

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



**Monday, June 7, 2021
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, June 7, 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 JUNE 7, 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: 884 1232 9236, Passcode: f9tga0. The public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

- A. Call to Order
- B. Invocation - Led by Pastor James Clark – Tomball First Baptist Church
- C. Pledges to U.S. and Texas Flags

- D. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*
- E. Presentations
 - 1. Presentation by Tomball Regional Health Foundation
- F. Reports and Announcements
 - 1. Announcements
 - I. **Tomball City Pool – 2021 Swim Season - Jerry Matheson Park Pool** will be operate with normal hours through August 15. The pool will be open on Saturday and Sunday only on the weekends of August 21-22, August 28-29, and September 4-5. The pool will be closed every Monday during swim season 2021, except Memorial Day (May 31), July 4th, and Labor Day (September 6). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
 - II. **TOMBALL KID’S CLUB – Activities: Tuesdays and Thursdays, June 15 through July 22, 2021** from 10:30 a.m. to 12:30 p.m., at **Juergen’s Park, 1331 Ulrich Road, Tomball, Texas 77375**. Phone number: 281-351-5484; Website: . Tomball Kids Club got its start a decade ago as a free offering for local school-aged children. Games & educational activities are offered, each day offers something new. We provide a free meal to all children in attendance, and parents **MUST** stay with their children. ***Tomball Kid’s Club*** is **not** a drop-off camp.
 - III. June 19, 2021 – ***Tomball Honky Tonk Chili Challenge Festival*** – 11:00 a.m.-6:00 p.m. at the Depot
 - IV. July 4, 2021 – **July Fourth Celebration & Street Fest** – 6:00 p.m.-10:00 p.m. at Four Corners (Business SH 249 at FM 2920)
 - V. July 10, 2021 – **2nd Saturday at the Depot**
 - VI. August 6, 2021 – **Tomball Night**
 - 2. Reports by City staff and members of council about items of community interest on which no action will be taken:

- I. Beth Jones – Report on the success of the **2021 Tomball Annual Spring Clean-Up and Chipping Week and Tomball Consolidated Recycling Day**
 - II. Glenn Windsor/Luisa Taylor – Quarterly Investment Report for Period Ending March 31, 2021. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values at the end of the quarter, yield information, and weighted average maturities. On March 31, 2021, the City had total cash and cash equivalents in the amount of \$56,773,259.
- G. Approval of Minutes
 - 1. Approve the Minutes of the May 17, 2021 Regular Tomball City Council Meeting
- H. Old Business: Tabled Items (*Motion to Remove*)
 - 1. 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*)
 - 2. 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*)
 - 3. Approve Resolution No. 2021-18, a Resolution of the City Council of the City of Tomball, Texas, Accepting for Filing a Landowner Petition Requesting the Dissolution of a Public Improvement District; Calling a Public Hearing to Consider the Dissolution of a Public Improvement District; Authorizing and Directing That Notices of the Public Hearing be given as required by Law; and Providing for an Immediate Effective Date
- I. New Business
 - 1. Presentation by Historymaker Homes in regards to their proposed townhome project at 11922 Holderrieth Road.
 - 2. Presentation by ROC Homes in regards to a Public Improvement District for a Proposed Residential Subdivision along Winfrey Lane.

- [3.](#) Approve Resolution No. 2021-19, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 49th Annual Tomball Night and Parade, to be held in Tomball on Friday, August 6, 2021
- [4.](#) Presentation of the Tomball Economic Development Corporation (TEDC) 2020-2021 Annual Report.
- [5.](#) Approve the Tomball Economic Development Corporation (TEDC) 2021-2022 Strategic Work Plan
- [6.](#) Appoint/Reappoint Members to the Planning & Zoning Commission, for Terms Expiring June 1, 2024.
- [7.](#) Approve transfer of right-of-way for City of Tomball Tracts 532 and 540 to TxDOT and authorize Interim City Manager to execute appropriate deeds
- [8.](#) Adopt, on First Reading, Ordinance No. 2021-19, an Ordinance amending the Code of Ordinances, Section 44-164, Parking Restricted on Certain Streets, Division 2, prohibited. Restricted on certain streets, of Article V, stopping, standing and parking, of Chapter 44, Traffic and Vehicles, establishing a “No Parking, Stopping or Standing” zone of the north side of FM 2920 beginning approximately 150 feet east of Tomball Cemetery Road, extending approximately 885 feet to approximately 1,560 feet west of Park Road; providing a penalty in the amount not to exceed \$200 for each violation hereof; an providing for severability; and making finds related thereto
- [9.](#) Adopt, on First Reading, Ordinance No. 2021-20, an Ordinance of the City of Tomball, Texas Amending Its Code of Ordinances by Amending Section 32-45, Fingerprints, Photographs, of Article II, Permits, of Chapter 32, Peddlers and Solicitors, to Require Fingerprinting and Background Checks through the Federal Bureau of Investigations and the Texas Department of Public Safety; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Providing for Severability, Making Findings of Fact; and Providing for Other Related Matters
- [10.](#) Adopt, on First Reading, Ordinance No. 2021-21, an Ordinance of the City of Tomball, Texas, Amending Its Code of Ordinances by Amending Chapter 48, Vehicles For Hire, to Delete Article II, Taxicabs, in Its Entirety; Amending Section 48-177 Tow Truck Company Application, Renewal, of Division 2, Tow Truck Company License, of Article II Tow Trucks and Tows, to Remove the Requirement of a Tow Truck Company to Provide a Background Check on Its Drivers; Amending Section 48-192, Application, of Division 3 Tow Truck Driver’s Permit; of Article III, Tow Trucks and Tows; to Require Fingerprinting and Background Checks through the Federal Bureau of Investigations and the

Texas Department of Public Safety; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Providing for Severability, Making Findings of Fact; and Providing for Other Related Matters.

11. Approve Resolution No. 2021-20, a Resolution of the City Council of the City of Tomball, Texas amending the City of Tomball Minimum Standards for Stormwater Drainage Design.
12. Adopt, on First Reading, Ordinance No. 2021-22, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Section 10-445, General Standards, and Section 10-446, Specific Standards, of Division 3, Provisions for Flood Hazard Reduction, of Article VIII, Flood Damage Prevention of Chapter 10, Buildings and Building Regulations; 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.
13. Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
 - Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session
 - Sec. 551. 074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

J. Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 3rd day of June 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.

City Council Meeting Agenda Item Data Sheet

Meeting Date: June 7, 2021

Topic:

Presentation by Tomball Regional Health Foundation

Background:

Origination:

Recommendation:

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	Doris Speer	6-2-2021	Approved by		
	Staff Member	Date		City Manager	Date



Jerry Matheson Park Pool

1240 Ulrich RD Tomball Texas 77375

Pool Manager : Brian Vestal

Public Hours

Monday	Closed
Tuesday	10am -6pm
Wednesday	10am -6pm
Thursday	10am -6pm
Friday	10am -6pm
Saturday	12pm - 8pm
Sunday	12pm -8pm

Notes:

The pool will be open to the public on Memorial Day Weekend.

The pool will be open to the public on Memorial Day.

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



Jerry Matheson Park Pool

1240 Ulrich RD Tomball Texas 77375

Pool Manager : Brian Vestal

Public Hours

PRESEASON HOURS 2021

May 29th (Saturday) Noon - 8pm

May 30th (Sunday) Noon – 8pm

May 31st (Monday) 10am – 6pm

REGULAR SEASON HOURS 2021

June 1st (Tuesday) 10am – 6PM Start Date

August 15th (Sunday) Noon – 8pm End Date

END OF SEASON HOURS 2021

August 21st (Saturday) Noon – 8pm

August 22nd (Sunday) Noon – 8pm

August 28th (Saturday) Noon – 8pm

August 29th (Sunday) Noon – 8pm

September 4th (Saturday) Noon – 8pm

September 5th (Sunday) Noon – 8pm

September 6th (Monday) 10am – 6pm

Notes:

The pool will be open to the public on Memorial Day Weekend.

The pool will be open to the public on Memorial Day.

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

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 7, 2021

Topic:

Tomball City Pool – 2021 Swim Season - Jerry Matheson Park Pool will be operate with normal hours through August 15. The pool will be open on Saturday and Sunday only on the weekends of August 21-22, August 28-29, and September 4-5. The pool will be closed every Monday during swim season 2021, except Memorial Day (May 31), July 4th, and Labor Day (September 6). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.

Background:

Origination:

Recommendation:

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	<u>Doris Speer</u>	<u>4-13-2021</u>	Approved by	_____
	Staff Member	Date		City Manager _____
				Date _____

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 7, 2021

Topic:

TOMBALL KID'S CLUB – Activities: **Tuesdays and Thursdays, June 15 through July 22, 2021** from 10:30 a.m. to 12:30 p.m., at **Juergen's Park, 1331 Ulrich Road, Tomball, Texas 77375**. Phone number: 281-351-5484; Website: www.tomballtx.gov. Tomball Kids Club got its start a decade ago as a free offering for local school-aged children. Games & educational activities are offered, each day offers something new. We provide a free meal to all children in attendance, and parents MUST stay with their children. ***Tomball Kid's Club*** is not a drop-off camp.

Background:

Origination:

Recommendation:

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

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

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

Signed	<u>Doris Speer</u>	<u>4-28-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: June 7, 2021

Topic:

June 19, 2021 – *Tomball Honky Tonk Chili Challenge Festival* – 11:00 a.m.-6:00 p.m. at the Depot

Background:

Origination:

Recommendation:

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	Doris Speer	4-13-2021	Approved by		
	Staff Member	Date		City Manager	Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: June 7, 2021

Topic:

July 4, 2021 – **July Fourth Celebration & Street Fest** – 6:00 p.m.-10:00 p.m. at Four Corners (Business SH 249 at FM 2920)

Background:

Origination:

Recommendation:

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

FUNDING (IF APPLICABLE)

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

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

Signed	<u>Doris Speer</u>	<u>5-12-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: June 7, 2021

Topic:

July 10, 2021 – 2nd Saturday at the Depot

Background:

Origination:

Recommendation:

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	Doris Speer	5-12-2021	Approved by		
	Staff Member	Date		City Manager	Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: June 7, 2021

Topic:

August 6, 2021 – Tomball Night

Background:

Origination:

Recommendation:

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

FUNDING (IF APPLICABLE)

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

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

Signed	Doris Speer	5-12-2021	Approved by		
	Staff Member	Date		City Manager	Date

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 7, 2021

Topic:

- * Beth Jones – Report on the success of the **2021 Tomball Annual Spring Clean-Up and Chipping Week and Tomball Consolidated Recycling Day**
- * Glenn Windsor/Luisa Taylor – Quarterly Investment Report for Period Ending March 31, 2021. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values at the end of the quarter, yield information, and weighted average maturities. On March 31, 2021, the City had total cash and cash equivalents in the amount of \$56,773,259.

Background:

Origination:

Recommendation:

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

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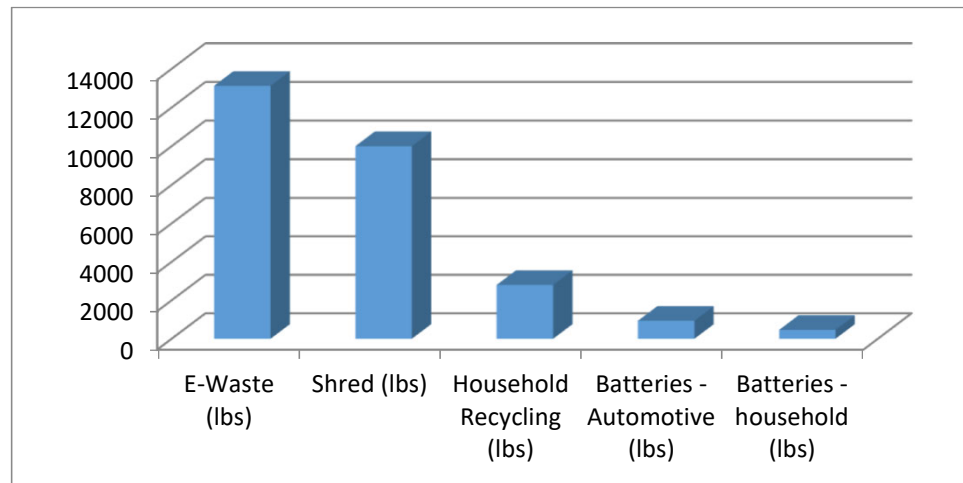
If no, funds will be transferred from account # _____ To account # _____

Signed	<u>Doris Speer</u>	<u>5/18/2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

2021 Consolidated Recycling Day Data

Zip Codes	
77066	1
77069	1
77070	5
77073	1
77095	1
77316	1
77354	5
77355	13
77362	3
77373	2
77375	135
77377	81
77379	10
77388	3
77389	1
77396	1
77429	31
77433	5
77447	3
TOTAL	303

E-Waste (lbs)	Shred (lbs)	Household Recycling (lbs)	Batteries - Automotive (lbs)	Batteries - household (lbs)
13122	10000	2800	936	463



Tires (total)	Chipping (total)	RX (boxes)	Used Oil (gallons)	Oil Filters	Antifreeze (gallons)	Chipping (residents)
200	15	17	250	20	25	25

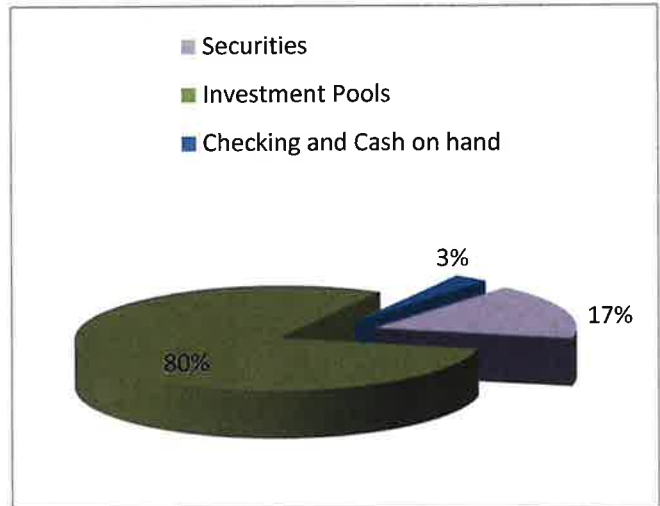
CITY OF TOMBALL PORTFOLIO DIVERSIFICATION March 31, 2021

By Type

	Current Market Value	Percent Portfolio
Securities	\$ 9,839,978	17%
Investment Pools	45,338,688	80%
Checking and Cash on hand	1,594,593	3%
Total Portfolio	\$ 56,773,259	

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

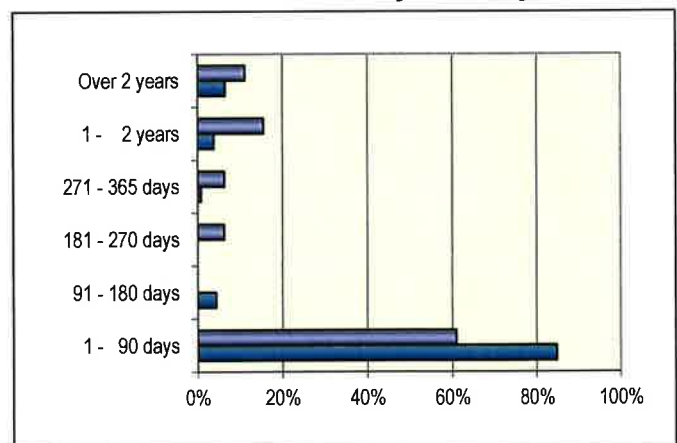
Diversification by Type



By Maturity

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 48,110,812	85%
91 - 180 days	2,442,872	4%
181 - 270 days	-	0%
271 - 365 days	413,255	1%
1 - 2 years	2,138,429	4%
Over 2 years	3,667,890	6%
Total Portfolio	\$ 56,773,259	

Diversification by Maturity



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

**CITY OF TOMBALL
INVESTMENT PORTFOLIO SUMMARY
ACTIVITY FOR QUARTER ENDING
March 31, 2021**

ALL CITY FUNDS (POOLED)

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period	9,895,471	9,915,448	0.7235	3.451%	0.10%
Purchases	-	-			
Maturities/Calls	-	-			
Change in value		(75,470)			
Sales					
End of period	9,895,471	9,839,978	0.9944	3.451%	0.07%

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

Weighted average maturity of the portfolio at quarter end is the following number of days: 520.42

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


Treasurer

**CITY OF TOMBALL
INVESTMENTS IN SECURITIES
PORTFOLIO AS OF MARCH 31, 2021**

SECURITY DESCRIPTION	CUSIP NUMBER	RATING	MATURITY DATE	INTEREST YIELD	MARKET VALUE	DAYS AFTER 03/31/21	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT	CALLABLE
1) Texas A&M Revenue - 1.4%	88213AFW0	AAA	5/15/2021	1.400%	275,398	45	2.799%	1.26	Y
2) Texas A&M Revenue - 2.229%	88213AHH1	AAA	5/15/2021	2.229%	902,133	45	9.168%	4.13	Y
3) Texas ST REF Student Loan - 4.0%	882724JU2	AAA	8/1/2021	4.000%	1,255,086	123	12.755%	15.69	N
4) Eagle Mountain & Saginaw TX - 5.0%	269696NT3	AAA	8/15/2021	5.000%	885,275	137	8.997%	12.33	N
5) Hurst-Euless-Bedford TX ISD - 2.434%	447819DX8	AAA	8/15/2021	2.434%	302,511	137	3.074%	4.21	N
6) San Antonio TX muni - 5.0%	796311CQ9	AA	2/1/2022	5.000%	208,018	307	2.114%	6.49	N
7) Clear Creek TX ISD - 3.4%	1845403R1	AAA	2/15/2022	3.400%	205,237	321	2.086%	6.70	Y
8) Texas A&M Revenue - 2.246%	88213ADP7	AAA	5/15/2022	2.246%	879,772	410	8.941%	36.66	N
9) Univ of TX Build America - 3.675%	9151375J8	AAA	8/15/2022	3.675%	334,742	502	3.402%	17.08	Y
10) Alvin TX ISD - 5.0%	022447S98	AAA	2/15/2023	5.000%	402,975	686	4.095%	28.09	N
11) Lubbock TX - 2.520%	549188UK4	AA	2/15/2023	2.520%	520,940	686	5.294%	36.32	N
12) Texas A&M Revenue - 2.349%	88213AKA2	AAA	5/15/2023	2.349%	490,282	775	4.983%	38.61	N
13) Grand Parkway Trans - 1.608%	38611TCV7	AA	10/1/2023	1.608%	455,927	914	4.633%	42.35	Y
14) Texas ST REF TXBL - 4.0%	8827235H8	AAA	10/1/2023	4.000%	623,265	914	6.334%	57.89	N
15) Austin TX Elec Utility - 5.0%	052414PE3	AA	11/15/2023	5.000%	982,545	959	9.985%	95.76	N
16) N Harris CNTY - 5.0%	65956NGL4	AA	12/15/2023	5.000%	302,916	989	3.078%	30.45	N
17) San Antonio Elec & Gas Rev - 5.25%	7962532J0	AA	2/1/2024	5.250%	290,142	1037	2.949%	30.58	Y
18) Amarillo TX Tax NTS - 2.0%	023015J35	AAA	2/15/2024	2.000%	522,813	1051	5.313%	55.84	N
TOTALS				3.451%	9,839,978	558	100.000%	520.42	

**CITY OF TOMBALL
CASH AND CASH EQUIVALENTS
FOR QUARTER ENDING
March 31, 2021**

FUNDS		CASH AND CASH EQUIVALENTS						TOTAL CASH, CASH EQUIVALENTS AND INVESTMENTS
MAJOR FUNDS	SPIRIT OF TEXAS	TEXAS CLASS	TEXPOOL	OPERATING ACCOUNT	TOTAL CASH AND CASH EQUIVALENTS	INVESTMENT SECURITIES		
General		\$ 2,713,090	\$ 7,781,180	\$ 904,176	\$ 11,398,446	\$ 3,122,906	\$	14,521,351
			0	-				
Debt Service		1,014,764	667,144	86,122	1,768,029	-		1,768,029
Enterprise		2,886,499	8,373,909	23,831	11,284,238	-		11,284,238
OTHER FUNDS								
Special Revenue		81,393	3,736	7,342	92,472	-		92,472
Municipal Court Building Security		108,524	74,765	54,977	238,266	-		238,266
Municipal Court Technology		65,114	87,640	7,751	160,505	-		160,505
Hotel Occupancy Tax		108,524	500,800	5,374	614,698	-		614,698
Tomball "Fun Runs"			2,512	5,825	8,337	-		8,337
General Capital Projects	2,045,508	61,682	12,253,010	192,325	14,552,524	6,717,072		21,269,596
Business Park			931,662	0	931,662	-		931,662
Fleet Replacement		487,627	16,887	3,315	507,829	-		507,829
Water Capital Recovery		108,628	1,921,523	9,853	2,040,005	-		2,040,005
Sewer Capital Recovery		162,473	1,288,703	9,882	1,461,058	-		1,461,058
Health Insurance Trust			1,564,711	267,167	1,831,878	-		1,831,878
Tomball Legacy Fund		0	26,681	16,653	43,335	-		43,335
TOTALS	\$ 2,045,508	\$ 7,798,317	\$ 35,494,863	\$ 1,594,593	\$ 46,933,281	\$ 9,839,978	\$	56,773,259

City Council Meeting Agenda Item Data Sheet

Meeting Date: June 7, 2021

Topic:

Approve the Minutes of the May 17, 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)

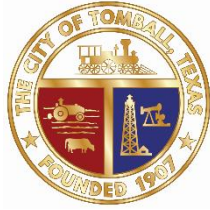
Are funds specifically designated in the current budget for the full amount required for this purpose?

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

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

Signed	Doris Speer	5-21-2021	Approved by		
	Staff Member	Date		City Manager	Date

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



**Monday, May 17, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for May 17, 2021, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the meeting to order.

PRESENT:

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

OTHERS PRESENT:

Interim City Manager – David Esquivel
Interim Assistant City Manager/Police Chief – Jeff Bert
City Secretary – Doris Speer
City Attorney – Loren Smith
Director of Public Works – Beth Jones
Finance Director – Glenn Windsor
Interim Fire Chief – Taner Drake
Marketing Director – Mike Baxter (virtual)
Director of Community Development – Craig Myers
CSO Administrative Assistant – Sasha Luna
Community Center Manager – Rosalie Dillon
Community Events Coordinator – Denise Fiore
Police Officer-Investigations – James Harral
Police Lieutenant-Support Services – Brandon Patin
Police Lieutenant-Patrol – Daniel Arriaga
Police Captain-Patrol – Ricky Doerre
Police Sergeant – Ken Cole
Police Corporal – Stephen Clough

B. Invocation - Led by Pastor Kevin Bowles - Redeemer Church

C. Pledges to U.S. and Texas Flags – Led by Taner Drake

D. No Public Comments were received.

E. Presentations

- * Presentation was given by Jonathan Campbell, Executive Director, **Southeast Texas Housing Finance Corporation (SETH)**, regarding SETH's programs.
- * Mayor Fagan presented a Proclamation marking May 16-22, 2021 as "**National Public Works Week – Tomball, Texas**" to members of the Public Works Department.
- * Mayor Fagan presented a Proclamation marking May 16-22, 2021 as **Northwest Community Health, and National Emergency Medical Services Week - "This is EMS: Caring for Our Communities" - Tomball, Texas** to members of NCH.
- * Police Chief Jeff Bert presented the Chief's Citation of Merit - **Employee of the Quarter** Award to the January–March 2021 Recipient, Corporal Stephen Clough.

F. Reports and Announcements

1. Announcements

- I. June 4-6, 2021 – ***Tomball German Heritage Festival*** – at the Depot
- II. **Tomball City Pool – 2021 Swim Season - Jerry Matheson Park Pool** will be open Memorial Weekend, May 29-31, then will reopen on June 1 and will operate with normal hours through August 15. The pool will be open on Saturday and Sunday only on the weekends of August 21-22, August 28-29, and September 4-5. The pool will be closed every Monday during swim season 2021, except Memorial Day (May 31), July 4th, and Labor Day (September 6). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- III. **TOMBALL KID'S CLUB – Activities: Tuesdays and Thursdays, June 15 through July 22, 2021** from 10:30 a.m. to 12:30 p.m., at **Juergen's Park, 1331 Ulrich Road, Tomball, Texas 77375**. Phone number: 281-351-5484; Website: www.tomballtx.gov. Tomball Kids Club got its start a decade ago as a free offering for local school-aged children. Games & educational activities are offered, each day offers something new. We provide a free meal to all children in attendance, and parents **MUST** stay with their children. ***Tomball Kid's Club*** is not a drop-off camp.
- IV. June 19, 2021 – ***Tomball Honky Tonk Chili Challenge Festival*** – 11:00 a.m.-6:00 p.m. at the Depot
- V. July 4, 2021 – **July Fourth Celebration & Street Fest** – 6:00 p.m.-10:00 p.m. at Four Corners (Business SH 249 at FM 2920)

VI. July 10, 2021 – **2nd Saturday at the Depot**

VII. August 6, 2021 – **Tomball Night**

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

G. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the May 3, 2021 Regular Tomball City Council Meeting and the May 10, 2021 Special Tomball City Council Meeting.
Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

H. Old Business: Tabled Items

No action was taken; items were not removed from the table.

1. 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*)
2. 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*)
3. Approve Resolution No. 2021-18, a Resolution of the City Council of the City of Tomball, Texas, Accepting for Filing a Landowner Petition Requesting the Dissolution of a Public Improvement District; Calling a Public Hearing to Consider the Dissolution of a Public Improvement District; Authorizing and Directing That Notices of the Public Hearing be given as required by Law; and Providing for an Immediate Effective Date

I. Old Business

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on Second Reading, Ordinance No. 2021-18, an Ordinance amending the Code of Ordinances, Section 44-164, Parking Restricted on Certain Streets, Division 2, prohibited. Restricted on certain streets, of Article V, stopping, standing and

parking, of Chapter 44, Traffic and Vehicles, establishing a “No Parking, Stopping or Standing” zone on Buckingham Drive beginning at the intersection of Quinn Road and extending through its entirety approximately five hundred thirty (530) feet; providing a penalty in the amount not to exceed \$200 for each violation hereof; and providing for severability; and making finds related thereto.

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

Voting Nay: Council 5 Klein Quinn

Motion carried, 4 votes Aye, 1 vote Nay.

J. New Business

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to approve Request by Concordia Lutheran High School for In-Kind Services from Police, Fire and Public Works for the Annual 5k Fun Run at the Depot on June 26, 2021

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

Motion carried unanimously.

2. Consideration to approve **Zoning Case P21-169**: Request by Prakash Patel for a Conditional Use Permit to operate a mini warehouse / self-storage facility at 601 Malone Street. The property is approximately 0.3214 acres, legally described as Lot 1 Block 1 Patel Plaza, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Malone Street and Magnolia Street, within the City of Tomball, Harris County, Texas, and is zoned Old Town & Mixed Use District.

Mayor Fagan opened the Public Hearing on **Zoning Case P21-169** at 6:32 p.m.

