

**AGENDA – WORKSHOP OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, JANUARY 13, 2014, AT 6:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

**II. PURPOSE OF THE WORKSHOP:**

- 1. COUNCIL INPUT AND DISCUSSION:** REGARDING THE CHARTER REVIEW COMMISSION RECOMMENDATIONS.  
*Mr. Lawrence Provins, Assistant City Attorney, II.*
- 2. COUNCIL INPUT AND DISCUSSION:** REGARDING KEEP PEARLAND BEAUTIFUL 2012-2013 ANNUAL REPORT.  
*Mr. Jon Branson, Interim City Manager.*
- 3. COUNCIL INPUT AND DISCUSSION:** REGARDING THE PROJECTS QUARTERLY UPDATE. *Mr. Trent Epperson, Director of Capital Projects and Engineering.*

**III. 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.

# Workshop Item No. 1

1. **COUNCIL INPUT AND DISCUSSION:** REGARDING THE CHARTER REVIEW COMMISSION RECOMMENDATIONS. *Mr. Lawrence Provins, Assistant City Attorney, II.*

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

<b>AGENDA OF:</b> 1-13-14	<b>ITEM NO.:</b> Workshop Item No. 1
<b>DATE SUBMITTED:</b> 1-6-14	<b>DEPARTMENT OF ORIGIN:</b> Legal
<b>PREPARED BY:</b> Darrin Coker	<b>PRESENTOR:</b> Lawrence Provins; CRC
<b>REVIEWED BY:</b> NA	<b>REVIEW DATE:</b> NA
<b>SUBJECT:</b> Charter Review Commission Recommendations	
<b>EXHIBITS:</b> Minutes of CRC meetings; CRC Report on Recommendations	
<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 type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

The Council previously conducted a public hearing to provide the public an opportunity comment on the proposed Charter amendments. The next step is for the Council to consider the CRC recommendations and decide which, if any, of the proposed amendments will be submitted to the voters in May 2014.

There are several non-substantive revisions and one substantive change in the recommendations. The most significant revision proposes an increase from 5 to 7 councilmembers with the May 2015 election (**although Council could choose to have the transition occur in a different year**). Position 6 would serve an initial 2 year term to allow for proper staggering of the terms, and Position 7 would serve a full 3 year term. All subsequent terms for each position would be for full 3 year terms. By adding additional council positions, the following items will be impacted:

- Currently a quorum of the city council is at least 2/3 of the council and the mayor (2/3 of 6), which requires 4 persons to do business. The 4 persons can either be 3 councilmembers and the mayor or it could be comprised of 4 councilmembers without the mayor. The proposed revision will require at least 2/3 of 8, which will require 6 persons to conduct business. The persons can either be 5 councilmembers and the mayor or at least 6 councilmembers without the mayor.
- Voting on most items presented to council requires a simple majority of those present. Under the proposed revision it will require 4 votes to approve items with 7 councilmembers present; 4 votes to approve items with 6 councilmembers present; and 3 votes to approve items with 5 councilmembers and the mayor present.
- Items such as approval of an ordinance as an emergency or overriding a denial of the P&Z that require a  $\frac{3}{4}$  vote of the entire council will need 6 votes for approval.
- Items such as approval of the budget require a majority of the entire council. In this case, it will require 4 votes to approve the budget regardless of the number of persons present.

Members of the CRC may be present at the workshop in the event the Council has any questions.

**2013 CHARTER REVIEW COMMISSION  
MINUTES OF FIRST MEETING  
JANUARY 21, 2013**

Present at the Meeting:

**Commission Members**

Dale E. Pillow, Chairman  
Jeff Koza  
Ruby Sandars  
Joe Watkins

**City Staff**

Lawrence G. Provins  
Jenifer Smith

Following the swearing in of the commission by notary Jenifer K. Smith, the meeting was called to order at 5:48 pm by the chairman, Dale E. Pillow.

Lawrence Provins discussed the options of the meeting format. The Commission recognized that they are an advisory board and not a governing body; therefore, the Open Meeting Act does apply to them. However the Commission expressed a desire to maintain a level of transparency and post their agendas.

The Commission adopted Roberts Rules of Order but expressed a preference to keep the meetings informal when possible. The Commission established three (3) as the number required for a quorum.

Lawrence Provins reviewed the duties and responsibilities with the Commissioners.

The Commission reviewed the contents of the CRC notebooks.

The Commission agreed to review Articles 1-3 of the Charter for discussion at the next meeting.

The Commission requested information comparing the size of city councils of cities with a population similar to the size of Pearland's population. The Commission agreed to receive information via email.

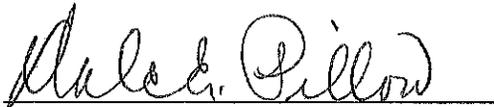
The Commission agreed to meet at 5:30 pm in the Legal Department Conference Room, 3<sup>rd</sup> Floor, City Hall, 3519 Liberty Drive, Pearland, Texas 77581 on the following dates:

Monday, February 18, 2013  
Monday, March 18, 2013  
Monday April 8, 2013  
Monday, May 20, 2013

Lawrence G. Provins provided information to the Commission about the Public Information Act and Records Retention policies applicable to the City. The Commission provided their respective contact information and agreed to include "2013 CRC" in the subject line in emails to facilitate compliance with these laws.

The meeting was adjourned at 7:02 pm.

Minutes approved as submitted and/or corrected this the 18<sup>th</sup> day of February, A.D., 2013.

A handwritten signature in cursive script, reading "Dale E. Pillow", written over a horizontal line.

Dale E. Pillow  
Chairman

**2013 CHARTER REVIEW COMMISSION  
MINUTES OF MEETING  
FEBRUARY 18, 2013**

Present at the Meeting:

**Commission Members**

Dale E. Pillow, Chair  
Jeff Koza  
Joe Watkins

**City Staff**

Lawrence G. Provins

Call to order was at 5:40 pm by the Chair.

The Minutes from meeting on 01-21-2013 were amended and approved.

The Commission discussed potential changes to Article 1. The only recommended change was to revise a redundancy in Article 1.02 and Article 10.17 that both define "the City."

There were no recommended changes to Article 2.

The Commission discussed potential changes to Article 3, including:

Increase the size of Council to 7 with no changes in the Mayor's ability to vote.

The Commission thought that potential benefits to increasing council size are:

Diversification in opinions on City Council.

As the City's population has increased, the ratio of council members to residents has also increased. When the Charter was originally adopted, there might have been one council member per 1,000 residents. Now, it is one council member per 20,240 residents.

Greater flexibility for Council to form committees and not violate the Texas Open Meeting Act.

Prevent just two people from making policy changes for the entire City. (Currently, if only a quorum is present, it only takes two votes to adopt a resolution or ordinance).

Allows for an increase in influence in regional organizations.

Allow more people to participate in local government.

Change the powers of City Council to allow the Mayor to vote; but subject the Mayor to the same term lengths and limits as the rest of City Council.

Change the Length of Terms and Term Limits for City Council to:

3-year terms with a 4-term limit for the mayor but require the mayor to sit out a full term after term limit is reached.

Change the term limits for all of City Council to require sitting out a full term, not just one year, after limit has been reached.

Increase term limits from 2 terms to 3 terms, but require sitting out a full term before running again.

Increase the term length to 4 years, but require sitting out a full term after term limits reached.

Potential benefits to some of the changes include:

Reduce the cost of running elections. Instead of paying \$X for 3 years, it would be \$X for 4 years.

Allows for Council members to not worry about being re-elected and instead vote for what they truly believe is in the City's best interests.

The Commission agreed to review the remainder of Article 3 and Articles 4, 5, and 6 at the next meeting, currently scheduled for March 18, 2013.

The Commission asked for a copy of the City Council meeting minutes discussing why City Council did not accept prior Charter Review Commission recommendations and send some of them to the voters.

The Commission asked that staff recommendations regarding potential changes to Articles 3-6 be sent via email prior to the next meeting.

The meeting was adjourned at 7:45 pm.

Minutes approved as submitted and/or corrected March 18, 2013.



Dale E. Pillow, Chair

**2013 CHARTER REVIEW COMMISSION  
MINUTES OF MEETING  
MARCH 18, 2013**

Present at the Meeting:

**Commission Members**

Dale E. Pillow, Chair  
Jeff Koza  
Jerry Koza  
Ruby Sandars  
Joe Watkins

**City Staff**

Lawrence G. Provins

I. CALL TO ORDER

Call to order was at 5:41 pm by the Chair.

II. CITIZENS TO BE HEARD

Charlie McMurray spoke under Citizens to Be Heard and suggested that the Commission recommend Single Member Districts, increase the size of Council, clearly define Council and clarify when the Mayor is counted as a member of City Council, and change the frequency which the Charter Review Commission meets.

III. APPROVAL OF MINUTES: MEETING OF FEBRUARY 18, 2013

The Minutes from meeting on 02-18-2013 were amended and approved.

IV. CONSIDERATION AND POSSIBLE ACTION - DISCUSSION AND REVIEW OF CITY OF PEARLAND CHARTER AND PROPOSED AMENDMENTS

The Commission discussed potential changes to Article 3.02 and is not making any proposed changes at this time.

The Commission discussed potential changes to Article 3.03 and is not making any proposed changes at this time.

The Commission discussed potential changes to Article 3.04 and is not making any proposed changes at this time.

The Commission did not have any proposed changes to Article 3.05.

The Commission did not have any proposed changes to Article 3.06.

The Commission did not have any proposed changes to Article 3.07.

The Commission discussed potential changes to Article 3.08 and is recommending the following changes:

**Section 3.08. - Meeting of the city council.**

The city council shall hold at least two (2) regular meetings in each month at a time to be fixed by said city council by ordinance or resolution fixing the dates of such regular meetings. As many additional special meetings may be held during the month as may be necessary for the transaction of all business of the city and its citizens. All meetings shall be public, except where authorized by law, and shall be held at the city hall, provided, however, the city council may designate another place for such meetings after publishing the due notice thereof in one (1) issue of the official newspaper of said city. The city secretary, upon written request of the mayor or any two councilmembers, shall call special meetings of the city council, notice of such special meetings shall be given to each member of the city council at least seventy-two (72) hours before the start of the meeting, which said notice shall state the date for such meeting and the subject to be considered at such meeting, ~~and no other subject shall be there considered except with unanimous consent of the city council.~~ Said notice to the city council shall be sufficient if delivered to the councilmembers in person, or in the event of the inability to locate said councilmember within the City of Pearland, Texas, delivery of such notice to his or her home shall be sufficient.

This was a staff proposed change and the purpose of this proposed change is to make the Charter compliant with state law, specifically, the Open Meetings Act.

The Commission did not have any proposed changes to Article 3.09.

The Commission did not have any proposed changes to Article 3.10.

The Commission did not have any proposed changes to Article 3.11.

The Commission did not have any proposed changes to Article 3.12.

The Commission discussed potential changes to Article 3.13 and is recommending the following changes:

**Section 3.13. - Audit and examination of city books and accounts.**

The city council shall cause an annual audit to be made of the books and accounts of each and every department of the city. At the close of each

fiscal year, a complete audit shall be made by an independent certified public accountant, who shall be selected by the city council, and such audit shall include a recapitulation of all audits made during the course of the fiscal year, and all audit reports shall be filed with the city council, shall be available for public inspection, shall be made a part of the archives of the city, ~~and the resume shall be published in the official city newspaper of the City of Pearland. Such accountant, so selected, shall not maintain or keep any of the city's accounts or records nor be an employee or official of the City of Pearland.~~

This was a staff proposed change and commentary from staff as to why they are proposing this change is as follows:

While soliciting resumes from a CPA was the way an auditor was chosen in the past, the City currently selects auditing firms through the Request for Proposal process the City uses for Professional Service Agreements, which includes posting the request in the paper and after receiving and evaluating all the responses to the request, posting the item on an Agenda and taking action in an open meeting. CPAs do not prepare and submit resumes anymore, firms submit responses to RFPs. Additionally, in 2009 the City adopted a Financial Management Policy which allows the City to use the same firm for up to 7 years in a row, which allows the City to better negotiate rates and which takes up less time and resources as the firm is more familiar with the City's processes, forms, and financials and reduces the learning curve a new firm would have each year. The information submitted in response to the request for proposal is subject to the Public Information Act and the contract is renewed in a posted public meeting annually.

The Commission discussed potential changes to Article 4.01 and is not making any proposed changes at this time; however, they have requested additional information from staff about the interplay of this provision and entering into a contract with a City Manager.

The Commission did not have any proposed changes to Article 4.02.

The Commission did not have any proposed changes to Article 4.03.

The Commission discussed potential changes to Article 4.04 and is recommending the following changes:

~~Section 4.04. Department of taxation.~~

~~There shall be a requirement to establish and maintain an effective tax rate and to ensure that taxes are collected. The city manager, with the~~

~~approval of the city council, shall determine the method for appropriately collecting taxes.~~

This was a staff proposed change and commentary from staff as to why they are proposing this change is as follows:

Although the title suggests that there is a Dept. of Taxation, it fails to establish such a department. The Uniform Budget Law (Chapter 102 of the Local Government Code) sets out the basic requirements the City's budget must meet. The State Property Tax Code controls three of the four basic procedures for administering the property tax: 1) Appraisal of property, 2) handling of protests regarding value of property, and 3) assessment of taxes; all of which are handled by appraisal districts. The City contracts with a law firm to handle the fourth tax function, the collection of current and delinquent taxes.

The Commission discussed potential changes to Article 4.05 and is recommending the following changes:

**Section 4.05. - Department of finance.**

There shall be established and maintained a department of finance to administer the financial affairs of the city. The city manager with the approval of the city council shall appoint a competent person as the director of finance ~~and such assistants as the city manager and city council shall deem advisable.~~ The director of finance shall be the official city treasurer and shall perform the duties delegated to him/her by the city manager and those which may be imposed upon him/her by the laws of the State of Texas.

This was a staff proposed change and commentary from staff as to why they are proposing this change is as follows:

This is the only department established in the Charter that requires Council approval for any assistants. In an effort to maintain consistency, staff has asked that this provision be removed.

The Commission asked that staff provide proposed changes to this article that would insure that this article is consistent with other articles that establish department heads.

The Commission did not have any proposed changes to Article 4.06.

