

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



**Monday, May 20, 2024
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, May 20, 2024 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

The 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: 849 9251 3401 Passcode: 850531.** 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 Chaplain Steve Allison - VFW Post 2427
- C. Pledges to U.S. and Texas Flags

Presentation of Colors - Tomball Memorial High School MCJROTC

- D. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*

- E. Presentations

- 1. Proclamation – “National Public Works Week” May 19 – May 25, 2024

- Proclamation – “Tomball Memorial High School Marine Corps JROTC Day”

F. Reports and Announcements

1. Announcements

1. Upcoming Events:

June 1, 2024 – Tomball Prays Together 10:00 am – 11:00 am @ Depot

June 13, 2024 – Mayors Kaffeeklatsch 8:30 am – 10:00 am @ Community Center

June 14, 2024 – Kids Club – HTX Soccer 10:00 am - 12:00 pm @ Broussard Park

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

1. Quarterly Investment Report for Period Ending March 31, 2024. The Public Funds Investment Act requires that a report of the City's cash and investments be presented to City Council on a quarterly basis.

G. Old Business

1. Adopt, on Second Reading, Ordinance No. 2024-12, an Ordinance of the City of Tomball, Texas Repealing and Replacing Chapter 46, Article VII, Water Conservation, of the City of Tomball Code of Ordinances; Providing for the Repeal of Conflicting Provisions; Providing a Savings Clause; Establishing Penalties for the Violation of and Provisions for Enforcement of These Restrictions; Providing Severability; Adopting a Water Conservation and Drought Contingency Plan; and Providing an Effective Date.

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

1. Approve the Minutes of the May 6, 2024 Special Joint City Council and Planning and Zoning Commission meeting, the Regular City Council meeting and the May 13, 2024 Special – Canvass of the Election City Council meeting.

2. Authorize the expenditure of greater than \$50,000 with CyberOne, LLC for a not-to-exceed amount of \$54,625 for services related to the implementation of Microsoft Intune and penetration testing. The purchase is included in the FY 2023-2024 Budget.

- [3.](#) Approve the expenditure of greater than \$50,000 with Tanches Global Management for a not-to-exceed amount of \$65,300, for consulting and software services. The purchases are included in the FY 2023-2024 Budget.
- [4.](#) Approve an amendment to a Services Agreement with Source Point Solutions, LLC for vector services and regular maintenance of sewer components for an amount of \$100,000 (contract total not-to-exceed) \$160,000), approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This expenditure is included in the Fiscal Year 2023-2024 Budget.

I. New Business

- [1.](#) Presentation and discussion regarding additional potential partnership projects between Harris County Pct. 3 and City of Tomball at Broussard and Matthews Parks
- [2.](#) Consideration, discussion, and provide staff direction on the policy and procedures for Boards and Commissions.
- [3.](#) Consider appointments to the Tax Increment Reinvestment Zone Number 3 Board of Directors, including appointment of a Board Chair.
- [4.](#) Consider approval of Resolution 2024-22 approving the FY 2022-2023 Tomball Tax Increment Reinvestment Zone No. 3 Annual Report.
- [5.](#) Consideration to Approve **Zoning Case Z24-07**: Request by Theis Lane and South Cherry Street LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.905 acres of land legally described as Reserve “A”, Block 3 of Pine Meadows from Single Family Residential – 6 (SF-6) to Neighborhood Retail (NR). The property is located at 12703 Lane, at the southwest corner of Theis Lane and South Cherry Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z24-07**

Adopt, on First Reading, Ordinance No. 2024-07, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.905 acres of land legally described as Reserve “A”, Block 3 of Pine Meadows from Single Family Residential – 6 (SF-6) to Neighborhood Retail (NR). The property is located at 12703 Theis Lane, at the southwest corner of Theis Lane and South Cherry Street, within the City of Tomball, Harris County, Texas; 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.

6. Approve a reimbursement to CHTA Development, Inc. for water and sewer pipe oversizing for Public Improvement District No. 12 – Winfrey Estates in accordance with the approved Development Agreement for a not-to-exceed amount of \$96,539.50 and authorize the City Manager to execute any and all documents related to the expenditure. This amount is included in the FY 2023-2024 budget.

7. 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- Members of the Planning and Zoning Commission

Sec. 551.087 - Deliberation regarding Economic Development negotiations.

J. Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 16th day of May 2024 by 6:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Tracylynn Garcia, TRMC, CMC, CPM
City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary’s office at (281) 290-1019 for further information.

City Council Meeting Agenda Item Data Sheet

Meeting Date: 5/20/2024

Topic:

- Proclamation – “National Public Works Week” May 19 – May 25, 2024
- Proclamation – “Tomball Memorial High School Marine Corps JROTC Day”

Background:

Origination: Mayor

Recommendation:

Party(ies) responsible for placing this item on agenda: Sasha Luna, Assistant 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	_____	Approved by	_____
	Staff Member		City Manager
	Date		Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: May 20, 2024

Topic:

Upcoming Events:

- June 1, 2024 – Tomball Prays Together 10:00 am – 11:00 am @ Depot
- June 13, 2024 – Mayors Kaffeeklatsch 8:30 am – 10:00 am @ Community Center
- June 14, 2024 – Kids Club – HTX Soccer 10:00 am - 12:00 pm @ Broussard Park

Background:

Origination:

Recommendation:

n/a

Party(ies) responsible for placing this item on agenda: Sasha Luna, Assistant 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	_____	Approved by	_____
	Staff Member		City Manager
	Date		Date

City Council Meeting
Agenda Item
Data Sheet

Meeting Date: May 20, 2024

Topic:

Quarterly Investment Report for Period Ending March 31, 2024. The Public Funds Investment Act requires that a report of the City’s cash and investments be presented to City Council on a quarterly basis.

Background:

Origination: Finance Director

Recommendation:

Party(ies) responsible for placing this item on agenda: Katherine Tapscott, Finance Director

FUNDING (IF APPLICABLE)

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

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

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

Signed	<u>Katherine Tapscott</u>	<u>5/9/2024</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

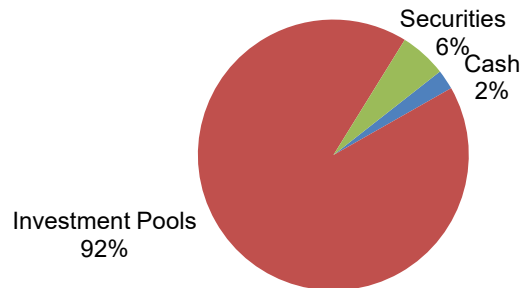
CITY OF TOMBALL

QUARTERLY INVESTMENT REPORT

March 31, 2024

	Market Value		
	12/31/2023	3/31/2024	Change
Cash	\$ 4,286,650	\$ 2,863,129	\$ (1,423,521)
Investment Pools	105,534,305	112,362,811	6,828,506
Securities	6,090,051	6,839,074	749,023
Total Portfolio	\$ 115,911,006	\$ 122,065,013	\$ 6,154,007

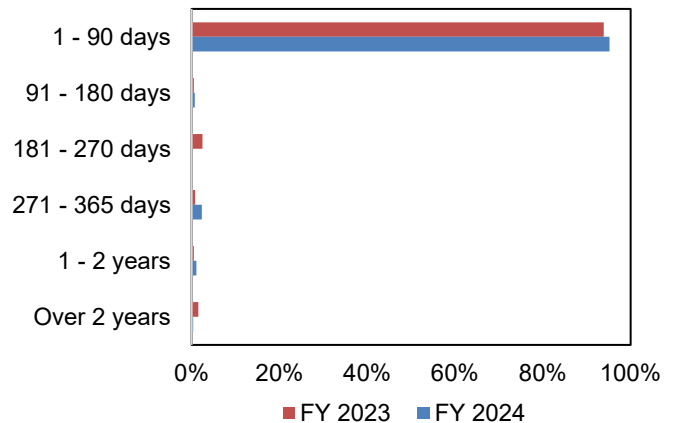
**Diversification by Type
as of March 31, 2024**



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

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 116,225,804	95.2%
91 - 180 days	998,612	0.8%
181 - 270 days	-	0.0%
271 - 365 days	2,960,055	2.4%
1 - 2 years	1,388,184	1.1%
Over 2 years	492,357	0.4%
Total Portfolio	\$ 122,065,013	

**Diversification by Maturity
as of March 31, 2024**



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

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

K. Tapscott

Katherine Tapscott
Finance Director

CITY OF TOMBALL
INVESTMENT PORTFOLIO SUMMARY
ACTIVITY FOR QUARTER ENDING
March 31, 2024

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period	\$ 6,399,490	\$ 6,090,051	95.16%	3.249%	4.79%
Purchases	2,000,000	2,000,000			
Maturities/Calls	(1,255,000)	(1,255,000)			
Change in Value	-	4,023			
End of period	\$ 7,144,490	\$ 6,839,074	95.73%	3.290%	5.03%

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

Weighted average maturity of the portfolio at quarter end is the following number of days: 320

**CITY OF TOMBALL
INVESTMENT PORTFOLIO
March 31, 2024**

	SECURITY DESCRIPTION	CUSIP NUMBER	RATING	MATURITY DATE	INTEREST YIELD	PAR VALUE	MARKET VALUE	DAYS AFTER 03/31/24	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT	CALLABLE
1	Federal Home Loan Bank	3130AVVF6	AAA	5/3/2024	5.200%	1,000,000	999,864	33	14.62%	5	Y
2	Federal Home Loan Bank	3130AYEE2	AA+	9/9/2024	5.011%	1,000,000	998,612	162	14.60%	24	N
3	San Antonio TX TXBL-REF	79623PEQ4	AAA	2/1/2025	0.843%	500,000	482,452	307	7.05%	22	N
4	Federal Home Loan Bank	3130AYZA7	AA+	2/14/2025	5.210%	1,000,000	997,556	320	14.59%	47	Y
5	Nueces Co TXBL REF Ser B	670386ST9	AA	2/15/2025	0.864%	500,000	481,814	321	7.05%	23	N
6	Federal Home Loan Bank	3130AX3R7	AAA	3/11/2025	5.580%	1,000,000	998,234	345	14.60%	50	Y
7	Wisconsin ST GF Annual A TXBL	977100GX8	AA	5/1/2025	1.899%	450,000	434,836	396	6.36%	25	Y
8	Federal Home Loan Bank	3130AMTK8	AAA	6/30/2025	1.000%	1,000,000	953,348	456	13.94%	64	Y
9	Austin TX ISD Taxable Refunding	052430QU2	AAA	8/1/2026	4.000%	500,000	492,357	853	7.20%	61	N
TOTAL					3.290%	\$ 6,950,000	\$ 6,839,074	355	100.00%	320	

City Council Meeting
Agenda Item
Data Sheet

Meeting Date: May 20, 2024

Topic:

Adopt, on Second Reading, Ordinance No. 2024-12, an Ordinance of the City of Tomball, Texas Repealing and Replacing Chapter 46, Article VII, Water Conservation, of the City of Tomball Code of Ordinances; Providing for the Repeal of Conflicting Provisions; Providing a Savings Clause; Establishing Penalties for the Violation of and Provisions for Enforcement of These Restrictions; Providing Severability; Adopting a Water Conservation and Drought Contingency Plan; and Providing an Effective Date.

Background:

First Reading passed and approved during the May 6, 2024, Regular City Council Meeting.

Texas Water Code mandates that all public utilities that provide potable water service to 3,300 or more connections have and submit a Water Conservation and Drought Contingency Plan (Plan). Additionally, the Texas Commission on Environmental Quality (TCEQ) requires that municipalities adopt a Plan and that the Plan be reviewed and re-adopted every five years to coincide with the Regional Water Planning Cycle. The City completed the last update to the Plan in 2019 and are now required to complete the five year review and adoption.

The ultimate goal of the Plan is to conserve the available water supply and protect the integrity of water supply facilities with regard to domestic water use, sanitation, and fire protection, and protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions. The information included in the Plan includes educating the public, through a multitude of avenues, on conditions under which each stage of the Plan is to be initiated or terminated and the drought measures to be implemented in each stage.

The proposed Water Conservation and Drought Contingency Plan consists of five different stages that provides the City Manager may institute if the conditions indicate there will be insufficient water supply or delivery to protect public health and meet regulatory requirements. The phases for implementation will be implemented following three consecutive days of the trigger and the phases include:

Stages	Stage 1 – Mild	Stage 2 – Moderate	Stage 3 –Severe	Stage 4 – Critical Water Condition	Stage 5 – Emergency Water Condition
Restrictions	Voluntary	Mandatory	Mandatory	Mandatory	Mandatory
Trigger	Pumping capacity exceeds 60%	Pumping capacity exceeds 70%	Pumping capacity exceeds 80%	Pumping capacity exceeds 90%	Pumping capacity exceeds 95%

Target	10% reduction	20% reduction	30% reduction	Necessary reduction to lower stage	Necessary reduction for emergency conditions
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Public Works staff has developed a decision-making matrix consisting of Water Well Pumping Capacity, Daily High Temperatures, Precipitation, and the Keetch-Byram Drought Index (KBDI), to assist in tracking our drought conditions and will continue to use the system to assist in implementation of the Plan.

Ordinance No. 2024-12 allows for the adoption of the updated Water Conservation and Drought Contingency Plan and repeals and replaces Chapter 46 Article VII, Water Conservation of the Code of Ordinances to provide consistency by removing conflicting provisions and referencing the adopted plan for ease of future updates as required.

Origination: Project Management

Recommendation:

Staff recommends approving Ordinance 2024-12 repealing and replacing Chapter 46, Article VII, Water Conservation and approving the City of Tomball Water Conservation and Drought Contingency Plan.

Party(ies) responsible for placing this item on agenda: Meagan Mageo, Project 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 _____ # _____ To account # _____
 account _____

Signed Meagan Mageo Approved by _____
 Staff Member _____ Date _____ City Manager _____ Date _____

ORDINANCE NO. 2024-12

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS REPEALING AND REPLACING CHAPTER 46, ARTICLE VII, WATER CONSERVATION, OF THE CITY OF TOMBALL CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UP TO \$2,000.00 FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS, WITH EACH DAY CONSTITUTING A NEW VIOLATION; PROVIDING SEVERABILITY; ADOPTING A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City of Tomball, Texas desires to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions; and

WHEREAS, the City recognizes that natural limitations due to drought conditions and other natural dissectors cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Texas Water Code Section 13.146 requires all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) requires municipalities to adopt a Water Conservation and Drought Contingency Plan every five years to coincide with the Regional Water Planning Cycle; and

WHEREAS, a revised and updated Water Conservation and Drought Contingency Plan has been prepared for the City; and

WHEREAS, opportunity for the public to provide input into the preparations of the Water Conservation and Drought Contingency Plan was provided by the City of Tomball by means of public notices in the Tomball Potpourri and the City's website and conducting a public hearing at the City Council meeting on May 6, 2024;

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

Section 1. The facts and matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

Section 2. The City of Tomball Water Conservation and Drought Contingency Plan is attached hereto as “Exhibit A” and incorporated by reference.

Section 3. That Chapter 46, Article VII, Water Conservation of the Code of Ordinances of the City of Tomball is hereby repealed and replaced with Chapter 46, Article VII, Water Conservation and Drought Contingency as follows:

“Chapter 46

Utilities

Article VII – Water Conservation and Drought Contingency

Sec. 46-325. – Declaration of Policy, Purpose, and Intent.

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protections, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the city hereby adopts the regulations and restrictions on the delivery and consumption of water as identified in the Water Conservation and Drought Contingency Plan (the Plan).

Water uses regulated or prohibited under the Plan are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in section 46-332.

Sec. 46-326. – Authorization.

The City Manager, or his/her designee, is hereby authorized and directed to implement the applicable provisions of the Plan upon determination that such implementation is necessary

to protect public health, safety, and welfare. The City Manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in the Plan.

Sec. 46-327. – Application.

The provisions of the Plan shall apply to all persons, customers, and properties that utilize water provided by the City of Tomball. The terms “person” or customer”, as used in the Plan, include individuals, corporations, partnerships, associations, and all other legal entities.

Sec. 46-328. – Implementation and Evaluation.

The City Manager, or his/her designee, will authorize and implement the applicable provisions of the Plan upon determining that the emergency condition triggers of the Plan are present, and that implementation is necessary to protect the public health, safety, and welfare. The City Manager will oversee the execution and implementation of all elements of the program and monitor water supply and demand conditions on a regular basis to determine if the trigger conditions are met to initiate or terminate each stage of the Plan.

The City Manager shall determine when conditions warrant the implementation and termination of the drought response stages in accordance with the criteria established by the Plan and he/she shall have the authority to initiate or terminate the water supply emergency response measures as described in the Plan.

Sec. 46-329. – Notices.

The City will educate the public and provide an opportunity for public involvement through the established communication methods used to provide information about the Plan, including conditions under which each stage of the Plan is to be implemented or terminated, and the drought response measures to be implemented in each stage.

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant the initiation or termination of each stage of the Plan. The City shall notify the public by means of press releases, social media, radio announcements, utility bill inserts, direct mailing, and the City website.

The City Manager, or his/her designee, shall notify directly, or cause to be notified directly, the following individuals or entities: Mayor, City Council, and Texas Commission on Environmental Quality (required when mandatory restrictions are imposed).

Sec. 46-330. – Drought Response Stages.

The City Manager, or his/her designee, may initiate any response stage in the Plan if the conditions indicate there will be insufficient water supply or delivery to protect public health, safety, and welfare, and meet regulatory requirements. The Plan identifies multiple stages of drought response, each with specific triggers for initiation and termination, and responses to be implemented.

The triggering criteria and/or trigger levels are based on statistical analysis of the vulnerability or the water source under records of drought conditions, demand increases that strain production capacity, major infrastructure repairs, known system capacity limits, loss of production or delivery capacity, or failure from acts of nature.

The Stages to be implemented are as follows:

- (a) *Stage 1 – Mild Drought Conditions.* Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses when the total daily demand exceeds 60% of production capacity for three consecutive days or other causes as determined the City Manager, or his/her designee.

- (b) *Stage 2 – Moderate Drought Conditions.* Customers shall be required to adhere to water use restrictions for demand reduction under threat of penalty for violation when the total daily demand exceeds 70% of production capacity for three consecutive days or others causes as determined by the City Manager, or his/her designee.
- (c) *Stage 3 – Severe Drought Conditions.* Customers shall be required to adhere to water use restrictions for demand reduction under threat of penalty for violation when the total daily demand exceeds 80% of production capacity for three consecutive days or others causes as determined by the City Manager, or his/her designee.
- (d) *Stage 4 - Critical Drought Conditions.* Customers shall be required to adhere to water use restrictions for demand reduction under threat of penalty for violation when the total daily demand exceeds 90% of production capacity for three consecutive days or others causes as determined by the City Manager, or his/her designee.
- (e) *Stage 5 – Emergency Water Conditions.* Customers shall be required to adhere to water use restrictions for demand reduction under threat of penalty for violation when the total daily demand exceeds 95% of production capacity for three consecutive days, natural or man-made contamination of the water supply source, system outage due to failure of major water system components, or if the City Manager, or his/her designee deems it necessary.

Sec. 46-331. – Enforcement.

Any city employee designated by the City Manager, or his/her designee, that may issue a citation to a person he/she reasonably believes has committed a violation of this Ordinance. The alleged violator shall be served a copy of the citation containing the name and

address of the violator, if known, the offense charged, and shall direct him/her to appear in municipal court on the date shown on the citation. The alleged violator shall appear in municipal court to enter a plea to the charge for the violation of the Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued in accordance with standard court procedures. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Any person, including a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation. Parents shall be presumed to be responsible for violations of their children under the age of 18 and proof that a violation committed by a child on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation.

Sec. 46-332. – Penalties for violation of this article.

Any person who intentionally, knowingly, recklessly or with criminal negligence violates any provision of this ordinance shall be deemed guilty of a misdemeanor offense, and upon conviction, shall be punished by a fine in an amount not to exceed \$2,000.00. Each day that one or more of the provisions of the Plan is violated shall constitute a separate offense.

If a person is convicted of three or more distinct violations of the Plan, the City Manager, or his/her designee, shall, upon due notice to the person, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection fee as established in the Master Fee Schedule, as amended from time to time, criminal penalties, and reimbursement to the City for any and all costs incurred by the City, including reasonable attorney's fees

incurred for enforcement of the Plan. In addition, suitable assurance must be given to the City that the same action shall not be repeated while the Plan is in effect. Compliance with the Plan may also be sought through injunctive relief in the district court.

Sec. 46-333. – Variances.

The City Manager, or his/her designee, may, in writing, grant a temporary variance for existing water uses otherwise prohibited under the Plan, if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the conditions identified in the Plan are met.

Persons requesting a variance from the provisions of this Ordinance shall file a petition for variance with the City of Tomball within five (5) days after the Plan or a particular drought response stage has been initiated, with required information as specified in the Plan. All petitions for variances shall be reviewed by the City Manager, or his/her designee. Variances granted by the City shall be subject to the conditions outlined in the Plan, unless waived or modified by the City Manager, or his/her designee.

Sec. 46-334. Public involvement.

Opportunity for the public to provide input into the preparation of the Plan was provided by the City by means of scheduling and providing public notice of a public meeting to accept input on the Plan. Public input on the plan was addressed in preparation of the Plan.

Sec. 46-335. – Adoption of Water Conservation and Drought Contingency Plan.

The City of Tomball hereby adopts the City of Tomball Water Conservation and Drought Contingency Plan as set forth in Exhibit A to Ordinance No. 2024-12, a copy of which is incorporated by reference as if fully set forth herein, and which shall be referred to herein as the “Plan” for the City of Tomball. A full copy of the Plan shall be on file at the Office of the City Secretary of the City of Tomball.

Sec. 46-336. – Severability and Amendment.

It is hereby declared to be the intention of the City of Tomball that the sections, paragraphs, sentences, clauses, and phrases of the Plan are severable and, if any phrase, clause, sentence, paragraph, or section of the Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City of Tomball without the incorporation into the Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section. The City of Tomball reserves the right to review, change, amend, or alter any provision of the Plan at any time. The City shall review and update the Plan, as appropriate, at least every five years in consideration of new or updated information.

Section 3. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

Section 5. That the Code of Ordinances of the City of Tomball, Texas, as amended, shall remain in full force and effect, except as amended by this ordinance.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption according to 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 6TH DAY OF MAY, 2024.

COUNCILMAN FORD	<u>YEA</u>
COUNCILMAN STOLL	<u>YEA</u>
COUNCILMAN DUNAGIN	<u>YEA</u>
COUNCILMAN TOWNSEND	<u>YEA</u>
COUNCILMAN PARR	<u>YEA</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 20TH DAY OF MAY, 2024.

