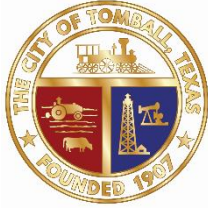


**NOTICE OF REGULAR COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



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

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, May 17, 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 1, 2020, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED "SOCIAL DISTANCING") TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19), THERE WILL BE LIMITED PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT:
[HTTPS://TOMBALLTX.GOV/ARCHIVE.ASPX?AMID=38](https://tomballtx.gov/archive.aspx?amid=38); A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.**

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your 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: 896 6865 3560, Passcode: 876604**. The public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

- A. Call to Order
- B. Invocation - Led by Pastor Kevin Bowles - Redeemer 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

- Presentation by Jonathan Campbell, Executive Director, **Southeast Texas Housing Finance Corporation (SETH)**
- Proclamation – May 16-22, 2021 is “**National Public Works Week – Tomball, Texas**”
- Proclamation – May 16-22, 2021 is **Northwest Community Health, and National Emergency Medical Services Week - "This is EMS: Caring for Our Communities" - Tomball, Texas**
- Chief's Citation of Merit - ***Employee of the Quarter Award***: 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. Approve the Minutes of the May 3, 2021 Regular Tomball City Council Meeting and the May 10, 2021 Special Tomball City Council Meeting

H. Old Business: Tabled Items

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. 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; an providing for severability; and making finds related thereto.

J. New Business

1. 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
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.
 - Conduct Public Hearing on **Zoning Case P21-169**
 - 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 cup; 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.
3. 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.
 - Conduct Public Hearing on **Zoning Case P21-168**
 - 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.

- [4.](#) 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)
- [5.](#) Approve purchase of playground equipment from Kompan, Inc. for Jerry Matheson Park totaling \$661,759.26 through Texas BuyBoard Contract Number 592-19
- [6.](#) 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
- [7.](#) Approve Payment Option to Gexa Energy for Increased Ancillary Charges Rate due to the Winter Storm
8. 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

K. 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 13th day of May 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: May 17, 2021

Topic:

- Presentation by Jonathan Campbell, Executive Director, **Southeast Texas Housing Finance Corporation (SETH)**
- Proclamation – May 16-22, 2021 is “**National Public Works Week – Tomball, Texas**”
- Proclamation – May 16-22, 2021 is **Northwest Community Health, and National Emergency Medical Services Week - "This is EMS: Caring for Our Communities" - Tomball, Texas**

Background:

Origination: Various

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>5-4-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

Office of the Mayor
Tomball, Texas



Proclamation



WHEREAS, Public Works professionals focus on the infrastructure, facilities, and services that are vital to sustainable and resilient communities and to the public health, safety, high quality of life and well-being of the people of our community; and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of the Public Works professionals who are responsible for rebuilding, improving and protecting our streets, water supply, water treatment and solid waste systems, public buildings, parks, and other structures and facilities essential for our citizens; and

WHEREAS, during the on-going COVID-19 pandemic, Tomball Public Works personnel are essential workers who are continuing to work hard each and every day to keep our community safe and functioning; and

WHEREAS, Public Works services in Tomball are an integral part of our citizens' everyday lives, and it is in the public interest for the citizens, civic leaders and children in Tomball to gain knowledge of and to maintain a progressive interest and understanding of the importance of Public Works and Public Works programs in our community; and

WHEREAS, this year's theme, "**Stronger Together**", speaks to the impact that Public Works programs and personnel have on society's quality of life, from providing clean water, to maintaining public parks, clearing roads and sustaining drainage, or devising emergency management strategies to meet natural or manmade disasters; and

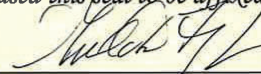
WHEREAS, 2021 marks the 61st annual National Public Works Week, sponsored by the American Public Works Association, and the Tomball City Council wishes to recognize the dedication, talents and contributions made by Tomball Public Works employees;

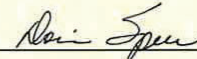
NOW THEREFORE, I, Gretchen Fagan, Mayor of the City of Tomball, Texas on behalf of the Tomball City Council, do hereby proclaim May 16 through May 22, 2021 as:

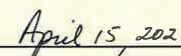
"NATIONAL PUBLIC WORKS WEEK – TOMBALL, TEXAS"
"STRONGER TOGETHER"



In witness whereof I have hereunto set my hand and caused this seal to be affixed.



Attest: 

Date: 

Office of the Mayor
Tomball, Texas



Proclamation



- WHEREAS,** emergency medical services is a vital public service that the members of **Northwest Community Health (NCH)**, formerly Northwest Rural Emergency Medical Service, are ready to provide to those in need – 24 hours a day, seven days a week; and
- WHEREAS,** access to quality emergency care dramatically improves the survival and recovery rate of those experiencing sudden illness or injury and **Northwest Community Health** plays a critical role in public outreach and injury prevention, and is evolving in its role as an important member of the healthcare community, supported by emergency medical dispatchers, firefighters, law enforcement officers, educators, administrators, researchers, emergency nurses, emergency physicians and others; and
- WHEREAS,** in 1974, President Gerald Ford authorized **EMS Week** to celebrate EMS practitioners and the important work they do in our nation's communities, and this year's theme is *"This Is EMS: Caring for Our Communities"*; and
- WHEREAS,** **Northwest Community Health** responders will be among the first to respond to terrorist or natural events, benefitting the citizens of Tomball daily through the knowledge and skills of these highly-trained individuals, who, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their life-saving skills; and
- WHEREAS,** it is appropriate for the City of Tomball to recognize the value and the accomplishments of emergency medical services providers, which is particularly meaningful as we see **Northwest Community Health** rallying to support the COVID-19 crisis while continuing to respond to the everyday needs of our community - by designating the **47th Annual Emergency Medical Services Week**;

NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor, on behalf of the City Council of the City of Tomball, Texas, do hereby proclaim the week of May 16-22, 2021 as:

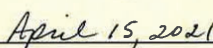
**47TH ANNUAL NORTHWEST COMMUNITY HEALTH, and
NATIONAL EMERGENCY MEDICAL SERVICES WEEK
"This is EMS: Caring for Our Communities" – TOMBALL, TEXAS**



In witness whereof I have hereunto set my
hand and caused this seal to be affixed.



Attest: 

Date: 

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: May 17, 2021

Topic:

Chief's Citation of Merit - *Employee of the Quarter* Award: January – March 2021 Recipient: Corporal Stephen Clough

Background:

In Recognition of Exemplary Performance Representing the Highest Ethical Standards of the Law Enforcement Profession

Origination: Tomball Police Department

Recommendation:

Corporal Stephen Clough is assigned to 3rd shift (Night Watch) for the Tomball Police Department. Since his promotion to Corporal in 2020, he has made a profound impact on the men and women assigned under his command. He is a servant leader who leads by example, setting goals and providing sound leadership and guidance to the men and women of his command. Stephen is an up and coming leader within the police department who is highly motivated and strives to make our community a safer place through his proactive policing style.

Highlight Corporal Clough:

In February of 2021, Corporal Clough made a traffic stop on a U-Haul Truck for driving down main street with no head lights. After his initial approach and investigation, Corporal Clough determined that the vehicle was stolen and arrested the driver for unauthorized use of a motor vehicle. Search incident to arrest of the vehicle revealed several homemade pipe bombs, body armor, nails and other items used to make explosive devices. This information was passed along to ATF, and FBI who conducted follow up interviews with the suspect.

Party(ies) responsible for placing this item on agenda: Chief of Police Jeff Bert

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>Capt. Ricky Doerre</u>	Approved by	<u></u>
	Staff Member		City Manager
	Date		Date

Chief's Citation of Merit

Employee of the Quarter

January —March 2021

Presented to

Corporal Stephen Clough

In Recognition of Exemplary Performance
Representing the Highest Ethical Standards
of the
Law Enforcement Profession



City Council Meeting Agenda Item Data Sheet

Meeting Date: May 3, 2021

Topic:

June 4-6, 2021 – *Tomball German Heritage Festival* – 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: May 3, 2021

Topic:

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.

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



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: May 3, 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

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

City Council Meeting Agenda Item Data Sheet

Meeting Date: May 3, 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: May 17, 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)

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

City Council Meeting Agenda Item Data Sheet

Meeting Date: May 17, 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: May 17, 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)

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: May 17, 2021

Topic:

Approve the Minutes of the May 3, 2021 Regular Tomball City Council Meeting and the May 10, 2021 Special 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)

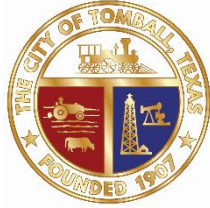
Are funds specifically designated in the current budget for the full amount required for this purpose?

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

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

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

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, May 3, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for May 3, 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
Finance Director – Glenn Windsor
Director of Public Works – Beth Jones
Interim Fire Chief – Taner Drake
Marketing Director – Mike Baxter
Director of Community Development – Craig Myers
Assistant City Secretary – Tracy Garcia
Fire Marshal/Assistant Fire Chief – Joe Sykora
CSO Administrative Assistant – Johnita Robinson
Community Center Manager – Rosalie Dillon
Streets, Parks & Drainage Supt. – Justin Pruitt
Police Officer-Investigations – James Harral
Executive Director-TEDC – Kelly Violette
Assistant Director-TEDC – Tiffani Wooten
Economic Development Coordinator-TEDC – Tori Gleason
PID Contract Administrator – Scott Bean

- B. Invocation - Led by Pastor Abraham Jasso - Templo La Hermosa
- C. Pledges to U.S. and Texas Flags – Led by Joe Sykora
- D. No public comments were received.
- E. Presentations
- Proclamation – May 2-8, 2021 is “**National Public Safety Telecommunicators Week – Tomball, Texas**”
 - Proclamation – May 2-8, 2021 is “**52nd Annual Professional Municipal Clerks Week**”
 - Proclamation – May 9-15, 2021 is “**National Hurricane Preparedness Week – Tomball, Texas**”
 - Proclamation – May 9-15, 2021 is “**Tomball Firefighter Appreciation Week**”
 - Proclamation – May 15, 2021 is “**Peace Officers Memorial Day**”
 - Proclamation – May 9-15, 2021 is “**Tomball Police Week**”
 - Proclamation – May 9-15, 2021 is “**National Economic Development Week**”
- F. Reports and Announcements
1. Announcements
- I. May 6, 2021 – **Texas Deuce Days Meet and Greet** – 3:00 p.m.–8:00 p.m. at the Depot
- II. June 4-6, 2021 – **Tomball German Heritage Festival** – at the Depot
- III. **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.
- IV. **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.

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

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 April 19, 2021 Special Tomball City Council Meeting and the Minutes of the April 19, 2021 Regular Tomball City Council Meeting.

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

Motion carried unanimously.

H. Old Business

1. Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr., to Adopt, on Second Reading, Ordinance No. 2021-14, an Ordinance of the city of Tomball, Texas, amending the Tomball Comprehensive Plan by changing the Future Land Use and Major Thoroughfare Plan Maps; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

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

Motion carried unanimously.

I. New Business

1. Executive Session: The City Council recessed at 6:27 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 Search

Upon reconvening into session at 6:59 p.m., the following items were considered:

2. Mayor Fagan called the Public Hearing of the City Council of the City of Tomball to Consider Proposed Assessments against Tomball Heights Properties in the City of Tomball Public Improvement District Number Nine, Established by City Council Resolution No. 2019-12 (Sydney's Park) to order at 7:00 p.m. and the following comments were received:

John Jordan	-	Expressed his opposition to
3052 Hickory Ridge Cir 77807		Ordinances No. 2021-05 and 2021-06

Duane Brignac	-	Expressed his opposition to
1800 Valley View Ln 75234		Ordinances No. 2021-05 and 2021-06

Mitchell Oxman	-	Expressed his support for
46 Highland Point Dr 77356		Ordinances No. 2021-05 and 2021-06

Jonathan Sellers	-	Expressed his support for
22914 Rose Hollow Tr 77375		Ordinances No. 2021-05 and 2021-06

3. Motion to TABLE consideration of 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*) made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll.

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

Motion to TABLE carried unanimously.

4. Motion to TABLE consideration of 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*) made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll.

.

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

Motion to TABLE carried unanimously.

5. Motion to TABLE consideration of 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 made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll.

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

Motion to TABLE carried unanimously.

6. Beth Jones presented information regarding City-owned generators; discussion followed.

No action necessary.

7. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-18 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. 2021-18, 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; an providing for severability; and making finds related thereto.

Motion to AMEND made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First 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, by restricting the hours for No Parking to only school hours between 7:30 a.m. and 4:00 p.m., Monday through Friday.

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

Voting Nay: Council 5 Klein Quinn

Motion to AMEND carried, 4 votes Aye, 1 vote Nay.

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

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

Motion carried unanimously.

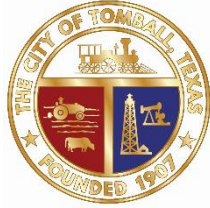
Meeting adjourned at 7:49 p.m.

PASSED AND APPROVED this the 18th day of May 2020.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor

MINUTES OF SPECIAL CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, May 10, 2021
5:30 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for May 10, 2021, 5:30 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

- A. Call to Order
La llamada para Ordenar
Gọi để đặt hàng
致電訂購

Meeting was called to order by Mayor Fagan via video at 5:30 p.m. Other members present:

Council 1 John Ford
Council 3 Chad Degges (via video)
Council 5 Lori Klein Quinn

Members absent:

Council 2 Mark Stoll - Excused
Council 4 Derek Townsend, Sr. - Excused

Others present:

Interim City Manager – David Esquivel
Interim Assistant City Manager/Police Chief – Jeff Bert
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Marketing Director – Mike Baxter
Assistant City Secretary – Tracy Garcia
CSO Administrative Assistant – Sasha Luna

- B. Canvas of Election

1. Canvass of Election
Escrutinio de la Elección

Kiểm Phiếu của Cuộc Bầu Cử
拉票選舉

Resolution No. 2021-11, a Resolution of the City of Tomball, Texas, Canceling the Regular City Officer's Election Scheduled to be Held on the 1st Day of May, 2021, in Accordance with Section 2.053(A) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election

Resolución Nro. 2021-11 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 1 de mayo de 2021 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.

Nghị Quyết số 2020-11, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Kỳ Dự Kiến sẽ được tổ chức vào ngày 1 tháng Năm, 2021, Chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas; Chỉ thị việc đưa ra Thông Báo về Hủy Bỏ Cuộc Bầu Cử đó; và Cung Cấp Thông Tin Chi Tiết Liên quan đến việc Hủy Bỏ Cuộc Bầu Cử đó.

案2021-11, 取消一般市府官員應於2021年5月1日的選舉計畫

其是根據德克薩斯州選舉法2.053(a)節; 茲此通知該選舉取消; 以及提供關於取消該選舉的詳情。

Motion made by Council 1 Ford, Seconded by Council 5 Klein Quinn to accept the results of the canvass of the May 1, 2021 Election and to declare Mark Stoll and Derek Townsend, Sr. duly elected.

El Concejal Ford hizo la moción, secundada por Concejal 5 Klein Quinn para aceptar los resultados del sondeo de la Elección del 1 de mayo de 2021 y declarar a Mark Stoll y Derek Townsend, Sr. debidamente decidido.

Đề xuất được đưa ra bởi Hội đồng 1 Ford, được thứ hai bởi Hội đồng 5 Klein Quinn để chấp nhận kết quả của cuộc bầu cử ngày 1 tháng 2021 năm XNUMX và tuyên bố Mark Stoll và Derek Townsend, Sr. được bầu hợp pháp.

由第1屆福特委員會提出的動議, 由第5屆理事會借調克萊因·奎因接受2021年5月1日選舉的拉票結果, 並宣佈馬克·斯托爾和德里克·湯森正式當選。

Voting Yea: Council 1 Ford, Council 3 Degges, Council 5 Klein Quinn
Votando Sí Concejal 1 Ford, Concejal 3 Degges, Concejal 5 Klein Quinn
Bỏ phiếu có Hội đồng 1 Ford, Hội đồng 3 Degges, Hội đồng 5 Klein Quinn
投票是理事會 1 福特, 理事會 3 德格斯, 理事會 5 克萊因奎因

Motion carried unanimously.

Moción aceptada por unanimidad.

Kiến nghị được nhất trí thông qua.

動議無異議地通過。

2. Administer Oath of Office to Elected Officials
Administrar el juramento al cargo de los funcionarios electos
Làm lễ Tuyên Thệ Nhậm Chức cho các Viên Chức Được Bầu Chọn
管管理選舉官員宣誓就職

No action necessary.
Ninguna acción necesaria.
Không cần hành động.
無需任何操作。

3. Motion made by Council 1 Ford, Seconded by Council 5 Klein Quinn, to Elect Councilman Quinn as Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter.
El Concejal Ford hizo la moción, secundada por el Contgejal Klein Quinn, a elegir el Concejal Klein Quinn como Alcalde Pro-Tem, de conformidad con la sección 6.08 de la ciudad de Tomball Carta autonómica.
Chuyển động đã được thực hiện bởi Ủy viên Hội đồng Ford, thứ hai bởi Nghị Klein Quinn, đề cử Ủy viên Hội đồng Klein Quinn như Thị trưởng Pro-Tem, phù hợp với mục 6.08 của thành phố Tomball Trang chủ Quy tắc Điều lệ.
動作是由 Ford Councilman , 第二個依 Councilman Klein Quinn , 以選出 Councilman Klein Quinn 昆因為王 Pro-Tem 符合節 6.08 的城市 Tomball 家庭規則章程

Voting Yea: Council 1 Ford, Council 3 Degges, Council 5 Klein Quinn
Votando Sí Concejal 1 Ford, Concejal 3 Degges, Concejal 5 Klein Quinn
Bỏ phiếu có Hội đồng 1 Ford, Hội đồng 3 Degges, Hội đồng 5 Klein Quinn
投票是理事會 1 福特, 理事會 3 德格斯, 理事會 5 克萊因奎因

Motion carried unanimously.
Moción aceptada por unanimidad.
Kiến nghị được nhất trí thông qua.
動議無異議地通過。

Councilman Klein Quinn was elected Mayor Pro-Tem.
El Concejal Klein Quinn fue elegido Alcalde interino.
Nghị Viên Klein Quinn được chọn làm Thị Trưởng Tạm Thời.
委員 Klein Quinn 已當選為暫時市長。

- C. Motion made by Council 1 Ford, Seconded by Council 5 Klein Quinn, to adjourn.
La moción fue hecha por el Concejal 1 Ford, segundo por el Concejal 5 Klein Quinn, levantar.
Chuyển động, được tạo ra bởi ông hội đồng Ford, bởi ông hội đồng Klein Quinn thứ hai, để adjourn.