Mark Sanders (email) - His opposition to the proposed zoning
615 Malone, 77375 change was read into the record.

Receiving no additional public comments, Mayor Fagan closed the Public Hearing at 6:33 p.m.

No action necessary.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-15 by Caption only on first reading.

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

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-15, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Prakash Patel to Operate a “Mini Warehouse/Self-Storage” Facility at 601 Malone Street; said Properties being Approximately 0.3214 Acres of Land legally described as Lot 1 Block 1 Patel Plaza, within the City of Tomball, Harris County, Texas, generally located at the Northwest Corner of Malone Street and Magnolia Street, and is Zoned Old Town & Mixed Use District; Providing Requirements and Conditions for this CEP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability.

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

Motion FAILED unanimously.

3. Request for Consideration to approve **Zoning Case P21-168**: Request by Southwest Momentum Properties LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.208 acres of land legally described as Tracts 81 81A 89A & 90D Tomball Outlots, from the Agricultural District to the Commercial District; the property is generally located at the southwest corner of East Hufsmith Road and Hospital Road, within the City of Tomball, Harris County, Texas was withdrawn by the Applicant.

Conduct Public Hearing on Zoning Case P21-168

No action necessary.

Adopt, on First Reading, Ordinance No. 2021-16, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 3.208 acres of land legally described as Tracts 81 81A 89A & 90D Tomball Outlots, from the Agricultural District to the Commercial District, said property being generally located at the southwest corner of East Hufsmith Road and Hospital Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability;

providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Request withdrawn by Applicant; no action necessary.

4. Motion made by Council 3 Degges, Seconded by Council 2 Stoll, to approve Resale Deed for Property acquired by Tax Suit in Cause No. 1998-28228, styled City of Tomball vs. Warren, Cal; said Property being described as: Lot 22, Block 85, Tomball, Located in Harris County, Texas, and being more particularly described Volume 418, Page 98 of the Real Property Records of Harris County, Texas (HCAD Account No. 035-277-085-0022).

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

Motion carried unanimously.

5. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to approve the purchase of playground equipment from Kompan, Inc., for Jerry Matheson Park, totaling \$661,759.26, through Texas BuyBoard Contract Number 592-19.

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

Motion carried unanimously.

Request was made by Council 4 Townsend, Sr. to name the future Pickle Ball Courts in honor of Robert Hauck.

6. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to award Contract for Project No. 2021-01 for the 2021 Asphalt and Concrete Street Improvements, to Hayden Paving, Inc., in the Amount of \$110,010.00.

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

Motion carried unanimously

7. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to approve Payment Option to Gexa Energy for Increased Ancillary Charges Rate due to the Winter Storm

Motion to AMEND was made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to approve Payment Option to GEXA Energy for Increased Ancillary Charges Rate due to the Winter Storm, after review by the City Attorney, Loren Smith, to determine possible options/alternatives and report to Council regarding possible remedies, and calling for a Special Council meeting on May 24, 2021, if needed.

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

Motion, as AMENDED, carried, 4 votes Aye, 1 vote Nay.

8. Executive Session: The City Council recessed at 7:18 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
- Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session
 - Sec. 551. 074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Upon reconvening at 8:24 p.m., no action was taken.

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

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 7th day of June 2021.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 7, 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 Doris Speer 5-21-2021
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 3RD DAY OF MAY
2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
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 17TH DAY OF MAY
2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
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

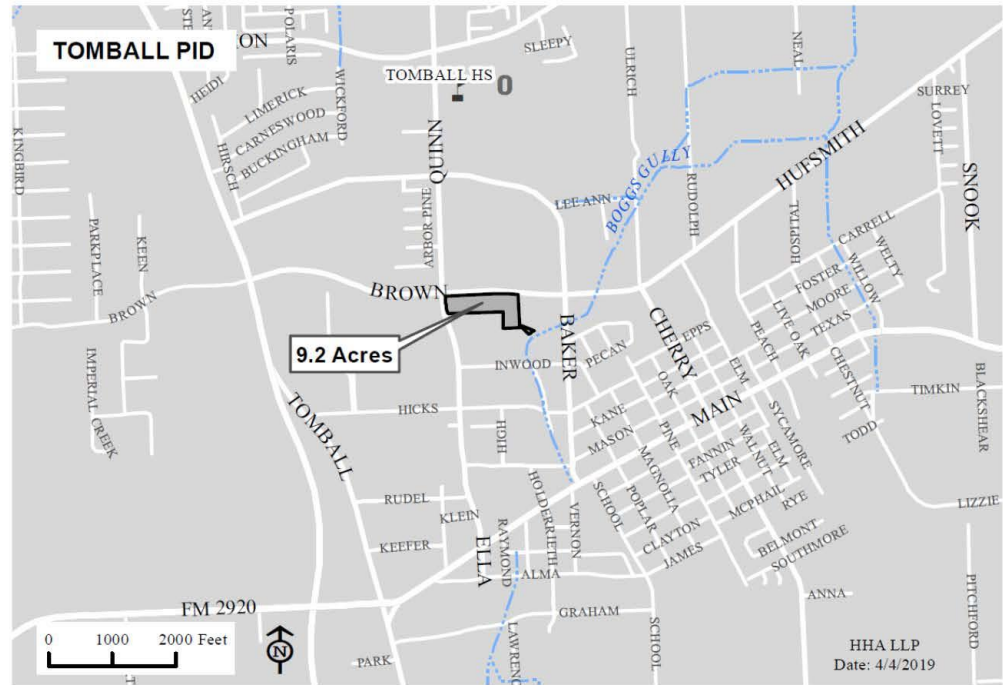
Notice of levy of each assessment will be given as provided in Chapter 372 of the Local Government Code. The assessment levy statement will be sent to each property owner in the District, and the payment will be due and payable at the same time property taxes are due and payable to the City.

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: June 7, 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:

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 Doris Speer 5-21-2021
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 3RD DAY OF MAY 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
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 17TH DAY OF MAY 2021.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
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 Term	Annual Payment	Annual Admin	Total Annual Payment
			Assessment	With Interest				
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: June 7, 2021

Topic:

Approve Resolution No. 2021-18, a Resolution of the City Council of the City of Tomball, Texas, Accepting for Filing a Landowner Petition Requesting the Dissolution of a Public Improvement District; Calling a Public Hearing to Consider the Dissolution of a Public Improvement District; Authorizing and Directing That Notices of the Public Hearing be given as required by Law; and Providing for an Immediate Effective Date

Background:

Origination: Miklos Cinclair, representing John Jordan

Recommendation:

N/A

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 5-21-2021
Staff Member Date

Approved by _____
City Manager Date

CITY OF TOMBALL, TEXAS
RESOLUTION NO. 2021-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, ACCEPTING FOR FILING A LANDOWNER PETITION REQUESTING THE DISSOLUTION OF A PUBLIC IMPROVEMENT DISTRICT; CALLING A PUBLIC HEARING TO CONSIDER THE DISSOLUTION OF A PUBLIC IMPROVEMENT DISTRICT; AUTHORIZING AND DIRECTING THAT NOTICES OF THE PUBLIC HEARING BE GIVEN AS REQUIRED BY LAW; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Chapter 372, Texas Local Government Code, as amended (the "*Act*"), authorizes the City of Tomball, Texas (the "*City*") to create and dissolve public improvement districts within the corporate limits of the City; and

WHEREAS, the City has previously taken action to create "Public Improvement District Number Nine" (the "*District*") in accordance with the Act; and

WHEREAS, a landowner petition, a copy of which is attached as ***Exhibit A*** (the "*Petition*"), was filed with the City Secretary requesting the dissolution of the District in accordance with the Act; and

WHEREAS, the City Council has determined that it is in the best interest of the City to accept the Petition and to call a public hearing (the "*Public Hearing*") at which the City Council will consider the adequacy of the Petition and hear public testimony regarding the dissolution of the District.

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

Section 1. The recitals set forth in this Resolution are true and correct and are incorporated as part of this Resolution.

Section 2. City staff has reviewed the Petition and determined that it complies with the requirements of the Act and the filing of the Petition is accepted.

Section 3. The City Council calls the Public Hearing to consider the adequacy of the Petition and to hear public testimony on the feasibility and advisability of dissolving the District to be held beginning at or after 6:00 P.M. on Monday, June 7, 2021 in the regular meeting place of the City Council in the Council Chamber in the City Hall located at 401 Market Street, Tomball, Texas 77375. Attached hereto as ***Exhibit B*** is a form of the Notice of Public Hearing, the form and substance of which is hereby adopted and approved. All residents and property owners within the District, and all other persons, are hereby invited to appear in person, or by their attorney, and speak on the dissolution of the District.

Section 4. The Public Hearing may be continued from time to time.

Section 5. The City Secretary is hereby authorized and directed to give all notices of the Public Hearing as required by law, including notices required by the Texas Open Meetings Act and by the Act.

Section 6. This Resolution shall become effective immediately from and after it is passed and approved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL,
TEXAS, THIS 17TH DAY OF MAY, 2021.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit A

[Landowner Dissolution Petition]

EXHIBIT A

FIELD NOTE DESCRIPTION OF 9.2191 ACRES (401,586 SQUARE FEET) OF LAND OUT OF UNRESTRICTED RESERVE "H", BLOCK 1 OF LESLIE'S PARK SUBD., ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 400005 H.C.M.R. AND BEING THE RESIDUE OF THAT CERTAIN CALLED 15.27 ACRE TRACT RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. 20130446051 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, SAID 9.2191 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE);

BEGINNING at a 3/4 inch iron rod found in the East right-of-way line of Quinn Road (width varies) and the North line of Tomball ISD Tract, as recorded under H.C.C.F. No. S483753 for the Southwest corner of said Unrestricted Reserve "H", same being the Southwest corner of said called 15.27 acre tract and the herein described tract, said iron rod falling in the arc of a curve to the Right;

THENCE, Northerly, along the East right-of-way line of Quinn Road, with said curve to the Right, having a radius of 1150.00 feet, a central angle of $11^{\circ}19'54''$, an arc length of 227.44 feet and a chord bearing and distance of $N\ 07^{\circ}52'32''\ W$, 227.07 feet to the Point of Tangency of said curve, from which a found 3/4 inch iron rod bears, $S\ 12^{\circ}03'\ E$, 2.4 feet;

THENCE, North $02^{\circ}12'35''$ West, continuing along the East right-of-way line of Quinn Road, a distance of 54.40 feet to a 5/8 inch iron rod with cap found for the Westerly most Northwesterly corner of the herein described tract;

THENCE, North $42^{\circ}41'46''$ East, along a cutback line, a distance of 1.46 feet to a 5/8 inch iron rod with cap found in the South right-of-way line of Brown Hufsmith Road for the Northerly most Northwesterly corner of the herein described tract;

THENCE, North $87^{\circ}49'00''$ East, along the South right-of-way line of Brown Hufsmith Road, a distance of 767.00 feet to a 5/8 inch iron rod with cap found for the Point of Curvature of a curve to the Right;

THENCE, Easterly, continuing along the South right-of-way line of Brown Hufsmith Road, with said curve to the Right, having a radius of 1590.42 feet, a central angle of $07^{\circ}44'22''$, an arc length of 214.83 feet and a chord bearing and distance of $S\ 88^{\circ}15'43''\ E$, 214.67 feet to a 5/8 inch iron rod found for the Point of Tangency;

THENCE, South $84^{\circ}23'32''$ East, continuing along the South right-of-way line of Brown Hufsmith Road, a distance of 161.36 feet to a 5/8 inch iron rod with cap found for the Northwest corner of Unrestricted Reserve "A", Block 1 of Brown-Hufsmith Church Subd., as recorded in Film Code No. 681555 H.C.M.R. and the Northeast corner of the herein described tract;

THENCE, in a Southerly direction, along and with the Westerly and Southerly line of said Brown-Hufsmith Church Subd., the following three (3) courses and distances:

1) South 02°26'52" East, 494.20 feet to a 5/8 inch iron rod with cap found for corner;

2) North 88°49'52" East, 41.44 feet to a 5/8 inch iron rod with cap found for corner;

3) South 69°30'55" East, 204.50 feet to a 5/8 inch iron rod with alum. cap found in the South line of said Unrestricted Reserve "H", same being the North line of 140-foot wide H.C.F.C.D. right-of-way, as recorded under H.C.C.F. No. M201069 for Southeasterly corner of the herein described tract, said iron marks the Point of Curvature of a curve to the Left;

THENCE, Southwesterly, along the North right-of-way line of said H.C.F.C.D. Fee Strip, with said curve to the Left, having a radius of 320.00 feet, a central angle of 19°50'30", an arc length of 110.82 feet and a chord bearing and distance of S 57°15'44" W, 110.26 feet to a 5/8 inch iron rod found for the Easterly corner of that certain called 3.996 acre tract recorded under H.C.C.F. No. W206016 and the Southerly corner of the herein described tract;

THENCE, in a Northwesterly direction, along and with the common line between said 3.996 acre tract and said Unrestricted Reserve "H", the following two (2) courses and distances:

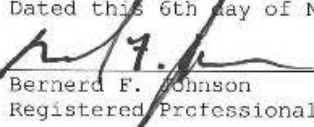
1) North 42°37'24" West, 144.35 feet to a 5/8 inch iron rod with cap found for corner;

2) South 88°49'52" West, 299.48 feet to a 5/8 inch iron rod with cap found in the East line of said Tomball ISD Tract for the Northwest corner of said called 3.996 acre and an exterior corner of the herein described tract;

THENCE, North 01°10'08" West, along the East line of said Tomball ISD Tract, a distance of 254.46 feet to a point for the Northeast corner of said Tomball ISD Tract and an interior corner of the herein described tract, from which a found 5/8 inch iron rod with cap bears, S 54°40' W, 0.70 feet;

THENCE, South 88°49'52" West, along the North line of said Tomball ISD Tract, a distance of 868.56 feet to the POINT OF BEGINNING and containing 9.2191 acres (401,586 square feet) of land, more or less.

CENTURY ENGINEERING, INC.
Dated this 6th day of November, 2018


Bernard F. Johnson
Registered Professional Land Surveyor No. 4314

CEI JOB NO. 18100-00.00
(QW19) 18100A.T



Exhibit B

NOTICE OF PUBLIC HEARING CITY OF TOMBALL, TEXAS

MONDAY, JUNE 7, 2021



6:00 P.M.

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF TOMBALL TO ACCEPT PUBLIC COMMENTS AND DISCUSS THE PETITION (THE "PETITION"), FILED BY 318 SYDNEY PARK, LLC (THE "PETITIONER"), REQUESTING THAT THE CITY DISSOLVE PUBLIC IMPROVEMENT DISTRICT NUMBER NINE (THE "DISTRICT") WHICH CONTAINS LAND OWNED ONLY BY THE PETITIONER AND LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE CITY.

Pursuant to Sections 372.009 and 372.011, Texas Local Government Code, as amended, notice is hereby given that the City Council of the City of Tomball, Texas (the "City"), will hold a public hearing to accept public comments and discuss the petition (the "Petition"), filed by 318 Sydney Park, LLC (the "Petitioner"), requesting that the City dissolve Public Improvement District Number Nine (the "District") which contains land owned only by the Petitioner and located entirely within the corporate limits of the City.

Time and Place of Public Hearing. The public hearing will start at or after 6:00 P.M. on Monday, June 7, 2021 in the regular meeting place of the City Council in the Council Chamber in the City Hall located at 401 Market Street, Tomball, Texas 77375.

The boundaries of the District to be dissolved is described by metes and bounds hereto as EXHIBIT A.

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 meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day of May 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.

EXHIBIT A TO NOTICE OF PUBLIC HEARING REGARDING
THE DISSOLUTION OF A PUBLIC IMPROVEMENT DISTRICT

Notice of Public Hearing
Regular City Council Meeting
July 7, 2021
Page 2 of 3

EXHIBIT A

FIELD NOTE DESCRIPTION OF 9.2191 ACRES (401,586 SQUARE FEET) OF LAND OUT OF UNRESTRICTED RESERVE "H", BLOCK 1 OF LESLIE'S PARK SUBD., ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 400005 H.C.M.R. AND BEING THE RESIDUE OF THAT CERTAIN CALLED 15.27 ACRE TRACT RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. 20130446051 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, SAID 9.2191 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE);

BEGINNING at a 3/4 inch iron rod found in the East right-of-way line of Quinn Road (width varies) and the North line of Tomball ISD Tract, as recorded under H.C.C.F. No. S483753 for the Southwest corner of said Unrestricted Reserve "H", same being the Southwest corner of said called 15.27 acre tract and the herein described tract, said iron rod falling in the arc of a curve to the Right;

THENCE, Northerly, along the East right-of-way line of Quinn Road, with said curve to the Right, having a radius of 1150.00 feet, a central angle of 11°19'54", an arc length of 227.44 feet and a chord bearing and distance of N 07°52'32" W, 227.07 feet to the Point of Tangency of said curve, from which a found 3/4 inch iron rod bears, S 12°03' E, 2.4 feet;

THENCE, North 02°12'35" West, continuing along the East right-of-way line of Quinn Road, a distance of 54.40 feet to a 5/8 inch iron rod with cap found for the Westerly most Northwesterly corner of the herein described tract;

THENCE, North 42°41'46" East, along a cutback line, a distance of 1.46 feet to a 5/8 inch iron rod with cap found in the South right-of-way line of Brown Hufsmith Road for the Northerly most Northwesterly corner of the herein described tract;

THENCE, North 87°49'00" East, along the South right-of-way line of Brown Hufsmith Road, a distance of 767.00 feet to a 5/8 inch iron rod with cap found for the Point of Curvature of a curve to the Right;

THENCE, Easterly, continuing along the South right-of-way line of Brown Hufsmith Road, with said curve to the Right, having a radius of 1590.42 feet, a central angle of 07°44'22", an arc length of 214.83 feet and a chord bearing and distance of S 88°15'43" E, 214.67 feet to a 5/8 inch iron rod found for the Point of Tangency;

THENCE, South 84°23'32" East, continuing along the South right-of-way line of Brown Hufsmith Road, a distance of 161.36 feet to a 5/8 inch iron rod with cap found for the Northwest corner of Unrestricted Reserve "A", Block 1 of Brown-Hufsmith Church Subd., as recorded in Film Code No. 681555 H.C.M.R. and the Northeast corner of the herein described tract;

EXHIBIT A TO NOTICE OF PUBLIC HEARING REGARDING
THE DISSOLUTION OF A PUBLIC IMPROVEMENT DISTRICT

Notice of Public Hearing
Regular City Council Meeting
July 7, 2021
Page 3 of 3

THENCE, in a Southerly direction, along and with the Westerly and Southerly line of said Brown-Hufsmith Church Subd., the following three (3) courses and distances:

1) South 02°26'52" East, 494.20 feet to a 5/8 inch iron rod with cap found for corner;

2) North 88°49'52" East, 41.44 feet to a 5/8 inch iron rod with cap found for corner;

3) South 69°30'55" East, 204.50 feet to a 5/8 inch iron rod with alum. cap found in the South line of said Unrestricted Reserve "H", same being the North line of 140-foot wide H.C.F.C.D. right-of-way, as recorded under H.C.C.F. No. M201069 for Southeasterly corner of the herein described tract, said iron marks the Point of Curvature of a curve to the Left;

THENCE, Southwesterly, along the North right-of-way line of said H.C.F.C.D. Fee Strip, with said curve to the Left, having a radius of 320.00 feet, a central angle of 19°50'30", an arc length of 110.82 feet and a chord bearing and distance of S 57°15'44" W, 110.26 feet to a 5/8 inch iron rod found for the Easterly corner of that certain called 3.996 acre tract recorded under H.C.C.F. No. W206016 and the Southerly corner of the herein described tract;

THENCE, in a Northwesterly direction, along and with the common line between said 3.996 acre tract and said Unrestricted Reserve "H", the following two (2) courses and distances:

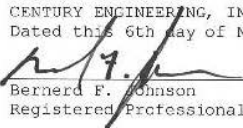
1) North 42°37'24" West, 144.35 feet to a 5/8 inch iron rod with cap found for corner;

2) South 88°49'52" West, 299.48 feet to a 5/8 inch iron rod with cap found in the East line of said Tomball ISD Tract for the Northwest corner of said called 3.996 acre and an exterior corner of the herein described tract;

THENCE, North 01°10'08" West, along the East line of said Tomball ISD Tract, a distance of 254.46 feet to a point for the Northeast corner of said Tomball ISD Tract and an interior corner of the herein described tract, from which a found 5/8 inch iron rod with cap bears, S 54°40' W, 0.70 feet;

THENCE, South 88°49'52" West, along the North line of said Tomball ISD Tract, a distance of 868.56 feet to the POINT OF BEGINNING and containing 9.2191 acres (401,586 square feet) of land, more or less.

CENTURY ENGINEERING, INC.
Dated this 6th day of November, 2018


Bernard F. Johnson
Registered Professional Land Surveyor No. 4314

CEI JOB NO. 18100-00.00
(QW19) 18100A.T



City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 7, 2021

Topic:

Presentation by Historymaker Homes in regards to their proposed townhome project at 11922 Holderrieth Road.

Background:

The developer desires to seek preliminary feedback on their proposed development project. The property owner submitted a rezoning application to change the zoning from the Single-Family Estate 20 District to the Planned Development-17 District, which will be presented to Planning & Zoning Commission on June 14th and City Council on June 21st.

Origination: Nicole Zimmermann, Historymaker Homes

Recommendation:

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



HISTORYMAKER HOMES TOWNHOMES







STREETSCAPE

3 UNIT BUILDING





5 UNIT BUILDING



6 UNIT BUILDING

LIVE STREETSCAPE



LIVE STREETSCAPE



GREEN SPACE





PAVILLION SPACE

TOWNHOME LIVING

FREEDOM TO
PLAY



City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 7, 2021

Topic:

Presentation by ROC Homes in regards to a Public Improvement District for a proposed residential subdivision along Winfrey Lane.

Background:

The developer desires to establish a Public Improvement District to fund the eligible improvements for a proposed residential subdivision along Winfrey Lane. City Council approved, on first reading, the property's rezoning to Planned Development-15 back in March.

Origination: Roland Ramirez, Target Market Properties

Recommendation:

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



EXHIBIT C1

an open space for
WINFREY TRACT
±31.7 ACRES OF LAND



24275 Katy Freeway, Ste. 200
Katy, Texas 77494
Tel: 281-810-1422



MTA-1-624
JANUARY 5, 2021

This layout is preliminary and subject to change. All changes will be in compliance with the development guidelines in Exhibit B of the Planned Development.

THIS DRAWING IS A GRAPHIC REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS NOT FOR CONSTRUCTION OR CONSTRUCTION PERMITS. THIS DRAWING IS A GRAPHIC IMAGE ONLY AND IS SUBJECT TO CHANGE WITHOUT NOTICE. META PLANNING & DESIGN MAY OR MAY NOT INTEGRATE ADDITIONAL INFORMATION PROVIDED BY OTHER CONSULTANTS, INCLUDING BUT NOT LIMITED TO THE RESULTS OF ENGINEERING AND SURVEYING, FLOODPLAIN, AND/OR ENVIRONMENTAL STUDIES AS THEY RELATE TO THIS DRAWING. NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE PHYSICAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 7, 2021

Topic:

Approve Resolution No. 2021-19, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 49th Annual Tomball Night and Parade, to be held in Tomball on Friday, August 6, 2021

Background:

The Greater Tomball Area Chamber of Commerce requests the support and endorsement of the City of Tomball for the Chamber's 49th Annual Tomball Night and Parade, to be held on Friday, August 6, 2021. The estimated number of attendees is 10,000 visitors.

The Chamber requests the assistance of the Tomball Fire, Police, and Public Works Department personnel; furnishing of electrical service from the Tax office on Walnut Street, by the Depot, at the 100 and 200 blocks of Market Street, the alley on the south side of Main between Cherry and Oak, and at 200 South Walnut, and closure of the following streets on Friday night only:

- from 12:00 p.m. until 11:00 p.m. – the 100, 200, and 300 blocks of Market Street and the 100 block of South Elm;
- from 3:00 p.m. until 11:00 p.m. – adding the 100 block of North Walnut, between Commerce and Main Streets, and the 100 block of Commerce Street; and
- from 5:00 p.m. until 11:00 p.m. South Walnut, between Market and Main Streets, and Sycamore, from Main Street south.

Tomball Night will begin at 2:00 p.m. on Friday with a night parade, fireworks, and other festivities on Friday night and extended shopping sales events through Sunday. The Health and Wellness Fair continues this year, in the Tomball Community Center, from 4:00 p.m. to 8:00 p.m. on August 6.

The Chamber also requests permission from the City of Tomball to ignite fireworks out of season, under the insurance and guidance of Illumination Fireworks, LLC, and approval for the use, with waiver of fees, of the Tomball Community Center, both as a "cool zone" and for the Health and Wellness Fair.

The Chamber's request, a map of the requested street closures, Illumination Fireworks' permit, and GTACC's insurance certificate are presented, along with Resolution No. 2021-19.

Fire Department expenses are minimal, approximately \$100 in fuel and support provided by volunteer firefighters. Public Works expenses to support Tomball Night include personnel time, refuse management, and fuel, approximately \$1,300. Waiver of the rental fee and personnel expenses for the use of the Community Center for the Health and Wellness Fair and as a "cool zone" after hours is approximately \$500-\$600, depending on the number of hours the Chambers uses the facility. Police Department expenses should also be minimal.

This project aligns with the City's Strategic Plan goals of building our economy through partnerships with tourism and marketing organizations, such as the GTACC.

Origination: David Esquivel, Interim City Manager

Recommendation: N/A

Party(ies) responsible for placing this item on agenda: David Esquivel, Interim City Manager

Signed	Doris Speer	5-14-2021	Approved by	David Esquivel
	Staff Member	Date		Acting City Manager
				Date

¹ On December 22, 2017, the Tax Cuts and Jobs Act of 2017 (the "TCJA") was signed into law. The TCJA reduced the federal corporate income tax rate from 35% to 21%. The Company has calculated the GRIP Adjustment using the 35% federal corporate income tax rate approved in GUD No. 10567. The Company has also calculated and is seeking approval of the GRIP Adjustment using the 21% federal corporate income tax rate under the Tax Cuts and Jobs Act of 2017. The Proposed 2021 Interim Rate Adjustment in the table above has been calculated using the reduced corporate income tax rate of 21%.