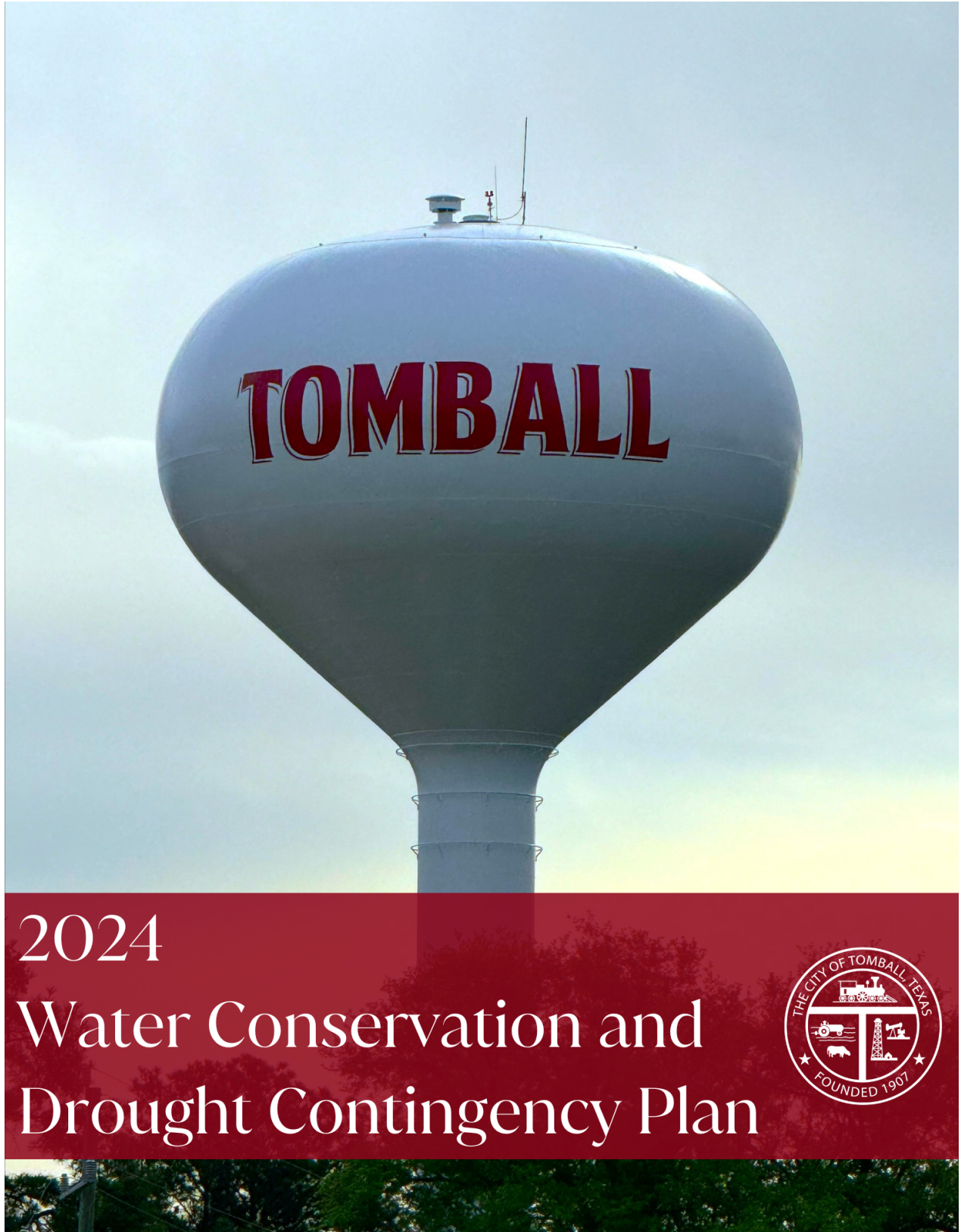
COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

ATTEST:

Lori Klein Quinn, Mayor

Tracylynn Garcia, City Secretary

EXHIBIT A



2024

Water Conservation and Drought Contingency Plan



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Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City of Tomball.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Foundation watering: an application of water to the soils directly abutting (within 2 feet) the foundation of a building, structure.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection.
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

History

The original settlers of the area now called Tomball began arriving from Europe in the mid-1800s with filled dreams, hope for a better life, and a desire for true freedom in a new home. These pioneers were pleased to find the thick, lush forest around Spring Creek to be much like the Black Forest of Germany and prime property for a soon-to-be thriving lumber industry. They also found the rich soil throughout the area to be perfect for farming and livestock. Just after the turn of the 20th century this simple railroad stop and surrounding community was named Peck, Texas, but soon that all changed. In ceremonies held on December 2, 1907, at the now historic downtown depot, Peck was renamed Tomball in honor of the man responsible for routing the railroad and its operations through the small town...his name was Thomas Ball.

Thomas Ball was a former congressman, practice law in Houston, was three-time mayor of Huntsville, Texas and is known as the “Father of the Port of Houston”. By bringing rail service to the community, Ball virtually ensured the growth that would follow for years to come.

As the City continued to grow and prosper over the next 25 years, residents had little idea of the economic boom that was about to gush into their lives. It was on May 27th, 1933, when the Humble Oil Company struck oil southwest of town earning Tomball the nickname “Oiltown USA”. Humble Oil Company, now known as Exxon, and more than 20 other energy companies worked in the fields around the City for many years producing more than 100 million barrels of oil and 316 billion cubic feet of natural gas.

In the decades to follow, Tomball has continued to grow into a diverse and vibrant community near to the big City while retaining its small-town history and hometown sensibilities.

Section 1: Declaration of Policy, Purpose, and Intent

To conserve the available water supply and protect the integrity of water supply facilities, with regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Tomball hereby adopts the following regulations and restrictions on the delivery and consumption of water by City Ordinance:

Sec. 46-325. - Declaration of policy, purpose, and intent.

(a) In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City hereby adopts the following regulations and restrictions on the delivery and consumption of water.

(b) Water uses regulated or prohibited under this water conservation and drought contingency plan, hereafter referred to as the "plan," are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offenders to penalties as defined in section 46-333.

Water uses regulated or prohibited under this Water Conservation Drought Contingency Plan (the Plan) are non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 28 of this Plan.

Section 2: Authorization

The City Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section 3: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Tomball. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section 4: Public Education

The City of Tomball will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of press releases, radio announcements, utility bill inserts, direct mailing, and posted on the City website.

Section 5: Location

Tomball is located in the San Jacinto River Basin within 13.321 square miles of Harris County. The City is located with the Region H Regional Water Planning Group and TCEQ Region 12.

Climate

The average annual rainfall for Tomball is 49 inches of rain. June is the wettest month in Tomball with 5.1 inches of rain, and the driest month is February with 3.3 inches. The wettest season is winter with 29% of yearly precipitation and 21% occurs in spring, which is the driest season.

Water Resources

The City of Tomball obtains 100% of its water from the Gulf Coast Aquifer and is within the boundaries of the Harris-Galveston Subsidence District.

Section 6: Objective

The objective of Tomball's Water Conservation and Drought Contingency Plan is to increase efficiency of water use and reduce water demands without adversely affecting the population and economic growth of the City. The fundamental strategy for this Plan is to promote and publicize water conservation activities and drought management strategies in order to meet our water conservation goals and respond appropriately to water supply concerns or emergencies.

The City of Tomball recognizes that the amount of water available to the City and its water utility customers may be limited and subject to depletion during period of extended drought. Representing the best interests of the citizens of Tomball, Texas, the City deems its expedient and necessary to establish and maintain certain rules and policies for the ongoing conservation of water and the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

Section 7: Statutory and Rule Requirements

TX Water Code § 13.146 (2022) Sec. 13.146. WATER CONSERVATION PLAN. The commission shall require a retail public utility that provides potable water service to 3,300 or more connections to:

- (1) submit to the executive administrator of the board a water conservation plan based on specific targets and goals developed by the retail public utility and using appropriate best management practices, as defined by Section 11.002, or other water conservation strategies.
- (2) designate a person as the water conservation coordinator responsible for implementing the water conservation plan; and
- (3) identify, in writing, the water conservation coordinator to the executive administrator of the board.

“Title 30 Texas Administrative Code, Chapter 288.30(5)(A). For retail public water suppliers providing water service to 3,300 or more connections, the drought contingency plan must be submitted to the executive director not later than May 1, 2005. Thereafter, the retail public water suppliers providing water service to 3,300 or more connections shall submit the next revision of the plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. Any revised plans must be submitted to the executive director within 90 days of adoption by the community water system. Any new retail public water suppliers providing water service to 3,300 or more connections shall prepare and adopt a drought contingency plan within 180 days of commencement of operation and submit the plan to the executive director within 90 days of adoption”.

Texas Water Code §11.1272. Additional Requirement: Drought Contingency Plans for certain applicants and water right holders. (a) The commission shall by rule require wholesale and retail public water suppliers and irrigation districts to develop drought contingency plans consistent with the appropriate approved regional water plan to be implemented during periods of water shortages and drought.

Figure 1 City of Tomball Location

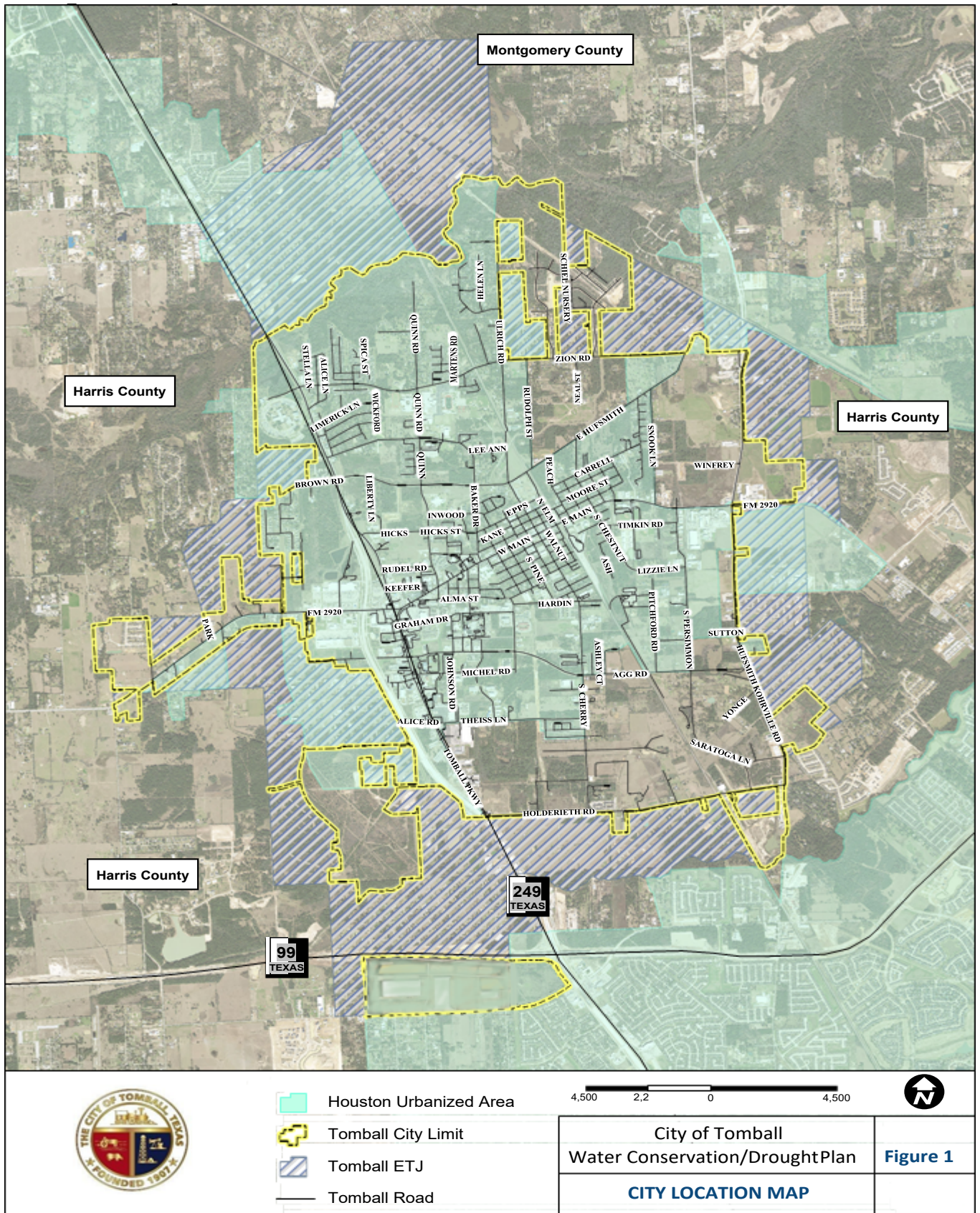
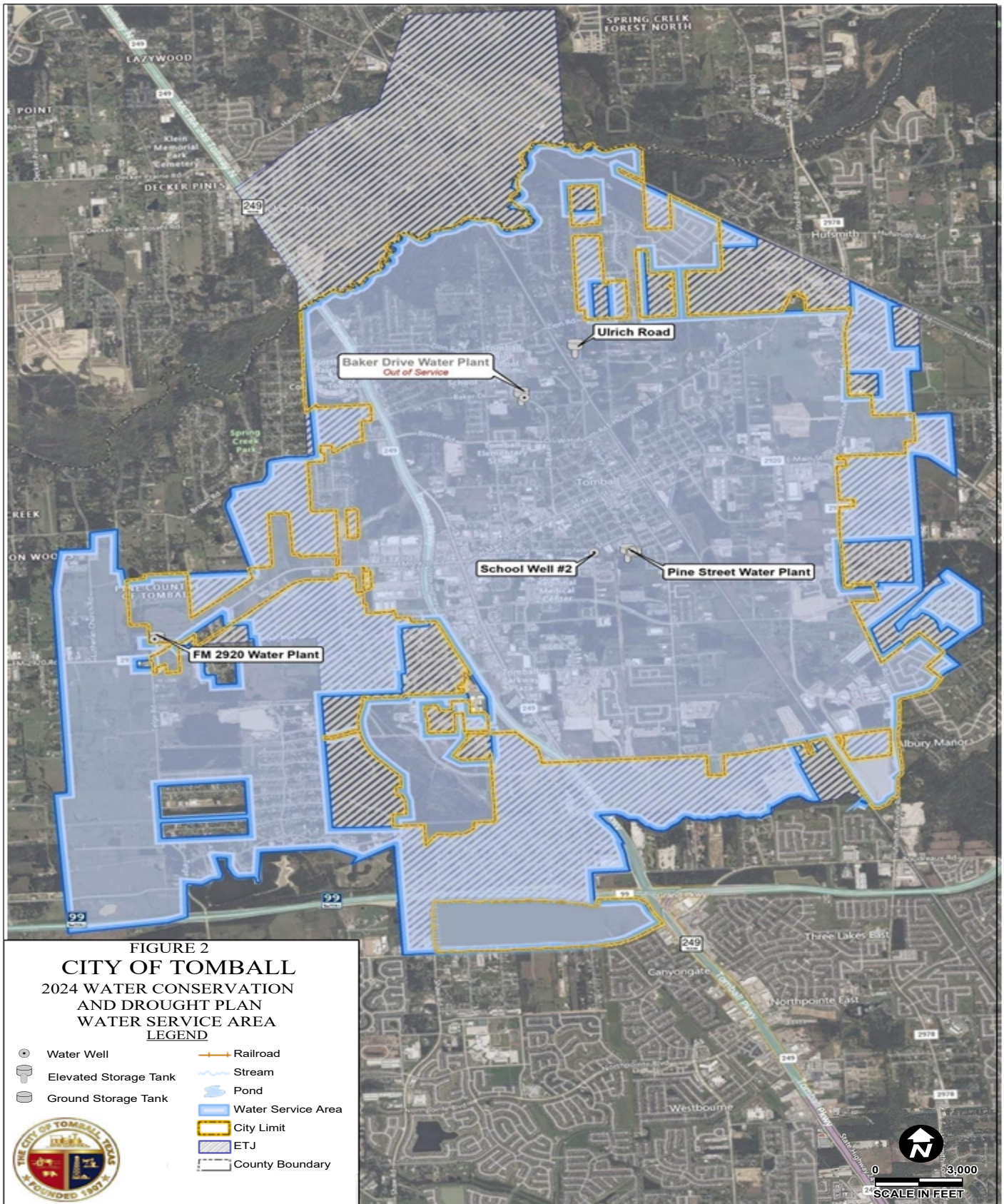


Figure 2 City of Tomball Water Service Area



Section 8: Reporting Requirements

The Texas Water Development Board (TWDB) requires that the City submit a Water Conservation Plan every five years to coincide with the Regional Water Planning Cycle. The TWDB also requires that the City submit the following information annually:

- (1) Water Use Survey, March 1
- (2) Water Loss Audit, May 1
- (3) Annual Report, May 1

The Texas Commission on Environmental Quality (TCEQ) also requires that the City submit a Water Conservation and Drought Contingency Plan every five years to coincide with the Regional Water Planning Cycle.

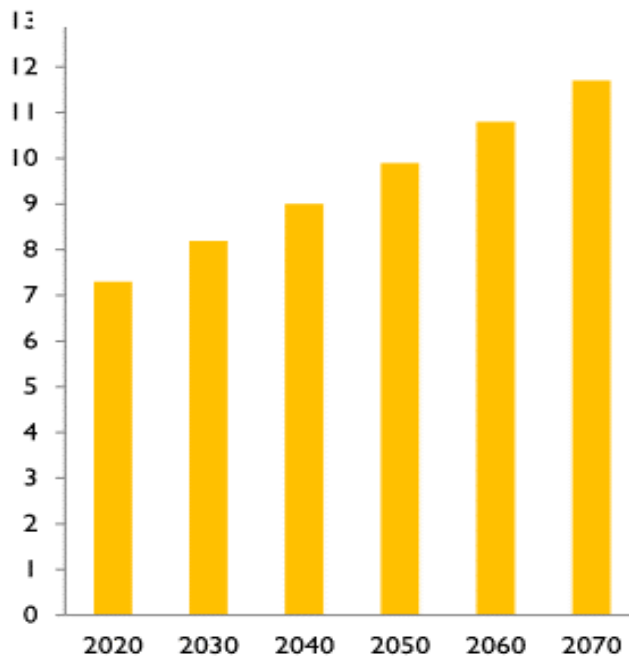
Section 9: Utility Profile

This section contains a description of the City of Tomball's utility profile. A completed TWDB Utility Profile form is attached as Appendix A. Data is managed by utility staff on a daily basis and organized to be able to track water production and deliveries to the highest practicable levels.

Section 10: Population

The population of the City has steadily increased at a rate of 3.4% annually and its population has increased by 16.96% since the most recent census in 2020. Currently the City has a population of over 14,000 and is projected to double in the next 25 years. The TWDB and Region H population projections, shown below, project a 60% increase

Figure H.2 - Projected population for 2020–2070 (in millions)



by 2070. Figure H.2 from the TWDB Region H water plan summary shown above. Population data was calculated based on 2020 census data and projections.

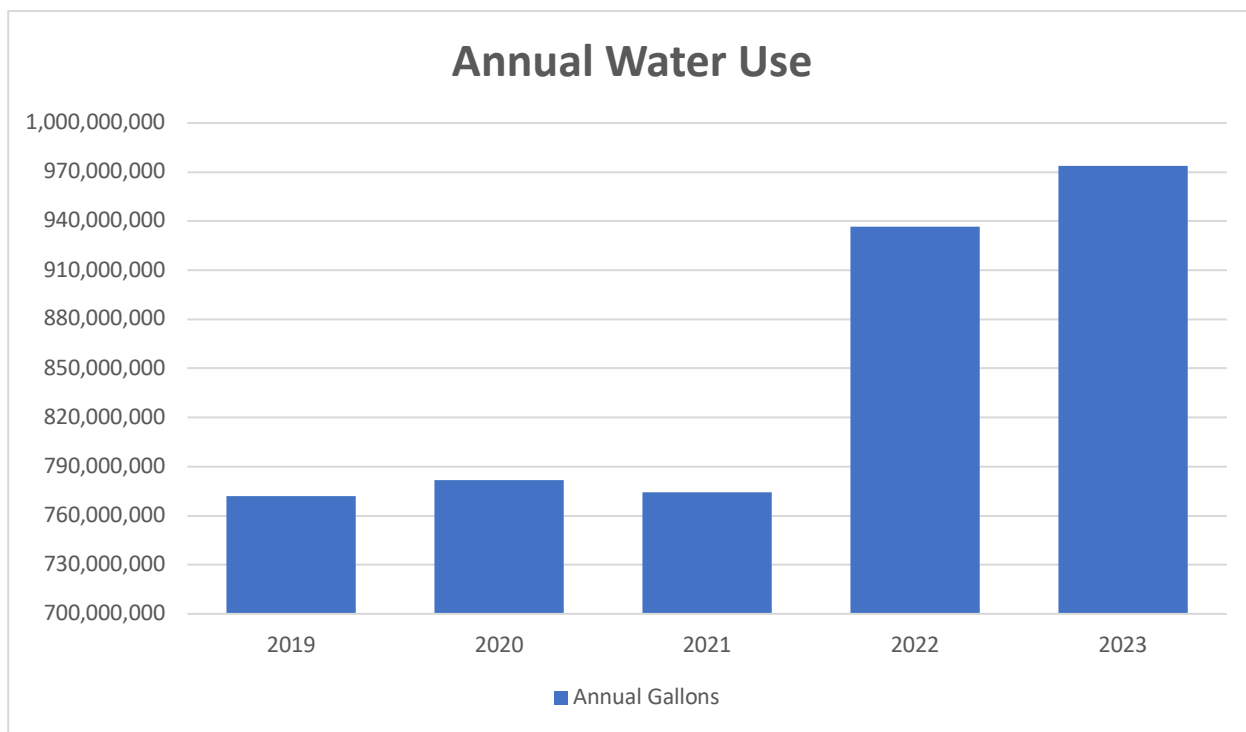
Section 11: Water System Supply and Demand

The Water Utility System has a designed daily capacity of 5,721,120 gallons, consists of over 142 miles of distribution lines, and has more than 5,800 metered connections. The City maintains four ground/elevated storage tanks, which when full, contain 2,150,000 gallons of water.

The City of Tomball obtains 100% of its water from five groundwater wells in the Gulf Coast Aquifer.

Water Demands

Over the previous 5 years, the City has averaged 847 million gallons of water use annually. In 2018 the City began wholesale service with the Red Oak Terrace System.



Water Use Sectors

The distribution of retail utility connections within Tomball is driven mainly by single family residential use and commercial use. The City will pursue adopting Best Management Practices (BMPs) to improve water use efficiency for our operations and our customers by promoting awareness of water conservation initiatives and monitor water conservation progress toward established goals. Residential use for single family accounts for 70% of connections, 5% are for multifamily residential use, and 24% are for commercial use. The City has one industrial connection and no agricultural connections.

Per Capita Water Use

Per Capita Water use is generally expressed in gallons per customer per day (GPCD) and is the average of water used by each person in the population served by a water utility. Variables that can influence GPCD include relative amount of non-residential water uses, the rate and type of growth, economics, climatic conditions, and demographics. Residential GPCD is a superior metric for understanding how much water each resident is actually using and does not include commercial and industrial uses.

Over the past five years residential water users have historically used approximately 80.76 GPCD. The five-year goal for water use reduction for the City is to reduce per capita use by 4 gallons per day per user and the 10-year goal for the City is to reduce

per capita use by 9 gallons per day. These 5 and 10-year goals are in line with the overall water conservation goals to reduce water loss.

Section 12: Water Waste

It shall be a violation of this plan at any time of the year for any person, firm, corporation, business, or other entity to:

- Fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
- Operate permanently installed irrigation system with a broken head, a head that is out of adjustment, or a head that is misting due to high water pressure.
- Operate an automated in-ground irrigation system or hose-end sprinkler on any day of the week between 5:00 a.m. and 7:00 p.m.
- Irrigate or water landscape during any form of precipitation.
- Allow water to run off a property and form a stream of water in a street for fifty (50) feet or greater.
- Allowing water to pond in a street or parking lot to a depth of greater than one quarter (1/4) of an inch.

Non-Essential and Discretionary Uses of Water

The following uses of water are considered non-essential, or discretionary uses of water.

