AGENDA

JOINT PUBLIC HEARING DATE: JUNE 25, 1991

PURPOSE OF THE HEARING:

APPLICATION NO. 22 - REQUEST OF A. HARREL BLACKSHEAR, AGENT FOR FIRST NATIONAL BANK OF PEARLAND, OWNER, FOR AN AMENDMENT TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE FROM CLASSIFICATION R-3, SINGLE FAMILY DWELLING DISTRICT TO M-F, MULTI-FAMILY DWELLING DISTRICT, ON THE FOLLOWING DESCRIBED PROPERTY, TO-WIT:

6.01379 ACRES, OUT OF A 172.0566 ACRE TRACT OUT OF TRACT 1, THOMAS J. GREEN SURVEY, ABSTRACT 198 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS. (ALEXANDER LANE)

I. PERSONS WISHING TO SPEAK FOR THE PROPOSED REQUEST.

II. PERSONS WISHING TO SPEAK AGAINST THE PROPOSED REQUEST.

III. QUESTION AND ANSWER PERIOD.

IV. ADJOURN

CITY OF PEARLAND

LAND USE CHANGE APPLICATION

ZONING CHANGE REQUESTED

( ) Change in Regulations in Section _____

(XX) Change in Zone Class

From: R-3

To: M-F

BOARD OF ADJUSTMENT & APPEAL

( ) Variance Appeal

( ) Appeal from Interpretation

( ) Special Exception Use

For: _____

PROPERTY IDENTIFICATION

Street or Road Address: Alexander Lane

Lot _____, Block _____ Addition _____

SUBMITTAL INFORMATION

1. Must be professionally drawn XX
2. Minimum scale of 100' to inch XX
3. North Arrow XX
4. Site Map attached XX
5. Tract Dimension -Approx. 320'x 827'
6. Location, size, relationship of all existing structures to Boundary lines XX

LEGAL DESCRIPTION

Describe from Deed Records, attach copy of Deed, and use metes and bounds description:

Platted Lane: _____

Unplatted Land: (Must have metes & bounds description) See Attached

PROPOSED USE OF LAND WITHIN REQUESTED DESIGNATION: Apartments/ Multi-family

RECORD OWNER: First National Bank of Pearland

OWNER'S MAILING ADDRESS & PHONE NO.: P.O. Box 1950 Pearland, Texas 77588 Ph# 485-2423

NAME & ADDRESS OF MORTGAGEE, if any: None

AGENT'S NAME: A. Harrel Blackshear PHONE NO.: 485-2423

AGENT'S MAILING ADDRESS: P.O. Box 1950 Pearland, Texas 77588

PETITION As Owner/Agent, I hereby petition the City for approval of the above described request as provided by the laws of the State of Texas and Ordinances of the City of Pearland.

SIGNATURE First National Bank of Pearland Owner SIGNATURE AGENT

FEE: $ 250.00 DATE PAID: May 28, 1991

DATE FILED: _____ APPLICATION NO. _____

the Niday Funeral Home on May 2 and, in conclusion, stated he will be attending the B.C.C.A. meeting this Wednesday evening at Surfside Beach.

Councilmember Smith reported attending the Clear Creek Watershed Steering Committee meeting here at City Hall last Wednesday, with representatives of the 17 entities involved in the project in attendance. Most of these entities have already passed the interlocal agreement, like the agreement we have on the agenda for final reading this evening. State funding on a portion of the cost of the project is dependent on this agreement being signed. The funding will amount to $800,000 with Harris County Flood Control matching it dollar for dollar. Councilmember Smith stated he felt this was the first project on Clear Creek where there is total participation.

Councilmember Smith reported that in attending the Brazoria County Ten Year Study Committee meeting, he discovered that Galveston and Ft. Bend Counties had more bonded indebtedness than Brazoria County and it seems that Brazoria County is in good financial shape.

Councilmember Smith reported that at the Drainage District meeting this morning further discussions were held on the Mary's Creek concrete lining project, west of Hwy. 35 and the storm sewer project work on Old Alvin Road. In addition, Councilmember Smith stated, the Drainage District signed their interlocal agreement on the Clear Creek Watershed project.

Councilmember Weber reported that he too participated at the fund raiser sponsored by the Jaycees, and will also meet the City Staff Tuesday morning. In addition he is planning to attend Brazoria County Cities Association meeting this Wednesday.

