

4813 W. Broadway
Pearland, Texas 77581



(281) 485-1434
info@bdd4.org

Brazoria Drainage District No. 4

A Political Subdivision of the State of Texas

Regular Meeting
No. 12

December 5, 2023
9:00 AM – Called to Order by Commissioner Brennan

Commissioners of Brazoria Drainage District No. 4 convened in session December 5, 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 – November 14, 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

December 2023 & January 2024

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO APPROVE THE CHECKS NUMBERED 41910 – 42060.
MOTION CARRIED UNANIMOUSLY.

V. NEW BUSINESS

- A. Discussion, Consideration & Possible Action** – Regarding changes to the District’s work schedule.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO APPROVE MOVING TO A 4/10 WORK SCHEDULE FOR THE DISTRICT.
MOTION CARRIED UNANIMOUSLY.

- B. Discussion, Consideration & Possible Action** – To approve and sign the District Information Form as required by the Texas Water Code §49.455.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO APPROVE AND SIGN THE DISTRICT INFORMATION FORM AS REQUIRED BY THE TEXAS WATER CODE §49.455.
MOTION CARRIED UNANIMOUSLY.

- C. Discussion, Consideration & Possible Action** – To accept & authorize the Chairman to sign Resolution #2023-005, amendments to the District’s Rules, Regulations, & Guidelines regarding multiple updates.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO ACCEPT & AUTHORIZE THE CHAIRMAN TO SIGN RESOLUTION #2023-005,
AMENDMENTS TO THE DISTRICT’S RULES, REGULATIONS, & GUIDELINES
REGARDING MULTIPLE UPDATES.
MOTION CARRIED UNANIMOUSLY.

VI. VARIANCE REQUESTS

- A. Discussion, Consideration & Possible Action** – Valencia Pond I – BDD4 #23-000318 – LJA Engineering - Valencia Development, North of Highway 6, and East of Iowa Lane.
Variance Request: Applicant seeks permission to use 20-foot and 25-foot detention pond maintenance berm where 30 feet is required per Section 14.B.9 of the District’s Rules, Regulations and Guidelines.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO ALLOW THE USAGE OF REDUCED MAINTENANCE BERMS.
MOTION DENIED; ALL COMMISSIONERS OPPOSED.

- B. Discussion, Consideration & Possible Action** – Mykawa Road Improvements – BDD4 #23-000327 – Lockwood, Andrews & Newnam, Inc.- Mykawa Road between Beltway 8 and FM 518. Project will outfall to Clear Creek, Hickory Slough, and Town Ditch.
Variance Request: Applicant seeks a waiver of the requirement to analyze the 2-year storm event per Section 4.A of the District’s Rules, Regulations and Guidelines.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;
TO WAIVE THE REQUIREMENT TO ANALYZE THE 2-YEAR STORM EVENT.
MOTION DENIED; ALL COMMISSIONERS OPPOSED.

- C. Discussion, Consideration & Possible Action** – Mykawa Road Improvements – BDD4 #23-000328 – Lockwood, Andrews & Newnam, Inc.- Mykawa Road between Beltway 8 and FM 518. Project will outfall to Clear Creek, Hickory Slough, and Town Ditch.
Variance Request: Applicant seeks permission to use City of Pearland Pre-NOAA 14 rainfall tables where Post-NOAA 14 rainfall tables are required per Section 33.F.A of the District’s Rules, Regulations and Guidelines.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER FEULESS;
TO ALLOW THE USAGE OF THE PRE-NOAA ATLAS-14 RAINFALL TABLES.
MOTION DENIED; ALL COMMISSIONERS OPPOSED.

- D. Discussion, Consideration & Possible Action** – Mykawa Road Improvements – BDD4 #23-000329 – Lockwood, Andrews & Newnam, Inc.- Mykawa Road between Beltway 8 and FM 518. Project will outfall to Clear Creek, Hickory Slough, and Town Ditch.
Variance Request: Applicant seeks permission to use City of Pearland Pre-NOAA 14 rainfall depths where Post-NOAA 14 rainfall depths are required per Section 33.H.2 of the District’s Rules, Regulations and Guidelines.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO ALLOW THE USAGE OF THE PRE-NOAA ATLAS-14 RAINFALL DEPTHS.
MOTION DENIED; ALL COMMISSIONERS OPPOSED.