- Irrigation of landscape areas, including parks, and athletic fields.
- Use of water to wash any motor vehicle, boat, trailer, airplane, or other vehicle.
- Use of water to wash down any sidewalks, walkways, driveways, parking lots, athletic courts, or other hard surfaced areas.
- Use of water to wash down buildings or other structures for purposes other than immediate fire protection.
- Use of water for dust control

Water Waste and Non-Essential Uses

- Flushing gutters or permitting water to run or accumulate in any gutter or street.
- Use of water to fill, refill, or add to any swimming pool or jacuzzi type pools.
- Use of water in an outside fountain or pond for aesthetic or scenic purposes, except where necessary to support aquatic life.

Section 13: Implementation and Evaluation

The City Manager will authorize and implement the applicable provisions of this drought contingency plan upon determining that the emergency condition triggers of this plan are present, and that implementation is necessary to protect the public health, safety, and welfare. The City Manager will oversee the execution and implementation of all elements of the program, monitor water supply and demand conditions on a regular basis to determine if the trigger conditions are met to initiate or terminate each stage of

the plan. The City Manager shall determine when conditions warrant the implementation and termination of the drought response stages in accordance with the criteria established by this plan and he/she shall have the authority to initiate or terminate the water supply emergency response measures as described in the drought contingency plan.

The City will evaluate this Water Conservation and Drought Contingency Plan on an annual basis and monitor the progress of the Plan, using information from water utility records and staff to compile data for the TWDB Annual Report.

Section 14: Universal Metering and Records Management

The City employs metering devices on all source water connections capable of measuring the amount of water to within plus or minus 5%. The City requires all retail connections to be metered. All water metered and billed is recorded using the City's billing system.

Meter Testing, Repair and Replacement

The City's meter testing, repair, and replacement program:

Master meters are tested and calibrated periodically to within an accuracy of plus or minus 5%.

- All retail meters are tested and calibrated or replaced as necessary.
- Meters that have abnormally high or low water usage are changed out as they are identified.

Leak Detection, Repair, and Water Loss Control

Tomball operates and maintains the water transmission system within the City. In order to maintain water delivery service and to reduce and control of unaccounted for water, Tomball staff routinely visually inspect the distribution system to identify abnormal conditions indicating leaks. The staff is equipped to respond to and repair equipment and pipeline breaks or employ contracted assistance as needed. As a result of these measures, water loss has ranged from 14% to 18%. The City's goal for water loss for the next 5 and 10 years is to maintain less than 15% water loss.

The City's utility billing system flags residential and commercial customers where monthly usage exceeds forty percent (40%) differential from average, thereby allowing Public Works to confirm accuracy and meter replacement or repairs as needed. The Public Works staff department investigates any idle water meters that indicate a usage, regardless of the amount, reviewed monthly. A stuck meter report generated by the Utility accounting department provides Public Works with a listing of all active meters that had no monthly volumes recorded. These meters are investigated and are replaced or repaired as required.

The City has a continuous leak detection, location, and repair program. Monthly audits of consumption and production volumes are utilized to determine trends for water loss and more immediate action steps to locate water leaks. Continuous surveillance by meter readers and City servicemen provides immediate response to water leaks.

All water meters two inches (2") and larger are compound meters except for irrigation purposes. These meters provide more accurate use volumes for all ranges of flow. In addition, the City has implemented an Automatic Meter Reading (AMR) system.

Section 15: Water Rate Structure

Tomball has a non-promotional rate structure for water service that is cost based and does not encourage the excessive use of water. An escalating base rate from residential through large commercial customers (51,000+ gallons), along with a constant volume rate, provide a uniform rate structure so that all customer classes (residential, small, medium, and large commercial) are equally encouraged to conserve.

Section 16: Plumbing Fixtures

The State of Texas has adopted more stringent water saving performance measures for plumbing fixtures, found in the Health & Safety Code Chapter 372. Maximum flow standards are subsequently listed in the Texas Administrative Code Title 30 Chapter 290 Subchapter G. Customers in existing buildings that do not have water saving plumbing fixtures are encouraged to retrofit their old plumbing fixtures. New construction, including remodeling of existing structures, must comply with City and State plumbing fixture standards. There are a wide assortment of water efficient fixtures, clothes and dish washers that provide the same performance, but use less water. A water efficient home can save more than 20% of annual indoor water use.

Section 17: Water-conserving Landscaping

Water-conserving landscaping is a development concept that encourages residents to adopt low-water-using landscaping principles and methods for use around the home. The same concepts can be applied to other landscaping areas as well, including parks and other public places. A popular method of reducing water use for landscape irrigation is to encourage residents to use the following techniques for landscaping. The following are generally accepted principles when planning a water efficient yard.

- Planning and design. During this step and appropriate plan is developed considering such variables as climate, existing vegetation, intended use of the space, and topographic features.
- Soil analysis. Examine the soil types covering the whole site.

- Appropriate plant selection. Plants should be selected which are native to the area or are adaptive to the site.
- Practical turf areas. Plan where turf areas should be located and consider increasing the area of decks, porous paving, paths and mulched planting beds to reduce turf.
- Efficient irrigation. Landscaped areas should only be watered as needed and then usually during the early morning or late evening to avoid water lost due to evaporation, keeping in mind some plant species may experience mold and/or fungus growth if watered at night.
- Use of mulches. A three-to-four-inch layer of mulch should cover all exposed soil areas and be replenished twice a year.
- Appropriate maintenance. Keep the yard well maintained to reduce the use of fertilizer, chemicals, and water.

Section 18: Customer Service Inspections

A customer service inspection certification as required by the Texas Commission on Environmental Quality (TCEQ), 30 Texas Administrative Code, Chapter 290, §290.46, shall be completed prior to providing continuing water service to new construction or any existing service when the City has reason to believe that cross-connections or other unacceptable plumbing practices exist; or after any material improvement, correction, or addition to the private plumbing facilities. The existence of a serious threat to the integrity of the public water supply shall be considered sufficient grounds for immediate termination of water service.

Section 19: Backflow Assembly Testing and Installation

All backflow prevention assemblies shall be tested upon installation by a recognized backflow assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against high health hazards must also be tested and certified to be operating within specification at least annually by a recognized backflow prevention device tester. Backflow assembly testing and installation shall be completed as required by the Texas Commission on Environmental Quality (TCEQ), 30 Texas Administrative Code, Chapter 290, §290.44.

It shall be the duty of the customer at any premise where backflow prevention assemblies are installed to have a certified inspection and operational tests conducted annually. In those instances where the City deems the hazard to be deleterious to human health, customer service inspection certifications may be required semiannually. Inspections and tests shall be at the expense of the customer or customer representative and shall be performed by a certified backflow technician.

Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Records of such tests, repairs, and overhaul shall be kept and submitted to the City within ten (10) business days of the test, repairs, or overhaul of each backflow prevention assembly.

No device or assembly shall be removed from use, relocated, or other device or assembly substituted without the approval of the City. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the City finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention assembly complying with requirements of this sections and the current adopted plumbing code of the City.

A test report must be completed by the recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the Public Works division of the City within five days of the test.

A recognized backflow prevention assembly tester must have completed a Texas Commission on Environmental Quality (TCEQ) approved course on cross connection control and backflow prevention and pass an examination administered by the TCEQ or it's designated agent.

Section 20: Potential Additional Conservation Strategies

The City will select any combination of the following strategies, in addition to those strategies listed above, in order to expand its current water conservation efforts. The TCEQ may also require that any of the following strategies be implemented by the City if the TCEQ determines that the strategy is necessary to achieve the goals of this Water Conservation Plan. The additional strategies that may be implemented include:

- Revision of water rates to promote increased water conservation.
- Additional programs to encourage the retrofit of water conserving plumbing fixtures in existing structures.
- A program for pressure control and/or reduction in the distribution system and/or for customer connections.
- Any other conservation practice, method, or technique to conserve water, reduce loss and improve water management in which the City shows to be appropriate for achieving the stated goal or goals of the Water Conservation Plan.
- Increase water use communication with customers.
- Rain barrel distribution to encourage rainwater harvesting.
- Landscape irrigation incentives.

Section 21: Water Conservation Goals

The City of Tomball continues to pursue and evaluate new technologies to implement that will conserve water and reduce overall per capita water use. The following actions

were taken to develop the Plan to meet water conservation savings and water loss reduction. An evaluation of water utilities and factors that affect water loss was conducted. Attainable goals for water conservation and ways in which to measure these goals were determined and five- and ten-year targets were established. Implementation guidelines through the Texas Water Development Board (TWDB) water conservation best management practices were evaluated and the City will adopt new BMPs with this Plan. Plans for reevaluation of the Water Conservation Plan will be looked at on a yearly basis but may change from year-to-year dependent on available funding, economic conditions, and workload.

Section 22: Drought Planning and Response to Droughts

Drought planning and response in Texas is regulated in Title 30 of the Texas Administrative Code, under Section 288.20, the TCEQ requires municipal water suppliers to develop and implement a drought contingency plan. The City will educate the public and provide an opportunity for public involvement through the established communication methods used to provide information about this Plan, including conditions under which each stage of the Plan is to be implemented or terminated, and the drought response measures to be implemented in each stage.

Authorization

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant the initiation or termination of each stage of the Plan.

Notification of the Public:

The City Manager or his/her designee shall notify the public by means of press releases, social media, radio announcements, utility bill inserts, direct mailing, and posted on the City website.

Additional Notification:

The City Manager or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities: Mayor, City Council and TCEQ (required when mandatory restrictions are imposed).

Coordination with Regional Water Planning Groups

Coordination with the Regional Water Planning Group has been established and the City has provided a copy of the Plan to the Region H Water Plan Group. The City has also submitted a copy to the Texas Water Development Board and the Texas Commission on Environmental Quality (TCEQ).

Application

This Plan applies to all persons, customers, and properties that utilize water provided by the City of Tomball. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section 23: Drought Triggers and Responses

The City Manager may initiate any response stage in this Plan if the conditions indicate there will be insufficient water supply or delivery to protect public health, safety, and welfare and meet regulatory requirements. This plan identifies multiple stages of drought response, each with specific triggers for initiation and termination, and responses to be implemented. This plan also includes notification procedures, means for enforcement, and variances.

The triggering criteria and/or trigger levels are based on statistical analysis of the vulnerability or the water source under records of drought conditions, demand increases that strain production capacity, major infrastructure repairs, known system capacity limits, loss of production or delivery capacity, or failure from acts of nature.

Stage 1 - Triggers Mild Drought Condition

Last Digit of Street Address	Allowed Landscape Watering Days
0, 2, 4, 6, 8	Sundays and Thursdays
1, 3, 5, 7, 9	Saturdays and Wednesdays

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses when the total daily demand exceeds 60% of production capacity for three consecutive days or other causes as determined by the City Manager, or his/her designee.

Stage 1 Response for Mild Water Shortage Conditions

- a. Water customers are requested to voluntarily limit the irrigation of landscape areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of 7:00 p.m. to 5:00 a.m. on designated watering days.
- b. All operations of the City of Tomball shall adhere to water use restrictions prescribed for Stage 1 of the Plan.
- c. Water Customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes. The City will reduce waterline flushing.

Requirements for Termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days or a time period the City Manager designates.

Stage 2 - Triggers Moderate Drought Condition

Total daily demand exceeds 70% of production capacity for three consecutive days. Other causes as determined by the City Manager, or his/her designee. Water Use Restrictions for Demand Reduction Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 7:00 p.m. to 5:00 a.m. on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

Last Digit of Street Address	Allowed Landscape Watering Days
0, 2, 4, 6, 8	Sundays and Thursdays
1, 3, 5, 7, 9	Saturdays and Wednesdays

- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited except on designated watering days between the hours of 7:00 p.m. to 5:00 a.m. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, is prohibited except on designated watering days between the hours of 7:00 p.m. to 5:00 a.m.
- d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- e. Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except

that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Tomball.

- f. Use of water for the irrigation of fairways is prohibited except on designated watering days between the hours 7:00 p.m. to 5:00 a.m.
- g. The following uses of water are defined as non-essential and are prohibited:
 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
 2. use of water to wash down buildings or structures for purposes other than immediate fire protection.
 3. use of water for dust control.
 4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Requirements for Termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days or a time period the City Manager designates. The City will attempt to achieve the target reductions in daily water demand. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 - Triggers Severe Drought Condition

Total daily demand exceeds 80% of production capacity for three consecutive days. Other Causes as determined by the City Manager, or his/her designee. All requirements of Stage 2 shall remain in effect during Stage 3 except:

- a. Customers are required to limit the irrigation of landscape areas to one day per week. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 7:00 p.m. to 5:00 a.m. and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

Last Digit of Street Address	Allowed Landscape Watering Days
0, 2, 4, 6, 8	Thursdays
1, 3, 5, 7, 9	Wednesdays

- b. The use of water for construction purposes from designated fire hydrants under a special permit is to be discontinued. The City will eliminate flushing of waterlines.

Requirements for Termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days or a time period the City Manager designates. The City will attempt to achieve the target reductions in daily water demand. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 - Triggers Critical Drought Condition

Total daily demand exceeds 90% of production capacity for three consecutive days. Others causes are as determined by the City Manager, or his/her designee. All requirements of Stage 3 shall remain in effect during Stage 4 except:

- a. Irrigation of landscaped areas shall be limited to designated watering days between the hours 7:00 p.m. to 5:00 a.m. and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

Last Digit of Street Address	Allowed Landscape Watering Days
0, 2, 4, 6, 8	Thursdays
1, 3, 5, 7, 9	Wednesdays

- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- c. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi type pools is prohibited.
- d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- e. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 - Triggers Emergency Water Condition

Total daily demand exceeds 95% of production capacity for three consecutive days, natural or man-made contamination of the water supply source, system outage due to failure of major water system components, or if the City Manager, or his/her designee

deems it necessary. All requirements of Stage 3, and Stage 4 shall remain in effect during Stage 5 except:

- a. Irrigation of landscaped areas is absolutely prohibited.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is absolutely prohibited.
- c. Non-essential commercial operations that primarily utilize water such as car washes, water parks, splash pads, etc. Shall be prohibited. Wholesale water contracts suspended.

Section 24: Watering Schedule

The City of Tomball watering schedule is shown below. During the mandatory stages of this plan, watering with irrigation system or hose-end sprinklers is prohibited between the hours of 5:00 a.m. and 7:00 p.m. Landscape watering is permitted at any time or day with a bucket or watering can.

Drought Stage	Compliance	Odd Addresses	Even Addresses
1	Voluntary	Wednesday, Saturday	Thursday, Sunday
2	Mandatory	Wednesday, Saturday	Thursday, Sunday
3	Mandatory	Wednesday Only	Thursday Only
4	Mandatory	Wednesday Only	Thursday Only
5	Prohibited	Prohibited	Prohibited

Section 25: Emergency Responses

In the event of an identified water shortage declaration, the City will distribute water to wholesale customers according to the Texas Water Code §11.039* and initiate water allocation to municipal water customers.

In the event of a contamination event, appropriate emergency procedures will be implemented, and appropriate emergency response officials will be notified immediately. In the event of a backflow incident, loss of pressure, or an active maximum contaminant level coliform violation, a Boil Water Notice will be implemented as prescribed in Title 30 of the Texas Administrative Code Chapter 290.

In the event of a catastrophic failure due to natural causes or man-made events, appropriate emergency procedures will be implemented, and appropriate emergency response officials will be notified.

In the event of an emergency loss of water supply, the City will consider purchases of water by the truckload or in bottles for the health and public safety of the City's residents.

Section 26: Variances

The City Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to

grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- a. Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- b. Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Tomball within five (5) days after the Plan or a particular drought response stage has been initiated. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

- a. Name and address of the petitioner(s).
- b. Purpose of water use.
- c. Specific provision(s) of the Plan from which the petitioner is requesting relief.
- d. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- e. Description of the relief requested.
- f. Period of time for which the variance is sought.
- g. Alternative water uses restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- h. Other pertinent information.

Variances granted by the City shall be subject to the following conditions, unless waived or modified by the City Manager:

- Variances granted will include a timetable for compliance.
- Variances granted will expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements; and
- No variance will be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section 27: Wholesale Contracts

The City of Tomball will include a requirement in every water supply contract entered into or renewed after official adoption of the Water Conservation and Drought Contingency Plan, and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of this chapter. If the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation

requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with applicable provisions of Title 30 of the Texas Administrative Code, Chapter 288.

The City of Tomball will include a provision in every wholesale water contract entered into after adoption of the plan, including contract extensions, that in case of shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.

Section 28: Enforcement

- a. No person shall knowingly or intentionally allow water to be used for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the water distress response stage in effect at the time.
- b. Any person who violates this Plan shall be deemed guilty of a misdemeanor offense, and, upon conviction, shall be punished by a fine as established in the City's Master Fee Schedule, and as amended from time to time. Each day that one or more of the provisions of this Plan is violated shall constitute a separate offense.

If a person is convicted of three or more distinct violations of this Plan, the City Manager, or his/her designee, shall, upon due notice to the person, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection fee, as established in the City's Master Fee Schedule, as amended from time to time, criminal penalties, and reimbursement to the City for any and all costs incurred by the City, including reasonable attorney's fees incurred for enforcement of this Plan. In addition, suitable assurance must be given to the City that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.

- c. Any person, including a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation. Parents shall be presumed to be responsible for violations of their children under the age of 18 and proof that a violation committed by a child on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation.
- d. Any city employee designated by the City Manager, or his/her designee, may issue a citation to a person he/she reasonably believes has committed a violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name

and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in municipal court on the date shown on the citation. The alleged violator shall appear in municipal court to enter a plea to the charge for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section 29: Severability and Amendment

It is hereby declared to be the intention of the City of Tomball that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City of Tomball without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section. The City of Tomball reserves the right to review, change, amend, or alter any provision of this Plan at any time. The City shall review and update this Plan, as appropriate, at least every five years in consideration of new or updated information.

APPENDIX A
UTILITY PROFILE

The following appendix contains the form TCEQ-10218 (Rev. 04/2022)

Water Availability Division
MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-2214

Utility Profile and Water Conservation Plan Requirements for Municipal Water Use by Retail Public Water Suppliers

This form is provided to assist retail public water suppliers in water conservation plan assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

Water users can find best management practices (BMPs) at the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.

Contact Information

Name of Water Supplier:	City of Tomball	
Address:	501 James Street	
Telephone Number:	(281) 290-1400	Fax: ()
Water Right No.(s):	N/A	
Regional Water Planning Group:	Region H	
Water Conservation Coordinator (or person responsible for implementing conservation program):	Nadia Fuller	Phone: (972) 890-7408
Form Completed by:	Nadia Fuller	
Title:	Environmental Coordinator	
Signature:	Date: 4/26/2024	

A water conservation plan for municipal use by retail public water suppliers must include the following requirements (as detailed in 30 TAC Section 288.2). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

Utility Profile

I. POPULATION AND CUSTOMER DATA

A. *Population and Service Area Data*

1. Attach a copy of your service-area map and, if applicable, a copy of your Certificate of Convenience and Necessity (CCN).
2. Service area size (in square miles): 13
(Please attach a copy of service-area map)
3. Current population of service area: 14,000
4. Current population served for:
 - a. Water 14,401
 - b. Wastewater 14,145

5. Population served for previous five years:

<i>Year</i>	<i>Population</i>
2019	11,840
2020	12,474
2021	12,966
2022	13,684
2023	14,401

6. Projected population for service area in the following decades:

<i>Year</i>	<i>Population</i>
2030	13,457
2040	14,110
2050	14,677
2060	15,182
2070	15,644

7. List source or method for the calculation of current and projected population size.

2021 Region H Water Plan Population Projections; Census data (2020 census and projections).

B. Customer Data

Senate Bill 181 requires that uniform consistent methodologies for calculating water use and conservation be developed and available to retail water providers and certain other water use sectors as a guide for preparation of water use reports, water conservation plans, and reports on water conservation efforts. A water system must provide the most detailed level of customer and water use data available to it, however, any new billing system purchased must be capable of reporting data for each of the sectors listed below. More guidance can be found at: <http://www.twdb.texas.gov/conservation/doc/SB181Guidance.pdf>

1. Quantified 5-year and 10-year goals for water savings:

	<i>Historic 5-year Average</i>	<i>Baseline</i>	<i>5-year goal for year 2029</i>	<i>10-year goal for year 2034</i>
Total GPCD	179	140	175	170
Residential GPCD	81	90	77	72
Water Loss GPCD	49	60	45	40
Water Loss Percentage	9.43%	13%	10%	8%

Notes:

Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365

Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365

Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365

Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

2. Current number of active connections. Check whether multi-family service is counted as
☒ Residential or ☐ Commercial?

<i>Treated Water Users</i>	<i>Metered</i>	<i>Non-Metered</i>	<i>Totals</i>
Residential	4,470		4,470
Single-Family	4,365	0	4,365
Multi-Family	105	0	105
Commercial	1,255	0	1,255
Industrial/Mining	1	0	1
Institutional	71	0	71
Agriculture	0	0	0
Other/Wholesale	0	0	0

3. List the number of new connections per year for most recent three years.

<i>Year</i>	<i>2021</i>	<i>2023</i>	<i>Total New Connections</i>
<i>Treated Water Users</i>			
Residential	3,898	4,470	569
Single-Family	3,794	4,365	568
Multi-Family	104	105	1
Commercial	1,158	1,255	97
Industrial/Mining	1	1	0
Institutional	74	71	-3
Agriculture	0	0	0

Other/Wholesale _____

4. List of annual water use for the five highest volume customers.

<i>Customer</i>	<i>Use (1,000 gal/year)</i>	<i>Treated or Raw Water</i>
Tomball ISD	23,229	Treated
Lone Star College	12,067	Treated
Tomball Regional Medical Center	11,956	Treated
Oak Bend Apartments	10,891	Treated
Tomball Creek, LLC	8,342	Treated

II. WATER USE DATA FOR SERVICE AREA

A. Water Accounting Data

1. List the amount of water use for the previous five years (in 1,000 gallons).

Indicate whether this is ☐ diverted or **X** treated water.

<i>Year</i>	2019	2020	2021	2022	2023
<i>Month</i>					
January	45,903	48,581	48,615	5,266.9	51,754
February	44,026	43,548	59,934	46,318	48,020
March	52,848	53,516	53,106	54,376	67,025
April	56,756	50,491	61,855	66,868	65,197
May	63,042	64,431	59,895	83,634	73,108
June	70,434	74,049	67,637	112,830	91,876
July	71,691	87,500	66,397	125,188	116,030
August	92,175	92,321	87,739	107,549	130,616
September	86,616	73,927	78,749	94,244	110,246
October	80,555	77,156	71,963	106,208	86,497
November	54,241	61,622	58,450	66,498	71,458
December	53,563	50,578	56,397	62,015	62,027
Totals	771,850	777,720	770,737	930,995	973,854

- Describe how the above figures were determined (e.g, from a master meter located at the point of a diversion from the source or located at a point where raw water enters the treatment plant, or from water sales).

The water accounting data was determined from water sales.

- Amount of water (in 1,000 gallons) delivered/sold as recorded by the following account types for the past five years.

<i>Year</i>	2019	2020	2021	2022	2023
<i>Account Types</i>					
Residential	353,580	388,584	360,417	493,274	490,283
Single-Family	264,872	316,632	286,481	417,599	424,337
Multi-Family	88,708	71,952	73,936	75,675	65,946
Commercial	286,242	296,789	302,881	378,457	343,499
Industrial/Mining	1,547	513	775	1,090	23
Institutional	18,196	7,255	7,072	8,772	6,512
Agriculture	0	0	0	0	0
Other/Wholesale					

- List the previous records for water loss for the past five years (the difference between water diverted or treated and water delivered or sold).

