

# AGENDA

## CITY OF PEARLAND ♦ CITY COUNCIL

January 25, 2016

6:30 p.m.

**MAYOR**  
**Tom Reid**

**Tony Carbone**  
**Mayor Pro-Tem**  
**Position No. 1**

### COUNCIL MEMBERS

**Derrick Reed**  
**Position No. 2**



**Gary Moore**  
**Position No. 3**

**Keith Ordeneaux**  
**Position No. 4**

**Greg Hill**  
**Position No. 5**

**Jon R. Branson**  
**Deputy City Manager**

**Clay Pearson**  
**City Manager**

**Trent Epperson**  
**Assistant City Manager**

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

**Young Lorfing, TRMC**  
**City Secretary**

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



**CITY COUNCIL AGENDA**  
CITY OF PEARLAND  
REGULAR COUNCIL MEETING  
**MONDAY, JANUARY 25, 2016 | 6:30 P.M.**  
COUNCIL CHAMBERS | PEARLAND CITY HALL | 3519 LIBERTY DRIVE  
281.652.1600

- I. CALL TO ORDER**
- II. INVOCATION AND THE PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA FLAG AND TEXAS FLAG**
- III. ROLL CALL :** Mayor Reid, Mayor Pro-Tem Carbone, Councilmembers Moore, Reed, Ordeneaux, and Hill.
- IV. CITIZEN COMMENTS:** In order to hear all citizen comments at a reasonable hour, the City Council requests that speakers respect the three-minute time limit for individual comments and the five-minute time limit for an individual speaking on behalf of a group. This is not a question-answer session, however, it is an opportunity to voice your thoughts with City Council.
- V. PUBLIC HEARING:** None
- VI. CONSENT AGENDA:**

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

**A. Consideration and Possible Action – Approval Of Minutes:**

- 1. Minutes of the October 19, 2015, Joint Special Meeting held at 7:00 p.m.
- 2. Minutes of the November 9, 2015, Regular Meeting held at 6:30 p.m.
- 3. Minutes of the November 16, 2015, Joint Special Meeting held at 7:00 p.m.

- B. Consideration and Possible Action – Second and Final Reading of Ordinance No. CUP-2015-13** – An Ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for a winery in the General Commercial (GC) zone, being the North one-half of Lot 47 of the Subdivision of Section 85, H.T.B.B. Railroad Company Survey, Abstract No. 304, in Brazoria County, Texas; being that same tract of land as described in the deed to Thomas a, Amundsen recorded in Volume 91960, Page 139, Deed Records of Brazoria County, Texas. **(Located at 2635 Miller Ranch Road, Pearland, TX.)** Conditional Use Permit Application No 2015-13, within the General Commercial (GC) zoning district, at the request of Jimmy Aranda, applicant; on behalf of Tom Amundsen, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.
- C. Consideration and Possible Action – Resolution No. R2016-9** – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply contract for traffic signal heads and components with Traffic Parts, Inc., in the estimated amount of \$88,060.00 beginning February 25, 2016 through February 24, 2017.
- D. Consideration and Possible Action – Resolution No. R2016-15** – A Resolution of The City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to participate in an interlocal cooperative pricing arrangement with the Houston-Galveston Area Council (H-GAC) for the purchase of miscellaneous radios and equipment for the Police and Fire Departments from Motorola Solutions, Inc., in the estimated amount of \$142,766.04.
- E. Consideration and Possible Action – Resolution No. R2016-10** – A Resolution of the City Council of the City of Pearland, Texas, renewing a contract for the purchase of Fire Department Uniforms from Galls, LLC, in the estimated amount of \$71,055.00 for the period of January 26, 2016 through January 25, 2017.

**NEW BUSINESS:**

- 1. Consideration and Possible Action – Resolution No. R2016-7** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Development and Subdivision Agreement with Lake Park Pearland, Ltd, associated with the oversizing of sanitary sewer improvements and the construction of other public improvements **(generally located at the intersection of Cullen Parkway and McHard Road)** in the estimated amount of \$1,117,000.00.
- 2. Consideration and Possible Action – Resolution No. R2016-14** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property; being a 0.006 of one acre (272 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 310, Brazoria County, Texas and being out of and a part of the Westerly 0.481 of one acre portion of that tract described as 0.898 of one acre in the County Road 403 abandonment per Brazoria County Commissioner's Court dated August 19, 1985 and recorded in Volume (85)175, Page 155, Brazoria County Deed Records, for the construction and maintenance of water, sewer, drainage and road improvements **(Hughes Ranch Road Project)** on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.

3. **Consideration and Possible Action – Resolution No. R2016-13** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property; being a 0.1527 of one acre (6,652 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 310, Brazoria County, Texas and being out of and a part of the Northeasterly corner of Lot 33, Block 1 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Page 107, Brazoria County Map Records (B.C.M.R.), for the construction and maintenance of water, sewer, drainage and road improvements **(Hughes Ranch Road Project)** on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.
4. **Consideration and Possible Action – Resolution No. R2016-16** – A Resolution of the City Council of the City of Pearland, Texas, endorsing the Pearland 20/20 Community Strategic Plan.

#### **MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS**

#### **OTHER BUSINESS:**

#### **EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE**

1. **Section 551.072 – Real Property:** Regarding the Sale, Lease, Purchase, or Exchange of Real Property.

#### **NEW BUSINESS CONTINUED:**

5. **Council Action** – Regarding the Sale, Lease, Purchase, or Exchange of Real Property.

#### **VII. 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](http://pearlandtx.gov)

**MINUTES OF A JOINT SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, OCTOBER 19, 2015, AT 7:00 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

Mayor Reid called the meeting to order at 8:34 p.m. with the following present:

Mayor Tom Reid	P&Z Chairperson Henry Fuertes
Councilmember Derrick Reed	P&Z Vice Chairperson Daniel Tunstall
Councilmember Gary Moore	P&Z Commissioner Mary Starr
Councilmember Keith Ordeneaux	P&Z Commissioner Troy Pradia
Councilmember Greg Hill	P&Z Commissioner Derrell Isenberg
City Manager Clay Pearson	
City Attorney Darrin Coker	
City Secretary Young Lorfing	

Absent: Mayor Pro-Tem Carbone; Planning & Zoning Commissioner Ginger McFadden; Planning & Zoning Commissioner Thomas Duncan.

Others in attendance: Jon Branson Deputy City Manager; Matt Buchanan President of Pearland Economic Development Corporation; Trent Epperson Assistant City Manager; Lata Krishnarao Director of Community Development; Frankie Legaux City Planner; Richard Mancilla Assistant City Engineer.

**Purpose of the Workshop:**

**Input and Discussion: Ivy District:** A request of Patti Joiner, Applicant; on behalf of the American Modern Green (Houston) LLC; owner; for a Joint Workshop regarding a proposed Planned Development known as "Ivy District," a proposed missed use development with multi-family, retail, hotel, office uses and townhouses, on approximately 48 acres of land generally located on the west side SH 288, east of Kirby Drive, south of South Spectrum Boulevard, and north of Clear Creek, Pearland, TX.

**Staff Review:**

City Planner Frankie Legaux reported the Ivy District Planned Development (PD) encompasses 48.5 acres, and is located within Harris and Brazoria Counties. The proposed PD, while similar to the current PD for the site, will replace the current PD that was approved in 2014. Access to the site is provided from SH-288 from South Spectrum Boulevard on the northern boundary of the tract and an access driveway on the eastern boundary to SH-288 frontage road. The PD is proposed as "walkable, mixed use development, with following three major components:

1. The commercial component encompasses 5.6 acres that fronts along SH-288, South Spectrum Drive, and Clear Creek and possible commercial uses include office, hotel/conference center, and retail.

2. The residential component encompasses 14.4 acres, and will include senior housing including assisted living, congregate living, skilled nursing, rehabilitative services and related uses; townhomes with brownstone style units; and high end multi-family luxury uses in an urban setting, some with neighborhood retail located on the first floor. The residential component will also include a 0.3 acre civic space that will include “pedestrian friendly elements, landscaping, public art opportunities, and fountains.
3. The open space component will incorporate 15.5 acres of open space and parkland and 3.9 acre detention pond, along the Clear Creek as public open space for recreational purposes, with trails connecting to all districts and thoroughfares. It will also include a public plaza for community events, festivals, outdoor seating, and other such events.

Patti Joiner Agent for American Modern Green (Houston) LLC introduced the American Modern Green Team and gave a brief summary of the Ivy District.

Discussion ensued between Council and the American Modern Green Team regarding an explanation of the Site Plan and demographics.

Councilmember Ordeneaux stated at this time he does not like what he sees, he would like to see a multi-use in this area.

Mayor Reid stated regarding the Ivy District project he would like to see more than a high density parking complex.

Discussion ensued between Council and the American Modern Green Team regarding the potential hotel site.

Councilmember Moore stated he agrees with Councilmember Ordeneaux in that he would like to see more retail businesses in this area.

Patti Joiner Agent for American Modern Green LLC stated with any development it takes time to stabilize and get some momentum going. She further stated there needs to be more residential other than 31 acres of property started in order to support more retail. We want to be sensitive in making sure it is a successful project.

Councilmember Ordeneaux stated he has said many times that Pearland has done a great job in building residential. The problem now is the tax burden is on the residents because Pearland does not have the commercial. He stated he is looking at what is best for the City as a whole.

Councilmember Hill stated he likes what he sees and that it is less multi-family, he likes what American Modern Green is proposing, but Pearland needs more retail.

Mayor Reid stated Pearland does not want only the people living in the Ivy District to be shopping there, but everyone.

Councilmember Moore stated the way to get more people coming to Pearland to shop is to get more upscale stores in Pearland.

Discussion ensued between Councilmember Reed, Patti Joiner and the American Modern Green Team regarding what the market is showing in the Pearland area, residential, retail space, and the time table for the project on the adjacent 150 acres.

Discussion ensued between Planning & Zoning Commissioners and American Modern Green Team regarding the location, townhomes, retirement community, and needing more retail.

Councilmember Hill stated he appreciates Patti Joiner and the American Modern Green Team giving their presentation. This is going to be something that everyone will need to work through.

**Adjournment:**

Meeting was adjourned at 10:06 p.m.

Minutes approved as submitted and/or corrected this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

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

ATTEST:

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

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, NOVEMBER 9, 2015, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

Mayor Reid called the meeting to order at 6:30 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Tony Carbone
Councilmember	Gary Moore
Councilmember	Derrick Reed
Councilmember	Keith Ordeneaux
Councilmember	Greg Hill
City Manager	Clay Pearson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Others in attendance: Claire Bogard Director of Finance; Jon Branson Deputy City Manager; Matt Buchanan President of Economic Development Corporation; Kevin Byal Building Official; J.C. Doyle Police Chief; Trent Epperson Assistant City Manager; Roland Garcia Fire Marshal; Chris Orlea Director of Parks and Recreation; Michelle Graham Director of Human Resource; Lata Krishnarao Director of Community Development; Frankie Legaux City Planner; Sue Polka Director of Engineering; Vance Riley Fire Chief; Eric Wilson Public Works Director; Sparkle Anderson Communications Manager; Skipper Jones Assistant Director of Capital Projects; Michael Leech Assistant Director Public Works; Richard Mancilla Assistant City Engineer; Daniel McGhinnis Chief Information Officer; Bob Pearce Purchasing Officer; Lawrence Provins Deputy City Attorney; Jennifer Huhn Court Administrator.

The invocation was given by Mayor Pro-Tem Tony Carbone and the Pledge of Allegiance was led by Police Chief Chris Doyle.

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

**CITIZEN COMMENTS:**

Beth Johnson, 1921 Winding Creek, addressed Council thanking them for providing the Knapp Activity Center. It is a great place for seniors, It keeps us healthy mentally, and physically. Ms. Johnson commented that Lety Castillo is doing a great job of running the center. She further stated that she is very blessed to have the center and appreciates all that Council has put into keeping it open for the seniors.

Larry Marcott, 3606 Inverness Court, addressed Council stating his concerns regarding the vote passed on Bakers Landing not knowing if the Planning Department approved everything. He stated his concerns regarding three new Planning and Zoning members that voted for this when they have never attended a Planning and Zoning meeting. He further stated his concerns regarding flooding on FM 518 west of Corrigan. The residents that have been paying their taxes for many years need to be taken care of.

**PUBLIC HEARING: None**

## CONSENT AGENDA:

- A. Consideration and Possible Action – Approval Of Minutes:**
1. Minutes of the October 12, 2015 Regular Meeting minutes held at 6:30 p.m.
- B. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1286-2** – An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 14, Article III, Junked Vehicles, of the City Of Pearland Code Of Ordinances; having a savings clause, a severability clause, and a repealer clause; providing for publication, codification, and an effective date.
- C. Consideration and Possible Action – Resolution No. R2015-200** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Interlocal Agreement with Fort Bend County associated with road improvements at the intersection of FM 2234 and FM 521.
- D. Consideration and Possible Action – Resolution No. R2015-199** – A Resolution of the City Council of the City of Pearland, Texas, amending a fixed unit rate contract for building plan review and inspection services with Mikayla Architects, not to exceed the maximum amount of \$180,000.00 and extending the expiration of the contract to September 30, 2016.
- E. Consideration and Possible Action – Resolution No. R2015-203** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an amended Letter Financing Agreement with the Lower Kirby Pearland Management District and an amended Reimbursement Agreement with the Pearland Economic Development Corporation associated with the Kirby Ditch Improvement Project.
- F. Consideration and Possible Action – Resolution No. R2015-204** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Letter Financing Agreement with the Lower Kirby Pearland Management District and a Reimbursement Agreement with the Pearland Economic Development Corporation associated with the design and construction of the North Spectrum Traffic Signal.
- G. Consideration and Possible Action – Resolution No. R2015-205** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Reimbursement Agreement with the Pearland Economic Development Corporation associated with the construction of the Lower Kirby Underground Electrical Phase III.
- H. Consideration and Possible Action – Resolution No. R2015-196** – A Resolution of the City Council of the City of Pearland, Texas, declaring intention to reimburse project expenditures from proceeds of future tax-exempt permanent improvement bonds, certificates of obligation, and water/sewer bonds.
- I. Consideration and Possible Action – Resolution No. R2015-195** – A Resolution of the City Council of the City of Pearland, Texas declaring intention to reimburse expenditures from future capital lease proceeds or from other financing sources.

- J. Consideration and Possible Action – Resolution No. R2015-197**– A Resolution of The City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to participate in an interlocal cooperative pricing arrangement with the Texas BuyBoard for the purchase of fitness equipment from Marathon Fitness and Com-Fit in the amount of \$286,575.65.
- K. Consideration and Possible Action – Resolution No. 2015-202** – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for waste water polymer with Fort Bend Services at a unit cost of \$571.50 per drum, in the estimated amount of \$115,000.00 beginning November 15, 2015 through November 14, 2016.
- L. Consideration and Possible Action – Resolution No. 2015-198** – A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for large water meter testing and minor repair services with Southern Flowmeter, Inc. in the estimated amount of \$115,356.00 for the period beginning November 11, 2015 through November 12, 2016.
- M. Consideration and Possible Action** – The appointment of Tammy McLain to Position No. 3 with the term expiring November 1, 2018 to serve on the Library Board.
- N. Consideration and Possible Action** – The appointment of Jessica Fernandez to Position No. 1 with an unexpired term expiring November 1, 2016 and the appointment of Sean Ennis to Position No. 7 with the term expiring November 1, 2018 to serve on the Parks, Recreation and Beautification Board.

Mayor Pro-Tem Carbone asked that Consent Agenda Items I and J be removed from the Consent Agenda for further discussion.

Councilmember Hill made the motion, seconded by Councilmember Ordeneaux, to adopt Consent Agenda Items A through N with the exception of Items I and J as presented on the Consent Agenda.

Councilmember Moore amended the motion, seconded by Councilmember Ordeneaux to remove Item H as presented on the Consent Agenda.

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

Voting “No” None.

Motion Passed 5 to 0.

Mayor Reid called for the vote on the amended motion.

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

Voting “No” None.

Motion Passed 5 to 0.

## **MATTERS REMOVED FROM CONSENT AGENDA**

As requested by Mayor Pro-Tem Carbone Consent Agenda Items H, I and J was removed for further discussion.

- H. Consideration and Possible Action – Resolution No. R2015-196** – A Resolution of the City Council of the City of Pearland, Texas, declaring intention to reimburse project expenditures from proceeds of future tax-exempt permanent improvement bonds, certificates of obligation, and water/sewer bonds.

Councilmember Hill made the motion, seconded by Councilmember Moore, to approve Resolution No. R2015-196.

City Manager Clay Pearson reported the fiscal year 2016 adopted budget included funding appropriations for capital projects to be financed or partially financed through the issuance of debt. The fiscal year 2016 budget includes Permanent Improvement Bonds to be sold in the amount of \$21,822,405, Certificates of Obligation to be sold in the total of \$12,618,805 and Water/Sewer Revenues Bonds total \$4,840,415, excluding bonds to be sold for the Far Northwest Treatment Plant through the Texas Water Development Board.

Mayor Pro-Tem Carbone stated he does not like the fact that the City is moving along a path of issuing Certificates of Obligation in the amount of \$5,224,831 for the City Hall Complex Renovation especially when the City still has the General Obligation debt and 2007 projects to be completed.

Director of Finance Claire Bogard stated this is just an intent to reimburse. Council still has to approve the actual Bond sale as well as the Construction Contract of the project. This is just a step if the City does go forward with the contract this is a way to get reimbursed.

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

Voting “No” Mayor Pro-Tem Carbone.

Motion Passed 4 to 1.

- I. Consideration and Possible Action – Resolution No. R2015-195** – A Resolution of the City Council of the City of Pearland, Texas declaring intention to reimburse expenditures from future capital lease proceeds or from other financing sources.

Councilmember Hill made the motion, seconded by Councilmember Ordeneaux, to approve Resolution No. R2015-195.

City Manager Clay Pearson reported the fiscal year 2016 operating budget included the replacement of a fire ladder truck (\$1.0 million) anticipated to be financed through capital lease proceeds as well as the replacement of exercise and weight room equipment (\$300,000) at the Recreation Center via financing. The fire truck will be financed with capital lease proceeds with remaining equipment anticipated to be funded with cash. The Parks Department had anticipated looking to the vendor to provide the financing of the Recreation Center equipment, however the City is researching financing options to ensure the City is getting the best interest rates.

Discussion ensued between Mayor Pro-Tem Carbone and Director of Finance Claire Bogard regarding the lease proceeds that have already been approved in the budget.

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

Voting "No" None.

Motion Passed 5 to 0.

- J. Consideration and Possible Action – Resolution No. R2015-197**– A Resolution of The City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to participate in an interlocal cooperative pricing arrangement with the Texas BuyBoard for the purchase of fitness equipment from Marathon Fitness and Com-Fit in the amount of \$286,575.65.

Councilmember Hill made the motion, seconded by Councilmember Ordeneaux to approve Resolution No. R2015-197.

City Manager Clay Pearson reported the Recreation Center and Natatorium Fitness Center is currently utilizing the original Star-Trac & Quantum brand equipment purchased for opening in 2010. This equipment has begun, and continues, to fail at an increasing rate. After numerous repairs and durations of unavailable equipment, it is staff's recommendation to replace the equipment.

Discussion ensued between Mayor Pro-Tem Carbone and Director of Parks and Recreation Chris Orlea regarding the 36 month lease is a turn around to maximize the lifespan of the equipment. As part of the lease purchase the vendor will buy back all cardio equipment at 20% allowing for an established cycle of updated and relevant fitness equipment.

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

Voting "No" Councilmember Moore.

Motion Passed 4 to 1.

#### **NEW BUSINESS:**

**First Reading of Ordinance No. 2000M-139** – An Ordinance of the City Council of the City of Pearland, Texas, **amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas**, for the purpose of changing the classification of certain real property, being a 3.850 acre tract in the H.T. & B.R.R. Company Survey, Abstract No. 564, Brazoria County, Texas. Said 3.850 acre tract is in Lot 1, Block 1 of the New Harvest Christian Fellowship Subdivision as recorded in Clerk's File No. 2010052506 in the Brazoria County Official Public Records, Brazoria County, Texas **(generally located at 12216 Broadway Street, Pearland, TX)**, Zone Change 2015-10Z, a request of Arnold A Patterson, applicant; on behalf of Pearland New Harvest Christian Fellowship, Inc. owner; for approval of a change in zoning from the **Single Family Residential – 1 (R-1) zoning districts to the Office Professional (OP) zoning district**; on approximately 3.850 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Councilmember Ordeneaux made the motion, seconded by Mayor Pro-Tem Carbone, to approve Ordinance No. 2000M-139 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of the Zone Change 2015-10Z.

City Manager Clay Pearson reported at the Public Hearing, City Council and the Planning and Zoning Commission discussed that a compromise could be that the property be rezoned to Office Professional (OP) as opposed to the more intensive General Business (GB).

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

Voting "No" Councilmember Reed.

Motion Passed 4 to 1.

**First Reading of Ordinance No. 1521** - An Ordinance extending the city limits of the City of Pearland, Texas, to include certain land area within certain limits and boundaries and annexing to the City of Pearland the area within such limits and boundaries (**area 1, approximately 242 acres of land generally located at north of Bailey Road, south of Arnold Drive, east of Kennedy Drive, and west of Manvel Road**); 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.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Reed, to approve Ordinance No. 1521 on its First Reading.

City Planner Frankie Legaux gave an overview of the annexation of areas 1 and 2.

David Draper, 4806 Arnold, addressed Council stating the annexation of area 1 is a community and the annexation is dividing the community into two sections. He further stated it should be annexed as a whole at the same time. He would like to see the completion of Bailey Road before the annexation. He would also like to see maps showing where the parks, pool and golf course will be located. He had questions regarding zoning, and stated his concerns regarding the Mayor and Council have not been listening to the people.

Discussion ensued between Councilmember Hill and Assistant City Manager Trent Epperson regarding the Bailey Road project, water capacity and water lines going in at a future date.

Discussion ensued between Councilmember Moore, City Planner Frankie Legaux and City Attorney Darrin Coker regarding the zoning for the annexation of areas 1 and 2.

Discussion ensued between Mayor Pro-Tem Carbone and City Attorney Darrin Coker regarding water capacity and the plans to install water and sewer lines.

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

Voting "No" None.

Motion Passed 5 to 0.

**First Reading of Ordinance No. 1522** – An Ordinance extending the city limits of the City of Pearland, Texas, to include certain land area within certain limits and boundaries and annexing to the City of Pearland the area within such limits and boundaries (**area 2, approximately 242 acres of land generally located at south of Bailey Road, east of Manvel Road and west of Veterans Road**); 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.

Councilmember Reed made the motion, seconded by Mayor Pro-Tem Carbone, to approve Ordinance No. 1522 on its First Reading.

City Manager Clay Pearson reported this is the first of two City Council readings for the possible Annexation of Area 2. This annexation area is located in Pearland Extraterritorial Jurisdiction (EJT), and includes approximately 230 acres of land generally located at south of Bailey Road, east of Manvel Road and west of Veterans Road.

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

Voting “No” None.

Motion Passed 5 to 0.

**Council Action – Resolution No. R2015-206** – A Resolution of The City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to participate in an interlocal cooperative pricing arrangement with the Houston-Galveston Area Council (HGAC) for the purchase of one (1) Pierce aerial ladder truck from Siddons-Martin Emergency Group, in the total amount of \$831,278.00.

Councilmember Moore made the motion, seconded by Councilmember Ordeneaux, to approve Resolution No. R2015-206.

City Manager Clay Pearson reported due to age and maintenance requirements, the City has budgeted for the FY2016 replacement of one current fire apparatus unit in the Fire Department’s active fleet, a 2001 Emergency-One aerial ladder truck, City unit no. TH-120 with approximately 103,330 service miles. The Fire Department is recommending that the replaced ladder truck be utilized for an \$85,000 trade-in allowance offered by the recommended vendor.

Discussion ensued between Mayor Pro-Tem Carbone and Fire Chief Vance Riley regarding the trade-in value at a fair price.

Mayor Pro-Tem Carbone asked if there is any other way to know for sure the trade-in value is a good and fair price.

Purchasing Officer Bob Pearce stated the City could entertain an auction as the City would with surplus property. It would be of a very specialized nature reaching out in a large part to dealerships. It would prolong this purchase, but that is something the City could do.

Mayor Pro-Tem Carbone stated he does not want to do anything to slow down this purchase, but in the future maybe the City can do something to be sure the trade-in value is a good price.

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

Voting "No" None.

Motion Passed 5 to 0.

**First Reading of Ordinance No. 543-9** – An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 32 of the City of Pearland Code of Ordinances, Taxicabs, modifying requirements for the operation of Taxicabs within the city; providing a penalty for violation; having a savings clause, a severability clause, and a repealer clause; providing for codification, publication and an effective date.

Councilmember Hill made the motion, seconded by Councilmember Moore, to approve Ordinance No. 543-9 on its First Reading.

City Manager Clay Pearson asked Council for approval of amended changes to Ordinance 543-7 to improve taxi service within the City of Pearland city limits by decreasing the taxi permit fee for 2016, which may result in estimated increase in taxi permits by 10%.

Councilmember Moore stated it is odd that a taxi cannot come into Pearland to pick up a person to take to Intercontinental, but the person can get a taxi at Intercontinental and they can come into Pearland to take the person home. He asked how similar is Pearland's Ordinance to surrounding Cities and when did the City put an Ordinance like this into effect.

Police Chief J.C. Doyle stated the City's Taxi Cab Ordinance came into effect in 2009. The problems with the boundary between Houston and Pearland are the rates are different. A taxi has only one meter and with the rates being different the taxi will be in violation in Pearland or in violation in Houston. Part of the requested changes tonight are to match the rates to Houston so there will not be a problem with boundary issues.

Councilmember Reed asked besides the income what is the benefit of having a taxi cab driver obtain a permit from Pearland if they already have the inspection and permit with Houston.

Police Chief J.C. Doyle stated the State of Texas tells the City what to inspect for with drivers and cabs. He further stated with the change in the Ordinance the City will be accepting the inspection from any Municipality that is following those regulations as well as the licensing of the driver.

City Attorney Darrin Coker stated to obtain a permit from Pearland is similar to a franchise fee to operate and do business in Pearland. It is a means by which the City can monitor who is doing business in the City.

Councilmember Ordeneaux stated the one cab company he has talked to is happy with the changes to the Ordinance. The permit fee is a cost of doing business.

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

Voting "No" None.

Motion Passed 5 to 0.

**Council Input and Discussion** – Presentation and discussion concerning proposed 2015 International Codes, 2015 NFPA Life Safety Code and 2014 National Electrical Code.

Building Official Kevin Byal and Fire Marshal Roland Garcia gave a presentation on the 2015 International Codes, 2015 NFPA Life Safety Code and the 2014 National Electrical Code.

Discussion ensued between Council and Building Official Kevin Byal regarding the Energy Conservation Code and testing of the Occupant Sensor Controls.

Mayor Pro-Tem Carbone asked for any literature showing how the IECC relates back to the ICC ratings.

**Council Input and Discussion** – Presentation and discussion concerning School Zones.

Director of Engineering Sue Polka gave a presentation concerning School Zones.

Mayor Reid stated through school zones drivers seem to go five miles over the 25 speed limit and when children are walking to school and having to cross FM 518 it is still dangerous when drivers are turning right.

Discussion ensued between Council and Assistant City Manager Trent Epperson regarding the cost of the school flashers and going out for bids.

Councilmember Reed asked if the City or the School paid for the flashing school signs at Challengar Elementary School on Hughs Ranch Road.

Assistant City Manager Trent Epperson stated because of the curve close to the school those flashing signs were moved from a previous location and placed there.

Councilmember Ordeneaux stated he thinks the school districts should pay for the flashers and the City maintain them.

Discussion ensued between Council and Assistant City Manager Trent Epperson regarding the Texas Department of Transportation (TxDOT) paid for most of the flashers in school zones in Pearland because they are on TxDOT roadways.

Councilmember Reed stated he would like to see on Kingsley Drive where there are two schools on that street to take away the 40 miles per hour speed limit requirement and look at the traffic. He further stated he believes all the schools should have flashers.

**First Reading of Ordinance No. 1497-1** An Ordinance of the City Council of the City of Pearland, Texas, establishing school zone speed limits established for vehicles under the provisions of the Texas Transportation Code (extending certain times and limits), upon certain streets and highways, of parts thereof, within the corporate limits of the City of Pearland, as set out in this ordinance; and providing a penalty.

Councilmember Ordeneaux made the motion, seconded by Councilmember Hill, to approve Ordinance No. 1497-1 on its First Reading.

City Manager Clay Pearson reported City Council approved Ordinance No. 1497 establishing the School Zone speed limits within the City. Staff received a request from the Alvin Independent School District Police Department to change the school zone speed limit signs to coincide with elementary school hours which have been extended 15 minutes.

Assistant City Manager Trent Epperson stated Staff can take a look if any additional signs need to be removed and regarding all the schools Staff can evaluate where all the signs are and crosswalks and make sure everything is in the right place.

Discussion ensued between Council and Assistant City Manager Trent Epperson regarding lights and school zone signs at Eagle Heights Christian Academy, a private school are in the process of being moved.

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

Voting "No" None.

Motion Passed 5 to 0.

### **MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS**

Councilmember Moore stated he would like to look into the flooding issues along Wagon Trail and the surrounding area to see what can be done. He stated he has received emails of flooding of two businesses in that area. He further stated he has received phone calls regarding speeding in residential areas. What can the City do regarding speed bumps, humps or some kind of traffic slowing devices. The timing of traffic lights a problematic intersections, specifically at the railroad crossing at Walnut Street and FM 35.

### **OTHER 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 appointments to the City's various Boards and Commissions.

### **NEW BUSINESS CONTINUED:**

Council returned from Executive Session at 8:38 p.m.

**Council Action** – Regarding appointments to the City's various Boards and Commissions.

Councilmember Reed made the motion, seconded by Mayor Pro-Tem Carbone, to re-appoint Ginger McFadden to Position No. 5 on the Planning and Zoning Commission for a 3 year term and appoint David Selsky to Position No. 3 on the Planning and Zoning Commission for a 3 year term.

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

Voting "No" None.

Motion Passed 5 to 0.

**ADJOURNMENT**

Meeting was adjourned at 8:40 p.m.

Minutes approved as submitted and/or corrected this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

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Tom Reid  
Mayor

ATTEST:

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Young Lorfing, TRMC  
City Secretary

**MINUTES OF A JOINT SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, NOVEMBER 16, 2015, AT 7:00 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

Mayor Reid called the meeting to order at 8:05 p.m. with the following present:

Mayor Tom Reid	P&Z Commissioner Mary Star
Councilmember Derrick Reed	P&Z Vice Chairperson David Selskey
Councilmember Gary Moore	P&Z Commissioner Troy Pradia
Councilmember Keith Ordeneaux	P&Z Commissioner Ginger McFadden
Councilmember Greg Hill	P&Z Commissioner Derrell Isenberg
Assistant City Manager Trent Epperson	P&Z Commissioner Daniel Tunstall
City Attorney Darrin Coker	
City Secretary Young Lorfing	

Absent: Planning & Zoning Commissioner Thomas Duncan.

Others in attendance: Matt Buchanan President of Pearland Economic Development Corporation; Lata Krishnarao Director of Community Development; Frankie Legaux City Planner; Lawrence Provins Deputy City Attorney.

**Purpose of the Workshop:**

**Input and Discussion:** A request of applicant Kent Marsh, on behalf of the owner Marilyn Bullard, for a proposed Planned Development known as “Midtown at Magnolia,” a mixed use development on approximately 11.759 acres of land located on the southeast corner of Magnolia Road and FM 1128 (Manvel Road).

**Staff Review:**

City Planner Frankie Legaux reported the applicant is proposing to rezone this 11.79 acre parcel from Single Family Residential (R-1) zoning district to a Planned Development (PD). The Midtown at Magnolia PD (Planned Development) is located on the southeast corner of Magnolia Road and FM1128. The site is currently vacant and abuts the City’s detention to the east, and Mary’s Creek and single family residential development to the south. The PD is proposed as a “walkable, mixed use development”, with the following components:

1. The commercial component will consist of 4.65 acres along Magnolia Road and FM 1128, with a base zoning of Office Professional (OP), and will be developed with the following uses:
  - a. Permitted uses – any of the uses permitted in the OP District. A CVS pharmacy is proposed on the corner tract located at the intersection of Magnolia Road and FM 1128.
  - b. Uses with a Conditional Use permit (CUP) – uses in the OP district that currently require a CUP will be permitted with the approval of a CUP.

- c. Additional permitted uses – restaurants with outdoor seating, not a permitted use in the OP district, will be permitted on Tract 2.
2. The residential component will consist of 7.11 acres, with a base zoning of Townhomes (TH), and will be developed with townhomes.
3. The open space component will include a portion of the TH area. The applicant has discussed, with Parks & Recreation, the possibility of providing off-site amenities on the western side of the detention area and north side of Mary's Creek (both adjacent to the development) to satisfy the parkland dedication requirements of the UDC. An area of land outside the proposed PD, to the west side of FM 1128 along Mary's Creek, may also be dedicated as parks to meet the parkland requirement. Off-site amenities will provide recreational and pedestrian connectivity to the residential area. To accomplish this, the developer would enter into a mutually acceptable agreement with the City. If the above mentioned improvements are not undertaken, then the developer will pay parkland fees and meet the open space requirements by providing facilities within the boundaries of the PD.

Alan Mueller the applicant on behalf of the owner Marilyn Bullard gave an overview of the Midtown at Magnolia project.

Councilmember Moore stated this project looks good, he is not in favor of townhomes, but with the location this is a good project.

Mayor Pro-Tem Carbone stated he really likes this development and is looking forward seeing this one come through.

Councilmember Ordeneaux stated he likes this project because there will be 11.7 acres as residential and 4.65 as commercial. You cannot ask for anything better for a mixed use project.

Discussion ensued between Council and Alan Mueller regarding moving the curb cut up along the middle of Magnolia and putting something else next to the CVS pharmacy.

Councilmember Hill stated he thinks this development is great. This is something Pearland needs.

Mayor Reid stated that area was lacking something and this development will be good in that area.

**Adjournment:**

Meeting was adjourned at 8:27 p.m.

Minutes approved as submitted and/or corrected this the \_\_\_\_ day of \_\_\_\_\_,  
A.D., 2016.

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Tom Reid  
Mayor

ATTEST:

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Young Lorfing, TRMC  
City Secretary

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

<b>AGENDA OF:</b> January 25, 2016	<b>ITEM NO.:</b> Ordinance No. CUP 2015-13				
<b>DATE SUBMITTED:</b> December 21, 2015	<b>DEPT. OF ORIGIN:</b> Planning				
<b>PREPARED BY:</b> Ian Clowes	<b>PRESENTOR:</b> Lata Krishnarao				
<b>REVIEWED BY:</b> Lata Krishnarao	<b>REVIEW DATE:</b> January 4, 2016				
<p><b>SUBJECT: Ordinance No. CUP 2015-13</b> - An ordinance of the City Council of the City of Pearland, Texas, approving a <b>Conditional Use Permit (CUP) to allow for a winery in the General Commercial (GC) zone</b>, being the North one-half of Lot 47 of the Subdivision of Section 85, H.T.B.B. Railroad Company Survey, Abstract No. 304, in Brazoria County, Texas; being that same tract of land as described in the deed to Thomas a, Amundsen recorded in Volume 91960, Page 139, Deed Records of Brazoria County, Texas. <b>(Located at 2635 Miller Ranch Road, Pearland, TX)</b> Conditional Use Permit Application No 2015-13, within the General Commercial (GC) zoning district, at the request of Jimmy Aranda, applicant; on behalf of Tom Amundsen, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.</p>					
<p><b>ATTACHMENTS:</b> Ordinance No. 2015-13 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter) Joint Public Hearing Packet (12.14.15)</p>					
<p><b>To be completed by Department:</b></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		

**SUMMARY**

The applicant is requesting approval of a conditional use permit (CUP) to allow for a Winery in the General Commercial (GC) zoning district.

The proposed use will be located within an existing building that is currently part of a small office warehouse park located on the east side of Miller Ranch Road. The

applicant is proposing a 2500 square foot facility that will include a small tasting room with seating for up to 12 guests. The CUP will be for the entire property, allowing future expansion if needed. The facility will include an area for production, bottling, and tasting of the product. All functions of the proposed winery will take place within the existing building. No changes to the exterior of the building or land are proposed at this time.

## **RECOMMENDATION**

Staff recommends approval of the requested CUP on the approximately 4.441 acre site to allow a winery use for the following reasons:

1. The approved CUP will allow for a new use in the city to operate within an existing development. The Unified Development Code was updated recently to permit uses such as breweries, wineries, and coffee roasters in some commercial zones. The proposed use is also similar to some light manufacturing uses that would be currently permitted on this property by the SUP. The proposed use matches the character of the existing development.
2. It is not anticipated that the proposed CUP 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.

**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 December 14, 2015, P&Z Commissioner Mary Starr made a motion to approve the CUP request; the motion was seconded by P&Z Commissioner Derrell Isenberg. The motion was approved 7-0. Commissioners Isenberg, Starr, Pradia, McFadden, Duncan, Selsky, and Tunstall all voted in favor of the requested CUP.

### **Ordinance No. CUP 2015-13**

An ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for a winery in the General Commercial (GC) zone**, being the North one-half of Lot 47 of the Subdivision of Section 85, H.T.B.B. Railroad Company Survey, Abstract No. 304, in Brazoria County, Texas; being that same tract of land as described in the deed to Thomas a, Amundsen recorded in Volume 91960, Page 139, Deed Records of Brazoria County, Texas. **(Located at 2635 Miller Ranch Road, Pearland, TX.)** Conditional Use Permit Application No 2015-13, within the General Commercial (GC) zoning district, at the request of Jimmy Aranda, applicant; on behalf of Tom Amundsen, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

**WHEREAS**, Jimmy Aranda, applicant; on behalf of Tom Amundsen, owner; is requesting approval of a Conditional Use Permit (CUP) to allow for a winery use on approximately 4.441 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 14<sup>th</sup> day of December 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 14<sup>th</sup> day of December 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 winery use on approximately 4.441 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 11<sup>th</sup> day of January 2016 and the 25<sup>th</sup> day of January 2016; 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 Jimmy Aranda, applicant; on behalf of Tom Amundsen, owner; for approval of a Conditional Use Permit on approximately 4.441 acres of land to allow for a winery 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 winery use, subject to all requirements of the GC zoning district, 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 the North one-half of Lot 47 of the Subdivision of Section 85, H.T.B.B. Railroad Company Survey, Abstract No. 304, in Brazoria County, Texas; being that same tract of land as described in the deed to Thomas a, Amundsen recorded in Volume 91960, Page 139, Deed Records of Brazoria County, Texas.

**General Location:** 2635 Miller Ranch 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 11<sup>th</sup> day of January, 2016.

---

TOM REID  
MAYOR

ATTEST:

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YOUNG LORFING, TRMC  
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 25<sup>th</sup>  
day of January, 2016.

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TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

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DARRIN M. COKER  
CITY ATTORNEY

**Exhibit A**  
**Legal Description**

Being the North one-half of Lot 47 of the Subdivision of Section 85, H.T.B.B. Railroad Company Survey, Abstract No. 304, in Brazoria County, Texas; being that same tract of land as described in the deed to Thomas a, Amundsen recorded in Volume 91960, Page 139, Deed Records of Brazoria County, Texas.

# Exhibit B Vicinity Map



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:  
2015-13**

Notice is hereby given that on December 14, 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 Jimmy Aranda, applicant; on behalf of Tom Amundsen, owner; for approval of a Conditional Use Permit (CUP) to allow for a Winery in the General Commercial (GC) zoning district; on approximately 4.441 acres of land, to wit:

Being the North one-half of Lot 47 of the Subdivision of Section 85, H.T.B.B. Railroad Company Survey, Abstract No. 304, in Brazoria County, Texas; being that same tract of land as described in the deed to Thomas Amundsen recorded in Volume 91960, Page 139, Deed Records of Brazoria County, Texas.

General Location: 2635 Miller Ranch 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

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## Recommendation Letter

December 15, 2015

Honorable Mayor and City Council Members  
3519 Liberty Drive  
Pearland, TX 77581

Re: Recommendation on CUP Application 2015-13

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 Jimmy Aranda, applicant; on behalf of Tom Amundsen, owner; for approval of a Conditional Use Permit (CUP) to allow for a winery in the General Commercial (GC) zoning district; on approximately 4.441 acres of land, to wit:

**Legal Description:** Being the North one-half of Lot 47 of the Subdivision of Section 85, H.T.B.B. Railroad Company Survey, Abstract No. 304, in Brazoria County, Texas; being that same tract of land as described in the deed to Thomas a, Amundsen recorded in Volume 91960, Page 139, Deed Records of Brazoria County, Texas.

**General Location:** 2635 Miller Ranch Road, Pearland, TX

P&Z Commissioner Mary Starr made a motion to approve the CUP request; the motion was seconded by P&Z Commissioner Derrell Isenberg. The motion was approved 7-0. Commissioners Isenberg, Starr, Pradia, McFadden, Duncan, Selsky, and Tunstall all voted in favor of the requested CUP.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ian Clowes".

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



# 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: DIONISIO WINERY Tax ID: \_\_\_\_\_

Project Address/Location: 2635 MILLER RANCH RD # 103

Subdivision: LOT 47 SACS 85 HT&B No. of Lots: 1 Total Acres: 4.441

Brief Description of Project: WINERY

\*\*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: TOM AMUNDSON  
AMUNDSON PROPHETICS LLC

Address: 2625 MILLER RANCH RD.