RESOLUTION NO. 2021-19

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL,
TEXAS, SUPPORTING THE 49TH ANNUAL TOMBALL NIGHT AND
PARADE, TO BE HELD IN TOMBALL ON FRIDAY, AUGUST 6, 2021.**

* * * * *

WHEREAS the Greater Tomball Area Chamber of Commerce will present the **49th Annual Tomball Night** on Friday, August 6, 2021, beginning at 2:00 p.m., including a Health and Wellness Fair and “cool zone” in the Tomball Community Center, and ending with a night parade and fireworks display under the direction of Illumination Fireworks’ highly trained and licensed pyrotechnicians; and

WHEREAS **Tomball Night** is a unique way to showcase Tomball’s many attractions and an opportune time to encourage citizens to shop Tomball throughout the rest of the year; and

WHEREAS **Tomball Night** has become Tomball’s biggest shopping night, drawing shoppers from surrounding areas including Magnolia, Spring, Houston and The Woodlands to enjoy the sales, discounts, other great values and many planned activities sponsored by Tomball’s retail community; and

WHEREAS **Tomball Night** includes many cash and merchandise prizes from participating Tomball businesses for **Tomball Night** shoppers; and

WHEREAS the Greater Tomball Area Chamber of Commerce desires and requests the support and endorsement of the City of Tomball in this city-wide effort, through the assistance of the Tomball Fire, Tomball Police, and Tomball Public Works Department personnel; furnishing of electrical service from the Harris County Tax Assessor-Collector’s office on Walnut Street, by the Depot, at the 100 and 200 blocks of Market Street, the alley on the south side of Main between Cherry and Oak, and at 200 South Walnut; and the closure of the following streets on Friday night only:

- * from 12:00 p.m. until 11:00 p.m. – the 100, 200, and 300 blocks of Market Street and the 100 block of South Elm Street;
- * from 3:00 p.m. until 11:00 p.m. – adding the 100 block of North Walnut, between Commerce and Main Streets, and the 100 block of Commerce Street; and
- * from 5:00 p.m. until 11:00 p.m. – adding South Walnut, between Market and Main Streets, and Sycamore Street, from Main Street south; and

WHEREAS the Chamber also requests permission from the City of Tomball to ignite fireworks out of season, under the insurance and guidance of Illumination Fireworks, and use of electricity on Walnut Street, by the Depot, the 100 and 200 blocks of Market Street, the alley on the south side of Main between Cherry and Oak, and at 200 South Walnut; and

WHEREAS the Chamber also requests the use of the Tomball Community Center, both as a “cool zone” to offset some of the heat-related issues of past years and for the annual Health and Wellness Fair, to be held from 4 p.m. to 8 p.m., and requests waiver of the rental fee;

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the efforts of the Greater Tomball Area Chamber of Commerce in promoting and undertaking the *49th Annual Tomball Night* and pledges to encourage this effort to showcase Tomball;

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 7TH DAY OF JUNE 2021.

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary



June 1, 2021

City of Tomball
401 Market Street
Tomball, Texas 77375

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

Dear David,

We are anticipating a fabulous 49th Annual **Tomball Night**, Friday, August 6, 2021 with help from our city, police and fire departments, as well as from numerous volunteers. The popular attraction of a night parade with a fireworks display ending the night's festivities has been met with overwhelming enthusiasm over the past several years. This year we are planning to add a Health and Wellness Fair to the festivities. We are looking forward again to the expertise of the Tomball Police Department for crowd control and as visual deterrents from any negative activity.

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

To insure the safety of the many visitors that will be in Tomball on Friday, August 6, 2021 and the multiple number of vendors we are expecting, we are asking for street closures for the following streets on Friday night only from

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce Hillegeist', written over the printed name.

Bruce Hillegeist
President



SPECIAL EVENT GUIDELINES & APPLICATION

CITY OF TOMBALL, TEXAS

Effective Date:

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

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

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

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

Denise Fiore - Community Events Coordinator
401 Market Street
Tomball, Texas 77375
281-351-5484 | Email - dfiore@tomballtx.gov



SPECIAL EVENT APPLICATION

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

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

Date: 08/06/2021 Is this event Co-City sponsored? Yes ☐ No ☐

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

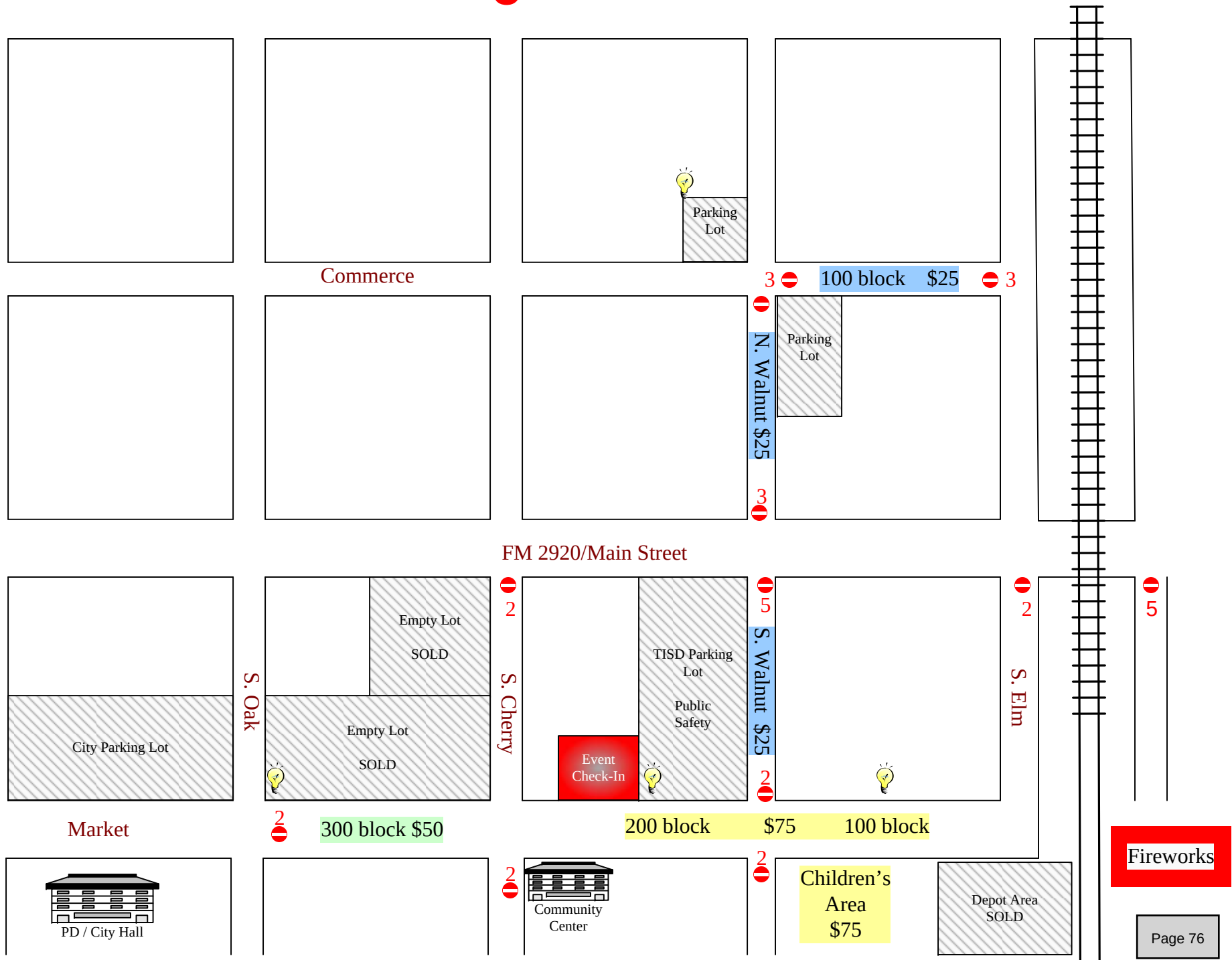
Festival ☒ Community Event ☐ Arts & Crafts Event ☐ Music Event ☐ Other (specify) ☐

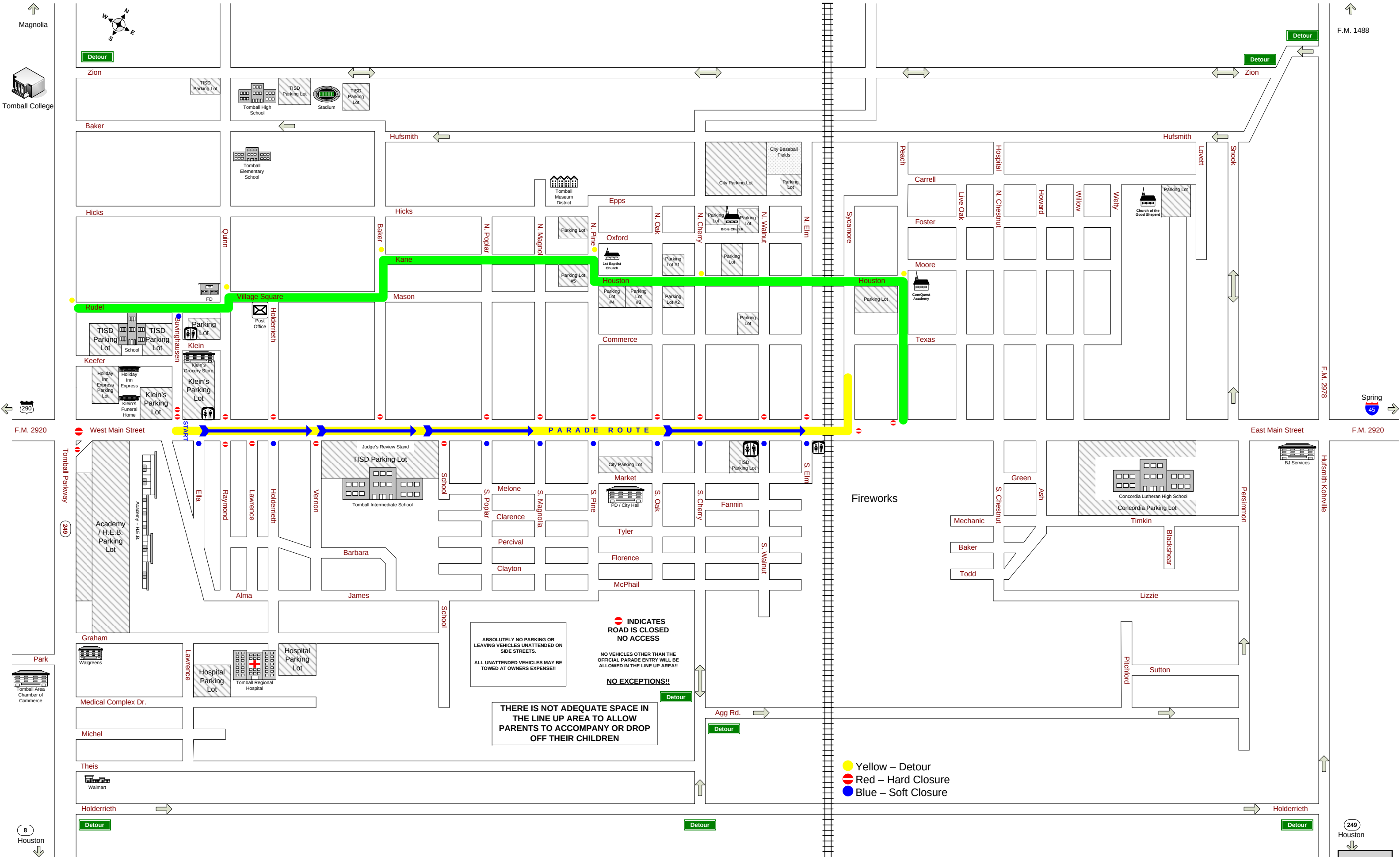
1. Event title: Tomball Night
2. Sponsoring entity: Greater Tomball Area Chamber of Commerce
3. Is this organization based in Tomball: Yes ☒ No ☐ *we are a 501 c 6
4. Is this organization *non-profit* ☒ or *for-profit* ☐ *Attach 501 (c) (3) tax exemption if applicable
5. Contact: Brandy Beyer Phone: 281.351.7222
6. Contact address: 29201 Quinn Road, Ste. B
7. Contact email: bbeyer@tomballchamber.org
8. Event date: 08/06/2021
9. Event times: Start 5pm Finish 10:00pm Set-up 12pm Breakdown 10:30pm
10. Is this event for charity? Yes ☒ No ☐
11. If yes, what charity? Greater Tomball Area Chamber of Commerce Tax ID 74-1495125
12. If yes, what percentage of net proceeds will be donated to the charity? 100%
13. On-site contact: Brandy Beyer Mobile Phone: 713.594.3449
14. Estimated number of attendees: 10,000
15. Detailed site map in attached: Yes ☒ No ☐
16. Is this event open to the public: Yes ☒ No ☐
17. Admission fee: \$ Free ☒
18. Time at which event staff will begin to arrive: 7am
19. The applicant will defend and hold harmless the City of Tomball from all claims, demands, actions or causes of action, of whatsoever nature or character, arising out of or by reason of the conduct of the activity authorized by such application including attorney fees and expenses.
Initial
20. The applicant will provide proof of general liability insurance for the event naming the City of Tomball as additional insured.
Initial
21. Name of insurance carrier: Higginbotham IAS Group
22. Organization has secured date with the Public Works Dept. and has paid deposit.

Signature: Brandy Beyer

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

Tomball Night Downtown





Registered Location(s):

1605 CRESCENT CIR STE 200
CARROLLTON TX 75006-3500

Registration Number

FWD-2402278

Expiration Date: 04-30-2022

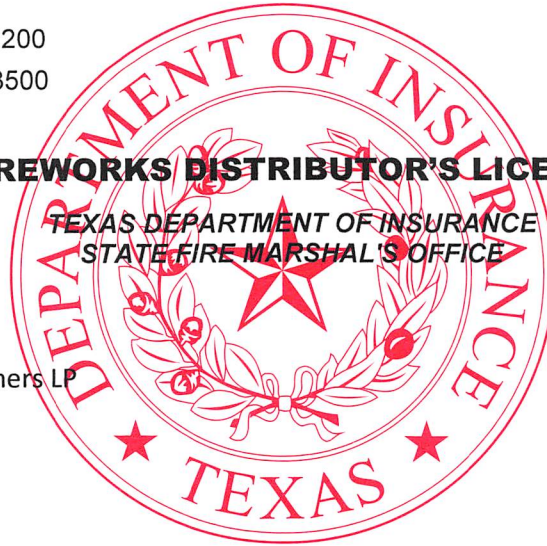
EFFECTIVE DATE: 04-30-2019

FIREWORKS DISTRIBUTOR'S LICENSE

TEXAS DEPARTMENT OF INSURANCE
STATE FIRE MARSHAL'S OFFICE

Issued To:

Illumination Fireworks Partners LP



DATE ISSUED: March 4, 2021

Page 78

Orlando P. Hernandez, State Fire Marshal

SF081|1119



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

May 24, 2021

City of Tomball
401 MARKET ST
TOMBALL TX 77375

Account Information:

Policy Holder Details :	GREATER TOMBALL AREA CHAMBE OF COMMERCE
--------------------------------	--



Contact Us

Business Service Center

Business Hours: Monday - Friday
(7AM - 7PM Central Standard Time)

Phone: (866) 467-8730

Fax: (888) 443-6112

Email: agency.services@thehartford.com

Website: <https://business.thehartford.com>

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

Sincerely,

Your Hartford Service Team



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/24/2021

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

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

PRODUCER HIGGINBOTHAM INS AGENCY INC/PHS 61611737 The Hartford Business Service Center 3600 Wiseman Blvd San Antonio, TX 78251	CONTACT NAME: PHONE (866) 467-8730 FAX (888) 443-6112 (A/C, No, Ext): E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE NAIC#
INSURED GREATER TOMBALL AREA CHAMBE OF COMMERCE 292201 QUINN STEB TOMBALL TX 77375	INSURER A : Hartford Lloyd's Insurance Company 38253 INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/Y YY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ General Liability	X		61 SBA VM8139	12/20/2020	12/20/2021	EACH OCCURRENCE	\$1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$300,000
							MED EXP (Any one person)	\$10,000
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☒ LOC OTHER:						PRODUCTS - COMP/OP AGG	\$2,000,000
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☒ HIRED AUTOS ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS			61 SBA VM8139	12/20/2020	12/20/2021	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
							BODILY INJURY (Per person)	
							BODILY INJURY (Per accident)	
							PROPERTY DAMAGE (Per accident)	
	UMBRELLA LIAB EXCESS LIAB ☐ OCCUR ☐ CLAIMS-MADE ☐ RETENTION \$						EACH OCCURRENCE	
							AGGREGATE	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				☐ PER STATUTE ☐ OTH-ER	
							E.L. EACH ACCIDENT	
							E.L. DISEASE -EA EMPLOYEE	
							E.L. DISEASE - POLICY LIMIT	
A	EMPLOYMENT PRACTICES LIABILITY			61 SBA VM8139	12/20/2020	12/20/2021	Each Claim Limit	\$5,000
							Aggregate Limit	\$5,000

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

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

CERTIFICATE HOLDER

City of Tomball
 401 MARKET ST
 TOMBALL TX 77375

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

Susan L. Castaneda

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City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 7, 2021

Topic:

Presentation of the Tomball Economic Development Corporation (TEDC) 2020-2021 Annual Report.

Background:

The Bylaws of the Tomball Economic Development Corporation (TEDC) require that an annual report detailing the Corporation's activities and achievements in carrying out the goals outlined in its Strategic Work Plan be submitted to City Council for review.

Origination: Tomball Economic Development Corporation Board of Directors

Recommendation:

As per the TEDC Bylaws, this annual report is for review by the City Council. No action is required.

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

FUNDING (IF APPLICABLE)

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

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

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

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



ECONOMIC DEVELOPMENT CORPORATION
2020-21 ANNUAL REPORT

BOARD OF DIRECTORS



Steven Vaughan
Vice-President



Chad Degges
Tomball City Council



William E. Sumner
Secretary



Gretchen Fagan, President
Mayor, City of Tomball



Clete Jaeger



Richard Bruce
Treasurer



Will Benson

TEDC STAFF



Kelly Violette
CEcD, PCED, AICP
Executive Director



Tiffani Wooten, CEcD
Assistant Director



Tori Gleason
*Economic Development
Coordinator*

To promote economic development in the City of Tomball through the attraction of new business and industry and the retention of existing businesses by providing the resources that enable and advance the general well-being of the community.

MISSION

VISION

Tomball is the community of choice for businesses, residents, and visitors, offering a dynamic economy, strong labor force, and unmatched living and working environment.

The Tomball Economic Development Corporation (TEDC) is a non-profit organization formed in 1994, after citizen approval of the 4B Economic Development Tax. The TEDC is a legal entity with the statutory authority to spend economic development sales tax dollars. Tomball's total City sales tax rate is 2%, with 0.5% allocated for the reduction in property tax and 0.5% allocated for economic development.

The Corporation is city-chartered and governed by a seven member, City Council appointed, board of directors. Annual revenues of the Corporation have grown steadily from approximately \$800,000 in the 1994-1995 fiscal year (first full year) to over \$4 million currently.

The Corporation's funds are reinvested into the Tomball community as qualifying companies receive financial assistance in the form of cash grants to defray the costs of purchasing land, buildings, equipment, and improvements for relocation or expansion in the City of Tomball. The TEDC works to bring new, quality businesses and manufacturing to Tomball while still supporting the high-tech corporate industry and family owned and operated businesses. The Corporation's ultimate goal is to create primary jobs that infuse new dollars into the local economy by creating or selling products or services that are ultimately used locally or exported to regional, statewide, national, or international markets.

Welcome to the 2020-2021 Tomball Economic Development Corporation Annual Report. Guided by our strategic initiatives and commitment to serve, our team responded to challenges presented by COVID-19. Using innovative tools, we found ways to support our local businesses, TEDC stakeholders, and the Tomball community in the midst of an unprecedented pandemic.

More than ever, the past year revealed the value of collaboration. The TEDC and our partners have worked hand-in-hand since the onset of COVID-19 to provide information and resources to those impacted. With the assistance of our allies, the TEDC helped create new programs to provide valuable services for our citizens and business owners. This cooperation demonstrates Tomball's strong culture of community, of which we are quite proud.

Despite the challenges faced in 2020, economic growth in Tomball did not wane. The Tomball Business & Technology Park continued to attract new tenants, with several projects completed throughout the year or currently under construction. The expanding diversity of industries that call the Park home demonstrates its versatility and depth.

Investments in Old Town Tomball progressed, leading to new commerce surrounded by classic main street charm. Residential growth is moving forward at a rapid pace, with more than 2,200 homesites planned or under construction. Tomball has never been more desirable!

I am proud that our Tomball EDC team adjusted to the shifting economic landscape to provide critical support to our community. Their dedication and hard work embody the mission of the TEDC – serving our business community's needs. The team's efforts were instrumental in expanding Tomball Together, an initiative created at the onset of COVID-19. What started as an informational website became an effort that exemplifies the spirit of the Tomball community in good times and in bad.

After a year full of ups and downs, Tomball experienced a tremendous loss in March 2021. Tomball's City Manager, Rob Hauck, a champion of our efforts and an inspiration to all, was fatally injured in a single-vehicle crash. Known for his generosity, charisma, and valuable insight, Rob is missed greatly, however his impact on Tomball will be ever lasting.

I am humbled and grateful to be a part of such an amazing community. We are Tomball Together!

Sincerely,



Kelly Violette, CECd, PCED, AICP
Executive Director

*In Memory of our
Partner and Friend*



ROBERT S. HAUCK
City Manager
1966-2021

Operating Revenue

(FY 2021 ADOPTED)



BEGINNING FUND BALANCE
\$24,799,619



SALES TAX
\$3,850,000



INTEREST INCOME
\$350,000



TOTAL AVAILABLE RESOURCES
\$29,005,119

Expenditures



ADMINISTRATIVE
\$569,112



CITY DEBT SERVICE
\$1,127,885



TOTAL EXPENDITURES
\$9,184,002



INDIRECT ECONOMIC
DEVELOPMENT EXPENSES
\$716,705



GRANTS, LOANS,
& OTHER EXPENDITURES
\$6,770,300



ENDING FUND BALANCE
\$19,821,117

2020-21 Annual Work Plan Forms Core Goals for TEDC

Strategic initiatives, key partnerships, and targeted objectives highlight the TEDC's 2020-21 Strategic Work Plan. Developed from the 2020-23 strategic plan, the TEDC took actionable approaches to key goals. Maintaining flexibility in changing business environment, the TEDC achieved goals that supported existing businesses, recruited new companies, invested in Old Town, and spurred entrepreneurship and workforce efforts.

Business Retention and Expansion (BRE)

Continually Engage and Assist in the Success of Tomball Businesses

This initiative was designed to grow existing Tomball businesses and help them recover from the COVID-19 pandemic. Through in-person and virtual site visits, needs assessment surveys, and programming connecting community with industry, BRE efforts showcase the TEDC's engagement. The creation of TomballTogether.com served as a critical resource for businesses needing information on COVID-19 recovery resources.

Attraction and Recruitment

Recruit and Secure New Businesses and Industry Suitable for Tomball

The TEDC achieved attraction and recruitment goals by developing and maintaining relationships with businesses, site selectors, brokers, and developers. Through virtual connections, these goals were still met during the pandemic. Targeted marketing materials helped highlight Tomball's business-friendly environment, thriving Tomball Business & Technology Park, and newly acquired South Live Oak Industrial Park.

Development/Redevelopment of Old Town **Encourage Quality Investment in Tomball's Old Town**

Partnering with local stakeholders and businesses, the TEDC pursued enhancements that furthers Old Town Tomball's commerce and charm. Infrastructure improvements, anchor projects, and shop local initiatives served as catalysts for Old Town's ongoing renaissance.

Innovation and Entrepreneurship

Create Innovative Solutions to Support Emerging Entrepreneurs

The TEDC continued to evaluate ways to promote entrepreneurship, such as creative co-working spaces, training workshops, and partnerships with area educational institutions. Programs designed to assist small businesses impacted by COVID-19 were implemented. Evaluating the feasibility of a culinary incubator space and food hall concept remained part of the strategic plan.

Education and Workforce Development

Partner with Tomball ISD, Lone Star College-Tomball, City of Tomball, Greater Tomball Area Chamber of Commerce, and Local Industries to Further Develop Youth Workforce Initiatives

Utilizing key partnerships, the TEDC continued to advance workforce development for the Tomball community. Enhancing successful events, such as Science, Technology, Engineering, Arts, and Mathematics (STEAM) camps and career fairs, was a key objective towards achieving this goal. While impacted by COVID-19, the TEDC still found ways to impact workforce efforts.

PROJECT GRANTS

2020-2021	SQ. FOOTAGE	JOBS CREATED	JOBS RETAINED	JOBS RELOCATED	CAPITAL INVESTMENT	TEDC INVESTMENT
CCJ COLLABORATIONS	10,500	55	0	0	\$4,000,000.00	\$254,205.00
TCG CAPITAL, LLC	44,000	3	0	0	\$4,000,000.00	\$254,205.00
INVACOR SOLUTIONS, LLC	27,000	59	0	13	\$3,850,000.00	\$108,000.00
HOUSTON POLY BAG I, LTD	34,000	12	68	0	\$3,731,031.00	\$18,000.00
CITY OF TOMBALL - MATHESON PARK	0	0	0	0	\$1,500,000.00	\$300,000.00
POWER NOW, LLC	9,000	15	0	15	\$500,000.00	\$45,000.00
THE HUTSON GROUP	0	0	0	0	\$97,600.00	\$48,800.00
KINSLEY ARMELLE	25,200	14	0	16	\$400,000.00	\$45,000.00
DUNNCO PROPERTIES II, LTD	5,225	20	0	0	\$2,158,857.00	\$54,760.00
B. SMITTYS, LLC	8,000	13	0	0	\$1,300,000.00	\$30,301.00
TOTALS	162,925	191	68	44	\$21,537,488.00	\$1,023,516.00

BUSINESSES IMPROVEMENT GRANTS (BIG)

 **24** BUSINESSES WERE ASSISTED IN 2020-21

 TEDC INVESTMENT
\$283,538

 FAÇADE IMPROVEMENTS
\$92,662

 LANDSCAPING IMPROVEMENTS
\$213,082

 PROPERTY IMPROVEMENTS
\$1,148,216

 SIGNAGE IMPROVEMENTS
\$118,057

 TOTAL PROJECT CAPITAL INVESTMENT **\$1,572,018**

OLD TOWN FAÇADE IMPROVEMENT GRANTS (FIG)

 PROJECT TOTALS
\$454,903

 TEDC GRANT TOTALS
\$121,827

Paradigm Brewing Co.



A unique project highlights recent development in the Tomball Business & Technology Park. Paradigm Brewing broke ground in February on a 10,500 square-foot brewery, which also includes space for a restaurant, packaging, and distribution. Co-owned by industry veterans, Chris Juergen and Josh Schwaiger, Paradigm Brewing will add an exciting food and beverage dimension to the Park. The brewery will open in late 2021 and is anticipated to create 55 jobs within the first two years of operation.

The TEDC and the City of Tomball are partnering to fund an extension of South Persimmon Street to improve connectivity throughout Tomball and provide quick access to the growing Tomball Business & Technology Park. A key north-south thoroughfare, South Persimmon Street will extend from FM 2920 through the entire Park when complete.

Also included is a four-lane extension of Medical Complex Drive from South Persimmon to connect with Hufsmith-Kohrville Road. The project underscores TEDC's ongoing collaboration with the City. The new roads are anticipated to open in the third quarter of 2021.



South Persimmon Street / Medical Complex Drive Extension

Old Town Facade Improvement Grant Program

The Old Town Façade Improvement Grant (FIG) Program furthers the TEDC's strategic goal to encourage development in Old Town Tomball. The FIG program offers matching grant funds on projects that renovate, restore, and enhance facades and structures in Old Town. FIG projects support the character of Old Town Tomball, while improving the integrity and appearance of the building.



