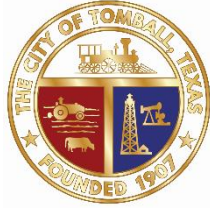


**NOTICE OF REGULAR CITY COUNCIL MEETING  
CITY OF TOMBALL, TEXAS**



**Monday, June 19, 2023  
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, June 19, 2023 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.

**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: 815 9678 0056 Passcode: 451658. 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 Paster Chris Hull - Zion Lutheran Church
- C. Pledges to U.S. and Texas Flags
- 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

- I. Presentation of \$2000 from the Tomball Lions Club to the Tomball Fire Department for paint and decals of the Special Events Vehicle.

F. Reports and Announcements

1. Announcements

I.

• **Kids Club Dates:**

- June 9: Soccer Clinic with HTX Soccer (formerly Dynamo/Dash Youth Soccer) at Broussard Park (1414 E. Huffsmith Rd) from 9-11 a.m.
- July 14: Reptile show-n-tell and Reading games (Texas Snakes & More and LSC-Tomball Community Library) at Juergens Park (1331 Ulrich Rd) from 10 a.m. to 12 p.m.
- August 11: Learn about emergency vehicles and Splash Day at Tomball Depot Plaza (201 S. Elm St). from 10 a.m. to 12 p.m.

• **2023 Swim Season (Jerry Matheson Park Pool):**

- Monday-Closed
- Tuesday thru Friday - 10am - 6pm
- Saturday & Sunday – 12pm - 8pm

**REGULAR SEASON HOURS 2023**

- May 30th (Start Date) thru August 13th (Sunday) End Date

**END OF SEASON HOURS 2023**

- August 19th (Saturday) Noon – 8pm
- August 20th (Sunday) Noon – 8pm
- August 26th (Saturday) Noon – 8pm
- August 27th (Sunday) Noon – 8pm
- September 2nd (Saturday) Noon – 8pm
- September 3rd (Sunday) Noon – 8pm
- September 4th (Monday) 10am – 6p

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

- I. Presentation, discussion, and possible direction related to bills proposed or passed in the 2023 Texas Legislative Sessions and their impact on City operations.

- II. Presentation and discussion regarding Hotel Occupancy Tax for short-term rental properties

G. Old Business

1. Adopt on Second Reading Ordinance No. 2023-18, An Ordinance of The City Of Tomball, Texas Amending Section 2-326 Of Its Code Of Ordinances, Designated, Of Division II, Records Management Officer, Of Article V, Records Management, Of Chapter II, Administration; Providing For Severability, Making Findings Of Fact; And Providing For Other Related Matters

H. New Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

1. Approve the Minutes of the June 5, 2023, Regular City Council Meeting.
2. Approve a contract with Accurate Utility Supply, LLC for water, wastewater, and drainage supplies and services through a BuyBoard Contract (Contract No. 626-20) for a not-to-exceed amount of \$160,000, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures are included in the Fiscal Year 2022-2023 Budget.
3. Approve a contract with B & C Constructors, LP through a 1GPA Contract (Contract No. 19-03DP) for a not-to-exceed amount of \$885,000, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures are included in the Fiscal Year 2022-2023 Budget.
4. Approve amendment to Administrative Policy No. 22, entitled “Hotel Occupancy Tax Grant Policy”
5. Approve request from Greater Tomball Area Chamber of Commerce for City Support and In-Kind Services for the 51<sup>st</sup> annual Tomball Night on Market St and around downtown Tomball, on Friday, August 4, 2023
6. Authorize the City Manager to execute the necessary documents to enter into Buyboard Contract #698-23, with Casco Industries, Inc. for the purchase of Hose, Firefighting, and Personal Protective Equipment in excess of \$50,000 for Fiscal Year 2022-2023, in accordance with the Purchasing and Bidding Policy. This expenditure is within the Fiscal Year 2023 Budget.

7. Authorize annual spending exceeding \$50,000 from Siddons-Martin in accordance with the Purchasing and Bidding Policy for Fiscal Year 2022-2023. These purchases are within the Fiscal Year 2022-2023 budget.

I. New Business

1. Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-05**: Request by Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-05**

Adopt, on First Reading, Ordinance No. 2023-11, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas; 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.

2. Consideration to approve **Case CUP23-04**: Request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Case CUP23-04**

Adopt, on First Reading, Ordinance No. 2023-14, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by issuing a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas; 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.

3. Consideration to Approve **Zoning Case Z23-07**: Request by Tomball 10 Joint Venture represented by Khoa Nguyen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being approximately 2.73 acres out of the William Hurd Survey, Abstract 378 from Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 13200-13400 blocks (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-07**

Adopt, on First Reading, Ordinance No. 2023-15, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning land legally described as being approximately 2.73 acres out of the William Hurd Survey, Abstract 378 from Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 13200-13400 blocks (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas; 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.

4. Consideration to Approve **Zoning Case Z23-08**: Request by Real Life Ministries Texas represented by Quiddity to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being Lot 1, Block 1 of Devasco International as well as approximately 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176 from Light Industrial (LI) and Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 1600 block (west side) of S. Cherry Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-08**

Adopt, on First Reading, Ordinance No. 2023-16, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning land legally described as being Lot 1, Block 1 of Devasco International as well as approximately 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176 from Light Industrial (LI) and Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 1600 block (west side) of S. Cherry Street, within the City of Tomball, Harris County, Texas; 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.

5. Consideration to Approve **Zoning Case Z23-09**: Request by Tim Littlefield to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being all of Tomball Townsite Outlot 281 from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1100-1400 blocks (west side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-09**

Adopt, on First Reading, Ordinance No. 2023-17, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning land legally described as being all of Tomball Townsite Outlot 281 from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1100-1400 blocks (west side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas; 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.

J. Adjournment

## CERTIFICATION

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 15 day of June 2023 by 6:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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Tracylynn Garcia, TRMC, CMC, CPM  
City Secretary

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](http://www.ci.tomball.tx.us).

# City Council Meeting Agenda Item Data Sheet

Meeting Date: June 19, 2023

**Topic:**

Presentation of \$2000 from the Tomball Lions Club to the Tomball Fire Department for paint and decals of the Special Events Vehicle.

**Background:**

The Tomball Lions Club has committed to donating \$2000 to the Tomball Fire Department for painting and decals of the Special Events Vehicle.

**Origination:** Fire Department

**Recommendation:**

Approval

**Party(ies) responsible for placing this item on agenda:** Joe Sykora, Fire Chief

**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 Joe Sykora June 13, 2023 Approved by \_\_\_\_\_  
Staff Member Date City Manager Date



# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: June 5, 2023

**Topic:**

- **Kids Club Dates:**
  - June 9: Soccer Clinic with HTX Soccer (formerly Dynamo/Dash Youth Soccer) at Broussard Park (1414 E. Huffsmith Rd) from 9-11 a.m.
  - July 14: Reptile show-n-tell and Reading games (Texas Snakes & More and LSC-Tomball Community Library) at Juergens Park (1331 Ulrich Rd) from 10 a.m. to 12 p.m.
  - August 11: Learn about emergency vehicles and Splash Day at Tomball Depot Plaza (201 S. Elm St). from 10 a.m. to 12 p.m.
- **2023 Swim Season (Jerry Matheson Park Pool):**
  - Monday-Closed
  - Tuesday thru Friday - 10am - 6pm
  - Saturday & Sundry – 12pm - 8pm

**REGULAR SEASON HOURS 2023**

  - May 30th (Start Date) thru August 13th (Sunday) End Date

**END OF SEASON HOURS 2023**

  - August 19th (Saturday) Noon – 8pm
  - August 20th (Sunday) Noon – 8pm
  - August 26th (Saturday) Noon – 8pm
  - August 27th (Sunday) Noon – 8pm
  - September 2nd (Saturday) Noon – 8pm
  - September 3rd (Sunday) Noon – 8pm
  - September 4th (Monday) 10am – 6p

The Pool will be open to the public on weekends until Labor Day
- **Depot Splash Pad:**
  - Open

**Background:**

**Origination:**

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:** Tracylynn Garcia, 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 # \_\_\_\_\_



# City Council Meeting Agenda Item Data Sheet

Meeting Date: June 19, 2023

**Topic:**

Presentation and discussion regarding Hotel Occupancy Tax for short-term rental properties.

**Background:**

Currently, Hotel Occupancy Tax is being collected from hotel/motels and bed and breakfast facilities. As it's currently written, Ordinance No. 2006-16 allows the City to collect 7% Hotel Occupancy Tax from short-term rental properties.

**Origination:**

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:** Katherine Tapscott, Finance Director

**FUNDING (IF APPLICABLE)**

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

Yes: X No: \_\_\_\_\_ If yes, specify Account Number: \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed Katherine Tapscott, CPA 6/14/2023 Approved by \_\_\_\_\_  
Finance Director Date City Manager Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: June 5, 2023

**Topic:**

Adopt on First Reading Ordinance No. 2023-18, An Ordinance of The City Of Tomball, Texas Amending Section 2-326 Of Its Code Of Ordinances, Designated, Of Division II, Records Management Officer, Of Article V, Records Management, Of Chapter II, Administration; Providing For Severability, Making Findings Of Fact; And Providing For Other Related Matters

**Background:** This ordinance is to Amend section 2-326 of its Code of Ordinances to name the City Secretary as the records management officer; the City Council finds it to be in the best interest of the health, safety and welfare of its residents to amend its code of ordinances as set forth herein.

**Origination:** City Secretary Office

**Recommendation:**

Review and adopt Ordinance 2023-18

**Party responsible for placing this item on agenda:** Tracylynn Garcia

**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 Jeff Bert Approved by \_\_\_\_\_  
Staff Member Date City Manager Date

**ORDINANCE NO. 2023-18**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING SECTION 2-326 OF ITS CODE OF ORDINANCES, DESIGNATED, OF DIVISION II, RECORDS MANAGEMENT OFFICER, OF ARTICLE V, RECORDS MANAGEMENT, OF CHAPTER II, ADMINISTRATION; PROVIDING FOR SEVERABILITY, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

**WHEREAS**, the City of Tomball, Texas (the “City”) is a home-rule municipality pursuant to sect 5, article 11 of the Texas constitution and as such, is vested with the power of local self-government; and

**WHEREAS**, the City desires to amend section 2-326 of its Code of Ordinances to name the City Secretary as the records management officer;

**WHEREAS**, the City Council finds it to be in the best interest of the health, safety and welfare of its residents to amend its code of ordinances as set forth herein; now therefore

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

**Section 1.** The findings contained in the preamble of this Ordinance are hereby found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** Section 2-326, Designated, of Division II, Records Management Officer, of Article V, Records Management, of Chapter II, Administration, is hereby amended to delete therefrom the language struckthrough below and to add the language underscored below, such Section 2-326 to read as follows:

**Sec. 2-326. - Designated.**

The city council hereby designates the City Secretary to serve as records management officer for the city. ~~shall designate an individual employed by the city to serve as records management officer for the city. Upon the resignation, retirement, dismissal or removal by action of the city council of the individual so designated, the city council shall promptly designate another individual to serve as records management officer.~~ The ~~individual designated as records management officer~~ City Secretary shall file his or her name with the director and librarian of the state library within 30 days of the date of designation, as provided by state law.

**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.

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LORI KLEIN QUINN, Mayor

ATTEST:

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TRACYLYNN GARCIA, City Secretary

**City Council Meeting  
Agenda Item  
Data Sheet**

**Meeting Date:** June 19, 2023

**Topic:**

Approve the Minutes of the June 5, 2023, Regular City Council Meeting.

**Background:**

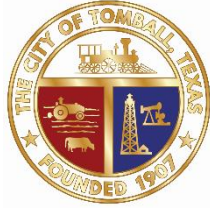
**Origination:** City Secretary

**Recommendation:**

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



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



**Monday, June 05, 2023  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for June 5, 2023, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone conference.

A. Call to Order

**PRESENT**

Mayor Lori Klein Quinn  
Council 1 John Ford  
Council 2 Mark Stoll  
Council 3 Dane Dunagin  
Council 4 Derek Townsend, Sr.  
Council 5 Randy Parr

Others Present

David Esquivel- City Manager  
Jessica Rogers- Asst. City Manager  
Tracylynn Garcia- City Secretary  
Joe Sykora- Fire Chief  
Megan Mageo-PW  
Katherine Tapscott- Finance Director  
Kristie Lewis- HR Director  
Drew Huffman- Public Works Director  
Nathan Dietrich- Community Development  
Jeff Bert- Police Chief  
Chrislord Templonuevo- Marketing Manager  
Johnita Robinson- Records Specialist  
Fae Morris- Records Specialist  
Ki Provencher- Intern

B. Invocation - Led by Pastor Courtney White - Fountain of Love Church

C. Pledges to U.S. and Texas Flags led by Council 1 John Ford

- 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.]*

Amanda Kelly - Upcoming event with the  
19710 Rippling Brook Lane Dunk tank  
Tomball 77375

Steve Sams - Symphony North Houston  
12911 Plummwood Dr program collaborating with  
Cypress 77329 Tomball

Kathryn Meyer - Open House for battery  
900 Pitchford Rd storage  
Tomball 77375

E. Reports and Announcements

1. Announcements

**Kids Club Dates:**

June 9: Soccer Clinic with HTX Soccer (formerly Dynamo/Dash Youth Soccer) at Broussard Park (1414 E. Huffsmith Rd) from 9-11 a.m.

July 14: Reptile show-n-tell and Reading games (Texas Snakes & More and LSC-Tomball Community Library) at Juergens Park (1331 Ulrich Rd) from 10 a.m. to 12 p.m.

August 11: Learn about emergency vehicles and Splash Day at Tomball Depot Plaza (201 S. Elm St). from 10 a.m. to 12 p.m.

**2023 Swim Season (Jerry Matheson Park Pool):**

Monday-Closed

Tuesday thru Friday - 10am - 6pm

Saturday & Sundry – 12pm - 8pm

**REGULAR SEASON HOURS 2023**

May 30th (Start Date) thru August 13th (Sunday) End Date

**END OF SEASON HOURS 2023**

August 19th (Saturday) Noon – 8pm

August 20th (Sunday) Noon – 8pm

August 26th (Saturday) Noon – 8pm

August 27th (Sunday) Noon – 8pm

September 2nd (Saturday) Noon – 8pm

September 3rd (Sunday) Noon – 8pm

September 4th (Monday) 10am – 6p

The Pool will be open to the public on weekends until Labor Day

**Depot Splash Pad:**

Opens May 26, 2023

2. Reports by City staff and members of council about items of community interest on which no action will be taken:
  - I. Katherine Tapscott presented the Quarterly Financial Update for Period Ending March 31, 2023.
  - II. Mayor informed applications available for Boards & Commissions and that Assistant City Manager J. Rogers-Walker got married.
- F. Old Business
  1. Adopt, on Second Reading, Ordinance No. 2023-10, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5.11 acres of land legally described as being Lot 2, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is located at 1820 S. Cherry Street, within the City of Tomball, Harris County, Texas; 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.

Motion made by Council 2 Stoll, Seconded by Council 5 Parr

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

2. Adopt, on Second Reading, Ordinance No. 2023-12, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.04 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Commercial (C) to Office (O) zoning. The property is generally located within the 1200-1300 blocks (south side) of Rudel Drive, within the City of Tomball, Harris County, Texas; 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.

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr..

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

- G. New Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

Item #1 was pulled at the request of Council 2 Stoll and was voted on separately.

2. Consideration to approve an amendment to a professional services agreement with Freese & Nichols, Inc. for on-call GIS, planning, and engineering services for an amount of \$50,000 (contract total not to exceed amount of \$150,000), approve the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This project was included in the FY 2022-2023 budget.
3. Approve a master services agreement with Water Utility Services, Inc. for water sampling and laboratory services, and water and wastewater chemicals for a total not-to-exceed amount of \$170,000, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This service is included in the FY 2022-2023 Budget.

4. Authorize annual purchases exceeding \$50,000 from Morton Morrow Survival Air Systems Inc., in accordance with the Purchasing and Bidding Policy for Fiscal Year 2022-2023. These purchases are within the Fiscal Year 2022-2023 budget.

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr to approve New Business Consent Agenda 2, 3, and 4.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

1. Approve the Minutes of the May 15, 2023, Tomball Legacy Fund Annual Meeting, and the Regular City Council Meeting.

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr.,

Council 2 Stoll wish to amend his motion to only vote on the City Council Minutes for May 15, 2023.

Voting Yea to accept the amended motion: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Voting on the Amended motion.

Voting Yea to accept the amended motion: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

#### H. New Business

1. Accept the Annual Comprehensive Financial Report for fiscal year ending September 30, 2022.

Matt Rogers Auditor Weaver (Conroe); made a presentation.

Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr..

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

2. Approve Resolution No. 2023-30, A Resolution of The City Council of The City of Tomball, Texas, Authorizing the Consolidation of Vital Records from The City of Tomball, Texas, To Harris County, Texas.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

3. Adopt on First Reading Ordinance No. 2023-18, An Ordinance of The City Of Tomball, Texas Amending Section 2-326 Of Its Code Of Ordinances, Designated, Of Division II, Records Management Officer, Of Article V, Records Management, Of Chapter II, Administration; Providing For Severability, Making Findings Of Fact; And Providing For Other Related Matters

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to read Ordinance No. 2023-18 by caption only.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion approved unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr to adopt on First Reading Ordinance No. 2023-18.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

4. Consideration to approve Resolution 2023-31, a Resolution of the City Council of the City of Tomball, Texas, accepting the Preliminary Service and Assessment Plan for Authorized Improvements within the Winfrey Estates Public Improvement District; Setting a Date for a Public Hearing on the Proposed Levy of Assessments; Authorizing the Publication and Mailing of Notice; and Enacting Other Provisions Relating thereto.

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

5. Approve the Tomball Economic Development Corporation (TEDC) 2023-2024 Strategic Work Plan.

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr..

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

6. Kelly Violette Presented the Tomball Economic Development Corporation (TEDC) 2022-2023 Annual Report.

I. Adjournment

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr..

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Voting Abstaining: Mayor Klein Quinn

PASSED AND APPROVED this 19<sup>th</sup> day of June 2023.

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Tracylynn Garcia  
City Secretary, TRMC, CMC, CPM

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Lori Klein Quinn  
Mayor

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: June 19, 2023

**Topic:**

Approve a contract with Accurate Utility Supply, LLC for water, wastewater, and drainage supplies and services through a BuyBoard Contract (Contract No. 626-20) for a not-to-exceed amount of \$160,000, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures are included in the Fiscal Year 2022-2023 Budget.

**Background:**

Accurate Utility Supply, LLC is a distributor based out of Katy that has consistently provided the City of Tomball with a wide range of water, wastewater, and drainage products and services including pipe, hydrants, fittings, clamps, water metering testing, calibration and repair, backflow certification and repair, compliance support flow testing, leak detection, and meter and backflow vaults.

Based on the City’s adopted Procurement Policy, staff is requesting approval of a contract for the purchase of supplies through an existing BuyBoard Contract for the purchase for this fiscal year in excess of \$50,000. The chart below identifies current spending, as well as projected spending through September 30, 2023.

Fiscal Year Spending to Date (Water, Wastewater, and Drainage)	\$48,000
Projected Water Purchases	\$80,000
Projected Wastewater Purchases	\$22,000
Project Drainage Purchases	\$10,000

This item authorizes fiscal year purchases with Accurate Utility Supply, LLC to supply necessary water, wastewater, and drainage supplies and services, as needed.

**Origination:** Public Works Department

**Recommendation:**

Staff recommends approving a contract with B & C Constructors, LP for general contract services.

**Party(ies) responsible for placing this item on agenda:** Drew Huffman, 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: #600-613-6106,

#600-613-6131

#600-614-6207

#100-154-6106

#100-154-6207

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed Drew Huffman  
Staff Member \_\_\_\_\_  
Date \_\_\_\_\_

Approved by \_\_\_\_\_  
City Manager \_\_\_\_\_  
Date \_\_\_\_\_

# CITY OF TOMBALL SERVICES AGREEMENT

THE STATE OF TEXAS §

COUNTY OF HARRIS §

## **Description of Services: Water, Wastewater & Drainage Supplies**

This Agreement is made and entered into by the **City of Tomball** (referred to as the “City”), with an office at 501 James Street, Tomball, TX and, **Accurate Utility Supply, LLC** (the “Company”), with an office at **5445 Stockdick School Road, Katy, Texas 77449** City hereby engages the services of Company as an independent contract for meter reading services, upon the following terms and conditions.

### 1. SCOPE OF AGREEMENT

- 1.1. The City hereby agrees to employ Company and Company agrees to perform the necessary services.
- 1.2. In the event of a conflict among the terms of this Agreement, the term most favorable to the City, in the City’s sole discretion, shall control.

### 2. TERM OF AGREEMENT; TERMINATION

- 2.1. This Agreement shall be effective upon proper execution by the City. It shall be effective from **June 20, 2023 through September 30, 2023**, with three additional one-year renewal options. The City reserves the right to withdraw from the Agreement immediately if its governing body fails to appropriate funds necessary for the satisfaction of its contractual obligations. ***Either party may terminate this Agreement for any reason with ninety days (90) written notice to the other party.***
- 2.2. The City’s obligations under this Agreement shall not constitute a general obligation of the City or indebtedness under the constitution or laws of the State of Texas. Nothing contained herein shall ever be construed so as to require City to create a sinking fund or to assess, levy and collect any tax to fund its obligations under this Agreement.
- 2.3. The City reserves the right to enforce the performance of this Agreement in any manner prescribed by law or deemed to be in the best interest of the City in the event of breach or default of any provision of this Agreement, including immediate termination of this Agreement.

### 3. ENTIRE AGREEMENT

This Agreement represents the entire agreement between Company and the City and no prior or contemporaneous oral or written Agreements or representations shall be construed to alter its terms. No additional terms shall become part of this Agreement without the written consent of both parties and compliance with relevant state law. This Agreement supersedes all other prior agreements either oral or in writing.

### 4. ASSIGNMENT

Company shall not assign or subcontract its obligations under this Agreement without the prior written consent of the City.

### 5. COMPENSATION

For and in consideration of the services rendered by the Company pursuant to this Agreement, the City shall pay the Company only for the actual work performed up to an amount not-to-exceed \$160,000.

## 6. MODIFICATION OF RATES

Base Rate adjustments for changes in the Consumer Price Index (CPI) will be considered by the City no more than once per year during the renewal term of the Contract, during the month of October of each Contract Year.

## 7. IDEMNITY

### 7.1. DEFINITIONS

For the purpose of this section the following definitions apply:

- a. "City" shall mean all officers, agents and employees of the City of Tomball.
- b. "Claims" shall mean all claims, liens, suits, demands, accusations, allegations, assertions, complaints, petitions, proceedings and causes of action of every kind and description brought for damages.
- c. "Company" includes the corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.
- d. "Company's employees" shall mean any employees, officers, agents, subcontractors, licensees and invitees of Company.
- e. "Damages" shall mean each and every injury, wound, hurt, harm, fee, damage, cost, expense, outlay, expenditure or loss of any and every nature, including but not limited to:
  - i. injury or damage to any property or right
  - ii. injury, damage, or death to any person or entity
  - iii. attorneys' fees, witness fees, expert witness fees and expenses,
  - iv. any settlement amounts; and
  - v. all other costs and expenses of litigation
- f. "Premise Defects" shall mean any defect, real or alleged, which now exists or which may hereafter arise upon the premises.

### 7.2. Indemnity

**COMPANY AGREES TO INDEMNIFY, HOLD HARMLESS, AND DEFEND THE CITY FROM AND AGAINST LIABILITY FOR ANY CLAIMS FOR DAMAGES ARISING OUT OF THE COMPANY'S WORK AND ACTIVITIES CONDUCTED IN CONNECTION WITH THIS AGREEMENT.**

**COMPANY IS AN INDEPENDENT CONTRACTOR AND IS NOT, WITH RESPECT TO ITS ACTS OR OMISSIONS, AN AGENT OR EMPLOYEE OF THE CITY.**

**COMPANY MUST AT ALL TIMES EXERCISE REASONABLE PRECAUTIONS ON BEHALF OF, AND BE SOLELY RESPONSIBLE FOR, THE SAFETY OF COMPANY'S EMPLOYEES WHILE IN THE VICINITY WHERE THE WORK IS BEING DONE. THE CITY IS NOT LIABLE OR RESPONSIBLE FOR THE NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS OF COMPANY OR COMPANY'S EMPLOYEES.**

**THE CITY ASSUMES NO RESPONSIBILITY OR LIABILITY FOR DAMAGES WHICH ARE DIRECTLY OR INDIRECTLY ATTRIBUTABLE TO PREMISE DEFECTS.**

**THE CITY AND COMPANY MUST PROVIDE THE OTHER PROMPT AND TIMELY NOTICE OF ANY COVERED EVENT WHICH IN ANY WAY AFFECTS OR MIGHT AFFECT THE COMPANY OR CITY. THE CITY HAS THE RIGHT TO COMPROMISE AND DEFEND THE SAME TO THE EXTENT OF ITS OWN INTERESTS.**

**THE INDEMNITY OBLIGATIONS HEREIN SHALL SURVIVE THE TERMINATION OF THE AGREEMENT FOR ANY REASON AND SHALL SURVIVE THE COMPLETION OF THE WORK.**

8. INSURANCE

8.1. AMOUNTS OF INSURANCE

Company agrees to provide and to maintain the following types and amounts of insurance, for the term of this Contract:

TYPE	AMOUNT
(a) Workers Compensation Employer's Liability	(where required – Statutory by State Law) \$100,000 per occurrence

(b) Commercial (Public) Liability, including but not limited to:

- a. Premises/ Operations Combined Single Limit
- b. Independent Contractors
- c. Personal Injury
- d. Products/Completed Operations
- e. Contractual Liability (insuring above indemnity provisions)

All insured at combined single limits for bodily injury and property damage at \$500,000 per occurrence.

(c) Comprehensive Automobile Liability, in include coverage for:

- a. Owned/Leased Automobiles
- b. Non-owned Automobiles
- c. Hired Cars

All insured at combined single limits for bodily injury and property damage for \$500,000 per occurrence.

8.2. OTHER INSURANCE REQUIREMENTS

Company understands that it is its sole responsibility to provide the required Certificates and that failure to timely comply with the requirements of this article shall be a cause for termination of this Contract.

Insurance required herein shall be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies shall be subject to examination and approval by the City Attorney's Office for their adequacy as to form, content, form of protection, and providing company.

Insurance required by this Contract for the City as additional insured shall be primary insurance and not contributing with any other insurance available to City, under any third party liability policy

Company further agrees that with respect to the above required liability insurances, the City shall:

- a. Be named as an additional insured;
- b. Be provided with a waiver of subrogation, in favor of the City,
- c. Be provided with 30 days advance written notice of cancellation, nonrenewal, or reduction in coverage (all “endeavor to” and similar language of reservation stricken from cancellation section of certificate); and
- d. Prior to execution of this Agreement, be provided through the office of the City Attorney with their original Certificate of Insurance evidencing the above requirement.

The insurance requirements set out in this section are independent from all other obligations of Company under this Agreement and apply whether or not required by any other provision of this Agreement.

#### 9. PAYMENT AND PERFORMANCE

Payment for services described in this Agreement will be made in accordance with the Texas Prompt Payment Act, Chapter 2251 of the Texas Government Code, or as subsequently amended.

#### 10. VENUE; RECOVERY OF FEES; DISPUTE RESOLUTION; CHOICE OF LAW

Any suit or claim or cause of action regarding this Agreement shall be brought in Harris County, Texas, as the choice of venue and jurisdiction and site of performance by the parties. If the City is the prevailing party in any such action, the City may recover reasonable costs, including costs of court, attorney’s fees, expert witnesses’ fees, and trial consultants’ fees. The parties further agree that the law of the State of Texas shall govern any interpretation of the terms of this Agreement.

#### 11. COMPANY CERTIFICATIONS

Company certifies that neither it, nor any of its agents or employees, have or will offer or accept gifts or anything of value, or enter into any business arrangement, with any employee, official, or agent of the City.

Company certifies, pursuant to Texas Government Code Chapter 2270, that it does not boycott Israel and will not boycott Israel during the term of this Agreement. Company further certifies, pursuant to Texas Government Code Chapter 2252, Subchapter F, that it does not engage in business with Iran, Sudan, or a foreign terrorist organization as may be designated by the United States Secretary of State pursuant to his authorization in 8 U.S.C. Section 1189.

#### 12. NO WAIVER OF IMMUNITY

The City does not waive any statutory or common law right to sovereign immunity by virtue of the execution of this Agreement.

#### 13. NOTICES

Any written notice provided under this Agreement or required by law shall be deemed to have been given and received on the next day after such notice has been deposited by Registered or Certified Mail with sufficient postage affixed thereto and addressed to the other party to the Agreement; provided, that this shall not prevent the giving of actual notice in any manner.

Notice to Company may be sent to the following address:

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14. CONTRACT ADMINISTRATOR

This Agreement shall be administered on the City’s behalf by the Project Manager, and all notices, questions, or documentation, arising under this Agreement shall be addressed to the Project Manager at:

City of Tomball, Texas  
Attn: Project Manager  
501 James Street  
Tomball, Texas 77375

AGREED to and ACCPETED this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Company

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

**THE STATE OF TEXAS**

§

**COUNTY OF HARRIS**

§

This instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 2023,  
by \_\_\_\_\_, on behalf of said entity.

\_\_\_\_\_  
Notary Public, State of Texas

AGREED to and ACCPETED this \_\_\_\_ day of \_\_\_\_\_, 2023.

City of Tomball

---

David Esquivel, PE  
City Manager

**Attest:**

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Tracylynn Garcia  
City Secretary

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: June 19, 2023

**Topic:**

Approve a contract with B & C Constructors, LP through a 1GPA Contract (Contract No. 19-03DP) for a not-to-exceed amount of \$885,000, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures are included in the Fiscal Year 2022-2023 Budget.

**Background:**

B&C Constructors, LP is a general contractor company located in Magnolia, Texas. B & C Constructors operates a construction company specializing in a wide range of skills including new construction and renovation of government buildings, schools, universities, retail shops and other construction type components. B & C has been awarded contracts for the renovation of the Depot Museum, Belmont Drainage Improvements, replacing the HVAC systems at City Hall and the Community Center, as well as other improvements to offices, driveways, drainage flumes and window replacements already this fiscal year, with additional contracts pending for Council approval in the coming months. A full breakdown of their work is reflected in the table below.

Depot Museum Renovations	\$148,877.23
Belmont Drainage Improvements	\$73,752.62
HVAC Replacements City Hall & Community Center	\$76,065.12
Other Concrete Drainage Repairs	\$83,919.18
Office Remodels and Window Replacements	\$76,265.53
*Malone Lot Evidence/Impound Project	*\$300,000
*Future Improvements/Projects	*\$125,000
Total Anticipated Expenditures for FY 22-23	\$883,869.68

\*Items not completed as of 6/19/2023

This item authorizes a contract with B & C Constructors, LP through a 1GPA Contract (Contract No. 19-03DP) for the repairs, construction, and renovation of facilities for the City of Tomball.

**Origination:** Public Works Department

**Recommendation:**

Staff recommends approving a contract with B & C Constructors, LP for general contract services.



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

Drew Huffman, 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: #100-157-6206,  
#400-153-6409,  
#400-154-6409,  
#400-157-6409

If no, funds will be transferred from account # \_\_\_\_\_

To account # \_\_\_\_\_

Signed Drew Huffman  
Staff Member

Date

Approved by \_\_\_\_\_

City Manager

Date

**CITY OF TOMBALL  
SERVICES AGREEMENT**

**THE STATE OF TEXAS** §

**COUNTY OF HARRIS** §

**Description of Services: General Contractor Services**

This Agreement is made and entered into by the **City of Tomball** (referred to as the “City”), with an office at 501 James Street, Tomball, TX and, **B &C Constructors, LP** (the “Company”), with an office at **27835 FM 2978 Road, Magnolia, Texas 77354** City hereby engages the services of Company as an independent contract for meter reading services, upon the following terms and conditions.

**1. SCOPE OF AGREEMENT**

- 1.1. The City hereby agrees to employ Company and Company agrees to perform the necessary services.
- 1.2. In the event of a conflict among the terms of this Agreement, the term most favorable to the City, in the City’s sole discretion, shall control.

**2. TERM OF AGREEMENT; TERMINATION**

- 2.1. This Agreement shall be effective upon proper execution by the City. It shall be effective from **June 20, 2023 through September 30, 2023, with three additional one-year renewal options**. The City reserves the right to withdraw from the Agreement immediately if its governing body fails to appropriate funds necessary for the satisfaction of its contractual obligations. ***Either party may terminate this Agreement for any reason with ninety days (90) written notice to the other party.***
- 2.2. The City’s obligations under this Agreement shall not constitute a general obligation of the City or indebtedness under the constitution or laws of the State of Texas. Nothing contained herein shall ever be construed so as to require City to create a sinking fund or to assess, levy and collect any tax to fund its obligations under this Agreement.
- 2.3. The City reserves the right to enforce the performance of this Agreement in any manner prescribed by law or deemed to be in the best interest of the City in the event of breach or default of any provision of this Agreement, including immediate termination of this Agreement.

**3. ENTIRE AGREEMENT**

This Agreement represents the entire agreement between Company and the City and no prior or contemporaneous oral or written Agreements or representations shall be construed to alter its terms. No additional terms shall become part of this Agreement without the written consent of both parties and compliance with relevant state law. This Agreement supersedes all other prior agreements either oral or in writing.

**4. ASSIGNMENT**

Company shall not assign or subcontract its obligations under this Agreement without the prior written consent of the City.

**5. COMPENSATION**

For and in consideration of the services rendered by the Company pursuant to this Agreement, the City shall pay the Company only for the actual work performed up to an amount not-to-exceed \$885,000.00.

## 6. MODIFICATION OF RATES

Base Rate adjustments for changes in the Consumer Price Index (CPI) will be considered by the City no more than once per year during the renewal term of the Contract, during the month of October of each Contract Year.

## 7. IDEMNITY

### 7.1. DEFINITIONS

For the purpose of this section the following definitions apply:

- a. "City" shall mean all officers, agents and employees of the City of Tomball.
- b. "Claims" shall mean all claims, liens, suits, demands, accusations, allegations, assertions, complaints, petitions, proceedings and causes of action of every kind and description brought for damages.
- c. "Company" includes the corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.
- d. "Company's employees" shall mean any employees, officers, agents, subcontractors, licensees and invitees of Company.
- e. "Damages" shall mean each and every injury, wound, hurt, harm, fee, damage, cost, expense, outlay, expenditure or loss of any and every nature, including but not limited to:
  - i. injury or damage to any property or right
  - ii. injury, damage, or death to any person or entity
  - iii. attorneys' fees, witness fees, expert witness fees and expenses,
  - iv. any settlement amounts; and
  - v. all other costs and expenses of litigation
- f. "Premise Defects" shall mean any defect, real or alleged, which now exists or which may hereafter arise upon the premises.

### 7.2. Indemnity

**COMPANY AGREES TO INDEMNIFY, HOLD HARMLESS, AND DEFEND THE CITY FROM AND AGAINST LIABILITY FOR ANY CLAIMS FOR DAMAGES ARISING OUT OF THE COMPANY'S WORK AND ACTIVITIES CONDUCTED IN CONNECTION WITH THIS AGREEMENT.**

**COMPANY IS AN INDEPENDENT CONTRACTOR AND IS NOT, WITH RESPECT TO ITS ACTS OR OMISSIONS, AN AGENT OR EMPLOYEE OF THE CITY.**

**COMPANY MUST AT ALL TIMES EXERCISE REASONABLE PRECAUTIONS ON BEHALF OF, AND BE SOLELY RESPONSIBLE FOR, THE SAFETY OF COMPANY'S EMPLOYEES WHILE IN THE VICINITY WHERE THE WORK IS BEING DONE. THE CITY IS NOT LIABLE OR RESPONSIBLE FOR THE NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS OF COMPANY OR COMPANY'S EMPLOYEES.**

**THE CITY ASSUMES NO RESPONSIBILITY OR LIABILITY FOR DAMAGES WHICH ARE DIRECTLY OR INDIRECTLY ATTRIBUTABLE TO PREMISE DEFECTS.**

**THE CITY AND COMPANY MUST PROVIDE THE OTHER PROMPT AND TIMELY NOTICE OF ANY COVERED EVENT WHICH IN ANY WAY AFFECTS OR MIGHT AFFECT THE COMPANY OR CITY. THE CITY HAS THE RIGHT TO COMPROMISE AND DEFEND THE SAME TO THE EXTENT OF ITS OWN INTERESTS.**

**THE INDEMNITY OBLIGATIONS HEREIN SHALL SURVIVE THE TERMINATION OF THE AGREEMENT FOR ANY REASON AND SHALL SURVIVE THE COMPLETION OF THE WORK.**

8. INSURANCE

8.1. AMOUNTS OF INSURANCE

Company agrees to provide and to maintain the following types and amounts of insurance, for the term of this Contract:

TYPE	AMOUNT
(a) Workers Compensation Employer's Liability	(where required – Statutory by State Law) \$100,000 per occurrence

(b) Commercial (Public) Liability, including but not limited to:

- a. Premises/ Operations Combined Single Limit
- b. Independent Contractors
- c. Personal Injury
- d. Products/Completed Operations
- e. Contractual Liability (insuring above indemnity provisions)

All insured at combined single limits for bodily injury and property damage at \$500,000 per occurrence.

(c) Comprehensive Automobile Liability, in include coverage for:

- a. Owned/Leased Automobiles
- b. Non-owned Automobiles
- c. Hired Cars

All insured at combined single limits for bodily injury and property damage for \$500,000 per occurrence.

8.2. OTHER INSURANCE REQUIREMENTS

Company understands that it is its sole responsibility to provide the required Certificates and that failure to timely comply with the requirements of this article shall be a cause for termination of this Contract.

Insurance required herein shall be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies shall be subject to examination and approval by the City Attorney's Office for their adequacy as to form, content, form of protection, and providing company.

Insurance required by this Contract for the City as additional insured shall be primary insurance and not contributing with any other insurance available to City, under any third party liability policy

Company further agrees that with respect to the above required liability insurances, the City shall:

- a. Be named as an additional insured;
- b. Be provided with a waiver of subrogation, in favor of the City,
- c. Be provided with 30 days advance written notice of cancellation, nonrenewal, or reduction in coverage (all “endeavor to” and similar language of reservation stricken from cancellation section of certificate); and
- d. Prior to execution of this Agreement, be provided through the office of the City Attorney with their original Certificate of Insurance evidencing the above requirement.

The insurance requirements set out in this section are independent from all other obligations of Company under this Agreement and apply whether or not required by any other provision of this Agreement.

#### 9. PAYMENT AND PERFORMANCE

Payment for services described in this Agreement will be made in accordance with the Texas Prompt Payment Act, Chapter 2251 of the Texas Government Code, or as subsequently amended.

#### 10. VENUE; RECOVERY OF FEES; DISPUTE RESOLUTION; CHOICE OF LAW

Any suit or claim or cause of action regarding this Agreement shall be brought in Harris County, Texas, as the choice of venue and jurisdiction and site of performance by the parties. If the City is the prevailing party in any such action, the City may recover reasonable costs, including costs of court, attorney’s fees, expert witnesses’ fees, and trial consultants’ fees. The parties further agree that the law of the State of Texas shall govern any interpretation of the terms of this Agreement.

#### 11. COMPANY CERTIFICATIONS

Company certifies that neither it, nor any of its agents or employees, have or will offer or accept gifts or anything of value, or enter into any business arrangement, with any employee, official, or agent of the City.

Company certifies, pursuant to Texas Government Code Chapter 2270, that it does not boycott Israel and will not boycott Israel during the term of this Agreement. Company further certifies, pursuant to Texas Government Code Chapter 2252, Subchapter F, that it does not engage in business with Iran, Sudan, or a foreign terrorist organization as may be designated by the United States Secretary of State pursuant to his authorization in 8 U.S.C. Section 1189.

#### 12. NO WAIVER OF IMMUNITY

The City does not waive any statutory or common law right to sovereign immunity by virtue of the execution of this Agreement.

#### 13. NOTICES

Any written notice provided under this Agreement or required by law shall be deemed to have been given and received on the next day after such notice has been deposited by Registered or Certified Mail with sufficient postage affixed thereto and addressed to the other party to the Agreement; provided, that this shall not prevent the giving of actual notice in any manner.

Notice to Company may be sent to the following address:

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14. CONTRACT ADMINISTRATOR

This Agreement shall be administered on the City’s behalf by the Project Manager, and all notices, questions, or documentation, arising under this Agreement shall be addressed to the Project Manager at:

City of Tomball, Texas  
Attn: Project Manager  
501 James Street  
Tomball, Texas 77375

AGREED to and ACCPETED this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Company

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

**THE STATE OF TEXAS**

§

**COUNTY OF HARRIS**

§

This instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 2023,  
by \_\_\_\_\_, on behalf of said entity.

\_\_\_\_\_  
Notary Public, State of Texas

AGREED to and ACCPETED this \_\_\_\_ day of \_\_\_\_\_, 2023.

City of Tomball

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David Esquivel, PE  
City Manager

**Attest:**

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Tracylynn Garcia  
City Secretary

# City Council Meeting Agenda Item Data Sheet

Meeting Date: June 19, 2023

**Topic:**

Approve amendment to Administrative Policy No. 22, entitled “Hotel Occupancy Tax Grant Policy”

**Background:**

Staff reviewed and updated the current Hotel Occupancy Tax Grant Policy, which was last updated in October 2009. The proposed Policy reflects the current process and updates the Application for Use of Hotel Occupancy Tax.

**Origination:**

**Recommendation:**

Approve changes to Administrative Policy No. 22 – Hotel Occupancy Tax Grant Policy

**Party(ies) responsible for placing this item on agenda:** Katherine Tapscott, 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 Katherine Tapscott, CPA 6/14/2023 Approved by \_\_\_\_\_  
Finance Director Date City Manager Date



**CITY OF TOMBALL  
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

<b>SUBJECT</b>  <b>HOTEL OCCUPANCY TAX GRANT POLICY</b>	<b>NUMBER:</b>  22	<b>EFFECTIVE DATE:</b>  June 19, 2023	PAGE 1 OF 2
	<b>REVISED:</b>  June 19, 2023	<b>APPROVED BY CITY MANAGER:</b>  June 19, 2023	
	<b>SUPERSEDES:</b>  October 5, 2009	<b>APPROVED BY CITY COUNCIL:</b>  June 19, 2023	

Chapter 351.002 of the Texas Tax Code authorizes a municipality, by ordinance, to impose a tax on a person who pays for the right to use or temporarily take possession of a room located in a hotel/motel that is ordinarily used for sleeping. The tax is imposed on the cost of the room itself and is not imposed on the cost of any food served or on any other services provided by the hotel/motel.

The revenue derived from the municipal occupancy tax may only be used to promote tourism and the convention and hotel industry in the community. For a city the size of Tomball located in a county the size of Harris County, the authorized uses are limited to the following:

1. the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;
2. the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
3. advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
4. the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;
5. historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:
  - a. at or in the immediate vicinity of convention center facilities or visitor information centers; or
  - b. located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;
6. signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality;
7. day-to-day operations, supplies, salaries, office rental, travel expenses, and other administrative costs only if those administrative costs are incurred directly in the promotion and servicing expenditures listed above.

In the event that the authorized uses included in Chapter 351 of the Tax Code are changed, the Tax Code authorized uses will apply.

*Tourists* are defined by Chapter 351 as an individual who travels from the individual's residence to a different municipality, county, state, or country for pleasure, recreation, education, or culture. *Tourism* is defined as the guidance or management of tourists.

**CITY OF TOMBALL  
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

<b>SUBJECT</b>  <b>HOTEL OCCUPANCY TAX GRANT POLICY</b>	<b>NUMBER:</b>  22	<b>EFFECTIVE DATE:</b>  June 19, 2023	<b>PAGE 2 OF 2</b>
	<b>REVISED:</b>  June 19, 2023	<b>APPROVED BY CITY MANAGER:</b>  June 19, 2023	
	<b>SUPERSEDES:</b>  October 5, 2009	<b>APPROVED BY CITY COUNCIL:</b>  June 19, 2023	

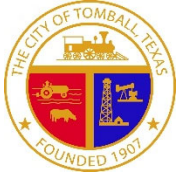
Requests for Use of Hotel Occupancy Tax

Any organization requesting the use of City of Tomball Hotel Occupancy Tax funds for a purpose that qualifies as an authorized use must complete the Application for Use of Hotel Occupancy Tax (Exhibit A). The call for applications occurs during the City’s annual budget process to allow the necessary appropriation of funds. Once received, the application submissions are provided to the Tourism Advisory Committee for consideration. The Tourism Advisory Committee provides City Council with recommendations for consideration. All requests for Hotel Occupancy Tax funding must be approved by City Council.

Separate applications must be submitted for each qualified purpose. Applications for annual events must be submitted each year. Funding approved previously does not guarantee funding in subsequent years.

Approved funding will be paid to the requesting organization on a reimbursement basis and will not be paid in advance. The reimbursement paid to the organization will be based on the lesser of the actual cost or approved funding amount. Invoices and proof of payment must be provided for all qualifying expenses.

# EXHIBIT A



## City of Tomball Application for Use of Hotel Occupancy Tax

Application Date: \_\_\_\_\_

Name of Organization/Business: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Type of Organization/Business:  Private/For-Profit  Non-Profit

Purpose of organization/business: \_\_\_\_\_

Does your event/expenditure pass Part One of the statutory Hotel Occupancy Tax test listed below?

*Defined specifically as directly enhancing and promoting tourism in Tomball and directly promoting the overnight accommodation industry in Tomball by increasing overnight stays.*

Yes  No

Does your event/expenditure pass Part Two of the statutory Hotel Occupancy Tax test, defined specifically as limiting the use of Hotel Occupancy Tax funds to one of more of the following categories?

Select all categories that apply.

- Establishment, improvement or maintenance of a convention or visitor center
- Administrative cost for facilitating convention registration
- Advertising, solicitations, and promotions that attracts tourists and delegates
- Encouragement, promotion, improvement, and application of the arts
- Historical restoration or preservation programs
- Signage directing tourists to attractions visited by hotel guests
- None of the above

Is this a new event/expenditure?  Yes  No

Name of the event/expenditure: \_\_\_\_\_

Website address of event/expenditure: \_\_\_\_\_

Date(s) of event/expenditure: \_\_\_\_\_

Location of event/expenditure: \_\_\_\_\_

Description of event/expenditure: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Estimated local attendees: \_\_\_\_\_ Estimated out of town attendees: \_\_\_\_\_

If approved, how will the grant funds be used? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

How will you measure the impact of your event on local overnight accommodations? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Amount of funding requested: \$ \_\_\_\_\_

Current operating budget for the event/expenditure: \$ \_\_\_\_\_

Total funding dedicated to advertising/promotion of event/expenditure: \$ \_\_\_\_\_

Organization's direct contribution to the operating and advertising budget: \$ \_\_\_\_\_

Please indicate all promotion efforts your organization will utilize to alert visitors of the event/expenditure:

Paid Advertising     Radio     Television     Brochures

Social Media     Newspaper     Online/Digital     Press Release

How do you intend to advertise or promote your event to gain overnight stays in Tomball? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1. I have read the entire information in this application packet and understand and will comply with all provisions therein; and that I intend to use the grant for the event/expenditure to directly enhance and promote the tourism and hotel industry by attracting visitors from outside of Tomball to stay overnight in one of Tomball's lodging facilities.
2. I will abide by all relevant local, state, and federal laws/regulations regarding the use of Hotel Occupancy Tax.
3. I understand that all grant funds are provided on a reimbursement basis and only proven eligible expenses will be reimbursed.
4. Applicant acknowledges that if grant funds are awarded, the event organizers agree to allow the financials of this event to be viewed at any time by the City of Tomball prior to receiving reimbursement for the event.

Applicant Signature: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

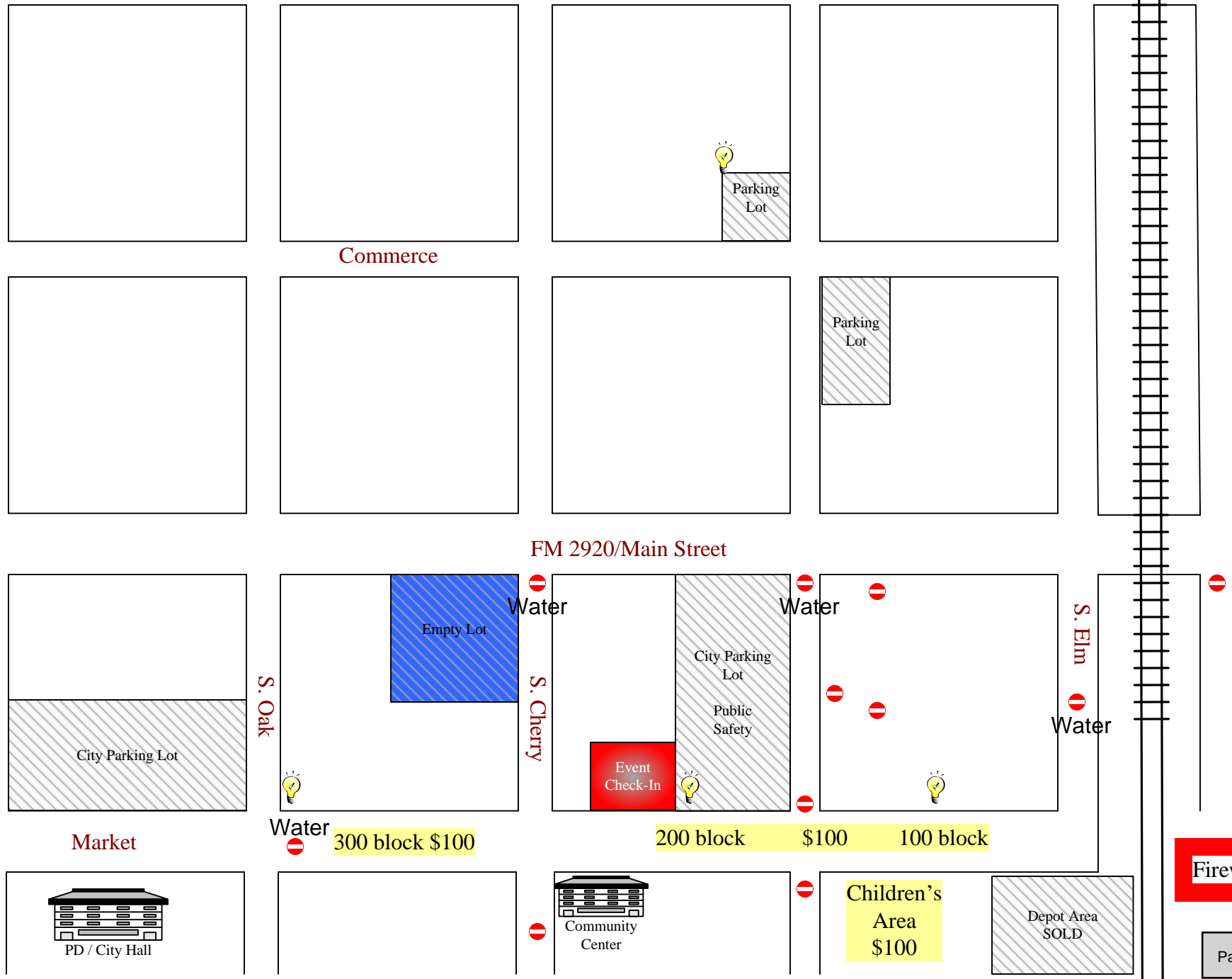
**Required Documents:**

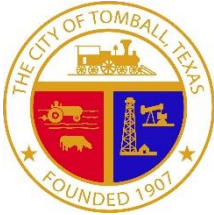
- Itemized budget of expenditures for grant funds
- Organization's most recent annual budget
- Organization's most recent financial statements – must be audited for grants exceeding \$100,000
- List of Board of Directors/Event Committee with contact information
- IRS Form W-9 – required if not currently on file with the City of Tomball
- Any other information that supports the request for funding

Please submit applications by email to [finance@tomballtx.gov](mailto:finance@tomballtx.gov) or mail/deliver to:

City of Tomball  
Attn: Finance Dept.  
501 James Street  
Tomball, Texas 77375

# Tomball Night Downtown





# SPECIAL EVENT GUIDELINES & APPLICATION

CITY OF TOMBALL, TEXAS

Effective Date: 1/1/2023

**INTRODUCTION:** Any organized activity or event and open to the general public that involves the use of, or having an impact upon, public property, facilities, public parks, sidewalks, or street areas in the City of Tomball require prior approval and must meet certain requirements for consideration.