- E. Discussion, Consideration & Possible Action** – 1901 CR 143 – BDD4 #23-000325 – MAKMO Designs LLC – Property is located at the intersection of CR 143 and CR 128.
Variance Request: Applicant seeks a waiver of the requirement to submit a Drainage Plan as required for commercial development by Section 1.B of the District’s Rules, Regulations and Guidelines.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO WAIVE THE REQUIREMENT TO SUBMIT A DRAINAGE PLAN.
MOTION DENIED; ALL COMMISSIONERS OPPOSED.

VII. PLATS & PLAN

- A. Discussion, Consideration & Possible Action** – Menon Enclave – BDD4 #23-000260 – Final Plat – Windrose Land Services – 6962 Amie Lane.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO APPROVE THE MENON ENCLAVE FINAL PLAT.
MOTION CARRIED UNANIMOUSLY.

- B. Discussion, Consideration & Possible Action** – Massey Oaks Section 6 – BDD4 #23-000106 – Final Drainage Plan – RG Miller Engineering. – South of Old Massey Ranch Road (C.R. 100), North of American Canal, West of Harkey Road.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO APPROVE THE MASSEY OAKS SECTION 6 FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

C. Discussion, Consideration & Possible Action – Lindsay Estates – BDD4 #23-000291 – Final Plat – The Wilson Survey Group Inc. – East Side of Berry Road approximately 500 feet North of Old Massey Ranch Road (C.R. 100).

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO APPROVE THE LINDSAY ESTATES FINAL PLAT.
MOTION CARRIED UNANIMOUSLY.

D. Discussion, Consideration & Possible Action – Creekside at Highland Glen Section 2 – BDD4 #22-000002 – Final Plat – LJA Surveying Inc. – East of Pearland Pkwy and North of Hughes Rd.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO APPROVE THE CREEKSIDE AT HIGHLAND GLEN SECTION PLAT FINAL PLAT ON THE CONDITION THAT THE REQUIRED DRAINAGE EASEMENT BE DEDICATED BY SEPARATE INSTRUMENT.
MOTION CARRIED UNANIMOUSLY.

E. Discussion, Consideration & Possible Action – County Road 59 Improvements– BDD4 #23-000319 – Revised Final Drainage Plan – Cobb, Fendley & Associates, Inc. – CR 59 between CR 48 and Kirby Drive, with detention pond and outfall facilities on north side of County Road 59.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO APPROVE THE COUNTY ROAD 59 IMPROVEMENTS REVISED FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

F. Discussion, Consideration & Possible Action – Pomona Section 29– BDD4 #23-000380 – Final Drainage Plan –LJA Engineering – South of Mustang Bayou and East of Orchard Park Lane within the Pomona subdivision. Between Pomona Sections 18 & 23.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO APPROVE THE POMONA SECTION 29 FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

G. Discussion, Consideration & Possible Action – Caldwell Lakes – BDD4 #23-000297 – Master Development Plan –LJA Engineering – Located in the southwest corner of the District approximately 2 miles east of FM 512 on Cedar Rapids Parkway (C.R. 57) (only approving portions within BDD4 jurisdiction).

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

H. Discussion, Consideration & Possible Action – Pearland Self Storage – BDD4 #23-000009 – Final Drainage Plan – CCM Engineering – 3330 CR 48; north west of the intersection of CR 48 & Mustang Bayou.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;

TO APPROVE THE PEARLAND SELF STORAGE FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

COMMISSIONER BRENNAN CALLED FOR A RECESS AT 9:47 AM.

THE BOARD RETURNED FROM RECESS AT 10:00 AM.

VIII. ADJOURN INTO EXECUTIVE SESSION

IX. EXECUTIVE (CLOSED) SESSION UNDER TEXAS GOVERNMENT CODE

Executive session to consult with the District’s attorney pursuant to Texas Government Code §551.071(1) Pending or contemplated ligation.