City: PEARLAND State: TX Zip: 77584

Phone: 281-468-8521

Fax: \_\_\_\_\_

Email Address: TOM@MATRIMONMANUFACTURING.COM

### APPLICANT/AGENT INFORMATION:

Name: JIMMY ARANDA

Address: 2110 JEFFERSON ST # 119

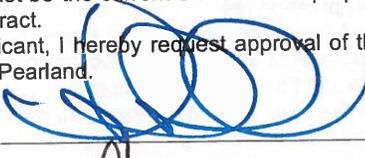
City: HOUSTON State: TX Zip: 77003

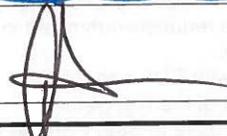
Phone: 713 906 2499

Fax: 713 738 6953

Email Address: dionisiowinery@gmail.com

\*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.  
As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature:  Date: 11/11/15

Agent's/ Applicant's Signature:  Date: 11-11-15

<b>OFFICE USE ONLY:</b>			
FEES PAID: <u>A 1025</u>	DATE PAID: <u>11/13/15</u>	RECEIVED BY: <u>VH</u>	RECEIPT NUMBER: <u>47975</u>
			APPLICATION NUMBER: <u>2015-13</u>



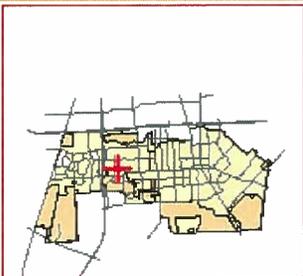
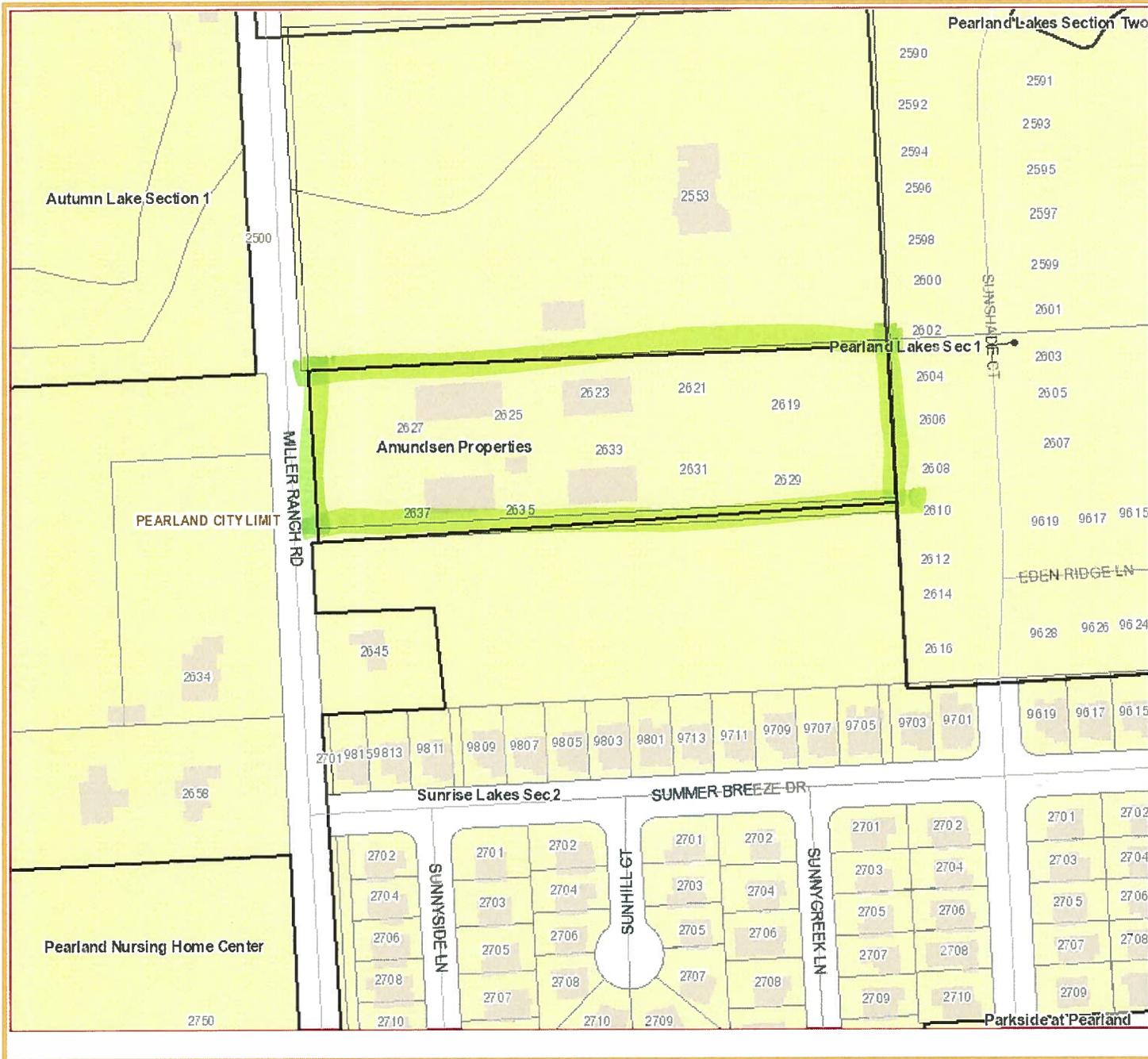
**\*Requesting a Conditional Use Permit \***

**Purpose: To Open a Winery in the Pearland Location to produce wine and distribute to local stores**

**Operations of the use: Produce wine, bottle, and by the case**

**Square footage of the Building: 2500 sq ft**

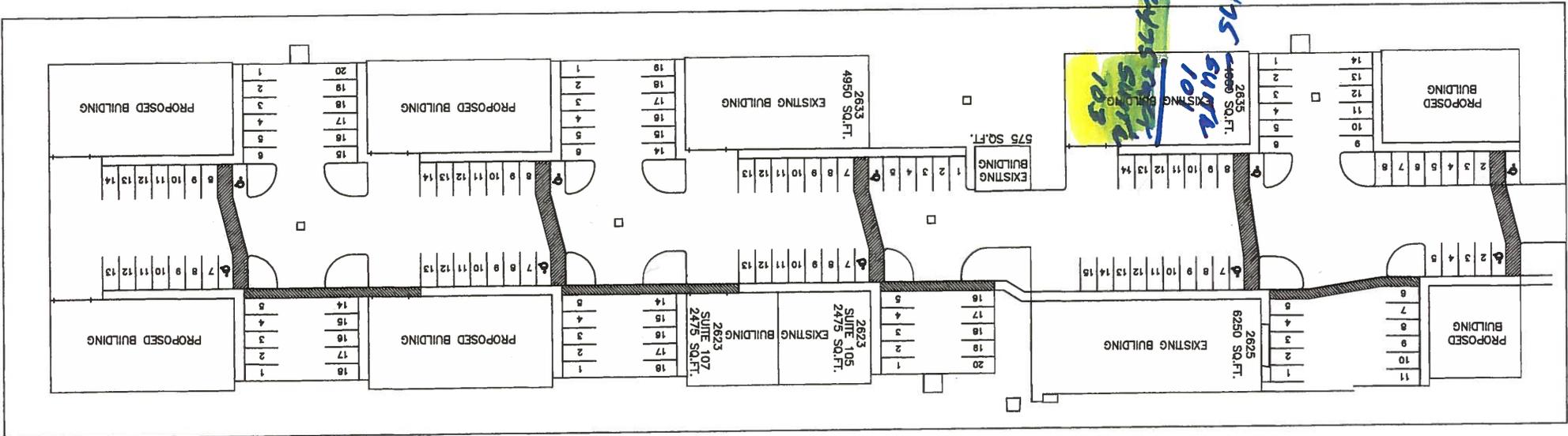
**Plan is attached to packet**



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 1:2,313  
1 in = 193 ft  
November 11, 2015



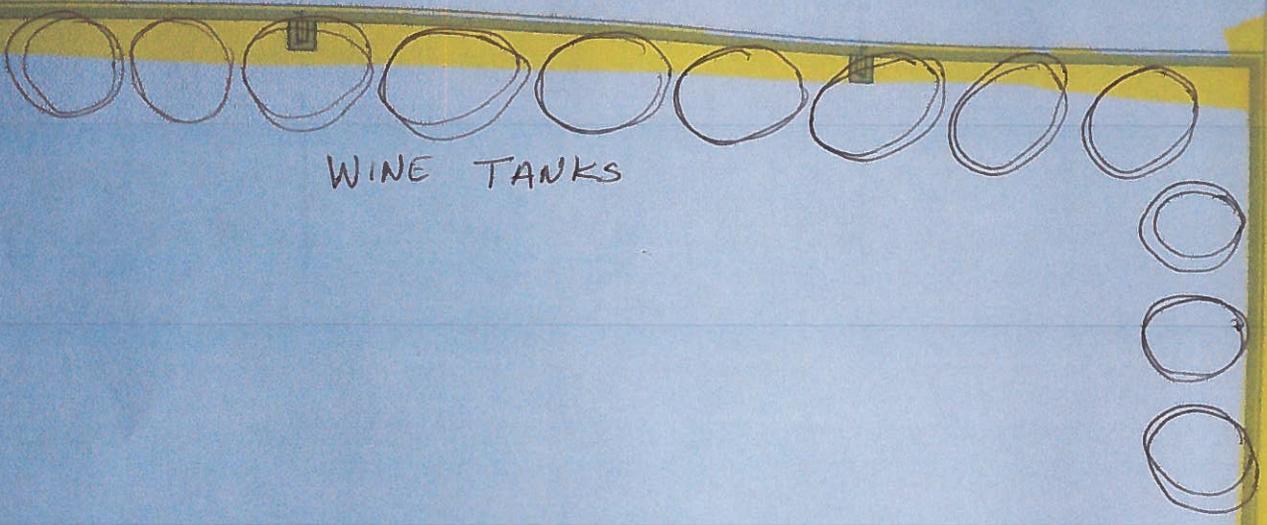


# Google Maps 2635 Miller Ranch Rd



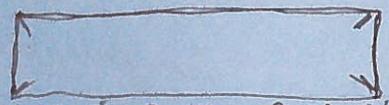
Imagery ©2015 DigitalGlobe, Houston-Galveston Area Council, Texas General Land Office, Texas Orthoimagery Program, U.S. Geological Survey, Map data ©2015 Google

50 ft 



WINE TANKS

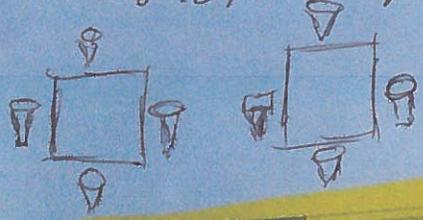
STAINLESS TABLE for:



LABELING BOTTLES - BOTTLE FILLER

BIG TABLE

VENDOR TASTING ROOM  
8-12 people only



DOOR  
ADD 3' 0" X 7' 0"  
H.M. DOOR AND FRAME

OFFICE

OFFICE

BATH ROOM

Utility Room

ADD 3' 0" X 9' 0"  
SINGLE PULL DOOR AND FRAME

REMOVE DOOR ADD 7'

REMOVE DOOR AND FRAME

REMOVE DOOR AND FRAME

CONCRETE

50'-4"

1500  
sq. Ft.

350  
sq. Ft.

147  
sq. Ft.

147  
sq. Ft.

147  
sq. Ft.

SEPARATE SPAC

ADD 3'-0" X 7'-0"  
HM DOOR AND FRAME

ADD 3'-0" X 9'-0"  
SINGLE RACO DOOR AND FRAME

REMOVE DOOR-ADD FIREWALL

REMOVE DOOR-ADD FIREWALL

EXISTING ELEC.

EXISTING ELECTRICAL  
SERVICE CUTTERS

EXIST CT CAN  
AND METER

100 AMP  
MAIN DISCONNECT  
120 / 240 - 1Ø 3W.  
N-3Ø

# Posting of Notification Signs on Property under Consideration for a Zone Change

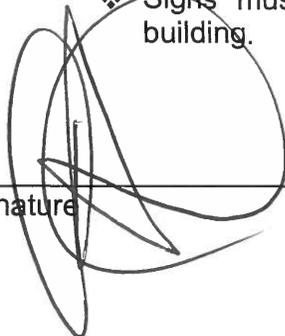
Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

- (1) One (1) sign per street frontage shall be located within thirty feet (30') 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 2 feet by 3 feet, but no larger than 4 feet by 4 feet
  - At least 2 feet above the ground
  - Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
  - Message content as follows:

**PROPOSED (SPECIFY REQUEST)**  
**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.

Signature 

Date 11-11-15



**OFFICIAL TAX RECEIPT**  
 ROVIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515  
 Account No: 0304-0005-000  
 Certified Owner: PEARLAND HC LTD  
 2014 VALUE: 696,380

FIRST CLASS  
 U.S POSTAGE PAID  
 PERMIT NO. 4  
 ANGLETON TX

AMUNDSEN PROPERTIES, A0304 H T & B R F  
 BLOCK 1, TRACT RESERVE A (COMMERCIAL)  
 ACRES 4.441

<b>Jr</b>	<b>Year</b>	<b>Levy Paid</b>	<b>P&amp;I</b>	Parcel Address: 2633 MILLER RANCH RD CF
1	2014	3,053.63	0.00	Legal Acres: 4.4410
9	2014	417.83	0.00	Appr No: 168245
28	2014	9,858.65	0.00	Deposit No: 4C311103174
54	2014	1,086.35	0.00	Paid Date: 12/31/2014
96	2014	4,958.92	0.00	Total Paid: \$19,375.38
				Check No: 00001831
				Balance Due: \$0.00

Exemption(s): NONE

PEARLAND HC LTD  
 2625 MILLER RANCH RD  
 PEARLAND, TX 77584-9541



11/12/15

BRAZORIA CO. M.U.D. #17  
 5 OAKTREE  
 P. O. BOX 1368  
 FRIENDSWOOD TX, 77549-1368  
 THOMAS W. LEE, RTA  
 TEL:281-482-0216 FAX:482-5285  
 WWW.ASWTAX.COM

**RECORD OF TAX PAYMENT**

ACCOUNT: 54-0304-0005-000  
 PEARLAND HC LTD  
 2625 MILLER RANCH RD  
 PEARLAND TX 77584-9541

AMUNDSEN PROPERTIES, A0304 H  
 T & B R R, BLOCK 1, TRACT  
 RESERVE A (COMMERCIAL), ACRES  
 4.441

2625 MILLER RANCH RD

TAX YEAR	JURIS	TAXABLE VALUE	TAX RATE	LEVY	PENALTY INTEREST	COLLECTION FEE	TOTAL PAYMENT
2014	054	696,380	.520000	3,621.18	.00	.00	3,621.18
<b>TOTAL TAXES PAID</b>				<b>3,621.18</b>	<b>.00</b>	<b>.00</b>	<b>3,621.18</b>
<b>EXEMPTIONS: NONE</b>				<b>TOTAL AMOUNT RECEIVED:</b>			<b>3,621.18</b>
<b>PAID BY: PEARLAND HC LTD</b>				<b>RECEIPT DATE:</b>			<b>12/29/2014</b>
<b>CHECK #: 001832</b>				<b>VALIDATION NUMBER:</b>			<b>412290-5240001</b>

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

<b>AGENDA OF:</b>	January 25, 2016	<b>ITEM NO.:</b>	R2016-9
<b>DATE SUBMITTED:</b>	January 12, 2016	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Ed Kupferer	<b>PRESENTOR:</b>	Michael Leech
<b>REVIEWED BY:</b>	Trent Epperson	<b>REVIEW DATE:</b>	January 20, 2016
<b>SUBJECT:</b> Resolution No. R2016-9 A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply contract for traffic signal heads and components with Traffic Parts, Inc., in the estimated amount of \$88,060.00 beginning February 25, 2016 through February 24, 2017.			
<b>EXHIBITS:</b> Resolution #R2016-9, Bid Tabulation for Bid #0114-14			
<b>FUNDING:</b>			
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold			
<b>EXPENDITURE REQUIRED:</b> \$88,060.00(est.)		<b>AMOUNT BUDGETED:</b> \$113,000	
<b>AMOUNT AVAILABLE:</b> \$113,000		<b>PROJECT NO.:</b>	
<b>ACCOUNT NO.:</b> 100-305-305-5110.110			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> N/A			
<b>ACCOUNT NO.:</b>			
<b>PROJECT NO.:</b>			
<b>To be completed by Department:</b>			
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution

**EXECUTIVE SUMMARY**

**BACKGROUND**

In February 2014, the City awarded Traffic Parts, Inc. the unit price contract for Supply of Traffic Signal Heads and Components, which includes parts and materials used to operate and maintain the City's traffic signal system, school zone flashers, and to implement the flashing yellow left-turn arrow program. Traffic Parts, Inc. has provided the parts for the last two years under this contract, and staff concurs with the recommendation to the final one (1) year renewal.

**SCOPE OF CONTRACT**

One (1) year agreement for the purchase of traffic signal heads and related parts as needed by the City's Traffic Operations Department.

**BID AND AWARD**

Bid specifications required fixed unit costs for a period of one (1) year, with two (2) additional one (1) year renewals available upon the mutual agreement of both parties, and the approval of City Council. The specifications allow the awarded contractor to request a price increase at time of renewal of a percentage not to exceed the rate of increase in the Consumer Price Index (CPI) for the Houston-Galveston-Brazoria region during the prior 12 month period. The vendor is not requesting a price increase with this renewal.

**SCHEDULE**

Supply of traffic signal heads and related parts will occur as needed throughout the term of the agreement.

**POLICY/GOAL CONSIDERATION**

This purchase will allow the City to address the stated citizenry concern of traffic congestion and the desire for improved mobility. This work also addresses the City's Strategic Priorities of Sustainable Infrastructure, Fiscal Responsibility, and Safe Community.

**CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS**

Funding for these items come from the General Fund for Traffic Operations and Maintenance.

**O&M IMPACT INFORMATION**

<b>Fiscal Year</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Estimated expenditure	\$88,060	Re-bid 100,000	\$100,000

**RECOMMENDED ACTION**

City Council consideration and approval of resolution #R2016-9 renewing a Unit Supply Contract for traffic signal heads and components with Traffic Parts, Inc., in the estimated amount of \$88,060.00 beginning February, 25, 2016 through February 24, 2017.

**Bid # 0114-14 Addendum 1**

<b>Line</b>	<b>Description</b>	<b>UOM</b>	<b>Unit Price</b>
1	SIGNALS HEADS, 12" HORIZONTAL POLYCARBONATE, 3-SEC, LED READY, TUNNEL VISORS (detached), PAINTED BLACK CHAPEL HILL PART #SIG-TPB-306-CTN-EHN-ON OR EQUAL	EA	<b>\$89.50</b>
2	SIGNALS, 12" HORIZONTAL POLYCARBONATE, 4-SEC, LED READY, TUNNEL VISORS (detached), PAINTED BLACK CHAPEL HILL PART #SIG-TPB-406-CTN-EHN-ON OR EQUAL	EA	<b>\$124.50</b>
3	SIGNALS, 12" HORIZONTAL POLYCARBONATE, 5-SEC, LED READY, TUNNEL VISORS (detached), PAINTED BLACK CHAPEL HILL PART #SIG-TPB-506-CTN-EHN-ON OR EQUAL	EA	<b>\$155.00</b>
4	PEDESTRIAN SIGNAL HEAD, 16", ALUMINUM WITH POLYCARBONATE Z-CRATE DOOR W/O VISOR, DRILLED FOR TOP/BOTTOM PIPE MOUNT, BODY & DOOR ONLY, LED READY, PAINTED BLACK, 5 POSITION, 20a TERMINAL BLOCK, NO MOUNTING HARDWARE, COUNTDOWN CHAPEL HILL PART # SSPED-PNN-B-N-N OR EQUAL.	EA	<b>\$92.00</b>
5	PEDESTRIAN PUSH BUTTON, ROUND, COVER ASSEMBLY W/MECHANICAL SWITCH W/BALL & 2: MUSHROOM PLUNGER, PAINTED BLACK, PELCO PART #SE-2098 OR EQUAL.	EA	<b>\$21.50</b>
6	1-WAY ARM KIT, 8 1/2" CTC, TAPPED FOR 1" CGB, ALUMINUM PAINTED BLACK, PELCO PART #AB-4006 OR EQUAL.	EA	<b>\$33.50</b>
7	UPPER ARM 8 1/2" CTC, TAPPED FOR 1" CGB, ALUMINUM, THREADED FOR A 1" CGB, PAINTED BLACK, PELCO PART #AB-03434006 OR EQUAL	EA	<b>\$16.75</b>
8	TEE, ALUMINUM, HORIZONTAL SLIP, PAINTED BLACK, DOUBLE SET SCREWS (4 SET SCREWS) NPS THREADS, PELCO SE-0474 OR EQUAL	EA	<b>\$10.00</b>
9	ELL, ALUMINUM, SERRATED, PAINTED BLACK, PELCO SE-0457 OR EQUAL	EA	<b>\$10.00</b>
10	HUB PLATES, 4" PIPE, 1 POLE 1 1/2" NPS, ALUMINUM UNPAINTED, PELCO SE-0454 OR EQUAL	EA	<b>\$7.00</b>
11	PIPE FITTING, CGB 1", .55" TO .65" WIRE, ZINC 1 PELCO SE-4216 OR EQUAL	EA	<b>\$3.00</b>
12	NIPPLES, ALUMINUM 1 1/2" X 4", NPS THREADS ON BOTH ENDS, PAINTED BLACK, PELCO SE-0436-04 OR EQUAL	EA	<b>\$14.20</b>
13	NIPPLES, ALUMINUM 1 1/2" X 6", NPS THREADS ON BOTH ENDS, PAINTED BLACK, PELCO SE-0436-06 OR EQUAL	EA	<b>\$11.00</b>
14	NIPPLES, ALUMINUM 1 1/2" X 8", NPS THREADS ON BOTH ENDS, PAINTED BLACK, PELCO SE-0436-08 OR EQUAL	EA	<b>\$11.50</b>
15	NIPPLES, ALUMINUM 1 1/2" X 10", NPS THREADS ON BOTH ENDS, PAINTED BLACK, PELCO SE-0436-10 OR EQUAL	EA	<b>\$12.50</b>
16	SUPPORT TUBE, ALUMINUM, 1 1/2" X 18" NPS THREADS ONE END, PAINTED BLACK, PELCO SE-0326-18 OR EQUAL	EA	<b>\$12.50</b>
17	TUBE, ALUMINUM 1 1/2" X 46", NO THREADS, PAINTED BLACK, PELCO PART# SE-0484-46 OR EQUAL	EA	<b>\$19.50</b>
18	TUBE, ALUMINUM 1 1/2" X 58", NO THREADS, PAINTED BLACK, PELCO PART# SE-0484-58 OR EQUAL	EA	<b>\$24.50</b>
19	TUBE, ALUMINUM 1 1/2" X 74", NO THREADS, PAINTED BLACK, PELCO PART# SE-0484-74 OR EQUAL	EA	<b>\$30.00</b>

<b>Line</b>	<b>Description</b>	<b>UOM</b>	<b>Unit Price</b>
20	HEX NIPPLE 1 1/2" NPS, ALUMINUM, PELCO PART# SE-0443 OR EQUAL	EA	\$2.50
21	SPAN WIRE ADAPTER, 1 1/2" NPS, ALUMINUM W/STAINLESS BUSHING, PELCO PART# SE-0371 OR EQUAL	EA	\$5.50
22	SPAN WIRE CLAMP, 5/8" WIDE SLOT, ALUMINUM, PELCO PART# SE-4077 OR EQUAL	EA	\$13.00
23	SPAN WIRE SIGN HANGER W/SERRATED SPAN WIRE CLAMP, U-BOLTS, ALUMINUM, PELCO PART #SE-5115 OR EQUAL	EA	\$33.00
24	ASTRO-BRAC CLAMP KIT, WITH 96" CABLES, TRAFFIC PARTS #7272 OR EQUAL	EA	\$60.00
25	SQUARE PEDESTAL BASE ALUMINUM, THREADED NECK, ALUMINUM DOOR, TRAFFIC PARTS #6800 OR EQUAL	EA	\$138.00
26	POLE AND BASE COLLAR ASSEMBLY, FOR ALUMINUM SQUARE BASE, TRAFFIC PARTS #7794 OR EQUAL	EA	\$46.00
27	2-PIECE BASE FOR 4 1/2 OD POLE, PLASTIC PELCO PART #PB-5303-PNC OR EQUAL	EA	\$70.00
28	ELTEC NTC-17E-TX TIMER	EA	\$300.00
29	ELTEC FLASHER FS-2 12 VOLT DC	EA	\$125.00
30	DIGITAL POWER CONTROLLER MODEL# DPC 2000, TRAFFIC PARTS #6662 (PROSTAR) OR EQUAL	EA	\$145.00
31	12 VOLT DC 12" AMBER BALL L.E.D., 8 WATT, DURALIGHT JXC300-HFTDCY OR EQUAL	EA	\$63.25
32	12 VOLT DC 12" RED BALL L.E.D., 8 WATT, DURALIGHT JXC300-HFTDCR OR EQUAL	EA	\$63.25
33	120 VOLT RED BALL L.E.D. 12" DURALIGHT JXC300-HFTR03 OR EQUAL	EA	\$40.00
34	120 VOLT AMBER BALL L.E.D. 12" DURALIGHT JXC300-HFTY03 OR EQUAL	EA	\$43.00
35	120 VOLT GREEN BALL L.E.D. 12" DURALIGHT JXC300-HFTG03 OR EQUAL	EA	\$45.75
36	120 VOLT RED ARROW L.E.D. 12" DURALIGHT JXC300-07R03 OR EQUAL	EA	\$40.00
37	120 VOLT AMBER ARROW L.E.D. 12" DURALIGHT JXC300-07Y03 OR EQUAL	EA	\$40.75
38	120 VOLT GREEN ARROW L.E.D. 12" DURALIGHT JXC300-07g03 OR EQUAL	EA	\$46.00
39	TRAFFIC SIGNAL BACK PLATES WITH MOUNTING SCREWS (ONE PIECE VAC FORM ABS) FOR 3 SECTION SIGNAL HEAD, TRAFFIC PARTS, PART# 4484 OR EQUAL	EA	\$36.50
40	TRAFFIC SIGNAL BACK PLATES WITH MOUNTING SCREWS (ONE PIECE VAC FORM ABS) FOR 4 SECTION SIGNAL HEAD, TRAFFIC PARTS, PART# 4485 OR EQUAL	EA	\$44.25
41	L.E.D. LUMINAIRE REPLACEMENT FOR 250 WATT COBRA HEAD MODEL # JXM-ST180-3, TRAFFIC PARTS #5781 OR EQUAL	EA	\$650.00

**RESOLUTION NO. R2016-9**

**A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply contract for traffic signal heads and components with Traffic Parts, Inc., in the estimated amount of \$88,060.00 beginning February 25, 2016 through February 24, 2017.**

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

**Section 1.** That the City Council hereby renews a unit supply contract to Traffic Parts, Inc., in the unit price amounts reflected in Exhibit "A" attached hereto.

**Section 2.** The City Manager or his designee is hereby authorized to execute a supply contract for traffic signal heads and components.

PASSED, APPROVED and ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
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**

<b>AGENDA OF:</b>	January 25, 2016	<b>ITEM NO.:</b>	R2016-15
<b>DATE SUBMITTED:</b>	January 15, 2016	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Bob Pearce	<b>PRESENTOR:</b>	Ron Fraser
<b>REVIEWED BY:</b>	Jon R. Branson	<b>REVIEW DATE:</b>	January 21, 2016
<b>SUBJECT:</b> Purchase of Portable and Mobile Radios for PD and FD			
<b>EXHIBITS:</b> Resolution 2016-15 H-GAC Contract Price Quotations			
<b>FUNDING:</b>	<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
<b>EXPENDITURE REQUIRED:</b> \$142,766.04 (est.)		<b>AMOUNT BUDGETED:</b> \$142,766.04	
<b>AMOUNT AVAILABLE:</b> \$142,766.04		<b>PROJECT NO.:</b>	
<b>ACCOUNT NOS.:</b> Various Departmental Operating Accounts			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>			
<b>ACCOUNT NO.:</b>			
<b>PROJECT NO.:</b>			
<b>To be completed by Department:</b>			
Finance	X Legal	Ordinance	X Resolution

**EXECUTIVE SUMMARY**

**BACKGROUND**

Staff has obtained Houston-Galveston Area Council (H-GAC) contract pricing from Motorola Solutions, Inc. for twenty-two (22) new and replacement radios for the Police Department and four (4) for the Fire Department. Sixteen (16) of the radios for the Police Department will be handheld and six (6) will be mobile. The four (4) radios for the Fire Department will be hand held. The purchase of these radios is critical to provide continuous public safety service.

**BID AND AWARD**

Budgeted FY2016 radio equipment includes the purchase of 22 radios for the Police Department (19 radios were budgeted for FY2016 and 3 were carried over from FY2015) and 4 for Fire Marshal. The equipment is available through a cooperative purchasing contract offered by H-GAC, which meets all competitive bidding requirement of the Texas Local Government Code, Chapter 252. H-GAC contract pricing was solicited for this purchase due to the agency's historically advantageous pricing for Motorola radio equipment.

**SCHEDULE**

Delivery of requested equipment is anticipated to arrive within five (5) weeks after receipt of order.

**SAFE COMMUNITY**

This purchase is contemplated and recommended for the purpose of providing City first responders with the equipment needed to perform their duties of protecting the safety and welfare of the City's residents.

**CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS**

Funding for these purchases will be from various departmental operating accounts.

**O&M IMPACT INFORMATION**

Fiscal Year	2016	2017	2018
	\$142,766.04 (est.)	N/A	N/A

**RECOMMENDED ACTION**

City Council consideration and approval of Resolution #R2016-15 of the City Council of the City of Pearland, Texas, approving the purchase of miscellaneous radios and equipment from Motorola Solutions, Inc., with an estimated expenditure of \$142,766.04.

**RESOLUTION NO. R2016-15**

**A Resolution of The City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to participate in an interlocal cooperative pricing arrangement with the Houston-Galveston Area Council (H-GAC) for the purchase of miscellaneous radios and equipment for the Police and Fire Departments from Motorola Solutions, Inc., in the estimated amount of \$142,766.04.**

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

**Section 1.** That contract pricing has been obtained through interlocal cooperative partner HGAC for the purchase of miscellaneous radios and equipment for the Police and Fire Departments.

**Section 2.** That the City Manager or his designee is hereby authorized to participate in an interlocal cooperative pricing arrangement with the Houston-Galveston Area Council (H-GAC) for the purchase of miscellaneous radios and equipment in the estimated amount of \$142,766.04.

PASSED, APPROVED and ADOPTED this the \_\_\_\_ day of \_\_\_\_\_, A.D.,  
2016.

\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

\_\_\_\_\_  
YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY



**CITY OF PEARLAND**  
**HGAC / HARRIS COUNTY CONTRACT SUBSCRIBER PACKAGE PRICING**  
*P25 DUAL BAND SUBSCRIBERS*

1/20/2016  
 Don Day  
 832-215-8006  
[don.day@bearcom.com](mailto:don.day@bearcom.com)

**EMS**

				PACKAGE# APX7000-HCDB1	
				APX7000 DIGITAL PORTABLE RADIO	
Item	Qty	Model	Description	HC Contract	Extended
1	4	H97TGD9PW1 N	APX7000 DIGITAL PORTABLE RADIO	\$ 4,740.12	\$ 18,960.48
1a	4	QA00569	ADD: 7/800MHZ PRIMARY BAND		
1b	4	QA00575AA	ADD: UHF RANGE 1 SECONDARY BAND**		
1c	4	Q806	ADD: ASTRO DIGITAL CAI OPERATION		
1d	4	H38	ADD: SMARTZONE OPERATION		
1e	4	Q361	ADD: P25 9600 BAUD TRUNKING		
1f	4	QA00580	ADD: TDMA OPERATION		
1g	4	G996	ADD: PROGRAMMING OVER P25 (OTAP)		
1h	4	QA01648	ADD: ADVANCED SYSTEM KEY - HARDWARE KEY (		
1i	4	QA01767	ADD: APX 7000 RADIO AUTHENTICATION		
1j	4	Q58AL	ADD: 3 YR REPAIR SERVICE FROM START SITE	\$ 102.00	\$ 408.00
1k	4	QA02818AB	LIION IMPRES CSA 2300 MAH	37.5	\$ 150.00
1l	4	H301CL	DEL: DELETE BELT CLIP		
1m	4	Q629	ENH: AES ENCRYPTION	\$ 500.00	\$ 2,000.00
1n	4	Q498	ENH: MDC & ASTRO P25 OTAR W/ MULTIKEY	\$ -	
1o	4	H499JL	ENH: SUBMERSIBLE (DELTA T)	\$ 187.50	\$ 750.00
1p	4	H64BC	ALT: PUBLIC SAFETY YELLOW HOUSING	\$ 18.75	\$ 75.00
1q	4	QA00782AA	ADD: ENABLE INTERNAL GPS	\$ 112.50	\$ 450.00
1r	4	QA01833AB	ADD: EXTREME 1-SIDED NOISE REDUCTION	\$ 18.75	\$ 75.00
2	4	WPLN7080	IMPRES Single Unit Charger	\$ 88.75	\$ 355.00
3	4	PMMN4062A	IMPRES Remote Speaker Microphone with Jack	\$ 75.97	\$ 303.88

*Bluetooth and Packet Data come with radio now*

**Total** \$ **23,527.36**



**MOTOROLA SOLUTIONS**

12/16/2015

**CITY OF PEARLAND**

Don Day

**HGAC / HARRIS COUNTY CONTRACT SUBSCRIBER PACKAGE PRICING**

832-215-8006

*P25 DUAL BAND SUBSCRIBERS*

[don.day@bearcom.com](mailto:don.day@bearcom.com)

PACKAGE # APX7500-HCDB1

**REMOTE MOUNT APX7500 DUAL BAND MID POWER**

Item	Quant	Model	Description	Harris Contract	Extended
1	2	M30TSS9PW1 N	APX7500 DUAL BAND MID POWER	\$ 4,620.89	\$ 9,241.78
1a	2	GA00244	ADD: 7/800MHZ PRIMARY BAND		
1b	2	GA00346	ADD: UHF R2 MP SECONDARY BAND**		
1c	2	GA00579	ADD: ENABLE DUAL BAND OPERATION		
1d	2	G806	ENH: ASTRO DIGITAL CAI OP APX		
1e	2	G51	ENH: SMARTZONE OPERATION APX7500		
1f	2	QA01648	ADD: ADVANCED SYSTEM KEY - HARDWARE KEY <b>01A7</b>		
1g	2	G361	ADD: P25 TRUNKING SOFTWARE		
1h	2	G442	ADD: APX O5 CONTROL HEAD		
1i	2	G444	ADD: CONTROL HEAD SOFTWARE		
1j	2	G67BC	ADD: REMOTE MOUNT MID POWER	\$ 222.75	\$445.50
1k	2	G174	ADD: ANT 3DB LOW-PROFILE 762-870		
1l	2	B18	ADD: AUXILARY SPKR 7.5 WATT		
1m	2	G996	ENH: OVER THE AIR PROVISIONING		
1n	2	GA00580	ADD: TDMA OPERATION		
1o	2	GA01767	ADD: APX6500 RADIO AUTHENTICATION		
1p	2	W22	ADD: PALM MICROPHONE		
1q	2	G78	ENH: 2 YR REPAIR SERVICE ADVANTAGE (Total of 3 years)		
1r	2	G298	ADD: ENCRYPTION P25 & MDC OTAR	\$ 500.00	\$ 1,000.00
1s	2	G843	ADD: AES ENCRYPTION APX		\$ -

**Mobile Total**

**\$ 10,687.28**



**MOTOROLA SOLUTIONS**

12/16/2015

**CITY OF PEARLAND**

Don Day

**HGAC / HARRIS COUNTY CONTRACT SUBSCRIBER PACKAGE PRICING**

832-215-8006

*P25 DUAL BAND SUBSCRIBERS*

[don.day@bearcom.com](mailto:don.day@bearcom.com)

PACKAGE # APX7500-HCDB1

**DASH MOUNT APX7500 DUAL BAND MID POWER**

Item	Quant	Model	Description	Harris Contract	Extended
1	4	M30TSS9PW1 N	APX7500 DUAL BAND MID POWER	\$ 4,620.89	\$ 18,483.56
1a	4	GA00244	ADD: 7/800MHZ PRIMARY BAND		
1b	4	GA00346	ADD: UHF R2 MP SECONDARY BAND**		
1c	4	GA00579	ADD: ENABLE DUAL BAND OPERATION		
1d	4	G806	ENH: ASTRO DIGITAL CAI OP APX		
1e	4	G51	ENH: SMARTZONE OPERATION APX7500		
1f	4	QA01648	ADD: ADVANCED SYSTEM KEY - HARDWARE KEY <b>01A7</b>		
1g	4	G361	ADD: P25 TRUNKING SOFTWARE		
1h	4	G442	ADD: APX O5 CONTROL HEAD		
1i	4	G444	ADD: CONTROL HEAD SOFTWARE		
1j	4	G66	ADD: DASH MOUNT MID POWER		
1k	4	G174	ADD: ANT 3DB LOW-PROFILE 762-870		
1l	4	B18	ADD: AUXILARY SPKR 7.5 WATT		
1m	4	G996	ENH: OVER THE AIR PROVISIONING		
1n	4	GA00580	ADD: TDMA OPERATION		
1o	4	GA01767	ADD: APX6500 RADIO AUTHENTICATION		
1p	4	W22	ADD: PALM MICROPHONE		
1q	4	G78	ENH: 2 YR REPAIR SERVICE ADVANTAGE (Total of 3 years)		
1r	4	G298	ADD: ENCRYPTION P25 & MDC OTAR	\$ 500.00	\$ 2,000.00
1s	4	G843	ADD: AES ENCRYPTION APX		\$ -

**Mobile Total**

**\$ 20,483.56**



**CITY OF PEARLAND**  
**HGAC / HARRIS COUNTY CONTRACT SUBSCRIBER PACKAGE PRICING**  
*P25 DUAL BAND SUBSCRIBERS*

12/16/2015  
Don Day  
832-215-8006  
[don.day@bearcom.com](mailto:don.day@bearcom.com)

PACKAGE# APX7000-HCDB1						
APX7000 DIGITAL PORTABLE RADIO						
Quant	Model	Description	Harris Co Contract		Extended	
1	16	H97TGD9PW1 N	APX7000 DIGITAL PORTABLE RADIO	\$	4,740.12	\$ 75,841.92
1a	16	QA00569	ADD: 7/800MHZ PRIMARY BAND			
1b	16	QA00576	ADD: UHF RANGE 2 SECONDARY BAND**			
1c	16	QA00579	ADD: ENABLE DUAL BAND OPERATION			
1d	16	QA00577	ADD: LARGE COLOR DISPLAY			
1e	16	Q806	ADD: ASTRO DIGITAL CAI OPERATION			
1f	16	H38	ADD: SMARTZONE OPERATION			
1g	16	Q361	ADD: P25 9600 BAUD TRUNKING			
1h	16	QA00580	ADD: TDMA OPERATION			
1i	16	G996	ADD: PROGRAMMING OVER P25 (OTAP)			
1j	16	QA01648	ADD: ADVANCED SYSTEM KEY - HARDWARE KEY <b>01A7</b>			
1k	16	QA01767	ADD: APX 7000 RADIO AUTHENTICATION			
1l	16	Q58	ADD: 2 YR REPAIR SERVICE ADVANTAGE			
1m	16	Q629	ENH: AES ENCRYPTION	\$	500.00	\$ 8,000.00
1n	16	Q498	ENH: MDC & ASTRO P25 OTAR W/ MULTIKEY			
<b>Portable Total</b>					<b>\$</b>	<b>83,841.92</b>



**CITY OF PEARLAND**

**HGAC / HARRIS COUNTY CONTRACT SUBSCRIBER PACKAGE PRICING**

*APX7000 Portable Accessories*

12/16/2015

Don Day

832-215-8006

[don.day@bearcom.com](mailto:don.day@bearcom.com)

Item	Qty	Model	Description	Harris Contract	Extended
1	16	PMMN4062	IMPRESS REMOTE SPEAKER MIC WITH JACK	\$ 75.97	\$ 1,215.52
2	16	NNTN7038	IMPRES Lilon 2900mAh Submersible (IP67) Battery	\$ 99.40	\$ 1,590.40
3	16	WPLN7080	IMPRES SINGLE UNIT CHARGER	88.75	\$ 1,420.00

**Total \$ 4,225.92**

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

<b>AGENDA OF:</b>	January 25, 2016	<b>ITEM NO.:</b>	R2016-10
<b>DATE SUBMITTED:</b>	January 13, 2015	<b>DEPT. OF ORIGIN:</b>	Fire
<b>PREPARED BY:</b>	Kelly Sears	<b>PRESENTOR:</b>	Vance Riley
<b>REVIEWED BY:</b>	Vance Riley/JRB	<b>REVIEW DATE:</b>	January 21, 2016
<b>SUBJECT: Resolution No. R2016-10</b> A Resolution of the City Council of the City of Pearland, Texas, renewing a contract for the purchase of Fire Department Uniforms from Galls, LLC, in the estimated amount of \$71,055.00 for the period of January 26, 2016 through January 25, 2017.			
<b>EXHIBITS:</b> Resolution R2016-10 Bid Tabulation			
<b>FUNDING:</b>			
<input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Grant <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold			
<b>EXPENDITURE REQUIRED:</b> \$71,055.00 (est.)		<b>AMOUNT BUDGETED:</b> \$71,055.00	
<b>AMOUNT AVAILABLE:</b> \$71,055.00			
<b>ACCOUNT NO.:</b> 100-205-260-5145020		<b>PROJECT NO.:</b> N/A	
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> N/A			
<b>ACCOUNT NO.:</b>			
<b>PROJECT NO.:</b>			
<b>To be completed by Department:</b>			
Finance	X Legal	Ordinance	X Resolution

**EXECUTIVE SUMMARY**

**BACKGROUND**

In the past, the Fire Department has ordered replacement and new uniforms through an informal quote process. In fiscal year 2014, after the merger of EMS and Fire Departments, it was determined that there would be an increased need for a supply contract for Fire uniforms, and bids were solicited via Bid No. 0814-56R.

In January of 2015, City Council awarded a bid to Galls, LLC for the purchase of Fire Department Nomex uniforms, station boots, and uniform belts. The Fire Department has used the contract for a full year to purchase uniforms.

**SCOPE OF CONTRACT**

One (1) year agreement for the purchase of Fire Department uniforms as needed by the City of Pearland Fire Department.

**BID AND AWARD**

In October 2014, the City published a public notice in its newspaper of record and posted Bid No. 0814-56R on the City’s e-bid system with email notification to 72 vendors, in accordance with City Purchasing policy and state law.

The City received two (2) bids, with award recommended to the lowest bidder, Galls, LLC, with the agreement that they will provide weekly visits by a service technician to the Pearland Facilities for required measurements, etc.

The original bid specifications require fixed unit costs for a period of one (1) year, with two (2) additional one-year renewal options available upon the mutual agreement of both parties, and the approval of City Council. The specifications allow the contractor the opportunity to request a price increase percentage not to exceed the rate of increase in the “All Items” category of the Consumer Price Index (CPI), Houston-Galveston-Brazoria region, during the prior 12 month period.

In January of 2016, Galls, LLC was given the option of renewing the contract for an additional year. Galls, LLC opted to renew the Fire Department uniform contract for one additional year with no price increase.

**SCHEDULE**

Galls, LLC of Chicago, Illinois will provide uniforms and fittings for Fire Department for annual replacements on site and on an as-needed basis throughout the year.

**CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS**

Funding for these services will come from the General Fund.

**O&M IMPACT INFORMATION**

<b>Fiscal Year</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Est. Expenditure	\$71,055	\$71,055	N/A

## **RECOMMENDED ACTION**

City Council consideration and approval of City Council Resolution No. R2016-10 renewing a bid for the purchase of Fire Department Uniforms from Galls, LLC, in the estimated amount of \$71,055.00 for the period of January 26, 2016 through January 25, 2017.

**RESOLUTION NO. R2016-10**

A Resolution of the City Council of the City of Pearland, Texas, renewing a contract for the purchase of Fire Department Uniforms from Galls, LLC, in the estimated amount of \$71,055.00 for the period of January 26, 2016 through January 25, 2017.

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

**Section 1.** That competitive bids for the purchase of Fire Department Uniforms have been reviewed and tabulated.

**Section 2.** That the City Council hereby renews the contract with Galls, LLC, in the estimated amount of \$77,450.00.

**Section 3.** The City Manager or his designee is hereby authorized to execute a contract for the purchase of Fire Department Uniforms.

PASSED, APPROVED and ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

\_\_\_\_\_  
YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY

**Bid No. 0814-56R Addendum 1**

**Closed: October 28, 2014**

				Galls, LLC		Cop Stop		Inline Graphix	
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended
<b>Pkg 1 Men's Uniforms</b>									
1.1	FLYING CROSS NOMEX IIIA MALE SHORT-SLEEVE by FECHHEIMER ITEM #9800	EA	255		\$74.00	\$18,870.00	\$95.00	\$24,225.00	No Bid
1.2	FLYING CROSS NOMEX IIIA MALE LONG-SLEEVE SHIRT by FECHHEIMER ITEM #9820	EA	1		\$85.00	\$85.00	\$112.00	\$112.00	No Bid
1.3	FLYING CROSS NOMEX IIIA MALE PANTS by FECHHEIMER ITEM #98200	EA	255		\$90.00	\$22,950.00	\$95.00	\$24,225.00	No Bid
<b>Total</b>						<b>\$41,905.00</b>		<b>\$48,562.00</b>	
<b>Pkg 2 Women's Uniforms</b>									
2.1	FLYING CROSS NOMEX IIIA FEMALE SHORT-SLEEVE by FECHHEIMER ITEM #9810	EA	30		\$72.00	\$2,160.00	\$95.00	\$2,850.00	No Bid
2.2	FLYING CROSS NOMEX IIIA FEMALE LONG-SLEEVE by FECHHEIMER ITEM #9830	EA	1		\$85.00	\$85.00	\$112.00	\$112.00	No Bid
2.3	FLYING CROSS NOMEX IIIA FEMALE PANTS by FECHHEIMER ITEM #98250	EA	30		\$90.00	\$2,700.00	\$95.00	\$2,850.00	No Bid
<b>Total</b>						<b>\$4,945.00</b>		<b>\$5,812.00</b>	
<b>Pkg 3 Uniform Belts</b>									
3.1	"DUTY MAN" FULL GRAIN LEATHER UNIFORM BELT - MODEL #1211, COLOR: BLACK	EA	255		\$15.00	\$3,825.00	\$17.69	\$4,510.95	No Bid
<b>Total</b>						<b>\$3,825.00</b>		<b>\$4,510.95</b>	

				Galls, LLC		Cop Stop		Inline Graphix	
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended
<b>Pkg 4 Station Steel Toe Boots</b>									
4.1	STATION STEEL TOE BOOTS - ATSM CERTIFIED #F2413-11 STYLE NUMBER 13002 FRONT ZIP	EA	255	\$105.00	\$26,775.00	\$119.00	\$30,345.00	No Bid	
		<b>Total</b>			\$26,775.00		\$30,345.00		
		<b>Grand Total</b>			\$77,450.00		\$89,229.95		\$0.00

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

<b>AGENDA OF:</b> January 25, 2016	<b>ITEM NO.:</b> R2016-7
<b>DATE SUBMITTED:</b> December 28, 2015	<b>DEPT. OF ORIGIN:</b> Engineering and Capital Projects
<b>PREPARED BY:</b> Richard Mancilla P.E.	<b>PRESENTOR:</b> Susan Polka, P.E.
<b>REVIEWED BY:</b> Darrin Coker	<b>REVIEW DATE:</b> January 5, 2016
<b>SUBJECT: A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Development and Subdivision Agreement with Lake Park Pearland, Ltd, associated with the oversizing of sanitary sewer improvements (generally located at the intersection of Cullen Parkway and McHard Road) in the estimated amount of \$1,117,000.00.</b>	
<b>EXHIBITS: R2016-7; Exhibit A – Development Oversizing Agreement; Exhibit B – Vicinity Map Location; Exhibit C – Lake Park Sanitary Sewer Oversize Estimate</b>	
<b>FUNDING:</b> <input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input type="checkbox"/> Cash <input checked="" 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	
<b>EXPENDITURE REQUIRED: \$1,117,000</b> <b>AMOUNT BUDGETED: \$2,041,261</b> <b>AMOUNT AVAILABLE: \$1,988,653</b> <b>PROJECT NO.: WW1406</b> <b>ACCOUNT NO.: 550-300-345.5600.040</b> <b>ADDITIONAL APPROPRIATION REQUIRED:</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>	
<b>To be completed by Department:</b> <b>X Finance</b> <b>X Legal</b> <b>Ordinance</b> <b>X Resolution</b>	

**EXECUTIVE SUMMARY**

**BACKGROUND**

The McHard Road Trunk Sewer project was budgeted in the FY 2014-2018 CIP to install gravity sanitary sewer along future McHard Road from the Southdown Wastewater Treatment Plant (WWTP) to Garden Road. As part of the future plans, once the gravity sewer is constructed along McHard Road and Reflection Bay WWTP improvements are complete, Southdown WWTP will be converted to a regional lift station and flows will be diverted via force main to the Reflection Bay WWTP.

