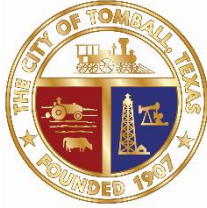


**NOTICE OF REGULAR COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



**Monday, March 21, 2022
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, March 21, 2022 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.

THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR MARCH 21, 2022, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT:

[HTTPS://TOMBALLTX.GOV/ARCHIVE.ASPX?AMID=38](https://tomballtx.gov/archive.aspx?amid=38)

A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): +1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 858 3733 0357, Passcode: 775531. 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 Kevin Barra - Bayou City Fellowship, Tomball
- C. Pledges to U.S. and Texas Flags
- D. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*

E. Reports and Announcements

1. Announcements

- I. Thursday, March 31, 2022 – 6 p.m., at the Public Works/Administrative Services Building, 501 James Street, Tomball, Texas 77375 – Members of the public are invited to attend this open meeting to express their opinions and concerns regarding the reconstruction of FM 2920 from SH 249 to Willow Street
- II. April 18-22, 2022 – **Tomball Annual Spring Clean-Up and Chipping Week**
- III. April 23, 2022 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- IV. April 25 through May 3, 2022 – **Early Voting** for the May 7, 2022 General and Special Elections, City Hall, 401 Market Street

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

F. Approval of Minutes

- 1. Approve the Minutes of the March 7, 2022 Special and Regular Tomball City Council Meetings

G. Old Business

- 1. Adopt, on Second Reading, Ordinance No. 2022-05, an Ordinance of the City Council of Tomball, Texas, Approving a Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Wood Leaf Reserve Public Improvement District (the “District”); Making a Finding of Special Benefit to Certain Property in the District; Levying Assessments against Certain Property within the District and Establishing a Lien on Such Property; Providing for Payment of the Assessment in Accordance with Chapter 372, Texas Local Government Code, as Amended; Providing for the Method of Assessment and the Payment of the Assessments; Providing for Penalties and Interest on Delinquent Assessments; Providing for Severability and Providing an Effective Date.

H. New Business

1. Conduct a Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Readopt, Abolish, Continue or Modify the Ordinance
2. Adopt, on First Reading, Ordinance No. 2022-02, an Ordinance of the City of Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto
3. Remove Item from Table and Possible Action to Appoint/Reappoint Members to Positions 2, 4, and Alternate 1 of the Board of Adjustments, for Terms Expired March 2, 2022
4. Award Contract for E&P Project 2018-10034 to B&C Constructors, LP for \$67,707.17 for the Renovation of the Restroom at Theis Attaway Nature Center through a 1GPA contract, Approve the Expenditure of Funds, and Authorize City Manager to Execute
5. Repeal Administrative Policy No. 18, entitled "*Development Policy for Special Financing District*" in Its Entirety and Approve New Administrative Policy No. 18, entitled "*Development Policy for Special Financing Districts*"
6. Approve Resolution No. 2022-11, a Resolution of the City of Tomball, Texas, amending Building Permit Fees, Community Development Fees, and Utility Fees in the Master Fee Schedule for Fiscal Year 2021-2022
7. Presentation of an Update regarding the Drainage Improvements on South Persimmon Street and Lizzie Lane

I. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 18th day of March 2022 by 12:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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 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: March 21, 2022

Topic:

Thursday, March 31, 2022 – 6 p.m., at the Public Works/Administrative Services Building, 501 James Street, Tomball, Texas 77375 – Members of the Public are invited to attend this open meeting to express their opinions and concerns regarding the reconstruction of FM 2920 from SH 249 to Willow Street

Background:

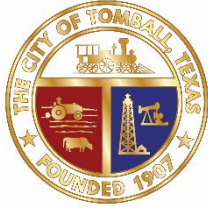
Origination:

Recommendation:

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

Signed	<u>Doris Speer</u>	<u>3-16-2022</u>	Approved by	<u></u>
	Staff Member	Date		City Manager
				Date

**NOTICE OF POSSIBLE QUORUM - SPECIAL COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



**Thursday, March 31, 2022
6:00 PM**

Notice is hereby given that the Public is cordially invited to join the Tomball City Council and City Staff, on Thursday, March 31, 2022 at 6:00 PM, Public Works/Administrative Services Building, 501 James Street, Tomball, Texas 77375, to express their opinions and concerns regarding:

**THE RECONSTRUCTION OF FM 2920 FROM
STATE HIGHWAY 249 TO WILLOW STREET**

A quorum of City Council Members may or may not be present; however, no Council action will be taken.

Public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): +1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - **Meeting ID: 812 0872 5612, Passcode: 033833**. 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 recording of the meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

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 17th day of March 2022 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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 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: March 21, 2022

Topic:

April 18-22, 2022 – Tomball Annual Spring Clean-Up and Chipping Week

Background:

Origination:

Recommendation:

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	<u>Doris Speer</u>	<u>3-1-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: March 21, 2022

Topic:

April 23, 2022 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.

Background:

Origination:

Recommendation:

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	<u>Doris Speer</u>	<u>3-1-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 21, 2022

Topic:

April 25 through May 3, 2022 – **Early Voting** for the May 7, 2022 General and Special Elections, City Hall, 401 Market Street

Background:

Origination:

Recommendation:

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

Signed	<u>Doris Speer</u>	<u>3-1-2022</u>	Approved by	<u></u>
	Staff Member	Date		City Manager
				Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: March 21, 2022

Topic:

Approve the Minutes of the March 7, 2022 Special and Regular Tomball City Council Meetings

Background:

Origination: City Secretary

Recommendation:

Approve

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

FUNDING (IF APPLICABLE)

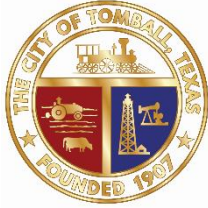
Are funds specifically designated in the current budget for the full amount required for this purpose?

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

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

Signed	Doris Speer	3-16-2022	Approved by		
	Staff Member	Date		City Manager	Date

MINUTES OF SPECIAL COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, March 7, 2022
4:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for March 7, 2022, 4:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the meeting of the Tomball City Council to order at 4:02 p.m.

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 – David Esquivel
Assistant City Manager – Jessica Rogers
City Secretary – Doris Speer
Director of Community Development – Nathan Dietrich
Finance Director – Katherine Dubose
Fire Chief – Joe Sykora
HR Director – Lisa Coe
IT Manager – Doug Tippey
Assistant City Secretary – Tracylynn Garcia
CSO Administrative Assistant – Sasha Luna
Police Captain-Patrol – Brandon Patin
Logistical Specialist-Fire – Jeff Cook
Streets, Parks & Drainage Superintendent – Justin Pruitt
Utilities Superintendent – Will Goff
Project Coordinator/ACM Admin. Asst. – Meagan Mageo
Executive Director-TEDC – Kelly Violette
Administrative Assistant-TEDC – Tori Gleason

B. No Public Comments were received.

C. Workshop

1. The Tomball City Council and City Staff entered into a Workshop for the following purposes:

- * Consideration and Discussion regarding Long-Range Planning Priorities for the City of Tomball – Public Works

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

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

Motion carried unanimously.

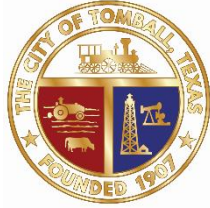
Meeting adjourned.

PASSED AND APPROVED this the 21st day of March 2022

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor

MINUTES OF REGULAR COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, March 7, 2022
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for March 7, 2022, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the meeting of the Tomball City Council to order at 6:00 p.m.

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 – David Esquivel
Assistant City Manager – Jessica Rogers
City Attorney – Loren B. Smith
City Secretary – Doris Speer
Director of Community Development – Nathan Dietrich
Finance Director – Katherine Dubose
Police Chief – Jeff Bert
Fire Chief – Joe Sykora
HR Director – Lisa Coe
Marketing & Communications Specialist – Gargi Bhowal
CSO Administrative Assistant – Sasha Luna
Police Captain-Investigations – Ricky Doerre
Police Captain-Patrol – Brandon Patin
Logistical Specialist-Fire – Jeff Cook
Community Center Manager – Rosalie Dillon
Executive Director-TEDC – Kelly Violette
Administrative Assistant-TEDC – Tori Gleason

B. Invocation - Led by Pastor Adam McIntosh – St. David's Church

C. Pledges to U.S. and Texas Flags – Led by Brandon Patin

D. No Public Comments were received.

E. Reports and Announcements

1. Announcements

- I. March 19, 2022 – ***Tomball Honky Tonk Chili Challenge Festival*** at the Depot – 11:00 a.m.-6:00 p.m.
- II. April 18-22, 2022 – **Tomball Annual Spring Clean-Up and Chipping Week**
- III. April 23, 2022 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- IV. April 25 through May 3, 2022 – **Early Voting** for the May 7, 2022 General and Special Elections, City Hall, 401 Market Street

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

Janna Hoglund, Director, LSC-Tomball Community Library, Kyla Bayang, Library Services Specialist, LSC-Tomball Community Library, and Bruce Hillegeist, President, GTACC, presented information regarding a new pictorial history of Tomball, in partnership with Arcadia Publishing.

F. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the February 21, 2022 Special and Regular Tomball City Council Meetings.

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

Motion carried unanimously.

G. New Business

1. Mayor Fagan opened the Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Readopt, Abolish, Continue or Modify the Ordinance at 6:12 p.m.

Receiving no comments, Mayor Fagan closed the Public Hearing and Review at 6:13 p.m.

No action necessary.

2. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to re-appoint current members to Position 2, 4, and Alternate 1 of the Board of Adjustments, for terms expiring March 2, 2022.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to table appointments/reappointments until the March 21, 2022 Council meeting, pending additional information and BOA members' voting record.

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

Motion to TABLE carried unanimously.

3. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve request from Texas Deuce Days 2022 for City Support and In-Kind Services for a Three Day Car Event (May 12-14), including Day 1: Street Meet & Registration, Day 2: Staging and Rally, and Day 3: Car Show at the Depot.

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

Motion carried unanimously.

4. Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider Proposed Assessments against Section One properties in Wood Leaf Reserve in the City of Tomball, Public Improvement District Number Eleven, established by City Council Resolution No. 2020-04 at 6:48 p.m.

Receiving no comments, Mayor Fagan closed the Public Hearing at 6:49 p.m.

No action necessary.

5. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to read Ordinance No. 2022-05 by caption only on First Reading.

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 3 Degges, to adopt, on First Reading, Ordinance No. 2022-05, an Ordinance of the City Council of Tomball, Texas, Approving a Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Wood Leaf Reserve Public Improvement District (the "District"); Making a Finding of Special Benefit to Certain Property in the District; Levying Assessments against Certain Property within the District and Establishing a Lien on Such Property; Providing for Payment of the Assessment in Accordance with Chapter 372, Texas Local Government Code, as Amended; Providing for the Method of Assessment and the Payment of the Assessments; Providing for Penalties and Interest on Delinquent Assessments; Providing for Severability and Providing an Effective Date.

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

Motion carried unanimously.

6. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt Resolution No. 2022-11, an Resolution Approving the Distribution of a Preliminary Limited Offering Memorandum for its Special Assessment Revenue Bonds, Series 2022 (Wood Leaf Reserve Public Improvement District Number 11, Improvement Area #1).

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

Motion carried unanimously.

7. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, for discussion regarding the Base Advanced Funding Agreement with TxDOT for the Reconstruction of FM 2920 from State Highway 249 to Willow Street

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

Motion carried unanimously.

The following public comments were received:

Bruce Hillegeist - Spoke in favor of approval.
15300 Cutten Rd #2129, 77070

- | | | |
|--|---|--|
| Colleen Pye
207 Florence, 77375 | - | Spoke in favor of approval, but asked for more information regarding bleachers during parades. |
| Samuel Shannon
823 Lizzie Lane, 77375 | - | Spoke against approval, if medians are installed. |

Discussion was held by City Council.

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to take action to approve the Base Advanced Funding Agreement with TxDOT for the Reconstruction of FM 2920 from State Highway 249 to Willow Street and authorize the City Manager to negotiate the first Advanced Funding Agreement.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.

Voting Nay: Council 5 Klein Quinn

Motion carried, 4 votes Aye, 1 vote Nay.

An open-house meeting will be held on Thursday, March 31, 2022, at 6:00 PM, at the Public Works/Administrative Services Building, 501 James Street, Tomball, Texas 77375, for members of the public to express their opinions and concerns regarding the reconstruction of FM 2920 from SH 249 to Willow Street.

Councilmember Townsend requested an update on the next agenda regarding the drainage project at Persimmon Street, from Ag Road northbound past Lizzie Lane and Timkin Road.

8. Executive Session: The City Council recessed at 7:39 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
- Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session
 - Sec. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – Police Department Personnel

Upon reconvening at 8: 47 p.m., no action was taken.

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

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 21st day of March 2022.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 21, 2022

Topic:

Adopt, on Second Reading, Ordinance No. 2022-05, an Ordinance of the City Council of Tomball, Texas, Approving a Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Wood Leaf Reserve Public Improvement District (the “District”); Making a Finding of Special Benefit to Certain Property in the District; Levying Assessments against Certain Property within the District and Establishing a Lien on Such Property; Providing for Payment of the Assessment in Accordance with Chapter 372, Texas Local Government Code, as Amended; Providing for the Method of Assessment and the Payment of the Assessments; Providing for Penalties and Interest on Delinquent Assessments; Providing for Severability and Providing an Effective Date.

Background:

Public infrastructure improvements are nearly complete for Section One (123 lots) of Wood Leaf Reserve within Public Improvement District Number Eleven created by the City in 2021.

Per Chapter 372 of the Local Government Code, Ordinance Number 2022-05 approves the Service and Assessment Plan and Assessment Roll for Wood Leaf Reserve Public Improvement District Number Eleven.

Origination: Jon Snyder, P-3 Works

Recommendation:

Adopt Ordinance No. 2022-05, levying an assessment against Section One properties within the City of Tomball Public Improvement District Number Eleven, Wood Leaf Reserve, on Second Reading.

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

FUNDING (IF APPLICABLE)

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

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

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

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

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS APPROVING A SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR AUTHORIZED IMPROVEMENTS FOR THE WOOD LEAF RESERVE PUBLIC IMPROVEMENT DISTRICT (THE “DISTRICT”); MAKING A FINDING OF SPECIAL BENEFIT TO CERTAIN PROPERTY IN THE DISTRICT; LEVYING ASSESSMENTS AGAINST CERTAIN PROPERTY WITHIN THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR PAYMENT OF THE ASSESSMENT IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

* * * * *

WHEREAS, the City of Tomball, Texas (the “City”) received a petition meeting the requirements of Sec. 372.005 of the Public Improvement District Assessment Act (the “Act”) requesting the creation of a public improvement district over a portion of the area within the corporate limits of the City to be known as the Wood Leaf Reserve Public Improvement District (the “District”); and

WHEREAS, on November 16, 2020, the City Council accepted the Petition and called a public hearing for December 21, 2020, on the creation of the PID 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 November 25, 2020; and

WHEREAS, on November 20, 2020, 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 December 21, 2020; and

WHEREAS, on November 20, 2020, 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 December 21, 2020; and

WHEREAS, the City Council opened and continued such public hearing on the advisability of the improvements and the creation of the District until January 18, 2021; and

WHEREAS, on January 18, 2021 the City Council continued such public hearing on the creation of the District and heard any comments or objection thereto;

WHEREAS, the City Council approved the creation of the PID by Resolution approved on January 18, 2021 (the "Creation Resolution") and published the Creation Resolution on January 27, 2021, as authorized by the Act; and

WHEREAS, no written protests of the District from any owners of record of property within the District were filed with the City Secretary within 20 days after such publication; and

WHEREAS, the District is to be developed in phases and assessments are anticipated to be levied in each development phase; and

WHEREAS, pursuant to Sections 372.013, 372.014, and 372.016 of the Act, the City Council has directed the preparation of a Preliminary Service and Assessment Plan for Authorized Improvements within Improvement Area #1 of the District (the "Service and Assessment Plan") and an assessment roll for Improvement Area #1 of the District (the "Assessment Roll") that states the assessment against each parcel of land within Improvement Area #1 of the District (the "Assessments"); and

WHEREAS, the City called a public hearing regarding the proposed levy of Assessments pursuant to the Preliminary Plan and the proposed Assessment Roll on property within Improvement Area #1 of the District, pursuant to Section 372.016 of the Act; and

WHEREAS, the City, pursuant to Section 372.016(b) of the Act, published notice on February 16, 2022 in a newspaper of general circulation within the City to consider the proposed Service and Assessment Plan for the District and the levy of the Assessments, as defined in the Service and Assessment Plan, on property in the District; and

WHEREAS, the City Council, pursuant to Section 372.016(c) of the Act, on February 14 and February 15, 2022, caused the mailing of notice of the public hearing to consider the proposed Service and Assessment Plan and the Assessment Roll attached to the Service and Assessment Plan and the levy of Assessments on property in the District to the last known address of the owners of the property liable for the Assessments; and

WHEREAS, the City Council convened the public hearing at 6:00 p.m. on the 7th day of March, 2022, at which all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or contest the Service and Assessment Plan, the Assessment Roll, and the proposed Assessments, and to offer testimony pertinent to any issue presented on the amount of the Assessments, the allocation of the costs of the Authorized Improvements, the purposes of the Assessments, the special benefits of the Assessments, and the penalties and interest on annual installments and on delinquent annual installments of the Assessments; and

WHEREAS, the developer of property within the District as described in the Service and Assessment Plan for the District is ready to commence the construction and acquisition of the Authorized Improvements within the District; and

WHEREAS, the City wishes to levy assessments on the property within the District for the Authorized Improvements as set forth in the Service and Assessment Plan; and

WHEREAS, the City Council finds and determines that the Service and Assessment Plan and Assessment Roll attached thereto should be approved and that the Assessments should be levied on property within the District as provided in this Ordinance and the Service and Assessment Plan and Assessment Roll; and

WHEREAS, the City Council further finds that there were no written objections or evidence submitted to the City Secretary in opposition to the Service and Assessment Plan, the allocation of the costs of the Authorized Improvements, the Assessment Roll or the levy of Assessments; and

WHEREAS, the City Council closed the hearing, and, after considering all written and documentary evidence presented at the hearing, including all written comments and statements filed with the District, determined to proceed with the adoption of this Ordinance in conformity with the requirements of the Act.