THE BOARD WENT INTO AN EXECUTIVE (CLOSED) SESSION WITH THE DISTRICT’S ATTORNEY AT 10:01 AM.

X. RECONVENE IN OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

THE BOARD RECONVENED IN OPEN SESSION AT 10:50 AM.

XI. ENFORCEMENT MATTERS

Including the assessment and collection of civil penalties for violations of District Rules, Regulations, & Guidelines and the holding of a public hearing in connection therewith:

A. D & B Storage located at 6921 Old Massey Ranch Rd., Pearland, TX.

THE BOARD OF COMMISSIONERS NEXT CONSIDERED THE ENFORCEMENT OF THE DISTRICT’S RULES, REGULATIONS, AND GUIDELINES (THE “RULES”) AND THE ASSESSMENT OF CIVIL PENALTIES IN CONNECTION WITH SAME. LEIGH BLUMER, ASSISTANT SUPERINTENDENT, PRESENTED MATERIALS AND FINDINGS TO THE BOARD RELATED TO PROPERTY LOCATED AT 6921 OLD MASSEY RANCH RD., PEARLAND, TX AND 6835 OLD MASSEY RANCH RD., PEARLAND, TX, INCLUDING EVIDENCE THAT THE PROPERTY OWNER HAD BEEN DULY AND PROPERLY NOTIFIED OF THE VIOLATIONS OF THE RULES, AND WAS GIVEN ADEQUATE NOTICE OF THE PUBLIC HEARING.

THE BOARD OF COMMISSIONERS CONDUCTED A PUBLIC HEARING REGARDING THE ASSESSMENT OF CIVIL PENALTIES FOR VIOLATION #1 (FAILURE TO CONSTRUCT THE DRAINAGE FACILITIES AND RELATED REQUIRED IMPROVEMENTS IN ACCORDANCE WITH THE APPROVED DRAINAGE PLAN) AND VIOLATION #2 (FAILURE TO OBTAIN APPROVAL OF A DRAINAGE PLAN FOR ADDITIONAL DEVELOPMENT) OF THE DISTRICT’S RULES, REGULATIONS, AND GUIDELINES. UPON MOTION MADE BY COMMISSIONER BRENNAN, SECONDED BY COMMISSIONER FEULESS, AND CARRIED UNANIMOUSLY, THE BOARD OPENED THE PUBLIC HEARING. MARY S. ATKINSON (REPRESENTATIVE) ADDRESSED THE BOARD. THERE BEING NO FURTHER PUBLIC TESTIMONY, THE PUBLIC HEARING WAS CLOSED.

THE BOARD DISCUSSED THE ASSESSMENT OF CIVIL PENALTIES FOR VIOLATION #1 AND VIOLATION #2 FOR THE PROPERTY LOCATED AT 6921 OLD MASSEY RANCH RD., PEARLAND, TX AND 6835 OLD MASSEY RANCH RD., PEARLAND, TX, WHEREUPON COMMISSIONER BRENNAN MOVED THAT PENALTIES BE ASSESSED IN THE AMOUNT OF \$2,500.00 PER VIOLATION, PLUS ANY AND ALL ATTORNEYS FEES INCURRED IN CONNECTION WITH THE COLLECTION OF SAME, AND THAT THE DISTRICT'S COUNSEL BE INSTRUCTED TO PROVIDE NOTICE OF SUCH PENALTY AND THE REQUIREMENT TO PAY SAME WITHIN 30 DAYS OF THE DATE OF ASSESSMENT. COMMISSIONER FEULESS SECONDED THE MOTION WHICH CARRIED UNANIMOUSLY.