In October 2014, City Council approved the Planned Development (PD) for the Lake Park development. Lake Park is an approximately 47 acre mixed use development located at the northeast corner of McHard Road and Cullen Parkway, and includes townhomes, commercial retail and office uses. Lake Park is located within the service area of the future McHard Road trunk sewer and initially proposed to construct an onsite lift station with a six-inch force main that would extend to the Southdown WWTP. The City approached the Developer, Lake Park Pearland, Ltd., about participating in an oversizing agreement to construct the first segment of the trunk sanitary sewer system this portion of which consists of approximately 4500 linear feet of 24" sewer from Southdown WWTP to the Lake Park Development and an interim lift station at the Southdown WWTP that will later be converted to a receiving manhole for the future regional lift station.

### **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 sanitary sewer and interim lift station. The City will provide guidance and reviews of the Developer's design and, while bid process and construction will be managed the Developer, the work will be inspected by the City. The cost to the City is the difference between the cost the developer would have paid to install an onsite system to handle wastewater collection and transmission to the plant and the cost to install the "oversized" trunk sewer as planned by the City. In addition to construction, the costs include associated design costs for a total estimated amount of \$1,117,000.00 as outlined in Exhibit "C". The developer would typically be required to front the cost of the project and the City would reimburse the developer its portion upon completion of the improvements. In this case, the developer has limited cash reserves, so the City has agreed to proceed if both parties deposit their participating amounts into an escrow account that will be drawn down during construction. If the developer fails to construct the improvements within the designated time frame, the City will have the ability to withdraw the funds from escrow and construct the improvements. In addition, the agreement addresses certain park/trail improvements contained in the PD that must be constructed. These improvements will not be required to be completed for 24 months and they will be secured by a deed of trust on the property that will be converted to cash or a Letter of Credit once the developer closes on his loan with HUD.

The scope of the Agreement includes:

- The City's acquisition of a sanitary sewer easement along existing McHard Road right of way
- Public Bid of the work and City approval of the results
- Construction of the trunk sanitary sewer and lift station, including the additional capacity required for the City reimbursement for costs associated with the oversizing with each participant's share based on the cost estimate outlined in Exhibit "C"
- A cost true-up provision upon completion
- A requirement for City approval prior to execution of any Change Order to the work
- Security for required park amenities and trail improvements

**NOTE: The developer has preliminary plat approval and is attempting to get final plat approval so permits can be issued. Pursuant to the UDC, all public improvements must be constructed before a final plat is approved. However, the UDC also allows developers to obtain final plat approval if adequate security is posted to insure the improvements get constructed. This Agreement outlines the developer's responsibilities while at the same time establishing the security for the improvements.**

## **BID AND AWARD**

N/A

## **SCHEDULE**

The developer expects to begin work on the sanitary sewer and lift station by November 2016 and, per the agreement, will complete that work on or before May, 2017. The City is in the process of acquiring a required easement for the sewer line.

## **POLICY/GOAL CONSIDERATION**

This project complies with the Council Strategic Priorities for Sustainable Infrastructure, Fiscally Responsible and Healthy Economy by providing infrastructure to currently vacant land.

## **CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE**

The project is funded by water/sewer revenue bonds and impact fee debts.

Year	To Date	2017	2018	2019	2020	Total
<b>Budget</b>	\$ 2,041,261	\$ 3,599,900		\$ -	\$ -	\$ 5,641,161
Prior Expenditures						
PER						-
Land/ROW						-
Design/Survey	63,480					63,480
Construction						-
FF&E						-
<b>Current Request</b>						
<b>Construction</b>	<b>1,117,000</b>					<b>\$1,117,000</b>
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey	860,781					860,781
Construction		\$2,548,800				\$2,548,800
FF&E						\$0
<b>Total Expenditures</b>	<b>\$ 2,041,261</b>	<b>\$ 2,548,800</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 4,590,061</b>
<b>Remaining Balance</b>	<b>\$ -</b>	<b>\$ 1,051,100</b>				

Debt Sold	886,261					
Debt to Be Sold	1,155,000	3,599,900				
<b>Annual Debt Service</b>	<b>62,038</b>	<b>142,888</b>	<b>394,881</b>	<b>394,881</b>	<b>394,881</b>	

## **O&M IMPACT INFORMATION**

No operations and maintenance costs

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

## **RECOMMENDED ACTION**

Staff recommends the consideration and approval of the Development and Subdivision Agreement with Lake Park Pearland, Ltd. for the oversizing of the McHard Road trunk sanitary sewer and the associated improvements in the amount of \$1,117,000.00.

**RESOLUTION NO. R2016-7**

**A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Development and Subdivision Agreement with Lake Park Pearland, Ltd, associated with the oversizing of sanitary sewer improvements and the construction of other public improvements (generally located at the intersection of Cullen Parkway and McHard Road) in the estimated amount of \$1,117,000.00.**

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

**Section 1.** That certain Development and Subdivision 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.,  
2016.

\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

\_\_\_\_\_  
YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY

**DEVELOPMENT AND SUBDIVISION IMPROVEMENT AGREEMENT  
(Lake Park)**

This Development and Subdivision Improvement Agreement (“Agreement”) is entered into this \_\_\_\_\_ day of February, 2016, by and between the CITY OF PEARLAND, TEXAS, (**hereinafter "City"**), and Lake Park Pearland, Ltd, (**hereinafter "Developer"**). City and Developer are the “Parties” and either may be referred to as a “Party”.

*WHEREAS*, Developer plans to construct a planned unit development consisting of town home, office professional, and retail uses to be known as Lake Park Pearland (“**Development**”) to be located on the property described on **Exhibit “A”** attached hereto (“**Property**”) and which will enhance the City’s tax base and provide additional housing and commercial space, which will be served by the City’s sanitary sewer system; and

*WHEREAS*, Developer plans to construct and dedicate to the City for operation and maintenance the following public improvements for the Development: i) a 24” gravity flow main with an interim lift station located at the Southdown WWTP (“**Plant**”) per the City’s regional plan (**the “Utility Improvements”**), and ii) an extension of the Clear Creek Trail System (with trailhead paved area, drinking water fountain and related infrastructure, stretching station, benches, bike rack, 12 parking spaces, lighting and related infrastructure, 10’ wide concrete trail surface, and covered outdoor exercise stations including 8 pieces of exercise equipment) to be located on the Brazoria County Drainage District No. 4 easement, and as defined in Section II (Amenities Sec. VII) and III (Exhibit B) of Ordinance No. 2000M-123 approving the mixed use Planned Development (PD) for Pearland’s Lake Park and approximately 600’ of \_\_\_” waterline along McHard road and approximately \_\_\_’ of 4’ wide sidewalk along McHard road (**collectively, the “Public Improvements”**) (the Utility Improvements and the Public Improvements hereinafter collectively referred to as the “**Improvements**”); and

*WHEREAS*, City desires to cooperate with Developer to provide the Utility Improvements, and at the same time, increase and improve the City’s capacity to serve other properties in the vicinity of McHard Rd (“**Other Properties**”); and

*WHEREAS*, Developer has filed for approval by City a final subdivision plat for the Development; and

*WHEREAS*, City’s Unified Development Code (UDC) mandates completion of all public improvements required to serve the Development prior to approval of the final plat for the Development; and

*WHEREAS*, approval of the final plat for Project (“Final Plat”) requires the completion of the Improvements (which are all the publicly dedicated improvements required to serve the Development); and

*WHEREAS*, UDC Sections 3.1.8.3 and 3.1.8.4 provide a procedure whereby Developer may postpone completion of the required public improvements until after final plat approval upon execution of a subdivision improvement agreement and posting of adequate security; and

*WHEREAS*, pursuant to the terms hereof, the City is responsible for 64% of the costs of the Utility Improvements; and

*WHEREAS*, UDC Section 3.1.8(a)(5) provides latitude for the acceptance of alternative security to insure completion of the required public improvements; and.

*WHEREAS*, City is a home rule city and has the authority to enter into this Agreement pursuant to Texas Law, including, but not limited to Tex. Loc. Gov't Code Sec. 212.071 and Ch. 380; and

*WHEREAS*, City and Developer desire an agreement to set forth their respective responsibilities with regard to providing the Improvements, to share the cost thereof based on service capacity, and to provide adequate security for completion of the Improvements.

**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 Utility Improvements in accordance with the specifications contained in **Exhibit "B"** attached hereto. The split of capacity in the Improvements is 36% due to the Development ("**Development Percentage**"), and 64% due to Other Properties the City desires to serve in the future ("**City Percentage**"). Prior to approval of the Final Plat, City and Developer shall execute an Escrow Agreement, in substantially the same form as **Exhibit "C"** attached hereto (the "**Escrow Agreement**") with Old Republic Title Company (Paige Dunlap), which is closing the purchase of the Property by Developer from Cullen Stone, LLC with the form subject to approval of the title company. Prior to approval of the Final Plat, Developer shall deposit funds equal to 125% of Development Percentage and City shall deposit funds equal to City Percentage into escrow ("**Initial Escrow Deposit**"), securing each Parties' obligation associated with construction of the Utility Improvements. Within five (5) days following the opening of the bids for construction of the Utility Improvements, Developer and City shall review the line items to determine if sufficient funds exist in the Initial Escrow Deposit to satisfy the Developer's Percentage and City's Percentage. If the Initial Escrow Deposit is deficient, each Party shall, prior to the award of the bid for construction of the Improvements, deposit additional funds into escrow in an amount sufficient to satisfy that Party's obligations hereunder. It is anticipated that the Utility Improvements may necessitate change orders to complete the work. In the event change orders are

submitted to Developer, each change order shall be reviewed by City and Developer for approval. Within fourteen (14) business days following approval of a change order by Developer and City, each Party shall deposit sufficient funds into escrow to satisfy the Developer's Percentage and the City's Percentage of the Utility Improvements. A change order, or any combination of change orders, that exceeds the total amount of \$50,000 shall be subject to the approval of the City Council by resolution, which said approval shall not be unreasonably withheld, and will be placed on the first available City Council agenda. Funds deposited into escrow shall be utilized in accordance with Section 4 of this Agreement be to pay for the Utility Improvements.

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 Utility Improvements. 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 Utility Improvements, no rejection shall be unreasonably exercised, 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.
3. Following approval of the bids by the City, Developer shall cause construction of the Utility Improvements to commence, and Developer shall cause the Utility Improvements to be substantially complete, as determined by the City's Engineer, in accordance with the plans and specifications on or before May 31, 2017, subject to force majeure. If Developer shall fail to cause construction to commence by November 1, 2016, and following thirty (30) days' written notice to Developer and the opportunity to cure such failure, the City shall have the right to terminate this Agreement. Developer's engineer and the City Engineer or his designee shall monitor the progress and workmanship of the contractor, and the City will inspect the Utility Improvements during construction. Developer shall cause the City to be named as an additional obligee under the performance bond obtained by Developer from the contractor to secure the construction of the Utility Improvements, a copy of which shall be provided to City prior to commencement of construction of the Utility Improvements.
4. Developer shall submit to the City no more often than monthly its contractor's pay estimates ("**Request**") with a letter from Developer's engineer stating that the portion of the Utility Improvements enumerated in the pay estimate that is allocable to the work performed has been constructed. Within five (5) days following receipt of a Request, the City shall inspect and accept the progress of construction of the Utility Improvements, unless the City provided a written list of deficiencies within seven (7) days thereafter. Within seven (7) days following the City's inspection, the City's Engineer shall approve or disapprove the Request in writing, stating the specific reasons therefor. Such approval shall not be unreasonably withheld. If the City approves a specific item, then the City may not later disapprove that same item. If the City shall fail to reject any Request during the seven (7) day review period, said Request shall be deemed approved. Upon

the written approval of a Request by the City's Engineer ("**Approved Request**"), Developer shall provide the Approved Request, to the escrow officer who shall make payment(s) equal to each Approved Request pro-rate from the Escrow (36%- Developer/64%- City) until the Utility Improvements are certified as substantially complete by the City's Engineer. In the event Developer fails to commence construction of the Utility Improvements on or before November 1, 2016, Developer fails to substantially complete the Improvements on or before May 31, 2017, or Developer terminates this Agreement after Funds have been deposited into escrow ("**Construction Default**"), subject to the provisions of Section 17 herein and/or events of force majeure, City shall be entitled to produce an affidavit of Construction Default to the escrow officer, and the escrow officer shall release all remaining escrowed funds directly to the City which funds shall be used by City to construct the Utility Improvements. Developer assigns to City the right to use the plans and specifications for the Utility Improvements, together with the right to retain Developers's Engineer to assist in the completion of the Utility Improvements, if such action is undertaken by City. In the event the escrowed funds are released to the City, the City shall not be obligated to commence construction of the Utility Improvements prior to January 1, 2019. If the City determines that the Utility Improvements, in whole or part, are not necessary, or does not commence construction of the Utility Improvements by January 1, 2019, then the City shall promptly release the unused funds to Developer.

5. Developer shall complete construction of the Public Improvements within twenty-four (24) months after recordation of the Final Plat. The Developer shall require a performance bond from the contractor that the Developer retains to construct the Public Improvements sufficient to cover the cost of the Public Improvements and name the City as a co-obligee. The Developer shall warrant the Public Improvements for a period of two (2) years following their acceptance by the City, and shall provide the City a maintenance bond in an amount equal to one hundred percent (100%) of the costs of the Public Improvements to cover any warranty repairs needed to the Public Improvements during the warranty period.
6. Developer will post security for completion of the Public Improvements through a lien against the Property in the form of **Exhibit "E"** attached hereto, which will provide the City with the right to foreclose the Property if, after the notice and opportunity to cure provided herein, the Developer (or its lender) fails to cure any default hereunder, or other form of security provided in the UDC. Developer may, with City's approval, change the form of security, so long as compliant with the UDC. Developer shall submit to City contemporaneously with the execution of this Agreement estimates of the cost for the Public Improvements for approval by the City.
7. The initial term of this Agreement shall be for a period of eighteen (18) months, commencing on the execution date, provided, however, that this Agreement shall be automatically renewed in one (1) month increments until all of the obligations of the parties hereunder have been fully discharged or specifically waived in writing by the beneficiary thereof.

8. This Agreement may only be amended, modified, or supplemented by written agreement and signed by both parties.
9. All covenants and agreements contained by or on behalf of a Party in this Agreement shall bind its successors and assigns and shall inure to the benefit of the other Parties, their successors and assigns. The Parties may assign their rights and obligations under this Agreement or any interest herein, only with the prior written consent of the other Party, and any assignment without such prior written consent, including an assignment by operation of law, is void and of no effect; provided that, the Developer may, without consent, but with notice to the City (i) make an assignment to a successor developer of the Development (or a portion thereof) or an affiliate of the Developer, if such assignee specifically assumes all of the obligations of the Developer hereunder (to the extent of the land acquired by such assignee), or (ii) may make a collateral assignment in favor of a lender. If such assignment of the obligations by the Developer hereunder is effective, the Developer shall be deemed released from such obligations. If any assignment of the obligations by the Developer hereunder is deemed ineffective or invalid, the Developer shall remain liable hereunder.
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. This Agreement and the Escrow Agreement in the form attached as **Exhibit "C"** shall be approved by the City, then signed by the City in triplicate originals and submitted to Developer. Prior to approval of the Final Plat, Developer shall execute this Agreement, the original Deed of Trust in the form attached as **Exhibit "E"**, and the original Escrow Agreement in the form attached as **Exhibit "C"** and provide executed originals to the City. This Agreement will be effective when signed by Developer.
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.**

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 OR RESULTING FROM 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 EXPIRE CONCURRENTLY WITH THE TWO (2) YEAR MAINTENANCE AND WARRANTY PERIOD SET FORTH IN SECTION 3.1.8.6(b) OF THE CITY'S UNIFORM DEVELOPMENT CODE.**
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:                Lake Park Pearland, LLC  
  Attn: James Johnson  
  5599 San Felipe Suite 110  
  Houston, Texas 77056

If to Developer's Lender:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(to be completed by Developer)

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

18. Developer may terminate this Agreement by notice to the City if Developer does not close its development loan for the Project by May 1, 2016. In the event Developer exercises the right to terminate this Agreement, the City shall be entitled to the release of all Escrow Funds as provided in Section 4 of this Agreement.
19. Before any failure of any Party to perform its obligations under this Agreement shall be deemed to be a breach of this Agreement, the Party claiming such failure shall notify, in writing, the Party who has allegedly failed to perform. Such notification shall specify the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if performance has commenced to the reasonable satisfaction of the complaining Party within thirty (30) days of the receipt of such notice. Upon request to the City with the contact information for a lender, the City will include Developer's lender(s) in the notice and will accept a cure tendered by a lender. Except as otherwise set forth herein, no action taken by a Party pursuant to the provisions of this Section or pursuant to the provisions of any other section of this Agreement shall be deemed to constitute an election of remedies and all remedies set forth in this Agreement shall be cumulative and nonexclusive of any other remedy either set forth herein or available to any Party at law or in equity.
20. In the event either Party is rendered unable, wholly or in part, by force majeure to carry out any of its obligations under this Agreement, except the obligation to pay amounts owed or required to be paid pursuant to the terms of this Agreement, then the obligations of such Party, to the extent affected by such force majeure and to the extent that due diligence is being used to resume performance at the earliest practicable time, shall be suspended during the continuance of any inability so caused to the extent provided, but for no longer period. As soon as reasonably possible after the occurrence of the force majeure relied upon, the Party whose contractual obligations are affected thereby shall give notice and full particulars of such force majeure to the other party. Such cause, as far as possible, shall be remedied with all reasonable diligence. The term "force majeure," as used herein, shall include without limitation of the generality thereof, acts of God, strikes, lockouts, or similar civil disturbances, acts of the public enemy, orders of any kind of the government of the United States or the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, drought, arrests, restraint of government, civil disturbances, explosions, breakage or

accidents to machinery, pipelines or canals, partial or entire failure of water supply resulting in an inability to provide water necessary for operation of the Water Facility, and any other inability of any Party, whether similar to those enumerated or otherwise, which are unlikely to occur and are not within the reasonable anticipation or control of the Party claiming such inability, which such Party could not have avoided by the exercise of due diligence and care.

21. Approvals and consents shall be effective without regard to whether given before or after the time required for giving such approvals or consents. Approvals, rejections, satisfaction of performance and consents shall not be unreasonably withheld, conditioned or delayed
22. Time is of the essence in the performance of this Agreement.
23. The Parties intend this Agreement to be legally enforceable to the maximum extent permitted at law or in equity. Specifically, the City waives governmental immunity as to suit for only a claim to enforce specific performance and related legal fees. DEVELOPER WAIVES ANY CLAIM FOR DAMAGES (OTHER THAN LEGAL FEES) AND DEVELOPER'S SOLE AND EXCLUSIVE REMEDY IS TO ENFORCE SPECIFIC ENFORCEMENT AND RELATED LEGAL FEES. **This Agreement is intended by the Parties to be a contract for goods or services contemplated by Texas Local Government Code Section 271.151 et. seq.** The Parties recognize that Developer would not expend significant sums to develop the Development and install the Improvements without the commitment of the City to timely reimburse Developer as provided herein, and that the Developer relied on the legal enforceability of the City's obligations hereunder. The City is accepting the benefit of the Development and the Improvements. The City represents that it has currently available and budgeted funds to be allocated and designated for payment for the City Percentage of Project Cost.
24. The City shall, at its cost, obtain all necessary easements for the Utility Improvements from the Plant to the Property. Any delay in the acquisition of such easements past February 1, 2016 shall extend all deadlines in this Agreement by 1 day for each day thereafter until all the easements are obtained, such that the Improvements may be constructed therein. If the City has not obtained the right of possession of the necessary easements by March 1, 2016, then the City shall promptly commence legal condemnation proceedings with the goal of obtaining possession no later than August 1, 2016.
25. The City shall, at its cost, provide a point of connection to the City wastewater system for the Improvements at the location adjacent to the Property shown on **Exhibit "D"** attached hereto.

**[signatures follow on next page]**

In witness whereof, the parties have hereunto set their hands and signatures effective as provided in Section 11.

Lake Park Pearland, Ltd,

By: Lake Park Pearland GP, LLC, its sole general partner,

By: \_\_\_\_\_

Name: James Johnson

Its: Manager

Date signed: \_\_\_\_\_ (Effective Date)

CITY OF PEARLAND,  
a Texas municipal corporation

By: \_\_\_\_\_

Clay Pearson,

City Manager

Date signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Young Lorfing  
City Secretary

EXHIBITS:

- A- Legal Discription of the Property
- B- Specifications of the Improvements
- C- Form of Escrow
- D- Location for the Tie-in to City Wastewater System
- E- Form of Deed of Trust to Secure Performance

STATE OF TEXAS           §  
                                      §  
HARRIS COUNTY           §

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by James Johnson, Manager of Lake Park Pearland GP, LLC, a Texas limited liability company, general partner of Lake Park Pearland, Ltd on behalf of said limited partnership.

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

My Commission Expires: \_\_\_\_\_

STATE OF TEXAS           §  
                                      §  
BRAZORIA COUNTY       §

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by Clay Pearson, City Manager of the City of Pearland, a Texas home rule municipality, on behalf of said municipality.

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

My Commission Expires: \_\_\_\_\_

EXHIBIT A  
Legal Discription for the Property

EXHIBIT B  
Specifications for the Improvements

EXHIBIT C  
Form of Escrow Agreement

**ESCROW AGREEMENT**

THIS ESCROW AGREEMENT (this "Agreement") is made by and among Lake Park Pearland, LLC ("Developer"), the City of Pearland, Texas ("City"), and Old Republic Title Company ("Escrow Agent") (collectively, the "Parties").

**RECITALS**

A. Developer and City have entered into a Development and Subdivision Improvement Agreement made effective February \_\_\_\_\_ 2016 (the "Development Agreement"), a copy of which is attached as Exhibit A hereto. Capitalized terms used herein but not defined shall have the meanings set forth therefor in the Development Agreement.

B. Pursuant to the Development Agreement, Developer and City agreed to provide \_\_\_\_\_ NO/100 Dollars (\$ \_\_\_\_\_ .00) (the "Escrow Deposit") for the purposes of funding the Utility Improvements (defined in the Development Agreement) (herein referred to as "Utility Work").

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

**TERMS OF AGREEMENT**

1. Deposit of Escrow Deposit. Developer and City shall deposit with Escrow Agent the Escrow Deposit in accordance with Section 1 of the Development Agreement. Escrow Agent shall hold the Escrow Deposit strictly in accordance with the terms of this Agreement and the Development Agreement. Upon receipt of such funds, Escrow Agent shall acknowledge receipt of and accept the Escrow Deposit upon and subject to the terms and conditions hereof.

2. Escrow Account.

(a) The Escrow Deposit immediately will be (i) deposited into a segregated, non-commingled account (the "Escrow Account") with a depository bank selected by Escrow Agent (the "Bank") or (ii) invested in an alternative investment approved in writing by the Parties. Unless an alternative investment shall have been approved by the Parties in writing, the Escrow Account will not be invested other than in an interest bearing account with the Bank. All interest earned on the Escrow Deposit will be deposited in the Escrow Account and will become part of the Escrow Deposit.

(b) The Escrow Account will be in the name of Escrow Agent, in trust for Developer and City. The tax I.D. number on the Escrow Account will be Developer's tax I.D. number and all interest or dividend income shall be attributed to and belongs to

Developer.

(c) The Escrow Account will be under the sole control of Escrow Agent (subject to the terms of this Agreement), and designated signers of Escrow Agent will have the sole and exclusive authority to draw checks or make withdrawals on the Escrow Account.

(d) If the Escrow Account is with a bank, the monthly bank statement on such Escrow Account will be sent to Escrow Agent, and Escrow Agent promptly will forward a copy of each bank statement to Developer and City.

(e) Escrow Agent will have no responsibility or liability for the security of any funds in the Escrow Account or for calculating, reporting, or paying any interest or dividends on the Escrow Account. Developer and City will look solely to the Bank for such security and services. Moreover, Escrow Agent will have no responsibility or liability for the amount of interest or dividends paid by the Bank on the Escrow Account. For example, Escrow Agent may make disbursements from the Escrow Account without regard to how the timing of such disbursements may affect the amount of interest or dividends paid by the Bank on the Escrow Account. Escrow Agent will have no responsibility or liability for, or with respect to, any loss or damage resulting from any failure, refusal or inability of the Bank to disburse, or allow for withdrawal of, the funds of the Escrow Account upon proper authorization or direction of Escrow Agent. Developer and City hereby hold Escrow Agent harmless from the foregoing types of responsibility and liability, except that Escrow Agent will be responsible for any investment losses caused by Escrow Agent's failure to follow the terms of this Agreement.

(f) Disbursement of Escrow Deposit. Periodic payments will be made by the Escrow Agent in accordance with Section 4 of the Development Agreement. In the event of uncertainty or dispute, the Escrow Agent may require joint instruction from Developer and City to advance funds to the contractor performing the Utility Work.

3. Termination. Upon the disbursement of all of the Escrow Deposit as set forth in Section 2 hereof, this Agreement will terminate, and none of the parties hereto will have any further rights or obligations hereunder.

4. Exculpation Provisions for Escrow Agent.

(a) It is agreed that (i) Escrow Agent will in no case or event be liable for any direct or indirect damage caused by the exercise of Escrow Agent's discretion in any particular manner, or for any other reason, except gross negligence or a willful breach with reference to its duties hereunder; (ii) Escrow Agent will not be liable or responsible for the sufficiency or correctness as to form, manner of execution, or validity of any instrument tendered to Escrow Agent hereunder, nor as to identity, authority, or rights of any person executing the same; and (iii) Escrow Agent will not be liable or responsible for Escrow Agent's failure to ascertain the terms or conditions, or to comply with any of the provisions of any agreement, contract or other document other than its instructions contained herein as amended from time to time in accordance with the terms hereof.

(b) Developer and City hereby covenant and agree to indemnify and hold Escrow

Agent harmless (as to the City, to the extent permitted by applicable law) from and against any and all losses, costs, damages or expenses (including reasonable attorneys' fees) it may sustain by reason of its service as escrow agent hereunder, except if such loss, costs, damages or expenses (including attorneys' fees) are incurred by reason of a willful breach of Escrow Agent's obligations hereunder or gross negligence on its part.

(c) In the event of any disagreement between the parties to this Agreement resulting in adverse claims or demands being made in connection with the Escrow Deposit, or in the event that Escrow Agent, in good faith, will be in doubt as to what action it should take hereunder, Escrow Agent may, at its option, refuse to comply with any requests, claims or demands relating to this Agreement, so long as such disagreements continue or such doubt exists, and in any such event, Escrow Agent will be entitled to continue to refrain from acting until (i) the rights to the applicable Escrow Deposit will have been fully and finally adjudicated by a court of competent jurisdiction or (ii) all differences will have been adjusted and all doubt resolved by written agreement among all of the persons making requests, claims or demands with respect to the applicable Escrow Deposit and Escrow Agent will have been notified thereof in writing signed by all such persons. In connection with any such disagreement as aforesaid, Escrow Agent will have the right to institute a bill of interpleader, and any costs so incurred by Escrow Agent may be payable out of the applicable Escrow Deposit, whichever is the subject of such disagreement. The rights of Escrow Agent under this paragraph are cumulative of all other rights that it may have by law or otherwise and will survive the termination of this Agreement.

##### 5. Replacement of Escrow Agent.

(a) At any time during the term of this Agreement, Escrow Agent may resign and be discharged of the obligations created by this Agreement by executing and delivering to Developer and City, written notice of its resignation as Escrow Agent and specifying the date when such resignation is to take effect. Any resignation of Escrow Agent will not become effective until the earlier to occur of (i) acceptance of appointment by the successor Escrow Agent or (ii) seventy-five (75) days after Escrow Agent's notice of resignation.

(b) Escrow Agent may be removed at any time by Developer and City by a written notice executed by them to Escrow Agent, whereupon a successor Escrow Agent will be appointed pursuant to subparagraph (d) below.

(c) If Escrow Agent shall resign, or be dissolved, or if its property or affairs shall be taken under the control of any state or federal court or administrative body or agency because of insolvency or bankruptcy or for any other reason, a vacancy shall forthwith exist in the office of Escrow Agent, and a successor will be appointed pursuant to subparagraph (d) below.

(d) In the event of the removal or resignation of Escrow Agent pursuant to subparagraphs (a), (b) or (c) above, Developer and City will endeavor in good faith to agree upon a successor Escrow Agent to be appointed by written instrument, one copy of which instrument will be delivered to the predecessor Escrow Agent, the successor

Escrow Agent, Developer and City. Any successor Escrow Agent appointed by Developer and City pursuant to this subparagraph will, in Developer's and City's reasonable judgment, be adequately bonded, qualified and reputable.

(e) Upon the acceptance of appointment by the successor Escrow Agent, the predecessor Escrow Agent will be compensated from the applicable Escrow Deposit for any remaining reasonable out-of pocket expenses for which it has not been previously reimbursed, but will not thereafter be entitled to any further reimbursement or compensation for its former duties as Escrow Agent hereunder.

(f) Any successor Escrow Agent appointed hereunder will execute, acknowledge and deliver to Developer and City an instrument accepting such appointment hereunder, and thereupon such successor Escrow Agent, without any further act will become duly vested with all of the property, rights, powers, trusts, duties and obligations of its predecessor hereunder, with the same effect as if originally named Escrow Agent.

6. Miscellaneous.

(a) Developer will be responsible for any and all fees and expenses charged by Escrow Agent in connection with this Agreement.

(b) The address of the Parties for purposes of notice hereunder will be as follows until changed by written notice:

If to Developer:            Attn: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If to City:                    Attn: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Escrow Agent:                Attn: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) This Agreement will be governed by the laws of the State of Texas.

(d) The provisions of this Agreement may be amended only by a written agreement signed by the Parties.

(e) This Agreement may be executed in multiple counterparts, each one of which will be deemed an original, but all of which when disassembled, aggregated and taken together will constitute one and the same instrument.

(f) This Agreement evidences the entire agreement between the undersigned relating to the manner of holding the Escrow Deposit and supersedes all prior agreements, understandings, negotiations and discussions, oral or written, of the parties relating to such subject matter.

(g) The terms of this Agreement will be binding upon and will inure to the benefit of the Parties and their respective successors and permitted assigns, including any debtor in possession or bankruptcy trustee acting for any of said parties.

(h) Nothing in this Agreement will be construed to make Developer the agent or partner of City, or City the agent or partner of Developer, for any purposes.

(i) Time is of the essence of this Agreement and all time periods hereunder.

(j) Upon disbursement of all of the Escrow Deposit in accordance with the terms hereof, this Agreement will terminate and no Parties hereunder will have any further rights or obligations hereunder, provided, however, the termination of this Agreement will not terminate the rights and obligations of Developer and City under the Development Agreement; provided, further, however, that the obligations of the parties to fund the cost of Utility Work in accordance with the Development Agreement will not be abrogated or diminished by the estimated amounts of the construction or other costs initially deposited by the parties pursuant hereto, it being understood and agreed that the Parties will remain responsible for paying all costs of the Utility s Work as provided in the Development Agreement.

(k) Each Party represents and warrants to the other Parties that they have full lawful right, power and authority to execute, deliver and perform the terms and obligations of this Agreement, and all of the foregoing have been duly and validly authorized and approved by all necessary actions.

(l) This Agreement constitutes the legal, valid and binding obligation of the Parties, and is enforceable in accordance with its terms and provisions.

[Signature Page Follows]

The Parties execute this Agreement to be effective as of \_\_\_\_\_, 2016.

**DEVELOPER:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ESCROW AGENT:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

**Exhibits:**

A- Development and Subdivision Improvement Agreement

**Exhibit A**  
Development and Subdivision Improvement Agreement

EXHIBIT D  
Location for Tie-in to City Wastewater System

EXHIBIT E-  
Form of Deed of Trust to Secure Performance

AFTER RECORDING RETURN TO:

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**DEED OF TRUST TO SECURE PERFORMANCE**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER AND/OR YOUR DRIVER'S LICENSE NUMBER.**

**Date:** February \_\_\_\_, 2016

**Grantor:** LAKE PARK PEARLAND, LTD., a Texas limited partnership

**Grantor's Mailing Address** (including county):

5599 San Felipe Suite 110  
Houston, Harris County, Texas 77056

**Trustee:** Darrin Coker

**Trustee's Mailing Address** (including county):

c/o City of Pearland  
3519 Liberty Drive  
Pearland, Brazoria County, Texas 77581

**Beneficiary:** CITY OF PEARLAND, TEXAS, a Texas home rule city

**Beneficiary's Mailing Address** (including county):

City of Pearland  
Attn: Clay Pearson  
3519 Liberty Drive  
Pearland, Brazoria County, Texas 77581

Grantor hereby grants, bargains, sells, releases, conveys, warrants, assigns, transfers, mortgages, pledges, sets over and confirms unto Trustee, its successors and assigns, in trust, WITH POWER OF SALE AND RIGHT OF ENTRY AND POSSESSION, to have and to hold forever for the security and benefit of Beneficiary and its successors and assigns, all of Grantor's right, title and interest in and to the Property (defined below), rights, interests and estates, now existing or hereafter coming into existence

:  
**A. Obligations to be performed by Grantor which are secured hereby:**

Reference is hereby made to the terms, covenants, provisions and conditions stated and set forth in that certain Development and Subdivision Improvement Agreement (the "Agreement") dated February \_\_\_\_, 2016, by and between the CITY OF PEARLAND, TEXAS, and -LAKE PARK PEARLAND, LTD, as Developer, which Agreement shall be deemed to be incorporated herein by reference as fully and to the same extent as if set forth herein verbatim. Grantor recognizes and acknowledges that under the Agreement that Grantor undertake to construct certain Public Improvements (as defined in and pursuant to the terms of the Agreement) in connection with the Property (defined below) (hereinafter, the construction requirements arising under the Agreement to be performed by Grantor will collectively be referred to herein as the "Obligations").

**B. Property** (including any improvements): See Exhibit "A" attached hereto and incorporated herein for all purposes, together with the following:

- (i) all the buildings and other improvements now on or that may be placed hereafter on such land during the existence of this lien;
- (ii) all of Grantor's rights, title and interest in all materials, equipment, fixtures or other property whatsoever now or hereafter attached or affixed to or installed in, or used in connection with the improvements now erected or hereafter to be erected on such land, including, but not limited to, all water, sewer, storm drainage and utility layouts, street lights, street signs, transformers and underground electricity, utility lines and equipment (whether owned individually or jointly with others), and all renewals or replacements of or substitutions for any of the foregoing;
- (iii) all of Grantor's right, title and interest in all easements and rights of way used now or at any future time in connection with any of the foregoing property or as a means of ingress to or egress from such property or for providing utilities to such property;
- (iv) all of Grantor's right, title and interest in all interests of Grantor in and to any streets, ways, alleys and/or strips of land adjoining such land or any part thereof;
- (v) all rights, estates, powers and privileges appurtenant or incident to the foregoing; and
- (vi) any leasehold interest assigned by Beneficiary to Grantor by Assignment of Lease

of even date herewith.

The Land, together with the items listed in clauses (i) through (vi) above, are collectively referred to herein as the "Property."

**C. Other Exceptions to Conveyance and Warranty:**

This deed of trust is subject to all matters of record on the date hereof to the extent such matters actually exist and affect the Property (the "**Permitted Encumbrances**").

**D. Beneficiary's Rights**

1. Beneficiary may appoint in writing a substitute or successor trustee, succeeding to all rights and responsibilities of Trustee (the Trustee herein named and any substitutes or successors are referred to herein for convenience as the "Trustee").

2. If Grantor fails to perform any of Grantor's Obligations under and pursuant to the Agreement, Beneficiary may perform all or any portion of those Obligations, advance funds required and then be reimbursed by Grantor on demand for any sums so advanced, including attorney's fees, plus interest on those sums from the dates of payment at the highest legal rate [or, if there is no highest legal rate applicable to such sums and indebtedness, then at the rate of fourteen percent (14%) per annum]. The sum to be reimbursed shall be secured by this deed of trust to secure performance.

3. Beneficiary may file a sworn notice of such advancement in the office of the county clerk where the Property is located. The notice shall detail the dates, amounts and purposes of the sums advanced and the legal description of the Property.

4. If Grantor fails on written demand to reimburse Beneficiary for the sums advanced, or Grantor shall fail or refuse to observe and perform any covenant or obligation under this deed of trust to secure performance, or Grantor shall otherwise default in the performance of its Obligations under and pursuant to the Agreement, Beneficiary may:

a. request Trustee to foreclose this lien, in which case Beneficiary or Beneficiary's agent shall give notice of the foreclosure sale as provided by the Texas Property Code, as then amended; and

b. purchase the Property at any foreclosure sale by offering the highest bid and then have the bid credited to the reimbursement of Beneficiary for sums advanced by Beneficiary and if, on any purchase of the Property at such foreclosure sale by Beneficiary as aforesaid, there shall remain unpaid any sums or indebtedness, or there shall remain unsatisfied any Obligations, the payment or performance of which are to be made or discharged by Grantor, and for which Beneficiary has been indemnified by Grantor hereunder, then in such event, Beneficiary, at its sole and absolute discretion, may elect to:

(1) retain and hold any balance of the bid and apply the same from time to time toward payment of the costs of performing the Obligations which are to be performed by Grantor, and for which Beneficiary has been indemnified by Grantor hereunder, in such order

and in such manner as Beneficiary, in Beneficiary's reasonable discretion, may elect, and Grantor hereby assigns to Beneficiary any such balance of the bid, but Beneficiary shall account to Grantor for any surplus remaining at such time as all such Obligations for which Grantor is responsible have been fully satisfied and discharged; and/or

(2) apply any such balance of the bid as a credit toward the then outstanding balance, if any, of those Obligations involving the payment of money, in such manner as Beneficiary, in Beneficiary's reasonable discretion, may elect, and Grantor hereby consents to the application of any such balance of the bid as a credit on the then outstanding balance of those Obligations involving the payment of money, but Beneficiary shall account to Grantor for any surplus remaining.

#### **E. Trustee's Duties**

If requested by Beneficiary to foreclose this lien, Trustee shall:

1. either personally or by agent give notice of the foreclosure sale as required by , Section 51.002 of the Texas Property Code (as said section and chapter now exist or may be hereinafter amended or succeeded)

2. sell, or offer for sale, the Property at public sale to the highest bidder for cash during a three hour period between the hours of ten o'clock a.m. and four o'clock p.m., on the first Tuesday of any month, at the area officially designated by the county commissioners (or if the county commissioners have not designated an area, then by the area selected by Beneficiary or Trustee) for holding such sales at the courthouse of any county in the State of Texas in which any part of the Property is situated, after having given notice of the date, the time period, place and terms of said sale in accordance with the laws of the State of Texas then in force and governing said sales of real property and improvements under powers of sale conferred by deeds of trust. The Property shall be sold by posting, or causing to be posted, at least twenty-one (21) consecutive days prior to the date of said sale, written or printed notice thereof at the courthouse door in each of the counties in which the Property is situated, designating the county where the Property will be sold and designating the date, the time period, the place and the terms of sale. The written notice shall include the earliest time at which the sale will be held. To the extent required by applicable law, such sale shall begin at the time stated in the notice of sale. A copy of such notice shall also be filed in the office of the County Clerk in each county of the State of Texas in which any part of the Property is situated at least twenty-one (21) consecutive days before the date of said sale of the Property. Beneficiary shall have the right to become the purchaser at any sale held by any Trustee or substitute or successor Trustee, or by any receiver or public officer. Any Beneficiary purchasing at any such sale shall have the right to credit the secured indebtedness owing to such Beneficiary upon the amount of its bid entered at such sale to the extent necessary to satisfy such bid. Grantor authorizes and empowers the Trustee to sell the Property, in lots or parcels or as a whole, and to execute and deliver to the purchaser or purchasers thereof good and sufficient deeds of conveyance thereto of the estate of title then existing on the Property and bills of sale with covenants of general warranty. In

addition to the posting and filing of notices hereinabove provided, and for so long as required by law, no foreclosure under the power of sale herein contained shall be held unless Beneficiary, at least twenty-one (21) days preceding the date of sale and in the manner prescribed by law, shall have served written notice of the proposed sale which designates the County where the Property will be sold and designates the date, time period, the place and the terms of sale by certified mail on Grantor. Service of such a notice by certified mail shall be completed upon deposit of such notice, postage prepaid and properly addressed to each such person or entity at the address for Grantor indicated on the first page of this Security Instrument, in a Post Office of the United States Postal Service or in an official depository under the care and custody of the United States Postal Service. The affidavit of a person knowledgeable of the facts to the effect that such service was completed shall be prima facie evidence of the fact of service.

3. from the proceeds of the sale, pay, in this order:
  - a. first, to the payment of reasonable expenses of foreclosure;
  - b. second, to Beneficiary, the full amount advanced, reasonable attorney's fees and other sums and charges secured hereby and/or due and unpaid;
  - c. third, if, on any foreclosure of the Property as aforesaid, there shall remain unpaid any sums or indebtedness, or there shall remain unsatisfied any Obligations, the payment or performance of which are to be made or discharged by Grantor, and for which Beneficiary has been indemnified by Grantor hereunder, then in such event, Beneficiary may, in its discretion, elect to:
    - (1) retain and hold any balance of the bid and apply the same from time to time toward payment of the costs of performing the Obligations which are to be performed by Grantor, and for which Beneficiary has been indemnified by Grantor hereunder, in such order and in such manner as Beneficiary, in Beneficiary's reasonable discretion, may elect, and Grantor hereby assigns to Beneficiary any such balance of the bid, but Beneficiary shall account to Grantor for any surplus remaining at such time as all such Obligations for which Grantor is responsible have been fully satisfied and discharged; and/or
    - (2) apply any such balance of the bid as a credit toward the then outstanding balance, if any, of those Obligations involving the payment of money, in such manner as Beneficiary, in Beneficiary's reasonable discretion, may elect, and Grantor hereby consents to the application of any such balance of the bid as a credit on the then outstanding balance of those Obligations involving the payment of money, but Beneficiary shall account to Grantor for any surplus remaining;
  - d. fourth, any amounts required by law to be paid before payment to Grantor;  
and
  - e. fifth, to Grantor, any balance.

## **F. General Provisions**

1. If any of the Property is sold under this deed of trust to secure performance, Grantor shall immediately surrender possession to the purchaser. If Grantor fails to do so, Grantor shall become a tenant at sufferance to the purchaser, subject to an action for forcible detainer.

2. Recitals in any Trustee's deed conveying the Property will be presumed to be true.

3. Proceeding under this deed of trust to secure performance, filing suit for foreclosure or pursuing any other remedy will not constitute an election of remedies.

4. This lien shall be superior to liens later created even if Beneficiary has made no advancements when later liens are created.

5. If any portion of the advancement, sums and other indebtedness referred to herein cannot be lawfully secured by this deed of trust to secure performance, payments shall be applied first to discharge that portion.

