

# AGENDA

## CITY OF PEARLAND ♦ CITY COUNCIL

April 11, 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, APRIL 11, 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 March 14, 2016, Regular Meeting held at 6:30 p.m.
- 2. Minutes of the March 21, 2016, Special Meeting held at 6:00 p.m.

**B. Consideration and Possible Action – Resolution No. R2016-58 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for municipal veterinary services to Pearland Animal Hospital, in the estimated amount of \$40,000.00.**

- C. **Consideration and Possible Action – Resolution No. R2016-62 –** A Resolution of the City Council of the City of Pearland, Texas, appointing two (2) Council members to assist City staff in meeting with Brazoria County Commissioners to discuss Fire and EMS issues in the City’s extraterritorial jurisdiction (ETJ).

VII. **NEW BUSINESS:**

1. **Consideration and Possible Action – First Reading of Ordinance No. CUP 2016-01**  
- An Ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for a gasoline station and convenience store in the General Business (GB) zone, a tract or parcel containing 0.8767 acre portion of a 3.3825 acre tract of land situated in the Thomas J. Green Survey, Abstract 198, in the City of Pearland, Brazoria County, Texas. **(Located at the northeast Corner of Broadway St. and Alexander Ln., Pearland, TX)** Conditional Use Permit Application No 2016-01, within the General Business (GB) zoning district, at the request of James Elmore, applicant; on behalf of A&A Business, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.
  
2. **Consideration and Possible Action – First Reading of Ordinance No. CUP 2016-04**  
- An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for bail bonds in the General Business (GB) zone**, being a 3.1092 acre tract of land out of Lot 46 of the Allison Richey Gulf Coast Home Company’s Subdivision of Section 8, H.T & B.R.R. Co. Survey also called the F.B. Drake Survey, Abstract 504, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 24, of the plat records of Brazoria County, Texas. **(Located at 6601 Broadway Street, Pearland, TX.)** Conditional Use Permit Application No 2016-04, within the General Business (GB) zoning district, at the request of Alfred Rucker, applicant; on behalf of Pogie USA LLC, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.
  
3. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-143 -**  
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 property being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve “B”, first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk’s File No. 01-053025, Brazoria County, Texas. **(Located at the West side of Kirby Drive approximately 1,500 feet South of Broadway Street, Pearland, TX.)** Zone Change Application No. 2016-05Z, a request by Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a change in zoning from the Residential Estate (R-E) and Single Family Residential – 2 (R-2) zoning districts to a General Business (GB) zoning district; on approximately 3.8662 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.

4. **Consideration and Possible Action – First Reading of Ordinance No. CUP 2016-07**  
- An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for self-storage facility in General Business (GB) zoning district**, being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve “B”, first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk’s File No. 01-053025, Brazoria County, Texas. **(Located at the West side of Kirby Drive approximately 1,500 feet South of Broadway Street, Pearland, TX.)** Conditional Use Permit Application No 2016-07, within the General Business (GB) zoning district, at the request of Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.
  
5. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-144** - An Ordinance of the City Council of the City of Pearland, Texas, approving a **amending Ordinance No. 2000M, the zoning map of the City of Pearland**, Texas, for the purpose of changing the classification of certain property a tract of land containing 48.471 acres of land situated in the James Hamilton Survey, Abstract No. 881 in Harris County and Abstract No. 747 in Brazoria County, Texas. Said 48.471 acre tract is in Lot 5 of the Subdivision of the John Hamilton Survey as recorded in Volume 83, Page 342 in the Harris County Deed Records and is that same 48.4712 acre tract of land described in a deed to Amegy Mortgage Company, L.L.C. as recorded in Clerk’s File No’s 20100132332 and 20100235353 in the Harris County Clerk’s Office. **(Located at the southwest corner of SH 288 and Spectrum Boulevard, Pearland, TX.)** Zoning Change No 2015-14Z, a request of Patti Joiner of Knudson LP., applicant; on behalf of American Modern Green (Houston) LLC, owner; for approval of a change in zoning from the Planned Development (PD) zoning district known as Modern Green Ivy, to a Planned Development (PD) zoning District known as Ivy District; on approximately 48.471 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.
  
6. **Consideration and Possible Action – Resolution No. 2016-59** – A Resolution Authorizing Publication Of Notice Of Intention To Issue Certificates Of Obligation, In An Aggregate Principal Amount Not To Exceed \$14,200,000, For The Acquisition, Construction And Improvement Of Certain Public Works, Authorizing Distribution Of A Preliminary Official Statement Relating To Such Series Of Certificates And Authorizing Certain Other Matters Relating Thereto.
  
7. **Consideration and Possible Action – First Reading of Ordinance No. 1523** – An Ordinance authorizing the issuance of City of Pearland, Texas, permanent improvement and/or refunding bonds in one or more series; setting certain parameters for the bonds; authorizing refunding of certain outstanding obligations; authorizing a pricing officer to approve the amount, the interest rate, price, and terms thereof and certain other procedures and provisions relating thereto.

8. **Consideration and Possible Action – Resolution No. R2016-54** – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the new and replacement in-car video systems in the amount of \$765,053.00 to WatchGuard.
9. **Consideration and Possible Action – Resolution No. R2016-60** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Amended Lease Agreement with The University of Houston.
10. **Consideration and Possible Action – Resolution No. R2016-53** – 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 for the Hughes Ranch Road Improvement Project; being a 0.1911 of one acre (8,323 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 506, Brazoria County, Texas and being situated in Lot 7, Block 20 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Pages 23 - 24, Brazoria County Map Records (B.C.M.R.), said 0.1911 acre parcel being out of and a part of a 1.857 acre residue of a tract described as 2 acres in a conveyance to Jose C. Rodriguez, recorded under Brazoria County Clerk's File (B.C.C.F.) No. 01055783, for the construction and maintenance of water, sewer, drainage and road improvements on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.
11. **Consideration and Possible Action – Resolution No. R2016-52** – 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 for the Hughes Ranch Road Improvement Project; being a 0.1009 of one acre (4,397 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 506, Brazoria County, Texas and being situated in Lot 22, Block 20 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Pages 23 - 24, Brazoria County Map Records (B.C.M.R.), said 0.1009 acre parcel being out of and a part of a 0.7082 of one acre residue of a tract of land described as 0.9997 of one acre in a conveyance to Ajith Kumar S. Nair and Jeeva Ajith recorded under Brazoria County Clerk's File (B.C.C.F.) No. 2006016690, for the construction and maintenance of water, sewer, drainage and road improvements on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.
12. **Consideration and Possible Action – Resolution No. R2016-61** – A Resolution of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Reimbursement and Maintenance Agreement between the City and the Pearland Economic Development Corporation; and awarding a competitive sealed proposal for the construction of the Pearland Parkway and Dixie Farm Road Corridor Enhancements Projects to Jerdon Enterprise, L.P. in the estimated amount of \$1,058,653.53.

**VIII. MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS**

**OTHER BUSINESS:**

**EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE**

1. **Section 551.074 - Personnel Matters** – Regarding the Annual Evaluation of the City Manager.
2. **Section 551.071 - Consultation with City Attorney** – Regarding property development and related permits.

**NEW BUSINESS CONTINUED:**

13. **Consideration and Possible Action** – Regarding the Annual Evaluation of the City Manager.
14. **Consideration and Possible Action** – Regarding property development and related permits.

**IX. ADJOURNMENT**

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281.652.1840 prior to the meeting so that appropriate arrangements can be made.

All agenda supporting documents are available at [pearlandtx.gov](http://pearlandtx.gov)

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, MARCH 14, 2016, 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	Derrick Reed
Councilmember	Gary Moore
Councilmember	Keith Ordeneaux
Councilmember	Greg Hill
City Manager	Clay Pearson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Others in attendance: Jon Branson Deputy City Manager; Matt Buchanan President of Economic Development Corporation; J.C. Doyle Police Chief; Lata Krishnarao Director of Community Development; Frankie Legaux City Planner; Cynthia Pearson Interim Director of Finance; Sue Polka Director of Engineering; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Eric Wilson Public Works Director; Sparkle Anderson Director of Communications; Joel Hardy Grants Coordinator; Jennifer Huhn Court Administrator; Michael Leech Assistant Director of Public Works; Richard Mancilla Assistant City Engineer; John McCarter Management Assistant; Daniel McGhinnis Chief Information Officer; Rick Overgaard Assistant Finance Director; Lawrence Provins Deputy City Attorney; Tara Kilpatrick Budget Officer.

The invocation was given by Councilmember Hill and the Pledge of Allegiance was led by Chief of Police J.C Doyle.

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

**CITIZEN COMMENTS:**

Kenneth Carter, 3607 East Orange Street, addressed Council stating his concerns regarding putting in a sidewalk from Grand Street to Highway 35. He stated the many dangers in that area because of no sidewalk.

**PUBLIC HEARING:** None.

**CONSENT AGENDA:**

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

1. Minutes of the February 8, 2016, Regular Meeting held at 6:30 p.m.
2. Minutes of the February 22, 2016, Regular Meeting held at 6:30 p.m.

- B. Consideration and Possible Action – Resolution No. R2016-39 – A** Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract with BRW Architects, Inc., in an amount not to exceed \$90,259.00, for professional services associated with the design of Fire and EMS Station #1.
- C. Consideration and Possible Action – Resolution No. R2016-38 – A** Resolution of the City Council of the City of Pearland, Texas, changing the regular meeting time for March 28, 2016.
- D. Consideration and Possible Action – Resolution No. R2016-34 – A** Resolution of the City Council of the City of Pearland, Texas, awarding a bid for custodial services associated with City Facilities to A & A Cleaning Services in an amount not to exceed \$202,920 beginning March 7, 2016 through March 6, 2017.
- E. Consideration and Possible Action – Resolution No. R2016-45 – A** Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract with Gulf Coast Center-Connect Transit, in the estimated amount of \$40,060, for transportation services.

Councilmember Ordeneaux asked that Consent Agenda Item E be removed from the Consent Agenda for further discussion.

Councilmember Moore made the motion, seconded by Councilmember Reed, to adopt Consent Agenda Items A through E with the exception of Item E as presented on the Consent Agenda.

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

Voting “No” None.

Motion Passed 5 to 0.

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

As requested by Councilmember Ordeneaux Consent Agenda Item E was removed for further discussion.

- E. Consideration and Possible Action – Resolution No. R2016-45 – A** Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract with Gulf Coast Center-Connect Transit, in the estimated amount of \$40,060, for transportation services.

Deputy City Manager Jon Branson reported this is a program the City has had since 2012. Gulf Coast Center-Connect Transit will contract with the City to provide transportation services for eligible residents within the City Limits of Pearland for another three (3) years. Eligible participants must be 60 years of age or older, disabled and/or low income designated individual/family. Upon approval Transportation services will continue effective for another three year term through 2018. The program will allow those eligible for the service to secure transportation services 7 days a week, 24 hours per day.

Councilmember Ordeneaux stated he pulled this item because he voted against it in 2012. He further stated he does not have a problem with the program, it works well. What he wanted in 2012 and would like to see is to limit the scope of the area so the City is not sending residents to the Galleria or some area like that. He has no problem with going to the Medical Center or places like that or staying in the Pearland community to shop. He does have a problem with the openness of the Houston area drop off locations.

Discussion ensued between Council and Deputy City Manager Jon Branson regarding a way to limit the scope of the area of drop off locations.

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

Voting "No" Councilmember Ordeneaux.

Motion Passed 4 to 1.

#### **NEW BUSINESS:**

**First Reading of Ordinance No. CUP 2016-02** - An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for a gasoline station and convenience store in the General Business (GB) zone**, being a tract or parcel containing 2.157 acres of land, being all of Lot 1, Block 1, JKJ Development recorded under Brazoria County Clerks File (B.C.C.F.) No. 2008015246, and all of a called 0.65 acre tract as described by deed recorded under B.C.C.F. No. 2013054148, situated in the R.B. Lyle Survey, Sec. 4, A-543, City of Pearland, Brazoria County, Texas. **(Located at Northwest corner of Orange Street and Mykawa Road, Pearland, TX.)** Conditional Use Permit Application No 2016-02, within the General Business (GB) zoning district, at the request of James Elmore, applicant; on behalf of Joseph and Mathew John, owners, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Councilmember Reed made the motion, seconded by Mayor Pro-Tem Carbone, to approve Ordinance No. CUP 2016-02 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for denial of Conditional Use Permit (CUP) Application No. 2016-02.

Director of Community Development Lata Krishnarao reported Staff is not able to recommend approval of the requested CUP on the approximately 2.157 acre site to allow a fuel station use for the following reasons:

1. The Comprehensive Plan indicates that existing industrial land should be preserved. The use of an M-1 zoning district for a gas station causes erosion of valuable manufacturing land.
2. The Future Land Use Plan shows the uses to be “Retail, Offices and Services” in the General Business (GB) portion and the M-1 portion to be “Industrial”. The proposed zone change will not be in conformance with the Future Land Use Plan.
3. Without approval of a Conditional Use Permit, the use would not be in conformance with the Unified Development Code as “Gasoline Stations” and other auto related uses require Conditional Use Permit approval in the General Business (GB) zoning district.
4. The use has the potential to have substantial impact such as noise, dust, excessive light and traffic including truck traffic, on neighboring residential properties to the north, west and south. The site plan shows an area for semi-truck fueling stations which would not be appropriate for the residential area to the south.

Pamela Kennard, 2206 Willow Blvd., addressed Council stating she is representing the Willowcrest neighborhood. She and her neighbors are against putting a gasoline station near their neighborhood.

David Miller, 3008 Windwood, addressed Council stating his concerns regarding the owner and developer of the property tract in question has been caught in a situation that has resulted in “getting the short end” of any consideration. He asked Council if they feel they cannot vote in favor of the Conditional Use Permit (CUP) to table the item to a future meeting.

Councilmember Ordeneaux stated he does not think a government body should dictate the market. He cannot vote on what is in front of him tonight.

Voting “Aye” None.

Voting “No” Councilmembers Moore, Reed, Carbone, Ordeneaux, and Hill.

Motion Failed 5 to 0.

**First Reading of Ordinance No. 2000T-20** – An Ordinance of the City Council of the City of Pearland, Texas, amending selected provisions of the Land Use Matrix of the Unified Development Code of the City; having a savings clause, a severability clause, and a repealer clause; providing for codification, publication and an effective date.

Councilmember Carbone made the motion, seconded by Councilmember Reed, to approve Ordinance No. 2000T-20 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission’s recommendation to forward to Council the approval of the proposed amendments to the Unified Development Code (UDC).

Director of Community Development Lata Krishnarao reported Council is being asked for approval of the proposed changes to the Unified Development Code (UDC) Land Use Matrix for the following reasons:

1. Conditional Use Permits will allow the Council to review the location, design and configuration of the proposed to determine if the use is compatible to existing land uses. Conditions may be imposed to ensure that a proposed use is suitable at the particular location.
2. Correction of typographical errors, expansion of descriptions and elimination of duplicate entries will add clarity to the Unified Development Code (UDC).

Councilmember Moore asked if there is a way to let a new home owner know if they are purchasing a home that was built on or near a landfill.

Director of Community Development Lata Krishnarao stated when it comes time to update the City's Comprehensive Plan staff will make sure all the land use categories are still relevant and will see how it can be tweaked because of the growth of the City. She further stated staff does look at the categories on a broad scale.

Councilmember Ordeneaux stated he does not know of a legal way to do that. What is in question is outside of the city limits and cannot be controlled to begin with. He stated there should be some rules. When moving things from being permitted to not permitted to Conditional Use Permit (CUP) it muddies the water.

Mayor Pro-Tem Carbone stated he does struggle with taking permitted rights from land owners and having them jump through hoops. He further stated at the same time he does not want to see a Correctional Institution come in without going through some hoops.

Councilmember Hill stated not all zoning is bad, it is a balance and you have to figure out the best balance.

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

Voting "No" Councilmember Ordeneaux.

Motion Passed 4 to 1.

**Council Action – Resolution No. R2016-40** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Amended Cost Sharing/Reimbursement Agreement with the Pearland Economic Development Corporation associated with the Hooper Road Expansion Project.

Councilmember Ordeneaux made the motion, seconded by Councilmember Hill, to approve Resolution No. R2016-40.

City Manager Clay Pearson reported Council is being asked to approve an Amendment to the Reimbursement Agreement with the Pearland Economic Development Corporation for the reconstruction of Hooper Road.

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

Voting “No” None.

Motion Passed 5 to 0.

**Council Action – Resolution No. R2016-41** – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the construction of the Hooper Road Expansion Project to Hurtado Construction Company, in the amount of \$3,634,424.25.

Councilmember Hill made the motion, seconded by Mayor Pro-Tem Carbone, to approve Resolution No. R2016-41.

City Manager Clay Pearson reported Council is being asked to award a contract to Hurtado Construction Company in the amount of \$3,634,424.25 for the reconstruction of Hooper Road.

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

Voting “No” None.

Motion Passed 5 to 0.

**Council Action – Resolution No. R2016-43** – A Resolution of the City Council of the City of Pearland, Texas, accepting the City’s comprehensive annual financial report for fiscal year 2015 as prepared by the accounting firm of Whitley Penn, LLP.

Councilmember Moore made the motion, seconded by Councilmember Reed, to approve Resolution No. R2016-43.

Whitley Penn, LLP representative Senior Manager CPA Lupe Garcia gave a PowerPoint presentation of the 2015 Financial Statement Audit.

Discussion ensued between Mayor Pro-Tem Carbone and Senior Manager CPA Lupe Garcia regarding the City does not have endowments or derivative instruments. Mayor Pro-Tem Carbone asked for that language be stricken from the City’s comprehensive annual financial report.

Discussion ensued between Councilmember Hill and Senior Manager CPA Lupe Garcia regarding the pension liability.

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

Voting “No” None.

Motion Passed 5 to 0.

**First Reading of Ordinance No. 1518-3** – An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1518-2, the 2015-2016 Annual Budget Ordinance as it applies to General Fund Over Policy funds by authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein; providing a savings clause, a severability clause, a repealed clause, and an effective date.

Councilmember Reed made the motion, seconded by Councilmember Moore, to approve Ordinance No. 1518-3 on its First Reading as amended.

City Manager Clay Pearson reported Council is being asked for approval of Ordinance No. 1518-3 authorizing the use of the General Fund over policy funds and TxDOT reimbursement for the projects and amending the FY 2016 Adopted Budget.

Deputy City Manager Jon Branson stated that he would like to highlight four of the projects that staff would like to recommend. The Linwood Road Construction and Drainage, the reduction of Certificates of Obligation for City Hall and Annex Remodel and HVAC/Mechanical Replacement, Street Asset Maintenance Recapitalization and the Fire Department Mid-Year Staffing Update.

Budget Officer Tara Kilpatrick gave an overview of the Recommended Expenditures to Fund with the General Fund Over Policy Dollars.

Discussion ensued between Mayor Reid and Budget Officer Tara Kilpatrick regarding if all the projects are approved as presented the City will still have 1.6 million over the two month reserve.

Discussion ensued between Councilmember Ordeneaux, City Manager Clay Pearson and Budget Officer Tara Kilpatrick regarding the Community Development Planning Services, Software Licensing and the Fire Station.

Councilmember Ordeneaux stated street and building maintenance are items to fund with extra funds, he has trouble using extra funds for re-occurring items. He further stated where will the funds come from next year.

Mayor Reid asked the candidates that were present that are running for the new position no. 6 on City Council to stand and introduce themselves.

Adrienne Bell Position No. 6, Monica Russo Position No. 6, Terry Gray Position No. 6, and Trent Perez, Position No. 6.

Discussion ensued between Mayor Pro-Tem Carbone and City Manager Clay Pearson regarding clarification of reducing the Certificates of Obligation City Hall renovation verses other Certificates of Obligation projects.

Mayor Pro-Tem Carbone stated with the decline of sales tax and coming in under budget the last few months he does not want to use the extra funds for the Certificates of Obligation City Hall renovation and he does not think the City should be spending five million to renovate a building. He further stated he would like to keep those funds in reserve.

Councilmember Moore stated at this time he would like to see the extra funds left in reserve.

Discussion ensued between Councilmember Hill and Budget Officer Tara Kilpatrick regarding items listed on White Paper from the Council Retreat.

Councilmember Hill stated he would not be opposed to holding back the one million for the Certificates of Obligation City Hall renovation and go with the other items.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Moore to amend Ordinance 1518-3 to remove \$1,000,000 that would have been used for the Certificates of Obligation City Hall renovation to leave in the reserve and pay all other items.

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

Voting "No" None.

Motion Passed 5 to 0.

Mayor Reid called for the vote on the motion as amended.

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

Voting "No" Councilmember Ordeneaux.

Motion Passed 4 to 1.

**Council Action – Resolution No. R2016-42** – A Resolution of the City Council of the City of Pearland, Texas, approving participation in the Office of the Governor's Body Camera Grant Program.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Moore, to approve Resolution No. R2016-42.

City Manager Clay Pearson reported the Purchasing office has utilized a product selection process that intends to secure the safest, most effective, sturdy, user-friendly, maintenance-free product on the market remediating the potential for the purchase of equipment made from cheap materials that lack the durability this particular function of governmental requires. The preferred vendor is located in Texas, where the product is manufactured and serviced in it's entirety. The storage and data management infrastructure associated with the use of this type of equipment is incorporated into the program costs for the number of devices that will be purchased with grant funds and our match, so no additional operating costs should be incurred.

Discussion ensued between Councilmember Moore and Grants Coordinator Joel Hardy regarding the application process and the battery life of the body cameras.

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

Voting “No” None.

Motion Passed 5 to 0.

**Council Action – Resolution No. R2016-36** – A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract for professional services associated with the Water and Wastewater Impact Fee Update, with Freese and Nichols, Inc., in the amount of \$105,100.00.

Councilmember Ordeneaux made the motion, seconded by Councilmember Hill, to approve Resolution No. R2016-36.

City Manager Clay Pearson stated Council is being asked to approve the Professional Services contract for Water and Wastewater Impact Fee Study Update with Freese and Nichols, Inc. in the amount of \$105,100.00.

Discussion ensued between Councilmember Hill and City Engineer Susan Polka regarding the Reflection Bay Plant is included in the Water and Wastewater Impact Fee Study Update.

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

Voting “No” None.

Motion Passed 5 to 0.

**Council Input and Discussion** – Council-requested update – Orange Street Resurfacing Project.

City Engineer Susan Polka gave an update of the design work of the Orange Street project.

Assistant Director of Public Works Mike Leech gave an update of the Orange Street project.

Paul Eskine, 3516 E. Orange Street, addressed Council stating he is representing the residents of Linwood 1/Orange Street. The residents have been working with the City to get the drainage problems corrected. He further stated they asked that Orange Street not be raised in height due to the fact it acts as a dam which keeps the water from exiting the neighborhood. He further stated his concerns when the City started putting new asphalt on Orange Street which raised the height of the street. He stated if the City can make funds available for a new Service Center they can make funds available for a new concrete street with curb and gutter.

Kathye Warfield, 3526 Linwood Street, addressed Council stating she has 35 years of experience in business and she has learned that people get upset when expectations are not met. She further stated the residents are appreciative for Council hearing their concerns and the City working on the drainage problems, but she wants to express disappointment because what they were told is not happening. She stated she hopes the City and Council will address the issues and solve the problem.

Councilmember Hill stated this has been going on for a long time and the sooner Linwood Street can get new pavement, curb and gutter the better. He stated he appreciates the update staff presented, but the one thing that is disappointing is when you tell someone you are going to do something you should do it. He does not know if the City misled the residents or the Contractor misled the City, either way it is not right and it does not look good for the City. He wants to see this made right.

Councilmember Ordeneaux stated he would like to see the new pavement from Old Alvin Street to Slider Street, moved from 2018 to 2016 when the City figures out how to fund it. He stated this exact same problem is in the Old Town Site. Orange Street has been overlooked and needs to be the first one to be corrected. He further stated the City needs to have a funded plan that looks into the future and fixes the City's problems while maintaining current streets and building for growth. He would like to see the City stop putting band-aids on things and come up with a long term plan.

Mayor Pro-Tem Carbone stated the residents were told from the beginning by multiple staff and even himself that Orange Street would be overlaid and the height would not be raised. He would understand if the residents do not trust anything that comes from the governmental body's mouth. He stated he is sorry for that. He does not know if there is a solution for the asphalt that has already been put on Orange Street. He asked Staff what it would look like to go back and put the project in line from what was said in the very beginning.

Assistant Public Works Director Mike Leech stated that has not been explored financially.

Mayor Pro-Tem Carbone asked in terms of the contract is there any recourse back to the contractor.

City Attorney Darrin Coker stated the contractor did provide specifications on what would be built and if the contractor did not build what were in the specifications, the City can make the contractor correct it. If the contractor did build what the specifications stated the City would have no recourse.

Mayor Pro-Tem Carbone would like for staff to look into this and try to get it corrected without spending any additional tax dollars.

Discussion ensued between Council and City Engineer Susan Polka regarding Linwood Road Construction and Drainage Project including curb and gutter.

Mayor Pro-Tem Carbone stated the presentation was great, but the City did not follow through with what the residents were told. He further stated he would like to see the conversion of concrete, curb and gutter from Orange Street to Slider Street moved up in the process.

Councilmember Reed stated not only is the contractor at fault, but the City made promises and we all have to take ownership, he apologized. He stated he agrees with Mayor Pro-Tem Carbone to go back and look at the contract and see if there is any recourse.

Discussion ensued between Councilmember Moore and City Engineer Susan Polka regarding the engineering report for the drainage issue, and the size of the drainage pipes.

Councilmember Hill stated Staff, Council and the residents are working on this as a team. There was disappointment, and the City has reason to apologize. We will now move forward and solve the problem. It is for the betterment of the town we live in.

Councilmember Moore thanked everyone that has been involved with this issue. It is a credit to the residents that this is being addressed.

Mayor Pro-Tem Carbone stated the five elected officials apologized and asked if Staff had any commits.

City Manager Clay Pearson stated Staff joins the Councilmembers and apologizes to the residents for not living up to what the residents were told. He stated it is painful when the residents state they are not able to trust the City. Staff works every day to try to earn the trust of the residents. He further stated Staff will start working on this issue to see what options there are and to rectify this issue.

Mayor Reid stated the City has good Staff that will work on this issue. He further stated part of the problem is the City has many capital improvement projects and not enough tax base to take care of all the projects. He stated the City is not trying to dodge their responsibilities, they are doing everything they can with the budget they have.

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

Councilmember Reed stated he would like to see the lighting policy relating to back yards of residents.

## **OTHER BUSINESS:**

Council adjourned into Executive Session under Texas Government Code at 9:06 p.m. to discuss the following.

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

- 1. Section 551.087 - Consultations with City Attorney –**  
Regarding Economic Development Negotiations.

## **NEW BUSINESS CONTINUED:**

Council returned from Executive Session at 10:13 p.m.

**Council Action** – Regarding Economic Development Negotiations.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Reed, to authorize the Pearland Economic Development Corporation to enter into an amended loan agreement with Pearland Economic Development Corporation Prospect No. 1600 and also authorize the City to enter into amended tax abatement agreement with Prospect No. 1600.

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

Voting "No" None.

Motion Passed 5 to 0.

**ADJOURNMENT**

Meeting was adjourned at 10:14 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 SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, MARCH 21, 2016, AT 6:00 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

Mayor Reid called the meeting to order at 6:00 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 Attorney  | Darrin Coker    |
| City Secretary | Young Lorfing   |

Others in attendance: Jon Branson Deputy City Manager; Trent Epperson Assistant City Manager; and Sue Polka City Engineer.

**Purpose of the Meeting:**

**Council Action – Resolution No. R2016-46** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to execute an Energy Procurement Advisory Agreement with Tradition Energy pursuant to the terms of the U.S. Communities Master Cooperative Purchasing Agreement; and authorizing the City Manager to execute a Commercial Electricity Service Agreement with a retail electric provider as determined to be best the offer in the City’s electricity market pricing solicitation.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Moore to approve Resolution No. R2016-46 as amended.

City Manager Clay Pearson reported Purchasing staff has had discussions with Fort Bend County, League City and La Porte, all Tradition Energy clients, and each report a high level of satisfaction with Tradition’s solicitation process and bidder pool, as well as Tradition’s ongoing customer service proficiency in working with both contracted retail electric providers (REP) and Centerpoint Energy, the predominant regional energy transmission and distribution company.

Deputy City Manager Jon Branson stated upon execution of the Energy Procurement Advisory Agreement, Tradition Energy will formally solicit electricity pricing from qualified and vetted retail electric providers, and provide respondent proposals to the City for consideration and subsequent execution of a Commercial Electricity Service Agreement to commence January 1, 2018. It is anticipated that this process can occur within the week of March 21, 2016 subject to favorable market conditions.

Discussion ensued between Councilmember Reed and Deputy City Manager Jon Branson regarding entering now into the agreement and securing power up to a 5-year time period once the current contract ends January 31, 2017.

Discussion ensued between Council and Energy Advisor Bob Wooten regarding the Fee Structure.

Mayor Pro-Tem Carbone made the motion, seconded by Councilmember Ordeneaux to amend and clarify that there will be no pre-contractual or post-contractual fees associated with the contract, the only fees associated with the contract will be the brokerage fees.

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 motion as amended.

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

Voting "No" None.

Motion Passed 5 to 0.

**Adjournment:**

Meeting was adjourned at 6:15 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

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

<b>AGENDA OF:</b>	April 11, 2016	<b>ITEM NO.:</b>	R2016-58
<b>DATE SUBMITTED:</b>	March 31, 2016	<b>DEPT. OF ORIGIN:</b>	Police
<b>PREPARED BY:</b>	Bob Pearce	<b>PRESENTOR:</b>	Ron Fraser
<b>REVIEWED BY:</b>	Jon R. Branson	<b>REVIEW DATE:</b>	April 5, 2016
<b>SUBJECT:</b> Resolution No. R2016-58; A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for municipal veterinary services to Pearland Animal Hospital in the estimated amount of \$40,000.00.			
<b>EXHIBITS:</b> Resolution No. R2016-58 Pearland Animal Hospital Response			
<b>EXPENDITURE REQUIRED: \$40,000.00</b> <b>AMOUNT BUDGETED: \$40,000.00</b> <b>AMOUNT AVAILABLE: \$ 40,000.00</b> <span style="float: right;"><b>PROJECT NO.: N/A</b></span> <b>ACCOUNT NO.: 100.200.250.5400.040</b> <b>ADDITIONAL APPROPRIATION REQUIRED: N/A</b> <b>ACCOUNT NO.: N/A</b> <b>PROJECT NO.: N/A</b>			
<b>To be completed by Department</b>			
<b>Finance</b>	<b>X Legal</b>	<b>Ordinance</b>	<b>X Resolution</b>

**EXECUTIVE SUMMARY**

**BACKGROUND**

In order to promote a safe and healthy environment for citizens and local animals, it is necessary for the City to retain the services of a state-licensed veterinarian to examine, evaluate and treat our animals prior to being made available for adoption and/or transfer. These examinations will include a complete physical examination, interpretation of results of heartworm and fecal tests run by shelter staff, recommendation of treatments and medications appropriate for the animal and, if needed, ear exam and cytology, skin scrape and cytology, cytology of skin masses and to provide any infectious disease control recommendations. The current staff at the Animal Shelter have the ability to perform certain tests on the animals, however, they cannot administer the rabies vaccination or certain medications necessary to treat the animals.

### **BID AND AWARD**

Purchasing and Police Department personnel developed specifications and conducted a Request for Proposal seeking the services of a Texas-licensed veterinarian for utilization by the City. Notice of the RFP was published in the City newspaper of record, posted on the City's e-bid system and sent to several local veterinarians. Two (2) responses were received.

An internal evaluation committee, comprised of Police Department, Animal Services and Human Resources personnel, reviewed the responses to this RFP and made a recommendation for award to Pearland Animal Hospital. It should also be noted that the Animal Shelter Advisory Committee was presented the recommendation for award and voted unanimously to move forward with the award.

### **SCHEDULE**

Services will be provided on an ongoing basis for a one (1) year term. Upon expiration of that term, two (2) one-year renewal options are available upon mutual agreement of both parties.

### **POLICY GOAL/CONSIDERATION**

This purchase is recommended to provide the Animal Shelter with the services needed in order to provide our citizen's with a safe community.

### **CURRENT AND FUTURE FUNDING/ FINANCIAL IMPACT/ DEBT SERVICE**

Funding for the purchase of this equipment will come from the Police Department Animal Services operating account.

### **RECOMMENDED ACTION**

City Council consideration and approval of Resolution No. R2016-58 of the City Council of the City of Pearland, Texas, awarding a contract for veterinary services in the estimated amount of \$40,000.00 to Pearland Animal Hospital.

**RESOLUTION NO. R2016-58**

**A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for municipal veterinary services to Pearland Animal Hospital, in the estimated amount of \$40,000.00.**

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

**Section 1.** That competitive bids for municipal veterinary services for Animal Control have been reviewed and tabulated.

**Section 2.** That the City Council hereby awards the bid to Pearland Animal Hospital, in the amount of \$40,000.00.

**Section 3.** The City Manager or his designee is hereby authorized to execute a contract for municipal veterinary services.

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



# Pearland

## ANIMAL HOSPITAL

*Established 1968*

1601 N. Main, Pearland, Texas 77581

City of Pearland  
Request for Proposal  
**RFP 1216-10**

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# PROPOSAL

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## **Purpose**

To secure a contract to provide veterinary services in support of Pearland Animal Control and the City of Pearland

## **Preparer**

Kris Schoeffler, DVM

Owner, Pearland Animal Hospital

1601 N Main St

Pearland, TX 77581

(281) 485-2496 [work]

(281) 485-0681 [fax]

[krschoefflerdvm@gmail.com](mailto:krschoefflerdvm@gmail.com)

## **Contents of Application**

### **Proposal**

- Tab A – Qualifications and Experience
- Tab B – Rates and Expenses
- Tab C – Methodology and Documentation
- Tab D – References
- Tab E – Conflict of Interest (Form CIQ)
- Tab F – Non-Collusion Statement
- Tab G – Local Bidder Preference Form

### **Resumes and Licenses of Veterinarians**

### **Personnel List**

### **Liability Insurance Verification**

### **Sample Usage Report**

The reports provided are merely examples of reports that can be easily generated. Customized reporting is possible if needed. If these reports are insufficient, please indicate the type of information that should be contained in the report and we can build it to suit your purposes.

## **Tab A – Qualifications and Experience**

Pearland Animal Hospital is a highly-rated small animal and exotic veterinary practice located at 1601 North Main Street near the intersection of McHard Road and approximately 1.3 miles from Pearland Animal Control. Established in 1968, Pearland Animal Hospital is Pearland's oldest clinic and is still locally owned. Pearland Animal Hospital has historically provided veterinary support for Pearland Animal Control and continues to offer aid whenever possible.

The veterinarians at Pearland Animal Hospital have varied experience levels ranging from 3 years to almost 50 years in their field. They routinely treat small animals, pocket pets, and exotic animals. They are also comfortable treating other larger animals on an as-needed basis, although it is not within their normal scope of work. The veterinarians are as follows:

- **Kristofer Schoeffler, DVM**
  - Owner since 2013 and first worked at Pearland Animal Hospital in 1995
  - Pearland native (Pearland High School Class of 1999)
  - Graduated from TAMU College of Veterinary Medicine in May, 2008
  - Post-graduate internship at Iowa State University July 2008 – June 2009
  - USDA APHIS Accredited for Category II Animals (All animals – no restrictions)
  - Veterinary License in the State of Texas
  - DEA and DPS controlled substance licenses
- **Bobby Stevener, DVM**
  - Clinic owner until 2013
  - Opened Pearland Animal Hospital in April, 1968
  - Contract veterinarian
  - Long-time Pearland resident
  - Graduated from TAMU College of Veterinary Medicine in 1965
  - Veterinary License in the State of Texas
  - Long history of support for Pearland Animal Control's veterinary needs
- **Eric Vance, DVM**
  - Associate Veterinarian
  - Graduated from TAMU College of Veterinary Medicine in May, 2012
  - Veterinary License in the State of Texas
  - DEA and DPS controlled substance licenses
  - USDA APHIS Accredited for Category I Animals (Companion species)
- **Donna Henry, DVM**
  - Associate Veterinarian
  - Graduated Magna Cum Laude from TAMU College of Veterinary Medicine in May, 2003
  - Veterinary License in the State of Texas
  - DEA and DPS controlled substance licenses

- Cesar Simon Vasquez, BScV, VS
  - Associate Veterinarian
  - Veterinary degree earned in Caceres, Spain
  - Practiced in England for 7 years
  - Fully licensed in the United States and Texas since 2013
  - DEA and DPS controlled substance licenses

The hospital administrator is Kristen Hart. She has completed the coursework to become a Certified Veterinary Practice Manager. She is tasked with making sure that the contract is executed fully and that Pearland Animal Hospital complies with any requirements set forth.

The support team at Pearland Animal Hospital would also be made available as needed to meet the requirements of the contract. Our staff constitutes another 15 people that would be supporting Pearland Animal Control in their mission, 5 of whom have been employed at Pearland Animal Hospital for over 25 years each.

Pearland Animal Hospital has not been previously involved with the City of Pearland in a contractual sense, but without Pearland Animal Hospital's ongoing support the Pearland Animal Shelter would likely not exist in its current form. Pearland Animal Hospital has historically allowed the City to order equipment and supplies through accounts and contracts owned by Pearland Animal Hospital. Pearland Animal Hospital has also fulfilled the inspection requirements for the City Shelter without request for remuneration. Despite a lack of contractual obligation, Pearland Animal Hospital understands and has fulfilled the scope of work currently being requested by the City of Pearland.

Pearland Animal Hospital is capable of handling everything from routine wellness care to complicated surgeries and emergency medicine. Our equipment and facilities are modern and we have access to all of the latest treatment modalities. Pearland Animal Hospital will be fully capable of supporting Pearland Animal Control in any way needed.

Pearland Animal Hospital has also played a very active role in the promotion and success of the Wags to Riches Gala organized by Pearland Pets. The funds raised through this organization have been allocated to purchase much-needed equipment and supplies for Pearland Animal Control and the Pearland Animal Shelter. Pearland Animal Hospital is proud to continue supporting our local community and the animal population.

**Tab B – Rates and Expenses**

**Requested Pricing Sheet**

Rabies Vaccination: Dog or Cat	\$10
Examination (per animal)	\$25
Examination – Recheck	\$15
Per Trip Minimum Fees	\$75
Monthly Report of Services Provided:	Yes

**Additional Pricing Sheet**

Annual Inspection / Shelter Protocol Development	\$75 per instance
Supplies / Medications	Cost + 10%**
Sedation Protocol for Euthanasia	\$10 per animal
Unlisted Surgeries / Treatments	20% below standard pricing
Laboratory Testing	Cost of Test + 10%**
Technician Assistant (if needed)	\$30 per hour
Emergency Premium (If Applicable*)	\$50 plus Exam

*\*Emergency Premium will only be assessed in instances where the emergency disrupts the normal flow of business at Pearland Animal Hospital*

*\*\*10% surcharge is to cover costs associated with specimen collection, filling prescriptions, maintaining inventory, etc. See Tab C.*

## Tab C – Methodology and Documentation

The veterinarians at Pearland Animal Hospital will on a rotating basis make site visits to Pearland Animal Control a minimum of 3 times per normal work week (excludes weeks with federal holidays) and on an as-needed basis when possible. On these site visits examinations can be performed, diagnostic samples may be collected, treatment plans may be implemented, and facility and protocol assessments can be made.

Examinations will be very thorough and include all basic diagnostics necessary to operate a successful shelter. Included will be:

- ❖ Complete physical examination
- ❖ Ear exam and cytology (if needed)
- ❖ Skin scrape and cytology (if needed)
- ❖ Cytology of skin masses (if needed)
- ❖ Interpretation of results of heartworm and fecal tests run by shelter staff
- ❖ Recommendation of treatments and medications appropriate for the animal
- ❖ Infectious disease control recommendations

Shelter staff will be required to assist for examinations by presenting the animal to the veterinarian and helping to restrain the animal during the examination. Heartworm and fecal examinations should be performed by shelter staff and interpreted by the veterinarian for diagnosis and treatment recommendations at the time of the examination.

In order to be able to perform all of the necessary functions of an examination in a efficient way, Pearland Animal Control should make available the following items, which may be purchased through Pearland Animal Hospital per the “Supplies / Medications” aspect of the pricing sheet: diagnostic-quality microscope, slides, cover slips, immersion oil, mineral oil, #10 scalpel blades, cotton swabs, Dif-Quick or similar cytology stain, fecal flotation solution, fecal flotation tubes, syringes, 22ga x 3/4” or 1” needles, and clear Scotch or similar tape. Without these items, certain examination functions may not be possible. Pearland Animal Hospital will provide training on how to use these items to expedite diagnosis and treatment of animals. Pearland Animal Hospital will also provide other equipment and supplies as needed.

Instead of requiring Pearland Animal Control to maintain stock of various medications and supplies, Pearland Animal Hospital will allow Pearland Animal Control to purchase these items on an as-needed basis through our hospital at a price just above our cost. The entire stock of the Pearland Animal Hospital pharmacy will thus be at the disposal of the veterinarian and Pearland Animal Control without limitation, versus having a very limited stock of certain medications on hand at the Pearland Animal Shelter. This will improve efficiency, decrease overall costs to the shelter for inventory maintenance,



## RFP 1216-10

and expand the capacity to help animals. The 10% surcharge that will be assessed is only to cover the costs associated with packaging, labeling, and filling these medications and supplies by Pearland Animal Hospital staff.

Emergency veterinary treatment will be provided by Pearland Animal Hospital during normal business hours at the rates listed on the pricing sheet. Additional care beyond the scope of the pricing sheet will be provided at a discounted rate should the City of Pearland see fit to pursue additional treatments.

After-hours emergencies and holiday emergencies will be provided by Pearland 288 Animal Emergency Clinic. Pearland Animal Hospital has negotiated with the owners, Drs. Linton and Van Dyke, to accept these emergencies and to render necessary services at a discount of at least 50%. Such emergencies would have to be transported to and from Pearland 288 Animal Emergency Clinic. Pearland Animal Hospital veterinarians will not be on call after-hours for emergencies.

Pearland Animal Hospital veterinarians do not routinely work on farm -animal or equine species. As such, occasions may arise where the advice of the veterinarian will be to seek the care of another veterinarian who more routinely works on these species. Similar situations may arise regarding certain types of wild life or exotic animals. This will not be viewed as a breach of contract and will only happen on limited occasions.

To mitigate the risk of spreading infectious disease throughout Pearland Animal Hospital, patients being treated should remain housed at the Pearland Animal Shelter to the extent possible. In the case of animals that require more intense treatment than can safely be administered at the Pearland Animal Shelter, such animals can be housed at Pearland Animal Hospital until they are deemed healthy enough to return to the shelter. Pearland Animal Hospital will not serve as an overflow ward or isolation ward for the City of Pearland Animal Shelter unless the animals have a specific medical need as determined by the veterinarian. Care for such animals will be billed per the contract price sheet under "Unlisted Surgeries / Treatments."

As often as once quarterly a veterinarian will make himself or herself available should the facility manager desire to have a staff and/or volunteer training or educational seminar on a certain veterinary-related topic. The topic can be requested by the facility manager or may be suggested by the veterinarian. The seminar will last approximately 30 minutes to 1 hour and is to be performed at Pearland Animal Control. The fee for such training will be \$100 per session.

Once annually and on an as-needed basis a veterinarian from Pearland Animal Hospital will perform a site inspection and complete all required paperwork for continued licensure and operation of the City Animal Shelter Facility. The fee for this inspection will be \$75.

In cases of animal cruelty and at the request of the facility manager, a veterinarian from Pearland Animal Hospital may perform an examination and document all findings for submission to the appropriate authority. Post-mortem examinations can be performed at a rate of \$200 per exam. The



## RFP 1216-10

veterinarian may also give testimony as needed in such cases as an expert witness for the City of Pearland. The veterinarian will be reimbursed for his or her time at a rate of \$200 per hour for anything relating to examination of the animal, documentation of potential abuse, and time associated with giving testimony including transportation to and from the courtroom.

All treatments, surgeries, and diagnoses will be documented appropriately and records maintained per requirements of the Texas State Board of Veterinary Medical Examiners. Copies of these records will be made available at the request of the Facility Supervisor. An annual usage report will also be generated at the request of the Facility Supervisor or the Pearland City Manager, Deputy City Manager, City Secretary, or Chief of Police.

Regarding indemnifications, all animals will be treated with the consent of Pearland Animal Control and Pearland Animal Control will be considered the owner of record. It is understood that Pearland Animal Control will assume all liability for treatment decisions which are made solely at Animal Control's discretion and will indemnify Pearland Animal Hospital thusly. Pearland Animal Hospital will assume only liability related to the quality of work performed by Pearland Animal Hospital. For example, should Pearland Animal Control decide that euthanasia is the best option for a stray animal that has been hit by a car, and then later the citizen owner alleges that euthanasia was wrongfully performed, sole liability would rest on Pearland Animal Control for electing euthanasia instead of treatment regardless of involvement of Pearland Animal Hospital. Conversely, if Pearland Animal Control had elected to treat the animal and the animal died despite the best efforts of Pearland Animal Hospital staff, Pearland Animal Hospital would indemnify the City for the treatments performed.

Regarding euthanized and deceased animals, Pearland Animal Control will be responsible for the timely disposal of remains. Any samples that are to be submitted for rabies testing will be done so at the expense of Pearland Animal Control. Pearland Animal Control must also transport any samples to the testing location as needed.

For discussion or clarification of any of the above statements, please contact Kris Schoeffler, DVM at Pearland Animal Hospital. The phone number is 281-485-2496, or you can email him at [krschoefflerdvm@gmail.com](mailto:krschoefflerdvm@gmail.com).



**Tab D – References**

No references which meet the criteria set forth in RFP1216-10 can be provided. However, should references from private citizens or rescue organizations suffice, they can be provided upon request. Shari Coleman, the Animal Control supervisor, and Jon Branson, Deputy City Manager, are also aware of previous contributions and support rendered by Pearland Animal Hospital to the City of Pearland.



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**Tab E – Conflict of Interest (Form CIQ)**

See attached documentation

# CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire is being filed in accordance with chapter 176 of the Local Government Code by a person doing business with the governmental entity.

By law this questionnaire must be filed with the records administrator of the local government not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

## OFFICE USE ONLY

Date Received

1 Name of person doing business with local governmental entity.

PEARLAND ANIMAL HOSPITAL

2

Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than September 1 of the year for which an activity described in Section 176.006(a), Local Government Code, is pending and not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3

Describe each affiliation or business relationship with an employee or contractor of the local governmental entity who makes recommendations to a local government officer of the local governmental entity with respect to expenditure of money.

NONE

4

Describe each affiliation or business relationship with a person who is a local government officer and who appoints or employs a local government officer of the local governmental entity that is the subject of this questionnaire.

TONY CARBONE IS OUR CPA AND A CLIENT

KEITH ORDENEUX IS A CLIENT

GREGG HILL IS A CLIENT

# CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

Page 2

For vendor or other person doing business with local governmental entity

5 Name of local government officer with whom filer has affiliation or business relationship. (Complete this section only if the answer to A, B, or C is YES.)

This section, item 5 including subparts A, B, C & D, must be completed for each officer with whom the filer has affiliation or business relationship. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?

Yes  No

B. Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the local government officer named in this section AND the taxable income is not from the local governmental entity?

Yes  No

C. Is the filer of this questionnaire affiliated with a corporation or other business entity that the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes  No

D. Describe each affiliation or business relationship.

SEE SECTION 4

6 Describe any other affiliation or business relationship that might cause a conflict of interest

NONE

7

By: H. Schaeff MEMBER  
Signature of person doing business with the governmental entity

2/17/16  
Date



RFP 1216-10

**Tab F – Non-Collusion Statement**

See attached documentation



**NON-COLLUSION STATEMENT**

"The undersigned affirms that they are duly authorized to execute this contract, that this company, corporation, firm, partnership or individual has not prepared this bid in collusion with any other bidder, and that the contents of this bid as to prices, terms or conditions of said bid have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this bid."

Vendor PEARLAND ANIMAL HOSPITAL

Address 1601 N. MAIN

Phone Number 281-485-2496

Fax Number 281-485-0681

Email Address KRSCHOEFFLERDVM@GMAIL.COM

Bidder (Signature) K. Schoeffler

Position with Company MEMBER

Signature of Company  
Official Authorizing This Bid K. Schoeffler

Company Official (Printed Name) K. SCHOEFFLER

Official Position MEMBER



## Tab G – Local Bidder Preference Form

See attached documentation and details listed below

### 1. Locational Eligibility

#### a. Principal place of business:

**Veterinary Services of Texas, PLLC dba Pearland Animal Hospital  
1601 N Main  
Pearland, TX 77581**

#### b. Sole Member / Officer

**Kris Schoeffler, DVM  
5205 Magnolia St  
Pearland, TX 77584**

### 2. General Business Information:

a. Year business established (Pearland location): **1968**

b. Most recent year property valuation (if owned): **2015**

c. Annual taxable sales (originating in Pearland): **\$2.1MM**

d. Is business current on all property and sales taxes at the time of this application? **Yes**

e. Total number of current employees (**19**) and number of Pearland-resident employees (**9**)

### 3. Economic Development benefits resulting from award of this contract:

a. Number of additional jobs created or retained for Pearland resident-employees? **2**

b. Amount of additional City of Pearland ad valorem and/or sales taxes anticipated? **None known**

c. Local subcontractors utilized, if applicable: **Bobby Stevener, DVM**

d. Other economic development benefit deemed pertinent by applicant: **One of the two employees currently being added to our staff to help fulfill this contract is a veterinarian and thus increases the local skilled work force resulting in additional tax revenues for the City of Pearland**



**CITY OF PEARLAND**  
**LOCAL BIDDER PREFERENCE CLAIM FORM**

**Sections 271.905 and 271.9051** of the Texas Local Government Code authorize a municipality to consider a vendor's location in the determination of a bid award if the lowest bid received is from a business outside the municipality and contracting with a local bidder would provide the best combination of price and other economic benefits to the municipality. The City of Pearland has determined that the allowable preference shall be applied to local vendor's bids for the purposes of evaluation when requested in writing by local bidder and when determined to be in the best interest of the City to do so. **This request form and any supporting documentation must be submitted with bid in order to be considered by the City of Pearland.** Questions should be addressed to the Purchasing Department at 281-652-1668. Exclusions to the local preference include expenditures of \$3,000 or less, and those purchases which are: sole-source, emergency, federally-funded, cooperative contracts, or via interlocal agreement. The local preference status will expire one year from the date of this form; for any subsequent requests for preference during this period, the applicant need only complete and submit section 3 of this form.

The City Council requires the following information for consideration of a local bidder preference (information may be submitted in an attachment to this form):

- 1. Locational Eligibility:** Principal place of business in Pearland, Texas? Principal place of business is defined herein as any business which owns or leases a commercial building within the City limits and uses the building for actual business operations.
  - a. If yes, identify name of business/DBA, address, and business structure: sole proprietorship, partnership, corporation, or other.
  - b. Name and city of residence of owner(s)/partners/corporate officers; as applicable.
  
- 2. General Business Information:**
  - a. Year business established (Pearland location).
  - b. Most recent year property valuation (if owned); real and personal property.
  - c. Annual taxable sales (originating in Pearland).
  - d. Is business current on all property and sales taxes at the time of this application?
  - e. Total number of current employees and number of Pearland-resident employees.
  
- 3. Economic Development benefits resulting from award of this contract:**
  - a. Number of additional jobs created or retained for Pearland resident-employees?
  - b. Amount of additional City of Pearland ad valorem and/or sales taxes anticipated? Please explain how the amount has been determined.
  - c. Local subcontractors utilized, if applicable: name, location and contract value for each.
  - d. Other economic development benefit deemed pertinent by applicant.

**Certification of information:**

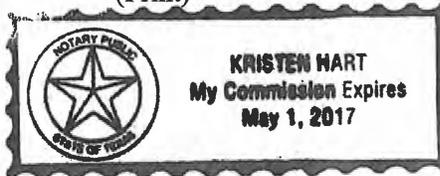
The undersigned does hereby affirm that the information supplied is true and correct as of the date hereof, under penalty of perjury.

City Bid No./Quote for which the local preference is requested: RFP 1216-10

By: KRISTOFER SCHOEFFLER 2/17/16  
(Name of Bidder) (Date)

K. Schoeffler K. Schoeffler  
(Signature) (Print)

THE STATE OF TEXAS §  
§  
COUNTY OF Brazoria §



Appeared before me the above-named Kristofer Schoeffler known to me to be the same, and swore that the information provided in response to the foregoing questions are true and correct to the best of his/her knowledge and belief, this 17 day of February, 2016

Kristen Hart  
NOTARY PUBLIC, STATE OF TEXAS  
Printed Name: Kristen Hart  
Commission Expires: 05/01/2017

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# RESUMES AND LICENSES

**Kristofer R. Schoeffler, DVM**

**Pearland Animal Hospital**

1601 N Main, Pearland, TX 77581

Work: (281) 485-2496 • Cell: (281) 455-9970 • Fax: (281) 485-0681 • kschoefflerdvm@pearlandanimalhospital.com

**OBJECTIVE:** To procure a contract with the City of Pearland for veterinary services.

**EXPERIENCE**

- **Kirkwood Veterinary Hospital, Houston, TX (6/2014 – present):** Owner.
- **Pearland Animal Hospital, Pearland, TX (1/2013 – present):** Owner, Chief Veterinarian.
- **Pearland Animal Hospital, Pearland, TX (4/2011 – 12/2012):** Associate Veterinarian, Assistant Practice Manager
- **Kristofer R. Schoeffler, DVM, Anchorage, AK (2/2011 – 3/2011):** Owner, *locum tenens* services in Anchorage, AK
- **Diamond Animal Hospital and Emergency Services, Anchorage, AK (7/2009 – 1/2011):** Associate veterinarian

**EDUCATION**

- Annual Continuing Education in excess of requirement by State Board of Veterinary Medical Examiners
- Internship (small animal, rotating) at Iowa State University, Ames, IA (7/2008 – 6/2009)  
*Completion: June 30, 2009; Nominated as Intern Class Liaison*
- Doctor of Veterinary Medicine at Texas A&M University, College Station, TX (8/2004 – 5/2008)  
*Graduation: May 8, 2008*
- Bachelor of Science (Animal Science) at Texas A&M University, College Station, TX (8/1999 – 12/2003)  
*Graduation: December 20, 2003*

**LICENSES AND CERTIFICATIONS**

- Texas State Veterinary License in good standing (TX #11071)
- USDA APHIS Accreditation in both Alaska and Texas (Category II – All Animals)
- DEA and Texas DPS Licenses for administration and distribution of controlled substances
- Radiography and Laser Therapy Licenses in good standing

**SKILLS AND INTERESTS**

- Bilingual: English and Spanish
- Special interests in the areas of practice management, medicine, surgery, ophthalmology, nutrition, and preventative care

**AWARDS, HONORS, AND ACCOMPLISHMENTS**

- Voted “Best Veterinarian” in the greater Pearland / Friendswood Area by Houston Community Newspaper readers (2013)
- Successfully lobbied City of Pearland to adopt business-friendly sign ordinance modifications
- Pfizer Veterinary Specialty Team Award Recipient: Analgesia/Anesthesia, \$500 award (2008)
- \$45,000 in scholarships, grants, and stipends for education and research
- National Merit Scholar out of Pearland High School (1999)

**PROFESSIONAL AFFILIATIONS**

- American Veterinary Medical Association (2008 – present)
- Texas Veterinary Medical Association (2008 – present)
- Harris County Veterinary Medical Association (2015 – present)
- Alaska Veterinary Medical Association (2008 – 2011)
- Veterinary Information Network (2006 – present)

**VOLUNTEER WORK AND CHARITY**

- Pearland Chamber of Commerce (Director 2014 – present, Vice Chair of Governmental Affairs 2015, Chair Elect 2016)
- Northern Brazoria County Education Alliance (Director June 2015 – present)
- Active member of the Pearland Lions Club since April 2012
- Christian ministry activities at St. Helen Catholic Church, Pearland, TX
- Pro bono and discounted services for local Animal Control authority and pet shelter
- Pro bono and discounted services for local animal rescue organizations
- Continued support of local, state, and national charities, service groups, and youth organizations

**References available upon request**

# Texas Veterinary Board Licensee: Schoeffler, Kristofer R. # 11071

[Return to all search options](#) > [New Search](#)

<b>License Number</b>	11071
<b>License Status</b>	Active
<b>License Type</b>	Regular
<b>Profession</b>	Veterinarian
<b>License Expiration Date</b>	12/31/2016

<b>Last Name</b>	Schoeffler
<b>First Name</b>	Kristofer
<b>Middle Name</b>	R.

<b>Address</b>	1601 N MAIN
<b>Address (2nd line)</b>	
<b>City</b>	PEARLAND
<b>State</b>	TX
<b>Zip Code</b>	77581

<b>Graduation Date</b>	2008
<b>Graduation School</b>	TEXAS A&M UNIV CVM
<b>Original Date of License Issue</b>	05/08/2008

<b>Disciplinary Action</b>	NO <a href="#">Board Order Search</a>
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**CERTIFICATION OF INFORMATION:** The Texas State Board Veterinary Medical Examiners certifies that it maintains the information for the license verification functions of this website, performs daily updates to the website and considers the website to be a secure, primary source for license verification.



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**Bobby Stevener, DVM**  
1905 Sleepy Hollow  
Pearland, Texas 77581  
(281) 485-3718

**Employment History**

**Pearland Animal Hospital \*1601 North Main \*Pearland, Texas 77581**

**Associate Veterinarian January 2013 – Present**

- Perform routine examinations, treatments, procedures and diagnostic testing
- Soft tissue, ear dock and orthopedic surgical procedures

**Pearland Animal Hospital \*1601 North Main \*Pearland, Texas 77581**

**Veterinarian / Owner April 1968 – December 2012**

- Performed routine examinations, treatments, procedures and diagnostic testing on small and large animals
- Soft tissue surgeries, ear docks and orthopedic surgical procedures on small and large animals
- Responsible for all medical and business aspects of the practice
- Designed and implemented all practice policies, marketing, accounting, inventory and purchasing policies, monitoring and recording
- Maintained clinical staff, clinic and business records
- Maintenance on clinic facilities

**Memberships:**

Texas Veterinary Medical Association  
American Veterinary Medical Association  
Pearland Lions Club

# Texas Veterinary Board Licensee: Stevener, Bobby Lee # 2361

[Return to all search options](#) > [New Search](#)

<b>License Number</b>	2361
<b>License Status</b>	Active
<b>License Type</b>	Regular
<b>Profession</b>	Veterinarian
<b>License Expiration Date</b>	11/30/2016

<b>Last Name</b>	Stevener
<b>First Name</b>	Bobby
<b>Middle Name</b>	Lee

<b>Address</b>	1601 N MAIN ST
<b>Address (2nd line)</b>	
<b>City</b>	PEARLAND
<b>State</b>	TX
<b>Zip Code</b>	77581

<b>Graduation Date</b>	1965
<b>Graduation School</b>	TEXAS A&M UNIV CVM
<b>Original Date of License Issue</b>	09/02/1965

<b>Disciplinary Action</b>	NO
	<a href="#">Board Order Search</a>

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# Texas Veterinary Board Licensee: Vance, Eric A.C. # 12559

[Return to all search options](#) > [New Search](#)

<b>License Number</b>	12559
<b>License Status</b>	Active
<b>License Type</b>	Regular
<b>Profession</b>	Veterinarian
<b>License Expiration Date</b>	05/31/2016

<b>Last Name</b>	Vance
<b>First Name</b>	Eric
<b>Middle Name</b>	A.C.

<b>Address</b>	1601 NORTH MAIN STREET
<b>Address (2nd line)</b>	
<b>City</b>	PEARLAND
<b>State</b>	TX
<b>Zip Code</b>	77581

<b>Graduation Date</b>	2012
<b>Graduation School</b>	TEXAS A&M UNIV CVM
<b>Original Date of License Issue</b>	05/11/2012

<b>Disciplinary Action</b>	NO
	<a href="#">Board Order Search</a>

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**Donna C. Henry, D.V.M.**  
6456 Bayou Glen Road, Houston, TX 77057  
(832) 563-1667  
dchenry03@yahoo.com

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## **OBJECTIVE**

Seeking **associate** position at progressive small animal practice that emphasizes quality medicine, surgery, and diagnostics.

## **EDUCATION**

**Doctor of Veterinary Medicine:** Texas A&M University, 2003

**Bachelor of Arts, Biology:** The University of Texas at Austin, 1999

## **PROFILE**

- **Superior work ethic-** Hard-working, dependable, and punctual
- **Organized-** Excellent at multi-tasking and time management in fast-paced settings
- **Personable-** Friendly and approachable with excellent communication skills
- **Enthusiastic-** Eager to utilize experience and gain new knowledge

## **EXPERIENCE**

**Associate Veterinarian:** Pearland Animal Hospital, Pearland, TX  
(April 2014 to present)

- Full time associate DVM at busy small animal practice practicing high quality medicine and surgery

**Associate Veterinarian:** Bissonnet-Kirby Animal Hospital, Houston, TX  
(June 2012-February 2014)

- Active role in designing and executing diagnostic and therapeutic plans for the Shaggy Dog Rescue organization, while also actively managing a wide range of medicine and surgical cases in the culturally diverse region of West University/Rice Village.

**Associate Veterinarian:** Pacific Palisades Veterinary Center, Pacific Palisades, CA  
(October 2011-May 2012)

- Constitutive member of progressive, multi-doctor practice in affluent neighborhood of Los Angeles. Provided cutting-edge medical, surgical and dental services to highly educated and demanding clientele.

**Associate Veterinarian:** Agoura Animal Clinic, Agoura Hills, CA  
(January 2011-September 2011)

- Temporary position at established small animal clinic focusing on excellent customer service and communication. Managed all aspects of patient needs, ranging from wellness exams to challenging internal medicine and surgical cases.

**Associate Veterinarian:** Brykerwood Veterinary Clinic, Austin, TX  
(April 2010-November 2010)

- Diagnosed and treated patients in a multi-doctor, high-volume, client-oriented small animal practice. Managed a wide variety of internal medicine, dermatology, dental and soft-tissue surgery cases. Expanded diagnostic skill set through use of digital survey and dental radiography.

**Relief Veterinarian:** Central TX (April 2009-March 2010)  
Memphis, TN (September 2007-March 2009)

- Provided small animal relief services in a diverse array of clinical settings, including wellness care, internal medicine, emergency medicine, and soft-tissue surgery and dentistry.

**Associate Veterinarian:** West Houston Veterinary Medical Associates, Houston, TX  
(October 2004-August 2007)

- Integral part of 3-veterinarian team at high volume, progressive small animal hospital. Focused on complex medical cases, preventative care and client education programs. Utilized quality diagnostic services, including basic abdominal sonography and tonometry.

**Associate Veterinarian:** Westside Veterinary Hospital, Pearland, TX  
(May 2003-October 2004)

- Attended patients in busy small animal practice, ranging from routine annual visits to complex and challenging medical cases to a variety of soft tissue surgeries.

# Texas Veterinary Board Licensee: Henry, Donna Cathleen-Rose # 9560

[Return to all search options](#) > [New Search](#)

<b>License Number</b>	9560
<b>License Status</b>	Active
<b>License Type</b>	Regular
<b>Profession</b>	Veterinarian
<b>License Expiration Date</b>	09/30/2016

<b>Last Name</b>	Henry
<b>First Name</b>	Donna
<b>Middle Name</b>	Cathleen-Rose

<b>Address</b>	1601 NORTH MAIN
<b>Address (2nd line)</b>	
<b>City</b>	PEARLAND
<b>State</b>	TX
<b>Zip Code</b>	77581

<b>Graduation Date</b>	2003
<b>Graduation School</b>	TEXAS A&M UNIV CVM
<b>Original Date of License Issue</b>	05/09/2003

<b>Disciplinary Action</b>	NO
	<a href="#">Board Order Search</a>

**CERTIFICATION OF INFORMATION:** The Texas State Board Veterinary Medical Examiners certifies that it maintains the information for the license verification functions of this website, performs daily updates to the website and considers the website to be a secure, primary source for license verification.



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# César Simón Vázquez, DVM

11514 Gaymoor Dr, Houston, Texas, 77035, US  
Mobile: 713-518-8673 | E-mail: [cesivaz@yahoo.co.uk](mailto:cesivaz@yahoo.co.uk)

## EDUCATION AND TRAINING

---

- 2013            **TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS.**  
Certified June 12<sup>th</sup> 2013
- 2007-2013     **AMERICAN VETERINARY MEDICAL ASSOCIATION (AVMA)**  
**EDUCATIONAL COMMISSION FOR FOREIGN VETERINARY GRADUATES (ECFVG)**  
ECFVG Certification attained on March 13<sup>th</sup> 2013
- 2011            **NATIONAL BOARD OF VETERINARY MEDICAL EXAMINERS.**  
North American Veterinary Licensing Examination (NAVLE) passing score attained on April 23<sup>rd</sup> 2011
- 1998-1999     **UNIVERSITY OF BRISTOL** (Bristol, UK)  
SCHOOL OF VETERINARY SCIENCE  
Official Veterinary Surgeon Certificate
- 1989-1995     **UNIVERSITY OF EXTREMADURA** (Caceres, Spain)  
SCHOOL OF VETERINARY SCIENCE  
BSc in Veterinary Science (Medicine and Animal Health)
- 1984-1988     **I.B NORBA CAESARINA COLLEGE** (Caceres, Spain)  
University Preparation Course  
Upper Secondary Education

## WORK EXPERIENCE

---

- BISSONNET KIRBY ANIMAL HOSPITAL** (Houston, Texas, US)  
November 2014-Present  
Associate small animal veterinarian
- PARKER ROAD ANIMAL HOSPITAL** (Houston, Texas, US)  
July 2013-October 2014  
Associate small animal veterinarian.
- ORCHID VETERINARY HOSPITAL** (Brentwood, Essex, UK)  
November 2011- September 2012.  
Small animal head veterinarian.
- MD ANDERSON. UNIVERSITY OF TEXAS** (Bastrop, Texas, US)  
December 2008-July 2011  
Senior veterinary technologist as part of the clinical team responsible for the health and welfare of a colony of 200 chimpanzees.
- THE ANCHORAGE VETERINARY HOSPITAL** (Norfolk, England)  
December 2003 - March 2007  
Small and large veterinarian.
- R. J. LAWRENCE VMH Ltd** (Lincoln, England)  
June 1998 - November 2000 and March 2001 - November 2003

Official Veterinary Surgeon for the Meat Hygiene Service (Food Standards Agency, Ministry of Agriculture): responsible for the meat hygiene and animal welfare in red meat and poultry slaughterhouses, cutting plants and cold stores. Also involved in export certifications as a Local Veterinary Inspector.

**MUBERS** (Valladolid, Spain)

November 2000-March 2001

Poultry pathologist trainee in a broiler integrated system; tasks included farm visits, diagnosis, treatment, technical advice.

**ALBEITAR VETERINARY PRACTICE** (Sevilla, Spain)

March 1997 - June 1998

Veterinarian responsible for diagnosis and treatment of small animals.

**AQUACERES VETERINARY PRACTICE** (Caceres, Spain)

August 1996 - March 1997

Veterinarian responsible for diagnosis and treatment of small animals.

**FREELANCE** (Malpartida de Caceres, Caceres, Spain)

August 1995 - August 1996

Freelance Veterinary Surgeon in Malpartida de Caceres and surrounding areas.

**ROSIMART FARM** (Caceres, Spain)

January 1990 - August 1995

Operative in a 600-production-rabbit farm; responsible for husbandry, feeding, cleaning, vaccinations, oestrus synchronisation.

**ADDITIONAL INFORMATION**

---

Member of the American Association for Laboratory Animal Science since 2010

Member of the Royal College of Veterinary Surgeons (United Kingdom) since 1998

Member of the Royal College of Veterinary Surgeons (Spain) since 1995

**PERSONAL DEVELOPMENT COURSES AND CERTIFICATES**

---

June 2015 **WVC** (Las Vegas, Nevada, US)

PRACTICAL ORTHOPEDICS OF THE PELVIC LIMB.

April 2014, **AO NORTHAMERICA** (Columbus, Ohio, US)

PRINCIPLES OF SMALL ANIMAL FRACTURE MANAGEMENT Course

July 2012, **BCF TECHNOLOGY** (Holmes Chapel, England)

SMALL ANIMAL BASIC ABDOMINAL ULTRASONOGRAPHY Course

December 2010, **SAFE CAPTURE INTERNATIONAL** (Bastrop, Texas, US)

CHEMICAL IMMOBILIZATION OF NON-HUMAN PRIMATES Course

June 2006, **VETERINARY SCHOOL, LONDON UNIVERSITY** (England)

CANINE AND FELINE CARDIOLOGY Course

October 2005, **IMPROVE INTERNATIONAL, NEWMARKET** (England)

INTRODUCTION TO SMALL ANIMAL ULTRASOUND Course

November 2004, **VETERINARY SCHOOL, GLASGOW UNIVERSITY** (Glasgow, Scotland)

HOCK AND STIFLE ORTHOPEDIC SURGERY IN SMALL ANIMALS Course

May 2004, **QUEEN'S VETERINARY SCHOOL HOSPITAL, UNIVERSITY OF CAMBRIDGE** (Cambridge, England)

SMALL ANIMAL HAEMATOLOGY Course

March 2004, **UNIVERSITY OF CAMBRIDGE** (Cambridge, England)

ULTRASOUND IN SMALL ANIMALS Course

April 2002, **CHARTERED INSTITUTE OF ENVIRONMENTAL HEALTH** (Lincoln, England)  
HAZARD ANALYSIS AND CRITICAL CONTROL POINTS Certificate

December 2001, **CHARTERED INSTITUTE OF ENVIRONMENTAL HEALTH** (Doncaster, England)  
PROFESSIONAL TRAINER Certificate

November 2001, **CAMPDEN & CHORLEYWOOD FOOD RESEARCH ASSOCIATION GROUP** (England)  
MICROBIOLOGICAL RISK ASSESMENT

October 2001, **IMPROVE: TRAINING AND DEVELOPMENT** (Leeds, England)  
APPROACH TO ALTERNATIVE AND COMPLEMENTARY MEDICINE Course

July 2001, **FUNDACION DE ESTUDIOS Y FORMACION SANITARIA** (Distance)  
BOVINE SPONGIFORM ENCEFALOPATHY Course

September 2000, **FUNDACION DE ESTUDIOS Y FORMACION SANITARIA** (Distance)  
VETERINARY INTERVENTION IN PUBLIC HEALTH Course

July 1999, **THE ROYAL INSTITUTE OF PUBLIC HEALTH AND HYGIENE** (York, England)  
HAZARD ANALYSIS AND CRITICAL CONTROL POINTS Course

November 1998, **MEAT HYGIENE SERVICE** (Stoke on Trent, England)  
HAZARD ANALYSIS AND CRITICAL CONTROL POINTS Course

November 1997, **CHAMBER OF COMMERCE AND INDUSTRY** (Caceres, Spain)  
INTERNET FOR VETS Course

October 1997, **UNIVERSITY OF CORDOBA, School of Veterinary Science** (Cordoba, Spain)  
VETERINARY DERMATOLOGY UPDATING Course

November 1996, **SMALL ANIMAL VETERINARY ASSOCIATION OF MADRID** (Madrid, Spain)  
SMALL ANIMAL SURGERY Course

August 1995, **UNIVERSITY OF EXTREMADURA** (Caceres, Spain)  
UPDATING AND REVIEW OF DIAGNOSTIC METHODS OF PARASITIC DISEASES AND ITS ZOOSES Certificate

May 1995, **UNIVERSITY OF EXTREMADURA, School of Veterinary Science** (Caceres, Spain)  
EQUINE PATHOLOGY Course

*References available*

## Texas Veterinary Board Licensee: Simon-Vazquez, Cesar # 13073

[Return to all search options](#) > [New Search](#)

<b>License Number</b>	13073
<b>License Status</b>	Active
<b>License Type</b>	Regular
<b>Profession</b>	Veterinarian
<b>License Expiration Date</b>	01/31/2017

<b>Last Name</b>	Simon-Vazquez
<b>First Name</b>	Cesar
<b>Middle Name</b>	

<b>Address</b>	2507 BISSONNET
<b>Address (2nd line)</b>	
<b>City</b>	HOUSTON
<b>State</b>	TX
<b>Zip Code</b>	77005

<b>Graduation Date</b>	1995
<b>Graduation School</b>	Universidad de Exxtremadura
<b>Orginal Date of License Issue</b>	07/01/2013

<b>Disciplinary Action</b>	NO <a href="#">Board Order Search</a>
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# PERSONNEL LIST



RFP 1216-10

## Pearland Animal Hospital Personnel List

### Administrator

- ❖ Kristen Hart

### Veterinarians

- ❖ Kristofer Schoeffler, DVM
- ❖ Bobby Stevener, DVM (Contractor)
- ❖ Eric Vance, DVM
- ❖ Donna Henry, DVM
- ❖ Cesar Simon-Vasquez, BScV, VS

### Technical Staff

- ❖ Rita Brose
- ❖ Shelley Lawrence
- ❖ Steve Gass
- ❖ Ruby Matherne
- ❖ David Willingham, CVA
- ❖ Liz Smith
- ❖ Sarah Hamilton, LVT

### Kennel Staff

- ❖ Hannah Carlton
- ❖ Jon-Michael Hensley
- ❖ Brandon Wells

### Reception Staff

- ❖ Joanne Hall
- ❖ Trudy Crouch
- ❖ Billie Teague
- ❖ Jasmine Sewell

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# INSURANCE

# COMMERCIAL GENERAL LIABILITY DECLARATIONS

POLICY NUMBER: CMP 5545661 03

RENEWAL OF NUMBER: CMP 5545661 0206

<p style="text-align: center;"><b>COMPANY NAME</b></p> <p>REPUBLIC UNDERWRITERS INSURANCE COMPANY 5525 LBJ FREEWAY DALLAS, TX 75240-6241 (800) 344-2275</p>	<p style="text-align: center;"><b>AGENT NAME, ADDRESS &amp; CODE</b></p> <p>VICTORY INSURANCE AGENCY INC PO BOX 1890 PEARLAND, TX 77588 4205268</p>
---	---

NAMED INSURED VETERINARY SERVICES OF TEXAS PLLC  
As Per Named Insured Endorsement

MAILING ADDRESS 1601 N MAIN ST  
PEARLAND, TX 77581

POLICY PERIOD: FROM 12/31/2015 TO 12/31/2016 AT 12:01 A.M. TIME AT  
YOUR MAILING ADDRESS SHOWN ABOVE

**IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.**

LIMITS OF INSURANCE	
EACH OCCURRENCE LIMIT	\$1,000,000
DAMAGE TO PREMISES RENTED TO YOU LIMIT	\$300,000 Any one premises
MEDICAL EXPENSE LIMIT	\$5,000 Any one person
PERSONAL & ADVERTISING INJURY LIMIT	\$1,000,000 Any one person or organization
GENERAL AGGREGATE LIMIT	\$2,000,000
PRODUCTS/COMPLETED OPERATIONS AGGREGATE LIMIT	\$2,000,000

**RETROACTIVE DATE (CG 00 02 ONLY)**

THIS INSURANCE DOES NOT APPLY TO "BODILY INJURY", "PROPERTY DAMAGE" OR "PERSONAL AND ADVERTISING INJURY" WHICH OCCURS BEFORE THE RETROACTIVE DATE, IF ANY, SHOWN BELOW.

RETROACTIVE DATE: \_\_\_\_\_  
(ENTER DATE OR "NONE" IF NO RETROACTIVE DATE APPLIES)

**DESCRIPTION OF BUSINESS**

FORM OF BUSINESS: INDIVIDUAL

INDIVIDUAL     
  PARTNERSHIP     
  JOINT VENTURE     
  TRUST

LIMITED LIABILITY COMPANY     
  ORGANIZATION, INCLUDING A CORPORATION (BUT NOT INCLUDING A PARTNERSHIP, JOINT VENTURE OR LIMITED LIABILITY COMPANY)

BUSINESS DESCRIPTION: Veterinarian or Veterinary Hospitals

ISSUE DATE: 12/23/2015

CL-GLP-DEC

Original

ALL PREMISES YOU OWN, RENT OR OCCUPY	
LOC NO.	ADDRESS OF ALL PREMISES YOU OWN, RENT OR OCCUPY
001-001	Class Rated 1601 N Main st Brazoria Pearland, TX 77581
002-001	CLASS RATED 10580 FUQUA ST Harris Houston, TX 77089

**CLASSIFICATION AND PREMIUM**

LOC NO.	CLASSIFICATION	CODE NO.	PREMIUM BASE	RATE		ADVANCE PREMIUM	
				Prem/ Ops	Prod/Comp Ops	Prem/ Ops	Prod/Comp Ops
001-001	Veterinarian or Veterinary Hospitals Products-completed operations are subject to the General Aggregate Limit TERRITORY: 006	99851	640,000 Payroll	6.659	Incl.	\$4,262	Incl.
002-001	Veterinarian or Veterinary Hospitals Products-completed operations are subject to the General Aggregate Limit TERRITORY: 004	99851	If Any Payroll	5.605	Incl.		Incl.

CLASSIFICATION AND PREMIUM							
LOC NO.	CLASSIFICATION	CODE NO.	PREMIUM BASE	RATE		ADVANCE PREMIUM	
				Prem/ Ops	Prod/Comp Ops	Prem/ Ops	Prod/Comp Ops
	Hired Auto	44444				\$50	
	Non-Owned Auto	44444				\$50	
	Republic Plus General Liability Enhancement					\$250	
	Employment Practices Liability Insurance	60107				\$314	

	STATE TAX OR OTHER (if applicable) _____	
	TOTAL PREMIUM (SUBJECT TO AUDIT)	\$4,926
PREMIUM SHOWN IS PAYABLE:	AT INCEPTION	_____
	AT EACH ANNIVERSARY	_____
	(IF POLICY PERIOD IS MORE THAN ONE YEAR AND PREMIUM IS PAID IN ANNUAL INSTALLMENTS)	
AUDIT PERIOD (IF APPLICABLE)	<input checked="" type="checkbox"/> ANNUALLY	<input type="checkbox"/> SEMI-ANNUALLY
	<input type="checkbox"/> QUARTERLY	<input type="checkbox"/> MONTHLY

ENDORSEMENTS
ENDORSEMENTS ATTACHED TO THIS POLICY:
See Schedule of Forms and Endorsements
_____
_____
_____

**THESE DECLARATIONS, TOGETHER WITH THE COMMON POLICY CONDITIONS AND COVERAGE FORM(S) AND ANY ENDORSEMENT(S), COMPLETE THE ABOVE NUMBERED POLICY.**

Countersigned:	By:
(Date)	(Authorized Representative)

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# SAMPLE USAGE REPORT

Date: 2/17/2016  
 Client: Pearland Animal Control  
 Finance Department  
 Pearland, TX 77588-2719  
 (281)652-1970

Pearland Animal Hospital  
 CLIENT ACCOUNT REGISTER

Page: 1  
 Account: 8

Date	Type	For	Code	Description	Qty	Amount	Balance	
<b>2/1/2016</b>	<b>I</b>			<b>Invoice No. 145339</b>		<b>Tax: 0.00</b>	<b>49.60</b>	<b>49.60</b>
2/1/2016	S	Victoria	AD	Deceased***		0.00	49.60	
2/1/2016	S	Victoria	CPT	Parvo Virus Test- In House		49.60	49.60	
<b>1/13/2016</b>	<b>I</b>			<b>Invoice No. 144677</b>		<b>Tax: 0.00</b>	<b>99.00</b>	<b>0.00</b>
1/13/2016	M			Mastercard payment	0	-250.70	0.00	
1/13/2016	S	Brisk	TY	Thank you for choosing us!		0.00	250.70	
1/13/2016	S	Brisk	62220	Terbinafine Tablets 250mg	8	21.20	250.70	
1/13/2016	S	Brisk	I437	Conofite / Miconosol Lotion 1% 60 ml		24.00	229.50	
1/13/2016	S	Brisk	CEHW	Comprehensive Exam		46.20	205.50	
1/13/2016	S	Brisk	PE0	OSHA Compliance Fee - Per Day		7.60	159.30	
<b>1/7/2016</b>	<b>B</b>			<b>Balance brought forward</b>			<b>151.70</b>	
1/7/2016	L			Service charge on unpaid balance	0	2.24	151.70	
<b>1/4/2016</b>	<b>I</b>			<b>Invoice No. 144342</b>		<b>Tax: 0.00</b>	<b>0.00</b>	<b>149.46</b>
1/4/2016	P		237131	Check payment	0	-197.60	149.46	
<b>12/4/2015</b>	<b>I</b>			<b>Invoice No. 143442</b>		<b>Tax: 0.00</b>	<b>143.54</b>	<b>347.06</b>
12/4/2015	S	Giovanni	PREDN5	Prednisolone Tablets 5 mg	14	21.20	347.06	
12/4/2015	S	Giovanni	RILEX300	Rilexine ( Cephalexin ) Chew 300mg	21	24.94	325.86	
12/4/2015	S	Giovanni	I501	Animax / Derma - Vet Ointment 30ml		28.96	300.92	
12/4/2015	S	Giovanni	CAP11.4B	Capstar Blue 11.4mg under 25lbs		6.72	271.96	
12/4/2015	S	Giovanni	CEHW	Comprehensive Exam		46.20	265.24	
12/4/2015	S	Giovanni	PE0	OSHA Compliance Fee - Per Day		7.60	219.04	
12/4/2015	S	Giovanni	BD	Blood Draw		7.92	211.44	
12/4/2015	X	Giovanni	ZO4712	OTITIS EXTERNA		0.00	203.52	
12/4/2015	X	Giovanni	ZF6374	FLEA ALLERGY DERMATITIS		0.00	203.52	
12/4/2015	X	Giovanni	ZF4063	FLEAS		0.00	203.52	
12/4/2015	X	Giovanni	ZP0736	PYODERMA*		0.00	203.52	
12/4/2015	F	Giovanni	PR165	Exam - skin		0.00	203.52	
12/4/2015	F	Giovanni	PR253	Itchy		0.00	203.52	
12/4/2015	F	Giovanni	PR203	Gagging		0.00	203.52	
<b>12/2/2015</b>	<b>B</b>			<b>Balance brought forward</b>			<b>203.52</b>	
12/2/2015	L			Service charge on unpaid balance	0	2.96	203.52	

ACCOUNT TOTALS (since 11/17/2015)

<b>Non-Taxable</b>	<b>Taxable</b>	<b>Tax</b>	<b>Late fees</b>	<b>Payments</b>	<b>Adjustments</b>	<b>Discount</b>
292.14	0.00	0.00	5.20	448.30	0.00	73.03

Date of Report: 2/17/2016  
 For period: 1/1/2016 - 2/17/2016

Pearland Animal Hospital - Animal Control  
 PATIENTS BY TREATMENT

Page:1  
 Consolidated

Category/Description/Client	Phone	Patient	Dr.	Qty	Date	Time	Charge	Species	Breed	Age	Sex	
<b>BODY CARE/EUTHANASIA</b>												
<b>AD</b>	<b>Deceased***</b>											
8	Pearland Animal Control	652-1970	Victoria	KS	1.00	1/14/2016	5:12p	0.00	CANINE	CHIHX	2y	F
KS: 1/14/2016 at 5:13p: Discussed 3 treatment options (hospitalization until well, hospitalization 24h, home care only). O declines. Euthanized at PAC.												
<b>LABORATORY-IN HOUSE</b>												
<b>CPT</b>	<b>Parvo Virus Test- In House</b>											
8	Pearland Animal Control	652-1970	Victoria	KS	1.00	1/14/2016	3:17p	49.60	CANINE	CHIHX	2y	F
<b>MISC ADMINISTRATIVE SERVICES</b>												
<b>TY</b>	<b>Thank you for choosing us!</b>											
19039	Emily Rhea	973-1613	Brisk	KS	1.00	1/13/2016	3:37p	0.00	CANINE	BLUHEL	17w	F
<b>PROFESSIONAL SERVICES</b>												
<b>CEHW</b>	<b>Comprehensive Exam</b>											
19039	Emily Rhea	973-1613	Brisk	KS	1.00	1/13/2016	3:36p	46.20	CANINE	BLUHEL	17w	F
<b>PE0</b>	<b>OSHA Compliance Fee - Per Day</b>											
19039	Emily Rhea	973-1613	Brisk	KS	1.00	1/13/2016	3:36p	7.60	CANINE	BLUHEL	17w	F
<b>PHARMACY/DRUGS DISPENSED</b>												
<b>I437</b>	<b>Conofite / Miconosol Lotion 1%</b>											
19039	Emily Rhea	973-1613	Brisk	KS	1.00	1/13/2016	3:36p	24.00	CANINE	BLUHEL	17w	F
Apply a thin coat to the affected skin once daily for 30 days.												
<b>62220</b>	<b>Terbinafine Tablets 250mg</b>											
19039	Emily Rhea	973-1613	Brisk	KS	8.00	1/13/2016	3:36p	21.20	CANINE	BLUHEL	17w	F
Give 1/4 tablet by mouth once daily until gone. Recheck in 4 weeks.												

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

<b>AGENDA OF:</b>	11 April 2016	<b>ITEM NO.:</b>	Resolution No. R2016-62
<b>DATE SUBMITTED:</b>	28 March 2016	<b>DEPT. OF ORIGIN:</b>	Fire
<b>PREPARED BY:</b>	Vance L. Riley	<b>PRESENTOR:</b>	Vance L. Riley
<b>REVIEWED BY:</b>		<b>REVIEW DATE:</b>	
<b>SUBJECT:</b> RESOLUTION NO. R2016-62; A Resolution of the City Council of the City of Pearland, Texas, appointing two (2) Council members to assist City staff in meeting with Brazoria County Commissioners to discuss Fire and EMS issues in the City 's extra territorial jurisdiction (ETJ).			
<b>EXHIBITS:</b> Resolution No. R2016-62, Fire Service in the ETJ Memo, Fire Service in the ETJ White Paper			
<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> N/A		<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>			
Finance	<input checked="" type="checkbox"/> Legal	Ordinance	<input checked="" type="checkbox"/> Resolution

**EXECUTIVE SUMMARY**

**BACKGROUND**

The City of Pearland has been providing Fire and EMS services in the city's Extraterritorial Jurisdiction (ETJ in Brazoria County for decades. Over those decades Brazoria County had in past years either provided a fire truck and/or a nominal cash contribution in recognition of those services. As the ETJ has developed and population has significantly increased, the cost to the City of Pearland to provide those Fire and EMS services has significantly exceeding the funding provided by Brazoria County. Please see attached ETJ Memo and White Paper for further details. City staff efforts to procure additional funding have not been successful to date.

Council had a general discussion about this issue at the Strategic Planning Workshop on Saturday, 20 February 2016. Council recommended that an item be placed on a future Council agenda for consideration to appoint two Council members to assist City staff in working with Brazoria County

Commissions to obtain additional funding and/or revised response provision into the unincorporated portion of Brazoria County included in the City of Pearland's ETJ.

**POLICY/GOAL CONSIDERATION**

This proposed Resolution is recommended for the purpose of furthering the City's objective to provide for public health, safety and welfare, and to strategically review the provision of those services in the ETJ until those areas are annexed. With the resolution, the selected City Council members would reach out to Brazoria County Commissioners and seek meeting and a plan for more equitable provision of City of Pearland Fire Department services into the unincorporated portion of Brazoria County. The charge to the appointed group would be to report back to the City council by June 30, 2016.

**RECOMMENDED ACTION**

City Council consideration and approval of Resolution No. 2016-61.

**RESOLUTION NO. R2016-62**

**A Resolution of the City Council of the City of Pearland, Texas, appointing two (2) Council members to assist City staff in meeting with Brazoria County Commissioners to discuss Fire and EMS issues in the City's extraterritorial jurisdiction (ETJ).**

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

**Section 1.** That the City Council desires to further the purpose of providing for the public health, safety and welfare by strategically reviewing the provision of Fire/EMS services in the City's ETJ.

**Section 2.** That the City Council hereby appoints two (2) Council members to assist City staff in meeting with Brazoria County Commissioners to discuss Fire and EMS issues in the City's extraterritorial jurisdiction (ETJ).

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



## Memo

To: Clay Pearson, City Manager

From: Vance Riley, Fire Chief

CC: Jon Branson, Deputy City Manager  
Epperson, Assistant City Manager; Claire Boggs, Finance

Date: 27 March 2015

Re: FD Services Costs in Brazoria County ETJ

3/30/2015  
To: Mayor and City Council members  
Opening background information on topic that appears to represent an issue for diluting/stretching City of Pearland emergency resources, unless there can be some modifications to status quo.  
Clay

After consolidation of the Fire & EMS Departments, we have been reviewing ways to further improve efficiency and effectiveness as well as appropriate cost recovery for our operations. Part of this process is a **review of mutual aid agreements and/or compensation for providing fire and ems services outside of the City of Pearland and into our ETJ and neighboring cities/villages.**

In the late 1940s, the Brazoria County Fire Fighters Association (BCFFA) was formed as a representative organization of all of the volunteer Fire Departments in Brazoria County (BC). In later years EMS organizations were also allowed to join. At some point after its formation, the BCFFA began signing an annual contract with BC for providing fire protection services to all parts of Brazoria County. At first, BC began providing nominal funding to the BCFFA which was then distributed to each Department member of the BCFFA. During the 1980s, BC began purchasing fire trucks, a few at a time, and giving them to the BCFFA for distribution to each Department member of the BCFFA. Pearland VFD, Inc. actively participated in the BCFFA and the City of Pearland did receive one of these fire trucks from BC in the 1990s. That fire truck, the last for us under that program, was traded in last year toward the purchase of a new fire truck. The BC fire truck program changed back to a payment program within the last ten years.

Each, year, BC gives money to the BCFFA, who in turn, gives money to member Departments that comply with BCFFA reporting, paperwork and meeting attendance requirements. In 2012 the City of Pearland began receiving the check instead of PVFD, Inc. The purpose of these payments is to aid Brazoria County Fire Departments in serving the unincorporated areas of BC.

**In FY2015, we received a check for \$21,000 for fire protection and a check for \$9,000 for emergency medical services for protecting Pearland's ETJ in Brazoria County.**

The Pearland Fire Department provides full service (except code enforcement, fire inspections and fire investigations) into all of Pearland's ETJ in BC, which is obviously quite substantial a land area and spread out from our fringes, generally (approximately 26 square miles). We do not reduce the type of resources deployed to handle an emergency incident in the ETJ versus

the City. This high level of service includes, state-of-the-art, computer-aided-dispatching of ambulances licensed as Mobile Intensive Care Units (MICU) for medical emergencies and three modern fire apparatus staffed around the clock. We send all three fire apparatus to reports of building fires along with an MICU ambulance.

We have existing mutual aid agreements with surrounding agencies. Most all of these agencies also protect areas of their own ETJ. However, we are the primary and only responder into our ETJ and only request mutual aid, if necessary. Again, our response plan in our ETJ is the same as within the city limits.

There are a variety of methods to estimate the costs of providing fire and EMS service. Of these methods, each has limitations and could be questioned, but some basis is helpful and necessary. One method is a simple expenditures per capita estimate. The FY 2015 budget for PFD is \$10,962,720 (after removal of FMO and Code Enforcement expenditures), including dispatching costs. It is important to note that these costs will increase in FY 2016 with the opening and 24 hour staffing of Fire Station 2. The most recent population estimate from Community Development 137,300 for both the City and its ETJ with 25,000 residing in the ETJ. This is a per capita cost of \$79.85. **Applying the per capita cost to the ETJ equals \$1,996,250.**

Forecast revenues for Pearland from our ETJ in FY 2015 are:

- \$78,342 from voluntary contributions from BC MUD 2 and BC MUD 3 and the BC check for fire protection described above.
- \$336,000 from Per Connection Fees from BC MUD 16 and BC MUD 21. There will be additional fees from MUD 22 as soon as houses are completed.
- The \$9,000 received from Brazoria County for EMS is placed in the donation fund and used for small purchases.

Using the per capita model and applying the revenues stated above there remains an estimated deficit for PFD costs in our ETJ in the amount of \$1,576,783. With our current database and ways entries have been made, we are unable to call out ambulance transport fee revenue for our ETJ but we estimate it to be no more than \$150,000. This still leaves a sizeable deficit using the per capita method.

The population of citizens that we protect in our ETJ is probably larger than any other population protected by any other fire department in Brazoria County. **The decades old model for distribution of funds to Fire Departments and EMS Agencies from Brazoria County needs to be revised.** Many of these agencies are in Emergency Service Districts and get the majority of their funding from those tax dollars.

At a minimum, we recommend that we discuss this deficit with Brazoria County and ask for additional funding to help with PFD response into our ETJ. If you have any questions, please do not hesitate to contact us. Thank you for your time and consideration.



Our organization works every day to maintain a high quality of life by providing a safe and peaceful environment within the City of Pearland for all residents. Our desire is that every Pearland resident and visitors goes about their day as they choose without any unfortunate events, regardless of location within Pearland, or time of day. In the instance when criminal, traffic, medical, fire, natural disaster or any other emergency occur, it is our responsibility at the City to have properly trained and equipped professionals who can quickly respond to any scene with empathy and judgment, aided by communications and technology structures in place.

Prevention, preparation, and planning take the majority of any given day, and properly so. Education, information, presence, good design and maintenance, and a culture of awareness and responsibility all play a key role in that effort. For instance, traffic crashes take lives and impose costs. With well-designed traffic flows, ongoing road maintenance, and effective awareness and enforcement of traffic laws, crashes can be reduced. When traffic emergencies do occur, a coordinated response from Police and Fire professionals is critical to control traffic and protect lives. Similarly, there are unavoidable natural weather threats that must be prepared for with staff training and awareness, with contingency plans for a resilient community and City government that can get back on firm ground once high waters subside. The response to such events requires a coordinated effort between all City Departments, each of whom have a different role. In all these areas of our function as a local government, we are responsible to provide independent and coordinated levels of service that protect lives and property, for our citizens and those that do business in Pearland.

<b>Applicable White Papers</b>	<b>Page</b>
Data Driven Approaches to Crime & Traffic Safety	2
Community Policing Approaches for Pearland	7
Patrol Take Home Vehicle Program	18
Fire & EMS Dispatching	31
Fire Service in the ETJ	35



# White Paper

To: Clay Pearson – City Manager

From: Vance Riley – Fire Chief

CC:

Date: February 4, 2016

Re: Fire Service in the ETJ

## **BACKGROUND**

In the late 1940s, the Brazoria County Fire Fighters Association (BCFFA) was formed as a representative organization of all of the volunteer Fire Departments in Brazoria County (BC). In later years EMS organizations were also allowed to join. At some point after its formation, the BCFFA began signing an annual contract with BC for providing fire protection services to all parts of Brazoria County. At first, BC government began providing nominal funding to the BCFFA through the Commissioners' Court which was then distributed to each Department member of the BCFFA. During the 1980s, BC began purchasing fire trucks, a few at a time, and giving them to the BCFFA for distribution to each Department member of the BCFFA. Pearland VFD, Inc. actively participated in the BCFFA and the City of Pearland did receive one of these fire trucks from BC in the 1990s. That fire truck, the last for us under that program, was traded in last year toward the City of Pearland's purchase of a new fire truck. The BC fire truck program changed back to a payment program within the last ten years.

Each, year, BC gives checks made out to individual fire departments to the BCFFA, who in turn, gives the checks to member Departments that comply with BCFFA reporting, paperwork and meeting attendance requirements. In 2012 the City of Pearland began receiving the check directly instead of PVFD, Inc. The purpose of these payments is to aid Brazoria County Fire Departments in serving the unincorporated areas of BC. See attached BC Commissioners Court Order V.A.3.a. 9 December 2014 and its Exhibit A. We do not complete Exhibit A as we are not an incorporated volunteer fire department.

**In FY2016, we received from Brazoria County as a nominal offset on the cost of service, a check for \$20,000 for fire protection and we expect a check for \$9,000 for emergency medical services for protecting Pearland's ETJ in Brazoria County.** There are different methods to determine the cost of providing service to our ETJ some of these include a cost per incident or per incident type, value of property protected, and per capita. We are unable to locate any two counties in Texas that use the same method of determining the cost of providing service to their unincorporated areas.

The Pearland Fire Department currently provides full service (except code enforcement, fire inspections and fire investigations) into all of Pearland's ETJ in BC, which is obviously quite substantial a land area and spread out from our fringes, generally (approximately 26 square miles). The basis for this is a historical tradition, likely predicated on times when the ETJ was not as built up, there was a volunteer fire department with less cost, and in anticipation of future City annexation of the areas. We do not reduce the type of resources deployed to handle an emergency incident in the ETJ versus the City. This high level of service includes, state of the art, computer aided dispatching of ambulances licensed as Mobile Intensive Care Units (MICU) for medical emergencies and three modern fire apparatus staffed around the clock. We send all three fire apparatus to reports of building fires along with an MICU ambulance. Please see attached map of FY2015 incidents in our ETJ.

### **POLICY/GOAL CONSIDERATION**

The population of residents who are not yet City of Pearland citizens that we protect in our ETJ is probably larger than any other population protected by any other fire department in Brazoria County. **The decades old model for distribution of funds to Fire Departments and EMS Agencies from Brazoria County needs to be revised.** It is important to note that the City of Freeport concurs with this position and are making similar efforts to receive appropriate compensation for services provided in into their ETJ. With the exception of Freeport and Pearland ETJs, unincorporated areas of BC are in Emergency Service Districts and fire departments get funding from those ESDs to protect those areas. In addition to the Brazoria County transfer payments, the ESD's levy property taxes within their service areas to account for their service provided. Residents inside the city limits are paying almost all of the costs of providing service to the EJT. Residents in the Pearland ETJ (other than MUDs outlined below) are paying about \$1 per year per resident for the service.

Meetings have been held with a few County Commissioners who are aware of this situation. To date, the county has not indicated an interest in a rapid resolution to the disparity of compensation for Fire & EMS. For one thing, County Commissioners are concerned that increasing payments to the City of Pearland may cause other County volunteer fire departments to request increases in their payment. We don't believe this to be the case as all other volunteer fire departments in Brazoria County receive payments from their ESDs. Freeport and Pearland are the exception.

### **FINANCIAL IMPACT & OPTIONS (OPERATIONAL, CIP, & REVENUE)**

There are a variety of methods to estimate the costs of providing fire and ems service. Of these methods, each has limitations and could be questioned, but some basis is helpful and necessary.

One method is a simple expenditures per capita estimate. The FY 2015 actual budget expense for PFD was \$10,255,904 (after removal of FMO and Code Enforcement expenditures), including contracted dispatching costs. It is important to note that these costs increase in FY 2016 with the opening and 24-hour staffing of Fire Station 2. The most recent January 1, 2016 population estimate from Community Development 139,300 for both the City and its ETJ with 23,700 of those residing in the ETJ. The math works to a *per capita* cost of \$73.62.

**Applying the per capita cost to the ETJ equals \$1,744,903.** It is recognized that per capita basis is a rough approximation (does not account for businesses/visitors, types of hazards, etc.), but does serve to illustrate the scale of service being provided.

Forecast revenues for Pearland from our ETJ in FY 2015 are:

- \$78,846 from voluntary contributions from BC MUD 2 and BC MUD 3 and the BC check for fire protection described above.
- \$366,464 from Per Connection Fees from BC MUD 16 and BC MUD 21. There will be additional fees from MUD 22 as soon as houses are completed.
- The \$9,000 received from Brazoria County for EMS is placed in the donation fund and used for small purchases.

Using the per capita model and applying the revenues stated above there remains an estimated deficit for PFD costs in our ETJ in the amount of \$1,290,592. We are unable to call out ambulance transport fee revenue for our ETJ but we estimate it to be no more than \$150,000. This still leaves a sizeable deficit using the per capita method.

Options:

- Continue to provide service to our BC ETJ and receive \$29,000 annually toward that service.
  - This is not fair to city residents who pay city taxes that subsidize service in the ETJ.
- Notify BC that the City will end service on a future date and then it will be up to the County to provide the service.
  - This leaves the responsibility to BC to provide service
- Obtain support of ETJ residents for the creation of an ESD composed of Pearland ETJs.
  - This requires an election by voters in the Pearland ETJ
  - This requires the creation of a Board that must be appointed by County Commissioners.
  - This becomes complicated as the city annexes into the ETJ as those newly annexed areas would remain part of the ESD.
- Suggest to the County that they obtain support of residents in the Pearland ETJ to request to join BC ESD #3.

- This requires an election by voters in the Pearland ETJ
- This becomes complicated as the city annexes into the ETJ as those newly annexed areas would remain part of the ESD.
- As the City annexes into the ETJ those areas would be served by BC ESD #3 and may or may not be served by Pearland FD

The ESD options become opportunities for increased revenue but are operationally and politically complex. The ESD option is also complex as some of Pearland's ETJ areas are completely surrounded by the city and/or EJT lines cross through existing MUDs. (ESD areas generally must be contiguous).

Generally, a municipality may not remove territory from an ESD once it has consented to the inclusion of its territorial or extraterritorial jurisdiction, but a municipality that is not included in the ESD may remove territory from the ESD by annexation of the territory into the municipality and agreeing to provide emergency services and notifying the secretary of the ESD board in writing. § 775.022

If a municipality that is not in the district annexes territory in the ESD, the municipality shall notify the secretary of the board in writing that the annexed territory is to be excluded from the district and *compensate the district for a pro rata share of the districts indebtedness, among other requirements*. A municipality may annex territory in the ESD and not remove it from the ESD under some circumstances, in which case the residents of the area included in both the ESD and the municipality are subject to taxation by both entities. § 775.022

#### **CONTRACT/AGREEMENT IN PLACE**

PVFD, Inc. previously had signed an agreement with BCFFA to provide information that BCFFA requested in order to receive the county check. City of Pearland and the City of Freeport no longer complete Exhibit A of that agreement in terms of receiving the Brazoria County but still receive the check.

#### **KEY STAFF**

The designated project lead is Vance Riley

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

<b>AGENDA OF:</b> April 11, 2016	<b>ITEM NO.:</b> Ordinance No. CUP 2016-01
<b>DATE SUBMITTED:</b> March 29, 2016	<b>DEPT. OF ORIGIN:</b> Planning
<b>PREPARED BY:</b> Frankie Legaux	<b>PRESENTOR:</b> Lata Krishnarao
<b>REVIEWED BY:</b> Matt Buchanan	<b>REVIEW DATE:</b> April 4, 2016
<b>SUBJECT:</b> Ordinance No. CUP 2016-01 - An ordinance of the City Council of the City of Pearland, Texas, approving a <b>Conditional Use Permit (CUP) to allow for a gasoline station and convenience store in the General Business (GB) zone</b> , a tract or parcel containing 0.8767 acre portion of a 3.3825 acre tract of land situated in the Thomas J. Green Survey, Abstract 198, in the City of Pearland, Brazoria County, Texas. <b>(Located at the northeast corner of Broadway St. and Alexander Ln., Pearland, TX)</b> Conditional Use Permit Application No 2016-01, within the General Business (GB) zoning district, at the request of James Elmore, applicant; on behalf of A&A Business, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.	
<b>ATTACHMENTS:</b> Ordinance No. 2016-01 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C – Legal Ad; Exhibit D – Planning and Zoning Commission Recommendation Letter; Exhibit E – Site Plan and Attachments); Joint Public Hearing Packet (03.21.16)	
<b>To be completed by Department:</b>	
<b>Finance</b>	<b>Legal</b>
<b>Ordinance</b>	<b>Resolution</b>

**SUMMARY:** The applicant is requesting approval of a Conditional Use Permit (CUP) to construct a gasoline station in a General Business (GB) zoning district on the northeast corner of Broadway Street and Alexander Lane. The proposed gasoline station includes a 4,000 square foot convenience store. Gasoline stations in the GB district require approval of a CUP to determine if there will be negative impacts on surrounding properties.

**RECOMMENDATION:** Staff recommends approval of the requested CUP on the approximately 0.8767 acre portion of the site to allow a gasoline station use for the following reasons:

1. This portion of the property is currently zoned General Business (GB) which is in conformance with the Future Land Use Plan designation of “Retail, Offices and Services.”
2. It is not anticipated that the proposed change in zoning will have significant negative impacts on surrounding properties or developments as the CUP allows conditions to be placed to mitigate any negative impacts.
3. A CUP is required for all gasoline stations located in a GB zoning district. All requirements of the UDC will be met for any future redevelopment and expansion on the site. Screening and buffering, as well as new zoning/land use definitions as determined by City staff will protect the health, safety and welfare of the existing neighborhoods, as prioritized by the Comprehensive Plan.

**PUBLIC NOTIFICATION:** A Joint Public Hearing was conducted on March 21, 2016. 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.

Of the 23 property owners within the 200 foot notice area, no “Public Comment Forms” regarding this request were returned in favor or opposition to the request. Staff received two phone calls inquiring about the request, with one call in opposition of the request.

At the Joint Public Hearing meeting no one spoke in favor or against the request.

**PLANNING AND ZONING COMMISSION DISCUSSION:** At the regular meeting of the Planning and Zoning Commission on March 21, 2016, P&Z Vice-Chairperson Thomas Duncan made a motion to recommend approval of the CUP No. 2016-01 request with conditions recommended by Staff; the motion was seconded by P&Z Commissioner Darrell Isenberg. The motion passed with conditions by a vote of 7-0. P&Z Chairman Tunstall, Vice-Chair Duncan, Commissioners Pradia, Isenberg, Starr, McFadden and Selsky all voted in favor of the motion.

## **Ordinance No. CUP 2016-01**

An ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for a gasoline station and convenience store in the General Business (GB) zone**, a tract or parcel containing 0.8767 acre portion of a 3.3825 acre tract of land situated in the Thomas J. Green Survey, Abstract 198, in the City of Pearland, Brazoria County, Texas. **(Located at the NE Corner of Broadway St. and Alexander Ln., Pearland, TX)** Conditional Use Permit Application No 2016-01, within the General Business (GB) zoning district, at the request of James Elmore, applicant; on behalf of A&A Business, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

**WHEREAS**, James Elmore, applicant; on behalf of A&A Business, owner; is requesting approval of a Conditional Use Permit (CUP) to allow for a gasoline station use on an approximately 0.8767 acre portion of a 3.3825 acre tract 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 21<sup>th</sup> day of March 2016, 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 21<sup>th</sup> day of March 2016, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed Conditional Use Permit to allow for a gasoline station use on approximately

0.8767 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 April 2016 and the 25<sup>th</sup> day of April 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 James Elmore, applicant; on behalf of A&A Business, owner; for approval of a Conditional Use Permit on approximately 0.8767 acres of land to allow for a gasoline station 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 Business (GB) zoning district, is hereby granted a Conditional Use Permit to allow for a gasoline station use, subject to all requirements of the GB zoning district, and the site plan attached hereto and made a part hereof for all purposes as Exhibit "E", in accordance with all conditions and requirements of the current Unified Development Code and the following conditions approved by the City Council and incorporated for all purposes, such property being more particularly described as:

**Legal Description:** Being a 0.8767 acre portion of a 3.3825 acre tract of land

situated in the Thomas J. Green Survey, Abstract 198, in the City of Pearland, Brazoria County, Texas.

**General Location:** NE Corner of Broadway St. and Alexander Ln., 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 April,

2016.

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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 April, 2016.

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TOM REID  
MAYOR

ATTEST:

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YOUNG LORFING, TRMC  
CITY SECRETARY

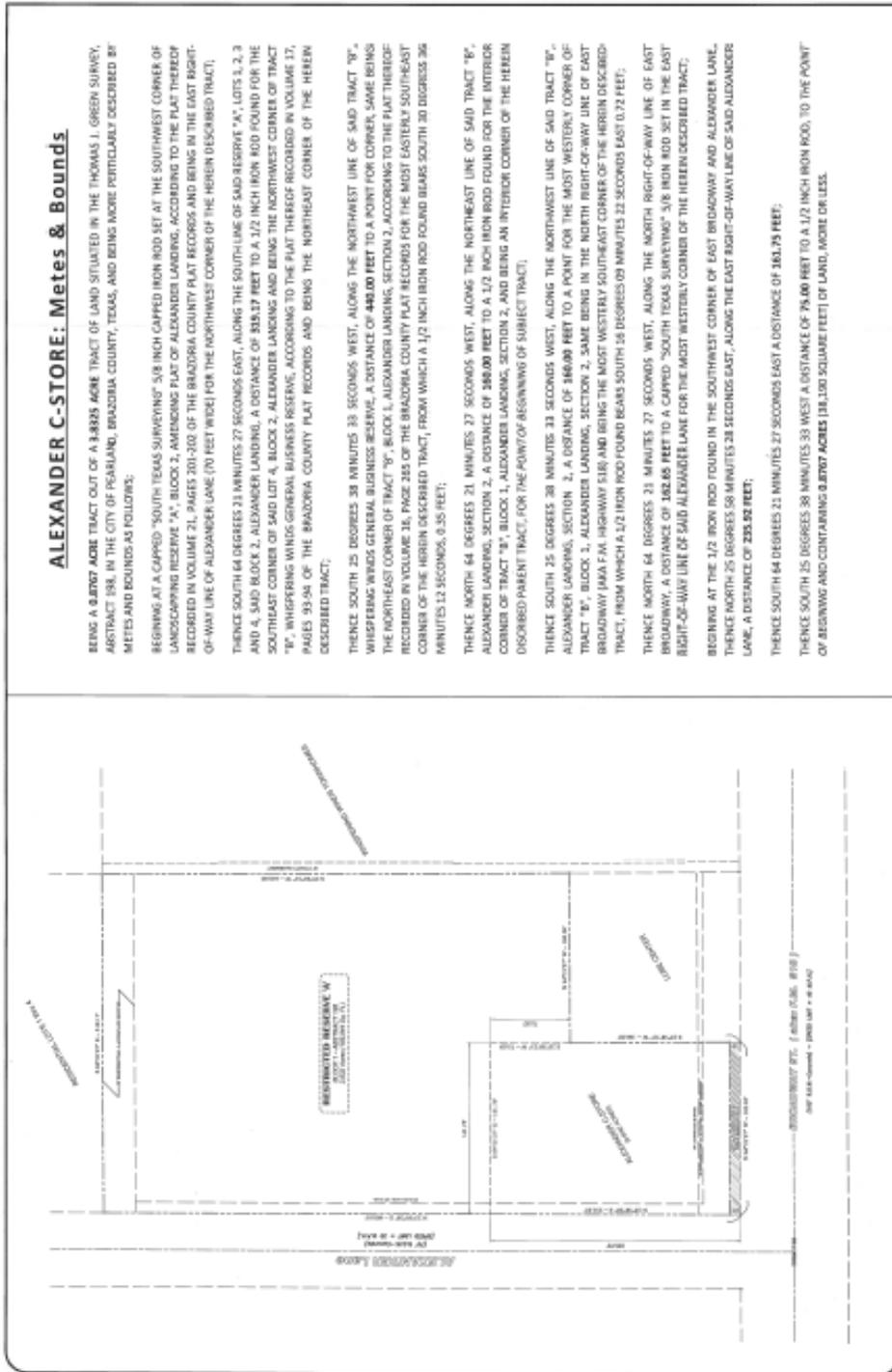
APPROVED AS TO FORM:

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DARRIN M. COKER  
CITY ATTORNEY

## Exhibit A Legal Description

Being a 0.8767 acre portion of a 3.3825 acre tract of land situated in the Thomas J. Green Survey, Abstract 198, in the City of Pearland, Brazoria County, Texas.



### ALEXANDER C-STORE: Metes & Bounds

BEING A 0.8767 ACRE TRACT OUT OF A 3.3825 ACRE TRACT OF LAND SITUATED IN THE THOMAS J. GREEN SURVEY, ABSTRACT 198, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A CAPPED "SOUTH TEXAS SURVEYING" 5/8 INCH CAPPED IRON ROD SET AT THE SOUTHWEST CORNER OF LANDSCAPING RESERVE "A", BLOCK 2, AMENDING PLAT OF ALEXANDER LANDING, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 21, PAGES 201-202 OF THE BRAZORIA COUNTY PLAT RECORDS AND BEING IN THE EAST RIGHT-OF-WAY LINE OF ALEXANDER LANE (70 FEET WIDE) FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 64 DEGREES 21 MINUTES 27 SECONDS EAST, ALONG THE SOUTH LINE OF SAID RESERVE "A", LOTS 1, 2, 3 AND 4, SAID BLOCK 2, ALEXANDER LANDING, A DISTANCE OF 354.17 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 4, BLOCK 2, ALEXANDER LANDING AND BEING THE NORTHWEST CORNER OF TRACT "B", WHISPERING WINDS GENERAL BUSINESS RESERVE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 17, PAGES 93-94 OF THE BRAZORIA COUNTY PLAT RECORDS AND BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 25 DEGREES 38 MINUTES 33 SECONDS WEST, ALONG THE NORTHWEST LINE OF SAID TRACT "B", WHISPERING WINDS GENERAL BUSINESS RESERVE, A DISTANCE OF 449.00 FEET TO A POINT FOR CORNER, SAME BEING THE NORTHEAST CORNER OF TRACT "B", BLOCK 1, ALEXANDER LANDING, SECTION 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 16, PAGE 283 OF THE BRAZORIA COUNTY PLAT RECORDS FOR THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS SOUTH 30 DEGREES 36 MINUTES 14 SECONDS, 0.50 FEET;

THENCE NORTH 64 DEGREES 21 MINUTES 27 SECONDS WEST, ALONG THE NORTHEAST LINE OF SAID TRACT "B", ALEXANDER LANDING, SECTION 2, A DISTANCE OF 388.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE INTERIOR CORNER OF TRACT "B", BLOCK 1, ALEXANDER LANDING, SECTION 2, AND BEING AN INTERIOR CORNER OF THE HEREIN DESCRIBED PARENT TRACT, FOR THE POINT OF BEGINNING OF SUBJECT TRACT;

THENCE SOUTH 25 DEGREES 38 MINUTES 33 SECONDS WEST, ALONG THE NORTHWEST LINE OF SAID TRACT "B", ALEXANDER LANDING, SECTION 2, A DISTANCE OF 388.00 FEET TO A POINT FOR THE MOST WESTERLY CORNER OF TRACT "B", BLOCK 1, ALEXANDER LANDING, SECTION 2, SAME BEING IN THE NORTH RIGHT-OF-WAY LINE OF EAST BRADDAWAY JAWA F.M. HIGHWAY 518; AND BEING THE MOST WESTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS SOUTH 16 DEGREES 09 MINUTES 22 SECONDS EAST 0.74 FEET;

THENCE NORTH 64 DEGREES 21 MINUTES 27 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF EAST BRADDAWAY, A DISTANCE OF 126.88 FEET TO A CAPPED "SOUTH TEXAS SURVEYING" 5/8 INCH IRON ROD SET IN THE EAST RIGHT-OF-WAY LINE OF SAID ALEXANDER LANE FOR THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 25 DEGREES 38 MINUTES 33 SECONDS EAST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID ALEXANDER LANE, A DISTANCE OF 235.00 FEET;

THENCE SOUTH 64 DEGREES 21 MINUTES 27 SECONDS EAST A DISTANCE OF 361.75 FEET;

THENCE SOUTH 25 DEGREES 38 MINUTES 33 SECONDS WEST A DISTANCE OF 388.00 FEET TO A 1/2 INCH IRON ROD, TO THE POINT OF BEGINNING AND CONTAINING 0.8767 ACRES (38,100 SQUARE FEET) OF LAND, MORE OR LESS.



**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:  
2016-01**

Notice is hereby given that on March 21, 2016 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 James Elmore, applicant; on behalf of A&A Business, owner; for approval of a Conditional Use Permit (CUP) to allow for a Gasoline Station in the General Business (GB) zoning district; on approximately 0.8767 acre portion of land that is part of a 3.3825 acre tract, to wit:

Being a 0.8767 acre portion of a 3.3825 acre tract of land situated in the Thomas J. Green Survey, Abstract 198, in the City of Pearland, Brazoria County, Texas.

General Location: NE Corner of Broadway St. and Alexander Ln., 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.

Frankie Legaux  
City Planner

**Exhibit D**  
**Planning and Zoning Commission Recommendation Letter**



# Planning & Zoning Commission

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Recommendation Letter

March 22, 2016

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

Re: Recommendation on CUP Application 2016-01

Honorable Mayor and City Council Members:

At their regular meeting on March 21, 2016, the Planning and Zoning Commission considered the following:

A request of James Elmore, applicant; on behalf of A&A Business, owner; for approval of a Conditional Use Permit (CUP) to allow for a Gasoline Station in the General Business (GB) zoning district; on approximately 0.8767 acre portion of land that is part of a 3.3825 acre tract, to wit:

**Legal Description:** Being a 0.8767 acre portion of a 3.3825 acre tract of land situated in the Thomas J. Green Survey, Abstract 198, in the City of Pearland, Brazoria County, Texas.

**General Location:** NE Corner of Broadway St. and Alexander Ln., Pearland, TX

Vice-Chairperson Duncan made a motion to recommend approval of the CUP request with conditions; the motion was seconded by Commissioner Isenberg. The motion was approved by a vote of 7-0. Chairperson Tunstall, Vice-Chairperson Duncan, and Commissioners Isenberg, McFadden, Pradia, Selsky, and Starr all voted in favor of the motion.

