

**NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



**Monday, November 16, 2020
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, November 16, 2020 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR NOVEMBER 16, 2020, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED "SOCIAL DISTANCING") TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19), THERE WILL BE LIMITED PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT:

[HTTPS://TOMBALLTX.GOV/ARCHIVE.ASPX?AMID=38](https://tomballtx.gov/archive.aspx?amid=38); A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): +1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 834 9973 5802. The public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

- A. Call to Order
- B. Invocation - Led by PD Chaplain Gary Crowe, TPD Chaplain
- C. Pledges to U.S. and Texas Flags led by Troop 469

- D. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*
- E. Presentations
1. Al Gerhardt, Tomball Lions Club - \$500 donation each to Fire and Police Departments for annual Christmas Programs
- F. Reports and Announcements
1. Announcements
- I. November 20, 2020 – 2 :00 pm **Fire Station Statue Unveiling** and at 7:00 pm - **Christmas Tree Lighting at the Depot** – both are a **Facebook Live Event**
- II. November 26-27, 2020 – **Thanksgiving Holiday** – City offices closed
- III. December 24-25, 2020 – **Christmas Holidays** – City offices closed
- IV. January 1, 2021 – **New Year’s Day Holiday** – City offices closed
2. Reports by City staff and members of council about items of community interest on which no action will be taken:
- I. Glenn Windsor/Luisa Taylor – Quarterly Investment Report for Period Ending September 30, 2020. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values at the end of the quarter, yield information, and weighted average maturities. On September 30, 2020, the City had total cash and cash equivalents in the amount of \$62,534,134.00.
- G. Approval of Minutes
1. Approve the Minutes of the November 2, 2020 Special Joint City Council & TEDC meeting and the Regular Tomball City Council Meeting.
- H. Old Business

1. Adopt on Second Reading, Ordinance No. 2020-32, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances by Repealing Section 46.56 – Deposits Required and Section 46.57 – Refund of Deposits, of Article II, Rates and Charges, of Chapter 46, Utilities, in Their Entirety; Adopting a New Section 46.56 – Utility Account Deposits, Establishing the Terms and Conditions for Utility Account Deposits and Refunds of Utility Account Deposits; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters

I. New Business

1. Approve Resolution No. 2020-38, a Resolution of the City of Tomball, Texas, amending the Utility Rate Computation and Impact Fee Effective Dates in the Master Fee Schedule for Fiscal Year 2020-2021
2. Approve Resolution No. 2020-42, a Resolution of the City Council of the City of Tomball, Texas, calling for a public hearing on the creation of a Public Improvement District and being located within the City of Tomball
3. Consideration to approve **Zoning Case P20-295**: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by amending Section 50-79(d) (Area regulations for residential uses) and Section 50-79(e) (Area regulations for nonresidential uses).
 - Conduct Public Hearing on **Zoning Case P20-295**
 - Adopt, on First Reading, Ordinance No. 2020-33, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Section 50-79, Old Town and Mixed-Use District (OT and MU), of Article III, District Regulations, of Chapter 50, Zoning, to allow a zero front or rear building line for lots within the portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion under certain conditions; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; making findings of fact; and providing for other related matters.
4. Adopt, on First Reading, Ordinance No. 2020-34, an Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, within the Corporate Limits of The City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of this Ordinance.

J. Adjournment

C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 12 day of November 2020 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Tracylynn Garcia, Asst. City Secretary, TRMC, CMC, CPM

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY BE VIEWED ONLINE AT www.ci.tomball.tx.us.

City Council Meeting Agenda Item Data Sheet

Meeting Date: October 5, 2020

Topic:

November 20, 2020 – **Christmas Tree Lighting at the Depot** – 7:00 p.m. – a *Virtual Event*

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed	<u>Doris Speer</u>	Approved by	<u></u>
	Staff Member		City Manager
	Date		Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: October 5, 2020

Topic:

November 26-27, 2020 – **Thanksgiving Holiday** – City offices closed

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed	<u>Doris Speer</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: October 5, 2020

Topic:

December 24-25, 2020 – **Christmas Holidays** – City offices closed

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed	Doris Speer	Date	Approved by		Date
	Staff Member			City Manager	

City Council Meeting Agenda Item Data Sheet

Meeting Date: October 5, 2020

Topic:

January 1, 2021 – **New Year's Day Holiday** – City offices closed

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed	<u>Doris Speer</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date

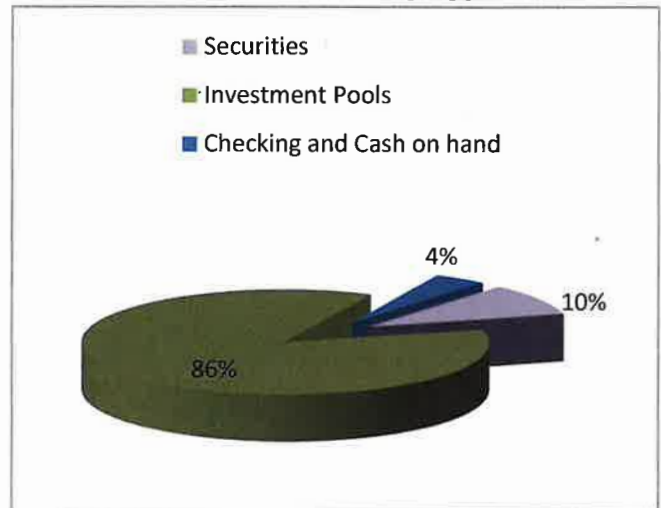
CITY OF TOMBALL PORTFOLIO DIVERSIFICATION September 30, 2020

By Type

	Current Market Value	Percent Portfolio
Securities	\$ 6,167,677	10%
Investment Pools	53,714,164	86%
Checking and Cash on hand	2,652,294	4%
Total Portfolio	\$ 62,534,134	

Safety of principal is the first priority of any Public investing portfolio. The City of Tomball invests in Securities of Federal, State and Local Governments, in Texas CLASS and in the state pool, TexPool. These investments are in securities with a rating of A-1/P-1 or higher and pools with Standard & Poor's highest rating of AAAM. Our charter requires that we maintain reserves of no less than 90 days and no more than one year of the current budgeted expenditures. The City currently has reserves in excess of the charter requirement.

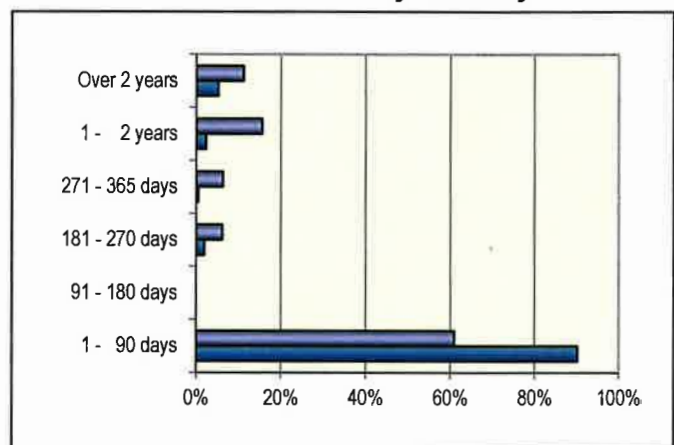
Diversification by Type



By Maturity

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 56,366,457	90%
91 - 180 days	0	0%
181 - 270 days	1,188,253	2%
271 - 365 days	305,808	0%
1 - 2 years	1,433,485	2%
Over 2 years	3,240,131	5%
Total Portfolio	\$ 62,534,134	

Diversification by Maturity



Ensuring adequate liquidity is available to cover all expenditures is the second priority of any public investing program. The City staff forecasts cash flow and ladders the maturity of investments to ensure funds are adequate when needed. A portion of funds are kept in overnight investments as a buffer for any unexpected expenditures. These overnight investments (TexPool, Texas CLASS) have been performing according to market in the yield category as well as providing liquidity.

**CITY OF TOMBALL
INVESTMENT PORTFOLIO SUMMARY
ACTIVITY FOR QUARTER ENDING
September 30, 2020**

ALL CITY FUNDS (POOLED)

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period	7,655,344	7,732,523	1.0101	3.001%	0.16%
Purchases					
Maturities/Calls	(1,570,000)	(1,575,105)			
Change in value		10,259			
Sales					
End of period	6,085,344	6,167,677	1.0135	2.932%	0.12%

**Benchmark security is the One-year U. S. Treasury Bill

Weighted average maturity of the portfolio at quarter end is the following number of days: 765.94

This report is in compliance with the investment strategies as approved
and the Public Funds Investment Act.



Treasurer

**CITY OF TOMBALL
INVESTMENTS IN SECURITIES
PORTFOLIO AS OF SEPTEMBER 30, 2020**

SECURITY DESCRIPTION	CUSIP NUMBER	RATING	MATURITY DATE	INTEREST YIELD	MARKET VALUE	DAYS AFTER 09/30/20	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT
1) Texas A&M Revenue - 1.4%	88213AFW0	AAA	5/15/2021	1.400%	277,021	227	4.492%	10.20
2) Texas A&M Revenue - 2.229%	88213AHH1	AAA	5/15/2021	2.229%	911,232	227	14.774%	33.54
3) Hurst-Euless-Bedford TX ISD - 2.434%	447819DX8	AAA	8/15/2021	2.434%	305,808	319	4.958%	15.82
4) Clear Creek TX ISD - 3.4%	1845403R1	AAA	2/15/2022	3.400%	207,388	503	3.362%	16.91
5) Texas A&M Revenue - 2.246%	88213ADP7	AAA	5/15/2022	2.246%	887,210	592	14.385%	85.16
6) Univ of TX Build America - 3.675%	9151375J8	AAA	8/15/2022	3.675%	338,886	684	5.495%	37.58
7) Lubbock TX - 2.520%	549188UK4	AA	2/15/2023	2.520%	521,240	868	8.451%	73.36
8) Texas A&M Revenue - 2.349%	88213AKA2	AAA	5/15/2023	2.349%	494,407	957	8.016%	76.71
9) Grand Parkway Trans - 1.608%	38611TCV7	AA	10/1/2023	1.608%	458,595	1096	7.435%	81.49
10) Texas ST REF TXBL - 4.0%	8827235H8	AAA	10/1/2023	4.000%	633,088	1096	10.265%	112.50
11) N Harris CNTY-5.0%	65956NGL4	AA	12/15/2023	5.000%	309,687	1171	5.021%	58.80
12) San Antonio Elec & Gas Rev - 5.25%	7962532J0	AA	2/1/2024	5.250%	297,024	1219	4.816%	58.70
13) Amarillo TX Tax NTS - 2.0%	023015J35	AAA	2/15/2024	2.000%	526,090	1233	8.530%	105.17
TOTALS				2.932%	6,167,677	784	100.000%	765.94