DEPARTMENTAL REPORTS

Acting City Manager Jim DeShazer reported that, with the aid of Commissioner Plaster's crew, surfacing of Barry Rose Road was completed today.

Mr. DeShazer reported that a study was made of the traffic problems at McLean and Walnut and the engineer had three basic recommendations; one of which we will be exploring and that is, the installation of a traffic signal light at that intersection which will be synchronized with the one on F.M. 518. In the long run, City Manager DeShazer informed, more will have to be done with this intersection.

City Manager DeShazer reported that Ronny McWhirter and Dick Qualtrough met with the Highway Department contractor this morning concerning the two bridge projects, one on Dixie Farm Road and the other at Longherridge. The State will begin shortly on reconstruction of the Dixie Farm Road bridge.

Mr. DeShazer introduced to Council Ms. Daisy Palmer, representative with T.M.L. Insurance. Ms. Palmer related that she has had discussions with Mary Hickling, Human Resource Coordinator, concerning the City's double coverage on the E.M.S., Fire Department and E.M.S. technicians, and the need for City Staff to review this in time for the next budget year. She discussed the options the City had in this matter and answered several questions from Council.

CITIZENS

1. Frances Jamison, F. M. 518. Mrs. Jamison, who had signed to appear before Council, was not present at the meeting.

2. Charles Kinsey, 5208 W. Broadway. Mr. Kinsey, Attorney, appeared before Council on behalf of his client Mr. Cole. He spoke of the problems Mr. Cole has been experiencing recently with City Staff concerning his business, Cole's Flea Market on Telephone Road. Mr. Kinsey advised that his client feels he is being harassed by City personnel and the Police Department and he would like the Council to consider this matter and perhaps resolve the problem.

3. Robert J. Foley, 909 Evergreen Dr., Friendswood. Mr. Foley appeared before Council to request that they grant him a variance to the Subdivision Ordinance, to permit him to build on a lot in Sleepy Hollow that is less than what was originally platted.

4. Richard Jones, 1801 Sleepy Hollow. Mr. Jones appeared before Council as a spokesman for the Sleepy Hollow area homeowners to express their objections to the request made by Mr. Foley for a variance from Council to build on a lot

smaller than originally platted. Thirteen property owners signed a petition to that effect and feel that it would be detrimental to their property values and a violation of the deed restrictions, Mr. Jones stated.

5. Bill Fink, 1808 Washington Irving. Mr. Fink stated that his house is directly across the street from the property in question and he and the others on the same side of the street have 120' frontage. The lots on the other side of the street are 110' minimum, and he strongly objects to Mr. Foley's request to build on a lot with 80' frontage.

DOCKETED PUBLIC HEARING

PURPOSE OF THE HEARING:

REQUEST BY TEXAS-NEW MEXICO POWER COMPANY FOR AN INCREASE IN ELECTRICAL RATES

SPEAKING IN FAVOR OF THE PROPOSED REQUEST

1. Kenneth Bayam, District Manager of Texas-New Mexico Power Company. Mr. Bayam stated that the requested increase is for funding to build a power plant to serve this area. The minimum monthly rate for the months of May - October would be increased from $7.25 to $7.50, with a charge of 8.36¢ per KWH for all KWH; and the minimum monthly rate for the months of November - April would be $7.50, with a charge of 7.61¢ per KWH for all KWH.

SPEAKING AGAINST THE PROPOSED REQUEST

No one present spoke against the proposed request.

QUESTION AND ANSWER PERIOD

In answer to the questions by Council, Mr. Bayam informed that currently only four residence customers would be affected by this increase, and that approximately 30% of the power is purchased from Houston Lighting & Power, with their rates being less than HL&P.

HEARING ADJOURNED

COMPLETE TAPE OF THIS HEARING IS ON FILE IN THE OFFICE OF THE CITY SECRETARY

CHANGE IN THE ORDER OF BUSINESS

NEW BUSINESS

RESOLUTION NO. R90-13, RESOLUTION SUSPENDING THE OPERATION OF PROPOSED RATE SCHEDULES FILED BY TEXAS-NEW MEXICO POWER COMPANY FOR A PERIOD OF NINETY DAYS

Resolution No. R90-13 was read in caption by Councilmember Smith.

It was moved by Councilmember Smith, seconded by Councilmember Tetens, that Resolution No. R90-13 be passed and approved on the first and only reading.