運動是由第二屆的委員，委員克萊 Ford 斯托爾公司休會。

Voting Yea: Council 1 Ford, Council 3 Degges, Council 5 Klein Quinn
Votando Sí Concejal 1 Ford, Concejal 3 Degges, Concejal 5 Klein Quinn
Bỏ phiếu có Hội đồng 1 Ford, Hội đồng 3 Degges, Hội đồng 5 Klein Quinn
投票是理事會 1 福特，理事會 3 德格斯，理事會 5 克萊因奎因

Motion carried unanimously.
Moción aceptada por unanimidad.
Kiến nghị được nhất trí thông qua.
動議無異議地通過。

Meeting adjourned.
Sesión clausurada.
Cuộc họp tòa kết thúc tại đây
會議休會

PASSED AND APPROVED this the 10th day of May 2021.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: February 1, 2021

Topic:

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

Background:

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

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

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

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

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

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

Future Actions

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

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

Amortization Schedule

PID TERMS AND AMORTIZATION

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

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

Origination: Scott Bean, Hawes Hill Calderon, LLP

Recommendation:

n/a

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

Tracylynn Garcia, Asst City Secretary

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

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

Signed Tracylynn Garcia
Staff Member _____ Date _____

Approved by _____
City Manager _____ Date _____

ORDINANCE NO. 2021-05

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

* * * * *

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

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

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

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

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

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

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

Section 3. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

FIRST READING:

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

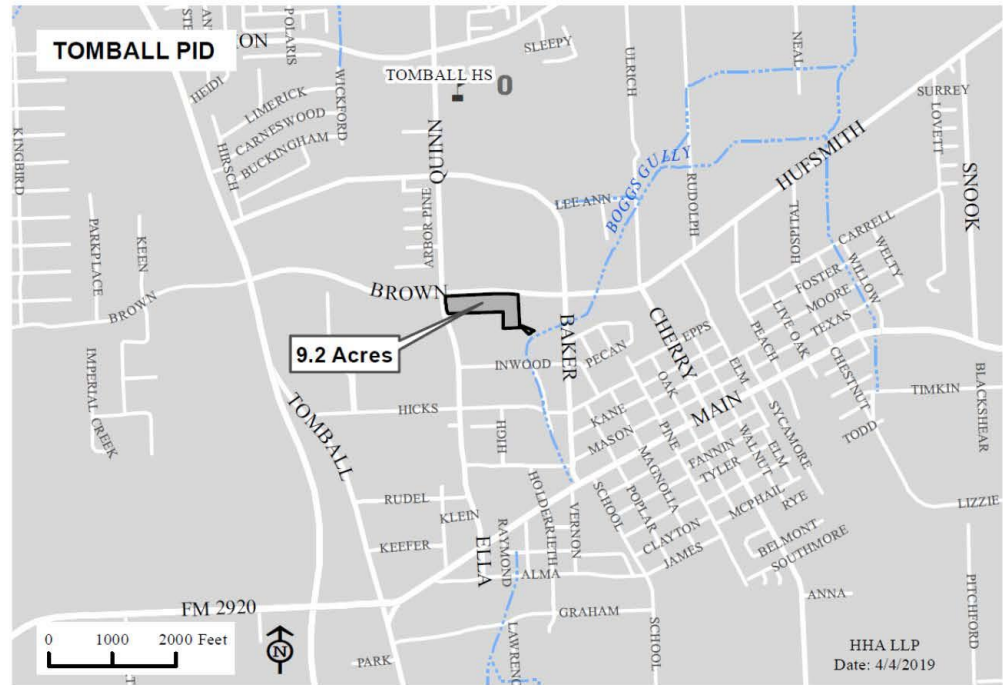
Notice of levy of each assessment will be given as provided in Chapter 372 of the Local Government Code. The assessment levy statement will be sent to each property owner in the District, and the payment will be due and payable at the same time property taxes are due and payable to the City.

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: February 1, 2021

Topic:

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

Background:

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

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

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

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

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

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

Future Actions

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

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

Amortization Schedule

PID TERMS AND AMORTIZATION

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

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

Origination: Scott Bean, Hawes Hill Calderon, LLP

Recommendation:

Adopt, on First Reading Ordinance No. 2021-06

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

Tracylynn Garcia, Asst City Secretary

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

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

Signed Tracylynn Garcia
Staff Member _____ Date _____

Approved by _____
City Manager _____ Date _____

ORDINANCE NO.2021-06

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

* * * * *

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

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

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

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

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

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

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

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

Section 4. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 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: May 17, 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	<u>Doris Speer</u>	<u>5-12-2021</u>	Approved by	_____
	Staff Member	Date		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 Northwestern 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 Northwestern 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:

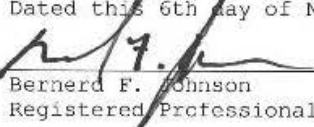
1) North 42°37'24" West, 144.35 feet to a 5/8 inch iron rod with cap found for corner;

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:

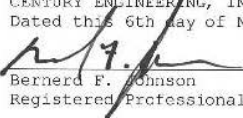
1) North 42°37'24" West, 144.35 feet to a 5/8 inch iron rod with cap found for corner;

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: May 3, 2021

Topic:

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.

Background:

Origination: Community Development Department

Recommendation:

City Staff recommends approval. Ordinance No. 2021-18 has been amended, per Council direction.

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

FUNDING (IF APPLICABLE)

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

Yes: _____ No: _____

If yes, specify Account Number: # _____

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

Signed: Doris Speer 5-11-2021 **Approved by:** _____
Staff Member Date City Manager Date

ORDINANCE NO. 2021-18

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 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 AN AMOUNT NOT TO EXCEED \$200 FOR EACH VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY; AND MAKING FINDINGS 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 on Buckingham Drive beginning at the intersection of Quinn Road and continuing through its entirety approximately five hundred thirty (530) feet and the necessary traffic control signage altered or implemented to effectuate the establishment of the “No Parking, Stopping or Standing” zone. The hours of the “No Parking, Stopping or Standing” zone shall be Monday through Friday, 7:00 a.m. to 4:00 p.m.

Section 3. The Code of Ordinances of the City of Tomball, Texas, Section 44-164 is amended by the deletion of the language struckthrough below and the addition of the language underscored below, the revised Section 44-164 to read as follows:

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

~~When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance on any day, except Sundays and public holidays, within the district or upon any of the streets described by ordinance.~~

It shall be unlawful for any person to park, stop or stand along Buckingham Drive beginning at its intersection with Quinn Road and continuing for its entirety approximately five hundred thirty (530) feet Monday through Friday from 7:00 a.m. to 4:00 p.m.”

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 and designating the days and hours of such “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 3RD DAY OF MAY 2021.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF MAY 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: May 17, 2021

Topic:

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

Background:

Concordia Lutheran High School is looking to host their Annual 5k Fun Run at the Depot on June 26, 2021. They are requesting in kind services from Police, Fire and Public Works. This run serves as a fundraiser for their Cross Country teams. The run will begin at 8 am.

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



RACE APPLICATION

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

An application to stage a race within the City of Tomball shall be filed with the Community Events Coordinator at least 90 days prior to the event. This application is not to be construed as authorizing or agreeing to any race until formally approved by Tomball City Council. Only races of 5K or less will be considered.

Date: 4/13/2021

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

Bicycle Race ☐ Foot Race ☒ Race Walking ☐ Jogging Event ☐ Other (specify) _____

1. Event title: Cruisin Crusader 5K
2. Sponsoring entity: Concordia Lutheran High School
3. Is this organization based in Tomball: Yes ☒ No ☐
4. Is this organization non-profit ☒ or for-profit ☐ *Current proof of non-profit stature required
5. Contact: Ashley Rains / Jonathan Schleicher Phone: 832-528-6775
6. Contact address: 700 E. Main St. Tomball, TX 77375
7. Contact email: rainsa@clhs-tx.org, schleicherj@clhs-tx.org
8. Event date: June 26th 2021
9. Event times: Start 8:00am Finish 10:00am Set-up 6:00am Breakdown 10:30am
10. Is this event for charity? Yes ☐ No ☒
11. If yes, what charity? N/A Tax ID _____
12. If yes, what percentage of the net proceeds will be donated? _____
13. On-site contact: Ashley Rains Mobile Phone: 832-528-6775
14. Estimated number of registered participants: Run 200 Walk 50 Bicycle N/A
15. Is this event open to the public: Yes ☒ No ☐
16. How much is the registration fee: \$ 30 pre-reg. \$135 day of NA ☐
17. Time at which participants will begin to assemble: 12:30 am
18. 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 AK
19. The applicant will provide proof of general liability insurance for the event naming the City of Tomball as additional insured.
Initial AK
20. Name of insurance carrier: Utica National Insurance Group
21. Organization has secured date with the Public Works Dept. and has paid deposit. _____



RACE GUIDELINES & APPLICATION

CITY OF TOMBALL, TEXAS

Effective Date: Upon City Council Approval

INTRODUCTION: Timed foot races, bicycle races, race walking, wheelchair racing, rollerblading, marathons, jogging events and any other competitive events that occur on a public street in the City of Tomball require prior approval and must meet certain requirements for consideration, including approval by Tomball City Council. NOTE: color runs and nighttime runs will not be considered.

PROCEDURES: There are a several steps necessary before any non-city staged event may take place. Those include, but are not limited to, the following:

1. Races involving the City's downtown 5K course or similar route must confirm a minimum of 150 registered participants in order to be considered. Walks involving the City's 1 mile route must confirm a minimum of 50 participants in order to be considered.
2. A fee equal to the actual cost of city services to host the race will be required of all for-profit organizations and paid ten days prior to the event.

Non-profit organizations may request city services as an in-kind donation, but must still meet the minimum participant requirements. For profit organizations are not eligible for in-kind consideration.

Any non-profit organization failing to meet the minimum participant requirement will not be allowed to stage similar events in the future.

3. The race application (see attached) must be submitted at least 90 days prior to the event.
4. 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 show will result in the event being cancelled by the City of Tomball.
5. If approved by the Tomball Events Team, the proposed race 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.
6. Race events must take place between the hours of 8:00 a.m. and 12:00 p.m. on Saturday or Sunday only.
7. If requesting in-kind services, preference will be given to organizations providing donations to agencies within the city limits of Tomball.
8. Ten days prior to the event, proof of general liability insurance (\$1,000,000 minimum) must be provided by the race organizer naming the City of Tomball as additional insured.
9. Event coordinators must provide their own volunteers and race contractors to work the start and finish lines, staging areas, sponsor booths, warm up and nutrition areas, water stations along the route, general clean-up at start/finish/along the route, and more.
10. Failure to comply with the guidelines above will preclude applicant from staging future events.

For additional information, or to submit a race application, please contact:

Denise Fiore - Community Events Coordinator

401 Market Street, Tomball, Texas 77375

281-351-5484 | dfiore@tomballtx.gov

22. Which of the following services are requested in support of this event:

☒ **Police:** Start time 7:30 to End time 10:30

☐ **Fire:** Start time _____ to End time _____

☒ **Public Works:** Start time 6:30 to End Time: 10:30

☐ **Marketing:** Start time _____ to End time: _____

☐ **Community Center:** Start time _____ to End time _____

☒ **Street closures/barricades:** Start time 7:45 to End time 10:15

☒ **Trash containers/dumpsters:** Start time 6:30 to End time 10:30

☒ **Restroom facilities/portacans:** Start time 6:30 to End time 10:30

☐ **EMS services:** Must be contracted separately at Northwest EMS

☐ **Other:** _____

Signature: 

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

FOR OFFICIAL USE - Deposit required: Yes ___ No ___ Amount Due: \$ _____

Internal Revenue Service
District Director

Department of the Treasury

Date: NOV 2 1983

Employer Identification Number:

76-0074905

Accounting Period Ending:

August 31

Form 990 Required: ☒ Yes ☐ No

► Concordia Lutheran High School of North
Harris County
P.O. Box 1339
Tomball, TX 77375

Person to Contact:

EO Technical Assistor

Contact Telephone Number:

(214) 767-2728

EO:7215:AS

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 170(b)(1)(A)(ii) & 509(a)(1).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. Also, you should inform us of all changes in your name or address.

Generally, you are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. If you have paid FICA taxes without filing the waiver, you should contact us. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

The box checked in the heading of this letter shows whether you must file Form 990, Return of Organization Exempt from Income tax. If Yes is checked, you are required to file Form 990 only if your gross receipts each year are normally more than \$10,000* If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, when a return is filed late, unless there is reasonable cause for the delay.

1100 Commerce St., Dallas, Texas 75242

(over)

Letter 947(DO) (5-77)

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter, we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

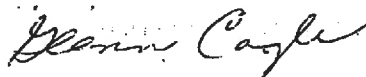
You need an employer identification number even if you have no employees.

If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,



GLENN CAGLE
DISTRICT DIRECTOR

* For tax years ending on and after December 31, 1982, organizations whose gross receipts are not normally more than \$25,000 are excused from filing Form 990. For guidance in determining if your gross receipts are "normally" not more than the \$25,000 limit, see the instructions for the Form 990.

Beginning January 1, 1984, unless specifically excepted, you must pay taxes under the Federal Insurance Contributions Act (social security taxes) for each employee who is paid \$100 or more in a calendar year.

With respect to your admissions policy, you state that you will not practice discrimination on the basis of race, color, national or ethnic origin. As a school, you are required to maintain racially nondiscriminatory policies as described in Revenue Ruling 71-447, 1971-2 Cumulative Bulletin 231, and to comply with all the requirements of Revenue Procedure 75-50, 1975-2 Cumulative Bulletin 587.

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: May 17, 2021

Topic:

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.

- Conduct Public Hearing on Zoning Case P21-169
- 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 cup; 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.

Background:

City Staff recommends denial. Planning & Zoning Commission recommends denial (5-0)

Origination: Prakash Patel

Recommendation:

Denial

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

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 CUP; 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.

* * * * *

Whereas, Prakash Patel, has requested a CUP to operate a “*mini warehouse / self-storage*” facility on approximately 5.8588 acres of land legally described as Lot 1 Block 1 Patel Plaza, generally located at the northwest corner of Malone Street and Magnolia Street, in the City of Tomball, Harris County, Texas, (the "Property"), and

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

Whereas, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City’s receipt of the requested CUP; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council deny the requested CUP; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested CUP, the City Council held the public hearing for the requested CUP and the City Council considered the final report of the Planning & Zoning Commission; and

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

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

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

Section 2. A CUP to operate a “mini warehouse / self-storage” facility at the Property and subject to the terms and conditions set forth below is hereby granted to Prakash Patel.

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the CUP authorized for the Property, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the CUP authorized.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the CUP as herein provided.

Section 5. The CUP granted hereby shall be null and void after the expiration of two (2) years from the date of adoption hereof unless the Property is being used in accordance with the CUP herein authorized within said two-year period, or unless an extension of time is approved by City Council.

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

Section 7. 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.

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 17TH DAY OF MAY 2021.

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

SECOND READING:

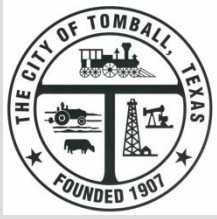
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF JUNE 2021.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: May 10, 2021

City Council Public Hearing Date: May 17, 2021

Rezoning Case: P21-169

Property Owner(s): Prakash Patel

Applicant(s): Prakash Patel

Legal Description: Lot 1 Block 1 Patel Plaza

Location: Northwest corner of Malone Street and Magnolia Street (Exhibit "A")

Area: 0.3214 acres

Comp Plan Designation: Old Town (Exhibit "B")

Present Zoning and Use: Old Town & Mixed Use District (Exhibit "C") / Undeveloped (Exhibit "D")

Proposed Use(s): "Mini warehouse / self-storage" (Exhibit "D")

Request: Conditional Use Permit (CUP) to allow the operation of a *mini warehouse / self-storage* facility

Adjacent Zoning & Land Uses:

- North:** Old Town & Mixed Use District / Eating establishment (El Emperador) and motel
- South:** Old Town & Mixed Use District / Single-family residence
- West:** Old Town & Mixed Use District / Single-family residence
- East:** Old Town & Mixed Use District / Single-family residence

BACKGROUND

City staff met with the applicant to discuss the development of the subject site earlier this year.

ANALYSIS

According to Section 50-81 (f) of the Chapter 50 (Zoning), when considering applications for a CUP, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on and the compatibility of the use with surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

- 1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;**

The Comprehensive Plan identifies the subject site as Old Town. According to the Comprehensive Plan, the intent and character of the Old Town category is to be highly walkable and promote a sense of place. Appropriate land uses consist of a mixture of residential, office, retail, entertainment, restaurants and public facilities. The proposed use does not appear to meet the intent of the Old Town category.

- 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;**

According to the Zoning Ordinance, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.”

According to Section 50-79, the purpose of the Old Town & Mixed Use District is to provide an area for a mixture of retail, commercial and other nonresidential uses, along with single-family homes and multi-family uses. The surrounding area consists of a mixture of uses including a church, eating establishment and hotel, washateria and multiple single-family residences. While the proposed use would add to the mixed-use feel of the area, a mini-warehouse / self-storage facility is typically not compatible with single-family residences. It appears this property would be better suited for two single-family residences, or a duplex unit, or a small office building, which are permitted by-right in the OT&MU District.

- 3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Ordinance;**

Should the CUP application be approved by City Council, the applicant will be required to submit site and building plan applications and supporting documents to the City for review and approval. Specific details of site modifications will be shown at the time of plan review. Since the lot abuts a single-family residence, additional regulations will be required, such as landscape buffers, screening and increased building setbacks.

- 4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts;**

The proposed use does not appear to be compatible with the adjacent developments. There are mostly single-family residences in the area. The eating establishment and hotel front onto Main Street and are separated from the subject site by an alley. There is also a church on the same block as the site, however churches are typically compatible with single-family uses. There is also a washateria on the opposite corner of Magnolia Street and Malone Street.

5. **The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

Staff does not anticipate any adverse effects on surrounding properties.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal and a Notice of Public Hearing was published in the paper on April 28, 2021. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff is unable to recommend approval of Zoning Case P21-169.