**CITY OF TOMBALL
CASH AND CASH EQUIVALENTS
FOR QUARTER ENDING
September 30, 2020**

FUNDS		CASH AND CASH EQUIVALENTS							TOTAL CASH, CASH EQUIVALENTS AND INVESTMENTS
MAJOR FUNDS	SPIRIT OF TEXAS	TEXAS CLASS	TEXPOOL	OPERATING ACCOUNT	CASH ON HAND	TOTAL CASH AND CASH EQUIVALENTS	INVESTMENT SECURITIES		
General		\$ 2,711,255.81	\$ 6,924,183.12	\$ 1,540,925.66	\$ -	\$ 11,176,365			\$ 11,176,365
Debt Service		1,015,933.71	513,445.90	143,246.80	-	1,672,626.41			1,672,626.41
Enterprise		2,889,171.72	1,711,154.41	39,637.57	-	4,639,963.70			4,639,963.70
OTHER FUNDS		-	-	-	-	-	-		-
Special Revenue		81,338.37	3,734.77	12,212.83	-	97,285.97			97,285.97
Municipal Court Building Security		108,451.14	74,738.09	91,444.06	-	274,633.29			274,633.29
Municipal Court Technology		65,070.62	112,601.48	12,892.52	-	190,564.62			190,564.62
Hotel Occupancy Tax		108,451.13	350,677.85	8,939.06	-	468,068.04			468,068.04
Red Light Camera Program		-	466,891.51	30,695.49	-	497,587.00			497,587.00
Tomball "Fun Runs"		-	5,292.10	9,688.44	-	14,980.54			14,980.54
General Capital Projects	2,043,728.72	54,225.62	26,681,142.18	251,214.63	-	26,986,582.43	6,167,676.80		35,197,987.95
Business Park		-	940,636.46	-	-	940,636.46			940,636.46
Fleet Replacement		488,029.98	315,799.02	5,513.56	-	809,342.56			809,342.56
Water Capital Recovery		108,451.13	2,080,802.65	16,389.28	-	2,205,643.06			2,205,643.06
Sewer Capital Recovery		162,676.66	1,623,146.87	16,436.54	-	1,802,260.07			1,802,260.07
Health Insurance Trust		-	2,046,470.71	444,381.01	-	2,490,851.72			2,490,851.72
Tomball Legacy Fund		-	26,661.85	28,676.34	-	55,338.19			55,338.19
TOTALS	\$ 2,043,729	\$ 7,793,056	\$ 43,877,379	\$ 2,652,293.79	\$ -	\$ 54,322,729	\$ 6,167,677		\$ 62,534,134

City Council Meeting Agenda Item Data Sheet

Meeting Date: 11/16/2020

Topic:

Approve the Minutes of the November 2, 2020 Special Joint City Council & TEDC meeting and the Regular Tomball City Council Meeting.

Background:

Origination: City Staff

Recommendation:

Approve Minutes

Party(ies) responsible for placing this item on agenda: Tracylynn Garcia, Asst City Secretary

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: No: If yes, specify Account Number: #

If no, funds will be transferred from account # _____ To account # _____

Signed	Tracylynn Garcia		Approved by		
	Staff Member	Date		City Manager	Date

**MINUTES OF SPECIAL JOINT MEETING OF THE
TOMBALL CITY COUNCIL AND THE
TOMBALL ECONOMIC DEVELOPMENT CORPORATION
CITY OF TOMBALL, TEXAS**

MONDAY, SEPTEMBER 21, 2020



5:00 P.M.

- 1.0 The Special Joint Meeting of the Tomball City Council and the Tomball Economic Development Corporation was called to order at 5:13 p.m. by Mayor Fagan. There was not a quorum present for TEDC, therefore meeting was not called on behalf of the TEDC. Other members present:

Tomball City Council:

Councilman Stoll
Councilman Townsend
Councilman Lori Klein Quinn – late
Councilman Ford

Tomball Economic Development Corporation:

Board Member Benson
Board Member Bruce

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
Assistant City Secretary- Tracylynn Garcia
City Attorney – Loren B. Smith
Director of Community Development – Craig Meyers
Executive Director-TEDC – Kelly Violette
Assistant Director-TEDC – Tiffani Wooten
Administrative Assistant-TEDC – Tori Gleason
Administrative Assistant – Johnita Robinson

- 2.0 No public comments were received.

3.0 New Business:

- 3.1 Workshop Session: The Tomball City Council and the Tomball Economic Development Corporation entered into a Joint Workshop regarding Downtown Tomball Alley Enhancements.

No action taken.

- 4.0 Motion was made by Councilman Townsend and Councilman Stoll to adjourn the City Council meeting.

Motion carried unanimously.

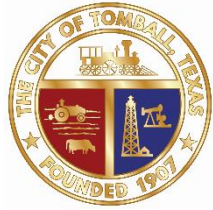
City Council meeting adjourned.

PASSED AND APPROVED this the 16th day of November 2020.

Tracylynn Garcia, TRMC, CMC, CPM
Assistant City Secretary

Gretchen Fagan
Mayor

**MINUTES OF REGULAR CITY COUNCIL
CITY OF TOMBALL, TEXAS**



**Monday, November 02, 2020
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for November 02, 2020, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Call to Order 6:00pm

PRESENT:

Mayor Gretchen Fagan
Council 1 John Ford
Council 2 Mark Stoll
Council 4 Derek Townsend, Sr
Council 5 Lori Klein Quinn

ABSENT:

Council 3 Chad Degges

OTHERS PRESENT:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
Assistant City Secretary – Tracylynn Garcia
City Attorney – Loren Smith
Police Chief – Jeff Bert
Fire Chief – Randy Parr (via video)
Assistant Fire Chief - Taner Drake
Fire Marshall – Joe Sykora
Marketing Director – Mike Baxter (via video)
Finance Director – Glenn Windsor
Director of Public Works – Beth Jones
Director of Community Development – Craig Meyers
Police Detective – Ron McGullion
Administrative Assistant - Johnita Robinson
Utilities Supervisor – Loren Sykora

B. Invocation - Led by Pastor Alex Jones – Real Life Ministries

C. Pledges to U.S. and Texas Flags - Led by Scout Troop 469

D. The following Public Comment were received:

Rob Marmerstein - wished to speak in favor of item L.5
1424 Louisiana St.
Houston, Texas 77008

G. Reports and Announcements

1. Announcements

- I. November 7, 2020 – “Depot Day” – 10:00 a.m.-5:00 p.m., a National Model Railroad Month Celebration at the Depot – Tomball – a Virtual Event
- II. November 20, 2020 – Christmas Tree Lighting at the Depot – 7:00 p.m. – a Virtual Event
- III. November 26-27, 2020 – Thanksgiving Holiday – City offices closed
- IV. December 24-25, 2020 – Christmas Holidays – City offices closed
- V. January 1, 2021 – New Year’s Day Holiday – City offices closed

2. Reports by City staff and Members of Council about items of community interest on which no action will be taken:

H. Approval of Minutes

- 1. Motion made by Council 4 Townsend, Sr, Seconded by Council 5 Klein Quinn to approve the Minutes of the October 19, 2020 Regular Tomball City Council Meeting.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 4 Townsend, Sr, Council 5 Klein Quinn

Absent: Council 3 Degges

Motion carried unanimously.

J. Old Business

1. Motion made by Council 1 Ford, Seconded by Council 2 Stoll to Adopt, on Second Reading, Ordinance No. 2020-29, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 5 acres of land legally described as Lot 347 Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Planned Development (PD-12) District; said property being generally located on the east side of South Persimmon Street, between Hufsmith-Kohrville Road and South Persimmon Street and between Lizzie Lane and Agg Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 4 Townsend, Sr, Council 5 Klein Quinn

Absent: Council 3 Degges

Motion carried unanimously.

L. New Business

1. Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr. to approve Resolution No. 2020-41, a Resolution of the City Council of the City of Tomball, Texas, calling for a Public Hearing on the addition of land to the Raburn Reserve Public Improvement District located within the City of Tomball

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 4 Townsend, Sr, Council 5 Klein Quinn

Motion carried unanimously.

2. Motion made by Council 4 Townsend, Sr, Seconded by Council 2 Stoll to read Ordinance No. 2020-32 by caption only.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 4 Townsend, Sr, Council 5 Klein Quinn

Absent: Council 3 Degges

Motion carried unanimously.

Motion made by Council 1 Ford, Seconded by Council 2 Stoll to Adopt on First Reading, Ordinance No. 2020-32, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances by Repealing Section 46.56 – Deposits Required and Section 46.57 – Refund of Deposits, of Article II, Rates and Charges, of Chapter 46, Utilities, in Their Entirety; Adopting a New Section 46.56 – Utility Account Deposits, Establishing the Terms and Conditions for Utility Account Deposits and Refunds of Utility Account Deposits; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters.

Voting Yea: Council 1 Ford, Council 4 Townsend, Sr, Council 5 Klein Quinn
Voting Nay: Council 2 Stoll
Absent: Council 3 Degges

Motion carried 3 votes aye, 1 vote nay.

3. Approve Resolution No. 2020-38, a Resolution of the City of Tomball, Texas, amending the Utility Rate Computation and Impact Fee Effective Dates in the Master Fee Schedule for Fiscal Year 2020-2021.

No action taken item was withdrawn and will be presented at the November 16, 2020 Council meeting.

4. Discussion was held regarding parking regulations for single-family residential homes.

No action taken.

5. Discussion was held regarding a Cooperative Project with HCA-Tomball to Install a Statue Honoring Dr. Norman E. Graham

No action taken.

- M. Motion made by Council 4 Townsend, Sr, Seconded by Council 5 Klein Quinn. To Adjourn.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 4 Townsend, Sr, Council 5 Klein Quinn
Absent: Council 3 Degges

Motion carried unanimously.

PASSED AND APPROVED this the 16th day of November 2020.

Tracylynn Garcia
Assistant City Secretary,
TRMC, CMC, CPM

Gretchen Fagan
Mayor

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: November 2, 2020

Topic:

Adopt on First Reading, Ordinance No. 2020-32, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances by Repealing Section 46.56 – Deposits Required and Section 46.57 – Refund of Deposits, of Article II, Rates and Charges, of Chapter 46, Utilities, in Their Entirety; Adopting a New Section 46.56 – Utility Account Deposits, Establishing the Terms and Conditions for Utility Account Deposits and Refunds of Utility Account Deposits; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters

Background:

The amendment to Section 46.56 – Deposits Required will be amended to “Utility Account Deposits.”

The amendment will provide a consistent approach for the collection of deposits for both residential and commercial utility accounts and establish a clear process of deposits being returned for both residential and commercial accounts after verification that the utility account has an eligible account history for a refund.

