

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



**Monday, December 07, 2020
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, December 07, 2020 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR JUNE 1, 2020, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED "SOCIAL DISTANCING") TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19), THERE WILL BE LIMITED PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT:
[HTTPS://TOMBALLTX.GOV/ARCHIVE.ASPX?AMID=38](https://tomballtx.gov/archive.aspx?amid=38); A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.**

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your current location): +1 312 626 6799 US +1 301 715 8592 US; +1 346 248 7799 US; +1 253 215 8782 US ; +1 646 558 8656 or +1 669 900 9128 US (- Meeting ID: 891 8575 4804 Passcode: 366481. 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 Pastor James Roberson, Retired, Hufsmith Church of Christ
- C. Pledges to U.S. and Texas Flags led by Commander Stephen Biehl Texas VFW District 4

- D. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*
- E. Presentations
1. Brad Bartlett, Board Members of Resale With A Purpose, and Bruce Hillegeist - Donations to Tomball Fire Department and Tomball Police Department for the annual Christmas Programs
- F. Reports and Announcements
1. Announcements
 - I. December 12, 2020 – **“Holiday Heroes”** formerly **“Shop with a Cop”**
 - II. December 24-25, 2020 – **Christmas Holidays** – City offices closed
 - III. January 1, 2021 – **New Year’s Day Holiday** – City offices closed
 2. Reports by City staff and members of council about items of community interest on which no action will be taken:
 - I. Tomball Fire Department Certification Recognition
 - II. Leadership Academy Cohort #2
- G. Approval of Minutes
1. Approve the Minutes of the November 16, 2020 Regular Tomball City Council Meeting.
- H. Old 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. Adopt, on Second Reading, Ordinance No. 2020-33, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Section 50-79, Old Town and Mixed-Use District (OT and MU), of Article III, District Regulations, of Chapter 50, Zoning, to allow a zero front or rear building line for

lots within the portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion under certain conditions; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; making findings of fact; and providing for other related matters.

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

I. New Business

1. Appoint/Reappoint members to Positions 1, 4, and 7 of the Tourism Advisory Committee (TAC), expiring December 5, 2020
2. Conduct Public Hearing of the City Council of the City of Tomball to consider the advisability of adding land to the Raburn Reserve Public Improvement District (TPID 10) located within the City of Tomball
3. Approve Resolution 2020-43, a second amended and restated Resolution of the City Council of the City of Tomball, Texas, authorizing and creating the Raburn Reserve Public Improvement District in the City of Tomball, Harris County, Texas, in accordance with Chapter 372 of the Texas Local Government Code; providing for related matters; and providing an effective date.
4. Request for Council Approval of Tomball Information Center Mural Design
5. Approve, on First Reading, Resolution No. 2020-40-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, improvements to Jerry Matheson Park located at 1240 Ulrich Rd., Tomball, Texas 77375, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The estimated amount of expenditures for such Project is \$300,000.00.
6. Consideration and possible action to approve, as a Project of the Tomball Economic Development Corporation, an agreement with INVACOR Solutions, LLC to make

direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the relocation and development of its corporate headquarters to be located at 11211 FM 2920 Rd., Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$108,000.00.

7. Consideration and possible action to approve, as a Project of the Tomball Economic Development Corporation, an agreement with Houston Poly Bag I, Ltd to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the expansion of a manufacturing facility located at 11211 FM 2920 Rd., Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$18,000.00.

J. Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 3rd day of December by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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

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

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

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 7, 2020

Topic:

December 12, 2020 – “Holiday Heroes” formerly “Shop with a Cop”

Background:

EnterTextHere

Origination: EnterTextHere

Recommendation:

EnterTextHere

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	<u>Tracylynn Garcia</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 7, 2020

Topic:

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

Background:

EnterTextHere

Origination: EnterTextHere

Recommendation:

EnterTextHere

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	<u>Tracylynn Garcia</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 7, 2020

Topic:

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

Background:

EnterTextHere

Origination: EnterTextHere

Recommendation:

EnterTextHere

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	<u>Tracylynn Garcia</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 7, 2020

Topic:

Approve the Minutes of the November 16, 2020 Regular Tomball City Council Meeting.

Background:

Origination: City Staff

Recommendation:

Approve Minutes

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

FUNDING (IF APPLICABLE)

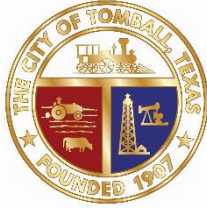
Are funds specifically designated in the current budget for the full amount required for this purpose?

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

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

Signed	<u>Tracylynn Garcia</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



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

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for November 16, 2020, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Call to Order 6:00pm

PRESENT:

Mayor Gretchen Fagan
Council 1 John Ford
Council 2 Mark Stoll
Council 3 Chad Degges
Council 4 Derek Townsend, Sr
Council 5 Lori Klein Quinn

OTHERS PRESENT:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
Assistant City Secretary – Tracylynn Garcia
City Attorney – Loren Smith
Police Chief – Jeff Bert
Assistant Fire Chief - Taner Drake
Marketing Director – Mike Baxter (via video)
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Police Detective – Ron McGullion
Administrative Assistant- Sasha Luna
Administrative Assistant - Johnita Robinson
Accountant – Luisa Taylor

- B. Invocation - Led by PD Chaplain Gary Crowe, TPD Chaplain**
- C. Pledges to U.S. and Texas Flags led by Troop 469**
- D. No public comments were received.**
- E. Presentations**

1. Al Gerhardt, Tomball Lions Club - \$500 donation each to Fire and Police Departments for annual Christmas Programs

F. Reports and Announcements

1. Announcements

- I. November 20, 2020 – 2 :00 pm **Fire Station Statue Unveiling** and at 7:00 pm - **Christmas Tree Lighting at the Depot** – both are a **Facebook Live Event**
- II. November 26-27, 2020 – **Thanksgiving Holiday** – City offices closed
- III. December 24-25, 2020 – **Christmas Holidays** – City offices closed
- IV. January 1, 2021 – **New Year's Day Holiday** – City offices closed

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

- I. Glenn Windsor/Luisa Taylor – Quarterly Investment Report for Period Ending September 30, 2020. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values at the end of the quarter, yield information, and weighted average maturities. On September 30, 2020, the City had total cash and cash equivalents in the amount of \$62,534,134.00.

G. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr, Seconded by Council 2 Stoll to approve the Minutes of the November 2, 2020 Special Joint City Council & TEDC meeting and the Regular Tomball City Council Meeting.

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

Motion carried unanimously.

H. Old Business

1. Motion made by Council 4 Townsend, Sr, Seconded by Council 5 Klein Quinn adopt on Second Reading, Ordinance No. 2020-32, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances by Repealing Section 46.56 – Deposits Required and Section 46.57 – Refund of Deposits, of Article II, Rates and Charges, of Chapter 46, Utilities, in Their Entirety; Adopting a New Section 46.56 – Utility Account Deposits, Establishing the Terms and Conditions for Utility Account Deposits and Refunds of Utility Account Deposits; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters

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

Motion carried unanimously.

I. New Business

1. Motion made by Council 4 Townsend, Sr, Seconded by Council 5 Klein Quinn. approve Resolution No. 2020-38, a Resolution of the City of Tomball, Texas, amending the Utility Rate Computation and Impact Fee Effective Dates in the Master Fee Schedule for Fiscal Year 2020-2021.

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

Motion carried unanimously.

2. Motion made by Council 4 Townsend, Sr, Seconded by Council 1 Ford approve Resolution No. 2020-42, a Resolution of the City Council of the City of Tomball, Texas, calling for a public hearing on the creation of a Public Improvement District and being located within the City of Tomball

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

Voting Nay: Council 2 Stoll

Motion carried 4 votes yay, 1 vote nay.

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

- Conduct Public Hearing on **Zoning Case P20-295**

Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball regarding the consideration to approve **Zoning Case P20-295**: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by amending Section 50-79(d) (Area regulations for residential uses) and Section 50-79(e) (Area regulations for nonresidential uses) at 6:27 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:27 p.m.

Motion made by Council 4 Townsend, Sr, Seconded by Council 3 Degges to read Ordinance No. 2020-33 by Caption only.

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

Motion carried unanimously.

Motion made by Council 3 Degges, Seconded by Council 4 Townsend to Adopt, on First Reading, Ordinance No. 2020-33, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Section 50-79, Old Town and Mixed-Use District (OT and MU), of Article III, District Regulations, of Chapter 50, Zoning, to allow a zero front or rear building line for lots within the portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion under certain conditions; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; making findings of fact; and providing for other related matters.

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

Motion carried unanimously.

4. Motion made by Council 4 Townsend, Sr, Seconded by Council 5 Klein Quinn to read Ordinance No. 2020-33 by Caption only.

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

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr, Seconded by Council 1 Ford to adopt, on First Reading, Ordinance No. 2020-34, an Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Pine Meadows Street, Pine Woods Street, and Scotch Pines Street, or Parts Thereof, within the Corporate Limits of The City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of this Ordinance.

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

Motion carried unanimously.

- J. Motion made by Council 4 Townsend, Sr, Seconded by Council 5 Klein Quinn.

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

Motion carried unanimously.

PASSED AND APPROVED this the 7th day of December 2020.

Tracylynn Garcia
Assistant City Secretary,
TRMC, CMC, CPM

Gretchen Fagan
Mayor

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: November 16, 2020

Topic:

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

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

Background:

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

Origination: Will Benson

Recommendation:

Approval

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

Craig T. Meyers, Community
Development Director

FUNDING (IF APPLICABLE)

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

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

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

Signed

Staff Member

Date

Approved by

City Manager

Date

ORDINANCE NO. 2020-33

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

* * * * *

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

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

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

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

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

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

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

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

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

.....

(d) *Area regulations for residential uses.*

.....

(2) *Size of yards.*

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

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

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

.....

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

.....

- (2) *Size of yards.*

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

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

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

.....”

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

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

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

FIRST READING:

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

COUNCILMAN FORD _____

COUNCILMAN STOLL _____

COUNCILMAN DEGGES _____

COUNCILMAN TOWNSEND _____

COUNCILMAN KLEIN QUINN _____

SECOND READING:

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

COUNCILMAN FORD _____

COUNCILMAN STOLL _____

COUNCILMAN DEGGES _____

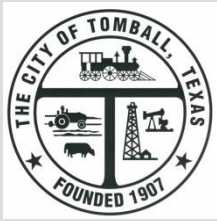
COUNCILMAN TOWNSEND _____

COUNCILMAN KLEIN QUINN _____

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: November 9, 2020

City Council Public Hearing Date: November 16, 2020

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

BACKGROUND

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

PROPOSED AMENDMENT

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

.....

(d) *Area regulations for residential uses.*

.....

(2) *Size of yards.*

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

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

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

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

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

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

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

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

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

.....

(e) *Area regulations for nonresidential uses.*

.....

(2) *Size of yards.*

a. Minimum area requirements for an office, retail or commercial use shall be the same as required in the Commercial District unless otherwise specified in this section.

b. Minimum front yard is 20 feet. With the exception of Cherry Street, for that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front building line.

c. Minimum side and rear yard is five feet or ten percent of the lot width if less than 50 feet of lot width when adjacent to a nonresidential zoning district or use. If adjacent to a Single-Family, Duplex (Two-Family), Patio Home or Single-Family Attached District or use, then side and/or rear setback shall be a minimum of 20 feet. With the exception of Cherry Street, for that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, lots adjacent to a public right-of-way may have a zero foot side and rear yard setback provided no portion of the building obstructs the visibility of vehicular traffic.

d. Interior side yards: when retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the city's building code.

e. Old Town area required yard and building line exceptions. A commercial building constructed in the Old Town area before August 16, 1999, and which does not comply with the building lines set forth above, may expand in size provided it maintains a minimum ten-foot front building line and a minimum ten-foot side building line, provided the owner demonstrates and the chief building official determines that the use as conducted and managed, or as proposed, has minimal incompatibilities with the neighborhood. Factors used to evaluate this include:

1. That management practices eliminate problems such as noise, waste materials, competition for on-street parking, or similar conflicts.
2. The use's history of code enforcement complaints against it.

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

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

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

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

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

PUBLIC COMMENT

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

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



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

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

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

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

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

Amelia Lindley

Amelia Lindley
City Planner

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

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: November 16, 2020

Topic:

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

Background:

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

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

The recommended revisions include the following speed zone:

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

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

Origination: Public Works Department

Recommendation:

Adopt Ordinance Number 2020-34 on first reading.

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

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

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

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

Staff Member

Date

City Manager

Date

ORDINANCE NO. 2020-34

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

* * * * *

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

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

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

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

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

FIRST READING:

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

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

SECOND READING:

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

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

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 7, 2020

Topic:

Appoint/Reappoint members to Positions 1, 4, and 7 of the Tourism Advisory Committee (TAC), expiring December 5, 2020

Background:

The three-year terms for Position1 Stephen Hughes, Position 4 Holly Cook, and Position 7 Melanie Sutton, will expire on December 5, 2020. Stephen Hughes (Board Member), Holly Cook (Chair) and Melanie Sutton (Board Member) have all expressed a strong desire to continue serving on the TAC.

Origination: City Manager & City Secretary

Recommendation:

It is recommended that Stephen Hughes, Holly Cook and Melanie Sutton be reappointed to additional three-year terms.

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	Tracylynn Garcia		Approved by		
	Staff Member	Date		City Manager	Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 7, 2020

Topic:

Conduct Public Hearing of the City Council of the City of Tomball to consider the advisability of adding land to the Raburn Reserve Public Improvement District (TPID 10) located within the City of Tomball

Background:

Origination: HT Raburn Reserve Development, L.P.

Recommendation:

Party(ies) responsible for placing this item on agenda: Craig Meyers, Director of
Community Development

FUNDING (IF APPLICABLE)

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

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

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

Signed _____ Approved by _____
Staff Member Date City Manager Date

AFFIDAVIT OF MAILING

I Doris Speer, City Secretary of the City of Tomball, Texas, do hereby certify that the notice of public hearing attached hereto as Exhibit A was mailed to the property owners of the property liable for assessment in the Public Improvement District (the "District") as listed below on November 4, 2020.

Date: 11-4-2020

Signature: 
Title: City Secretary

PROPERTY OWNERS:

1. Property Owner
HT Raburn Reserve Development LP
609 Main Street - Suite 2400
Houston TX 77002
2. Property Owner
Michael Ott
16840 Krug Rd
Tomball, TX 77377

[Notary Signature Follows]

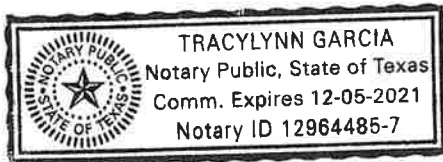
STATE OF TEXAS

§
§
§

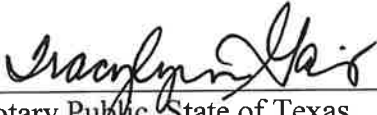
COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared Doris Speer, City Secretary of the City of Tomball, Texas, known to me to be such person who signed the foregoing Certificate in my presence and acknowledged to me that such person executed the foregoing Certificate for purposes therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 4th DAY OF November 2020.



[SEAL]



Notary Public, State of Texas

EXHIBIT A

NOTICE OF PUBLIC HEARING CITY OF TOMBALL, TEXAS

MONDAY, DECEMBER 7, 2020



6:00 P.M.

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF TOMBALL TO CONSIDER THE ADVISABILITY OF ADDING LAND TO THE RABURN RESERVE PUBLIC IMPROVEMENT DISTRICT LOCATED WITHIN THE CITY OF TOMBALL.

NOTICE IS HEREBY GIVEN THAT the City Council (the "City Council") of the City of Tomball, Texas (the "City"), pursuant to Chapter 372 of the Texas Local Government Code, as amended (the "Act"), will hold a public hearing at 6:00 p.m. on December 7, 2020, in the City Council Chamber at Tomball City Hall, 401 Market Street, Tomball, Texas 77375 for the purpose of considering the addition of approximately 5.072 acres of land to the Raburn Reserve Public Improvement District.

The Raburn Reserve Public Improvement District (the "PID") was created by Resolution of the City Council on October 7, 2019, as amended on November 4, 2019, and the City and property owners of approximately 5.072 acres of land adjacent to the PID (the "Adjacent Land") now wish to add such land to the boundaries of the PID.

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

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

of the PID is \$16,036,000 plus the annual cost of supplemental services and operation and maintenance costs, if any. The City will pay no costs of the Authorized Improvements, supplemental services or operation and maintenance costs from funds other than assessments levied on property within the PID. The remaining costs of the proposed improvements will be paid from sources other than those described above.

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

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

BOUNDARIES OF THE PROPOSED PID: Approximately 110.072 Acres of Land within the City of Tomball, Harris County, Texas, Said Property Being Generally Located on the East Side of South Persimmon Road from Lizzie Lane to Agg Road (such approximately 110.072 acres to include the Adjacent Land to be added to the PID). A metes and bounds description of the PID Boundaries and the boundary of the Adjacent Land is available for inspection at the offices of the City Secretary at the location described above.

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

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

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 4th day of November 2020 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

Doris Speer
Doris Speer
City Secretary, TRMC

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.ci.tomball.tx.us.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL, TEXAS**

MONDAY, DECEMBER 7, 2020



6:00 P.M.

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF TOMBALL TO CONSIDER THE ADVISABILITY OF ADDING LAND TO THE RABURN RESERVE PUBLIC IMPROVEMENT DISTRICT LOCATED WITHIN THE CITY OF TOMBALL.

NOTICE IS HEREBY GIVEN THAT the City Council (the “City Council”) of the City of Tomball, Texas (the “City”), pursuant to Chapter 372 of the Texas Local Government Code, as amended (the “Act”), will hold a public hearing at 6:00 p.m. on December 7, 2020, in the City Council Chamber at Tomball City Hall, 401 Market Street, Tomball, Texas 77375 for the purpose of considering the addition of approximately 5.072 acres of land to the Raburn Reserve Public Improvement District.

The Raburn Reserve Public Improvement District (the “PID”) was created by Resolution of the City Council on October 7, 2019, as amended on November 4, 2019, and the City and property owners of approximately 5.072 acres of land adjacent to the PID (the “Adjacent Land”) now wish to add such land to the boundaries of the PID.

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

ESTIMATED COST OF THE AUTHORIZED IMPROVEMENTS: The estimated cost to design, acquire and construct the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in the establishment, administration and operation of the PID is \$16,036,000 plus the annual cost of supplemental services and operation and maintenance costs, if any. The City will pay no costs of the Authorized Improvements, supplemental services or operation and maintenance costs from funds other than assessments levied on property within the PID. The remaining costs of the proposed improvements will be paid from sources other than those described above.

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

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

BOUNDARIES OF THE PROPOSED PID: Approximately 110.072 Acres of Land within the City of Tomball, Harris County, Texas, Said Property Being Generally Located on the East Side of South Persimmon Road from Lizzie Lane to Agg Road (such approximately 110.072 acres to include the Adjacent Land to be added to the PID). A metes and bounds description of the PID Boundaries and the boundary of the Adjacent Land is available for inspection at the offices of the City Secretary at the location described above.

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

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

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 4th day of November 2020 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

Doris Speer
Doris Speer
City Secretary, TRMC, MMC

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.ci.tomball.tx.us.

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: December 7, 2020

Topic:

Approve Resolution 2020-43, a second amended and restated Resolution of the City Council of the City of Tomball, Texas, authorizing and creating the Raburn Reserve Public Improvement District in the City of Tomball, Harris County, Texas, in accordance with Chapter 372 of the Texas Local Government Code; providing for related matters; and providing an effective date.

Background:

Resolution 2020-43 amends the amended creation resolution for the Raburn Reserve Public Improvement District (TPID 10) by incorporating the increased area of TPID 10. The revised boundary of the PID encompasses approximately 110.12 acres.

Origination: HT Raburn Reserve Development, L.P.

