

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MAY 24, 2004, AT 7:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

The meeting was called to order with the following present:

Mayor Pro-Tem  
Councilmember  
Councilmember  
Councilmember  
Councilmember  
City Manager  
City Attorney  
City Secretary

Charles Viktorin  
Richard Tetens  
Woody Owens  
Larry Marcott  
Kevin Cole  
Bill Eisen  
Darrin Coker  
Young Lorfing

Absent: Mayor Tom Reid.

Others in attendance: Executive Director of Community Services Tobin Maples; Police Chief J.C. Doyle; City Engineer Doug Kneupper; Public Liaison Lynn Munford; Director of Finance Andrea Gardner; Public Works Director Jerry Burns; EMS Director Jeff Sundseth, Project Director Joe Wertz; Planning Manager of Community Development Lata Krishnarao; and Planner 1 Theresa Grahmann.

The invocation was given by Father Joe O'Steen and the Pledge of Allegiance was led by Boy Scout Troops #7 and #428.

**MAYOR'S ACTIVITY REPORT**

Mayor Pro-Tem Viktorin announced Mayor Reid is attending the International Council of Shopping Centers Conference in Las Vegas. Mayor's activity report submitted prior to Council meeting.

Mayor Reid reported on May 11 he spoke at the PISD/Employers Breakfast for Student Cooperative Hiring, visited with Kristin Boyd from Congressman Tom Delay's Office, and attended a Building Committee Meeting of the Adult Reading Center; May 12 attended a meeting with Alan Mueller and architect on upgrading the Council Chambers, a Brazoria County Drainage District No. 4 Monthly Meeting, and the Pearland Arts League Board of Directors Meeting; May 13 he attended a Ribbon Cutting Ceremony for the 99¢ Store, a Ribbon Cutting Ceremony for the Holidaes Medical, a Ribbon Cutting Ceremony for The Connection, a meeting with YMCA, Parks Department, and Bill Eisen on the Skate Park, and the Police Department Annual Awards Banquet; May 15 he visited the candidates and polls on Election Day; May 16 he spoke at the Methodist Church and 1<sup>st</sup> Baptist Church on Police Recognition Week; May 17 he attended an Agenda Meeting and presented a Mayor's Scholarship Award to

Amber Harris; May 18 he attended the HGAC Board of Directors Meeting and the Pearland Furniture Chamber Open House; May 19 he attended a Chamber Monthly Luncheon, presented a Proclamation to Basketball Coach Buckelew and attended a Regional Chamber Meeting at the Hobby Hilton; May 20 he a meeting with Dr. Staples, President of University of Houston Clearlake; and Dr. Gogue, University of Houston Clearlake System Chancellor for City Tour and Briefing; May 20 met with citizen David Scott and Bill Eisen regarding concerns and attended the FM 518 Corridor Study Presentation; May 21 attended a meeting of the YMCA and Parks Department Skate Park Committee and presented a Proclamation to Girls Soccer Coach Robert Cox.

Mayor Pro-Tem Viktorin presented a Proclamation to the members of the National Management Association, proclaiming June 6 - 12, 2004, "Management Week 2004 in America."

### **COUNCIL ACTIVITY REPORTS**

Mayor Pro-Tem Viktorin stated there is a new Councilmember and introduced Councilmember Kevin Cole. He thanked Councilmember Klaus Seeger for his last six years of service. He reported he attended the Clear Creek Steering Committee Meeting and received an update regarding the funding status for the project. He stated funding was a major issue last year and it will be another major issue in the upcoming year. He also attended a Board Meeting for the Pearland Arts League, discussing how to make the "pARTy on the Grand" better next year. The event went wonderfully this year and can only get better.

Councilmember Tetens passed.

Councilmember Owens reported on Wednesday, May 26, 2004, Council will attend a Delegation to Austin, meeting with the Highway Commissioners and Legislatures to discuss transportation issues within Brazoria County. He stated this meeting is open to everyone to attend. Council will continue attending yearly in order to request more funding for Brazoria County.

Councilmember Marcott passed.

Councilmember Cole stated the last few months have been very busy with the election. He thanked the citizens of Pearland for giving him the opportunity to represent them on Council. He looks forward to working with City Staff in moving the City forward. He stated Council has the heart of the City in their best interest. He informed the citizens that he is available at anytime for concerns or comments.

### **CITY MANAGER'S REPORT**

City Manager, Bill Eisen, stated the City Pool would open Saturday, May 29, 2004. The

Parks and Recreation Summer Concert Series begin Tuesday, May 25, 2004. They will take place every Tuesday night from 7:00 p.m. to 9:00 p.m.

## **CITIZENS**

Michael Klaus, 5016 Groveton, addressed Council and stated he attended a meeting regarding the FM 518 Corridor last week. He has concerns regarding the current population data being used for the City. The information used for planning purposes at the meetings is incorrect. The most accurate demographic information should be placed on the website. If FM 518 is not done correctly due to incorrect information, nothing may happen with the funding. Pearland has the population and the expectation, but the documentation needs to be fixed.