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

Section 1. Findings. The findings and determinations set forth in the preambles hereto are hereby incorporated by reference for all purposes.

Section 2. Terms. Terms not otherwise defined herein are defined in the Service and Assessment Plan attached hereto as Exhibit A.

Section 3. Findings. The findings and determinations set forth in the preambles are hereby incorporated by reference for all purposes. The City Council hereby finds, determined and orders, as follows:

- a. The apportionment of the Costs of the Authorized Improvements, and the Administrative Expenses pursuant to the Service and Assessment Plan is fair and reasonable, reflects an accurate presentation of the special benefit each property will receive from the Authorized Improvements identified in the Service and Assessment Plan, and is hereby approved;
- b. The Service and Assessment Plan covers a period of at least five years and defines the annual indebtedness and projected costs for the Authorized Improvements;
- c. The Service and Assessment Plan apportions the costs of the Authorized Improvements to be assessed against each Assessed Property in Improvement Area #1 of the District and such apportionment is made on the basis of special benefits accruing to each Assessed Property because of the Authorized Improvements.
- d. All of the real property in the District which is being assessed in the amounts shown in the Service and Assessment Plan and Assessment Roll will be benefited by the Authorized Improvements proposed to be provided through the District in the Service and Assessment Plan, and each parcel of real property in the District will receive special benefits during the term of the Assessments equal to or greater than the total amount assessed;

- e. The method of apportionment of the costs of the Authorized Improvements and Administrative Expenses set forth in the Service and Assessment Plan results in imposing equal shares of the costs of the Authorized Improvements and Administrative Expenses on property similarly benefited, and results in a reasonable classification and formula for the apportionment of the costs;
- f. The Service and Assessment Plan should be approved as the service plan and assessment plan for the District, as described in Sections 372.013 and 372.014 of the Act;
- g. The Assessment Roll in the form attached to the Service and Assessment Plan should be approved as the assessment roll for the District;
- h. The provisions of the Service and Assessment Plan relating to due and delinquency dates for the Assessments, interest on Annual Installments, interest and penalties on delinquent Assessments and delinquent Annual Installments, and procedures in connection with the imposition and collection of Assessments should be approved and will expedite collection of the Assessments in a timely manner in order to provide the improvements needed and required for the area within the District; and
- i. A written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon.

Section 4. Assessment Plan. The Service and Assessment Plan is hereby accepted and approved pursuant to Sections 372.013 and 372.014 of the Act as a service plan and an assessment plan for the Authorized Improvements within the District.

Section 5. Assessment Roll. The Assessment Roll is hereby accepted and approved pursuant to Section 372.016 of the Act as the assessment roll for the Authorized Improvements within the District.

Section 6. Levy and Payment of Assessments for Costs of Authorized Improvements.

- a. The City Council hereby levies Assessments on each Assessed Property located within Improvement Area #1 of the District, as shown and described in the Service and Assessment Plan and the Assessment Roll, in the respective amounts shown on the Assessment Roll, as special assessments on the properties within the District as set forth in the Service and Assessment Plan and the Assessment Roll.
- b. The levy of the Assessments shall be effective on the date of execution of this Ordinance levying Assessments and strictly in accordance with the terms of the Service and Assessment Plan.
- c. The collection of the Assessments shall be as described in the Service and Assessment Plan.
- d. Each Assessment may be pre-paid or paid in Annual Installments pursuant to the terms of the Service and Assessment Plan.
- e. Each Assessment shall bear interest at the rate or rates specified in the Service and Assessment Plan.

- f. Each Annual Installment shall be collected each year in the manner set forth in the Service and Assessment Plan.
- g. The Administrative Expenses for Assessed Properties shall be calculated pursuant to the terms of the Service and Assessment Plan.

Section 7. Method of Assessment. The method of apportioning the costs of the Authorized Improvements is as set forth in the Service and Assessment Plan.

Section 8. Penalties and Interest on Delinquent Assessments. Delinquent Assessments shall be subject to the penalties, interest, procedures and foreclosure sales set forth in the Service and Assessment Plan. The Assessments shall have lien priority as specified in the Act and the Service and Assessment Plan.

Section 9. Prepayments of Assessments. As provided in Section 372.018(f) of the Act and in the Service and Assessment Plan, the owner (the “Owner”) of any Assessed Property may prepay the Assessments levied by this Ordinance as set forth in the Service and Assessment Plan.

Section 10. Lien Priority. As provided in the Act, the City Council and owners of the Assessed Property intend for the obligations, covenants and burdens on the owners of Assessed Property, including without limitation such owner’s obligations related to payment of the Assessments and the Annual Installments, to constitute a covenant running with the land. The Assessments and the Annual Installments levied hereby shall be binding upon the Assessed Property, and the owners of Assessed Properties, and their respective transferees, legal representatives, heirs, devisees, successors and assigns in the same manner and for the same period as such parties would be personally liable for the payment of ad valorem taxes under applicable law. Assessments shall have lien priority as specified in the Act.

Section 11. Administrator and Collector of Assessments.

- a. Administrator. The City shall administer the Service and Assessment Plan and the Assessments levied by this Ordinance. The City has appointed a third-party administrator (the “Administrator”) to administer the Service and Assessment Plan and the Assessments. The Administrator shall perform the duties of the Administrator described in the Service and Assessment Plan and in this Ordinance. The Administrator’s fees, charges and expenses for providing such services shall constitute an Administrative Expense.
- b. Collector. The City may collect the assessments or may, by future action, appoint a third-party collector of the Assessments. The City is hereby authorized to enter into an agreement with a third-party for the collection of the Assessments. The City may also contract with any other qualified collection agent selected by the City or may collect the Assessments on its own behalf. The costs of such collection contracts shall constitute an Administrative Expense.

Section 12. Applicability of Tax Code. To the extent not inconsistent with this Ordinance and the Act or other laws governing public improvement districts, the provisions of the Texas Tax Code shall be applicable to the imposition and collection of Assessments by the City.

Section 13. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 14. Effective Date. This Ordinance shall take effect, and the levy of the Assessments, and the provisions and terms of the Service and Assessment Plan shall be and become effective upon passage and execution thereof.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF MARCH 2022.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED, APPROVED AND ORDAINED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF MARCH 2022.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 7, 2022

Topic:

Conduct a Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Readopt, Abolish, Continue or Modify the Ordinance

Background:

The curfew ordinance must be readopted every three (3) years. The City is required to hold public hearings before adopting a new ordinance [L.G.C., Section 370.002(2)]:

"§ 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE.

(a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year hereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

- (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
- (2) conduct public hearings on the need to continue the ordinance or order; and
- (3) abolish, continue, or modify the ordinance or order.

(b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire."

Public hearings will be held on March 7 and March 21, 2022, regarding the effectiveness and the need to continue the ordinance, with the first reading of the ordinance on March 21, 2022 and the second reading on April 4, 2022 in order to satisfy the state-required timeframe for readoption.

Origination: [L.G.C., Section 370.002(2)]

Recommendation:

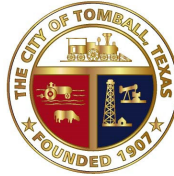
N/A

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

Signed	<u>Doris Speer</u>	<u>3-3-2022</u>	Approved by	<u></u>
	City Secretary	Date		City Manager
				Date

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

**MONDAY, MARCH 7, 2022
AND
MONDAY, MARCH 21, 2022**



6:00 P.M.

Notice is hereby given that the Governing body of the City of Tomball, Texas, will hold Public Hearings during the Regular City Council Meetings to be held on Monday, MARCH 7, 2022, and Monday, MARCH 21, 2022, at City Hall, 401 Market Street, Tomball, Texas 77375 at 6:00 p.m. to consider the following:

**CONDUCT A PUBLIC HEARING AND REVIEW OF THE
CITY OF TOMBALL'S JUVENILE CURFEW ORDINANCE
TO DETERMINE THE NEED TO RE-ADOPT, ABOLISH,
CONTINUE OR MODIFY THE ORDINANCE.**

Any member of the public has the right to appear at these Public Hearings and will be given an opportunity to be heard.

Written comments should be received no later than March 2, 2022 for the March 7, 2022 Public Hearing and no later than March 16, 2022 for the March 21, 2022 Public Hearing. Please submit comments to the City Secretary, 401 Market Street, Tomball, Texas 77375.