Recommendation:

Approval

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

Craig Meyers, Director of
Community Development

FUNDING (IF APPLICABLE)

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

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

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

Signed

Staff Member

Date

Approved by

City Manager

Date

RESOLUTION NO. 2020-43

A SECOND AMENDED AND RESTATED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND CREATING THE RABURN RESERVE PUBLIC IMPROVEMENT DISTRICT IN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City of Tomball, Texas (the "*City*"), is authorized under Chapter 372 of the Texas Local Government Code, as amended (the "*Act*"), to create a public improvement district ("*PID*") within its corporate limits; and

WHEREAS, on July 26, 2019, Raburn Commercial Resources, LLC a Texas limited liability company (the "*Petitioner*"), the owner of approximately 103.7 acres within the corporate limits of the City, submitted and filed with the City Secretary of the City a petition (the "*Petition*") requesting the establishment of a PID to be known as the Reserve at Raburn Public Improvement District (the "*District*") within the corporate limits of the City, such District to include the property described by metes and bounds in Exhibit "A" (the "*Property*"), each attached hereto and incorporated herein for all purposes; and

WHEREAS, on July 26, 2019, the City Council of the City (the "*City Council*") received the Petition which was signed by the owners of more than 50% of the appraised value of the taxable real property liable for assessment and the record owners of more than 50% of the area of all taxable real property within the District that is liable for assessment, and as such, the Petition complies with the Act; and

WHEREAS, on August 5, 2019, the City Council accepted the Petition and called a public hearing for September 3, 2019, on the creation of the District and the advisability of the improvements; and

WHEREAS, notice of the hearing was published in a newspaper of general circulation in the City in which the District is to be located on August 14, 2019; and,

WHEREAS, on August 16, 2019, notice to the owners of property within the proposed District was sent by first-class mail to the owners of 100% of the property subject to assessment under the proposed District containing the information required by the Act such that such owners had actual knowledge of the public hearing to be held on September 3, 2019; and

WHEREAS, the City Council opened and conducted such public hearing on the advisability of the improvements and the creation of the District, and closed such hearing on September 3, 2019; and

WHEREAS, the City Council approved the creation of the PID by Resolution No. 2019-41 approved on October 7, 2019 (the "Original Creation Resolution") and published the Original Creation Resolution as authorized by the Act; and

WHEREAS, subsequent to the approval of the Original Creation Resolution, the City abandoned rights-of-way within the boundaries of the PID and has transferred ownership of approximately two (2) acres of right-of-way property (the "Two Acres") relating to such rights-of-way to the property owners who signed the Petition; and

WHEREAS, on October 7, 2019 the City approved Resolution No. 2019-42 calling a public hearing on the addition of the Additional Land to the boundaries of the PID; and

WHEREAS, on October 9, 2019, notice of public hearing was mailed to the owners of the Property within the PID and notice of the public hearing was published in a newspaper of general circulation, in the PID on October 23, 2019; and

WHEREAS, the City Council opened and conducted such public hearing on the addition of the Additional Land to the PID and closed such hearing on November 4, 2019.

WHEREAS, on November 4, 2019, the City Council approved a resolution amending and restating the Original Creation Resolution (the "Amended Creation Resolution") to add the Two Acres to the boundaries of the PID; and

WHEREAS, on November 2, 2020, the City received a petition (the "New Petition") from the landowners (the "Additional Petitioners") of approximately 5.082 acres of land adjacent to the PID (the "Five Acres") requesting that such Five Acres be added to the boundaries of the PID; and

WHEREAS, on November 2, 2020 the City approved Resolution No. 2020-38 calling a public hearing on the addition of the Five Acres to the boundaries of the PID; and

WHEREAS, on November 4, 2020, notice of public hearing was mailed to the owners of the Property within the PID and notice of the public hearing was published in a newspaper of general circulation, in the PID on November 11, 2020; and

WHEREAS, the City Council opened and conducted such public hearing on the addition of the Additional Land to the PID and closed such hearing on December 7, 2020.

WHEREAS, the City Council now desires to approve this Resolution to again amend and restate the Amended Creation Resolution (the "Second Amended Creation Resolution") to add the Five Acres to the boundary of the PID; and

WHEREAS, the City will re-publish the Second Amended Creation Resolution in a newspaper of general circulation in the City and the PID;

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

SECTION 1. That the findings set forth in the recitals of this Resolution are found to be true and correct.

SECTION 2. That the Petition and the New Petition submitted to the City by the Petitioner and the New Petitioner, respectively was filed with the City Secretary and complies with the Act.

SECTION 3. That pursuant to the requirements of the Act, including, without limitation, Sections 372.006, 372.009(a), and 372.009(b), the City Council, after considering the Petition and the evidence and testimony presented at the public hearings on February 4, 2019, November 4, 2019 and December 7, 2020 hereby finds and declares:

- (a) *Advisability of the Proposed Improvements.* It is advisable to create the District to provide the Authorized Improvements (as described below). The Authorized Improvements are feasible and desirable and will promote the interests of the City and will confer a special benefit on the Property.
- (b) *General Nature of the Authorized Improvements.* The general nature of the proposed public improvements (collectively, the "Authorized Improvements") may include: (i) design, construction and other allowed costs related to street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) design, construction and other allowed costs related to improvement of parks and open space, together with any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) design, construction and other allowed costs related to sidewalks and landscaping and hardscaping, fountains, lighting and signage; (iv) design, construction and other allowed costs related to gas, water, wastewater and drainage (including detention) improvements and facilities; (v) design, construction and other allowed costs related to projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the district; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (v) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (v) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.
- (c) *Estimated Costs of the Authorized Improvements and Apportionment of Costs.* The estimated cost to design, acquire and construct the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in the establishment, administration and operation of the PID is \$16,036,000 plus the annual cost of supplemental services and operation and maintenance costs, if any. The City will pay no costs of the Authorized Improvements, supplemental services or operation and maintenance costs from funds other than assessments levied on property within the PID. The remaining

costs of the proposed improvements will be paid from sources other than those described above.

- (d) *Boundaries of the District.* Approximately 110.12 Acres of Land within the City of Tomball, Harris County, Texas, Said Property Being Generally Located on the East Side of South Persimmon Road from Lizzie Lane to Agg Road. The boundaries of the District are set forth in Exhibit "A" attached hereto.
- (e) *Proposed Method of Assessment.* The City shall levy assessments on each parcel within the PID in a manner that results in the imposition of an equal share of the costs of the Authorized Improvements on property similarly benefitted by such Authorized Improvements. The proposed method of assessment shall be based upon (i) an equal apportionment per lot, per front foot, or per square foot of property benefiting from the Authorized Improvements, as determined by the City, (ii) the ad valorem taxable value of the property benefiting from the Authorized Improvements, with or without regard to improvements on the property, or (iii) in any manner that results in imposing equal shares of the cost on property similarly benefitted.
- (f) *Apportionment of Cost Between the District and the City.* The City will not be obligated to provide any funds to finance the Authorized Improvements. All of the costs of the Authorized Improvements will be paid from assessments levied on properties in the PID and from other sources of funds available to the Petitioners.
- (g) *Management of the District.* The District shall be managed by the City, with the assistance of a consultant, who shall, from time to time, advise the City regarding certain operations of the District.
- (h) *Advisory Board.* The District shall be managed without the creation of an advisory body.

SECTION 4. That the Raburn Reserve Public Improvement District is hereby authorized and created as a public improvement district under the Act in accordance with the findings of the City Council as to the advisability of the Authorized Improvements contained in this Resolution, the nature and the estimated costs of the Authorized Improvements, the boundaries of the District, the method of assessment and the apportionment of costs as described herein; and the conclusion that the District is needed to fund such Authorized Improvements.

SECTION 5. That notice of this Resolution authorizing the District shall be given by publishing such notice once in a newspaper of general circulation in the City in which the District is to be located. Effective upon the publication of such notice, the District shall be established.

SECTION 6. That City staff is directed to cause to be prepared a Service and Assessment Plan for the District and to present it to the City Council for review and approval.

SECTION 7. That this Resolution shall take effect immediately from and after its passage and publication as required by law.

DULY RESOLVED by the City Council of the City of Tomball, Texas, on the 7th day of December 2020.

[Signature Page Follows]

Gretchen Fagan

Mayor

ATTEST:

Doris Speer

City Secretary

EXHIBIT A

Property Description

Exhibit A

**METES AND BOUNDS DESCRIPTION
BEING 110.12 ACRES
IN THE JESSE PRUETT SURVEY, ABSTRACT NO. 629
CITY OF TOMBALL
HARRIS COUNTY, TEXAS**

A 110.12 ACRE TRACT OF LAND IN THE JESSE PRUETT SURVEY, ABSTRACT NO. 629, CITY OF TOMBALL, HARRIS COUNTY, TEXAS, BEING ALL OF OUTLOT 347 OUT OF THE CORRECTED MAP OF TOMBALL OUTLOTS AS RECORDED UNDER VOLUME (VOL.) 4, PAGE (PG.) 75 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.) CONVEYED TO MICHAEL A. OTT IN DOCUMENT RECORDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) Y659052, AND ALL OF A CALLED 105.0452 ACRE TRACT OF LAND, CONVEYED TO HT RABURN RESERVE DEVELOPMENT LP, AS RECORDED UNDER H.C.C.F. NO. RP-2019-536600, THE SAID 110.12 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (WITH BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a 1/2" iron rod found on the east Right-of-Way (R.O.W.) line of South Persimmon Street (30-feet-wide) as recorded under Vol. 2, Pg. 65, H.C.M.R., marking the northwest corner of said 105.0452 acre tract and the herein described tract, and the southwest corner of Lot 1, Block 1 of Persimmon Properties, map or plat thereof recorded under Film Code Number (F.C. No.) 679815, H.C.M.R.;

THENCE, North 87°35'04" East, along the common line of said 105.0452 acre tract and said Persimmon Properties, a distance of 1,156.29 feet to a capped 5/8 inch iron rod stamped "Hovis" found on the west R.O.W. line of an unimproved 30-foot-wide R.O.W. as recorded under Vol. 2, Pg. 65, H.C.M.R., marking the northeast corner of said 105.0452 acre tract and the herein described tract;

THENCE, South 02°32'22" East, along the west R.O.W. line of said unimproved R.O.W., a distance of 1,672.68 feet to a capped 5/8 inch iron rod stamped "E.H.R.A. 713-784-4500" set marking an interior corner of said 105.0452 acre tract and the herein described tract;

THENCE, North 87°47'53" East, along a northerly line of said 105.0452 acre tract, a distance of 508.88 feet to a capped 5/8 inch iron rod stamped "LJA" found marking an exterior corner of said 105.0452 acre tract and the herein described tract;

THENCE, South 02°08'45" East, a distance of 375.13 feet to a capped 5/8 inch iron rod stamped "LJA" found marking an exterior corner of said 105.0452 acre tract and the herein described tract;

THENCE, South 87°15'14" West, a distance of 506.29 feet to a capped 5/8 inch iron rod stamped "E.H.R.A. 713-784-4500" set marking an interior corner of said 105.0452 acre tract and the herein described tract;

THENCE, South 02°32'22" East, a distance of 832.20 feet to a capped 5/8 inch iron rod stamped "E.H.R.A. 713-784-4500" set marking an interior corner of said 105.0452 acre tract and the herein described tract;

THENCE, North 87°15'10" East, a distance of 572.96 feet to a capped 5/8 inch iron rod (unable to read) found marking an exterior corner of said 105.0452 acre tract and the herein described tract;

THENCE, South 02°32'04" East, a distance of 397.96 feet to a 5/8 inch iron rod found marking an exterior corner of said 105.0452 acre tract and the herein described tract;

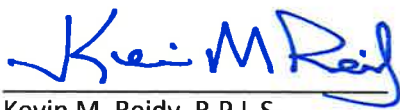
THENCE, South 87°22'37" West, a distance of 572.93 feet to a capped 5/8 inch iron rod stamped "E.H.R.A. 713-784-4500" set marking an interior corner of said 105.0452 acre tract and the herein described tract;

THENCE, South 02°32'22" East, a distance of 496.74 feet to a capped 5/8 inch iron rod stamped "Hovis" found marking the southeast corner of said 105.0452 acre tract and the herein described tract;

THENCE, South 87°51'27" West, a distance of 1,162.57 feet to a Mag Nail found on the East R.O.W. line of said South Persimmon Street, marking the southwest corner of said 105.0452 acre tract and the herein described tract;

THENCE, North 02°26'40" West, along the east R.O.W. line of said South Persimmon Street, a distance of 3,772.74 feet to the **POINT OF BEGINNING** and containing 110.12 acres of land.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPLS No. 10092300



Kevin M. Reidy, R.P.L.S.
Texas Registration No. 6450
10011 Meadowglen Lane
Houston, Texas 77042
713-784-4500



Date: December 02, 2020

Job No: 181-056-00

File No: R:\2018\181-056-00\Docs\Description\Boundary\181-056-00_110AC-MB.doc



TOMBALL

TEXAN

FOR FUN

#TOMBALLTX

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: 12/7/2020

Topic:

Request for Council Approval of Tomball Information Center Mural Design

Background:

For nearly a year, the Tourism Advisory Committee (TAC) has been working with our Marketing Department and City Management to select an artist, and develop a design for a large mural to be painted on the west facing wall of the Tomball Information Center, located at 215 W. Main Street. An artist was selected, and during four different meetings of the TAC there was much discussion and many revisions made to the artwork.

City staff is excited to present the final mural design, which was unanimously approved by the TAC, to City Council for approval. If approved by Council, staff will coordinate with the artist to complete the mural as soon as possible.

This item was approved as part of the FY21 Budget, however, Council requested that the design be brought before Council for approval prior to commissioning the work.

Origination: Tourism Advisory Committee

Recommendation:

Staff and the Tourism Advisory Committee recommend approval of the art work.

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

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: #240-243-6358

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

Signed:	<u>Robert S. Hauck</u>	<u>11/25/2020</u>	Approved by:	<u>Robert S. Hauck</u>	<u>11/25/2020</u>
	Staff Member	Date		City Manager	Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 7, 2020

Topic:

Approve, on First Reading, Resolution No. 2020-40-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, improvements to Jerry Matheson Park located at 1240 Ulrich Rd., Tomball, Texas 77375, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The estimated amount of expenditures for such Project is \$300,000.00.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project". At its meeting on November 10, 2020, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with the City of Tomball, for improvements to Jerry Matheson Park located at 1240 Ulrich Rd., Tomball, Texas 77375, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The Tomball City Council has final approval authority over all projects and agreements of the TEDC.

Origination: Beth Jones, Public Works Director, City of Tomball

Recommendation:

Approval of the proposed Economic Development Agreement with the City of Tomball

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	<u>Kelly Violette</u>		Approved by	<u></u>	
	Executive Director-TEDC	Date		City Manager	Date



City of Tomball

Gretchen Fagan
Mayor

Robert Hauck
City Manager

September 29, 2020

Ms. Kelly Violette
Tomball Economic Development Corporation
P.O. Box 820
Tomball, TX 77377

RE: Texas Parks and Wildlife Grant Application for Matheson Park

Dear Kelly:

The City of Tomball would like to request financial assistance from the Tomball Economic Development Corporation for the following projects at Matheson Park:

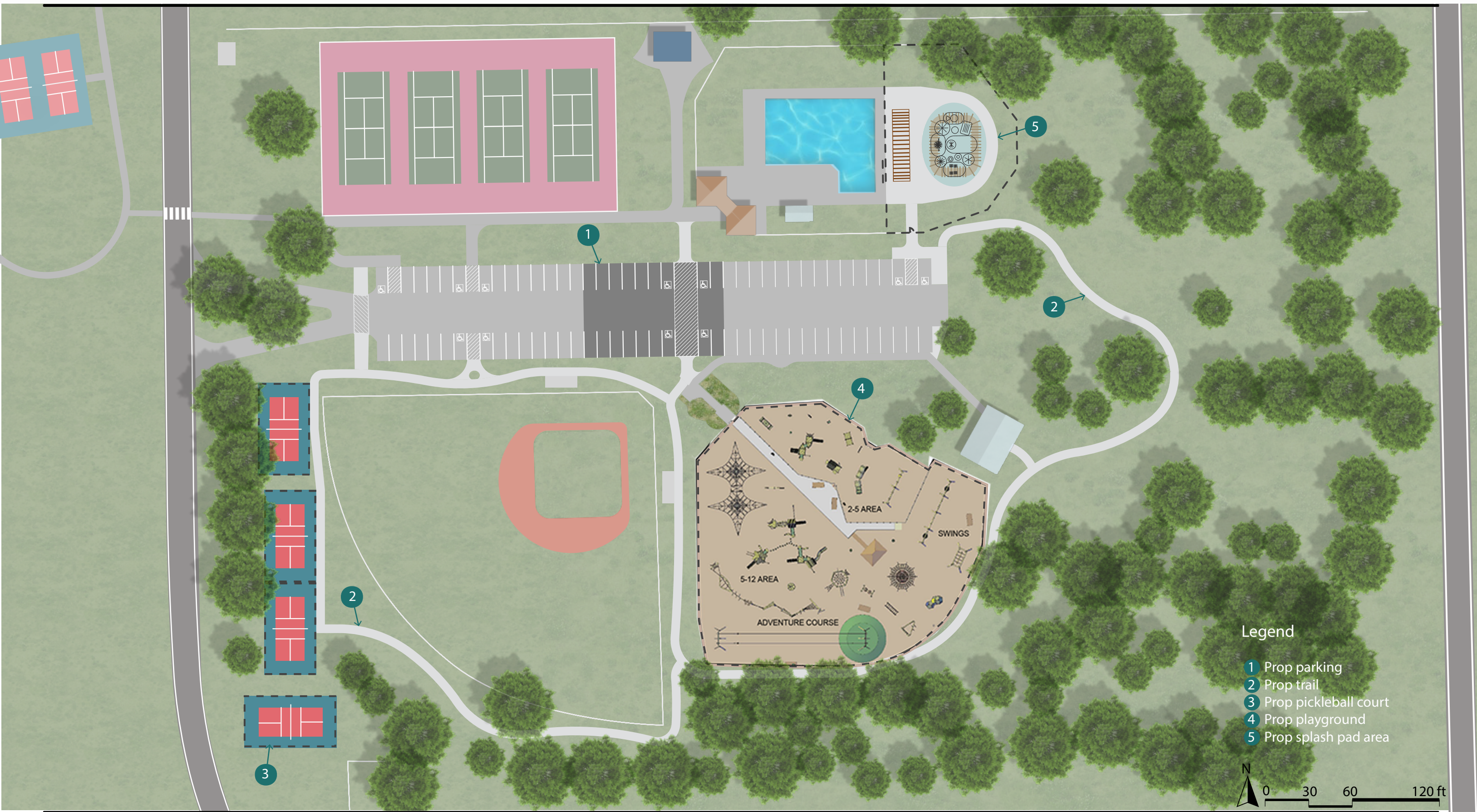
- Replacement of Play Structures,
- Addition of Splashpad,
- Addition of Pickleball Courts, and
- Addition of Walking Trail.

The City is applying for a Texas Parks and Wildlife (TPWD) grant for a total project amount of \$1.5M. The grant is structured as a 50/50 grant and the City will be required to fund \$750,000 of the project, if the grant is awarded. Therefore, upon award of the TPWD grant, the City is requesting \$300,000 from the TEDC to go towards the necessary matching funds to meet the City's portion.

The City is working with other community partners to make the greatest impact with taxpayer funds. We thank the Board of Directors and staff of the TEDC for their continued service and partnership with the City of Tomball.

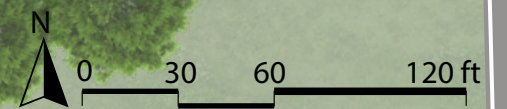
Sincerely,

Beth Jones, PE
Director of Public Works



Legend

- 1 Prop parking
- 2 Prop trail
- 3 Prop pickleball court
- 4 Prop playground
- 5 Prop splash pad area



RESOLUTION NO. 2020-40-TEDC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND APPROVING THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION'S PROJECT TO EXPEND FUNDS IN ACCORDANCE WITH AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CORPORATION AND THE CITY OF TOMBALL, TEXAS TO MAKE DIRECT INCENTIVES TO, OR EXPENDITURES FOR, IMPROVEMENTS TO JERRY MATHESON PARK; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SERVABILITY.

