230, Exhibit A - Bid Tabulation 1016-03, Exhibit B - Reference Checks, Exhibit C - Email Phone Log spread sheet, Exhibit D: Sludge Picture Explanation Letter			
FUNDING: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="display: flex; align-items: center;"> <input type="checkbox"/> Grant <input type="checkbox"/> Bonds To Be Sold </div> <div style="display: flex; align-items: center;"> <input type="checkbox"/> Developer/Other <input type="checkbox"/> Bonds- Sold </div> <div style="display: flex; align-items: center;"> <input type="checkbox"/> Cash <input type="checkbox"/> L/P – Sold </div> <div style="display: flex; align-items: center;"> <input checked="" type="checkbox"/> L/P – To Be Sold </div> </div>			
EXPENDITURE REQUIRED: \$461,000 (est.) AMOUNT BUDGETED: \$379,000(FY2016) <div style="text-align: right; margin-right: 100px;">\$82,000(FY2017)</div> AMOUNT AVAILABLE: \$379,000 (FY2016) PROJECT NO.: <div style="text-align: center; margin-left: 100px;">\$82,000 (FY2017)</div> ACCOUNT NO.: 030-4042-555.11-00 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

The City of Pearland has five wastewater treatment facilities, four of which include dewatering facilities for bio-solid waste. At these four sites a vendor is contracted to provide roll off boxes, as well as, hauling services to a landfill when the boxes become full. Due to the growth of the City, over the past five years, there has been an approximate 10% increase each year on production volumes. This increases costs as more trips to the landfill are required. Three bids were received for this work, one of which is from the current vendor, Republic Services. Republic Services' performance over the past year has not met expectations and has not been compliant with the terms of the contract. Public Works recommends award to Solid Recovery Services, Inc. for this reason, as well as the others listed below.

Factors contributing to the recommended award are enumerated in Exhibits C and D, but specifically include the following:

- 1) Republic has, on numerous documented occasions, been late in delivering boxes when service was requested by the City. (this is critical to the effective operation of the water reclamation facilities)
- 2) Public Works Administration has received numerous complaints about the Republic truck drivers from the facilities' staff.
- 3) The drivers, when picking up boxes forgot to check the tailgate locking mechanisms to make sure it was secure prior to departure causing sludge to be spilled several times.

SCOPE OF CONTRACT

One (1) year agreement for the purchase of bio-solids disposal services as needed by the City's Public Works Department.

BID AND AWARD

The City received three responses to Bid 1016-03, Republic, Magna Flow, and Solid Recovery Services. Magna Flow did not bid the bio-solids disposal services that are being awarded with this contract. In the bid tab sheet, only the bio-solids disposal services items and associated bids are shown. Republic bid \$25.00/cubic yard plus \$25 per 22 cubic yard roll-off container, which is an additional \$1.14/cubic yard for a total cubic yard cost of \$26.14. Solid Recovery Services bid \$27.96/cubic yard without any additional cost per container. There is a \$1.82 cost difference per cubic yard between bidders with Solid Recovery Services being higher. However, Public Works recommends award bid to Solid Recovery Services due to Republics inability to meet the terms of the contract in prior years.

The estimated award amount of \$461,000 covers the remaining nine (9) months of Fiscal Year 2016 and the first three (3) months of Fiscal Year 2017.

Purchasing and Public Works staff concur with the company being recommended for the award of this contract. This company is a TCEQ-certified bio-solids hauler and will utilize only disposal sites as approved by TCEQ.

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 allowed the contractor the opportunity to request a price

increase percentage not to exceed the rate of increase in the “All Items” category of the Consumer Price Index (CPI), Houston-Galveston-Brazoria region, during the prior 12 month period.

SCHEDULE

Bio-solids transportation and disposal services will occur as needed throughout the term of the agreement.

POLICY/GOAL CONSIDERATION

Safe Community, 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	\$461,000	\$507,100 *	\$557,810 *

* Based upon current 10.0% annual increase in the production volume.

RECOMMENDED ACTION

City Council consideration and approval of resolution #R2015-230 awarding the dewatered bio-solid sludge disposal contract to Solid Recovery Services in the estimated amount of \$461,000 beginning December 15, 2015 through December 14, 2016.