Sincerely,

*Frankie Legaux*

Frankie Legaux  
City Planner  
On behalf of the Planning and Zoning Commission







## **JOINT PUBLIC HEARING**

THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,

**MONDAY, MARCH 21, 2016, AT 6:30 P.M.**

COUNCIL CHAMBERS - CITY HALL - 3519 LIBERTY DRIVE

### **I. CALL TO ORDER**

### **II. PURPOSE OF HEARING**

#### **Conditional Use Application No. 2016-01**

A request of James Elmore, applicant; on behalf of A & A Business, owner; for approval of a Conditional Use Permit (CUP) to allow for gasoline station and convenience store in the General Business (GB) zoning district; on approximately 0.8767 acre portion of land that is part of a 3.3825 acre tract, Pearland, TX

**Legal Description:** A tract or parcel containing 0.8767 acre portion of a 3.8325 acre tract of land situated in the Thomas J. Green Survey, Abstract 198, in the City of Pearland, Brazoria County, Texas.

**General Location:** NE Corner of Broadway Street and Alexander Lane, Pearland, TX

### **III. APPLICATION INFORMATION AND CASE SUMMARY**

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

### **IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST**

### **V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

### **VI. ADJOURNMENT**

**This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.**



## Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: March 21, 2016

Re: Conditional Use Permit Application No. 2016-01

A request of James Elmore, applicant; on behalf of A & A Business, owner; for approval of a Conditional Use Permit (CUP) to allow for gasoline station and convenience store in the General Business (GB) zoning district on approximately 0.8767 acre portion of land that is part of a 3.3825 acre tract, Pearland, TX.

**General Location:** NE corner of Broadway Street and Alexander Lane, Pearland, TX.

### Summary of Request

The applicant is requesting approval of a Conditional Use Permit (CUP) to construct a gasoline station in a General Business (GB) zoning district on the northeast corner of Broadway Street and Alexander Lane. The proposed gasoline station includes a 4,000 square foot convenience store. Gasoline stations in the GB district require approval of a CUP to determine if there will be negative impacts on surrounding properties.

### Recommendation

Staff recommends approval of the requested CUP on the approximately 0.8767 acre portion of the site to allow a gasoline station use for the following reasons:

1. This portion of the property is currently zoned General Business (GB) which is in conformance with the Future Land Use Plan designation of "Retail, Offices and Services."
2. It is not anticipated that the proposed change in zoning will have significant negative impacts on surrounding properties or developments as the CUP allows conditions to be placed to mitigate any negative impacts.

3. A CUP is required for all gasoline stations located in a GB zoning district. All requirements of the UDC will be met for any future redevelopment and expansion on the site. Screening and buffering, as well as new zoning/land use definitions as determined by City staff will protect the health, safety and welfare of the existing neighborhoods, as prioritized by the Comprehensive Plan.

### **Site History**

The subject property was annexed into the City in 1960 and was zoned GB on February 13, 2006. The site is currently undeveloped.

The site is surrounded by primarily non-residential zoning districts except for the north side of the property. The residential areas to the north are approximately 380 feet from the convenience store area. Additionally the site plan also indicates a detention reserve will be located adjacent to the residential area. The below table identifies these surrounding uses and zoning districts:

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Single Family Residential-3 (R-3)	Single Family Residential
<b>South</b>	General Business (GB)	Retail/Commercial
<b>East</b>	General Business (GB)	Retail/Office/Auto
<b>West</b>	General Business (GB)	Retail/Commercial Center

### **Conformance with the Comprehensive Plan**

The current zoning of GB on the subject property is in conformance with the future land use designation of the Comprehensive Plan which is "Retail, Offices and Services." The property is located along Broadway Street, a major retail corridor that allows for commercial uses.

### **Conformance with the Thoroughfare Plan**

The subject property has approximately 163 feet of frontage along Broadway Street and 600 feet of frontage along Alexander Lane. Broadway Street is a Major Thoroughfare that requires 120 feet of right-of-way. According to GIS, Broadway Street is a major corridor that needs to be widened. Alexander Lane is a minor collector road of sufficient width.

### **Conformance with the Unified Development Code**

The property is currently undeveloped. The applicant has plans to develop a 0.8767 portion of the property as a gas station with convenience store. A convenience store without gasoline sales is permitted within the GB zone. However, a CUP must be approved for the gasoline station to be in conformance with UDC requirements.

<b>General Business (GB) Area Regulations</b>		
<b>Size of Lot</b>	<b>Required</b>	<b>Provided</b>
Minimum Lot Size	22,000 sf.	166,944 sf
Minimum Lot Width	150 ft.	162.65' south property line 319.17' north property line
Minimum Lot Depth	125 ft.	440' east property line 600' west property line

Broadway Street is subject to the Corridor Overlay District (COD). The applicant has submitted a detailed landscaping plan showing the different species, calipers, and locations of trees, as well as a chart of the UDC requirements along Alexander Lane and in the Corridor Overlay District.

### **Platting Status**

A minor plat has been approved by the City and was sent to the Brazoria County for recordation. The City is awaiting confirmation that the plat has been recorded. Platting will be required in the future for subdividing the property.

### **Availability of Utilities**

City records indicate that water is provided to the site by a 10 inch main along Alexander Lane. An existing sewer line runs along a portion of the east property line.

### **Impact on Existing and Future Development**

The proposed CUP will not significantly impact surrounding properties or developments. The site is surrounded by commercial uses and zoning districts. The proposed gasoline

station will be similar to the character of the surrounding area. All requirements of the UDC, including the COD requirements will have to be met upon development.

To further mitigate any potential impact on the surrounding properties proposed site plan for the site exceeds the minimum landscape requirements. The Site Plan indicates a 30 foot wide residential landscape buffer across the rear property line adjacent to the residential subdivision. Additionally a 75 foot wide detention pond will be placed adjacent to the landscape buffer. This will result in over 100 feet of separation between this property and adjacent residential. Landscaping along Broadway Street and Alexander Lane will consist of a row of 3" caliper Live Oaks along the right-of way. Crepe Myrtles with a minimum 3" caliper are shown staggered behind the Live Oaks. Red-Tipped Photinia shrubs will be planted near the Alexander Lane right-of-way, along the Alexander Lane entrance extending to the right side of the convenience store building. Another line of the same species will be planted on along the edge of the front and both sides of the paved parking and maneuvering areas.

### **Additional Comments**

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

### **Public Notification**

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

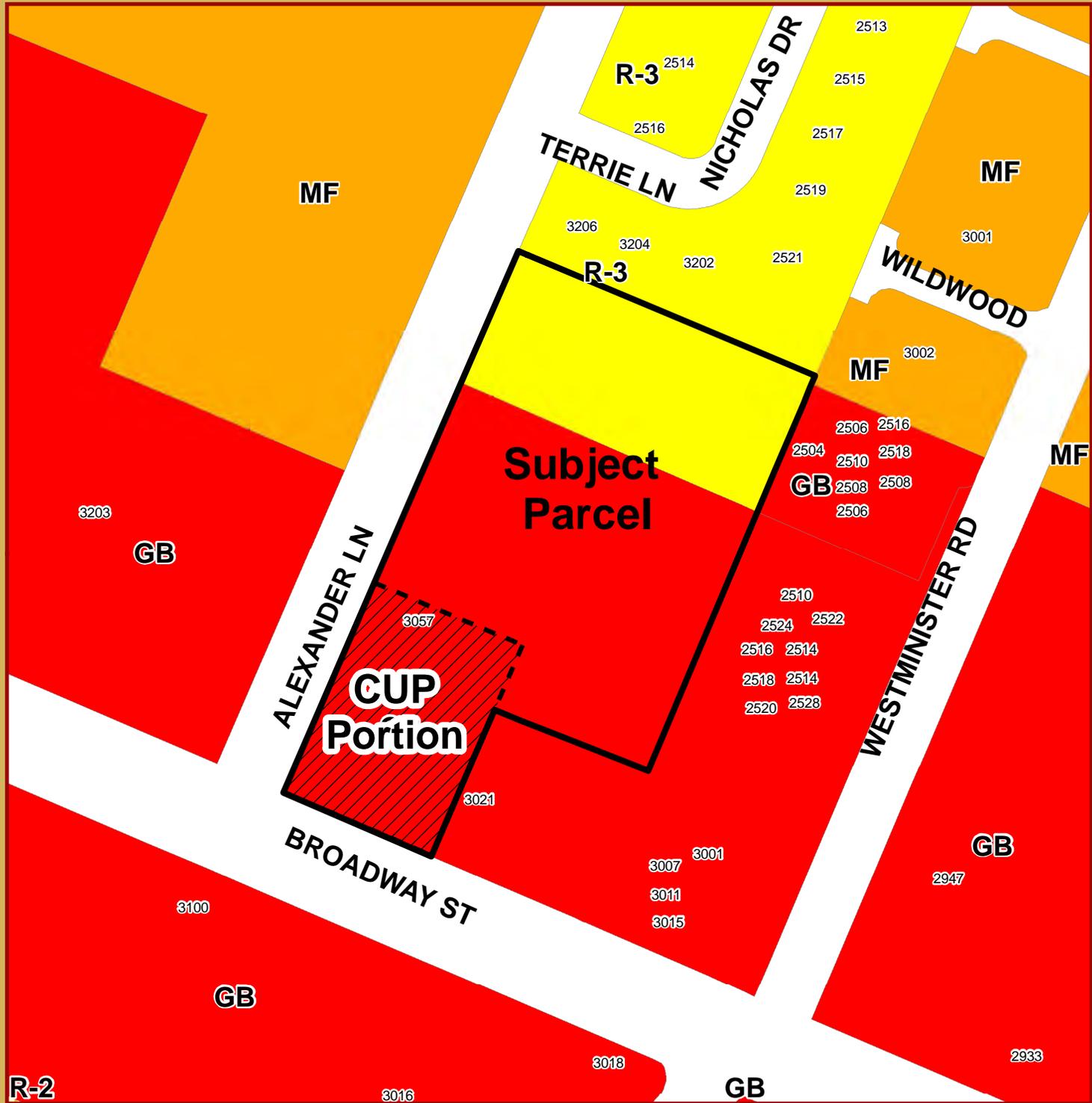
### **Opposition to or Support of Proposed Request**

Staff has not received any returned notices in opposition to or in support of the proposed change in zoning request.

### **Exhibits**

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Notification List
6. Applicant Packet





# Exhibit 2

## ZONING MAP

### CUP 2016-01

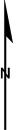
#### Broadway Street at Alexander Lane.

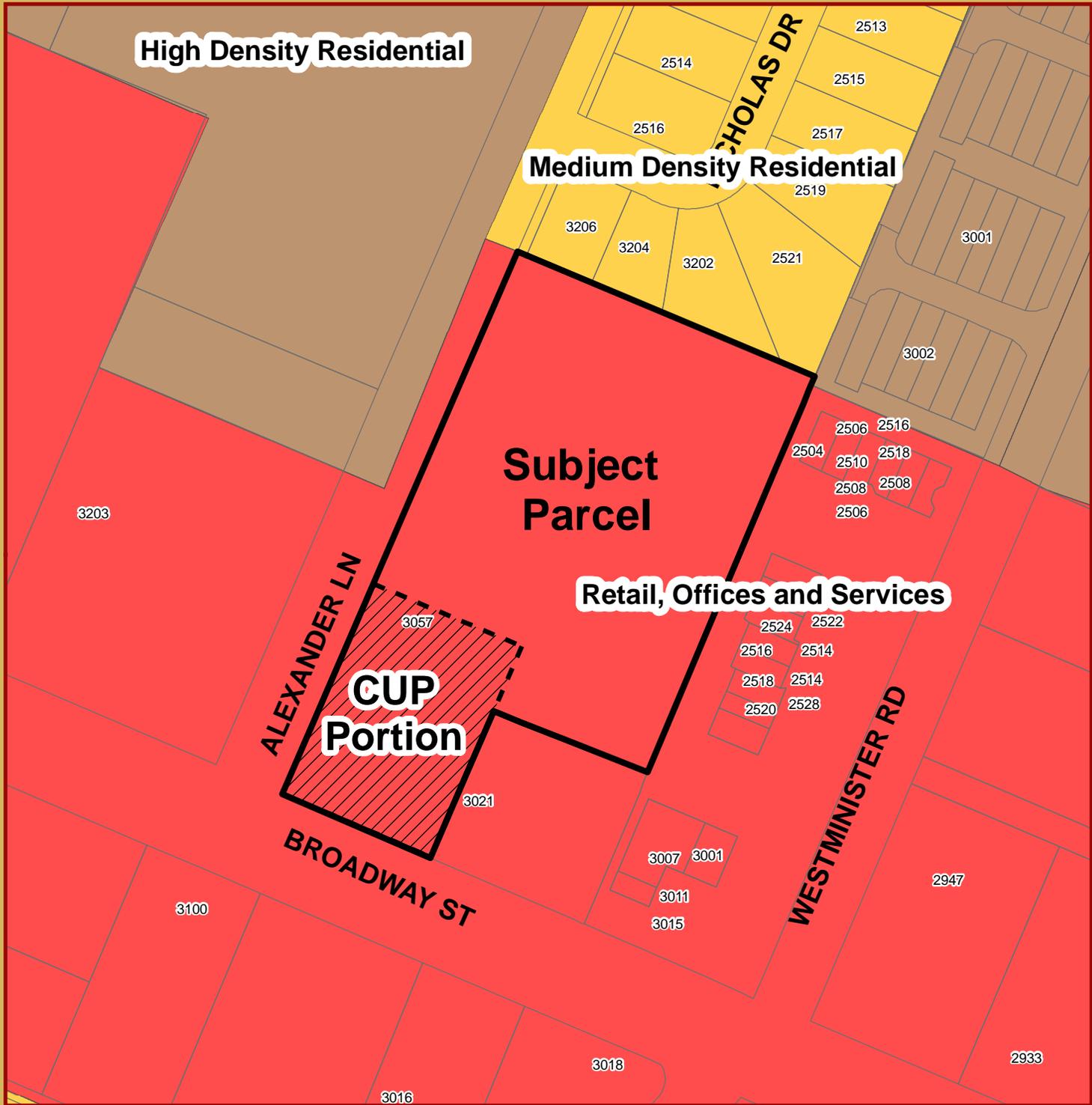


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 145 feet

FEBRUARY 2016  
PLANNING DEPARTMENT





**Exhibit 3**

**FLUP MAP**

**CUP 2016-01**

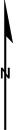
**Broadway Street at Alexander Lane.**



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

1 inch = 145 feet

FEBRUARY 2016  
PLANNING DEPARTMENT





**Exhibit 5**

CUP 2016-01

Broadway @ Alexander

<b>Property_Owner</b>	<b>City</b>	<b>Address</b>	<b>State</b>	<b>Zip</b>
A1 COPELAND ENTERPRISES % CHURCHES FRIED CHICKEN	ATLANTA	255 E PACES FERRY RD NE STE 300	GA	30305
ALEXANDER LANDING SEC 6 HOMEOWNERS ASSN	PEARLAND	PO BOX 1671	TX	77588
BAKER REVOCABLE TRUST	PEARLAND	3506 LOCKHEED ST	TX	77581
DAC PROPERTIES INC	PEARLAND	3021 BRIARSAGE LN	TX	77581
DARBY CRAIG A & LISA M	PEARLAND	3805 PINE BRANCH DR	TX	77581
GARZA YESENIA	PEARLAND	3206 TERRIE LN	TX	77581
GEHRING ALICE F	PEARLAND	2526 WESTMINISTER ST	TX	77581
GOLDEN RULE SERVICES INC	PEARLAND	3801 LIBERTY DR	TX	77581
H B L PEARLAND LTD BANFIELD PROPERTIES	FRIENDSWOOD	161 W SHADOWBEND AVE STE 100	TX	77546
H T M R INC	HOUSTON	13503 FIELD SPRINGS LN	TX	77059
HORST ENTERPRISES INC	MISSOURI CITY	3360 CARTWRIGHT RD	TX	77459
KERN LLOYD JACOB & DEVIN K	PEARLAND	2521 NICHOLAS DR	TX	77581
KIM JE CHOL	PEARLAND	3006 BROADWAY ST	TX	77581
KLIESING JESSE DAN & SINGLETON AMY MICHELE	PEARLAND	2516 NICHOLAS DR	TX	77581
LANDRY EDWARD F	PEARLAND	3202 TERRIE LN	TX	77581
MATHEWS BUILDING LLC	HOUSTON	726 GARDEN OAKS BLVD	TX	77018
NICHOLSON KATHLEEN ANN	PEARLAND	3001 BROADWAY ST	TX	77581
PECOT JOSEPH & LINDA	PEARLAND	3204 TERRIE LN	TX	77581
REGIONS FINANCIAL CORP ATTN: REGIONS PROPERTY DEPT	HOOVER	250 RIVERCHASE PKWY E	AL	35244
TACCI JOHANNA & CHRISTOPHER J	MORGAN HILL	335 HEIDI DR	CA	95037
TARRER RICHARD A	PEARLAND	3203 E CEDAR HOLLOW DR	TX	77584
TURNER CORKEY L	PASADENA	6311 AVENEL DR	TX	77505
WHISPERING WINDS APARTMENTS LLC % BEN BEITEL	BROOKLYN	1364 53RD ST	NY	11219

City of Pearland  
Community Development  
3523 Liberty Drive  
(Community Center)  
Pearland, Texas 77581  
281-652-1768  
281-652-1702 fax  
www.cityofpearland.com



# APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: RETAIL FUEL SALES IN  
GENERAL BUSINESS  
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: GB

**Property Information:**

Address or General Location of Property: NW CORNER FM 518  
AT ALEXANDER

Tax Account No. 0198-0001-003

Subdivision: ALEXANDER PLAZA Lot: RES A Block: ONE

**A complete application must include all information shown on the Application Checklist attached to this application.**

**PROPERTY OWNER INFORMATION:**

NAME A+A Business  
ADDRESS 611 E. RICHESY RD  
CITY HOU STATE TX ZIP 77073  
PHONE( 713 ) 524-2880  
FAX( 713 ) 524-9803  
E-MAIL ADDRESS JAMES @ CIS-AXIS

**APPLICANT/AGENT INFORMATION:**

NAME JAMES ELMORE  
ADDRESS 2501 W 11<sup>TH</sup>  
CITY HOUSTON STATE TX ZIP 77008  
PHONE( 713 ) 524-2880  
FAX( 713 ) 524-9803  
E-MAIL ADDRESS JAMES @ CIS-AXIS.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: [Signature] Date: 11 JAN 2016

Agent's/  
Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE ONLY:**

FEES PAID: <u>\$1025.00</u>	DATE PAID: <u>1/11/16</u>	RECEIVED BY: <u>IC</u>	RECEIPT NUMBER: <u>108240</u>
-----------------------------	---------------------------	------------------------	-------------------------------

Application No. CUP-2016-01

# APPLICATION CHECKLIST FOR THE FOLLOWING: Conditional Use Permit (CUP)

- Application and checklist, filled out completely and signed by the owner of the property.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. Section 1.2.1.1 (a) of the Unified Development Code (UDC).
- Metes and Bounds Description (survey or plat of the property that provides or contains the metes and bounds description).
- Parcel map, printer from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the conditional use permit request in detail, specifying:
  - o Proposed Uses: RETAIL FUEL STATIONS & C-STORE
  - o Specific Operations of the use: \_\_\_\_\_
  - o Square footage of buildings/lot sizes: 4000
  - o Unique characteristics of the property: CUP ON HAND CORNER ONLY
  - o Other necessary information (list here): \_\_\_\_\_
- Site plan that shows the following:
  - o Proposed layout of the subject property
  - o Proposed buildings
  - o Parking
  - o Landscape plan
  - o Detention ponds
  - o Fences
  - o Other relevant information (list here): \_\_\_\_\_
- Acknowledgement of the sign to be posted on the property ten (10) days prior to the public hearing.
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.

2015 TAX STATEMENT



RO'VIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515

**Certified Owner:**  
 A & A BUSINESS INC  
 611 E RICHEY RD  
 HOUSTON, TX 77073

**Legal Description:**  
 A0198 T J GREEN (PEARLAND) TRACT 1AA  
 ACRES 3.8325

Account No: 0198-0001-003

Appr. Dist. No.: 657203

Legal Acres: 3.8325

Parcel Address: E BROADWAY ST & ALEXANI

As of Date: 01/07/2016

Print Date: 01/07/2016

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$834,720	\$0	\$834,720	\$834,720	\$0	\$0	\$834,720	\$0

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY <i>Amount saved by additional sales tax revenue \$.34</i>	\$834,720	OSP	\$834,390.00	\$330	0.4260000	\$1.41
SPECIAL ROAD & BRIDGE	\$834,720	OSP	\$834,390.00	\$330	0.0600000	\$0.20
PEARLAND ISD	\$834,720	OSP	\$834,390.00	\$330	1.4156000	\$4.67
BRAZORIA DRAINAGE DIST 4	\$834,720	OSP	\$834,390.00	\$330	0.1555000	\$0.51
CITY OF PEARLAND	\$834,720	OSP	\$834,390.00	\$330	0.7053000	\$2.33

**Total Tax:** \$9.12  
**Total Tax Paid to date:** \$9.12  
**Total Tax Remaining:** \$0.00

**Exemptions:**

OSP OPEN SPACE 1-D-1

**AMOUNT DUE IF PAID BY:**

01/31/2016 0%	02/29/2016 7%	03/31/2016 9%	04/30/2016 11%	05/31/2016 13%	06/30/2016 15%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
07/31/2016 18 + up to 20%	08/31/2016 19 + up to 20%	09/30/2016 20 + up to 20%	10/31/2016 21 + up to 20%	11/30/2016 22 + up to 20%	12/31/2016 23 + up to 20%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**School Information:**

PEARLAND ISD 2015 M&O 1.0400000 I&S .37560000 Total 1.4156000 2014 M&O 1.0400000 I&S .37570000 Total 1.4157000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.1.62



**Print Date:** 01/07/2016

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

RO'VIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515  
 (979) 864-1320, (979) 388-1320, (281) 756-1320



0198-0001-003  
 A & A BUSINESS INC  
 611 E RICHEY RD  
 HOUSTON, TX 77073

**AMOUNT PAID:**  
 \$ \_\_\_\_\_

01980001003 2015 012016 000000000000 000000000000 000000000000 0

# CISNEROS DESIGN GROUP



2501 W 11th  
Houston, TX 77008  
Phone 713-524-2880 Fax 713-524-9803  
Email: cisneros @cis-axis.com

**RE: CUP  
NW Corner  
FM 518 @ Alexander**

## **Letter of Intent**

### ***City of Pearland Planning Department***

Dear Sirs: Please accept this as a formal request for a conditional use permit (CUP) to allow retail fuel sales at the proposed C-Store to be located on the NW corner of FM 518 and Alexander. CUP would be limited to 0.8767 acres tract as described by exhibit "A1." Proposed 4,000 square foot convenience store would include a deli section and six retail fueling dispensers.

Please accept this as an acknowledgment of the requirement to place a "Public Hearing" notice signs on the property 10 days prior to scheduled hearing.

Sincerely,

James I. Elmore  
Cisneros Design Group

## ALEXANDER C-STORE: Metes & Bounds

BEING A **0.8767 ACRE** TRACT OUT OF A **3.8325 ACRE** TRACT OF LAND SITUATED IN THE THOMAS J. GREEN SURVEY, ABSTRACT 198, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A CAPPED "SOUTH TEXAS SURVEYING" 5/8 INCH CAPPED IRON ROD SET AT THE SOUTHWEST CORNER OF LANDSCAPING RESERVE "A", BLOCK 2, AMENDING PLAT OF ALEXANDER LANDING, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 21, PAGES 201-202 OF THE BRAZORIA COUNTY PLAT RECORDS AND BEING IN THE EAST RIGHT-OF-WAY LINE OF ALEXANDER LANE (70 FEET WIDE) FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 64 DEGREES 21 MINUTES 27 SECONDS EAST, ALONG THE SOUTH LINE OF SAID RESERVE "A", LOTS 1, 2, 3 AND 4, SAID BLOCK 2, ALEXANDER LANDING, A DISTANCE OF **319.17 FEET** TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 4, BLOCK 2, ALEXANDER LANDING AND BEING THE NORTHWEST CORNER OF TRACT "B", WHISPERING WINDS GENERAL BUSINESS RESERVE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 17, PAGES 93-94 OF THE BRAZORIA COUNTY PLAT RECORDS AND BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 25 DEGREES 38 MINUTES 33 SECONDS WEST, ALONG THE NORTHWEST LINE OF SAID TRACT "B", WHISPERING WINDS GENERAL BUSINESS RESERVE, A DISTANCE OF **440.00 FEET** TO A POINT FOR CORNER, SAME BEING THE NORTHEAST CORNER OF TRACT "B", BLOCK 1, ALEXANDER LANDING, SECTION 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 16, PAGE 265 OF THE BRAZORIA COUNTY PLAT RECORDS FOR THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS SOUTH 30 DEGREES 36 MINUTES 12 SECONDS, 0.35 FEET;

THENCE NORTH 64 DEGREES 21 MINUTES 27 SECONDS WEST, ALONG THE NORTHEAST LINE OF SAID TRACT "B", ALEXANDER LANDING, SECTION 2, A DISTANCE OF **160.00 FEET** TO A 1/2 INCH IRON ROD FOUND FOR THE INTERIOR CORNER OF TRACT "B", BLOCK 1, ALEXANDER LANDING, SECTION 2, AND BEING AN INTERIOR CORNER OF THE HEREIN DESCRIBED PARENT TRACT, FOR THE POINT OF BEGINNING OF SUBJECT TRACT;

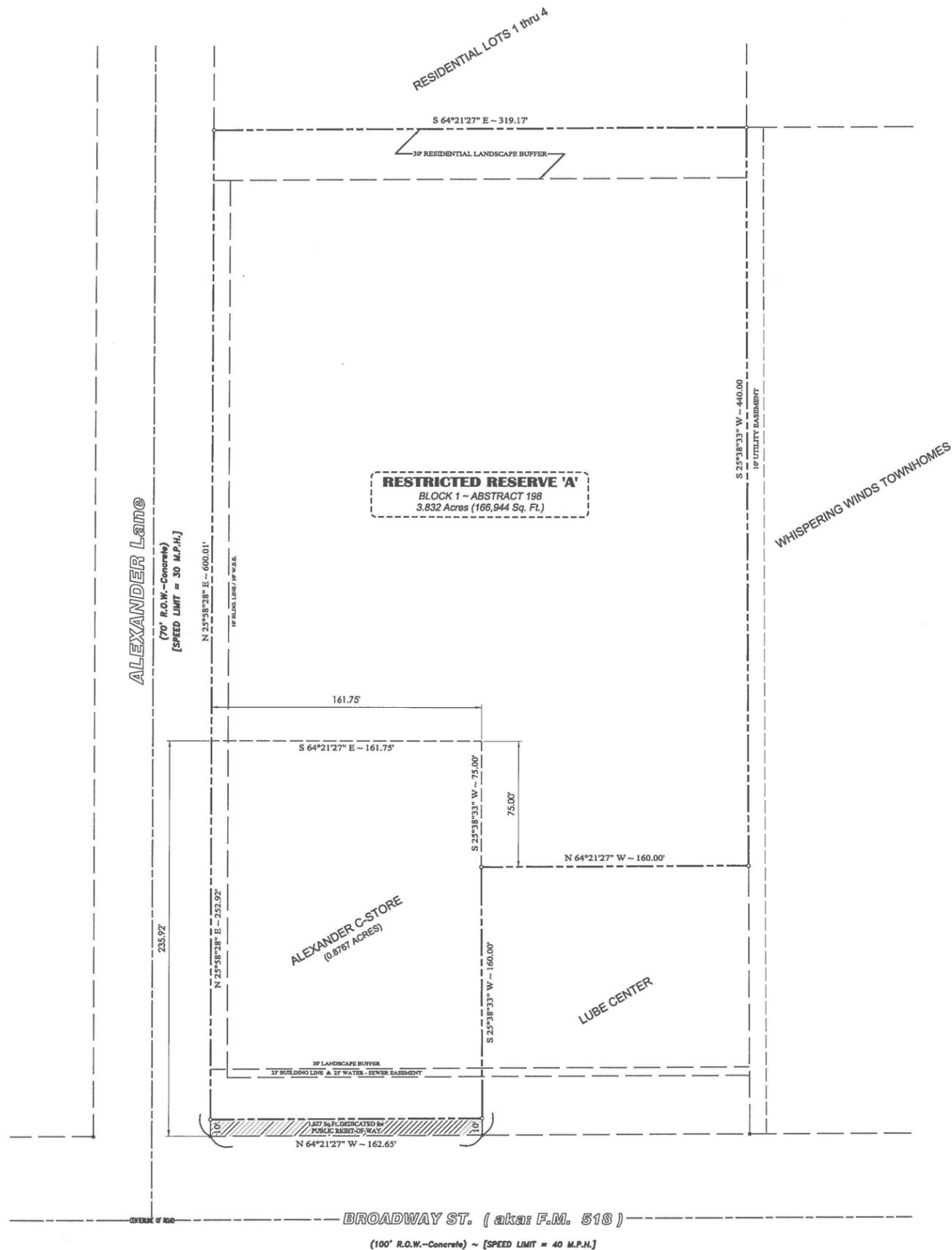
THENCE SOUTH 25 DEGREES 38 MINUTES 33 SECONDS WEST, ALONG THE NORTHWEST LINE OF SAID TRACT "B", ALEXANDER LANDING, SECTION 2, A DISTANCE OF **160.00 FEET** TO A POINT FOR THE MOST WESTERLY CORNER OF TRACT "B", BLOCK 1, ALEXANDER LANDING, SECTION 2, SAME BEING IN THE NORTH RIGHT-OF-WAY LINE OF EAST BROADWAY (AKA F.M. HIGHWAY 518) AND BEING THE MOST WESTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2 IRON ROD FOUND BEARS SOUTH 16 DEGREES 09 MINUTES 22 SECONDS EAST 0.72 FEET;

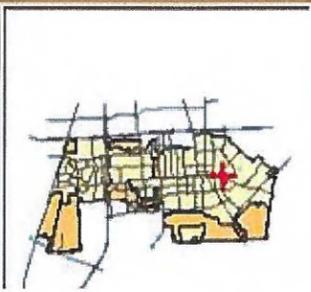
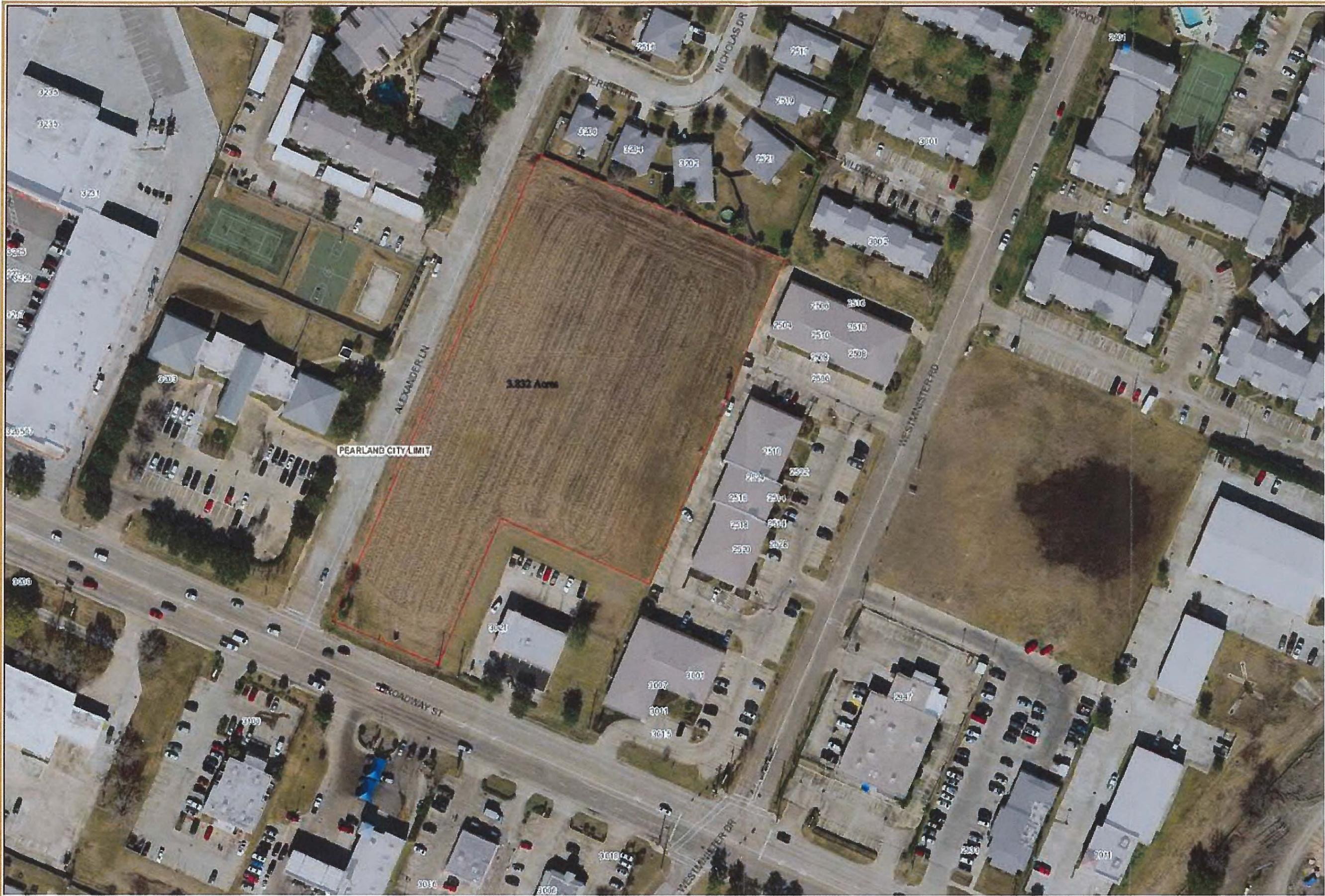
THENCE NORTH 64 DEGREES 21 MINUTES 27 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF EAST BROADWAY, A DISTANCE OF **162.65 FEET** TO A CAPPED "SOUTH TEXAS SURVEYING" 5/8 IRON ROD SET IN THE EAST RIGHT-OF-WAY LINE OF SAID ALEXANDER LANE FOR THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

BEGINNING AT THE 1/2 IRON ROD FOUND IN THE SOUTHWEST CORNER OF EAST BROADWAY AND ALEXANDER LANE, THENCE NORTH 25 DEGREES 58 MINUTES 28 SECONDS EAST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID ALEXANDER LANE, A DISTANCE OF **235.92 FEET**;

THENCE SOUTH 64 DEGREES 21 MINUTES 27 SECONDS EAST A DISTANCE OF **161.75 FEET**;

THENCE SOUTH 25 DEGREES 38 MINUTES 33 WEST A DISTANCE OF **75.00 FEET** TO A 1/2 INCH IRON ROD, TO THE POINT OF BEGINNING AND CONTAINING **0.8767 ACRES** (38,190 SQUARE FEET) OF LAND, MORE OR LESS.





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



Scale 1:1,200  
1 in = 100 ft  
January 07, 2016



NO.	DESCRIPTION	DATE

**CITY of PEARLAND: NOTES**

**SITE PLAN NOTES:**

- ALL MECHANICAL, ELECTRICAL & ROOF-MOUNTED EQUIPMENTS SHALL BE SCREENED AS PER THE REQUIREMENTS OF THE UDC.
- ALL LOADING & UNLOADING AREAS SHALL BE SCREENED AS PER THE REQUIREMENTS OF THE UDC.
- ALL REFUSE CONTAINERS & RECYCLING CONTAINERS SHALL BE SCREENED AS PER THE UDC.
- PERIMETER OF THE PARKING AREAS SHALL BE BOUNDED BY A RAISED or RIBBON CURBS.
- ALL PARKING SPACES SHALL HAVE A MINIMUM DIMENSION OF 9ft X 18ft & ALL AISLES SHALL HAVE A MINIMUM WIDTH OF 24ft.
- THERE SHALL BE NO OUTDOOR STORAGE, DISPLAY, or ACTIVITY.
- SIGHT VISIBILITY ANGLES SHALL NOT BE OBSTRUCTED ALONG DRIVEWAY ENTRANCES & OTHER AREAS.
- ALL APPLICABLE REQUIREMENTS OF THE UDC SHALL BE MET.
- SIGNAGE, INCLUDING FLAGS, REQUIRES A SEPARATE APPLICATION & IS NOT A PART OF THE SITE PLAN APPROVAL.
- ANY SIGNS, PAVING, STRUCTURE (EXCEPT FENCES, WALL, & SCREENS) ON EASEMENTS NEED A WAIVER OF ENCROACHMENT LETTER.
- FOR RESIDENTIAL ZONING DISTRICTS & BP-288 ZONE: AT THE TIME OF PLANTING, A MINIMUM OF 8ft SHALL BE PROVIDED BETWEEN A TREE TRUNK & THE BACK OF ANY CURB & BETWEEN A TREE TRUNK & ANY PLANNED or EXISTING UNDERGROUND PUBLIC UTILITY LINES.
- A MINIMUM OF 60% OF REQUIRED STREET TREES SHALL BE EVERGREEN.
- CORRUGATED METAL IS PROHIBITED.
- EACH LANDSCAPE ISLAND WITHIN A PARKING LOT SHALL CONTAIN A MINIMUM SQUARE FOOTAGE EQUIVALENT TO ONE (1) PARKING SPACE WITH A MINIMUM WIDTH OF 9ft. & SHALL ALLOW AT LEAST 3ft BETWEEN ANY TREES WITHIN THE ISLAND AND THE EDGE OF THE ISLAND.

**CORRIDOR OVERLAY DISTRICT NOTES:**

- ALL REQUIREMENTS OF THE CORRIDOR OVERLAY DISTRICT (COD) INCLUDING BUILDING COLOR, BUILDING ARTICULATION & TRANSPARENCY REQUIREMENTS SHALL BE MET.
- MINIMUM LIGHTING LEVEL OF 0.5-FOOT CANDLES SHALL BE PROVIDED IN THE PARKING LOTS IN COD.
- WOODEN LIGHT POLES ARE PROHIBITED.
- HIGH PRESSURE SODIUM or METAL HALIDE FIXTURES SHALL BE USED WITH NO DIRECT GLARE ONTO ADJACENT PROPERTIES or PUBLIC STREETS.
- WALKWAY LIGHTING SHALL NOT EXCEED 12'.
- UNDERGROUND MECHANICAL IRRIGATION SYSTEM SHALL BE INSTALLED THROUGHOUT THE LANDSCAPE AREAS.
- HEIGHT OF LIGHTING SHALL NOT EXCEED THE HEIGHT OF THE BUILDING.
- ALL UTILITIES SHALL BE UNDERGROUND.
- ALL FENCES VISIBLE FROM THE CORRIDORS SHALL BE MASONRY.
- ALL MECHANICAL, ELECTRICAL & ROOF-MOUNTED EQUIPMENTS SHALL BE SCREENED AS PER THE REQUIREMENTS OF THE UDC.

**PAVING SPECIFICATIONS:**

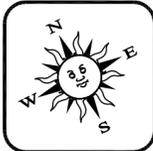
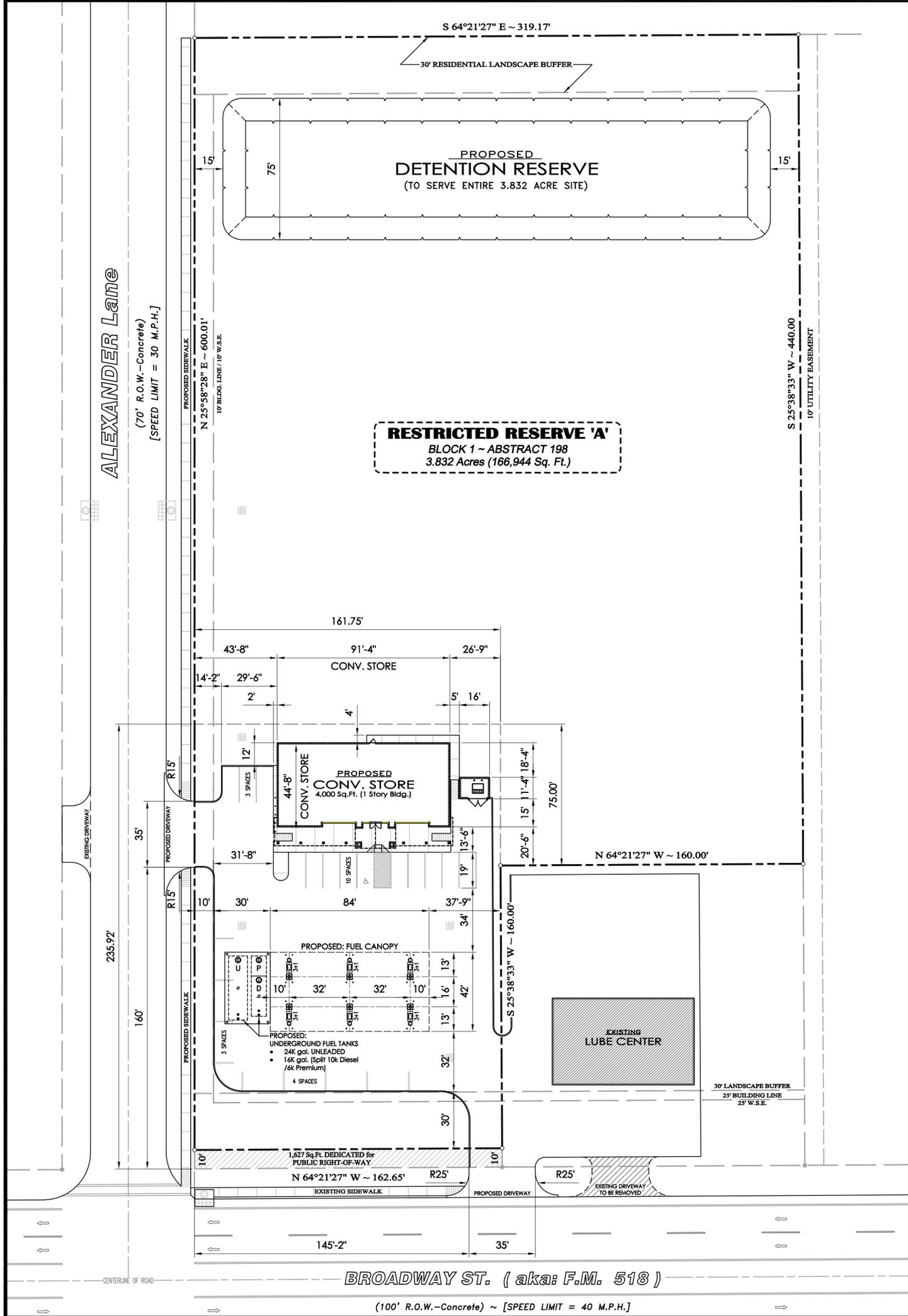
- ALL CONCRETE PAVING TO BE 3,000 POUNDS PER SQUARE INCH (P.S.I.) 5 SACK MIX WITH 4" TO 5" SLUMP
- APPROACHES TO MEET APPLICABLE CITY, COUNTY & STATE SPECS.
- GENERAL PAVING TO BE:  
5" THICK WITH #3'S @ 16" O.C. EACH WAY WITH SEALED TREATED EXPANSION JOINTS TO BE 60'-0" O.C. EACH WAY, MAX. & SAW CONTROL JOINTS TO BE 20'-0" O.C. EACH WAY, MAX.
- FUEL TANKS FIELD COVER (MINIMUM 1,500 SQ. FT., TOTAL) TO BE 8" THICK WITH #4'S @ 12'-0" ON CENTER, EACH WAY.
- AN AREA OF 12 FT IN FRONT OF DUMPSTER TO BE 7" THICK WITH #4'S @ 16" O.C. EACH WAY.

**PARKING TABLE**

PROPOSED USE	Convenience Store
AREA OF USE	4,000 Square Feet
REQUIRED RATIO	1 / 200 Square Feet
NUMBER OF SPACES	20 Parking Spaces Prov. [ 20 Req. ]

**ZONING OF PROPERTY : GB/CO**

GENERAL BUSINESS	REQUIRED	PROPOSED
MINIMUM LOT AREA :	22,500 S.F.	3,832 AC.
MINIMUM LOT WIDTH :	150 ft.	162.65 ft.
MINIMUM LOT DEPTH :	125 ft.	600.01 ft.
FRONT YARD :	30 ft.	30 ft.
SIDE YARD :	10 ft.	10 ft.
REAR YARD :	30 ft.	30 ft.
BUILDING HEIGHT :	20 ft. (Max)	18 ft. - 4 in.



**DEVELOPMENT SITE PLAN**  
**SCALE: 1" = 40'**

**REVISIONS & DATE**

1)	11/25/2015

DRAWN BY:  
**Héctor Flores**

DATE:  
**Nov. 5th, 2015**

SCALE:  
**1" = 40'**

SHEET NO:  
**SP1**

**LANDSCAPING REQUIREMENTS**

**ALEXANDER LANE**

CHAPTER 4, SECTION 4.2.2.4 OF THE UNIFIED DEVELOPMENT CODE

**PERCENTAGE OF GROSS LANDSCAPED AREA:**

REQUIRED: 15% (PERCENTAGE BASED ON ZONE)

**TOTAL of 600 Ln.Ft. along ALEXANDER LANE**

STREET TREES with A MIN. of 2" CALIPER:

REQUIRED: 1" per 15-ft. of STREET FRONTAGE [ 40 IN. REQ. ]  
PROVIDED: 12 TREES @ 3" CAL. = 36-in.  
2 TREES @ 2" CAL. = 4-in.  
TOTAL CALIPER: 40 INCHES

SHRUBS TO SCREEN PARKING LOTS:

REQUIRED: 5 X TOTAL CALIPER INCHES OF STREET TREES  
5 X 40-in. = 160 REQ.  
PROVIDED: 160 SHRUBS

SITE YARD LANDSCAPING:

REQUIRED: 35% OF LENGTH OF PARKING LOT  
PROVIDED: 35%

EACH TREE PLANTED ON AT LEAST 36 Sq.Ft. & MIN. 6-ft DIMENSION

INTERIOR LANDSCAPING - PARKING LOT TREES REQUIRED:

REQUIRED: 2" CAL. MIN. ~ 1" per 5 PARKING SPACES  
[ 20 SPACES TOTAL / 5 = 4 IN. REQUIRED ]  
PROVIDED: 2 TREES @ 2" CAL. = 4-in.  
TOTAL CALIPER: 4" INCHES

- NO PARKING SPACE SHALL BE GREATER THAN 100-ft. FROM A TREE.
- LANDSCAPE AREAS WITH TREES = 36 Sq.Ft. MIN., WITH MIN. DIMENSION OF 6-ft. WIDE.
- ISLANDS WITHIN PARKING LOT = 162 Sq.Ft., MIN. DIMENSION OF 9-ft. MIN. 4-ft BETWEEN TREE AND EDGE OF ISLAND.
- 75% OF LANDSCAPING INSTALLED IN FRONT YARD.
- ADJACENT TO A SINGLE-FAMILY USE OR ZONING DISTRICT: A 25 FT. WIDE LANDSCAPE BUFFER ALONG THE PROPERTY LINE THAT IS ADJACENT TO SUCH USE OR DISTRICT. MAY BE LOCATED WITH THE REQUIRED YARD / SETBACK AREA & MAY COUNT TOWARDS LANDSCAPED AREA.

**CORRIDOR OVERLAY DISTRICT:**

**F.M. 518 (BROADWAY ST.)**

CHAPTER 2, SECTION 2.4.5.1 OF THE UNIFIED DEVELOPMENT CODE

**FRONT SETBACK LANDSCAPING:**

REQUIRED: 30-ft. LANDSCAPE BUFFER for PARKING AREAS  
PROVIDED: 30-ft.

**SETBACK AREA LANDSCAPING:**

REQUIRED: 15% SHALL CONSIST OF LANDSCAPE OPEN AREAS  
PROVIDED: 15%

**PERCENTAGE ( % ) OF GROSS LANDSCAPED AREA:**

REQUIRED: 15% OF THE GROSS AREA  
PROVIDED: 15%

**TREES: F.M. 518 (BROADWAY ST.)**

REQUIRED: 50% OF THE REQUIRED TREES SHALL BE LOCATED ALONG THE FRONT YARD ALONG CORRIDOR.  
PROVIDED: 100%

**TOTAL of 163 Ln.Ft. along F.M. 518 (BROADWAY ST.)**

SHADE / STREET TREES with A MIN. of 2" CALIPER:

REQUIRED: 1" per 10-ft. of STREET FRONTAGE [ 17-in. REQ. ]  
PROVIDED: 5 TREES @ 3" CAL. = 15 IN.  
1 TREE @ 2" CAL. = 2 IN.  
TOTAL CALIPER: 17 INCHES

ORNAMENTAL TREES with A MIN. of 2" CALIPER:

REQUIRED: 1" per 15-ft. of STREET FRONTAGE [ 11-in. REQ. ]  
PROVIDED: 3 TREES @ 3" CAL. = 9-in.  
1 TREE @ 2" CAL. = 2-in.  
TOTAL CALIPER: 11 INCHES

PARKING LOT TREES with A MIN. of 2" CALIPER:

REQUIRED: 1" per 5 PARKING SPACES  
[ 20 SPACES TOTAL / 5 = 4-in. REQUIRED ]  
PROVIDED: 2 TREES @ 2" CAL. = 4-in.  
TOTAL CALIPER: 4 INCHES

EVERGREEN TREES:

REQUIRED: 60% OF REQ. STREET TREES SHALL BE EVERGREEN.  
PROVIDED: 60%

TREE SETBACKS:

REQUIRED: MIN. 8-ft. TREE BETWEEN TRUNK & THE BACK OF CURB & BETWEEN A TREE TRUNK & A PLANNED / EXISTING UNDERGROUND PUBLIC UTILITY.  
PROVIDED: 8 FEET

DISTANCE BETWEEN TREES:

REQUIRED: MIN. 6-ft. SHALL BE PROVIDED BETWEEN TREES  
PROVIDED: 6 FEET MIN.

SHRUBS:

REQUIRED: 5 X TOTAL CALIPER INCHES OF STREET TREES  
PROVIDED: 210 SHRUBS

**INTERIOR SITE LANDSCAPING:**

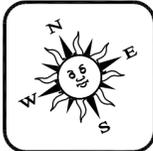
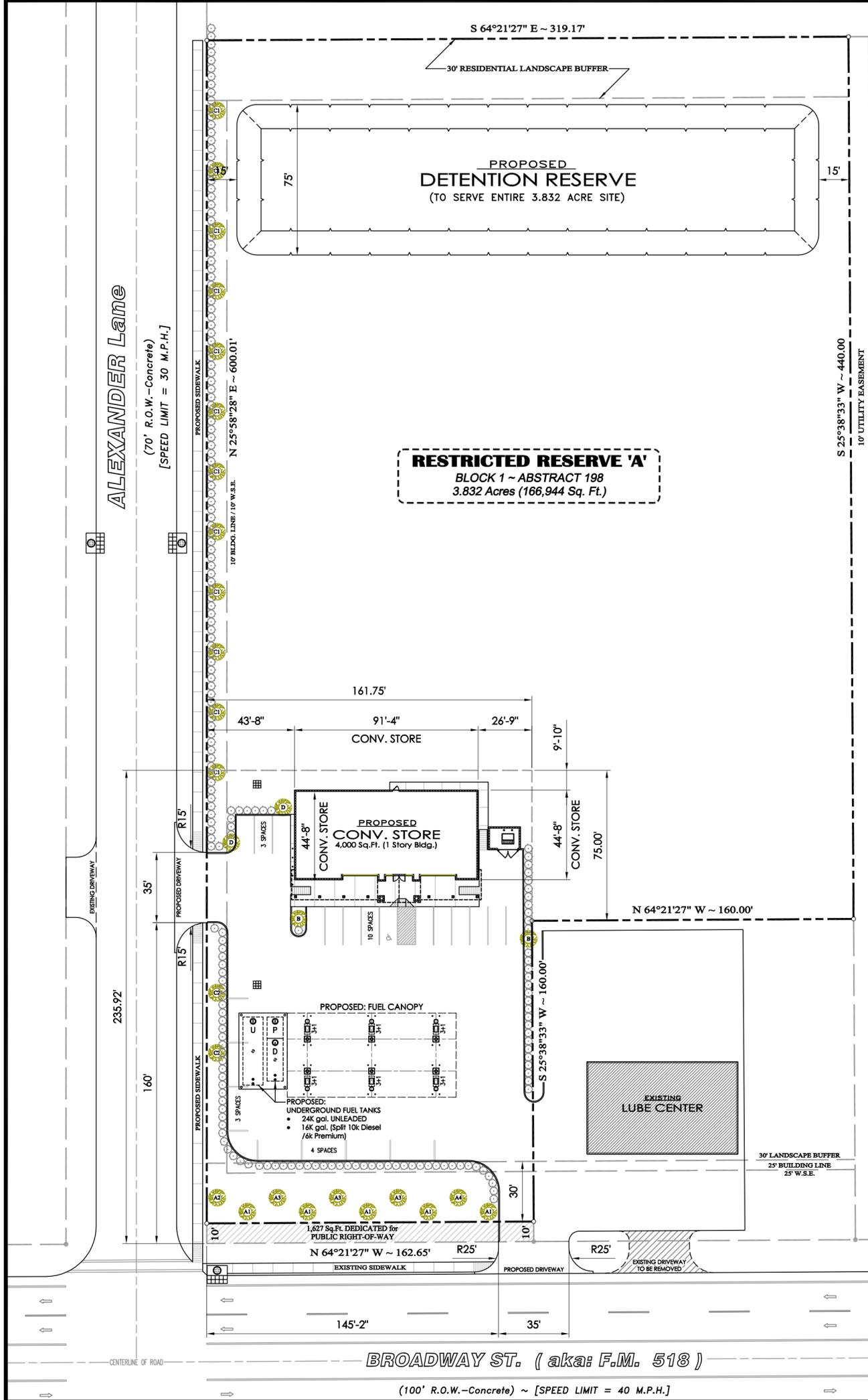
- NO PARKING SPACE SHALL BE GREATER THAN 50-ft. FROM A TREE. EACH ISLAND SHALL HAVE AT LEAST ONE (1) TREE.
- A MECHANICAL IRRIGATION SYSTEM IS REQUIRED TO BE INSTALLED AND MAINTAINED.
- ADJACENT TO A SINGLE-FAMILY USE OR ZONING DISTRICT: A 25-ft. WIDE LANDSCAPE BUFFER ALONG THE PROPERTY LINE THAT IS ADJACENT TO SUCH USE OR DISTRICT. MAY BE LOCATED WITH THE REQUIRED YARD / SETBACK AREA & MAY COUNT TOWARDS LANDSCAPE AREA.

**PLANTING LEGEND: F.M. 518 (Broadway St.)**

SHADE / STREET TREES		ORNAMENTAL TREES	
LIVE OAK 3" Caliper	LIVE OAK 2" Caliper	CREPE MYRTLE 3" Caliper	CREPE MYRTLE 2" Caliper
QUANTITY: 5	QUANTITY: 1	QUANTITY: 3	QUANTITY: 1
PARKING LOT TREES		SHRUBS	
LIVE OAK 2" Caliper	RED TIP PHOTINIAS 5 Gallon		
QUANTITY: 2	QUANTITY: 210		

**PLANTING LEGEND: ALEXANDER LANE**

SHADE / STREET TREES	PARKING LOT TREES	SHRUBS
LIVE OAK 3" Caliper	LIVE OAK 2" Caliper	RED TIP PHOTINIAS 5 Gallon
QUANTITY: 12	QUANTITY: 2	QUANTITY: 160



**LANDSCAPING SITE PLAN**  
SCALE: 1" = 40'

**BROADWAY ST. ( aka: F.M. 518 )**

(100' R.O.W.-Concrete) ~ [SPEED LIMIT = 40 M.P.H.]

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

<b>AGENDA OF:</b> April 11, 2016	<b>ITEM NO.:</b> Ordinance No. CUP 2016-04
<b>DATE SUBMITTED:</b> March 29, 2016	<b>DEPT. OF ORIGIN:</b> Planning
<b>PREPARED BY:</b> Frankie Legaux	<b>PRESENTOR:</b> Lata Krishnarao
<b>REVIEWED BY:</b> Matt Buchanan	<b>REVIEW DATE:</b> April 4, 2016
<b>SUBJECT:</b> Ordinance No. CUP 2016-04 - An ordinance of the City Council of the City of Pearland, Texas, approving a <b>Conditional Use Permit (CUP) to allow for bail bonds in the General Business (GB) zone</b> , being a 3.1092 acre tract of land out of Lot 46 of the Allison Richey Gulf Coast Home Company's Subdivision of Section 8, H.T & B.R.R. Co. Survey also called the F.B. Drake Survey, Abstract 504, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 24, of the plat records of Brazoria County, Texas. <b>(Located at 6601 Broadway Street, Pearland, TX.)</b> Conditional Use Permit Application No 2016-04, within the General Business (GB) zoning district, at the request of Alfred Rucker, applicant; on behalf of Pogie USA LLC, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.	
<b>ATTACHMENTS:</b>	<b>Ordinance No. 2016-04 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C – Legal Ad; Exhibit D – Planning and Zoning Commission Recommendation Letter; Exhibit E – Site Plan and Attachments); Joint Public Hearing Packet (03.21.16)</b>
<b>To be completed by Department:</b>	
<b>Finance</b>	<b>Legal      Ordinance      Resolution</b>

**SUMMARY:** The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for a bail bonds business to be located in an existing structure within the General Business (GB) zoning district. Office, parole-probation and bail bonds uses, require approval of a CUP in GB zoning district. The proposed business would be in a suite in an existing gasoline station and would not involve expanding the existing structure.

**RECOMMENDATION:** Staff recommends approval of the requested CUP on the approximately 3.1092 acre site to allow for bail bonds for the following reasons:

1. The property is currently zoned GB which is in conformance with the Future Land Use Plan of Business Commercial.
2. Approval of a CUP is required by the Unified Development Code (UDC) for all Bail bonds located in a GB zoning district.
3. The proposed use will not have significant negative impacts on surrounding properties or developments such as noise, dust, excessive light or traffic as the property is located on a Major Thoroughfare in an existing building. Surrounding uses include residential to the north along Garden Rd and a hotel, a church and retail uses along Broadway Street.
4. All requirements of the UDC will be met for any future redevelopment and expansion on the site.

Condition: Staff also recommends that landscaping comply with the Corridor Overlay District (COD) requirements.

**PUBLIC NOTIFICATION:** A Joint Public Hearing was conducted on March 21, 2016. 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.

Of the 13 property owners within the 200 foot notice area, no “Public Comment Forms” regarding this request were returned in favor or opposition to the request. Staff received no phone calls inquiring about the request.

At the Joint Public Hearing meeting, four people representing two addresses within 200 feet of the notice area, spoke in opposition to the request.

**PLANNING AND ZONING COMMISSION DISCUSSION:** At the regular meeting of the Planning and Zoning Commission on March 21, 2016, P&Z Vice-Chair Thomas Duncan made a motion to recommend approval of the CUP No. 2016-04 request; the motion was seconded by Commissioner Pradia. The motion failed to pass by a vote of 1-6. Commissioner Pradia voted to approve the motion and Chairman Tunstall, Vice-Chair Duncan, Commissioners Isenberg, Starr, McFadden and Selsky all voted against the motion.

## **Ordinance No. CUP 2016-04**

An ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for bail bonds in the General Business (GB) zone**, being a 3.1092 acre tract of land out of Lot 46 of the Allison Richey Gulf Coast Home Company's Subdivision of Section 8, H.T&B.R.R. Co. Survey also called the F.B. Drake Survey, Abstract 504, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 24, of the plat records of Brazoria County, Texas. **(Located at 6601 Broadway Street, Pearland, TX.)** Conditional Use Permit Application No 2016-04, within the General Business (GB) zoning district, at the request of Alfred Rucker, applicant; on behalf of Pogie USA LLC, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

**WHEREAS**, Alfred Rucker, applicant; on behalf of Pogie USA LLC, owner; is requesting approval of a Conditional Use Permit (CUP) to allow for a bail bonds use on approximately 3.1092 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 21<sup>th</sup> day of March 2016, 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 21<sup>th</sup> day of March 2016, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed Conditional Use Permit to allow for a bail bonds use on approximately 3.1092 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 April 2016 and the 25<sup>th</sup> day of April 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 Alfred Rucker, applicant; on behalf of Pogie USA LLC, owner; for approval of a Conditional Use Permit on approximately 3.1092 acres of land to allow for a bail bonds 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 Business (GB) zoning district, is hereby granted a Conditional Use Permit to allow for a bail bonds use, subject to all requirements of the GB 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 a 3.1092 acre tract of land out of Lot 46 of the Allison Richey Gulf Coast Home Company's Subdivision of Section 8, H.T&B.R.R. Co. Survey also called the F.B. Drake Survey, Abstract 504, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 24, of the plat records of Brazoria County, Texas.

**General Location:** 6601 Broadway Street, Pearland, TX.

**Section II.** The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance

with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission for consideration and decision.

**Section III.** The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

**Section IV.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section V.** All rights and remedies, which have accrued in the favor of the City under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

**Section VI.** This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 11<sup>th</sup> day of April, 2016.

---

TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 25<sup>th</sup>

day of April, 2016.

---

TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

---

DARRIN M. COKER  
CITY ATTORNEY

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

Being a 3.1092 acre tract of land out of Lot 46 of the Allison Richey Gulf Coast Home Company's Subdivision of Section 8, H.T.&B.R.R. Co. Survey also called the F.B. Drake Survey, Abstract 504, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 24, of the plat records of Brazoria County, Texas.

**WALKER L. TREESH**  
*Registered Professional Land Surveyor*

P.O. Box 2113  
Pearland, Texas 77568  
(281) 485-5191

FIELD NOTE DESCRIPTION OF A 3.1092 ACRE TRACT OF LAND OUT OF LOT 46 OF THE ALLISON RICHEY GULF COAST HOME COMPANY'S SUBDIVISION OF SECTION 8, H.T.&B.R.R. CO. SURVEY ALSO CALLED THE F.B. DRAKE SURVEY, ABSTRACT 504, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 24, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the northeast corner of the aforementioned Lot 46, said point being in the centerline Garden Road and being the northeast corner of the herein described tract;

THENCE S 00° 18' 30" E along the centerline of Garden Road and the east line of said Lot 46, a distance of 429.60 feet to a point for corner in Broadway Street ( F.M. 518), being the southeast corner of said Lot 46;

THENCE WEST along the south line of said Lot 46 and Broadway Street, a distance of 317.88 feet to a point for corner;

THENCE N 00° 28' 58" E at a distance of 23.30 feet pass a ½ inch iron rod found for reference corner in the north right of way line of Broadway Street, continuing in all a total distance of 274.41 feet to found 2" iron pipe in concrete for angle point;

THENCE N 00° 14' 10" W a distance of 155.19 feet to a 1 inch iron pipe found for corner in the north line of said Lot 46;

THENCE EAST along the north line of said Lot 46, at a distance of 284.53 feet pass a 5/8 iron rod for reference corner in the west right of way line of Garden Road, continuing in all a total distance of 313.90 feet to the PLACE OF BEGINNING and containing 3.1092 acres of land, more or less.

*Walker L. Treesh*

Walker L. Treesh, R.P.L.S. No. 1895  
October 16, 2007



## Exhibit B Vicinity Map



Exhibit 1

AERIAL MAP

CUP 2016-04

6601 Broadway St



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

1 inch = 118 feet

FEBRUARY 2016  
PLANNING DEPARTMENT



**Exhibit C  
Legal Ad**

**NOTICE OF A JOINT PUBLIC HEARING  
OF THE CITY COUNCIL**

**AND**

**THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF PEARLAND, TEXAS**

**CONDITIONAL USE PERMIT APPLICATION NUMBER:  
2016-04**

Notice is hereby given that on March 21, 2016 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 Alfred Rucker, applicant; on behalf of Pogie USA LLC, owner; for approval of a Conditional Use Permit (CUP) to allow for bail bonds in the General Business (GB) zoning district; on approximately 3.1092 acres of land, to wit:

Being a 3.1092 acre tract of land out of Lot 46 of the Allison Richey Gulf Coast Home Company's Subdivision of Section 8, H.T&B.R.R. Co. Survey also called the F.B. Drake Survey, Abstract 504, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 24, of the plat records of Brazoria County, Texas.

General Location: 6601 Broadway Street, Pearland, TX.

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Frankie Legaux  
City Planner

**Exhibit D**  
**Planning and Zoning Commission Recommendation Letter**



# Planning & Zoning Commission

---

Recommendation Letter

March 20, 2016

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

Re: Recommendation on CUP Application 2016-04

Honorable Mayor and City Council Members:

At their regular meeting on March 21, 2016, the Planning and Zoning Commission considered the following:

A request of Alfred Rucker, applicant; on behalf of Pogie USA LLC, owner; for approval of a Conditional Use Permit (CUP) to allow for bail bonds in the General Business (GB) zoning district; on approximately 3.1092 acres of land, to wit:

**Legal Description:** Being a 3.1092 acre tract of land out of Lot 46 of the Allison Richey Gulf Coast Home Company's Subdivision of Section 8, H.T&B.R.R. Co. Survey also called the F.B. Drake Survey, Abstract 504, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 24, of the plat records of Brazoria County, Texas.

**Location:** 6601 Broadway Street, Pearland, TX.

P&Z Vice-Chairperson Thomas Duncan made a motion to approve the CUP request; the motion was seconded by P&Z Commissioner Troy Pradia. The motion failed to pass 1 -6. Commissioners Isenberg, Starr, McFadden, Vice-Chairperson Duncan, Selsky, and Chairperson Tunstall all voted against the requested CUP. Commissioner Pradia voted in favor of the motion. Commissioners expressed their opposition to the request stating that the proposed bail bonds office was not suitable at this location.

Sincerely,

  
Frankie Legaux

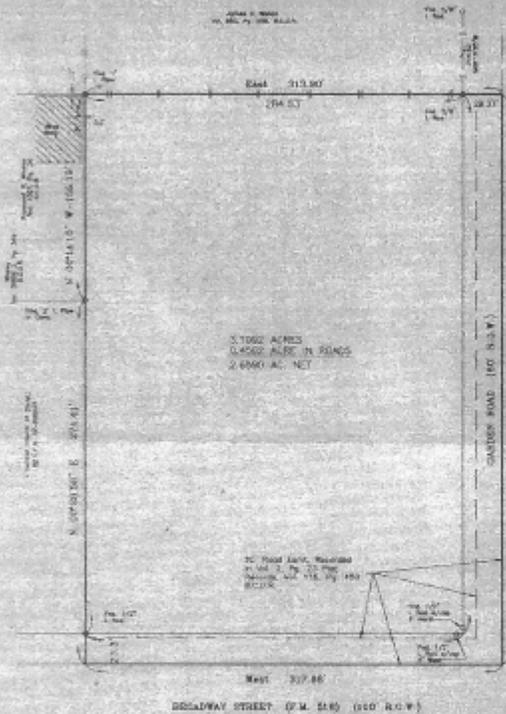
City Planner  
On behalf of the Planning and Zoning Commission



**WALKER L. TREESH**

Registered Professional Land Surveyor  
P.O. Box 2113 Pearland, Texas 77588 (281) 488-5194

Scale 1"=50' Date October 23, 2007 Job No. 07-3702  
Purchaser: UHS Holdings Inc.  
Property Address: \_\_\_\_\_



- WARRANTY NOTES:**
1. The field was re-tied into "G" (unshaded) according to the F.M.A. Flood Insurance Plan Map for the City of Pearland, Texas (Contract No. 200707-0040) dated July 23, 2007.
  2. The Surveyor has relied in connection to the warranty issued by the American Land Title Co. of No. 102146-1128 effective date September 23, 2007, with regard to any recorded easements, rights of way or fee title affecting the subject parcel.
  3. Bearings are based on steel rods and found monuments.
  4. The verification shown herein is based on the survey as well as the 2 1/2" (unshaded) plat filed in any relevant land or record case by any person other than those authorized hereby, or was not seen an original plat and signature of the Surveyor on a quality copy.

PLAT SHOWING A SURVEY OF A 3.1062 ACRES TRACT OF LAND OUT OF LOT #6 OF THE ALISON RICHIE GULF COAST HOME COMPANY'S SUBDIVISION OF SECTION 8, H.E.A.B.R.R. CO. SURVEY, ALSO CALLED THE F.B. DRAKE SURVEY, ABSTRACT 504, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGE 24 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.

TO: THE AMERICAN LAND TITLE CO., 300 WEST HARRIS, SUITE 200, HOUSTON, TEXAS

I, Walker L. Treesh, Registered Professional Land Surveyor in the State of Texas, hereby certify that the plat represents a survey made on the ground under my direction and supervision on October 13, 2007. As the title of this survey there were no unrecorded easements or restrictions apparent on the ground EXCEPT AS SHOWN. This survey was performed in connection with the transaction described in U.L. No. 102146-1128 of the American Land Title Co. This survey is certified for this transaction ONLY. NONE OF THIS SURVEY FOR ANY OTHER PURPOSE OR FOR OTHER PARTIES SHALL BE AT THEIR OWN RISK AND THE PROFESSIONAL SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.

*Walker L. Treesh*  
WALKER L. TREESH, R.P.L.S. NO. 1095



© Walker L. Treesh, R.P.L.S. This document is published under copyright laws. The 1/2" (unshaded) area on this plat is reserved for the purpose of the American Land Title Co. and is not to be used for any other purpose. The use of the American Land Title Co. name and logo is prohibited without the written consent of the American Land Title Co. Any use of the name and logo of the American Land Title Co. for any other purpose is prohibited.



**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, MARCH 21, 2016, AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

**Conditional Use Application No. 2016-04**

A request of Alfred Rucker, applicant; on behalf of Pogie USA LLC, owner; for approval of a Conditional Use Permit (CUP) to allow for bail bonds in the General Business (GB) zoning district; on approximately 3.1092 acres of land.

**Legal Description:** Being a 3.1092 acre tract of land out of Lot 46 of the Allison Richey Gulf Coast Home Company's Subdivision of Section 8, H.T.&B.R.R. Co. Survey also called the F.B. Drake Survey, Abstract 504, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 24, of the plat records of Brazoria County, Texas.

**General Location:** 6601 Broadway Street, Pearland, TX.

**III. APPLICATION INFORMATION AND CASE SUMMARY**

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

**IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST**

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT**

**This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.**



## Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: March 21, 2016

Re: Conditional Use Permit Application No. 2016-04

A request of Alfred Rucker, applicant; on behalf of Pogie USA LLC, owner; for approval of a Conditional Use Permit (CUP) to allow for bail bonds in the General Business (GB) zoning district; on approximately 3.1092 acres of land, Pearland, TX.

General Location: 6601 Broadway Street, Pearland, TX.

### Summary of Request

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for a bail bonds business to be located in an existing structure within the General Business (GB) zoning district. Office, parole-probation and bail bonds uses, require approval of a CUP in GB zoning district. The proposed business would be in a suite in an existing gasoline station and would not involve expanding the existing structure.

### Recommendation

Staff recommends approval of the requested CUP on the approximately 3.1092 acre site to allow for bail bonds for the following reasons:

1. The property is currently zoned GB which is in conformance with the Future Land Use Plan of Business Commercial.
2. Approval of a CUP is required by the Unified Development Code (UDC) for all Bail bonds located in a GB zoning district.
3. The proposed use will not have significant negative impacts on surrounding properties or developments such as noise, dust, excessive light or traffic as the property is located on a Major Thoroughfare in an existing building. Surrounding uses include residential to the north along Garden Rd and a hotel, a church and retail uses along Broadway Street.

4. All requirements of the UDC will be met for any future redevelopment and expansion on the site.

Condition: Staff also recommends that landscaping comply with the Corridor Overlay District (COD) requirements.

### **Site History**

The site was developed with as a gasoline station with an additional retail lease area and received a certificate of occupancy in September of 2011.

### **Conformance with the Comprehensive Plan**

The current zoning of GB on the subject property is in conformance with the future land use designation of the Comprehensive Plan. Future Land Use Plan (FLUP) indicates the property to be “Business Commercial.”

The Comprehensive Plan recommends that:

- a. Land uses should not detract from the enjoyment or value of neighboring properties.
- b. Potential negative land use effects such as noise, dust, excessive light and traffic should be considered in development review and approval and mitigated.
- c. Residential areas should be separated by a buffers.

### **Conformance with the Thoroughfare Plan**

According to city records, Garden Road is a Major Collector Street that needs to be widened. Broadway Street is identified as a Major Thoroughfare that also needs to be widened. Major Collector Streets should have a minimum right-of-way of 80 feet and Major Thoroughfares should have a minimum width of 120 feet. On this parcel, the ROW has been dedicated, during platting.

### **Conformance with the Unified Development Code**

The property is currently developed as a gasoline station with an additional retail lease area. It was developed prior to the requirement of a CUP for Gasoline stations. The proposed use is in conformance with the UDC.

In terms for landscaping, there are 16 parking spaces that do not meet the COD regulation requiring all parking spaces to be within 50 feet of a tree; 11 spaces are located directly in front of the building; 2 parking spaces on the east side of the building

and 3 parking spaces located on the west side of the property. Therefore staff has added a condition that the landscaping requirement of the COD be met.

The addition of this use will not change the parking ratios. The proposed CUP is a different use from the existing gasoline station and convenience store. Both the gasoline station and proposed bail bonds business uses require a parking ratio or 1 space per 300 square feet of gross building square footage. The development requires 17 parking spaces and there are currently 26 shown on the submitted site plan.

The below table identifies these surrounding uses and zoning districts:

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Garden/O'Day Mixed Use (G/O-MU)	Single Family Residential
<b>South</b>	General Business (GB)	Retail/Commercial
<b>East</b>	General Commercial District (GC)	Commercial/Hotel
<b>West</b>	General Business (GB)	Church

The property is surrounded on the south, east and west side by non-residential zoning districts and uses. Although the property to the north is zoned Garden/O'day Mixed Use, the property currently has a single family use on the property. A 30 foot buffer is required between non-residential and residentially use property. A 200 foot buffer exists between the rear façade and the rear property line which exceeds the minimum requirement. It is not required for this space to include trees or shrubs. A landscape buffer is also required along Broadway Street and Garden Road which is currently in place and meets city requirements.

### **Platting Status**

The property is platted and is described as Garden Plaza, Block 1, Lot 1. A minor plat was recorded for this property on April 30, 2008, which included a .6086 acre right-of-way dedication (ROW) with a 10 foot of ROW on Broadway and 10 foot of ROW on Garden Rd.

### **Availability of Utilities**

A 12 inch waterline runs along Garden Road adjacent to the property. An 8-inch sewer line runs along the north side of Bailey Road. The subject property is developed and is currently connected to City water and sewer. The proposed use will not have a significant impact on the existing facilities.

### **Impact on Existing and Future Development**

The proposed use will not significantly impact surrounding properties or developments. The use is completely enclosed within the existing structure. There will be no emissions dust, odors, no additional lighting, and little additional traffic generated from this use.

### **Additional Comments**

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

### **Public Notification**

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

### **Opposition to or Support of Proposed Request**

Staff has not received any returned notices in opposition to or in support of the proposed change in zoning request.

### **Exhibits**

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Notification List
6. Applicant Packet



# Exhibit 1

**AERIAL MAP**

**CUP 2016-04**

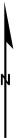
**6601 Broadway St**

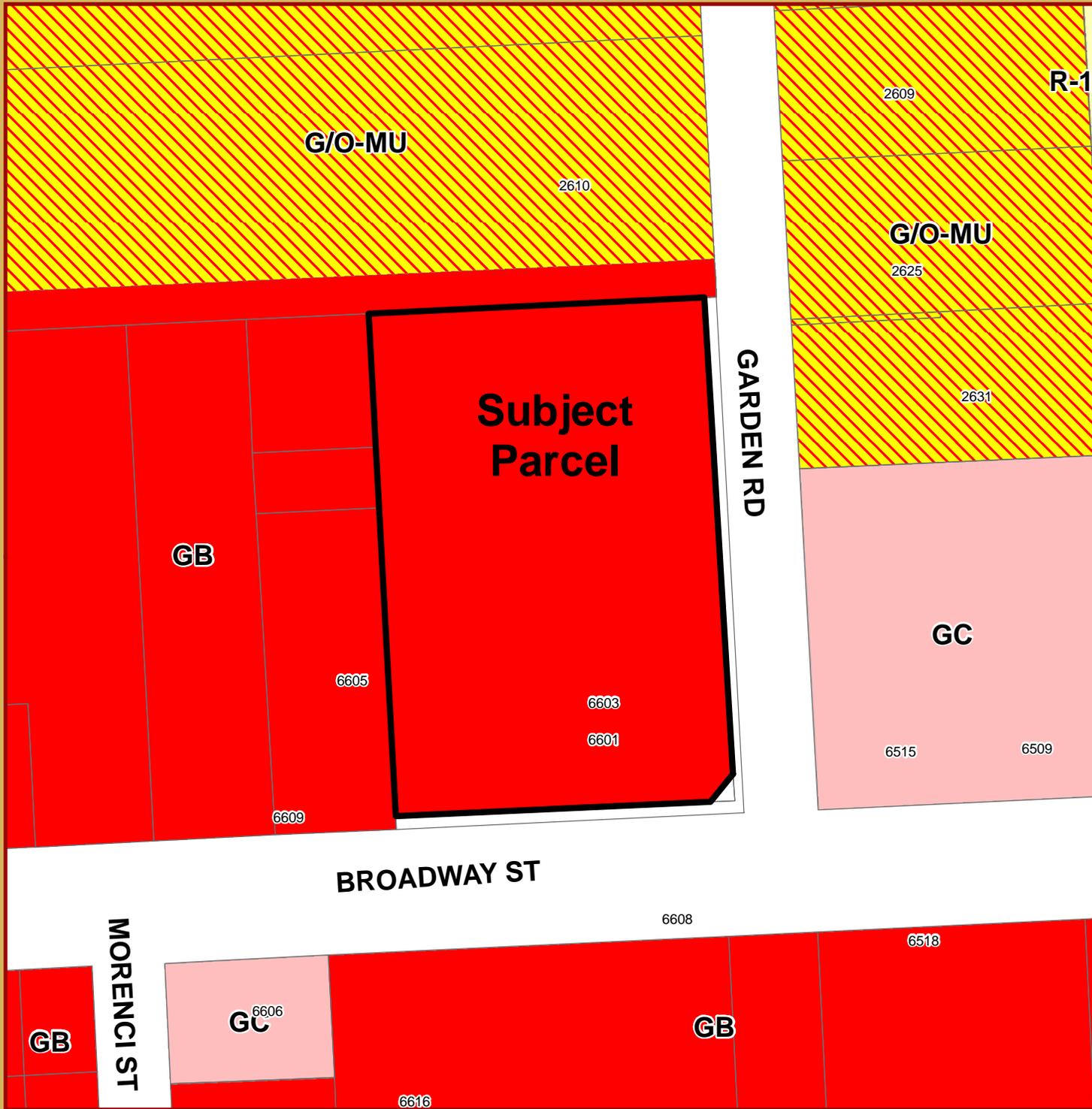


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 118 feet

FEBRUARY 2016  
PLANNING DEPARTMENT





# Exhibit 2

## ZONING MAP

CUP 2016-04

6601 Broadway St

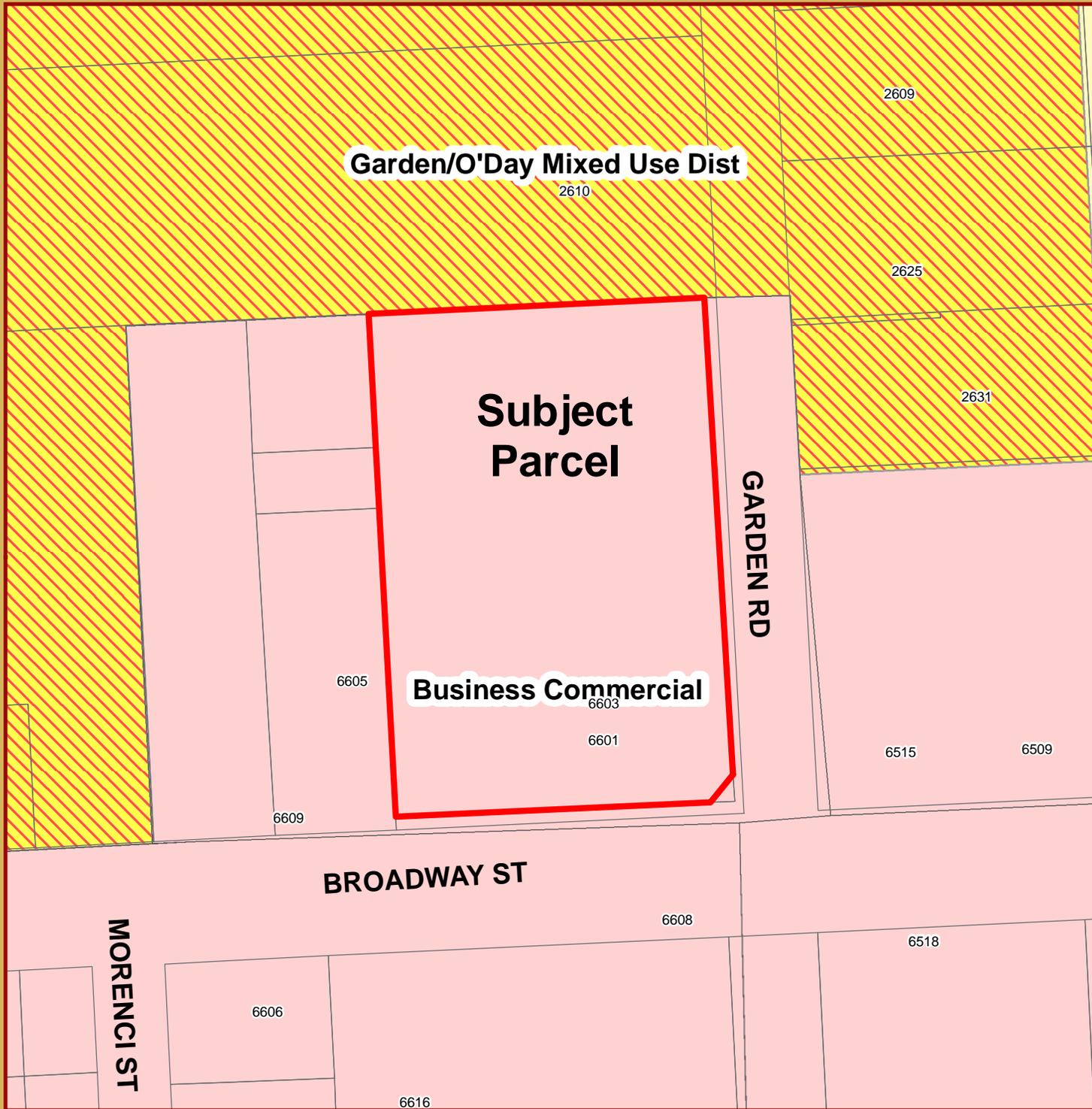


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FEBRUARY 2016  
PLANNING DEPARTMENT





**Exhibit 3**

**FLUP MAP**

**CUP 2016-04**

**6601 Broadway St**



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1 inch = 118 feet

FEBRUARY 2016  
PLANNING DEPARTMENT



Exhibit 4

NOTIFICATION MAP

CUP 2016-04

6601 Broadway St

Subject Parcel

GARDEN RD

BROADWAY ST

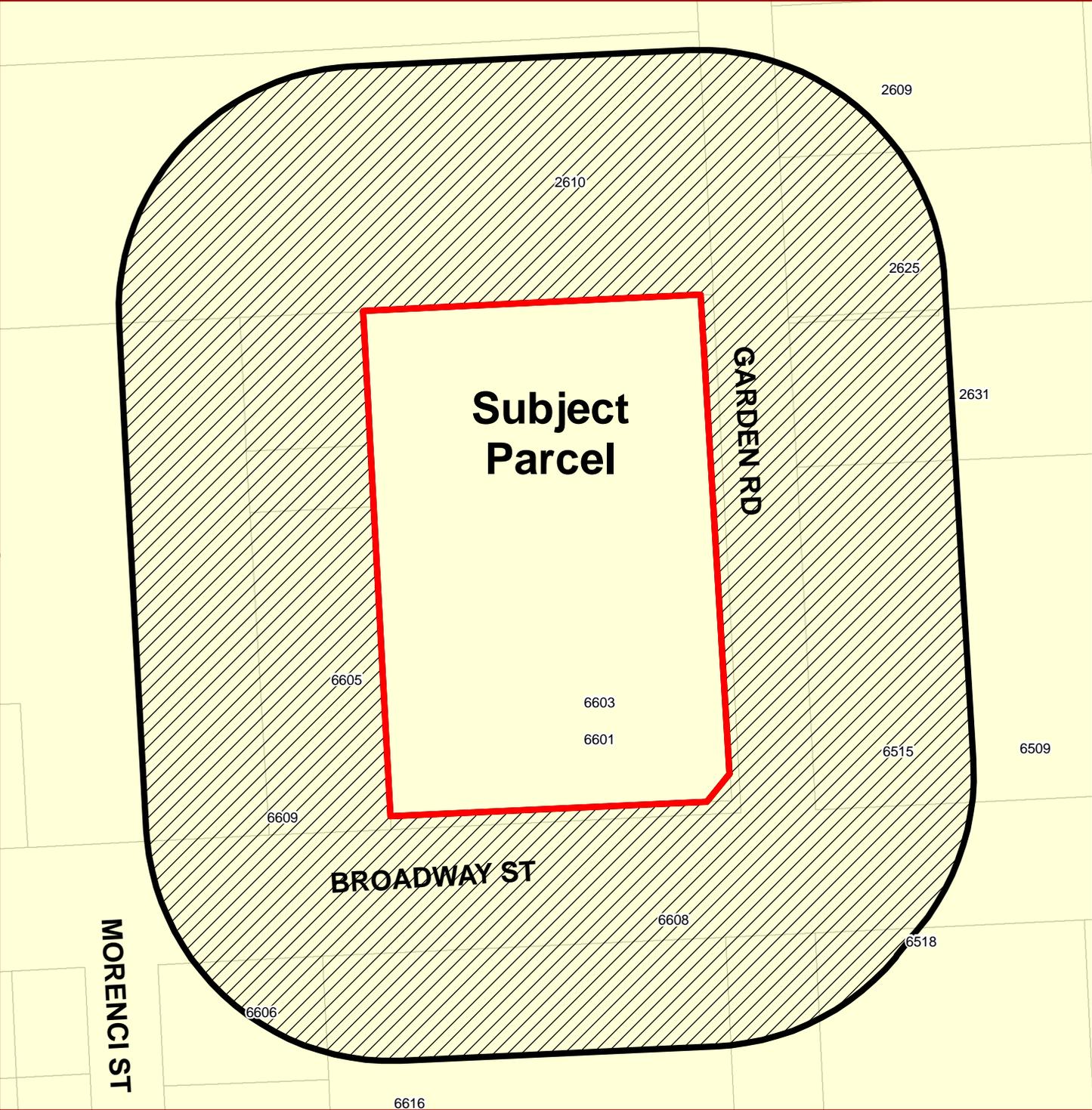
MORENCI ST



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

1 inch = 118 feet

FEBRUARY 2016  
PLANNING DEPARTMENT



**Exhibit 5**

CUP 2016-04

6601 Broadway St.

<b>Property_Owner</b>	<b>City</b>	<b>Address</b>	<b>State</b>	<b>Zip</b>
CENTERPOINT ENERGY INC ELECTRIC OPERATIONS	HOUSTON	PO BOX 1475	TX	77251
CENTRAL CHURCH OF CHRIST		OF PEARLAND		0
COMMERCE EQUITIES INC	HOUSTON	11144 FUQUA ST STE 200	TX	77089
DOWDY ADRIAN E	PEARLAND	2610 GARDEN RD	TX	77581
FLORES JOSE G III	PEARLAND	2841 MORENCI ST	TX	77584
GARDEN ACRES DETENTION POND ASSOC % R WEST DEVELOPMENT CO	PEARLAND	7918 BROADWAY ST STE 106	TX	77581
JACKSON CHARLESTON BLAKE	PEARLAND	2625 GARDEN RD	TX	77581
MEMON ABDUL RAZZAQ & NAJMA	SUGAR LAND	4003 BRATTON ST	TX	77479
O'DAY ORLEN W & MICHAEL	PEARLAND	PO BOX 149	TX	77588
OMKAR ENTERPRISES PEARLAND LP	PEARLAND	6515 BROADWAY ST	TX	77581
PARRISH DORRILLA D	PEARLAND	2609 GARDEN RD	TX	77581
POGIE USA LLC	PEARLAND	PO BOX 956	TX	77588
RAY WHALEY	PEARLAND	7106 ROBIN SOUND ST	TX	77581



# APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: Midtown Bail Bonds  
(list proposed use from the Table of Uses of the UDC)

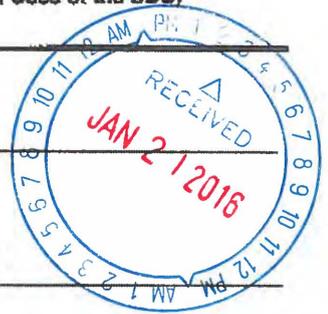
Current Zoning District: GB

**Property Information:**

Address or General Location of Property: 6601 Broadway Street  
Pearland, TX 77581

Tax Account No. 175752

Subdivision: Garden Plaza Lot: A0504 HT & BRR Block: 1, Tract 1



**A complete application must include all information shown on the Application Checklist attached to this application.**

**PROPERTY OWNER INFORMATION:**

NAME Pogie USA LLC  
 ADDRESS P O Box 956  
 CITY Pearland STATE TX ZIP 77588  
 PHONE (713) 545-3548  
 FAX (713) 667-1310  
 E-MAIL ADDRESS bruce.honore@icloud.com

**APPLICANT/AGENT INFORMATION:**

NAME Alfred Rucker  
 ADDRESS 2204 Austin St  
 CITY Hou STATE TX ZIP 77002  
 PHONE (832) 971-5516  
 FAX (281) 715-5268  
 E-MAIL ADDRESS rucker1@sbglobal.net

\*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: [Signature] Date: 1-15-16

Agent's/  
 Applicant's Signature: [Signature] Date: 1-12-16

**OFFICE USE ONLY:**

FEES PAID: <u>1025.00</u>	DATE PAID: <u>1/25/16</u>	RECEIVED BY: <u>AG</u>	RECEIPT NUMBER: <u>119501</u>
---------------------------	---------------------------	------------------------	-------------------------------

Application No. CUP 2016-04

## APPLICATION CHECKLIST FOR THE FOLLOWING Conditional Use Permits (CUP)

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**
- Metes and Bounds Description, (Survey, or a Plat of the property that contain the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information
- Application fee of \$250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
- Site Plan or Plot Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, and any other relevant information
- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application packets that are not complete will not be accepted. When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to **Section 1.2.1.2. of the Unified Development Code.**

Pogie USA LLC  
P O Box 956 Pearland, TX 77588  
713-545-3548 Fax 713-667-1310



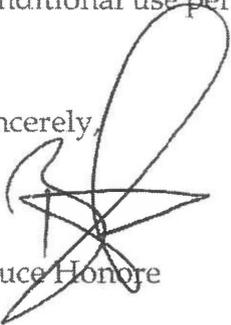
January 15, 2016

City of Pearland  
Pearland, TX 77581

To Whom It May Concern,

I, Bruce Honore managing member of Pogie USA LLC, and property owner of 6601 Broadway Pearland, TX 77581 designate Alfred Rucker to file the application for a conditional use permit on my behalf.

Sincerely,

  
Bruce Honore





**"No Bond Too Large or Too Small"**

January 18, 2016

To Whom It May Concern:

This letter is request for a Conditional Use Permit for Midtown Bail Bonds. Midtown Bail Bonds has acquired retail space located @ 6601 Broadway Street, Pearland 77581. The square footage of the leased space is 1240. The layout of this space will be conducive for a general office setting.

The owner/landlord of the above space has full knowledge of the business use and has given his permission for Midtown Bail Bonds to occupy this space. Midtown Bail Bonds has been operating successfully in Fort Bend County for 8 years and 3 years in Harris County.

The daily operation of business use will consist of general office duties by providing bail services to those in need. Midtown Bail Bonds is ordered to comply with all rules and regulations set forth by Brazoria County Bail Bond. At this time, the bail bond board has granted approval to Midtown Bail Bonds for processing bonds within the county.

It is with great hopes that approval is received from the City of Pearland for Midtown Bail Bonds to operate and conduct business within the city.

If any questions are required of me, I may be reached at 832-423-9969

**Alfred Rucker**

**Owner**

**Midtown Bail Bonds**

---

2204 Austin Street, Houston Texas 77002

Office: 713-752-2663

Fax: 713-658-1143

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

# WALKER L. TREESH

Registered Professional Land Surveyor

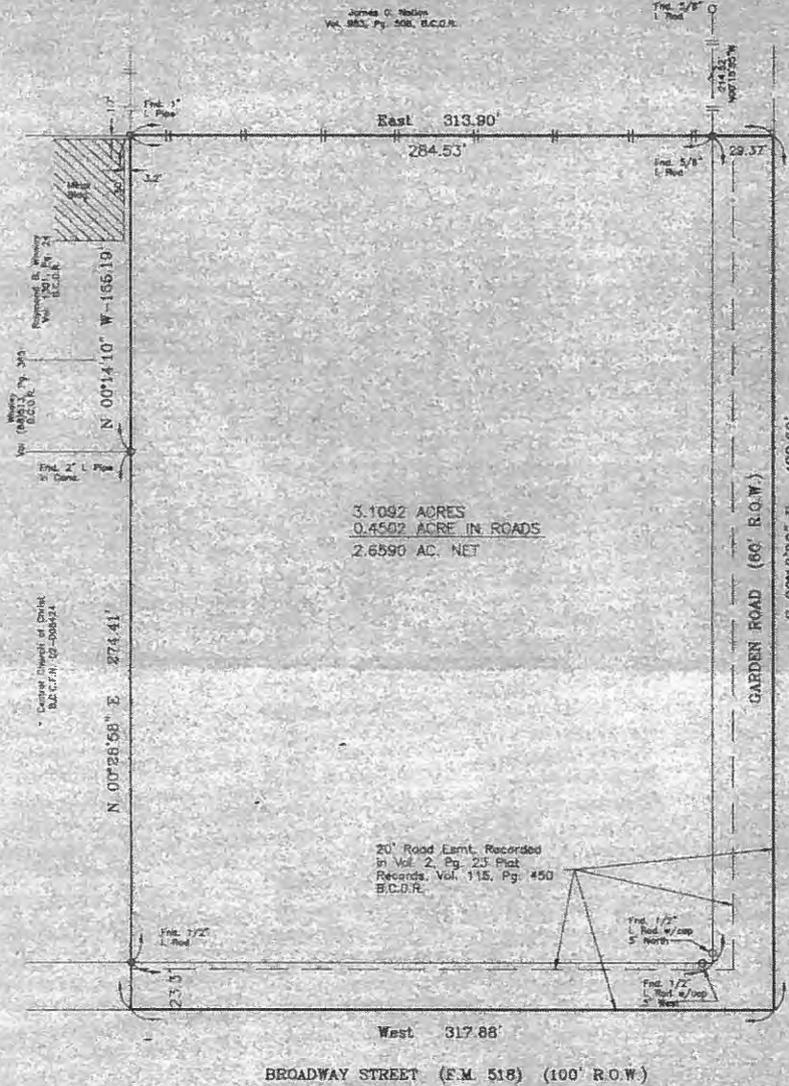
P.O. Box 2113 Pearland, Texas 77588 (281) 485-5191

Scale 1"=60'

Date: October 13, 2007

Job No. 07-3702

Purchaser: URB Holdings Inc  
Property Address:



**GENERAL NOTES:**

1. This tract lies in Flood Zone "X" (unshaded) according to the F.E.M.A. Flood Insurance Rate Map for the City of Pearland, Texas; Community-Panel No. 480077-0040 A, Dated Sept. 22, 1999.
2. The Surveyor has relied on commitment for title insurance issued by First American Title Co., of No. 1103146-1109, effective date September 23, 2007, with regard to any recorded, easements, rights of way or set backs affecting the subject property.
3. Bearings are based on deed records and found monumentation.
4. The certification shown hereon is revoked and this survey is null and void if this document is altered in any manner, used or relied upon by any person other than those addressed hereon, or does not bear an original seal and signature of the Surveyor on a blue-line copy.

PLAT SHOWING A SURVEY OF A 3.1092 ACRE TRACT OF LAND OUT OF LOT 46 OF THE ALLISON RICHEY GULF COAST HOME COMPANY'S SUBDIVISION OF SECTION 8, H.T.&B.R.R. CO. SURVEY, ALSO CALLED THE F.B. DRAKE SURVEY, ABSTRACT 504, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGE 24 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.

To: First American Title Co. and URB Holdings, Inc., exclusively

I, Walker L. Treesh, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat represents a survey made on the ground under my direction and supervision on October 13, 2007. At the time of this survey there were no encroachments, conflicts or protrusions apparent on the ground, EXCEPT AS SHOWN. This survey was performed in connection with the transaction described in C.F. No. 1103146-1109 of First American Title Co. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.

*Walker L. Treesh*  
WALKER L. TREESH, R.P.L.S. NO. 1895



© Walker L. Treesh, R.P.L.S. This document is protected under Copyright Laws, Title 17, United States Code, 17 USC 101, et seq. All rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the author. This survey is being provided solely for the use of the recipient named herein, and no license has been granted, expressed or implied, to copy the survey except as is necessary in conjunction with the original transaction, which shall take place within thirty (30) days from the date shown hereon.

2015 TAX STATEMENT



RO'VIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515

**Certified Owner:**  
 POGIE USA LLC  
 PO BOX 956  
 PEARLAND, TX 77588-0956

**Legal Description:**  
 A0504 HT & B R R BLOCK 1 TRACT 1,  
 GARDEN PLAZA ACRES 2.501 PEARLAND

**Account No: 0504-0070-000**  
**As of Date: 01/15/2016**

**Appr. Dist. No.: 175752**

**Legal Acres: 2.5010**  
**Parcel Address: 6603 BROADWAY FM 518**  
**Print Date: 01/15/2016**

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$599,190	\$798,300	\$1,397,490	\$1,397,490	\$0	\$0	\$0	\$1,397,490

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY <i>Amount saved by additional sales tax revenue \$1,420.65</i>	\$1,397,490		\$0.00	\$1,397,490	0.4260000	\$5,953.31
SPECIAL ROAD & BRIDGE	\$1,397,490		\$0.00	\$1,397,490	0.0600000	\$838.49
PEARLAND ISD	\$1,397,490		\$0.00	\$1,397,490	1.4156000	\$19,782.87
BRAZORIA DRAINAGE DIST 4	\$1,397,490		\$0.00	\$1,397,490	0.1555000	\$2,173.10
CITY OF PEARLAND	\$1,397,490		\$0.00	\$1,397,490	0.7053000	\$9,856.50

**Total Tax: \$38,604.27**  
**Total Tax Paid to date: \$38,604.27**  
**Total Tax Remaining: \$0.00**

**Exemptions:**

**AMOUNT DUE IF PAID BY:**

01/31/2016 0%	02/29/2016 7%	03/31/2016 9%	04/30/2016 11%	05/31/2016 13%	06/30/2016 15%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
07/31/2016 18 + up to 20%	08/31/2016 19 + up to 20%	09/30/2016 20 + up to 20%	10/31/2016 21 + up to 20%	11/30/2016 22 + up to 20%	12/31/2016 23 + up to 20%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**School Information:**

PEARLAND ISD 2015 M&O 1.0400000 I&S .37560000 Total 1.4156000 2014 M&O 1.0400000 I&S .37570000 Total 1.4157000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.1.62 ✂

**Print Date: 01/15/2016**

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

RO'VIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515  
 (979) 864-1320, (979) 388-1320, (281) 756-1320



0504-0070-000  
 POGIE USA LLC  
 PO BOX 956  
 PEARLAND, TX 77588-0956

**AMOUNT PAID:**  
 \$ \_\_\_\_\_

05040070000 2015 012016 00000000000 00000000000 00000000000 7

**WALKER L. TREESH**  
*Registered Professional Land Surveyor*

P.O. Box 2113  
Pearland, Texas 77588  
(281) 485-5191

FIELD NOTE DESCRIPTION OF A 3.1092 ACRE TRACT OF LAND OUT OF LOT 46 OF THE ALLISON RICHEY GULF COAST HOME COMPANY'S SUBDIVISION OF SECTION 8, H.T.&B.R.R. CO. SURVEY ALSO CALLED THE F.B. DRAKE SURVEY, ABSTRACT 504, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 24, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the northeast corner of the aforementioned Lot 46, said point being in the center-line Garden Road and being the northeast corner of the herein described tract;

THENCE S 00° 18' 30" E along the centerline of Garden Road and the east line of said Lot 46, a distance of 429.60 feet to a point for corner in Broadway Street ( F.M. 518), being the southeast corner of said Lot 46;

THENCE WEST along the south line of said Lot 46 and Broadway Street, a distance of 317.88 feet to a point for corner;

THENCE N 00° 28' 58" E at a distance of 23.30 feet pass a ½ inch iron rod found for reference corner in the north right of way line of Broadway Street, continuing in all a total distance of 274.41 feet to found 2" iron pipe in concrete for angle point;

THENCE N 00° 14' 10" W a distance of 155.19 feet to a 1 inch iron pipe found for corner in the north line of said Lot 46;

THENCE EAST along the north line of said Lot 46, at a distance of 284.53 feet pass a 5/8 iron rod for reference corner in the west right of way line of Garden Road, continuing in all a total distance of 313.90 feet to the PLACE OF BEGINNING and containing 3.1092 acres of land, more or less.

*Walker L. Treesh*

Walker L. Treesh, R.P.L.S. No. 1895  
October 16, 2007





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 1:2,543  
1 in = 212 ft  
January 15, 2016





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

<b>AGENDA OF:</b> April 11, 2016	<b>ITEM NO.:</b> Ordinance No. 2000M-143
<b>DATE SUBMITTED:</b> March 29, 2016	<b>DEPT. OF ORIGIN:</b> Planning
<b>PREPARED BY:</b> Frankie Legaux	<b>PRESENTOR:</b> Lata Krishnarao
<b>REVIEWED BY:</b> Matt Buchanan	<b>REVIEW DATE:</b> April 4, 2016
<p><b>SUBJECT: Ordinance No. 2000M-143</b> - An ordinance of the City Council of the City of Pearland, Texas, <b>amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas</b>, for the purpose of changing the classification of certain property being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. &amp; B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas. <b>(Located at the West side of Kirby Drive approximately 1,500 feet South of Broadway Street, Pearland, TX.)</b> Zone Change Application No. 2016-05Z, a request by Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a change in zoning from the Residential Estate (R-E) and Single Family Residential – 2 (R-2) zoning districts to a General Business (GB) zoning district; on approximately 3.8662 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.</p>	
<p><b>ATTACHMENTS: Ordinance No. 2000M-143 and Exhibits (Exhibit A- Legal Description; Exhibit B – Vicinity map; Exhibit C – Legal Ad; Exhibit D – Planning and Zoning Recommendation Letter); Joint Public Hearing Packet (03.28.16)</b></p>	
<p><b>EXPENDITURE REQUIRED:</b> N/A  <b>AMOUNT AVAILABLE:</b> N/A  <b>ACCOUNT NO.:</b> N/A</p>	<p><b>AMOUNT BUDGETED:</b> N/A  <b>PROJECT NO.:</b> N/A</p>
<p><b>ADDITIONAL APPROPRIATION REQUIRED:</b> N/A  <b>ACCOUNT NO.:</b> N/A  <b>PROJECT NO.:</b> N/A</p>	

<b>To be completed by Department:</b>			
<b>Finance</b>	<b>Legal</b>	<b>Ordinance</b>	<b>Resolution</b>

**SUMMARY:** The applicant is requesting a zone change to allow for development of a mini-warehouse/self-storage facility. The subject property is located on the west side of Kirby Drive, across from the southernmost entrance of the Pearland Town Center, and approximately 1,500 feet south of Broadway Street. Pearland Fire Station No. 5 is adjacent to the property to the north, and an entrance to the new Shadow Creek High School is located south of the site.

The proposed use is permitted in business, commercial, or industrial districts with the approval of a CUP. Approval for a self-storage facility at this location a two-step process. The first step is to rezone the property from Single Family Estate District (R-E) and Single Family Residential-2 (R-2) to General Business (GB) and the second step is to apply for a Conditional Use Permit (CUP). A concurrent application has been submitted requesting a CUP.

**RECOMMEDATION:** Staff cannot recommend approval of the requested zone change from Single-Family Estate (RE) and Single-Family Residential-2 (R-2) zoning districts to General Business (GB) on the approximately 3.8662 -acre site for the following reasons:

1. The proposed development does not comply with the land use designation of the Future Land Use Plan (FLUP). This area is proposed for public and semi-public uses.
2. The Future Land Use Plan (FLUP) indicates this location, in close proximity not only to the Town Center, but also, to an intersection of two Thoroughfares, as a Major Retail Node. Retail nodes are customer oriented activity centers of complementary retail, office, and service uses. Self-storage is a use that is quiet and generating little traffic, and therefore it is not expected to contribute to the vibrancy of this designated retail node. Self-storage facilities should not be located at prime retail corners. The use is better suited for locations that are behind retail uses or within industrial districts.

Staff further recommends a change of zoning from Single-Family Estate (RE) and Single-Family Residential-2 (R-2) zoning districts to Office Professional (OP) for the following reasons:

1. The OP zoning district is intended to permit a variety of business, office and retail development and would conform to the land use designation of the FLUP and better complement Shadow Creek High School and Fire Station

uses as well as, the retail uses located on Kirby Drive and at the Pearland Town Center. A mini-storage facility is not allowed in an OP zoning district.

**PUBLIC NOTIFICATION:** A Joint Public Hearing was conducted on March 28, 2016. 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.

Of the 7 property owners within the 200 foot notice area, no “Public Comment Forms” regarding this request were returned in favor or opposition to the request. Staff received no phone calls inquiring about the request.

At the Joint Public Hearing meeting, nine people spoke. Of those, six were against the request stating it is a poor location for this facility and a desire for retail, dining, and shopping; and, 3 were for the request.

**PLANNING AND ZONING COMMISSION DISCUSSION:** At the regular meeting of the P&Z Commission on March 28, 2016, P&Z Commissioner Starr made the motion to recommend approval of Zone Change Application No. 2016-05Z, Commissioner Isenberg seconded the motion. The motion passed by a vote of 7-0. Chairman Tunstall, Vice-Chair Duncan and Commissioners Pradia, Isenberg, Starr, McFadden and Selsky all voted in favor of the motion.

## **Ordinance No. 2000M – 143**

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 property being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas. **(Located at the West side of Kirby Drive approximately 1,500 feet South of Broadway Street, Pearland, TX.)** Zone Change Application No. 2016-05Z, a request by Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a change in zoning from the Residential Estate (R-E) and Single Family Residential – 2 (R-2) zoning districts to a General Business (GB) zoning district; on approximately 3.8662 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.

**WHEREAS**, Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a change in zoning from the Residential Estate (R-E) and Single Family Residential – 2 (R-2) zoning districts to a General Business (GB) zoning district; on approximately 3.8662 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 28<sup>th</sup> day of March 2016, 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 28<sup>th</sup> day of March 2016, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed change in zoning from the Residential Estate (R-E) and Single Family Residential – 2 (R-2) zoning districts to a General Business (GB) zoning district; on approximately 3.8662 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 April 2016 and the 25<sup>th</sup> day of April 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 Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a change in zoning from the Residential Estate (R-E) and Single Family Residential – 2 (R-2) zoning districts to a General Business (GB) zoning district; on approximately 3.8662 acres of land; 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 Residential Estate (R-E) and Single Family Residential – 2 (R-2) zoning districts, is hereby granted a change in zoning to the General Business (GB) 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 a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas.

**General Location:** West side of Kirby Drive approximately 1,500 feet south of Broadway Street, Pearland, TX.

**Section II.** The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission for consideration and decision.

**Section III.** The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

**Section IV.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section V.** All rights and remedies, which have accrued in the favor of the City under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

**Section VI.** This Ordinance shall become effective after its passage and

approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 11<sup>th</sup> day of April,  
2016.

---

TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

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

---

TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

---

DARRIN M. COKER  
CITY ATTORNEY

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

Being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, 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**

**ZONE CHANGE APPLICATION NUMBER: 2016-05Z**

Notice is hereby given that on March 28, 2016, 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 Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a change in zoning from the Residential Estate (R-E) and Single Family Residential – 2 (R-2) zoning districts to a General Business (GB) zoning district; on approximately 3.8662 acres of land, to wit:

Being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas.

General Location: West side of Kirby Drive approximately 1,500 feet south of Broadway Street, Pearland, TX.

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Frankie Legaux  
City Planner

**Exhibit D**  
**Planning and Zoning Commission Recommendation Letter**



## Planning & Zoning Commission

---

Recommendation Letter

March 29, 2016

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

Re: Recommendation on Zoning Change Application 2016-05Z

Honorable Mayor and City Council Members:

At their regular meeting on March 28, 2016, the Planning and Zoning Commission considered the following:

A request of Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a change in zoning from the Residential Estate (R-E) and Single Family Residential – 2 (R-2) zoning districts to a General Business (GB) zoning district; on approximately 3.8662 acres of land.

**Legal Description:** Being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas.

**General Location:** West side of Kirby Drive approximately 1,500 feet south of Broadway Street, Pearland, TX.

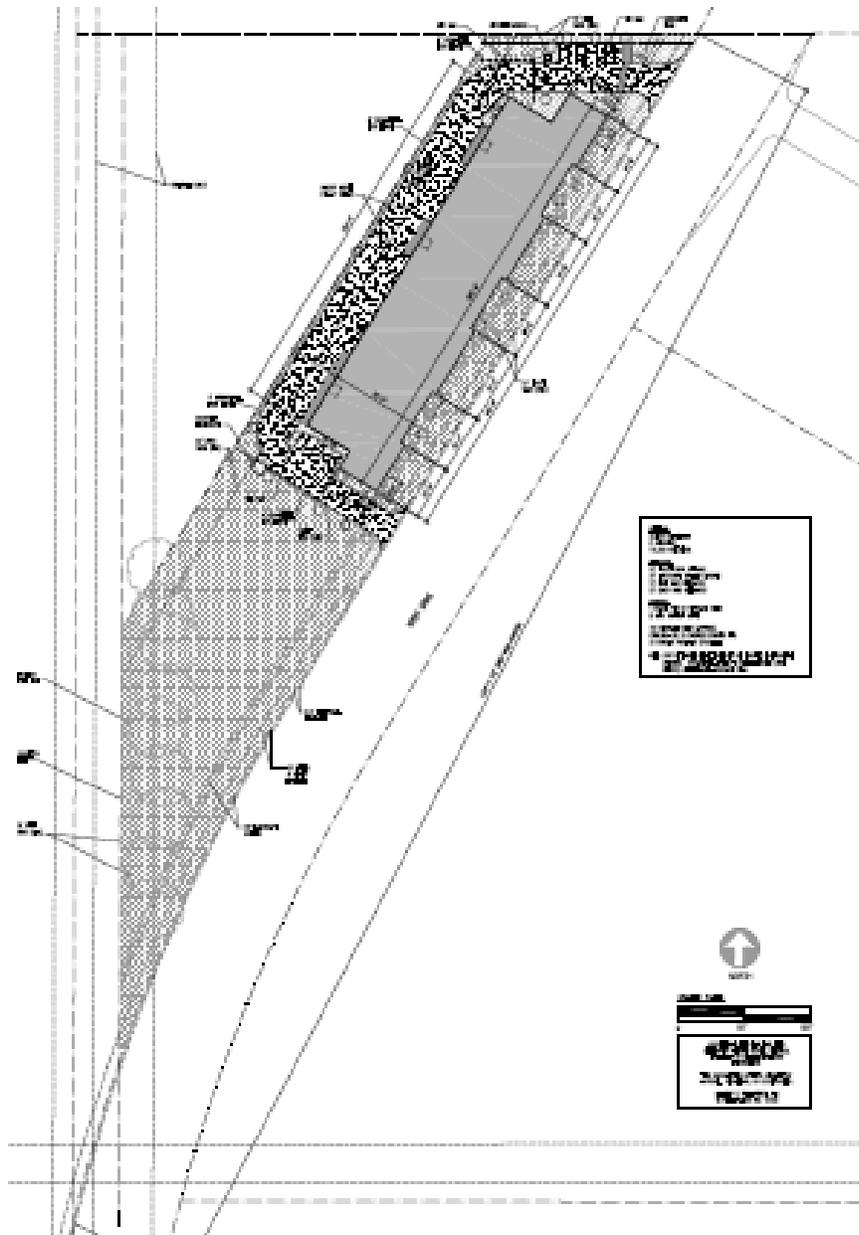
P&Z Commissioner Starr made the motion to recommend approval of Zone Change Application No. 2016-05Z, Commissioner Isenberg seconded the motion. The motion passed by a vote of 7-0. Chairman Tunstall, Vice-Chair Duncan and Commissioners Pradia, Isenberg, Starr, McFadden and Selsky all voted in favor of the motion.

Sincerely,

*Frankie Legaux*

Frankie Legaux  
City Planner  
On behalf of the Planning and Zoning Commission

Exhibit E  
Site Plan and Attachments



SITE PLAN - PEARLAND STORAGE  
03.11.18 SCALE: 1" = 40'-0"







**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, MARCH 28, 2016, AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

**Zoning Change Application No. 2016-05Z**

A request of Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a change in zoning from the Residential Estate (R-E) and Single Family Residential – 2 (R-2) zoning districts to a General Business (GB) zoning district; on approximately 3.8662 acres of land.

**Legal Description:** Being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas.

**General Location:** West side of Kirby Drive approximately 1,500 feet south of Broadway Street, Pearland, TX.

**III. APPLICATION INFORMATION AND CASE SUMMARY**

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

**IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST**

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT**

**This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.**



## Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: March 18, 2016

Re: Zone Change Application No. 2016-05Z

A request of Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a change in zoning from the Residential Estate (R-E) and Single Family Residential – 1 (R-1) zoning districts to a General Business (GB) zoning district; on approximately 3.8662 acres of land, Pearland, TX.

General Location: West side of Kirby Drive approximately 1,500 feet south of Broadway Street, Pearland, TX.

### Summary of Request

The applicant is requesting a zone change to allow for development of a mini-warehouse/self-storage facility. The subject property is located on the west side of Kirby Drive, across from the southernmost entrance of the Pearland Town Center, and approximately 1,500 feet south of Broadway Street. Pearland Fire Station No. 5 is adjacent to the property to the north, and an entrance to the new Shadow Creek High School is located south of the site.

The proposed use is permitted in business, commercial, or industrial districts with the approval of a CUP. Approval for a self-storage facility at this location a two-step process. The first step is to rezone the property from Single Family Estate District (R-E) and Single Family Residential-1 (R-1) to General Business (GB) and the second step is to apply for a Conditional Use Permit (CUP). A concurrent application has been submitted requesting a CUP.

### Recommendation

Staff cannot recommend approval of the requested zone change from Single-Family Estate (RE) and Single-Family Residential-2 (R-2) zoning districts to General Business (GB) on the approximately 3.8662 -acre site for the following reasons:

1. The proposed development does not comply with the land use designation of the Future Land Use Plan (FLUP). This area is proposed for public and semi-public uses.
2. The Future Land Use Plan (FLUP) indicates this location, in close proximity not only to the Town Center, but also, to an intersection of two Thoroughfares, as a Major Retail Node. Retail nodes are customer oriented activity centers of complementary retail, office, and service uses. Self-storage is a use that is quiet and generating little traffic, and therefore it is not expected to contribute to the vibrancy of this designated retail node. Self-storage facilities should not be located at prime retail corners. The use is better suited for locations that are behind retail uses or within industrial districts.

Staff further recommends a change of zoning from Single-Family Estate (RE) and Single-Family Residential-2 (R-2) zoning districts to Office Professional (OP) for the following reasons:

1. The OP zoning district is intended to permit a variety of business, office and retail development and would conform to the land use designation of the FLUP and better complement Shadow Creek High School and Fire Station uses as well as, the retail uses located on Kirby Drive and at the Pearland Town Center. A mini-storage facility is not allowed in an OP zoning district.

### **Site History**

This area was incorporated into Pearland in 1996. The subject property is currently undeveloped, and is split zoned Single-Family Estate (RE) and Single-Family Residential-2 (R-2) zoning districts. In addition, the property falls within the boundaries of the Corridor Overlay District (COD).

The site is surrounded by a PUD and residentially zoned properties, however, uses are public, office, and retail uses. The below table identifies surrounding uses and zoning districts:

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Pearland Town Center PUD	Fire Station and Water Storage
<b>South</b>	Single Family Estate District (R-E) and Single Family Residential-2 (R-2)	Shadow Creek High School, Southern Trails and Southgate Subdivisions
<b>East</b>	Pearland Town Center PUD	Detention Area and Town Center
<b>West</b>	Single Family Estate District (R-E), Single Family Residential-2 (R-2), and Ridge Rock PD	Shadow Creek High School

### **Conformance with the Comprehensive Plan**

The current zoning of RE and R-2 on the subject property does not conform with the future land use designation of the Comprehensive Plan. The Future Land Use Plan (FLUP) proposes Public/Semi-Public uses for this site. The Comprehensive Plan describes these uses as government-owned or operated buildings such as libraries, fire stations, or public schools and administrative buildings. With a few exceptions, most Public/Semi Public uses would require a zoning change or approval of a CUP.