The Commission did not have any proposed changes to Article 4.07.

The Commission discussed potential changes to Article 4.08 and is recommending the following changes:

**Section 4.08. -- Department of health and sanitation.**

~~There shall be established and maintained a department of health and sanitation to administer health and sanitation standards in the City of Pearland.~~

~~(a) Appointment and qualifications: The city manager, with the approval of the city council, shall appoint a city health authority who shall be a licensed physician qualified to practice medicine in the State of Texas. The city health authority shall be the director of the department of health and sanitation.~~

~~(b) Administration: The city health authority shall be responsible to the city manager for the general administration of the department of health and sanitation and the supervision of the employees thereof.~~

~~(c) Duties of the health authority: The city health authority shall advise the city manager on a program of public health; shall cooperate in the preparation of sanitary code; shall cooperate with nearby cities on problems of health and sanitation; shall cooperate with the commissioner's court of Brazoria, Harris and Fort Bend Counties, Texas and its (their) agencies, and with the state health department and other departments of the state government in matters pertaining to health and sanitation.~~

This was a staff proposed change and commentary from staff as to why they are proposing this change is as follows:

The City hires a physician as the Director of EMS; however, the City has not had or used a physician for epidemiological purposes pursuant to this charter provision for some period of time.

The Commission discussed potential changes to Article 4.09 and is recommending the following changes:

**Section 4.09. - Volunteer Fire department.**

There shall be established and maintained a fire department to provide fire suppression, rescue, fire prevention and public fire education services to the City. The city manager with the approval of the city council shall appoint a competent person as the fire chief. The fire chief shall perform the duties delegated to him/her by the city manager and those which may be imposed upon him/her by the laws of the State of Texas.

~~The city council may establish and maintain a volunteer fire department and may procure fire engine and other apparatus for the extinguishment of fires, for salvage and rescue operations and provide engine houses and funds for maintenance and operations and shall authorize the forming of fire-fighting companies as required. The companies so organized, the chief and such assistants as may be provided for, shall constitute the fire department. The department may elect its own members and officers. The officers shall be chosen as said department may determine. All officers so elected shall be commissioned by the mayor. Said department may adopt their [its] own constitution and by-laws not inconsistent with this charter or the city ordinances. Said department shall take the care and management of the engines and other implements and apparatus provided and used for fighting fires and for salvage and rescue operations.~~

~~The city council shall enter into an agreement with members of the volunteer fire department for the protection of the city from fire on such conditions as to financial assistance and the observance of such regulations as the city council shall prescribe.~~

This was a staff proposed change and commentary from staff as to why they are proposing this change is as follows:

Up until 2007, the City primarily relied on the Pearland Volunteer Firefighters for fire protection services. Since that time, the City has established a combined paid and volunteer fire department under the direction of a full-time Fire Chief. This proposed change would reflect the current organizational structure of the fire department.

The Commission asked that staff provide proposed changes to this article that would insure that this article is consistent with other articles that establish department heads.

The Commission discussed potential changes to Article 4.10 and is recommending the following changes:

**Section 4.10. - Department of public works.**

There shall be established and maintained a department of public works in the City of Pearland. The city manager, with the approval of the city council, shall appoint a director of public works who shall be the administrator of this department. The department of public works shall perform such duties as maintenance of water and sewage facilities, maintenance of streets, collection of garbage, inspections pursuant to the building code, and such other and further duties for the public at large as may be assigned by the city manager.

This was a staff proposed change and commentary from staff as to why they are proposing this change is as follows:

While garbage collection was once a function of this department, the City now contracts with a provider for such services.

Depending on the nature of the inspection, building code inspections are performed by various different departments, including the Inspections Services Department, the Fire Marshal's Office, Public Works, Engineering, and outside service providers.

The Commission asked that staff provide proposed changes to this article that would insure that this article is consistent with other articles that establish department heads.

The Commission did not have any proposed changes to Article 4.11.

The Commission discussed potential changes to Article 4.12 and is recommending the following changes:

**Section 4.12. - Department of parks, recreation and beautification.**

There shall be established and maintained a department of parks and recreation. The city manager, with the approval of the city council, shall appoint a director of parks and recreation who shall be the administrator of this department. The city council shall appoint an advisory park, recreation and beautification board. The advisory park, recreation and beautification board shall study the recreation, park facilities and beautification programs of the city and shall confer with the director of parks and recreation city manager and advise him/her with respect to the development and use of the city's parks, the recreation programs and city beautification. The advisory park, recreation and beautification board shall recommend to the city council rules for the use of parks, public grounds and recreation facilities consistent with the ordinances of the city and the statutes of the State of Texas and appropriate programs for the beautification of the city.

This was a staff proposed change and commentary from staff as to why they are proposing this change is as follows:

As with other various boards established by the City, the liaison between the board and the City is a department head and this section does not establish any such position.

The Commission asked that staff provide proposed changes to this article that would insure that this article is consistent with other articles that establish department heads.

The Commission did not have any proposed changes to Article 4.13.

The Commission did not have any proposed changes to Article 5.01.

The Commission did not have any proposed changes to Article 5.02.

The Commission did not have any proposed changes to Article 5.03

The Commission did not have any proposed changes to Article 5.04.

The Commission discussed potential changes to Article 5.05 and is not making any proposed changes at this time; however, the Commission is requesting staff make recommendations on proposed changes to this provision to correspond to the changes being proposed to Article 3.01.

The Commission did not have any proposed changes to Article 6.01.

The Commission discussed potential changes to Article 6.02 and is recommending the following changes:

**Section 6.02. - Scope of recall.**

Any elected city official, ~~whether elected to office by the qualified voters of the city or appointed by the city council to fill a vacancy,~~ shall be subject to recall and removal from office by the qualified voters of the city on grounds of incompetency, misconduct or malfeasance in office.

This was a staff proposed change and commentary from staff as to why they are proposing this change is as follows:

The Charter does not allow for council to fill a vacancy by appointment; therefore this provision is surplusage. See section 3.06.

The Commission did not have any proposed changes to Article 6.03.

The Commission did not have any proposed changes to Article 6.04.

The Commission did not have any proposed changes to Article 6.05.

The Commission did not have any proposed changes to Article 6.06.

The Commission did not have any proposed changes to Article 6.07.

The Commission did not have any proposed changes to Article 6.08.

The Commission did not have any proposed changes to Article 6.09.

The Commission did not have any proposed changes to Article 6.10.

The Commission did not have any proposed changes to Article 6.11.

The Commission did not have any proposed changes to Article 6.12.

The Commission discussed potential changes to Article 6.13 and has asked that staff provide proposed changes that would allow City Council make changes to an initiative driven ordinance in order to comply with state or federal law. If a proposed ordinance or resolution is unconstitutional, contrary to federal or state law, or pre-empted by state or federal law, City Council still has to either adopt it as it is written or send it to the voters as it is written.

The Commission did not have any proposed changes to Article 6.14.

The Commission did not have any proposed changes to Article 6.15.

The Commission did not have any proposed changes to Article 6.16.

The Commission did not have any proposed changes to Article 6.17.

The Commission did not have any proposed changes to Article 6.18.

The Commission did not have any proposed changes to Article 6.19.

The Commission discussed potential changes to Article 6.20 and is recommending the following changes:

**Section 6.20. - Ordinances passed by popular vote, repeal or amendment.**

No ordinances or resolutions which may have been passed by the city council upon a petition or adopted by popular vote under the provisions of this article shall be repealed or amended except by the city council in response to a referendum petition ~~or~~, by submission as provided in section 6.15 of this charter, or to comply with federal or state law.

This was a staff proposed change and commentary from staff as to why they are proposing this change is as follows:

It might be beneficial to allow City Council to make amendments to ordinances passed by popular vote that are unconstitutional, contrary to federal or state law, on pre-empted by state or federal law.

The Commission did not have any proposed changes to Article 6.21.

The Commission did not have any proposed changes to Article 6.22.

The Commission agreed to review Articles 7, 8, 9, and 10 at the next meeting, currently scheduled for April 8, 2013.

The meeting was adjourned at 8:40 pm.

Minutes approved as submitted and/or corrected April 8, 2013.

A handwritten signature in cursive script that reads "Dale E. Pillow". The signature is written in dark ink and is positioned above a horizontal line.

Dale E. Pillow, Chair

**2013 CHARTER REVIEW COMMISSION  
MINUTES OF MEETING  
APRIL 8, 2013**

Present at the Meeting:

**Commission Members**

Dale E. Pillow, Chair  
Jerry Koza  
Ruby Sandars

**City Staff**

Lawrence G. Provins

I. CALL TO ORDER

The meeting began at 5:38 pm.

II. CITIZENS TO BE HEARD

There were no citizens to be heard.

III. APPROVAL OF MINUTES: MEETING OF MARCH 18, 2013

The Minutes from the meeting on 03-18-2013 were approved as amended.

IV. CONSIDERATION AND POSSIBLE ACTION - DISCUSSION AND REVIEW OF CITY OF PEARLAND CHARTER AND PROPOSED AMENDMENTS

The Commission discussed potential changes to Article 6.13 and is recommending the following changes:

**Section 6.13. - Initiative.**

Qualified voters of the City of Pearland may initiate legislation by submitting a petition addressed to the city council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the city. Said petition must be signed by qualified voters of the city in number of at least thirty (30) per cent of the number cast at the regular last municipal election of the city, or one hundred fifty (150) qualified voters, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed as provided in section 6.03 of this charter. The petition may consist of one (1) or more notarized copies as permitted in section 6.05 of this charter. Such petition shall be filed with the person performing the duties of city secretary. Within five (5) days after the filing of such petition, the person performing the duties of city secretary shall certify such petition or return same to petitioners. After certification, the person performing the duties of the city

secretary shall present said petition and proposed ordinance or resolution to the city council at the next regular meeting. Upon presentation to the city council of the petition and draft of the proposed ordinance or resolution, it shall become the duty of the city council within ten (10) days after receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, except changes made to comply with federal or state laws, or to call a special election, to be held within thirty (30) days thereafter, at which the qualified voters of the City of Pearland shall vote on the question of adopting or rejecting the proposed legislation with any City Council proposed changes made to comply with federal or state laws. However, if any other municipal election is to be held within sixty (60) days after the filing of the petition, the question may be voted on at such election. No ordinance shall be proposed by an initiative petition which is on the same subject as an ordinance so submitted and defeated at an election held within the proceeding twelve (12) months.

The Commission discussed potential changes to Article 6.17 and is not making any proposed changes at this time.

#### **Article 7**

The Commission discussed potential changes to Article 7.01 and is not making any proposed changes at this time.

The Commission did not have any proposed changes to Article 7.03.

The Commission did not have any proposed changes to Article 7.04.

#### **Article 8**

The Commission did not have any proposed changes to Article 8.01.

The Commission did not have any proposed changes to Article 8.02.

The Commission did not have any proposed changes to Article 8.03.

The Commission did not have any proposed changes to Article 8.04.

The Commission did not have any proposed changes to Article 8.05.

The Commission discussed potential changes to Article 8.06 and is recommending the following changes:

Section 8.06. - Notice of public hearing on budget.

~~At the meeting of the city council at which the budget is submitted, in accordance with state law, the city council shall cause to be published in the official newspaper of the City of Pearland, a notice of the hearing setting forth the date, time and place thereof at least five (5) days before the date of such meeting the public hearing on the submitted budget.~~

The Commission did not have any proposed changes to Article 8.07.

The Commission discussed potential changes to Article 8.08 and is recommending the following changes:

~~Section 8.08. - Proceedings on budget after public hearings.~~

~~If the council should insert new items in the budget after the conclusion at the public meeting mentioned in section 8.07, then the same procedures of notification in the official newspaper and another public hearing shall be required before adoption of the budget.~~

Section 8.08 - Amendment Before Adoption

After the hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.

The Commission did not have any proposed changes to Article 8.09.

The Commission discussed potential changes to Article 8.10 and is recommending the following changes:

Section 8.10. - Date of final adoption.

The budget shall be ~~finally adopted~~ no later than the last regularly scheduled council meeting of September to allow compliance with the state tax laws, and should the city council fail to so adopt a budget, the then existing budget, together with its tax levying ordinance and its appropriation ordinance, shall be deemed adopted for the ensuing fiscal year.

The Commission discussed potential changes to Article 8.11 and is recommending the following changes:

Section 8.11. - Effective date of budget; certification ~~;~~ copies made public available.

Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the person performing the duties of

~~city secretary and, the county clerk of Brazoria County, and the state comptroller of public accounts at Austin. The final budget shall be published on the City's website mimeographed or otherwise reproduced, and copies shall be made available for the use of all offices, departments, and agencies and for the use of interested persons and civic organizations. A reasonable cost based on state recommendation will be charged for copies of city budgets to all interested parties.~~

The Commission did not have any proposed changes to Article 8.12.

The Commission did not have any proposed changes to Article 8.13.

The Commission discussed potential changes to Article 8.14 and is recommending the following changes:

Section 8.14. - Contingent appropriation.

~~Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not to exceed more than one (1) seven (7) per centum of the general fund expenditurestotal budget to be used in case of unforeseen items of expenditures. Such contingent appropriation shall be under the control of the city manager and distributed by him/her after approval by the city council. Expenditures from this appropriation shall be made only in case of established emergencies, and a detailed account of such expenditures shall be recorded and reported at the next regular meeting and biannually in the official newspaper of the City of Pearland. All money remaining in the contingency fund shall be utilized so as to draw the maximum income for the city yet remain liquid to be used if needed. Any amount remaining at the end of the year shall be directly forwarded into next year's contingency fund to be applied toward that year's total seven (7) per cent contingency fund.~~

The Commission did not have any proposed changes to Article 8.15.

The Commission discussed potential changes to Article 8.16 and is not making any proposed changes at this time.

The Commission did not have any proposed changes to Article 8.17.

The Commission discussed potential changes to Article 8.18 and is recommending the following changes:

Section 8.18. - Disbursement of funds.

All checks, vouchers or warrants for the withdrawal of money from the city depository shall be signed by the city manager or the mayor, and countersigned by the city secretary, or the city treasurer, ~~or one member of the city council.~~

The Commission did not have any proposed changes to Article 8.19.

The Commission did not have any proposed changes to Article 8.20.

The Commission did not have any proposed changes to Article 8.21.