Richard Keschinger, 2011 Sleepy Hollow Drive, addressed Council and stated he is back to discuss a previous mentioned subject regarding the bond issue. The City's web page has incorrect information regarding the Barry Rose Road Project and Yost Road Project. He is not able to access the correct information on the website and wants to know how to get the corrected information.

Charles Kinsey, 5208 West Broadway #200, addressed Council and stated the members of Saint Andrews Episcopal Church asked him to speak to Council regarding a road being constructed behind the Church. The City's Master Road Plan includes this proposed road. The Church did not know this road would be built until after building additional facilities to the current church. This road would cause some problems due to the floodway. The new road would cut off access to an outdoor worship area behind the church and other areas of the church. He asked Council to redirect and replan the road. In closing, he stated the Church did not receive notice of the proposed road from the City and asked for a notice to be sent.

Kimberly Spicer, 3014 Country Club, addressed Council and stated in addition to the people from Saint Andrews Episcopal Church, there are also people present from the Boy Scout Troop #68. She stated the Troops are asking the City not to build a road behind the church. She presented a petition to Council regarding the proposed road. She gave brief comments regarding the speeding currently on Country Club Drive.

**DOCKETED PUBLIC HEARING:** None

## **CONSENT AGENDA:**

### **A. CONSIDERATION AND POSSIBLE ACTION – APPROVAL OF MINUTES:**

1. Amended Minutes of the April 26, 2004, Regular Council Meeting held at 7:30 p.m.
2. Minutes of the May 3, 2004, Special Meeting held at 6:00 p.m.

3. Minutes of the May 3, 2004, Public Hearing held at 6:30 p.m.
4. Minutes of the May 3, 2004, Public Hearing held at 6:30 p.m.
5. Minutes of the May 10, 2004, Regular Council Meeting held at 7:30 p.m.

- B. CONSIDERATION AND POSSIBLE ACTION – SECOND AND FINAL READING OF ORDINANCE NO. 509-712** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF CHANGING THE CLASSIFICATION OF CERTAIN REAL PROPERTY LOCATION BEING 0.310, BEING TRACT NO. 10 IN THE SANDOVAL SUBDIVISION, LOCATED IN THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 15, H.T & B.R.R. COMPANY SURVEY, ABSTRACT 241, BRAZORIA COUNTY, TEXAS (2823 MORENCI STREET) (**APPLICATION NO. 1163**) FROM CLASSIFICATION SUBURBAN DEVELOPMENT DISTRICT (SD) TO SINGLE FAMILY DWELLING DISTRICT (R-1) AT THE REQUEST OF SANDRA F. MARTINEZ OWNER, PROVIDING FOR AN AMENDMENT OF THE LAND USE DISTRICT MAP; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT. *Mr. Tobin Maples, Executive Director of Community Services.*
- C. CONSIDERATION AND POSSIBLE ACTION – SECOND AND FINAL READING OF ORDINANCE NO. 509-713** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF CHANGING THE CLASSIFICATION OF CERTAIN REAL PROPERTY LOCATION BEING GARDEN ACRES SUBDIVISION, LOT E, S/2, SECTION 3, ABSTRACT 219, H.T. & B.R.R. COMPANY SURVEY, BRAZORIA COUNTY, TEXAS (LOCATED AT 2535 THELMA STREET) (**APPLICATION NO. 1164**) FROM CLASSIFICATION SUBURBAN DEVELOPMENT DISTRICT (SD) TO SINGLE FAMILY DWELLING DISTRICT (R-1) AT THE REQUEST OF ADMIRAL HOMES OWNER, PROVIDING FOR AN AMENDMENT OF THE LAND USE DISTRICT MAP; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT. *Mr. Tobin Maples, Executive Director of Community Services.*
- D. CONSIDERATION AND POSSIBLE ACTION – SECOND AND FINAL READING OF ORDINANCE NO. 509-714** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF CHANGING THE CLASSIFICATION OF CERTAIN REAL PROPERTY LOCATION BEING 0.99

ACRES, BEING THE EAST ONE-HALF OF A CALLED 1,988 ACRE TRACT OF LAND RECORDED IN FILE NUMBER 94-024593, OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY CLERK, BRAZORIA COUNTY, TEXAS, BEING A PART OF A 5.949 ACRE TRACT RECORDED IN VOLUME 1439, PAGE 851, DEED RECORDS, BRAZORIA COUNTY, TEXAS, OUT OF A 80 ACRE TRACT BEING THE NORTH ONE-HALF OF THE SOUTHEAST ONE-FOURTH OF SECTION 16, GEORGE C. SMITH SURVEY, ABSTRACT 546, BRAZORIA COUNTY, TEXAS (LOCATED AT 6201 TERRELL DRIVE) (APPLICATION NO. 1165) FROM CLASSIFICATION SUBURBAN DEVELOPMENT DISTRICT (SD) TO SINGLE FAMILY DWELLING DISTRICT (R-1) AT THE REQUEST OF ARTEMIO GARCIA OWNER, PROVIDING FOR AN AMENDMENT OF THE LAND USE DISTRICT MAP; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT. *Mr. Tobin Maples, Executive Director of Community Services.*