Origination: Finance Department

Recommendation:

Adopt Ordinance Number 2020-32 on first reading

Party(ies) responsible for placing this item on agenda: Glenn Windsor, Finance Director

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____
If no, funds will be transferred from account # _____ To account # _____

Signed Glenn Windsor, CPA Approved by _____
Finance Director 10/28/20 City Manager Date

ORDINANCE NO. 2020-32

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING THE CODE OF ORDINANCES BY REPEALING SECTION 46.56 – DEPOSITS REQUIRED AND SECTION 46.57 – REFUND OF DEPOSITS, OF ARTICLE II, RATES AND CHARGES, OF CHAPTER 46, UTILITIES, IN THEIR ENTIRETY; ADOPTING A NEW SECTION 46.56 – UTILITY ACCOUNT DEPOSITS, ESTABLISHING THE TERMS AND CONDITIONS FOR UTILITY ACCOUNT DEPOSITS AND REFUNDS OF UTILITY ACCOUNT DEPOSITS; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, it is incumbent upon the City of Tomball, Texas (the “City”) to establish and/or update utility account deposits for water, wastewater, and sanitation;

WHEREAS, the City of Tomball desires to change the deposits required to obtain residential and commercial utility service in an effort to reduce financial losses incurred when customers fail to pay for utility services and to provide for a more uniform system of deposits and returns;

WHEREAS, the City Council of the City of Tomball, Texas, finds that it is in the best interest of the health, safety and welfare of the citizens to change the deposits required to obtain residential and commercial utility service and deposit returns as set forth in this ordinance; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by repealing Section 46.56 – Deposits Required and Section 46.57 – Refunds, of Article II, Rates and Charges, of Chapter 46, Utilities, as previously adopted on December 19, 1988 by Ordinance No. 1988-12, in their entirety. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 3. The Code of Ordinances of the City of Tomball, Texas, is further amended by adopting a new Section 46.56 – Utility Account Deposits, of Article II, Rates and Charges, of Chapter 46, Utilities, to read as follows:

“Section 46.56. – Utility Account Deposits.

(a) Security Deposit.

1. *Residential.* A single-family residential unit shall, prior to obtaining water from the city, shall post a security deposit as provided for in the Master Fee Schedule as adopted or amended by the City Council. This security deposit shall be held by the City under the conditions and terms of subsection (b)(1). Residential security deposits may not be reassigned to another account; and in the event of a change of occupant the new occupant shall be required to post a new security deposit.
2. *Commercial.* A commercial unit shall, prior to obtaining water from the City, post a security deposit as provided for in the Master Fee Schedule as adopted or amended by the City Council. This security deposit shall be held by the City under the conditions and terms of subsection (b)(2). Commercial security deposits may not be reassigned to another account; in the event of a change of occupancy the new occupant shall be required to post a new security deposit.
3. *Temporary Fire Hydrant Meter.* Prior to obtaining a temporary Fire Hydrant Meter from the City, a security deposit shall be posted as provided for in the Master Fee Schedule as adopted or amended by City Council. This security deposit shall be held by the City under the conditions and terms of subsection (b)(3). Temporary Fire Hydrant Meter security deposits may not be reassigned to another account; and in the event of a change of contractor the new contract shall be required to post a new security deposit.

At any time the City Manager, or authorized representative, reserves the right to review required security deposits and make changes on a case by case basis.

(b) Security Deposit Return.

1. *Residential.* The residential security deposit shall be held by the City for a period of one (1) year. All residential accounts will be evaluated annually and those accounts maintaining an eligible account history with no more than one (1) late penalty assessment, one (1) disconnection for non-payment, and one (1) returned check, will receive a security deposit refund in the form of a credit to the their utility account.
 - i. Residential accounts that are closed will receive a security deposit refund in the form of a check, after the final payment has been received and the account closed. If payment is not received within 30 days of the final bill being issued, the security deposit will be applied to the final balance and the remainder refunded.
2. *Commercial.* The commercial security deposit shall be held by the City for a period of five (5) years. All commercial accounts will be evaluated annually and those accounts maintaining an eligible account history with no more than one (1) late penalty assessment, one (1) disconnection for non-payment, and one (1) returned check, will receive a security deposit refunded in the form of a credit to their utility account.
 - i. Commercial accounts that are closed will receive a security deposit refund in the form of a check, after the final payment has been received and the account closed. If payment is not received within 30 days of the final bill being issued, the security deposit will be applied to the final balance and the remainder refunded.
3. *Temporary Fire Hydrant Meters.* The security deposit shall be held by the City for the duration of the account or until the contractor request the account to be closed and a final utility bill issued. Once final payment has been received the security deposit will be refunded in the form of a check. If payment is not received within 30 days of the final bill being issued, the security deposit will be applied to the final balance and the remainder refunded.”

Section 4. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF OCTOBER 2019.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

SECOND READING:

READ, PASSED, AND ORDAINED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 21ST DAY OF OCTOBER 2019.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: November 2, 2020

Topic:

Approve Resolution No. 2020-38, a Resolution of the City of Tomball, Texas, amending the Utility Rate Computation and Impact Fee Effective Dates in the Master Fee Schedule for Fiscal Year 2020-2021.

Background:

Resolution No. 2020-38, amending the Impact Fee Effective Dates and Utility Rate Computation in the Master Fee Schedule for Fiscal Year 2020-2021, is presented to Council for consideration and approval.

The revision to the Impact Fees is to reflect the appropriate effective dates based on approved Ordinance Number 2019-24, adopting the City of Tomball Impact Fees.

The revision to the Utility Rate Computation is amended to reflect the new deposit rates for residential customer accounts and the computation method for commercial customer accounts.

Upon approval of the fees presented, a revised copy of the Master Fee Schedule will be posted on the City's website.

Origination: City Secretary's Office

Recommendation:

Staff recommends approving Resolution No. 2020-38

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed	<u>Meagan Mageo</u>	Approved by	<u></u>
	Staff Member		City Manager
	Date		Date

RESOLUTION NO. 2020-38

A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, AMENDING IMPACT FEES AND UTILITY DEPOSIT COMPUTATION, PER CITY OF TOMBALL ORDINANCE NO. 2020-38, IN THE MASTER FEE SCHEDULE FOR FISCAL YEAR 2020-2021.

* * * * *

WHEREAS, on September 21, 2020, the Tomball City Council adopted a Master Fee Schedule for Fiscal Year 2020-2021 to provide easier access for Tomball residents and commercial interests; and

WHEREAS, the Tomball City Council finds it advisable and necessary to amend the amend the City of Tomball Impact Fee effective dates and Utility Deposit Computation Rates in accordance with Resolution No. 2020-38; **NOW, THEREFORE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. Page 17, Impact Fees, of the Master Fee Schedule for the City of Tomball, Texas for Fiscal Year 2020-2021 is hereby amended to reflect the revised Effective Dates of the Impact Fees adopted by the City of Tomball Ordinance Number 2019-24, to reflect October 1, 2020 – September 30, 2021, a copy of which is attached hereto and incorporated into the Master Fee Schedule for Fiscal Year 2020-2021.

Section 2. Page 58, Utility Deposit Computation, of the Master Fee Schedule for the City of Tomball, Texas for Fiscal Year 2020-2021 is hereby amended to reflect the new deposit rates for residential and commercial customer accounts, copy of which is attached hereto and incorporated into the Master Fee Schedule for Fiscal Year 2019-2020.

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND RESOLVED this 2nd day of November 2020.

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

BUILDING PERMIT FEES

DOMESTIC AND COMMERCIAL GAS TAP FEES

BORING FEE

If a bore is required for the installation of a tap a fee will be assessed based on the tap size:

<u>Bore Length</u>	<u>BORE FEE</u>
Up to 80'	\$375.00

A bore in excess of 80 feet (80') or in the State Right-of-Way, services will be contracted and subject to the City's Procurement procedures

IMPACT FEES

PER CITY OF TOMBALL ORDINANCE NO. 2019-24

Effective October 1, 2020 – September 30, 2021*

<u>LUE'S</u>	<u>WATER</u> <u>METER SIZE</u>	<u>WATER</u>	<u>SEWER</u>	<u>TOTAL</u>
1.0	3/4"	\$3,023.75	\$2,521.00	\$5,554.75
2.5	1"	\$5,049.66	\$4,210.07	\$9,259.73
5.0	1 1/2"	\$10,069.09	\$8,394.93	\$18,464.02
8.0	2"	\$16,116.59	\$13,436.93	\$29,553.52
16.0	3"	\$35,287.16	\$29,420.07	\$64,707.23
25.0	4"	\$60,475.00	\$50,420.00	\$110,895.00
50.0	6"	\$136,068.75	\$113,445.00	\$249,513.75
80.0	8"	\$161,256.59	\$134,444.93	\$295,701.52

Drainage effective August 18, 2014:

M118 per acre	\$5,757.81
M121E per acre	\$7,886.69
M121W per acre	\$6,692.00
M125 per acre	\$ 436.88

Revised 9/21/2020

UTILITY FEES

City Administrative Service Charge: All utility customers will be assessed a monthly service charge fee of \$1.00 per account.

Waste Corporation of Texas Administrative Fee: All direct bill customer of WCA will be assessed a monthly service charge of \$5.50.

UTILITY DEPOSIT COMPUTATION

Residential Accounts - A deposit of \$200.00 will be required for every residential account.

Commercial Accounts - Average annual bill of previous occupant multiplied by two (2) or \$300.00, whichever is greater.

~~Residential Accounts — Average 12 months of previous billing and multiply by 2 (Round result).
— If result is under \$100, minimum deposit will be \$100.00.~~

~~Commercial Accounts — Average 12 months of previous billing and multiply by 2 (Round result).
— If result is under \$125, minimum deposit will be \$125.00.~~

WATER RATES

The monthly rates and charges for potable water provided by the City shall be as follows:

- a. **Small Residential.** A base rate of \$10.90, plus a consumption charge of \$2.85 for each 1,000 gallons used. "Small Residential" shall mean residential customers using 10,000 gallons or less during the billing month.
- b. **Medium Residential.** A base rate of \$12.54, plus a consumption charge of \$3.56 for each 1,000 gallons used. "Medium Residential" shall mean residential customers using 10,001 gallons or more up to 15,000 gallons during the billing month.
- c. **Large Residential.** A base rate of \$14.42, plus a consumption charge of \$4.45 for each 1,000 gallons used. "Large Residential" shall mean residential customers using 15,001 gallons or more during the billing month.
- d. **Small Commercial.** A base rate of \$18.45, plus a consumption charge of \$3.45 for each 1,000 gallons used. "Small Commercial" shall mean commercial customers using up to 5,000 gallons during the billing month.
- e. **Medium Commercial.** A base rate of \$29.70, plus a consumption charge of \$4.32 for each 1,000 gallons used. "Medium Commercial" shall mean commercial customers using 5,001 gallons or more up to 51,000 gallons during a billing month.
- f. **Large Commercial.** A base rate of \$51.99, plus a consumption charge of \$5.40 for each 1,000 gallons used. "Large Commercial" shall mean commercial customers using 51,001 gallons or more during a billing month.

Bulk Sales. A base rate of \$87.05, plus a consumption charge of \$4.83 for each 1,000 gallons used. Additionally, if a meter is desired, the deposit will be \$1,000.00.