<i>Year</i>	<i>Amount (gallons)</i>	<i>Percent %</i>
2019	95,856,402	12.35%
2020	55,891,586	7.15%
2021	95,221,298	12.28%
2022	44,456,835	4.74%
2023	105,571,050	10.66%

B. Projected Water Demands

- If applicable, attach or cite projected water supply demands from the applicable Regional Water Planning Group for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirements from such growth.

III. WATER SUPPLY SYSTEM DATA

A. Water Supply Sources

1. List all current water supply sources and the amounts authorized (in acre feet) with each.

<i>Water Type</i>	<i>Source</i>	<i>Amount Authorized</i>
Surface Water	N/A	
Groundwater	Yes	7,165
Other	N/A	

B. Treatment and Distribution System (if providing treated water)

1. Design daily capacity of system (MGD): 5.95
2. Storage capacity (MGD):
 - a. Elevated 1.25
 - b. Ground .90
3. If surface water, do you recycle filter backwash to the head of the plant?

☐ Yes ☐ No If yes, approximate amount (MGD): N/A

IV. WASTEWATER SYSTEM DATA

A. Wastewater System Data (if applicable)

1. Design capacity of wastewater treatment plant(s) (MGD): 3
2. Treated effluent is used for ☐ on-site irrigation, ☐ off-site irrigation, for X plant wash-down, and/or for X chlorination/dechlorination.

If yes, approximate amount (in gallons per month): 500
3. Briefly describe the wastewater system(s) of the area serviced by the water utility. Describe how treated wastewater is disposed. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and the receiving stream if wastewater is discharged.

The City of Tomball owns and operates the north wastewater treatment plant WQ0010616001 (RN102177763) and the south wastewater treatment plant WQ0010616002 (RN101609899). The treated effluent is discharged to Harris County Flood Control District (HCFCD) ditch M121-00-00, to Spring Creek and Willow Creek in Segment 1008 of the San Jacinto River Basin.

B. Wastewater Data for Service Area (if applicable)

1. Percent of water service area served by wastewater system: 99%
2. Monthly volume treated for previous five years (in 1,000 gallons):

<i>Year</i>	2019	2020	2021	2022	2023
<i>Month</i>					
January	61,346	40,605	45,477	42,021	49,291
February	42,179	34,766	43,403	40,245	60,633
March	42,998	40,012	39,966	38,153	47,304
April	44,242	34,183	39,963	42,383	42,507
May	62,657	40,641	41,169	40,558	48,547
June	53,084	41,955	71,365	44,926	64,258
July	52,092	39,682	54,449	38,943	45,502
August	45,251	37,144	61,481	42,612	44,227
September	42,684	42,843	43,372	49,130	42,146
October	45,349	42,820	43,773	47,437	40,678
November	39,394	36,421	48,768	44,625	47,219
December	36,196	40,279	40,587	46,874	46,829
Totals	567,472	471,351	573,773	517,907	579,141

Water Conservation Plan

In addition to the utility profile, please attach the following as required by Title 30, Texas Administrative Code, §288.2. Note: If the water conservation plan does not provide information for each requirement, an explanation must be included as to why the requirement is not applicable.

A. Record Management System

The water conservation plan must include a record management system which allows for the classification of water sales and uses in to the most detailed level of water use data currently available to it, including if possible, the following sectors: residential (single and multi-family), commercial.

B. Specific, Quantified 5 & 10-Year Targets

The water conservation plan must include specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use in gallons per capita per day. Note that the goals established by a public water supplier under this subparagraph are not enforceable. These goals must be updated during the five-year review and submittal.

C. Measuring and Accounting for Diversions

The water conservation plan must include a statement about the water suppliers metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply.

D. Universal Metering

The water conservation plan must include and a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement.

E. Measures to Determine and Control Water Loss

The water conservation plan must include measures to determine and control water loss (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections; abandoned services; etc.).

F. Continuing Public Education & Information

The water conservation plan must include a description of the program of continuing public education and information regarding water conservation by the water supplier.

G. Non-Promotional Water Rate Structure

The water supplier must have a water rate structure which is not “promotional,” i.e., a rate structure which is cost-based and which does not encourage the excessive use of water. This rate structure must be listed in the water conservation plan.

H. Reservoir Systems Operations Plan

The water conservation plan must include a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin in order to optimize available water supplies.

I. Enforcement Procedure and Plan Adoption

The water conservation plan must include a means for implementation and enforcement, which shall be evidenced by a copy of the ordinance, rule, resolution, or tariff, indicating official adoption of the water conservation plan by the water supplier; and a description of the authority by which the water supplier will implement and enforce the conservation plan.

J. Coordination with the Regional Water Planning Group(s)

The water conservation plan must include documentation of coordination with the regional water planning groups for the service area of the public water supplier in order to ensure consistency with the appropriate approved regional water plans.

K. Plan Review and Update

A public water supplier for municipal use shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The public water supplier for municipal use shall review and update the next revision of its water conservation plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. The revised plan must also include an implementation report.

VI. ADDITIONAL REQUIREMENTS FOR LARGE SUPPLIERS

Required of suppliers serving population of 5,000 or more or a projected population of 5,000 or more within the next ten years:

A. Leak Detection and Repair

The plan must include a description of the program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system in order to control unaccounted for uses of water.

B. Contract Requirements

A requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter. If the customer intends to resell the water, the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.

VII. ADDITIONAL CONSERVATION STRATEGIES

Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements of 30 TAC §288.2(1), if they are necessary in order to achieve the stated water conservation goals of the plan. The commission may require by commission order that any of the following strategies be implemented by the water supplier if the commission determines that the strategies are necessary in order for the conservation plan to be achieved:

1. Conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;
2. Adoption of ordinances, plumbing codes, and/or rules requiring water conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;
3. A program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;
4. A program for reuse and/or recycling of wastewater and/or graywater;
5. A program for pressure control and/or reduction in the distribution system and/or for customer connections;
6. A program and/or ordinance(s) for landscape water management;
7. A method for monitoring the effectiveness and efficiency of the water conservation plan; and
8. Any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

VIII. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

APPENDIX B

LIST OF REFERENCES

1. Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter A, download from [https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=288](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=288)
2. Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter B downloaded from [https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=288](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=288)
3. Title 31 of the Texas Administrative Code, Part 10, Chapter 363, Subchapter A, Rule §363.15 [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=31&pt=10&ch=363&rl=15](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=31&pt=10&ch=363&rl=15)
4. Freese and Nichols 2023 water and wastewater master plan for the City of Tomball.
5. Texas Water Development Board Water Conservation Planning Guide <https://www.twdb.texas.gov/conservationplanningusersguide.pdf>
6. Guidance and Methodology for Reporting on Water Conservation and Water Use developed by Texas Water Development Board and Texas Commission on Environmental Quality in consultation with Water Conservation Advisory Council.
7. Texas Water Development Board State Water Plan www.twdb.texas.gov/waterplanning/data/dashboard/index.asp
8. Texas Demographic Centers www.demographics.texas.gov
9. U.S. Census Bureau county-level population estimates and counts. <https://www.census.gov/programs-surveys/popest.html>

City Council Meeting Agenda Item Data Sheet

Meeting Date: May 20, 2024

Topic:

Approve the Minutes of the May 6, 2024 Special Joint City Council and Planning and Zoning Commission meeting, the Regular City Council meeting and the May 13, 2024 Special – Canvass of the Election City Council meeting.

Background:

Origination: City Staff

Recommendation:

Approve Minutes

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

FUNDING (IF APPLICABLE)

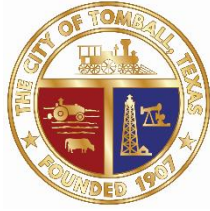
Are funds specifically designated in the current budget for the full amount required for this purpose?

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

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

Signed	<u>Sasha Luna</u>	Approved by	<u></u>
	Staff Member		City Manager
	Date		Date

**MINUTES OF SPECIAL JOINT CITY COUNCIL AND PLANNING &
ZONING COMMISSION MEETING
CITY OF TOMBALL, TEXAS**



**Monday, May 06, 2024
4:00 PM**

- A. Mayor L. Klein-Quinn called the meeting of the City of Tomball Council to order at 4:00 p.m.

PRESENT:

Council 1 John Ford
Council 2 Mark Stoll
Council 3 Dane Dunagin
Council 4 Derek Townsend, Sr.
Council 5 Randy Parr

The Planning and Zoning Commission meeting was called to order by Chair Barbara Tague at 4:00 p.m. Other members present:

PRESENT:

Commissioner Tana Ross
Commissioner Susan Harris
Commissioner Scott Moore
Commissioner Richard Anderson

CITY STAFF PRESENT:

City Manager - David Esquivel
Assistant City Manager - Jessica Rogers
City Attorney – Tom Ramsey
City Secretary - Tracylynn Garcia
Assistant City Secretary – Sasha Luna
Part-time Administrative Assistant – Tabitha Trejo
Community Development Director – Craig Meyers
Community Development Coordinator – Kimberly Chandler
Assistant City Planner – Benjamin Lashley
Public Works Director – Drew Huffman
Project Manager – Meagan Mageo
IT Director – Tom Wilson

- B. 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.]*

No public comments were received.

C. New Business

1. Presentation and discussion by Freese and Nichols, Inc. regarding the Unified Development Code.

D. Adjournment

Motion was made by Commissioner Anderson and seconded by Commissioner Moore to adjourn The Planning and Zoning Commission meeting at 5:33 pm.

Motion made by Council 1 Ford, Seconded by Council 2 Stoll

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr.

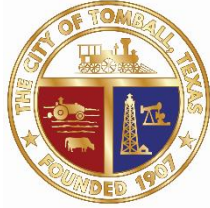
Motion carried unanimously.

PASSED AND APPROVED this 20th day of May 2024

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn
Mayor

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



**Monday, May 06, 2024
6:00 PM**

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

PRESENT

Council 1 John Ford
Council 2 Mark Stoll
Council 3 Dane Dunagin
Council 4 Derek Townsend, Sr.
Council 5 Randy Parr

OTHERS PRESENT

City Manager - David Esquivel
Assistant City Manager - Jessica Rogers
City Attorney – Tom Ramsey
City Secretary - Tracylynn Garcia
Assistant City Secretary - Sasha Luna
Director of Community Development - Craig Meyers
Police Chief – Jeff Bert
Director of Marketing & Tourism - Chrislord Templonuevo
IT Director - Tom Wilson
Public Works Director - Drew Huffman
HR Director – Kristie Lewis
Finance Director – Katherine Tapscott
Fire Chief – Joe Sykora
Assistant Fire Chief – Jeff Cook
Project Manager - Meagan Mageo
Part-time Administrative Assistant – Tabitha Trejo

- B. Invocation - Led by Deacon Randy Davis with First Baptist Church Tomball
- C. Pledges to U.S. and Texas Flags by TPD Chief J. Bert

- 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.]*

Eric Hymowitz - General comment regarding Winfrey Estates

Samuel Shannon - drainage on Lizzie Lane
823 Lizzie Lane
Tomball, Texas

Catherine Carrington - drainage on Lizzie Lane
810 Lizzie Lane
Tomball, Texas

E. Presentations

1. Presentation - Council Members Mark Stoll & Derek Townsend Sr.

Proclamation – “55th Annual Professional Municipal Clerks Week” May 5 – May 11, 2024

Proclamation – “National Hurricane Preparedness Week” May 5 – May 11, 2024

Proclamation – “Mel’s Country Diner” May 6, 2024

Proclamation – “National Economic Development Week” May 6-10, 2024

Proclamation – “Tomball ISD Color guard”

F. Reports and Announcements

1. Announcements

I. Upcoming Events:

May 9, 2024 – Mayor’s Kaffeeklatsch 8:30 am – 10:00 am @ Community Center

May 11, 2024 – Second Saturday 5:00 pm – 9:00 pm @ the Depot

May 13, 2024 – Canvass of the Election 5:00 pm @ City Hall

May 15, 2024 – Law Enforcement Torch Run 11:30 am – 12:30 pm @
Market & Main St.

May 16, 2024 – Police Memorial 11:00 am – 12:00 pm @ Community
Center

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

I. Katherine Tapscott gave the Quarterly Financial Update for Period
Ending March 31, 2024

G. Old Business

1. Adopt, on Second Reading, Ordinance No. 2024-07, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 31.12 acres of land legally described as being portions of the J H Edwards Survey, Abstract 20 and the C Goodrich Survey, Abstract 311 from the Agricultural (AG) to Single Family Residential – 6 (SF-6) zoning. The property is generally located within 22100 block (west side) of Tomball Cemetery Road, within the City of Tomball, Harris County, Texas; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Motion made by Council 1 Ford, Seconded by Council 2 Stoll.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4
Townsend, Sr., Council 5 Parr

Motion carried unanimously.

2. Adopt, on Second Reading, Ordinance No. 2024-08, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.87 acres of land legally described as being a portion of Tomball Outlot 286 from Single Family Residential – 20 (SF-20) to Commercial (C) zoning. The property is generally located in the 900 block (North Side) of Agg Road, within the City of Tomball, Harris County, Texas; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Motion made by Council 2 Stoll, Seconded by Council 1 Ford.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council Townsend, Sr., Council 5 Parr

Motion carried unanimously.

- H. New Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*
1. Approve the Minutes of the April 15, 2024, Regular City Council meeting.
 2. Approve a contract with B&C Constructors, LP for the replacement of HVAC systems at the Police Department through a 1GPA Contract (Contract No. 19-03DP) for a not-to-exceed amount of \$115,227.26, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This expenditure is included in the FY 2023-2024 Budget.
 3. Approve the expenditure of and amount not to exceed \$75,000 for Computer Aided Dispatch Maintenance and False Alarm Monitoring Services from Centralsquare Technologies, LLC and authorize the City Manager to execute any and all documents related to the expenditure. This amount is included in the FY 2023-2024 budget.
 4. Consideration to approve Resolution 2024-20, a Resolution of the City Council of the City of Tomball, Texas, accepting the Preliminary Service and Assessment Plan for Authorized Improvements within the Wood Leaf Reserve Public Improvement District Improvement Area Two (IA#2); Setting a Date for a Public Hearing on the Proposed Levy of Assessments; Authorizing the Publication and Mailing of Notice; and Enacting Other Provisions Relating thereto.
 5. Approve an increase to purchase order number 24-0055 with Siddons-Martin Emergency Group, LLC for preventative maintenance and repairs to Pierce Fire Apparatus, within the fleet of the Fire Department, increasing the not to exceed amount to \$160,000, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents relating to the purchase. Funds for vehicle repairs are included in the FY 2023-2024 budget.

6. Approve request from Tomball Museum Center for City Support and In-Kind Services for the 3rd Annual Antique Car Social in downtown Tomball, on Saturday, October 5, 2024, from 10:00 a.m. to 1:00 p.m.
8. Approve the issuance of Tax-exempt bonds for the acquisition and rehabilitation of Bay Terrace Apartments-Baytown and Village of Baytown-Baytown from S.E.T.H.

Motion made by Council 4 Townsend Sr., Seconded by Council 2 Parr to approve New Business Consent Agenda items 1-6 and 8.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

7. Discussion and possible action regarding the budgeted position of Director of Special Projects.

Motion made by Council 4 Townsend, Sr, Seconded by Council 5 Parr.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

I. New Business

1. Accept the Annual Comprehensive Financial Report and Compliance Report for fiscal year ending September 30, 2023.

Motion made by Council 4 Townsend, Sr, Seconded by Council 5 Parr.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

2. Approve an agreement authorizing the sale of six vehicles to Montgomery Independent School District for use for their Police Department and authorize the City Manager to execute any and all documents.

Motion made by Council 4 Townsend, Sr, Seconded by Council 5 Parr.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

3. Conduct Public Hearing of the City Council of the City of Tomball to consider the adoption of the Water Conservation and Drought Contingency Plan.
 - Mayor Klein Quinn called the PH to order at 7:30 pm
 - Hearing no comments the Mayor closed the PH at 7:31 pm
4. Adopt Ordinance No. 2024-12, an Ordinance of the City of Tomball, Texas Repealing and Replacing Chapter 46, Article VII, Water Conservation, of the City of Tomball Code of Ordinances; Providing for the Repeal of Conflicting Provisions; Providing a Savings Clause; Establishing Penalties for the Violation of and Provisions for Enforcement of These Restrictions; Providing Severability; Adopting a Water Conservation and Drought Contingency Plan; and Providing an Effective Date.

Motion made by Council 5 Parr, Seconded by Council 3 Dunagin to read by caption only Ordinance No. 2024-12.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll to adopt Ordinance No. 2024-12.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

5. Approve a Municipal Solid Waste Collection, Transportation, and Disposal Contract with Frontier Waste K2, LLC (RFP 2024-01) to provide solid waste and recycling collection for the City of Tomball, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is to be included in the proposed fiscal year 2024-2025 budget.

Motion made by Council 2 Stoll, Seconded by Council 3 Dunagin.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

6. Approve Resolution 2024-21, a Resolution of the City Council of the City of Tomball, Texas, approving and establishing the 2024 to 2029 Solid Waste and Recycling Rate Plan; and Providing an Effective Date.

Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

7. 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.

Section 551.087 - Deliberation regarding Economic Development negotiations.

Executive session started: 7:40 PM

Executive session ended: 8:35 PM

J. Adjournment

Motion made by Council 3 Dunagin, Seconded by Council 1 Ford.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

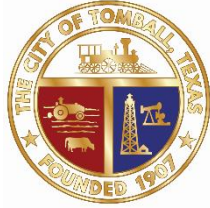
Motion carried unanimously.

PASSED AND APPROVED this 20th day of May 2024.

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn
Mayor

MINUTES OF SPECIAL CITY COUNCIL-CANVASS OF THE ELECTION CITY OF TOMBALL, TEXAS



**Monday, May 13, 2024
5:00 PM**

- A. Mayor Klein Quinn called the meeting of the City Tomball Council to order at 5:00 p.m.

PRESENT

Council 1 John Ford
Council 2 Mark Stoll
Council 3 Dane Dunagin
Council 4 Derek Townsend, Sr.

ABSENT:

Council 5 Randy Parr (excused)

OTHERS PRESENT

City Manager - David Esquivel
Assistant City Manager - Jessica Rogers
City Attorney – Tom Ramsey
City Secretary - Tracylynn Garcia
Assistant City Secretary - Sasha Luna
Police Chief – Jeff Bert
Director of Marketing & Tourism - Chrislord Templonuevo
IT Director - Tom Wilson
Public Works Director - Drew Huffman
Project Manager - Meagan Mageo

- B. 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.]*

No public comments were received.

C. Canvass of Election
Escrutinio de la Elección
Kiểm Phiếu của Cuộc Bầu Cử
拉票選舉

Patsy Kinsey – Presiding Judge for the General and Special Elections conducted on May 4, 2024, present the unofficial canvass.

1. Approve Resolution 2024-23 Canvassing the Returns And Declaring The Results Of Special Election Held In Said City On May 4, 2024, Regarding Propositions Relating To The Approval Of Amendments To The City Of Tomball Charter; And Declaring The Results Of The General Election Held In Said City On May 4, 2024, Regarding Two Council Positions.

Aprobar Una Resolución De La Cuidad De Tomball, Texas, Que Escruta Y Declara Los Resultados De La Elección Especial Celebrada En Dicha Ciudad El 4 De Mayo De 2024 Sobre Las Proposiciones Relativas A La Aprobación De Enmiendas A La Carta Orgánica De La Ciudad De Tomball; Y Que Declara Los Resultados De La Elección General Celebrada En Dicha Ciudad El 4 De Mayo De 2024 Sobre Dos Posiciones En El Consejo.

QUYẾT CỦA THÀNH PHỐ TOMBALL, TEXAS, KIỂM PHIẾU VÀ CÔNG BỐ KẾT QUẢ CUỘC BẦU CỬ ĐẶC BIỆT ĐƯỢC TỔ CHỨC TRONG THÀNH PHỐ NÊU TRÊN VÀO NGÀY 4 THÁNG NĂM 2024, LIÊN QUAN ĐẾN CÁC ĐỀ XUẤT VỀ VIỆC PHÊ CHUẨN CÁC SỬA ĐỔI ĐIỀU LỆ THÀNH PHỐ TOMBALL; VÀ CÔNG BỐ KẾT QUẢ CUỘC TỔNG TUYỂN CỬ ĐƯỢC TỔ CHỨC TRONG THÀNH PHỐ NÊU TRÊN VÀO NGÀY 4 THÁNG NĂM 2024, LIÊN QUAN ĐẾN HAI VỊ TRÍ HỘI ĐỒNG.

TEXAS 州 TOMBALL 市決議案內容包括：審議2024年5月4日日本市特別選舉的選票報告並宣布結果，其涉及與批准TOMBALL市憲章修正案有關的提案；以及宣布2024年5月4日日本市普通選舉的結果，其涉及兩個議會席位。

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

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

Motion carried unanimously.

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

Judge Peabody administered the oaths of office.

3. Consideration to Elect Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter
Considerar elegir un Alcalde Interino, de acuerdo con la Sección 6.08 de la Carta Orgánica de Gobierno Local de la Ciudad de Tomball
Xem xét Bầu Chọn Thị Trưởng Tạm Thời, chiếu theo Mục 6.08 của Hiến Chương Điều Lệ Địa Phương Thành Phố Tomball
考慮選出暫替市長 根據 Tomball 市自治憲章 6.08 節

Motion made by Council 1 Ford, Seconded by Council 4 Covington.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington.

Motion carried unanimously.

D. New Business

1. 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. 551.087 - Deliberation regarding Economic Development negotiations.

Executive session started: 5:15 PM

Executive session ended: 6:00 PM

E. Adjournment

Motion made by Council 1 Ford, Seconded by Council 4 Covington.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington.

Motion carried unanimously.

PASSED AND APPROVED this 20th day of May 2024.

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn
Mayor

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: May 20, 2024

Topic:

Authorize the expenditure of greater than \$50,000 with CyberOne, LLC for a not-to-exceed amount of \$54,625 for services related to the implementation of Microsoft Intune and penetration testing. The purchase is included in the FY 2023-2024 Budget.

Background:

The IT department has been working to enhance the City's Microsoft security measures. In order to further our effort, the City Council approved the implementation of Microsoft Intune as part of the FY 2023-2024 budget. Microsoft Intune is a cloud-based management solution that simplifies app and device management across the City's system.

The City Council also approve funds for penetration testing ("pen testing") as part of the FY 2023-2024 budget. Pen testing is an exercise through which an outside party will attempt to find and exploit security vulnerabilities in the City's network. The third party will then provide a report of any vulnerabilities identified so they can be remediated or mitigated.

For both services, the city will be using CyberOne, LLC, a cybersecurity consulting company. For the Microsoft Intune implementation project, the City will use a Department of Information Resources (DIR) cooperative purchasing contract.

Item	Amount
Microsoft Intune Implementation (DIR-CPO-4851)	\$37,525.00
Pen Testing	\$17,100.00
Total	\$54,625.00

Per the City's adopted Procurement Policy and Manual, cumulative annual expenditures with a single vendor in excess of \$50,000 must be approved by City Council.

Origination: IT Director

Recommendation:

Staff recommends approving the purchase of assessment and consulting services from CyberOne, LLC. in an amount not to exceed \$54,625 as appropriated in the Fiscal Year 2023-2024 Budget.