The Commission discussed potential changes to Article 8.22 and is recommending the following changes:

Section 8.22. - Tax liens.

(a) Except for such restrictions imposed by law, the tax levied by the city is hereby declared to be a lien, charge, or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge or encumbrance on the property in favor of the city, for the amount of taxes due on such property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against nonresidents. All taxes upon real estate shall especially be a lien and a charge upon the property which the taxes are due, which lien may be foreclosed in any court having jurisdiction. The city's tax lien shall exist from January first in each year until the taxes are paid, and limitations as to seizures and suits for collection of taxes shall be as prescribed by state law.

(b) Except for such exemptions and restrictions imposed by law, all persons, associations, corporations, firms and partnerships owning or holding personal property or real property in the City of Pearland on January first of each year shall be liable for city taxes levied thereon for each year. The tangible personal property of all persons, associations, corporations, firms or partnerships owning any taxes to the City of Pearland is hereby made liable for all said taxes, whether the same be due upon personal or real property or upon both.

(c) All seizure and foreclosure proceedings shall be commenced no later than three (3) ~~two (2)~~ years after taxes first become delinquent.

The Commission did not have any proposed changes to Article 8.23.

The Commission did not have any proposed changes to Article 8.24.

Article 9

The Commission did not have any proposed changes to Article 9.01.

The Commission did not have any proposed changes to Article 9.02.

The Commission did not have any proposed changes to Article 9.03.

The Commission discussed potential changes to Article 9.04 and is not making any proposed changes at this time.

The Commission did not have any proposed changes to Article 9.05.

The Commission did not have any proposed changes to Article 9.06.

The Commission did not have any proposed changes to Article 9.07.

The Commission did not have any proposed changes to Article 9.08.

The Commission did not have any proposed changes to Article 9.09.

The Commission did not have any proposed changes to Article 9.10.

#### **Article 10**

The Commission did not have any proposed changes to Article 10.01.

The Commission did not have any proposed changes to Article 10.02.

The Commission discussed potential changes to Article 10.03 and is not making any proposed changes at this time.

The Commission did not have any proposed changes to Article 10.04.

The Commission discussed potential changes to Article 10.05 and is not making any proposed changes at this time.

The Commission did not have any proposed changes to Article 10.07.

The Commission did not have any proposed changes to Article 10.08.

The Commission discussed potential changes to Article 10.09 and is recommending the following changes:

~~Section 10.09. Continuation of budget.~~

~~The budget adopted for the city for the fiscal year October 1, 1970, to September 30, 1971, shall be and become the budget for the same fiscal year under the charter.~~

The Commission did not have any proposed changes to Article 10.10.

The Commission discussed potential changes to Article 10.11 and is recommending the following changes:

~~Section 10.11. Interim municipal government.~~

~~Upon adoption of this charter, the persons then filling elective offices will continue to fill those offices to which they were elected. Thereafter, the city council shall be elected as provided in section 1 [3.01], article III [3], of this charter. To-wit: In 1971 elect councilmembers for position 1 and position 5 for a three-year term. The term of councilmember for position 3 shall be extended one (1) year to the 1972 election. In 1972 elect the mayor and councilmember for position 3 for a three-year term. The terms of councilmembers for position 2 and position 4 shall be extended to the 1973 election. In 1973 elect councilmembers for position 2 and position 4 for a three-year term, etc. Persons who, on the date this charter is adopted, are filling appointive positions with the City of Pearland which are retained under this charter, may continue to fill these provisions [positions] for the term for which they were appointed, unless removed by the city council or by other means provided for in this charter. Persons who, on the effective date of this charter, are filling elective offices, that by this charter are made appointive offices, shall continue to serve in those offices for the terms to which they were elected.~~

The Commission did not have any proposed changes to Article 10.12.

The Commission did not have any proposed changes to Article 10.13.

The Commission did not have any proposed changes to Article 10.14.

The Commission discussed potential changes to Article 10.15 and is not making any proposed changes at this time.

The Commission discussed potential changes to Article 10.16 and is recommending the following changes:

~~Section 10.16. Submission of charter to voters.~~

~~The charter commission, in preparing this charter, finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on~~

~~the same, for the reason that the charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the charter commission directs that said charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Pearland at an election to be held for that purpose on the 6th day of February, 1971. Not less than thirty (30) days prior to such election, the city council shall cause the city secretary to mail a copy of this charter to each qualified voter of the City of Pearland as it appears from the latest city tax collector's roll. Within five (5) days after such election, the city council shall canvass the votes and, if the charter is adopted by a majority of the qualified voters in said election, the city council shall enter upon the records of the city an official order declaring the charter adopted and this charter shall take effect immediately, and the city secretary shall file an official copy of the charter with the records of the city. The city secretary shall furnish the mayor a copy of said charter, which copy of the charter so adopted, authenticated and certified by his/her signature and the seal of the city, shall be forwarded by the mayor to the secretary of state of the State of Texas and shall show the approval of such charter by majority vote of the qualified voters at such election.~~

The Commission discussed potential changes to Article 10.17 and is recommending the following changes:

~~Section 10.17. Meaning of word "city."~~

~~When used in this charter, unless otherwise apparent from the context, the word "city" means "City of Pearland."~~

The Commission discussed potential changes to Article 3.01 and is recommending the following changes:

Section 3.01. - Number, selection and term.

The legislative and governing body of the city shall consist of mayor and seven ~~five (75)~~ council members and shall be known as the "city council of the City of Pearland, Brazoria, Harris and Fort Bend Counties, Texas.

(a) The mayor shall be elected from the city at large. The councilmembers shall be elected from the city at large by positions and shall be known as positions 1, 2, 3, 4, 5, 6 and 75.

(b) The mayor shall be the presiding officer of the city council and shall be recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law. The mayor shall be allowed to vote only in case of a tie vote. The mayor shall not be included in any calculation of

the number of votes needed for the city council to take any action authorized by this charter, except when the mayor is allowed to vote in the case of a tie vote.

(c) In the first election year after adoption of the charter, two (2) councilmembers shall be elected for positions 1 and 5. In the second election year after adoption of this charter, the mayor and one (1) councilmember for position 3 shall be elected. In the third election year after adoption of this charter two (2) councilmembers shall be elected for positions 2 and 4. In the first election year after adoption of the amendments to the charter creating positions 6 and 7, one councilmember shall be elected for an initial two (2) year term, which shall be considered a full term, for position 6 with three (3) years terms thereafter and one councilmember shall be elected for an initial three (3) year term for position 7 with three (3) year terms thereafter.

(d) The mayor and each councilmember shall hold office for a period of three (3) years and until his/her successor is elected and qualified. All elections shall be held in the manner provided for by this charter and the election laws of the State of Texas.

(e) Councilmembers shall be limited to two (2) full consecutive elected terms of office, and there shall be no limitation on the office of mayor.

The Commission discussed potential changes to Article 5.01 and is recommending the following changes:

Section 5.05. - Ballots.

The positions of the several members of the council shall be designated on the official ballot as member of the council, position number 1, 2, 3, 4, ~~or 5~~, 6 or 7. Each candidate shall indicate the position which he/she desires to fill. Incumbent councilmembers seeking reelection must file for the position for which they were originally elected. Candidates for all positions may reside in any portion of the city. The names of all candidates for office, except such as may have withdrawn, died or became ineligible, shall be printed on the official ballots without party designations in the order determined in a drawing of lots conducted by the city secretary. All official ballots shall be printed at least twenty (20) days prior to the date of any general election, and early voting shall be governed by the general election laws of the State of Texas.

The meeting was adjourned at 7:07 pm.



Dale E. Pillow, Chair

**2013 City of Pearland Charter Review Commission's  
Proposed Charter Amendments**

**Proposed Charter Amendments**

**Section 3.01. - Number, selection and term.**

The legislative and governing body of the city shall consist of mayor and seven five (75) council members and shall be known as the "city council of the City of Pearland, Brazoria, Harris and Fort Bend Counties, Texas.

(a) The mayor shall be elected from the city at large. The councilmembers shall be elected from the city at large by positions and shall be known as positions 1, 2, 3, 4, 5, 6 and 75.

(b) The mayor shall be the presiding officer of the city council and shall be recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law. The mayor shall be allowed to vote only in case of a tie vote. The mayor shall not be included in any calculation of the number of votes needed for the city council to take any action authorized by this charter, except when the mayor is allowed to vote in the case of a tie vote.

(c) In the first election year after adoption of the charter, two (2) councilmembers shall be elected for positions 1 and 5. In the second election year after adoption of this charter, the mayor and one (1) councilmember for position 3 shall be elected. In the third election year after adoption of this charter two (2) councilmembers shall be elected for positions 2 and 4. In the first election year after adoption of the amendments to the charter creating positions 6 and 7, one councilmember shall be elected for an initial two (2) year term for position 6 (which shall be considered a full term of office) with three (3) year terms thereafter and one councilmember shall be elected for an initial three (3) year term for position 7 with three (3) year terms thereafter.

(d) The mayor and each councilmember shall hold office for a period of three (3) years and until his/her successor is elected and qualified. All elections shall be held in the manner provided for by this charter and the election laws of the State of Texas.

(e) Councilmembers shall be limited to two (2) full consecutive elected terms of office, and there shall be no limitation on the office of mayor.

**Section 3.08. - Meeting of the city council.**

The city council shall hold at least two (2) regular meetings in each month at a time to be fixed by said city council by ordinance or resolution fixing the dates of such regular meetings. As many additional special meetings may be held during the month as may be necessary for the transaction of all business of the city and its citizens. All meetings shall be public, except where authorized by law, and shall be held at the city hall, provided, however, the city council may designate another place for such meetings after publishing the due notice thereof in one (1) issue of the official newspaper of said city. The city secretary, upon written request of the mayor or

any two councilmembers, shall call special meetings of the city council, notice of such special meetings shall be given to each member of the city council at least seventy-two (72) hours before the start of the meeting, which said notice shall state the date for such meeting and the subject to be considered at such meeting, and no other subject shall be there considered except with unanimous consent of the city council. Said notice to the city council shall be sufficient if delivered to the councilmembers in person, or in the event of the inability to locate said councilmember within the City of Pearland, Texas, delivery of such notice to his or her home shall be sufficient.

### **Section 3.13. - Audit and examination of city books and accounts.**

The city council shall cause an annual audit to be made of the books and accounts of each and every department of the city. At the close of each fiscal year, a complete audit shall be made by an independent certified public accountant, who shall be selected by the city council, and such audit shall include a recapitulation of all audits made during the course of the fiscal year, and all audit reports shall be filed with the city council, shall be available for public inspection, shall be made a part of the archives of the city, and the resume shall be published in the official city newspaper of the City of Pearland. Such accountant, so selected, shall not maintain or keep any of the city's accounts or records nor be an employee or official of the City of Pearland.

### **Section 4.04. - Department of taxation.**

There shall be a requirement to establish and maintain an effective tax rate and to ensure that taxes are collected. The city manager, with the approval of the city council, shall determine the method for appropriately collecting taxes.

### **Section 4.05. - Department of finance.**

There shall be established and maintained a department of finance to administer the financial affairs of the city. The city manager with the approval of the city council shall appoint a competent person as the director of finance and such assistants as the city manager and city council shall deem advisable. The director of finance shall be the official city treasurer and shall perform the duties delegated to him/her by the city manager and those which may be imposed upon him/her by the laws of the State of Texas.

### **Section 4.08. - Department of health and sanitation.**

There shall be established and maintained a department of health and sanitation to administer health and sanitation standards in the City of Pearland.

(a) *Appointment and qualifications:* The city manager, with the approval of the city council, shall appoint a city health authority who shall be a licensed physician qualified to practice medicine in the State of Texas. The city health authority shall be the director of the department of health and sanitation.

(b) *Administration:* The city health authority shall be responsible to the city manager for the general administration of the department of health and sanitation and the supervision of the employees thereof.

(c) *Duties of the health authority:* The city health authority shall advise the city manager on a program of public health; shall cooperate in the preparation of sanitary code; shall cooperate with nearby cities on problems of health and sanitation; shall cooperate with the commissioner's court of Brazoria, Harris and Fort Bend Counties, Texas and its (their) agencies, and with the state health department and other departments of the state government in matters pertaining to health and sanitation.

#### **Section 4.09. - Volunteer Fire department.**

There shall be established and maintained a fire department to provide fire suppression, rescue, fire prevention and public fire education services to the City. The city manager with the approval of the city council shall appoint a competent person as the fire chief. The fire chief shall perform the duties delegated to him/her by the city manager and those which may be imposed upon him/her by the laws of the State of Texas.

#### **Section 4.10. - Department of public works.**

There shall be established and maintained a department of public works in the City of Pearland. The city manager, with the approval of the city council, shall appoint a director of public works who shall be the administrator of this department. The department of public works shall perform such duties as maintenance of water and sewage facilities, maintenance of streets, collection of garbage, inspections pursuant to the building code, and such other and further duties for the public at large as may be assigned by the city manager.

#### **Section 4.12. - Department of parks, recreation and beautification.**

There shall be established and maintained a department of parks and recreation. The city manager, with the approval of the city council, shall appoint a director of parks and recreation who shall be the administrator of this department. The city council shall appoint an advisory park, recreation and beautification board. The advisory park, recreation and beautification board shall study the recreation, park facilities and beautification programs of the city and shall confer with the director of parks and recreation city manager and advise him/her with respect to the development and use of the city's parks, the recreation programs and city beautification. The advisory park, recreation and beautification board shall recommend to the city council rules for the use of parks, public grounds and recreation facilities consistent with the ordinances of the city and the statutes of the State of Texas and appropriate programs for the beautification of the city.

#### **Section 5.05. - Ballots.**

The positions of the several members of the council shall be designated on the official ballot as member of the council, position number 1, 2, 3, 4, or 5, 6 or 7. Each candidate shall indicate the

position which he/she desires to fill. Incumbent councilmembers seeking reelection must file for the position for which they were originally elected. Candidates for all positions may reside in any portion of the city. The names of all candidates for office, except such as may have withdrawn, died or became ineligible, shall be printed on the official ballots without party designations in the order determined in a drawing of lots conducted by the city secretary. All official ballots shall be printed at least twenty (20) days prior to the date of any general election, and early voting shall be governed by the general election laws of the State of Texas.