**E. CONSIDERATION AND POSSIBLE ACTION - SECOND AND FINAL READING OF ORDINANCE NO. 509-715 -** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF CHANGING THE CLASSIFICATION OF CERTAIN REAL PROPERTY LOCATION BEING LOT 6, BLOCK 2, OF BUENA VIDA, A SUBDIVISION IN THE H.T. & B.R.R. COMPANY SURVEY, ABSTRACT 240, BRAZORIA COUNTY, TEXAS (LOCATED ON THE SOUTH SIDE OF CANTU STREET, AND EAST OF WAGON TRAIL ROAD) (APPLICATION NO. 1162) FROM CLASSIFICATION SUBURBAN DEVELOPMENT DISTRICT (SD) TO SINGLE FAMILY DWELLING DISTRICT (R-3) AT THE REQUEST OF MARIA R. GONZALEZ OWNER, PROVIDING FOR AN AMENDMENT OF THE LAND USE DISTRICT MAP; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT. *Mr. Tobin Maples, Executive Director of Community Services.*

**F. CONSIDERATION AND POSSIBLE ACTION - SECOND AND FINAL READING OF ORDINANCE NO. 509-716 -** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF CHANGING THE CLASSIFICATION OF CERTAIN REAL PROPERTY LOCATION BEING LOTS 40 AND 41, BLOCK 37, PEARLAND TOWNSITE, BRAZORIA COUNTY, TEXAS (LOCATED AT 2218 N. PEARLAND AVENUE) (APPLICATION NO. 1166) FROM CLASSIFICATION MULTI-FAMILY DWELLING DISTRICT (MF) TO SINGLE FAMILY DWELLING DISTRICT (R-4) AT THE REQUEST OF CHARLES AGUIRRE, OWNER, PROVIDING FOR AN AMENDMENT OF THE

LAND USE DISTRICT MAP; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT. *Mr. Tobin Maples, Executive Director of Community Services.*

- G. **CONSIDERATION AND POSSIBLE ACTION – SECOND AND FINAL READING OF ORDINANCE NO. 509-717** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF CHANGING THE CLASSIFICATION OF CERTAIN REAL PROPERTY LOCATION BEING A TRACT OF LAND CONTAINING 6,250 SQUARE FEET OF LAND KNOWN AS LOT 15, BLOCK F, OF PEARLAND TOWNSITE, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 29, PAGE 41, OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS (LOCATED AT 2120 GRAND BOULEVARD) (**APPLICATION NO. 1167**) FROM CLASSIFICATION GENERAL BUSINESS DISTRICT (GB) TO SINGLE FAMILY DWELLING DISTRICT (R-4) AT THE REQUEST OF RICHARD GONZALEZ, OWNER, PROVIDING FOR AN AMENDMENT OF THE LAND USE DISTRICT MAP; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT. *Mr. Tobin Maples, Executive Director of Community Services.*
- H. **CONSIDERATION AND POSSIBLE ACTION – SECOND AND FINAL READING OF ORDINANCE NO. 509-719** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF CHANGING THE CLASSIFICATION OF CERTAIN REAL PROPERTY LOCATION BEING HICKORY CREEK PLACE, LOT 9, BLOCK 3, BRAZORIA COUNTY, TEXAS (LOCATED AT 2106 O'DAY ROAD) (**APPLICATION NO. 1155**) FROM CLASSIFICATION SUBURBAN DEVELOPMENT DISTRICT (SD) TO COMMERCIAL DISTRICT (C) AT THE REQUEST OF DON AND MARGARETTE CHASTEEN, OWNER, PROVIDING FOR AN AMENDMENT OF THE LAND USE DISTRICT MAP; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT. *Mr. Tobin Maples, Executive Director of Community Services.*
- I. **CONSIDERATION AND POSSIBLE ACTION – SECOND AND FINAL READING OF ORDINANCE NO. 509-720** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF CHANGING THE

CLASSIFICATION OF CERTAIN REAL PROPERTY LOCATION BEING 6.3601 ACRE TRACT OF LAND (CALLED 6.363 ACRES) OUT OF LOTS 49 AND 50 OF THE ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION OF SECTION 85, H.T. & B.R.R. COMPANY SURVEY, ABSTRACT 304, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 107, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (LOCATED AT 9809 BROADWAY STREET) (APPLICATION NO. 134) FROM CLASSIFICATION GENERAL BUSINESS DISTRICT (GB) TO GENERAL BUSINESS – SPECIFIC USE PERMIT (GB(S)) **FOR MINI-WAREHOUSE USES LIMITING THE SPACE TO 2.412 ACRES AND REQUIRING THE INSTALLATION OF A MINIMUM FIVE-FOOT (5') TALL OLEANDERS PLANTED AT FIVE-FOOT (5') ON-CENTER INTERVALS ALONG THE NORTHERN PROPERTY LINE.** THE REQUEST OF WC PROPERTIES – DAN CHEEK, AGENT FOR THE PETERSON GROUP, OWNER, PROVIDING FOR AN AMENDMENT OF THE LAND USE DISTRICT MAP, CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT.  
*Mr. Tobin Maples, Executive Director of Community Services.*

