

**AGENDA – WORKSHOP OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON JUNE 28, 2004, AT 6:30 P. M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

**II. PURPOSE OF THE WORKSHOP:**

- 1. COUNCIL INPUT AND DISCUSSION:** REGARDING THE DEVELOPMENT OF CONSTRUCTION COST ESTIMATES FOR THE WATER AND WASTEWATER CAPITAL IMPROVEMENT MASTER PLAN FOR THE CITY OF PEARLAND. *Mr. Joe Wertz, Project Director.*
- 2. COUNCIL INPUT AND DISCUSSION:** REGARDING THE WEST MARY'S CREEK DESIGN OPTIONS. *Mr. Joe Wertz, Project Director.*
- 3. COUNCIL INPUT AND DISCUSSION:** REGARDING ACCESS TO PROPOSED PEARLAND INDEPENDENT SCHOOL DISTRICT PROPERTY FROM LIBERTY DRIVE VIA CITY-OWNED PROPERTY. *Mr. Alan Mueller, Deputy City Manager.*
- 4. COUNCIL INPUT AND DISCUSSION:** REGARDING THE POSSIBLE AMENDMENT TO MUNICIPAL UTILITY DISTRICT 16 STRATEGIC PARTNERSHIP AGREEMENT (SPA) *Mr. Alan Mueller, Deputy City Manager.*

**III. ADJOURNMENT**

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# AGENDA PACKET

All supporting document(s) that are being considered by Council are available in the City Secretary's office.

**Chief of Police**

J.C. Doyle

**Community Development and Services**

Theresa Grahmann

**Director of Inspections**

Kola Olayiwola

**Interim Director of Parks and Recreation**

Greg Moore

**Director of Public Works**

Jerry Burns

**Economic Development Corporation**

Fred Welch

**EMS Director**

Jeff Sundseth

**Engineering Secretary**

Trish Broussard

**Fire Marshal**

Steve Chapman

**Public Affairs Liaison**

Lynn Munford

# AGENDA

## CITY OF PEARLAND ♦ CITY COUNCIL

June 28, 2004

7:30 p.m.

**MAYOR**  
**Tom Reid**

**Charles Viktorin**  
**Mayor Pro-Tem**  
**Position No. 3**

### COUNCIL MEMBERS

**Richard Tetens**  
**Position No. 1**

**Woody Owens**  
**Position No. 2**



**Larry Marcott**  
**Position No. 4**

**Bill Eisen**  
**City Manager**

**Kevin Cole**  
**Position No. 5**

**Darrin Coker**  
**City Attorney**

**Alan Mueller**  
**Deputy City Manager**

**Young Lorfing**  
**City Secretary**

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

AMENDED AGENDA

AMENDED CONSENT ITEM "J"

AGENDA – REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON JUNE 28, 2004, AT 7:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

- I. CALL TO ORDER
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. MAYOR'S ACTIVITY REPORT
- IV. COUNCIL ACTIVITY REPORTS
- V. CITY MANAGER'S REPORT
- VI. CITIZENS
- VII. DOCKETED PUBLIC HEARING: None
- VIII. 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 (*IX. 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 June 7, 2004, Public Hearing held at 7:00 p.m.
2. Minutes of the June 7, 2004, Special Meeting held at 7:00 p.m.
3. Minutes of the June 14, 2004, Regular Council Meeting held at 7:30 p.m.