### **Section 6.02. - Scope of recall.**

Any elected city official, whether elected to office by the qualified voters of the city or appointed by the city council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the city on grounds of incompetency, misconduct or malfeasance in office.

### **Section 6.13. - Initiative.**

Qualified voters of the City of Pearland may initiate legislation by submitting a petition addressed to the city council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the city. Said petition must be signed by qualified voters of the city in number of at least thirty (30) per cent of the number cast at the regular last municipal election of the city, or one hundred fifty (150) qualified voters, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed as provided in section 6.03 of this charter. The petition may consist of one (1) or more notarized copies as permitted in section 6.05 of this charter. Such petition shall be filed with the person performing the duties of city secretary. Within five (5) days after the filing of such petition, the person performing the duties of city secretary shall certify such petition or return same to petitioners. After certification, the person performing the duties of the city secretary shall present said petition and proposed ordinance or resolution to the city council at the next regular meeting. Upon presentation to the city council of the petition and draft of the proposed ordinance or resolution, it shall become the duty of the city council within ten (10) days after receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, except changes made to comply with federal or state laws, or to call a special election, to be held within thirty (30) days thereafter, at which the qualified voters of the City of Pearland shall vote on the question of adopting or rejecting the proposed legislation with any City Council proposed changes made to comply with federal or state laws. However, if any other municipal election is to be held within sixty (60) days after the filing of the petition, the question may be voted on at such election. No ordinance shall be proposed by an initiative petition which is on the same subject as an ordinance so submitted and defeated at an election held within the proceeding twelve (12) months.

### **Section 6.20. - Ordinances passed by popular vote, repeal or amendment.**

No ordinances or resolutions which may have been passed by the city council upon a petition or adopted by popular vote under the provisions of this article shall be repealed or amended except by the city council in response to a referendum petition or by submission as provided in section 6.15 of this charter or to comply with federal or state law.

### **Section 8.06. - Notice of public hearing on budget.**

At the meeting of the city council at which the budget is submitted, tIn accordance with state law, the city council shall cause to be published in the official newspaper of the City of Pearland, a notice of the hearing setting forth the date, time and place thereof at least five (5) days before the date of such meetingthe public hearing on the submitted budget.

### **Section 8.08. - Proceedings on budget after public hearings.**

If the council should insert new items in the budget after the conclusion at the public meeting mentioned inError! Hyperlink reference not valid. [section 8.07](#), then the same procedures of notification in the official newspaper and another public hearing shall be required before adoption of the budget.

### **Section 8.08 – Amendment Before Adoption**

After the hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.

### **Section 8.10. - Date of final adoption.**

The budget shall be finally adopted no later than the last regularly scheduled council meeting of September to allow compliance with the state tax laws, and should the city council fail to so adopt a budget, the then existing budget, together with its tax levying ordinance and its appropriation ordinance, shall be deemed adopted for the ensuing fiscal year.

### **Section 8.11. - Effective date of budget; certification ; copies made public availability.**

Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the person performing the duties of city secretary and, the county clerk of Brazoria County, and the state comptroller of public accounts at Austin. The final budget shall be published on the City's website mimeographed or otherwise reproduced, and copies shall be made available for the use of all offices, departments, and agencies and for the use of interested persons and civic organizations. A reasonable cost based on state recommendation will be charged for copies of city budgets to all interested parties.

### **Section 8.14. - Contingent appropriation.**

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not to exceed more than one (1)seven (7) per centum of the general fund expenditurestotal budget to be used in case of unforeseen items of expenditures. Such contingent appropriation shall be under the control of the city manager and distributed by him/her after approval by the city council. Expenditures from this appropriation shall be made

only in case of established emergencies, and a detailed account of such expenditures shall be recorded and reported at the next regular meeting and biannually in the official newspaper of the City of Pearland. All money remaining in the contingency fund shall be utilized so as to draw the maximum income for the city yet remain liquid to be used if needed. Any amount remaining at the end of the year shall be directly forwarded into next year's contingency fund to be applied toward that year's total seven (7) per cent contingency fund.

#### **Section 8.18. - Disbursement of funds.**

All checks, vouchers or warrants for the withdrawal of money from the city depository shall be signed by the city manager or the mayor, and countersigned by the city secretary, or the city treasurer, or one member of the city council.

#### **Section 8.22. - Tax liens.**

(a) Except for such restrictions imposed by law, the tax levied by the city is hereby declared to be a lien, charge, or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge or encumbrance on the property in favor of the city, for the amount of taxes due on such property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against nonresidents. All taxes upon real estate shall especially be a lien and a charge upon the property which the taxes are due, which lien may be foreclosed in any court having jurisdiction. The city's tax lien shall exist from January first in each year until the taxes are paid, and limitations as to seizures and suits for collection of taxes shall be as prescribed by state law.

(b) Except for such exemptions and restrictions imposed by law, all persons, associations, corporations, firms and partnerships owning or holding personal property or real property in the City of Pearland on January first of each year shall be liable for city taxes levied thereon for each year. The tangible personal property of all persons, associations, corporations, firms or partnerships owning any taxes to the City of Pearland is hereby made liable for all said taxes, whether the same be due upon personal or real property or upon both.

(c) All seizure and foreclosure proceedings shall be commenced no later than three (3) two (2) years after taxes first become delinquent.

#### **Section 10.09. Continuation of budget.**

The budget adopted for the city for the fiscal year October 1, 1970, to September 30, 1971, shall be and become the budget for the same fiscal year under the charter.

#### **Section 10.11. - Interim municipal government.**

Upon adoption of this charter, the persons then filling elective offices will continue to fill those offices to which they were elected. Thereafter, the city council shall be elected as

provided in section 1 [3.01], article III [3], of this charter. To-wit: In 1971 elect councilmembers for position 1 and position 5 for a three-year term. The term of councilmember for position 3 shall be extended one (1) year to the 1972 election. In 1972 elect the mayor and councilmember for position 3 for a three-year term. The terms of councilmembers for position 2 and position 4 shall be extended to the 1973 election. In 1973 elect councilmembers for position 2 and position 4 for a three-year term, etc. Persons who, on the date this charter is adopted, are filling appointive positions with the City of Pearland which are retained under this charter, may continue to fill these provisions [positions] for the term for which they were appointed, unless removed by the city council or by other means provided for in this charter. Persons who, on the effective date of this charter, are filling elective offices, that by this charter are made appointive offices, shall continue to serve in those offices for the terms to which they were elected.

**Section 10.15. Charter review commission.**

The city council shall appoint at its first regular meeting in January of every sixthfourth year, beginning with 201905, or more frequently if the city council deems necessary, a charter review commission of five (5) citizens of the City of Pearland:

**Section 10.16. - Submission of charter to voters.**

The charter commission, in preparing this charter, finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the charter commission directs that said charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Pearland at an election to be held for that purpose on the 6th day of February, 1971. Not less than thirty (30) days prior to such election, the city council shall cause the city secretary to mail a copy of this charter to each qualified voter of the City of Pearland as it appears from the latest city tax collector's roll. Within five (5) days after such election, the city council shall canvass the votes and, if the charter is adopted by a majority of the qualified voters in said election, the city council shall enter upon the records of the city an official order declaring the charter adopted and this charter shall take effect immediately, and the city secretary shall file an official copy of the charter with the records of the city. The city secretary shall furnish the mayor a copy of said charter, which copy of the charter so adopted, authenticated and certified by his/her signature and the seal of the city, shall be forwarded by the mayor to the secretary of state of the State of Texas and shall show the approval of such charter by majority vote of the qualified voters at such election.

**Section 10.17. - Meaning of word "city."**

When used in this charter, unless otherwise apparent from the context, the word "city" means "City of Pearland."

If the Charter Review Commission’s proposed changes to the Charter are made regarding the increase in the size of City Council, the following table illustrates the first two election cycles for the newly added positions:

<b>Position</b>	<b>1<sup>st</sup> Election</b>	<b>2<sup>nd</sup> Election</b>
Mayor	2014	2017
1	2013	2016
2	2015	2018
3	2014	2017
4	2015	2018
5	2013	2016
6	2015 (Initial 2-Yr Term)	2017
7	2015 (Initial 3-Yr Term)	2018

# Workshop Item No. 2

2. **COUNCIL INPUT AND DISCUSSION:** REGARDING KEEP PEARLAND BEAUTIFUL 2012-2013 ANNUAL REPORT. *Mr. Jon Branson, Interim City Manager.*

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

<b>AGENDA OF:</b>	January 13, 2014	<b>ITEM NO.:</b>	Workshop Item No. 2
<b>DATE SUBMITTED:</b>	January 3, 2014	<b>DEPT. OF ORIGIN:</b>	Finance
<b>PREPARED BY:</b>	Claire Bogard	<b>PRESENTOR:</b>	Jon Branson
<b>REVIEWED BY:</b>	Jon R. Branson	<b>REVIEW DATE:</b>	January 2, 2014
<b>SUBJECT: Keep Pearland Beautiful 2012-2013 Annual Report</b>			
<b>EXHIBITS: Annual Report</b>			
<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:NA</b>		<b>AMOUNT BUDGETED: NA</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	Legal	Ordinance                      Resolution

**EXECUTIVE SUMMARY**

**BACKGROUND**

In 1996, the City of Pearland and the then Clean Pearland Community Committee entered into a 20 year agreement, to promote recycling. The agreement called for funding and compensation to Clean Pearland to fund environmental programs and projects that benefit the citizens of Pearland.

The agreement also provided that Clean Pearland provide an annual report detailing progress in performing its functions and activities as outlined in the agreement.

**RECOMMENDED ACTION**

Receive presentation on Keep Pearland Beautiful 2012-2013 Annual Report.

# KEEP PEARLAND BEAUTIFUL

Annual Report  
2012 – 2013



## FROM THE EXECUTIVE DIRECTOR

Greetings from Keep Pearland Beautiful, an environmental non-profit affiliated with Keep Texas Beautiful and Keep America Beautiful. Since 1982, Keep Pearland Beautiful has been empowering its citizens to take responsibility for their environment and making Pearland the cleanest, most beautiful city in Texas.

The 2013 fiscal year was marked with many accomplishments and achievements, including the first Arbor Day and Environmental Awareness Day events on the Westside of Pearland, the first ever “Cheers for Volunteers” membership mixer, and the inclusion of the Pearland Community Gardens as an official KPB program.

KPB hosted a total of 23 Great American Cleanup events between the months of March – May. The KIPPERS program grew tremendously on each of the 4 PISD middle school campuses, with plans to expand into 3 Alvin ISD elementary schools in Pearland for the 2013-2014 school year.

KPB continues to position itself to be the premiere environmental non-profit in the state of Texas and across America. This year, the organization focused on strengthening its existing policies and procedures, strategies, and goals to ensure that the organization will best be able to meet the growing needs of the city. KPB was also awarded the Sustained Excellence Award, from our state affiliate, Keep Texas Beautiful and a Gold Star Affiliate Award, from our national affiliate, Keep America Beautiful.

Keep Pearland Beautiful could not have succeeded in 2013 without the contributions of our Board of Directors, volunteers, staff, and members. We look forward to 2014 and the redesign and expansion of many of our programs. We hope you will continue to grow with us as we fulfill our vision and mission in Pearland!



Sherwin Sun  
Executive Director



# KEEP PEARLAND BEAUTIFUL

## MISSION

The mission of Keep Pearland Beautiful is to empower Pearland citizens to take responsibility for their environment.

## VISION

The vision of Keep Pearland Beautiful is that Pearland will be the cleanest, most beautiful city in Texas.

## HISTORY

Keep Pearland Beautiful currently serves over 10,000 households, with 250 members, through litter prevention, waste reduction, and beautification programs. From organizing and running the first recycling program, to the development of hike and bike trails, initiating the Adopt-A-Spot program, to collecting Household Hazardous Waste and developing KIPPERS (Kids in Pearland Preserving the Environment through Responsible Service) in local middle schools, KPB continues to make a difference in the community in which we live and work.



## LITTER PREVENTION PROGRAMS

Keep Pearland Beautiful hosted 4 litter prevention events throughout the Pearland area in 2013; two city-wide clean-ups, the Cigarette Litter Awareness event, and the Community Appearance Index.

KPB currently has 82 spots adopted (4 still available) by local groups throughout the city to help keep Pearland clean, representing the most ever adopted spots at one time. Many of those groups helped clean up the streets of Pearland for our “Don’t Mess with Texas” trash-off and the Fall Community Clean-Up. In total, over 1,589 volunteers contributed 3,452 hours, removing 1,725 bags of trash.



In February, KPB hosted 22 youth and 12 adults, including board members, on a Saturday to remove cigarette litter from 10 transition points along FM 518. In two hours, 21,074 cigarette butts were removed from the streets of Pearland. In 2013, KPB also received a Cigarette Litter Prevention Program grant through Keep America Beautiful. Funds were used to purchase 4 cigarette butt receptacles to be used for cigarette butt recycling. The receptacles were placed at 4 key locations throughout the city.

In March, a trained team of volunteers completed the Community Appearance Index, evaluating 5 zones throughout the city. The overall litter index score was 1.38 (out of 4) and 2.88 (out of 4) for graffiti and bandit signs, showing an improvement over past years.



## SOLID WASTE MANAGEMENT PROGRAMS

As the cornerstone of KPB and our mission to the City of Pearland, solid waste management programs encompasses our educational outreach efforts on recycling, composting, and household hazardous waste.



KPB celebrated Texas Recycles Day on November 10, 2012 at the Stella Roberts Recycling Center, collecting **114** tires from the community for recycling, as well as marketing the Recycling Center's services. KPB also partnered with HEB Plus! to collect plastic bags during the week of November 10 – 17 and throughout the year with Alvin ISD elementary schools. The winner of the plastic bag recycling contest, Mary Marek Elementary School, collected over **32,000** bags for recycling throughout the year.

Teacher training was a key focus area for KPB in 2013; KPB trained **19** Pearland ISD teachers at the Pearland Community Center on June 13, 2013 and **7** Alvin ISD teachers at HEB Plus! on July 18, 2013 using the Keep America Beautiful Waste in Place curriculum.

KPB received a grant from Waste Management in 2012 to expand the KIPPERS program to the 3 Alvin ISD middle schools in Pearland. Grant money was used to train Alvin teachers on the Waste in Place curriculum and introduce the KIPPERS curriculum.