* * * * *

WHEREAS, the Tomball Economic Development Corporation (the "TEDC"), created pursuant to the Development Corporation Act, now Chapter 501 of the Texas Local Government Code, as amended (the "Act"), desires to adopt projects and provide incentives for economic development within the City; and

WHEREAS, the Board of Directors of the TEDC had adopted as a specific project the expenditure of the estimated amount of Three Hundred Thousand Dollars (\$300,000.00) found by the Board to be required or suitable for improvements to Jerry Matheson Park located at 1240 Ulrich Rd., Tomball, Texas 77375; and

WHEREAS, pursuant to the Act, the TEDC may not undertake such project without the approval of Tomball City Council; and

WHEREAS, City Council finds and determines that such project is authorized by Section 505.152 and 505.154 of the Act; now, therefore,

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

Section 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Three Hundred Thousand Dollars (\$300,000.00) to the City of Tomball, in accordance with an economic development agreement by and between the TEDC and The City of Tomball, to make direct incentives to, or expenditures for, improvements to Jerry Matheson Park.

Section 3. In the event any clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this ____ day of _____, 2020.

PASSED, APPROVED, AND RESOLVED on second and final reading this ____ day of _____, 2020.

GRETCHEN FAGAN, President

ATTEST:

DORIS SPEER, City Secretary



November 10, 2020

**The Honorable Mayor and City Council
City of Tomball
401 West Market Street
Tomball, Texas 77375**

Re: Letter of Agreement for Partial Matching Funding for the Texas Parks and Wildlife Grant for Matheson Park

Dear Mayor and Councilmembers:

The City of Tomball (the “City”), by letter dated September 29, 2020, requested financial assistance from the Tomball Economic Development Corporation (the “TEDC”) for the following improvements at Matheson Park (the “Project”) as part of the City’s application for a Texas Parks and Wildlife grant (the “Grant”):

- Replacement of Play Structures;
- Addition of Splashpad;
- Addition of Pickleball Courts; and,
- Addition of Walking Trail.

The awarding of the Grant for the Project would require the TEDC to provide three hundred thousand dollars (\$300,000) to the City as matching funds necessary to meet the City’s portion of the Grant (the “Funds”). **The TEDC hereby agrees to provide the Funds subject to the City’s compliance with the following conditions:**

1. The TEDC agrees to provide the Funds to the City if the Grant is awarded to the City;
2. The City may request that the TEDC provide the full amount of the Funds when the Grant is awarded to the City, or when the Funds are required to be available to the City according to the provisions of the Grant;

3. The Funds shall be deposited in a separate City account and shall not be commingled with any other city funds;
4. The Funds shall only be used for the Project as provided herein;
5. The City shall keep a complete and accurate accounting of all expenditures of the Funds and make such records available to the TEDC; and
6. In the event the total amount of the Funds transferred by the TEDC to the City under this Letter of Agreement are not used to pay the TEDC's share of the costs of the Project, then upon completion of the Project, the City shall remit the remaining funds to the TEDC.

If the above terms and conditions are acceptable to the City, please have an authorized officer of the City sign below acknowledging the City's agreement and return this Letter of Agreement to the undersigned. Upon receipt of this signed Letter of Agreement, the TEDC's Treasurer will be directed to transfer the funds as provided above.

Yours very truly,

By: _____
Steven Vaughan, Vice President
Board of Directors

AGREED AND ACCEPTED:

CITY OF TOMBALL, TEXAS

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 7, 2020

Topic:

Consideration and possible action to approve, as a Project of the Tomball Economic Development Corporation, an agreement with INVACOR Solutions, LLC to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the relocation and development of its corporate headquarters to be located at 11211 FM 2920 Rd., Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$108,000.00.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a “Project.” At its meeting on November 10, 2020, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with INVACOR Solutions, LLC for the creation or retention of primary jobs associated with the relocation and development of its corporate headquarters. The Tomball City Council has final approval authority over all projects and agreements of the TEDC.

Origination: Larry Duke, CEO, INVACOR Solutions, LLC

Recommendation:

Approval of the proposed Performance Agreement with INVACOR Solutions, LLC.

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	<u>Kelly Violette</u>		Approved by	<u></u>	
	Executive Director-TEDC	Date		City Manager	Date



Tomball Economic Development Corporation
29201 Quinn Road, Suite B
Tomball, TX. 77375
USA

October 30, 2020

Dear Kelly,

The purpose of this letter is to request grant funding assistance from the Tomball Economic Development Corporation for the relocation of INVACOR's corporate headquarters and main operations hub from 700 Louisiana St. Ste2700 Houston TX 77002 and 512 South Chenango Angleton, TX 77515 to facilities at the former BJ Services campus located at 11211 Farm to Market 2920, Tomball, TX. 77375.

INVACOR Solutions LLC is an integrated pipeline services company that was formed in 2017 with sponsorship of CSL Capital through the acquisition of various businesses in the pipeline services space. Our primary business is offering in-line inspection services, pipeline testing, and other pipeline services to pipeline operators in the United States.

Our intent is to enter into a long term lease for 27,000 sqft of mixed industrial and office shop space and begin relocating our operations starting in December 2020. We anticipate spending approximately \$350,000 for building improvements.

We intend to assign 13 current employees to the Tomball location and growing the staff to 42 by the end of 2021, 72 by the end of 2022.

We respectfully request that you consider INVACOR Solutions, LLC for available grant funding, tax abatements, and any other assistance options you have available. We look forward to relocating to Tomball!

Sincerely,

A blue ink handwritten signature of Larry Duke, featuring a stylized 'L' and 'D'.

Larry Duke
CEO
INVACOR
281 224 9171
Larry.duke@invacor.com



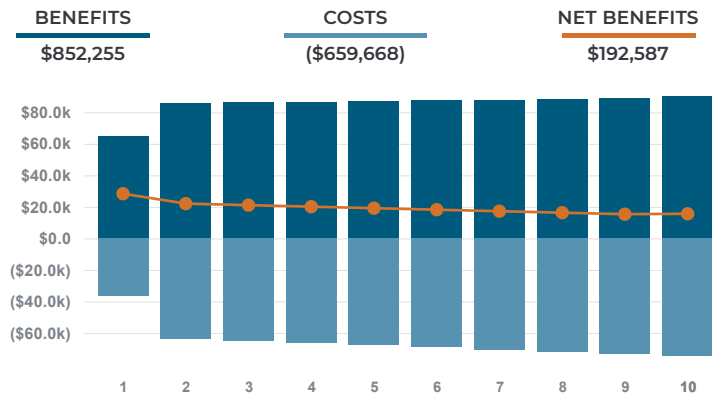
IMPACT REPORT

INVACOR

Project Invacor

Recruitment

City of Tomball



NET BENEFITS

\$192,587

Present Value \$152,445

BENEFITS

Sales Taxes	\$105,704
Real Property Taxes	\$13,086
FF&E Property Taxes	\$66,925
Inventory Property Taxes	\$3,739
New Residential Property Taxes	\$3,946
Hotel Occupancy Taxes	\$24,719
Building Permits and Fees	\$0
Utility Revenue	\$456,751
Utility Franchise Fees	\$43,263
Miscellaneous Taxes and User Fees	\$134,122

Benefits Subtotal \$852,255

COSTS

Cost of Government Services	(\$176,590)
Cost of Utility Services	(\$483,077)

Costs Subtotal (\$659,668)

JOB



114.3 Total

72.0 Direct
42.3 Spin-off

SALARIES



\$69,255 Avg

\$80,689 Direct
\$49,777 Spin-off

CAPITAL INVEST.



\$3.9M

Buildings + FF&E

RESIDENTIAL DEV.



0.5 Homes
3.4 Relocations

INCENTIVE ANALYSIS

\$108,000

Total Incentive

\$1,500

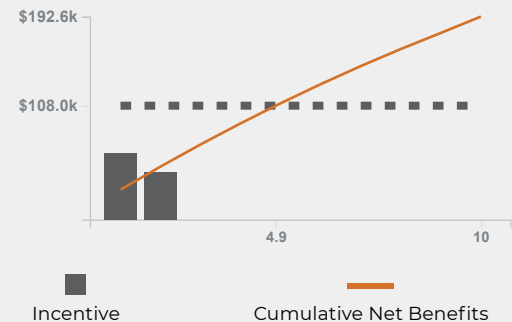
Per Job

17.8%

Rate of Return

4.9 Yrs

Payback Period



NET BENEFITS OVER 10 YEARS

CITY	\$192,587
COUNTY	\$75,366
SCHOOL DISTRICT	\$74,435
OTHER	\$135,373



Project Invacor

Project Type: Recruitment
Prepared By: Tomball EDC

Purpose & Limitations

This report presents the results of an economic and fiscal analysis undertaken by Tomball EDC using Impact DashBoard, a customized web application developed by Impact DataSource, LLC.

Impact DashBoard utilizes estimates, assumptions, and other information developed by Impact DataSource from its independent research effort detailed in a custom user guide prepared for Tomball EDC.

This report, generated by the Impact DashBoard application, has been prepared by Tomball EDC to assist economic development stakeholders in making an evaluation of the economic and fiscal impact of business activity in the community. This report does not purport to contain all of the information that may be needed to conclude such an evaluation. This report is based on a variety of assumptions and contains forward-looking statements concerning the results of operations of the subject firm. Tomball EDC made reasonable efforts to ensure that the project-specific data entered into Impact DashBoard reflects realistic estimates of future activity. Estimates of future activity involve known and unknown risks and uncertainties that could cause actual results, performance, or events to differ materially from those expressed or implied in this report.

Tomball EDC and Impact DataSource make no representation or warranty as to the accuracy or completeness of the information contained herein, and expressly disclaim any and all liability based on or relating to any information contained in, or errors or omissions from, this information or based on or relating to the use of this information.

Introduction

This report presents the results of an economic impact analysis performed using Impact DashBoard, a model developed by Impact DataSource. The report estimates the impact that a potential project will have on the local economy and estimates the costs and benefits for local taxing districts over a 10-year period.

Description of the Project

Invacor is growing and looking to consolidate and relocate operations! Along with its sponsor CSL Capital, Invacor is investing to expand the company's 3 main service lines consisting of pipeline in-line inspection, pipeline services, and nitrogen by adding equipment and staff as well as grow through acquisition. The company currently operates from Angleton, TX, Midland, TX, and LaPorte, TX with the corporate staff officing downtown Houston. Invacor is currently looking to lease a facility for its Headquarters, In-Line Inspection (ILI) base of operations for the US market, and an additional base of operation for its Pipeline Services and Nitrogen operations. Invacor is looking at locations for the facility in North Houston to be close to the talent pool for ILI employees as well as close to IAH. Invacor plans to invest a total of up to \$350,000 in building improvements and \$3.5MM in tooling and equipment. As an aside, Invacor purchases consumable and inventory product from two Tomball companies, Inline Services and Pigs Unlimited. Being nearby will generate both direct and indirect benefit to all three parties.

Economic Impact Overview

The table below summarizes the economic impact of the project over the first 10 years in terms of job creation, salaries paid to workers, and taxable sales.

SUMMARY OF ECONOMIC IMPACT OVER 10 YEARS IN CITY OF TOMBALL			
IMPACT	DIRECT	SPIN-OFF	TOTAL
Jobs	72.0	42.3	114.3
Annual Salaries/Wages at Full Ops (Yr 2)	\$5,925,800	\$2,145,740	\$8,071,540
Salaries/Wages over 10 Years	\$61,192,917	\$22,158,032	\$83,350,948
Taxable Sales/Purchases in City of Tomball	\$4,869,776	\$276,975	\$5,146,751

Totals may not sum due to rounding

The Project may result in new residents moving to the community and potentially new residential properties being constructed as summarized below.

SUMMARY OF POPULATION IMPACT OVER 10 YEARS IN CITY OF TOMBALL			
IMPACT	DIRECT	SPIN-OFF	TOTAL
Workers who will move to City of Tomball	2.2	1.3	3.4
New residents in City of Tomball	5.6	3.3	8.9
New residential properties constructed in City of Tomball	0.3	0.2	0.5
New students to attend local school district	1.1	0.6	1.7

Totals may not sum due to rounding

The new taxable property to be supported by the Project over the next 10 years is summarized in the following table.

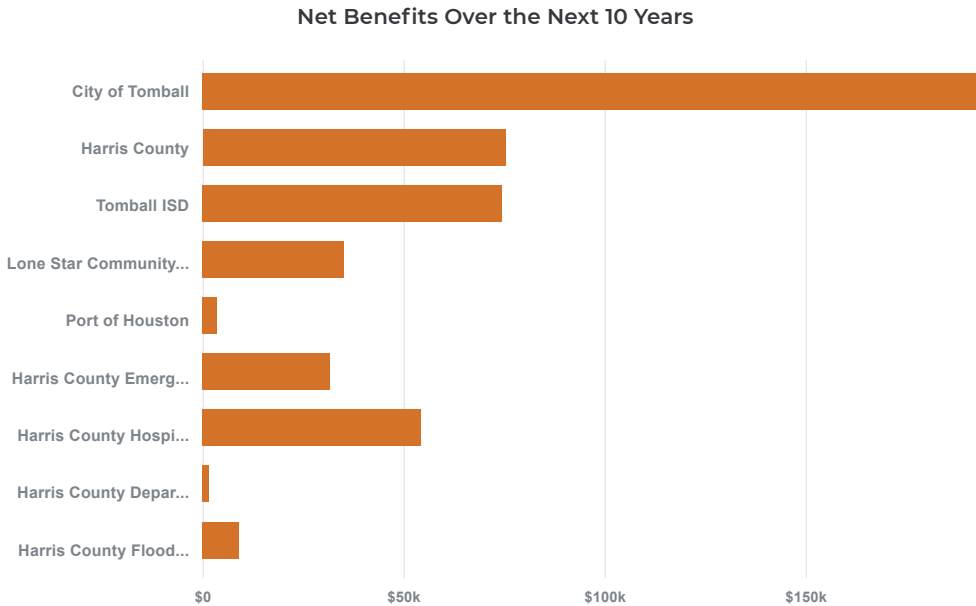
SUMMARY OF TAXABLE PROPERTY OVER THE FIRST 10 YEARS IN CITY OF TOMBALL							
YR.	NEW RESIDENTIAL PROPERTY	LAND	BUILDINGS...	FF&E	INVENTORIES	NON-RESIDENTIAL PROPERTY	TOTAL PROPERTY
1	\$64,007	\$0	\$350,000	\$3,500,000	\$100,000	\$3,950,000	\$4,014,007
2	\$111,920	\$0	\$357,000	\$3,150,000	\$102,000	\$3,609,000	\$3,720,920
3	\$114,159	\$0	\$364,140	\$2,800,000	\$104,040	\$3,268,180	\$3,382,339
4	\$116,442	\$0	\$371,423	\$2,450,000	\$106,121	\$2,927,544	\$3,043,986
5	\$118,771	\$0	\$378,851	\$2,100,000	\$108,243	\$2,587,094	\$2,705,865
6	\$121,146	\$0	\$386,428	\$1,750,000	\$110,408	\$2,246,836	\$2,367,983
7	\$123,569	\$0	\$394,157	\$1,400,000	\$112,616	\$1,906,773	\$2,030,342
8	\$126,041	\$0	\$402,040	\$1,050,000	\$114,869	\$1,566,909	\$1,692,949
9	\$128,561	\$0	\$410,081	\$700,000	\$117,166	\$1,227,247	\$1,355,808
10	\$131,133	\$0	\$418,282	\$700,000	\$119,509	\$1,237,792	\$1,368,924

Fiscal Impact Overview

The Project will generate additional benefits and costs, a summary of which is provided below. The source of specific benefits and costs are provided in greater detail for each taxing district on subsequent pages.

FISCAL NET BENEFITS OVER THE NEXT 10 YEARS				
	BENEFITS	COSTS	NET BENEFITS	PRESENT VALUE*
City of Tomball	\$852,255	(\$659,668)	\$192,587	\$152,445
Harris County	\$220,624	(\$145,258)	\$75,366	\$62,641
Tomball ISD	\$412,813	(\$338,378)	\$74,435	\$59,798
Lone Star Community College	\$35,243	\$0	\$35,243	\$28,171
Port of Houston	\$3,511	\$0	\$3,511	\$2,807
Harris County Emergency Services District 8	\$31,614	\$0	\$31,614	\$25,270
Harris County Hospital District	\$54,241	\$0	\$54,241	\$43,357
Harris County Department of Education	\$1,635	\$0	\$1,635	\$1,307
Harris County Flood Control	\$9,128	\$0	\$9,128	\$7,296
Total	\$1,621,066	(\$1,143,304)	\$477,762	\$383,092

*The Present Value of Net Benefits expresses the future stream of net benefits received over several years as a single value in today's dollars. Today's dollar and a dollar to be received at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or each taxing entity's discount rate. This analysis uses a discount rate of 5.0% to make the dollars comparable.



Public Support Overview

A summary of the total Public Support modeled in this analysis is shown below.

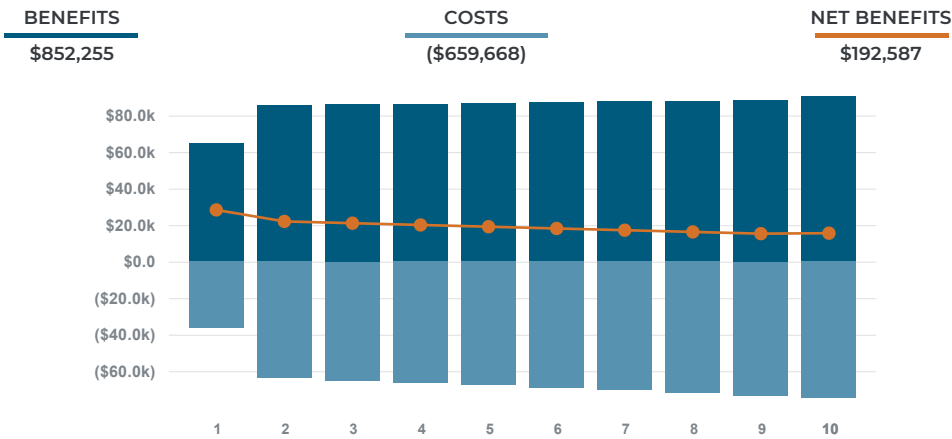
VALUE OF PUBLIC SUPPORT UNDER CONSIDERATION		
	NON-TAX INCENTIVE	TOTAL
City of Tomball	\$108,000	\$108,000
Harris County	\$0	\$0
Tomball ISD	\$0	\$0
Lone Star Community College	\$0	\$0
Port of Houston	\$0	\$0
Harris County Emergency Services District 8	\$0	\$0
Harris County Hospital District	\$0	\$0
Harris County Department of Education	\$0	\$0
Harris County Flood Control	\$0	\$0
Total	\$108,000	\$108,000

City of Tomball Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by City of Tomball over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: CITY OF TOMBALL			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Sales Taxes	\$84,866	\$20,838	\$105,704
Real Property Taxes	\$13,086	\$0	\$13,086
FF&E Property Taxes	\$66,925	\$0	\$66,925
Inventory Property Taxes	\$3,739	\$0	\$3,739
New Residential Property Taxes	\$0	\$3,946	\$3,946
Hotel Occupancy Taxes	\$24,719	\$0	\$24,719
Building Permits and Fees	\$0	\$0	\$0
Utility Revenue	\$408,008	\$48,743	\$456,751
Utility Franchise Fees	\$38,677	\$4,585	\$43,263
Miscellaneous Taxes and User Fees	\$119,824	\$14,298	\$134,122
Benefits Subtotal	\$759,845	\$92,410	\$852,255
COSTS	PROJECT	HOUSEHOLDS	TOTAL
Cost of Government Services	(\$157,743)	(\$18,847)	(\$176,590)
Cost of Utility Services	(\$431,518)	(\$51,559)	(\$483,077)
Costs Subtotal	(\$589,261)	(\$70,406)	(\$659,668)
Net Benefits	\$170,583	\$22,004	\$192,587

Annual Fiscal Net Benefits for City of Tomball

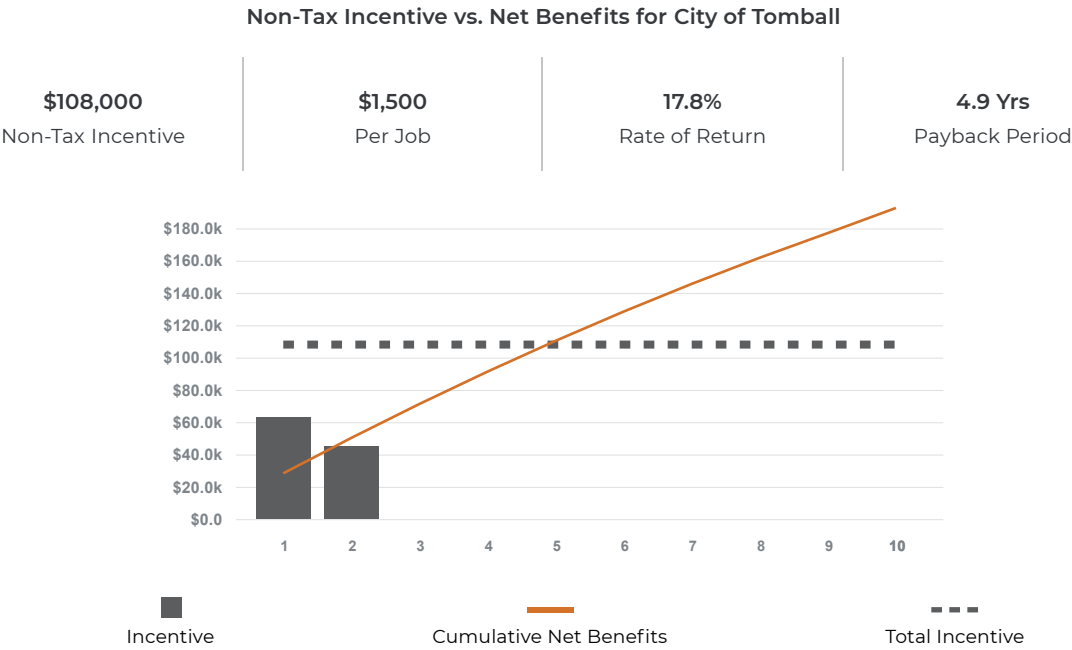


Non-Tax Incentives

City of Tomball is considering the following non-tax incentives for the Project.