**PROCEDURES:** Several procedures and guidelines must be followed before any non-city staged event may take place. Those include, but are not limited to, the following:

1. A completed Special Event application must be submitted to the Tomball Department of Marketing & Tourism at least 180 days prior to any proposed festival or event. Tomball City Council approval is required if event meets one of the following criteria: sale of alcohol, street closures or contains a request for in-kind donations from the City of Tomball.
2. A written proposal must accompany the application. The proposal should include the overall event concept, a detailed site map, a list of planned activities, hours of operation, proposed vendors, food and beverage, entertainment and any other relevant aspects of the event.
3. If a charity is involved, or is the beneficiary of funds raised, information about the charity needs to be included as a part of the application process, as well as proof of non-profit status. If requesting in-kind services, preference will be given to organizations providing donations to agencies within the city limits of Tomball.
4. A fee equal to the actual cost of city services to host the event will be required of for-profit event planners to be paid no less than ten business days before the event. Non-profit organizations may request city services as an in-kind donation.
5. A meeting will be scheduled with the Tomball Events Team (representatives of Tomball Police, Fire, Public Works, Marketing and Northwest EMS) to discuss the merits and feasibility of the proposed event. The applicant is required to be at this meeting to answer questions regarding the application. Failure to attend will result in the event being cancelled by the City of Tomball.
6. If approved by the Tomball Events Team, the proposed event will be presented to City Council for final approval. The applicant is required to be at this meeting to answer questions regarding the application if necessary.
7. Ten days prior to the event, proof of general liability insurance (\$1,000,000 minimum) must be provided by the event organizer naming the City of Tomball as additional insured.
8. Event coordinators must provide their own volunteers or staff; oversee food and beverage permits, vendors, site clean-up and other aspects of staging a festival/special event.
9. Failure to comply with the guidelines listed above will preclude applicant from staging future events.

For additional information, or to submit an event application, please contact:

Chrislord Templonuevo – Marketing & Tourism Manager

401 Market Street

Tomball, Texas 77375

281-290-1035 | Email – [ctemplonuevo@tomballtx.gov](mailto:ctemplonuevo@tomballtx.gov)



# SPECIAL EVENT APPLICATION

CITY OF TOMBALL, TEXAS | 401 Market Street | Tomball, TX 77375 | 281-351-5484

An application to stage an event within the City of Tomball shall be filed with the Marketing & Tourism Manager at least 180 days prior to the event. This application is not to be construed as authorizing or agreeing to any event until formally approved by Tomball City Council.

Date: 06/13/2023 Is this event Co-City sponsored? Yes X No     

Request for permission to use a public venue for the following type of event (please check one):

Festival X Community Event      Arts & Crafts Event      Music Event      Other (specify)     

1. Event title: Tomball Night

2. Sponsoring entity: Greater Tomball Area Chamber of Commerce

3. Is this organization based in Tomball: Yes X No      We are a 501 (c) (6)

4. Is this organization *non-profit* X or *for-profit*      \*Attach 501 (c) (3) tax exemption if applicable

5. Contact: Brandy Beyer Phone: 281.351.7222

6. Contact address: 29201 Quinn Road, Suite B, Tomball, TX 77375

7. Contact email: bbeyer@tomballchamber.org

8. Event date: August 4, 2023

9. Event times: Start 5pm Finish 10:30pm Set-up Noon Breakdown 11:30

10. Is this event for charity? Yes X No     

11. If yes, what charity? Greater Tomball Area Chamber of Commerce Tax ID 74-1495125

12. If yes, what percentage of net proceeds will be donated to the charity? 100%

13. On-site contact: Brandy Beyer Mobile #: 713.594.3449

14. Estimated number of attendees: 10,000

15. Detailed site map in attached: Yes X No     

16. Is this event open to the public: Yes X No     

17. Admission fee: \$      Free X

18. Time at which event staff will begin to arrive: 8am

19. The applicant will defend and hold harmless the City of Tomball from all claims, demands, actions or causes of action, of whatsoever nature or character, arising out of or by reason of the conduct of the activity authorized by such application including attorney fees and expenses. Initial BB

20. The applicant will provide proof of general liability insurance for the event naming the City of Tomball as additional insured. Initial BB

21. Name of insurance carrier: Higginbotham Insurance Agency

Signature: Brandy Beyer

FOR OFFICIAL USE - Fee required: Yes      No      Amount Due: \$





THE HARTFORD  
BUSINESS SERVICE CENTER  
3600 WISEMAN BLVD  
SAN ANTONIO TX 78251

June 14, 2023

City of Tomball  
401 MARKET ST  
TOMBALL TX 77375

**Account Information:**

<b>Policy Holder Details :</b>	<b>GREATER TOMBALL AREA CHAMBE OF COMMERCE</b>
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**Contact Us**

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**Need Help?**

Chat online or call us at  
(866) 467-8730.

We're here Monday - Friday.

Enclosed please find a Certificate Of Insurance for the above referenced Policyholder. Please contact us if you have any questions or concerns.

Sincerely,

Your Hartford Service Team



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
06/14/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> HIGGINBOTHAM INS AGENCY INC/PHS 61611737 The Hartford Business Service Center 3600 Wiseman Blvd San Antonio, TX 78251	<b>CONTACT NAME:</b> PHONE (866) 467-8730 (A/C, No, Ext):		<b>FAX (A/C, No):</b>
	<b>E-MAIL ADDRESS:</b>		
<b>INSURED</b> GREATER TOMBALL AREA CHAMBE OF COMMERCE 292201 QUINN STEB TOMBALL TX 77375		<b>INSURER A :</b> Hartford Lloyd's Insurance Company <b>INSURER B :</b> <b>INSURER C :</b> <b>INSURER D :</b> <b>INSURER E :</b> <b>INSURER F :</b>	<b>NAIC#</b> 38253

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/Y YYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> General Liability	X		61 SBA VM8139	12/20/2022	12/20/2023	EACH OCCURRENCE	\$1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$300,000
							MED EXP (Any one person)	\$10,000
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$2,000,000
							PRODUCTS - COMP/OP AGG	\$2,000,000
A	<b>AUTOMOBILE LIABILITY</b> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			61 SBA VM8139	12/20/2022	12/20/2023	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
							BODILY INJURY (Per person)	
							BODILY INJURY (Per accident)	
							PROPERTY DAMAGE (Per accident)	
	<b>UMBRELLA LIAB EXCESS LIAB</b> <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	
							AGGREGATE	
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	
							E.L. DISEASE -EA EMPLOYEE	
							E.L. DISEASE - POLICY LIMIT	
A	<b>EMPLOYMENT PRACTICES LIABILITY</b>			61 SBA VM8139	12/20/2022	12/20/2023	Each Claim Limit	\$5,000
							Aggregate Limit	\$5,000

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

Those usual to the Insured's Operations. Certificate holder is an additional insured per the Business Liability Coverage Form SS0008 attached to this policy.

**CERTIFICATE HOLDER**

City of Tomball  
 401 MARKET ST  
 TOMBALL TX 77375

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Susan L. Castaneda*

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June 9, 2023

City of Tomball  
401 Market Street  
Tomball, Texas 77375

RE: Tomball Night Street Closures, Electricity and Community Center Usage

Dear David,

We are anticipating a fabulous 51<sup>st</sup> Annual **Tomball Night**, Friday, August 4, 2023 with help from our city, police and fire departments, as well as from numerous volunteers. The popular attraction of a night parade with a fireworks display ending the night's festivities has been met with overwhelming enthusiasm over the past several years. This year we are planning to add a Health and Wellness Fair to the festivities. We are looking forward again to the expertise of the Tomball Police Department for crowd control and as visual deterrents from any negative activity.

The Greater Tomball Area Chamber of Commerce is requesting permission from the City of Tomball to ignite fireworks out of season, under the insurance and guidance of Celestial Displays, a highly trained and licensed pyrotechnician.

To insure the safety of the many visitors that will be in Tomball on Friday, August 4, 2023 and the multiple number of vendors we are expecting, we are asking for street closures for the following streets on Friday night only from

12:00 p.m. until 11:00 p.m.

- Market St. – 100, 200 and 300 blocks
- S. Elm – 100 Block

And from 5:00 p.m. until 11:00 p.m.

- S. Walnut – between Market and Main
- Sycamore from Main St. South

Enclosed is a map for your review. We are also requesting permission for the use of electricity on Walnut Street, by the Depot, 100 & 200 blocks of Market Street, the alley on south side of Main between Cherry and Oak and at 200 S. Walnut.

Finally, we would like to use the Tomball Community Center as a “cool zone” and for the Health and Wellness EXPO. The Health and Wellness EXPO would take place from 4pm to 8pm. The Chamber’s committee, the Health and Wellness Alliance, will be working in conjunction with the Tomball Community Center staff, Chamber staff and the Tomball Night committee to coordinate both events. Any proceeds received from the Health & Wellness EXPO will go to the Chamber to continue its mission.

We appreciate the City of Tomball, its special partnership with the chamber and the assistance always offered for our events. Should you have any questions or concerns, please contact Brandy Beyer or myself at 281-351-7222.

Sincerely,



Bruce Hillegeist  
President



# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: June 19, 2023

**Topic:**

Approve request from Greater Tomball Area Chamber of Commerce for City Support and In-Kind Services for the 51<sup>st</sup> annual Tomball Night on Market St and around downtown Tomball, on Friday, August 4, 2023

**Background:**

The Greater Tomball Area Chamber of Commerce is requesting help from our city, police and fire departments, as well as from numerous volunteers. The popular attraction of a night parade with a fireworks display ending the night’s festivities has been met with overwhelming enthusiasm over the past several years. This year we are planning to add a Health and Wellness Fair to the festivities. We are looking forward again to the expertise of the Tomball Police Department for crowd control and as visual deterrents from any negative activity.

GTACC is requesting permission from the City of Tomball to ignite fireworks out of season, under the insurance and guidance of Celestial Displays, a highly trained and licensed pyrotechnician. Event Information:

Street closures for the following streets on Friday night only from 12:00 p.m. until 11:00 p.m.

- Market St. – 100, 200 and 300 blocks
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And from 5:00 p.m. until 11:00 p.m.

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We would like to use the Tomball Community Center as a “cool zone” and for the Health and Wellness EXPO. The Health and Wellness EXPO would take place from 4pm to 8pm. The Chamber’s committee, the Health and Wellness Alliance, will be working in conjunction with the Tomball Community Center staff, Chamber staff and the Tomball Night committee to coordinate both events.

**Origination:** Greater Tomball Area Chamber of Commerce

**Recommendation:**

N/A

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

Chrislord Templonuevo, Marketing & Tourism Manager

---

**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 \_\_\_\_\_ Approved by \_\_\_\_\_  
Staff Member Date City Manager Date

February 7, 2023

Sent Via Email: david@cascoindustries.com

David Stewart  
Casco Industries, Inc.  
607 W. 62nd Street  
Shreveport, LA 71106

Welcome to BuyBoard!

**Re:** *Notice of The Local Government Purchasing Cooperative Contract Award*; Proposal Invitation No. 698-23, Public Safety and Firehouse Supplies and Equipment

Congratulations, The Local Government Purchasing Cooperative (Cooperative) has awarded your company a BuyBoard® contract based on the above-referenced Proposal Invitation. The contract is effective for an initial one-year term of April 1, 2023 through March 31, 2024, and may be subject to two possible one-year renewals. Please refer to the Proposal Invitation for the contract documents, including the General Terms and Conditions of the Contract.

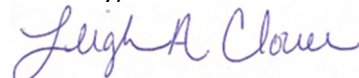
To review the items your company has been awarded, please review Proposal Tabulation No. 698-23 at: [www.buyboard.com/vendor](http://www.buyboard.com/vendor). Only items marked as awarded to your company are included in this contract award, and only those awarded items may be sold through the BuyBoard contract. All sales must comply with the contract terms and must be at or below the awarded pricing as set forth in the General Terms and Conditions.

The contract will be posted on the BuyBoard website as an online electronic catalog(s). **You are reminded that, in accordance with the General Terms and Conditions, all purchase orders must be processed through the BuyBoard.** Except as expressly authorized in writing by the Cooperative's administrator, you are not authorized to process a purchase order received directly from a Cooperative member that has not been processed through the BuyBoard or provided to the Cooperative. If you receive a purchase order directly from a Cooperative member that you have reason to believe has not been received by the Cooperative or processed through the BuyBoard, you must promptly forward a copy of the purchase order by email to [info@buyboard.com](mailto:info@buyboard.com).

A list of Cooperative members is available on the buyboard.com website. The BuyBoard vendor relations staff will be contacting you to assist with the resources available and to provide any support you may need as an awarded BuyBoard vendor.

On behalf of the Cooperative, we appreciate your interest in the Cooperative and we are looking forward to your participation in the program. If you have any questions, feel free contact me at 800-695-2919.

Sincerely,



Leigh Clover, Bid Analyst  
Texas Association of School Boards, Inc.,  
Administrator for The Local Government Purchasing Cooperative





12007 Research Boulevard • Austin, Texas 78759-2439 • PH: 800-695-2919 • [buyboard.com](http://buyboard.com)

**PROPOSER’S ACCEPTANCE AND AGREEMENT**

**Proposal Invitation Name:** Public Safety and Firehouse Supplies and Equipment

**Proposal Due Date/Opening Date and Time:** November 10, 2022, at 4:00 PM

**Proposal Invitation Number:** 698-23

**Location of Proposal Opening:**  
Texas Association of School Boards, Inc.  
BuyBoard Department  
12007 Research Blvd.  
Austin, TX 78759

**Contract Term:** April 1, 2023, through March 31, 2024, with two possible one-year renewals.

**Anticipated Cooperative Board Meeting Date:** February 2023

*By signature below, the undersigned acknowledges and agrees that you are authorized to submit this Proposal, including making all acknowledgements, consents, and certifications herein, on behalf of Proposer and, to the best of your knowledge, the information provided is true, accurate, and complete.*

Casco Industries, Inc.

Name of Proposing Company

11/9/2022

Date

607 W. 62nd Street

Street Address

David Stewart

Signature of Authorized Company Official

Shreveport, LA 71106

City, State, Zip

David Stewart

Printed Name of Authorized Company Official

318-865-5107

Telephone Number of Authorized Company Official

Purchasing Manager

Position or Title of Authorized Company Official

253-681-7877

Fax Number of Authorized Company Official

72-0698936

Federal ID Number



## **PROPOSAL FORMS PART 1: COMPLIANCE FORMS**

### **INSTRUCTIONS:**

Proposer must review and complete all forms in this Proposal Forms Part 1:

- Proposal Acknowledgements
- Felony Conviction Disclosure
- Resident/Nonresident Certification
- Debarment Certification
- Vendor Employment Certification
- No Boycott Verification
- No Excluded Nation or Foreign Terrorist Organization Certification
- Historically Underutilized Business Certification
- Acknowledgement of BuyBoard Technical Requirements
- Construction-Related Goods and Services Affirmation
- Deviation and Compliance
- Vendor Consent for Name Brand Use
- Confidential/Proprietary Information
- EDGAR Vendor Certification
- Compliance Forms Signature Page

**An authorized representative of Proposer must initial in the bottom right corner of each page where indicated and complete and sign the Compliance Forms Signature Page. Proposer's failure to fully complete, initial, and sign forms as required may result in your Proposal being rejected as non-responsive.**

### **PROPOSAL ACKNOWLEDGEMENTS**

The proposing company ("you" or "your") hereby acknowledges and agrees as follows:

1. You have carefully examined and understand all information and documentation associated with this Proposal Invitation, including the Instructions to Proposers, General Information, General Terms and Conditions, attachments/forms, appendices, item specifications, and line items (collectively "Requirements");
2. By your response ("Proposal") to this Proposal Invitation, you propose to supply the products or services submitted at the pricing quoted in your Proposal and in strict compliance with the Requirements, unless specific deviations or exceptions are noted in the Proposal;
3. By your Proposal, you acknowledge and certify all items set forth in the General Terms and Conditions, Section B.12 (Certifications), including all non-collusion certifications and certifications regarding legal, ethical, and other matters set forth therein.
4. Any and all deviations and exceptions to the Requirements have been noted in your Proposal on the required form and no others will be claimed;

**Initial:** DS



5. If the Cooperative accepts any part of your Proposal and awards you a Contract, you will furnish all awarded products or services at the pricing quoted and in strict compliance with the Requirements (unless specific deviations or exceptions are noted on the required form and accepted by the Cooperative), including without limitation the Requirements related to:
  - a. conducting business with Cooperative members, including offering pricing to members that is the best you offer compared to similarly situated customers in similar circumstances;
  - b. payment of a service fee in the amount specified and as provided for in this Proposal Invitation;
  - c. the **possible** award of a piggy-back contract by the National Purchasing Cooperative or nonprofit entity, in which event you will offer the awarded products and services in accordance with the Requirements; and
  - d. submitting price sheets or catalogs in the proper format as required by the Cooperative as a prerequisite to activation of your Contract;
6. You have clearly identified on the included form any information in your Proposal that you believe to be confidential or proprietary or that you do not consider to be public information subject to public disclosure under the Texas Public Information Act or similar public information law;
7. The individual submitting this Proposal is duly authorized to enter into the contractual relationship represented by this Proposal Invitation on your behalf and bind you to the Requirements, and such individual (and any individual signing a form or Proposal document) is authorized and has the requisite knowledge to provide the information and make the representations and certifications required in the Requirements;
8. You have carefully reviewed your Proposal, and certify that all information provided is true, complete, and accurate to the best of your knowledge, and you authorize the Cooperative to take such action as it deems appropriate to verify such information; and
9. Any misstatement, falsification, or omission in your Proposal, whenever or however discovered, will be grounds for disqualifying you from consideration for a contract award under this Proposal Invitation, termination of a contract award, or any other remedy or action provided for in the General Terms and Conditions or by law.

### **FELONY CONVICTION DISCLOSURE**

**Subsection (a) of Section 44.034 of the Texas Education Code (Notification of Criminal History of Contractor)** states: "A person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony."

**Section 44.034 further states in Subsection (b):** "A school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract."

Please check (✓) one of the following:

- My company is a publicly-held corporation. (Advance notice requirement does not apply to publicly-held corporation.)
- My company is not owned or operated by anyone who has been convicted of a felony.
- My company is owned/operated by the following individual(s) who has/have been convicted of a felony:

Name of Felon(s): \_\_\_\_\_

Details of Conviction(s): \_\_\_\_\_

Initial: *DS*



### **RESIDENT / NONRESIDENT CERTIFICATION**

Chapter 2252, Subchapter A, of the Texas Government Code establishes certain requirements applicable to proposers who are not Texas residents. Under the statute, a "resident" proposer is a person whose principal place of business is in Texas, including a contractor whose ultimate parent company or majority owner has its principal place of business in Texas. A "nonresident" proposer is a person who is not a Texas resident. Please indicate the status of your company as a "resident" proposer or a "nonresident" proposer under these definitions.

Please check (✓) one of the following:

- I certify that my company is a **Resident Proposer.**
- I certify that my company is a **Nonresident Proposer.**

If your company is a Nonresident Proposer, you must provide the following information for your resident state (the state in which your company's principal place of business is located):

<b>Casco Industries, Inc.</b>	<b>607 W. 62nd Street</b>	
Company Name	Address	
<b>Shreveport</b>	<b>LA</b>	<b>71106</b>
City	State	Zip Code

- A. Does your resident state require a proposer whose principal place of business is in Texas to under-price proposers whose resident state is the same as yours by a prescribed amount or percentage to receive a comparable contract?  
 Yes     No
- B. What is the prescribed amount or percentage? \$ \_\_\_\_\_ or \_\_\_\_\_ %

### **DEBARMENT CERTIFICATION**

By signature on the Compliance Forms Signature Page, I certify that neither my company nor an owner or principal of my company has been debarred, suspended or otherwise made ineligible for participation in Federal Assistance programs under Executive Order 12549, "Debarment and Suspension," as described in the Federal Register and Rules and Regulations. Neither my company nor an owner or principal of my company is currently listed on the government-wide exclusions in SAM, debarred, suspended, or otherwise excluded by agencies or declared ineligible under any statutory or regulatory authority. My company agrees to immediately notify the Cooperative and all Cooperative members with pending purchases or seeking to purchase from my company if my company or an owner or principal is later listed on the government-wide exclusions in SAM, or is debarred, suspended, or otherwise excluded by agencies or declared ineligible under any statutory or regulatory authority.

### **VENDOR EMPLOYMENT CERTIFICATION**

Section 44.031(b) of the Texas Education Code establishes certain criteria that a school district must consider when determining to whom to award a contract. Among the criteria for certain contracts is whether the vendor or the vendor's ultimate parent or majority owner (i) has its principal place of business in Texas; or (ii) employs at least 500 people in Texas.

If neither your company nor the ultimate parent company or majority owner has its principal place of business in Texas, does your company, ultimate parent company, or majority owner employ at least 500 people in Texas?

Please check (✓) one of the following:

- Yes
- No

**Initial:** *DS*

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## **NO BOYCOTT VERIFICATION**

A Texas governmental entity may not enter into a contract with a value of \$100,000 or more that is to be paid wholly or partly from public funds with a company (excluding a sole proprietorship) that has 10 or more full-time employees for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel and will not boycott Israel during the term of the contract (TEX. GOV'T CODE Ch. 2271), (2) does not boycott energy companies and will not boycott energy companies during the term of the contract (TEX. GOV'T CODE Ch. 2274 effective September 1, 2021), and (3) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the contract against a firearm entity or firearm trade association (TEX. GOV'T CODE Ch. 2274 effective September 1, 2021). Accordingly, this certification form is included to the extent required by law.

"Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. TEX. GOV'T CODE §808.001(1).

"Boycott energy company" means, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company: (A) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or (B) does business with a company described by Paragraph (A). TEX. GOV'T CODE §809.001(1) (effective September 1, 2021).

"Discriminate against a firearm entity or firearm trade association" means, (A) with respect to the entity or association, to: (i) refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association; (ii) refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or (iii) terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; and (B) does not include: (i) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and (ii) a company's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship: (aa) to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency; or (bb) for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity's or association's status as a firearm entity or firearm trade association. TEX. GOV'T CODE §2274.001(3) (effective September 1, 2021).

By signature on the Compliance Forms Signature Page, to the extent applicable, I certify and verify that Vendor does not boycott Israel, boycott energy companies, or discriminate against a firearm entity or firearm trade association and will not do so during the term of any contract awarded under this Proposal Invitation, that this certification is true, complete and accurate, and that I am authorized by my company to make this certification.

Initial: *DS*

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## **NO EXCLUDED NATION OR FOREIGN TERRORIST ORGANIZATION CERTIFICATION**

Chapter 2252 of the Texas Government Code provides that a Texas governmental entity may not enter into a contract with a company engaged in active business operations with Sudan, Iran, or a foreign terrorist organization – specifically, any company identified on a list prepared and maintained by the Texas Comptroller under Texas Government Code §§806.051, 807.051, or 2252.153. (A company that the U.S. Government affirmatively declares to be excluded from its federal sanctions regime relating to Sudan, Iran, or any federal sanctions regime relating to a foreign terrorist organization is not subject to the contract prohibition.)

By signature on the Compliance Forms Signature Page, I certify and verify that Vendor is not on the Texas Comptroller’s list identified above; that this certification is true, complete and accurate; and that I am authorized by my company to make this certification.

## **HISTORICALLY UNDERUTILIZED BUSINESS CERTIFICATION**

A Proposer that has been certified as a Historically Underutilized Business (also known as a Minority/Women Business Enterprise or “MWBE” and all referred to in this form as a “HUB”) is encouraged to indicate its HUB certification status when responding to this Proposal Invitation. The BuyBoard website will indicate HUB certifications for awarded Vendors that properly indicate and document their HUB certification on this form. Please check (√) all that apply:

- I certify that my company has been certified as a HUB in the following categories:
  - Minority Owned Business**                       **Women Owned Business**
  - Service-Disabled Veteran Owned Business (veteran defined by 38 U.S.C. §101(2), who has a service-connected disability as defined by 38 U.S.C. § 101(16), and who has a disability rating of 20% or more as determined by the U. S. Department of Veterans Affairs or Department of Defense)**

**Certification Number:** \_\_\_\_\_

**Name of Certifying Agency:** \_\_\_\_\_

- My company has **NOT** been certified as a HUB.

## **ACKNOWLEDGEMENT OF BUYBOARD TECHNICAL REQUIREMENTS**

Vendor shall review the BuyBoard Technical Requirements included in this Proposal Invitation. By signature on the Compliance Forms Signature Page, the undersigned affirms that Proposer has obtained a copy of the BuyBoard Technical Requirements, has read and understands the requirements, and certifies that Vendor is able to meet and will comply with those requirements except as follows: *[List and explain BuyBoard Technical Requirements, if any, to which your company **cannot** or will **not** comply.]*

Note: In accordance with the General Terms and Conditions of the Contract, to the extent Vendor is awarded a Contract under this Proposal Invitation but is unable or unwilling to meet the applicable BuyBoard Technical Requirements, the information available on the BuyBoard for Vendor’s awarded products or services may be limited, potentially placing Vendor at a disadvantage and impacting the ability of Cooperative members to search, find, review, and purchase Vendor’s awarded products and services on the BuyBoard website. Further, to the extent Vendor has acknowledged ability to meet and comply with the BuyBoard Technical Requirements, any subsequent failure or refusal by Vendor to promptly provide information upon request to the Cooperative administrator in accordance with those technical requirements may be deemed an event of default under the Contract.

**Initial:**   
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## **CONSTRUCTION-RELATED GOODS AND SERVICES AFFIRMATION**

The Cooperative issued the BuyBoard Procurement and Construction-Related Goods and Services Advisory for Texas Members ("Advisory"), which provides information specifically relevant to the procurement of construction-related goods and services by Texas Cooperative members. The Advisory, available at [buyboard.com/Vendor/Resources.aspx](http://buyboard.com/Vendor/Resources.aspx), provides an overview of certain legal requirements that are potentially relevant to a Cooperative member's procurement of construction or construction-related goods and services, including those for projects that may involve or require architecture, engineering or independent testing services. A copy of the Advisory can also be provided upon request. Because many BuyBoard contracts include goods or installation services that might be considered construction-related, Proposer must make this Construction Related-Goods and Services Affirmation regardless of type of goods or services associated with this Proposal Invitation.

A contract awarded under this Proposal Invitation covers only the specific goods and/or services awarded by the Cooperative. As explained in the Advisory ("Advisory"), **Texas law prohibits the procurement of architecture or engineering services through a purchasing cooperative. This Proposal Invitation and any Contract awarded thereunder does not include such services. Architecture or engineering services must be procured by a Cooperative member separately, in accordance with the Professional Services Procurement Act (Chapter 2254 of the Texas Government Code) and other applicable law and local policy.**

By signature on the Compliance Forms Signature Page, Proposer affirms that Proposer has obtained a copy of the Advisory, has read and understands the Advisory, and is authorized by Proposer to make this affirmation. If Proposer sells construction-related goods or services to a Cooperative member under a Contract awarded under this Proposal Invitation, Proposer will comply with the Advisory and applicable legal requirements, make a good faith effort to make its Cooperative member customers or potential Cooperative member customers aware of such requirements, and provide a Cooperative member with a copy of the Advisory before accepting the member's Purchase Order or other agreement for construction-related goods or services.

Initial: *DS*

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## **VENDOR CONSENT FOR NAME BRAND USE**

BuyBoard members seeking to make purchases using a Contract awarded under this Proposal Invitation may view information regarding awarded Vendors, including but not limited to product catalogs, pricelists, pricing, and Proposals, through the BuyBoard website. To improve and enhance the experience of BuyBoard members seeking to procure goods and services under the Contract utilizing the BuyBoard website, any Vendor logo, product images, and similar brand and trademark information provided by Vendor for purposes of the Contract ("Vendor Information") may be posted on the BuyBoard website.

**You acknowledge that, by submitting your Proposal, unless you specifically opt out below, you consent to use of your company's Vendor Information on the BuyBoard website if awarded a Contract.** You further acknowledge that whether, where, and when to include the Vendor Information on the BuyBoard website shall be at the sole discretion of the BuyBoard Administrator. Vendor retains, however, the right of general quality control over the BuyBoard Administrator's authorized display of proprietary Vendor Information. Neither the BuyBoard nor its administrator will be responsible for the use or distribution of Vendor Information by BuyBoard members or any other third party using the BuyBoard website. This Vendor Consent shall be effective for the full term of the Contract, including renewals, unless Vendor provides a signed, written notice revoking consent to [contractadmin@buyboard.com](mailto:contractadmin@buyboard.com). BuyBoard shall have up to thirty days from the date of receipt of a termination or revocation of a Vendor Consent to remove Vendor information from the BuyBoard website.

This Vendor Consent is subject to the Terms and Conditions of the Contract, including, but not limited to, those terms pertaining to Disclaimer of Warranty and Limitation of Liability, Indemnification, and Intellectual Property Infringement.

Vendor logo files must be submitted in one of the formats set forth in the BuyBoard Technical Requirements. Proposers are requested to submit this information with Vendor's Proposal. (This consent shall not authorize use of your company's Vendor Information by BuyBoard if your company is not awarded a Contract.)

### **OPT OUT:**

If your company wishes to opt out of the Vendor Consent for Name Brand Use, you must check the opt out box below. ***DO NOT select this box unless your company is opting out of this Vendor Consent for Name Brand Use.***

By checking this box, Vendor hereby declines to provide consent for use of Vendor Information (as defined herein) on the BuyBoard website. **By opting out, Vendor acknowledges and agrees that, if Vendor is awarded a Contract under this Proposal Invitation, information available on the BuyBoard for Vendor's awarded products or services may be limited, potentially placing Vendor at a disadvantage and impacting the ability of Cooperative members to search, find, review, and purchase Vendor's awarded products and services on the BuyBoard website.**

Initial: *DS*

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## **CONFIDENTIAL/PROPRIETARY INFORMATION**

### **A. Public Disclosure Laws**

All Proposals, forms, documentation, catalogs, pricelists, or other materials submitted by Vendor to the Cooperative in response to this Proposal Invitation, may be subject to the disclosure requirements of the Texas Public Information Act (Texas Government Code chapter 552.001, *et. seq.*) or similar disclosure law. Proposer must clearly identify on this form any information in its Proposal (including forms, documentation, or other materials submitted with the Proposal) that Proposer considers proprietary or confidential. If Proposer fails to properly identify the information, the Cooperative shall have no obligation to notify Vendor or seek protection of such information from public disclosure should a member of the public or other third party request access to the information under the Texas Public Information Act or similar disclosure law. When required by the Texas Public Information Act or other disclosure law, Proposer may be notified of any third-party request for information in a Proposal that Proposer has identified in this form as proprietary or confidential.

Does your Proposal (including forms, documentation, catalogs, pricelists, or other materials submitted with the Proposal) contain information which Vendor considers proprietary or confidential?

Please check (✓) one of the following:

**NO**, I certify that none of the information included with this Proposal is considered confidential or proprietary.

**YES**, I certify that this Proposal contains information considered confidential or proprietary and all such information is specifically identified on this form.

If you responded "YES", you must clearly identify below the specific information you consider confidential or proprietary. List each page number, form number, or other information sufficient to make the information readily identifiable. The Cooperative and Cooperative administrator shall not be responsible for a Proposer's failure to clearly identify information considered confidential or proprietary. Further, by submitting a Proposal, Proposer acknowledges that the Cooperative and Cooperative administrator will disclose information when required by law, even if such information has been identified herein as information Vendor considers confidential or proprietary.

Confidential / Proprietary Information:

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*(Attach additional sheets if needed.)*

Initial *DS*  
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**B. Copyright Information**

Does your Proposal (including forms, documentation, pricelists, catalogs, or other materials submitted with the Proposal) contain copyright information?

Please check (✓) one of the following:

- NO**, Proposal (including forms, documentation, pricelists, catalogs, or other materials submitted with the Proposal) does not contain copyright information.
- YES**, Proposal (including forms, documentation, pricelists, catalogs, or other materials submitted with the Proposal) does contain copyright information.

If you responded "YES", clearly identify below the specific documents or pages containing copyright information.

Copyright Information: \_\_\_\_\_  
\_\_\_\_\_

*(Attach additional sheets if needed.)*

**C. Consent to Release Confidential/Proprietary/Copyright Information to BuyBoard Members**

BuyBoard members (Cooperative and nonprofit members) seeking to make purchases through the BuyBoard may wish to view information included in the Proposals of awarded Vendors. If you identified information on this form as confidential, proprietary, or subject to copyright, and you are awarded a BuyBoard contract, your acceptance of the BuyBoard contract award constitutes your consent to the disclosure of such information to BuyBoard members, including posting of such information on the secure BuyBoard website for members. Note: Neither the Cooperative nor Cooperative administrator will be responsible for the use or distribution of information by BuyBoard members or any other party.

**D. Consent to Release Proposal Tabulation**

Notwithstanding anything in this Confidential/Proprietary Information form to the contrary, by submitting a Proposal, Vendor consents and agrees that, upon Contract award, the Cooperative may publicly release, including posting on the public BuyBoard website, a copy of the proposal tabulation and award information for the Contract including Vendor name; proposed catalog/pricelist name(s); proposed percentage discount(s), hourly labor rate(s), or other specified pricing; and Vendor award or non-award information.



## **EDGAR VENDOR CERTIFICATION** **(2 CFR Part 200 and Appendix II)**

When a Cooperative member seeks to procure goods and services using funds under a federal grant or contract, specific federal laws, regulations, and requirements may apply in addition to those under state law. This includes, but is not limited to, the procurement standards of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, 2 CFR 200 (sometimes referred to as the "Uniform Guidance" or new "EDGAR"). All Vendors submitting a Proposal must complete this EDGAR Certification Form regarding Vendor's willingness and ability to comply with certain requirements which *may* be applicable to specific Cooperative member purchases using federal grant funds. Completed forms will be made available to Cooperative members for their use while considering their purchasing options when using federal grant funds. Cooperative members may also require Vendors to enter into ancillary agreements, in addition to the terms and conditions of the BuyBoard contract, to address the member's specific contractual needs, including contract requirements for a procurement using federal grants or contracts.

*For each of the items below, Vendor should certify Vendor's agreement and ability to comply, where applicable, by having Vendor's authorized representative check the applicable boxes, initial each page, and sign the Compliance Forms Signature Page. If you fail to complete any item in this form, the Cooperative will consider and may list the Vendor's response on the BuyBoard as "NO," the Vendor is unable or unwilling to comply. A "NO" response to any of the items may, if applicable, impact the ability of a Cooperative member to purchase from the Vendor using federal funds.*

### **1. Vendor Violation or Breach of Contract Terms:**

Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 USC 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

Provisions regarding Vendor default are included in the BuyBoard General Terms and Conditions, including Section E.18, Remedies for Default and Termination of Contract. Any Contract award will be subject to such BuyBoard General Terms and Conditions, as well as any additional terms and conditions in any Purchase Order or Cooperative member ancillary contract agreed upon by Vendor and the Cooperative member which must be consistent with and protect the Cooperative member at least to the same extent as the BuyBoard Terms and Conditions. The remedies under the Contract are in addition to any other remedies that may be available under law or in equity. By submitting a Proposal, you agree to these Vendor violation and breach of contract terms.

**YES**, I agree.                       **NO**, I do not agree.

### **2. Termination for Cause or Convenience:**

For any Cooperative member purchase or contract in excess of \$10,000 made using federal funds, you agree that the following term and condition shall apply:

*The Cooperative member may terminate or cancel any Purchase Order under this Contract at any time, with or without cause, by providing seven (7) business days advance written notice to the Vendor. If this Agreement is terminated in accordance with this Paragraph, the Cooperative member shall only be required to pay Vendor for goods or services delivered to the Cooperative member prior to the termination and not otherwise returned in accordance with Vendor's return policy. If the Cooperative member has paid Vendor for goods or services not yet provided as of the date of termination, Vendor shall immediately refund such payment(s).*

If an alternate provision for termination of a Cooperative member purchase for cause and convenience, including the manner by which it will be effected and the basis for settlement, is included in the Cooperative member's Purchase Order or ancillary agreement agreed to by the Vendor, the Cooperative member's provision shall control.

**YES**, I agree.                       **NO**, I do not agree.

**Initial:** *DS*



**3. Equal Employment Opportunity:**

Except as otherwise provided under 41 CFR Part 60, all Cooperative member purchases or contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 shall be deemed to include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR Part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

The equal opportunity clause provided under 41 CFR 60-1.4(b) is hereby incorporated by reference. Vendor agrees that such provision applies to any Cooperative member purchase or contract that meets the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 and Vendor agrees that it shall comply with such provision.

**YES**, I agree.  **NO**, I do not agree.

**4. Davis-Bacon Act:**

When required by Federal program legislation, Vendor agrees that, for all Cooperative member prime construction contracts/purchases in excess of \$2,000, Vendor shall comply with the Davis-Bacon Act (40 USC 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, Vendor is required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, Vendor shall pay wages not less than once a week.

Current prevailing wage determinations issued by the Department of Labor are available at [beta.sam.gov](http://beta.sam.gov). Vendor agrees that, for any purchase to which this requirement applies, the award of the purchase to the Vendor is conditioned upon Vendor's acceptance of the wage determination.

Vendor further agrees that it shall also comply with the Copeland "Anti-Kickback" Act (40 USC 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled.

**YES**, I agree.  **NO**, I do not agree.

**5. Contract Work Hours and Safety Standards Act:**

Where applicable, for all Cooperative member contracts or purchases in excess of \$100,000 that involve the employment of mechanics or laborers, Vendor agrees to comply with 40 USC 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 USC 3702 of the Act, Vendor is required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week.

The requirements of 40 USC 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

**YES**, I agree.  **NO**, I do not agree.



**6. Right to Inventions Made Under a Contract or Agreement:**

If the Cooperative member's Federal award meets the definition of "funding agreement" under 37 CFR 401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance or experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

Vendor agrees to comply with the above requirements when applicable.

**YES**, I agree.  **NO**, I do not agree.

**7. Clean Air Act and Federal Water Pollution Control Act:**

Clean Air Act (42 USC 7401-7671q.) and the Federal Water Pollution Control Act (33 USC 1251-1387), as amended – Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 USC 7401-7671q.) and the Federal Water Pollution Control Act, as amended (33 USC 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

When required, Vendor agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act and the Federal Water Pollution Control Act.

**YES**, I agree.  **NO**, I do not agree.

**8. Debarment and Suspension:**

Debarment and Suspension (Executive Orders 12549 and 12689) – A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1966 Comp. p. 189) and 12689 (3 CFR Part 1989 Comp. p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

Vendor certifies that Vendor is not currently listed on the government-wide exclusions in SAM, is not debarred, suspended, or otherwise excluded by agencies or declared ineligible under statutory or regulatory authority other than Executive Order 12549. Vendor further agrees to immediately notify the Cooperative and all Cooperative members with pending purchases or seeking to purchase from Vendor if Vendor is later listed on the government-wide exclusions in SAM, or is debarred, suspended, or otherwise excluded by agencies or declared ineligible under statutory or regulatory authority other than Executive Order 12549.

**YES**, I agree.  **NO**, I do not agree.

**9. Byrd Anti-Lobbying Amendment:**

Byrd Anti-Lobbying Amendment (31 USC 1352) - Vendors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 USC 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award. As applicable, Vendor agrees to file all certifications and disclosures required by, and otherwise comply with, the Byrd Anti-Lobbying Amendment (31 USC 1352).

**YES**, I agree.  **NO**, I do not agree.

Initial: *DS*  
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**10. Procurement of Recovered Materials:**

For Cooperative member purchases utilizing Federal funds, Vendor agrees to comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act where applicable and provide such information and certifications as a Cooperative member may require to confirm estimates and otherwise comply. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery, and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

**YES**, I agree.  **NO**, I do not agree.

**11. Domestic Preferences for Procurements:**

Where appropriate and consistent with law, 2 CFR §200.322 contains certain considerations for domestic preferences for procurements which may be applicable to Cooperative members using federal funds. When required by a Cooperative member, Vendor agrees to provide such information or certification as may reasonably be requested by the Cooperative member regarding Vendor's products, including whether goods, products, or materials are produced in the United States.

**YES**, I agree.  **NO**, I do not agree.

**12. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment**

2 CFR §200.216 prohibits expending federal loan or grant funds to procure or obtain certain telecommunications and video surveillance services or equipment. To the extent applicable and when required by a Cooperative member, Vendor agrees to provide such information or certification as may reasonably be requested by the Cooperative member to confirm whether any telecommunications or video surveillance services or equipment provided by Vendor is covered equipment or covered services under 2 CFR §200.216.

**YES**, I agree.  **NO**, I do not agree.

**13. Profit as a Separate Element of Price:**

For purchases using federal funds in excess of the Simplified Acquisition Threshold, a Cooperative member may be required to negotiate profit as a separate element of the price. See, 2 CFR 200.324(b). When required by a Cooperative member, Vendor agrees to provide information and negotiate with the Cooperative member regarding profit as a separate element of the price for a particular purchase. However, Vendor agrees that the total price, including profit, charged by Vendor to the Cooperative member shall not exceed the awarded pricing, including any applicable discount, under Vendor's Cooperative Contract.

**YES**, I agree.  **NO**, I do not agree.

**14. General Compliance and Cooperation with Cooperative Members:**

In addition to the foregoing specific requirements, Vendor agrees, in accepting any Purchase Order from a Cooperative member, it shall make a good faith effort to work with Cooperative members to provide such information and to satisfy such requirements as may apply to a particular Cooperative member purchase or purchases including, but not limited to, applicable recordkeeping and record retention requirements.

**YES**, I agree.  **NO**, I do not agree.

Initials *DS*  
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## **COMPLIANCE FORMS SIGNATURE PAGE**

By initialing pages and by signature below, I certify that I have reviewed the following forms; that the information provided therein is true, complete, and accurate; and that I am authorized by my company to make all certifications, consents, acknowledgements, and agreements contained herein:

- Proposal Acknowledgements
- Felony Conviction Disclosure
- Debarment Certification
- Resident/Nonresident Certification
- Vendor Employment Certification
- No Boycott Verification
- No Excluded Nation or Foreign Terrorist Organization Certification
- Historically Underutilized Business Certification
- Construction-Related Goods and Services Affirmation
- Acknowledgement of BuyBoard Technical Requirements
- Deviation and Compliance
- Vendor Consent for Name Brand Use
- Confidential/Proprietary Information
- EDGAR Vendor Certification

**Casco Industries, Inc.**

Company Name

*David Stewart*

Signature of Authorized Company Official

**David Stewart**

Printed Name and Title

**11/9/2022**

Date





## **PROPOSAL FORMS PART 2: VENDOR INFORMATION FORMS**

### **INSTRUCTIONS:**

Proposer must completely and accurately provide all information requested in the following Vendor Information Forms or your Proposal may be rejected as non-responsive:

- Vendor Business Name
- Vendor Contact Information
- Federal and State/Purchasing Cooperative Experience
- Governmental References
- Company Profile
- Texas Regional Service Designation
- State Service Designation
- National Purchasing Cooperative Vendor Award Agreement *(Vendors serving outside Texas only)*
- Local/Authorized Seller Listings
- Manufacturer Dealer Designation
- Proposal Invitation Questionnaire
- Vendor Request to Self-Report BuyBoard Purchases *(Optional)*

To the extent any information requested is not applicable to your company, you must so indicate on the form.

### **VENDOR BUSINESS NAME**

By submitting a Proposal, Vendor is seeking to enter into a legal contract with the Cooperative. As such, Vendor must be an individual or legal business entity capable of entering into a binding contract.

**Name of Proposing Company:** Casco Industries, Inc.

*(List the **legal** name of the company seeking to contract with the Cooperative. Do **NOT** list an assumed name, dba, aka, etc. here. Such information may be provided below. If you are submitting a joint proposal with another entity to provide the same proposed goods or services, each submitting entity should complete a separate vendor information form. Separately operating legal business entities, even if affiliated entities, which propose to provide goods or services separately must submit their own Proposals.)*

Please check (✓) one of the following:

**Type of Business:**     Individual/Sole Proprietor     Corporation     Limited Liability Company     Partnership  
 Other (Specify: \_\_\_\_\_)

**State of Incorporation** (if applicable): LA

**Federal Employer Identification Number:** 72-0698936  
*(Vendor must include a completed IRS W-9 form with their Proposal)*

**Name by which Vendor, if awarded, wishes to be identified on the BuyBoard:** *(Note: If different than the Name of Proposing Company listed above, only valid trade names (dba, aka, etc.) of the Proposing Company may be used and a copy of your Assumed Name Certificate(s), if applicable, must be attached.)*

Casco Industries, Inc.

# Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type. See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.  
**Casco Industries, Inc.**

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

Individual/sole proprietor or single-member LLC

C Corporation

S Corporation

Partnership

Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ \_\_\_\_\_

**Note:** Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see instructions) ▶ \_\_\_\_\_

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) \_\_\_\_\_

Exemption from FATCA reporting code (if any) \_\_\_\_\_

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.  
**P O Box 8007**

6 City, state, and ZIP code  
**Shreveport, LA 71148**

7 List account number(s) here (optional)

Requester's name and address (optional)

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
			-			-			
or									
Employer identification number									
7	2	-	0	6	9	8	9	3	6

## Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

<b>Sign Here</b>	Signature of U.S. person ▶ 	Date ▶ <b>1-24-22</b>
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## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



## VENDOR CONTACT INFORMATION

*Vendor shall provide the requested Vendor Contact Information in the electronic proposal submission system including contract, purchase order, RFQ, and invoice contacts (or, if submitting a hard copy Proposal, timely request and complete the Vendor Contact Information form in accordance with the Instructions to Proposers).*

## FEDERAL AND STATE/PURCHASING COOPERATIVE EXPERIENCE

The Cooperative strives to provide Cooperative members with the best services and products at the best prices available from Vendors with the technical resources and ability to serve Cooperative members. Please respond to the following questions.

1. Provide the dollar value of sales to or through purchasing cooperatives at or based on an established catalog or market price during the previous 12-month period or the last fiscal year: \$4,500,000.00. (The period of the 12-month period is 01/2021 /12/2021). In the event that a dollar value is not an appropriate measure of the sales, provide and describe your own measure of the sales of the item(s).
2. By submitting a proposal, you agree that, based on your written discounting policies, the discounts you offer the Cooperative are equal to or better than the best price you offer other purchasing cooperatives for the same items under equivalent circumstances.
3. Provide the information requested below for other purchasing cooperatives for which Proposer currently serves, or in the past has served, as an awarded vendor. Rows should be added to accommodate as many purchasing cooperatives as required.

PURCHASING GROUP	CURRENT VENDOR? (Y/N)	FORMER VENDOR (Y/N)? – IF YES, LIST YEARS AS VENDOR	AWARDED COMMODITY CATEGORY(IES)
1. Federal General Services Administration	N		
2. T-PASS (State of Texas)	N		
3. OMNIA Partners	N		
4. Sourcwell (NJPA)	N		
5. E&I Cooperative	N		
6. Houston-Galveston Area Council (HGAC)	Y		EE08-19
7. Choice Partners	N		
8. The Interlocal Purchasing System (TIPS)	N		
9. Other	N		

**MY COMPANY DOES NOT CURRENTLY HAVE ANY OF THE ABOVE OR SIMILAR TYPE CONTRACTS.**

### CURRENT BUYBOARD VENDORS

If you are a current BuyBoard vendor in the same contract category as proposed in this Proposal Invitation, indicate the discount for your current BuyBoard contract and the proposed discount in this Proposal. Explain any difference between your current and proposed discounts.

**Current Discount (%):** 5%-50% depends on item number

**Proposed Discount (%):** 5%-50% depends on item number

**Explanation:** Casco Industries, Inc. has multiple contract categories/items with different discounts offered.



## **GOVERNMENTAL REFERENCES**

For your Proposal to be considered, you must supply a minimum of five (5) individual governmental entity references. The Cooperative may contact any and all references provided as part of the Proposal evaluation. Provide the information requested below, including the existing pricing/discounts you offer each customer. The Cooperative may determine whether pricing/discounts are fair and reasonable by comparing pricing/discounts stated in your Proposal with the pricing/discounts you offer other governmental customers. Attach additional pages if necessary.

	<b>Entity Name</b>	<b>Contact</b>	<b>Phone#</b>	<b>Email Address</b>	<b>Discount</b>	<b>Quantity/ Volume</b>
1.	Dallas City of Craig Johnson	214-670-0254	craig.johnson@dallascityhall.com	25%	\$1712981.00	
2.	McKinney City of Larry Etcheverry	972-547-2852	letcheverry@mckinneytexas.org	25%	\$477918.00	
3.	McAllen City of Rodolfo Ramirez	965-681-2500	rramirez@mcallen.net	25%	\$469394.00	
4.	Odessa City of Melissa Valdez	432-335-3251	mvaldez@odessa-tx-gov	25%	\$673290.00	
5.	Georgetown City of Bill Sherek	512-930-3600	bill.sherek@georgetown.org	25%	\$555768.00	

Do you ever modify your written policies or standard governmental sales practices as identified in the above chart to give better discounts (lower pricing) than indicated? **YES**  **NO**  If YES, please explain:

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## **COMPANY PROFILE**

Information on awarded Cooperative Contracts is available to Cooperative Members on the BuyBoard website. If your company is awarded a Contract under this Proposal Invitation, please provide a brief company description that you would like to have included with your company profile on the BuyBoard website. **Submit your company profile in a separate file, in Word format, with your Proposal.** (Note: Vendor is solely responsible for any content provided for inclusion on the BuyBoard website. The Cooperative reserves the right to exclude or remove any content in its sole discretion, with or without prior notice, including but not limited to any content deemed by the Cooperative to be inappropriate, irrelevant to the Contract, inaccurate, or misleading.)

Casco Industries, Inc.

#### Company Description

Casco sells all major brands of firefighting equipment in a 9 State area with offices and warehouses in 7 States, we are the exclusive distributor for several major brands of fire equipment and protective clothing.