Business Improvement Grant Program



Via matching grants from the TEDC, the Business Improvement Grant (BIG) Program helps property owners and businesses make improvements to buildings and property in Tomball. The BIG program encourages investments that enhance the aesthetics of the community, providing a more welcoming business environment and increasing commercial property values. Specific projects eligible for the BIG program include property, signage, facades, and landscaping.

TomballTogether.com

Tomball Together, an initiative created at the beginning of the COVID-19 pandemic, served as a valuable resource throughout 2020 and into 2021. With collaboration from the Greater Tomball Area Chamber of Commerce, TomballTogether.com has stayed up to date with information, resources and programs to assist businesses navigate the changing economic climate.

Grow with Google

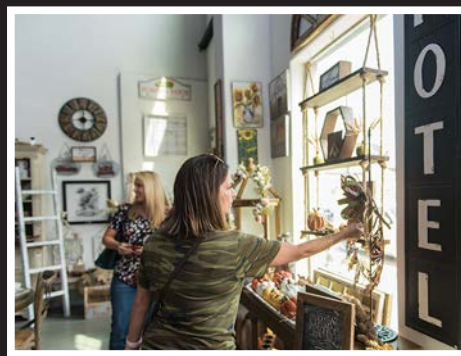
Sparked by the necessity for businesses and residents to grow their technological skills during the pandemic, the TEDC partnered with Google and local stakeholders to offer Grow with Google digital skills workshops. Grow with Google helped the community learn skills helpful in navigating the challenges of COVID-19 by improving their online presence to reach customers and grow business through online content promoting products and services.

Grow with Google
PARTNER



Ten Days of Tomball Together

Ten Days of Tomball Together, held November 13-22, was created as a shop local event to rally the community and support local businesses hit hardest by the pandemic. A partnership between the TEDC, Chamber, and Tomball Business & Professional Women, Ten Days of Tomball Together poured money back into the local economy and raised money for scholarships. More than 60 Tomball-area businesses participated.



Ten Days of Tomball Together

November 13 - 22

Mystery Shopper Poem

Crisp, Beautiful Fall Weather
Is The Forecast For Our
Ten Days of Tomball Together

Shop Local, Shop Small
This is Your Task
But Keep Your Eyes Open For Those
With a Tomball Together Mask



Sip, Shop, Stroll, Stay
Our Mystery Shoppers Will Be
Out And About On Saturdays

Are You The Mystery Shopper?
Is What You Should Inquire
One Hundred Dollars Could Be Yours
To Do As You Desire!

*Tomball Together
Community Forever!*





JDR Cable Systems

Subsea power cable company, JDR Cable Systems, relocated their United States headquarters from Houston to the Tomball Business & Technology Park. Developed by Welcome Group, JDR moved into a newly constructed 65,000 square-foot facility with 45,000 square feet of assembly space and 20,000 square feet of office. A TEDC grant helped bring the company and its 45 employees to Tomball.

Turnstone Texas Group

Turnstone Texas Group completed the construction of five tilt-wall buildings on 9.4 acres along Highway 249 in Tomball. The development consists of two dock-high buildings at 22,500 square feet and 26,250 square feet, two crane ready tilt-wall buildings at 16,000 square feet and 12,000 square feet, and a 15,000 square-foot building. The TEDC provided a grant to assist with infrastructure costs on the \$8.2 million capital investment.



Kinsley Armelle

E-commerce jewelry company, Kinsley Armelle, decided to make the Tomball Business & Technology Park its corporate headquarters. The company was awarded a grant from the TEDC to invest in improvements to their 25,000 square-foot office to streamline operations. With more than 200,000 customers and carried by more than 4,000 vendors worldwide, Kinsley Armelle has immediate plans to grow its team in Tomball.

Power Now

Power Now, a company specializing in the sale, service, and installation of generators relocated its headquarters from Cypress to 215 S. Persimmon Street in Tomball. The company, which brought more than a dozen jobs to Tomball, purchased a 9,000 square-foot facility and has utilized a TEDC grant to make property improvements. The facility helps Power Now optimize processes and houses the only offsite Briggs & Stratton training facility in the United States.



Element Sportsplex

Element Sportsplex, a state-of-the-art indoor sports facility, announced intentions to open on Theis Lane in Tomball. The 45,000 square-foot complex plans to include volleyball and basketball courts, concession stands, a pro shop, office space, and a lobby for visitors. Infrastructure costs are being aided by a TEDC grant on the \$4.7 million capital investment. The facility, which will also be the home to Texas Legacy Volleyball Club, plans to open in 2021.

Jerry Matheson Park

The TEDC has committed \$300,000 to the improvement of Jerry Matheson Park on Ulrich Road in Tomball. The Matheson Park master plan includes a splash pad, zip line, walking trail, and four lighted pickleball courts. This project, which is set to get underway in 2021, would continue TEDC's mission to improve quality of life in Tomball.





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Now Live

See the Fresh Face of Tomball EDC

Announcing the launch of the
all new Tomballtxedc.com



The TEDC unveiled a dynamic website to match the community and business atmosphere it represents. Launched in February 2021, the updated Tomballtxedc.org brings to life information, resources, news, and more portraying the Tomball economic story.



Highlighted by key tools for site selectors, developers, industry, and local stakeholders, the new and improved website is a comprehensive resource for anyone looking to do business in Tomball. Tools to search properties, examine the labor force, explore demographic data, and compare Tomball to other communities are updated and user-friendly.

Highly detailed, yet easily navigable, the new website presents a clear picture of Tomball's welcoming environment. Tomball has so much to offer and it all can be found at Tomballtxedc.org.

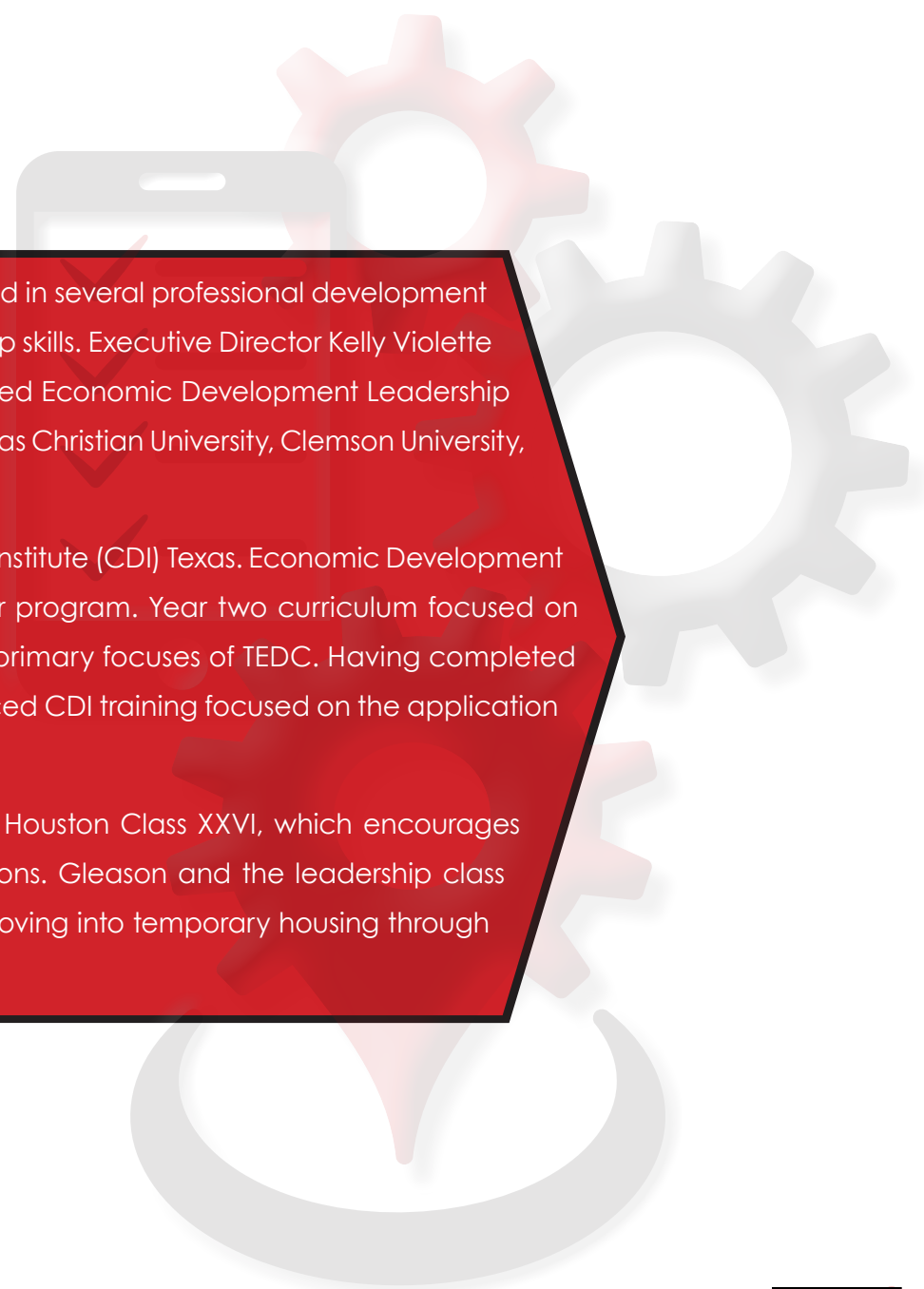


The Tomball Economic Development Corporation was awarded four 2020 Excellence in Economic Development Awards from the International Economic Development Council (IEDC), a record number for the TEDC. Honors included Bronze Excellence Awards for the following economic development initiatives:

- 2019 Annual Report
- Business Improvement Grant Program
- Science, Technology, Engineering, Arts, and Mathematics (STEAM) Camp
- Tomball Together website

The awards were announced during IEDC's Virtual Annual Conference in October 2020.

Excellence in Economic Development Awards recognize the world's best economic development programs and partnerships, marketing materials, and the year's most influential leaders. Awards are judged by a diverse panel of economic and community developers from around the world. IEDC received more than 500 submissions from 4 countries.



Tomball Economic Development Corporation staff participated in several professional development programs to enhance economic development and leadership skills. Executive Director Kelly Violette and Assistant Director Tiffani Wooten completed the Advanced Economic Development Leadership (AEDL) program, earning a Master Practitioner designation from Texas Christian University, Clemson University, University of New Mexico, and the University of Southern Mississippi.

The entire TEDC team participated in Community Development Institute (CDI) Texas. Economic Development Coordinator Tori Gleason completed the second of a three-year program. Year two curriculum focused on implementing economic development strategies that align with primary focuses of TEDC. Having completed all three years of CDI, Violette and Wooten participated in Advanced CDI training focused on the application of community and economic development principles.

Gleason was also selected as a member of Leadership North Houston Class XXVI, which encourages exchange of best practices and strengthens leadership foundations. Gleason and the leadership class selected a class project to provide essential items the homeless moving into temporary housing through H.O.P.E. Haven, a non-profit supporting the homeless.



281.401.4086 • 29201 QUINN ROAD, SUITE B • TOMBALL, TX 77375
TOMBALLTXEDC.ORG

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 7, 2021

Topic:

Approve the Tomball Economic Development Corporation (TEDC) 2021-2022 Strategic Work Plan.

Background:

The TEDC Bylaws require that the Corporation prepare an annual work plan outlining its goals and objectives and present the work plan to City Council for approval.

The 2021-2022 Strategic Work Plan further defines the goals that are outlined in the 3-Year Plan and includes applicable action steps for each goal. Additionally, metrics/key performance indicators are included to gauge the Corporation's progress in achieving its goals.

Origination: Tomball Economic Development Corporation Board of Directors

Recommendation:

Approve the 2021-2022 TEDC Strategic Work Plan.

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

FUNDING (IF APPLICABLE)

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

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

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

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



ECONOMIC DEVELOPMENT CORPORATION



Strategic Work Plan 2021-2022

MISSION

To promote economic development in the City of Tomball through the attraction of new business and industry and the retention of existing businesses by providing the resources that enhance the general well-being of the community.

VISION

Tomball is the community of choice for businesses, residents, and visitors, offering a dynamic economy, strong labor force, and unmatched living and working environment.

The following Strategic Work Plan outlines the items from the 2020-2023 Strategic Plan that are to be accomplished in the second year: 2021-2022.

Tomball EDC 2020-2023 Goals:

1. BUSINESS RETENTION & EXPANSION (BRE)
2. ATTRACTION & RECRUITMENT
3. DEVELOPMENT/REDEVELOPMENT OF OLD TOWN
4. INNOVATION & ENTREPRENEURSHIP
5. EDUCATION & WORKFORCE DEVELOPMENT





BUSINESS RETENTION & EXPANSION (BRE)

To continually engage and assist in the success of Tomball businesses.

1. Conduct 12 BRE on-site or virtual visits per quarter.
2. Conduct an annual online business survey to identify and manage business needs.
3. Assist Tomball companies that have been in or need recovery and resilience planning:
 - (a) Identify business (by sector) that have success stories and share them.
 - (b) Create documentation of business lessons learned for future disaster situations.
 - (c) Create segmentation discussion groups that can be immediately launched in case of next emergency situation.
 - (d) Proactively decide course of action for each disaster: immediate, ongoing, post-disaster.
 - (e) Continually update the Tomball Together website and promote it as a primary resource for business recovery.
4. Produce programming that meets the needs of the existing industry leaders in Tomball.
 - (a) Host events as safely available.
 - (b) Consider business owner networking evening event.
 - (c) Intentionally celebrate Tomball's legacy businesses and milestone anniversary dates.
5. Acquire customer relationship management (CRM) software and develop a comprehensive database.

How will Goal #1 be Measured in 2021-2022?

of Tomball businesses visited in person or virtually in 2021-2022? _____ (Goal is 48)

of Tomball businesses that we identified and shared their success stories _____ (Goal is 6)

of business events we produced for the benefit of existing business owners in 2021-2022? _____ (Goal is 4)

of Tomball businesses we celebrated their years of service in 2021-2022? _____
(Goal is all milestone years such as 10, 20, 25, 30, 40, 50, etc.)



ATTRACTION AND RECRUITMENT

Recruit and secure new businesses/industry that are suitable for Tomball.

1. Use Target Industry Analysis (TIA) to develop marketing and branding materials that respond to the key information needs of site selectors and appeal to the 5 industries identified in TIA: Advanced Manufacturing, Energy, Food Manufacturing, Healthcare & R&D, & High Tech.
2. Continue developing and maintaining relationships with businesses, site selectors, brokers, and developers.
3. Explore opportunities and partnerships that support the creation of a business innovation center.
4. To have 80% of available Business & Technology Park property sold or under contract.
5. Explore needed infrastructure in target areas: identify where might TEDC need to invest and entities with which to partner.
6. Attend trade shows and industry events that provide opportunities to market to key industry decision makers.

How will Goal #2 be Measured in 2022-2022?

☐ Did we continue to explore opportunities in 2021-2022 for a business innovation center?

% of Business & Technology Park sold or under contract by end of 2021-2022? _____ (Goal is 80%)

☐ Did we explore infrastructure opportunities in Tomball?

of trade shows and industry events attended? _____





GOAL 3: DEVELOPMENT/REDEVELOPMENT OF OLD TOWN

To encourage quality investment in Tomball's Old Town.

1. Partner with the City of Tomball on targeted infrastructure improvements (alleyways, parking, wayfinding, etc.) that enhance Old Town's tourism readiness and experience.
2. Facilitate the redevelopment of the South Live Oak Business Park.
3. Invest in strategic anchor projects that have the potential to catalyze development in Old Town.
4. Continue to promote incentives and explore additional ways to encourage upgrades to properties in Old Town.
5. Work with Old Town merchants, business owners, and property owners to market available properties and investment opportunities.
6. Continue to partner with the Tomball Chamber to develop and execute a Shop Local initiative, leveraging #TomballTogether branding.
7. Visit merchants and business owners in Old Town to determine needs and promote TEDC programs.

How will Goal #3 be Measured in 2021-2022?

- ☐ Did we support or provide targeted infrastructure improvements in Old Town?
- ☐ Did we pursue redevelopment plans for the South Live Oak Business Park?
- ☐ Did we invest in anchor projects?
- ☐ Did we promote or provide improvement grants and other property upgrade ideas in Old Town?
- ☐ Did we work with merchants, business owners, and property owners to market properties and opportunities?
- ☐ Did we partner with the Chamber to develop and execute a Shop Local campaign to encourage residents to shop in Tomball first?





INNOVATION AND ENTREPRENEURSHIP

To create innovative solutions to support emerging entrepreneurs.

1. Evaluate the feasibility of creating a culinary incubator space:
 - a. Consider incorporation of a food hall concept.
 - b. Continue partnership discussions with the Farmer's Market Association, Lone Star College – Tomball and Tomball ISD.
 - c. Consider a small business services component that houses co-working space, meeting rooms, etc.
2. Create a Tomball Entrepreneurship Training Workshop Series to assist new and existing small business owners.
3. Continue to explore creative coworking spaces to assist emerging entrepreneurs.

How will Goal #4 be Measured in 2021-2022?

- ☐ Did we fully explore the feasibility of creating a culinary incubator?
- ☐ Did we offer a Tomball Training Workshop Series?
- ☐ Did we explore creative coworking spaces to assist emerging entrepreneurs?





EDUCATION AND WORKFORCE DEVELOPMENT

Partner with local/regional education institutions, City of Tomball, Greater Tomball Area Chamber of Commerce, and local industries to further develop youth workforce initiatives.

1. Research and evaluate workforce programs and partner with local organizations to define areas of interest.
2. Enhance existing STEAM initiative to include apprenticeships and internships in multiple businesses and industry partners.
3. Continue to work with local/regional education institutions to support job and career fairs.
4. Explore platforms to provide to Tomball ISD that virtually connect students and instructors with industry experts to showcase real-life career duties and explore various career choices.

How will Goal #5 be Measured in 2021-2022?

- ☐ Did we evaluate workforce programs and partner with others to define areas of interest?
- ☐ Did we re-initiate discussions on apprenticeship and internship opportunities?
- ☐ Did we support a job fair in the 2021-2022 school year?
- ☐ Did we support a career fair in the 2021-2022 school year?
- ☐ Did we explore options regarding interactive career-exploration classroom platforms?

Facilitated by  Opportunity Strategies LLC



City Council Meeting Agenda Item Data Sheet

Meeting Date: June 7, 2021

Topic:

Appoint/Reappoint Members to the Planning & Zoning Commission, for Terms Expiring June 1, 2024.

Background:

The Planning & Zoning Commission consists of five regular members with staggered three-year terms. On June 1st, Commissioners Barbara Tague and Dane Dunagin's terms expired. Both Commissioners have expressed their desire to be reappointed with new terms expiring on June 1, 2024.

Origination: Community Development Department

Recommendation:

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

From: [Barbara Tague](#)
To: [Kimberly Chandler](#)
Cc: [Craig Meyers](#); [Wesley Stolz](#); [Amelia Lindley](#)
Subject: Re: Planning & Zoning Commission Re-appointment
Date: Tuesday, May 11, 2021 9:27:59 AM

Kim,

Yes, I would like to be reappointed to the Planning & Zoning Commission for another term.

Please let me know what you need from me to send you to re-apply.

Best regards,
Barbara

Barbara Tague

National Federation of the Grand Order of Pachyderms, National Director 2023

NFGOP Ivory Circle Sponsor

Greater Tomball Area Pachyderm Club, Immediate Past President, VP Programs

Tomball Republican Women, 2020-2022 President, Founder and Charter Member

Greater Houston Council of Federated Republican Women, Past President, Bylaws Chairman

Texas Federation of Republican Women Board of Directors – Public Relations Chair/Texas Star Editor 2016-2019

Texas Federation of Republican Women Patron 2007-2020

Harris County Republican Party CERTIFIED Precinct 529 Chairman 2008-2022

Harris County Republican Party Rules Committee 2016-2020, HCRP Finance 2021 Committee,

HCRP Local Government Committee, HCRP 2021 Event Committee, HCRP Primary Committee,

P O Box 20

Tomball, Texas 77377-0020

Cell: 713-851-0737

Email: 4tague@sbcglobal.net

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On Tuesday, May 11, 2021, 08:51:41 AM CDT, Kimberly Chandler <kchandler@tomballtx.gov> wrote:

Good Morning,

Your Term as a P&Z Commissioner is scheduled to expire on 6/1/2021. Please let me know if you desire to be re-appointed for the next Term.

Thank You,

Kimberly Chandler

Community Development Coordinator

501 James Street

Tomball, TX 77375

281-290-1405 (Office)

281-351-4735 (Fax)

PLEASE SCHEDULE INSPECTIONS ON-LINE BY USING THE FOLLOWING LINK:

tomballtx.gov/inspection

From: [Dane Dunagin](#)
To: [Kimberly Chandler](#)
Subject: Re: Planning & Zoning Commission Re-appointment
Date: Tuesday, May 11, 2021 9:39:25 AM

Yes please reappoint me

Sent from my iPhone

On May 11, 2021, at 8:51 AM, Kimberly Chandler <KChandler@tomballtx.gov> wrote:

Good Morning,

Your Term as a P&Z Commissioner is scheduled to expire on 6/1/2021. Please let me know if you desire to be re-appointed for the next Term.

Thank You,

*Kimberly Chandler
Community Development Coordinator
501 James Street
Tomball, TX 77375
281-290-1405 (Office)
281-351-4735 (Fax)*

PLEASE SCHEDULE INSPECTIONS ON-LINE BY USING THE FOLLOWING LINK:
tomballtx.gov/inspection

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 7, 2021

Topic:

Approve transfer of right-of-way for City of Tomball Tracts 532 and 540 to TxDOT and authorize Interim City Manager to execute appropriate deeds.

Background:

March 6, 2017 Council approved the acceptance of Right-of-Way needed for the extension of the Tomball Tollway. Parcel 532 was approximately 0.0442 acres of land belonging to Mariah Group, LTD. and Parcel 540 was approximately 0.0058 acres of land belonging to Brown Road Timber Resources, LLC. At the time of negotiations the property owner agreed to dedicate the right-of-way to the City of Tomball in lieu of Harris County.

Staff recommends approving the transfer of right-of-way for Tracts 532 and 540 along State Highway 249 to TxDOT.

Origination: City Administration

Recommendation:

Staff recommends approving transfer of City Property to TxDOT and authorizing City Manager to execute appropriate deeds.

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	<u>David Esquivel</u>	Approved by	_____
	Staff Member		City Manager
	Date		Date

AGREEMENT TO ACCEPT DONATION OF REAL PROPERTY

STATE OF TEXAS	§	ROW CSJ #: 0720-03-149
	§	Parcel #: P00058924 (Parcel 532)
COUNTY OF HARRIS	§	Project limits: South of Brown Rd to Montgomery C/L

THIS AGREEMENT is entered between the Contracting Parties, as defined below.

I. Contracting Parties:

Donor: THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, a Texas home-rule municipality
State: The Texas Department of Transportation ("State" or "TxDOT")

II. Background:

Texas Transportation Code §201.206 authorizes the State to accept, from any source, a donation of realty for the purpose of carrying out its functions and duties. Texas Government Code Chapter 575, requires the governing board of a state agency, not later than the 90th day after a donation valued at \$500 or more is accepted, to acknowledge the acceptance of the donation by majority vote at an open meeting and prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final. To provide guidance on when a donation may be accepted by the State, the Texas Transportation Commission (Commission) has adopted rules relating to the State acceptance of donations, codified as 43 TAC §§1.500-1.506. Acceptance of a donation of \$500.00 or more must be acknowledged by the Commission not later than the 90th day after the date the Donation is accepted by the State.

The Donor is a property owner desiring to donate property described herein to the State for no benefit or gain to the Donor. The State wishes to accept the donation of property and the Donor must execute this donation agreement.

III. Agreement:

The Donor, being fully informed of its right to receive just compensation for the Property, agrees to donate the property more particularly described on Exhibit "A", attached hereto and incorporated herein for all purposes (the "**Property**"), to the State. The State certifies that its acceptance of the Property will further the State's abilities to meet its responsibilities.

The value of the Property as determined by (leave blank if Donor has waived) is \$(leave blank if Donor has waived). The Donor has been informed of its right to conduct or waive an appraisal of the Property by a qualified appraiser. (_____) Donor's Initial

IV. Representations and Warranties:

- The Donor represents and warrants that it has unrestricted fee ownership and use of the Property and that by signing the Donation Deed it is forever relinquishing and transferring all rights and interest in and to the Property to the State.
- The Donor acknowledges that it has been fully informed of Donor's right to receive just compensation for the Property.
- Donor acknowledges that nothing contained in this Agreement shall be a limitation of any type on the divestment of interest by Donor to State.
- The Donor acknowledges that there is no official relationship between the Donor and the State.
- The Donor acknowledges that it will receive no benefit as a result of the donation of the Property.

- F. The Donor is not the subject of State regulation or oversight, or interested in or likely to become interested in any contract, purchase, payment, or claim with or against the State.
- G. The State determines that acceptance of the donation will provide a significant public benefit and such acceptance does not influence or appear to influence the State in the performance of its duties.
- H. The Donor acknowledges that TxDOT's acceptance of the donation does not bind State to a course of action or promise of performance.
- I. The State neither approves nor is responsible for any representations made by the Donor for tax purposes.
- J. The Donor acknowledges that the State will act in reliance of and in consideration of the promises made by the Donor in this agreement.
- K. The Donor acknowledges that this agreement is public information and will be furnished to a requestor pursuant to Chapter 552 of the Texas Government Code.

V. Hold Harmless:

The Donor shall save and hold harmless the State and its officers and employees from any and all claims and liability due to any intentional or negligent actions that are caused by or result from error, omission, or negligent act of the Donor or of any person employed by the Donor. The Donor shall also save harmless the State from any and all expense, including, but not limited to, attorney fees that may be incurred by the State in litigation or otherwise resisting the claim or liabilities that may be imposed on the State as a result of such activities by the Donor, its agents, or employees.

VI. Warranty of Use:

Donor represents and warrants to the State that Donor has no knowledge of any current or former use, generation, storage or disposal of any hazardous material on or under the Property currently or previously in violation of any federal, state or local governmental law or rule. Additionally, Donor represents and warrants to the State that Donor has no knowledge of the Property being used for a gas station, auto shop, or dry cleaning service, and has no knowledge of the presence of asbestos material on the Property. Donor has not received any notice of any action or proceeding relating to any hazardous materials or any release thereof on, in, under or about the Property.

VII. Relocation Assistance: (If applicable)

Donor acknowledges receipt of the brochure entitled "*Relocation Assistance*" and understands that relocation assistance benefits, if any, are handled entirely separate from and in addition to this transaction. Relocation benefits, if any, will be examined on a case by case basis, and will be specifically set forth in a separate agreement.