EXHIBITS

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

Exhibit "A"
Aerial Photo

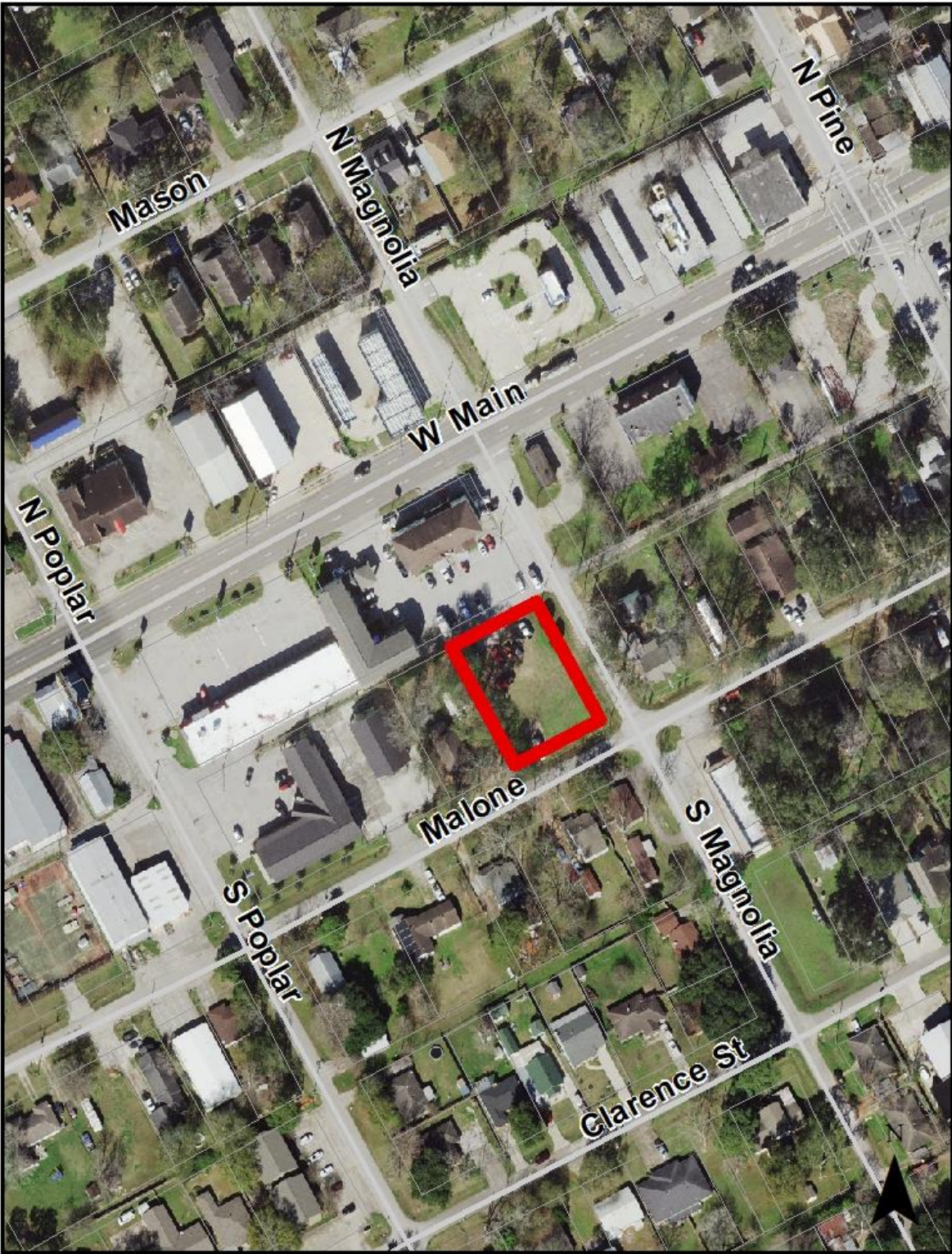


Exhibit "B"
Comprehensive Plan

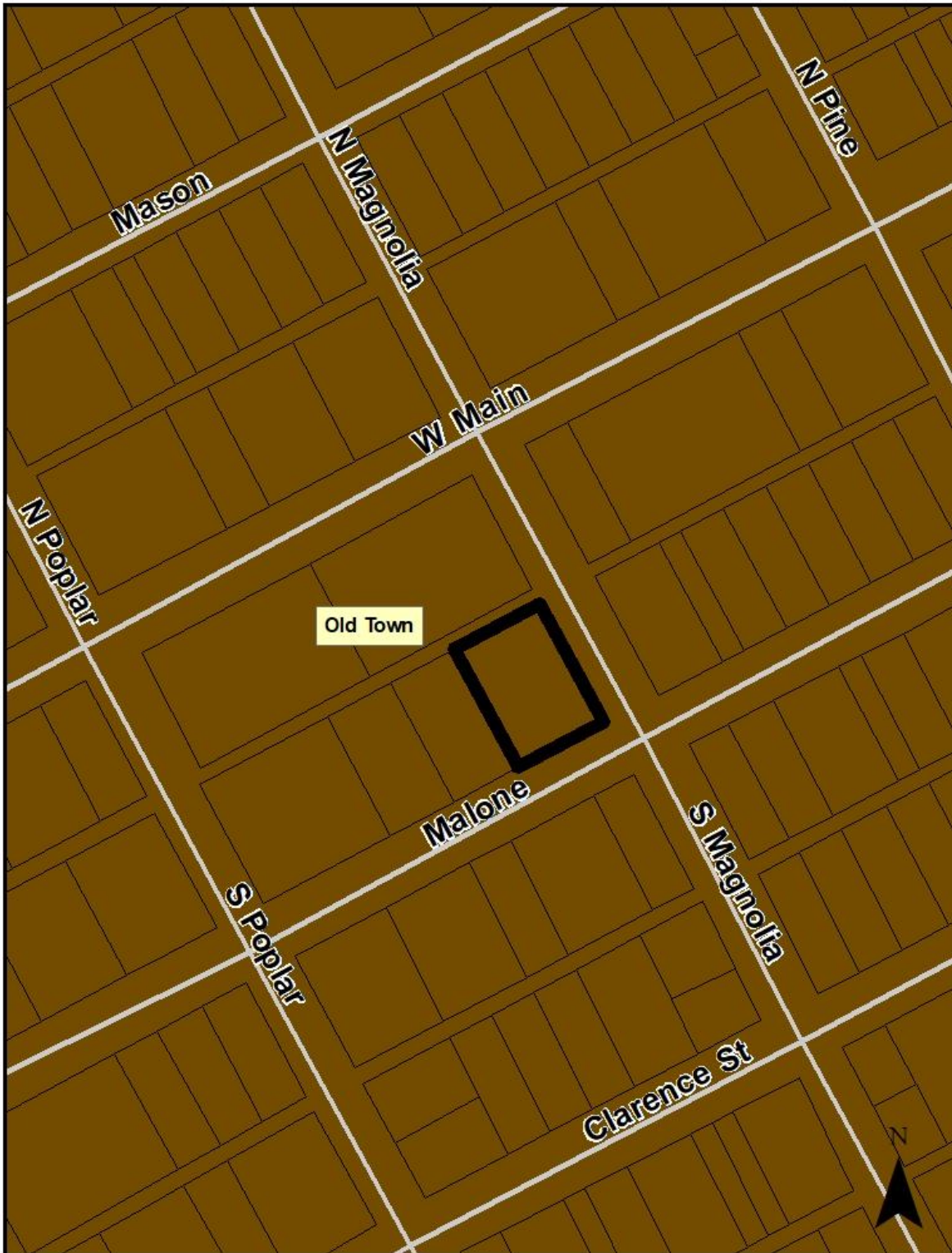
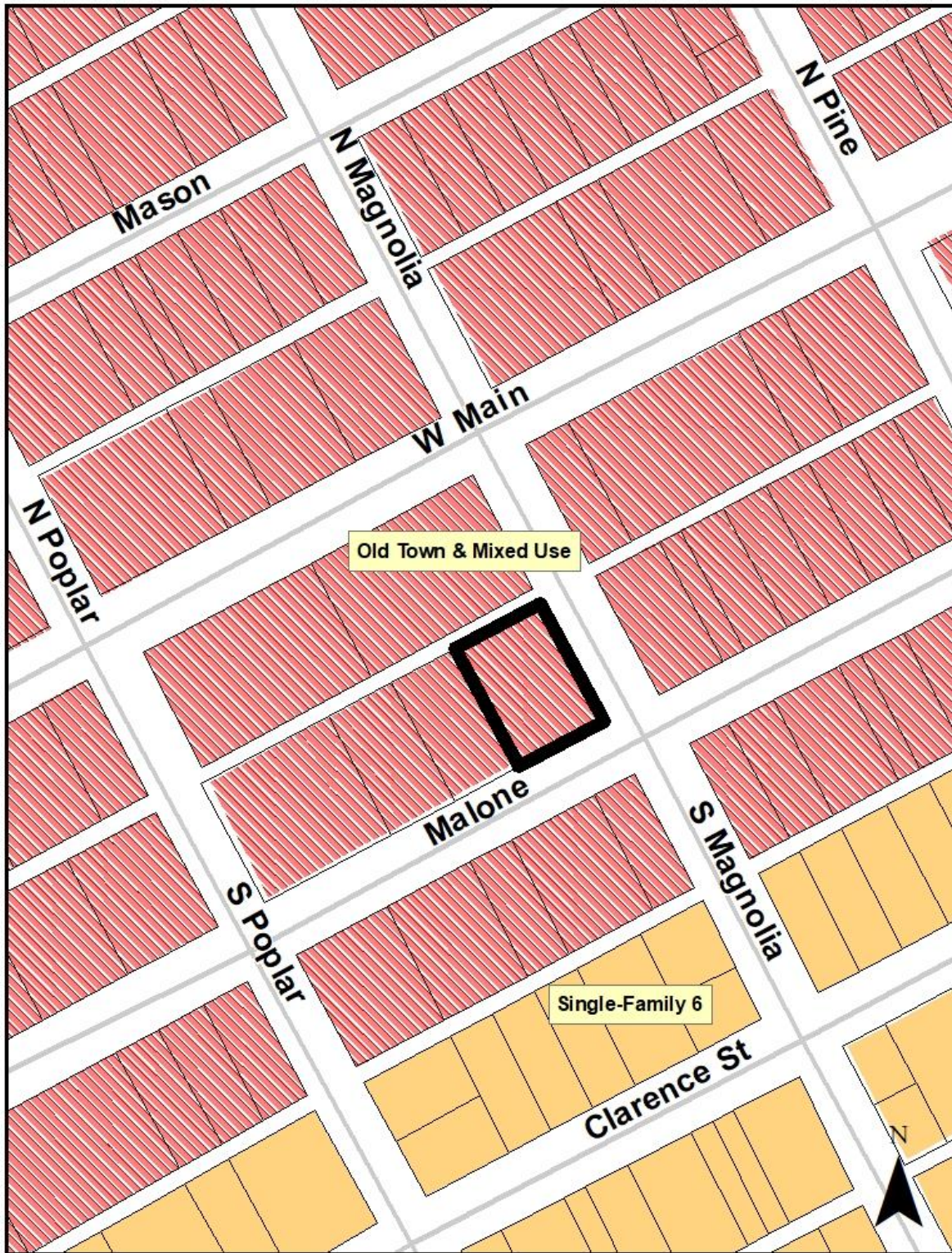


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
CUP Application



RECEIVED (KC)
04/06/2021 1:51:14 PM

Revised 5/19/15
P&Z #P21-169

APPLICATION FOR
CONDITIONAL USE PERMIT
Community Development Department
Planning Division

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of Section 50-34 of the Code of Ordinances.

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

Applicant

Name: PRAKASH PATEL Title: OWNER
Mailing Address: 22002 HOLLY LAKES DR City: TOMBALL State: TX
Zip: 77377
Phone: (281) 797-5378 Fax: () Email: PRAKASH1970@MSN.COM.

Owner

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

Engineer/Surveyor (if applicable)

Name: E.I.C. SURVEYING CO. Title: _____
Mailing Address: 12345 JONES RD City: HOUSTON State: TX
Zip: 77070
Phone: (281) 955-2772 Fax: () Email: _____

Description of Proposed Project: STORAGE UNITS

Physical Location of Property: 601. MALONE ST TOMBALL, TX 77375

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

Legal Description of Property: LOT 1 & 2 IN BLOCK 41 OF TOMBALL TOWNSITE

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

HCAD Identification Number: 133-953-001-0001 Acreage: .3214

Current Use of Property: VACANT LOT

Proposed Use of Property: STORAGE UNITS

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

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

X [Signature] 4.2.21.
Signature of Applicant Date

X [Signature] 4.2.21.
Signature of Owner Date

Page 10 of 12 Page 80

Prakash Patel

22002 Holly Lakes Drive
Tomball, TX 77377
281-797-5378
Prakash1970@msn.com

March 25th, 2021

To whom it may concern

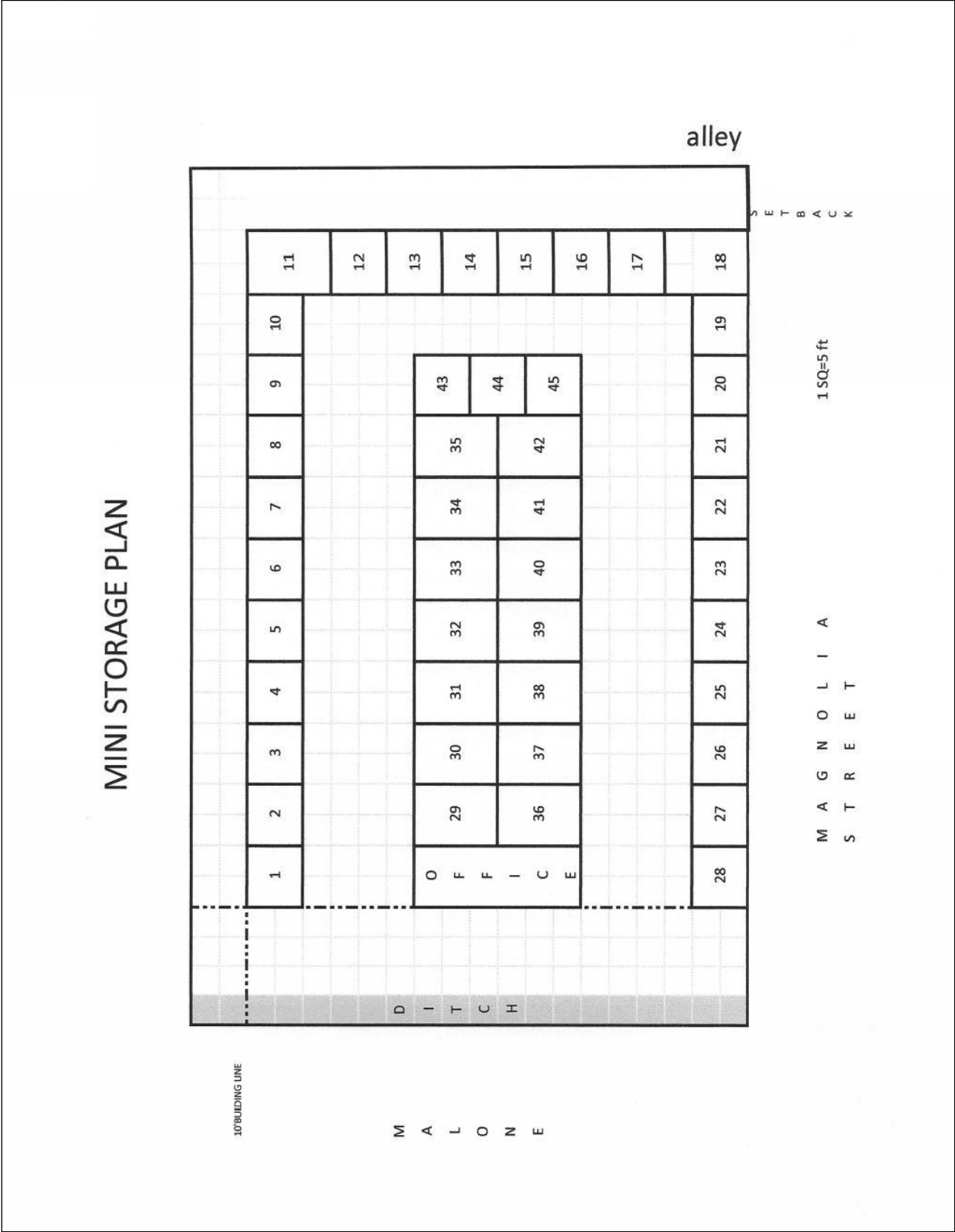
I am hoping to build a new storage facility at 601 Malone Street in the coming months. This facility would hold around 46 storage units of various sizes.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Prakash Patel', with a stylized flourish at the end.

Prakash Patel

Figure “F”
Concept Plan



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MAY 10, 2021
&
CITY COUNCIL
MAY 17, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 10, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 17, 2021, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P21-167: Request by Historymaker Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 19.33 acres of land legally described as Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Multi-Family District. The property is generally located on the north side of Holderrieth Road at 11922 Holderrieth Road, within the City of Tomball, Harris County, Texas.

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.

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.

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

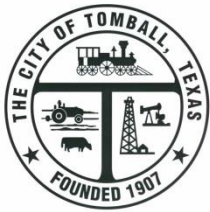
CERTIFICATION

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 6th day of **May 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
City Planner

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



Notice of Public Hearing

YOU ARE INVITED TO ATTEND the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P21-169

APPLICANT/OWNER: Prakash Patel

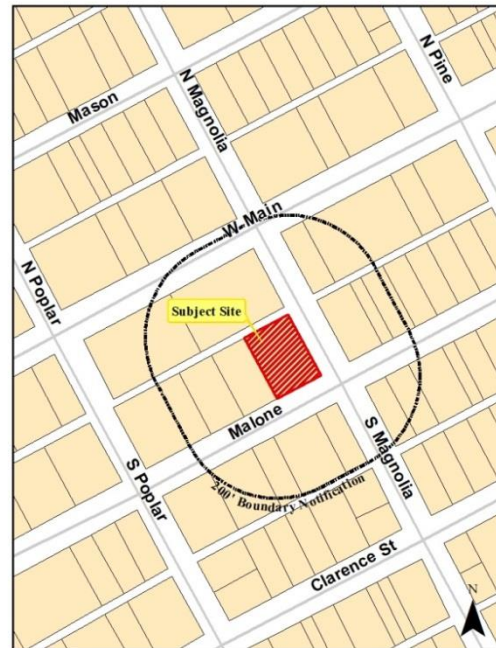
LOCATION: Generally located at the northwest corner of Malone Street and Magnolia Street, within the City of Tomball, Harris County, Texas

PROPOSAL: 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, and is zoned Old Town & Mixed Use District.

CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov



**Planning & Zoning Commission
Public Hearing:
Monday, May 10, 2021 6:00 PM**

**City Council Public Hearing:
*Monday, May 17, 2021 6:00 PM**

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

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

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

*Should the Planning & Zoning Commission vote to table the recommendation on the case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a recommendation is forwarded to the City Council by the Planning & Zoning Commission.

Amelia Lindley

From: Joyce Willis <jpwillis44@yahoo.com>
Sent: Monday, May 10, 2021 7:39 PM
To: Amelia Lindley
Subject: RE: Zoning Case P21-169

Thank you for the information and including my thoughts in the meeting agenda. In my haste to get to my doctor appointment I failed to include probably my most important point:

3. DRAINAGE. The property to the West of mine has poured a concrete parking area which causes rain water to run off onto my property. If the subject corner request includes any kind of hard surface base my property will be flooded.

I know this is late for the agenda and meeting, but if possible, please add this note to the attention of the committee.

Thank you.

[Slent from Yahoo Mail on Android](#)

On Mon, May 10, 2021 at 11:42 AM, Amelia Lindley
<alindley@tomballtx.gov> wrote:

Good morning,

Yes, I will include your email in the meeting packet for the Commissioners. The agenda packet, including the application and proposed concept plan, are available online at the link below.

<https://meetings.municode.com/adaHtmlDocument/index?cc=TOMBALLTX&me=274a87e8534e472680d9589a5a35de3b&ip=True>

Amelia Lindley

City Planner

(281) 290-1410

Tomballtx.gov/cd

From: Joyce Willis <jpwillis44@yahoo.com>
Sent: Monday, May 10, 2021 10:45 AM
To: Amelia Lindley <alindley@tomballtx.gov>
Subject: Re: Zoning Case P21-169

The purpose of this message is to submit my vote 'Against' this request.