- J. **CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-79 –** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, APPROVING A BOND ORDER OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 4 AUTHORIZING THE ISSUANCE OF \$3,710,000 UNLIMITED TAX REFUNDING BONDS, SERIES 2004. *Mr. Darrin Coker, City Attorney.*
- K. **CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-81 –** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, ASSIGNING THE AUTHORITY TO ISSUE SINGLE FAMILY MORTGAGE REVENUE BONDS TO BRAZORIA COUNTY AS A SPONSORING POLITICAL SUBDIVISION OF THE SOUTHEAST TEXAS HOUSING FINANCE CORPORATION. *Mr. Darrin Coker, City Attorney.*
- L. **CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-82 –** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, ASSIGNING THE AUTHORITY TO ISSUE SINGLE FAMILY MORTGAGE REVENUE BONDS TO BRAZORIA COUNTY AS A SPONSORING POLITICAL SUBDIVISION OF THE SOUTHEAST TEXAS HOUSING FINANCE CORPORATION. *Mr. Darrin Coker, City Attorney.*
- M. **CONSIDERATION AND POSSIBLE ACTION – FIRST AND ONLY READING OF ORDINANCE NO. 1166 –** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 20, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CITY OF PEARLAND CODE

OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, TO ADD SECTION 20-15, TO BE ENTITLED *FOCUSED RESIDENTIAL PICKETING*; HAVING A PENALTY CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE, AND DECLARING AN EMERGENCY BECAUSE THE NEED TO REGULATE FOCUSED RESIDENTIAL PICKETING INURES TO THE BENEFIT OF THE PUBLIC AND, THEREFORE, BEARS DIRECTLY UPON THE HEALTH, SAFETY AND WELFARE OF THE CITIZENRY. *Mr. Darrin Coker, City Attorney.*

### **MATTERS REMOVED FROM CONSENT AGENDA**

Councilmember Tetens made the motion, seconded by Councilmember Owens, to approve Consent Agenda Items A through M as presented on the Consent Agenda.

Voting "Aye" Councilmembers Tetens, Owens, Viktorin, Marcott, and Cole.

Voting "No" None.

Motion Passed 5 to 0.

### **NEW BUSINESS**

**COUNCIL ACTION** – REMOVE FROM TABLE ORDINANCE NO. 509-708. *City Council.*

Councilmember Owens made the motion, seconded by Councilmember Tetens, to remove from the table Ordinance No. 509-708.

Voting "Aye" Councilmembers Tetens, Owens, Viktorin, Marcott, and Cole.

Voting "No" None.

Motion Passed 5 to 0.

**FIRST READING OF ORDINANCE NO. 509-708** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF CHANGING THE CLASSIFICATION OF CERTAIN REAL PROPERTY LOCATION BEING 63.2 ACRES, MORE OR LESS, BEING OUT OF W. ZYCHLINSKI'S SUBDIVISION OF SECTIONS 27 & 28 IN THE H.T. & B.R.R. COMPANY SURVEY, ABSTRACT – 551 FILED IN VOLUME 29, PAGE 9 BRAZORIA COUNTY DEED RECORDS AND THE H. STEVENS SURVEY, ABSTRACT – 594, PEARLAND, BRAZORIA COUNTY, TEXAS AND BEING OUT OF

THOSE TRACTS DESCRIBED IN A DEED AS FILED IN OFFICIAL RECORDS OF REAL PROPERTY OF BRAZORIA COUNTY AT CLERK'S FILE NUMBER 99-040666 AND 02-028656 AND IN A DEED AS FILED IN OFFICIAL RECORDS OF REAL PROPERTY OF BRAZORIA COUNTY AT CLERK'S FILE NUMBER 02-037050 (GENERALLY LOCATED ON THE WEST SIDE OF FUTURE PEARLAND PARKWAY, AND NORTH OF INDUSTRIAL DRIVE) (**APPLICATION NO. 1161**) FROM CLASSIFICATION MULTI-FAMILY DISTRICT (MF) TO SINGLE FAMILY DWELLING DISTRICT (R-4) AT THE REQUEST OF THE CITY OF PEARLAND, PROVIDING FOR AN AMENDMENT OF THE LAND USE DISTRICT MAP; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT. *Mr. Tobin Maples, Executive Director of Community Services.*

Councilmember Owens made the motion, seconded by Councilmember Tetens, to approve Ordinance No. 509-708 on its first reading.

City Manager, Bill Eisen, stated this particular issue first came before Council as part of several tracts of land for rezoning. Council delayed in action on the rezoning in order to give the owner an opportunity to discuss with Council and Staff regarding a Planned Unit Development. The developer will not be able to do the Planned Unit Development prior to the moratorium. He asked Council to consider the approval of the amendment to the zoning Ordinance in order to provide R-4 zoning on the property.

Michael Klaus, 5016 Groveton, addressed Council and stated there is a resident of Pearland who owns property in that area. This resident is concerned about the location and the planned facility. The resident feels he may have to move due to the new development. Mr. Klaus stated the resident residing or conducting business in the location of the area need to be considered as well.