VIII. Costs:

- A. The State, without cost to the Donor, shall pay the cost of recording all instruments conveying title to the State, and the State may, but is not obligated to, purchase an owner's title policy at the State's expense.
- B. Donor will be reimbursed for any fair and reasonable incidental expenses necessarily incurred in transferring title to the Property for use by State. Expenses eligible for reimbursement may include (1) recording fees, transfer taxes and similar expenses incidental to conveying the Property to State; and (2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the Property. Voluntary unnecessary expenses or expenses incurred in clearing questionable title will not be eligible for reimbursement. Eligible incidental expenses will be reimbursed upon submission of a claim supported by receipted bills or other evidence of actual expenses incurred. Donor may file a written request for review if Donor believes that the State failed to properly determine the eligibility for or the amount of incidental expenses to be reimbursed. There is no standard form on which to request a review of a claim; however, the request for review must be filed with the State within six months after you are notified of the State's determination on

any claim for reimbursement.

IX. Termination/Withdrawal:

If Donor withdraws from this agreement, in writing, before it is executed by the State, such withdrawal shall extinguish all rights, duties, obligations and liabilities of the State and the Donor under this agreement.

X. Sole Agreement:

This Agreement and the Donation Deed constitute the only promises, consideration and conditions of this conveyance, and no other promises, consideration or conditions have been signified or implied, except any benefits which Donor may or may not be entitled under the State's Relocation Assistance Program.

XI. Notices:

All notices to either party by the other party will be delivered personally or sent by U.S. Mail, postage prepaid, to the following addresses:

Donor:	State:
Attn:	Texas Department of Transportation Attn: Right of Way Division P.O. Box 5075 Austin, Texas 78763-5075

The notice shall be received by the addressee on the date delivered or deposited in the mail. Either party may change its address by sending written notice of the change to the other in the manner provided.

XII. Exhibits:

- A. Property Location Map or Survey
- B. Deed

The State and the Donor have executed duplicate counterparts of this agreement.

THE STATE

Executed for the Executive Director and approved by the Texas Transportation Commission for the purpose and effect of carrying out the orders, established policies, or work programs approved and authorized by the Texas Transportation Commission.

Texas Department of Transportation

Director, TxDOT Right of Way Division

Date:

THE DONOR

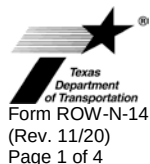
The undersigned signatory warrants that he or she is an official representative of the organization making the donation described and is authorized to make the donation and to enter into this Agreement on behalf of the organization.

BY:
Authorized Signature

Typed or Printed Name and Title

Date:

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.



DEED

TxDOT ROW CSJ: 0720-03-149

TxDOT Parcel ID: P00058924 (Parcel 532)

Grantor(s), whether one or more:

THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, a Texas home-rule municipality

Grantor's Mailing Address (including county):

Grantee:

The State of Texas, acting by and through the Texas Transportation Commission

Grantee's Authority:

The Texas Transportation Commission is authorized under the Texas Transportation Code to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary or convenient to a state highway or turnpike project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway or turnpike project.

The Texas Transportation Commission is also authorized under the Texas Transportation Code, Chapter 203 to acquire or request to be acquired such other property rights deemed necessary or convenient for the purposes of operating a state highway or turnpike project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled facilities and designated controlled access highways and turnpike projects.

Grantee's Mailing Address (including county):

Texas Department of Transportation
125 E. 11th Street
Austin, Travis County, Texas 78701

Consideration:

The sum of Ten and no/100 Dollars (\$10.00) to Grantor in hand paid by Grantee, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied.

Property:

All of that certain tract or parcel of land in Harris County, Texas, being more particularly described in the attached Exhibit A (the “**Property**”).

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made by Grantor and accepted by Grantee subject to the following:

1. Visible and apparent easements not appearing of record.
2. Any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show.
3. Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records of Harris County, Texas, that affect the property, but only to the extent that said items are still valid and in force and effect at this time.

Grantor reserves all of the oil, gas, and sulfur in and under the Property but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee, its successors and assigns, to take and use all other minerals and materials thereon, therein, and thereunder.

Grantor is retaining title to the following improvements (“**Retained Improvements**”) located on the Property, to wit:

Grantor covenants and agrees to remove the Retained Improvements from the Property by N/A day of N/A 20N/A, subject to such extensions of time as may be granted by Grantee in writing. In the event Grantor fails, for any reason, to remove the Retained Improvements within the time prescribed, then, without further consideration, title to all or part of such Retained Improvements not so removed shall pass to and vest in Grantee, its successors and assigns, forever.

Access on and off Grantor’s remaining property to and from the State highway facility shall be permitted except to the extent that such access is expressly prohibited by the provisions set out in Exhibit “A”. Grantor acknowledges that such access on and off the State highway facility is subject to regulation as may be determined by the Texas Department of Transportation to be necessary in the interest of public safety or by applicable local municipal or county zoning, platting, or permitting requirements.

GRANTOR, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee’s successors and assigns forever. Grantor binds Grantor and Grantor’s heirs, successors, and assigns to Warrant and Forever Defend all and singular the Property to Grantee and Grantee’s successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED on the date(s) of acknowledgment indicated below.

GRANTOR:

THE CITY OF TOMBALL, HARRIS COUNTY,
TEXAS, a Texas home-rule municipality

BY: _____

TITLE: _____

Acknowledgment

State of Texas
County of

This instrument was acknowledged before me on _____
_____ by _____. The
acknowledging person personally appeared by:

☐ physically appearing before me.

☐ appearing by an interactive two-way audio and video communication that meets the requirements for online
notarization under Texas Government Code, Chapter 406, Subchapter C.

Notary Public's Signature

AFTER RECORDING, RETURN TO:

[ADDITIONAL WORDING FOR AN EXHIBIT “A” WHERE WHOLE TAKE (NO REMAINDER) INVOLVED—INCLUDE THE FOLLOWING PARAGRAPH AS AN ADDITIONAL PAGE TO THE EXHIBIT “A” PROPERTY DESCRIPTION IMMEDIATELY AFTER THE LEGAL DESCRIPTION AND PLAT MAP]

The property described above relates to a “whole” property acquisition, so that there is no remainder or remaining property owned by the Grantors that was originally out of or a part of the property described above. Therefore, there are no access rights retained or remaining in Grantors, their successors and assigns, out of or relating to the property described above.

Note to Right of Way Project Delivery Personnel: For partial takings, delete this page.

EXHIBIT A

TOMBALL TOLLWAY – PHASE 2
PARCEL 532
0.0442 ACRE (1,924 SQUARE FEET)
JOSEPH HOUSE SURVEY, ABSTRACT NUMBER 34
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

Page 1 of 5

Being a tract or parcel, containing 0.0442 acre (1,924 square feet) of land, situated in the Joseph House Survey, Abstract Number 34, City of Tomball, Harris County, Texas, and being part of and out of that certain called 0.2175 acre described in deed to Mariah Group, Ltd., dated July 12, 2011, as recorded under Harris County Clerk's File (H.C.C.F.) Number 20110288171 (Film Code (F.C.) Number 025-11-0401); said 0.0442 acre tract being more particularly described as follows (all bearings and coordinates are based on the Texas Coordinate System, South Central Zone (4204), North American Datum of 1983 (NAD 83), 1993 adjustment; all distances and coordinates herein are surface values and may be converted to grid by dividing by a surface adjustment factor of 1.00013; all distances and coordinates herein are based on the U.S. Survey Foot);

COMMENCING at a point in the east line of that certain called 10.2406 acres described in deed to CFH Tomball Partners, L.P., dated November 26, 2014, as recorded under H.C.C.F. Number 20140550784 (F.C. Number 064-04-1654); also being the southwest corner of the remainder of that certain called 1.022 acres described in deed to Tomball Riverwalk Limited Partnership (formerly known as Burnside Wichita Limited Partnership), dated April 2, 2002, as recorded under H.C.C.F. Number V723478 (F.C. Number 550-82-3394); also being the northwest corner of said 0.2175 acre tract, from which a found 5/8-inch iron rod bears South 88°43'54" West, 0.13 feet; thence:

N 88°43'54" East, with the south line of said 1.022 acre tract and the north line of said 0.2175 acre tract, a distance of 36.87 feet to a 5/8-inch iron rod with plastic cap, stamped "TERRA SURVEYING," set in the proposed west right-of-way (R.O.W.) line of State Highway (S.H.) 249, based on a varying width, and marking the **POINT OF BEGINNING** and northwest corner of the herein described tract, and having surface coordinates of X=3,031,382.58 and Y=13,966,043.88;

THENCE, North 88°43'54" East, continuing with the south line of said 1.022 acre tract and the north line of said 0.2175 acre tract, a distance of 8.96 feet to a point in the existing west R.O.W. line of said S.H. 249, based on a varying width, and being the west common corner of Parcels 507A and 507B, as dedicated to State of Texas under H.C.C.F. Numbers 20070059638 (F.C. Number 038-65-1026) and H.C.C.F. Number Y500047 (F.C. Number 006-15-1565), respectively; also being northeast corner of said 0.2175 acre tract and the herein described tract;

TOMBALL TOLLWAY – PHASE 2
PARCEL 532
0.0442 ACRE (1,924 SQUARE FEET)
JOSEPH HOUSE SURVEY, ABSTRACT NUMBER 34
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

Page 2 of 5

THENCE, southerly and westerly with the existing west R.O.W. line of said S.H. 249, and the easterly and southerly lines of said 0.2175 acre tract, the following courses:

Southerly, with a non-tangent curve to the right, having a radius of 1,894.86 feet, an arc length of 145.80 feet, a delta angle of $04^{\circ}24'31''$, and a chord which bears South $10^{\circ}12'46''$ East, 145.77 feet to a point for the northerly end of an existing cutback line, and being the most northerly southeast corner of said 0.2175 acre tract and the herein described tract, from which a found 5/8-inch iron rod with cap bears North $14^{\circ}41'$ West, 0.23 feet;

South $39^{\circ}24'46''$ West, a distance of 17.13 feet to point for the southerly end of said existing cutback line, and being the most southerly southeast corner of said 0.2175 acre tract and the herein described tract, from which a found 5/8-inch iron rod with cap bears North $23^{\circ}11'$ West, 0.17 feet;

Westerly, with a non-tangent curve to the right, having a radius of 944.25 feet, an arc length of 29.80 feet, a delta angle of $01^{\circ}48'29''$, and a chord which bears South $80^{\circ}12'44''$ West, 29.80 feet to a 5/8-inch iron rod with plastic cap, stamped "TERRA SURVEYING," set in the proposed R.O.W. line of said S.H. 249, and marking the southerly end of a proposed cutback line and the most southwesterly corner of the herein described tract;

THENCE, northerly, departing the existing west R.O.W. line of said S.H. 249 and across said 0.2175 acre tract with the proposed west R.O.W. line of said S.H. 249, the following courses:

North $39^{\circ}47'23''$ East, a distance of 42.93 feet to a 5/8-inch iron rod with plastic cap, stamped "TERRA SURVEYING," set marking the northerly end of said proposed cutback line, and marking an angle point in the proposed west R.O.W. line of said S.H. 249 and the herein described tract;

Northerly, along a non-tangent curve to the left, having a radius of 1,898.00 feet, an arc length of 130.47 feet, a delta angle of $03^{\circ}56'19''$, and a chord which bears North $09^{\circ}43'36''$ West, 130.45 feet to the **POINT OF BEGINNING** and containing 0.0442 acre (1,924 square feet) of land.

TOMBALL TOLLWAY – PHASE 2
PARCEL 532
0.0442 ACRE (1,924 SQUARE FEET)
JOSEPH HOUSE SURVEY, ABSTRACT NUMBER 34
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

Page 3 of 5

There also exists a separate drawing of the subject tract, as prepared by Terra Surveying Company, Inc., under this project number of even date.

Compiled by:
Scott D. Mandeville, RPLS
Terra Surveying Company, Inc.
3000 Wilcrest Drive, Suite 210
Houston, Texas 77042
713-993-0327
Project Number 1053-1401



ABBREVIATIONS

A.E.	AERIAL EASEMENT
AC.	ACRES
CONC.	CONCRETE
ESMT.	EASEMENT
EXIST.	EXISTING
F.C.	FILM CODE
F/K/A	FORMERLY KNOWN AS
FND.	FOUND
H.C.C.F.	HARRIS COUNTY CLERK'S FILE
H.C.D.R.	HARRIS COUNTY DEED RECORDS
H.C.F.C.D.	HARRIS COUNTY FLOOD CONTROL DISTRICT
H.C.M.R.	HARRIS COUNTY MAP RECORDS
H.L.&P.	HOUSTON LIGHTING & POWER
INT.	INTEREST
I.P.	IRON PIPE
I.R.	IRON ROD
MONU.	MONUMENT (4"x4", PILLAR)
NO.	NUMBER
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
PROP.	PROPOSED
P.U.E.	PUBLIC UTILITY EASEMENT
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
SET	SET 5/8" IRON ROD WITH CAP, STAMPED "TERRA SURVEYING", UNLESS OTHERWISE NOTED
SQ. FT.	SQUARE FEET
TXDOT	TEXAS DEPARTMENT OF TRANSPORTATION
VOL.	VOLUME
W/	WITH

CURVE TABLE					
NO.	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD
C1	1,894.86'	145.80'	04°24'31"	S 10°12'46" E	145.77'
C2	944.25'	29.80'	01°48'29"	S 80°12'44" W	29.80'
C3	1,898.00'	130.47'	03°56'19"	N 09°43'36" W	130.45'

LINE TABLE		
NO.	BEARING	DISTANCE
L1	N 88°43'54" E	36.87'
L2	N 88°43'54" E	8.98'
L3	S 39°24'46" W	17.13'
L4	N 39°47'23" E	42.93'

BY: 
 GEORGE COLLISON
 REGISTERED PROFESSIONAL
 LAND SURVEYOR
 TEXAS REGISTRATION NO. 4461



DATED: 3-31-16

GENERAL NOTES

1. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT WHICH MAY OTHERWISE REVEAL EASEMENTS AND OTHER ENCUMBRANCES OF RECORD NOT CURRENTLY SHOWN HEREON. TERRA SURVEYING COMPANY DID NOT PERFORM ANY ADDITIONAL RESEARCH TO DETERMINE THE EXISTENCE OF ANY SUCH ENCUMBRANCES.
2. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM OF 1983 (NAD 83), 1993 ADJUSTMENT. ALL DISTANCES AND COORDINATES SHOWN HEREON ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR OF 1.00013. ALL DISTANCES AND COORDINATES SHOWN HEREON ARE BASED ON THE U.S. SURVEY FOOT.
3. THERE IS ALSO A SEPARATE METES AND BOUNDS OF THE SUBJECT TRACT, AS PREPARED BY TERRA SURVEYING COMPANY, UNDER THIS PROJECT NUMBER OF EVEN DATE.

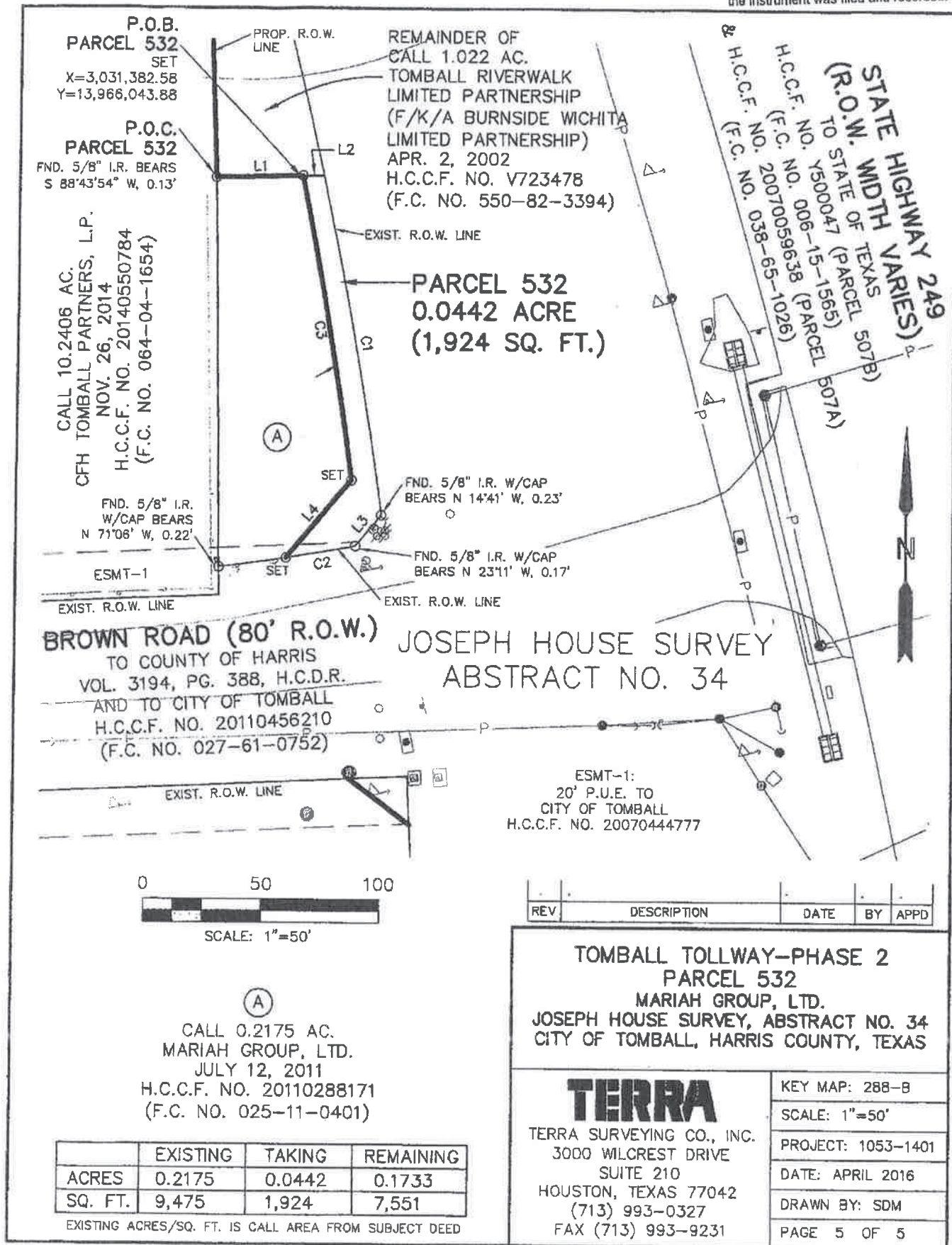
REV	DESCRIPTION	DATE	BY	APPD
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TOMBALL TOLLWAY-PHASE 2
PARCEL 532
MARIAH GROUP, LTD.
JOSEPH HOUSE SURVEY, ABSTRACT NO. 34
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

TERRA
 TERRA SURVEYING CO., INC.
 3000 WILCREST DRIVE
 SUITE 210
 HOUSTON, TEXAS 77042
 (713) 993-0327
 FAX (713) 993-9231

KEY MAP: 288-B
 SCALE: 1"=50'
 PROJECT: 1053-1401
 DATE: APRIL 2016
 DRAWN BY: SDM
 PAGE 4 OF 5

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.



AGREEMENT TO ACCEPT DONATION OF REAL PROPERTY

STATE OF TEXAS	§	ROW CSJ #: 0720-03-149
	§	Parcel #: P00058926 (Parcel 540)
COUNTY OF HARRIS	§	Project limits: South of Brown Rd to Montgomery C/L

THIS AGREEMENT is entered between the Contracting Parties, as defined below.

I. Contracting Parties:

Donor: THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, a Texas home-rule municipality
State: The Texas Department of Transportation ("State" or "TxDOT")

II. Background:

Texas Transportation Code §201.206 authorizes the State to accept, from any source, a donation of realty for the purpose of carrying out its functions and duties. Texas Government Code Chapter 575, requires the governing board of a state agency, not later than the 90th day after a donation valued at \$500 or more is accepted, to acknowledge the acceptance of the donation by majority vote at an open meeting and prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final. To provide guidance on when a donation may be accepted by the State, the Texas Transportation Commission (Commission) has adopted rules relating to the State acceptance of donations, codified as 43 TAC §§1.500-1.506. Acceptance of a donation of \$500.00 or more must be acknowledged by the Commission not later than the 90th day after the date the Donation is accepted by the State.

The Donor is a property owner desiring to donate property described herein to the State for no benefit or gain to the Donor. The State wishes to accept the donation of property and the Donor must execute this donation agreement.

III. Agreement:

The Donor, being fully informed of its right to receive just compensation for the Property, agrees to donate the property more particularly described on Exhibit "A", attached hereto and incorporated herein for all purposes (the "**Property**"), to the State. The State certifies that its acceptance of the Property will further the State's abilities to meet its responsibilities.

The value of the Property as determined by (leave blank if Donor has waived) is \$(leave blank if Donor has waived). The Donor has been informed of its right to conduct or waive an appraisal of the Property by a qualified appraiser. (_____) Donor's Initial

IV. Representations and Warranties:

- The Donor represents and warrants that it has unrestricted fee ownership and use of the Property and that by signing the Donation Deed it is forever relinquishing and transferring all rights and interest in and to the Property to the State.
- The Donor acknowledges that it has been fully informed of Donor's right to receive just compensation for the Property.
- Donor acknowledges that nothing contained in this Agreement shall be a limitation of any type on the divestment of interest by Donor to State.
- The Donor acknowledges that there is no official relationship between the Donor and the State.
- The Donor acknowledges that it will receive no benefit as a result of the donation of the Property.

- F. The Donor is not the subject of State regulation or oversight, or interested in or likely to become interested in any contract, purchase, payment, or claim with or against the State.
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- K. The Donor acknowledges that this agreement is public information and will be furnished to a requestor pursuant to Chapter 552 of the Texas Government Code.

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The Donor shall save and hold harmless the State and its officers and employees from any and all claims and liability due to any intentional or negligent actions that are caused by or result from error, omission, or negligent act of the Donor or of any person employed by the Donor. The Donor shall also save harmless the State from any and all expense, including, but not limited to, attorney fees that may be incurred by the State in litigation or otherwise resisting the claim or liabilities that may be imposed on the State as a result of such activities by the Donor, its agents, or employees.

VI. Warranty of Use:

Donor represents and warrants to the State that Donor has no knowledge of any current or former use, generation, storage or disposal of any hazardous material on or under the Property currently or previously in violation of any federal, state or local governmental law or rule. Additionally, Donor represents and warrants to the State that Donor has no knowledge of the Property being used for a gas station, auto shop, or dry cleaning service, and has no knowledge of the presence of asbestos material on the Property. Donor has not received any notice of any action or proceeding relating to any hazardous materials or any release thereof on, in, under or about the Property.

VII. Relocation Assistance: (If applicable)

Donor acknowledges receipt of the brochure entitled "*Relocation Assistance*" and understands that relocation assistance benefits, if any, are handled entirely separate from and in addition to this transaction. Relocation benefits, if any, will be examined on a case by case basis, and will be specifically set forth in a separate agreement.

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- A. The State, without cost to the Donor, shall pay the cost of recording all instruments conveying title to the State, and the State may, but is not obligated to, purchase an owner's title policy at the State's expense.
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If Donor withdraws from this agreement, in writing, before it is executed by the State, such withdrawal shall extinguish all rights, duties, obligations and liabilities of the State and the Donor under this agreement.

X. Sole Agreement:

This Agreement and the Donation Deed constitute the only promises, consideration and conditions of this conveyance, and no other promises, consideration or conditions have been signified or implied, except any benefits which Donor may or may not be entitled under the State's Relocation Assistance Program.

XI. Notices:

All notices to either party by the other party will be delivered personally or sent by U.S. Mail, postage prepaid, to the following addresses:

Donor:	State:
Attn:	Texas Department of Transportation Attn: Right of Way Division P.O. Box 5075 Austin, Texas 78763-5075

The notice shall be received by the addressee on the date delivered or deposited in the mail. Either party may change its address by sending written notice of the change to the other in the manner provided.

XII. Exhibits:

- A. Property Location Map or Survey
- B. Deed

The State and the Donor have executed duplicate counterparts of this agreement.

THE STATE

Executed for the Executive Director and approved by the Texas Transportation Commission for the purpose and effect of carrying out the orders, established policies, or work programs approved and authorized by the Texas Transportation Commission.

Texas Department of Transportation

Director, TxDOT Right of Way Division

Date:

THE DONOR

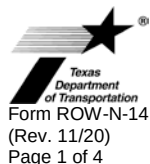
The undersigned signatory warrants that he or she is an official representative of the organization making the donation described and is authorized to make the donation and to enter into this Agreement on behalf of the organization.

BY:
Authorized Signature

Typed or Printed Name and Title

Date:

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.



DEED

TxDOT ROW CSJ: 0720-03-149

TxDOT Parcel ID: P00058926 (Parcel 540)

Grantor(s), whether one or more:

THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, a Texas home-rule municipality

Grantor's Mailing Address (including county):

Grantee:

The State of Texas, acting by and through the Texas Transportation Commission

Grantee's Authority:

The Texas Transportation Commission is authorized under the Texas Transportation Code to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary or convenient to a state highway or turnpike project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway or turnpike project.

The Texas Transportation Commission is also authorized under the Texas Transportation Code, Chapter 203 to acquire or request to be acquired such other property rights deemed necessary or convenient for the purposes of operating a state highway or turnpike project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled facilities and designated controlled access highways and turnpike projects.

Grantee's Mailing Address (including county):

Texas Department of Transportation
125 E. 11th Street
Austin, Travis County, Texas 78701

Consideration:

The sum of Ten and no/100 Dollars (\$10.00) to Grantor in hand paid by Grantee, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied.

Property:

All of that certain tract or parcel of land in Harris County, Texas, being more particularly described in the attached Exhibit A (the “**Property**”).

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made by Grantor and accepted by Grantee subject to the following:

1. Visible and apparent easements not appearing of record.
2. Any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show.
3. Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records of Harris County, Texas, that affect the property, but only to the extent that said items are still valid and in force and effect at this time.

Grantor reserves all of the oil, gas, and sulfur in and under the Property but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee, its successors and assigns, to take and use all other minerals and materials thereon, therein, and thereunder.

Grantor is retaining title to the following improvements (“**Retained Improvements**”) located on the Property, to wit:

Grantor covenants and agrees to remove the Retained Improvements from the Property by N/A day of N/A 20N/A, subject to such extensions of time as may be granted by Grantee in writing. In the event Grantor fails, for any reason, to remove the Retained Improvements within the time prescribed, then, without further consideration, title to all or part of such Retained Improvements not so removed shall pass to and vest in Grantee, its successors and assigns, forever.

Access on and off Grantor’s remaining property to and from the State highway facility shall be permitted except to the extent that such access is expressly prohibited by the provisions set out in Exhibit “A”. Grantor acknowledges that such access on and off the State highway facility is subject to regulation as may be determined by the Texas Department of Transportation to be necessary in the interest of public safety or by applicable local municipal or county zoning, platting, or permitting requirements.

GRANTOR, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee’s successors and assigns forever. Grantor binds Grantor and Grantor’s heirs, successors, and assigns to Warrant and Forever Defend all and singular the Property to Grantee and Grantee’s successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED on the date(s) of acknowledgment indicated below.

GRANTOR:

THE CITY OF TOMBALL, HARRIS COUNTY,
TEXAS, a Texas home-rule municipality

BY: _____

TITLE: _____

Acknowledgment

State of Texas
County of

This instrument was acknowledged before me on _____
_____ by _____. The
acknowledging person personally appeared by:

☐ physically appearing before me.