Bid No. 1016-03

Title Sludge Transportation and Disposal Services

Specification Responses				<u>Republic Services</u>		<u>Solid Recovery Services</u>	
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended
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	\$27.96	\$58,716.00
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	\$27.96	\$109,044.00
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	\$27.96	\$142,596.00
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	\$27.96	\$150,984.00
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	\$25.00	\$25.00	\$0.00	\$0.00

TOTAL PRICE PER CUBIC YARD ALL INCLUSIVE	\$ 26.14	\$ 431,250.00	\$27.96	\$ 461,340.00
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PRICE DIFFERENCE PER CUBIC YARD ALL INCLUSIVE			\$	1.82
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* \$25 per each 22 CY container or \$1.14/CY added to the \$25/CY cost for lines 5, 6, 7, & 8 for Republic's bid.

Reference Check for: Solid Recovery Services
Bid No. 1016-03

Reference Contacted: City of Seabrook

Name: Kevin Padgett

Phone Number: 281-474-3883

Email or other information:

Service Provided: Press solids and Sludge Box Haul Off

1. Have you used Solid Recovery Services within the last year? Yes, for 5 years.
If yes, what type of project? Press Solids and Sludge Haul Off

2. Have you had any performance issues with Solid Recovery Services? NO
If yes, please elaborate. Great Service.

3. What is your level of satisfaction with this company?

Well Satisfied with service.

4. If you had another project that is applicable to this company would you consider using them again?

YES

5. What is your estimated annual spend with this company (optional)?

6. Is this your primary vendor for this service?

YES

Checked by: Mark Wahlstrom / Wastewater Superintendent 11/10/2015

Reference Check for: Solid Recovery Services
Bid No. 1016-03

Reference Contacted: HCMUD – 33 WWTP

Name: Paul Bradley

Phone Number: 281-377-9100

Email or other information:

Service Provided: Press solids and Sludge Box Haul Off

1. Have you used Solid Recovery Services within the last year? Yes, for 15 years.
If yes, what type of project? Press Solids and Sludge Haul Off

2. Have you had any performance issues with Solid Recovery Services? NO
If yes, please elaborate.

3. What is your level of satisfaction with this company?

Well Satisfied with service.

4. If you had another project that is applicable to this company would you consider using them again?

YES

5. What is your estimated annual spend with this company (optional)?

6. Is this your primary vendor for this service?

YES

Checked by: Mark Wahlstrom / Wastewater Superintendent 11/10/2015

Reference Check for: Solid Recovery Services
Bid No. 1016-03

Reference Contacted: WWWMS INC.

Name: Paul Villareal

Phone Number: 281-924-4628

Email or other information:

Service Provided: Sludge Box Haul Off

1. Have you used Solid Recovery Services within the last year? Yes, for 15 years.
If yes, what type of project? Sludge Haul Off

2. Have you had any performance issues with Solid Recovery Services? NO
If yes, please elaborate.

3. What is your level of satisfaction with this company?

Well Satisfied with service.

4. If you had another project that is applicable to this company would you consider using them again?

YES

5. What is your estimated annual spend with this company (optional)?

6. Is this your primary vendor for this service?

YES

Checked by: Mark Wahlstrom / Wastewater Superintendent 11/10/2015

Agenda Request for Sludge Disposal

Picture Explanations

Pictures: Barry Rose July 7, 2015

The picture below was taken at the Barry Rose facility. It is the result of the Republic driver not making sure the tail gate was latched and a spill resulted.



Pictures: Spill A thru E June 25, 2015

The pictures below are from the John Hargrove Facility. Republic brought out extra boxes. The Operators believed these were empty boxes, but the boxes were already full from an unknown site. When it rained that week the boxes leaked onto the driveway.



RESOLUTION NO. R2015-230

A Resolution of the City Council of the City of Pearland, Texas, awarding a Bid for Dewatered Bio-Solids Disposal Services to Solid Recovery Services, Inc., in the estimated amount of \$461,000.00, beginning December 15, 2015 through December 14, 2016.