#### Organization Type

C Corporation

Tax ID Number

72069893\_\_\_\_\_

FEIN    SSN/ITIN    Other

Formation Date 1/1/1969

Formation State Louisiana

Website [www.cascoindustries.com](http://www.cascoindustries.com)

#### Company Address

Address 1

607 West 62 Street

City

Shreveport

State/Province

Louisiana

Zip/Postal

71106

Country

United States

Main Phone (318) 865-5107 Ext: 106

Toll Free (800) 551-8787

Fax (253) 681-7877

Contact Name

David Stewart

Email

david@cascoindustries.com

General/Corporate Address

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Address	607 West 62 Street Shreveport, LA 71106
Phone	(318) 865-5107 x106
Toll Free	(800) 551-8787
Fax	(253) 681-7877

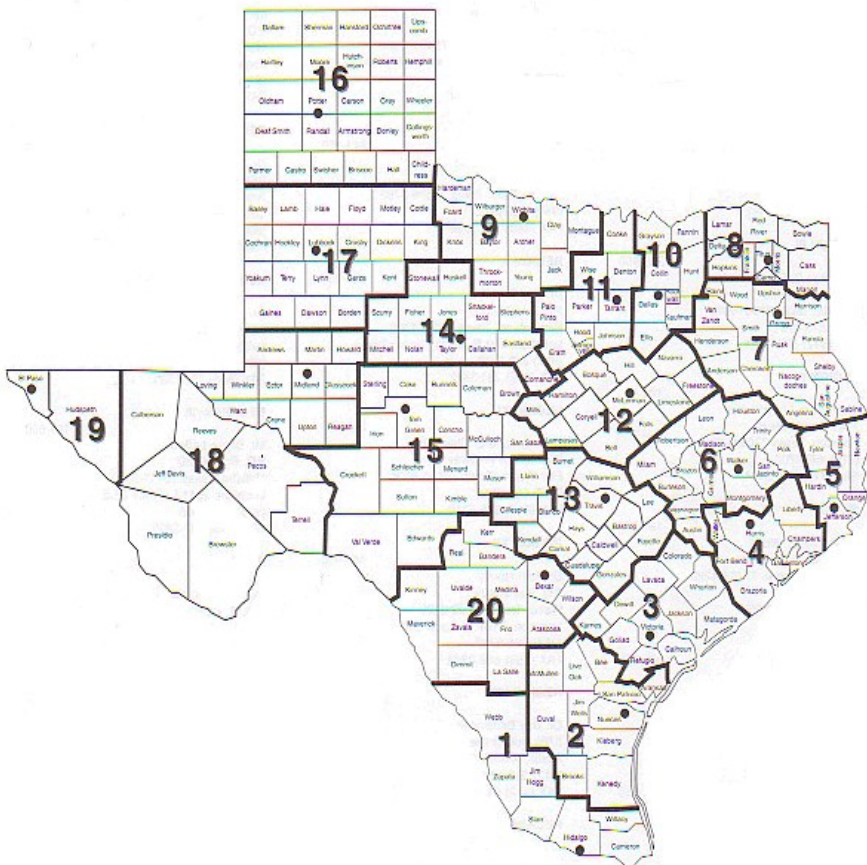
## TEXAS REGIONAL SERVICE DESIGNATION

*This form must be completed in the electronic proposal submission system (or, if submitting a hard copy Proposal, timely request and complete the form in accordance with the Instructions to Proposers).*

The Cooperative (referred to as "Texas Cooperative" in this form and in the State Service Designation form) offers vendors the opportunity to service its members throughout the entire State of Texas. In the electronic proposal submission system, you must indicate if you will service Texas Cooperative members statewide or, if you do not plan to service all Texas Cooperative members statewide, you **must** indicate the specific regions you will service. If you propose to serve different regions for different products or services included in your Proposal, you must complete and submit a separate Texas Regional Service Designation form for each group of products and clearly indicate the products or services to which the designation applies. **(Additional forms can be obtained by contacting [bids@buyboard.com](mailto:bids@buyboard.com) at least five (5) business days prior to the Proposal Due Date.)** *By designating a region or regions, you are certifying that you are authorized and willing to provide the proposed products and services in those regions. Designating regions in which you are either unable or unwilling to provide the specified products and services shall be grounds for either rejection of your Proposal or, if awarded, termination of your Contract.* Additionally, if you do not plan to service Texas Cooperative members (i.e., if you will service only states other than Texas), you must so indicate on the form in the electronic proposal submission system.

### Regional Education Service Centers

#### Region and Headquarters



- 1 Edinburg
- 2 Corpus Christi
- 3 Victoria
- 4 Houston
- 5 Beaumont
- 6 Huntsville
- 7 Kilgore
- 8 Mount Pleasant
- 9 Wichita Falls
- 10 Richardson
- 11 Fort Worth
- 12 Waco
- 13 Austin
- 14 Abilene
- 15 San Angelo
- 16 Amarillo
- 17 Lubbock
- 18 Midland
- 19 El Paso
- 20 San Antonio



## STATE SERVICE DESIGNATION

***This form must be completed in the electronic proposal submission system (or, if submitting a hard copy Proposal, timely request and complete the in accordance with the Instructions to Proposers).***

As set forth in the Proposal Invitation, it is the Cooperative’s intent that other governmental entities in the United States have the opportunity to purchase goods or services awarded under the Contract, subject to applicable state law, through a piggy-back award or similar agreement through the National Purchasing Cooperative BuyBoard. If you plan to service the entire United States or only specific states, you must complete the State Service Designation information in the electronic proposal submission system. *(Note: If you plan to service Texas Cooperative members, be sure that you complete the Texas Regional Service Designation form.) In addition to this form, to be considered for a piggy-back award by the National Purchasing Cooperative, you must have an authorized representative sign the National Purchasing Cooperative Vendor Award Agreement that follows this page.*

If you serve different states for different products or services included in your Proposal, you must complete and submit a separate State Service Designation form for each group of products and clearly indicate the products or services to which the designation applies. **(Additional forms can be obtained by contacting [bids@buyboard.com](mailto:bids@buyboard.com) at least five (5) business days prior to the Proposal Due Date.)** *By designating a state or states, you are certifying that you are authorized and willing to provide the proposed products and services in those states. Designating states in which you are either unable or unwilling to provide the specified products and services shall be grounds for either rejection of your Proposal or, if awarded, termination of your Contract.*

- I will service all states in the United States.
- I will not service all states in the United States.

Alabama  
 Alaska  
 Arizona  
 Arkansas  
 California (Public Contract Code 20118 & 20652)  
 Colorado  
 Connecticut  
 Delaware  
 District of Columbia  
 Florida  
 Georgia  
 Hawaii  
 Idaho  
 Illinois  
 Indiana  
 Iowa  
 Kansas  
 Kentucky  
 Louisiana  
 Maine  
 Maryland  
 Massachusetts  
 Michigan  
 Minnesota  
 Mississippi  
 Missouri  
 Montana

Nebraska  
 Nevada  
 New Hampshire  
 New Jersey  
 New Mexico  
 New York  
 North Carolina  
 North Dakota  
 Ohio  
 Oklahoma  
 Oregon  
 Pennsylvania  
 Rhode Island  
 South Carolina  
 South Dakota  
 Tennessee  
 Texas  
 Utah  
 Vermont  
 Virginia  
 Washington  
 West Virginia  
 Wisconsin  
 Wyoming





## **NATIONAL PURCHASING COOPERATIVE VENDOR AWARD AGREEMENT**

In accordance with the Terms and Conditions associated with this Proposal Invitation, a contract awarded under this Proposal Invitation may be "piggy-backed" by another governmental entity. The National Purchasing Cooperative is an intergovernmental purchasing cooperative formed by certain school districts outside of Texas to serve its members throughout the United States. If you agree to be considered for a piggy-back award by the National Purchasing Cooperative, you agree to the following terms and agree to serve National Purchasing Cooperative members in the states you have indicated on the State Service Designation form, in your Proposal.

### **By signing this form, Proposer (referred to in this Agreement as "Vendor") agrees as follows:**

1. Vendor acknowledges that if The Local Government Purchasing Cooperative ("Texas Cooperative") awards Vendor a contract under this Proposal Invitation ("Underlying Award"), the National Purchasing Cooperative ("National Cooperative") may - but is not required to - "piggy-back" on or re-award all or a portion of that Underlying Award ("Piggy-Back Award"). By signing this National Cooperative Vendor Award Agreement ("Agreement"), Vendor accepts and agrees to be bound by any such Piggy-Back Award as provided for herein.
2. In the event National Cooperative awards Vendor a Piggy-Back Award, the National Cooperative Administrator ("BuyBoard Administrator") will notify Vendor in writing of such Piggy-Back Award, which award shall commence on the effective date stated in the Notice and end on the expiration date of the Underlying Award, subject to annual renewals as authorized in writing by the BuyBoard Administrator. Vendor agrees that no further signature or other action is required of Vendor in order for the Piggy-Back Award and this Agreement to be binding upon Vendor. Vendor further agrees that no interlineations or changes to this Agreement by Vendor will be binding on National Cooperative, unless such changes are agreed to by its BuyBoard Administrator in writing.
3. Vendor agrees that it shall offer its goods and services to National Cooperative members at the same unit pricing and same general terms and conditions, subject to applicable state laws in the state of purchase, as required by the Underlying Award. However, nothing in this Agreement prevents Vendor from offering National Cooperative members better (i.e., lower) competitive pricing and more favorable terms and conditions than those in the Underlying Award.
4. Vendor hereby agrees and confirms that it will serve those states it has designated on the State Service Designation Form of this Proposal Invitation. Any changes to the states designated on the State Service Designation Form must be approved in writing by the BuyBoard Administrator.
5. Vendor agrees to pay National Cooperative the service fee provided for in the Underlying Award based on the amount of purchases generated from National Cooperative members through the Piggy-Back Award. Vendor shall remit payment to National Cooperative on such schedule as it specifies (which shall not be more often than monthly). Further, upon request, Vendor shall provide National Cooperative with copies of all purchase orders generated from National Cooperative members, vendor invoices, and/or such other documentation regarding those purchase orders as the Cooperative's administrators may require in their reasonable discretion for purposes of reviewing and verifying purchase activity. Vendor further agrees that National Cooperative shall have the right, upon reasonable written notice, to review Vendor's records pertaining to purchases made by National Cooperative members in order to verify the accuracy of service fees.
6. Vendor agrees that the Underlying Award, including its General Terms and Conditions, are adopted by reference to the fullest extent such provisions can reasonably apply to the post-proposal/contract award phase. The rights and responsibilities that would ordinarily inure to the Texas Cooperative pursuant to the Underlying Award shall inure to National Cooperative; and, conversely, the rights and responsibilities that would ordinarily inure to Vendor in the Underlying Award shall inure to Vendor in this Agreement. Vendor recognizes and agrees that Vendor and National Cooperative are the only parties to this Agreement, and that nothing in this Agreement has application to other third parties, including the Texas Cooperative. In the event of conflict between this Agreement and the terms of the Underlying Award, the terms of this Agreement shall control, and then only to the extent necessary to reconcile the conflict.



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7. This Agreement shall be governed and construed in accordance with the laws of the State of Rhode Island and venue for any dispute shall lie in the federal district court of Alexandria, Virginia.

8. Vendor acknowledges and agrees that the award of a Piggy-Back Award is within the sole discretion of National Cooperative, and that this Agreement does not take effect unless and until National Cooperative awards Vendor a Piggy-Back Award and the BuyBoard Administrator notifies Vendor in writing of such Piggy-Back Award as provided for herein.

WHEREFORE, by signing below Vendor agrees to the foregoing and warrants that it has the authority to enter into this Agreement.

**Casco Industries, Inc.**

Name of Vendor

*David Stewart*

Signature of Authorized Company Official

**698-23**

Proposal Invitation Number

**David Stewart**

Printed Name of Authorized Company Official

**11/9/2022**

Date



## LOCATION / AUTHORIZED SELLER LISTINGS

If you have more than one location/authorized seller that will service a Contract awarded under this Proposal Invitation, please list each location/authorized seller below. If additional sheets are required, please duplicate this form as necessary. NOTE: Awarded Vendors shall remain responsible for all aspects of the Contract, including processing of Purchase Orders, and shall be responsible for the performance of all locations and authorized sellers under and in accordance with the Contract. *If you are a product manufacturer and wish to designate Designated Dealers as defined in the General Terms and Conditions to receive Cooperative member Purchase Orders on your behalf, you must complete the Manufacturer Designated Dealer form.*

Location/Authorized Seller Name	Contact Person	Contact Information (Mailing Address, Phone, Fax, Email)
Casco Industries, Inc.	Jessie Gentry	1517 W. Carrier Pkwy Ste. 118, Grand Prairie, TX 75050, 972-522-0800, 318-865-8157, <a href="mailto:jessie@cascoindustries.com">jessie@cascoindustries.com</a>
Casco Industries, Inc.	Teri Rutter	705 S. 8th, LaPorte, TX 77571, 281-443-0999, 281-443-0858, <a href="mailto:teri@cascoindustries.com">teri@cascoindustries.com</a>
Casco Industries, Inc.	Sara Pettypool	21941 I-30 Suite 6, Bryant, AR 72022, 501-840-3595, 318-865-8157,
Casco Industries, Inc.	Grant Deason	3601 NW 10th Street, Oklahoma City, OK 73107, 405-570-9880, 318-865-8157, <a href="mailto:gdeason@cascoindustries.com">gdeason@cascoindustries.com</a>



## **MANUFACTURER DEALER DESIGNATION**

If Vendor is a manufacturer that sells products through a dealer network and wishes to designate a dealer or multiple dealers ("Designated Dealers") to receive Cooperative member Purchase Orders on Vendor's behalf, you must complete this form for each dealer you wish to designate.

Regardless of any Designated Dealers submitted by Vendor, Vendor specifically agrees and acknowledges that any such designations are for Vendor's convenience only and shall not, if Vendor is awarded a Contract, relieve Vendor of any obligations under the Contract, including payment of Cooperative service fees on all Purchase Orders submitted to Vendor or any Designated Dealer. In accordance with the General Terms and Conditions, an awarded Vendor shall remain responsible and liable for all of its obligations under the Contract and the performance of both Vendor and any of Vendor's Designated Dealers under and in accordance with the Contract and remain subject to all remedies for default thereunder, including, but not limited to suspension and termination of Vendor's Contract for nonpayment of service fees.

If awarded, Vendor authorizes the Cooperative, in its sole discretion, to list any Vendor Designated Dealers in the BuyBoard system and to receive Purchase Orders directly from Cooperative members on behalf of Vendor. To the extent a Vendor with Designated Dealers receives a Purchase Order directly, it shall be the responsibility of Vendor to appropriately process such Purchase Order in accordance with the Contract, including but not limited to timely forwarding such Purchase Order to a Designated Dealer for processing.

The Cooperative reserves the right, in its sole discretion, to refuse addition of, or request removal of, any Designated Dealer, and Vendor agrees to immediately require such Designated Dealer to cease accepting Purchase Orders or otherwise acting on Vendor's behalf under the Contract. Further, the Cooperative administrator shall be authorized to remove or suspend any or all Designated Dealers from the BuyBoard at any time in its sole discretion.

If you wish to designate a dealer to service a contract awarded under this Proposal Invitation, please list the Designated Dealer below. If you wish to designate multiple dealers, please duplicate this form as necessary.

\_\_\_\_\_  
Designated Dealer Name Designated Dealer Contact Person

\_\_\_\_\_  
Designated Dealer Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Phone Number Fax Number

\_\_\_\_\_  
Email address Designated Dealer Tax ID Number\* (**\*attach W-9**)



## **PROPOSAL INVITATION QUESTIONNAIRE**

The Cooperative will use your responses to the questions below in evaluating your Proposal and technical and financial resources to provide the goods and perform the services (“Work”) under the BuyBoard contract contemplated by this Proposal Invitation (“Contract”). Proposers must fully answer each question, numbering your responses to correspond to the questions/numbers below. Proposers must complete below or attach your responses to this questionnaire and submit in one document with your Proposal. **You must submit the questionnaire and responses with your Proposal or the Proposal will not be considered.**

1. List the number of years Proposer has been in business and former business names (if applicable). Note whether your company is currently for sale or involved in any transaction that would significantly alter its business or result in acquisition by another entity.

Casco Industries, Inc. has been in business for 73 years.

2. Describe the resources Proposer has to manage staff and successfully perform the Work contemplated under this Contract. State the number and summarize the experience of company personnel who may be utilized for the Work, including those who will be available to Cooperative members for assistance with project development, technical issues, and product selection for Work associated with this Contract.

Casco Industries, Inc. has one Purchasing Manager with one agent to assist.

Casco Industries, Inc. has two sales managers and one office manager that over sees a staff of seven assistants that assist in contracts and major issues.

3. **Marketing Strategy:** For your Proposal to be considered, you must submit the Marketing Strategy you will use if the Cooperative accepts all or part of your Proposal. (*Example: Explain how your company will initially inform Cooperative members of your BuyBoard Contract, and how you will continue to support the BuyBoard for the duration of the Contract term.*) Attach additional pages if necessary.

Casco Industries, Inc. will advertise on our website and all our social media outlets such as Facebook, IG and Twitter. Casco Industries has 42 outside salesmen that call on customers daily and will also discuss BuyBoard. Casco Industries will promote BuyBoard at our local shows we display at.



- 4. Describe Proposer’s financial capability to perform the Contract. State or describe the firm’s financial strength and rating, bonding capacity, and insurance coverage limits. State whether the firm, or any of the firm’s past or present owners, principal shareholders or stockholders, or officers, have been a debtor party to a bankruptcy, receivership, or insolvency proceeding in the last 7 years, and identify any such debtor party by name and relationship to or position with your firm.

**See attached letter from Regions Bank regarding our financial strength.**

Per our insurance agent "Keith D. Peterson & Company Inc. Insurance" our bonding capacity is \$1,500,000.00 for single job / \$3,000,000.00 aggregate. There have been no bankruptcy, receivership or insolvency proceeding in the last seven years.

- 5. Does your company have any outstanding financial judgments and/or is it currently in default on any loan or financing agreement? If so, provide detailed information on the nature of such items and prospects for resolution.

No

- 6. List all contracts, if any, in the last 10 years on which Proposer has defaulted, failed to complete or deliver the work, or that have been terminated for any reason. For each such contract, provide the project name, scope, value and date and the name of the procuring entity. Fully explain the circumstances of the default, failure to complete or deliver the work, or termination.

N/A

- 7. List all litigation or other legal proceedings (including arbitration proceedings), if any, in the last 10 years brought against your firm, or any of the firm’s past or present owners, principal shareholders or stockholders, officers, agents or employees, that relate to or arise from a contract similar to this Contract or the Work contemplated under this Contract. Provide the style of the lawsuit or proceeding (name of parties and court or tribunal in which filed), nature of the claim, and resolution or current status.

N/A



## **VENDOR REQUEST TO SELF-REPORT BUYBOARD PURCHASES**

The General Terms and Conditions require that all Purchase Orders generated by or under any Contract awarded under this Proposal Invitation be processed through the BuyBoard and, except as expressly authorized in writing by the Cooperative administrator, Vendors are not authorized to process Purchase Orders received directly from Cooperative members that have not been processed through the BuyBoard or provided to the Cooperative. In accordance with this provision, Vendor may request authorization of the Cooperative administrator to self-report Cooperative member purchases if awarded a Contract under this Proposal Invitation. By making such a request, Vendor acknowledges and agrees that self-reporting is specifically subject to and conditioned upon (1) Vendor's agreement to the Additional Terms and Conditions for BuyBoard Self-Reporting which are included in this Proposal Invitation and incorporated herein for all purposes and (2) approval of this request in writing by the Cooperative administrator.

**Note: This form is NOT required as part of your proposal. You should sign and return this form ONLY if you wish to request authorization to self-report BuyBoard purchases.** Any request to self-report will not be effective, and Vendor shall not be authorized to self-report BuyBoard member purchases, unless and until (1) Vendor is awarded a Contract under this Proposal Invitation, and (2) the request has been approved in writing by the Cooperative administrator.

*By my signature below, I hereby request authorization from the Cooperative administrator to self-report BuyBoard purchases if my company is awarded a Contract. I certify that I am authorized by the above-named Vendor to approve this form, and I have received and read the Additional Terms and Conditions for BuyBoard Self-Reporting included in this Proposal Invitation and do hereby approve and agree to such terms and conditions on behalf of Vendor.*

**NAME OF VENDOR:** Casco Industries, Inc.

David Stewart  
**Signature of Vendor Authorized Representative**

**Printed Name:** David Stewart

**Title:** Purchasing Manager

**Date:** 11/9/2022

*(For Cooperative Administrator Use Only)*

**Approved by BuyBoard Administrator:** \_\_\_\_\_

**Effective/Start Date for Self-Reporting:** \_\_\_\_\_



## REQUIRED FORMS CHECKLIST

(Please check (✓) the following)

- Reviewed/Completed: **Proposer's Acceptance and Agreement**

### PROPOSAL FORMS PART 1: COMPLIANCE FORMS

- Reviewed/Completed: **Proposal Acknowledgements**
- Reviewed/Completed: **Felony Conviction Disclosure**
- Reviewed/Completed: **Resident/Nonresident Certification**
- Reviewed/Completed: **Debarment Certification**
- Reviewed/Completed: **Vendor Employment Certification**
- Reviewed/Completed: **No Boycott Verification**
- Reviewed/Completed: **No Excluded Nation or Foreign Terrorist Organization Certification**
- Reviewed/Completed: **Historically Underutilized Business Certification**
- Reviewed/Completed: **Acknowledgement of BuyBoard Technical Requirements**
- Reviewed/Completed: **Construction-Related Goods and Services Affirmation**
- Reviewed/Completed: **Deviation and Compliance**
- Reviewed/Completed: **Vendor Consent for Name Brand Use**
- Reviewed/Completed: **Confidential/Proprietary Information**
- Reviewed/Completed: **EDGAR Vendor Certification**
- Reviewed/Completed: **Compliance Forms Signature Page**

### PROPOSAL FORMS PART 2: VENDOR INFORMATION FORMS

- Reviewed/Completed: **Vendor Business Name**
- Reviewed/Completed: **Vendor Contact Information** (*complete in electronic proposal submission system*)
- Reviewed/Completed: **Federal and State/Purchasing Cooperative Experience**
- Reviewed/Completed: **Governmental References**
- Reviewed/Completed: **Company Profile**
- Reviewed/Completed: **Texas Regional Service Designation** (*complete in electronic proposal submission system*)
- Reviewed/Completed: **State Service Designation** (*complete in electronic proposal submission system*)
- Reviewed/Completed: **National Purchasing Cooperative Vendor Award Agreement** (*Vendors serving outside Texas only*)
- Reviewed/Completed: **Local/Authorized Seller Listings**
- Reviewed/Completed: **Manufacturer Dealer Designation**
- Reviewed/Completed: **Proposal Invitation Questionnaire**
- Reviewed/Completed: **Vendor Request to Self-Report BuyBoard Purchases** (*Optional*)
- Reviewed/Completed: **Proposal Specifications** *Discount (%) off Catalog/Pricelist and/or other required pricing information including Catalogs/Pricelists (or no bid response) must be submitted with the Proposal or the Proposal will not be considered.*





## **PROPOSAL SPECIFICATION SUMMARY**

**The categories and items specified for this Proposal Invitation are summarized below. For full Proposal Specifications, you must review and complete the Proposal Specification information in the electronic proposal submission system in accordance with the Instructions to Proposers (or, if submitting a hard copy Proposal, timely request and complete the Proposal Specification Form in accordance with the Instructions to Proposers).**

**PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

### **Section I: Public Safety Supplies and Equipment**

1. Discount (%) off catalog/pricelist for **Firearms and Ammunition.**
2. Discount (%) off catalog/pricelist for **Tactical Equipment.**
3. Discount (%) off catalog/pricelist for **Night Sticks and Batons.**
4. Discount (%) off catalog/pricelist for **Riot Equipment/Body Armor.**
5. Discount (%) off catalog/pricelist for **Public Safety Vehicle Equipment and Related Accessories.**
6. Discount (%) off catalog/pricelist for **Tear Gas/Mace and Related Items.**
7. Discount (%) off catalog/pricelist for **Night Vision and Infrared Equipment.**
8. Discount (%) off catalog/pricelist for **Thermal Imaging Equipment and Products.**
9. Discount (%) off catalog/pricelist for **Flashlights, Batteries, and Related Items.**
10. Discount (%) off catalog/pricelist for **Electronic Stand-up Vehicles (ESV).**
11. Discount (%) off catalog/pricelist for **All Types of Public Safety Patrol Bicycles, Supplies and Related Accessories.**
12. Discount (%) off catalog/pricelist for **Public Safety Rescue Equipment.**
13. Discount (%) off catalog/pricelist for **Handcuffs and Restraints.**
14. Discount (%) off catalog/pricelist for **Scopes and Binoculars.**
15. Discount (%) off catalog/pricelist for **Alcohol and Drug Testing Products and Related Services.**
16. Discount (%) off catalog/pricelist for **Law Enforcement Training Targets.**
17. Discount (%) off catalog/pricelist for **Fingerprint Equipment and Supplies.**
18. Discount (%) off catalog/pricelist for **Law Enforcement Knives and Tools** (multipurpose tools, clip tools, mini tools, and related accessories).
19. Discount (%) off catalog/pricelist for **Public Safety Uniforms, Rainwear, Jackets, Footwear, and Accessories.**
20. Discount (%) off catalog/pricelist for **Weather Monitoring Systems.**
21. Discount (%) off catalog/pricelist for **Red Light Monitoring Systems.**
22. Discount (%) off catalog/pricelist for **Speed Enforcement Equipment.**
23. Discount (%) off catalog/pricelist for **Public Safety Life Preserver and Related Items.**
24. Discount (%) off catalog/pricelist for **Emergency Radio Dispatch Consoles and related items.**
25. Discount (%) off catalog/pricelist for **Safety and Security Window Film Products.**
26. Discount (%) off catalog/pricelist for **Gunshot and Threat Detection Products and Systems.**
27. Discount (%) off catalog/pricelist for **All Types Security Access Doors and related accessories** (accordion, roll up, wood fold, flat lead post, narrow lead post, and curved).
28. Discount (%) off catalog/pricelist for **All Other Public Safety Products and Equipment.**
29. Discount (%) off catalog/pricelist for **Public Safety Equipment Repair Parts.**
30. Discount (%) off catalog/pricelist for **Public Safety Equipment and Products Maintenance/Warranty Agreements.**

### **Section II: Firehouse Supplies and Equipment**

31. Discount (%) off catalog/pricelist for **Breathing Apparatus.**



32. Discount (%) off catalog/pricelist for **Protective Clothing and Rescue Gear including Protective Boots, Helmets and Gear Bags.**
33. Discount (%) off catalog/pricelist for **Turnout Gear.**
34. Discount (%) off catalog/pricelist for **Nomex Station Uniforms.**
35. Discount (%) off catalog/pricelist for **Communication Devices and Systems.**
36. Discount (%) off catalog/pricelist for **EMS Supplies and Equipment.**
37. Discount (%) off catalog/pricelist for **Portable Lighting Equipment.**
38. Discount (%) off catalog/pricelist for **Vehicle Light Bars, Sirens, and Speakers.**
39. Discount (%) off catalog/pricelist for **Fire Extrication Rescue Equipment.**
40. Discount (%) off catalog/pricelist for **Firehouse Uniforms, Rainwear, Jackets, Footwear and Accessories.**
41. Discount (%) off catalog/pricelist for **Gas Detection Devices, Cameras, and Systems.**
42. Discount (%) off catalog/pricelist for **Fire Hose and Nozzles.**
43. Discount (%) off catalog/pricelist for **Fire Extinguishers and Fire Fighting Foam.**
44. Discount (%) off catalog/pricelist for **Fire Hose Hydrostatic Testing Services.**
45. Discount (%) off catalog/pricelist for **Fire Fighting Training Materials and Equipment.**
46. Discount (%) off catalog/pricelist for **Optical Emergency Traffic Pre-Emption Supplies and Equipment.**
47. Discount (%) off catalog/pricelist for **All Other Firehouse Equipment and Supplies.**
48. Discount (%) off catalog/pricelist for **Firehouse Equipment Repair Parts.**
49. Discount (%) off catalog/pricelist for **Firehouse Equipment and Products Safety Maintenance/Warranty Agreements.**

**Section III: Installation and Repair Service**

50. **Hourly Labor Rate for Installation/Repair Service of Public Safety Equipment and Products** - Not to Exceed hourly labor rate for Installation/Repair Service of Public Safety Equipment and Products.
51. **Hourly Labor Rate for Installation/Repair Service of Firehouse Equipment and Products** - Not to Exceed hourly labor rate for Installation/Repair Service of Firehouse Equipment and Products.

## Casco Industries, Inc. Information

Contact: David Stewart  
Address: 607 West 62 Street  
Shreveport, LA 71106  
Phone: (318) 865-5107 x106  
Fax: (253) 681-7877  
Toll Free: (800) 551-8787  
Email: david@cascoindustries.com  
Web Address: www.cascoindustries.com

By submitting your response, you certify that you are authorized to represent and bind your company.

David Stewart

*Signature*

Submitted at 11/10/2022 02:55:43 PM (CT)

david@cascoindustries.com

*Email*

## Requested Attachments

### BuyBoard Proposal Invitation No. 698-23 Public Safety and Firehouse Supplies and Equipment

BuyBoard Proposal-No-698-23 Final.pdf

REQUIRED-In PDF format, upload all proposal invitation documents available for download at vendor.buyboard.com including any additional pages, as necessary. NOTICE: DO NOT complete proposal forms in internet browser. No data will be stored. Download file to computer and complete proposal forms prior to submitting. (Please DO NOT password protect uploaded files.)

### Catalog/Pricelist

MSA Full Price List Only 10-22.xlsx

REQUIRED-In Excel or PDF format, upload catalog(s)/pricelist(s) in accordance with proposal invitation instructions. Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or Proposal will not be considered. No paper catalogs or manufacturer/vendor websites will be accepted. File size must not exceed 250MB. (Please DO NOT password protect uploaded files.)

### Exceptions and/or Detailed Information Related to Discount % and/or Hourly Labor Rate Proposed

Casco Industries Service Document.pdf

In PDF format and if necessary, vendor shall attach detailed information regarding exceptions to pricing and/or discount percentage and define the services that are proposed to be provided. NOTE: IF DETAILED INFORMATION IS NOT SUBMITTED, PROPOSAL MAY NOT BE CONSIDERED. (Please DO NOT password protect uploaded files.)

### Company Profile

Casco Industries Company Profile.docx

REQUIRED-Information on awarded Cooperative Contracts is available to Cooperative Members on the BuyBoard website. If your company is awarded a Contract under this Proposal Invitation, please provide a brief company description that you would like to have included with your company profile on the BuyBoard website. Submit your company profile in a separate file, in Word format, with your Proposal. (Note: Vendor is solely responsible for any content provided for inclusion on the BuyBoard website. The Cooperative reserves the right to exclude or remove any content in its sole discretion, with or without prior notice, including but not limited to any content deemed by the Cooperative to be inappropriate, irrelevant to the Contract, inaccurate, or misleading.)

### IRS Form W-9 Request for Taxpayer Identification Number and Certification

W-9 2022 Casco Industries.pdf

REQUIRED-In PDF format, upload W-9 form. (Please DO NOT password protect uploaded files.)

## Response Attachments

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### **Nightstick Bayco Pricing Effective 03-15-2022.xls**

Nightstick Bayco Price List

### **True North Gear 2023 Price List.xlsx**

True North Gear Price List

### **Bullard Wildfire 2022 Price List.xlsx**

Bullard Wildfire Price List

### **Streamlight Fire 2022 Price List.xlsx**

Streamlight Fire Price List

### **Firecraft Safety 2022 Pricing.pdf**

Firecraft Safety Price List

### **OHD GLOBAL 2022 QuantiFit2 Price List US.pdf**

OHD Global Price List

### **Life\_Liner\_USA 2022 Price List.pdf**

Life Liners by Stanfield FR Price List

### **Globe Footgear Price List 10-22.pdf**

Globe Footgear Price List

### **Veridian FPG Glove List Pricing October 2022.pdf**

Veridian FPG Glove Price List

### **Akron Brass Company Price List 2022.xlsx**

Akron Brass Company Price List

### **Regions Bank 2022 Letter to Insurance Co Annually.docx.pdf**

Regions Bank Letter for Financial Strength

### **GLOBE GEAR ATHLETIX - 2022 Price List 10.1.22.pdf**

Globe Gear Athletix Price List

### **GLOBE GEAR PANT SYSTEM - 2022 Price List 10.1.22.pdf**

Globe Gear GPS Price List

### **GLOBE GEAR ACCESSORIES AND LETTERS - 2022 Price List 10.1.22.pdf**

Globe Gear Accessories and Letters Price List

### **GLOBE G-XTREME 3.0 - 2022 Price List 10.1.22.pdf**

Globe Gear GX3 Price List

### **GLOBE G-XCEL - 2022 Price List 10.1.22.pdf**

Globe Gear GXL Price List

### **GLOBE CLASSIX and METRO - 2022 Price List 10.1.22.pdf**

Globe Gear Classix and Metro Price List

### **GLOBE CLASSIX SE - 2022 Price List 10.1.22.pdf**

Globe Gear Classix SE Price List

### **Lion Bodyguard StationWear Price List.pdf**

Lion Bodyguard Stationwear Price List

### **LION Thorogood Boots Price List.pdf**

Lion Thorogood Fire Boot Price List

**Black Diamond 2022 Price List.pdf**

Black Diamond Protective Equip Price List

**Propper International 2022 Price List.xlsx**

Propper International Price List

**Firecom by Sonetics Price List 2022.pdf**

Firecom by Sonetics Price List 2022

**Genesis Rescue Systems Price List 2022.pdf**

Genesis Rescue Systems Price List

**PMI ROPE 2022 PRICE LIST.xls**

PMI ROPE 2022 PRICE LIST

**RescueTECH1 2022 Price List.xlsx**

RescueTECH1 2022 Price List

**CrewBoss 2022 Price List.xlsx**

CrewBoss 2022 Price List

**PGI Inc. Price List 2022.pdf**

PGI Inc. Price List

**SHELBY SPECIALTY GLOVES PRICE LIST.pdf**

SHELBY SPECIALTY GLOVES PRICE LIST

**FRC Safe Fleet Brand Price List 2022.xlsx**

FRC Safe Fleet Brand Price List

**NRS RESCUE PRICE LIST 2022.csv**

NRS RESCUE PRICE LIST 2022

**North American Fire Hose Corp. Price List 2022.pdf**

North American Fire Hose Corp. Price List

**Bauer Compressors Inc. Parts Price List 2022.pdf**

Bauer Compressors Inc. Parts Price List 2022

**Bauer Compressors Inc. Air Storage PRICE SHEETS 2022.pdf**

Bauer Compressors Inc. Air Storage PRICE SHEETS 2022

**Bauer Compressors Inc. DIVE MATE PRICE SHEETS 2022.pdf**

Bauer Compressors Inc. DIVE MATE PRICE SHEETS 2022

**Bauer Compressors Inc. VERTICUS PRICE SHEETS 2022.pdf**

Bauer Compressors Inc. VERTICUS PRICE SHEETS 2022

**Bauer Compressors Inc. VERTICUS PLUS PRICE SHEETS 2022.pdf**

Bauer Compressors Inc. VERTICUS PLUS PRICE SHEETS 2022

**Bauer Compressors Inc. VERTECON PRICE SHEETS 2022.pdf**

Bauer Compressors Inc. VERTECON PRICE SHEETS 2022

**Bauer Compressors Inc. UNICUS 4S PRICE SHEETS 2022.pdf**

Bauer Compressors Inc. UNICUS 4S PRICE SHEETS 2022

**Bauer Compressors Inc. UNICUS 4i PRICE SHEETS 2022.pdf**

Bauer Compressors Inc. UNICUS 4i PRICE SHEETS 2022

**Bauer Compressors Inc. TCOM LITE PRICE SHEETS 2022.pdf**

Bauer Compressors Inc. TCOM LITE PRICE SHEETS 2022

**Bauer Compressors Inc. OPEN DESIGNS PRICE SHEETS 2022.pdf**

Bauer Compressors Inc. OPEN DESIGNS PRICE SHEETS 2022

**Bauer Compressors Inc. CFS5.5 PRICE SHEETS 2022.pdf**

Bauer Compressors Inc. CFS5.5 PRICE SHEETS 2022

**Bauer Compressors Inc. LEGACY PRICE SHEETS 2022.pdf**

Bauer Compressors Inc. LEGACY PRICE SHEETS 2022

**Bauer Compressors Inc. Portables Price List 2022.pdf**

Bauer Compressors Inc. Portables Price List 2022

**CIRCUL-AIR CORP INTERNATIONAL PRICE LIST 2022.pdf**

CIRCUL-AIR CORP INTERNATIONAL PRICE LIST 2022

**CET Portable Pump price list 2022.pdf**

CET Portable Pump price list 2022

**Council Tool Company Price List.xlsx**

Council Tool Company Price List.

**VFC Workwear Workrite Pricre List 2022.xlsx**

VFC Workwear Workrite Pricre List 2022

**Falmefighter by SPC Brass Co Price List.xlsx**

Falmefighter by SPC Brass Co Price List

**North American Fire Hose Corp. Price List 2022.pdf**

North American Fire Hose Corporation Price List 2022

**Kuriyama Of America Fire Products Price List.xlsx**

Kuriyama Of America Fire Products Price List

**Bulldog Hose Company 2022 Price List.xlsx**

Bulldog Hose Company 2022 Price List

**Nupla Tools Price List.xlsx**

Nupla Tools Price List

**Zico Ziamatic Corporation Price List 2022.xlsx**

Zico Ziamatic Corporation Price List 2022

**National Foam Price List 2022.pdf**

National Foam Price List 2022

**Chemguard Chemicals JCI Price List.pdf**

Chemguard Chemicals JCI Price List

**Snap-Tite Fire Quip Price Sheet 2022.pdf**

Snap-Tite Fire Quip Price Sheet 2022

**Verde Microblaze Price List -Jan 1 2022.pdf**

Verde Microblaze Price List

**FoxFury Lighting Solutions Price List.pdf**

FoxFury Lighting Solutions Price List

**BlastMask Price List.pdf**

BlastMask Price List

**Ram'd Air Gear Dryer Dealer Price List.pdf**

Ram'd Air Gear Dryer Dealer Price List

**Majestic Fire Apparel Hoods Price List.xlsx**

Majestic Fire Apparel Hoods Price List

**TEMPEST LEADER FIRE Equipment Price List 2022.pdf**

TEMPEST LEADER FIRE Equipment Price List 2022

**C&S Supply Inc. Price List 2022.xlsx**

C&S Supply Inc. Price List 2022

**Rice Hydro Inc. Price List 2022.pdf**

Rice Hydro Inc. Price List 2022

**Elkhart Brass by Safe Fleet PriceList.pdf**

Elkhart Brass by Safe Fleet PriceList

**Crestar Firefighting Equipment Price List.xlsx**

Crestar Firefighting Equipment Price List

**Harrington Inc. LDH Systems Price List 2022.xls**

Harrington Inc. LDH Systems Price List 2022

**Groves ReadyRack Incorporated Price List.xlsx**

Groves ReadyRack Incorporated Price List

**Ramfan Euramco Safety Inc. Price List 2022.pdf**

Ramfan Euramco Safety Inc. Price List 2022

**Husky Portable Containment Price List 2022.pdf**

Husky Portable Containment Price List 2022

**Hale Parts Portable Price List.xlsx**

Hale Parts Portable Price List

**Hale Portable Pumps Idesx F&S Price List.xlsx**

Hale Portable Pumps Idesx F&S Price List

**MSA Price List Full Line10-22.xlsx**

MSA Price List Full Line

**MSA Price List GX2 ATO 10-22.pdf**

MSA Price List GX2 ATO

**MSA Price List Altair 5X ATO 10-22.pdf**

MSA Price List Altair 5X ATO

**MSA Price List Altair 4XR ATO 10-22.pdf**

MSA Price List Altair 4XR ATO

**MSA Price List Passport Front ATO 10-22.pdf**

MSA Price List Passport Front ATO

**MSA Price List Standard Front ATO 10-22.pdf**

MSA Price List Standard Front ATO

**MSA Price List XR2 ATO 10-22.pdf**

MSA Price List XR2 ATO

**MSA Price List Modern Rescue ATO's 10-22.pdf**

MSA Price List Modern Rescue ATO

**MSA Price List Traditional Helmet ATO's 10-22.pdf**

MSA Price List Traditional Helmet ATO

**MSA Price List G1 PremAire Cadet Escape ATO 10-22.pdf**

MSA Price List G1 PremAire Cadet Escape ATO

**MSA Price List G1 Facepiece ATO 10-22.pdf**

MSA Price List G1 Facepiece ATO

**MSA Price List G1 Scba Fire 10-22.pdf**

MSA Price List G1 Scba Fire

**KOCHEK PriceList 2022.xlsx**

Kocheck Price List

**Vanguard Safety Wear Price List.pdf**

Vanguard Safety Wear Price List

**SC Products Price List.xlsx**

SC Products Price List

**Fire Hose Nozzle Direct Price Sheet.xlsx**

Fire Hose Nozzle Direct Price Sheet

**Milnor Gear Guardian Equipment.pdf**

Milnor Gear Guardian Equipment

**Bid Attributes**

<b>1</b>	<p><b>Federal Identification Number</b></p> <p>Federal Identification Number</p> <div style="border: 1px solid black; padding: 2px;">72-0698936</div>
<b>2</b>	<p><b>HUB/No Israel Boycott Certification/No Excluded Nation or Foreign Terrorist Certification</b></p> <p>HUB/No Israel Boycott Certification/No Excluded Nation or Foreign Terrorist Certification</p>
<b>3</b>	<p><b>No Israel Boycott Certification</b></p> <p>A Texas governmental entity may not enter into a contract with a value of \$100,000 or more that is to be paid wholly or partly from public funds with a company (excluding a sole proprietorship) that has 10 or more full-time employees for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. (TEX. GOV'T CODE Ch. 2270). Accordingly, this certification form is included to the extent required by law.</p> <p>“Boycott Israel” means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. TEX. GOV'T CODE §808.001(1).</p> <p>By signature on the Compliance Forms Signature Page, to the extent applicable, I certify and verify that Vendor does not boycott Israel and will not boycott Israel during the term of any contract awarded under this Proposal Invitation, that this certification is true, complete and accurate, and that I am authorized by my company to make this certification.</p> <div style="border: 1px solid black; padding: 2px;">Yes</div>



**4 No Excluded Nation or Foreign Terrorist Organization Certification**

Chapter 2252 of the Texas Government Code provides that a Texas governmental entity may not enter into a contract with a company engaged in active business operations with Sudan, Iran, or a foreign terrorist organization – specifically, any company identified on a list prepared and maintained by the Texas Comptroller under Texas Government Code §§806.051, 807.051, or 2252.153. (A company that the U.S. Government affirmatively declares to be excluded from its federal sanctions regime relating to Sudan, Iran, or any federal sanctions regime relating to a foreign terrorist organization is not subject to the contract prohibition.)

By signature on the Compliance Forms Signature Page, I certify and verify that Vendor is not on the Texas Comptroller’s list identified above; that this certification is true, complete and accurate; and that I am authorized by my company to make this certification.

Yes

**5 MWBE/HUB Status Certification**

A Proposer that has been certified as a Historically Underutilized Business (also known as a Minority/Women Business Enterprise or “MWBE” and all referred to in this form as a “HUB”) is encouraged to indicate its HUB certification status when responding to this Proposal Invitation. The BuyBoard website will indicate HUB certifications for awarded Vendors that properly indicate and document their HUB certification on this form.

**I certify that my company has been certified as a MWBE/HUB in the following categories:** *(Please check all that apply)*

**6 Minority Owned Business**

Minority Owned Business

*Minority Owned Business (Yes)*

**7 Women Owned Business**

Women Owned Business

*Women Owned Business (Yes)*

**8 Service-Disabled Veteran Owned Business**

Service-Disabled Veteran Owned Business (veteran defined by 38 U.S.C. §101(2), who has a service-connected disability as defined by 38 U.S.C. § 101(16), and who has a disability rating of 20% or more as determined by the U. S. Department of Veterans Affairs or Department of Defense)

*Service-Disabled Veteran Owned Business (Yes)*

**9 Certification Number**

Certification Number

**10 Name of Certifying Agency**

Certifying Agency

**11 Non-MWBE/HUB**

My company has NOT been certified as a MWBE/HUB

*Non-HUB (Yes)*

**12 Vendor General Contact Information**

Proposal/Contract General Contact Information

<b>1 3</b>	<b>Vendor Proposal/Contract Contact Name</b> Vendor Proposal/Contract Contact Name <input type="text" value="David Stewart"/>
<b>1 4</b>	<b>Vendor Proposal/Contract Contact E-mail Address</b> Vendor Proposal/Contract Contact E-mail Address <input type="text" value="david@cascoindustries.com"/>
<b>1 5</b>	<b>Vendor Proposal/Contract Mailing Address</b> Vendor Proposal/Contract Mailing Address <input type="text" value="607 W. 62nd Street"/>
<b>1 6</b>	<b>Vendor Proposal/Contract Mailing Address - City</b> Vendor Proposal/Contract Mailing Address - City <input type="text" value="Shreveport"/>
<b>1 7</b>	<b>Vendor Proposal/Contract Mailing Address - State</b> Vendor Proposal/Contract Mailing Address - State (Abbreviate State Name) <input type="text" value="LA"/>
<b>1 8</b>	<b>Vendor Proposal/Contract Mailing Address - Zip Code</b> Vendor Proposal/Contract Mailing Address - Zip Code <input type="text" value="71106"/>
<b>1 9</b>	<b>Vendor Proposal/Contract Phone Number</b> Vendor Proposal/Contract Phone Number (xxx-xxx-xxxx) <input type="text" value="3184554467"/>
<b>2 0</b>	<b>Vendor Proposal/Contract Extension Number</b> Vendor Proposal/Contract Extension Number <input type="text" value="106"/>
<b>2 1</b>	<b>Company Website</b> Company Website (www.XXXXX.com) <input type="text" value="www.cascoindustries.com"/>
<b>2 2</b>	<b>Purchase Orders Contact Information</b> All Purchase Orders from Cooperative members will be available through the Internet. Vendors need Internet access and at least one e-mail address so that notification of new orders can be sent to the Internet contact when a new purchase order arrives. An information guide will be provided to Vendors to assist them with retrieving their orders.  <b>Please select options below for receipt of Purchase Orders and provide the requested information:</b>  <ul style="list-style-type: none"> <li>I will use the internet to receive Purchase Orders at the following address</li> </ul> <input type="text" value="Yes"/>

<b>23</b>	<b>Purchase Order E-mail Address</b>
	Purchase Order E-mail Address
	<input type="text" value="david@cascoindustries.com"/>

<b>24</b>	<b>Purchase Order Contact Name</b>
	Purchase Order Contact Name
	<input type="text" value="David Stewart"/>

<b>25</b>	<b>Purchase Order Contact Phone Number</b>
	Purchase Order Contact Phone Number (xxx-xxx-xxxx)
	<input type="text" value="3188655107"/>

<b>26</b>	<b>Purchase Order Contact Extension Number</b>
	Purchase Order Contact Extension Number
	<input type="text" value="106"/>

<b>27</b>	<b>Alternate Purchase Order E-mail Address</b>
	Alternate Purchase Order E-mail Address
	<input type="text" value="purchasing@cascoindustries.com"/>

<b>28</b>	<b>Alternate Purchase Order Contact Name</b>
	Alternate Purchase Order Contact Name
	<input type="text" value="Aaron Miller"/>

<b>29</b>	<b>Alternate Purchase Order Contact Phone Number</b>
	Alternate Purchase Order Contact Phone Number (xxx-xxx-xxxx)
	<input type="text" value="3188655107"/>

<b>30</b>	<b>Alternate Purchase Order Contact Extension Number</b>
	Alternate Purchase Order Contact Extension Number
	<input type="text" value="107"/>

<b>31</b>	<b>Purchase Orders Contact Information</b>
	All Purchase Orders from Cooperative members will be available through the Internet. Vendors need Internet access and at least one e-mail address so that notification of new orders can be sent to the Internet contact when a new purchase order arrives. An information guide will be provided to Vendors to assist them with retrieving their orders.
	<b>Please select options below for receipt of Purchase Orders and provide the requested information:</b>
	<ul style="list-style-type: none"><li>• Purchase Orders may be received by the Designated Dealer(s) identified on my company's Dealer Designation form as provided to the Cooperative administrator. I understand that my company shall remain responsible for the Contract and the performance of all Designated Dealers under and in accordance with the Contract.</li></ul>
	<input type="text" value="Yes"/>

<b>32</b>	<b>Request for Quotes (RFQ)</b>
	Cooperative members will send RFQs to you by e-mail. Please provide e-mail addresses for the receipt of RFQs:

3 3	<b>Request for Quote (RFQ) E-mail Address</b> Request for Quote (RFQ) E-mail Address <input type="text" value="david@cascoindustries.com"/>
3 4	<b>Request for Quote (RFQ) Contact Name</b> Request for Quote (RFQ) Contact Name <input type="text" value="David Stewart"/>
3 5	<b>Request for Quote (RFQ) Contact Phone Number</b> Request for Quote (RFQ) Contact Phone Number (xxx-xxx-xxxx) <input type="text" value="3188655107"/>
3 6	<b>Request for Quote (RFQ) Contact Extension Number</b> Request for Quote (RFQ) Contact Extension Number <input type="text" value="106"/>
3 7	<b>Alternate Request for Quote (RFQ) E-mail Address</b> Alternate Request for Quote (RFQ) E-mail Address <input type="text" value="purchasing@cascoindustries.com"/>
3 8	<b>Alternate Request for Quote (RFQ) Contact Name</b> Alternate Request for Quote (RFQ) Contact Name <input type="text" value="Aaron Miller"/>
3 9	<b>Alternate Request for Quote (RFQ) Contact Phone Number</b> Alternate Request for Quote (RFQ) Contact Phone Number (xxx-xxx-xxxx) <input type="text" value="3188655107"/>
4 0	<b>Alternate Request for Quote (RFQ) Contact Extension Number</b> Alternate Request for Quote (RFQ) Contact Extension Number <input type="text" value="107"/>
4 1	<b>Invoices</b> Your company will be billed monthly for the service fee due under a Contract awarded under this Proposal Invitation. <b>All invoices are available on the BuyBoard website and e-mail notifications will be sent when they are ready to be retrieved.</b>

4 2	<b>Invoices</b> Please choose <u>only one (1)</u> of the following options for receipt of invoices and provide the requested information:  (a) Service fee invoices and related communications should be provided directly to my company at:  or  (b) In lieu of my company, I request and authorize all service fee invoices to be provided directly to the following billing agent: <i>If Vendor authorizes a billing agent to receive and process service fee invoices, in accordance with the General Terms and Conditions of the Contract, Vendor specifically acknowledges and agrees that nothing in that designation shall relieve Vendor of its responsibilities and obligations under the Contract including, but not limited to, payment of all service fees under any Contract awarded Vendor.</i> <input type="text" value="Service fee invoices and notices direct to company"/>
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4 3	<b>Invoice Company Name</b> Invoice Company Name <input type="text" value="Casco Industries Inc"/>
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4 4	<b>Invoice Company Department Name</b> Invoice Company Department Name <input type="text" value="Casco Industries Inc AP"/>
--------	---

4 5	<b>Invoice Contact Name</b> Invoice Contact Name <input type="text" value="Melissa Schaumburg"/>
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4 6	<b>Invoice Mailing Address</b> Invoice Mailing Address (P.O. Box or Street Address) <input type="text" value="607 W. 62nd Street"/>
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4 7	<b>Invoice Mailing Address - City</b> Invoice Mailing Address - City <input type="text" value="Shreveport"/>
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4 8	<b>Invoice Mailing Address - State</b> Invoice Mailing Address - State (Abbreviate State Name) <input type="text" value="LA"/>
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4 9	<b>Invoice Mailing Address - Zip Code</b> Invoice Mailing Address (Zip Code) <input type="text" value="71106"/>
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5 0	<b>Invoice Contact Phone Number</b> Invoice Contact Phone Number (xxx-xxx-xxxx) <input type="text" value="3188655107"/>
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5 1	<b>Invoice Contact Extension Number</b> Invoice Contact Extension Number	<input type="text" value="No response"/>
5 2	<b>Invoice Contact Fax Number</b> Invoice Contact Fax Number (xxx-xxx-xxxx)	<input type="text" value="No response"/>
5 3	<b>Invoice Contact E-mail Address</b> Invoice Contact E-mail	<input type="text" value="melissa@cascoindustries.com"/>
5 4	<b>Invoice Contact Alternate E-mail Address</b> Invoice Contact Alternate E-mail Address	<input type="text" value="purchasing@cascoindustries.com"/>
5 5	<b>Billing Agent Company Name</b> Billing Agent Company Name	<input type="text" value="Casco Industries Inc"/>
5 6	<b>Billing Agent Department Name</b> Billing Agent Department Name	<input type="text" value="No response"/>
5 7	<b>Billing Agent Contact Name</b> Billing Agent Contact Name	<input type="text" value="No response"/>
5 8	<b>Billing Agent Mailing Address</b> Billing Agent Mailing Address (P.O. Box or Street Address)	<input type="text" value="No response"/>
5 9	<b>Billing Agent Mailing Address - City</b> Billing Agent Mailing Address - City	<input type="text" value="No response"/>
6 0	<b>Billing Agent Mailing Address - State</b> Billing Agent Mailing Address - State (Abbreviate State Name)	<input type="text" value="No response"/>
6 1	<b>Billing Agent Mailing Address - Zip Code</b> Billing Agent Mailing Address - Zip Code	<input type="text" value="No response"/>
6 2	<b>Billing Agent Contact Phone Number</b> Billing Agent Contact Phone Number (xxx-xxx-xxxx)	<input type="text" value="No response"/>

<b>6 3</b>	<b>Billing Agent Contact Extension Number</b> Billing Agent Contact Extension Number <input type="text" value="No response"/>
<b>6 4</b>	<b>Billing Agent Fax Number</b> Billing Agent Fax Number <input type="text" value="No response"/>
<b>6 5</b>	<b>Billing Agent Contact E-mail Address</b> Billing Agent Contact E-mail Address <input type="text" value="No response"/>
<b>6 6</b>	<b>Billing Agent Alternative E-mail Address</b> Billing Agent Alternative E-mail Address <input type="text" value="No response"/>
<b>6 7</b>	<b>Shipping Via</b> Common Carrier, Company Truck, Prepaid and Add to Invoice, or Other <input type="text" value="Prepaid and Add to Invoice"/>
<b>6 8</b>	<b>Payment Terms</b> <i>Note: Vendor payment terms must comply with the BuyBoard General Terms and Conditions and the Texas Prompt Payment Act (Texas Government Code Ch. 2251).</i> <input type="text" value="Net 30"/>
<b>6 9</b>	<b>Vendor's Internal/Assigned Reference/Quote Number</b> Vendor's Internal/Assigned Reference/Quote Number <input type="text" value="No response"/>
<b>7 0</b>	<b>State or Attach Return Policy</b> Note: Only return requirements and processes will be deemed part of Vendor's return policy. Any unrelated contract terms, terms of sale, or other information not specifically related to return requirements and processes included in Vendor's return policy shall not apply to any awarded Contract unless specifically included as a deviation in the Deviation and Compliance Form and accepted by the Cooperative. <input type="text" value="No response"/>
<b>7 1</b>	<b>Electronic Payments</b> Are electronic payments acceptable to your company? <input type="text" value="Yes"/>
<b>7 2</b>	<b>Credit Card Payments</b> Are credit card payments acceptable to your company? <input type="text" value="Yes"/>

**73 Texas Regional Service Designation**  
**Texas Regional Service Designation - Refer to Form in Proposal Invitation**

The Cooperative (referred to as "Texas Cooperative" in this form and in the State Service Designation form) offers vendors the opportunity to service its members throughout the entire State of Texas. If you do not plan to service all Texas Cooperative members statewide, you **must** indicate the specific regions you will service on this form. If you propose to serve different regions for different products or services included in your Proposal, you must complete and submit a separate Texas Regional Service Designation form for each group of products and clearly indicate the products or services to which the designation applies. **By designating a region or regions, you are certifying that you are authorized and willing to provide the proposed products and services in those regions. Designating regions in which you are either unable or unwilling to provide the specified products and services shall be grounds for either rejection of your Proposal or, if awarded, termination of your Contract.** Additionally, if you do not plan to service Texas Cooperative members (i.e., if you will service only states other than Texas), you must so indicate on this form.