☐ appearing by an interactive two-way audio and video communication that meets the requirements for online
notarization under Texas Government Code, Chapter 406, Subchapter C.

Notary Public's Signature

AFTER RECORDING, RETURN TO:

[ADDITIONAL WORDING FOR AN EXHIBIT “A” WHERE WHOLE TAKE (NO REMAINDER) INVOLVED—INCLUDE THE FOLLOWING PARAGRAPH AS AN ADDITIONAL PAGE TO THE EXHIBIT “A” PROPERTY DESCRIPTION IMMEDIATELY AFTER THE LEGAL DESCRIPTION AND PLAT MAP]

The property described above relates to a “whole” property acquisition, so that there is no remainder or remaining property owned by the Grantors that was originally out of or a part of the property described above. Therefore, there are no access rights retained or remaining in Grantors, their successors and assigns, out of or relating to the property described above.

Note to Right of Way Project Delivery Personnel: For partial takings, delete this page.

EXHIBIT A

TOMBALL TOLLWAY - PHASE 2
PARCEL 540
0.0058 ACRE (253 SQUARE FEET)
JOSEPH HOUSE SURVEY, ABSTRACT NUMBER 34
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

Page 1 of 4

Being a tract or parcel, containing 0.0058 acre (253 square feet) of land, situated in the Joseph House Survey, Abstract Number 34, City of Tomball, Harris County, Texas, and being part of and out of the 44.575 acre remainder of that certain called 44.787 acres described in deed to Brown Road Timber Resources, LLC, dated January 25, 2008, as recorded under Harris County Clerk's File (H.C.C.F.) Number 20080043179 (Film Code (F.C.) Number 053-67-0585); said 0.0058 acre tract being more particularly described as follows (all bearings and coordinates are based on the Texas Coordinate System, South Central Zone (4204), North American Datum of 1983 (NAD 83), 1993 adjustment; all distances and coordinates herein are surface values and may be converted to grid by dividing by a surface adjustment factor of 1.00013; all distances and coordinates herein are based on the U.S. Survey Foot):

COMMENCING at the point of intersection of the west line of said 44.787 acre tract with the existing south right-of-way (R.O.W.) line of Brown Road, based on an 80-foot width, as dedicated to County of Harris in Volume 3194, Page 388, Harris County Deed Records, and to City of Tomball (herein referred to as the "City Tract"), under H.C.C.F. Number 20110456210 (F.C. Number 027-61-0752); thence:

North 87°20'59" East, with the existing south R.O.W. line of said Brown Road and said City Tract, a distance of 445.18 feet to a 5/8-inch iron rod with plastic cap, stamped "TERRA SURVEYING," set marking the northerly end of a proposed cutback line formed with the existing west R.O.W. line of State Highway (S.H.) 249, based on a varying width; also marking the **POINT OF BEGINNING** and most westerly corner of the herein described tract, and having surface coordinates of X=3,031,404.68 and Y=13,965,788.81;

THENCE, North 87°20'59" East, continuing with the existing south R.O.W. line of said Brown Road and said City Tract, a distance of 24.88 feet to a point in the existing west R.O.W. line of said S.H. 249, being Parcel 506, as dedicated to State of Texas under H.C.C.F. Number V549094 (F.C. Number 548-02-1010); also being in the east line of said 44.787 acre tract; and being the southeast corner of said City Tract and being the northeast corner of the herein described tract, from which a found 5/8-inch iron rod with cap bears South 87°20'59" West, 0.14 feet;

TOMBALL TOLLWAY - PHASE 2
PARCEL 540
0.0058 ACRE (253 SQUARE FEET)
JOSEPH HOUSE SURVEY, ABSTRACT NUMBER 34
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

Page 2 of 4

THENCE, South 02°56'37" East, with the existing west R.O.W. line of said S.H. 249 and the west line of said Parcel 506, and the east line of said 44.787 acre tract, a distance of 20.37 feet to a 5/8-inch iron rod with plastic cap, stamped "TERRA SURVEYING," set in the proposed west R.O.W. line of said S.H. 249, and marking the southerly end of the aforesaid proposed cutback line and the most southerly corner of the herein described tract;

THENCE, North 53°27'13" West, departing the existing west R.O.W. line of said S.H. 249 and across said 44.787 acre remainder tract with the proposed west R.O.W. line of said S.H. 249 and said proposed cutback line, a distance of 32.24 feet to the **POINT OF BEGINNING** and containing 0.0058 acre (253 square feet) of land.

There also exists a separate drawing of the subject tract, as prepared by Terra Surveying Company, Inc., under this project number of even date.

Compiled by:
Scott D. Mandeville, RPLS
Terra Surveying Company, Inc.
3000 Wilcrest Drive, Suite 210
Houston, Texas 77042
713-993-0327
Project Number 1053-1401

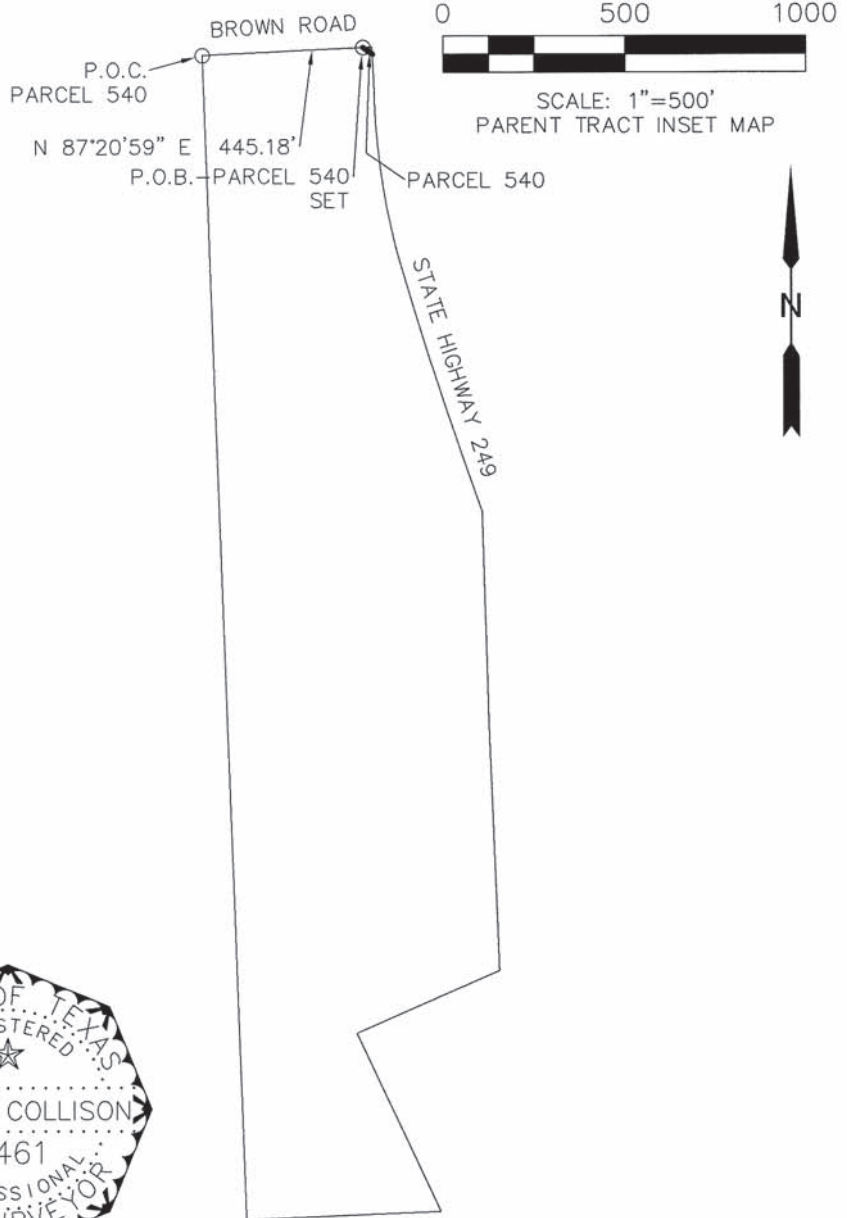


RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

ABBREVIATIONS

A.E.	AERIAL EASEMENT
AC.	ACRES
CONC.	CONCRETE
ESMT.	EASEMENT
EXIST.	EXISTING
F.C.	FILM CODE
F/K/A	FORMERLY KNOWN AS
FND.	FOUND
H.C.C.F.	HARRIS COUNTY CLERK'S FILE
H.C.D.R.	HARRIS COUNTY DEED RECORDS
H.C.F.C.D.	HARRIS COUNTY FLOOD CONTROL DISTRICT
H.C.M.R.	HARRIS COUNTY MAP RECORDS
H.L.&P.	HOUSTON LIGHTING & POWER
INT.	INTEREST
I.P.	IRON PIPE
I.R.	IRON ROD
MONU.	MONUMENT (4"x4" PILLAR)
NO.	NUMBER
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
PROP.	PROPOSED
P.U.E.	PUBLIC UTILITY EASEMENT
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
SET	SET 5/8" IRON ROD WITH CAP, STAMPED "TERRA SURVEYING", UNLESS OTHERWISE NOTED
SQ. FT.	SQUARE FEET
TXDOT	TEXAS DEPARTMENT OF TRANSPORTATION
VOL.	VOLUME
W/	WITH



BY: George Collison
 GEORGE COLLISON
 REGISTERED PROFESSIONAL
 LAND SURVEYOR
 TEXAS REGISTRATION NO. 4461
 DATED: 3-31-16



GENERAL NOTES

1. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT WHICH MAY OTHERWISE REVEAL EASEMENTS AND OTHER ENCUMBRANCES OF RECORD NOT CURRENTLY SHOWN HEREON. TERRA SURVEYING COMPANY DID NOT PERFORM ANY ADDITIONAL RESEARCH TO DETERMINE THE EXISTENCE OF ANY SUCH ENCUMBRANCES.
2. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM OF 1983 (NAD 83), 1993 ADJUSTMENT. ALL DISTANCES AND COORDINATES SHOWN HEREON ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR OF 1.00013. ALL DISTANCES AND COORDINATES SHOWN HEREON ARE BASED ON THE U.S. SURVEY FOOT.
3. THERE IS ALSO A SEPARATE METES AND BOUNDS OF THE SUBJECT TRACT, AS PREPARED BY TERRA SURVEYING COMPANY, UNDER THIS PROJECT NUMBER OF EVEN DATE.

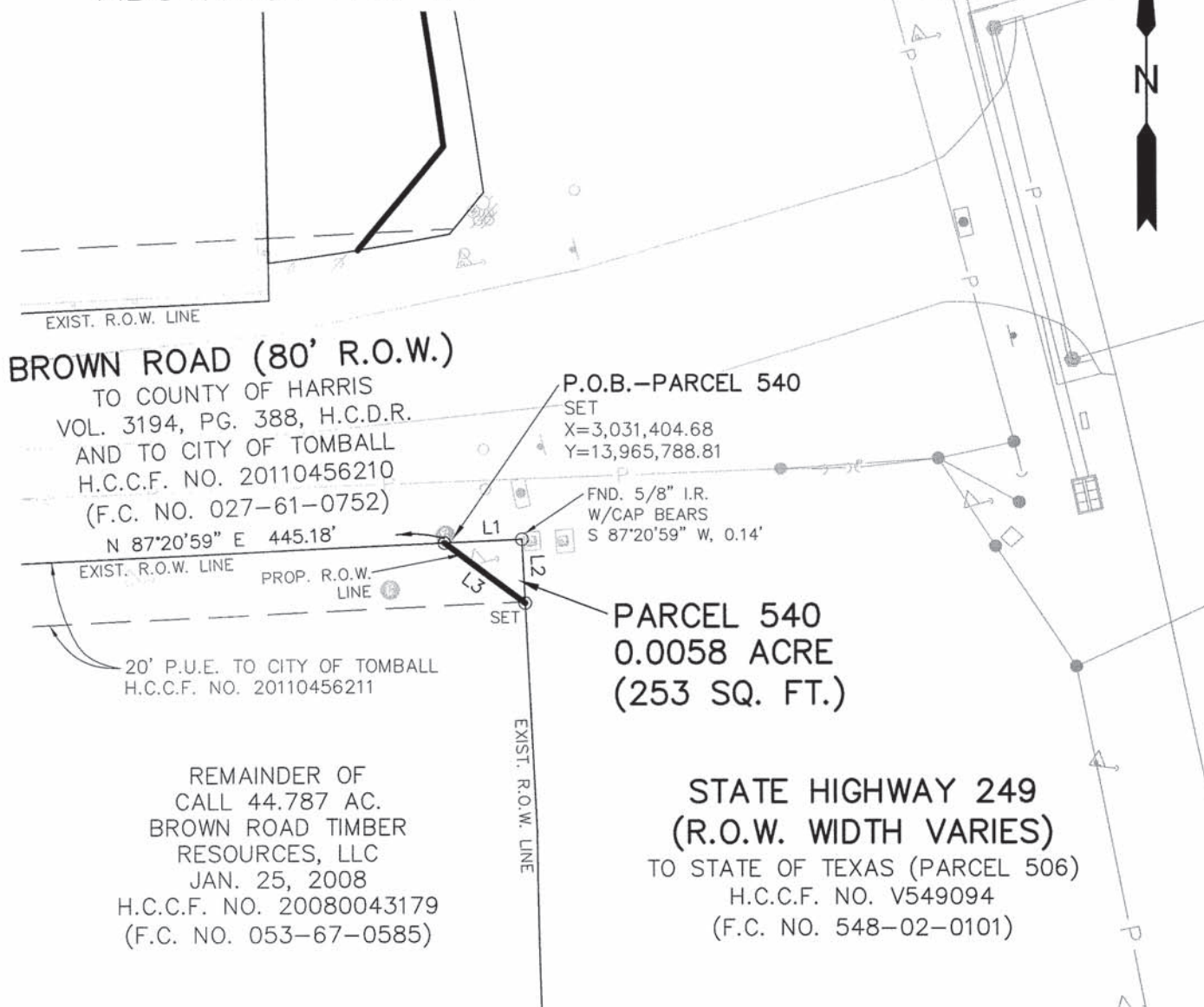
REV	DESCRIPTION	DATE	BY	APPD
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TOMBALL TOLLWAY-PHASE 2
PARCEL 540
 BROWN ROAD TIMBER RESOURCES, LLC
 JOSEPH HOUSE SURVEY, ABSTRACT NO. 34
 CITY OF TOMBALL, HARRIS COUNTY, TEXAS

TERRA
 TERRA SURVEYING CO., INC.
 3000 WILCREST DRIVE
 SUITE 210
 HOUSTON, TEXAS 77042
 (713) 993-0327
 FAX (713) 993-9231

KEY MAP: 288-B
SCALE: 1"=50'
PROJECT: 1053-1401
DATE: APRIL 2016
DRAWN BY: SDM
PAGE 3 OF 4

JOSEPH HOUSE SURVEY ABSTRACT NO. 34



	EXISTING	TAKING	REMAINING
ACRES	44.575	0.0058	44.569
SQ. FT.	1,941,687	253	1,941,434

EXISTING ACRES/SQ. FT. IS CALCULATED FROM DEEDS

REV	DESCRIPTION	DATE	BY	APPD
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TOMBALL TOLLWAY—PHASE 2
PARCEL 540
BROWN ROAD TIMBER RESOURCES, LLC
JOSEPH HOUSE SURVEY, ABSTRACT NO. 34
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

TERRA
TERRA SURVEYING CO., INC.
3000 WILCREST DRIVE
SUITE 210
HOUSTON, TEXAS 77042
(713) 993-0327
FAX (713) 993-9231

KEY MAP: 288-B
SCALE: 1"=50'
PROJECT: 1053-1401
DATE: APRIL 2016
DRAWN BY: SDM
PAGE 4 OF 4

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 7, 2021

Topic:

Adopt, on First Reading, Ordinance 2021-19, an Ordinance amending the Code of Ordinances, Section 44-164, Parking Restricted on Certain Streets, Division 2, prohibited. Restricted on certain streets, of Article V, stopping, standing and parking, of Chapter 44, Traffic and Vehicles, establishing a “No Parking, Stopping or Standing” zone of the north side of FM 2920 beginning approximately 150 feet east of Tomball Cemetery Road, extending approximately 885 feet to approximately 1,560 feet west of Park Road; providing a penalty in the amount not to exceed \$200 for each violation hereof; an providing for severability; and making finds related thereto.

Background:

In early March, staff was made aware of a traffic hazard along FM 2920 near Arbor Gate; patrons of Arbor Gate were parking along both sides of FM 2920 creating a traffic hazard to vehicles traveling east and west, as well as to the pedestrians crossing a busy road.

Staff has worked with the owners of Arbor Gate to determine the best solution that would remedy the traffic hazards including additional officers working traffic and developing a parking plan. Unfortunately these remedies are not adequate to protect the public. Staff recommends to establish a No Parking Zone along the north side of FM 2920 to prevent pedestrians from crossing a busy road.

There have been several complaints to staff and TxDOT to implement a No Parking Zone along FM 2920 in between Tomball Cemetery Road and Park Road to assist. Once the ordinance is adopted, TxDOT will place the signage along the right-of-way.

The recommended revisions to Section 44-164 are as follows:

It shall be unlawful for any person to park, stop or stand along the north side of FM 2920, beginning approximately 150 feet east of Tomball Cemetery Road, extending approximately 885 feet to approximately 1,560 feet west of Park Road.

Origination: Police Department

Recommendation:

Adopt Ordinance Number

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

Jeff Bert, Chief of Police

FUNDING (IF APPLICABLE)

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

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

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

Signed	Meagan Mageo		Approved by	
	Staff Member	Date	City Manager	Date

ORDINANCE NO. 2021-19

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, SECTION 44-164, PARKING RESTRICTED ON CERTAIN STREETS, OF DIVISION 2, PROHIBITED. RESTRICTED ON CERTAIN STREETS, OF ARTICLE V, STOPPING, STANDING AND PARKING, OF CHAPTER 44, TRAFFIC AND VEHICLES, ESTABLISHING A “NO PARKING, STOPPING OR STANDING” ZONE ALONG THE NORTH SIDE OF FM 2920 BEGINNING APPROXIMATELY 150 FEET EAST OF TOMBALL CEMETERY ROAD, EXTENDING WEST APPROXIMATELY 885 FEET TO APPROXIMATELY 1,560 FEET WEST OF PARK ROAD; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$200 FOR EACH VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY; AND MAKING FINDS RELATED THERETO.

* * * * *

WHEREAS, the City Council of the City of Tomball has determined that it is in the best interest of the health, safety and welfare of its citizens and the public as a whole, to establish the “No Parking, Stopping and Standing” zone specified in this ordinance;

WHEREAS, the City desires to prohibit parking stopping or standing on street designated below;
and

WHEREAS, the City Council wishes to effectuate the changes described in this ordinance as soon as possible; now, therefore,

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

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

Section 2. The City Council has determined that a “No Parking, Stopping or Standing” zone should be established along the north side of FM 2920 beginning approximately 150 feet east of Tomball Cemetery Road, extending west approximately 885 feet to approximately 1,560 feet west of Park Road and the necessary traffic control signage altered or implemented to effectuate the establishment of the “No Parking, Stopping or Standing” zone.

Section 3. The Code of Ordinances of the City of Tomball, Texas, Section 44-164 is amended by the addition of the language underscored below:

“Sec. 44-164. Parking restricted on certain streets.

It shall be unlawful for any person to park, stop or stand along the north side of FM 2920 beginning approximately 150 feet east of Tomball Cemetery Road, extending west approximately 885 feet to approximately 1,560 feet west of Park Road.”

Section 4. The Director of Public Works is directed to erect and place signs designating the above area as a “No Parking, Stopping or Standing” area.

Section 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$200. Each violation shall constitute a separate offense.

Section 6. In the event any 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 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, whether there be one or more parts.

Section 7. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF JUNE 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 21ST DAY OF JUNE 2021.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

City Council Meeting
Agenda Item
Data Sheet

Meeting Date: June 7, 2021

Topic:
Adopt, on First Reading, Ordinance No. 2021-20, an Ordinance of the City of Tomball, Texas Amending Its Code of Ordinances by Amending Section 32-45, Fingerprints, Photographs, of Article II, Permits, of Chapter 32, Peddlers and Solicitors, to Require Fingerprinting and Background Checks through the Federal Bureau of Investigations and the Texas Department of Public Safety; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Providing for Severability, Making Findings of Fact; and Providing for Other Related Matters

Background:

Our current Code of Ordinances requires fingerprinting for door-to-door solicitors, peddlers, and interstate sales applications, so criminal history/background checks can be reviewed by the Tomball Police Department and applications approved by the Police Chief.

Following TPD’s recent audit for Best Practices, we were advised that neither TPD nor the CSO could use TPD’s accounts with Texas DPS and the FBI for fingerprinting and criminal history/background checks for vendor’s permits or tow drivers’ licenses. DPS advised that the City’s Ordinances were insufficient for the City Secretary’s Office or the Police Department to receive FBI approval for access to criminal history information for these purposes.

Council’s direction was to amend Chapters 32 and 48 to provide the necessary language to allow the Tomball Police Department to continue receiving the results of FAST fingerprinting and conducting the required background checks for the Police Chief’s approval of these applications.

Ordinance No. 2021-20 amends Chapter 32 to meet the legislative and FBI requirements regarding access to criminal history information, referencing the statutes that allow access to receive national criminal history record information required to issue door-to-door solicitors, peddlers, and interstate sales permits. The former requirement for TPD to conduct fingerprinting and photographs of applicants is being eliminated, due to the new requirement to use a FAST facility.

Upon passage of Ordinance No. 2021-20, the City Secretary’s Office will once again be able to issue peddlers/solicitors’ permits, upon TPD approval.

Origination: City Secretary

Recommendation:

Adopt Ordinance No. 2021-20 on First 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	Doris Speer	6-1-2021	Approved by	
	Staff Member	Date		City Manager
				Date

ORDINANCE NO. 2021-20

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING ITS CODE OF ORDINANCES BY AMENDING SECTION 32-45, FINGERPRINTS, PHOTOGRAPHS, OF ARTICLE II, PERMITS, OF CHAPTER 32, PEDDLERS AND SOLICITORS, TO REQUIRE FINGERPRINTING AND BACKGROUND CHECKS THROUGH THE FEDERAL BUREAU OF INVESTIGATIONS AND THE TEXAS DEPARTMENT OF PUBLIC SAFETY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas, finds that it is in the best interest of the health, safety and welfare of the citizens to require applicants for a permit under Chapter 32, Peddlers and Solicitors, to submit to a background check through the Federal Bureau of Investigations and the Texas Department of Public Safety as set forth in this ordinance; now therefore,

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

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

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended by amending Section 32-45, Fingerprints, Photographs, of Article II, Permit, of Chapter 32, Peddlers and Solicitors, by deleting therefrom the language struck through below and adding thereto the language underscored below, Section 32-45 to read as follows:

“Section 32-45. – ~~Fingerprints, photographs~~ Background checks.

~~At the time of making application for a permit required by this article, the applicant shall submit to fingerprinting and photographing by the Chief of Police. This section is enacted pursuant to sections 411.122 and 411.087 of the Texas~~

Government Code, which authorizes the city to obtain criminal history record information maintained or indexed by the Federal Bureau of Investigation ("FBI") through the Texas Department of Public Safety ("DPS"). Each individual whose application for a license, permit or authorization or any renewal thereof is subject to subsection:

- (a) shall be required to provide a complete set of fingerprints from a Fingerprint Applicant Services of Texas ("FAST") facility using the City's FAST pass provided to the Applicant by the City and other identifying information to the official designated by the permitting, licensing or authorizing department, along with any applicable fee and any release or waiver forms required in order for the official to conduct a national background check through the FBI.

Upon receipt of the fingerprints and any applicable fee, the city is authorized to submit the fingerprints to the DPS for a search of the State's criminal history record, and the DPS is authorized to forward a set of the fingerprints to the FBI for a national criminal history check. The results of the FBI check will be returned to the DPS, which will disseminate the results of state and national criminal history checks to the city.

In addition, each applicant for a license, permit or renewal shall provide two photos of themselves."

Section 3. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 4. 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 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF JUNE 2021.

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

SECOND READING:

READ, PASSED, AND ORDAINED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 21ST DAY OF JUNE 2021.

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

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

City Council Meeting
Agenda Item
Data Sheet

Meeting Date: June 7, 2021

Topic:

Adopt, on First Reading, Ordinance No. 2021-21, an Ordinance of the City of Tomball, Texas, Amending Its Code of Ordinances by Amending Chapter 48, Vehicles For Hire, to Delete Article II, Taxicabs, in Its Entirety; Amending Section 48-177 Tow Truck Company Application, Renewal, of Division 2, Tow Truck Company License, of Article II Tow Trucks and Tows, to Remove the Requirement of a Tow Truck Company to Provide a Background Check on Its Drivers; Amending Section 48-192, Application, of Division 3 Tow Truck Driver’s Permit; of Article III, Tow Trucks and Tows; to Require Fingerprinting and Background Checks through the Federal Bureau of Investigations and the Texas Department of Public Safety; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Providing for Severability, Making Findings of Fact; and Providing for Other Related Matters.

Background:

Our current Code of Ordinances requires fingerprinting for Taxi and Tow Truck Chauffeur’s licenses, following which criminal history/background checks are reviewed by the Tomball Police Department and applications approved by the Police Chief.

Following TPD’s recent audit for Best Practices, we were advised that neither TPD nor the CSO could continue using TPD’s current accounts with Texas DPS and the FBI for fingerprinting and criminal history/background checks for this purpose; DPS advised that the City’s Ordinances were insufficient for the Police Department or CSO to receive FBI approval for access to criminal history information for taxi or tow truck drivers.

Council’s direction was to amend Chapters 32 and 48 to provide the necessary language to allow the Tomball Police Department to continue receiving results of F.A.S.T. fingerprinting and conducting the required background checks for the Police Chief’s approval of tow truck driver applications, to require that companies provide proof of their licensing and storage lot locations to the Tomball Police Department in order to participate in TPD’s rotation list, and to eliminate licensing requirements for taxi drivers and taxi companies.

Ordinance No. 2021-21 amends Chapter 48 to meet the legislative and FBI requirements regarding access to criminal history information, referencing the statutes that will allow access to receive national criminal history record information required to issue tow truck driver licenses. The current requirement for Tomball Police Department to conduct fingerprinting and photographing applicants will be eliminated, due to the new requirement to use a FAST facility. The requirement for a tow company to conduct and keep background checks is also eliminated, as it is an unnecessary requirement for tow companies, since TPD must perform its own background checks to complete the application process.

Licensing requirements for taxi/cab companies and drivers is removed entirely.

Upon passage of Ordinance No. 2021-21, the City Secretary’s Office will once again be able to issue tow truck drivers’ licenses.