In general Council discussion, Councilmember Wolff stated that the proposed rate increase is still less than that charged by HL&P and that he feels they should not have to wait 90 days to help fund their power plant.

City Attorney Robert Talton informed that if Council takes no action, the rates will go into effect.

Said Resolution No. R90-13 reads in caption as follows:

RESOLUTION NO. R90-13

A RESOLUTION OF THE CITY OF PEARLAND, TEXAS, SUSPENDING THE OPERATION OF PROPOSED RATE SCHEDULES FILED BY TEXAS-NEW MEXICO POWER COMPANY FOR A PERIOD OF NINETY (90) DAYS BEYOND THE DATE ON WHICH SUCH SCHEDULES WOULD OTHERWISE GO INTO EFFECT.

Voting "Aye" - Councilmembers Weber, Tetens and Miller.

Voting "No" - Councilmembers Smith and Wolff.

Meeting of May 2...

Councilmember Smith reported that he has spent considerable time looking into the mobile data terminals in the Police Department and hopefully by the next meeting we will have some accurate information on what we will be able to accomplish with this equipment and the cost involved.

In response to the Mayor's question, Councilmember Smith informed that he and City Engineer Dick Qualtrough met with the Chief Design Engineer with the Highway Department about the installation of left turn lanes at some intersections along F. M. 518, from Westminister, west to Hwy. 35. The State Engineer stated that they would be looking into this and give us something in writing in the near future.

Councilmember Weber reported attending a Tri-County luncheon on May 23, at which Larry Milner, President of the Texas Chamber of Commerce, gave a very informative speech. In addition, he, too, received several citizen complaint calls of which most have been handled.

Councilmember Weber questioned City Manager DeShazer about the drainage work in Twin Creek Woods. Mr. DeShazer responded that it was determined that we will be going deeper with the culverts or pipe than was originally planned; consequently, we will be reshooting elevations in that area.

DEPARTMENTAL REPORTS

Acting City Manager Jim DeShazer reported meeting with Mrs. Jackson, with the Carden-Jackson School, and her husband regarding the expansion of the school into the other building. Code Enforcement Officer Ernie Buenrostro and Fire Chief Larry Steed have looked over this building to see what needs to be done beforehand for use as a school.

City Manager DeShazer informed that some modifications to the mechanics shop have been budgeted in our current budget and, and in going out for bids on this project, he would like to include an alternate bid for a canopy over the gas pumps at the Service Center. Council concurred that these items should be bid.

CITIZENS

1. Leslie Schroeder, 3220 Three Sister Circle. A spokesperson for the concerned citizens spoke in place of Mrs. Schroeder. Their main concern was the fact that they have to make repeated calls to the owner and City personnel each year before the tall grass is mowed on the vacant land around their homes in the Alexander Landing Subdivision. They feel the tall grass is a very serious health problem. In addition, the other problem they had in their area was that the employees working for Offenberger Homes had no sanitation facilities. In each case they felt the problem was resolved when they contacted Councilmember Wolff, and they think that these matters should be taken care of in the general line of business.

2. Janelle Powell, 1805 Washington Irving. Mrs. Powell spoke in favor of a variance being granted for Robert Foley to build on a lot smaller than was originally platted. Mrs. Powell had submitted a petition containing 27 signatures of residents in the area who were in favor of the variance being granted. She indicated that she was speaking not as Mr. Foley's daughter, but as the property owner next to the lot in question.

3. Richard Jones, 1801 Sleepy Hollow. Mr. Jones spoke against Robert Foley's request for a variance. Mr. Jones informed that he had acquired other information from City files that revealed a similar situation happened in that area in the middle 1970's in which a builder wanted to build three dwellings on two homesites. At that time a petition, containing over 100 signatures of area residents who protested the reducing of building lots sizes from the original filed plat, was presented to Council. Council then instructed Staff to include in the Building Code the provision that no building permit shall be issued on any lot smaller than what was originally platted except by permission of the City Council. In conclusion Mr. Jones stated that he would like the neighborhood kept in tact and does not want the property devalued.

4. Bill Fink, 1808 Washington Irving. Mr. Fink spoke against Mr. Foley's request for a variance, stating that 26 names does not constitute the majority of people in that area. He mentioned that the Sleepy Hollow Subdivision was platted with the intention of large size lots and that he feels that a smaller lot would not look good in the neighborhood.