Environmental Awareness Day featured two simultaneous events on March 23, 2013. The first was a Spring native and adaptive plant sale at the Pearland Old Townsite Farmer's Market at Zychlinski Park. The second was an educational forum, held for the first time at the Westside Event Center, featuring a composting and planting demonstration.

## BEAUTIFICATION PROGRAMS

A variety of KPB programs and events in 2012 continued the organization's efforts to make Pearland the most beautiful city in Texas.

In April 2013, Keep Pearland Beautiful participated in a series of workshops with City Council, the Chamber of Commerce, local business leaders, and members of the community to review proposed changes to the electronic sign ordinance. KPB played an integral part in ensuring that our Gold Scenic Cities designation would not be compromised with the proposed changes.

KPB awarded **9** local businesses with the Business Beautification Award in 2012 – 2013.

KPB distributed **650** seedlings to the Pearland community, during our annual Arbor Day event at both the Pearland Community Center and the Westside Event Center.

KPB received a donation of **23** trees from TXU Energy, the majority of which were planted at Southdown Park.

The Pearland Community Gardens became an official KPB program in 2012 – 2013. The Gardens currently has **20** production beds, with over **1,083** pounds of produce donated to local food banks. KPB also planted **5** native and adaptive trees, including a Legacy Tree in honor of Anna Bryant, Community Coordinator with HEB Plus! during National Planting Day on August 29, 2013.

KPB continued to advocate for native and adaptive plants during the Fall plant and herb sale, in conjunction with the Plant Thyme Fall Luncheon. KPB sold over **250** native and adaptive plants and herbs. Many of the plants sold are continually on display at the Yardwise Garden, located adjacent to the Stella Roberts Recycling Center.

KPB awarded **one** beautification grant to St. Helen's church for a garden bed on campus.

October – Casa Ole  
November – Cambridge Lakes  
December – Alexan SCR  
April – St. Andrews Apartments  
May – Taco Bell  
June – Lakes of Highland Glen  
July – Emerald Point HOA  
August – Industrial Inspection  
September – Kwik Kar



## EDUCATION PROGRAMS

Keep Pearland Beautiful invests extensively in the education of our community. From teachers and KIPPERS, to local Home Owner's Associations, business leaders, and members of the community, KPBB believes that behavior change begins with knowledge.

KPB invested in 4 local PISD middle schools, working closely with teachers to bring educational games and resources to KIPPERS (Kids in Pearland Preserving the Environment through Responsible Service) groups. This year, KPB worked closely throughout the year with over 150 KIPPERS and their sponsors.



The Environmental Fair took place on April 9, 2013 at Rogers Middle School. The past few years have experienced a decline in attendance, with 150 participants making the rounds at this year's event. Volunteers and staff are looking to rebrand this event and launch again in 2014.



The Environmental Awards Dinner was held at the Pearland Community Center on May 10, 2013 with 8 KIPPERS receiving the Young Environmentalist Award. KPB also awarded 5 graduating Pearland high school seniors the Joe Miller Environmental Scholarship, totaling \$8,000 for 2013 and \$24,500 since the scholarships inception.

KPB also hosted two teacher's breakfasts, at Cockrell Elementary and Mark Marek Elementary, educating Pearland teachers on KPB programs and resources.

### Young Environmentalist Award Winners

Alexander – Audrey Miricle and Valerie Quintanilla  
Jamison – Abbey Wiseman and Sydnee Sigust  
Rogers – Kathryn Coker and Wesley Lauer  
Sablatura – Laura Coate and Ashley Truong

## PUBLIC AWARENESS

Keep Pearland Beautiful communicates our environmental message through multiple channels of communication, including print and social media, events, and workshops. Through our communication efforts, KPB reaches over 20,000 residents of Pearland.

KPB volunteers provide outreach at Paws in the Park, Winter Fest, the RCN Birthday Bash, and Trick or Treat Trail. KPB also hosted a Business After Hours on April 18, 2013 at the Stella Roberts Recycling Center and the inaugural “Cheers for Volunteers” event at the Westside Event Center, highlighting membership and volunteer opportunities with KPB.

Seven Board members, 3 staff, and 1 volunteer participated in the Keep Texas Beautiful conference in San Antonio. Two staff members participated in the Keep America Beautiful conference in Washington DC.

A total of 26 articles, 26 advertisements plus Business Yard of the Month and Frequent Recycler photos were printed in the Pearland Reporter. KPB also partnered with the Pearland Journal for 2 monthly advertisements and sticky ads. KPB distributed our quarterly newsletter, the Beautiflier, to over 500 households and 933 active electronic contacts.



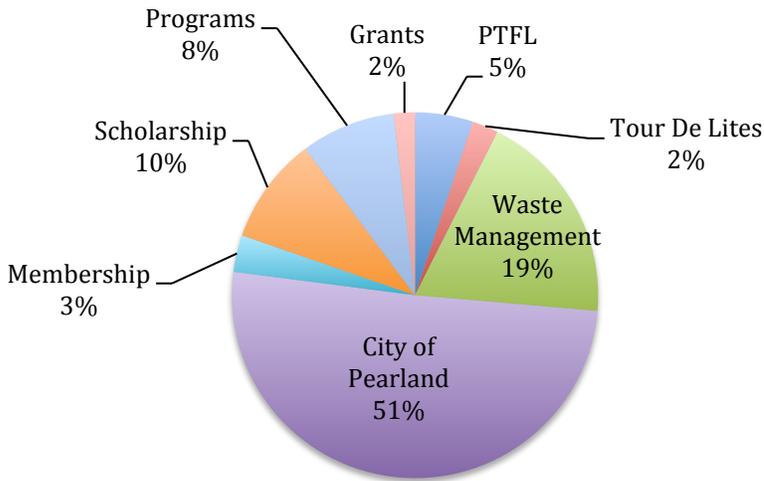
Keep Pearland Beautiful hosted two fundraisers, the 9<sup>th</sup> Annual Plant Thyme Fall Luncheon on October 12, 2012 and the 19<sup>th</sup> Annual Tour De Lites Family Holiday Bike Ride on December 8, 2012. The Plant Thyme Fall Luncheon featured guest speaker “The Daytripper” Chet Garner and grossed over \$20,000 towards the Joe Miller Environmental Scholarship and KPB Education Programs. The Tour De Lites Family Holiday Bike Ride grossed over \$8000 towards hike and bike trails in Pearland.

The Annual Membership Dinner was held on November 15, 2012 at the Hilton Garden Inn in Pearland and featured speaker Chris Moret from Texas Parks and Wildlife. KPB members of 20+ years were honored as part of the 30<sup>th</sup> anniversary celebration.

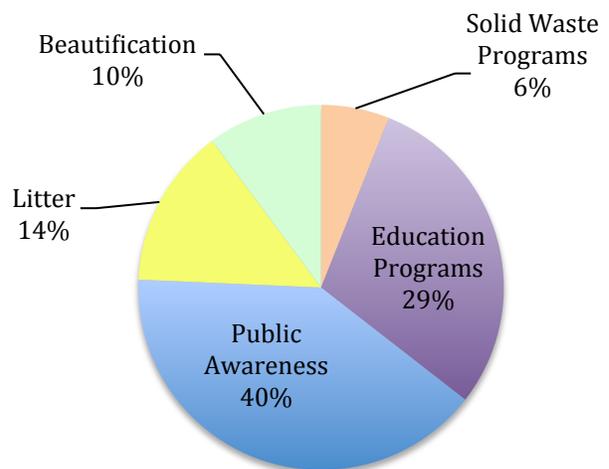
## 2013 FINANCIAL STATEMENT

	2013 Actuals	2013 Budget
<b>Revenue</b>		
Recycling Income	131.62	200.00
Fee from City Contract	173,929.48	180,000.00
Contributions, Gifts	86,250.00	70,000.00
Membership	11,170.00	15,000.00
Special Event Revenue	60,984.81	43,250.00
Grants and Other		
Fundraising	10,770.23	14,849.96
<b>Total Income</b>	<b>343,236.14</b>	<b>323,299.96</b>
<b>Expense</b>		
Payroll	138,123.26	150,200.00
Administration	50,633.96	59,524.00
Programs	70,719.17	111,976.00
<b>Total Expense</b>	<b>259,476.39</b>	<b>321,700.00</b>
<b>Net Income</b>	<b>83,759.75</b>	<b>1,599.96</b>

**PROGRAM REVENUE**



**PROGRAM EXPENSES**



## WITH SPECIAL THANKS...

### KPB EVENT SPONSORS

A&A Cleaning	Kay Powers
Allen Boone Humphries Robinson LLP	Lucy Stevener
Allied Fire Protection	Lyna McGuire
Ann Habig	Maggie Killian
Anna Bryant	Matt Sebesta
Belinda Patton	Megan Victorick
Bill and Helen Todd	Mercer Insurance
Bill and Linda Cowles	Michelle Murphy
Birdsong Printing, Inc	Nancy Kozanecki
Boedeker Construction	Nicholas Reba
Buck Stevens	Pearland Area Farmers Insurance Agents
Capital Bank	Pearland Best Coupons
Casa Ole	Pearland In Focus
Cory Cardenas	Pearland Lumber
D. Scott Bird	Pearland Reporter News
Dale and Rusty Pillow	Richard Eschuken
Dave and Helen Beckman	Ronnie Killen
David L. Smith Realty	Sarah Ann Powers
Debbie Cooley	Stewart and Shirley Coffman
Del Papa Distributing	Susan Lenamon
Delores and Garvis Fenwick	Texas Advantage Bank
Frost Bank	Texas Honing
Gary Cook	Thane Harrison
Golden Corral	Theresa Jordan
HEB Plus #063	Third Coast Chemicals
Helen Beckman	Tiffany Bornemann
Houston Community Bank	Tricia George
Janet Eastburn	Tunney's Lawnmower
Joe Miller Family	Waste Management
Joel Guerrero	
Judy Perkins	

## YOUR MEMBERSHIP MAKES A DIFFERENCE!

### BUSINESS MEMBERS 77 Members

Ameriprise Financial  
Armbruster Clinic  
Baker Corp  
Birdsong Printing  
Boedeker Construction, Inc.  
Bredero Shaw  
Capital Bank East Pearland  
Capital Bank West Pearland  
Casa Ole  
Champion Technologies  
City of Pearland  
David L. Smith Realty  
Dixie Farm Road Landfill  
Dream Dinners  
Dynamic Lighting  
Ed Croix Insurance Agency  
Edible Arrangements  
Exchange Club of Pearland  
Falcon Recycling, Inc.  
Farmers Insurance  
Farmers Insurance  
Farmers Insurance  
Farmers Insurance  
Farmers Insurance  
Friends of Randy Weber  
Frost National Bank  
Garden Club  
Greg Hill, LLC  
Hampton Inn  
HEB Plus!  
Hometown Bank of Pearland  
Houston Community Bank  
Intersoft, Inc.  
J.M. Holm Co.  
JSC Federal Credit Union  
Kathleen Nicholson, CPA  
Lisa's Landscape Design  
Littrell Insurance Group  
Living Earth  
Maggie's Custom Embroidery  
Mercer Insurance Agency  
O'Day Rental & Hardware  
Ordeneaux Realty  
Packaging Service Co., Inc.  
Pat Griffin Realty  
Peace Church  
Pearland Animal Hospital  
Pearland Chamber of Commerce  
Pearland Economic Development Corp.  
Pearland ISD  
Pearland Lumber  
Pearland Old Townsite Business Coalition  
Pearland Pools  
Pearland Reporter-News  
Pearland's Best Coupons  
Shadow Creek Ranch  
Silverlake Animal Hospital  
Silverlake Driving School  
Solvchem, Inc.  
Space Center Systems  
State Farm Insurance  
Stoa International Architects  
Strickland Chevrolet  
Texas Advantage Bank  
Texas Honing  
Third Coast Terminals  
Tunney's Lawnmower  
U-Stor-Mor, Inc.  
Wal-Mart Dixie Farm  
Wal-Mart Dixie Farm  
Wal-Mart Hwy 35  
Wal-Mart Silverlake  
Waste Management of Texas  
Whitney Bank  
Yard Mule Specialist

# YOUR MEMBERSHIP MAKES A DIFFERENCE!

## INDIVIDUAL MEMBERS 202 Members

### CYPRESS

JoAnne Knodel  
Helen Beckman

### PINE

Nancy Kozanecki

### PEAR

Stewart and Shirley Coffman      R.A. Eskuchen  
Debbie Cooley                      Elizabeth Miller

### CRAPE MYRTLE

Stacy Adams  
Robert and Aileen Anderson  
Rob and Laura Austin  
David and Debra Barton  
Scott Bird  
Bob and Carol Bryce  
Bill and Linda Cowles  
Kathy Duplissey  
Rebecca Feezel  
Judith Foucheaux  
Paul and Barbara Giddens  
Carl and Paula Halik  
Regis and Janice Hallisey  
Mike Hodge

David and Pam Hokanson  
Sondra Jackson  
Maegan Jordan and Chad  
Wixon  
John and Carolyn Kanewske  
Barbara Lenamon  
Shirley and Jim Long  
Charles and Ellen McMurrey  
Miranne Merritt  
Ed Miller  
Lewis and Susie Miller  
Billie Jo Moffett  
David C. Montz  
Jeff and Catherine O'Brien

Rusty and Dale Pillow  
Kay Powers  
Anita Prinz  
Peter Riger  
David Scott  
Matt Sebesta  
Robert and Erin Steele  
Sherwin and Doris Sun  
Richard and Anna Tetens  
Bill and Helen Todd  
David and Fay Watson  
Tenney Way  
Stephen and Shelley Whistler  
Thresia Wood

# YOUR MEMBERSHIP MAKES A DIFFERENCE!

## PLUM

Mary Anna Vance  
Janet D. Adams  
August Aimone  
James and Sarah Bankson  
Gary Bennett  
Lesa Brownstein  
Larry and Margarita Cast  
Nancy Chance  
Kevin and Mary Cunningham  
Tammy Dexter  
Bill and Janice Eisen  
Robert and Paulette Fawcett  
Garvis and Delores Fenwick  
George and Elena Fress