Origination: City Secretary

Recommendation:

Adopt Ordinance No. 2021-21 on First 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 Doris Speer 6-1-2021 Approved by
Staff Member Date City Manager Date

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 48, VEHICLES FOR HIRE, TO DELETE ARTICLE II, TAXICABS, IN ITS ENTIRETY; AMENDING SECTION 48-177 TOW TRUCK COMPANY APPLICATION, RENEWAL, OF DIVISION 2, TOW TRUCK COMPANY LICENSE, OF ARTICLE II TOW TRUCKS AND TOWS, TO REMOVE THE REQUIREMENT OF A TOW TRUCK COMPANY TO PROVIDE A BACKGROUND CHECK ON ITS DRIVERS; AMENDING SECTION 48-192, APPLICATION, OF DIVISION 3 TOW TRUCK DRIVER'S PERMIT; OF ARTICLE III, TOW TRUCKS AND TOWS; TO REQUIRE FINGERPRINTING AND BACKGROUND CHECKS THROUGH THE FEDERAL BUREAU OF INVESTIGATIONS AND THE TEXAS DEPARTMENT OF PUBLIC SAFETY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas, finds that it is in the best interest of the health, safety and welfare of the citizens to require applicants for a Tow Truck Driver under Chapter 48, Vehicles for hire, to submit to a background check through the Federal Bureau of Investigations and the Texas Department of Public Safety as set forth in this ordinance; now therefore,

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

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

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended by deleting therefrom, Article II, Taxicabs, in its entirety.

Section 3. The Code of Ordinances is further amended by amending Section 48-177, Tow Truck Company Application; Renewal, of Division 2, Tow Truck Company License, of

Article III, Tow Trucks and Tows, by deleting therefrom the language struckthrough below,

Section 48-177 to read as follows:

“Section. 48-177. - Tow truck company application; renewal.

(a) *Tow truck company application.* Any applicant for a tow truck company permit shall submit, on a form supplied by the City of Tomball, a verified application form containing or accompanied by the following:

- (1) The true trade name, true owner's name, address, and telephone number of the tow truck company. The company may be a sole proprietorship, partnership or corporation;
- (2) Number and types of tow trucks to be operated;
- (3) Name, address, and telephone number of the owner of the tow truck company, and if a corporation, the names, addresses, telephone numbers of owners holding more than ten percent of the shares of the corporation;
- (4) An agreement that the applicant will participate in the tow truck rotation list;
- (5) Proof of ownership, which shall mean the title with the owner's name, by the applicant of the tow truck to be used. Such ownership shall be verified at the time of application and quarterly thereafter by the police department and upon any renewal of insurance;
- (6) A detailed description of each tow truck proposed to be operated, including Texas tow truck license plate number;
- (7) A copy of the state-issued tow truck license (Cab Card);
- (8) The original certificate of insurance that lists public liability, property damage, and any and all other amounts as prescribed by the State of Texas which must show the City of Tomball as certificate holder. The original certificate will be returned to the owner after a photocopy has been made;
- (9) A photocopy of the vehicle storage facility license issued by the State of Texas which must include the physical address and phone number of the facility to be used. The VSF must be located within the

extraterritorial jurisdiction (ETJ) of the City of Tomball and must be publicly listed with local telephone companies; and

(10) Written proof that the VSF meets Texas Accessibility Standards.

(b) The chief of police shall inquire about the criminal convictions of the applicant or the applicant's drivers involving moral turpitude including burglary, theft, robbery, forgery, and perjury or relevant convictions that would reflect on the ability to operate a tow truck.

(c) Only one license may be issued to each tow truck company, and a person, partnership, or corporation may not own a controlling interest in another tow truck company.

(d) An annual license renewal which is applied for at least 20 days prior to the expiration of the license will be granted upon compliance with the provisions of this division. An applicant who has failed to renew or whose license has been revoked under this division is considered an initial applicant.

(e) The chief of police may, at any time, require additional information of an applicant or licensee to clarify items on the application.

(f) *Supplemental permit for additional tow trucks.*

(1) Where an owner has obtained a wrecker tow truck permit and thereafter desires to increase the number of wreckers tow trucks to be operated, he shall file a supplemental application with the director chief of police, setting forth his permit number and the fact that he desires to operate additional wreckers tow trucks, giving the make, model, vehicle identification number and state license number of each additional wrecker tow truck. He shall also pay a permit fee as currently established or as hereafter adopted by resolution of the city council from time to time for each additional wrecker tow truck and file a new insurance policy meeting the requirements of this article, covering the new wrecker tow truck.

(2) The chief of police shall examine such supplemental tow truck application, fee, and policy, and if the same are in order, the chief of police shall issue a supplemental permit covering the new tow truck.

(g) *Supplemental permit for substitute tow truck.* Whenever an owner wishes to discontinue the use of a tow truck during the period covered by his permit and replace it with another, he shall file an affidavit stating that he has discontinued using the tow truck covered by his permit, and desires to use another tow truck in its place. He shall attach a certificate from his insurer that such insurer has been notified thereof and agrees thereto. The chief of police shall then issue the owner

a supplemental permit at a cost as currently established or as hereafter adopted by resolution of the city council from time to time, which will cover the new tow truck and cause the description of the old tow truck to be eliminated from the original permit. In the affidavit, certificate from the insurer, and supplemental permit, the old and new tow truck shall be described by make, model, vehicle identification number, and state license number.

(h) *Driver records.* Each tow company must submit and maintain a list of operator/drivers who will be operating the tow trucks included on the company's license, along with their address, phone number, Texas driver's license number, ~~and a criminal background for each driver.~~ Drug related offenses, theft, assault, or crimes of moral turpitude can be grounds for denial. Each driver must possess a TDLR incident management license and submit to the city a copy of the license.”

Section 4. The Code of Ordinances is further amended by amending Section 48-192, Application, of Division 3, Tow Truck Driver’s Permit of Article III, Tow Trucks and Tows, by deleting therefrom the language struckthrough below and adding thereto the language underscored below, Section 48-192 to read as follows:

“Section 48-192. – Application.

(a) No person shall drive or operate any tow truck for the purpose of making rotation non-consent and or police directed/initiated tows in the City of Tomball unless such a person possesses a current, valid tow truck driver permit issued by the city secretary, nor shall any person allow, permit, or cause to be operated any tow truck for the purpose of making rotation or police initiated tows, either on his own account or in the employ of another. A violation of this section shall be a class C misdemeanor and is punishable as provided in section 1-14 of this Code, or by suspension.

(b) Each person desiring a tow truck driver permit shall submit an application to the city secretary on a form furnished by the city. On the application the applicant shall set forth:

- (1) The name and address of the applicant;
- (2) The applicant's date of birth, place of birth, sex, and each address where he has resided in the two years immediately preceding his application;

- (3) The name and address of each employer of the applicant and any businesses that the applicant has been engaged in during the two years immediately preceding the filing of the application;
- (4) Evidence that the applicant has operated a motor vehicle for at least six months immediately prior to the filing of the application;
- (5) Whether the applicant has been convicted of any criminal offense in this state or any other state or county preceding his application or has spent any time in jail or prison preceding his application due to a conviction for a criminal offense. If he has been convicted of any such offense or been in jail or prison, he shall set out the offense convicted of, the date of the conviction and the police, court, and case numbers of the case. ~~All applicants shall, in their application, authorize the police department to investigate as to whether the applicant has committed any criminal offense;~~
- (6) ~~The applicant shall also show the chief of police evidence~~ Evidence that he has a current license valid under state law for vehicles greater than one ton, issued by the state, ~~and shall complete a form allowing the chief of police and the police department to obtain information as to the applicant's driving record from the state and from any state which had issued the applicant a driver's license which was valid at any time within the two years immediately preceding the submission of the application;~~
- (7) Pursuant to Sections 411.122 and 411.087 of the Texas Government Code, which authorizes the city to obtain criminal history information maintained or indexed by the Federal Bureau of Investigation ("FBI") through the Texas Department of Public Safety ("DPS"), each applicant:
 - a. shall be required to provide a complete set of fingerprints from a Fingerprint Applicant Services of Texas ("FAST") facility using the City's FAST pass provided to the Applicant by the City and other identifying information to the official designated by the permitting, licensing or authorizing department, along with any applicable fee and any release or waiver forms required in order for the official to conduct a national background check through the FBI.

Upon receipt of the fingerprints and any applicable fee, the city is authorized to submit the fingerprints to the DPS for a search of the State's criminal history record, and the DPS is authorized to forward a set of the fingerprints to the FBI for a national criminal history check. The results of the FBI check will be returned to the DPS, which will disseminate the results of state and national criminal history checks to the city.

- (8) Such other information as the chief of police or his designee finds relevant; and
- (9) Two current photographs of the applicant.

(c) After the application has been completed, the applicant shall sign the application and shall execute a sworn affidavit that all matters stated in the application are true and correct.

~~(d) —The applicant shall also provide the chief of police or his designee with evidence that he is at least 18 years of age and submit himself to be fingerprinted at a time and place designated by the chief of police or his designee.”~~

Section 5. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 6. 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 7. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF JUNE 2021.

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

SECOND READING:

READ, PASSED, AND ORDAINED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 21ST DAY OF JUNE 2021.

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

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 7, 2021

Topic:

Consider Resolution No. 2021-20, a Resolution of the City Council of the City of Tomball, Texas amending the City of Tomball Minimum Standards for Stormwater Drainage Design.

Background:

The City of Tomball Minimum Standards for Stormwater Drainage Design is hereby amended to conform to Harris County's minimum standards, as presented to City Council in April. The amendments include:

- Using Atlas 14 rainfall to size storm water conveyances and detention systems;
- requiring a minimum of 0.55 acre feet of detention per acre of new developments for one acre or larger (excludes single family residential and accessory buildings on existing lots); and
- prohibiting the use of hydrograph timing as a substitution for detention.

Origination: Community Development Department

Recommendation:

Approval

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

Craig T. Meyers, P.E., Director of
Community Development

FUNDING (IF APPLICABLE)

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

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

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

Signed _____ Approved by _____
Staff Member Date City Manager Date

RESOLUTION NO. 2021-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL,
TEXAS AMENDING THE CITY OF TOMBALL MINIMUM STANDARDS
FOR STORMWATER DRAINAGE DESIGN**

WHEREAS, Section 18-286 of the City of Tomball Code of Ordinances allows for the adoption and amendment of the City of Tomball Minimum Standards for Stormwater Drainage Design by Resolution of the City Council; and

WHEREAS, the City Council of the City of Tomball desires to amend its Minimum Standards for Stormwater Drainage Design attached hereto as Exhibit “A”.

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

SECTION ONE. The facts and matters contained in the preamble are hereby found to be true and correct.

SECTION TWO. The City Council of the City of Tomball hereby amends the City of Tomball Minimum Standards for Stormwater Drainage Design. A true and correct copy of which is attached hereto as Exhibit “A” and incorporated herein for all purposes. A true and correct copy of the City of Tomball Minimum Standards for Stormwater Drainage Design will be on file in the Office of the City Secretary.

PASSED AND APPROVED this 7th day of June, 2021 at a Regular Meeting of the City Council of the City of Tomball, Texas.

CITY OF TOMBALL

Gretchen Fagan, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary
City of Tomball

EXHIBIT A

City of Tomball

Minimum Standards for Stormwater

Drainage Design

Effective
September 6, 2011

Updated
June 7, 2021

City of Tomball
Community Development Department

I. DRAINAGE POLICY

A. Design Requirements

1. Drainage criteria administered by the City of Tomball and complemented by Harris County and the Harris County Flood Control District (HCFCD) for newly designed areas provides protection from structural flooding from a 100-year storm event. This is accomplished through application of various drainage enhancements, such as storm sewers, roadside ditches, open channels, detention and overland (sheet) run-off. The combined system is intended to prevent structural flooding from extreme events up to a 100-year storm.
2. Recognizing that each site has unique characteristics that may enhance the opportunity to provide proper drainage, the intent of these criteria is to specify minimum requirements that may be modified provided that the objective for drainage standards is maintained. For projects which require a site specific approach and where unique engineering solutions will achieve drainage objectives, a request for consideration of alternative standards (pipe flow, overland sheet flow, and detention storage) shall be submitted to the City of Tomball Community Development Department, 501 James Street, for review and approval.

B. Street Drainage: Street ponding of short duration is anticipated and designed to contribute to the overall drainage capability of the system. Storm sewers and roadside ditch conduits are designed as a balance of capacity and economics. These conduits are designed to convey less intense, more frequent rainfalls with the intent of allowing for traffic movement during these events. When rainfall events exceed the capacity of the storm sewer system, the additional run-off is intended to be stored or conveyed overland in a manner that reduces the threat of flooding to structures.

C. Overland Run-off: Proposed new development, redevelopment, or in-fill development shall not alter existing overland flow patterns and shall not increase or redirect existing sheet flow to adjacent private or public property. Where the existing sheet flow pattern is blocked by construction (i.e. raising the site elevation) of the development, the sheet flow shall be re-routed within the developed property to return flow to original configuration or to the public right-of-way.

D. Flood Control: The City of Tomball is a participant in the National Flood Insurance Program (NFIP). The flood insurance program makes insurance available at low cost where the community implements measures that reduce the likelihood of structural flooding. The design criteria in this chapter are provided to support the NFIP. All development shall comply with this chapter, if located within the City limits.

E. Relationship to the Platting Process: Approval of storm drainage systems, detention facilities, and flood channel improvements is a part of the review process for planning and platting of new development. Review and approval of plats, as well as storm drainage, is conducted by the Community Development Department.

- F. Development in Areas that have Deficient Drainage Systems: The City will consider joint project funding with a private entity for construction of drainage systems that improve existing drainage infrastructure or construct new infrastructure. The City's first priority will be to fund those projects included in the Capital Improvement Plan (CIP). Where feasible, City funding will be leveraged with other funding sources including private entities, civic organizations, and other public agencies (Harris County, HCFCD, Corps of Engineers) and other funding sources). For drainage systems that have been identified as deficient and are not scheduled to receive funding in the current CIP, the City will consider authorizing improvements performed by the private entity that comply with the City's objectives.
- G. The criteria in this document shall apply to all projects located in the City limits and in the City's Extraterritorial Jurisdiction (ETJ). If the criteria conflicts with Harris County, HCFCD, Montgomery County or other jurisdictions the most restrictive criteria shall govern.

II. REFERENCES

- A. Regulations of Harris County, Texas, for the Approval and Acceptance of Infrastructure (Harris County Infrastructure Regulations).
- B. National Weather Service Documents
 - 1. TP-40 Rainfall Frequency Atlas of the United States.
 - 2. Hydro-35; 5-to-60-Minute Precipitation Duration for the Eastern and Central United States.
- C. Hydraulic Engineering Circular No. 22, (HEC-22) Second Edition, "Urban Drainage Design Manual", Federal Highway Administration (FHWA).
- D. ASCE Manual and Reports of Engineering Practice No. 77, Design and Construction of Urban Stormwater Management Systems.
- E. HouStorm – The City of Houston's version of The Texas Department of Transportation's (TxDOT) WinStorm software.
- F. HCFCD Policy, Criteria, and Procedure Manual (HCFCD Criteria Manual).

III. DEFINITIONS

- A. Conduit – Any open or closed device for conveying flowing water.
- B. Continuity Equation:

$$Q = VA$$

Where: Q = discharge (cfs or cms)

V = velocity (ft/sec or m/sec)
A = cross sectional area of Conduit (square feet or square meters)

C. Design Storm Event – Rainfall intensity upon which the drainage facility will be sized.

D. Development – The term includes New Development, Redevelopment, and In-fill Development.

1. In-fill Development – Development of open tracts of land in areas where the storm drainage infrastructure is already in place and takes advantage of the existing infrastructure as a drainage outlet.
2. New Development – Development of open tracts of land in areas where the storm drainage infrastructure has not been constructed and a drainage outlet must be extended to a channel under the jurisdiction of the HCFCD.
3. Redevelopment – A change in land use that alters the impervious cover from one type of development to either the same type or another type, and takes advantage of the existing infrastructure in place as a drainage outlet.

E. Drainage Area Map – Area map of watershed which is subdivided to show each area served by each subsystem.

F. FEMA – Federal Emergency Management Agency.

G. HCFCD – Harris County Flood Control District.

H. HouStorm – The City of Houston's version of The Texas Department of Transportation's (TxDOT) WinStorm software. The program is available at [City of Houston eGovernment Center](#).

I. Hydraulic Grade Line - A line representing the pressure head (water surface elevation) available at any given point within the drainage system.

J. Manning's Equation:

$$V = (K/n)R^{2/3} S_f^{1/2}$$

Where:

V =	velocity (ft/sec or m/sec)
K =	1.49 for English units, 1.00 for metric units
R =	hydraulic radius (ft. or m) (area/wetted perimeter)
S _f =	friction slope (headloss/length)
n =	0.012 for corrugated profile-wall polyethylene pipe, 0.013 for concrete pipes, 0.015 for concrete boxes, 0.024 for corrugated metal pipes (CMP)

K. Rainfall Frequency - Probability of a rainfall event of defined characteristics occurring in any given year at a given location. Information on Rainfall Frequency is published by the National Weather Service. For the purpose of storm drainage design, the following frequencies are applicable:

1. 2-year frequency - a rainfall intensity having a 50 percent probability of occurrence in any given year that occurs on the average every 2 years over a long period of time.
2. 3-year frequency - a rainfall intensity having a 33 percent probability of occurrence in any given year. That occurs on the average every 3 years over a long period of time.
3. 5-year frequency - a rainfall intensity having a 20 percent probability of occurrence in any given year, that occurs on the average every 5 years over a long period of time.
4. 10-year frequency - a rainfall intensity having a 10 percent probability of occurrence in any given year, that occurs on the average every 10 years over a long period of time.
5. 25-year frequency - a rainfall intensity having a 4 percent probability of occurrence in any given year, that occurs on the average every 25 years over a long period of time.
6. 100-year frequency - a rainfall intensity having a 1 percent probability of occurrence in any given year, that occurs on the average every 100 years over a long period of time.
7. 500-year frequency - a rainfall intensity having a 0.2 percent probability of occurrence in any given year, that occurs on the average every 500 years over a long period of time.

L. Rational Method Formula - A method for calculating the peak run-off for a storm drain system using the following equation for run-off:

$$Q = I (CA)$$

Where: Q = flow (cfs)
C = watershed coefficient
A = area (acres)
I = rainfall intensity (inches per hour)

M. Sheet Flow - Overland storm run-off that is not conveyed in a defined conduit and is typically in excess of the capacity of the existing conduit system.

- N. Structural Flooding – The water surface elevation from the storm event exceeds the top of slab elevation of the building (for pier and beam construction the top of first floor elevation), resulting in water entering the structure.

IV. DESIGN REQUIREMENTS

- A. Design of drainage facilities shall meet requirements of the City of Tomball Standard Specifications and Minimum Construction Standards for Community Improvements (Standard Construction Details). The Regulations of Harris County, Texas, for the Approval and Acceptance of Infrastructure and the Harris County Flood Control District Policy, Criteria and Procedure Manual are used to complement the City of Tomball standards. HouStorm shall be used to perform design analysis and design of storm drainage systems as follows:
 - 1. City of Tomball CIP Projects - Required. In conjunction with design analysis using HouStorm designs shall comply with guidelines provided in Technical paper No. 100 (TP-100), Storm Sewer Design Applications for the City of Houston, Texas, Capital Improvement Plan Projects, February 2005, or the latest published date.
 - 2. Private Projects within City Limits which include City funding participation-Required.
 - 3. 100% Privately-funded Project located in City Limits or its ETJ - HouStorm preferred but alternative equivalent analysis procedures with the prior approval of the City Engineer will be accepted.
- B. Determination of Run-off
 - 1. Design Storm Events
 - a. Rainfall Duration:
 - i. For design purposes, the rainfall duration for drainage areas less than 200 acres will be no less than 3 hours in duration.
 - ii. For design purposes, the rainfall duration for drainage areas more than 200 acres will be no less than 6 hours in duration.
 - b. Intensity-Duration Curves, Figure 1, IDF Curves, depicts the intensity-duration curves to be used for storm sewer and roadside ditch design in the City or its ETJ. These curves were derived from the National Weather Service publications referenced in this Chapter.
 - 2. Application of Run-Off Calculation Models

- a. The Rational Method will be used for storm sewer designs for areas up to 600 acres.
- b. Rainfall Run-Off Modeling will be applied to areas greater than 600 acres in size or any areas that are drained by an open channel provided the model considers the storage and ponding in streets. Models must be acceptable to FEMA if they are to support a submittal for a map change.

3. Coefficients for the Rational Method

a. Calculation of Run-Off Coefficient:

- i. The Run-Off Coefficient C values in the Rational Method Formula will vary based on the land use. Land use types and C-values which can be used are as follows:

<u>Land Use Type</u>	<u>Run-off Coefficient (C)</u>
Residential Districts	
Lots more than 3/4 acre	0.35
Lots 1/4 - 3/4 acre	0.45
Lots less than 1/4 acre	0.55
Multi-Family areas	
Less than 20 Service Units/Acre	0.65
20 Service Units/Acre or Greater	0.80
Business Districts	0.80
Industrial Districts	
Light Areas	0.65
Heavy Areas	0.75
Railroad Yard Areas	0.30
Parks/Open Areas	0.18

- ii. Alternatively, the Run-Off Coefficient C in the Rational Method Formula can be calculated from the equation:

$$C = 0.6/a + 0.2$$

Where: C = watershed coefficient
 /a = impervious area/total area

- iii. If the alternate form is to be submitted, the calculation of C shall be provided as part of the drainage calculations.

b. Determination of Time of Concentration:

Time of Concentration can be calculated from the following formula:

$$TC = 10A^{0.1761} + 15$$

Where: TC = time of concentration (minutes)
A = subarea (acres)

C. Design of Storm Sewers

1. Design Frequency

- a. New Development: The design storm event for sizing storm sewers in newly developed areas will be a 2-year rainfall.
- b. Redevelopment or In-fill Development: The existing storm drain (sewer, ditch) will be evaluated using a 2-year design storm, assuming no development takes place. The storm drain will then be evaluated for the 2-year design event with the development in place.
 - i. If the proposed redevelopment has a lower or equal impervious cover, no modifications to the existing storm drain are required.
 - ii. If the proposed development results in the hydraulic gradient of the existing storm drain below the gutter line, no improvements to the existing storm drain are required. Detention shall comply with Paragraph IV.G. Flow discharged to the storm drain shall be in compliance with Paragraph IV.G.5.c.
 - iii. If the analysis of the existing conditions finds that the existing storm drain is deficient (i.e., the hydraulic grade line is above the gutter line), the applicant should check with the City to see if a CIP project is proposed that will require a impact fee. If a CIP project is not proposed for the subject system, then on-site detention will be required in accordance with Paragraph IV.G. Flow discharged to the storm drain shall be in compliance with Paragraph IV.G.5.c.
- c. City Projects (CIP): Proposed City capital improvements may indicate a larger diameter storm sewer is planned in the area proposed for drainage improvements. The Community Development Department has information on proposed improvements and should be consulted for impact on new development.
- d. Private Drainage Systems: Storm sewers for private drainage systems should conform to the City of Tomball International Building Code for development within the City limits.

- e. The City Engineer may require a design storm event frequency less than 2-year if special conditions warrant.

2. Velocity Considerations

- a. Storm sewers should be constructed to flow in subcritical hydraulic conditions if possible.
- b. Minimum velocities should not be less than 3 feet (3') per second with pipe flowing full, under the design conditions.
- c. Maximum velocities should not exceed 8 feet (8') per second.

3. Pipe Sizes and Placement

- a. Soil boring with logs shall be made along the alignment of all storm sewers having a cross section equal to or greater than seventy-two inches (72") in diameter or equivalent cross sectional area. Each boring shall be taken at intervals not to exceed five hundred (500') linear feet and at a depth of less than three feet (3') below the flow line of the sewer. The required bedding will be determined from the soil boring.
- b. Use storm sewer and inlet leads with at least 24-inch (24") inside diameter or equivalent cross section. Box culverts shall be at least 2 feet (2') by 2 feet (2'). Closed conduits; circular, elliptical, or box, shall be selected based on hydraulic principals and economy of size and shape.
- c. Larger pipes upstream should not flow into smaller pipes downstream unless construction constraints prohibit the use of a larger pipe downstream, or the improvements outfall into an existing system, or the upstream system is intended for use as detention storage.
- d. Match crowns of trunk storm sewer pipe at any change in pipe size unless severe depth constraints prohibit the matching of crowns. Severe depth constraints include any system in which the outfall system exists and the designed storm system cannot achieve 2 feet (2') or more of cover at the point of lowest cover without additional fill. This includes:
 - i. Any system that includes a lake or detention pond, and the depth of the storm sewers is constrained by that lake or detention pond, and the designed storm sewer system cannot achieve 2 feet (2') or more cover at the point of lowest cover without additional fill.

- ii. Any time there is a conflict with the existing utility system which cannot be reasonably relocated. This includes large diameter water lines, underground electrical conduits, underground telecommunication conduits, petrochemical pipelines, or sanitary sewers.
 - iii. Any time there is a conflict with a proposed sanitary sewer system which cannot be avoided due to design criteria constraints. This includes but may not be limited to sanitary sewers and their service leads.
 - iv. The saving of specimen trees which would be harmed by fill on lots with a minimum lot size of 8,400 sf. A tree survey must be provided showing location, size and species of trees proposed to be saved.
 - e. Locate storm sewers in public street rights-of-way or in approved easements.
 - f. All precast, reinforced, concrete conduits must be laid in a straight line. Deflection in accordance with manufacturer's specifications will be allowed if on approved drawings.
 - g. In all easements restricted to storm sewers, the conduit shall be centered within the limits of the easement. The minimum width of the easement shall be two (2) times the depth plus the diameter of the pipe rounded up to the next highest five foot (5') increment but shall never be less than twenty feet (20').
 - h. For storm sewers located in easements adjacent to public street rights-of-way, the minimum width shall be increased for larger pipe or conduit by requiring that a minimum distance of five feet (5') shall be maintained between the easement line and the outside edge of the sewer, and a minimum distance of two feet (2') shall be maintained from the right-of-way line to the outside edge of the sewer pipe or conduit.
4. Starting Water Surface Elevation and Hydraulic Gradient
- a. The hydraulic gradient shall be calculated assuming the top of the outfall pipe as the starting water surface elevation.
 - b. At any junction with a vertical drop in the invert of the downstream pipe, the upstream hydraulic grade line shall be calculated assuming that the hydraulic grade line is not lower than the soffit of the upstream pipe at that junction.
 - c. For the design storm, the hydraulic gradient shall at all times be below the gutter line for all newly developed areas.

5. Manhole Locations

- a. Use manholes for precast conduits at the following locations:
 - i. Size or cross section changes.
 - ii. Inlet lead and conduit intersections.
 - iii. Changes in pipe grade.
 - iv. Street intersections.
 - v. A maximum spacing of 500 feet (500') measured along the conduit run.
- b. Use manholes for monolithic-concrete storm sewers at the same locations as precast conduits, except they are not required at the intersection of inlet leads unless needed to provide maintenance access.
- c. Do not place manholes in driveways or in streets in front of or immediately adjacent to a driveway.