**74 Company Name**  
Company Name

**75 Texas Regional Service Designation**  
Select only one of the following options. If you select "I will NOT serve all Regions of Texas", you must then check the individual Regions you wish to serve.

**76 Region 1**  
Region 1 - Edinburg  
 Region 1 (1)

**77 Region 2**  
Region 2 - Corpus Christi  
 Region 2 (2)

**78 Region 3**  
Region 3 - Victoria  
 Region 3 (3)

**79 Region 4**  
Region 4 - Houston  
 Region 4 (4)

**80 Region 5**  
Region 5 - Beaumont  
 Region 5 (5)

**81 Region 6**  
Region 6 - Huntsville  
 Region 6 (6)

**82 Region 7**  
Region 7 - Kilgore  
 Region 7 (7)



<b>83</b>	<b>Region 8</b> Region 8 - Mount Pleasant <input type="checkbox"/> <i>Region 8 (8)</i>
<b>84</b>	<b>Region 9</b> Region 9 - Wichita Falls <input type="checkbox"/> <i>Region 9 (9)</i>
<b>85</b>	<b>Region 10</b> Region 10 - Richardson <input type="checkbox"/> <i>Region 10 (10)</i>
<b>86</b>	<b>Region 11</b> Region 11 - Fort Worth <input type="checkbox"/> <i>Region 11 (11)</i>
<b>87</b>	<b>Region 12</b> Region 12 - Waco <input type="checkbox"/> <i>Region 12 (12)</i>
<b>88</b>	<b>Region 13</b> Region 13 - Austin <input type="checkbox"/> <i>Region 13 (13)</i>
<b>89</b>	<b>Region 14</b> Region 14 - Abilene <input type="checkbox"/> <i>Region 14 (14)</i>
<b>90</b>	<b>Region 15</b> Region 15 - San Angelo <input type="checkbox"/> <i>Region 15 (15)</i>
<b>91</b>	<b>Region 16</b> Region 16 - Amarillo <input type="checkbox"/> <i>Region 16 (16)</i>
<b>92</b>	<b>Region 17</b> Region 17 - Lubbock <input type="checkbox"/> <i>Region 17 (17)</i>
<b>93</b>	<b>Region 18</b> Region 18 - Midland <input type="checkbox"/> <i>Region 18 (18)</i>
<b>94</b>	<b>Region 19</b> Region 19 - El Paso <input type="checkbox"/> <i>Region 19 (19)</i>

9 5	<b>Region 20</b> Region 20 - San Antonio <input type="checkbox"/> <i>Region 20 (20)</i>
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9 6	<b>State Service Designation</b> <b>State Service Designation - Refer to Form in Proposal Invitation.</b>  As set forth in the Proposal Invitation, it is the Cooperative's intent that other governmental entities in the United States have the opportunity to purchase goods or services awarded under the Contract, subject to applicable state law, through a piggy-back award or similar agreement through the National Purchasing Cooperative BuyBoard. If you plan to service the entire United States or only specific states, you must complete this form accordingly. <i>(Note: If you plan to service Texas Cooperative members, be sure that you complete the Texas Regional Service Designation form.)</i> <b>In addition to this form, to be considered for a piggy-back award by the National Purchasing Cooperative, you must have an authorized representative sign the National Purchasing Cooperative Vendor Award Agreement that follows this form.</b>  If you serve different states for different products or services included in your Proposal, you must complete and submit a separate State Service Designation form for each group of products and clearly indicate the products or services to which the designation applies. <i>By designating a state or states, you are certifying that you are authorized and willing to provide the proposed products and services in those states. Designating states in which you are either unable or unwilling to provide the specified products and services shall be grounds for either rejection of your Proposal or, if awarded, termination of your Contract.</i>
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9 7	<b>Company Name</b> Company Name <input type="text" value="Casco Industries Inc"/>
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9 8	<b>State Service Designation</b> <b>Select only one of the following options. If you select "I will NOT serve all States", you must then check the individual States you wish to serve.</b>  <input type="text" value="I will not serve all states in the United States"/>
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9 9	<b>Alabama</b> Alabama <input type="checkbox"/> <i>Alabama (AL)</i>
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1 0 0	<b>Alaska</b> Alaska <input type="checkbox"/> <i>Alaska (AK)</i>
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1 0 1	<b>Arizona</b> Arizona <input type="checkbox"/> <i>Arizona (AZ)</i>
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1 0 2	<b>Arkansas</b> Arkansas <input checked="" type="checkbox"/> <i>Arkansas (AR)</i>
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1 0 3	<b>California</b> California (Public Contract Code 20118 & 20652) <input type="checkbox"/> <i>California (CA)</i>
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1 0 4	<b>Colorado</b> Colorado <input checked="" type="checkbox"/> Colorado (CO)
1 0 5	<b>Connecticut</b> Connecticut <input type="checkbox"/> Connecticut (CT)
1 0 6	<b>Delaware</b> Delaware <input type="checkbox"/> Delaware (DE)
1 0 7	<b>District of Columbia</b> District of Columbia <input type="checkbox"/> District of Columbia (DC)
1 0 8	<b>Florida</b> Florida <input type="checkbox"/> Florida (FL)
1 0 9	<b>Georgia</b> Georgia <input type="checkbox"/> Georgia (GA)
1 1 0	<b>Hawaii</b> Hawaii <input type="checkbox"/> Hawaii (HI)
1 1 1	<b>Idaho</b> Idaho <input type="checkbox"/> Idaho (ID)
1 1 2	<b>Illinois</b> Illinois <input type="checkbox"/> Illinois (IL)
1 1 3	<b>Indiana</b> Indiana <input type="checkbox"/> Indiana (IN)
1 1 4	<b>Iowa</b> Iowa <input type="checkbox"/> Iowa (IA)
1 1 5	<b>Kansas</b> Kansas <input checked="" type="checkbox"/> Kansas (KS)

1 1 6	<b>Kentucky</b> Kentucky <input type="checkbox"/> <i>Kentucky (KY)</i>
1 1 7	<b>Louisiana</b> Louisiana <input checked="" type="checkbox"/> <i>Louisiana (LA)</i>
1 1 8	<b>Maine</b> Maine <input type="checkbox"/> <i>Maine (ME)</i>
1 1 9	<b>Maryland</b> Maryland <input type="checkbox"/> <i>Maryland (MD)</i>
1 2 0	<b>Massachusetts</b> Massachusetts <input type="checkbox"/> <i>Massachusetts (MA)</i>
1 2 1	<b>Michigan</b> Michigan <input type="checkbox"/> <i>Michigan (MI)</i>
1 2 2	<b>Minnesota</b> Minnesota <input type="checkbox"/> <i>Minnesota (MN)</i>
1 2 3	<b>Mississippi</b> Mississippi <input type="checkbox"/> <i>Mississippi (MS)</i>
1 2 4	<b>Missouri</b> Missouri <input type="checkbox"/> <i>Missouri (MO)</i>
1 2 5	<b>Montana</b> Montana <input type="checkbox"/> <i>Montana (MT)</i>
1 2 6	<b>Nebraska</b> Nebraska <input type="checkbox"/> <i>Nebraska (NE)</i>
1 2 7	<b>Nevada</b> Nevada <input type="checkbox"/> <i>Nevada (NV)</i>

1 2 8	<b>New Hampshire</b> New Hampshire <input type="checkbox"/> <i>New Hampshire (NH)</i>
1 2 9	<b>New Jersey</b> New Jersey <input type="checkbox"/> <i>New Jersey (NJ)</i>
1 3 0	<b>New Mexico</b> New Mexico <input checked="" type="checkbox"/> <i>New Mexico (NM)</i>
1 3 1	<b>New York</b> New York <input type="checkbox"/> <i>New York (NY)</i>
1 3 2	<b>North Carolina</b> North Carolina <input type="checkbox"/> <i>North Carolina (NC)</i>
1 3 3	<b>North Dakota</b> North Dakota <input type="checkbox"/> <i>North Dakota (ND)</i>
1 3 4	<b>Ohio</b> Ohio <input type="checkbox"/> <i>Ohio (OH)</i>
1 3 5	<b>Oklahoma</b> Oklahoma <input checked="" type="checkbox"/> <i>Oklahoma (OK)</i>
1 3 6	<b>Oregon</b> Oregon <input type="checkbox"/> <i>Oregon (OR)</i>
1 3 7	<b>Pennsylvania</b> Pennsylvania <input type="checkbox"/> <i>Pennsylvania (PA)</i>
1 3 8	<b>Rhode Island</b> Rhode Island <input type="checkbox"/> <i>Rhode Island (RI)</i>
1 3 9	<b>South Carolina</b> South Carolina <input type="checkbox"/> <i>South Carolina (SC)</i>

1 4 0	<b>South Dakota</b> South Dakota <input type="checkbox"/> <i>South Dakota (SD)</i>
1 4 1	<b>Tennessee</b> Tennessee <input type="checkbox"/> <i>Tennessee (TN)</i>
1 4 2	<b>Texas</b> Texas <input checked="" type="checkbox"/> <i>Texas (TX)</i>
1 4 3	<b>Utah</b> Utah <input type="checkbox"/> <i>Utah (UT)</i>
1 4 4	<b>Vermont</b> Vermont <input type="checkbox"/> <i>Vermont (VT)</i>
1 4 5	<b>Virginia</b> Virginia <input type="checkbox"/> <i>Virginia (VA)</i>
1 4 6	<b>Washington</b> Washington <input type="checkbox"/> <i>Washington (WA)</i>
1 4 7	<b>West Virginia</b> West Virginia <input type="checkbox"/> <i>West Virginia (WV)</i>
1 4 8	<b>Wisconsin</b> Wisconsin <input type="checkbox"/> <i>Wisconsin (WI)</i>
1 4 9	<b>Wyoming</b> Wyoming <input type="checkbox"/> <i>Wyoming (WY)</i>

## Bid Lines

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**1 Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Firearms and Ammunition**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*

**2 Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Tactical Equipment**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*



**3 Section I: Equipment, Products, and Supplies**

Discount (%) off catalog/pricelist for **Night Sticks and Batons**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

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Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*

**4 Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Riot Equipment/Body Armor**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*

**5 Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Public Safety Vehicle Equipment and Related Accessories**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

No response

**6 Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Tear Gas/Mace and Related Items**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*

**7 Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Night Vision and Infrared Equipment**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*

**8 Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Thermal Imaging Equipment and Products**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**9 Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Flashlights, Batteries, and Related Items**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select **"Add Alternate"** for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 1**

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for Flashlights, Batteries, and Related Items. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 2**

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for Flashlights, Batteries, and Related Items. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

FoxFury Lighting Solutions

## 10 Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for **Electronic Stand-up Vehicles (ESV)**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

No response



**1**  
**1** Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for **All Types of Public Safety Patrol Bicycles, Supplies and Related Accessories**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*

1  
2

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Public Safety Rescue Equipment**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Handcuffs and Restraints**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Scopes and Binoculars**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Alcohol and Drug Testing Products and Related Services**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes****1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

No response

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Law Enforcement Training Targets**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Fingerprint Equipment and Supplies**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes****1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Law Enforcement Knives and Tools** (multipurpose tools, clip tools, mini tools, and related accessories). **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes****1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

No response



**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Public Safety Uniforms, Rainwear, Jackets, Footwear, and Accessories**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 1**

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for Public Safety Uniforms, Rainwear, Jackets, Footwear, and Accessories. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 2**

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for Public Safety Uniforms, Rainwear, Jackets, Footwear, and Accessories. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

*NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".*

VFC Workwear Workrite PL

**Alternate 3**

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for Public Safety Uniforms, Rainwear, Jackets, Footwear, and Accessories. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

*NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".*

CrewBoss PPE PL

20

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Weather Monitoring Systems**. *Catalog/Pricelist MUST be included or proposal will not be considered.*

***No Bid***

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

*NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".*

No response

**2**  
**1** **Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Red Light Monitoring Systems**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Speed Enforcement Equipment**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Public Safety Life Preserver and Related Items**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select **"Add Alternate"** for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 1**

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for Public Safety Life Preserver and Related Items. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 2**

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for Public Safety Life Preserver and Related Items. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

*NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".*

PMI Rope Price list

**Alternate 3**

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for Public Safety Life Preserver and Related Items. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

*NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".*

True North Gear

2  
4

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Emergency Radio Dispatch Consoles and related items.** *Catalog/Pricelist MUST be included or proposal will not be considered.*

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select **"Add Alternate"** for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

*NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".*

No response

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Safety and Security Window Film Products**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes****1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*

**2**  
**6** **Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Gunshot and Threat Detection Products and Systems**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*



**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **All Types Security Access Doors and related accessories** (accordion, roll up, wood fold, flat lead post, narrow lead post, and curved). **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes****1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

*No response*

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **All Other Public Safety Products and Equipment**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes****1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 1**

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Public Safety Products and Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes****1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 2**

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Public Safety Products and Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Genesis Rescue Systems

## Alternate 3

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Public Safety Products and Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

OHD Global QuantiFit2 PL

## Alternate 4

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Public Safety Products and Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Circul-Air-Corp. International

## Alternate 5

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Public Safety Products and Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Tempest Leader Fire Equipment

## Alternate 6

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Public Safety Products and Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Ramfan Euramco Safety Inc. PL

## Alternate 7

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Public Safety Products and Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Groves Ready Rack Incorporated

## Alternate 8

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Public Safety Products and Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Husky Portable Containment PL

## Alternate 9

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Public Safety Products and Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

C&S Supply Inc. Price List

## Alternate 10

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Public Safety Products and Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Kocheck Company Price List

**Alternate 11**

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Public Safety Products and Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Super Vac Price List

**Alternate 12**

Section I: Public Safety Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Public Safety Products and Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Milnor Gear Guardian Equipment

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Public Safety Equipment Repair Parts**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total: 

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes****1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Section I: Public Safety Supplies and Equipment**

Discount (%) off catalog/pricelist for **Public Safety Equipment and Products Maintenance/Warranty Agreements**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

No response

**Section II: Firehouse Supplies and Equipment**

Discount (%) off catalog/pricelist for **Breathing Apparatus**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total: 

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes****1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 1****Section II: Firehouse Supplies and Equipment**

Discount (%) off catalog/pricelist for **Breathing Apparatus**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total: **Item Attributes****1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".



**Section II: Firehouse Supplies and Equipment**

Discount (%) off catalog/pricelist for **Protective Clothing and Rescue Gear including Protective Boots, Helmets and Gear Bags**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 1**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Protective Clothing and Rescue Gear including Protective Boots, Helmets and Gear Bags. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 2**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Protective Clothing and Rescue Gear including Protective Boots, Helmets and Gear Bags. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Veridian FPG Glove Price List

**Alternate 3**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Protective Clothing and Rescue Gear including Protective Boots, Helmets and Gear Bags. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Fire Craft Safety Products

**Alternate 4**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Protective Clothing and Rescue Gear including Protective Boots, Helmets and Gear Bags. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

TechTrade Pro Tec 8 Price List

**Alternate 5**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Protective Clothing and Rescue Gear including Protective Boots, Helmets and Gear Bags. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Shelby Specialty Gloves PL

**Alternate 6**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Protective Clothing and Rescue Gear including Protective Boots, Helmets and Gear Bags. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

PGI, Inc. Price List

## Alternate 7

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Protective Clothing and Rescue Gear including Protective Boots, Helmets and Gear Bags. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Majestic Fire Apparel Hoods

## Alternate 8

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Protective Clothing and Rescue Gear including Protective Boots, Helmets and Gear Bags. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Lion Thorogood Fire Boot

## Alternate 9

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Protective Clothing and Rescue Gear including Protective Boots, Helmets and Gear Bags. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Life Liners by StanfieldsFR

## Alternate 10

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Protective Clothing and Rescue Gear including Protective Boots, Helmets and Gear Bags. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Bullard Wildfire Helmets PL

## Alternate 11

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Protective Clothing and Rescue Gear including Protective Boots, Helmets and Gear Bags. Catalog/Pricelist **MUST** be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Vanguard Safety Wear

3  
3

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for **Turnout Gear**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Globe Gear Athletix Price List

## Alternate 1

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Turnout Gear. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

### Item Attributes

#### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

## 3 Section II: Firehouse Supplies and Equipment

4

Discount (%) off catalog/pricelist for **Nomex Station Uniforms**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

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- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

### Item Attributes

#### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Section II: Firehouse Supplies and Equipment**

Discount (%) off catalog/pricelist for **Communication Devices and Systems**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

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- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**3**  
**6** **Section II: Firehouse Supplies and Equipment**

Discount (%) off catalog/pricelist for **EMS Supplies and Equipment**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Section II: Firehouse Supplies and Equipment**

Discount (%) off catalog/pricelist for **Portable Lighting Equipment**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select **"Add Alternate"** for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 1**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Portable Lighting Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 2**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Portable Lighting Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:



**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Akron Brass Company PL

**3  
8** **Section II: Firehouse Supplies and Equipment**

Discount (%) off catalog/pricelist for **Vehicle Light Bars, Sirens, and Speakers**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select **"Add Alternate"** for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

FRC / Safe Fleet Brand PL

**Section II: Firehouse Supplies and Equipment**

Discount (%) off catalog/pricelist for **Fire Extrication Rescue Equipment**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select **"Add Alternate"** for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 1**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Extrication Rescue Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 2**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Extrication Rescue Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Flamefighter by SPC Brass Co

**Alternate 3**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Extrication Rescue Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Nupla Tools Price List

**Alternate 4**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Extrication Rescue Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Zico Ziamatic Corp. PL

**Section II: Firehouse Supplies and Equipment**

Discount (%) off catalog/pricelist for **Firehouse Uniforms, Rainwear, Jackets, Footwear and Accessories**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total: 

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes****1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 1**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Firehouse Uniforms, Rainwear, Jackets, Footwear and Accessories. Catalog/Pricelist MUST be included or proposal will not be considered.

Total: **Item Attributes****1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 2**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Firehouse Uniforms, Rainwear, Jackets, Footwear and Accessories. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

VFC Workwear Workrite PL

## 4 1 Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for **Gas Detection Devices, Cameras, and Systems**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

MSA Mine Safety Appliance PL

**Section II: Firehouse Supplies and Equipment**

Discount (%) off catalog/pricelist for **Fire Hose and Nozzles**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select **"Add Alternate"** for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 1**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Hose and Nozzles. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 2**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Hose and Nozzles. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Snap-Tite / All American Hose

## Alternate 3

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Hose and Nozzles. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Kuriyama Of America PL

## Alternate 4

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Hose and Nozzles. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Akron Brass Company / Idex F&S

## Alternate 5

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Hose and Nozzles. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Elkhart Brass / Safe Fleet PL

## Alternate 6

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Hose and Nozzles. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Crestar Firefighting Equipment

## Alternate 7

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Hose and Nozzles. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Harrington Inc. LDH Systems

## Alternate 8

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Hose and Nozzles. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Kochek Company LLC PL

## Alternate 9

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Hose and Nozzles. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

North American Fire Hose Corp

## Alternate 10

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Hose and Nozzles. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:



## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Fire Hose Nozzles Direct

## 4 3 Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for **Fire Extinguishers and Fire Fighting Foam. Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

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- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Chemguard Chemical JCI PL

## Alternate 1

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Extinguishers and Fire Fighting Foam. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Verde Microblaze Price List

## Alternate 2

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Extinguishers and Fire Fighting Foam. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

### Item Attributes

#### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

## 4 Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for **Fire Hose Hydrostatic Testing Services**. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

### Item Attributes

#### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

## Alternate 1

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Fire Hose Hydrostatic Testing Services. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Akron Brass Company / Idex F&S

**4 Section II: Firehouse Supplies and Equipment**

Discount (%) off catalog/pricelist for **Fire Fighting Training Materials and Equipment**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select **"Add Alternate"** for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

BlastMask Price List

**Section II: Firehouse Supplies and Equipment**

Discount (%) off catalog/pricelist for **Optical Emergency Traffic Pre-Emption Supplies and Equipment**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes****1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

No response

**Section II: Firehouse Supplies and Equipment**

Discount (%) off catalog/pricelist for **All Other Firehouse Equipment and Supplies**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select **"Add Alternate"** for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 1**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Firehouse Equipment and Supplies. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

**Alternate 2**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Firehouse Equipment and Supplies. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

CET Portable Pump PL

## Alternate 3

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Firehouse Equipment and Supplies. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Ram'd Air Gear Dryer Dealer PL

## Alternate 4

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Firehouse Equipment and Supplies. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Hale Portable Pumps Idex F&S

## Alternate 5

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Firehouse Equipment and Supplies. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

## Item Attributes

### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

S C Products Price List

## Alternate 6

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for All Other Firehouse Equipment and Supplies. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

CMC Pro Price List

4  
8

**Section II: Firehouse Supplies and Equipment**

Discount (%) off catalog/pricelist for **Firehouse Equipment Repair Parts**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select **"Add Alternate"** for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Bauer Compressor Parts PL

**Alternate 1**

Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Firehouse Equipment Repair Parts. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

NOTE: Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

MSA Price List

## Alternate 2

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for Firehouse Equipment Repair Parts. Catalog/Pricelist MUST be included or proposal will not be considered.

Total:

#### Item Attributes

##### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

Hale Parts Portable Price List

4  
9

### Section II: Firehouse Supplies and Equipment

Discount (%) off catalog/pricelist for **Firehouse Equipment and Products Safety Maintenance/Warranty Agreements**. **Catalog/Pricelist MUST be included or proposal will not be considered.**

**No Bid**

Item Notes: **PROPOSAL NOTE:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format, with Excel or searchable PDF preferred. **No paper catalogs or manufacturer/vendor websites will be accepted.**

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select "**Add Alternate**" for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

#### Item Attributes

##### 1. State Name of Catalog/Pricelist Proposed with Discount Percentage

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".

No response

5  
0

### Section III: Installation and Repair Service

**Hourly Labor Rate for Installation/Repair Service of Public Safety Equipment and Products - Not to Exceed** hourly labor rate for Installation/Repair Service of Public Safety Equipment and Products.

Quantity: 1 UOM: Hourly Labor Rate Price:  Total:



5  
1

**Section III: Installation and Repair Service**

**Hourly Labor Rate for Installation/Repair Service of Firehouse Equipment and Products - Not to Exceed**  
hourly labor rate for Installation/Repair Service of Public Safety Equipment and Products.

Quantity:   1   UOM: Hourly Labor Rate Price:  Total:

**Response Total: \$190.00**

# City Council Meeting Agenda Item Data Sheet

Meeting Date: June 19, 2023

**Topic:**

Authorize the City Manager to execute the necessary documents to enter into Buyboard Contract #698-23, with Casco Industries, Inc. for the purchase of Hose, Firefighting, and Personal Protective Equipment in excess of \$50,000 for Fiscal Year 2022-2023, in accordance with the Purchasing and Bidding Policy. This expenditure is within the Fiscal Year 2023 Budget.

**Background:**

Authorize the City Manager execute the necessary documents to enter into BuyBoard Contract # 698-23 for the purchase of Fire Department Hose, Firefighting and Personal Protective Equipment from Casco Industries, Inc.

Administrative Policy No. 9 – Purchasing and Bidding Policy requires City Council approval for individual or aggregate vendor purchases exceeding \$50,000. The annual spend for vendor, Casco Industries, is approaching \$50,000 for Fiscal Year 2022-2023. To ensure compliance with the Purchasing and Bidding Policy, Staff is requesting approval of the purchases.

Casco Industries is a vendor that provides hose, firefighting, and personal protective equipment to the Fire Department. Due to supply chain issues, 2 previous purchase orders that were carried over into the FY23 budget for structural firefighting clothing and equipment, have caused the annual spent to approach \$50,000. Due to the 9 new firefighters hired for fire station 4 and replacement for expiring personal protective equipment, we expect to spend a total of \$115,000.00.

**Origination:** Fire Department

**Recommendation:**

Approval

**Party(ies) responsible for placing this item on agenda:** Joe Sykora, Fire Chief

**FUNDING (IF APPLICABLE)**

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

Yes: x No: \_\_\_\_\_ If yes, specify Account Number: #100-142/145-6107/6143

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed Joe Sykora 06/13/2023 Approved by \_\_\_\_\_  
Staff Member Date City Manager Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: June 19, 2023

**Topic:**

Authorize annual spending exceeding \$50,000 from Siddons-Martin in accordance with the Purchasing and Bidding Policy for Fiscal Year 2022-2023. These purchases are within the Fiscal Year 2022-2023 budget.

**Background:**

Administrative Policy No. 9 – Purchasing and Bidding Policy requires City Council approval for individual or aggregate vendor purchases exceeding \$50,000. The annual spend for vendor, Siddons Martin currently exceeds \$50,000 for Fiscal Year 2022-2023. To ensure compliance with the Purchasing and Bidding Policy, Staff is requesting approval of the purchases.

Siddons-Martin is the soul source for parts for Pierce Fire Apparatus, the manufacture of all current first out fleet within the fire department. Due to current maintenance issues with our fire apparatus the annual spent is \$71,504. Due to the aforementioned maintenance issues and upcoming, preventative maintenance, current encumbered amounts we expect to spend \$115,000.00.

**Origination:** Fire Department

**Recommendation:**

Approval

**Party(ies) responsible for placing this item on agenda:** Joe Sykora, Fire Chief

**FUNDING (IF APPLICABLE)**

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

Yes: x No: \_\_\_\_\_ If yes, specify Account Number: #100-142/145-6205

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	<u>Joe Sykora</u>	<u>06/13/2023</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

Pierce Manufacturing Inc.  
2600 American Drive  
Appleton, Wisconsin 54912-2017  
920-832-3000



December 14, 2022

Dear Valued Customer,

Since 1917, Pierce Manufacturing has provided the finest fire apparatus in the industry. The quality of our products and services are our number one priority.

To provide you with the personalized level of service you deserve, Pierce Manufacturing has established a widespread network of authorized dealers throughout the country. Siddons-Martin Emergency Equipment Group, LLC is the Pierce sole source for Aftermarket parts sales in Nevada (excluding Clark County), New Mexico, Utah, Texas, and Louisiana supporting the Pierce fire apparatus product lines. They are the sole source for parts and warranty service in this area accordingly and are extremely qualified to provide you with the service you have come to expect.

Please contact them directly for any requests concerning the product line. Siddons-Martin Emergency Equipment Group, LLC can provide you parts and labor for any of these apparatus at the quality you deserve.

Regards,



Dylan Reitzner, Pierce Aftermarket Support Team  
Pierce Manufacturing Inc.  
An Oshkosh Corporation Company

# City Council Agenda Item Data Sheet

Meeting Date: 05/15/2023

## Topic:

Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-05**: Request by Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-05**

Adopt, on First Reading, Ordinance No. 2023-11, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas; 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:

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since that time. The applicants are requesting to rezone the subject property to Light Industrial in conjunction with a separate request for a Conditional Use Permit to allow an “Electric Storage System” land use. There has been a lot of interest in the development of an “Electric Storage System” within the City of Tomball, particularly the development of such a facility near the existing CenterPoint Energy substation located in the 900 block of S. Pitchford Road. This interest has led to the City Council adopting amendments to the City of Tomball Code of Ordinance earlier this year (Ordinance No. 2023-03). This ordinance created the “Electric Storage System” land use, which also provided a definition to the land use and specified that such uses shall only be permitted within the Light Industrial zoning district with the approval of a Conditional Use Permit. City staff met with the applicants on a few occasions over the past several months to discuss the potential for their development. During these meetings staff expressed the concerns discussed by the City Council which were brought up during separate meetings with a different company interested in a similar development located in the same general vicinity. Specifically, staff shared City Councils concerns regarding the safety of locating such facilities in such close proximity to Old Town Tomball and the nearby existing residences.

## Origination:

## Recommendation:

City staff recommends approval of Zoning Case Z23-05. Planning and Zoning Commission recommends Denial (2 Votes Aye, 3 Votes Nay).

**Party(ies) responsible for placing this item on agenda:** Nathan Dietrich (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:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date

**ORDINANCE NO. 2023-11**

**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 5.00 ACRES OF LAND LEGALLY DESCRIBED AS BEING LOT 256 IN TOMBALL TOWNSITE FROM AGRICULTURAL (AG) ZONING DISTRICT TO LIGHT INDUSTRIAL (LI), BEING LOCATED WITHIN THE 900-1000 BLOCKS (WEST SIDE) OF S. PITCHFORD ROAD; 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**, Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., has requested that approximately 5.00 acres of land legally described as being Lot 265 Tomball Townsite, generally located in the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas (the “Property”), be rezoned; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within three hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

**Whereas**, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City’s receipt of the requested rezoning; and

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning; and

**Whereas**, the City Council deems it appropriate to grant the requested rezoning.

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

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** The rezoning classification of the Property is hereby changed and is subject to the regulations, restrictions, and conditions hereafter set forth.

**Section 3.** The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as hereby stated, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 4.** This Ordinance shall in no manner amend, change, supplement or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property as described above.

**Section 5.** 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 6.** Any person who shall 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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

COUNCILMAN FORD \_\_\_\_\_  
COUNCILMAN STOLL \_\_\_\_\_  
COUNCILMAN DUNAGIN \_\_\_\_\_  
COUNCILMAN TOWNSEND \_\_\_\_\_  
COUNCILMAN PARR \_\_\_\_\_

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

COUNCILMAN FORD \_\_\_\_\_  
COUNCILMAN STOLL \_\_\_\_\_  
COUNCILMAN DUNAGIN \_\_\_\_\_  
COUNCILMAN TOWNSEND \_\_\_\_\_  
COUNCILMAN PARR \_\_\_\_\_

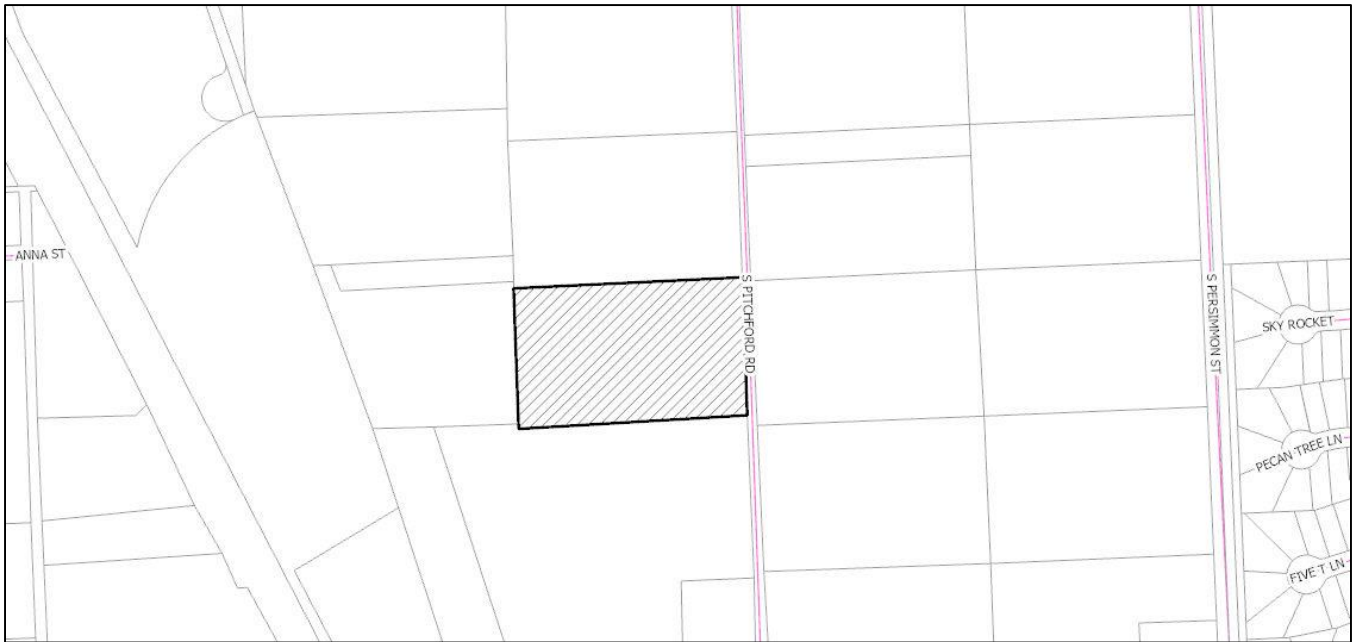
\_\_\_\_\_  
LORI KLEIN QUINN, Mayor

ATTEST:

\_\_\_\_\_  
Tracylynn Garcia, City Secretary



Exhibit "A"



Location: 900-1000 blocks (west side) of S. Pitchford Road. Being Lot of Tomball Townsite, City of Tomball, Harris County, Texas

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
MAY 8, 2023  
&  
CITY COUNCIL  
MAY 15, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 8, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, May 15, 2023 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 Z23-03:** Request by Chris & Tiona Campbell, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite from Single Family Residential Estate – 20 (SF-20-E) to General Retail (GR) zoning. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

**Zoning Case Z23-04:** Request by Rosehill Estates, LLC represented by George Jarkesy to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.11 acres of land legally described as being Lot 2, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is located at 1820 S. Cherry Street, within the City of Tomball, Harris County, Texas.

**Zoning Case Z23-05:** Request by Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

**Zoning Case Z23-06:** Request by Red Grip LLC., represented by Mike Matheson to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.04 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Commercial (C) to Office (O) zoning. The property is generally located within the 1200-1300 blocks (south side) of Rudel Drive, within the City of Tomball, Harris County, Texas.

**Case CUP23-03:** Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Residential Use” within General Retail (GR) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

**Case CUP23-04:** Request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

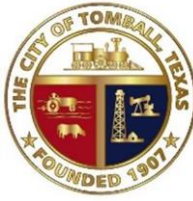
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact the City Planner, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

### CERTIFICATION

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 5<sup>th</sup> day of May 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith  
Jared Smith  
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](http://www.tomballtx.gov).



**City of Tomball**  
**Community Development Department**

«mailto»  
«mail\_addr\_»  
«mail\_addr1»  
«mail\_city», «mail\_state» «mail\_zip»

**NOTICE OF PUBLIC HEARING**

**RE: Zone Change Case Number Z23-05**

**04/17/2023**

The Planning & Zoning Commission will hold a public hearing on **May 8, 2023 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **rezoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **May 15, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions, please contact Jared Smith, City Planner at telephone 281-290-1491 or by email address [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: Z23-05**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

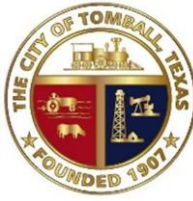
Name: «mailto»  
Parcel I.D.: «HCAD\_NUM»  
Address: «LocAddr»

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

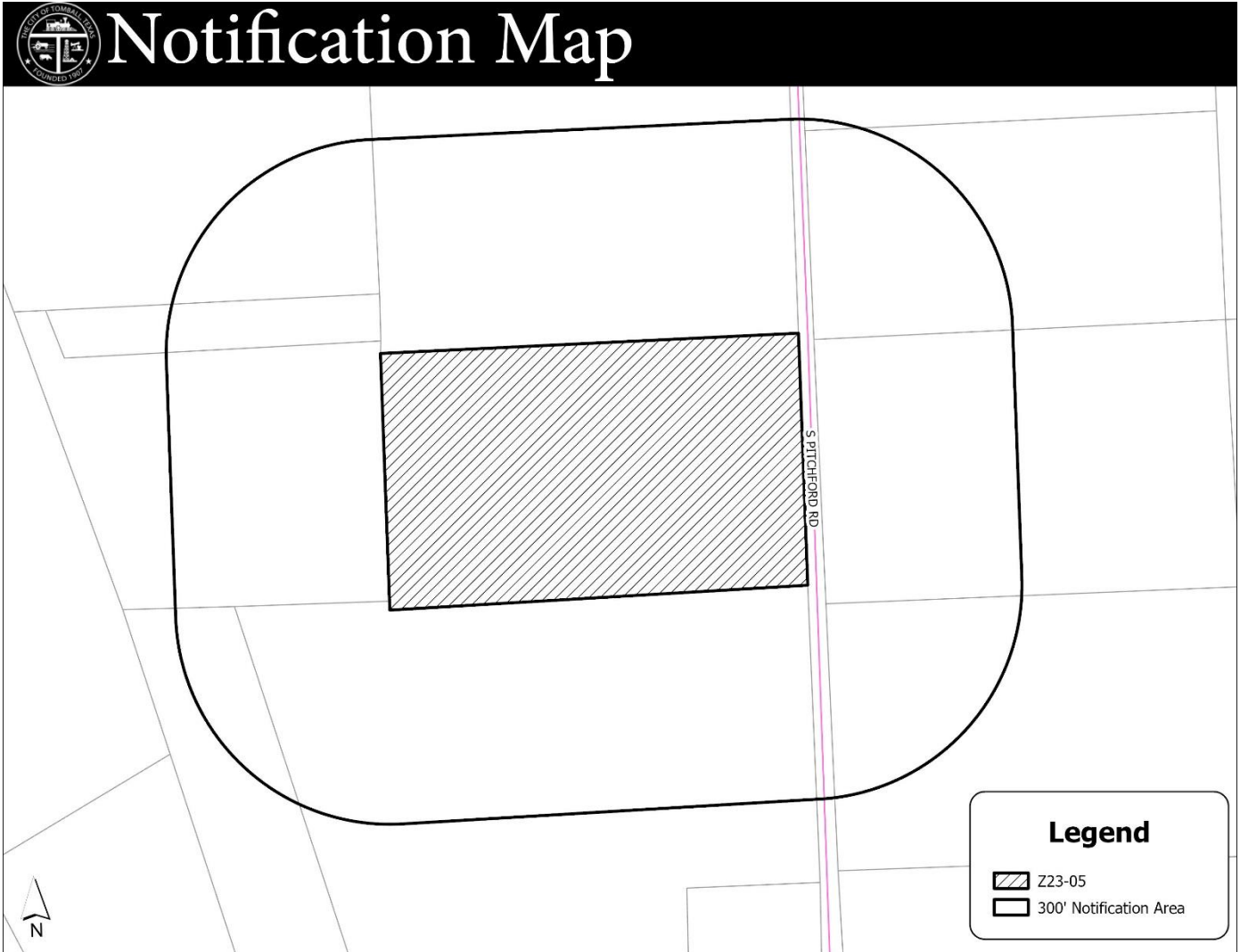
I am in favor  I am opposed   
Additional Comments:

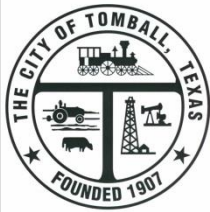
Signature: \_\_\_\_\_



*City of Tomball*  
*Community Development Department*

**Z23-05**





**Rezoning  
Staff Report**

Planning & Zoning Commission Public Hearing Date: May 8, 2023  
City Council Public Hearing Date: May 15, 2023

**Rezoning Case:** Z23-05  
**Property Owner(s):** Michael Kirtley  
**Applicant(s):** Black Mountain Energy Storage II LLC.  
**Legal Description:** Lot 265 of Tomball Townsite  
**Location:** 900-1000 blocks (west side ) of S. Pitchford Road  
**Area:** 5.00 acres  
**Comp Plan Designation:** Business Park and Industrial (Exhibit “B”)  
**Present Zoning:** Agricultural (AG) (Exhibit “C”)  
**Request:** Rezone from Agricultural (AG) to the Light Industrial (LI) district  
**Adjacent Zoning & Land Uses:**  
**North:** Agricultural (AG)/ Vacant/Electric Utility Infrastructure  
**South:** Agricultural (AG)/ Single Family residence  
**West:** Agricultural (AG) / Single-family residence  
**East:** Agricultural (AG) / Agricultural Accessory Structures

**BACKGROUND**

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since that time. The applicants are requesting to rezone the subject property to Light Industrial in conjunction with a separate request for a Conditional Use Permit to allow an “Electric Storage System” land use. There has been a lot of interest in the development of an “Electric Storage System” within the City of Tomball, particularly the development of such a facility near the existing CenterPoint Energy substation located in the 900 block of S. Pitchford Road. This interest has led to the City Council adopting amendments to the City of Tomball Code of Ordinance earlier this year (Ordinance No. 2023-03). This ordinance created the “Electric Storage System” land use, which also provided a definition to the land use and specified that such uses shall only be permitted within the Light Industrial zoning district with the approval of a Conditional Use Permit. City staff met with the applicants on a few occasions over the past several months to discuss the potential for their development. During these meetings staff expressed the concerns discussed by the City Council which were brought up during separate meetings with a different company interested in a similar development located in the same general vicinity. Specifically, staff shared City Councils concerns regarding the safety of locating such facilities in such close proximity to Old Town Tomball and the nearby existing residences.

## ANALYSIS

**Description:** The subject property comprises 5.00 acres, located in the 900-1000 block (west side) of S. Pitchford Road. Currently the subject property is located within the Agricultural zoning district and has been within this zoning classification since the City of Tomball adopted zoning in 2008. All properties within the immediate vicinity are also located within the Agricultural zoning district. The neighboring property to the north is currently vacant property owned by CenterPoint Energy, this property is predominantly vacant aside from the electric utility infrastructure which is extending from the neighboring substation. The neighboring property to the south as well as the property immediately east of the subject property located on the east side of S. Pitchford Road are occupied by single family residences. The neighboring property to the west according to Harris County Appraisal District records is currently occupied by accessory agricultural structures.

**Comprehensive Plan Recommendation:** The property is designated as “Business Park & Industrial” by the Comprehensive Plans Future Land Use Map. This Business Park & Industrial category is intended to create opportunities for employment. The uses that are to be promoted in this designated land use should be uses that benefit from proximity to major thoroughfares which provide convenient access for vehicle traffic, including freight traffic.

According to the Comprehensive Plan, land uses should consist of office, warehousing, light manufacturing (with indoor operations), breweries/distilleries, equipment sales, contractor services, and corporate campuses. Appropriate secondary uses may include things such as utility services, government facilities, and transportation/freight uses.

The Comprehensive Plan recommends the zoning districts of – Light Industrial (LI), Commercial (C), Office (O), or Planned Developments (PD) for the Business Park & Industrial land use category.

### **Staff Review Comments:**

The request to rezone the subject property to Light Industrial (LI) is in direct alignment with the Future Land Use Plans objective of establishing the Business Park & Industrial land use category on the subject property. However, there are development concerns pertaining to access to an industrial site from S. Pitchford Road. As mentioned in the Comprehensive Plan, additional consideration should be taken toward the location of Business Park & Industrial land uses when evaluating the proximity of industrial sites to major thoroughfares. Such projects benefit most from sites that can provide convenient access to major thoroughfares for vehicle traffic, including freight traffic. Given that S. Pitchford Road currently has a pavement width of approximately 16-feet wide, it is not presently suited for freight traffic. Any potential development within the proposed Light Industrial zoning district which may generate freight traffic would likely require the submission of a traffic impact analysis and would potentially require improvement to S. Pitchford Road prior to the approval of Site/Building plans by the City of Tomball. This concern is ultimately to provide context and should hold no bearing on the decision of whether Light Industrial zoning is appropriate for the parcel. As any such improvement to S. Pitchford will be decided at the time of development.