I am the residential property owner who actually shares the property line with the subject property.

I was unaware of this request until this weekend and I have not seen any plans regarding the proposal, however, my concerns are:

1. DEVALUATION of my Residential property which my mother and I have owned since 1960 when there was only the original hotel fronting Main Street and the Gregson home on the subject corner lots.

2. PARKING for restaurant and motel customers and employees? I would hate to see parked cars lining already somewhat narrow streets. The restaurant employees currently use that vacant lot to park.

As mentioned above I just learned of this request on Saturday and have not had time to speak to others in the neighborhood or to thoroughly think through the pros and cons of the request but generally I am against bringing anything else in that would further affect my privacy and more importantly SAFETY. (There is a bit of problem now with the motel but that is off-subject at this time.)

Please include my thoughts in the meeting as I am on my way to Methodist Hospital for a cancer treatment and may not be able to attend the meeting in person.

Thank you,

Joyce Willis

606 Malone

713-582-5754

[Sent from Yahoo Mail on Android](#)

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: May 17, 2021

Topic:

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.

- Conduct Public Hearing on Zoning Case P21-168
- 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.

Background:

City Staff recommends denial. Planning & Zoning Commission recommends denial (5-0)

Origination: Southwest Momentum Properties LLC

Recommendation:

Denial

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

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.

* * * * *

Whereas, Southwest Momentum Properties LLC has requested that approximately 3.208 acres of land legally described as Tracts 81 81A 89A & 90D Tomball Outlots, generally located at the southwest corner of East Hufsmith Road and Hospital Road, within the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

Whereas, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City's receipt of the requested rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council deny the requested rezoning of the Commercial District; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Agricultural District to the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

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

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

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF MAY 2021.

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

SECOND READING:

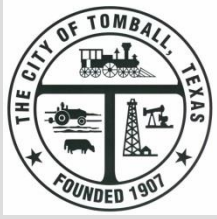
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF JUNE 2021.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 10, 2021

City Council Public Hearing Date: May 17, 2021

Rezoning Case: P21-168
Property Owner(s): Depado Partners LTD
Applicant(s): Southwest Momentum Properties LLC
Legal Description: Tracts 81 81A 89A & 90D Tomball Outlots
Location: Southwest corner of East Hufsmith Road and Hospital Road
(Exhibit “A”)
Area: 3.208 acres
Comp Plan Designation: Neighborhood Commercial (Exhibit “B”)
Present Zoning and Use: Agricultural District (Exhibit “C”) / Undeveloped (Exhibit “D”)
Request: Rezone from the Agricultural District to the Commercial District

Adjacent Zoning & Land Uses:

North: Agricultural and General Retail District / Single-family residence, office, mini-warehouse/self-storage

South: Single-Family 6 District / Undeveloped

West: Single-Family 6 District / Tomball Nursing Center and undeveloped property

East: Single-Family 6 District / Single-family residences

BACKGROUND

City Staff received a Rezoning Application on April 5, 2021.

ANALYSIS

The proposed rezoning is for approximately 3.21 acres out of a 4.36-acre site located on East Hufsmith Road. According to the Rezoning Application (Exhibit “E”), the applicant is proposing to construct “office warehouses and a gas station with a convenience store”. Surrounding land uses in the area include a single-family residential house and an office/warehouse building to the north, single-family residences to the east, undeveloped property to the south and a nursing home and undeveloped property to the west.

According to Section 50-77 (*Commercial District*) of the Tomball Code of Ordinances, the Commercial District “is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses”. Furthermore, the uses in this

district typically “have operation characteristics which are generally not compatible with residential uses”.

The property is designated as Neighborhood Commercial by the Comprehensive Plan Future Land Use Map. This category is intended for “commercial uses that are developed with the appropriate context, scale and design to compliment residential development”. Appropriate land uses in this area include restaurants, retail, professional services, clinics and offices. The Commercial Zoning District is not a compatible zoning district for this category.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 200 feet of the project site were mailed notification of this proposal on April 28, 2021. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

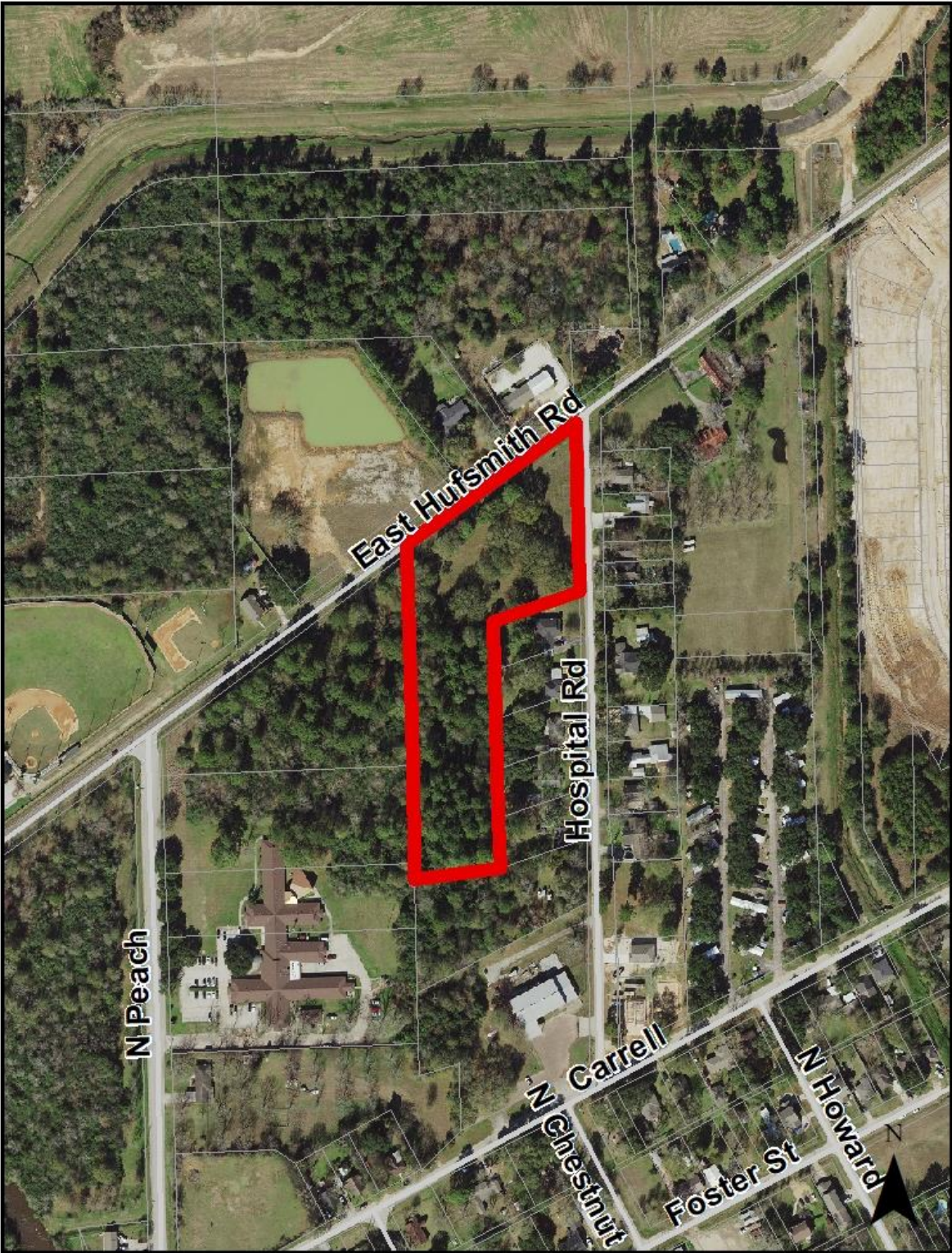
Based on the findings outlined in the analysis section of this staff report, City staff is unable to recommend approval of Zoning Case P21-168.

- The rezoning is not consistent with the City’s Future Land Use Map.
- The proposed development is not compatible with the existing land uses in the area.
- The Commercial Zoning District is not compatible with the existing zoning districts in the area.

EXHIBITS

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

Exhibit "A"
Aerial Photo



**Exhibit “B”
Comprehensive Plan**

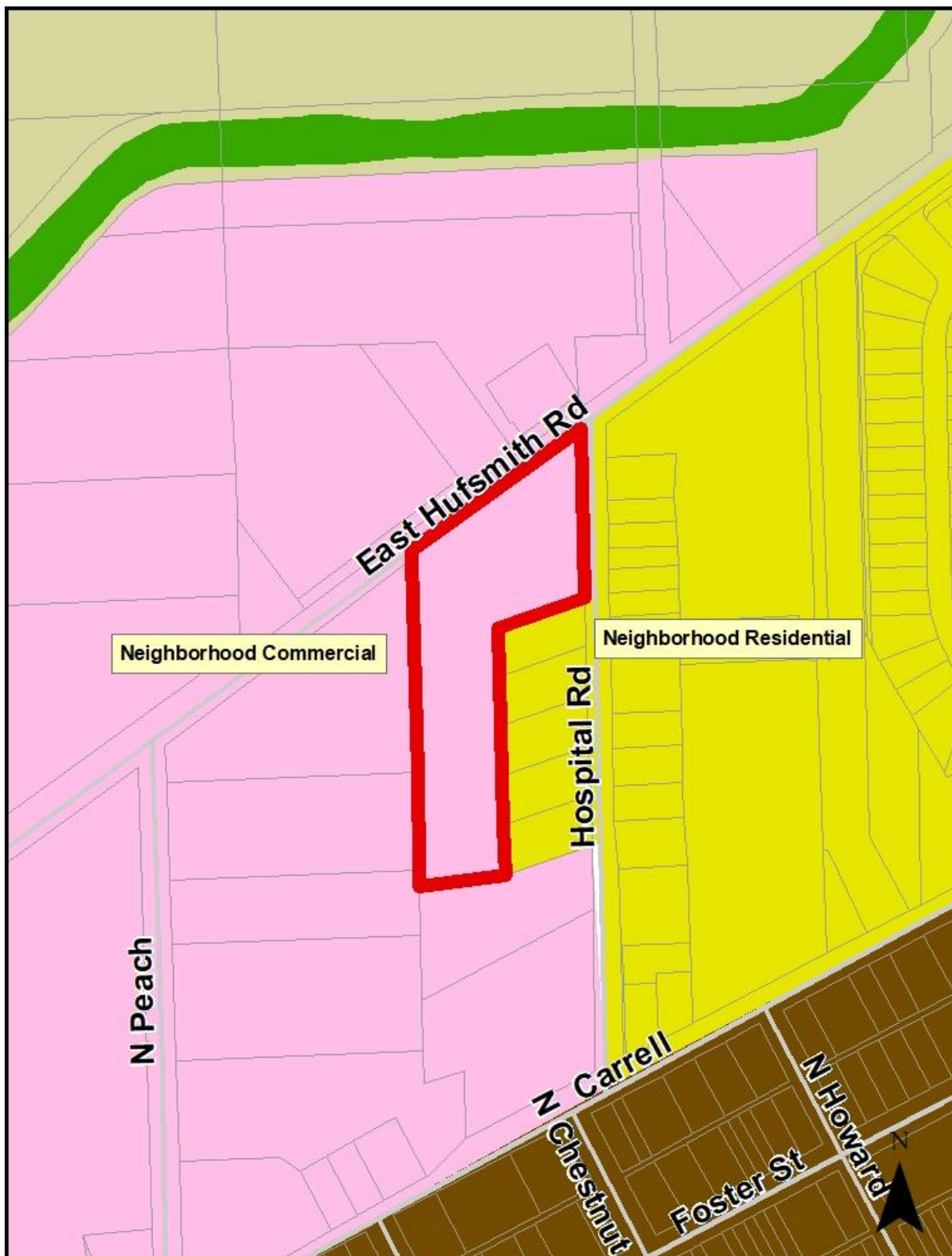
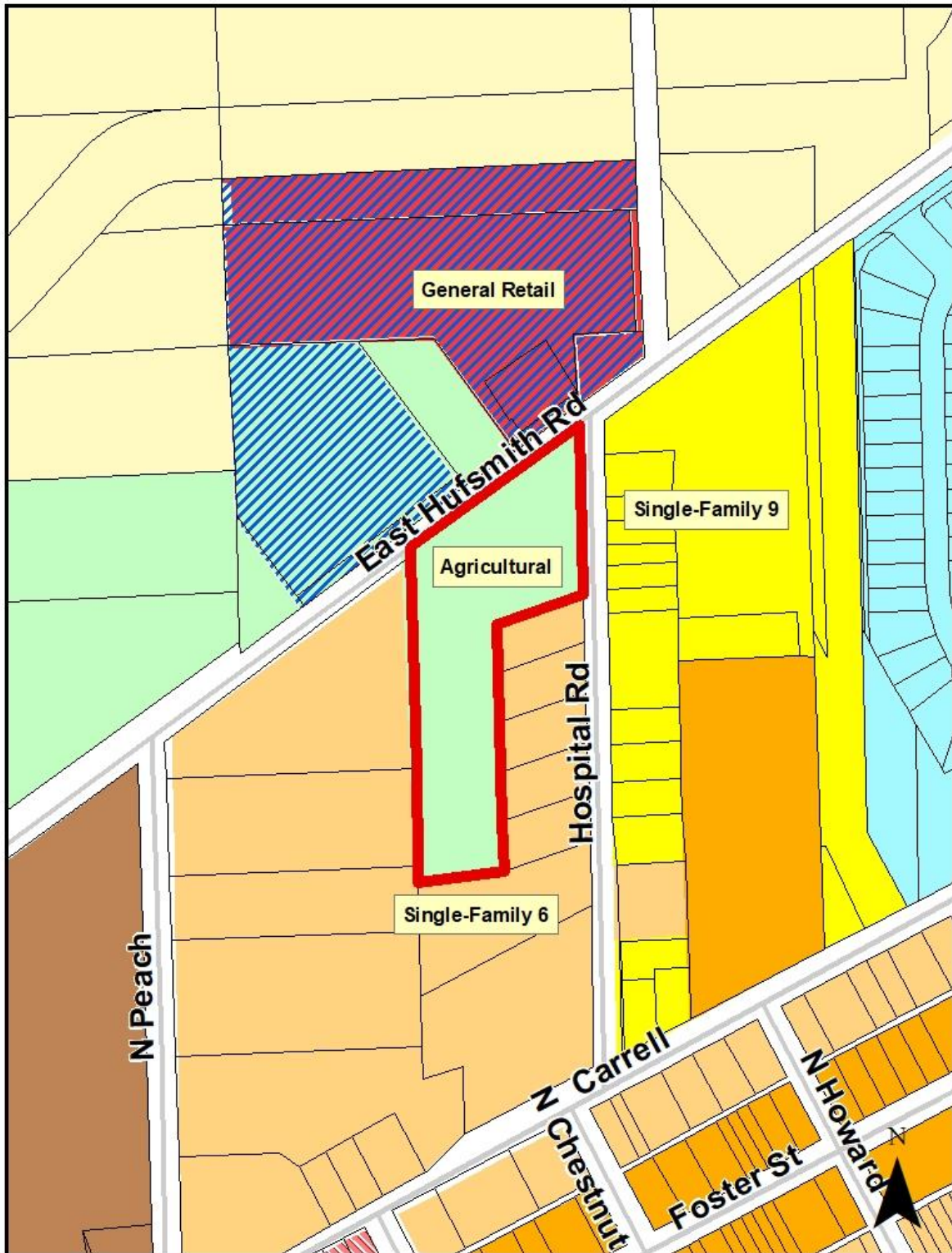


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
Rezoning Application



RECEIVED (KC)
04/06/2021 1:51:09 PM

Revised 5/19/15

P&Z #P21-168

APPLICATION FOR REZONING

Community Development Department
Planning Division

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

Applicant

Name: Southwest Momentum Properties LLC Title: _____
Mailing Address: 1525 FM 1486 City: Tomball State: TX
Zip: 77354
Phone: (281) 660-7805 Fax: (____) _____ Email: nealmccraw@yahoo.com
harlanmcox@gmail.com

Owner

Name: Southwest Momentum Properties LLC Title: _____
Mailing Address: 1525 FM 1486 City: Magnolia State: TX
Zip: 77354
Phone: (281) 660-7805 Fax: (____) _____ Email: nealmccraw@yahoo.com

Engineer/Surveyor (if applicable)

Name: DPK Engineering, LLC David Kelly Title: President
Mailing Address: PO Box 823 City: Fulshear State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: (____) _____ Email: david.kelly@dpkengineering.com

Description of Proposed Project: Convenience Store and Office Warehouses

Physical Location of Property: On the southwest corner of E. Hufsmith and Hospital St
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Ralph Hubbard Survey, Abstract No. 383 TRS 81 81A 89A & 90D
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG - Agricultural District

Current Use of Property: Undeveloped

Proposed Zoning District: Commercial

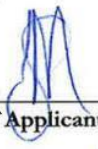
Proposed Use of Property: Convenience Store and Office Warehouses

HCAD Identification Number: 0352830000256 **Acreage:** 3.2080

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

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

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

<u>X</u>		<u>4-2-21</u>
Signature of Applicant		Date
<u>X</u>		<u>4-2-21</u>
Signature of Owner		Date

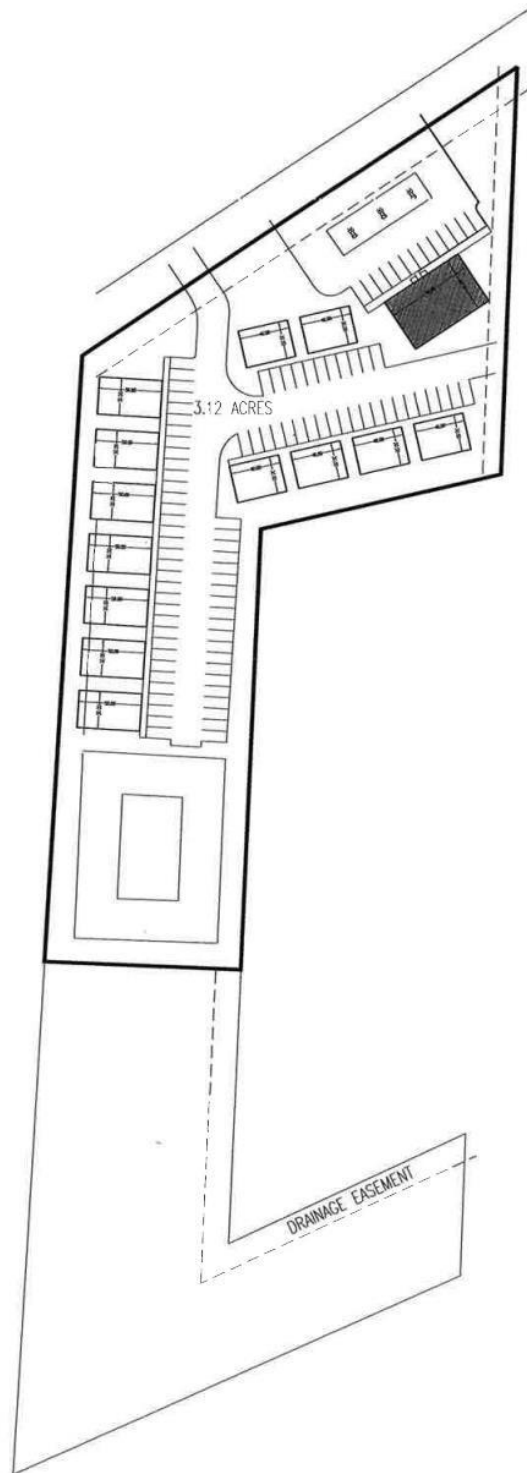
401 Market Street
401 Market Street
Tomball, TX 77375
(281) 351-5484

DATE : 4/5/2021 2:09 PM
OPER : TW
TKBY : TW
TERM : 5
REC# : R01258435

130.0000 PLANNING AND ZONING 432.08
SW Corner of e hufsmith and hospital st

Paid By:SW Corner of e hufsmith and hosp
2-CK 432.08 REF:w 40528

APPLIED	432.08
TENDERED	432.08
CHANGE	0.00



To Whom it may concern,

I am requesting a portion of land on my business partner's property as defined by the attached metes and bounds to be rezoned from AG-Agricultural to C-Commercial district. Currently, the land is not in use. I plan to construct office warehouses and a gas station with a convenience store to support the economic growth in the area. It is our belief that the land, which is currently unutilized, would better serve the community as a hub for new business and a convenience store to serve the quickly growing neighboring communities. Thank you for your consideration.