Councilmember Marcott stated businesses and residents in the community should be considered prior to new developments. Something will need to be done to protect the current business owners in the area before development takes place.

Councilmember Cole asked if an indication from the developer has been received regarding possible development dates.

Executive Director of Community Services, Tobin Maples, stated an application has been turned in, but there is no supporting documentation for the development.

City Attorney, Darrin Coker, stated it is his understanding that the developer has some issues with regards to drainage currently being worked out with the Drainage District prior to submitting documentation to the City.

Councilmember Marcott asked if noise situations could be addressed in the Planned

Unit Development document.

City Attorney, Darrin Coker, stated any restrictions could be included in the Planned Unit Development document in order to minimize the affects on neighboring properties.

Discussion ensued among Council regarding the R-4 zoning and planned development.

Voting "Aye" Councilmembers Cole, Marcott, Viktorin, Owens, and Tetens.

Voting "No" None.

Motion Passed 5 to 0.

**COUNCIL ACTION – RESOLUTION NO. R2004-84** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, ACCEPTING THE CITY'S ANNUAL AUDIT LETTER AS PREPARED BY THE ACCOUNTING FIRM OF PATILLO, BROWN AND HILL. *Mr. Bill Eisen, City Manager.*

Councilmember Marcott made the motion, seconded by Councilmember Owens, to approve Resolution No. R2004-84.

City Manager, Bill Eisen, stated two meetings ago the City Auditors made a presentation to Council presenting the City's audited financial statements for the completed fiscal year. Council did not have an opportunity to review the annual audit letter prior to the meeting. The management letter has been presented to Council and the item is requesting the acceptance of the letter. The Director of Finance has added comments for Council. He stated Andrea Jason, Director of Finance, has recently married and her name has changed.

Mayor Pro-Tem Viktorin stated whenever he reads letters like this from auditing agencies, the first thing he looks at are prior year comments and whether or not those comments were addressed. The prior comments have been addressed and he appreciates the department for addressing those comments.

Voting "Aye" Councilmembers Tetens, Owens, Viktorin, Marcott, and Cole.

Voting "No" None.

Motion Passed 5 to 0.

**COUNCIL ACTION – RESOLUTION NO. R2004-85** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT APPLICATIONS TO HOUSTON

GALVESTON AREA COUNCIL FOR PARTICIPATION IN THE SOLID WASTE GRANT PROGRAM. *Mr. Bill Eisen, City Manager.*

Councilmember Cole made the motion, seconded by Councilmember Tetens, to approve Resolution No. R2004-85.

City Manager, Bill Eisen, stated this item consists of three applications involving household hazardous waste and providing materials and disposal cost for three different kinds of household hazardous waste.

Voting "Aye" Councilmembers Cole, Marcott, Viktorin, Owens, and Tetens.

Voting "No" None.

Motion Passed 5 to 0.

**COUNCIL ACTION – RESOLUTION NO. R2004-76 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN ENGINEERING CONTRACT WITH KIRST ENGINEERING, FOR ENGINEERING SERVICES ASSOCIATED WITH THE WAGON WHEEL SUBDIVISION WATER PROJECT. *Mr. Bill Eisen, City Manager.***

Councilmember Tetens made the motion, seconded by Councilmember Owens, to approve Resolution No. R2004-76.

City Manager, Bill Eisen, stated this is a continuation of the City's ongoing effort to provide water and wastewater services in areas being annexed into the City over the past seven years. This particular project is for the engineering design work for the water system in the Wagon Wheel Subdivision.

Councilmember Marcott asked if the funding currently allotted would cover the additional engineering.

City Manager, Bill Eisen, stated those other services are part of the contract being considered this evening.

Voting "Aye" Councilmembers Cole, Marcott, Viktorin, Owens, and Tetens.

Voting "No" None.

Motion Passed 5 to 0.

**COUNCIL ACTION – RESOLUTION NO. R2004-78 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING MATCHING FUNDS FOR TWO NEW SCHOOL RESOURCE OFFICERS AS PART OF THE COPS IN SCHOOLS 2004 GRANT PROGRAM. *Mr. J.C. Doyle, Police Chief.***

Councilmember Owens made the motion, seconded by Councilmember Cole, to approve Resolution No. R2004-78.

City Manager, Bill Eisen, stated this item is requesting some additional personnel within this area. This is an opportunity to expand the City's School Resource Officer Program.

Police Chief, J.C. Doyle, stated the department applied for additional funding from the U.S. Department of Justice for the 2004 Cops in Schools Grant Program for two School Resource Officers. The maximum amount of \$250,000 at a \$48,000 match, spread out over three years has been requested. An agreement with the School District would determine how the funds are distributed over the years. One officer will be located at the PACE Center and the other at the 9<sup>th</sup> Grade Campus.

Councilmember Owens asked how many School Resource Officers are currently in the Program.

Police Chief, J.C. Doyle, stated the department currently has eight officers in the program.

Councilmember Marcott asked if the \$48,000 is what the City and School District would need to pay.