### **Conformance with the Thoroughfare Plan**

According to City records, Kirby Drive is a secondary thoroughfare the expansion of Kirby Drive is nearing completion. Secondary thoroughfares are defined as having a minimum right-of-way width of 100 feet.

### **Conformance with the Unified Development Code**

The property is currently undeveloped. The applicant plans to develop the property as a self-storage facility. The lot requirements of the proposed GB zoning district are provided in the following table.

<b>General Business (GB) Area Regulations</b>	
<b>Size of Lot</b>	<b>Required</b>
Minimum Lot Size	22,500 sf.
Minimum Lot Width	150 ft.
Minimum Lot Depth	125 ft.

The property falls within The Corridor Overlay District (COD) and any development would be required to be in compliance with the COD requirements in addition to other UDC requirements.

### **Platting Status**

The property is platted as the First Amending Plat of South Gate Section 1, Lot Unrestricted Reserve B.

### **Availability of Utilities**

The subject property has access to City water and sanitary sewer infrastructure. A 12-inch water line exists along the west side of Kirby Drive, and a 12-inch sanitary sewer line runs along the east side of the street.

A storm drainage pipe exists through the property. Staff has spoken with Andrea Broughton, Brazoria County Drainage District #4 (BDD4) who stated that there is no easement recorded for this drainage pipe. Relocation of the pipe within a drainage easement may be possible but any applicant must work with the City and BDD4 to accomplish this. If the pipe cannot be relocated, no building can be built over a drainage pipe.

### **Impact on Existing and Future Development**

The requested zone change to GB not compatible with the existing development in the area as the GB zoning district allows an extensive variety of commercial uses. However, a zone change to OP would be compatible with existing development in the area as this district allows fewer uses and no outdoor uses are allowed in the OP district without a CUP.

### **Additional Comments**

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

### **Public Notification**

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

### **Opposition to or Support of Proposed Request**

Staff has not received any returned notices in opposition to or in support of the proposed change in zoning request.

### **Exhibits**

1. Aerial Map

2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Notification List
6. Applicant Packet



# Exhibit 1

## AERIAL MAP

2016-05Z

**Kirby Dr. south  
of Broadway St.**



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

1 inch = 250 feet

FEBRUARY 2016  
PLANNING DEPARTMENT

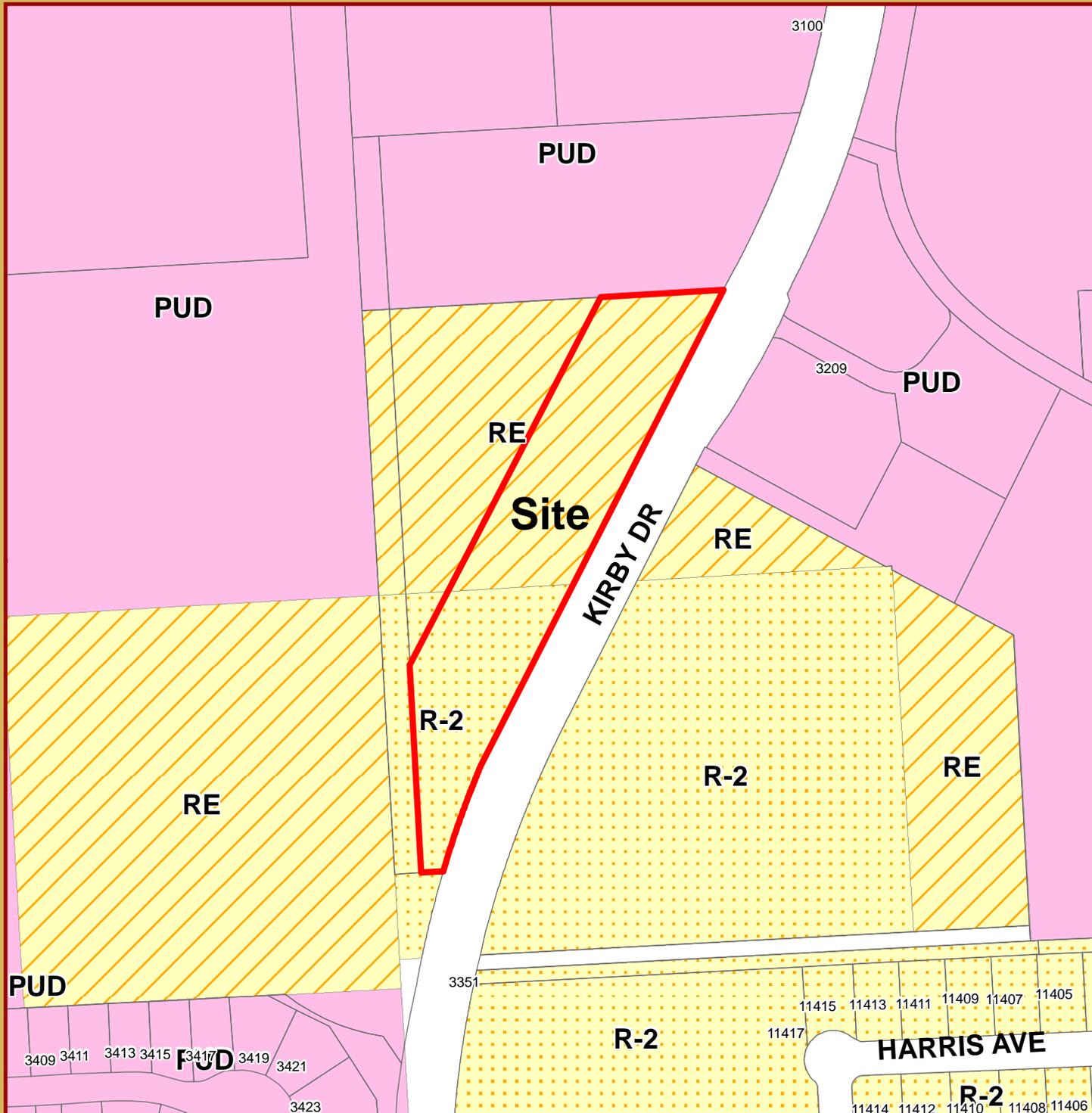


# Exhibit 2

## ZONING MAP

2016-05Z

Kirby Dr. south  
of Broadway St.

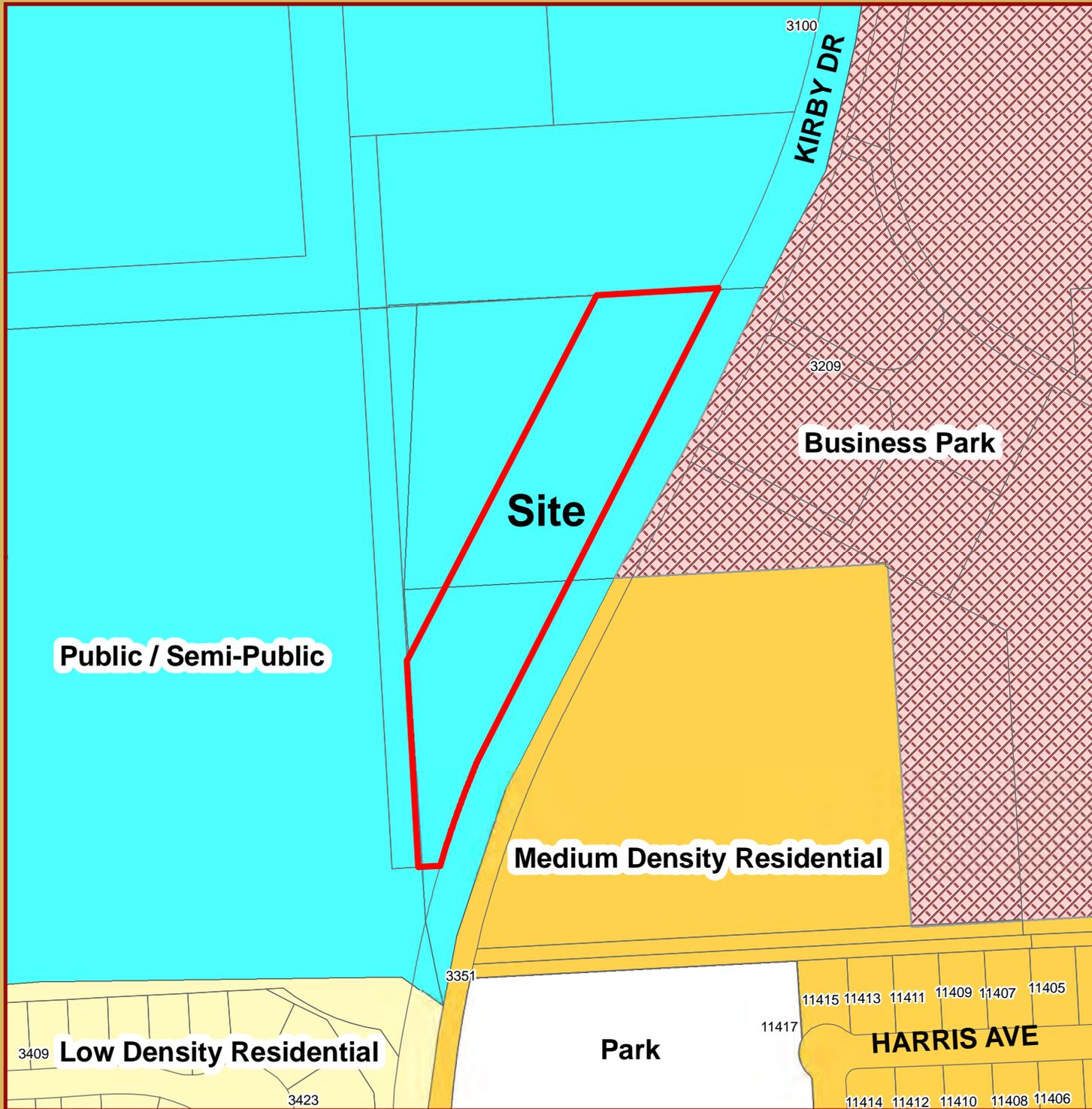


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1 inch = 250 feet

FEBRUARY 2016  
PLANNING DEPARTMENT





# Exhibit 3

## FLUP MAP

2016-05Z

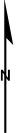
**Kirby Dr. south  
of Broadway St.**

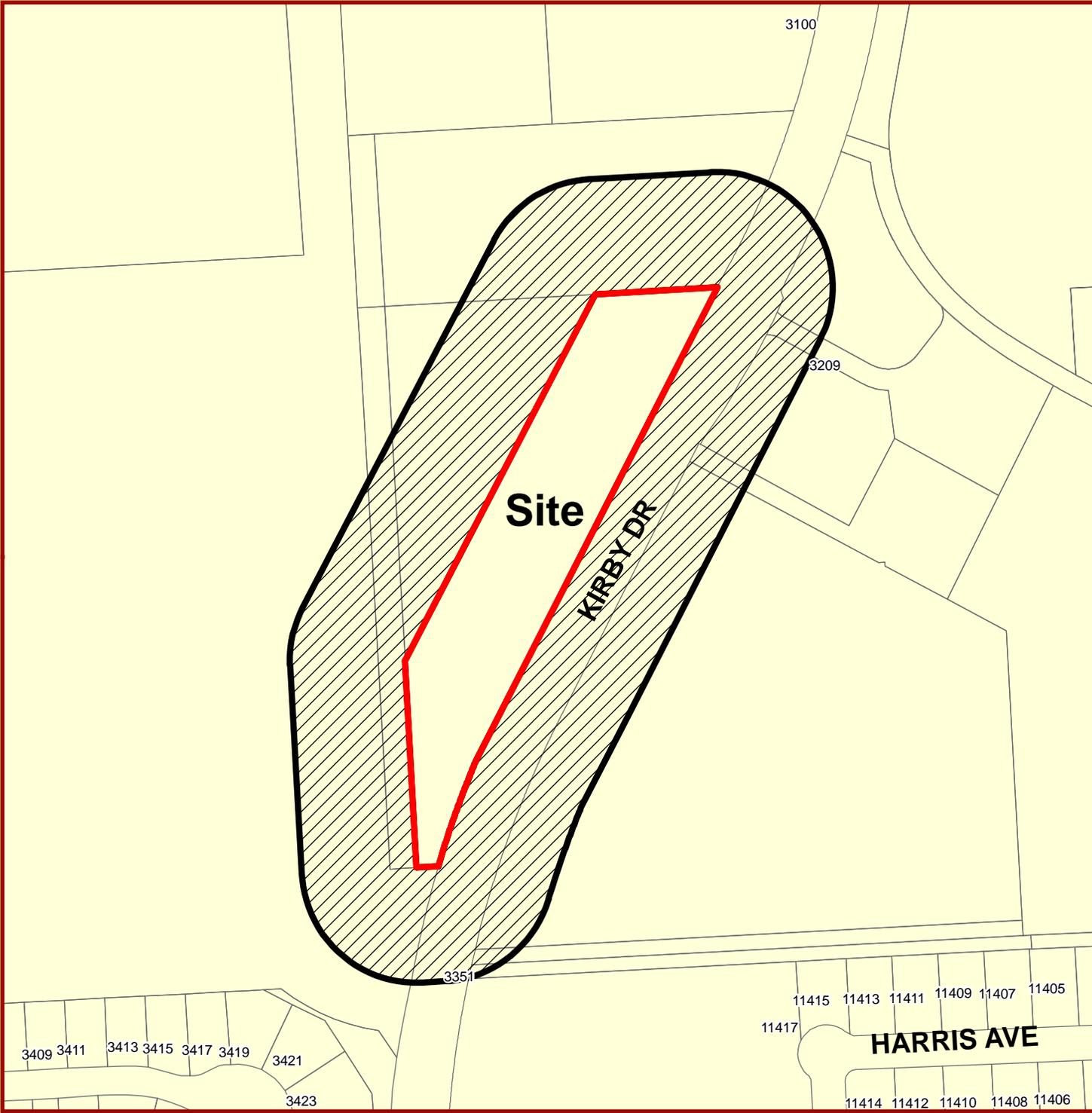


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1 inch = 250 feet

FEBRUARY 2016  
PLANNING DEPARTMENT





**Exhibit 4**

**NOTIFICATION MAP**

**2016-05Z**

**Kirby Dr. south  
of Broadway St.**



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1 inch = 250 feet

FEBRUARY 2016  
PLANNING DEPARTMENT



**Exhibit 5**

2016-05Z

Kirby South of Broadway

<b>Property_Owner</b>	<b>City</b>	<b>Address</b>	<b>State</b>	<b>Zip</b>
ALVIN INDEPENDENT SCHOOL DISTRICT	ALVIN	301 E HOUSE ST	TX	77511
BARLAS ENTERPRISES	HOUSTON	4407 W FUQUA ST STE A	TX	77045
CITY OF PEARLAND	PEARLAND	3519 LIBERTY DR	TX	77581
CL ASHTON WOODS LP % FORESTAR REAL ESTATE GROUP INC	AUSTIN	6300 BEE CAVE RD	TX	78746
LINGO SOUTHGATE LTD	PEARLAND	3900 MAGNOLIA ST	TX	77584
PEARLAND TOWN CENTER LP %MARK STEPHENS	CHATTANOOGA	2030 HAMILTON PLACE BLVD STE 500	TN	37421
SOUTHGATE COMMUNITY ASSOC	PEARLAND	PO BOX 3217	TX	77588



# City of Pearland Planning Department Universal Application

City of Pearland  
Community Development  
3523 Liberty Drive  
(Community Center)  
Pearland, Texas 77581  
281.652.1765  
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:

- RE/R2 & GC & COD  
COD w/CUP **+**
- Zoning Change (from) \_\_\_\_\_ (to) \_\_\_\_\_ **+**
- Cluster Development Plan
- Planned Development Workshop
- Plat (list type): \_\_\_\_\_

- ZBA Variance
- P&Z Variance
- Special Exception
- Conditional Use Permit

*\*Plat Types include:  
Minor, Amending,  
Preliminary, Final,  
Master, Replat*

### PROJECT INFORMATION:

Residential  Commercial  Property Platted  Property Not Platted

Project Name: Kirby Mini Storage Tax ID: 7713-1000-001

Project Address/Location: West side of Kirby Drive approximately 1,500 feet south of W. Broadway St.

Subdivision: First Amending Plat of SouthGate Sec 1 No. of Lots: 0 (1 Reserve) Total Acres: 3.8662

Brief Description of Project: Rezoning request for CUP to allow for self-storage facility

When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.

### PROPERTY OWNER INFORMATION:

Name: Lingo Southgate, Ltd. (Tracy Coza)

Address: 17225 El Camino Real, Suite 347

City: Houston State: TX Zip: 77058

Phone: 281-286-2290

Fax: NA

Email Address: rbills@cedarwoodd.com

### APPLICANT/AGENT INFORMATION:

Name: Windrose Land Services (Andrew Allemant)

Address: 3200 Wilcrest, Suite 325

City: Houston State: TX Zip: 77042

Phone: 713.458.2281

Fax: 713.461.1151

Email Address: andrew.allemant@windroseservices.com

**\*\*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.**

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

\*\*Owner's Signature: LOA Attached Date: 2/16/2016

Agent's/  
Applicant's Signature:  Date: 2/16/2016

### OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
			APPLICATION NUMBER:



#### d. Criteria for Approval

Each zone change is enacted as per the following criteria.

1. Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map and any incorporated sector plan maps;
2. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
3. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area;
4. And any other factors which will substantially affect the public health, safety, morals, or general welfare.

#### e. Conditions for Approval

A zone change cannot be approved with conditions.

#### f. Expiration

There is no expiration for a zone change.

#### g. Checklist

- Application and checklist filled out completely and signed by the owner of the property.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code (UDC).**
- Metes and bounds description (survey or plat of the property that provides or contains the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent explaining the zone change request in detail, why the zoning is being requested to be changed, and the uses that are being proposed.
- Acknowledgement of the sign to be posted on the property ten (10) days prior to the public hearing.
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only). Please refer to the City's webpage [www.pearlandtx.gov](http://www.pearlandtx.gov) for updated fees.

LETTER OF AUTHORIZATION

To:  
City of Pearland  
Planning Department  
3519 Liberty Drive  
Pearland, TX 77581  
(281) 652-1740

By:  
Lingo Southgate, Ltd.  
211 E. Parwood, Suite 100  
Friendswood, Texas 77546  
281-947-8675

Re: Land Use Zoning Application - Approximately 3.7 Acres, H.T. & B.R.R. Co. Survey, Section 81, Abstract No. 300, being the remainder of Reserve "B" of Southgate, Section 1, Vol. 24, Pg. 124, B.C.P.R., Located on the West side of Kirby Drive, adjacent to 3100 Kirby Drive, City of Pearland, Brazoria County, Texas.

To Whom It May Concern:

The undersigned duly authorized representative of Lingo Southgate, Ltd., the record owner of the referenced property does hereby authorize Windrose Land Services, Inc. to submit for City review and consideration, a land use zoning application requesting rezoning of the subject property from Single-Family Estate ("RE") District, Single Family Residential-2 ("R-2) District, and Corridor Overlay District ("COD") to General Commercial ("GC) District and COD with a Conditional Use Permit (C.U.P.) to allow a self-storage development, said property being wholly located within the corporate limits of the City of Pearland, Brazoria County, Texas.

Lingo Southgate, Ltd.

By: Jeff C. Bailey

Bailey Commercial, LLC  
Jeff C. Bailey, President

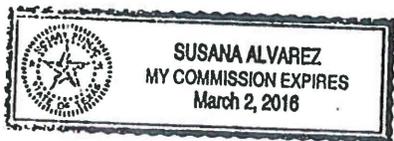
State of Texas

County of Bexar

I, Susana Alvarez, a Notary Public for the State of Texas, do hereby certify that Jeff C. Bailey personally came before me this day and acknowledged that they being authorized to do so, executed the foregoing on behalf of the corporation/partnership.

Witness my hand and official seal, this the 16<sup>th</sup> day of February, 2016.

(Personalized Seal)



Susana Alvarez  
Notary Public

My Commission Expires: 3/2/2016

**GENERAL NOTES**

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE AND WOULD BE SUBJECT TO ANY ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. (NAD83)
3. THIS PLAT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.

CALLED 4.8705 ACRES  
CITY OF PEARLAND  
B.C.C.F. No. 2006046892



**NORTH**

SCALE: 1" = 100'

S 90°00'00" E 210.39' P.O.B.

**3.8662 ACRES  
168,411 SQ. FT.**

RESTRICTED RESERVE 'C'  
N 31°10'45" E 712.15'

RESIDUE OF RESERVE 'B'  
FIRST AMENDING PLAT OF  
SOUTHGATE SECTION ONE  
(VOL. 24, PG. 123, B.C.P.R.)  
LINGO SOUTHGATE, LTD.  
(B.C.C.F. No. 01-053025)

S 31°10'45" W 791.16'  
**KIRBY DRIVE**  
(R.O.W. VARIES)

DRAINAGE R.O.W. B.C.D.D. #4 DITCH A-124-05-00

N 00°00'00" E 375.41'

LOT 1, BLOCK 1  
ALVIN INDEPENDENT SCHOOL  
DISTRICT HIGH SCHOOL #3  
PLAT No. 2013051008, B.C.P.R.)

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°59'30" W	20.19'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	1850.00'	10°36'37"	342.59'	S 25°52'27" W	342.10'

**EXHIBIT OF  
3.8662 ACRES OR 168,411 SQ. UARE FEET  
SITUATED IN THE  
H.T. & B.R.R. COMPANY SURVEY,  
SECTION 81, A-300  
BRAZORIA COUNTY, TEXAS**

FIELD BY: -	DATE: 02-15-16
DRAWN BY: MT/RV	REV:
CHECKED BY: MK	REV:
JOB NO. 52910-ZONE-EXB	REV:
SHEET 1 OF 2	REV:



**Windrose Land Services**  
3200 Wilcrest, Suite 325  
Houston, Texas 77042  
Phone (713) 458-2281 Fax (713) 461-1151

**Professional Development Consultants**  
Land Surveying, Platting, Project Management, GIS Services  
Firm Registration No. 10108800



**Windrose Land Services**  
3200 Wilcrest Drive, Suite 325  
Houston, Texas 77042  
Phone (713) 458-2281 Fax (713) 461-1151

**Professional Development Consultants**  
Land Surveying, Platting, Project Management and GIS Services  
Firm Registration No. 10108800

## DESCRIPTION

### 3.8662 ACRES OR 168,411 SQUARE FEET

A TRACT OR PARCEL CONTAINING 3.8662 ACRES OR 168,411 SQUARE FEET OF LAND SITUATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 81, ABSTRACT 300, BRAZORIA COUNTY TEXAS, BEING THE RESIDUE OF RESERVE "B", FIRST AMENDING PLAT OF SOUTHGATE SECTION ONE, AS THEREOF RECORDED UNDER VOLUME 24, PAGE 123, BRAZORIA COUNTY PLAT RECORDS, CONVEYED LINGO SOUTHGATE, LTD, AS RECORDED IN BRAZORIA COUNTY CLERK'S FILE No. 01-053025, BEING DESCRIBED AS FOLLOWS WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83.

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF KIRBY DRIVE (R.O.W. WIDTH VARIES) AT THE SOUTHEAST CORNER OF A CALLED 4.8705 ACRES, CONVEYED TO CITY OF PEARLAND AS RECORDED UNDER THE BRAZORIA COUNTY CLERK'S FILE No. 2006046892, THE NORTHEAST CORNER OF SAID RESERVE "B" AND OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG SAID WEST RIGHT-OF-WAY LINE OF KIRBY DRIVE, SOUTH 31 DEGREES 10 MINUTES 45 SECONDS WEST, A DISTANCE OF 791.16 FEET TO A POINT OF CURVATURE;

THENCE, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 1,850.00 FEET, HAVING A CENTRAL ANGLE OF 10 DEGREES 36 MINUTES 37 SECONDS, AN ARC LENGTH OF 342.59 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 25 DEGREES 52 MINUTES 27 SECONDS WEST, 342.10 FEET TO A NORTHEAST CORNER OF LOT 1, BLOCK 1, ALVIN INDEPENDENT SCHOOL DISTRICT HIGH SCHOOL #3, AS RECORDED UNDER PLAT No. 2013051008, BRAZORIA COUNTY PLAT RECORDS, AND THE SOUTHEAST CORNER THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID LOT 1 AND SAID RESIDUE OF RESERVE "B", SOUTH 89 DEGREES 59 MINUTES 30 SECONDS WEST, A DISTANCE OF 20.19 FEET TO THE SOUTHEAST CORNER OF DRAINAGE RIGHT-OF-WAY OF BRAZORIA COUNTY DRAINAGE DISTRICT #4 DITCH A-124-05-00 AS RECORDED UNDER VOLUME 24, PAGE 123, BRAZORIA COUNTY PLAT RECORDS, BRAZORIA COUNTY PLAT RECORDS, AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 375.41 FEET TO THE SOUTH CORNER OF RESTRICTED RESERVE "C" OF SAID FIRST AMENDING PLAT OF SOUTHGATE SECTION ONE AND A WEST CORNER OF SAID RESERVE "B" AND OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID RESTRICTED RESERVE "C" AND RESERVE "B", NORTH 31 DEGREES 10 MINUTES 45 SECONDS EAST, A DISTANCE OF 712.15 FEET TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT

THENCE, ALONG COMMON BOUNDARY LINE OF SAID CALLED 4.8705 ACRES AND SAID RESERVE "B", SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 210.39 FEET TO THE PLACE OF BEGINNING CONTAINING 3.8662 ACRES OR 168,411 SQUARE FEET OF LAND, JOB No. 52910-ZONE-EXB PREPARED BY WINDROSE LAND SERVICES.

  
MIKE KURKOWSKI  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION No. 5101



02-15-16  
DATE

# PARCEL MAP FROM CITY OF PEARLAND WEBSITE

15-FEB-2016

The screenshot shows a GIS web application interface. On the left is a 'Layers' panel with a tree view containing 'Capital Projects', 'Planning Layers', and 'Zoning'. Under 'Zoning', several categories are listed with corresponding color swatches: BP-288, C-MU, G/O-MU, GB, GC, M-1, M-2, MF, MH, NS, OP, OT-GB, OT-MU, OT-R, PUD, R-1, R-1 CLUSTER, R-2, R-3, R-4, RE, SD, SP1, SP2, SP3, SP4, and SBS. The main map area displays a parcel map with various zoning overlays. A yellow hatched area is highlighted, and an 'Identify Results' window is open on the right, showing a table of data for the selected parcel. The table has two columns: 'Name' and 'Value'. The data is as follows:

Name	Value
land_state_cd	
LegalDescr	ABST - 300 SUBD - SouthGate Sec 1 Tract - RES B
legal_desc	
prop_id	
py_addr_city	
py_addr_country	
py_addr_line1	
py_addr_line2	
py_addr_state	
py_addr_zip	
py_owner_name	
situs_city	
situs_num	
situs_street	
situs_street_prefix	
situs_street_suffix	
situs_unit	
situs_zip	

At the bottom of the application, there is a status bar with the following information: 'Tool: Identify > Brazoria Parcels 2015', 'X: 3113483.90, Y: 13765274.45, Longitude: -95.3980, Latitude: 29.5503', and a scale of '1: 2,284'. There is also a 'Clear' button in the bottom right corner of the 'Identify Results' window.





**Windrose Land Services**

3200 Wilcrest, Suite 325

Houston, Texas 77042

Phone (713) 458-2281 Fax (713) 461-1151

**Professional Development Consultants**

Land Surveying, Platting, Project Management and GIS Services

Firm Registration No. 10108800

February 16, 2016

City of Pearland  
Planning Department  
3519 Liberty Drive  
Pearland, TX 77581  
(281) 652-1740

**Re: Letter of Intent to Rezone Called 3.8662 Acres, being the residue of Unrestricted Reserve B, First Amending Plat of SouthGate Section One, Vol. 24, Pg. 123, Brazoria County Map Records, situated in the H.T. & B.R.R. Company Survey, Abstract No. 300, located on the west side of Kirby Drive approximately 1,500 feet south of the intersection with W. Broadway Street, City of Pearland, City Limits, Brazoria County, Texas.**

To Whom It May Concern:

On behalf of and as the duly authorized representative of the record owner of the above referenced property, Lingo Southgate, LTD (the "Owner"), Windrose Land Services (the "Applicant") hereby requests that the City of Pearland rezone the subject property from RE (Single-Family Estate District), R-2 (Single-Family Residential-2 District) with COD (Corridor Overlay District) to GC (General Commercial District) with COD and CUP (Conditional Use Permit). The Owner desires the requested CUP zoning in order to enable the development of a self-storage facility on the property.

The property is located on the west side of Kirby Drive approximately 1,500 feet south of W. Broadway Street, just across from the southernmost entrance to the Pearland Town Center. The site is bordered by Pearland Fire Station No. 5 to the north, a Brazoria County Drainage District No. 4 storm water channel to the west, Kirby Drive to the east (across from Pearland Town Center and an amenity storm water detention pond for Southgate Section 1), and by the entrance to Shadow Creek High School to the south(west). The owner is applying for a GC District zoning with a conditional use permit to allow for the construction of a self-storage facility. The property is currently zoned for residential use; however, residential use is no longer the highest and best use for this property. The unique physical characteristics of this site, in combination with its location on Kirby Drive near predominant commercial and institutional uses constitute a change in land use conditions and provide more than adequate justification for the zoning change. The site itself is only 180 feet deep and could not provide the double-stacked residential lot configuration, including a dedicated public street, to make the area viable for single-family residential development. The alternative would be fronting residential lots on Kirby Drive, which is extremely disruptive and inconsistent with the institutional and commercial traffic in the immediate area. Kirby Drive is rated as a secondary thoroughfare on Pearland's Major Thoroughfare Plan and has a high-volume of traffic during peak and non-peak travel times. The proposed self-storage use will have a minimal effect on the surrounding traffic pattern as the occupancy level and associated trips per day per customer are extremely low (as the customers make infrequent trips to the facility). Additionally, the owner's proposed development is aesthetically compatible with the surrounding uses and is consistent with the Public/Semi-Public designation in the City's Future Land Use Plan. Regarding infrastructure, the site has immediate access to water and sanitary sewer infrastructure and the on-site storm sewer infrastructure will be provided that is consistent with abutting roadway and storm sewer systems. Finally, the development will meet all of the aesthetic requirements and other development regulations in both the GC District and the City's Corridor Overlay District, along with any conditions set forth which the City deems reasonable and in concert with the site plan and elevation renderings provided.

Sincerely,

Andrew Allemand, A.I.C.P.

Director of Planning

Windrose Land Services, Inc.



- Any other information which may be requested by the Planning Department to fully evaluate and review the application and the potential impact of a proposed tower or antenna.

**h. Posting of Notification Signs on Property Under Consideration for a Conditional Use Permit (CUP)**

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

Such sign(s) shall be located as follows:

1. One (1) sign per street frontage shall be located within thirty (30) feet of the abutting street, or as determined by the City.
2. So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
3. So as not to create a hazard to traffic on the public rights-of-way abutting the property.
4. On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
5. The signs shall be as follows:
  - A minimum sign size of two (2) feet by three (3) feet, but no larger than four (4) feet by four (4) feet
  - At least two (2) feet above the ground
  - Blue or black lettering that is a minimum of 3 inches by ½ inch, on a white background
  - Message content as follows:

**PROPOSED CUP**  
**Contact City of Pearland**  
**281.652.1765**

Signs must be professionally made; handwritten signs are not allowed.

Signs must be freestanding and cannot be attached to a tree, fence, or building.

I hereby acknowledge that notification signs will be posted on-site in accordance with the regulations outlined above.

	ANDREW ALLEMAN	15 FEB 2016
Applicant's Signature	Applicant's Printed Name	Date

2015 TAX STATEMENT



RO'VIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515

**Certified Owner:**  
 LINGO SOUTHGATE LTD  
 PO BOX 3217  
 PEARLAND, TX 77588

**Legal Description:**  
 SOUTHGATE SEC 1 (A0300 HT&B) (PEARLAND)  
 LOT RESERVE B (RESIDENTIAL) ACRES 3.723

Account No: 7713-1000-001

Appr. Dist. No.: 548783

Legal Acres: 3.7230

Parcel Address:

As of Date: 02/16/2016

Print Date: 02/16/2016

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$9,310	\$0	\$9,310	\$9,310	\$0	\$0	\$0	\$9,310

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY <i>Amount saved by additional sales tax revenue \$9.46</i>	\$9,310		\$0.00	\$9,310	0.4260000	\$39.66
SPECIAL ROAD & BRIDGE	\$9,310		\$0.00	\$9,310	0.0600000	\$5.59
ALVIN ISD	\$9,310		\$0.00	\$9,310	1.4170000	\$131.92
ALVIN COMMUNITY COLLEGE	\$9,310		\$0.00	\$9,310	0.2040090	\$18.99
BRAZORIA DRAINAGE DIST 4	\$9,310		\$0.00	\$9,310	0.1555000	\$14.48
PEARLAND MUNICIPAL MANAG	\$9,310		\$0.00	\$9,310	0.1000000	\$9.31
CITY OF PEARLAND	\$9,310		\$0.00	\$9,310	0.7053000	\$65.66

**Total Tax:** \$285.61  
**Total Tax Paid to date:** \$285.61  
**Total Tax Remaining:** \$0.00

**Exemptions:**

**AMOUNT DUE IF PAID BY:**

02/29/2016 7%	03/31/2016 9%	05/02/2016 11%	05/31/2016 13%	06/30/2016 15%	08/01/2016 18 + up to 20%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
08/31/2016 19 + up to 20%	09/30/2016 20 + up to 20%	10/31/2016 21 + up to 20%	11/30/2016 22 + up to 20%	01/02/2017 23 + up to 20%	01/31/2017 24 + up to 20%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**School Information:**

ALVIN ISD 2015 M&O 1.0400000 I&S .37700000 Total 1.4170000 2014 M&O 1.0400000 I&S .37700000 Total 1.4170000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.1.62

**Print Date:** 02/16/2016

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

RO'VIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515  
 (979) 864-1320, (979) 388-1320, (281) 756-1320



7713-1000-001  
 LINGO SOUTHGATE LTD  
 PO BOX 3217  
 PEARLAND, TX 77588

**AMOUNT PAID:**

\$ \_\_\_\_\_

77131000001 2015 022016 0000000000 0000000000 0000000000 1

4  
11

1  
5  
11  
17  
129204

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN**

Date: November 19, 2001

Grantor: LARRY B. BRIGGS, a single man

Grantor's Mailing Address: 1330 Post Oak Blvd., Suite 1600  
Houston, Texas 77056  
Harris County

Grantee: LINGO SOUTHGATE, LTD.,  
a Texas limited partnership

Grantee's Mailing Address: 17225 El Camino Real, Suite 170  
Houston, Texas 77058  
Harris County

Consideration:

TEN AND NO/100 DOLLARS (\$10.00) and a note of even date that is in the principal amount of ONE MILLION EIGHT HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,800,000.00) and is executed by Grantee, payable to the order of FIRST COMMUNITY BANK, N.A., a national banking association. The note provides for acceleration of maturity and payment of attorney's fees in the event of default. It is secured by a vendor's lien retained in this deed and by a deed of trust of even date from Grantee to NIGEL J. HARRISON, Trustee.

Property:

*A 173.49 acre tract of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being the same property described in deed recorded in Volume (91) 948, Page 684 of the Official Records of Brazoria County and being Lot 5 of the Allison-Richey Gulf Coast of Brazoria County and the southwest quarter of said H.T. & B.R.R. Company Survey, Section 81 and being more particularly described by Exhibit A attached hereto and made a part hereof.*

Reservations from and Exceptions to Conveyance and Warranty:

*Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; pro-rated taxes for 2001, the payment of which Grantee assumes; and subsequent assessments for that and any prior year due to change in land usage, ownership, or both, the payment of which Grantee assumes.*

*All other matters of record.*

*Grantor reserves for Grantor and Grantor's heirs and assigns all the oil, gas, and other minerals currently owned by Grantor in, under, or that may be produced from the Property, except that Grantor waives surface use.*

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor

Pg 3

hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exception to conveyance and warranty, when the claim is by, through, or under Grantor but not otherwise.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

GRANTOR AND GRANTEE ACKNOWLEDGE AND AGREE THAT GRANTOR HAS LITTLE, IF ANY, KNOWLEDGE OF THE PHYSICAL OR ECONOMIC CHARACTERISTICS OF THE PROPERTY. ACCORDINGLY, IT IS UNDERSTOOD AND AGREED THAT GRANTOR IS NOT MAKING AND HAS NOT AT ANY TIME MADE ANY WARRANTIES, REPRESENTATIONS, OR AGREEMENTS OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED, WITH RESPECT TO THE PROPERTY, INCLUDING, BUT NOT LIMITED TO ANY WARRANTIES OR REPRESENTATIONS AS TO HABITABILITY, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE (OTHER THAN GRANTOR'S WARRANTY OF TITLE SET FORTH IN THIS DEED), ZONING, TAX CONSEQUENCES, PHYSICAL OR ENVIRONMENTAL CONDITION, INCLUDING, BUT NOT LIMITED TO, THE EXISTENCE OF ANY FLOOD HAZARDS OR CONDITIONS, THE PRESENCE OF ANY HAZARDOUS OR TOXIC SUBSTANCES THEREON, UTILITIES, VALUATION, GOVERNMENTAL APPROVALS, THE COMPLIANCE OF THE PROPERTY WITH GOVERNMENTAL LAWS, THE TRUTH, ACCURACY, OR COMPLETENESS OF ANY INFORMATION PROVIDED BY OR ON BEHALF OF GRANTOR, OR ANY OTHER MATTER OR THING REGARDING THE PROPERTY. GRANTEE ACKNOWLEDGES AND AGREES THAT UPON CLOSING, GRANTOR SHALL SELL AND CONVEY TO GRANTEE AND GRANTEE SHALL ACCEPT THE PROPERTY "AS IS, WHERE IS, WITH ALL FAULTS" AND THAT UPON CLOSING GRANTEE SHALL BE DEEMED TO HAVE WAIVED, RELINQUISHED, AND RELEASED GRANTOR FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION (INCLUDING CAUSES OF ACTION IN TORT), LOSSES, DAMAGES, LIABILITIES, COSTS, AND EXPENSES (INCLUDING ATTORNEYS' FEES AND COURT COSTS) OF ANY AND EVERY KIND OR CHARACTER, IF KNOWN OR UNKNOWN, WHICH GRANTEE MIGHT HAVE ASSERTED OR ALLEGED AGAINST GRANTOR AT ANY TIME BY REASON OF OR ARISING OUT OF ANY AND ALL ACTS, OMISSIONS, EVENTS, CIRCUMSTANCES, OR MATTERS REGARDING THE PROPERTY. GRANTEE AGREES THAT SHOULD ANY CHANGE, REMEDIATION, OR REMOVAL OF HAZARDOUS SUBSTANCES OR OTHER ENVIRONMENTAL CONDITIONS ON THE PROPERTY BE REQUIRED AFTER CLOSING, SUCH CLEANUP, REMOVAL, OR REMEDIATION SHALL BE THE RESPONSIBILITY OF AND SHALL BE PERFORMED AT THE SOLE COST AND EXPENSE OF GRANTEE.

FIRST COMMUNITY BANK, N.A. (Bank), at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described. The vendor's lien and superior title to the property, premises, and improvements are retained for the benefit of Bank and are transferred to that party without recourse on Grantor.

Current ad valorem taxes on said Property having been prorated, the payment thereof is assumed by Grantee.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED on the 19 day of November, 2001, to be effective as of the date first set forth above.

  
LARRY B. BRIGGS

AGREED TO AND ACCEPTED BY GRANTEE:

LINGO SOUTHGATE, LTD.,  
a Texas limited partnership,  
by and through its General Partner  
LINGO PROPERTIES, INC.,  
a Texas corporation

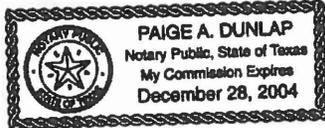
  
LOUIS FRANKLIN GOZA  
President

**Acknowledgment**

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

Before me, the undersigned authority, on this day personally appeared LARRY B. BRIGGS, known to me or proved to me by credible evidence to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that such person executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on the 19 day of November, 2001.



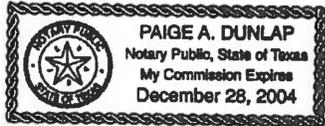
*[Handwritten Signature]*  
Notary Public, State of Texas

**Acknowledgment**

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

Before me, the undersigned authority, on this day personally appeared LOUIS FRANKLIN GOZA, on behalf of LINGO PROPERTIES, INC., a Texas corporation, being the General Partner of LINGO SOUTHGATE, LTD., a Texas limited partnership, known to me or proved to me by credible evidence to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that such person executed the same for the purposes and consideration therein expressed, and in the capacity stated, on behalf of and as the official act of said corporation and said partnership.

Given under my hand and seal of office on the 19 day of November, 2001.



*[Handwritten Signature]*  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

FIRST COMMUNITY BANK, N.A.  
PO Box 752289  
Houston, Texas 77275-2289

AFTER RECORDING RETURN TO:

*Okaloo Page*  
COMMONWEALTH LAND TITLE  
5847 SAN FELIPE, SUITE 4000  
HOUSTON, TEXAS 77057

**Exhibit A**

A 173.49 acre tract of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being the same property described in deed recorded in Volume (91)948, Page 684 of the Official Records of Brazoria County and being Lot 5 of the Allison-Richey Gulf Coast Home Company Subdivision of Brazoria County and the southwest quarter of said H.T. & B.R.R. Company Survey, Section 81 and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the centerline of County Road Number 59 (40 foot right-of-way), and being the southwest corner of said H.T. & B.R.R. Company Survey, Section 81;

THENCE N 00°01'57" E, along the east line of the Allison-Richey Gulf Coast Home Company Subdivision of Section 80 of the H.T. & B.R.R. Company Survey, Abstract 564 and the east line of 6.00 acres out of Lot 56 described in a deed recorded under Brazoria County Clerk File No. 98-012766; Lot 55 described in a deed recorded in Volume 1017, Page 692 of the Brazoria County Deed Records; Lot 54 described in deeds recorded in Volume 768, Page 471 and Volume 768, Page 473 both of the Brazoria County Deed Records; Lots 52 and 53 described in deeds recorded in Volume 1765, Page 587 of the Brazoria County Deed Records; and the east 3.3 acres out of Lot 51 described in a deed recorded in Volume 183, Page 372 and Volume 313, Page 354 of the Brazoria County Deed Records, passing at 20.00 feet a 1/2 inch iron rod found marking the north line of County Road No. 59, at 648.94 feet a 3/4 inch iron pipe found marking the common east corner of said Lots 56 and 55 and continuing for a total distance of 3300.00 feet to a point for corner, from which a railroad spike bears S 42°38'28" W. 0.45 feet;

THENCE N 89°59'49" E, along the south line of Lot 4 of the Allison-Richey Gulf Coast Home Company Subdivision of said Section 81 of the H.T. & B.R.R. Company Survey said Lot 4 described in a deed recorded under Brazoria County Clerk File No. 98-047504 for a distance of 882.58 feet (called 880.55 feet) to a point for corner, from which a 1 inch iron pipe bears S 42°59'24" E. 1.55 feet;

THENCE S 00°00'06" E, along a west line of a 154.0026 acre tract described in a deed recorded in Volume (91)865, Page 685 of the Official Records of Brazoria County for a distance of 660.37 feet (called 659.43 feet) to a 3/4 inch iron pipe found for corner;

THENCE N 89°57'36" E, along a south line of said 154.0026 acre tract for a distance of 1758.13 feet (called 1760.16 feet) to a 1/2 inch iron rod with cap set for corner;

THENCE S 00°00'30" W, along the west line of Lot 36 of the Allison-Richey Gulf Coast Home Company Subdivision of Section 81 of the H.T. & B.R.R. Company Survey said Lot 36 described in a deed recorded in Volume (89)738, Page 81 in the Official Records of Brazoria County; the west 299 feet of Lot 37 described in a deed recorded in Volume 1107, Page 449 of the Brazoria County Deed Records; Lot 38 described in a deed recorded in Volume (90)852, Page 980 of the Official Records of Brazoria County; Lot 39 described in a deed recorded under Brazoria County Clerk File No. 95032497; and the west 3.3 acres of Lot 40 described in a deed recorded in Volume 1129, Page 836 of the Brazoria County Deed Records, passing at 2620.91 feet a 1/2 inch iron rod with cap set on the north line of County Road No. 59 and continuing for a total distance of 2640.91 feet (called 2641.85 feet) to a point for corner in the centerline of said County Road No. 59;

THENCE West, along the centerline of County Road No. 59 for a distance of 2642.22 feet to the POINT OF BEGINNING and containing 173.49 acres of land.

FILED FOR RECORD

2001 NOV 21 PM 4: 12

*Joyce Hudman*  
COUNTY CLERK  
BRAZORIA COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF BRAZORIA

I, JOYCE HUDMAN, Clerk of the County Court in and for Brazoria County, Texas do hereby certify that this instrument was presented to me FOR RECORD and RECORDED in the OFFICIAL RECORDS of this County at the time and date as stamped hereon by me.



*Joyce Hudman*  
County Clerk of Brazoria County, Texas

SECURITY FEE 1.00  
RECORDING FEE 5.00  
TOTAL 11.00

17.00  
53025  
CHECK 17.00

NOV 21 2001 0083 11/28/01 8:34AM MON



**Windrose Land Services**  
 3200 Wilcrest, Suite 325  
 Houston, Texas 77042  
 Phone (713) 458-2281 Fax (713) 461-1151  
 Firm Registration No. 10108800

**Professional Development Consultants**  
 Land Surveying, Platting, Project Management and GIS Services

## LETTER OF TRANSMITTAL

**TO:** City of Pearland  
 Planning Department  
 3519 Liberty Drive  
 Pearland, TX 77581

**FROM:** Andrew Allemand

**DATE:** 2/16/2016

**ATTN:** Vince Husted, Planner

**WJN:** 52910-23432

**PHONE:** 281-652-1740

**FAX:**

**PROJECT:** Zoning Application – RE/R2 w/COD to GC w/COD and CUP

WE ARE SENDING:	SUBMITTED FOR:	ACTION TAKEN:
<input type="checkbox"/> Shop Drawings	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Approved as Submitted
<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Your Use	<input type="checkbox"/> Approved as Noted
<input checked="" type="checkbox"/> Prints	<input type="checkbox"/> As requested	<input type="checkbox"/> Returned After Loan
<input type="checkbox"/> Change Order	<input checked="" type="checkbox"/> Review and Comment	<input type="checkbox"/> Resubmit
<input type="checkbox"/> Plans		<input type="checkbox"/> Submit
<input type="checkbox"/> Samples	<b>SENT VIA: TEC</b>	<input type="checkbox"/> Returned
<input type="checkbox"/> Specifications	<input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Returned for Corrections
<input checked="" type="checkbox"/> Other: Check	<input type="checkbox"/> Separate Cover Via: Mail	<input type="checkbox"/> Due Date:

ITEM#	COPIES	DESCRIPTION
1	1	<i>Application Fee</i>
2	1	<i>Application and checklist</i>
3	1	<i>Letter of Authorization</i>
4	1	<i>Letter of Intent</i>
5	1	<i>Sign Posting Acknowledgment</i>
6	1	<i>Parcel Map from City's GIS Website</i>
7	1	<i>Tax Map and Tax Statement</i>
8	1	<i>Subject Deed</i>
9	1	<i>Property Survey Exhibit with Metes and Bounds Description</i>
10	1	<i>Site Plan &amp; Elevation Renderings</i>
11	1	<i>Copy of Recorded Plat</i>

Mr. Husted, please review the zoning submittal package and let me know if anything further is needed.  
 Thank you very much for your assistance.

Andrew Allemand, Project Manager

*Land Surveying • Platting • Project Management • GIS*  
 www.windroseservices.com



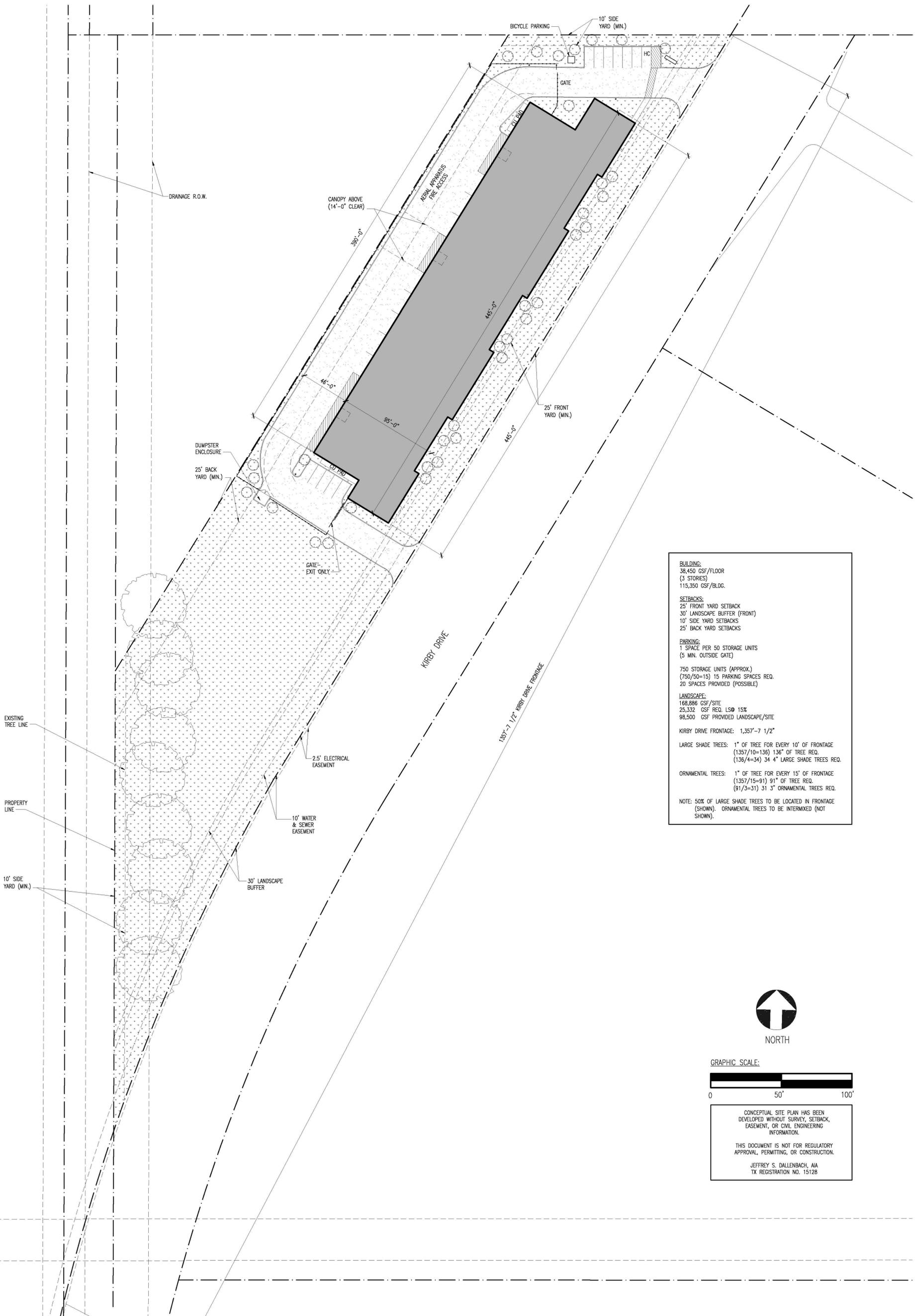
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Signs must be professionally made; handwritten signs are not allowed.

Signs must be freestanding and cannot be attached to a tree, fence, or building.

**i. Additional Information**

- Upon making an application for a zone change, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.
- After the zone change request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.
- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.
- In the event the applicant fails to erect and/or maintain signs in accordance with this section, the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.
- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.
- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.



**BUILDING:**  
 38,450 GSF/FLOOR  
 (3 STORIES)  
 115,350 GSF/BLDG.

**SETBACKS:**  
 25' FRONT YARD SETBACK  
 30' LANDSCAPE BUFFER (FRONT)  
 10' SIDE YARD SETBACKS  
 25' BACK YARD SETBACKS

**PARKING:**  
 1 SPACE PER 50 STORAGE UNITS  
 (5 MIN. OUTSIDE GATE)

750 STORAGE UNITS (APPROX.)  
 (750/50=15) 15 PARKING SPACES REQ.  
 20 SPACES PROVIDED (POSSIBLE)

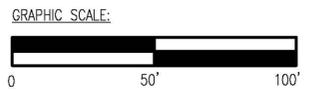
**LANDSCAPE:**  
 168,886 GSF/SITE  
 25,332 GSF REQ. LSP@ 15%  
 98,500 GSF PROVIDED LANDSCAPE/SITE

KIRBY DRIVE FRONTAGE: 1,357'-7 1/2"

**LARGE SHADE TREES:** 1" OF TREE FOR EVERY 10' OF FRONTAGE  
 (1357/10=136) 136" OF TREE REQ.  
 (136/4=34) 34 4" LARGE SHADE TREES REQ.

**ORNAMENTAL TREES:** 1" OF TREE FOR EVERY 15' OF FRONTAGE  
 (1357/15=91) 91" OF TREE REQ.  
 (91/3=31) 31 3" ORNAMENTAL TREES REQ.

**NOTE:** 50% OF LARGE SHADE TREES TO BE LOCATED IN FRONTAGE (SHOWN). ORNAMENTAL TREES TO BE INTERMIXED (NOT SHOWN).



CONCEPTUAL SITE PLAN HAS BEEN DEVELOPED WITHOUT SURVEY, SETBACK, EASEMENT, OR CIVIL ENGINEERING INFORMATION.

THIS DOCUMENT IS NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

JEFFREY S. DALLENBACH, AIA  
 TX REGISTRATION NO. 15128

# SITE PLAN - PEARLAND STORAGE

02.15.16

SCALE: 1" = 40'-0"



12035 COLWICK - SUITE 200 SAN ANTONIO, TX 78216  
 P 210.493. 2234

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

<b>AGENDA OF:</b> April 11, 2016	<b>ITEM NO.:</b> Ordinance No. CUP 2016-07				
<b>DATE SUBMITTED:</b> March 29, 2016	<b>DEPT. OF ORIGIN:</b> Planning				
<b>PREPARED BY:</b> Frankie Legaux	<b>PRESENTOR:</b> Lata Krishnarao				
<b>REVIEWED BY:</b> Matt Buchanan	<b>REVIEW DATE:</b> April 4, 2016				
<p><b>SUBJECT:</b> Ordinance No. CUP 2016-07 - An ordinance of the City Council of the City of Pearland, Texas, approving a <b>Conditional Use Permit (CUP) to allow for self-storage facility in General Business (GB) zoning district</b>, being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. &amp; B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas. <b>(Located at the West side of Kirby Drive approximately 1,500 feet South of Broadway Street, Pearland, TX.)</b> Conditional Use Permit Application No 2016-07, within the General Business (GB) zoning district, at the request of Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., 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. 2016-07 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C – Legal Ad; Exhibit D – Planning and Zoning Commission Recommendation Letter; Exhibit E – Site Plan and Attachments); Joint Public Hearing Packet (03.28.16)</p>					
<p><b>To be completed by Department:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Finance</td> <td style="text-align: center;">Legal</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Resolution</td> </tr> </table>		Finance	Legal	Ordinance	Resolution
Finance	Legal	Ordinance	Resolution		

**SUMMARY:** The applicant is requesting a Conditional Use Permit (CUP) to allow for development of a self-storage facility. The subject property is located on the west side of Kirby Drive, across from the southernmost entrance of the Pearland Town Center, and approximately 1,500 feet south of Broadway Street. Pearland Fire Station No. 5 is

adjacent to the property to the north, and an entrance to the new Shadow Creek High School is located south of the site.

This approval is a two-step process. The first step is to rezone the property from Single Family Estate District (R-E) and Single Family Residential-2 (R-2) to General Business (GB) and the second step is to apply for a Conditional Use Permit. The proposed use is classified as mini-warehouse/self-storage, and this use is permitted in business, commercial, or industrial districts with the approval of a CUP.

**RECOMMENDATION:** Staff cannot recommend approval of the requested CUP for mini-warehouse/self storage on the approximately 3.8662 acre site for the following reasons:

1. The proposed development does not comply with the land use designation of the Future Land Use Plan (FLUP). This area is proposed for public and semi-public uses. The Future Land Use Plan (FLUP) indicates this location, in close proximity not only to the Town Center, but also, to an intersection of two Thoroughfares, as a Major Retail Node. Retail nodes are customer oriented activity centers of complementary retail, office, and service uses. Self-storage is a use that is quiet and generating little traffic, and therefore it is not expected to contribute to the vibrancy of this designated retail node. Self-storage facilities should not be located at prime retail corners. The use is better suited for locations that are behind retail uses or within industrial districts.
2. Self-storage use is not a use that will add value to the surrounding property. Although the proposed development will increase the property value of the site, minimal sales tax revenue is generated from this use.
3. The proposed request is not in conformance with the criteria of approval as per the current Unified Development Code (UDC). A self-storage facility at this location is not compatible with and does not preserve the character and integrity of adjacent developments that include banks, offices, grocery stores, restaurants, and the Pearland Town Center, that attract a high level of customer activity.

If the City Council should consider approval of this CUP, the following conditions are recommended:

1. Building façade materials for facades visible from Kirby Drive shall be limited to no more than thirty percent (30%) stucco.
2. No permit shall be issued until the storm drainage pipe issues are resolved and written approval is received from the City and BDD4.

**PUBLIC NOTIFICATION:** A Joint Public Hearing was conducted on March 28, 2016. 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.

Of the 7 property owners within the 200 foot notice area, no “Public Comment Forms” regarding this request were returned in favor or opposition to the request. Staff received no phone calls inquiring about the request.

At the Joint Public Hearing meeting no one spoke against the request.

**PLANNING AND ZONING COMMISSION DISCUSSION:** At the regular meeting of the P&Z Commission on March 28, 2016, P&Z Vice-Chair Duncan made the motion to recommend approval of Conditional Use Application No. 2016-07, Commissioner Starr seconded the motion. The motion was approved with conditions recommended by Staff by a vote of 5-2. P&Z Vice-Chair Duncan and Commissioner Selsky voted against the motion, P&Z Chairman Tunstall and Commissioners Pradia, Isenberg, Starr and McFadden voted in favor of the motion.

## **Ordinance No. CUP 2016-07**

An ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for self-storage facility in General Business (GB) zoning district**, being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas. **(Located at the West side of Kirby Drive approximately 1,500 feet South of Broadway Street, Pearland, TX.)** Conditional Use Permit Application No 2016-07, within the General Business (GB) zoning district, at the request of Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

**WHEREAS**, Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; is requesting approval of a Conditional Use Permit (CUP) to allow for self-storage facility on approximately 3.8662 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 28<sup>th</sup> day of March 2016, 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 28<sup>th</sup> day of March 2016, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the

proposed Conditional Use Permit (CUP) to allow for self-storage facility on approximately 3.8662 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 April 2016 and the 25<sup>th</sup> day of April 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 Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a Conditional Use Permit (CUP) on approximately 3.8662 acres of land to allow for a self-storage facility; 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 Business (GB) zoning district, is hereby granted a Conditional Use Permit (CUP) to allow for self-storage facility, subject to all requirements of the GB 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 site plan attached hereto for all purposes as Exhibit "E" for all purposes, such property being more particularly described as:

**Legal Description:** Being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81,

Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas.

**General Location:** West side of Kirby Drive approximately 1,500 feet south of Broadway Street, Pearland, TX.

Conditions:

1. Building façade materials for facades visible from Kirby Drive shall be limited to no more than thirty percent (30%) stucco.
2. No permit shall be issued until the storm drainage pipe issues are resolved and written approval is received from the City and BDD4.

**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 April, 2016.

---

TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

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

---

TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

---

DARRIN M. COKER  
CITY ATTORNEY

## Exhibit A Legal Description

Being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas.



**Windrose Land Services**

3208 Wilcrest Drive, Suite 325

Houston, Texas 77042

Phone (713) 458-2201 Fax (713) 461-1751

**Professional Development Consultants**

Land Surveying, Platting, Project Management and GIS Services

Firm Registration No. 10108800

### DESCRIPTION

#### 3.8662 ACRES OR 168,411 SQUARE FEET

A TRACT OR PARCEL CONTAINING 3.8662 ACRES OR 168,411 SQUARE FEET OF LAND SITUATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 81, ABSTRACT 300, BRAZORIA COUNTY TEXAS, BEING THE RESIDUE OF RESERVE "B", FIRST AMENDING PLAT OF SOUTHGATE SECTION ONE, AS THEREOF RECORDED UNDER VOLUME 24, PAGE 123, BRAZORIA COUNTY PLAT RECORDS, CONVEYED LINGO SOUTHGATE, LTD. AS RECORDED IN BRAZORIA COUNTY CLERK'S FILE No. 01-053025, BEING DESCRIBED AS FOLLOWS WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83.

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF KIRBY DRIVE (R.O.W. WIDTH VARIES) AT THE SOUTHEAST CORNER OF A CALLED 4.8705 ACRES, CONVEYED TO CITY OF PEARLAND AS RECORDED UNDER THE BRAZORIA COUNTY CLERK'S FILE No. 2009046592, THE NORTHEAST CORNER OF SAID RESERVE "B" AND OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG SAID WEST RIGHT-OF-WAY LINE OF KIRBY DRIVE, SOUTH 31 DEGREES 10 MINUTES 45 SECONDS WEST, A DISTANCE OF 791.16 FEET TO A POINT OF CURVATURE;

THENCE, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 1,830.00 FEET, HAVING A CENTRAL ANGLE OF 10 DEGREES 36 MINUTES 37 SECONDS, AN ARC LENGTH OF 342.59 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 25 DEGREES 52 MINUTES 27 SECONDS WEST, 342.10 FEET TO A NORTHEAST CORNER OF LOT 1, BLOCK 1, ALVIN INDEPENDENT SCHOOL DISTRICT HIGH SCHOOL #3, AS RECORDED UNDER PLAT No. 2013051008, BRAZORIA COUNTY PLAT RECORDS, AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID LOT 1 AND SAID RESIDUE OF RESERVE "B", SOUTH 89 DEGREES 59 MINUTES 30 SECONDS WEST, A DISTANCE OF 20.19 FEET TO THE SOUTHEAST CORNER OF DRAINAGE RIGHT-OF-WAY OF BRAZORIA COUNTY DRAINAGE DISTRICT #4 DITCH A-124-05-00 AS RECORDED UNDER VOLUME 24, PAGE 123, BRAZORIA COUNTY PLAT RECORDS, BRAZORIA COUNTY PLAT RECORDS, AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 375.81 FEET TO THE SOUTH CORNER OF RESTRICTED RESERVE "C" OF SAID FIRST AMENDING PLAT OF SOUTHGATE SECTION ONE AND A WEST CORNER OF SAID RESERVE "B" AND OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID RESTRICTED RESERVE "C" AND RESERVE "B", NORTH 31 DEGREES 10 MINUTES 45 SECONDS EAST, A DISTANCE OF 712.15 FEET TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT

THENCE, ALONG COMMON BOUNDARY LINE OF SAID CALLED 4.8705 ACRES AND SAID RESERVE "B", SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 210.39 FEET TO THE PLACE OF BEGINNING CONTAINING 3.8662 ACRES OR 168,411 SQUARE FEET OF LAND, JOB No. 52910-ZONE-EXB PREPARED BY WINDROSE LAND SERVICES.

  
MIKE KURKOWSKI  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION No. 5101



02/15/16  
DATE

## 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:  
2016-07**

Notice is hereby given that on March 28, 2016 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 Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a Conditional Use Permit (CUP) to allow for self-storage facility in General Business (GB) zoning district; on approximately 3.8662 acres of land, to wit:

Being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas.

General Location: West side of Kirby Drive approximately 1,500 feet south of Broadway Street, Pearland, TX.

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Frankie Legaux  
City Planner

**Exhibit D**  
**Planning and Zoning Commission Recommendation Letter**



# Planning & Zoning Commission

---

Recommendation Letter

March 29, 2016

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

Re: Recommendation on CUP Application 2016-07

Honorable Mayor and City Council Members:

At their regular meeting on March 28, 2016, the Planning and Zoning Commission considered the following:

A request of Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a Conditional Use Permit (CUP) to allow for self-storage facility in General Business (GB) zoning district; on approximately 3.8662 acres of land.

**Legal Description:** Being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas.

**General Location:** West side of Kirby Drive approximately 1,500 feet south of Broadway Street, Pearland, TX.

P&Z Vice-Chair Duncan made the motion to recommend approval of Conditional Use Application No. 2016-07, Commissioner Starr seconded the motion. The motion was

approved with conditions recommended by Staff by a vote of 5-2. P&Z Vice-Chair Duncan and Commissioner Selsky voted against the motion, P&Z Chairman Tunstall and Commissioners Pradia, Isenberg, Starr and McFadden voted in favor of the motion.

Sincerely,

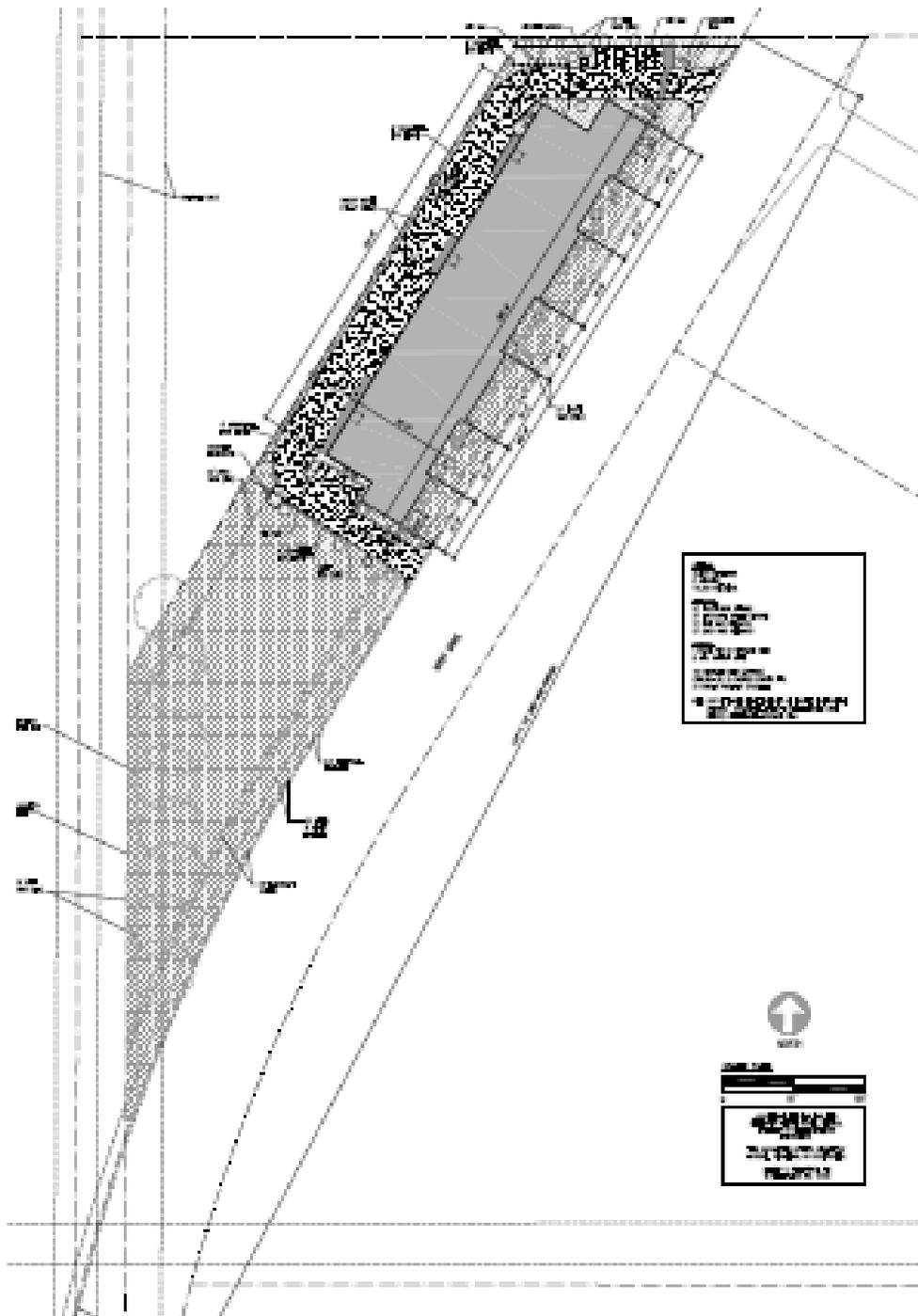
*Frankie Legaux*

Frankie Legaux

City Planner

On behalf of the Planning and Zoning Commission

Exhibit E  
Site Plan and Attachments



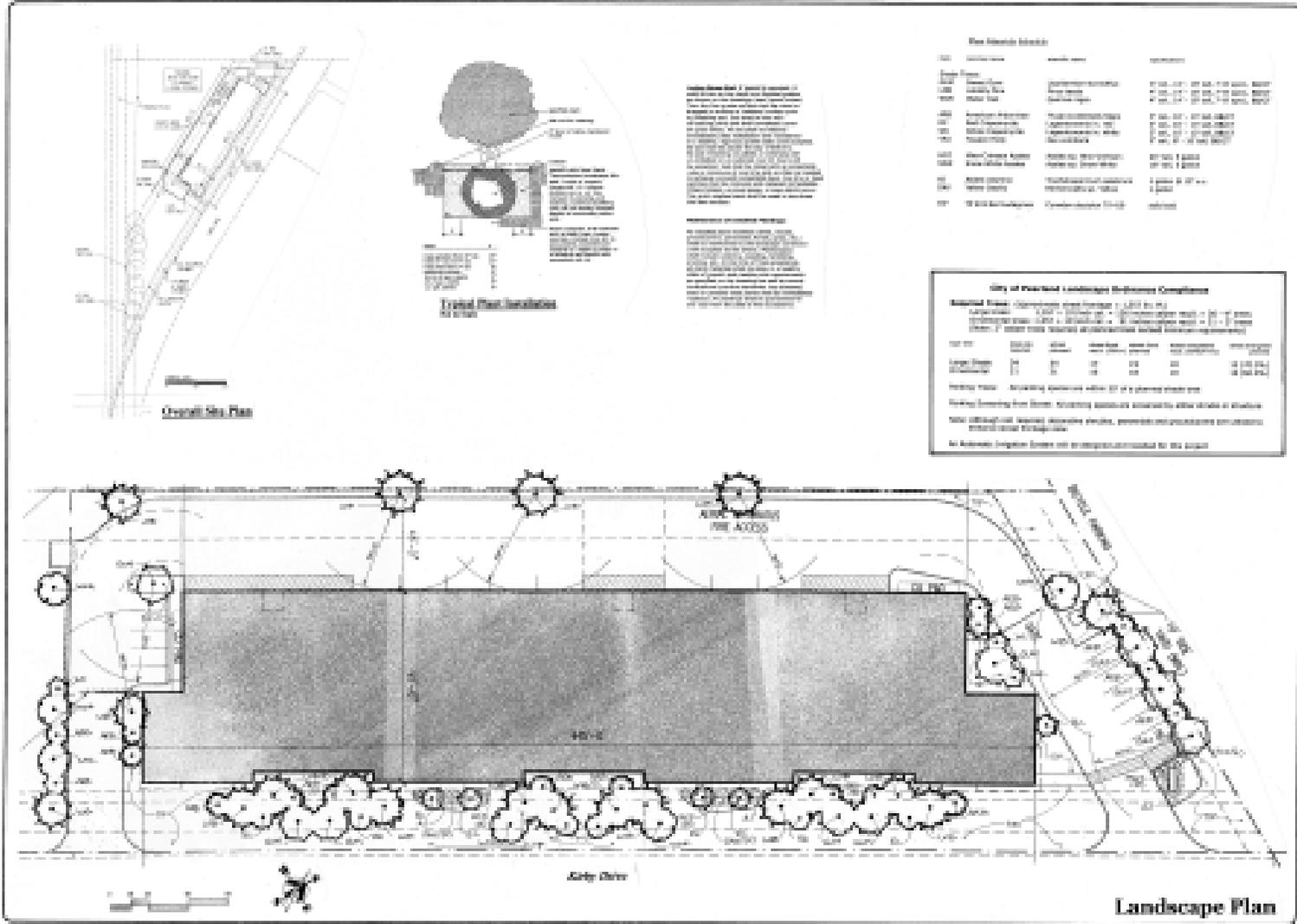
SITE PLAN - PEARLAND STORAGE

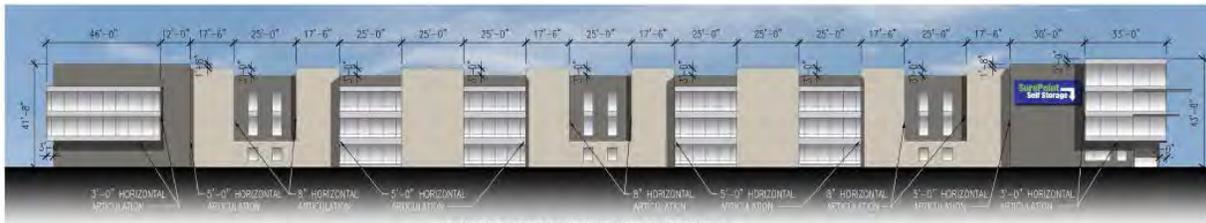
03/11/16

SCALE: 1" = 40'-0"

**ARCHCON**  
architecture

10000 LEBANON, SUITE 1000, DALLAS, TEXAS 75243-1000  
PH: 214.343.1000 FAX: 214.343.1001  
WWW.ARCHCONARCHITECTURE.COM

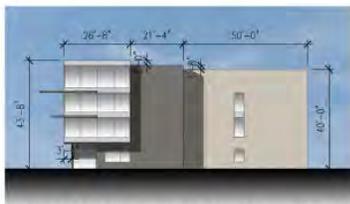




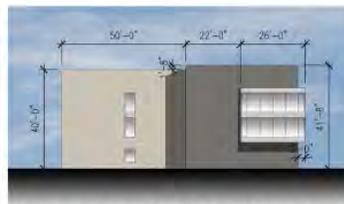
EAST ELEVATION (FACING KIRBY DRIVE)



WEST ELEVATION (NOT VISIBLE FROM KIRBY DRIVE)



NORTH ELEVATION (VISIBLE FROM KIRBY DRIVE)



SOUTH ELEVATION (VISIBLE FROM KIRBY DRIVE)

OVERLAY REQUIREMENTS	EAST	WEST	NORTH	SOUTH
TRANSPARENCY -TOTAL BUILDING	17,694 SF	14,375 SF	4,023 SF	3,940 SF
TRANSPARENCY -TOTAL GLAZING	4,687 SF	203 SF	906 SF	509 SF
GLAZING PERCENTAGE PROVIDED	26.4%	1.4%	23%	13%
PERCENTAGE ABOVE REQ. GLAZING	2%	1.4%	23%	13%

NOTES:  
 1. 25% GLAZING REQUIRED IN FRONT FACADE (EAST ELEVATION)  
 2. NO GLAZING REQUIRED ON SIDES AND BACK (WEST, NORTH, SOUTH ELEVATION)

**PEARLAND STORAGE: OVERLAY REQUIREMENTS (TRANSPARENCY/ ARTICULATION)**

03.11.16

SCALE: N.T.S.

LANDSCAPE HAS BEEN LEFT OFF ELEVATIONS IN ORDER TO SHOW BUILDING. LANDSCAPE WILL BE DESIGNED PER REQUIRED CORRIDOR OVERLAY DISTRICT ORDINANCE, REFERENCE LANDSCAPE PLAN.



**City of Pearland Landscape Ordinance Compliance**

**Required Trees:** (approximate street frontage = 1,357 lin. Ft.)

Large trees:  $1,357 \div 10'/\text{inch cal.} = 136$  inches caliper req'd. = 36 - 4" trees

Ornamental trees:  $1,357 \div 15'/\text{inch cal.} = 91$  inches caliper req'd. = 31 - 3" trees

(Note: 2" caliper trees required, all planned trees exceed minimum requirements)

type tree	total site required	actual planned	street front req'd. (50%+)	street front planned	street evergreens req'd. (60% of frnt.)	street evergreen planned
Large Shade	34	34	17	19	10	12 (70.5%)
Ornamental	31	31	16	18	10	10 (60.0%)

**Parking Trees:** All parking spaces are within 50' of a planned shade tree

**Parking Screening from Street:** All parking spaces are screened by either shrubs or structure

**Note:** Although not required, decorative shrubby, perennials and groundcovers are utilized to enhance street frontage view

An Automatic Irrigation System will be designed and installed for this project



**JOINT PUBLIC HEARING**  
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, MARCH 28, 2016, AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

**I. CALL TO ORDER**

**II. PURPOSE OF HEARING**

**Conditional Use Application No. 2016-07**

A request of Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a Conditional Use Permit (CUP) to allow for self-storage facility in General Business (GB) zoning district; on approximately 3.8662 acres of land.

**Legal Description:** Being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve "B", first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk's File No. 01-053025, Brazoria County, Texas.

**General Location:** West side of Kirby Drive approximately 1,500 feet south of Broadway Street, Pearland, TX.

**III. APPLICATION INFORMATION AND CASE SUMMARY**

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

**IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST**

**V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**

**VI. ADJOURNMENT**

**This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.**



## Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: March 28, 2016

Re: Conditional Use Permit Application No. 2016-07

A request of Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a Conditional Use Permit (CUP) to allow for self-storage facility in General Business (GB) zoning district; on approximately 3.8662 acres of land, Pearland, TX.

General Location: West side of Kirby Drive approximately 1,500 feet south of Broadway Street, Pearland, TX.

### **Summary of Request**

The applicant is requesting a Conditional Use Permit (CUP) to allow for development of a self-storage facility. The subject property is located on the west side of Kirby Drive, across from the southernmost entrance of the Pearland Town Center, and approximately 1,500 feet south of Broadway Street. Pearland Fire Station No. 5 is adjacent to the property to the north, and an entrance to the new Shadow Creek High School is located south of the site.

This approval is a two-step process. The first step is to rezone the property from Single Family Estate District (R-E) and Single Family Residential-2 (R-2) to General Business (GB) and the second step is to apply for a Conditional Use Permit. The proposed use is classified as mini-warehouse/self-storage, and this use is permitted in business, commercial, or industrial districts with the approval of a CUP.

### **Recommendation**

Staff cannot recommend approval of the requested CUP for mini-warehouse/self-storage on the approximately 3.8662 acre site for the following reasons:

1. The proposed development does not comply with the land use designation of the Future Land Use Plan (FLUP). This area is proposed for public and semi-public

uses. The Future Land Use Plan (FLUP) indicates this location, in close proximity not only to the Town Center, but also, to an intersection of two Thoroughfares, as a Major Retail Node. Retail nodes are customer oriented activity centers of complementary retail, office, and service uses. Self-storage is a use that is quiet and generating little traffic, and therefore it is not expected to contribute to the vibrancy of this designated retail node. Self-storage facilities should not be located at prime retail corners. The use is better suited for locations that are behind retail uses or within industrial districts.

2. Self-storage use is not a use that will add value to the surrounding property. Although the proposed development will increase the property value of the site, minimal sales tax revenue is generated from this use.
3. The proposed request is not in conformance with the criteria of approval as per the current Unified Development Code (UDC). A self-storage facility at this location is not compatible with and does not preserve the character and integrity of adjacent developments that include banks, offices, grocery stores, restaurants, and the Pearland Town Center, that attract a high level of customer activity.

If the City Council should consider approval of this CUP, the following conditions are recommended:

1. Building façade materials for facades visible from Kirby Drive shall be limited to no more than thirty percent (30%) stucco.
2. No permit shall be issued until the storm drainage pipe issues are resolved and written approval is received from the City and BDD4.

### **Site History**

This area was incorporated into Pearland in 1996. The subject property is currently undeveloped, and is currently zoned R-E and R-2 zoning districts. Additionally the property falls within the boundaries of the COD which allows the City to exercise greater control of aesthetics, function, and safety of developments with frontage along specified Major Thoroughfares including Kirby Drive.

The site is surrounded by a PUD and residentially zoned properties, however, uses are public, office, and retail uses. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
<b>North</b>	Pearland Town Center PUD	Fire Station and Water Storage
<b>South</b>	Single Family Estate District (R-E) and Single Family Residential-2 (R-2)	Shadow Creek High School, Southern Trails and Southgate Subdivisions
<b>East</b>	Pearland Town Center PUD	Detention Area and Town Center
<b>West</b>	Single Family Estate District (R-E), Single Family Residential-2 (R-2), and Ridge Rock PD	Shadow Creek High School

### **Conformance with the Comprehensive Plan**

The current zoning of R-E and R-2 on the subject property does not conform with the Future Land Use designation of the Comprehensive Plan. The Future Land Use Plan (FLUP) proposes Public/Semi Public uses for this site. The Comprehensive Plan describes these uses as government-owned or operated buildings such as libraries, fire stations, or public schools and administrative buildings. With a few exceptions, most Public/Semi Public uses would require a zoning change or approval of a CUP.

### **Conformance with the Thoroughfare Plan**

According to City records, Kirby Drive is a secondary thoroughfare and the expansion of Kirby Drive is nearing completion. Secondary thoroughfares are defined as having a minimum right-of-way width of 100 feet.

### **Conformance with the Unified Development Code**

The property is currently undeveloped. The applicant plans to develop the property as a self-storage facility. The lot requirements of the proposed GB zoning district are provided in the following table.

<b>General Business (GB) Area Regulations</b>		
<b>Size of Lot</b>	<b>Required</b>	<b>Proposed</b>
Minimum Lot Size	22,500 sq. ft.	168,411 sq. ft.
Minimum Lot Width	150 ft.	Varies from 712.15 to 791.16
Minimum Lot Depth	125 ft.	Approximately 185 ft.

The property falls within the Corridor Overlay District (COD) and any development would be required to be in compliance with the COD requirements in addition to other UDC requirements.

### **Platting Status**

The property is platted as the First Amending Plat of South Gate Section 1, Lot Unrestricted Reserve B.

### **Availability of Utilities**

The subject property has access to City water and sanitary sewer infrastructure. A 12-inch water line exists along the west side of Kirby Drive, and a 12-inch sanitary sewer line runs along the east side of the street.

A storm drainage pipe exists through the property and falls under the proposed building. Staff has spoken with Andrea Broughton, Brazoria County Drainage District #4 (BDD4) who stated that there is no easement recorded for this drainage pipe. Relocation of the pipe within a drainage easement may be possible but the applicant must work with the City and BDD4 to accomplish this. If the pipe cannot be relocated, this site plan must be revised as no building can be built over a drainage pipe.

### **Impact on Existing and Future Development**

The requested CUP is not compatible with the existing and proposed development in the area. Self-storage is preferable when located behind retail uses or within industrial districts.

### **Additional Comments**

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

### **Public Notification**

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

**Opposition to or Support of Proposed Request**

Staff has not received any returned notices in opposition to or in support of the proposed change in zoning request.

**Exhibits**

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Notification List
6. Applicant Packet



# Exhibit 1

**AERIAL MAP**

**CUP 2016-07**

**Kirby Dr. south  
of Broadway St.**



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

1 inch = 250 feet

FEBRUARY 2016  
PLANNING DEPARTMENT

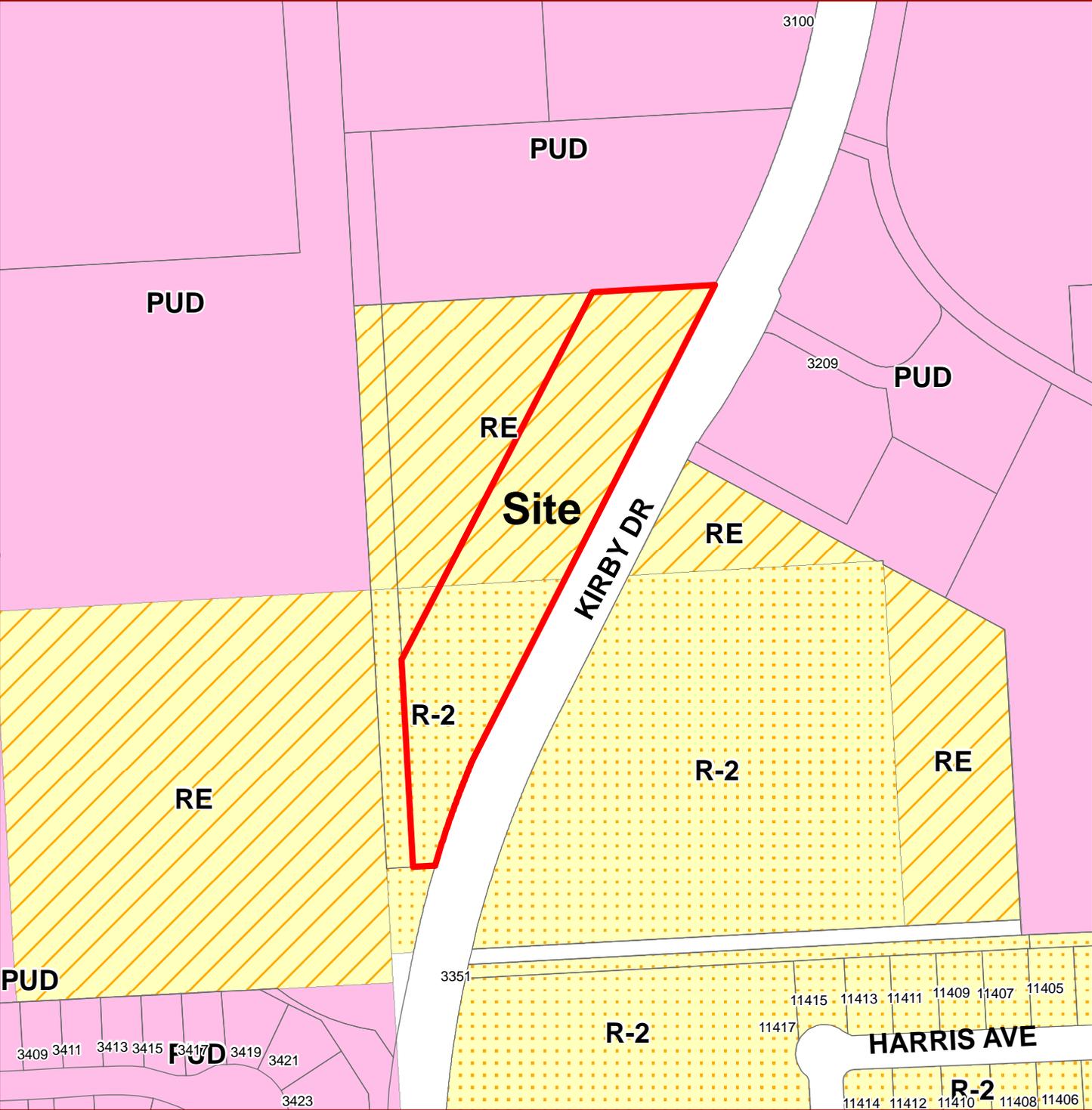


# Exhibit 2

## ZONING MAP

CUP 2016-07

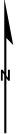
Kirby Dr. south  
of Broadway St.

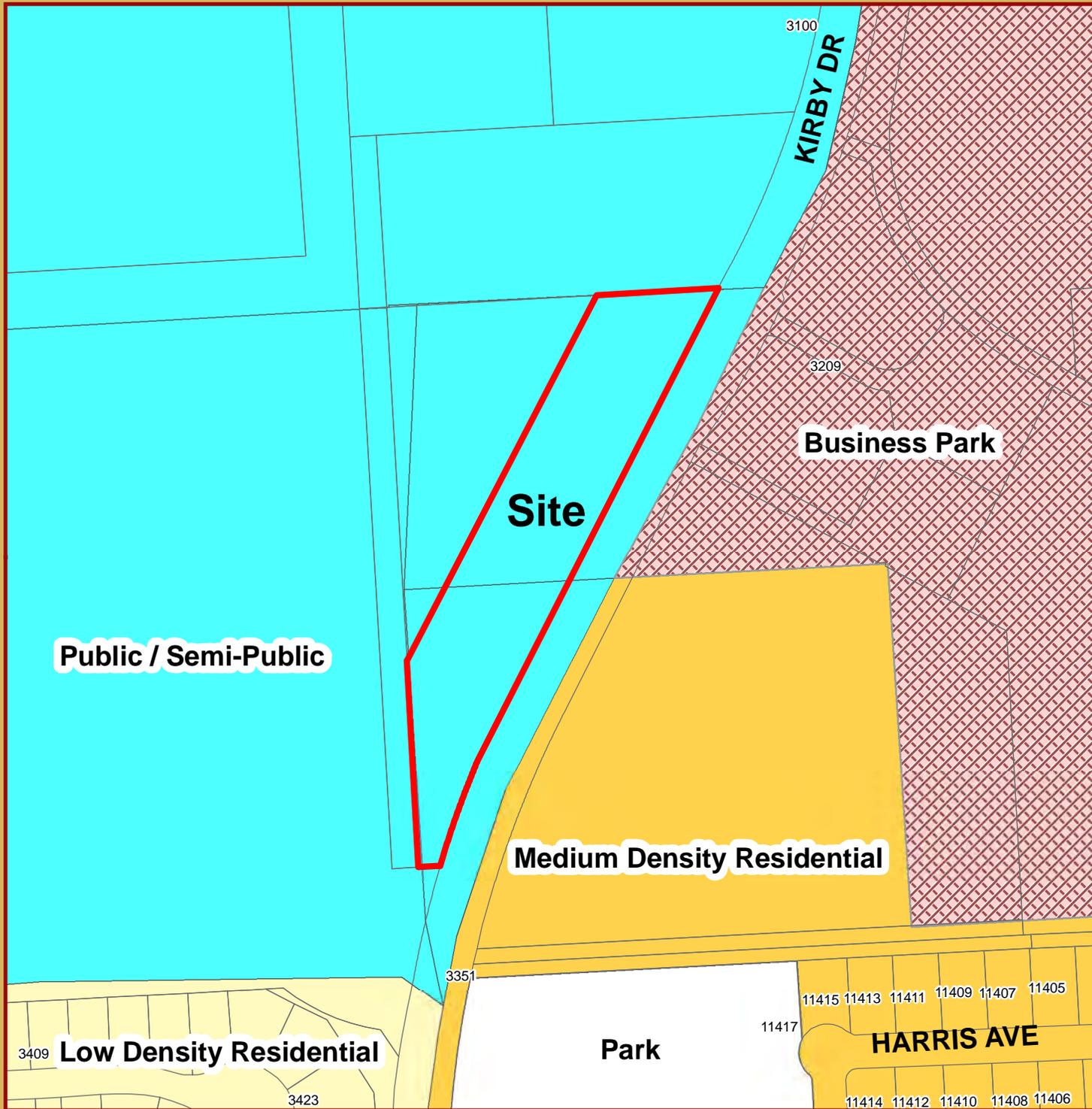


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 250 feet

FEBRUARY 2016  
PLANNING DEPARTMENT





**Exhibit 3**

**FLUP MAP**

**CUP 2016-07**

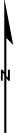
**Kirby Dr. south  
of Broadway St.**

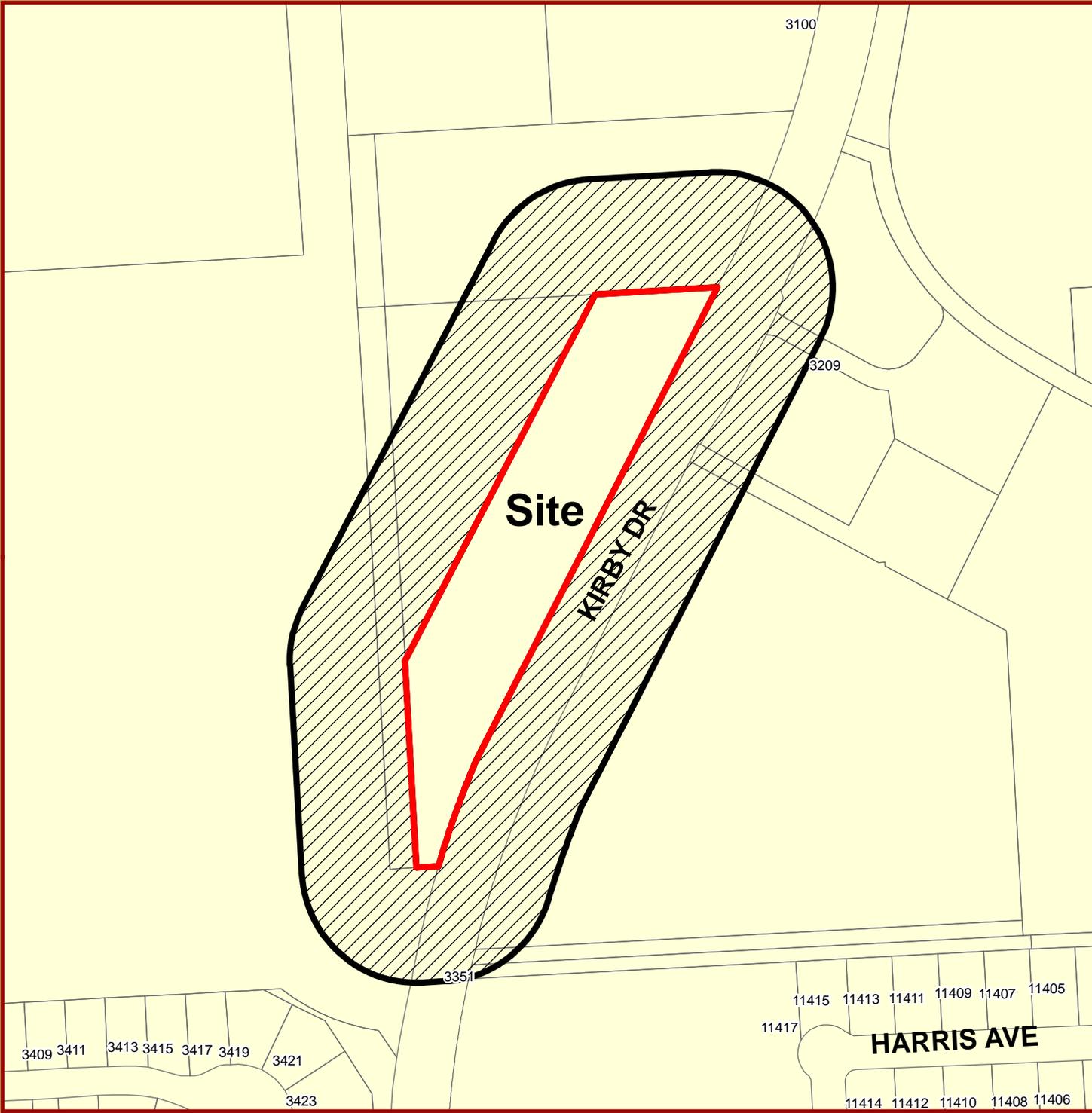


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1 inch = 250 feet

FEBRUARY 2016  
PLANNING DEPARTMENT





**Exhibit 4**

**NOTIFICATION MAP**

**CUP 2016-07**

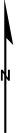
**Kirby Dr. south  
of Broadway St.**



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

1 inch = 250 feet

FEBRUARY 2016  
PLANNING DEPARTMENT



**Exhibit 5**

CUP 2016-07

Kirby South of Broadway

<b>Property_Owner</b>	<b>City</b>	<b>Address</b>	<b>State</b>	<b>Zip</b>
ALVIN INDEPENDENT SCHOOL DISTRICT	ALVIN	301 E HOUSE ST	TX	77511
BARLAS ENTERPRISES	HOUSTON	4407 W FUQUA ST STE A	TX	77045
CITY OF PEARLAND	PEARLAND	3519 LIBERTY DR	TX	77581
CL ASHTON WOODS LP % FORESTAR REAL ESTATE GROUP INC	AUSTIN	6300 BEE CAVE RD	TX	78746
LINGO SOUTHGATE LTD	PEARLAND	3900 MAGNOLIA ST	TX	77584
PEARLAND TOWN CENTER LP %MARK STEPHENS	CHATTANOOGA	2030 HAMILTON PLACE BLVD STE 500	TN	37421
SOUTHGATE COMMUNITY ASSOC	PEARLAND	PO BOX 3217	TX	77588



# City of Pearland Planning Department Universal Application

City of Pearland  
Community Development  
3523 Liberty Drive  
(Community Center)  
Pearland, Texas 77581  
281.652.1765  
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:

- RE/R2 & GC & COD  
COD w/CUP **+**
- Zoning Change (from) \_\_\_\_\_ (to) \_\_\_\_\_ **+**
- Cluster Development Plan
- Planned Development Workshop
- Plat (list type): \_\_\_\_\_

- ZBA Variance
- P&Z Variance
- Special Exception
- Conditional Use Permit

*\*Plat Types include:  
Minor, Amending,  
Preliminary, Final,  
Master, Replat*

### PROJECT INFORMATION:

Residential  Commercial  Property Platted  Property Not Platted

Project Name: Kirby Mini Storage Tax ID: 7713-1000-001

Project Address/Location: West side of Kirby Drive approximately 1,500 feet south of W. Broadway St.

Subdivision: First Amending Plat of SouthGate Sec 1 No. of Lots: 0 (1 Reserve) Total Acres: 3.8662

Brief Description of Project: Rezoning request for CUP to allow for self-storage facility

When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.

### PROPERTY OWNER INFORMATION:

Name: Lingo Southgate, Ltd. (Tracy Coza)

Address: 17225 El Camino Real, Suite 347

City: Houston State: TX Zip: 77058

Phone: 281-286-2290

Fax: NA

Email Address: rbills@cedarwoodd.com

### APPLICANT/AGENT INFORMATION:

Name: Windrose Land Services (Andrew Allemant)

Address: 3200 Wilcrest, Suite 325

City: Houston State: TX Zip: 77042

Phone: 713.458.2281

Fax: 713.461.1151

Email Address: andrew.allemant@windroseservices.com

**\*\*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.**

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

\*\*Owner's Signature: LOA Attached Date: 2/16/2016

Agent's/  
Applicant's Signature:  Date: 2/16/2016

### OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
			APPLICATION NUMBER:



#### d. Criteria for Approval

Each zone change is enacted as per the following criteria.

1. Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map and any incorporated sector plan maps;
2. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
3. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area;
4. And any other factors which will substantially affect the public health, safety, morals, or general welfare.

#### e. Conditions for Approval

A zone change cannot be approved with conditions.

#### f. Expiration

There is no expiration for a zone change.

#### g. Checklist

- Application and checklist filled out completely and signed by the owner of the property.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code (UDC).**
- Metes and bounds description (survey or plat of the property that provides or contains the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent explaining the zone change request in detail, why the zoning is being requested to be changed, and the uses that are being proposed.
- Acknowledgement of the sign to be posted on the property ten (10) days prior to the public hearing.
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only). Please refer to the City's webpage [www.pearlandtx.gov](http://www.pearlandtx.gov) for updated fees.

LETTER OF AUTHORIZATION

To: City of Pearland  
Planning Department  
3519 Liberty Drive  
Pearland, TX 77581  
(281) 652-1740

By: Lingo Southgate, Ltd.  
211 E. Parwood, Suite 100  
Friendswood, Texas 77546  
281-947-8675

Re: Land Use Zoning Application - Approximately 3.7 Acres, H.T. & B.R.R. Co. Survey, Section 81, Abstract No. 300, being the remainder of Reserve "B" of Southgate, Section 1, Vol. 24, Pg, 124, B.C.P.R., Located on the West side of Kirby Drive, adjacent to 3100 Kirby Drive, City of Pearland, Brazoria County, Texas.

To Whom It May Concern:

The undersigned duly authorized representative of Lingo Southgate, Ltd., the record owner of the referenced property does hereby authorize Windrose Land Services, Inc. to submit for City review and consideration, a land use zoning application requesting rezoning of the subject property from Single-Family Estate ("RE") District, Single Family Residential-2 ("R-2) District, and Corridor Overlay District ("COD") to General Commercial ("GC) District and COD with a Conditional Use Permit (C.U.P.) to allow a self-storage development, said property being wholly located within the corporate limits of the City of Pearland, Brazoria County, Texas.

Lingo Southgate, Ltd.

By: Jeff C. Bailey

Bailey Commercial, LLC  
Jeff C. Bailey, President

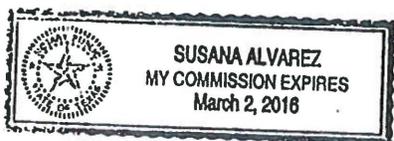
State of Texas

County of Bexar

I, Susana Alvarez, a Notary Public for the State of Texas, do hereby certify that Jeff C. Bailey personally came before me this day and acknowledged that they being authorized to do so, executed the foregoing on behalf of the corporation/partnership.

Witness my hand and official seal, this the 16<sup>th</sup> day of February, 2016.

(Personalized Seal)



Susana Alvarez  
Notary Public

My Commission Expires: 3/2/2016

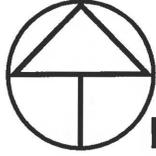
**GENERAL NOTES**

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE AND WOULD BE SUBJECT TO ANY ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. (NAD83)
3. THIS PLAT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.

CALLED 4.8705 ACRES  
CITY OF PEARLAND  
B.C.C.F. No. 2006046892

S 90°00'00" E 210.39'

P.O.B.



**NORTH**

SCALE: 1" = 100'

**3.8662 ACRES  
168,411 SQ. FT.**

RESTRICTED RESERVE 'C'  
N 31°10'45" E 712.15'

RESIDUE OF RESERVE 'B'  
FIRST AMENDING PLAT OF  
SOUTHGATE SECTION ONE  
(VOL. 24, PG. 123, B.C.P.R.)  
LINGO SOUTHGATE, LTD.  
(B.C.C.F. No. 01-053025)

**KIRBY DRIVE**  
(R.O.W. VARIES)  
S 31°10'45" W 791.16'

N 00°00'00" E 375.41'

DRAINAGE R.O.W. B.C.D.D. #4 DITCH A-124-05-00

LOT 1, BLOCK 1  
ALVIN INDEPENDENT SCHOOL  
DISTRICT HIGH SCHOOL #3  
PLAT No. 2013051008, B.C.P.R.)

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°59'30" W	20.19'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	1850.00'	10°36'37"	342.59'	S 25°52'27" W	342.10'

**EXHIBIT OF  
3.8662 ACRES OR 168,411 SQ. UARE FEET  
SITUATED IN THE  
H.T. & B.R.R. COMPANY SURVEY,  
SECTION 81, A-300  
BRAZORIA COUNTY, TEXAS**

FIELD BY: -	DATE: 02-15-16
DRAWN BY: MT/RV	REV:
CHECKED BY: MK	REV:
JOB NO. 52910-ZONE-EXB	REV:
SHEET 1 OF 2	REV:



**Windrose Land Services**

3200 Wilcrest, Suite 325  
Houston, Texas 77042

Phone (713) 458-2281 Fax (713) 461-1151

**Professional Development Consultants**  
Land Surveying, Platting, Project Management, GIS Services  
Firm Registration No. 10108800



**Windrose Land Services**  
3200 Wilcrest Drive, Suite 325  
Houston, Texas 77042  
Phone (713) 458-2281 Fax (713) 461-1151

**Professional Development Consultants**  
Land Surveying, Platting, Project Management and GIS Services  
Firm Registration No. 10108800

## DESCRIPTION

### 3.8662 ACRES OR 168,411 SQUARE FEET

A TRACT OR PARCEL CONTAINING 3.8662 ACRES OR 168,411 SQUARE FEET OF LAND SITUATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 81, ABSTRACT 300, BRAZORIA COUNTY TEXAS, BEING THE RESIDUE OF RESERVE "B", FIRST AMENDING PLAT OF SOUTHGATE SECTION ONE, AS THEREOF RECORDED UNDER VOLUME 24, PAGE 123, BRAZORIA COUNTY PLAT RECORDS, CONVEYED LINGO SOUTHGATE, LTD, AS RECORDED IN BRAZORIA COUNTY CLERK'S FILE No. 01-053025, BEING DESCRIBED AS FOLLOWS WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83.

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF KIRBY DRIVE (R.O.W. WIDTH VARIES) AT THE SOUTHEAST CORNER OF A CALLED 4.8705 ACRES, CONVEYED TO CITY OF PEARLAND AS RECORDED UNDER THE BRAZORIA COUNTY CLERK'S FILE No. 2006046892, THE NORTHEAST CORNER OF SAID RESERVE "B" AND OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG SAID WEST RIGHT-OF-WAY LINE OF KIRBY DRIVE, SOUTH 31 DEGREES 10 MINUTES 45 SECONDS WEST, A DISTANCE OF 791.16 FEET TO A POINT OF CURVATURE;

THENCE, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 1,850.00 FEET, HAVING A CENTRAL ANGLE OF 10 DEGREES 36 MINUTES 37 SECONDS, AN ARC LENGTH OF 342.59 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 25 DEGREES 52 MINUTES 27 SECONDS WEST, 342.10 FEET TO A NORTHEAST CORNER OF LOT 1, BLOCK 1, ALVIN INDEPENDENT SCHOOL DISTRICT HIGH SCHOOL #3, AS RECORDED UNDER PLAT No. 2013051008, BRAZORIA COUNTY PLAT RECORDS, AND THE SOUTHEAST CORNER THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID LOT 1 AND SAID RESIDUE OF RESERVE "B", SOUTH 89 DEGREES 59 MINUTES 30 SECONDS WEST, A DISTANCE OF 20.19 FEET TO THE SOUTHEAST CORNER OF DRAINAGE RIGHT-OF-WAY OF BRAZORIA COUNTY DRAINAGE DISTRICT #4 DITCH A-124-05-00 AS RECORDED UNDER VOLUME 24, PAGE 123, BRAZORIA COUNTY PLAT RECORDS, BRAZORIA COUNTY PLAT RECORDS, AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 375.41 FEET TO THE SOUTH CORNER OF RESTRICTED RESERVE "C" OF SAID FIRST AMENDING PLAT OF SOUTHGATE SECTION ONE AND A WEST CORNER OF SAID RESERVE "B" AND OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID RESTRICTED RESERVE "C" AND RESERVE "B", NORTH 31 DEGREES 10 MINUTES 45 SECONDS EAST, A DISTANCE OF 712.15 FEET TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT

THENCE, ALONG COMMON BOUNDARY LINE OF SAID CALLED 4.8705 ACRES AND SAID RESERVE "B", SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 210.39 FEET TO THE PLACE OF BEGINNING CONTAINING 3.8662 ACRES OR 168,411 SQUARE FEET OF LAND, JOB No. 52910-ZONE-EXB PREPARED BY WINDROSE LAND SERVICES.

  
MIKE KURKOWSKI  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION No. 5101



02-15-16  
DATE

# PARCEL MAP FROM CITY OF PEARLAND WEBSITE

15-FEB-2016

The screenshot shows a GIS web application interface. On the left, a 'Layers' panel is visible, containing a tree view with 'Capital Projects', 'Planning Layers', and 'Zoning'. Under 'Zoning', several categories are listed with corresponding color swatches: BP-288, C-MU, G/O-MU, GB, GC, M-1, M-2, MF, MH, NS, OP, OT-GB, OT-MU, OT-R, PUD, R-1, R-1 CLUSTER, R-2, R-3, R-4, RE, SD, SP1, SP2, SP3, SP4, and SBS. The main map area displays a parcel map with various zoning overlays. A yellow hatched area is highlighted, and an 'Identify Results' window is open on the right, showing a table of data for the selected parcel. The table has two columns: 'Name' and 'Value'. The data is as follows:

Name	Value
land_state_cd	
LegalDescr	ABST - 300 SUBD - SouthGate Sec 1 Tract - RES B
legal_desc	
prop_id	
py_addr_city	
py_addr_country	
py_addr_line1	
py_addr_line2	
py_addr_state	
py_addr_zip	
py_owner_name	
situs_city	
situs_num	
situs_street	
situs_street_prefix	
situs_street_suffix	
situs_unit	
situs_zip	

At the bottom of the application, there is a status bar with the following information: 'Tool: Identify > Brazoria Parcels 2015', 'X: 3113483.90, Y: 13765274.45, Longitude: -95.3980, Latitude: 29.5503', and a scale of '1: 2,284'. There is also a 'Clear' button in the bottom right corner of the 'Identify Results' window.

# PROPERTY COVERED UNDER BRAZORIA COUNTY APPRAISAL DISTRICT PROPERTY ID 548783

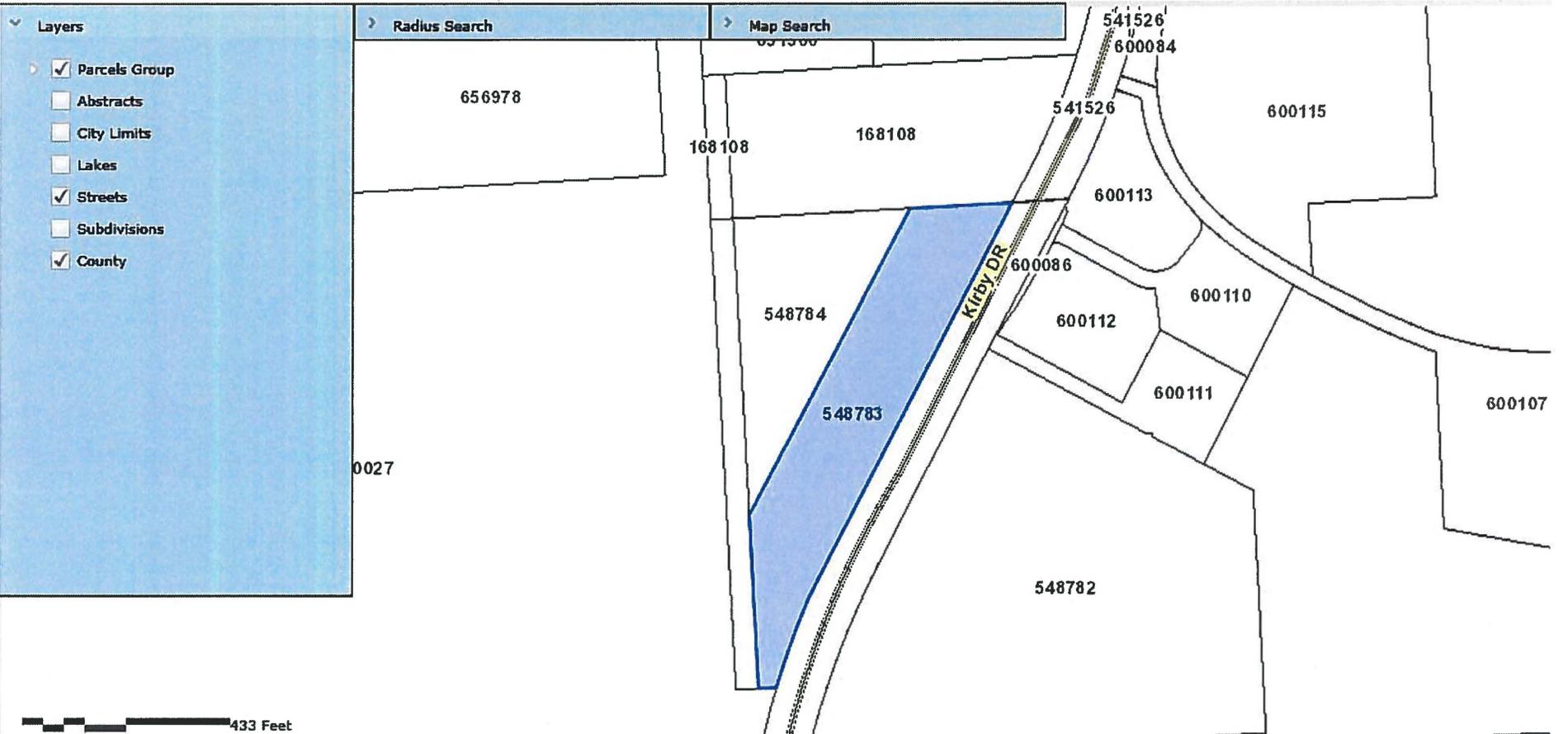
Brazoria CAD

Property

[Property Search Results](#) > Property ID 548783 LINGO SOUTHGATE LTD for Year 2016

[Details](#) [Map](#)

<b>Account</b> Property ID: 548783 Geo. ID: 7713-1000-001 Type: Real Legal Description: SOUTHGATE SEC 1 (A0300 HT&B) (PEARLAND) LOT RESERVE B (RESIDENTIAL) ACRES 3.723	<b>Location</b> Situs Address:  Neighborhood: SOUTHGATE Mapsc: Jurisdictions: PMMD2, GBC, SAL, CAD, CPL, DR4, JAL, RDB	<b>Owner</b> Owner Name: LINGO SOUTHGATE LTD Mailing Address: , PO BOX 3217, PEARLAND, TX 77588	<b>Prop Appra</b>
--	---	---	-------------------



- Layers
- Parcels Group
  - Abstracts
  - City Limits
  - Lakes
  - Streets
  - Subdivisions
  - County

Radius Search      Map Search



**Windrose Land Services**

3200 Wilcrest, Suite 325

Houston, Texas 77042

Phone (713) 458-2281 Fax (713) 461-1151

**Professional Development Consultants**

Land Surveying, Platting, Project Management and GIS Services

Firm Registration No. 10108800

February 16, 2016

City of Pearland  
Planning Department  
3519 Liberty Drive  
Pearland, TX 77581  
(281) 652-1740

**Re: Letter of Intent to Rezone Called 3.8662 Acres, being the residue of Unrestricted Reserve B, First Amending Plat of SouthGate Section One, Vol. 24, Pg. 123, Brazoria County Map Records, situated in the H.T. & B.R.R. Company Survey, Abstract No. 300, located on the west side of Kirby Drive approximately 1,500 feet south of the intersection with W. Broadway Street, City of Pearland, City Limits, Brazoria County, Texas.**

To Whom It May Concern:

On behalf of and as the duly authorized representative of the record owner of the above referenced property, Lingo Southgate, LTD (the "Owner"), Windrose Land Services (the "Applicant") hereby requests that the City of Pearland rezone the subject property from RE (Single-Family Estate District), R-2 (Single-Family Residential-2 District) with COD (Corridor Overlay District) to GC (General Commercial District) with COD and CUP (Conditional Use Permit). The Owner desires the requested CUP zoning in order to enable the development of a self-storage facility on the property.

The property is located on the west side of Kirby Drive approximately 1,500 feet south of W. Broadway Street, just across from the southernmost entrance to the Pearland Town Center. The site is bordered by Pearland Fire Station No. 5 to the north, a Brazoria County Drainage District No. 4 storm water channel to the west, Kirby Drive to the east (across from Pearland Town Center and an amenity storm water detention pond for Southgate Section 1), and by the entrance to Shadow Creek High School to the south(west). The owner is applying for a GC District zoning with a conditional use permit to allow for the construction of a self-storage facility. The property is currently zoned for residential use; however, residential use is no longer the highest and best use for this property. The unique physical characteristics of this site, in combination with its location on Kirby Drive near predominant commercial and institutional uses constitute a change in land use conditions and provide more than adequate justification for the zoning change. The site itself is only 180 feet deep and could not provide the double-stacked residential lot configuration, including a dedicated public street, to make the area viable for single-family residential development. The alternative would be fronting residential lots on Kirby Drive, which is extremely disruptive and inconsistent with the institutional and commercial traffic in the immediate area. Kirby Drive is rated as a secondary thoroughfare on Pearland's Major Thoroughfare Plan and has a high-volume of traffic during peak and non-peak travel times. The proposed self-storage use will have a minimal effect on the surrounding traffic pattern as the occupancy level and associated trips per day per customer are extremely low (as the customers make infrequent trips to the facility). Additionally, the owner's proposed development is aesthetically compatible with the surrounding uses and is consistent with the Public/Semi-Public designation in the City's Future Land Use Plan. Regarding infrastructure, the site has immediate access to water and sanitary sewer infrastructure and the on-site storm sewer infrastructure will be provided that is consistent with abutting roadway and storm sewer systems. Finally, the development will meet all of the aesthetic requirements and other development regulations in both the GC District and the City's Corridor Overlay District, along with any conditions set forth which the City deems reasonable and in concert with the site plan and elevation renderings provided.

Sincerely,  
  
Andrew Allemand, A.I.C.P.  
Director of Planning  
Windrose Land Services, Inc.



- Any other information which may be requested by the Planning Department to fully evaluate and review the application and the potential impact of a proposed tower or antenna.

**h. Posting of Notification Signs on Property Under Consideration for a Conditional Use Permit (CUP)**

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

Such sign(s) shall be located as follows:

1. One (1) sign per street frontage shall be located within thirty (30) feet of the abutting street, or as determined by the City.
2. So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
3. So as not to create a hazard to traffic on the public rights-of-way abutting the property.
4. On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
5. The signs shall be as follows:
  - A minimum sign size of two (2) feet by three (3) feet, but no larger than four (4) feet by four (4) feet
  - At least two (2) feet above the ground
  - Blue or black lettering that is a minimum of 3 inches by ½ inch, on a white background
  - Message content as follows:

**PROPOSED CUP**  
**Contact City of Pearland**  
**281.652.1765**

Signs must be professionally made; handwritten signs are not allowed.