## **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on April 18, 2023. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

## **RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case Z23-05.

## **EXHIBITS**

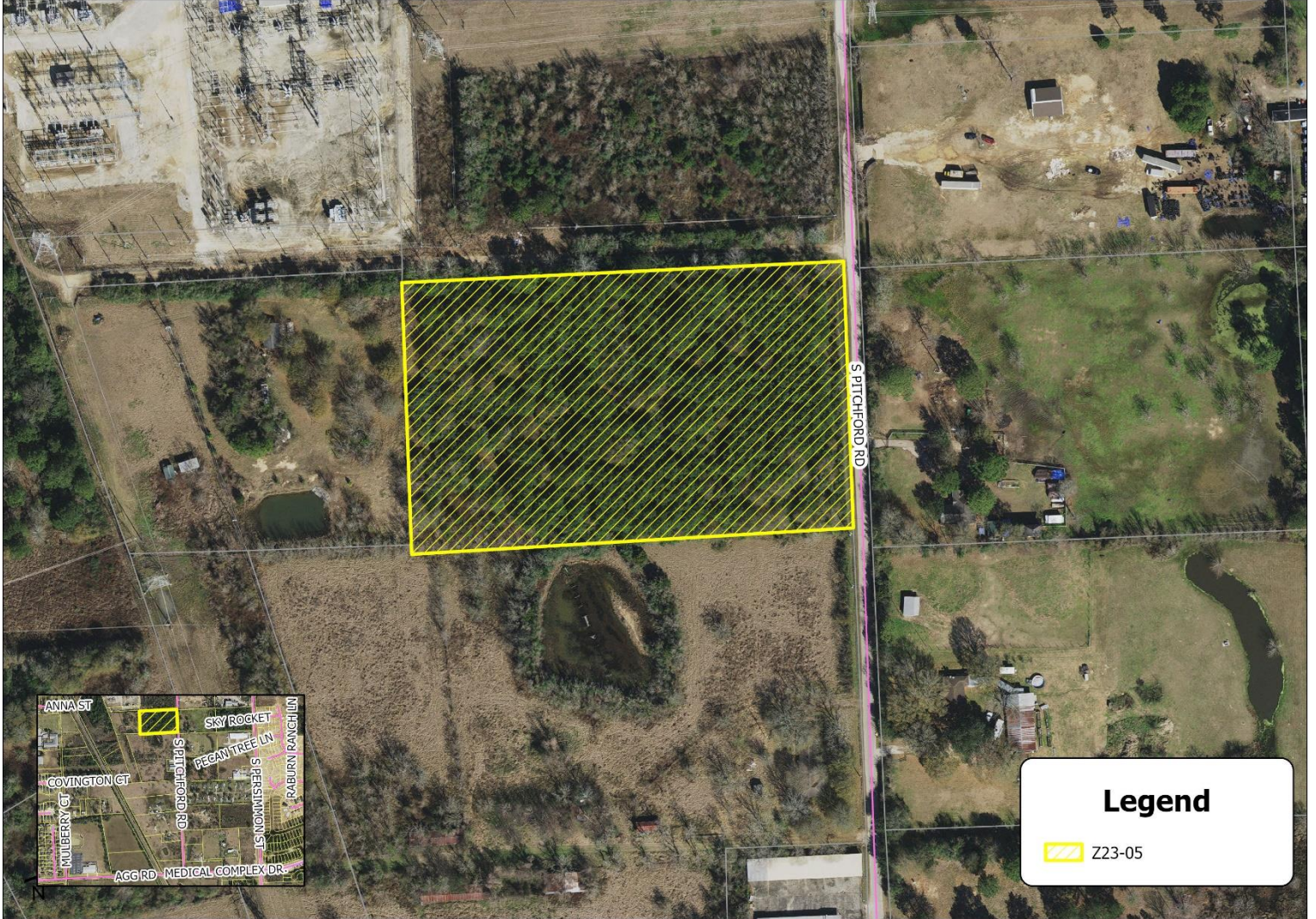
- A. Location Map
- B. Future Land Use Map
- C. Zoning Map
- D. Site Photo
- E. Rezoning Application



Exhibit "A"  
Aerial Location Map



# Location Map



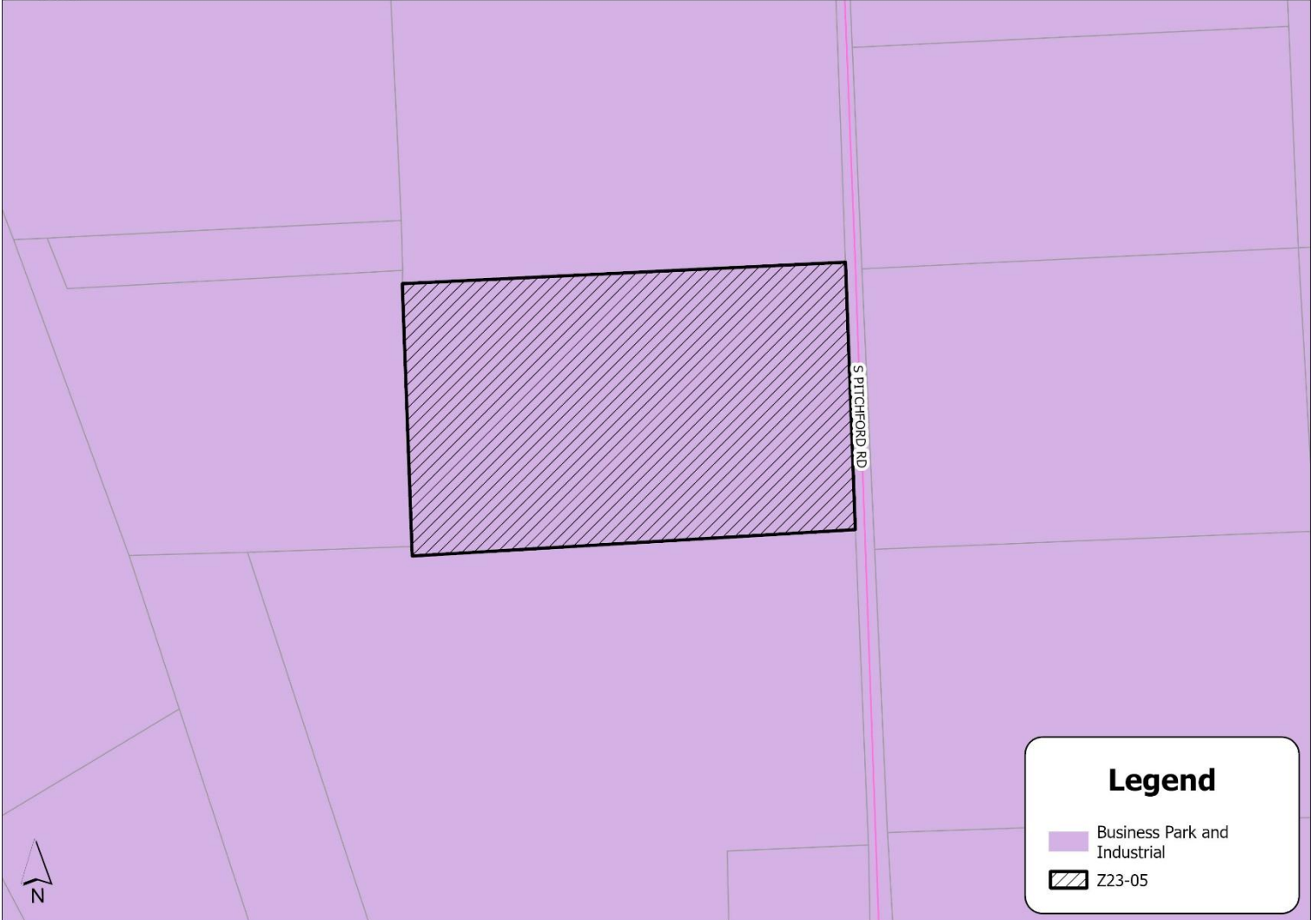
### Legend

 Z23-05

Exhibit "B"  
Future Land Use Plan



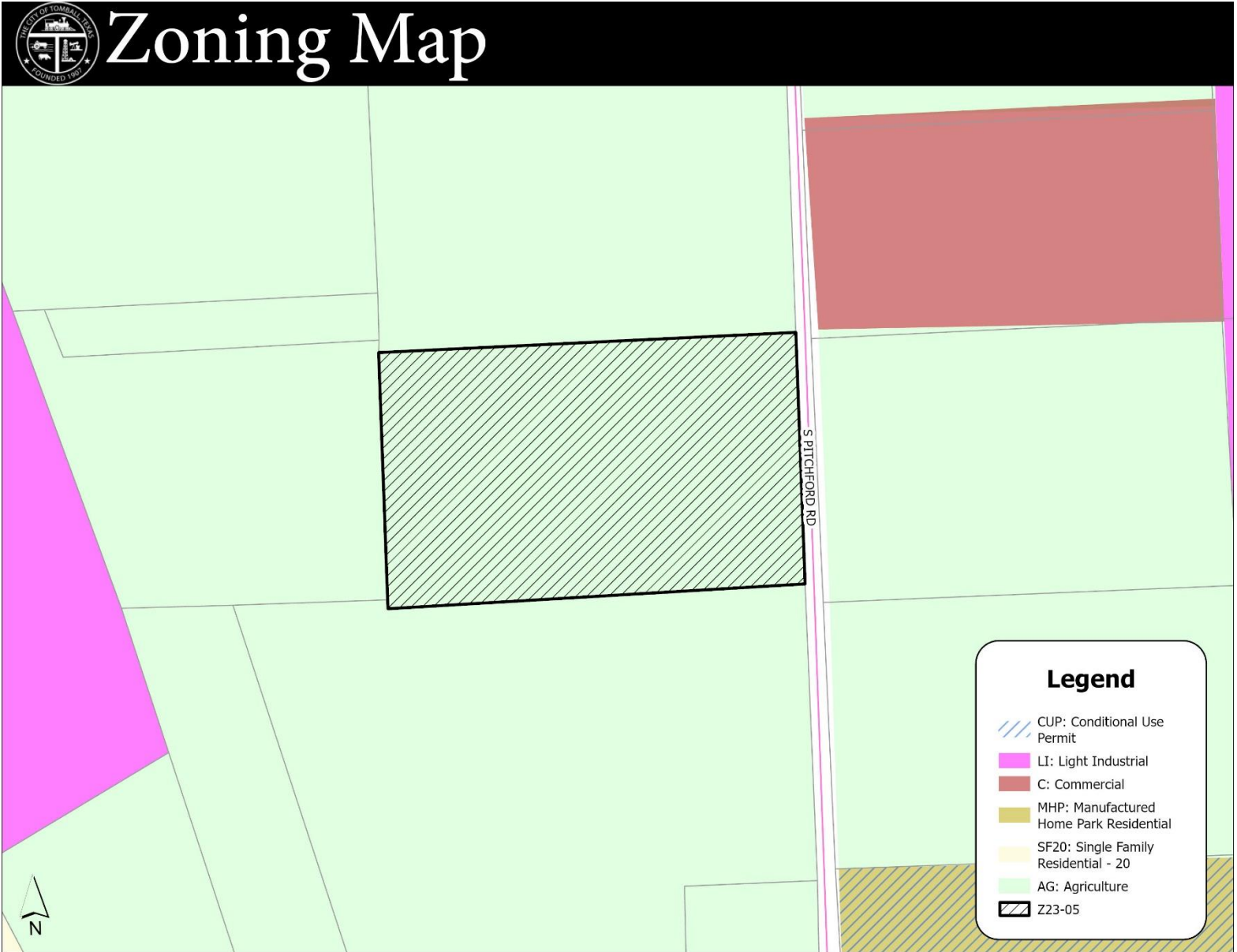
# Future Land Use Map



**Legend**

-  Business Park and Industrial
-  Z23-05

Exhibit "C"  
Zoning Map



**Exhibit "D"**  
**Site Photo(s)**

**Subject Site**



**Neighbor (East)**



## Neighbor (South)



## Neighbor (North)

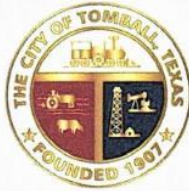


# Neighbor (Northwest)



# Exhibit "E" Rezoning Application

Revised: 10/1/2022



## APPLICATION FOR RE-ZONING

Community Development Department  
Planning Division

**APPLICATION REQUIREMENTS:** Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

### DIGITAL PLAN SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

WEBSITE: [tomballtx.gov/secure/send](http://tomballtx.gov/secure/send)  
USERNAME: [tomballedd](mailto:tomballedd)  
PASSWORD: [Tomball](#)

### Applicant

Name: Sam Jackson Title: Director of Development  
Mailing Address: 425 Houston Street, Suite 400 City: Fort Worth State: Texas  
Zip: 76102 Contact: \_\_\_\_\_  
Phone: (215) 022-0210 Email: sam.jackson@blackmtm.com

### Owner

Name: Michael W. Kirtley Title: Landowner  
Mailing Address: 15714 Oxenford Dr. City: Tomball State: Texas  
Zip: 77377 Contact: \_\_\_\_\_  
Phone: (281) 932-4904 Email: mke@houstone@yahoo.com

### Engineer/Surveyor (if applicable)

Name: Justin W. Cantwell, RPLS Title: Survey Division Manager  
Mailing Address: 8312 Upland Avenue City: Lubbock State: Texas  
Zip: 79424 Contact: \_\_\_\_\_  
Phone: (806) 570-9899 Fax: (\_\_\_\_) \_\_\_\_\_ Email: jcantwell@centerlineengineering.net

Description of Proposed Project: Utility-scale battery energy storage system (BESS) facility

Physical Location of Property: Property on the southwest corner of S. Live Oak St. and Pitchford Rd.  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: All of lot 265 of Tomball Townsite - Volume 2, Page 265, Deed Records of Harris County  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agriculture

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 [www.tomballtx.gov](http://www.tomballtx.gov)

Current Use of Property: Unoccupied vegetation

Proposed Zoning District: Light Industrial

Proposed Use of Property: Battery Energy Storage System (BESS)

HCAD Identification Number: 0352880000265 Acreage: 4.8

**Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.**

**This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.**

X Samuel Jackson 3/15/2023  
Signature of Applicant Date

X Michael Kutley 3/21/2023  
Signature of Owner Date



## BC Global LP

Alberto P. Cardenas, Jr. [beto@bcglobal.law](mailto:beto@bcglobal.law)  
Office +1.713.731.1050 Mobile +1.713.818.2497

March 16, 2023

Mr. Jared Smith, City Planner  
City of Tomball  
401 Market Street  
Tomball, Texas 77375

Dear Mr. Smith:

Please accept this letter together with the attached, completed applications for Re-Zoning and a Conditional Use Permit on behalf of our client GridStor, and the applicant company Black Mountain Energy Storage II, LLC (BMES), for consideration by the City of Tomball, Texas.

BMES and its development partner GridStor are proposing to develop and construct a 200 MW Battery Energy Storage System (BESS) within the City. The proposed project, with a targeted commercial operations date of June 2025, is being considered on a single, contiguous, five-acre parcel located at the corner of Pitchford Road and South Live Oak Street (Harris County Appraisal District Account No. 0352880000265). This land, secured by BMES via a Lease Agreement, had been previously used for energy related purposes and is currently zoned by the City for agricultural use. Should the project proceed, it would be adjacent to CenterPoint Energy's substation and provide connectivity to the Electric Reliability Council of Texas (ERCOT) transmission grid via the City's substation, providing ERCOT more flexibility to respond to extreme events and thereby helping reduce energy power prices for consumers.

We understand that the City recently amended its Code of Ordinances to define and allow "Energy Storage Systems" within Light Industrial Zones. Accordingly, our client is therefore requesting Re-Zoning of the property from Agricultural to Light Industrial. Further, we recognize that a Conditional Use Permit would be required and have therefore paired and provided both applications for the City's consideration.

Included with this letter is additional information we believe will be helpful to the City as they review these applications. We look forward to working with you in the coming weeks to continue the discussions for this proposed project and its economic development opportunities.

Respectfully Submitted,



Alberto P. Cardenas, Jr.

BC Global LP  
Law Offices of Alberto P. Cardenas, Jr., PLLC  
Texas New York Washington

The Niels Esperson Building  
808 Travis Street, Suite 1424  
Houston, TX 77002  
[www.bcglobal.law](http://www.bcglobal.law)

### **Proposed Project Background and Value Proposition**

BMES filed an Interconnection Application with CenterPoint and ERCOT on March 22, 2022, to initiate the electrical study process required to support the interconnection of the proposed project to the existing CenterPoint Tomball substation. BMES and its employees have over 6 years of experience working with CenterPoint in scoping and interconnecting Battery Energy Storage Systems within Texas.

The project company has commissioned the following environmental studies to further de-risk the project site and ensure all environmental concerns are addressed: Phase 1 Environmental Site Assessment, Critical Issues Analysis, Wetland Delineation & Determination Report, Threatened & Endangered Species Report, and a Cultural & Historical Resources Report. All environmental studies have come back favorable, with no adverse environmental impacts anticipated as a result of development.

BESS provide significant benefits to Texans and the electric grid they depend upon, including:

Firm, dispatchable power to enhance grid reliability and balance the system. BESS delivers instantaneous power at times of peak energy demand, improving grid reliability and helping keep the lights on for homes, business owners, commercial and governmental facilities, and industrial users alike.

Energy to support Texas' economic development. Houston is forecasted to see a 10-15% increase in regional energy demand in the next 10 years, with a decline in firm power as older and uneconomic coal and gas plants retire and go offline. BESS will play a key role in replacing aging plants and supporting Texas' continued growth and economic development.

Energy bill savings by storing energy when power prices are low and discharging during high demand events, providing more power supply when needed the most.

Battery energy storage provides significant local investment opportunities in Texas communities, supports local landowners via land leases or acquisitions, and broadens local tax bases. This project is expected to provide tens of millions of dollars of property tax benefit to the City of Tomball and Harris County over two decades.

### **Technical Summary: Battery Energy Storage Systems**

Battery Energy Storage Systems are the leading technology for the storage of electricity to provide resiliency to the electric grid. The main battery technology is lithium-ion and within that the two main chemistries are Nickel Magnesium Cobalt (NMC) and lithium iron phosphate (LFP). For this project, LFP is the intended chemistry to be used due to its safer properties.

The most basic block of a battery is the battery cell. Each cell is combined with other cells into a battery module which provides a more usable form factor for energy systems. These modules are

installed in racks inside a metal enclosure. These metal enclosures typically are 20 to 40 ft in length, 6-8 ft wide and 8 ft tall. An enclosure typically provides around 3-5 Megawatt Hours of energy.

A proposed project consists of many number of enclosures to create the required energy capacity. Since the batteries provide direct current (DC) power, an inverter is needed to convert the DC power into alternating current (AC) power. Inverters typically range from 1 to 5MW in size and may have one or several enclosures connected to each. Given the project is tied to the utility grid, the AC power is stepped up from ~600-690VAC from the inverter to 34.5kV or higher to tie into the grid. This step up is performed by the power transformers and may go through two sets (medium voltage transformer and a main power transformer). The main power transformer is located in a substation on site which provides high voltage control and protection.

The proposed project will have a site controller that will safely operate the batteries and all associated equipment. Market signals are sent to the site controller for the project to follow. Additionally, there will be a robust fire safety system for the site.

**Fire Safety Considerations**

*National Safety Standards:* One of the top considerations for battery energy storage systems is safety. The National Fire Protection Association and Underwriters Laboratory have established robust safety standards specific to lithium-ion battery energy storage systems. The most relevant standards are overviewed below:

<b>Standard</b>	<b>Description (Project Context)</b>	<b>Scope</b>
UL 9540	Safety standard for energy storage systems and equipment. Aggregation of 1973, 1741, and fire safety at a system level, not just stand-alone equipment.	System
UL 9540A	Standard for Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems, prescribes procedure to perform cells –large scale fire testing.	DC Block
UL 1973	Safety standard for batteries used in stationary applications. Includes mechanical, electrical, and fire tests at cell level.	Inverter
UL 1741	Complement to IEEE 1547 –Interconnection of DR, functional, performance, and safety requirements for inverters.	Cells, Modules
NFPA 855	Standard for the installation of energy storage systems and references UL9540A test method	System/Facility

***The Proposed Project will meet or exceed all applicable national safety standards.***

*Fire Safety Features:* The industry has developed a multi-layered approach for monitoring and mitigating any fire safety event. As part of our approach to the project design, the safety features will be designed into an integrated system that is specific to the project needs.

Additional highlights and monitoring and mitigation features that may be deployed include:

- Battery Management System – continuously monitors health and safety of battery and provides controlled shutdown in abnormal conditions to provide early-fault detection and mitigation
- Smoke and heat detectors – may be designed either internally or externally to enclosure, providing detection and annunciation of an abnormal event.
- Gas detectors – monitors and detects off-gassing that may indicate early-stage abnormal event and provides controlled shutdown and ventilation to mitigate an explosive condition.
- Layout Separation Distance – UL 9540a is a large-scale fire test standard that determines the minimum separation distance between enclosures to prevent fire propagation. This separation distance is then utilized in the site spacing between battery enclosures.
- Module and Enclosure – batteries are encased in metal shells and enclosures to reduce propagation.
- Gas Ventilation/Deflagration Panels – prohibits the buildup of gases reaching unsafe conditions within an enclosure or allows controlled release of gases.
- Water suppression – water may be utilized to control fire propagation.
- Electrical safety design – devices such as fuses, circuit breakers, surge protection device, insulation monitoring device and others protect the electrical system from a fault condition.

*Emergency Response Plan:* An emergency response plan is a project specific document that details the procedure operators, first responders, and other stakeholders must follow during a safety event. For the project, there are 3 phases for the ERP including:

During Construction – City, Fire Department, Developer, equipment manufacturers, and fire safety consultants work together to establish the plan requirements based on land-use and resource protection limitations. This may include proximity to populated area(s), sensitive natural resources, and critical infrastructure. Once the requirements are established, the stakeholders will prepare a site-specific emergency response plan. The Plan will define the roles and responsibilities and covers potential emergency scenarios including fire. It is common to establish an agreed upon fire command center location onsite for first responders. The fire command center will typically include access for first responders to view the operating data of the site including cell temperatures, battery operating status, alarm status, and many other data points to help assess the situation.

Commissioning – During this phase, there will be onsite safety training of fire personnel and onsite project staff and covers all components of the emergency response plan.

Operations – During this phase, the emergency response plan is implemented. There will be ongoing drills, training, and refreshing of the plan as needed.

**Hazard Mitigation:** A hazard analysis report will be conducted to evaluate the site-specific impacts of a battery installation. The hazard analysis report will account for the expected lithium-ion battery technology and its data including temperature and quantity and types of gases generated during a thermal runaway event. This Report will be used to analyze impact to key receptors that have been identified. The goal of the hazard analysis is to provide quantitative analysis to the potential impacts of the project as well as provide for recommended mitigation strategies to minimize those impacts.

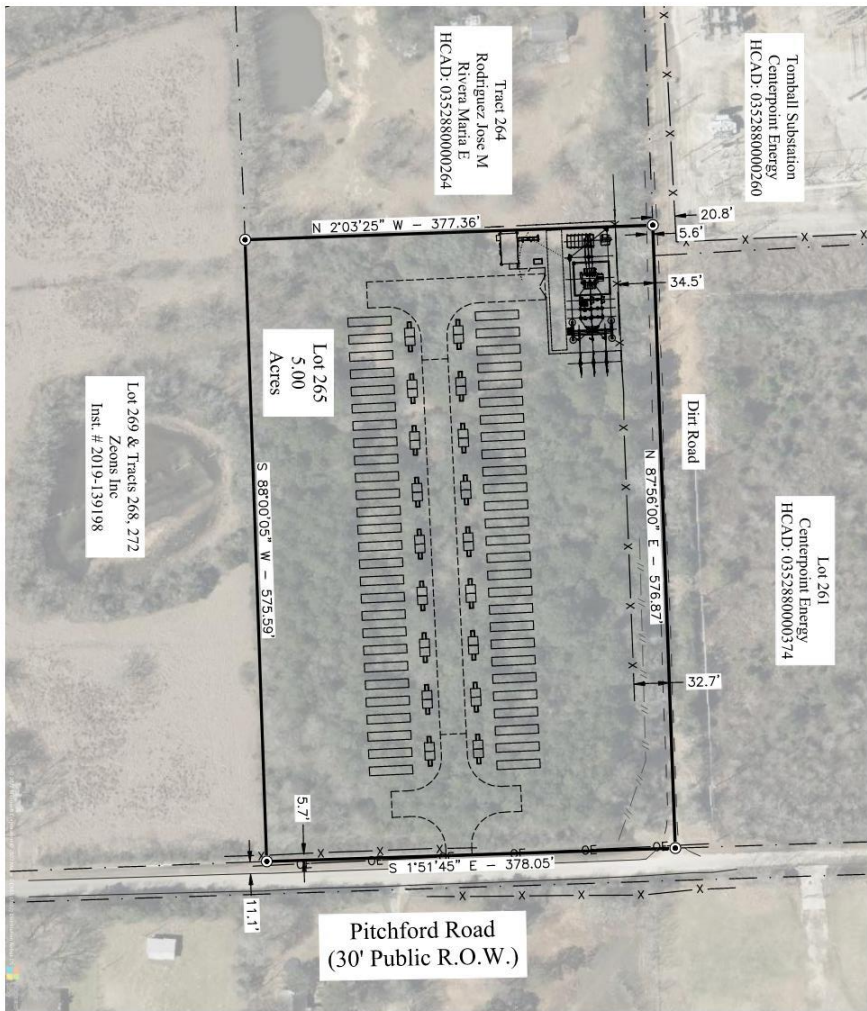
**Site Configuration (Preliminary Design):**



*Site Configuration (Digital Renderings):*



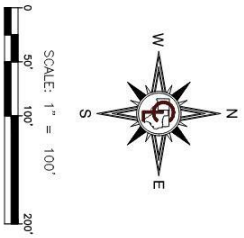
*Note: Renderings are not specific to proposed site and are representative of BESS facilities.*




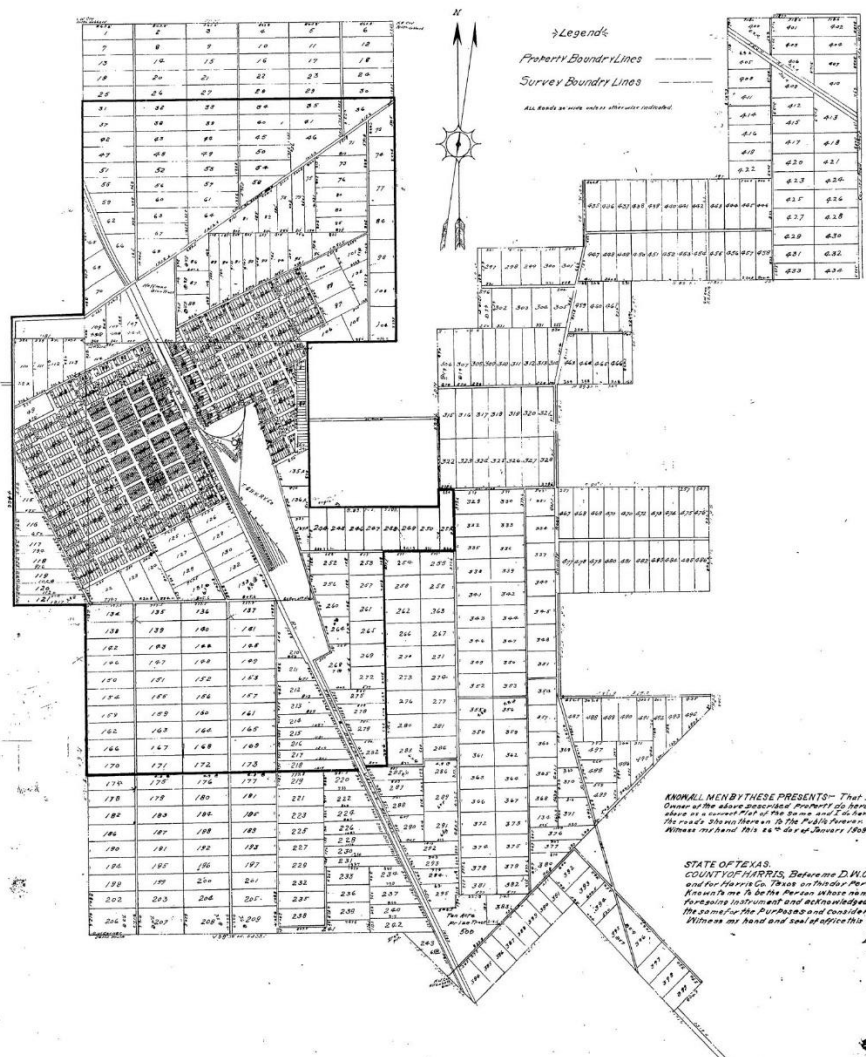
- LEGEND**
- Found 1/2" Iron Rod
  - Property Line
  - Lot Line
  - x-x- Fence Line
  - |-|- Pipeline

HARRIS COUNTY, TEXAS

All of Lot Two Hundred Sixty-Five (265) of Tomball Townsite, a subdivision in Harris County, Texas, according to the Map or Plat thereof recorded in Volume 2, Page 265, Deed Records of Harris County, Texas.



<b>SITE LAYOUT</b>	
Merchant Site	
GF# 181873TTX	
Lot 265	
Tomball, Harris County, Texas	
 <b>ZENTHERLINE</b> <b>ENGINEERING &amp; CONSULTING, LLC</b> <small>4500 W. Loop West, Suite 1000          Houston, Texas 77056          (281) 470-4666          Fax: (281) 470-4667          www.zentherline.com          04/14</small>	<small>GENERAL ENGINEERING &amp; CONSULTING, LLC          4500 W. Loop West, Suite 1000          Houston, Texas 77056          (281) 470-4666          Fax: (281) 470-4667          www.zentherline.com          04/14</small>



KNOW ALL MEN BY THESE PRESENTS: That I, *Wm. Malone*, Owner of the above described property do hereby certify that the above is a correct plat of the same and I do hereby certify that the same is the property of the said *Wm. Malone*. Witness my hand and seal of office this 26th day of *January*, 1908.

*William Malone*

STATE OF TEXAS,  
 COUNTY OF HARRIS, Before me, *D.W. COOLEY*, Notary Public,  
 and for purposes of this instrument, *Wm. Malone*  
 known to me to be the Person whose name is subscribed to the  
 foregoing instrument and acknowledged to me that he executed  
 the same for the purposes and considerations therein expressed,  
 Witness my hand and seal of office this 26th day of *January*, 1908.

*D.W. COOLEY*  
 Notary Public, Harris Co., Tex.

**FIVE ACRE TRACTS TOM BALL TOWNSITE.**

Date Nov 15 1907. ORIGINAL Scale 1" = 40' reduced to 1" = 80'  
 M 48285.  
 Filed for record May 16, 1908 at 2:20 P.M. Recorded AMAL 910 at 5 P.M.  
 Geo. Jones, County Clerk, and for Harris County, Texas.  
*B. H. Mingo, Deputy*  
 C. Page & Dinkins, Engrs.



**Metes and Bounds**

BEING all of Lot Two Hundred Sixty-five (265) of Tomball Townsite Addition to Harris County, Texas, as recorded in Volume 2, Page 265, Deed Records of Harris County, Texas, ad being further described by metes and bounds as follows:

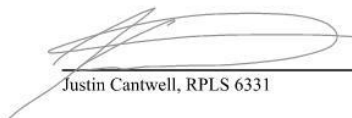
BEGINNING at a 1/2 Inch Iron Rod Found for the Northeast Corner in the West Right-of-Way line Pitchford Road, same being the Southeast Corner of Lot 261 of said Tomball Townsite;

THENCE South 1°51'45" East - 378.05 feet along the West Right-of-Way line of said Pitchford Road to a 1/2 Inch Iron Rod Found for the Southeast Corner, same being the Northernmost Northeast Corner of Lot 269 of said Tomball Townsite;

THENCE South 88°00'05" West - 575.59 feet along the North line of said Lot 269 to a 1/2 Inch Iron Rod Found for the Southwest Corner, same being the Southeast Corner of Lot 264 of said Tomball Townsite;

THENCE North 2°03'25" West - 377.36 feet along the East line of said Lot 264 to a 1/21Inch Iron Rod Found for the Northwest Corner, same being the Northeast Corner of said Lot 264;

THENCE North 87°56'00" East - 576.87 feet along the South line of said Lot 261 to the POINT OF BEGINNING and containing within these calls a calculated area of 5.00 Acres more or less.

  
Justin Cantwell, RPLS 6331

Date: March 15, 2023





USA  
SUNGRID  
SUNGRID ENERGY SERVICES  
135 GUNGEY DRIVE, SUITE 204  
COLUMBIA, SC 29204  
1-800-465-1145  
WWW.SUNGRIDENERGY.COM

CONSULTANT

SunGrid  
SUNGRID ENERGY SERVICES

135 GUNGEY DRIVE, SUITE 204  
COLUMBIA, SC 29204  
1-800-465-1145  
WWW.SUNGRIDENERGY.COM

CLIENT

BLACK MOUNTAIN  
ENERGY SERVICES  
BLACK MOUNTAIN  
WWW.BMENERGY.COM  
FORT WORTH, TX 76102

REGISTRATION

ISSUE/REVISION

NO.	DATE	BY	CHKD BY	DESCRIPTION
1	2/23/2018	JK	JK	ISSUE FOR PERMIT
2	10/18/2018	JK	JK	REVISION

PROJECT NUMBER  
9912

PROJECT  
MERCHANT BESS  
200 SHAWWOOD DRAMEN BESS  
80711-2047, TX

SHEET TITLE  
GENERAL SITE PLAN

SCALE: 1"=50'

SHEET NUMBER  
9912 MERCHANT-ELE-PLAN-001

REV. A



USA  
SUNGRID  
SUNGRID ENERGY SERVICES  
135 GUNGEY DRIVE, SUITE 204  
COLUMBIA, SC 29204  
1-800-465-1145  
WWW.SUNGRIDENERGY.COM

CONSULTANT

SunGrid  
SUNGRID ENERGY SERVICES

135 GUNGEY DRIVE, SUITE 204  
COLUMBIA, SC 29204  
1-800-465-1145  
WWW.SUNGRIDENERGY.COM

CLIENT

BLACK MOUNTAIN  
ENERGY SERVICES  
BLACK MOUNTAIN  
WWW.BMENERGY.COM  
FORT WORTH, TX 76102

REGISTRATION

ISSUE/REVISION

NO.	DATE	BY	CHKD BY	DESCRIPTION
1	2/23/2018	JK	JK	ISSUE FOR PERMIT
2	10/18/2018	JK	JK	REVISION

PROJECT NUMBER  
9912

PROJECT  
MERCHANT BESS  
200 SHAWWOOD DRAMEN BESS  
80711-2047, TX

SHEET TITLE  
GENERAL SITE PLAN

SCALE: 1"=50'

SHEET NUMBER  
9912 MERCHANT-ELE-PLAN-002

REV. A

# City Council Agenda Item Data Sheet

Meeting Date: 05/15/2023

## Topic:

Consideration to approve Case CUP23-04: Request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

## Conduct Public Hearing on Case CUP23-04

Adopt, on First Reading, Ordinance No. 2023-14, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by issuing a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas; 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.

## Background:

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since that time. The applicants are requesting a Conditional Use Permit (CUP) in conjunction with a separate request to rezone the property to Light Industrial (LI). The requested CUP is to allow an “Electric Storage System” land use. There has been a lot of interest in the development of an “Electric Storage System” within the City of Tomball, particularly the development of such a facility near the existing CenterPoint Energy substation located in the 900 block of S. Pitchford Road. This interest has led to the City Council adopting amendments to the City of Tomball Code of Ordinance earlier this year (Ordinance No. 2023-03). This ordinance created the “Electric Storage System” land use, which also provided a definition to the land use and specified that such uses shall only be permitted within the Light Industrial zoning district with the approval of a Conditional Use Permit. Electric storage systems are defined as “one or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency.” City staff met with the applicants on several occasions over the past several months to discuss the potential for their development. During these meetings staff expressed the concerns discussed by the City Council which were brought up during separate meetings with a different company interested in a similar development located in the same general vicinity. Specifically, staff shared City Councils concerns regarding the safety of locating such facilities in proximity to Old Town Tomball and the nearby existing residences.

## Origination:

## Recommendation:

City staff recommends denial of CUP23-04. Planning and Zoning Commission recommends Denial Unanimously (5 Votes Nay).

**Party(ies) responsible for placing this item on agenda:** Nathan Dietrich (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:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date

**ORDINANCE NO. 2023-14**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY GRANTING A CONDITIONAL USE PERMIT (CUP #35) TO ALLOW “ELECTRIC STORAGE SYSTEM” WITHIN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT; SAID PROPERTY BEING 5.00 ACRES OF LAND LEGALLY DESCRIBED AS BEING LOT 265 IN TOMBALL TOWNSITE. LOCATED IN THE 900-1000 BLOCKS (WEST SIDE) OF S. PITCHFORD ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; PROVIDING FOR 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**, Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., has requested that 5.00 acres of land legally described as being Lot 265 in Tomball Townsite, located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas (the “Property”), receive a CUP; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within three hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested CUP; and

**Whereas**, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City’s receipt of the requested CUP; and

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council deny the requested CUP; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested CUP, the City Council held the public hearing for the requested CUP and the City Council considered the final report of the Planning & Zoning Commission; and

**Whereas**, the City Council deems it appropriate to grant the requested CUP.

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

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** A CUP to allow an “Electric Storage System” at the property and subject to the terms and conditions set forth below is hereby granted.

**Section 3.** The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as hereby stated, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 4.** This Ordinance shall in no manner amend, change, supplement or revise any provision of any ordinance of the City of Tomball, save and except the granting of the CUP as herein provided.

**Section 5.** The CUP granted hereby shall be null and void after the expiration of two (2) years from the date of adoption hereon unless the Property is being used in accordance with the CUP herein authorized within said two-year period, or unless an extension of time is approved by City Council.

**Section 6.** The CUP is subject to the following additional limitations, restrictions and conditions:

- 1) The site shall be developed and operated in general compliance with Exhibit “A”,
- 2) An opaque fence/wall with a minimum height of 6-feet must be provided along the entire extent of the eastern property boundary.

- 3) A 20-foot-wide undisturbed mature vegetative buffer must be preserved/protected during and after construction.
  - a. EXCEPTION: Mature vegetation may be removed to accommodate required fencing, driveway approaches, required sidewalks, and necessary utilities.
- 4) Adequate water main and fire hydrant(s) must be installed prior to the approval of site plan(s) and subsequent development of the site.

**Section 7.** Any person who shall 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 8.** 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.

**FIRST READING:**

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

COUNCILMAN FORD \_\_\_\_\_  
 COUNCILMAN STOLL \_\_\_\_\_  
 COUNCILMAN DUNAGIN \_\_\_\_\_  
 COUNCILMAN TOWNSEND \_\_\_\_\_  
 COUNCILMAN PARR \_\_\_\_\_

**SECOND READING:**

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

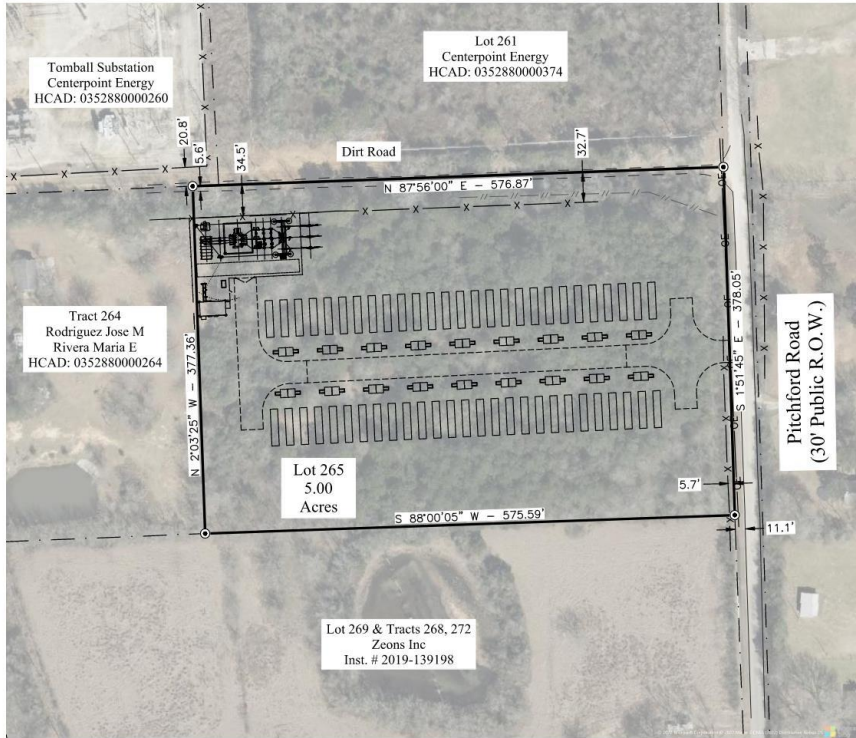
COUNCILMAN FORD \_\_\_\_\_  
 COUNCILMAN STOLL \_\_\_\_\_  
 COUNCILMAN DUNAGIN \_\_\_\_\_  
 COUNCILMAN TOWNSEND \_\_\_\_\_  
 COUNCILMAN PARR \_\_\_\_\_

\_\_\_\_\_  
 LORI KLEIN QUINN, Mayor

**ATTEST:**

\_\_\_\_\_  
 Tracylynn Garcia, City Secretary

# Exhibit "A"



HARRIS COUNTY, TEXAS

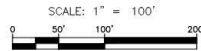
All of Lot Two Hundred Sixty-Five (265) of Tomball Township, a subdivision in Harris County, Texas, according to the Map or Plat thereof recorded in Volume 2, Page 265, Deed Records of Harris County, Texas.

VICINITY MAP



### LEGEND

- - Found 1/2" Iron Rod
- — — — — Property Line
- - - - - Lot Line
- x-x-x-x-x- Fence Line
- // -// - Pipeline

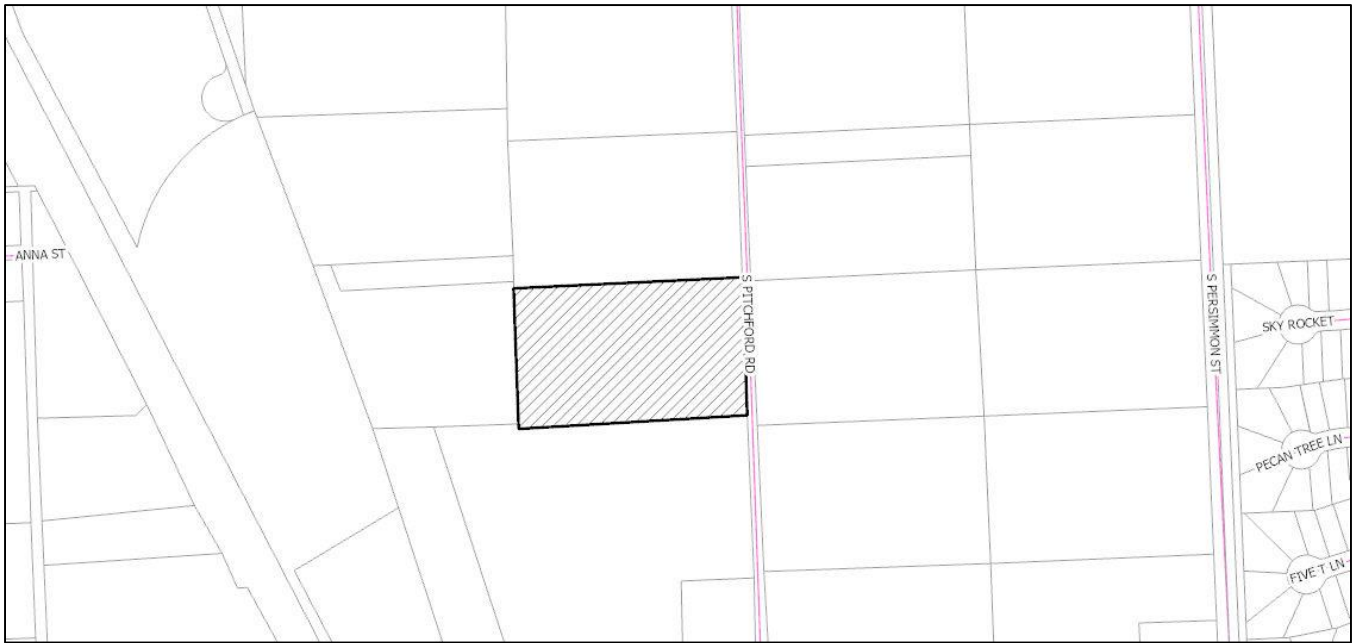


Bearings Based on GPS Observations; Texas State Plane Coordinate System, South Central Zone, NAD 83 Datum

### SITE LAYOUT

Merchant Site  
 GF# 181873TTX  
 Lot 265  
 Tomball, Harris County, Texas

**CENTERLINE ENGINEERING & CONSULTING, L.L.C.**  
 6312 Upland Avenue, Lubbock, Texas 79424  
 (806) 470-8686  
 TSPR Reg. No. P-16713, TBP&LS Reg. No. 10194376  
 OKLAHOMA CA NO. 8846



Location: 900-1000 blocks (west side) of S. Pitchford Rd. Being Lot 265 in Tomball Townsite, City of Tomball, Harris County, Texas



**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
MAY 8, 2023  
&  
CITY COUNCIL  
MAY 15, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 8, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, May 15, 2023 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 Z23-03:** Request by Chris & Tiona Campbell, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite from Single Family Residential Estate – 20 (SF-20-E) to General Retail (GR) zoning. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

**Zoning Case Z23-04:** Request by Rosehill Estates, LLC represented by George Jarkesy to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.11 acres of land legally described as being Lot 2, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is located at 1820 S. Cherry Street, within the City of Tomball, Harris County, Texas.

**Zoning Case Z23-05:** Request by Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

**Zoning Case Z23-06:** Request by Red Grip LLC., represented by Mike Matheson to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.04 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Commercial (C) to Office (O) zoning. The property is generally located within the 1200-1300 blocks (south side) of Rudel Drive, within the City of Tomball, Harris County, Texas.

**Case CUP23-03:** Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Residential Use” within General Retail (GR) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

**Case CUP23-04:** Request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

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, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact the City Planner, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

### CERTIFICATION

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 5<sup>th</sup> day of May 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith  
Jared Smith  
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](http://www.tomballtx.gov).



**City of Tomball**  
**Community Development Department**

HLJ SPEARS INVESTMENTS LLC  
23722 WILLOW SWITCH RD

SPRING, TX 77389-3473

**NOTICE OF PUBLIC HEARING**

**RE: Conditional Use Permit Case Number CUP23-04**

**04/14/2023**

The Planning & Zoning Commission will hold a public hearing on **May 8, 2023 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an "Electric Storage System" within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **conditional use permit**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **May 15, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions, please contact Jared Smith, City Planner at telephone 281-290-1491 or by email address [jasmith@tomballtxgov](mailto:jasmith@tomballtxgov)

For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: CUP23-04**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: HLJ SPEARS INVESTMENTS LLC  
Parcel I.D.: 1187930010002  
Address: 211 S PERSIMMON ST

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor   
Additional Comments:

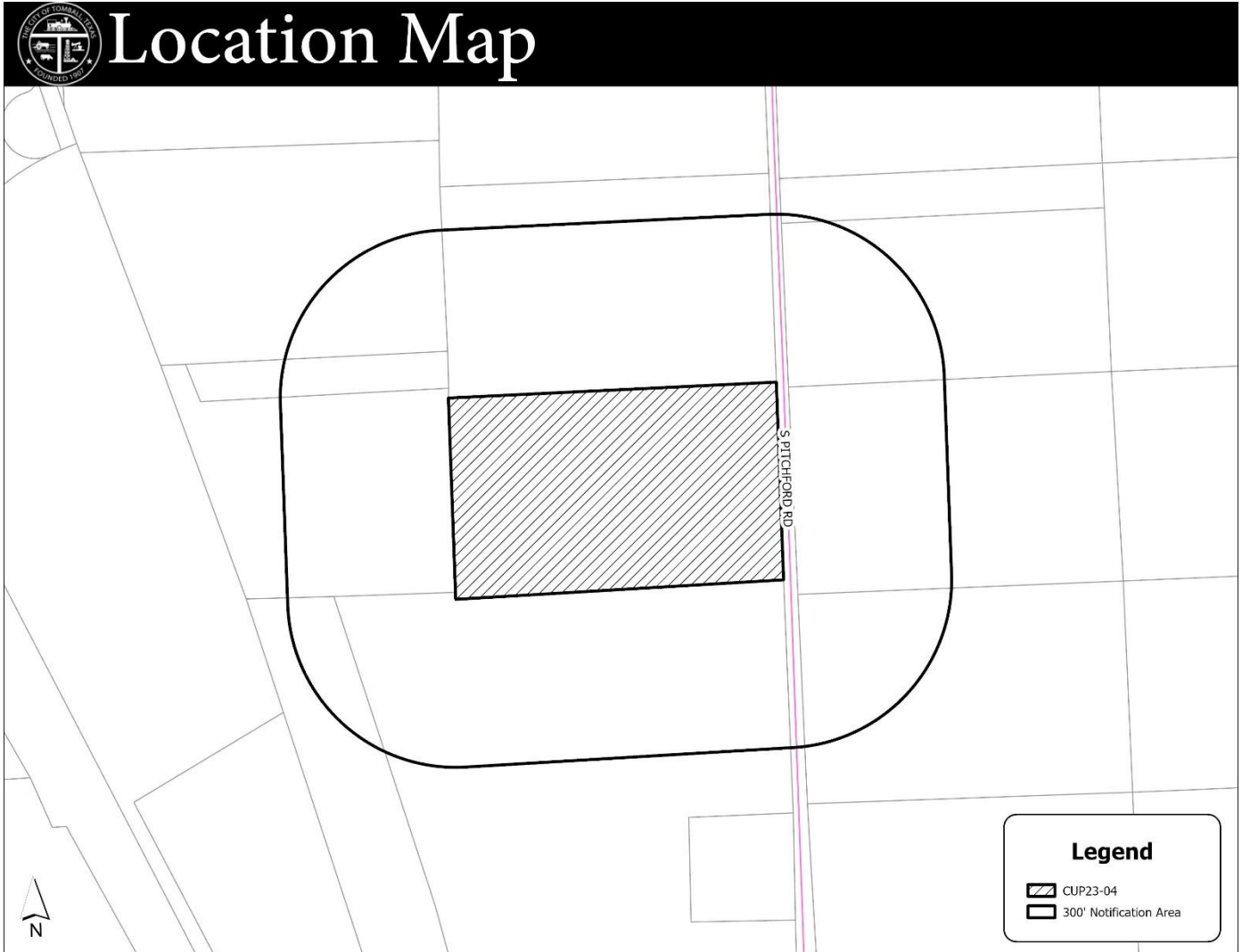
I am opposed

Signature: \_\_\_\_\_



*City of Tomball*  
*Community Development Department*

**CUP23-04**



For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: CUP23-04 (Courtesy Notice)**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: WILKERSON THOMAS J & NELDA  
Parcel I.D.: 0352880000427  
Address: 1216 PITCHFORD RD

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor

I am opposed

Additional Comments:

Signature:



---

501 James Street • TOMBALL, TEXAS 77375

For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: CUP23-04 (Courtesy Notice)**

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Name: KLEIMANN CARL H  
Parcel I.D.: 1174630010004  
Address: 918 LIZZIE LN

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor   
Additional Comments:

I am opposed

Signature:  \_\_\_\_\_

501 James Street • TOMBALL, TEXAS 77375

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For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: CUP23-04 (Courtesy Notice)**

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Name: THOMAS JACKIE & THERESA  
Parcel I.D.: 1174630010007  
Address: 830 LIZZIE LN

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor   
Additional Comments:

I am opposed

Signature:

*Jackie Thomas*  
*Theresa Thomas*

501 James Street • TOMBALL, TEXAS 77375



*City of Tomball  
Community Development Department*

CARRINGTON JERRY  
810 LIZZIE LN  
TOMBALL, TX 77375-6703

**NOTICE OF PUBLIC HEARING**

**RE: Conditional Use Permit Case Number CUP23-04 (Courtesy Notice)**

**04/17/2023**

The Planning & Zoning Commission will hold a public hearing on **May 8, 2023 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an "Electric Storage System" within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

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For the PLANNING & ZONING COMMISSION  
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**CASE #: CUP23-04 (Courtesy Notice)**

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Name: CARRINGTON JERRY  
Parcel I.D.: 1174630010009  
Address: 810 LIZZIE LN

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor   
Additional Comments:

I am opposed

Signature: \_\_\_\_\_





**City of Tomball  
Community Development Department**

SHANNON IRENE ESTATE OF % CATHERINE CARRINGTON  
810 LIZZIE LN  
TOMBALL, TX 77375-6703

**NOTICE OF PUBLIC HEARING**

**RE: Conditional Use Permit Case Number CUP23-04 (Courtesy Notice)**

**04/17/2023**

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If you have any questions, please contact Jared Smith, City Planner at telephone 281-290-1491 or by email address [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: CUP23-04 (Courtesy Notice)**

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CARRINGTON

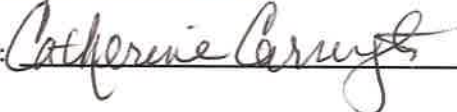
Parcel I.D.: 1324730010001  
Address: 831 LIZZIE LN

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor   
Additional Comments:

I am opposed

Signature: 

For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: CUP23-04 (Courtesy Notice)**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: SHANNON SAMUEL & LATRELL  
Parcel I.D.: 1324730010002  
Address: 823 LIZZIE LN

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor

I am opposed

Additional Comments:

Signature:



(1) SAFETY AND HEALTH HAZARD CONCERNS

(2) TOO CLOSE TO RESIDENCES  
501 James Street • TOMBALL, TEXAS 77375

For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: CUP23-04 (Courtesy Notice)**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: SHANNON SAMUEL  
Parcel I.D.: 1174630020008 → 010 (3 LOTS)  
Address: 823 LIZZIE LN

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor   
Additional Comments:

I am opposed

Signature: Samuel Shannon

(1) SAFETY AND HEALTH HAZARD CONCERNS  
(2) TOO CLOSE TO RESIDENCES.

501 James Street • TOMBALL, TEXAS 77375

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For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: CUP23-04 (Courtesy Notice)**

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Name: SHANNON SAMUEL  
Parcel I.D.: 1174630020008 → D10 (3 LOTS)  
Address: 823 LIZZIE LN

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor   
Additional Comments:

I am opposed

Signature: Samuel Shannon

(1) SAFETY AND HEALTH HAZARD CONCERNS  
(2) TOO CLOSE TO RESIDENCES.

501 James Street • TOMBALL, TEXAS 77375

---



**City of Tomball  
Community Development Department**

NCA ENTERPRISES LLC  
1430 ULRICH RD  
TOMBALL, TX 77375-4320

**NOTICE OF PUBLIC HEARING**

**RE: Conditional Use Permit Case Number CUP23-04 (Courtesy Notice)**

**04/17/2023**

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For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: CUP23-04 (Courtesy Notice)**

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Name: NCA ENTERPRISES LLC  
Parcel I.D.: 0352880000310  
Address: 1100 S PERSIMMON ST

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor   
Additional Comments:

I am opposed

Signature: \_\_\_\_\_

For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: CUP23-04 (Courtesy Notice)**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: WILKERSON THOMAS J & NELDA  
Parcel I.D.: 0352880000418  
Address: 1216 S PITCHFORD ST

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor

I am opposed

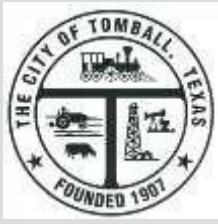
Additional Comments:

Signature:



---

501 James Street • TOMBALL, TEXAS 77375



## Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: May 8, 2023  
City Council Public Hearing Date: May 15, 2023

**Rezoning Case:** CUP23-04  
**Property Owner(s):** Michael Kirtley  
**Applicant(s):** Black Mountain Energy Storage II LLC.  
**Legal Description:** Lot 265 of Tomball Townsite  
**Location:** 900-1000 blocks (west side) of S. Pitchford Road (Exhibit "A")  
**Area:** 5.00 acres  
**Comp Plan Designation:** Business Park and Industrial (Exhibit "B")  
**Present Zoning and Use:** Agricultural (AG) (Exhibit "C") / Vacant (Exhibit "D")  
**Proposed Use(s):** *Electric Storage System*  
**Request:** Conditional Use Permit (CUP) to permit Electric Storage System in Light Industrial (LI) zoning

### Adjacent Zoning & Land Uses:

**North:** Agricultural (AG)/ Vacant/Electric Utility Infrastructure

**South:** Agricultural (AG)/ Single Family residence

**West:** Agricultural (AG) / Single-family residence

**East:** Agricultural (AG) / Agricultural Accessory Structures

### **BACKGROUND**

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since that time. The applicants are requesting a Conditional Use Permit (CUP) in conjunction with a separate request to rezone the property to Light Industrial (LI). The requested CUP is to allow an "Electric Storage System" land use. There has been a lot of interest in the development of an "Electric Storage System" within the City of Tomball, particularly the development of such a facility near the existing CenterPoint Energy substation located in the 900 block of S. Pitchford Road. This interest has led to the City Council adopting amendments to the City of Tomball Code of Ordinance earlier this year (Ordinance No. 2023-03). This ordinance created the "Electric Storage System" land use, which also provided a definition to the land use and specified that such uses shall only be permitted within the Light Industrial zoning district with the approval of a Conditional Use Permit. Electric storage systems are defined as "one or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency." City staff met with the applicants on several

occasions over the past several months to discuss the potential for their development. During these meetings staff expressed the concerns discussed by the City Council which were brought up during separate meetings with a different company interested in a similar development located in the same general vicinity. Specifically, staff shared City Councils concerns regarding the safety of locating such facilities in proximity to Old Town Tomball and the nearby existing residences.

## **ANALYSIS**

According to Section 50-81 (f) of the Chapter 50 (Zoning), when considering applications for a CUP, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on and the compatibility of the use with surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

**1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;**

The property is designated as Business Park & Industrial by the Comprehensive Plan Future Land Use Map. This category is intended to create opportunities for employment and according to the Comprehensive Plan the uses promoted within this land use category should benefit from convenient access to major thoroughfares for vehicles to include freight. These areas may require intensive screening and buffering from surrounding developments. Based on the concept plan provided by the applicant, the proposed use does not appear to provide screening/buffering from existing nearby residences.

**2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;**

According to the Zoning Ordinance, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through the imposition of certain standards and conditions.”

The intended use of this property is consistent with the purpose and intent of the applicable zoning district, only if the concurrent zone change request is to be approved to rezone the property to Light Industrial (LI) zoning. This light industrial zoning designation is intended to allow the most intensive land use permitted within the City of Tomball.

**3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Ordinance;**

Yes, the proposed use will be required to meet all supplemental standards outlined in Chapter 50 of the Code of Ordinance. Further, prior to operation, an official site plan shall be submitted to the City of Tomball Community Development Office identifying the planned arrangement of the electric storage system to ensure all standards required by the code of ordinance are met.