NON-TAX INCENTIVES UNDER CONSIDERATION	
YEAR	NON-TAX INCENTIVE
1	\$63,000
2	\$45,000
Total	\$108,000

The graph below depicts the non-tax incentives modeled in this analysis versus the cumulative net benefits to City of Tomball. The intersection indicates the length of time until the incentives are paid back.

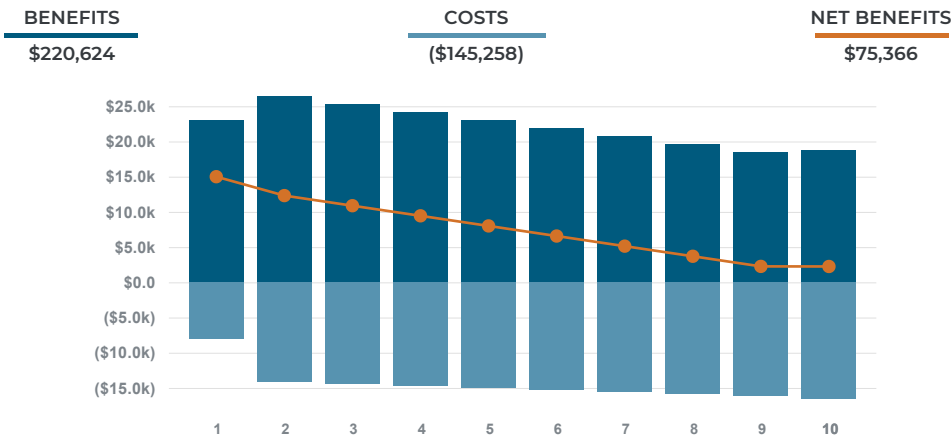


Harris County Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: HARRIS COUNTY			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$15,603	\$0	\$15,603
FF&E Property Taxes	\$79,797	\$0	\$79,797
Inventory Property Taxes	\$4,458	\$0	\$4,458
New Residential Property Taxes	\$0	\$33,246	\$33,246
Hotel Occupancy Taxes	\$7,063	\$0	\$7,063
Miscellaneous Taxes and User Fees	\$34,885	\$45,572	\$80,458
Benefits Subtotal	\$141,806	\$78,818	\$220,624
COSTS	PROJECT	HOUSEHOLDS	TOTAL
Cost of Government Services	(\$62,946)	(\$82,313)	(\$145,258)
Costs Subtotal	(\$62,946)	(\$82,313)	(\$145,258)
Net Benefits	\$78,861	(\$3,495)	\$75,366

Annual Fiscal Net Benefits for Harris County

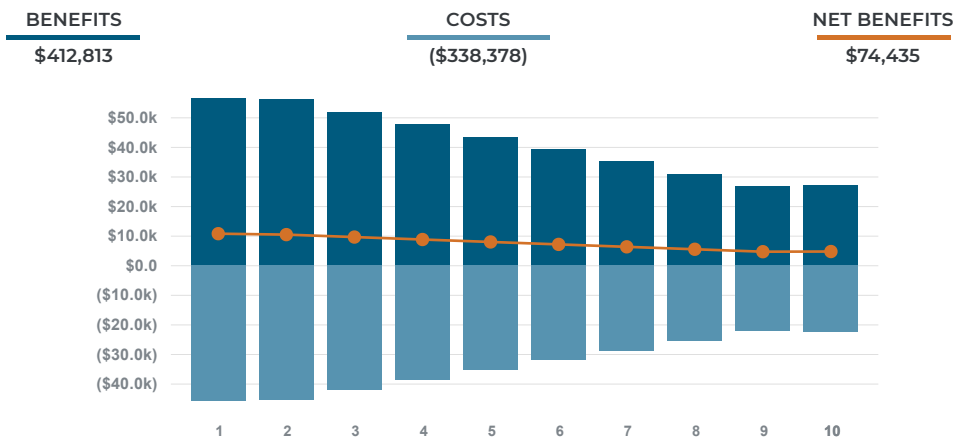


Tomball ISD Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Tomball ISD over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: TOMBALL ISD			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$49,438	\$0	\$49,438
FF&E Property Taxes	\$252,840	\$0	\$252,840
Inventory Property Taxes	\$14,125	\$0	\$14,125
New Residential Property Taxes	\$0	\$38,786	\$38,786
Addtl. State & Federal School Funding	\$0	\$57,624	\$57,624
Benefits Subtotal	\$316,403	\$96,410	\$412,813
COSTS	PROJECT	HOUSEHOLDS	TOTAL
Cost to Educate New Students	\$0	(\$52,095)	(\$52,095)
Reduction in State School Funding	(\$255,021)	(\$31,262)	(\$286,283)
Costs Subtotal	(\$255,021)	(\$83,357)	(\$338,378)
Net Benefits	\$61,382	\$13,053	\$74,435

Annual Fiscal Net Benefits for Tomball ISD

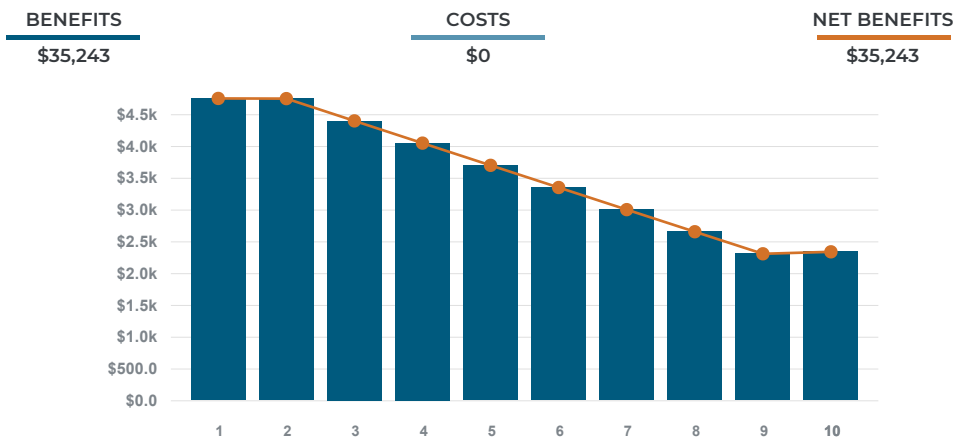


Lone Star Community College Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Lone Star Community College over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: LONE STAR COMMUNITY COLLEGE			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$4,131	\$0	\$4,131
FF&E Property Taxes	\$21,129	\$0	\$21,129
Inventory Property Taxes	\$1,180	\$0	\$1,180
New Residential Property Taxes	\$0	\$8,803	\$8,803
Benefits Subtotal	\$26,441	\$8,803	\$35,243
COSTS	PROJECT	HOUSEHOLDS	TOTAL
None Estimated	\$0	\$0	\$0
Costs Subtotal	\$0	\$0	\$0
Net Benefits	\$26,441	\$8,803	\$35,243

Annual Fiscal Net Benefits for Lone Star Community College

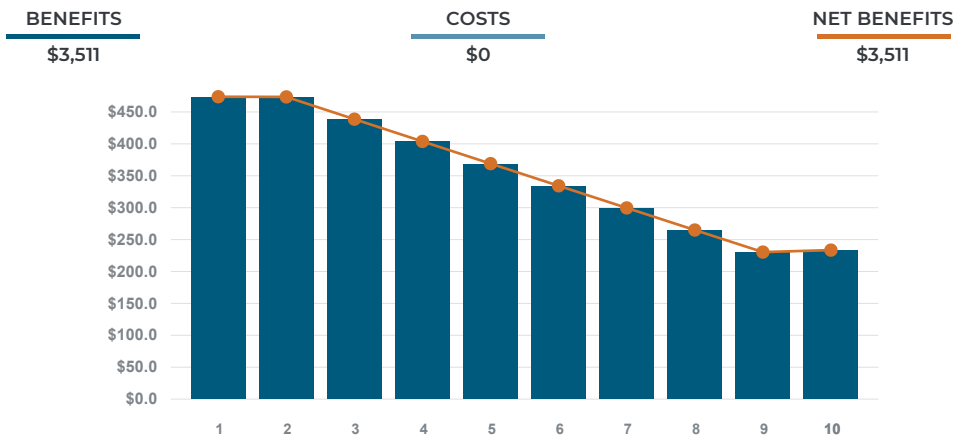


Port of Houston Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Port of Houston over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: PORT OF HOUSTON			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$412	\$0	\$412
FF&E Property Taxes	\$2,105	\$0	\$2,105
Inventory Property Taxes	\$118	\$0	\$118
New Residential Property Taxes	\$0	\$877	\$877
Benefits Subtotal	\$2,634	\$877	\$3,511
COSTS	PROJECT	HOUSEHOLDS	TOTAL
None Estimated	\$0	\$0	\$0
Costs Subtotal	\$0	\$0	\$0
Net Benefits	\$2,634	\$877	\$3,511

Annual Fiscal Net Benefits for Port of Houston

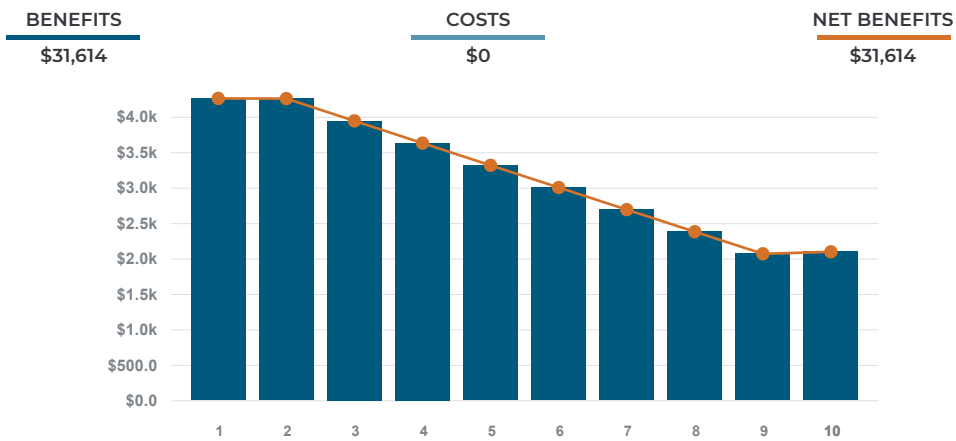


Harris County Emergency Services District 8 Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Emergency Services District 8 over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: HARRIS COUNTY EMERGENCY SERVICES DISTRICT 8			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$3,706	\$0	\$3,706
FF&E Property Taxes	\$18,953	\$0	\$18,953
Inventory Property Taxes	\$1,059	\$0	\$1,059
New Residential Property Taxes	\$0	\$7,896	\$7,896
Benefits Subtotal	\$23,718	\$7,896	\$31,614
COSTS	PROJECT	HOUSEHOLDS	TOTAL
None Estimated	\$0	\$0	\$0
Costs Subtotal	\$0	\$0	\$0
Net Benefits	\$23,718	\$7,896	\$31,614

Annual Fiscal Net Benefits for Harris County Emergency Services District 8

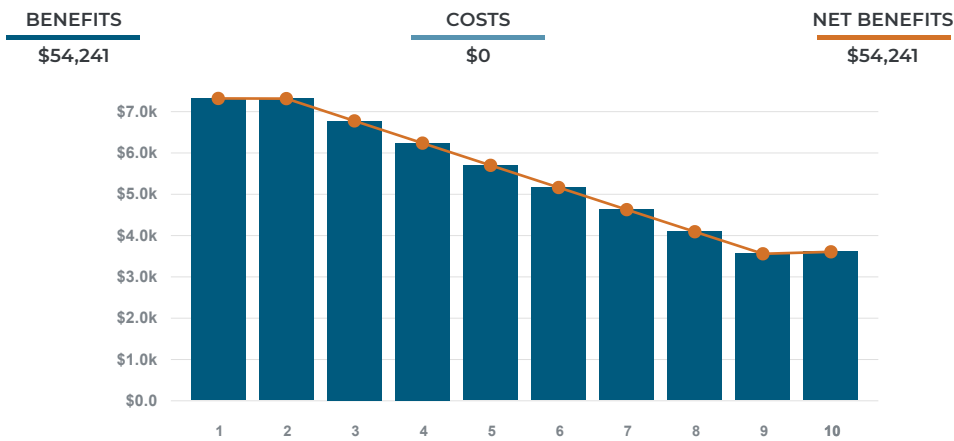


Harris County Hospital District Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Hospital District over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: HARRIS COUNTY HOSPITAL DISTRICT			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$6,358	\$0	\$6,358
FF&E Property Taxes	\$32,518	\$0	\$32,518
Inventory Property Taxes	\$1,817	\$0	\$1,817
New Residential Property Taxes	\$0	\$13,548	\$13,548
Benefits Subtotal	\$40,693	\$13,548	\$54,241
COSTS	PROJECT	HOUSEHOLDS	TOTAL
None Estimated	\$0	\$0	\$0
Costs Subtotal	\$0	\$0	\$0
Net Benefits	\$40,693	\$13,548	\$54,241

Annual Fiscal Net Benefits for Harris County Hospital District

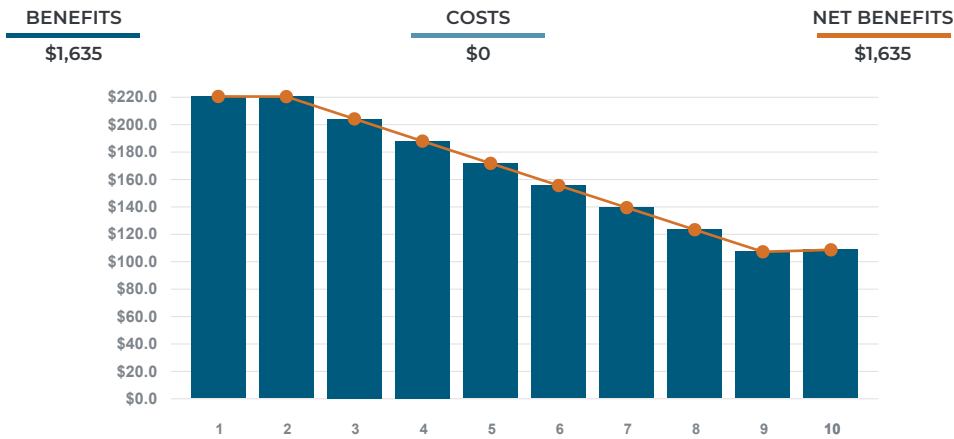


Harris County Department of Education Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Department of Education over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: HARRIS COUNTY DEPARTMENT OF EDUCATION			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$192	\$0	\$192
FF&E Property Taxes	\$980	\$0	\$980
Inventory Property Taxes	\$55	\$0	\$55
New Residential Property Taxes	\$0	\$408	\$408
Benefits Subtotal	\$1,226	\$408	\$1,635
COSTS	PROJECT	HOUSEHOLDS	TOTAL
None Estimated	\$0	\$0	\$0
Costs Subtotal	\$0	\$0	\$0
Net Benefits	\$1,226	\$408	\$1,635

Annual Fiscal Net Benefits for Harris County Department of Education

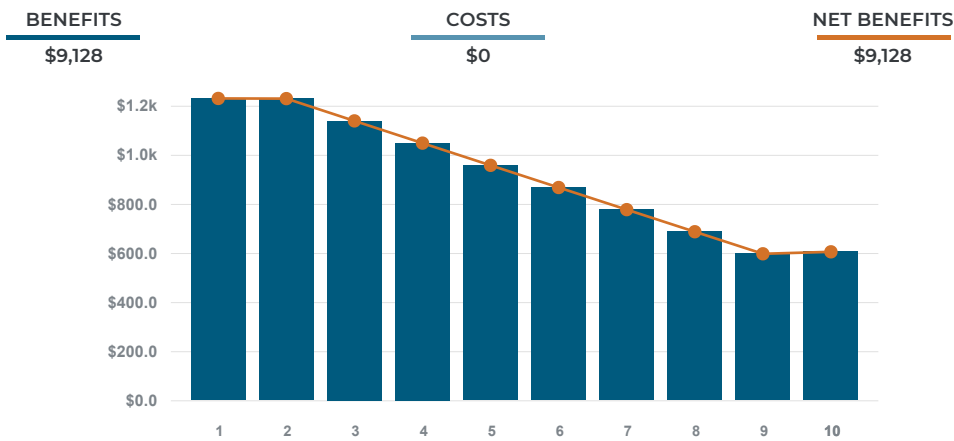


Harris County Flood Control Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Flood Control over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: HARRIS COUNTY FLOOD CONTROL			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$1,070	\$0	\$1,070
FF&E Property Taxes	\$5,472	\$0	\$5,472
Inventory Property Taxes	\$306	\$0	\$306
New Residential Property Taxes	\$0	\$2,280	\$2,280
Benefits Subtotal	\$6,848	\$2,280	\$9,128
COSTS	PROJECT	HOUSEHOLDS	TOTAL
None Estimated	\$0	\$0	\$0
Costs Subtotal	\$0	\$0	\$0
Net Benefits	\$6,848	\$2,280	\$9,128

Annual Fiscal Net Benefits for Harris County Flood Control



Overview of Methodology

The Impact DashBoard model combines project-specific attributes with community data, tax rates, and assumptions to estimate the economic impact of the Project and the fiscal impact for local taxing districts over a 10-year period.

The economic impact as calculated in this report can be categorized into two main types of impacts. First, the direct economic impacts are the jobs and payroll directly created by the Project. Second, this economic impact analysis calculates the spin-off or indirect and induced impacts that result from the Project. Indirect jobs and salaries are created in new or existing area firms, such as maintenance companies and service firms, that may supply goods and services for the Project. In addition, induced jobs and salaries are created in new or existing local businesses, such as retail stores, gas stations, banks, restaurants, and service companies that may supply goods and services to new workers and their families.

The economic impact estimates in this report are based on the Regional Input-Output Modeling System (RIMS II), a widely used regional input-output model developed by the U. S. Department of Commerce, Bureau of Economic Analysis. The RIMS II model is a standard tool used to estimate regional economic impacts. The economic impacts estimated using the RIMS II model are generally recognized as reasonable and plausible assuming the data input into the model is accurate or based on reasonable assumptions. Impact DataSource utilizes adjusted county-level multipliers to estimate the impact occurring at the sub-county level.

