

4813 W. Broadway  
Pearland, Texas 77581



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## ***Brazoria Drainage District No. 4***

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*A Political Subdivision of the State of Texas*

Regular Meeting  
No. 3

March 7, 2023  
9:01 AM – Called to Order by Commissioner Brennan

Commissioners of Brazoria Drainage District No. 4 convened in session March 7, 2023 with the following Commissioners present:

Jeffrey H. Brennan

Scott Feules

Jim Mooney

Others Attending:

See Attached List

Following the Invocation and Pledge of Allegiance, the Board considered the following items:

### **II. PUBLIC COMMENTS**

NONE

### **III. APPROVAL OF MINUTES**

#### **A. Regular Meeting – February 7, 2023**

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE MINUTES FOR THE REGULAR MEETING AS SUBMITTED.  
MOTION CARRIED UNANIMOUSLY.

### **IV. APPROVAL OF CHECK NUMBERS**

March & April 2023

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE CHECKS NUMBERED 41196 – 41271.  
MOTION CARRIED UNANIMOUSLY.

### **V. NEW BUSINESS**

**A. Discussion, Consideration & Possible Action** – To accept a dedication in fee from Hinton Mortgage & Investment Co. for 1.171 acres along Mary's Creek near the Woodcreek Subdivision.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO ACCEPT A DEDICATION IN FEE FROM HINTON MORTGAGE & INVESTMENT CO. FOR 1.171  
ACRES ALONG MARY’S CREEK NEAR THE WOODCREEK SUBDIVISION.  
MOTION CARRIED UNANIMOUSLY.

**B. Discussion, Consideration & Possible Action** – Interlocal agreement with the City of  
Pearland for the excavation and maintenance of a proposed flood mitigation facility located  
on CR 128.

1<sup>ST</sup> MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO DISCUSS AN INTERLOCAL AGREEMENT WITH THE CITY OF PEARLAND FOR THE  
EXCAVATION AND MAINTENANCE OF A PROPOSED FLOOD MITIGATION FACILITY  
LOCATED ON COUNTY ROAD 128.

2<sup>ND</sup> MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO AUTHORIZE DISTRICT STAFF TO NEGOTIATE WITH THE CITY OF PEARLAND  
OVER THE ACQUISITION THE PROPERTY ON CR 128.  
MOTION CARRIED UNANIMOUSLY.

**C. Discussion, Consideration & Possible Action** – To declare unit number #165 as salvage  
and authorize the Superintendent to dispose of said surplus truck by trade or public auction  
as advantageous to the District.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO DECLARE UNIT NUMBER #165 AS SALVAGE AND AUTHORIZE THE  
SUPERINTENDENT TO DISPOSE OF SAID SURPLUS TRUCK BY TRADE OR PUBLIC  
AUCTION AS ADVANTAGEOUS TO THE DISTRICT.  
MOTION CARRIED UNANIMOUSLY.

**D. Discussion, Consideration & Possible Action** – To discuss granting a Temporary Consent  
to Encroachment to Jacob|White Construction for The Landing development.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO GRANT A TEMPORARY CONSENT TO ENCROACHMENT TO JACOB|WHITE  
CONSTRUCTION FOR THE LANDING DEVELOPMENT.  
MOTION CARRIED UNANIMOUSLY.

**E. Discussion, Consideration & Possible Action** – To enter into an interlocal agreement with  
the City of Manvel regarding the use of a City owned sand pit for the disposal District fill  
material.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF MANVEL  
REGARDING THE USE OF A CITY OWNED SAND PIT FOR THE DISPOSAL OF DISTRICT  
FILL MATERIAL.  
MOTION CARRIED UNANIMOUSLY.

## VI. VARIANCE REQUESTS

- A. Discussion, Consideration & Possible Action** – Bailey Road Expansion – BDD4 #23-000028 – Freese & Nichols – Bailey Road from Veterans Road to SH 35.  
Variance Request: Request for waiver to use NOAA 14 rainfall requirement.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO ALLOW A WAIVER OF NOAA 14 RAINFALL REQUIREMENTS.  
AMENDED MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO DENY THE WAIVER OF THE NOAA ATLAS 14 RAINFALL REQUIREMENT.  
MOTION CARRIED UNANIMOUSLY.