**4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts.**

The proposed use appears compatible with the existing nearby substation; however, it does not preserve the character and integrity of the adjacent residential land uses. Ultimately, the Future Land Use plan calls for Business Park & Industrial for this location so the requested use and similar types of uses are to be expected and the preservation of existing nearby residential uses will become challenging. The concept plan provided does not currently identify any planned means of land use buffering between the project site and existing neighboring residential uses. The code of ordinance will require (at the time of site plan submission) a minimum 6-foot-tall opaque fence and 10-foot-wide landscape buffer yard along the southern and western property boundaries as prescribed in Section 50-115 – *Screening, buffering and fencing requirements*. By code, no such screening is required along the street side (east) property boundary between the project site and existing residential land use east of S. Pitchford Rd, however city staff believe this to be a reasonable condition to be added if the CUP is to be approved. In addition to this minimum screening & buffering standard, city staff is also recommending additional preservation of mature vegetative growth along the west, south, and east property boundaries to further address the need to screen the planned use from adjacent residential properties. Lastly, the subject property does not presently have direct access to a water main, nor convenient access to a fire hydrant. Given the nature of this proposed land use and the potential fire hazard it presents, city staff is recommending an additional condition for approval for a suitable water main to be extended “to-and-through” the frontage of this subject property and a fire hydrant must be supplied to provide opportunity for fire protection.

**5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

There are concerns regarding the potential hazards that this proposed land use presents to the public health and safety of other properties and their respective owners in the vicinity. Energy Storage Systems, specifically Battery Energy Storage Systems (BESS) utilizing lithium-ion batteries provide a great opportunity for creating energy resiliency, however these systems present significant safety hazards. Battery Energy Storage Systems and the use of lithium-ion batteries risk the phenomenon referred to as thermal runaway, this occurs when heat builds up in a battery faster than it can be dissipated, such buildup of heat may result from a battery being overcharged, overheated, or damaged. Thermal runaway is a process in which the battery cell enters an uncontrollable, self-heating state. Thermal runaway of the system often causes fire and the release of toxic materials and gases. In extreme circumstances thermal runaway may result in an explosion. According to an article published by the National Fire Sprinkler Association (NFSA) in 2023, these fires are extremely difficult to extinguish and fires resulting from thermal runaway can burn for hours or even days.

**PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed a notification of this proposal. As a courtesy, and at the request of City

Council, City staff sent additional notice letters to owners of properties within 2,000 feet of the subject site. These notice letters were sent on April 18, 2023. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

### **RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends denial of CUP23-04:

If the CUP is approved city staff recommends the following conditions:

- An opaque fence/wall with a minimum height of 6-feet must be provided along the entire extent of the eastern property boundary.
- To provide additional screening from nearby residential uses a 20-foot-wide buffer yard with mature vegetation must remain undisturbed along the west, south, and eastern property boundaries. This mature vegetation must be sufficiently preserved/protected during and after construction. EXCEPTION: Mature vegetation may be removed to accommodate required fencing, driveway approaches, required sidewalks, and necessary utilities.
- To provide opportunity for fire prevention/protection adequate water main and fire hydrant(s) must be installed prior to the approval of site plan(s) and subsequent development

### **EXHIBITS**

- A. Location Map
- B. Current Zoning Map
- C. Future Land Use Plan Map
- D. Notification Maps
- E. Site Photo(s)
- F. CUP Application
- G. Concept Plan

Exhibit "A"  
Location Map

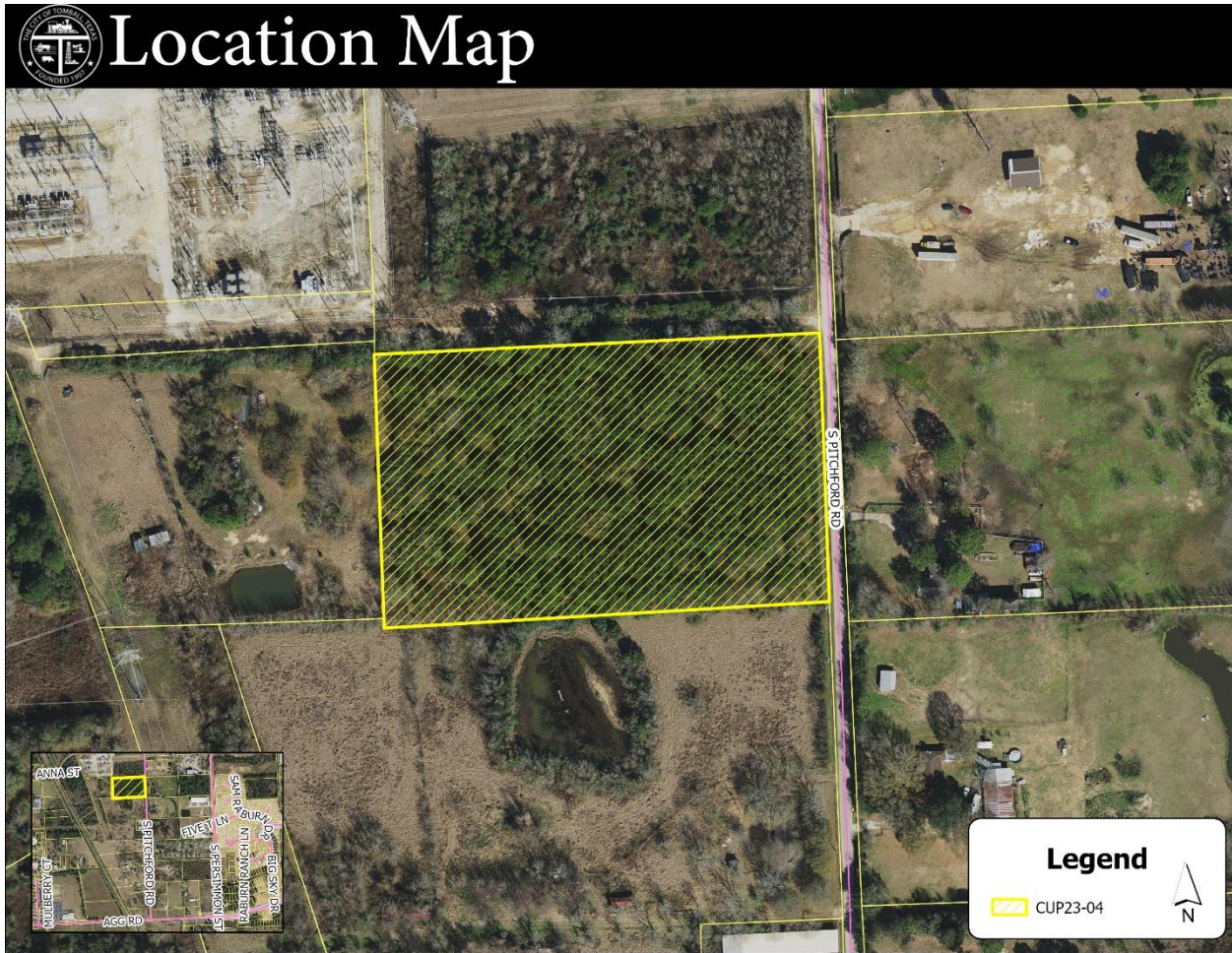


Exhibit "B"  
Zoning Map

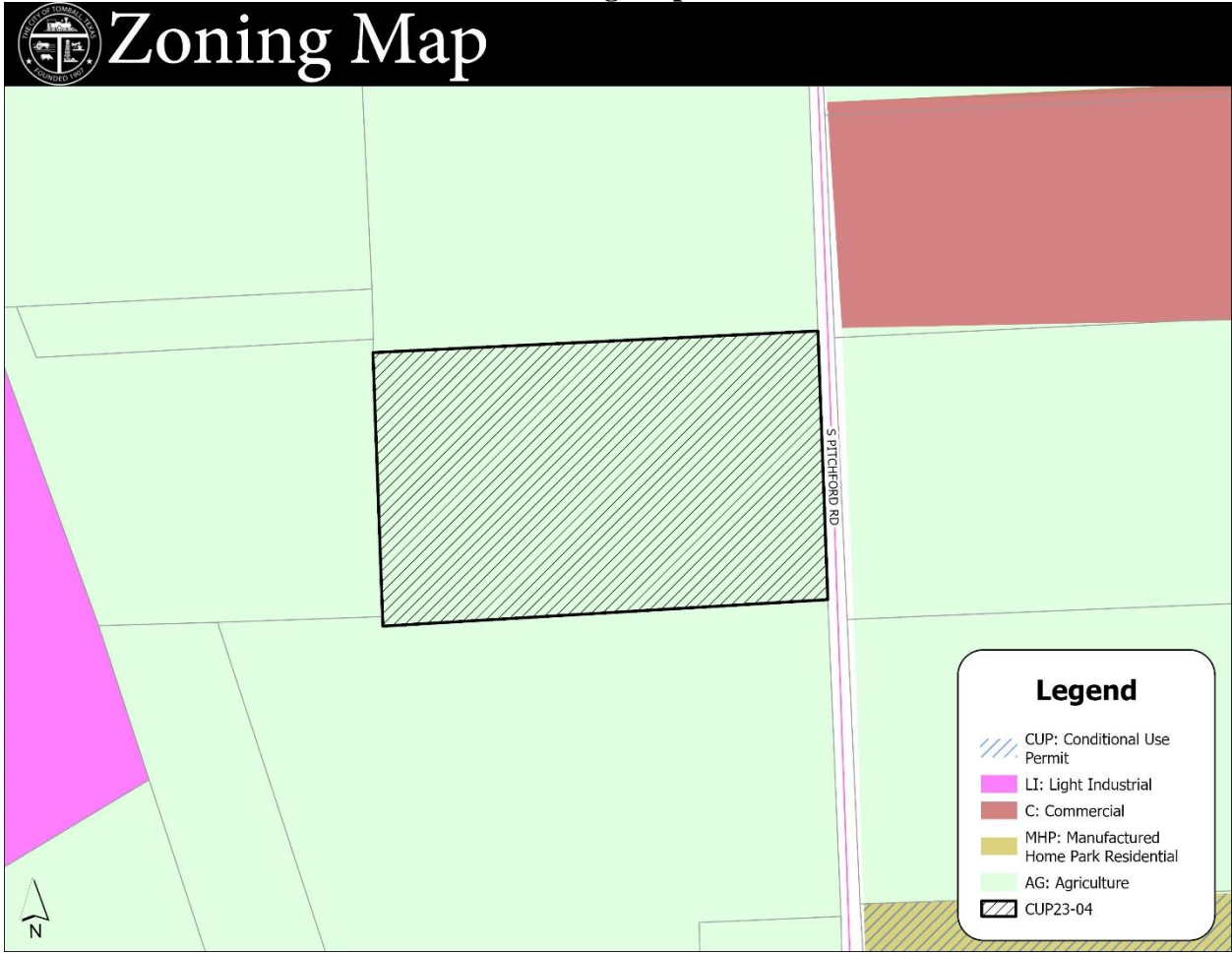


Exhibit "C"  
Future Land Use Map

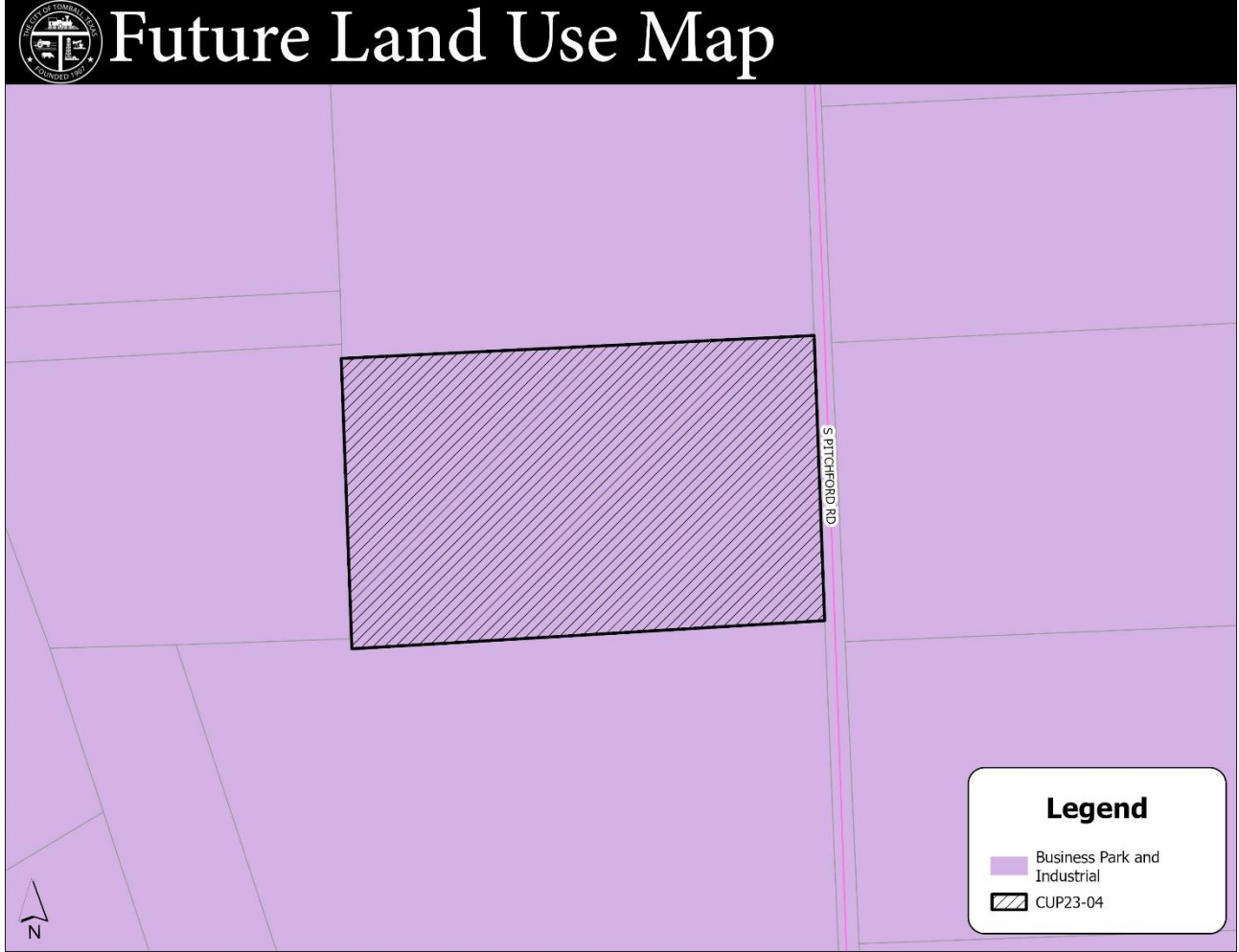
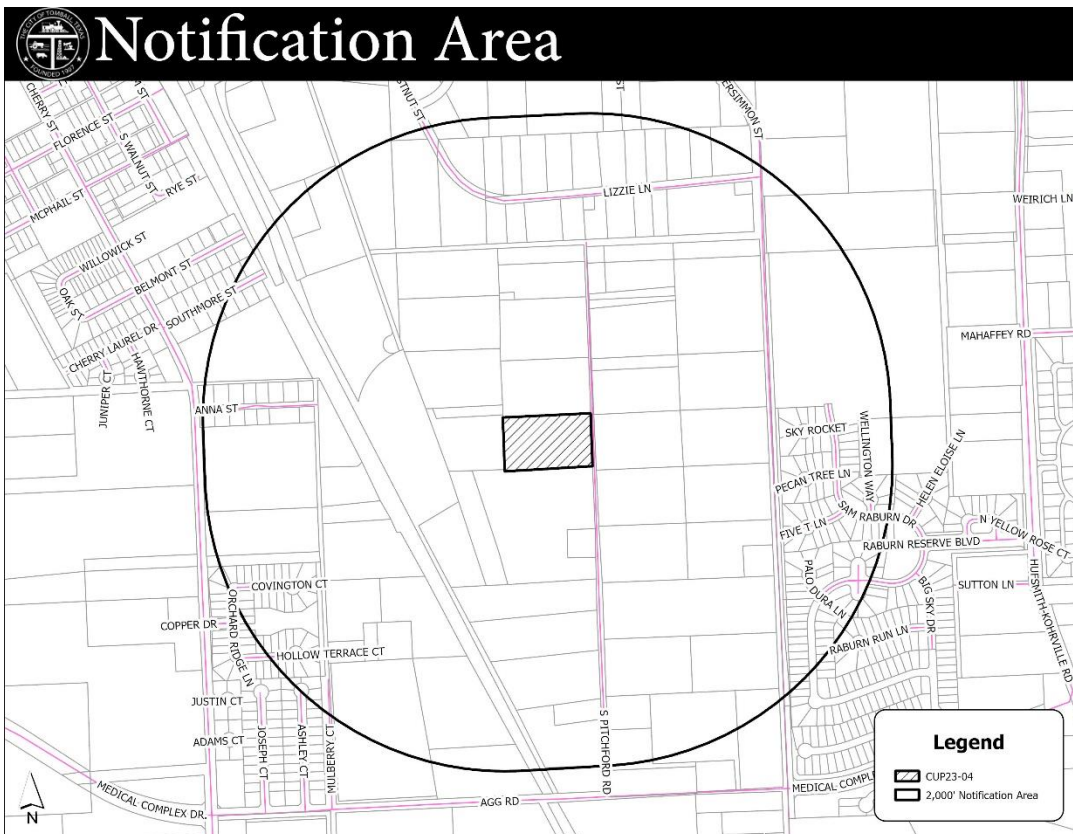
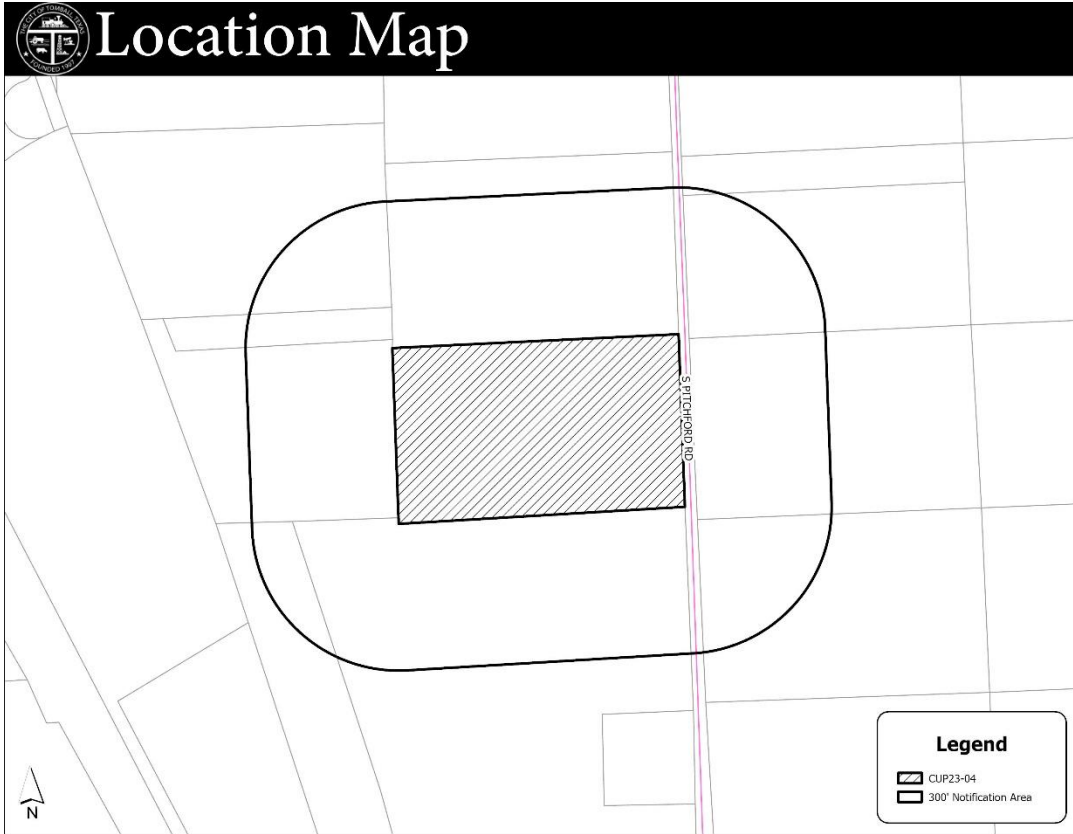


Exhibit "D"  
Notification Map(s)



**Exhibit "E"**  
**Site Photo**

**Subject Site**



**Neighbor (East)**



Neighbor (South)



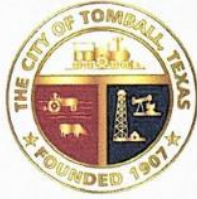
Neighbor (North)





**Exhibit "F"**  
**CUP Application**

Revised: 10/1/2022



**APPLICATION FOR**  
**CONDITIONAL USE PERMIT**  
**Planning Division**

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

**APPLICATION SUBMITTAL:** Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

**DIGITAL PLAN SUBMITTALS:**

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

**WEBSITE:** [tomballtx.gov/secure/send](http://tomballtx.gov/secure/send)  
**USERNAME:** tomballdd  
**PASSWORD:** Tomball

**Applicant**

Name: Sam Jackson Title: Director of Development  
Mailing Address: 425 Houston Street, Suite 400 City: Fort Worth State: Texas  
Zip: 76012 Contact: \_\_\_\_\_  
Phone: (215) 622-0210 Email: sam.jackson@blackmtn.com

**Owner**

Name: Michael W. Kirtley Title: Landowner  
Mailing Address: 15714 Oxenford Dr. City: Tomball State: Texas  
Zip: 77377 Contact: \_\_\_\_\_  
Phone: (281) 932-4904 Email: mknthouston@yahoo.com

**Engineer/Surveyor (if applicable)**

Name: Justin W. Cantwell, RPLS Title: Survey Division Manager  
Mailing Address: 8312 Upland Avenue City: Lubbock State: Texas  
Zip: 79424 Contact: \_\_\_\_\_  
Phone: (806) 570-9899 Fax: (\_\_\_\_) \_\_\_\_\_ Email: jcantwell@centerlineengineering.net

Description of Proposed Project: Utility-scale battery energy storage system (BESS) facility

Physical Location of Property: Property on the southwest corner of S. Live Oak St. and Pitchford Rd.  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: All of lot 265 of Tomball Townsite - Volume 2, Page 265, Deed Records of Harris County  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0352880000265 Acreage: 4.8

Current Use of Property: Unoccupied vegetation. Zoned Agriculture

Proposed Use of Property: Battery Energy Storage System (BESS). Zoned Light Industrial

**Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.**

**This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.**

X Samuel Jackson 3/15/2023  
Signature of Applicant Date

X Michael Kutley 3/31/2023  
Signature of Owner Date

## BC Global LP

Alberto P. Cardenas, Jr. [beto@bcglobal.law](mailto:beto@bcglobal.law)  
Office +1.713.731.1050 Mobile +1.713.818.2497

March 16, 2023

Mr. Jared Smith, City Planner  
City of Tomball  
401 Market Street  
Tomball, Texas 77375

Dear Mr. Smith:

Please accept this letter together with the attached, completed applications for Re-Zoning and a Conditional Use Permit on behalf of our client GridStor, and the applicant company Black Mountain Energy Storage II, LLC (BMES), for consideration by the City of Tomball, Texas.

BMES and its development partner GridStor are proposing to develop and construct a 200 MW Battery Energy Storage System (BESS) within the City. The proposed project, with a targeted commercial operations date of June 2025, is being considered on a single, contiguous, five-acre parcel located at the corner of Pitchford Road and South Live Oak Street (Harris County Appraisal District Account No. 0352880000265). This land, secured by BMES via a Lease Agreement, had been previously used for energy related purposes and is currently zoned by the City for agricultural use. Should the project proceed, it would be adjacent to CenterPoint Energy's substation and provide connectivity to the Electric Reliability Council of Texas (ERCOT) transmission grid via the City's substation, providing ERCOT more flexibility to respond to extreme events and thereby helping reduce energy power prices for consumers.

We understand that the City recently amended its Code of Ordinances to define and allow "Energy Storage Systems" within Light Industrial Zones. Accordingly, our client is therefore requesting Re-Zoning of the property from Agricultural to Light Industrial. Further, we recognize that a Conditional Use Permit would be required and have therefore paired and provided both applications for the City's consideration.

Included with this letter is additional information we believe will be helpful to the City as they review these applications. We look forward to working with you in the coming weeks to continue the discussions for this proposed project and its economic development opportunities.

Respectfully Submitted,



Alberto P. Cardenas, Jr.

BC Global LP  
Law Offices of Alberto P. Cardenas, Jr., PLLC  
Texas New York Washington

The Niels Esperson Building  
808 Travis Street, Suite 1424  
Houston, TX 77002  
[www.bcglobal.law](http://www.bcglobal.law)

**Proposed Project Background and Value Proposition**

BMES filed an Interconnection Application with CenterPoint and ERCOT on March 22, 2022, to initiate the electrical study process required to support the interconnection of the proposed project to the existing CenterPoint Tomball substation. BMES and its employees have over 6 years of experience working with CenterPoint in scoping and interconnecting Battery Energy Storage Systems within Texas.

The project company has commissioned the following environmental studies to further de-risk the project site and ensure all environmental concerns are addressed: Phase 1 Environmental Site Assessment, Critical Issues Analysis, Wetland Delineation & Determination Report, Threatened & Endangered Species Report, and a Cultural & Historical Resources Report. All environmental studies have come back favorable, with no adverse environmental impacts anticipated as a result of development.

BESS provide significant benefits to Texans and the electric grid they depend upon, including:

Firm, dispatchable power to enhance grid reliability and balance the system. BESS delivers instantaneous power at times of peak energy demand, improving grid reliability and helping keep the lights on for homes, business owners, commercial and governmental facilities, and industrial users alike.

Energy to support Texas' economic development. Houston is forecasted to see a 10-15% increase in regional energy demand in the next 10 years, with a decline in firm power as older and uneconomic coal and gas plants retire and go offline. BESS will play a key role in replacing aging plants and supporting Texas' continued growth and economic development.

Energy bill savings by storing energy when power prices are low and discharging during high demand events, providing more power supply when needed the most.

Battery energy storage provides significant local investment opportunities in Texas communities, supports local landowners via land leases or acquisitions, and broadens local tax bases. This project is expected to provide tens of millions of dollars of property tax benefit to the City of Tomball and Harris County over two decades.

**Technical Summary: Battery Energy Storage Systems**

Battery Energy Storage Systems are the leading technology for the storage of electricity to provide resiliency to the electric grid. The main battery technology is lithium-ion and within that the two main chemistries are Nickel Magnesium Cobalt (NMC) and lithium iron phosphate (LFP). For this project, LFP is the intended chemistry to be used due to its safer properties.

The most basic block of a battery is the battery cell. Each cell is combined with other cells into a battery module which provides a more usable form factor for energy systems. These modules are

installed in racks inside a metal enclosure. These metal enclosures typically are 20 to 40 ft in length, 6-8 ft wide and 8 ft tall. An enclosure typically provides around 3-5 Megawatt Hours of energy.

A proposed project consists of many number of enclosures to create the required energy capacity. Since the batteries provide direct current (DC) power, an inverter is needed to convert the DC power into alternating current (AC) power. Inverters typically range from 1 to 5MW in size and may have one or several enclosures connected to each. Given the project is tied to the utility grid, the AC power is stepped up from ~600-690VAC from the inverter to 34.5kV or higher to tie into the grid. This step up is performed by the power transformers and may go through two sets (medium voltage transformer and a main power transformer). The main power transformer is located in a substation on site which provides high voltage control and protection.

The proposed project will have a site controller that will safely operate the batteries and all associated equipment. Market signals are sent to the site controller for the project to follow. Additionally, there will be a robust fire safety system for the site.

**Fire Safety Considerations**

*National Safety Standards:* One of the top considerations for battery energy storage systems is safety. The National Fire Protection Association and Underwriters Laboratory have established robust safety standards specific to lithium-ion battery energy storage systems. The most relevant standards are overviewed below:

Standard	Description (Project Context)	Scope
UL 9540	Safety standard for energy storage systems and equipment. Aggregation of 1973, 1741, and fire safety at a system level, not just stand-alone equipment.	System
UL 9540A	Standard for Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems, prescribes procedure to perform cells –large scale fire testing.	DC Block
UL 1973	Safety standard for batteries used in stationary applications. Includes mechanical, electrical, and fire tests at cell level.	Inverter
UL 1741	Complement to IEEE 1547 –Interconnection of DR, functional, performance, and safety requirements for inverters.	Cells, Modules
NFPA 855	Standard for the installation of energy storage systems and references UL9540A test method	System/Facility

***The Proposed Project will meet or exceed all applicable national safety standards.***

*Fire Safety Features:* The industry has developed a multi-layered approach for monitoring and mitigating any fire safety event. As part of our approach to the project design, the safety features will be designed into an integrated system that is specific to the project needs.

Additional highlights and monitoring and mitigation features that may be deployed include:

- Battery Management System – continuously monitors health and safety of battery and provides controlled shutdown in abnormal conditions to provide early-fault detection and mitigation
- Smoke and heat detectors – may be designed either internally or externally to enclosure, providing detection and annunciation of an abnormal event.
- Gas detectors – monitors and detects off-gassing that may indicate early-stage abnormal event and provides controlled shutdown and ventilation to mitigate an explosive condition.
- Layout Separation Distance – UL 9540a is a large-scale fire test standard that determines the minimum separation distance between enclosures to prevent fire propagation. This separation distance is then utilized in the site spacing between battery enclosures.
- Module and Enclosure – batteries are encased in metal shells and enclosures to reduce propagation.
- Gas Ventilation/Deflagration Panels – prohibits the buildup of gases reaching unsafe conditions within an enclosure or allows controlled release of gases.
- Water suppression – water may be utilized to control fire propagation.
- Electrical safety design – devices such as fuses, circuit breakers, surge protection device, insulation monitoring device and others protect the electrical system from a fault condition.

*Emergency Response Plan:* An emergency response plan is a project specific document that details the procedure operators, first responders, and other stakeholders must follow during a safety event. For the project, there are 3 phases for the ERP including:

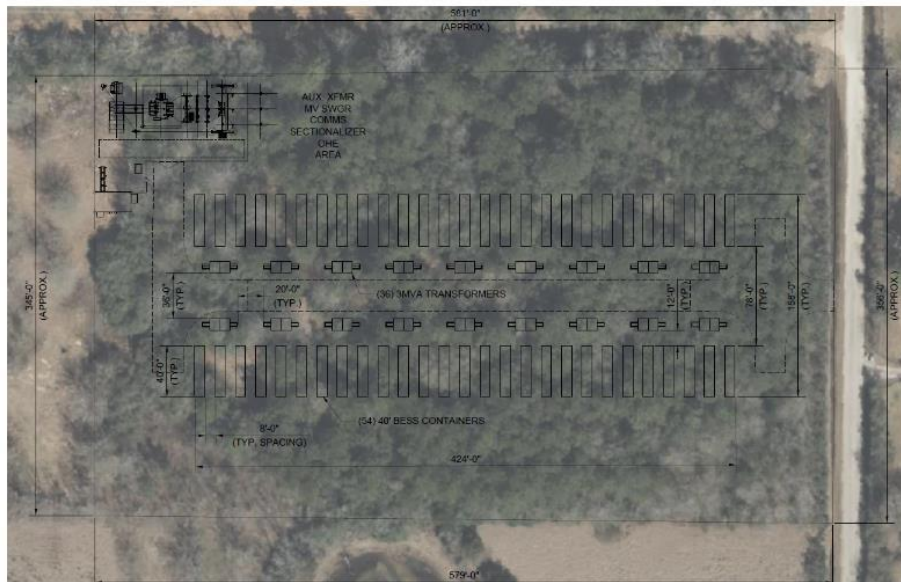
During Construction – City, Fire Department, Developer, equipment manufacturers, and fire safety consultants work together to establish the plan requirements based on land-use and resource protection limitations. This may include proximity to populated area(s), sensitive natural resources, and critical infrastructure. Once the requirements are established, the stakeholders will prepare a site-specific emergency response plan. The Plan will define the roles and responsibilities and covers potential emergency scenarios including fire. It is common to establish an agreed upon fire command center location onsite for first responders. The fire command center will typically include access for first responders to view the operating data of the site including cell temperatures, battery operating status, alarm status, and many other data points to help assess the situation.

Commissioning – During this phase, there will be onsite safety training of fire personnel and onsite project staff and covers all components of the emergency response plan.

Operations – During this phase, the emergency response plan is implemented. There will be ongoing drills, training, and refreshing of the plan as needed.

*Hazard Mitigation:* A hazard analysis report will be conducted to evaluate the site-specific impacts of a battery installation. The hazard analysis report will account for the expected lithium-ion battery technology and its data including temperature and quantity and types of gases generated during a thermal runaway event. This Report will be used to analyze impact to key receptors that have been identified. The goal of the hazard analysis is to provide quantitative analysis to the potential impacts of the project as well as provide for recommended mitigation strategies to minimize those impacts.

*Site Configuration (Preliminary Design):*



*Site Configuration (Digital Renderings):*



*Note: Renderings are not specific to proposed site and are representative of BESS facilities.*





CENTERLINE ENGINEERING & CONSULTING, LLC.  
8312 Upland Avenue, Lubbock, Texas 79424  
(806) 470-8686  
TBPE Reg. No. F-16713  
TBPLS Reg. No. 10194378

### Metes and Bounds

BEING all of Lot Two Hundred Sixty-five (265) of Tomball Townsite Addition to Harris County, Texas, as recorded in Volume 2, Page 265, Deed Records of Harris County, Texas, ad being further described by metes and bounds as follows:

BEGINNING at a 1/2 Inch Iron Rod Found for the Northeast Corner in the West Right-of-Way line Pitchford Road, same being the Southeast Corner of Lot 261 of said Tomball Townsite;

THENCE South 1°51'45" East - 378.05 feet along the West Right-of-Way line of said Pitchford Road to a 1/2 Inch Iron Rod Found for the Southeast Corner, same being the Northernmost Northeast Corner of Lot 269 of said Tomball Townsite;

THENCE South 88°00'05" West - 575.59 feet along the North line of said Lot 269 to a 1/2 Inch Iron Rod Found for the Southwest Corner, same being the Southeast Corner of Lot 264 of said Tomball Townsite;

THENCE North 2°03'25" West - 377.36 feet along the East line of said Lot 264 to a 1/21 Inch Iron Rod Found for the Northwest Corner, same being the Northeast Corner of said Lot 264;

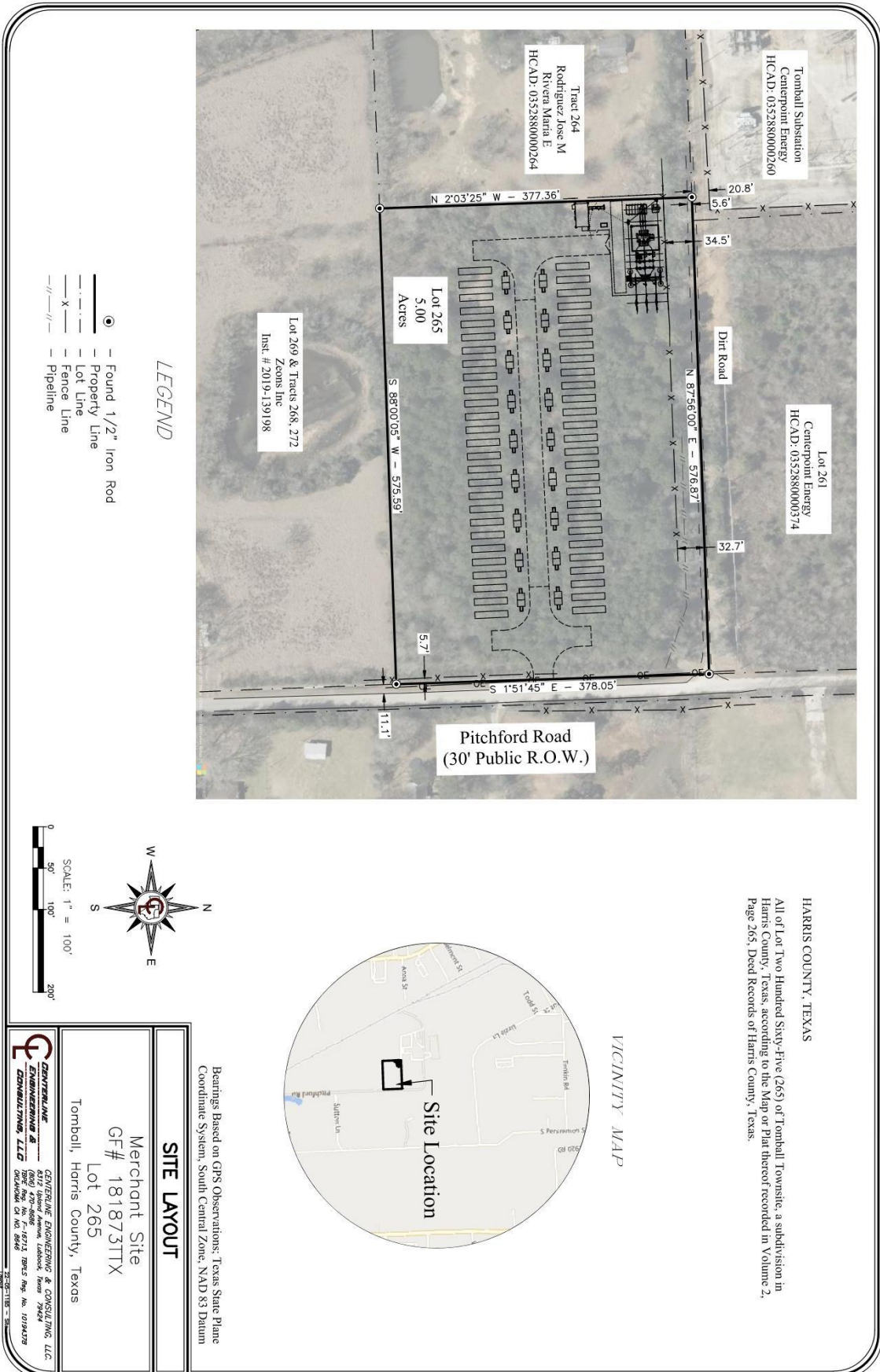
THENCE North 87°56'00" East - 576.87 feet along the South line of said Lot 261 to the POINT OF BEGINNING and containing within these calls a calculated area of 5.00 Acres more or less.

  
Justin Cantwell, RPLS 6331

Date: March 15, 2023



**Figure "G"**  
**Concept Plan**



HARRIS COUNTY, TEXAS  
 All of Lot Two Hundred Sixty-Five (265) of Tomball Township, a subdivision in Harris County, Texas, according to the Map or Plat thereof recorded in Volume 2, Page 265, Deed Records of Harris County, Texas.



**SITE LAYOUT**

Merchant Site  
 GF# 181873TTX  
 Lot 265  
 Tomball, Harris County, Texas

**CENTERLINE ENGINEERING & CONSULTING, LLC**  
 ENGINEERING & CONSULTING, LLC  
 10000 Katy Ave., Suite 1000, Houston, Texas 77054  
 (281) 479-4666  
 centerline@centerline-engineering.com  
 centerline.com





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**CONSULTANT**

**SunGrid**  
 SUNCOR ENERGY SERVICES  
 SUNGRID SOLUTIONS INC.  
 1355 Georgia St N Unit 2014  
 Edmonton, AB T6A 6P6  
 1-888-407-4743  
 www.sungrid.ca

**CLIENT**

**BLACK MOUNTAIN**  
 BLACK MOUNTAIN  
 www.blackmountain.com  
 15000 10th St SE  
 Calgary, AB T2C 0A8

**REGISTRATION**

**ISSUE/REVISION**

REV	DESCRIPTION	ISSUE DATE
1	FINAL DESIGN	05/20/2022

**PROJECT NUMBER**

6917

**PROJECT**

**MERCHANT BESS**

700 DOWNTOWN DOWNS BESS

**SHEET TITLE**

GENERAL SITE PLAN

**SCALE**

1"=100'

**SHEET NUMBER**

0912/MERCHANT-ELE-PL-002

# City Council Agenda Item Data Sheet

Meeting Date: 06/19/2023

**Topic:**

Consideration to Approve **Zoning Case Z23-07**: Request by Tomball 10 Joint Venture represented by Khoa Nguyen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being approximately 2.73 acres out of the William Hurd Survey, Abstract 378 from Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 13200-13400 blocks (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-07**

Adopt, on First Reading, Ordinance No. 2023-15, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning land legally described as being approximately 2.73 acres out of the William Hurd Survey, Abstract 378 from Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 13200-13400 blocks (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas; 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.

**Background:**

The subject property is currently vacant and undeveloped. The applicant’s request is to rezone the subject property to General Retail (GR) to allow medical and retail uses.

**Origination:**

**Recommendation:**

City staff recommends Approval of Zoning Case Z23-07. Planning and Zoning Commission recommends Denial (2 Votes Aye, 2 Votes Nay).

**Party(ies) responsible for placing this item on agenda:** Nathan Dietrich (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:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
JUNE 12, 2023  
&  
CITY COUNCIL  
JUNE 19, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, June 12, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, June 19, 2023 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 Z23-07:** Request by Tomball 10 Joint Venture represented by Khoa Nguyen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being approximately 2.73 acres out of the William Hurd Survey, Abstract 378 from Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 13200-13400 blocks (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

**Zoning Case Z23-08:** Request by Real Life Ministries Texas represented by Quiddity to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being Lot 1, Block 1 of Devasco International as well as approximately 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176 from Light Industrial (LI) and Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 1600 block (west side) of S. Cherry Street, within the City of Tomball, Harris County, Texas.

**Zoning Case Z23-09:** Request by Tim Littlefield to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being all of Tomball Townsite Outlot 281 from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1100-1400 blocks (west side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas.

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, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact the City Planner, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

## CERTIFICATION

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 9<sup>th</sup> day of June 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

*Jared Smith*

Jared Smith  
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](http://www.tomballtx.gov).



**City of Tomball**  
**Community Development Department**

AMERICO ENERGY REAL ESTATE HOLDINGS LTD  
7575 SAN FELIPE STE 200

HOUSTON, TX 77063-1778

**NOTICE OF PUBLIC HEARING**

**RE: Zone Change Case Number Z23-07**

**5/23/2023**

The Planning & Zoning Commission will hold a public hearing on **June 12, 2023 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Tomball 10 Joint Venture represented by Khoa Nguyen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being approximately 2.73 acres out of the William Hurd Survey, Abstract 378 from Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 13200-13400 blocks (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **rezoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **June 19, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions, please contact Jared Smith, City Planner at telephone 281-290-1491 or by email address [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: Z23-07**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: AMERICO ENERGY REAL ESTATE HOLDINGS LTD  
Parcel I.D.: 0352820000135  
Address: 0 RUDOLPH RD

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor   
Additional Comments:

I am opposed

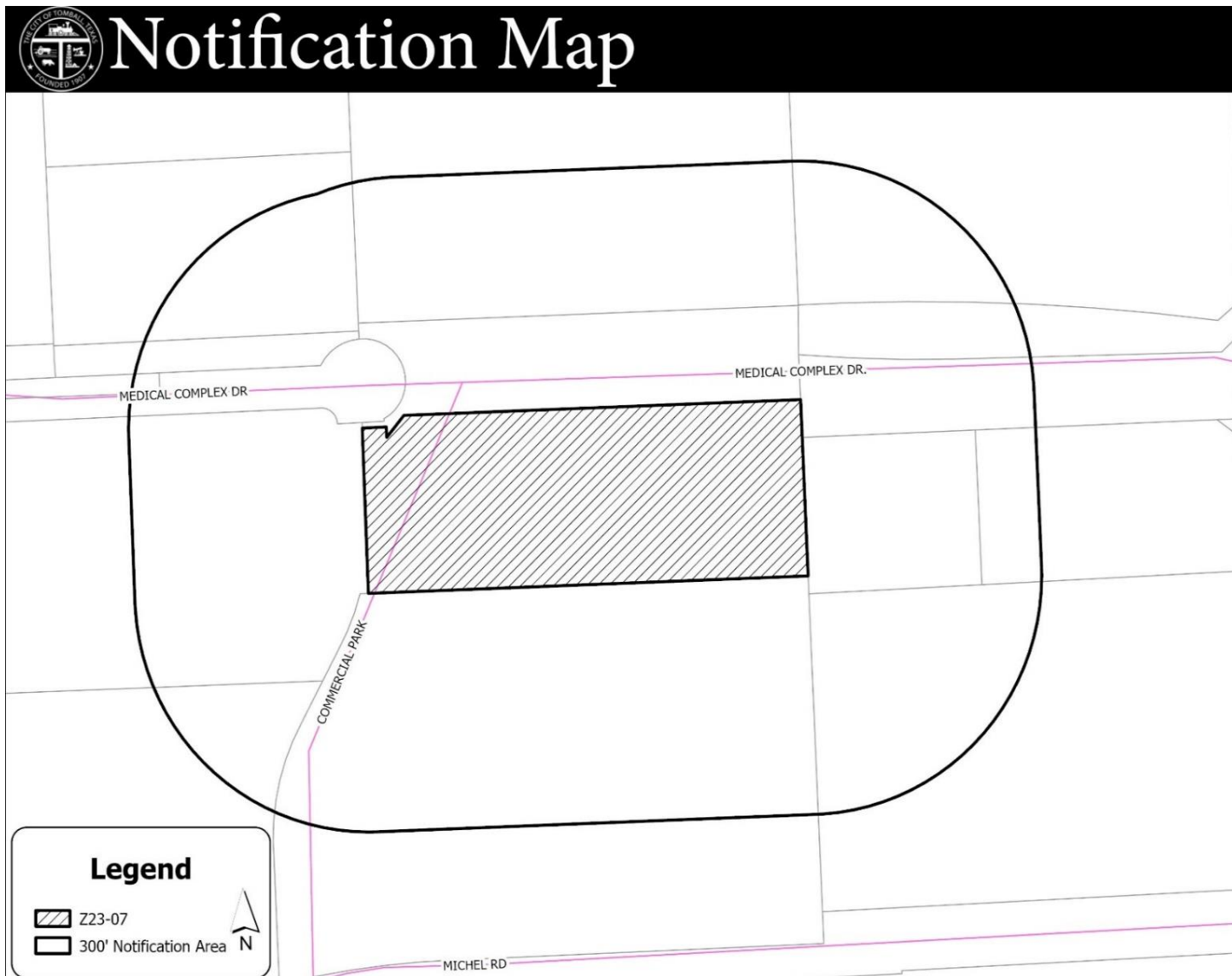
Signature: \_\_\_\_\_





*City of Tomball*  
*Community Development Department*

**Z23-07**



# Request to Speak before Tomball Planning & Zoning Commission

Name Tim Thomas Phone 713 854 5463 Date 6/12/23  
Home Address 915 Owl Lady City RAY Zip 77454

Email address: \_\_\_\_\_

I \_\_\_ DO  DO NOT want to be added to the City of Tomball email list.

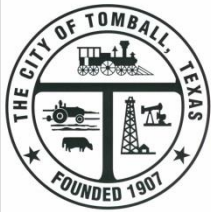
- Public Hearing Agenda Item # 223-07
- Other Agenda Item # \_\_\_\_\_

- I wish to speak IN FAVOR of this item.
- I wish to speak IN OPPOSITION to this item.
- I do not wish to speak; however, please record my  
 SUPPORT \_\_\_ OPPOSITION

General Citizen Comments: This item is available for citizens to speak on any subject; however, no action, by law, may be taken on the topic.

Topic of Discussion:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Comments during Citizens' Comments will be limited to 3 minutes.  
(Please see instructions on the back of the form.)**



**Rezoning  
Staff Report**

Planning & Zoning Commission Public Hearing Date: June 12, 2023  
City Council Public Hearing Date: June 19, 2023

**Rezoning Case:** Z23-07

**Property Owner(s):** Tomball 10 Joint Venture (Louis E. Harman, III, MD)

**Applicant(s):** Khoa Nguyen

**Legal Description:** Being approximately 2.73 acres out of the William Hurd Survey, Abstract 378 (TR 12C-2 ABST 378 W HURD)

**Location:** Generally located within the 13200-13400 blocks (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas. (Exhibit “A”)

**Area:** 2.73 acres

**Comp Plan Designation:** Medical District (Exhibit “B”)

**Present Zoning:** Agricultural (AG) (Exhibit “C”)

**Request:** Rezone from Agricultural (AG) to General Retail (GR)

**Adjacent Zoning & Land Uses:**

**North:** Medical Complex Drive and Agricultural (AG) / Vacant and Undeveloped

**South:** Agricultural (AG) / Vacant and Undeveloped

**West:** General Retail (GR) / Retirement Center

**East:** Commercial (C) / Assisted Living and Memory Care

**BACKGROUND**

The subject property is currently vacant and undeveloped. The applicant’s request is to rezone the subject property to General Retail (GR) to allow medical and retail uses.

**ANALYSIS**

**Description:** The subject property comprises about 2.73 acres, generally located within the 13200-13400 blocks (south side) of Medical Complex Drive. Currently the subject property is zoned AG and has been within this zoning classification since the City of Tomball adopted zoning in 2008.

Immediately north of the subject property is Medical Complex Drive and the area further north, zoned AG, is vacant and undeveloped. South of the subject site, zoned AG, is vacant and undeveloped. An independent and assisted living facility, Tomball Retirement Center is located in the area west of the subject property that is zoned GR. Village Green, an assisted living and memory care is located east of the subject property that is zoned GR. A nursing home called Park Manor is located south-east of the subject property, Predominantly medical and health care uses exist in the general area.

**Comprehensive Plan Recommendation:**

The subject property is designated as “Medical District” by the Comprehensive Plans Future Land Use Plan (FLUP). This category is intended to provide an emphasis on healthcare and supporting services and further capitalize on a unique, regionally-serving area of the City. The Tomball Regional Medical Center provides a significant physical and economic footprint in the community.

The FLUP designates 2 % of the area of the city (approximately 279 acres) as Medical District. One of the guiding principles of the Comprehensive Plan is to create a Medical District with complimentary land uses. The Comprehensive Plan envisions a variety of uses to create a self-serving campus with active transportation connections to Old Town and Transitional Residential areas for this district. As per the Comprehensive Plan “Open space with a pedestrian focus should be a prominent component of the district”.

The Comprehensive Plan recommends the zoning districts of Planned Development (PD), General Retail (GR), Office (O), and Mixed Use (MU) for this designation.

As per the Comprehensive Plan, appropriate land uses include hospitals, clinics, offices, lodging, long-term care, retail, and restaurants. Appropriate secondary uses include private gathering spaces, local utility services, government facilities, and transportation uses.

The proposed zoning and uses are in conformance with the Comprehensive Plan recommendation.

**Staff Review Comments:**

The request to rezone the subject property to General Retail (GR) supports new development which is consistent with the types of development pattern and character associated with the Future Land Use Plans goal and objective of establishing the Medical District land use category. Further, the requested rezoning will promote land use and development goals identified within the Comprehensive Plan, specifically by encouraging economic development through the continued growth and development of the Medical District while promoting a mixture of supportive uses within a walkable environment. Lastly, this property is located at the intersection of a Major Arterial Street (Medical Complex Dr.) and planned Collector Street (Commercial Park/Holderrieth South), intersections such as this are considered appropriate for commercial services as they provide convenient vehicular access and exposure to high volumes of traffic often necessary for commercial businesses to succeed.

**PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on May 26, 2023. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

## **RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case Z23-07.

## **EXHIBITS**

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo(s)
- E. Rezoning Application

Exhibit "A"  
Aerial Location Map



# Location Map

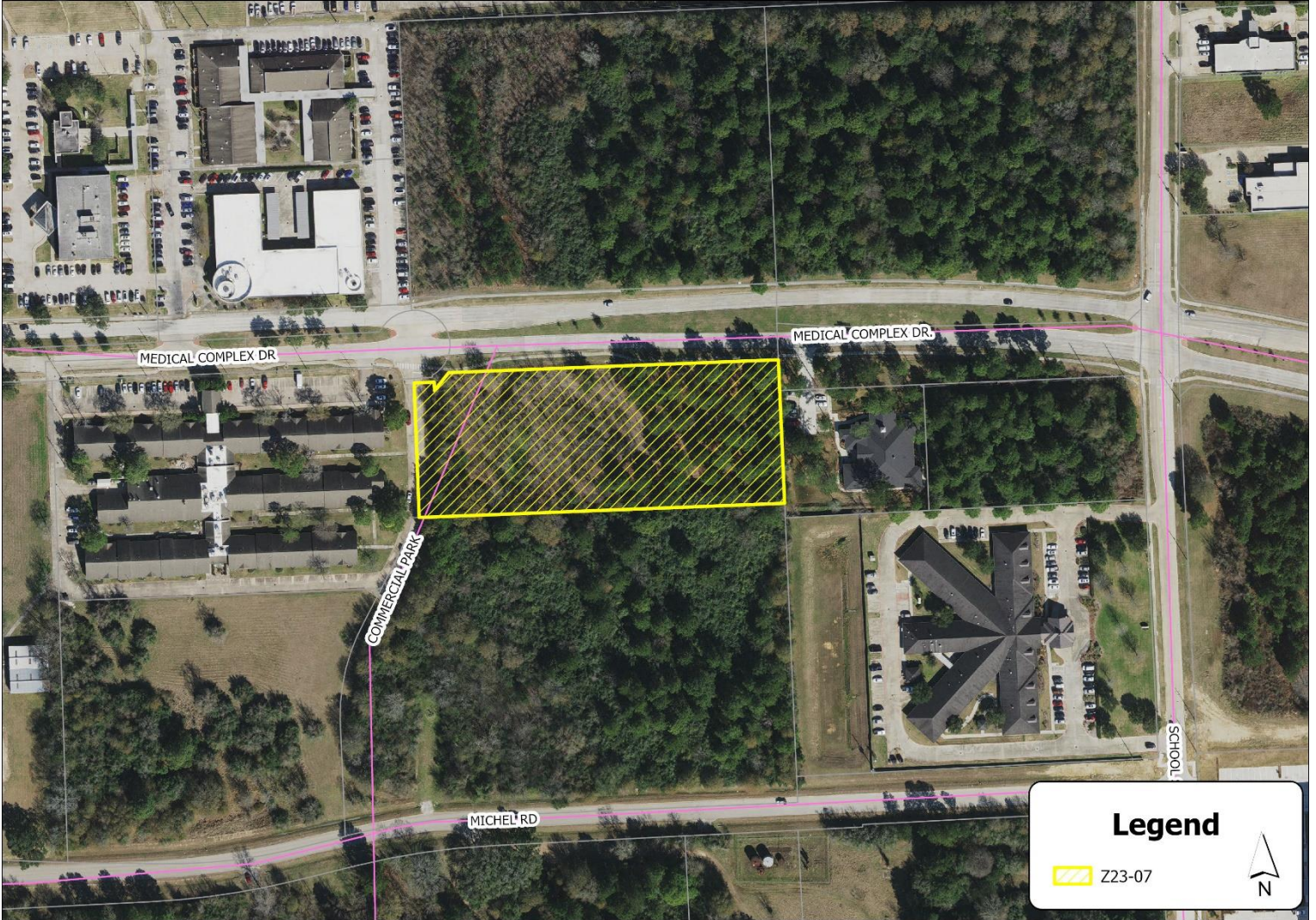


Exhibit "B"  
Future Land Use Plan



# Future Land Use Map

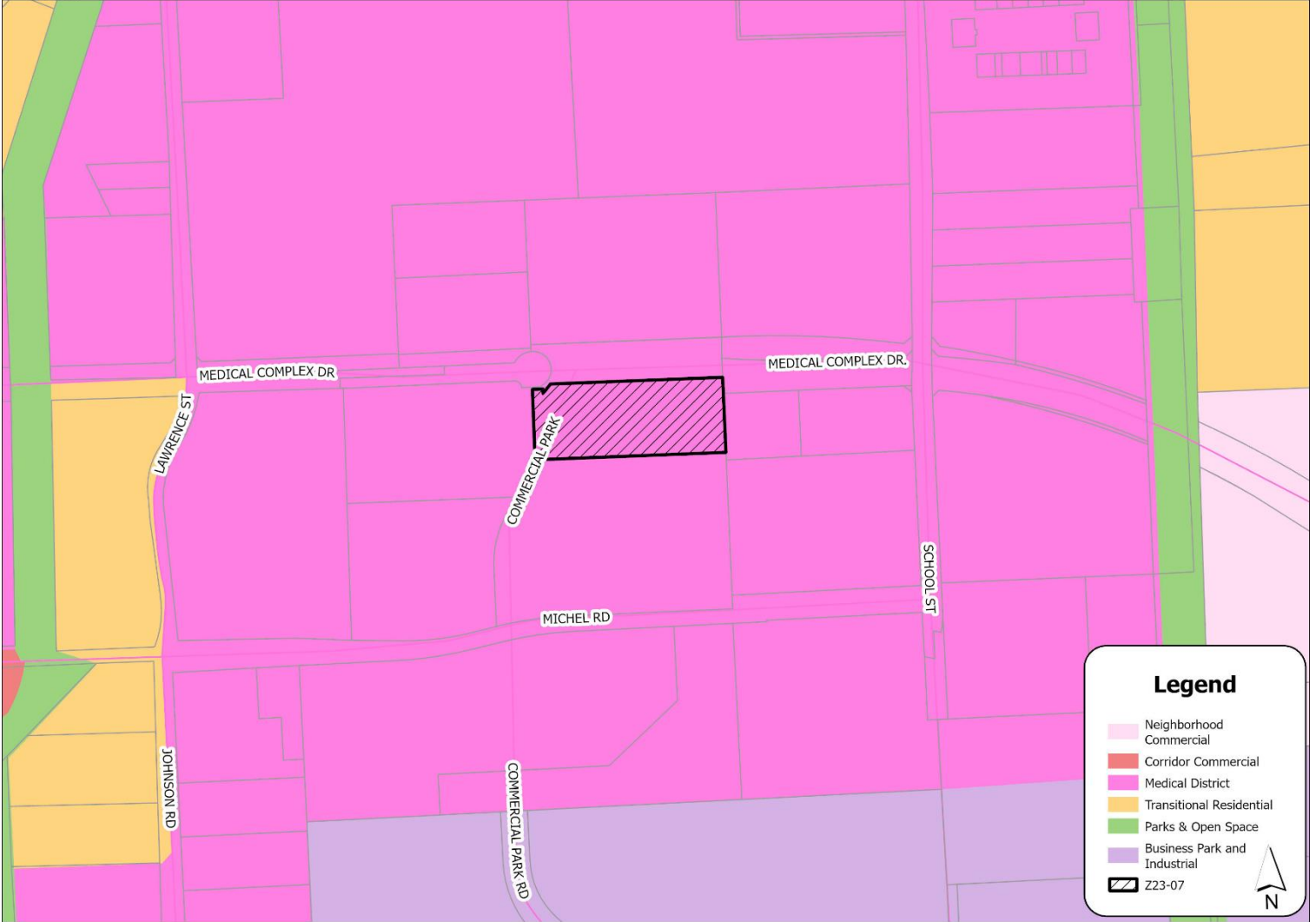
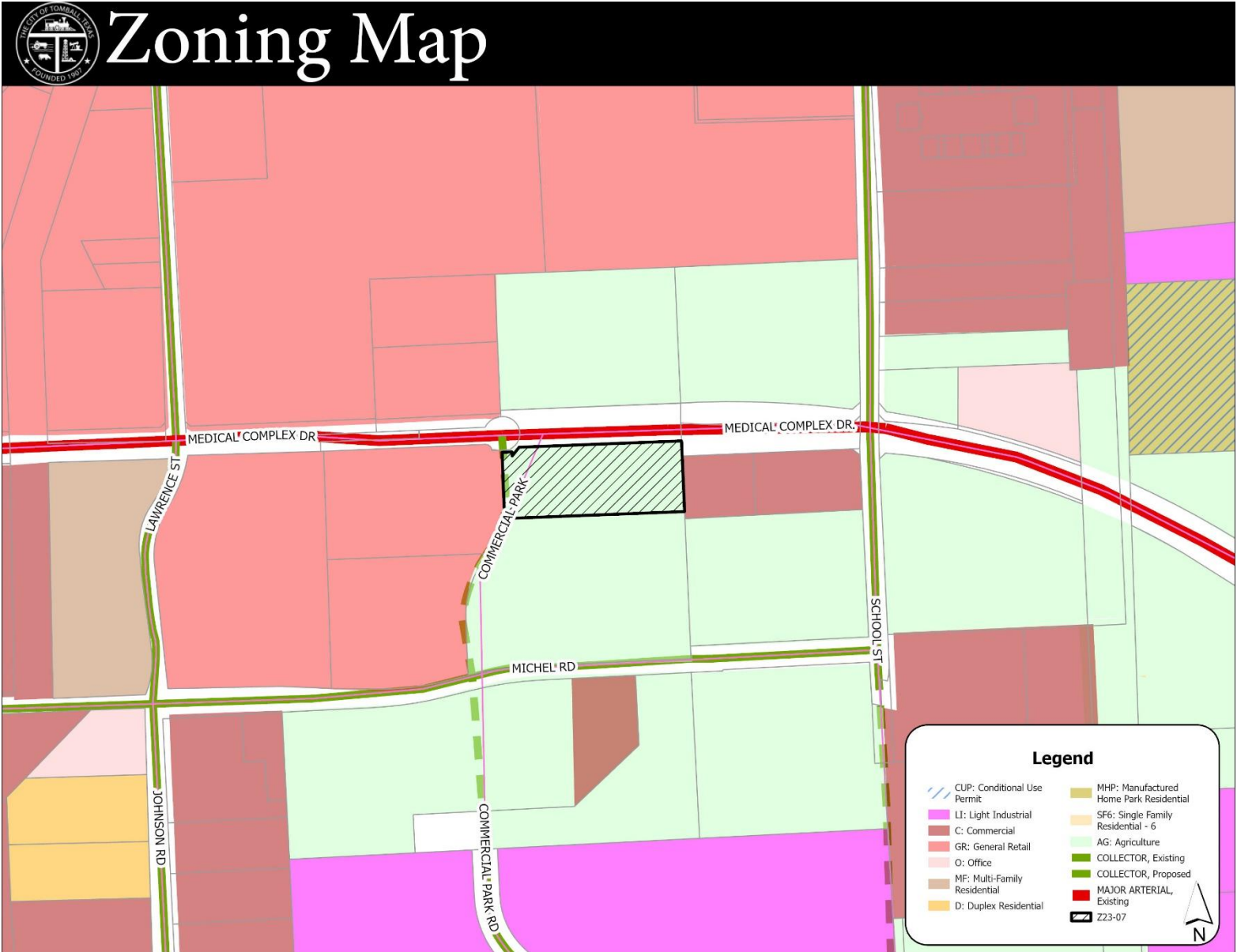


Exhibit "C"  
Zoning Map





**Exhibit "D"**  
**Site Photo(s)**

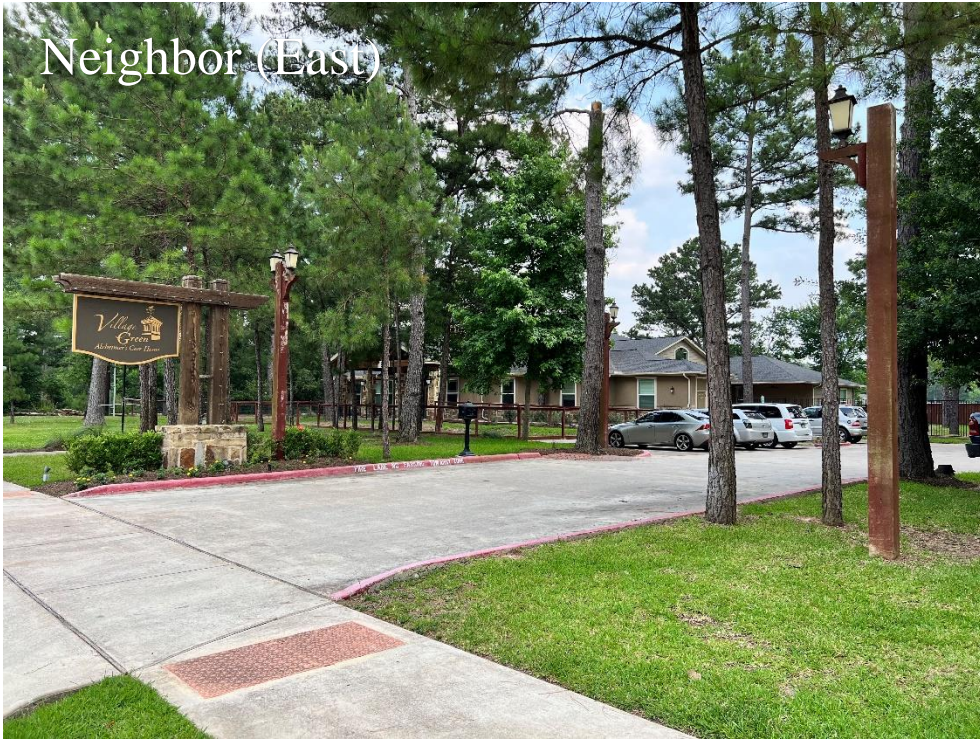
Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)



Neighbor (South)



# Exhibit "E"

## Rezoning Application

DocuSign Envelope ID: 9C45569B-035E-4A02-8F1E-87EC9A44CC39

Revised: 10/1/2022



### APPLICATION FOR RE-ZONING

Community Development Department  
Planning Division

**APPLICATION REQUIREMENTS:** Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

***DIGITAL PLAN SUBMITTALS:***

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

WEBSITE: [tomballtx.gov/securesend](http://tomballtx.gov/securesend)  
USERNAME: [tombalcedd](mailto:tombalcedd)  
PASSWORD: Tomball

**Applicant**

Name: Khoa Nguyen Title: \_\_\_\_\_  
Mailing Address: 28527 Tomball Parkway City: Tomball State: TX  
Zip: 77375 Contact: \_\_\_\_\_  
Phone: (832) 276-1505 Email: paris.win@gmail.com

**Owner**

Name: Tomball 10 Joint Venture, Louis E. Harman, III, MD Title: Managing Partner  
Mailing Address: 5930 Royal Lane, Ste. E #322 City: Dallas State: Texas  
Zip: 75230 Contact: Dr. Louis Harman  
Phone: (214) 205-6439 Email: lehmd@sbcglobal.net

**Engineer/Surveyor (if applicable)**

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_ Contact: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Description of Proposed Project: Development of commercial site for medical and retail use.

Physical Location of Property: SEC of Medical Complex Dr and Holderreith S  
[General Location-- approximate distance to nearest existing street corner]

Legal Description of Property: TR 12C-2 ABST 378 W Hurd  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agricultural

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 [www.tomballtx.gov](http://www.tomballtx.gov)

Revised: 10/1/2022

Current Use of Property: Vacant land



Proposed Zoning District: General retail

Proposed Use of Property: Medical and retail

HCAD Identification Number: 0430440000186 Acreage: 2.7320

**Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.**

**This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.**

	04/13/2023
<input checked="" type="checkbox"/>	
Signature of Applicant	Date
Tomball 10 Joint Venture	
<input checked="" type="checkbox"/> By: 	4/13/2023
Signature of Owner: Louis E, Harman, III, MD, Managing Partner	Date

## **Submittal Requirements**

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

**Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.**

- **Application Fee: \$1,000.00**
- **Completed application form**
- **\*Copy of Recorded/Final Plat**
- **Letter stating reason for request and issues relating to request**
- **Conceptual Site Plan (if applicable)**
- **Metes & Bounds of property**
- **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc.. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

**The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.**

**\*Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an unplatted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

## Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

**FAILURE TO APPEAR:** It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

4/19/2023

Khoa Nguyen  
Paris Industries LLC  
28527 Tomball Parkway  
Tomball, TX 77375

City of Tomball  
501 James Street  
Tomball, TX 77375

**To Whom It May Concern:**

This letter is to request the official re-zoning to general retail use. The goal is to put together a concept that meets the requirements of the city. The zoning clarification from agricultural use to general retail will help.

**Sincerely,**

Khoa Nguyen  
[Type the sender title]  
Paris Industries LLC

Paris Industries LLC





**ORDINANCE NO. 2023-15**

**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 2.73 ACRES OUT OF THE WILLIAM HURD SURVEY, ABSTRACT 378 FROM AGRICULTURAL (AG) TO GENERAL RETAIL (GR) ZONING. THE PROPERTY IS GENERALLY LOCATED WITHIN THE 13200-13400 BLOCKS (SOUTH SIDE) OF MEDICAL COMPLEX DRIVE; 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**, Tomball 10 Joint Venture, represented by Khoa Nguyen, has requested approximately 2.73 acres of land out of the William Hurd Survey, Abstract 378 from Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 13200-13400 blocks (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas (the “Property”), be rezoned; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within three hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

**Whereas**, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City’s receipt of the requested rezoning; and

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council deny the requested rezoning; and

**Whereas**, the City Council deems it appropriate to grant the requested rezoning.

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

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** The rezoning classification of the Property is hereby changed and is subject to the regulations, restrictions, and conditions hereafter set forth.

**Section 3.** The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as hereby stated, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 4.** This Ordinance shall in no manner amend, change, supplement or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property described above.

**Section 5.** 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 6.** Any person who shall 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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

COUNCILMAN FORD \_\_\_\_\_  
COUNCILMAN STOLL \_\_\_\_\_  
COUNCILMAN DUNAGIN \_\_\_\_\_  
COUNCILMAN TOWNSEND \_\_\_\_\_  
COUNCILMAN PARR \_\_\_\_\_

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

COUNCILMAN FORD \_\_\_\_\_  
COUNCILMAN STOLL \_\_\_\_\_  
COUNCILMAN DUNAGIN \_\_\_\_\_  
COUNCILMAN TOWNSEND \_\_\_\_\_  
COUNCILMAN PARR \_\_\_\_\_

\_\_\_\_\_  
LORI KLEIN QUINN, Mayor

ATTEST:

\_\_\_\_\_  
TRACYLYNN GARCIA, City Secretary

Exhibit "A"

DocuSign Envelope ID: 94E4185D-B186-4A01-A10F-97477B82F276

**EIC SURVEYING COMPANY**

12345 Jones Road, Suite 270  
Houston, TX 77070  
281-955-2772 • Fax 281-955-6678  
www.eicurveying.com • eic@eicurveying.com  
Firm No. 100334-00

All that certain tract or parcel containing 2.7320 acres of land out of that certain call 9.872 acre tract of land situated in the William Hurd Survey, A-378 in Harris County, Texas, said 9.872 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. H784607, said 2.7320 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod (found) in the West line of Lot 2 in Block 1 of Park Manor of Tomball, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 617004 of the Harris County Map Records, same point marking the Northeast corner of that certain call 7.200 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. H784607, the Southeast corner of said 9.872 acre tract of land and the Southeast corner of the herein described 2.7320 acre tract of land;

THENCE S 87°43'23" W, a distance of 544.77 feet along the common line of said 7.200 acre and said 9.872 acre tracts of land to a 5/8" iron rod with PBS & J Surveying cap (found) in the East right-of-way line of Holderrieth Road, (60.00 feet in width), as described in an instrument filed for record under Harris County Clerk's File No. J650875 marking the Northwest corner of said 7.200 acre tract of land and the Southwest corner of the herein described 2.7320 acre tract of land, same point being in a curve to the left having a radius of 330.00 feet;

THENCE Northeasterly, along the East right-of-way line of said Holderrieth Road, with said curve to the left through a central angle of 13°54'08", a chord bearing and distance of N 04°25'23" E, 79.88 feet, an arc distance of 80.07 feet to a 5/8" iron rod (found) marking a point of tangency;

THENCE N 02°31'37" W, a distance of 118.44 feet along the East right-of-way line of said Holderrieth Road to a 1/4" iron rod (found) at the Southwest end of a cut-back corner marking the intersection of the East right-of-way line of said Holderrieth Road with the South right-of-way line of Medical Complex Drive, (variable width), same point marking the Southwesterly corner of that certain 1.4454 acre tract of land known as Parcel 2 as described in a deed to the City of Tomball for road right-of-way as described in a deed filed for record under Harris County Clerk's File No. 20120351956 and the Westerly-Northwest corner of the herein described 2.7320 acre tract of land;

THENCE N 43°08'09" E, a distance of 35.42 feet along said cut-back corner and said 1.4454 acre tract of land to a 5/8" iron rod (found) in the South right-of-way line of said Medical Complex Drive marking an interior corner of said 1.4454 acre tract of land and the Northerly-Northeast corner of the herein described 2.7320 acre tract of land;

THENCE N 87°45'10" E, a distance of 509.81 feet along the South right-of-way line of said Medical Complex Drive marking and the South line of said 1.4454 acre tract of land to a 5/8" iron rod with EIC cap (set) in the East line of said 9.872 acre tract of land marking the Southeast corner of said 1.4454 acre tract of land, an angle point in the South right-of-way line of said Medical Complex Drive and the Northeast corner of the herein described 2.7320 acre tract of land;

THENCE S 02°31'06" E, along the East line of said 9.872 acre tract of land, passing at 48.20 feet a 1" iron pipe (found) marking an angle point in the South right-of-way line of said Medical Complex Drive and the Northwest corner of said Lot 2 in Block 1, a total distance of 222.37 feet to the POINT OF BEGINNING and containing 2.7320 acres of land.

Surveyed on the ground July 01, 2021.

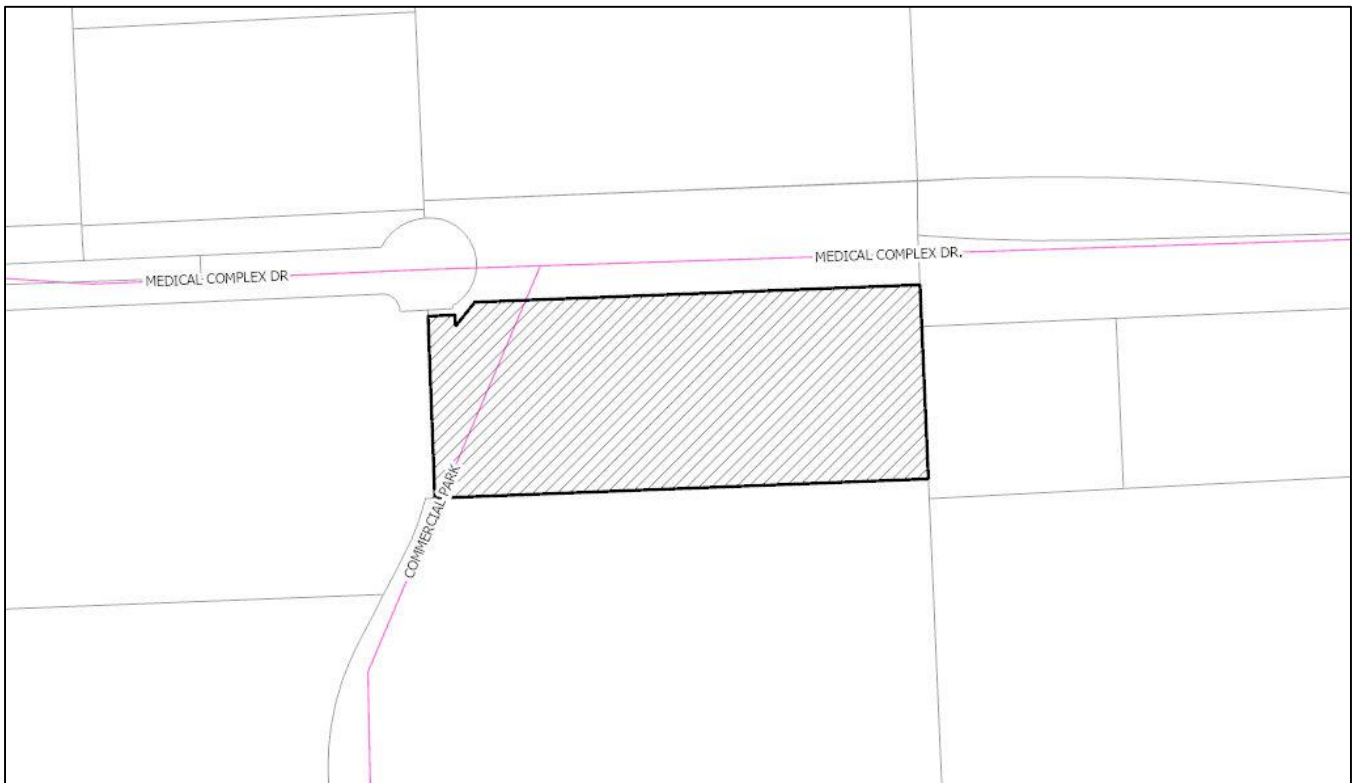
Job No. 21-182-04. (see corresponding plat)

The basis of bearing is S 02°31'06" E along the East line of subject tract per plat prepared by PBS&J Surveying dated 6/6/2002 under Job No. 460615.00 and signed by Darrel Heidrich, RPLS #5378.

DS  
LEH  
DS  
KN

Land Boundary / Topographic Surveying  
A Division of Everything in Christ Services, Inc.





Location: 13200-13400 blocks (south side) of Medical Complex Drive. Being 2.73 acres out of the William Hurd Survey, Abstract 378, City of Tomball, Harris County, Texas.

# City Council Agenda Item Data Sheet

Meeting Date: 06/19/2023

## Topic:

Consideration to Approve **Zoning Case Z23-08**: Request by Real Life Ministries Texas represented by Quiddity to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being Lot 1, Block 1 of Devasco International as well as approximately 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176 from Light Industrial (LI) and Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 1600 block (west side) of S. Cherry Street, within the City of Tomball, Harris County, Texas.

## Conduct Public Hearing on **Zoning Case Z23-08**

Adopt, on First Reading, Ordinance No. 2023-16, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning land legally described as being Lot 1, Block 1 of Devasco International as well as approximately 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176 from Light Industrial (LI) and Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 1600 block (west side) of S. Cherry Street, within the City of Tomball, Harris County, Texas; 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.

## Background:

As per the applicant, the subject property is currently being used as a warehouse. The applicant's request is to rezone the subject property to General Retail (GR) to allow the use of a church and childcare center to operate at this location. Churches are allowed by right within the current Light Industrial (LI) and Agricultural (AG) zoning which is applicable on the subject property. However, a childcare center is not permitted in either of these zoning districts by right.

## Origination:

## Recommendation:

City staff recommends Approval of Zoning Case Z23-08. Planning and Zoning Commission recommends Approval, (Unanimously), with amending the rezoning from Light Industrial (LI) and Agricultural (AG) to Office (O) zoning. (Unanimous).

**Party(ies) responsible for placing this item on agenda:** Nathan Dietrich (Community Development Director)

## FUNDING (IF APPLICABLE)

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



**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
JUNE 12, 2023  
&  
CITY COUNCIL  
JUNE 19, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, June 12, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, June 19, 2023 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 Z23-07:** Request by Tomball 10 Joint Venture represented by Khoa Nguyen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being approximately 2.73 acres out of the William Hurd Survey, Abstract 378 from Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 13200-13400 blocks (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

**Zoning Case Z23-08:** Request by Real Life Ministries Texas represented by Quiddity to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being Lot 1, Block 1 of Devasco International as well as approximately 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176 from Light Industrial (LI) and Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 1600 block (west side) of S. Cherry Street, within the City of Tomball, Harris County, Texas.

**Zoning Case Z23-09:** Request by Tim Littlefield to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being all of Tomball Townsite Outlot 281 from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1100-1400 blocks (west side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas.

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, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact the City Planner, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).



## CERTIFICATION

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 9<sup>th</sup> day of June 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

*Jared Smith*

Jared Smith  
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](http://www.tomballtx.gov).



**City of Tomball**  
**Community Development Department**

AMERICO ENERGY REAL ESTATE HOLDINGS LTD  
7575 SAN FELIPE STE 200

HOUSTON, TX 77063-1778

**NOTICE OF PUBLIC HEARING**

**RE: Zone Change Case Number Z23-08**

**5/23/2023**

The Planning & Zoning Commission will hold a public hearing on **June 12, 2023 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Real Life Ministries Texas represented by Quiddity to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being Lot 1, Block 1 of Devasco International as well as approximately 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176 from Light Industrial (LI) and Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 1600 block (west side) of S. Cherry Street, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **rezoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **June 19, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions, please contact Jared Smith, City Planner at telephone 281-290-1491 or by email address [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: Z23-08**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: AMERICO ENERGY REAL ESTATE HOLDINGS LTD  
Parcel I.D.: 0352820000135  
Address: 0 RUDOLPH RD

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor

I am opposed

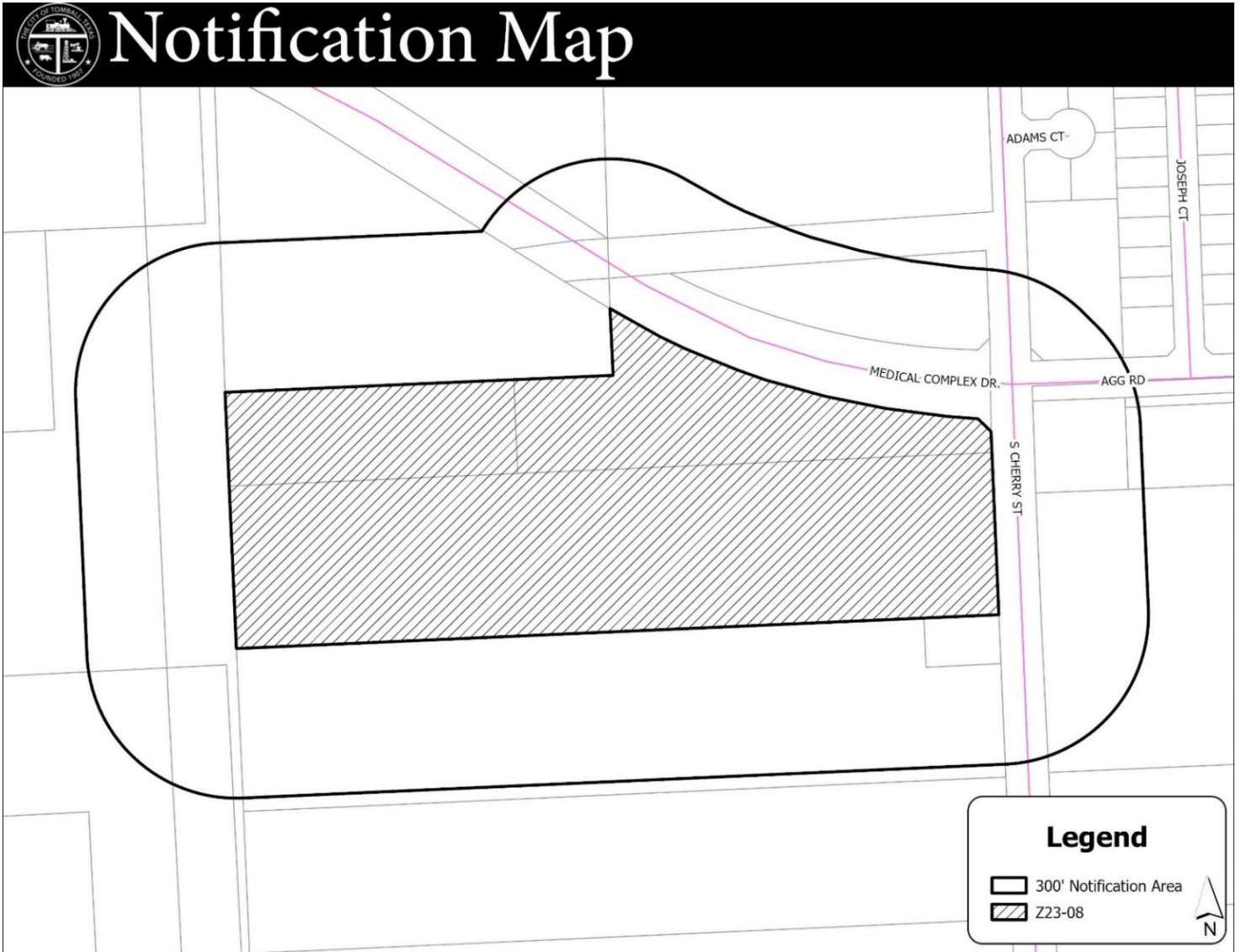
Additional Comments:

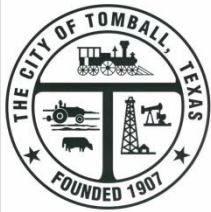
Signature: \_\_\_\_\_



*City of Tomball*  
*Community Development Department*

**Z23-08**





**Rezoning  
Staff Report**

Planning & Zoning Commission Public Hearing Date: June 12, 2023  
City Council Public Hearing Date: June 19, 2023

**Rezoning Case:** Z23-08

**Property Owner(s):** Real Life Ministries Texas (Tommy Roberson)

**Applicant(s):** Quiddity (Cameron Miller)

**Legal Description:** Lot 1, Block 1 of Devasco International as well as approximately 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176

**Location:** Generally located within the 1600 block (west side) of S. Cherry Street, within the City of Tomball, Harris County, Texas. (Exhibit “A”)

**Area:** 6.09 acres

**Comp Plan Designation:** Neighborhood Commercial and Business Park and Industrial (Exhibit “B”)

**Present Zoning:** Light Industrial (LI) and Agricultural (AG) (Exhibit “C”)

**Request:** Rezone from Light Industrial (LI) and Agricultural (AG) to General Retail (GR)

**Adjacent Zoning & Land Uses:**

**North:** Medical Complex Drive, Agricultural (AG), and General Retail (GR) / Vacant and Undeveloped

**South:** Light Industrial (LI) and Single Family Residential - 9 (SF-9) / Vacant and Undeveloped and Single Family Residential

**West:** Agricultural (AG) and Commercial/ Drainage Channel and Diagnostic Imaging and Treatment Services

**East:** S. Cherry Street, Single Family Residential - 20 Estate (SF-20-E), and Office (O) / Single Family Residential, Office Building

**BACKGROUND**

As per the applicant, the subject property is currently being used as a warehouse. The applicant’s request is to rezone the subject property to General Retail (GR) to allow the use of a church and

childcare center to operate at this location. Churches are allowed by right within the current Light Industrial (LI) and Agricultural (AG) zoning which is applicable on the subject property. However, a childcare center is not permitted in either of these zoning districts by right.

## **ANALYSIS**

**Description:** The subject property comprises about 6.09 acres, generally located within the 1600 block (west side) of S. Cherry Street. Currently the subject property is zoned Agricultural and Light Industrial and has been within these zoning classifications since the City of Tomball adopted zoning in 2008. In 2022, the vacant portion of the property subject to this request was considered for rezoning to Commercial (C). During the consideration of this request the City Council shared concerns regarding the uses that would be permitted by the requested Commercial zoning district and suggested that the applicant at the time downgrade their request to General Retail. However, the previous applicants were unable to utilize the property as they intended under a General Retail zoning classification and ultimately the request to rezone to C was denied and the project did not proceed. Immediately north of the subject property is Medical Complex Drive and the area further north, was recently rezoned to GR in March of 2023, this property is vacant and undeveloped. South of the subject site, zoned LI, is vacant and undeveloped. A small area to the south that is zoned SF-9 contains a single-family residence. The area west of the subject property that is zoned AG is a drainage channel. Memorial MRI & Diagnostic is located further west of the subject parcel and is zoned C. East of the subject site is S. Cherry Street. The area further east contains a single family residential (zoned SF-20 E) and a vacant commercial building (zoned O).

### **Comprehensive Plan Recommendation:**

A portion of the property (front) that abuts the Medical Complex Drive is designated as Neighborhood Commercial and the rear is designated as Business Park and Industrial by the Comprehensive Plan's Future Land Use Map (FLUM).

#### Neighborhood Commercial:

The Neighborhood Commercial category is intended for commercial uses that are developed with the appropriate context, scale and design to complement residential development. They are intended to be accessible by both vehicles and pedestrians. Restaurants, retail, professional services, clinics, and offices are appropriate for this category. Recommended secondary uses are places of assembly or event venues, local utility services, and government facilities. Recommended zoning categories are Office (O), General Retail (GR), Planned Development (PD).

#### Business Park & Industrial:

This category is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic including freight. Land uses include office, warehousing, light manufacturing (with indoor operations), breweries/distilleries, equipment sales, contractor services, and corporate campuses. Recommended secondary uses are utility services, government facilities, and transportation/freight uses. Recommended zoning categories are Light Industrial (LI), Commercial (C), Office (O), and Planned Development (PD).

### **Staff Review Comments:**

The proposed zoning category of GR is in conformance with the Comprehensive Plan for the area designated as Neighborhood Commercial (located along the Medical Complex Drive). The proposed zoning category of GR is not in conformance with the Comprehensive Plan for the area designated as Business Park & Industrial (rear of the subject parcel). Although this is the case, the conditions on the ground and planned use of the existing facility as a childcare center and church as opposed to its former warehouse use warrants consideration for General Retail in this location.

Particularly given that the property is located on the corner of Medical Complex Drive (a major arterial street) and S. Cherry Street (a minor arterial street) this location provides convenient access to the proposed supporting land uses for nearby residential communities and employees/visitors of the medical district. The requested rezoning may be viewed as an expansion of the current planned Neighborhood Commercial land use category at the intersection of Medical Complex Drive and S. Cherry Street. Furthermore, the location being at the intersection of a major arterial street and minor arterial street is ideally suited to support the volume of traffic that the proposed land uses would generate.

### **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on May 26, 2023. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

### **RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case Z23-08.

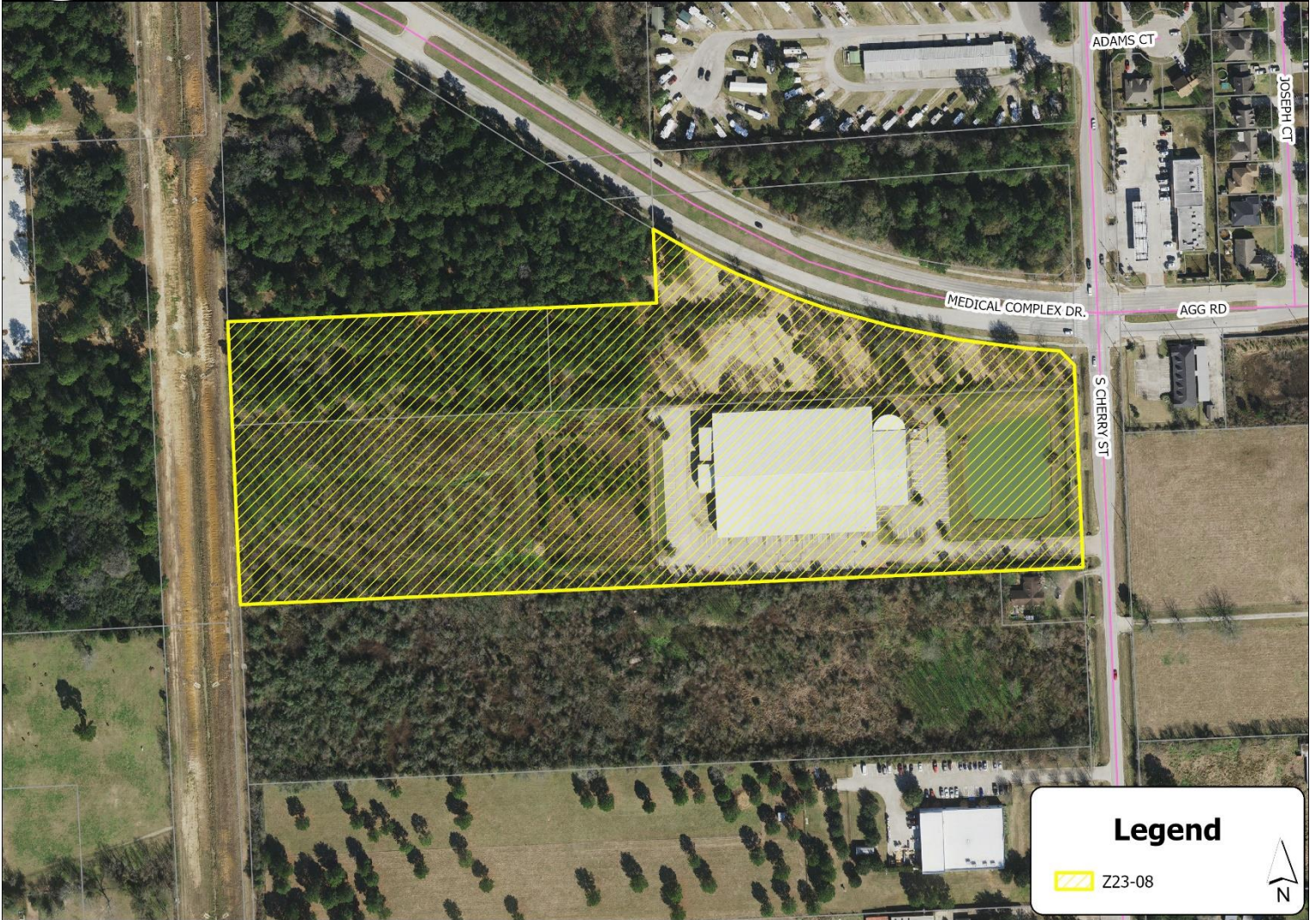
### **EXHIBITS**

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Rezoning Application

Exhibit "A"  
Aerial Location Map



# Location Map



### Legend


 Z23-08



Exhibit "B"  
Future Land Use Plan



# Future Land Use Map

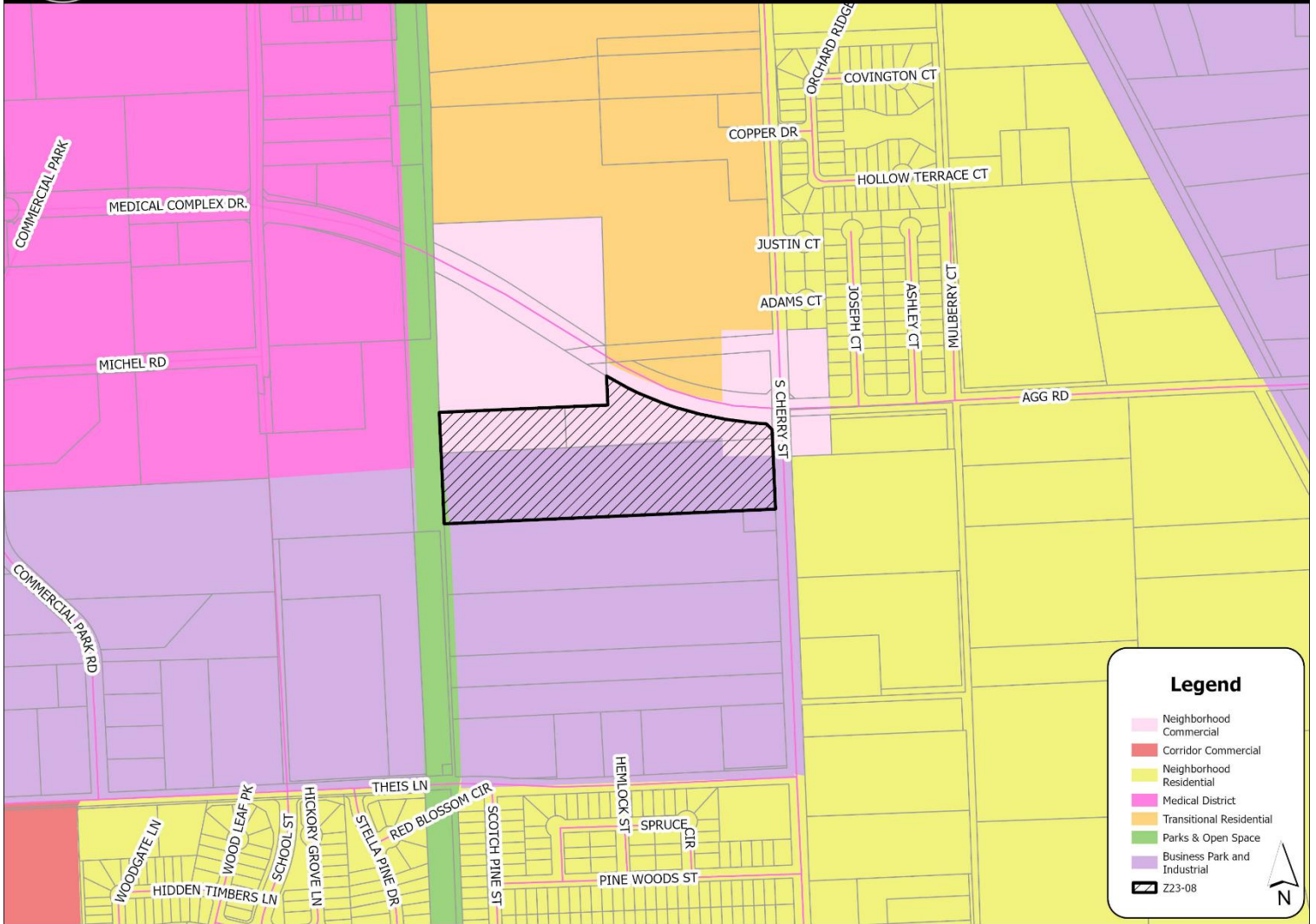
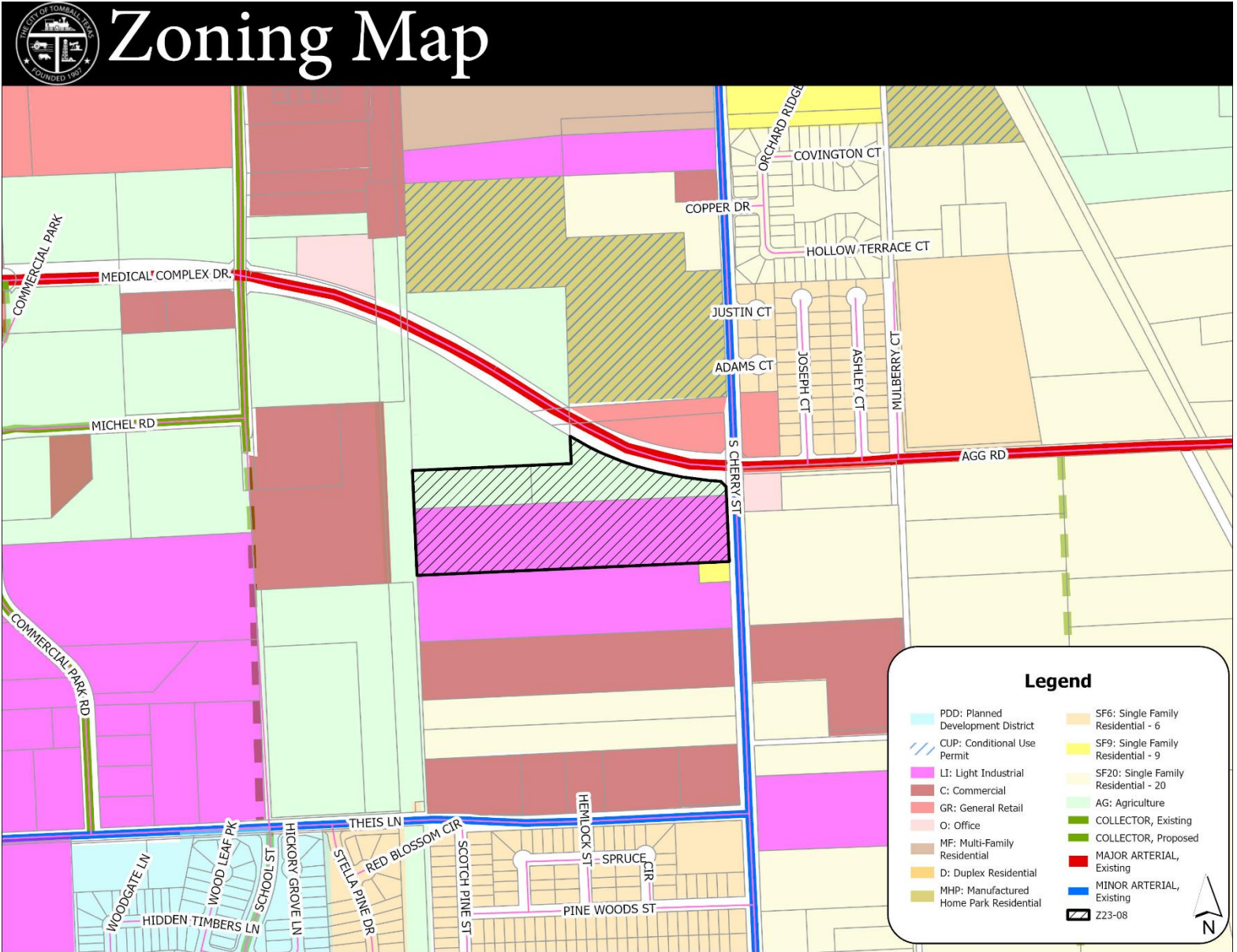




Exhibit "C"  
Zoning Map



**Exhibit "D"**  
**Site Photo(s)**



Neighbor (West)



Neighbor (East)



Neighbor (North)



Neighbor (South)



Neighbor (South)



# Exhibit "E" Rezoning Application

Revised: 10/1/2022



## APPLICATION FOR RE-ZONING

Community Development Department  
Planning Division

**APPLICATION REQUIREMENTS:** Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

### **DIGITAL PLAN SUBMITTALS:**

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

**WEBSITE:** [tomballtx.gov/secure/send](http://tomballtx.gov/secure/send)  
**USERNAME:** [tomballedd](mailto:tomballedd)  
**PASSWORD:** TomballI

### **Applicant**

Name: Cameron Miller Title: Project Manager  
Mailing Address: 1575 Sawdust Rd. City: Spring State: Texas  
Zip: 77380 Contact: Cameron Miller  
Phone: (346)813-3844 Email: cmiller@quiddity.com

### **Owner**

Name: Tommy Roberson Title: Executive Pastor  
Mailing Address: 1222 W Main Street City: Tomball State: Texas  
Zip: 77375 Contact: Tommy Roberson  
Phone: (972)201-2976 Email: deltarobo@icloud.com

### **Engineer/Surveyor (if applicable)**

Name: Cameron Miller Title: Project Manager  
Mailing Address: 1575 Sawdust Rd. City: Spring State: Texas  
Zip: 77380 Contact: Cameron Miller  
Phone: (346)813-3844 Fax: ( ) Email: cmjller@quiddity.com

**Description of Proposed Project:** Proposed Real Life Ministries. Project consists of remodeling existing warehouse. Added parking, soccer field, play ground and associated drainage

**Physical Location of Property:** 1626 S Cherry Street, Tomball, Texas 77375

[General Location – approximate distance to nearest existing street corner]  
Legal Description of Property: Lot 1, Block 1, Devasco International F.C. No. 615009 H.C.M.R., Tract 1, 3.5879 acres of land south remainder to that certain called 7.56 acres tract recorded under H.C.C.F. No. 2012027296; Tract 2, 2.5043 acres of land, being all of that certain called 2.5 acres tract recorded under H.C.C.F. No. 20130397880.  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

**Current Zoning District:** Light Industrial and Agricultural

Current Use of Property: Warehouse - Light Industrial

Proposed Zoning District: General Retail

Proposed Use of Property: Assembly - Church

HCAD Identification Number: 1299580010001, 0352860000172, 0352860000412 Acreage: 17.54

**Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.**

**This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.**

<input checked="" type="checkbox"/>	<u><i>C.M. Miller</i></u>	<u>5/2/23</u>
	Signature of Applicant	Date
<input checked="" type="checkbox"/>	<u><i>[Signature]</i></u>	<u>5/2/23</u>
	Signature of Owner	Date



6330 West Loop South, Suite 150  
Bellaire, Texas 77401  
Tel: 713.777.5337  
www.quiddity.com

May 2, 2023

City of Tomball Planning & Zoning  
501 James Street  
Tomball, Texas 77675

Re : Real life Ministries Re-zoning

To Whom it May Concern:

On behalf of Real Life Ministries, Quiddity Engineering is requesting to re-zone the property listed in the application from light industrial and agricultural to general retail. It is our understanding that, for future development and proposed parking within the agricultural zone, a conditional use permit is required. Because the existing building occupancy will be switching from a warehouse to a church assembly in the future, the City has recommended to rezone the properties to general retail in lieu of the conditional use permit.