Two types of regional economic multipliers were used in this analysis: an employment multiplier and an earnings multiplier. An employment multiplier was used to estimate the number of indirect and induced jobs created or supported in the area. An earnings multiplier was used to estimate the amount of salaries to be paid to workers in these new indirect and induced jobs. The employment multiplier shows the estimated number of total jobs created for each direct job. The earnings multiplier shows the estimated amount of total salaries paid to these workers for every dollar paid to a direct worker. The multipliers used in this analysis are listed below:

541990 ALL OTHER PROFESSIONAL, SCIENTIFIC, AND TECHNICAL SERVICES		CITY OF TOMBALL
Employment Multiplier	(Type II Direct Effect)	1.587
Earnings Multiplier	(Type II Direct Effect)	1.3621

Most of the revenues estimated in this study result from calculations relying on (1) attributes of the Project, (2) assumptions to derive the value of associated taxable property or sales, and (3) local tax rates. In some cases, revenues are estimated on a per new household, per new worker, or per new school student basis.

The company or Project developer was not asked, nor could reasonably provide data for calculating some other revenues. For example, while the city will likely receive revenues from fines paid on speeding tickets given to new workers, the company does not know the propensity of its workers to speed. Therefore, some revenues are calculated using an average revenue approach.

This approach uses relies on two assumptions:

- 1. The taxing entity has two general revenue sources: revenues from residents and revenues from businesses.
- 2. The taxing entity will collect (a) about the same amount of miscellaneous taxes and user fees from each new household that results from the Project as it currently collects from existing households on average, and (b) the same amount of miscellaneous taxes and user fees from the new business (on a per worker basis) will be collected as it collects from existing businesses.

In the case of the school district, some additional state and federal revenues are estimated on a per new school student basis consistent with historical funding levels.

Additionally, this analysis sought to estimate the additional expenditures faced by local jurisdictions to provide services to new households and new businesses. A marginal cost approach was used to calculate these additional costs.

This approach relies on two assumptions:

- 1. The taxing entity spends money on services for two general groups: revenues from residents and revenues from businesses.
- 2. The taxing entity will spend slightly less than its current average cost to provide local government services (police, fire, EMS, etc.) to (a) new residents and (b) businesses on a per worker basis.

In the case of the school district, the marginal cost to educate new students was estimated based on a portion of the school's current expenditures per student and applied to the headcount of new school students resulting from the Project.

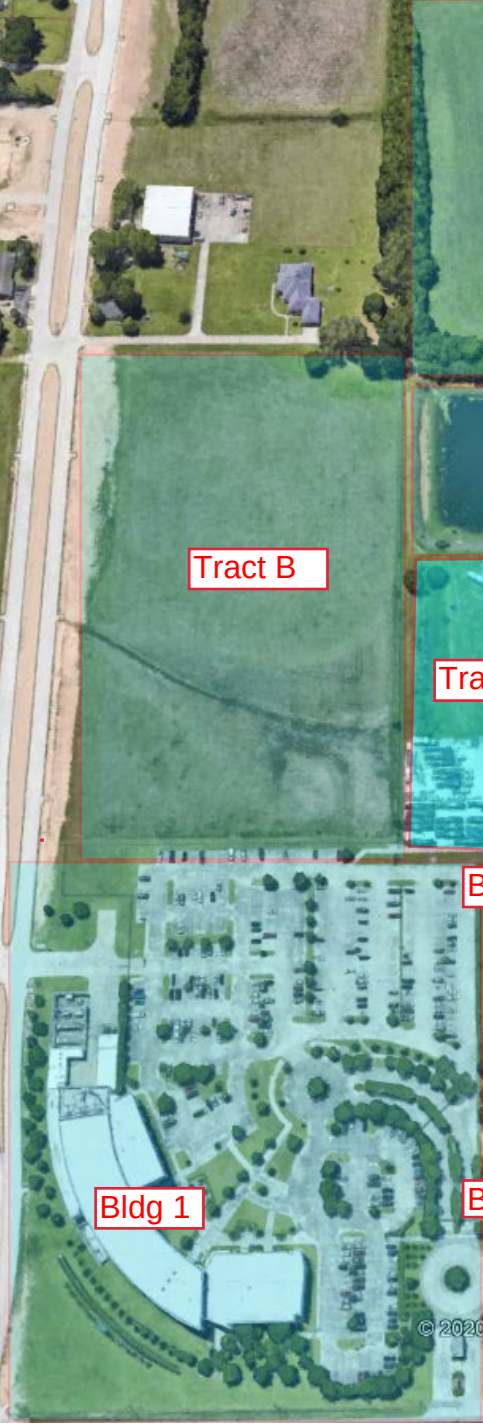
Additionally, this analysis seeks to calculate the impact on the school district's finances from the Project by generally, and at a summary level, mimicking the district's school funding formula.

According to the Texas Education Agency, any property added to local tax rolls, and the local taxes that this generates, reduces the amount of state funding equivalent to local taxes collected for maintenance and operations. The school district retains local taxes received for debt services and the corresponding state funding is not reduced. However, according to the Texas Education Agency, the school district will receive state aid for each new child that moves to the District. The additional revenues for the school district are calculated in this analysis.

About Impact DataSource

Established in 1993, Impact DataSource is an Austin, Texas-based economic consulting firm. Impact DataSource provides high-quality economic research, specializing in economic and fiscal impact analyses. The company is highly focused on supporting economic development professionals and organizations through its consulting services and software. Impact DataSource has conducted thousands of economic impact analyses of new businesses, retention and expansion projects, developments, and activities in all industry groups throughout the U.S.

For more information on Impact DataSource, LLC and our product Impact DashBoard, please visit our website www.impactdatasource.com



Tract B

Tra

B

Bldg 1

B

© 2020

Exhibit A (Building 3)

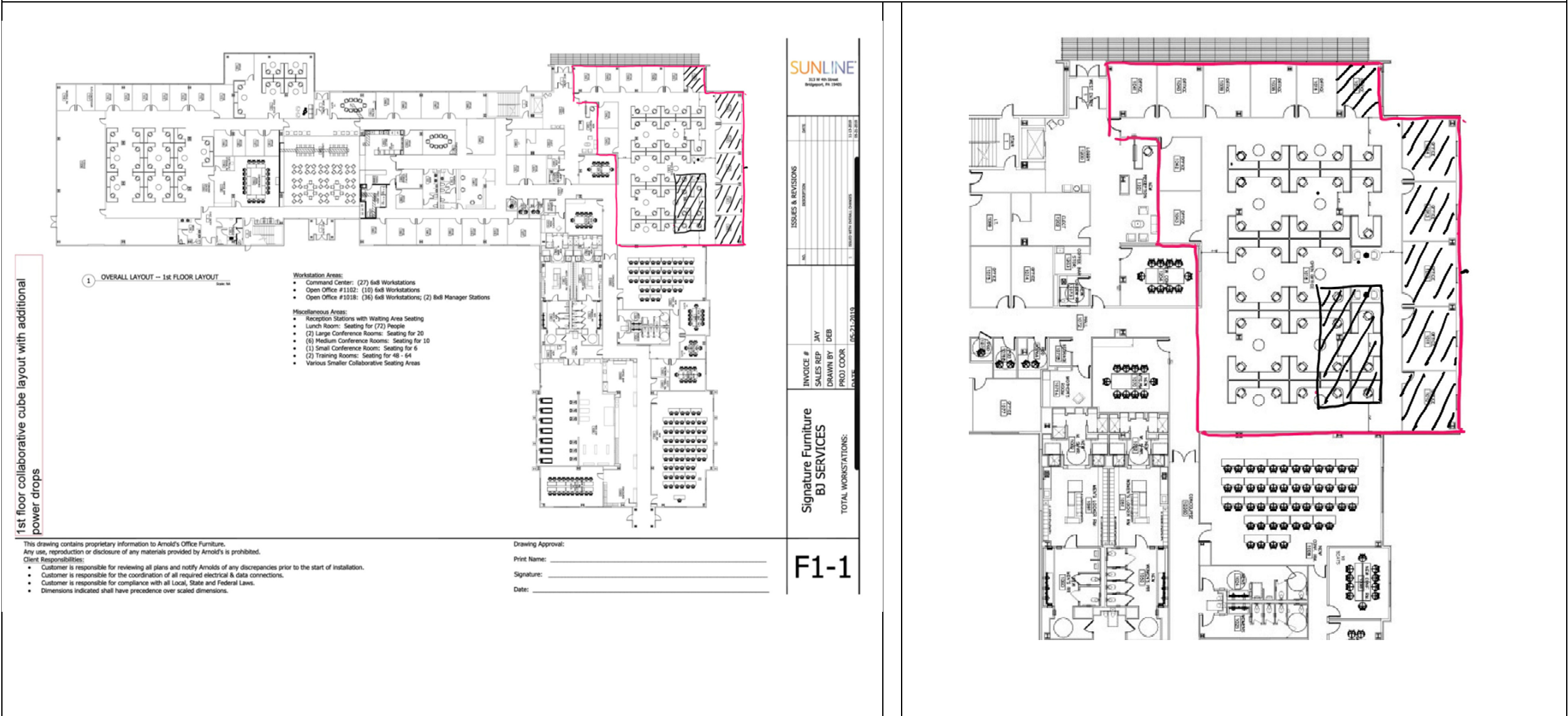


Exhibit B (Building 7)

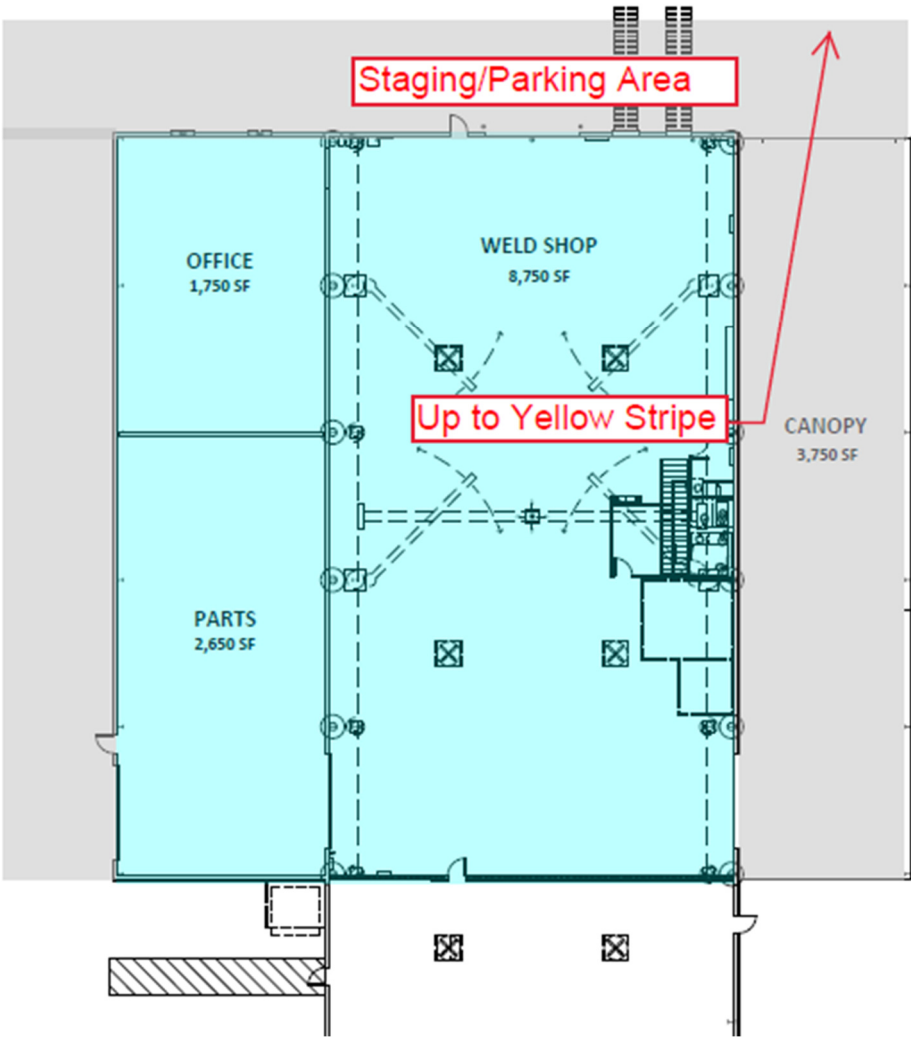
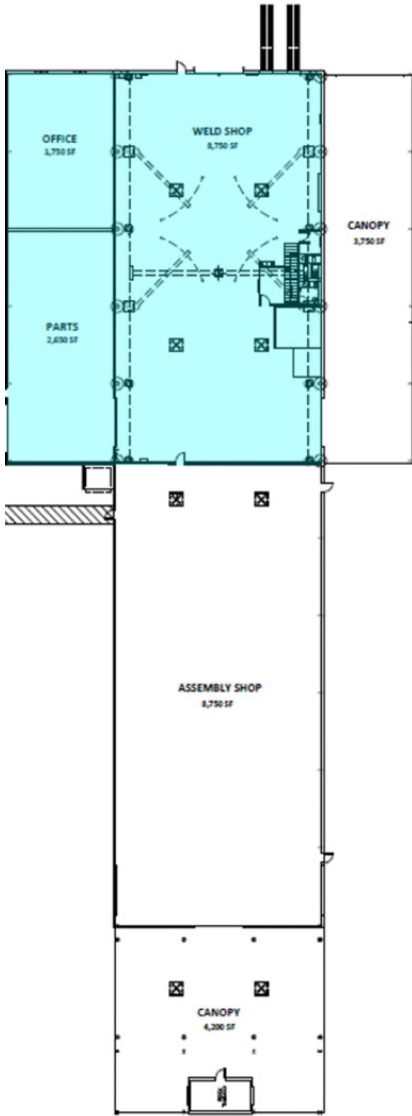


Exhibit C (Storage Area)



Exhibit D

AGREEMENT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS §

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to the Development Corporation Act, now Chapter 501 et seq of the Texas Local Government Code, located in Harris County, Texas (the “TEDC”), and **INVACOR Solutions, LLC** (the “Company”), 700 Louisiana Street, Suite 2700, Houston, TX 77002.

WITNESSETH:

WHEREAS, it is the established policy of the TEDC to adopt such reasonable measures from time-to-time as are permitted by law to endeavor to attract industry, create and retain primary jobs, expand the growth of the City of Tomball (the “City”), and thereby enhance the economic stability and growth of the City; and

WHEREAS, the Company proposes to lease 27,000 square-feet of existing office and warehouse space located at 11211 FM 2920, Tomball, Texas 77375 (the “Property”), and more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, the Company, currently located at 700 Louisiana Street, Suite 2700, Houston, TX 77002, proposes to relocate its corporate headquarters to the Property, and as part of the process, plans to make capital investments including building improvements, fixed machinery and equipment and tangible personal property (the “Improvements”) in an amount equal to at least Three Million Eight Hundred and Fifty Thousand Dollars (\$3,850,000.00) as are necessary to occupy the Property and grow the business; and

WHEREAS, the Company also proposes to relocate thirteen (13) full-time employees to the Property and to create fifty-nine (59) new jobs in Tomball within its first two years of operations at the Property; and

WHEREAS, the TEDC agrees to provide to the Company the sum of One Hundred Eight Thousand Dollars (\$108,000.00) to assist in the construction of the Improvements, the relocation of the thirteen (13) employees, and the creation of fifty-nine (59) new full-time jobs at the Property; and

WHEREAS, the Company has agreed, in exchange and as consideration for the funding, to satisfy and comply with certain terms and conditions; and

WHEREAS, this expenditure is found by the Board of Directors of the TEDC to be suitable for the relocation of the corporate headquarters to the property, to promote and develop new business enterprises on the Property, and in furtherance of the creation and retention of primary jobs;

NOW, THEREFORE, in consideration of the premises and the mutual benefits and obligations set forth herein, including the recitals set forth above, the TEDC and the Company agree as follows:

1.

Except as provided by paragraph 4, the Company covenants and agrees that it will operate and maintain the proposed business for a term of at least five (5) years and will maintain seventy-two (72) full-time employees on the Property.

2.

The construction of the Improvements, relocation of the thirteen (13) employees, and creation of fifty-nine (59) new full-time jobs and the obtaining of all necessary occupancy permits

from the City must occur within twenty-four (24) months from the Effective Date of this Agreement. Extensions of these deadlines may be granted by the Board of Directors of the TEDC due to any extenuating circumstance or uncontrollable delay.

3.

The Company further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An “undocumented worker” shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States; or (b) authorized by law to be employed in that manner in the United States.

4.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to grant to the Company One Hundred Eight Thousand Dollars (\$108,000.00) to fund a portion of the cost of the Improvements, the relocation of the thirteen (13) employees, and the creation of fifty-nine (59) new employees to the Tomball operation. Payments will be made annually for a period not to exceed five (5) years from the date of issuance of the City's occupancy permit. The Company may, upon providing the certifications, affidavit, and information required below, request payment in an amount equal to One Thousand Five Hundred Dollars (\$1,500.00) per full-time job, up to the maximum grant award of One Hundred Eight Thousand Dollars (\$108,000.00).

The TEDC agrees to distribute such funds to the Company within thirty (30) days of receipt of a letter from the Company requesting such payment, which letter shall also include: (a) a copy of the City's occupancy permit for the Improvements to the Property, if applicable; (b) proof that the company has added the number of employees indicated above to the Tomball operation as evidenced by copies of Texas Workforce Commission form C-3 or Internal Revenue Service form 941; (c) a letter from the City acknowledging that all necessary plats, plans, and specifications

have been received, reviewed, and approved; (d) certification that the Improvements have been constructed in accordance with the approved plans and specifications; (e) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Improvements have been paid and any and all liens and claims regarding such work have been released; and (f) Proof of payment to all contractors and subcontractors providing work and/or materials in the construction of the Improvements, proof of payment must include copies of canceled checks and/or credit card receipts and copies of paid invoices from all contractors and subcontractors.

In the event the number of jobs originally projected is not met or maintained, the amount of the funding provided to the Company by TEDC will be reduced on a pro-rata basis to reflect the actual number of jobs at the time of the request for disbursement of funds.

5.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus $\frac{1}{2}\%$ per annum, within 120 days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus $\frac{1}{2}\%$ per annum, within 120 days after the TEDC notifies the Company of the violation.

The Company shall also reimburse the TEDC for any and all reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of such

funds. Such reimbursement shall be due and payable thirty (30) days after the Company receives written notice of default accompanied by copies of all applicable invoices.

It is understood and agreed by the parties that, in the event of a default by the TEDC on any of its obligations under this Agreement, the Company's sole and exclusive remedy shall be limited to either a) the termination of this Agreement or b) a suit for specific performance.

6.

Personal Liability of Public Officials: To the extent permitted by law, no director, officer, employee or agent of the TEDC, and no officer, employee or agent of the City of Tomball, shall be personally responsible for any liability arising under or growing out of this Agreement.

7.

This Agreement shall inure to the benefit of and be binding upon the TEDC and the Company, and upon the Company's successors and assigns, affiliates, and subsidiaries, and shall remain in force whether the Company sells, assigns, or in any other manner disposes of, either voluntarily or by operation of law, all or any part of the Property and the agreements herein contained shall be held to be covenants running with the Property for so long as this Agreement, or any extension thereof, remains in effect.

8.

Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent

within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City: Tomball Economic Development Corporation
401 W. Market Street
Tomball, Texas 77375
Attn: President, Board of Directors

If to Company: INVACOR Solutions, LLC
700 Louisiana Street, Suite 2700
Houston, TX 77002
Attn: Larry Duke, CEO

9.

This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas.

10.

Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the parties hereto.

11.

The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.

12.

This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.

13.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this _____ day of _____ 2021 (the “Effective Date”).