The City collects additional surcharges, based on rates established by the **North Harris County Regional Water Authority**, for each 1,000 gallons used on behalf of NHCRWA, which will be adjusted as the surcharge increases.

WATER METER TESTING FEE

In the event a customer request a meter to be tested and the meter is found to be in working order, the account will be accessed a meter testing fee based on the meter size.

In addition to the meter testing fee, the customer will be also be accessed a Bench Test Fee of \$35.00.

Meter Size (Inches)	Testing Fee
0.75	\$75.00
1.0	\$75.00
1.5	\$125.00
2.0	\$125.00
3.0+	\$150.00

SANITARY SEWER RATES (WITH POTABLE WATER SERVICE)

The monthly rates and charges for sanitary sewer services provided by the City for customers who receive potable water services from the City shall be as follows:

Sanitary Sewer Rates – Residential	
Monthly Base Charge	\$9.65
Volume Rate per 1,000 gallons	\$3.37
(Residential Usage Based on Winter Average)	

Residential - Summer Rates (March-October): Rates for summer months are calculated at the same rate as winter rates and may be based upon the previous winter months' average monthly water consumption. The rate charged shall be the lesser of actual water consumption or the previous winter month's average consumption.

Sanitary Sewer Rates - Commercial	
Monthly Base Charge	\$23.50
Volume Rate per 1,000 Gallons	
0 – 5,000	\$4.27
5,001 – 51,000	\$5.33
Above 51,000	\$6.67

SANITARY SEWER RATES (WITHOUT POTABLE WATER SERVICE)

The monthly rates and charges for sanitary sewer services provided by the City for customers who do not receive potable water services from the City shall be as follows:

Residential Sanitary Sewer Rates (not receiving potable water)	
Monthly Base Rate	\$39.56

Commercial Sanitary Sewer Rates (not receiving potable water)	
Monthly Base Rate	\$65.83
Fee per drain (in excess of 10)	\$2.62

GARBAGE AND TRASH COLLECTION/DISPOSAL SERVICE RATES

The monthly rates and charges for garbage and trash collection and disposal services provided by the City, excluding applicable sales tax, shall be as follows:

1. Residential Service:
 - a. Bag Service: \$15.70
 - b. Poly Cart Service (Refuse Only): \$18.70
 - c. Poly Cart Service (Recycling Only) \$18.70
 - d. Poly Cart Service (Refuse & Recycling): \$21.70
2. Special Collection (Large Bulk):
 - a. Service Fee: \$40.00
 - b. Disposal Cost (per yard): \$20.00

3. Small Commercial with Poly Cart:

Service	Rate per Month
1 Collection per Week	\$30.00
Additional Cart – once per week collection	\$25.00
2 Collections per week	\$35.00
Additional cart – twice per week collection	\$30.00
Weekly Recycling Collection	\$10.00
Cart replacement (MSW and/or Recycling)	\$85.00

4. Monthly Rate for Dumpsters:

Size	Frequency	Rate per Month
2 Yard	1	\$75.00
2 Yard	3	\$142.00
3 Yard	1	\$90.00
3 Yard	2	\$140.00
3 Yard	3	\$215.00
3 Yard	4	\$270.00
3 Yard	5	\$335.00
3 Yard	6	\$400.00
3 Yard Additional Container	1	\$85.00
3 Yard Additional Container	2	\$130.00
3 Yard Additional Container	3	\$200.00
3 Yard Additional Container	4	\$250.00

3 Yard Additional Container	5	\$310.00
3 Yard Additional Container	6	\$370.00
4 Yard	1	\$100.00
4 Yard	2	\$155.00
4 Yard	3	\$230.00
4 Yard	4	\$290.00
4 Yard	5	\$360.00
4 Yard	6	\$430.00
4 Yard Additional Container	1	\$90.00
4 Yard Additional Container	2	\$145.00
4 Yard Additional Container	3	\$215.00
4 Yard Additional Container	4	\$270.00
4 Yard Additional Container	5	\$330.00
4 Yard Additional Container	6	\$400.00
6 Yard	1	\$125.00
6 Yard	2	\$200.00
6 Yard	3	\$300.00
6 Yard	4	\$370.00
6 Yard	5	\$460.00
6 Yard	6	\$550.00
6 Yard Additional Container	1	\$115.00
6 Yard Additional Container	2	\$180.00
6 Yard Additional Container	3	\$275.00
6 Yard Additional Container	4	\$340.00
6 Yard Additional Container	5	\$425.00
6 Yard Additional Container	6	\$510.00

8 Yard	1	\$150.00
8 Yard	2	\$245.00
8 Yard	3	\$355.00
8 Yard	4	\$450.00
8 Yard	5	\$550.00
8 Yard	6	\$650.00
8 Yard Additional Container	1	\$135.00
8 Yard Additional Container	2	\$225.00
8 Yard Additional Container	3	\$320.00
8 Yard Additional Container	4	\$375.00
8 Yard Additional Container	5	\$490.00
8 Yard Additional Container	6	\$565.00

a. Additional Dumpster Fees

Description	Fee	Occurrence
Additional Collection	\$100.00	Per Collection
Exchange Charge	\$60.00	Per Exchange
Casters	\$90.00	One-time fee
Locks	\$90.00	One-time fee

5. Roll-Off Containers (Temporary or Permanent):

Size	Delivery Fee	Daily Rent	Hauling Rate	Trip Charge
20 Yard	\$130.00	\$6.50	\$185.00	\$145.00
30 Yard	\$130.00	\$6.50	\$200.00	\$145.00
40 Yard	\$130.00	\$6.50	\$210.00	\$145.00

6. Self-Contained & Stationary Compactor (standard pricing for all sizes)

Hauling Rate	Disposal Rate/Ton	Trip Charge
\$275.00	\$40.00	\$145.00

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: November 2, 2020

Topic:

Approve Resolution 2020-42, a Resolution of the City Council of the City of Tomball, Texas, calling for a public hearing on the creation of a Public Improvement District and being located within the City of Tomball

Background:

Resolution 2020-42 pertains to Tomball PID 11, also known as Wood Leaf Reserve, which encompasses approximately 90.54 acres between Theis Lane and Holderrieth Road (just east of SH 249). The property was rezoned to Planned Development-14 in July 2020 and will include up to 350 residential homes with an estimated cost of authorized improvements of \$18,895,633

Origination: Chesmar Homes, LLC

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda:

Craig Meyers, Director of
Community Development

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed

Staff Member

Date

Approved by

City Manager

Date

RESOLUTION NO. 2020-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, CALLING FOR A PUBLIC HEARING ON THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT AND BEING LOCATED WITHIN THE CITY OF TOMBALL

WHEREAS, the City Council (the “City Council”) of the City of Tomball, Texas (the “City”) has received a petition (the “Petition”) requesting creation of a public improvement district (the “PID”) under Chapter 372 of the Texas Local Government Code (the “Act”), from the record owners of taxable real property representing more than fifty percent (“50%”) of the appraised value of the real property liable for assessment (as determined by the most recent certified appraisal roll for Harris County) in the proposed PID and the record owners of taxable real property that constitute more than 50% of all of the area of all taxable real property that is liable for assessment in the proposed PID; and

WHEREAS, the Petition, a copy of which is attached hereto as Exhibit 1, has been examined, verified, and found to meet the requirements of Sections 372.005(a) and 372.005(b) of the Act and to be sufficient for consideration by the City Council; and

WHEREAS, the boundaries of the proposed PID are described in the Exhibit A to the Petition and shown on the map attached to the Petition as Exhibit B, said area for the PID being within the City; and

WHEREAS, the City Council accepts the Petition and desires to schedule a public hearing to consider the creation of the PID to finance the following public improvements (collectively, the “Authorized Improvements”): (i) design, construction and other allowed costs related to street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) design, construction and other allowed costs related to improvement of parks and open space, together with any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) design, construction and other allowed costs related to sidewalks and landscaping and hardscaping, fountains, lighting and signage; (iv) design, construction and other allowed costs related to gas, water, wastewater and drainage (including detention) improvements and facilities; (v) design, construction and other allowed costs related to projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the district; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (v) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (v) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property. .

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

SECTION 1: That a public hearing is hereby scheduled at 6:00 P.M. on December 21, 2020, in the City Council Chamber at Tomball City Hall, 401 Market Street, Tomball, Texas 77375 to receive public comment on the creation of the PID in the area described in Exhibit A to the Petition and as shown on the map attached to the Petition as Exhibit B, pursuant to the Act; and

SECTION 2: That notice of said hearing, in the substantially final form set forth in Exhibit 2 attached hereto, with such changes as may be approved by the City's counsel, shall be published in a newspaper of general circulation in the City and in a newspaper of general circulation in the City before the 15th day prior to the hearing as required by the Act; and

SECTION 3: That written notice, in the substantially final form set forth in Exhibit 2 attached hereto with such changes as may be approved by the City's counsel, shall be mailed to each property owner, as reflected on the tax rolls, of property subject to assessment within the PID, before the 15th day prior to the date set for the hearing; and

SECTION 4: That all of the above recitals are hereby found to be true and correct factual determinations of the City and are hereby approved and incorporated by reference as though fully set forth herein; and

SECTION 5: That if any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the City Council hereby determines that it would have adopted this Resolution without the invalid provision; and

SECTION 6: That this Resolution shall be in full force and effect from and after its passage, and it is accordingly so resolved.

[Signature Page Follows]

DULY RESOLVED by the City Council of the City of Tomball, Texas, on the ____ day
of _____, 2020.

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

EXHIBIT 1

PETITION
(see attached Petition)

PETITION FOR THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT WITHIN THE CITY OF TOMBALL, TEXAS

This petition (“Petition”) is submitted and filed with the City Secretary of the City of Tomball, Texas (“City”), by Chesmar Homes, LLC, a Texas limited liability company, the owner of approximately 90.54 acres (the “Petitioner”) located within the proposed boundaries of the District, as hereinafter defined. Acting pursuant to the provisions of Chapter 372, Texas Local Government Code, as amended (the “Act”), the Petitioner requests that the City create a public improvement district (the “District”), to include property located within the corporate limits of the City (the “Property”), more particularly described by a metes and bounds description in **Exhibit A** and depicted in **Exhibit B**. In support of this Petition, the Petitioner would present the following:

Section 1. General Nature of the Authorized Improvements. The general nature of the proposed public improvements (collectively, the “Authorized Improvements”) may include: (i) design, construction and other allowed costs related to street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) design, construction and other allowed costs related to improvement of parks and open space, together with any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) design, construction and other allowed costs related to sidewalks and landscaping and hardscaping, fountains, lighting and signage; (iv) design, construction and other allowed costs related to gas, water, wastewater and drainage (including detention) improvements and facilities; (v) design, construction and other allowed costs related to projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the district; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (v) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (v) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

Section 2. Estimated Cost of the Authorized Improvements. The estimated cost to design, acquire, and construct the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in the establishment administration and operation of the District, is \$18,895,633 (as reflected in Exhibit C). The City will pay none of the costs of the proposed improvements from funds other than such assessments. The remaining costs of the proposed improvements will be paid from sources other than the City or assessments of property owners.