Signs must be freestanding and cannot be attached to a tree, fence, or building.

I hereby acknowledge that notification signs will be posted on-site in accordance with the regulations outlined above.

 Applicant's Signature	<u>ANDREW ALLEMANT</u> Applicant's Printed Name	<u>15 FEB 2016</u> Date
--	--	----------------------------

2015 TAX STATEMENT



RO'VIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515

**Certified Owner:**

LINGO SOUTHGATE LTD  
 PO BOX 3217  
 PEARLAND, TX 77588

**Legal Description:**

SOUTHGATE SEC 1 (A0300 HT&B) (PEARLAND)  
 LOT RESERVE B (RESIDENTIAL) ACRES 3.723

Account No: 7713-1000-001

Appr. Dist. No.: 548783

Legal Acres: 3.7230

Parcel Address:

As of Date: 02/16/2016

Print Date: 02/16/2016

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$9,310	\$0	\$9,310	\$9,310	\$0	\$0	\$0	\$9,310

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY <i>Amount saved by additional sales tax revenue \$9.46</i>	\$9,310		\$0.00	\$9,310	0.4260000	\$39.66
SPECIAL ROAD & BRIDGE	\$9,310		\$0.00	\$9,310	0.0600000	\$5.59
ALVIN ISD	\$9,310		\$0.00	\$9,310	1.4170000	\$131.92
ALVIN COMMUNITY COLLEGE	\$9,310		\$0.00	\$9,310	0.2040090	\$18.99
BRAZORIA DRAINAGE DIST 4	\$9,310		\$0.00	\$9,310	0.1555000	\$14.48
PEARLAND MUNICIPAL MANAG	\$9,310		\$0.00	\$9,310	0.1000000	\$9.31
CITY OF PEARLAND	\$9,310		\$0.00	\$9,310	0.7053000	\$65.66

Total Tax: \$285.61  
 Total Tax Paid to date: \$285.61  
 Total Tax Remaining: \$0.00

**Exemptions:**

**AMOUNT DUE IF PAID BY:**

02/29/2016 7%	03/31/2016 9%	05/02/2016 11%	05/31/2016 13%	06/30/2016 15%	08/01/2016 18 + up to 20%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
08/31/2016 19 + up to 20%	09/30/2016 20 + up to 20%	10/31/2016 21 + up to 20%	11/30/2016 22 + up to 20%	01/02/2017 23 + up to 20%	01/31/2017 24 + up to 20%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**School Information:**

ALVIN ISD 2015 M&O 1.0400000 I&S .37700000 Total 1.4170000 2014 M&O 1.0400000 I&S .37700000 Total 1.4170000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.1.62

Print Date: 02/16/2016

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

RO'VIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515  
 (979) 864-1320, (979) 388-1320, (281) 756-1320

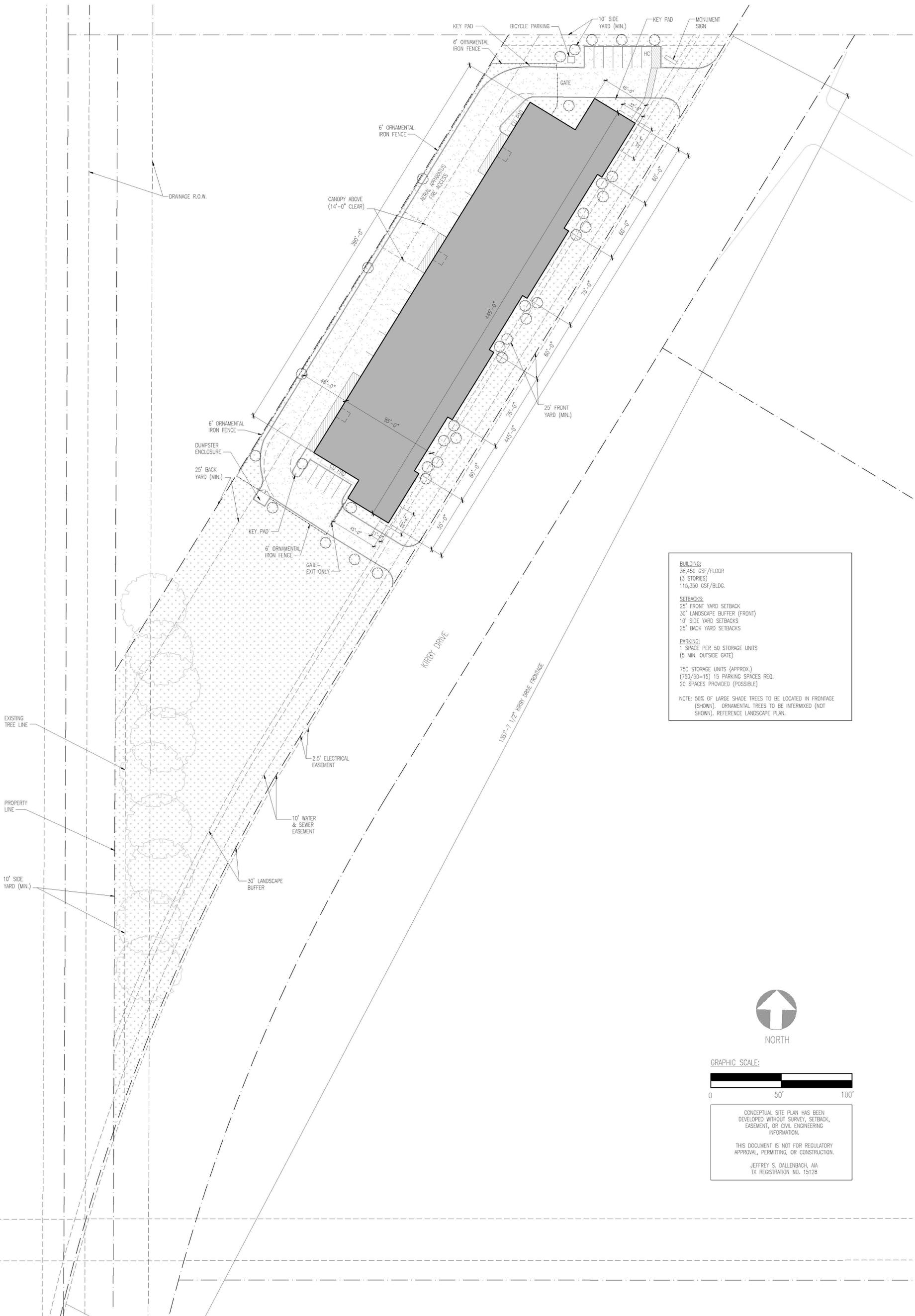


7713-1000-001  
 LINGO SOUTHGATE LTD  
 PO BOX 3217  
 PEARLAND, TX 77588

AMOUNT PAID:

\$ \_\_\_\_\_

77131000001 2015 022016 0000000000 0000000000 0000000000 1



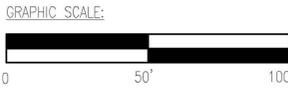
**BUILDING:**  
 38,450 GSF/FLOOR  
 (3 STORIES)  
 115,350 GSF/BLDG.

**SETBACKS:**  
 25' FRONT YARD SETBACK  
 30' LANDSCAPE BUFFER (FRONT)  
 10' SIDE YARD SETBACKS  
 25' BACK YARD SETBACKS

**PARKING:**  
 1 SPACE PER 50 STORAGE UNITS  
 (5 MIN. OUTSIDE GATE)

750 STORAGE UNITS (APPROX.)  
 (750/50=15) 15 PARKING SPACES REQ.  
 20 SPACES PROVIDED (POSSIBLE)

**NOTE:** 50% OF LARGE SHADE TREES TO BE LOCATED IN FRONTAGE (SHOWN). ORNAMENTAL TREES TO BE INTERMIXED (NOT SHOWN). REFERENCE LANDSCAPE PLAN.



CONCEPTUAL SITE PLAN HAS BEEN DEVELOPED WITHOUT SURVEY, SETBACK, EASEMENT, OR CIVIL ENGINEERING INFORMATION.

THIS DOCUMENT IS NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

JEFFREY S. DALLENBACH, AIA  
 TX REGISTRATION NO. 15128

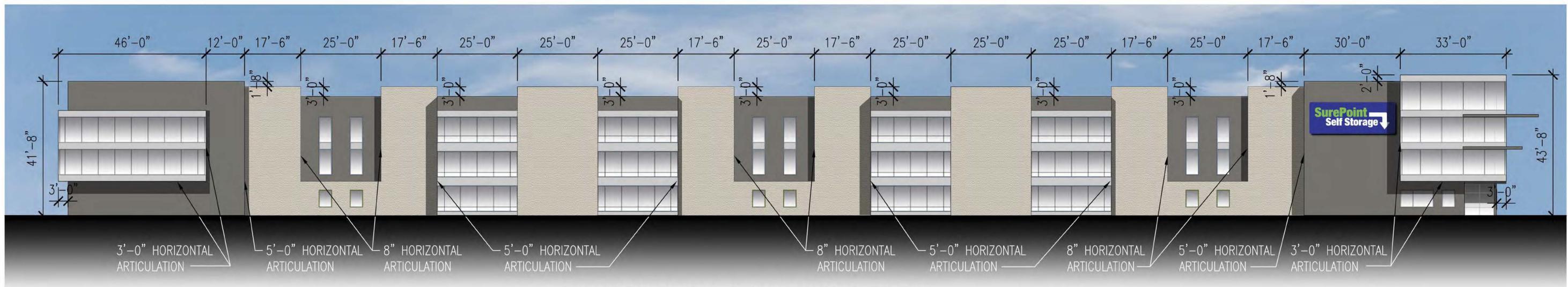
# SITE PLAN - PEARLAND STORAGE

03.11.16

SCALE: 1" = 40'-0"



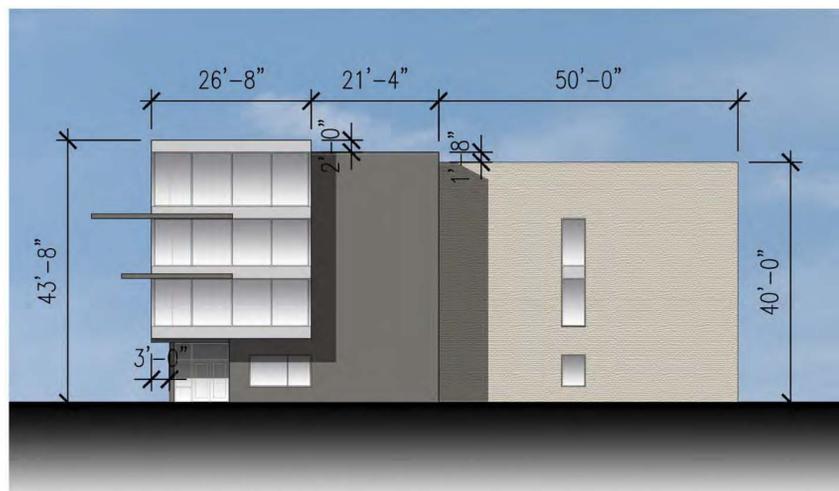
12035 COLWICK - SUITE 200 SAN ANTONIO, TX 78216  
 P 210.493. 2234



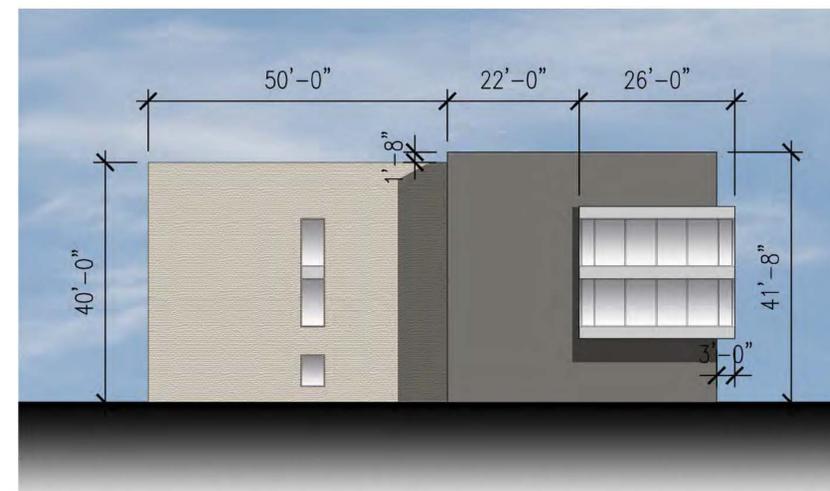
**EAST ELEVATION (FACING KIRBY DRIVE)**



**WEST ELEVATION (NOT VISIBLE FROM KIRBY DRIVE)**



**NORTH ELEVATION (VISIBLE FROM KIRBY DRIVE)**



**SOUTH ELEVATION (VISIBLE FROM KIRBY DRIVE)**

OVERLAY REQUIREMENTS	EAST	WEST	NORTH	SOUTH
TRANSPARENCY -TOTAL BUILDING	17,694 SF	14,375 SF	4,023 SF	3,940 SF
TRANSPARENCY -TOTAL GLAZING	4,687 SF	203 SF	906 SF	509 SF
GLAZING PERCENTAGE PROVIDED	26.4%	1.4%	23%	13%
PERCENTAGE ABOVE REQ. GLAZING	2%	1.4%	23%	13%

**NOTES:**

1. 25% GLAZING REQUIRED IN FRONT FACADE (EAST ELEVATION)
2. NO GLAZING REQUIRED ON SIDES AND BACK (WEST, NORTH, SOUTH ELEVATION)

**PEARLAND STORAGE: OVERLAY REQUIREMENTS (TRANSPARENCY/ ARTICULATION)**

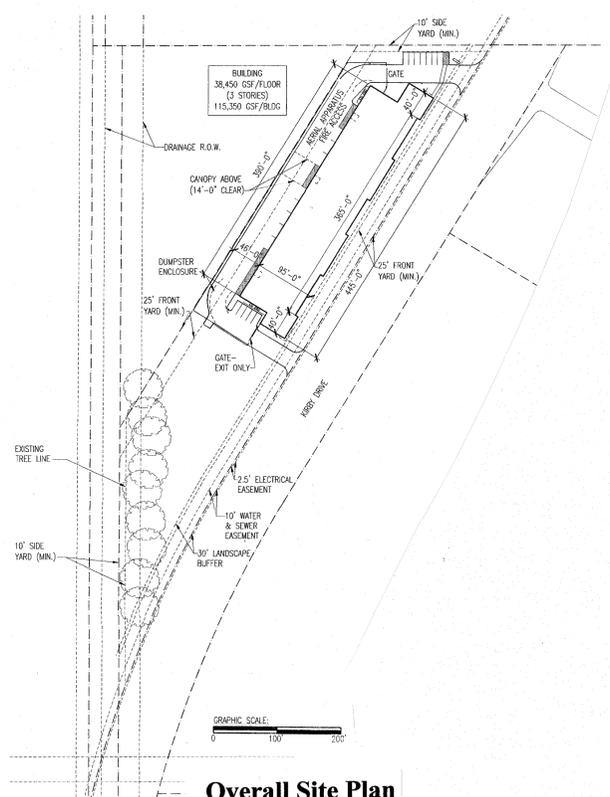
03.11.16

SCALE: N.T.S.

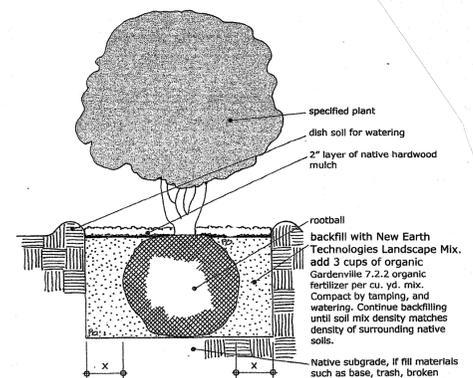
LANDSCAPE HAS BEEN LEFT OFF ELEVATIONS IN ORDER TO SHOW BUILDING. LANDSCAPE WILL BE DESIGNED PER REQUIRED CORRIDOR OVERLAY DISTRICT ORDINANCE. REFERENCE LANDSCAPE PLAN.



12035 COLWICK - SUITE 200 SAN ANTONIO, TX 78216  
P 210.493. 2234



**Overall Site Plan**



plant	x
trees greater than 6" cal.	15"
trees 3" cal. to 6" cal.	12"
trees less than 3" cal.	9"
specimen shrubs	9"
10, 15, 20 gal. plants	9"
3.5, 7 gal. plants	6"
1, 2 gal. plants	6"

**Typical Plant Installation**  
Not to Scale

**Laying Grass Sod.** If topsoil is required, it shall be laid to the depth and finished grades as shown on the drawings (see Topsoil notes). Then the fine grade surface shall be raked or dragged to achieve a "tabletop" surface prior to installing sod. Sod shall be laid with off-setting joints and shall completely cover all grass areas. All sod shall be watered immediately after installation and maintained in a healthy, vigorous growth state until accepted. All sod shall be placed the day of delivery. No sod remaining on pallets or otherwise left un-installed or un-watered over 24 hours will be accepted. Sod shall be rolled with an acceptable roller a minimum of one time and as often as needed to achieve a smooth acceptable lawn. Any dry or dead patches shall be removed and replaced immediately. Where breaks, un-level areas, or open joints occur, fine grain washed sand shall be used to top-dress the lawn surface.

**Maintenance of Installed Plantings:**  
All installed plant materials (trees, shrubs, groundcovers, perennials, florals, grass, etc.) shall be maintained by the landscape contractor until accepted by the Owner. Maintenance shall include watering, weeding, fertilizing, pruning, etc. At the time of final acceptance, all plant materials shall be alive, in a healthy state of growth and meeting size requirements as specified on the drawings as well as normal horticultural practice standards. Any diseased, dead or partially dead plants shall be immediately replaced. All plantings shall be guaranteed for one year from the date of final acceptance.

**Plant Materials Schedule**

item	common name	scientific name	specifications
<b>Shade Trees:</b>			
GUM	Sweet Gum	Liquidambar styraciflua	4" cal., 14' - 18' tall, 7'-8' sprd., BB/CT
LOB	Loblolly Pine	Pinus taeda	4" cal., 14' - 18' tall, 7'-8' sprd., BB/CT
WOK	Water Oak	Quercus nigra	4" cal., 14' - 18' tall, 7'-8' sprd., BB/CT
ARB	American Arborvitae	Thuja occidentalis Nigra	3" cal., 10' - 13' tall, BB/CT
RC	Red Crapeyrtle	Lagerstroemia in. red	3" cal., 10' - 13' tall, BB/CT
WC	White Crapeyrtle	Lagerstroemia in. white	3" cal., 10' - 13' tall, BB/CT
YAU	Yaupon Holly	Ilex vomitoria	3" cal., 8' - 10' tall, BB/CT
HCZ	Hino-Crimson Azalea	Azalea sp. Hino-Crimson	24" tall, 5 gallon
SWZ	Snow White Azalea	Azalea sp. Snow White	18" tall, 5 gallon
AJ	Asiatic Jasmine	Trachelospermum asiaticum	1 gallon @ 15" o.c.
DAY	Yellow Daylily	Hemerocallis sp. Yellow	1 gallon
TIF	Tif 419 Bermudagrass	Cynodon dactylon Tif 419	solid sod

**City of Pearland Landscape Ordinance Compliance**

**Required Trees:** (approximate street frontage = 1,357 lin. Ft.)  
 Large trees:  $1,357 \div 10/\text{inch cal.} = 136$  inches caliper req'd. = 36 - 4" trees  
 Ornamental trees:  $1,357 \div 15/\text{inch cal.} = 91$  inches caliper req'd. = 31 - 3" trees  
 (Note: 2" caliper trees required, all planned trees exceed minimum requirements)

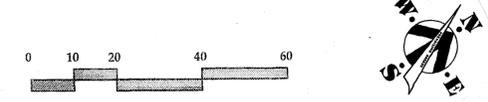
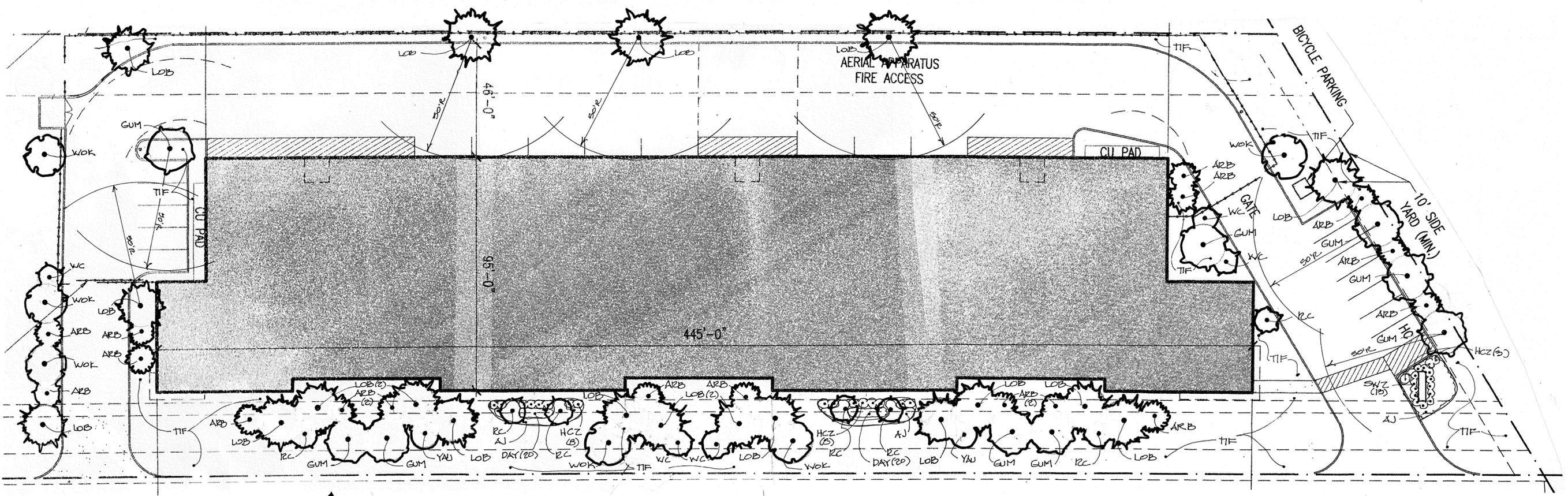
type tree	total site required	actual planned	street front req'd. (50%+)	street front planned	street evergreens req'd. (60%of frnt.)	street evergreen planned
Large Shade	34	34	17	19	10	12 (70.5%)
Ornamental	31	31	16	18	10	10 (60.0%)

**Parking Trees:** All parking spaces are within 50' of a planned shade tree

**Parking Screening from Street:** All parking spaces are screened by either shrubs or structure

**Note:** Although not required, decorative shrubby, perennials and groundcovers are utilized to enhance street frontage view

An Automatic Irrigation System will be designed and installed for this project



**Landscape Plan**



## City of Pearland Landscape Ordinance Compliance

**Required Trees:** (approximate street frontage = 1,357 lin. Ft.)

Large trees:  $1,357 \div 10'/\text{inch cal.} = 136$  inches caliper req'd. = 36 - 4" trees

Ornamental trees:  $1,357 \div 15'/\text{inch cal.} = 91$  inches caliper req'd. = 31 - 3" trees

(Note: 2" caliper trees required, all planned trees exceed minimum requirements)

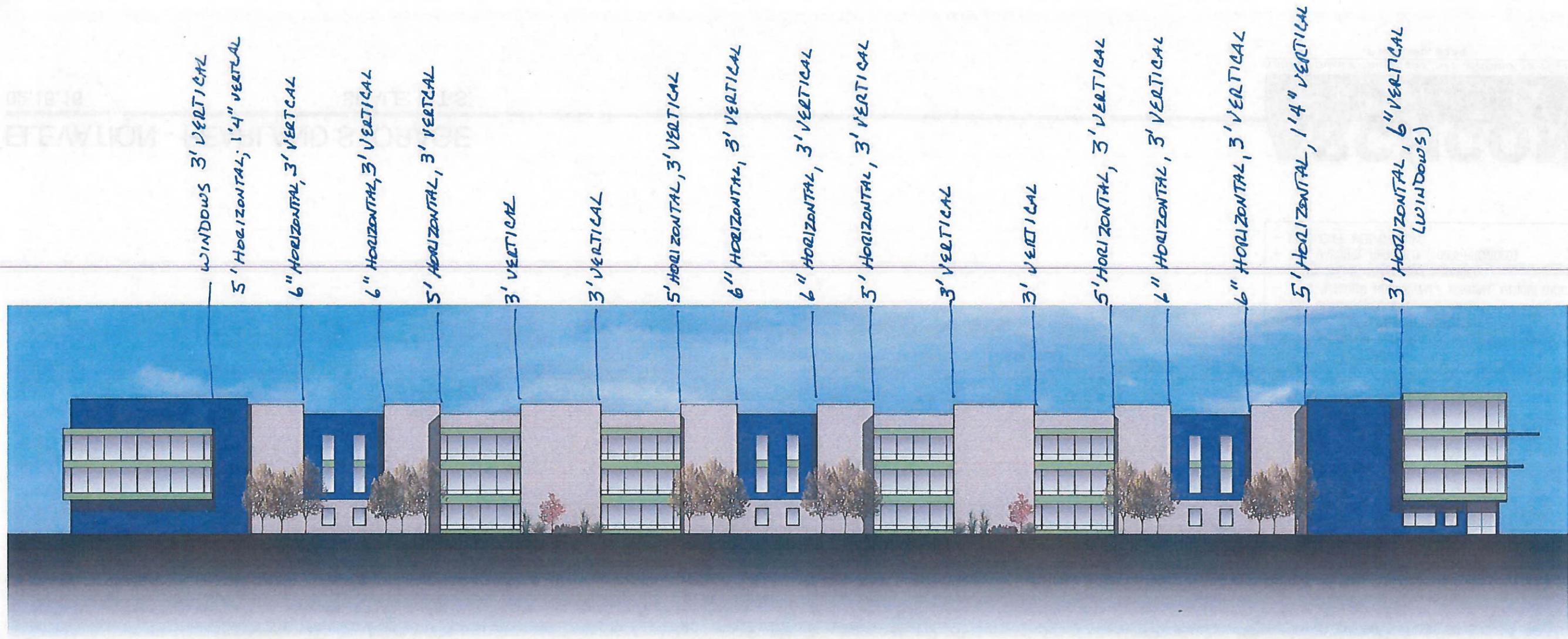
type tree	total site required	actual planned	street front req'd. (50%+)	street front planned	street evergreens req'd. (60%of frnt.)	street evergreen planned
Large Shade	34	34	17	19	10	12 (70.5%)
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WINDOWS 3' VERTICAL  
 5' HORIZONTAL, 1'4" VERTICAL  
 6" HORIZONTAL, 3' VERTICAL  
 6" HORIZONTAL, 3' VERTICAL  
 5' HORIZONTAL, 3' VERTICAL  
 3' VERTICAL  
 3' VERTICAL  
 5' HORIZONTAL, 3' VERTICAL  
 6" HORIZONTAL, 3' VERTICAL  
 6" HORIZONTAL, 3' VERTICAL  
 3' HORIZONTAL, 3' VERTICAL  
 3' VERTICAL  
 3' VERTICAL  
 5' HORIZONTAL, 3' VERTICAL  
 6" HORIZONTAL, 3' VERTICAL  
 6" HORIZONTAL, 3' VERTICAL  
 5' HORIZONTAL, 3' VERTICAL  
 5' HORIZONTAL, 1'4" VERTICAL  
 3' HORIZONTAL, 6" VERTICAL  
 (WINDOWS)

BUILDING  
 ARTICULATION  
 FACING KIRBY

KIRBY DRIVE OVERLAY - FRONT FACADE  
 - 25% GLAZING REQUIRED/ PROVIDED  
 - 3'-0" MINIMUM HORIZONTAL/ VERTICAL ARTICULATION EVERY 25'-0" REQUIRED/ PROVIDED  
 - 75% MASONRY REQUIRED (100% PROVIDED)  
 - LANDSCAPE PER OVERLAY

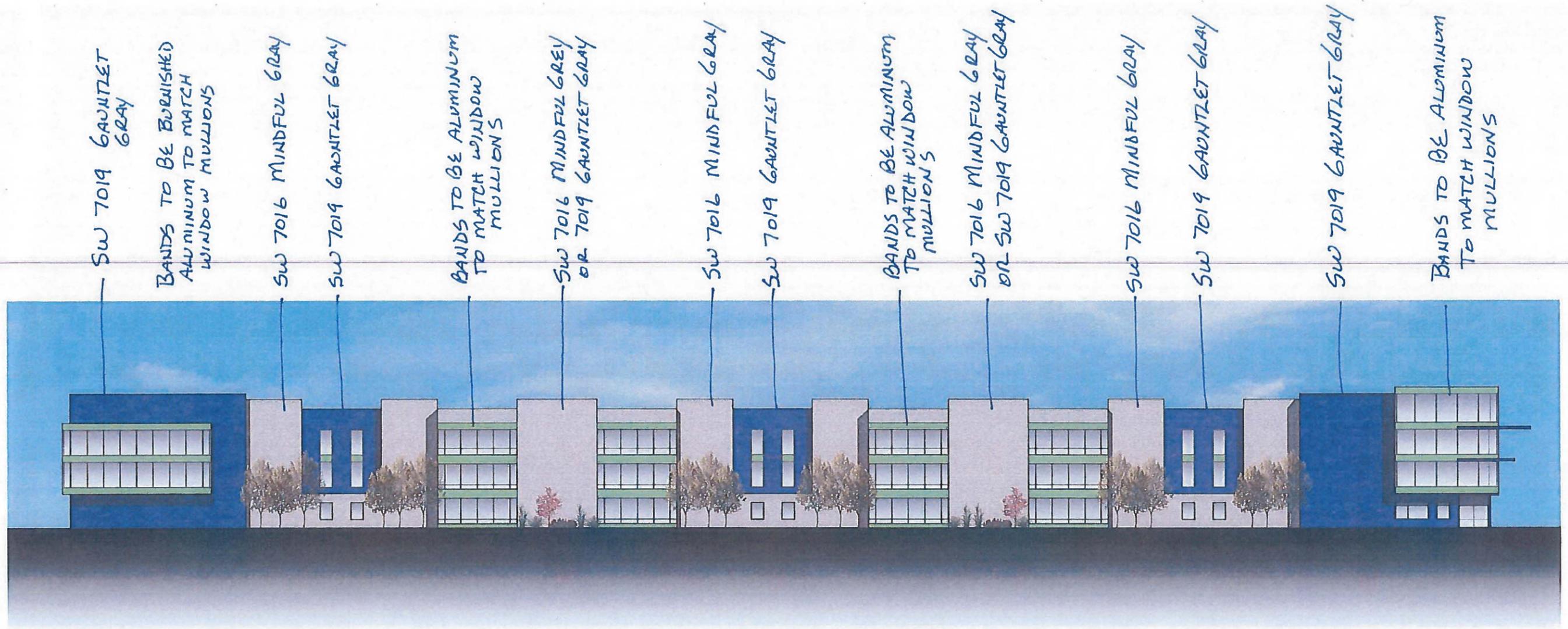
ELEVATION - PEARLAND STORAGE

02.15.16

SCALE: N.T.S.

**ARCHCON**  
 architecture

12035 COLWICK - SUITE 200 - SAN ANTONIO, TX 78216  
 P 210.493.2234



COLORS TO CLOSELY MATCH  
CORRIDOR OVERLAY DISTRICT  
APPROVED COLOR PALLETTE

KIRBY DRIVE OVERLAY - FRONT FACADE  
 - 25% GLAZING REQUIRED/ PROVIDED  
 - 3'-0" MINIMUM HORIZONTAL/ VERTICAL ARTICULATION EVERY 25'-0" REQUIRED/ PROVIDED  
 - 75% MASONRY REQUIRED (100% PROVIDED)  
 - LANDSCAPE PER OVERLAY

ELEVATION - PEARLAND STORAGE

02.15.16

SCALE: N.T.S.



12035 COLWICK - SUITE 200 SAN ANTONIO, TX 78216  
P 210.493. 2334

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

<b>AGENDA OF:</b> April 11, 2016	<b>ITEM NO.:</b> Ordinance No. 2000M-144				
<b>DATE SUBMITTED:</b> March 29, 2016	<b>DEPT. OF ORIGIN:</b> Planning				
<b>PREPARED BY:</b> Frankie Legaux	<b>PRESENTOR:</b> Lata Krishnarao				
<b>REVIEWED BY:</b> Matt Buchanan	<b>REVIEW DATE:</b> April 4, 2016				
<p><b>SUBJECT:</b> Ordinance No. 2000M-144 - An ordinance of the City Council of the City of Pearland, Texas, approving a <b>amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas</b>, for the purpose of changing the classification of certain property a tract of land containing 48.471 acres of land situated in the James Hamilton Survey, Abstract No. 881 in Harris County and Abstract No. 747 in Brazoria County, Texas. Said 48.471 acre tract is in Lot 5 of the Subdivision of the John Hamilton Survey as recorded in Volume 83, Page 342 in the Harris County Deed Records and is that same 48.4712 acre tract of land described in a deed to Amegy Mortgage Company, L.L.C. as recorded in Clerk's File No's 20100132332 and 20100235353 in the Harris County Clerk's Office. <b>(Located at the southwest corner of SH 288 and Spectrum Boulevard, Pearland, TX.)</b> Zoning Change No 2015-14Z, a request of Patti Joiner of Knudson LP., applicant; on behalf of American Modern Green (Houston) LLC, owner; for approval of a change in zoning from the Planned Development (PD) zoning district known as Modern Green Ivy, to a Planned Development (PD) zoning District known as Ivy District; on approximately 48.471 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.</p>					
<p><b>ATTACHMENTS:</b> Ordinance No. 2000M-144 and Exhibits (Exhibit A- Legal Description; Exhibit B – Vicinity map; Exhibit C – Legal Ad; Exhibit D – Planning and Zoning Recommendation Letter; Exhibit E – PD Document); Joint Public Hearing Packet (03.28.16)</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 change in zoning from Modern Green Ivy Planned Development (PD) zoning district on approximately 48.471 acres, to replace the Ivy District Planned Development (PD) zoning district that was approved in 2014.

The proposed project will be an urban mixed use development with multi-family, retail, offices, and hotel uses. The development will also include a gated townhome development and a public open space adjacent to Clear Creek. Of the 48.5 acres, approximately 16.05 acres will be dedicated for lakes, detention, open space, and tree planting. Wide sidewalks and streetscape features will be installed along each block to encourage pedestrian activity. A pedestrian bridge will be constructed across Clear Creek to provide access to the City’s trail system. Access to the site will be provided to the northern boundary of the tract from South Spectrum Boulevard and to the eastern boundary from the frontage road on the west side of SH 288. The PD is proposed as an “urban walkable, mixed-use development,” with the following three major components:

1. **The Highway Commercial component** will encompass a total of 9.65 acres in two areas: a 5.65 acre parcel north of Clear Creek and a 4.0 acre parcel south of Clear Creek. The 5.65 acre parcel that fronts SH 288, South Spectrum Boulevard, and Clear Creek will either have a minimum of 224,000 square feet of office or 144,000 square feet of office and 100,000 square feet of hotel/conference center. The 4.0 acre parcel south of Clear Creek that fronts SH 288 could include offices, commercial uses, restaurants or recreational area or any use allowed in the Allowed Land Uses Table C.1 under Highway Commercial.
2. **The Urban Neighborhood/Commercial Transitional component** will encompass approximately 17.8 acres, and will include housing and Continuing Care Retirement Community (CCRC). The housing will encompass 46 townhomes, 142 condominiums, 335 multi-family apartments with associated amenities. The CCRC is designed for senior citizens and will include a total of 224 units, with the following breakdown – 146 independent living units, 78 assisted living and memory care units, with rehabilitative services, personal care services, social spaces, restaurant, and dining space. This area will also include some neighborhood retail spaces on the first floor (21,200 square feet minimum) and a 0.3 acre civic space that will include “pedestrian-friendly elements, landscaping, public art opportunities, and fountains”. The retail and civic space will be centered along Parkview Terrace. This component includes a parking garage with over 1,300 parking spaces.

**Housing Breakdown**

Townhomes	46
Condominiums	142
Multi-family apartments	335
<b>Total</b>	<b>523 units</b>

<b>CCRC</b>	
Independent living units	146
Assisted living	34
Memory care units	44
<b>Total</b>	<b>224 units</b>

3. **The Clear Creek Open Space component** will incorporate 16.05 acres of open space and parkland including a wet detention with fountains. The previous plans discussed at the workshop included a clubhouse, pool and a 350 square foot deck over water for a fishing pier, which have been removed from the current proposal. Public open space will extend along Clear Creek for recreational purposes, with trails connecting to all surrounding districts, streets, and the City's trail system. The cost of amenities is estimated by the applicant to be approximately 2.8 million dollars, including some landscaping, sidewalks and lighting that would be required in other developments.

**RECOMMENDATION:** Staff recommends approval with conditions (listed below) of the request to change the zoning of the approximately 48.471 acre site from Modern Green PD to Ivy District PD for the following reasons:

1. This site is located in the Lower Kirby District that is governed by the Lower Kirby Urban Center (LKUC) Development Code, in the Comprehensive Plan. The LKUC supports a high density, mixed use, livable center concept for this area. The change in zoning will be in conformance with the Comprehensive Plan, as the proposed PD provides a variety of residential options, active and passive recreational opportunities, and commercial and office areas, in a pedestrian friendly, walkable setting with high design standards. This development will serve as a catalyst for future mixed use developments in the Lower Kirby area, especially in conjunction with the retail/commercial development being contemplated north of this site.
2. The plan creates a network of open spaces that takes into consideration the natural environment while providing a range of passive and active recreational opportunities. These recreational opportunities are created by a wide variety of spaces ranging from large parks to neighborhood scaled green, urban squares, plazas and gardens. The open space is interconnected by a network of trails, sidewalks, and paths for both pedestrians and bicyclists. The proposal provides 16.05 acres of open space, 2.67 acres more than the required amount.
3. The PD proposes amenity and pedestrian improvements that exceed the City's requirements. The UDC requires parkland dedication at one acre per 50 units or \$750 per unit, which would equal \$501,750.00. The proposed PD, as shown in Table H-5, lists the proposed amenities and pedestrian improvements.

4. The proposed PD is in conformance with the UDC. The PD Districts are intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts. The proposal supports a balanced mix of land uses, a wider range of residential options to meet the “life cycle” housing needs of current and future Pearland residents, and enhancements to open spaces and building design, that exceed the requirements of a conventional zoning district.
5. Staff recommends the following conditions be place on the approval of Ivy District PD:
  - a. The applicant shall enter into a Development Agreement with the City for off-site infrastructure and Clear Creek open space; and
  - b. Applicant shall address staff’s “Outstanding Comments on PD – dated March 16, 2016.”

**PUBLIC NOTIFICATION:** A Joint Public Hearing was conducted on March 28, 2016. 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.

Of the 13 property owners within the 200 foot notice area, no “Public Comment Forms” regarding this request were returned in favor or opposition to the request. Staff received one phone call inquiring about the request.

At the Joint Public Hearing meeting no one spoke in favor or against the request.

**PLANNING AND ZONING COMMISSION DISCUSSION:** At the regular meeting of the P&Z Commission on March 28, 2016, Commissioner Mary Starr made a motion to recommend approval of Zone Change Application No. 2015-14Z, Commissioner Selsky seconded the motion. The motion passed with conditions recommended by staff by a vote of 6-1. Chairman Tunstall voted against the motion and Vice-Chair Duncan, Commissioners Pradia, Isenberg, Starr, McFadden and Selsky all voted in favor of the motion.

## **Ordinance No. 2000M – 144**

An ordinance of the City Council of the City of Pearland, Texas, approving a **amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas**, for the purpose of changing the classification of certain property a tract of land containing 48.471 acres of land situated in the James Hamilton Survey, Abstract No. 881 in Harris County and Abstract No. 747 in Brazoria County, Texas. Said 48.471 acre tract is in Lot 5 of the Subdivision of the John Hamilton Survey as recorded in Volume 83, Page 342 in the Harris County Deed Records and is that same 48.4712 acre tract of land described in a deed to Amegy Mortgage Company, L.L.C. as recorded in Clerk's File No's 20100132332 and 20100235353 in the Harris County Clerk's Office. **(Located at the southwest corner of SH 288 and Spectrum Boulevard, Pearland, TX.)** Zoning Change No 2015-14Z, a request of Patti Joiner of Knudson LP., applicant; on behalf of American Modern Green (Houston) LLC, owner; for approval of a change in zoning from the Planned Development (PD) zoning district known as Modern Green Ivy, to a Planned Development (PD) zoning District known as Ivy District; on approximately 48.471 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.

**WHEREAS**, Patti Joiner of Knudson LP., applicant; on behalf of American Modern Green (Houston) LLC, owner; is requesting approval of a change in zoning from the Planned Development (PD) zoning district known as Modern Green Ivy, to a Planned Development (PD) zoning District known as Ivy District; on approximately 48.471 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 28<sup>th</sup> day of March 2016, 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 28<sup>th</sup> day of March 2016, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed change in zoning from the Planned Development (PD) zoning district known as Modern Green Ivy, to a Planned Development (PD) zoning District known as Ivy District; on approximately 48.471 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 April 2016 and the 25<sup>th</sup> day of April 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 Patti Joiner of Knudson LP., applicant; on behalf of American Modern Green (Houston) LLC, owner; for approval of a change in zoning from the Planned Development (PD) zoning district known as Modern Green Ivy, to a Planned Development (PD) zoning District known as Ivy District; on approximately 48.471 acres of land; 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 Planned Development (PD) zoning district known as Modern Green Ivy, is hereby granted a change in zoning to a Planned Development (PD) zoning District known as Ivy District,

subject to all requirements of the PD 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 PD Document attached hereto for all purposes as Exhibit “E” for all purposes, such property being more particularly described as:

**Legal Description:** a tract of land containing 48.471 acres of land situated in the James Hamilton Survey, Abstract No. 881 in Harris County and Abstract No. 747 in Brazoria County, Texas. Said 48.471 acre tract is in Lot 5 of the Subdivision of the John Hamilton Survey as recorded in Volume 83, Page 342 in the Harris County Deed Records and is that same 48.4712 acre tract of land described in a deed to Amegy Mortgage Company, L.L.C. as recorded in Clerk’s File No’s 20100132332 and 20100235353 in the Harris County Clerk’s Office.

**General Location:** Southwest corner of SH 288 and Spectrum Boulevard, Pearland, TX

**Conditions:**

- a. The applicant shall enter into a Development Agreement with the City for off-site infrastructure and Clear Creek open space; and
- b. Applicant shall address staff’s “Outstanding Comments on PD – dated March 16, 2016.”

**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 April, 2016.

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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 April, 2016.

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TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

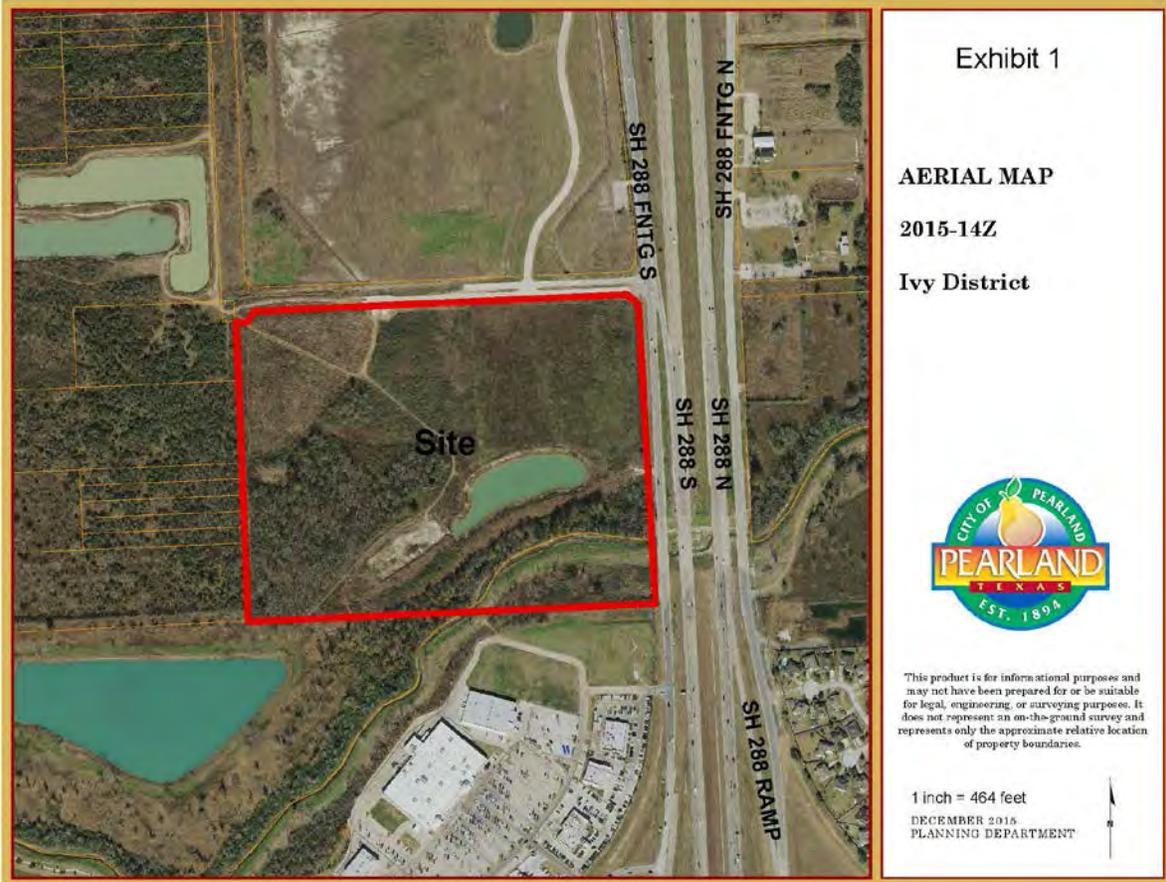
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DARRIN M. COKER  
CITY ATTORNEY

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

A tract of land containing 48.471 acres of land situated in the James Hamilton Survey, Abstract No. 881 in Harris County and Abstract No. 747 in Brazoria County, Texas. Said 48.471 acre tract is in Lot 5 of the Subdivision of the John Hamilton Survey as recorded in Volume 83, Page 342 in the Harris County Deed Records and is that same 48.4712 acre tract of land described in a deed to Amegy Mortgage Company, L.L.C. as recorded in Clerk's File No's 20100132332 and 20100235353 in the Harris County Clerk's Office.

## 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**

**ZONE CHANGE APPLICATION NUMBER: 2015-14Z**

Notice is hereby given that on March 28, 2016, 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 Patti Joiner of Knudson LP., applicant; on behalf of American Modern Green (Houston) LLC, owner; for approval of a change in zoning from the Planned Development (PD) zoning district known as Modern Green Ivy, to a Planned Development (PD) zoning District known as Ivy District; on approximately 48.471 acres of land, to wit:

A tract of land containing 48.471 acres of land situated in the James Hamilton Survey, Abstract No. 881 in Harris County and Abstract No. 747 in Brazoria County, Texas. Said 48.471 acre tract is in Lot 5 of the Subdivision of the John Hamilton Survey as recorded in Volume 83, Page 342 in the Harris County Deed Records and is that same 48.4712 acre tract of land described in a deed to Amegy Mortgage Company, L.L.C. as recorded in Clerk's File No's 20100132332 and 20100235353 in the Harris County Clerk's Office.

General Location: Southeast corner of SH 288 and Spectrum Boulevard, 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.

Frankie Legaux  
City Planner

**Exhibit D**  
**Planning and Zoning Commission Recommendation Letter**



## Planning & Zoning Commission

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Recommendation Letter

March 29, 2016

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

Re: Recommendation on Zoning Change Application 2015-14Z

Honorable Mayor and City Council Members:

At their regular meeting on March 28, 2016, the Planning and Zoning Commission considered the following:

A request of Patti Joiner of Knudson LP., applicant; on behalf of American Modern Green (Houston) LLC, owner; for approval of a change in zoning from the Planned Development (PD) zoning district known as Modern Green Ivy, to a Planned Development (PD) zoning District known as Ivy District; on approximately 48.471 acres of land, to wit:

**Legal Description:** a tract of land containing 48.471 acres of land situated in the James Hamilton Survey, Abstract No. 881 in Harris County and Abstract No. 747 in Brazoria County, Texas. Said 48.471 acre tract is in Lot 5 of the Subdivision of the John Hamilton Survey as recorded in Volume 83, Page 342 in the Harris County Deed Records and is that same 48.4712 acre tract of land described in a deed to Amegy Mortgage Company, L.L.C. as recorded in Clerk's File No's 20100132332 and 20100235353 in the Harris County Clerk's Office.

**General Location:** Southwest corner of SH 288 and Spectrum Boulevard, Pearland, TX

Commissioner Mary Starr made a motion to recommend approval of Zone Change Application No. 2015-14Z, Commissioner Selsky seconded the motion. The motion passed with conditions recommended by staff by a vote of 6-1. Chairman Tunstall voted against the motion and Vice-Chair Duncan, Commissioners Pradia, Isenberg, Starr, McFadden and Selsky all voted in favor of the motion.

Sincerely,

*Frankie Legaux*

Frankie Legaux  
City Planner  
On behalf of the Planning and Zoning Commission

*DRAFT*

*IVY District*  
*a planned development*



AMERICA MODERN GREEN  
DEVELOPMENT(HOUSTON),LLC

## i - Ivy District

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America Modern Green (AMG) is a Pearland-based, US subsidiary of global developer, *Modern Land of China* a publicly traded company based in Hong Kong, which has developed over 10 million square feet of property internationally. AMG is best known for focusing on the development of large and comfortable communities. The subject property has gone through several issues of ownership, bankruptcy and market impacts since 2011 when they acquired the original 48.5 acre tract.

One of the issues that have precluded this project from being initiated was the inability of AMG to secure financing for many of the intended uses of the land development program, outlined in the previous PD. In the previous PD, the development program, which was prepared by an out of state consultant, did not fully recognize or address the current/future market conditions or the ability to provide reasonably financeable infrastructure and amenities.

AMG admits their first acquisition in the US was not executed as they intended and as a result are submitting this revised PD that addresses a more sustainable and financeable development plan and program. In addition, AMG has retained the services of local land development and planning professionals with a proven track record of land development projects in Pearland.

AMG's vision for this property is much clearer and realistic today and has brought on a local development partner. SUEBA USA is headquartered in Houston and has been led by John Chiang and Klaus Keller over the last 30 years. SUEBA USA is responsible for developing over 40 residential communities and commercial projects since its inception.

One of the leading transformational projects was the annexation and ultimate development of MUD 355, Lakes of Parkway Project. This 345-acre Houston in-city MUD resulted in over \$630MM in new real property values since inception in 1995. SUEBA USA was a critical partner with Kickerillo Companies to create this mixed-use community.

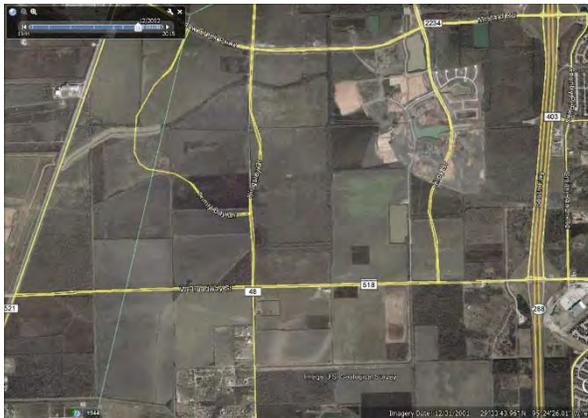
The partnership of AMG and SUEBA will insure the proposed PD for Ivy District will meet the vision of both the City and the developers. Therefore, the proposed PD amendment is meant to insure that mutual acceptable implementation plan can be constructed over the next ten (10) years.

### ***Surrounding Planning and Development Factors:***

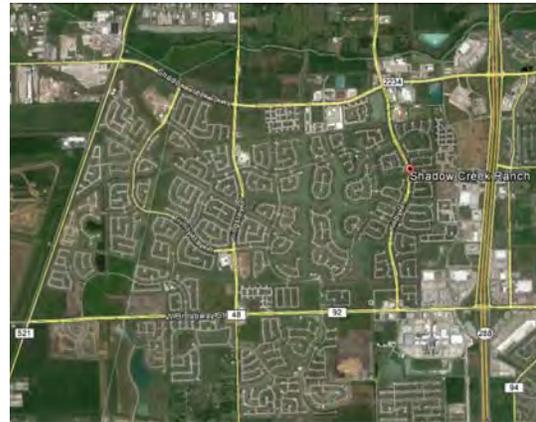
- *In 2006, Pearland constructed the extension of Kirby Drive from the South Belt to Shadow Creek Ranch Parkway which was instrumental in opening up tracts of land fronting on the South Belt for development and providing an alternative to the SH-288 corridor to Houston.*
- *The City has supported re-zoning efforts for tracts near the Ivy District. This rezoning has allowed the city to experience the successful development of approximately 130 acres of light industrial related industries over the last 9 years:*
- *The area surrounding the Ivy District site will also benefit from the 2007 creation of the Lower Kirby Management District to finance much needed infrastructure for the area. In addition, the District will:*

- (1) Promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;
- (2) Provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory and provide possible developer reimbursement for the infrastructure to accelerate the needed improvements;
- (3) Promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty;
- (4) Provide for water, wastewater, and drainage needs of the district; and
- (5) Provide for recreational facilities, sports arenas, and other athletic facilities.

- Pearland has experienced explosive growth, in large part due to the Shadow Creek Ranch Development and the businesses that have been located to Pearland to serve this major residential development. Prior to development of the 4,000 acre master planned community, the taxable value of this vacant land was negligible. A mere 16 years later Shadow Creek Ranch (TIRZ 2), has averaged an increase in assessed value per parcel of \$216,333 and also includes new revenue from new sales and Hotel Occupancy Tax.



**Figure i.1 – Shadow Creek Ranch (1999)**



**Figure i.2 – Shadow Creek Ranch (2015)**

# A - Introduction

## A. Description of the Subject Property:

The Ivy District property is a 48.5-acre site generally located on the west side of State Highway 288 (SH-288), east of Kirby Drive, south of South Spectrum Boulevard, and north of Fruge Road, within the City of Pearland (City), Harris County, Texas.

The site is predominantly undeveloped grassland and scattered wooded areas with Clear Creek running through the southeast corner. There are two partially constructed detention ponds on the east side of the site of approximately 4.0 acres, just south of Clear Creek. Access to the Ivy District is from South Spectrum Boulevard on the northern boundary of the tract and an access driveway on the SH-288 frontage road. A significant portion (17 acres) of the site falls within the Floodway.



## B. Description of the Proposed Development:

Ivy District envisions a walkable, mixed-use plan that includes townhouse residential, senior living, general office and hotel, retail and multi-family land uses. The tract of land is nestled on the far southern edge of Harris County with a southern boundary along Clear Creek. Approximately 4.0 Acres of the development is South of Clear Creek and is located in Brazoria County. Of the 48.5 acres, approximately 16.05 acres is dedicated for lakes, detention, open space and tree planting, while another 4.0 acres has development constraints due to the floodplain issues. The net developable acreage is approximately 31 acres. To put this into perspective, the *City Centre* Development, in Houston Texas (W. Beltway 8 and I-10) encompasses approximately 40 acres.

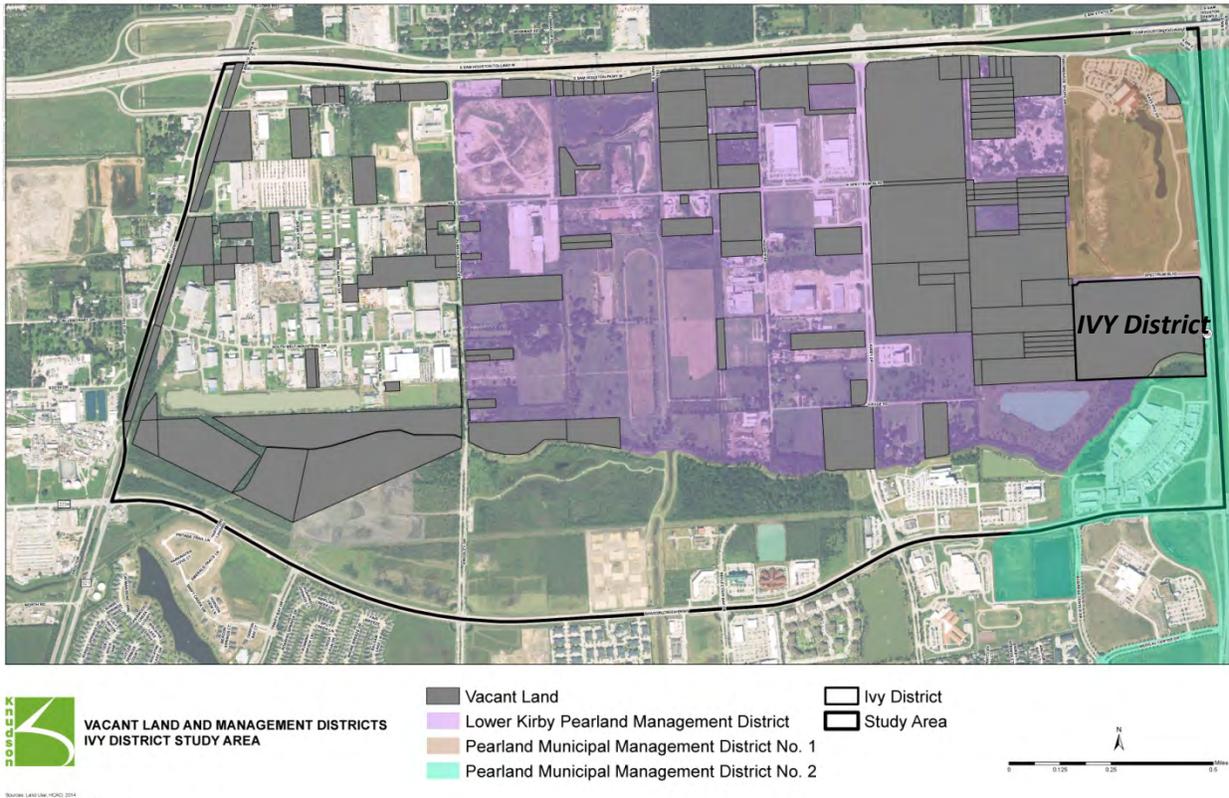
The Ivy District is mostly isolated from surrounding developed properties with the exception of an access point along SH 288. The future Kirby Drive expansion will allow access to Shadow Creek Ranch via Kirby Drive. The Ivy District will be developed a small intimate, mixed use development. This walkable development will be bordered by public open space, including the 16.05 acre open space bordering Clear Creek. Wide, comfortable sidewalks and streetscape features will be installed along each block face to encourage pedestrian activity. The existing 16.05 acre open space will included amenity ponds, trails, and other recreational features. Pedestrian linkages to the Lower Kirby Management District property to the south of the site will also be included for even more recreation opportunity.

## C. Description of the Area

A majority of the Ivy District is located within Harris County, while a small 4.0 acre tract is located within Brazoria County. This tract is zoned to Houston Independent School District. The entire development is located within the City of Pearland limits. The Ivy District is located approximately 2 miles from the heart of Shadow Creek Ranch. A portion of this site is located within the Lower Kirby Management District. The area land uses are also outlined in Figure B.1. While some recent developments in the area have broken ground, the majority of the surrounding parcels still remain vacant, see Figure A.2.

This area has been a high priority for the City over the last 20 years. The City and Districts have agreed that infrastructure improvements are critical to opening up this of vacant land for future development. According to the City of Pearland's recent ***FYI 2016 Proposed Budget Report***, Tool Flo Manufacturing will invest \$36M for their 80,000 SF headquarters/manufacturing facility which will employ approximately 188 employees.

Mitsubishi Heavy Industries (MHI) will open their facility with 180,000 SF office and manufacturing space as well as begin expanding to an additional 85,000 square foot warehouse. The Lower Kirby District also began working on the first phase of regional detention system. In addition, the City, PEDC and the Lower Kirby Management District will work on the reconstruction of Hooper Road in the fall of 2015 and as well as planning for the extension of South Spectrum Drive.



**Figure A.2 – Vacant Land and Management Districts (as of 2014)**

## D. Applicability:

### **Division 2 – Application for Planned Development (PD) District**

#### **Pearland UDC - Section 2.2.2.1 Purpose, Applicability, Nature and Size of District**

- (a) *Purpose. The purpose of an overlay planned development zoning district ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Design Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD Districts are intended to implement generally the goals and objectives of the City's Comprehensive Plan. PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts.*
- (b) *Applicability. A PD district may only be established in one of the following circumstances:*
- (3) *The land is proposed for development as a mixed-use development or a traditional neighborhood development requiring more flexible and innovative design standards;*
  - (7) *The land is of such a character that it is in the community's best interest to encourage high quality development through flexible development standards to further the goals and objectives of the City's Comprehensive Plan;*
- (Source: Pearland Unified Development Code)**

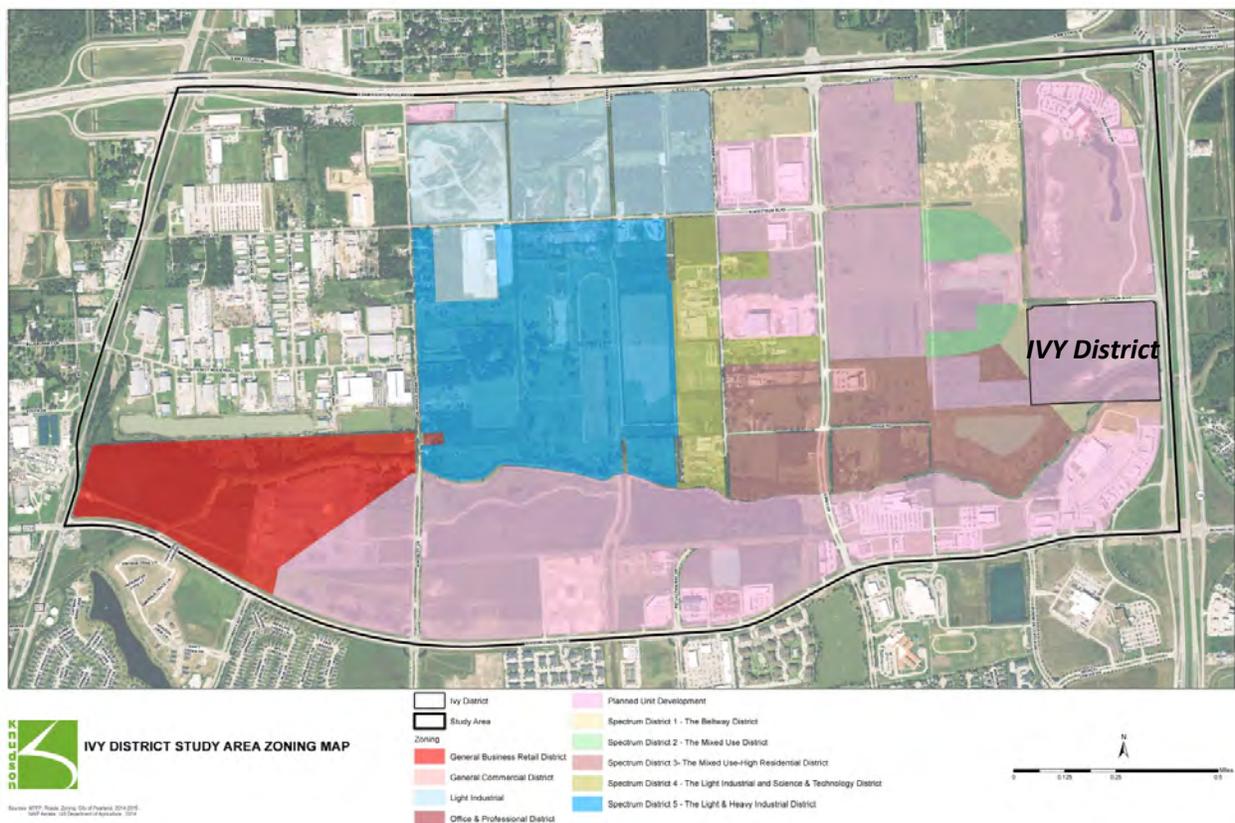
# B - Zoning and Land Use:

## A. Relationship to the Base Zoning District

The Ivy District site was previously zoned for another PD that was not implemented. The Ivy District site is also comprised of three separate Character Zones, outlined in the **Lower Kirby Urban Center Master Plan**, which the City recently incorporated into its Comprehensive Plan. The three Character Zones within the Ivy District's boundary are *Commercial Transition*, *Highway Commercial* and *Urban Neighborhood*. The intended character of development with the proposed Lower Kirby District Master Plan are generally similar to the Ivy District; therefore standards from the Lower Kirby District Master Plan that match the zoning and design plan for Ivy District have been incorporated into this PD.

In consideration of all of the above factors, The Ivy District PD will establish a new PD zoning district that will replace the current PD zoning district and be governed by development regulations, design controls, and administrative and other requirements established in this PD document. Figure B.1, below, illustrate the boundaries of the Ivy District superimposed on the City's Zoning Map.

**Figure B.1** – City of Pearland Zoning Map (2015)



## **B. Influence of the Proposed Lower Kirby District**

The planning and design of the Ivy District was influenced by the vision for the Lower Kirby Urban Center Plan, and the basis and template for this PD document was the "Proposed Form-based Code for Lower Kirby Urban Center," dated November 17, 2011

The Lower Kirby Plan establishes five 'Character Zones,' three of which are designated for the land within the Ivy District site the following is a summary description of those Character Zones:

### **1. Urban Neighborhood**

The Urban Neighborhood Zone is illustrated on Figure B.2. The Urban Neighborhood consists primarily of a residential fabric. The area is intended to have a mix of small apartments, townhomes and live-work units with commercial activity concentrated at street intersections and along the Clear Creek frontage.

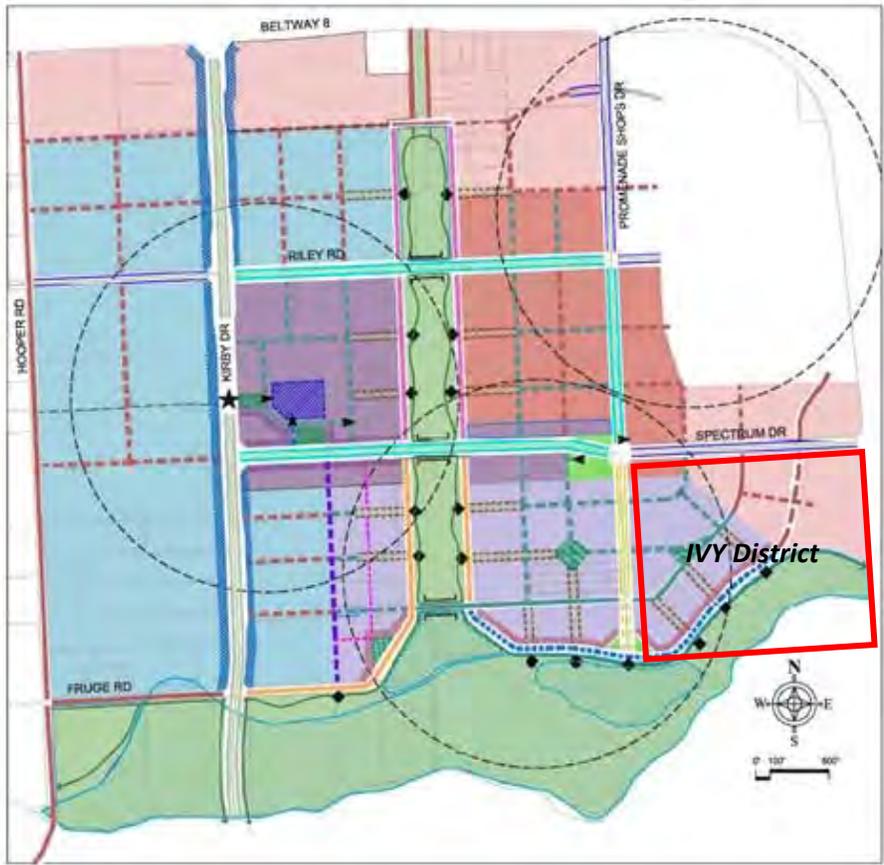
### **2. Highway Commercial**

Highway Commercial is intended to provide an appropriate transition in the Lower Kirby Urban Center from the Beltway 8 and SH 288 access roads. This area is intended for regional office and retail development.

### **3. Commercial Transition**

A proposed promenade transects this area as a major public open space for the master plan. The land uses for this zone include low density, high end multi-family units with first floor retail along the frontage of South Spectrum Drive. The introduction of first floor retail will accommodate neighborhood scale retail and restaurants as a transition from the Highway Commercial.

In addition to the Character Zones described above, the Lower Kirby plan also designates Clear Creek and the land within its floodway in the southeast corner of the Ivy District site as required open space. The Ivy District Plan proposes to provide 16.05 acres of open space, trails, water elements and landscape.



**Appendix B**

LEGEND	
<b>CHARACTER ZONES</b>	<b>FRONTAGE TYPES</b>
<ul style="list-style-type: none"> <li>Mixed Use Core</li> <li>Urban Neighborhood</li> <li>Commercial Transition</li> <li>Highway Commercial</li> <li>Research/Tech Campus</li> </ul>	<ul style="list-style-type: none"> <li>Kirby Drive Frontage</li> <li>"Main Street" Frontage</li> <li>"Promenade" Frontage</li> </ul>
<b>TYPE 'A' STREETS</b>	<b>OPEN SPACE</b>
<ul style="list-style-type: none"> <li>Kirby Drive</li> <li>BV-114-70 (Urban Boulevard)</li> <li>AV-94-48 (2-Lane Avenue)</li> <li>"Neighborhood Tributary" - ROW varies - refer to street sections</li> <li>ST-81-29 (Urban Greenway St)</li> <li>ST-53-29 (Neighborhood Greenway St)</li> <li>ST-62-36 (Urban Neighborhood Street - Type A)</li> <li>Waterfront Promenade</li> <li>Pedestrian Passage</li> </ul>	<ul style="list-style-type: none"> <li>Required Regional Detention / Floodway</li> <li>Designated Floodway</li> <li>Recommended water feature</li> <li>Recommended Regional Detention</li> <li>Required Open Space</li> <li>Recommended Open Space</li> </ul>
<b>TYPE 'B' STREETS</b>	<b>SPECIAL CONDITIONS</b>
<ul style="list-style-type: none"> <li>AV-82-44 (Avenue)</li> <li>ST-82-36 (Urban Neighborhood Street - Type B)</li> <li>RD-44-22 (Service/Access Road)</li> <li>Existing Street</li> </ul>	<ul style="list-style-type: none"> <li>Recommended Civic Use</li> <li>Proposed Light Rail stop</li> <li>Required Vista Terminus</li> <li>Recommended access point to Greenway</li> <li>Special Bridge Design</li> <li>Approximate parcel line</li> <li>1/2 Mile Radius Pedestrian Shed</li> <li>Bike/ped-way</li> </ul>
<p>NOTE: For all street types, a dashed line denotes a recommended street, a solid line denotes a required street</p>	

**LOWER KIRBY URBAN CENTER REGULATING PLAN**  
 City of Pearland, Texas FINAL DRAFT - June 24, 2011

**Figure B.2 – Lower Kirby District Regulating Plan**

## C. Proposed Ivy District

The proposed Ivy District encompasses 48.5 acres. The proposed mix use development is anticipated to be developed in one continuous phase. The utility and roadway infrastructure will be constructed initially with the vertical construction and amenity improvements following directly behind. The infrastructure improvements will be built in accordance with the City's Requirements. The proposed land uses are consistent with the Lower Kirby Character Zones described above. In addition, the properties surrounding Clear Creek and also located in the floodway are proposed to be preserved as open space with trails and amenities in support of this unique walkable mixed use community. For ease of description and because the Lower Kirby Regulating Plan bisects this 48.5 acre tract, we will use modified classifications of the three sub-districts of Lower Kirby Plan and one new residential sub district to characterize the proposed Districts for this development.

### 1. Ivy District Highway Commercial Sub-district (HC)

This sub-district encompasses 9.65 acres of the overall development. This sub district is generally located at the corner of SH 288 and Spectrum Blvd. This Sub-district will have a variety of uses, consisting of retail, office, hotel, and a mix of residential uses including senior living, and luxury condominiums. Required open space will also be incorporated into the overall 48.5 acre area. This Sub-district, fronts along the 288 and south along South Spectrum Drive adjoining a promenade of open space, public art and walkable connections to the Urban Neighborhood Zone as well as connections to the open space features along Clear Creek. As a smaller development, the goal is to treat each block face for both the Highway Commercial and Urban Neighborhood Zones with well-lit sidewalks, shade and street furniture that invite the residents and visitors alike. The streetscape envisioned will also link a prominent civic space at the community clubhouse/restaurant and pool to form of a public square that will be center piece of master plan. This Sub-district combines characteristics of the Lower Kirby "Highway Transition" and "Commercial Transition" zones.

A small 4.0 acre tract south of Clear Creek will be included within the Highway Commercial Zone. The planned use for this tract will be a small commercial building and its parking.

### 2. "Ivy District Urban Neighborhood/Commercial Transition" Sub-district (UN)

This sub district encompasses approximately 17.6 acres of the overall development. The primary use will be residential land uses with neighborhood retail located on the first floor of the high end multifamily residential dwelling units. This sub district will also contain a prominent civic space that will include pedestrian friendly elements, landscaping, public art opportunities, and fountains.

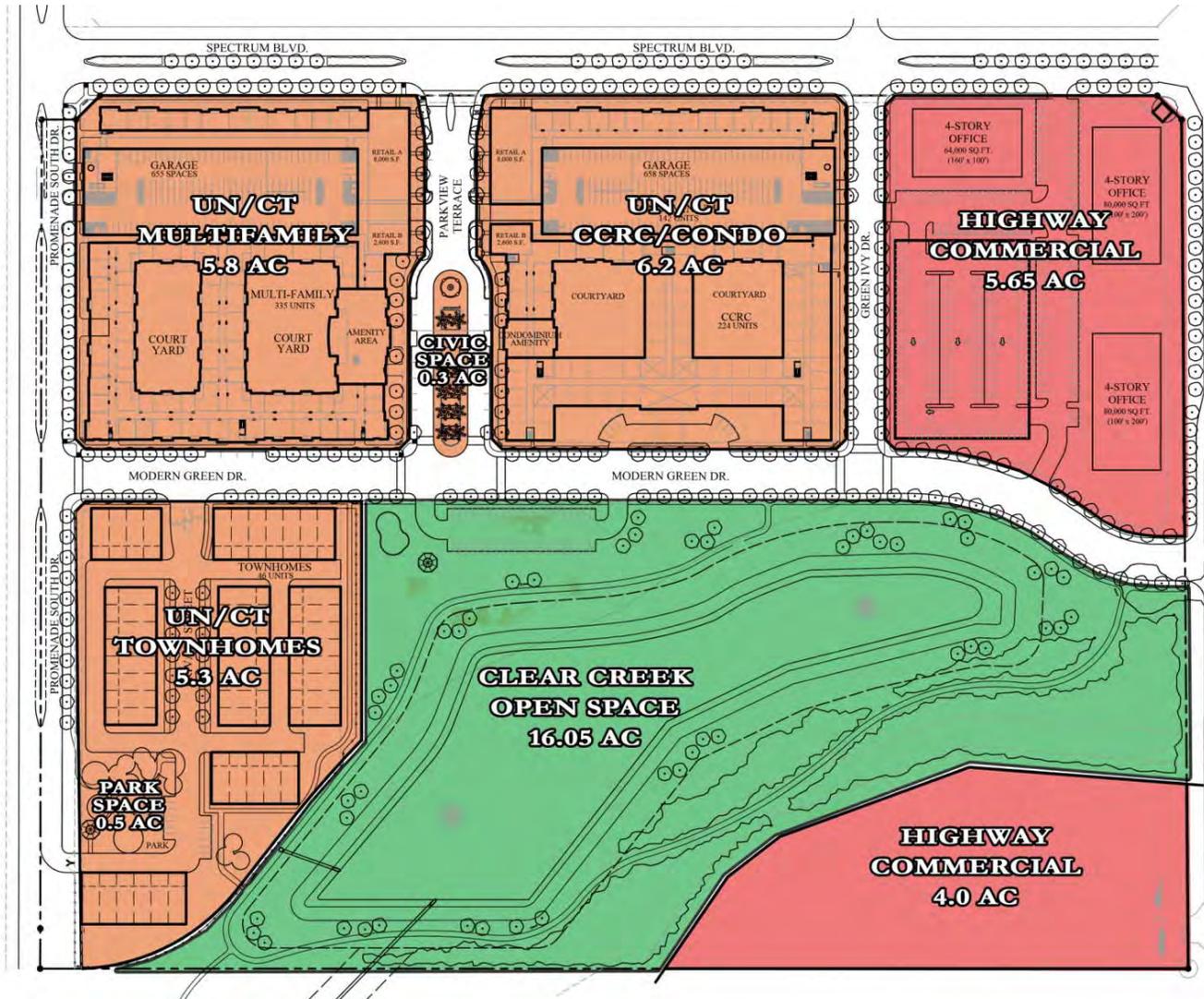
This sub district will also contain 5.3 acres of townhouse residential development. This sub district will include a gated townhouse development made up of attached, 'brownstone style' single family units with a private street configuration.

### 3. "Clear Creek" Sub-district (CC)

The Clear Creek Sub-district will be zoned for Public Open Space. This Sub-district will be developed as public open space and will be used for recreation. The area surrounding the detention pond could be developed as an amphitheatre. Land uses amenities include pedestrian trails connecting to all districts and thoroughfares

Land Use Summary Table for the 48.5 acre Plan			
Table B.1			
Use	Acres	% of Totals	Zoning District
Townhomes (With 0.5 acre park) (UN/CT)	5.30	10.9%	UN
Multi Family (with accessory Retail) (UN/CT)	5.80	12.0%	UN
Condo/CCRC (with accessory Retail) (UN/CT)	6.20	12.8%	UN
Civic Space (UN/CT)	0.30	0.6%	UH
Office/Retail/Hotel (HC)	5.65	11.6%	HC
Office/Retail/Parking (HC)	4.00	8.2%	HC
Open Space/Parkland/Detention (CC)	16.05	33.1%	CC
Thoroughfares/ROW (all sub-districts)	5.20	10.8%	UH, HC, CC,
<b>Total</b>	<b>48.5</b>	<b>100%</b>	

Figure B.3 – Acreage by Use within each Sub-District



**Development Phasing** – It is the intent of the Developer to construct all of the utility infrastructure and roadways for the entire development first. All roadways and utility infrastructure will be built to City of Pearland Standards. The Multi-Family project will be the first vertical construction to start, followed by the Condo/CCRC project and the Townhouse project. The Highway Commercial construction will begin once the Market Conditions present themselves for this work to begin.

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The Developer commits to having all amenities within the 16.05 acre open space and the 0.3 acre Civic Plaza (See Table B.1 & Figure B.3) in place before submitting for their Certificate of Occupancy. Before a Master Plat is submitted, the following documents need to be approved:

- Traffic Impact Analysis,
  - Water and Waste Water Plan,
  - Drainage Plan,
  - Signage Plan,
  - Master Lighting Plan,
  - Detailed Landscaping Plan (including species, number and caliper of trees listed)
-

# C - Permitted Uses:

## Schedule of Allowed Land Uses:

Table C.1

Land Use	Highway Commercial Sub-District (HC)	Urban Neighborhood Sub-District (UN)	Clear Creek-Sub District (CC)
<b>PRIMARY RESIDENTIAL USES</b>			
Boarding or Rooming House	NP	NP	NP
Dwelling - Four - Family (Quad-plex) (Defined Under Dwelling - Multifamily)	NP	NP	NP
Dwelling - HUD - Code Manufactured (Mobile) Home	NP	NP	NP
Dwelling - Industrialized Home	NP	NP	NP
Dwelling - Mobile Home	NP	NP	NP
Dwelling - Multiple – Family (Urban Style dwellings with internal courtyards)	NP	P	NP
Dwelling - Patio Home	NP	NP	NP
Dwelling - Single Family Detached	NP	NP	NP
Dwelling - Town House	NP	P	NP
Dwelling - Two Family House	NP	NP	NP
<b>ACCESSORY AND INCIDENTAL USES</b>			
Off-Street Parking Incidental to Residential Main Use	NP	P	NP
Off-Street Parking Incidental to Non Residential Main Use	P	P	PC
Social & Recreational Building, including homeowners association neighborhood Recreation centers	P	P	NP
Off-site Detention Facility	NP	NP	P
On-site Detention Facility	NP	NP	P
Gasoline Station	NP	NP	NP
<b>ENTERTAINMENT &amp; RECREATIONAL USES</b>			
Commercial Amusement, Indoor	P	NP	NP
Commercial Amusement, Outdoor	P	NP	NP
Dinner Theatre	P	NP	NP
Gaming Establishment	NP	NP	NP
Park and/or Playground (Private)	NP	P	P
Park and/or Playground (Public; Municipal)	P	P	P
Private Club	NP	P	NP
Recreation Center (Private, For Profit)	P	P	NP
Swimming Pool, Commercial	P	NP	NP
Swimming Pool, Private (Use Only By Resident)	P	P	NP
Temporary Outdoor Amusement/Activity	P	P	PC
Tennis or Swim Club (Private, For Profit)	NP	NP	NP

Temporary Food Truck or Concessionaire Parking	NP	P	P
<b>AUTOMOBILE USES</b>			
Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity	P	P	NP
<b>OFFICE USES</b>			
Clinic, Medical or Dental	P	P	NP
Credit Agency	P	P	NP
Financial Institution (No Motor Bank Services)	P	P	NP
Financial Institution (With Motor Bank Services)	P	P	NP
Office (other than listed)	P	P	NP
Security Monitoring Company (No Outside Storage)	P	P	NP
Telemarketing Agency	P	P	NP
Automatic Teller Machine (ATM)	P	P	NP
Automobile Driving School (including Defensive Driving)	PA	NP	NP
Barber/Beauty Shop/Tanning Studio (No Related School/College)	P	P	NP
Extended Stay Motel/Hotel	P	NP	NP
Gym/Health Club (Physical Fitness; Indoors Only)	P	P	NP
Hotel/Motel	P	NP	NP
Laundromat (Self-Service Laundry)	NP	P	NP
Seamstress, Tailor or Laundry Dry Cleaning (Retail Only - Drop Off/Pick Up)	PA	P	NP
Studio or Learning Center for Fine or Performing Arts	PA	P	NP
<i>P=Permitted by Right NP=Not Permitted PC=Permitted with Criteria PA=Permitted Accessory Use</i>			

Land Use	Highway Commercial Sub-District (HC)	Urban Neighborhood Sub-District (UN)	Clear Creek-Sub District (CC)
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PERSONAL & BUSINESS USES			
Art Museum, Dealer, or Studio	PA	P	NP
Cigar, Tobacco Shop (Retail Only)	PA	P	NP
Convenience Store (Without Gasoline Sales) (3000 s.f. max)	P	P	NP
Copy/Print Shop	PA	P	NP
Department Store (Retail Only)	NP	P	NP
Food Sales On or Off Premise	P	P	NP
Garage and/or Yard Sales	P	P	NP
General Retail, other than listed	P	P	NP
Jewelry Store	P	P	NP
Market - Open Air	NP	PC	PC
Outside Display {See related regulations in applicable zoning districts}	NP	PC	PC
Restaurant (With No Drive-In or Drive-Thru Service)	P	P	NP
Tavern	P	P	NP

<b>INSTITUTIONAL AND GOVERNMENTAL USES</b>			
Assisted Living Facility	NP	P	NP
Civic Club	P	P	NP
Community/Group Home	NP	P	NP
Community or Social Buildings	NP	P	NP
Nursing/Convalescent Home	NP	P	NP
Sheltered Care Facility	NP	P	NP
<b>COMMERCIAL &amp; RELATED SERVICES</b>			
Contractor's Temporary On Site Construction Office	P	P	P
<i>P=Permitted by Right   NP=Not Permitted   PC=Permitted with Criteria   PA=Permitted Accessory Use</i>			

## D - Administration:

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This section sets forth the provisions for reviewing and approving development applications within Ivy District. The intent is to ensure that development is consistent with the provisions of this Code. All portions of this Code shall be applied during the review process.

- a. The development standards under the City of Pearland Unified Development Code (UDC), as amended, shall apply to Ivy District except as specifically referenced herein. Development standards not addressed in this ordinance shall be governed by the City of Pearland UDC to the extent they are not in conflict with the intent or text of the Ivy District Code. However, all development in the Ivy District shall also meet the standards in the International Building Code, as adopted by the city. The Base Zoning for this District is TH, MF, and GB as indicated on Section B-A
- b. Land use shall be regulated on a total acreage basis and by a finite cap on the number of dwelling units. Each land use category may be increased in acreage by up to 10%, as long as the total number of dwelling units does not exceed 822 DU (747 planned units x 10% increase). The percentage land use area change is required to assure the success of the development, based on the need to maintain the ability to modify land use categories slightly to continue to remain competitive in the real estate market. Land uses may be interchanged within the boundaries of the planned unit development provided they are in compliance subject to the above referenced 10% allowable increase.
- c. Sign Standards under Chapter 4 Site Development, Article 2, Division 5 Signage, as amended, of the City of Pearland UDC, shall not apply to Ivy District. Ivy District is following the Lower Kirby Urban Center signage standards except as specifically referenced herein.
- d. Using this Code:

The following basic steps should be followed to determine the uses and development standards applicable on property within Ivy District:

  1. Locate the subject property on the Ivy District
  2. Identify:
    - i. the sub-districts of the Ivy District;
    - ii. Streets design criteria is outlined in the PD; and,
    - iii. Any Special Frontage Requirements that may be applicable to the subject property.
  3. Review the Schedule of Allowed Land Uses
  4. Refer to **Section G** for Special Street and Setback Standards.
  5. Refer to **Section H** for Building Design Standards.
  6. Refer to **Section I** for Streetscape Standards.
  7. Refer to **Section J** for Signage Standards
  8. Refer to **Section K** for Regulating Plan.

The information from the above listed steps explains where the building will sit on the lot, the setbacks, the range of land uses, and the palette of materials. Development within Ivy District that complies with the provisions of this Code shall be approved by the City Manager or designee In addition to complying with applicable City regulations.

- e. Information Required for Development Review. The full list of required materials is included in the Ivy District development application available from the City of Pearland Planning Department. In

general, the following information is required, as applicable per Chapter 2, Article 2, Division 2 of the UDC:

- (i) Site Plan
- (ii) Building Plans and Elevations
- (iii) Landscape Plan
- (iv) Material Specifications
- (v) Plans and Specifications for Proposed Signs
- (vi) Description of Proposed Scope of Work
- (vii) Photographs of Site and Existing Conditions

f. (Not Used)

g. A request for a modification to any of the standards of this Code other than minor modifications as permitted shall be reviewed and processed as a Planned Development (PD) District per Chapter 2, Article 2, Division 2 of the City of Pearland Unified Development Code.

(1) In evaluating a Planned Development (PD) District within the Ivy District, CC and P&Z may consider the extent to which the application meets any of the following:

- i. the goals and intent of Ivy District
- ii. provides an alternative “Master Plan” approach by consolidating multiple properties to create a predictable, market responsive development for the area,
- iii. fits the adjoining context by providing appropriate transitions,
- iv. provides public benefits such as usable civic and open spaces, regional drainage, livable streets, structured or shared parking, and linkages to transit and adjoining opportunities, and
- v. does not hinder future opportunities for higher intensity, mixed use development.

h. Minor Modifications to the Ivy District Code:

The City Manager or designee shall have the authority to approve a request for minor modifications to Ivy District that:

- (1) Does not change the circulation and building location on the site;
- (2) Does not increase the building area permitted under this Code;
- (3) Does not change the relationship between the buildings and the street;
- (4) Does not allow a use not otherwise authorized in this Code;
- (5) Does not allow greater height of any building or reduction of any parking requirement established in this Code; or
- (6) Change established street cross sections per this Code.

The City Manager or designee shall also have the authority to approve minor modifications outlined in Table F.1. Any appeals to the decisions of the City Manager on minor modifications shall be heard by the City Council. Any City Council denials of minor modifications or any changes beyond those that meet the criteria above or the thresholds established in Table F.1 shall be processed as a Planned Development (PD) District application under the City of Pearland UDC.

i. Fire Code

At the time of the Master Plat application the location of the second remote access to the development that meets the adopted Fire Code standards must be shown on the Master Plat.

## E – Definitions

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In addition to Definitions in Chapter 5 of the City of Pearland UDC, the following terms shall have the corresponding interpretations. The definitions in this subsection under the Ivy District PD shall supersede definitions of any terms also in Chapter 5 of the UDC and shall only apply to development within the Ivy District.

**Alley** is a public way which is used primarily for vehicular access to the back or side of properties; the alley may be a minimum of 16 feet wide to 20 feet wide.

**Arcade** means a portion of the main façade of the building that is at or near the property line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories.

**Assisted Living Facilities Units (ALU)** are licensed facilities by the State to provide personal assistance to residents. They typically have smaller accommodations than congregate or independent living facilities, and sometimes provide small kitchenettes.

**Balcony** is a platform projecting from a second or higher story interior or exterior wall of a building, usually enclosed for privacy and protection by a rail. A balcony usually has French or sliding glass doors leading out to it, and can be entered from a living room or bedroom.

**Bioswales** are landscape elements designed to remove silt and pollution from surface runoff water. They consist of shallow, trough-like depressions with gently sloped sides (less than six percent) and filled with vegetation and/or compost. The water's flow path, along with the wide and shallow ditch, is designed to maximize the time water spends in the swale, which aids the trapping of pollutants and silt.

**Block Face Dimensions** means the linear dimension of a block along one of its street frontages.

**Block Perimeter** means the aggregate dimension of a block along all of its street frontages.

**Block** means the aggregate of lots, pedestrian passages and rear alleys, circumscribed on all sides by streets.

**Build-to Line (or building line)** means the line at which the principal building's front façade shall be built.

**Build-to Zone (BTZ)** means the area between the minimum and maximum setbacks within which the principal building's front façade (building façade line) is to be located. *See illustration indicating the location of the build-to zone relative to the minimum and maximum setbacks and the building façade line (Section G – Zoning Setbacks).*

**Building Façade Line** means the vertical plane along a lot where the portion of the building's front façade closest to the street is actually located.

**Building Form Standards** means the standards established for each Character Zone that specify the height, bulk, orientation, and elements for all new construction and development.

**Building Frontage** means the percentage of the building's front façade that is required to be located at the front Build-to Line or Zone as a proportion of the lot's frontage along that public street. (Parks,

plazas, squares, improved forecourts, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage).

**Canopy** means an awning-like projection from a wall that is made of rigid materials and is permanently attached to a building's facade and allowed to project over public sidewalks.

**City Manager** means the City Manager of the City of Pearland or his/her designee.

**Civic Space** means publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned. Building façades facing a Civic Space shall be treated as a Type 'A' Street frontage.

**Colonnade** means a row of columns extending from a building. It may either be a gallery or under a balcony or an arcade.

**Commercial or Mixed Use Building** means a building in which the ground floor of the building is built to commercial ready standards and any of the floors are occupied by non-residential or residential uses.

**Commercial Ready** means space constructed at a minimum interior height of a minimum of 12 feet which may be used for noncommercial uses and can be converted into retail/commercial use. Prior to the issuance of a certificate of occupancy for a retail/commercial use in a Commercial-Ready space, the space must comply with all building and construction codes for that use. The intent of Commercial-Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

**Comprehensive Plan** means the City of Pearland Comprehensive Plan that establishes policy guidance for the Long-term growth and development of the City as adopted on the effective date of this PD.

**Continuing Care Retirement Community (CCRC)** means any buildings specifically designed for and occupied by senior citizens (50+ years of age), designed to meet the physical or social needs of senior citizens, which may include: assisted living, congregate living, independent living or skilled nursing facilities, rehabilitative services, medical or personal care services, social gathering space, restaurant and dining space, assembly and entertainment space, or education and cultural space.

**Dwelling Unit** means one or more rooms including kitchen designed as a **unit** for occupancy by one family for the purpose of cooking, living and sleeping.

**Encroachment** means any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public R.O.W, or above a height limit.

**Façade Rhythm** means the repetition of a vertical feature, bay width or architectural element on a façade at a regular interval that provides scale and massing to a building.

**Garden (formal)** means a Public Open Space with formal landscaping intended to be a quiet, relaxing and meditative space

**Gallery** means an extension of the main façade of the building that is at or near the front property line and the gallery may overlap the public sidewalk.

**Green** means a Public Open Space intended for unstructured recreation, spatially defined by landscaping rather than building frontages

**Kiosk** means a small temporary or permanent structure often open on one or more sides used for sales in civic/open spaces Kiosks shall be limited to no more than 36 square feet of floor area.

**Live-Work Unit** means a mixed use building type with a dwelling unit that is also used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The 'work' component is usually located on the ground floor which is built to Commercial Ready standards. The 'live' component may be located on the street level (behind the work component) or any other level of the building.

Live-work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

**Living Screen** means a Street Screen composed of landscaping in the form of vegetation.

**Master Sign Plan** means a unique sign plan to implement a specific vision for a portion or all of the development.

**Minor Modification** means any changes to the Ivy District that meet the threshold criteria established as well as allowed up to 10 percent of the land uses changes without a plan amendment. See Table B.1

**Park** means a Public Open Space that is a preserve largely available for recreation and maintained by the City

**Pedestrian Passage** is an intimate street level passage way for pedestrians from the interior of one block or building to a public sidewalk. These paths provide direct pedestrian access to residential addresses and create unique spaces for frontages to engage and enter off of.

**Pedestrian/Trail Easement** means a grant of use of private property for pedestrian access and use.

**Plaza** means a primarily hardscaped civic space with formal landscaping, available for civic purposes and commercial activities. A plaza shall be spatially defined by buildings. **Playground** is a civic/ private open space designed and equipped for children's recreation. A playground may be fenced and may include an open shelter. Playgrounds may be located within residential areas and may be placed within a block. They may be included in other civic/open spaces.

**Private Open Space** means open space provided for all residential uses, privately accessible open spaces such as courtyards, porches, and balconies.

**Public Open Space** means publicly accessible open space in the form of parks, gardens, squares, plazas, greens, pocket parks, playgrounds, etc, that may be privately or publicly owned and are required by the UDC as Park Dedication.

**Recommended Civic Space** means plaza, green, square, or park area identified on the Regulating Plan which is shown as a suggested feature within the Lower Kirby Urban Center Framework Plan. A Recommended Civic Space is planned and may be adjusted to the meet the context of the development from time to time.

**Residential Building** means a building type that is built to accommodate residential and allowed mixed land uses on all floors of the building such as townhomes, senior housing, independent living, condominiums, apartment buildings, duplexes as described below: .

### **Residential Building Typology**

#### **Urban Style Dwellings with Internal Parking**

- a. Self-contained dwelling units that occupy only part of a building.
- b. Plan organization where all the dwelling units are along one side of the access corridor.
- c. Residential units surround an internal parking structure.
- d. Buildings are usually 3- to 5-stories tall and reinforce the street edge.

#### **Townhouse**

- a. A dwelling unit having a common wall with or abutting one or more adjacent buildings and neither above nor below any other dwelling unit.
- b. Dedicated front and rear access to the outside.

**Retail Sales** Retail establishments are a collection of retail stores and restaurants organized along the streets designed for Mixed Use and Highway Commercial. Establishments in stores operate as fixed point-of-sale locations, which are designed to attract walk-in customers. Retail establishments often have displays of merchandise and sell to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation. Included in, but not limited to this category, are durable consumer goods sales and service, consumer goods, other boutique grocery, food, specialty food, beverage, dairy, etc., and health and personal services.

**Service Uses** means a category for limited personal service establishments which offer a range of personal services that include (but not limited to) clothing alterations, shoe repair, dry cleaners, laundry, health and beauty spas, tanning and nail salons, hair care, etc.

**Senior Living:** see Continuing Care Retirement Community (CCRC)

**Sign, Building Blade** means a pedestrian-oriented sign that is affixed perpendicular to the corner of a building or to the front façade of a building above the ground floor to provide identification for the whole building.

**Sign, Marquee** means a sign structure placed over the entrance to a theatre or other public gathering venue. It has signage stating either the name of the establishment or the name of the event, artist, and other details of the event appearing at that venue. The marquee is often identifiable by a surrounding cache of light bulbs, usually yellow or white, that flash intermittently or as chasing lights. Marquee signs may often be combined with Building Blade signs.

**Sign, Monument** means any sign which is connected to the ground and which has no clear space for the full width of the sign between the bottom of the sign and the surface of the ground. A monument sign may include a sign face and sign structure, and may also include a sign base and sign cap.

**Sign, Sandwich Board** means a portable sign consisting of two panels of equal size, which are hinged at the top or one panel with a support and placed on the ground or pavement so as to be self supporting.

**Sign (Tenant Blade)** means a smaller pedestrian-oriented sign that is affixed perpendicular to the building façade under a canopy or awning or immediately over a tenant space and provides identification for individual tenants within a building.

**Street Screen** means a freestanding wall (masonry) or vegetative screen built along the build to zone or in line with the building façade line along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

**Street Type** means a specific designation for streets located within Ivy District that establishes a certain character and cross-sections to improve walkability within the development.

**Street Network** means the required and recommended network for new and existing streets within Ivy District

**Square** means a Public Open Space designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees.

**Tree Planting Area** means the actual ground area which is disturbed for planting a tree. It shall include the root ball and backfill soil around it. The tree planting area may be larger than the tree well which is placed over the tree planting area.

**Tree Well** means an unpaved area around the trunk of a tree within the sidewalk area that is either landscaped with ground cover or covered with a tree grate.

**Type 'A' Street** means a boulevard street identified as Spectrum Blvd and Promenade South Drive. The R.O.W. dimension for these streets will be 100 feet in width.

**Type 'B' Street** means a two way-street identified as Parkview Terrace. The R.O.W. dimension for this street will have varying widths between 76 feet and 120 feet in width. This street will also serve as main pedestrian center of the Ivy District. A large plaza between the drive lanes will serve as a pedestrian plaza and will contain streetscape features including landscaping, public art, water features, and special paving

**Type 'C' Street** means a two way-street identified as Green Ivy Drive. The R.O.W. dimension for this street will be 56 feet in width.

**Type 'D' Street** means a two way-street identified as Modern Green Drive. The R.O.W. dimension for this street will be 76 feet in width.

**UDC** – City of Pearland, Unified Development Code.

## F – Minor Modifications

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### Allowed Minor Modifications

Table F.1

#### Section 2.2.2.6 Subsequent Development Applications (Pearland UDC)

(a) **Development Applications Authorized.** The development standards for a PD district shall be applied to the authorized uses through a subdivision plat, Site Plan or one or more site development plans prepared in accordance with Section 2.2.2.8, as set forth in the adopting ordinance.

(b) **Minor Deviations from Approved Design Plan.** In determining whether development applications are consistent with the Design Plan, minor deviations from the Regulating Plan may be approved by the Planning Director. Unless otherwise specified in the adopting ordinance, minor deviations are limited to the following:

- (1) Corrections in spelling, distances, and other labeling that does not affect the overall development concept.
- (2) Changes in building position or layout that are less than ten feet (10') or ten percent (10%) in size.
- (3) Changes in the proposed property lines as long as the original stated project acreage is not exceeded.
- (4) Changes in parking layouts as long as the number of required spaces and general original design is maintained.

# G - Streets and Setbacks:

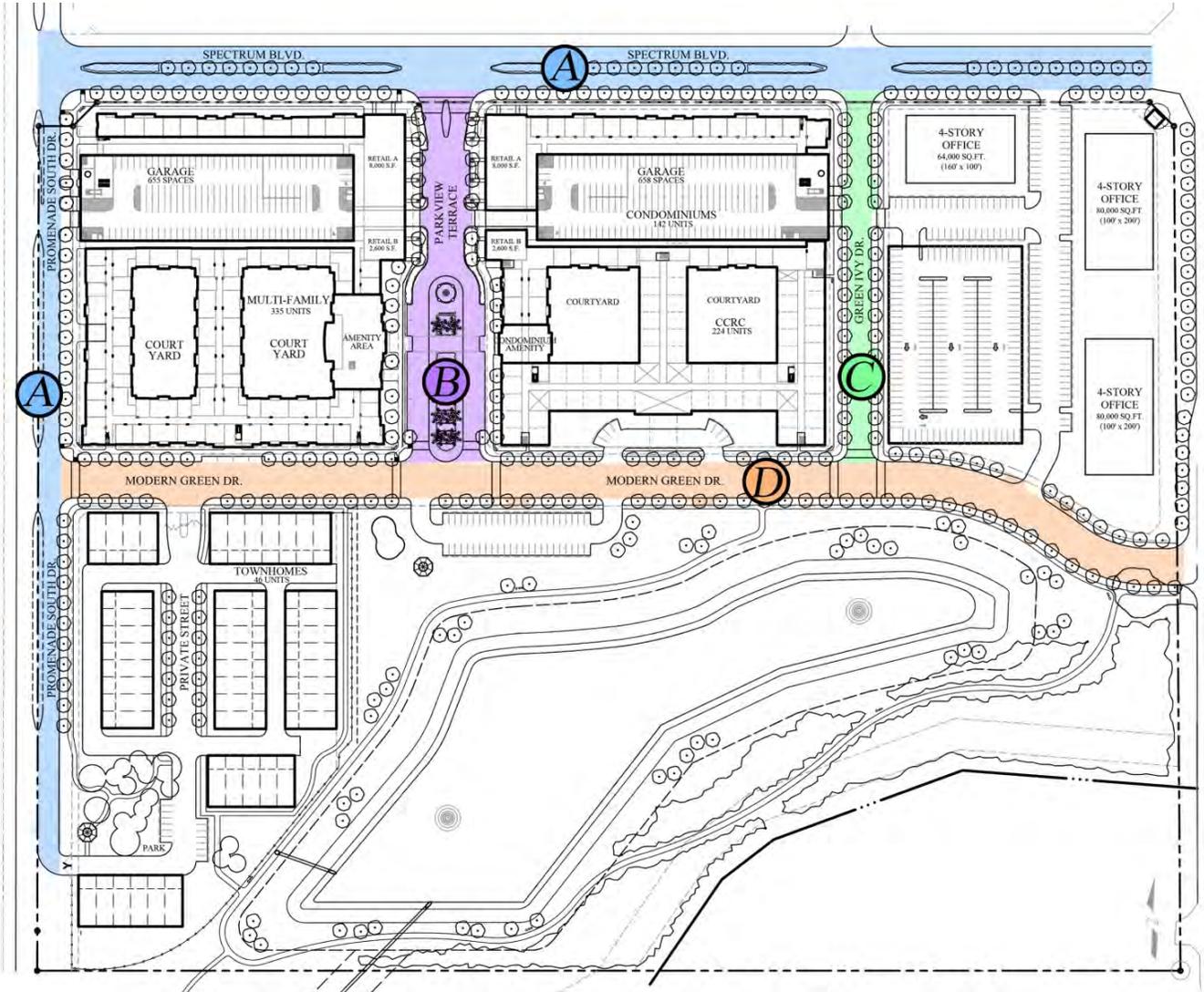


Figure G.1– Public Street Type Legend

## Type 'A' Street Typical Section – Spectrum Blvd & Promenade South Drive

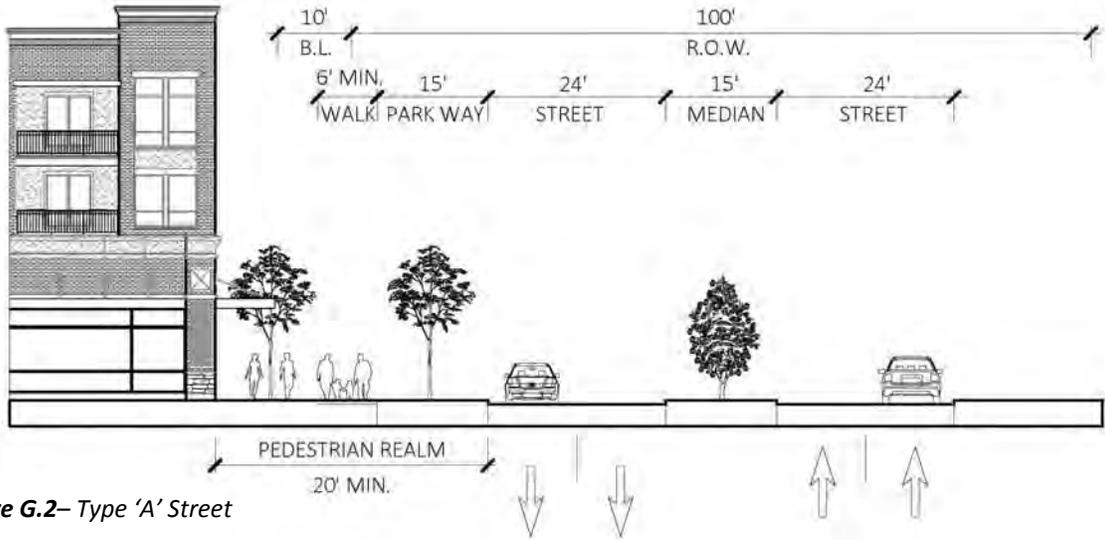


Figure G.2– Type 'A' Street

## Type 'B' Street Typical Section – Parkview Terrace

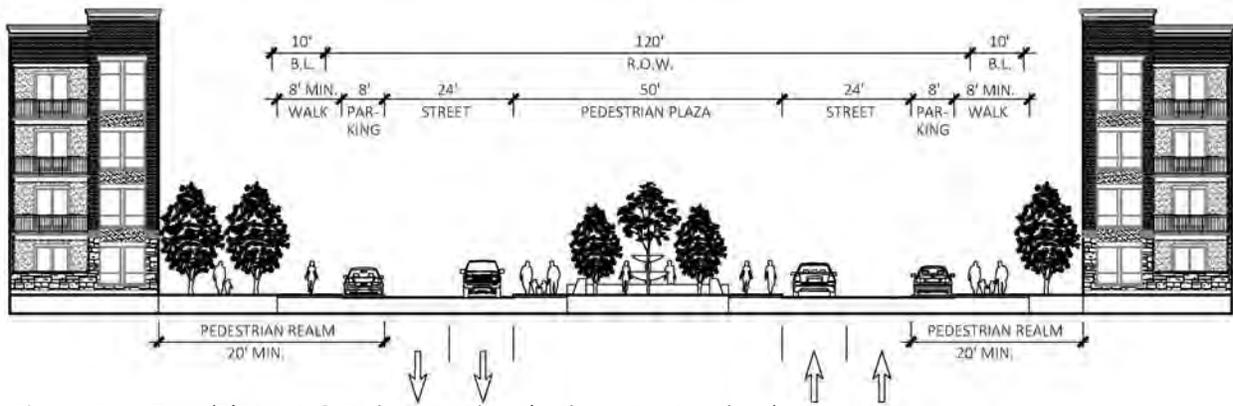


Figure G.3 – Type 'B' Street @ Pedestrian Plaza (with on street parking)

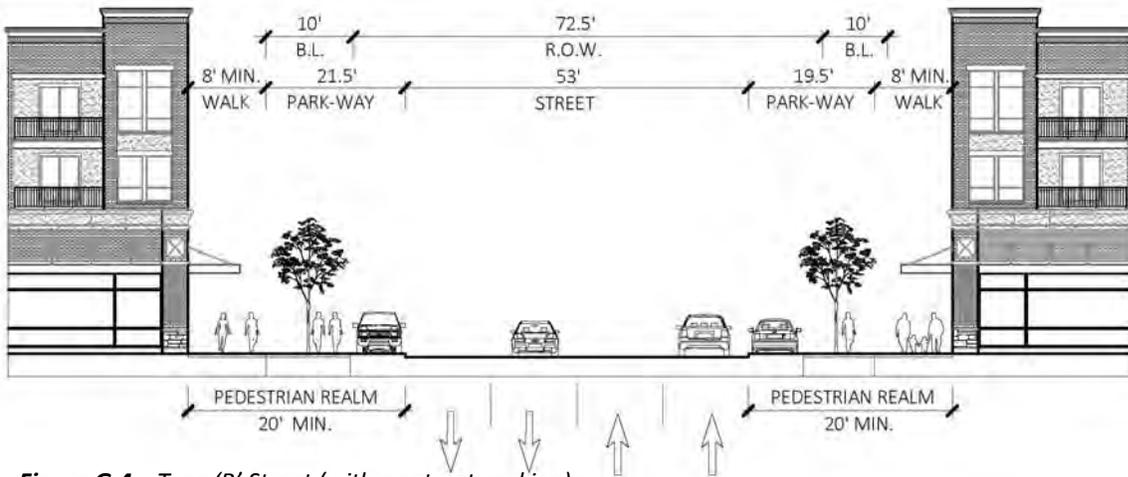


Figure G.4 – Type 'B' Street (with on street parking)

## Type 'C' Street Typical Section – Green Ivy Drive

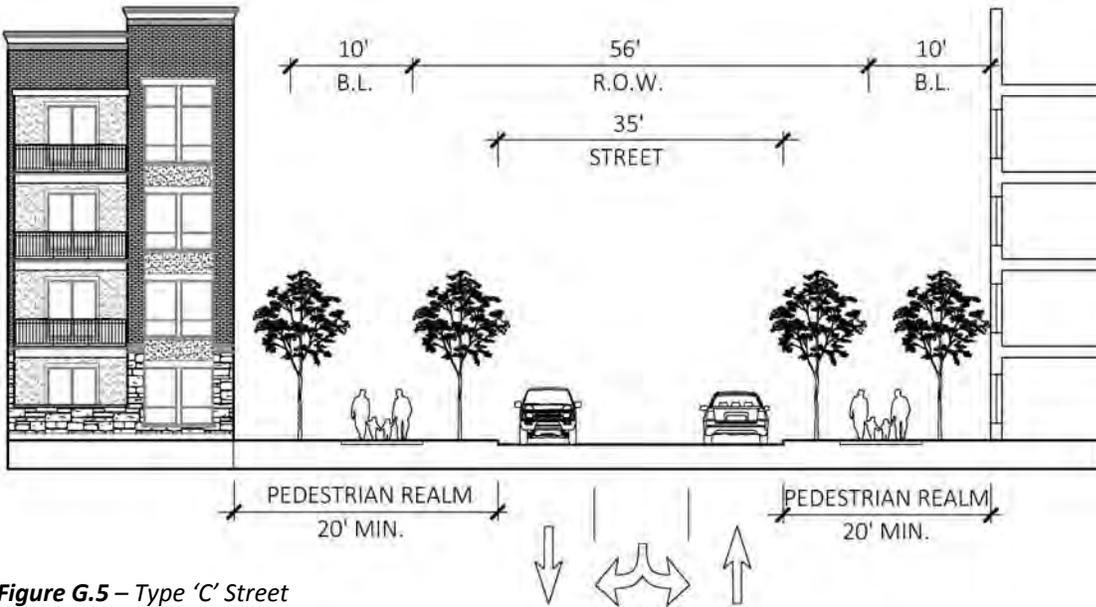


Figure G.5 – Type 'C' Street

## Type 'D' Street Typical Section – Modern Green Drive

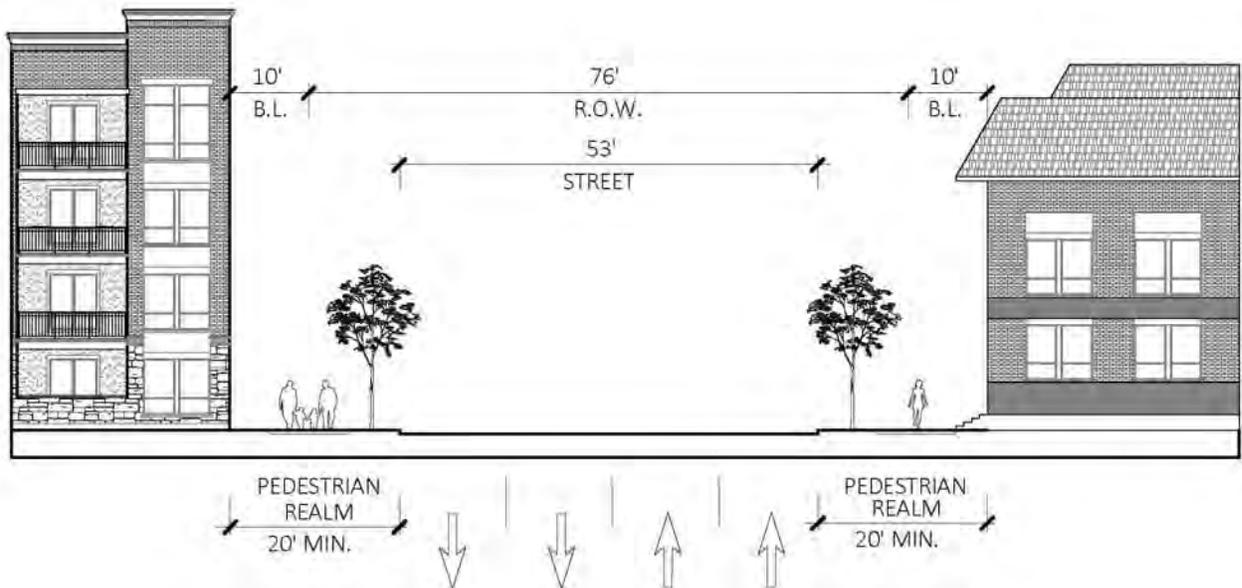


Figure G.6 – Type 'D' Street

## Private Street – Townhome Section

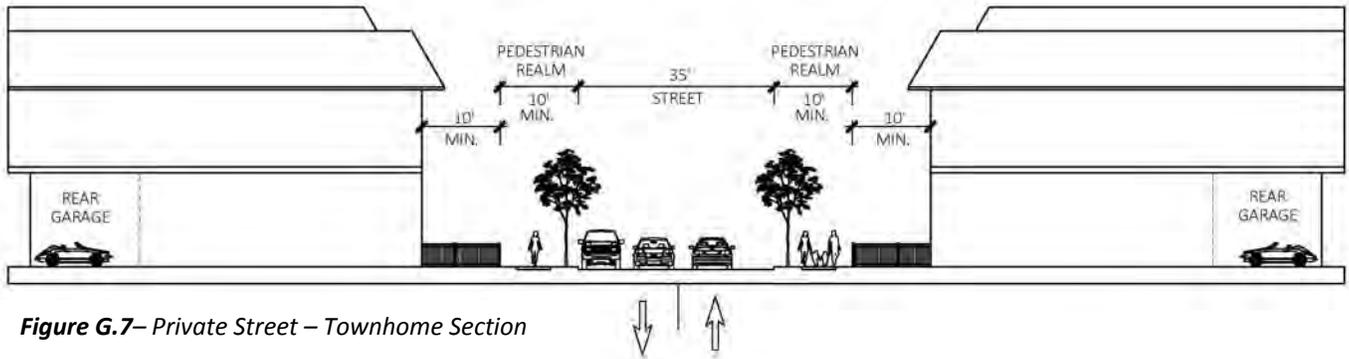


Figure G.7– Private Street – Townhome Section

## Alley – Townhome Section

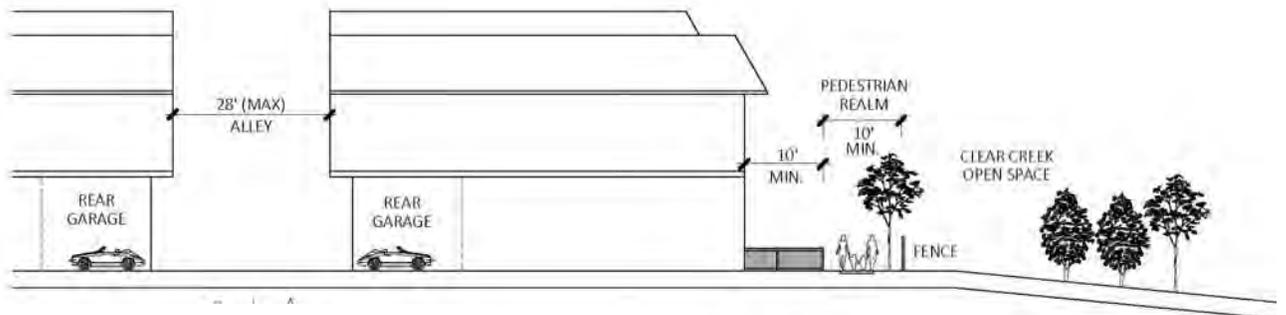


Figure G.8– Alley – Townhome Section

## Street Classification Deviations

### Table G.1

	Street Classification	Street Width (recommended R.O.W.)	Number of Vehicle Lanes	Vehicular Lane Widths	Number of Bike Lanes	Bike Lane Widths	Turn Radius (max)	Median	On-Street Parking	Pedestrian Sidewalk Width (min)	Parkway/Tree Well
LKUC - Development Code	AV - 82-44 Avenue	82 feet	4	11 feet	None	N/A	20 feet	Yes, 14 feet (min)	None	12 feet (clear)	Tree Well, 5x5 min. or Parkway 6' min.
Ivy District Deviation	<i>South Spectrum Drive</i>	100 feet	4	12 feet	None	N/A	20 feet min. 30 feet max.	Yes, 14 feet (min)	None	6 feet (clear) min.	Tree Well, 5x5 min. or Parkway 6' min.
Ivy District Deviation	<i>Promenade Shops</i>	100 feet	4	12 feet	None	N/A	20 feet min. 30 feet max.	Yes, 14 feet (min)	None	6 feet (clear) min.	Tree Well, 5x5 min. or Parkway 6' min.
Ivy District Deviation	<i>Parkview Terrace</i>	76 feet min 120 feet min	4	12 feet	None	N/A	20 feet min. 30 feet max.	Yes, 14 feet (min)	Yes (both sides-parallel)	8 feet (clear) min.	Tree Well, 5x5 min. or Parkway 6' min.
LKUC - Development Code	ST - 61-29 Urban Greenway Street	61 feet	2	10 feet	None	N/A	15 feet	None	Yes, (one side-parallel)	6 feet clear min.	Tree Well, 5x5 min. or Parkway 6' min.
Ivy District Deviation	<i>Modern Green Drive</i>	76 feet	4	13 feet	None	N/A	20 feet min. 30 feet max.	None	Yes, (both sides-parallel)	6 feet clear min.	Tree Well, 5x5 min. or Parkway 6' min.
LKUC - Development Code	ST - 53-29 Neighborhood Greenway Street	53 feet	2	10 feet	None	N/A	15 feet	None	Yes, (one side-parallel)	6 feet clear min.	Tree Well, 5x5 min. or Parkway 6' min.
Ivy District Deviation	<i>Green Ivy Drive</i>	56 feet	3	11.5 feet	None	N/A	20 feet min. 30 feet max.	None	None	6 feet clear min.	Tree Well, 5x5 min. or Parkway 6' min.
LKUC - Development Code	Residential Alley	16 feet (paving and R.O.W.)	N/A	N/A	None	N/A	15 feet min.	None	None	None	None
Ivy District Deviation	<i>Private Townhome Streets</i>	Minimum as required by Fire Code	N/A	N/A	None	N/A	10 feet min.	None	Optional	Optional	Optional

# G - Streets and Setbacks (continued):

## Highway Commercial (HC) Zoning Setbacks:

**(1) Building Placement**

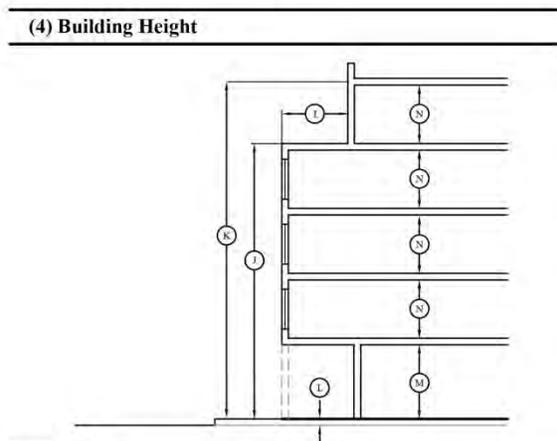
**Legend**

- Property Line (dashed line)
- Building Line (dashed line)
- Build-to-Zone (BTZ) (dashed line)
- Building Area (yellow fill)
- Build to Zone (BTZ) (hatched fill)

<b>Build-To-Zone (BTZ)</b>		(A)
Front (Type A Street)	0 feet (min) no (max)	
Front (Type C Street)	0 feet (min) no (max)	
Front (Type D Street)	0 feet (min) no (max)	
Front (SH 288)	0 feet (min) no (max)	
<b>Setback (distance from property line)</b>		(B)
Front (Type A Street)	10 feet (min)	20 feet (max)
Front (Type C Street)	10 feet (min)	40 feet (max)
Front (Type D Street)	10 feet (min)	50 feet (max)
Front (SH 288)	25 feet (min)	35 feet (max)
<b>(2) Block Standards</b>		
Block face dimensions	400' (min) - 600' (max)	
Block perimeter	2500' (max)	

**(3) Commercial Frontage Requirements**

Ground floors of all buildings fronting on all streets shall be built to Commercial Ready standards including first floor-to-floor height, ingress and egress, handicap access, and first floor elevation flush with sidewalk.



