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

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*A Political Subdivision of the State of Texas*

Regular Meeting  
No. 9

September 12, 2023  
9:00 AM – Called to Order by Commissioner Brennan

Commissioners of Brazoria Drainage District No. 4 convened in session September 12, 2023 with the following Commissioners present:

Jeffrey H. Brennan

Scott Feules

Jim Mooney

Others Attending:

See Attached List

Following the Invocation led by Commissioner Mooney and Pledge of Allegiance led by Commissioner Feules, the Board considered the following items:

### **II. PUBLIC COMMENTS**

NONE

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

#### **A. Regular Meeting – August 1, 2023**

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

#### **B. Special Meeting – August 15, 2023**

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

#### IV. APPROVAL OF CHECK NUMBERS

September & October 2023

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE THE CHECKS NUMBERED 41642 – 41714.  
MOTION CARRIED UNANIMOUSLY.

#### V. NEW BUSINESS

**A. Discussion, Consideration & Possible Action** – To set the Property Tax Rate for the year 2023.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO ADOPT THE TAX RATE FOR BRAZORIA DRAINAGE DISTRICT NO. 4 AT  
\$0.114786/\$100 IN VALUATION FOR THE YEAR 2023.  
MOTION CARRIED UNANIMOUSLY.

RECORD VOTE: COMMISSIONER BRENNAN: AYE  
COMMISSIONER MOONEY: AYE  
COMMISSIONER FEULESS: AYE

**B. Discussion, Consideration & Possible Action** – To adopt the Annual Budget for the fiscal year beginning October 1, 2023 through September 30, 2024.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO ADOPT THE FISCAL YEAR 2024 ANNUAL BUDGET AS PROPOSED WHICH  
INCLUDES A 5% INCREASE FOR PAYROLL EMPLOYEES.  
AMENDED MOTION: COMMISSIONER FEULESS; SECOND: COMMISSIONER  
MOONEY;  
TO ADOPT THE FISCAL YEAR 2024 ANNUAL BUDGET WITH A 6% RAISE FOR  
EMPLOYEES AND ADJUSTING THE FLOOD CONTROL LINE ITEM BY \$50,000 TO BE  
REVIEWED AGAIN AFTER A SALARY EVALUATION STUDY IN JANUARY 2024.  
MOTION CARRIED UNANIMOUSLY.

**C. Discussion, Consideration & Possible Action** – To authorize the Superintendent to purchase equipment in accordance with the Fiscal Year 2024 budget.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO AUTHORIZE THE SUPERINTENDENT TO PURCHASE EQUIPMENT IN  
ACCORDANCE WITH THE FISCAL YEAR 2024 BUDGET.  
MOTION CARRIED UNANIMOUSLY.

**D. Discussion, Consideration & Possible Action** – To declare the following equipment as surplus and authorize the Superintendent to dispose of said surplus equipment by trade or public auction as advantageous to the District:

- #306 – 2013 Komatsu PC 360CL-10 Longboom – VIN: A33089A
- #602 – 2014 JD 6140 M Cab Tractor w/ Alamo Maverick Mower Deck – VIN: JT5553
- #120 – 2012 F350 4x4 Pickup Truck – VIN: 1FTRF3BT5CEB43001

- #121 – 2012 F350 4x4 Pickup Truck – VIN: 1FTRF3BT2CEB42999
- #122 – 2012 F350 4x4 Pickup Truck – VIN: 1FTRF3BT3CEB43000
- #123 – 2012 F150 4x4 Pickup Truck – VIN: 1FTFW1EF4CFB87465
- #124 – 2012 F250 4x4 Pickup Truck – VIN: 1FTBF2BT0CEB09785
- #501 – 2014 MACK GU713 Dump Truck – VIN: 1M2AX04C6EM020477

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
 TO DECLARE THE LISTED EQUIPMENT AS SURPLUS AND AUTHORIZE THE  
 SUPERINTENDENT TO DISPOSE OF SAID SURPLUS EQUIPMENT BY TRADE OR  
 PUBLIC AUCTION AS ADVANTAGEOUS TO THE DISTRICT.  
 MOTION CARRIED UNANIMOUSLY.