Section 3. Boundaries of the Proposed District. The District is proposed to include the Property.

Section 4. Proposed Method of Assessment. The City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including interest and principal), and certain assessments may be paid in annual installments (including interest and principal). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed by the assessment, and must continue for a period necessary to retire the indebtedness of those Authorized Improvements (including interest).

Section 5. Proposed Apportionment of Costs between the District and the City. The City will not be obligated to provide any funds to finance the Authorized Improvements, other than from assessments levied on the District and possible tax increment reinvestment zone revenue. The Petitioner may also pay certain costs of the improvements from other funds available to the Petitioner.

Section 6. Management of the District. The Petitioner proposes that the District be managed by the City, with the assistance of a consultant, who shall, from time to time, advise the City regarding certain operations of the District.

Section 7. The Petitioner Requests Establishment of the District. The person(s) signing this Petition request(s) the establishment of the District, is duly authorized, and has the corporate authority to execute and deliver the Petition.

Section 8. Advisory Board. The Petitioner proposes that the District be established and managed without the creation of an advisory board. If an advisory board is created, the Petitioner requests that a representative of the Petitioner be appointed to the advisory board.

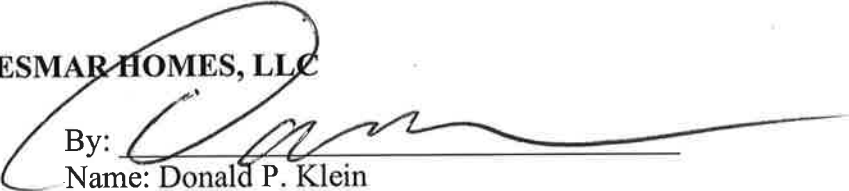
Section 9. Landowner(s). This Petition has been signed by (1) the owners of taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located; and (2) record owners of real property liable for assessment under the proposal who: (A) constitute more than 50 percent of all record owners of property that is liable for assessment under the proposal; or (B) own taxable real property that constitutes more than 50 percent of the area of all taxable real property that is liable for assessment under the proposal.

This Petition is hereby filed with the City Secretary of the City, or other officer performing the functions of the municipal secretary, in support of the creation of the District by the City Council of the City as herein provided. The undersigned request that the City Council of the City call a public hearing on the advisability of the Authorized Improvements, give notice thereof as provided by law and grant all matters requested in this Petition and grant such other relief, in law or in equity, to which Petitioner may show itself to be entitled.

RESPECTFULLY SUBMITTED, on this the 30th day of October, 2020.

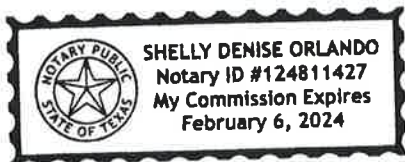
PETITIONER

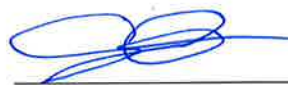
CHESMAR HOMES, LLC

By: 
Name: Donald P. Klein
Title: CEO

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on October 30, 2020, by Donald P. Klein, CEO of Chesmar Homes, LLC, on behalf of said company.



 Shelly Orlando
Notary Public, State of Texas

City of Tomball PID#11 (Wood Leaf Reserve)
90.54 acres

Claude N. Pillot Survey
Abstract No. 632

STATE OF TEXAS §

COUNTY OF HARRIS §

A **METES & BOUNDS** description of a certain 90.54 acre (3,943,901 square feet) tract of land situated in the Claude N. Pillot Survey, Abstract No. 632 in Harris County, Texas, being all of the remainder of a called 2.84 acre tract (Tract I) conveyed to Chesmar Homes, LLC, by deed recorded in Clerk's File No. RP-2020-405995, Harris County Official Public Records of Real Property, also being all of the remainder of a called 5.00 acre tract (Tract II) conveyed to Chesmar Homes, LLC, by deed recorded in Clerk's File No. RP-2020-405995, Harris County Official Public Records of Real Property, also being all of a called 1.13 acre tract (Tract III) conveyed to Chesmar Homes, LLC, by deed recorded in Clerk's File No. RP-2020-405995, Harris County Official Public Records of Real Property, also being all of a called 18.334 acre tract (Tract IV) conveyed to Chesmar Homes, LLC, by deed recorded in Clerk's File No. RP-2020-405995, Harris County Official Public Records of Real Property, also being all of a called 4.990 acre tract (Tract V) conveyed to Chesmar Homes, LLC, by deed recorded in Clerk's File No. RP-2020-405995, Harris County Official Public Records of Real Property, also being a portion of a called 61.013 acre tract conveyed to Chesmar Homes, LLC, by deed recorded in Clerk's File No. RP-2020-407771, Harris County Official Public Records of Real Property; said 90.54 acre (3,943,901 square feet) tract of land being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83, 2001 Adjustment:

BEGINNING at a 2-inch iron pipe found, being the most westerly northwest corner of the herein described tract, being the most westerly northwest corner of said called 61.013 acre tract, also being the southwest corner of a called 6.7133 acre tract conveyed to Worldwide Rock Enterprises, L.P., by deed recorded in Clerk's File No. 20150562448, Harris County Official Public Records of Real Property, also being on the east line of Restricted Reserve "A", Replat of Wal-Mart Tomball, by plat recorded in Clerk's File No. W008922, Harris County Map Records;

THENCE, North 87°45'25" East, 472.90 feet along the south line of said called 6.7133 acre tract to a 1-inch iron pipe found, being the southeast corner of said called 6.7133 acre tract;

THENCE, North 02°26'51" West, 368.19 feet along the east line of said called 6.7133 acre tract to a 5/8-inch iron rod (with cap) found, being the most northerly northwest corner of said called 61.013 acre tract;

THENCE, North 87°17'42" East, 542.42 feet to a 5/8-inch iron rod (with cap) found, being the southeast corner of a called 1.167 acre tract (Tract 2) conveyed to Alejandro and Apolinar Gomez by deed recorded in Clerk's File No. RP-2020-410875, Harris County Official Public Records of Real Property;

THENCE, North 11°11'31" East, 257.21 feet to a point for corner, being the northeast corner of said called 1.167 acre tract (Tract 2), from which a 5/8-inch iron rod (with cap) found bears North 11°11'31" East, 0.41 feet;



THENCE, North 87°21'24" East, 629.28 feet to a point for the northeast corner of the herein described tract, being the northeast corner of said Tract V, also being the northwest corner of a called 39.03 acre tract conveyed to Meritage Homes of Texas, LLC, by deed recorded in Clerk's File No. RP-2019-7816, Harris County Official Public Records of Real Property, from which a 5/8-inch iron rod (with cap) found bears North 03°29'29" West, 0.92 feet;

THENCE, along the west line of said called 39.03 acre tract, the following five (5) courses and distances:

1. South 03°29'29" East, 776.09 feet to a 1/2-inch iron rod found;
2. South 87°21'07" West, 448.18 feet to a 5/8-inch iron rod found;
3. South 02°27'59" East, 1,331.96 feet to a 1/2-inch iron rod found;
4. North 87°39'22" East, 720.29 feet to a 1/2-inch iron rod found;
5. South 02°27'41" East, 1,545.47 feet to a 5/8-inch iron rod (with cap stamped "Manhard") set for the southeast corner of the herein described tract, being 10 feet north of and parallel to the north right-of-way line of Holderrieth Road (width varies per Volume 816, Page 359, and Volume 1036, Page 256, Harris County Deed Records);

THENCE, South 87°39'37" West, 10 feet north of and parallel to said north right-of-way line of Holderrieth Road, 129.42 feet to a 5/8-inch iron rod (with cap stamped "Manhard") set, being the beginning of a curve to the left;

THENCE, along said curve to the left in a northerly direction, with a radius of 30.00 feet, a central angle of 40°10'02", an arc length of 21.03 feet, and a chord bearing of North 17°44'38" East, 20.60 feet to a 5/8-inch iron rod (with cap stamped "Manhard") set;

THENCE, North 02°20'23" West, 198.70 feet to a 5/8-inch iron rod (with cap stamped "Manhard") set, being the beginning of a curve to the left;

THENCE, along said curve to the left in a northerly direction, with a radius of 810.05 feet, a central angle of 15°17'16", an arc length of 216.14 feet, and a chord bearing of North 09°59'01" West, 215.50 feet to a 5/8-inch iron rod (with cap stamped "Manhard") set;

THENCE, South 87°39'37" West, 132.30 feet to a 5/8-inch iron rod (with cap stamped "Manhard") set, being on the east line of a called 0.6462 acre tract (Tract 2) conveyed to Alejandro Gomez and Apolinar Gomez by deed recorded in Clerk's File No. 20060092123, Harris County Official Public Records of Real Property;

THENCE, North 03°36'41" West, 204.00 feet along said east line of said called 0.6462 acre tract to the northeast corner of said called 0.6462 acre tract, from which a 1-inch iron pipe found bears North 22°52'28" West, 1.14 feet;

City of Tomball PID#11 (Wood Leaf Reserve)
90.54 acres

Claude N. Pilot Survey
Abstract No. 632

THENCE, South 87°37'15" West, along the north line of said called 0.6462 acre tract, at a distance of 100.11 feet passing a 1/2-inch iron rod found, being the northwest corner of said called 0.6462 acre tract, also being the northeast corner of the remainder of a called 10.0 acre tract conveyed to Walter John Rumfolo and wife, Lucille Rumfolo, by deed recorded in Clerk's File No. D055346, Harris County Official Public Records, continuing along the north line of said called 10.0 acre tract for a total distance of 675.32 feet to a 3/8-inch iron rod found, being the northwest corner of said remainder of said called 10.0 acre tract, also being on the east line of a called 25.950 acre tract conveyed to Maple Group, Ltd., by deed recorded in Clerk's File No. X273577, Harris County Official Public Records of Real Property;

THENCE, North 03°35'52" West, 551.72 feet along said east line of said called 25.950 acre tract to a 5/8-inch iron rod (with cap) found, being the northeast corner of said called 25.950 acre tract;

THENCE, South 87°39'58" West, 1,019.61 feet along the north line of said called 25.950 acre tract to a point for corner, being the northwest corner of said called 25.950 acre tract, also being on the east line of a called 1.3488 acre tract conveyed to Gordon Bruce Glanville by deed recorded in Clerk's File No. P064837, Harris County Official Public Records of Real Property, from which a 5/8-inch iron rod (with cap) found bears South 87°39'58" West, 1.07 feet;

THENCE, North 02°26'12" West, at a distance of 766.87 feet passing a 1/2-inch iron rod found, being the northeast corner of a called 5.0074 acre tract conveyed to Alvin W. Theis and wife, Thelma Theis, by deed recorded in Clerk's File No. J142169, Harris County Official Public Records of Real Property, also being the southeast corner of a called 4.9837 acre tract conveyed to Tractor Supply Co. of Texas, LP, by deed recorded in Clerk's File No. 20140022360, Harris County Official Public Records of Real Property, at a distance of 1,726.03 feet passing a 1/2-inch iron rod inside of a 2" iron pipe found on said east line of Restricted Reserve "A", Replat of Wal-Mart Tomball, in all a distance of 1,844.67 feet to the **POINT OF BEGINNING, CONTAINING 90.54 acres (3,943,901 square feet)** of land in Montgomery County, Texas, filed in the office of Manhard Consulting, Ltd. in The Woodlands, Texas.