**Principal Building Standards**

Building Stories	1 min - 15 max	(K)
First Floor to Floor height	10' min	(M)
Ground Floor Finish Level	6" min no max	(L)
Upper floor(s) height	10' min	(N)
Stepback height	Max 4 stories then stepback	(J)
Stepback distance	10' min.	(I)

- Notes:**
- The area between the building and edge of BTZ may contain sidewalks, hardscape, landscape (including: tree wells, planters, planting beds and turf areas) and surface parking only as shown on the Regulating Plan.
  - Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.
  - First floor heights shall not apply to parking structures.
  - Any frontage along all streets (except alleys) not defined by a building at the BTZ shall be defined by a 4' high Street Screen, furthermore service areas shall be defined by a Street Screen that is at least as high as the service equipment being screened. The Street Screen shall be either the same building material as the principal structure on the lot of masonry of a living screen composed of shrubs planted to be opaque at maturity. Species shall be selected from Chapter 4 Site Development Section 4.2.2.5 of the City of Pearland Unified Development Code.

## Highway Commercial (HC) Parking and Service Drives:

<b>(5) Parking and Service Access</b>	
<b>(i) Parking Location</b>	
<b>Surface/At Grade Parking</b>	
Highway frontage	Shall be located 10' behind the property line
Type A, C, D Streets	Shall be located behind principal building or Setback a minimum of 15' from the property line along the street frontage, only as shown in the Regulating Plan
Side Set Back	0 feet min from Property Line
Rear Set Back	0 feet min from Property Line
<b>Above Grade Parking</b>	
Setback along Type A, C, D Streets	At or behind the building line along street
Highway frontage, back and rear setbacks	At or behind the building line along street
<b>(ii) Required Off Street Parking</b>	
Non-residential uses	1 space per 300 gross s.f.
<b>(iii) Driveways and Service Access</b>	
Parking Driveway width	TXDOT standards on Highway frontage road and 24' max. on all Ivy District Streets (except where drive need to be wider to address service access of fire land standards

Porte Cocheres may be permitted on Ivy District Streets to provided drop off or valet services.

Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.

If driveway and/or off street service loading or unloading access is provided from Streets such access shall be deemed as temporary and cross access easements along the rear of the property shall be required when adjoining properties are undeveloped.

<b>(6) Encroachments</b>
Canopies, signs, awnings, and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over an on-street parking or travel lane. All encroachments over public rights-of-way shall obtain a Waiver of Encroachment from the City of Pearland.
<b>Notes:</b>
1. Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street facade.
2. Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than 36 inches, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall of permanent screen that is at least as tall as the equipment itself.
3. Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the building facade line.
4. Required parking may be provided within the Highway Commercial Zone (HC) as per the Regulating Plan. Parking between the buildings and streets is not permitted, except as shown on the Regulating Plan
5. Chapter 4 - Site Development Section 4.2.1.3 of the City of Pearland Unified Development Code shall apply for design of off-street parking areas.
6. Stepback requirements shall not apply to any facade with frontage along SH 288.

# G - Streets and Setbacks (continued):

## Urban Neighborhood (UN) Zoning Setbacks:

**(1) Building Placement**

Legend

- Property Line (dashed line)
- Building Line (dashed line)
- Building Area (yellow)
- Build to Zone (BTZ) (hatched)

Build-To-Zone (BTZ)	(A)
Front (Type A Street)	0 feet (min) no (max)
Front (Type B Street)	0 feet (min) no (max)
Front (Type C Street)	0 feet (min) no (max)
Front (Type D Street)	0 feet (min) no (max)

Setback (distance from property line)	(B)
Front (Type A Street)	10 feet (min)      25 feet (max)
Front (Type B Street)	10 feet (min)      65 feet (max)
Front (Type C Street)	10 feet (min)      25 feet (max)
Front (Type D Street)	10 feet (min)      65 feet (max)

**(2) Block Standards**

Block face dimensions	400' (min) - 600' (max)
Block perimeter	2500' (max)

**(3) Building Height**

**Principal Building Standards**

Building Stories	3 min - 6 max	(K)
First Floor to Floor height	10' min (com) 10' min (res)	(M)
Ground Floor Finish Level	6" min no max	(L)
Upper floor(s) height	10' min (com) 10' min (MF res) 8' min (TH res)	(N)

**Accessory Building Standards**

Building Maximum (Excludes Parking Garages)	2 stories
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**(4) Commercial Frontage Requirements**

Ground floors of all buildings at intersection, for a minimum of 30 ft. along each street frontage of the width of the corner lot, whichever is less, may be built to Commercial Ready standards including first floor-to-floor elevation flush with the sidewalk.

**Notes:**

- Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.
- The area between the building and edge of BTZ may contain sidewalks, hardscape, landscape (including: tree wells, planters, planting beds and turf areas) and surface parking only as shown on the Regulating Plan.
- Attics and mezzanines less than 7' average height shall not be counted as a story

## Urban Neighborhood (UN) Parking and Service Drives:

<b>(5) Parking and Service Access</b>	
<b>(i) Parking Location</b>	
<b>Surface/At Grade Parking</b>	
Type A, B, C, D Streets	Shall be located behind principal building or Setback a minimum of 10' from the property line along the street frontage
Side Set Back	N/A
Rear Set Back	N/A
<b>Above Grade Parking</b>	
Setback along Type A,B,C, D Streets	At or behind the building line along street
<b>(ii) Required Off Street Parking</b>	
Non-residential uses	1 space per 300 gross s.f.
MF Residential uses	1.5 spaces per unit
<b>(iii) Driveways and Service Access</b>	
Parking Driveway width	24' max. on all Ivy District Streets (except where drive need to be wider to address service access of fire land standards

Porte Cocheres may be permitted on Ivy District Streets to provided drop off or valet services.

Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.

If driveway and/or off street service loading or unloading access is provided from Streets such access shall be deemed as temporary and cross access easements along the rear of the property shall be required when adjoining properties are undeveloped.

<b>(6) Encroachments</b>
Canopies, signs, awnings, and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over an on-street parking or travel lane. All encroachments over public rights-of-way shall obtain a Waiver of Encroachment from the City of Pearland.

### **Notes:**

1. Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street facade.
2. Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than 36 inches, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall of permanent screen that is at least as tall as the equipment itself.
3. Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the building facade line.
4. Required parking may be provided within the Urban Neighborhood Zone (UN) as per the Regulating Plan. Parking between the buildings and streets is not permitted, except as shown on the Regulating Plan.
5. Chapter 4 - Site Development Section 4.2.1.3 of the City of Pearland Unified Development Code shall apply for design of off-street parking areas.
6. Stepback requirements shall not apply to any facade with frontage along SH 288.

# H – Building Design Standards:



**Figure H.1** – Proposed West Elevation, Multi-Family



**Figure H.2** – Material Examples



**Figure H.3** – Typical Building Form



**Figure H.4** – Multi-Family Architecture Example



**Figure H.5** – Multi-Family Architecture Example

## H – Building Design Standards (cont):

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*Images showing appropriate examples of massing, building materials and fenestration of Office Buildings within the Highway Commercial Zone*



# H – Building Design Standards (cont):

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*Images showing appropriate examples of massing, building materials and fenestration of Townhomes within the Urban Neighborhood/Commercial Transition Zone*



## H - Building Design Standards (cont):

### Multifamily Unit Mix - 4 Story Structure

Table H.1

Number of Units	Unit Designation	Unit Square Footage	Unit Description	Total Square Footage per Unit Type
80	A	560	Efficiency - 1 Bath	44,800
59	B	725	1 Bedroom - 1 Bath	42,775
40	B1	797	1 Bedroom - 1 Bath	31,880
8	B2	891	1 Bedroom - 1 Bath	7,128
100	D	1092	2 Bedroom - 2 Bath	109,200
32	E	1100	2 Bedroom - 2 Bath	35,200
16	F	1207	2 Bedroom - 2 Bath	19,312
<b>Total</b>				<b>Total</b>
335				290,295

### Multifamily Parking Requirements - 5 level garage

Table H.2.

Parking Use	Parking Spaces Required	Parking Ratio Used
1 Bedroom Units	280 Spaces	1.5 spaces/Unit
2 Bedroom Units or more	296 Spaces	2.0 spaces/Unit
Commercial Use	53 Spaces	1.0 spaces/200 S.F.
	<b>Total Required</b>	<b>640</b>
	<b>Total Provided</b>	<b>655</b>

### Condo/CCRC Unit Mix – 5 Story Structure

**Table H.3**

Unit Type	Number of Units	Unit Square Footage
Independent Living - 1 Bedroom	100	500 min
Independent Living - 2 Bedroom	46	900 min
Assisted Living - Studio	2	500 min
Assisted Living - 1 Bedroom	12	400 min
Assisted Living - 2 Bedroom	20	600 min
Memory Care - Efficiency	44	250 min
Condominium (50% 1 Bedroom Units/50% 2 Bedroom Units)	142	TBD
<b>Total Units</b>	<b>366</b>	
<b>Parking Spaces Provided</b>	<b>658</b>	

**Note:** It is the intent of the developer to construct the Condo/CCRC project using similar materials, fenestration and aesthetic as the Multi-Family project.

### Park, Open Space and Parkland Dedication for Multi-Family Uses

**Table H.4**

Unit Type	Number of Units	Open Space (900 SF/Unit)	Parkland Dedication (\$750/Unit)
Multi-family	335	301,500	\$ 251,250.00
Condominium	142	127,800	\$ 106,500.00
CCRC - Independent Living	146	131,400	\$ 109,500.00
Townhouses	46	41,400	\$ 34,500.00
<b>Total Open Space Dedication Required</b>		<b>602,100 SF (13.8 AC)</b>	<b>\$ 501,750.00</b>

**OR**

<b>Total Open Space Dedication Required</b>	<b>669 D.U.</b>	<b>1 AC/50 D.U.</b>	<b>13.38 Acres</b>
<b>Total Provided</b>		<b>16.05 AC</b>	<b>\$ 501,750.00 *</b>

\* See **Proposed Amenity and Pedestrian Realm Enhancements Table H.5 (attached at the end of this document)** for Developer provided amenities and potential costs. Developer provided improvements will be utilized in lieu of Parkland Dedication Fees. See Table H.5 for explanation of improvements and associated costs.

# H – Building Design Standards (cont):

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## A. Introduction

The Building Design Controls for the Ivy District shall establish a coherent urban character and encourage enduring and attractive development. Development plans or site plans shall be reviewed by the City Manager or Designee for compliance with the controls below. The key design principles establish essential goals for development in the Ivy District to encourage the preservation.

## B. General Building Design Controls

### General Standard

#### a. Over All

- (1) Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces
- (2) New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm.
- (3) Building facades shall include appropriate architectural details to create variety and interest.
- (4) Open space(s) shall be incorporated to provide usable public areas integral to the urban environment.

#### b. Building Orientation

- (1) Primary entrance to buildings shall be located on the street along which the building is oriented.
- (2) All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access.

#### c. Design of Parking Structures

- (1) Where above-ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are completely hidden from view from all adjacent public and private streets.
- (2) Parking garage ramps shall not be visible from any public street. Ramps shall not be located along the perimeter of the parking structure.
- (3) Architectural screens shall be used to articulate the facade, hide parked vehicles and shield lighting. Architectural screens shall have consistent facade materials with neighboring buildings and shall be complementary in their articulation. In addition, the first-floor facade treatment (building materials, windows and architectural detailing) shall be continued to the second floor of a parking structure.
- (4) When parking structures are located at street intersections, corner architectural elements shall be incorporated, such as corner entrance, signage and glazing.
- (5) Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible to entering and exiting automobiles.

#### d. Building Materials

- (1) Primary building facade materials shall consist of the following: brick, stone, cast (manufactured) stone, glass, or glass block. Primary building facade materials shall be comprised

of at least seventy five percent (75%) of a building's facade (excluding doors and windows). The remaining twenty percent (25%) shall consist of either a complementary primary facade material (brick, stone, cast stone, stucco, glass, or glass block) or an allowable accent material.

(2) Materials allowed exclusively as an accent material include the following: wood, modular architectural metal panel system with concealed fasteners and high-performance coating or natural-weathering face material, split-face concrete block, tile, or precast concrete panels. Materials allowed exclusively as accent materials may be used on no more than twenty percent (20%) of a building's facade. More than one (1) accent material may be used as long as the total amount does not exceed twenty percent (20%).

(3) EIFS shall be limited to moldings and architectural detailing on building facades. EIFS materials shall constitute less than ten percent (10%) of any building and shall not be used on any portion of any wall that is lower than twenty feet (20') from grade, unless otherwise approved by the Building Official.

(4) Cementitious-fiber panels with at least a fifty 50 -year warranty shall only be used on twenty percent (20%) of the upper floor.

(5) Roofing materials visible from any public right-of-way shall be copper, zinc, factory finished standing seam metal or metal panel, terra cotta, stone, synthetic stone or similar materials.

**e. Facade Composition**

(1) Buildings three (3) stories or higher shall provide facade articulation which distinguishes between the street level and the upper level of the building. This rhythm shall be expressed by changing materials, or color, or by using design elements such as fenestration, columns, or by facade articulation.

(2) For retail storefront buildings, display window areas shall be utilized.

(3) Storefronts on facades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.

(4) Building entrances shall be defined and articulated by architectural elements such as entry portals, porches, overhangs, railings, balustrades, and others as appropriate. All building elements shall be compatible with the architectural style, materials, colors, and details of the building as a whole.

(5) With the exception of parking structures and/or service areas, all facades facing a public street shall incorporate transparent features (windows and doors) for a minimum of forty (40%) percent of all surface area and a minimum of twenty five (25%) percent for all upper levels.

**f. Commercial Frontage**

(1) All primary retail entrances must meet the sidewalk at grade.

(2) Active use spaces shall be expressed with facade treatments that are scaled to human activity on the street. Lower levels of the building shall include changes in materials or changes in fenestration scaled to create a comfortable pedestrian zone.

(3) First floor retail and other commercial uses must be physically and visually oriented towards a public right-of-way or easement, such as a plaza or pedestrian passage.

(4) At least fifty percent (50%) of the length of the first floor facade between the height of two (2) and ten (10) feet shall be devoted to transparent windows doors and/or visually open spaces (such as courtyards, forecourts, and pedestrian breezeways), to allow maximum visual interaction between sidewalk areas and the interior of active use spaces.

- (5) Tenant improvements of retail spaces must maintain the transparency of the storefront; this may be achieved with the placement of public areas of the proposed use adjacent to the facade and by avoiding the use of shades, curtains or displays that compromise visibility into the space.
- (6) When commercial first floor uses incorporate outdoor seating and dining, a minimum sidewalk through-way dimension of six feet (6') must be maintained.

**g. Residential Frontage**

- (1) Each first floor residential unit shall have an individual entry door directly from an adjacent courtyard, dedicated open space, public right-of-way or easement.
- (2) Where first floor resident all units face a public right-of-way or easement residential entries shall occur at a minimum average of one (1) door per tenant space.
- (3) Residential entries shall be sheltered from the rain and wind and provide an entry light. First floor residential unit entries shall be recessed from the street wall.
- (4) At least forty percent (40%) of the first floor facade of residential buildings shall be devoted to transparent windows and doors to allow maximum visual interaction between sidewalk areas and the interior of residential units. The use of dark or mirrored glass is not permitted.
- (5) First floor residential units shall have a minimum floor to floor height of ten feet (10').

**h. Windows and Doors**

- (1) Windows and doors on street-fronting facades shall be designed to be proportional and appropriate to the specific architectural qualities of the building.
- (2) First-floor windows shall not be opaque, tinted or mirrored glass.
- (3) All first floor retail front facades of buildings shall have transparent storefront windows covering no less than fifty percent (50%) of the facade area.
- (4) Glazing must be of low reflectance.

**i. Building Top**

- (1) Mechanical equipment located on top of buildings must be screened from public view and from neighboring buildings with enclosures, parapets, setbacks, landscaping, or other means. Any enclosure or screening used must be designed as a logical extension of the building, using similar materials and detailing as the rest of the building's surfaces.

# I – Streetscape and Site Amenity Standards:

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## A. General

The design and selection of streetscape materials shall include such items that provide a comfortable, unique and active pedestrian space. The mixture of site paving, site furnishings, and landscape elements shall be selected to compliment the architectural vernacular of the Development. Outdoor seating areas are encouraged throughout the development. Wide sidewalks, seating areas with shade will be included as appropriate.

## B. Sidewalk Paving

The selection of ground plane materials is critical within the public realm and will play a critical role in enhancing the character of the Ivy District as a pedestrian focused neighborhood aesthetic. The paving palette is intended to be limited to a small range of materials with complimentary colors and textures.

**Sidewalks** – Shall be constructed of concrete with a minimum width of 6 feet. Concrete or Clay Paver accent bands are permitted but are intended as an accent only. No colored, stamped or specialty concrete finishes are required and discouraged for public sidewalks. These special finishes may be utilized in plaza, café, or other seating areas.

**Crosswalks** – Shall be constructed at each Street Intersection or Mid-Block Crossing where pedestrians are encouraged to cross the public street. The Crosswalk shall be a minimum of 12 feet in width and be constructed of concrete or clay unit pavers that are rated for vehicular traffic.



*Images showing appropriate examples of crosswalks within the Urban Neighborhood/Commercial Transition and Highway Commercial Zones*

**Standards** – all sidewalks and crosswalks shall be constructed to meet the minimum design performance standards of the Pearland Engineering Design Criteria Manual (2007). Additionally, all requirements of the *American’s with Disability Act (ADA)* and *Texas Accessibility Standards (TAS)* shall be met for all sidewalks, ramps and crosswalks.

## C. Site Furnishings

**Benches and Receptacles** – will be required throughout the development. Benches and receptacles shall be commercial or institutional grade and be constructed of primarily metal components. Benches

and receptacles shall be sourced from the same manufacturer to ensure cohesiveness of design. Benches and receptacles shall be constructed of high quality steel with a durable paint or powder-coated finish. Trash receptacles with separate compartments for trash and recycling are encouraged. Wooden components are discouraged along the public sidewalks, but are acceptable for restaurant and retail uses that offer a café area adjacent to the public sidewalk.



*Images showing appropriate examples of benches and receptacles within the Urban Neighborhood/Commercial Transition and Highway Commercial Zones*

- **Placement along Public Sidewalks** – Minimum requirements for benches and receptacles along public sidewalks are as follows. Each block face shall have a minimum of 1 bench and 1 receptacle. Generally, one receptacle and one bench shall be located at each end of the block, or one receptacle and one bench generally located mid block. Specific spacing will be determined during the design phase to eliminate conflicts with street trees and on-street parking spaces.
- **Installation** – Benches and Receptacles shall be permanently attached to a concrete base or other permanent substrate.

**Bicycle Parking** – is required and intended to support the design and function of streets and open spaces and enhance the character of the Ivy District as a pedestrian and bicyclist focused neighborhood. Bicycle parking shall be made of durable and vandal-resistant materials such as stainless steel or powder-coated steel or other heavy duty materials where appropriate. Bicycle parking shall be provided along the street/sidewalk. A minimum of two Bicycle racks (or combination of bicycle racks) that accommodate a minimum of 6 bicycles each shall be provided at each block of the development. The bicycle racks shall be located predominately near retail uses.



*Images showing appropriate examples of bike racks within the Urban Neighborhood/Commercial Transition, Highway Commercial and Clear Creek Zones*

**Site Lighting** – is intended to be attractive and visually engaging while providing public safety and enhancing the character of the Ivy District as a pedestrian focused neighborhood. Certain areas of the Ivy District neighborhood are intended to have lower lighting levels, such as the Clear Creek Sub District (CC) where it is important to minimize light pollution so as not to disturb wildlife and maintain a natural setting. The Ivy District shall develop a ‘Master Lighting Plan’ for review and approval by the City manager before submittal of their development application. Decorative Street and pedestrian scale lighting are encouraged to enhance the character and pedestrian focused neighborhood aesthetic. In general, no light pole shall exceed 25’ in height.



*Images showing appropriate examples of bike racks within the Urban Neighborhood/Commercial Transition, Highway Commercial and Clear Creek Zones*

**Tree Grates** – are approved for use within the public realm for areas where street trees are required but walk-able space is limited. Tree Grates shall be constructed of ductile iron and be a minimum of 5 feet by 5 feet.

**Pedestrian Bridge** – a pedestrian bridge is planned to span Clear Creek. The bridge will be a minimum of 10’ in width. The span length will be determined based on the bridge’s final location. Pedestrian Bridge will be made of a steel framework (painted or weathering steel) with wood or composite deck materials. Guard Rails and Hand rails will be required as well as ADA compatibility.



*Images showing appropriate examples of pedestrian bridge within the Clear Creek Zone*

**Civic Space** – a 0.3 acre Civic Space is planned within the expanded median of Parkview Terrace. This space will serve as a gathering, recreation and pedestrian-centric space to serve the multi-family developments that surround it. It is envisioned that this space will be used for passive recreation and gathering as well as serve as a staging area for art fairs, farmers markets, and other small festivals that will attract uses from outside the immediate vicinity of this development. Within this area is planned a fountain/water feature, seating areas, specialty paving and landscape as well as dedicated spaces for kiosk vendors.



*Images showing appropriate examples of Civic Space within the Urban Neighborhood/Commercial Transition Zone*

## **D. Landscape Materials**

**Street Trees** – Street trees shall be required on streets in the Ivy District. Street trees shall be planted no closer than 3 feet from edge of curb (unless tree is planted within a tree well utilizing a tree grate). Street Trees shall be a minimum of 4 inches (caliper diameter) as measured 12 inches from the base of the root ball and shall be a minimum of 12 feet tall at the time of planting. Street Trees shall be planted an average of 30 feet on center along all public streets. Multi-trunked trees are not acceptable for Street Tree Planting. Street Trees shall be planted in a planting area no less than 40 square feet or 25 square feet if Tree Grates are utilized.

**Boulevard Trees** – Boulevard Trees shall be required in the median and spacing and species type shall be maintained along the street. Boulevard Trees shall be a minimum of 4 inches (caliper diameter) as measured 12 inches from the base of the root ball and shall be a minimum of 12 feet tall at the time of planting. Boulevard Tree plantings within the median shall follow spacing and offset requirements of Section 4.2.3.9 of the Pearland UDC.

**Planted Areas** – Where visible from the street and alleys, all unpaved ground areas shall be planted with low growing shrubs or ground cover, ornamental grasses, turf or combination thereof. Turf Grass shall be installed as solid sod. Seeding will not be accepted (excludes turf establishment within Clear Creek District).

**Species** – Landscape Materials shall include plants from the approved list of ground cover, vines, perennials, shrubs, and trees plant list in Chapter 4 (Site Development) Section 4.2.2.5 and the Replacement Tree List in Chapter 4 (Site Development) Section 4.2.3.9 of the Pearland UDC.

# J – Signage Standards:

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## A. Introduction

Signage helps to highlight the identity of businesses while enhancing the appearance of the streetscape and should be of a creative and engaging nature at the Ivy District. Except as specifically listed below, and in Table J.1 on the following page, all other signage and sign standards must comply with Chapter 4 Site Development, of the most recent City of Pearland UDC, City Standards and the Texas Municipal Uniform Traffic Control Devices, latest edition. The signage standards and guidelines in this part shall apply to all signs in the Ivy District.

## B. Signage Design Controls

### *Standards*

#### A. Overall

- (1) No billboards, roof signs, back-lit box signs, or flashing signs, are permitted. Where possible, exposed junction boxes, lamps, tubing, conduits, or raceways are not permitted.
- (2) Signage is intended to address the pedestrian level and no portion of any sign may extend more than twenty-five (25') above sidewalk grade.

#### B. Signage Area

- (1) Sign area is defined as the area of a sign that is used for display purposes excluding small supports. Sign area shall be computed on the basis of a rectangle large enough to frame the display or text.
- (2) Retail wall signs on buildings shall not exceed three square feet (3 sf) per linear foot of retail frontage or forty-five square feet (45 sf); whichever is lower for each street frontage.

#### C. Signage Types

- (1) One projecting sign per every thirty linear feet (30') of retail is permitted. Each primary projecting sign for retail tenants shall not exceed twenty-four square feet (24 sf) in area, and if a single tenant maintains more than thirty linear feet (30') of street frontage, each additional sign shall not exceed ten square feet (10 sf). Corner businesses are allowed one primary projecting sign per street frontage. Three-dimensional projecting signs shall not exceed forty-eight cubic feet (48 cf) in volume. Parking directional signs shall not exceed an area of fifteen square feet (15 sf).
- (2) Signage on awnings is permitted in lieu of projecting signs and must not exceed thirty square feet (30 sf) of sign area. Signage on awnings shall be on the valance portion of the awning.
- (3) Residential wall signs shall not exceed twenty square feet (20 sf) Residential projects may utilize signage on awnings over the primary multi-unit entryway. Copy areas on awnings shall not exceed thirty square feet (30 sf).

### *Guidelines*

The following guidelines complement Signage Design Standards in Section B.1 of this part.

**A. Overall**

- (1) Consistency among signs within the Ivy District is encouraged to create visual harmony between signs, buildings, and other components of the district.
- (2) Compatibility between signage, architectural and site design features are encouraged within the Ivy District.
- (3) Signage that is in character with planned and existing uses is encouraged to create a unique sense of place.
- (4) Multi-tenant commercial uses are required to develop a unique set of sign regulations in conjunction with development standards.

Signage Design Controls			
Table J.1			
Sign Type	Predominately Non-Residential Areas	Predominately Residential Areas	Standard
Wall (Building or Attached) Signs	P	P (Commercial and live-work uses only)	<p>For all first floor commercial uses (retail, office and restaurant): One sign per tenant space; area to be calculated at 15 sq. feet per linear foot of public street frontage for the tenant space with a maximum of 100 sq. ft per tenant.</p> <p>Second and upper floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 15 sq. feet per linear foot of second or upper floor frontage along that public street with a maximum of 125 sq. feet.</p> <p>Institutional uses (non-profits and churches): One sign per tenant space; area to be calculated at 1.5 sq. feet per linear foot of public street frontage with a maximum of 100 sq. feet.</p> <p>Live-Work and Home occupations: One sign limited to an area of 20 sq. feet max.</p> <p>Building sign may encroach a maximum of 12" on to a sidewalk while maintaining a vertical clearance of 8 feet from the finished sidewalk.</p> <p>Building signs may be externally lit.</p> <p>Marquee signs as only permitted as specified below.</p> <p>One monument sign at the project entry for the purposes of identifying the project or district.</p>
Monument Signs	P	P	<p>Shall be only permitted as signage for the entire Ivy District Development and shall only be used as a way finding element along SH 288. The purpose of the Monument signs will be to indicated the location of the development from vehicular traffic and as such, shall be limited to no higher than 50 feet</p> <p>Smaller monument signs within the development are permitted within medians to indicate specific uses and serve in a way finding/branding capacity and shall be limited to 15 feet in height.</p>
Window Signs	P	P (Commercial and live-work uses only)	<p>Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs:</p> <p>Mannequins and storefront displays of merchandise sold; and</p> <p>Interior directory signage identifying shopping aisles and merchandise display areas;</p> <p>Shall be in compliance with the Pearland Unified Development Code, Latest Edition, except as modified by this PD document;</p> <p>One per building (commercial and mixed use buildings only).</p>

## Signage Design Controls

### Table J.2

Sign Type	Predominately Non-Residential Areas	Predominately Residential Areas	Standard
Building Blade Signs	P	P (Commercial and live-work uses only)	<p>Area = 30 sq. feet maximum per sign face.</p> <p>May encroach a maximum of 6 feet over a sidewalk, but shall not encroach over any parking or travel lane.</p> <p>Building blade signs may be attached to the building at the corners of building or along any street facing façade above the first floor façade.</p> <p>One per commercial tenant space (retail, office, or residential use).</p>
Tenant Blade Signs	P	P (Commercial and live-work uses only)	<p>Area = 16 sq. feet maximum per sign face.</p> <p>May encroach a maximum of 4 feet over a public sidewalk, but shall not encroach over any parking or travel lane.</p> <p>Tenant blade signs shall be oriented perpendicular to the building façade and hung under the soffit of an arcade or under a canopy/awning or attached to the building façade immediately over the first floor tenant space while maintaining a vertical clearance of 8 feet from the finished sidewalk.</p>
Marquee Signs	P	NP	<p>Permitted for theaters, auditoriums, and other public gathering venues of 100 persons or more.</p> <p>Marquee signs shall be attached to the building or located above or below a canopy only.</p> <p>Area = 100 sq. feet maximum.</p> <p>Message board may be changeable copy (electronic and non-electronic) and shall be limited to 25% of the sign area. Electronic message boards shall be non-flashing, nor shall flashing lights of any kind be permitted. As required by Pearland UDC – latest edition.</p> <p>Electric Marquee signs shall have an accessible disconnect switch and shall be labeled to indicate the voltage and amperage of electrical circuits connected to the sign.</p>
For Sale/For Lease Signs	P	P	Same as the City of Pearland Sign Regulations.
Address Signs	P	P	Same as the City of Pearland Sign Regulations.
Temporary Construction Signs	P	P	Same as the City of Pearland Sign Regulations.
Banners	P	P	<p>Same as the City of Pearland Sign Regulations.</p> <p>Permitted only for retail, service, or restaurant uses.</p> <p>Limited to 12 sq. feet per sign face per storefront.</p>

## Signage Design Controls

### Table J.3

Sign Type	Predominately Non-Residential Areas	Predominately Residential Areas	Standard
Sandwich Board Signs	P	P (Commercial and live-work uses only)	<p>Sign may not exceed 4 feet in height.</p> <p>A minimum of 6 feet of sidewalk shall remain clear.</p> <p>Chalkboards may be used for daily changing messages.</p> <p>Readerboards (electronic and non-electronic) shall be prohibited.</p> <p>Sign shall be removed every day after the business is closed.</p> <p>Sign shall remain out of the public R.O.W.</p> <p>Permitted only with approval of the City.</p> <p>Must allow for 8 ft. clear height below banner.</p> <p>Max 10 sq. feet per sign face.</p>
Light Pole Banners	P	P	<p>Limited to one per light pole.</p> <p>All light pole banners shall be approved by the appropriate utility company prior to consideration by the City.</p> <p>Light pole banners shall be limited to publicize community-wide events, holiday celebrations, public art, and other community events.</p> <p>Light pole banners shall have a unified design for the entire district.</p>
Directory Signs	P	P (Commercial and live-work uses only)	<p>Shall be allowed for all multi-tenant commercial and mixed use buildings only.</p> <p>One directory sign per multi-tenant building limited to 12 sq. feet in area.</p> <p>Design of the sign shall be integral to the façade on which the sign is to be affixed.</p>
Pole Signs	NP	NP	
LED Signs	P	P	<p>LED technology is permitted for use within the development so long as the display or image remains generally static. Flashing, scrolling or video features are not permitted. LED technology is permitted as part of any monument sign so long as the LED component/message area does not exceed 25% of the overall façade or elevation of the sign of which it is a component and meets current UDC requirements for electronic signs</p>

# K – Regulating Plan:



*For Standards not included or addressed in this PD, all requirements of the UDC will apply accordingly:*

- *For Townhome Section – TH Townhouse Residential District*
- *For Multi-Family and CCRC/Condo – MF Multiple Family Residential District*
- *For other Commercial – GB General Business Retail District or GC General Commercial District*

*Whenever there are one or more conflicting provisions in the PD and Unified Development Code, the more stringent provision or provisions shall apply.*

# L- Amenity Plan

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## A. Introduction

This part establishes the Public Open Space and Private Open Space Design Controls for Ivy District. The Public Open Space Design Plan may designate several areas for proposed Public Open Space types within Ivy District. The detailed Public Open Space Design Controls for each type are included in this portion of the PD document. A "Master Open Space and Landscape Plan" shall be prepared based on the design controls in this part.

## B. Public Open Space Design Controls

The design of Public Open Space shall be regulated by the Public Open Space standards herein which shall create a network of open spaces that recognizes the natural qualities of the area while providing a range of both passive and active recreational opportunities. These opportunities are accommodated in a variety of spaces ranging from larger parks to neighborhood-scaled greens to urban squares, plazas and gardens. The open space network will be serviced by an interconnected network of trails and paths for pedestrians and bicyclists alike.

## C. Standards

### a. Overall

- (1) Areas designated as publicly accessible open space at the Ivy District will be included in final plans. Publicly Accessible Open Space at The Ivy District, excluding residential areas and associated courtyards, must be publicly accessible during normal operating hours.
- (2) Building structures may be permitted within areas designated as Dedicated Open Space. Some permitted buildings may include open-air park pavilions, and temporary vendor facilities for arts and cultural events.
- (3) All amenities located in the Public Open Spaces shall also meet the standards of the Harris and Brazoria County Flood Control District. Public use of amenities that overlap with the Hams and Brazoria County Flood Control District water shed space shall be approved by both the Harris and Brazoria County Flood Control Districts prior to submittal of a plat application.

### b. Clear Creek Recreational Park

The Clear Creek Recreational Park may be defined by multi-use pathways, as well as landscaped open space. It may include limited hardscape areas with benches and areas for casual seating. It may include restroom facilities and water fountains in a convenient location for users and available infrastructure. Where necessary, it may be lined to reduce erosion and protect the existing slope south of the stream.

### c. Greens, Squares and Plazas

Areas throughout the 48.5 acre campus will be appropriately designed with passive recreation areas. The major pedestrian plaza will be located within the median of Parkview Terrace Drive. This civic space will include special paving and a seating areas and intensive landscaping. This area will be a space for

public art, outdoor fountains, festivals and outdoor dining. Additionally, a large stand of mature trees located within the townhouse development will be preserved as a green for the town home neighborhood. Landscape throughout the mixed use campus will consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating shall be provided where appropriate

**Proposed Amenity and Pedestrian Zone Improvements**

**Table H.5**

ITEM	QUANTITY	UNITS	DESCRIPTION	ESTIMATED COST PER UNIT	ESTIMATED TOTAL COST
<b>URBAN NEIGHBORHOOD/COMMERCIAL TRANSITION SUB-DISTRICT</b>					
<b>Street and Pedestrian Realm Improvements</b>					
6' Concrete Sidewalk (MF Block)	1400	LF	Perimeter Sidewalks along Spectrum, Promenade & Modern Green	\$ 42.00	\$ 58,800.00
8' Concrete Sidewalk (MF Block)	275	LF	Perimeter Sidewalks along Parkview Terrace	\$ 56.00	\$ 15,400.00
Pedestrian Realm Paving (MF Block)	5200	SF	Expanded Paving surrounding Retail	\$ 14.00	\$ 72,800.00
6' Concrete Sidewalk (Condo/CCRC Block)	1450	LF	Perimeter Sidewalks along Spectrum, Green Ivy & Modern Green	\$ 42.00	\$ 60,900.00
8' Concrete Sidewalk (Condo/CCRC Block)	1300	LF	Perimeter Sidewalks along Parkview Terrace	\$ 56.00	\$ 72,800.00
Pedestrian Realm Paving (Condo/CCRC Block)	4300	SF	Expanded Paving surrounding Retail	\$ 14.00	\$ 60,200.00
6' Sidewalk (Townhome Block)	750	LF	Perimeter Sidewalks along Modern Green & Promenade	\$ 42.00	\$ 31,500.00
6' Sidewalk (Townhome Block) within Pocket Park	300	LF		\$ 42.00	\$ 12,600.00
Shade Pavilion within Pocket Park	1	EA	24' Diameter (450 sf. Min)	\$ 40,000.00	\$ 40,000.00
Benches, Picnic Tables, Receptacles within Pocket Park	1	AL		\$ 15,000.00	\$ 15,000.00
Crosswalks	12	AL	Paver treatment at main intersection crossings	\$ 15,000.00	\$ 180,000.00
Specialty Street Lighting	100	EA	Architectural Street Lights (assuming 45' spacing). Final quantity will be determined by lighting plan.	\$ 5,500.00	\$ 550,000.00
Specialty Paving	6500	SF	Civic Space - Parkview Terrace	\$ 14.00	\$ 91,000.00
Fountain	1	AL	Civic Space - Parkview Terrace	\$ 50,000.00	\$ 50,000.00
Benches	6	EA	Located throughout the pedestrian realm	\$ 2,500.00	\$ 15,000.00
Trash Receptacles	6	EA	Located throughout the pedestrian realm	\$ 1,500.00	\$ 9,000.00
<b>Trees and Landscaping</b>					
Street Trees (4" Caliper)	135	EA	From approved City Street Tree List	\$ 450.00	\$ 60,750.00
Street Trees (6" Caliper)	31	EA	From approved City Street Tree List	\$ 1,200.00	\$ 37,200.00
Tree Grates	12	EA	For trees within paving surrounding Retail	\$ 1,500.00	\$ 18,000.00
Palm Trees (14' HT)	8	EA	Palm Trees within Civic Space within Parkview Terrace	\$ 8,500.00	\$ 68,000.00
Median Trees (4" Caliper)	17	EA	Trees in median of Spectrum Blvd.	\$ 450.00	\$ 7,650.00
R.O.W. Planting (shrubs and groundcover)	6000	SF	Intensive Landscape within ROW to enhance pedestrian realm	\$ 4.50	\$ 27,000.00
R.O.W. Planting (shrubs and groundcover)	6000	SF	Intensive Landscape within ROW to enhance arrival experience (Spectrum Median)	\$ 4.50	\$ 27,000.00
Turf Establishment (within ROW)	45000	SF	Turf from back of curb to sidewalk	\$ 0.75	\$ 33,750.00
Irrigation System	1	AL		\$ 75,000.00	\$ 75,000.00
<b>SUBTOTAL</b>					<b>\$ 1,689,350.00</b>
<b>HIGHWAY COMMERCIAL SUB-DISTRICT</b>					
<b>Street and Pedestrian Realm Improvements</b>					
6' Concrete Sidewalk (Highway Commercial)	1200	LF	Perimeter Sidewalks along Spectrum, Modern Green & Green Ivy	\$ 42.00	\$ 50,400.00
Benches	4	EA	Located throughout the pedestrian realm	\$ 2,500.00	\$ 10,000.00
Receptacles	4	EA	Located throughout the pedestrian realm	\$ 1,500.00	\$ 6,000.00
Crosswalks	4	AL	Paver treatment at main intersection crossings	\$ 15,000.00	\$ 60,000.00
Specialty Street Lighting	30	EA	Architectural Street Lights (assuming 45' spacing). Final quantity will be determined by lighting plan.	\$ 5,500.00	\$ 165,000.00
<b>Trees and Landscaping</b>					
Street Trees (4" Caliper)	60	EA	From approved City Street Tree List	\$ 450.00	\$ 27,000.00
Median Trees (4" Caliper)	9	EA	Trees in median of Spectrum Blvd.	\$ 450.00	\$ 4,050.00
R.O.W. Planting (shrubs and groundcover)	1200	SF	Intensive Landscape within ROW to enhance arrival experience (Spectrum Median)	\$ 4.50	\$ 5,400.00
Turf Establishment (within ROW)	20000	SF	Turf from back of curb to sidewalk	\$ 0.75	\$ 15,000.00
Irrigation System	1	AL		\$ 35,000.00	\$ 35,000.00
<b>SUBTOTAL</b>					<b>\$ 377,850.00</b>
<b>CLEAR CREEK SUB-DISTRICT</b>					
<b>Park and Open Space Improvements</b>					
6' Concrete Sidewalk (Clear Creek)	700	LF	Perimeter Sidewalks along Modern Green	\$ 42.00	\$ 29,400.00
8' Multi-Use Walk	2500	LF	Recreational Trail around lake	\$ 56.00	\$ 140,000.00
Pedestrian Bridge	1	EA	Pedestrian Bridge over Clear Creek	\$ 250,000.00	\$ 250,000.00
8' Trail Connection to Existing LKMD Trail	650	LF	Off-Site Improvement from Ivy to LKMD Trail	\$ 56.00	\$ 36,400.00
Shade Pavilion	1	EA	24' Diameter (450 sf. Min)	\$ 40,000.00	\$ 40,000.00
Small Playground and associated work	1	AL	Play structure, fall surfacing and edging	\$ 75,000.00	\$ 75,000.00
Benches	5	EA	Benches every 500' along Recreational Trail	\$ 2,500.00	\$ 12,500.00
Receptacles	5	EA	Receptacles every 500' along Recreational Trail	\$ 1,500.00	\$ 7,500.00
Pedestrian Lighting along Trail	25	EA	Architectural Pedestrian Lights (assuming 100' spacing). Final quantity will be determined by lighting plan.	\$ 3,500.00	\$ 87,500.00
Trees (3" Caliper)	50	EA	Spread Throughout the Park and Open Space Area	\$ 400.00	\$ 20,000.00
Amenity Pond Fountains	2	EA	For aesthetic and aeration purposes	\$ 7,500.00	\$ 15,000.00
Turf Establishment	8	AC	Seeding for Turf Establishment	\$ 8,500.00	\$ 68,000.00
<b>SUBTOTAL</b>					<b>\$ 781,300.00</b>
<b>GRAND TOTAL</b>					<b>\$ 2,848,500.00</b>

SECOND POINT OF ACCESS WILL BE FIRE ACCESS DRIVE WHICH CURRENTLY SERVES BASS PRO SHOP. DEVELOPER WILL OBTAIN PERMISSION FROM PROPERTY OWNER TO UTILIZE IN EMERGENCY SITUATIONS.

## REGULATING PLAN LEGEND

### URBAN NEIGHBORHOOD/COMMERCIAL TRANSITION ZONE

- (A) RETAIL 'A' - 8,000 S.F. MIN
- (B) RETAIL 'B' - 2,600 S.F. MIN  
TOTAL - 21,200 S.F. MIN
- (C) MULTI-FAMILY - 335 APARTMENT UNITS WITH ASSOCIATED PRIVATE AMENITIES. (4 STORIES)  
MIN HEIGHT - 45' MAX HEIGHT - 60'
- (D) PARKING GARAGE - 655 SPACES MIN.
- (E) CCRC - 224 UNITS WITH ASSOCIATED PRIVATE AMENITIES (5 STORIES)  
MIN HEIGHT - 45' MAX HEIGHT - 75'
- (F) CONDOMINIUM - 142 UNITS WITH ASSOCIATED PRIVATE AMENITIES (5 STORIES)  
MIN HEIGHT - 45' MAX HEIGHT - 75'
- (G) PARKING GARAGE - 658 SPACES MIN.
- (H) TOWN HOMES - 46 UNITS (MIN). GATED COMMUNITY WITH PRIVATE DRIVES AND ALLEYS.  
MIN HEIGHT - 24' MAX HEIGHT - 36'

### HIGHWAY COMMERCIAL ZONE

- (I) OFFICE - 224,000 S.F. MIN, OR OFFICE - 144,000 S.F. MIN AND HOTEL/CONFERENCE CENTER - 100,000 MIN.
- (J) PARKING GARAGE - # OF SPACES TBD BASED ON USE
- (K) SURFACE PARKING - # OF SPACES TBD BASED ON USE
- (L) GENERAL COMMERCIAL OR, OFFICE/RETAIL - 20,000 MIN.  
W/ SURFACE PARKING TO SERVE USES

### OPEN SPACE/ RECREATION ELEMENTS

- (M) SURFACE PARKING TO SERVE PARK.
- (N) MULTI USE PATH - 8' CONCRETE (2500 L.F. MIN)
- (O) CONNECTION TO LKMD DETENTION POND INCLUDING PEDESTRIAN BRIDGE OVER CLEAR CREEK. (APPROXIMATELY 650 L.F. OF TRAIL)
- (P) CIVIC PLAZA, SEATING, FOUNTAIN, LANDSCAPING AND OTHER PEDESTRIAN USES.
- (Q) DETENTION, AMENITY POND
- (R) BENCHES AND RECEPTACLES
- (S) COVERED PAVILION - 24' DIA. MIN.
- (T) PRESERVED TREES
- (U) PLAYGROUND (2,000 S.F. MIN)
- (V) FOUNTAIN (ARCHITECTURAL)
- (W) FOUNTAIN (POND)
- (X) TRAIL HEAD
- (Y) CROSSWALKS





## **JOINT PUBLIC HEARING**

THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF PEARLAND, TEXAS,  
**MONDAY, MARCH 28, 2016, AT 6:30 P.M.**  
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

- I. CALL TO ORDER**
- II. PURPOSE OF HEARING**

### **Zone Change Application No. 2015-14Z**

A request of Patti Joiner of Knudson LP., applicant; on behalf of American Modern Green (Houston) LLC, owner; for approval of a change in zoning from the Planned Development (PD) zoning district known as Modern Green Ivy, to a Planned Development (PD) zoning District known as Ivy District; on approximately 48.471 acres of land, to wit:

**Legal Description:** A tract of land containing 48.471 acres of land situated in the James Hamilton Survey, Abstract No. 881 in Harris County and Abstract No. 747 in Brazoria County, Texas. Said 48.471 acre tract is in Lot 5 of the Subdivision of the John Hamilton Survey as recorded in Volume 83, Page 342 in the Harris County Deed Records and is that same 48.4712 acre tract of land described in a deed to Amegy Mortgage Company, L.L.C. as recorded in Clerk's File No's 20100132332 and 20100235353 in the Harris County Clerk's Office.

**General Location:** Southwest corner of SH 288 and Spectrum Boulevard, Pearland, TX

- III. APPLICATION INFORMATION AND CASE SUMMARY**
  - A. STAFF REPORT
  - B. APPLICANT PRESENTATION
  - C. STAFF WRAP UP
- IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST**
- V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION**
- VI. ADJOURNMENT**

**This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.**



# Staff Report

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: March 28, 2016

Re: Zone Change Application Number 2015-14Z

A request of Patti Joiner of Knudson LP., applicant; on behalf of American Modern Green (Houston) LLC, owner; for approval of a change in zoning from the Planned Development (PD) zoning district known as Modern Green Ivy, to a Planned Development (PD) zoning district known as Ivy District; on approximately 48.471 acres of land.

**General Location:** Southwest corner of SH 288 and Spectrum Boulevard, Pearland, TX

## Summary of Request

The applicant is requesting approval of a change in zoning from Modern Green Ivy Planned Development (PD) zoning district on approximately 48.471 acres, to replace the Ivy District Planned Development (PD) zoning district that was approved in 2014. A joint workshop was conducted in October 2015 and comments from the workshop have been incorporated, as explained later in this memo.

The proposed project will be an urban mixed use development with multi-family, retail, offices, and hotel uses. The development will also include a gated townhome development and a public open space adjacent to Clear Creek. Of the 48.5 acres, approximately 16.05 acres will be dedicated for lakes, detention, open space, and tree planting. Wide sidewalks and streetscape features will be installed along each block to encourage pedestrian activity. A pedestrian bridge will be constructed across Clear Creek to provide access to the City's trail system. Access to the site will be provided to the northern boundary of the tract from South Spectrum Boulevard and to the eastern boundary from the frontage road on the west side of SH 288.

The PD is proposed as an "urban walkable, mixed-use development," with the following three major components:

1. **The Highway Commercial component** will encompass a total of 9.65 acres in two areas: a 5.65 acre parcel north of Clear Creek and a 4.0 acre parcel south of Clear Creek. The 5.65 acre parcel that fronts SH 288, South Spectrum Boulevard, and Clear Creek will either have a minimum of 224,000 square feet of office or 144,000 square feet of office and 100,000 square feet of hotel/conference center. The 4.0 acre parcel south

of Clear Creek that fronts SH 288 could include offices, commercial uses, restaurants or recreational area or any use allowed in the Allowed Land Uses Table C.1 under Highway Commercial.

- 2. The Urban Neighborhood/Commercial Transitional component** will encompass approximately 17.8 acres, and will include housing and Continuing Care Retirement Community (CCRC). The housing will encompass 46 townhomes, 142 condominiums, 335 multi-family apartments with associated amenities. The CCRC is designed for senior citizens and will include a total of 224 units, with the following breakdown - 146 independent living units, 78 assisted living and memory care units, with rehabilitative services, personal care services, social spaces, restaurant, and dining space. This area will also include some neighborhood retail spaces on the first floor (21,200 square feet minimum) and a 0.3 acre civic space that will include “pedestrian-friendly elements, landscaping, public art opportunities, and fountains”. The retail and civic space will be centered along Parkview Terrace. This component includes a parking garage with over 1,300 parking spaces.

**Housing Breakdown**

Townhomes	46
Condominiums	142
Multi-family apartments	335
<b>Total</b>	<b>523 units</b>

**CCRC**

Independent living units	146
Assisted living	34
Memory care units	44
<b>Total</b>	<b>224 units</b>

- 3. The Clear Creek Open Space component** will incorporate 16.05 acres of open space and parkland including a wet detention with fountains. The previous plans discussed at the workshop included a clubhouse, pool and a 350 square foot deck over water for a fishing pier, which have been removed from the current proposal. Public open space will extend along Clear Creek for recreational purposes, with trails connecting to all surrounding districts, streets, and the City’s trail system. The cost of amenities is estimated by the applicant to be approximately 2.8 million dollars, including some landscaping, sidewalks and lighting that would be required in other developments.

**Recommendation**

Staff recommends approval with conditions (listed below) of the request to change the zoning of the approximately 48.471 acre site from Modern Green PD to Ivy District PD for the following reasons:

1. This site is located in the Lower Kirby District that is governed by the Lower Kirby Urban Center (LKUC) Development Code, in the Comprehensive Plan. The LKUC supports a high density, mixed use, livable center concept for this area. The change in zoning will be in conformance with the Comprehensive Plan, as the proposed PD provides a variety of residential options, active and passive recreational opportunities, and commercial and office areas, in a pedestrian friendly, walkable setting with high design standards. This development will serve as a catalyst for future mixed use developments in the Lower Kirby area, especially in conjunction with the retail/commercial development being

contemplated north of this site.

2. The plan creates a network of open spaces that takes into consideration the natural environment while providing a range of passive and active recreational opportunities. These recreational opportunities are created by a wide variety of spaces ranging from large parks to neighborhood scaled green, urban squares, plazas and gardens. The open space is interconnected by a network of trails, sidewalks, and paths for both pedestrians and bicyclists. The proposal provides 16.05 acres of open space, 2.67 acres more than the required amount.
3. The PD proposes amenity and pedestrian improvements that exceed the City's requirements. The UDC requires parkland dedication at one acre per 50 units or \$750 per unit, which would equal \$501,750.00. The proposed PD, as shown in Table H-5, lists the proposed amenities and pedestrian improvements.
4. The proposed PD is in conformance with the UDC. The PD Districts are intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts. The proposal supports a balanced mix of land uses, a wider range of residential options to meet the "life cycle" housing needs of current and future Pearland residents, and enhancements to open spaces and building design, that exceed the requirements of a conventional zoning district.
5. Staff recommends the following conditions be place on the approval of Ivy District PD:
  - a. The applicant shall enter into a Development Agreement with the City for off-site infrastructure and Clear Creek open space; and
  - b. Applicant shall address staff's "Outstanding Comments on PD – dated 3/16/2016."

**Site History**

The site is currently vacant, with the exception of a detention pond that was constructed many years back, in anticipation of the first phase of the previously approved Waterlights development. The Waterlights project did not advance, and was subsequently approved for a Modern Green Ivy PD designation in 2014. The Modern Green Ivy PD was proposed to be a "pedestrian oriented, urban" development with a mix of offices, retail, restaurants, cafes, social and recreational center, and high density multi-family residential housing units including assisted living, skilled nursing, long-term stay hotel, and related uses.

The subject property is surrounded by a mix of land uses and zoning districts, as illustrated by the below table:

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Planned Development (PD) Promenade Shops	Bass Pro Shops and vacant land
<b>South</b>	General Commercial (GC) and Spectrum 1 (SP1 - The Beltway District), Planned Development (PD)	Detention & vacant land. Clear Creek and the Kroger Center
<b>East</b>	BP-288 (Business Park District)	Vacant land. State Highway 288.
<b>West</b>	Spectrum 1 (SP1)	Vacant

### **Conformance with the Comprehensive Plan**

The 2015 Comprehensive Plan adopted the Lower Kirby Urban Center Plan. This area is in the Lower Kirby District that is governed by the Lower Kirby Urban Center Development Code (LKUCD). The LKUC supports a high density, mixed use, livable center concept for this area.

The LKUCD states - *“The Lower Kirby Urban Center is intended to be a diverse regional destination that includes significant employment uses along Kirby Drive transitioning to light industrial uses to the west, regional retail along the highway frontages, and a pedestrian-oriented, mixed-use core anchoring the District. The goal of Lower Kirby Urban Center is to promote for a range of development opportunities within an overall urban design, street network and drainage infrastructure framework.”* The proposal is in conformance with the LKUCD that designates this specific site as a combination of Highway Commercial and Urban Neighborhood.

### **Conformance with the Thoroughfare Plan**

The eastern boundary of the subject property has frontage on SH 288. The northern boundary has frontage on South Spectrum Boulevard, a designated major thoroughfare to be acquired, requiring a minimum of 120 foot right-of-way. Promenade Shops Drive, designated a major collector to be acquired, with a minimum of 80 foot right-of-way is on the west side of the property. Right-of-way dedication for all or portions of these streets and new internal streets would be required at the time of platting and the applicant would be required to construct or extend these roads to city standards or as per the standards specified in the PD. A Traffic Impact Analysis (TIA) had been reviewed by the City and staff is awaiting a resubmittal in response to staff comments. The applicant would be required to construct all improvements recommended in the TIA. Improvements could include the extension of either Promenade Shops Drive to the Beltway frontage Road or South Spectrum Boulevard west to Kirby Drive before final plat to facilitate the traffic volume and provide a second remote access.

### **Conformance with the Unified Development Code**

As previously stated, the property is currently zoned Planned Development (PD) – Modern Green Ivy District. The application seeks to change the Modern Green Ivy District PD to Ivy District PD.

According to the UDC – *“The purpose of an overlay planned development zoning district (“PD District”) is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Design Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD Districts are intended to implement generally the goals and objectives of the City's Comprehensive Plan. PD districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts.”* The proposal includes a variety of residential options integrated with commercial and recreational areas with outdoor seating areas with benches, receptacles, bicycle parking, a pedestrian bridge across Clear Creek, fountains, and detention. A 0.3 acre civic space on Parkland Terrace will be used for passive recreation and gathering. This space will also serve as a staging area for art fairs, farmers markets and

other small-scale festivals space, when the street will be closed. Amenities will include a fountain/water feature, benches, specialty paving, landscaping, and areas dedicated for kiosk vendors. This PD provides a higher quality of development due to the number of amenities provided, mix of land uses, and types of housing offered, and is in compliance with the UDC.

The PD proposes open space and enhancements that exceed the UDC requirements. As per the UDC, open space is calculated at 900 square feet per unit and 13.34 acres are required for this request. Assisted Living and Memory Care units are not required by the UDC to be included in these calculations. The total open space provided is 16.05 acres. Parkland Dedication fees are based on the proposed number of residential units and are calculated at \$750 per unit. See the table below.

<b>Types of Units</b>	<b>Total Number of Units</b>	<b>Number of Units Counted in Park and Open Space Dedication</b>	<b>Park Dedication amount @ \$750 per unit</b>
<b>Multi-Family Apts. (Rental)</b>	335	335	\$251,250
<b>CCRC</b>	224		
* Independent living (146 units)		146	109,500
* Assisted Living			
* Studio (2 units)			
* 1 Br. (12 units)		0	
* 2 Br. (20 units)			
* Memory Care-efficiency (44 units)			
<b>Condominiums</b>	142	142	106,500
<b>Townhomes</b>	46	46	34,500
<b>TOTAL</b>	<b>747</b>	<b>669</b>	<b>\$501,750</b>

**Platting Status**

Platting will be required for the proposed development prior to the issuance of building permits and Certificates of Occupancy. Prior to the approval of the Master Plat, an approved Traffic Impact Analysis (TIA), approved water and wastewater plans, approved drainage plan, signage plan, master lighting plan, and a detailed landscaping plan including the type, location, and quantity of all plantings, and an amenity plan needs to be submitted.

A future development agreement will be necessary for required off-site infrastructure improvements, including the construction of portions of Spectrum Boulevard and Promenade Shops Drive, and possibly for refinement of the specifics on the development of the Clear Creek Open Space. The proposed PD does not specify who will finance, develop, own, and maintain the proposed Clear Creek Open Space.

**Availability of Utilities**

The subject parcel is serviced by water and sanitary sewer, located along South Spectrum Boulevard. The applicant would need to extend the utilities to serve the site. Proposed extension of services and capacity issues and other required off-site improvements will be

addressed during platting. Except for the four-acre area south of Clear Creek that is located within the Municipal District (MUD 26), the PD is located in the Lower Kirby Pearland Municipal District.

Before the Master Plat is submitted, the utilities plan will be approved.

### **Impact on Existing and Future Development**

The proposed development is in accordance with the Lower Kirby Urban Center (LKUC) plan and will result in a high density, mixed use, high-value development. Further, this development will have a positive impact on surrounding properties by serving as an impetus for future mixed use, livable centers in the Lower Kirby area.

### **Additional Comments**

A joint workshop was held in October 2015, to discuss this application. Staff has been working with the applicant on addressing staff comments. The list of outstanding comments has been attached.

### **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. Staff has not received any returned notices in opposition to or in support of the proposed change in zoning request.

### **Exhibits**

1. Ivy District Planned Development & Exhibits
2. Aerial Map
3. Current Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List

## Outstanding Comments on PD – dated 3/16/2016

1. Page 4 – 2<sup>nd</sup> para, 2<sup>nd</sup> line – capitalize Ranch. Last para, 4<sup>th</sup> line – Add “Management to “Lower Kirby Management District. 3<sup>rd</sup> para – 4<sup>th</sup> line capitalize Creek, and Shadow Creek is two words.
2. Update Figure A.2. Some vacant land is developed.
3. Page 6 – The difference between zoning districts and land use categories need to be clear.
  - a. 1<sup>st</sup> para – second line, remove the words “... three separate zoning designations, also known as Character zones’ ...”
  - b. 2<sup>nd</sup> para, 1<sup>st</sup> line add “...establish a new PD zoning district...”
  - c. Last para – first line – “... all requirements of the UDC will apply accordingly to the following base zones...”
4. Page 12 –C-Permitted Uses – Dwelling Multiple Family add (Urban Style dwellings with internal courtyards) in parenthesis. These are the only type of multiple family permitted in the PD. This use is very specific to the PD, as compared to the UDC definition.
5. Page 15 –Administration. 1<sup>st</sup> para, last sentence — Remove as follows: “The Base Zoning for this District is the ~~Lower Kirby Form Based Code (Ordinance 943.20)~~-TH, MF, and GB as indicated on Section B-A.
6. Page 17 – Definition of BTZ, 2<sup>nd</sup> line add “...located (see illustration...)”.
7. Page 22 – Minor Deviations from approved Design Plan – There is no Design Plan. It should say “Regulating Plan”. Change accordingly in the entire document.
8. Section G – Streets and Setbacks.

It appears that the applicant is limiting themselves to pave all the BTZ area and prohibit grass in setbacks. There are some setbacks that are 50’, where the area between the building and the property line would need to be paved with only planters and tree wells. The applicant needs to pay attention to this proposed requirement and modify if that is not the intent.
9. Page 29 – Parking location – For type A, C, D Streets, add to the sentence – “...along the street frontage, only as shown in the Regulating Plan”. Also add to note #4, as per the Regulating Plan, – Parking between the buildings and streets is not permitted, except as shown in the Regulating Plan.
10. UN Zoning setbacks – page 30- Staff had requested earlier that maximum setbacks be added. This has not been done. Without maximum setback, the built form according to the Regulating Plan is not guaranteed.
11. Page 31 - Also add to note #4, as per the Regulating Plan, – Parking between the buildings and streets is not permitted, except as shown in the Regulating Plan. Correct the zoning designation in note #4.
12. Page 36 – Table H.4 – Total Open Space required should be for 669 du, not 667. The total acreage of open space needs to be 13.34 acres. Correct the table accordingly in two places.
13. Regulating Plan – Remove the note under L – “Allowances for ... need arises.”
14. For the senior living component, the developer will comply with Housing for Older Persons Act HOPA). <http://portal.hud.gov/hudportal/HUDsrc=/program offices/fair housing equal op p/seniors>
15. Fire Marshall:

The overall plan is unclear as to whether there will be two remote access roads into the development. It is unclear if Spectrum Boulevard will be extended west to Kirby or if Promenade will be extended to the Beltway in order to satisfy the need for a second remote access to the development. Two remote access will need to be addressed before the submittal of a Master Plat.



# Exhibit 1

## AERIAL MAP

2015-14Z

Ivy District



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

1 inch = 464 feet

DECEMBER 2015  
PLANNING DEPARTMENT

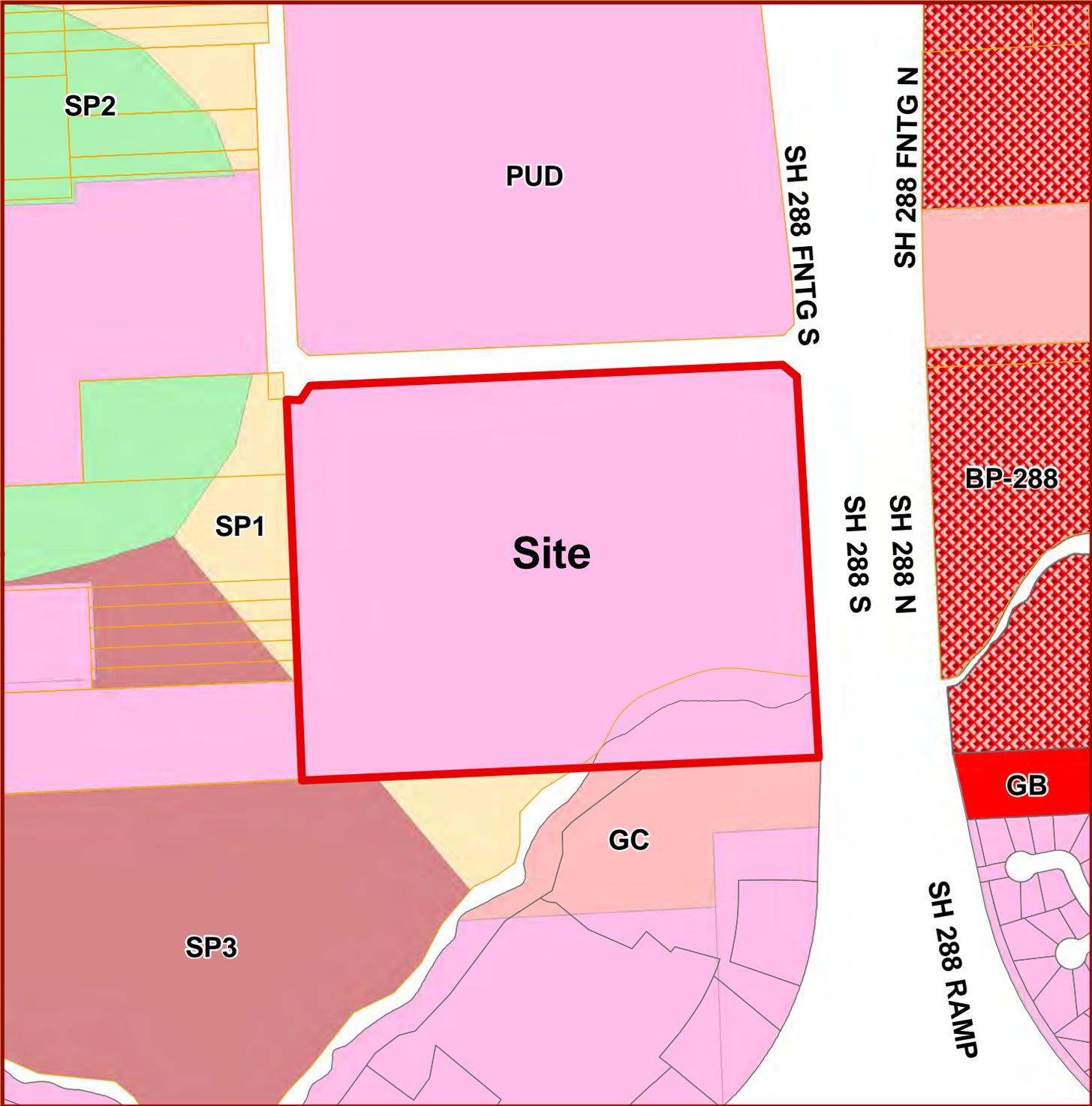


Exhibit 2

ZONING MAP

2015-14Z

Ivy District



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

1 inch = 464 feet

DECEMBER 2015  
PLANNING DEPARTMENT

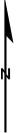


Exhibit 3

FLUP MAP

2015-14Z

Ivy District

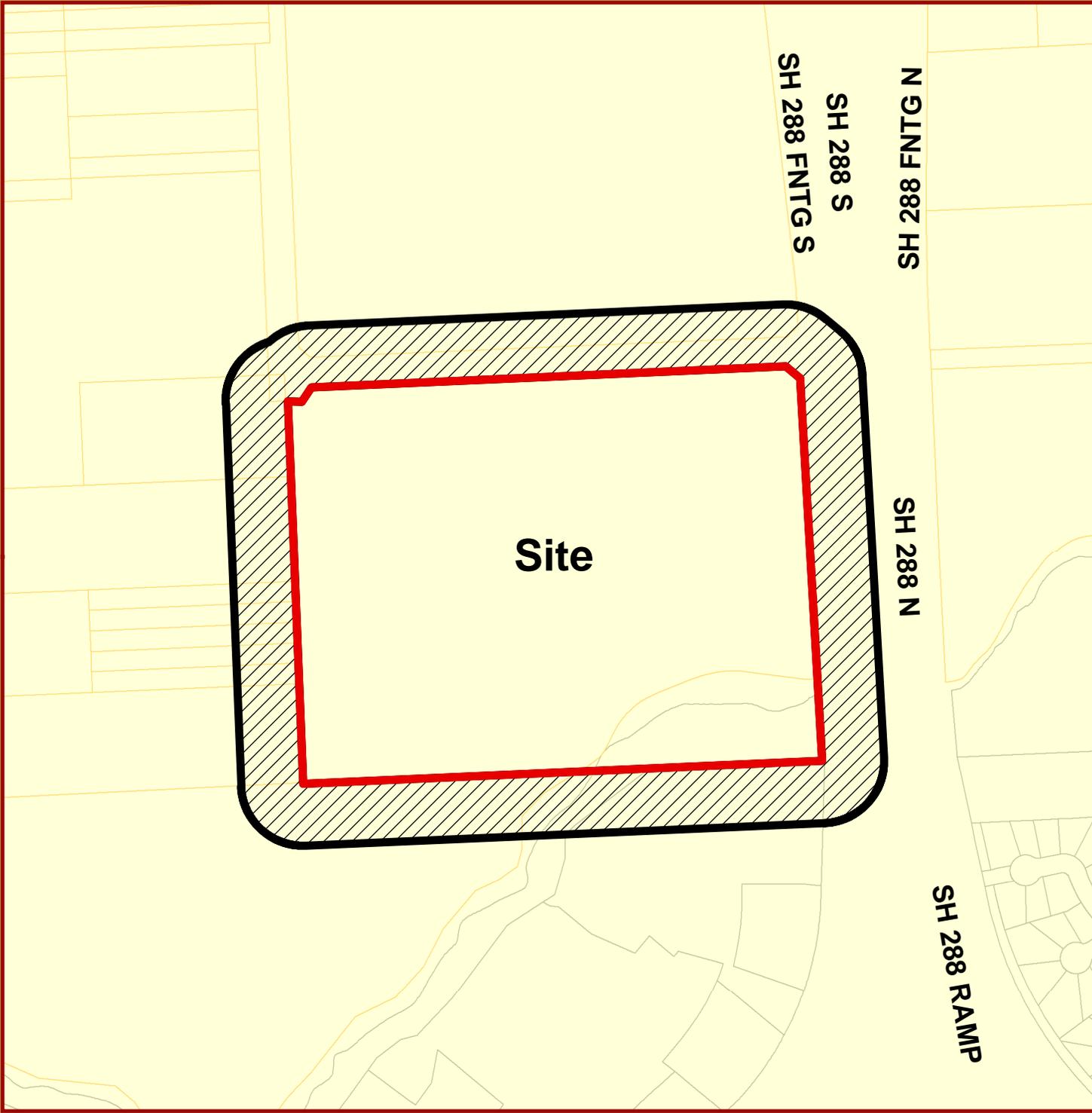


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1 inch = 464 feet

DECEMBER 2015  
PLANNING DEPARTMENT





# Exhibit 4

## NOTIFICATION MAP

2015-14Z

Ivy District



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1 inch = 464 feet

DECEMBER 2015  
PLANNING DEPARTMENT



**EXHIBIT 5**

Zone Change 2015-14Z - Ivy District

<b>Owner</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
AMERICA MODERN GREEN DEV	9889 BELLAIRE BLVD STE 214	HOUSTON	TX	77036
DE GEORGE ROSE ESTATE OF	606 SADDLE ROCK DR	HOUSTON	TX	77037
MARTINI RICHARD A &	1306 E ANDERSON RD	HOUSTON	TX	77047
MAYOR JAMES M	2006 ELM CRST	SAN ANTONIO	TX	78230
MAYOR RICHARD B	2121 KIRBY DR UNIT 13NW	HOUSTON	TX	77019
MAYOR THOMAS H	5555 DEL MONTE DR UNIT 1306	HOUSTON	TX	77056
PEARLAND LIFESTYLE CENTER LP	2650 THOUSAND OAKS BLVD STE 3150	MEMPHIS	TN	38118
SHRINERS HOSPITALS FOR	PO BOX 31356	TAMPA	FL	33631
ALLEN DOROTHY ATWATER	505 N ADAMS ST	FREDERICKSBURG	TX	78624
STUDE M S	815 WALKER ST STE 1650	HOUSTON	TX	77002
AMERICA MODERN GREEN DEV	11233 SHADOW CREEK PKWY. STE 289	PEARLAND	TX	77584
KNUDSON LP, ATTN. PATTI JOYNER	8588 KATY FREEWAY STE 441	HOUSTON	TX	77024
GCCLE - SHADOW CREEK LP	3120 ROGERDALE RD STE 150	HOUSTON	TX	77042

*DRAFT*

*IVY District*  
*a planned development*



AMERICA MODERN GREEN  
DEVELOPMENT(HOUSTON),LLC

## i - Ivy District

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America Modern Green (AMG) is a Pearland-based, US subsidiary of global developer, *Modern Land of China* a publicly traded company based in Hong Kong, which has developed over 10 million square feet of property internationally. AMG is best known for focusing on the development of large and comfortable communities. The subject property has gone through several issues of ownership, bankruptcy and market impacts since 2011 when they acquired the original 48.5 acre tract.

One of the issues that have precluded this project from being initiated was the inability of AMG to secure financing for many of the intended uses of the land development program, outlined in the previous PD. In the previous PD, the development program, which was prepared by an out of state consultant, did not fully recognize or address the current/future market conditions or the ability to provide reasonably financeable infrastructure and amenities.

AMG admits their first acquisition in the US was not executed as they intended and as a result are submitting this revised PD that addresses a more sustainable and financeable development plan and program. In addition, AMG has retained the services of local land development and planning professionals with a proven track record of land development projects in Pearland.

AMG's vision for this property is much clearer and realistic today and has brought on a local development partner. SUEBA USA is headquartered in Houston and has been led by John Chiang and Klaus Keller over the last 30 years. SUEBA USA is responsible for developing over 40 residential communities and commercial projects since its inception.

One of the leading transformational projects was the annexation and ultimate development of MUD 355, Lakes of Parkway Project. This 345-acre Houston in-city MUD resulted in over \$630MM in new real property values since inception in 1995. SUEBA USA was a critical partner with Kickerillo Companies to create this mixed-use community.

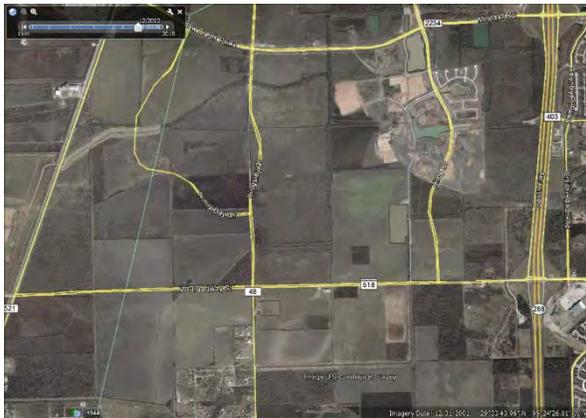
The partnership of AMG and SUEBA will insure the proposed PD for Ivy District will meet the vision of both the City and the developers. Therefore, the proposed PD amendment is meant to insure that mutual acceptable implementation plan can be constructed over the next ten (10) years.

### ***Surrounding Planning and Development Factors:***

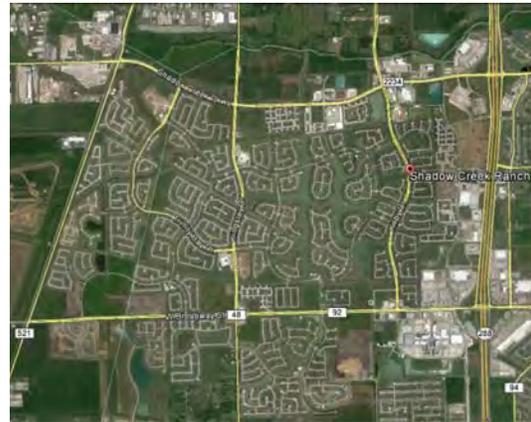
- *In 2006, Pearland constructed the extension of Kirby Drive from the South Belt to Shadow Creek Ranch Parkway which was instrumental in opening up tracts of land fronting on the South Belt for development and providing an alternative to the SH-288 corridor to Houston.*
- *The City has supported re-zoning efforts for tracts near the Ivy District. This rezoning has allowed the city to experience the successful development of approximately 130 acres of light industrial related industries over the last 9 years:*
- *The area surrounding the Ivy District site will also benefit from the 2007 creation of the Lower Kirby Management District to finance much needed infrastructure for the area. In addition, the District will:*

- (1) Promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;
- (2) Provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory and provide possible developer reimbursement for the infrastructure to accelerate the needed improvements;
- (3) Promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty;
- (4) Provide for water, wastewater, and drainage needs of the district; and
- (5) Provide for recreational facilities, sports arenas, and other athletic facilities.

- Pearland has experienced explosive growth, in large part due to the Shadow Creek Ranch Development and the businesses that have been located to Pearland to serve this major residential development. Prior to development of the 4,000 acre master planned community, the taxable value of this vacant land was negligible. A mere 16 years later Shadow Creek Ranch (TIRZ 2), has averaged an increase in assessed value per parcel of \$216,333 and also includes new revenue from new sales and Hotel Occupancy Tax.



**Figure i.1 – Shadow Creek Ranch (1999)**



**Figure i.2 – Shadow Creek Ranch (2015)**

# A - Introduction

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## A. Description of the Subject Property:

The Ivy District property is a 48.5-acre site generally located on the west side of State Highway 288 (SH-288), east of Kirby Drive, south of South Spectrum Boulevard, and north of Fruge Road, within the City of Pearland (City), Harris County, Texas.

The site is predominantly undeveloped grassland and scattered wooded areas with Clear Creek running through the southeast corner. There are two partially constructed detention ponds on the east side of the site of approximately 4.0 acres, just south of Clear Creek. Access to the Ivy District is from South Spectrum Boulevard on the northern boundary of the tract and an access driveway on the SH-288 frontage road. A significant portion (17 acres) of the site falls within the Floodway.



## B. Description of the Proposed Development:

Ivy District envisions a walkable, mixed-use plan that includes townhouse residential, senior living, general office and hotel, retail and multi-family land uses. The tract of land is nestled on the far southern edge of Harris County with a southern boundary along Clear Creek. Approximately 4.0 Acres of the development is South of Clear Creek and is located in Brazoria County. Of the 48.5 acres, approximately 16.05 acres is dedicated for lakes, detention, open space and tree planting, while another 4.0 acres has development constraints due to the floodplain issues. The net developable acreage is approximately 31 acres. To put this into perspective, the *City Centre* Development, in Houston Texas (W. Beltway 8 and I-10) encompasses approximately 40 acres.

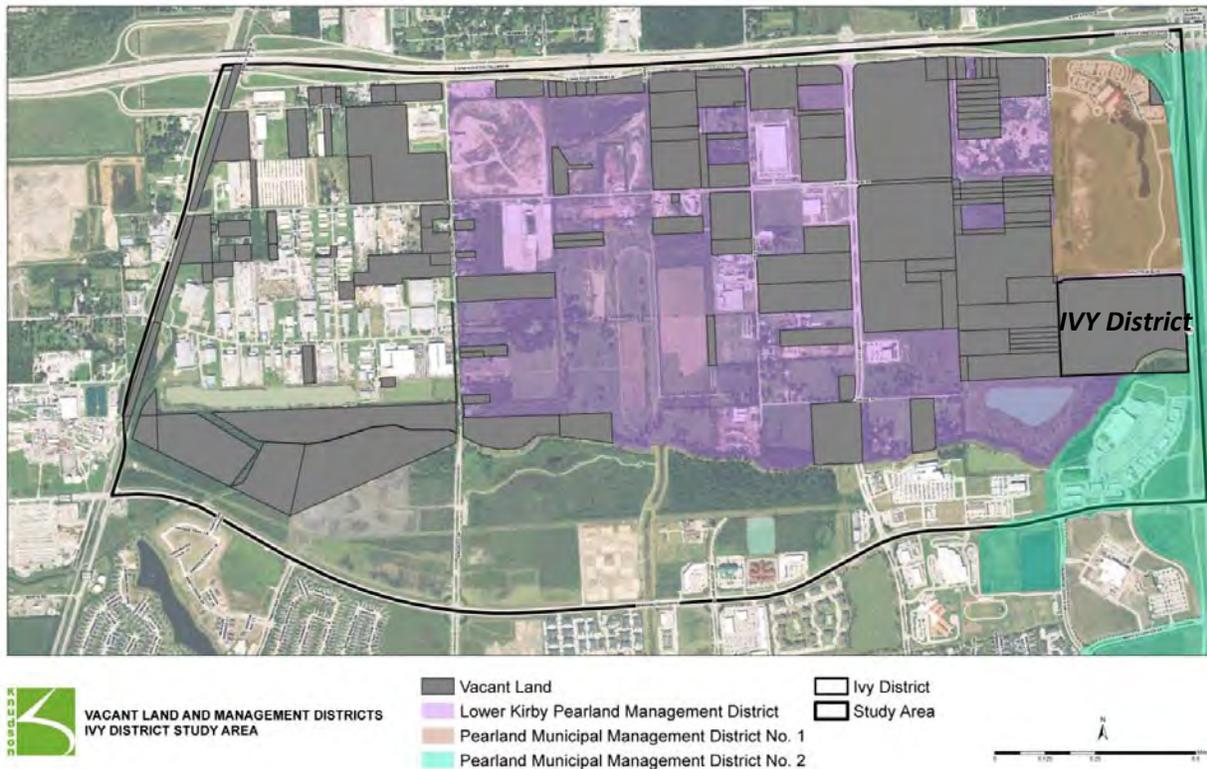
The Ivy District is mostly isolated from surrounding developed properties with the exception of an access point along SH 288. The future Kirby Drive expansion will allow access to Shadow Creek ranch via Kirby Drive. The Ivy District will be developed a small intimate, mixed use development. This walkable development will be bordered by public open space, including the 16.05 acre open space bordering Clear Creek. Wide, comfortable sidewalks and streetscape features will be installed along each block face to encourage pedestrian activity. The existing 16.05 acre open space will include amenity ponds, trails, and other recreational features. Pedestrian linkages to the Lower Kirby Management District property to the south of the site will also be included for even more recreation opportunity.

## C. Description of the Area

A majority of the Ivy District is located within Harris County, while a small 4.0 acre tract is located within Brazoria County. This tract is zoned to Houston Independent School District. The entire development is located within the City of Pearland limits. The Ivy District is located approximately 2 miles from the heart of Shadowcreek Ranch. A portion of this site is located within the Lower Kirby Management District. The area land uses are also outlined in Figure B.1. While some recent developments in the area have broken ground, the majority of the surrounding parcels still remain vacant, see Figure A.2.

This area has been a high priority for the City over the last 20 years. The City and Districts have agreed that infrastructure improvements are critical to opening up this of vacant land for future development. According to the City of Pearland's recent ***FYI 2016 Proposed Budget Report***, Tool Flo Manufacturing will invest \$36M for their 80,000 SF headquarters/manufacturing facility which will employ approximately 188 employees.

Mitsubishi Heavy Industries (MHI) will open their facility with 180,000 SF office and manufacturing space as well as begin expanding to an additional 85,000 square foot warehouse. The Lower Kirby District also began working on the first phase of regional detention system. In addition, the City, PEDC and the Lower Kirby District will work on the reconstruction of Hooper Road in the fall of 2015 and as well as planning for the extension of South Spectrum Drive.



**Figure A.2 – Vacant Land and Management Districts (as of 2014)**

## D. Applicability:

### **Division 2 – Application for Planned Development (PD) District**

#### **Pearland UDC - Section 2.2.2.1 Purpose, Applicability, Nature and Size of District**

(a) *Purpose.* The purpose of an overlay planned development zoning district ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Design Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD Districts are intended to implement generally the goals and objectives of the City's Comprehensive Plan. PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts.

(b) *Applicability.* A PD district may only be established in one of the following circumstances:

(3) *The land is proposed for development as a mixed-use development or a traditional neighborhood development requiring more flexible and innovative design standards;*

(7) *The land is of such a character that it is in the community's best interest to encourage high quality development through flexible development standards to further the goals and objectives of the City's Comprehensive Plan;*

**(Source: Pearland Unified Development Code)**

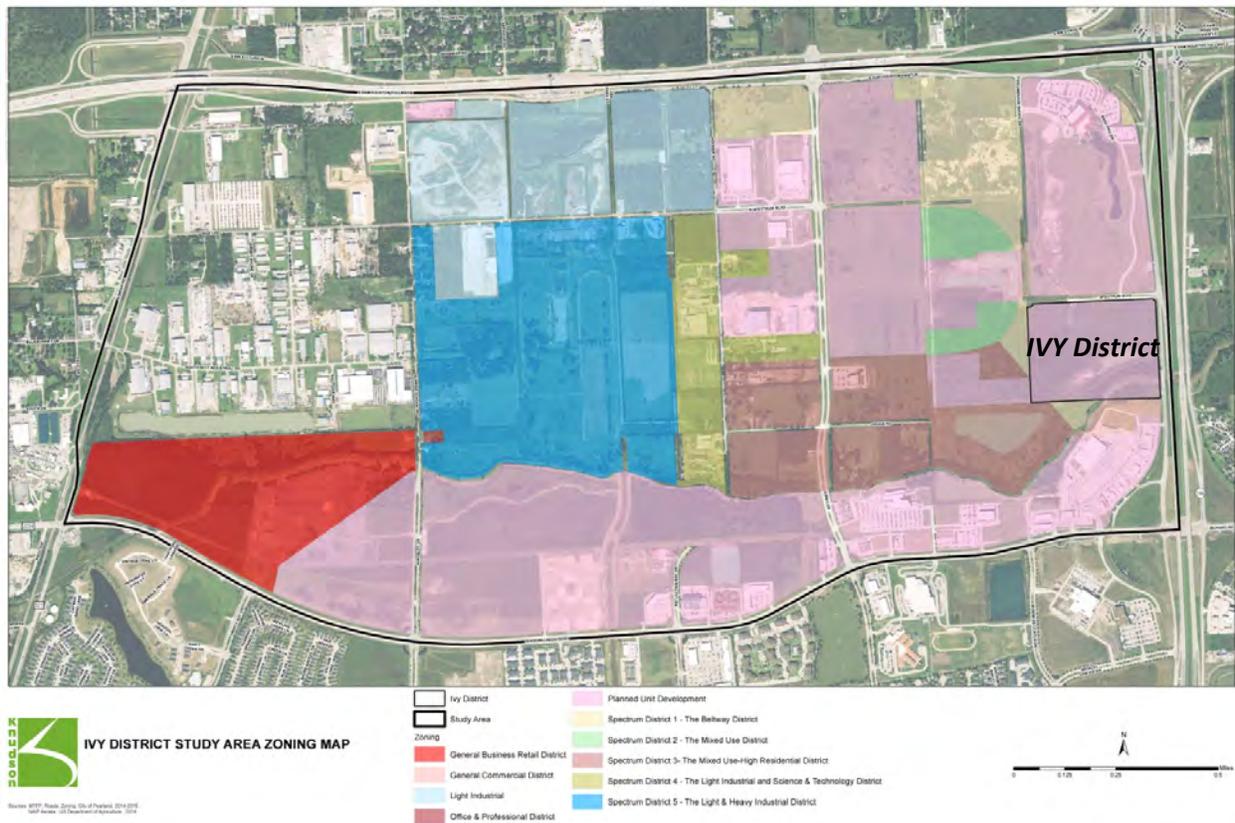
## B - Zoning and Land Use:

### A. Relationship to the Base Zoning District

The Ivy District site was previously zoned for another PD that was not implemented. The Ivy District site is also comprised of three separate zoning designations, also known as ‘Character Zones,’ outlined in the **Lower Kirby Urban Center Master Plan**, which the City recently incorporated into its Comprehensive Plan. The three Character Zones within the Ivy District’s boundary are *Commercial Transition*, *Highway Commercial* and *Urban Neighborhood*. The intended character of development with the proposed Lower Kirby District Master Plan are generally similar to the Ivy District; therefore standards from the Lower Kirby District Master Plan that match the zoning and design plan for Ivy District have been incorporated into this PD.

In consideration of all of the above factors, The Ivy District PD will establish a new zoning district that will replace the current PD zoning district and be governed by development regulations, design controls, and administrative and other requirements established in this PD document. Figure B.1, below, illustrate the boundaries of the Ivy District superimposed on the City's Zoning Map.

**Figure B.1** – City of Pearland Zoning Map (2015)



For Standards not included or addressed in this PD, all requirements of the UDC will apply accordingly:

- For Townhome Section – TH Townhouse Residential District
- For Multi-Family and CCRC/Condo – MF Multiple Family Residential District
- For other Commercial – GB General Business Retail District

Whenever there are one or more conflicting provisions in the PD and Unified Development Code, the more stringent provision or provisions shall apply.

## **B. Influence of the Proposed Lower Kirby District**

The planning and design of the Ivy District was influenced by the vision for the Lower Kirby Urban Center Plan, and the basis and template for this PD document was the "Proposed Form-based Code for Lower Kirby Urban Center," dated November 17, 2011

The Lower Kirby Plan establishes five 'Character Zones,' three of which are designated for the land within the Ivy District site the following is a summary description of those Character Zones:

### **1. Urban Neighborhood**

The Urban Neighborhood Zone is illustrated on Figure B.2. The Urban Neighborhood consists primarily of a residential fabric. The area is intended to have a mix of small apartments, townhomes and live-work units with commercial activity concentrated at street intersections and along the Clear Creek frontage.

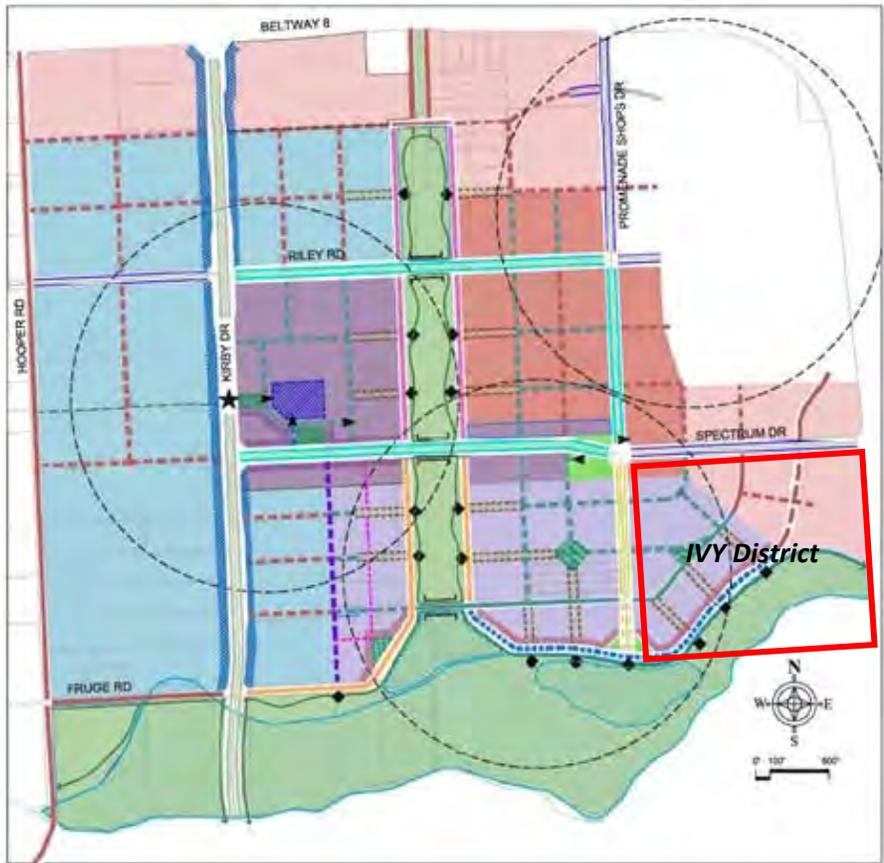
### **2. Highway Commercial**

Highway Commercial is intended to provide an appropriate transition in the Lower Kirby Urban Center from the Beltway 8 and SH 288 access roads. This area is intended for regional office and retail development.

### **3. Commercial Transition**

A proposed promenade transects this area as a major public open space for the master plan. The land uses for this zone include low density, high end multi-family units with first floor retail along the frontage of South Spectrum Drive. The introduction of first floor retail will accommodate neighborhood scale retail and restaurants as a transition from the Highway Commercial.

In addition to the Character Zones described above, the Lower Kirby plan also designates Clear Creek and the land within its floodway in the southeast corner of the Ivy District site as required open space. The Ivy District Plan proposes to provide 16.05 acres of open space, trails, water elements and landscape.



**Appendix B**

LEGEND	
<b>CHARACTER ZONES</b>	<b>FRONTAGE TYPES</b>
<ul style="list-style-type: none"> <li>Mixed Use Core</li> <li>Urban Neighborhood</li> <li>Commercial Transition</li> <li>Highway Commercial</li> <li>Research/Tech Campus</li> </ul>	<ul style="list-style-type: none"> <li>Kirby Drive Frontage</li> <li>"Main Street" Frontage</li> <li>"Promenade" Frontage</li> </ul>
<b>TYPE 'A' STREETS</b>	<b>OPEN SPACE</b>
<ul style="list-style-type: none"> <li>Kirby Drive</li> <li>BV-114-70 (Urban Boulevard)</li> <li>AV-94-48 (2-Lane Avenue)</li> <li>"Neighborhood Tributary" - ROW varies - refer to street sections</li> <li>ST-81-29 (Urban Greenway St)</li> <li>ST-53-29 (Neighborhood Greenway St)</li> <li>ST-62-36 (Urban Neighborhood Street - Type A)</li> <li>Waterfront Promenade</li> <li>Pedestrian Passage</li> </ul>	<ul style="list-style-type: none"> <li>Required Regional Detention / Floodway</li> <li>Designated Floodway</li> <li>Recommended water feature</li> <li>Recommended Regional Detention</li> <li>Required Open Space</li> <li>Recommended Open Space</li> </ul>
<b>TYPE 'B' STREETS</b>	<b>SPECIAL CONDITIONS</b>
<ul style="list-style-type: none"> <li>AV-82-44 (Avenue)</li> <li>ST-82-36 (Urban Neighborhood Street - Type B)</li> <li>RD-44-22 (Service/Access Road)</li> <li>Existing Street</li> </ul>	<ul style="list-style-type: none"> <li>Recommended Civic Use</li> <li>Proposed Light Rail stop</li> <li>Required Vista Terminus</li> <li>Recommended access point to Greenway</li> <li>Special Bridge Design</li> <li>Approximate parcel line</li> <li>1/2 Mile Radius Pedestrian Shed</li> <li>Bike/ped-way</li> </ul>
<p>NOTE: For all street types, a dashed line denotes a recommended street, a solid line denotes a required street</p>	

**LOWER KIRBY URBAN CENTER REGULATING PLAN**  
 City of Pearland, Texas FINAL DRAFT - June 24, 2011

Figure B.2 – Lower Kirby District Regulating Plan

## C. Proposed Ivy District

The proposed Ivy District encompasses 48.5 acres. The proposed mix use development is anticipated to be developed in one continuous phase. The utility and roadway infrastructure will be constructed initially with the vertical construction and amenity improvements following directly behind. The infrastructure improvements will be built in accordance with the City's Requirements. The proposed land uses are consistent with the Lower Kirby Character Zones described above. In addition, the properties surrounding Clear Creek and also located in the floodway are proposed to be preserved as open space with trails and amenities in support of this unique walkable mixed use community. For ease of description and because the Lower Kirby Regulating Plan bisects this 48.5 acre tract, we will use modified classifications of the three sub-districts of Lower Kirby Plan and one new residential sub district to characterize the proposed Districts for this development.

### 1. Ivy District Highway Commercial Sub-district (HC)

This sub-district encompasses 9.65 acres of the overall development. This sub district is generally located at the corner of SH 288 and Spectrum Blvd. This Sub-district will have a variety of uses, consisting of retail, office, hotel, and a mix of residential uses including senior living, and luxury condominiums. Required open space will also be incorporated into the overall 48.5 acre area. This Sub-district, fronts along the 288 and south along South Spectrum Drive adjoining a promenade of open space, public art and walkable connections to the Urban Neighborhood Zone as well as connections to the open space features along Clear Creek. As a smaller development, the goal is to treat each block face for both the Highway Commercial and Urban Neighborhood Zones with well-lit sidewalks, shade and street furniture that invite the residents and visitors alike. The streetscape envisioned will also link a prominent civic space at the community clubhouse/restaurant and pool to form of a public square that will be center piece of master plan. This Sub-district combines characteristics of the Lower Kirby "Highway Transition" and "Commercial Transition" zones.

A small 4.0 acre tract south of Clear Creek will be included within the Highway Commercial Zone. The planned use for this tract will be a small commercial building and its parking.

### 2. "Ivy District Urban Neighborhood/Commercial Transition" Sub-district (UN)

This sub district encompasses approximately 17.6 acres of the overall development. The primary use will be residential land uses with neighborhood retail located on the first floor of the high end multifamily residential dwelling units. This sub district will also contain a prominent civic space that will include pedestrian friendly elements, landscaping, public art opportunities, and fountains.

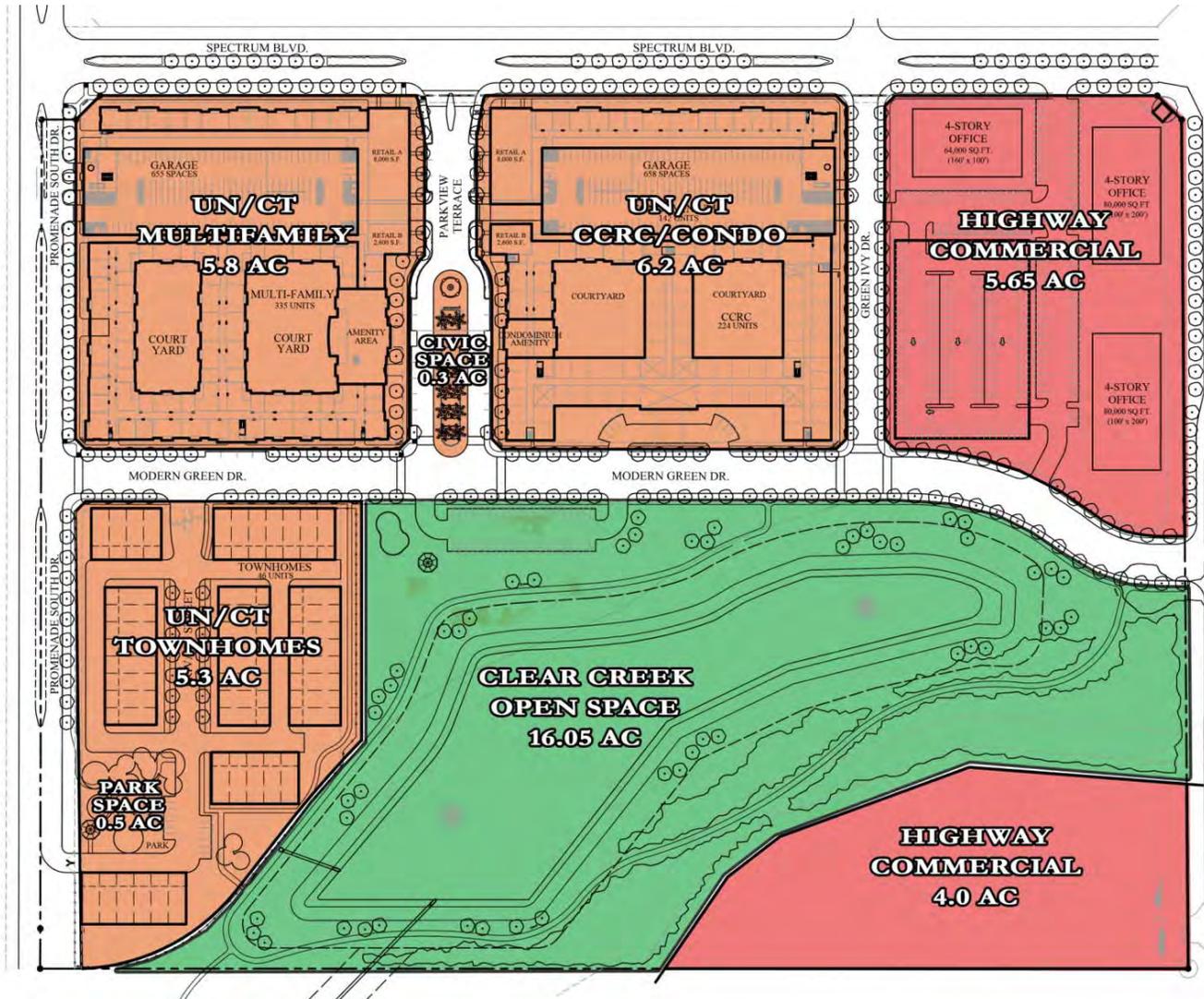
This sub district will also contain 5.3 acres of townhouse residential development. This sub district will include a gated townhouse development made up of attached, 'brownstone style' single family units with a private street configuration.

### 3. "Clear Creek" Sub-district (CC)

The Clear Creek Sub-district will be zoned for Public Open Space. This Sub-district will be developed as public open space and will be used for recreation. The area surrounding the detention pond could be developed as an amphitheatre. Land uses amenities include pedestrian trails connecting to all districts and thoroughfares

Land Use Summary Table for the 48.5 acre Plan			
Table B.1			
Use	Acres	% of Totals	Zoning District
Townhomes (With 0.5 acre park) (UN/CT)	5.30	10.9%	UN
Multi Family (with accessory Retail) (UN/CT)	5.80	12.0%	UN
Condo/CCRC (with accessory Retail) (UN/CT)	6.20	12.8%	UN
Civic Space (UN/CT)	0.30	0.6%	UH
Office/Retail/Hotel (HC)	5.65	11.6%	HC
Office/Retail/Parking (HC)	4.00	8.2%	HC
Open Space/Parkland/Detention (CC)	16.05	33.1%	CC
Thoroughfares/ROW (all sub-districts)	5.20	10.8%	UH, HC, CC,
<b>Total</b>	<b>48.5</b>	<b>100%</b>	

Figure B.3 – Acreage by Use within each Sub-District



**Development Phasing** – It is the intent of the Developer to construct all of the utility infrastructure and roadways for the entire development first. All roadways and utility infrastructure will be built to City of Pearland Standards. The Multi-Family project will be the first vertical construction to start, followed by the Condo/CCRC project and the Townhouse project. The Highway Commercial construction will begin once the Market Conditions present themselves for this work to begin.

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The Developer commits to having all amenities within the 16.05 acre open space and the 0.3 acre Civic Plaza (See Table B.1 & Figure B.3) in place before submitting for their Certificate of Occupancy. Before a Master Plat is submitted, the following documents need to be approved:

- Traffic Impact Analysis,
  - Water and Waste Water Plan,
  - Drainage Plan,
  - Signage Plan,
  - Master Lighting Plan,
  - Detailed Landscaping Plan (including species, number and caliper of trees listed)
-

# C - Permitted Uses:

## Schedule of Allowed Land Uses:

Table C.1

Land Use	Highway Commercial Sub-District (HC)	Urban Neighborhood Sub-District (UN)	Clear Creek-Sub District (CC)
<b>PRIMARY RESIDENTIAL USES</b>			
Boarding or Rooming House	NP	NP	NP
Dwelling - Four - Family (Quad-plex) (Defined Under Dwelling - Multifamily)	NP	NP	NP
Dwelling - HUD - Code Manufactured (Mobile) Home	NP	NP	NP
Dwelling - Industrialized Home	NP	NP	NP
Dwelling - Mobile Home	NP	NP	NP
Dwelling - Multiple - Family	NP	P	NP
Dwelling - Patio Home	NP	NP	NP
Dwelling - Single Family Detached	NP	NP	NP
Dwelling - Town House	NP	P	NP
Dwelling - Two Family House	NP	NP	NP
<b>ACCESSORY AND INCIDENTAL USES</b>			
Off-Street Parking Incidental to Residential Main Use	NP	P	NP
Off-Street Parking Incidental to Non Residential Main Use	P	P	PC
Social & Recreational Building, including homeowners association neighborhood Recreation centers	P	P	NP
Off-site Detention Facility	NP	NP	P
On-site Detention Facility	NP	NP	P
Gasoline Station	NP	NP	NP
<b>ENTERTAINMENT &amp; RECREATIONAL USES</b>			
Commercial Amusement, Indoor	P	NP	NP
Commercial Amusement, Outdoor	P	NP	NP
Dinner Theatre	P	NP	NP
Gaming Establishment	NP	NP	NP
Park and/or Playground (Private)	NP	P	P
Park and/or Playground (Public; Municipal)	P	P	P
Private Club	NP	P	NP
Recreation Center (Private, For Profit)	P	P	NP
Swimming Pool, Commercial	P	NP	NP
Swimming Pool, Private (Use Only By Resident)	P	P	NP
Temporary Outdoor Amusement/Activity	P	P	PC
Tennis or Swim Club (Private, For Profit)	NP	NP	NP

Temporary Food Truck or Concessionaire Parking	NP	P	P
<b>AUTOMOBILE USES</b>			
Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity	P	P	NP
<b>OFFICE USES</b>			
Clinic, Medical or Dental	P	P	NP
Credit Agency	P	P	NP
Financial Institution (No Motor Bank Services)	P	P	NP
Financial Institution (With Motor Bank Services)	P	P	NP
Office (other than listed)	P	P	NP
Security Monitoring Company (No Outside Storage)	P	P	NP
Telemarketing Agency	P	P	NP
Automatic Teller Machine (ATM)	P	P	NP
Automobile Driving School (including Defensive Driving)	PA	NP	NP
Barber/Beauty Shop/Tanning Studio (No Related School/College)	P	P	NP
Extended Stay Motel/Hotel	P	NP	NP
Gym/Health Club (Physical Fitness; Indoors Only)	P	P	NP
Hotel/Motel	P	NP	NP
Laundromat (Self-Service Laundry)	NP	P	NP
Seamstress, Tailor or Laundry Dry Cleaning (Retail Only - Drop Off/Pick Up)	PA	P	NP
Studio or Learning Center for Fine or Performing Arts	PA	P	NP
<i>P=Permitted by Right NP=Not Permitted PC=Permitted with Criteria PA=Permitted Accessory Use</i>			

Land Use	Highway Commercial Sub-District (HC)	Urban Neighborhood Sub-District (UN)	Clear Creek-Sub District (CC)
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PERSONAL & BUSINESS USES			
Art Museum, Dealer, or Studio	PA	P	NP
Cigar, Tobacco Shop (Retail Only)	PA	P	NP
Convenience Store (Without Gasoline Sales) (3000 s.f. max)	P	P	NP
Copy/Print Shop	PA	P	NP
Department Store (Retail Only)	NP	P	NP
Food Sales On or Off Premise	P	P	NP
Garage and/or Yard Sales	P	P	NP
General Retail, other than listed	P	P	NP
Jewelry Store	P	P	NP
Market - Open Air	NP	PC	PC
Outside Display {See related regulations in applicable zoning districts}	NP	PC	PC
Restaurant (With No Drive-In or Drive-Thru Service)	P	P	NP
Tavern	P	P	NP

<b>INSTITUTIONAL AND GOVERNMENTAL USES</b>			
Assisted Living Facility	NP	P	NP
Civic Club	P	P	NP
Community/Group Home	NP	P	NP
Community or Social Buildings	NP	P	NP
Nursing/Convalescent Home	NP	P	NP
Sheltered Care Facility	NP	P	NP
<b>COMMERCIAL &amp; RELATED SERVICES</b>			
Contractor's Temporary On Site Construction Office	P	P	P
<i>P=Permitted by Right   NP=Not Permitted   PC=Permitted with Criteria   PA=Permitted Accessory Use</i>			

## D - Administration:

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This section sets forth the provisions for reviewing and approving development applications within Ivy District. The intent is to ensure that development is consistent with the provisions of this Code. All portions of this Code shall be applied during the review process.

- a. The development standards under the City of Pearland Unified Development Code (UDC), as amended, shall apply to Ivy District except as specifically referenced herein. Development standards not addressed in this ordinance shall be governed by the City of Pearland UDC to the extent they are not in conflict with the intent or text of the Ivy District Code. However, all development in the Ivy District shall also meet the standards in the International Building Code, as adopted by the city. The Base Zoning for this District is the Lower Kirby Form Based Code (Ordinance 943-20)
- b. Land use shall be regulated on a total acreage basis and by a finite cap on the number of dwelling units. Each land use category may be increased in acreage by up to 10%, as long as the total number of dwelling units does not exceed 822 DU (747 planned units x 10% increase). The percentage land use area change is required to assure the success of the development, based on the need to maintain the ability to modify land use categories slightly to continue to remain competitive in the real estate market. Land uses may be interchanged within the boundaries of the planned unit development provided they are in compliance subject to the above referenced 10% allowable increase.
- c. Sign Standards under Chapter 4 Site Development, Article 2, Division 5 Signage, as amended, of the City of Pearland UDC, shall not apply to Ivy District. Ivy District is following the Lower Kirby Urban Center signage standards except as specifically referenced herein.
- d. Using this Code:

The following basic steps should be followed to determine the uses and development standards applicable on property within Ivy District:

  1. Locate the subject property on the Ivy District
  2. Identify:
    - i. the sub-districts of the Ivy District;
    - ii. Streets design criteria is outlined in the PD; and,
    - iii. Any Special Frontage Requirements that may be applicable to the subject property.
  3. Review the Schedule of Allowed Land Uses
  4. Refer to **Section G** for Special Street and Setback Standards.
  5. Refer to **Section H** for Building Design Standards.
  6. Refer to **Section I** for Streetscape Standards.
  7. Refer to **Section J** for Signage Standards
  8. Refer to **Section K** for Regulating Plan.

The information from the above listed steps explains where the building will sit on the lot, the setbacks, the range of land uses, and the palette of materials. Development within Ivy District that complies with the provisions of this Code shall be approved by the City Manager or designee In addition to complying with applicable City regulations.

- e. Information Required for Development Review. The full list of required materials is included in the Ivy District development application available from the City of Pearland Planning Department. In

general, the following information is required, as applicable per Chapter 2, Article 2, Division 2 of the UDC:

- (i) Site Plan
- (ii) Building Plans and Elevations
- (iii) Landscape Plan
- (iv) Material Specifications
- (v) Plans and Specifications for Proposed Signs
- (vi) Description of Proposed Scope of Work
- (vii) Photographs of Site and Existing Conditions

f. (Not Used)

g. A request for a modification to any of the standards of this Code other than minor modifications as permitted shall be reviewed and processed as a Planned Development (PD) District per Chapter 2, Article 2, Division 2 of the City of Pearland Unified Development Code.

(1) In evaluating a Planned Development (PD) District within the Ivy District, CC and P&Z may consider the extent to which the application meets any of the following:

- i. the goals and intent of Ivy District
- ii. provides an alternative “Master Plan” approach by consolidating multiple properties to create a predictable, market responsive development for the area,
- iii. fits the adjoining context by providing appropriate transitions,
- iv. provides public benefits such as usable civic and open spaces, regional drainage, livable streets, structured or shared parking, and linkages to transit and adjoining opportunities, and
- v. does not hinder future opportunities for higher intensity, mixed use development.

h. Minor Modifications to the Ivy District Code:

The City Manager or designee shall have the authority to approve a request for minor modifications to Ivy District that:

- (1) Does not change the circulation and building location on the site;
- (2) Does not increase the building area permitted under this Code;
- (3) Does not change the relationship between the buildings and the street;
- (4) Does not allow a use not otherwise authorized in this Code;
- (5) Does not allow greater height of any building or reduction of any parking requirement established in this Code; or
- (6) Change established street cross sections per this Code.

The City Manager or designee shall also have the authority to approve minor modifications outlined in Table F.1. Any appeals to the decisions of the City Manager on minor modifications shall be heard by the City Council. Any City Council denials of minor modifications or any changes beyond those that meet the criteria above or the thresholds established in Table F.1 shall be processed as a Planned Development (PD) District application under the City of Pearland UDC.

i. Fire Code

At the time of the Master Plat application the location of the second remote access to the development that meets the adopted Fire Code standards must be shown on the Master Plat.

## E – Definitions

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In addition to Definitions in Chapter 5 of the City of Pearland UDC, the following terms shall have the corresponding interpretations. The definitions in this subsection under the Ivy District PD shall supersede definitions of any terms also in Chapter 5 of the UDC and shall only apply to development within the Ivy District.

**Alley** is a public way which is used primarily for vehicular access to the back or side of properties; the alley may be a minimum of 16 feet wide to 20 feet wide.

**Arcade** means a portion of the main façade of the building that is at or near the property line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories.

**Assisted Living Facilities Units (ALU)** are licensed facilities by the State to provide personal assistance to residents. They typically have smaller accommodations than congregate or independent living facilities, and sometimes provide small kitchenettes.

**Balcony** is a platform projecting from a second or higher story interior or exterior wall of a building, usually enclosed for privacy and protection by a rail. A balcony usually has French or sliding glass doors leading out to it, and can be entered from a living room or bedroom.

**Bioswales** are landscape elements designed to remove silt and pollution from surface runoff water. They consist of shallow, trough-like depressions with gently sloped sides (less than six percent) and filled with vegetation and/or compost. The water's flow path, along with the wide and shallow ditch, is designed to maximize the time water spends in the swale, which aids the trapping of pollutants and silt.

**Block Face Dimensions** means the linear dimension of a block along one of its street frontages.

**Block Perimeter** means the aggregate dimension of a block along all of its street frontages.

**Block** means the aggregate of lots, pedestrian passages and rear alleys, circumscribed on all sides by streets.

**Build-to Line (or building line)** means the line at which the principal building's front façade shall be built.

**Build-to Zone (BTZ)** means the area between the minimum and maximum setbacks within which the principal building's front façade (building façade line) is to be located. *Illustration indicating the location of the build-to zone relative to the minimum and maximum setbacks and the building façade line*

**Building Façade Line** means the vertical plane along a lot where the portion of the building's front façade closest to the street is actually located.

**Building Form Standards** means the standards established for each Character Zone that specify the height, bulk, orientation, and elements for all new construction and development.

**Building Frontage** means the percentage of the building's front façade that is required to be located at the front Build-to Line or Zone as a proportion of the lot's frontage along that public street. (Parks,

plazas, squares, improved forecourts, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage).

**Canopy** means an awning-like projection from a wall that is made of rigid materials and is permanently attached to a building's facade and allowed to project over public sidewalks.

**City Manager** means the City Manager of the City of Pearland or his/her designee.

**Civic Space** means publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned. Building façades facing a Civic Space shall be treated as a Type 'A' Street frontage.

**Colonnade** means a row of columns extending from a building. It may either be a gallery or under a balcony or an arcade.

**Commercial or Mixed Use Building** means a building in which the ground floor of the building is built to commercial ready standards and any of the floors are occupied by non-residential or residential uses.

**Commercial Ready** means space constructed at a minimum interior height of a minimum of 12 feet which may be used for noncommercial uses and can be converted into retail/commercial use. Prior to the issuance of a certificate of occupancy for a retail/commercial use in a Commercial-Ready space, the space must comply with all building and construction codes for that use. The intent of Commercial-Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

**Comprehensive Plan** means the City of Pearland Comprehensive Plan that establishes policy guidance for the Long-term growth and development of the City as adopted on the effective date of this PD.

**Continuing Care Retirement Community (CCRC)** means any buildings specifically designed for and occupied by senior citizens (50+ years of age), designed to meet the physical or social needs of senior citizens, which may include: assisted living, congregate living, independent living or skilled nursing facilities, rehabilitative services, medical or personal care services, social gathering space, restaurant and dining space, assembly and entertainment space, or education and cultural space.