B. New Hope Church located at 3350 Manvel Rd., Pearland, TX.

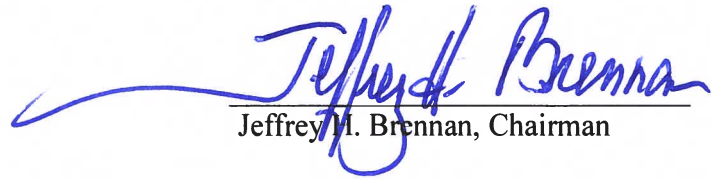
THE BOARD OF COMMISSIONERS NEXT CONSIDERED THE ENFORCEMENT OF THE DISTRICT'S RULES, REGULATIONS, AND GUIDELINES (THE "RULES") AND THE ASSESSMENT OF CIVIL PENALTIES IN CONNECTION WITH SAME. LEIGH BLUMER, ASSISTANT SUPERINTENDENT, PRESENTED MATERIALS AND FINDINGS TO THE BOARD RELATED TO PROPERTY LOCATED AT 3350 MANVEL RD., PEARLAND, TX, INCLUDING EVIDENCE THAT THE PROPERTY OWNER HAD BEEN DULY AND PROPERLY NOTIFIED OF THE VIOLATION OF THE RULES, AND WAS GIVEN ADEQUATE NOTICE OF THE PUBLIC HEARING.

THE BOARD OF COMMISSIONERS CONDUCTED A PUBLIC HEARING REGARDING THE ASSESSMENT OF CIVIL PENALTIES FOR THE VIOLATION (FAILURE TO CONSTRUCT IMPROVEMENTS IN ACCORDANCE WITH THE PREVIOUSLY APPROVED DRAINAGE PLAN) AS APPROVED BY THE DISTRICT. UPON MOTION MADE BY COMMISSIONER BRENNAN, SECONDED BY COMMISSIONER MOONEY, AND CARRIED UNANIMOUSLY, THE BOARD OPENED THE PUBLIC HEARING. SEBASTIAN J. FILGUEIRA, COUNSEL FOR NEW HOPE CHURCH, ADDRESSED THE BOARD. THERE BEING NO FURTHER PUBLIC TESTIMONY, THE PUBLIC HEARING WAS CLOSED.

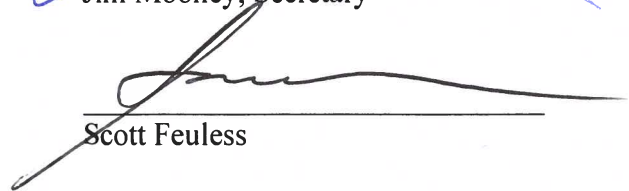
THE BOARD DISCUSSED THE ASSESSMENT OF CIVIL PENALTIES FOR THE PROPERTY LOCATED AT 3350 MANVEL RD., PEARLAND, TX, WHEREUPON COMMISSIONER BRENNAN MOVED THAT PENALTIES BE ASSESSED IN THE AMOUNT OF \$2,500.00, PLUS ANY AND ALL ATTORNEYS FEES INCURRED IN CONNECTION WITH THE COLLECTION OF SAME, AND THAT THE DISTRICT'S COUNSEL BE INSTRUCTED TO PROVIDE NOTICE OF SUCH PENALTY AND THE REQUIREMENT TO PAY SAME WITHIN 30 DAYS OF THE DATE OF ASSESSMENT. COMMISSIONER MOONEY SECONDED THE MOTION WHICH CARRIED UNANIMOUSLY.

XII. ADJOURN

No further business, Commissioner Brennan called for adjournment 11:46 A.M., December 5, 2023.


Jeffrey M. Brennan, Chairman


Jim Mooney, Secretary


Scott Feules

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Attending Regular Meeting No. 12, held by Commissioners of Brazoria Drainage District No. 4.

NAME	BUSINESS AFIILIATION
Jim Mooney	BDD4
Adrian Genzo	BDD4
BRIAN EDWARDS	LJA
JASON DYER	BDD4
Jennie Edmonson	BDD4
Lap Trinh	City of Pearland
THOMAS KNOX	City of Pearland
LEIGH BLUMER	BDD4
Michelle Estes	BDD4
Clint Goebel	BDD4

Jim Mooney
Commissioner

Jeffrey Brennan
Commissioner

Scott Feules
Commissioner

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NAME	BUSINESS AFILIATION
TOM DANIEL	BOOY
WAEEL TABARA	Brazoria County
MATT HANKS	"
Zulfikar Maredia	Makmo Design.
MARY S. ATKINSON	DVB Storage.

Jim Mooney
Commissioner

Jeffrey Brennan
Commissioner

Scott Feules
Commissioner