6. Inlets

- a. Locate inlets at all low points in gutter or at intermediate points in the profile grade to provide proper drainage.
- b. Valley gutters across intersections are prohibited.
- c. Inlet spacing is a function of gutter slope. The minimum gutter slope shall comply with Minimum Construction Standards for Community Improvements. For minimum gutter slopes, the maximum spacing of inlets shall result from a gutter run of 700 feet from high point in pavement or the adjacent inlet on a continuously graded street section, with a maximum of 1400 feet (1400') of pavement draining towards any one inlet location.
 - i. Minor and collector streets: Maximum spacing of inlets shall result from a gutter run of 700 feet (700') from high point in pavement to the adjacent inlet on a continuously graded street section, with a maximum of 1400 feet (1400') of pavement draining towards any one inlet location.
 - ii. Minor and major arterials: Maximum spacing of inlets shall result from a gutter run of 300 feet (300') from high point in pavement to the adjacent

inlet on a continuously graded street section with a maximum of 600 feet (600') of pavement draining towards any one inlet location.

- d. Use only City of Tomball standard inlets as listed in Table 1.

Table 1
STANDARD STORM SEWER INLETS

Minimum Construction Standards for Community Improvements

(Standard Construction Details)

INLET	APPLICATION	CAPACITY	City of Tomball Drawing NOS.
Type A	Parking Lots/Small Areas	2.5 cfs	COT STM-16
Type B-B	Residential/Commercial	5.0 cfs	COT STM-17
Type C	Residential/Commercial	5.0 cfs	COT STM-21
Type C-1	Commercial	10.0 cfs	COT STM-21
Type C-2	Commercial	15.0 cfs	COT STM-21
Type C-3	Commercial	20.0 cfs	COT STM-21
Type D	Parking Lots	2.0 cfs	COT STM-23
Type E	Roadside ditches	20.0 cfs	COT STM-24
Type H-2	Residential Commercial	5.0 cfs	COT STM- 2502633-01,-02

- e. Do not use beehive grate inlets or other specialty inlets.
- f. Do not use grate top inlets in unlined roadside ditches.
- g. Do not place inlets in the circular portion of cul-de-sac streets without providing justification based on special conditions.
- h. Place inlets at the end of proposed pavement, if drainage will enter or leave pavement.
- i. Do not locate inlets adjacent to esplanade openings.
- j. For new residential development, locate inlets at the center of lots, such that inlets are not located within the driveway and between the radius end points as defined by the driveway radius intersection with the curb or edge of pavement.

- k. Place inlets on side streets intersecting major streets, unless justification based on special conditions can be provided for alternate location.
 - l. For private development with internal site drainage, only one connection is permitted to any one inlet, and that connection (lead) shall be made to the back of the inlet. Connection shall not be made to the front face and to the short side of the inlet unless approved by the City. Design the connection not to exceed the pipe capacity minus either the capacity listed in Table 1, Standard Storm Sewer Inlets, or calculated inlet inflow.
 - m. For all new construction, convey public or private alleyway drainage to an inlet prior to entering the public street drainage system.
7. Design of Outfalls: All outfall designs shall conform to HCFCD Standards.

D. Design of Roadside Ditches

1. Roadside ditch design is permissible only for single family residential lots or commercial areas equal to or larger than 0.75 acres.
2. The City Engineer may approve deviations from residential and commercial standards based on the particular characteristics of the proposed development. The developer should submit a written request for such a deviation along with all supporting material to the Community Development Department prior to initiating detailed project design.
- 3 Design Frequency.
 - a. The design storm event for roadside ditches shall be a minimum of 2-year rainfall.
 - b. Design capacity for a roadside ditch shall be to a minimum of 0.5 feet below the edge of the pavement or 0.5 feet (0.5') below the natural ground at right-of-way line, whichever is lower.
 - c. The design must include an extreme event analysis to indicate that structures will not be flooded, and the maximum ponding elevation for the extreme event complies with Paragraph IV.E.3
 - d. Outfall drainage to existing roadside ditches shall be limited to tracts with frontage along the roadside ditch. If no frontage to the roadside ditch exists, but it can be shown with detail topographic surveys that the tract ultimately drains to the roadside ditch, then outfall will only be considered with full detention of the storm water during the design rainfall event.

- e. The City Engineer may require a design storm event frequency less than 2-year if special conditions warrant.

4. Velocity Considerations.

- a. For grass-lined sections, the maximum design velocity shall be 4.0 feet per second during the design event.
- b. A grass-lined or unimproved roadside ditch shall have side slopes no steeper than three (3) horizontal to one (1) vertical (3:1). Soil conditions may dictate the use of lesser slopes. Steeper slopes will be allowed when the existing right-of-way is limited or other construction features dictate the design. The steepest slope shall not exceed two (2) horizontal to one (1) vertical (2:1).
- c. Minimum grades for roadside ditches shall be 0.1-foot per 100 feet.
- d. Calculation of velocity will use a Manning's roughness coefficient (n) of 0.04 for earthen sections and 0.025 for ditches with paved inverts.
- e. Erosion control methods shall be used when design velocities are expected to be greater than four feet (4') per second or where erodible soil conditions are indicated in the geotechnical report.

5. Culverts.

- a. Culvert standards for driveways are provided by Drawing No. COT DW-06, Minimum Construction Standards for Community Improvements.
- b. Culverts shall be placed at all driveway and roadway crossings, and at other locations deemed necessary.
- c. Roadside culverts are to be sized based on drainage area. The minimum culvert size shall be 18 inches (18") in residential areas and 24 inches (24") in non-residential areas unless otherwise approved by the Community Development Department. Calculations shall be provided for review upon request.
- d. All proposed culverts shall be included in the hydraulic profile. The proposed culvert shall not create a headloss of more than 0.20 feet (0.20') greater than the normal water surface profile without the culvert.
- e. Stormwater discharging from a ditch into a storm sewer system must be received by use of an appropriate structure. (i.e., stubs with ring grates or Type E Inlets.).

6. Invert Protection.

- a. Ditch invert protection shall be used when velocities exceed 4 feet (4') per second.
- b. Ditch invert protection will be used at the upstream and downstream ends of all culverts.

7. Depth and Size Limitations.

- a. The maximum depth for a roadside ditch shall not exceed four feet (4') below the adjacent road centerline top of pavement. There may be instances where extreme conditions may warrant a deeper ditch. In those cases, specific written prior approval must be obtained from the Community Development Department.
- b. Roadside ditch bottoms shall be at least two feet (2') wide, unless design analysis supports a narrower width and prior written approval is obtained from the Community Development Department.
- c. A minimum distance of two feet (2') shall be established and maintained between the right-of-way line and the adjacent edge of the bank of a ditch.

8. Design of Outfalls: All outfall designs shall conform to HCFCD Standards.

E. Consideration of Overland Flow for the Extreme Event

- 1. Design Frequency: Design frequency for consideration of overland flow shall consider extreme storm events (100-year storm) which exceed the capacity of the underground storm sewer system resulting in ponding and overland flow from the development to the primary outlet.
- 2. Design Analysis: An overland flow analysis of the proposed drainage system shall be prepared by the design engineer. The design engineer shall submit supporting calculations, exhibits, and drawings.
 - a. Three analysis methods as presented in Technical Paper No. 101, Simplified 100-year Event Analyses of Storm Sewers and Resultant Water Surface Elevations for Improvement Projects in the City of Houston, Harris County, Texas Region will be acceptable to the City.
 - b. Analysis using the U.S. Environmental Protection Agency's Storm Water Management Model (SWMM) will be acceptable to the City.

3. Relationship of Structures to Street: All structures shall be higher than the highest level of ponding anticipated resulting from the extreme event analysis.
4. The following parameters are independent measures that shall be evaluated for each project. The limiting parameter will depend on project-specific conditions, and the most restrictive condition (the lowest ponded water elevation) shall govern.
 - a. Streets shall be designed so that consecutive high points in the street will provide for a gravity flow of drainage to the ultimate outlet.
 - b. The maximum depth of ponding at high points shall be 6 inches above top of curb.
 - c. The maximum depth of ponding at low points shall be 18 inches above top of curb.
 - d. Provide a minimum 20-foot (20') easement to accommodate sheet flow that is routed between lots or across reserve tracts. Fence lines and other improvements shall not be constructed on or across dedicated drainage easements.
 - e. A drawing(s) shall be provided to delineate extreme event flow direction through a proposed development and how this flow is discharged to the primary drainage outlet. The drawing(s) shall show a profile of the roadway (or overland flow path) from the upper reach of the drainage area to the primary drainage outlet. The drawing(s) shall be exaggerated vertical scale and shall include roadway profile at the gutter, ground profile at the right-of-way, and the hydraulic gradient for the extreme event (100-year storm), or an alternative equivalent drawing accepted by the City
 - f. In areas where ponding occurs and no sheet flow path exists, a calculation shall be provided showing that run-off from the 100-year event can be conveyed and remain in compliance with the other requirements of the paragraph.
 - g. Maximum Ponding Elevation: The design engineer shall demonstrate that the minimum slab elevation of a proposed structure shall be the highest of:
 - i. Eighteen inches (18") above the 1% probability recurrence interval (100-year) flood event; or,
 - ii. One foot (1') above the elevation of the center of the road or nearest sanitary or storm sewer manhole, whichever is higher; or,
 - iii. One foot (1') above the calculated ponding depth.

5. Evacuation Routes and Emergency Service Routes. This standard applies to routes designated by the City for emergency evacuation and for routes where access by emergency service vehicles is a public safety need. Ponding of surface runoff is not allowed in the highest travel lane (each direction) for the 100-year event. Exceptions to this standard based on technical infeasibility or cost limitations will require approval of the Community Development Department. This standard may be modified or exempted for locations in the 100-year floodplain.
6. Interim off-site sheet flow: Drainage swales may be used for interim offsite sheet flow in lieu of closed conduits in phased projects and for projects adjacent to existing development. This is required any time the proposed development will cause ponding on an adjacent owner's property.

F. Design of Open Channels

1. Design Frequency: Design and construction standards for open channel and outfalls into channels shall conform to those in the HCFCD Criteria Manual.
2. Determination of Water Surface Elevation.
 - a. Water surface elevations shall be calculated using Manning's Equation and the Continuity Equation.
 - b. For the design storm event, the water surface shall be calculated to remain within banks.
3. Design of Culverts.
 - a. Head losses in culverts shall conform to TxDOT Hydraulics Manual, Chapter 4, Culverts.
 - b. Corrugated metal pipe will not be approved for permanent culverts in the City of Tomball right-of-way except at railroad crossings, and if used underneath the railroad crossing, the culvert shall be designed to railroad loadings.
4. Design of Outfalls: All outfall designs shall conform to HCFCD Standards.

G. Stormwater Detention

1. Stormwater detention is intended to mitigate the affects of new development on an existing drainage system. An engineer may provide calculations using acceptable design criteria to show that the impact can be mitigated using detention criteria different from the requirements of the HCFCD Criteria Manuals.

2. Application of Detention.

The use of on-site detention is required when reported incidence of structural flooding exists; when in-fill or redevelopment will result in a potential threat to existing structures unless the current infrastructure is improved; when detention is required in accordance with the appropriate, adopted watershed master drainage plan; when post development flows result in street ponding levels which exceed City requirements; or if in the opinion of the City Engineer, post development flows will have an adverse impact on adjacent properties. If the City has developed a plan for a regional detention facility to serve a watershed, then the development is responsible for all costs of constructing the system to convey flows from their project to the regional facility. The City may elect to participate in oversizing of this conveyance if regional drainage interests are served.

Detention is not required under the following conditions.

- a. If redevelopment occurs without increasing the overall impervious character of the site, then no detention will be required by the City unless the application of detention will prevent existing structural flooding or bring the street ponding level on a major thoroughfare to within City requirements.
 - b. If the proposed development has less or equal impervious land cover than that used in the design of the storm sewer system as shown on the drainage area map in the roadway construction plans or other hydraulic computations.
 - c. If the hydraulic grade line from the current design storm of the receiving storm sewer system remains below the elevation of the gutter throughout the system with the proposed development included and considering ultimate conditions of the storm sewer watershed.
3. Detention volume for redevelopment areas is calculated on the basis of the amount of area of the redeveloped impervious cover or the detention factor for entire site determined by the basin the project is located in. **A minimum of 0.55 acre-feet of detention per acre of new development, one acre and larger, is required. Single-family residential and accessory buildings on existing lots is exempt from this requirement. Hydrograph timing cannot be used as a substitution for detention.**
 4. Private parking areas, private streets, and private storm sewers may be used for detention provided the maximum depth of flooding does not exceed six inches (6") directly over the inlet. Underground detention facilities may be proposed for consideration by the City.
5. Calculation of Outlet Size

Detention pond discharge pipe into an existing storm sewer line or existing City of Tomball or other public entity facility:

- a. Maximum pool elevation at or below the design hydraulic grade at the outfall - The discharge line shall be sized for the design storm with the outfall pipe flowing full. The pond will float on the drainage system to provide maximum benefit.
- b. Maximum pool elevation at or above the hydraulic grade at the outfall – Provide a reducer or restrictor pipe to be constructed inside the discharge line. The discharge line shall be sized for the design storm with the outfall pipe flowing full.
- c. Reducer or Restrictor Pipes shall be sized as follows:
 - i. The reducer or restrictor will be sized for undeveloped rate of discharge at no greater than 0.5 cubic feet per second per acre unless capacity for a greater flowrate is verified in the receiving system and approved by the City Engineer.
 - ii. Use the following equations to calculate the required outflow orifice:

$$Q = CA (2gh)^{1/2}$$
$$D = Q^{1/2} / (2.25 h^{1/4})$$

Where:

Q = outflow discharge (cfs)

C = 0.8

A = orifice area (square feet)

g = gravitational factor (32.2)

h = head, water surface differential (feet)

D = orifice diameter (feet)

- iii. Restrictor shall be either of the required diameter or of the equivalent cross-sectional area. The orifice diameter D shall be a minimum of 0.5 feet.
 - d. In addition to a pipe outlet, the detention basin shall be provided with a gravity spillway that will protect structures from flooding should the detention basin be overtopped.
 - e. Detention ponds shall maintain a minimum freeboard of one foot (1') between the top of bank and the 100-year water surface elevation.
6. Detention Facility Ownership and Easements.
- a.. Private Facilities:

- i. Pump discharges into a roadside ditch require the submittal of pump specifications on the design drawings. The maximum discharge rate of pumped facilities to a roadside ditch is 0.5 cubic feet per second unless capacity for a greater flowrate is verified in the receiving system and approved by the City Engineer. Energy dissipaters and erosion protection is required for pumped outfalls.
 - ii. The City reserves the right to prohibit the use of pump discharges where their use may aggravate flooding in the public right-of-way.
 - iii. Responsibility for maintenance of the detention facility must be indicated by letter submitted to the City as part of the design and plan review process.
 - iv. All private properties being served shall have drainage access to the pond. Dedicated private drainage easements may be required.
 - v. Public properties shall not drain into private detention ponds.
 - vi. A private maintenance agreement shall be provided when multiple tracts are being served.
- b. Public Facilities:
- i. Facilities will only be accepted for maintenance by the City in cases where public drainage is being provided.
 - ii. The City requires a maintenance work area of 30-foot width surrounding the extent of the detention area. Public rights-of-way or permanent access easements may be included as a portion of this 30-foot (30') width.
 - iii. A dedication of easement shall be provided by plat or by separate instrument.
 - iv. Proper dedication of public access to the detention pond must be shown on the plat or by separate instrument. This includes permanent access easements with overlapping public utility easements.

V. SUBMITTALS

- A. Preliminary Submittals - Submittal, for review and comment, of one-line drawings is recommended and may be required as part of the platting process. One-line drawings should include:
1. Approximate definition of lots and street patterns.
 2. The approximate drainage areas for each system.
 3. A definition of the proposed drainage system by single line.
 4. The proposed pipe diameters.
 5. Any proposed drainage easements.
 6. Floodplain information, including floodplain and floodway boundaries, if any; FEMA map number, effective map date and zone.
- B. Final Design - Submit the following for approval:
1. Copies of any documents which show approval of exceptions to the City design criteria.
 2. Design calculations for time of concentration, storm line sizes and grades, and for detention facilities, if any.
 3. Design calculations for the hydraulic grade line of each line or ditch, and for detention facilities, if any.
 4. Drainage Area Map with the following information:
 - a. Existing contour map.
 - b. Drainage area and sub-drainage area boundaries.
 - c. Drainage area (acres) and flow quantity (cfs) draining to each inlet and each pipe segment from manhole to manhole.
 - d. Extreme event (100-year) sheet flow direction.
 - e. Existing condition and developed condition sheet flow direction for the surrounding properties.
 5. Plan and profile sheets showing stormwater design (public facilities only).

6. Projects located within a floodplain boundary or within a floodplain management area shall:
 - a. Show the floodplain boundary or floodplain area, as appropriate, on the one-line drawing or Drainage Area Map.
 - b. Comply with all applicable submittal requirements of this chapter.
 7. Profile drawing of roadway (or overland flow path) with exaggerated vertical scale from the upper reach of drainage area to the primary drainage outlet. Show roadway profile at gutter, ground profile at the public right-of-way, and hydraulic gradient for the 100-year extreme event; or an alternative equivalent drawing accepted by the City.
 8. Calculation for proportional amount of pipe capacity allocated to the development along with the drainage area map used for these calculations.
- C. Signature Stage - Submit the following for approval:
1. Review prints.
 2. Original drawings.
 3. Stormwater detention maintenance agreement letters.
 4. Drainage Area Map with the following information:
 - a. Existing contour map.
 - b. Drainage area and sub-drainage area boundaries.
 - c. Drainage area (acres) and flow quantity (cfs) draining to each inlet and each pipe segment from manhole to manhole.
 - d. Extreme event (100-year) sheet flow direction.
 - e. Existing condition and developed condition sheet flow direction for the surrounding properties.
 5. Profile drawing as specified in Paragraph V.B.7.

VI. QUALITY ASSURANCE

Prepare calculations and design drawings under the supervision of a professional engineer trained and licensed under the disciplines required by the project scope. The final design drawings and all design calculations must be sealed, signed, and dated by the professional engineer, licensed by the State of Texas, responsible for the development of the drawings.

VII. DESIGN ANALYSIS

- A. Projects shall be tied to the National Geodetic Survey (NGS) datum adjustment which matches the Federal Emergency Management Agency (FEMA) rate maps or the most current NGS datum which matches the FEMA rate maps. In the event GPS surveying is used to establish bench marks, at least two references to bench marks relating to the rate maps shall be identified. Equations may be used to translate other datum adjustments to the required adjustment.
- B. Drawing sets shall include a drainage area map, which will contain calculations of flow by the rational method.
- C. Drainage systems for curb-and-gutter pavements shall be underground closed conduits; individual residential lot drainage is exempt. Drainage systems for pavements without curb and gutter shall be roadside open-ditch sections.

VIII. LOW IMPACT DEVELOPMENT

Low impact development is a comprehensive land planning and engineering design approach with the goal of maintaining, as the minimum, the pre-development hydrologic regime in a watershed. This technique shall be allowed provided the following criteria are met:

- A. The post-development hydrograph for the 10 and 100 year events indicates the peak flows are at or below the pre-development hydrographs.
- B. Other provisions of these regulations are met, excluding detention, or variances to those provisions are approved.
- C. A conceptual design meeting is held with the City Engineer and design concepts are approved prior to proceeding to preliminary design.

City of Tomball Intensity-Duration-Frequency Coefficients
Source: Harris County

$$I = \frac{b}{(t_c + d)^e}$$

Rainfall Frequency	b	d	e
2-year (50% AEP)*	48.35	9.07	0.7244
5-year (20% AEP)	51.78	8.19	0.7058
10-year (10% AEP)	54.26	7.44	0.6819
25-year (4% AEP)	54.97	6.27	0.6446
50-year (2% AEP)	54.84	5.45	0.6170
100-year (1% AEP)	53.93	4.53	0.5870
500-year (0.2% AEP)	50.89	2.69	0.5111

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 7, 2021

Topic:

Adopt, on First Reading, Ordinance No. 2021-22, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Section 10-445, General Standards, and Section 10-446, Specific Standards, of Division 3, Provisions for Flood Hazard Reduction, of Article VIII, Flood Damage Prevention of Chapter 10, Buildings and Building Regulations; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; making findings of fact; and providing for other related matters.

Background:

The City of Tomball Provisions for Flood Hazard Reduction are hereby amended to conform to Harris County's minimum standards, as presented to City Council in April. The amendments include:

- The mitigation of fill in both the one percent annual chance (100-year) and 0.2 percent annual chance (500-year) floodplain; and
- requiring residential structures (including manufactured homes) to be either floodproofed or elevated to at least 1.5 feet above the one percent annual chance (100-year) base flood elevation or at the 0.2 percent annual chance (500-year) base flood elevation, whichever is higher.

Origination: Community Development Department

Recommendation:

Approval

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

Craig T. Meyers, P.E., Director of
Community Development

FUNDING (IF APPLICABLE)

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

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

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

Signed

Staff Member

Date

Approved by

City Manager

Date

ORDINANCE NO. 2021-22

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING ITS CODE OF ORDINANCES BY AMENDING SECTION 10-445, GENERAL STANDARDS, AND SECTION 10-446, SPECIFIC STANDARDS, OF DIVISION 3, PROVISIONS FOR FLOOD HAZARD REDUCTION, OF ARTICLE VIII, FLOOD DAMAGE PREVENTION OF CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas, hereby finds that amending its flood damage prevention regulations as set forth herein is in the best interest of the health, safety and welfare of the citizens;

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

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

Section 2. Section 10-445, General Standards, of Division 3, Provisions for Flood Hazard Reduction, of Article VIII, Flood Damage Prevention, of Chapter 10, Buildings and Building Regulations, of the Code of Ordinances of the City of Tomball, Texas is hereby amended to add the language underscored below and to delete the language struck through below.

“Sec. 10-445. - General standards.

In the flood-prone area, the following standards are required:

- (1) *Anchoring.*
 - a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure

resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

- b. All manufactured homes must likewise be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads including the effects of buoyancy, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)
- (2) *Site drainage.* Drainage pathways are required around structures to guide floodwaters around such structures.
 - (3) *Construction materials and methods.*
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (4) *Utilities.*
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(5) *Standards for subdivisions.*

- a. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with the need to minimize flood damage;
- b. All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet floodplain development permit requirements of this article;
- c. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- d. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and
- e. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

(6) *Review of building permits.* Where elevation data is not available either through the flood insurance study, FIRM, or from another authoritative source (section 10-421(2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

(7) *Mitigation of fill.* Fill in the ~~flood-prone~~ one percent annual chance (100-year) and 0.2 percent annual chance (500-year) floodplain area must be mitigated to ensure that the storage volume of such area is not diminished by development. A development permit applicant must

submit a fill mitigation analysis demonstrating that the proposed development, if constructed, will not result in a decrease in storage volume within the flood-prone area.”

Section 3. Section 10-446, Specific Standards, of Division 3, Provisions for Flood Hazard Reduction, of Article VIII, Flood Damage Prevention, of Chapter 10, Buildings and Building Regulations, of the Code of Ordinances of the City of Tomball, Texas is hereby amended to add the language underscored below.

“Sec. 10-446. - Specific standards.

- (a) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, floodproofed or elevated at least 1.5 feet above the one percent annual chance (100-year) base flood elevation or at the 0.2 percent annual chance (500-year) base flood elevation, whichever is higher. A registered professional engineer or land surveyor shall submit a FEMA elevation certificate to the floodplain administrator that verifies that the standard of this subsection is satisfied.
- (b) *Nonresidential construction.*
 - (1) New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either meet the specific standards for residential construction, or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed to at least 1.5 feet above the base flood level so that the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in section 10-421(3)b.;

- (2) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (d) of this section;
- (3) Applicants floodproofing nonresidential buildings are advised that flood insurance premiums may be based on rates that are greater than those established for buildings with the first floor elevated to the same level.
- (c) *Critical facility.* Construction of new critical facilities shall be, to the extent possible, located outside the limits of the flood-prone area. Construction of new critical facilities shall be permissible within the flood-prone area if no feasible alternative site is available. Critical facilities constructed within the flood-prone area shall have the lowest floor elevated, or the structure shall be floodproofed to an elevation at least 1.5 feet above the elevation of the 500-year (0.2 percent probability) flood event or three feet above the highest adjacent grade of the building site if flood elevation data is not available. Additionally, floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access to and from the critical facility must be assured under all circumstances. The city engineer will review and approve all plans for access routes for critical facilities located in the flood-prone area.
- (d) *Enclosures.* Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional engineer licensed in the state or must meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (4) Below-grade crawlspaces shall be designed in accordance with FEMA Technical Bulletin 11-01, "Crawlspace Construction for

Buildings Located in Special Flood Hazard Areas," FIA-TB-11, or revisions to this document.

- (5) Below-grade crawlspaces are prohibited at sites where the velocity of floodwaters exceeds five feet per second.
- (6) All building utility systems within the crawlspace shall be elevated above base flood elevation or be designed so that floodwaters cannot enter or accumulate within the system component during flood conditions.
- (7) The interior of a crawlspace below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade (LAG) and the height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation must not exceed four feet at any point.
- (8) Below-grade crawlspaces constructed in accordance with the requirements listed in this subsection (d) shall not be considered basements. However, applicants who construct buildings that have below-grade crawlspaces are hereby advised that such buildings may have higher flood insurance premiums than buildings that have crawlspaces with interior elevations at or above the lowest adjacent grade. In addition, the building design must include adequate provision for drainage from the crawlspace following a flooding event.

(e) *Manufactured homes.*

- (1) All manufactured homes to be placed or substantially improved on sites:
 - a. Outside of a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at 1.5 feet

above the base flood elevation or at the 0.2 percent annual chance (500-year) base flood elevation, whichever is higher and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

- (2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within the flood-prone area that are not subject to the above manufactured home provisions shall be elevated so that either:
 - a. The lowest floor of the manufactured home is elevated at 1.5 feet above the base flood elevation or at the 0.2 percent annual chance (500-year) base flood elevation, whichever is higher; or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.
- (f) *Recreational vehicles.* Recreational vehicles placed on sites are required to either:
 - (1) Be on the site for fewer than 180 consecutive days;
 - (2) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 - (3) Meet the requirements of subsection (e) of this section and the elevation and anchoring requirements for manufactured homes.
- (g) *Accessory structures.* Accessory structures shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters; shall be anchored to prevent floatation which may result in damage to other structures; and service utilities such as electrical and heating equipment shall be elevated or floodproofed.
- (h) *Breakaway walls.* Breakaway walls must be designed so that if carried downstream they will not cause damage to any other structure. Breakaway walls must have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of

breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by city or state codes) may be permitted only if a registered professional engineer certifies that the proposed design meets the following conditions:

- (1) Wall collapse shall result from a water load less than that which would occur during the base flood; and
- (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval)."

Section 4. 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 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 5. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7th DAY OF JUNE, 2021.

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

SECOND READING:

READ, PASSED, AND ORDAINED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 21st DAY OF JUNE, 2021.

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

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: June 7, 2021

Topic:

Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session

Sec. 551. 074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Background:

Origination: David Esquivel, Interim City Manager

Recommendation:

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

David Esquivel, Interim City
Manager

FUNDING (IF APPLICABLE)

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

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

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

Signed	Doris Speer	6-1-2021	Approved by	
	Staff Member	Date	City Manager	Date