Regards,

Daniel Rodano, representative for Southwest Momentum Properties LLC





FIELD NOTES
FOR REZONING

Description of 3.2080 acres (139,740.17 square feet) of land situated in the Ralph Hubbard Survey, Abstract No. 383, Harris County, Texas; being a portion of a called 5.051 acres to DEPADO PARTNERS, LTD. as recorded under Harris County Clerk's File No. (H.C.C.F.No.) RP-2017-73889, said 3.2080 acre tract being more particularly described as follows (all bearings are based on the description of said 5.051 acre tract):

BEGINNING at a point in the southeasterly right of way of Tomball-Hufsmith Road (called 80' wide by deed), being the northwest corner of the herein described tract and the northeast corner of a called 3.1033 acre tract to City of Tomball as recorded under H.C.C.F.No. K895090;

THENCE, North 54°41'02" East, along the said southeasterly right-of-way of Tomball-Hufsmith Road and the north line of the herein described tract a distance of 420.71 feet to a point for the northeast corner of the herein described tract and the intersection of the southeasterly right-of-way of said Tomball-Hufsmith Road and the west right-of-way line of Hospital Road (called 60' wide);

THENCE, South 00°09'18" East, along the east line of the herein described tract and the west right-of-way of said Hospital Road a distance of 331.02 feet to a point for corner;

THENCE, South 75°11'42" West, along a south line of the herein described and a north line of two tracts to Timothy Shaver ETUX as recorded under H.C.C.F.No. E658026 a distance of 193.05 feet to a point for interior corner;

THENCE, South 00°09'53" East, along the common line of the herein described tract, said Shaver tract, a tract to Robin Davidson and Kevin Parker as recorded under H.C.C.F.No. 20080247435 and a portion of a tract to Sylvester Jones as recorded under H.C.C.F.No. U534971 a distance of 348.51 feet to a point for the southeast corner of the herein described tract;

THENCE, South 89°12'37" West, over and across said 5.051 acre tract a distance of 158.86 feet to a point for the southwest corner of the herein described tract and in the west line of said herein described tract and the east line of the aforementioned 3.1033 acre tract;

THENCE, North 00°02'08" East, along the west line of the herein described tract and the East line of said 3.1033 acre tract a distance of 487.84 feet to the POINT OF BEGINNING and containing a computed area of 3.2080 acres (139,740.17 square feet) of land. This document was prepared under 22TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared by Mark Sherley, Registered Professional Land Surveyor and dated March 4, 2021.


Mark L. Sherley
Registered Professional Land Surveyor No. 5326



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MAY 10, 2021
&
CITY COUNCIL
MAY 17, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 10, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 17, 2021, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P21-167: Request by Historymaker Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 19.33 acres of land legally described as Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Multi-Family District. The property is generally located on the north side of Holderrieth Road at 11922 Holderrieth Road, within the City of Tomball, Harris County, Texas.

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.

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.

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

CERTIFICATION

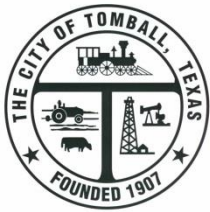
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **May 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley

City Planner

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



Notice of Public Hearing

YOU ARE INVITED TO ATTEND the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P21-168

APPLICANT/OWNER: Southwest Momentum Properties LLC

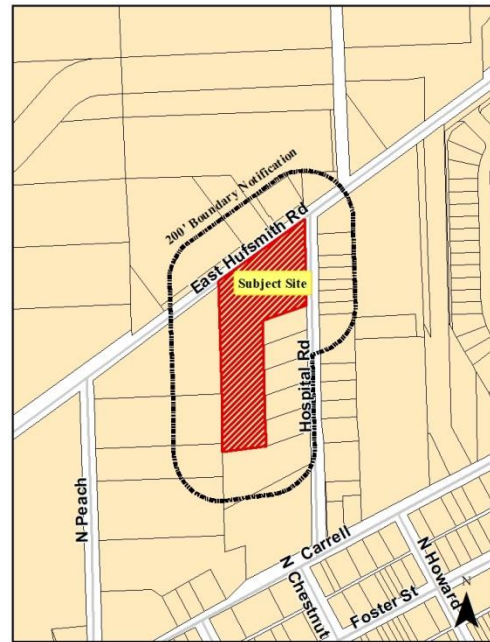
LOCATION: Generally located at the southwest corner of East Hufsmith Road and Hospital Road, within the City of Tomball, Harris County, Texas

PROPOSAL: 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.

CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov



**Planning & Zoning Commission
Public Hearing:
Monday, May 10, 2021 6:00 PM**

**City Council Public Hearing:
*Monday, May 17, 2021 6:00 PM**

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

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

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

*Should the Planning & Zoning Commission vote to table the recommendation on the case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a recommendation is forwarded to the City Council by the Planning & Zoning Commission.

City Planner Lindley,

Please consider this correspondence my official opposition to Case P21-168, the requested rezoning of the approximate 3.208 acres legally described as Tracts 81, 81A, 89A, and 90D Tomball Outlots, from the Agricultural District to the Commercial District, by Momentum Southwest Properties LLC. My husband Kevin Parker and I are adamantly against this proposal.

Kevin and I purchased our home, located at 612 Hospital Street, in December 2006. It is our first home and our primary residence. We have taken great pride in updating and upgrading our home, recently repiping the entire home with PEX, and replacing all plumbing fixtures and the hot water heater due to damage incurred during Winter Storm Uri.

During the past 14 and a half years, we have made many improvements, remodeling the primary bath, replacing the roof and AC unit, adding capacity to the existing furnace and installing new luxury vinyl plank flooring. Also during these years, we have watched our residential street change. Changes for the better include Habitat for Humanity building single-family homes at the end of Hospital Street, where it intersects with Carrell. Those modern, one-story homes replaced a dilapidated rental that attracted vagrants and crime. Now, children ride their bikes and scooters up and down our street; parents walk dogs and push strollers; and neighbors have gotten to know and support each other. Most Hospital Street residents have lived in their homes more than 10 years.

Some changes are not positive, including an exponential increase in traffic. Hospital Street is used as a cut-through from Hufsmith to roads leading to 2920. There are frequently large dump trucks and concrete trucks that travel down our road, solicitors and scammers who knock on our doors, and speeding and drag racing vehicles evading Tomball Police traffic enforcement, more commonly patrolling Hufsmith and Main streets.

Most notably, in April 2020, my husband was hit by a speeding car in a hit and run while walking southbound down our road. He suffered a badly broken leg and hip for which he underwent emergency surgery after being transported by ambulance to Memorial Hermann Hospital in The Woodlands. After six days in the hospital, and another two weeks in a rehabilitation hospital, he was able to return home. During his hospitalization, I was unable to see him due to the hospital's COVID-19 restrictions. He could not return to work until October.

We enjoy the residential nature of our road—one of the last truly residential streets east of Old Town Tomball. There are convenience stores within a mile or less of this location, making me question the need for another one on what is already a very busy and soon-to-be-widened Hufsmith. The deer, birds, and other wildlife we enjoy and which initially drew us to the area, are rapidly losing their habitats. The more commercial properties added nearby, the more likely we will experience an increase in crime and traffic, and a decline in general peacefulness and quality of life. Most importantly, we, the residents and voters on Hospital Street, will experience a marked decrease in property value.

I implore the City of Tomball Planning and Zoning Commission to deny this rezoning request and register my opposition and that of my husband, Kevin R. Parker, with Tomball City Council.

Kind regards,
Robin Davidson
612 Hospital Street
Tomball, Texas 77375
713-906-0397

City Council Meeting Agenda Item Data Sheet

Meeting Date: May 17, 2021

Topic:

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)

Background:

When taxes are owed on a property resulting in a foreclosure, those properties may be sold through a bid process with proceeds paid to the taxing entities for back taxes. Our tax attorneys have received an offer to purchase Lot 22, Block 85, located at 0 Moore Street in Tomball.

This offer is equal to 100% of the taxable value at the time the property was struck off to the city, as trustee, from our tax sale in April, 2000. In addition to the \$5,100 purchase price, the buyer will pay the 1999-2000 post judgment taxes of \$722.72 to the City, school and county. Because the offer is equal to the value, only approval by the City is needed.

We request approval of the sale of the property to Miranda Francisco Zamora for \$5,844.72. The City of Tomball will receive \$601.18 in back taxes and the property will return to the tax rolls under new ownership. Upon approval and execution of the Resale Deed, PBF CM will finalize the resale.

Origination: Mike Darlow, Perdue Brandon Fielder Collins & Mott, LLP

Recommendation:

Approve Resale Deed for Lot 22, Block 85, 0 Moore Street

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

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

Signed	Doris Speer	5-5-2021	Approved by		
	City Secretary	Date		City Manager	Date

PRIVATE RESALE BID ANALYSIS

Cause Number:	1998-28228	Strike Off Date:	4/4/2000
Style:	City of Tomball vs. Warren, Cal	Property Value:	\$ 5,100.00
Account Number(s):	035-277-085-0022	Minimum Bid at first sale:	\$ 5,100.00
Bid Amount:	\$ 5,100.00	Redemption Expired:	10/4/2000
Bidder Name:	Francisco Zamora Miranda	Amount Accompanying Offer:	\$ 744.72
Total collected:	\$ 5,844.72		

Judgment Information

Tax Entity	Tax Years	Amount Due
City of Tomball	1978-1998	\$ 617.32
Tomball ISD	1978-1998	\$ 2,108.95
Harris County	1979-1998	\$ 612.15
Total:		\$ 3,338.42

Costs

Publication Fee (Tax Sale): (Payable to Daily Court Review)	\$ 175.00
Ad Litem Fee: (Payable to Winston E. Cochran, Jr.)	\$ 700.00
Court Costs: (Payable to Marilyn Burgess include Constable sale fee)	\$ 1,088.00
Tax Master Fee: (Payable to Chris Stacy-234th)	\$ 50.00
Original Deed Fee: (Payable to PBFCM)	\$ 20.00
Research Fee: (Payable to PBFCM)	\$ 250.00
Total:	\$ 2,283.00

Other Costs (paid seperately)

Resale Deed Fee: (Payable to PBFCM)	\$ 22.00
Total	\$ 22.00

Post Judgment Taxes (paid seperately)

Tax Entity	Tax Years	Amount Due
City of Tomball	2013-2014	\$ 89.52
Tomball ISD	2013-2014	\$ 428.94
Harris County	2013-2014	\$ 204.26
Total:		\$ 722.72

Proposed Distribution

Bid Amount:	\$ 5,100.00	Costs:	\$ 2,283.00
Net Distribute:	\$ 2,817.00		

Tax Entity	%	Amount to Disburse	Apply to:
City of Tomball	18%	\$ 511.66	pro-rated amount for 1978-1998 based on 4/2000 p/i
Tomball ISD	63%	\$ 1,747.97	pro-rated amount for 1978-1998 based on 4/2000 p/i
HC	18%	\$ 507.37	pro-rated amount for 1979-1998 based on 4/2000 p/i
Costs		\$ 2,305.00	Judgment costs/tax sale/ tax resale
City of Tomball	1999-2000	\$ 89.52	p/j taxes based on May 2021 p/i
Tomball ISD	1999-2000	\$ 428.94	p/j taxes based on May 2021 p/i
Harris County	1999-2000	\$ 204.26	p/j taxes based on May 2021 p/i
Total:		\$ 5,794.72	

1998-28228

TAX DISTRIBUTION BREAKDOWN - PRIVATE RESALE -035-277-085-0022

Amount in Judgmt		%	Amt to Distr.	Pro-Rated Amts	over/ under
City of Tomball	\$ 617.32	18.491382		\$ 511.66	\$ (105.66)
			\$2,767.00		
Tomball ISD	\$ 2,108.95	63.172099		\$ 1,747.97	\$ (360.98)
Harris County	\$ 612.15	18.336518		\$ 507.37	\$ (104.78)
TOTAL BID	\$ 5,100.00				
<u>COSTS</u>					
Publication Fee - Tax Sale	\$175.00				
Publication Fee - Tax Resale	\$0.00				
Advertising Fee - Tax Sale	\$50.00				
Advertising Fee - Resale	\$0.00				
Ad-Item Fee	\$700.00				
District Clerk	\$1,088.00				
Constable Fee - Resale	\$0.00				
Deed Fee - Tax Sale	\$20.00				
Deed Fee - Resale	\$0.00				
Tax Master	\$50.00				
Research Fee	\$250.00				
Out of County Service Fees	\$0.00				
Recording Fee	\$0.00				
TOTAL COSTS	\$2,333.00				

OFFICIAL BID FORM-TAX RESALE PROPERTY **TOMBALL INDEPENDENT SCHOOL DISTRICT/ CITY OF TOMBALL**

You may bid on any or all of the parcels available. Bids must be accompanied by a cashiers check for the amount required for each bid, made payable to PBFCM LLP. Please enter the amount you wish to bid, and the amount of funds accompanying each bid. The school district reserves the right to accept or reject any or all bids. No title insurance or survey will be provided. Property is being sold "as is", "where is" and "without warranty".

CAUSE NUMBER	ACCOUNT NUMBER	AMOUNT OF OFFER	Amount of Payment Accompanying Offer
1998-28228	035-277-085 2022	5,100	744.72

By my signature below, I certify that I understand the conditions and limitations of this sale, as well as the restrictions on the use of the property as set forth in the Texas Property Tax code. I further understand that I will become immediately responsible for post-judgment taxes if I am the successful bidder on the property. I further understand that taxes increase each month and additional post-judgment taxes may be due to other tax entities as well. I agree to indemnify the school district and its attorney and agent from any action or damages arising from the purchase of this property and agree to submit any dispute to the American Arbitration Association for resolution.

Francisco Zamora Miranda

Bidder's Name (Please Print or Type) (Name wanted on deed)

6542 Hawthorne Ct.

Bidder's Address (address wanted on deed)

Houston Texas

City Zip

5-4-21

Date



Bidder's Signature

713-505-51-49

Bidder's Telephone

****BIDDER IS AWARE THAT ALL PROPERTIES ARE SUBJECT TO POST JUDGMENT TAXES. ONCE DEED IS RECORDED, A BILL FOR ANY POST JUDGMENT TAX YEARS WILL BE SENT OUT. ****

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your social security number or your driver's license number.
(Language pursuant to Section 11.008 of the Texas Property Code)**

THE STATE OF TEXAS

§

RESALE DEED

COUNTY OF HARRIS

§

§

KNOW ALL MEN BY THESE PRESENTS that the CITY OF TOMBALL FOR ITSELF AND AS TRUSTEE FOR TOMBALL INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY DEPARTMENT OF EDUCATION, PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT, LONE STAR COLLEGE SYSTEM and HARRIS COUNTY EMERGENCY SERVICE DISTRICT# 8, acting by and through its duly elected official ("GRANTOR") as authorized by Section 34.05, Texas Property Tax Code, for and in consideration of the sum of TEN DOLLARS AND 00/100 (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by FRANCISCO ZAMORA MIRANDA ("GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and quitclaimed and by these presents do convey and quitclaim unto said grantee all right, title and interest of the CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1998-28228, in the property herein conveyed, acquired by tax foreclosure sale heretofore held, in Cause No. 1998-28228, styled *CITY OF TOMBALL vs. WARREN, CAL*, said property being described as:

TRACT 1: LOT 22, BLOCK 85, TOMBALL, LOCATED IN HARRIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN VOLUME 418, PAGE 98 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS. (ACCOUNT # 035-277-085-0022)

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any but only to the extent that they are still in effect, relating to the hereinabove described property.

TO HAVE AND TO HOLD said premises, together with all and singular the rights, privileges and appurtenances thereto in any manner belonging unto the said FRANCISCO ZAMORA MIRANDA, their heirs and assigns forever, so that neither the CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1998-28228 nor any person claiming under it or them shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Grantee accepts the property in "AS IS, WHERE IS" condition, subject to any environmental conditions that might have or still exist on said property and subject to the rights of any parties in possession of the property.

Private Resale Deed
Cause No. 2012-56868

Post judgment taxes and taxes for the current year are assumed by Grantee.

IN TESTIMONY, WHEREOF, THE CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1998-28228 have caused these presents to be executed this _____ day of _____ 2021.

CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1998-28228

GRETCHEN FAGAN, MAYOR

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared GRETCHEN FAGAN, Mayor, City of Tomball, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2021.

NOTARY PUBLIC, in and for the
STATE OF TEXAS
My Commission Expires: _____

AFTER RECORDING, RETURN TO:
Perdue, Brandon, Fielder, Collins & Mott, L.L.P.
1235 North Loop West, Suite 600
Houston, Texas 77008

Grantee: Francisco Zamora Miranda
 6542 Hawkeye Court
 Houston, TX 77049

ORDER OF SALE IN TAX SUITS

24

TR # _____

THE STATE OF TEXAS

TO: ANY SHERIFF OR ANY CONSTABLE WITHIN THE STATE OF TEXAS, GREETING:

WHEREAS, in the suit set forth below, the Plaintiff and/or Intervenor taxing units recovered a judgment of foreclosure on delinquent taxes, penalties, interest, costs and expenses of suit and sale, in those amounts and on the date as shown and fully set forth in such judgment, a true and correct copy of which is attached hereto and incorporated by reference;

WHEREAS, the Judgment constituted a foreclosure of the lien for taxes due to the Plaintiff(s) and/or Intervenor(s) upon the property described in such Judgment;

WHEREAS, the suit on which the Judgment is based is identified as follows, such judgment also providing for the recovery of all court costs and expenses of suit as shown: Cause No. ~~98-28228~~ City of Tomball, et al V. Warren, Cal, et al. See attached true and correct copy of judgment signed on June 14, 1999, recorded under Image No. 167758 of the Minutes of the District Court, for the following matters: a) taxes, penalties, interest, attorney fees, abstractors' fees, attorney ad litem fees and Tax Master fee recovered by said judgment; b) description of the property foreclosed by said judgment; and c) the adjudged market value of said property as fixed in the judgment, all of which matters are incorporated herein by reference. Also see attached Bill of Costs, same being incorporated herein by reference.