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 3rd day of February 2022 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: March 21, 2022

Topic:

Adopt, on First Reading, Ordinance No. 2022-02, an Ordinance of the City of Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto

Background:

The curfew ordinance must be readopted every three (3) years. The City is required to hold public hearings before adopting a new ordinance [L.G.C., Section 370.002(2)]:

“§ 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE.

(a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year hereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

- (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
- (2) conduct public hearings on the need to continue the ordinance or order; and
- (3) abolish, continue, or modify the ordinance or order.

(b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire."

Public hearings were held on March 7 and March 21, 2022 regarding the effectiveness and the need to continue the ordinance. This will be the first reading of the ordinance.

Ordinance No. 2019-04 was adopted on April 1, 2019; the new ordinance must be adopted within the three-year timeframe. The adoptive date (second reading) of Ordinance No. 2022-02 will be April 4, 2022.

The requirements under LGC, Sec. 370.002, regarding the adoption/re-adoption of juvenile curfew ordinances, have not been amended as of today's date.

Origination: Chief of Police, City Secretary

Recommendation:

Adopt Ordinance No. 2022-02 on First Reading

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

Doris Speer, City Secretary

Signed	<u>Doris Speer</u>	<u>3-16-2022</u>	Approved by
	Staff Member	Date	

City Manager
Date

ORDINANCE NO. 2022-02

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, CONTINUING
THE CITY'S JUVENILE CURFEW ORDINANCE; AND MAKING OTHER
FINDINGS AND PROVISIONS RELATED THERETO.**

* * * * *

WHEREAS, the City of Tomball adopted a curfew ordinance that is codified as Article II of Chapter 30 of the Tomball Code of Ordinances; and

WHEREAS, the City has reviewed and continued the juvenile curfew ordinance by adopting a new ordinance every three years; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that the City Council of a city that adopts a juvenile curfew ordinance at least every three years review the ordinance's effects on the community and on problems the ordinance was intended to remedy; and

WHEREAS, the City Council conducted public hearings on March 7, 2022 and March 21, 2022 on the ordinance's effects on the community and on the problems the ordinance was intended to remedy; and

WHEREAS, the City Council finds that as a direct result of implementing a juvenile curfew the incidents of juvenile crime and victimization has been reduced; and

WHEREAS, the City Council finds the continuance of the juvenile curfew ordinance is necessary to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile violence and criminal activity; and

WHEREAS, a curfew applicable to persons under the age of 17 years will be in the interest of public health, safety, and general welfare, and will diminish the undesirable impact of such conduct on the citizens of the City of Tomball; now therefore

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

Section 1. That in accordance with Section 370.002 of the Texas Local Government Code the City Council has reviewed the City's juvenile curfew ordinance, and its effects on the community and on

the problems the ordinance was intended to remedy, and that the findings in the preamble of this ordinance are adopted and incorporated herein.

Section 2. The City's curfew ordinance, codified as Article II of Chapter 50 of the Tomball Code of Ordinances, is hereby continued and shall continue in full force and effect.

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 21ST DAY OF MARCH 2022.

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 4TH DAY OF APRIL 2022.

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: March 21, 2022

Topic:

Remove Item from Table and Possible Action to Appoint/Reappoint Members to Positions 2, 4, and Alternate 1 of the Board of Adjustments, for Terms Expired March 2, 2022.

Background:

The Board of Adjustments consists of five regular members and four alternate members with staggered two year terms.

Regular Board Members:

Jarmon Wolfe (Position 1)
Christine Roquemoire (Position 2)
Billy Hemby (Position 3)
April Gray (Position 4)
Susan Harris (Position 5)

Alternate Board Members:

Cindy Phillips (Alternate 1)
Rocky Pilgrim (Alternate 2)
Ellen Warren (Alternate 3)
Robert Maxwell (Alternate 4)

All Board Members whose terms were expiring were contacted and are eligible to be re-appointed; affirmative responses were received from Christine Roquemoire, April Gray, and Cindy Phillips, who are committed to continuing to serve on the board.

Attached are applications from Colleen Pye and Scott Moore, Jr. for the BOA.

Historical information requested by Council was provided to Mayor and Council via email.

Origination: Community Development Department

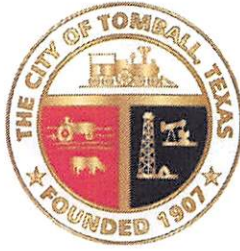
Recommendation:

N/A

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

Nathan Dietrich, Community
Development Director

Signed	Doris Speer	3-16-2022	Approved by	
	City Secretary	Date		City Manager
				Date



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2016 will expire in 2018.

Please Type or Print Clearly:

Name: Colleen Pye

Address: 207 Florence St

City/State/Zip Tomball, TX

Email: info@colleenpye.com

Date: 10/11/2021

Phone: 281-932-2784
(Home)

Phone: 281-932-2784

(Work)
Cell: 281-932-2784

I have lived in Tomball 6 years.

I am ☒ am not ☐ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Realtor

Professional and/or Community Activities: None

Additional Pertinent Information/References: Reactor for 18 years

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

- 1 (✓) Planning & Zoning Commission
2 (✓) Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.
To Be Announced; Evenings

Separate Legal Entities

- 3 (✓) Tomball Economic Development Corporation

Meeting Information

Six (6) regular scheduled meetings, usually on the second Tuesday of the Month, 5:30 p.m.; the annual meeting is in May (special meetings may be called) Fourth Wednesday each month, 4 p.m.

() Tomball Regional Health Foundation

Ad/Hoc/Advisory Committees

- 4 (✓) Downtown Tomball Advisory Committee
DTAC does not require Tomball residency

Meeting Information

As called

Non-profit Corporation Boards

() Tomball Legacy Fund, Inc.
Position 7, Tomball Legacy Fund, does not require Tomball residency

Meeting Information

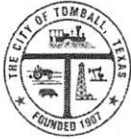
As called

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Colleen
Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



Board Member Election on Disclosure

An appointed Board Member may choose whether or not to allow public access to the information in the custody of the City relating to the Board Member's home address, home telephone number, cellular and pager numbers (if not paid for by City), emergency contact information, personal email address, and information that reveals whether the person has family members.

Each Board Member shall state his/her choice in writing to the City Secretary's Office. If a Board Member elects not to allow public access to this information, the information is protected by Sections 552.024 and 552.117 of the Public Information Act and rulings of the Texas Attorney General. If a Board Member fails to report his/her choice, the information may be subject to public access.

If during the course of their term a Board Member wishes to close or open public access to the information, the individual may request in writing to the City Secretary's Office to close or open access as the case may be. A Board Member may request to close or open public access to the information by submitting a written request to the City Secretary's Office. Only the City Secretary's Office is allowed to disclose the information listed above.

(Please strike through any information that you do not wish to be made accessible to the public)

Please complete the information below and return
to the City Secretary's Office within fourteen days of receipt.

☒ I **DO** elect public access to my: (please indicate items you would like available, if any)

☒ home address

☒ home telephone number

☒ personal email address

☒ cell or pager numbers not paid for by the City

☒ emergency contact information

☒ information that reveals whether I have family members.

☐ I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.

Colleen Rye

Board Member's Signature

Date

Colleen Rye

Board Member's Printed Name



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2016 will expire in 2018.

Please Type or Print Clearly:

Date: 3-8-22

Name: SCOTT MOORE JR

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip TOMBALL, TX 77375

Cell: _____

Email: SCOTT@TEJASCHOCOLATE.COM

I have lived in Tomball 2 years.

I am ☒ am not ☐ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: OWNER/OPERATOR: TEJAS CHOCOLATE & BARBECUE
TEJAS BURGER JOINT

Professional and/or Community Activities: BARBECUE & chocolate festivals all over
TEXAS & US

Additional Pertinent Information/References: _____

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

- ☒ Planning & Zoning Commission
☒ Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.
To Be Announced; Evenings

Separate Legal Entities

- ☐ Tomball Economic Development Corporation

Meeting Information

Six (6) regular scheduled meetings,
usually on the second Tuesday of the
Month, 5:30 p.m.; the annual meeting is
in May (special meetings may be called)
Fourth Wednesday each month, 4 p.m.

- ☐ Tomball Regional Health Foundation

Ad Hoc/Advisory Committees

- ☒ Downtown Tomball Advisory Committee
DTAC does not require Tomball residency

Meeting Information

As called

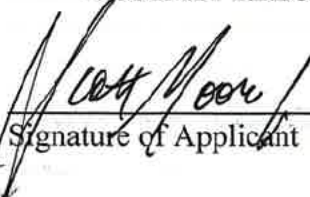
Non-profit Corporation Boards

- ☐ Tomball Legacy Fund, Inc.
Position 7, Tomball Legacy Fund, does not
require Tomball residency

Meeting Information

As called

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



Board Member Election on Disclosure

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Each Board Member shall state his/her choice in writing to the City Secretary's Office. If a Board Member elects not to allow public access to this information, the information is protected by Sections 552.024 and 552.117 of the Public Information Act and rulings of the Texas Attorney General. If a Board Member fails to report his/her choice, the information may be subject to public access.