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

Section 1. That the City obtained bids for dewatered bio-solids disposal services, and such bids have been reviewed and tabulated.

Section 2. That the City Council hereby awards a bid for dewatered bio-solids disposal services to Solid Recovery Services, 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 dewatered bio-solids disposal 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

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

AGENDA OF: December 14, 2015	ITEM NO.: Resolution No. R2015-233
DATE SUBMITTED: December 7, 2015	DEPT. OF ORIGIN: PEDC
PREPARED BY: Valerie Marvin	PRESENTOR: Matt Buchanan
REVIEWED BY: Matt Buchanan	REVIEW DATE: December 9, 2015
SUBJECT: Resolution No. R2015-233: A Resolution of the City Council of the City of Pearland, Texas, approving Pearland Economic Development Corporation expenditures for construction of the Lower Kirby Underground Electrical Phase II Duct Bank Facility and approving the related Terms & Conditions agreement with CenterPoint Energy.	
EXHIBITS: R2015-233, Map.	
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: N/A AMOUNT BUDGETED: AMOUNT AVAILABLE: PROJECT NO.: ACCOUNT NO.: ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:	
To be completed by Department: Finance X Legal Ordinance X Resolution	

EXECUTIVE SUMMARY

BACKGROUND

The development of infrastructure to support the Lower Kirby District Masterplan is a priority of our Pearland 20/20 Community Strategic Plan. We continue to work on the phased extension of underground electric utilities along Kirby Drive which is located in zoning districts that require utilities to be located underground to ensure the continued high quality development in the area. Attached is a map that shows the phases.

The construction of the Phase I duct bank was approved by the City in February 2015 and is complete; CenterPoint is in the process of installing the electrical conduit lines and related gear.

Phase II consists of extending the existing duct bank from the end of Phase I along the east side of Kirby Drive to the north side of the former Kirby ditch where it will run east approximately 650' along the length of Tool Flo's southern boundary.

CenterPoint has required a deadline of January 26, 2016 to have the Phase II duct bank facility installed so they can complete their installation of conduit lines and related gear to ensure Tool-Flo their connection to electricity in April 2016. This Pearland Economic Development Corporation will contract for the construction of the duct bank facility and has advertised the project for bid in accordance with state law. The bill will open on December 10th. After the PEDC Board has approved the construction contract and CenterPoint agreement at its meeting on Thursday, December 10th, we will send Council an update with the actual cost.

There are two components to the expenditure for Council consideration for Phase II.

1- Expenditure for Construction Award

The PEDC will fund the cost of construction of the Lower Kirby Phase II Underground Duct Bank Facility, which is estimated to cost \$588,900. The facility will consist of three manholes and approximately 850 linear feet of concrete duct bank.

2- Expenditure for CenterPoint Terms & Conditions Agreement

The Terms & Conditions agreement with CenterPoint is necessary for their installation of the electrical conduit lines and related gear. The Terms & Conditions agreement is estimated to cost \$170,000.

Phase III will consist of continuing the end of phase II on the east side of Kirby Drive north 900' to North Spectrum Blvd. and west 350' along North Spectrum Blvd to connect to the existing overhead at CSI. This phase is planned to be constructed by Spectrum 86 along with North Spectrum Blvd. per their development agreement with the City.

Phase IV is planned to extend the underground duct bank facility from North Spectrum Blvd. north along the east ROW of Kirby Drive up to Beltway 8. The timing of this phase is still to be determined.

RECOMMENDED ACTION

Consideration and approval of Pearland Economic Development Corporation expenditures for construction of the Lower Kirby Underground Electrical Phase II Duct Bank Facility and related CenterPoint Terms & Conditions agreement.

RESOLUTION NO. R2015-233

A Resolution of the City Council of the City of Pearland, Texas, approving Pearland Economic Corporation expenditures estimated to be \$758,900 for construction of the Lower Kirby Underground Electrical Phase II Duct Bank Facility and approving the related Terms and Conditions agreement with CenterPoint Energy.

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

Section 1. That certain expenditure estimated to be \$758,900 by the Pearland Economic Development Corporation, for construction of the Lower Kirby Underground Electrical Phase II Duct Bank Facility, is hereby approved.