Party(ies) responsible for placing this item on agenda: Tom Wilson IT Director

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: #100-117-6320/6304

If no, funds will be transferred from account #

To account #

Signed Tom Wilson

Staff Member

Date

Approved by

City Manager

Date _____

City Council Meeting Agenda Item Data Sheet

Meeting Date: May 20, 2024

Topic:

Approve the expenditure of greater than \$50,000 with Tanches Global Management for a not-to-exceed amount of \$65,300, for consulting and software services. The purchases are included in the FY 2023-2024 Budget.

Background:

The IT department has been working to enhance our overall network. The department's efforts include evaluating the state of the network following a network assessment, completed by TanChes. After the assessment was completed, the city also engaged TanChes to assist with moving the City's Microsoft Office 365 licenses to the correct level under Microsoft's Tenant structure (Government Cloud).

As part of the Office 365 migration, the city had to procure additional licenses through TanChes and must pay the monthly license fee, which is currently set at a cost of \$7,000 per month. These cumulative purchases are expected to exceed \$50,000, thus requiring City Council approval.

Item	Amount
Network Assessment	\$14,000.00
Microsoft 365 Migration	\$28,000.00
Microsoft 365 Monthly Licensing (Feb. – May 2024)	\$23,300.00
Total	\$65,300.00

Per the City's adopted Procurement Policy and Manual, cumulative annual expenditures with a single vendor in excess of \$50,000 must be approved by City Council.

Origination: IT Director

Recommendation:

Staff recommends approving the purchase of assessment and consulting services from Tanches Global Management in an amount not to exceed \$65,300 as appropriated in the Fiscal Year 2023-2024 Budget.

Party(ies) responsible for placing this item on agenda: Tom Wilson IT Director

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: #100-117-6XXX multiple

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

Signed	Tom Wilson	
	Staff Member	Date

Approved by			
City Manager	Date	Page	

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: May 20, 2024

Topic:

Approve an amendment to a Services Agreement with Source Point Solutions, LLC for vector services and regular maintenance of sewer components for an amount of \$100,000 (contract total not-to-exceed) \$160,000), approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This expenditure is included in the Fiscal Year 2023-2024 Budget.

Background:

The City entered into a Services Agreement with Source Point Solutions, LLC in February 2024 to provide vector services and regular maintenance of sewer components for the City of Tomball's wastewater facilities including the treatment plants and City-owned lift stations on an as-needed basis.

The original services agreement was for a not-to-exceed amount of \$60,000 , but due to equipment failure of some critical components at the south wastewater treatment plant and additional service on lift stations, additional services have been required from Source Point to ensure the plant is functioning and operating in an efficient manner.

Due to the increased cost of services required, a contract amendment is required to increase the total contract amount by an additional \$100,000, which will increase the total amount of the services agreement to \$160,000, expiring December 31, 2024. Services completed by Source Point are allocated within the system maintenance budget, and the necessary projections have been included during the budget process.

Origination: Project Management

Recommendation:

Staff recommends approving a services agreement addendum with Source Point Solutions, LLC for an amount of \$100,000 (contract total not-to-exceed \$160,000).

Party(ies) responsible for placing this item on agenda: Meagan Mageo, Project 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: #600-614-6207

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

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

**CITY OF TOMBALL
SERVICES AGREEMENT AMENDMENT**

THE STATE OF TEXAS §

COUNTY OF HARRIS §

Description of Services: Vactor Services

This Renewal is made and entered into by the **City of Tomball** (referred to as the “City”), with an office at 501 James Street, Tomball, TX and, **Source Point Solutions, LLC** (the “Company”), with an office at **P.O. Box 280, Tomball, TX 77377** City hereby engages the services of Company as an independent contract for meter reading services, upon the following terms and conditions.

1. SCOPE OF AGREEMENT AMENDMENT

- 1.1. The City hereby agrees to employ Company and Company agrees to perform the necessary services as set forth in Exhibit A – Executed Services Agreement, attached hereto and incorporated herein for all purposes.
- 1.2. In the event of a conflict among the terms of this Agreement and the Exhibit A, the term most favorable to the City, in the City’s sole discretion, shall control.

2. TERM OF AGREEMENT AMENDMENT; TERMINATION

- 2.1. This Agreement Amendment shall be effective upon proper execution by the City. It shall be effective from **January 1, 2024 through December 31, 2024, with one (1) additional one-year renewal options remaining**, as stated in the Services Agreement attached as Exhibit A – Executed Services Agreement. The City reserves the right to withdraw from the Agreement immediately if its governing body fails to appropriate funds necessary for the satisfaction of its contractual obligations. ***Either party may terminate this Agreement for any reason with ninety days (90) written notice to the other party.***
- 2.2. The City’s obligations under this Amendment shall not constitute a general obligation of the City or indebtedness under the constitution or laws of the State of Texas. Nothing contained herein shall ever be construed so as to require City to create a sinking fund or to assess, levy and collect any tax to fund its obligations under this Agreement.
- 2.3. The City reserves the right to enforce the performance of this Amendment in any manner prescribed by law or deemed to be in the best interest of the City in the event of breach or default of any provision of this Agreement, including immediate termination of this Agreement.

3. ENTIRE AGREEMENT AMENDMENT

This Agreement Amendment represents an agreed amendment between Company and the City and no prior or contemporaneous oral or written Agreements or representations shall be construed to alter its terms. No additional terms shall become part of this Amendment without the written consent of both parties and compliance with relevant state law. This Amendment supersedes all other prior agreements either oral or in writing.

4. ASSIGNMENT

Company shall not assign or subcontract its obligations under the Agreement without the prior written consent of the City.

5. COMPENSATION

For and in consideration of the services rendered by the Company pursuant to this Agreement, the City shall pay the Company only for the actual work performed under the Scope of Work, on the basis set forth in Exhibit A – Executed Services Agreement, up to an amount not-to-exceed \$100,000, for a total contract amount not-to-exceed \$160,000.

6. MODIFICATION OF RATES

Base Rate adjustments for changes in the Consumer Price Index (CPI) will be considered by the City no more than once per year during the renewal term of the Contract, during the month of October of each Contract Year.

7. IDEMNITY

7.1. DEFINITIONS

For the purpose of this section the following definitions apply:

- a. "City" shall mean all officers, agents and employees of the City of Tomball.
- b. "Claims" shall mean all claims, liens, suits, demands, accusations, allegations, assertions, complaints, petitions, proceedings and causes of action of every kind and description brought for damages.
- c. "Company" includes the corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.
- d. "Company's employees" shall mean any employees, officers, agents, subcontractors, licensees and invitees of Company.
- e. "Damages" shall mean each and every injury, wound, hurt, harm, fee, damage, cost, expense, outlay, expenditure or loss of any and every nature, including but not limited to:
 - i. injury or damage to any property or right
 - ii. injury, damage, or death to any person or entity
 - iii. attorneys' fees, witness fees, expert witness fees and expenses,
 - iv. any settlement amounts; and
 - v. all other costs and expenses of litigation
- f. "Premise Defects" shall mean any defect, real or alleged, which now exists or which may hereafter arise upon the premises.

7.2. Indemnity

COMPANY AGREES TO INDEMNIFY, HOLD HARMLESS, AND DEFEND THE CITY FROM AND AGAINST LIABILITY FOR ANY CLAIMS FOR DAMAGES ARISING OUT OF THE COMPANY'S WORK AND ACTIVITIES CONDUCTED IN CONNECTION WITH THIS AGREEMENT.

COMPANY IS AN INDEPENDENT CONTRACTOR AND IS NOT, WITH RESPECT TO ITS ACTS OR OMISSIONS, AN AGENT OR EMPLOYEE OF THE CITY.

COMPANY MUST AT ALL TIMES EXERCISE REASONABLE PRECAUTIONS ON BEHALF OF, AND BE SOLELY RESPONSIBLE FOR, THE SAFETY OF COMPANY'S EMPLOYEES WHILE IN THE VICINITY WHERE THE WORK IS

BEING DONE. THE CITY IS NOT LIABLE OR RESPONSIBLE FOR THE NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS OF COMPANY OR COMPANY'S EMPLOYEES.

THE CITY ASSUMES NO RESPONSIBILITY OR LIABILITY FOR DAMAGES WHICH ARE DIRECTLY OR INDIRECTLY ATTRIBUTABLE TO PREMISE DEFECTS.

THE CITY AND COMPANY MUST PROVIDE THE OTHER PROMPT AND TIMELY NOTICE OF ANY COVERED EVENT WHICH IN ANY WAY AFFECTS OR MIGHT AFFECT THE COMPANY OR CITY. THE CITY HAS THE RIGHT TO COMPROMISE AND DEFEND THE SAME TO THE EXTENT OF ITS OWN INTERESTS.

THE INDEMNITY OBLIGATIONS HEREIN SHALL SURVIVE THE TERMINATION OF THE AGREEMENT FOR ANY REASON AND SHALL SURVIVE THE COMPLETION OF THE WORK.

8. INSURANCE

8.1. AMOUNTS OF INSURANCE

Company agrees to provide and to maintain the following types and amounts of insurance, for the term of this Contract:

TYPE	AMOUNT
(a) Workers Compensation	(where required – Statutory by State Law)
Employer's Liability	\$100,000 per occurrence

(b) Commercial (Public) Liability, including but not limited to:

- a. Premises/ Operations Combined Single Limit
- b. Independent Contractors
- c. Personal Injury
- d. Products/Completed Operations
- e. Contractual Liability (insuring above indemnity provisions)

All insured at combined single limits for bodily injury and property damage at \$500,000 per occurrence.

(c) Comprehensive Automobile Liability, in include coverage for:

- a. Owned/Leased Automobiles
- b. Non-owned Automobiles
- c. Hired Cars

All insured at combined single limits for bodily injury and property damage for \$500,000 per occurrence.

8.2. OTHER INSURANCE REQUIREMENTS

Company understands that it is its sole responsibility to provide the required Certificates and that failure to timely comply with the requirements of this article shall be a cause for termination of this Contract.

Insurance required herein shall be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies shall be

subject to examination and approval by the City Attorney's Office for their adequacy as to form, content, form of protection, and providing company.

Insurance required by this Contract for the City as additional insured shall be primary insurance and not contributing with any other insurance available to City, under any third party liability policy.

Company further agrees that with respect to the above required liability insurances, the City shall:

- a. Be named as an additional insured;
- b. Be provided with a waiver of subrogation, in favor of the City,
- c. Be provided with 30 days advance written notice of cancellation, nonrenewal, or reduction in coverage (all "endeavor to" and similar language of reservation stricken from cancellation section of certificate); and
- d. Prior to execution of this Agreement, be provided through the office of the City Attorney with their original Certificate of Insurance evidencing the above requirement.

The insurance requirements set out in this section are independent from all other obligations of Company under this Agreement and apply whether or not required by any other provision of this Agreement.

9. PAYMENT AND PERFORMANCE

Payment for services described in this Agreement will be made in accordance with the Texas Prompt Payment Act, Chapter 2251 of the Texas Government Code, or as subsequently amended.

10. VENUE; RECOVERY OF FEES; DISPUTE RESOLUTION; CHOICE OF LAW

Any suit or claim or cause of action regarding this Agreement shall be brought in Harris County, Texas, as the choice of venue and jurisdiction and site of performance by the parties. If the City is the prevailing party in any such action, the City may recover reasonable costs, including costs of court, attorney's fees, expert witnesses' fees, and trial consultants' fees. The parties further agree that the law of the State of Texas shall govern any interpretation of the terms of this Agreement.

11. COMPANY CERTIFICATIONS

Company certifies that neither it, nor any of its agents or employees, have or will offer or accept gifts or anything of value, or enter into any business arrangement, with any employee, official, or agent of the City.

Company certifies, pursuant to Texas Government Code Chapter 2270, that it does not boycott Israel and will not boycott Israel during the term of this Agreement. Company further certifies, pursuant to Texas Government Code Chapter 2252, Subchapter F, that it does not engage in business with Iran, Sudan, or a foreign terrorist organization as may be designated by the United States Secretary of State pursuant to his authorization in 8 U.S.C. Section 1189.

12. NO WAIVER OF IMMUNITY

The City does not waive any statutory or common law right to sovereign immunity by virtue of the execution of this Agreement.

13. NOTICES

Any written notice provided under this Agreement or required by law shall be deemed to have been given and received on the next day after such notice has been deposited by Registered or Certified

Mail with sufficient postage affixed thereto and addressed to the other party to the Agreement; provided, that this shall not prevent the giving of actual notice in any manner.

Notice to Company may be sent to the following address:

14. CONTRACT ADMINISTRATOR

This Agreement shall be administered on the City's behalf by the Project Manager, and all notices, questions, or documentation, arising under this Agreement shall be addressed to the Project Manager at:

**City of Tomball, Texas
Attn: Project Manager
501 James Street
Tomball, Texas 77375**

AGREED to and ACCPETED this 13 day of MAY, 2024.

Company

Signature _____

Print Name _____

Title

THE STATE OF TEXAS

ss

COUNTY OF HARRIS

202

This instrument was acknowledged before me on this ____ day of _____, 2024,
by _____, on behalf of said entity.

Notary Public, State of Texas

AGREED to and ACCPETED this ____ day of _____, 2024.

City of Tomball

David Esquivel, PE
City Manager

Attest:

Tracylynn Garcia
City Secretary

**CITY OF TOMBALL
SERVICES AGREEMENT RENEWAL**

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5. COMPENSATION

For and in consideration of the services rendered by the Company pursuant to this Agreement, the City shall pay the Company only for the actual work performed under the Scope of Work, on the basis set forth in Attachment B, up to an amount not-to-exceed \$60,000.

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- c. "Company" includes the corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.
- d. "Company's employees" shall mean any employees, officers, agents, subcontractors, licensees and invitees of Company.
- e. "Damages" shall mean each and every injury, wound, hurt, harm, fee, damage, cost, expense, outlay, expenditure or loss of any and every nature, including but not limited to:
 - i. injury or damage to any property or right
 - ii. injury, damage, or death to any person or entity
 - iii. attorneys' fees, witness fees, expert witness fees and expenses,
 - iv. any settlement amounts; and
 - v. all other costs and expenses of litigation
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NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS OF COMPANY OR COMPANY'S EMPLOYEES.

THE CITY ASSUMES NO RESPONSIBILITY OR LIABILITY FOR DAMAGES WHICH ARE DIRECTLY OR INDIRECTLY ATTRIBUTABLE TO PREMISE DEFECTS.

THE CITY AND COMPANY MUST PROVIDE THE OTHER PROMPT AND TIMELY NOTICE OF ANY COVERED EVENT WHICH IN ANY WAY AFFECTS OR MIGHT AFFECT THE COMPANY OR CITY. THE CITY HAS THE RIGHT TO COMPROMISE AND DEFEND THE SAME TO THE EXTENT OF ITS OWN INTERESTS.

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8.1. AMOUNTS OF INSURANCE

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TYPE	AMOUNT
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- (b) Commercial (Public) Liability, including but not limited to:
- a. Premises/ Operations Combined Single Limit
 - b. Independent Contractors
 - c. Personal Injury
 - d. Products/Completed Operations
 - e. Contractual Liability (insuring above indemnity provisions)

All insured at combined single limits for bodily injury and property damage at \$500,000 per occurrence.

- (c) Comprehensive Automobile Liability, in include coverage for:
- a. Owned/Leased Automobiles
 - b. Non-owned Automobiles
 - c. Hired Cars

All insured at combined single limits for bodily injury and property damage for \$500,000 per occurrence.

8.2. OTHER INSURANCE REQUIREMENTS

Company understands that it is its sole responsibility to provide the required Certificates and that failure to timely comply with the requirements of this article shall be a cause for termination of this Contract.

Insurance required herein shall be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies shall be

subject to examination and approval by the City Attorney's Office for their adequacy as to form, content, form of protection, and providing company.

Insurance required by this Contract for the City as additional insured shall be primary insurance and not contributing with any other insurance available to City, under any third party liability policy.

Company further agrees that with respect to the above required liability insurances, the City shall:

- a. Be named as an additional insured;
- b. Be provided with a waiver of subrogation, in favor of the City,
- c. Be provided with 30 days advance written notice of cancellation, nonrenewal, or reduction in coverage (all "endeavor to" and similar language of reservation stricken from cancellation section of certificate); and
- d. Prior to execution of this Agreement, be provided through the office of the City Attorney with their original Certificate of Insurance evidencing the above requirement.

The insurance requirements set out in this section are independent from all other obligations of Company under this Agreement and apply whether or not required by any other provision of this Agreement.

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The City does not waive any statutory or common law right to sovereign immunity by virtue of the execution of this Agreement.

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Mail with sufficient postage affixed thereto and addressed to the other party to the Agreement; provided, that this shall not prevent the giving of actual notice in any manner.

Notice to Company may be sent to the following address:

14. CONTRACT ADMINISTRATOR

This Agreement shall be administered on the City's behalf by the Project Manager, and all notices, questions, or documentation, arising under this Agreement shall be addressed to the Project Manager at:

City of Tomball, Texas
Attn: Project Manager
501 James Street
Tomball, Texas 77375

AGREED to and ACCPETED this 24 day of Jan, 2024.

Source Point Solutions, LLC
Company
[Signature]
Signature
Jim Allred
Print Name
Project Manager
Title

THE STATE OF TEXAS

§

COUNTY OF HARRIS

§

This instrument was acknowledged before me on this 24 day of January, 2024.
by Michael E. Manning, on behalf of said entity.



[Signature]
Notary Public, State of Texas

AGREED to and ACCPETED this 6 day of Feb, 2024.

City of Tomball


David Esquivel, PE
City Manager

Attest:


Tracylynn Garcia
City Secretary

EXHIBIT A

MINIMUM SPECIFICATIONS VACUUM SERVICES & REGULAR MAINTENANCE OF SEWER SYSTEM COMPONENTS

Bid Number 2019-09

The City of Tomball is accepting sealed bids to provide Vacuum Services and regular maintenance of sewer system components such as lift station wet wells, aeration basins, chlorine contact basins, digesters and sanitary sewer overflows (SSO) for the City of Tomball, as herein specified.

It is the intention of the City of Tomball to enter into a contract with a reliable company to furnish vacuum services in accordance with the following specifications beginning January 1, 2020 and ending December 31, 2020. The City will have the right and option to extend the term for five (5) additional one-year periods with the same terms and conditions. The City of Tomball will also have the right and option to terminate the contract upon thirty days written notice.

Specific Requirements:

The Contractor must meet the following requirements:

1. Vendor shall perform services on both scheduled and emergency basis in order to complete the necessary task.
2. The Vendor must be subject to 24-hour on call notice, 365 days per year for emergency call outs.
3. The Vendor must respond within two (2) hours of notification for emergency call outs.
4. Vendor must provide the City with normal, weekend, and emergency telephone numbers.
5. Vendor must be able to schedule a regular maintenance request within two-weeks of notification.
6. Vendor shall provide proof of any applicable federal, state and local permits.
7. Vendor will be responsible for all spillage of product that includes liquid, solids, fumes, and lubricants.
8. The Vendor shall be responsible to ensure that all spills or damage caused by spillage are corrected immediately at the Vendor's own expense. Correction of spills or damage shall be executed in a manner approved by a representative of the City of Tomball.
9. The Vendor will supply the City of Tomball with a manifest ticket for each load transported. This manifest ticket shall contain the following information:
 - a. Name and address of the site services by Vendor;
 - b. Name, address, TCEQ and EPA registration numbers, where applicable, of site where vacuum truck is emptied;

- c. Approximate volume load;
 - d. Date and time of pickup;
 - e. Name and address of hauler;
 - f. Date and time of disposal; and
 - g. Signature verifying disposal date and time.
10. Upon completion of loading of vehicle(s), the Vendor shall be responsible for all contents loaded onto the vehicle during transportation to legally approved disposal site.
 11. The Vendor shall be responsible for any and all damage that may be caused by their transport vehicle(s) while loading, transporting, and disposing.
 12. Vendor shall have the ability to pump approximately 20,000 gallons minimum per day for a large request clean-out.
 13. Any service requested that requires plant disruption shall be completed within three (3) consecutive days.

The Vendor's transport vehicle(s) must meet the following requirements:

1. Vendor vehicle must be currently licensed and must meet all federal, state, county, and Department of Transportation requirements. Vehicle must be of sound quality and in good working condition.
2. Vendor transport vehicle(s) must have the minimum holding capacity of 2,500 gallons; minimum service call paid shall be for the 1,250 gallons.

Insurance Requirements:

Successful firm shall provide a certificate of insurance executed by an insurance company authorized to do business in Texas, and shall contain the amount specified herein, and shall be executed prior to award of contract.

- a. Workman's Compensation Insurance as required by laws and regulations applicable to and covering employees of Vendor engaged in the performance of the work under this agreement;
- b. Employer's Liability Insurance protecting Vendor against common law liability, in the absence of statutory liability, for employee bodily injury arising out of the master-servant relationship with a limit of not less than \$100,000;
- c. Comprehensive General Liability Insurance including products/completed operation with limits of liability of not less than: Bodily Injury \$100,000 per each person, \$300,000 per each occurrence/aggregate; Property Damage \$100,000 per each occurrence;
- d. Excess Liability Insurance, Comprehensive General Liability, Comprehensive Automobile Liability and coverages afforded by the policies above, with the minimum limits of \$500,000 excess of specified limits.

EXHIBIT B		
BID NUMBER 2019-09: Vector Services & Regular Maintenance of Sewer System Components		
COST FOR VECTOR SERVICES		
Item	Description	Cost per Gallon
1	Cost per Gallon for Vector Services during normal business hours (Mon-Fri, 8am-5pm), including haul, disposal & all trip cost (trip charge, service call, mileage, etc.)	\$1.28
2	Cost per Gallon for Vector Services outside normal business hours (including haul, disposal & all trip cost (trip charge, service call, mileage, etc.))	\$1.50
3	Minimum Service Charge - service resulting from a service call requiring less than 1,250 gallons, which will serve as the minimum charge for this service	\$1.28
LARGE VECTOR SERVICES		
Item	Service	Cost per Gallon
1	Large Vector Service will include scheduling the equipment, personnel, and all other necessary items to complete the service request for the 18" storm wet well, aeration basins, chlorine contact basins, digesters, and sanitary sewer overflow clean-outs.	\$1.28

prices should include all charges associated with performance work including haul, disposal, trip charge, etc.

City Council Meeting Agenda Item Data Sheet

Meeting Date: May 20, 2024

Topic:

Presentation and discussion regarding additional potential partnership projects between Harris County Pct. 3 and City of Tomball at Broussard and Matthews Parks

Background:

Harris County representative will present discussion points.

Origination:

Recommendation:

n/a

Party(ies) responsible for placing this item on agenda: David Esquivel, 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	_____	Approved by	_____
	Staff Member		City Manager
	Date		Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: May 20, 2024

Topic:

Consideration, discussion, and provide staff direction on the policy and procedures for Boards and Commissions.

Background:

Attached is the Boards and Commission Handbook and current application.

Origination:

Recommendation:

n/a

Party(ies) responsible for placing this item on agenda: David Esquivel, 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	_____	Approved by	_____
	Staff Member		City Manager
	Date		Date

Appendix D

Acknowledgment of Receipt and Understanding

I acknowledge that I have received a copy of the City of Tomball Boards, Commissions and Committees Handbook on _____ (date).

I understand the eligibility requirements, policies, and procedures set forth in this Handbook.

I have read and understood the contents of this handbook and will act in accordance with these eligibility requirements, policies and procedures as a condition of my appointment to a board, commission, or committee.

I have read and understood the Standards of Conduct expected by the City of Tomball and I agree to act in accord with the Standards of Conduct as a condition of my appointment by the City of Tomball.