Police Chief, J.C. Doyle, stated the City and School District would need to pay this amount spread out over the three years. The total amount is currently at \$6,612 per officer in one year. It increases to \$8,125 the next year. He further stated this amount increases each year.

Discussion ensued among Council and Staff regarding the funds and the school year time period.

Councilmember Marcott stated this is a great deal.

Police Chief, J.C. Doyle, stated officers will be utilized during the school year for nine months and will also be utilized throughout the City once released from the School. These officers will be used for Bike Patrol, Municipal Courts, and other areas of patrol.

Councilmember Cole asked if these are these are the two schools that do not have a School Resource Officer currently.

Police Chief, J.C. Doyle, stated there is an officer currently at the 9<sup>th</sup> Grade Center, but another is really needed.

Discussion ensued among Council and Staff regarding the schools' population and School Resource Officers.

Voting "Aye" Councilmembers Tetens, Owens, Viktorin, Marcott, and Cole.

Voting "No" None.

Motion Passed 5 to 0.

**COUNCIL ACTION – RESOLUTION NO. R2004-80** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR TRAFFIC SIGNAL IMPROVEMENTS AT THE INTERSECTION OF FM 518 AND SUNRISE LAKE BOULEVARD. *Mr. Alan Mueller, Deputy City Manager.*

Councilmember Marcott made the motion, seconded by Councilmember Tetens, to approve Resolution No. R2004-80.

City Manager, Bill Eisen, stated this is an agreement with the Texas Department of Transportation for installation of a traffic signal at the primary entrance of the Sunrise Lakes Subdivision off of FM 518 in the western portion of the City. The developer of the Sunrise Lakes Subdivision is providing funds in the amount of \$58,100. Any additional cost would be provided by the Texas Department of Transportation. Due to the Texas Department of Transportation regulations, the agreement needs to be between the City and the Texas Department of Transportation. The agreement has the City's information on it, but the developer will be providing the local funds for the project.

Councilmember Marcott asked if this has delayed the installation of the traffic signal.

City Manager, Bill Eisen, stated this has been pending for some time.

Councilmember Cole asked for the estimated time frame on placing the traffic signal on FM 518.

City Manager, Bill Eisen, stated the work should start shortly after the agreement. He will get the information from the Department of Transportation and provide it to Council.

Voting "Aye" Councilmembers Cole, Marcott, Viktorin, Owens, and Tetens.

Voting "No" None.

Motion Passed 5 to 0.

**COUNCIL ACTION – RESOLUTION NO. R2004-77 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AWARDED A BID FOR CONSTRUCTION OF PARKING IMPROVEMENTS AT THE PEARLAND SERVICE CENTER. Mr. Bill Eisen, City Manager.**

Councilmember Cole made the motion, seconded by Councilmember Marcott, to approve Resolution No. R2004-77.

City Manager, Bill Eisen, stated this relates to the new building purchased adjacent to the Service Center. This facility is now occupied by the Parks Department. Bids were taken for certain improvements to the building and the construction of a masonry wall. Both bids came in very favorable. Additional paving is needed and bids have been received for those services. Those bids are very favorable as well and are within the funded amount. The low bid for the construction services for parking improvements is in the amount of \$78,551.

Councilmember Marcott stated head-in parking is eliminated along East Orange and Old Alvin. He asked for information regarding visitor parking if this elimination takes place.

Public Works Director, Jerry Burns, stated the head-in parking generally takes place on Old Alvin. In the future the street will be widened. Parking will be allotted at the end of the Service Center. Some parking will be allotted for visitors in the front. The area in front of the Service Center is extremely dangerous and only five to six spaces will be allotted for this area.

Voting "Aye" Councilmembers Tetens, Owens, Viktorin, Marcott, and Cole.

Voting "No" None.

Motion Passed 5 to 0.

**FIRST AND ONLY READING OF ORDINANCE NO. 1126-3 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 1126, THE 2003-2004 ANNUAL BUDGET ORDINANCE, BY AUTHORIZING CERTAIN ALTERATIONS TO THE GENERAL FUND (MUNICIPAL COURT AND PLANNING DEPARTMENT PERSONNEL FOR MUNICIPAL PURPOSES); 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; AND DECLARING AN EMERGENCY BECAUSE THE NEED TO ADJUST THE CITY BUDGET INURES TO THE BENEFIT OF THE PUBLIC AND, THEREFORE, BEARS DIRECTLY UPON THE HEALTH, SAFETY AND WELFARE OF THE CITIZENRY. *Mr. Tobin Maples, Executive Director of Community Services; Ms. Cheryl Garcia, Court Administrator; & Ms. Lata Krishnarao, Planning Manager of Community Development.*

Councilmember Tetens made the motion, seconded by Councilmember Owens, to approve Ordinance No. 1126-3 on its first and only reading.

City Manager, Bill Eisen, stated generally Council and Staff do not like to consider increases in personnel during the fiscal year; however, this item involves adding personnel to the City during mid-year due to an increase in activity of the Municipal Court and Planning & Zoning Department. One position would be added to the Planning and Zoning Department, and two positions would be added to the Municipal Court. He stated temporary people were utilized in order to help with the increases; however, it is no longer a temporary issue, and additional personnel are requested at this time.