- B. Discussion, Consideration & Possible Action** – Bailey Road Expansion – BDD4 #23-000044 – Freese & Nichols – Bailey Road from Veterans Road to SH 35.  
Variance Request: Request for waiver of requirement to analyze a 2-year event.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE FOR DISCUSSION THE REQUEST FOR WAIVER OF A REQUIREMENT TO ANALYZE A 2-YEAR EVENT.  
AMENDED MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO DENY THE WAIVER OF A REQUIREMENT TO ANALYZE A 2-YEAR EVENT.  
MOTION CARRIED UNANIMOUSLY.

- C. Discussion, Consideration & Possible Action** – Lake Amenity/Detention Basin 3 Expansion to existing Massey Oaks Phase 1 Detention Pond – BDD4 #23-000054 – RG Miller Engineers – East of South Harkey Road and adjacent to Massey Oaks 4 subdivision.  
Variance Request: Request to allow 3:1 side slope for wet portion of the pond.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE BASED ON THE APPLICANT SUPPLYING THE DISTRICT WITH A FAVORABLE SIDE SLOPE ANALYSIS.  
MOTION CARRIED UNANIMOUSLY.

- D. Discussion, Consideration & Possible Action** – Proposed Driveway 6520 Broadway – BDD4 #23-000049 – Lentz Engineering – 6420 Broadway Street.  
Variance Request: Request to allow concrete paving with a concrete curb on a District easement.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE FOR DISCUSSION A REQUEST TO ALLOW CONCRETE PAVING WITH A CONCRETE CURB ON A DISTRICT EASEMENT.  
AMENDED MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO DENY THE REQUEST FOR CONCRETE PAVING AND A CURB ON A DISTRICT FACILITY.  
MOTION CARRIED UNANIMOUSLY.

**E. Discussion, Consideration & Possible Action** – Mission Building Systems Steel Fabrication Shop and Office – BDD4 #23-000059 – Mission Engineering – 5331 W. Orange Street.

Variance Request: Request to allow 10 feet of concrete paving within a District easement.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO ALLOW UP TO 12' OF CONCRETE PAVING WITHIN THE DISTRICT EASEMENT WITH NO VERTICAL IMPROVEMENTS; DRIVE AISLE ONLY, CONTINGENT ON THE EXECUTION OF A STANDARD DISTRICT CONSENT TO ENCROACHMENT AGREEMENT.

MOTION CARRIED UNANIMOUSLY.

**F. Discussion, Consideration & Possible Action** – Mission Building Systems Steel Fabrication Shop and Office – BDD4 #23-000060 – Mission Engineering – 5331 W. Orange Street.

Variance Request: Request to allow a 30' shared maintenance berm.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO ALLOW A 30' SHARED MAINTENANCE BERM.

MOTION CARRIED UNANIMOUSLY.

**G. Discussion, Consideration & Possible Action** – Mission Building Systems Steel Fabrication Shop and Office – BDD4 #23-000061 – Mission Engineering – 5331 W. Orange Street.

Variance Request: Request to allow 3:1 side slope for private detention pond.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO ALLOW 3:1 SIDE SLOPE FOR A PRIVATE DETENTION POND.

AMENDED MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;

TO REQUIRE THE APPLICANT'S ENGINEER TO PROVIDE A SLOPE STABILITY ANALYSIS FOR THE 3:1 SIDE SLOPE.

MOTION CARRIED UNANIMOUSLY.

**H. Discussion, Consideration & Possible Action** – Xcess Services – BDD4 #23-000062 – AL&B Engineering – 3915 Old Chocolate Bayou Road.

Variance Request: Request to allow earthen overflow weir.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO ALLOW AN EARTHEN OVERFLOW WEIR.

MOTION CARRIED UNANIMOUSLY.

## VII. PLATS & PLAN

- A. Discussion, Consideration & Possible Action** – 65.2-acre Ordeneaux Tract – BDD4 #22-000216 – Drainage Impact Analysis – BGE, Inc – West of Lew Tract, east of Magnolia Creek Development, north of McKeever Road (County Road 100) and south of Cowart Diversion Ditch Unit #C107-11-00.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE 65.2-ACRE ORDENEAX TRACT DRAINAGE IMPACT ANALYSIS.  
MOTION CARRIED UNANIMOUSLY.