6. Beneficiary may request that the Trustee sell less than the whole of the Property to enforce Grantor's performance of the Obligations, and in such event the sale or sales by Trustee of less than the whole of the Property shall not exhaust the power of sale herein granted, and the Trustee is specifically empowered to make a successive sale or sales under such power until the whole of the Property shall be sold and this deed of trust to secure performance and the lien, security interest and assignment hereof shall remain in full force and effect as to the unsold portion of the Property just as though no sale or sales have been made; provided, however, that Grantor shall never have any right to require the sale or sales of less than the whole of the Property, but Beneficiary shall have the right, at its sole election, to request Trustee to sell less than the whole of the Property.

7. No sale under this deed of trust to secure performance shall extinguish the lien created by this instrument, it being expressly understood and agreed that any foreclosure sale and deed hereunder shall be made subject to the then unsatisfied portion of the Obligations and the lien or liens securing same; and it is agreed that any such foreclosure sale and conveyance shall not in any manner affect any indebtedness which may thereafter become due and owing to Beneficiary under the covenants and provisions of this deed of trust to secure performance, it being expressly understood and agreed that this deed of trust to secure performance and all rights of Beneficiary hereunder shall be and remain in full force and effect so long as the Obligations for which Grantor is responsible hereunder, or any part thereof, remain to be satisfied and discharged.

8. The liens created by this instrument securing the performance by Grantor of the Obligations shall be and remain secondary and inferior to any Lien (but only as specifically defined in this deed of trust. With respect to the Loan Documents, Grantor hereby agrees as follows:

- a. Any default under the terms of the Loan Documents shall constitute a

default under the terms of this deed of trust to secure performance; further, Grantor hereby agrees that Beneficiary, at its sole option, may cure any such default under the Loan Documents, and that if Beneficiary does such, it may still enforce its remedies under this deed of trust to secure performance;

b. Grantor hereby authorizes Beneficiary to inquire of the holder of the Note and Lien at any time as to the outstanding principal balance thereof and accrued interest thereon and as to whether any default exists thereunder, and said holder is hereby authorized by Grantor to furnish such information to Beneficiary;

c. If for any reason the indebtedness evidenced by the Loan Documents is accelerated, or the collateral covered thereby or any part thereof is sold or attempted to be sold, whether by power of sale, judicial action or otherwise, or any other remedial action or proceedings are taken or instituted with respect to Grantor and/or the collateral covered by the Loan Documents or any part thereof, Grantor will indemnify and hold Beneficiary harmless from and against any loss, cost or expense incurred by Beneficiary, including, without limitation, reasonable attorneys' fees (1) in contesting or participating in any such action taken or instituted or in restating the Loan Documents or (2) incurred by Beneficiary on account of the acceleration of the indebtedness evidenced by the Note and secured by the Lien, the sale of any of the collateral covered thereby, or the purchase or payoff by Beneficiary of the Note, and any and all such loss, cost or expense shall be secured by this deed of trust to secure performance; and

d. Grantor hereby agrees that it will, immediately upon the receipt thereof, forward to Beneficiary copies of any and all correspondence received from the holder of the Note and Lien or from any other party relative to the Loan Documents at the address stated herein, and in the event Beneficiary receives notice of acceleration of the Note, demand for payment thereof or of a foreclosure or other enforcement action under the Lien or any other instrument or document securing the payment of the Note, Grantor will immediately send a copy of that demand or notice to Beneficiary and Trustee at the addresses stated herein via Federal Express or some other delivery or mail service which will deliver the same within twenty-four (24) hours.

9. When the context requires, singular nouns and pronouns include the plural, and vice versa; the masculine gender shall include the neuter and the feminine, and vice versa.

10. This deed of trust to secure performance shall bind, inure to the benefit of and be exercised by the successors in interest and assigns of all parties.

11. This deed of trust to secure performance shall be a security agreement between Grantor, as the debtor, and Beneficiary, as the secured party, covering all equipment, fixtures, furnishings, inventory and other articles of personal property now or hereafter attached to or used in or about the Property or that are necessary or useful for the complete and comfortable use and occupancy of the improvements thereon for the purposes for which they were or are to be attached, placed, erected, constructed or developed, or which are or may be used in or related to the planning, development, financing, construction or operation of any improvements on the Property, and all renewals of or replacements or substitutions for any of the foregoing, whether or not the same are or shall be attached or affixed to the Property, or any portion thereof. In

addition to Beneficiary's other rights hereunder, Beneficiary shall have all rights of a secured party under the Texas Business and Commerce Code (the "Code"). Grantor shall execute and deliver to Beneficiary all financing statements that may be required by Beneficiary to establish and maintain the validity and priority of Beneficiary's security interest, and Grantor shall bear all costs thereof, including all Code searches reasonably required by Beneficiary. If Beneficiary should dispose of any of such items of personal property pursuant to the Code, ten (10) days' written notice by Beneficiary to Grantor shall be deemed to be reasonable notice; provided, however, Beneficiary may dispose of such property in accordance with the foreclosure procedures of this deed of trust to secure performance in lieu of proceeding under the Code. Grantor shall give advance notice in writing to Beneficiary of any proposed change in Grantor's name, identity or structure, and shall execute and deliver to Beneficiary, prior to or concurrently with, the occurrence of any such change, all additional financing statements that Beneficiary may require to establish and maintain the validity and priority of Beneficiary's security interest with respect to any of the property described or referred to herein. Some of the items of the personal property described herein are goods that are or are to become fixtures related to the real property, and it is intended that, as to those goods, this deed of trust to secure performance shall be effective as a financing statement filed as a fixture filing from the date of its filing for record in the real estate records of the county in which the Property is situated. Information concerning the security interest created by this instrument may be obtained from Beneficiary, as secured party, at the address of Beneficiary stated above. The mailing address of the Grantor, as debtor, is as stated above.

12. All notices permitted or required to be given hereunder or given in regard to this deed of trust to secure performance by one party to the other shall be in writing and the same shall be given and be deemed to have been served and given (a) if hand delivered, when delivered in person to the address set forth hereinabove for the party to whom notice is given, or (b) if mailed, when placed in the United States mail, postage prepaid, by certified mail, return receipt requested, addressed to the party at the address hereinabove specified. Any party may change its address for notices by written notice theretofore given in accordance with this paragraph.

13. If the interest of Beneficiary in the property covered hereby, or any part thereof, shall be endangered or shall be attacked, directly or indirectly, Grantor hereby authorizes Beneficiary, at Grantor's expense, to take all necessary and proper steps for the defense of such interest, including, without limitation, the employment of counsel, the prosecution or defense of litigation and the compromise or discharge of claims made against such interest. All costs and expense incurred by Beneficiary in furtherance of the defense of Beneficiary's interest hereunder shall be secured by this deed of trust to secure performance.

14. Grantor shall keep every part of the property covered hereby, including all improvements, in good operating order, repair and condition and shall not commit or permit any waste thereof. Grantor shall make promptly all repairs, renewals and replacements necessary to such end. Grantor shall discharge all claims for labor performed and material furnished therefor, and shall not suffer any lien of mechanics or materialmen to attach to any part of the Property. Grantor will comply with the requirements of all governmental authorities exercising jurisdiction over the Property, or any portion thereof.

15. If all or any part of the Property or any interest therein is sold or transferred

without the prior written consent of Beneficiary, such shall constitute a default under this deed of trust to secure performance and Beneficiary shall be entitled to exercise any and all rights and remedies afforded it hereunder.

16. Any forbearance by Beneficiary in exercising any right or remedy hereunder shall not be a waiver of or preclude the exercise of any right or remedy. No waiver of any default on the part of Grantor or breach of any of the provisions of this deed of trust to secure performance or of any other instrument executed in connection with the performance by Grantor of the Obligations referred to herein shall be considered a waiver of any other subsequent default or breach, and no delay or omission in exercising or enforcing the rights and powers herein granted shall be construed as a waiver of such rights and powers, and likewise no exercise or enforcement of any rights or powers hereunder shall be held to exhaust such rights and powers, and every such right and power may be exercised from time to time. Beneficiary, in addition to the other rights and remedies afforded it hereunder or at law or in equity, is specifically given the right to seek specific performance of Grantor's Obligations secured hereby.

17. Grantor, upon the request of Beneficiary, shall execute, acknowledge, deliver and record such further instruments and do such further acts and deeds as may be necessary, desirable or proper to carry out the purposes hereof and to subject to the liens and security interests created hereby any property intended by the terms hereof to be covered hereby, including specifically, but without limitation, any renewals, additions, substitutions, replacements, improvements or appurtenances to the property covered hereby.

18. Grantor shall cause this deed of trust to secure performance and all amendments, supplements and extensions thereto and substitutions therefor to be recorded, filed, rerecorded and refiled in such manner and in such places as Beneficiary shall reasonably request, and, in connection therewith, Grantor shall pay all such recording, filing, rerecording and refiling fees, title insurance premiums, and other charges.

19. Grantor shall promptly pay when due all obligations regarding the ownership and operation of the property covered hereby, except any such obligations which are being diligently contested in good faith by appropriate proceedings and as to which Grantor, if requested by Beneficiary, shall have furnished to Beneficiary security satisfactory to Beneficiary.

20. Other than the Liens described herein, Grantor shall not, without the prior written consent of Beneficiary, grant any lien, security interest or other encumbrance covering all or any portion of the Property covered hereby, regardless of whether any such lien, security interest or other encumbrance shall be subordinate to the lien of this deed of trust to secure performance.

21. To the extent that any sums secured hereby are used to pay any outstanding lien, charge or encumbrance affecting the Property, or portion thereof, such proceeds will be deemed to have been advanced by Beneficiary at Grantor's request, and Beneficiary shall be subrogated to all rights, interests and liens owned or held by any owner or holder of such outstanding liens, charges and encumbrances, irrespective of whether such liens, charges or encumbrances are released of record.

22. If any provision of this deed of trust to secure performance is held to be illegal, invalid or unenforceable under present or future laws effective while this deed of trust to secure

performance is in effect, the legality, validity and enforceability of the remaining provisions hereof shall not be affected thereby, and in lieu of such illegal, invalid or unenforceable provision, there shall be added automatically as a part of this deed of trust to secure performance a provision that is legal, valid and enforceable and is as similar in terms to such illegal, invalid or unenforceable provision as may be possible.

23. Time is of the essence of this deed of trust to secure performance and in the performance by Grantor of its Obligations secured hereby.

24. The parties hereto each acknowledge that they and, if they so choose, their respective counsel have reviewed and revised this deed of trust to secure performance and that the normal rule of construction that any ambiguities are to be resolved and construed against the drafting party shall not be employed in the interpretation of this deed of trust to secure performance.

25. Grantor has all requisite power and authority to own and operate this Property and to enter into this deed of trust to secure performance and to carry out the terms hereof.

26. The person executing this deed of trust to secure performance on behalf of Grantor, by his or her execution hereof, represents and warrants that he or she is fully authorized to do so, and that no further action or consent on the part of the party for whom they are acting is required to the effectiveness and enforceability of this deed of trust to secure performance against such party following such execution.

27. In accordance with the provisions of Section 26.02 of the Code, Beneficiary makes the following disclosure to Grantor:

“THIS DEED OF TRUST TO SECURE PERFORMANCE, TOGETHER WITH THE TERMS AND PROVISIONS OF THE AGREEMENT, REPRESENT THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.”

EXECUTED as of the date first above written.

**GRANTOR:**

LAKE PARK PEARLAND, LTD.

By: Lake Park Pearland GP, LLC  
Its Sole General Partner

By: \_\_\_\_\_  
Name: James Johnson  
Title: Manager

STATE OF TEXAS §

§

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_\_ day of February, 2016, by James Johnson, Manager of Lake Park Pearland GP, LLC, General Partner of LAKE PARK PEARLAND, LTD., a Texas limited partnership, on behalf of said limited partnership.

\_\_\_\_\_  
Notary Public, State of Texas

Printed Name of Notary

My Commission Expires: \_\_\_\_\_

Exhibit "A"

Legal Description

**[To be Attached]**

Tom Bass  
Regional Park

Proposed 24" Trunk Sewer  
and Interim Lift Station

Lake Park  
Development

MCHARD RD

Southdown

WTP

SH-288

CULLEN PKWY

STONE RD

MAX RD

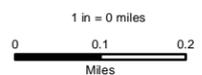
HUGHES RANCH RD

SM

MILLE

### CITY OF PEARLAND Lake Park Sanitary Sewer Oversizing Agreement

- Treatment Plants
- Pearland City Limits
- Pearland ETJ



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.

MAP PREPARED: DECEMBER 2015  
CITY OF PEARLAND GIS DEPARTMENT

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

<b>AGENDA OF: 1-25-16</b>	<b>ITEM NO.:</b> Resolution No. R2016-14
<b>DATE SUBMITTED: 1-11-16</b>	<b>DEPARTMENT OF ORIGIN: Projects</b>
<b>PREPARED BY: Darrin Coker</b>	<b>PRESENTOR: Darrin Coker</b>
<b>REVIEWED BY: NA</b>	<b>REVIEW DATE: NA</b>
<b>SUBJECT: A Resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property; being a 0.006 of one acre (272 square feet) parcel of land located in the H.T.&amp; B. R.R. Co. Survey, Abstract No. 310, Brazoria County, Texas and being out of and a part of the Westerly 0.481 of one acre portion of that tract described as 0.898 of one acre in the County Road 403 abandonment per Brazoria County Commissioner's Court dated August 19, 1985 and recorded in Volume (85)175, Page 155, Brazoria County Deed Records, for the construction and maintenance of water, sewer, drainage and road improvements (Hughes Ranch Road Project) on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.</b>	
<b>EXHIBITS: R2016-14 and Map</b>	
<b>EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.:</b>	<b>AMOUNT BUDGETED: PROJECT NO.:</b>
<b>ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:</b>	
<b>To be completed by Department:</b>	
<input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

This resolution will allow the City to file a condemnation petition associated with the above referenced project. Prior to the filing of a condemnation action, the City Council must approve a resolution, declaring a public necessity, which will be filed as an

attachment to the City's Petition. The City is acquiring fee title interest in the property to accommodate the project. The City's appraisal values the property interests at \$272.00, but the ownership of the property is in doubt since it was once owned by a now defunct corporation. Due to the cloud on the title, the City must acquire the parcel through the condemnation process. **Due to changes in state law, the Council is required to read the entire caption as part of the motion in order to comply with statutory requirements.**

## **RESOLUTION NO. 2016-14**

**A Resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property; being a 0.006 of one acre (272 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 310, Brazoria County, Texas and being out of and a part of the Westerly 0.481 of one acre portion of that tract described as 0.898 of one acre in the County Road 403 abandonment per Brazoria County Commissioner's Court dated August 19, 1985 and recorded in Volume (85)175, Page 155, Brazoria County Deed Records, for the construction and maintenance of water, sewer, drainage and road improvements (Hughes Ranch Road Project) on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.**

**WHEREAS**, the City Council recognizes that a public convenience and necessity exists for the location, construction, operation, and maintenance of water, sewer, drainage and road improvements on certain real property described herein; and

**WHEREAS**, accordingly, the City Council hereby acknowledges that it is in the public's best interest to acquire fee title on certain property; now, therefore,

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

**Section 1.** The City Council hereby finds and determines that a public convenience and necessity exists for the construction of water, sewer, drainage and road improvements on certain real property located in Brazoria County, Texas.

**Section 2.** The public convenience and necessity requires the acquisition of fee title by donation, purchase, condemnation, or otherwise, of certain real property located within the City and situated in Brazoria County, more particularly described in Exhibits "A" and "B", attached hereto and incorporated herein for all purposes.

**Section 3.** The City Attorney, or his designee, and other City officials are hereby authorized and directed, on behalf of the City to take such actions as are necessary to

**RESOLUTION NO. 2016-14**

acquire the property interest, described in Exhibits "A" and "B", either by donation, purchase or the exercise of the power of eminent domain.

PASSED and APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_,  
A.D., 2016.

\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

\_\_\_\_\_  
YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY



Parcel 8  
Page 1 of 3

County: Brazoria  
Roadway: County Road 403 (Hughes Ranch Road)  
Limits: SH 288 to FM 865 (Cullen Blvd.)

#### Property Description For Parcel 8

- Being a 0.006 of one acre (272 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 310, Brazoria County, Texas and being out of and a part of the Westerly 0.481 of one acre portion of that tract described as 0.898 of one acre in the County Road 403 abandonment per Brazoria County Commissioner's Court dated August 19, 1985 and recorded in Volume (85)175, Page 155, Brazoria County Deed Records, and being further described in an instrument from Homecraft Land Development, Inc. to N.D.C. Inc. dated February 27, 1987 and recorded in Volume (87)391, Page 368, said 0.006 acre parcel being more particularly described by metes and bounds as follows:

**COMMENCING** at a point in the East right-of-way line of Northhampton Drive (100 feet width) for the Southwest corner of Lot 1, Block 11 of SOUTHDOWN SECTION THREE, a subdivision per plat or map recorded in Volume 17, Pages 153 ~ 154, Brazoria County Map Records (B.C.M.R.), same being the common Northwest corner of said 0.481 acre tract and said 0.898 of one acre tract from which a 1/2 inch iron rod bears North 10° 17' 27" West, 0.90 feet, thence as follows:

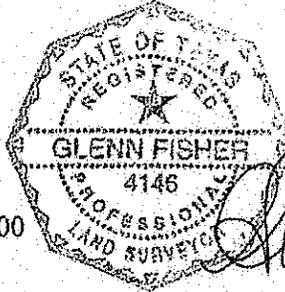
South 05° 27' 00" West, along and with the existing East right-of-way line of said Northhampton Drive, same being the common West line of said 0.481 acre tract and said 0.898 of one acre tract, a distance of 6.08 feet to the Point of Curvature of a curve to the left;

In a Southeasterly direction, continuing along and with the existing East right-of-way line of said Northhampton Drive, same being the common West line of said 0.481 acre tract and said 0.898 of one acre tract, same being the arc of said curve to the left, having a Radius of 20.00 feet, a Central Angle of 51° 15' 39", a Long Chord which bears South 20° 11' 52" East, 17.30 feet, and a total Arc Distance of 17.89 feet to a 5/8 inch iron rod stamped "Brown & Gay" set in the proposed North right-of-way line of County Road No. 403, also known as Hughes Ranch Road (width varies) marking the Northwest corner and **POINT OF BEGINNING** of the herein described parcel and being located in the Arc of a curve to the right from whose center bears South 06° 03' 06" West, 2,550.00 feet, said **POINT OF BEGINNING** having surface coordinates of X=3,124,369.38, Y=13,774,872.93;

1. **THENCE**, in a Southeasterly direction, along and with the proposed North right-of-way line of said County Road No. 403, same being the Arc of said curve to the right, having a Radius of 2,550.00 feet, a Central Angle of  $01^{\circ} 42' 59''$ , a Long Chord which bears South  $83^{\circ} 05' 25''$  East, 76.39 feet and a total Arc Distance of 76.39 feet to a 5/8 inch iron rod stamped "Brown & Gay" set in the West line of a 5 feet wide Drainage Reserve along the South line of SOUTHDOWN SECTION EIGHT, a subdivision per plat or map recorded in Volume 20, Pages 35 ~ 36, B.C.M.R., same being the East line of said 0.481 of one acre tract for an angle point in said proposed right-of-way line, same being the Northeast corner of the herein described parcel;
2. **THENCE**, South  $03^{\circ} 06' 47''$  East, along and with the West line of said 5 feet wide Drainage Reserve, same being the East line of said 0.481 of one acre tract, at a distance of 4.15 feet pass a 5/8 inch iron rod stamped "Brown & Gay" set marking the Southwest corner of said 5 feet wide Drainage Reserve, same being an angle point in the proposed North right-of-way line of said County Road No. 403, from which a 5/8 inch iron rod bears North  $58^{\circ} 14' 40''$  East, 0.37 feet, continuing along and with the East line of said 0.481 of one acre tract, same being a Southerly projection of the West line of said 5 feet wide Drainage Reserve for total distance of 4.32 to the existing North right-of-way line of said County Road No. 403 being the common Southeast corner of said 0.481 of one acre tract and the herein described parcel, said Southeast corner being in the Arc of a curve to the left from whose center bears South  $08^{\circ} 40' 26''$  West, 2,466.44 feet;
3. **THENCE**, in an Northwesterly direction, along and with the existing North right-of-way line of said County Road No. 403, same being the common South line of said 0.481 acre tract and said 0.898 of one acre tract, same further being the Arc of said curve to the left, having a Radius of 2,466.44 feet, a Central Angle of  $01^{\circ} 39' 21''$ , a Long Chord which bears North  $82^{\circ} 09' 14''$  West, 71.27 feet and a total Arc Distance of 71.28 feet to the beginning of a non-tangent curve to the right from whose center bears North  $25^{\circ} 04' 47''$  East, 20.00 feet;
4. **THENCE**, in a Northwesterly direction, continuing along and with the existing North right-of-way line of said County Road No. 403, same being common South line of said 0.481 acre tract and said 0.898 of one acre tract, same further being the Arc of said curve to the right, having a Radius of 20.00 feet, a Central Angle of  $19^{\circ} 05' 31''$ , a Long Chord which bears North  $55^{\circ} 22' 27''$  West, 6.63 feet and a total Arc Distance of 6.66 feet to the **POINT OF BEGINNING** and containing 0.006 of one acre (272 square feet) of land.

All bearings are grid and are based on the Texas State Plane Coordinate System, South Central Zone, (NAD '83, '93 Adj.). All coordinates and distances are surface and may be converted to grid by multiplying by a scale factor of 0.99987330.

Compiled by:  
Brown & Gay Engineers, Inc.  
10777 Westheimer, Suite 400  
Houston, Texas 77042  
(281) 558-8700  
TBPLS Licensed Surveying Firm No. 10106500



A handwritten signature in black ink, appearing to read "Glenn Fisher", written over the right side of the professional seal.

NOTES:

A survey plat of even date has been prepared in conjunction with this property description.

E:\PROJECTS\BUREAU\BROWNGAY\PARCELS\PAR8\_01.dwg, 5/21/2015, 4:30 PM, Harper, 1:1

**GENERAL NOTES:**

1. BEARING ORIENTATION IS BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD-83, 1993 ADJ., AND WAS ESTABLISHED BY GPS OBSERVATIONS. ALL COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING SURFACE COORDINATES BY THE FOLLOWING COMBINED SCALE FACTOR: 0.99987330.
2. A SEPARATE METES AND BOUNDS DESCRIPTION OF EVEN DATE WAS PREPARED BY THE UNDERSIGNED IN CONJUNCTION WITH THIS SURVEY PLAT AND ISSUED AS A SEPARATE INSTRUMENT.

**H.T.& B. R.R. CO. SURVEY, A-310**

PARCEL NUMBER	EXISTING ACREAGE	ACREAGE WITHIN EXISTING R.O.W.	* RESIDUE ACREAGE	LOT	BLOCK	OWNER	TYPE OF CONV.	FILM CODE	TAKING S.F./AC.	REMAINDER	
										LEFT	RIGHT
8	0.481 AC.	N/A	N/A			N.D.C., INC.			272 S.F. 0.006 AC.	0.475 AC.	N/A

**LEGEND**

- B.C. BRICK COLUMN
- B.C.D.R. BRAZORIA COUNTY DEED RECORDS
- B.F. BOARD FENCE
- B.P. BRICK PAVERS
- B.W. BRICK WALL
- FND. FOUND
- I. IRON
- NO. NUMBER
- PED. PEDESTAL
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.P. POWER POLE
- R.O.W. RIGHT-OF-WAY
- SQ. FT. SQUARE FEET
- TEL. TELEPHONE
- U.E.P. UNDERGROUND ELECTRIC PAINT
- U.G.P. UNDERGROUND GAS PAINT
- VOL. VOLUME
- SET 5/8 INCH IRON ROD WITH CAP STAMPED BROWN & GAY
- EXISTING MONUMENT AS NOTED
- FOUND (AS INDICATED)
- EXISTING R.O.W. LINE
- PROPOSED R.O.W. LINE

I hereby certify that this plat is based on a survey made on the ground under my supervision and to my knowledge is true and correct and substantially complies with the minimum standards and specification of the rules established by the Texas Board of Professional Land Surveying.



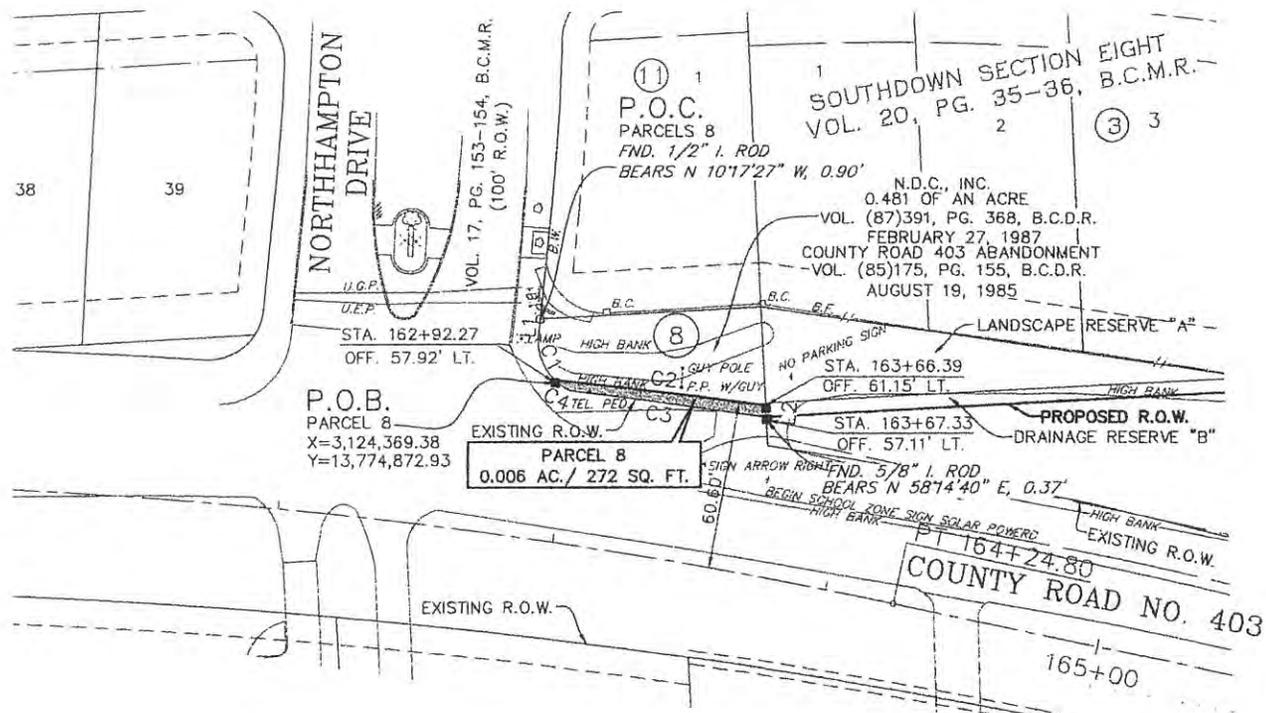
*Glenn Fisher*

GLENN FISHER RPLS NO. 4146  
 BROWN & GAY ENGINEERS, INC.  
 10777 WESTHEIMER, SUITE 400  
 HOUSTON, TEXAS 77042  
 TELEPHONE: (281) 558-8700

REVISIONS:  
 05/04/15 - ADD ACREAGE TABLE & CITY COMMENTS  
 04/15/15 - UPDATED TOPO

 Brown & Gay Engineers, Inc. 10777 Westheimer, Suite 400, Houston, TX 77042 Tel: 281-558-8700 • www.browngay.com TBPLS Licensed Surveying Firm No. 10106600			
<b>PARCEL PLAT</b> <b>PARCEL 8</b> C.R. 403 (HUGHES RANCH ROAD) H.T.& B. R.R. CO. SURVEY, A-310 CITY OF PEARLAND BRAZORIA COUNTY, TEXAS			
Scale:	Job No.:	Date:	Drawing:
1"=50'	3053-00	02/2015	1 OF 2

R:\PROJECTS\BRZ\BRZD1\FINALS\PARCELS\PARB\_P1.dwg 5/21/2015 4:30 PM Harper, 1-1



LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S 05°27'00" W	6.08'
L2	S 03°06'47" E	4.32'

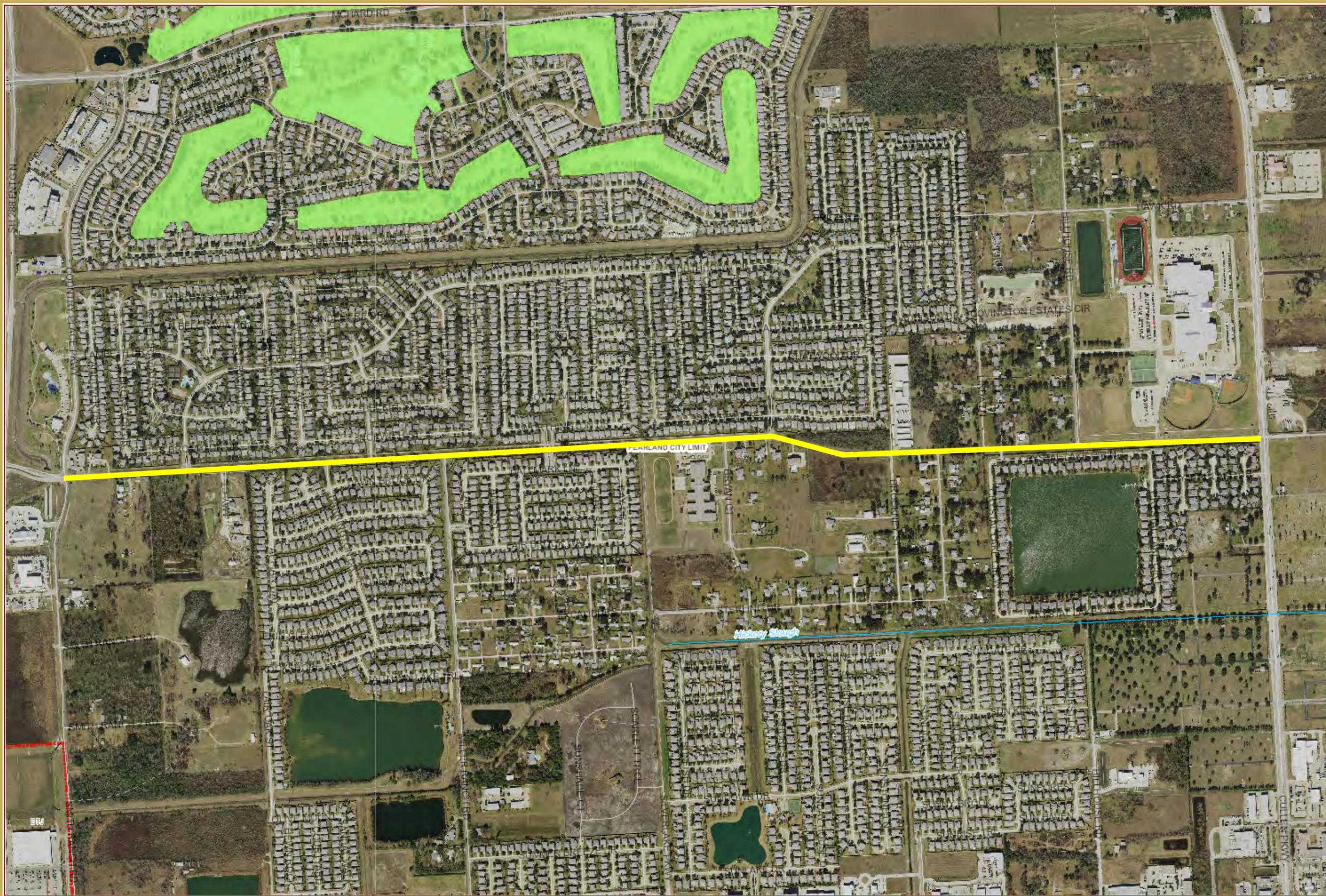
REVISIONS:  
 05/04/15 - ADD ACREAGE TABLE & CITY COMMENTS  
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**BGE** Brown & Gey Engineers, Inc.  
 10777 Westheimer, Suite 400, Houston, TX 77042  
 Tel: 281-558-9700 • www.browngay.com  
 TBPLS Licensed Surveying Firm No. 10106500

**PARCEL PLAT**  
**PARCEL 8**  
 C.R. 403 (HUGHES RANCH ROAD)  
 H.T. & B. R.R. CO. SURVEY, A-310  
 CITY OF PEARLAND  
 BRAZORIA COUNTY, TEXAS

Scale: 1"=50'	Job No.: 3053-00	Date: 02/2015	Drawing: 2 OF 2
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CURVE TABLE					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	17.89'	20.00'	51°15'39"	S 20°11'52" E	17.30'
C2	76.39'	2,550.00'	01°42'59"	S 83°05'25" E	76.39'
C3	71.28'	2,466.44'	01°39'21"	N 82°09'14" W	71.27'
C4	6.66'	20.00'	19°05'31"	N 55°22'27" W	6.63'



Legend

 Hughes Ranch Road project limit

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 project boundaries.



Scale 1:9,108  
1 in = 759 ft  
January 19, 2016



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

<b>AGENDA OF:</b> 1-25-16	<b>ITEM NO.:</b> Resolution No. R2016-13
<b>DATE SUBMITTED:</b> 1-11-16	<b>DEPARTMENT OF ORIGIN:</b> Projects
<b>PREPARED BY:</b> Darrin Coker	<b>PRESENTOR:</b> Darrin Coker
<b>REVIEWED BY:</b> NA	<b>REVIEW DATE:</b> NA
<p><b>SUBJECT:</b> A Resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property; being a 0.1527 of one acre (6,652 square feet) parcel of land located in the H.T.&amp; B. R.R. Co. Survey, Abstract No. 310, Brazoria County, Texas and being out of and a part of the Northeasterly corner of Lot 33, Block 1 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Page 107, Brazoria County Map Records (B.C.M.R.), for the construction and maintenance of water, sewer, drainage and road improvements (Hughes Ranch Road Project) on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.</p>	
<b>EXHIBITS:</b> R2016-13 and Map	
<b>EXPENDITURE REQUIRED:</b>	<b>AMOUNT BUDGETED:</b>
<b>AMOUNT AVAILABLE:</b>	<b>PROJECT NO.:</b>
<b>ACCOUNT NO.:</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	
<b>ACCOUNT NO.:</b>	
<b>PROJECT NO.:</b>	
<b>To be completed by Department:</b>	
<input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal
<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution

**EXECUTIVE SUMMARY**

This resolution will allow the City to file a condemnation petition associated with the above referenced project. Prior to the filing of a condemnation action, the City Council must approve a resolution, declaring a public necessity, which will be filed as an attachment to the City's Petition. The City is acquiring fee title interest in the property to

accommodate the project. The City's appraisal values the property interests at \$2495.00, but the ownership of the property is in question. Due to the cloud on the title, the City must acquire the parcel through the condemnation process. **Due to changes in state law, the Council is required to read the entire caption as part of the motion in order to comply with statutory requirements.**

## RESOLUTION NO. 2016-13

**A Resolution of the City Council of the City of Pearland, Texas, authorizing the power of eminent domain to acquire fee simple title to certain property; being a 0.1527 of one acre (6,652 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 310, Brazoria County, Texas and being out of and a part of the Northeasterly corner of Lot 33, Block 1 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Page 107, Brazoria County Map Records (B.C.M.R.), for the construction and maintenance of water, sewer, drainage and road improvements (Hughes Ranch Road Project) on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.**

**WHEREAS**, the City Council recognizes that a public convenience and necessity exists for the location, construction, operation, and maintenance of water, sewer, drainage and road improvements on certain real property described herein; and

**WHEREAS**, accordingly, the City Council hereby acknowledges that it is in the public's best interest to acquire fee title on certain property; now, therefore,

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

**Section 1.** The City Council hereby finds and determines that a public convenience and necessity exists for the construction of water, sewer, drainage and road improvements on certain real property located in Brazoria County, Texas.

**Section 2.** The public convenience and necessity requires the acquisition of fee title by donation, purchase, condemnation, or otherwise, of certain real property located within the City and situated in Brazoria County, more particularly described in Exhibits "A" and "B", attached hereto and incorporated herein for all purposes.

**Section 3.** The City Attorney, or his designee, and other City officials are hereby authorized and directed, on behalf of the City to take such actions as are necessary to acquire the property interest, described in Exhibits "A" and "B", either by donation, purchase or the exercise of the power of eminent domain.

**RESOLUTION NO. 2016-13**

PASSED and APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_,  
A.D., 2016.

\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

\_\_\_\_\_  
YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY



Parcel 10  
Page 1 of 3

County: Brazoria  
Roadway: County Road 403 (Hughes Ranch Road)  
Limits: SH 288 to FM 865 (Cullen Blvd.)

Property Description For Parcel 10

- Being a 0.1527 of one acre (6,652 square feet) parcel of land located in the H.T. & B. R.R. Co. Survey, Abstract No. 310, Brazoria County, Texas and being out of and a part of the Northeasterly corner of Lot 33, Block 1 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Page 107, Brazoria County Map Records (B.C.M.R.) and comprising a 0.086 of one acre portion of that tract described as 0.898 of one acre in the County Road 403 abandonment per Brazoria County Commissioner's Court dated August 19, 1985 and recorded in Volume (85)175, Page 155, Brazoria County Deed Records (B.C.D.R.) and the Northerly residue of a tract described as 97.514 acres in a conveyance to Jerome G. Kemick and Verona K. Orlando and recorded in Volume 1127, Page 859, B.C.D.R., said 0.1527 acre parcel being more particularly described by metes and bounds as follows:

**COMMENCING** at a point in the East right-of-way line of Northhampton Drive (100 feet width) for the Southwest corner of Lot 1, Block 11 of SOUTHDOWN SECTION THREE, a subdivision per plat or map recorded in Volume 17, Pages 153 ~ 154, B.C.M.R., same being the Northwest corner of said 0.898 acre tract from which a 1/2 inch iron rod bears North 10° 17' 27" West, 0.90 feet, thence as follows:

North 86° 53' 13" East, along and with the South line of said Lot 1, same being the North line of said 0.898 of one acre tract, a distance of 79.40 feet to a point in the West line of SOUTHDOWN SECTION EIGHT, a subdivision per plat or map recorded in Volume 20, Pages 35 ~ 36, B.C.M.R. for the Southwest corner of Lot 1, Block 3 of said SOUTHDOWN SECTION EIGHT, same being the Southeast corner of said Lot 1, Block 11 of said SOUTHDOWN SECTION THREE, same further being the Northwest corner of Landscape Reserve "A" of said SOUTHDOWN SECTION EIGHT;

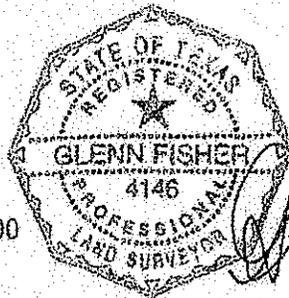
South  $03^{\circ} 06' 47''$  East, along and with the West line of said Landscape Reserve "A", same further being an interior East line of said 0.898 of one acre tract, at a distance of 35.00 feet pass the Northwest corner of a 5 feet wide Drainage Reserve along the South line of said SOUTHDOWN SECTION EIGHT, same being the Southwest corner of said Landscape Reserve "A", at a distance of 35.85 feet pass a 5/8 inch iron rod stamped "Brown & Gay" set marking an angle point in the proposed north right-of-way line of said County Road No. 403, also known as Hughes Ranch Road (width varies), continuing for a total distance of 40.00 feet to a 5/8 inch iron rod stamped "Brown & Gay" set marking an angle point in said proposed North right-of-way line, same being the Southwest corner of said 5 feet wide Drainage Reserve, same further being the **POINT OF BEGINNING** and the common Northwest corner of said 0.086 of one acre tract and the herein described parcel from which a 5/8 inch iron rod bears North  $58^{\circ} 14' 40''$  East, 0.37 feet, said **POINT OF BEGINNING** having surface coordinates of X=3,124,445.43, Y=13,774,859.59;

1. **THENCE**, North  $86^{\circ} 53' 13''$  East, along and with the proposed North right-of-way line of said County Road No. 403, same being the South line of said 5 feet wide Drainage Reserve, same further being the common North line of said 0.0086 of one acre tract and said 0.898 of one acre tract, a distance of 195.06 feet to a 5/8 inch iron rod stamped "Brown & Gay" set marking the Northwest corner of a tract described as 2.4803 acres on a conveyance to Jui-Lien Chou Ho and Ming Tao-Ho recorded under Brazoria County Clerk's File (B.C.C.F.) No. 98008138 and dated February 25, 1998 for the common Northeast corner of said 0.086 of one acre tract and the herein described parcel;
2. **THENCE**, South  $03^{\circ} 20' 21''$  East, along and with the West line of said 2.4803 acre tract, same being the East line of said 0.0086 of one acre tract, at a distance of 20.00 feet pass the South line of said abandoned County Road 403, same being the Southeast corner of said 0.0086 acre tract from which a 4 inch x 4 inch broken concrete monument bears North  $41^{\circ} 16' 58''$  West, 0.50 feet, continuing for a total distance of 61.54 (called 62.15 and 62.51) feet to a point in the existing North right-of-way line of said County Road No. 403 for the Southwest corner of said 2.4803 acre tract, same being the common Southeast corner of said Northerly residue tract and the herein described parcel from which a 5/8 inch iron rod with "South Texas Surveying" cap bears North  $50^{\circ} 31' 49''$  East, 0.38 feet;
3. **THENCE**, North  $76^{\circ} 21' 12''$  West, along and with the existing North right-of-way line of said County Road No. 403, a distance of 83.78 (called 85.33) feet to the Point of Curvature of a curve to the left;

4. **THENCE**, in an Northwesterly direction, along and with the existing North right-of-way line of said County Road No. 403, same being the Arc of said curve to the left, having a Radius of 2,456.46 feet, a Central Angle of  $02^{\circ} 45' 27''$ , a Long Chord which bears North  $79^{\circ} 53' 55''$  West, 118.21 feet and a total Arc Distance of 118.22 feet to an angle point in said existing North right-of-way line, same being the Southwest corner of the herein described parcel;
5. **THENCE**, North  $03^{\circ} 06' 47''$  West, along and with the existing North right-of-way line of said County Road No. 403, a distance of 10.36 feet to the **POINT OF BEGINNING** and containing 0.1527 of one acre (6,652 square feet) of land.

All bearings are grid and are based on the Texas State Plane Coordinate System, South Central Zone, (NAD '83, '93 Adj.). All coordinates and distances are surface and may be converted to grid by multiplying by a scale factor of 0.99987330.

Compiled by:  
Brown & Gay Engineers, Inc.  
10777 Westheimer, Suite 400  
Houston, Texas 77042  
(281) 558-8700  
TBPLS Licensed Surveying Firm No. 10106500



A handwritten signature in black ink, appearing to read "Glenn Fisher", written over the right side of the professional seal.

**NOTES:**

A survey plat of even date has been prepared in conjunction with this property description.

C:\PROJECTS\682\UR201\FINAL\PARCELS\PARCEL\_10.dwg 5/21/2015 4:30 PM Harper, T

**GENERAL NOTES:**

1. BEARING ORIENTATION IS BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD-83, 1993 ADJ., AND WAS ESTABLISHED BY GPS OBSERVATIONS. ALL COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING SURFACE COORDINATES BY THE FOLLOWING COMBINED SCALE FACTOR: 0.99987330.
2. A SEPARATE METES AND BOUNDS DESCRIPTION OF EVEN DATE WAS PREPARED BY THE UNDERSIGNED IN CONJUNCTION WITH THIS SURVEY PLAT AND ISSUED AS A SEPARATE INSTRUMENT.