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(Please strike through any information that you do not wish to be made accessible to the public)

Please complete the information below and return
to the City Secretary's Office within fourteen days of receipt.

☐ I **DO** elect public access to my: (please indicate items you would like available, if any)

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

☒ I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.

Scott Moore
Board Member's Signature

3-8-2022
Date

SCOTT MOORE JR
Board Member's Printed Name

City Council Meeting Agenda Item Data Sheet

Meeting Date: 3/21/2022

Topic:

Award contract for E&P Project 2018-10034 to B&C Constructors, LP for \$67,707.17 for the renovation of the restroom at Theis Attaway Nature Center through a 1GPA contract, approve the expenditure of funds, and authorize City Manager to execute.

Background:

The contract with B&C Constructors, LP will be a complete renovation of the restroom at Theis Attaway Nature Center. The current structure is deteriorating from age, weather and vandalism.

The renovation will be a complete reconstruction of the restroom's interior including plumbing and electrical. The windows will be replaced during the project with double-pane windows that will hinder the ability to open them, thus preventing entry during hours the park is closed and reducing vandalism. The back exit from the restrooms will also be eliminated by turning it into a storage area, requiring entrance and exit through the front.

All renovations proposed will increase the safety of the park, and extend the useful life of the restroom facility.

Origination: Public Works Department

Recommendation:

Staff recommends awarding the contract to B&C Contractors, LP, approving the expenditure of funds, and authorizing the City Manager to execute.

Party(ies) responsible for placing this item on agenda: Meagan Mageo, Project Coordinator

FUNDING (IF APPLICABLE)

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

Yes: X No: X If yes, specify Account Number: #400-153-6409

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

Signed	Meagan Mageo		Approved by		
	Staff Member	Date		City Manager	Date

Proposal Budget

Magnolia, Texas 77354
713.932.9400 - o
713.932.9443 - f

DATE: February 10, 2022

PROJECT: Tomball Thiess Park Renovation

To: Justin Pruitt

City of Tomball
501 James Street
Tomball TX, 77375

1GPA Contract No. 19-03DP

Attn: Justin Pruitt

[illegible]

THANK YOU FOR YOUR BUSINESS!

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: 3/21/2022

Topic:

Repeal Administrative Policy No. 18, entitled “Development Policy for Special Financing District” in Its Entirety and Approve New Administrative Policy No. 18, entitled “Development Policy for Special Financing Districts”

Background:

Staff has reviewed the existing Administrative Policy adopted in 2007 for Special Financing Districts and identified several areas that were not addressed for Public Improvement Districts (PIDs). With assistance from our Bond Counsel, we were able to create a new Administrative Policy to draft an improved PID policy and ensure that we have an adequate structures in place address future request for district creation as well as ongoing oversight.

The new policy will repeal Administrative Policy 18 in its entirety removing all references to TIF/TIRZ, and adopting a new Administrative Policy 18 centered on Public Improvement Districts.

Origination: City Administrative

Recommendation:

Staff recommends repealing the current Administrative Policy 18, Development Policy for Special Financing Districts in its entirety and adopting a new Administrative Policy 18, Public Improvement Districts.

Party(ies) responsible for placing this item on agenda: Meagan Mageo, Project Coordinator

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 Meagan Mageo Approved by _____
Staff Member Date City Manager Date

CITY OF TOMBALL ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

DEVELOPMENT POLICY FOR SPECIAL FINANCING DISTRICTS	NUMBER: 18	EFFECTIVE DATE: March 5, 2007	PAGE 1 OF 1
	REVISED:	APPROVED BY CITY MANAGER: March 5, 2007	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: March 5, 2007	

~~The City of Tomball has established this policy as a guideline to those developers seeking incentives from the City for development projects utilizing tax increment financing (TIF/TIRZ) and/or public improvement districts (PID). This policy is not intended to address all aspects of development costs. Those costs not specifically addressed in this policy will be considered on an individual project basis.~~

Limitation on Size of Development

- ~~1. To receive consideration by and approval from the City for PID financing to facilitate a residential development, the proposed boundaries of the development shall be no less than 125 acres. If the proposed boundaries of the development are less than 125 acres, the average value of homes built in the district shall be no less than \$225,000. This home value will be adjusted each year by the Consumer Price Index (CPI) to convert the \$225K benchmark value to current year prices.~~
- ~~2. To receive consideration by and approval from the City for TIF financing to facilitate a mixed-use development, the proposed boundaries of the commercial component of the development shall be no less than 45% of the total acreage. If the commercial component is less than 45% of the total acreage, the City will consider granting approval of TIF financing if:

 - ~~a. There is no issuance of debt in the tax increment zone~~
 - ~~b. The development facilitates the completion of projects outlined in the City's Capital Improvement Plan for transportation, drainage, water, wastewater, and parks improvements.~~
 - ~~c. The project facilitates the economic development desires of City Council.~~~~
- ~~3. Tax increment financing will not be extended to new residential development.~~

Limitation on PID Assessment

~~The annual assessment to property owners within the district shall be no more than the equivalent of a \$.50 tax rate on the assessed value of their property.~~

Limitation on Assessment Term

~~The maximum term of a PID assessment is not to exceed 10 years. The date the first assessment installment becomes due is either 3 years from the date of the levy or the date that the real property is transferred to the home buyer; whichever occurs first.~~

Zone/District Administration

~~The City of Tomball will contract with an outside consultant to administer the zone and to bill, collect, and track district assessments. This cost will be considered a reimbursable project cost and should be included in the zone/district Project Plan.~~

Limitation on Developer Interest

~~Developer earned interest will be reimbursed at an amount not to exceed the net effective interest rate on bonds sold or 8% whichever is less. If zone/district bonds are not sold, reimbursement will be calculated at 50 basis points over the average interest reported by the Bond Buyer in its "20 Bond Index" for general obligation bonds during the interest accrual period or 8% whichever is less.~~

Bidding of Project Improvements

~~Developers will be required to follow municipal bidding procedures on all project improvements as outlined in Chapter 252 of the Texas Local Government Code. Bid tabulations and a recommendation for award of contracts will be brought before City Council for approval. This process will be required of both TIRZs and PIDs.~~

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

PUBLIC IMPROVEMENT DISTRICT POLICY	NUMBER: 18	EFFECTIVE DATE: March 21, 2022	PAGE 1 OF 12
	REVISED: March 21, 2022	APPROVED BY CITY MANAGER: March 21, 2022	
	SUPERSEDES: March 5, 2007	APPROVED BY CITY COUNCIL: March 21, 2022	

I. Purpose

The purpose of the City of Tomball Public Improvements District (“PID”) Policy is to outline the policy parameters and considerations to be addressed before the Tomball City Council can support the establishment or continuation of a PID as allowed by Chapter 372 of the Texas Local Government Code. The Policy outlines such things as general procedures, City processes, petition requirements, information to property owners, and determination of annual plan of services, budget, and assessments. This Policy sets forth City procedures and requirements which are in addition to the requirements of state law. Any aspect not specifically addressed by this Policy will be considered on an individual project basis.

The City may, on a case-by-case project basis, waive a requirement of this Policy if it does not conflict with state or federal law. Any requirements waived may be noted in the resolution approving the PID petition, or other relevant document, and must include a finding that the waiver is in the best interest of the City.

II. Considerations

The City of Tomball will give consideration to all submitted PID applications. However, priority will be given to PID developments which:

- a. Generate economic and superior development benefits to the City beyond what normal development would generate;
- b. Provide for improvements in the public right of way (e.g. entryways, landscaping, fountains, specialty lighting, art, decorative and landscaped streets and sidewalks, bike lanes, multi-use trails, signage, etc.);
- c. Meet community needs (e.g. enhanced drainage improvements, parks and off-street public parking facilities, pedestrian connectivity, water and wastewater on or off-site improvements) including without limitation development’s pro-rate share of the regional facilities and services;
- d. Implement City of Tomball master plans, including water, wastewater, parks, and trails;
- e. Increase or enhance the City’s transportation and roadway plans;
- f. Exceed development requirements in the City, including but not limited to enhanced architectural standards, enhanced landscaping, enhanced amenities, and provide for the superior design of lots or buildings;
- g. Preserve and protect natural amenities and environmental assets such as lakes, trees, creeks, ponds, floodplains, slopes, hills, and wildlife habitats;
- h. Are willing to annex into the City of Tomball in exchange for the creation of a PID;
- i. Provide a unique or special development that provides benefits to the Tomball community; and
- j. Have the support of 100% of the owners of the property within the PID.

Any requested deviations, adjustments, or special considerations from the terms and conditions of the City’s PID Policy shall be clearly requested and explained prior to or with the PID petition for that PID.

CITY OF TOMBALL ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

III. Use of Professional Services

The City reserves the right and shall select and retain the services of any professionals and/or consultants in association with the creation and administering of the PID including, but not limited to, financial advisors, bond counsel, underwriters, trustees, PID administrators, and appraisers.