NOTE: This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the political subdivision for which it was prepared.

Manhard Consulting, Ltd.
2445 Technology Forest Blvd, Suite #200
The Woodlands, Texas 77381
(832) 823-2200
*Texas Board of Professional Engineers &
Land Surveyors Firm Reg. No. 10194379*


Acting By/Through Joel K. Nalley
Registered Professional Land Surveyor
No. 6525
jnalley@manhard.com
29 October 2020



SURVEY TABLE			
①	CALLER 15.00 ACRES TO WILSON, L.P. C.F. No. 2010082418 K.C.P.A.P.	②	CALLER 1.00 ACRES TO WILSON, L.P. C.F. No. 2010082418 K.C.P.A.P.
③	CALLER 1.00 ACRES TO WILSON, L.P. C.F. No. 2010082418 K.C.P.A.P.	④	CALLER 1.00 ACRES TO WILSON, L.P. C.F. No. 2010082418 K.C.P.A.P.
⑤	CALLER 1.00 ACRES TO WILSON, L.P. C.F. No. 2010082418 K.C.P.A.P.	⑥	CALLER 1.00 ACRES TO WILSON, L.P. C.F. No. 2010082418 K.C.P.A.P.

OWNER:
C.F. No. 2010082418 K.C.P.A.P.
NAME: WILSON, L.P.
ADDRESS: 1500 N. 10TH ST., SUITE 100, DALLAS, TEXAS 75201
PHONE: (214) 742-1000
FAX: (214) 742-1001
E-MAIL: L.P.WILSON@DALLAS.EDS.COM
DATE: 10/20/2020

PREPARED BY:
C.F. No. 2010082418 K.C.P.A.P.
NAME: WILSON, L.P.
ADDRESS: 1500 N. 10TH ST., SUITE 100, DALLAS, TEXAS 75201
PHONE: (214) 742-1000
FAX: (214) 742-1001
E-MAIL: L.P.WILSON@DALLAS.EDS.COM
DATE: 10/20/2020

DATE: 10/20/2020

SCALE: 1" = 100'

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PROJ. CODE: 18QUD

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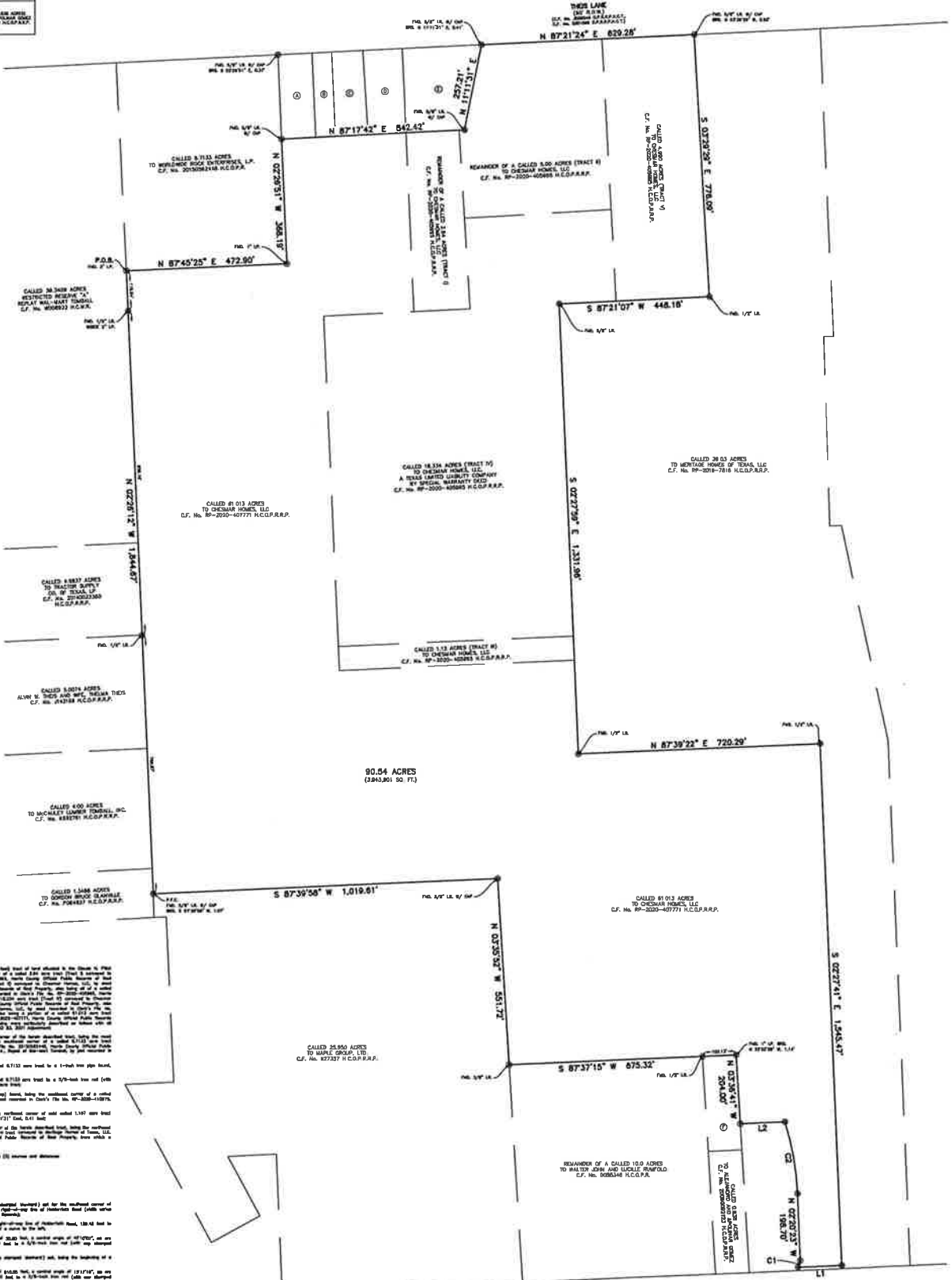
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STATE OF TEXAS

COUNTY OF DALLAS

SECTION 10, TOWNSHIP 10N, RANGE 14E, DISTRICT 10

SECTION 10, TOWNSHIP 10N, RANGE 14E, DISTRICT 10

SECTION 10, TOWNSHIP 10N, RANGE 14E, DISTRICT 10

SECTION 10, TOWNSHIP 10N, RANGE 14E, DISTRICT 10

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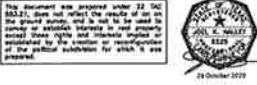
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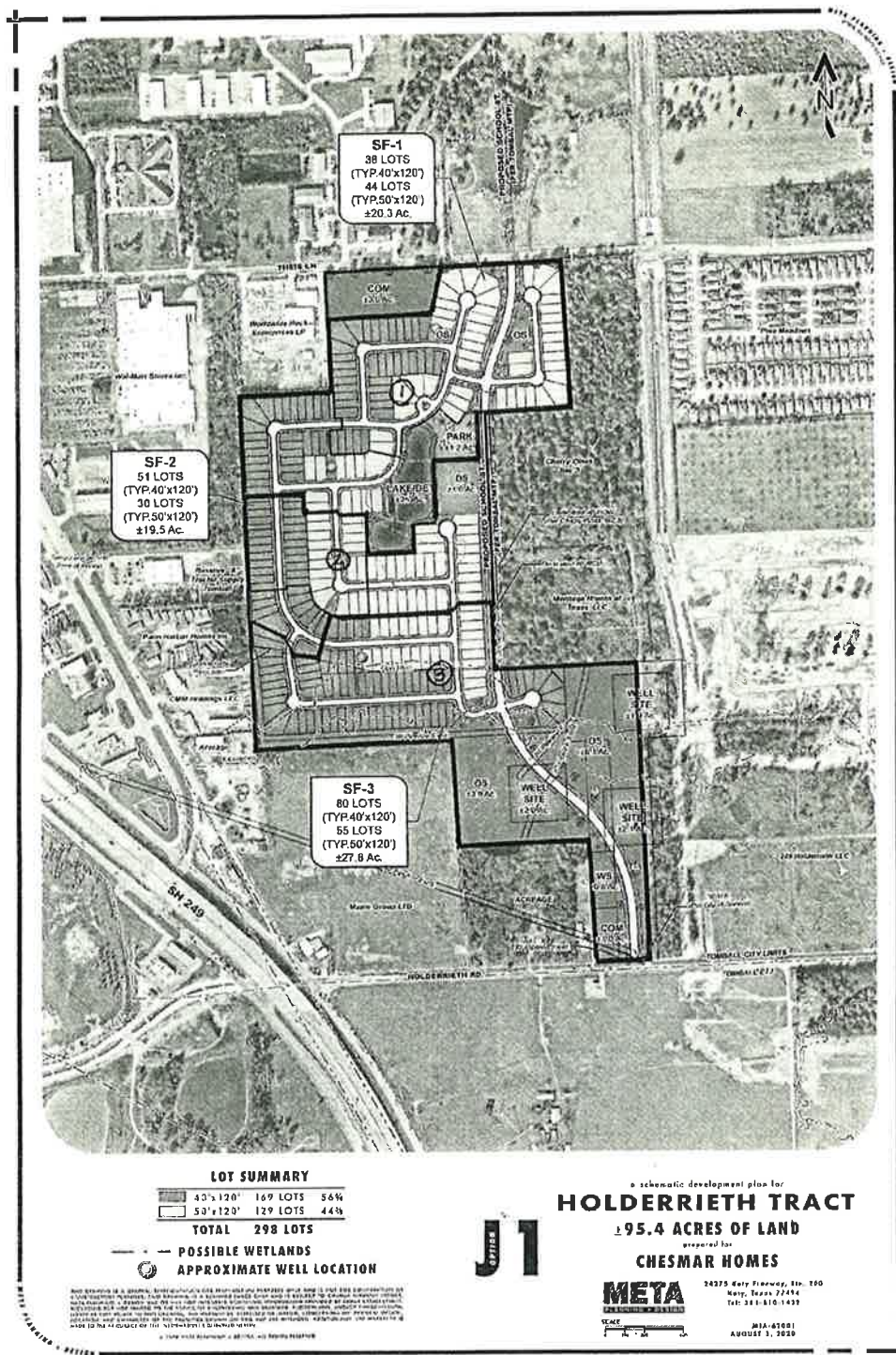
SECTION 10, TOWNSHIP 10N, RANGE 14E, DISTRICT 10