H.T. & B. R.R. CO. SURVEY, A-310											
PARCEL NUMBER	EXISTING ACREAGE	ACREAGE WITHIN EXISTING R.O.W.	* RESIDUE ACREAGE	LOT	BLOCK	OWNER	TYPE OF CONV.	FILM CODE	YAKING S.F./AC.	REMAINDER	
										LEFT	RIGHT
10	0.1527 AC.	N/A	N/A			JEROME G. KEHICK & VERONA K. ORLANDO			6,452 S.F. 0.1527 AC.	N/A	N/A

**LEGEND**

- B.C. BRICK COLUMN
- B.C.D.R. BRAZORIA COUNTY DEED RECORDS
- B.F. BOARD FENCE
- B.P. BRICK PAVERS
- B.W. BRICK WALL
- FND. FOUND
- I. IRON
- NO. NUMBER
- PED. PEDESTAL
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.P. POWER POLE
- R.O.W. RIGHT-OF-WAY
- SQ. FT. SQUARE FEET
- TEL. TELEPHONE
- TRANS. TRANSFORMER
- VOL. VOLUME
- SET 5/8 INCH IRON ROD WITH CAP STAMPED BROWN & GAY
- EXISTING MONUMENT AS NOTED
- FOUND (AS INDICATED)
- EXISTING R.O.W. LINE
- PROPOSED R.O.W. LINE

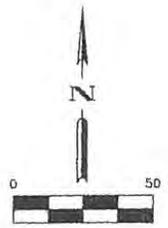
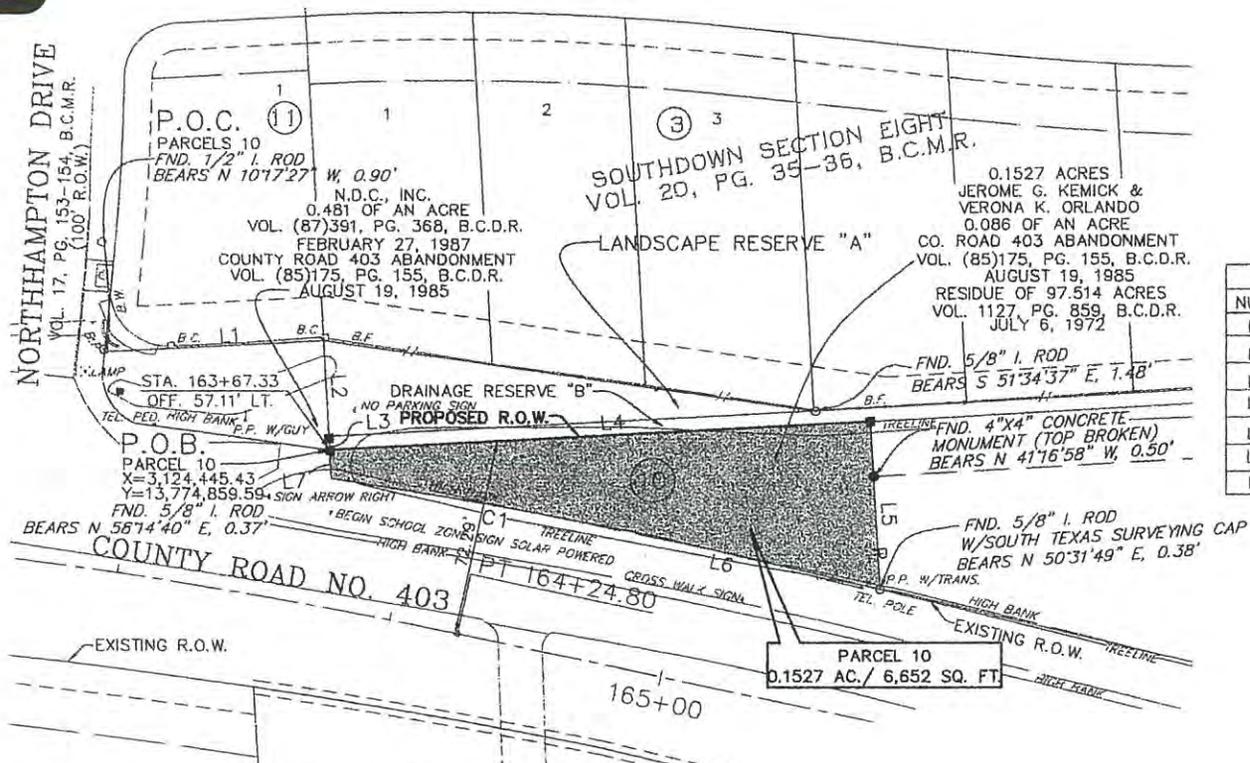
I hereby certify that this plat is based on a survey made on the ground under my supervision and to my knowledge is true and correct and substantially complies with the minimum standards and specification of the rules established by the Texas Board of Professional Land Surveying.



*Glenn Fisher*  
 GLENN FISHER RPLS. NO. 4146  
 BROWN & GAY ENGINEERS, INC.  
 10777 WESTHEIMER, SUITE 400  
 HOUSTON, TEXAS 77042  
 TELEPHONE: (281) 558-8700

REVISIONS:  
 05/04/15 - ADD ACREAGE TABLE & CITY COMMENTS  
 04/15/15 - UPDATED TOPO

<b>Brown &amp; Gay Engineers, Inc.</b> 10777 Westheimer, Suite 400, Houston, TX 77042 Tel: 281-558-8700 • www.browngay.com TBPLS Licensed Surveying Firm No. 10106500			
<b>PARCEL PLAT</b> <b>PARCEL 10</b> <b>C.R. 403 (HUGHES RANCH ROAD)</b> <b>H.T. &amp; B. R.R. CO. SURVEY, A-310</b> <b>CITY OF PEARLAND</b> <b>BRAZORIA COUNTY, TEXAS</b>			
Scale:	Job No.:	Date:	Drawing:
1"=50'	3053-00	02/2015	1 OF 2



LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N 86°53'13" E	79.40'
L2	S 03°06'47" E	35.85'
L3	S 03°06'47" E	4.15'
L4	N 86°53'13" E	195.06'
L5	S 03°20'21" E	61.54' (CALLED 62.15' & 62.51')
L6	N 76°21'12" W	83.78' (CALLED 85.33')
L7	N 03°06'47" W	10.36'

CURVE TABLE					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	118.22'	2,456.46'	02°45'27"	N 79°53'55" W	118.21'

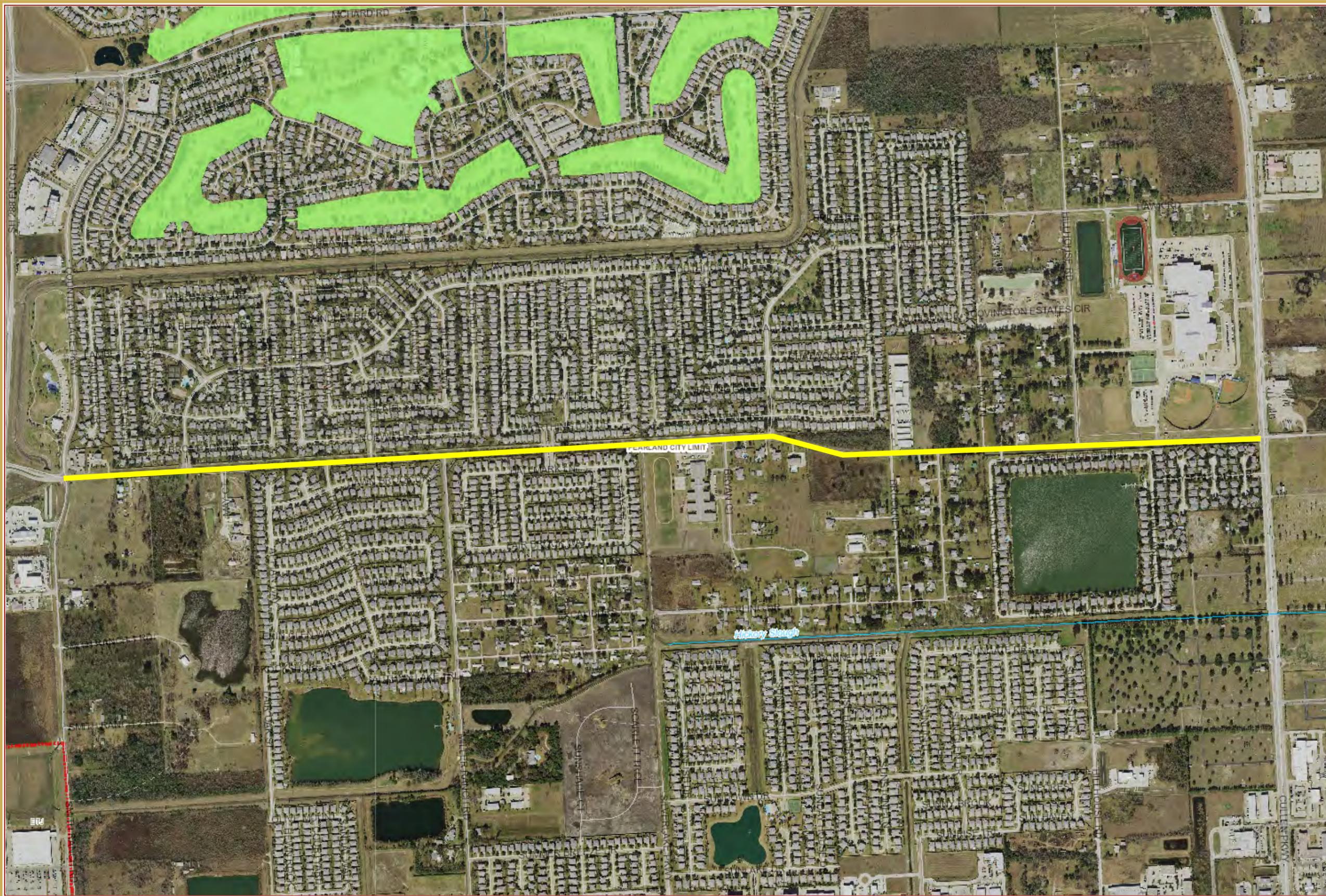
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**BCE** Brown & Gay Engineers, Inc.  
 10777 Westheimer, Suite 400, Houston, TX 77042  
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 TBPLS Licensed Surveying Firm No. 10106500

**PARCEL PLAT**  
**PARCEL 10**  
 C.R. 403 (HUGHES RANCH ROAD)  
 H.T. & B. R.R. CO. SURVEY, A-310  
 CITY OF PEARLAND  
 BRAZORIA COUNTY, TEXAS

Scale: 1"=50'	Job No.: 3053-00	Date: 02/2015	Drawing: 2 OF 2
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Legend

 Hughes Ranch Road project limit

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 project boundaries.



Scale 1:9,108  
1 in = 759 ft  
January 19, 2016



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

<b>AGENDA OF:</b> January 25, 2016	<b>ITEM NO.:</b> Resolution No. R2016-16									
<b>DATE SUBMITTED:</b> January 20, 2016	<b>DEPT. OF ORIGIN:</b> PEDC									
<b>PREPARED BY:</b> Melissa Black	<b>PRESENTOR:</b> Matt Buchanan									
<b>REVIEWED BY:</b> Matt Buchanan	<b>REVIEW DATE:</b> January 19, 2016									
<b>SUBJECT:</b> Resolution of the City Council of the City of Pearland, Texas, endorsing the Pearland 20/20 Community Strategic Plan.										
<b>EXHIBITS:</b> <ul style="list-style-type: none"> <li>1 - Outline of Revised Key Initiatives and Strategic Actions with edits</li> <li>2 - Presentation: Overview of revisions</li> <li>3 - Summary of Revisions to Pearland 20/20 Strategic Recommendations</li> <li>4 - Pearland 20/20 Strategic Recommendations</li> <li>5 - Pearland 20/20 Mid-Course Update Implementation Assessment</li> </ul>										
<b>FUNDING:</b> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Grant</td> <td><input type="checkbox"/> Developer/Other</td> <td><input type="checkbox"/> Cash</td> </tr> <tr> <td><input type="checkbox"/> Bonds To Be Sold</td> <td><input type="checkbox"/> Bonds- Sold</td> <td><input type="checkbox"/> L/P – Sold</td> </tr> <tr> <td></td> <td></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 type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – Sold			<input type="checkbox"/> L/P – To Be Sold
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<b>EXPENDITURE REQUIRED:</b> N/A <b>AMOUNT BUDGETED:</b> <b>AMOUNT AVAILABLE:</b> <span style="float: right;"><b>PROJECT NO.:</b></span> <b>ACCOUNT NO.:</b> <b>ADDITIONAL APPROPRIATION REQUIRED:</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>										
<b>To be completed by Department:</b>										
Finance	Legal									
Ordinance	Resolution									

**EXECUTIVE SUMMARY**

**BACKGROUND**

In October 2012, PEDC, along with local partners in government, education, healthcare and business embarked upon a long-term strategic community and economic development planning process in order to create a shared vision for the community's future growth and an action plan to achieve it. The goal was to create a plan that brought together past efforts in a way that fully

utilized the knowledge that has already been gained and looked forward to create an actionable, measurable strategy for Pearland. The resulting Pearland 20/20 Community Strategic Plan is a consensus-based, achievable roadmap to assist in guiding Pearland's path to short and long-term economic growth. The plan contains nine strategies that are designed to take Pearland to the next level of success both as an economy and sustainable residential location. Each strategy is comprised of a variety of sub-actions that details steps and tactics necessary to further the strategic goal.

The Pearland 20/20 Community Strategic Plan was approved by the PEDC Board on April 25, 2013 and by City Council on June 10, 2013. The plan was also endorsed by the Pearland Chamber of Commerce Board on June 28, 2013.

In early 2015, PEDC and the Pearland 20/20 Implementation Steering Committee began working with Market Street Services on a Mid-Course Update to the plan. This update assessed the implementation thus far to get a big-picture sense of key successes and challenges, as well as looked forward towards the final two and a half years of the plan's implementation.

As part of this process, Market Street conducted an Implementation Assessment, which included a facilitated group discussion with the Implementation Steering Committee, a series of focus groups on specific initiatives, interviews with PEDC, city staff and community partners and a targeted online survey. The Implementation Assessment was included in the September 3, 2015 Thursday Administrative Packet.

After several meetings, the Pearland 20/20 Implementation Steering Committee approved a mid-course update to the Pearland 20/0 Community Strategic Plan on October 27<sup>th</sup>. The PEDC Board approved the update on November 19<sup>th</sup>. The updated Pearland 20/20 Community Strategic Plan was included in the November 25<sup>th</sup> Thursday Administrative Packet.

Attached is a copy of the updated strategy recommendations along with a summary of the revisions and an outline of the revised plan initiatives. The nine key strategies have remained the same, but the strategic actions in some key initiatives have been modified to reflect what has been accomplished in the first two years of implementation as well as the city's current competitive realities and opportunities.

### **RECOMMENDED ACTION**

Consideration and approval of the updated Pearland 20/20 Community Strategic Plan

**RESOLUTION NO. R2016-16**

**A Resolution of the City Council of the City of Pearland, Texas, endorsing the Pearland 20/20 Community Strategic Plan.**

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

**Section 1.** That the City Council hereby endorses the Pearland 20/20 Community Strategic Plan attached hereto as Exhibit "A".

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

\_\_\_\_\_  
YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
DARRIN M. COKER  
CITY ATTORNEY



# PEARLAND 20/20 STRATEGIC PLAN: REVISED STRATEGIC RECOMMENDATIONS

## **1.0 Design and implement an enhanced economic development marketing program.**

1. Ensure that relocation prospects are efficiently and effectively supported and managed.
2. Build a competitive portfolio of “shovel-ready” Pearland development sites.
3. Enhance efforts to attract key segments of the health care sector to Pearland.
4. Enhance efforts to attract key segments of the energy sector.
5. ~~Conduct an assessment of Pearland’s strategic opportunities related to Port of Freeport and Panama Canal expansion.~~
5. Build recruitment networks through attendance at high-value industry meetings and conferences.
6. Ensure Pearland’s retail and **hospitality** sector remains vibrant.
7. ~~Conduct an incentives review to optimize Pearland’s tools to stimulate business investment.~~
7. Optimize a program to retain and expand existing Pearland employers.

## **2.0 Implement multiple, high-impact mobility projects.**

1. Continue planning, design, and construction of priority road and highway projects.
2. ~~Advocate for the timely design and construction of the SH 288~~ **Pursue alternative strategies for the development of a** park-and-ride facility in Pearland.
3. ~~Continue efforts to secure long-term mass transit options for Pearland.~~
4. Support the construction of toll lanes on State Highway 288 between U.S. Highway 59 in Harris County and State Highway 6 in Brazoria County.
5. Work with the Houston-Galveston Area Council (HGAC) on regional transportation solutions.
6. Better inform local residents about ~~east-west mobility options~~ **mobility issues and projects** in Pearland.

## **3.0 Optimize development potential of key Pearland corridors and character districts.**

1. Create a FM 518/Broadway master development plan.
2. ~~Leverage recent road improvements to create a~~ **Finalize and implement a SH 35 redevelopment plan strategy.**
3. ~~Realize efforts to establish a~~ **Effectively utilize and sustain the SH 288 management district.** ~~for SH 288.~~
4. ~~Link Old Townsite revitalization to FM 518/Broadway and SH 35 redevelopment processes.~~
5. ~~Evaluate the feasibility of establishing a Tax Increment Reinvestment Zone (TIRZ) for the Old Townsite and key sections of the SH 35 and FM 518/Broadway corridors.~~
4. **Formalize a process, toolkit and priorities for redeveloping aging Pearland neighborhoods and character districts.**

## **4.0 Make Pearland a more competitive recreation and cultural destination for residents and visitors.**

1. ~~Ensure capital investment in funded park, recreation, and trail capacity continues as scheduled.~~ **Effectively implement the 2015 Pearland Parks and Recreation Master Plan.**
2. ~~Identify strategies to accelerate implementation of Pearland’s master plans for Parks and Recreation and Trails.~~
3. ~~Pursue the potential development of a parks foundation in Pearland.~~
2. **Develop a sports marketing program to attract youth and adult athletic tournaments to Pearland.**
3. ~~Create, program, and staff a unified arts organization in Pearland.~~ **Advance current and potential arts-supportive programs, projects and policies.**



**5.0 ~~Develop a comprehensive community beautification strategy.~~ Improve Pearland's aesthetics through strategic community beautification and gateway efforts.**

- ~~1. Establish a city led task force to coordinate elements of a beautification strategy.~~ Develop a comprehensive beautification strategy that outlines current priorities and institutes a unified approach and standard for all future efforts.
- ~~2. Develop a funding and maintenance protocol for Pearland's landscaped roads and corridors.~~
2. Develop iconic and visually appealing gateways to Pearland.
3. Expand participation in city-wide clean-up efforts and events.
4. Optimize the siting and replacement of power poles/lines in Pearland.
5. ~~Continue evaluating the feasibility of establishing a city demolition program for distressed properties.~~ working to implement and enhance programs to address distressed properties and code violations in Pearland.

**6.0 Implement plans to develop the Lower Kirby Urban Center as Pearland's most intensive mixed-use employment, residential, and entertainment district.**

1. Implement the recommendations of the Lower Kirby Urban Center Master Plan and Implementation Strategy.
2. Aggressively market the LKUC through all relevant channels.
3. Formalize and maintain a consistent identity for the LKUC.
4. Encourage the development of quality of life amenities in the LKUC.

**7.0 Construct a multi-use events center in Pearland.**

- ~~1. Build consensus for the development of the events center.~~
- ~~2. Create a master development plan for the events center.~~
- ~~3. Pursue funding, construction, and programming of the multi-use events center.~~
1. Launch a public process to inform the development of a multi-use events center.
2. Proceed with multi-use events center development based on expressed public preferences and leadership consensus around funding and operational dynamics.

**8.0 Advance local education and workforce development pipelines in Pearland.**

- ~~1. Develop a strategic plan to better support and coordinate education and workforce training in Pearland.~~ Seek to create a coalition of partners supporting education and training in Pearland.
2. Foster and manage partnerships to formalize career pathways in Pearland-area schools.
3. Support the development of new and expanded educational facilities in Pearland.
4. Strive to increase matriculation rates for Pearland-area students choosing to attend college.

**9.0 Develop an internal marketing campaign to increase awareness and promotion of Pearland and its assets.**

- ~~1. Establish consensus on the parameters of an internal marketing campaign.~~
- ~~2. Develop and launch the internal marketing campaign.~~
- ~~3. Establish an ongoing communications program to ensure campaign's sustainability.~~
- ~~4. Hold an annual public event celebrating Pearland and its progress.~~
1. Design, develop and launch a Pearland internal marketing campaign.
2. Initiate a public dialogue on the sustainability of residential development in the City of Pearland.

# Pearland 20/20 Strategic Plan Mid-Course Update

## Pearland 20/20 Strategic Plan

- Strategy addresses specific Pearland challenges and capitalizes on opportunities for continued economic growth.
- Leverages research and public input to provide a comprehensive set of strategic recommendations for the next five years.
- Action-oriented and incorporates a wide range of economic development partners.



## Pearland 20/20 Background

- The Pearland 20/20 plan was approved by PEDC Board and City Council during the summer of 2013
- Progress on each of the nine initiatives has been well-documented and reviewed at the steering committee's semi-annual meetings.
  - Significant activity related to economic development, mobility and transportation, with other areas from beautification strategies to enhancing recreation and cultural amenities showing great progress as well
- To ensure the initial achievements of the Pearland 20/20 plan are built-upon as the community moves into the second half of the implementation cycle, we recently completed a mid-course update to the plan.

## Mid-Course Update Process

- Input
  - Facilitated group discussion with Steering Committee (June 16)
  - Five focus groups and 21 individual interviews (June-July)
  - Targeted online survey (July-August)
- Updated Strategic Plan
  - Steering committee developed a list of strategic adjustments to the Pearland 20/20 strategic plan
  - Identified actions and sub-actions under each of the nine key initiatives that needed to be re-imagined, repurposed, eliminated, or evolved
  - Revised strategic recommendations approved by Steering Committee on October 27<sup>th</sup> and by PEDC Board on November 19<sup>th</sup>

## Steering Committee

Charles Gooden, Jr. (Chair)	Charles D Gooden Consulting Engineers
Stacy Adams	Commissioner, Brazoria County
Teir Allender	General Manager, CBL & Associates
Carol Artz-Bucek	President, Pearland Chamber of Commerce
Jon Branson	Assistant City Manager, City of Pearland
Matt Buchanan	President, PEDC
Tony Carbone	City Council, City of Pearland
Dr. Buck Gilcrease	Superintendent, Alvin Independent School District
Richard Graber	Director of Programs & Services, Houston Arts Alliance
Dr. Patricia Hertenberger	Dean of Continuing Education & Workforce Development, Alvin Community College
Dr. John Kelly	Superintendent, Pearland Independent School District
Lata Krishnarao	Director of Community Development, City of Pearland
Patrick Larkin	Chair, Pearland Chamber of Commerce
Johnna Little	Real Estate Consultant, Keller Williams Realty
John Lyle	Vice President of Operations, Kelsey-Seybold Clinic
Alan Mueller	Vice President, Gromax Development
Keith Ordeneaux	City Council, City of Pearland
Rushi Patel	Chair, PEDC Board of Directors
Clay Pearson	City Manager, City of Pearland
Dale Pillow	President, Adult Reading Center
Dr. William Staples	President, University of Houston Clear Lake
Lucy Stevener	Vice-Chair, PEDC Board of Directors

## Updates

Updated progress on various items resulted in the following:

1. Revise actions 2.2 on the park and ride facility and 2.3 on long-term mass transit options
2. Revise actions 3.2 and 3.3 to reflect progress on SH 35 and SH 288
3. Remove actions 3.4 and 3.5 pertaining to the Old Townsite and replace with a new 3.4 that pertains to broader redevelopment of all Pearland neighborhoods and districts

## Updates

4. Revise actions 4.1, 4.2, 4.3 and 4.5 to reflect progress made on Parks and Recreation Master Plan, Parks Foundation and Pearland Alliance for Arts and Culture
5. New action 4.4 that includes revising the restriction on the sale of alcohol in Pearland
6. Revise actions 7.1, 7.2 and 7.3 to launch a public process to inform the development of a multi-use events center and to proceed with development based on expressed public preferences and leadership consensus
7. New action 9.2 for public dialogue on sustainability of residential development in the city

## Pearland 20/20 Web Site

The screenshot displays the Pearland 20/20 website. At the top left is the logo 'Pearland 20/20 A BLUEPRINT FOR PEARLAND, TEXAS'. To the right, there is a 'CONTACT US' section with the email 'INFO@PEARLAND2020.COM' and phone number '281.987.3099', along with social media icons for Facebook, Twitter, and LinkedIn. Below the header is a navigation menu with 'PLAN OVERVIEW', 'COMPETITIVE ASSESSMENT', 'STRATEGIES', and 'PROGRESS TO DATE'. The main content area features a large image of a construction site with a yellow excavator and a concrete mixer truck. Below the image is a yellow banner for 'INITIATIVE 2: MOBILITY' with the text 'Continue development and enhancements of high-impact road projects' and a 'Learn More' link. At the bottom, there is a section titled 'WHAT IS PEARLAND 20/20?' with a brief description and three circular icons representing different strategic areas: '2.1 Mobility', '2.2 Quality of Life', and '2.3 Economic Development'.

[www.pearland2020.com](http://www.pearland2020.com)

# Pearland 20/20 Strategic Plan: Summary of Revisions



## 1. Design and implement an enhanced economic development marketing program

The City of Pearland's economy continues to perform well, with stable growth and increasing high-value options for local residents to remain in the city to work. This is due not only to the expansion of existing businesses, development of capacity in the health care sector to serve Pearland's growing population, and increasing presence of non-retail services firms, but also the successful attraction of new employers to the city, especially in the targeted Lower Kirby district. Despite these positive trends, there are still opportunities to enhance local economic development efforts to better capitalize on established and emerging growth sectors and further define and promote the Pearland brand. This section remained relatively the same except for the following;

- Remove strategic action 1.5 on an assessment of strategic opportunities relating to the Port of Freeport and Panama Canal expansion as it was not felt that we had appropriate sites for port related businesses.
- Revise strategic action 1.6 to incorporate the Hospitality sector, along with Retail.
- Removed strategic action 1.8 on conducting an incentives review, as the provision of incentives has not been a major differentiator in the city's employer attraction efforts and successes.

## 2. Implement multiple, high-impact mobility projects

As Pearland's infrastructure development plays catch up to its phenomenal recent growth rates, traffic congestion continues to rank first on surveys of residents' top local concerns. This strategy continues to stress the need for the city to continue to be aggressive and creative in securing traditional and alternative financing for priority projects.

The following are the notable changes to this section in addition to updating the status of multiple projects:

- Revise strategic action 2.2 on the park and ride facility in Pearland due to suspended discussions between the City and METRO on the development of a site and the understanding that a more regional approach is needed for this project.
- Remove strategic action 2.3 on long-term mass transit options as Pearland does not have the sales tax cap space to generate regional transit investment to enter METRO and Pearland's lack of critical mass of employment and residential density does not allow for intra-city transit to be a viable alternative.
- Revise strategic action 2.5 to better inform local residents about mobility issues and projects in general instead of just east-west mobility options.

## 3. Optimize the development potential of Pearland's principal commercial corridors and character districts

Much has been advanced related to corridor planning since the launch of Pearland 20/20, including the near-completion of the SH 35 redevelopment plan, the creation of a management district for SH 288, and the pending initiation of a master development plan for FM 518/Broadway. While progress has been made on these fronts, the issue of potential decline of older Pearland neighborhoods and subdivisions has elevated in importance. As infrastructure ages in other original subdivisions and commercial nodes, housing stock becomes less competitive and retail investments gravitate towards SH 288. A growing awareness that Pearland must focus attention on redevelopment issues and opportunities has surfaced among local officials and stakeholders.

- Add character districts to key initiative; revise strategic actions 3.2 and 3.3 to reflect the progress made on the SH 35 redevelopment plan and the formation of the SH 288 management district (PMMD#2).
- Remove strategic actions 3.4 and 3.5 pertaining to the Old Townsite and replace with a new 3.4 strategic action that pertains to the broader redevelopment of all Pearland neighborhoods and districts.

#### **4. Make Pearland a more competitive recreation and cultural destination for residents and visitors**

A key component of Pearland's evolution to a more complete city is to provide residents with additional local options for recreation and culture. While greater Houston has strong capacity in both of these categories, many Pearlanders want to access these amenities closer to home. For a city of its size, Pearland was shown in the Competitive Assessment report to be significantly underserved for parks compared to benchmark cities. Despite a comparative lack of facilities versus other hubs of youth sports, Pearland has demonstrated an impressive ability to launch and grow events such as the Pearland Texas Classic basketball tournament and the Adidas Texas Volleyball Invitational, the nation's largest high school volleyball tournament. The construction of Pearland's Recreation Center and Natatorium has also provided the city with a best-in-class facility that has already begun to attract interest from tournament and meet sponsors. With the completion of the Hickory Slough Sportsplex and the under construction Shadow Creek Sports Complex, the time is right to explore marketing Pearland as a desirable location for youth sports activities and competitions, and, potentially, adult tournaments as well depending on the event.

- Revise strategic actions 4.1, 4.2, 4.3 and 4.5 to reflect progress made on parks capital investment, Parks and Recreation Master Plan, Parks Foundation, and the Pearland Alliance for Arts and Culture.
- Add new strategic action 4.3 to propose and advance projects with a potentially beneficial impact on Pearland's arts and cultural sector.
- Added new strategic action 4.4 that includes revising the restriction on the sale of alcohol in Pearland.

#### **5. Improve Pearland's aesthetics through strategic community beautification and gateway efforts**

While a unified beautification strategy has not yet been undertaken, there has been much movement related to implementation of components of Strategy 5, including the approval of a SH 288 management district and revenue stream to maintain aesthetic improvements as well as development of a City Gateway plan. Input participants emphasized the ongoing importance of beautification efforts and strongly supported its continued inclusion as a strategic priority.

- Revise key initiative to focus on aesthetics with the beautification strategy as part of the initiative.
- Revise strategic actions 5.1, 5.2 and 5.6 to reflect progress on the community beautification strategy, city landscaping maintenance protocol and the development of a city program for distressed properties.

#### **6. Implement plans to develop the Lower Kirby Urban Center as Pearland's most intensive mixed-use employment, residential, and entertainment district**

Much of the positive economic development momentum that Pearland has enjoyed since the launch of Pearland 20/20 can be tied to public and private investments made in the Lower Kirby Urban Center (LKUC). While many stakeholders identified Pearland Town Center as a real opportunity for denser, more "urban" mixed-use projects in the city, LKUC and associated opportunities such as the proposed Ivy District continue to be the largest, best positioned, and highest-value employment locations for development of a potential "downtown" Pearland. Certain activities that would advance the district in this regard are slated for implementation in the second half of the Pearland 20/20 cycle.

- No major changes to the key initiative or strategic actions.

#### **7. Construct a multi-use events center in Pearland**

There is near-universal agreement that Pearland needs some type of major facility to accommodate large groups of people. Currently the lack of a multi-use events center means that Pearland residents must travel to other jurisdictions to attend shows, plays and other cultural events.

- Replace strategic actions 7.1, 7.2 and 7.3 regarding consensus, a master development plan and funding of the events center with strategic initiatives to launch a public process to inform the development of a multi-use events center and to proceed with development based on expressed public preferences and leadership consensus for the events center.

**8. Advance local education and workforce development pipelines in Pearland**

Efforts to enhance education and training in Pearland have largely occurred outside the context of Pearland 20/20. That does not mean that work to connect businesses with local schools or development of career-focused programs and curricula did not take place after the 2013 strategy launch, only that efforts were not incorporated under the Pearland 20/20 framework. Stakeholders participating in Mid-Course public input stressed that there are more opportunities to support education and training in the city, and Pearland 20/20 could be an effective vehicle to drive some of these efforts.

- Revise strategic action 8.1 on developing a strategic plan to better support education and workforce efforts to creating a coalition of partner so support education and training.

**9. Develop an internal marketing campaign to increase awareness and promotion of Pearland and its assets**

Though the challenges of effectively engaging with Pearland stakeholders and providing them with information on local activities, projects, programs, and progress were said to be numerous, the Steering Committee and other leaders feel that the development and implementation of an internal marketing program is still a priority concern for the city.

- Combine strategic actions 9.1, 9.2 and 9.3 on the consensus, development and communication of an internal marketing campaign into one strategic action.
- Added new strategic action to initiate a public dialogue on the sustainability of residential development in the city.



# PEARLAND 20/20

## A BLUEPRINT FOR PEARLAND, TEXAS

Revised: November 2015

[www.pearland2020.com](http://www.pearland2020.com)

**MARKET ST**



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## OVERVIEW

In 2012, the Pearland Economic Development Corporation (PEDC) partnered with Market Street Services to facilitate an eight-month long strategic planning process that culminated in the creation of **Pearland 20/20**, a comprehensive five-year vision strategy for the Pearland community. The strategic planning process was led by a 23-member Steering Committee of diverse public and private sector leaders who invested themselves in the process with the intent to take Pearland to the next level of success. Leveraging comprehensive research, public input from hundreds of community members, and the guidance of top community leaders, the Pearland 20/20 strategic vision plan identified nine high-value strategies focused on key elements of Pearland's competitive position, future opportunities, and top challenges.

While the initial years of Pearland 20/20 implementation have been active, it is important that this positive early momentum be sustained through the remaining years of the implementation process. If the Great Recession taught us anything, it is that a community cannot rest on its laurels when it comes to community and economic development. This is especially true in a region like greater Houston that is currently experiencing a decline in its oil and gas sector, one of the key drivers of its recent success.

The purpose of the **Pearland 20/20 Mid-Course Update** is to allow the PEDC and its partners to take a step back and reflect on the first two-plus years of implementation before shepherding the plan through the final stages of its first cycle. The update is comprised of two principal reports. The **Implementation Assessment** leverages quantitative and qualitative data to determine the strategic components that have been advanced most effectively, those that have lagged or yet to be initiated, and some of the challenges and opportunities related to the nine Pearland 20/20 strategies. The Assessment was informed by public input involving over 100 local stakeholders from public, private, non-profit, and institutional sectors. These **Strategic Recommendations** leverage the findings of the Implementation Assessment and public input components to determine any adjustments that need to be made to the Pearland 20/20 strategies for the final years of its initial implementation cycle.

Ultimately, this Mid-Course Update has not resulted in a "new" strategy, but rather a fine tuning of the existing nine strategic goal areas that comprise Pearland 20/20 to reflect the experience of implementation to date as well as the city's current competitive realities and opportunities.

## INTRODUCTION

The halfway point of Pearland 20/20 implementation is the ideal time to take a look back, then forward to optimize the strategic program for the final years of its initial cycle. To accomplish this, quantitative and qualitative data were combined to paint a coherent picture of where the initiative has been and where it is headed. While the first Mid-Course report was an Implementation Assessment that looked back at the activities since Pearland 20/20's launch, the Strategic Recommendations look forward towards the culmination of the five-year implementation period.

## IMPLEMENTATION ASSESSMENT

The Assessment integrated quantitative but – principally – qualitative information to determine the efficacy of initial Pearland 20/20 implementation and identify current and ongoing needs, issues, and opportunities. The key conclusions of the Assessment included:

- ✓ There has been much progress on many of the key recommendations in the strategy, especially economic development, mobility, corridor planning, Lower Kirby development, and beautification/gateway efforts.
- ✓ Implementation of projects related to arts and culture, education and training, an events center, and others are slated for the second half of the Pearland 20/20 cycle.
- ✓ The choices made by the PEDC, its implementation partners, and the Pearland 20/20 Implementation Committee in terms of the first phase of strategic activation were largely supported by public input participants.
- ✓ Differences of opinion emerged among Pearland stakeholders, especially as they concern investment in infrastructure and amenities contributing to the enhancement of the city's quality of life and quality of place. Note: this excludes the issue of beautification, which was supported in citizens' surveys and by the City Council.
- ✓ Overall, the results of the city's citizen surveys, initial data analysis, and the feedback provided for the Mid-Course Update process reinforce the positive opinions and sentiments Pearlanders have for their city and its future.

## STRATEGIC ADJUSTMENTS

Recommendations principally concern the **strategic components** of Pearland 20/20 for the final half of the program's initial implementation cycle. However, there are a handful of **operational issues** that emerged from public input that also warrant attention as strategic implementation continues. These are addressed in **Appendix A** of this report.

Indeed, both strategic programming and operational concerns are important to the overall success and sustainability of the Pearland 20/20 effort. In order to ensure that the future impact of Pearland 20/20



meets or exceeds the output of its first two-plus years, the initiative must move forward with the PEDC and its partners aligned in the collaborative pursuit of the plan's principal strategies.

Because, as was identified by the Implementation Assessment, a number of Pearland 20/20 programs need to be adjusted to reflect progress to date, ongoing challenges, and shifting future priorities, the structural dynamics and language of the original 20/20 plan must also be adjusted. In addition, new strategic opportunities not identified or present in 2013 must be incorporated under the 20/20 framework.

So too must Pearland 20/20 reflect and incorporate the prescriptions of the **2015 Pearland Comprehensive Plan**. The Plan looked at all relevant components of the City's operations and its competitive position and recommended dozens of activities designed to position Pearland for continued success. As the Comp Plan sought to reflect Pearland 20/20 priorities, this strategy must also be seamlessly advanced in coordination with the City's principal planning initiative.

# PEARLAND 20/20

The Strategic Recommendations for the Pearland 20/20 Mid-Course Update process represent an evolution of the plan rather than a reinvention. Implementation progress is reflected in slightly adjusted priorities and action areas for the final two-plus years of the strategy's first five-year implementation cycle.

Strategic areas that have been slated for launch in 2015 and beyond will naturally have fewer adjustments as a narrative of their advancement and efficacy is not available. However, changes in Pearland's competitive climate, stakeholder perceptions, and identified opportunities have informed recommendations in these categories as well.

## 1. DESIGN AND IMPLEMENT AN ENHANCED ECONOMIC DEVELOPMENT MARKETING PROGRAM.

The City of Pearland's economy continues to perform well, with stable growth and increasing high-value options for local residents to remain in the city to work. This is due not only to the expansion of existing businesses, development of capacity in the health care sector to serve Pearland's growing population, and increasing presence of non-retail services firms, but also the successful attraction of new employers to the city, especially in the targeted Lower Kirby district.

Despite these positive trends, there are still opportunities to enhance local economic development efforts to better capitalize on established and emerging growth sectors and further define and promote the Pearland brand.

### *1.1 Ensure that relocation prospects are efficiently and effectively supported and managed.*

#### **STATUS:**

As evidenced by the aforementioned expansions and relocations, prospect management in Pearland is being administered effectively.

The fact that the provision of incentives has been used judiciously and thoughtfully is further evidence that Pearland is being marketed on its merits and is not simply outbidding its competitors for new employment.

#### **RECOMMENDATIONS:**

- ✓ **No adjustments** from the Pearland 20/20 strategy are recommended for this Strategic Action. Efforts to work with existing and external prospect employers and site selection professionals should continue as established by the efficacy of recent activities.

### ***1.2 Build a competitive portfolio of “shovel-ready” Pearland development sites.***

#### **STATUS:**

Even as PEDC markets and develops sites in districts including Lower Kirby, the need for shovel-ready, infrastructure-served sites across Pearland continues to be a competitive economic development issue.

#### **RECOMMENDATIONS:**

- ✓ Continue to leverage **corridor planning and development strategies** to identify and optimize priority development sites.
- ✓ Ensure prescriptions in the City of Pearland’s new **Comprehensive Plan** related to commercial and industrial properties are **sustained and promoted** for those uses.
- ✓ Monitor the development of a potential **Drainage Master Plan**<sup>1</sup> to ensure that recommendations are consistent with site development priorities.
- ✓ Outreach to Texas Aviation Partners to explore potential development site assessment and planning at **Pearland Regional Airport**.
- ✓ Determine the need to conduct a **Class-A Office Needs Assessment**<sup>2</sup> in Pearland based on the capacity of current and planned product to accommodate existing and projected demand.

### ***1.3 Enhance efforts to attract key segments of the Health Care sector to Pearland.***

#### **STATUS:**

Activity in this sector has been brisk, with construction of local hospital facilities and attraction of medical technology and manufacturing employers serving as notable “wins.” PEDC has invested in attendance and sponsorship of health care/life sciences events and rolled out a targeted advertising campaign. With this activity initiated, Pearland should assess “next-level” strategies to grow the health care sector.

#### **RECOMMENDATIONS:**

- ✓ Continue health care marketing efforts focused on **events and publications**.
- ✓ Identify and advance potential strategies to capitalize on Pearland’s proximity to the **Texas Medical Center**. One opportunity includes outreach to TMC’s CEO (Dr. Robert Robbins) about fostering possible connections and partnerships (potentially through development of an MOU). Local medical leaders could help broker the initial outreach.

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<sup>1</sup> Comments from city officials indicate that this process will potentially be pursued in the near future.

<sup>2</sup> There is the potential to expand this study into a full Development Site Assessment of Pearland properties – leveraging completed and ongoing corridor analyses – for multiple industries, including Medical Research and IT and Warehouse and Distribution (*see future actions*).

- ✓ Consider incorporating into the proposed Class-A Office Needs Assessment (see Action 1.2) components related to existing/potential capacity and needs for **Medical Research and Health Care IT (back office) operations**. This could also be a stand-alone study.
- ✓ Explore opportunities to leverage the Pearland Chamber's new **Healthcare Committee** as an advisory group supporting medical job growth and informing workforce development in Pearland. This Committee could also serve a marketing purpose by pitching Pearland to their external networks and serving as ambassadors for relocation prospects.

#### ***1.4 Enhance efforts to attract key segments of the Energy sector to Pearland.***

##### **STATUS:**

As with Health Care, PEDC has launched targeted advertising placements and event attendance and sponsorship activities to expand its Energy sector. Despite the current slowdown in the oil and gas industry and sector fluctuations as a whole, Energy should remain a priority for PEDC's targeted marketing efforts given the sector's importance to the regional economy and the reality that many of the city's recent and current relocation prospects have been in this industry.

##### **RECOMMENDATIONS:**

- ✓ **Fulfill committed investments** in targeted advertising and events related to the Energy sector.
- ✓ **Consistently assess the focus and opportunities** for marketing investments in the Energy sector based on industry trends and prospect activity.

#### ***1.5 Leverage and enhance external communications and networking activities.***

##### **STATUS:**

PEDC has attended and sponsored a number of site selector-, developer-, and real estate-focused events and meetings. Stakeholders believe that these efforts could be incorporated into a broader, yet still focused, communications and outreach program.

##### **RECOMMENDATIONS:**

- ✓ Continue investing in priority opportunities to sponsor and attend high-value **conferences, meetings, and other events**, especially in partnership with Texas One and regional partners.
- ✓ Ensure all principal **social media channels** (Facebook, LinkedIn, and Twitter) are fully leveraged and maintain frequent activity levels.
- ✓ Consider opportunities to identify and outreach to top **regional executives** residing in Pearland as potential ambassadors for the city with their associates and networks.

### ***1.6 Ensure Pearland's Retail and Hospitality sectors remain vibrant.***

#### **STATUS:**

Retail investment continues to be an active and growing contributor to Pearland's economic vitality. The PEDC and city are continually working with property owners, developers, and retailers to grow the local sector. It would also benefit the city to leverage the Pearland 20/20 strategy to highlight opportunities to grow the local Hospitality sector. Not only does Hospitality growth contribute to the local tax base, but development of amenities driven by visitor spending also provides quality of life benefits to existing residents and employers.

#### **RECOMMENDATIONS:**

- ✓ Continue actively working with **all relevant partners** in the Retail sector to facilitate growth and investment in Pearland.
- ✓ Ensure the **Pearland Purchase Power** program receives effective community exposure to support growth in the city's existing retail base.
- ✓ Pursue a **Retail Trade Analysis** of the Pearland market to optimize the marketing and development of the sector.
- ✓ Partner with hotel developers exploring opportunities to develop **hotel properties** in Pearland. Work with investors to communicate the need for and potential of constructing hospitality facilities with **on-site meeting space**, preferably to serve small- to medium-sized conferences and events.
- ✓ Determine how Pearland can **most effectively market and position itself** to benefit from development at Houston Hobby Airport and increased activity at George Bush Intercontinental.

### ***1.7 Optimize a program to retain and expand existing Pearland employers.***

#### **STATUS:**

BizConnect is a partnership of the Pearland Chamber of Commerce under contract from the PEDC. Though the program is still considered an asset, there are always enhancements that can be made to existing business programming, as well as consideration of new strategies to maximize the growth potential of current employers.

#### **RECOMMENDATIONS:**

- ✓ Ensure that **BizConnect** effectively, 1) identifies and maintains a current inventory of issues communicated by existing employers, 2) works to resolve these issues through a formalized system, 3) reports progress of activity back to employers, and 4) keeps the database of identified and addressed issues current.
- ✓ Determine how to better engage and leverage **Pearland Chamber members** to enhance and complement economic development efforts. This could either be through enlisting Chamber members



for testimonials on the city as a place to do business, ambassadors for relocation prospects, and/or connecting employers to new Pearland businesses to identify buyer and supplier opportunities.

- ✓ Better incorporate positive news and information on existing employers into economic development communications programs, media engagement and outreach, and corporate, civic, and organizational events.

## 2. IMPLEMENT MULTIPLE, HIGH-IMPACT MOBILITY PROJECTS.

As Pearland’s infrastructure development plays catch up to its phenomenal recent growth rates, traffic congestion continues to rank first on surveys of residents’ top local concerns. However, the reality of roadway development and its long-term maze of local, state, and federal planning, approvals, and funding protocols is that there is typically no way for a municipality to build capacity fast enough to fulfill needs. Nevertheless, Pearland has secured millions in transportation funding and built miles of roadways with multiple additional projects in the pipeline. With budgets at all levels of government tightening, the city must continue to be aggressive and creative in securing traditional and alternative financing for priority projects. Despite a spate of roadway expansions either completed or launched, the Pearland public continues to be frustrated by slow-moving traffic and clogged intersections. So, in addition to building the roads themselves, Pearland officials must remain steadfast in seeking to communicate ongoing and future progress and investments to local constituents.

### *2.1 Continue planning, design, and construction of priority road and highway projects.*

#### **STATUS:**

The highest profile roadway work completed since the launch of Pearland 20/20 was the reconstruction of SH 35 from Beltway 8 to FM 518/Broadway. Other projects, like the Pearland Parkway extension, have also recently been completed. However, the list of roadway priorities is long, so multiple additional projects are being advanced through the multiple phases necessary before construction can begin. Projects in this action will thus be differentiated by process phase.

#### **RECOMMENDATIONS:**

- ✓ Advance the timely construction of **funded roadway projects**. These include:
  - Bailey Road (construction underway);
  - CR 94;
  - Fite Road;
  - Hughes Ranch Road/CR 403;
  - Max Road;
  - McHard Road;
  - Mykawa Road;
  - Old Alvin Road;
  - SH 288 northbound feeder between CR 58 and Broadway; and
  - Widening of SH 288’s FM 518 overpass to eight lanes.
  
- ✓ Secure approval and funding commitments for **future roadway priorities**. These include:

- FM 518/Broadway between Pearland Parkway and Friendswood;
- Reconstruction of FM 518/Broadway between SH 35 and SH 288; and
- SH 35 expansion south of FM 518/Broadway.

***2.2 Pursue alternative strategies for the development of a park-and-ride facility in Pearland.***

**STATUS:**

Pursuit of the park-and-ride facility was abandoned after discussions on the purchase of METRO’s property by the City of Pearland were suspended after METRO decided not to build a park-and-ride on the site. Despite this, numerous local leaders still feel the construction of a park-and-ride facility linking Pearland with the Texas Medical Center and other major employment hubs would be a competitive advantage. Though leaders say a failure to act might diminish Pearland’s desirability for certain commuters, they add that any project must be a regional partnership among Brazoria County and multiple municipalities.

**RECOMMENDATIONS:**

- ✓ Outreach to Brazoria County, Harris County, and other cities and regional partners to initiate discussions on **options for park-and-ride development** in the region, including express bus connectivity.
- ✓ As part of discussions, determine if there are possibilities to **partner with a private firm** to develop a park-and-ride (with potential additional components such as retail) and commuter bus solution for connecting Pearland and the broader region to the TMC.

***2.3 Support the construction of toll lanes on State Highway 288 between U.S. Highway 59 in Harris County and State Highway 6 in Brazoria County.***

**STATUS:**

Design and construction of all phases of the SH 288 managed lane project are moving forward without any major delays anticipated. This includes both the Brazoria and Harris County segments. While continued focus on keeping the project on the front burner of TxDOT and other agencies is of course important, the heavy lifting on the managed lane project was said to be complete.

**RECOMMENDATIONS:**

- ✓ **No adjustments are recommended** from the Pearland 20/20 strategy for this Strategic Action.
- ✓ With SH 288 on course for construction, the need to **publicize the expansion and educate the public** on the project becomes paramount.

## ***2.4 Work with the Houston-Galveston Area Council (H-GAC) on regional transportation solutions.***

### **STATUS:**

As with local projects, the City of Pearland has also effectively advanced regional mobility efforts in partnership with HGAC and other entities. Certain projects have already been referenced in Action 2.1, but will be noted below as they are linked with HGAC's future Transportation Improvement Program (TIP) project list.

### **RECOMMENDATIONS:**

- ✓ Continue working with HGAC to communicate and incorporate **City of Pearland mobility priorities** into state and federally funded planning and development processes.
- ✓ Determine what local participation options may be available that will accelerate the widening of SH 518 from SH 288 to SH 35.
- ✓ Consistently assess ongoing issues and opportunities that warrant the **submission of new transportation projects** as local priorities.

## ***2.5 Better inform local residents about mobility issues and projects in Pearland.***

### **STATUS:**

The issue of east-west mobility options in Pearland was not said to be as critical a communications need as a broader awareness of what the City and its partners are doing to address mobility challenges as a whole. The reality is that a number of efforts are undertaken to communicate transportation planning and construction updates, often failing to penetrate the mindsets of local citizens. Stakeholders have noted that the dissemination of information on transportation issues and projects should remain a component of Pearland 20/20. However, multiple strategies and channels will likely be needed to further move the bar on public awareness of congestion-relief efforts.

### **RECOMMENDATIONS:**

- ✓ **Continue leveraging tools** such as public meetings, City Council meetings, social media, and traditional media as communications opportunities.
- ✓ Assess how to increase awareness and usage of the **CitySource application**.
- ✓ Actively seek out **new technologies and protocols** for better communicating transportation development information to the public.
- ✓ Ensure that the City of Pearland **better leverages partners** such as the PEDC, Pearland Chamber, school districts, public utilities, etc., to incorporate information on transportation planning and construction into their communications programs.

- ✓ Determine how to most effectively incorporate information on transportation and mobility issues and development in the **broader communications effort** discussed in Strategy 9.

### 3. OPTIMIZE DEVELOPMENT AND REDEVELOPMENT OF KEY PEARLAND CORRIDORS AND CHARACTER DISTRICTS.

Much has been advanced related to corridor planning since the launch of Pearland 20/20, including the near-completion of the SH 35 redevelopment plan, the creation of a management district for SH 288, and the pending initiation of a master development plan for FM 518/Broadway. While progress has been made on these fronts, the issue of potential decline of older Pearland neighborhoods and subdivisions has elevated in importance. Regency Park, an older Pearland subdivision, will see millions in city investment on road, drainage, and water line replacements. As infrastructure ages in other original subdivisions and commercial nodes, housing stock becomes less competitive and retail investments gravitate towards SH 288. A growing awareness that Pearland must focus attention on redevelopment issues and opportunities has surfaced among local officials and stakeholders. As such, Strategy 3 of Pearland 20/20 was approved by the initiative’s Steering Committee and other leaders to expand the pursuit of corridor redevelopment to include older character districts in the city.

#### *3.1 Create a FM 518/Broadway master development plan.*

**STATUS:**

A proposal design is progressing with the intent of selecting a consultant to facilitate the planning process in 2016.

**RECOMMENDATIONS:**

- ✓ Proceed with the **design, development, and launch** of the master development plan.
- ✓ Consider implementing the master development planning process for FM 518/Broadway **in phases over time** given the scale of the corridor.
- ✓ Ensure the process **leverages and integrates** with completed, ongoing, and planned initiatives related to additional Pearland corridors and districts prioritized for development and redevelopment.
- ✓ Determine how a proposed Class-A **Office Needs Assessment** or broader **site assessment process** (Action 1.2) could be incorporated into project research and design of the FM 518/Broadway plan.

#### *3.2 Finalize and implement an SH 35 redevelopment strategy.*

**STATUS:**

Through its consultant, PEDC has completed the background and market analyses phases for the SH 35 Redevelopment Strategy and has held several steering committee meetings with representatives of the corridor. Finalization of the strategy occurred in late 2015.

**RECOMMENDATIONS:**

- ✓ Ensure that the redevelopment strategy is **advanced** in a timely manner.
- ✓ Leverage approved strategic recommendations to create **opportunities for economic diversification** along the SH 35 corridor; commercial, retail, and industrial uses were determined to be more viable than residential in terms of the roadway's highest-and-best uses.
- ✓ Through target sector marketing, networking activities, and other channels, actively and effectively **outreach to potential investors and developers** to promote opportunities along the SH 35 corridor.

***3.3 Effectively utilize and sustain the SH 288 management district.***

**STATUS:**

The original intent of this Pearland 20/20 recommendation has been accomplished. In 2013, a management district for SH 288 (PMMD2) was established to improve the appearance of the corridor. A Board of Directors has been empaneled and a maintenance and operations tax was approved by voters in the District. The Board later adopted the 288 Master Plan in June 2014.

**RECOMMENDATIONS:**

- ✓ Support the coordination of efforts between PEDC, PMMD2, Brazoria County, TxDOT, and the City of Pearland in implementation of the **288 Master Plan**.
- ✓ Ensure that resources from the district tax are effectively directed for **maintenance of funded improvements** from the PEDC and other partners.
- ✓ Regularly assess the benefits of **expanding PMMD2 boundaries** as the SH 288 managed lane project is implemented along with other planned and potential corridor enhancements.

***3.4 Formalize a process, toolkit, and priorities for redeveloping aging Pearland neighborhoods and character districts.***

**STATUS:**

The majority of public and private leaders interviewed for the Pearland 20/20 update process felt that a significant focus on comprehensive Old Townsite redevelopment was not warranted, principally due to the lack of a private market for major investments in the district. This would make expenditure of public dollars to spur revitalization especially difficult, including the likelihood that creation of an Old Townsite TIRZ would not be supported. As noted, however, Pearland leaders feel that expanding the focus of town core revitalization to a broader redevelopment initiative targeting the city's established central neighborhoods and commercial districts is a worthwhile pursuit.

**RECOMMENDATIONS:**

- ✓ Develop a **protocol for assessing and advancing** subdivision, corridor, and district redevelopment needs and activities.

- ✓ Research best-practice **redevelopment incentives and development tools** for potential application to individual or collective parcels and districts.
- ✓ Program and host an **annual Redevelopment Day**, including presentations on ongoing, completed, and potential redevelopment projects and a guided developers' tour of key sites and buildings.
- ✓ Work to ensure the appropriate **redevelopment of the ACC campus and other key redevelopment sites** in the Old Townsite.
- ✓ Incorporate redevelopment infrastructure priorities into any future city-wide **bond referenda**.

## 4. MAKE PEARLAND A MORE COMPETITIVE RECREATION AND CULTURAL DESTINATION FOR RESIDENTS AND VISITORS.

The impact of a community's arts, culture, and recreation amenities and other quality of life advantages on economic and talent development activities is a subject that causes disagreement among certain Pearland constituencies. Most public officials interviewed for this Mid-Course Update felt that investments in transportation and utilities infrastructure and core services such as education, police, and fire should not be compromised by spending to increase arts, culture, and recreation capacity (beyond parks already funded by the 2007 bond). They feel this is largely the role of the private sector, with the public sector contributing ancillary monies to advance development progress. Some public officials, however, and the majority of private sector leaders surveyed assert that residents and businesses of a fast-growing community of Pearland's size will have increasing expectations for the local provision of these amenities rather than having to consistently drive into Houston. There have also been developments on multiple fronts to increase support capacity for arts and recreation. If pursued, a multi-use events center (Strategy 6) could certainly have a positive impact on arts and cultural development based on the facility specifications and programming ultimately preferred by residents and supported by public officials.

### *4.1 Effectively implement the 2015 Pearland Parks and Recreation Master Plan.*

#### **STATUS:**

The Hickory Slough sports complex recently had its grand opening, while work on the Shadow Creek Ranch sports complex nears completion and the Centennial to Independence trail enters its design phase. Firms have also been selected to begin design of the Shadow Creek Ranch and Green Tee Terrace trail projects. In the process of developing its 2015 Master Plan, the City of Pearland Parks and Recreation department heard from the public that its priorities were to take care of existing facilities before additional resources are provided. As such, operations and maintenance (O&M) will become an increasing emphasis of the department, starting with a new Park Standards status hierarchy.

The Forever Parks Foundation in Pearland has filed for 501(c)(3) status and is moving forward with the help of contracted support from city staff. The Foundation Board of Directors has met, adopted by-laws, reserved a website address, is working on branding efforts, and is also discussing a potential fundraiser and priority projects.

#### **RECOMMENDATIONS:**

- ✓ Ensure that priorities confirmed in the **2015 Parks and Recreation Master Plan** and incorporated into the City of Pearland's new Comprehensive Plan are advanced, including the full provision of projected budgetary needs to support completion of 2007 bond projects and O&M of existing facilities.
- ✓ Through implementation of Pearland's **Trail Master Plan**, capitalize on opportunities from new subdivision developments to connect private trails to the public network as approved by private governing boards.

- ✓ Fully leverage the new **Forever Parks Foundation** to support development of new parks and recreation capacity. Determine the necessary protocols to also leverage the Foundation for O&M, as permissible.
- ✓ Leverage the potential future City of Pearland incorporation of a **Complete Street design approach** into on-street and protected trail planning and development.
- ✓ **Update the Master Plan** as needed to ensure the blueprint addresses issues and opportunities presented by Pearland's continuing growth and development.

#### ***4.2 Develop a sports marketing program to attract youth and adult athletic tournaments to Pearland.***

##### **STATUS:**

The potential development of a new BMX track in Pearland, coupled with two new sports complexes, the natatorium, and popular annual youth sports tournaments in Pearland, make local leaders confident that investing in marketing to attract youth sports activities remains a viable strategy for the city. As this activity was scheduled for implementation in the second half of Pearland 20/20, no results have been reported.

##### **RECOMMENDATIONS:**

- ✓ Assemble an inventory of **existing and planned local facilities and assets** that contribute to Pearland's competitiveness as a location for youth sports tournaments.
- ✓ Research campaigns from competitor cities to identify **potential niches or marketable assets** for Pearland.
- ✓ Work with prospects to determine what issues related to sports infrastructure and/or hospitality amenities might be **affecting Pearland's competitive position**; address these issues proactively as identified.

#### ***4.3 Partner with non-profit arts and culture organizations to grow Pearland's capacity in the sector.***

##### **STATUS:**

The Pearland Alliance for Arts and Culture (PAAC) received its official "tax exempt" status from the IRS; completed the development of its mission, vision, and strategy; developed a logo; launched a website; opened an office; and formalized its Board of Directors and Advisory Committee. Meanwhile, the 501(c)(3) Pearland Arts League (PAL) continues to serve as an advocate and programmatic partner for working artists and cultural organizations in the city. PAL is self-governing and community-directed, with membership open to all interested local citizens.

##### **RECOMMENDATIONS:**

- ✓ Identify ways for Pearland's non-profit arts and cultural entities to **better coordinate and collaborate**.

- ✓ Secure resources and develop a job description for a part- or full-time **staff person** for PAAC.
- ✓ Design an effective and sustainable **resource-development/fundraising plan** for PAAC.
- ✓ Ensure **partnerships** between PAAC and the City of Pearland, Pearland Chamber, Convention and Visitor's Bureau, PEDC, and other supportive entities are collaborative and productive.
- ✓ Consider charging PAAC with initiating a citywide **Arts and Cultural Survey** – perhaps as a component of annual citizens' surveys – to identify and build momentum for arts amenities in demand. This survey could form the basis of the eventual development of a Cultural Arts Plan for Pearland.

#### ***4.4 Advance current and potential arts-supportive programs, projects, and policies.***

##### **STATUS:**

In order to best support the development of key quality of life amenities, public and private partners should leverage existing efforts and propose and advance initiatives and projects with potentially beneficial impact on Pearland's arts and cultural sector.

##### **RECOMMENDATIONS:**

- ✓ Work to **revise the Pearland law** restricting establishments from selling alcohol without earning at least 51 percent of gross sales tax revenue from food sales. Ensure the effort has the resources necessary for effective public education and receipt of a sufficient number of signatures to put the measure on the ballot. Restrict approved applicants to **appropriate areas of the city** for these establishments.
- ✓ Effectively promote and expand the City of Pearland's **Pear Program** designed to spur local interest in the arts.
- ✓ Continue efforts by the City, CVB, PAAC, PAL, and others to plan, fund, and hold signature **festivals, events, and arts shows** in the city.
- ✓ Encourage the City of Pearland and Convention and Visitor's Bureau to partner with the Pearland Historical Society to explore potential restoration and reuse opportunities for the **Santa Fe Railroad Depot** in Pearland.

## 5. IMPROVE PEARLAND'S AESTHETICS THROUGH STRATEGIC COMMUNITY BEAUTIFICATION AND GATEWAY EFFORTS.

While a unified beautification strategy has not yet been undertaken, there has been much movement related to implementation of components of Strategy 5. Highlights include the approval of a SH 288 management district and revenue stream to maintain aesthetic improvements as well as development of a City Gateway plan. While the development of a comprehensive beautification strategy is slated for the second half of Pearland 20/20 implementation, the wording of Strategy 5 has been altered slightly to acknowledge progress made to date as well as broaden the beautification focus to include the installation of gateway markers. Mid-Course Update input participants emphasized the ongoing importance of beautification efforts and strongly supported its continued inclusion as a strategic priority.

### *5.1 Develop a comprehensive Pearland beautification strategy that outlines current priorities and institutes a unified approach and standard for all future efforts.*

#### **STATUS:**

Establishment of a task force to coordinate a beautification strategy was not undertaken, but aforementioned efforts related to SH 288 improvements and installation of gateway markers were pursued as well as entry features and landscaping on Cullen Boulevard and landscaping on Pearland Parkway and Dixie Farm Road. The City of Pearland and PEDC also worked with Clark Condon and Associates to develop new specifications and strategies for the maintenance of city rights-of-way and facilities.

#### **RECOMMENDATIONS:**

- ✓ Assemble a **volunteer team** to inform and confirm the development of a **unified beautification strategy** under the guidance of Keep Pearland Beautiful (KPB).
- ✓ Proceed with ongoing **corridor landscaping efforts**, adding priority roadways as feasible. Incorporate these efforts into the beautification strategy framework. Continue working closely with KPB to leverage their state funding for priority landscaping projects.
- ✓ Ensure new standard specifications and strategies for **maintenance of city rights-of-way and facilities** are implemented per contractual agreements.

### *5.2 Develop iconic and visually appealing gateways to Pearland.*

#### **STATUS:**

A focus group of local experts completed work on a City Gateway Plan in summer 2014. The plan includes an evaluation of existing conditions, results of multiple workshops, final design concept for an entryway monument, recommended locations and cost estimates.

**RECOMMENDATIONS:**

- ✓ **Proceed with construction** of the Cullen Boulevard gateway and design and construction for gateway features on Pearland Parkway, Dixie Farm Road, SH 35, and Kirby Drive.
- ✓ Per the City Gateway Plan, continue with identification of the **next priority roadways** for implementation of new gateway markers.
- ✓ Ensure that resources are available to facilitate **maintenance** of completed gateways.
- ✓ Work with local and regional media and other public and private partners to **promote the gateway initiative** and tie it back to the Pearland 20/20 vision and priorities.

***5.3 Expand participation in city-wide clean-up efforts and events.***

**STATUS:**

This action was slated to be addressed in the second phase of Pearland 20/20 implementation. It will principally be focused on partnerships with KPB to support and expand its beautification programs.

**RECOMMENDATIONS:**

- ✓ Work with KPB to develop **volunteer recruitment strategies** to facilitate greater participation in clean-up efforts. Incorporate this activity into all relevant internal marketing messages and outreach (see Strategy 9).
- ✓ Consider adding anticipated **performance metrics** to contracts with KPB to formalize accountability measures for their programs.

***5.4 Optimize the siting and replacement of power poles/lines in Pearland.***

**STATUS:**

The City of Pearland and PEDC have had multiple meetings with Centerpoint to discuss this issue.

**RECOMMENDATIONS:**

- ✓ Work to advance discussions and negotiations with Centerpoint to establish **binding agreements** to revise and adhere to utilities infrastructure siting based on local aesthetic-improvement goals.

***5.5 Continue working to implement and enhance programs to address distressed properties and code violations in Pearland.***

**STATUS:**

Though an official city-demolition program for distressed properties has not been developed, activity has taken place around this issue. The City of Pearland established a SNAP (Safe Neighborhoods Around



Pearland) team that evaluates distressed properties, while the Eyes of Pearland program managed by City Code Enforcement relies on citizens to report code violations for the City to address.

**RECOMMENDATIONS:**

- ✓ Determine the need to formalize current efforts into an **official City of Pearland program** to demolish properties conforming to established levels of distress. Evolve the **SNAP program** as necessary to reflect the formalized demolition initiative.
- ✓ Report and track all complaints filed through the **Eyes of Pearland program** to ensure that participating citizens are informed of progress of their complaints, follow-up is undertaken when necessary, and code violators maintain their property in accordance with established regulations.

## 6. IMPLEMENT PLANS TO DEVELOP THE LOWER KIRBY URBAN CENTER AS PEARLAND'S MOST INTENSIVE MIXED-USE EMPLOYMENT, RESIDENTIAL, AND ENTERTAINMENT DISTRICT.

Much of the positive economic development momentum that Pearland has enjoyed since the launch of Pearland 20/20 can be tied to public and private investments made in the Lower Kirby Urban Center (LKUC). While many stakeholders identified Pearland Town Center as a real opportunity for denser, more "urban" mixed-use projects in the city, LKUC and associated opportunities such as the proposed Ivy District continue to be the largest, best positioned, and highest-value employment locations for development of a potential "downtown" Pearland. Certain activities that would advance the district in this regard are slated for implementation in the second half of the Pearland 20/20 cycle.

### ***6.1 Implement the recommendations of the Lower Kirby Urban Center Master Plan and Implementation Strategy.***

#### **STATUS:**

In 2014, the City of Pearland, the Lower Kirby management district, and Pearland Management District #1 (PMMD1) approved multiple agreements to implement regional detention including a master drainage plan, interlocal agreements, and financing agreements. Preliminary engineering and phase I improvement design are underway. Efforts are also proceeding to incorporate TxDOT's existing drainage ditch into the detention system and implement roadway reconstruction and utilities extensions.

#### **RECOMMENDATIONS:**

- ✓ **Continue implementation** of the LKUC Master Plan and implementation framework.
- ✓ Determine if and when any **adjustments, revisions, or updates** are needed for the Master Plan based on ongoing activities and future conditions.

### ***6.2 Aggressively market the LKUC through all relevant channels.***

#### **STATUS:**

While targeted marketing strategies for LKUC will be pursued in the second phase of Pearland 20/20 implementation, the PEDC already incorporates the district into all of its external marketing efforts and materials. Successful recent recruitments in the Lower Kirby Urban Center include: Cardiovascular Systems, Inc., Merit Medical, Dover Energy, Mitsubishi Heavy Industries Compressor Corporation, and IMC Group's Tool-Flo Manufacturing.

#### **RECOMMENDATIONS:**

- ✓ Create a stand-alone **LKUC website or differentiated microsite** on PearlandEDC.com. Include scrolling feeds of LKUC-related announcements and other information. Prominently feature the URL in

Pearland economic development materials and the websites of local, state, and regional partner governments, organizations, and agencies.

- ✓ Create **electronic and printed information sheets** for the Lower Kirby district for placement on the LKUC and PEDC websites.

### ***6.3 Formalize and maintain a consistent identity for the LKUC.***

#### **STATUS:**

Branding and signage strategies for LKUC were slated for implementation in the second phase of the Pearland 20/20 cycle.

#### **RECOMMENDATIONS:**

- ✓ As resources allow, proceed with contracting for the development of a Lower Kirby **branding and messaging platform**, potentially linked with the proposed development of the LKUC website and collateral (see 6.2).
- ✓ Based on the approved graphical framework, commission the development of light pole **banners**, custom **street signs**, and (potential) **wayfinding** signage for Lower Kirby.
- ✓ Determine if the addition of **Lower Kirby gateway signage** warrants incorporation into the City Gateway Plan.

### ***6.4 Encourage the development of quality of life amenities in the LKUC.***

#### **STATUS:**

This action was slated for pursuit in the second phase of Pearland 20/20 implementation.

#### **RECOMMENDATIONS:**

- ✓ Ensure that development of **active and passive recreation space and other amenities** as reflected in the LKUC Master Plan is pursued as the market demands.
- ✓ Facilitate **public-private partnerships** to fulfill development of recreation space in the district.

## 7. CONSTRUCT A MULTI-USE EVENTS CENTER IN PEARLAND.

All components of Strategy 7 were slated for pursuit during the second half of Pearland 20/20 implementation. That does not mean, however, that discussion on the viability of, funding for, specifications of, and uses for some type of events facility has not taken place between public and private leaders in the city as well as constituency groups for the arts and tourism. There is near-universal agreement that Pearland needs some type of major facility to accommodate large groups of people. But that is where the consensus ends; some feel the building should be dedicated to the arts, others to conventions and conferences, others to sports and concerts, and some for a facility flexible enough to accommodate many or all of these different functions. Even if groups reach consensus on the principal function(s) of the center, there is disagreement among key constituencies how construction, operation, and promotion of the facility should be funded. Elected officials and city staff largely believe the private sector should be the principal funder of an events center. Private sector stakeholders and champions of the arts and culture sector feel that the City of Pearland should bear the greatest burden for project funding because the private development community has yet to demonstrate any interest in such a facility.

Market Street feels it is beyond the scope of this Mid-Course Update process to make any prescriptive recommendations related to the dynamics of a multi-use events center. These are discussions and decisions that must take place among Pearland citizens, businesses, and their government. That said, however, Market Street has provided information in **Appendix B** of this report on multiple events centers in Texas metropolitan areas, selected descriptions of their specifications, and – as available – how these facilities were financed. It is hoped that this information can help inform the conversations around event center dynamics and, ultimately, build consensus behind the way forward on facility design, programming, and construction.

### *7.1 Launch a public process to inform the development of a multi-use events center.*

#### **STATUS:**

In January 2014, the City of Pearland held a joint workshop with PISD officials and one issue discussed was the potential for a civic or events center for shared use between the city and district. Both entities thought development of a facility was a great idea and discussed creating a committee to further explore the project. The Pearland City Council discussed this opportunity in a March 2014 workshop, but determined that the initiative would need a majority partner from the private sector to be viable. Most leaders now feel that the concept of “multi-use” as it applies to an events center should be more fully fleshed out and a menu of potential development options developed and debated for advancement.

#### **RECOMMENDATIONS:**

- ✓ Contract with a firm or identify in-house capacity to launch a formal **public outreach and discussion** process around possibilities for the development of **one or more multi-use event facilities** in the city. Potentially leverage existing tools like the annual citizens’ survey for this purpose.

- ✓ Consider holding **planning charrettes** and other engagement processes to identify public preferences and begin to solidify priority design and use specifications.
- ✓ Based on public outreach, conduct a **market study** to assess and confirm the viability of citizen preferences.
- ✓ Leverage the market study to inform **public official discussion** related to potential options for event center funding, construction, programming, and operations. Put a finalized vision to a vote of the City Council for approval and advancement.

***7.2 Proceed with multi-use events center development based on expressed public preferences and leadership consensus around funding and operational dynamics.***

**STATUS:**

Design, programming, and construction activities would of course be preceded by the approval of preferred event center dynamics based on public discussions and a vote of the City Council. The final approved dynamics of a multi-use events center will largely determine the tactical steps of this action.

**RECOMMENDATIONS:**

- ✓ If the approved events center will be a **publically funded facility**, incorporate project costs into a proposed City of Pearland (and, potentially, PISD and other partners') annual budget and proceed with the necessary steps to gain funding approval. Issue a **Request for Proposals** for facility design, engineering, and construction.
- ✓ If the approved events center will leverage **private investment** (either as a 100 percent, majority, or minority funder), issue a **Request for Proposals** to solicit private-sector interest and submissions for project development.
- ✓ In both scenarios, processes will have to be developed and approved to **program and promote** the facility.

## 8. ADVANCE LOCAL EDUCATION AND WORKFORCE DEVELOPMENT PIPELINES IN PEARLAND.

Efforts to enhance education and training in Pearland have largely occurred outside the context of Pearland 20/20. That does not mean that work to connect businesses with local schools or development of career-focused programs and curricula did not take place after the 2013 strategy launch, only that efforts were not incorporated under the Pearland 20/20 framework. Stakeholders participating in Mid-Course public input stressed that there are more opportunities to support education and training in the city, and Pearland 20/20 could be an effective vehicle to drive some of these efforts.

### *8.1 Seek to create a coalition of partners supporting education and training in Pearland.*

#### **STATUS:**

Pursuit of the original action item was slated for the second half of Pearland 20/20 implementation. However, rather than create a formal strategic plan or new capacity, stakeholders said it was more feasible to leverage existing entities to enhance and coordinate education and training support in Pearland. While many of these relationships already exist, being more intentional about the need for and opportunities to bring entities together could ensure that local educational performance continues to be strong.

#### **RECOMMENDATIONS:**

- ✓ **Identify and approach partners** for participation in the educational-support coalition. These would include K-12 districts, Alvin Community College, University of Houston-Clear Lake Pearland, the City of Pearland, the Adult Reading Center, Pearland Chamber's Education Committee, the PISD Foundation, PEDC, Northern Brazoria County Education Alliance, and others. Determine which entity could **take a lead role** in administering the coalition.
- ✓ **Establish guidelines** for the coalition's leadership structure, mission, meeting frequency, goals, and outreach strategies. Ensure the presence and promotion of coalition activities are **incorporated into internal communications** (Strategy 9) efforts.
- ✓ Consistently assess the potential opportunity to **more formally establish** the coalition through branding, staffing, or incorporation.

### *8.2 Foster and manage partnerships to formalize career pathways in Pearland-area schools.*

#### **STATUS:**

Targeted pursuit of this action item was planned for the second half of Pearland 20/20 implementation. In fact, the opening of Turner College and Career High School has already gone a long way towards engaging the business community in career-focused education and curricula development. Building on the success of Turner, more opportunities exist to better direct local students towards high-value careers in demand.

**RECOMMENDATIONS:**

- ✓ Continue to position **Turner College and Career High School** as the city’s most logical tool for engaging students in college- and career-focused and linked training. Leverage the proposed new **Alvin ISD Career and Technical Education Center** as another local tool to spur student interest in career training. Ensure that Turner’s **business roundtable luncheons** are productive and lead to actionable outcomes for driving student interest in and success with career-focused education. Fully support dual credit courses with **Alvin Community College** as alternatives for students not interested in four-year schools as well as ACC’s efforts to potentially partner with the Texas Workforce Commission on basic and vocational training.
- ✓ Complement Turner’s efforts through engagement with **career and technical education** (CTE) programs in public schools across Pearland.
- ✓ Fully leverage literacy, English as a Second Language (ESL), GED, and other programs from the **Adult Reading Center** to position Pearland’s working-age population for the labor force. Support **career-focused advisement services**, including Integrating Career Awareness, Roots of Success Curriculum, and career-directed counseling from Center staff.
- ✓ Consider the most effective way to leverage the proposed education and training coalition (Action 8.1) as a **tool to formalize partnerships** between Pearland employers, ISDs, and higher education institutions. These partnerships could potentially include the creation of industry-focused committees discussing training needs in Health Care, Information Technology, and/or Manufacturing. Opportunities for **business community volunteers** to serve as mentors, providers of internships or apprenticeships, job-shadowing hosts, or consultants informing curricula development and purchase of equipment could also be pursued.
- ✓ Develop a **business community survey tool**, perhaps managed by the BizConnect, the Business Training Council, or the education and training coalition, to determine specific hiring plans, workforce needs, skill sets in demand, and other information for Pearland businesses. Leverage the survey results in planning and programmatic development for Pearland ISDs and higher education institutions.

***8.3 Support the development of new and expanded educational facilities in Pearland.***

**STATUS:**

Since the launch of Pearland 20/20, the aforementioned Turner College and Career High School has opened, while construction has started on the new Shadow Creek High School. The University of Houston-Clear Lake has also requested and received \$26.4 million in the 2015 state legislative session for the development of a new Health Sciences building at its Pearland campus. Because the development of new public ISD campuses is closely tied to population growth and is driven by specific and established planning processes, the principal support that would likely need to be provided for campus development and/or expansion is advocating for sufficient funding appropriations and supporting any public bond elections dedicated to increasing available resources for public schools. For public higher education institutions, lobbying at the state level for requested program and facility funding would also be impactful.

**RECOMMENDATIONS:**

- ✓ Through state and local advocacy, support the **sufficient provision of resources** for enhanced and new campus buildings and programs across the Pre-K to 16 spectrum. This includes a **Pearland ISD bond election** in fall 2016 or spring 2017 and the fall 2015 **Alvin ISD bond election** for campus renovations and expansions.
- ✓ Continue to **support UHCL** in their efforts to expand the Pearland campus.
- ✓ Ensure that the conversion of the old Manvel High School to a **career-training campus** is completed after the opening of the new Shadow Creek High School.
- ✓ As feasible, advocate for the development of academic facilities that also have **community-serving spaces and functions** during school off-hours.

***8.4 Strive to increase matriculation rates for Pearland-area students choosing to attend college.***

**STATUS:**

This action was slated for implementation in the second half of the Pearland 20/20 cycle. While higher education placement support capacity exists through local school districts' college counseling staff, these personnel are often charged with multiple counseling responsibilities and **cannot devote sufficient time** to college-placement advising. Therefore, any additional **support that can be provided by community and business volunteers** would benefit Pearland students seeking information and advice on opportunities for attending college.

**RECOMMENDATIONS:**

- ✓ In some communities, business volunteers sit down with students and their families to **help them fill out FAFSA (federal student aid) forms**, which can be confusing. This could be an effective way for business representatives to support student matriculation goals.
- ✓ Opportunities for **volunteer mentors** for local high school students can extend to supporting graduates seeking to move on to higher education.
- ✓ Pearland school districts should consider conducting an **annual survey of high school seniors** to quantify their post-secondary plans and assess their college readiness. Matriculation rates should be tracked and **follow-up surveys** conducted to quantify the percentage of Pearland high school graduates who earn a college degree.

## 9. DEVELOP AN INTERNAL MARKETING CAMPAIGN TO INCREASE AWARENESS AND PROMOTION OF PEARLAND AND ITS ASSETS.

All Strategy 9 activities were reserved for the second phase of the Pearland 20/20 cycle. Though the challenges of effectively engaging with Pearland stakeholders and providing them with information on local activities, projects, programs, and progress were said to be numerous (and some officials have given up on ever reaching large numbers of residents), the Pearland 20/20 Steering Committee and other leaders feel that the development and implementation of an internal marketing program is still a priority concern for the city. As is often said, a community's residents and businesses are its best salespeople; if they have negative perceptions about their city or are uninformed as to current trends and activities, they will not be able to promote Pearland to their friends and colleagues, both inside and out of the city. As was noted by certain input participants, the "squeaky wheels" in Pearland are not necessarily the majority. Citizens of the city largely "don't take their voice" when it comes to local policy and activities. Another said that there are certainly a number of people in Pearland who do not care about the city, but "the best we can do is engage the people who DO care." Leaders said that more effective outreach and internal communications efforts would also help chip away at the so-called "east-west" divide between "old-timers" in Pearland and more recent arrivals.

### *9.1 Design, develop, and launch a Pearland internal marketing campaign.*

#### **STATUS:**

Although the internal campaign is the focus of Strategy 9, the Steering Committee also emphasized that internal communications with Pearland stakeholders **should be a component of every Pearland 20/20 strategy** in some shape and form. This creates the need to coordinate and incorporate multiple messaging components as effectively as possible into a consistent whole.

#### **RECOMMENDATIONS:**

- ✓ Put together a **Working Group** of public, private, and civic leaders to oversee the internal marketing effort. Engage the services of local communications and marketing professionals in support of the effort, if possible.
- ✓ **Develop an inventory** of all existing internal communications tools, programs, and processes, including the Pearland Chamber's PearlandVotes.com website, the multiple online, mobile-based, and traditional outreach channels of the City of Pearland, outreach efforts of key partners such as local school districts, the Pearland CVB, arts organizations, neighborhood associations, and other tools.
- ✓ Determine how to best **incorporate and coordinate** – and enhance, if necessary – existing capacity along with any **new tools** required to effectively communicate the many aspects of Pearland's story to current residents and businesses.
- ✓ Coalesce all elements into an internally focused **branding and messaging campaign** targeting stakeholder groups across all constituencies and geographies in Pearland. As best as possible, **ensure consistency** across multiple media, channels, and partner entities.

### ***9.2 Initiate a public dialogue on the sustainability of residential development in the City of Pearland.***

**STATUS:**

An issue that has gained increased recent attention in Pearland, especially with tightening budgets and an unbalanced debt to revenue ratio, is the sustainability of residential development to support new infrastructure and services. According to some estimates, Pearland is essentially “losing” thousands of dollars on each new home constructed at a median price point because the cost of supplying services to the house is greater than revenue from its accrued property taxes. A number of city officials feel the time has come to address this dynamic, some even calling it the “biggest single issue” Pearland will face over the coming years. Even if agreement is reached around the issue of unsustainable housing, “solutions” to the challenge will also require discussion and consensus-building. Indeed, many believe that the development of higher cost housing is not limited by current zoning regulations, house or lot sizes, but by psyches and attitudes of builders and buyers associating Pearland housing with a particular value range.

Another concern raised by some city stakeholders is the lack of diversity in Pearland’s housing product, specifically the dearth of higher-end multi-family residences, for-purchase condo and townhome projects, and housing in mixed-use developments. Discussions around the risks and benefits of more diverse housing choices in Pearland could be incorporated into public conversations on residential sustainability.

**RECOMMENDATIONS:**

- ✓ Develop consensus around the **need for public outreach and dialogue** on housing sustainability in Pearland.
- ✓ Prepare data-supported **existing condition and trend analyses** to inform narratives framing public conversation on the issue. **Disseminate information** through channels and techniques leveraged for the internal communications campaign and Pearland 20/20 strategy-by-strategy outreach.
- ✓ Based on the tenor of public debate, work towards **identification and advancement of strategic solutions** to address housing sustainability issues.

### ***9.3 Hold an annual public event celebrating Pearland and its progress.***

**STATUS:**

This action was slated for implementation in the second half of the Pearland 20/20 cycle. Stakeholders believe the recommendation still has merit and should remain in the plan.

**RECOMMENDATIONS:**

- ✓ **No adjustments** are recommended for this Strategic Action. Design and advancement of a public event should be pursued in the final years of initial Pearland 20/20 implementation.

## CONCLUSION

Even as its growth slows from historically high levels, Pearland continues to be a destination community of choice in the greater Houston area. Strong schools, safe streets, a geographically advantageous location, an increasingly diversified economy, and other factors contribute to the city's continued desirability. Reflective of its proactive history of planning to support growth and investment, the development and activation of Pearland 20/20 in its first years of implementation has achieved many successes and enabled key local priorities to be incorporated under a coordinated framework of partners administered by the City of Pearland and its economic development corporation. The midpoint of the initial Pearland 20/20 strategic cycle has been a useful time to take a step back, assess the initial years of plan implementation, and adjust the dynamics of the strategy to reflect current trends, challenges, and opportunities.

Quantitative and qualitative research conducted for this Mid-Course Update has confirmed that the nine Pearland 20/20 strategies continue to reflect the city's priorities. Adjustments were proposed and approved for certain action areas and tactics to ensure that Pearland 20/20 remains a representative blueprint for the city's future strategic efforts. With the recent development of a new Comprehensive Plan, Parks and Recreation Master Plan, and other strategic processes, this refreshed Pearland 20/20 report must be implemented in coordination with the advancement of these other local frameworks. Continued success will require the PEDC and its partners to remain focused on integration of Pearland 20/20 with all relevant activities designed to maintain Pearland's standing as destination suburb in the Houston metro.

While public and private leaders do not agree on the specifics for certain of Pearland 20/20 action areas, they are nevertheless united in the understanding that the city must continue to evolve and innovate in order to be competitive for the top companies and talent in today's economy.

## APPENDIX A: OPERATIONS

The following pages offer proposed adjustments and enhancements to the operational management of Pearland 20/20 to ensure that the initiative continues successfully. As opposed to the recommendations in the bulk of this report, these suggestions focus on the administration and communication of the strategy itself.

### PARTNER AND VOLUNTEER ENGAGEMENT

The success of the Pearland 20/20 process ultimately depends on the level of engagement of implementation partners and volunteer leadership. In order to ensure that its partner and volunteer base remains engaged and energized, Pearland 20/20 should better communicate with volunteers about how their work fits into the strategic “bigger picture.”

#### *Considerations:*

- ✓ Assess opportunities to provide **more frequent communications** to Pearland 20/20 participants without becoming burdensome. Options include an internal e-newsletter produced quarterly to update all interested participants – including but also expanding beyond the Steering Committee – on the latest implementation-related activities across all nine strategies; joint meetings between different planning committees to hear presentations on the other’s work; and an online, password-protected portal for implementation partners and volunteers to access updates, reports, and engage in electronic dialogue and information-sharing.
- ✓ The Pearland 20/20 Steering Committee indicated a willingness to **meet more frequently**, potentially four times a year, to hear implementation updates.

### COMMUNICATION OF PEARLAND 20/20 PLAN

A key theme to emerge from public input was the need for awareness of Pearland 20/20 to be improved in the community at large. The early stages of implementation have included plenty of successful achievements; these success stories, in addition to the broader goals of the strategy, need to become more embedded in the Pearland community mindset.

#### *Potential actions:*

- ✓ Pearland 20/20 communications will almost certainly be incorporated into the internal marketing program in Strategy 9, but **differentiated messaging** would also be helpful. Options include an annual or bi-annual insert in one or more local publications; a consistently updated social media feed; a P20/20 logo displayed prominently on the PEDC, Chamber, and City websites linking to the strategic website; an annual Pearland 20/20 Summit open to all residents to hear updates from staff and volunteers on strategic implementation; and a Pearland 20/20 Annual Report detailing progress on the plan and upcoming activities.



- ✓ Leveraging implementation staff, partners, and volunteers to **actively promote the strategy** through engagements with their colleagues and networks. A list of talking points or a Speaker's Bureau presentation could be developed to support implementation participants in telling the story of Pearland 20/20.
  
- ✓ Any enhanced Pearland 20/20 communication efforts should **emphasize the metrics** being used to gauge the performance of the strategic implementation.

## APPENDIX B: EVENT CENTER ANALYSIS

*The following examples of suburban events centers in major Texas metros is intended to provide context for the City of Pearland's efforts to develop a multi-use events center through the Pearland 20/20 process.*

**Allen Event Center, Allen, TX:** Opened in 2009, the Allen Events Center is a multi-sport and entertainment event space with a capacity of over 8,100. The Event Center is home to the Allen American (Canadian Hockey League), the Allen Wranglers (Indoor Football League), and the Tom Thumb Texas Stampede (pro rodeo). Numerous high-profile music acts and other traveling shows have been booked in Allen as opposed to the region's highest population cities.

<http://alleneventcenter.com/Index.aspx?NID=100>

The \$59.6 million facility was paid for by the City of Allen through voter approved bonds. In May 2009, voters approved \$119 in bonds required to build the Allen Event Center, as well as a performing arts center and a district service center. The bonds were approved by 63 percent of voters. At the time, the bonds raised the district's debt level to \$490 million, and were funded by a 7-cent property tax increase and restructuring of some of the district's existing debt.

Source: <http://www.dallasnews.com/sports/high-schools/allen-news/headlines/20120825-state-of-art-eagle-stadium-rises-from-recession.ece>

**Cedar Park Center, Cedar Park TX:** The Cedar Park Center, which opened in 2009, is a multi-purpose event venue with capacity up to 8,700 for concerts (configurations also accommodate hockey games and theater style events). The Center is home to the Texas Stars and has hosted Cirque du Soleil, Disney on Ice, and George Strait. The Center can also host seminars, banquets, and exhibition/trade shows.

[http://www.cedarparkcenter.com/arena\\_info](http://www.cedarparkcenter.com/arena_info)

The \$55 million dollar Center was paid for primarily by the city via \$43 million in voter-approved sales tax money with the remaining \$12 million being covered by Hicks Cedar Park, LLC. Multiple attempts to fund the Center's construction via voter-approved bonds failed in the early 2000s, before the Cedar Park 4A Board proposed funding the project with 4A bonds, which voters approved in November 2006. Funding for the Center did not require any property tax increases. As part of the agreement, Hicks agreed to pay rent of \$2.5 million over 25 years, with the first five years being rent-free. Event proceeds were agreed to be split evenly by the city and Hicks Cedar Park.

As part of the agreement between the City and Hicks, Hicks purchased 17 acres of land around the Center with the intention to turn it into mixed-use development. In 2013, the Cedar Park City Council approved economic incentives for the 17-acre tract of land around the Center owned by Hicks. Under the agreement, Hicks would receive 80 percent of property taxes and city sales taxes collected from development on the land. The agreement would expire in 10 years of when Hicks Cedar Park received \$2 million worth of incentives.

In 2014, the Northland Properties Corporation acquired the Cedar Park Center from Hicks, and formed the Texas Stars LLP. to operate the Cedar Park Center under the long-term lease running through 2034.

Source: <http://recenter.tamu.edu/newstalk/newstalkSearch.asp?CID=41557>  
<http://www.statesman.com/news/news/local/agreement-sets-stage-for-growth-near-cedar-park-ce/nZ2FS/>  
<http://www.cedarparkcenter.com/news/detail/northland-properties-corporation-completes-acquisition-of-texas-stars-and-assumes-control-of-cedar-park-center>

**Cynthia Woods Mitchell Pavilion, The Woodlands, TX:** Built in 1990, and renovated in 2008 after damage sustained by Hurricane Ike, the Cynthia Woods Mitchell Pavilion is an amphitheater with 6,500 covered seats and a lawn with capacity for 10,000. The Pavilion is the Summer Home of the Houston Symphony and Home Away from home of Houston Ballet. The facility has an affiliated nonprofit and is governed by a volunteer board.

<http://www.woodlandscenter.org/about.html>

The \$10 million pavilion was paid for by The Woodlands Corporation as a gift to the community. Local philanthropists, George and Cynthia Mitchell, personally donated several millions of dollars to various Houston-area arts organizations to help stage their productions at the Pavilion.

Source: <http://www.rgiwoodlands.com/history/1109%20Galatas.pdf>

**Curtis Cullwell Center, Garland, TX:** Opened in 2005, the Curtis Cullwell Center is owned by the Garland ISD. It was built to host graduations while also providing space for other community events. The center has 190,000 square feet, can host 7,000 people, and has a lecture hall in addition to the arena space and extra meeting rooms. The total cost of the center was \$31.5 million.



[http://www.specialeventscenter.com/about\\_the\\_center/index.cfm](http://www.specialeventscenter.com/about_the_center/index.cfm)

The Curtis Cullwell Center's construction was approved and financed by voters in a bond election in 2002. Revenue bonds were the primary source of funding for the project.

Source: <http://www.educationdesignshowcase.com/view.esiml?pid=37>

**Merrell Center, Katy, TX:** Opened in 2005, the Merrell Center offers 145,000 square feet for events such as graduation ceremonies, banquets, trade shows, conventions, sporting contests, and concerts. Funded by a Tax Increment Reinvestment Zone the Center is located adjacent to Katy ISD facilities, but the bonds are not ISD debt. The debt



is retired with property tax revenues from the Katy Mills Mall

<http://www.merrellcenter.org/general-information/arena-history>

The Merrell Center was funded via a Tax Increment Reinvestment Zone (TIRZ), developed in partnership with the City of Katy and the Katy Development Authority. Property taxes generated by the Katy Mills Mall, the largest taxpayer in the Katy ISD, were used to pay for the Merrell Center and its operations. The bonds are not Katy ISD bonds, but are issued by the City of Katy and the Katy Development Authority.

Source: <http://www.merrellcenter.org/general-information/arena-history>

**Dr. Pepper Arena, Frisco, TX:** The Dr. Pepper Arena is a multi-purpose sports and entertainment venue that is home to the Texas Tornados (NAHL) and the Texas Legends (NBA Development League). The facility can seat between 5,000 and 7,000 people and can accommodate 2,100 vehicles. The facility can host concerts, family shows, graduation ceremonies, trade shows and many other live entertainment events.

<http://www.drpepperarena.com/page/show/192432-about-dr-pepper-arena>

The Dr. Pepper Arena is a city-owned property that cost \$27 million to construct. The project was supported via a public/private partnership where \$20 million in bonds was covered by the public, and the remaining \$7 million was funded by Southwest Sports Group (SSG). The City of Frisco and SSG executed a lease contract where SSG pays the City of Frisco an annual lease payment that funds a portion of the annual debt retirement.

Source: <http://www.nlc.org/documents/Influence%20Federal%20Policy/Policy%20Committees/CED/ced-presentation-frisco-tax-increment-financing-sept2010-pdf.pdf>

**Mallet Event Center, Levelland, Texas:** Opened in 2012, the Mallet Event Center & Arena has 155,000 square feet, including an air-conditioned arena, banquet hall, exhibit hall, and patio area. Funding for the facility was provided by a 2009 bond referendum. The facility also has a horse barn that will be able to accommodate up to 300 horses.

<http://www.malleteventcenter.com/>

The Mallet Event Center was funded entirely via a \$15 million bond issue that was approved by the voters of Hockley County in May 2009.

Source: <http://redraiders.com/local-news/2010-07-10/hockley-county-celebrate-start-building-construction#.Vfr M5d1Y21>



## IMPLEMENTATION ASSESSMENT PEARLAND 20/20 MID-COURSE UPDATE

Submitted by *Market Street Services, Inc.*  
[www.marketstreetservices.com](http://www.marketstreetservices.com)

August 28, 2015

**MARKET ST**



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## OVERVIEW

In 2012, the Pearland Economic Development Corporation (PEDC) partnered with Market Street Services to facilitate an eight-month long strategic planning process that culminated in the creation of **Pearland 20/20**, a comprehensive five-year vision strategy for the Pearland community. The strategic planning process was led by a 23-member Steering Committee of diverse public and private sector leaders who invested themselves in the process with the intent to take Pearland to the next level of success. Leveraging comprehensive research, public input from hundreds of community members, and the guidance of top community leaders, the Pearland 20/20 strategic vision plan identified nine high value strategies focused on key elements of Pearland's competitive position, future opportunities, and top challenges.

While the initial years of Pearland 20/20 implementation have been active, it is important that this positive early momentum be sustained through the remaining years of the implementation process. If the Great Recession taught us anything, it is that a community cannot rest on its laurels when it comes to community and economic development. This is especially true in a region like greater Houston that is currently experiencing a decline in its oil and gas sector, one of the key drivers of its recent success.

The purpose of the **Pearland 20/20 Mid-Course Update** is to allow the PEDC and its partners to take a step back and reflect on the first two-plus years of implementation before shepherding the plan through the final stages of its first cycle. The update is comprised of two principal reports. The **Implementation Assessment** leverages quantitative and qualitative data to determine the strategic components that have been advanced most effectively, those that have lagged or yet to be initiated, and some of the challenges and opportunities related to the nine Pearland 20/20 strategies. The Assessment was informed by public input involving over 100 local stakeholders from public, private, non-profit, and institutional sectors. The **Strategic Recommendations** will leverage the findings of the Implementation Assessment and public input components to determine any adjustments that need to be made to the Pearland 20/20 strategies for the final years of its initial implementation cycle.

Ultimately, the Mid-Course Update will not result in a "new" strategy, but rather a fine tuning of the existing nine strategic goal areas that comprise Pearland 20/20 to reflect the experience of implementation to date as well as the city's current competitive realities and opportunities.

# QUANTITATIVE ANALYSIS

Ideally, economic and demographic performance trends would be assessed to provide perspective on the early implementation progress of Pearland 20/20. However, because of the timing of the initiative’s launch and the typical lag of government reporting, current data that could speak to direct or indirect Pearland 20/20 impacts were not available. Market Street will instead summarize the results of a city-contracted data study, the 2014 Benchmarking Report, and present a handful of additional indicators not included in the Benchmarking report but germane to Pearland 20/20 strategies.

Ultimately, Market Street recommends that an assessment protocol be developed to track quantitative metrics for a selected number of performance measurements so that investors and partners can be apprised of Pearland 20/20 impacts, challenges, and opportunities. This process would be led by PEDC and/or partnering organizations, and would provide an opportunity to keep public and private stakeholders informed about the strategy and invested in its outcomes.

## Summary of City of Pearland Benchmarking Report

The aforementioned November 2014 Benchmarking Report was prepared for the City of Pearland that compared Pearland’s performance across a number of data indicators to that of several other cities in the state of Texas and the United States. A total of nine comparison cities were selected for this report, including the three cities (Franklin, TN, McKinney, TX, and Sugar Land, TX) included in the Pearland 20/20 report as benchmark communities. The selected cities and their respective metropolitan area are listed in the following table.

City	Metro Area
Cary, NC	Raleigh-Durham
Franklin, TN	Nashville
Frisco, TX	Dallas-Fort Worth
League City, TX	Houston
McKinney, TX	Dallas-Fort Worth
Olathe, KS	Kansas City
Plano, TX	Dallas-Fort Worth
Rancho Cucamonga, CA	Riverside-San Bernardino
Sugar Land, TX	Houston

## KEY FINDINGS FROM THE BENCHMARKING REPORT

The following categories and findings summarize the components of the November 2014 Benchmarking Report germane to Pearland 20/20. Certain indicators from the Report were not summarized because their data years were the same as reported in the original Pearland 20/20 Competitive Assessment from 2012.

### *Land Use Indicators*

- Pearland ranked last among the comparison cities in both developed city park acreage (175 acres) and park acreage as a percentage of total city area (0.6 percent). Plano, TX ranked first in both metrics, with 4,002 developed city park acres and 8.7 percent of the city area comprised by parks.
  - It is worth noting that privately-owned and operated neighborhood parks and green spaces in Pearland are not included in these rankings.
- Pearland ranked 7<sup>th</sup> in FY2013-2014 in the total taxable value of real property per capita (\$74,587). Cary, NC ranked first with a per capita value of \$157,118.
- Pearland's commercial/residential split in FY2013-2014 was 27.9 percent commercial/72.1 percent residential. This breakdown was comparable to the other comparison communities.

### *Public Finances Indicators*

- Pearland ranked sixth out of the comparison communities in budget expenditures per capita in FY2013-2014 (\$967). Frisco, TX ranked first with budget expenditures per capita totaling \$1,362.
- Pearland had the second highest amount of debt outstanding per capita in FY2013-2014 (\$3,289) out of all the comparison communities. Frisco, TX had the highest amount at \$4,531.

### *City Staff Capacity*

- Pearland ranked fifth with a population to city staff position ratio of 137.8 to 1.

### *Real Estate Market Trends<sup>1</sup>*

- Pearland's average rent per square foot for the office submarket (\$26.41) was the highest of all the benchmark communities.
- Pearland's office occupancy rate (89.2 percent) was the second highest of the benchmark communities behind only Franklin, TN (95 percent).
- Pearland's office market inventory (9.7 million sq. ft.) was the fourth lowest of the benchmark communities. Frisco, TX had the highest office market inventory at 37.9 million sq. ft.
- Pearland had the fourth highest average rent per square foot of applicable industrial submarket (\$7.56). Cary, NC had the highest (\$9.31) and Franklin, TN had the lowest (\$4.56).
- Pearland had an industrial occupancy rate of 95.5 percent, which was the second highest of the benchmark communities behind only Rancho Cucamonga, CA (97 percent).

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<sup>1</sup> Source used was CBRE 2Q 2014 Market Reports and PM Realty Group 2Q 2014 Office Market Report. The applicable CBRE submarkets for Pearland were "South Main/South" for office and "South" for industrial.

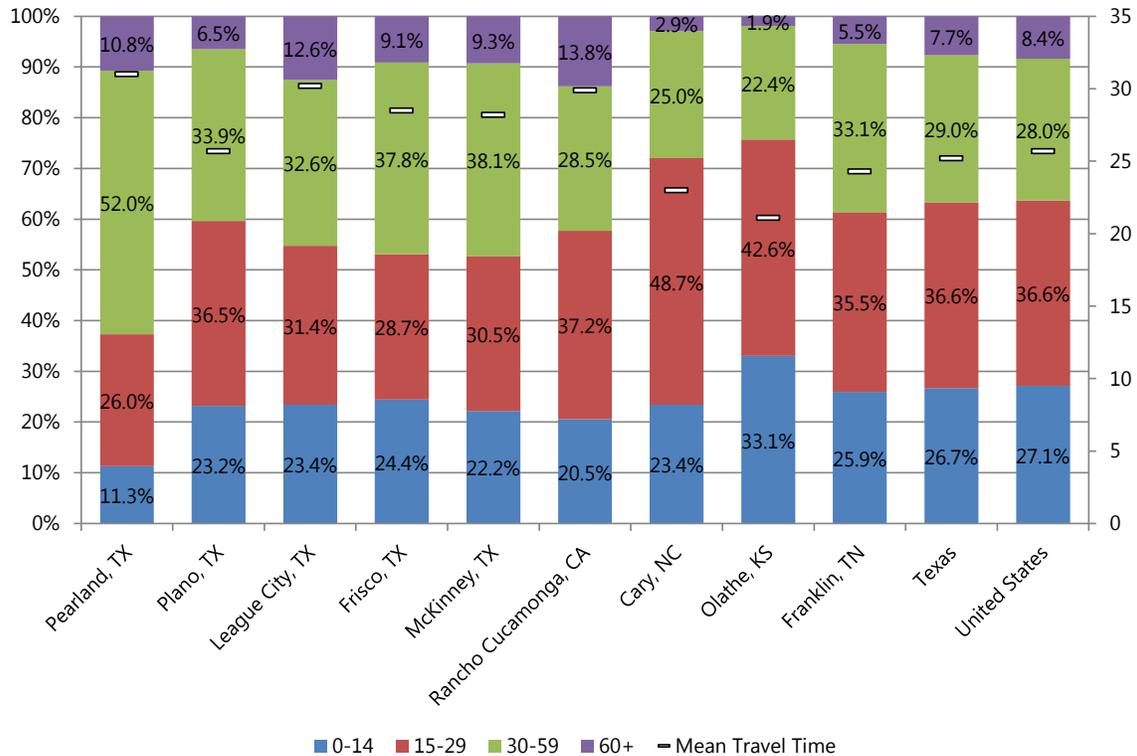
# Additional Data Metrics

While the Pearland Benchmarking Report provides a thorough quantitative assessment of how the city's trends compare to peer communities, Market Street believed that additional research and analysis was necessary to provide a more complete profile of data factors related to the Pearland 20/20 strategies. As such, the following categories are intended to supplement the benchmarking data to create a more comprehensive baseline of tracking measurements to serve as a potential foundation for future analysis.

The majority of the following data measures compare the city of Pearland against the nine cities previously identified in the Benchmarking Report, in addition to the state of Texas and the United States. For local public schools data, the Pearland Independent School District (ISD) is compared to the largest districts in the other Texas cities in the Benchmarking Report; these include Plano ISD, McKinney ISD, Clear Creek ISD (League City), Frisco ISD, and Fort Bend ISD. Because city of Pearland students attend schools in the Alvin ISD, data for that district was also included in the K-12 research. Certain data for Pearland's Alvin ISD schools were also broken out to differentiate the Pearland students' performance versus the full district.

## TRANSPORTATION

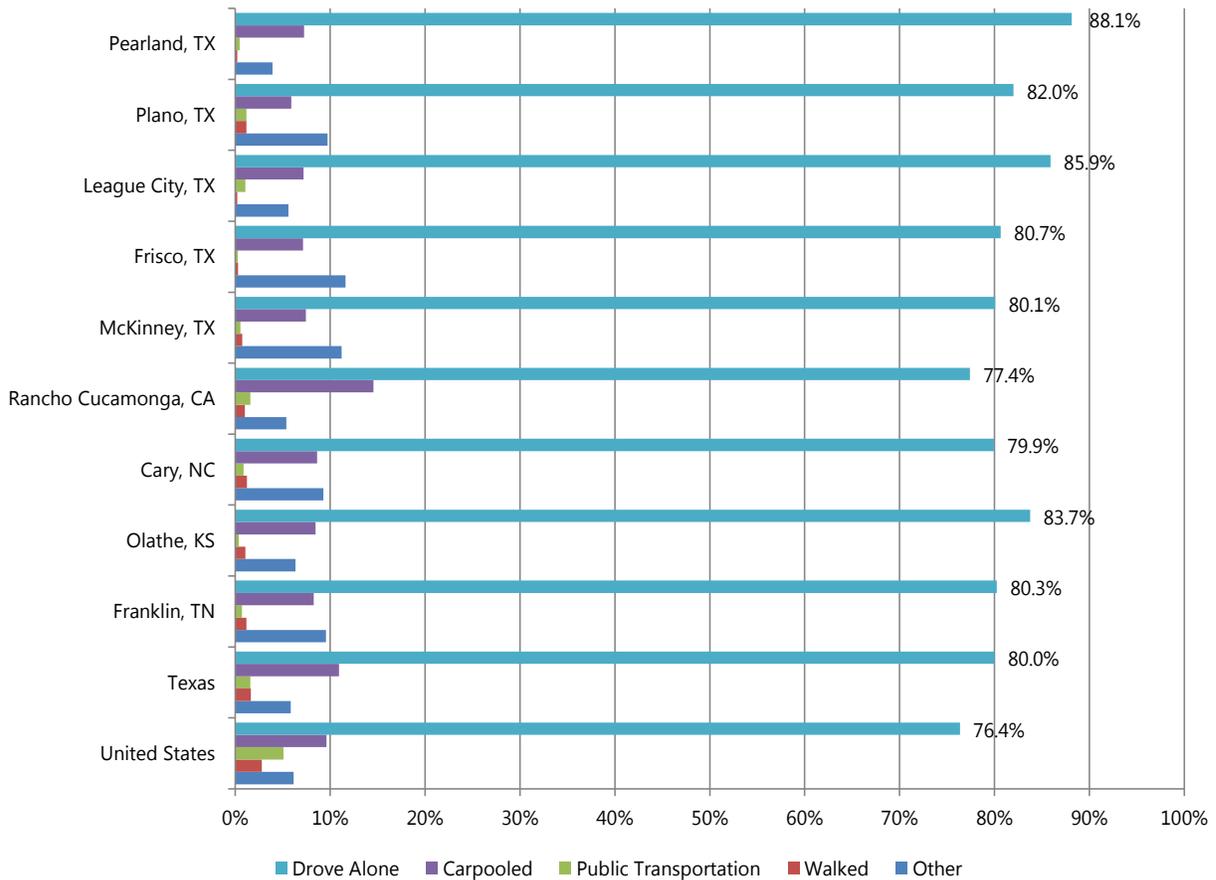
COMMUTING TIMES, 2013



Source: U.S. Census Bureau, American Community Survey, 1-Yr Estimates

- In 2013, 62.8 percent of Pearland commuters took 30 minutes or longer to commute to work. This percentage is well above the next most congested community, McKinney, TX, where 47.3 percent of commuters took 30 minutes or longer to travel to work.
- In 2013, the mean travel time for commuters in Pearland was 31 minutes – the longest commute time of all the comparison communities. League City, TX had the next longest mean travel time (30.2 minutes), while Olathe, KS had the shortest mean travel time (21.1 minutes).

### MODE OF TRANSPORTATION FOR COMMUTERS, 2013



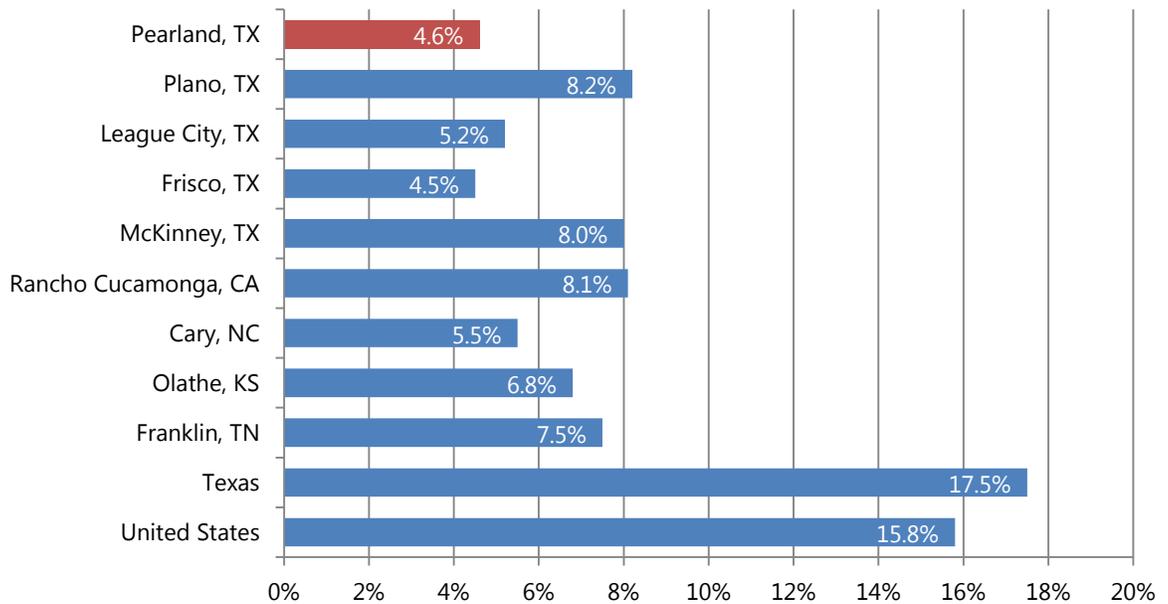
Source: U.S. Census Bureau, American Community Survey, 1-Yr Estimates

- In 2013, 88.1 percent of commuters in Pearland drove to work alone, which was the highest share of all the comparison communities.
- The 7.3 percent of Pearland commuters who carpooled to work ranked 8th among the comparison communities. Rancho Cucamonga, CA had the highest share at 14.6 percent and Plano, TX had the lowest share at 5.9 percent.

- Pearland had the 3rd lowest percentage of commuters who reported traveling to work via public transportation (0.5 percent). The United States (5.1 percent) had the highest share and Frisco, TX had the lowest share.
- Pearland had the lowest percentage of commuters who walked to work in 2013 with just 0.21 percent of commuters using this mode. The United States (2.8 percent) had the highest share among the comparison communities.
- Pearland had the lowest percentage of commuters classify their mode of transportation as “Other” at 3.9 percent. Frisco, TX had the highest percentage with 11.6 percent.

## POVERTY

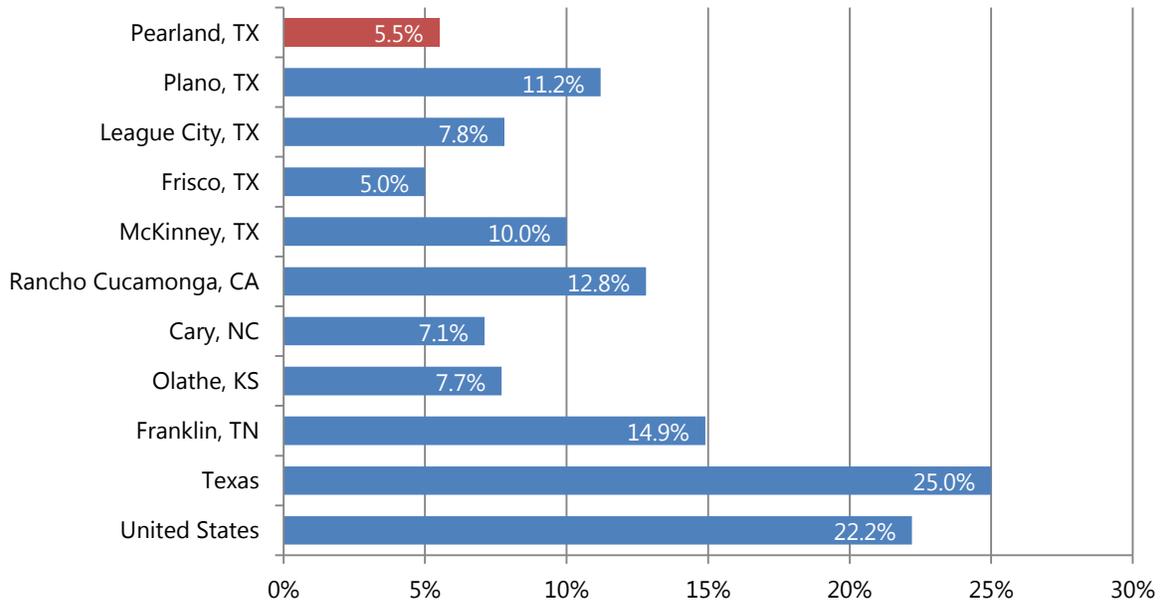
**POVERTY RATE, TOTAL POPULATION, 2013**



Source: U.S. Census Bureau, American Community Survey, 1-Yr Estimates

- In 2013, Pearland had a poverty rate of 4.6 percent – the second lowest of all the comparison communities. Frisco, TX had the lowest poverty rate (4.5 percent), while the state of Texas (17.5 percent) had the highest poverty rate of all the comparison geographies.

**POVERTY RATE, CHILDREN UNDER 18, 2013**

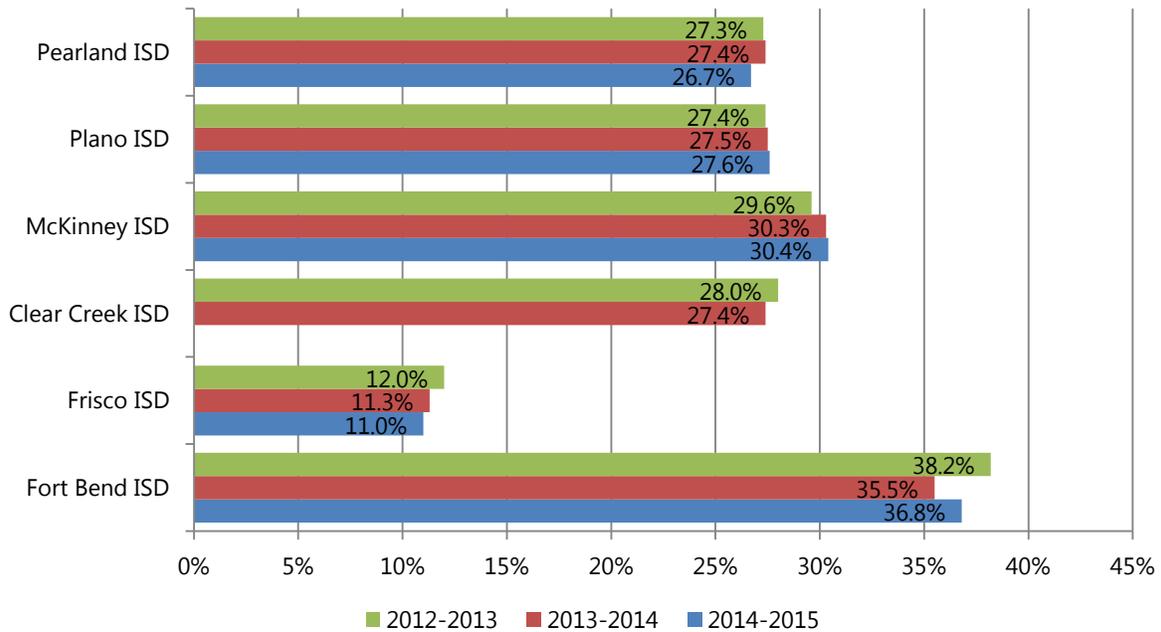


Source: U.S. Census Bureau, American Community Survey, 1-Yr Estimates

- In 2013, Pearland had a child poverty rate of 5.5 percent – the second lowest of the comparison communities. Frisco, TX had the lowest child poverty rate (5 percent), while the state of Texas had the highest child poverty rate (25 percent).

K-12

**% OF STUDENTS ELIGIBLE FOR FREE OR REDUCED MEALS<sup>2</sup>, 2012 – 2015**



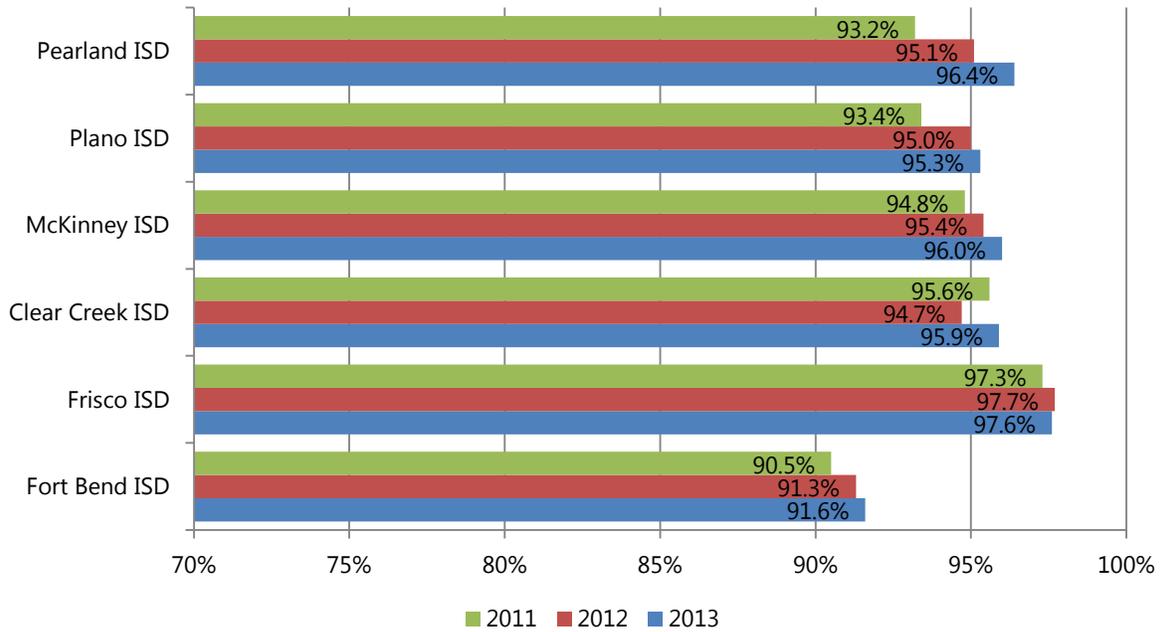
Source: Texas Education Agency

Note: Data for Clear Creek ISD unavailable for 2014-2015 school year

- In the 2014-2015 school year, 26.7 percent of students at Pearland ISD schools were eligible for free or reduced meals. This was lower than all other comparison community school districts in Texas for which data was available except for the Frisco ISD (11.0 percent).

<sup>2</sup> This percentage should not be considered a proxy for the number of students in poverty, but is the best available indicator reporting the percentage of students considered by the district to be lower income.

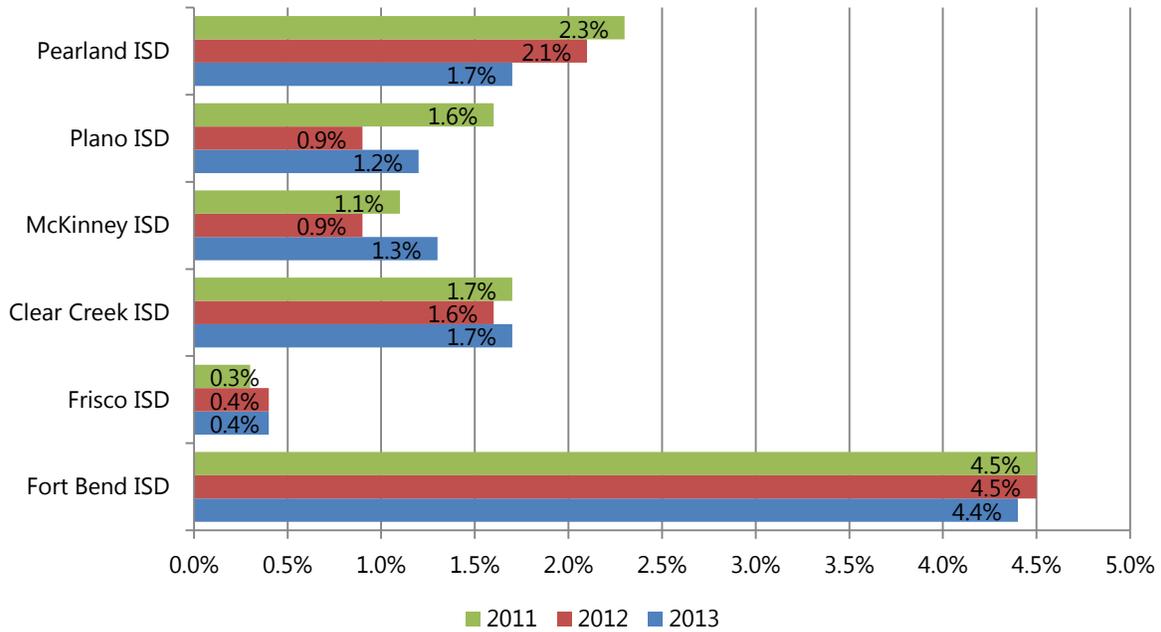
### LONGITUDINAL GRADUATION RATE, 2011 – 2013



Source: Texas Education Agency

- In the Pearland ISD, 96.4 percent of the graduating high school class of 2013 completed high school within four years. This four-year graduation rate was higher than all other comparison community school districts in Texas except for the Frisco ISD (97.6 percent).
- The 3.2 percentage point increase in the four-year graduation rates of the class of 2011 and the class of 2013 in Pearland was the largest increase of the other comparison community school districts in Texas.

### LONGITUDINAL DROPOUT RATE, 2011 – 2013



Source: Texas Education Agency

- In the Pearland ISD, 1.7 percent of students in the 2013 high school class dropped out of school before completing their high school education. This dropout rate was tied with the Clear Creek ISD as having the second highest rate among the comparison communities in Texas.
- The 0.6 percentage point improvement from 2011 to 2013 in the Pearland ISD’s longitudinal dropout rate topped all the other comparison community ISDs.

As was mentioned in the introduction to this section, it is also important to note that some schools in the Alvin ISD are physically located in Pearland, and thus, warrant inclusion in the conversation about the quality of Pearland area schools. The following four schools are located in Pearland, but are affiliated with the Alvin ISD:

- Glenn York Elementary (grades EE – 5)
- Laura Ingalls Wilder School (grades PK – 5)
- Mary Burks Marek Elementary (grades EE – 5)
- Nolan Ryan Junior High (grades 6 – 8)

These four Pearland schools accounted for **19.4 percent** of the total Alvin ISD’s student population in the 2013-2014 school year.



EDUCATIONAL DATA FOR PEARLAND SCHOOLS IN ALVIN ISD

Alvin ISD Schools in Pearland, TX	Attendance Rate (2012-2013)	% Economically Disadvantaged (2013-2014)	Total Operating Expenditures per Student (2012-2013)	STAAR Passing Rate (% at Phase-in Satisfactory Standard or Above, All Subjects, 2013-2014)	Total Enrollment (2013-2014)
Glenn York Elementary	97.8%	29.8%	\$5,156	85%	819
Laura Ingalls Wilder School	97.8%	15.4%	\$4,984	91%	892
Mary Burks Marek Elementary	97.9%	15.4%	\$4,683	91%	925
Nolan Ryan Junior High	97.9%	29.8%	\$4,876	86%	1,180
Alvin ISD Average	96.1%	50.5%	\$7,875	78%	19,667

Source: Texas Education Agency

These data show that the Pearland resident student population in the Alvin ISD perform at a higher level in terms of passing rate than district students overall. The percentage of economically disadvantaged students in the Pearland schools is also notably lower than the full district, where just over half of all students are categorized as low-income. This would also explain why expenditures per student are higher in the Alvin ISD than the four Pearland schools; campuses with high levels of poverty often qualify for increased state and federal funding.

Although their schools have Manvel addresses, some Pearland students who live west of SH 288 also attend classes at Dr. Red Duke Elementary, Don Jeter Elementary, and Rodeo Palms Junior High in the Alvin ISD. Still other Pearland students attend schools in the Houston, Pasadena, Fort Bend, and Clear Creek ISDs.

KEY FINDINGS

The Benchmarking Report and the additional supplemental data indicators reveal key trends that speak to the competitive position of Pearland.

- The positive trends in the K-12 data indicators clearly separate Pearland from the rest of the comparison communities in Texas. The 2011-2013 data trends for the Pearland ISD in both longitudinal dropout rate and longitudinal high school graduation rate outperformed all the other ISDs in the comparison communities.
- The most recent poverty rate data also shows Pearland outperforming all other comparison communities, except for Frisco, TX, in terms of the fiscal welfare of its population.
- Commuting trend data paints a different picture for the Pearland community. The most recent data shows that commuters in the city of Pearland are more likely to drive individually to work, while the amount of time commuters spend traveling to work also exceeds all of the comparison communities.

Thus, while data included in the Benchmarking Report generally showed Pearland falling in the middle of the pack in comparison to peer communities in terms of key economic, demographic, and civic trends, the supplemental data provided by Market Street paint a brighter picture of a community that is excelling at the critical criteria of public school performance and the fiscal wellbeing of residents.



The second half of this Implementation Assessment report will leverage qualitative information and feedback to supplement the data analysis provided thus far. In terms of establishing an understanding of the relative efficacy of initial Pearland 20/20 implementation, this qualitative data will be a much better gauge of activity measures and stakeholder perceptions of strategic activation in the first two-plus years of the program.

## QUALITATIVE ANALYSIS

While data in the city-contracted November 2014 Benchmarking Report cited in the first section do not provide perspective on current local conditions, a recent National Citizens Survey of Pearland residents conducted by the National Research Center and International City/County Management Association (ICMA) sheds light on more recent perspectives of Pearland area stakeholders. The following selected key findings from the Pearland Citizens Survey provide context on residents' overall attitudes about the city and its competitive position. More specifically, the attitudes are consistent with input conducted for the Pearland 20/20 Mid-Course Update process that showed stakeholders are happy with the current state of the city, but have concerns about mobility and community attachment. The Survey found:

- A majority of residents (85 percent) rate the quality of life in Pearland as "good" or "excellent."
- Pearland residents rated aspects of the city's mobility much lower when compared to survey respondents in other communities across the nation.
- The overall sense of community in Pearland was rated as "good" or "excellent" by 60 percent of survey respondents.

Indeed, sentiments of Pearland's public and private leadership and key stakeholders are generally bullish on the prospects of the city, especially with a spate of recent high-profile economic development announcements featuring hundreds of new and relocated well-paying jobs. However, optimism is dampened by some in the community who feel that Pearland's growth patterns continue to be unsustainable, especially as the city's debt load prevents expenditures on non-core projects and services and budget negotiations increasingly require city departments to pare spending to balance budgets and allow elected officials to refrain from instituting tax increases.

As city government prioritizes a focus on nuts-and-bolts spending on transportation infrastructure and core services like police, fire, and education, investments in quality of life amenities have taken a back seat, especially without significant commitments of private-sector or philanthropic monies to supplement public spending. A more aggressive focus on investments that enable Pearland to "catch up" to its skyrocketing growth is worrisome to certain stakeholders who feel that Pearland must provide lifestyle amenities consistent with other cities of its size. Thus, supporters of projects such as an events center and the development of increased arts capacity are concerned that the city risks losing its status as a community of choice if it cannot meet residents' expectations for quality of life and place enhancements.

Qualitative feedback like the sentiments noted above came in the form of implementation tracking reports by the PEDC, news reports and other inputs, as well as one-on-one interviews with key Pearland leaders and a number of constituency-specific focus groups. An online survey available to implementation partners also contributed to the perspectives of Pearland 20/20 progress and is summarized in the Appendix of this report.

# Pearland 20/20 Strategy Updates

The following pages will take a strategy by strategy look at Pearland 20/20 implementation progress by leveraging activity measures provided by the PEDC and other sources as well as the full breadth of qualitative feedback gathered for the Mid-Term Update process. Ultimately, perspectives on continuing challenges and opportunities to successful implementation, as well as new strategic options and adjustments, will be incorporated into the Pearland 20/20 strategic recommendations report later in this process.

## 1.0 DESIGN AND IMPLEMENT AN ENHANCED ECONOMIC DEVELOPMENT MARKETING PROGRAM

Efforts to market the economic development assets of the city of Pearland are ongoing, but numerous economic development “wins” have occurred since the implementation of Pearland 20/20 that speak to the effectiveness of PEDC’s economic development outreach. PEDC has attracted numerous new employers to Pearland and facilitated multiple expansion projects from existing employers since the implementation of Pearland 20/20. Recent announcements of note include Keystone Engineering’s new 45,000 square foot office and manufacturing facility, Dover Energy’s new 150,000 square foot manufacturing and operations facility, Tool-Flo Manufacturing’s new 50,000 square foot headquarters, training, and manufacturing facility, and Mitsubishi Heavy Industries Compressor Corporation’s new 180,000 square foot manufacturing and service facility. Collectively, these projects represent hundreds of new jobs and tens of millions of dollars’ worth of new investments in Pearland’s economy.

Both public and private leaders in Pearland believe that the city’s economic development function is performing well and cite the growth of diverse employment sectors as the most viable means to build the local tax base, reduce residents’ tax burdens, and avoid the need to increase tax levies in future budgets.

### ***1.1 Ensure that relocation prospects are efficiently and effectively supported and managed.***

- PEDC continues to work with prospects on potential relocations to Pearland. Recent projects include Keystone Engineering’s new facility on South Main, CapRock’s expansion of their facility on South Main and MHI’s expansion of their initial project to include 85,000 SF of warehouse space.
- Many input respondents were pleased that the city did not have to provide significant incentives to attract top employers, but rather relied on Pearland’s competitive assets to secure new investments.
- General consensus from respondents was that Pearland’s regulatory policies and processes were not deterrents to job creation from current or prospective employers.

### ***1.2 Build a competitive portfolio of “shovel-ready” Pearland development sites.***

- In August 2013, the PEDC initiated a study to evaluate a potential new development site; this process is ongoing.

- Significant work was also done to improve the infrastructure in the Lower Kirby area, including implementation of a regional detention facility. In fact, most input participants noted that Lower Kirby continues to be the city's most viable destination for new employers.
- A number of respondents felt that the proposed Ivy District from Beijing-based Modern Green Development just west of SH 288 and south of Beltway 8 represents a dynamic opportunity for more mixed use, Class-A office, lifestyle, and destination retail development.

### ***1.3 Enhance efforts to attract key segments of the health care sector to Pearland.***

- PEDC completed new print ads to highlight recent healthcare related projects in the community and is looking at publications in which to purchase advertising for 2015 and beyond.
- PEDC has sponsored and/or attended several events targeting the healthcare/life sciences sector, including the Texas Life Sciences CEO summit, various BioHouston events and the Greater Houston Partnership's State of the Medical Center.
- Numerous public input participants continue to emphasize Pearland's proximity to Texas Medical Center (TMC) as perhaps its top economic development opportunity. Some suggested that Pearland could be an attractive "back office" location for TMC entities looking for a lower-priced option to Houston for medical IT and other sectors including research and medical manufacturing.
- Healthcare leaders responded positively to the potential for creating some type of sector committee focused on healthcare issues and opportunities in Pearland.

### ***1.4 Enhance efforts to attract key segments of the energy sector to Pearland.***

- PEDC has completed new print ads to highlight recent energy related projects in the community and is looking at publications in which to purchase advertising in 2015.
- PEDC has sponsored and/or attended several events targeting the energy sector including the Petrochemical & Maritime Outlook Conference.
- Input participants were not overly concerned that the slowdown in Houston's energy sector will strongly affect Pearland, as the majority of oil and gas employment is in Houston's I-10 corridor and The Woodlands.

### ***1.5 Conduct an assessment of Pearland's strategic opportunities related to Port of Freeport and Panama Canal expansion.***

- This assessment is scheduled for the second half of Pearland 20/20 implementation. However, numerous public input respondents were still bullish on Pearland's opportunities related to the Freeport expansion, especially as it relates to warehouse and distribution projects.
- One respondent said that, in addition to focusing north on Houston/Harris County, Pearland should try to enhance its position as the "front door to Brazoria County."

***1.6 Build recruitment networks through attendance at high-value industry meetings and conferences.***

- PEDC staff has attended industry conferences along with site selector and developer events such as TEDC and Team Texas meetings.
- PEDC staff also attended a GHP site selector familiarization tour in Houston in October 2014.
- PEDC has secured sponsorships for upcoming events, such as the ULI 2015 Spring Meeting.
- Input respondents feel that investments in external marketing continue to be high-value opportunities for the PEDC.

***1.7 Ensure Pearland's retail sector remains vibrant.***

- PEDC is working with developers on a grocery-anchored retail center at Barry Rose and Pearland Parkway and a Costco on Business Center Drive.
- PEDC staff met with CBL Properties in Dallas regarding the leasing of the Pearland Town Center.
- PEDC is also exploring the issuance of an RFP for a retail trade analysis of Pearland.
- Corridor-focused revitalization and development along SH 35, FM 518/Broadway, and SH 288 will also serve to enhance opportunities for retail development.
- Of concern to certain public and private stakeholders, the city of Pearland's restrictions on liquor sales, which prevent restaurants and other establishments from selling alcohol unless 51 percent of their revenue comes from food, were said to be an impediment to attracting and developing live performance venues, high-end bars, and other establishments that could make the city more competitive for young professionals.

***1.8 Conduct an incentives review to optimize Pearland's tools to stimulate business investment.***

- This review is slated for the second half of Pearland 20/20 implementation.
- As noted previously, while challenges related to permitting come up often in discussions with employers through Pearland's existing business program, the consensus belief of most private-sector leaders is that the city's system is effective but simply has a large volume of pending requests.

***1.9 Optimize a program to retain and expand existing Pearland employers.***

- BizConnect, a partnership between the PEDC and Chamber of Commerce, conducts multiple tours and retention visits. PEDC has recently updated its Agreement with the Chamber.
- Stakeholders noted that BizConnect visits have largely been effective, with Chamber staff and volunteers formalizing a process to advance employer concerns to applicable representatives in city government. Principal issues reported by local businesses include the time required to secure building permits, challenges related to transportation, as well as particular requests for certain restaurants and other lifestyle amenities.