IV. Location

A PID must be located within the City's corporate limits. Any area located within Tomball's extra-territorial jurisdiction ("ETJ") must be annexed prior to submitting a PID petition to the City.

A developer may request creation of a PID in exchange for voluntary annexation into the City of Tomball. However, additional considerations may be factored into the City's evaluation regarding creation of a PID.

V. Process

Generally, the City's will follow the process below for consideration of PIDs.

1. Applicant submits a completed PID petition, application, and supporting documentation.
2. Applicant pays a non-refundable PID Application Review Fee in the set amount adopted in the City's Master Fee Schedule.
3. The City will review the petition and application for compliance with statutory PID Petition requirements and requirements set forth in this Policy.
4. Upon the City approval of compliance with this Policy, City Council accepts the PID Petition.
5. City and applicant execute a Professional Services Reimbursement Agreement.
6. City and applicant execute a Development Agreement.
7. City and applicant work together to complete of required steps as set forth in Chapter 372 of the Texas Local Government Code and all steps and procedures set forth in City policy to create the PID.
8. City Council creates PID.
9. City Council levies assessments.

The City Council will not take any action to commence the creation of a PID prior to the approval of a final development agreement governing the development in question.

Completion of any individual step in the PID creation process is not a guarantee of PID approval. Creation of a PID is a discretionary action of City Council.

VI. Petition Requirements

Petitions for creating a PID must satisfy all requirements under Chapter 372 of the Texas Local Government Code.

The City may require:

- a. Evidence that signature of property owners were gathered no more than six months preceding the submittal of the petition; or
- b. Evidence that the petitioner's signatures meet the state law requirements, or the petition will be accompanied by a reasonable fee to cover the City's cost of signature verification.

VII. Application

CITY OF TOMBALL

ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

In agreeing to consider a petition for creation of a PID, the City will require the following from the applicant at the time the petition is submitted. These requirements reflect the minimum requirements and the City, at its discretion, may require additional items:

- a. A completed PID petition;
- b. Payment to the City of a non-refundable PID Application Review Fee in the amount of adopted in the City's Master Fee Schedule;
 - i. The application review fee is designed to cover all administrative or operational costs incurred by the City during the review period and beginning stages of the PID process until the escrow account is established; and
- c. A PID application packet, which should include:
 - i. A completed City of Tomball PID Application Form (Exhibit A);
 - ii. Letter from developer requesting consideration of a PID and summary of the special benefits to be received by the development;
 - iii. Evidence that the developer has the expertise, experience, necessary capital, and financial backing to complete the new development to be supported by the District financing. The developer must provide the City with adequate evidence of its committed and anticipated sources of funding to fund the balance of the improvements in the District not eligible to be funded by District issued financing;
 - iv. A site plan or general plan of development that outlines, at a minimum, land use and thoroughfare connections and is consistent with the City's Comprehensive Plan, Strategic Plan, and all other City plans formally approved by City Council, as amended;
 - v. Identification of how the project will contribute to funding the expansion of arterial and connector streets, major collector roadways or highways, and trunk line utility infrastructure, as applicable when necessary to address the projected demand for services and the impacts of the development;
 - vi. Identify all project expenses and costs, including acquisition, construction, and any applicable long-term management cost;
 - vii. Sources and uses budget and project pro forma detailing projected cash flows over the life of the proposed District including other public sources, private financing, and developer equity contribution to the project;
 - viii. Demonstration of financial capability, solvency, and generally the necessary capital to meet project costs through project completion;
 - i. This could include, but is not limited to, at least three years of financial statements, complete sources and uses budget, and letters of credit or letters of support from bank or lending institutions.
 - ix. Demonstration of previous experience developing similar scale and types of projects;
 - x. Demonstration the proposed development is consistent with the zoning of the property;
 - i. Zoning for the proposed development must be in place prior to PID creation or concurrent with PID creation, at the discretion of the City; and
 - xi. Indication of the estimated costs of proposed improvements, maximum assessment, maximum bond issuance, and maximum tax equivalent rate (in dollars, \$).

The City shall, upon reasonable prior written notice to the developer and during normal business hours, have the right to audit and inspect the developer's records, books, and all other relevant records needed to

CITY OF TOMBALL

ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

assessment of the PID petition or application. The City, the developer, PID consultant, and any other necessary parties involved in the approval of the PID petition and financing, will agree to maintain the appropriate confidentiality of such records, unless disclosure of such records and information shall be required by a court order, a lawfully issued subpoena, local or state laws or ordinances, or at the direction of the Attorney General.

VIII. Professional Services Reimbursement Agreement & Deposit

If, during the initial review of the application, the City determines that it will proceed to pursue creation of a PID or the City determines it is its best interest to establish a PID, a professional services reimbursement agreement will be entered into with the applicant. The professional services reimbursement agreement will require the applicant to deposit funds with the City to pay for City staff time, third-party consultants, including but not limited to, legal study analysts, City Attorney, bond counsel, financial advisors, PID consultants/administrators, trustees, underwriters, appraisers, and market study analysts. The payment of such fees is not a guarantee that the City will approve the PID. The costs a Petitioner will pay include but are not limited to:

- a. Reviewing the PID petition and application;
- b. Publishing required legal notices;
- c. Preparation and review of creation proceedings and levy of assessments;
- d. Cost of the appraisal and reviewing the appraisal, the feasibility study, and engineering report including the cost of services provided by City consultants, attorneys, bond counsel, financial advisors and PID consultant or administrator;
- e. Preparation of the initial Service and Assessment Plan (SAP) by a third party PID Administration Firm or PID Consultant engaged by the City;
- f. Bond Issuance;
- g. Review and approval of plans for and inspection of construction of PID improvements; not including fees paid for review and inspection required by the City's Code of Ordinances, as amended; and
- h. Procurement of contracts for PID administration and operation, collection of assessments, foreclosures or other similar matters.

The initial deposit made by the applicant shall be \$50,000. The applicant is required to make an additional \$25,000 deposit will be required anytime the deposit balance reaches \$10,000. Certain unused balances will be returned to the applicant. The applicant may be eligible to be reimbursed these costs through bond proceeds or PID assessments as applicable. The PID deposit are in addition to administrative costs associated with the PID, the cost of bond issuance, and the PID application fee.

IX. Development Agreement

The City Council will not take any action to commence the creation of a PID prior to the approval of a final development agreement governing the proposed development.

The following shall be provided to the City prior to the preparation of a development agreement (if not already provided as part of application packet):

- a. The basic terms and conditions of the creation of the PID, including the provision of special conferred benefit;
- b. Indication of the estimated costs of proposed improvements, maximum assessment, maximum bond issuance, and maximum tax equivalent rate;
- c. A section that clearly identifies the benefit of the PID to the affected property owners and to the City as a whole;

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- d. The petitioner's qualifications and previous experience with real estate development, financing of the development, prior PIDs, etc;
- e. A legal description of the boundaries of the proposed PID, a map of the proposed PID boundaries that is suitable for publication in legal notices, and a "commonly known" description of the area to be included in the PID;
- f. Description of all City-owned land within the PID as well as its proposed share of project costs;
- g. A current tax roll of owners in the PID;
- h. Any plan for phasing of both real estate development supported by the PID and construction of public improvements in the PID including a breakdown between major improvements serving large areas of the entire PID vs. phase-specific improvements; and
- i. A sunset clause and a pre-executed petition to dissolve the PID by the landowner in the case the project has not obtained a grading permit within three years.

X. Additional Requirements

The following additional requirements must be met by applicants:

- a. Plans for the proposed development shall be prepared and reviewed by the City in compliance with the City's development ordinances regarding land use, development, infrastructure design, permitting, and inspections. Applicants shall seek City development approvals prior to the commencement of any construction;
- b. Property in the PID owned by the City shall not be subject to PID assessments. Property in the PID owned by another governmental entity may be assessed only pursuant to an inter-local agreement between the entity and the City;
- c. The PID may not finance improvements or services that would not be accessible to the general public;
- d. The City's ongoing administrative and operational costs related to an approved PID, such as collection of PID assessments, review and approval of Service and Assessment Plan updates, and other costs shall be reimbursed from PID assessments. The City's costs will be determined on an annual basis;
- e. Administration and management of ongoing PID responsibilities, such as preparations and updating of the Service and Assessment Plan, issuance of notices for annual City Council action on the Service and Assessment Plan, operation and maintenance of PID improvements, and other related matters shall be paid by PID assessments and performed by a third-party firm under contract with the City;
- f. The City will use PID bond proceeds only to pay or reimburse the cost of PID improvements that have been designed and constructed to the applicable standards, and accepted for maintenance, or otherwise approved by the governmental entity responsible for them; and
- g. In the event of default under the terms of a PID financing agreement, the City shall, after providing notice and an opportunity to cure, have the right to capture reimbursements to complete development of public infrastructure.

If minimum any of the minimum requirements of this Policy cannot be met, an explanation of why the requirements cannot be met and alternatives provided to meet or exceed the requirements must be submitted.

XI. City Consultants

The City will independently select a Bond Counsel, Financial Advisor, PID Administrator, Trustee and Market Study Analyst. With input by the Developer, the City will select an Underwriter and Appraiser. The City's PID Administrator, in conjunction with the developer's PID Consultant, will draft the Service and Assessment Plan and prepare all annual updates

XII. Collection of Assessments

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ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

Prior to the levy of assessments, the City will enter into an agreement with Harris County to include the annual PID installments on the Harris County Tax Bill.

XIII. Maximum Assessment

The annual PID installment shall not exceed an amount that increases the expected total equivalent tax rate upon buildout above \$0.96 per \$100 of assessed value, with preference given to developments with a lower assessment. Applicants are encouraged to keep the equivalent tax rate as low as feasible for the development. A true-up calculation will be performed at each bond issuance and upon filing of a final plat to ensure that the maximum assessment is not exceeded, which may result in a mandatory prepayment from the developer.

XIV. Assessment Term/Bond Term

The maximum term of a PID assessment is not to exceed 30 years and the assessment term must equal the bond term (if applicable).

XV. Finance Limitations for Special Assessment Revenue Bond Issuance (PID Bonds)

The City may issue PID Bonds solely for the purposes of acquiring, reimbursing or constructing authorized Improvements. The Developer may request issuance of PID Bonds by filing with the City a list of the authorized improvements to be funded with the PID Bonds and the estimated costs of such authorized improvements. The Developer acknowledges that the mandatory PID Professional Service Reimbursement Agreement obligates the Developer to fund the costs of the City's professionals relating to the preparation for and issuance of PID Bonds, which amount shall be considered a cost payable from such PID Bonds. The issuance of PID Bonds is subject to all of the following conditions.

The following performance standards shall apply to PID bonds:

- a. To receive consideration by and approval from the City for PID financing through a bond to facilitate a residential development, the proposed boundaries of the development shall be no less than 50 acres;
- b. Minimum appraised value to lien ratio of 3:1;
- c. Maximum of two years capitalized interest for each bond issuance;
- d. No annual assessment increases once assessments are levied. Assessments for future phases will remain competitive with original phases and lot types as defined in the SAP;
- e. All improvements to be funded with PID bonds must be fully engineered and bid. A competitive bidding process with at least three bids will be required; and
- f. Developer is required to demonstrate committed capital in the form of cash deposit to the City with an amount confirmed by an engineer's opinion of probable cost, which represents the difference between budgeted cost to complete the public improvements assumed to be complete in the appraisal and the net proceeds of the PID bonds.

The following additional considerations and limitations will apply when a developer requests PID bonds:

- a. A developer or landowner may request the issuance of PID bonds in advance of construction of an individual phase of a development subject to compliance with these standards. All such PID bond issues will be subject to approval of the City Council;
- b. No General Obligation Bonds or Certificates of Obligation bonds will be utilized by the City to directly or indirectly pay, or guarantee payment of, PID bonds;
- c. If in any calendar year the City issues bonds that would constitute a bank qualified debt issue for the issuance of the PID bonds, then the developer shall pay to the City a fee to compensate

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- for the interest savings the City would have achieved had the debt issued by the City been bank qualified provided that all other developers or owners benefitting from the City issuing debt are similarly burdened with an obligation to compensate the City;
- d. All PID bond issues, if any, will be subject to approval by the City Council;
 - e. If the City Council authorizes the issuance of PID bonds, the City shall issue all such PID bonds in accordance with the protocols and procedures adhered to by the City's Director of Finance for issuing long-term debt instruments including tax notes and bonds;
 - f. Special assessments on any given portion of the property may be adjusted in connection with subsequent bond issues as long as an agreed-upon maximum annual assessment rate is not exceeded, and the special assessments are determined in accordance with the SAP and the PID Act. Special assessments on any portion of the property will bear a direct proportionate relationship to the special benefit of the public improvements to that improvement area. In no case will the maximum assessment be increased for any parcel unless the property owner of the parcel consents to the increased assessment;
 - g. The City shall not be obligated to provide any funds for any improvement except from the proceeds of the PID bonds and PID assessments;
 - h. The City's cost of reviewing a developer payment request from PID bond proceeds, including City staff time and third-party consultant costs, shall be netted out of the amount paid to the developer or paid from the administrative expense of the collection costs portion of the assessment;
 - i. Each PID bond indenture will clearly state that all debt service payments for the PID bonds shall be payable solely from and secured by the pledged assessments levied against properties within the PID or funds held under a bond indenture for such purposes, and that the City will have no obligation to make debt service payments for the PID bonds from any other sources;
 - j. A PID will be responsible for payment of all the City's reasonable and customary costs and expenses including the cost of any appraisal;
 - k. Any new money PID bonds issued will include a Reserve Fund in an amount to be determined;
 - l. Pursuant to the PID Act, the interest rate for assessments may exceed the interest rate of the bonds by no more than one half of one percent (0.50%);
 - m. All developers and significant landowners will provide any required continuing disclosure obligations associated with the issuance of PID bonds as required under the respective bond indenture or any other Page 6 regulatory agreement or regulatory agency. Failure to abide by continuing disclosure requirements may limit access to proceeds and/or future bond issues;
 - n. Developer is required deposit cash with the City or a bond trustee on or prior to the sale date of the PID bonds in an amount confirmed by an engineer's estimate of probable cost, which represents the difference between the budgeted cost to complete the public improvements assumed to be complete in the appraisal and the net proceeds of the PID bonds;
 - o. During a material event of default by the developer under the terms of any agreement between the developer and the City relating to the PID or the property within the PID, the City shall, after providing notice and opportunity to cure, have the right to recapture reimbursements and/or terminate its obligations to the developer;
 - p. All construction of improvements is subject to City review and approval and if applicable, provisions shall be made for dedication to City or to another appropriate governmental entity, as authorized by law;
 - q. Improvements to be funded by the PID are limited to those defined as Authorized Improvements under Texas Local Government Code Section 372.003(b); and
 - r. Any trails, parks, streets or other public amenities that are located within a gated community or otherwise inaccessible location to the general public may not be funded or reimbursed by the PID.

XVI. Disclosure to Homeowners

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

To satisfy disclosure to homeowners, the City will require the petitioner to comply with the following:

- a. Landowner Consent or Agreement to be recorded in the Official Public Records of Harris County;
- b. Signage at major entryways and exits;
- c. Signage and information flyers in any sales centers within the PID that include:
 - a. Frequently Asked Questions;
 - b. Total Assessment;
 - c. Average Annual Installment; and
 - d. Equivalent Tax Rate.
- d. Homebuyer disclosure documents in accordance with Section 5.014 of the Texas Property Code to be signed both at contract signing and at closing with such agreements maintained on file by each homebuilder and available for inspection by the City; and
- e. Developer contracts with homebuilders must require the homebuilder to disclose the PID on any MLS listing.

XVII. PID Administration and Management

The City will contract with an outside consultant to administer the PID and to bill, collect, and track PID assessments. This cost will be considered a reimbursable project cost and shall be included in the PID Service and Assessment Plan.

XVIII. Miscellaneous

- a. This PID policy does not bind the City Council to approve, authorize or create a PID or take any related action. PID creation, PID bond issuance and all related matters are legislative acts solely with the discretion of the City Council.
- b. Any requests for adjustments, exceptions, or waivers to this policy must be reviewed and approved by the City Council of the City of Tomball.
- c. No public official or employee shall be personally responsible for any liability arising under or growing out of any approved PID. Any obligation or liability of the developer whatsoever that may arise at any time under the approved PID or any obligation or liability which may be incurred by the developer pursuant to any other instrument, transaction or undertaking as a result of the PID shall be satisfied out of the assets of the developer only and the City shall have no liability.

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

I have read and understand this policy.

Signature

Date

Printed Name

(Please sign and date this page and return to the Project Manager)



City of Tomball
Public Improvement District (PID) Application

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

APPLICANT INFORMATION

Name: _____ Title: _____

Mailing Address: _____

Phone: _____ Email: _____

Please attach additional applicant information as necessary.

OWNER INFORMATION

Name: _____ Title: _____

Mailing Address: _____

Phone: _____ Email: _____

PROJECT INFORMATION

Description of Proposed Project: _____

Physical Location of Property: _____

HCAD Identification No.: _____ Acreage: _____

Current Use of Property: _____

Proposed Use of Property: _____

REQUIRED ATTACHMENTS

_____ Completed PID petition

_____ Non-refundable payment of PID Application Review Fee

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

_____ Letter from Developer/Applicant requesting consideration of PID

_____ General summary and description of proposed development

_____ Site plan or general plan that shows land use and thoroughfare connections

_____ Demonstration of how the development is in compliance with the City's
Comprehensive Plan and Future Land Use Plan

_____ Demonstration of how the proposed development is in compliance with the
zoning of the property

_____ Description of any amenities for the proposed development

_____ Description of any elevated design and landscaping standards for the proposed
development

_____ Summary of special benefits to be received by the development

_____ Evidence the developer has the expertise, experience, necessary capital, and
financial backing to complete the new development to be supported by the
District financing

_____ Identify all project expenses and costs, including acquisition, construction, and
any applicable long-term management cost

_____ Description and preliminary estimate of public infrastructure included with
development (include both developer-funded and proposed PID-funded
elements)

_____ Propose total assessment and tax rate equivalent

_____ Description of any property that will be subject to or exempt from assessments

_____ Any additional information which you believe would be necessary for the City
to evaluate the proposed project.

ACKNOWLEDGEMENT

I, _____, certify that the information on this form and included in the attached City of Tomball PID Application is true and correct to the best of my knowledge and the undersigned is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in possible delays and/or denial.

Signature of Applicant: _____ Date: _____

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

Signature of Owner: _____ Date: _____

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: 3/21/2022

Topic:

Approve Resolution No. 2022-11, a Resolution of the City of Tomball, Texas, amending sections of the Master Fee Schedule for Fiscal Year 2021-2022.

Background:

Resolution No. 2022-11, amends the Building Permit, Community Development, and Utility Fees in the Master Fee Schedule for Fiscal Year 2021-2022, is presented to Council for consideration and approval.

The revision to the Building Permit Fees is to the Domestic and Commercial Sewer Tap Fees removing the Manhole Coring Fee and placing the responsibility on the contractor for completion.

The revision to the Community Development Fees is the addition of a Public Improvement District (PID) Application Review Fee that is to be paid at the time of PID petition by a developer.

The revision to the Utility Fees is the addition of a Meter Box Repair Fee to be charged to general contractors during construction for damage incurred.

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

Origination: City Administration

Recommendation:

Staff recommends approving Resolution No. 2022-11

Party(ies) responsible for placing this item on agenda: Meagan Mageo, Project Coordinator

FUNDING (IF APPLICABLE)

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

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

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

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

RESOLUTION NO. 2022-11

**A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, AMENDING
BUILDING PERMIT FEES, COMMUNITY DEVELOPMENT FEES, AND
UTILITY FEES IN THE MASTER FEE SCHEDULE FOR FISCAL YEAR
2021-2022.**

* * * * *

WHEREAS, on September 20, 2021, the Tomball City Council adopted a Master Fee Schedule for Fiscal Year 2021-2022 to provide easier access for Tomball residents and commercial interests; and

WHEREAS, the Tomball City Council finds it advisable and necessary to amend the City of Tomball Domestic and Commercial Sewer Taps Fees, Community Development Fees and Utility Fees as originally approved in Resolution No. 2021-21; **NOW, THEREFORE**

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

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

Section 2. Page 16, Domestic and Commercial Sewer Tap Fees, of the Master Fee Schedule for the City of Tomball, Texas for Fiscal Year 2021-2022 is hereby amended to reflect the removal of the Manhole Coring Fee and the addition of the responsibility of the contractor to complete the coring, a copy of which is attached hereto and incorporated into the Master Fee Schedule for Fiscal Year 2021-2022.

Section 2. Page 22, Community Development Fees, of the Master Fee Schedule for the City of Tomball, Texas for Fiscal Year 2021-2022 is hereby amended to reflect the addition of a Public Improvement District (PID) Application Review Fee, copy of which is attached hereto and incorporated into the Master Fee Schedule for Fiscal Year 2021-2022.

Section 3. Page 59, Utility Fees, of the Master Fee Schedule for the City of Tomball, Texas for Fiscal Year 2021-2022 is hereby amended to reflect the addition of a Meter Box Repair Fee, copy of which is attached hereto and incorporated into the Master Fee Schedule for Fiscal Year 2021-2022.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND RESOLVED this ____ day of _____ 2022.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

BUILDING PERMIT FEES

DOMESTIC AND COMMERCIAL SEWER TAP FEES

Residential and Commercial Sanitary Sewerage Connection Fees. The following connection fee shall be due and paid to the City before any sewer connection is provided, installed, inspected, and activated into the City's wastewater collection system. The connection fee for such services shall be based upon the size of the sewer connection required, and shall be as follows:

<u>Connection Size</u>	<u>TOTAL COST**</u>
4"	\$650.00
6"	\$700.00

- Tap Fees larger than 6" will be the responsibility of the contractor
- **If Manhole Coring is required, it will be the responsibility of the contractor**

~~* Manhole Coring Fee \$400 (if required)~~

**** FOR CONNECTIONS ON STATE RIGHTS-OF-WAY**

For connections on state right-of-way, add \$250.00 to connection fee schedule.

BORING FEE

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

<u>Line Size</u>	<u>BORE FEE</u>
Up to 6"	\$1,075.00

Minor Arterial Roads, or greater, will be the responsibility of the contractor to complete.

SEWER LINE MAINTENANCE AND CONSTRUCTION - (CHAPTER 46)

Sewer Service Reconnection fee (as requested by the department of public works) \$200.00

DOMESTIC AND COMMERCIAL GAS TAP FEES

Residential and Commercial Gas Meter Connection Fees. The following connection fee shall be due and paid to the City before any gas meter is provided, installed, inspected, and activated for use by the City. The fee for providing gas service shall be based upon the meter and regulator required (meter and regulator, four ounce [4 oz.*] only), and shall be as follows:

<u>BTUs</u>	<u>TOTAL COST **</u>	<u>METER SIZE</u>
0 to 345,000	\$1,075.00	250 – 275
345,001 to 450,000	\$1,300.00	415 – 450
451,001 to 1,760,000*	\$2,600.00	750 – 880
2,420,001 to 5,500,000*	\$4,750.00	3,000
5,500,001 to 11,000,000*	\$6,025.00	5,000

If pounds (lbs.) are needed, must add an emcorrecor to total cost (total cost +\$1,175.00 = total price for pounds).

Gas Regulator Upgrade Fee \$70.00

**** FOR CONNECTIONS ON STATE RIGHTS-OF-WAY**

For connections on state right-of-way, add \$250.00 to connection fee schedule for BTUs 0-450,000 BTUs. Requirements above 450,001 BTUs, add \$350.00 to connection fee schedule.

BORING FEE

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

<u>Bore Length</u>	<u>BORE FEE</u>
Up to 80'	\$725.00

Minor Arterial Roads, or greater, will be the responsibility of the contractor to complete.

COMMUNITY DEVELOPMENT FEES

PLATTING FEES

Preliminary Plat:	\$200.00	Base Fee
	\$1.00	Per Lot
	\$5.00	Per Acre (Includes reserves within a subdivision that do not include single-family lots)
Final, Replat, & Minor Plats:	\$200.00	Base Fee
	\$0.50	Per Lot
	\$2.00	Per Acre (Includes reserves within a subdivision that do not include single-family lots)
Joinder Lot	\$100.00	For Each Joinder Lot. (Resolution 2011-20)

ENGINEERING FEES

Floodplain Permit Application	\$25
Construction Permit Application	2% of the Cost of Construction
Right-of-Way Abandonment	\$300 (Administrative Policy 65, March 11, 2011)
Fee In Lieu of the Construction of Sidewalks	\$30 per linear foot of street frontage (Ordinance 2017-20)

Public Improvement District (PID) Application Review Fee

A nonrefundable application review fee of \$2,500.00 must be paid at the time a PID Petition is submitted to the City for consideration.

*Payment of the PID Application Review Fee does not guarantee approval of a PID

WATER METER TESTING FEE

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

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

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

METER BOX REPAIR FEE

In the event damage is incurred to a meter box belonging to the City, a Meter Box Repair Fee of \$225.00 will accessed to the general contractor.

The City reserves the right to contract with a third party to make the necessary repairs, and an invoice will be sent to the general contractor for payment.

*The Meter Box Repair Fee will serve as the base fee, additional damage may incur higher fees for repair.

SANITARY SEWER RATES (WITH POTABLE WATER SERVICE)

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

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

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

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

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 31, 2022

Topic:

Presentation of an update regarding the drainage improvements on South Persimmon Street and Lizzie Lane.

Background:

At the March 4 City Council meeting, Councilmember Townsend requested an update on the drainage improvements on South Persimmon and Lizzie Lane. At the meeting, staff will provide information over the construction activities for drainage improvements conducted on South Persimmon and Lizzie Lane from funding received from the CDBG grant, as well as activities completed by Public Works staff.

The City was awarded a grant from General Land Office totaling \$1,585,396.00 based off of a grant application submitted by staff as an area requiring improvements following the flood events in 2015 and 2016. The original scope of the project was for installation of box culverts along portions of South Persimmon Street with ditch regrading. Staff saw the opportunity to expand the project scope as part of the Medical Complex construction and install RCP along portions with box culverts to allow for increased flow. The total construction amount, with the CDBG grant and local funding, totaled \$3,658,839.27.

Origination: Public Works Department

Recommendation:

Party(ies) responsible for placing this item on agenda: Meagan Mageo, Project Coordinator

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 Meagan Mageo Approved by _____
Staff Member Date City Manager Date