THEREFORE, WITH RESPECT TO THE SUIT SHOWN ABOVE, YOU ARE HEREBY COMMANDED to proceed to seize, levy upon, and advertise for sale as under Execution the property described in said judgment and sell the same to the highest bidder (hereinafter called "Purchaser") for cash, pursuant to Sections 34.01 and 33.50 of the Texas Property Tax Code. It is further specified herein that the property may be sold to a taxing unit that is a party to the suit or to any other person, other than a person owning an interest in the property or any party to the suit that is not a taxing unit, for the adjudged value of the property as stated in the judgment or the aggregate amount of the judgments against the property, whichever is less. You are further commanded that the property may not be sold to a person owning an interest in the property or to a person who is a party to the suit other than a taxing unit unless (1) that person is the highest bidder at the tax sale, and (2) the amount bid by that person is equal to or greater than the aggregate amount of the judgments against the property, including all costs of suit and sale. You further are commanded to make such sale subject to the right of the Defendant(s) to redeem the property pursuant to Section 34.21 of the Texas Property Tax Code; and, further, you are commanded to make to the Purchaser, or to the Purchaser's designee, your Deed thereto, subject to said right of redemption. You are further commanded to place the Purchaser, or the Purchaser's designee, in possession of the property so sold in accordance with the provisions of said Judgment, attached hereto.

You are commanded to apply the proceeds of such sale to the payment of the judgment, plus the interest, penalties, costs and expenses of suit, and attorney's fees as set out in said judgment, and the further costs of executing this Order, including your costs of sale; the remainder of the purchase price, if any there be, shall be paid to the Clerk of the District Court to be retained by said Clerk, subject to the order of said Court, in accordance with the statutes of the State of Texas.

HEREIN FAIL NOT, and make due return of this Writ within 180 days from the date of issuance hereof, with your endorsement thereon showing how you have executed the same.

ISSUED UNDER MY HAND and the seal of Office at Houston, Texas this ____ day of _____, 19 ____.

Issued at the request of:
Michael J. Darlow
Perdue, Brandon, Fielder, Collins & Mott LLP
2600 Citadel Plaza, Suite 500
Houston, Texas 77008

Charles Bacarisse, District Clerk
Harris County Texas

By: _____, Deputy

PERDUE, BRANDON, FIELDER, COLLINS & MOTT, L.L.P.

HOWARD PERDUE*
LARRY BRANDON
C. DAVID FIELDER
JAMES O. COLLINS
ROBERT MOTT
GEORGE DOWLEN
KEVIN BRENNEN
HAROLD LEREW
GREGG M. McLAUGHLIN
G. BRUCE MEDLEY
DONALD B. ROSEMAN
TERRY O. WISEMAN
MICHAEL J. DARLOW
JOSEPH T. LONGORIA
TERRY ANN WHITE

*Retired

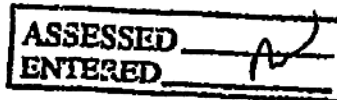
ATTORNEYS AT LAW
2600 CITADEL PLAZA DRIVE, SUITE 500
HOUSTON, TEXAS 77008

TELEPHONE (713) 862-1860
FACSIMILE (713) 862-1429

TAB BEALL
DAVID A. ELLISON
LAURA J. MONROE
JEAN MARIE BAER
LYNN STAVINGHA
DAVID S. CRAWFORD
CARL O. SANDIN
JASON L. BAILEY
OWEN M. SONDK
ELKE L. DANIEL
JENNINE Y. HOVELL
DEBBIE CARTWRIGHT
DAVID HUDSON
RANDALL B. MILLER
R. GREGORY EAST

December 23, 1999

Harris County District Clerk
Civil Post Judgment Department
P. O. Box 4651
Houston, Texas 77210



FILED
CLARIS HAVARISSE
DISTRICT CLERK
HARRIS COUNTY, TEXAS

2000 JAN -4 PM 12:31

DEPUTY
BY

Attn: Jo Ann Reed

Re: Cause No. 98-28224; City of Tomball vs. Jackson, Sol, et al
Cause No. 98-61417; Tomball ISD vs. Dorey Auto Trim & Glass Co., et al
Cause No. 98-28228; City of Tomball vs. Warren, Cal, et al
Cause No. 98-29644; City of Tomball vs. Steele, Alvin, et al
Cause No. 97-19173; Harris County FWSD #47 vs. Garza, Raul, et al
Cause No. 98-52980; Spring ISD vs. Casey, Jack, et al
Cause No. 98-23653; Spring ISD vs. Barge, Arlin, et al
Cause No. 98-33869; Harris County FWSD #47 vs. Spell, Larry, et al
Cause No. 98-31457; Spring ISD vs. Brendgen, Carl, et al
Cause No. 98-22779; Spring ISD vs. Zion Hill Baptist Church, et al
Cause No. 94-05678; Spring ISD vs. Hamilton, George P., Jr., et al
Cause No. 91-44992; Spring ISD vs. Bolden, Edward Jr., et al
Cause No. 98-24494; Spring ISD vs. Knight, Richard, et al
Cause No. 98-42069; North Harris MCCC, et al vs. Beltway 8 Automotive, Inc., et al
Cause No. 1998-44734; Crosby ISD vs. Rush, Gill J., et al
Cause No. 1997-07843; Spring Branch ISD vs. Comerica Bank Texas, et al
Cause No. 95-10178; Channelview ISD vs. Heirs of the Estate of Leanna Johnson, et al

Dear Jo Ann:

Request is made the you issue the enclosed order of sale with regard to the above referenced cases and return to our office for further handling.

Thank you for your kind assistance in this regard.

Sincerely,

**Anthony Muñoz,
Paralegal**

**cc: Spring ISD
Tomball ISD
City of Tomball
Harris County FWSD #47
Spring Branch ISD
Channelview ISD**



COUNTY AUDITOR'S FORM 1123-A
HARRIS COUNTY, TEXAS (REV. 11/94)
STATE OF TEXAS
COUNTY OF HARRIS

CHARLES BACARISSE DISTRICT CLERK 3 No. 768980

OFFICIAL NOTICE

768980

CITCN: ORDER OF SALE

CDI: C CASE: 199828228

COURT: 234

FILE PLTF: CITY OF TOMBALL

PAT DATE: 01/04/00

DEFT: WARREN, CAL (IF ALIVE OR IF DECEASE

FILE DATE: 01/04/00

GOVERNMENTAL AGENCY - NO FEE DUE UPON FILING

TRANS NO.: 5715379

AGENCIES WHICH COLLECT FEES SHOULD REMIT PAYMENT TO THE
DISTRICT CLERK LISTING AMOUNT AND CASE NUMBER OF EACH PAYMENT.

RECEIVED PERDUE, BRANDON FIELDER COLLINGSWORTH LLP (99999991)
OF 2600 CITADEL PLZ#500
HOUSTON, TX 77008

FOUR HUNDRED THIRTEEN DOLLARS AND 0/100 ***** DOLLARS

DESCRIPTION	QTY	AMOUNT	PAYMENT 1	413.00
ORDER OF SALE	1	0.00	DUE-GOVERNMENT	
UNCERTIFIED COPIES	5	5.00	PAYMENT 2	
CONSTABLE FEE - TAX SALE	1	400.00	PAYMENT 3	
			AMOUNT DUE:	413.00

ASSESSED
ENTERED 1-27-00

CHANGE: .00

TOTAL ASSESSED: 413.00

ASSESSED BY: WONG, RICHARD J

VALIDATED 01/05/00 BY THOMPSON, MARY E
FILE COPY



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this December 28, 2016

Certified Document Number: 20593445 Total Pages: 4

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

LN
P-5
DC²⁻¹
8(A)

NO. 98-28228

CITY OF TOMBALL

§ IN THE 234TH DISTRICT COURT

VS.

§ IN AND FOR

WARREN, CAL

§ HARRIS COUNTY, TEXAS

JUDGMENT

On the _____ DAY OF JUN 14 1999, 1999, this cause being called in its regular order, came the Plaintiff Taxing District(s) whether Plaintiff(s), Intervenor(s) or Impleaded Plaintiff(s), to wit:

CITY OF TOMBALL (CITY)
TOMBALL INDEPENDENT SCHOOL DISTRICT (TOMBALL)
HARRIS COUNTY EDUCATION DISTRICT (CED)
HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF
HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD
CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND NORTH
HARRIS MONTGOMERY COMMUNITY COLLEGE DISTRICT (COUNTY)

The defendants are as follows:

CAL WARREN, if alive or if deceased, all unknown heirs and all unknown owners.

The court appointed WINSTON E. COCHRAN, JR. a duly licensed attorney to represent all the defendants served by citation by publication, and as guardian ad litem for any Defendants who may be minors or non compos mentis.

Said cause coming on for trial and no jury having been demanded, all parties announced ready. All matters of controversy, both of fact and of law, were submitted to the Court. The Court, after considering the pleadings, evidence, and arguments of counsel, grants judgment as follows;

IT IS ORDERED, ADJUDGED, AND DECREED that the taxing entities which are parties to this suit have valid claims for delinquent taxes, penalties, interest, and costs allowed by law, which claims are secured by tax liens against the property hereinafter described and in the amounts indicated, to-wit:

LOT 22, BLOCK 85, TOMBALL, LOCATED IN HARRIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN VOLUME 418, PAGE 98 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS.

ACCOUNT #035-277-085-0022

RECORDER'S MEMORANDUM
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of imaging

 * TAXING UNIT TRACT DESC YEARS TOTAL *

CITY OF TOMBALL
 TRACT 1 1978-1998
 Base Tax \$ 248.17
 P & I \$ 366.14
 Attorney Fee 1998 \$ 3.01
 Total \$ 617.32

TOMBALL INDEPENDENT SCHOOL DISTRICT
 TRACT 1 1978-1998
 Base Tax \$ 867.51
 P & I \$ 1,227.45
 Attorney Fee 1998 \$ 13.99
 Total \$ 2,108.95

HARRIS COUNTY EDUCATION DISTRICT
 TRACT 1 1991-92
 Base Tax \$ 59.22
 P & I \$ 73.26
 Total \$ 132.48

HARRIS COUNTY
 TRACT 1 1977-1998
 Base Tax \$ 387.00
 P & I \$ 347.03
 Attorney Fee 1998 \$ 82.64
 Total \$ 479.67

 IT IS FURTHER, ORDERED, ADJUDGED, AND DECREED that TOMBALL INDEPENDENT SCHOOL DISTRICT Plaintiff taxing units recover \$150.00 for ascertaining the name, identity, and location of necessary parties and description of property.

IT IS FURTHER, ORDERED, ADJUDGED, AND DECREED that the following taxing units, having been joined herein but having failed to plead and prove their claims for delinquent taxes on the above described real property, shall have their tax liens on such property extinguished for all delinquent taxes due, as of the date of this judgment, pursuant to the provisions of Section 33.44 of the Texas Property Tax Code, to wit:

NONE

IT IS FURTHER, ORDERED, ADJUDGED, AND DECREED that the market value of the herein above described property, on the date of trial, is as follows:

TRACT 1 \$5,100.00

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff taxing units, do have and recover from the Defendant(s), as indicated above, the total sum of money due for taxes, penalties, interest, and attorney fees with interest from the date of judgment until paid, at the rate of one (1%) percent per month, penalty at the statutory rate, plus all costs of court, for

which let execution issue, provided, however, that no money judgment is granted against any defendant identified above as in IN REM ONLY.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Plaintiff taxing units may recover at the time of sale of the subject property, any additional taxes, penalty, and interest, whether delinquent or current, that have accrued before the sale of the property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that a tax lien against each of the above-described tracts of land secures the payment of all taxes, penalties, interest, abstractor's fees, attorneys fees, and costs of court, attributable to each of said tracts. Such tax lien(s) are prior and superior to all claims, right, title, interest, or lien(s) asserted by any Defendant(s) herein. Plaintiff(s) shall have foreclosure of said tax lien(s) on each of said tracts of land against the Defendant(s) or any person(s) claiming under said Defendant(s) by any right, title or interest acquired during the pendency of this suit. Further, said tracts of land are ORDERED SOLD to satisfy the amounts secured by such tax lien(s). The clerk of this court is directed to issue an order of sale, commanding that the Sheriff or any Constable of this county seize, levy upon, advertise for sale, and sell said tracts of land to the highest bidder for cash, as under execution, pursuant to the provisions of Chapter 34 of the Texas Property Tax Code.

IT IS FURTHER ORDERED, ADJUDGED that CHRIS STACY, Tax Master be awarded FIFTY DOLLARS (\$50.00) as a Tax Master Fee and that such amount be taxed as costs in this case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the net proceeds of the sale (other than struckoff to taxing units), shall belong and be distributed to all taxing units which were parties to this suit and which have been adjudged to have tax liens against said property, pro rata and in proportion to the amounts of their respective tax liens as established in this judgment. Any excess in the proceeds of sale over and above the amount necessary to defray the cost of suit, sale, and other expenses made chargeable in this suit against such proceeds and to fully discharge the judgments against said property, shall be paid to the clerk of this Court and be retained by said clerk for disposition to any parties legally entitled to such excess in accordance with the terms and provisions of Section 34.03 of the Texas Property Tax Code.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the clerk of this court shall issue a writ of possession, as authorized by law, to the purchaser at the foreclosure sale or his heirs, executors, administrators or assigns.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all parties heretofore named in any pleadings filed by any party and not included in this judgment, and any property set out in previous pleadings but not included in this judgment, are hereby dismissed without prejudice to the right to refile their claims, or to have the claims against them refiled and any relief previously requested and not herein granted is expressly denied.

IT IS FURTHER, ORDERED, ADJUDGED AND DECREED that attorneys fees in the amount of \$ 700.00 be paid to WINSTON E. COCHRAN, JR. heretofore appointed to act as

attorney and/or guardian ad litem for the Defendant(s) cited by publication or posting herein,
such fee to be collected as part of the costs herein.

Signed this the _____ day of _____ JUN 14 1999 A.D., 19____.



Judge Presiding

APPROVED:

PERDUE, BRANDON, FIELDER,
COLLINS & MOTT, L.L.P.
2600 Citadel Plaza, Suite 500
Houston, Texas 77008
(713) 862-1860
(713) 862-1429 Fax

By: Michael J. Darlow
Michael J. Darlow
SBOT. 05387300

Attorney for Tomball Independent School District;
Harris County Education District and City of Tomball

LINEBARGER, HEARD, GOGGAN, BLAIR,
GRAHAM, PEÑA & SAMPSON, L.L.P.
1021 Main, Suite 2100
Houston, Texas 77002
(713) 844-3500
(713) 844-3501 Fax

By: Patty L. Brown
SBOT. 00792008

Attorneys for Harris County

WINSTON E. COCHRAN, JR.
Attorney At Law
405 Main Street, Suite 302
Houston, Texas 77002
(713) 228-0264
(281) 894-4841

By: Winston E. Cochran, Jr.
Winston E. Cochran, Jr.
SBOT. 04457300

Attorney Ad Litem for Cal Warren



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this December 28, 2016

Certified Document Number: 3156854 Total Pages: 5

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

U475585

Deed under Order of Sale in Tax Suits

533-17-2769

Date: May 31, 2000

Taxing Unit Grantor(s): City of Tomball

Grantor: Dick Moore, Constable Precinct No. 4, Harris County, Texas

Grantor(s) Mailing Address: 6831 Cypresswood Drive, Spring, Texas. 77379

06/29/00 200409945 U475585

\$11.00

Grantee(s): City of Tomball for the use and benefit of itself and all other taxing units that established tax liens in Cause No. 98-28228

Grantee(s) Mailing Address: City of Tomball c/o PBFCM L.L.P. 2600 Citadel Plaza, Suite 500, Houston, Texas 77008

Consideration/High Bid: \$Five Thousand One Hundred and no/100 (\$5,100.00) Dollars

Land and Premises:

LOT 22, BLOCK 85, TOMBALL, LOCATED IN HARRIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN VOLUME 418, PAGE 98 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS.

Constable: Dick Moore, Constable Precinct No. 4 of Harris County, Texas

Order of Sale: That order of sale issued on January 27, 2000 out of the 234th Judicial District Court of Harris County, Texas, pursuant to a judgment and decree of sale in Cause No. 98-28228, in favor of City of Tomball, Tomball Independent School District, Harris County Education District, Harris County, Harris County Education Department, Port of Houston of Harris County Authority, Harris County Flood Control District, Harris County Hospital District and North Harris Montgomery Community College District against Cal Warren, and rendered on: June 14, 1999.

Levy Date: March 3, 2000

Newspaper: Daily Court Review

Defendant(s): Cal Warren

Date of Sale: April 4, 2000 the same being the First Tuesday of the month therein.

By virtue of that certain Order of Sale described above and further directed and delivered to me as Constable, commanding me to seize and sell the land and premises described in the Order of Sale, on the above stated Levy Date I did advertise for sale the said land and premises described in the Order of Sale, by having a notice of the sale published in the English language once a week for three consecutive weeks preceding the Date of Sale in the above-described Newspaper, a newspaper published in Harris County, Texas, the first publication appearing not less than twenty-one days immediately preceding the day of the sale, containing a statement of the authority by virtue of which the sale is to be made, the time of levy, time and place of sale; also a brief description of the property to be sold by stating the number of acres and the original survey; if the property was located in a platted subdivision or addition the name by which the land is generally known with reference to that subdivision or addition; or by adopting the description of the land as contained in the judgment. I also mailed a copy of the notice of sale to the last known address of the above named Defendant(s).

On the Date of Sale stated above, between the hours of ten o'clock a.m. and four o'clock p.m., I sold the above described land and premises at public venue in the County of Harris, State of Texas, at the door of the Court House of said Harris County, Texas, and said land and premises were struck off to the highest and best bidder, for the sum stated above and the high bidder being the above-named Grantee(s).

Accordingly, and in consideration of the payment of the sum described above, the receipt of which is hereby acknowledged, I hereby convey to the Grantee(s) all of the right, title and interest owned by the Defendant(s) in the property described above.

This deed is given expressly subject to the right of Defendant's to redeem the land and premises within the time and in the manner provided by law.

233-11-5110

533-17-2770

IN TESTIMONY WHEREOF, I have hereunto set my hand, this 31st day of May, 2000.