Finally, I understand that the contents of this Handbook are policies and guidelines established by the City Council of the City of Tomball and that the City Council may amend the Handbook at its discretion.

Please read this Handbook carefully to understand these conditions of appointment before you sign this document.

Signature of Applicant for Appointment

Printed Name of Applicant

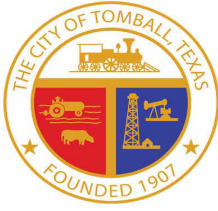
Date:

The City of Tomball, Texas



Boards, Commissions, and Committees Handbook

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City of Tomball

Lori Klein Quinn
Mayor

David Esquivel, PE
City Manager

Dear Citizen:

I would like to thank you on behalf of the Citizens of Tomball for your willingness to serve the City as an appointed member of a Board, Commission, or Committee. Your commitment of time and talent is a very important contribution to our community.

The work done by citizens who serve on Boards, Commissions, and Committees is a vital part of our city government. Board, Commission, and Committee members assist the City Council in setting public policy, implementing public policy and in communicating that policy to the community as a whole.

In recognition of the important civic commitment members of Boards, Commissions, and Committees have made, we have prepared this orientation handbook for those who are interested in possible service and to assist appointed members in performing their duties.

It is our hope that your service to the City of Tomball will be both rewarding and fulfilling. Again, thank you for your willingness to serve.

Sincerely,

Lori Klein Quinn
Mayor

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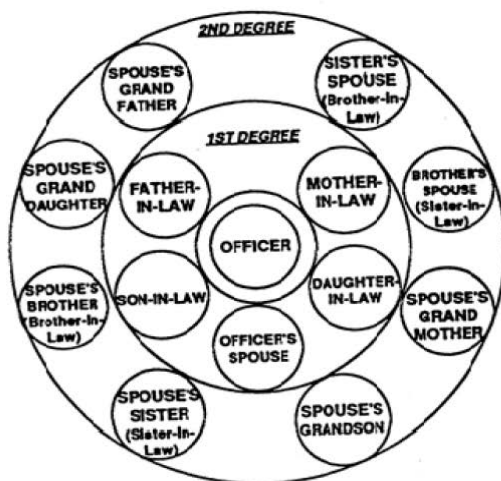
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Eligibility Requirements for City of Tomball Boards & Committees

The following eligibility requirements must be met by all applicants:

1. Each member must be a U. S. Citizen and a resident of the State of Texas and the City of Tomball, who has resided in the City of Tomball for at least six (6) months, with the exception of the Business Owner and Hotel/Motel Positions on the Tourism Advisory Committee. The member shall not be related to any City Council Member in the following manner:
 - Relatives by Consanguinity shall include: parents, children, siblings, grandchildren and grandparents, great-grandparents and great-grandchildren, aunts, uncles, nieces and nephews.
 - Relatives by Affinity shall include: spouse, parents of spouse, siblings of spouse, grandparents and grandchildren of spouse.

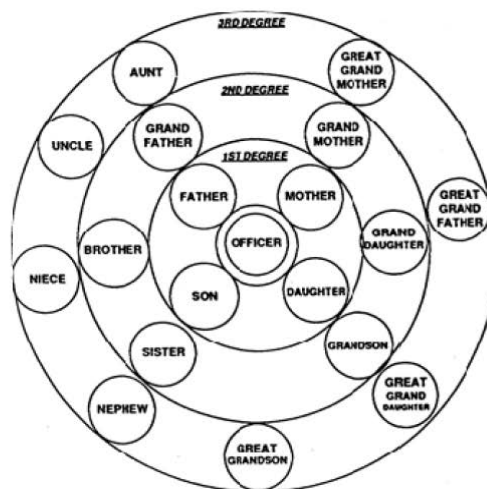
CHART OF KINSHIP



Affinity Kinship Chart
(Marriage)

The chart to the left shows: *Affinity
Kinship (relationship by marriage)

The chart to the right shows: *Consanguinity
Kinship (relationship by blood) for purposes on
interpreting nepotism as defined in VTCA
Government Code, Chapter 573, §§573.021-.025.



Consanguinity Kinship Chart
(Blood)

2. No member shall have a conflict of interest (business) and/or any appearance of impropriety where his/her position on that board or committee could result in a personal advantage or monetary benefit to accrue because of his/her position on the board. A member with a conflict of interest shall file an affidavit with the Board Secretary, shall state the conflict of interest, and shall leave the Chambers/meeting room during discussion and vote.
3. No person shall be eligible for appointment or reappointment if previously convicted of a felony or a crime involving moral turpitude.
4. Persons seeking appointment or reappointment to the Planning & Zoning Commission, Zoning Board of Adjustment, Tomball Economic Development Corporation, or the Tomball Regional Health Foundation shall be required to include, along with their application, a brief bio to include complete work history, description of positions held and tasks responsible for, and professional certifications.
5. Prior to appointment, each applicant must certify that they have read the **Boards, Commissions, and Committees Handbook and return the Acknowledgement Form from the Handbook, Page 33 (Appendix D)**.
6. No member shall serve simultaneously on more than two (2) boards. Boards that have direct working relationships with each other may have non-voting, ex-officio members on the board with whom such working relationships exist. The City Council shall appoint non-voting, ex-officio members as Council liaisons to City-appointed boards, commissions, and committees.
7. All members, including ex-officio members, shall serve without salary.
8. Active participation by all appointed members is necessary for proper functioning of boards. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service.
9. No member shall use their position for any personal influence or monetary gain and shall not purport to represent the board, commission, or committee in any way.
10. The City Council, by majority vote, shall have the authority to remove any member of a board from office whenever, in its discretion, the best interest of the City shall be served, with the exception of the Board of Adjustments.



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be public information. You will be contacted before any appointments are considered to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire may be automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2022 will expire in 2024.

Please Type or Print Clearly:

Date: _____

Name: _____

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip _____

Cell: _____

Email: _____

I have lived in Tomball ____ years.

I am ____ am not ____ a U.S. Citizen

Occupation: _____

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

Please attach a short biography to this application.

Briefly tell us why you would like to be considered for appointment to a City of Tomball Board/Commission.

Please complete the attached Conflict of Interest Questionnaire (CIQ), Conflict of Interest Statement (CIS), Board Member Election on Disclosure, and Appendix D (page 33) *Acknowledgment of Receipt and Understanding* from the Boards, Commissions, and Committees Handbook.

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

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

Decision-Making Boards and Commissions

- ☐ Planning & Zoning Commission
☐ Board of Adjustments

Meeting Information

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

Separate Legal Entities

- ☐ Tomball Economic Development Corporation

Meeting Information

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

- ☐ Tomball Regional Health Foundation

Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees

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

Meeting Information

As called

Non-profit Corporation Boards

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

Meeting Information

As called

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

Signature of Applicant
(Must be signed/signature typed in)

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
cso@tomballtx.gov
office: 281-290-1002
fax: 281-351-6256

Attachments: Conflict of Interest Questionnaire
Conflict of Interest Statement
Election on Disclosure
Acknowledgment of Receipt and Understanding (Page 33, Handbook)

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed;
- or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 SIGNATURE

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

Signature of Local Government Officer

Please complete either option below:

(1) Affidavit

NOTARY STAMP/SEAL

Sworn to and subscribed before me by _____ this the _____ day of _____,
20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

(2) Unsworn Declaration

My name is _____, and my date of birth is _____.

My address is _____,

(street)

(city)

(state)

(zip code)

(country)

Executed in _____ County, State of _____, on the _____ day of _____, 20_____.
(month) (year)

Signature of Local Government Officer (Declarant)

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

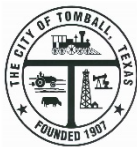
Local Government Code § 176.003(a)(2)(A):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
(ii) the local governmental entity is considering entering into a contract with the vendor.



Board Member Election on Disclosure

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

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

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

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

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

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

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

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

Board Member's Signature

Date

Board Member's Printed Name

This page left blank intentionally.



CITY OF TOMBALL

APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be [public information](#). All appointments are made by the Tomball City Council. Incumbents whose terms expire may be automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. [Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2022 will expire on December 31, 2024](#)

Please Type or Print Clearly:

Date: _____

Name: _____

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

Email _____

I have lived in Tomball ____ years. I am ____ am not ____ a U.S. Citizen

I am applying as (please check all that apply):

- _____ a Tomball Resident, residing within the city limits of Tomball
- _____ an Owner, Officer or Director of a business, other than a hotel or motel,
with offices within the city limits of Tomball
- _____ an Employee or Officer of a hotel or motel located in the
city limits of Tomball

Occupation: _____

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

Please attach a short biography to this application.

Briefly tell us why you would like to be considered for appointment to a City of Tomball Board/Commission.

Please complete the attached Conflict of Interest Questionnaire (CIQ), Conflict of Interest Statement (CIS), Board Member Election on Disclosure, and Appendix D (page 33) Acknowledgment of Receipt and Understanding from the Boards, Commissions, and Committees Handbook.

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.

Signature of Applicant
(Must be signed/signature typed in)

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
cso@ci.tomball.tx.us
office: 281-290-1002
fax: 281-351-6256

Attachments: Conflict of Interest Questionnaire
Conflict of Interest Statement
Election on Disclosure
Acknowledgment of Receipt and Understanding (Page 33, Handbook)

-xvii-

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 SIGNATURE

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

Signature of Local Government Officer

Please complete either option below:

(1) Affidavit

NOTARY STAMP/SEAL

Sworn to and subscribed before me by _____ this the _____ day of _____,

20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

(2) Unsworn Declaration

My name is _____, and my date of birth is _____.

My address is _____,

(street)

(city)

(state)

(zip code)

(country)

Executed in _____ County, State of _____, on the _____ day of _____, 20 _____.

(month)

(year)

Signature of Local Government Officer (Declarant)

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

- (A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:
- (i) a contract between the local governmental entity and vendor has been executed; or
 - (ii) the local governmental entity is considering entering into a contract with the vendor.

Board Member Election on Disclosure

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

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

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

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

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

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

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

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

Board Member's Signature

Date

Board Member's Printed Name

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CHAPTER I

DEFINITIONS

Boards, Commissions, and Committees Defined. The City of Tomball City Council depends on the input from residents serving on Boards, Commissions and Committees. Tomball may have several kinds of Boards, Commissions and Committees, including:

Advisory Boards, Commissions, and Committees
Decision-making Boards
Separate Legal Entities
Standing Committees Sunset Committees
Non-profit Corporation Boards.

Advisory Boards, Commissions and Committees Defined. These Boards, Commissions and Committees advise the City Council, City Manager and City staff. They play a key role in keeping the City government close to the people it serves and providing ideas, feedback, and suggestions and may serve as a sounding board for proposed policy. These Boards, Commissions and Committees currently (or may) include:

Capital Improvement Plan Advisory Committee
Tourism Advisory Committee.



Capital Improvement Plan Advisory Committee

Purpose: To regularly review and update the Capital Improvements Program (CIP) in accordance with the requirements of Vernon's Texas Local Government Code, Chapter 395.

Duties: At least annually review, analyze and interpret the CIP with the City Manager, Director of Engineering and Planning, and Planning and Zoning Commission. Recommend changes indicated by sound planning principals and financial constraints.

Time Commitments: Typically, one to two times annually, approximately 1½ to 2 hours per meeting.

Members: Membership is composed of the members of the Planning and Zoning Commission plus a resident of the City of Tomball's extraterritorial jurisdiction (ETJ) for a total of six (6) members appointed by City Council.

Term: This is an ad hoc committee, called as needed to review the CIP; terms expire when the board is no longer active.

Meetings: Usually held at 6:00 p.m. on the second Monday in the month. The Chair of the Planning and Zoning Commission chairs the meetings. Separate minutes of the meeting are taken and kept.



Tourism Advisory Committee

Purpose: To regularly review applications and advise City Council regarding requests for funding grants from the Hotel-Motel Occupancy Tax revenues.

Duties: Recommend funding grants.

Time Commitments: Typically, four times annually, approximately 1½ to 2 hours per meeting.

Members: Nine (9) members; membership is composed of three Tomball residents, three Tomball business owners, officers or directors other than a hotel or motel, and three employees or officers of a Tomball hotel or motel.

Term: Terms are three-year, staggered terms, expiring in December of each year.

Meetings: Usually held at 6:00 p.m. on the fourth Tuesday in the first month of each quarter. Separate minutes of the meeting are taken and kept.

Decision-making Boards and Commissions Defined. These are legislative and/or ‘quasi-judicial’ bodies that are empowered by State law to make decisions affecting City policy relating to the public health, safety or welfare. These Boards and Commissions are “governing bodies” under the Texas Open Meetings Act and are thus required to comply in all respects with the Act. These Boards and Commissions include:

Board of Adjustments
Impact Fee Advisory Committee
Planning and Zoning Commission
Building Standards Commission.

Board of Adjustments

Purpose: To consider variances and special exceptions to the terms of the Zoning Ordinance and to hear and decide appeals of decisions and interpretations made by an administrative official in the enforcement of the Zoning Ordinance.

Duties: The duties of the Board of Adjustments shall be to:

1. Determine the true intent and meaning of the Code of Ordinances of the City of Tomball or any of the regulations that have been misconstrued or incorrectly interpreted.
2. To hear and decide cases under the City’s Zoning Ordinance, including appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance;
3. To hear and decide special exceptions when the Zoning ordinance requires the Board to do so; and
4. To authorize, in specific cases, a variance from the terms of the Zoning Ordinance if the variance is not contrary to the public interest and if, due to special conditions, a literal enforcement of the Zoning Ordinance would result in unnecessary hardship, and so that the spirit of the Zoning Ordinance is observed and substantial justice is done. In order to grant a variance, the Board of Adjustments must make findings that an undue hardship exists, using the following criteria:
 - a. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property.
 - b. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district.
 - c. That the relief sought will not injure the permitted use of adjacent conforming property.
 - d. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
 - e. Financial hardship alone is not an “undue hardship” if the property can be used, meeting the requirements of the zoning district it is located in.

In granting a variance, the Board may impose such conditions, limitations and safeguards as it deems appropriate to protect adjacent property owners and to ensure the public health, safety, convenience and general welfare.

5. To make interpretations on zoning district boundaries shown on the Zoning Map where uncertainty exists because physical features on the ground differ from those on the Zoning Map or where the “Zoning District Boundaries” rules do not apply or are ambiguous.

Limitations on Authority:

1. The Board of Adjustments may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as specifically provided for in the Zoning Ordinance.
2. The Board of Adjustments shall have no power to grant or modify Conditional Use Provisions.
3. The Board of Adjustments shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment by the Commission and the City Council.
4. The Board of Adjustments shall not grant a variance for any parcel of property or portion thereof upon which a required site plan or any plat is pending on the agenda of the Planning and Zoning Commission and/or the City Council. All administrative and procedural remedies available to the applicant shall have been exhausted prior to hearing by the Board of Adjustments.

Time Commitments: As needed. Typically every 30-60 days, usually requiring 1 to 2 hours.

Members: The City Council appoints five (5) regular members and up to four (4) alternate members to serve in the absence of one or more of the regular Board members on an alternating basis. Such Board members shall be residents of the City of Tomball. Knowledge of and experience in technical review, design or the development industry is helpful. The members of the Board (and alternate members, as needed) shall regularly attend meetings and public hearings of the Board, shall serve without compensation, and shall not hold any other office or position with the City while serving on the Board. A Board member shall not act in a case in which he has a personal or financial interest.

Term: Two (2) year terms. The terms of office of the Board members shall be staggered so no more than one-half (½) of the Board is appointed or replaced in any 12-month period. The four (4) alternates, if appointed, shall serve two-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the Board shall, at the discretion of the City Council, render any such member subject to immediate removal from office.

Meetings: As needed, typically every 30-60 days. The Board shall conduct regular biannual meetings in May and November. All regular meetings shall begin at 6:00 p.m. and shall be held at Tomball City Hall unless otherwise posted in accordance with state law.

Planning and Zoning Commission

Purpose: To review, advise and make recommendations to the City Council on matters relating to City and extraterritorial jurisdiction (ETJ) planning and development.

Duties: The Planning and Zoning Commission shall:

1. Serve as an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the Master or Comprehensive Plan, changes of zoning, zoning ordinance amendments, and zoning to be given to newly annexed areas, and other planning related matters for the physical development of the City.
2. Recommend to the Council the approval or disapproval of plats of proposed subdivisions submitted in accordance with City ordinances as adopted or hereafter amended.
3. Recommend to the Council plans for the clearance and rebuilding of slum districts and blighted areas that may develop within the City.
4. Conduct an annual review of the City's Comprehensive Plan and make recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan current with changing conditions and trends and with the planning needs of the City.
5. Serve in an advisory capacity on any planning related item(s) in the City and perform other duties as provided for by the City Charter.
6. Serve as the Building Standards Commission.
7. Recommend to the Council the amendment, extension and revision of the Building Code, which code shall include the minimum standards of construction for building, the minimum standards for plumbing and the minimum standards for electrical and mechanical equipment.
8. Submit annually to the City Manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommendations for capital improvements that, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five (5) years. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year.
9. The Commission shall have all the rights, powers, privileges and authority authorized and granted by the City Council and through the Statutes of the State of Texas authorizing and granting cities the power of zoning and subdivision regulation as found in Chapters 211 and 212 of the Texas Local Government Code, as amended from time to time.
10. Operate under the guidelines of the powers granted by the Civil Statutes of the State of Texas.



Time Commitments: Once per month, in the evening, if needed, usually requiring 1 to 2 hours. Additional meetings may be required infrequently to accommodate particular circumstances.

Members: The City Council appoints five (5) members. Members must be residents of the City of Tomball, real property owners, and not employees of the City. Members also perform duties as the City's Building Standards Commission and the Capital Improvement Plan Advisory Committee.

Term: All appointees to the Commission shall serve as a member of the Commission for a term of office of three (3) years, expiring June 1 of each year. Terms overlap, creating at least one vacancy each year. Members may be reappointed with no limitation on the number of terms one member may serve.

Meetings: Usually every second Monday of the month at 6:00 p.m. at Tomball City Hall.

Building Standards Commission

Purpose: To administer due process in matters concerning alleged violations of ordinances related to substandard buildings or structures in the City of Tomball.



Duties: The duties of the Building Standards Board shall be:

1. To order the repair, within a fixed period, of buildings found to be in violation of an ordinance.
2. To declare a building substandard in accordance with the powers granted by Chapter 54 of the Local Government Code.
3. To order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal of persons or property if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building or structure found to exist.
4. To issue orders or directives to any peace officer of the State, including a sheriff or constable or the Police Chief, to enforce and carry out the lawful orders or directives of the Commission.
5. To determine the amount and duration of a civil penalty the City may recover in an amount permitted by State law.

Time Commitments: As needed. Typically, one to two times annually, in the evening, usually requiring 1 to 2 hours. Additional meetings may be required infrequently to accommodate particular circumstances.

Members: The City Council appoints five (5) members. Members must be residents of the City of Tomball, real property owners, and not employees of the City. The Planning and Zoning Commission members serve as the members of the Building Standards Commission, along with the City's Building Official and the City's Fire Marshall as ex officio members.

Term: All appointments to the Commission shall serve as a member of the Commission for a term of office of three (3) years, expiring June 1 of each year. Terms overlap, creating at least one vacancy each year. Members may be reappointed with no limitation on the number of terms one member may serve.

Meetings: Called on a case-by-case basis; typically one to two times annually, generally in conjunction with a Planning and Zoning Commission meeting.

Separate Legal Entities Defined. These are boards that are recognized by the State as separate legal entities with their own Articles of Incorporation and By-Laws and are registered with the office of the Secretary of State and, in the case of the Hospital Board, are created by an act of the State Legislature and recognized as a separate governmental entity. These Boards include:

The Tomball Economic Development Corporation
The Tomball Regional Health Foundation.

Tomball Economic Development Corporation



Purpose: To promote economic development in the City of Tomball and to promote or develop municipal infrastructure related to the development or expansion of business enterprise.

Duties: Directors shall exercise ordinary business judgment in managing the affairs of the Corporation. In acting in their official capacity as Directors of the Corporation, Directors shall act in good faith and take actions they reasonably believe to be in the best interests of the Corporation or which would be lawful and shall refrain from actions not in the best interest of the Corporation or which would be unlawful. A Director shall not be liable if, in the exercise of ordinary care, the Director acts in good faith relying on written financial and legal statements provided by an accountant or attorney retained by the Corporation.

Time Commitment: The time commitment varies somewhat, based on projects being undertaken. Normally, 6 meetings annually, typically the second Tuesday of the month, 5:30 p.m., in meetings of 1 to 2 hours duration; the annual meeting is in May. Some outside reading and study will be required.

Members: Seven (7) members are appointed by the City Council. Each Director must reside within the City of Tomball. The Mayor and members of the Tomball City Council who are not members of the Corporation shall be ex-officio directors of the Corporation. The Mayor and the City Council of Tomball may appoint up to three individuals who meet the special qualifications as outlined in Section 3.09, to serve as ex-officio directors of the Corporation. Ex-officio directors shall be given notice of all meetings of the Board, may participate in discussions at Board meetings, but shall not be entitled to vote on matters considered by the Board.

Term: Two (2) year terms, which may be staggered, if so provided for by the Governing Body (the City of Tomball). Currently, terms are staggered.

Meetings: There are six (6) meetings annually, usually on the second Tuesday of the month, 5:30 p.m., in meetings of 1 to 2 hours duration; the annual meeting is in May. Other meetings are called at the discretion of the Board.

Tomball Regional Health Foundation

(Formerly the Tomball Regional Hospital Authority)

Tomball Regional Health Foundation is the new name of the Tomball Regional Hospital Authority ("TRHA"), following the sale of Tomball Regional Medical Center to a subsidiary of Community Health Systems, Inc. on October 1, 2011. The Tomball Regional Health Foundation will administer the proceeds from the sale of Tomball Regional Medical Center for charitable purposes in the surrounding communities.



Purpose: The Foundation will continue to be a vital part of the community, supporting health and wellness initiatives on behalf of its residents and seeking to meet the broader aspects of health needs in the community.

Duty: The mission of the TRHF is to promote wellness and improve health status for all residents in our communities through programs that enhance access to health care, preventative care and health education. The vision of the TRHF is to be a catalyst for measurably improving access to healthcare and health status of the Tomball, Magnolia, Waller and surrounding communities.

Members: Currently, the total number constituting the members of the Board is eleven; five (5) of the eleven (11) Board Members shall be appointed by City Council and six (6) of the eleven (11) Board Members shall be elected by the Board. No officer or employee of the City of Tomball shall be eligible for appointment or election as a Board Member. Any vacancy occurring in the Board shall be filled by the body appointing the Board Member whose seat is being vacated. The term of the new Board Member shall commence immediately and shall continue until the expiration of the term for which the Board Member was appointed to fill.

Criteria for Selection of Board Members: Board Members selected by the Tomball City Council shall be residents of the City of Tomball. Board Members elected by the Board shall be residents of the Authority's service area as defined by the Board from time to time and those Prospective Directors shall be interviewed to confirm their willingness, interest and qualifications (as determined by the Board) in serving on the Board.

Term: Two (2) year terms. Positions 1, 3 and 5 expire in the same year; Positions 2 and 4 expire in the same year. (Ord. 2000-03).

Time Commitment and Meetings: Regular monthly meetings shall be held the fourth Wednesday of every month or as designated by the Chairman of the Board at our office location of 29201 Quinn Road, Suite A, Tomball, Texas 77375.

Special meetings of the Board may be called by or at the direction of, the Chairman of the Board or a majority of the Board Members then in office, to be held at such date, hour and place as shall be designated in the notice of the meeting.