William and Lynda Frost  
Jackie Griggs  
Pat and Charlotte Lafferty  
Charlie and Karen LaGrove  
Jamy LeBouf  
Bill and Barbara Lindberg  
Jason and Margaret Liner  
Ron and Laura Lynn Mayfield  
Scott and Sally Mercer  
Kathi Mikeska  
Charles and Laura Millikan  
Timothy and Mary Motley  
Judy Perkins  
Thomas Reid

Mary Ruth Rhodenbaugh  
Paul and Lisa Ridgway  
Vance and Ann Riley  
Sarah Salvato  
Paula and Jon Scardino  
Cathryn Schiesser  
Gordon Starkenburg  
Buck Stevens  
Tim and Nancy Tompkins  
Patrick and Stephanie Trahan  
Dale and Joan Tregre  
Robert and Bernadette Wolff  
Misty Yarneau

## REDBUD

Lee Steiner

## SEEDLING

Ruth Aimone  
Stephen and Jill Ball  
Ruby Anne Bozka  
Shirley Britt  
Ricky and Anna Bryant  
Patsy Cashion  
Carolyn Chipman  
Agnes Davidson  
Susan Dieterich  
Janet Eastburn  
Marvin and Susan Elam  
George and Helen Gabriel  
Franco Gaudry  
Theresa Jordan  
Jo Drake Keim  
Brenda and Bon Kennedy  
Mary Knight

Brian and Tina Little  
Mike and Julie Maher  
Alma McAfee  
Courtney Melo  
Becky Merritt  
Kenneth Michols  
Charlie Miles  
Betty Jo Miller  
Andrew and Kelly Miller  
Art and Laura Morgan  
Charles and Bunny Philipp  
Frances Runnels  
Cathy Sawyer  
Melvin and Susan Sherrouse  
Fritz Shiring  
Michelle Smith  
Nancy Somogyi

Janet Stanger  
Travis Steele  
Treva Sullivan  
Marilyn Swanson  
Andrew Tompkins  
Mary Tucker  
Nyla and John Watson  
Neil and Eloise West  
Marjorie Wilcoxson  
John B. and Anna Dell  
Williamson  
R.B. Willman  
Lynette and Jimmy Wilson  
Ed and Roxie Woodward  
Llyod Jim Wright, Jr.

## ACORN

Mike Cashiola      Jennifer Longstreet  
Roger Farmer      Chawnia Meeks

# **2013 BOARD OF DIRECTORS**

## **EXECUTIVE COMMITTEE**

JoAnne Knodel – President  
Debbie Cooley – President Elect  
Delores Fenwick – Secretary  
Kathy Duplissey – Treasurer  
Laura Austin – Past President

## **BOARD OF DIRECTORS**

Richard Eskuchen	Kay Powers
Kendrick Gray	Susan Sherrouse
Janice Hallisey	Lacey Starkenburg
Theresa Jordan	Erin Steele
Elizabeth Miller	Helen Todd
Cassie Mitchel	Shelley Whistler
Billie Jo Moffet	Marjorie Wilcoxson
Jeremy Perrine	

## **ADVISORY COUNCIL**

Helen Beckman	Jamye LeBouf
Anna Bryant	Andrew Miller
Linda Cowles	Dale Pillow
Thane Harrison	Tom Reid
Greg Hill	Wes Shows
Jim Johnson	Michelle Smith
Nancy Kozanecki	Buck Stevens

**KEEP PEARLAND BEAUTIFUL!**

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Pearland, TX. 77581**

**Telephone: (281) 652-1659**

**Fax: (281) 652-1782**

**[www.mykpb.org](http://www.mykpb.org)**

**[facebook.com/keeppearlandbeautiful](https://facebook.com/keeppearlandbeautiful)**



# Workshop Item No. 3

3. **COUNCIL INPUT AND DISCUSSION:** REGARDING THE PROJECTS QUARTERLY UPDATE. *Mr. Trent Epperson, Director Of Capital Projects And Engineering.*

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

<b>AGENDA OF:</b> January 13, 2014	<b>ITEM NO.:</b> Workshop Item No. 3
<b>DATE SUBMITTED:</b> January 8, 2014	<b>DEPARTMENT OF ORIGIN:</b> Projects
<b>PREPARED BY:</b> Trent Epperson	<b>PRESENTOR:</b> Trent Epperson
<b>REVIEWED BY:</b> Jon R. Branson	<b>REVIEW DATE:</b> January 8, 2014
<b>SUBJECT:</b> Monthly Project Update	
<b>EXHIBITS:</b> A – December Monthly Reports	
<b>EXPENDITURE REQUIRED:</b> \$NA <b>AMOUNT AVAILABLE:</b> \$NA <b>ACCOUNT NO.:</b> NA	<b>AMOUNT BUDGETED:</b> \$NA <b>PROJECT NO.:</b> NA
<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 type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

Council will be updated regarding the status of all current projects, including water, drainage, wastewater and thoroughfare.

**RECOMMENDED ACTION**

Conduct the workshop.



# Monthly Projects Update

December 31, 2013

**Hickory Slough Detention at Max Rd &  
Max Rd Sports Complex, Phase 1  
Far Northwest Wastewater Plant Improvements  
Hatfield Basin Trunk Sewer  
Trails at JHEC (Dolores Fenwick Nature Center, Phase 2)  
Pearland Parkway Extension  
Max Road Reconstruction/Widening  
Convention & Visitors Bureau Office Build Out  
Cullen Parkway Manhole Rehabilitation  
Far Northwest Wastewater Treatment Plant Expansion**

**Prepared by:  
Andrea Brinkley**

**For Distribution to City Council**

## Hickory Slough Detention at Max Rd & Max Rd Sports Complex, Phase 1

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Design Engineer: Jacobs Engineers, Inc.

Detention Pond Contractor: Triple B Services	CM: Staff
Billed to Date: \$4,603,492.73	% Billed: 87.5%
Contract Days Used: 435	% of Contract: 233.9%

Sports Complex Contractor: Construction Masters	CM: Staff
Billed to Date: \$0	% Billed: 0%
Contract Days Used: 0	% of Contract: 0%

### Progress this period:

- **Conducted Inspection of Pump Station on Dec 17<sup>th</sup>, pumps operational, SCADA programming incomplete.**
- Contractor worked on Substantial Completion punch list items.
- **PEDC approved \$810 thousand in additional funding, for use if needed after project funds are expended.**
- **Council awarded contract for Phase 2 on November 25th.**
- Negotiated Construction Materials Testing amendment for Max Rd Sports Complex.
- Issued Notice to Proceed for Max Rd. Sports Complex, January 6, 2014.
- Continued reimbursement requests to Developer.

### Planned activities for the period ending January 31, 2014:

- Complete SCADA programming for pump station and Substantial Completion Inspection of project.
- Accept Operation and Maintenance manuals for pump station.
- Issue Certificate of Substantial Completion and Conduct Final Inspection.
- Review submittals, schedule for Sports Complex
- Contractor to mobilize subcontractors for electrical and irrigation work.
- Install project sign, job trailer and complete project site survey
- Coordinate with Developer as needed.

### Project schedule:

- Design: Detention: Nov. 2010 to July 2012; Sports Complex: to July 2013
- Construction: Detention: NTP Sept. 17, 2012
- Sports Complex: January 2014 – August 2014

## **Far Northwest Wastewater Treatment Plant Improvements**

---

Design Engineer: Binkley & Barfield Inc.

Contractor: Industrial TX Corp

Billed to Date: \$716,852.89

Contract Days Used: 255

CM: Binkley & Barfield Inc.

% Billed: 92.1%

% of Contract: 92.1%

### Progress this period:

- **Warranty parts sent to plant, installation scheduled.**
- **CPE inspected circuit, indicated damaged fuse found and is to be replaced. Requested CPE to record power service going to plant.**
- Contractor worked on O & M manuals.
- Engineer completed for Record Drawings/AsBuilts.

### Planned activities for the period ending January 31, 2014:

- Conduct additional Final Completion Inspection for warranty parts and eye shields.
- Contractor to submit O&M manuals.
- Request additional inspection for UV from manufacturer.
- Follow up with CPE on power recorder or install recorder on City side, through Public Works.
- Make final payment to contractor.
- Close out project.

### Project schedule:

- Design: February 2012 to December 2012.
- Construction: February 18, 2013 Notice to Proceed.
- Substantial Completion: September 6, 2013.

## **Hatfield Basin Trunk Sewer**

---

Design Engineer: Freese & Nichols, Inc.

Contractor: SJ Louis Construction of Texas

Billed to Date: \$2,654,232.83

Contract Days Used: 164

CM: Dannenbaum Engineers

% Billed: 44.6%

% of Contract: 49.7%

### Progress this period:

- **Magnolia Manhole connection will be allowed with the anti-corrosion coating installed and an extended 2 year warranty.**
- **Contractor submitted pipe grade information from Magnolia tie in to Manhole #2, staff reviewing.**
- **City surveyor re-surveyed replaced pipe and manholes from Manhole #2 - #4, and replaced concrete cap in Mary's Creek at crossing.**
- Continued placing 36 in. sanitary along Hatfield Rd., working northwards, near FM 518.
- Completed hand tunneling under Corrigan Ditch Bypass.
- Continued on Willowick segment, completed bore McLean Rd, completed 18 in and initiated 15 in sanitary line installation to Willowick lift station.

## **Hatfield Basin Trunk Sewer (cont'd)**

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- Coordinated with Parks staff regarding Centennial Park activities and tie in for grinder pump at concession stand.
- Coordinated with area business – Clayton Funeral Home.
- Coordinated with PISD regarding school bus routes and drop off locations.
- Coordinated with TxDOT regarding FM 518 crossing and traffic control approval.

### Planned activities for the period ending January 31, 2014:

- Continue 36 in. sanitary hand tunneling under FM 518, initiate work north of FM 518.
- Complete repair of Hatfield roadway, re-paving from FM 518 southward.
- Complete driveway repairs on Hatfield.
- Continue and complete Willowick segment, complete Centennial Park tie in.
- Coordinate with Parks staff regarding Centennial Park restroom and grinder pump removal.
- Initiate Woody segment.
- Contractor to maintain Hatfield roadway and provide safe route for school children.
- Coordinate with Emergency services regarding any short term road closures.

### Project schedule:

- Design: February 2011 to November 2012 (delayed due to PER delay).
- Final PER: March 2012
- Construction: July 2013 – June 2014.

## **Trails at JHEC (formerly Dolores Fenwick Nature Center), Phase 2**

---

Architect: Randall-Porterfield Architects, Inc.

### Progress this period:

- Decided on piling system, size, and connection of two systems.
- Piling depth under review by Geotechnical and Structural Engineers.
- KPB received planting plan and can begin internal preparations.
- Sent proposal for environmental work to CIAP grant fund coordinator at Brazoria County for funding.
- Parks Department looking into an additional grant funding source.

### Planned activities for the period ending January 31, 2014:

- Initiate environmental work to meet CIAP grant requirements.
- Review geotechnical report and finalize or amend for alternate piling.
- Coordinate with boardwalk vendor and review foundation construction with contractors for constructability.
- Continue with Final Design and complete submittal of 90% plans.
- Prepare to finalize PS&E package and finalize bidding schedule.

### Project schedule:

- Design: September 2011 – October 2013.

- Construction: Pending funding, partial grant funding.

### **Pearland Parkway Extension**

---

Design Engineer: HDR Engineers, Inc.

Contractor: Texas Sterling Construction

Billed to Date: \$0

Contract Days Used: 0

CM: TxDOT

% Billed: 0%

% of Contract: 0%

#### Progress this period:

- Texas Sterling Construction bid: \$4,837,804.77
- TxDOT construction contract authorization provided, contracts executed.
- Notice to Proceed to be delayed until property acquisition is complete.
  - Tentative start date early to mid February
- Negotiating proposal for design of barrier fence.
- Coordinate with HOAs as needed.
- TxDOT continued reimbursements to City.
- Continued property acquisition process; condemnation hearing scheduled for Jan. 30

#### Planned activities for the period ending January 31, 2014:

- Negotiate and enter into a design contract for barrier fence.
- Continue property acquisition efforts.
- Coordinate with TxDOT and contractor regarding construction start date, and submit reimbursements.

#### Project schedule:

Design: February 2012 – August 2013.

Letting: August 2013

Construction: February 2014 – November 2014

### **Max Road Reconstruction/Widening**

---

Design Engineer: Klotz Associates, Inc.

#### Progress this period:

- Continued to review segments of roadway alignment.
- Submitted 30% Plans, Specifications, Estimate and Drainage Report to TxDOT.
- Obtained comments on Draft Categorical Exclusion, Public Meeting summary and sent revisions to TxDOT.
- Submitted reimbursement requests to TxDOT.

#### Planned activities for the period ending January 31, 2014:

- Initiate utilization of Protrak for Design on this project.
- Obtain comments right of way mapping and parcel maps from TxDOT.
- Obtain comments on 30% PSE from TxDOT.
- Finalize Environmental document at TxDOT and send to FHWA.
- Finalize alignment and parcel maps for road right of way.
- Coordinate with TxDOT and BDD4 on hydraulics and draft drainage report.

Project schedule:

Design: February 2013 – March 2014.

Letting: July 2014

Construction: October 2014 – September 2015

**Convention & Visitor's Bureau Office Build Out**

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Architect: Wilson Architectural Group

Contractor: Triad Retail Construction

CM: Staff

Billed to Date: \$127,826.68

% Billed: 74.9%

Contract Days Used: 96

% of Contract: 106%

Progress this period:

- Purchase Order completed for window treatments. Lead time for materials is 4 weeks.

Planned activities for the period ending January 31, 2014:

- Obtain redlines for record drawings.
- Contractor to submit O&M Manual.
- Make final payment and close out contract.

Project schedule:

- Design: May 2013 – June 2013.
- Construction: August 2013 – November 2013

**Cullen Parkway Manhole Rehabilitation (Fite to FM 518)**

---

Engineer: Staff

Progress this period:

- Contractor submitted pay application that required corrections.

Planned activities for the period ending January 31, 2014:

- Make final payment.

Project schedule:

- Construction: September 2013 – October 2013

**Far Northwest Wastewater Treatment Plant Expansion**

---

Design Engineer: CDM Smith

Progress this period:

- **Issued Notice to Proceed in December.**
- **Held Design Kick off meeting and One Day Design Charrette with project team.**
  - **This effort resulted in identification of desired operational processes, and equipment and provided ample direction for the consultant to begin the design and permit amendment process**

Planned activities for the period ending January 31, 2014:

- Initiate design.