**Dwelling Unit** means one or more rooms including kitchen designed as a **unit** for occupancy by one family for the purpose of cooking, living and sleeping.

**Encroachment** means any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public R.O.W, or above a height limit.

**Façade Rhythm** means the repetition of a vertical feature, bay width or architectural element on a façade at a regular interval that provides scale and massing to a building.

**Garden (formal)** means a Public Open Space with formal landscaping intended to be a quiet, relaxing and meditative space

**Gallery** means an extension of the main façade of the building that is at or near the front property line and the gallery may overlap the public sidewalk.

**Green** means a Public Open Space intended for unstructured recreation, spatially defined by landscaping rather than building frontages

**Kiosk** means a small temporary or permanent structure often open on one or more sides used for sales in civic/open spaces Kiosks shall be limited to no more than 36 square feet of floor area.

**Live-Work Unit** means a mixed use building type with a dwelling unit that is also used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The 'work' component is usually located on the ground floor which is built to Commercial Ready standards. The 'live' component may be located on the street level (behind the work component) or any other level of the building.

Live-work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

**Living Screen** means a Street Screen composed of landscaping in the form of vegetation.

**Master Sign Plan** means a unique sign plan to implement a specific vision for a portion or all of the development.

**Minor Modification** means any changes to the Ivy District that meet the threshold criteria established as well as allowed up to 10 percent of the land uses changes without a plan amendment. See Table B.1

**Park** means a Public Open Space that is a preserve largely available for recreation and maintained by the City

**Pedestrian Passage** is an intimate street level passage way for pedestrians from the interior of one block or building to a public sidewalk. These paths provide direct pedestrian access to residential addresses and create unique spaces for frontages to engage and enter off of.

**Pedestrian/Trail Easement** means a grant of use of private property for pedestrian access and use.

**Plaza** means a primarily hardscaped civic space with formal landscaping, available for civic purposes and commercial activities. A plaza shall be spatially defined by buildings. **Playground** is a civic/ private open space designed and equipped for children's recreation. A playground may be fenced and may include an open shelter. Playgrounds may be located within residential areas and may be placed within a block. They may be included in other civic/open spaces.

**Private Open Space** means open space provided for all residential uses, privately accessible open spaces such as courtyards, porches, and balconies.

**Public Open Space** means publicly accessible open space in the form of parks, gardens, squares, plazas, greens, pocket parks, playgrounds, etc, that may be privately or publicly owned and are required by the UDC as Park Dedication.

**Recommended Civic Space** means plaza, green, square, or park area identified on the Regulating Plan which is shown as a suggested feature within the Lower Kirby Urban Center Framework Plan. A Recommended Civic Space is planned and may be adjusted to the meet the context of the development from time to time.

**Residential Building** means a building type that is built to accommodate residential and allowed mixed land uses on all floors of the building such as townhomes, senior housing, independent living, condominiums, apartment buildings, duplexes as described below: .

### **Residential Building Typology**

#### **Urban Style Dwellings with Internal Parking**

- a. Self-contained dwelling units that occupy only part of a building.
- b. Plan organization where all the dwelling units are along one side of the access corridor.
- c. Residential units surround an internal parking structure.
- d. Buildings are usually 3- to 5-stories tall and reinforce the street edge.

#### **Townhouse**

- a. A dwelling unit having a common wall with or abutting one or more adjacent buildings and neither above nor below any other dwelling unit.
- b. Dedicated front and rear access to the outside.

**Retail Sales** Retail establishments are a collection of retail stores and restaurants organized along the streets designed for Mixed Use and Highway Commercial. Establishments in stores operate as fixed point-of-sale locations, which are designed to attract walk-in customers. Retail establishments often have displays of merchandise and sell to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation. Included in, but not limited to this category, are durable consumer goods sales and service, consumer goods, other boutique grocery, food, specialty food, beverage, dairy, etc., and health and personal services.

**Service Uses** means a category for limited personal service establishments which offer a range of personal services that include (but not limited to) clothing alterations, shoe repair, dry cleaners, laundry, health and beauty spas, tanning and nail salons, hair care, etc.

**Senior Living:** see Continuing Care Retirement Community (CCRC)

**Sign, Building Blade** means a pedestrian-oriented sign that is affixed perpendicular to the corner of a building or to the front façade of a building above the ground floor to provide identification for the whole building.

**Sign, Marquee** means a sign structure placed over the entrance to a theatre or other public gathering venue. It has signage stating either the name of the establishment or the name of the event, artist, and other details of the event appearing at that venue. The marquee is often identifiable by a surrounding cache of light bulbs, usually yellow or white, that flash intermittently or as chasing lights. Marquee signs may often be combined with Building Blade signs.

**Sign, Monument** means any sign which is connected to the ground and which has no clear space for the full width of the sign between the bottom of the sign and the surface of the ground. A monument sign may include a sign face and sign structure, and may also include a sign base and sign cap.

**Sign, Sandwich Board** means a portable sign consisting of two panels of equal size, which are hinged at the top or one panel with a support and placed on the ground or pavement so as to be self supporting.

**Sign (Tenant Blade)** means a smaller pedestrian-oriented sign that is affixed perpendicular to the building façade under a canopy or awning or immediately over a tenant space and provides identification for individual tenants within a building.

**Street Screen** means a freestanding wall (masonry) or vegetative screen built along the build to zone or in line with the building façade line along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

**Street Type** means a specific designation for streets located within Ivy District that establishes a certain character and cross-sections to improve walkability within the development.

**Street Network** means the required and recommended network for new and existing streets within Ivy District

**Square** means a Public Open Space designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees.

**Tree Planting Area** means the actual ground area which is disturbed for planting a tree. It shall include the root ball and backfill soil around it. The tree planting area may be larger than the tree well which is placed over the tree planting area.

**Tree Well** means an unpaved area around the trunk of a tree within the sidewalk area that is either landscaped with ground cover or covered with a tree grate.

**Type 'A' Street** means a boulevard street identified as Spectrum Blvd and Promenade South Drive. The R.O.W. dimension for these streets will be 100 feet in width.

**Type 'B' Street** means a two way-street identified as Parkview Terrace. The R.O.W. dimension for this street will have varying widths between 76 feet and 120 feet in width. This street will also serve as main pedestrian center of the Ivy District. A large plaza between the drive lanes will serve as a pedestrian plaza and will contain streetscape features including landscaping, public art, water features, and special paving

**Type 'C' Street** means a two way-street identified as Green Ivy Drive. The R.O.W. dimension for this street will be 56 feet in width.

**Type 'D' Street** means a two way-street identified as Modern Green Drive. The R.O.W. dimension for this street will be 76 feet in width.

**UDC** – City of Pearland, Unified Development Code.

## F – Minor Modifications

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### Allowed Minor Modifications

Table F.1

#### Section 2.2.2.6 Subsequent Development Applications (Pearland UDC)

(a) **Development Applications Authorized.** The development standards for a PD district shall be applied to the authorized uses through a subdivision plat, Site Plan or one or more site development plans prepared in accordance with Section 2.2.2.8, as set forth in the adopting ordinance.

(b) **Minor Deviations from Approved Design Plan.** In determining whether development applications are consistent with the Design Plan, minor deviations from the Design Plan may be approved by the Planning Director. Unless otherwise specified in the adopting ordinance, minor deviations are limited to the following:

- (1) Corrections in spelling, distances, and other labeling that does not affect the overall development concept.
- (2) Changes in building position or layout that are less than ten feet (10') or ten percent (10%) in size.
- (3) Changes in the proposed property lines as long as the original stated project acreage is not exceeded.
- (4) Changes in parking layouts as long as the number of required spaces and general original design is maintained.

# G - Streets and Setbacks:

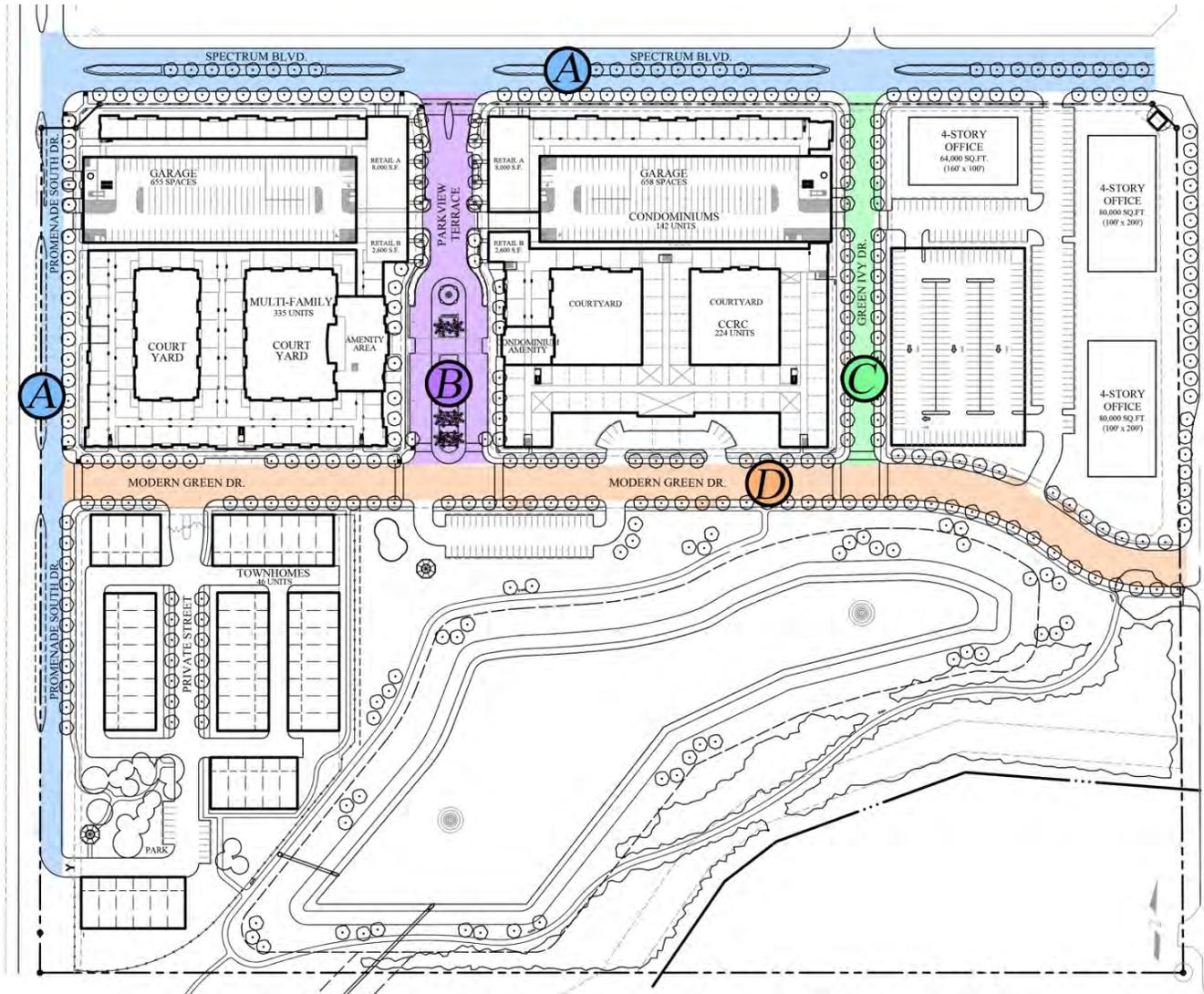


Figure G.1– Public Street Type Legend

## Type 'A' Street Typical Section – Spectrum Blvd & Promenade South Drive

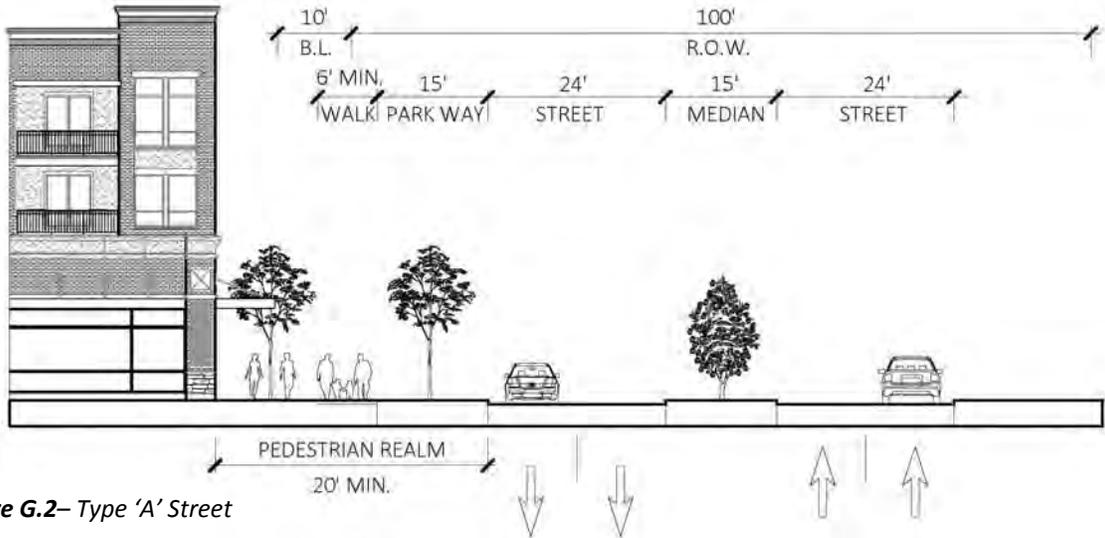


Figure G.2– Type 'A' Street

## Type 'B' Street Typical Section – Parkview Terrace

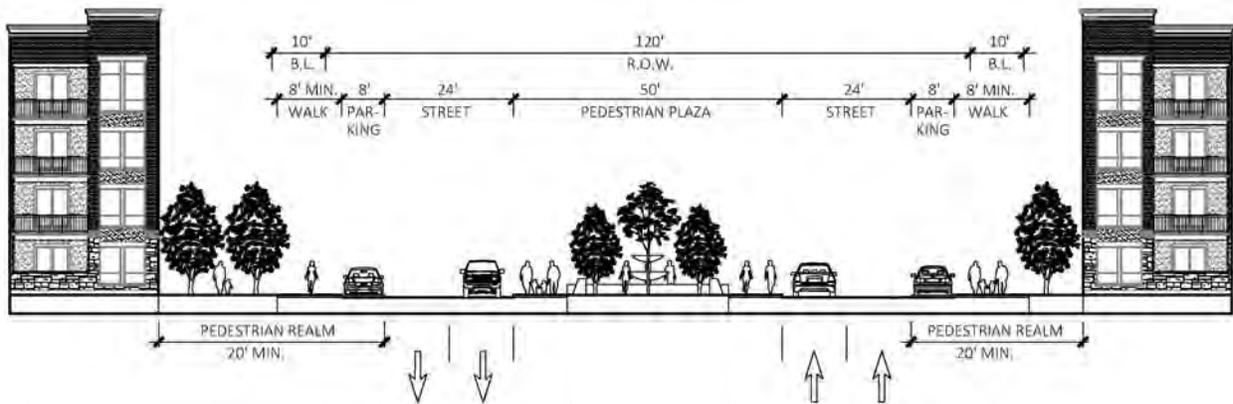


Figure G.3 – Type 'B' Street @ Pedestrian Plaza (with on street parking)

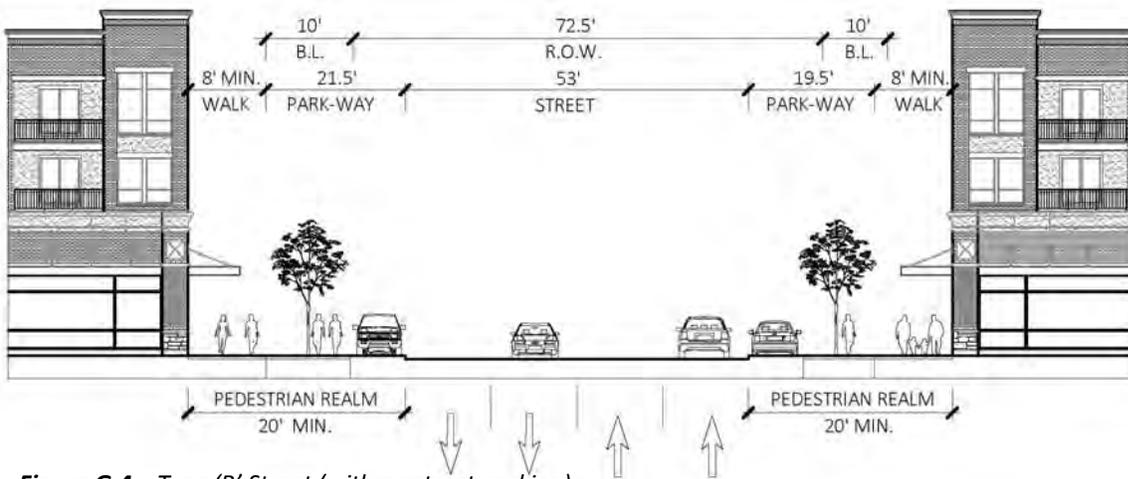


Figure G.4 – Type 'B' Street (with on street parking)

## Type 'C' Street Typical Section – Green Ivy Drive

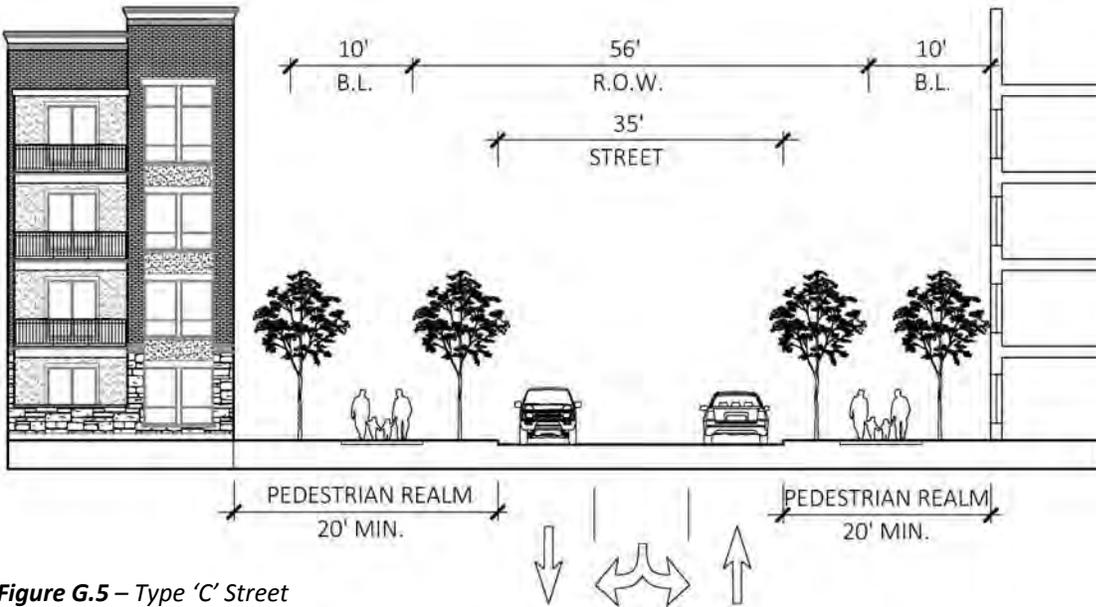


Figure G.5 – Type 'C' Street

## Type 'D' Street Typical Section – Modern Green Drive

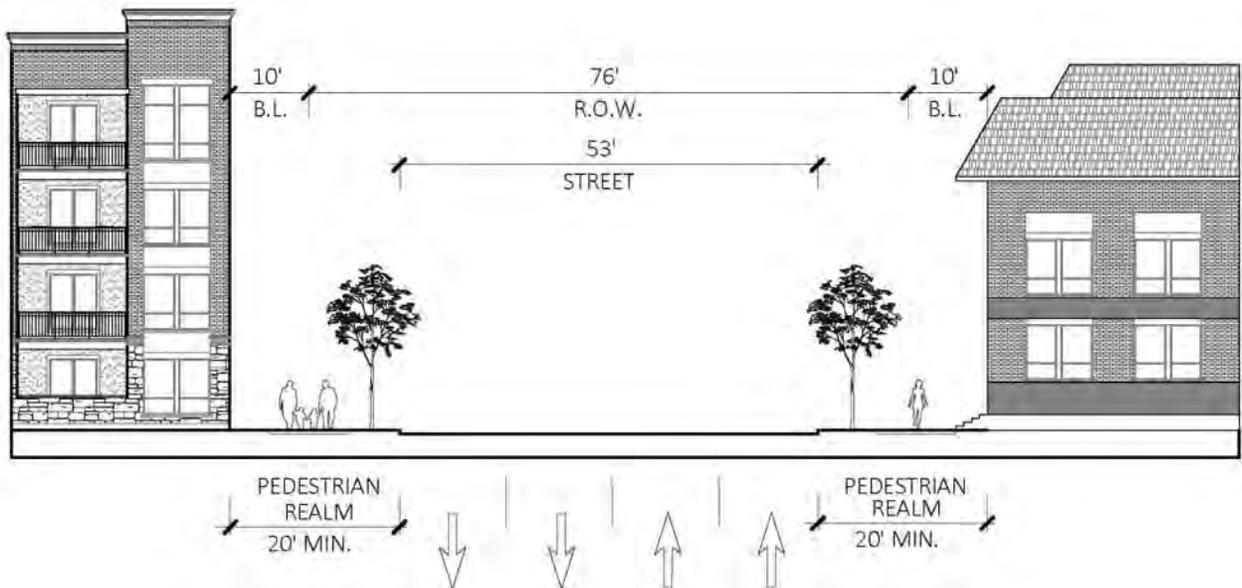


Figure G.6 – Type 'D' Street

## Private Street – Townhome Section

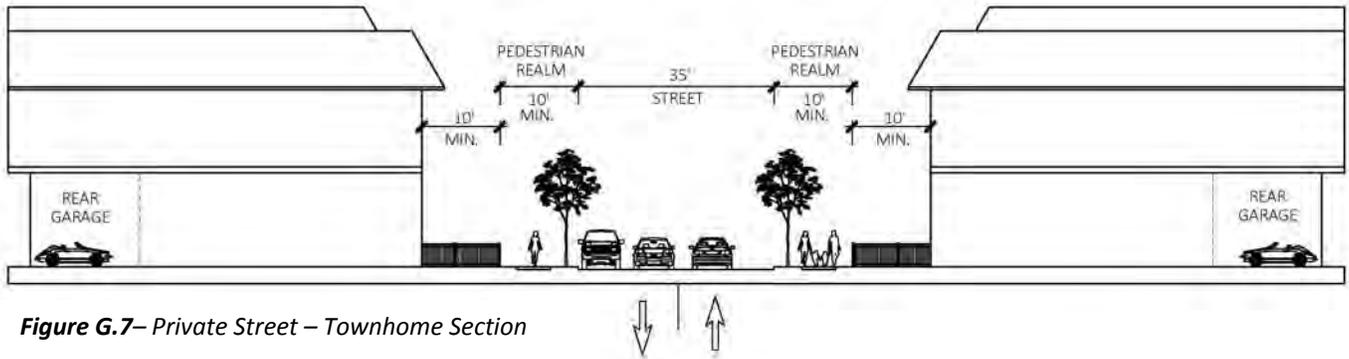


Figure G.7– Private Street – Townhome Section

## Alley – Townhome Section

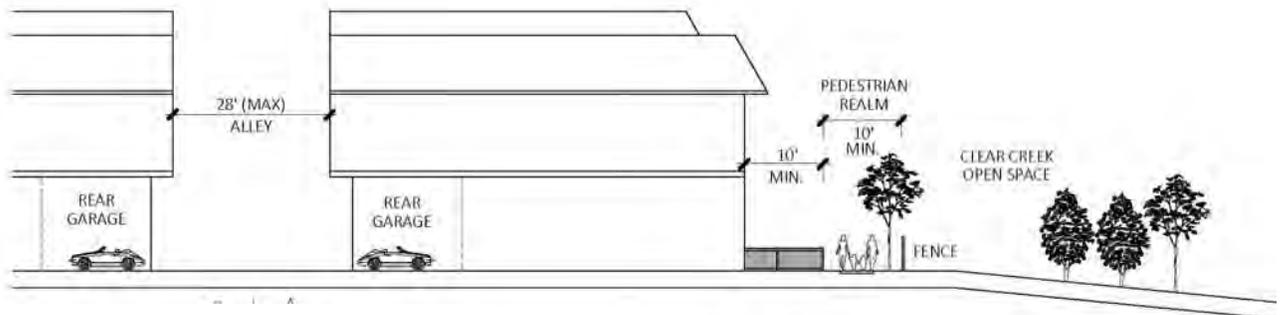


Figure G.8– Alley – Townhome Section

## Street Classification Deviations

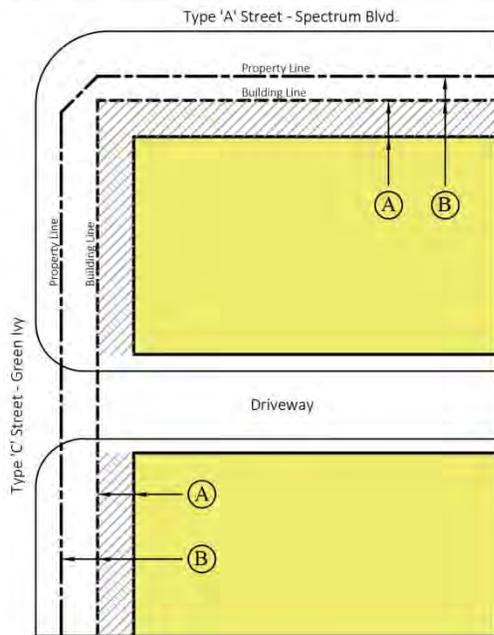
### Table G.1

	Street Classification	Street Width (recommended R.O.W.)	Number of Vehicle Lanes	Vehicular Lane Widths	Number of Bike Lanes	Bike Lane Widths	Turn Radius (max)	Median	On-Street Parking	Pedestrian Sidewalk Width (min)	Parkway/Tree Well
LKUC - Development Code	AV - 82-44 Avenue	82 feet	4	11 feet	None	N/A	20 feet	Yes, 14 feet (min)	None	12 feet (clear)	Tree Well, 5x5 min. or Parkway 6' min.
Ivy District Deviation	<i>South Spectrum Drive</i>	100 feet	4	12 feet	None	N/A	20 feet min. 30 feet max.	Yes, 14 feet (min)	None	6 feet (clear) min.	Tree Well, 5x5 min. or Parkway 6' min.
Ivy District Deviation	<i>Promenade Shops</i>	100 feet	4	12 feet	None	N/A	20 feet min. 30 feet max.	Yes, 14 feet (min)	None	6 feet (clear) min.	Tree Well, 5x5 min. or Parkway 6' min.
Ivy District Deviation	<i>Parkview Terrace</i>	76 feet min 120 feet min	4	12 feet	None	N/A	20 feet min. 30 feet max.	Yes, 14 feet (min)	Yes (both sides-parallel)	8 feet (clear) min.	Tree Well, 5x5 min. or Parkway 6' min.
LKUC - Development Code	ST - 61-29 Urban Greenway Street	61 feet	2	10 feet	None	N/A	15 feet	None	Yes, (one side-parallel)	6 feet clear min.	Tree Well, 5x5 min. or Parkway 6' min.
Ivy District Deviation	<i>Modern Green Drive</i>	76 feet	4	13 feet	None	N/A	20 feet min. 30 feet max.	None	Yes, (both sides-parallel)	6 feet clear min.	Tree Well, 5x5 min. or Parkway 6' min.
LKUC - Development Code	ST - 53-29 Neighborhood Greenway Street	53 feet	2	10 feet	None	N/A	15 feet	None	Yes, (one side-parallel)	6 feet clear min.	Tree Well, 5x5 min. or Parkway 6' min.
Ivy District Deviation	<i>Green Ivy Drive</i>	56 feet	3	11.5 feet	None	N/A	20 feet min. 30 feet max.	None	None	6 feet clear min.	Tree Well, 5x5 min. or Parkway 6' min.
LKUC - Development Code	Residential Alley	16 feet (paving and R.O.W.)	N/A	N/A	None	N/A	15 feet min.	None	None	None	None
Ivy District Deviation	<i>Private Townhome Streets</i>	Minimum as required by Fire Code	N/A	N/A	None	N/A	10 feet min.	None	Optional	Optional	Optional

# G - Streets and Setbacks (continued):

## Highway Commercial (HC) Zoning Setbacks:

### (1) Building Placement



#### Legend



#### Build-To-Zone (BTZ)

		(A)
Front (Type A Street)	0 feet (min) no (max)	
Front (Type C Street)	0 feet (min) no (max)	
Front (Type D Street)	0 feet (min) no (max)	
Front (SH 288)	0 feet (min) no (max)	

#### Setback (distance from property line)

		(B)
Front (Type A Street)	10 feet (min)	20 feet (max)
Front (Type C Street)	10 feet (min)	40 feet (max)
Front (Type D Street)	10 feet (min)	50 feet (max)
Front (SH 288)	25 feet (min)	35 feet (max)

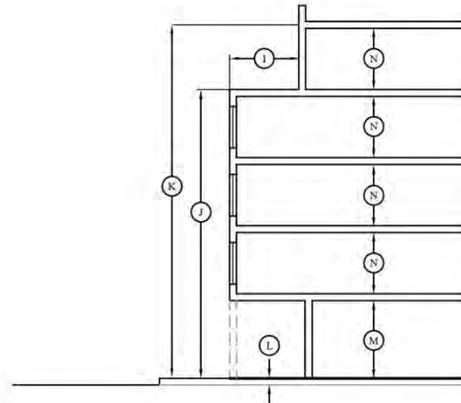
#### (2) Block Standards

Block face dimensions	400' (min) - 600' (max)
Block perimeter	2500' (max)

### (3) Commercial Frontage Requirements

Ground floors of all buildings fronting on all streets shall be built to Commercial Ready standards including first floor-to-floor height, ingress and egress, handicap access, and first floor elevation flush with sidewalk

### (4) Building Height



#### Principal Building Standards

Building Stories	2 min - 15 max	(K)
First Floor to Floor height	10' min	(M)
Ground Floor Finish Level	6" min no max	(L)
Upper floor(s) height	10' min	(N)
Stepback height	Max 4 stories then stepback	(J)
Stepback distance	10' min.	(I)

#### Notes:

1. Along Streets, the area between the building and the edge of the BTZ or the edge of the public sidewalk shall be paved flush with the sidewalk. This area can have landscaping and planting within tree wells or planters, but shall not have lawn areas.

2. Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

3. First floor heights shall not apply to parking structures.

4. Any frontage along all streets (except alleys) not defined by a building at the BTZ shall be defined by a 4' high Street Screen, furthermore service areas shall be defined by a Street Screen that is at least as height as the service equipment being screened. The Street Screen shall be either the same building material as the principal structure on the lot of masonry of a living screen composed of shrubs planted to be opaque at maturity. Species shall be selected from Chapter 4 Site Development Section 4.2.2.5 of the City of Pearland Unified Development Code.

## Highway Commercial (HC) Parking and Service Drives:

<b>(5) Parking and Service Access</b>	
<b>(i) Parking Location</b>	
<b>Surface/At Grade Parking</b>	
Highway frontage	Shall be located 10' behind the property line
Type A, C, D Streets	Shall be located behind principal building or Setback a minimum of 15' from the property line along the street frontage
Side Set Back	0 feet min from Property Line
Rear Set Back	0 feet min from Property Line
<b>Above Grade Parking</b>	
Setback along Type A, C, D Streets	At or behind the building line along street
Highway frontage, back and rear setbacks	At or behind the building line along street
<b>(ii) Required Off Street Parking</b>	
Non-residential uses	1 space per 300 gross s.f.
<b>(iii) Driveways and Service Access</b>	
Parking Driveway width	TXDOT standards on Highway frontage road and 24' max. on all Ivy District Streets (except where drive need to be wider to address service access of fire land standards

Porte Cocheres may be permitted on Ivy District Streets to provided drop off or valet services.

Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.

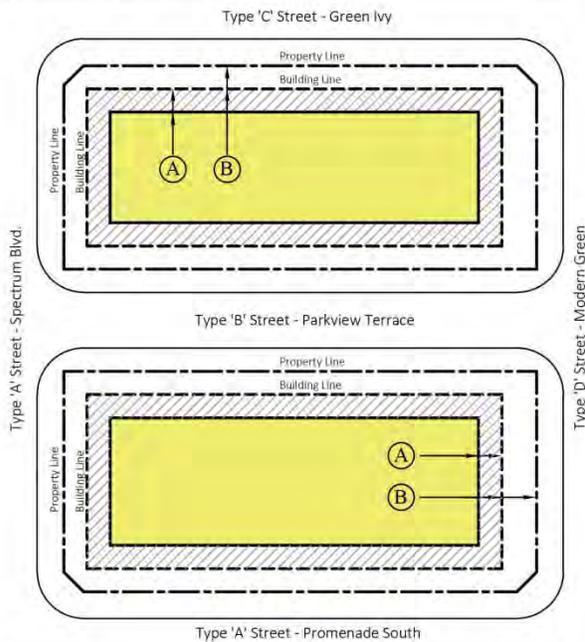
If driveway and/or off street service loading or unloading access is provided from Streets such access shall be deemed as temporary and cross access easements along the rear of the property shall be required when adjoining properties are undeveloped.

<b>(6) Encroachments</b>
Canopies, signs, awnings, and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over an on-street parking or travel lane. All encroachments over public rights-of-way shall obtain a Waiver of Encroachment from the City of Pearland.
<b>Notes:</b>
1. Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street facade.
2. Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than 36 inches, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall of permanent screen that is at least as tall as the equipment itself.
3. Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the building facade line.
4. Required parking may be provided anywhere within the Highway Commercial Zone (HC).
5. Chapter 4 - Site Development Section 4.2.1.3 of the City of Pearland Unified Development Code shall apply for design of off-street parking areas.
6. Stepback requirements shall not apply to any facade with frontage along SH 288.

# G - Streets and Setbacks (continued):

## Urban Neighborhood (UN) Zoning Setbacks:

### (1) Building Placement



#### Legend



#### Build-To-Zone (BTZ)

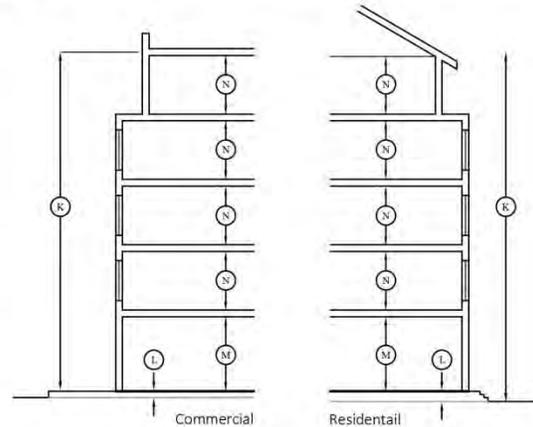
Front (Type A Street)	0 feet (min) no (max)	(A)
Front (Type B Street)	0 feet (min) no (max)	
Front (Type C Street)	0 feet (min) no (max)	
Front (Type D Street)	0 feet (min) no (max)	

Setback (distance from property line)		(B)
Front (Type A Street)	10 feet (min)	
Front (Type B Street)	10 feet (min)	
Front (Type C Street)	10 feet (min)	
Front (Type D Street)	10 feet (min)	

#### (2) Block Standards

Block face dimensions	400' (min) - 600' (max)
Block perimeter	2500' (max)

### (3) Building Height



#### Principal Building Standards

Building Stories	4 min - 6 max	(K)
First Floor to Floor height	10' min (com) 10' min (res)	(M)
Ground Floor Finish Level	6" min no max	(L)
Upper floor(s) height	10' min (com) 10' min (res)	(N)

#### Accessory Building Standards

Building Maximum (Excludes Parking Garages)	2 stories
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#### (4) Commercial Frontage Requirements

Ground floors of all buildings at intersection, for a minimum of 30 ft. along each street frontage of the width of the corner lot, whichever is less, may be built to Commercial Ready standards including first floor-to-floor elevation flush with the sidewalk.

#### Notes:

- Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.
- Along corner of intersecting street frontages, the area between the building and edge of BTZ of the edge of the public sidewalk shall be paved flush with the sidewalk. This area can have landscaping and planting within tree wells and planters but shall not have lawns or landscape islands.
- Attics and mezzanines less than 7' average height shall not be counted as a story

## Urban Neighborhood (UN) Parking and Service Drives:

### (5) Parking and Service Access

#### (i) Parking Location

##### Surface/At Grade Parking

Type A, B, C, D Streets	Shall be located behind principal building or Setback a minimum of 10' from the property line along the street frontage
Side Set Back	N/A
Rear Set Back	N/A

##### Above Grade Parking

Setback along Type A,B,C, D Streets	At or behind the building line along street
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#### (ii) Required Off Street Parking

Non-residential uses	1 space per 300 gross s.f.
Residential uses	1.5 spaces per unit

#### (iii) Driveways and Service Access

Parking Driveway width	24' max. on all Ivy District Streets (except where drive need to be wider to address service access of fire land standards
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Porte Cocheres may be permitted on Ivy District Streets to provided drop off or valet services.

Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.

If driveway and/or off street service loading or unloading access is provided from Streets such access shall be deemed as temporary and cross access easements along the rear of the property shall be required when adjoining properties are undeveloped.

### (6) Encroachments

Canopies, signs, awnings, and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over an on-street parking or travel lane. All encroachments over public rights-of-way shall obtain a Waiver of Encroachment from the City of Pearland.

#### Notes:

1. Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street facade.

2. Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than 36 inches, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall of permanent screen that is at least as tall as the equipment itself.

3. setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the building facade line.

4. Required parking may be provided anywhere within the Highway Commercial Zone (HC).

5. Chapter 4 - Site Development Section 4.2.1.3 of the City of Pearland Unified Development Code shall apply for design of off-street parking areas.

6. Stepback requirements shall not apply to any facade with frontage along SH 288.

# H – Building Design Standards:



**Figure H.1** – Proposed West Elevation, Multi-Family



**Figure H.2** – Material Examples



**Figure H.3** – Typical Building Form



**Figure H.4** – Multi-Family Architecture Example



**Figure H.5** – Multi-Family Architecture Example

# H – Building Design Standards (cont):

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*Images showing appropriate examples of massing, building materials and fenestration of Office Buildings within the Highway Commercial Zone*



# H – Building Design Standards (cont):

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*Images showing appropriate examples of massing, building materials and fenestration of Townhomes within the Urban Neighborhood/Commercial Transition Zone*



## H - Building Design Standards (cont):

### Multifamily Unit Mix - 4 Story Structure

Table H.1

Number of Units	Unit Designation	Unit Square Footage	Unit Description	Total Square Footage per Unit Type
80	A	560	Efficiency - 1 Bath	44,800
59	B	725	1 Bedroom - 1 Bath	42,775
40	B1	797	1 Bedroom - 1 Bath	31,880
8	B2	891	1 Bedroom - 1 Bath	7,128
100	D	1092	2 Bedroom - 2 Bath	109,200
32	E	1100	2 Bedroom - 2 Bath	35,200
16	F	1207	2 Bedroom - 2 Bath	19,312
<b>Total</b>				<b>Total</b>
335				290,295

### Multifamily Parking Requirements - 5 level garage

Table H.2.

Parking Use	Parking Spaces Required	Parking Ratio Used
1 Bedroom Units	280 Spaces	1.5 spaces/Unit
2 Bedroom Units or more	296 Spaces	2.0 spaces/Unit
Commercial Use	53 Spaces	1.0 spaces/200 S.F.
	<b>Total Required</b>	<b>640</b>
	<b>Total Provided</b>	<b>655</b>

### Condo/CCRC Unit Mix – 5 Story Structure

**Table H.3**

Unit Type	Number of Units	Unit Square Footage
Independent Living - 1 Bedroom	100	500 min
Independent Living - 2 Bedroom	46	900 min
Assisted Living - Studio	2	500 min
Assisted Living - 1 Bedroom	12	400 min
Assisted Living - 2 Bedroom	20	600 min
Memory Care - Efficiency	44	250 min
Condominium (50% 1 Bedroom Units/50% 2 Bedroom Units)	142	TBD
<b>Total Units</b>	<b>366</b>	
<b>Parking Spaces Provided</b>	<b>658</b>	

**Note:** It is the intent of the developer to construct the Condo/CCRC project using similar materials, fenestration and aesthetic as the Multi-Family project.

### Park, Open Space and Parkland Dedication for Multi-Family Uses

**Table H.4**

Unit Type	Number of Units	Open Space (900 SF/Unit)	Parkland Dedication (\$750/Unit)
Multi-family	335	301,500	\$ 251,250.00
Condominium	142	127,800	\$ 106,500.00
CCRC - Independent Living	146	131,400	\$ 109,500.00
Townhouses	46	41,400	\$ 34,500.00
<b>Total Open Space Dedication Required</b>		<b>602,100 SF (13.8 AC)</b>	<b>\$ 501,750.00</b>

**OR**

<b>Total Open Space Dedication Required</b>	<b>667 D.U.</b>	<b>1 AC/50 D.U.</b>	<b>13.38 Acres</b>
<b>Total Provided</b>		<b>16.05 AC</b>	<b>\$ 501,750.00 *</b>

\* See **Proposed Amenity and Pedestrian Realm Enhancements Table H.5 (attached at the end of this document)** for Developer provided amenities and potential costs. Developer provided improvements will be utilized in lieu of Parkland Dedication Fees. See Table H.5 for explanation of improvements and associated costs.

# H – Building Design Standards (cont):

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## A. Introduction

The Building Design Controls for the Ivy District shall establish a coherent urban character and encourage enduring and attractive development. Development plans or site plans shall be reviewed by the City Manager or Designee for compliance with the controls below. The key design principles establish essential goals for development in the Ivy District to encourage the preservation.

## B. General Building Design Controls

### General Standard

#### a. Over All

- (1) Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces
- (2) New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm.
- (3) Building facades shall include appropriate architectural details to create variety and interest.
- (4) Open space(s) shall be incorporated to provide usable public areas integral to the urban environment.

#### b. Building Orientation

- (1) Primary entrance to buildings shall be located on the street along which the building is oriented.
- (2) All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access.

#### c. Design of Parking Structures

- (1) Where above-ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are completely hidden from view from all adjacent public and private streets.
- (2) Parking garage ramps shall not be visible from any public street. Ramps shall not be located along the perimeter of the parking structure.
- (3) Architectural screens shall be used to articulate the facade, hide parked vehicles and shield lighting. Architectural screens shall have consistent facade materials with neighboring buildings and shall be complementary in their articulation. In addition, the first-floor facade treatment (building materials, windows and architectural detailing) shall be continued to the second floor of a parking structure.
- (4) When parking structures are located at street intersections, corner architectural elements shall be incorporated, such as corner entrance, signage and glazing.
- (5) Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible to entering and exiting automobiles.

#### d. Building Materials

- (1) Primary building facade materials shall consist of the following: brick, stone, cast (manufactured) stone, glass, or glass block. Primary building facade materials shall be comprised

of at least seventy five percent (75%) of a building's facade (excluding doors and windows). The remaining twenty percent (25%) shall consist of either a complementary primary facade material (brick, stone, cast stone, stucco, glass, or glass block) or an allowable accent material.

(2) Materials allowed exclusively as an accent material include the following: wood, modular architectural metal panel system with concealed fasteners and high-performance coating or natural-weathering face material, split-face concrete block, tile, or precast concrete panels. Materials allowed exclusively as accent materials may be used on no more than twenty percent (20%) of a building's facade. More than one (1) accent material may be used as long as the total amount does not exceed twenty percent (20%).

(3) EIFS shall be limited to moldings and architectural detailing on building facades. EIFS materials shall constitute less than ten percent (10%) of any building and shall not be used on any portion of any wall that is lower than twenty feet (20') from grade, unless otherwise approved by the Building Official.

(4) Cementitious-fiber panels with at least a fifty 50 -year warranty shall only be used on twenty percent (20%) of the upper floor.

(5) Roofing materials visible from any public right-of-way shall be copper, zinc, factory finished standing seam metal or metal panel, terra cotta, stone, synthetic stone or similar materials.

**e. Facade Composition**

(1) Buildings three (3) stories or higher shall provide facade articulation which distinguishes between the street level and the upper level of the building. This rhythm shall be expressed by changing materials, or color, or by using design elements such as fenestration, columns, or by facade articulation.

(2) For retail storefront buildings, display window areas shall be utilized.

(3) Storefronts on facades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.

(4) Building entrances shall be defined and articulated by architectural elements such as entry portals, porches, overhangs, railings, balustrades, and others as appropriate. All building elements shall be compatible with the architectural style, materials, colors, and details of the building as a whole.

(5) With the exception of parking structures and/or service areas, all facades facing a public street shall incorporate transparent features (windows and doors) for a minimum of forty (40%) percent of all surface area and a minimum of twenty five (25%) percent for all upper levels.

**f. Commercial Frontage**

(1) All primary retail entrances must meet the sidewalk at grade.

(2) Active use spaces shall be expressed with facade treatments that are scaled to human activity on the street. Lower levels of the building shall include changes in materials or changes in fenestration scaled to create a comfortable pedestrian zone.

(3) First floor retail and other commercial uses must be physically and visually oriented towards a public right-of-way or easement, such as a plaza or pedestrian passage.

(4) At least fifty percent (50%) of the length of the first floor facade between the height of two (2) and ten (10) feet shall be devoted to transparent windows doors and/or visually open spaces (such as courtyards, forecourts, and pedestrian breezeways), to allow maximum visual interaction between sidewalk areas and the interior of active use spaces.

- (5) Tenant improvements of retail spaces must maintain the transparency of the storefront; this may be achieved with the placement of public areas of the proposed use adjacent to the facade and by avoiding the use of shades, curtains or displays that compromise visibility into the space.
- (6) When commercial first floor uses incorporate outdoor seating and dining, a minimum sidewalk through-way dimension of six feet (6') must be maintained.

**g. Residential Frontage**

- (1) Each first floor residential unit shall have an individual entry door directly from an adjacent courtyard, dedicated open space, public right-of-way or easement.
- (2) Where first floor resident all units face a public right-of-way or easement residential entries shall occur at a minimum average of one (1) door per tenant space.
- (3) Residential entries shall be sheltered from the rain and wind and provide an entry light. First floor residential unit entries shall be recessed from the street wall.
- (4) At least forty percent (40%) of the first floor facade of residential buildings shall be devoted to transparent windows and doors to allow maximum visual interaction between sidewalk areas and the interior of residential units. The use of dark or mirrored glass is not permitted.
- (5) First floor residential units shall have a minimum floor to floor height of ten feet (10').

**h. Windows and Doors**

- (1) Windows and doors on street-fronting facades shall be designed to be proportional and appropriate to the specific architectural qualities of the building.
- (2) First-floor windows shall not be opaque, tinted or mirrored glass.
- (3) All first floor retail front facades of buildings shall have transparent storefront windows covering no less than fifty percent (50%) of the facade area.
- (4) Glazing must be of low reflectance.

**i. Building Top**

- (1) Mechanical equipment located on top of buildings must be screened from public view and from neighboring buildings with enclosures, parapets, setbacks, landscaping, or other means. Any enclosure or screening used must be designed as a logical extension of the building, using similar materials and detailing as the rest of the building's surfaces.

# I – Streetscape and Site Amenity Standards:

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## A. General

The design and selection of streetscape materials shall include such items that provide a comfortable, unique and active pedestrian space. The mixture of site paving, site furnishings, and landscape elements shall be selected to compliment the architectural vernacular of the Development. Outdoor seating areas are encouraged throughout the development. Wide sidewalks, seating areas with shade will be included as appropriate.

## B. Sidewalk Paving

The selection of ground plane materials is critical within the public realm and will play a critical role in enhancing the character of the Ivy District as a pedestrian focused neighborhood aesthetic. The paving palette is intended to be limited to a small range of materials with complimentary colors and textures.

**Sidewalks** – Shall be constructed of concrete with a minimum width of 6 feet. Concrete or Clay Paver accent bands are permitted but are intended as an accent only. No colored, stamped or specialty concrete finishes are required and discouraged for public sidewalks. These special finishes may be utilized in plaza, café, or other seating areas.

**Crosswalks** – Shall be constructed at each Street Intersection or Mid-Block Crossing where pedestrians are encouraged to cross the public street. The Crosswalk shall be a minimum of 12 feet in width and be constructed of concrete or clay unit pavers that are rated for vehicular traffic.



*Images showing appropriate examples of crosswalks within the Urban Neighborhood/Commercial Transition and Highway Commercial Zones*

**Standards** – all sidewalks and crosswalks shall be constructed to meet the minimum design performance standards of the Pearland Engineering Design Criteria Manual (2007). Additionally, all requirements of the *American’s with Disability Act (ADA)* and *Texas Accessibility Standards (TAS)* shall be met for all sidewalks, ramps and crosswalks.

## C. Site Furnishings

**Benches and Receptacles** – will be required throughout the development. Benches and receptacles shall be commercial or institutional grade and be constructed of primarily metal components. Benches

and receptacles shall be sourced from the same manufacturer to ensure cohesiveness of design. Benches and receptacles shall be constructed of high quality steel with a durable paint or powder-coated finish. Trash receptacles with separate compartments for trash and recycling are encouraged. Wooden components are discouraged along the public sidewalks, but are acceptable for restaurant and retail uses that offer a café area adjacent to the public sidewalk.



*Images showing appropriate examples of benches and receptacles within the Urban Neighborhood/Commercial Transition and Highway Commercial Zones*

- **Placement along Public Sidewalks** – Minimum requirements for benches and receptacles along public sidewalks are as follows. Each block face shall have a minimum of 1 bench and 1 receptacle. Generally, one receptacle and one bench shall be located at each end of the block, or one receptacle and one bench generally located mid block. Specific spacing will be determined during the design phase to eliminate conflicts with street trees and on-street parking spaces.
- **Installation** – Benches and Receptacles shall be permanently attached to a concrete base or other permanent substrate.

**Bicycle Parking** – is required and intended to support the design and function of streets and open spaces and enhance the character of the Ivy District as a pedestrian and bicyclist focused neighborhood. Bicycle parking shall be made of durable and vandal-resistant materials such as stainless steel or powder-coated steel or other heavy duty materials where appropriate. Bicycle parking shall be provided along the street/sidewalk. A minimum of two Bicycle racks (or combination of bicycle racks) that accommodate a minimum of 6 bicycles each shall be provided at each block of the development. The bicycle racks shall be located predominately near retail uses.



*Images showing appropriate examples of bike racks within the Urban Neighborhood/Commercial Transition, Highway Commercial and Clear Creek Zones*

**Site Lighting** – is intended to be attractive and visually engaging while providing public safety and enhancing the character of the Ivy District as a pedestrian focused neighborhood. Certain areas of the Ivy District neighborhood are intended to have lower lighting levels, such as the Clear Creek Sub District (CC) where it is important to minimize light pollution so as not to disturb wildlife and maintain a natural setting. The Ivy District shall develop a ‘Master Lighting Plan’ for review and approval by the City manager before submittal of their development application. Decorative Street and pedestrian scale lighting are encouraged to enhance the character and pedestrian focused neighborhood aesthetic. In general, no light pole shall exceed 25’ in height.



*Images showing appropriate examples of bike racks within the Urban Neighborhood/Commercial Transition, Highway Commercial and Clear Creek Zones*

**Tree Grates** – are approved for use within the public realm for areas where street trees are required but walk-able space is limited. Tree Grates shall be constructed of ductile iron and be a minimum of 5 feet by 5 feet.

**Pedestrian Bridge** – a pedestrian bridge is planned to span Clear Creek. The bridge will be a minimum of 10’ in width. The span length will be determined based on the bridge’s final location. Pedestrian Bridge will be made of a steel framework (painted or weathering steel) with wood or composite deck materials. Guard Rails and Hand rails will be required as well as ADA compatibility.



*Images showing appropriate examples of pedestrian bridge within the Clear Creek Zone*

**Civic Space** – a 0.3 acre Civic Space is planned within the expanded median of Parkview Terrace. This space will serve as a gathering, recreation and pedestrian-centric space to serve the multi-family developments that surround it. It is envisioned that this space will be used for passive recreation and gathering as well as serve as a staging area for art fairs, farmers markets, and other small festivals that will attract uses from outside the immediate vicinity of this development. Within this area is planned a fountain/water feature, seating areas, specialty paving and landscape as well as dedicated spaces for kiosk vendors.



*Images showing appropriate examples of Civic Space within the Urban Neighborhood/Commercial Transition Zone*

## **D. Landscape Materials**

**Street Trees** – Street trees shall be required on streets in the Ivy District. Street trees shall be planted no closer than 3 feet from edge of curb (unless tree is planted within a tree well utilizing a tree grate). Street Trees shall be a minimum of 4 inches (caliper diameter) as measured 12 inches from the base of the root ball and shall be a minimum of 12 feet tall at the time of planting. Street Trees shall be planted an average of 30 feet on center along all public streets. Multi-trunked trees are not acceptable for Street Tree Planting. Street Trees shall be planted in a planting area no less than 40 square feet or 25 square feet if Tree Grates are utilized.

**Boulevard Trees** – Boulevard Trees shall be required in the median and spacing and species type shall be maintained along the street. Boulevard Trees shall be a minimum of 4 inches (caliper diameter) as measured 12 inches from the base of the root ball and shall be a minimum of 12 feet tall at the time of planting. Boulevard Tree plantings within the median shall follow spacing and offset requirements of Section 4.2.3.9 of the Pearland UDC.

**Planted Areas** – Where visible from the street and alleys, all unpaved ground areas shall be planted with low growing shrubs or ground cover, ornamental grasses, turf or combination thereof. Turf Grass shall be installed as solid sod. Seeding will not be accepted (excludes turf establishment within Clear Creek District).

**Species** – Landscape Materials shall include plants from the approved list of ground cover, vines, perennials, shrubs, and trees plant list in Chapter 4 (Site Development) Section 4.2.2.5 and the Replacement Tree List in Chapter 4 (Site Development) Section 4.2.3.9 of the Pearland UDC.

# J – Signage Standards:

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## A. Introduction

Signage helps to highlight the identity of businesses while enhancing the appearance of the streetscape and should be of a creative and engaging nature at the Ivy District. Except as specifically listed below, and in Table J.1 on the following page, all other signage and sign standards must comply with Chapter 4 Site Development, of the most recent City of Pearland UDC, City Standards and the Texas Municipal Uniform Traffic Control Devices, latest edition. The signage standards and guidelines in this part shall apply to all signs in the Ivy District.

## B. Signage Design Controls

### *Standards*

#### A. Overall

- (1) No billboards, roof signs, back-lit box signs, or flashing signs, are permitted. Where possible, exposed junction boxes, lamps, tubing, conduits, or raceways are not permitted.
- (2) Signage is intended to address the pedestrian level and no portion of any sign may extend more than twenty-five (25') above sidewalk grade.

#### B. Signage Area

- (1) Sign area is defined as the area of a sign that is used for display purposes excluding small supports. Sign area shall be computed on the basis of a rectangle large enough to frame the display or text.
- (2) Retail wall signs on buildings shall not exceed three square feet (3 sf) per linear foot of retail frontage or forty-five square feet (45 sf); whichever is lower for each street frontage.

#### C. Signage Types

- (1) One projecting sign per every thirty linear feet (30') of retail is permitted. Each primary projecting sign for retail tenants shall not exceed twenty-four square feet (24 sf) in area, and if a single tenant maintains more than thirty linear feet (30') of street frontage, each additional sign shall not exceed ten square feet (10 sf). Corner businesses are allowed one primary projecting sign per street frontage. Three-dimensional projecting signs shall not exceed forty-eight cubic feet (48 cf) in volume. Parking directional signs shall not exceed an area of fifteen square feet (15 sf).
- (2) Signage on awnings is permitted in lieu of projecting signs and must not exceed thirty square feet (30 sf) of sign area. Signage on awnings shall be on the valance portion of the awning.
- (3) Residential wall signs shall not exceed twenty square feet (20 sf) Residential projects may utilize signage on awnings over the primary multi-unit entryway. Copy areas on awnings shall not exceed thirty square feet (30 sf).

### *Guidelines*

The following guidelines complement Signage Design Standards in Section B.1 of this part.

**A. Overall**

- (1) Consistency among signs within the Ivy District is encouraged to create visual harmony between signs, buildings, and other components of the district.
- (2) Compatibility between signage, architectural and site design features are encouraged within the Ivy District.
- (3) Signage that is in character with planned and existing uses is encouraged to create a unique sense of place.
- (4) Multi-tenant commercial uses are required to develop a unique set of sign regulations in conjunction with development standards.

Signage Design Controls			
Table J.1			
Sign Type	Predominately Non-Residential Areas	Predominately Residential Areas	Standard
Wall (Building or Attached) Signs	P	P (Commercial and live-work uses only)	<p>For all first floor commercial uses (retail, office and restaurant): One sign per tenant space; area to be calculated at 15 sq. feet per linear foot of public street frontage for the tenant space with a maximum of 100 sq. ft per tenant.</p> <p>Second and upper floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 15 sq. feet per linear foot of second or upper floor frontage along that public street with a maximum of 125 sq. feet.</p> <p>Institutional uses (non-profits and churches): One sign per tenant space; area to be calculated at 1.5 sq. feet per linear foot of public street frontage with a maximum of 100 sq. feet.</p> <p>Live-Work and Home occupations: One sign limited to an area of 20 sq. feet max.</p> <p>Building sign may encroach a maximum of 12" on to a sidewalk while maintaining a vertical clearance of 8 feet from the finished sidewalk.</p> <p>Building signs may be externally lit.</p> <p>Marquee signs as only permitted as specified below.</p> <p>One monument sign at the project entry for the purposes of identifying the project or district.</p>
Monument Signs	P	P	<p>Shall be only permitted as signage for the entire Ivy District Development and shall only be used as a way finding element along SH 288. The purpose of the Monument signs will be to indicated the location of the development from vehicular traffic and as such, shall be limited to no higher than 50 feet</p> <p>Smaller monument signs within the development are permitted within medians to indicate specific uses and serve in a way finding/branding capacity and shall be limited to 15 feet in height.</p>
Window Signs	P	P (Commercial and live-work uses only)	<p>Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs:</p> <p>Mannequins and storefront displays of merchandise sold; and</p> <p>Interior directory signage identifying shopping aisles and merchandise display areas;</p> <p>Shall be in compliance with the Pearland Unified Development Code, Latest Edition, except as modified by this PD document;</p> <p>One per building (commercial and mixed use buildings only).</p>

## Signage Design Controls

### Table J.2

Sign Type	Predominately Non-Residential Areas	Predominately Residential Areas	Standard
Building Blade Signs	P	P (Commercial and live-work uses only)	<p>Area = 30 sq. feet maximum per sign face.</p> <p>May encroach a maximum of 6 feet over a sidewalk, but shall not encroach over any parking or travel lane.</p> <p>Building blade signs may be attached to the building at the corners of building or along any street facing façade above the first floor façade.</p> <p>One per commercial tenant space (retail, office, or residential use).</p>
Tenant Blade Signs	P	P (Commercial and live-work uses only)	<p>Area = 16 sq. feet maximum per sign face.</p> <p>May encroach a maximum of 4 feet over a public sidewalk, but shall not encroach over any parking or travel lane.</p> <p>Tenant blade signs shall be oriented perpendicular to the building façade and hung under the soffit of an arcade or under a canopy/awning or attached to the building façade immediately over the first floor tenant space while maintaining a vertical clearance of 8 feet from the finished sidewalk.</p>
Marquee Signs	P	NP	<p>Permitted for theaters, auditoriums, and other public gathering venues of 100 persons or more.</p> <p>Marquee signs shall be attached to the building or located above or below a canopy only.</p> <p>Area = 100 sq. feet maximum.</p> <p>Message board may be changeable copy (electronic and non-electronic) and shall be limited to 25% of the sign area. Electronic message boards shall be non-flashing, nor shall flashing lights of any kind be permitted. As required by Pearland UDC – latest edition.</p> <p>Electric Marquee signs shall have an accessible disconnect switch and shall be labeled to indicate the voltage and amperage of electrical circuits connected to the sign.</p>
For Sale/For Lease Signs	P	P	Same as the City of Pearland Sign Regulations.
Address Signs	P	P	Same as the City of Pearland Sign Regulations.
Temporary Construction Signs	P	P	Same as the City of Pearland Sign Regulations.
Banners	P	P	<p>Same as the City of Pearland Sign Regulations.</p> <p>Permitted only for retail, service, or restaurant uses.</p> <p>Limited to 12 sq. feet per sign face per storefront.</p>

## Signage Design Controls

### Table J.3

Sign Type	Predominately Non-Residential Areas	Predominately Residential Areas	Standard
Sandwich Board Signs	P	P (Commercial and live-work uses only)	<p>Sign may not exceed 4 feet in height.</p> <p>A minimum of 6 feet of sidewalk shall remain clear.</p> <p>Chalkboards may be used for daily changing messages.</p> <p>Readerboards (electronic and non-electronic) shall be prohibited.</p> <p>Sign shall be removed every day after the business is closed.</p> <p>Sign shall remain out of the public R.O.W.</p> <p>Permitted only with approval of the City.</p> <p>Must allow for 8 ft. clear height below banner.</p> <p>Max 10 sq. feet per sign face.</p>
Light Pole Banners	P	P	<p>Limited to one per light pole.</p> <p>All light pole banners shall be approved by the appropriate utility company prior to consideration by the City.</p> <p>Light pole banners shall be limited to publicize community-wide events, holiday celebrations, public art, and other community events.</p> <p>Light pole banners shall have a unified design for the entire district.</p>
Directory Signs	P	P (Commercial and live-work uses only)	<p>Shall be allowed for all multi-tenant commercial and mixed use buildings only.</p> <p>One directory sign per multi-tenant building limited to 12 sq. feet in area.</p> <p>Design of the sign shall be integral to the façade on which the sign is to be affixed.</p>
Pole Signs	NP	NP	
LED Signs	P	P	<p>LED technology is permitted for use within the development so long as the display or image remains generally static. Flashing, scrolling or video features are not permitted. LED technology is permitted as part of any monument sign so long as the LED component/message area does not exceed 25% of the overall façade or elevation of the sign of which it is a component and meets current UDC requirements for electronic signs</p>

# K - Regulating Plan:



SEE TWO DIMENSIONS OF ACCESS SHALL BE MAINTAINED WHERE EXISTING ACCESS SHALL BE MAINTAINED FROM PROPERTY ORIGIN TO UTILIZE IN EMERGENCY SITUATIONS.

## REGULATING PLAN

### LEGEND

- (A) RETAIL - A - 8,000 S.F. MIN
  - (B) RETAIL - B - 2,600 S.F. MIN  
TOTAL - 21,200 S.F. MIN
  - (C) MULTI-FAMILY - 335 APARTMENT UNITS WITH ASSOCIATED PRIVATE AMENITIES (4 STORIES)  
MIN HEIGHT - 45' MAX HEIGHT - 60'
  - (D) PARKING GARAGE - 455 SPACES MIN.
  - (E) CCRC - 24 UNITS WITH ASSOCIATED PRIVATE AMENITIES (3 STORIES)  
MIN HEIGHT - 45' MAX HEIGHT - 75'
  - (F) CONDOMINIUM - 42 UNITS WITH ASSOCIATED PRIVATE AMENITIES (3 STORIES)  
MIN HEIGHT - 45' MAX HEIGHT - 75'
  - (G) PARKING GARAGE - 638 SPACES MIN.
  - (H) TOWN HOMES - 46 UNITS (MIN. GATED COMMUNITY WITH PRIVATE DRIVES AND ALLEYS)  
MIN HEIGHT - 24' MAX HEIGHT - 36'
- HERSHBY COMMERCIAL ZONE
- (1) OFFICE - 224,000 S.F. MIN. OR OFFICE - 144,000 S.F. MIN AND HOTEL/CONFERENCE CENTER - 100,000 MIN.
  - (2) PARKING GARAGE - # OF SPACES TBD BASED ON USE
  - (3) SURFACE PARKING - # OF SPACES TBD BASED ON USE
  - (4) GENERAL COMMERCIAL, OR OTHER RETAIL - 20,000 MIN. W/ SURFACE PARKING TO SERVE USERS  
*ALLOWANCES FOR CONCEPTUAL TRACKS TO DEVELOP AS MARKET NEED ARISES*
- OPEN SPACE/ RECREATION ELEMENTS
- (M) SURFACE PARKING TO SERVE PARK.
  - (N) MULTI USE PATH - 8" CONCRETE (2500 L.F. MIN)
  - (O) CONNECTION TO LEAD DETENTION POND INCLUDING PEDESTRIAN BRIDGE OVER CLEAR CREEK (APPROXIMATELY 630 L.F. OF TRAIL)
  - (P) CIVIC PLAZA, SEATING, FOUNTAIN, LANDSCAPING AND OTHER PEDESTRIAN USES.
  - (Q) DETENTION, AMENITY POND
  - (R) BENCHES AND RECEPTACLES
  - (S) COVERED PAVILION - 24 DIA. MIN
  - (T) PRESERVED TREES
  - (U) PLAYGROUND (2,000 S.F. MIN)
  - (V) FOUNTAIN (ARCHITECTURAL)
  - (W) FOUNTAIN (POND)
  - (X) TRAIL HEAD
  - (Y) CROSSWALKS

*For Standards not included or addressed in this PD, all requirements of the UDC will apply accordingly:*

- *For Townhome Section – TH Townhouse Residential District*
- *For Multi-Family and CCRC/Condo – MF Multiple Family Residential District*
- *For other Commercial – GB General Business Retail District or GC General Commercial District*

*Whenever there are one or more conflicting provisions in the PD and Unified Development Code, the more stringent provision or provisions shall apply.*

# L- Amenity Plan

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## A. Introduction

This part establishes the Public Open Space and Private Open Space Design Controls for Ivy District. The Public Open Space Design Plan may designate several areas for proposed Public Open Space types within Ivy District. The detailed Public Open Space Design Controls for each type are included in this portion of the PD document. A "Master Open Space and Landscape Plan" shall be prepared based on the design controls in this part.

## B. Public Open Space Design Controls

The design of Public Open Space shall be regulated by the Public Open Space standards herein which shall create a network of open spaces that recognizes the natural qualities of the area while providing a range of both passive and active recreational opportunities. These opportunities are accommodated in a variety of spaces ranging from larger parks to neighborhood-scaled greens to urban squares, plazas and gardens. The open space network will be serviced by an interconnected network of trails and paths for pedestrians and bicyclists alike.

## C. Standards

### a. Overall

- (1) Areas designated as publicly accessible open space at the Ivy District will be included in final plans. Publicly Accessible Open Space at The Ivy District, excluding residential areas and associated courtyards, must be publicly accessible during normal operating hours.
- (2) Building structures may be permitted within areas designated as Dedicated Open Space. Some permitted buildings may include open-air park pavilions, and temporary vendor facilities for arts and cultural events.
- (3) All amenities located in the Public Open Spaces shall also meet the standards of the Harris and Brazoria County Flood Control District. Public use of amenities that overlap with the Hams and Brazoria County Flood Control District water shed space shall be approved by both the Harris and Brazoria County Flood Control Districts prior to submittal of a plat application.

### b. Clear Creek Recreational Park

The Clear Creek Recreational Park may be defined by multi-use pathways, as well as landscaped open space. It may include limited hardscape areas with benches and areas for casual seating. It may include restroom facilities and water fountains in a convenient location for users and available infrastructure. Where necessary, it may be lined to reduce erosion and protect the existing slope south of the stream.

### c. Greens, Squares and Plazas

Areas throughout the 48.5 acre campus will be appropriately designed with passive recreation areas. The major pedestrian plaza will be located within the median of Parkview Terrace Drive. This civic space will include special paving and a seating areas and intensive landscaping. This area will be a space for

public art, outdoor fountains, festivals and outdoor dining. Additionally, a large stand of mature trees located within the townhouse development will be preserved as a green for the town home neighborhood. Landscape throughout the mixed use campus will consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating shall be provided where appropriate

**Proposed Amenity and Pedestrian Zone Improvements**

**Table H.5**

ITEM	QUANTITY	UNITS	DESCRIPTION	ESTIMATED COST PER UNIT	ESTIMATED TOTAL COST
<b>URBAN NEIGHBORHOOD/COMMERCIAL TRANSITION SUB-DISTRICT</b>					
<b>Street and Pedestrian Realm Improvements</b>					
6' Concrete Sidewalk (MF Block)	1400	LF	Perimeter Sidewalks along Spectrum, Promenade & Modern Green	\$ 42.00	\$ 58,800.00
8' Concrete Sidewalk (MF Block)	275	LF	Perimeter Sidewalks along Parkview Terrace	\$ 56.00	\$ 15,400.00
Pedestrian Realm Paving (MF Block)	5200	SF	Expanded Paving surrounding Retail	\$ 14.00	\$ 72,800.00
6' Concrete Sidewalk (Condo/CCRC Block)	1450	LF	Perimeter Sidewalks along Spectrum, Green Ivy & Modern Green	\$ 42.00	\$ 60,900.00
8' Concrete Sidewalk (Condo/CCRC Block)	1300	LF	Perimeter Sidewalks along Parkview Terrace	\$ 56.00	\$ 72,800.00
Pedestrian Realm Paving (Condo/CCRC Block)	4300	SF	Expanded Paving surrounding Retail	\$ 14.00	\$ 60,200.00
6' Sidewalk (Townhome Block)	750	LF	Perimeter Sidewalks along Modern Green & Promenade	\$ 42.00	\$ 31,500.00
6' Sidewalk (Townhome Block) within Pocket Park	300	LF		\$ 42.00	\$ 12,600.00
Shade Pavilion within Pocket Park	1	EA	24' Diameter (450 sf. Min)	\$ 40,000.00	\$ 40,000.00
Benches, Picnic Tables, Receptacles within Pocket Park	1	AL		\$ 15,000.00	\$ 15,000.00
Crosswalks	12	AL	Paver treatment at main intersection crossings	\$ 15,000.00	\$ 180,000.00
Specialty Street Lighting	100	EA	Architectural Street Lights (assuming 45' spacing). Final quantity will be determined by lighting plan.	\$ 5,500.00	\$ 550,000.00
Specialty Paving	6500	SF	Civic Space - Parkview Terrace	\$ 14.00	\$ 91,000.00
Fountain	1	AL	Civic Space - Parkview Terrace	\$ 50,000.00	\$ 50,000.00
Benches	6	EA	Located throughout the pedestrian realm	\$ 2,500.00	\$ 15,000.00
Trash Receptacles	6	EA	Located throughout the pedestrian realm	\$ 1,500.00	\$ 9,000.00
<b>Trees and Landscaping</b>					
Street Trees (4" Caliper)	135	EA	From approved City Street Tree List	\$ 450.00	\$ 60,750.00
Street Trees (6" Caliper)	31	EA	From approved City Street Tree List	\$ 1,200.00	\$ 37,200.00
Tree Grates	12	EA	For trees within paving surrounding Retail	\$ 1,500.00	\$ 18,000.00
Palm Trees (14' HT)	8	EA	Palm Trees within Civic Space within Parkview Terrace	\$ 8,500.00	\$ 68,000.00
Median Trees (4" Caliper)	17	EA	Trees in median of Spectrum Blvd.	\$ 450.00	\$ 7,650.00
R.O.W. Planting (shrubs and groundcover)	6000	SF	Intensive Landscape within ROW to enhance pedestrian realm	\$ 4.50	\$ 27,000.00
R.O.W. Planting (shrubs and groundcover)	6000	SF	Intensive Landscape within ROW to enhance arrival experience (Spectrum Median)	\$ 4.50	\$ 27,000.00
Turf Establishment (within ROW)	45000	SF	Turf from back of curb to sidewalk	\$ 0.75	\$ 33,750.00
Irrigation System	1	AL		\$ 75,000.00	\$ 75,000.00
<b>SUBTOTAL</b>					<b>\$ 1,689,350.00</b>
<b>HIGHWAY COMMERCIAL SUB-DISTRICT</b>					
<b>Street and Pedestrian Realm Improvements</b>					
6' Concrete Sidewalk (Highway Commercial)	1200	LF	Perimeter Sidewalks along Spectrum, Modern Green & Green Ivy	\$ 42.00	\$ 50,400.00
Benches	4	EA	Located throughout the pedestrian realm	\$ 2,500.00	\$ 10,000.00
Receptacles	4	EA	Located throughout the pedestrian realm	\$ 1,500.00	\$ 6,000.00
Crosswalks	4	AL	Paver treatment at main intersection crossings	\$ 15,000.00	\$ 60,000.00
Specialty Street Lighting	30	EA	Architectural Street Lights (assuming 45' spacing). Final quantity will be determined by lighting plan.	\$ 5,500.00	\$ 165,000.00
<b>Trees and Landscaping</b>					
Street Trees (4" Caliper)	60	EA	From approved City Street Tree List	\$ 450.00	\$ 27,000.00
Median Trees (4" Caliper)	9	EA	Trees in median of Spectrum Blvd.	\$ 450.00	\$ 4,050.00
R.O.W. Planting (shrubs and groundcover)	1200	SF	Intensive Landscape within ROW to enhance arrival experience (Spectrum Median)	\$ 4.50	\$ 5,400.00
Turf Establishment (within ROW)	20000	SF	Turf from back of curb to sidewalk	\$ 0.75	\$ 15,000.00
Irrigation System	1	AL		\$ 35,000.00	\$ 35,000.00
<b>SUBTOTAL</b>					<b>\$ 377,850.00</b>
<b>CLEAR CREEK SUB-DISTRICT</b>					
<b>Park and Open Space Improvements</b>					
6' Concrete Sidewalk (Clear Creek)	700	LF	Perimeter Sidewalks along Modern Green	\$ 42.00	\$ 29,400.00
8' Multi-Use Walk	2500	LF	Recreational Trail around lake	\$ 56.00	\$ 140,000.00
Pedestrian Bridge	1	EA	Pedestrian Bridge over Clear Creek	\$ 250,000.00	\$ 250,000.00
8' Trail Connection to Existing LKMD Trail	650	LF	Off-Site Improvement from Ivy to LKMD Trail	\$ 56.00	\$ 36,400.00
Shade Pavilion	1	EA	24' Diameter (450 sf. Min)	\$ 40,000.00	\$ 40,000.00
Small Playground and associated work	1	AL	Play structure, fall surfacing and edging	\$ 75,000.00	\$ 75,000.00
Benches	5	EA	Benches every 500' along Recreational Trail	\$ 2,500.00	\$ 12,500.00
Receptacles	5	EA	Receptacles every 500' along Recreational Trail	\$ 1,500.00	\$ 7,500.00
Pedestrian Lighting along Trail	25	EA	Architectural Pedestrian Lights (assuming 100' spacing). Final quantity will be determined by lighting plan.	\$ 3,500.00	\$ 87,500.00
Trees (3" Caliper)	50	EA	Spread Throughout the Park and Open Space Area	\$ 400.00	\$ 20,000.00
Amenity Pond Fountains	2	EA	For aesthetic and aeration purposes	\$ 7,500.00	\$ 15,000.00
Turf Establishment	8	AC	Seeding for Turf Establishment	\$ 8,500.00	\$ 68,000.00
<b>SUBTOTAL</b>					<b>\$ 781,300.00</b>
<b>GRAND TOTAL</b>					<b>\$ 2,848,500.00</b>

SECOND POINT OF ACCESS WILL BE FIRE ACCESS DRIVE WHICH CURRENTLY SERVES BASS PRO SHOP. DEVELOPER WILL OBTAIN PERMISSION FROM PROPERTY OWNER TO UTILIZE IN EMERGENCY SITUATIONS.

## REGULATING PLAN LEGEND

### URBAN NEIGHBORHOOD/COMMERCIAL TRANSITION ZONE

- (A) RETAIL 'A' - 8,000 S.F. MIN
- (B) RETAIL 'B' - 2,600 S.F. MIN  
TOTAL - 21,200 S.F. MIN
- (C) MULTI-FAMILY - 335 APARTMENT UNITS WITH ASSOCIATED PRIVATE AMENITIES. (4 STORIES)  
MIN HEIGHT - 45' MAX HEIGHT - 60'
- (D) PARKING GARAGE - 655 SPACES MIN.
- (E) CCRC - 224 UNITS WITH ASSOCIATED PRIVATE AMENITIES (5 STORIES)  
MIN HEIGHT - 45' MAX HEIGHT - 75'
- (F) CONDOMINIUM - 142 UNITS WITH ASSOCIATED PRIVATE AMENITIES (5 STORIES)  
MIN HEIGHT - 45' MAX HEIGHT - 75'
- (G) PARKING GARAGE - 658 SPACES MIN.
- (H) TOWN HOMES - 46 UNITS (MIN). GATED COMMUNITY WITH PRIVATE DRIVES AND ALLEYS.  
MIN HEIGHT - 24' MAX HEIGHT - 36'

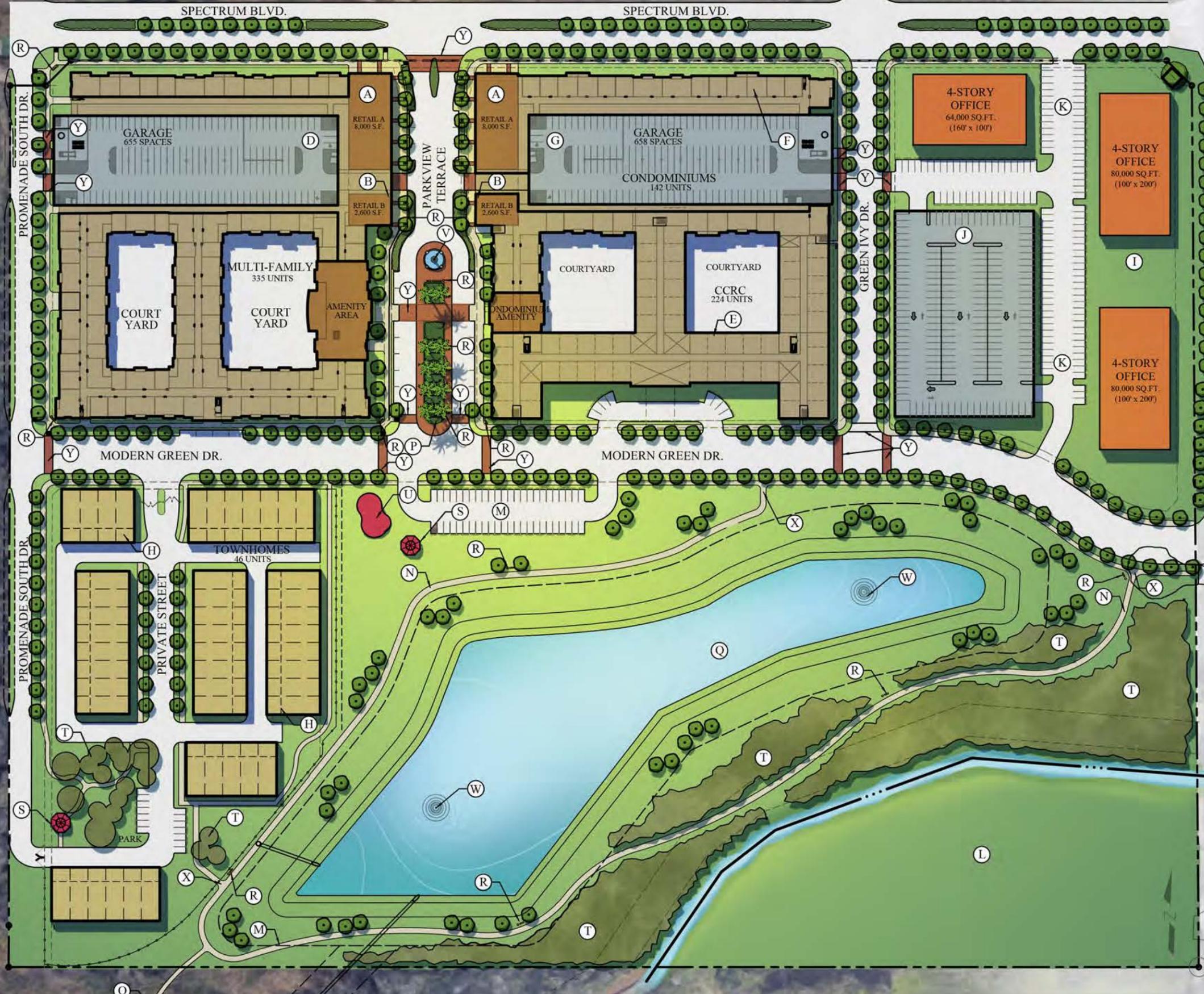
### HIGHWAY COMMERCIAL ZONE

- (I) OFFICE - 224,000 S.F. MIN, OR OFFICE - 144,000 S.F. MIN AND HOTEL/CONFERENCE CENTER - 100,000 MIN.
- (J) PARKING GARAGE - # OF SPACES TBD BASED ON USE
- (K) SURFACE PARKING - # OF SPACES TBD BASED ON USE
- (L) GENERAL COMMERCIAL OR, OFFICE/RETAIL - 20,000 MIN.  
W/ SURFACE PARKING TO SERVE USES

ALLOWANCES FOR COMMERCIAL TRACTS TO DEVELOP AS MARKET NEED ARISES

### OPEN SPACE/ RECREATION ELEMENTS

- (M) SURFACE PARKING TO SERVE PARK.
- (N) MULTI USE PATH - 8' CONCRETE (2500 L.F. MIN)
- (O) CONNECTION TO LKMD DETENTION POND INCLUDING PEDESTRIAN BRIDGE OVER CLEAR CREEK. (APPROXIMATELY 650 L.F. OF TRAIL)
- (P) CIVIC PLAZA, SEATING, FOUNTAIN, LANDSCAPING AND OTHER PEDESTRIAN USES.
- (Q) DETENTION, AMENITY POND
- (R) BENCHES AND RECEPTACLES
- (S) COVERED PAVILION - 24' DIA. MIN.
- (T) PRESERVED TREES
- (U) PLAYGROUND (2,000 S.F. MIN)
- (V) FOUNTAIN (ARCHITECTURAL)
- (W) FOUNTAIN (POND)
- (X) TRAIL HEAD
- (Y) CROSSWALKS





# 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 checked="" type="checkbox"/> Planned Development Workshop | <input type="checkbox"/> Special Exception      |
| <input type="checkbox"/> Plat (list type): _____                 | <input type="checkbox"/> Conditional Use Permit |

### PROJECT INFORMATION:

- Residential       Commercial       Property Platted       Property Not Platted

Project Name: Ivy District Tax ID: \_\_\_\_\_

Project Address/Location: SE corner of SH 288 and Spectrum Blvd. **TAX ACCOUNT #90-0899368**

Subdivision: N/A No. of Lots: \_\_\_\_\_ Total Acres: 48.0

Brief Description of Project: 48 acres, planned for mixed use. Low density multi-family, retail, hotel, office uses for Ivy Distr  
Additionally, small, gated townhouse development. Also a large open space will be preserved adjacent to Clear Creek

**\*\*When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda according to Section 1.2.1.2 of the Unified Development Code.\*\***

### PROPERTY OWNER INFORMATION:

### APPLICANT/AGENT INFORMATION:

Name: American Modern Green (Houston) LLC  
 Address: 11233 Shadow Creek Ranch Parkway, Suite 289  
 City: Pearland State: TX Zip: 77584  
 Phone: 281-741-3837  
 Fax: 832-850-7302  
 Email Address: gavin.liang@modernland.us

Name: Knudson LP, attn: Patti Joiner AICP  
 Address: 8588 Katy Freeway, Suite 441  
 City: Houston State: TX Zip: 77024  
 Phone: 713-463-8200  
 Fax: 713-463-8011  
 Email Address: pjoiner@knudsonlp.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: Guangming Liang Date: 9/17/2015

Agent's/  
Applicant's Signature: Patricia Knudson Joiner Date: 9/17/2015

### OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
			APPLICATION NUMBER:

## **APPLICATION CHECKLIST FOR THE FOLLOWING: Planned Development Workshop**

- Application and checklist filled out completely and signed by the owner of the property.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code (UDC).**
- Metes and Bounds Description, (Survey, or a Plat of the property that provides or contains the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, describing how the proposed Planned Development fulfills the ideals, goals, objectives, and/or concepts of the City's Unified Development Code, adopted Comprehensive Plan, or any other formally adopted City planning document, such as the Parks Plan or public facility plan.
- The proposed draft PD document in electronic form by date of application (either emailed or on a CD) (see PD Format for guidelines on how to prepare the PD).

Amegy Mortgage Company, L.L.C.  
48.471 Acres

James Hamilton Survey  
Abstract No. 881(Harris County)  
Abstract No. 747 (Brazoria County)

STATE OF TEXAS §

COUNTIES OF HARRIS & BRAZORIA §

METES AND BOUNDS DESCRIPTION of a 48.471 acre tract in the James Hamilton Survey, Abstract No. 881 in Harris County and Abstract No. 747 in Brazoria County, Texas. Said 48.471 acre tract is in Lot 5 of the Subdivision of the John Hamilton Survey as recorded in Volume 83, Page 342 in the Harris County Deed Records and is that same 48.4712 acre tract of land described in a deed to Amegy Mortgage Company, L.L.C. as recorded in Clerk's File No.'s 20100132332 and 20100235353 in the Harris County Clerk's Office and is more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch rod found at the point of intersection of the south line of said Lot 5 with the westerly right-of-way line of State Highway 288 (variable width right-of-way), said point is in the south line of said James Hamilton Survey, same being the north line of the W. W. Dupuy and L. F. Roberts Survey, Abstract No. 1698 (Harris County), Abstract No. 726 (Brazoria County), a found 5/8-inch iron rod bears South 81°40'42" East, 3.39 feet;

THENCE, South 87°32'21" West, along said survey line, same being the south line of said Lot 5 and said 48.471 acre tract, at a distance of 761.80 feet pass the centerline of Clear Creek and continue for a total distance of 1,670.79 feet (called 1,670.00 feet) to a 1/2-inch iron rod found for the southwest corner of said Lot 5, same being the southwest corner of said 48.4712 acre tract and is the southeast corner of a 10-acre tract of land described in a deed to Richard B. Mayor, et al, as recorded in Clerk's File No. P197254 in the Harris County Clerk's Office;

THENCE, North 02°21'36" West, along the west line of said Lot 5, same being the west line of said 48.4712 acre tract and is the centerline of a 40-foot wide platted roadway, for a distance of 1,235.17 feet to a 5/8-inch iron rod found in the south right-of-way line of Spectrum Boulevard (variable width right-of-way), same being the southeast corner of a 0.098 acre tract of land described in a deed to the City of Pearland as recorded in Clerk's File No. Z109672 in the Harris County Clerk's Office,

THENCE, North 87°35'33" East, along the south right-of-way of said Spectrum Boulevard for a distance of 50.00 feet to a 5/8-inch iron rod found for an angle point;

THENCE, North 42°34'16" East, continuing along the south line of said Spectrum Boulevard for a distance of 49.53 feet to a 5/8-inch iron rod found for an angle point;

THENCE, North 87°32'28" East, continuing along the south line of said Spectrum Boulevard (based on a width of 100-feet at this point) for a distance of 1,538.60 feet to a 5/8-inch iron rod set for a cut-back corner of said Spectrum Boulevard;

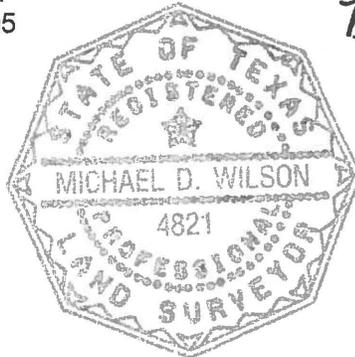
THENCE, South 47°44'50" East, along said cut-back corner of Spectrum Boulevard for a distance of 49.75 feet to a 5/8-inch iron rod found in the westerly right-of-way line of the aforementioned State Highway 288;

THENCE, South 02°54'25" East, along the westerly line of said State Highway 288 for a distance of 1,235.11 feet to the POINT OF BEGINNING, containing a computed area of 48.471 acres (2,111,394 square feet).

NOTE:

1. The bearings shown hereon are based on the Texas State Plane Coordinate System, South Central Zone (NAD 83).
2. All set rods were marked with a survey cap stamped "Wilson Survey Group".
3. A separate survey plat was prepared in conjunction with this metes and bounds description on even date and under The Wilson Survey Group's Job No. 11-132.

The Wilson Survey Group, Inc.  
2006 East Broadway, Suite 105  
Pearland, Texas 77581  
(281) 485-3991  
Job No. 11-132



A handwritten signature in black ink that reads "Michael D. Wilson".

Michael D. Wilson, R.P.L.S.  
Registration No 4821

08/30/11



MIKE SULLIVAN  
 TAX ASSESSOR-COLLECTOR  
 P.O. BOX 3547  
 HOUSTON, TEXAS 77253-3547



Date Printed:	Friday, September 18, 2015
Account Number	
045-185-000-0006	

2014 Property Tax Receipt

Certified Owner
AMERICA MODERN GREEN DEV HOUSTON LLC 11233 SHADOW CREEK PKWY STE 289 PEARLAND TX 77584-7345

Legal Description
TR 5 M L PARKER U/R ABST 881 D WHITE 44.4652 AC

Deposit No: 201501297902

Receipt Date: Wednesday, January 28, 2015

Validation No: 4685

Deposit Date: Friday, January 30, 2015

Operator Code: DGRAVES

Parcel Address: 15000 SOUTH FWY 77047

Remit Seq No: 66996626

Legal Acres: ABST 881 D WHITE

Tax Unit	Tax Rate	Levy	Penalties & Interest	Coll. Fee	Total
Houston ISD	1.196700	\$58595.83	\$0.00	\$0.00	\$58595.83
Harris County	0.417310	\$20433.38	\$0.00	\$0.00	\$20433.38
Harris County Flood Control Dist	0.027360	\$1339.67	\$0.00	\$0.00	\$1339.67
Port of Houston Authority	0.015310	\$749.65	\$0.00	\$0.00	\$749.65
Harris County Hospital District	0.170000	\$8323.97	\$0.00	\$0.00	\$8323.97
Harris County Dept. of Education	0.005999	\$293.74	\$0.00	\$0.00	\$293.74
Houston Community College System	0.106890	\$5233.82	\$0.00	\$0.00	\$5233.82
<b>Total Paid:</b>		<b>\$94,970.06</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$94,970.06</b>

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

<b>AGENDA OF:</b>	April 11, 2016	<b>ITEM NO.:</b>	Resolution No. R2016-59
<b>DATE SUBMITTED:</b>	April 1, 2016	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Cynthia Pearson	<b>PRESENTOR:</b>	Cynthia Pearson
<b>REVIEWED BY:</b>	Jon R. Branson	<b>REVIEW DATE:</b>	April 6, 2016
<b>SUBJECT:</b> Resolution 2016-59 - A Resolution Authorizing Publication Of Notice Of Intention To Issue Certificates Of Obligation, In An Aggregate Principal Amount Not To Exceed \$14,200,000, For The Acquisition, Construction And Improvement Of Certain Public Works, Authorizing Distribution Of A Preliminary Official Statement Relating To Such Series Of Certificates And Authorizing Certain Other Matters Relating Thereto.			
<b>EXHIBITS:</b> Resolution #R2016-59 Exhibit A - Notice of Intention to Issue Certificates of Obligation Exhibit B - Memo to City Council – 2007 Bond Package Status Update PowerPoint Presentation (Exhibits C & D) Exhibit E – Tax Impact Update Exhibit F - Debt Service Tax Rate			
<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 – To Be Sold
		<input type="checkbox"/> L/P – Sold	
<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>			
X Finance	X Legal	Ordinance	X Resolution

## EXECUTIVE SUMMARY

### BACKGROUND

Pursuant to the Certificate of Obligation Act in the Local Government Code, 271.041, the fiscal year 2016 budget included issuing \$12.6 million in Certificates of Obligation for projects not funded in the 2007 bond referendum. The projects are as follows with the original fiscal year 2016 budget compared to a revised amount for the actual sale:

<u>Project</u>	<u>Original Budget</u>	<u>Revised Amount</u>
Centennial Park Phase II	573,064	573,064
Shadow Creek Ranch Trail	324,951	324,951
Green Tee Trail	616,562	-0-
Tom Reid Library Expansion	1,235,075	735,075
City Hall Complex Renovations	5,224,831	4,252,518
Fire Station #1 Replacement	405,000	487,000
Safe Routes to School	439,222	-0-
Orange St. Service Center Phase I	3,800,100	1,737,240
East Orange Street Reconstruction (SH35 to Schleider)	-0-	6,000,000
<b>TOTAL</b>	<b>12,618,805</b>	<b>14,109,848</b>

The Certificates will either fund design and construction or renovation of facilities that were not included in the 2007 bond referendum and the City's 20% match toward Transportation Improvement Plan grant funding, funding 80% for Shadow Creek Ranch Trail. The only facilities that were addressed in the 2007 bond referendum were the expansion of the Tom Reid Library, the Nature Center, Fire Station #5 and the Recreation/Natatorium. Additional need for 24/7 manned fire stations and renovation of existing facilities were not addressed at that time, however enhanced fire service requires the relocation and construction of a new Fire Station #1 and renovation and expansion of existing City facilities, mainly City Hall and the Orange Street Service Center, for space, security, and functionality needs are required. Per the consensus of City Council at the March 2014 Council retreat, renovation of the existing City Hall was preferred in lieu of building a new facility at a much higher cost. The Capital Projects Department has also kept City Council informed of the renovation and phasing strategies of the City Hall Renovation and a design contract was let April 2015.

Based on the updated 2016 - 2020 Capital Improvement Program and increasing costs of construction, the remaining amount of voted authorization for streets is needed to fund 2007 bond projects. Staff is recommending that East Orange Street Reconstruction project be funded with Certificates of Obligation. The project can be best coordinated with the forthcoming Old Alvin (Plum to McHard) Reconstruction, Widening, and Drainage.

The total dollar amount of the issuance is higher than originally budgeted by \$1,491,043 mainly due to the need to reconstruct Orange Street from Main Street to Schlieder Drive. The total

amount of the issuance is less than the added cost to include the East Orange Street Reconstruction project due to the reduction in CO's for the construction of the City Hall Complex and Orange Street Service Center renovations primarily due to the reallocation of funding to water sewer revenue bonds. The revised bond amount will be built into the multi-year forecast that is being updated as part of the City's fiscal year 2017 budget process.

The Certificate of Obligation Act allows the governing body to issue certificates for professional services (ie: engineers, architects, appraisers, etc.) and construction associated for any public work. Work has begun, and expenditures made, on most of these projects and City Council approved a notice of intent to be reimbursed from future bond proceeds in November 2015; Resolution R2015-196. Certificates of Obligation, while not approved for the votes, allows for a public process.

In accordance with the City's adopted Financial Management Policies, debt financing is used to purchase capital assets that cannot be prudently acquired from either current revenues or fund balance, and to fund infrastructure improvements and additions. The City uses an objective analytical approach to determine whether it can afford to issue general-purpose debt, both General Obligation and Certificates of Obligation, water/sewer debt, sales tax revenue debt, and any other financing permitted by State law. The process shall include an internal feasibility analysis for each long-term financing which analyzes the impact on current and future budgets, which would include the tax and utility rates, and the benefits of the proposed projects. In conjunction with the City's financial advisors, the decision on whether or not to issue new debt is based on the benefits of the project, current conditions of the municipal bond market, and the City's ability to "afford" new debt.

The City is in solid financial condition as indicated by our Moody's Bond Rating for General Obligation bonds of Aa2. This rating reflects the city's sizable and growing tax base, favorable socioeconomic profile, healthy financial reserve levels, and current debt burdens. Debt financing allows us to provide superior quality of life amenities such as Shadow Creek Ranch Park, Hickory Slough Sportplex, and other essential public safety infrastructure like fire stations and the Public Safety Building. Many of these amenities are such that other cities our size can only dream of.

Based on this policy, and the advice of our financial advisors, this is an opportune time for the City to issue new debt, as well as to take advantage of certain refunding opportunities.

### **BID AND AWARD**

Prior to issuing the bonds, the City must publish notice of its intention to issue certificates. The notice must be published once a week for 2 consecutive weeks in a newspaper that is of general circulation in the area with the date of the first publication to be before the 31st day tentatively set for the sale of the bonds. The notice must state time and place tentatively set for the sale of the bonds, maximum amount and purpose of the certificates to be authorized, and the manner in which the bonds will be paid for, i.e.: property taxes, revenues, etc. The Act includes provision for petition, 5% of the qualified voters, to require a vote of citizens, as required by state law. Attached as part of an update on the 2007 Bond Package is a summary estimate of prior Certificate of Obligation financing.

The certificates will be competitively bid, handled by the city's financial advisor, with bid date of Monday, May 23, 2016.

Rating Agency calls are anticipated to be the week of April 25<sup>th</sup>, however our most recent rating by Moody's Investor Services in August 2015 reaffirmed the City's bond rating of Aa2, which reflects the city's sizable and growing tax base, favorable socioeconomic profile, healthy financial reserve levels, and current debt burdens.

**SCHEDULE**

Notice will be published on April 14<sup>th</sup> and April 21<sup>st</sup> with competitive bids taken on May 23, 2016 and approval of the sale that evening by City Council. The topic has been brought to the City Council for discussion on several occasions, including tonight and at the prior meeting on March 28<sup>th</sup>. Council approval of the sale results is scheduled for May 23<sup>rd</sup>, with a closing date of June 21<sup>st</sup>.

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

The Certificates of Obligation will be structured with a 20-year maturity, level principal payment with a declining annual debt service payment. Beginning in fiscal year 2017, the annual debt service is estimated at \$1,405,800 with an annual average debt service payment of \$1,001,000.

**RECOMMENDED ACTION**

Consideration and Approval of a Resolution Authorizing Publication Of Notice Of Intention To Issue Certificates Of Obligation, In An Aggregate Principal Amount Not To Exceed \$14,200,000, For The Acquisition, Construction And Improvement Of Certain Public Works, Authorizing Distribution Of A Preliminary Official Statement Relating To Such Series Of Certificates And Authorizing Certain Other Matters Relating Thereto.

RESOLUTION NO. 2016-59

RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$14,200,000, FOR THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF CERTAIN PUBLIC WORKS, AUTHORIZING DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO SUCH SERIES OF CERTIFICATES AND AUTHORIZING CERTAIN OTHER MATTERS RELATING THERETO

STATE OF TEXAS §  
COUNTIES OF BRAZORIA, FORT BEND AND HARRIS §  
CITY OF PEARLAND §

WHEREAS, the City Council (the “City Council”) of the City of Pearland, Texas (the “City”), is authorized to issue certificates of obligation to pay contractual obligations to be incurred for the construction of public works, for the purchase of materials, supplies, equipment, machinery, buildings, land and rights-of-way for authorized needs and purposes, and for the payment of contractual obligations for professional services pursuant to Subchapter C of Chapter 271, Texas Local Government Code, as amended;

WHEREAS, the City Council has determined that it is in the best interests of the City and otherwise desirable to issue the City of Pearland, Texas Certificates of Obligation, Series 2016 in an aggregate principal amount not to exceed \$14,200,000 (the “Certificates”) for the design, engineering, acquisition and construction of certain public works and the purchase of certain equipment for authorized needs and purposes;

WHEREAS, in connection with the Certificates, the City Council intends to publish notices of intent to issue the Certificates (the “Notice”) in a newspaper of general circulation in the City; and

WHEREAS, the City Council has been presented with and has examined the proposed forms of Notice and finds that the forms and substance thereof are satisfactory, and that the recitals and findings contained therein are true, correct and complete.

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

Section 1. Preamble. The facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 2. Authorization of Notice. The City Secretary is hereby authorized and directed to execute and deliver the Notice set forth in Exhibit A hereto and to publish such Notice on behalf of the City once a week for two (2) consecutive weeks in a newspaper which is of general circulation in the City, the date of the first publication of the Notice to be at least

thirty-one (31) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

Section 3. Engagement of Professionals. This City Council hereby approves the engagement of Andrews Kurth LLP, as bond counsel (“Bond Counsel”) in connection with the issuance of the Certificates.

Section 4. Authorization of Other Matters Relating Thereto. The Mayor, City Secretary and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon passage.

Section 6. Public Meeting. It is officially found, determined and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Resolution, was given all as required by the Texas Government Code, Chapter 551, as amended.

*[signature page follows]*

PASSED AND APPROVED this \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor  
City of Pearland, Texas

ATTEST:

\_\_\_\_\_  
City Secretary  
City of Pearland, Texas

(SEAL)

**EXHIBIT A**  
**NOTICE OF INTENTION TO ISSUE CERTIFICATES**

NOTICE IS HEREBY GIVEN that the City Council of the City of Pearland, Texas (the “City”) will meet at its regular meeting place at City Hall, Pearland, Texas at 6:30 p.m. on the 23rd day of May, 2016, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City’s certificates of obligation, payable from ad valorem taxation and a limited (in an amount not to exceed \$10,000) subordinate pledge of certain revenues of the water and sewer system of the City, in the maximum aggregate principal amount of \$14,200,000, bearing interest at any rate or rates, not to exceed the maximum interest rate now or hereafter authorized by law, as shall be determined within the discretion of the City Council at the time of issuance and maturing over a period of years not to exceed forty (40) years from the date thereof, for the purpose of evidencing the indebtedness of the City to pay all or any part of the contractual obligations to be incurred for the construction of public works and the purchase of materials, supplies, equipment, machinery, buildings, land and rights-of-way for authorized needs and purposes and for the payment of contractual obligations for professional services, to wit: (i) certain street improvements within the City including improvements to Orange Street; (ii) certain improvements to parks and trails within the City including improvements to Centennial Park and SCR Trail; (iii) certain improvements and renovations to existing City facilities including Tom Reid Library, City Hall Complex, Orange Service Center and Fire Station#1 and (iv) professional services rendered in connection with the above listed projects.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this \_\_\_\_ day of \_\_\_\_\_, 2016.

/s/

\_\_\_\_\_  
City Secretary  
City of Pearland, Texas



## Memo

To: Clay Pearson, City Manager  
 From: Trent Epperson, Assistant City Manager  
 CC: Jon Branson, Deputy City Manager

Sue Polka, Director of Engineering

Cynthia Pearson, Interim Finance Director

Skipper Jones, Assistant Director – Capital Projects

Date: March 30, 2016

Re: 2007 Bond Package Status Update

3/31/2016  
 To: Mayor and City Council members  
 Latest update to the 2007 bond projects inventory. Clay

Attached as **Exhibit A is the 2007 Bond Package Status as of March 31, 2016**, previously updated in the attached Thursday Packet memo dated November 2, 2015. All project are underway with the exception of the DL Smith Regional Stormwater Detention project. Based on the desire to preserve the land adjacent to the U of H Campus for a higher and better use than a detention pond, the need and configuration of this drainage project will be examined in the Drainage Master Plan before moving forward.

**Exhibit B is a 2007 Bond Capacity Update** that shows the amount of bonds authorized, amount issued to date, the proposed amount to be issued in FY2016, and the outstanding bond capacity after the 2016 issuance.

Also included, as **Exhibit C, is the original nine year completion schedule developed in 2007 for the bond projects.** While many of the early projects were completed on schedule. The completion of all projects has been extended due to two main factors. First, multiple projects were delayed two to four years during the economic slowdown and recession of 2007-2009. Second, multiple roadway projects have been awarded 80% matching state/federal funds. These projects have been rescheduled to provide time to meet the additional environmental and other regulatory clearances required by the state/federal funds and to match the schedule to when the funds are available. These projects include Pearland Parkway, Bailey Road, Mykawa Road, and Hughes Ranch Road.

By capturing the matching funds, the City has been able use 2007 Bonds to move forward with many other roadway projects such as McHard Road, Smith Ranch Road, Kirby Drive, Max Road, Fite Road, Regency Park Subdivision, and CR59, without additional debt.

While staff has been busy with the 2007 Bond Package over the past ten years, it was in addition to completing the 2001 Bond Package projects and other projects funded by Certificates of Obligation, the Pearland Economic Development Corporation, Water & Sewer Funds, etc. **Exhibit D** is a summary of the projects that were constructed between 2007 and today but were not part of the 2007 Bond Package with funding sources and amounts.

## 2007 Bond Program Status



In Progress  
Completed

Project	Description	Status	Completion Date
<b>Prop 1 - Transportation</b>			
SH288	Construct two 2-lane frontage roads from FM2234 to FM518	Completed	Nov-09
McHard Road	Extend 4 lanes from Country Place to Cullen Pkwy	Completed	Sep-10
Cullen Pkwy	Expansion from 2 to 4 lanes from FM518 to BW8	Completed	Apr-11
Dixie Farm Road Ph II	Expansion from 2 to 4 lanes from FM518 to SH35	Completed	Apr-11
Pearland Pkwy	4 lane divided concrete roadway Oiler Dr to Dixie Farm Road	Completed	Aug-15
Bailey Road	Expansion to 4 lane divided blvd. Veterans Dr to FM 1128	Construction	Sep-17
Old Alvin Road	Reconstruction from McHard Rd to Plum St 4 lane undivided	Design Contract Negotiations	Sep-18
CR403* (Hughes Ranch Road)	Expansion to 4 lane from SH288 to Cullen Pkwy	Design Completed	Sep-20
Mykawa Road*	Expansion from 2 to 4 lanes FM518 to BW8	Consultant Selection	Aug-21
<b>Prop 2 - Drainage</b>			
East Mary's Creek Detention	150 acre ft detention for needed improvements in Pine Hollow	Completed	Sep-10
Town Ditch	Convey 100 year storm flows for Mimosa Acres & Willowcrest	Completed	Feb-11
Veterans/Walnut Street	Storm sewer along Walnut from Austin St to railroad	Completed	Jan-12
Cowart Creek Diversion	Diversion & Regional Detention for Bailey Rd corridor	Completed	Apr-13
Hickory Slough Detention	200 acre feet of storage that will be used as soccer fields	Completed	Jul-13
DL Smith Detention	Increase detention by 150 acre-feet on Pearland Pkwy	Future	Jun-19
<b>Prop 3 - Public Safety</b>			
Fire Station No. 5	New Station approximately 9,500 SF on Kirby south of Broadway	Completed	Feb-11
<b>Prop 4 - Parks &amp; Recreation</b>			
Trail Connectivity	Hike and Bike from Centennial Park to west of FM 1128	Completed	Jul-12
Max Road Sports Complex (Hickory Slough Sportsplex Ph I)	5 soccer fields, 1 multipurpose field, and a restroom/concession bldg	Completed	Aug-15
Centennial Park Ph II	2 lighted/irrigated softball fields, picnic pavilion & parking	Design	Jul-17
Shadow Creek Ranch Sports Complex Ph I	8 baseball/softball fields, 1 soccer field, 6 volleyball cts	Construction	Jun-16
Independence Park Ph I	Pearland Pkwy entry, enhancements to pavilion & new playgrd	Design Contract Negotiations	Sep-17
Delores Fenwick Nature Center @ JHEC	7500 SF facility Nature Center bldg, parking & tree farm, etc	Design Contract Negotiations	Dec-17
<b>Prop 5 - Rec. Center &amp; Natatorium</b>			
Recreation Center & Natatorium	25 yd & 50 meter indoor pools, 2 gyms, weight room etc	Completed	Aug-10
<b>Prop 6 - Libraries</b>			
Tom Reid Library Expansion	11,5000 sq feet expansion & renovation to existing library	Design	Sep-17

\* 80% State/Federal transportation funds were approved for these projects in October 2015. The construction schedules have been adjusted based on the fiscal year that the State/Federal funds have been allocated.

### 2007 Bond Package - Bond Capacity Update

Project Category	Proposition Amount	General Obligation Bonds Issued to Date	Bonds to be Issued in FY2016*	Outstanding Bond Capacity After FY2016 Issuance	Notes
Prop 1 - Thoroughfare	\$ 84,190,000	\$ 34,649,500	\$ 10,550,315	46% \$ 38,990,185	Remaining funds for Old Alvin and 20% matching funds for the following TIP projects Mykawa, Hughes Ranch, Max, McHard, and Smith Ranch
Prop 2 - Drainage	\$ 35,305,000	\$ 20,473,000	\$ 1,173,570	38% \$ 13,658,430	Remaining funds for Old Townsite, Corrigan Sub-Basin, and DL Smith Detention
Prop 3 - Public Safety	\$ 2,895,000	\$ 2,895,000	\$ -	\$ -	Completed and closed
Prop 4 - Parks & Recreation	\$ 19,990,000	\$ 13,435,000	\$ 3,367,383	16% \$ 3,187,617	Remaining funds for Independence Park and Nature Center construction
Prop 5 - Rec Center & Natatorium	\$ 16,225,000	\$ 15,210,500	\$ -	0% \$ 1,014,500	Completed and closed
Prop 6 - Libraries	\$ 3,410,000	\$ 302,000	\$ 3,108,000	0% -	To be closed
<b>Total</b>	<b>\$ 162,015,000</b>	<b>\$ 86,965,000</b>	<b>\$ 18,199,268</b>	<b>\$ 56,850,732</b>	

\* Amount to be sold will be updated prior to the sale of the bonds.

30-Mar-16

# 2007 Bond Package

## Original Schedule 2007-2015

Project	2006				2007				2008				2009				2010				2011				2012				2013				2014				2015							
	Q4	Q1	Q2	Q3	Q4																																							
SR200 Service Roads																																												
DJen																																												
Cover Creek Division																																												
Deletion Site																																												
Diversion Ditch																																												
Restorable Roadside Ditches																																												
Trial Comedy Phase I																																												
Woop Senior Center																																												
Dive Farm Road PHL																																												
Fire Station #6																																												
Town Ditch III																																												
Recreation Center																																												
Widatorium																																												
East Mays Creek Deletion																																												
Hebeards Ditch/Walnut																																												
Bailey Road																																												
Whitson Road																																												
Hickory Slough Deletion																																												
Soccer Complex Phase I																																												
SCRPA Phase I																																												
Independence Park Phase I																																												
Centennial Park Phase II																																												
Huxley Ranch Road																																												
DL Smith Expansion																																												
DL Alan Road																																												
Nature Center at SVEC																																												
Milare Road																																												
Library Expansion																																												
Peabody Pathway																																												

City of Pearland 2007 to Current - Completed Projects Not Part of the 2007 Bond Package

Project Type	Project Name	Total Project Budget *	Funding Source *					
			Fund 50 - Cash & Other Sources	2001 Bonds	Certificate of Obligations	Water/Sewer Funds	PEDC	
Drainage	Cowart's Creek Diversion	\$2,500,000		\$1,431,487				
Drainage	Detention Storage Facility - Spectrum	\$5,342,000			\$5,342,000			
Drainage	Pine Hollow Drainage Improvements	\$600,000	\$600,000					
Drainage	SH35 Drainage	\$1,500,000			\$568,663			
Drainage	Westchester Sidewalks & Drainage	\$365,411			\$365,411			
Drainage Subtotal		\$8,442,000	\$600,000	\$1,431,487	\$5,342,000		\$0	
Facilities	Knapp Senior Center	\$1,003,000	\$1,866,454					
Facilities	Public Safety Building	\$22,425,377			\$22,425,377			
Facilities	U of H Pearland Campus	\$12,055,361			\$11,500,000			
Facilities	Fire Station #3	\$3,497,791			\$3,497,791			
Facilities	Fire Station #2	\$4,236,614			\$4,236,614			
Facilities	Fire Station #1 & 4 Modifications	\$1,733,666	\$40,000					
Facilities	Hill House Traffic Operations Center & Fuel Isle	\$3,035,000	\$31,686					
Facilities	Fire Dept HQ Renovations	\$1,301,560			\$186,882			
Facilities	Westside Library Ph I	\$550,000	\$550,000					
Facilities Subtotal		\$49,838,369	\$2,488,140	\$0	\$41,846,664		\$0	\$0
Parks	Centennial Park Ph II (Splash Pad)	\$397,000	\$397,000					
Parks	Trail Connectivity	\$700,000	\$720,000					
Parks Subtotal		\$1,097,000	\$1,117,000	\$0	\$0		\$0	\$0
Streets	Alice Street Connector	\$182,334			\$182,334			
Streets	Cullen	\$12,443,536			\$7,850,000			
Streets	Bailey/Oiler Road	\$17,350,000					\$ 17,350,000	
Streets	Barry Rose Extension	\$2,600,000			\$3,100,000			
Streets	Broadway Extension	\$9,000,000			\$9,000,000			
Streets	FM 518 Median Landscaping	\$550,000	\$338,573					
Streets	Hill House	\$875,745	\$875,745					
Streets	Magnolia Road	\$38,596,000		\$38,743,009				
Streets	Northbound SH288 Service Road	\$886,000			\$984,504			
Streets	Old Townsite Drainage	\$1,000,000	\$1,000,000					
Streets	Old Townsite Sidewalks	\$200,000	\$200,000					
Streets	Orange Street	\$7,800,000		\$7,800,000				
Streets	Scarsdale Landscaping	\$161,266			\$161,266			
Streets	TXDOT Bridges	\$0	\$250,000					
Streets	Veterans Road Detention Pond	\$1,400,000		\$1,400,000				
Streets	Walnut Street	\$3,800,000		\$3,800,000				
Streets	Business Center Drive	\$5,156,524					\$ 1,348,795	
Streets	Discovery Bay	\$150,000	\$150,000					
Streets	SH 35 Landscaping	\$889,367	\$889,367					
Streets	Silent RR Crossing	\$246,504		\$246,504				
Streets	Traffic Signal Mykawa/Brookside	\$285,000			\$166,400			
Streets	Traffic Signal Network ITS	\$611,200	\$77,700					
Streets Subtotal		\$104,183,476	\$3,781,385	\$51,989,513	\$21,444,504		\$0	\$18,698,795

Water/Sewer	City of Houston Waterline Connection	\$22,536,780				\$20,095,519	
Water/Sewer	Cullen Water	\$1,300,000				\$1,300,000	
Water/Sewer	East side of Hwy 288 Infrastructure (BW8/288)	\$2,200,000				\$2,200,000	
Water/Sewer	FM 1128 Sewer	\$875,131				\$1,811,682	
Water/Sewer	FM 1128 Waterline (Manvel-Bailey)	\$628,106				\$1,235,000	
Water/Sewer	Inflow/Infiltration Ph III	\$1,900,000				\$1,900,000	
Water/Sewer	Kirby Water Plant	\$6,656,748				\$6,665,484	
Water/Sewer	Lift Station SCADA	\$500,000				\$500,000	
Water/Sewer	Magnolia Road Water & Sewer	\$3,557,982				\$3,542,982	
Water/Sewer	Old Townsite Inflow & Infiltration	\$981,000				\$981,000	
Water/Sewer	SE Water Plant (City of Houston)	\$17,000,000				\$26,809,000	
Water/Sewer	SH 35 North	\$3,712,636				\$2,325,207	
Water/Sewer	SH35 North Force Main	\$356,975				\$356,975	
Water/Sewer	SH35 Water & Sewer Ph II	\$5,114,995				\$5,114,995	
Water/Sewer	Sterling Road Waterline	\$367,400				\$367,400	
Water/Sewer	SWEC Capacity Expansion	\$19,940,189				\$19,940,189	
Water/Sewer	Wagon Wheel Water	\$2,132,000				\$2,132,257	
Water/Sewer	Water Plant SCADA	\$490,000				\$490,000	
Water/Sewer	Woodcreek I&I Inspection	\$104,000				\$104,000	
Water/Sewer	Bailey/Veterans	\$360,145				\$360,145	
Water/Sewer	Barry Rose Waterline Extension	\$165,485				\$165,485	
Water/Sewer	Barry Rose WWTP	\$3,203,760				\$374	
Water/Sewer	Broadway Trunk Sewer	\$155,000				\$18,008	
Water/Sewer	CR94 Waterline	\$973,400				\$200,090	
Water/Sewer	East Orange Waterline	\$152,060				\$152,060	
Water/Sewer	Eliminate Somersetshire Lift Station	\$151,844				\$151,844	
Water/Sewer	Far Northwest WWTP Decanter	\$1,250,000				\$1,250,000	
Water/Sewer	Fellows Loop	\$2,592,000				\$101,000	
Water/Sewer	Hatfield Basin	\$4,634,000				\$774,000	
Water/Sewer	Hawk Road Waterline	\$66,650				\$66,650	
Water/Sewer	Hughes Ranch Road	\$80,000				\$80,000	
Water/Sewer	Longwood LS Replacement & Plant Rehab	\$4,363,965				\$367,965	
Water/Sewer	McHard Road Waterline	\$7,090,901				\$2,166,673	
Water/Sewer	Old Alvin Waterline	\$2,556,718				\$446,468	
Water/Sewer	Pearland Pkwy Waterline Ext.	\$190,366				\$190,366	
Water/Sewer	SH 35 Waterline - South of Magnolia	\$338,936				\$78,917	
Water/Sewer	SH 35 Waterline FM 518 to Magnolia	\$2,037,134				\$518,715	
Water/Sewer	Sherwood I&I	\$220,000				\$200,000	
Water/Sewer	Twin Creek Regional SCADA Lift Station Rehab	\$2,519,000				\$511,198	
Water/Sewer	Walnut Lift Station	\$703,000				\$115,000	
Water/Sewer	Water Loop	\$596,063				\$596,063	
Water/Sewer	West Oaks Lift Station Retirement	\$163,906					
Water/Sewer	Subtotal	\$124,918,275	\$0	\$0	\$0	\$106,382,711	\$0
<b>Grand Total</b>		<b>\$288,479,120</b>	<b>\$7,986,525</b>	<b>\$53,421,000</b>	<b>\$68,633,168</b>	<b>\$106,382,711</b>	<b>\$18,698,795</b>
<b>Source</b>			<b>Fund 50 - Cash &amp; Other Sources</b>	<b>2001 Bonds</b>	<b>Certificate of Obligations</b>	<b>Water/Sewer Funds</b>	<b>PEDC</b>

\* Where Total Budget does not match the funding source 2007 Bonds, State/Federal funds, or other funds were used.