Notice of the date, hour, place and subject of any meeting of the Board shall be given in accordance with applicable statutory requirements including, without limitation, the requirements of the Texas Open Meetings Act (GOV'T CODE ANN. §§ 551.001 *et seq.*)

Standing Committees Defined. Currently, the City of Tomball does not have any Standing Committees. These are permanent advisory committees, in most cases reporting to the City Council and sometimes to the City Manager. Examples of Standing Committees in other cities are insurance advisory committees and oil and gas advisory committees.

Sunset Committees Defined. Sunset Committees are temporarily appointed, advisory boards, committees, or commissions that terminate upon completion of their specific task. Examples of Sunset Committees include:

Comprehensive Plan Advisory Committee (CPAC)
Charter Review Commission (CRC).

There have been other Sunset Committees and Commissions, such as the Zoning Commission, and the Oil and Gas Advisory Committee.

Non-profit Corporation Boards Defined. Non-profit corporations are 501(c)(3) organizations, established by the City of Tomball for the purpose of receiving private and/or corporate grant funds, to supplement the City of Tomball's ability to fund various programs, projects, events and other expenditures benefitting the Tomball community. An example of a Non-Profit Corporation Board is the Tomball Legacy Fund, Inc.

Tomball Legacy Fund, Inc.

Duty: To receive private and/or corporate grant funds, to supplement the City of Tomball's ability to fund various programs, projects, events and other expenditures benefitting the Tomball community.

Members: The Tomball Legacy Fund Board, Inc. shall be composed of seven (7) individuals. Positions 1 through 6 shall be filled by six (6) members who shall be the members of the City Council of the City of Tomball; Position 7 shall be filled by one (1) member who shall be appointed by City Council.

Criteria for Selection. The Mayor and City Council members shall serve in such capacity for a period coinciding with their respective terms of office with the City. Directors in Positions 1 through 6 must reside within the City and if such residence ceases, it shall be deemed as a resignation. The Director for Position 7 is not required to reside within the City and his/her term of office shall coincide with the term of the Mayor. Directors are removable by the governing body of the City at any time without cause. The Directors shall serve without compensation, unless compensation is proposed and approved by the City's governing body, said compensation in no event to exceed the compensation of the elected officers of the City's governing body, except that such Directors shall be reimbursed for their actual expenses incurred in the performance of their duties. Any vacancy occurring on the Board of Directors through death, resignation, or otherwise shall be filled by appointment by the governing body of the City, said appointee to hold office until the expiration of the relinquished term.

Term. The periods of service of the members shall commence on August 5, 2013 and expire as noted above.

CHAPTER II

BOARD, COMMISSION, AND COMMITTEE APPOINTMENT PROCESS

Application Process. Citizens interested in serving on a board, commission, committee or separate legal entity can obtain an application from the City Secretary's office at City Hall or from the City's website, www.tomballtx.gov. The completed application can be submitted directly to the Mayor or returned to the City Secretary's office. Applications are valid for two years, after which a new application must be submitted.

Appointment Process. The City of Tomball City Council makes appointments to City of Tomball Boards, Commissions, Committees, and separate legal entities. The City Council considers applications to these boards during regular City Council meetings.

Notice of Appointment. After the City Council appoints a person to serve as a member of a Board, Commission, Committee or separate legal entity, the City Secretary will notify the appointee in writing of the appointment. Generally, the City Council will appoint members to no more than three (3) consecutive terms of service on a single board.

Eligibility and Qualifications. The Tomball City Council seeks qualified persons to serve on Boards, Commissions and Committees. The qualifications required to serve on a particular Board, Commission or Committee are determined by City of Tomball Home Rule Charter, Ordinance, or by the State law which established the Board, Commission, or Committee.

Appointments to Boards, Commissions, Committees or separate legal entities that do have eligibility requirements must be made in accordance with the governing City Home Rule Charter, City Ordinance or State statutes. Board, Commission or Committee members must continue to meet the eligibility requirements during the entire time they serve. If a member cannot continue to maintain the necessary requirements he/she shall resign his/her position.

Nepotism. Section 6.05 of the Home Rule Charter provides that no officer of the City or officer of any City Board shall appoint, or vote for or confirm the appointment to any office, position, clerkship, employment or duty, of any person related within the second-degree of affinity (by marriage) or within the third-degree by consanguinity (by blood) to the person so appoint or so voting, or related to any other member of the governing body or board of the City.

Oath of Office. Upon appointment, an oath of office is administered to all members of Boards, Commissions, and Committees. The oath of office can be administered by the City Secretary or designee or a City-employed Notary Public for the State of Texas.

Open Meetings Act Training. Upon appointment, each new board member is required to complete the Open Meetings Act Training as required by the State of Texas Attorney General within ninety (90) days of his/her appointment and provide a certificate of completion to the City Secretary for the City's records.

CHAPTER III

MEETINGS

Role of the Chair. The function of the Chair is to provide leadership for the group. The Chair is selected by other board members in a method agreeable to all board members. There are certain duties and responsibilities that must be performed.

The Chair can ensure the smooth operation of the board, commission or committee. The Chair must be strong enough to make certain that the meeting is run by the rules, but democratic enough to use the power and authority of the position wisely. The Chair's ability to handle meetings will have a significant impact on operation and effectiveness.

The Chair must make certain that discussions do not get sidetracked on minor issues and must have the ability to remain focused on the agenda.

The Role of Other Officers. The Vice-Chair will serve as Chair in the absence of the Chair. Other officers and duties shall be determined by the respective board, commission, or committee.

The Agenda. The agenda should always be prepared prior to the meeting and copies given to all Board, Commission, or Committee members. Extra copies of the agenda should be available for the public.

The agenda is prepared by the department head or staff person assigned to the Board, Commission or Committee. Certain Boards, Commissions and Committees are required by the state, in the Open Meetings Act, to post the agenda publicly, at least 72 hours prior to the meeting and it is a City of Tomball practice that all boards, commissions and committees follow these procedures.

Parliamentary Procedures. Meetings of Boards, Commissions and Committees are generally conducted under standard parliamentary rules, i.e., *Robert's Rules of Order*, as adopted by that body.

Public Hearings. These hearings are open forums that allow the public an opportunity to express their opinions on a specific issue. Public Hearings are generally conducted in the following manner:

1. The Chairman of the Board, Commission or Committee formally opens the public hearing.
2. The applicant's presentation of his request.
3. Proponents (those in favor) of a measure speak first.
4. Opponents (those against) speak second.

After hearing all who wish to comment on the issue, the proponents are allowed to give a rebuttal and summarize their position, and then the Chair formally closes the Public Hearing.

Members of the Board, Commission or Committee may ask questions at any time of the witness, if recognized by the Chair. Members are encouraged to ask questions even after the hearing is closed. After the Public Hearing is closed, members of the public may speak ONLY when recognized by the Chair.

A time limit for individual speakers may be set by the Board, Commission or Committee for purposes of order and equity before the Public Hearing begins.

Signing the Minutes for the Meeting. The minutes of Boards, Commissions and Committees MUST be signed by the Chair and the Secretary once the minutes are approved by a majority vote of the members of the Board, Commission or Committee.

Meeting Attendance. Every Board, Commission or Committee member is expected to maintain a suitable attendance record. It is important to keep in mind that attendance is very important to the Board, Commission or Committee. Because attendance is important, the City Council has adopted an attendance policy of no more than three (3) consecutive absences without an excuse for regular board, commission or committee members. The Chair of the Board, Commission or Committee can excuse a member's absence.

The term "meetings" includes all meetings of the board and all meetings of the board's subcommittees on which the member serves. The Secretary of the Board, Commission or Committee is responsible for keeping track of the members' attendance. If a member does not follow the attendance policy set for the board, commission or committee, the member can be removed from service by a vote of the City Council.

Working with City Staff. Each Board, Commission, or Committee member is encouraged to work closely with City staff and with the appropriate department staff assigned to that Board, Commission or Committee. City staff is assigned to provide general assistance, such as preparation of agenda materials and general review of department programs and activities, and to perform limited studies and other services.

Reporting to the City Council. The Council is dependent on each Board, Commission or Committee to make recommendations to City projects. It is through the Boards, Commissions and Committees that the City Council can receive community input. All Boards, Commissions and Committees are encouraged to communicate the position of the body to the City Council and, from time-to-time, may want to visit informally with a Council member.

There will be occasions when City staff will be required to prepare an agenda item for City Council review. In preparation of such a report, the staff member should present both the staff position and Board, Commission or Committee's position. The position of a member not voting in the majority on an item should also be presented in the staff report if indicated by the member.

It is the desire of the City Council to have an opportunity to hear and consider all sides of an issue and alternative recommendations to assist in their decision-making process.

CHAPTER IV

RESPONSIBILITIES OF THE MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES

General. It is an honor to be selected as a City Board, Committee, or Committee member and it provides an unusual opportunity for genuine public service. Although specific duties of each body vary widely, there are certain responsibilities that are common to all members. The following is a summary of those responsibilities:

1. Members should understand the role and scope of their responsibilities and should be informed of the individual board, commission or committee's purpose and of its operating procedures.
2. Members should be careful to represent the majority views of their individual board, commission or committee. Individual "opinions" to the public and press should be identified as such.
3. Members should represent the public interest and not special interest groups.
4. Good communication is essential - members are in a position to serve as liaison between the City and its citizens and can help to reconcile opposing viewpoints and to build a consensus around common goals and objectives. Members serve as a communication link between the community, staff, and City, presenting recommendations and providing a channel for citizen expression.
5. Members are encouraged to review their agenda packets, contact City staff with questions, and be thorough in their recommendations; if possible, members should personally view situations under consideration prior to the meeting in order to be fully prepared to discuss, evaluate, and act on all matters scheduled for consideration. Conclusions based on preparedness will strengthen the value of the group's recommendations.
6. Members are encouraged to establish a good working relationship within the group; respect individual viewpoints; allow other members time to present their views fully before making comments; be open and honest; welcome new members.
7. Council appointments to boards, commissions or committees are made without regard to political party affiliation. Members are not restricted from participating in political activities; however, members should not use or involve their membership in the conduct of political activities.

Open Meetings Act. Texas Law requires that every meeting of the City Council be open to the public. The law also requires all Boards and Commissions, other than Advisory Boards, Commissions, and Committees, to follow this as well. In Tomball, all Boards, Commissions and Committees follow the procedures for open meetings.

- a. A Posted Notice is required of a meeting. Written notice of the date, hour, place and subject of each meeting must be posted on a public bulletin board, located at a place convenient to the public for at least 72 hours preceding the scheduled time of the meeting. Only those matters posted can be discussed and acted on by the governmental body.

- b. Minutes are required to be prepared or a tape recording made of each open meeting. Minutes must state the subject of each deliberation and indicate each vote, order, decision or other action taken.
- c. Closed Meetings. The Texas Open Meetings Act does allow for closed or executive meetings on a few limited subjects. Generally, Boards, Commissions or Committees will not have occasion or legal basis to meet in closed or executive session. Closed meetings are allowed to discuss pending litigation, certain personnel matters, and the lease or acquisition of land. However, before a closed meeting can be held, a quorum of the governmental body must convene in an open meeting and the presiding officer publicly announce that a closed meeting will be held and identify the sections of the Open Meeting Act authorizing the closed meeting. No final action, decision, or vote can be made in a closed meeting. All final actions, decisions, and votes must be made in open meetings. Further, the governmental body is required to keep a certified agenda of the matters discussed in the closed meeting and a record of any further action taken. The presiding officer must include an announcement at the beginning and end of the closed meeting indicating the time and place, and must certify that the agenda is a true and correct record of the proceedings. Blank certified agenda forms for use by presiding officers are available in the City Secretary's office. In lieu of maintaining a certified agenda, a tape recording of the closed meeting may be made.
- d. Penalties. A fine of not less than \$100 nor more than \$500 or imprisonment in the county jail for not less than one month nor more than six months, or both fine and imprisonment, can be imposed for violating the provisions of the Open Meetings Act or conspiring to circumvent the provisions of the Open Meetings Act by meeting in numbers less than a quorum for the purposes of secret deliberations.

Open Records Act. Texas law also requires that virtually all information held by a governmental body must fall under the rules of the Texas Open Records Act. If a request for information is received by a Board, Commission or Committee, the City Secretary should be notified for the proper procedure.

CHAPTER V

LEGAL LIABILITY

Personal Liability. Board, commission or committee members cannot be held personally liable for erroneous acts while honestly exercising the functions of their offices in good faith. The only time a member can be held personally liable is when they act outside the scope of their office and in bad faith. When members of City Boards, Commissions or Committees are acting in good faith and within the bounds allowed by the City, state and federal law, the City will provide a defense for such members to the greatest extent permissible. However, if a Board, Commission or Committee member acts fraudulently, maliciously, or in violation of a criminal law while serving in his/her official capacity, the City generally will not provide that member a defense.

Board Liability. A city, its officers, and members of boards, commissions or committees as a governmental entity, must treat all individuals or groups in the same manner unless there is a compelling governmental interest to treat someone or some group differently. Therefore, the City Attorney should be consulted concerning whether or not an individual or group can be treated differently. If an officer or board, commission or committee member illegally discriminates against an individual or group, that individual or group can seek damages from the City and from the individual officer for a violation of rights under the state and federal civil rights statutes.

The above discussion is by no means intended to be a comprehensive and complete discussion of legal liabilities to which the City or Board, Commission or Committee member may be subjected.

Board, Commission or Committee members are strongly encouraged to consult with the City Attorney anytime they feel their actions while serving on such Board, Commission or Committee may have some legal consequences. The law in this area is quite complex and requires a thorough analysis of the law and facts pertaining to each particular situation.



CHAPTER VI
CODE OF ETHICS OF
THE CITY OF TOMBALL, TEXAS

ORDINANCE NO. 93-06

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE III, DIVISION 4, TO CHAPTER 2 OF THE CODE TO ESTABLISH A CODE OF ETHICS FOR CITY OFFICERS AND EMPLOYEES; CONTAINING DEFINITIONS; PROVIDING A PENALTY IN AN AMOUNT OF \$500 PER OFFENSE, OR AS PROVIDED BY STATE LAW; DIRECTING PUBLICATION OF THE CAPTION OF THIS ORDINANCE; FINDING THAT THE MEETINGS AT WHICH THIS ORDINANCE IS CONSIDERED ARE OPEN TO THE PUBLIC; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING OTHER DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE.

* * * * *

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

Section 1.0. That Chapter 2 of the Code of Ordinances of the City of Tomball, Texas, is hereby amended by adding a new Article III, Division 4, which provides as follows, and which shall be renumbered to conform to the numbering system of such Code:

“CODE OF ETHICS OF
THE CITY OF TOMBALL, TEXAS”

1.0. Declaration of Policy.

It is hereby determined by the City Council of the City of Tomball, Texas, that the proper operation of government requires that public officers and employees be independent and impartial; that the government’s decisions and policies be made within the proper channels of the governmental structure; that a public office not be used for personal gain; and that the public have confidence in the integrity of its government and its governmental officials.

The purpose of this Code is to enumerate existing state laws which regulate the conduct and activities of City officers and employees, and to promulgate such additional minimum standards as are deemed necessary and appropriate to assure the faithful and impartial administration of the City’s government.

2.0. Definitions.

For the purposes of this Code of Ethics the following words, terms, and phrases shall have the meanings ascribed thereto:

2.01. **City Employee.** Any person employed by the City, including those individuals employed on a part-time basis.

2.02. **City Officer.** The Mayor, members of the City Council, the City Manager, City Secretary, Municipal Court Judge and Clerk, Alternate Judges, and Substitute Judges, and each member and alternate member of all of the City Boards, Commissions, and Committees.

2.03. **City Official.** A City officer or City employee.

3.0. Ethical Principles.

The following Code of Ethics for all City officers and employees is adopted. To further the objectives of this Code of Ethics, certain ethical principles shall govern the conduct of every officer or employee, who shall:

1. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and confidence of the citizens of Tomball;
2. Recognize that the chief function of local government at all times is to serve the best interests of all of the people;
3. Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;
4. Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the Council or the City. Do not seek or accept gifts or special favors; believe that personal gain by use of confidential information or by misuse of public funds or time is dishonest;
5. Recognize that public and political policy decisions, based on established values, are ultimately the responsibility of the City and City Council; and
6. Conduct business in open, duly noticed meetings in order to be directly accountable to the citizens of Tomball. It is recognized that certain exceptions are made by the State for executive sessions; however, any action as a result of that type of meeting will be handled later in open session.

4.0. Standards of Conduct.

In order to more fully effectuate the policy declared in this Code of Ethics, to assure that all City officials act and conduct themselves both inside and outside the City's service so as to give no occasion for distrust of their integrity, and to avoid even the appearance of impropriety by any City official, the following standards of conduct are adopted.

4.01. Grant of Special Consideration.

No City official shall grant any special consideration, treatment, or advantage to any citizen, individual, business organization, or group beyond that which is normally available to every other citizen, individual, business organization, or group. This shall not prevent special considerations authorized and granted by the City Council for the purpose of creating incentives necessary to secure or retain employees.

4.02. Appearances on Behalf of Private Interests.

No City official shall represent or appear on behalf of private interests of others before any agency of the City, or any City board, commission, committee, or City Council concerning any case, project, or matter over which the official exercises discretionary authority, nor shall a City official represent any private interest of others in any action or proceeding involving the City, nor voluntarily participate on behalf of others in any litigation to which the City is a party.

4.03. Appearances by Past Officials.

No City official, holding a position which involves decision-making, advisory, or supervisory responsibility, shall, within twelve (12) months following the end of service with the City, represent or appear on behalf of private interests of others before the City or any agency thereof concerning any case, project, or matter over which the official has exercised discretionary authority.

4.04. Securing Special Privileges.

No City official shall use his official position to secure special privilege or exemption for himself or others.

4.05. Gifts.

No City official shall accept or solicit any gift or favor that could reasonably tend to influence that individual in the discharge of official duties or that the official knows or should know has been offered with the intent to influence or reward official conduct.

4.06. Disclosure or Use of Confidential Information.

No City official shall disclose any confidential information gained by reason of his office or employment with the City, concerning any property, operation, policy, or affair of the City, or use such confidential information to advance any personal interest, financial or otherwise, of such official or others.

4.07. Incompatible Outside Activities.

No City official shall engage in any outside activity which will conflict with, or be incompatible with, the City office or employment.

4.08. Incompatible Employment.

No City official shall accept outside employment which is incompatible with the full and proper discharge of his or her duties and responsibilities with the City, or which might impair his or her independent judgment in the performance of his or her public duty.

4.09. Use of City Property for Personal Use.

No City official shall use City supplies, equipment, vehicles, or facilities for any purpose other than the conduct of official City business, unless otherwise specifically provided for by law, ordinance, or City policy.

5.0. State Laws Governing Conduct.

5.01. Conflicts of Interest.

- 5.01.01. Pursuant to §171.001 et seq., Texas Local Government Code, a local public official having a substantial interest in a business entity or piece of real property must file, before any vote or decision is made on any matter affecting the business entity or real property, an affidavit stating the nature and extent of the interest. The official must file the affidavit with the City Secretary, and is required to abstain from any further participation in the matter if (1) the proposed action would have a special economic effect on the business entity that is distinguishable from the effect on the public, or (2) it is reasonably foreseeable that the action would have a special economic effect on the value of the real property which is distinguishable from its effect on the public. An exception to the abstention rule is provided in cases where a majority of members of the entity are likewise required to and do file affidavits.
- 5.01.02. A substantial interest in a business entity exists when the official (1) owns ten percent (10%) or more of the voting stock or shares of the business entity, or (2) owns ten percent (10%) or more or \$5,000 or more of the fair market value of the business entity, or (3) has received from the business entity funds which exceed ten percent (10%) of the official's gross income for the prior year.
- 5.01.03. A substantial interest in real property exists when the official has an equitable or legal interest in such property which has a fair market value of \$2,500 or more.
- 5.01.04. A local public official means a member of the City Council or other official of the City, paid or unpaid, who exercises responsibilities which are more than advisory only. A business entity means any entity recognized by law.
- 5.01.05. It is an offense for a local public official to act as a surety for a business entity that is contracting with the City, or to act as a surety on any official bond required of an officer of the City. §171.003.

5.01.06. A local public official is considered to have a substantial interest if a person related to the official in the first degree by consanguinity or affinity has a substantial interest. §171.002(c).

5.01.07. The provisions of §171.001 et seq., are IN ADDITION to any other municipal charter provisions or municipal ordinances defining and prohibiting conflicts of interest.

5.02. Bribery.

It is unlawful for a City official to accept or agree to accept (1) any benefit as consideration for a decision, opinion, recommendation, vote, or other exercise of discretion as a public servant or (2) any benefit as consideration for a decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding, or (3) any benefit as consideration for a violation of a duty imposed by law on a public servant. §36.02, Penal Code.

5.03. Gifts to Public Servants.

5.03.01. It is unlawful for a City official to solicit, accept, or agree to accept any benefit from a person the official knows is subject to regulation, inspection, or investigation by the official or the City. §36.08(a), Penal Code.

5.03.02. In the event of litigation involving the City, it is unlawful for any City official to solicit, accept, or agree to accept any benefit from a person against whom the official knows litigation is pending or contemplated by the official or the City. §36.08(c), Penal Code.

5.03.03. It is unlawful for a City official who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government to solicit, accept, or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion. §36.08(d), Penal Code.

5.03.04.1 It is unlawful for a City official who has judicial or administrative authority, is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision, to solicit, accept, or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any matter before the official or tribunal. §36.08(e), Penal Code.

5.03.05. Exceptions to Gifts to Public Servants.

The provisions of §36.08, Penal Code, described above, do not apply to (1) fees prescribed by law to be received by the public official or any other benefit to which the official is lawfully entitled and for which the

official has given legitimate consideration; (2) gifts or other benefits conferred on account of kinship or personal, professional, or business relationships independent of the official's status with the City; (3) certain honorariums in consideration of legitimate services; (4) benefits consisting of food, lodging, transportation, or entertainment accepted as a guest and reported as required by law; or (5) benefits for which statements must be filed pursuant to §251.001 and §251.012, Texas Election Code, if the benefit and source of any benefit exceeding fifty dollars (\$50.00) is reported and the benefit is used solely to defray expenses which accrue in the performance of duties or activities in connection with office which are nonreimbursable by the City. §36.10, Penal Code.

5.04. Tampering with Governmental Records.

It is unlawful for any person to knowingly make a false entry in, or false alteration of, a governmental record, or to make, present, or use any record, document, or thing with knowledge of its falsity with the intent that it be taken as a genuine governmental record, or to intentionally destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a governmental record. §36.10, Penal Code.

5.05. Impersonating Public Servant.

It is unlawful for any person to impersonate a City official with intent to induce another to submit to his pretended official authority or to rely on his pretended official acts. §37.11, Penal Code.

5.06. Misuse of Official Information.

It is unlawful for a City official, in reliance on information to which he has access as a result of his office and which has not been made public, to acquire or aid another in acquiring a pecuniary interest in any property, transaction, or enterprise that may be affected by the information or to speculate or aid another in speculating on the basis of the information. §39.03, Penal Code.

5.07. Disrupting Meeting or Procession.

It is unlawful for any person, with intent to prevent or disrupt a lawful meeting, to obstruct or interfere with the meeting by physical action or verbal utterance. §42.05, Penal Code.

5.08. Official Oppression.

It is unlawful for a City official to intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful, to intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful, or to intentionally subject another to sexual harassment. §39.02, Penal Code.