**B. CONSIDERATION AND POSSIBLE ACTION – SECOND AND FINAL READING OF ORDINANCE NO. 509-722 – 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 2.70 ACRES OF LAND, AND 2.194 ACRES OF LAND, BEING A PART OF LOT 7 OF THE ALLISON RICHEY GULF COAST HOME COMPANY'S SUBURBAN GARDENS SUBDIVISION OF SECTION 21, H.T. & B.R.R. COMPANY SURVEY, ABSTRACT 309, BRAZORIA COUNTY, TEXAS ACCORDING TO THE PLAT AS RECORDED IN VOLUME 2, PAGES 23 AND 24, PLAT RECORDS, BRAZORIA COUNTY, TEXAS, (GENERALLY LOCATED ON THE SOUTH SIDE OF FM 518, AND EAST OF OWER LANE) (APPLICATION NO. 1173) FROM CLASSIFICATION SUBURBAN DEVELOPMENT DISTRICT (SD) TO GENERAL BUSINESS (GB) AT THE REQUEST OF CHARLES KENNEDY, JR., TRUSTEE FOR MAI NGUYEN 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. Ms. Lata Krishnarao, Planning Manager.**

**C. CONSIDERATION AND POSSIBLE ACTION – SECOND AND FINAL READING OF ORDINANCE NO. 509-723 – 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 TRACT 1, 60.0000 ACRES SITUATED IN THE JAMES HAMILTON SURVEY, ABSTRACT NO. 876, BEING 1.913 ACRES OUT OF THE W.D.C HALL LEAGUE, ABSTRACT 70, BRAZORIA COUNTY, TEXAS, AND BEING PART OF TRACT ONE OF THE PARTITION OF THE YOST ESTATE, 120.44 ACRES AS RECORDED IN VOLUME 6, PAGE 142, PLAT RECORDS BRAZORIA COUNTY, TEXAS; AND 1.9355 ACRES OF LAND OUT OF THE W.D.C. HALL LEAGUE, ABSTRACT 70, BRAZORIA COUNTY, TEXAS, AND BEING PART OF TRACT TWO OF THE PARTITION OF THE YOST ESTATE, 120.44 ACRES AS RECORDED IN VOLUME 6, PAGE 142, PLAT RECORDS BRAZORIA COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF FM 518 AND HAMM**

ROAD) **(APPLICATION NO. 1172)** FROM CLASSIFICATION NEIGHBORHOOD SERVICE DISTRICT (NS) TO PLANNED UNIT DEVELOPMENT (PUD) AT THE REQUEST OF JIM MCGREGOR, AIA, FOR R. ELLIS MANAGEMENT GROUP, LLC 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. *Ms. Lata Krishnarao, Planning Manager.*

- D. CONSIDERATION AND POSSIBLE ACTION – SECOND AND FINAL READING OF ORDINANCE NO. 509-724 – 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 1 AND 2, BLOCK 4, OF COLONIAL ESTATES, A SUBDIVISION IN SECTION 14, H.T. & B.R.R. COMPANY SURVEY, ABSTRACT 509, IN BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 9, PAGE 123, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (LOCATED AT 5230 COLONIAL DRIVE)(APPLICATION NO. 1171) FROM CLASSIFICATION SUBURBAN DEVELOPMENT DISTRICT (SD) TO SINGLE FAMILY DWELLING DISTRICT (R-1) AT THE REQUEST OF TOMMY BARNI, 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.**  
*Ms. Lata Krishnarao, Planning Manager.*

- E. CONSIDERATION AND POSSIBLE ACTION – SECOND AND FINAL READING OF ORDINANCE NO. 1168 – AN ORDINANCE EXTENDING THE CITY LIMITS OF THE CITY OF PEARLAND, TEXAS, TO INCLUDE ALL LAND AREA WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF PEARLAND ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES (BELTWAY 8 AT SH 288); APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE.**  
*Mr. Alan Mueller, Deputy City Manager.*