Mayor Pro-Tem Viktorin asked if the Executive Director of Community Services, Tobin Maples, compiled the Planning & Zoning information provided.

Executive Director of Community Services, Tobin Maples, stated Planning Manager of Community Development, Lata Krishnarao, and her Staff compiled the information.

Discussion ensued among Council and Staff regarding the City of Galveston and the number of zone change applications for the City of Galveston compared to the number of zone change applications for the City of Pearland.

Discussion ensued among Council and Staff regarding the Technology Fund and Court Security Fund.

City Manager, Bill Eisen, stated these funds could be used for computer technology and salaries for security issues and measures.

Voting "Aye" Councilmembers Cole, Marcott, Viktorin, Owens, and Tetens.

Voting "No" None.

Motion Passed 5 to 0.

**OTHER BUSINESS:**

Council adjourned into Executive Session under Texas Government Code at 8:29 p.m. to discuss the following:

**NEW BUSINESS (CONTINUED):**

**EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE**

1. **SECTION 551.074 – PERSONNEL – REGARDING A LOCAL GOVERNMENT CORPORATION.** *Mr. Bill Eisen, City Manager.*
2. **SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY: REGARDING LITIGATION – ZONING.** *Mr. Darrin Coker, City Attorney.*

**NEW BUSINESS (CONTINUED):**

Council returned from Executive Session at 9:28 p.m.

**COUNCIL ACTION – REGARDING A LOCAL GOVERNMENT CORPORATION.**  
*Mr. Bill Eisen, City Manager.*

No Council action taken.

**COUNCIL ACTION – REGARDING LITIGATION – ZONING.** *Mr. Darrin Coker, City Attorney.*

Mayor Pro-Tem Viktorin made the motion, seconded by Councilmember Marcott, directing the City Attorney to take action as directed in the Executive Session.

Voting "Aye" Councilmembers Marcott, Tetens, Owens, and Viktorin.

Voting "No" Councilmember Cole.

Motion Passed 4 to 1.

**ADJOURNMENT**

Meeting was adjourned at 9:29 p.m.

Minutes approved as submitted and/or corrected this the \_\_\_\_\_ day of \_\_\_\_\_, A.D.,  
2004.

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

ATTEST:

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

Minutes approved as submitted and/or corrected this the 14<sup>th</sup> day of June, A.D., 2004.

---

Tom Reid  
Mayor

ATTEST:

---

Young Lorfing, TRMC  
City Secretary

**MINUTES OF A PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MAY 17, 2004, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

The meeting was called to order with the following present:

Mayor Pro-Tem	Richard Tetens
Councilmember	Woody Owens
Councilmember	Charles Viktorin
Councilmember	Larry Marcott
City Manager	Bill Eisen
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Absent: Mayor Tom Reid, Councilmember Klaus Seeger.

Others in attendance: Deputy City Manager Alan Mueller; Executive Director of Community Services Tobin Maples; Planning Manager of Community Development Lata Krishnarao; Planner 1 Theresa Grahmann.

**PURPOSE OF HEARING – PROPOSED ANNEXATION OF A 20' STRIP.**

Generally consisting of a 20' strip being the south half of Riley Road between Hooper Road and Anagnost Road (also called Woods Road) and a 20' strip being the west half of said Anagnost Road from Riley Road to a point 1,270' south of the centerline of Riley Road.

**STAFF REVIEW OF THE SERVICE PLAN**

Executive Director of Community Services, Tobin Maples, stated this Public Hearing is the second of two required Public Hearings for the annexation of two 20' strips of property located at the Southwest corner of Beltway 8 and SH 288. Both of the strips are adjacent to the city limits and are in the general area of the LNR voluntary annexation. The first reading of the Ordinance is scheduled for the June 14, 2004, Council Meeting, and the second and final reading of the Ordinance is scheduled for the June 28, 2004. A service plan has been prepared and is part of the Councilmembers' packets regarding the property.

**CITIZEN COMMENTS**

None

**COUNCIL/STAFF DISCUSSION**

None

**ADJOURNMENT**

Meeting was adjourned at 6:38 p.m.

Minutes approved as submitted and/or corrected this the \_\_\_\_\_ day of \_\_\_\_\_,  
A.D., 2004.

ATTEST:

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

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

**MINUTES OF A PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MAY 17, 2004, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

The meeting was called to order with the following present:

Mayor Pro-Tem  
Councilmember  
Councilmember  
Councilmember  
City Manager  
City Attorney  
City Secretary

Richard Tetens  
Woody Owens  
Charles Viktorin  
Larry Marcott  
Bill Eisen  
Darrin Coker  
Young Lorfing

Absent: Mayor Tom Reid, Councilmember Klaus Seeger.

Others in attendance: Deputy City Manager Alan Mueller; Executive Director of Community Services Tobin Maples; Planning Manager of Community Development Lata Krishnarao; Planner 1 Theresa Grahmann.