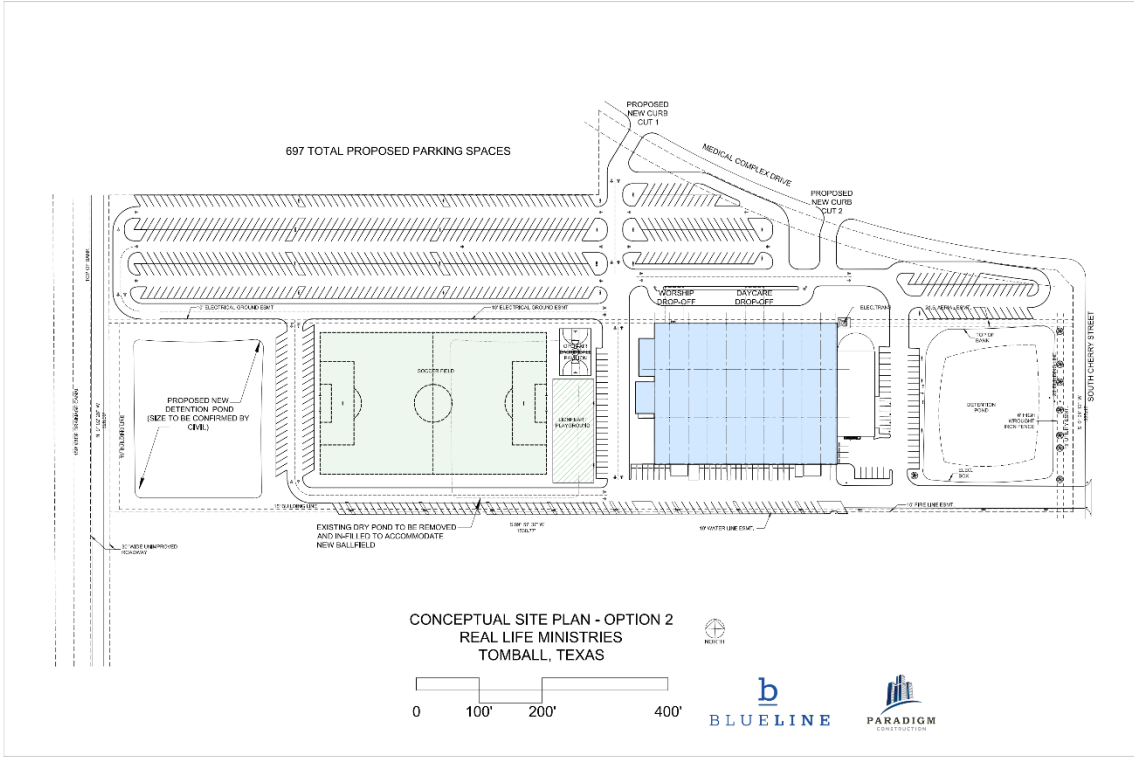
Sincerely,

A handwritten signature in black ink that reads "C.M. Miller".

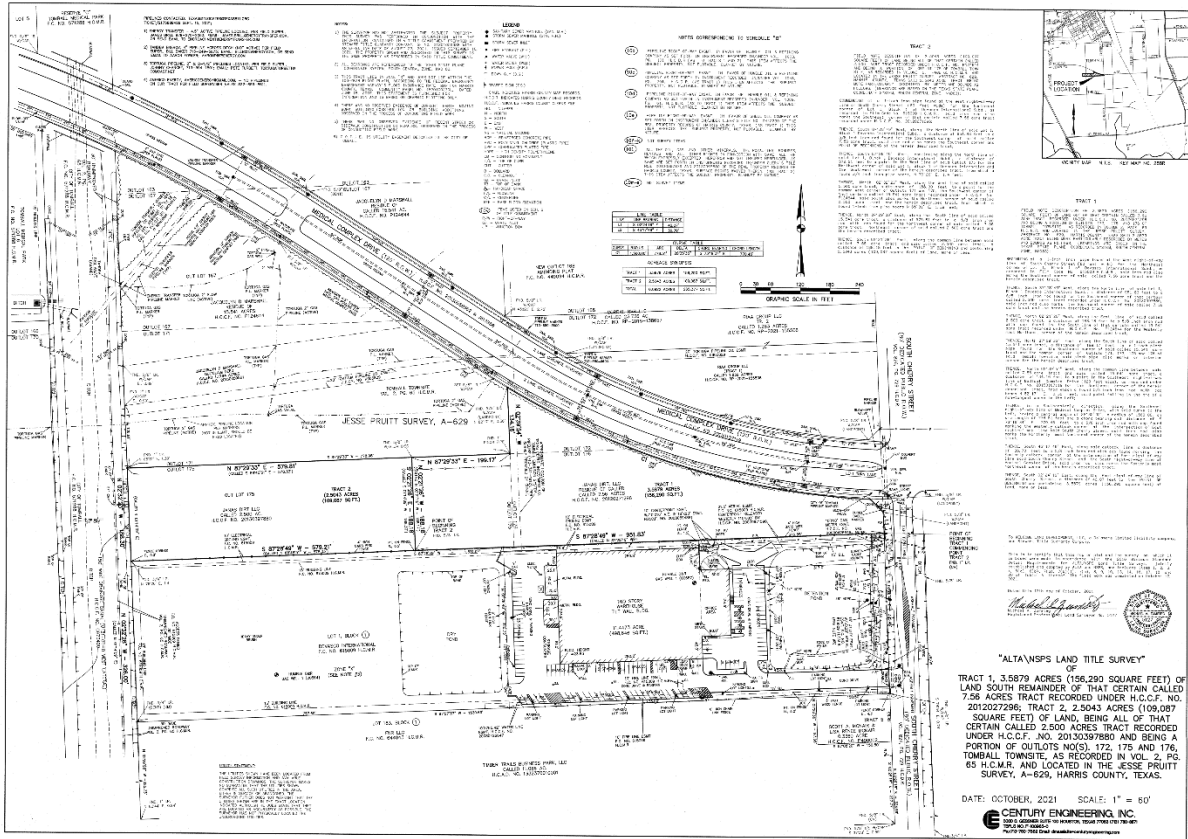
Cameron M. Miller, PE  
Project Manager

CMM/jrd  
K:\18075\18075-0001-00 Real Lift Ministries - Tomball\Project Management\Deliverables\SENT 05-02-2023 Rezoning  
Application\Real Life Ministries.docx  
Enclosures  
By certified mail

Texas Board of Professional Engineers and Land Surveyors Registration Nos. F-23290 & 10046100







**"ALTA WSPS LAND TITLE SURVEY"**  
 TRACT 1, 3,587.9 ACRES (156,290 SQUARE FEET) OF  
 LAND SOUTH REMAINDER OF THAT CERTAIN CALLED  
 7.58 ACRES TRACT RECORDED UNDER H.C.C.F. NO.  
 2012027296; TRACT 2, 2,504.3 ACRES (109,087  
 SQUARE FEET) OF LAND, BEING ALL OF THAT  
 CERTAIN CALLED 2,500 ACRES TRACT RECORDED  
 UNDER H.C.C.F. NO. 20130397880 AND BEING A  
 PORTION OF OUTLOTS NO(S). 172, 175 AND 176,  
 TOMBALL TOWNSITE, AS RECORDED IN VOL. 2, PG.  
 65 H.C.M.R. AND LOCATED IN THE JESSE PRUITT  
 SURVEY, A-629, HARRIS COUNTY, TEXAS.

DATE: OCTOBER, 2021 SCALE: 1" = 80'  
**CENTURY ENGINEERING, INC.**  
 1000 WESTWIND DRIVE, SUITE 100, HOUSTON, TEXAS 77060  
 281.462.8800  
 www.centuryengineering.com



**NOTES**

1. THIS SURVEY IS A REVISION OF THE SURVEY BY [Name] DATED [Date].
2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. ALL ANGLES ARE IN DEGREES, MINUTES AND SECONDS.
4. THE AREA OF THIS SURVEY IS 6,092.2 ACRES.
5. THE TOTAL AREA OF TRACT 1 IS 3,587.9 ACRES.
6. THE TOTAL AREA OF TRACT 2 IS 2,504.3 ACRES.
7. THE TOTAL AREA OF TRACT 3 IS 0.0 ACRES.
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76. THE TOTAL AREA OF TRACT 72 IS 0.0 ACRES.
77. THE TOTAL AREA OF TRACT 73 IS 0.0 ACRES.
78. THE TOTAL AREA OF TRACT 74 IS 0.0 ACRES.
79. THE TOTAL AREA OF TRACT 75 IS 0.0 ACRES.
80. THE TOTAL AREA OF TRACT 76 IS 0.0 ACRES.
81. THE TOTAL AREA OF TRACT 77 IS 0.0 ACRES.
82. THE TOTAL AREA OF TRACT 78 IS 0.0 ACRES.
83. THE TOTAL AREA OF TRACT 79 IS 0.0 ACRES.
84. THE TOTAL AREA OF TRACT 80 IS 0.0 ACRES.
85. THE TOTAL AREA OF TRACT 81 IS 0.0 ACRES.
86. THE TOTAL AREA OF TRACT 82 IS 0.0 ACRES.
87. THE TOTAL AREA OF TRACT 83 IS 0.0 ACRES.
88. THE TOTAL AREA OF TRACT 84 IS 0.0 ACRES.
89. THE TOTAL AREA OF TRACT 85 IS 0.0 ACRES.
90. THE TOTAL AREA OF TRACT 86 IS 0.0 ACRES.
91. THE TOTAL AREA OF TRACT 87 IS 0.0 ACRES.
92. THE TOTAL AREA OF TRACT 88 IS 0.0 ACRES.
93. THE TOTAL AREA OF TRACT 89 IS 0.0 ACRES.
94. THE TOTAL AREA OF TRACT 90 IS 0.0 ACRES.
95. THE TOTAL AREA OF TRACT 91 IS 0.0 ACRES.
96. THE TOTAL AREA OF TRACT 92 IS 0.0 ACRES.
97. THE TOTAL AREA OF TRACT 93 IS 0.0 ACRES.
98. THE TOTAL AREA OF TRACT 94 IS 0.0 ACRES.
99. THE TOTAL AREA OF TRACT 95 IS 0.0 ACRES.
100. THE TOTAL AREA OF TRACT 96 IS 0.0 ACRES.
101. THE TOTAL AREA OF TRACT 97 IS 0.0 ACRES.
102. THE TOTAL AREA OF TRACT 98 IS 0.0 ACRES.
103. THE TOTAL AREA OF TRACT 99 IS 0.0 ACRES.
104. THE TOTAL AREA OF TRACT 100 IS 0.0 ACRES.

**ORDINANCE NO. 2023-16**

**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 LOT 1, BLOCK 1 OF DEVASCO INTERNATIONAL AS WELL AS APPROXIMATELY 6.09 ACRES OF LAND BEING A PORTION OF TOMBALL TOWNSITE OUTLOTS 172, 175, AND 176 FROM LIGHT INDUSTRIAL (LI) AND AGRICULTURAL (AG) TO GENERAL RETAIL (GR) ZONING. THE PROPERTY IS GENERALLY LOCATED WITHIN THE 1600 BLOCK (WEST SIDE) OF S. CHERRY STREET; 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.**

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**Whereas**, Real Life Ministries, represented by Quiddity, has requested approximately 6.09 acres of land being a portion of the Tomball Townsite Outlots 172, 175, and 176 from Light Industrial (LI) and Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 1600 block (west side) of S. Cherry Street, within the City of Tomball, Harris County, Texas (the “Property”), be rezoned; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within three hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

**Whereas**, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City’s receipt of the requested rezoning; and

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council consider approving the rezoning of said property to Office (O); and

**Whereas**, the City Council deems it appropriate to grant the requested rezoning.

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

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** The rezoning classification of the Property is hereby changed and is subject to the regulations, restrictions, and conditions hereafter set forth.

**Section 3.** The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as hereby stated, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 4.** This Ordinance shall in no manner amend, change, supplement or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property as described above.

**Section 5.** 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 6.** Any person who shall 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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

COUNCILMAN FORD \_\_\_\_\_  
COUNCILMAN STOLL \_\_\_\_\_  
COUNCILMAN DUNAGIN \_\_\_\_\_  
COUNCILMAN TOWNSEND \_\_\_\_\_  
COUNCILMAN PARR \_\_\_\_\_

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

COUNCILMAN FORD \_\_\_\_\_  
COUNCILMAN STOLL \_\_\_\_\_  
COUNCILMAN DUNAGIN \_\_\_\_\_  
COUNCILMAN TOWNSEND \_\_\_\_\_  
COUNCILMAN PARR \_\_\_\_\_

\_\_\_\_\_  
LORI KLEIN QUINN, Mayor

ATTEST:

\_\_\_\_\_  
TRACYLYNN GARCIA, City Secretary

## TRACT 1

FIELD NOTE DESCRIPTION OF 3.5879 ACRES (156,290 SQUARE FEET) OF LAND OUT OF THAT CERTAIN CALLED 7.56 ACRE TRACT RECORDED UNDER H.C.C.F. NO. 20120271296 AND BEING A PORTION OF OUTLOTS 172, 175 AND 176 OF TOMBALL TOWNSITE, AS RECORDED IN VOLUME 2, PAGE 65 H.C.M.R. AND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 829, HARRIS COUNTY, TEXAS SAID 3.5879 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83):

BEGINNING at a 1-inch iron pipe found at the West right-of-way line of South Cherry Street (80 feet wide) for the Northeast corner of Lot 1, Block 1 of Devasco International Subd., as recorded in Film Code No. 615009 H.C.M.R., said iron rod also marks the Southeast corner of said called 7.56 acre tract and the herein described tract;

THENCE, South 87° 28' 49" West, along the North line of said Lot 1, Block 1 Devasco International Subd., a distance of 951.83 feet to a 5/8 inch iron rod found for the Southeast corner of that certain called 2.500 acre tract recorded under H.C.C.F. No. 20130397880, said iron rod also marks the Southwest corner of said called 7.56 acre tract and the herein described tract;

THENCE, North 02° 21' 26" West, along the East line of said called 2.500 acre tract, a distance of 188.18 feet to a 5/8 inch iron rod with cap found in the South line of that certain called 15.541 acre tract recorded under H.C.C.F. No. P124644 for the Westerly most Northwest corner of the herein described tract;

THENCE, North 87° 29' 33" East, along the South line of said called 15.541 acre tract, a distance of 199.17 feet to a 1-inch pinch pipe found for the Southeast corner of said called 15.541 acre tract and the common corner of Outlots 171, 172, 175 and 176 of said Tomball Townsite, said pinch pipe also marks an interior corner for the herein described tract;

THENCE, North 02° 39' 54" West, along the common line between said called 7.56 acre tract and said called 15.541 acre tract, a distance of 134.16 feet to a point in the Southeast right-of-way line of Medical Complex Drive (120 feet wide), as recorded under H.C.C.F. No. 20150107119 for the Northwest corner of the herein described tract, from which a found 5/8 inch iron rod with cap bears N 82° 17' E, 0.36 feet, said point falling in the arc of a non-tangent curve to the Left;

THENCE, in a Southeasterly direction, along the Southeast right-of-way line of Medical Complex Drive, with said curve to the Left, having a central angle of 28° 35' 35", a radius of 1560.00, an arc length of 778.51 feet and a chord bearing and distance of S 73° 19' 34" E, 770.45 feet to a 5/8 inch iron rod with cap found marking the Westerly cutback corner at the intersection of East right-of-way line said South Cherry Street, said iron rod also marks the Northerly most Northeast corner of the herein described tract;

THENCE, South 45° 17' 46" East, along said cutback line, a distance of 36.70 feet to a 5/8 inch iron rod with cap found marking the Easterly cutback corner at the intersection of East right-of-way line said South Cherry Street and the South right-of-way line of Medical Complex Drive, said iron rod also marks the Easterly most Northeast corner of the herein described tract;

THENCE, South 02° 24' 16" East, along the East right-of-way line of South Cherry Street, a distance of 42.07 feet to the POINT OF BEGINNING and containing 3.5879 acres (156,290 square feet) of land, more or less.

## TRACT 2

FIELD NOTE DESCRIPTION OF 2.5043 ACRES (109,087 SQUARE FEET) OF LAND BEING ALL OF THAT CERTAIN CALLED 2.500 ACRE TRACT RECORDED UNDER H.C.C.F. NO. P124644 AND BEING A PORTION OF OUTLOT 175 OF TOMBALL TOWN SITE, AS RECORDED IN VOLUME 2, PAGE 65 H.C.M.R. AND LOCATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, HARRIS COUNTY, TEXAS SAID 2.5043 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83):

COMMENCING at a 1-inch iron pipe found at the West right-of-way line of South Cherry Street (80 feet wide) for the Northeast corner of Lot 1, Block 1 of Devasco International Subd., as recorded in Film Code No. 615009 H.C.M.R., said iron rod also marks the Southeast corner of that certain called 7.56 acre tract recorded under H.C.C.F. No. 20120271296;

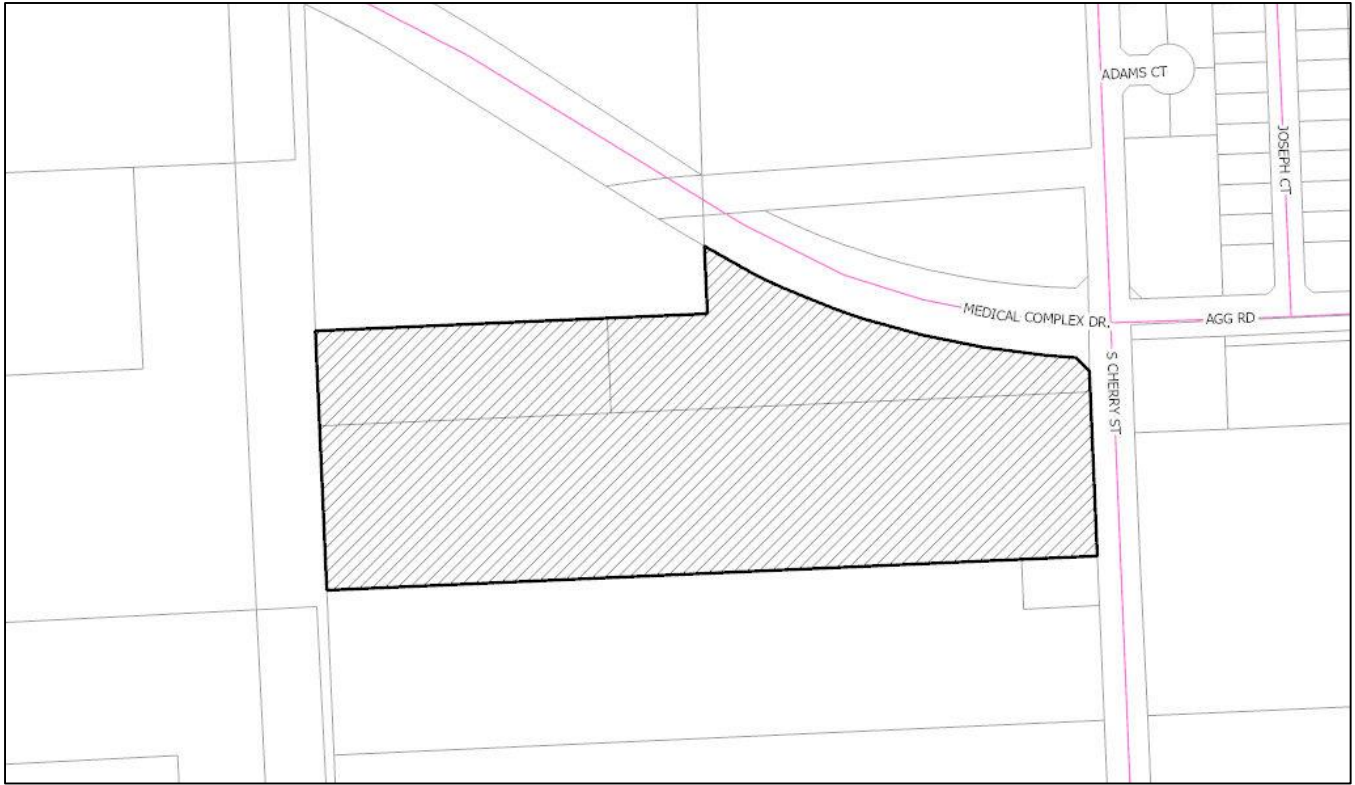
THENCE, South 87°28'49" West, along the North line of said Lot 1, Block 1 Devasco International Subd., a distance of 951.83 feet to a 5/8 inch iron rod found for the Southwest corner of said called 7.56 acre tract, said iron rod also marks the Southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 87°28'49" West, continuing along the North line of said Lot 1, Block 1 Devasco International Subd., a distance of 579.21 feet to a point in the West line of said Outlot 175 for the Northwest corner of said Lot 1, Block 1 of Devasco International and the Southwest corner of the herein described tract, from which a found 3/4 inch iron pipe bears, N 76°26' E, 1.4 feet;

THENCE, North 02°32'23" West, along the West line of said called 2.500 acre tract, a distance of 188.30 feet to a point for the common West corner of Outlots 171 and 175, the Southwest corner of that certain called 15.541 acre tract recorded under H.C.C.F. No. P124644, said point also marks the Northwest corner of said called 2.500 acre tract and the herein described tract, from which a found 1-inch iron pipe bears N 65°31' E, 1.39 feet;

THENCE, North 87°29'33" East, along the South line of said called 15.541 acre tract, a distance of 579.81 feet to a 5/8 inch iron rod with cap found for the Northwest corner of said called 7.56 acre tract, Northeast corner of said called 2.500 acre tract and the herein described tract;

THENCE, South 02°21'26" East, along the common line between said called 7.56 acre tract and said called 2.500 acre tract, a distance of 188.18 feet to the POINT OF BEGINNING and containing 2.5043 acres (109,087 square feet) of land, more or less.



Location: 1600 block (west side) of South Cherry Street. Being Lot 1, Block 1 of Devasco International as well as 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176 out of the William Hurd Survey, Abstract 378, City of Tomball, Harris County, Texas.

# City Council Agenda Item Data Sheet

Meeting Date: 06/19/2023

**Topic:**

Consideration to Approve **Zoning Case Z23-09**: Request by Tim Littlefield to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being all of Tomball Townsite Outlot 281 from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1100-1400 blocks (west side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-09**

Adopt, on First Reading, Ordinance No. 2023-17, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning land legally described as being all of Tomball Townsite Outlot 281 from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1100-1400 blocks (west side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas; 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.

**Background:**

The subject property is currently vacant and undeveloped. The applicant’s request is to rezone the subject property to Light Industrial (LI) to allow office, warehouse, and storage buildings.

**Origination:**

**Recommendation:**

City staff recommends Approval of Zoning Case Z23-09. Planning and Zoning Commission recommends Approval, (Unanimously).

**Party(ies) responsible for placing this item on agenda:** Nathan Dietrich (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:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
JUNE 12, 2023  
&  
CITY COUNCIL  
JUNE 19, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, June 12, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, June 19, 2023 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 Z23-07:** Request by Tomball 10 Joint Venture represented by Khoa Nguyen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being approximately 2.73 acres out of the William Hurd Survey, Abstract 378 from Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 13200-13400 blocks (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

**Zoning Case Z23-08:** Request by Real Life Ministries Texas represented by Quiddity to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being Lot 1, Block 1 of Devasco International as well as approximately 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176 from Light Industrial (LI) and Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 1600 block (west side) of S. Cherry Street, within the City of Tomball, Harris County, Texas.

**Zoning Case Z23-09:** Request by Tim Littlefield to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being all of Tomball Townsite Outlot 281 from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1100-1400 blocks (west side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas.

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, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact the City Planner, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).



## CERTIFICATION

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 9<sup>th</sup> day of June 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

*Jared Smith*

Jared Smith  
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](http://www.tomballtx.gov).



**City of Tomball**  
**Community Development Department**

AMERICO ENERGY REAL ESTATE HOLDINGS LTD  
7575 SAN FELIPE STE 200

HOUSTON, TX 77063-1778

**NOTICE OF PUBLIC HEARING**

**RE: Zone Change Case Number Z23-09**

**5/23/2023**

The Planning & Zoning Commission will hold a public hearing on **June 12, 2023 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by Tim Littlefield to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being all of Tomball Townsite Outlot 281 from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1100-1400 blocks (west side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **rezoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **June 19, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions, please contact Jared Smith, City Planner at telephone 281-290-1491 or by email address [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: Z23-09**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: AMERICO ENERGY REAL ESTATE HOLDINGS LTD  
Parcel I.D.: 0352820000135  
Address: 0 RUDOLPH RD

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor   
Additional Comments:

I am opposed

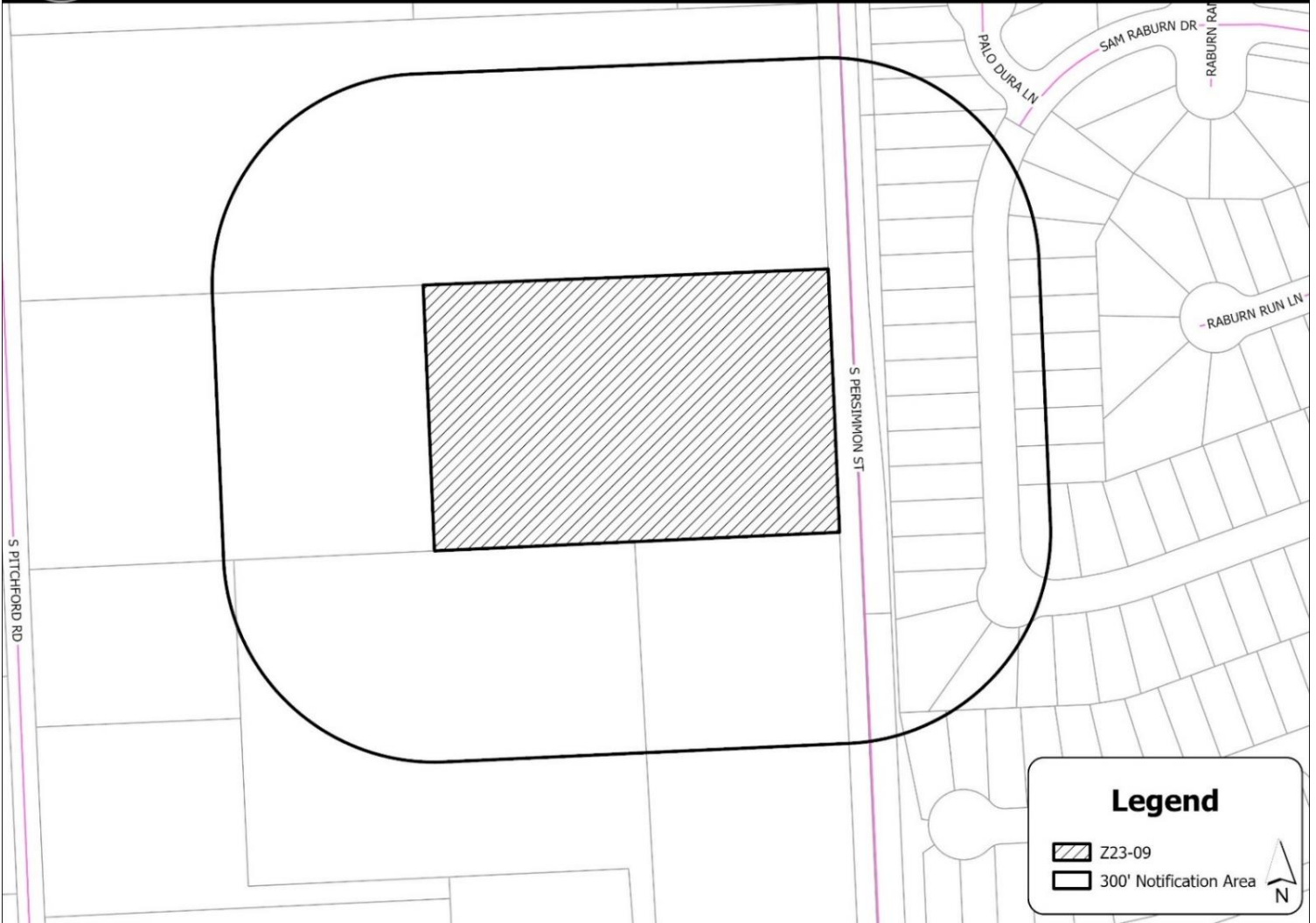
Signature: \_\_\_\_\_



*City of Tomball*  
*Community Development Department*

**Z23-09**

 **Notification Map**



For the PLANNING & ZONING COMMISSION  
Please call (281) 290-1491 if you have any questions about this notice.

**CASE #: Z23-09**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Mailing To: Community Development Department  
501 James St., Tomball TX 77375

Name: TIM LITTLEFIELD LLC  
Parcel I.D.: 0352880000435  
Address: 0 PERSIMMON

Email: [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov)

I am in favor   
Additional Comments:

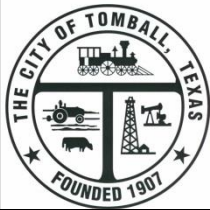
I am opposed

Signature: \_\_\_\_\_



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501 James Street • TOMBALL, TEXAS 77375



*Community Development  
Department  
**Rezoning  
Staff Report***

Planning & Zoning Commission Public Hearing Date: June 12, 2023  
City Council Public Hearing Date: June 19, 2023

**Rezoning Case:** Z23-09  
**Property Owner(s):** Tim Littlefield  
**Applicant(s):** Tim Littlefield  
**Legal Description:** Tomball Townsite Outlot 281  
**Location:** Generally located within the 1100-1400 blocks (west side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas. (Exhibit “A”)  
**Area:** 5.001 acres  
**Comp Plan Designation:** Neighborhood Residential (Exhibit “B”)  
**Present Zoning:** Single Family Residential Estate – 20 (SF-20-E) (Exhibit “C”)  
**Request:** Rezone from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI)

**Adjacent Zoning & Land Uses:**

**North:** MHP - Manufactured Home District (MHP) / Mobile Home Park

**South:** Light Industrial (LI) and Single Family Residential Estate – 20 (SF-20-E) / Vacant and Undeveloped and Warehouse

**West:** Commercial (C) / Barn

**East:** S. Persimmon Street, Planned Development District / Single Family Residential

**BACKGROUND**

The subject property is currently vacant and undeveloped. The applicant’s request is to rezone the subject property to Light Industrial (LI) to allow office, warehouse, and storage buildings.

**ANALYSIS**

**Description:** The subject property comprises about 5.001 acres, generally located within the 1100-1400 blocks (west side) of S. Persimmon Street. Currently the subject property is zoned Single Family Residential Estate – 20 (SF-20-E) and has been within this zoning classification since the City of Tomball adopted zoning in 2008. Sutton Place Park Mobile Home Park is located north of

the subject property that is zoned MHP. South of the subject site, zoned LI, is vacant and undeveloped. The area to the south that is zoned SF-20-E contains a warehouse building. The area west of the subject property that is zoned C contains a barn that appears to be a residential accessory building. East of the subject site is S. Persimmon Street. The area further east is the PDD for the Raburn Reserve single family residential development.

**Comprehensive Plan Recommendation:**

The subject property is designated as Business Park and Industrial by the Comprehensive Plan’s Future Land Use Map (FLUM). This category is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic including freight. Recommended land uses include office, warehousing, light manufacturing (with indoor operations), breweries/distilleries, equipment sales, contractor services, and corporate campuses. Recommended secondary uses are utility services, government facilities, and transportation/freight uses. Recommended zoning categories are Light Industrial (LI), Commercial (C), Office (O), and Planned Development (PD).

The proposed zoning category of LI is in conformance with the Comprehensive Plan recommendation.

**Staff Review Comments:**

The request to rezone the subject property to Light Industrial (LI) is in conformance with the Future Land Use Plans goal and objective of establishing the Business Park & Industrial land use. The approval of the requested zoning will promote a new development that is consistent with the type of development pattern and character endorsed by the Future Land Plan for this area. Furthermore, the subject property is situated along S. Persimmon Street, which is a thoroughfare that is designated as a Minor Arterial Street. Roadways such as this (when fully built out) are designed to accommodate the volume and character of traffic that may be expected within a Light Industrial district. It is worth mentioning, this segment of S. Persimmon Street is not fully improved, currently it is approximately 20-feet-wide as opposed to the 40-foot-wide pavement width planned for Minor Arterial Streets. During the review of the development plans for this parcel there is the potential that the City Engineer may require a Traffic Impact Analysis (TIA). Based on findings from this analysis, subsequent street improvements may be required prior to the parcels development to better serve the parcel and alleviate potential traffic concerns that may be generated by the proposed development. Ultimately, this information is to provide background and should not hold any bearing on the decision as to whether Light Industrial zoning is appropriate. The specifics regarding public improvements associated with the development are to be determined at the time of development.

**PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on May 26, 2023. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

**RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case Z23-09.

**EXHIBITS**

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Rezoning Application

Exhibit "A"  
Location Map

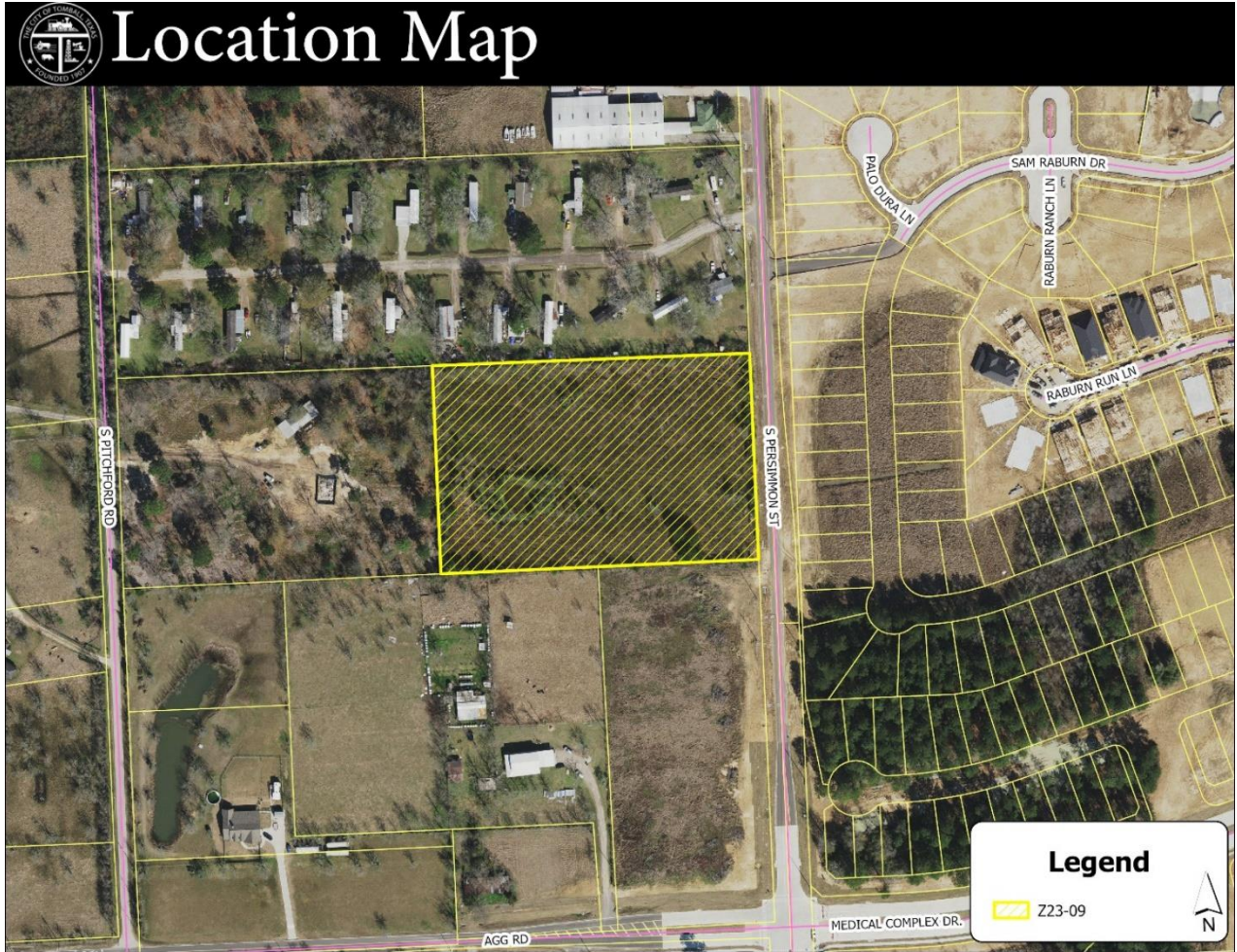
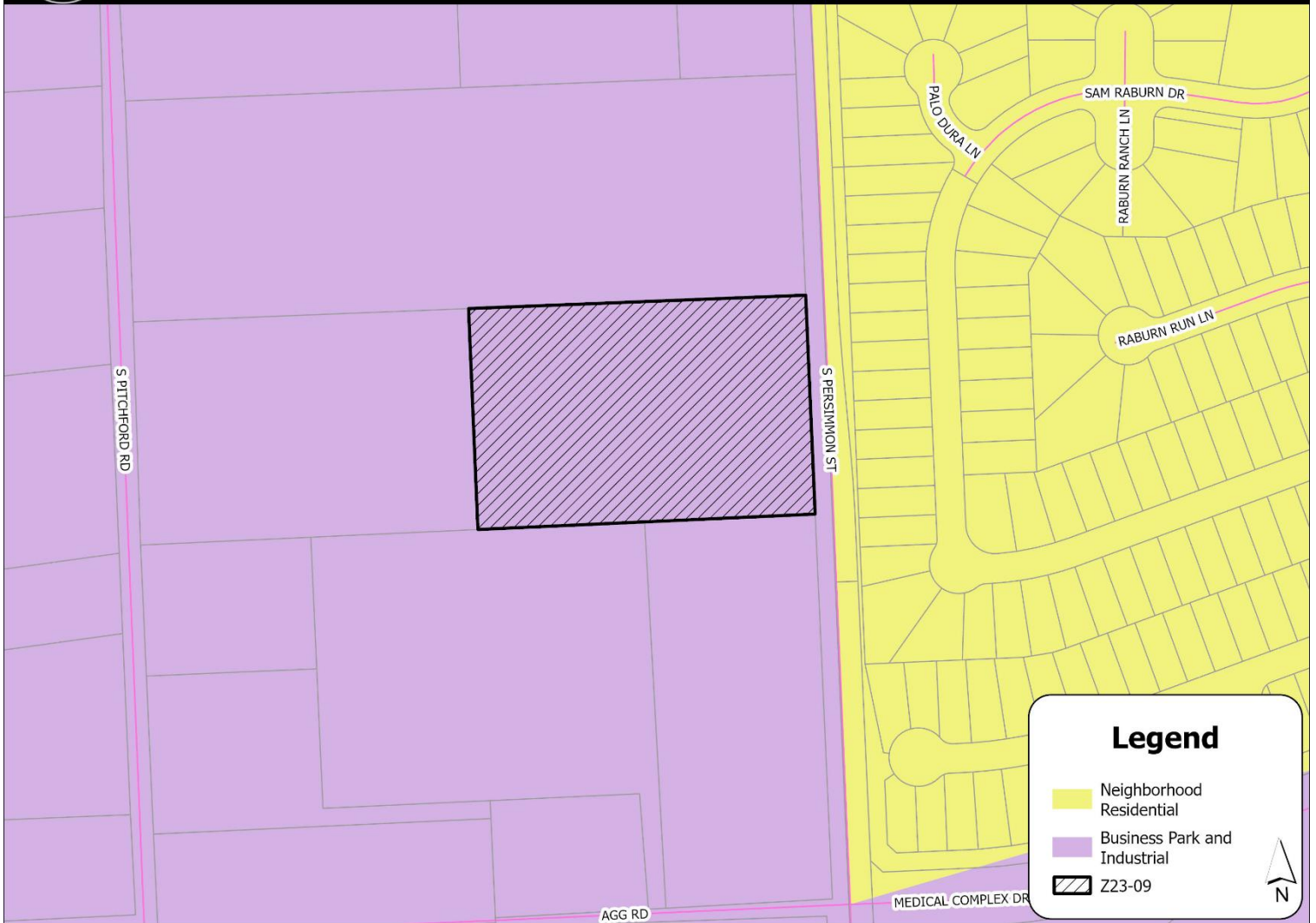




Exhibit "B"  
Future Land Use Plan



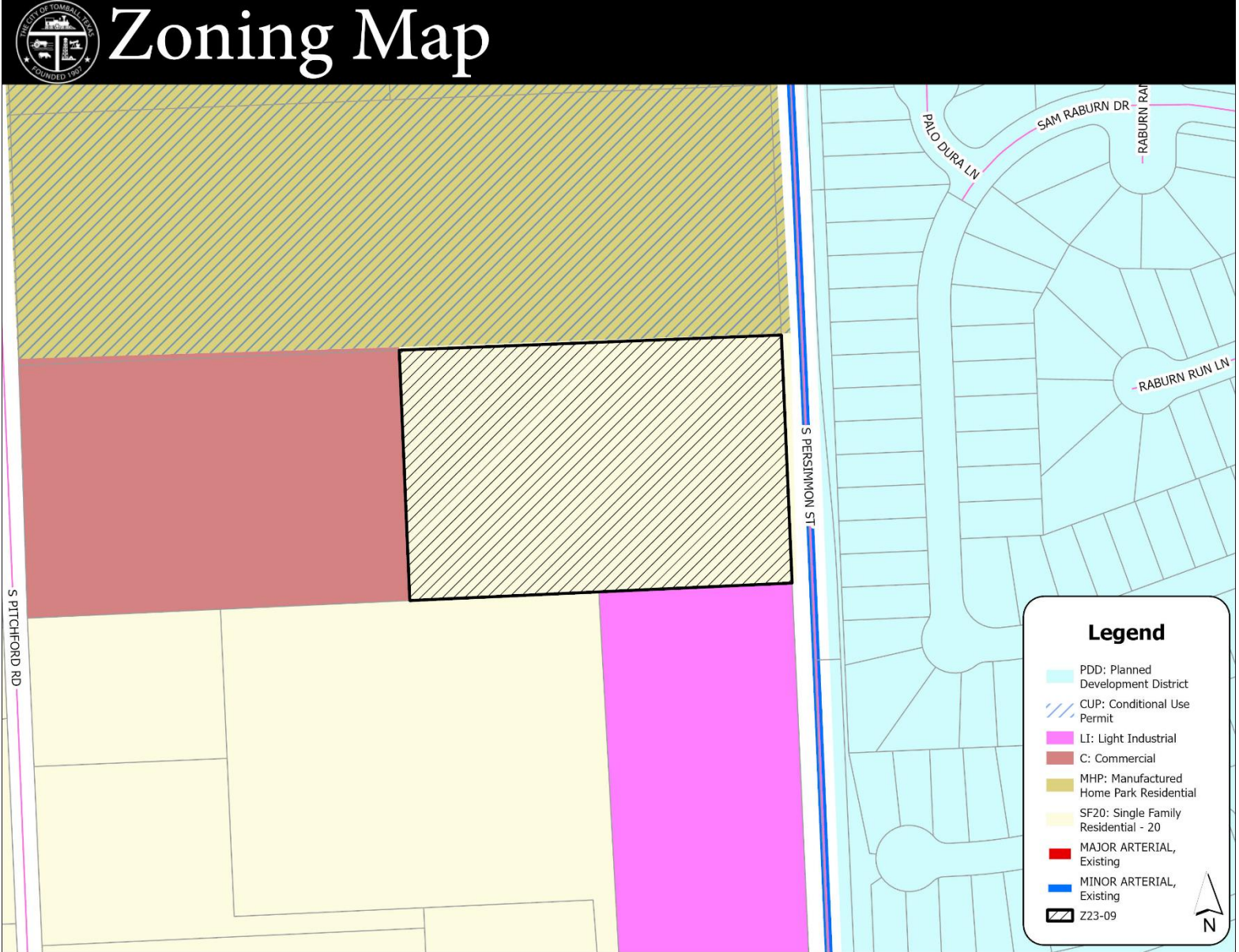
# Future Land Use Map



**Legend**

- Neighborhood Residential
- Business Park and Industrial
- Z23-09

Exhibit "C"  
Zoning Map



**Exhibit "D"**  
**Site Photo(s)**

Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)



Neighbor (South)



Exhibit "E"  
Rezoning Application

Revised: 4/13/2020



**APPLICATION FOR RE-ZONING**  
Community Development Department  
Planning Division

**APPLICATION SUBMITTAL:** Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

**Applicant**

Name: Tim Littlefield LLC, Tim Littlefield Title: Owner  
Mailing Address: 9618 Kirkstone Terrace Dr City: Spring State: TX  
Zip: 77379 Contact: Tim Littlefield  
Phone: (281) 723-7344 Email: tim@littlefieldbrothers.com

**Owner**

Name: Tim Littlefield LLC, Tim Littlefield Title: Owner  
Mailing Address: 9618 Kirkstone Terrace Dr City: Spring State: TX  
Zip: 77379 Contact: Tim Littlefield  
Phone: (281) 723-7344 Email: tim@littlefieldbrothers.com

**Engineer/Surveyor (if applicable)**

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_ Contact: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Description of Proposed Project: Office/Warehouse and/or Storage Buildings

Physical Location of Property: Situated in the Jessie Pruitt Survey, Abstract # 629 in Harris County - Outlot 281 on Persimmon St.

[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Being 5.001 Acres in the Jessie Pruitt Survey, Abstract #629, Outlot 281, Recorded in Volume 4, Page 75 of map records of Harris County recorded under county clerk's file # RP-2020-189624 of the official public records of Harris County

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20-E Single - Family 20 Estate District

Current Use of Property: NONE (empty lot)

Proposed Zoning District: LI - Light Industrial


Proposed Use of Property: Office/Warehouse and/or Storage Buildings

HCAD Identification Number: \_\_\_\_\_ Acreage: 5.001

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X  \_\_\_\_\_ Date 4-10-23

X \_\_\_\_\_  
Signature of Owner Date

401 Market Street  
401 Market Street  
Tomball, TX 77375  
(281) 351-5484

DATE : 4/26/2023 1:53 PM  
OPER : SM  
TRBY : SM  
TERM : 6  
REC# : R01356740

130.0000 PLANNING AND ZONING 1000.00  
Jim Littlefield LLC . 1000.00

Paid By: Jim Littlefield LLC .  
2-CK 1000.00 REF:w 2284

APPLIED 1000.00  
TENDERED 1000.00  
CHANGE 0.00

## Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

**Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.**

- Completed application form
- \*Copy of Recorded/Final Plat
- Check for \$400.00 + \$10.00 per acre (Non-Refundable)
- Letter stating reason for request and issues relating to request
- Conceptual Site Plan (if applicable) *N/A - HAVE NOT GOT THAT FAR.*
- Metes & Bounds of property
- Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

**The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.**

**\*Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an unplatted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.



## Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (200) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

**FAILURE TO APPEAR:** It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.



FEBRUARY 21, 2023

BEING 5.001 ACRES OF LAND, SITUATED IN THE JESSIE PRUITT SURVEY, ABSTRACT NUMBER 629 IN HARRIS COUNTY, TEXAS AND BEING ALL OF OUTLOT 281 OF THE CORRECTED MAP OF TOMBALL OUTLOTS, A SUBDIVISION ACCORDING TO THE MAP AND OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 75 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS AND BEING THE SAME TRACT CALLED 5.006 ACRE TRACT AS CONVEYED IN DEED TO MENDOZA HOME BUILDERS, LLC., RECORDED UNDER COUNTY CLERK'S FILE NUMBER RP-2020-189624 OF THE OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS; SAID 5.001 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83), ALL DISTANCES SHOWN ARE GROUND:

BEGINNING at a 5/8 inch iron rod, found for the Southeast corner of the herein described, being the Southeast corner of said Outlot 281, being the Northeast corner of Outlot 284, being the Northeast corner of a called 4.393 acre tract conveyed in deed to Tim Littlefield LLC., recorded under County Clerk's File Number RP-2021-132294 of the Official Public Records of Harris County, Texas and being in the West line of Persimmon Road, as recorded in Volume 2, Page 65, Volume 4, Page 75, in Film Code 692320 of the Map Records of Harris County, Texas and recorded in Volume 1037, Page 710 of the Deed Records of Harris County, Texas and recorded under County Clerk's File Number 2020-222647 of the Official Public Records of Harris County, Texas;

THENCE South 87°36'04" West (Deed call: North 89°51'00" West), along the South line of said Outlot 281, The North line of said Outlot 284 and the North line of said 4.393 acre tract, passing at a distance of 11.23 feet a 5/8 inch iron rod found in the West line of a called 0.2547 acre tract conveyed to the City of Tomball recorded under County Clerk's File Number RP-2020222647 of the Official Public Records of Harris County, Texas, continuing along said line, passing at a distance of 292.20 feet a 1/2 inch iron rod, found for the Northwest corner of said 4.393 acre tract and being the Northeast corner of a called 6.21 acre tract conveyed in deed to Francisco Lopez and Veronica Beltran recorded under County Clerk's File Number 2015-0114381 of the Official Public Records of Harris County, Texas and continuing, in all, a total distance of 577.24 feet (Deed call: 577.51 feet) to a 1/2 inch iron rod, found for the Southwest corner of the herein described tract, being the Northeast corner of Outlot 283 and being the Southeast corner of Outlot 280 called 5.002 acre tract conveyed in deed to Michael R. Brown recorded under County Clerk's File Number RP-2022-403731 of the Official Public Records of Harris County, Texas


THENCE North 02°17'18" West, (Deed call: North 00°13'27" West), along the West line of said Outlot 281 and the East line of said Outlot 280, a distance of 377.46 feet (Deed call: 377.60 feet) to 1/2 inch iron rod, found for the Northwest corner of the herein described tract, being the Northeast corner of said Outlot 280, being the Southeast corner of Outlot 276, being the Southwest corner of Outlot 277 and

being in the South line of a called 10.0148 acre tract as conveyed in deed to BK Resources, LLC., recorded under County Clerk's File Number 20140340605 of the Official Public Records of Harris County, Texas

THENCE North 87°35'25" East (Deed call: South 89°51'00" East), along the above mentioned line and the South line of said Outlot 277, a distance of 576.89 feet (Deed call 577.51 feet) to a 5/8 inch iron rod, found for the Northeast corner of the herein described tract, being the Southeast corner of said Outlot 277, being the Southeast corner of said 10.0148 acre tract and being in the West line of said Persimmon Road;

THENCE South 02°20'30" East (Deed call: South 00°13'27" West), along the above mentioned line a distance of 377.56 feet (Deed call: 377.60 feet), back to the Point of Beginning and containing 5.001 acres of land, based on the survey and plat prepared by Jeffrey Moon and Associates, Inc., dated February 21, 2023.

Job. No: 23-T-28 (5.001 Acres)

  
Taren Hanks  
Registered Professional  
Land Surveyor No. 6787





**ORDINANCE NO. 2023-17**

**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 TOMBALL TOWNSITE OUTLOT 281 FROM SINGLE FAMILY RESIDENTIAL ESTATE – 20 (SF-20-E) TO LIGHT INDUSTRIAL (LI) ZONING. THE PROPERTY IS GENERALLY LOCATED WITHIN THE 1100-1400 BLOCKS (WEST SIDE) OF S. PERSIMMON STREET; 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.**

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**Whereas**, Tim Littlefield, has requested all of Tomball Townsite Outlot 281 from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1100-1400 blocks (west side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas (the “Property”), be rezoned; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within three hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

**Whereas**, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City’s receipt of the requested rezoning; and

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning; and

**Whereas**, the City Council deems it appropriate to grant the requested rezoning.

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

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** The rezoning classification of the Property is hereby changed and is subject to the regulations, restrictions, and conditions hereafter set forth.

**Section 3.** The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as hereby stated, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 4.** This Ordinance shall in no manner amend, change, supplement or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property as described above.

**Section 5.** 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 6.** Any person who shall 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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

COUNCILMAN FORD \_\_\_\_\_  
COUNCILMAN STOLL \_\_\_\_\_  
COUNCILMAN DUNAGIN \_\_\_\_\_  
COUNCILMAN TOWNSEND \_\_\_\_\_  
COUNCILMAN PARR \_\_\_\_\_

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

COUNCILMAN FORD \_\_\_\_\_  
COUNCILMAN STOLL \_\_\_\_\_  
COUNCILMAN DUNAGIN \_\_\_\_\_  
COUNCILMAN TOWNSEND \_\_\_\_\_  
COUNCILMAN PARR \_\_\_\_\_

\_\_\_\_\_  
LORI KLEIN QUINN, Mayor

ATTEST:

\_\_\_\_\_  
TRACYLYNN GARCIA, City Secretary

Exhibit "A"



Location: 1100-1400 blocks (west side) of S. Persimmon Street. Being all of Tomball Townsite Outlot 281, City of Tomball, Harris County, Texas.