Section 2. That the CenterPoint Energy Terms and Conditions for the Project are hereby approved.

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



Dover Energy **Merit Medical**

N. Spectrum Blvd.

CSI

Tool-Flo

MHI

Amerlux Site

MOB

Fruge Rd.

Electricity:

- Phase I** **Phase III**
- Phase II**

Road Extensions:

- N. Spectrum Blvd (Developer)**
- Future N. Spectrum Blvd**
- S. Spectrum Blvd. (PEDC)**
- Future S. Spectrum Blvd.**
- Future Promenade Shops Dr.**

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

AGENDA OF:	December 14, 2015	ITEM NO.:	R2015-235
DATE SUBMITTED:	December 8, 2015	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Bob Pearce	PRESENTOR:	Bob Pearce/Eric Wilson
REVIEWED BY:	Jon R. Branson	REVIEW DATE:	December 10, 2015
SUBJECT: RESOLUTION NO. R2015-235 - A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of thirty-seven (37) fleet vehicles from Caldwell Country Chevrolet-Ford in the amount of \$1,157,139.47 through the TASB Buyboard.			
EXHIBITS: Resolution #R2015- Exhibit to Resolution – Vehicle Purchase Summary			
FUNDING: <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="text-align: center;"> <input type="checkbox"/> Grant </div> <div style="text-align: center;"> <input type="checkbox"/> Bonds- Sold </div> <div style="text-align: center;"> <input type="checkbox"/> Bonds To Be Sold </div> <div style="text-align: center;"> <input type="checkbox"/> Developer/Other </div> <div style="text-align: center;"> <input type="checkbox"/> L/P – Sold </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Cash </div> <div style="text-align: center;"> <input type="checkbox"/> L/P – To Be Sold </div> </div>			
EXPENDITURE REQUIRED: Total of \$1,157,139.47 (\$961,212.32 - General Fund; \$195,927.15 - Enterprise Fund)			
AMOUNT BUDGETED: Total of \$1,377,427.00 (\$1,152,427.00- General Fund; \$225,000 - Enterprise Fund)			
AMOUNT AVAILABLE: \$1,377,427.00		PROJECT NO.:	
ACCOUNT NO.: Various – please see attached Vehicle Purchase Summary			
ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:			
To be completed by Department: <div style="display: flex; justify-content: space-between;"> Finance Legal Ordinance Resolution </div>			

EXECUTIVE SUMMARY

BACKGROUND

City departments require the annual purchase of new and replacement vehicles to facilitate performance of essential City services, pursuant to City Council approval of the recommended vehicle budget. Fleet Maintenance personnel have reviewed all requests for vehicles, and have recommended the purchases referenced herein based on the condition, mileage and maintenance requirements of existing vehicle stock, as well as additional departmental vehicle needs forecasted for FY2016. Thirty-seven (37) vehicles are included in this purchase request, as referenced in the attached vehicle purchase summary, and includes three (3) Police patrol

vehicles that were totaled late in fiscal year 2015. This request will complete the City's non-specialized fleet vehicle requirements for FY2016.

All replaced vehicles will be sold via auction in accordance with the City's surplus property disposal policy.

SCOPE OF CONTRACT

The awarded vendor will deliver thirty-seven (37) new and replacement vehicles, as identified in the attached vehicle purchase summary.

BID AND AWARD

Purchasing staff has obtained Texas Association of School Board (TASB) Buyboard contract pricing for this vehicle purchase due to the historically advantageous pricing afforded by the cooperative purchasing program. The discounted pricing is attributable to the significant volume of units purchased state-wide under the cooperative contract.

All of the vehicle pricing herein includes standard City after-market equipment for PD (light bars, sirens, partitions, bumpers, headlight flashers, etc., excluding radios and radars) and service fleet (amber LED lightbar, fire extinguisher, etc.), providing for turnkey delivery of the vehicles. In past years, the City has procured the aftermarket equipment via a separate, subsequent bid process. It is contemplated that the turnkey solution proposed in this request will result in a more efficient vehicle delivery timeline. Public safety and Purchasing staff have reviewed the aftermarket equipment and installation pricing herein, and determined that the pricing is competitive and in line with that received in previous bids.

The TASB Buyboard contract will be utilized for the purchase of the required vehicles in the amount of \$1,157,139.47 from Caldwell Country Chevrolet-Ford. The contract meets all requirements of Local Government Code 252 relative to competitive bidding by Texas municipalities.

SCHEDULE

Anticipated delivery time for the vehicles will be from stock to 180 days, depending on model type and manufacturer production queue. It should be noted that the majority of vehicles should begin to arrive within 8-10 weeks of order, and the 180 day delivery time is an anomaly, as it is for a single vehicle model for Fire Marshal's office – Purchasing staff has consulted with FM office to modify the requested vehicle, and should result in a quicker delivery and slightly reduced cost.

POLICY/GOAL CONSIDERATION

Safe Community and Fiscally Responsible: This bid award will provide reliable, efficient transportation for City employees to carry out the City's public safety and service objectives for its residents.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Funding for this purchase will come from respective Departmental budgets, as reflected in summary.

RECOMMENDED ACTION

RESOLUTION NO. R2015-235 - A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of thirty-seven (37) fleet vehicles from Caldwell Country Chevrolet-Ford in the amount of \$1,157,139.47 through the TASB Buyboard.

RESOLUTION NO. R2015-235

A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of thirty-seven (37) fleet vehicles from Caldwell Country Chevrolet-Ford in the amount of \$1,157,139.47 through the TASB Buyboard.

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

Section 1. That contract pricing for the purchase of fleet vehicles has been obtained through the TASB Buyboard Program.

Section 2. That the City Council hereby awards a bid to purchase thirty-seven (37) fleet vehicles from Caldwell Country Chevrolet-Ford in the amount of \$1,157,139.47 through the TASB Buyboard.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for the purchase of fleet vehicles.

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

**FLEET VEHICLE PURCHASES
FISCAL YEAR 2016**

DEPARTMENT - DIVISION	VEHICLE TYPE	QUANTITY	BUDGETED	CURRENT TASB CONTRACT PRICE
Police Department/Patrol - 2212	Ford Explorer PPV (2 wreck replacements)	16 (6 new)	\$ 740,559.00	\$ 545,509.12
Police Department/Patrol - 2212	Chevrolet Tahoe (replacement of wreck)	1		\$ 43,359.24
Police Department/Investigations - 2213	Ford Explorer PPV	1	\$ 32,846.00	\$ 28,781.27
Police Department/Investigations - 2213	Ford Explorer PPV	1	\$ 43,949.00	\$ 38,060.11
Police Department/Animal Services - 2225	Ford Explorer PPV	2	\$ 99,888.00	\$ 94,132.00
Fire Department - 2320	Ford Explorer PPV	1	\$ 52,175.00	\$ 43,051.60
Fire Department - Code Enforcement- 2360	Ford F-150 PU	1 (new)	\$ 19,960.00	\$ 22,112.55
Fire Department - Fire Marshal - 2340	Ford F-150 ext. cab PU	2	\$ 70,000.00	\$ 66,796.68
CD- Permits & Inspections - 1610	Ford F-150 PU	2	\$ 42,840.00	\$ 44,482.20
Public Works - Streets/Drainage - 3570	Ford F-350 crew cab (diesel)	1	\$ 50,210.00	\$ 34,527.55
Public Works - Lift Stations - 4041	Ford F-150 reg. cab PU	2	\$ 50,000.00	\$ 44,482.20
Public Works - WW Treatment - 4042	Ford F-150 reg. cab PU	4	\$ 100,000.00	\$ 85,300.20
Public Works - Production - 4043	Ford F-150 reg. cab PU	2	\$ 50,000.00	\$ 44,482.20
Public Works - ROW Mowing - 4080	Ford F-150 reg. cab	1	\$ 25,000.00	\$ 21,662.55
	Vehicle Totals	37 vehicles	\$ 1,377,427.00	\$ 1,156,739.47
	TASB Buyboard Fee			\$ 400.00
	Total Vehicle Expenditure		\$ 1,377,427.00	\$ 1,157,139.47