Meeting of June 11, 1990

Councilmember Smith reported meeting with representatives of a company who have offered to come in, at no cost to the City, to investigate areas in which we might be losing water. At that time they will present a plan for us to recover the loss. Councilmember Smith mentioned that the company will be getting in contact with the City Manager on this matter.

Councilmember Smith reported attending the Drainage District meeting this morning and informed that the Clear Creek Watershed Committee will be meeting in our City Hall this Wednesday evening.

Councilmember Smith recognized, in the audience, employees from the police, fire and public works departments and commended them for their outstanding performances last Friday.

Councilmember Weber stated that he, too, had concerns about the appointment of a Citizens Advisory Committee.

Councilmember Weber reported that he was at the fire scene until early Saturday morning and that he was very impressed by the performances of all the volunteer workers and individuals assisting. He hoped to have a complete list of all those who helped so that all will receive thank-you letters.

Councilmember Wolff reported that it has been brought to his attention that the detour bridge, to be built by the State Highway Department for use while they are constructing the bridge on Longherridge Drive across Mary's Creek, appears to be in the path of an old oak tree. Councilmember Wolff suggested that City Staff contact members of the Highway Department to see if this temporary bridge could be rerouted so that the tree would not have to be removed.

Councilmember Wolff informed that he had contacted Representative Jack Harris for his assistance in securing a cannon to be placed in Independence Park; but that he was informed recently by Representative Harris that no cannons are available.

DEPARTMENTAL REPORTS

Acting City Manager Jim DeShazer remarked that he too was very proud of all the efforts put forth by those involved in battling the fire on Friday. He informed that the investigation is still going on and, hopefully, he would have a written report for Council and the news media by Wednesday.

CITIZENS

1. Leroy Savoie, 2612 Taylor Lane. Mr. Savoie spoke to Council expressing his concerns about some of the deficiencies that he feels are currently in the Sign Ordinance. He listed several problem areas that he felt needed to be addressed and offered his services to work on a committee to examine them.

2. Nick Boyko, 3704 Dorothy. Mr. Boyko advised Council that he was speaking in his capacity as Chairman of the Zoning Board of Adjustment and that he, too, had concerns about the Sign Ordinance. Since the Sign Ordinance went into effect back in 1988, the Board has met to consider 15 variances for signs, and in each of these cases, the variance request was for increasing the signage allowed to them because of the wording of the Ordinance. The Board would like to request that Council look at this particular part of the Sign Ordinance to see if the wording needs to be corrected.

3. Donna Watkins, 1808 Sleepy Hollow Dr. Mrs. Watkins spoke to Council expressing her concerns about hearing that the City might put in a park at 1807 Washington Irving, and listed her reasons for not wanting a park that would be behind her house.

4. Robert J. Foley, 909 Evergreen Dr., Friendswood. Mr. Foley again appeared before Council with a request for a variance to build a new home on Lot 15, Block 10 of Sleepy Hollow Estates, (1807 Washington Irving). Mr. Foley submitted to Council some information concerning this matter, which included a drawing that showed the approximate distance between houses on Washington Irving and a sketch showing the proposed house to be built.

CHANGE IN THE ORDER OF BUSINESS

NEW BUSINESS

COUNCIL DECISION ON REQUEST BY ROBERT FOLEY, FOLEY HOMES, FOR A VARIANCE TO BUILD ON LOT SMALLER THAN ORIGINALLY PLATTED (1807 WASHINGTON IRVING)

It was moved by Councilmember Smith, seconded by Councilmember Wolff, that Council grant this variance to Mr. Foley with the following stipulations: 1) that he will build Mr. Tommy Rives' house plan No. 2129 which he presented to Council as the house he intends to build there; 2) that he follow the plot plan that he presented to Council; and 3) that he secures, prior to getting his building permit, a title commitment to this lot.

Council questioned Mr. Foley on whether the change in the lot line next to Lot 10 had been recorded. Mr. Foley responded that it had. In addition Council had questions concerning whether or not the change in the lot lines constituted a replat and should approval of this need to be considered by the Planning and Zoning Commission.

Voting for the Motion: Councilmembers Wolff and Smith.

Voting Against the Motion: Councilmembers Miller, Tetens and Weber.

Motion failed 3 to 2.