Dick Moore

Printed Name: Dick Moore
Constable, Precinct No. 4
6831 Cypresswood Drive, Spring, Texas 77379
Harris County, Texas

THE STATE OF TEXAS

COUNTY OF HARRIS

§
§
§

BEFORE ME, the undersigned Notary Public in and for the State of Texas, on this day personally appeared Dick Moore, Constable, Precinct No. 4, Harris County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same as Constable, Precinct No. 4, Harris County, Texas, for the purposes and consideration, an in the capacity therein expressed.

GIVEN under my hand and seal of office, this 31st day of May, 2000.

Virginia Ann Renault
NOTARY PUBLIC, State of Texas

VIRGINIA ANN RENAULT
My Commission Expires
February 2, 2001

ANY PERSON WHOSE NAME IS SUBSCRIBED TO THE BILL HEREON, OR ONE OF THE UNDERSIGNED, SHALL
PROPERTY BECOME OF COLOR OR RACE IS UNLAWFUL AND UNENFORCEABLE UNDER FEDERAL LAW
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that the instrument was FILED in File Number
2000 JUN 29 PM 2:07
COUNTY CLERK
HARRIS COUNTY TEXAS

JUN 29 2000



Barry B. Kuyper
COUNTY CLERK
HARRIS COUNTY TEXAS

2000 JUN 29 PM 2:07

FILED

Barry B. Kuyper
COUNTY CLERK
HARRIS COUNTY TEXAS

Return To..

Perdue, Brandon, Fielder, Collins & Mott
2600 Citadel Plaza, Suite 500
Houston, Texas 77008

200-11-5182

No. 98-28228

BY CONSTABLE, Precinct No. 4

DEED
UNDER ORDER
OF SALE
IN TAX SUITS
TO

City of Tomball

Sales Proposal

Jerry Matheson
Option 1 EWF
1240 Ulrich Rd
Tomball, TX 77375

Quote No. SP77981-2
Customer No. C018255
Document Date 05/05/2021
Expiration Date 07/04/2021

Sales Representative Jose Fontanillas
E-Mail JosFon@Kompan.com
Phone No. 787-402-8190 / 800-426-9788

Bill-to Name City of Tomball

Project Name US163575 Jerry Matheson Park

No.	Description	Qty Unit	Net Price
	Texas Buyboard Contract #592-19		
	2-5 EQUIPMENT		
M17601-12P 	FAIRY TALE SEESAW,IG IG60	1 Pieces	5,272.20
MOM-CUSTOM 	MOM-CUSTOM Cow Rocker, IG 161046	1 Pieces	2,253.30
M17201-12P 	HORSE, Black,IG IG60	1 Pieces	591.60
PCM105-0601 	HORSE SPRINGER, Brown,IG IG60	1 Pieces	730.80
NRO604-0611 	THEATRE STAGE, Brown, IG IG60, BROWN	1 Pieces	5,315.70
NRO612-1001 	PLAY PANEL1 MUSIC ROBINIA POSTS WOOD IN-GROUND	1 Pieces	1,713.90

Sales Proposal

Jerry Matheson
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1240 Ulrich Rd
Tomball, TX 77375

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Bill-to Name City of Tomball

Project Name US163575 Jerry Matheson Park

No.	Description	Qty Unit	Net Price
<u>M19101-3517P</u>	TODDLER SPICA,IG IG70, w/Controlled Access w/Controlled Access 	1 Pieces	1,418.10
<u>NRO2007-1011</u>	DBL TOWER W/ DBL SLIDE, Brown, IG IG100, Brown 	1 Pieces	23,472.60
<u>NRO528-1011</u>	OASIS SAND HOUSE W/DESK & CRANE IG100, & CRANE, Brown Brown, IG 	1 Pieces	19,113.90
<u>M52670-3417P</u>	RAILWAY CARRIAGE,IG IG60 	1 Pieces	11,536.20
<u>M52570-3417P</u>	STEAM ENGINE,IG IG60 	1 Pieces	10,474.80
<u>M21101-3417P</u>	AGE APPROPRIATE SIGN,IG IG 2-5 Years 2-5 Years, IG 60 cm  5-12 EQUIPMENT	1 Pieces	391.50

Sales Proposal

Jerry Matheson
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E-Mail JosFon@Kompan.com
Phone No. 787-402-8190 / 800-426-9788

Bill-to Name City of Tomball

Project Name US163575 Jerry Matheson Park

No.	Description	Qty Unit	Net Price
<u>COR314421-1206</u> 	SMALL TWO MAST SPACENET, Black, IG IG110, BLACK	1 Pieces	42,664.80
<u>NRO106-1013</u> 	SEESAW FOR 4, Brown,IG IG100	1 Pieces	2,392.50
<u>NRO1025-1011</u> 	MEGA DECK PLAY TOWER, Brown, IG IG100, Brown	1 Pieces	28,196.70
<u>NRO2008-1011</u> 	THE WITCH'S TOWER, Brown,IG IG100	1 Pieces	38,436.60
<u>NRO820-0613</u> 	WATER LILY BALANCE 5 PCS, Brown, IG IG60, Brown	2 Pieces	2,053.20
<u>NRO822-0613</u> 	BALANCE WATERLILIE POST Brown, IG US	3 Pieces	809.10

Sales Proposal

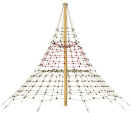
Jerry Matheson
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1240 Ulrich Rd
Tomball, TX 77375

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E-Mail JosFon@Kompan.com
Phone No. 787-402-8190 / 800-426-9788

Bill-to Name City of Tomball

Project Name US163575 Jerry Matheson Park

No.	Description	Qty Unit	Net Price
NRO2009-1011 	DBL TOWER W/ SPIDER NET & BRIDGE IG100, & BRIDGE, Brown Brown, IG	1 Pieces	26,813.40
ELE400024-3717GR 	SPINNER BOWL, Green, IG IG90	2 Pieces	2,262.00
NRO834-1011 	TREE CLIMBER, Brown, IG IG100	1 Pieces	17,008.50
BLX410301-3717 	BLOQX 3, Orange/Blue, IG IG90	1 Pieces	16,956.30
NRO816-1013 	6 SIDED CLIMBING STRUCTURE, Brown, IG IG100, Brown	1 Pieces	12,963.00
NRO884-1011 	TURBO CHALLENGE, Brown, IG IG100	1 Pieces	7,360.20

Sales Proposal

Jerry Matheson
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E-Mail JosFon@Kompan.com
Phone No. 787-402-8190 / 800-426-9788

Bill-to Name City of Tomball

Project Name US163575 Jerry Matheson Park

No.	Description	Qty Unit	Net Price
NRO-CUSTOM 	NRO-CUSTOM Overhead Ladder, Brown, IG 896933	1 Pieces	3,801.90
NRO883-1011 	DBL CABLEWAY ROBINIA FLAT, Brown, IG IG100, SURROUND BROWN+MI026X2	1 Pieces	15,381.60
MI026 NRO852-1011 	CABLE WAY PULLER PARCOUR 002, Brown,IG IG100	1 Pieces 1 Pieces	539.40 6,968.70
NRO120-0911 	CAROUSEL WITH SEATS Brown, IG IG90	1 Pieces	6,211.80
NRO-CUSTOM 	Parkour 5, Brown, IG 893195 Custom - 893195	1 Pieces	18,043.80
M21102-3417P 	AGE APPROPRIATE SIGN, IG IG, 5-12 Years 5-12 Years, IG 60 cm SWINGS	1 Pieces	391.50

Sales Proposal

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Sales Representative Jose Fontanillas
E-Mail JosFon@Kompan.com
Phone No. 787-402-8190 / 800-426-9788

Bill-to Name City of Tomball

Project Name US163575 Jerry Matheson Park

No.	Description	Qty Unit	Net Price
<u>NRO924-CUSTOM</u>	NRO924 2 bay, 2 infant, 1 belt, 1 open for ADA. 2020-10-07 KELAND 20094416 Brown, IG - Custom 20094416	1 Pieces	4,637.10
			
US-ADA-SWING SEAT2-5	Made-For-Me Seat, 8' beam, 2-5 YR ADA Acc(2-5) Yellow/SS Chains	1 Pieces	765.60
NRO-CUSTOM	NRO-CUSTOM 4 bay, 4 belt, 2 basket, brown, IG 894979 Custom - 894979	1 Pieces	10,892.40
			
<u>NRO915-CUSTOM</u>	Cocowave Pendulum Swing, Brown, IG 2020-10-06 KELAND 20094294 Custom - 20094294	1 Pieces	9,813.60
			
US ROBINIA SERVICE			
FREIGHT	Freight from KOMPAN Inc	1 Pieces	18,282.79
INSTALL SPECIAL	Install of Kompan equip. Includes offloading.	1 Pieces	153,600.00
INSTALL SPECIAL	Grading of site to slope towards drainage ditch. Reusing material on site with no offsite disposal.	1 Pieces	17,723.08
INSTALL SPECIAL	Provide & install up to 567 LF of drainage to daylight at the ditch by tree line. Includes excavating the trench, 4" perforated PVC pipe, aggregate, and filter fabric.	1 Pieces	18,841.84

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E-Mail JosFon@Kompan.com
Phone No. 787-402-8190 / 800-426-9788

Bill-to Name City of Tomball

Project Name US163575 Jerry Matheson Park

No.	Description	Qty Unit	Net Price
INSTALL SPECIAL	Provide & install stone dust pathway at up to 296 LF per site plan.	1 Pieces	13,115.08
US-TFG-TXCE-14-01	EWFF&FF/CFH 14'/12"comp. EWFF+1 LAYER OF FF/CFH 14'	27,763 Sq. Feet	34,551.05
US-TFG-FREIGHT	Freight for EWF Surfacing	1 Pieces	7,040.00
INSTALL SPECIAL	Install 27763 SF of EWF & FF at up to 12" thickness.	1 Pieces	24,599.64
US-APS-BORDER12	12" border w/spike-black	235 Pieces	6,843.20
US-APS-ADA-HALFRAMP	ADA Half Ramp System	4 Pieces	1,765.40
US-APS-SWINGMAT	3' x 5' x 2" Wear Mat - Black	3 Pieces	462.00
US-APS-SLIDEMAT	40" x 40" x 1.5" Wear Mat	13 Pieces	1,277.64
EXTRA SALES FREIGHT	Freight for borders and ramps	1 Pieces	1,800.00

Sales Proposal

Jerry Matheson
Option 1 EWF
1240 Ulrich Rd
Tomball, TX 77375

Quote No. SP77981-2
Customer No. C018255
Document Date 05/05/2021
Expiration Date 07/04/2021

Sales Representative Jose Fontanillas
E-Mail JosFon@Kompan.com
Phone No. 787-402-8190 / 800-426-9788

Bill-to Name City of Tomball

Project Name US163575 Jerry Matheson Park

No.	Description	Qty Unit	Unit Price	Discount %	Net Price
INSTALL SPECIAL	Install 235 12" borders, 4 ADA half ramps, and up to 16 swing/slide wear mats.	1 Pieces	4,384.61538	4.00	4,209.24

Please allow 13-15 weeks for product delivery upon order placement

Please provide us with a copy of your tax exempt certificate if applicable.

Customer is responsible for removal of existing play equipment including footers, EWF, and borders.

City will be responsible for rerouting or repairing irrigation if needed.

Kompan is not responsible for repairing any landscape that may be damaged during install.

Description	Qty	Retail Price	Discount	Net Price
No. of Products	294			
Subtotal - Products		422,461.69	54,465.15	367,996.54
Subtotal - Installation		285,168.77	11,488.84	273,679.93
Subtotal - Freight		18,282.79		18,282.79
Total USD				661,759.26

Payment Terms 50% Prepayment, 50% Net 30 days

Installation Site Address

Jerry Matheson
Option 1 EWF
1240 Ulrich Rd
Tomball, TX 77375
Phone No. 281-351-5484



Sales Proposal

Jerry Matheson
Option 1 EWF
1240 Ulrich Rd
Tomball, TX 77375

Quote No. SP77981-2
Customer No. C018255
Document Date 05/05/2021
Expiration Date 07/04/2021

Bill-to Name City of Tomball

Sales Representative Jose Fontanillas
E-Mail JosFon@Kompan.com
Phone No. 787-402-8190 / 800-426-9788

Project Name US163575 Jerry Matheson Park

Applicable sales tax will be added unless a valid tax exemption certificate is provided. This amount is only an estimate of your tax liability.

Your acceptance of this proposal constitutes a valid order request and includes acceptance of terms and conditions contained within the Master Agreement, which is hereby acknowledged.

Acceptance of this proposal from KOMPAN is acknowledged by issuance of an order confirmation by an authorized KOMPAN representative.

Prices in this quotation are good until expiration date, shown in the top of this document. After that date, this proposal may be withdrawn.

KOMPAN Products are "Buy American" qualified, and compliant with the Buy American Act of 1933 and the "Buy American" provision of ARRA of 2009.

KOMPAN Authorized Signature:

Accepted By (signature): _____

Accepted By (please print): _____

Date: _____

General Assumptions

- Pricing is based on all equipment being direct delivery to the project address identified in KOMPANs Sales Proposal (SP).
- Placement of order into fabrication is contingent with deposit being received by KOMPAN as agreed to during the pricing phase.
- If cost proposal is to be considered as Tax-Exempt a current tax exemption form must be provided or on file at KOMPAN main office.
- Customer shall provide a lay down area for deliveries of materials within proximity of final installation site. Site access must be clear and unobstructed with at least ten (10') foot wide access to allow delivery of materials. Any size restrictions contributing to additional handling or downsizing of deliver trucks shall be addressed as a change of conditions and will be invoiced as additional costs to the customer.
- Installation site must be level to no more than one (1") inch in then (10') feet slope or change in elevation over the full length and width of the playground area.
- Price assumes NO overhead obstructions within thirteen feet, six inches (13'-6") or lower and NO underground utilities or obstructions within the playground footprint.
- Soils are to be suitable for the installation of all playground equipment and surfacing and compacted to 95% compaction prior to installation crews arriving on-site.
- All underground utilities, boulders, rock ledge or other obstructions not visible without subsurface investigation shall be considered "unforeseen conditions", all costs shall be invoiced to the customer as a change order to the contract.
- All spoils generated during the excavation of footings shall be disposed of on site at no cost to KOMPAN.
- Customer to provide at no additional costs a 120 V (15 amp) power source and standard hose bib connection for water supply within one hundred (100') feet from work site.
- Customer shall have removed all existing equipment or obstacles from playground area prior to the arrival of the installation crews.
- Time is of the essence in the installation of all materials delivered to project site. KOMPAN shall have delivered all equipment and materials as scheduled to project site. If delays to the installation schedule accrue outside KOMPANs control equipment shall be delivered to project site as scheduled and equipment and materials invoiced at the time of delivery. Unless additional storage arrangements are made in writing between Customer and KOMPAN, additional costs may apply. Unloading of equipment and materials shall be performed by the installation crews at the time of installation. If site is not ready for installation by cause outside of KOMPAN, it will be the responsibility of the Customer to off load and store equipment and materials at the project site. KOMPAN shall not be held liable for offloading costs, storage fees or equipment damage.

- If site requires installation of a drainage system within the proposed playground area, playground equipment footing shall be installed prior to the installation of the drainage system and playground footing locations shall take precedence over drainage system requirements.
- Site layout and dimensions shall be based of KOMPAN's 2D drawing or CAD drawings. Customer to provide site "benchmark" to be used for layout and final elevation calculations.
- Unless otherwise noted on KOMPAN's SP, proposal assumes that there are no Prevailing Wages requirement on the project.
- Any additional costs which maybe incurred during installation shall be negotiated between Customer and KOMPAN in writing prior to the start of additional work. If written approval is not received during the time the installation crews are on-site, additional mobilization costs will apply.

Exclusions (Unless Explicitly Stated in KOMPAN Sales Proposal)

- Stamped engineered drawings/calculations or costs to secure permits are not included, if required these costs will be added as a change order payable to Kompan.
- Demolition and off-site disposal of any existing equipment or site amenities.
- Any sitework, including but not limited to grading, excavation outside playground equipment footing and soils compaction and testing.
- Concrete work outside of play equipment footing requirements.
- Relocation of any existing equipment.
- Any required drainage system for playground area.
- Third party testing of materials and playground installation.
- Site landscaping or trimming of vegetation encroaching within the play equipment and safety zones
- Play area surfacing and base materials if not noted in KOMPAN proposal.
- Installation of Poured in Place surfacing does not include the use of aliphatic binder, solid or custom colors.
- Site security during Poured in Place surfacing cure time and any vandalism which may accrue during surfacing cure time.
- Borders for play area surfacing containment
- Any required retaining walls for proposed play area.
- Site storage for equipment.
- Site safety fencing beyond standard four (4') foot orange construction fencing
- Utilities site location services and/or relocation of any underground utilities
- On site dumpster for disposal of shipping containers and general construction debris

City Council Meeting Agenda Item Data Sheet

Meeting Date: 5/17/2021

Topic:

Approve purchase of playground equipment from Kompan, Inc. for Jerry Matheson Park totaling \$661,759.26 through Texas BuyBoard contract number 592-19.

Background:

Phase I of the Jerry Matheson Revitalization Plan, includes replacing existing play structures and grading to ensure adequate drainage. Staff worked with Kompan to design the play structure elements to be suitable for ages 2-12 years with additional ADA accessible equipment and appropriate signage.

The proposed BuyBoard contract with Kompan will include the purchase and installation of the new play structures, grading of site for drainage, and installation of drainage pipe from the play area.

Origination: Public Works Department

Recommendation:

Staff recommends approving the purchase of the playground equipment from Kompan, Inc. totaling \$661,759.26 through Texas BuyBoard Contract number 592-19.

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

FUNDING (IF APPLICABLE)

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

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

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

Signed	Meagan Mageo	Approved by	
	Staff Member		City Manager
	Date		Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: May 17, 2021

Topic:

Consideration 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

Background:

Staff completed an evaluation of City streets to determine the streets requiring repairs through our Asphalt and Concrete Street Improvement program that is placed into budget annually. Through the evaluation Quinn Road, between Zion Road and Baker Drive, was identified as an area requiring repairs to the asphalt and striping. Additionally there were a few areas throughout the Hunterwood Subdivision requiring attention, as well as a pavement failure on McPhail Street.

In an effort to obtain the most favorable pricing, sealed bids were solicited for the completion of the 2021 Asphalt and Concrete Street Improvements. Bid packets were available at the City Administration Building or could be electronically delivered by request. A total of six (6) vendors received information on the bid specifications, of which three (3) qualifying bids were received.

The lowest responsible bidder was determined to be Hayden Paving, Inc. for a total bid of \$110,010.00, for all work identified in the bid specifications.

Origination: Public Works Department

Recommendation:

Staff recommends awarding the contract to Hayden Paving, Inc. in the amount of \$110,010.00.