- B. Discussion, Consideration & Possible Action** – Alexander Section 3 – BDD4 #23-000048 – Final Plat – LJA Engineering – Southwest intersection of S. Main Street and Bailey Road.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE THE ALEXANDER SECTION 3 FINAL PLAT.  
MOTION CARRIED UNANIMOUSLY.

- C. Discussion, Consideration & Possible Action** – Jud's Development No. 1 Section A – BDD4 #23-000056 – Final Plat – Wilson Survey – South side of Industrial Drive and west of SH 35.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE JUD'S DEVELOPMENT NO. 1 SECTION 1 FINAL PLAT.  
MOTION CARRIED UNANIMOUSLY.

- D. Discussion, Consideration & Possible Action** – Smith Ranch Road Business Park – BDD4 #22-000192 – Final Plat – Cobb Fendley – West of Smith Ranch Road, east of SH 288, and north of the JCPenney shopping center.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE SMITH RANCH ROAD BUSINESS PARK FINAL PLAT.  
MOTION CARRIED UNANIMOUSLY.

- E. Discussion, Consideration & Possible Action** – Argovitz Detention Pond – BDD4 #22-000171 – Final Drainage Plan – Cobb Fendley – West of Smith Ranch Road, east of SH 288, and north of the JCPenney shopping center.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE ARGOVITZ DETENTION POND FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

- F. Discussion, Consideration & Possible Action** – Pomona Waste Water Treatment Plant Phase 4 – BDD4 #22-000177 – Final Drainage Plan – LJA Engineering – Along Croix Parkway, south of Mustang Bayou.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE POMONA WASTE WATER TREATMENT PLANT PHASE 4 FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**G. Discussion, Consideration & Possible Action – C-Store with Gas Station Pomona Phase 1 – BDD4 #23-000005 – Revised Final Drainage Plan – TN Associates Inc. – 3401 CR 58.**

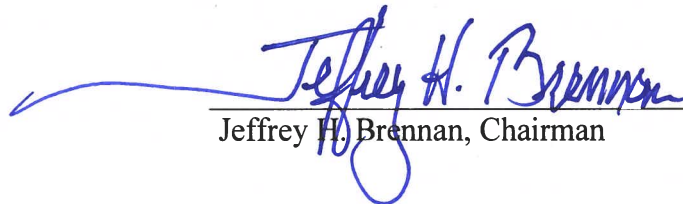
MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE C-STORE WITH GAS STATION POMONA PHASE 1 REVISED FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**H. Discussion, Consideration & Possible Action – Square 48 Shopping Center – BDD4 #22-000063 – Final Drainage Plan – HOUTEX Engineering – 5523 County Road 48.**

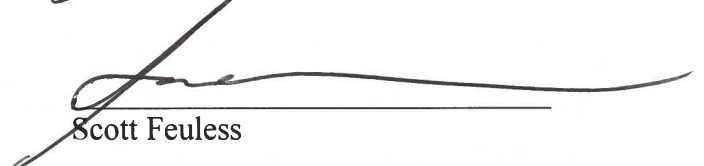
MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE SQUARE 48 SHOPPING CENTER FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**VIII. ADJOURN**

No further business, Commissioner Brennan called for adjournment 9:48 A.M., March 7, 2023.

  
Jeffrey H. Brennan, Chairman

  
Jim Mooney, Secretary

  
Scott Feules

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## Brazoria Drainage District No. 4

*A Political Subdivision of the State of Texas*

March 07, 2023

Attending Regular Meeting No. 03, held by Commissioners of Brazoria Drainage District No. 4.

NAME	BUSINESS AFILIATION
Adrian Genjo	BDD4
Jini Mooney	BDD4
Marco Montes	RG Miller / Mussey Oaks
NATE JACKSON	BGE / Ordeneaux
Alan Mueller	Gramax
Kayla Leal	LJA Engineering
Michelle Estes	BDD4
JASON DYER	BDD4
Clint Goebel	BDD4
Yifeng Zhuang	Mission Building Systems Inc.

Jim Mooney  
Commissioner

Jeffrey Brennan  
Commissioner

Scott Feules  
Commissioner