INVACOR Solutions, LLC

By: _____

Name: Larry Duke

Title: CEO

ATTEST:

By: _____

Name: _____

Title: _____

**TOMBALL ECONOMIC DEVELOPMENT
CORPORATION**

By: _____

Name: Gretchen Fagan

Title: President, Board of Directors

ATTEST:

By: _____

Name: _____

Title: Secretary, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2021, by Larry Duke, CEO, INVACOR Solutions LLC., for and on behalf of said company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2020, Gretchen Fagan, President of the Board of Directors of the Tomball Economic Development
Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

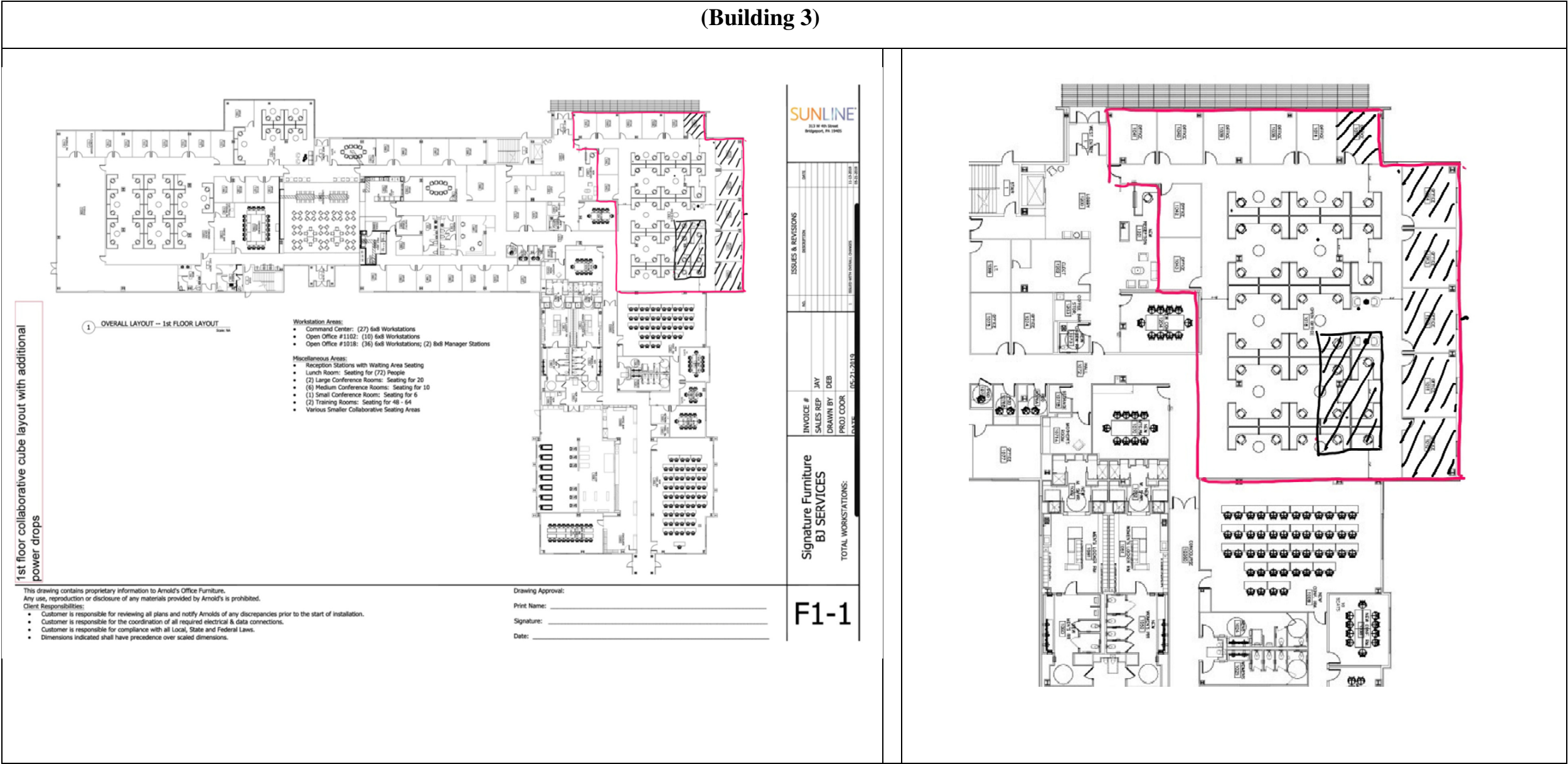
My Commission Expires: _____

(SEAL)

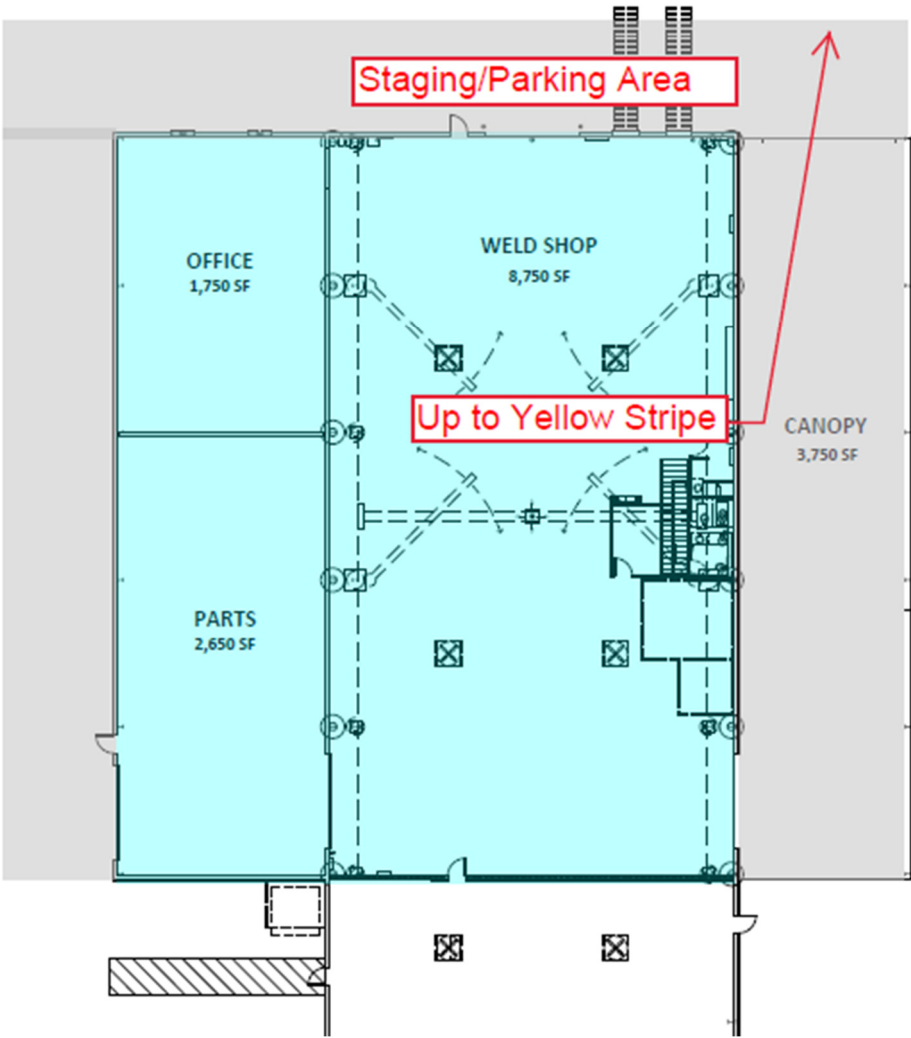
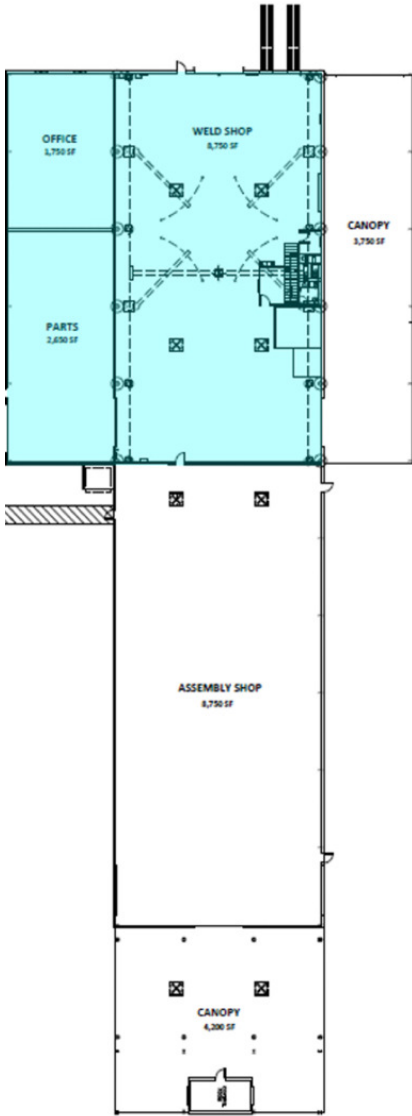
Exhibit A
Description of Property

Exhibit A

(Building 3)



(Building 7)



(Storage Area)



Exhibit D

City Council Meeting Agenda Item Data Sheet

Meeting Date: December 7, 2020

Topic:

Consideration and possible action to approve, as a Project of the Tomball Economic Development Corporation, an agreement with Houston Poly Bag I, Ltd to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the expansion of a manufacturing facility located at 11211 FM 2920 Rd., Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$18,000.00.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a “Project.” At its meeting on November 10, 2020, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with Houston Poly Bag I, Ltd for the creation or retention of primary jobs associated with the company’s expansion. As a matter of information, TEDC Board Member Bill Sumner Jr. filed a Conflict of Interest Affidavit on this item and abstained from voting. The Tomball City Council has final approval authority over all projects and agreements of the TEDC.

Origination: William E. Sumner III, General Manager, Houston Poly Bag I, Ltd.

Recommendation:

Approval of the Performance Agreement with Houston Poly Bag I, Ltd.

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	Kelly Violette		Approved by		
	Executive Director-TEDC	Date		City Manager	Date



Houston Poly Bag I, Ltd.

11726 Holderrieth Road
Tomball, Texas 77375
WES SUMNER, GM

Telephone (800) 992-7659 (281) 351-1726
Fax (800) 446-9329 (281) 351-9329

October 29, 2020

Ms. Kelly Violette,

Houston Poly Bag is requesting grant funding from the TEDC for another expansion project. We are looking to expand by a lease agreement at the BJ Services site. HPB has a new product line of Home Compostable, commercially compostable, soil biodegradable, and or marine biodegradable. This has led to our 10th extrusion line which was running January of 2019 that TEDC partnered with HPB. Thank goodness the TEDC grant process shows how a little bit can make our need to expand to an 11th extrusion system producing 5,000,000 pounds a year of environmentally friendly packaging film. In addition, we need to start recycling our scrap production for in house use to put back in as material for blown film. The recycled estimate is 3,000,000 pounds a year of our scrap from the production process. HPB expects about another 34,000 square feet of manufacturing space along with 52,000 square feet of covered space. This would be at 11211 FM 2920 property located in the City of Tomball.

Our Plant has been here in Tomball 34 Years and we a blessed to have the opportunity to expand our building and add new equipment. We are in development talks with major brands and have film being trialed for packaging items like frozen vegetables, a layer of film for packaging single use health and beauty, layers of film for packaging dry pouches and coffee to name a few applications.

As I write this letter HPB employees 68 people and see in future this expansion might have employment reach over 90 people close to 100. Revenues of \$35,000,000 going to over \$100,000,000 when completely equipped with an additional 5 multi-layer extrusion systems.

Hopefully the TEDC will help fund this project in partnership with Houston Poly Bag.

If you need any further information, please contact me at the number below.

Regards,

William E Sumner III

William E. Sumner, III
General Manager
NAICS Code 326111
281-351-1726
Houston Poly Bag I, Ltd.
wsumner@houstonpolybag.com

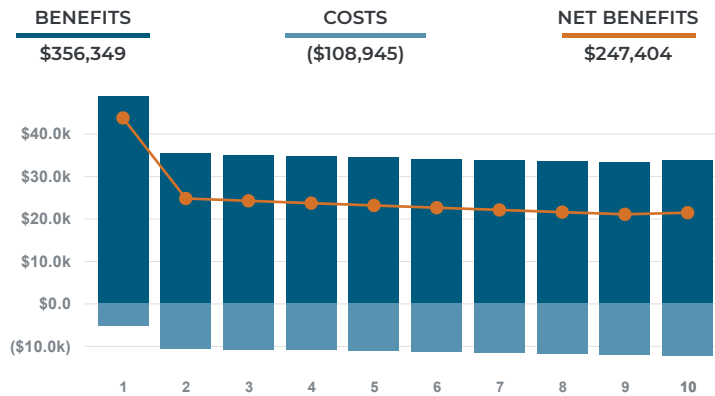
IMPACT REPORT - EXPANSION ONLY

HOUSTON POLY BAG-WAREHOUSE

HPB Expansion

Business Retention & Expansion

City of Tomball



JOBS



24.8 Total

12.0 Direct
12.8 Spin-off

12.0 New Jobs @ \$50,000

*This summary does not include the impact from the company's current activity including:
68.0 Retained Jobs @ \$50,000*

SALARIES



\$50,998 Avg

\$50,000 Direct
\$51,932 Spin-off

CAPITAL INVEST.



\$3.7M

Buildings + FF&E

NET BENEFITS

\$247,404

Present Value \$195,868

BENEFITS

Sales Taxes	\$33,933
Real Property Taxes	\$42,287
FF&E Property Taxes	\$49,716
Inventory Property Taxes	\$112,165
New Residential Property Taxes	\$645
Hotel Occupancy Taxes	\$2,874
Building Permits and Fees	\$10,000
Utility Revenue	\$75,433
Utility Franchise Fees	\$7,145
Miscellaneous Taxes and User Fees	\$22,150

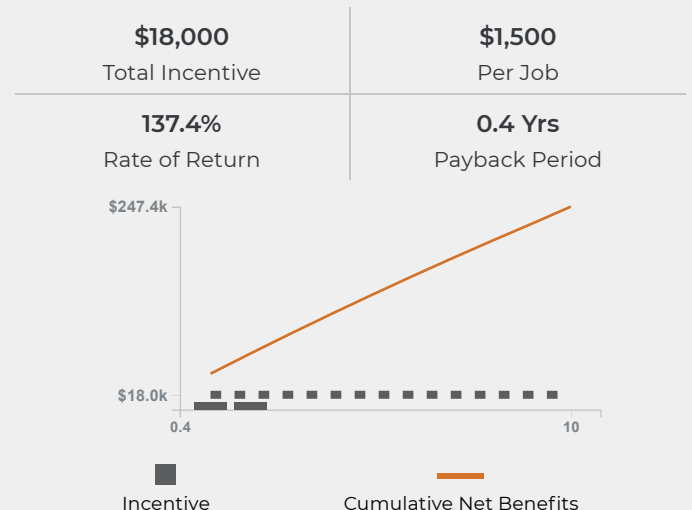
Benefits Subtotal \$356,349

COSTS

Cost of Government Services	(\$29,164)
Cost of Utility Services	(\$79,781)

Costs Subtotal (\$108,945)

INCENTIVE ANALYSIS



NET BENEFITS OVER 10 YEARS

CITY	\$247,404
COUNTY	\$238,921
SCHOOL DISTRICT	\$151,775
OTHER	\$254,346

HPB Expansion

Project Type: Business Retention & Expansion
Prepared By: Tomball EDC

Purpose & Limitations

This report presents the results of an economic and fiscal analysis undertaken by Tomball EDC using Impact DashBoard, a customized web application developed by Impact DataSource, LLC.

Impact DashBoard utilizes estimates, assumptions, and other information developed by Impact DataSource from its independent research effort detailed in a custom user guide prepared for Tomball EDC.

This report, generated by the Impact DashBoard application, has been prepared by Tomball EDC to assist economic development stakeholders in making an evaluation of the economic and fiscal impact of business activity in the community. This report does not purport to contain all of the information that may be needed to conclude such an evaluation. This report is based on a variety of assumptions and contains forward-looking statements concerning the results of operations of the subject firm. Tomball EDC made reasonable efforts to ensure that the project-specific data entered into Impact DashBoard reflects realistic estimates of future activity. Estimates of future activity involve known and unknown risks and uncertainties that could cause actual results, performance, or events to differ materially from those expressed or implied in this report.

Tomball EDC and Impact DataSource make no representation or warranty as to the accuracy or completeness of the information contained herein, and expressly disclaim any and all liability based on or relating to any information contained in, or errors or omissions from, this information or based on or relating to the use of this information.

Introduction

This report presents the results of an economic impact analysis performed using Impact DashBoard, a model developed by Impact DataSource. The report estimates the impact that a potential project will have on the local economy and estimates the costs and benefits for local taxing districts over a 10-year period.

Description of the Project

Houston Poly Bag I, Ltd. (HPB) is a custom manufacturer of polyethylene products used for packaging, including bags, films, sheeting, and liners. HPB has been in business since 1979 and is located within a 50,000 square foot facility at 11726 Holderrieth Rd., Tomball, TX 77375. HPB proposes to expand its operations by leasing 34,000 square feet of manufacturing space along with 52,000 square feet of covered space at BJ Services-Building 4 at 11211 FM 2920, Tomball, TX. The expansion will also include the purchase of 5 multi-layer extrusion machines of compostable and biodegradable flexible packaging. In addition, the company plans to start recycling its scrap post-production waste for in house use to put back in as material for blown film. The company currently employs 68 people and plans to add 12 new positions in conjunction with this expansion.

Existing & Expanded Operations

The Project under analysis represents the expansion of an existing business. The table below illustrates the economic impact over the next 10 years including both the current and expanded operations.

ECONOMIC IMPACT OF CURRENT & EXPANDED OPERATIONS OVER 10 YEARS IN CITY OF TOMBALL			
	CURRENT OPERATIONS	EXPANSION	CURRENT & EXPANDED OPERATIONS
JOBS			
Direct	68.0	12.0	80.0
Spin-off	72.7	12.8	85.5
Jobs Total	140.7	24.8	165.5
SALARIES			
Direct	\$37,229,051	\$6,269,797	\$43,498,848
Spin-off	\$41,345,179	\$6,963,000	\$48,308,179
Salaries Total	\$78,574,230	\$13,232,797	\$91,807,027

The table below summarizes the fiscal impact, the net benefits for local taxing districts, over the next 10 years including both the current and expanded operations.

FISCAL IMPACT OF CURRENT & EXPANDED OPERATIONS OVER 10 YEARS			
NET BENEFITS			
	CURRENT OPERATIONS	EXPANSION	CURRENT & EXPANDED OPERATIONS
City of Tomball	\$121,445	\$247,404	\$368,849
Harris County	\$112,699	\$238,921	\$351,620
Tomball ISD	\$85,705	\$151,775	\$237,480
Lone Star Community College	\$36,918	\$66,217	\$103,135
Port of Houston	\$3,678	\$6,597	\$10,275
Harris County Emergency Services District 8	\$33,116	\$59,399	\$92,515
Harris County Hospital District	\$56,818	\$101,912	\$158,730
Harris County Department of Education	\$1,712	\$3,071	\$4,784
Harris County Flood Control	\$9,562	\$17,150	\$26,712
	\$461,654	\$892,446	\$1,354,100

The remainder of this report will focus on only the economic and fiscal impact associated with the expansion.

Economic Impact Overview

The table below summarizes the economic impact of the project over the first 10 years in terms of job creation, salaries paid to workers, and taxable sales.

SUMMARY OF ECONOMIC IMPACT OVER 10 YEARS IN CITY OF TOMBALL			
IMPACT	DIRECT	SPIN-OFF	TOTAL
Jobs	12.0	12.8	24.8
Annual Salaries/Wages at Full Ops (Yr 2)	\$612,000	\$679,664	\$1,291,664
Salaries/Wages over 10 Years	\$6,269,797	\$6,963,000	\$13,232,797
Taxable Sales/Purchases in City of Tomball	\$1,593,501	\$87,037	\$1,680,539

Totals may not sum due to rounding

The Project may result in new residents moving to the community and potentially new residential properties being constructed as summarized below.

SUMMARY OF POPULATION IMPACT OVER 10 YEARS IN CITY OF TOMBALL			
IMPACT	DIRECT	SPIN-OFF	TOTAL
Workers who will move to City of Tomball	0.2	0.4	0.6
New residents in City of Tomball	0.5	1.0	1.5
New residential properties constructed in City of Tomball	0.0	0.1	0.1
New students to attend local school district	0.1	0.2	0.3

Totals may not sum due to rounding

The new taxable property to be supported by the Project over the next 10 years is summarized in the following table.