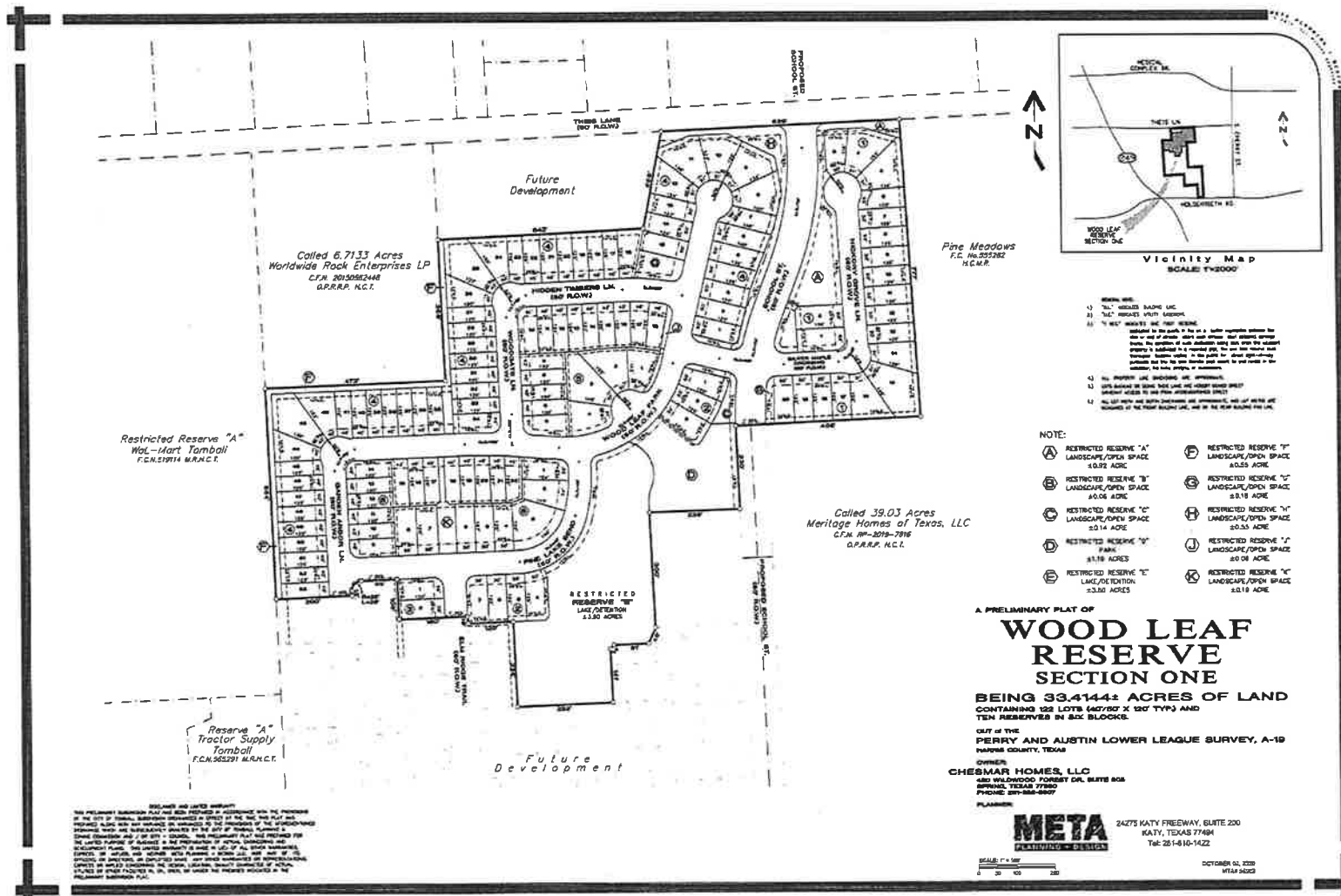


CITY OF TOMBALL
PUBLIC IMPROVEMENT DISTRICT NO. 11
(WOOD LEAF RESERVE)
POLITICAL BOUNDARY MAP
BEING
80.54 ACRES
SITUATED IN THE
CLAUDE N. PILLOT SURVEY, A-632
HARRIS COUNTY, TEXAS
OCTOBER 2020

EXHIBIT B

Property Depiction







Notes:

*This Engineer's Opinion of Probable Cost is made on the basis of Engineer's experience and qualifications using plan quantities and represents Engineer's best

¹⁴ Cost estimate does not include removal of abandoned in place gas line.

(2) The northern outfall location currently cuts through a drill site. This will need to be investigated further to see what can be put into the drill site.

1 of 1

Texas Board of Professional Engineers Registration No. F-12141
Manhard Consulting • 2445 Technology Forest Blvd. Ste 200 The Woodlands, Texas 77381 • 282-623-2200 • manhard.com
CPE 10000 • CPE 10000 • CPE 10000 • CPE 10000 • CPE 10000

EXHIBIT 2

NOTICE OF PUBLIC HEARING OF THE CITY OF TOMBALL, TEXAS TO CONSIDER THE ADVISABILITY OF THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO MAKE CERTAIN IMPROVEMENTS OVER CERTAIN PROPERTY LOCATED WITHIN THE CITY.

NOTICE IS HEREBY GIVEN THAT the City Council (the "City Council") of the City of Tomball, Texas (the "City"), pursuant to Chapter 372 of the Texas Local Government Code, as amended (the "Act"), will hold a public hearing at 6:00 p.m. on December 21, 2020, in the City Council Chamber at Tomball City Hall, 401 Market Street, Tomball, Texas 77375 for the purpose of considering the establishment by the City of a public improvement district to be located within its corporate limits.

In accordance with the Act, the City Council has received a petition (the "Petition") from certain property owners within the extraterritorial jurisdiction of the City (the "Petitioners"), that requests the establishment of a public improvement district (the "PID"). The Petition and the legal description of the property to be included in the PID are on file and open for public inspection in the office of the City Secretary at 401 Market Street, Tomball, Texas 77375. The public hearing is being held with respect to the advisability of creating the PID and the improvements to be made therein.

GENERAL NATURE OF THE AUTHORIZED IMPROVEMENTS: The general nature of the proposed public improvements (collectively, the "Authorized Improvements") may include: (i) design, construction and other allowed costs related to street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) design, construction and other allowed costs related to improvement of parks and open space, together with any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) design, construction and other allowed costs related to sidewalks and landscaping and hardscaping, fountains, lighting and signage; (iv) design, construction and other allowed costs related to gas, water, wastewater and drainage (including detention) improvements and facilities; (v) design, construction and other allowed costs related to projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the district; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (v) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (v) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

ESTIMATED COST OF THE AUTHORIZED IMPROVEMENTS: The estimated cost to design, acquire and construct the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs

incurred in the establishment, administration and operation of the PID is \$18,895,633 plus the annual cost of supplemental services and operation and maintenance costs, if any. The City will pay no costs of the Authorized Improvements, supplemental services or operation and maintenance costs from funds other than assessments levied on property within the PID. The remaining costs of the proposed improvements will be paid from sources other than those described above.

PROPOSED METHOD OF ASSESSMENT: The City shall levy assessments on each parcel within the PID in a manner that results in the imposition of an equal share of the costs of the Authorized Improvements on property similarly benefitted by such Authorized Improvements. The proposed method of assessment shall be based upon (i) an equal apportionment per lot, per front foot, or per square foot of property benefiting from the Authorized Improvements, as determined by the City, (ii) the ad valorem taxable value of the property benefiting from the Authorized Improvements, with or without regard to improvements on the property, or (iii) in any manner that results in imposing equal shares of the cost on property similarly benefitted.

PROPOSED APPORTIONMENT OF COSTS BETWEEN THE CITY AND THE PID: The City will not be obligated to provide any funds to finance the Authorized Improvements. All of the costs of the Authorized Improvements will be paid from assessments levied on properties in the PID and from other sources of funds available to the Petitioners.

BOUNDARIES OF THE PROPOSED PID: 90.54 Acres of Land within the City of Tomball, Harris County, Texas, Said Property Being Generally Located approximately ½ mile east of State Highway 249 between Theis Lane and Holderrieth Road and near the future intersection of School Street and Theis Lane. A metes and bounds description is available for inspection at the offices of the City Secretary at the location described above.

All interested persons are invited to attend such public hearing to express their views with respect to the establishment of the PID and the Authorized Improvements to be made therein.

This Notice of Public Hearing is given and the public hearing is being held pursuant to the requirements of the Act.

THE CITY OF TOMBALL, TEXAS

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: November 16, 2020

Topic:

Consideration to approve **Zoning Case P20-295**: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by amending Section 50-79(d) (Area regulations for residential uses) and Section 50-79(e) (Area regulations for nonresidential uses).

- Conduct Public Hearing on **Zoning Case P20-295**
- Adopt, on First Reading, Ordinance No. 2020-33, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Section 50-79, Old Town and Mixed-Use District (OT and MU), of Article III, District Regulations, of Chapter 50, Zoning, to allow a zero front or rear building line for lots within the portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion under certain conditions; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; making findings of fact; and providing for other related matters.

Background:

On Monday, November 9, 2020, after conducting a public hearing, the Planning & Zoning Commission voted to recommend approval of the text amendments with a 4-0 vote.

Origination: Will Benson

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda:

Craig T. Meyers, Community
Development Director

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed

Staff Member

Date

Approved by

City Manager

Date

ORDINANCE NO. 2020-33

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING ITS CODE OF ORDINANCES BY AMENDING SECTION 50-79, OLD TOWN AND MIXED-USE DISTRICT (OT AND MU), OF ARTICLE III, DISTRICT REGULATIONS, OF CHAPTER 50, ZONING, TO ALLOW A ZERO FRONT OR REAR BUILDING LINE FOR LOTS WITHIN THE PORTION OF THE OLD TOWN AREA BOUNDED BY FANNIN STREET, HOUSTON STREET, THE RAILROAD TRACKS, AND PINE STREET, AND INCLUDING THE LOTS THAT FRONT ON FANNIN STREET AND HOUSTON STREET ADJACENT TO SUCH PORTION UNDER CERTAIN CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City Staff presented the proposed text amendment regarding the size of yards in the Old Town Mixed-Use District (OT and MU) to the Planning and Zoning Commission; and

WHEREAS, at least fifteen (15) days after the publication in the official newspaper of the City of the time and place of a public hearing, the Planning and Zoning Commission held a public hearing regarding the proposed text amendment; and

WHEREAS, the Planning and Zoning Commission recommended in its final report that the City Council approve the requested text amendment; and

WHEREAS, at least fifteen (15) days after the publication in the official newspaper of the City of the time and place of a public hearing, the City Council held a public hearing on the proposed text amendment; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of the citizens to approve the text amendment as contained in this ordinance; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL,
TEXAS:**

Section 1. The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended by adding to Section 50-79, Old Town and Mixed-Use District (OT and MU), of Article III, District Regulations, of Chapter 50, Zoning, the language underscored below:

“Section 50-79. - Old Town and Mixed-Use District (OT and MU).

