

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. 11

November 14, 2023  
9:01 AM – Called to Order by Commissioner Brennan

Commissioners of Brazoria Drainage District No. 4 convened in session November 14, 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 – October 3, 2023**

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

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

November & December 2023

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE CHECKS NUMBERED 41814 – 41909.  
MOTION CARRIED UNANIMOUSLY.

**V. NEW BUSINESS**

**A. Discussion, Consideration & Possible Action** – To set the 2024 District Calendar including changing the following regular meeting dates:

- January 2<sup>nd</sup> to January 9<sup>th</sup>
- September 3<sup>rd</sup> to September 10<sup>th</sup>
- November 5<sup>th</sup> to November 6<sup>th</sup>

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO SET THE 2024 DISTRICT CALENDAR WITH REGULAR MEETING DATE CHANGES AS SUBMITTED.

MOTION CARRIED UNANIMOUSLY.

**B. Discussion, Consideration & Possible Action** – To accept a 71.45-acre drainage easement from MC 288, LLC for the Sprint Pond located on the south side of Mustang Bayou near the Pomona development and authorize the Chairman to sign all related documents.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO ACCEPT A 71.45-ACRE DRAINAGE EASEMENT FROM MC 288, LLC FOR THE SPRINT POND LOCATED ON THE SOUTH SIDE OF MUSTANG BAYOU NEAR THE POMONA DEVELOPMENT AND AUTHORIZE THE CHAIRMAN TO SIGN ALL RELATED DOCUMENTS.

MOTION CARRIED UNANIMOUSLY.

**C. Discussion, Consideration & Possible Action** – To accept a 2.577-acre drainage easement from Primoris Energy Services Corporation for a portion of the Sprint Pond located on the north side of Mustang Bayou near the Pomona development and authorize the Chairman to sign all related documents.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO ACCEPT A 2.577-ACRE DRAINAGE EASEMENT FROM PRIMORIS ENERGY SERVICES CORPORATION FOR A PORTION OF THE SPRINT POND LOCATED ON THE NORTH SIDE OF MUSTANG BAYOU NEAR THE POMONA DEVELOPMENT AND AUTHORIZE THE CHAIRMAN TO SIGN ALL RELATED DOCUMENT.

MOTION CARRIED BY MAJORITY; COMMISSIONER MOONEY DID NOT VOTE.

**D. Discussion, Consideration & Possible Action** – To accept a 25.28-acre drainage easement from MC 288, LLC for a portion of the Sprint Pond located on the north side of Mustang Bayou near the Pomona development and authorize the Chairman to sign all related documents.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO ACCEPT A 25.28-ACRE DRAINAGE EASEMENT FROM MC 288, LLC FOR A PORTION OF THE SPRINT POND LOCATED ON THE NORTH SIDE OF MUSTANG BAYOU NEAR THE POMONA DEVELOPMENT AND AUTHORIZE THE CHAIRMAN TO SIGN ALL RELATED DOCUMENTS.

MOTION CARRIED UNANIMOUSLY.

**E. Discussion, Consideration & Possible Action** – To approve an updated Maintenance Agreement with MUD 39 & MUD 40 for the Pomona development and authorize the Chairman to sign all related documents.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE AN UPDATED MAINTENANCE AGREEMENT WITH MUD 39 & MUD 40  
FOR THE POMONA DEVELOPMENT AND AUTHORIZE THE CHAIRMAN TO SIGN ALL  
RELATED DOCUMENTS.

MOTION CARRIED UNANIMOUSLY.

**F. Discussion, Consideration & Possible Action** – To approve the Texas SmartBuy Membership Program Resolution updating the District’s contact information and authorize the Chairman to sign all related documents.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE TEXAS SMARTBUY MEMBERSHIP PROGRAM RESOLUTION  
UPDATING THE DISTRICT’S CONTACT INFORMATION AND AUTHORIZE THE  
CHAIRMAN TO SIGN ALL RELATED DOCUMENTS.

MOTION CARRIED UNANIMOUSLY.