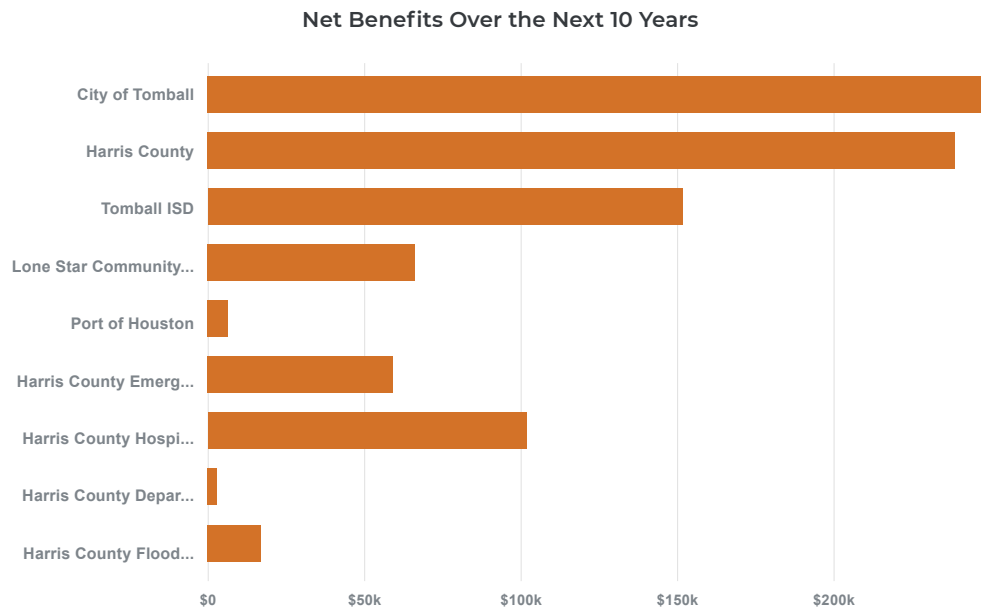
SUMMARY OF TAXABLE PROPERTY OVER THE FIRST 10 YEARS IN CITY OF TOMBALL							
YR.	NEW RESIDENTIAL PROPERTY	LAND	BUILDINGS...	FF&E	INVENTORIES	NON-RESIDENTIAL PROPERTY	TOTAL PROPERTY
1	\$9,042	\$0	\$1,131,031	\$2,600,000	\$3,000,000	\$6,731,031	\$6,740,073
2	\$18,445	\$0	\$1,153,652	\$2,340,000	\$3,060,000	\$6,553,652	\$6,572,097
3	\$18,814	\$0	\$1,176,725	\$2,080,000	\$3,121,200	\$6,377,925	\$6,396,739
4	\$19,190	\$0	\$1,200,259	\$1,820,000	\$3,183,624	\$6,203,883	\$6,223,073
5	\$19,574	\$0	\$1,224,264	\$1,560,000	\$3,247,296	\$6,031,561	\$6,051,135
6	\$19,966	\$0	\$1,248,750	\$1,300,000	\$3,312,242	\$5,860,992	\$5,880,958
7	\$20,365	\$0	\$1,273,725	\$1,040,000	\$3,378,487	\$5,692,212	\$5,712,577
8	\$20,772	\$0	\$1,299,199	\$780,000	\$3,446,057	\$5,525,256	\$5,546,028
9	\$21,188	\$0	\$1,325,183	\$520,000	\$3,514,978	\$5,360,161	\$5,381,349
10	\$21,611	\$0	\$1,351,687	\$520,000	\$3,585,278	\$5,456,964	\$5,478,576

Fiscal Impact Overview

The Project will generate additional benefits and costs, a summary of which is provided below. The source of specific benefits and costs are provided in greater detail for each taxing district on subsequent pages.

FISCAL NET BENEFITS OVER THE NEXT 10 YEARS				
	BENEFITS	COSTS	NET BENEFITS	PRESENT VALUE*
City of Tomball	\$356,349	(\$108,945)	\$247,404	\$195,868
Harris County	\$265,781	(\$26,860)	\$238,921	\$186,547
Tomball ISD	\$787,111	(\$635,336)	\$151,775	\$118,383
Lone Star Community College	\$66,217	\$0	\$66,217	\$51,630
Port of Houston	\$6,597	\$0	\$6,597	\$5,144
Harris County Emergency Services District 8	\$59,399	\$0	\$59,399	\$46,313
Harris County Hospital District	\$101,912	\$0	\$101,912	\$79,461
Harris County Department of Education	\$3,071	\$0	\$3,071	\$2,395
Harris County Flood Control	\$17,150	\$0	\$17,150	\$13,372
Total	\$1,663,586	(\$771,141)	\$892,446	\$699,112

*The Present Value of Net Benefits expresses the future stream of net benefits received over several years as a single value in today's dollars. Today's dollar and a dollar to be received at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or each taxing entity's discount rate. This analysis uses a discount rate of 5.0% to make the dollars comparable.



Public Support Overview

A summary of the total Public Support modeled in this analysis is shown below.

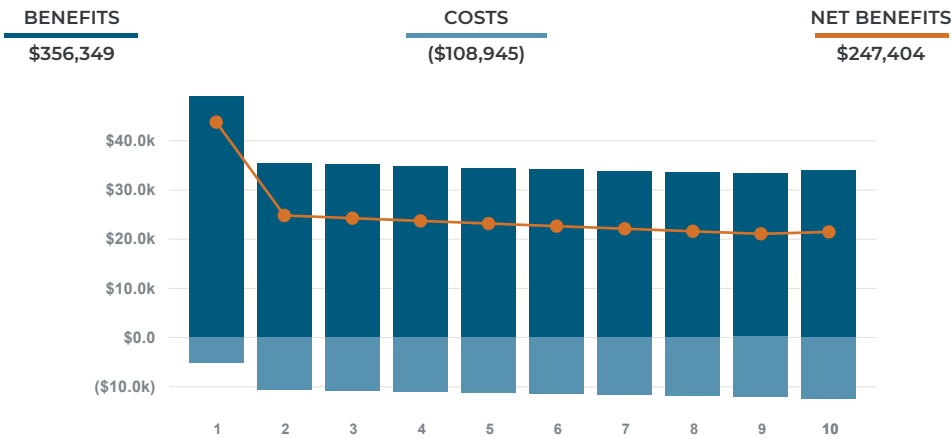
VALUE OF PUBLIC SUPPORT UNDER CONSIDERATION		
	NON-TAX INCENTIVE	TOTAL
City of Tomball	\$18,000	\$18,000
Harris County	\$0	\$0
Tomball ISD	\$0	\$0
Lone Star Community College	\$0	\$0
Port of Houston	\$0	\$0
Harris County Emergency Services District 8	\$0	\$0
Harris County Hospital District	\$0	\$0
Harris County Department of Education	\$0	\$0
Harris County Flood Control	\$0	\$0
Total	\$18,000	\$18,000

City of Tomball Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by City of Tomball over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: CITY OF TOMBALL			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Sales Taxes	\$30,624	\$3,308	\$33,933
Real Property Taxes	\$42,287	\$0	\$42,287
FF&E Property Taxes	\$49,716	\$0	\$49,716
Inventory Property Taxes	\$112,165	\$0	\$112,165
New Residential Property Taxes	\$0	\$645	\$645
Hotel Occupancy Taxes	\$2,874	\$0	\$2,874
Building Permits and Fees	\$10,000	\$0	\$10,000
Utility Revenue	\$67,463	\$7,970	\$75,433
Utility Franchise Fees	\$6,395	\$750	\$7,145
Miscellaneous Taxes and User Fees	\$19,813	\$2,338	\$22,150
Benefits Subtotal	\$341,338	\$15,010	\$356,349
COSTS	PROJECT	HOUSEHOLDS	TOTAL
Cost of Government Services	(\$26,083)	(\$3,082)	(\$29,164)
Cost of Utility Services	(\$71,351)	(\$8,430)	(\$79,781)
Costs Subtotal	(\$97,433)	(\$11,512)	(\$108,945)
Net Benefits	\$243,905	\$3,499	\$247,404

Annual Fiscal Net Benefits for City of Tomball

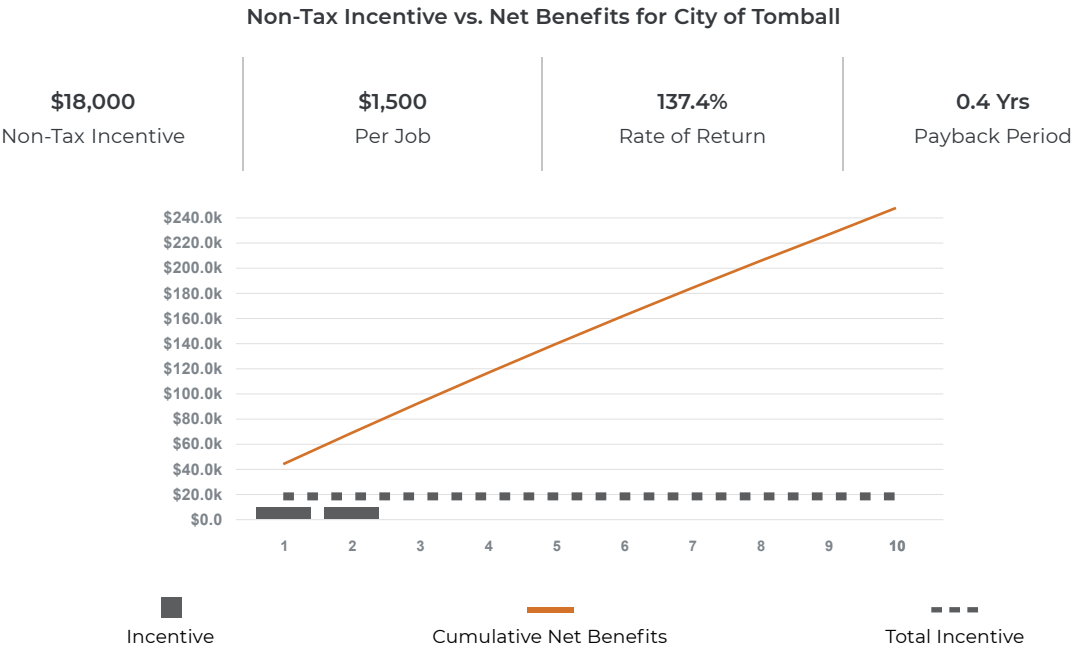


Non-Tax Incentives

City of Tomball is considering the following non-tax incentives for the Project.

NON-TAX INCENTIVES UNDER CONSIDERATION	
YEAR	NON-TAX INCENTIVE
1	\$9,000
2	\$9,000
Total	\$18,000

The graph below depicts the non-tax incentives modeled in this analysis versus the cumulative net benefits to City of Tomball. The intersection indicates the length of time until the incentives are paid back.

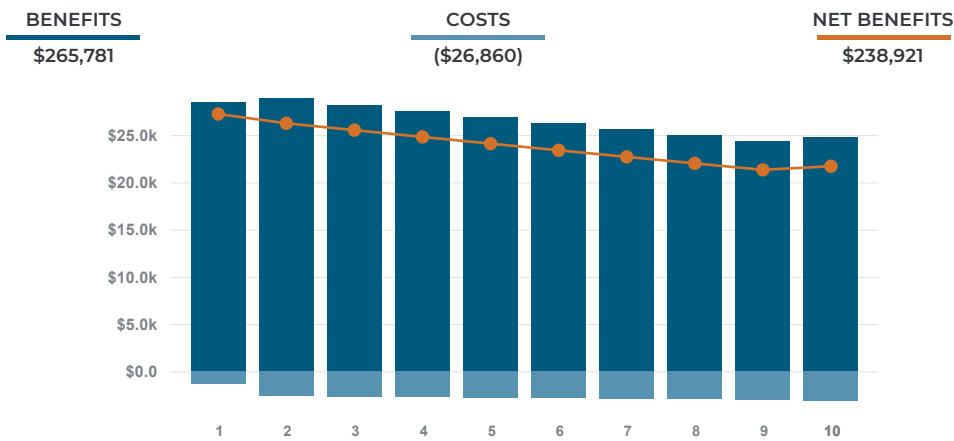


Harris County Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: HARRIS COUNTY			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$50,421	\$0	\$50,421
FF&E Property Taxes	\$59,278	\$0	\$59,278
Inventory Property Taxes	\$133,739	\$0	\$133,739
New Residential Property Taxes	\$0	\$6,645	\$6,645
Hotel Occupancy Taxes	\$821	\$0	\$821
Miscellaneous Taxes and User Fees	\$5,768	\$9,109	\$14,877
Benefits Subtotal	\$250,027	\$15,754	\$265,781
COSTS	PROJECT	HOUSEHOLDS	TOTAL
Cost of Government Services	(\$10,408)	(\$16,452)	(\$26,860)
Costs Subtotal	(\$10,408)	(\$16,452)	(\$26,860)
Net Benefits	\$239,619	(\$698)	\$238,921

Annual Fiscal Net Benefits for Harris County

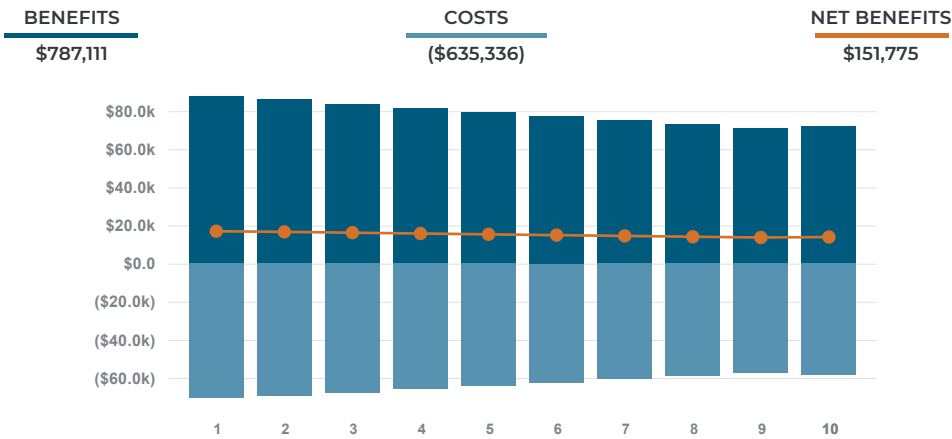


Tomball ISD Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Tomball ISD over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: TOMBALL ISD			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$159,760	\$0	\$159,760
FF&E Property Taxes	\$187,824	\$0	\$187,824
Inventory Property Taxes	\$423,754	\$0	\$423,754
New Residential Property Taxes	\$0	\$6,346	\$6,346
Addtl. State & Federal School Funding	\$0	\$9,427	\$9,427
Benefits Subtotal	\$771,338	\$15,773	\$787,111
COSTS	PROJECT	HOUSEHOLDS	TOTAL
Cost to Educate New Students	\$0	(\$8,523)	(\$8,523)
Reduction in State School Funding	(\$621,698)	(\$5,115)	(\$626,813)
Costs Subtotal	(\$621,698)	(\$13,637)	(\$635,336)
Net Benefits	\$149,640	\$2,135	\$151,775

Annual Fiscal Net Benefits for Tomball ISD

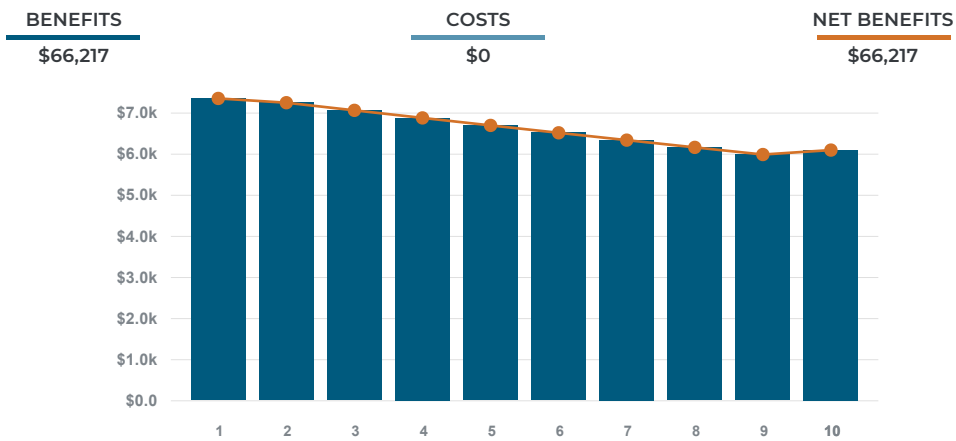


Lone Star Community College Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Lone Star Community College over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: LONE STAR COMMUNITY COLLEGE			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$13,350	\$0	\$13,350
FF&E Property Taxes	\$15,696	\$0	\$15,696
Inventory Property Taxes	\$35,411	\$0	\$35,411
New Residential Property Taxes	\$0	\$1,759	\$1,759
Benefits Subtotal	\$64,458	\$1,759	\$66,217
COSTS	PROJECT	HOUSEHOLDS	TOTAL
None Estimated	\$0	\$0	\$0
Costs Subtotal	\$0	\$0	\$0
Net Benefits	\$64,458	\$1,759	\$66,217

Annual Fiscal Net Benefits for Lone Star Community College



Port of Houston Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Port of Houston over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: PORT OF HOUSTON			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$1,330	\$0	\$1,330
FF&E Property Taxes	\$1,564	\$0	\$1,564
Inventory Property Taxes	\$3,528	\$0	\$3,528
New Residential Property Taxes	\$0	\$175	\$175
Benefits Subtotal	\$6,422	\$175	\$6,597
COSTS	PROJECT	HOUSEHOLDS	TOTAL
None Estimated	\$0	\$0	\$0
Costs Subtotal	\$0	\$0	\$0
Net Benefits	\$6,422	\$175	\$6,597

Annual Fiscal Net Benefits for Port of Houston



Harris County Emergency Services District 8 Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Emergency Services District 8 over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: HARRIS COUNTY EMERGENCY SERVICES DISTRICT 8			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$11,976	\$0	\$11,976
FF&E Property Taxes	\$14,080	\$0	\$14,080
Inventory Property Taxes	\$31,765	\$0	\$31,765
New Residential Property Taxes	\$0	\$1,578	\$1,578
Benefits Subtotal	\$57,820	\$1,578	\$59,399
COSTS	PROJECT	HOUSEHOLDS	TOTAL
None Estimated	\$0	\$0	\$0
Costs Subtotal	\$0	\$0	\$0
Net Benefits	\$57,820	\$1,578	\$59,399

Annual Fiscal Net Benefits for Harris County Emergency Services District 8

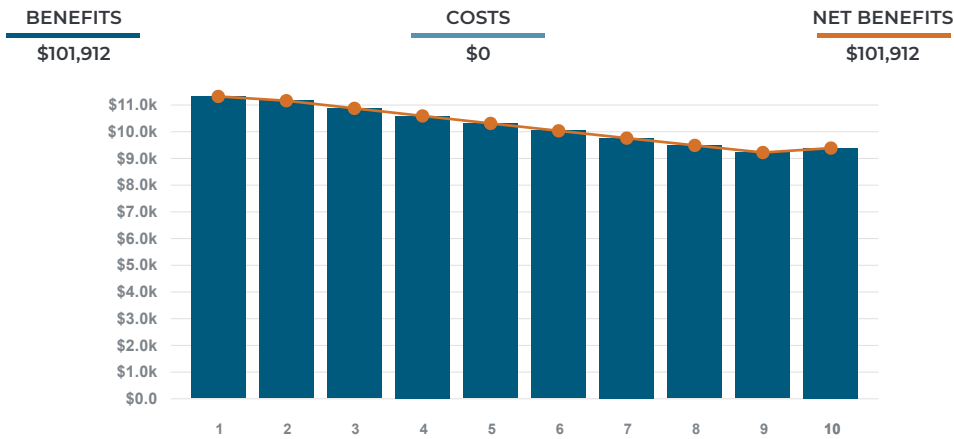


Harris County Hospital District Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Hospital District over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: HARRIS COUNTY HOSPITAL DISTRICT			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$20,547	\$0	\$20,547
FF&E Property Taxes	\$24,156	\$0	\$24,156
Inventory Property Taxes	\$54,500	\$0	\$54,500
New Residential Property Taxes	\$0	\$2,708	\$2,708
Benefits Subtotal	\$99,204	\$2,708	\$101,912
COSTS	PROJECT	HOUSEHOLDS	TOTAL
None Estimated	\$0	\$0	\$0
Costs Subtotal	\$0	\$0	\$0
Net Benefits	\$99,204	\$2,708	\$101,912