**PURPOSE OF HEARING – PROPOSED ANNEXATION OF APPROXIMATELY 42.5822 ACRES OF LAND.**

42.5822 acres of land, more or less, generally located near the southwest corner of SH 288 and BW 8, west of Anagnost Road (unopened), south of Riley Road (unopened) and east of Hooper Road, consisting of all or part of lots 37, 37-1/2, 38, 38-1/2, 43, 43-1/2, 44, 44-1/2, 53, and 54 of the Allison-Richey Gulf Coast Home Company Subdivision, Section F, James Hamilton Survey, Abstract 876, Harris County, Texas.

**STAFF REVIEW OF THE SERVICE PLAN**

Executive Director of Community Services, Tobin Maples, stated the annexation of approximately 42.5822 acres of land is a voluntary request. The landowner/applicant requested the property to be annexed into the City of Pearland. The property is generally located at the Southwest corner of SH 288 and Beltway 8 between Anagnost Road and Hooper Road. The property will be temporarily zoned as Suburban Development; however, discussions have taken place regarding the Spectrum Business Park developing on the property. A service plan has been included.

**CITIZEN COMMENTS**

None

**COUNCIL/STAFF DISCUSSION**

None

**ADJOURNMENT**

Meeting was adjourned at 6:41 p.m.

Minutes approved as submitted and/or corrected this the \_\_\_\_\_ day of \_\_\_\_\_,  
A.D., 2004.

ATTEST:

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

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

**MINUTES OF A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MAY 24, 2004, AT 6:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

The meeting was called to order with the following present:

Mayor Pro-Tem	Richard Tetens
Councilmember	Charles Viktorin
Councilmember	Woody Owens
Councilmember	Larry Marcott
Councilmember	Klaus Seeger
City Manager	Bill Eisen
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Absent: Mayor Tom Reid

Others in attendance: Executive Director of Community Services Tobin Maples; City Engineer Dough Kneupper; Public Affairs Liaison Lynn Munford; Project Director Joe Wertz, Planning Manager of Community Development Lata Krishnarao, Planner 1 Theresa Grahmann, Deputy City Secretary LaKeisha Cannon-Scott .

**PURPOSE OF THE MEETING:**

**COUNCIL ACTION – RESOLUTION NO. R2004-83 – A RESOLUTION AND ORDER OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS; CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL AND SPECIAL ELECTION HELD IN THE CITY OF PEARLAND, TEXAS, ON MAY 15, 2004.**

*Mr. Bill Eisen, City Manager.*

Councilmember Seeger made the motion, seconded by Councilmember Marcott, to approve Resolution No. R2004-83.

**FOR MEMBER OF THE COUNCIL, POSITION NUMBER ONE**

NAME OF CANDIDATE	NUMBER OF VOTES RECEIVED	PERCENTAGE
Richard Tetens	823	100.00%
Total	823	100.00%

**FOR MEMBER OF THE COUNCIL, POSITION NUMBER FIVE**

NAME OF CANDIDATE	NUMBER OF VOTES RECEIVED	PERCENTAGE
Kevin A. McDonald	398	36.55%
Kevin Cole	691	63.45%
Total	1089	100.00%

**FOR PROPOSITION ESTABLISHING COMPENSATION FOR MAYOR AND COUNCIL MEMBERS EFFECTIVE OCT. 1, 2004**

FOR	509	49.56%
AGAINST	518	50.44%
Total	1027	100.00%

Voting "Aye" Councilmembers Viktorin, Owens, Tetens, Marcott, and Seeger.

Voting "No" None.

Motion Passed 5 to 0.

**COUNCIL ACTION – ISSUANCE OF CERTIFICATE OF ELECTION TO NEWLY ELECTED OFFICIALS.** *Mayor Pro-Tem Tetens.*

Mayor Pro-Tem Tetens presented newly elected officials, Councilmember Tetens and Councilmember Cole, each with a Certificate of Election.

**COUNCIL ACTION – ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED OFFICIALS.** *Judge Randy Hufstetler.*

Judge Hufstetler administered the Oath of Office to Councilmember Tetens for member of Council Position One and Councilmember Cole for member of Council Position Five.

Councilmember Seeger stated he appreciates everyone. He stated during his six year tenure one of the items he assisted in was the Shadow Creek Ranch development. This was time well spent and he is grateful for that opportunity. A lot of changes in City Staff took place during his tenure and thinks it has been very beneficial for the City. City Staff is currently at the top. He further stated some drainage issues were also completed and initiated during his term. He asked Council to maintain the work and quality of life in

Pearland. The residents are Number One.

Mayor Pro-Tem Tetens stated it was a pleasure serving with Councilmember Seeger.

**COUNCIL ACTION - ELECTION OF MAYOR PRO-TEM. *City Council.***

Councilmember Owens made the motion, seconded by Councilmember Marcott, to elect Councilmember Charles Viktorin as Mayor Pro-Tem.

Voting "Aye" Councilmembers Viktorin, Owens, Tetens, Marcott, and Cole.

Voting "No" None.

Motion Passed 5 to 0.

**ADJOURNMENT**

Meeting was adjourned at 6:10 p.m.

Minutes approved as submitted and/or corrected this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2004.

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

ATTEST:

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