**G. Discussion, Consideration & Possible Action** – To accept a 0.9331-acre drainage easement from Phoc, LLC and authorize the Chairman to sign all related documents.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO ACCEPT A 0.9331-ACRE DRAINAGE EASEMENT FROM PHOC, LLC AND  
AUTHORIZE THE CHAIRMAN TO SIGN ALL RELATED DOCUMENTS.

MOTION CARRIED UNANIMOUSLY.

**H. Discussion, Consideration & Possible Action** – To accept a 1.263-acre drainage easement from Viet Truong on Apollo Rd. and authorize the Chairman to sign all related documents.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO ACCEPT A 1.263-ACRE DRAINAGE EASEMENT FROM VIET TRUONG ON APOLLO  
RD. AND AUTHORIZE THE CHAIRMAN TO SIGN ALL RELATED DOCUMENTS.

MOTION CARRIED UNANIMOUSLY.

**I. Discussion, Consideration & Possible Action** – To accept a 0.8985-acre drainage easement from VDB Property Management, LLC and authorize the Chairman to sign all related documents.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO ACCEPT A 0.8985-ACRE DRAINAGE EASEMENT FROM VDB PROPERTY  
MANAGEMENT, LLC AND AUTHORIZE THE CHAIRMAN TO SIGN ALL RELATED  
DOCUMENTS.

MOTION CARRIED UNANIMOUSLY.

**J. Discussion, Consideration & Possible Action** – To adopt & authorize the Chairman to sign Resolution #2023-004 an amendment to the Rules, Regulations, & Guidelines regarding drainage & flood control.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO ADOPT & AUTHORIZE THE CHAIRMAN TO SIGN RESOLUTION #2023-004 AN  
AMENDMENT TO THE RULES, REGULATIONS, & GUIDELINES REGARDING  
DRAINAGE & FLOOD CONTROL.  
MOTION CARRIED UNANIMOUSLY.

## VI. VARIANCE REQUESTS

**A. Discussion, Consideration & Possible Action** – French Quarter – BDD4 #23-000278 – Huitt Zollars, Inc. – North of Pearland Parkway and Dixie Farm Road.

**Variance Request:** Applicant seeks a reduction of the soffit requirement for a roadway culvert as per Section 25.8 of the District’s Rules, Regulations and Guidelines.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE A REDUCTION OF THE SOFFIT REQUIREMENT FOR A ROADWAY  
CULVERT.  
MOTION CARRIED UNANIMOUSLY.

**B. Discussion, Consideration & Possible Action** – HJR Highway 6 – BDD4 #23-000283 – Daniel Scott Engineering – West of Highway 288 Southside of Highway 6.

**Variance Request:** Applicant seeks permission to use a pump station with an underground detention system. Section 17.A.3 of the District’s Rules, Regulations and Guidelines.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE USE OF A PUMP STATION WITH AN UNDERGROUND DETENTION  
SYSTEM.  
MOTION CARRIED UNANIMOUSLY.

**C. Discussion, Consideration & Possible Action** – HJR Highway 6 – BDD4 #23-000283 – Daniel Scott Engineering – West of Highway 288 Southside of Highway 6.

**Variance Request:** Applicant seeks permission to use 20-foot maintenance berm along the existing right-of-way. Section 14.B.9 of the District’s Rules, Regulations and Guidelines.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE USE OF A 20-FOOT MAINTENANCE BERM ALONG THE EXISTING  
RIGHT-OF-WAY.  
MOTION DENIED; ALL COMMISSIONERS VOTED NO.

**D. Discussion, Consideration & Possible Action** – Sharon Cove – BDD4 #23-000300 – City of Pearland – Sharon Rd, West of Roy Rd, Adjacent to BDD4 Ditch A118-00-00.

**Variance Request:** Applicant seeks waiver to submit Drainage Plan. Section 14.A of the District’s Rules, Regulations and Guidelines.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE WAIVING THE REQUIREMENT TO SUBMIT A DRAINAGE PLAN.  
AMENDED MOTION: COMMISSIONER FEULESS; SECOND: COMMISSIONER  
BRENNAN;

TO WAIVE THE REQUIREMENT FOR THE SHARON COVE PLAT TO SUBMIT A DRAINAGE PLAN, CONTINGENT ON ADDING A NOTE TO THE PLAT THAT ANY NEW OR FUTURE DEVELOPMENT WOULD REQUIRE A DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

- E. Discussion, Consideration & Possible Action** – County Road 59 Improvements – BDD4 #23-000299 – Cobb Findley – CR 59 between CR 48 and Kirby Drive, with detention pond parcel on north side of roadway, and outfall at the Southern Trails facility  
**Variance Request:** Applicant seeks permission to use a “V” bottom ditch. Section 20.A.2 of the District’s Rules, Regulations and Guidelines.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE USE OF A “V” BOTTOM DITCH.  
MOTION CARRIED UNANIMOUSLY.

- F. Discussion, Consideration & Possible Action** – 3702 Old Chocolate Bayou Road – BDD4 #23-000303 – Mission Engineering – Old Chocolate Bayou Road & Bailey Road.  
**Variance Request:** Applicant seeks permission to use a 5-foot berm for a detention pond which will be 10 feet in depth on the west, south, and east side. The pond will have vertical walls in accordance with Section 14.H of the District’s Rules, Regulations and Guidelines.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE THE USE OF A 5-FOOT BERM FOR A DETENTION POND WHICH WILL BE 10 FEET IN DEPTH ON THE WEST, SOUTH, AND EAST SIDE.  
MOTION CARRIED UNANIMOUSLY.

- G. Discussion, Consideration & Possible Action** – 6521 Amie Lane – BDD4 #23-000304 – AL&B Engineering Services– 6521 Amie Lane off CR 879.  
**Variance Request:** Applicant seeks permission to treat all existing impervious cover as grand-fathered for detention purposes. Section 33.B of the District’s Rules, Regulations and Guidelines.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE TREATING ALL EXISTING IMPERVIOUS COVER AS GRAND-FATHERED FOR DETENTION PURPOSES.  
MOTION DENIED; ALL COMMISSIONERS VOTED NO.

## VII. PLATS & PLAN

- A. Discussion, Consideration & Possible Action** – Viet Truong Buddhist Temple – BDD4 #23-000064 – Final Drainage Plan – Daniel Scott Engineering LLC – 5477 CR 174A, Rosharon, TX; adjacent to Cold River Ranch Ditch.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE VIET TRUONG BUDDHIST TEMPLE FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**B. Discussion, Consideration & Possible Action** – Cutter Storage 36 – BDD4 #23-000215 – Final Drainage Plan – Daniel Scott Engineering – Tindel Street and Highway 35.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE THE CUTTER STORAGE 36 FINAL DRAINAGE PLAN.  
MOTION CARRIED BY MAJORITY; COMMISSIONER MOONEY DID NOT VOTE.

**C. Discussion, Consideration & Possible Action** – Tindel Estates – BDD4 #23-000259 – Final Plat – FMS Surveying Inc. – Tindel Street and Highway 35.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE THE TINDEL ESTATES FINAL PLAT.  
MOTION CARRIED UNANIMOUSLY.

**D. Discussion, Consideration & Possible Action** – Floor and Decor – BDD4 #23-000212 – Revised Final Drainage Plan – Quiddity Engineering – 3350 Business Center Drive.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE FLOOR AND DECOR REVISED FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**E. Discussion, Consideration & Possible Action** – Time Mart Trammel Fresno – BDD4 #23-000213 – Final Drainage Plan – HRS & Associates – Southwest corner of CR 58 and CR 48.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE TIME MART TRAMMEL FRESNO FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**F. Discussion, Consideration & Possible Action** – Bailey Road Improvements – BDD4 #22-000226 – Final Drainage Plan – Freese & Nichols – Bailey Road from Veterans to Highway 35.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE BAILEY ROAD IMPROVEMENTS FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**G. Discussion, Consideration & Possible Action** – Magnolia Marketplace – BDD4 #23-000246 – Final Drainage Plan - Kimley - Horn. – Southwest intersection of Manvel Road and Magnolia Parkway.

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

**H. Discussion, Consideration & Possible Action** – Pearland Coffee Roasters– BDD4 #22-000025 – Final Drainage Plan – PRD Land Development Services, LLC – North of 518, West of Shawntel and South of Mary’s Creek.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE PEARLAND COFFEE ROASTERS FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**I. Discussion, Consideration & Possible Action** – 3910 & 3912 Allen Road– BDD4 #23-000271 – Final Drainage Plan – DVJ Civil Engineering & Land Surveying – Allen Road, East of 288, South of Bailey Avenue and West of Masters Road

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE 3910 & 3912 ALLEN ROAD FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**J. Discussion, Consideration & Possible Action** – Lily Blossom Estates– BDD4 #23-000253 – Final Plat – South Point Surveying – Allen Road, East of 288, South of Bailey Avenue and West of Masters Road

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE LILY BLOSSOM ESTATES FINAL PLAT.  
MOTION CARRIED BY MAJORITY; COMMISSIONER MOONEY DID NOT VOTE.

**K. Discussion, Consideration & Possible Action** – Creekside at Highland Glen Section 2 – BDD4 #22-000253 – Final Drainage Plan – LJA Engineering – East of Pearland Parkway, West of Clear Creek, Entrance at Stable Stone Lane.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE THE CREEKSIDE AT HIGHLAND GLEN SECTION 2 FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**L. Discussion, Consideration & Possible Action** – Alexander Tract Detention & Mass Grading – BDD4 #22-000285 – Revised Final Drainage Plan – LJA Engineering – West of SH 35 and South of Bailey Road.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE ALEXANDER TRACT DETENTION & MASS GRADING REVISED FINAL DRAINAGE PLAN.  
MOTION CARRIED UNANIMOUSLY.

**M. Discussion, Consideration & Possible Action** – Longshot Warehouse – BDD4 #23-000294 –Final Plat – South Point Surveying – Intersection of CR 129 CR 127.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;  
TO APPROVE THE LONGSHOT WAREHOUSE FINAL PLAT.  
MOTION CARRIED UNANIMOUSLY.

**N. Discussion, Consideration & Possible Action** – French Quarter – BDD4 #23-000288 – Master Development Plan – Huitt-Zollars, Inc. – North of the Pearland Parkway and Dixie Farm intersection. Cowarts Creek is located South-East of the property with Industrial Drive ditch located in the property and Old Shadycrest ditch to the North-East of the property.

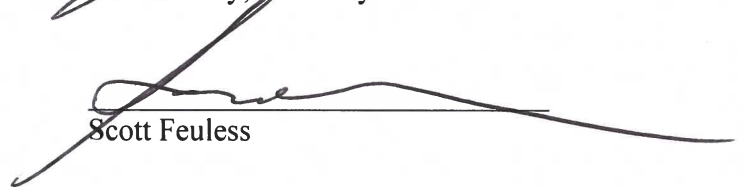
MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;  
TO APPROVE THE FRENCH QUARTER MASTER DEVELOPMENT PLAN.  
MOTION CARRIED UNANIMOUSLY.

**VIII. ADJOURN**

No further business, Commissioner Brennan called for adjournment 10:08 A.M., November 14, 2023.

  
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Jeffrey H. Brennan, Chairman

  
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Jim Mooney, Secretary

  
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Scott Feules



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## Brazoria Drainage District No. 4

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November 14, 2023

Attending Regular Meeting No. 11, held by Commissioners of Brazoria Drainage District No. 4.

NAME	BUSINESS AFILIATION
Jim Mooney	BDD 4
Kelly Alling	Kimley-Horn
Justin BARNETT	R West Development
Adrian Gonz	BDD 4
Jason Dyer	BDD 4
DREW TIFFANY	BGE, INC
Willie Alfaro	DSE
Mandy	Business Aff.
Alicia	Bus Aff.
JAKE BAKER	Excel

Jim Mooney  
Commissioner

Jeffrey Brennan  
Commissioner

Scott Feules  
Commissioner

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NAME	BUSINESS AFILIATION
RICHARD RAIMER	EXCE/Commercial LE, LLC
Cameron Miller, PE	Flood & Power
Jennie Edmonson	BDD4
Michelle Estes	BDD4
Wael Tabara	Brazoria County
Matt Adams	Cobbendray
Christ Goebel	BDD4

Jim Mooney  
Commissioner

Jeffrey Brennan  
Commissioner

Scott Feules  
Commissioner