DOCKETED PUBLIC HEARINGS - NONE

UNFINISHED BUSINESS

ORDINANCE NO. 582-1, AN ORDINANCE AMENDING ORDINANCE NO. 582, ESTABLISHING SPEED LIMITS DURING CONSTRUCTION ON A PORTION OF DIXIE FARM ROAD WITHIN THE CORPORATE LIMITS OF PEARLAND AND PROVIDING A PENALTY FOR VIOLATION THEREOF

On the request by Acting City Manager DeShazer, Mayor Coppinger advised that this item would be passed to a future agenda.

ORDINANCE NO. 513-2, ORDINANCE AMENDING CHAPTER 10 OF THE CITY CODE OF ORDINANCES, CREATING NEW SECTIONS DEALING WITH FIREWORKS, AND PROVIDING FOR A PENALTY FOR VIOLATION THEREOF

Fire Chief Larry Steed informed that he and the City Attorney reviewed the Ordinance after the first reading and found that there needed to be an addition to this ordinance that addressed persons engaged in the retail distribution of Class C fireworks.

It was moved by Councilmember Tetens, seconded by Councilmember Wolff, that the following amendment be incorporated into Ordinance No. 513-2: on Page 3, add to Sec. 10-76, paragraph (e) Persons engaged in the retail distribution of Class C fireworks (who were permitted by the State of Texas to sell fireworks as a retail distribution source only), outside the City of Pearland, but within the five thousand foot (5000') limits of this ordinance as of January 1, 1990, shall be exempt from prosecution for the sale of, possession, storage and transportation of Class C fireworks, provided that the said establishment meets all requirements and regulations as set out by the Texas State Board of Insurance Fireworks Rules, and that the location of said establishments have been approved by the City of Pearland Fire Marshal.

Motion passed 5 to 0.

Ordinance No. 513-2 was read in caption, along with the entire addition of paragraph (e) of Section 10-76, by Councilmember Wolff. (Second Reading)

It was moved by Councilmember Wolff, seconded by Councilmember Tetens, that Ordinance No. 513-2 as amended be passed and approved on the second and final reading. Said Ordinance No. 513-2 reads in caption as follows:

ORDINANCE NO. 513-2

AN ORDINANCE AMENDING CHAPTER 10, FIRE PREVENTION AND PROTECTION, NAMING ARTICLE III, FIREWORKS, AND CREATING SECTIONS 10-73 THROUGH 10-80 OF THE CODE OF ORDINANCES OF THE CITY, PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SEVERABILITY CLAUSE, A REPEALING CLAUSE AND A SAVINGS CLAUSE; AND PROVIDING FOR CODIFICATION, PUBLICATION AND AN EFFECTIVE DATE.

COVE " Robins Cove

NOTE: There is an unobstructed aerial easement 11.5' feet wide extending upwards beginning at a height of 16.0 feet above the ground adjoining the 10 foot utility easements

Ditch 47.80

SE¢ A-234

LOTS
ALLISON
T HOME CO.
CO. SURVEY,
OUNTY, TEXAS.

Note: Power Pole 478° West of SE¢ "Robin Cove" T.B.M. Godd Galv. Nail in Power Pole Elev. 53.706 Relative to U.S.C&GS N-693 1979 Adj

THERE ARE NO PIPELINES OR PIPELINE EASEMENTS ACROSS THIS TRACT, or within 100' thereof.

THIS TRACT LIES ENTIRELY IN ZONE "B" PER FEMA PANEL NO. 485458-0030E DATED 8/19/86

OWNER & DEVELOPER: Ray Whaley 13720 Roy Road, Pearland Texas

Robin Sound - 733.55'
Robin Spur - 154.00'
887.55' Total

Easements to be clear of:
All fences, buildings, plantings, & other obstructions

Sidewalks to be built per City of Pearland Specs.

ENGINEER: J. D. GARNER P. E.
MUNICIPAL ENGINEERING COMPANY INC.
3301 FEDERAL ROAD
PASADENA, TEXAS 77504

7.68 ACRE BOUNDARIES SURVEYED ON THE GROUND IN SEPTEMBER, 1987.

Steve D. Adams

STEVE D. ADAMS R.P.S. 3666
P.O. BOX 114, ALVIN, TEXAS 77512

STATE OF TEXAS STEVE D. ADAMS 3666 REGISTERED PUBLIC SURVEYOR

September & October 1987
submitted November 9, 1987 SDA
Revised 12-15-87 SDA

el, City Attorney

nasset, P. E.
of Public Works