**E. Discussion, Consideration & Possible Action** – To authorize the payment of an optional contribution to the District’s account in the Subdivision Accumulation Fund System as set forth in Section 845.408 of the Texas County and District Retirement Systems Act

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
 TO AUTHORIZE THE PAYMENT OF AN OPTIONAL CONTRIBUTION OF \$350,000 TO  
 THE DISTRICT’S ACCOUNT IN THE SUBDIVISION ACCUMULATION FUND SYSTEM  
 AS SET FORTH IN SECTION 845.408 OF THE TEXAS COUNTY AND DISTRICT  
 RETIREMENT SYSTEMS ACT.

COMMISSIONER FEULESS REQUESTED THAT THE DISTRICT CONTRIBUTE  
 \$500,000 TO THE ACCOUNT.

AMENDED MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER  
 MOONEY;

TO CONTRIBUTE \$500,000 TO THE DISTRICTS RETIREMENT ACCOUNT.

MOTION CARRIED UNANIMOUSLY.

**F. Discussion, Consideration & Possible Action** – To adopt and authorize the Chairman to sign the Texas County and District Retirement Plan for the year 2024

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
 TO ADOPT AND AUTHORIZE THE CHAIRMAN TO SIGN THE TEXAS COUNTY AND  
 DISTRICT RETIREMENT PLAN FOR THE YEAR 2024.

MOTION CARRIED UNANIMOUSLY.

**G. Discussion, Consideration & Possible Action** – To review the District’s Investment Policy and authorize the Chairman to sign Resolution No. 2023-003, the Resolution Approving Review of Investment Policy, Strategies, and Objectives.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
 TO REVIEW THE DISTRICT’S INVESTMENT POLICY AND AUTHORIZE THE  
 CHAIRMAN TO SIGN RESOLUTION NO. 2023-003, THE RESOLUTION APPROVING  
 REVIEW OF INVESTMENT POLICY, STRATEGIES, AND OBJECTIVES.

MOTION CARRIED UNANIMOUSLY.

**H. Discussion, Consideration & Possible Action** – To approve and authorize the Chairman to sign an Interlocal Agreement with Brazoria County for assistance with labor and equipment only.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE AND AUTHORIZE THE CHAIRMAN TO SIGN AN INTERLOCAL AGREEMENT WITH BRAZORIA COUNTY FOR ASSISTANCE WITH LABOR AND EQUIPMENT ONLY.

MOTION CARRIED UNANIMOUSLY.

## **VI. VARIANCE REQUESTS**

**A. Discussion, Consideration & Possible Action** – 3600 Old Chocolate Bayou Rd. – BDD4 #23-000226 – Chris Watson – 3600 Old Chocolate Bayou Road.

**Variance Request:** Applicant seeks permission to remove the lined overflow swale from the Board approved Drainage Plan and required scope of work.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE REMOVING THE LINED OVERFLOW SWALE FROM THE BOARD APPROVED DRAINAGE PLAN AND REQUIRED SCOPE OF WORK.

MOTION CARRIED UNANIMOUSLY.

**B. Discussion, Consideration & Possible Action** – Magnolia Marketplace – BDD4 #23-000240 – Kelly Bosworth – Magnolia Parkway and Manvel Road.

**Variance Request:** Applicant seeks permission to use no maintenance berm on the east, west, and north side for a detention pond which will be 12 feet in depth. Applicant states that the concrete lined ramp will give them the ability to maintain the pond from the bottom.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE THE REQUEST TO USE NO MAINTENANCE BERM ON THE EAST, WEST, AND NORTH SIDE FOR A DETENTION POND WHICH WILL BE 12' DEEP.

AMENDED MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;

TO INCLUDE A STIPULATION FOR THE PREVIOUS MOTION THAT THE APPLICANT MUST HAVE AN UNOBSTRUCTED 20' INGRESS/EGRESS FROM A PUBLIC RIGHT-OF-WAY FOR THE RAMP AT THE DETENTION POND.

MOTION CARRIED UNANIMOUSLY.

## **VII. PLATS & PLAN**

**A. Discussion, Consideration & Possible Action** – C&C RV and Boat Storage – BDD4 #22-000204 – Final Drainage Plan – Morales Engineering Associates, LLC – East Side of Highway 35 near Chigger Creek.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE C&C RV AND BOAT STORAGE FINAL DRAINAGE PLAN.

MOTION CARRIED UNANIMOUSLY.

**B. Discussion, Consideration & Possible Action** – Del Bello 9 – BDD4 #22-000051 – Revised Final Drainage Plan – LJA Engineering – Del Bello Lakes Boulevard and SH 288.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE THE DEL BELLO 9 REVISED FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**C. Discussion, Consideration & Possible Action** – Del Bello 9 – BDD4 #23-000191 – Revised Final Plat – LJA Engineering – Del Bello Lakes Boulevard and SH 288.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE DEL BELLO 9 REVISED FINAL PLAT.  
MOTION CARRIED UNANIMOUSLY.

**D. Discussion, Consideration & Possible Action** – Pomona Multi Family – BDD4 #23-000086 – Final Plat – LJA Engineering – Croix Parkway and County Road 84.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE POMONA MULTI FAMILY FINAL PLAT.  
MOTION CARRIED UNANIMOUSLY.

**E. Discussion, Consideration & Possible Action** – United Concrete – BDD4 #23-000032 – Final Drainage Plan – Petrichor Group LLC – 7400 Sanders Road.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE UNITED CONCRETE FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**F. Discussion, Consideration & Possible Action** – Sanders Ready Mix Commercial – BDD4 #23-000237 – Final Plat – South Point Surveying – 7400 Sanders Road.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE SANDERS READY MIX COMMERCIAL FINAL PLAT.  
MOTION CARRIED UNANIMOUSLY.

**G. Discussion, Consideration & Possible Action** – Retail Development Cullen at McHard Rd – BDD4 #23-000007 – Final Drainage Plan – ALJ Lindsey, LLC – Northeast corner of Cullen Blvd and McHard Road.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE THE RETAIL DEVELOPMENT CULLEN AT MCHARD RD. FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**H. Discussion, Consideration & Possible Action** – Hardscape to Serve Alexander Section 1 – BDD4 #23-000196 – Final Drainage Plan – LJA Engineers – West of Highway 35 and North of Bailey Road.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE HARDSCAPE TO SERVE ALEXANDER SECTION 1 FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**I. Discussion, Consideration & Possible Action** – Sedona Lakes Plaza – BDD4 #23-000152 – Final Drainage Plan – ALJ Lindsey, LLC – 1875 County Road 101 / County Road 94 and County Road 101.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE THE SEDONA LAKES PLAZA FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**J. Discussion, Consideration & Possible Action** – Storage Cap Pearland – BDD4 #23-000166 – Final Plat – Windrose – Northwest corner of FM 1128 and Fite Road.

\*THIS ITEM WAS PULLED FROM BOARD CONSIDERATION AS REQUESTED BY  
THE APPLICANT\*

**K. Discussion, Consideration & Possible Action** – 2503 Covey Lane – BDD4 #23-000216 – Final Drainage Plan – Daniel Scott Engineering – 2503 Covey Lane, corner of Fite Road and Covey Lane.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE 2503 COVEY LANE FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**L. Discussion, Consideration & Possible Action** – Vineyard Parking Ellis Road – BDD4 #23-000116 – Final Drainage Plan – GC Engineering, Inc. – North of Brookside Road and East of Ellis Road and West of Fairline Drive.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE THE VINEYARD PARKING ELLIS ROAD FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**M. Discussion, Consideration & Possible Action** – Time Mart 8080 Bailey – BDD4 #22-000174 – Revised Drainage Plan – IGET Services LLC – 8080 Bailey Road corner of Bailey Road and County Road 89.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE THE TIME MART 8080 BAILEY REVISED FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**N. Discussion, Consideration & Possible Action** – Massey Section 7 – BDD4 #23-000245 – Revised Drainage Plan – RG Miller – South of Old Massey Ranch Road and West of Harkey Road.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE THE MASSEY SECTION 7 REVISED FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**O. Discussion, Consideration & Possible Action** – Massey Oaks Section 8 – BDD4 #23-000243 – Revised Drainage Plan – RG Miller – North of American Canal, South of Old Massey Ranch Road, East of FM 1128.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE MASSEY OAKS SECTION 8 REVISED FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**P. Discussion, Consideration & Possible Action** – Massey Oaks Detention – BDD4 #23-000114 – Final Drainage Plan – RG Miller – North of American Canal, South of Old Massey Ranch Road, East of FM 1128.

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

**Q. Discussion, Consideration & Possible Action** – Low Tract South Section – BDD4 #23-000247 – Revised Drainage Plan – RG Miller – North of American Canal, South of Old Massey Ranch Road, East of FM 1128.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE LEW TRACT SOUTH SECTION REVISED FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

## **VIII. ADJOURN**

No further business, Commissioner Brennan called for adjournment 9:43 A.M., September 12, 2023.

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Jeffrey H. Brennan, Chairman

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Jim Mooney, Secretary

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Scott Feules