.....

(d) *Area regulations for residential uses.*

.....

(2) *Size of yards.*

- a. Minimum area requirements for a single-family residence shall be the same as the SF-6 district.
- b. Minimum area requirements for a Duplex (Two-Family) or Duplex Townhome shall be the same as the Duplex District.
- c. Minimum area requirements for a multifamily complex shall be the same as the MF district unless otherwise specified herein.
- d. Minimum front yard: 20 feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
- e. Minimum side yard: five feet; ten feet for a corner lot.
- f. Minimum rear yard is ten feet; the minimum rear yard where lots back on a designated arterial street shall not be less than 25 feet. However, lots backing up to a 20 foot alley shall have a 5 foot minimum rear yard and abutting a 15 foot alley shall have a 7.5 foot minimum rear yard.
- g. Encroachment by building eaves and air conditioning units: building eaves and air conditioning compressors may encroach not more than

three feet beyond building lines into the required rear and side yard on lots created by subdivision plats for single-family residential use duly approved by the city and recorded with the county clerk of either county, as applicable, on or before November 1, 1999.

- h. Lots within the portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front or rear building line provided, however, that the alternate front or rear building line shall be a minimum of 20 feet. Interior lots may have a minimum side yard building line equal to 10% of the lot width if the lot has less than 50 feet of width; ten feet for a corner lot.

.....

- (e) *Area regulations for nonresidential uses.*

.....

- (2) *Size of yards.*

- a. Minimum area requirements for an office, retail or commercial use shall be the same as required in the Commercial District unless otherwise specified in this section,
- b. Minimum front yard is 20 feet. With the exception of Cherry Street, for that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front building line.
- c. Minimum side and rear yard is five feet or ten percent of the lot width if less than 50 feet of lot width when adjacent to a nonresidential zoning district or use. If adjacent to a Single-Family, Duplex (Two-Family), Patio Home or Single-Family Attached District or use, then side and/or rear setback shall be a minimum of 20 feet. With the exception of Cherry Street, for that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, lots adjacent to a public right-of-way may have a zero foot side and rear yard setback provided no portion of the building obstructs the visibility of vehicular traffic.
- d. Interior side yards: when retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e.,

lots/lease spaces abutting one another), no side yard is required provided it complies with the city's building code.

- e. Old Town area required yard and building line exceptions. A commercial building constructed in the Old Town area before August 16, 1999, and which does not comply with the building lines set forth above, may expand in size provided it maintains a minimum ten-foot front building line and a minimum ten-foot side building line, provided the owner demonstrates and the chief building official determines that the use as conducted and managed, or as proposed, has minimal incompatibilities with the neighborhood. Factors used to evaluate this include:
 - 1. That management practices eliminate problems such as noise, waste materials, competition for on-street parking, or similar conflicts.
 - 2. The use's history of code enforcement complaints against it.
 - 3. That the use has been maintained in good condition or that the nonconformity represents a disincentive for such maintenance.
 - 4. Appeal of the chief building official's determination shall be to the planning and zoning commission with the same notice requirements to adjacent property owners as to the board of adjustments.
- f. Vacant land, or lots or tracts formerly used as residential property, may be developed for commercial use without conforming to the building line requirements of this chapter if the property owner or his agent establishes the following:
 - 1. Three or more properties within a three-block distance, whether on the same side of the street or across the street, have the same nonconformity; and
 - 2. Proposed development plans for the property are no more nonconforming than existing properties on the same street and maintain the same character as existing buildings.

.....”

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance

shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE _____ DAY OF _____, 2020.

COUNCILMAN FORD _____

COUNCILMAN STOLL _____

COUNCILMAN DEGGES _____

COUNCILMAN TOWNSEND _____

COUNCILMAN KLEIN QUINN _____

SECOND READING:

READ, PASSED, AND ORDAINED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE _____ DAY OF _____, 2020.

COUNCILMAN FORD _____

COUNCILMAN STOLL _____

COUNCILMAN DEGGES _____

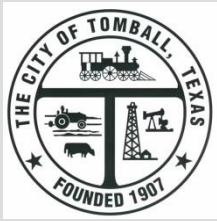
COUNCILMAN TOWNSEND _____

COUNCILMAN KLEIN QUINN _____

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: November 9, 2020

City Council Public Hearing Date: November 16, 2020

Zoning Case P20-295: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by amending Section 50-79(d) (*Area regulations for residential uses*) and Section 50-79(e) (*Area regulations for nonresidential uses*).

BACKGROUND

City Staff has recently been approached with a request for reduced building setbacks within the Old Town Area. City Staff has proposed the amendments to Chapter 50 outlined below.

PROPOSED AMENDMENT

Section 50-79. - Old Town and Mixed-Use District (OT and MU).

.....

(d) *Area regulations for residential uses.*

.....

(2) *Size of yards.*

a. Minimum area requirements for a single-family residence shall be the same as the SF-6 district.

b. Minimum area requirements for a Duplex (Two-Family) or Duplex Townhome shall be the same as the Duplex District.

c. Minimum area requirements for a multifamily complex shall be the same as the MF district unless otherwise specified herein.

d. Minimum front yard: 20 feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

e. Minimum side yard: five feet; ten feet for a corner lot.

f. Minimum rear yard is ten feet; the minimum rear yard where lots back on a designated arterial street shall not be less than 25 feet. However, lots backing up to a 20 foot alley shall have a 5 foot minimum rear yard and abutting a 15 foot alley shall have a 7.5 foot minimum rear yard.

g. Encroachment by building eaves and air conditioning units: building eaves and air conditioning compressors may encroach not more than three feet beyond building lines into the required rear and side yard on lots created by subdivision plats for single-family

residential use duly approved by the city and recorded with the county clerk of either county, as applicable, on or before November 1, 1999.

h. Lots within the portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front or rear building line provided, however, that the alternate front or rear building line shall be a minimum of 20 feet. Interior lots may have a minimum side yard building line equal to 10% of the lot width if the lot has less than 50 feet of width; ten feet for a corner lot.

.....

(e) *Area regulations for nonresidential uses.*

.....

(2) *Size of yards.*

- a. Minimum area requirements for an office, retail or commercial use shall be the same as required in the Commercial District unless otherwise specified in this section.
- b. Minimum front yard is 20 feet. With the exception of Cherry Street, for that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front building line.
- c. Minimum side and rear yard is five feet or ten percent of the lot width if less than 50 feet of lot width when adjacent to a nonresidential zoning district or use. If adjacent to a Single-Family, Duplex (Two-Family), Patio Home or Single-Family Attached District or use, then side and/or rear setback shall be a minimum of 20 feet. With the exception of Cherry Street, for that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, lots adjacent to a public right-of-way may have a zero foot side and rear yard setback provided no portion of the building obstructs the visibility of vehicular traffic.
- d. Interior side yards: when retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the city's building code.
- e. Old Town area required yard and building line exceptions. A commercial building constructed in the Old Town area before August 16, 1999, and which does not comply with the building lines set forth above, may expand in size provided it maintains a minimum ten-foot front building line and a minimum ten-foot side building line, provided the owner demonstrates and the chief building official determines that the use as conducted and managed, or as proposed, has minimal incompatibilities with the neighborhood. Factors used to evaluate this include:
 - 1. That management practices eliminate problems such as noise, waste materials, competition for on-street parking, or similar conflicts.
 - 2. The use's history of code enforcement complaints against it.

3. That the use has been maintained in good condition or that the nonconformity represents a disincentive for such maintenance.

4. Appeal of the chief building official's determination shall be to the planning and zoning commission with the same notice requirements to adjacent property owners as to the board of adjustments.

f. Vacant land, or lots or tracts formerly used as residential property, may be developed for commercial use without conforming to the building line requirements of this chapter if the property owner or his agent establishes the following:

1. Three or more properties within a three-block distance, whether on the same side of the street or across the street, have the same nonconformity; and

2. Proposed development plans for the property are no more nonconforming than existing properties on the same street and maintain the same character as existing buildings.

PUBLIC COMMENT

A public hearing notice was published in the Potpourri on October 28, 2020. Any public comment forms received by City Staff will be presenting in the agenda packets or during the scheduled meeting.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 9, 2020
&
CITY COUNCIL
NOVEMBER 16, 2020**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 9, 2020, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 16, 2020, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P20-295: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by amending Section 50-79(d) (*Area regulations for residential uses*) and Section 50-79(e) (*Area regulations for nonresidential uses*).

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **5th** day of **November 2020** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
City Planner

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: November 16, 2020

Topic:

Adopt, on First Reading, Ordinance No. 2020-34, an Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, within the Corporate Limits of The City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of this Ordinance.

Background:

Staff was contacted by the Homeowners Association for Pine Meadows subdivision expressing concerns regarding the speed limits throughout the neighborhood due to the fact that vehicles park along the roads therefore limiting the amount of space available to moving vehicles.

Staff conducted a traffic study and determined that with the 22 foot wide streets, it is warranted to reducing the speed limit from 30 mph to 20 mph.

The recommended revisions include the following speed zone:

Pine Meadows Street, Pine Woods Street, and Scotch Pines Street in the Pine Meadows Subdivision, the speed limit shall be 20 MPH.

Once adopted, staff anticipates the new speed limits to be posted within 30 days, pending the delivery of the speed limit signs.

Origination: Public Works Department

Recommendation:

Adopt Ordinance Number 2020-34 on first reading.

Party(ies) responsible for placing this item on agenda: Beth Jones, Public Works Director

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____

If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: Beth Jones, PE **Approved by:** _____

Staff Member

Date

City Manager

Date

ORDINANCE NO. 2020-34

AN ORDINANCE ALTERING THE *PRIMA FACIE* SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF §545.356, TEXAS TRANSPORTATION CODE, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF TOMBALL AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE IN AN AMOUNT NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR THE VIOLATION OF THIS ORDINANCE.

* * * * *

WHEREAS, §545.356, Texas Transportation Code, provides that, whenever the governing body of the City shall determine, upon the basis of an engineering and traffic investigation, any *prima facie* speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe *prima facie* speed limit thereat or there on by the passage of an Ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of §545.356, Texas Transportation Code, the following *prima facie* speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

Pine Meadows Street, Pine Woods Street, Scotch Pines Street, Spruce Circle, and Hemlock Street, , in the Pine Meadows subdivision, the speed limit shall be 20 MPH.

Section 2. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not more than Two Hundred Dollars (\$200.00).

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 2ND DAY OF APRIL 2018.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 16TH DAY OF APRIL 2018.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball