

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



**Monday, February 01, 2021
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, February 01, 2021 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR FEBRUARY 1, 2021, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED “SOCIAL DISTANCING”) TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19), THERE WILL BE LIMITED PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT:
[HTTPS://TOMBALLTX.GOV/ARCHIVE.ASPX?AMID=38](https://tomballtx.gov/archive.aspx?amid=38); A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.**

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): +1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 848 6269 5064 - Passcode: 647327. 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 Tim Niekerk – Salem Lutheran Church
- C. Pledges to U.S. and Texas Flags

- D. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*
- E. Reports and Announcements
1. Announcements
 - I. Saturday, January 30, 2021 – **Harris County Sheriff's Jr. Posse “Pony Express” Annual Stop** in Tomball, at the Depot – 9:00 a.m.
 - II. February 12, 2021– Last day to apply for Place on Ballot for the May 1, 2021 General City Election – 5:00 p.m.
 - III. Tomball Police Department Annual Data Capture Report – 2020 (SB 1074)
 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 January 18, 2021 Regular Tomball City Council Meeting
- G. Old Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*
1. Adopt, on Second Reading, Ordinance No. 2021-01, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory Within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory Within Such Limits And Boundaries; Approving a Service Plan for All of the Area Within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause *(Being a 3.119-Acre (138,840 Square Feet) Tract or Parcel of Land Situated in the Elizabeth Smith Survey, A-70, Harris County, Texas, Being out of Unrestricted Reserve “C” of the Final Plat of Tomball Greens, as Recorded under Film Code No. 440128 of the Map Records of Harris County, Texas, also Being Out and Part of a 5.00 Acre Tract Described in Deed Recorded*

under Clerk's File No. Z331045 of the Real Property Records of Harris County, Texas) [11234 Spell Road, HCAD 1207880000010]

2. Adopt, on Second Reading, Ordinance No. 2021-02, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 3.119 acres of land, legally described as Reserve C3 Tomball Greens, within the City of Tomball, Harris County, Texas, to the **General Retail** District; said property being generally located at the northeast corner of Hufsmith-Kohrville Road and Spell Road at 11234 Spell Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

H. New Business

1. Conduct Public Hearing of the City Council of the City of Tomball to Consider Proposed Assessments against Tomball Heights Properties in the City of Tomball Public Improvement District Number Nine, Established by City Council Resolution No. 2019-12 (*Sydney's Park*)
2. Adopt on First Reading, Ordinance No. 2021-05, An Ordinance Of The City Council Of Tomball, Texas, Approving The Service And Assessment Plan For The City Of Tomball Public Improvement District Number Nine (*Tomball Heights, aka Sydney's Park*)
3. Adopt on First Reading, Ordinance No. 2021-06, An Ordinance Of The City Council Of Tomball, Texas, Levying an Assessment Against Section One Properties Within The City Of Tomball Public Improvement District Number Nine (Tomball Heights Subdivision); And Making Certain Findings Related Thereto (*Sydney's Park*)
4. Conduct Public Hearing of the City Council of the City of Tomball to Consider Proposed Assessments against Section Seven and Eight in the City of Tomball Public Improvement District Number Two, Established by City Council Resolution No. 2007-22 (*Raleigh Creek*)
5. Adopt on First Reading, Ordinance No. 2021-11, An Ordinance Of The City Council Of Tomball, Texas, Levying an Assessment Against Section Seven And Eight Properties Within The City Of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision); And Making Certain Findings Related Thereto.

6. Approve Resolution No. 2021-08, a Resolution and Order of the City Council of the City of Tomball, Texas, in Support of Greater Harris County 9-1-1 Legislation
7. Approve Supplemental No. 1 to Professional Services Agreement for Engineering Services Related to Engineering & Planning Project No. 2017-10033 City of Tomball Livable Centers Implementation Alley Improvements, in the amount of \$137,105.00
8. Approve Change Order 4 for E&P Project Number 2017-10005, Medical Complex Segment 4B, to Durwood Greene Construction Co. for a total amount of \$80,000.00

I. Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 28th day of January 2021 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.

NOTICE OF DEADLINE TO FILE APPLICATIONS FOR PLACE ON THE BALLOT
(AVISO DE FECHA LÍMITE PARA PRESENTAR SOLICITUDES PARA UN LUGAR EN LA BOLETA)
(THÔNG BÁO VỀ THỜI HẠN NỘP ĐƠN XIN GHI DANH TRÊN LÁ PHIẾU)
(申請選票席位 截止日期通知)

Notice is hereby given that applications for a place on the May 1, 2021 City of Tomball, Texas General Election ballot may be filed during the following time:
(Se da aviso por la presente que las solicitudes para un lugar en la boleta de la Elección General de la Ciudad de Tomball, Tejas de 1 de mayo de 2021 se pueden presentar durante el siguiente horario:)
(Theo đây xin thông báo quý vị có thể nộp đơn xin ghi tên tranh cử trên lá phiếu cho Cuộc Tổng Tuyển Cử của Thành Phố Tomball, Texas ngày 1 tháng Năm, 2021 vào ngày giờ sau đây:)
(特此通知, 申請 2021 年 5 月 1 日 Texas 州 Tomball 市 普通選舉之選票席位可於以下期間辦理登記:)

Filing Dates and Times:

(Fechas y Horario para Entregar Presentaciones):

(Ngày giờ nộp đơn):

(登記日期和時間):

Start Date: January 13, 2021

(Fecha Inicio): 13 de enero de 2021

(Ngày bắt đầu: 13 tháng Một, 2021)

(開始日期): 2021 年 1 月 13 日

End Date: February 12, 2021

(Fecha Limite): 12 de febrero de 2021

(Ngày kết thúc): 12 tháng Hai, 2021

(截止日期): 2021 年 2 月 12 日

Office Hours: Monday-Thursday: 7:45 a.m.-5:00 p.m.; Friday: 7:45 a.m.-4:00 p.m.

Horario de la Oficina: Lunes-Jueves: 7:45 a.m.-5:00 p.m.; Viernes: 7:45 a.m.-4:00 p.m.

Giờ làm việc: Thứ Hai - thứ Năm, 7:45 a.m.-5:00 p.m.; thứ Sáu: 7:45 a.m.-4:00 p.m.

辦公時間: 週一至週四: 上午 7:45 - 下午 5:00; 週五: 上午 7:45 - 下午 4:00

Physical address for filing applications in person for place on the ballot:

(Dirección a física para presentar las solicitudes en persona para un lugar en la boleta):

(Địa chỉ tiếp nhận đơn xin nộp trực tiếp):

(親自辦理選票席位申請地址):

City Secretary	La Secretaria de la Ciudad	Thư Ký Thành Phố	市秘書
City of Tomball, Texas	La Ciudad de Tomball, Tejas	Thành phố Tomball, Texas	Texas 州 Tomball 市
401 Market Street	401 Market Street	401 Market Street	401 Market Street
Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375
281-290-1002	281-290-1002	281-290-1002	281-290-1002

Address to mail applications for place on the ballot (if filing by mail):

[Dirección a donde enviar las solicitudes para un lugar en la boleta (en caso de presentar por correo)]

[Địa chỉ nhận đơn xin gửi qua thư bưu điện (nếu nộp qua thư)]:

[郵寄辦理選票席位申請地址 (如郵寄申請)]:

City Secretary	Secretaria de la Ciudad	Thư Ký Thành Phố	市秘書
City of Tomball, Texas	La Ciudad de Tomball, Tejas	Thành phố Tomball, Texas	Texas 州 Tomball 市
401 Market Street	401 Market Street	401 Market Street	401 Market Street
Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375	Tomball, Texas 77375
dspeer@tomballtx.gov	dspeer@tomballtx.gov	dspeer@tomballtx.gov	dspeer@tomballtx.gov

Doris Speer, City Secretary/Secretaria de la Ciudad/

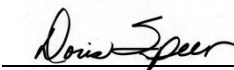
Thư Ký Thành Phố/市秘書

Printed Name of Filing Officer

(Nombre en letra de molde del Oficial de Archivos)

(Tên viết bằng chữ in của viên chức phụ trách thủ tục nộp đơn xin)

(登記官印刷體姓名)



Signature of Filing Officer

(Firma del Oficial de Archivos)

(Chữ ký của viên chức phụ trách thủ tục nộp đơn xin)

(登記官簽名)

December 7, 2020/7 de diciembre de 2020/

Ngày 7 tháng Mười Hai, 2020/2020 年 12 月 7 日

Date Posted (Fecha archivada) (Ngày đăng) (发布日期)

TOMBALL POLICE DEPARTMENT ANNUAL CONTACT DATA REPORT



2020

POLICE CONTACT DATA



PRESS RELEASE

#021720
TOMBALL POLICE DEPARTMENT



400 Fannin, Tomball, Texas 77375
(281) 351-5451 Fax: (281) 351-2615

For Immediate Release

Date: February 17, 2020
Contact: Chief Jeffrey Bert
Phone: (213) 804 - 3861

"Citizen Input: Senate Bill 1074 - Racial Profiling"

The 7th Texas Legislature enacted Senate Bill 1074, prohibiting the practice of racial profiling. This legislation went into effect in January of 2002, and in part requires law enforcement agencies to seek input from the community.

The Tomball Police Department has a long history of working in partnership with members of the community, and we continually strive to excel at our mission of delivering the highest quality police service to all in a fair and impartial manner. To that end, and as a means of assessing our effectiveness in policy development and employee training, we are always eager to receive public feedback regarding our service delivery.

Anyone with questions or concerns related to Senate Bill 1074 should contact Captain Rickey Doerre, at 281-351-5451 Ext 1318. General comments praising our officer's efforts or expressing concerns may be directed to any department supervisor in person, by telephone (281-351-5451), or via our website (tomballtx.gov).

The Tomball Police Department is very proud of the relationship we enjoy with our community and we value your perspective, comments, and support.

CHART I

2020 Activity

CITY OF TOMBALL DEMOGRAPHICS:

RACE:	NUMBER	% OF TOTAL
BLACK	3,550	9.02%
ASIAN/PACIFIC ISLANDER	2,349	5.97%
WHITE	23751	60.36%
HISPANIC/LATINO	9555	24.28%
ALASKA NATIVE/AMERICAN INDIAN	146	0.37%
TOTAL	39,351	100.00%

**** NUMBER OBTAINED FROM THE U.S. CENSUS 2010 Demographic Profile Data for 77375**

CONTACTS: 8367

1 CONTACTS BY GENDER:

SEX:	CONTACTS	% OF TOTAL
MALE	5181	61.9%
FEMALE	3186	38.1%
TOTAL	8367	100%

2 CONTACTS BY RACE or ETHNICITY:

Must equal total stops: 8367

RACE:	CONTACTS	% OF TOTAL
BLACK	1228	14.68%
ASIAN/PACIFIC ISLANDER	172	2.06%
WHITE	6281	75.07%
HISPANIC/LATINO	617	7.37%
ALASKA NATIVE/AMERICAN INDIAN	69	0.82%
TOTAL	8367	100.00%

3 ETHNICITY KNOWN BEFORE STOP?

Must equal total stops: 8367

ETHNICITY KNOWN BEFORE STOP?	NUMBER	% OF TOTAL
YES	33	0.39%
NO	8334	99.61%
TOTAL	8367	100.00%

**** CITATIONS COUNT OBTAINED FROM TOMBALL RACIAL PROFILING DATA AND TOMBALL MUNICIPAL COURTS**

4 REASON FOR STOP:

Must equal total stops: 8367

REASON FOR STOP:	NUMBER	% OF TOTAL
VIOLATION OF LAW	60	0.72%
PRE-EXISTING KNOWLEDGE (I.E. WARRANT)	42	0.50%
MOVING TRAFFIC VIOLATION	6508	77.78%
VEHICLE TRAFFIC VIOLATION (EQUIPMENT, INSPECTION, REGISTRATION)	1757	21.00%
TOTAL	8367	100.00%

5 LOCATION OF STOP:

Must equal total stops: 8367

STREET ADDRESS OR APPROXIMATE LOCATION OF THE STOP	NUMBER	% OF TOTAL
CITY STREET	6320	75.53%
US HIGHWAY	14	0.17%
STATE HIGHWAY	856	10.23%
COUNTY ROAD	1172	14.01%
PRIVATE PROPERTY OR OTHER	5	0.06%
TOTAL:	8367	100.00%

6 SEARCHES:

Must equal total stops: 8367

SEARCH CONDUCTED	NUMBER	% OF TOTAL
YES	214	2.56%
NO	8153	97.44%
TOTAL	8367	100.00%

7 REASON FOR SEARCH

Must equal line 6a: 214

REASON FOR SEARCH:	NUMBER	% OF TOTAL
CONSENT	77	35.98%
CONTRABAND/ EVIDENCE IN PLAIN SIGHT	11	5.14%
PROBABLE CAUSE OR REASONABLE SUSPICION	107	50.00%
INVENTORY SEARCH PERFORMED AS A RESULT OF TOWING	12	5.61%
INCIDENT TO ARREST/ WARRANT	7	3.27%
TOTAL	214	100.00%

8 CONTRABAND DISCOVERED

Must equal line 6a: 214

a
b

CONTRABAND DISCOVERED?	NUMBER	% OF TOTAL
YES	112	52.34%
NO	102	47.66%
TOTAL	214	100.00%

9 DESCRIPTION OF CONTRABAND DISCOVERED

a
b
c
d
e
f

DESCRIPTION OF CONTRABAND DISCOVERED	NUMBER	% OF TOTAL
ILLEGAL DRUGS/ DRUG PARAPHERNALIA	91	60.66%
CURRENCY	0	0.00%
WEAPONS	3	2.00%
ALCOHOL	16	10.67%
PROPERTY STOLEN	1	0.67%
OTHER	39	26.00%
TOTAL	150	100.00%

10 RESULT OF THE STOP

Must equal total stops: 8367

a
b
c

RESULT OF THE STOP	NUMBER	% OF TOTAL
VERBAL WARNING	6753	80.71%
WRITTEN WARNING	47	0.56%
CITATION	1398	16.71%
WRITTEN WARNING AND ARREST	3	0.04%
CITATION AND ARREST	15	0.18%

d
e
f

11 ARREST BASED ON:*Must equal lines 10d-f: 169*

a
b
c
d

ARREST BASED ON:	NUMBER	% OF TOTAL
VIOLATION OF PENAL CODE	120	71.00%
VIOLATION OF TRAFFIC LAW	9	5.33%
VIOLATION OF CITY ORDINANCE	0	0.00%
OUTSTANDING WARRANT	40	23.67%
TOTAL	169	100.00%

12 PHYSICAL FORCE RESULTING IN BODILY INJURY*Must equal total stops: 8367*

a
b

WAS PHYSICAL FORCE USED RESULTING IN BODILY INJURY DURING STOP?	NUMBER	% OF TOTAL
YES	1	0.01%
NO	8366	99.99%
TOTAL	8367	100.00%

CHART II

2020 Activity

SEARCHED:

RACE :	NUMBER SEARCHED	% OF TOTAL
BLACK	51	23.83%
ASIAN/PACIFIC ISLANDER	1	0.47%
WHITE	136	63.56%
HISPANIC/LATINO	24	11.21%
ALASKA NATIVE/AMERICAN INDIAN	2	0.93%
TOTAL	214	100.00%

***INFORMATION RECORDED ON C/TATIONS, NUMBERS OBTAINED FROM TOMBALL RACIAL PROFILING DATA.*

SEARCHED - COMPARISON:

RACE:	CONSENSUAL SEARCH		PC/SEARCH	
BLACK	6	7.79%	42	39.25%
ASIAN/PACIFIC ISLANDER	0	0.00%	0	0.00%
WHITE	63	81.82%	51	47.67%
HISPANIC/LATINO	8	10.39%	12	11.21%
ALASKA NATIVE/AMERICAN INDIAN	0	0.00%	2	1.87%
TOTAL	77	100.00%	107	100.00%

***INFORMATION OBTAINED FROM TOMBALL RACIAL PROFILE DATA RECORDS. *PC-PROBABLE CAUSE*

ARRESTS:

RACE:	ARREST/RESULT OF STOP	% OF TOTAL
BLACK	7	25.00%
ASIAN/PACIFIC ISLANDER	1	3.57%
WHITE	18	64.29%
HISPANIC/LATINO	1	3.57%
ALASKA NATIVE/AMERICAN INDIAN	1	3.57%
TOTAL	28	100.00%

City Council Meeting Agenda Item Data Sheet

Meeting Date: January 4, 2021

Topic:

Approve the Minutes of the January 18, 2021 Regular Tomball City Council Meeting

Background:

Origination: City Secretary

Recommendation:

Approve

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

FUNDING (IF APPLICABLE)

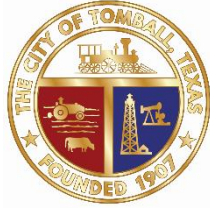
Are funds specifically designated in the current budget for the full amount required for this purpose?

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

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

Signed	Doris Speer	1-26-2021	Approved by		
	Staff Member	Date		City Manager	Date

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, January 18, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for January 18, 2021, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the meeting to order at 6:00 p.m.; Councilmembers present:

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

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Assistant City Secretary – Tracylynn Garcia
Police Chief – Jeff Bert
Fire Chief – Randy Parr (via video)
HR Director – Lisa Coe
Assistant Fire Chief – Taner Drake (via video)
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – Beth Jones
Director of Community Development – Craig Meyers
Community Events Coordinator – Denise Fiore
Marketing Assistant – Larrissa Roberts
City Planner – Amelia Lindley
TEDC Executive Director – Kelly Violette (via video)
CSO Administrative Assistant - Johnita Robinson
CSO Administrative Assistant – Sasha Luna
Senior Accountant – Christine Brookshire
Accountant – Luisa Taylor
Police Officer-Investigations – Cleo Thomas

- B. Invocation - Led by Pastor Joseph Martinez – The Light of the World Church
- C. Pledges to U.S. and Texas Flags - Led by Scouts, Pack 12
- D. No Public Comments were received.
- E. Presentations:
 - 1. Dr. Lee Ann Nut, President, Lone Star College-Tomball, and Kyle Scott, Vice Chancellor of Strategic Priorities, Lone Star College presented an update regarding the 2020 Fall Semester and Plans for 2021 Spring Semester.
 - 2. Lisa Coe presented the *2020 Employee of the Year – Luisa Taylor*.
- F. Reports and Announcements
 - 1. Announcements
 - I. February 6, 2021 – **2nd Saturday at the Depot**
 - II. February 12, 2021– Last day to apply for Place on Ballot for the May 1, 2021 General City Election
 - 2. Reports by City staff and members of council about items of community interest on which no action will be taken:
 - I. Mayor Fagan presented the **“5 Star Exemplary Award”** from Texas Department of Vital Statistics to the members of the City Secretary Office (10 years)
 - II. Mike Baxter provided a presentation regarding the numerous Texas Festivals & Events Association awards received by the City of Tomball – 9 Gold, 5 Silver, 6 Bronze, and several Certificates
- G. Approval of Minutes
 - 1. Motion was made by Council 2 Stoll, Seconded by Council 1 Ford to approve the Minutes of the January 4, 2021 Regular Tomball City Council Meeting

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

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

1. Approve Letter of Agreement for Acceptance of Real Property Transfer of the “Green Street” Property and grant Lot 33, Block 70 of the Revised Map of Tomball via Special Warranty Deed to the Tomball Economic Development Corporation
2. Authorize City Manager to execute contract between the City of Tomball and Texas Commission on Environmental Quality (TCEQ) for the award of a Texas Volkswagen Environmental Mitigation Program (TxVEMP) Grant, for an amount of \$72,284.00.
3. Award purchase of one (1) Peterbuilt Dump Truck in the amount of \$128,629.00 to Rush Truck Center, through State Buyboard Cooperative Purchasing Contract.
4. Authorize City Manager to execute contract between the City of Tomball and Texas Commission on Environmental Quality (TCEQ) for the award of a Texas Volkswagen Environmental Mitigation Program (TxVEMP) Grant, for an amount of \$67,168.00.
5. Award purchase of one (1) Street Sweeper made by Global Environmental in the amount of \$258,299.00 to Associated Supply Co., Inc., through a State Buyboard Cooperative Purchasing Contract.

Motion was made by Council 2 Stoll, Seconded by Council 5 Klein Quinn to approve all New Business Consent items in a single action.

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

Motion carried unanimously.

I. New Business:

1. Mayor Fagan opened the Public Hearing of the City of Tomball, Texas to consider the advisability of the Creation of a Public Improvement District to Make Certain Improvements over Certain Property located within the City (TPID 11, Wood Leaf Reserve) at 6:31 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:32 p.m.

No action necessary.

2. Motion was made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to approve Resolution No. 2021-04, a Resolution of the City Council of the City of

Tomball, Texas, Authorizing and Creating the Wood Leaf Reserve Public Improvement District in the City of Tomball, Harris County, Texas, in Accordance with Chapter 372 of the Texas Local Government Code; Providing for Related Matters; and Providing an Effective Date.

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

Voting Nay: Council 2 Stoll

Motion carried, 4 votes Aye, 1 vote Nay.

3. Motion was made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to approve Resolution No. 2021-06, a Resolution of the City Council of the City of Tomball, Texas approving a Development Agreement relating to the Woodleaf Reserve Public Improvement District Project (TPID 11).

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

Motion carried unanimously.

5. Mayor Fagan opened the Public Hearing for the Purpose of Considering the Following Annexation: *(Being a 3.119-Acre (138,840 Square Feet) Tract or Parcel of Land Situated in the Elizabeth Smith Survey, A-70, Harris County, Texas, Being out of Unrestricted Reserve "C" of the Final Plat of Tomball Greens, as Recorded under Film Code No. 440128 of the Map Records of Harris County, Texas, also Being Out and Part of a 5.00 Acre Tract Described in Deed Recorded under Clerk's File No. Z331045 of the Real Property Records of Harris County, Texas) [11234 Spell Road, HCAD 1207880000010]* at 6:36 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:37 p.m.

No action necessary.

5. Motion was made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-01 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 was made by Council 4 Townsend, Sr., Seconded by Council 3 Stoll, to adopt, on First Reading, Ordinance No. 2021-01, an Ordinance of the City of

Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory Within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory Within Such Limits And Boundaries; Approving a Service Plan for All of the Area Within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (*Being a 3.119-Acre (138,840 Square Feet) Tract or Parcel of Land Situated in the Elizabeth Smith Survey, A-70, Harris County, Texas, Being out of Unrestricted Reserve "C" of the Final Plat of Tomball Greens, as Recorded under Film Code No. 440128 of the Map Records of Harris County, Texas, also Being Out and Part of a 5.00 Acre Tract Described in Deed Recorded under Clerk's File No. Z331045 of the Real Property Records of Harris County, Texas*) [11234 Spell Road, HCAD 1207880000010]

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

Motion carried unanimously.

6. Consideration to approve **Zoning Case P20-419**: Request by TN Associates Inc. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 3.119 acres of land legally described as Reserve C3 Tomball Greens, as Commercial District. The property is generally located at the northeast corner of Hufsmith-Kohrville Road and Spell Road at 11234 Spell Road, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on **Zoning Case P20-419** at 6:42 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:42 p.m.

- Motion was made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to read Ordinance No. 2021-02 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 was made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-02, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 3.119 acres of land, legally described as Reserve C3 Tomball Greens,

within the City of Tomball, Harris County, Texas, to the Commercial District; said property being generally located at the northeast corner of Hufsmith-Kohrville Road and Spell Road at 11234 Spell Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Motion to AMEND was made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-02, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 3.119 acres of land, legally described as Reserve C3 Tomball Greens, within the City of Tomball, Harris County, Texas, to the **General Retail** District; said property being generally located at the northeast corner of Hufsmith-Kohrville Road and Spell Road at 11234 Spell Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

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

Motion, as AMENDED to **General Retail**, carried unanimously.

7. Motion was made by Council 4 Townsend, Sr., second by Council 3 Degges, to approve Resolution No. 2021-05, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Date, Time, and Place for Public Hearing at which all Interested Parties shall have an Opportunity to be heard; Providing for Publication of Notice of Such Public Hearing; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (*Being a Tract or Parcel Containing 6.5681 Acres of Land known as Tracts 1 & 2 out of that Certain Called 40.1148 Acre Tract of Land Situated in the John M. Hooper Survey, A-375 In Harris County, Texas, Said 40.1148 Acre Tract being that Same Tract of Land as Described in a Deed Filed for Record under Harris County Clerk's File No. F41707.2 (13810 Windy Meadow Rd, HCAD 04304100000055)*) and setting the Public Hearing date as February 15, 2021.

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

Motion carried unanimously.

8. Executive Session: The City Council recessed at 6:49 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. 551.072 - Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property

Upon reconvening into regular session at 6:58 p.m., the following actions were taken:

9. Motion was made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to authorize the City Manager to negotiate and execute the required documents for the sale of City Property to Harris County for the purpose of widening Holderrieth Road, as Discussed in Executive Session

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

Motion carried unanimously.

- J. Motion was made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn 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 at 6:59 p.m.

PASSED AND APPROVED this the 1st day of February 2021.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: February 1, 2021

Topic:

Adopt, on Second Reading, Ordinance No. 2021-01, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory Within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory Within Such Limits And Boundaries; Approving a Service Plan for All of the Area Within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause *(Being a 3.119-Acre (138,840 Square Feet) Tract or Parcel of Land Situated in the Elizabeth Smith Survey, A-70, Harris County, Texas, Being out of Unrestricted Reserve "C" of the Final Plat of Tomball Greens, as Recorded under Film Code No. 440128 of the Map Records of Harris County, Texas, also Being Out and Part of a 5.00 Acre Tract Described in Deed Recorded under Clerk's File No. Z331045 of the Real Property Records of Harris County, Texas) [11234 Spell Road, HCAD 1207880000010]*

Background:

Adoption of Ordinance No. 2021-01 on second reading will complete the annexation process.

Origination: Nazimuddin K. Maredia, TN Associates

Recommendation:

Adopt Ordinance No. 2021-01 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>Doris Speer</u>	<u>12/10/2020</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (BEING A 3.119-ACRE (138,840 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE ELIZABETH SMITH SURVEY, A-70, HARRIS COUNTY, TEXAS, BEING OUT OF UNRESTRICTED RESERVE "C" OF THE FINAL PLAT OF TOMBALL GREENS, AS RECORDED UNDER FILM CODE NO. 440128 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, ALSO BEING OUT AND PART OF A 5.00 ACRE TRACT DESCRIBED IN DEED RECORDED UNDER CLERK'S FILE NO. Z331045 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS) [11234 SPELL ROAD, HCAD 1207880000010]

* * * * *

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

Section 1. The boundaries and limits of the City of Tomball, Texas, are hereby extended to embrace and include all of the territory described in **Exhibit "A"** attached hereto and made a part hereof and such territory hereby annexed to and made a part of the city.

Section 2. The plan for extension of municipal services into the territory annexed to the City of Tomball by the provisions of this ordinance is set forth in the "Municipal Service Plan" attached hereto as **Exhibit "B"** and made a part hereof for all purposes. Such Municipal Service Plan is hereby approved.

Section 3. If any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should

this Ordinance for any reason be ineffective as to any part of the territory hereby annexed to the City of Tomball, such ineffectiveness of this Ordinance as to any such part or parts of any such territory shall not affect the effectiveness of this ordinance as to all of the remainder of such territory or area, and the City Council hereby declares it to be its purpose to annex to the City of Tomball every part of the territory described in Section 1 of this ordinance, regardless of whether any other part of such described territory is hereby effectively annexed to the City. Provided, further, that if there is included in the general description of territory set out in Section 1 of this Ordinance to be hereby annexed to the City of Tomball any territory which is already a part of and included within the general limits of the City of Tomball, or which is presently part of and included in the limits or extraterritorial jurisdiction of any other city, town, or village, or which is not within the City of Tomball's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted territory were especially and specifically described herein.

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF
JANUARY 2021.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF
FEBRUARY 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary



Exhibit "A" – Page 2

PICKERING & ASSOCIATES

PROFESSIONAL LAND SURVEYORS, LLC

7702 Pin Oak Street, Montgomery, Texas 77316

Phone (936) 447-4703, Mobile (281) 804-0785

Texas Licensed Surveying Firm 10165200

METES AND BOUNDS DESCRIPTION

ALL THAT CERTAIN 3.119 ACRE (135,840 SQUARE FOOT) TRACT OR PARCEL OF LAND SITUATED IN THE ELIZABETH SMITH SURVEY, A-70, HARRIS COUNTY, TEXAS, BEING OUT OF UNRESTRICTED RESERVE "C" OF THE FINAL PLAT OF TOMBALL GREENS, AS RECORDED UNDER FILM CODE NO. 440128 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, ALSO BEING OUT OF AND PART OF A 5.000 ACRE TRACT DESCRIBED IN DEED RECORDED UNDER CLERK'S FILE NO. Z331048 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS, SAID 3.119 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH CAP STAMPED "PICKERING 5879" SET MARKING THE SOUTHWESTERLY CORNER OF SAID UNRESTRICTED RESERVE "C" AND THE 5.000 ACRE TRACT, SAME BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE HUFFSMITH-KOHRVILLE ROAD (WIDTH VARIES) AND THE NORTHERLY RIGHT-OF-WAY LINE OF SPELL ROAD (60 FEET WIDE) AND BEING THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS S 69°27' E-0.7 FEET;

THENCE, N 17°59'48" W-350.00 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID HUFFSMITH-KOHRVILLE ROAD AND THE WESTERLY LINE OF SAID UNRESTRICTED RESERVE "C" AND THE 5.000 ACRE TRACT TO A 5/8 INCH IRON ROD WITH CAP FOUND MARKING THE NORTHWESTERLY CORNER OF THE SAID 5.000 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, N 75°08'55" E ALONG THE NORTHERLY LINE OF SAID 5.000 ACRE TRACT, AT A DISTANCE OF 383.70 FEET PASSING A 5/8 INCH IRON ROD WITH CAP FOUND FOR REFERENCE AND CONTINUING ALONG SAID LINE FOR A TOTAL DISTANCE OF 388.70 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "PICKERING 5879" SET MARKING THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 17°59'48" E-350.00 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "PICKERING 5879" SET IN THE NORTHERLY RIGHT-OF-WAY LINE OF AFORESAID SPELL ROAD AND MARKING THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 75°08'55" W, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID SPELL ROAD AND THE SOUTHERLY LINE OF AFORESAID UNRESTRICTED RESERVE "C", AT A DISTANCE OF 5.00 FEET PASSING A 5/8 INCH IRON ROD WITH CAP FOUND FOR REFERENCE AND CONTINUING ALONG SAID LINE A TOTAL DISTANCE OF 388.70 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.119 ACRES (135,840 SQUARE FEET) OF LAND, MORE OR LESS.

ROGER D. PICKERING, R.P.L.S.
TEXAS REGISTRATION NO. 5879



EXHIBIT "B"

CITY OF TOMBALL, TEXAS

MUNICIPAL SERVICE PLAN

I. INTRODUCTION

This Municipal Service Plan (the "Plan") is made by the City of Tomball, Texas (the "City"), pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation by the City of the tract of land ("Tract") described by metes and bounds in "Exhibit A," which is attached to this Plan and to the annexation ordinance of which this Plan is a part.

II. EFFECTIVE TERM

This Plan shall be in effect for a period of ten (10) years commencing on the effective date of the annexation of the Tract, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

III. INTENT

It is the intent of the City that services under this Plan shall equal the number of services and the level of services in existence within the Tract prior to annexation and which are available in other parts of the City with land uses and population densities similar to those reasonably contemplated or projected within the Tract. However, it is not the intent of this Plan to require that a uniform level of service be provided to all areas of the City, including the Tract, where differing characteristics of topography, land utilization, and population density are considered as a sufficient basis for providing differing service levels.

The City reserves the right, granted to it by Section 43.056(k), Texas Local Government Code, to amend this Plan, if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Texas Local Government Code, or other Texas laws to make this Plan unworkable, obsolete, or unlawful.

IV. SERVICE PROGRAMS

A. In General.

1. This Plan includes the following service programs: A 60-Day Program and a Capital Improvement Program.
2. As used in this Plan, "providing services" shall include having services provided by any method or means by which the City may extend municipal

services to any other area of the City. The City shall provide the area, or cause the area to be provided, with services in accordance with the Plan. This may include, but is not limited to, causing or allowing private utilities, governmental entities, and other public service organizations to provide such services, in whole or in part.

As used in this Plan, the phrase "standard policies and procedures" shall mean those policies and procedures of the City applicable to a particular service, which are in effect either at the time that the service is requested or at the time the service is made available or provided. Such policies and procedures may require a specific type of request be made, such as an application or a petition, may require that fees or charges be paid, and may include eligibility requirements or other similar provisions.

B. 60-Day Program. The following services will be provided within the Tract within the period required by State law. State law requires the City to provide the following services within sixty (60) days after the effective date of the annexation: police protection, fire protection, solid waste collection, operation and maintenance of water, wastewater, and gas facilities, operation and maintenance of roads and streets, including lighting, operation and maintenance of parks, playgrounds, and swimming pools, and maintenance of any other publicly owned facility, building or service. The 60-Day Program plan is as follows:

1. Police Protection. The Police Department of the City will provide protection and law enforcement within the Tract. These activities will include routine patrols and responses, handling of complaints and incident reports, and, as appropriate, support by special units. In order to provide the above services, the Police Department will operate from a City facility.
2. Fire Protection. The Fire Department of the City currently provides fire protection to the Tract. Fire protection will be provided from either the southside or central fire stations. Fire protection will remain at the current level of service.
3. Solid Waste Collection. All eligible residences and businesses will be provided solid waste collection service, either by City personnel or by contract.
4. Maintenance of Water, Wastewater, and Gas Facilities. There are no City water, wastewater, or gas facilities currently located within the Tract. If any such facilities are constructed or acquired by the City within the Tract, the City's Department of Public Works will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

5. Operation and Maintenance of Roads and Streets (including lighting). The City's Department of Public Works will provide for the maintenance of roads and streets over which the City will have jurisdiction. Such Department will also provide services relating to traffic control devices and will provide street lighting for such roads and streets through an electric utility company or by other means. The operation and maintenance of roads and streets, including street lighting and traffic control devices, shall be provided at levels of service and maintenance comparable to those available for other roads and streets in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.
 6. Operation and Maintenance of Parks, Playground and Swimming Pools. There are no public parks, playgrounds, or swimming pools currently located within the Tract. If, as a result of acquisition of park land, any such facilities are constructed by the City within the Tract, the City's Department of Parks and Recreation will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.
 7. Operation and Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Those drainage facilities associated with City-maintained public streets will be maintained by the City's Department of Public Works, as needed. Any other facility, building, or service existing or which may be constructed or located by the City within the Tract, will be operated and maintained by an appropriate City department at levels of service and maintenance comparable to those available to other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.
- C. Capital Improvement Program. It is the intent of the City to provide full City services within the Tract not less than four and one-half (4-1/2) years after the effective date of annexation of the Tract, in accordance with the Texas Local Government Code, § 43.056(e).

The City will initiate the acquisition and construction of the capital improvements necessary to provide municipal services adequate to serve the Tract. Any necessary construction or acquisition is indicated below, and any such construction or acquisition shall begin within two (2) years of the effective date of this Plan and shall be substantially completed within 4-1/2 years, except as otherwise indicated:

1. Police Protection. No capital improvements are necessary at this time to provide police protection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded police facilities.

2. Fire Protection. No capital improvements are necessary at this time to provide fire protection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded fire facilities.
3. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded solid waste facilities and/or services.
4. Wastewater Facilities. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public wastewater facilities. Wastewater services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of wastewater services is attached to and made a part of this Plan.
5. Water Distribution. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public water facilities. Water services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of water services is attached to and made a part of this Plan.
6. Gas Distribution. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public gas facilities. Gas services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of gas services is attached to and made a part of this Plan.
7. Roads and Streets (including lighting). The City will acquire jurisdiction in and over all public roads and streets within the Tract upon annexation, pursuant to Section 311.001 of the Texas Transportation Code and other similar provisions, except for public roads and streets subject to the jurisdiction of other governmental entities. Additional roads, streets, or related facilities are not necessary at this time to service the Tract. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices or street lights, within the Tract will be governed by standard policies and procedures of the City. The Tract will be included with other City territory in connection with planning for new, improved, revised, widened, or enlarged roads, streets, or related facilities.
8. Parks, Playgrounds, and Swimming Pools. No capital improvements are necessary at this time to provide park and recreational services to the Tract. The Tract will be included with other City territory in connection with

planning for new, revised, or expanded parks, playgrounds, and/or swimming pools.

9. Other Publicly-Owned Facilities, Buildings or Services: Additional Services. In general, other City functions and services can be provided to the Tract by using existing capital improvements. At this time, additional capital improvements are not necessary to provide City services. However, the Tract will be included with other City territory in connection with planning for new, revised, or expanded facilities, functions, and services.

V. AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed, except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes at any time. This Plan is subject to, and shall be interpreted in accordance with, the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and any orders, rules, or regulations of any other governmental body having jurisdiction.

VI. FORCE MAJEURE

In the event the City is rendered unable, wholly or in part, by force majeure to carry out its obligations under this Plan, notice shall be given with full particulars of such force majeure, in writing, as soon as reasonably possible after the occurrence of the cause relied on, and the City's obligations, so far as effected by such force majeure, shall be suspended during the continuance of such inability so caused but for no longer period, and such cause shall, so far as possible, be remedied with all reasonable dispatch; provided, however, City shall not be required to settle a strike or dispute with workmen when such settlement is against the will of the City. The term "force majeure" shall mean acts of God, strikes, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, arrests and restraints of rulers and people, explosions, breakage or accident to machinery or lines of pipe, droughts, hurricanes and tornadoes, and any other inability of either party, whether similar to those enumerated or otherwise, not within the control of the City, which, by the exercise of reasonable diligence, the City shall not have been able to avoid.

VIII. ENTIRE PLAN

This document contains the entire and integrated Plan relating to the Tract and supersedes all other negotiations, representations, plans, and agreements, whether written or oral.

If one or more provisions of this Plan is held to be invalid, unenforceable, or illegal in any respect, the remainder the Plan shall remain valid and in full force and effect.

SUMMARY OF EXTENSION POLICY FOR WATER, WASTEWATER, AND GAS SERVICE

The following information is a summary of the City of Tomball's ("City") policies respecting water, wastewater and gas service extensions. This summary is made in compliance with the Texas Local Government Code, which requires that each annexation plan include a summary of the service extension policy. Nothing herein shall repeal any provision of the Code of Ordinances of the City of Tomball, as amended, or any of the uncodified ordinances that contain the City's policies and procedures.

The City extends water, wastewater, and gas services to existing unserved development as follows:

Construction of such service lines is based on a priority schedule that considers potential health hazards, population density, the number of existing buildings, the reasonable cost of providing service, and the desires of the residents of the unserved areas.

Extensions built by the City at its cost are included in its Capital Improvements Plan, which is updated annually. Placement of an extension or enlargement of any water and/or wastewater lines into the Capital Improvement Plan is based primarily on the following requirements: (1) to provide service to unserved areas, (2) and to provide adequate capacity for projected service requirements.

Persons or entities desiring to develop land within unserved areas must construct water, wastewater, and gas service lines and extensions to connect to City trunk lines to serve the new development.

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: February 1, 2021

Topic:

Adopt, on Second Reading, Ordinance No. 2021-02, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 3.119 acres of land, legally described as Reserve C3 Tomball Greens, within the City of Tomball, Harris County, Texas, to the **General Retail** District; said property being generally located at the northeast corner of Hufsmith-Kohrville Road and Spell Road at 11234 Spell Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

Origination: TN Associates, Inc.

Recommendation:

Adopt Ordinance No. 2021-02 on Second Reading

Party(ies) responsible for placing this item on agenda: Craig T. Meyers, P.E., Community Development Director

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

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

Signed: Doris Speer 1/19/2021 **Approved by:** _____
Staff Member Date City Manager Date

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY ESTABLISHING THE ZONING DISTRICT OF APPROXIMATELY 3.119 ACRES OF LAND, LEGALLY DESCRIBED AS RESERVE C3 TOMBALL GREENS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, TO THE GENERAL RETAIL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF HUFSMITH-KOHRVILLE ROAD AND SPELL ROAD AT 11234 SPELL ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, TN Associates Inc. has requested that approximately 3.119 acres of land, legally described as Reserve C3 Tomball Greens, generally located at the northeast corner of Hufsmith-Kohrville Road and Spell Road at 11234 Spell Road, in the City of Tomball, Harris County, Texas, (the "Property"), be zoned to the General Retail District; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the City Council held a public hearing on the requested zoning; and

Whereas, the City Council deems it appropriate to grant the requested zoning.

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

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

Section 2. The zoning classification of the Property is hereby established as the General Retail District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as General Retail District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the zoning classification for the Property to the General Retail District as described above.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF JANUARY 2021.

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:

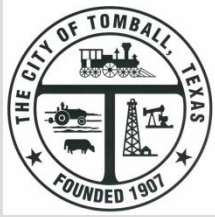
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF FEBRUARY 2021.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Zoning Staff Report

City Council Public Hearing Date: January 18, 2021

Zoning Case: P20-419
Property Owner(s): HARRISON ELM ASSET LLC
Applicant(s): TN Associates Inc.
Legal Description: Reserve C3 Tomball Greens
Location: Northeast corner of Spell Road and Hufsmith-Kohrville Road at 11234 Spell Road (Exhibit "A")
Area: 3.119 acres
Comp Plan Designation: Neighborhood Commercial (Exhibit "B")
Present Use: Single-family residence (Exhibit "D")
Request: Establish the Zoning District as Commercial upon annexation

Adjacent Zoning & Land Uses:

North: Planned Development District / Single-family residential subdivision – Alexander Estates (under construction)
South: Outside City Limits / Single-family residences
West: Light Industrial District / Warehouses, Business Park
East: Planned Development District / Single-family residential subdivision – Alexander Estates (under construction)

BACKGROUND

The subject site is currently being annexed into the City limits and therefore requires the establishment of a Zoning District classification. City Staff met with the applicant in October 2020 to discuss the future development of a convenience store, gasoline station and retail lease space.

ANALYSIS

The property is currently developed with a single-family residence. With the high traffic volume and expansion of Hufsmith-Kohrville Road, which is a major arterial, it is appropriate for the property to be redeveloped as non-residential. According to the applicant, the proposed development will include a convenience store, gasoline station and retail lease space.

Surrounding properties to the north and east are zoned Planned Development (PD-9), a single-family residential neighborhood that is currently under construction. Properties to the west are

zoned Light Industrial District and include the Tomball Business & Technology Park and various warehouse buildings. Properties to the south are outside the City limits.

According to Section 50-77 (Commercial District), the purpose of the Commercial District is to provide smaller sites for commercial and service-related establishments. The uses in the Commercial District usually “have operation characteristics which are generally not compatible with residential uses”.

The General Retail District may be a more appropriate zoning district for this property. According to Section 50-76 (General Retail District), the purpose of the General Retail District is “to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services.” This district is also considered less intense than the Commercial District, and may be better suited adjacent to single-family residences.

Chapter 50 (Zoning) of the Code of Ordinances also includes multiple regulations for non-residential uses that are constructed adjacent to residential uses, such as increased building setbacks, screening requirements and landscape buffers.

The Future Land Use Map designation of this property is Neighborhood Commercial, which, according to the Comprehensive Plan, “is intended for commercial uses that are developed with the appropriate context, scale and design to compliment residential development”. The General Retail District is listed as a compatible zoning district; the Commercial District is not listed in this category.

PUBLIC COMMENT

Property owners located in the City limits within 200 feet of the project site were mailed notification of this proposal on January 7, 2021. The Notice of Public Hearing was published in the paper on December 30, 2020. Any public comment forms will be provided in the City Council packets or during the public hearing.

RECOMMENDATION

City staff recommends establishing the zoning district as General Retail for the following reasons:

- The General Retail District meets the Neighborhood Commercial Future Land Use designation;
- The General Retail District is considered less intense than the Commercial District and may be more appropriate adjacent to single-family residences;
- The proposed land use, *convenience store (with or without gasoline sales)* is allowed in the General Retail District by-right;

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Application

Exhibit "A"
Aerial Photo



**Exhibit “B”
Comprehensive Plan**

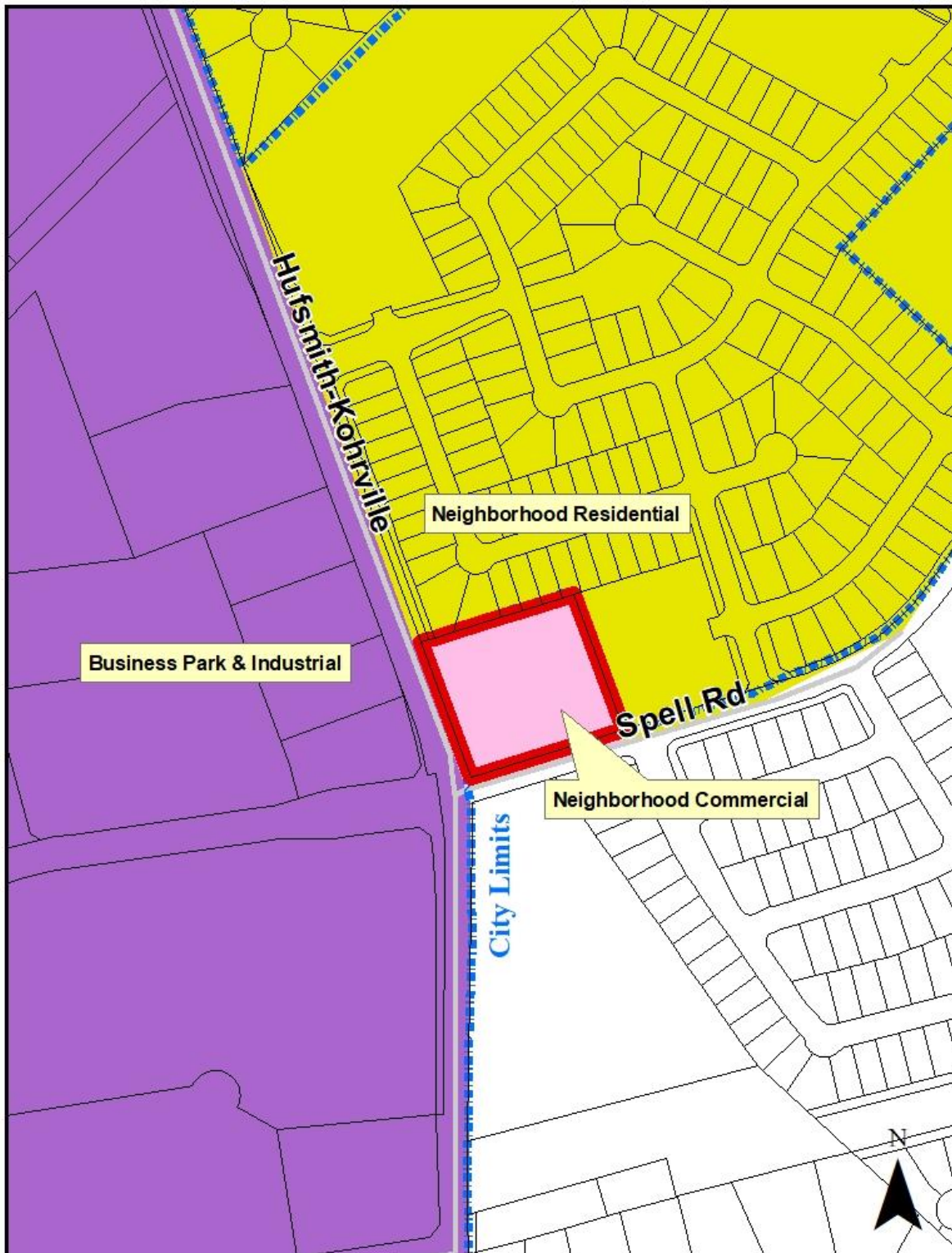
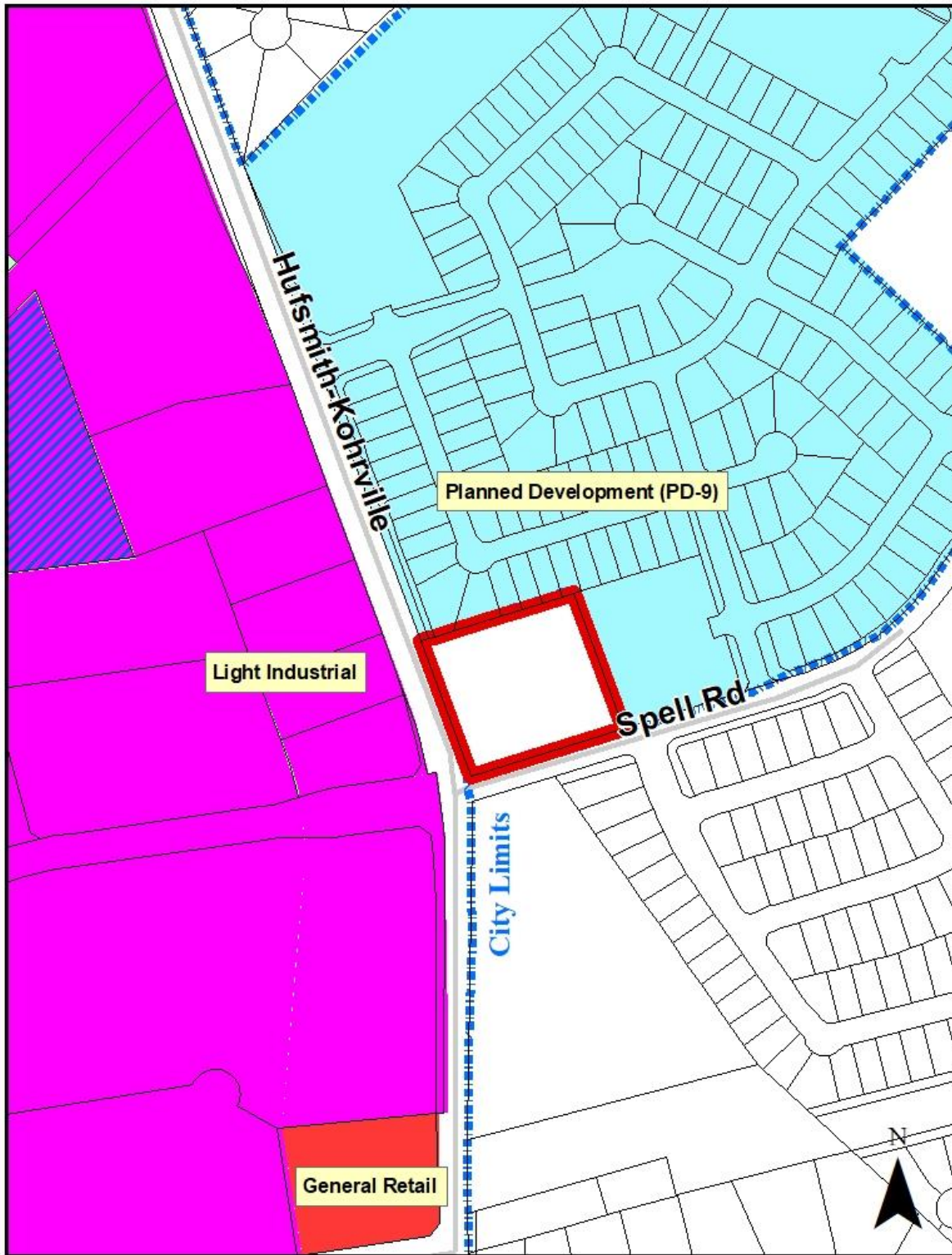


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E" Application



RECEIVED (KC)
12/09/2020 8:16:41 AM

APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

Revised: 4/13/2020
P&Z -20-419
\$430.00 PD

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: TN ASSOCIATES INC. Title: Architect
Mailing Address: 2825 Wilcrest Drive Ste. 616 City: Houston State: TX
Zip: 77042 Contact: Chan Huynh, Kimmie Wu
Phone: (713) 541-3195 Email: kimmie@tnassociatesinc.com

Owner

Name: Nazimuddin.K.Maredia Title: President of Abyan Property LLC.
Mailing Address: 1003 Terscott Ln City: Sugarland State: TX
Zip: 77479 Contact: _____
Phone: (832) 768-7052 Email: nmaredia@hotmail.com

Engineer/Surveyor (if applicable)

Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____ Contact: _____
Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: Proposed new convenience store with gas station

Physical Location of Property: Corner lot at the intersection of Huffsmith Kohrville Road and Spell Road

[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: RES C3 Tomball Greens

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Residential, single-family

Current Use of Property: Single Family Residential

Proposed Zoning District: Commerical

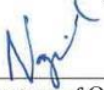
Proposed Use of Property: Gasoline Station

HCAD Identification Number: 1207880000010 Acreage: 3.119 acre

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X		12/03/2020
Signature of Applicant		Date
X		12/08/2020
Signature of Owner		Date

CITY OF TOMBALL REZONING APPLICATION- REASON FOR REQUEST

To whom many concern,

This letter is to state the reason and issue relating to rezoning request for property address
11234 Spell Road, Tomball TX 77375

In the process of annexation, we were informed to submit a separate application to establish desired property's zoning district. The property is currently zoned for single family residential use and we would like to designate the property for commercial use due to our future development of convenience store gasoline station with retail lease space. Thank you for your time and consideration.

Owner: NAZimuddin MARE DIA

Signature: Naj

Date: 12/09/2020

RETAIL SHELL (TYPE M)	
-C- STORE	5,400 SF/200 = 27
LIQUOR STORE	1,800 SF/200 = 9
TOTAL PARKING REQUIRED	= 36
ADA PARKING PROVIDED	= 2
TOTAL PARKING PROVIDED	= 37

20 PARKING CALCULATION
Scale: NTS = 1"=0'

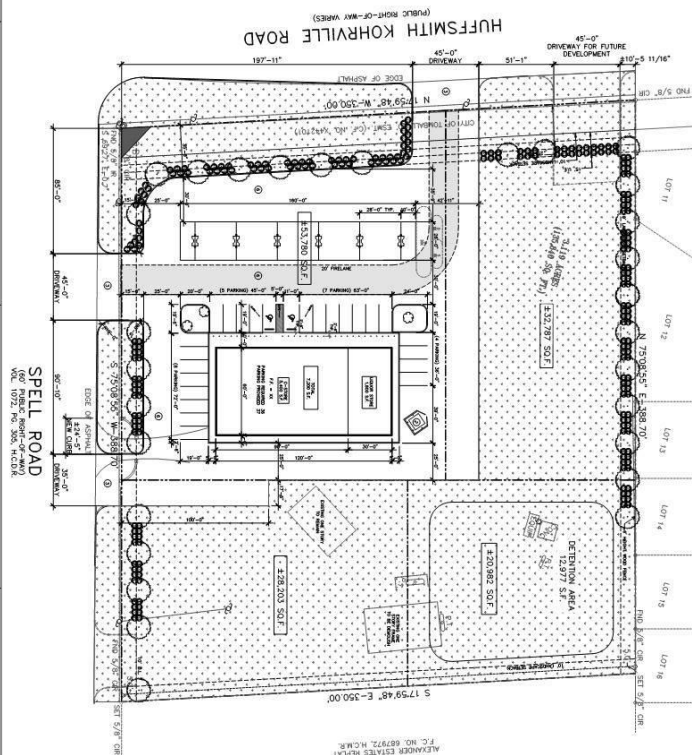
- ① PROPERTY LINE
- ② NEW TRASH LOCATION
- ③ NEW CONC. DRIVEWAY
- ④ NEW LANDSCAPE AREA
- ⑤ NEW 6" SIDEWALK
- ⑥ NEW CONCRETE PAVEMENT
- ⑦ DETENTION AREA

KEY LEGEND
Scale: 1:100,000

- OWNER IS RESPONSIBLE FOR THE CONTRACT/RELOCATION PROCESS OF POWER POLY/DIV WIRE.
- FOR RELOCATION OF POWER POLE:
CONTACT CONTRACTOR FOR POWER POLE/WIRE
CONTACT CONTRACTOR FOR POWER POLE/DIV WIRE
TEL: 800-690-0535 • 713-945-4242
- FOR RELOCATION/REPAIR AND ADDITION OF TRAFFIC SIGNALS:
CONTACT CONTRACTOR FOR TRAFFIC SIGNALS
CONTACT CONTRACTOR FOR TRAFFIC SIGNALS
TEL: 800-690-0535 • 713-945-4242
- FOR SIGNAL WAPN TO EXISTING P NECESSARY:
CONTACT CONTRACTOR FOR SIGNAL WAPN
CONTACT CONTRACTOR FOR SIGNAL WAPN
TEL: 800-690-0535 • 713-945-4242
- FOR EXISTING DRIVEWAY NOT PROVIDING ACCESS TO THE DRIVEWAY:
CONTACT CONTRACTOR FOR DRIVEWAY
CONTACT CONTRACTOR FOR DRIVEWAY
TEL: 800-690-0535 • 713-945-4242
- FOR DRIVEWAY OR OUTLET OR IN-ROAD THE DRIVEWAY WITHIN 500/600 FEET FOR POSITIVE DRAINAGE FLOW (BASED ON TYPE OF STREET)

18 GENERAL NOTES
Scale: NTS = 1"=0'

17 VICINITY MAP
Scale NTS = 1"=0'



01 SITE PLAN
SCALE: 1/16" = 1'

- | LEGEND: |
|----------------------------|
| 1. TELEPHONE BOX |
| 2. TELEPHONE |
| 3. TELEPHONE TALKATION BOX |
| 4. WATER |
| 5. WATER WHEEL |
| 6. SINKING DEEP WATER |
| 7. SINKING DEEP WATER |
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| 100. SINKING DEEP WATER |

CONVENIENCE STORE
11234 SPELL ROAD
TOMBALL TX. 77375

8/20/2020

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TN ASSOCIATES, INC. 2013

1 X01/X01/2020 PERMIT SUB.

EN associates inc.
2825 Wilcrest Drive, #610
Houston, TX. 77042
Ph: 713-541-3195
E-mail: info@enasociatesinc.com

A1.00



PICKERING & ASSOCIATES

PROFESSIONAL LAND SURVEYORS, LLC

7702 Pin Oak Street, Montgomery, Texas 77316

Phone (936) 447-4703, Mobile (281) 804-0785

Texas Licensed Surveying Firm 10165200

METES AND BOUNDS DESCRIPTION

ALL THAT CERTAIN 3.119 ACRE (135,840 SQUARE FOOT) TRACT OR PARCEL OF LAND SITUATED IN THE ELIZABETH SMITH SURVEY, A-70, HARRIS COUNTY, TEXAS, BEING OUT OF UNRESTRICTED RESERVE "C" OF THE FINAL PLAT OF TOMBALL GREENS, AS RECORDED UNDER FILM CODE NO. 440128 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, ALSO BEING OUT OF AND PART OF A 5.000 ACRE TRACT DESCRIBED IN DEED RECORDED UNDER CLERK'S FILE NO. Z331048 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS, SAID 3.119 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH CAP STAMPED "PICKERING 5879" SET MARKING THE SOUTHWESTERLY CORNER OF SAID UNRESTRICTED RESERVE "C" AND THE 5.000 ACRE TRACT, SAME BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE HUFFSMITH-KOHRVILLE ROAD (WIDTH VARIES) AND THE NORTHERLY RIGHT-OF-WAY LINE OF SPELL ROAD (60 FEET WIDE) AND BEING THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS S 69°27' E-0.7 FEET;

THENCE, N 17°59'48" W-350.00 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID HUFFSMITH-KOHRVILLE ROAD AND THE WESTERLY LINE OF SAID UNRESTRICTED RESERVE "C" AND THE 5.000 ACRE TRACT TO A 5/8 INCH IRON ROD WITH CAP FOUND MARKING THE NORTHWESTERLY CORNER OF THE SAID 5.000 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

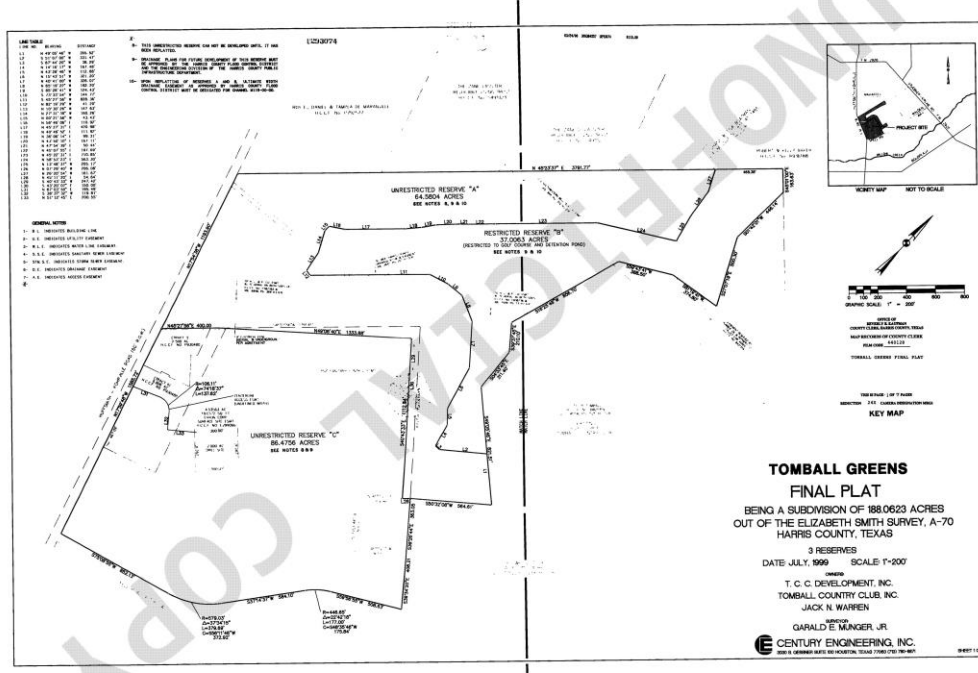
THENCE, N 75°08'55" E ALONG THE NORTHERLY LINE OF SAID 5.000 ACRE TRACT, AT A DISTANCE OF 383.70 FEET PASSING A 5/8 INCH IRON ROD WITH CAP FOUND FOR REFERENCE AND CONTINUING ALONG SAID LINE FOR A TOTAL DISTANCE OF 388.70 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "PICKERING 5879" SET MARKING THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

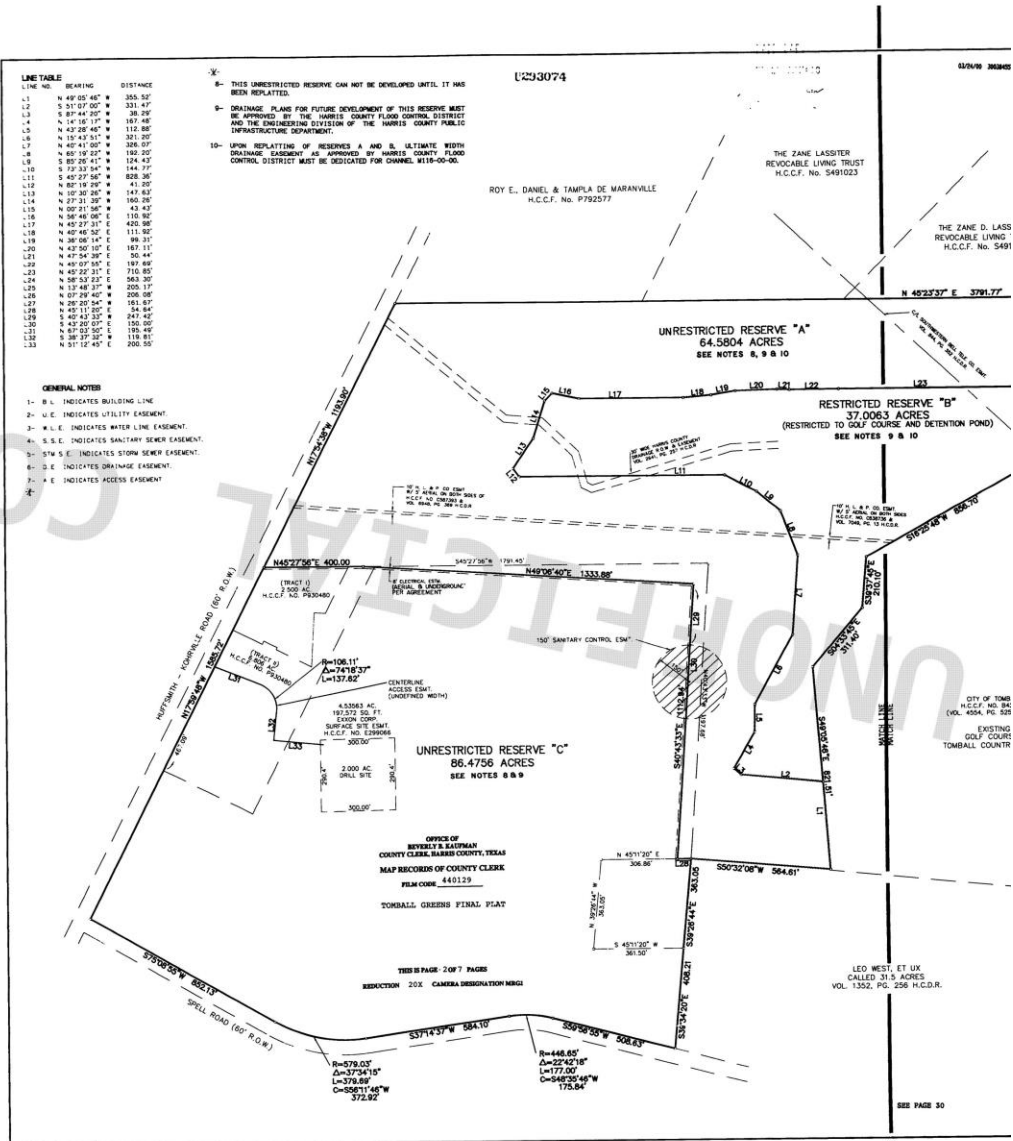
THENCE, S 17°59'48" E-350.00 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "PICKERING 5879" SET IN THE NORTHERLY RIGHT-OF-WAY LINE OF AFORESAID SPELL ROAD AND MARKING THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 75°08'55" W, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID SPELL ROAD AND THE SOUTHERLY LINE OF AFORESAID UNRESTRICTED RESERVE "C", AT A DISTANCE OF 5.00 FEET PASSING A 5/8 INCH IRON ROD WITH CAP FOUND FOR REFERENCE AND CONTINUING ALONG SAID LINE A TOTAL DISTANCE OF 388.70 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.119 ACRES (135,840 SQUARE FEET) OF LAND, MORE OR LESS.

ROGER D. PICKERING, R.P.L.S.
TEXAS REGISTRATION NO. 5879







THE STATE OF TEXAS
COUNTY OF HARRIS

WE, T.C.C. DEVELOPMENT, INC., ACTING BY AND THROUGH DEAN L. FENTON, VICE PRESIDENT; TOMMALL COUNTRY CLUB, INC., ACTING BY AND THROUGH JOHN PEMBERTON, PRESIDENT; AND JACK N. WARREN, OWNERS, OF THE PROPERTY SUBDIVIDED IN THE ABOVE AND FOREGOING MAP OF TOMMALL GREENS DO HEREBY MAKE SUBDIVISION FOR SAID PROPERTY FOR AND ON BEHALF OF T.C.C. DEVELOPMENT, INC., TOMMALL COUNTRY CLUB, INC., AND JACK N. WARREN, ACCORDING TO THE LINES, STREETS, ALLEYS, PARKS, AND EASEMENTS THEREIN SHOWN, AND DESIGNATE SAID SUBDIVISION AS SUBDIVISION OF 188.0823 ACRES IN THE ELIZABETH SMITH SURVEY, A-70, AN ADDITION TO THE CITY OF TOMMALL, HARRIS COUNTY, TEXAS, AND ON BEHALF OF SAID T.C.C. DEVELOPMENT, INC., TOMMALL COUNTRY CLUB, INC., AND JACK N. WARREN, DEDICATE TO THE PUBLIC USE, AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN THEREON FOREVER EXCEPT WHERE NOTED ON THE MAP FOR PRIVATE STREETS; AND WE DO HEREBY WAIVE ANY CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHING OF GRADES AS APPROVED FOR THE STREETS AND ALLEYS DEDICATED, OR OCCASIONED BY THE ALTERNATION OF THE SURFACE OF ANY PORTION OF STREETS OR ALLEYS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER, UNOBSTRUCTED AERIAL EASEMENTS FIVE (5) FEET, SIX (6) INCHES IN WIDTH FOR PERIMETER LOTS, SEVEN (7) FEET FOR BACK-TO-BACK LOTS FROM A PLANE SIXTEEN (16) FEET ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

WE DO HEREBY DEDICATE FOREVER TO THE PUBLIC A STRIP OF LAND TWENTY-FIVE (25) FEET WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, BAYINES, DRAINS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMMALL, HARRIS COUNTY OR OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

* WITNESS OUR HAND IN 11 HARRIS COUNTY, TEXAS ON THIS 11 DAY OF August 1999.

T.C.C. DEVELOPMENT, INC. TOMMALL COUNTRY CLUB, INC.

BY: Dean L. Fenton VICE PRESIDENT
BY: John Pemberton PRESIDENT

WITNESS MY HAND IN Houston HARRIS COUNTY, TEXAS ON THIS 11 DAY OF August 1999.

BY: Jack N. Warren
JACK N. WARREN

STATE OF TEXAS
COUNTY OF HARRIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 11 DAY OF August 1999, BY DEAN L. FENTON, VICE PRESIDENT OF T.C.C. DEVELOPMENT, INC., AND IN THE CAPACITIES THEREIN STATED.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: 11/1/02

STATE OF TEXAS
COUNTY OF HARRIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 11 DAY OF August 1999, BY JOHN PEMBERTON, PRESIDENT OF TOMMALL COUNTRY CLUB, INC., AND IN THE CAPACITIES THEREIN STATED.

NOTARY PUBLIC, STATE OF TEXAS

MY COMMISSION EXPIRES: 11/1/02

STATE OF TEXAS
COUNTY OF HARRIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 11 DAY OF August 1999 BY JACK N. WARREN AND IN THE CAPACITIES THEREIN STATED.

NOTARY PUBLIC, STATE OF TEXAS

MY COMMISSION EXPIRES: 11/1/02



OFFICE OF
COUNTY CLERK, HARRIS COUNTY, TEXAS
MAP RECORDS OF COUNTY CLERK
FILM CODE: 440132

TOMMALL GREENS FINAL PLAT

WE, THE CITY MANAGER AND CITY ENGINEER FOR THE CITY OF TOMMALL, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH THE CITY OF TOMMALL SUBDIVISION ORDINANCE.

BY: Warren R. Driver CITY MANAGER
BY: R. L. Johnson, P.E. CITY ENGINEER

THIS IS TO CERTIFY THAT THE CITY PLANNING COMMISSION OF THE CITY OF TOMMALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF SUBDIVISION OF TOMMALL GREENS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMMALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS 11 DAY OF August 1999.

BY: Jeanne English-Janisch CHAIRMAN
BY: Alan Cox VICE CHAIRMAN

APPROVED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY, TEXAS, THIS 11 DAY OF August 2000.

BY: El Franco Lee COMMISSIONER, PRECINCT 1
BY: John Lortens COMMISSIONER, PRECINCT 2

BY: Robert Eckels COUNTY JUDGE

BY: Steve Bado COMMISSIONER, PRECINCT 3
BY: John E. Enos COMMISSIONER, PRECINCT 4

I, BEVERLY B. KAUFMAN, CLERK OF THE COUNTY COURT OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON 09/02/2000 AT 10:00 CLOCK A.M. AND DULY RECORDED ON 09/02/2000 AT 10:00 CLOCK A.M. AND IN FILM CODE NO. 440132 OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT HOUSTON, THE DAY AND DATE LAST ABOVE WRITTEN.

BY: Beverly B. Kaufman
BEVERLY B. KAUFMAN
CLERK OF THE COUNTY COURT
OF HARRIS COUNTY, TEXAS

BY: Debra B. Matos
DEPUTY CLERK

ANY PROVISION WHICH RESPECTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BEGINS AND CONTAINS THE SAME SHALL BE UNENFORCEABLE UNDER FEDERAL LAW.

THIS CERTIFICATE IS VALID ONLY AS TO THE INSTRUMENT ON WHICH THE ORIGINAL SIGNATURE APPEARED AND NOT TO THE EXTENT THAT SUCH INSTRUMENT IS NOT ALTERED OR CHANGED AFTER RECORDING.

I, ARTHUR L. STONEY, JR., COUNTY ENGINEER OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL OF THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE HARRIS COUNTY COMMISSIONERS' COURT; AND FURTHER, THAT IT COMPLES OR WILL COMPLY WITH ALL OF THE LAWS INCLUDED IN THE HARRIS COUNTY ROAD LAW, ALSO INCLUDING SECTION 31-C AS AMENDED BY CHAPTER 814, ACTS OF 1973, 63rd LEGISLATURE.

BY: Arthur L. Stoney, Jr. 3-10-00
ARTHUR L. STONEY, JR.
COUNTY ENGINEER

I, ARTHUR L. STONEY, JR., EXECUTIVE DIRECTOR OF HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH REQUIREMENTS FOR INTERNAL SUBDIVISION DRAINAGE AS ADOPTED BY COMMISSIONERS' COURT; HOWEVER, NO CERTIFICATION IS HEREBY GIVEN AS TO THE EFFECT OF DRAINAGE FROM THIS SUBDIVISION ON THE INTERCEPTING DRAINAGE ARTERY OR PARENT STREAM OR ON ANY OTHER AREA OR SUBDIVISION WITHIN THE WATERSHED.

BY: Arthur L. Stoney, Jr. 3-10-00
ARTHUR L. STONEY, JR.
EXECUTIVE DIRECTOR

THIS IS TO CERTIFY THAT I, SURVEYOR OF THE STATE SUBDIVISION FROM AN AD BLOCK CORNERS, ANGLE POIN MARKED WITH IRON ROD 3/4 LENGTH, AND THAT THIS PLAT BY ME.

BY: Donald E. Mow
DONALD E. MOW, JR.
TEXAS REGISTRATION NO. 34

WE, FIRST BANK TEXAS, N.A. THE PROPERTY DESCRIBED 188.0823 ACRES, SAID I RECORD IN THE CLERK'S P.I. HARRIS COUNTY, TEXAS, DO INTEREST IN SAID FROM PLAT AND THE DEDICATIONS PLAT AND WE HEREBY CONFIRM SAID LIEN AND HAVE NOT A FIRST BANK TEXAS, N.A.

BY: Alton VICE PRESIDENT

STATE OF TEXAS
COUNTY OF HARRIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 11 DAY OF August 1999 BY ALTON AND IN THE CAPACITIES THEREIN STATED.

NOTARY PUBLIC, STATE OF TEXAS

MY COMMISSION EXPIRES: 11/1/02

FURTHER, WE DO HEREBY CO-PROPERTY WITHIN THE BOUND DRAINAGE EASEMENT, DITCH, SHALL HEREBY BE RESTRICTED EASEMENTS CLEAR OF FENCE OBSTRUCTIONS TO THE OPEN FACILITY AND THAT SUCH ABL TO DRAIN DIRECTLY INTO THE APPROVED DRAINAGE STRUCTURE.

FURTHER OWNERS CERTIFY AND OR WILL COMPLY WITH THE EXZ 31-C AS AMENDED BY CHAPTER AND ALL OTHER REGULATIONS COUNTY ENGINEER AND ADOPT HARRIS COUNTY.

2 AND CITY ENGINEER FOR THE CITY OF TOMBALL, THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

R. E. Johnson
R. E. JOHNSON, P.E.
CITY ENGINEER

AT THE CITY PLANNING COMMISSION OF THE CITY OF TOMBALL, TEXAS, THIS PLAT OF SUBDIVISION WAS PRESENTED AND CONSIDERED, AND THE COMMISSIONERS OF THE CITY OF TOMBALL, AS AUTHORIZED BY THE RECORDING OF THIS PLAT, THIS 1999.

Alan Cox
ALAN COX
VICE CHAIRMAN

COMMISSIONER OF HARRIS COUNTY, TEXAS, 2000.

Jim Fonteno
JIM FONTENO
COMMISSIONER, PRECINCT 2

COMMISSIONER, PRECINCT 4

Jerri Eversole
JERRI EVERSOLE
COMMISSIONER, PRECINCT 4

4. CLERK OF THE COUNTY COURT OF HARRIS COUNTY, TEXAS, HAS FILED FOR REGISTRATION IN MY OFFICE THIS INSTRUMENT WITH ITS ORIGINAL RECORD AND IN FILM CODE NO. 4409-22.

SEAL OF OFFICE, AT HOUSTON, THE DAY AND DATE

CERTIFICATE OF THE COUNTY ENGINEER OF HARRIS COUNTY, TEXAS, THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

1. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

2. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

3. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

4. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

5. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

6. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

7. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

8. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

9. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

10. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

11. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

12. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

13. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

14. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

15. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

16. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

17. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

18. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

19. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

20. ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION COMPLIES WITH ALL REQUIREMENTS OF THE HARRIS COUNTY ENGINEERING ACT.

THIS IS TO CERTIFY THAT I, GARALD E. MUNGER, JR., A REGISTERED SURVEYOR OF THE STATE OF TEXAS, HAVE PLATTED THE ABOVE SUBDIVISION FROM AN ACTUAL SURVEY ON THE GROUND, AND THAT ALL BLOCK CORNERS, ANGLE POINTS AND POINTS OF CURVE ARE PROPERLY MARKED WITH IRON RODS 3/4 INCHES IN DIAMETER AND THREE FEET IN LENGTH, AND THAT THIS PLAT CORRECTLY REPRESENTS THAT SURVEY MADE BY ME.

Gerald E. Munger, Jr.
GARALD E. MUNGER, JR., R.S.M.
TEXAS REGISTRATION NO. 3438



WE, FIRST BANK TEXAS, N.A., OWNERS AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS SUBDIVISION OF 188.0623 ACRES, SAID LIEN BEING ENFORCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NO. 7-616629 OF THE O.P.R.E.P. OF HARRIS COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

FIRST BANK TEXAS, N.A.

BY: *Al Jett*
AL JETT
VICE PRESIDENT

STATE OF TEXAS
COUNTY OF HARRIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 5TH DAY OF August, 1999 BY AL JETT, VICE PRESIDENT OF FIRST BANK TEXAS, N.A. AND IN THE CAPACITIES THEREIN STATED.

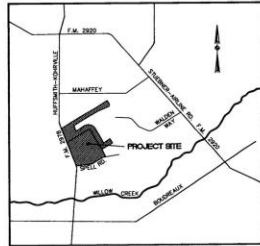
Brenda Jones
BRENDA JONES
NOTARY PUBLIC, STATE OF TEXAS



MY COMMISSION EXPIRES: 03/01/2002

FURTHER, WE DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, DULY, CREEK OR NATURAL DRAINAGE WAYS SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ADJUTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

FURTHER OWNERS CERTIFY AND COVENANT THAT THEY HAVE COMPLIED WITH OR WILL COMPLY WITH THE EXISTING HARRIS COUNTY ROAD LAW, SECTION 31-C, AS AMENDED BY CHAPTER 614, ACTS OF 1973, 83RD, LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY.



VICINITY MAP NOT TO SCALE

OFFICE OF
RENEE L. GALTSMAN
COUNTY CLERK, HARRIS COUNTY, TEXAS
MAP RECORDS OF COUNTY CLERK
FILE CODE: 440133

TOMBALL GREENS FINAL PLAT

THIS IS PAGE 6 OF 7 PAGES
REDUCTION: 20% CAMERA REPRODUCTION NEGATIVE

TOMBALL GREENS FINAL PLAT BEING A SUBDIVISION OF 188.0623 ACRES OUT OF THE ELIZABETH SMITH SURVEY, A-70 HARRIS COUNTY, TEXAS

3 RESERVES
DATE: JULY, 1999 SCALE: 1"=200'

OWNERS
T. C. C. DEVELOPMENT, INC.
TOMBALL COUNTRY CLUB, INC.
JACK N. WARREN

SURVEYOR
GARALD E. MUNGER, JR.
CENTURY ENGINEERING, INC.
3000 S. GESSNER SUITE 100 HOUSTON, TEXAS 77058 (713) 780-8871

SHEET 2 OF 2

SEE PAGE 37

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
CITY COUNCIL
JANUARY 18, 2021**



Notice is Hereby Given that a Public Hearing will be held by the City Council of the City of Tomball on **Monday, January 18, 2021, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, City Council will consider the following:

Zoning Case P20-419: Request by TN Associates Inc. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 3.119 acres of land legally described as Reserve C3 Tomball Greens, as Commercial District. The property is generally located at the northeast corner of Hufsmith-Kohrville Road and Spell Road at 11234 Spell Road, Harris County, Texas.

Zoning Case P20-436: Request by Paul Hicks to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 8.31 acres of land legally described as Tract 12 Abstract 375 J M Hooper, as Commercial District. The property is generally located at the southwest corner of SH 249 and Alice Road, Harris County, Texas.

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

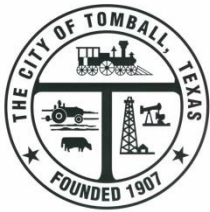
C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **14th** day of **January 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
City Planner

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



Notice of Public Hearing

YOU ARE INVITED TO ATTEND the Public Hearing before the **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P20-419

APPLICANT/OWNER: TN Associates Inc.

LOCATION: Generally located at the northeast corner of Hufsmith-Kohrville and Spell Road at 11234 Spell Road, Harris County, Texas.

PROPOSAL: A Re-Zoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 3.119 acres of land legally described as Reserve C Tomball Greens, as Commercial District.

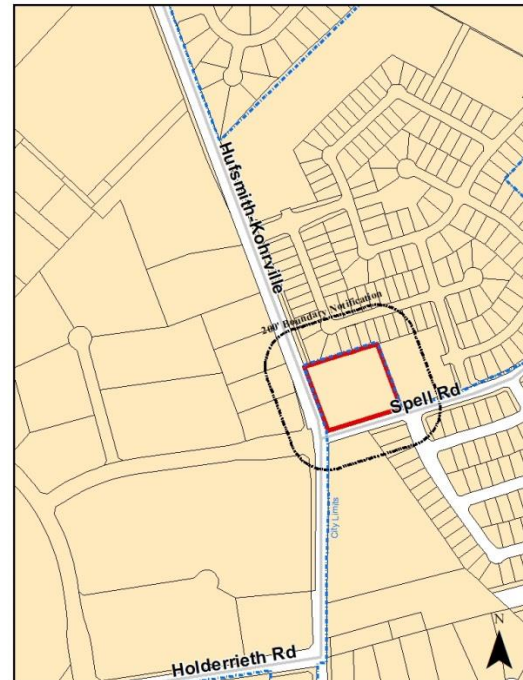
CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public review Monday through Friday, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.



City Council Public Hearing:
***Monday, January 18, 2021 6:00 PM**

**The Public Hearing will be held in the
City Council Chambers, City Hall
401 Market Street, Tomball, Texas**

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: February 1, 2021

Topic:

Conduct Public Hearing of the City Council of the City of Tomball to Consider Proposed Assessments against Tomball Heights Properties in the City of Tomball Public Improvement District Number Nine, Established by City Council Resolution No. 2019-12 (*Sydney's Park*)

Background:

Origination: Scott Bean, Hawes Hill Calderon, LLP

Recommendation:

n/a

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

FUNDING (IF APPLICABLE)

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

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

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

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

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

MONDAY, FEBRUARY 1, 2021



6:00 P.M.

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF TOMBALL TO CONSIDER PROPOSED ASSESSMENTS TOMBALL HEIGHTS PROPERTIES IN THE CITY OF TOMBALL PUBLIC IMPROVEMENT DISTRICT NUMBER NINE ESTABLISHED BY CITY COUNCIL RESOLUTION NO. 2019-12.

In accordance with Chapter 372 Local Government Code, the Assessment Roll for Tomball Heights properties in the City of Tomball Public Improvement District Number Nine has been prepared and is on file and open for public inspection in the office of the City Secretary. A Public Hearing on the Assessment will be held by the City Council as follows:

DATE & TIME: Monday, February 1, 2021, 6:00 p.m.

PLACE: City Council Chambers, 401 Market Street, Tomball, Texas 77375

COST OF IMPROVEMENTS: \$1,141,596.00.

GENERAL NATURE OF THE IMPROVEMENTS: The public improvements include the construction of water lines, sanitary sewers, storm sewers and drainage, gas lines, street paving, detention facilities, open space and amenities, erosion control, as well as engineering, contingency provisions, financing, and administrative costs.

BOUNDARIES: The boundaries are described in the plat of Tomball Heights, a Subdivision of 9.2191 Acres, Being a Replat of Unrestricted Reserve "H" Final Plat of Leslie's Park, Recorded in Film Code No. 400005 H.C.M.R., Located in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

Written and oral objections will be considered at the hearing. All interested persons are hereby notified of the described hearing, and of their right to appear and be heard on the matter.

CERTIFICATION

I hereby certify that the above notice of public hearing/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 12th day of January 2021 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

Doris Speer
Doris Speer
City Secretary, TRMC

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

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: February 1, 2021

Topic:

Adopt on First Reading, Ordinance No. 2021-05, An Ordinance Of The City Council Of Tomball, Texas, Approving The Service And Assessment Plan For The City Of Tomball Public Improvement District Number Nine (*Tomball Heights, aka Sydney's Park*)

Background:

Public infrastructure improvements are complete for Section One of Tomball Heights Subdivision within Public Improvement District Number Nine created by the City in 2019. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 4.5% annual interest) as follows:

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
\$ 17,720.25	\$1,650.00	15 years	\$ 206.25	\$ 1,856.25

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a \$0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed will be \$220,000. The annual assessment payment \$1,650.00 is the equivalent of a \$0.75 tax rate on a \$220,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Amortization Schedule

PID TERMS AND AMORTIZATION

Duration	15
Interest Rate	4.50%
Annual Payment Amount	\$1,650.00
Total Lifetime Payment	\$24,750.00
Total Principal	\$17,720.25
Total Interest	\$7,029.75

Payment	Principal	Interest Payment	Payments collected	Principal Balance
				\$17,720.25
1	\$852.59	\$797.41	\$1,650.00	\$16,867.66
2	\$890.96	\$759.04	\$1,650.00	\$15,976.71
3	\$931.05	\$718.95	\$1,650.00	\$15,045.66
4	\$972.95	\$677.05	\$1,650.00	\$14,072.71
5	\$1,016.73	\$633.27	\$1,650.00	\$13,055.98
6	\$1,062.48	\$587.52	\$1,650.00	\$11,993.50
7	\$1,110.29	\$539.71	\$1,650.00	\$10,883.21
8	\$1,160.26	\$489.74	\$1,650.00	\$9,722.96
9	\$1,212.47	\$437.53	\$1,650.00	\$8,510.49
10	\$1,267.03	\$382.97	\$1,650.00	\$7,243.46
11	\$1,324.04	\$325.96	\$1,650.00	\$5,919.42
12	\$1,383.63	\$266.37	\$1,650.00	\$4,535.79
13	\$1,445.89	\$204.11	\$1,650.00	\$3,089.90
14	\$1,510.95	\$139.05	\$1,650.00	\$1,578.95
15	\$1,578.95	\$71.05	\$1,650.00	\$0.00
TOTAL	\$17,720.25	\$7,029.75	\$24,750.00	

Origination: Scott Bean, Hawes Hill Calderon, LLP

Recommendation:

n/a

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

Tracylynn Garcia, Asst City Secretary

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

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

Signed Tracylynn Garcia
Staff Member _____ Date _____

Approved by _____
City Manager _____ Date _____

ORDINANCE NO. 2021-05

**AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL, TEXAS,
APPROVING THE SERVICE AND ASSESSMENT PLAN FOR THE CITY
OF TOMBALL PUBLIC IMPROVEMENT DISTRICT NUMBER NINE**

* * * * *

WHEREAS, the City of Tomball (the “City”) is authorized pursuant to TEX. LOCAL GOV’T CODE, ch. 372, as amended (“Chapter 372”) to create public improvement districts for the purposes described therein; and

WHEREAS, the City has received a petition (the “Petition”) requesting the creation of the City of Tomball Public Improvement District Number Nine (the “PID”), held a public hearing, and created the PID in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City passed and adopted Resolution No. Resolution 2019-12 establishing the City of Tomball Public Improvement District Number Nine; and

WHEREAS, the City Council wishes to adopt the Service and Assessment Plan with respect to the PID; **NOW THEREFORE**,

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

Section 1. The facts recited in the preamble hereto are found to be true and correct.

Section 2. The Service and Assessment Plan attached to this Ordinance as Exhibit A is hereby approved and adopted on behalf of the PID, and the Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 3. It is hereby found, determined and declared that a sufficient 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 at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, 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 thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting 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 1st DAY OF
FEBRUARY 2021.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15th DAY OF
FEBRUARY 2021.

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

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary

EXHIBIT A
Service and assessment Plan
Public Improvement District Number Nine
City of Tomball, Texas

1. Introduction

This Service and Assessment Plan is prepared and adopted in conformance with the Public Improvement District Assessment Act, codified as Chapter 372, Texas Local Government Code (“the Act”), and pursuant to Resolution 2019-12 creating the Public Improvement District Number Nine (“PID”), City of Tomball, Texas. The creation of the PID was initiated by a petition submitted by property owners within the PID boundaries in compliance with the requirements of the Section 372.005 of the Act.

2. Boundaries

The boundaries of the PID are as indicated in Attachment A.

3. Administration of the District

Administration of the District is the responsibility of the City Council of the City of Tomball, Texas, but to the extent allowed by law, the City may contract with a private sector company to carry out all or part of the City responsibilities as well as the operations and administration of the District.

4. Public Improvements

The public improvements to be financed and constructed serve to promote the construction of single family units. The public improvements will confer a special benefit to properties within the PID and will consist of water, sanitary sewer, storm drainage, detention, gas, streets, erosion control, contingency provisions, engineering, financing costs, and administration and legal services for the PID. The public improvements will be pre-funded by the developer of the subdivision within the PUD under the Development Agreement (“Agreement”) executed between the developer and the City.

A. Tomball Heights

Tomball Heights Subdivision contains 9.22 acres of land and will contain 41 lots within the PID. The public improvements authorized under this Plan for Tomball Heights and the estimated costs thereof, are described below:

PUBLIC IMPROVEMENT	ESTIMATED COSTS
Water, sewer, storm sewer, streets, detention, gas, off-site utility extensions, amenities, engineering, design fees, landscaping, PID creation	\$726,530
Financing Costs (15 years @ 4.5%)	\$288,220
Total Improvements	\$1,014,752
Administration (5%)	\$126,844
Total Costs (15 years)	\$1,141,594

5. Construction of Public Improvements

The Plan will be reviewed annually in accordance with the provisions of Chapter 372 of the Local Government Code and will include a review of the expenditures and revenues of the District. Additionally, the Plan will be reviewed for the purposes of establishing the installments for assessment based upon the costs for public improvements for the financial needs of the District.

6. Conveyance of Improvements to the City

Upon completion of the improvements, and final inspection and acceptance of the public improvements by the City, the developer will convey all rights to the improvements to the city or homeowner's association as applicable, subject to the developers rights of reimbursement described in the Development Agreement executed between the developer and the City.

7. Authorized Improvements

The area within the PID that is covered by the Service and Assessment Plan will be developed as single family residential. This Plan designates the public improvements required for the growth and development of the land within the PID. The goal of this Plan is to provide sufficient certainty for the owners of land within the PID to proceed with the financing and construction of the necessary public improvements, while allowing flexibility to meet the needs of the PID over the life of the development of residential properties within the PID.

The construction of the public improvements authorized herein began in calendar year 2019. The actual costs of the public improvements will be determined by an independent accountant report of the developer's costs.

8. Advance Financing by the Developer

The developer will advance the funds for construction of the public improvements and will be entitled to repayment pursuant the Development Agreement executed between the City and the developer.

9. Apportionment of Costs

Payment of assessments, if any, on property owned by exempt jurisdictions other than the City shall be established by contract.

10. Levy of Assessments

The total assessment for each property shall be an equal apportionment of the total costs divided by the total number of lots. Assessments can be paid by each property in advance or at any time thereafter. Financed assessments paid annually shall be concurrent with the city's tax year and will bear interest at 4.5% for up to 15 years. The principal amount of the assessment is payable at any time by property owners.

The assessments are on a per lots basis. The cost of the public improvements will consist of the costs subject to construct water, sanitary sewer, storm sewer, streets, detention, amenities, landscaping, gas, engineering and design fees, PID creation costs and administration and financing payable to the developer pursuant to the Development Agreement.

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
\$ 17,250.25	\$1,650.00	15 years	\$ 206.25	\$ 1,856.25

11. Levy and Collection

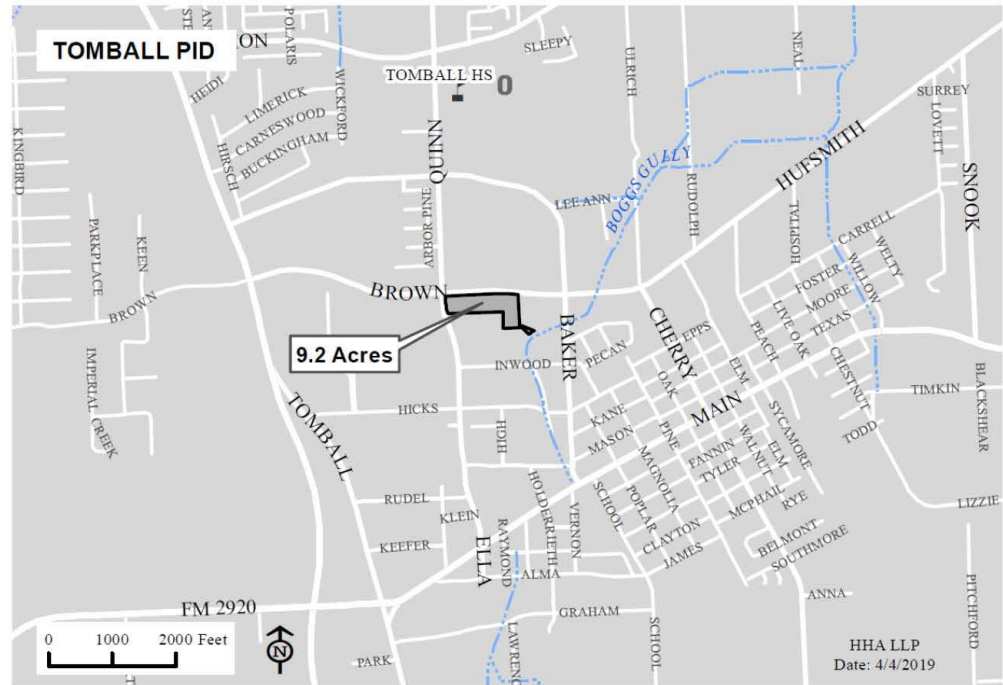
Notice of levy of each assessment will be given as provided in Chapter 372 of the Local Government Code. The assessment levy statement will be sent to each property owner in the District, and the payment will be due and payable at the same time property taxes are due and payable to the City.

The first installment of an assessment against a particular property shall be due with respect to the calendar year following the date such property has been improved with a habitable structure as evidenced by the issuance of a certificate of occupancy. The City will invoice each property owner for the installment payment in conjunction with the City's annual property tax bill, and the installments shall be due and payable, and incur penalty and interest for unpaid installments in the same manner as provided for the City's property taxes. Thereafter, subsequent installments shall be due in the same manner in each succeeding calendar year until the assessment has been paid in full. The owner of assessed property may pay at any time the entire assessment then due on each property through the date of final payment. Failure of an owner to receive an invoice shall not relieve the owner of the responsibility for the assessment.

A lien will be established against the property assessed effective as of the date of the ordinance levying the assessment, privileged above all other liens, include prior mortgage liens, to the extent allowed by Section 372 of the Local Government Code. Assessment installments shall be considered delinquent on the same date as the city's property taxes. Delinquent assessments or installments shall incur the costs of collection. If practicable, the assessment shall be included on the City property tax statement. Notwithstanding the above, the assessment shall be perfected immediately as to the entire assessment, but may be executed only with respect to the amounts then due or past due for current or prior installments or final payment. Assessments are personal obligations of the person owning the property assessed in the year an installment payment becomes due, and only to the extent of such installment(s).

The owner of the assessed property may pay at any time the entire assessment then due on each property.

EXHIBIT A



City Council Meeting

Agenda Item

Data Sheet

Meeting Date: February 1, 2021

Topic:

Adopt on First Reading, Ordinance No. 2021-06, An Ordinance Of The City Council Of Tomball, Texas, Levying an Assessment Against Section One Properties Within The City Of Tomball Public Improvement District Number Nine (Tomball Heights Subdivision); And Making Certain Findings Related Thereto (*Sydney's Park*)

Background:

Public infrastructure improvements are complete for Section One of Tomball Heights Subdivision within Public Improvement District Number Nine created by the City in 2019. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 4.5% annual interest) as follows:

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
\$ 17,720.25	\$1,650.00	15 years	\$ 206.25	\$ 1,856.25

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a \$0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed will be \$220,000. The annual assessment payment \$1,650.00 is the equivalent of a \$0.75 tax rate on a \$220,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Amortization Schedule

PID TERMS AND AMORTIZATION

Duration	15
Interest Rate	4.50%
Annual Payment Amount	\$1,650.00
Total Lifetime Payment	\$24,750.00
Total Principal	\$17,720.25
Total Interest	\$7,029.75

Payment	Principal	Interest Payment	Payments collected	Principal Balance
				\$17,720.25
1	\$852.59	\$797.41	\$1,650.00	\$16,867.66
2	\$890.96	\$759.04	\$1,650.00	\$15,976.71
3	\$931.05	\$718.95	\$1,650.00	\$15,045.66
4	\$972.95	\$677.05	\$1,650.00	\$14,072.71
5	\$1,016.73	\$633.27	\$1,650.00	\$13,055.98
6	\$1,062.48	\$587.52	\$1,650.00	\$11,993.50
7	\$1,110.29	\$539.71	\$1,650.00	\$10,883.21
8	\$1,160.26	\$489.74	\$1,650.00	\$9,722.96
9	\$1,212.47	\$437.53	\$1,650.00	\$8,510.49
10	\$1,267.03	\$382.97	\$1,650.00	\$7,243.46
11	\$1,324.04	\$325.96	\$1,650.00	\$5,919.42
12	\$1,383.63	\$266.37	\$1,650.00	\$4,535.79
13	\$1,445.89	\$204.11	\$1,650.00	\$3,089.90
14	\$1,510.95	\$139.05	\$1,650.00	\$1,578.95
15	\$1,578.95	\$71.05	\$1,650.00	\$0.00
TOTAL	\$17,720.25	\$7,029.75	\$24,750.00	

Origination: Scott Bean, Hawes Hill Calderon, LLP

Recommendation:

Adopt, on First Reading Ordinance No. 2021-06

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

Tracylynn Garcia, Asst City Secretary

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____

To account # _____

Signed Tracylynn Garcia

Staff Member

Date

Approved by _____

City Manager

Date

ORDINANCE NO.2021-06

**AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL, TEXAS,
LEVYING AN ASSESSMENT AGAINST SECTION ONE PROPERTIES
WITHIN THE CITY OF TOMBALL PUBLIC IMPROVEMENT
DISTRICT NUMBER NINE (TOMBALL HEIGHTS SUBDIVISION); AND
MAKING CERTAIN FINDINGS RELATED THERETO.**

* * * * *

WHEREAS, the City of Tomball (the “City”) is authorized pursuant to TEX. LOCAL GOV’T CODE, ch. 372, as amended (“Chapter 372”) to create public improvement districts for the purposes described therein, and to levy and collect an assessment in furtherance of the purposes thereof; and

WHEREAS, the City has created City of Tomball Public Improvement District Number Nine (the “PID”), adopted a Service and Assessment Plan (the “Plan”) for the PID, all in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City Council filed a proposed assessment roll with the City secretary which roll was available for public inspection, and following notice thereof by mail and publication as required by Chapter 372, the City Council held a public hearing at which written or oral objections to the proposed assessments were considered and passed on by the City Council; and

WHEREAS, the City Council has determined that the levy of a special assessment for and on behalf of the PID is necessary and advisable, and that the proposed assessment roll apportions the cost of the subject improvements in the PID on the basis of special benefits accruing to the property because of the improvement, **NOW THEREFORE**,

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

Section 1. The facts recited in the preamble hereto are found to be true and correct.

Section 2. The assessment roll attached hereto is hereby approved and the special assessments described therein are hereby levied on the subject property in accordance with the terms of the Plan, which Plan determines, *inter alia*, the method of payment of the assessments, and makes provision for the payment thereof in periodic installments, interest thereon and the collection thereof. The Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 3. There is hereby created a first and prior lien securing payment of the assessment levied, effective as of the date of this Ordinance as provided in the Plan and Chapter 372.

Section 4. It is hereby found, determined and declared that a sufficient 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 at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, 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 thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting 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 1st DAY OF
FEBRUARY 2021.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15th DAY OF
FEBRUARY 2021.

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

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary

EXHIBIT "A"

Public Improvement District Number Nine
Tomball Heights Subdivision
Section One Assessment Roll
City of Tomball, Harris County, Texas

01.21.21

Lot	Block	Owner	Total Assessment	Assessment With Interest	Assessment Term	Annual Payment	Annual Admin	Total Annual Payment
1	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
2	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
3	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
4	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
5	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
6	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
7	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
8	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
9	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
10	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
11	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
12	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
13	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
14	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
15	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
16	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
17	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
18	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
19	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
20	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
21	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
22	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
23	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
24	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
25	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
26	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
27	1	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
1	2	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
2	2	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
3	2	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
4	2	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
5	2	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
6	2	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
7	2	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
8	2	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
9	2	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
10	2	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
11	2	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
12	2	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
13	2	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25
14	2	318 Sydney Park, LLC	\$ 17,720.25	\$ 24,750.05	15 Years	\$ 1,650.00	\$ 206.25	\$ 1,856.25

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: February 1, 2021

Topic:

Conduct Public Hearing of the City Council of the City of Tomball to Consider Proposed Assessments against Section Seven and Eight in the City of Tomball Public Improvement District Number Two, Established by City Council Resolution No. 2007-22

Background:

Origination: Scott Bean, Hawes Hill Calderon, LLP

Recommendation:

n/a

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

FUNDING (IF APPLICABLE)

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

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

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

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

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

MONDAY, FEBRUARY 1, 2021



6:00 P.M.

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF TOMBALL TO CONSIDER PROPOSED ASSESSMENTS AGAINST SECTION SEVEN AND EIGHT PROPERTIES IN THE CITY OF TOMBALL PUBLIC IMPROVEMENT DISTRICT NUMBER TWO (RALEIGH CREEK SUBDIVISION) ESTABLISHED BY CITY COUNCIL RESOLUTION NO. 2007-22.

In accordance with Chapter 372 Local Government Code, the Assessment Roll for Tomball Heights properties in the City of Tomball Public Improvement District Number Nine has been prepared and is on file and open for public inspection in the office of the City Secretary. A Public Hearing on the Assessment will be held by the City Council as follows:

DATE & TIME: Monday, February 1, 2021, 6:00 p.m.

PLACE: City Council Chambers, 401 Market Street, Tomball, Texas 77375

COST OF IMPROVEMENTS: \$2,847,569.00.

GENERAL NATURE OF THE IMPROVEMENTS: The public improvements include the construction of water lines, sanitary sewer, storm sewer, streets, detention, gas, off-site utility extensions, amenities, engineering, design fees, landscaping, PID creation costs, financing, and administrative costs.

BOUNDARIES: The boundaries are described in the final plat of Raleigh Creek Section Seven, Being 9.5839 Acres of Land, Situated in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas, and also being a Replat of Reserve M of Raleigh Creek Section Five, as Recorded in Film Code No. 688474 H.C.M.R, and the final plat of Raleigh Creek Section Eight, Being 10.3241 Acres of Land, Situated in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas, and also being a Replat of Reserve L of Raleigh Creek Section Five, as Recorded in Film Code No. 688474 H.C.M.R.

Written and oral objections will be considered at the hearing. All interested persons are hereby notified of the described hearing, and of their right to appear and be heard on the matter.

CERTIFICATION

I hereby certify that the above notice of public hearing/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 12th day of January 2021 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

Doris Speer
Doris Speer
City Secretary, TRMC

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

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: February 1, 2021

Topic:

Adopt on First Reading, Ordinance No. 2021-11, An Ordinance Of The City Council Of Tomball, Texas, Levying an Assessment Against Section Seven And Eight Properties Within The City Of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision); And Making Certain Findings Related Thereto.

Background:

Public Improvement District Number Two was created in 2007 and comprises the entirety of the Raleigh Creek Subdivision which will ultimately contain 347 single family lots. Assessments were levied on Section One properties in 2014, Sections Two and Three in 2018, and Sections Four Five and Six in 2019. The developer has completed improvements for Section Seven and Eight properties and the assessments now need to be levied on those lots.

As with Section One through Six lots, the assessments proposed are on a per lot basis. Based on the public infrastructure costs for the development, the total, one-time assessment \$26,197.39 is proposed which represents the principal amount of the assessment. The annual installment (financed assessment) proposed is \$2,876.33 which is the principal amount of the assessment amortized over 15 years at 7% interest. With the annual administrative cost of \$71.91 per lot, the total annual payment will equal \$2,984.24 per lot.

Home values in Raleigh Creek are expected to average \$350,000. A \$2,984.24 annual assessment installment payment on a \$350,000 home is the equivalent of a \$0.85 property tax rate.

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

As with other City Public Improvement Districts, Harris County will collect the PID assessments in the same manner as property taxes and transferred to a City-established PID revenue fund. A report on the reimbursable developer costs will be performed by a qualified CPA firm and the revenues will be disbursed to the developer once a year after administrative costs have been deducted.

EXAMPLE AMORTIZATION SCHEDULE

Duration	15
Interest Rate	7.50%
Annual Payment Amount	\$2,876.33
Total Lifetime Payment	\$43,144.99
Total Principal	\$26,197.39
Total Interest	\$16,947.60

Payment	Principal	Interest Payment	Payments collected	Principal Balance
				\$26,197.39
1	\$1,042.52	\$1,833.82	\$2,876.33	\$25,154.87
2	\$1,115.49	\$1,760.84	\$2,876.33	\$24,039.38
3	\$1,193.58	\$1,682.76	\$2,876.33	\$22,845.81
4	\$1,277.13	\$1,599.21	\$2,876.33	\$21,568.68
5	\$1,366.52	\$1,509.81	\$2,876.33	\$20,202.16
6	\$1,462.18	\$1,414.15	\$2,876.33	\$18,739.97
7	\$1,564.53	\$1,311.80	\$2,876.33	\$17,175.44
8	\$1,674.05	\$1,202.28	\$2,876.33	\$15,501.39
9	\$1,791.24	\$1,085.10	\$2,876.33	\$13,710.15
10	\$1,916.62	\$959.71	\$2,876.33	\$11,793.53
11	\$2,050.79	\$825.55	\$2,876.33	\$9,742.75
12	\$2,194.34	\$681.99	\$2,876.33	\$7,548.41
13	\$2,347.94	\$528.39	\$2,876.33	\$5,200.46
14	\$2,512.30	\$364.03	\$2,876.33	\$2,688.16
15	\$2,688.16	\$188.17	\$2,876.33	\$0.00
TOTAL	\$26,197.39	\$16,947.60	\$43,144.99	

Origination: Scott Bean, Hawes Hill Calderon, LLP

Recommendation:

Adopt, on First Reading Ordinance No. 2021-06

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

Tracylynn Garcia, Asst City Secretary

FUNDING (IF APPLICABLE)

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

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

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

Signed Tracylynn Garcia
Staff Member _____ Date _____

Approved by _____
City Manager _____ Date _____

ORDINANCE NO. 2021-11

**AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL, TEXAS,
LEVYING AN ASSESSMENT AGAINST SECTION SEVEN AND EIGHT
PROPERTIES WITHIN THE CITY OF TOMBALL PUBLIC
IMPROVEMENT DISTRICT NUMBER TWO (RALEIGH CREEK
SUBDIVISION); AND MAKING CERTAIN FINDINGS RELATED
THERETO.**

* * * * *

WHEREAS, the City of Tomball (the “City”) is authorized pursuant to TEX. LOCAL GOV’T CODE, Ch. 372, as amended (“Chapter 372”) to create public improvement districts for the purposes described therein, and to levy and collect an assessment in furtherance of the purposes thereof; and

WHEREAS, the City has created City of Tomball Public Improvement District Number Two (the “PID”), adopted a Service and Assessment Plan (the “Plan”) for the PID, all in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City Council filed a proposed assessment roll with the City secretary which roll was available for public inspection, and following notice thereof by mail and publication as required by Chapter 372, the City Council held a public hearing at which written or oral objections to the proposed assessments were considered and passed on by the City Council; and

WHEREAS, the City Council has determined that the levy of a special assessment for and on behalf of the PID is necessary and advisable, and that the proposed assessment roll apportions the cost of the subject improvements in the PID on the basis of special benefits accruing to the property because of the improvement, **NOW THEREFORE**,

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

Section 1. The facts recited in the preamble hereto are found to be true and correct.

Section 2. The assessment roll attached hereto is hereby approved and the special assessments described therein are hereby levied on the subject property in accordance with the terms of the Plan, which Plan determines, *inter alia*, the method of payment of the assessments, and makes provision for the payment thereof in periodic installments, interest thereon and the collection thereof. The Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 3. There is hereby created a first and prior lien securing payment of the assessment levied, effective as of the date of this Ordinance as provided in the Plan and Chapter 372.

Section 4. It is hereby found, determined and declared that a sufficient 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 at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, 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 thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting 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 1ST DAY OF
FEBRUARY 2021.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15TH DAY OF
FEBRUARY 2021.

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

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary

EXHIBIT “A” – Page 1

**Public Improvement District Number Two
Raleigh Creek Subdivision
Section Seven and Eight Assessment Roll
City of Tomball, Harris County, Texas**

Owner	Section	Block #	Lot #	Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
DR HORTON TEXAS LTD	7	1	1	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	1	2	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	1	3	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	1	4	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	1	5	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	1	6	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	1	7	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	1	8	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	1	9	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	1	10	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	1	11	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	1	12	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	1	13	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	1	14	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	1	15	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	1	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	2	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	3	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	4	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	5	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	6	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	7	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	8	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	9	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	10	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	11	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	12	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	13	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	14	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	15	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	7	2	16	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	8	1	1	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	8	1	2	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	8	1	3	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	8	1	4	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	8	1	5	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	8	1	6	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	8	1	7	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	8	1	8	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	8	1	9	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	8	1	10	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
LS Development, LLC	8	1	11	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24

EXHIBIT “A” – Page 2

LS Development, LLC	8	1	12	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	1	13	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	1	14	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	1	15	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	1	16	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	1	17	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	1	18	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	2	1	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	2	2	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	2	3	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	2	4	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	2	5	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	3	1	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	3	2	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	3	3	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	3	4	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	3	5	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	3	6	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	3	7	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	3	8	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	3	9	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	3	10	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	3	11	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24
LS Development, LLC	8	3	12	\$	26,197.39	\$2,876.33	15 years	\$	71.91	\$	2,948.24

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: February 1, 2021

Topic:

Approve Resolution No. 2021-08, a Resolution and Order of the City Council of the City of Tomball, Texas, in Support of Greater Harris County 9-1-1 Legislation

Background:

Greater Harris County 9-1-1 Emergency Network has requested support by the City of Tomball of Legislation for the Enhanced Structure of the GHC 9-1-1 System.

GHC 9-1-1 plans to ask the Texas Legislature to allow GHC 9-1-1's Board of Managers to set the 9-1-1 wireless fee in the same manner as the Board currently sets the wireline fee—as part of the annual budget.

GHC 9-1-1 administers service for 49 cities, two counties, and over 150 police, fire, and emergency medical agencies. There are 39 fully equipped 9-1-1 answering points within GHC 9-1-1's service area, which includes all of Harris County and Fort Bend County.

Origination: Greater Harris County 9-1-1

Recommendation:

Approve Resolution No. 2021-08, supporting the Greater Harris County 9-1-1 proposed legislation.

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>1/14/2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

RESOLUTION NO. 2021-08

**A RESOLUTION AND ORDER OF THE CITY COUNCIL OF THE CITY OF TOMBALL,
TEXAS, IN SUPPORT OF GREATER HARRIS COUNTY 9-1-1 LEGISLATION**

* * * * *

- Whereas,** for over 37 years, since its establishment in November 1983, Greater Harris County 9-1-1 Emergency Network's (GHC 9-1-1) has provided a highly reliable, accurate, technologically advanced and effective 9-1-1 system to the jurisdictions it serves within the counties of Harris and Fort Bend; and,
- Whereas,** today, GHC 9-1-1 administers service for 49 cities, two counties, and over 150 police, fire, and emergency medical agencies with 39 fully equipped 9-1-1 answering points within GHC 9-1-1's service area; and,
- Whereas,** GHC 9-1-1 has maintained, without incurring debt, a high level of service to an expanded service area and population at the same fee level set over 23 years ago and this fee level is no longer sustainable in such a rapidly growing area; and,
- Whereas,** on behalf of the citizens served, GHC 9-1-1 strives to implement the latest life-saving emergency communications technology commonly known as Next Gen 9-1-1. Next Gen 9-1-1 promises to bring further enhanced capabilities for quick and accurate determination of a caller's location, more reliability and redundancy across the GHC 9-1-1 territory, and the ability to receive critical emergency event data in multi-media formats, such as text and video to 9-1-1; and
- Whereas,** GHC 9-1-1 Board of Managers recognizes that the decades old funding mechanism set by the Texas Legislature in 1997 for wireless devices will not fully cover the cost of implementing Next Gen 9-1-1 to meet a high consumer expectation of 9-1-1 capabilities on wireless devices; and
- Whereas,** it is a major challenge to maintain the current system and keep up with current advancements with a fee level adopted more than two decades ago; and
- Whereas,** GHC 9-1-1 will seek legislation during the upcoming 87th Session of the Texas Legislature to provide for technology improvements of its system by allowing its Board of Managers to set the 9-1-1 wireless fee in the same manner as the Board currently sets the wireline fee—as part of the annual budget; and
- Whereas,** GHC 9-1-1 requests the support of its legislative effort allowing for flexibility, local control, and ability to maintain the lowest 9-1-1 fee possible;

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

that this Resolution be adopted in support of the Greater Harris County 9-1-1 Emergency Network's legislative effort to continue the technological enhancements and operational advancements of the 9-1-1 system to better serve the 9-1-1 emergency needs in Harris and Fort Bend counties, on this the 4th day of February 2021.

Gretchen Fagan, Mayor
City of Tomball, Texas

ATTEST:

Doris Speer, City Secretary
City of Tomball, Texas



Greater Harris County 9-1-1 Emergency Network

January 8, 2021

Subject: **Requesting Support of Legislation for the Enhanced Structure of the GHC 9-1-1 System**

Dear Mayor Gretchen Fagan,

On behalf of the Board of Managers of the Greater Harris County 9-1-1 Emergency Communication Network (GHC 9-1-1), we respectfully ask for your support of our effort to continue to enhance our 9-1-1 system. Attached is a draft resolution for your city to consider adopting. If you choose to adopt the resolution we encourage you to send it to the members that represent your city in the Texas Legislature and a copy to us. We plan to ask the Texas Legislature to allow GHC 9-1-1's Board of Managers to set the 9-1-1 wireless fee in the same manner as the Board currently sets the wireline fee—as part of the annual budget.

When established in 1983, the mission of GHC 9-1-1 was to implement and administer 9-1-1 emergency service—emergency call delivery—for all cities wholly or partially within Harris County and for the unincorporated area of the county. With the enactment of SB 621 by the 79th Legislature, GHC 9-1-1's territory was expanded to include all of Fort Bend County. Today, GHC 9-1-1 administers service for 49 cities, two counties, and over 150 police, fire, and emergency medical agencies. There are 39 fully equipped 9-1-1 answering points within GHC 9-1-1's service area.

The 9-1-1 system in Texas is funded by emergency service fees assessed on wireline and wireless services. The wireline fee is set locally by the boards of the local 9-1-1 jurisdictions and by the Commission on State Emergency Communications for those areas in the state's system. The wireless fee of \$0.50 was set by the Legislature in 1997 and is one of the nation's lowest fees. Over the past 23 years, it is essential to note that wireline calls have plummeted, and wireless calls account for approximately 90% of the total annual 9-1-1 call volume in Texas.

As telecommunications technology continues to change rapidly, the 9-1-1 communications community constantly is faced with the challenge of keeping up with current advancements to enable users to access 9-1-1 with a fee adopted more than two decades ago. Just as our Board responsibly sets the rate for the fee charged on wireline phones, we believe it is time we should be allowed to do the same for wireless.

As Chairman of the Board of Managers and Executive Director, we stand committed to continue providing the most advanced, state-of-the-art 9-1-1 emergency call network to your constituents in Harris County and we urge you to support our legislative effort. We are available to discuss this issue or any other as it relates to 9-1-1 emergency communication.

Sincerely,

Russell Rau
Chairman

Laverne Schwender
Executive Director

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: February 1, 2021

Topic:

Approve Supplemental No.1 to Professional Services Agreement for Engineering Services Related to Engineering & Planning Project No. 2017-10033 City of Tomball Livable Centers Implementation Alley Improvements, in the amount of \$137,105.00.

Background:

Supplemental No. 1 is a result of the increased project scope of the alley enhancement project, as determined at the Tomball City Council and Tomball Economic Development Corporation Joint Workshops regarding Downtown Tomball alley enhancements in September and November of 2020. The increased scope includes, but is not limited to, the addition of a third alley, additional sidewalk extensions, three shared dumpsters with enclosures, pavement options and the Joint Workshop preparation and presentations.

Origination: Community Development Department and Gunda Corporation

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda: Craig T. Meyers P.E., Community Development Director

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

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

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

**SUPPLEMENTAL No. 1
TO
PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES RELATED TO
ENGINEERING & PLANNING PROJECT NO. 2017-10033
CITY OF TOMBALL
LIVABLE CENTER IMPLEMENTATION
ALLEY IMPROVEMENTS**

THIS IS A SUPPLEMENTAL AGREEMENT amending an AGREEMENT between the CITY OF TOMBALL and GUNDA CORPORATION, LLC executed the 15th day of January, 2019, relative to professional services for Tomball Engineering and Planning Project No. 2017-10033.

Upon execution of this Supplemental the scope and fee shall be amended as follows:

**SUPPLEMENTAL No. 1 SECTION I
SCOPE OF AGREEMENT**

The scope of services shall be amended to include supplemental professional engineering planning, land surveying, design, and construction phase services and materials testing during construction. Upon completion of a 75% plan submittal, rescoping of the overall project was implemented by the City. These services shall extend the scope of the proposed project to include improvements to the alley between N. Cherry Street and N. Walnut Street, sidewalk extensions to Market Street between S. Walnut and S. Elm, sidewalk extension along S. Walnut Street between southern alley and Market Street, public dumpster locations (3) with identical enclosures, pervious pavement system(s) for sidewalks and parking lot, attendance and staff assistance with a public workshop, stakeholder meetings, construction cost estimates, material selection analysis, and plan view exhibits.

**SUPPLEMENTAL No. 1 SECTION IV
TIME FOR PERFORMANCE**

The time for performance of the supplemental Scope of Work shall be extended through the construction duration. Upon written request of Engineer, the City may grant time extensions to the extent of any delays caused by the City or other agencies with which the work must be coordinated and over which Engineer has no control.

**SUPPLEMENTAL No. 1 SECTION VII
ENGINEER'S COMPENSATION**

For and in consideration of the supplemental services rendered by Engineer pursuant to this Supplemental Agreement, the City shall pay Engineer on the basis set forth in Attachment "A" of the original agreement, plus a supplemental services fee of \$137,105.00 (Subconsultant cost + 10%) for a total amended contract amount not to exceed \$248,499.00, including reimbursable expenses.

Engineering Basic Services	\$ 72,890.00 (Lump Sum)
Workshop, Stakeholder Meetings, & Rescoping	\$ 24,200.00 (Lump Sum)
Construction Phase Services	\$ 16,820.00 (Lump Sum)
Structural Engineering (Dumpster Enclosure & Pad)	\$ 8,250.00 (Lump Sum)
Design Survey (Supplemental Topo)	\$ 2,200.00 (Lump Sum)
Reestablish Control for Construction	\$ 3,300.00 (LS, If Necessary)
Legal Descriptions & Exhibits (Assumed 2 Easements)	\$ 2,695.00 (Lump Sum)
<u>Materials Testing During Construction</u>	<u>\$ 6,750.00 (Time & Materials)</u>

Total Supplemental	\$137,105.00
Original Authorization	\$111,394.00
Total Amended Authorization	\$248,499.00

**SUPPLEMENTAL No. 1 SECTION IX
ADDRESSES, NOTICES AND COMMUNICATIONS**

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to the City at the following address:

City of Tomball
501 W. Market Street
Tomball, Texas 77375
Attn: Craig Meyers, PE, Director of Committee Development

**SUPPLEMENTAL No. 1 XVIII.
MISCELLANEOUS PROVISIONS**

E. In accordance with Chapter 2270, Texas Government Code, a government entity may not enter into a contract with a company for goods or services unless the Engineer covenants and agrees that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. Furthermore, the Engineer is prohibited from engaging in business with Iran, Sudan or Foreign Terrorist Organization.

All other terms and conditions contained in the original Agreement, not specifically amended herein, shall remain in full effect.

IN WITNESS WHEREOF, the City of Tomball has lawfully caused this Agreement to be executed by the Assistant City Manager of said City and attested by the City Secretary and Gunda Corporation LLC, acting by and through its duly authorized officer/representative, does now sign, execute, and deliver this instrument.

EXECUTED on this _____ day of _____, 2020.

ENGINEER:

Gunda Corporation, LLC

By: _____

Name: Kyle A. Bertrand, PE

Title: Branch Manager

CITY OF TOMBALL, TEXAS

Robert S. Hauck, Assistant City Manager

ATTEST:

Doris Speer, City Secretary

City Council Meeting Agenda Item Data Sheet

Meeting Date: 2/1/2021

Topic:

Approve Change Order 4 for E&P Project Number 2017-10005, Medical Complex Segment 4B, to Durwood Greene Construction Co. for a total amount of \$80,000.00.

Background:

The proposed change order is for the installation of a 12" water line along S. Persimmon from Medical Complex 4B north, connecting to the existing water line at Sutton Lane.

The proposed change order is an additional scope of work from the original contract; the original contract with Durwood Greene Construction Co. was lower than the original engineer's estimate which provided additional funds from the secured 2015 bond.

After evaluation of the area, staff deemed it necessary for the installation of the water line in order to loop the water system and thereby improve the water quality and water pressure to a rapidly growing area for both commercial and residential.

Origination: Public Works Department

Recommendation:

Staff recommends approving Change Order 4 for Medical Complex Segment 4B to Durwood Greene Construction Co. for a total amount of \$80,000.00.

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: #400-154-6409

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

Signed	Meagan Mageo	Approved by	
	Staff Member		City Manager
	Date		Date

Document 00941

CHANGE ORDER / C.O. No. 4

PROJECT: Medical Complex Blvd. & S. Persimmon St
 CONTRACT Bid No.: 2020 – 06 PROJECT No.: 2017 – 10005

TO: Durwood Greene Construction, Co.
 Contractor and Johnathan Greene
 Address for Written Notice P.O. Box 1338, Stafford, Texas 77497

REFERENCE RFIs/RFPs: _____

1.01 DESCRIPTION OF CHANGES

BASE QUANTITY CHANGES

		CONTRACT CHANGE		
		UNIT COST	AMOUNT	TIME
ITEM 15 ADDITION:	Add 1,070 LF to bid item 15, 12-Inch Diameter PVC Waterline by Open Cut	\$26.00 /LF	\$27,820.00	0 Days
JUSTIFICATION	Costs associated with revised waterline installation, complete in place, as agreed upon by the City and the contractor.			
ITEM 16 ADDITION:	Add 35 LF to bid item 16, 12-Inch Dia. PVC Waterline W/ Restrained Joints, by Open Cut	\$45.00 /LF	\$1,575.00	0 Days
JUSTIFICATION	Costs associated with revised waterline with restrained joints and installation, complete in place, as agreed upon by the City and the contractor.			
ITEM 17 ADDITION:	Add 1 EA to bid item 17, 12-Inch Diameter PVC Plug & Clamp	\$250.00 /EA	\$250.00	0 Days
JUSTIFICATION	Costs associated with installing PVC plug for revised waterline, complete in place, as agreed upon by the City and the contractor.			

ITEM 20 ADDITION:	Add 4 EA to bid item 20, Fire Hydrant Assembly, All Depths, Including 6-Inch GV&B	\$3,750.00 /EA	\$15,000.00	0 Days
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JUSTIFICATION Additional fire hydrants required for the revised waterline to be installed, complete in place, as agreed upon by the City and the contractor.

ITEM 22 ADDITION:	Add 3 EA to bid item 22, 12-Inch Diameter GV & B W/ Lid	\$2,200.00 /EA	\$6,600.00	0 Days
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JUSTIFICATION Costs for installation of gate valves required for the revised waterline, complete in place, as agreed upon by the City and the contractor.

ITEM 23 ADDITION:	Add 1 EA to bid item 23, 2-Inch Diameter Blow-Offs	\$440.00 /EA	\$440.00	0 Days
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JUSTIFICATION Additional blow-off valves required for revised waterline installation, complete in place, as agreed upon by the City and the contractor.

ITEM 28 DEDUCTION:	Remove 60 LF from bid item 28, 18-Inch Diameter San Sewer, By Open Cut	\$88.00 /LF	(\$5,280.00)	0 Days
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JUSTIFICATION Removal of unused quantities to offset the cost of the change order, as agreed upon by the City and the contractor.

ITEM 41 DEDUCTION:	Remove 57 LF from bid item 41, 36-Inch Diameter RCP Storm Sewer, Open Cut	\$125.00 /LF	(\$7,125.00)	0 Days
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JUSTIFICATION Removal of unused quantities to offset the cost of the change order, as agreed upon by the City and the contractor.

ITEM 96 Add 0.15087 LS to bid item 96, Traffic Control \$100,000.00 \$15,087.00 0 Days
ADDITION: and Regulation /LS

JUSTIFICATION Costs associated with Traffic Control Plan for vehicles passing through the construction area, as agreed upon by the City and the contractor.

ADDITIONAL BID ITEMS

ITEM 224 Add 65 LF to new bid item 224, 6" PVC \$39.00 \$2,535.00 0 Days
ADDITION: Waterline Restrained Joint /LF

JUSTIFICATION Added costs and quantities for revised waterline being installed, complete in place, as agreed upon by the City and the contractor.

ITEM 225 Add 1 EA to new bid item 225, 6" Wet \$1,650.00 \$1,650.00 0 Days
ADDITION: Connect /EA

JUSTIFICATION Added costs for a wet connection needed for revised waterline installation, complete in place, as agreed upon by the City and the contractor.

ITEM 226 Add 1 EA to new bid item 226, 6" Gate Valve \$2,000.00 \$2,000.00 0 Days
ADDITION: and Box with Lid /EA

JUSTIFICATION Additional gate valve required for revised waterline installation, complete in place, as agreed upon by the City and the contractor.

ITEM 227 ADDITION:	Add 35 LF to new bid item 227, Bore 12" Water with 18" Casing	\$375.00 /LF	\$13,125.00	0 Days
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JUSTIFICATION	Additional costs associated with boring and casing revised waterline, as agreed upon by the City and the contractor.
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ITEM 228 ADDITION:	Add 71 LF to new bid item 228, Remove Existing 6" Waterline	\$23.00 /LF	\$1,633.00	0 Days
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JUSTIFICATION	Costs associated with removing existing waterline where revised waterline installation will take place, as agreed upon by the City and the contractor.
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ITEM 229 ADDITION:	Add 1 EA to new bid item 229, Reconnect Water Service	\$1,500.00 /EA	\$1,500.00	0 Days
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JUSTIFICATION	Costs associated with reconnecting the revised waterline to the existing line, as agreed upon by the City and the contractor.
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SUBTOTAL:			\$76,810.00	0 Days
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ITEM 230 ADDITION:	Add 20 LF to new bid item 230, 8" C-900 PVC Waterline	\$42.00 /LF	\$840.00	0 Days
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JUSTIFICATION Additional waterline quantities required for construction of revised waterline, complete in place, as agreed upon by the City and the contractor.

ITEM 231 ADDITION:	Add 1 EA to new bid item 231, 8" Gate Valve and Box with Lid	\$2,100.00 /EA	\$2,100.00	0 Days
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JUSTIFICATION Additional gate valve and box required for installation of revised waterline, complete in place, as agreed upon by the City and the contractor.

ITEM 232 ADDITION:	Add 1 EA to new bid item 232, 8" Plug and Clamp	\$250.00 /EA	\$250.00	0 Days
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JUSTIFICATION Additional plug and clamp required for installation of revised waterline, complete in place, as agreed upon by the City and the contractor.

SUBTOTAL:		\$3,190.00	0 Days
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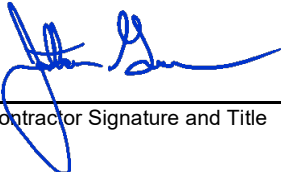
GRAND TOTAL:		\$80,000.00	0 Days
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Notes:

1. Contractor is reminded that use of extra work items requires City of Tomball approval by RFI.
2. Contractor is reminded that quantity overages must be documented with the City field Representative.
3. Above items include all costs associated with Materials, Shipping, and Labor.

1.02 ACCEPTANCE BY CONTRACTOR

Contractor agrees to perform change(s) included in this Change Order for the price and time indicated. The prices for changes include all costs associated with this Change Order.



President

Contractor Signature and Title

01/26/2021

Date

1.03 ACCEPTANCE BY THE CITY


Project Manager
(Consultant – Gunda Corp.)

01/26/2021

Date

[Director – Required for COs to Council]

Date

[Intermediate Authority, if needed]

Date

[Mayor – Required for COs to Council]

Date

[Intermediate Authority, if needed]

Date

City Engineer

Date

END OF DOCUMENT

EXECUTIVE SUMMARYC.O. No. 4 Contract No.: 2020-06 Proj. No.: 2017-10005

1.01	CONTRACT PRICE SUMMARY	DOLLAR AMOUNT	PERCENT
A.	Original Contract PRICE	\$ 13,984,481.05	100%
B.	Previous Change Orders	\$ 32,510.75	0.24%
C.	This Change Order	\$ 80,000.00	0.57%
D.	Contract Price	\$ 14,096,991.80	100.81%

B.	Previous Change Orders	0 Days	Thursday, September 23, 2021
C.	This Change Order	0 Days	
D.	Contract Time	480 Days	Thursday, September 23, 2021

1.03 TOTAL VALUE OF INCREASES OUTSIDE OF GENERAL SCOPE OF WORK

- A. Including this Change Order, the following table is provided to track conditions related to Paragraph 7.1.2.3 of Document 00700 - General Conditions.

<u>CHANGE ORDER</u> <u>No.</u>	<u>AMOUNT ADDED</u>	<u>PERCENT OF</u> <u>ORIGINAL</u> <u>CONTRACT PRICE</u>
1	\$0.00	0.00%
2	\$5,010.75	0.04%
3	\$27,500.00	0.20%
4	\$80,000.00	0.57%
TOTALS	\$112,510.75	0.81%

END OF SUMMARY

cc: Gunda Corporation, Kyle Bertrand P.E., Branch Manager, Montgomery County Office