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

FUNDING (IF APPLICABLE)

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

Yes: ☒ No: ☐ If yes, specify Account Number: #100-154-6207

	<u> </u>	
If no, funds will be transferred from account # _____		To account # _____

Signed	Meagan Mageo	Approved by	
	Staff Member		City Manager
	Date		Date

City of Tomball 2021 Asphalt & Concrete Street Improvements		Bidder No. 1	Bidder No. 2	Bidder No. 3
Base Price Table		Hayden Paving	AAA Asphalt Paving Inc	Corestone Construction Co.
Item	Description	Total	Total	Total
1	Asphalt overlay of Quinn Road from Zion Road 1,295' south tp 300' from Baker Drive tie-in	\$55,865.00	\$53,059.00	\$81,556.00
2	Asphalt overlay of Quinn Road beginning north of Baker Drive intersection and extending south 300' to intersection tie-in	\$21,750.00	\$20,650.00	\$31,740.00
3	Asphalt overlay of Quinn Road approximately 163' curving west to Baker Drive	\$6,190.00	\$5,876.99	\$9,034.00
4	Thermo striping along project location	\$10,705.00	\$12,000.00	\$11,172.00
5	Repair/replace 73LF of curb within Hunterwood	\$3,000.00	\$3,796.00	\$858.00
6	Replace approximately 60SF of concrete roadway on Lost Creek Road	\$2,000.00	\$1,440.00	\$1,472.00
7	Replace approximately 210SF of concrete roadway on Lost Creek	\$4,000.00	\$5,040.00	\$5,153.00
Additional Price Table				
1	Road repair on McPhail Street, 12'x24'	\$6,500.00	\$11,520.00	\$9,514.44
	Total Bid with proposed Additional Work	\$110,010.00	\$113,381.99	\$150,499.44

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: 5/17/2021

Topic:

Approve payment option to Gexa Energy for increased Ancillary Charges Rate due to the Winter Storm.

Background:

The City's monthly electric bill is comprised of three main components: the energy rate, the transmission and distribution rate, and the ancillary charges rate. Texas Coalition for Affordable Power (TCAP) sets our fixed energy rate that covers the cost of power received from Gexa Energy for the duration of our contract, the PUC approves the transmission and distribution rate, and ERCOT sets the ancillary charges rate which is meant to ensure grid reliability, and changes hourly.

Due to our contract with TCAP, the City did not experience an extreme energy rate fluctuation as other consumers have experienced. However, the winter storm caused unprecedented peaks in the ERCOT ancillary service charge which is being assessed to every consumer within the ERCOT grid.

The City of Tomball received notification from Gexa Energy that our total Ancillary Service Charges due is \$229,663.42. TCAP has worked with Gexa to provide payment options for this bill including a lump sum payment or a monthly payment through the end of our contract (December 2022).

TCAP has proposed two payment options that the City is eligible to accept. The first option is the Default Option, which is a monthly payment of \$12,363.24 beginning June 2021 and ending December 2022, making the total amount paid \$234,901.56. The second option is the Lump Sum Payment options which would be one payment in the amount of \$229,663.42.

Origination: City Administration

Recommendation:

Staff recommends accepting the Lump Sum Option and splitting the payment between the General and Enterprise Fund.

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

FUNDING (IF APPLICABLE)

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

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

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

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



May 5, 2021

Mr. David Esquivel
Interim City Manager
City of Tomball
401 Market Street
Tomball, TX 77375

Dear David,

The February winter storm was unprecedented and devastating to the State of Texas. The effects are still being felt and will be for a while. We have been made aware of some storm related charges by retail electric provider GEXA and wanted to inform you about them prior to receiving a letter from GEXA.

A member's monthly bill is comprised of three main components, the energy rate, the transmission and distribution rate, and the ancillary charges rate. TCAP works to set a fixed energy rate that covers the cost of the power, which is fixed for the life of the contract. The PUC approves the transmission and distribution rate that covers the cost to get the electricity to users, which may change annually. ERCOT sets the ancillary charges rate that is meant to ensure grid reliability, which changes hourly. (Please see the attached FAQ sheet for more information.)

Due to TCAP membership, there were no extreme energy rate fluctuations as other consumers experienced. However, the winter storm caused unprecedented peaks in the ERCOT ancillary service charge which is now being assessed to every consumer within ERCOT, not just our members. There was nothing that TCAP could have done to prevent this charge.

Although the ancillary service charge spike caused by the winter storm couldn't be prevented, being a member of TCAP will allow you some payment options that others in the market will not have. *These options are confidential.* GEXA has offered our members the following three options for payment of the winter storm ancillary service charge invoice: 1) pay in one lump sum, 2) pay monthly through the end of the current contract that ends in 2022, or 3) if you have signed an SHP contract, pay monthly through the end of 2028. GEXA has advised they will be sending letters by next week regarding each member's individual winter storm ancillary service charges and payment options.

TCAP has always kept our members in mind through our favorable contract provisions that are not found elsewhere in the market. We have been providing comments to the PUC on needed market changes when possible and we continue to monitor the legislative, ERCOT, and PUC hearings regarding all winter storm issues.

I encourage you to review the attached frequently asked questions and be on the lookout for the letter coming from GEXA. As always, if you have additional question or would like TCAP to attend a meeting to answer questions, please contact me at 972-764-3136.

Sincerely,

Margaret Somereve
Executive Director



Texas Senate passed a bill to force this repricing. Unfortunately, the Texas House refused to follow the Senate's lead and thus no legislative relief has yet been enacted.

Can they be hedged?

The Independent Market Monitor testified before the Texas House that these costs can be difficult if not impossible to hedge. Historically, TCAP has periodically investigated opportunities to hedge these costs, but has not been able to find an option that is both cost effective and provides adequate protection from potential future cost increases.

Additionally, it is very common for customer contracts to have provisions that allow for a seller to pass through any cost increases incurred due to changes in laws and regulations by both legislative and regulatory bodies. In this instance, even if the costs had been hedged (for instance, if they had been included within the fixed contract price), actions taken by the Public Utilities Commission during the winter event did change certain aspects of regulations and market protocols and as such, could open the door for these cost increases to be passed on to the buyer.

ERCOT operates as a revenue-neutral organization and costs it incurs to support the operations of the grid will be passed on to market participants. While there may ultimately be variations in how individual market participants will pay these costs, ultimately these costs will be recovered by ERCOT.

Why am I being billed for these charges?

Typically, TCAP maintains a reserve account to cover any cost variations incurred for ancillary services. If costs come in a bit higher than planned, TCAP uses the reserve account to cover these costs. If the costs come in a little lower than planned, TCAP retains the excess funds in the reserve account. When the reserve account reaches a level higher than both contractual requirement and normally deemed necessary to fund anticipated cost variations, TCAP will refund the excess amounts to members.

During the winter event, ancillary service prices increased to level over 500% greater than those experienced prior to the event. This tremendous cost increase is simply beyond the level TCAP can cover using the reserve account. Thus, these costs will need to be recovered from members directly.

How were these costs allocated to members?

Since almost all of these costs are associated with the extreme conditions incurred during Winter Storm Uri, and since many members had a number of facilities without power during this time, these costs were allocated to members based on their electric usage during the winter storm.

What are my payment options?

TCAP has worked with our REP and supplier to offer three options for repayment. These options are confidential. The base option is an installment payment plan for the remaining term of the current contract (December 2022). The second option is to pay in full now. This plan may be preferable for members that have excess or rainy day funds or feel they can finance repayment cheaper than the other options offered. The final option, which is available to the vast majority of TCAP members is to spread the payments over the term of both the current and future supply contract. This would extend payback to 2028 and drastically reduce the monthly payment amount.



Frequently Asked Questions

Isn't my Energy Rate fixed?

Correct! TCAP always secures a fixed energy rate for its members. There may be variations in how this energy is procured to allow TCAP to take advantage of market opportunities and provide even lower prices to its members, but your energy rate will always be a fixed price known by members prior to their need to budget for these future expenditures.

The Ancillary Services costs being billed in this instance are ERCOT incurred costs related to maintaining the reliable operations of the electric grid in Texas. Historically, these costs are very small and reconciliation of these costs is typically handled by TCAP. In this instance, the extreme circumstances created by Winter Storm Uri caused these costs to increase by multiples to levels never experienced in our Texas energy market and it is unfortunately necessary to directly assign these costs to members.

What are Ancillary Services?

Ancillary Services are reliability products procured by ERCOT as grid operator to maintain the stability and reliability of the electric grid. They typically consist of payments to generators (and certain end users) to stand ready to provide additional generation or load relief needed to balance the electric grid during times of rapid changes. Without these reliability products, the system could suffer from inferior quality electricity (brown outs) that can damage motors and appliances and suffer more frequent black-outs including the possibility of collapsing the entire grid. Recovery from a massive grid collapse could take weeks to restore. ERCOT bills the cost of ancillary services to entities (like Retail Electric Providers) that serve end-use customers and are commonly passed on to the customer in various ways.

Why were ancillary services priced so high?

Typically, the costs of ancillary services is very small. There is often a large amount of excess unused generation capacity on the electric grid and the ancillary services market is a way to possibly capture some incremental revenue for this unused capacity. With a large amount of excess generation capacity bidding for a small amount of ancillary services, prices are typically very low.

During Winter Storm Uri in February the ERCOT electric grid lost about half of its total generation capacity. Without enough generation to meet end user demand, ERCOT was forced to call for outages. With little additional generation capacity in reserve, the price of these products rose to levels that had never been experienced in the ERCOT market.

In addition, it was discovered during these times that the market price cap that was meant to set an absolute ceiling price on energy did not extend to ancillary services and the price of these products rose to a level far in excess of the energy price ceiling. This subsequently resulted in the PUC's Independent Market Monitor recommending to the PUC and ERCOT that these prices be capped at the energy ceiling price during the event.

Why have they not been re-priced?

ERCOT and the PUC chose to ignore the recommendations of the Independent Market Monitor and refused to reprice these products. The Lieutenant Governor of Texas held a press conference urging the PUC and ERCOT to follow the recommendations of the PUC's Independent Market Monitor and the

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May 7, 2021

Glenn Windsor
Finance Director
City Of Tomball
501 James St
Tomball, TX, 77375

Dear Glenn Windsor:

As you may be aware, the extraordinary February winter storm event has resulted in some of the highest Energy and Ancillary Service charges ever experienced by electric consumers in ERCOT. As a member of the Texas Coalition for Affordable Power ("TCAP") that is served by TCAP's Retail Electricity Provider, Gexa Energy, City Of Tomball's energy costs remained stable throughout the winter storm. However, the storm's impact resulted in higher than anticipated Ancillary Services costs that are billed to you under the "Ancillary Services and Nodal Basis Adjustment" specified in the Commercial Electricity Service Agreement ("CESA") between City Of Tomball and Gexa Energy, LP executed by City Of Tomball on 3/8/2016.

The total additional cost of the Ancillary Services and Nodal Basis Adjustment owed by City Of Tomball ("Storm Recovery Amount") is specified below. Gexa values its relationship with City Of Tomball and understands that the immediate payment of such amount may present unexpected financial hardship. Therefore, per Gexa's existing agreement with TCAP, TCAP has authorized Gexa to recover the Storm Recovery Amount through a monthly surcharge over the remaining term of the current CESA, which runs through December 2022. ¹

Default Option – Monthly Payments through 2022	Due Date	Monthly Charge \$ ¹	Estimated Equivalent Monthly \$/kWh Charge ²
Storm Recovery Amount Monthly Surcharge	Monthly, starting with invoice for June 2021 usage and continuing through December 2022	\$12,363.24	\$0.020

Gexa also understands that different TCAP members may desire additional payment options based on each member's unique situation. In consideration thereof, Gexa has worked closely with TCAP to create the following alternate payment options.

¹ Note: Some TCAP Members receive multiple energy bills per month for various groups of accounts. If City Of Tomball receives multiple monthly bills, the "February 2021 Storm Recovery" charge will be added to the bill with the ESI ID that typically incurs the highest monthly charges. Also, please note, all charges shown exclude applicable GRT and PUC taxes, which will be applied upon invoice.

² Note: The Estimated Equivalent Monthly \$/kWh Charge is an estimate of the monthly charge spread over City Of Tomball's total average monthly energy usage for all monthly bills. This metric is shown for illustration purposes only.

Gexa Energy, LP All rights reserved. PUCT Certificate #10027

20455 State Highway 249, Suite 200, Houston, TX 77070

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Alternate Payment Option 1: Pay the Storm Recovery Amount in full by May 31, 2021.

Alternate Payment Option 1 – Lump Sum Payment	Due Date	Total Amount \$ ¹	Estimated Equivalent Monthly \$/kWh Charge ²
Total Storm Recovery Amount	5/31/2021	\$229,663.42	\$0.379

Alternate Payment Option 2: If City Of Tomball has signed a new Commercial Electricity Service Agreement with Gexa for TCAP's Strategic Hedging Program commencing January 2023 (the "SHP CESA"), authorize Gexa to recover the Storm Recovery Amount through a monthly surcharge through December 2028. You will incur a new monthly surcharge for "February 2021 Storm Recovery" which will appear as a separate line item on your electricity bill beginning with the invoice for the June 2021 billing period that will continue through December 2028. Your monthly "February 2021 Storm Recovery" surcharge under Alternate Payment Option 2 is outlined in the "February 2021 Storm Recovery Agreement" (attached). (Please note: Alternate Payment Option 2 is only available to TCAP Members that have entered into a SHP CESA.) ¹

Alternate Payment Option 2 – Monthly Payments through 2028	Due Date	Monthly Charge \$ ¹	Estimated Equivalent Monthly \$/kWh Charge ²
Storm Recovery Amount Monthly Surcharge	Monthly, starting with invoice for June 2021 usage and continuing through December 2028	\$ 3,451.88	\$ 0.006

Please note: Gexa's Default and Alternate Payment Options have been devised in conjunction with TCAP specifically for TCAP Members and are confidential. City Of Tomball is required to keep the contents of this letter and the associated "February 2021 Storm Recovery Agreement" confidential, subject to Section C of the Terms and Conditions set forth in Attachment A of the CESA.

If City Of Tomball elects Alternate Payment Option 1 above, please inform Gexa via email at TCAP@gexaenergy.com on or before May 21, 2021, and remit payment to Gexa as outlined in the CESA. If City Of Tomball elects Alternate Payment Option 2 above, please inform Gexa by having the attached February 2021 Storm Recovery Agreement signed by an individual with the authority to bind City Of Tomball and returned to TCAP@gexaenergy.com on or before May 21, 2021. As stated above, if you take no action and do not return the signed agreement indicating your election by May 21, 2021, **Gexa will recover the Storm Recovery Amount through a monthly surcharge which will be in effect through December 2022, and this new monthly surcharge shall appear as a separate line item on City Of Tomball's electricity bill beginning with the invoice for the June 2021 billing period.**

If, at any time after May 31, 2021, City Of Tomball wishes to pay down the balance of its February 2021 Storm Recovery Amount, or wishes to extend its payment of the February 2021 Storm Recovery Amount over a different term than the options outlined above, please contact Gexa at the email or phone number below to discuss the amount and timing of any such payoff.

TCAP@gexaenergy.com
1-866-867-7322

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Further, in the event that the Texas Legislature and the PUCT agree to reduce Ancillary Services costs attributable to the February 2021 Storm, Gexa will make a corresponding reduction to any future monthly payments to reflect such reduced costs and/or reimburse City Of Tomball for any over-collection of the principal amount of these increased Ancillary Services charges.

Gexa Energy values City Of Tomball's patronage as well as our long-standing relationship with TCAP. If there are any questions or concerns, please let us know.

Thank you,

A handwritten signature in black ink, appearing to read "B. Landrum", with a stylized, cursive script.

Brian Landrum
President, Gexa Energy GP, LLC
General Partner of Gexa Energy, LP

February 2021 Storm Recovery Agreement

Reference is made to: (a) that certain Commercial Electricity Service Agreement entered into between City Of Tomball ("City") and Gexa Energy, LP ("Gexa") dated as of 3/8/2016 (the "CESA") and (b) that certain letter from Gexa dated May 7, 2021 concerning Ancillary Services costs resulting from the ERCOT February 2021 winter storm event (the "Winter Storm Letter"). Capitalized terms not otherwise defined herein have the meanings ascribed to them in the CESA. This February 2021 Storm Recovery Agreement ("Winter Storm Agreement") is made and delivered pursuant to the CESA.

As referenced in the Winter Storm Letter, the total cost of Ancillary Services attributed to the February 2021 Storm (the "Storm Recovery Amount") owed by City pursuant to the terms of the CESA is set forth below:

Storm Recovery Amount: \$229,663.42

City has executed a Commercial Electricity Service Agreement with Gexa for TCAP's Strategic Hedging Program commencing January 2023 (the "SHP CESA"), and hereby authorizes Gexa to invoice the Storm Recovery Amount through a monthly surcharge in effect through December 2028, pursuant to the terms of its current CESA and the SHP CESA. City will incur a new monthly surcharge for "February 2021 Storm Recovery" as a separate billing line item beginning with the invoice for the June 2021 billing period under the CESA, which shall continue through the invoice for December 2028 usage under the SHP CESA. City's monthly "February 2021 Storm Recovery" surcharge shall be **\$3,451.88**.

By returning this election, you are confirming that this Winter Storm Agreement has been duly and validly authorized, and represents the valid and binding obligation of City enforceable in accordance with the terms hereof and the CESA and the SHP CESA. By returning this election, you further acknowledge and agree that in the event of (i) any early termination of the CESA or (ii) in the event that the SHP CESA terminates or expires prior to December 31, 2028, you shall pay the remaining unpaid balance of the Storm Recovery Amount February 2021 Storm Recovery charges, and such charges will be included on the final invoice charged from Gexa to City for services provided under the CESA and/or the SHP CESA.

If City receives multiple monthly bills for different ESI IDs, the "February 2021 Storm Recovery" surcharge will be added to the bill with the ESI ID that typically incurs the highest monthly charges.

In the event that the Texas Legislature and the PUCT agree to reduce Ancillary Services costs attributable to the February 2021 storm referred to in the Winter Storm Letter, Gexa will make a corresponding reduction to any future monthly payments to reflect such reduced costs and/or reimburse City for any over-collection of the principal amount of these increased Ancillary Services charges.

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This Winter Storm Agreement is governed by the terms of the CESA and is thus confidential, subject to Section C of the Terms and Conditions set forth in Attachment A of the CESA.

The CESA and SHP CESA shall remain unamended and shall continue to be, and shall remain, in full force and effect in accordance with its terms. This Winter Storm Agreement shall be limited precisely as provided for herein, and shall not be deemed to be a waiver of, amendment of, consent to, or modification of, any other term or provision of the CESA.

This Winter Storm Agreement may be executed in two or more counterparts, each of which shall constitute an original, but all of which when taken together shall constitute but one contract.

This Winter Storm Agreement shall be effective as of the date first above written.

This Winter Storm Agreement shall be governed by and construed in accordance with the Laws of the State of Texas without regard to its principles of conflict of laws.

Should you have any questions or need additional information, please call Gexa at 1-866-867-7322.

Sincerely,

GEXA ENERGY, LP

By Gexa Energy GP, LLC, its general partner

By: _____
Name: _____
Title: _____

ELECTION ACKNOWLEDGED AND AGREED:

City Of Tomball

By: _____
Name: _____
Title: _____

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: May 17, 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	5-12-2021	Approved by	
	Staff Member	Date	City Manager	Date