- City to collect data on effluent for review by Engineer.

Project schedule:

- Schedule: PER - December 2013 – May 2014



# Monthly Projects Update

December 31, 2013

**Bailey Rd (Veterans to FM1128)  
Business Center Drive  
Centennial Park Phase 2  
Cowart Creek Diversion Project  
McHard Road 2<sup>nd</sup> Outfall  
Old Alvin Road Water Line  
Shadow Creek Ranch Park  
SH35 Water Line – FM518 to Magnolia  
Trail Connectivity Phase 2  
Twin Creek Regional Lift Station**

***Prepared by:*  
Cara Davis**

**For Distribution to City Council**

## **Bailey Road (Veterans to FM 1128)**

---

Design Engineer: CDM Smith (formerly Wilbur Smith Associates)

Original Contract Amount: **\$1,710,346.00**

Current Contract Amount: **\$2,242,460.00**

Billed to Date: **\$ 1,691,173.50**

% Billed: **75.4**

Plan Status: **75% Complete**

### Progress this period:

- CDM working to schedule Design Concept Conference with TxDOT.
- Environmental consultant is gathering information for preparation of the Environmental Assessment

### Planned activities for the period ending January 31, 2014:

- Revise roadway plans for drainage, FM 1128 design modifications, and mixed use path. Prepare alternative routes for EA.
- Continue EA document preparation.
- Schedule DCC with TxDOT for LGPPP.

### Project schedule:

- Consultant Selection – 2<sup>nd</sup> thru 3<sup>rd</sup> Quarter 2008.
- Design (Completed) – 3<sup>rd</sup> Quarter 2008 thru 2<sup>nd</sup> Quarter 2010.
- Redesign/Environmental – 4<sup>th</sup> Quarter 2013 thru 1<sup>st</sup> Quarter 2015.
- Construction – Scheduled for Fiscal Yr 2015

## **Business Center Drive**

---

Design Engineer: Freese & Nichols

Contractor: Lazer Construction Company

CM: Klotz & Associates

**As of October 25, 2013**

Original Contract Amount: **\$3,474,998.80**

Current Contract Amount: **\$3,482,136.31**

Billed to Date: **\$3,401,672.58**

% Billed: **97.69**

Contract Days Used: **355**

% of Contract Days: **131.48**

### Progress this period:

- Continued work on punchlist items.
- TDLR inspection was conducted and project received approval.

## **Business Center Drive (cont....)**

---

### Planned activities for the period ending January 31, 2014:

- Complete punchlist items and final cleanup.
- Hold Final Completion inspection
- Close out contract.

### Project schedule:

- Consultant Selection – 2<sup>nd</sup> thru 3<sup>rd</sup> Quarter 2008.
- PER – 3<sup>rd</sup> Quarter 2008 thru 2<sup>nd</sup> Quarter 2010
- Design – 2<sup>nd</sup> Quarter 2011 thru 3<sup>rd</sup> Quarter 2012
- Construction – 4th Quarter 2012 thru 3<sup>rd</sup> Quarter 2013.

## **Centennial Park Phase 2**

---

Design Engineer: Clark Condon Associates

Original Contract Amount: **\$194,882.00**

Current Contract Amount: **\$194,882.00**

Billed to Date: **\$26,684.00**

% Billed: **17.72**

Plan Status: **15%**

### Progress this period:

- Received updated drainage area information from Dannenbaum related to the Mary's Creek floodway. This information was forwarded to the consultant for inclusion in the plans.
  - Park improvements will have to contend with floodway/ floodplain issues

### Planned activities for the period ending January 31, 2014:

- Continue work on the park utilizing the new drainage information for the floodway/floodplain delineation.

### Project Schedule:

- Consultant Selection – Complete
- Schematic Land Plan & Programming – June 2013 to January 2014
- Design Development – January 2014 to February 2014
- Construction Documents – February 2014 to April 2014
- Bid/Award – April/May 2014
- Construction – May 2014 to December 2014

## **Cowart Creek Diversion Project – Detention Pond & Diversion Ditch**

---

Design Engineer: JKC & Associates, Inc.

Contractor: Haddock Construction Co.

CM: N/A

### **As of November 25, 2013**

Original Contract Amount: **\$378,618.00**

Current Contract Amount: **\$0**

Billed to Date: **\$0**

% Billed: **0**

Contract Days Used: **N/A**

% of Contract Days: **N/A**

### **Progress this period:**

- No progress this period. DD4 held pre-construction conference in November and issued the NTP for Construction to start in January 2014.
  - This is the final phase of work to relocate and improve this drainage facility in preparation for the Bailey Road project consisting of slope paving and turf establishment

### **Planned activities for the period ending January 31, 2014**

- Start construction activities in mid January.

### **Project Schedule:**

- Diversion Ditch: Construction: 3<sup>rd</sup> Quarter 2011 – 2<sup>nd</sup> Quarter 2014

## **McHard Rd 2<sup>nd</sup> Outfall**

---

Design Engineer: Huitt-Zollars, Inc.

Original Contract Amount: **\$61,600.00**

Current Contract Amount: **\$61,600.00**

Billed to Date: **\$1,485.00**

% Billed: **2.41**

Plan Status: **0%**

### **Progress this period:**

- Engineer worked on Preliminary Drainage report consisting of the H & H study and has begun field survey work in preparation for design

### **Planned activities for the period ending January 31, 2014:**

- Continue initial design and submit Preliminary Drainage report.
- Hold monthly progress meeting

### **Project Schedule:**

- Design – October 2013 to December 2013
- Bid/Award – January/February 2014
- Construction – 2<sup>nd</sup> Quarter to 3<sup>rd</sup> Quarter 2014

## Old Alvin Road Water Line

---

Design Engineer: Charles D. Gooden Consulting Engineers, Inc.  
Contractor: SER Construction Partners, LLC    CM: LJA Engineering

### As of November 25, 2013

Original Contract Amount: **\$3,398,483.00**

Current Contract Amount: **\$3,396,205.99**

Billed to Date: **\$2,887,633.00**

% Billed: **85.03**

Contract Days Used: **139**

% of Contract Days: **77.22**

### Progress this period:

- Completed chlorination of lines.
- Continued making connections to new line.
- Restoration activities of ROW and affected pavement is in progress.

### Planned activities for the period ending January 31, 2014:

- Continue/complete connections to new water line.
- Continue restoration activities.
- Hold substantial completion inspection and begin project closeout procedures.

### Project Schedule:

- Consultant Selection – 4th Quarter 2010.
- Design/Acquisition – 1<sup>st</sup> Quarter 2011 thru 1<sup>st</sup> Quarter 2013
- Bid: 1<sup>st</sup> Quarter 2013.
- Construction: 2<sup>nd</sup> Quarter 2013 – 1<sup>st</sup> Quarter 2014

## Shadow Creek Ranch Park

---

Design Engineer: Cobb Fendley, Architect: Randall Porterfield

Original Contract Amount: **\$649,748.50**

Current Contract Amount: **\$649,748.50**

Billed to Date: **\$547,892.17**

% Billed: **84.32**

Plan Status: **95%**

### Progress this period:

- USACE review is still in progress.
  - Corps requested additional information in November
  - Currently waiting to receive notification that the application is administratively complete
- Continued site plan development and structural design reviews.
- Began finalizing bid items.

- Latest cost estimate has generated a round of value engineering and identification of bid Add Alternates now being incorporated into bid documents

Planned activities for the period ending January 31, 2014:

- Complete site plan development and structural design for buildings. Address any comments from building permit review and acquire permit.
- Prepare for bidding pending receipt of USACE permit

Project Schedule:

- Consultant Selection – Complete
- Schematic Land Plan & Programming – October 2012 to April 2013
- Design – April 2013 to December 2013
- Bid/Award – January/February 2014
- Construction – March 2014 to March 2015

**SH35 Water Line – FM518 to Magnolia**

---

Design Engineer: **Brown & Gay Engineers, Inc.**

Original Contract Amount: **\$155,200.00**

Current Contract Amount: **\$155,200.00**

Billed to Date: **\$124,757.00**

% Billed: **80.38**

Plan Status: **75%**

Progress this period:

- Held progress meeting and discussed 60% plan review comments
- Consultant working with TxDOT to permit portions of the work that will be inside TxDOT's right of way
  - Concerns that TxDOT's contractor may still be on SH35 when this project bids are dictating a phased approach to the project to delay work within the existing SH35 construction limits while moving forward with those portions outside of that job
- Began easement acquisition process

Planned activities for the period ending January 31, 2014:

- Continue plan design and reviews.
- Continue coordination with adjacent utilities.

Project Schedule:

- Consultant Selection – Complete
- Design – June 2013 to December 2013
- Bid/Award – January/February 2014
- Construction – March 2014 to October 2014

## **Trail Connectivity Phase 2**

---

Design Engineer: Clark Condon Associates  
Original Contract Amount: **\$89,844.50**  
Current Contract Amount: **\$89,844.50**  
Billed to Date: **\$32,975.00**                      % Billed: **43.2**  
Plan Status: **30%**

### Progress this period:

- Received updated drainage area information from Dannenbaum related to the Mary's Creek floodway. This information was forwarded to the consultant for inclusion in the plans.
- Schematic design plan comments were discussed in preparation for transition to design development.

### Planned activities for the period ending January 31, 2014:

- Finalize schematic design and move to the design development phase
- Continue work on the park utilizing the new drainage information for the floodway/floodplain delineation.

### Project Schedule:

- Consultant Selection – Complete
- Schematic Land Plan & Programming – June 2013 to October 2013
- Design Development – November 2013 to January 2014
- Construction Documents – January 2014 to February 2014
- Bid/Award – February/March 2014
- Construction – March 2014 to September 2014

## **Twin Creek Regional Lift Station**

---

Design Engineer: IDS Engineering Group (formerly Pate Engineers, Inc.)  
Contractor: E.P. Brady, Ltd.                      CM: City of Pearland, Cara Davis  
**As of October 25, 2013**  
Original Contract Amount: **\$2,371,573.35**  
Current Contract Amount: **\$2,368,802.24**  
Billed to Date: **\$1,775,368.51**                      % Billed: **74.95**  
Contract Days Used: **503**                      % of Contract Days: **106.34**

## **Twin Creek Regional Lift Station (cont....)**

---

### **Progress this period:**

- All paving has been completed. Site restoration is in progress. Substantial completion inspection was held in late December.
- Demolition contractor, NCM Demolition and Remediation, LP, issued NTP for the demolition of the old Twin Creek LS building and site.

### **Planned activities for the period ending January 31, 2014:**

- Peltier will complete punchlist items for the LS.
- EP Brady will complete punchlist items from substantial walkthrough.
- Begin project closeout procedures.

### **Project Schedule:**

- Consultant Selection – 4th Quarter 2010
- PER – 1<sup>st</sup> Quarter 2011 thru 3<sup>rd</sup> Quarter 2011
  - Design – 3<sup>rd</sup> Quarter 2011 thru 2<sup>nd</sup> Quarter 2012
- Construction – 3<sup>rd</sup> Quarter 2012 thru 4<sup>th</sup> Quarter 2013



City of Pearland

Projects Department

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# Monthly Projects Update

January 7, 2014

**Highway 35 Reconstruction  
Intelligent Traffic System  
Country Place Bed and Banks Permit  
Alice Street Plant**

**Prepared by:  
Skipper Jones**

**For Distribution to City Council**

## Highway 35 Reconstruction

Design Engineer: S&B Engineers & TxDOT,

Contractor: **Triple B Construction**

Billed to Date: \$

Contract Days Used:

CM: **TxDOT**

% Billed:

% of Contract Days:

Completion Date: per contract Oct. 2012

### Progress this period:

- Pavement
  - Concrete pavement is now complete.
  - Contractor still has some asphalt work to perform on two legs of the 35/ 518 intersection
  - Sidewalk at various scattered areas remain along with some ADA Ramps at intersections. Cold weather is now impacting the schedule for concrete pours
- Bridges
  - Bridge medians are completed and contractor is scheduling minor lane detours at Clear Creek and Town Ditch bridges to install the bridge rails. Again cold weather is impacting this schedule
- Traffic Signals
  - City inspection of traffic signals has determined that some of the signal heads do not line up properly with the lanes they control. Staff has met twice with TxDOT and the Signal subcontractor to discuss a variety of correction alternatives. TxDOT is pricing out the required changes, some of which are likely to require the movement of the signal mast.
  - The westbound signal for the intersection with FM518 is affected and corrections are delaying the start-up of this signal which is tied to the Railroad Quiet Zone and is delaying start-up of that system.
- Median work
  - Brick pavers began going into medians the week of January 6th
  - Landscaping work was scheduled to begin immediately after Thanksgiving with the installation of irrigation taps and meters. However, TxDOT had not received approval paperwork on a landscape contractor as of early January
- TxDOT is now **projecting that the project will not be complete in mid-January.**

## Intelligent Traffic Management System

Design Engineer: **AECOM and Wilber Smith**

Contractor: **Third Coast Services** CM: in House

Billed to Date: \$ 1,516,018 % Billed: 40

Contract Days Used: 321 70% of Contract Days:

### Progress this period:

- Processed & Paid 11<sup>th</sup> Contractor Pay Estimate in amount of \$44,111
- Continue to replace controllers, encoders in existing cabinets and tying in new camera systems. Installing upgraded equipment in each cabinet as this process progresses.
- Continuing to work on installation of underground conduit and pull boxes throughout the project limits. This work is nearly complete at this time
- Installation of overhead fiber has begun. Contractor is pulling in fiber beginning on the west end and working eastward.
- Beginning to pull fiber into underground conduit beginning near Kirby and working east. Work has begun to take fiber into the server at PSB and from there across Cullen and into Hillhouse TOC facility.
- Beginning to discuss requirements for extending fiber to the planned site for Fire Station #2 on McLean
- Received reimbursement for 80% of Pay Estimate #10

#### Planned Activities for period ending Jan. 30, 2014

- Fiber installation will continue
- Controller change out will continue along with installation of other equipment within the controller cabinets
  - Currently working to resolve an equipment compatibility issue between Naztec Cameras and Siemens encoder/ controller and data transmission equipment.
- Continue work installing wireless communications systems
  - Work to begin at water towers in late January or early Feb. Contractor has contracted with a certified climbing installer for work at heights. City Safety personnel will inspect climb equipment prior to tower work.
  - Electrical work at towers will continue

#### Project Schedule

- Notice to proceed issued January 7<sup>th</sup>,
- 458 days to Substantial completion, April 10, 2014
- 548 days to final completion and acceptance, July 9, 2014

#### **Bed and Banks Permit Application**

Design Engineer: **Cobb Fendley**

Contractor: N/A

CM: In House

Billed to Date: \$6,840

68% Billed:

Contract Days Used:

% of Contract Days:

#### Progress this period:

- Application was executed and submitted to TCEQ in late July, 2013

- TCEQ provided response questionnaire requesting additional information. This indicates that the application is in the review process.
- They have determined that a water conservation plan is required for the irrigation system. Cobb Fendley met with CPMCA to discuss and obtain information on the planned system.
- Staff have responded to those items required to be furnished by the city, including an application fee in the amount of \$412 and all indications are that the completed response will be returned by Dec. 9
- Based on the requested additional information there appear to be no problems or delays at this time.