Note: Does not include all projects from this timeframe.

31-Mar-16



# Memo

To: Clay Pearson, City Manager

From: Sue Polka, P.E., Director of Engineering and Capital Projects

CC: Trent Epperson, Assistant City Manager  
Jon Branson, Deputy City Manager  
Skipper Jones, Assistant Director of Capital Projects

Date: November 2, 2015

Re: 2007 Bond Package Status

11/4/2015

To: Mayor and City Council members

Update on the projects in the 2007 Bond projects that originally had a nine-year timeframe. Five projects in process and four for future awaiting TIP funding or starting preliminary engineering.

Clay

Attached is the 2007 Bond Package Status as of October 29, 2015. The information in this spreadsheet provides updated schedule information to reflect the current status of all 2007 Bond projects.

The original nine year schedule to complete all projects has been extended due to two main factors. First, projects were delayed based on the economic slowdown in growth during the recession of 2007-2009. Second, multiple projects such as Bailey Road, Pearland Parkway and Mykawa Road have been allocated 80% matching federal/state funds. These projects have been delayed to the year that the federal/state funds are available. A consequence of the delays has been that inflation in construction costs has exceeded the amount of inflation and contingency that was built into the bond program, causing many projects to exceed their original budget.

As a reminder, the future bond issue that is built into the multi-year budget projections is planned to begin when we reach \$8.3 billion in taxable value. The future bond package is planned to be approximately \$70 million and have a 5 year duration. The smaller package and shorter duration will increase the likelihood that projects are completed on the original schedule and stay within allocated funds.

## 2007 Bond Program Status



In Progress  
Completed

Project	Description	Status	Completion Date
<b>Prop 1 - Transportation</b>			
SH288	Construct two 2-lane frontage roads from FM2234 to FM518	Completed	Nov-09
McHard Road	Extend 4 lanes from Country Place to Cullen Pkwy	Completed	Sep-10
Cullen Pkwy	Expansion from 2 to 4 lanes from FM518 to BW8	Completed	Apr-11
Dixie Farm Road Ph II	Expansion from 2 to 4 lanes from FM518 to SH35	Completed	Apr-11
Pearland Pkwy	4 lane divided concrete roadway Oiler Dr to Dixie Farm Road	Completed	Aug-15
Bailey Road	Expansion to 4 lane divided blvd. Veterans Dr to FM 1128	Construction	Sep-17
Old Alvin Road	Reconstruction from McHard Rd to Plum St 4 lane undivided	Future	Feb-18
CR403*	Expansion to 4 lane from SH288 to Cullen Pkwy	Design Completed	Aug-20
Mykawa Road*	Expansion from 2 to 4 lanes FM518 to BW8	Future	Aug-21
<b>Prop 2 - Drainage</b>			
East Mary's Creek Detention	150 acre ft detention for needed improvements in Pine Hollow	Completed	Sep-10
Town Ditch	Convey 100 year storm flows for Mimosa Acres & Willowcrest	Completed	Feb-11
Veterans/Walnut Street	Storm sewer along Walnut from Austin St to railroad	Completed	Jan-12
Cowart Creek Diversion	Diversion & Regional Detention for Bailey Rd corridor	Completed	Apr-13
Hickory Slough Detention	200 acre feet of storage that will be used as soccer fields	Completed	Jul-13
DL Smith Detention	Increase detention by 150 acre-feet on Pearland Pkwy	Future	Apr-19
<b>Prop 3 - Public Safety</b>			
Fire Station No. 5	New Station approximately 9,500 SF on Kirby south of Broadway	Completed	Feb-11
<b>Prop 4 - Parks &amp; Recreation</b>			
Trail Connectivity	Hike and Bike from Centennial Park to west of FM 1128	Completed	Jul-12
Max Road Sports Complex	5 soccer fields, 1 multipurpose field, and a restroom/concession bldg	Completed	Aug-15
Shadow Creek Sports Complex	8 baseball/softball fields, 1 soccer field, 6 volleyball cts	Construction	Dec-15
Centennial Park	2 lighted/irrigated softball fields, picnic pavilion & parking	Design	Jul-17
Independence Park	Pearland Pkwy entry, enhancements to pavilion & new playgrd	Future	Jul-17
Nature Center	7500 SF facility Nature Center bldg, parking & tree farm, etc	Future	Jul-17
<b>Prop 5 - Rec. Center &amp; Natatorium</b>			
Recreation Center & Natatorium	25 yd & 50 meter indoor pools, 2 gyms, weight room etc	Completed	Aug-10
<b>Prop 6 - Libraries</b>			
Tom Reid Library Expansion	11,5000 sq feet expansion & renovation to existing library	Design	Jun-17

\* 80% State/Federal transportation matching funds were approved for these projects in October 2015. The construction schedules have been adjusted based on the fiscal year that the State/Federal funds have been allocated.

# Building MOMENTUM



## CITY OF PEARLAND

## 2016 Bond Sale



# Bond Types



## General Obligation Bonds:

- ✓ Voted (Bond Election)
- ✓ Secured by Property taxes
- ✓ Required by law to levy a tax rate to pay for the bonds

## Certificates of Obligation:

- ✓ Not voted, requires public notice of intent to issue, subject to petition
- ✓ Secured by property taxes
- ✓ Required by law to levy a tax rate to pay for the certificates

## Water/Sewer Revenue Bonds:

- ✓ Secured by Net System Revenues
- ✓ Pledge strengthened by Bondholder Covenants

# General Obligation Bonds - \$18.2 M



Project	2007 Bond	TIP 20% Matching Funds	Previous Intent to Reimburse	Total to be Sold
<i>Drainage Bonds</i>				
Southeast Quadrant of Old Townsite Drainage			✓	207,845
Corrigan Ditch Sub-Basin of Mary's Creek - Drainage Improvements				580,000
Bailey Road Extension - Veterans to FM 1128	✓	✓	✓	385,725
<i>Park Bonds</i>				
Independence Park Phase I	✓		✓	1,820,447
Delores Fenwick Nature Center	✓		✓	292,000
Centennial Park Phase II	✓		✓	1,254,936
<i>Facility Bonds</i>				
Tom Reid Library Expansion	✓		✓	3,108,000

# General Obligation Bonds – cont.



Project	2007 Bond	TIP 20% Matching Funds	Previous Intent to Reimburse	Total to be Sold
<i>Street Bonds</i>				
Bailey Road Extension - Veterans to FM 1128	✓	✓	✓	3,607,145
Old Alvin Road Widening- Plum Street to Mchard Road	✓		✓	807,000
Hughes Ranch Road (CR403) - Cullen to Smith Ranch	✓	✓	✓	1,061,745
Fite Road Extension - Veterans to McLean		✓	✓	1,240,207
Max Road Expansion - Hughes Ranch to Reid Blvd.		✓	✓	1,414,600
Regency Park Subdivision Paving			✓	1,240,790
Kirby Drive Expansion - Broadway to CR 59			✓	956,201
McHard Road Extension - Mykawa Road to Cullen Parkway		✓	✓	222,627
		<b>TOTAL GO BONDS</b>		<b>\$ 18,199,268</b>

# Certificates of Obligation - \$14.1M



Project	Overage/ Additional for 2007 Bond	TIP 20% Matching Funds	Previous Intent to Reimburse	City Facility/ Infrastructure	Total to be Sold
<i>Park Certificates</i>					
Centennial Park Phase II	✓		✓		573,064
Shadow Creek Ranch Trail		✓	✓		324,951
<i>Facility Certificates</i>					
Tom Reid Library Expansion*	✓		✓	✓	735,075
City Hall Complex Renovations			✓	✓	4,252,518
Orange Service Center Phase I			✓	✓	1,737,240
Fire Station #1 (Design)			✓	✓	487,000
<i>Street Certificates</i>					
Orange Street Reconstruction - Main St. to Schlieder Dr. **				✓	6,000,000
<b>TOTAL CERTIFICATES</b>					<b>\$ 14,109,848</b>

\* Certificates and general obligation bonds completely fund the construction.

\*\* Does not include any reduction from over policy fund balance.



# Revenue Bonds - \$9M

Project	Previous Intent to Reimburse	Total to be Sold
<i>Water/Sewer Bonds</i>		
City Hall Complex Renovations*	✓	818,055
Orange Service Center Phase I*	✓	3,040,860
Toll Road Utility Relocation	✓	749,460
FM 521 Water Line (Broadway to Mooring Pointer)	✓	1,068,055
Hughes Ranch Road West 12" Water Line	✓	292,500
McHard Road Trunk Sewer (Garden to Southdown WWTP)	✓	1,117,000
Lift Station Program	✓	440,800
JHEC WWTP Expansion - WWM Project 29A	✓	1,505,000
<b>TOTAL REVENUE BONDS</b>		<b>\$ 9,031,730</b>

\*Intent to reimburse was for certificates of obligation.



# City of Pearland, Texas

## Overview of:

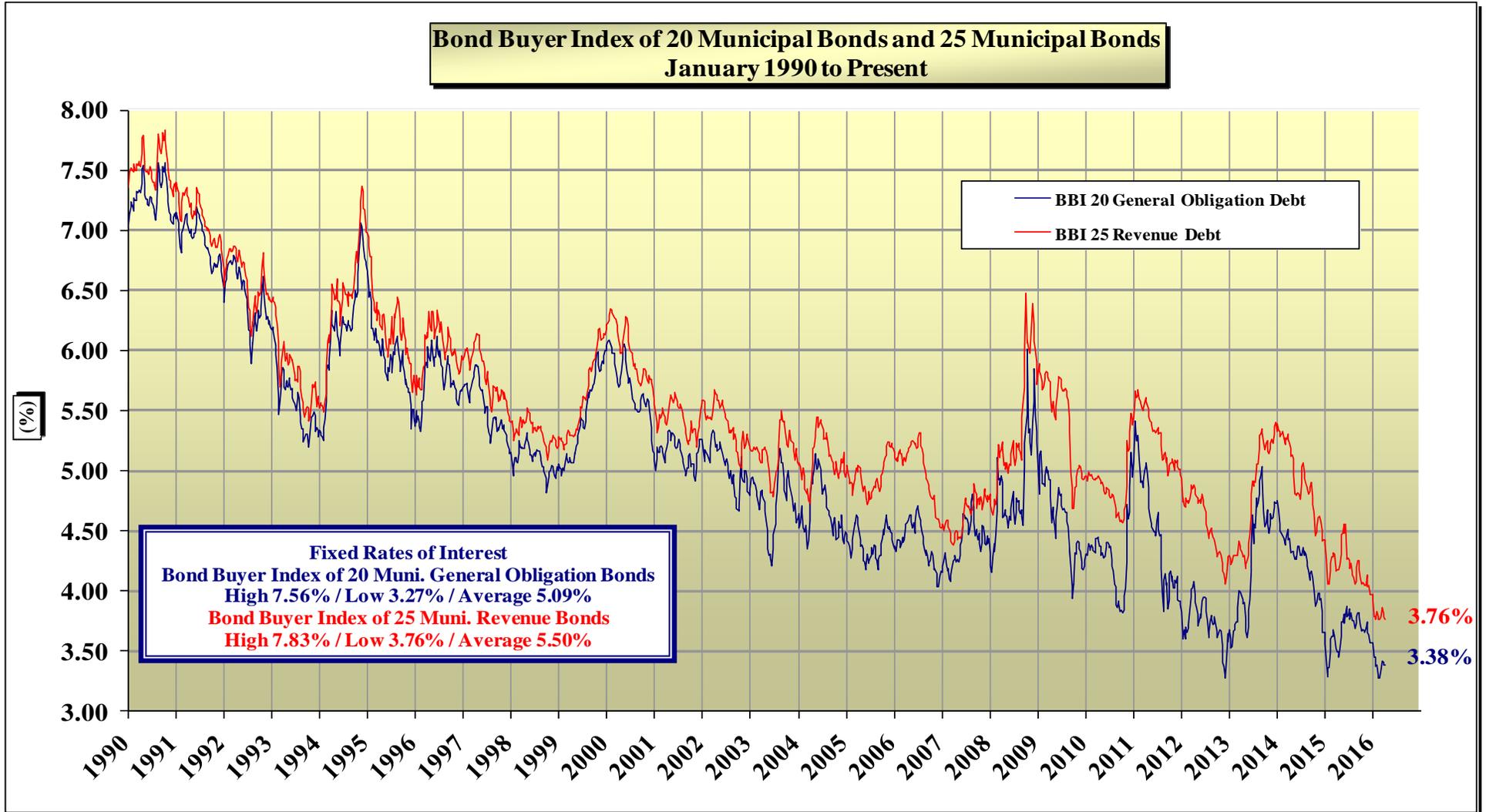
**\$32,715,000 General Obligation and Refunding Bonds, Series 2016A**  
**\$14,200,000 Certificates of Obligation, Series 2016**

**April 11, 2016**



# City of Pearland, Texas

## Current Market Conditions



The BBI 20 is published every Thursday. The rate consists of general obligation bonds maturing in 20 years with an average rating equivalent to Moody's "Aa2" and S&P's "AA." The BBI 25 is also published every Thursday. The rate consists of revenue bonds maturing in 30 years with an average rating equivalent to Moody's "A1" and S&P's "A+".



# City of Pearland, Texas

## General Obligation and Refunding Bonds – Refunding Portion

Series	Maturity Date	Principal Amount *	Call Date/Price	Interest Rate (a)	Savings (b)	Savings Percentage	Negative Arbitrage	Neg Arb Percentage
Certificates of Obligation, Series 2007	3/1/2031	\$1,600,000	3/01/2017 @ 100	4.250%	\$89,003	5.563%	\$27,334	30.7%
	3/1/2032	1,660,000	3/01/2017 @ 100	4.250%	72,602	4.374%	29,466	40.6%
Permanent Improvement Bonds, Series 2008	3/1/2029	730,000	3/01/2018 @ 100	4.500%	50,233	6.881%	23,607	47.0%
	3/1/2030	4,530,000	3/01/2018 @ 100	4.625%	317,303	7.004%	152,977	48.2%
Certificates of Obligation, Series 2008	3/1/2020	195,000	3/01/2018 @ 100	4.000%	5,863	3.007%	1,639	27.9%
	3/1/2021	205,000	3/01/2018 @ 100	4.125%	10,349	5.048%	2,342	22.6%
	3/1/2022	215,000	3/01/2018 @ 100	4.250%	14,771	6.870%	3,144	21.3%
	3/1/2023	225,000	3/01/2018 @ 100	4.300%	17,604	7.824%	4,203	23.9%
	3/1/2024	240,000	3/01/2018 @ 100	4.375%	21,351	8.896%	5,245	24.6%
	3/1/2025	250,000	3/01/2018 @ 100	4.400%	23,287	9.315%	6,295	27.0%
	3/1/2026	290,000	3/01/2018 @ 100	4.500%	30,368	10.472%	7,968	26.2%
	3/1/2027	305,000	3/01/2018 @ 100	5.000%	38,843	12.735%	9,066	23.3%
	3/1/2028	320,000	3/01/2018 @ 100	5.000%	38,297	11.968%	9,959	26.0%
	3/1/2029	335,000	3/01/2018 @ 100	5.000%	37,541	11.206%	10,893	29.0%
	3/1/2030	1,335,000	3/01/2018 @ 100	5.000%	139,504	10.450%	45,267	32.4%
	3/1/2031	1,675,000	3/01/2018 @ 100	5.000%	162,464	9.699%	59,123	36.4%
	3/1/2032	1,930,000	3/01/2018 @ 100	5.000%	171,055	8.863%	71,131	41.6%
	Unlimited Tax Bonds, Series 2011 (Brazoria County MUD #4)	3/1/2021	130,000	3/01/2018 @ 100	4.000%	6,107	4.698%	1,483
3/1/2022		130,000	3/01/2018 @ 100	4.000%	7,732	5.948%	1,896	24.5%
3/1/2023		130,000	3/01/2018 @ 100	4.125%	9,140	7.031%	2,424	26.5%
3/1/2024		130,000	3/01/2018 @ 100	4.125%	9,830	7.561%	2,833	28.8%
3/1/2025		130,000	3/01/2018 @ 100	4.500%	12,903	9.925%	3,277	25.4%
3/1/2026		130,000	3/01/2018 @ 100	4.500%	13,613	10.472%	3,572	26.2%
3/1/2027		130,000	3/01/2018 @ 100	4.700%	13,640	10.493%	3,852	28.2%
3/1/2028		130,000	3/01/2018 @ 100	4.700%	12,407	9.544%	4,033	32.5%
3/1/2029		130,000	3/01/2018 @ 100	4.800%	12,319	9.476%	4,218	34.2%
3/1/2030		130,000	3/01/2018 @ 100	4.800%	11,196	8.612%	4,398	39.3%
3/1/2031		130,000	3/01/2018 @ 100	5.000%	12,609	9.699%	4,589	36.4%
3/1/2032	170,000	3/01/2018 @ 100	5.000%	15,067	8.863%	6,265	41.6%	
<b>Totals:</b>		<b>\$17,640,000</b>			<b>\$1,377,001</b>	<b>7.806%</b>	<b>\$512,497</b>	<b>37.22%</b>

\* Preliminary, subject to change.

(a) Interest estimated at current market rates.

(b) Includes estimated transaction costs.



# City of Pearland, Texas

## General Obligation and Refunding Bonds – Refunding Portion

Fiscal Year Ending (9/30)	Current Total Debt Service	Less: Debt Service on the Refunded Bonds*	Plus: The Series 2016A Bonds (Refunding Portion)		Total Debt Service	Estimated Savings (b)
			Principal*	Interest (a)		
2016	\$26,302,220	\$409,028			\$25,893,192	
2017	26,184,416	997,650		\$978,094	26,164,860	\$19,556
2018	26,140,010	818,056		798,500	26,120,454	19,556
2019	26,104,005	818,056		798,500	26,084,449	19,556
2020	26,049,381	1,009,156	\$75,000	833,804	25,949,029	100,352
2021	25,995,151	1,138,428	210,000	826,679	25,893,402	101,749
2022	25,904,519	1,134,431	215,000	816,054	25,801,141	103,377
2023	25,845,864	1,129,744	225,000	805,054	25,746,174	99,690
2024	26,725,669	1,129,294	235,000	793,554	26,624,929	100,740
2025	26,671,519	1,122,938	240,000	781,679	26,570,260	101,259
2026	24,967,956	1,145,063	275,000	768,804	24,866,697	101,259
2027	24,898,185	1,139,933	285,000	754,804	24,798,056	100,129
2028	24,825,341	1,133,198	290,000	740,429	24,722,572	102,769
2029	24,758,483	1,839,223	1,030,000	707,429	24,656,689	101,794
2030	16,247,128	6,470,051	5,830,000	535,929	16,143,006	104,122
2031	16,187,358	3,659,675	3,250,000	308,929	16,086,612	100,746
2032	16,154,090	3,847,775	3,610,000	137,429	16,053,744	100,346
2033	5,228,975				5,228,975	
2034	5,169,884				5,169,884	
2035	2,465,897				2,465,897	
2036	1,013,772				1,013,772	
2037	663,938				663,938	
2038	654,800				654,800	
<b>Totals</b>	<b>\$425,158,559</b>	<b>\$28,941,698</b>	<b>\$15,770,000</b>	<b>\$11,385,668</b>	<b>\$423,372,530</b>	<b>\$1,377,001</b>

\* Preliminary, subject to change.

(a) Interest estimated at current market rates.

(b) Includes estimated transaction costs and any necessary debt service fund transfers.



# City of Pearland, Texas

## General Obligation and Refunding Bonds – New Money Portion

FY Ending (9/30)	Current Total Debt Service (a)	Plus: The Series 2016A Bonds* (New Money Portion)			Total Debt Service Requirements*
		Principal*	Interest (b)	Total	
2016	\$25,893,192				\$25,893,192
2017	26,164,860	\$850,000	\$802,625	\$1,652,625	27,817,485
2018	26,120,454	850,000	614,050	1,464,050	27,584,504
2019	26,084,449	850,000	588,550	1,438,550	27,522,999
2020	25,949,029	845,000	558,900	1,403,900	27,352,929
2021	25,893,402	845,000	525,100	1,370,100	27,263,502
2022	25,801,141	845,000	491,300	1,336,300	27,137,441
2023	25,746,174	845,000	457,500	1,302,500	27,048,674
2024	26,624,929	845,000	423,700	1,268,700	27,893,629
2025	26,570,260	850,000	389,800	1,239,800	27,810,060
2026	24,866,697	845,000	355,900	1,200,900	26,067,597
2027	24,798,056	850,000	322,000	1,172,000	25,970,056
2028	24,722,572	845,000	288,100	1,133,100	25,855,672
2029	24,656,689	850,000	254,200	1,104,200	25,760,889
2030	16,143,006	850,000	220,200	1,070,200	17,213,206
2031	16,086,612	845,000	186,300	1,031,300	17,117,912
2032	16,053,744	845,000	152,500	997,500	17,051,244
2033	5,228,975	850,000	118,600	968,600	6,197,575
2034	5,169,884	845,000	84,700	929,700	6,099,584
2035	2,465,897	845,000	50,900	895,900	3,361,797
2036	1,013,772	850,000	17,000	867,000	1,880,772
2037	663,938				663,938
2038	654,800				654,800
<b>Totals</b>	<b>\$423,372,530</b>	<b>\$16,945,000</b>	<b>\$6,901,925</b>	<b>\$23,846,925</b>	<b>\$447,219,455</b>

\* Preliminary, subject to change.

(a) Includes the results of the proposed refunding.

(b) Interest estimated at current market rates.



# City of Pearland, Texas

## General Obligation and Refunding Bonds - Estimated Sources and Uses of Funds

### City of Pearland, Texas

### \$32,715,000\* Permanent Improvement and Refunding Bonds, Series 2016A

#### Refunding Portion

Principal Amount of the Bonds:	\$15,770,000 *
Plus: Net Premium:	3,087,399
Less: Expenses:	190,650
Underwriters' Discount	97,500
Rating Agencies	25,500
Bond Counsel	22,500
Financial Advisor	24,250
Attorney General Fee	4,750
Printing/Distribution	2,000
Miscellaneous	4,150
Paying Agent/Trustee	6,000
Verification Agent	4,000
Issuer Contribution:	415,800
<b>Total Proceeds:</b>	<b>\$19,082,549</b>

**Estimated "All Cost" True Interest Rate (a): 3.393%**

Average Life: 13.615 Years

Total Bonds Refunded: \$17,640,000

Average Rate on the Refunded Bonds: 4.665%

**Total Debt Service Savings (a): \$1,377,001**

Present Value Savings: 1,193,504

PV Savings Percentage: 7.806%

#### New Money Portion

Principal Amount of the Bonds:	\$16,945,000 *
Plus: Net Premium:	1,440,820
Less: Expenses:	185,820
Underwriters' Discount	101,670
Rating Agencies	25,500
Bond Counsel	22,500
Financial Advisor	24,250
Attorney General Fee	4,750
Printing/Distribution	2,000
Miscellaneous	4,150
Paying Agent/Trustee	1,000
<b>Total Proceeds:</b>	<b>\$18,200,000</b>

**Estimated "All Cost" True Interest Rate (a): 3.081%**

Average Life: 10.247 Years

\* Preliminary, subject to change.

(a) Includes estimated transaction costs.



# City of Pearland, Texas

## Certificates of Obligation – Estimated Debt Service Requirements

FY Ending (9/30)	Current Total Debt Service (a)	Plus: The Certificates*			Total Debt Service Requirements*
		Principal*	Interest (b)	Total	
2016	\$25,893,192				25,893,192
2017	27,817,485	\$710,000	\$695,800	\$1,405,800	29,223,285
2018	27,584,504	710,000	525,400	1,235,400	28,819,904
2019	27,522,999	710,000	497,000	1,207,000	28,729,999
2020	27,352,929	710,000	468,600	1,178,600	28,531,529
2021	27,263,502	710,000	440,200	1,150,200	28,413,702
2022	27,137,441	710,000	411,800	1,121,800	28,259,241
2023	27,048,674	710,000	383,400	1,093,400	28,142,074
2024	27,893,629	710,000	355,000	1,065,000	28,958,629
2025	27,810,060	710,000	326,600	1,036,600	28,846,660
2026	26,067,597	710,000	298,200	1,008,200	27,075,797
2027	25,970,056	710,000	269,800	979,800	26,949,856
2028	25,855,672	710,000	241,400	951,400	26,807,072
2029	25,760,889	710,000	213,000	923,000	26,683,889
2030	17,213,206	710,000	184,600	894,600	18,107,806
2031	17,117,912	710,000	156,200	866,200	17,984,112
2032	17,051,244	710,000	127,800	837,800	17,889,044
2033	6,197,575	710,000	99,400	809,400	7,006,975
2034	6,099,584	710,000	71,000	781,000	6,880,584
2035	3,361,797	710,000	42,600	752,600	4,114,397
2036	1,880,772	710,000	14,200	724,200	2,604,972
2037	663,938				663,938
2038	654,800				654,800
<b>Totals</b>	<b>\$447,219,455</b>	<b>\$14,200,000</b>	<b>\$5,822,000</b>	<b>\$20,022,000</b>	<b>\$467,241,455</b>

\* Preliminary, subject to change.

(a) Includes the results of the proposed \$32,715,000\* Permanent Improvement and Refunding Bonds.

(b) Interest estimated at current market rates.



# City of Pearland, Texas

## Certificates of Obligation - Estimated Sources and Uses of Funds

### City of Pearland, Texas \$14,200,000\* Certificates of Obligation, Series 2016

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Principal Amount of the Certificates:		\$14,200,000
Plus: Net Premium:		85,700
Less: Expenses:		85,700
Rating Agencies	15,000	
Bond Counsel	22,500	
Financial Advisor	27,700	
Attorney General Fee	9,500	
Printing/Distribution	5,000	
Miscellaneous	4,000	
Paying Agent/Trustee	2,000	
<b>Total Proceeds:</b>		<b>\$14,200,000</b>
<b>Estimated "All Cost" True Interest Rate (a):</b>		<b>3.094%</b>
Average Life:		10.247 Years

\* Preliminary, subject to change.

(a) Includes estimated transaction costs.



# City of Pearland, Texas

## Tentative Schedule of Events

**\$32,715,000\***  
**Permanent Improvement and Refunding Bonds, Series 2016A**

**\$9,035,000\***  
**Water and Sewer System Revenue Bonds, Series 2016A**

**\$14,200,000\***  
**Certificates of Obligation, Series 2016**

**\$11,105,000\***  
**Water and Sewer System Revenue Bonds, Series 2016B (TWDB)**

**\$49,420,000\***  
**Water and Sewer System Revenue Bonds, Series 2016C (TWDB)**

**\$39,375,000\***  
**Permanent Improvement and Refunding Bonds, Series 2016B**

March - 2016						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April - 2016						
S	M	T	W	T	F	S
				1	2	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May - 2016						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June - 2016						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

<u>Date</u>	<u>Action</u>	<u>Role</u>
Monday, March 28 <sup>th</sup>	Council Meeting – Overview of Financing Options	BOSC, City, AK
Friday, April 1 <sup>st</sup>	Agenda language and documentation due to City	City, AK
Monday, April 4 <sup>th</sup>	First Draft of Preliminary Official Statements (“POS”)	BOSC, AK
Monday, April 11 <sup>th</sup>	Council Meeting – Authorize Notice of Intent to Issue Certificates of Obligation, Series 2016 and First Reading of Parameter Ordinance for the Permanent Improvement and Refunding Bonds, Series 2016A	BOSC, City, AK

\* Preliminary, subject to change.



# City of Pearland, Texas

## Tentative Schedule of Events (Continued)

<u>Date</u>	<u>Action</u>	<u>Role</u>
Tuesday, April 12 <sup>th</sup>	Second Draft of POS	BOSC, AK, City
Thursday, April 14 <sup>th</sup>	Publish 1 <sup>st</sup> Notice of Intent to issue Certificates of Obligation	BOSC, AK, City
Thursday, April 21 <sup>st</sup>	Publish 2 <sup>nd</sup> Notice of Intent to issue Certificates of Obligation	BOSC, AK, City
Monday, April 25 <sup>th</sup>	Council Meeting - Second Reading of Parameter Ordinance for The Permanent Improvement and Refunding Bonds, Series 2016A	BOSC, City, AK
Week of April 25 <sup>th</sup>	Rating Agency Calls	BOSC, City
Week of May 2 <sup>nd</sup>	Pricing of Permanent Improvement and Refunding Bonds, Series 2016A	BOSC, AK, City, UW
Monday, May 23 <sup>rd</sup>	Council Meeting – Council approval of the sale results for: <ul style="list-style-type: none"> <li>○ Certificates of Obligation, Series 2016</li> <li>○ Water and Sewer System Revenue Bonds, Series 2016A</li> </ul> Council Review and Discussion of: <ul style="list-style-type: none"> <li>○ Water and Sewer System Revenue Bonds, Series 2016B (TWDB)</li> <li>○ Water and Sewer System Revenue Bonds, Series 2016C (TWDB)</li> </ul>	BOSC, AK, City, UW
Thursday, June 2 <sup>nd</sup>	Closing of the Permanent Improvement and Refunding Bonds, Series 2016A	BOSC, AK, City, UW
Monday, June 13 <sup>th</sup>	Council Meeting – Approve Ordinances for the following issues: <ul style="list-style-type: none"> <li>○ Water and Sewer System Revenue Bonds, Series 2016B (TWDB)</li> <li>○ Water and Sewer System Revenue Bonds, Series 2016C (TWDB)</li> </ul>	BOSC, AK, City, TWDB
Tuesday, June 21 <sup>st</sup>	Closings of the Certificates of Obligation, Series 2016 and Water and Sewer System Revenue Bonds, Series 2016A	BOSC, AK, City, UW



# City of Pearland, Texas

## Tentative Schedule of Events (Continued)

<u>Date</u>	<u>Action</u>	<u>Role</u>
Thursday, June 30 <sup>th</sup>	Closings of the following issues: <ul style="list-style-type: none"><li>○ Water and Sewer System Revenue Bonds, Series 2016B (TWDB)</li><li>○ Water and Sewer System Revenue Bonds, Series 2016C (TWDB)</li></ul>	BOSC, AK, City, TWDB
November 2016	Pricing of Permanent Improvement Refunding Bonds, Series 2016B	BOSC, AK, City, UW
December 2016	Closing of Permanent Improvement Refunding Bonds, Series 2016B	BOSC, AK, City, UW

### PARTICIPANTS

City - City of Pearland, Texas  
BOSC - BOSC, Inc.  
AK - Andrews Kurth LLP  
UW – Underwriters/Purchasers  
TWDB – Texas Water Development Board

City of Pearland, Texas  
 5 Year Forecast (Includes Proposed May 2019 Bond Election)- 20-Year Level Principal  
 With Refunding

Year Ending 9/1	Beginning Fund Balance	Prior Year/ Estimated Taxable Assessed Valuation	Assessed Valuation Growth Rate (%)	Tax Rate per \$100 of Assessed Value	Other Revenue Sources	Total Funds Available for Debt Service	Outstanding Debt Service	Less: Bonds to be Refunding	Plus: Refunding Bonds (b)	Post Refunding Debt Service Requirements	Plus: \$16,945,000 Series 2016 GO @ 4.00%	Plus: \$14,200,000 Series 2016 CO @ 4.00%	Plus: \$18,035,000 Series 2017 GO @ 5.50%	Plus: \$6,215,000 Series 2017CO @ 5.50%	Plus: \$20,975,000 Series 2018 GO @ 5.75%	Plus: \$2,790,000 Series 2018 CO @ 5.75%	Plus: \$12,835,000 Series 2019 GO @ 6.00%	Plus: May 2019 Bond Election \$70,390,000	Total Debt Requirements	Ending Debt Service Fund Balance	Debt Service Coverage (%)	
2016	\$5,033,615	\$6,387,015,580	7.69%	0.4828	\$1,716,536	\$31,687,635	\$31,457,729	\$409,028		\$31,048,701									\$31,048,701	\$5,672,549	16.823%	
2017	5,672,549	6,882,445,717	7.76%	0.4828	1,711,401	34,034,422	30,811,516	2,867,588	2,715,688	30,659,616	\$1,652,625	\$1,405,800							33,718,041	5,988,930	16.644%	
2018	5,988,930	7,351,790,923	6.82%	0.5000	1,710,680	37,450,925	30,873,477	6,010,706	5,688,389	30,551,160	1,464,050	1,235,400							35,983,376	7,456,478	18.343%	
2019	7,456,478	7,806,530,362	6.19%	0.5000	1,724,636	39,727,726	33,127,738	4,868,325	4,542,514	32,801,927	1,438,550	1,207,000	1,822,538	631,113	\$2,426,885	\$323,138			40,651,150	6,533,054	14.972%	
2020	6,533,054	8,269,227,461	5.93%	0.5000	1,722,814	41,957,917	33,263,395	5,721,313	5,311,708	32,853,790	1,403,900	1,178,600	1,767,900	608,925	2,165,500	288,350	\$1,519,250	\$1,850,350	43,636,565	4,854,406	11.072%	
2021	4,854,406	8,682,688,834	5.00%	0.5000	1,730,008	43,986,683	33,018,897	5,832,659	5,422,583	32,608,820	1,370,100	1,150,200	1,718,400	591,875	2,105,125	280,300	1,357,350	2,661,500	43,843,670	4,997,419	11.054%	
2022	4,997,419	9,029,996,387	4.00%	0.5000	1,727,874	45,679,872	33,007,479	5,810,225	5,398,833	32,596,087	1,336,300	1,121,800	1,668,900	574,825	2,044,750	272,250	1,313,800	4,282,150	45,210,862	5,466,430	11.658%	
2023	5,466,430	9,300,896,279	3.00%	0.5000	1,721,056	46,991,613	33,034,285	5,317,163	4,910,333	32,627,455	1,302,500	1,093,400	1,619,400	557,775	1,984,375	264,200	1,275,400	6,166,900	46,891,405	5,566,638	11.655%	
2024	5,566,638	9,486,914,205	2.00%	0.5000	1,432,300	47,602,906	32,947,204	5,313,288	4,906,833	32,540,750	1,268,700	1,065,500	1,569,900	540,725	1,924,000	256,150	1,237,000	7,359,400	47,761,625	5,407,919	11.463%	
2025	5,407,919	9,581,783,347	1.00%	0.4850	1,410,653	46,622,045	32,949,354	4,380,194	3,970,083	32,539,244	1,239,800	1,036,600	1,520,400	523,675	1,858,769	248,100	1,198,600	7,012,550	47,177,737	4,852,227	10.425%	
2026	4,852,227	9,581,783,347		0.4825	1,376,249	46,335,820	32,752,491	4,310,084	3,902,583	32,344,990	1,200,900	1,008,200	1,475,763	506,625	1,803,538	240,050	1,160,200	6,801,650	46,541,915	4,646,133	10.094%	
2027	4,646,133	9,581,783,347		0.4825	1,344,571	46,286,771	32,687,221	4,296,183	3,886,708	32,277,746	1,172,000	979,800	1,421,125	489,575	1,743,163	232,000	1,121,800	6,590,750	46,027,959	4,904,945	10.778%	
2028	4,904,945	9,581,783,347		0.4775	1,310,568	45,765,172	32,618,876	3,207,879	2,798,458	32,209,455	1,133,100	951,400	1,376,488	472,525	1,677,931	219,094	1,088,250	6,379,850	45,508,093	5,162,025	11.469%	
2029	5,162,025	9,581,783,347		0.4550	1,279,934	43,603,204	32,556,518	3,894,898	3,485,958	32,147,579	1,104,200	923,000	1,321,850	455,475	1,622,700	216,188	1,044,700	6,173,800	45,009,491	3,755,738	10.416%	
2030	3,755,738	12,153,326,920 (a)		0.3025	637,481	36,353,386	24,049,664	8,587,564	8,176,333	23,638,433	1,070,200	894,600	1,277,213	438,425	1,562,325	208,138	1,011,150	5,957,750	36,058,233	4,050,891	11.390%	
2031	4,050,891	12,153,326,920		0.2950	557,061	35,366,660	23,994,394	10,316,778	9,910,458	23,588,073	1,031,300	866,200	1,227,438	426,238	1,501,950	200,088	967,600	5,756,550	35,565,436	3,852,116	10.982%	
2032	3,852,116	12,153,326,920		0.2825	572,729	33,882,190	23,965,626	10,273,934	9,865,708	23,557,399	997,500	837,800	1,172,800	404,050	1,441,575	192,038	934,050	5,540,200	35,077,412	2,656,894	11.016%	
2033	2,656,894	12,153,326,920		0.2050	416,228	24,518,513	13,045,011			13,045,011	968,600	809,400	1,123,300	387,000	1,376,344	179,131	895,350	5,333,850	24,117,986	3,057,421	12.946%	
2034	3,057,421	12,153,326,920		0.1950	311,266	23,216,683	12,990,420			12,990,420	929,700	781,000	1,078,663	369,950	1,321,113	176,225	851,800	5,117,500	23,616,370	2,657,734	12.984%	
2035	2,657,734	12,153,326,920		0.1675	297,622	19,938,800	10,290,932			10,290,932	895,900	752,600	1,024,025	352,900	1,260,738	168,175	813,400	4,911,150	20,469,820	2,126,715	11.449%	
2036	2,126,715	12,153,326,920		0.1530	260,409	18,177,765	8,843,307			8,843,307	867,000	724,200	974,525	335,850	1,195,506	160,125	779,850	4,694,800	18,575,164	1,729,316	10.639%	
2037	1,729,316	12,153,326,920		0.1350	240,758	16,024,738	8,497,973			8,497,973			929,888	323,663	1,135,419	152,075	736,300	4,478,750	16,254,067	1,499,987	10.219%	
2038	1,499,987	12,153,326,920		0.1160	216,437	13,754,094	8,493,336			8,493,336					1,080,188	144,025	697,900	4,263,000	14,678,448	575,633	11.779%	
2039	575,633	12,153,326,920		0.0385	190,829	4,653,332	155,460			155,460							664,350	4,066,950	4,886,760	342,205	10.517%	
2040	342,205	12,153,326,920		0.0270	87,373	3,210,147	159,960			159,960								3,094,000	3,253,960	298,392	11.127%	
2041	298,392	12,153,326,920		0.0215	72,100	2,554,615	164,460			164,460								2,517,350	2,681,810	171,197	10.400%	
2042	171,197	12,153,326,920		0.0129	64,801	1,551,128	0			0								1,646,100	1,646,100	76,225	11.298%	
2043	76,225	12,153,326,920		0.0050	53,444	628,271	0			0								674,650	674,650	29,846	0.000%	
<b>Totals</b>							\$589,756,721	\$91,417,807	\$84,893,169	\$583,232,083	\$23,846,925	\$20,022,000	\$28,123,008	\$9,691,458	\$33,231,892	\$4,419,838	\$20,668,100	\$113,331,500	\$836,566,804			
				Average Tax Rate:	\$0.3379																	
				Tax Rate Increase:	\$0.0172																	

(a) Includes the taxable assessed values of the TIRZ of \$2,571,543,573 (2020 estimated value) beginning in fiscal year 2030, once the TIRZ has been dissolved.

(b) Includes the estimated results of both the May 2016 refunding and the November 2016 refunding. Preliminary, subject to change.



Scenario 2

	2016	2017	2018	2019	2020
Revenues	31,687,636	34,034,461	37,453,918	44,487,143	47,094,482
Expenditure	31,887,085	35,017,070	37,396,525	43,808,128	45,797,013
Income (Loss)	(199,449)	(982,609)	57,393	679,015	1,297,469
Beginning Fund Balance	4,988,995	4,789,546	3,806,937	3,864,330	4,543,345
Ending Fund Balance	4,789,546	3,806,937	3,864,330	4,543,345	5,840,814
Policy Req. 10%	3,188,709	3,501,707	3,739,653	4,380,813	4,579,701
Excess over Requirement	1,600,838	305,230	124,677	162,532	1,261,113
DS Tax Rate	0.4828	0.4828	0.5000	0.5625	0.5625
General Obligation- 2007	21,825,000	18,035,000	20,975,000	12,835,000	
General Obligation - 2018			15,625,000	8,535,000	15,015,000
Certificates of Obligation	13,035,000	6,215,000	2,790,000		

With the lowering of the DS tax rate, GF will recognize a loss of \$94,373 from the TIRZ<sup>36</sup> in 2016.

\*Note - PowerPoint Slide from Budget Presentation in September 2015

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

<b>AGENDA OF:</b>	April 11, 2016	<b>ITEM NO.:</b>	Ordinance No. 1523
<b>DATE SUBMITTED:</b>	April 11, 2016	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Cynthia Pearson	<b>PRESENTOR:</b>	Cynthia Pearson
<b>REVIEWED BY:</b>	Jon R. Branson	<b>REVIEW DATE:</b>	April 4, 2016
<b>SUBJECT:</b> First Reading of Ordinance 1523 – An Ordinance Authorizing and Ordering the Issuance of City of Pearland, Texas Permanent Improvement and Refunding Bonds, Series 2016A; Prescribing the Terms and Form Thereof; Making other Provisions Regarding such Bonds, Including the Use of the Proceeds Thereof, and Matters Incident Thereto.			
<b>EXHIBITS:</b> Ordinance 1523 Exhibit A - 2007 Bond Package Status Update			
<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:</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>			
X Finance	X Legal	Ordinance	X Resolution

**EXECUTIVE SUMMARY**

**BACKGROUND**

The fiscal year 2016 budget included the sale of Permanent Improvement Bonds in the amount of \$21,822,405 in order to fund capital improvement projects that would be funded with the 2007 voted bond authorization. The actual amount of the bond sale is \$18,199,268, \$3.6 million lower than the fiscal year 2016 capital improvement program mainly due to project timing. The lists of projects and bond amounts compared to the adopted budget is as follows:

<u>Project</u>	<u>Original Budget</u>	<u>Revised Amount</u>
Cullen/FMS 18 Drainage	585,935	-0-
Old Townsite Drainage	487,834	207,845
Corrigan Ditch Sub-Basin	-0-	580,000
Bailey Road	385,725	385,725
Independence Park	1,820,803	1,820,447
Delores Fenwick Nature Ctr	790,122	292,000
Centennial Park	1,254,936	1,254,936
Tom Reid Library	3,108,225	3,108,000
Bailey Rd	3,607,145	3,607,145
Old Alvin	762,800	807,000
Hughes Ranch Rd	3,625,663	1,061,745
Fite Road	1,240,207	1,240,207
Max Road	1,550,000	1,414,600
Regency Park Paving	1,240,790	1,240,790
Kirby Drive Extension	956,201	956,201
McHard Rd. Extension	222,658	222,627
Smith Ranch Rd.	183,361	-0-
Total	<u>\$21,822,405</u>	<u>\$18,199,268</u>

Work has begun on most of these projects and City Council approved a notice of intent to be reimbursed from future bond proceeds in November 2015; Resolution R2015-196.

After the sale of the bonds, there will be \$56,850,000 in authorized but unissued bonds from the 2007 voted bond authorization as shown below:

	<u>Amount Authorized</u>	<u>Issued To-Date</u>	<u>The Bonds</u>	<u>Remaining Amount</u>
Road	84,190,000	34,649,500	10,550,000	38,990,000
Drainage	35,305,000	20,473,000	1,174,000	13,658,500
Fire Station	2,895,000	2,895,000		-0-
Parks	19,990,000	13,435,000	3,368,000	3,187,000
Rec./Nat.	16,225,000	15,210,500		1,014,500
Library	3,410,000	302,000	3,108,000	-0-
Totals	<u>162,015,000</u>	<u>86,965,000</u>	<u>18,200,000</u>	<u>56,850,000</u>

**BID AND AWARD**

The second reading of the Ordinance will be on April 25<sup>th</sup>, with pricing on May 2<sup>nd</sup>, and closing on June 2<sup>nd</sup>.

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

The new money portion of the bonds are structured with a 20-year level principal maturity. For fiscal year 2017 annual debt service is estimated at \$1,633,069 with an annual average debt service of \$1,123,496. The refunding portion of the issuance is \$15.7 million and equates to a savings of \$1.3 million or 7.8%.

**RECOMMENDED ACTION**

Consideration and Approval of Ordinance 1523, an Ordinance Authorizing and Ordering the Issuance of City of Pearland, Texas Permanent Improvement and Refunding Bonds, Series 2016; Prescribing the Terms and Form Thereof; Making Other Provisions Regarding such Bonds, Including Use of the Proceeds Thereof, and Matters Incident Thereto.



## Memo

To: Clay Pearson, City Manager

From: Trent Epperson, Assistant City Manager

CC: Jon Branson, Deputy City Manager

Sue Polka, Director of Engineering

Cynthia Pearson, Interim Finance Director

Skipper Jones, Assistant Director – Capital Projects

Date: March 30, 2016

Re: 2007 Bond Package Status Update

3/31/2016  
 To: Mayor and City Council members  
 Latest update to the 2007 bond projects inventory. Clay

Attached as **Exhibit A is the 2007 Bond Package Status as of March 31, 2016**, previously updated in the attached Thursday Packet memo dated November 2, 2015. All project are underway with the exception of the DL Smith Regional Stormwater Detention project. Based on the desire to preserve the land adjacent to the U of H Campus for a higher and better use than a detention pond, the need and configuration of this drainage project will be examined in the Drainage Master Plan before moving forward.

**Exhibit B is a 2007 Bond Capacity Update** that shows the amount of bonds authorized, amount issued to date, the proposed amount to be issued in FY2016, and the outstanding bond capacity after the 2016 issuance.

Also included, as **Exhibit C, is the original nine year completion schedule developed in 2007 for the bond projects.** While many of the early projects were completed on schedule. The completion of all projects has been extended due to two main factors. First, multiple projects were delayed two to four years during the economic slowdown and recession of 2007-2009. Second, multiple roadway projects have been awarded 80% matching state/federal funds. These projects have been rescheduled to provide time to meet the additional environmental and other regulatory clearances required by the state/federal funds and to match the schedule to when the funds are available. These projects include Pearland Parkway, Bailey Road, Mykawa Road, and Hughes Ranch Road.

By capturing the matching funds, the City has been able use 2007 Bonds to move forward with many other roadway projects such as McHard Road, Smith Ranch Road, Kirby Drive, Max Road, Fite Road, Regency Park Subdivision, and CR59, without additional debt.

While staff has been busy with the 2007 Bond Package over the past ten years, it was in addition to completing the 2001 Bond Package projects and other projects funded by Certificates of Obligation, the Pearland Economic Development Corporation, Water & Sewer Funds, etc. **Exhibit D** is a summary of the projects that were constructed between 2007 and today but were not part of the 2007 Bond Package with funding sources and amounts.

## 2007 Bond Program Status



In Progress  
Completed

Project	Description	Status	Completion Date
<b>Prop 1 - Transportation</b>			
SH288	Construct two 2-lane frontage roads from FM2234 to FM518	Completed	Nov-09
McHard Road	Extend 4 lanes from Country Place to Cullen Pkwy	Completed	Sep-10
Cullen Pkwy	Expansion from 2 to 4 lanes from FM518 to BW8	Completed	Apr-11
Dixie Farm Road Ph II	Expansion from 2 to 4 lanes from FM518 to SH35	Completed	Apr-11
Pearland Pkwy	4 lane divided concrete roadway Oiler Dr to Dixie Farm Road	Completed	Aug-15
Bailey Road	Expansion to 4 lane divided blvd. Veterans Dr to FM 1128	Construction	Sep-17
Old Alvin Road	Reconstruction from McHard Rd to Plum St 4 lane undivided	Design Contract Negotiations	Sep-18
CR403* (Hughes Ranch Road)	Expansion to 4 lane from SH288 to Cullen Pkwy	Design Completed	Sep-20
Mykawa Road*	Expansion from 2 to 4 lanes FM518 to BW8	Consultant Selection	Aug-21
<b>Prop 2 - Drainage</b>			
East Mary's Creek Detention	150 acre ft detention for needed improvements in Pine Hollow	Completed	Sep-10
Town Ditch	Convey 100 year storm flows for Mimosa Acres & Willowcrest	Completed	Feb-11
Veterans/Walnut Street	Storm sewer along Walnut from Austin St to railroad	Completed	Jan-12
Cowart Creek Diversion	Diversion & Regional Detention for Bailey Rd corridor	Completed	Apr-13
Hickory Slough Detention	200 acre feet of storage that will be used as soccer fields	Completed	Jul-13
DL Smith Detention	Increase detention by 150 acre-feet on Pearland Pkwy	Future	Jun-19
<b>Prop 3 - Public Safety</b>			
Fire Station No. 5	New Station approximately 9,500 SF on Kirby south of Broadway	Completed	Feb-11
<b>Prop 4 - Parks &amp; Recreation</b>			
Trail Connectivity	Hike and Bike from Centennial Park to west of FM 1128	Completed	Jul-12
Max Road Sports Complex (Hickory Slough Sportsplex Ph I)	5 soccer fields, 1 multipurpose field, and a restroom/concession bldg	Completed	Aug-15
Centennial Park Ph II	2 lighted/irrigated softball fields, picnic pavilion & parking	Design	Jul-17
Shadow Creek Ranch Sports Complex Ph I	8 baseball/softball fields, 1 soccer field, 6 volleyball cts	Construction	Jun-16
Independence Park Ph I	Pearland Pkwy entry, enhancements to pavilion & new playgrd	Design Contract Negotiations	Sep-17
Delores Fenwick Nature Center @ JHEC	7500 SF facility Nature Center bldg, parking & tree farm, etc	Design Contract Negotiations	Dec-17
<b>Prop 5 - Rec. Center &amp; Natatorium</b>			
Recreation Center & Natatorium	25 yd & 50 meter indoor pools, 2 gyms, weight room etc	Completed	Aug-10
<b>Prop 6 - Libraries</b>			
Tom Reid Library Expansion	11,5000 sq feet expansion & renovation to existing library	Design	Sep-17

\* 80% State/Federal transportation funds were approved for these projects in October 2015. The construction schedules have been adjusted based on the fiscal year that the State/Federal funds have been allocated.

### 2007 Bond Package - Bond Capacity Update

Project Category	Proposition Amount	General Obligation Bonds Issued to Date	Bonds to be Issued in FY2016*	Outstanding Bond Capacity After FY2016 Issuance	Notes
Prop 1 - Thoroughfare	\$ 84,190,000	\$ 34,649,500	\$ 10,550,315	46% \$ 38,990,185	Remaining funds for Old Alvin and 20% matching funds for the following TIP projects Mykawa, Hughes Ranch, Max, McHard, and Smith Ranch
Prop 2 - Drainage	\$ 35,305,000	\$ 20,473,000	\$ 1,173,570	38% \$ 13,658,430	Remaining funds for Old Townsite, Corrigan Sub-Basin, and DL Smith Detention
Prop 3 - Public Safety	\$ 2,895,000	\$ 2,895,000	\$ -	\$ -	Completed and closed
Prop 4 - Parks & Recreation	\$ 19,990,000	\$ 13,435,000	\$ 3,367,383	16% \$ 3,187,617	Remaining funds for Independence Park and Nature Center construction
Prop 5 - Rec Center & Natatorium	\$ 16,225,000	\$ 15,210,500	\$ -	0% \$ 1,014,500	Completed and closed
Prop 6 - Libraries	\$ 3,410,000	\$ 302,000	\$ 3,108,000	0% -	To be closed
<b>Total</b>	<b>\$ 162,015,000</b>	<b>\$ 86,965,000</b>	<b>\$ 18,199,268</b>	<b>\$ 56,850,732</b>	

\* Amount to be sold will be updated prior to the sale of the bonds.

30-Mar-16

# 2007 Bond Package

## Original Schedule 2007-2015

Project	2006				2007				2008				2009				2010				2011				2012				2013				2014				2015							
	Q4	Q1	Q2	Q3	Q4																																							
SR200 Service Roads																																												
DJen																																												
Cover Creek Division																																												
Deletion Site																																												
Diversion Ditch																																												
Restorable Roadside Ditches																																												
Trial Comedvity Phase I																																												
Woop Senior Center																																												
Dive Farm Road PHL																																												
Fire Station #6																																												
Town Ditch III																																												
Recreation Center																																												
Widatorium																																												
East Mays Creek Deletion																																												
Hebeards Ditch/Walnut																																												
Bailey Road																																												
Whitson Road																																												
Hickory Slough Deletion																																												
Soccer Complex Phase I																																												
SCRPA Phase I																																												
Independence Park Phase I																																												
Centennial Park Phase II																																												
Huxley Ranch Road																																												
DJ. Smith Expansion																																												
DJ. Alan Road																																												
Nature Center at S/VEC																																												
Milare Road																																												
Library Expansion																																												
Peabody Parkway																																												

City of Pearland 2007 to Current - Completed Projects Not Part of the 2007 Bond Package

Project Type	Project Name	Total Project Budget *	Funding Source *					
			Fund 50 - Cash & Other Sources	2001 Bonds	Certificate of Obligations	Water/Sewer Funds	PEDC	
Drainage	Cowart's Creek Diversion	\$2,500,000		\$1,431,487				
Drainage	Detention Storage Facility - Spectrum	\$5,342,000			\$5,342,000			
Drainage	Pine Hollow Drainage Improvements	\$600,000	\$600,000					
Drainage	SH35 Drainage	\$1,500,000			\$568,663			
Drainage	Westchester Sidewalks & Drainage	\$365,411			\$365,411			
Drainage Subtotal		\$8,442,000	\$600,000	\$1,431,487	\$5,342,000		\$0	
Facilities	Knapp Senior Center	\$1,003,000	\$1,866,454					
Facilities	Public Safety Building	\$22,425,377			\$22,425,377			
Facilities	U of H Pearland Campus	\$12,055,361			\$11,500,000			
Facilities	Fire Station #3	\$3,497,791			\$3,497,791			
Facilities	Fire Station #2	\$4,236,614			\$4,236,614			
Facilities	Fire Station #1 & 4 Modifications	\$1,733,666	\$40,000					
Facilities	Hill House Traffic Operations Center & Fuel Isle	\$3,035,000	\$31,686					
Facilities	Fire Dept HQ Renovations	\$1,301,560			\$186,882			
Facilities	Westside Library Ph I	\$550,000	\$550,000					
Facilities Subtotal		\$49,838,369	\$2,488,140	\$0	\$41,846,664		\$0	\$0
Parks	Centennial Park Ph II (Splash Pad)	\$397,000	\$397,000					
Parks	Trail Connectivity	\$700,000	\$720,000					
Parks Subtotal		\$1,097,000	\$1,117,000	\$0	\$0		\$0	\$0
Streets	Alice Street Connector	\$182,334			\$182,334			
Streets	Cullen	\$12,443,536			\$7,850,000			
Streets	Bailey/Oiler Road	\$17,350,000					\$ 17,350,000	
Streets	Barry Rose Extension	\$2,600,000			\$3,100,000			
Streets	Broadway Extension	\$9,000,000			\$9,000,000			
Streets	FM 518 Median Landscaping	\$550,000	\$338,573					
Streets	Hill House	\$875,745	\$875,745					
Streets	Magnolia Road	\$38,596,000		\$38,743,009				
Streets	Northbound SH288 Service Road	\$886,000			\$984,504			
Streets	Old Townsite Drainage	\$1,000,000	\$1,000,000					
Streets	Old Townsite Sidewalks	\$200,000	\$200,000					
Streets	Orange Street	\$7,800,000		\$7,800,000				
Streets	Scarsdale Landscaping	\$161,266			\$161,266			
Streets	TXDOT Bridges	\$0	\$250,000					
Streets	Veterans Road Detention Pond	\$1,400,000		\$1,400,000				
Streets	Walnut Street	\$3,800,000		\$3,800,000				
Streets	Business Center Drive	\$5,156,524					\$ 1,348,795	
Streets	Discovery Bay	\$150,000	\$150,000					
Streets	SH 35 Landscaping	\$889,367	\$889,367					
Streets	Silent RR Crossing	\$246,504		\$246,504				
Streets	Traffic Signal Mykawa/Brookside	\$285,000			\$166,400			
Streets	Traffic Signal Network ITS	\$611,200	\$77,700					
Streets Subtotal		\$104,183,476	\$3,781,385	\$51,989,513	\$21,444,504		\$0	\$18,698,795

Water/Sewer	City of Houston Waterline Connection	\$22,536,780				\$20,095,519	
Water/Sewer	Cullen Water	\$1,300,000				\$1,300,000	
Water/Sewer	East side of Hwy 288 Infrastructure (BW8/288)	\$2,200,000				\$2,200,000	
Water/Sewer	FM 1128 Sewer	\$875,131				\$1,811,682	
Water/Sewer	FM 1128 Waterline (Manvel-Bailey)	\$628,106				\$1,235,000	
Water/Sewer	Inflow/Infiltration Ph III	\$1,900,000				\$1,900,000	
Water/Sewer	Kirby Water Plant	\$6,656,748				\$6,665,484	
Water/Sewer	Lift Station SCADA	\$500,000				\$500,000	
Water/Sewer	Magnolia Road Water & Sewer	\$3,557,982				\$3,542,982	
Water/Sewer	Old Townsite Inflow & Infiltration	\$981,000				\$981,000	
Water/Sewer	SE Water Plant (City of Houston)	\$17,000,000				\$26,809,000	
Water/Sewer	SH 35 North	\$3,712,636				\$2,325,207	
Water/Sewer	SH35 North Force Main	\$356,975				\$356,975	
Water/Sewer	SH35 Water & Sewer Ph II	\$5,114,995				\$5,114,995	
Water/Sewer	Sterling Road Waterline	\$367,400				\$367,400	
Water/Sewer	SWEC Capacity Expansion	\$19,940,189				\$19,940,189	
Water/Sewer	Wagon Wheel Water	\$2,132,000				\$2,132,257	
Water/Sewer	Water Plant SCADA	\$490,000				\$490,000	
Water/Sewer	Woodcreek I&I Inspection	\$104,000				\$104,000	
Water/Sewer	Bailey/Veterans	\$360,145				\$360,145	
Water/Sewer	Barry Rose Waterline Extension	\$165,485				\$165,485	
Water/Sewer	Barry Rose WWTP	\$3,203,760				\$374	
Water/Sewer	Broadway Trunk Sewer	\$155,000				\$18,008	
Water/Sewer	CR94 Waterline	\$973,400				\$200,090	
Water/Sewer	East Orange Waterline	\$152,060				\$152,060	
Water/Sewer	Eliminate Somersetshire Lift Station	\$151,844				\$151,844	
Water/Sewer	Far Northwest WWTP Decanter	\$1,250,000				\$1,250,000	
Water/Sewer	Fellows Loop	\$2,592,000				\$101,000	
Water/Sewer	Hatfield Basin	\$4,634,000				\$774,000	
Water/Sewer	Hawk Road Waterline	\$66,650				\$66,650	
Water/Sewer	Hughes Ranch Road	\$80,000				\$80,000	
Water/Sewer	Longwood LS Replacement & Plant Rehab	\$4,363,965				\$367,965	
Water/Sewer	McHard Road Waterline	\$7,090,901				\$2,166,673	
Water/Sewer	Old Alvin Waterline	\$2,556,718				\$446,468	
Water/Sewer	Pearland Pkwy Waterline Ext.	\$190,366				\$190,366	
Water/Sewer	SH 35 Waterline - South of Magnolia	\$338,936				\$78,917	
Water/Sewer	SH 35 Waterline FM 518 to Magnolia	\$2,037,134				\$518,715	
Water/Sewer	Sherwood I&I	\$220,000				\$200,000	
Water/Sewer	Twin Creek Regional SCADA Lift Station Rehab	\$2,519,000				\$511,198	
Water/Sewer	Walnut Lift Station	\$703,000				\$115,000	
Water/Sewer	Water Loop	\$596,063				\$596,063	
Water/Sewer	West Oaks Lift Station Retirement	\$163,906					
Water/Sewer	Subtotal	\$124,918,275	\$0	\$0	\$0	\$106,382,711	\$0
<b>Grand Total</b>		<b>\$288,479,120</b>	<b>\$7,986,525</b>	<b>\$53,421,000</b>	<b>\$68,633,168</b>	<b>\$106,382,711</b>	<b>\$18,698,795</b>
<b>Source</b>			<b>Fund 50 - Cash &amp; Other Sources</b>	<b>2001 Bonds</b>	<b>Certificate of Obligations</b>	<b>Water/Sewer Funds</b>	<b>PEDC</b>

\* Where Total Budget does not match the funding source 2007 Bonds, State/Federal funds, or other funds were used.

Note: Does not include all projects from this timeframe.

31-Mar-16



# Memo

To: Clay Pearson, City Manager

From: Sue Polka, P.E., Director of Engineering and Capital Projects

CC: Trent Epperson, Assistant City Manager  
Jon Branson, Deputy City Manager  
Skipper Jones, Assistant Director of Capital Projects

Date: November 2, 2015

Re: 2007 Bond Package Status

11/4/2015

To: Mayor and City Council members

Update on the projects in the 2007 Bond projects that originally had a nine-year timeframe. Five projects in process and four for future awaiting TIP funding or starting preliminary engineering.

Clay

Attached is the 2007 Bond Package Status as of October 29, 2015. The information in this spreadsheet provides updated schedule information to reflect the current status of all 2007 Bond projects.

The original nine year schedule to complete all projects has been extended due to two main factors. First, projects were delayed based on the economic slowdown in growth during the recession of 2007-2009. Second, multiple projects such as Bailey Road, Pearland Parkway and Mykawa Road have been allocated 80% matching federal/state funds. These projects have been delayed to the year that the federal/state funds are available. A consequence of the delays has been that inflation in construction costs has exceeded the amount of inflation and contingency that was built into the bond program, causing many projects to exceed their original budget.

As a reminder, the future bond issue that is built into the multi-year budget projections is planned to begin when we reach \$8.3 billion in taxable value. The future bond package is planned to be approximately \$70 million and have a 5 year duration. The smaller package and shorter duration will increase the likelihood that projects are completed on the original schedule and stay within allocated funds.

## 2007 Bond Program Status



In Progress  
Completed

Project	Description	Status	Completion Date
<b>Prop 1 - Transportation</b>			
SH288	Construct two 2-lane frontage roads from FM2234 to FM518	Completed	Nov-09
McHard Road	Extend 4 lanes from Country Place to Cullen Pkwy	Completed	Sep-10
Cullen Pkwy	Expansion from 2 to 4 lanes from FM518 to BW8	Completed	Apr-11
Dixie Farm Road Ph II	Expansion from 2 to 4 lanes from FM518 to SH35	Completed	Apr-11
Pearland Pkwy	4 lane divided concrete roadway Oiler Dr to Dixie Farm Road	Completed	Aug-15
Bailey Road	Expansion to 4 lane divided blvd. Veterans Dr to FM 1128	Construction	Sep-17
Old Alvin Road	Reconstruction from McHard Rd to Plum St 4 lane undivided	Future	Feb-18
CR403*	Expansion to 4 lane from SH288 to Cullen Pkwy	Design Completed	Aug-20
Mykawa Road*	Expansion from 2 to 4 lanes FM518 to BW8	Future	Aug-21
<b>Prop 2 - Drainage</b>			
East Mary's Creek Detention	150 acre ft detention for needed improvements in Pine Hollow	Completed	Sep-10
Town Ditch	Convey 100 year storm flows for Mimosa Acres & Willowcrest	Completed	Feb-11
Veterans/Walnut Street	Storm sewer along Walnut from Austin St to railroad	Completed	Jan-12
Cowart Creek Diversion	Diversion & Regional Detention for Bailey Rd corridor	Completed	Apr-13
Hickory Slough Detention	200 acre feet of storage that will be used as soccer fields	Completed	Jul-13
DL Smith Detention	Increase detention by 150 acre-feet on Pearland Pkwy	Future	Apr-19
<b>Prop 3 - Public Safety</b>			
Fire Station No. 5	New Station approximately 9,500 SF on Kirby south of Broadway	Completed	Feb-11
<b>Prop 4 - Parks &amp; Recreation</b>			
Trail Connectivity	Hike and Bike from Centennial Park to west of FM 1128	Completed	Jul-12
Max Road Sports Complex	5 soccer fields, 1 multipurpose field, and a restroom/concession bldg	Completed	Aug-15
Shadow Creek Sports Complex	8 baseball/softball fields, 1 soccer field, 6 volleyball cts	Construction	Dec-15
Centennial Park	2 lighted/irrigated softball fields, picnic pavilion & parking	Design	Jul-17
Independence Park	Pearland Pkwy entry, enhancements to pavilion & new playgrd	Future	Jul-17
Nature Center	7500 SF facility Nature Center bldg, parking & tree farm, etc	Future	Jul-17
<b>Prop 5 - Rec. Center &amp; Natatorium</b>			
Recreation Center & Natatorium	25 yd & 50 meter indoor pools, 2 gyms, weight room etc	Completed	Aug-10
<b>Prop 6 - Libraries</b>			
Tom Reid Library Expansion	11,5000 sq feet expansion & renovation to existing library	Design	Jun-17

\* 80% State/Federal transportation matching funds were approved for these projects in October 2015. The construction schedules have been adjusted based on the fiscal year that the State/Federal funds have been allocated.

## ORDINANCE NO. 1523

**An Ordinance of the City Council of the City of Pearland, Texas ordinance authorizing the issuance of City of Pearland, Texas, permanent improvement and/or refunding bonds in one or more series; setting certain parameters for the bonds; authorizing refunding of certain outstanding obligations; authorizing a pricing officer to approve the amount, the interest rate, price, and terms thereof and certain other procedures and provisions relating thereto.**

**WHEREAS**, the City of Pearland, Texas (the “City”), acting through its City Council, is authorized by Section 3.07 of its Home Rule Charter and the Constitution and laws of the State of Texas, particularly Chapters 1331 of the Texas Government Code, as amended, to issue bonds for the purpose of making needed public improvements;

**WHEREAS**, the issuance of certain bonds herein authorized was approved by the voters of the City at an election held for such purpose on May 12, 2007 (the “Election”), which was called by the City Council pursuant to Resolution No. R2007-35 adopted March 5, 2007, and which authorized the issuance of: (i) \$84,190,000 in bonds for purchasing and otherwise acquiring land for and constructing, repairing and improving streets, bridges and sidewalks of the City with first priority to be given to the construction, repair and improvement of Bailey Road, Cullen Boulevard, Dixie Farm Road and McHard Road (“Proposition 1”); (ii) \$35,305,000 in bonds for purchasing, acquiring, enlarging, extending, equipping and constructing drainage improvements and facilities at various locations within the City, including acquiring lands and rights-of-way for any of such purposes (“Proposition 2”); (iii) \$2,895,000 in bonds for purchasing, acquiring, constructing, repairing and improving land, facilities and equipment for public safety purposes (including fire fighting needs)(“Proposition 3”); (iv) \$19,990,000 in bonds for purchasing, acquiring, constructing, repairing and improving land, facilities and equipment for park and recreation purposes (“Proposition 4”); (v) \$16,225,000 in bonds for purchasing, acquiring, constructing, repairing and improving land, facilities and equipment for park and recreation purposes, with first priority to be given to the construction of recreation center and the construction of a natatorium (“Proposition 5”); and (vi) \$3,410,000 in bonds for purchasing and otherwise acquiring land for and constructing, repairing and improving library facilities (“Proposition 6”);

**WHEREAS**, the City Council canvassed the returns of the Election and by Ordinance No. R2007-86, adopted May 22, 2007 declared the results to be in favor of the issuance of the Bonds;

**WHEREAS**, the City has previously authorized, issued and delivered seven installments of such authorized bonds from the Election in an aggregate principal amount of \$86,965,000, consisting of (i) \$34,650,000 of principal attributable to bonds authorized by Proposition 1; (ii) \$20,472,500 of principal attributable to bonds authorized by Proposition 2; (iii) \$2,895,000 of principal attributable to bonds authorized by Proposition 3; and (iv) \$13,435,000 of principal attributable to bonds authorized by Proposition 4; (v) \$15,210,500 of principal attributable to Proposition 5; and (vi) \$302,000 of principal attributable to Proposition 6;

**WHEREAS**, the City has now determined that it is necessary and advisable to authorize, issue and deliver an eighth installment of such authorized bonds from the Election in an aggregate

principal amount not to exceed \$18,200,000 for the purposes of funding the permanent improvements described herein;

**WHEREAS**, the City Council is of the opinion and hereby affirmatively finds that it is in the best interest of the City to issue such eighth installment of bonds from the Election in the amounts and for the purposes herein stated.

**WHEREAS**, the City Council of the City has heretofore issued or assumed the obligations described in Exhibit A attached hereto and as more particularly described in the Officer's Pricing Certificate (defined herein); and

**WHEREAS**, the City desires to refund part of said obligations in advance of their maturities as determined pursuant to the parameters set forth herein (the "Refunded Bonds") for the purpose of achieving debt service savings; and

**WHEREAS**, Chapter 1207, Texas Government Code, as amended ("Chapter 1207") authorizes the City to issue refunding bonds payable from taxes, without an election, for the purpose of refunding the Refunded Bonds in advance of their maturities, and to accomplish such refunding by depositing directly with any paying agent for the Refunded Bonds (or other qualified escrow agent), the proceeds of such refunding bonds, together with other available funds, in an amount sufficient to provide for the payment or redemption of the Refunded Bonds, and provides that such deposit shall constitute the making of firm banking and financial arrangements for the discharge and final payment or redemption of the Refunded Bonds; and

**WHEREAS**, the City desires to authorize the execution of an escrow agreement, if necessary, and provide for the deposit of proceeds of the refunding bonds, together with other lawfully available funds of the District, to pay the Refunded Bonds; and

**WHEREAS**, upon the issuance of the refunding bonds herein authorized and the deposit of funds referred to above, the Refunded Bonds shall no longer be regarded as being outstanding, except for the purpose of being paid pursuant to such deposit, and the pledges, liens, trusts and all other covenants, provisions, terms and conditions of the ordinances authorizing the issuance of the Refunded Bonds shall be, with respect to the Refunded Bonds, discharged, terminated and defeased;

**WHEREAS**, the City is a home-rule municipality that (i) adopted its charter under Section 5, Article XI, Texas Constitution; (ii) has a population of 50,000 or more; and (iii) has outstanding long-term indebtedness that is rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for a long-term obligation and thus the City qualifies as an "Issuer" under Chapter 1371, Texas Government Code ("Chapter 1371"); and

**WHEREAS**, Chapter 1207 and Chapter 1371 authorize the City to delegate the authority to effect the sale of the Bonds to a Pricing Officer, as defined herein. Now, therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND:**

1. Recitals; Consideration. It is hereby found and determined that the matters and facts set out in the preamble to this Ordinance are true and correct.

It is hereby found and determined that the refunding contemplated in this Ordinance will benefit the City by providing a present value savings in the debt service payable by the City, that such benefit is sufficient consideration for the refunding of the Refunded Bonds, and that the issuance of the refunding bonds is in the best interests of the City.

2. Definitions. Throughout this Ordinance the following terms and expressions as used herein shall have the meanings set forth below:

“Blanket Issuer Letter of Representations” means the Blanket Issuer Letter of Representations between the City, the Registrar and DTC.

“Bond Purchase Agreement” means an agreement between the City and the Underwriter described in Section 23 of this Ordinance.

“Bonds” means the means one or more series of Bonds issued by the City of Pearland, Texas authorized in this Ordinance, as designated in an Officer’s Pricing Certificate.

“Business Day” means any day which is not a Saturday, Sunday, or a day on which the Registrar is authorized by law or executive order to close, or a legal holiday.

“City” means the City of Pearland, Texas.

“Closing Date” means the date of the initial delivery of and payment any series of Bonds.

“Code” means the Internal Revenue Code of 1986, as amended.

“Comptroller” means the Comptroller of Public Accounts of the State of Texas.

“Debt Service Fund” means the debt service fund for payment of the Bonds established by the City in Section 20 of this Ordinance.

“DTC” means The Depository Trust Company of New York, New York, or any successor securities depository.

“DTC Participant” means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

“Escrow Agent” means Wells Fargo Bank, N.A.

“Escrow Agreement” means an agreement between the City and the Escrow Agent relating to

the escrow of funds to pay the Refunded Bonds.

“Initial Bond” means the Initial Bond authorized by Section 6(d).

“Interest Payment Date”, when used in connection with any Current Interest Bond, means shall mean the date(s) determined by a Pricing Officer and set forth in the Officer’s Pricing Certificate.

“MSRB” means the Municipal Securities Rulemaking Board.

“Officer’s Pricing Certificate” means a certificate signed by the Pricing Officer pursuant to Section 5 hereof.

“Ordinance” as used herein and in the Bonds means this ordinance authorizing the Bonds.

“Owner” means any person who shall be the registered owner of any outstanding Bond.

“Pricing Officer” means the Mayor, City Manager or the Director of Finance.

“Record Date” means, with respect to the Bonds, the close of business on the last Business Day of the month preceding such Interest Payment Date.

“Refunded Bonds” means any of the obligations described on Exhibit A attached hereto and as more specifically described in the Officer’s Pricing Certificate.

“Register” means the books of registration kept by the Registrar, in which are maintained the names and addresses of, and the principal amounts of the Bonds registered to, each Owner.

“Registrar” means Wells Fargo Bank, N.A., and its successors in that capacity.

“Report” means the report of Grant Thornton LLP, verifying the accuracy of certain mathematical computations relating to the Bonds and the Refunded Bonds.

“Rule” means SEC Rule 15c2-12, as amended from time to time.

“SEC” means the United States Securities and Exchange Commission.

“Underwriters” means the firms listed in the Officer’s Pricing Certificate as the underwriters or initial purchasers of the Bonds.

3. Authorization. The Bonds shall be issued in fully registered form in a maximum principal amount, including any premium counted against voted authorization, (i) not to exceed \$18,200,000 for the public improvements as follows: (a) \$1,174,000 in bonds for purchasing, acquiring, enlarging, extending, equipping and constructing drainage improvements and facilities at various locations within the City, including acquiring lands and rights-of-way for any of such

purposes, (b) \$3,368,000 for purchasing, acquiring, constructing, repairing and improving land, facilities and equipment for park and recreation purposes, (c) \$3,108,000 for purchasing and otherwise acquiring land for and constructing, repairing and improving library facilities, (d) \$10,550,000 for purchasing and otherwise acquiring land for and constructing, repairing and improving streets, bridges and sidewalks of the City, (e) the costs of issuing the Bonds, and/or (ii) if certain savings thresholds are achieved, in an amount not to exceed \$25,000,000 for the purpose of refunding the Refunded Bonds, under and in strict conformity with the Constitution and laws of the State of Texas, particularly Chapters 1207, Texas Government Code and the costs of issuing the Bonds. The Bonds may be issued in one or more series/installments.

4. Date, Denomination, Interest Rates, and Maturities. The Bonds shall be designated as City of Pearland, Texas Permanent Improvement <sup>1</sup> and shall be dated the date set forth in the Officer's Pricing Certificate, shall mature on March 1 in each of the years and in the amounts set out in the Officer's Pricing Certificate, shall be subject to prior optional and mandatory redemption on the dates, for the redemption prices and in the amounts set out in the Officer's Pricing Certificate and shall bear interest from their issuance date at the rates set forth in the Officer's Pricing Certificate payable on each March 1 and September 1 commencing on the date set forth in the Officer's Pricing Certificate. The Bonds may be transferred and exchanged as set out in this Ordinance. The Initial Bond shall be numbered I-1 and all other Bonds shall be numbered in sequence beginning with R-1. Bonds delivered on transfer of or in exchange for other Bonds shall be numbered in order of their authentication by the Registrar, shall be in the denomination of \$5,000 or integral multiples thereof, and shall mature on the same date and bear interest on the same rate as the Bond or Bonds in lieu of which they are delivered.

5. Selling and Delivering the Bonds. As authorized by Sections 1207 and 1371, Texas Government Code, as amended, the Pricing Officer is hereby authorized to act on behalf of the City in selling and delivering the Bonds, in one or more series of bonds/installments, and carrying out the other procedures specified in this Ordinance, including without limitation determining the price at which the Bonds will be sold, the issuance date for the Bonds, the form in which the Bonds shall be issued (whether as current interest bonds or as any combination of current interest bonds and compound interest bonds), the years in which the Bonds will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the dates, prices and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory redemption provisions for the Bonds, and all other matters not expressly provided in this Ordinance, relating to the issuance, sale and delivery of the Bonds, and the refunding of the Refunded Bonds, all of which shall be specified in the Officer's Pricing Certificate; provided that:

- (i) none of the Bonds shall bear interest at a rate in excess of the maximum rate allowed by Chapter 1204, Texas Government Code, as amended;
- (ii) the aggregate principal amounts of the Bonds may not exceed the maximum principal amounts authorized in Section 3 hereof, and the proceeds from the sale of the Bonds, along with any available funds of the City to be used in the

<sup>1</sup> Insert from Pricing Certificate.

refunding, must be sufficient to provide, after all original issue discount and underwriter's discount, amounts necessary to fund the costs and expenses of refunding the Refunded Bonds and the estimated costs of issuance of the Bonds;

- (iii) the net present value savings in debt service resulting from the refunding of the Refunded Bonds shall be at least 5% of the principal amount of the Refunded Bonds, as shown by a table of calculations prepared by the City's financial advisor and attached to the Officer's Pricing Certificate; and
- (iv) the refunding of the Refunded Bonds shall be undertaken to achieve debt service savings and not for the purpose of restructuring or shortening the amortization of debt evidenced by the Refunded Bonds.

6. Execution of Bonds; Seal. (a) The Bonds shall be signed on behalf of the City by the Mayor and countersigned by the City Secretary, by their manual, lithographed, or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Bonds shall have the same effect as if each of the Bonds had been signed manually and in person by each of said Officer's, and such facsimile seal on the Bonds shall have the same effect as if the official seal of the City had been manually impressed upon each of the Bonds.

(b) If any officer of the City whose manual or facsimile signature shall appear on the Bonds shall cease to be such officer before the authentication of such Bonds or before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Registrar's Authentication Bond substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Registrar. In lieu of the executed Registrar's Authentication Bond described above, the Initial Bond delivered at the Closing Date shall have attached hereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller, or by his duly authorized agent, which certificate shall be evidence that the Initial Bond has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller.

(d) On the Closing Date, the Initial Bond, being a single bond representing the entire principal amount of the Bonds, payable in stated installments to the Underwriter or its designee, executed by manual or facsimile signature of the Mayor and City Secretary of the City, approved by the Attorney General, and registered and manually signed by the Comptroller, shall be delivered to the Underwriter or its designee. Upon payment for the Initial Bond, the Registrar shall cancel the Initial Bond and deliver definitive Bonds to DTC.

7. Payment of Principal and Interest. The Registrar is hereby appointed as the paying agent and registrar for the Bonds. The principal of the Bonds shall be payable, without exchange or collection charges, in any coin or currency of the United States of America which, on the date of payment, is legal tender for the payment of debts due the United States of America, upon their presentation and surrender as they respectively become due and payable at the principal payment office of the Registrar. The interest on each Bond shall be payable on each Interest Payment Date, by check mailed by the Registrar on or before the Interest Payment Date to the Owner of record as of the Record Date.

If the date for payment of the principal of or interest on any Bond is not a Business Day, then the date for such payment shall be the next succeeding Business Day with the same force and effect as if made on the date payment was originally due.

8. Successor Registrars. The City covenants that at all times while any Bonds are outstanding it will provide a commercial bank or trust company, organized under the laws of the United States or any state, and duly qualified and legally authorized to serve as Registrar for the Bonds. The City reserves the right to change the Registrar on not less than 60 days written notice to the Registrar, so long as any such notice is effective not less than 60 days prior to the next succeeding principal or interest payment date on the Bonds. Promptly upon the appointment of any successor Registrar, the previous Registrar shall deliver the Register or copies thereof to the new Registrar, and the new Registrar shall notify each Owner, by United States mail, first class postage prepaid, of such change and of the address of the new Registrar. Each Registrar hereunder, by acting in that capacity, shall be deemed to have agreed to the provisions of this Section.

9. Special Record Date. If interest on any Bond is not paid on any Interest Payment Date and continues unpaid for thirty (30) days thereafter, the Registrar shall establish a new record date for the payment of such interest, to be known as a Special Record Date. The Registrar shall establish a Special Record Date when funds to make such interest payment are received from or on behalf of the City. Such Special Record Date shall be fifteen (15) days prior to the date fixed for payment of such past due interest, and notice of the date of payment and the Special Record Date shall be sent by United States mail, first class, postage prepaid, not later than five (5) days prior to the Special Record Date, to each affected Owner of record as of the close of business on the day prior to the mailing of such notice.

10. Ownership; Unclaimed Principal and Interest. The City, the Registrar and any other person may treat the person in whose name any Bond is registered as the absolute owner of such Bond for the purpose of making and receiving payment of the principal of or interest on such Bond, and for all other purposes, whether or not such Bond is overdue, and neither the City nor the Registrar shall be bound by any notice or knowledge to the contrary. All payments made to the person deemed to be the Owner of any Bond in accordance with this Section shall be valid and effectual and shall discharge the liability of the City and the Registrar upon such Bond to the extent of the sums paid.

Amounts held by the Registrar which represent principal of and interest on the Bonds remaining unclaimed by the Owner after the expiration of three years from the date such amounts

have become due and payable shall be reported and disposed of by the Registrar in accordance with the applicable provisions of Texas law including, to the extent applicable, Title 6 of the Texas Property Code, as amended.

11. Registration, Transfer, and Exchange. So long as any Bonds remain outstanding, the Registrar shall keep the Register at its principal payment office, and, subject to such reasonable regulations as it may prescribe, the Registrar shall provide for the registration and transfer of Bonds in accordance with the terms of this Ordinance.

Each Bond shall be transferable only upon the presentation and surrender thereof at the principal payment office of the Registrar, duly endorsed for transfer, or accompanied by an assignment duly executed by the registered Owner or his authorized representative in form satisfactory to the Registrar. Upon due presentation of any Bond for transfer, the Registrar shall authenticate and deliver in exchange therefor, within three Business Days after such presentation, a new Bond or Bonds registered in the name of the transferee or transferees, in authorized denominations and of the same maturity and aggregate principal amount and bearing interest at the same rate as the Bond or Bonds so presented.

All Bonds shall be exchangeable upon presentation and surrender thereof at the principal payment office of the Registrar, for a Bond or Bonds of like maturity and interest rate and in any authorized denomination, in an aggregate amount equal to the unpaid principal amount of the Bond or Bonds presented for exchange. The Registrar shall be and is hereby authorized to authenticate and deliver exchange Bonds in accordance with the provisions of this Section. Each Bond delivered in accordance with this Section shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such Bond is delivered.

The City or the Registrar may require the Owner of any Bond to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of such Bond. Any fee or charge of the Registrar for such transfer or exchange shall be paid by the City.

12. Mutilated, Lost, or Stolen Bonds. Upon the presentation and surrender to the Registrar of a mutilated Bond, the Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like maturity, interest rate, and principal amount, bearing a number not contemporaneously outstanding. If any Bond is lost, apparently destroyed, or wrongfully taken, the City, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Bond has been acquired by a bona fide purchaser, shall authorize and the Registrar shall authenticate and deliver a replacement Bond of like maturity, interest rate and principal amount, bearing a number not contemporaneously outstanding.

The City or the Registrar may require the Owner of a mutilated Bond to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection therewith and any other expenses connected therewith, including the fees and expenses of the Registrar. The City or the Registrar may require the Owner of a lost, apparently destroyed or wrongfully taken Bond, before any replacement Bond is issued, to:

- (1) furnish to the City and the Registrar satisfactory evidence of the ownership of and the circumstances of the loss, destruction or theft of such Bond;
- (2) furnish such security or indemnity as may be required by the Registrar and the City to save them harmless;
- (3) pay all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Registrar and any tax or other governmental charge that may be imposed; and
- (4) meet any other reasonable requirements of the City and the Registrar.

If, after the delivery of such replacement Bond, a bona fide purchaser of the original Bond in lieu of which such replacement Bond was issued presents for payment such original Bond, the City and the Registrar shall be entitled to recover such replacement Bond from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Registrar in connection therewith.

If any such mutilated, lost, apparently destroyed or wrongfully taken Bond has become or is about to become due and payable, the City in its discretion may, instead of issuing a replacement Bond, authorize the Registrar to pay such Bond.

Each replacement Bond delivered in accordance with this Section shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such replacement Bond is delivered.

13. Cancellation of Bonds. All Bonds paid in accordance with this Ordinance, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance herewith, shall be canceled and destroyed upon the making of proper records regarding such payment. The Registrar shall furnish the City with appropriate certificates of destruction of such Bonds.

14. Book-Entry Only System. (a) The Initial Bond shall be registered in the name of the Underwriters. Except as provided in Section 15 hereof, all other Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such DTC Participant holds an interest in the Bonds, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the City and the Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register,

of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any amount with respect to principal of, premium, if any, or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Register as the absolute Owner of such Bond for the purpose of payment of principal of and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfer with respect to such Bond, and for all other purposes whatsoever. The Registrar shall pay all principal of, premium, if any, and interest on the Bonds only to or upon the order of the respective Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payments of principal, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Register, shall receive a Bond certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions of this Ordinance with respect to interest checks being mailed to the Owner of record as of the Record Date, the phrase "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

15. Successor Securities Depository; Transfer Outside Book-Entry Only System. In the event that the City in its sole discretion, determines that the beneficial owners of the Bonds be able to obtain certificated Bonds, or in the event DTC discontinues the services described herein, the City shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants, as identified by DTC, of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants, as identified by DTC, of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts, as identified by DTC. In such event, the Bonds shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

16. Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bonds are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bonds, and all notices with respect to such Bonds, shall be made and given, respectively, in the manner provided in the Blanket Letter of Representations.

17. Optional and/or Mandatory Redemption; Defeasance. The Bonds are subject to optional and/or mandatory redemption as set forth in the Form of Bond in this Ordinance and in the Officer's Pricing Certificate.

Principal amounts may be redeemed only in integral multiples of \$5,000. If a Bond subject to redemption is in a denomination larger than \$5,000, a portion of such Bond may be redeemed, but only in integral multiples of \$5,000. Upon surrender of any Bond for redemption in part, the Registrar, in accordance with Section 11 hereof, shall authenticate and deliver in exchange therefor a Bond or Bonds of like maturity and interest rate in an aggregate principal amount equal to the unredeemed portion of the Bond so surrendered.

Notice of any redemption identifying the Bonds to be redeemed in whole or in part shall be given by the Registrar at least thirty days prior to the date fixed for redemption by sending written notice by first class mail to the Owner of each Bond to be redeemed in whole or in part at the address shown on the Register. Such notices shall state the redemption date, the redemption price, the place at which Bonds are to be surrendered for payment and, if less than all Bonds outstanding of a particular maturity are to be redeemed, the numbers of the Bonds or portions thereof of such maturity to be redeemed. Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice. By the date fixed for redemption, due provision shall be made with the Registrar for payment of the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest to the date fixed for redemption. When Bonds have been called for redemption in whole or in part and due provision has been made to redeem same as herein provided, the Bonds or portions thereof so redeemed shall no longer be regarded as outstanding except for the purpose of receiving payment solely from the funds so provided for redemption, and the rights of the Owners to collect interest which would otherwise accrue after the redemption date on any Bond or portion thereof called for redemption shall terminate on the date fixed for redemption.

The Bonds may be discharged, defeased, redeemed or refunded in any manner now or hereafter permitted by law, unless otherwise provided in the Officer's Pricing Certificate.

18. Forms. The form of the Bond, including the form of Registration Certificate of the Comptroller, which shall be attached or affixed to the Initial Bond, the form of Assignment and the form of the Registrar's Authentication Certificate, shall be, respectively, substantially as follows, with such additions, deletions and variations as may be necessary to conform to the terms specified in the Officer's Pricing Certificate:

(a) Form of Bond.

UNITED STATES OF AMERICA  
STATE OF TEXAS  
COUNTIES OF BRAZORIA, FORT BEND AND HARRIS

REGISTERED  
NUMBER

\_\_\_\_\_

REGISTERED  
DENOMINATION

\$ \_\_\_\_\_

CITY OF PEARLAND, TEXAS  
PERMANENT IMPROVEMENT \_\_\_\_\_<sup>1</sup>\_\_\_\_\_

INTEREST RATE:

MATURITY DATE:

March 1, 20\_\_

ISSUE DATE:

\_\_\_\_\_<sup>1</sup>\_\_\_\_\_

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

The City of Pearland, Texas (the “City”) promises to pay to the registered owner identified above, or registered assigns, on the maturity date specified above, upon presentation and surrender of this Bond at the principal payment office of Wells Fargo Bank, N.A. (the “Registrar”), the principal amount identified above, payable in any coin or currency of the United States of America which on the date of payment is legal tender for the payment of debts due the United States of America, and to pay interest thereon at the rate shown above, calculated on the basis of a 360-day year of twelve 30-day months, from \_\_\_\_\_<sup>1</sup>\_\_\_\_\_, or the most recent interest payment date to which interest has been paid or duly provided for. Interest on this Bond is payable by check on March 1 and September 1 beginning on \_\_\_\_\_<sup>1</sup>\_\_\_\_\_, mailed to the registered owner of record as of the close of business on the 15th day of the month preceding each interest payment date.

THIS BOND is one of a duly authorized issue of Bonds, aggregating \$\_\_\_\_\_<sup>2</sup>\_\_\_\_\_ (the “Bonds”), issued for [(i) purposes authorized by the Election as set forth in the Ordinance (defined below) [and/or]<sup>2</sup> (ii) the purpose of refunding a portion of the City’s outstanding obligations, under and in strict conformity with the Constitution and laws of the State of Texas, particularly Chapters 1207 and 1371, Texas Government Code, as amended,] and pursuant to an ordinance adopted by the City Council (the “Ordinance”), which Ordinance is of record in the official minutes of the City.

<sup>1</sup> Insert from Officers Pricing Certificate.

<sup>2</sup> Insert from Officers Pricing Certificate.

THE CITY RESERVES THE RIGHT, at its option, to redeem Bonds maturing on and after March 1, 20<sup>3</sup>\_\_, in whole or from time to time in part, in integral multiples of \$5,000, on March 1, 20<sup>4</sup>\_\_, or any date thereafter at par plus accrued interest on the principal amounts called for redemption to the date fixed for redemption. If less than all the Bonds are to be redeemed, the City shall select the Bonds to be redeemed.

[If applicable, mandatory redemption language]

NOTICE OF ANY REDEMPTION shall be given by the Registrar at least thirty (30) days prior to the date fixed for redemption by first class mail, addressed to the registered owners of each Bond to be redeemed in whole or in part at the address shown on the books of registration kept by the Registrar. When Bonds or portions thereof have been called for redemption, and due provision has been made to redeem the same, the principal amounts so redeemed shall be payable solely from the funds provided for redemption, and interest which would otherwise accrue on the amounts called for redemption shall terminate on the date fixed for redemption.

THIS BOND IS TRANSFERABLE only upon presentation and surrender at the principal payment office of the Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his authorized representative, subject to the terms and conditions of the Ordinance.

THE BONDS ARE EXCHANGEABLE at the principal payment office of the Registrar, for Bonds in the principal amount of \$5,000 or any integral multiple thereof, subject to the terms and conditions of the Ordinance.

THIS BOND shall not be valid or obligatory for any purpose or be entitled to any benefit under the Ordinance unless this Bond is either (i) registered by the Comptroller of Public Accounts of the State of Texas by registration certificate attached or affixed hereto or (ii) authenticated by the Registrar by due execution of the authentication certificate endorsed hereon.

THE REGISTERED OWNER of this Bond, by acceptance hereof, acknowledges and agrees to be bound by all the terms and conditions of the Ordinance.

THE CITY has covenanted in the Ordinance that it will at all times provide a legally qualified registrar for the Bonds and will cause notice of any change of registrar to be mailed to each registered owner.

<sup>3</sup> Insert from Officers Pricing Certificate.

<sup>4</sup> Insert from Officers Pricing Certificate.

IT IS HEREBY certified, recited and covenanted that this Bond has been duly and validly issued and delivered; that all acts, conditions and things required or proper to be performed, to exist and to be done precedent to or in the issuance and delivery of this Bond have been performed, exist and have been done in accordance with law; and that annual ad valorem taxes, within the limits prescribed by law, sufficient to provide for the payment of the interest on and principal of this Bond, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in the City, and have been pledged irrevocably for such payment.

IN WITNESS WHEREOF, this Bond has been signed with the manual or facsimile signature of the Mayor and countersigned with the manual or facsimile signature of the City Secretary, and the official seal of the City has been duly impressed, or placed in facsimile, on this Bond.

(AUTHENTICATION  
CERTIFICATE)

(SEAL)

CITY OF PEARLAND, TEXAS

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Secretary

(b) Form of Registration Certificate of Comptroller of Public Accounts.

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. \_\_\_\_\_

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS MY SIGNATURE AND SEAL this \_\_\_\_\_.

\_\_\_\_\_  
Comptroller of Public Accounts  
of the State of Texas

(SEAL)

(c) Form of Registrar's Authentication Certificate.

**AUTHENTICATION CERTIFICATE**

It is hereby certified that this Bond has been delivered pursuant to the Bond Ordinance described in the text of this Bond.

Wells Fargo Bank, N.A.  
As Paying Agent/Registrar

By \_\_\_\_\_  
Authorized Signature  
Date of Authentication \_\_\_\_\_

(d) Form of Assignment.

**ASSIGNMENT**

For value received, the undersigned hereby sells, assigns, and transfers unto

\_\_\_\_\_  
\_\_\_\_\_  
(Please print or type name, address, and zip code of Transferee)

\_\_\_\_\_  
(Please insert Social Security or Taxpayer Identification Number of Transferee)  
the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints  
\_\_\_\_\_  
attorney to transfer said Bond on the books kept for registration thereof, with full power of  
substitution in the premises.

DATED: \_\_\_\_\_

Signature Guaranteed: \_\_\_\_\_

\_\_\_\_\_  
Registered Owner

NOTICE: The signature above must correspond to the name of the registered owner as shown on the face of this Bond in every particular, without any alteration, enlargement or change whatsoever.

NOTICE: Signature must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

(e) The Initial Bond shall be in the form set forth in paragraphs (a), (b) and (d) of this Section, except for the following alterations:

(i) immediately under the name of the Bond, the headings “INTEREST RATE” and “MATURITY DATE” shall both be completed with the words “As Shown Below” and the word “CUSIP” deleted;

(ii) in the first paragraph of the Bond, the words “on the maturity date specified above” and “at the rate shown above” shall be deleted and the following shall be inserted at the end of the first sentence “..., with such principal to be paid in installments on March 1 in each of the years and in the principal amounts identified in the following schedule and with such installments bearing interest at the per annum rates set forth in the following schedule:

[Information to be inserted from the Officer’s Pricing Certificate]

(iii) the Initial Bond shall be numbered I-1.

19. CUSIP Numbers. CUSIP Numbers may be printed on the Bonds, but errors or omissions in the printing of such numbers shall have no effect on the validity of the Bonds.

20. Debt Service Fund; Tax Levy. There is hereby established a separate fund of the City to be known as the City of Pearland, Texas, Permanent Improvement \_\_\_\_\_<sup>5</sup>\_\_\_\_\_ Debt Service Fund (the “Debt Service Fund”), which shall be kept separate and apart from all other funds of the City. The proceeds from all taxes levied, assessed and collected for and on account of the Bonds authorized by this Ordinance shall be deposited, as collected, in the Debt Service Fund. While the Bonds or any part of the principal thereof or interest thereon remain outstanding and unpaid, there is hereby levied and there shall be annually assessed and collected in due time, form and manner, and at the same time as other City taxes are assessed, levied and collected, in each year, a continuing direct annual ad valorem tax, within the limits prescribed by law, upon all taxable property in the City, sufficient to pay the current interest on the Bonds as the same becomes due and to provide and maintain a debt service fund of not less than two percent of the principal amount of the Bonds or the amount required to pay each installment of principal of the Bonds as the same matures, whichever is greater, full allowance being made for delinquencies and costs of collection, and said taxes are hereby irrevocably pledged to the payment of the interest on and principal of the Bonds and to no other purpose.

To pay the debt service coming due on the Bonds prior to receipt of the taxes levied to pay such debt service, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount sufficient to pay such debt service, and such amount shall be used for no other purpose.

21. Application of Chapter 1208, Government Code. Chapter 1208, Government Code, applies to the issuance of the Bonds and the pledge of the taxes granted by the City under Section 20 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Bonds are outstanding an unpaid such that the pledge of the taxes

<sup>5</sup> Insert from Officers Pricing Certificate.

granted by the City under Section 20 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

22. Further Proceedings. After the Initial Bond has been executed, it shall be the duty of the Mayor and other appropriate officials and agents of the City to deliver the Initial Bond and all pertinent records and proceedings to the Attorney General of the State of Texas, for examination and approval. After the Initial Bond has been approved by the Attorney General, it shall be delivered to the Comptroller for registration. Upon registration of the Initial Bond, the Comptroller (or the Comptroller's bond clerk or an assistant bond clerk lawfully designated in writing to act for the Comptroller) shall manually sign the Comptroller's Registration Certificate prescribed herein and the seal of said Comptroller shall be impressed, or placed in facsimile, thereon.

23. Sale; Bond Purchase Agreement. The Bonds shall be sold and delivered to the Underwriter, who shall be designated in the Pricing Officer's Certificate, at the price set forth in the Pricing Officer's Certificate and in accordance with the terms of the Bond Purchase Contract which the Pricing Officer is hereby authorized and directed to execute on behalf of the District. The Pricing Officer and all other officers, agents and representatives of the District are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Bonds. The Pricing Officer is hereby authorized and directed to execute the Bond Purchase Agreement on behalf of the City, and the Mayor, City Manager, Director of Finance and all other officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Bonds. In the event the Bond Purchase Agreement shall not be executed by the one year anniversary of the date of this Ordinance (the "Expiration Date"), the delegation to the Pricing Officer pursuant to this Ordinance shall cease to be effective unless the City shall act to extend such delegation. Bonds sold pursuant to a Bond Purchase Agreement or winning bid form executed on or before the Expiration Date may be delivered after such date.

24. Federal Income Tax Exclusion.

The City intends that the interest on the Bonds shall be excludable from gross income of the owners thereof for federal income tax purposes pursuant to Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended, (the "Code") and all applicable temporary, proposed and final regulations (the "Regulations") and procedures promulgated thereunder and applicable to the Bonds. For this purpose, the City covenants that it will monitor and control the receipt, investment, expenditure and use of all gross proceeds of the Bonds (including all property, the acquisition, construction or improvement of which is to be financed directly or indirectly with the proceeds of the Bonds) and take or omit to take such other and further actions as may be required by Sections 103 and 141 through 150 of the Code and the Regulations to cause the interest on the Bonds to be and remain excludable from the gross income, as defined in Section 61 of the Code, of the

owners of the Bonds for federal income tax purposes. Without limiting the generality of the foregoing, the City shall comply with each of the following covenants:

- (a) The City shall not use, permit the use of or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which, if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City shall have received a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.
- (b) Except as permitted by Section 141 of the Code and the regulations and rulings thereunder, the City shall, at all times prior to the last stated maturity of the Bonds,
  - (1) exclusively own, operate, and possess all property the acquisition, construction, or improvement of which is to be financed directly or indirectly with Gross Proceeds of such series of the Bonds (including property financed with Gross Proceeds of the Refunded Obligations or notes or bonds refunded by the Refunded Obligations and not use or permit the use of such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds in any activity carried on by any person or entity other than a state or local government, unless such use is solely as a member of the general public, or
  - (2) not directly or indirectly impose or accept any charge or other payment for use of Gross Proceeds of such series of the Bonds or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with such Gross Proceeds (including property financed with Gross Proceeds of the Refunded Obligations or notes or bonds refunded by the Refunded Obligations other than taxes of general application and interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.
- (c) Except to the extent permitted by Section 141 of the Code and the regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, Gross Proceeds are considered to be “loaned” to a person or entity if (1) property acquired, constructed or improved with Gross Proceeds (including property financed with Gross Proceeds of the Refunded Obligations or notes or bonds refunded by the Refunded Obligations) is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes, (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output, or similar contract or arrangement, or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or such property are otherwise transferred in a transaction which is the economic equivalent of a loan.

- (d) Except to the extent permitted by Section 148 of the Code and the regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the final stated maturity or final payment of the Refunded Obligations, directly or indirectly invest Gross Proceeds of such Bonds in any Investment (or use such Gross Proceeds to replace money so invested), if as a result of such investment the Yield of all Investments allocated to such Gross Proceeds whether then held or previously disposed of, exceeds the Yield on the Refunded Obligations.
- (e) Based on all of the facts and estimates now known or reasonably expected to be in existence on the date the Bonds are delivered, the City reasonably expects that the proceeds of the Bonds and the Refunded Obligations (to the extent any of such proceeds remain unexpended) will not be used in a manner that would cause the Bonds or the Refunded Obligations or any portion thereof to be “arbitrage bonds” within the meaning of Section 148 of the Code.
- (f) At all times while the Bonds are outstanding, the City will identify and properly account for all amounts constituting gross proceeds of the Bonds in accordance with the Regulations. The City will monitor the yield on the investments of the proceeds of the Bonds and, to the extent required by the Code and the Regulations, will restrict the yield on such investments to a yield which is not materially higher than the yield on the Bonds. To the extent necessary to prevent the Bonds from constituting “arbitrage bonds,” the City will make such payments as are necessary to cause the yield on all yield restricted nonpurpose investments allocable to the Bonds to be less than the yield that is materially higher than the yield on the Bonds.
- (g) The City will not take any action or knowingly omit to take any action, if taken or omitted, would cause the Bonds to be treated as “federally guaranteed” obligations for purposes of Section 149(b) of the Code.
- (h) The City represents that not more than fifty percent (50%) of the proceeds of any new money portion of the Bonds or any new money issue refunded by, the Refunded Bonds was invested in nonpurpose investments (as defined in Section 148(f)(b)(A) of the Code) having a substantially guaranteed yield for four years or more within the meaning of Section 149(g)(3)(A)(ii) of the Code, and the City reasonably expected at the time each issue of the Refunded Bonds was issued that at least eighty-five percent (85%) of the spendable proceeds of the Bonds or the Refunded Bonds would be used to carry out the governmental purpose of such Bonds within the corresponding three-year period beginning on the respective dates of the Bonds or the Refunded Bonds.
- (i) The City will take all necessary steps to comply with the requirement that certain amounts earned by the City on the investment of the gross proceeds of the Bonds, if any, be rebated to the federal government. Specifically, the City will (i) maintain records regarding the receipt, investment and expenditure of the gross proceeds of the Bonds as may be required to calculate such excess arbitrage profits separately from records of amounts on deposit in the funds and accounts of the City allocable to other obligations of the City or moneys which do not represent gross proceeds of any

obligations of the City and retain such records for at least six years after the day on which the last outstanding Bond is discharged, (ii) account for all gross proceeds under a reasonable, consistently applied method of accounting, not employed as an artifice or device to avoid, in whole or in part, the requirements of Section 148 of the Code, including any specified method of accounting required by applicable Regulations to be used for all or a portion of the gross proceeds, (iii) calculate, at such times as are required by applicable Regulations, the amount of excess arbitrage profits, if any, earned from the investment of the gross proceeds of the Bonds and (iv) timely pay, as required by applicable Regulations, all amounts required to be rebated to the federal government. In addition, the City will exercise reasonable diligence to assure that no errors are made in the calculations required by the preceding sentence and, if such an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter, including payment to the federal government of any delinquent amounts owed to it, including interest thereon and penalty.

- (j) The City will not indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with respect to the gross proceeds of the Bonds that might result in a reduction in the amount required to be paid to the federal government because such arrangement results in smaller profit or a larger loss than would have resulted if such arrangement had been at arm's length and had the yield on the issue not been relevant to either party.
- (k) The City will timely file or cause to be filed with the Secretary of the Treasury of the United States the information required by Section 149(e) of the Code with respect to the Bonds on such form and in such place as the Secretary may prescribe.
- (l) The City will not issue or use the Bonds as part of an "abusive arbitrage device" (as defined in Section 1.148-10(a) of the Regulations). Without limiting the foregoing, the Bonds are not and will not be a part of a transaction or series of transactions that attempts to circumvent the provisions of Section 148 of the Code and the Regulations, by (i) enabling the City to exploit the difference between tax exempt and taxable interest rates to gain a material financial advantage, or (ii) increasing the burden on the market for tax-exempt obligations.
- (m) Proper officers of the City charged with the responsibility for issuing the Bonds are hereby directed to make, execute and deliver certifications as to facts, estimates or circumstances in existence as of the Issue Date and stating whether there are facts, estimates or circumstances that would materially change the City's expectations. On or after the Issue Date, the City will take such actions as are necessary and appropriate to assure the continuous accuracy of the representations contained in such certificates.
- (n) The covenants and representations made or required by this Section are for the benefit of the Bond holders and any subsequent Bond holder, and may be relied upon by the Bond holder and any subsequent Bond holder and bond counsel to the City.

In complying with the foregoing covenants, the City may rely upon an unqualified opinion issued to the City by nationally recognized bond counsel that any action by the City or reliance upon any interpretation of the Code or Regulations contained in such opinion will not cause interest on the Bonds to be includable in gross income for federal income tax purposes under existing law.

Notwithstanding any other provision of this Ordinance, the City's representations and obligations under the covenants and provisions of this Section 7.5 shall survive the defeasance and discharge of the Bonds for as long as such matters are relevant to the exclusion of interest on the Bonds from the gross income of the owners for federal income tax purposes.

25. Use of Proceeds. Proceeds from the sale of the Bonds shall, promptly upon receipt by the City, be applied as follows:

- (a) Accrued interest in the amount of \$<sup>6</sup>\_\_\_\_\_ and, if necessary, net premium on the Bonds in the amount of \$<sup>7</sup>\_\_\_\_\_, shall be deposited into the Debt Service Fund.
- (b) Premium in the amount of \$<sup>8</sup>\_\_\_\_\_ shall be used to pay the underwriter's discount.
- (c) Net premium in the amount of \$<sup>9</sup>\_\_\_\_\_ shall be used to pay the costs of issuance.
- (d) Bond proceeds in the amount of \$ \_\_\_\_\_ shall be used for the purposes described in Section 3(i).
- (d) The remaining proceeds from the sale of the Bonds, together with other available funds of the City (in the amount of \$<sup>10</sup>\_\_\_\_\_), shall be applied to establish an escrow fund to refund the Refunded Bonds or a deposit with the paying agent for the Refunded Bonds, as more fully provided in Section 26 below, and, to the extent not otherwise provided for, to pay all expenses arising in connection with the issuance of the Bonds, the establishment of such escrow fund and the refunding of the Refunded Bonds.
- (e) Any proceeds of the Bonds remaining after making all such deposits and payments shall be deposited into the Debt Service Fund.

<sup>6</sup> Insert from Officer's Pricing Certificate.

<sup>7</sup> Insert from Officer's Pricing Certificate.

<sup>8</sup> Insert from Officer's Pricing Certificate.

<sup>9</sup> Insert from Officer's Pricing Certificate.

<sup>10</sup> Insert from Officers Pricing Certificate.

26. Escrow Agreement/Deposit with Paying Agent for Refunding Bonds. If Refunding Bonds are issued, the discharge and defeasance of the Refunded Bonds shall be effectuated pursuant to the terms and provisions of an Escrow Agreement to be entered into by and between the City and the Escrow Agent or pursuant to a deposit of funds with the paying agent for the Refunded Bonds. The terms and provisions of the Escrow Agreement, if needed, are hereby approved, subject to such insertions, additions and modifications as shall be necessary (a) to carry out the program designed for the City by the Underwriter, which, if required, shall be certified as to mathematical accuracy by Grant Thornton LLP, (b) to minimize the City's costs of refunding, (c) to comply with all applicable laws and regulations relating to the refunding of the Refunded Bonds and (d) to carry out the other intents and purposes of this Ordinance and comply with the terms of the Officer's Pricing Certificate; and the Mayor or Mayor Pro Tem is hereby authorized to execute and deliver such Escrow Agreement on behalf of the City in multiple counterparts and the City Secretary or an Assistant City Secretary is hereby authorized to attest thereto and affix the City's seal.

27. Redemption of Refunded Bonds. If Refunding Bonds are issued, the City has irrevocably exercised its option to call the bonds of the City for redemption prior to maturity on the dates and at the prices shown on Exhibit B to the Officer's Pricing Certificate, and authorized and directed notice of such redemption to be given in accordance with the ordinances authorizing the issuance of such bonds.

28. Purchase of Escrowed Securities. If an Escrow Agreement is utilized, to assure the purchase of the Escrowed Securities referred to in the Escrow Agreement, if required, the Pricing Officer is hereby authorized to subscribe for, agree to purchase, and purchase obligations which are authorized investments for escrow accounts pursuant to Section 1207.062, Texas Government Code, in such amounts and maturities and bearing interest at such rates as may be provided for in the Report, and to execute any and all subscriptions, purchase agreements, commitments, letters of authorization and other documents necessary to effectuate the foregoing, and any actions heretofore taken for such purpose are hereby ratified and approved.

29. Continuing Disclosure Undertaking. (a) Annual Reports. The City will provide certain updated financial information and operating data to the MSRB annually in an electronic format as prescribed by the MSRB and available via the Electronic Municipal Market Access ("EMMA") system at [www.emma.msrb.org](http://www.emma.msrb.org). Unless provided for in the Pricing Certificate, the information to be updated includes all quantitative financial information and operating data with respect to the City of the general type included in the final Official Statement authorized by Section 31 of this Ordinance under the headings "INVESTMENT AUTHORITY AND INVESTMENT OBJECTIVES OF THE CITY - Current Investments," "CITY TAX DEBT" (except under the subheading "Estimated Overlapping Taxes"), "TAX DATA" "SELECTED FINANCIAL DATA," and in APPENDIX "B." The City will update and provide this information within six months after the end of each fiscal year.

If the City changes its fiscal year, it will submit a notice of such change to the MSRB, and the date of the new fiscal year end prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the MSRB's Internet Web site or filed with the SEC, as permitted by the SEC Rule. The updated information will include audited financial statements, if the City commissions an audit and it is completed by the required time. If audited financial statements are not available by the required time, the City will provide unaudited financial statements by the required time and audited financial statements when and if such audited statements become available. Any such financial statements will be prepared in accordance with the accounting principals described in APPENDIX B or such other accounting principals as the City may require to employ from time to time pursuant to State law or regulation.

(b) Material Event Notices. The City shall notify the MSRB in an electronic format prescribed by the MSRB, in a timely manner (not in excess of ten (10) days after the occurrence of the event), of any of the following events with respect to the Bonds:

- (i) Principal and interest payment delinquencies;
- (ii) Non-payment related defaults, if material;
- (iii) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) Substitution of credit or liquidity providers or their failure to perform;
- (vi) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (vii) Modifications to rights of holders of the Bonds, if material;
- (viii) Bond calls, if material, and tender offers;
- (ix) Defeasances;
- (x) Release, substitution, or sale of property securing repayment of the Bonds, if material;
- (xi) Rating changes;
- (xii) Bankruptcy, insolvency, receivership or similar event of the City;
- (xiii) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (xiv) Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material.

For the purposes, any event described in the immediate preceding paragraph (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding Under States Bankruptcy Code or any other proceeding

under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance this Section by the time required by such Section.

(c) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Texas law that causes Bonds no longer to be outstanding.

The provisions of this Section are for the sole benefit of the holders and the beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

**UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE UNLIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.**

No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Order for purposes of any other provision of this Order.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, or status or type of principal payment of the City, if (1) the agreement, as so amended, would have permitted an underwriter to purchase or sell Bonds in the initial primary

offering in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the holders of a majority in aggregate amount of the outstanding Bonds consent to such amendment or (b) a person unaffiliated with the City (such as nationally recognized bond counsel) determines that the amendment will not materially impair the interests of the holders and beneficial owners of the Bonds. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds. If any such amendment is made, the City will include in its next annual update an explanation in narrative form of the reasons for the change and its impact on the type of operating data or financial information being provided.

30. Related Matters. To satisfy in a timely manner all of the City's obligations under this Ordinance, the Bond Purchase Agreement, and the Escrow Agreement, the Mayor or Mayor Pro Tem, the City Secretary or an Assistant City Secretary, the City Manager, and all other appropriate officers and agents of the City are hereby authorized and directed to take all other actions that are reasonably necessary to provide for the refunding of the Refunded Bonds, including, without limitation, executing and delivering on behalf of the City all certificates, consents, receipts, requests, and other documents as may be reasonably necessary to satisfy the City's obligations under the Escrow Agreement, the Bond Purchase Agreement, and this Ordinance and to direct the application of funds of the City consistent with the provisions of the Escrow Agreement and this Ordinance.

31. Power to Revise Form of Documents. Notwithstanding any other provision of this the Pricing Officer is hereby authorized to make or approve such revisions, additions, deletions, and variations to this Ordinance and in the form of the documents attached hereto as exhibits as, in the judgment of the Pricing Officer, and in the opinion of Bond Counsel to the City, may be necessary or convenient to carry out or assist in carrying out the purposes of this Ordinance, the Preliminary Official Statement, the final Official Statement, or as may be required for approval of the Bonds by the Attorney General of Texas; provided, however, that any changes to such documents resulting in substantive amendments to the terms and conditions of the Bonds or such documents shall be subject to the prior approval of the Board.

32. Amendments. The City may amend this Ordinance without the consent of or notice to any Owner in any manner not detrimental to the interests of the Owners, including the curing of any ambiguity, inconsistency, or formal defect or omission therein. In addition, the City may with the written consent of the holders of a majority of the aggregate principal amount of the Bonds then outstanding affected thereby, amend, add to, or rescind any of the provisions of the Ordinance; except that, without the consent of the Owners of the Bonds affected, no such amendment, addition or rescission may (i) make any change in the maturity of any of the outstanding Bonds; (ii) reduce the rate of interest borne by any of the outstanding Bonds; (iii) reduce the amount of the principal of or redemption premium, if any, payable on any outstanding Bonds; (iv) modify the terms of payment of principal or of interest or redemption premium on outstanding Bonds or any of them or impose any condition with respect to such payment; or (v) change the minimum percentage of the principal amount of the Bonds necessary for consent to such amendment.

33. Official Statement. The City Council hereby approves the form and content of the Preliminary Official Statement prepared for the initial offering and sale of the Bonds and hereby authorizes the preparation of a final Official Statement reflecting the terms of the Bond Purchase Agreement and other relevant matters. The use of such Official Statement in the reoffering of the Bonds by the Underwriter is hereby approved and authorized.

34. Registrar. The form of agreement setting forth the duties of the Registrar is hereby approved, and the appropriate officials of the City are hereby authorized to execute such agreement for and on behalf of the City.

35. No Personal Liability. No recourse shall be had for payment of the principal of or interest on any Bonds or for any claim based thereon, or on this Ordinance, against any official or employee of the City or any person executing any Bonds.

36. Open Meeting. The meeting at which this Ordinance is adopted was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Texas Open Meetings Act; and such notice as given is hereby authorized, approved, adopted and ratified.

First Reading on the \_\_\_\_ day of \_\_\_\_\_ 2016

PASSED AND APPROVED on the Second Reading the \_\_\_\_ day of \_\_\_\_\_ 2016.

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Mayor  
City of Pearland, Texas

ATTEST:

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City Secretary  
City of Pearland, Texas

(SEAL)

**EXHIBIT A**

**ALL THE CITY'S OUTSTANDING OBLIGATIONS**

Certificates of Obligation, Series 2007  
Permanent Improvement Bonds, Series 2007  
Certificates of Obligation, Series 2008  
Permanent Improvement Bonds, Series 2008  
Certificates of Obligation, Series 2009  
Permanent Improvement and Refunding Bonds, Series 2009  
Certificates of Obligation, Series 2009A  
Permanent Improvement Bonds, Series 2010A  
Permanent Improvement Refunding Bonds, Series 2010B  
Certificates of Obligation, Series 2011  
Permanent Improvement Bonds, Series 2011  
Permanent Improvement Refunding Bonds, Series 2012  
Permanent Improvement Bonds, Series 2013  
Permanent Improvement and Refunding Bonds, Series 2014  
Certificates of Obligation, Series 2014  
Permanent Improvement Refunding Bonds, Series 2015  
Permanent Improvement Bonds, Series 2015  
Certificates of Obligation, Series 2015  
Permanent Improvement Refunding Bonds, Series 2015-A



**CITY COUNCIL AGENDA**

CITY OF PEARLAND  
REGULAR COUNCIL  
MEETING

**MONDAY, APRIL 11, 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 March 14, 2016, Regular Meeting held at 6:30 p.m.
- 2. Minutes of the March 21, 2016, Special Meeting held at 6:00 p.m.