## 2.0 IMPLEMENT MULTIPLE, HIGH-IMPACT MOBILITY PROJECTS

As with any rapidly growing community, Pearland must confront concerns expressed by citizens over traffic congestion and mobility in the city. The commuting data previously referenced in this report shows Pearland trailing peer communities in data related to time spent traveling to work. The National Citizen Survey report conducted for Pearland in 2015 also showed that several characteristics related to Pearland's mobility were ranked lower by residents when compared to the national benchmark. Despite these trends, Pearland has made notable progress on specific roadway improvement projects that collectively will help to ease mobility concerns in Pearland. The city recently received over \$80 million in federal/state funds for various road expansion projects, with many of these having advanced to the design or construction phase.

There might also be a disconnect between stakeholder perceptions of the city's response to traffic congestion and the actual efforts being made by Pearland officials to build more capacity. The fact is that Pearland has prioritized investments in transportation infrastructure for years and has designed and completed multiple high-impact projects, but the complicated, years-long process for seeing a project from inception to construction is such that year-to-year progress is often hard to communicate or discern.

### ***2.1 Continue planning, design, and construction of priority road and highway projects.***

- Reconstruction of SH 35 has been completed.
- Construction has started on the Pearland Parkway extension project and the Bailey Road project is scheduled for bid in late 2015.
- Max Road and Fite Road are currently under design.
- The City has been meeting with TxDOT and Brazoria County to discuss the widening of the FM 518 overpass to eight lanes as part of the managed lane project.
- TxDOT has begun to design the reconstruction of FM 518/Broadway between SH 35 and SH 288.
- Additional funded future projects include McHard Road and Smith Ranch Road. A full list of transportation infrastructure priorities for the second half of Pearland 20/20 implementation will be noted in the Strategic Recommendations report.
- City officials have expressed frustration that the public is not fully aware of all the activity taking place to enhance road and highway infrastructure. Elected officials have also reiterated that investing in new capacity to improve local mobility is their number one strategic priority.

### ***2.2 Advocate for the timely design and construction of the SH 288 park-and-ride facility in Pearland.***

- Though the regional transit authority approved an authorization to purchase land for a Brazoria Park and Ride, Pearland officials felt that the city was bearing an undue fiscal burden for the project compared to the benefit to be accrued by other regional communities and failed to approve the local match for the land purchase. The property is currently being marketed for sale to all interested bidders.

- While most local leaders feel the potential window to locate a park-and-ride facility in Pearland has now closed, others hope that the issue remains active, citing the tremendous potential benefit to Pearland due to the large presence of TMC workers in the city.

### ***2.3 Continue efforts to secure long-term mass transit options for Pearland.***

- Analysis of mass transit opportunities is slated for implementation in the second half of the Pearland 20/20 cycle.
- Public input respondents were lukewarm to the possibilities of funding intra-city mass transit in Pearland, but many feel that the potential extension of light rail from Houston down to Lower Kirby would be a boon for the city and create opportunities for mixed-use and transit-oriented development in the district.

### ***2.4 Support the construction of toll lanes on State Highway 288 between U.S. Highway 59 in Harris County and State Highway 6 in Brazoria County.***

- The construction of toll lanes on SH 288 from US 59 in Harris County to CR 58 in Brazoria County continues to move forward. A construction contract has been conditionally awarded to the Blueridge Transportation Group.
- Design of the \$100 million Brazoria County phase is 95 percent complete with a T&R Investment Grade Study being finalized. Local officials feel confident that the project will advance to construction in a timely manner and provide great benefit to Pearland's residents and economy.
- The 10.3 mile, \$800 million Harris County segment is also moving forward, with construction estimated to begin in the first quarter of 2016 and the toll lanes opening to traffic by early 2019.

### ***2.5 Work with the Houston-Galveston Area Council (HGAC) on regional transportation solutions.***

- The city of Pearland has secured funds for multiple regional transportation projects. Hughes Ranch Road (CR403), Mykawa Road, and the SH288 northbound feeder projects will all be submitted to HGAC for federal and state funding through the Transportation Improvement Plan (TIP) process.
- The city, Pearland Chamber and PEDC all supported Proposition 1, a voter-approved measure that authorizes additional Texas transportation funding to be used for new construction and preservation of the state highway system.

### ***2.6 Better inform local residents about east-west mobility options in Pearland.***

- This initiative is tentatively slated for implementation in the second half of the Pearland 20/20 implementation cycle. However, many stakeholders have questioned the continuing need for the initiative and feel that Pearland drivers are becoming more aware of east-west mobility options as construction progresses on principal east-west thoroughfares.

## 3.0 OPTIMIZE THE DEVELOPMENT POTENTIAL OF PEARLAND'S PRINCIPAL COMMERCIAL CORRIDORS

The Pearland 20/20 strategic planning process revealed that there is great potential for development along Pearland's principal commercial corridors; this key strategy area has gained traction as work has been completed on major corridor plans and key opportunities have been identified. The redevelopment strategy that was developed for SH 35, Pearland's oldest major corridor, is an example of a tangible accomplishment that was led by PEDC. The redevelopment strategy involves a number of phased projects that will aim to transform this critical entry point into the city into a visually appealing corridor that invites private investment.

Public input participants continue to demonstrate optimism regarding the potential for corridor revitalization to not only identify and promote high-value commercial and industrial development sites, but also explore opportunities for more urban, mixed-use project types.

### ***3.1 Create a FM 518/Broadway master development plan.***

- A contract was awarded for the creation of a master plan and work continues on its development.
- Lessons learned from the SH 35 plan have compelled the PEDC and consultants to focus on high-priority segments of the corridor for initial planning rather than the full span originally conceived for the project.
- Already, the consultant has begun to determine options to incorporate development opportunities for the Old Townsite into SH 35 corridor planning.

### ***3.2 Leverage recent road improvements to create a SH 35 redevelopment plan.***

- Through its consultant, PEDC has completed the background and market analyses phases for the SH 35 Redevelopment Strategy and has held several steering committee meetings with representatives of the corridor.
- Implementation of the Strategy will focus on leveraging recommendations to create opportunities for economic diversification along the SH 35 corridor; commercial, retail, and industrial uses were determined to be more viable than residential in terms of the roadways highest-and-best uses.

### ***3.3 Realize efforts to establish a management district for SH 288.***

- In 2013, a management district for SH 288 (PMMD2) was established to improve the appearance of the corridor. A Board of Directors has been empaneled and on November 5, 2013, a maintenance and operations tax of \$0.10 per \$100 in valuation was approved by voters in the District. The Board adopted the 288 Master Plan at its June 4, 2014 meeting.
- Funding for the maintenance of the corridor and long-term improvements will be the primary responsibility of the District via its taxing authority. PEDC and the City will be working with BCTRA on the engineering and design of the long-term improvements that the District will ultimately maintain.

- Opportunities to enhance the aesthetics of the SH 288 corridor are among the earliest “victories” anticipated by local officials, with resources now available for this purpose. Many input participants feel that the SH 288 management district holds great potential to be transformative for west Pearland.

### ***3.4 Link Old Townsite revitalization to FM 518/Broadway and SH 35 redevelopment process.***

- This component of Pearland 20/20 is largely being addressed through integration with the SH 35 redevelopment planning effort. With multiple master plans for the Old Townsite already completed, officials feel that additional investment focused exclusively on the district is not appropriate.
- The majority of public and private leaders interviewed for the Pearland 20/20 update process feel that a significant focus on Old Townsite redevelopment is not warranted. They feel that the assets of the district – other than the former ACC building – are not dynamic enough to attract private dollars and public investment is not feasible.
- With private development increasingly focused in west Pearland, stakeholders feel that a private market simply does not exist for major investments in the Old Townsite, including any expenditures of city money without a significant private partner. A handful of input respondents said that developing the Old Townsite as a suburban downtown simply “isn’t us,” and is out of character with Pearland’s past, present, and future.

### ***3.5 Evaluate the feasibility of establishing a Tax Increment Reinvestment Zone (TIRZ) for the Old Townsite and key sections of the SH 35 and FM 518/Broadway corridors.***

- Activation of this component has been slated for the second half of Pearland 20/20 implementation. However (see 3.4), officials have noted that they do not feel that creation of an incentive tool to stimulate Old Townsite investment is warranted at this time.

## **4.0 MAKE PEARLAND A MORE COMPETITIVE RECREATION AND CULTURAL DESTINATION FOR RESIDENTS AND VISITORS**

Pearland continues to evolve into a community that seeks to develop its own identity within and beyond the Houston metro area. An important component of this growth process to many stakeholders involves highlighting the quality of place amenities that make Pearland distinctive and making continuous improvements to these amenities. Since the implementation of Pearland 20/20, local entities have sought to secure investments in recreational and cultural assets that could enhance the attraction of visitors and residents to the city. The newly formed Pearland Alliance for Arts and Culture and parks foundation are examples of public and private leaders coming together in an attempt to improve the city’s capacity in these areas. While opinions vary among private sector leaders, elected officials in Pearland are largely united in the belief that any arts and cultural enhancements will need to be driven by private sector investment and not the expenditure of public monies.

***4.1 Ensure capital investment in funded park, recreation, and trail capacity continues as scheduled.***

- Construction on the Hickory Slough and Shadow Creek Ranch sports complexes are nearing completion.
- The Centennial to Independence trail is currently under design.
- Firms have been selected to begin design of the Shadow Creek Ranch and Green Tee Terrace trail projects. In addition, the City is requesting 2017 TIP funds for Clear Creek trail, which would run from north of Riverstone Ranch to the UHCL-Pearland campus.

***4.2 Identify strategies to accelerate implementation of Pearland's master plans for Parks and Recreation and Trails.***

- This action is slated to be addressed in the second phase of Pearland 20/20 implementation. However, a Master Plan developed by the city's Parks and Recreation department is currently being finalized and will be incorporated into the identification and advancement of Pearland 20/20 priorities in this category.
- City officials are especially focused on completing projects funded by voters in 2007 before future efforts are identified and advanced.

***4.3 Pursue the potential development of a parks foundation in Pearland.***

- The development of a parks foundation was pursued and accomplished in the first phase of Pearland 20/20 implementation.
- The Forever Parks Foundation has officially met, adopted by-laws and is currently working on an agreement to present to the City Council to establish the relationship between the Foundation and the City. They are also working on branding efforts, have reserved a website for future development, and are discussing their first fundraiser and potential projects to support.

***4.4 Develop a sports marketing program to attract youth and adult athletic tournaments to Pearland.***

- This action is slated to be addressed in the second phase of Pearland 20/20 implementation.
- A concern from officials in the tourism and hospitality industry is the need for additional hotel beds to accommodate any increase in local sports tournaments. The development of more hotel and motel product, however, was said to be contingent on additional issues such as the presence of an events or conference center in Pearland.

***4.5 Create, program, and staff a unified arts organization in Pearland.***

- The development of an arts organization was pursued and accomplished in the first phase of Pearland 20/20 implementation. The organization follows in the footsteps of previous attempts to create a formal association representing the arts in Pearland, many of which have been spearheaded by the city's mayor, Tom Reid.

- The Pearland Alliance for Arts and Culture has received its official “tax exempt” status by the IRS, completed the development of its mission, vision, and strategy, developed a logo, launched the PAA&C website, opened the PAA&C office, and expanded the Board of Directors for the organization to five Directors, and expanded the Advisory Committee to 17 local artists. While volunteer staff was temporarily employed, the Alliance is currently without full-time, dedicated administration. Many in the community feel that the Alliance’s impact will not be optimized until it is fully staffed.
- Arts advocates in Pearland had previously attempted to secure public money for the development of a local arts strategy but were rejected by City Council. Most public officials interviewed by Market Street for this Mid-Term Update process expressed cynicism that arts funding was a worthwhile public investment, especially with so many pressing infrastructure and services needs and the proximity of cultural amenities in the city of Houston. Officials said that arts capacity in Pearland will likely only be enhanced through private and/or philanthropic donations.

## 5.0 DEVELOP A COMPREHENSIVE COMMUNITY BEAUTIFICATION STRATEGY

A key concern of certain stakeholders in the Pearland 20/20 development process, the aesthetics of the city emerged as a strategic priority. There has been notable movement on implementation of these activities, including the all-important identification and commitment of resources to facilitate aesthetic improvements and gateway enhancement. Even so, some in the community are still skeptical that investments in community beautification are warranted, will have a real impact on local economic growth, or are the purview of the PEDC. Others, however, note that investments in improving the look of Pearland and better identifying its principal gateways will also foster greater awareness and attachment of Pearlanders to their city, especially those residents who may not be aware they actually live within the city boundaries.

### ***5.1 Establish a city-led task force to coordinate elements of a beautification strategy.***

- Recently, two major beautification efforts have been completed: the 288 Master Plan and Gateway features. PEDC, Keep Pearland Beautiful (KPB), and the City continue working on plans to implement an entry feature and landscaping on Cullen Road.
- PEDC has also coordinated efforts to implement landscaping on Pearland Parkway and Dixie Farm Road.
- PEDC hopes to develop a comprehensive beautification strategy that outlines current priorities and institutes a unified approach and standard for all future beautification efforts in Pearland.

### ***5.2 Develop a funding and maintenance protocol for Pearland’s landscaped roads and corridors.***

- The City and PEDC worked with Clark Condon and Associates to develop new specifications and strategies for the maintenance of city rights-of-way and facilities. The public rights-of-way contract awarded in Spring 2014 is based on these new standard specifications.

- PEDC has also completed a list of recommended species that will serve as an amendment to the UDC.
- PEDC plans to continue working closely with KPBB – which receives beautification grants from TxDOT – to leverage funding on priority landscaping projects.

#### ***5.3 Develop iconic and visually appealing gateways to Pearland.***

- The Gateway focus group completed a City Gateway plan in Summer 2014. The plan includes an evaluation of existing conditions, results of multiple workshops, final design concept for an entryway monument, recommended locations and cost estimates.
- PEDC hopes to begin construction of the first new gateway location on Cullen Road in the spring of 2015.
- PEDC has also entered into the design phase for gateway features on Pearland Parkway and Dixie Farm Road.

#### ***5.4 Expand participation in city-wide clean-up efforts and events.***

- This action is slated to be addressed in the second phase of Pearland 20/20 implementation.

#### ***5.5 Optimize the siting and replacement of power poles/lines in Pearland.***

- The City and PEDC have had multiple meetings with Centerpoint to discuss this issue.

#### ***5.6 Continue evaluating the feasibility of establishing a city demolition program for distressed properties.***

- The City has established a SNAP (Safe Neighborhoods Around Pearland) team that evaluates distressed properties.

## **6.0 IMPLEMENT PLANS TO DEVELOP THE LOWER KIRBY URBAN CENTER AS PEARLAND'S MOST INTENSIVE MIXED-USE EMPLOYMENT, RESIDENTIAL, AND ENTERTAINMENT DISTRICT**

Much of the positive economic development momentum that Pearland has enjoyed since the implementation of Pearland 20/20 can be tied to the Lower Kirby Urban Center (LKUC) and the investments that have been made in this geographically important district. Tool-Flo Manufacturing and Mitsubishi Heavy Industries Compressor Corporation are among the companies that have recently made significant investments in the Lower Kirby area. These projects were made possible in part by public infrastructure improvements that were made in the LKUC, which will also play an important role in driving future private investment. The LKUC also represents a prime location for Pearland to develop walkable, mixed-use developments that will be especially critical in supporting growth in the region's young professional workforce. Some also see Lower Kirby as the most logical destination for some type of mass transit linkage to greater Houston, either via light rail or some other mode.

**6.1 Implement the recommendations of the Lower Kirby Urban Center Master Plan and Implementation Strategy.**

- Key elements of regional detention in Lower Kirby were focused on utilizing the existing TxDOT drainage ditch and the city's existing pond. In 2014, the city, the Lower Kirby management district, and Brazoria County Drainage District No. 4 approved multiple agreements to implement regional detention including a master drainage plan, interlocal agreements, and financing agreements.
- The preliminary engineering and phase I improvement design is underway.
- PEDC is still working with TxDOT to utilize their drainage ditch. MHI was the first developer to purchase regional detention.
- The city, PEDC, and Lower Kirby management district are working on the reconstruction of Hooper Road and extension of underground electricity on Kirby Drive.

**6.2 Aggressively market the LKUC through all relevant channels.**

- Marketing strategies for LKUC will be pursued in the second phase of Pearland 20/20 implementation.

**6.3 Formalize and maintain a consistent identity for the LKUC.**

- Branding and signage strategies for LKUC will be pursued in the second phase of Pearland 20/20 implementation.

**6.4 Encourage the development of quality of life amenities in the LKUC.**

- This action will be pursued in the second phase of Pearland 20/20 implementation.

## 7.0 CONSTRUCT A MULTI-USE EVENTS CENTER IN PEARLAND.

Without a large enough facility to even hold the graduation of its principal high school, Pearland has long explored the potential to develop some type of event facility to accommodate not only public events but also attract events such as concerts, theater, trade shows, conferences and association meetings, and other activities. Despite investments in analysis of potential event center funding and construction, no action has yet been taken to officially advance this initiative. Most stakeholders Market Street spoke to for this Mid-Course Update process were in favor of some type of event/conference facility being developed in Pearland. For some, the construction of this facility is key to the future growth of Pearland's tourism sector and is also a lynchpin for expansion of the city's arts and cultural capacity. The principal differences of opinion on event center development concern how to fund its design and construction. City officials largely believe a center should be privately developed, while some in the business community feel that significant public investments are warranted considering the potential benefit of such a center to Pearland's future vitality.

**7.1 Build consensus for the development of the events center.**

**7.2 Create a master development plan for the events center.**

**7.3 Pursue funding, construction, and programming of the multi-use events center.**

- All components of Strategy 7.0 are slated to be pursued during the second half of Pearland 20/20 implementation.
- Elected officials interviewed by Market Street were nearly universally in agreement that an events or conference center would have benefit for the city of Pearland, but should be funded primarily by the private sector.
- The majority of business people participating in public input believed that the importance of an events center was such that the city of Pearland should bear a larger funding burden for the facility than preferred by elected leaders.

## 8.0 ADVANCE LOCAL EDUCATION AND WORKFORCE DEVELOPMENT PIPELINES IN PEARLAND.

The quality of the Pearland community's workforce is a key determining factor that contributes to the community's overall economic competitiveness. While Pearland boasts competitive independent school districts and a growing higher education presence through UHCL's Pearland campus, it will be imperative in coming years to integrate these educational assets and develop a seamless education and training pipeline that can satisfy the community's labor needs for years to come. Notable progress has already been made in developing Pearland's workforce development capabilities since the implementation of Pearland 20/20. The newly opened Turner College and Career High School is a distinctive asset that provides high school students the option of earning college credits or training for employment in their career field of choice. The construction of Turner has also allowed Alvin Community College to provide a physical presence in Pearland despite the fact that most of the city is not in its taxing district.

On the whole, however, efforts to enhance education and training in Pearland have occurred outside the context of Pearland 20/20. Existing meetings between education and training administrators as well as volunteers on the Pearland Chamber's education committee have largely advanced independently of work being done to implement the 20/20 strategy.

**8.1 Develop a strategic plan to better support and coordinate education and workforce training in Pearland.**

- Pursuit of this action item is slated for the second half of Pearland 20/20 implementation.

**8.2 Foster and manage partnerships to formalize career pathways in Pearland-area schools.**

- Pursuit of this action item is slated for the second half of Pearland 20/20 implementation.

- Business leaders and representatives from the education and training communities cited the development of Turner College and Career High School as the signature achievement related to career-focused education in Pearland and one that can be further leveraged. This is especially true with the addition of an Alvin Community College presence at Turner.
- Private sector and education leaders also expressed support for the creation of some type of business-training council that would provide a formal, regularly scheduled opportunity for the discussion of career training and skills development needs in Pearland.

### ***8.3 Support the development of new and expanded educational facilities in Pearland.***

- Construction has started on the new Shadow Creek High School, with the campus scheduled to open in Fall 2016.
- UHCL will be requesting funding in the 2015 legislative session for a 60,000 square foot Health Sciences building at the UHCL Pearland campus.

## **9.0 DEVELOP AN INTERNAL MARKETING CAMPAIGN TO INCREASE AWARENESS AND PROMOTION OF PEARLAND AND ITS ASSETS.**

The Pearland 20/20 strategic planning process revealed that there are certain divisions among citizens in Pearland – often based on residency in the eastern or western parts of the city – that contribute to a belief that the greater Pearland community lacks a common identity. Pearland’s elected officials and department staff also struggle to engage residents in a meaningful way and often feel like they are governing in a vacuum. Whether or not the improved engagement of Pearland citizens in their community should be the focus of tangible investment and programmatic capacity is open for debate among local leaders. Many feel that all viable strategies to enhance connectivity between residents and their city have been exhausted with little meaningful impact. Others feel that the nature of Pearland’s growth and geography do not lend themselves to building lasting identity or attachment with the city, especially in west Pearland where children attend Alvin ISD schools.

However, as the looming need to potentially increase taxes and the possibility of another bond election to finance multiple infrastructure projects become more likely, some city officials worry that building support for these initiatives will be difficult using existing outreach tools. Thus, the need for an internal marketing campaign remains viable for many respondents participating in Mid-Course Update public input.

### ***9.1 Establish consensus on the parameters of an internal marketing campaign.***

### ***9.2 Develop and launch the internal marketing campaign.***

### ***9.3 Establish an ongoing communications program to ensure campaign’s sustainability.***

### ***9.4 Hold an annual public event celebrating Pearland and its progress.***

- All activities related to Strategy 9.0 are slated for pursuit in the second phase of Pearland 20/20 implementation.
- Opinions of public input participants were mixed about the need for and potential of an internal marketing and engagement plan. While many acknowledged that a lack of resident identification with Pearland was a detriment to the advancement of certain initiatives and policies, others noted that the city has been able to grow and progress effectively even without pervasive public engagement.
- Public officials said that effectively engaging Pearland residents in the business of city government has been and continues to be very difficult despite multiple attempts to leverage new and traditional technologies to reach a broad base of Pearland stakeholders. Some wondered if improved engagement of residents was even possible given the city's growth rate, divergent growth patterns and demographic bases between east and west Pearland, and the fact that some city residents have children in Alvin community schools.
- Other input respondents said that the PEDC was not the right organization to develop and oversee internal marketing efforts and should stick to its core competencies of economic development and job creation.

## CONCLUSION

With over two years of Pearland 20/20 implementation completed, there has been much progress on many of the key recommendations in the strategy. Economic development, mobility, corridor planning, Lower Kirby development, and beautification/gateway efforts have been the most prominent implementation successes and advancements. Implementation of projects related to arts and culture, education and training, an events center, Old Townsite revitalization, and others are slated for the second half of the Pearland 20/20 cycle. It is an accepted reality of plan implementation that not all activities can be initiated and advanced in the first years of strategic activation and Pearland is no exception. The choices made by the PEDC, its implementation partners, and the Pearland 20/20 Implementation Committee in terms of the first phase of strategic activation were largely supported by public input stakeholders contributing to the qualitative feedback for this Implementation Assessment.

However, differences of opinion certainly emerged among Pearland stakeholders, especially as they concern investment in “non-core” infrastructure and amenities contributing to the enhancement of the city’s quality of life and quality of place. Many elected officials and business leaders believe that the need to continue “catching up” with Pearland’s growth through the development of additional transportation capacity and other infrastructure as well as maintaining high levels of public safety are the city’s clear priorities, especially as finances grow tighter under a high debt load and continued operational needs for existing facilities and assets. While the prospects of a future tax increase were said to be possible, most leaders would like to see existing departmental budgets fully optimized before any increases in tax rates are proposed.

Still others in city government feel that Pearland’s development patterns and housing stock itself are not sustainable. They advocate for a review of the city’s development guidelines and other regulations that have enabled a certain type of housing product to proliferate in Pearland, namely a stock of entry-level and mid-priced single-family detached houses that do not contribute enough to the tax base to support the new infrastructure and services needed to accommodate them. Some estimates point to a net loss of tens of thousands of dollars for every new mid-priced home constructed in Pearland. Increasing minimum lot sizes for parcels platted for new housing development is one of the ideas floated to address this disparity.

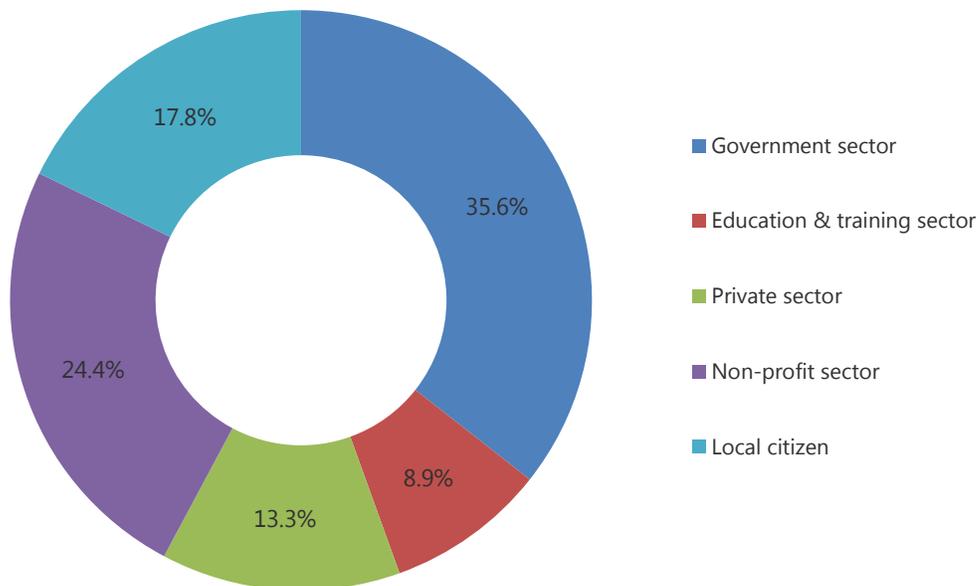
Despite differences in opinion on Pearland’s strategic priorities, however, the results of the city’s citizen surveys and the feedback provided for this Mid-Course Update reinforce the positive opinions and sentiments Pearlanders have for their city and its future.

In addition to leveraging the implementation perspectives identified and noted in this Assessment, the forthcoming Strategic Recommendations report will incorporate feedback on potential new and adjusted Pearland strategic priorities as well as any operational changes proposed by key volunteers and implementation partner staff to make the ongoing activation of Pearland 20/20 as effective as possible.

# APPENDIX: ONLINE SURVEY

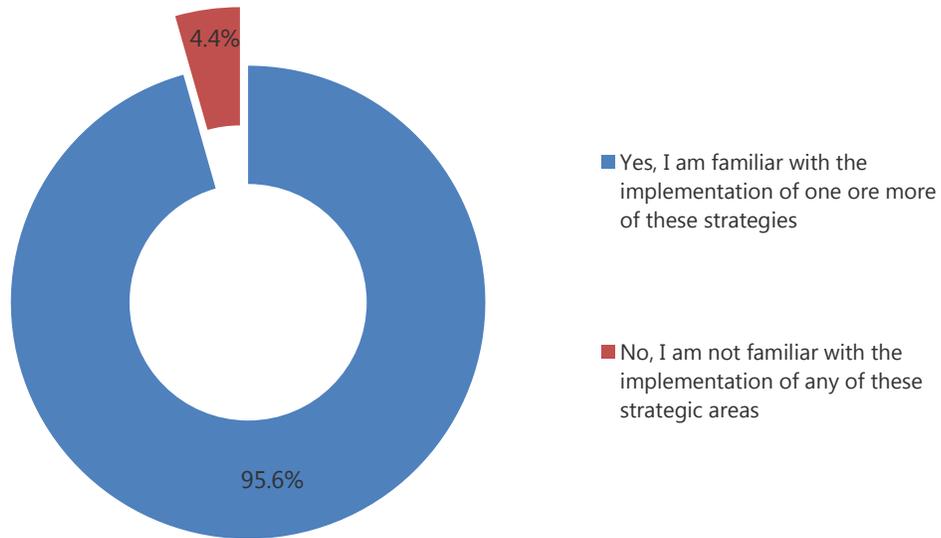
An online survey was developed for those individuals who expressed previous involvement with the implementation of one or more of the Pearland 20/20 strategic goal areas. The survey link was distributed to a list of local stakeholders determined to have at least some level of awareness of Pearland 20/20 implementation activities. The survey was open for roughly six weeks and elicited 46 responses.

**Question 1: Please choose the selection that best describes your affiliation for the Pearland 20/20 process:**

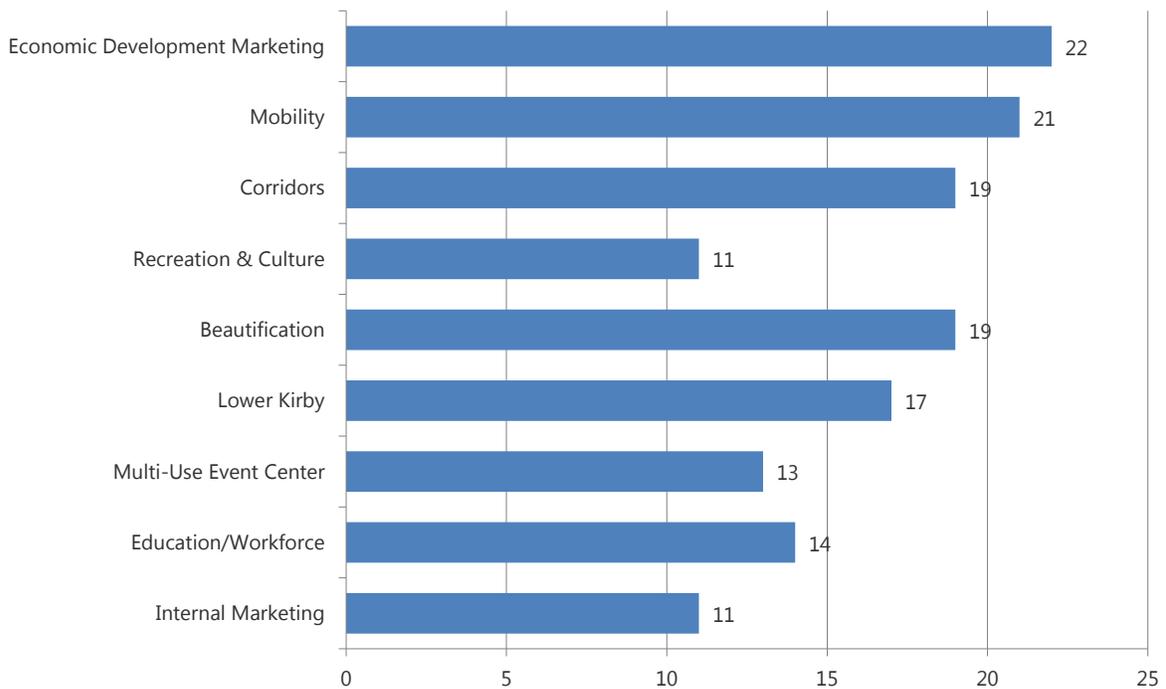


**Question 2: Are you familiar with activities that have taken place to implement one or more of the strategies listed below that were included in the Pearland 20/20 Strategic Plan?**

- |  |                                  |
|--|----------------------------------|
| 1) <b>Economic Development Marketing</b> | 6) <b>Lower Kirby</b>            |
| 2) <b>Mobility</b>                       | 7) <b>Multi-Use Event Center</b> |
| 3) <b>Corridors</b>                      | 8) <b>Education/Workforce</b>    |
| 4) <b>Recreation &amp; Culture</b>       | 9) <b>Internal Marketing</b>     |
| 5) <b>Beautification</b>                 |                                  |



**Question 3: Please select all the strategies you are familiar with (select all that apply):**



**Question 4: What do you consider to be the TOP SUCCESSES of implementation from your perspective? Please provide comments for the strategies you are most familiar with.**

1) Economic Development Marketing:

- Pearland has attracted key employers to the city
- Building brand awareness for healthcare and life sciences companies
- We are attracting more industries to Pearland
- Recruiting companies, particularly healthcare
- Community Impact Newsletter
- Attracting clean high technology employers including medical
- Landing several good employers.
- New business coming to the area
- New companies opening
- Increase to the business tax base
- Wonderful coverage, I would like to see more social media
- Great job in recruiting new businesses to Pearland

2) Mobility:

- Magnolia, Bailey Road, Cullen, McHard
- More roads either opening or are being planned
- Highway 288 expansion
- SH288, McHard funding
- Expanding McHard and other roadways
- Pearland Parkway, Bailey Road, McHard Road and Smith Ranch
- More east west routes
- 288, 518, opening other roads will help with traffic; I would like to see a transit mobility program

3) Corridors:

- Good Progress - 288 plan implementation is moving along well
- More access to important areas
- Plans for the development of corridors
- Beautification strategy for SH 288
- 288 Corridors and Beautification
- SH 35 and Olde Town Site
- 288 Management District
- Beautification of corridors - I would like to see Old Townsite developed.
- Work on the SH 288 corridor is crucial

4) Recreation & Culture:

- More parks

- New sports parks being built
- Hickory Slough, Centennial to Independence trail, BMX track, Pearland Alliance for Arts & Culture
- Nice parks

5) Beautification:

- Guidelines being formulated will be beneficial
- Beautifying entrances
- Not done yet but the monuments will be a nice touch
- SH 35 and Cullen Parkway, Pearland Parkway
- Planned new entries into Pearland
- Creation of management district on west side of 288
- Planned entryway monuments and cleanup of 288 corridor
- Continued efforts
- Gateways and entrance beautification
- We must work on the major entry points to Pearland

6) Lower Kirby

- Successful recruitment of businesses
- Attraction of major employers
- Spectrum Road and Kirby Drive Development
- Road widening, upgraded lighting
- More industries looking at the area, working with Pearland EDC
- Several new developments and implementation of the initial phases of the regional detention plan.
- New business
- This continues to be developed - great job

7) Multi-Use Event Center

- No progress evident
- Not on the horizon yet
- Ongoing efforts for this
- This would greatly benefit the schools - and needs to continue to be discussed
- We need to take a serious look at this. There will be no more land at some point

8) Education/Workforce

- Turner High School/Remington College/UHCL Pearland
- UHCL and Turner are huge successes.
- School district growing
- Continue need in area for better trained workforce
- Working together with all partners helps advance the educational outcomes sought
- We will always need a skilled workforce, professional, blue collar etc.

- Good relationship with Alvin Community College and UHCL

9) Internal Marketing

- Not aware of any progress

**Question 5: What were the BIGGEST CHALLENGES of implementation from your perspective? Please provide comments for the strategies you are most familiar with.**

1) Economic Development Marketing:

- Funding
- Attracting businesses that promote entertainment and culture
- Strong competition

2) Mobility:

- Coordination with TX DOT and METRO
- Educating Pearland on the options for travel through Pearland
- Cannot bike through town and businesses are not required to add bike racks
- The city should look into participating in making the existing corridors more efficient with signal timing improvements, right turn additions at intersections and continued maintenance of landscaping the inhibits sight distances at intersections.
- Finances and acquiring land
- Working with multiple government jurisdictions
- Working with TxDOT
- Visitors and residents getting around internally throughout Pearland.
- Eminent domain is sometimes needed and can be litigious
- Funding

3) Corridors:

- Still need more east to west roadways
- Highway 35 - leverage resources and revitalize Old Townsite
- Funding

4) Recreation & Culture

- No theatre, nothing to draw someone from Houston
- Dedicated space for arts and culture
- Funding

5) Beautification

- Excited to see what will happen with the 288 efforts

6) Lower Kirby

- Lack of any interest in mixed use development as envisioned in the Lower Kirby Plan
- Multi-use "urban" projects in suburban markets can be slow to establish density
- Working with TxDOT

7) Multi-Use Event Center

- Coming to consensus on EVERYTHING for the event center
- Finding the funding
- Finances
- Nothing on the horizon
- Still not the growth to support a venue yet. Unless the City goes out for a bond election to support this it's not profitable at this time
- Funding
- It is a very expensive project - though worthwhile
- Funding
- Land, funds to develop and to manage. We need to collaborate with a developer

8) Education/Workforce

- The education community needs more information on how it can help you
- Communicating to new and existing businesses the educational/workforce opportunities that exist in Pearland.
- I think that we need to be aware of the multiple school districts in Pearland and not just focus these efforts on PISD.
- We need to continue to offer unique opportunity for innovative education and training with our community educators. We need to focus on continued educations program dedicated to developing top-notch skilled labor force to increase recruitment, development and retention in our city.

***Question 6: Is there anything you think could be improved about the administration, coordination, or communications of the Pearland 20/20 process?***

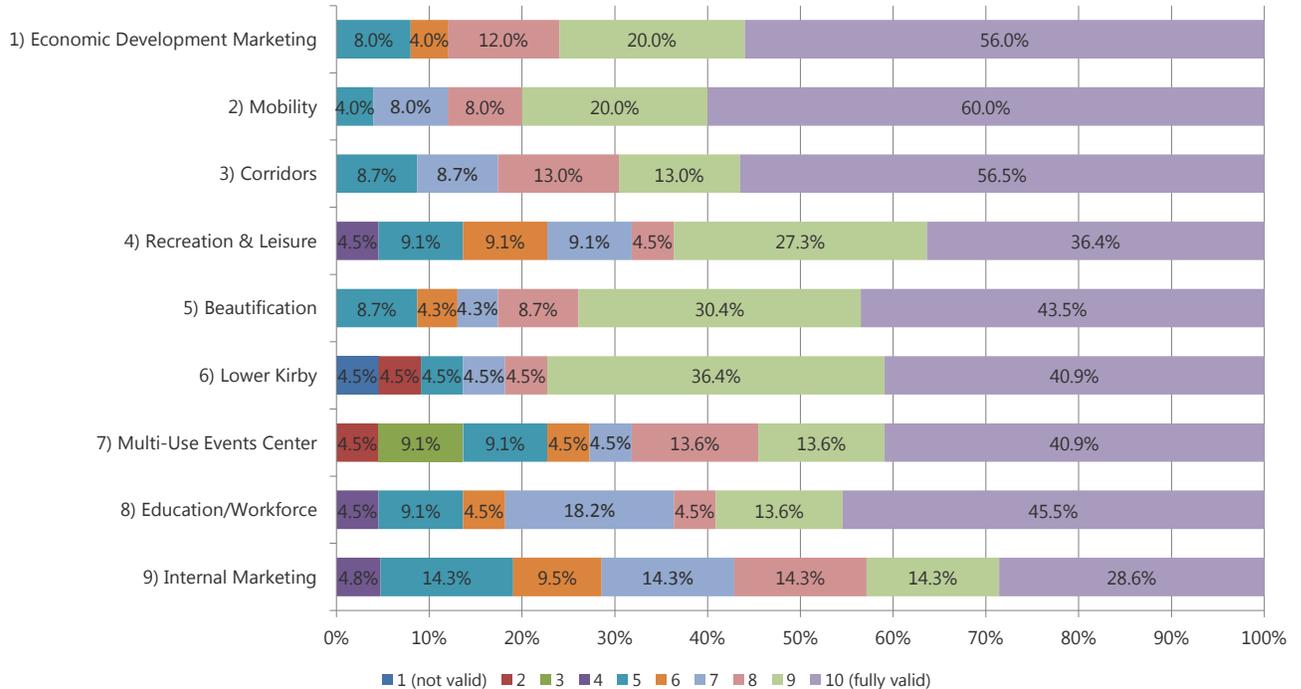
- The Plan needs to be shared better with citizens, residents, and staff. Need better alignment of individual department's goals with those of 20/20 plan.
- No
- Put progress of plan in community newsletter
- In a period that happens to be inundated with surveys and master plans, I'm not sure the gravity of the plan/process is being realized.
- Increase the interaction with local secondary partners
- No, outreach seems appropriate and well-coordinated through multiple channels
- No
- I would try and put more about it in the local paper and the community newsletters.

- Seems well-managed to me
- No. They do a good job communicating progress.
- I think it's been very well done.
- An annual update of the 20/20 plan via media
- No...Great job with the P20/20 process!

***Question 7: Is there anything that could be done by the Pearland Economic Development Corporation or its implementation partners to improve the Pearland 20/20 volunteer experience?***

- The volunteers are treated very well. The volunteers need to go back to their agencies/ organizations and share the vision.
- No
- Stronger partnerships with local public agencies to find funding for the proposed/needed improvements. (Grants, matching funds, etc.)
- Communication outreach with local residents and businesses. I don't think there are many aware of this program other than the key leaders. I think we need to get a more significant community involvement and buy in.
- No
- No, PEDC does a great job
- We are moving forward. I would like to see more community awareness and possibly implementing branding that Pearland is the Mini-Medical Center which gives us a major edge in increasing our market.
- No. Great job!

**Question 8: Please assess the ongoing validity of the Pearland 20/20 core strategies.**



**Question 9: What do you foresee as the biggest challenge(s) to achieving success with the Pearland 20/20 strategic effort(s)?**

- Lack of funding, consensus on prioritization, educating Council, staff, and citizens
- Awareness to both new and existing businesses
- A lot of transient folks that don't intend to stay in Pearland
- Ongoing funding
- Funding
- Quality development in Lower Kirby and mobility and connectivity from east to west side of town.
- Long-term commitment of funding for major projects such as events center, alignment between property owners and public sector for beautification and higher development standards
- Financial issues are the biggest challenges. I think we would like to see all strategies are valid, but the problem is paying for them.
- Priorities are out of sync. We need to address issues that the citizens want FIRST, and then worry about others outside our city!
- Funding
- Mobility for all
- Wonder how the multi-use event center will be justified; there is a glut of well-established competition in the region. Also, does Pearland have the bandwidth to attack and manage 9 priorities?

- Funding
- City and PEDC efforts to ensure the plan does not just sit on a shelf
- Personnel, time and funds
- Too rapid growing pains. Consensus on Council to pathway forward.

**Question 10: What do you think are Pearland's top strategic priorities for the coming 2-3 years?**

- Quality of life issues - reinvestment in older areas and infrastructure maintenance. Maintaining the competitive edge by responding to the needs of current residents and attracting quality development.
- Mobility and multi-use events center
- As always, anything relating to transportation. Possibly the attraction of more recreational/nightlife type venues.
- Mobility, Lower Kirby, Education, Recreation/Leisure. Attracting new business with large employee bases.
- Embracing the new development, new people, and new businesses and realizing a new ever-changing identity and reality of a growing City is a challenge.
- Increasing east/west corridors and size of 518 to improve traffic flow; ensuring that the addition of multiple apartments won't increase the amount of crime
- Mobility; attraction; infrastructure
- Mobility and education
- Mobility and connectivity, quality in all commercial (existing and future) and development of a well-rounded quality community (business, leisure and recreational)
- 1. Identify a major biotech employer to retain talent driving to TMC daily. 2. Establish a formal biotech brand to capture that market. 3. Position Pearland as a high-value cost advantage to markets like Sugarland and The Woodlands
- Mobility
- Defining industries that are best fit for Pearland's continued growth
- East-west corridors and parks/recreation/arts/greenspace/trails and connectivity. Again all for us first, then others will come.
- We need to attract business by showing we have the infrastructure to support the headquarters for large corporations. We need an events center and the traffic congestion on the west side of town must be dealt with.
- Econ Dev, mobility/traffic.
- 1. Getting TxDOT to move forward with the widening of FM518 between SH288 and Cullen. 2. Higher quality/value residential that has sustainable value. 3. Revenues inadequate to meet all needs.
- Attracting tax paying businesses; beautifying the town to engender pride and attraction; creating mobility avenues to handle traffic.
- Mobility / infrastructure maintenance / public safety
- Corridors, Lower Kirby, mobility, beautification
- Mobility and business recruitment



**Question 11: Do you have any final comments about the Pearland 20/20 process?**

- The process was a great one, good involvement from stake holders.
- I thought the education/workforce committee had a great discussion about the capabilities of our educational system within Pearland.
- I think we are all putting forth a great effort to achieve these goals!
- Good use of community feedback.
- Do NOT waste our sales tax funds on things that were approved many years back. Are we going to change and revamp things every time we get a new BOD or ED? That is a waste of our funds! Focus on what WE need, NOT what others want! The 20/20 vision has been done before and those thoughts are the same now, so why did we waste funds to do it again? I am begging you to do the things we NEED as PEARLAND CITIZENS FIRST and then address others outside our community.
- I think the multi-use event center should be a higher priority.
- Pearland is a wonderful community, and well-run community that still has a small town closeness. Whatever we do, please preserve that.
- Well done so far!
- Keep up the great work! I am looking forward to the continual growth and progress of Pearland.
- No...Great job!