- F. CONSIDERATION AND POSSIBLE ACTION – SECOND AND FINAL READING OF ORDINANCE NO. 1169 – AN ORDINANCE EXTENDING THE CITY LIMITS OF THE CITY OF PEARLAND, TEXAS, TO INCLUDE ALL LAND AREA WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF PEARLAND ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES (BELTWAY 8 AT SH 288); APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE.**  
*Mr. Alan Mueller, Deputy City Manager.*
- G. CONSIDERATION AND POSSIBLE ACTION – SECOND AND FINAL READING OF ORDINANCE NO. 1170 – AN ORDINANCE EXTENDING THE CITY LIMITS OF THE CITY OF PEARLAND, TEXAS, APPROVING THE ANNEXATION BY BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 28 OF 188.76 ACRES OF LAND.**  
*Mr. Darrin Coker, City Attorney.*
- H. CONSIDERATION AND POSSIBLE ACTION – FIRST AND ONLY READING OF ORDINANCE NO. 1171 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, DETERMINING A PUBLIC CONVENIENCE AND NECESSITY TO ACQUIRE FEE SIMPLE TITLE FOR THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON CERTAIN REAL PROPERTY DESCRIBED HEREIN; AUTHORIZING THE CITY ATTORNEY, OR HIS DESIGNEE, AND OTHER CITY OFFICIALS TO TAKE SUCH ACTIONS AS ARE NECESSARY TO ACQUIRE PROPERTY, LOCATED WITHIN THE CITY, BY DONATION, PURCHASE, OR BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN; AND DECLARING AN EMERGENCY AS THE CONSTRUCTION OF MUNICIPAL IMPROVEMENTS BEARS DIRECTLY UPON THE HEALTH, SAFETY AND WELFARE OF THE CITIZENRY; AND PROVIDING AN EFFECTIVE DATE.** *Mr. Darrin Coker, City Attorney.*
- I. CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-106 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING THE ACQUISITION OF PROPERTY FOR THE FUTURE EXPANSION OF THE MELVIN KNAPP BUILDING.** *Mr. Darrin Coker, City Attorney.*

- J. CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-101** – 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 HBC/TERRACON FOR MATERIALS TESTING SERVICES ASSOCIATED WITH THE CULLEN BOULEVARD EXTENSION PROJECT. *Mr. Bill Eisen, City Manager*
- K. CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-104** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AWARDING A BID FOR THE PURCHASE OF A COMMERCIAL DUTY PAPER SHREDDER. *Mr. Bill Eisen, City Manager.*
- L. CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-109** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, URGING THE TEXAS CONGRESSIONAL DELEGATION TO REQUEST AND SUPPORT FUNDING FOR THE U.S. ARMY CORPS OF ENGINEERS (“CORPS”) GENERAL REEVALUATION REPORT ON CLEAR CREEK FOR THE FISCAL YEAR 2005. *Mr. Bill Eisen, City Manager.*
- IX. MATTERS REMOVED FROM CONSENT AGENDA**
- X. NEW BUSINESS**
- 1. CONSIDERATION AND POSSIBLE ACTION – SECOND AND FINAL READING OF ORDINANCE NO. 509-718** – 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 TRACT 1, 60.0000 ACRES SITUATED IN THE JAMES HAMILTON SURVEY, ABSTRACT NO. 876, BEING ALL OF LOTS 39, 39 ½ , 40, 40 ½, 41, 41 ½, 42, 42 ½, 55, 55 ½, 56, AND 56 ½ IN SECTION OR BLOCK “F” IN THE ALLISON-RICHEY GULF COAST HOME CO’S. PART OF SUBURBAN GARDENS SUBDIVISION; TRACT 2, PARCEL A: ALL OF LOTS 53 AND 54 AND THE SOUTH FIFTY FEET OF LOTS 43 ½ AND 44 ½ OF ALLISON-RICHEY GULF COAST HOME COMPANY SUBDIVISION, SECTION F JAMES HAMILTON SURVEY, ABSTRACT 876; PARCEL B, 11.0586 ACRES OF LAND OUT OF THE ALLISON-RICHEY GULF COAST COMPANY