# Monthly Projects Update

January 6, 2014

**McHard Road 16" Water Line  
Westchester Sidewalk and Drainage  
Walnut Lift Station  
McHard Road Extension  
City Hall Complex Renovations  
Lower Kirby Urban Center Regional Detention  
Regency Park Subdivision Paving and Drainage**

*Prepared by:*  
**Jennifer Lee**

**For Distribution to City Council**

## McHard Road 16" Water Line and Roadway PER

---

### Progress this period:

- Attended monthly progress meeting.
- CL Davis is continuing to prepare the easements; should be complete by mid-January, 2014.
- Met with TxDOT to advise that 90% submission will be the permit application for the Phase 1 portion of the project at: crossing of SH288, Cullen and SH35 and in the right of way along Shadow Creek Parkway
  - TxDOT's requested 700 ft. of the waterline between Market St. and SH 288 to be moved about four feet to the south to be outside of the top of bank of their ditch.
  - There are no TxDOT concerns at Cullen or SH 35.
  - The City will need to submit four separate permit applications to TxDOT for the waterline construction project.
- The Modern Green Ivy Development is delayed. However, Phase 1 will meet any near term water needs for this area until Phase 2 is constructed
- Public Works working on modifications to the waterline specifications before the project advertises.
- Freese and Nichols submitted the BNSF permit application for the crossing near Mykawa
- Construction Management consulted selected and beginning contract negotiations

### Planned activities for the period ending January 31, 2014:

- Prepare and attend a monthly progress meeting.
- Prepare Construction Management contract.
- **Prepare for and attend TRC.**
- **Submit TxDOT permit applications**
- Continue surveying coordination.

### Project Schedule:

- Project design is scheduled for twenty-four months with scheduled completion February 2014.
- **Waterline Project will be divided into two phases, the first phase will bid in April 2014.**
- Design is on schedule.

## Westchester Sidewalks and Drainage Project

---

Design Engineer: GC Engineering

Contractor: Lazer Construction Company, Inc.

Contract Amount: **\$381,206.72**

Change Orders to Date: **\$5,001.00**

Adjusted Contract Total: **\$386,207.72**

Billed to Date: **\$279,300.01**

Contract Duration: **60 Days (Substantial)**

Contract Days Used: **147**

Contract Days Extension: 45

% of Increase: **1.31**

% Billed: **72**

% of Contract Days: 140

Additional Rain Days: 9

### **Westchester Sidewalks and Drainage Project (cont.)**

---

#### Progress this period:

- Contractor completed punch list items.

#### Planned activities for the period ending January 31, 2014:

- Close out project.

### **Walnut Street Lift Station**

---

#### Progress this period:

- Attended the monthly progress meeting.
- Public Works is continuing the revision of the specifications for the lift station and sanitary sewer lines.
- 90% plans have been distributed to Public Works and Engineering Departments for review and comments. All comments should be addressed by the end of January.
- Additional site acquisition (20' x 50') underway to provide adequate space for the facility along with minimal buffer and landscaping

#### Planned activities for the period ending January 31, 2014:

- 100% plans should be received by January 31st.
- Set up TRC meeting.

#### Project Schedule:

- The design of the lift station is behind schedule.
- Construction is expected to begin first quarter of 2014
- The construction phase is expected to take five months.

### **McHard Road Extension**

---

#### Progress this period:

- Attended progress meeting.
- Staff have reviewed first and second round versions of the design cost proposal

- The second revised version has been submitted to TxDOT for their review and comment

Planned activities for the period ending January 31, 2014:

- Receive proposal comments from TxDOT and review with consultant

Project Schedule:

- Design scheduled to begin February 2014
- Construction to begin September 2016.

**City Hall Complex Renovations**

---

Progress this period:

- Attended Project Kick-off meeting.
- Attended programming meetings with ten department heads to discuss department's current and future staffing and specialized space and equipment needs.
- Discussed adjacencies, meeting rooms, public accessibility, shared space, and security concerns all an effort to determine current and future needs

Planned activities for the period ending January 31, 2014:

- Meet with the MEP and the Building Maintenance Department to review the HVAC system and building automation systems.
- Research other local municipal offices to see how security is accomplished while not appearing unapproachable.
- Respond to additional questions from the architect that may arise from the programming sessions.

Project Schedule:

- Pre-design should be complete the second quarter 2014
- Construction to begin third quarter of 2014.

**Lower Kirby Urban Center Regional Detention**

---

Progress this period:

- The City and the Management District continued working on an agreement for the use of the TxDOT ditch.
- Continued negotiating the scope and fees.

Planned activities for the period ending January 31, 2014:

- Complete negotiations with LJA Engineering for the scope, proposal and fee after the TxDOT agreement has been reached.
- Begin surveying project limits.
- Begin coordination with HCFCD and TxDOT.

Project Schedule:

- Design to begin first quarter 2014
- Construction to begin third quarter of 2014.

**Regency Park Subdivision Paving and Drainage**

---

Progress this period:

- Issued the NTP for Engineering Design Services to Binkley and Barfield Consulting Engineers.
- Attended the project Kick-off meeting.
- Binkley and Barfield began performing preliminary engineering services which will include providing the city with a letter report that will assess pavement conditions and define the scope of work necessary to improve the streets and drainage in the subdivision. The original scope included either street replacement or repair, drainage work, and the addition of sidewalks.
  - It was determined that because the existing waterlines are AC pipe and, in some locations may be undersized, they will probably need to be replaced.
- Public Works will TV the existing sewer system to determine its condition.
  - Due to the age of the sanitary sewer lines, the scope of the project may need to be expanded to include replacing the lines.

Planned activities for the period ending January 31, 2014:

- Attend the monthly progress meeting.
- Receive Preliminary Engineering Letter Report.

Project Schedule:

- Project began December 2013
- Construction to begin second quarter of 2014.



City of Pearland

Projects Department

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# Monthly Projects Update

January 6, 2014

**Garden Road Signal  
West Oak / Somersetshire Lift Station Retirement  
Fire Station 3  
Fire Station 2  
Fite Road (LGPP)  
SH35 Quiet Zone**

**Prepared by:  
Cuong Le**

**For Distribution to City Council**

## **Garden Road Signal (Design) – TR1306**

Design Engineer: **EPIC Engineering**

Original Contract Amount: **\$44,376.50**

Current Contract Amount: **\$44,376.50**

Billed to Date: **\$26,641.20**

% Billed: **67**

### **Progress this period:**

- TxDOT's Traffic Division completed review of 100%. Waiting on other TxDOT departments comments.

### **Planned Activities for period ending January 2014:**

- Receive TxDOT's comments and finalize drawings.
- Advertise project for bid.

### **Project Schedule**

- Design NTP issued May 28, 2013
- Bid – November 2013
- Signal in operation by April 2013

## **West Oak & Somersetshire Lift Station Retirement (Design) – WW1303/1304**

---

Design Architect: **ARKK Engineers, LLC.**

Original Contract Amount: **\$36,350.00**

Current Contract Amount: **\$0.00**

Billed to Date: **\$ 0**

% Billed: **0**

### **Progress last period:**

- Design contract executed.
- Letters to pipeline companies submitted.
- Geotechnical completed bore and report submitted.
- Easement acquisition started.

### **Planned activities for the period ending January 2014:**

- Engineer submits 60% plans and specification for City review.
- Engineer submits 90% plans/specifications.
- Complete easement acquisition for Somersetshire LS.

### **Project Schedule:**

- Notice to Proceed – June 3, 2013
- Final PER – October 2013
- Start design – December 2013

## **Fire Station 3 (Design)**

---

Design Architect: **Brown Reynolds Watford Architects, Inc.**

Original Contract Amount: **\$265,090.00**

Current Contract Amount: **\$265,090.00**

Billed to Date: **\$ 185,645.83**

% Billed: **70.0**

### Progress last period:

- Completed land purchase agreement.
- Architect submitted 100% plans and specifications for City review.
  - Collecting comments from involved departments
  - Met with Fire Department and Engineering as well as coordinated with Planning and Parks to incorporate final comments for BRW.

### Planned activities for the period ending January 2014:

- Complete minor plat.
- Submit 100% comments to BRW & schedule meeting to finalize comments.
- City Engineer reviews and signs 100% plans at Technical Review meeting.
- Receive and review Centerpoint's estimate for utility relocation.
- Finalize competitive sealed proposal package.

### Project Schedule:

- Council Award: February 11, 2013
- Notice to Proceed – February 25, 2013
- 100% Plans & Spec – December 2013
- Bid – February 2014

## **Fire Station 2 (Design)**

---

Design Architect: **Brown Reynolds Watford Architects, Inc.**

Original Contract Amount: **\$211,465.00**

Current Contract Amount: **\$211,465.00**

Billed to Date: **\$ 0.0**

% Billed: **0.0**

### Progress last period:

- Finalized and distributed site analysis report.
  - Design team unanimously agreed on a single best proposed site
  - City reviewed and selected site with acquisition started.
- Issued contract for Phase 1 and Geotechnical investigation
  - Preliminary Phase 1 report completed
- Design notice to proceed issued.

### Planned activities for the period ending January 2014:

- Complete Phase I environmental.
- Geotechnical boring after right of way acquisition.

Project Schedule:

- Council Award: November 25, 2013
- Notice to Proceed: December 16, 2013

**Fite Road – LGPP (Design) – TR1202**

---

Design Engineer: **Cobb Fendley & Associates**

Original Contract Amount: **\$513,560.18**

Current Contract Amount: **\$513,560.18**

Paid to Date: **\$ 0**

% Billed: **0%**

Progress this period:

- Held coordination meeting with Hatfield's project manager.
- Two alignment "alternatives" schematics of road now available.
- Confirmed project is out of floodway and design is able to proceed.
- Completed data collection for traffic signal warrant analysis, geotechnical report and environmental report.

Planned Activities for period ending January 2014:

- Engineer submits Traffic Signal Warrant Analysis, geotechnical report and draft environmental report.
- Execute TxDOT amendment for additional environmental work.
- Hold DCC meeting with TxDOT.
- Schedule and advertise Public Meeting.

Project Schedule

- Design NTP issued for August 12, 2013.
- TxDOT Kick Off Meeting August 26, 2013.

## **Quiet Zone Crossing and Median Improvements at Broadway at BNSF Railway (Construction) – TR1002**

---

Design Engineer: **ARKK Engineers, LLC.**

Contractor: General Contractor Services, Inc.

CM: City of Pearland

Original Contract Amount: **\$141,240.00**

Current Contract Amount: **\$141,240.00**

Billed to Date: **\$122,960.00**

% Billed: **87.1**

Contract Days Used: **68**

% of Contract Days: **74.7**

### Progress last period:

- Contractor submitted proposal for additional work to replace asphalt transition adjacent to track panels performed by BNSF crews.
  - Working with Contractor to adjust scope and costs

### Planned activities for the period ending January 2014:

- Complete asphalt transition repair.
- Railroad to complete concrete panel installation without road closure for west bound FM 518.
- After TxDOT completes signal at SH 35 and FM 518 intersection, City able to submit request to declare three crossings as official Quiet Zone.
- Balancing change order with close out meeting.

### Project Schedule:

- Received TxDOT permit March 11, 2013.
- Advertisement scheduled for April 4 and 10
- Mandatory Pre-bid: April 17, 2013
- Bid: April 25, 2013
- Council Award: May 13, 2013
- BNSF Contract: August 8, 2013
- Pre-Construction: August 22, 2013
- Notice to Proceed: September 16, 2013
- Substantial Completion: November 4, 2013



City of Pearland

Projects Department

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# Monthly Projects Update

January 6, 2014

**Irrigation Improvements on McHard Road at Countyplace Blvd.**

*Prepared by:*  
**Jameson Appel**

**For Distribution to City Council**

## Irrigation Improvements for McHard Road at Countryplace Blvd. (Construction)

Design Engineer: Huitt-Zollars, Inc.

Contractor: Hydrozone Landscape Corporation

Original Contract Amount: **\$ 90,615.00**

Current Contract Amount: **\$72,919.31**

Billed to Date: **\$ 31,959.8** % Billed: **43.8%**

Contract Days Used: **81**

% of Contract Days: **270%**

Plan Status: **100% Complete**

- Project Schedule
  - 1<sup>st</sup> Advertisement 7/17
  - 2<sup>nd</sup> Advertisement 7/25
  - Pre-Bid 7/25
  - Bid Opening 8/1
  - Construction 3<sup>rd</sup> Quarter 2013
  - AR for Council set of 9/9/13
  - Substantial Completion Date November 12, 2013
  - Final Completion Date November 27, 2013

### Progress this Period:

- 37 of 37 zones completed
- Performed Substantial Completion Walk-Through and transmitted punch list to contractor

### Planned activities for the period ending January 31, 2014:

- Refine grading work
- Hydromulch trenched areas.
- Final Walk through
- Project Close-Out

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## Current Utility Relocations

### **Fire/EMS Station 3**

- Proposal and plans in progress for CPE to move electric overhead to underground.
- Comcast underground plans approved waiting for final plans for CPE underground to begin construction.