**B. Consideration and Possible Action – Resolution No. R2016-58 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for municipal veterinary services to Pearland Animal Hospital, in the estimated amount of \$40,000.00.**

- C. **Consideration and Possible Action – Resolution No. R2016-62 – A** Resolution of the City Council of the City of Pearland, Texas, appointing two (2) Council members to assist City staff in meeting with Brazoria County Commissioners to discuss Fire and EMS issues in the City’s extraterritorial jurisdiction (ETJ).

**VII. NEW BUSINESS:**

1. **Consideration and Possible Action – First Reading of Ordinance No. CUP 2016-01**  
- An Ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for a gasoline station and convenience store in the General Business (GB) zone, a tract or parcel containing 0.8767 acre portion of a 3.3825 acre tract of land situated in the Thomas J. Green Survey, Abstract 198, in the City of Pearland, Brazoria County, Texas. **(Located at the northeast Corner of Broadway St. and Alexander Ln., Pearland, TX)** Conditional Use Permit Application No 2016-01, within the General Business (GB) zoning district, at the request of James Elmore, applicant; on behalf of A&A Business, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.
  
2. **Consideration and Possible Action – First Reading of Ordinance No. CUP 2016-04**  
- An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for bail bonds in the General Business (GB) zone**, being a 3.1092 acre tract of land out of Lot 46 of the Allison Richey Gulf Coast Home Company’s Subdivision of Section 8, H.T & B.R.R. Co. Survey also called the F.B. Drake Survey, Abstract 504, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 24, of the plat records of Brazoria County, Texas. **(Located at 6601 Broadway Street, Pearland, TX.)** Conditional Use Permit Application No 2016-04, within the General Business (GB) zoning district, at the request of Alfred Rucker, applicant; on behalf of Pogie USA LLC, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.
  
3. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-143 -**  
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 property being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve “B”, first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk’s File No. 01-053025, Brazoria County, Texas. **(Located at the West side of Kirby Drive approximately 1,500 feet South of Broadway Street, Pearland, TX.)** Zone Change Application No. 2016-05Z, a request by Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner; for approval of a change in zoning from the Residential Estate (R-E) and Single Family Residential – 2 (R-2) zoning districts to a General Business (GB) zoning district; on approximately 3.8662 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.

4. **Consideration and Possible Action – First Reading of Ordinance No. CUP 2016-07**  
- An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for self-storage facility in General Business (GB) zoning district**, being a tract or parcel containing 3.8662 acres or 168,441 square feet of land situated in the H.T. & B.R.R. company Survey, Section 81, Abstract 300, Brazoria County, Texas, being the residue of Reserve “B”, first amending plat of Southgate Section One, as thereof recorded under Volume 24, Page 123, Brazoria County Plat records, conveyed Lingo Southgate, Ltd. as recorded in Brazoria County Clerk’s File No. 01-053025, Brazoria County, Texas. **(Located at the West side of Kirby Drive approximately 1,500 feet South of Broadway Street, Pearland, TX.)** Conditional Use Permit Application No 2016-07, within the General Business (GB) zoning district, at the request of Andrew Allemand/Windrose Land Services, applicant; on behalf of Lingo Southgate Ltd., owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.
5. **Consideration and Possible Action – First Reading of Ordinance No. CUP 2016-06**  
- An Ordinance of the City Council of the City of Pearland, Texas, approving a **Conditional Use Permit (CUP) to allow for self-storage facility in the Shadow Creek Ranch Planned Development (SRC PUD) zoning district**, being a 3.653 acre (159,154 square feet calculated) parcel of land situated in the T.C. & R.R. Co. Survey, Abstract 678, in Brazoria County Texas, and being the residue of Lot 2, Block, 1 of the replat of Kirby Commons Subdivision as recorded under Brazoria County Clerk’s File Number 2008033752, Brazoria County, Texas. **(Located at the northeast corner of Broadway Street and Broadway Bend Drive, Pearland, TX.)** Conditional Use Permit Application No 2016-06, within the Shadow Creek Ranch Planned Development (SRC PUD) zoning district, at the request of Kathryn Edwards, applicant; on behalf of Wu Family Trust, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.
6. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-144 -**  
An Ordinance of the City Council of the City of Pearland, Texas, approving a **amending Ordinance No. 2000M, the zoning map of the City of Pearland**, Texas, for the purpose of changing the classification of certain property a tract of land containing 48.471 acres of land situated in the James Hamilton Survey, Abstract No. 881 in Harris County and Abstract No. 747 in Brazoria County, Texas. Said 48.471 acre tract is in Lot 5 of the Subdivision of the John Hamilton Survey as recorded in Volume 83, Page 342 in the Harris County Deed Records and is that same 48.4712 acre tract of land described in a deed to Amegy Mortgage Company, L.L.C. as recorded in Clerk’s File No’s 20100132332 and 20100235353 in the Harris County Clerk’s Office. **(Located at the southwest corner of SH 288 and Spectrum Boulevard, Pearland, TX.)** Zoning Change No 2015-14Z, a request of Patti Joiner of Knudson LP., applicant; on behalf of American Modern Green (Houston) LLC, owner; for approval of a change in zoning from the Planned Development (PD) zoning district known as Modern Green Ivy, to a Planned Development (PD) zoning District known as Ivy District; on approximately 48.471 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.
7. **Consideration and Possible Action – Resolution No. 2016-59 –** A Resolution Authorizing Publication Of Notice Of Intention To Issue Certificates Of Obligation, In An Aggregate Principal Amount Not To Exceed \$14,200,000, For The Acquisition, Construction And Improvement Of Certain Public Works, Authorizing Distribution Of A Preliminary Official Statement Relating To Such Series Of Certificates And Authorizing Certain Other Matters Relating Thereto.

8. **Consideration and Possible Action – First Reading of Ordinance No. 1523** – An Ordinance authorizing the issuance of City of Pearland, Texas, permanent improvement and/or refunding bonds in one or more series; setting certain parameters for the bonds; authorizing refunding of certain outstanding obligations; authorizing a pricing officer to approve the amount, the interest rate, price, and terms thereof and certain other procedures and provisions relating thereto.
9. **Consideration and Possible Action – Resolution No. R2016-54** – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the new and replacement in-car video systems in the amount of \$765,053.00 to WatchGuard.
10. **Consideration and Possible Action – Resolution No. R2016-60** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Amended Lease Agreement with The University of Houston.
11. **Consideration and Possible Action – Resolution No. R2016-53** – 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 for the Hughes Ranch Road Improvement Project; being a 0.1911 of one acre (8,323 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 506, Brazoria County, Texas and being situated in Lot 7, Block 20 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Pages 23 - 24, Brazoria County Map Records (B.C.M.R.), said 0.1911 acre parcel being out of and a part of a 1.857 acre residue of a tract described as 2 acres in a conveyance to Jose C. Rodriguez, recorded under Brazoria County Clerk's File (B.C.C.F.) No. 01055783, for the construction and maintenance of water, sewer, drainage and road improvements on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.
12. **Consideration and Possible Action – Resolution No. R2016-52** – 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 for the Hughes Ranch Road Improvement Project; being a 0.1009 of one acre (4,397 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 506, Brazoria County, Texas and being situated in Lot 22, Block 20 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Pages 23 - 24, Brazoria County Map Records (B.C.M.R.), said 0.1009 acre parcel being out of and a part of a 0.7082 of one acre residue of a tract of land described as 0.9997 of one acre in a conveyance to Ajith Kumar S. Nair and Jeeva Ajith recorded under Brazoria County Clerk's File (B.C.C.F.) No. 2006016690, for the construction and maintenance of water, sewer, drainage and road improvements on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.
13. **Consideration and Possible Action – Resolution No. R2016-61** – A Resolution of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Reimbursement and Maintenance Agreement between the City and the Pearland Economic Development Corporation; and awarding a competitive sealed proposal for the construction of the Pearland Parkway and Dixie Farm Road Corridor Enhancements Projects to Jerdon Enterprise, L.P. in the estimated amount of \$1,058,653.53.

**VIII. MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS**

**OTHER BUSINESS:**

**EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE**

1. **Section 551.074 - Personnel Matters** – Regarding the Annual Evaluation of the City Manager.
2. **Section 551.071 - Consultation with City Attorney** – Regarding property development and related permits.

**NEW BUSINESS CONTINUED:**

14. **Consideration and Possible Action** – Regarding the Annual Evaluation of the City Manager.
15. **Consideration and Possible Action** – Regarding property development and related permits.

**IX. ADJOURNMENT**

This site is accessible to disabled individuals. For special assistance, please call Young Loring 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)



time for our community to benefit from the implementation of a platform for incorporating body-worn police surveillance technology into our law enforcement practices, and for improving interoperability between these types of devices and the in-car dash camera units we install in police vehicles.

Currently, the patrol vehicles in use by the Pearland Police Department contain Coban brand in-car video systems. Many of the current Coban in-car video cameras in use by the Police Department utilize a software system that is unsupported considering advances in our local government infrastructure. Therefore, the Information Technology department has recommended replacement of the majority of the cameras in our patrol fleet.

Police management personnel have completed a detailed analysis on the product and platform availability of devices that meet our community's needs, and the last six months of that process has resulted in a recommendation for purchase to Council for its consideration and approval. Police Department Administration personnel performed research into the Coban camera platform as well as Taser International and WatchGuard.

### **PRODUCT SPECIFICATIONS**

The 4RE System offered by WatchGuard was the only system that provides in-car and body camera integration. The camera integration eliminates the need to edit and sync the videos for court purposes as the system completes this task. This system provides a three camera system; forward, forward panoramic (adjustable) and back seat. This would increase the capability over the two camera system currently provided by Coban.

The system will also retain video in a high definition format based on the submission of the officer, favored over Coban's HD-only submission, thus saving valuable data storage space. In addition, the WatchGuard Vista body camera will serve as the microphone for the 4RE system, integrating with the 4RE camera and providing a fourth camera view. All of the camera views will be synchronized, resulting in less editing work for the department.

The Pearland Police Department has completed an extensive test and evaluation period for the WatchGuard system using two in-car systems and two body cameras over a period of four months. This system is favored by officers, administrators and the Information Technology Department, largely because of the interoperability features associated with the body camera and the in-dash unit.

### **BID AND AWARD**

The recommended WatchGuard 4RE system is available through a BuyBoard contract, and pricing was requested from WatchGuard for both the 4RE in-car video system and the Vista body camera system. The combined unit pricing for the WatchGuard systems, with a five (5) year warranty is \$7,687.00, which is less than the H-GAC pricing for the Coban system currently in use at \$7,780.00 per unit.

The Police Department has an anticipated composition of 114 "front-line" officers and 96 vehicles scheduled to be equipped with body-worn and in-car dash cameras, respectively. The remainder of the in-car dash cameras will be budgeted for in Fiscal Year 2017. Body cameras are anticipated to have a per-unit cost of \$1,142.00 and in-car dash cameras at \$6,545.00. The requisite storage for the combined, interoperable equipment includes wireless access points, servers and other infrastructure improvements, totaling \$36,000.00. Existing in-house

technology, to some extent, will be assistive in the City's plan to fully integrate the proposed changes for personnel and vehicle equipment specifications, but a large portion of the plan is to add and/or replace most items. Additional storage technology provided by the vendor totals \$6,495, plus a \$50 shipping charge, that will augment the City's infrastructure and data management improvements.

While the total project costs calculate to \$801,053, staff is requesting Council consideration and approval of an award of \$765,053 to WatchGuard for the actual in-car dash cameras, body-worn surveillance equipment, and the small portion of storage technology directly associated with WatchGuard's products and services.

## **SCHEDULE**

Upon Council approval, staff will engage the vendor in the purchasing of the material, coinciding with the official receipt of a final award package from the Office of the Governor (OOG) for the \$137,812.50 (\$110,250 in OOG grant funds and \$27,563 in matching contributions from the City's Grant Fund balance being allocated towards total project costs). Within 30 days of placing the order, delivery will be complete and installation will begin, as provided by the Contractor assembling Patrol vehicles.

Body cameras will be distributed during this time and the vendor will assist with training and technical assistance during the period of initial use, and beyond as needed. It is anticipated that the implementation and use of body-worn and in-car dash cameras will be fully in place by July 31, 2016. This may require adjustment where in-car dash cameras are concerned, as some vehicles may require longer periods of installation than others.

## **POLICY GOAL/CONSIDERATION**

The City's Strategic Priorities are an important part of our efforts to maximize the return on the investment of taxpayer dollars we allocate to various functions of government. This grant opportunity helps to facilitate two of the six Strategic Priorities - Safe City and a Fiscally-Responsible Government - while also impacting the nucleus of our Strategic Priorities matrix - Citizenry and Community. This purchase is recommended to provide the Police Department with the equipment needed to perform their duties of protecting the safety and welfare of the City's residents.

As stated in the Agenda Request Council approved on March 14<sup>th</sup> for participation in the Office of the Governor's Body-Camera Grant Program, "a Police Utilization Study will result in outcomes that can enhance the full set of relationships that may exist between the use of body-worn surveillance cameras and staffing levels, patrols, telecommunications, training and other aspects of police staffing. Considering the progress that the applicable City departments have made in policy development and equipment selection, the Police Utilization Study can be used to make ongoing improvements to the City's use of body-worn surveillance and in-vehicle "dash cameras" in its law enforcement practice."

## **O&M IMPACT INFORMATION**

The items being considered for purchase will be procured with a multi-year warranty that will protect the City from ongoing maintenance costs associated with any repairs or replacement due to device failure or damage occurring beyond normal wear and tear.

The Purchasing Office has utilized a product selection process that intends to secure the safest, most effective, sturdy, user-friendly, maintenance-free product on the market, remediating the potential for the purchase of equipment made from cheap materials that lack the durability this particular function of government requires.

Furthermore, the preferred vendor is located in Texas, where the product is manufactured and serviced in its entirety. The storage and data management infrastructure associated with the use of this type of equipment is incorporated into the program costs for the number of devices that will be purchased with grant funds and our match, so no additional operating costs should be incurred.

Staff is of the opinion there should be little, if any, concerns for unforeseen operating and maintenance costs. Typical operating and maintenance costs may occur such as the need to update wiring, infrastructure and connections associated with our in-house technology. The devices themselves, again, will be covered by warranty for three years on body-worn cameras and five years on in-car dash cameras, so no additional costs associated with equipment is anticipated during those periods.

#### **CURRENT AND FUTURE FUNDING/ FINANCIAL IMPACT/ DEBT SERVICE**

No debt service is required to fund these items. The combination of Council-approved allocations from our General Fund, Grant Fund and the State's disbursement of public assistance to Pearland from the Office of the Governor will fully fund this purchase. Annual budget processes and potential grant funds from several sources can be utilized to make additional purchases in future years, as the police Patrol fleet and our compendium of front-line officers grow. A price quote from the qualified, recommended vendor is attached as Exhibit B. **A copy of the application submitted to the Office of the Governor for the grant-funded portion of our costs is attached as Exhibit C, and the associated Council Resolution approving the City's participation in the program as Exhibit D.**

#### **RECOMMENDED ACTION**

City Council consideration and approval of A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of new and replacement in-car and body-worn camera systems in the amount of \$765,053.00 to WatchGuard.

415 Century Parkway  
 Allen, TX 75013  
 (800) 605-6734  
 www.watchguardvideo.com



## 4RE & VISTA Price Estimate

Provided By: Dave Childress 281-782-2544  
 Contract #: BUY BOARD 500-15

Agency Name:	Pearland Police Department
Contact Person:	Trish Erndt
Contact Info:	
Date:	March 28, 2016

**TOTAL PROJECT ESTIMATED AT**  
**\$765,053.00**

### VISTA HD Extended Capacity System

Item	Description	Quantity
VIS-EXT-KIT-001	VISTA HD Extended Capacity Wearable Camera with 9 hours continuous HD recording. Includes 32 GB of storage, USB charge and upload docking base and 1 year warranty.	114

MSRP	Direct	Extended
\$ 1,075.00	\$ 400.00	\$ 45,600.00

### VISTA HD Hardware Warranties 1st year is included with a new VISTA purchase.

Item	Description	Quantity
WAR-VIS-3YR-BUN	VISTA HD 3 Year No-Fault Hardware / Software Bundle, Years 1 - 3	114

MSRP	Direct	Extended
\$ 696.00	\$ 580.00	\$ 66,120.00

### Evidence Library 4 Web VISTA Device License and Combo Discount License

Item	Description	Quantity
KEY-EL4-DEV-002	Evidence Library 4 Web VISTA Device License <i>Includes 1st Year of Software Maintenance</i>	114

MSRP	Direct	Extended
\$ 180.00	\$ 150.00	\$ 17,100.00

**Total VISTA Equipment \$ 128,820.00**

Subtotal: \$ 128,820.00

UPS Ground Shipping: \$ 1,368.00

Taxes: 0.0% \$ -

**VISTA TOTAL: \$ 130,188.00**

Notes: *Applicable taxes may apply and are not necessarily accounted for on this estimate. Contact WatchGuard Video for a revised estimate.*  
 ESTIMATE VALID FOR 30 DAYS

### 4RE In-Car System and Options

Item	Description	Quantity
4RE-200-GPS-PAN	4RE In-Car Camera System. Includes GPS, High definition Panoramic X2 (720P) forward facing camera, Infrared color cabin camera, DVR, integrated 200GB automotive grade hard drive, 16GB USB removable thumb drive, cabin microphone, 900 MHz Hi Fidelity wireless microphone, hardware & cabling, 1 yr. warranty.	96

MSRP	Direct	Extended
\$ 5,675.00	\$ 4,795.00	\$ 460,320.00

### Wireless Video Transfer and Networking Options

Item	Description	Quantity
4RE-WRL-KIT-05C	4RE In-Car 802.11n Wireless Kit, 5GHz (2.4GHz is available)	96

MSRP	Direct	Extended
\$ 345.00	\$ 200.00	\$ 19,200.00

### 4RE Hardware Warranties 1st year is included with a new 4RE purchase.

Item	Description	Quantity
WAR-4RE-5YR-BUN	4RE 5 Year Hardware / Software Bundle, Years 1 - 5	96

MSRP	Direct	Extended
\$ 1,650.00	\$ 1,375.00	\$ 132,000.00

### Evidence Library 4 Web 4RE Device License and Combo-Discount License

Item	Description	Quantity
KEY-EL4-DEV-001	Evidence Library 4 Web 4RE In-Car Device License <i>Includes 1st Year of Software Maintenance</i>	96

MSRP	Direct	Extended
\$ 180.00	\$ 150.00	\$ 14,400.00

**Total 4RE Equipment \$ 625,920.00**

Subtotal: \$ 625,920.00

UPS Ground Shipping: \$ 2,400.00

Taxes: 0.0% \$ -

**4RE TOTAL: \$ 628,320.00**

Notes: *Applicable taxes may apply and are not necessarily accounted for on this estimate. Contact WatchGuard Video for a revised estimate.*  
 ESTIMATE VALID FOR 30 DAYS

### Evidence Library, CLOUD-SHARE and Software Maintenance

Item	Description	Quantity
KEY-EL4-SRV-001	Evidence Library 4 Web Server Site License	1
SFW-EL4-CLD-BAS	Basic CLOUD-SHARE Including 24 Shares Per Device	822
WAR-HDW-SFW-BUN	Software Maintenance Bundle, Evidence Library, 2nd Year	210
WAR-HDW-SFW-BUN	Software Maintenance Bundle, Evidence Library, 3rd Year	210
WAR-HDW-SFW-BUN	Software Maintenance Bundle, Evidence Library, 4th Year	96
WAR-HDW-SFW-BUN	Software Maintenance Bundle, Evidence Library, 5th Year	96

MSRP	Direct	Extended
\$ 1,200.00	\$ 1,000.00	\$ 1,000.00
\$ 150.00	\$ -	\$ -
\$ 180.00	\$ -	\$ -
\$ 180.00	\$ -	\$ -
\$ 180.00	\$ -	\$ -
\$ 180.00	\$ -	\$ -

### Video Storage Drives will be added to server and/or JBOD

Item	Description	Quantity
HDW-4RE-RBT-DVD	Primera Bravo 4101 DVD±/CD-R, 100 Disc Capacity	1

MSRP	Direct	Extended
\$ 3,495.00	\$ 2,995.00	\$ 2,995.00

**Total IT Hardware and Software \$ 3,995.00**

### WatchGuard Video Technical Services

Item	Description	Quantity
SVC-4RE-ONS-400	4RE System Setup, Configuration, Testing and Training (Quantity represents number of sites)	1

MSRP	Direct	Extended
\$ 2,780.00	\$ 2,500.00	\$ 2,500.00

**Total Technical Services \$ 2,500.00**

Subtotal: \$ 6,495.00

UPS Ground Shipping: \$ 50.00

Taxes: 0.0% \$ -

**Software & Server TOTAL: \$ 6,545.00**

Notes: *Applicable taxes may apply and are not necessarily accounted for on this estimate. Contact WatchGuard Video for a revised estimate.*  
 ESTIMATE VALID FOR 30 DAYS

### Financing for 4RE

*Estimate Only  
 Call for Detailed Quote*

Within Texas

- Includes applicable warranty coverage
- You take ownership immediately. Fully paid off at end of term
- For a detailed quote, call WatchGuard to determine final project price, approximate date of first payment, desired financing term, and basic agency information

Payments	3-Year	4-Year	5-Year
Monthly	\$ 19,618	\$ 15,656	\$ 13,537
Quarterly	\$ 58,649	\$ 46,821	\$ 40,483
Semi-Annual	\$ 116,679	\$ 93,154	\$ 80,546
Annual	\$ 230,936	\$ 184,425	\$ 159,467

**Note:** This is only an estimate for 4RE related hardware, software and WG Technical Services. Actual costs related to a turn-key operation requires more detailed discussion and analysis, which will define actual back-office costs and any costs associated with configuration, support and installation. Please contact your sales representative for more details.

Print This Page

**Agency Name:** City of Pearland - Police Department  
**Grant/App:** 3154201 **Start Date:** 4/1/2016 **End Date:** 3/31/2017

**Project Title:** Pearland Body Worn Camera Program  
**Status:** Application Pending Submission

### Eligibility Information

**Your organization's Texas Payee/Taxpayer ID Number:**  
174602890

**Application Eligibility Certify:**  
Created on:3/10/2016 9:57:07 AM By:Joel Hardy

### Profile Information

**Applicant Agency Name:** City of Pearland - Police Department  
**Project Title:** Pearland Body Worn Camera Program  
**Division or Unit to Administer the Project:** Pearland Police Department  
**Address Line 1:** 3519 Liberty Drive  
**Address Line 2:**  
**City/State/Zip:** Pearland Texas 77581-5416  
**Start Date:** 4/1/2016  
**End Date:** 3/31/2017

**Regional Council of Governments(COG) within the Project's Impact Area:** Houston-Galveston Area Council  
**Headquarter County:** Brazoria  
**Counties within Project's Impact Area:** Brazoria, Fort Bend, Harris

### Grant Officials:

#### Authorized Official

**User Name:** Jon Branson  
**Email:** jbranson@pearlandtx.gov  
**Address 1:** 3519 Liberty Drive  
**Address 1:**  
**City:** Pearland, Texas 77581  
**Phone:** 281-652-1674 Other Phone: 281-652-1662  
**Fax:** 281-652-1708  
**Title:** Mr.  
**Salutation:** Mr.  
**Position:** Deputy City Manager

#### Project Director

**User Name:** Tara Kilpatrick  
**Email:** tkilpatrick@pearlandtx.gov  
**Address 1:** 3519 Liberty Drive  
**Address 1:**  
**City:** Pearland, Texas 77581  
**Phone:** 281-652-1623 Other Phone:  
**Fax:** 281-652-1707  
**Title:** Ms.  
**Salutation:** Ms.  
**Position:** Budget Officer

#### Financial Official

**User Name:** Joel Hardy  
**Email:** jhardy@pearlandtx.gov  
**Address 1:** City of Pearland - Finance Department  
**Address 1:** 3519 Liberty Drive  
**City:** Pearland, Texas 77581  
**Phone:** 281-652-1795 Other Phone:  
**Fax:**  
**Title:** Mr.  
**Salutation:** Mr.  
**Position:** Grants Coordinator

#### Grant Writer

**User Name:** Joel Hardy  
**Email:** jhardy@pearlandtx.gov

**Address 1:** City of Pearland - Finance Department  
**Address 1:** 3519 Liberty Drive  
**City:** Pearland, Texas 77581  
**Phone:** 281-652-1795 Other Phone:  
**Fax:**  
**Title:** Mr.  
**Salutation:** Mr.  
**Position:** Grants Coordinator

### Grant Vendor Information

**Organization Type:** Unit of Local Government (City, Town, or Village)  
**Organization Option:** applying to provide services to all others  
**Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor ID):**  
174602890  
**Data Universal Numbering System (DUNS):** 020796397

### Narrative Information

#### Introduction

Information related to this program is in the CJD funding announcement for the Body-Worn Camera Program.

#### A. Uploads

In the Summary.Upload Files subtab of this application, please upload a letter from the local district or county attorney who prosecutes felony crimes in your jurisdiction expressing that they intend to actively use the evidence created through the use of body cameras and will participate in the law enforcement agency's BWC policy development.

If applicable, also upload a letter from the county sheriff regarding participation in U.S. Department of Homeland Security programs (see below under Certifications "J").

Before filing for reimbursement funds under this grant program, upload a copy of a resolution from the governing body of the applicant containing the text of the sample resolution available [here](#).

#### B. Project Information

Proposed number of officers to be equipped:

114

Number of cameras to purchased in project budget (number reported cannot exceed the number of officers equipped):

70

#### C. Organization Information

The number of licensed officers directly employed by the applicant agency:

114

The number of licensed, front-line officers who are engaged in traffic or highway patrol or otherwise regularly detain or stop motor vehicles, or are primary responders who respond directly to calls for assistance from the public:

114

### Section 2: Certifications

In addition to the requirements found in existing statute, regulation, and the funding announcement, this program requires applicant organizations to certify compliance with the following:

**A. Eligible Grantees and Eligible Personnel to Equip**

Applicant assures that grant funds will be used only to equip full-time, paid officers of a municipal police department or sheriff's office, who are engaged in traffic or highway patrol, otherwise regularly detain or stop motor vehicles; or are primary responders who respond directly to calls for assistance from the public.

**B. Eligible Purchases**

Applicant assures that grant funds will be used only to purchase body-worn cameras, digital video storage, and retrieval systems or services; that grant funds will only be used to purchase a maximum of one year's service, support, or warranty separate from the equipment or video services; and grant funds will not be used to fund the salary or pay of any employee.

**C. Equipment Standards**

To maximize the effectiveness of purchased BWCs, applicant assures that cameras will meet the minimum standards set forth by DOJ in the "Body-Worn Camera Pilot Implementation Program Competitive Grant Announcement".

**D. Sustainability Requirement**

Applicant assures that it will maintain the cameras and video storage systems purchased with grant funds for a period of three years after their purchase. If the applicant purchases replacement cameras or video storage systems with other funds, this requirement shall be satisfied if the applicant maintains at least the number of operable cameras funded under this grant.

**E. Reporting Requirements**

Applicant assures that it will file reports with the Texas Commission on Law Enforcement regarding arrest statistics, expended project funds and other required information at the time of and then 12, 24, and 36 months after submitting the final request for reimbursement to the Criminal Justice Division.

**F. Contract Management**

Grantees must be able to ensure that contractors comply with all applicable rules and regulations.

**G. CJD Regulations**

Grantees must comply with the standards applicable to this funding source cited in the Texas Administrative Code (1 TAC Chapter 3), and all statutes, requirements, and guidelines applicable to this funding.

**H. Uniform Crime Reports**

Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety (DPS) for inclusion in the annual Uniform Crime Report (UCR). To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year.

**I. Criminal History Reporting**

The county (or counties) in which the applicant is located must have a 90% average on both adult and juvenile criminal history dispositions reported to the Texas Department of Public Safety for calendar years 2010 through 2014.

**J. Immigration and Customs Enforcement Requests**

Select one of the four descriptions below that applies to the applicant:

Grant funds will be used to equip employees of a municipal police department

Grant funds will be used to equip employees of a county sheriff's department that does not operate a county jail

Authorized official is a county official other than the sheriff, and this application includes a letter signed by the sheriff containing the exact text of the below paragraph relating to participation in U.S. Department of Homeland Security programs. (Upload the letter in the "Summary" tab and the "Upload Files" subtab.)

Authorized official is the Sheriff for a department that operates a county jail, AND certifies the following:

I certify that the applicant sheriff's department (department) participates fully, and will continue throughout the grant period to participate fully, in all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security (DHS) to (1) notify DHS of all information requested by DHS related to illegal aliens in the custody of the department, and (2) detain such aliens in accordance with requests by DHS. I further certify that the department has no policy, procedure, or agreement that limits or restricts the department's full participation in all aspects of the programs and procedures utilized by DHS to (1) notify DHS of all information requested by DHS related to illegal aliens in the custody of the department, and (2) detain such aliens in accordance with requests by DHS. I agree that failure to comply with this certification will result in CJD terminating the grant and the department shall return all funds received to CJD. Additionally, I agree that the department will remain ineligible for future CJD funding until it can provide satisfactory evidence that the jurisdiction has been in compliance with this requirement for a period of at least one year.

**K. Civil Rights Liaison**

A civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements must be designated. The designee will act as the grantee's liaison in civil rights matters with CJD and with the federal Office of Justice Programs.

Enter the Name of the Civil Rights Liaison:

Trent Epperson

Enter the Address for the Civil Rights Liaison:

3519 Liberty Drive Pearland, TX 77581

Enter the Phone Number for the Civil Rights Liaison [(999) 999-9999 x9999]:

281-652-1657

**Overall Certification**

Each applicant agency must certify to the specific requirements detailed above as well as all requirements within the CJD Funding [Announcement-amended](#) and CJD [Comprehensive Certification and Assurances](#) to be eligible for this program.

I certify to all of the above requirements.

### **Project Abstract :**

The City of Pearland Police Department will purchase and put into use 70 body-worn surveillance cameras for 70 of its 114 current sworn front-line officers, with grant funding from the Criminal Justice Division of the Office of the Governor - State of Texas. Requisite storage, infrastructure improvements, and installation will be included in the total project.

### **Problem Statement :**

Uncertainty often exists in encounters involving police and citizens where use of force may be necessary to arrest or detain a potential offender. Complaints against officers are filed by citizens in these cases, and there is often very little if any evidence to consider the validity of one party's claim over another. The high costs of court proceedings involving these complaints places a burden on local government, and wrongful accusations plague the integrity of good police officers in good police departments. Alternatively, there are few resources in place that prevent the forms of police misconduct that can occur because a body-worn device is not available to visually monitor and capture a law enforcement official's behavior on the scene.

### **Supporting Data :**

The University of Cambridge (UK) conducted a U.S. study on the effects of body-worn cameras on police use-of-force. In Rialto, California, body-worn surveillance cameras have been attributed to a substantive reduction in the number of complaints against officers, from 28 in 2011 to 3 in 2012. In addition, use of force by police was "cut in half." According to the 12-month study, "use-of-force by officers wearing cameras fell by 59 percent and complaints against officers dropped by 87 percent compared to the previous year's totals." A one-year study conducted by Arizona State University and the Mesa Police Department showed that citizen complaints declined by 50%, and officers conducted police duties "by the book," to the extent that citations increased by 20% and officers became more cautious when frisking alleged assailants, conducting arrests and making traffic stops.

### **Project Approach & Activities:**

The City has completed the development and implementation of policies and procedures for front-line officers' use of body-worn surveillance technology in their day-to-day law enforcement activities. In addition, officials from the City's Police and Information Systems departments have gathered substantive information on the data management, interoperability and infrastructure needed to provide officers with the most practicable solution for monitoring their public safety duties and encounters. As a result, several conclusions have been reached; including but not limited to: 1. the equipment should be interoperable with in-vehicle dash cameras; 2. the use of "cloud" storage options are not cost-effective for Pearland's purposes, and should be minimized; and 3. infrastructure improvements for wireless uploading of data from cameras to servers will maximize the efficiency of officer use, as they will not be required to connect the unit to a docking station or other hardware to transmit electronic files from the camera to the data management system. The project is intended to equip 70 front-line officers with cameras and requisite storage. This project is part of a severable approach by the City to advance measures to create more accountability and interoperability in its law enforcement practices, involving officers as well as

### **Capacity & Capabilities:**

Pearland has a history of equipping its vehicles and officers with surveillance technology, and grant funding has been used to make a number of these purchases. In 2010, the City began to submit competitive applications for grant funding to the Office of the Governor - Criminal Justice Division (CJD), and has received a total of \$822,582 since that time. Of this amount, \$132,695 was used to purchase dash-cams for vehicles. In addition, 2011 funds from U.S. Department of Justice - E. Byrne Memorial Justice Assistance Grant (JAG) provided the City with \$12,500 to purchase ten (10) camera-equipped Tasers. Therefore, Pearland has experience using technological accountability measures for police in their interactions with citizens, and has effectively used such technology to minimize citizen complaints, maximize officer compliance and accountability, and improve the City's ability to thwart invalid attempts to hold the City liable for unwarranted claims of abuse of power, excessive use of force, or other law enforcement misconduct. Our 114 front-line officers provide the City with one officer per 1,000 citizens in our population.

### **Performance Management :**

The City collects and analyzes performance measures for each department. For the Police Department, this means collecting the numbers associated with response times, case clearance levels, violent and/or non-violent crimes reported, evidence collection, total arrests, 911 calls for service, and other activities. Performance standards assist decision-makers with the task of determining how funds are appropriated, if procedures are being followed, and the overall performance of the police divisions. These activities are imbedded in the administrative oversight practices of the City and are handled by a central government department within the City's organizational structure.

### **Data Management:**

The City will utilize its own technology to manage data collected from the surveillance technology, with a small portion of supportive video storage, evidence library and technical services being provided through ancillary services for redundancy purposes. In 2014, the City hired a full-time Crime Analyst that would collect, analyze and report on the data associated with crime and criminal justice activities in Pearland. The City uses a number of sophisticated electronic tools to manage activity data, and has automated data collection and management systems in place that document public safety measures via spatial analysis. In 2017, the Police Department is proposing to move forward with a "Data-Driven Approaches to Crime and Traffic Safety" (DDACTS) law enforcement operating model that will improve our ability to deploy resources based on real-time data.

**Target Group :**

The target group for this program will be individuals within the City of Pearland city limits and/or patrol districts that come into contact with local law enforcement during traffic stops, arrests, detentions, investigations and other public safety measures involving Pearland Police.

**Evidence-Based Practices:**

Accountability is a vital element of American policing. Both individual officers and law enforcement agencies should be held to account for their actions. Effective accountability procedures are essential if the police are to achieve their goals of lawfulness and legitimacy, as defined by The National Academy of Sciences. Lawfulness refers to compliance with the formal requirements of the law, including statutes and court decisions. Legitimacy refers to the perception that police conduct is both lawful and consistent with public expectations (National Research Council, 2004). Pearland Police Department utilizes evidence-based practices; including but not limited to: formal agency policies on the use of police authority, routine supervision of officers by first-line supervisors, regular performance evaluations, early intervention systems designed to identify performance problems, and procedures for investigating allegations of officer misconduct. The use of body-worn surveillance cameras, and their associated policies and procedures, enhances the evidence-based approaches to delivering law enforcement in practice by the City of Pearland Police Department.

**Project Activities Information**

**TCOLE Reporting**

Upon submission of the final Financial Status Report (FSR), grantees will be required to submit a programmatic online report to the Texas Commission on Law Enforcement (TCOLE) within 30 days. Please check CJD's [website](#) upon completion of the final FSR for a link to TCOLE's reporting tool.

**Selected Project Activities:**

ACTIVITY	PERCENTAGE:	DESCRIPTION
Body-Worn Camera Program Implementation	100.00	Purchase and use of 70 body-worn cameras, and requisite storage, by City of Pearland police officers.

**Measures Information**

Objective Output Measures

OUTPUT MEASURE	TARGET LEVEL
----------------	--------------

Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL
-----------------	--------------

Custom Output Measures

CUSTOM OUTPUT MEASURE	TARGET LEVEL
Number of Body-Worn Cameras purchased with grant funds.	70

Custom Outcome Measures

CUSTOM OUTCOME MEASURE	TARGET LEVEL
Body-Worn Cameras issued to officers for use in the field.	70

**Section 1: Resolution from Governing Body**

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a resolution that contains the following:

1. Authorization by your governing body for the submission of the application to CJD that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update CJD should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to CJD.

Upon approval from your agency's governing body, upload the approved resolution to eGrants by clicking on the **Upload Files** sub-tab located in the **Summary** tab.

**Section 2: Contract Compliance**

Will CJD grant funds be used to support any contracts for professional services?

- Yes
- No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

A small portion of the anticipated vendor procurement agreement to provide body-worn surveillance cameras will include professional services associated with the setup, installation and training components needed for the officers to properly operate the equipment. The City will utilize its standard agreement to ensure procurement requirements are met prior to final payment, and that any and all applicable State program requirements "flow-down" to the contractual and/or subcontract levels. Contractors will be monitored based on the City's Grants Policies and Procedures, and the terms and conditions of the Standard Agreement between the City and the vendor. The Grants Coordinator will oversee the production of the scope of work, monitor completion timeline, and enforce regulations and guidelines for expenditures associated with the vendor's work. Site visits, regular meetings and ongoing demonstration of work completed as each phase of the project continues will be required.

**Section 3: Lobbying**

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant loan, or cooperative agreement?

- Yes
- No
- N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress in connection with this federal contract, loan, or cooperative agreement?

- Yes
- No
- N/A

**Section 4: Fiscal Year**

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

10/1/2016

Enter the End Date [mm/dd/yyyy]:

9/30/2017

### Section 5: Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (\$) of Federal Grant Funds:

894268

Enter the amount (\$) of State Grant Funds:

201016

### Section 6: Single Audit

Select the appropriate response below based on the Fiscal Year Begin Date as entered above.

#### For Fiscal Years Beginning Before December 26, 2014

Applicants who expend less than \$500,000 in federal grant funding or less than \$500,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a CJD grant. However, CJD may require a limited scope audit as defined in OMB Circular A-133.

Has the applicant agency expended federal grant funding of \$500,000 or more, or state grant funding of \$500,000 or more during the most recently completed fiscal year?

**OR**

#### For Fiscal Years Beginning On or After December 26, 2014

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a CJD grant. However, CJD may require a limited scope audit as defined in CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

Yes

No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit [mm/dd/yyyy]:

3/14/2016

### Section 7: Equal Employment Opportunity Plan

#### **Type I Entity**

Defined as an applicant that meets one or more of the following criteria:

- the applicant has less than 50 employees;
- the applicant is a non-profit organization;
- the applicant is a medical institution;
- the applicant is an Indian tribe;
- the applicant is an educational institution, or
- the applicant is receiving a single award of less than \$25,000.

#### Requirements for a Type I Entity

- The applicant is exempt from the EEOP requirements required to prepare an EEOP because it is a Type I Entity as defined above, pursuant to 28 CFR 42.302;
- the applicant must complete Section A of the Certification Form and send it to the Office for Civil Rights (OCR) to claim the exemption from developing an EEOP; and
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

#### **Type II Entity**

Defined as an applicant that meets the following criteria:

- the applicant has 50 or more employees, and
- the applicant is receiving a single award of \$25,000 or more, but less than \$500,000.

#### Requirements for a Type II Entity - Federal law requires a Type II Entity to formulate an EEOP and keep it on file.

- The applicant agency is required to formulate an EEOP in accordance with 28 CFR 42.301, et seq., subpart E;
- the EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP is available for review by the public and employees or for review or audit by officials of CJD, CJD's designee, or the Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice, as required by relevant laws and regulations;
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
- the EEOP is required to be on file in the office of (enter the name and address where the EEOP is filed below):

Enter the name of the person responsible for the EEOP and the address of the office where the EEOP is filed:

Trent Epperson Assistant City Manager City of Pearland 3519 Liberty Drive Pearland, TX 77581

**Type III Entity**

Defined as an applicant that is NOT a Type I or Type II Entity.

Requirements for a Type III Entity - Federal law requires a Type III Entity to formulate an EEOP and submit it for approval to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

- The EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP has been submitted to the Office of Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice and has been approved by the OCR, or it will be submitted to the OCR for approval upon award of the grant, as required by relevant laws and regulations; and
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Based on the definitions and requirements above, the applicant agency certifies to the following entity type:

- Type I Entity  
 Type II Entity  
 Type III Entity

**Section 8: Debarment**

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

- I Certify  
 Unable to Certify

If you selected **Unable to Certify** above, please provide an explanation as to why the applicant agency cannot certify the statements.

**Homeland Security Information****Fiscal Capability Information****Section 1: Organizational Information**

Enter the Year in which the Corporation was Founded:  
 Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:  
 Enter the Employer Identification Number Assigned by the IRS:  
 Enter the Charter Number assigned by the Texas Secretary of State:

**Section 2: Accounting System**

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts).

Select the appropriate response:

- Yes  
 No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

- Yes  
 No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

- Yes  
 No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

**Section 3: Financial Capability**

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:

- Yes
- No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

- Yes
- No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- Yes
- No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

### Section 4: Budgetary Controls

Grant agencies should establish a system to track expenditures against budget and / or funded amounts.

Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

- Yes
- No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

- Yes
- No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

### Section 5: Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits.

Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

- Yes
- No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

- Yes
- No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

### Budget Details Information

#### Budget Information by Budget Line Item:

CATEGORY	SUB CATEGORY	DESCRIPTION	CJD	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Contractual and Professional Services	Data Processing, Web Site, and/or Programming Services	System setup, configuration, testing and training - professional services.	\$2,000.00	\$500.00	\$0.00	\$0.00	\$2,500.00	0
Equipment	Network and Server Software and/or Licenses	Servers, evidence library, and video storage	\$44,970.00	\$11,242.50	\$0.00	\$0.00	\$56,212.50	3
Supplies and Direct Operating Expenses	Network Server System and Accessories (\$5,000 or less per unit)	70 body-worn surveillance cameras	\$63,280.00	\$15,820.00	\$0.00	\$0.00	\$79,100.00	0

**Source of Match Information**

**Detail Source of Match/GPI:**

DESCRIPTION	MATCH TYPE	AMOUNT
Grant Fund Balance - FY 2016	Cash Match	\$27,562.50

**Summary Source of Match/GPI:**

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$27,562.50	\$27,562.50	\$0.00	\$0.00	\$0.00

**Budget Summary Information**

**Budget Summary Information by Budget Category:**

CATEGORY	CJD	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Contractual and Professional Services	\$2,000.00	\$500.00	\$0.00	\$0.00	\$2,500.00
Equipment	\$44,970.00	\$11,242.50	\$0.00	\$0.00	\$56,212.50
Supplies and Direct Operating Expenses	\$63,280.00	\$15,820.00	\$0.00	\$0.00	\$79,100.00

**Budget Grand Total Information:**

CJD	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$110,250.00	\$27,562.50	\$0.00	\$0.00	\$137,812.50

**Condition Of Fundings Information**

Condition of Funding / Project Requirement	Date Created	Date Met	Hold Funds	Hold Line Item Funds
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You are logged in as **User Name:** jhardy

**RESOLUTION NO. R2016- 42**

**A Resolution of the City Council of the City of Pearland, Texas, approving participation in the Office of the Governor's Body Camera Grant Program.**

**WHEREAS**, the City Council finds it in the best interest of the citizens of the City of Pearland that the Pearland Body-Worn Camera Program be operated for portions of Fiscal Years 2016 - 2017 from May 1, 2016 to April 30, 2017; and

**WHEREAS**, City Council agrees to provide \$27,562.50 in applicable matching funds for the Pearland Body-Worn Camera Program, Grant Number 31542-01; and

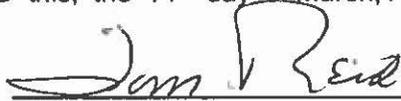
**WHEREAS**, the City Council agrees that in the event of loss or misuse of these funds from the Office of the Governor, the City Council assures that the funds will be returned to the Office of the Governor in full; and

**WHEREAS**, the City Council designates the Deputy City Manager as the grantee's authorized official and is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency; now therefore,

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

**Section 1.** That the City Council approves submission of the grant application for the Pearland Body-Worn Camera Program to the Office of the Governor; Grant Number: 31542-01.

PASSED, APPROVED and ADOPTED this, the 14<sup>th</sup> day of March, AD., 2016.

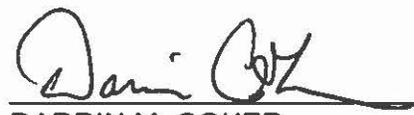
  
\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

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



APPROVED AS TO FORM:

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

**RESOLUTION NO. R2016-54**

**A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for new and replacement in-car video systems for the Police Department, in the amount of \$765,053.00, to WatchGuard.**

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

**Section 1.** That competitive bids for in-car video systems for the Police Department have been reviewed and tabulated.

**Section 2.** That the City Council hereby awards the bid to WatchGuard, in the amount of \$765,053.00.

**Section 3.** The City Manager or his designee is hereby authorized to execute a contract for the purchase of in-car video systems for the Police Department.

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> 4-11-16	<b>ITEM NO.:</b> Resolution No. R2016-60
<b>DATE SUBMITTED:</b> 3-28-16	<b>DEPARTMENT OF ORIGIN:</b> Administration
<b>PREPARED BY:</b> Darrin Coker	<b>PRESENTOR:</b> Darrin Coker
<b>REVIEWED BY:</b> NA	<b>REVIEW DATE:</b> NA
<b>SUBJECT: A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Amended Lease Agreement with The University of Houston.</b>	
<b>EXHIBITS:</b> R2016-60 ; Lease Amendment; Schedules and Exhibits	
<b>EXPENDITURE REQUIRED:</b> <b>AMOUNT AVAILABLE:</b> <b>ACCOUNT NO.:</b>	<b>AMOUNT BUDGETED:</b> <b>PROJECT 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**

In 2008 the City, PEDC and the University of Houston System (UH) entered into a Lease Agreement for the Pearland Campus. The City issued CO's to construct the facility and the lease payments from UH and the PEDC go to support the vast majority (90%) of the debt service; the remaining debt service is currently the responsibility of the City (lobby, meeting room, and infrastructure costs).

If you recall, last year the City and UH entered into a Letter of Intent for the City to donate a portion of the City's property to UH if the State Legislature approved a new building for the Pearland Campus. Funding for the new building was approved, but before the any property can be conveyed to UH, the property has to be subdivided and the Lease Agreement amended. The property needed to be subdivided because the City could not convey the entire property to UH because the City owns the current building and has outstanding CO debt associated with it. It should be noted that the Lease Agreement currently requires the City to deed all of the property to UH once the debt service for the Leased Premises is paid off. Consequently, the Letter of Intent

approved by Council simply served to accelerate the donation of a portion of the property sooner than otherwise would have been done.

The property has since been platted to create two parcels (one tract for the new building and a second parcel that contains the leased premises). The Lease amendment contemplates two phases that will occur on May 1<sup>st</sup> and August 11<sup>th</sup> of this year. **Beginning May 1<sup>st</sup>, UH will assume control of the meeting space, 75 % of the lobby and assume the debt service associated with those improvements. The City will be responsible for 25% of the lobby and infrastructure while the PEDC will continue to pay for its office space (see Schedule 1 May 1, 2016 DS Schedule). Beginning August 11<sup>th</sup>, UH will assume control of the entire premises (lobby, meeting space, and PEDC office space) and assume all debt service associated with those improvements. The City will continue to be responsible for the debt service associated with the infrastructure (see Schedule 1 DS Schedule August 11, 2016). In addition, effective August 11<sup>th</sup>, UH will assume all costs and responsibilities associated with the maintenance and repair of the Leased Premises.** Once the Lease Amendment is approved and executed, it will allow the City to convey the other parcel of property to UH so that construction of the new building can commence.

**RESOLUTION NO. R2016-60**

**A Resolution of the City Council of the City of Pearland, Texas,  
authorizing the City Manager or his designee to enter into an Amended  
Lease Agreement with The University of Houston.**

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

**Section 1.** That the City and The University of Houston previously entered into the Lease Agreement attached hereto.

**Section 2.** That the parties to the Lease Agreement desire to amend the terms of said Agreement.

**Section 3.** That certain Amended Lease 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 4.** That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest an Amended Lease 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

**AMENDMENT TO LEASE AGREEMENT AND  
AMENDMENT TO LETTER OF INTENT**

This Amendment No. 3 to Lease Agreement (this "**Amendment No. 3**") is entered into as of \_\_\_\_\_, 2016 by the City of Pearland, Texas, a home-rule municipality of the State of Texas ("**Landlord**"), and The University of Houston System, an agency and institution of higher education of the State of Texas ("**Tenant**"). All capitalized terms used herein but not defined herein shall have the meaning ascribed thereto in the Lease Agreement (defined below).

**RECITALS**

WHEREAS, Landlord and Tenant entered into that certain Lease Agreement, dated as of January 13, 2009 (as amended from time to time, the "**Lease Agreement**"), whereby Landlord agreed to Lease Agreement the Leased Premises to Tenant.

WHEREAS, the Building on the Leased Premises was constructed by Landlord pursuant to the Lease Agreement and now the Parties desire to modify the original terms of the Lease Agreement.

**AGREEMENTS**

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency are hereby acknowledged, Landlord and Tenant hereby agree as follows:

1. **Definitions.** All capitalized terms used herein but not defined herein shall have the meaning ascribed thereto in the Lease Agreement.
2. **Amendment to Exhibits.** Exhibit "A" to the Lease Agreement are hereby amended by deleting the original Exhibit "A" in its entirety and replacing it with the new Exhibit "A" attached hereto; and the Leased Premises shall further be defined as Lot 1 of Exhibit "A."
3. **Amendment to Schedules.** Schedules 1 and 2 to the Lease Agreement are hereby amended by deleting the original Schedules 1 and 2 in their entirety and replacing them with the new Schedules 1 and 2 attached hereto.
4. **Text Amendments.** The following Sections of the Lease Agreement are hereby by amended as follows:

**SEC. 1 LEASED PREMISES** In consideration of the mutual covenants as set forth herein, Landlord and Tenant hereby agree as follows:

A. Landlord hereby leases to Tenant and Tenant hereby leases from Landlord, for the rental and on the terms and conditions hereinafter set forth, the following described property (the "**Leased Premises**"): On May 1, 2016, Tenant shall take over a conference room and classroom area, being an additional 4,379 square feet of the building previously constructed by Landlord (the "**Building**"); and on August 11, 2016, Tenant shall take over the Building in its entirety as the Rentable Square Feet on Lot 1, Block 1 being the real property described on **Exhibit A** hereto (the "**Property**"). The final determination of the Rentable Square Feet of the Leased Premises will be made according to **Schedule 1**. Landlord and Tenant hereby agree that this Lease Agreement is made pursuant to the authority of Section 272.001(j), Texas Local Government Code, as amended, to promote a public purpose related to higher education and that the Rent (as defined herein) to be collected hereunder by Landlord may or may not represent the fair market rent value of the Leased Premises.

B. Any Expansion Option notice provision or requirements relating to the amount of square Rentable Square Feet obtained by Tenant through this Expansion Option are hereby waived by the parties.

**SEC. 6 ADDITIONAL RENT:**

B3. Tenant’s annual share of Operating Expenses, which include utility expenses, shall be initially calculated at \$7.75 dollars per gross square foot annually. The \$7.75 rate is determined by combining (i) the initial rate of \$5.50 per gross square foot for Tenant’s share of projected utility expenses and insurance costs (collectively, the “**Non-Controllable Costs**”), and (ii) the initial rate of \$2.25 per gross square foot for Tenant’s share the remaining Operational Expenses identified in this Subsection B (collectively, the “**Controllable Costs**”). Tenant shall pay its share of Operating Expenses in monthly installments equal to 1/12th of Tenant’s annual share of Operating Expenses. Tenant’s annual share of Operating Expenses shall not exceed \$175,274 for the first Lease Year. Beginning the second Lease Year, the parties agree that Tenant’s annual share of the Operating Expenses shall be based upon Landlord’s estimate of Operating Expenses based on the prior year’s actual Operating Expenses; provided, however, that the Controllable Cost portion of Operating Expenses may be increased by no more than five percent (5%) over the amount of Tenant’s annual share of the actual Controllable Costs for the immediately preceding Lease Year. Beginning May 1, 2016, Tenant shall pay \$7.75 per gross square foot for 28,000 square feet. Beginning August 11, 2016, Tenant shall be responsible for the payment of all Operating Expenses, and Landlord shall be relieved of any responsibility for payment of the Operating Expenses associated with the Property, Common Areas, and Building of the Leased Premises.

B5. Landlord shall deliver to Tenant a statement for the property insurance within thirty (30) days of the expiration of the preceding years’ policy. Tenant shall pay to Landlord its proportionate share of the difference between the prior year’s insurance premium and any current increase in premiums related to the Building and Property for which Landlord is responsible, except that beginning August 11, 2016 and throughout the remaining Term of this Lease, Tenant shall pay to Landlord the entire cost of the insurance premium. This payment shall be made by the Tenant to the Landlord within thirty (30) days of receipt of the statement. Tenant shall be entitled to a credit for any decrease in premiums for the previous year. Landlord shall (i) credit such excess against Tenant’s next accruing Rent hereunder, or (ii) repay such excess to Tenant within thirty (30) days.

C. The term “**Capital Renewal Fund Contributions**” shall mean, for each Bond Year, as follows:

<u>Bond Year</u>	<u>Annual Capital Renewal Fund Requirement</u>
1 - 3	\$0
4 - 5	1% of replacement value of the Building
6+	2% of replacement value of the Building

C1. Capital Renewal Fund Contributions under this Subsection C shall be payable by Tenant to Landlord in monthly installments equal to 1/12th of the Capital Renewal Fund Contributions as specified in Subsection C above. Landlord and Tenant shall agree upon how amounts in the Capital Renewal Fund shall be spent prior to expenditure of any amounts in such fund. Beginning August 11, 2016, Tenant’s requirement to contribute to the Capital Renewal Fund shall end (as shown on Schedule 2), and all previous contributions still remaining in the Capital Renewal Fund shall become the property of Tenant and shall be used for Tenant’s future Capital Improvements to the Building.

**SEC. 8 MAINTENANCE AND REPAIRS:**

A. LANDLORD’S REPAIR AND MAINTENANCE.

- (1) Subject to the limitation contained in Section 8 D below, Landlord shall maintain the Property, the Common Areas (defined below) and the Building (excluding the interior of the Leased Premises and space leased to other occupants of the Building and subject to the provisions of Section 7B below) in good condition and repair. Landlord shall make all structural repairs to the Building, the Leased Premises and the Common Areas, including but not limited to all repairs to the foundation, load bearing walls, roof and any other structural members; provided, however, all costs and expenses for such repairs shall be included in the Operating Expenses to the extent provided in Section 6 above. In addition, Landlord shall: (i) keep the roof of the Building free of leaks and (ii) maintain the underground and otherwise concealed electrical and plumbing, and the exterior surface of the outside walls of the Leased Premises, the Building and the Property, excluding window

glass in the Premises, (iii) maintain all heating, air conditioning and electrical systems serving the Leased Premises, the Building, the Common Areas and the Property, (iv) maintain all fire protection systems serving the Building (excluding any fire alarm system which only serves the Leased Premises, which fire alarm system, if any, shall be the responsibility of Tenant) and the Common Areas; provided, however, all costs and expenses shall be included in the Operating Expenses to the extent provided in Section 6 above.

D. It is hereby agreed by Landlord and Tenant that beginning August 11, 2016, Tenant shall assume all costs and responsibilities for the maintenance and repair of the Property, Common Areas and the Building located on the Leased Premises ("Maintenance Transition Date"). No less than thirty (30) days prior to the Maintenance Transition Date, Landlord and Tenant shall conduct an inspection of the Leased Premises, and all necessary repairs to the Leased Premises shall be performed by the responsible Party prior to the Maintenance Transition Date.

## **SEC. 9 REQUIRED SERVICES; ADDITIONAL SERVICES:**

A. Provided no Event of Default (as hereinafter defined) has occurred and is continuing hereunder for which Landlord has terminated this Lease Agreement or Tenant's right of possession of the Leased Premises, and subject to Section 9 E below, Landlord shall furnish the following services and amenities (collectively, the "**Required Services**") to Tenant (and its assignees and subtenants permitted hereunder) while occupying the Leased Premises, subject to temporary interruptions due to scheduled maintenance, in the event of emergencies or otherwise due to causes beyond Landlord's control:

E. It is hereby agreed by Landlord and Tenant that beginning August 11, 2016, Tenant shall assume all costs and responsibilities for the Required Services to serve the Property, Common Areas and Building of the Leased Premises. Landlord assumes all costs and responsibilities for infrastructure, roadway and environmental costs as more particularly set forth on Schedule 1 attached hereto.

5. The Letter Of Intent dated April 6, 2015 between Landlord and Tenant (the "LOI") is hereby amended to change the term "Property", as it is used in the LOI, to include all of Lot 2, Block 1 (21.3654 acres), said Lot 2 being further described on Exhibit "A" attached hereto. It is Landlord's intention to convey fee simple title to said Lot 2 to Tenant under a separate transaction pursuant to the terms of the LOI.

6. **No Other Amendments.** Except as specifically provided in this Amendment No. 3, no other amendments, revisions or changes are made or permitted hereby to the Lease Agreement or the LOI. All other terms and conditions of the Lease Agreement and the LOI remain in full force and effect and apply fully to this Amendment No. 3.

7. **Conforming References.** Upon the effectiveness of this Amendment No. 3, each reference in the Lease Agreement to "this Lease Agreement," "thereunder," "hereto," "herein," or words of like import, shall mean and be a reference to the Lease Agreement as amended hereby.

8. **Counterparts.** This Amendment No. 3 may be executed in one or more counterparts, each of which shall be considered an original instrument, but all of which shall be considered one and the same agreement, and shall become binding when one or more counterparts have been signed by Landlord and Tenant and delivered to each of them.

9. **Applicable Law.** This Amendment No. 3 and all rights and liabilities of the parties hereto with respect to the Lease Agreement shall be governed by the laws of the State of Texas.

WITNESS THE EXECUTION hereof as of the date first above written.

**Landlord: City of Pearland, Texas**

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

Name: Clay Pearson

Title: City Manager

**Tenant: University of Houston System**

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

Name: Renu Khator, Ph.D.

Title: Chancellor/President



State of Texas  
County of Brazoria

We, City of Pearland, acting by and through Trent Epperson, Project Director, City of Pearland, owners of the property subdivided in the MINOR PLAT OF PEARLAND GATEWAY SUBDIVISION REPLAT NO. 1, a subdivision out of D.H.M. Hunter Survey, Abstract 76, City of Pearland, Brazoria County, Texas do hereby make subdivision of said property for and on behalf of said City of Pearland, according to the lines, lots building lines, streets, alleys, parks, and easements as shown hereon and dedicate for public use as such, the streets (except those streets dedicated as private streets), alleys, parks, and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easement or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements, from a plane sixteen feet (16'0") above ground level upward, located adjacent to and adjoining said public utility easements that are designed with aerial easements (U.E. and A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty one feet, six inches (21'6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'0") for ten feet (10'0") back-to-back ground easements, or eight feet (8'0") for fourteen feet (14'0") back-to-back ground easements or seven feet (7'0") for sixteen feet (16'0") back-to-back ground easements, from a plane sixteen feet (16'0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designed with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty (30'0") in width.

In testimony hereto, City of Pearland has caused these presents to be signed by Trent Epperson, Project Director this \_\_\_\_\_ day of February, 2016.

CITY OF PEARLAND

By: City

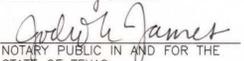
By: 

Name: Trent Epperson  
Title: Project Director

State of Texas  
County of Brazoria

BEFORE ME, the undersigned authority on this day personally appeared Trent Epperson, Project Director, City of Pearland, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein set out, and as the act and deed of said city.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 11<sup>th</sup> DAY OF February, 2016.

  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS.

Printed Name of Notary Jodie Ann James

My Commission Expires: 09/01/2019



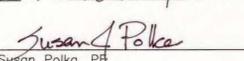
**CERTIFICATE OF CITY PLANNING DIRECTOR**

This is to certify that the Planning and Zoning Commission of the City of Pearland, Texas has approved this plat and subdivision of the MINOR PLAT OF PEARLAND GATEWAY SUBDIVISION REPLAT NO. 1 in conformance with the laws of the State of Texas and the ordinances of the City of Pearland, as shown hereon and authorizes the recording of this plat this 9<sup>th</sup> day of February, 2016.

  
Frankie Legaux  
City Planner  
City of Pearland, Texas

APPROVED for the City of Pearland, Texas this 10<sup>th</sup> day of February, 2016.

  
Darrin Coker  
City Attorney

  
Susan Polka, PE  
City Engineer

**METES AND BOUNDS DESCRIPTION**

All that certain 39.6156 acres being all of Lot 1, Block 1, Minor Plat of Pearland Gateway Subdivision according to the plat thereof as filed in Document Number 2009019090 Brazoria County Official Records, D.H.M. Hunter Survey, Abstract 76, Pearland, Brazoria County, Texas and being more particularly described by metes and bounds as follows (bearings and coordinates based on Texas Coordinate System of 1983, South Central Zone);

Commencing at a found stainless steel rod in sleeve stamped "HGCSD 76 (1986)" having grid coordinates of (N: 13,765,214.52, E: 3,150,845.644); Thence N 12° 37' 45" E - 13,616.10' to a found 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) marking the most southerly southeast corner of Reserve "A", Block 1 of said Minor Plat of Pearland Gateway Subdivision and marking the POINT OF BEGINNING of herein described tract;

1. Thence the following 3 courses with the easterly line of said Reserve "A";
2. Thence N 00° 55' 42" W - 327.16' to a found 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) marking the beginning of a curve to the left having a radius of 1,100.00' and a central angle of 14° 20' 55";
3. Thence with said curve an arc distance of 275.47' and a chord bearing and distance of N 08° 06' 10" W - 274.75' to a found 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) marking the point of tangency;
4. Thence N 15° 16' 37" W - 1,016.52' to a found 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) marking the beginning of a curve to the right having a radius of 400.00' and a central angle of 95° 58' 12";
5. Thence with said curve an arc distance of 670.00' and a chord bearing and distance of N 32° 42' 29" E - 594.38' to a found 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) marking the point of tangency;
6. Thence the following 6 courses with the southerly line of said Reserve "A";
7. Thence N 80° 41' 35" E - 346.75' to a found 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) for corner;
8. Thence S 09° 18' 25" E - 16.90' to a found 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) marking the beginning of a curve to the left having a radius of 100.00' and a central angle of 83° 30' 01";
9. Thence with said curve an arc distance of 145.74' and a chord bearing and distance of S 51° 03' 25" E - 133.18' to a found 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) marking the point of tangency;
10. Thence N 87° 11' 34" E - 518.79' to a found 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) for corner;
11. Thence N 36° 14' 19" E - 90.13' to a found 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) for corner;
12. Thence N 87° 11' 34" E - 49.35' to a found 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) marking a point on a curve to the right having a radius of 1,805.00' and a central angle of 25° 41' 59";
13. Thence the following 2 courses with the westerly right-of-way line of Pearland Parkway (130' wide);
14. Thence with said curve an arc distance of 809.62' and a chord bearing and distance of S 14° 26' 16" W - 802.85' to a found 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) marking the point of tangency;
15. Thence S 27° 17' 14" W - 1,070.95' to a found 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) marking the beginning of a curve to the right having a radius of 1,000.00' and a central angle of 32° 37' 28";
16. Thence with said curve and continuing with the westerly right-of-way line of Pearland Parkway (width varies) an arc distance of 569.40' and a chord bearing and distance of S 43° 35' 59" W - 561.74' to the POINT OF BEGINNING and containing 39.6156 acres (1,725,656 square feet) of land more or less.

**GENERAL NOTES**

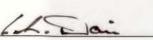
1. Drainage easements may be used by any government body for purposes of drainage work.
2. All drainage easements shall be kept clear of fences, buildings, foundations, plantings and other obstructions to the operation and maintenance of the drainage facility, side lot fences are an exception.
3. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map No. 48039C0035-1, with effective date of September 22, 1999 the property is located in Zone "AE", Zone "X-shaded" and Zone "X" Unshaded. All Floodplain information noted in the plat reflects the status per FEMA FIRM map that is effective at the time that the plat is recorded. Floodplain status is subject to change as FEMA FIRM maps are updated.
4. Benchmark - Harris County Floodplain Reference Marker No. 010135 being a metal rod stamped HGCSD 76 1986 located on Magnolia road 0.2± miles west of Intersection State Highway 35 & Magnolia.  
Elevation 45.57 (NAVD 88, 2001 Adj.)  
N: 13,765,214.52  
E: 3,150,845.644  
T.B.M. A-6 - Chiseled square on top curb of BB inlet located at the intersection of main entrance road for the University of Houston campus and Pearland Parkway and being on the northerly side of said main entrance road.  
Elevation 45.41 (NAVD 88, 2001 Adj.)
5. There are 11 existing street lights in this subdivision.
6. Coordinates and bearings shown are based on the Texas Coordinate System of 1983, South Central Zone. Distances shown are surface and can be converted to grid by multiplying by a combined scale factor of 0.999870017. Coordinates shown are Grid.
7. All subdivision common areas including but not limited to detention facilities, easements, and open space within the boundaries of this plat shall be maintained by a homeowners association, commercial property association or other entity and shall not be the responsibility of the City of Pearland or Brazoria County.
8. This plat has been prepared to meet the requirements of the State of Texas, Brazoria County and the City of Pearland.
9. This plat was prepared from information provided by Charter Title Company City Planning Letter, effective date 01-29-2016.
10. Any construction proposed to be installed within a dedicated easement with prescribed rights to a private entity shall require the permission of the private entity prior to the start of construction. Failure to secure such permission may result in the right holder(s) of the easement removing any unapproved pavement, structures, utilities, or other facilities located within the easement. The responsibility of securing approval from the private entities to build within an easement is solely that of the property owner.
11. The minimum slab elevation for all buildings located within the boundaries of this plat shall be the higher of (1) either 12 inches above the top of curb elevation for a curb street or 12 inches above the elevation of the edge of the roadway if no curb exists, or (2) 12 inches above the 100 year floodplain water surface elevation for structures to be located within the 100 year floodplain.
12. Any proposed drainage system for this subdivision shall be designed to meet the requirements of the City of Pearland and/or Brazoria Drainage District #4.
13. All landscaping and structures, including fences at intersection shall conform to the City of Pearland and AASHTO site distance requirements for motorists.
14. Driveway requirements for the location, width and offsets from an intersection and any existing driveway or proposed driveways, shall conform to the requirements of the City of Pearland Engineering Design Criteria Manual and Unified Development Code.
15. This property is not located within a Municipal Utility District.
16. Property subject to that certain Short Form Blanket Easement 3-Phase Overhead and Underground as filed in Brazoria County Clerk's File No. 2009056674.



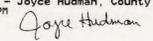
VICINITY MAP  
SCALE: 1" = 3,000'

**CERTIFICATE OF SURVEYOR**

This is to certify that I, C.L. Davis, a Registered Professional Land Surveyor of the State of Texas, have plotted the above subdivision shown hereon from an actual survey on the ground, that all exterior boundary corners are set and that this plat correctly represents that survey made by me. All corners are marked by capped iron rods 5/8 inch in diameter and 30 inches long, unless otherwise noted. This tract is within the City of Pearland.

  
C.L. DAVIS  
Registered Professional Land Surveyor No. 4464



2016007072  
Brazoria County - Joyce Hudman, County Clerk  
02/17/2016 01:51 PM  
Total Pages: 2  
Fee: 223.00  


ADDRESS: 1200 PEARLAND PARKWAY

**MINOR PLAT OF PEARLAND GATEWAY SUBDIVISION REPLAT NO. 1**

39.6156 ACRES BEING A REPLAT OF LOT 1, BLOCK 1 MINOR PLAT OF PEARLAND GATEWAY SUBDIVISION (DOC. NO. 2009019090 B.C.O.R.) D.H.M. HUNTER SURVEY, ABSTRACT 76 CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS 2 LOTS 1 BLOCK FEBRUARY, 2016 PLAT NUMBER: P615C-2015-0108

OWNER: CITY OF PEARLAND  
3519 LIBERTY DRIVE  
PEARLAND, TEXAS 77581  
PH: 281-652-1600  
PROJECT DIRECTOR  
TRENT EPPERSON

SURVEYOR: C.L. DAVIS & CO. LAND SURVEYING  
1500 WINDING WAY  
FRIENDSWOOD, TEXAS 77546  
PH: 281-482-9490  
FIRM NO. 10082000  
CONTACT: C.L. DAVIS, R.P.L.S.

FEB 04 2016

CITY OF PEARLAND, TX  
 UNIVERSITY OF HOUSTON  
 DS SCHEDULE BASED ON \$12,145,000 BOND ISSUANCE  
 BASED ON ACTUAL SALE - PRO-RATA BASED ON RENTABLE SQUARE FEET  
 AS OF AUGUST 11, 2016

3/8/2016  
 SCHEDULE 1

FISCAL YEAR - OCTOBER 1 TO SEPT 30  
 BOND PAYMENTS DUE 3/1 AND 9/1

FISCAL YEAR	ANNUAL DEBT SERVICE	LESS CAP INT	DS TO BE ALLOCATED	CONSTRUCTION ALLOCATION			TOTAL	Total Renut U of H CL Reimbursement
				10.94%	89.06%	100%		
				CITY**	U OF H	PEDC		
2016	964,965		964,965	105,567	859,398		964,965	859,398
2017	941,765		941,765	103,029	838,736		941,765	838,736
2018	915,403		915,403	100,145	815,257		915,403	815,257
2019	892,560		892,560	97,646	794,914		892,560	794,914
2020	866,361		866,361	94,780	771,581		866,361	771,581
2021	850,163		850,163	93,008	757,155		850,163	757,155
2022	827,763		827,763	90,557	737,205		827,763	737,205
2023	804,403		804,403	88,002	716,401		804,403	716,401
2024	780,563		780,563	85,394	695,169		780,563	695,169
2025	751,339		751,339	82,196	669,142		751,339	669,142
2026	731,315		731,315	80,006	651,309		731,315	651,309
2027	705,715		705,715	77,205	628,510		705,715	628,510
2028	674,898		674,898	73,834	601,064		674,898	601,064
2029	653,440		653,440	71,486	581,954		653,440	581,954
Total Debt Service 2016-2029	11,360,650	0	11,360,650	1,242,855	10,117,795	0	11,360,650	

\*\*Infrastructure, Roadway, Environmental Development Costs, and Underground Utilities remain with City

Breakout of 2016 Debt Service Payment

Sep-15	18,464.04	53,588.25	#####	80,413.75	
Oct-15	18,464.04	53,588.25	#####	80,413.75	
Nov-15	18,464.04	53,588.25	#####	80,413.75	
Dec-15	18,464.04	53,588.25	#####	80,413.75	
Jan-16	18,464.04	53,588.25	#####	80,413.75	
Feb-16	18,464.04	53,588.25	#####	80,413.71	
Mar-16	18,464.04	53,588.25	#####	80,413.71	
Apr-16	18,464.04	53,588.25	#####	80,413.71	
May-16	Take over of 75% Lobby and Large Class	8,503.75	63,548.58	#####	80,413.75
Jun-16		8,503.75	63,548.58	#####	80,413.75
Jul-16		8,503.75	63,548.58	#####	80,413.75
Aug-16	100% Occupany of Facility - Aug 11	8,503.75	69,212.77	#####	80,413.75
Sep-16		8,585.75	69,894.67	-	78,480.42

CITY OF PEARLAND, TX  
 UNIVERSITY OF HOUSTON  
 DS SCHEDULE BASED ON \$12,145,000 BOND ISSUANCE  
 BASED ON ACTUAL SALE - PRO-RATA BASED ON RENTABLE SQUARE FEET  
 AS OF MAY 1, 2016

SCHEDULE 1

3/8/2016

FISCAL YEAR - OCTOBER 1 TO SEPT 30  
 BOND PAYMENTS DUE 3/1 AND 9/1

CONSTRUCTION COST ALLOCATION				10.5750%	79.0270%	10.3980%	100.00%
SQUARE FEET ALLOCATION				273	28,000	3,281	31,554
	ANNUAL	LESS	DS TO BE	0.87%	88.74%	10.40%	100.00%
FISCAL YEAR	DEBT SERVICE	CAP INT	ALLOCATED	CITY	U OF H	PEDC	TOTAL
2016	964,965		964,965	102,045	762,583	100,337	964,965
2017	941,765		941,765	99,592	744,249	97,925	941,765
2018	915,403		915,403	96,804	723,415	95,184	915,403
2019	892,560		892,560	94,388	705,363	92,808	892,560
2020	866,361		866,361	91,618	684,659	90,084	866,361
2021	850,163		850,163	89,905	671,858	88,400	850,163
2022	827,763		827,763	87,536	654,156	86,071	827,763
2023	804,403		804,403	85,066	635,695	83,642	804,403
2024	780,563		780,563	82,544	616,855	81,163	780,563
2025	751,339		751,339	79,454	593,760	78,124	751,339
2026	731,315		731,315	77,337	577,936	76,042	731,315
2027	705,715		705,715	74,629	557,705	73,380	705,715
2028	674,898		674,898	71,370	533,351	70,176	674,898
2029	653,440		653,440	69,101	516,394	67,945	653,440
Total Debt Service 2016-2029	11,360,650	0	11,360,650	1,201,389	8,977,981	1,181,280	11,360,650

\*\*Infrastructure, Roadway, Environmental Development Costs and Underground Electrical remain with City and PEDC  
 25% of Lobby remains with City

**SCHEDULE 2  
AS OF MAY 1, 2016**

**3/8/2016**

<b>Square Feet Allocation</b>		<b>0.865%</b>	<b>88.737%</b>	<b>10.398%</b>	
<b>ITEM DESCRIPTION</b>	<b>TOTAL ACTUAL PROJECT COSTS</b>	<b>PEARLAND</b>	<b>UH CLEAR LAKE</b>	<b>PEDC</b>	
<b>A. Construction Costs</b>					
Building Costs	5,566,168	48,158	4,939,238	578,773	
Fixed Equipment	680,267	5,886	603,647	70,734	
Contingency**	198,982	128,568	49,725	20,690	
	6,445,417	182,611	5,592,609	670,197	
<b>B. Professional Services</b>					
Architectural/Design	1,270,000	10,988	1,126,957	132,055	
Administrative Costs	655,575	5,672	581,736	68,167	
Other Professional Services	67,054	580	59,502	6,972	
	1,992,629	17,240	1,768,195	207,195	
<b>C. Miscellaneous Costs</b>					
Infrastructure*	473,009	423,825		49,184	
Roadway*	341,359	305,864		35,495	
Environmental*	300,602	269,345		31,257	
Parking	1,942,385	16,805	1,723,610	201,970	
	3,057,355	1,015,840	1,723,610	317,905	
<b>PROJECT TOTAL</b>	11,495,401	1,215,691	9,084,413	1,195,297	11,495,401
<b>Capital Cost Share</b>		<b>10.575%</b>	<b>79.027%</b>	<b>10.398%</b>	<b>100.00%</b>

\*These remain with the City and PEDC

\*\*Underground Electrical taken out of Construction Contingency, also to remain with City and PEDC until full occupancy by UofH

<b>Operating Square Feet</b>	<b>273</b>	<b>28,000</b>	<b>3,281</b>	<b>31,554</b>
<b>Operating Cost Sharing Expense</b>	<b>0.865%</b>	<b>88.737%</b>	<b>10.398%</b>	<b>100%</b>
<b>Capital Renewal Fund Share</b>	<b>0.865%</b>	<b>88.737%</b>	<b>10.398%</b>	<b>100%</b>

**SCHEDULE 2  
AS OF AUGUST 11, 2016**

**3/8/2016**

<u>ITEM DESCRIPTION</u>	<u>TOTAL ACTUAL PROJECT COSTS</u>	<u>PEARLAND</u>	<u>UH CLEAR LAKE</u>	<u>PEDC</u>
A. Construction Costs				
Building Costs	5,566,168		5,566,168	
Fixed Equipment	680,267		680,267	
Contingency**	198,982	142,946	56,036	
	<u>6,445,417</u>	<u>142,946</u>	<u>6,302,471</u>	<u>-</u>
B. Professional Services				
Architectural/Design	1,270,000		1,270,000	
Administrative Costs	655,575		655,575	
Other Professional Services	67,054		67,054	
	<u>1,992,629</u>	<u>-</u>	<u>1,992,629</u>	<u>-</u>
C. Miscellaneous Costs				
Infrastructure*	473,009	473,009		
Roadway*	341,359	341,359		
Environmental*	300,602	300,602		
Parking	1,942,385		1,942,385	
	<u>3,057,355</u>	<u>1,114,970</u>	<u>1,942,385</u>	<u>-</u>
<b>PROJECT TOTAL</b>	<u>11,495,401</u>	<u>1,257,916</u>	<u>10,237,485</u>	<u>-</u>
<b>Capital Cost Share</b>		<b>10.94%</b>	<b>89.06%</b>	

\*These remain with the City

\*\*Underground Electrical taken out of Construction Contingency, also to remain with City

<b>Operating Square Feet</b>	<b>31,554</b>
<b>Operating Cost</b>	<b>100%</b>
<b>Capital Renewal Cost</b>	<b>100%</b>

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

**AGENDA OF: 4-11-16**

**ITEM NO.:** Resolution No. R2016-53

**DATE SUBMITTED: 3-28-16**

**DEPARTMENT OF ORIGIN: Projects**

**PREPARED BY: Darrin Coker**

**PRESENTOR: Darrin Coker**

**REVIEWED BY: NA**

**REVIEW DATE: NA**

**SUBJECT: Resolution No. R2016-53;** 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 for the Hughes Ranch Road Improvement Project; being a 0.1911 of one acre (8,323 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 506, Brazoria County, Texas and being situated in Lot 7, Block 20 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Pages 23 - 24, Brazoria County Map Records (B.C.M.R.), said 0.1911 acre parcel being out of and a part of a 1.857 acre residue of a tract described as 2 acres in a conveyance to Jose C. Rodriguez, recorded under Brazoria County Clerk's File (B.C.C.F.) No. 01055783, for the construction and maintenance of water, sewer, drainage and road improvements on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.

**EXHIBITS: R2016-53 and Map**

**EXPENDITURE REQUIRED:  
AMOUNT AVAILABLE:  
ACCOUNT NO.:**

**AMOUNT BUDGETED:  
PROJECT NO.:**

**ADDITIONAL APPROPRIATION REQUIRED:  
ACCOUNT NO.:  
PROJECT NO.:**

**To be completed by Department:**

Finance

Legal

Ordinance

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 (0.191 acres) at \$18,727.00, but the property owner is seeking approximately \$39,000.00. Negotiations no longer appear to be beneficial, however we will continue to reach out to the property owner after the eminent domain action is filed. The property owner has been informed of the City's intended action so that the property can be acquired in a timely manner. **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. 2016-53**

**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 for the Hughes Ranch Road Improvement Project; being a 0.1911 of one acre (8,323 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 506, Brazoria County, Texas and being situated in Lot 7, Block 20 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Pages 23 – 24, Brazoria County Map Records (B.C.M.R.), said 0.1911 acre parcel being out of and a part of a 1.857 acre residue of a tract described as 2 acres in a conveyance to Jose C. Rodriguez, recorded under Brazoria County Clerk's File (B.C.C.F.) No. 01055783, for the construction and maintenance of water, sewer, drainage and road improvements on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire 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. 2016-53**

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

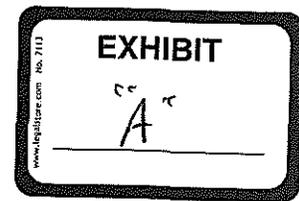
\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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



Parcel 16  
Page 1 of 2

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

#### Property Description For Parcel 16

Being a 0.1911 of one acre (8,323 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 506, Brazoria County, Texas and being situated in Lot 7, Block 20 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Pages 23 ~ 24, Brazoria County Map Records (B.C.M.R.), said 0.1911 acre parcel being out of and a part of a 1.857 acre residue of a tract described as 2 acres in a conveyance to Jose C. Rodriguez, recorded under Brazoria County Clerk's File (B.C.C.F.) No. 01055783, and dated December 4, 2001 and being more particularly described by metes and bounds as follows:

**COMMENCING** at a 1/2 inch iron pipe found marking the intersection of the existing West right-of-way line of Linda Lane, also known as County Road No. 603 (60.00 feet width) with the North line of a tract described as Tract II and being 0.9998 of one acre in a conveyance to Patrick J. Cooper recorded under B.C.C.F. No. 93006438 and dated February 19, 1993, thence as follows:

South 87° 18' 23" West, along and with the North line of said 0.9998 of one acre tract, a distance of 177.92 feet to the Northeast corner of said 2 acre tract, same being the Northwest corner of said 0.9998 of one acre tract;

South 03° 01' 37" East, along and with the East line of said 2 acre tract, same being partly the East line of said 0.9998 of one acre tract, and partly the East line of a tract described as Tract I and being 0.9998 of one acre in a said conveyance to Patrick J. Cooper, a distance of 348.97 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 Road (120 feet width), same being the Northeast corner and **POINT OF BEGINNING** of the herein described parcel and having surface coordinates of X=3,126,005.19, Y=13,774,793.18;

1. **THENCE**, South 03° 01' 37" East, continuing along and with the West of said Tract I, same being the East line of said 2 acre tract, a distance of 40.13 feet to a point in the existing North right-of-way line of said County Road No. 403 for the Southeast corner of the herein described parcel from which a 1/2 inch iron pipe bears North 42° 16' 02" East, 1.77 feet, said Southeast corner being located North 03° 01' 37" West, 30.00 feet of the Southwest corner of said Tract I, same being the Southeast corner of said 2 acre tract;

2. **THENCE**, South 87° 18' 23" West, along and with the existing North right-of-way of said County Road No. 403, a distance of 207.82 feet to a point in the East line of a tract described as 5 acres in a conveyance to Assured Blessings Ministry, Inc. recorded under B.C.C.F. No. 99023729 and dated April 20, 1999, same being the West line of said 2 acre tract for the Southwest corner of the herein described parcel;
3. **THENCE**, North 03° 01' 37" West, along and with the East line of said 5 acre tract, same being the West line of said 2 acre tract, a distance of 39.96 feet to a 5/8 inch iron rod stamped "Brown & Gay" set in the proposed North right-of-way line of said County Road No. 403 marking the Northwest corner of the herein described parcel;
4. **THENCE**, North 87° 15' 33" East, along and with the proposed North right-of-way line of said County Road No. 403, a distance of 207.82 feet to the **POINT OF BEGINNING** and containing 0.1911 of one acre (8,323 square feet) of land.

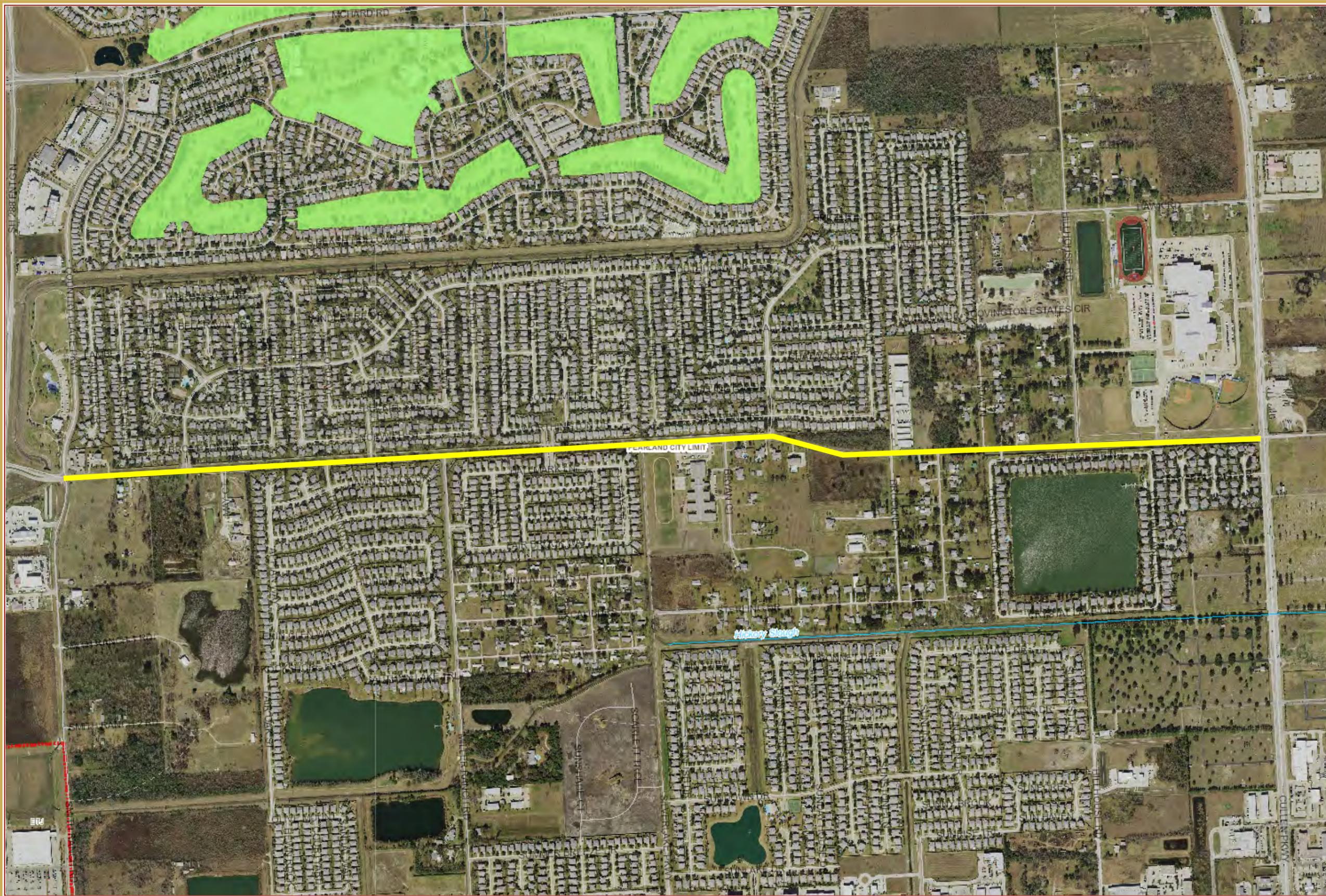
All bearings are grid and are based on the Texas State Plane Coordinate System, South Central Zone, (NAD '83, '93 Adj.). All coordinates and distances are surface and may be converted to grid by multiplying by a scale factor of 0.99987330.

Compiled by:  
Brown & Gay Engineers, Inc.  
10777 Westheimer, Suite 400  
Houston, Texas 77042  
(281) 558-8700

**NOTES:**

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





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**

**AGENDA OF: 4-11-16**

**ITEM NO.:** ResolutionNo. R2016-52

**DATE SUBMITTED: 3-28-16**

**DEPARTMENT OF ORIGIN: Projects**

**PREPARED BY: Darrin Coker**

**PRESENTOR: Darrin Coker**

**REVIEWED BY: NA**

**REVIEW DATE: NA**

**SUBJECT: Resolution No. R2016-52;** 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 for the Hughes Ranch Road Improvement Project; being a 0.1009 of one acre (4,397 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 506, Brazoria County, Texas and being situated in Lot 22, Block 20 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Pages 23 - 24, Brazoria County Map Records (B.C.M.R.), said 0.1009 acre parcel being out of and a part of a 0.7082 of one acre residue of a tract of land described as 0.9997 of one acre in a conveyance to Ajith Kumar S. Nair and Jeeva Ajith recorded under Brazoria County Clerk's File (B.C.C.F.) No. 2006016690, for the construction and maintenance of water, sewer, drainage and road improvements on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire said property, located within the city, by donation, purchase, or by the exercise of the power of eminent domain.

**EXHIBITS: R2016-52 and Map**

**EXPENDITURE REQUIRED:  
AMOUNT AVAILABLE:  
ACCOUNT NO.:**

**AMOUNT BUDGETED:  
PROJECT NO.:**

**ADDITIONAL APPROPRIATION REQUIRED:  
ACCOUNT NO.:  
PROJECT NO.:**

**To be completed by Department:**

Finance

Legal

Ordinance

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 (0.100 acres) at \$9,893.00, but the property owner is seeking approximately \$18,388.00. The City and the owner are very close on the property value, but the owner also wants the City to pay approximately \$9,000.00 of his past taxes (which is obviously not an option). Negotiations no longer appear to be beneficial, however we will continue to reach out to the property owner after the eminent domain action is filed. The property owner has been informed of the City's intended action so that the property can be acquired in a timely manner. **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. 2016-52**

**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 for the Hughes Ranch Road Improvement Project; being a 0.1009 of one acre (4,397 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 506, Brazoria County, Texas and being situated in Lot 22, Block 20 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Pages 23 – 24, Brazoria County Map Records (B.C.M.R.), said 0.1009 acre parcel being out of and a part of a 0.7082 of one acre residue of a tract of land described as 0.9997 of one acre in a conveyance to Ajith Kumar S. Nair and Jeeva Ajith recorded under Brazoria County Clerk's File (B.C.C.F.) No. 2006016690, for the construction and maintenance of water, sewer, drainage and road improvements on certain real property described herein; authorizing the city attorney, or his designee, and other city officials to take such actions as are necessary to acquire 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. 2016-52**

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

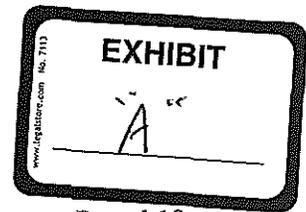
\_\_\_\_\_  
TOM REID  
MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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



Parcel 19  
Page 1 of 2

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

#### Property Description For Parcel 19

Being a 0.1009 of one acre (4,397 square feet) parcel of land located in the H.T.& B. R.R. Co. Survey, Abstract No. 506, Brazoria County, Texas and being situated in Lot 22, Block 20 of the ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION, a subdivision per plat or map recorded in Volume 2, Pages 23 ~ 24, Brazoria County Map Records (B.C.M.R.), said 0.1009 acre parcel being out of and a part of a 0.7082 of one acre residue of a tract of land described as 0.9997 of one acre in a conveyance to Ajith Kumar S. Nair and Jeeva Ajith recorded under Brazoria County Clerk's File (B.C.C.F.) No. 2006016690, and dated March 21, 2006 and being more particularly described by metes and bounds as follows:

**COMMENCING** at a 1/2 inch iron rod found marking the Northwest corner of a tract of land described as 0.9997 of one acre in a conveyance to Martha S. Ross recorded in Volume (92)1026, Page 489 of the Brazoria County Deed Records (B.C.D.R.) and dated April 15, 1992, same being the Northeast corner of said Ajith Kumar S. Nair and Jeeva Ajith 0.9997 of one acre tract, thence as follows:

South 03° 01' 37" East, along and with the West line of said Martha S. Ross 0.9997 of one acre tract, same being the East line of said Ajith Kumar S. Nair and Jeeva Ajith 0.9997 of one acre tract, a distance of 243.88 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 Road (120 feet width), marking the Northeast corner and **POINT OF BEGINNING** of the herein described parcel and having surface coordinates of X=3,126,351.16, Y=13,774,809.74;

1. **THENCE**, South 03° 01' 37" East, continuing along and with the West line of said Martha S. Ross 0.9997 of one acre tract, same being the East line of said Ajith Kumar S. Nair and Jeeva Ajith 0.9997 of one acre tract, a distance of 40.42 feet to a 1/2 inch iron rod found in the existing North right-of-way line of said County Road No. 403 marking the Southeast corner of the herein described parcel and being located North 03° 01' 37" West, 30.00 feet from the Southeast corner of said Ajith Kumar S. Nair and Jeeva Ajith 0.9997 of one acre tract;
2. **THENCE**, South 87° 18' 23" West, along and with the existing North right-of-way line of said County Road No. 403, a distance of 108.94 feet to a 1/2 inch iron rod found marking the intersection of the existing East right-of-way line of a Linda Lane, also known as County Road No. 603 (60.00 feet width) with said existing North right-of-way line, same being the Southwest corner of the herein described parcel;
3. **THENCE**, North 02° 57' 23" West, along and with the East right-of-way line of said Linda Lane, a distance of 40.33 feet to a 5/8 inch iron rod stamped "Brown & Gay" set

in the proposed North right-of-way line of said County Road No. 403 marking the Northwest corner of the herein described parcel;

4. **THENCE**, North 87° 15' 33" East, along and with the proposed North right-of-way line of said County Road No. 403, a distance of 108.89 feet to the **POINT OF BEGINNING** and containing 0.1009 of one acre (4,397 square feet) of land.

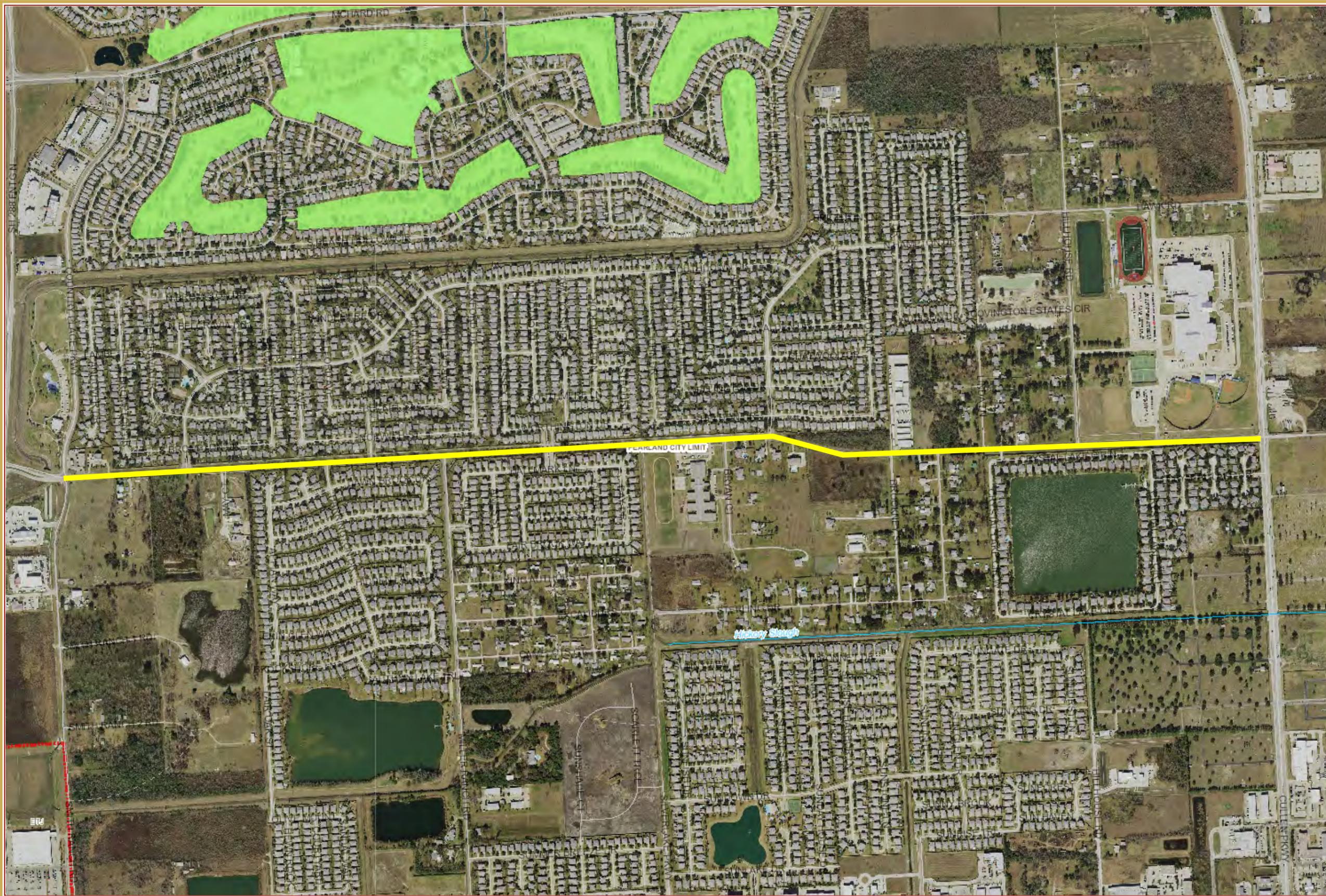
All bearings are grid and are based on the Texas State Plane Coordinate System, South Central Zone, (NAD '83, '93 Adj.). All coordinates and distances are surface and may be converted to grid by multiplying by a scale factor of 0.99987330.

Compiled by:  
Brown & Gay Engineers, Inc.  
10777 Westheimer, Suite 400  
Houston, Texas 77042  
(281) 558-8700

**NOTES:**

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





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> April 11, 2016	<b>ITEM NO.:</b> Resolution No. R2016-61
<b>DATE SUBMITTED:</b> April 4, 2016	<b>DEPT. OF ORIGIN:</b> PEDC
<b>PREPARED BY:</b> Valerie Marvin	<b>PRESENTOR:</b> Matt Buchanan
<b>REVIEWED BY:</b> Matt Buchanan	<b>REVIEW DATE:</b> April 5, 2016
<b>SUBJECT:</b> RESOLUTION NO. R2016-61; A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Reimbursement and Maintenance Agreement between the City and the Pearland Economic Development Corporation; and awarding a competitive sealed proposal for the construction of the Pearland Parkway and Dixie Farm Road Corridor Enhancements Projects to Jerdon Enterprise, L.P. in the estimated amount of \$1,058,653.53.	
<b>EXHIBITS:</b> R2016-61, Reimbursement and Maintenance Agreement, Architect's Recommendation Letter, Evaluation Score Sheet, Bid Tab	
<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> PEDC Funds <b>AMOUNT AVAILABLE:</b> <b>ACCOUNT NO.:</b> <b>ADDITIONAL APPROPRIATION REQUIRED:</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>	<b>AMOUNT BUDGETED:</b> <b>PROJECT NO.:</b>
<b>To be completed by Department:</b> Finance                      X Legal                      Ordinance                      X Resolution	

**EXECUTIVE SUMMARY**

**BACKGROUND**

The Pearland 20/20 Strategic Plan outlined the need for City gateways to signal a sense of arrival and stronger identity for the community. In 2014 the Pearland Economic Development Corporation (PEDC) and community partners completed a City Gateways strategy that developed a conceptual entry monument sign along with identifying potential locations. Cullen Parkway was identified as the first location to receive an entryway sign and corridor enhancements. That entryway sign and first phase corridor enhancements construction was recently completed in March 2016 between Clear Creek and McHard Road.

The next two proposed locations selected to receive entryway signs and corridor enhancements are Pearland Parkway and Dixie Farm Road.

The total budget for both projects is \$1,730,800 and the current estimate is \$1,362,452, which includes the following:

- Construction Bid - \$1,058,654
- CenterPoint Electrical Construction - \$50,000
- Contingency at 15% - \$158,798
- Landscape Architecture & Engineering Design - \$80,000
- Materials Testing Lab - \$15,000

The City will contract for the construction and will contract with CenterPoint for power service installation. The PEDC will contract for the materials testing services. We have also estimated future costs for maintaining the gateway signs and landscaping installed by these two projects will be approximately \$100,800 per year. PEDC will take on the permanent maintenance of the gateway signs and surrounding areas that are improved.

### **SCOPE OF CONTRACT/AGREEMENT**

The scope of the work for Pearland Parkway includes a Gateway Sign complete with landscaping, replanting of trees in the median from the round-a-bout up to Clear Creek, enhanced landscaping at the Star Monument, two large fountains for the existing detention ponds located on both sides of the road, electricity extension to the sign and fountains, irrigation in the enhanced areas, and power washing and painting of the bridge over Clear Creek. The Dixie Farm Road scope of work includes a Gateway Sign with landscaping adjacent to the detention pond.

### **BID AND AWARD**

The project was advertised in February 2016 and bids were opened on March 22, 2016 via the E-Bid system. One pre-bid meeting was held to discuss the project on March 8, 2016 with 8 contractors in attendance. Despite the turnout, the City received only 2 complete bids for the project. These bids ranged from \$919,399.86 to \$1,058,653.53, and came in around \$300,000 under estimate, which was approximately \$1,300,000 by the landscape architect.

The Competitive Sealed Proposal (CPS) method was used to bid the project, which allowed staff to identify desired qualifications and set scoring criteria to assist in determining the contractor that offers the best value to the City and PEDC. Such qualifications and criteria include demonstrated past performance and experience of the project team.

Based on an evaluation of this predetermined criteria by the Landscape Architect and staff, it was determined that Jerdon Enterprise, L.P. offers the best value to the City and PEDC. This determination was based on previous work experience, experience and qualifications of key personnel, demonstrated ability to complete similar projects, past experience with the City, and quality assurance.

A recommendation letter from the Landscape Architect is attached, as well as the bid tabulation. Jerdon Enterprise, L.P. offered a cost of \$1,058,653.53, which was 18% under the Landscape Architect's construction cost estimate and was 15% over the other proposer's bid price.

Jerdon is located in Stafford, Texas and has successfully performed work for area municipalities on a number of occasions with good recommendations. Jerdon also successfully completed the construction of the Cullen Parkway Gateway Sign and Median Improvements project.

The necessary public hearing occurred at the PEDC Board's regular meeting place and time on March 31, 2016, as it was posted as required.

### **SCHEDULE**

A Notice to Proceed is expected to be issued by the City within 14 days of full execution of the Contract. The overall Construction Phase is scheduled to be completed 150 days from Notice to Proceed.

### **POLICY/GOAL CONSIDERATION**

The Pearland 20/20 Strategic Plan outlined the need for City gateways to signal a sense of arrival and stronger identity for the community: Section 3.0 – Optimize the development potential of Pearland’s principal commercial corridors. 5.2.1 – Work with city officials to develop a plan for adoption of uniform standards for the maintenance of landscaped roads and corridors. Section 5.3 – Develop iconic and visually appealing gateways to Pearland. The 2015 Pearland Comprehensive Plan also supports an emphasis on community image and aesthetics and incorporates the 20/20 Strategy.

There are two components to the resolution for Council consideration:

#### 1- Reimbursement and Maintenance Agreement –

A reimbursement and maintenance agreement between the PEDC and City of Pearland for the PEDC to provide the City the necessary funds to finance the cost of the project and maintenance of the improvements. The PEDC will fund the actual cost of the project.

#### 2- Construction Award –

Staff recommends that Council approve the competitive sealed proposal bid results for the City to award and enter into a Construction Contract in the amount of \$1,058,653.53 to Jerdon Enterprise, L.P., and authorize the City Manager to execute the contract.

### **RECOMMENDED ACTION**

Consideration and approval of a resolution approving a Reimbursement and Maintenance Agreement with the PEDC and for the City to award a contract for construction of Pearland Parkway & Dixie Farm Road Corridor Enhancements and authorizing the City Manager to execute the agreements.

**RESOLUTION NO. R2016-61**

**A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Reimbursement and Maintenance Agreement between the City and the Pearland Economic Development Corporation; and awarding a bid for the construction of the Pearland Parkway and Dixie Farm Road Corridor Enhancements Projects to Jerdon Enterprise, L.P. in the estimated amount of \$1,058,653.53.**

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

**Section 1.** That certain Reimbursement Agreement by and between the City of Pearland and the Pearland Economic Development Corporation, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, are hereby authorized and approved.

**Section 2.** That the City Council hereby awards the bid to Jerdon Enterprise, L.P., in the estimated amount reflected in Exhibit "B" attached hereto.

**Section 4.** That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest the Reimbursement and Maintenance Agreement, for the construction of the Pearland Parkway and Dixie Farm Road Corridor Enhancements Projects.

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

## REIMBURSEMENT AND MAINTENANCE AGREEMENT

This Agreement is entered into this \_\_\_\_ day of April, 2016, by and between the CITY OF PEARLAND, TEXAS (hereinafter "City"), and the Pearland Economic Development Corporation (hereinafter "PEDC").

WHEREAS, the PEDC is a Type B economic development corporation, created pursuant to Chapter 505 of the Texas Local Government Code, as amended; and

WHEREAS, the City and PEDC desire the construction of Pearland Parkway and Dixie Farm Road Corridor Enhancements (hereinafter "Improvements"); and

WHEREAS, Section 501.103 of the Texas Local Government Code (hereinafter "Code"), in pertinent part, defines the term "project" to mean "expenditures that are found by the board of directors to be required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, limited to: (1) streets and roads, rail spurs, water and sewer utilities, electric utilities, or gas utilities, drainage, site improvements, and related improvements; (2) telecommunications and Internet improvements . . ."; and

WHEREAS, Section 505.303 of the Code, allows for the cost of the project to include the maintenance and operating costs of the project; and

WHEREAS, the PEDC desires to fund the construction and long term maintenance of the Improvements; and

WHEREAS, PEDC approved funding the Improvements at its March 31, 2016, Board of Directors' meeting, after conducting a public hearing on the project; and

WHEREAS, City and PEDC desire an agreement to set forth their respective responsibilities with regard to 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. City shall hire a contractor to construct the Improvements shown in Exhibit "A" attached hereto.
2. City has obtained competitive line item bids in accordance with Local Government Code Chapter 252 for the construction of the Improvements. City shall review the bids and award a contract to the respondent offering the best value to the City within ninety (90) days. City reserves the right to reject any and all bids for the

construction of the Improvements. PEDC must approve the bid, and any change order that exceeds 15% of the bid. Following award of the bid by City, City shall cause construction of the Improvements to commence on or before June 1, 2016 ("Commencement Date"), and shall cause the Improvements to be completed in accordance with the plans and specifications within a reasonable period of time.

3. City shall on a timely basis submit, to the PEDC, invoices submitted to the City by the contractor selected to construct the Improvements. PEDC shall, within ten (10) days following receipt of an invoice pursuant to this section, review and approve the invoice payment for payment to the contractor constructing the Improvements.
4. The total estimated cost of the Improvements is approximately \$1,362,452, and who will contract for, is as itemized in, Exhibit "B" hereto attached. PEDC shall fund an amount equal to the actual cost of the improvements, which shall be paid to City in installments or a lump sum amount. The timing and amount of the payment shall be determined at sole discretion of the City, but in no event shall the total payments exceed the actual cost of the improvements.
5. PEDC agrees to maintain the Improvements, including but not limited to the entry feature, mowing, trimming, edging, clean up and trash removal, turf and shrub fertilization, post emergent application, mulching, irrigation system maintenance, fountain maintenance, and monthly electrical use, for as long as the Improvements remain in place.
6. The initial term of this Agreement shall be for a period of twelve (12) months, commencing on the \_\_\_ day of April, 2016, and may be renewed as needed until the Improvements are substantially complete.
7. This Agreement may only be amended, modified, or supplemented by written agreement and signed by both parties.
8. No assignment by a party hereto of any rights under or interests in this agreement will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.
9. Nothing herein is intended to supersede or waive any City ordinance or regulation pertaining to such construction.
10. 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.

11. This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Texas.
12. To accomplish execution of this Agreement, it may be executed in multiple counterparts.
13. The Parties agree that any suit arising out of or related to this Agreement shall be filed in Brazoria County Texas.
14. 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, City Manager  
   3519 Liberty Drive  
   Pearland, TX 77581

If to PEDC:                      Pearland Economic Development Corporation  
   Attn: Chairman  
   1200 Pearland Parkway, Suite 200  
   Pearland, TX 77581

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

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

PEARLAND ECONOMIC DEVELOPMENT  
CORPORATION  
a Texas non-profit corporation

By: \_\_\_\_\_  
Rushi Patel  
Chair



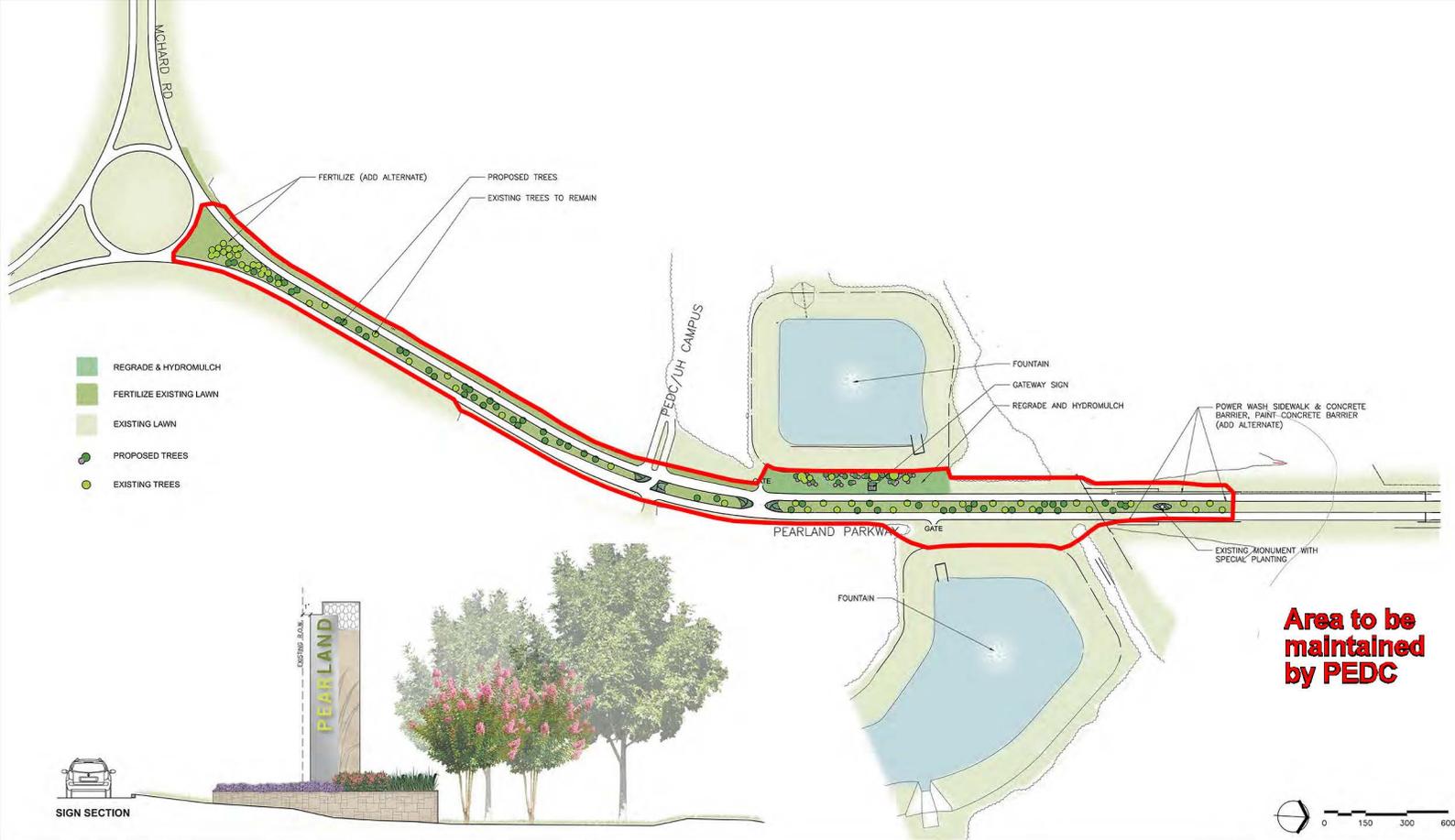
CITY OF PEARLAND,  
a Texas municipal corporation

By: \_\_\_\_\_  
Clay Pearson,  
City Manager

ATTEST:

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

EXHIBIT A  
"Improvements"



**Area to be maintained by PEDC**

THIS DRAWING IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE. NO WARRANTIES OR REPRESENTATIONS, EXPRESSED OR IMPLIED CONCERNING THE ACTUAL DESIGN, LOCATION OR CHARACTER OF THIS PLAN ARE INTENDED. THIS PLAN IS NOT FOR PERMIT OR CONSTRUCTION PURPOSES.

CONCEPTUAL DRAWING  
MARCH 22, 2016  
CCA PROJECT NO. 114-073

**PEARLAND PARKWAY**  
Landscape improvements  
City of Pearland  
Pearland, TX

**CLARK CONDON ASSOCIATES**  
LANDSCAPE ARCHITECTURE  
10401 Stella Link Road Houston, Texas 77025  
TEL 713.871.1414 FAX 713.871.0888  
www.clarkcondon.com



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OCTOBER 23, 2015  
CCA PROJECT NO. 114-073

## DIXIE FARM ROAD

Landscape Improvements

City of Pearland

Pearland, TX



**CLARK CONDON ASSOCIATES**  
LANDSCAPE ARCHITECTURE

10401 Stella Link Road Houston, Texas 77025  
TEL: 713-871-1414 FAX: 713-871-0888  
www.clarkcondon.com

## EXHIBIT B

### Estimated Total Project Cost & #1216-12 Bid Tabulation

#### City Contracts:

- Construction Estimate - \$1,058,654
- CenterPoint Electrical Construction - \$50,000
- Construction Contingency at 15% - \$158,798

City Estimate - \$1,267,452

#### PEDC Contracts:

- Landscape Architecture & Engineering Design - \$80,000
- Materials Testing Lab - \$15,000

PEDC Estimate - \$95,000

Total Project Estimate - \$1,362,452

# CLARK CONDON

10401 STELLA LINK ROAD  
HOUSTON, TEXAS 77025

*phone* 713.871.1414 *fax* 713.871.0888

CLARKCONDON.COM

March 23, 2016

Matt Buchanan  
Pearland Economic Development Corporation  
1200 Pearland Parkway, Suite 200  
Pearland, TX 77581

**RE: Dixie Farm Road & Pearland Parkway - Corridor Improvements  
CCA Project No. 114-073**

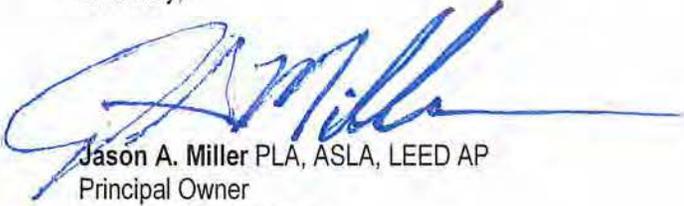
Dear Matt,

Two bids were received for the construction of Dixie Farm Road & Pearland Parkway - Corridor Improvements.

**Jerdon Enterprise, L.P.** has submitted a qualified bid of **\$1,058,653.53**.

It is our recommendation that Jerdon Enterprise, L.P. with a bid of \$1,058,653.53 be awarded the contract and authorized to perform this work. This determination is based on several factors: previous work experience, CPS scoring, bid is below budget and Clark Condon has worked with Jerdon on several projects of similar scope. Included in those projects is the first installation of this project type in Pearland on Cullen Blvd.

Sincerely,



**Jason A. Miller** PLA, ASLA, LEED AP  
Principal Owner  
Landscape Architect

<b>FINAL ORDER OF RANKING = #1216-12 Pearland Parkway &amp; Dixie Farm Road Corridor Enhancements</b>				<b>1</b>			<b>2</b>		
<b>SELECTION CRITERA</b>		<b>POSSIBLE NUMBER OF POINTS</b>	<b>Jerdon</b>			<b>Texas Wall</b>			
Selection Committee Members 1, 2, & 3			1	2	3	1	2	3	
<b>Total AVERAGE Score</b>	<b>100</b>		<b>91.0</b>			<b>77.3</b>			
<b>Individual Grand Total</b>			89.0	92.0	92.0	82.0	75.0	75.0	
<b>TAB I - Total Proposal Price (set per guidelines)*</b>	<b>40</b>								
<b>Individual RATER'S Totals</b>	<b>100</b>		89.0	92.0	92.0	82.0	75.0	75.0	
<b>1- Cost Proposal</b>	<b>40</b>		35	34	35	40	40	40	
<b>2- Company overview and legal structure</b>	<b>5</b>		4	5	5	3	3	3	
<b>3- Experience and qualifications of key project personnel</b>	<b>15</b>		15	15	15	10	8	5	
<b>4- Experience with similar projects within past 5 years</b>	<b>15</b>		15	15	15	12	5	10	
<b>5- Proposed project schedule and demonstrated ability to meet schedules on similar projects</b>	<b>5</b>		5	5	5	4	4	4	
<b>6- Safety record</b>	<b>5</b>		4	4	4	3	3	3	
<b>7- Quality Assurance Program</b>	<b>10</b>		8	10	9	6	7	5	
<b>8- Current workload and availability to start construction</b>	<b>5</b>		3	4	4	4	5	5	
	<b>100</b>		89	92	92	82	75	75	

**Bid No.** 1216-12 Addendum 2  
**Title** Pearland Parkway & Dixie Farm Road Corridor Enhancements

**Organization** Pearland, TX  
**Bid Creator** Julie Blackmore Buyer

**Description** The project will entail the complete supply and installation of corridor enhancements on Pearland Parkway, from Clear Creek to the round-about, and on Dixie Farm Road, to include one monument sign on each street and associated site work and landscaping.  
**Bid Type** Request for Proposal  
**Issue Date** 2/25/2016 11:00:00 AM Central  
**Close Date** 3/22/2016 2:00:00 PM Central

**Email** jblackmore@pearlandtx.gov  
**Phone** 281 (652) 1790  
**Fax**

Responding Suppliers

Name	City	State	Response Submitted	Lines Respon	Response Total
TEXAS WALL AND LANDSCAPE, LLC	HOUSTON	TX	3/22/2016 1:50:58 PM CT	72	<b>\$919,399.86</b>
Jerdon Enterprise L.P.	STAFFORD	TX	3/22/2016 1:31:35 PM CT	72	<b>\$1,058,653.53</b>