Annual Fiscal Net Benefits for Harris County Hospital District

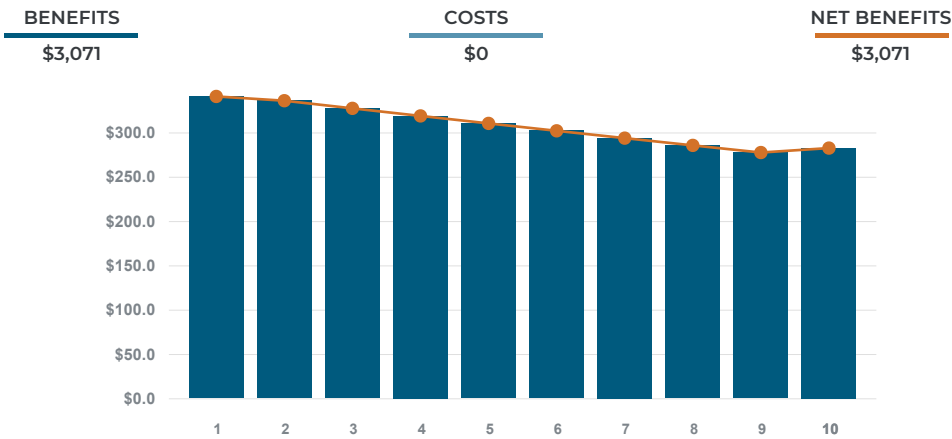


Harris County Department of Education Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Department of Education over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: HARRIS COUNTY DEPARTMENT OF EDUCATION			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$619	\$0	\$619
FF&E Property Taxes	\$728	\$0	\$728
Inventory Property Taxes	\$1,642	\$0	\$1,642
New Residential Property Taxes	\$0	\$82	\$82
Benefits Subtotal	\$2,990	\$82	\$3,071
COSTS	PROJECT	HOUSEHOLDS	TOTAL
None Estimated	\$0	\$0	\$0
Costs Subtotal	\$0	\$0	\$0
Net Benefits	\$2,990	\$82	\$3,071

Annual Fiscal Net Benefits for Harris County Department of Education

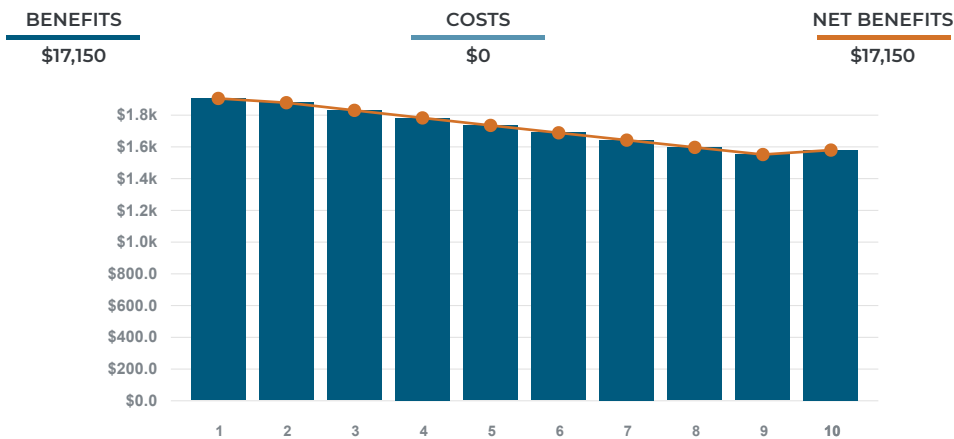


Harris County Flood Control Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Flood Control over the next 10 years of the Project.

NET BENEFITS OVER 10 YEARS: HARRIS COUNTY FLOOD CONTROL			
BENEFITS	PROJECT	HOUSEHOLDS	TOTAL
Real Property Taxes	\$3,458	\$0	\$3,458
FF&E Property Taxes	\$4,065	\$0	\$4,065
Inventory Property Taxes	\$9,171	\$0	\$9,171
New Residential Property Taxes	\$0	\$456	\$456
Benefits Subtotal	\$16,694	\$456	\$17,150
COSTS	PROJECT	HOUSEHOLDS	TOTAL
None Estimated	\$0	\$0	\$0
Costs Subtotal	\$0	\$0	\$0
Net Benefits	\$16,694	\$456	\$17,150

Annual Fiscal Net Benefits for Harris County Flood Control



Overview of Methodology

The Impact DashBoard model combines project-specific attributes with community data, tax rates, and assumptions to estimate the economic impact of the Project and the fiscal impact for local taxing districts over a 10-year period.

The economic impact as calculated in this report can be categorized into two main types of impacts. First, the direct economic impacts are the jobs and payroll directly created by the Project. Second, this economic impact analysis calculates the spin-off or indirect and induced impacts that result from the Project. Indirect jobs and salaries are created in new or existing area firms, such as maintenance companies and service firms, that may supply goods and services for the Project. In addition, induced jobs and salaries are created in new or existing local businesses, such as retail stores, gas stations, banks, restaurants, and service companies that may supply goods and services to new workers and their families.

The economic impact estimates in this report are based on the Regional Input-Output Modeling System (RIMS II), a widely used regional input-output model developed by the U. S. Department of Commerce, Bureau of Economic Analysis. The RIMS II model is a standard tool used to estimate regional economic impacts. The economic impacts estimated using the RIMS II model are generally recognized as reasonable and plausible assuming the data input into the model is accurate or based on reasonable assumptions. Impact DataSource utilizes adjusted county-level multipliers to estimate the impact occurring at the sub-county level.

Two types of regional economic multipliers were used in this analysis: an employment multiplier and an earnings multiplier. An employment multiplier was used to estimate the number of indirect and induced jobs created or supported in the area. An earnings multiplier was used to estimate the amount of salaries to be paid to workers in these new indirect and induced jobs. The employment multiplier shows the estimated number of total jobs created for each direct job. The earnings multiplier shows the estimated amount of total salaries paid to these workers for every dollar paid to a direct worker. The multipliers used in this analysis are listed below:

326111 PLASTICS BAG AND POUCH MANUFACTURING		CITY OF TOMBALL
Employment Multiplier	(Type II Direct Effect)	2.0693
Earnings Multiplier	(Type II Direct Effect)	2.1106

Most of the revenues estimated in this study result from calculations relying on (1) attributes of the Project, (2) assumptions to derive the value of associated taxable property or sales, and (3) local tax rates. In some cases, revenues are estimated on a per new household, per new worker, or per new school student basis.

The company or Project developer was not asked, nor could reasonably provide data for calculating some other revenues. For example, while the city will likely receive revenues from fines paid on speeding tickets given to new workers, the company does not know the propensity of its workers to speed. Therefore, some revenues are calculated using an average revenue approach.

This approach uses relies on two assumptions:

- 1. The taxing entity has two general revenue sources: revenues from residents and revenues from businesses.
- 2. The taxing entity will collect (a) about the same amount of miscellaneous taxes and user fees from each new household that results from the Project as it currently collects from existing households on average, and (b) the same amount of miscellaneous taxes and user fees from the new business (on a per worker basis) will be collected as it collects from existing businesses.

In the case of the school district, some additional state and federal revenues are estimated on a per new school student basis consistent with historical funding levels.

Additionally, this analysis sought to estimate the additional expenditures faced by local jurisdictions to provide services to new households and new businesses. A marginal cost approach was used to calculate these additional costs.

This approach relies on two assumptions:

- 1. The taxing entity spends money on services for two general groups: revenues from residents and revenues from businesses.
- 2. The taxing entity will spend slightly less than its current average cost to provide local government services (police, fire, EMS, etc.) to (a) new residents and (b) businesses on a per worker basis.

In the case of the school district, the marginal cost to educate new students was estimated based on a portion of the school's current expenditures per student and applied to the headcount of new school students resulting from the Project.

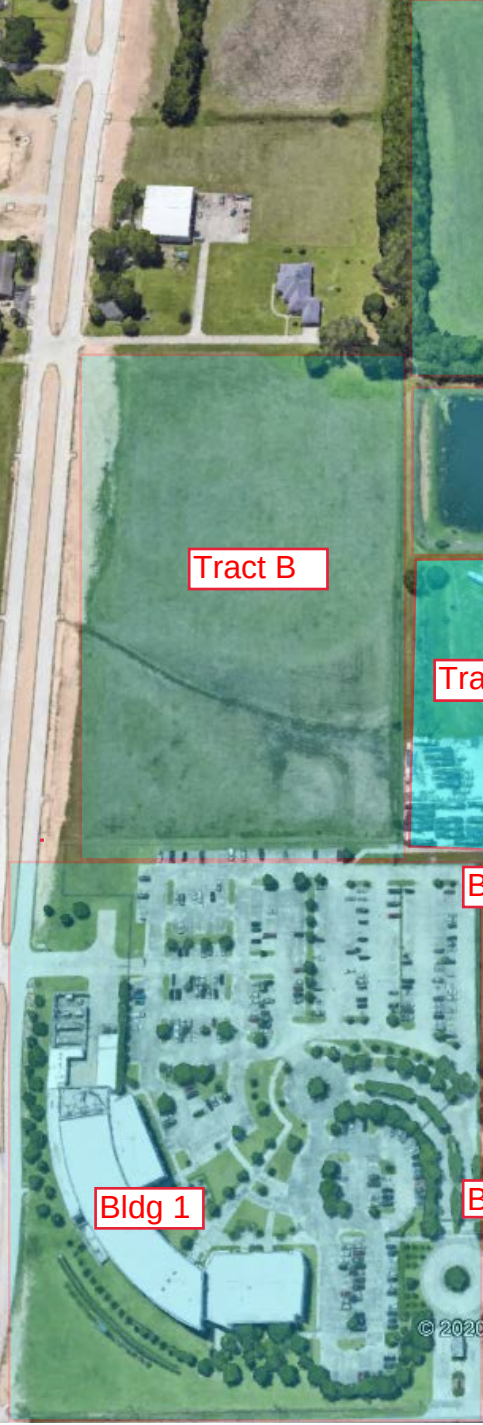
Additionally, this analysis seeks to calculate the impact on the school district's finances from the Project by generally, and at a summary level, mimicking the district's school funding formula.

According to the Texas Education Agency, any property added to local tax rolls, and the local taxes that this generates, reduces the amount of state funding equivalent to local taxes collected for maintenance and operations. The school district retains local taxes received for debt services and the corresponding state funding is not reduced. However, according to the Texas Education Agency, the school district will receive state aid for each new child that moves to the District. The additional revenues for the school district are calculated in this analysis.

About Impact DataSource

Established in 1993, Impact DataSource is an Austin, Texas-based economic consulting firm. Impact DataSource provides high-quality economic research, specializing in economic and fiscal impact analyses. The company is highly focused on supporting economic development professionals and organizations through its consulting services and software. Impact DataSource has conducted thousands of economic impact analyses of new businesses, retention and expansion projects, developments, and activities in all industry groups throughout the U.S.

For more information on Impact DataSource, LLC and our product Impact DashBoard, please visit our website www.impactdatasource.com



Tract B

Tra

B

Bldg 1

B

© 2020

AGREEMENT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS §

This Agreement (the “Agreement”) is made and entered into by and between the Tomball Economic Development Corporation, an industrial development corporation created pursuant to Tex. Rev. Civ. Stat. Ann. Art. 5190.6, Section 4B, located in Harris County, Texas (the “TEDC”), and **Houston Poly Bag I, Ltd.** (the “Company”), 11726 Holderrieth Road, Tomball, Texas, 77375.

WITNESSETH:

WHEREAS, it is the established policy of the TEDC to adopt such reasonable measures from time-to-time as are permitted by law to endeavor to attract industry, create and retain primary jobs, expand the growth of the City of Tomball (the “City”), and thereby enhance the economic stability and growth of the City; and

WHEREAS, the Company proposes to lease 34,000 square-foot warehouse space and 52,000 square-foot of covered space located at 11211 FM 2920, Tomball, Texas 77375 (the “Property”), and more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, the Company proposes to expand its current operations at the Property, and as part of the process, plans to expend funds to add additional machinery and equipment and make other Improvements (as described in Exhibit “B”) necessary to expand its manufacturing process in order to increase its current level of production in an amount equal to at least Three Million Seven Hundred Thirty-One Thousand and Thirty-One Dollars (\$3,731,031.00), as are necessary to occupy the Property; and

WHEREAS, the Company also proposes to maintain the current seventy (68) jobs at its two locations and to create twelve (12) new jobs in conjunction with the expansion of its business operations at the Property; and

WHEREAS, the TEDC agrees to provide to the Company the sum of Eighteen Thousand Dollars (\$18,000.00) to assist in the construction of the Improvements, the addition of the twelve (12) new full-time employment positions at the Property; and

WHEREAS, the Company has agreed, in exchange and as consideration for the funding, to satisfy and comply with certain terms and conditions; and

WHEREAS, this expenditure is found by the Board of Directors of the TEDC to be suitable for the expansion of the business operations at the Property and the creation and retention of primary jobs at the Property;

NOW, THEREFORE, in consideration of the premises and the mutual benefits and obligations set forth herein, including the recitals set forth above, the TEDC and the Company agree as follows:

1.

The Company covenants and agrees that it will construct the Improvements and operate and maintain the proposed business on the Property for a term of at least five (5) years, and will for such term, except as provided by paragraph 4 hereof, maintain sixty-eight (68) employees and create twelve (12) new full-time jobs.

2.

The Company also covenants and agrees that construction of the Improvements and obtaining all necessary permits from the City shall occur within eighteen (18) months from the Effective Date of this Agreement. Extensions of these deadlines, due to any extenuating

circumstance or uncontrollable delay, may be granted at the sole discretion of the Board of Directors of the TEDC.

3.

The Company further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An “undocumented worker” shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States, or (b) authorized by law to be employed in that manner in the United States.

4.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to grant to the Company Eighteen Thousand Dollars (\$18,000) to fund a portion of the cost of the Improvements and the addition of twelve (12) new employees at the Company's business operations on the Property. The TEDC agrees to distribute such funds to the Company within thirty (30) days of receipt of a letter from the Company requesting such payment, which letter shall also include: The TEDC agrees to distribute such funds to the Company within thirty (30) days of receipt of a letter from the Company requesting such payment, which letter shall also include: (a) a copy of the City's occupancy permit or certification of completion for the Improvements to the Property; (b) proof that the company has added the number of employees indicated above to the Tomball operation as evidenced by copies of Texas Workforce Commission form C-3 or Internal Revenue Service form 941; (c) certification that the Improvements have been constructed in accordance with the approved plans and specifications; (d) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Improvements have been paid and any and all liens and claims regarding such work have been released; and (e) Proof of payment to all vendors, contractors and

subcontractors providing work and/or materials in the construction of the Improvements, proof of payment must include copies of canceled checks and/or credit card receipts and copies of paid invoices from all vendors, contractors and subcontractors.

In the event the number of jobs originally projected is not met or maintained, the amount of the funding provided to the Company by TEDC will be reduced on a pro-rata basis to reflect the actual number of jobs at the time of the request for disbursement of funds.

5.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus $\frac{1}{2}$ % per annum, within thirty (30) days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company is convicted of a violation under 8 U.S.C. Section 1324a(f) (engaging in a pattern or practice of employing unauthorized aliens), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus $\frac{1}{2}$ % per annum, within thirty (30) days after the TEDC notifies the Company of the violation.

The Company shall also reimburse the TEDC for any and all reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of such funds.

6.

This Agreement shall inure to the benefit of, and be binding upon, both the TEDC and the Company, and upon the Company's successors and assigns, affiliates, and subsidiaries, and shall remain in force whether the Company sells, assigns, or in any other manner disposes of, either

voluntarily or by operation of law, all or any part of the Property and the agreements herein contained shall be held to be covenants running with the Property for so long as this Agreement, or any extension thereof, remains in effect.

7.

Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City:

Tomball Economic Development Corporation
401 W. Market Street
Tomball, Texas 77375
Attn: President, Board of Directors

If to Company:

Houston Poly B I, Ltd.
11726 Holderrieth Rd.
Tomball, Texas 77375
Attn: William E. Sumner, III – General Manager

8.

This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas. Venue for any action arising under this Agreement shall lie exclusively in the state and federal courts in Harris County, Texas.

9.

Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the parties hereto.

10.

The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.

11.

This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.

12.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this
_____ day of _____ 2021 (the “Effective Date”).

HOUSTON POLY BAG I, LTD.

By: _____
Name: William E. Sumner III,
Title: General Manager

ATTEST:

By: _____
Name: Tiffani Wooten
Title: Assistant Director

**TOMBALL ECONOMIC DEVELOPMENT
CORPORATION**

By: _____
Name: Gretchen Fagan
Title: President, Board of Directors

ATTEST:

By: _____
Name: Steven Vaughan
Title: Vice President, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2021, by William E. Sumner III, General Manager, Houston Poly Bag I, Ltd., for and on behalf
of said company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2020, by Gretchen Fagan, President of the Board of Directors of the Tomball Economic
Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

Exhibit "A"

Description of Property

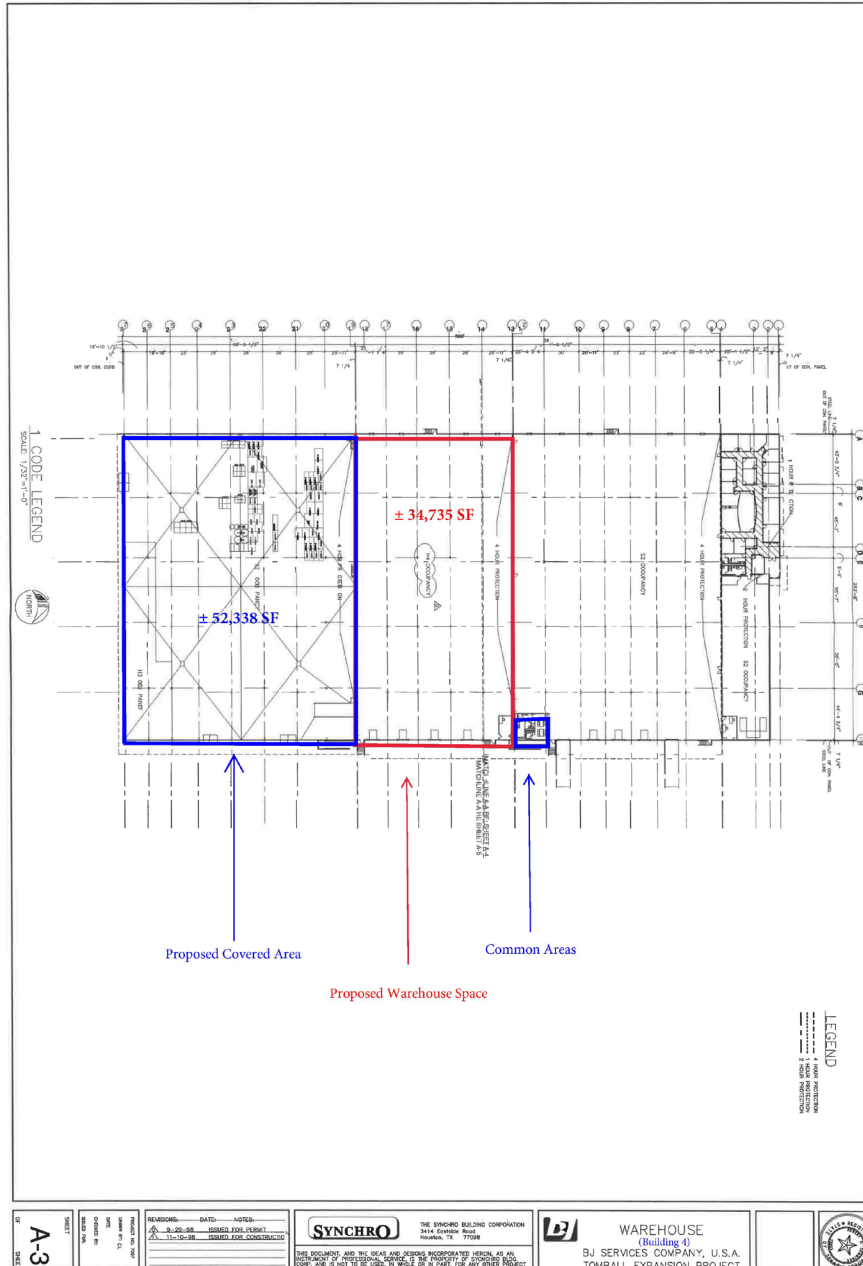


Exhibit “B”

Description of Improvements

Adding 5 multi-layered extrusion machines, upgrade electrical service, and build 25’ x 69’EH Structural Steel Building to Existing space.