SUBDIVISION SECTION "F", IN THE JAMES HAMILTON SURVEY A-876; PARCEL D, 882,971 SQUARE FEET OF LAND OUT OF THE ALLISON-RICHEY GULF COAST HOME COMPANY SUBDIVISION, SECTION "F", IN THE JAMES HAMILTON SURVEY A-876; TRACT 3, 44.00 ACRES BEING ALL THAT PARCEL OF LAND BEING ALL OF LOTS 9 1/2, 10 1/2, 23, 23 1/2, 24, 24 1/2, 25, 25 1/2, 26, 26 1/2, OF ALLISON-RICHEY GULF COAST HOME COMPANY SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 3, PAGE 40, OUT OF SECTION "F" OF SAID SUBDIVISION, ALL IN HARRIS COUNTY, TEXAS (LOCATED AT THE SOUTHWEST CORNER OF STATE HIGHWAY 288 AND BELTWAY 8) (APPLICATION NO. 1168) FROM CLASSIFICATION SUBURBAN DEVELOPMENT DISTRICT (SD) TO PLANNED UNIT DEVELOPMENT (PUD) AT THE REQUEST OF JEFF GUSTAFSON OF LENNAR PARTNERS AND LNR CLEAR CREEK SPECTRUM L.P., AGENT FOR SANDRA G. BYBEE, MARY SUSAN LINDHOLM, MARGARET GREASY BYBEE, MARTHA B. SOLAND, MARILYN B. DAWSON, JEANETTE B. NICHOLS, 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.  
*Ms. Lata Krishnarao, Planning Manager.*

2. **CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-108** – AUTHORIZING PUBLICATION OF A NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION IN A PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000 FOR THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF CERTAIN PUBLIC WORKS, AUTHORIZING DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO SUCH CERTIFICATES AND AUTHORIZING CERTAIN OTHER MATTERS RELATING THERETO. *Mr. Bill Eisen, City Manager.*
3. **CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-105** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING A MEMORANDUM OF UNDERSTANDING WITH BRAZORIA COUNTY DRAINAGE DISTRICT NO. 4. *Mr. Alan Mueller, Deputy City Manager.*
4. **CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-107** – A RESOLUTION AUTHORIZING THE CREATION OF DEVELOPMENT AUTHORITY OF PEARLAND, A LOCAL GOVERNMENT CORPORATION; APPROVING THE ARTICLES OF

INCORPORATION AND BYLAWS; APPOINTING THE INITIAL DIRECTORS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT. *Mr. Bill Eisen, City Manager.*

5. **CONSIDERATION AND POSSIBLE ACTION – REMOVE FROM TABLE RESOLUTION NO. R2004-59.** *City Council.*
- 5A. **CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-59 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A CONTRACT FOR TAX COLLECTION SERVICES.** *Mr. Darrin Coker, City Attorney.*
6. **CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. RESOLUTION NO. R2004-99 – 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 FREESE & NICHOLS, INC. FOR CONSTRUCTION ADMINISTRATION SERVICES ASSOCIATED WITH THE CULLEN BOULEVARD EXTENSION PROJECT.** *Mr. Bill Eisen, City Manager.*
7. **CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-110 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, APPROVING THE ANNEXATION BY BRAZORIA-FT. BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 OF APPROXIMATELY 808.329 ACRES OF LAND.** *Mr. Darrin Coker, City Attorney.*
8. **CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-100 – 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 KLOTZ ASSOCIATES, INC. FOR WATER MODELING SERVICES.** *Mr. Bill Eisen, City Manager.*
9. **CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-102 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AWARDED A BID FOR CONSTRUCTION OF THE PEARLAND PARKWAY/BROADWAY WATER IMPROVEMENTS.** *Mr. Bill Eisen, City Manager.*

10. **CONSIDERATION AND POSSIBLE ACTION – RESOLUTION NO. R2004-103** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, APPROVING CHANGE ORDER NO. 5 ASSOCIATED WITH THE FM 518 WEST SANITARY SEWER PROJECT. *Mr. Joe Wertz, Project Director.*

**OTHER BUSINESS:** None

**XI. ADJOURNMENT**

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