5.09. Official Misconduct.

It is unlawful for a City official, with intent to obtain a benefit or with intent to harm another, to intentionally or knowingly violate a law relating to his office or employment or to misapply any thing of value belonging to the government that has come into his custody or possession by virtue of his office of employment. §39.01, Penal Code.

5.10. Nepotism.

It is unlawful for any City official to appoint, or vote for the appointment, to any office, employment or duty, of any person related within the second degree by affinity or within the third degree by consanguinity to the person so appointing or so voting, or to any other member of a board or governing body to which the person so voting or appointing may be a member, when the salary, fees, or compensation of such appointee is to be paid out of public funds. An exception is provided for persons who have been continuously employed in such office, employment or duty for the following periods prior to the election or appointment, as applicable, of the officer or member related to such employee in the prohibited degree: (1) at least thirty (30) days, if the officer or member is appointed, or (2) at least six (6) months, if the officer or member is elected.

When a person is allowed to continue in an office, position, or duty because of an exception above, the officer who is related to such person in the prohibited degree shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of such person, if such action applies only to such person and is not taken with respect to a bona fide class or category of employees. Art. 5996a, Tex. Rev. Civ. Stat. Ann.

5.11. Disclosure of Interest in Property.

It is unlawful for a City official, or a person elected, appointed, or employed as a City official but for which office such person has not yet qualified, to fail to make public disclosure of any legal or equitable interest he may have in property which is acquired with public funds, provided such official has actual notice of the acquisition or intended acquisition. The public disclosure required is the filing of an affidavit with the county clerks of all counties in which the property is located and wherein the official resides at least ten (10) days prior to the acquisition. Article 6252-9e, Tex. Rev. Cit. Stat. Ann.

6.0. Violations.

6.01. Any person violating any standard contained in Article 4.0 above shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be fined in an amount not to exceed \$500. Each day of violation shall constitute a separate offense.

6.02. Penalties for violations of conduct described in Article 5.0 above are as set forth in the applicable statutory provision.”

Section 7.0. Publication; Effective Date; Open Meetings.

The City Secretary of the City of Tomball, Texas, is hereby directed to publish this Ordinance in the official newspaper of the City of Tomball, Texas, in compliance with the provisions of Section 6.14(A) of the City Charter, which publication shall be sufficient if it contains the caption of this Ordinance. This Ordinance shall be effective after the publication requirement of the City Charter is satisfied.

It is found and determined that the meetings at which this Ordinance was considered were open to the public, as required by Article 6252-17, V.A.T.C.S., and that advance public notice of the time, place, and purpose of the meetings was given.

Section 8.0. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid and 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, or whether there be one or more parts.

Section 9.0. Rights and Remedies; Repeal; Code of Ordinances.

All rights and remedies which have accrued in favor of the City under this chapter and its amendments shall be and are preserved for the benefit of the City.

All ordinances in force when this Ordinance becomes effective and which ordinances are inconsistent herewith or in conflict with this Ordinance are hereby repealed, insofar as said ordinances are inconsistent or in conflict with this Ordinance.

The provisions of this Ordinance shall be included and incorporated as an amendment to the Code of Ordinances of the City of Tomball, Texas, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

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, 1993.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN WILEY	<u>AYE</u>
COUNCILMAN MATHESON	<u>AYE</u>
COUNCILMAN OLDHAM	<u>AYE</u>
COUNCILMAN WOOD	<u>AYE</u>

SECOND READING:

READ, PASSED, APPROVED, AND ADOPTED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 17th DAY OF May, 1993.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN WILEY	<u>AYE</u>
COUNCILMAN MATHESON	<u>ABSENT</u>
COUNCILMAN OLDHAM	<u>AYE</u>
COUNCILMAN WOOD	<u>AYE</u>

[signed] H. G. Harrington

H. G. (Hap) Harrington

ATTEST:

[signed] Mary Reagan

Mary Reagan, City Secretary

APPROVED AS TO FORM:

[signed] Mario L. Dell'Oso

Mario L. Dell'Oso

Olson & Olson

Attorneys for the City of Tomball

APPENDIX A

DEFINITIONS

“Affinity”	means a relation by marriage.
“Business entity”	means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law.
“Board” or “Body”	means any board, commission, agency or committee of the City created by the passage of a City Ordinance or Resolution with decision or advisory making authority designated as a board, commission, agency or committee by the City Council.
“City”	means the City of Tomball.
“City Council”	means the City Council of the City of Tomball.
“Closed meeting”	means a meeting closed to the public that complies with specific state statutes.
“Consanguinity”	means a relation or connection by blood.
“Degree”	relating to consanguinity and affinity. First degree of consanguinity means parents, children and siblings First degree of affinity means spouse, in laws/parents, children and siblings Second degree means grandparents, grandchildren, aunts, uncles, nephews, nieces and first cousins
“Deliberation”	means a verbal exchange during a meeting between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body or any public business.
“Employee”	means a person who is employed by the City.
“Ex officio”	means by virtue or because of an office.
“Governmental”	means a board or commission that has rule-making, quasi-judicial, or advisory power and that is classified as a department, agency or political subdivision of a county or municipality.

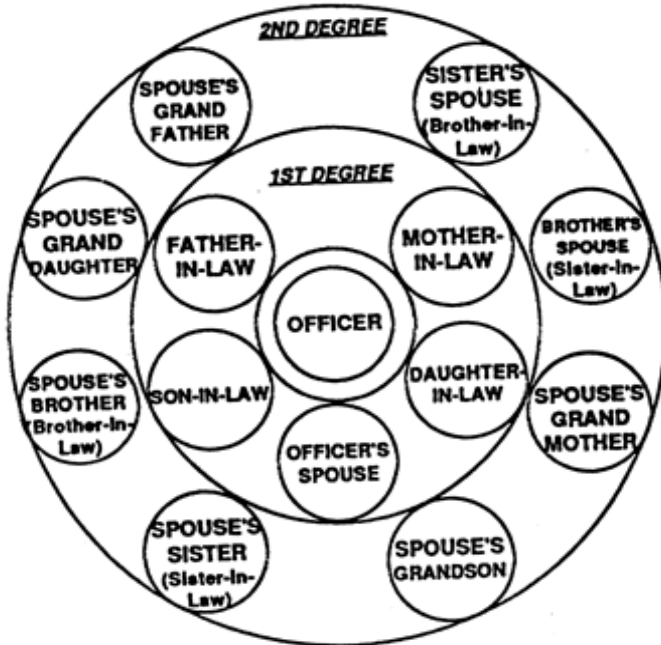
“Governing body”	“He,” “his” or “him” means the Tomball City Council and every Board, Commission, or Committee that exercises decision-making authority on behalf of the City and shall include the female gender as well as the masculine.
“Incidental Interest”	means an interest in a person, entity or property which is not a substantial interest and which has insignificant value or which would be affected only in a de minimis fashion by a decision.
“Judicial”	the power to judge, to administer justice and interpret laws and ordinances.
“Meeting”	means a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action. The term does not include the gathering of a quorum of a governmental body at a social function unrelated to the public business.
“Member”	means a member of a board.
“Person”	means any individual, firm, trust, corporation, partnership or any other legal entity.
“Quorum”	means the prescribed number of members of any body that must be present to legally transact business.
“Remote Interest”	means an interest of a person or entity, including an Officer or Member who would be affected in the same way as the general public. The interest of a council member in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar decisions is incidental to the extent that the council member would be affected in common with the general public.
“Substantial Interest in a business entity or real property”	<p>means an individual, firm, trust, corporation, partnership or any other legal entity:</p> <ol style="list-style-type: none"> 1) with respect to a business entity, the interest is ownership of ten percent (10%) or more of the voting stock or shares of the business entity or ownership of either ten percent (10%) or more or Fifteen Thousand Dollars (\$15,000) or more of the fair market value of the business entity.

- 2) with respect to a business entity, funds received by the person from the business entity exceed ten percent (10%) of the officer or member's gross income for the previous year.
- 3) with respect to real property, equitable or legal ownership with a fair market value of Two Thousand Five Hundred Dollars (\$2,000) or more

or, as established from time to time in Section 171.002, Texas Local Government Code.

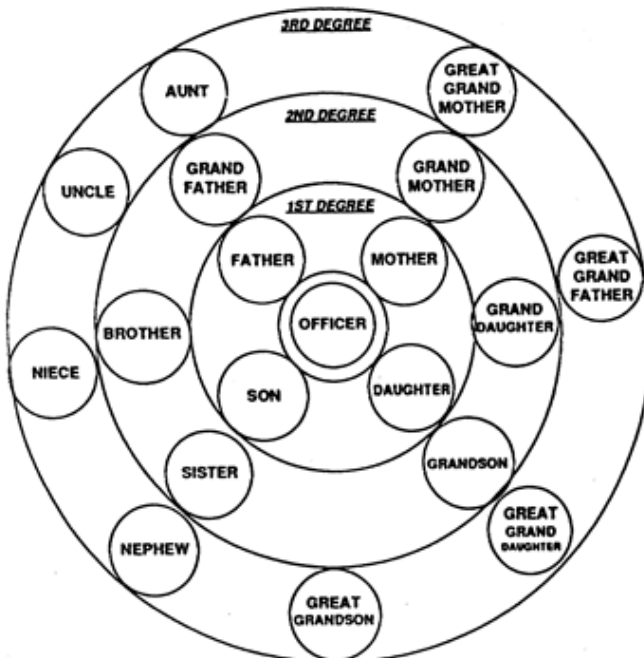
APPENDIX B

CHART OF KINSHIP



Affinity Kinship Chart

The chart to the left shows: *Affinity Kinship (relationship by marriage)



Consanguinity Kinship Chart
(Blood)

The chart to the right shows:
*Consanguinity Kinship (relationship by blood) for purposes on interpreting nepotism as defined in VTCA Government Code, Chapter 573, §§573.021-.025.

APPENDIX C

ROBERT'S RULES OF ORDER RELATING TO MOTIONS

MOTION	DEBATABLE	DEBATE CONFINED TO PENDING QUESTION	CAN BE AMENDED	CAN RECONSIDER	REQUIRES MAJORITY VOTE	MUST BE SECONDED	OUT OF ORDER WHEN ANOTHER HAS THE FLOOR
Adjourn	No	Yes	No	No	Yes	Yes	Yes
Adopt/Accept a Report	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Adopt Constitutions, By-laws, and Rules of Order	Yes	Yes	Yes	1	Yes	Yes	Yes
Adopt Standing Rules	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Amend	2	Yes	Yes	Yes	Yes	Yes	Yes
Amend an Amendment	2	Yes	No	Yes	Yes	Yes	Yes
Amend Constitution, By-laws, and Rules or Order	Yes	Yes	Yes	1	3	Yes	Yes
Amend Standing Rules	Yes	Yes	Yes	Yes	4	Yes	Yes
Appeal (excluding Indecorum)	Yes	Yes	No	Yes	Yes	Yes	No
Debate, to Close, Limit or Extend	No	Yes	Yes	Yes	No	Yes	Yes
Division of Assembly	No	Yes	No	No	Yes	No	No
Division of Question	No	Yes	Yes	No	Yes	5	5
Fix the Time to Adjourn	6	Yes	Yes	Yes	Yes	Yes	Yes
Informal Consideration of Question	Yes	Yes	No	1	Yes	Yes	Yes
Lay on the Table	No	Yes	Yes	No	Yes	Yes	Yes
Main Motion or Question	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Nomination, to Make	Yes	Yes	No	No	Yes	No	Yes
Nominations, to Close	No	Yes	Yes	No	No	Yes	Yes
Nomination, to Re-open	No	Yes	Yes	1	Yes	Yes	Yes
Objection to Consideration of a Question	No	Yes	No	1	7	No	No

MOTION	DEBATABLE	DEBATE CONFINED TO PENDING QUESTION	CAN BE AMENDED	CAN RECONSIDER	REQUIRES MAJORITY VOTE	MUST BE SECONDED	OUT OF ORDER WHEN ANOTHER HAS THE FLOOR
Order, Question of	No	Yes	No	No	Yes	No	No
Order, to Make a Special	Yes	Yes	Yes	Yes	No	Yes	Yes
Orders of the Day, to Call for	No	Yes	No	No	Yes	No	No
Parliamentary Inquire	No	Yes	No	No	Yes	No	No
Postpone Definitely (to Certain Time)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Postpone Indefinitely	Yes	No	No	8	Yes	Yes	Yes
Previous Question	No	Yes	No	9	Yes	Yes	Yes
Privilege, to Raise Question of	No	Yes	No	No	Yes	No	No
Recess, to Take a	6	Yes	Yes	No	Yes	Yes	Yes
Reconsider	2	10	No	No	Yes	Yes	Yes
Substitute (same as Amend)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Suspend the Rules	No	Yes	No	No	No	Yes	Yes
Take from the Table	No	Yes	No	No	Yes	Yes	Yes
Withdraw	No	Yes	No	1	Yes	No	Yes

FOOTNOTES TO TABLE OF ROBERT'S RULES OF ORDER

1. An affirmative vote on this motion cannot be reconsidered.
2. Undebatable when the motion to be amended, reconsidered, or rescinded is undebatable.
3. Constitutions, By-Laws, and Rules of Order before adoption are in every respect main motions and may be amended by majority vote. After adoption they require prior notice and 2/3 vote for amendment.
4. Standing Rules may be amended at any time by a majority vote if previous notice has been given, or by a 2/3 vote without notice.
5. If resolutions or propositions relate to different subjects that are independent of each other, they must be divided on the request of a single member, which may be made when another has the floor. If they relate to the same subject and yet each part can stand alone, they may be divided only on a regular motion and vote.
6. Undebatable if made when another question is before the assembly.
7. The objection can be made only when the question is first introduced, before debate. A 2/3 vote must be opposed to the consideration in order to sustain the objection.
8. Negative vote on this motion cannot be reconsidered.
9. Cannot be reconsidered after a vote has been taken under it.
10. Opens to debate main question when latter is debatable.

Appendix D

Acknowledgment of Receipt and Understanding

I acknowledge that I have received a copy of the City of Tomball Boards, Commissions and Committees Handbook on _____(date).

I understand the eligibility requirements, policies, and procedures set forth in this Handbook.

I have read and understood the contents of this handbook and will act in accordance with these eligibility requirements, policies and procedures as a condition of my appointment to a board, commission, or committee.

I have read and understood the Standards of Conduct expected by the City of Tomball and I agree to act in accord with the Standards of Conduct as a condition of my appointment by the City of Tomball.

Finally, I understand that the contents of this Handbook are policies and guidelines established by the City Council of the City of Tomball and that the City Council may amend the Handbook at its discretion.

Please read this Handbook carefully to understand these conditions of appointment before you sign this document.

Signature of Applicant for Appointment

Printed Name of Applicant

Date:

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

OFFICE USE ONLY

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 SIGNATURE

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

Signature of Local Government Officer

Please complete either option below:

(1) Affidavit

NOTARY STAMP / SEAL

Sworn to and subscribed before me by _____ this the _____ day of _____,

20_____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

(2) Unsworn Declaration

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.

(street)

(city)

(state)

(zip code)

(country)

Executed in _____ County, State of _____, on the _____ day of _____, 20_____.
(month) (year)

Signature of Local Government Officer (Declarant)



CITY OF TOMBALL

APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be public information. All appointments are made by the Tomball City Council. Incumbents whose terms expire may be considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. [Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2022 will expire on December 31, 2024.](#)

Please Type or Print Clearly:

Date: _____

Name: _____

Phone: _____

(Home)

Address: _____

Phone: _____

(Work)

Email _____

I have lived in Tomball ____ years.

I am ____ am not ____ a U.S. Citizen

I am applying as (please check all that apply):

- _____ a Tomball Resident, residing within the city limits of Tomball
- _____ an Owner, Officer or Director of a business, other than a hotel or motel,
with offices within the city limits of Tomball
- _____ an Employee or Officer of a hotel or motel located in the
city limits of Tomball

Occupation: _____

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

Please attach a short biography to this application.

Briefly tell us why you would like to be considered for appointment to a City of Tomball Board/Commission.

Please complete the attached Conflict of Interest Questionnaire (CIQ), Conflict of Interest Statement (CIS), Board Member Election on Disclosure, and Appendix D (page 33) Acknowledgment of Receipt and Understanding from the Boards, Commissions, and Committees Handbook.

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.

Signature of Applicant
(*Must be signed/signature typed in*)

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
cso@ci.tomball.tx.us
office: 281-290-1002
fax: 281-351-6256

Attachments: Conflict of Interest Questionnaire
Conflict of Interest Statement
Election on Disclosure
Acknowledgment of Receipt and Understanding (Page 33, Handbook)

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐

Yes

☐

No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐

Yes

☐

No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filling this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 SIGNATURE

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

Signature of Local Government Officer

Please complete either option below:

(1) Affidavit

NOTARY STAMP/SEAL

Sworn to and subscribed before me by _____ this the _____ day of _____

20_____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

(2) Unsworn Declaration

My name is _____ and my date of birth is _____

My address is _____

(street)

(city)

(state)

(zip code)

(country)

Executed in _____ County, State of _____, on the _____ day of _____, 20_____
(month) (year)

Signature of Local Government Officer (Declarant)

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.



Board Member Election on Disclosure

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

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

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

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

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

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

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

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

Board Member's Signature

Date

Board Member's Printed Name



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be public information. You will be contacted before any appointments are considered to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire may be automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2023 will expire in 2025.

Please Type or Print Clearly:

Date: _____

Name: _____

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip _____

Cell: _____

Email: _____

I have lived in Tomball ____ years.

I am ____ am not ____ a U.S. Citizen

Occupation: _____

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

Please attach a short biography to this application.

Briefly tell us why you would like to be considered for appointment to a City of Tomball Board/Commission.

Please complete the attached Conflict of Interest Questionnaire (CIQ), Conflict of Interest Statement (CIS), Board Member Election on Disclosure, and Appendix D (page 33) Acknowledgment of Receipt and Understanding from the Boards, Commissions, and Committees Handbook.

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

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

Decision-Making Boards and Commissions

- ☐ Planning & Zoning Commission
☐ Board of Adjustments

Meeting Information

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

Separate Legal Entities

- ☐ Tomball Economic Development Corporation

Meeting Information

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

- ☐ Tomball Regional Health Foundation

Ad Hoc/Advisory Committees

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

Meeting Information

As called

Non-profit Corporation Boards

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

Meeting Information

As called

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

Signature of Applicant

(Must be signed/signature typed in)

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
cs@tomballtx.gov
office: 281-351-5484
fax: 281-351-6256

Attachments: Conflict of Interest Questionnaire
Conflict of Interest Statement
Election on Disclosure
Acknowledgment of Receipt and Understanding (Page 33, Handbook)

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes

☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes

☐ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed;
- or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

- (a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

- (a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

- (1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

- (2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 **SIGNATURE** I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code

Signature of Local Government Officer

Please complete either option below:

(1) Affidavit

NOTARY STAMP/SEAL

Sworn to and subscribed before me by _____ this the _____ day of _____

20_____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

(2) Unsworn Declaration

My name is _____ and my date of birth is _____

My address is _____

(street)

(city)

(state)

(zip code)

(country)

Executed in _____ County, State of _____, on the _____ day of _____, 20_____
(month) (year)

Signature of Local Government Officer (Declarant)

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.



Board Member Election on Disclosure

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

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

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

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

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

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

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

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

Board Member's Signature

Date

Board Member's Printed Name

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;
or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes

☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes

☐ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: May 20, 2024

Topic:

Consider appointments to the Tax Increment Reinvestment Zone Number 3 Board of Directors, including appointment of a Board Chair.

Background:

On December 6, 2021, the City Council adopted Ordinance No. 2021-39 establishing Tax Increment Reinvestment Zone No. 3 for the purposes of dedicating incremental tax revenue from the designated area in support of eligible project costs.

As part of the TIRZ creation, the City Council must appoint board members to serve as a recommending body to the City Council regarding TIRZ matters. Per the adopted ordinance, the City Council needs to appoint five (5) TIRZ board members. Because of the commitments of the TIRZ being outlined in the approved development agreement with LIT Interchange 249 Business Park, LLC, City Council has already provided direct guidance as to how the TIRZ will be administered. As such, staff recommended and City Council approved the concurrent appointment of the City Council concurrently as the TIRZ No. 3 Board of Directors.

At the October 16, 2023, City Council meeting, the City Council appointed all then-sitting council members as board members. With the election of Paul Garcia and Lisa Covington, Council will need to appoint the new council members as TIRZ board members. The new appointments will be as follows:

Board Member	Term Ending
Randy Parr	December 31, 2024
Dane Dunagin	December 31, 2024
John Ford	December 31, 2025
Paul Garcia (replacing Mark Stoll)	December 31, 2025
Lisa Covington (replacing Derek Townsend)	December 31, 2025

In addition, Chapter 311.009(f) of the Texas Tax Code, the governing body (meaning City Council) that created the TIRZ shall appoint the chairperson of the TIRZ Board of Directors for a term beginning January 1 of each calendar year and ending on December 31. Councilman Parr was elected to serve as the initial TIRZ board chair.

Origination: City Manager's Office

Recommendation:

Staff recommends appointment of the City Council as the TIRZ No. 3 Board of Directors.

Party(ies) responsible for placing this item on agenda: Jessica Rogers, Assistant 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: Jessica Rogers 5/14/2024 **Approved by:** _____
Staff Member Date City Manager Date

City Council Meeting
Agenda Item
Data Sheet

Meeting Date: May 20, 2024

Topic:

Consider approval of Resolution 2024-22 approving the FY 2022-2023 Tomball Tax Increment Reinvestment Zone No. 3 Annual Report.

Background:

On December 6, 2021, the City Council adopted Ordinance No. 2021-39 establishing Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3) for the purposes of dedicating incremental tax revenue from the designated area in support of eligible project costs.

Chapter 311.016 of the Texas Tax Code requires the governing body that created a TIRZ to draft and approve an annual report be submitted to the Texas Comptroller and any taxing unit that levies property taxes on real property in the TIRZ. The report must include:

- the amount and source of revenue in the tax increment fund established for the zone;
- the amount and purpose of expenditures from the fund;
- the amount of principal and interest due on outstanding bonded indebtedness;
- the tax increment base and current captured appraised value retained by the zone; and
- the captured appraised value shared by the municipality or county and other taxing units, the total amount of tax increments received, and any additional information necessary to demonstrate compliance with the tax increment financing plan adopted by the governing body of the municipality or county.

FY 2022-2023 was the first active year of TIRZ No. 3 since its creation. No revenue from incremental increases in value nor expenditures were recorded. A summary table is below and a copy of the full Annual Report is attached as an exhibit to the resolution.

Fiscal Year	Tax Year	Base Value	Tax Year Value	Increment	TIRZ Revenue	TIRZ Expenditures
2021-2022	2021	\$7,843,320	---	---	---	---
2022-2023	2022	\$7,843,320	\$7,843,320	\$0	\$0	\$0

Origination: City Manager’s Office

Recommendation:

Staff recommends appointment of the City Council as the TIRZ No. 3 Board of Directors.

Party(ies) responsible for placing this item on agenda: Jessica Rogers, Assistant 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:	<u>Jessica Rogers</u>	<u>5/7/2024</u>	Approved by:	_____
	Staff Member	Date		City Manager Date

RESOLUTION NO. 2024-22

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS APPROVING THE FISCAL YEAR 2022-2023
ANNUAL REPORT FOR TOMBALL TAX INCREMENT
REINVESTMENT ZONE NUMBER 3; AND PROVIDING AN
EFFECTIVE DATE.**

* * * * *

WHEREAS, the City of Tomball, Texas (the “City”), created Tax Increment Reinvestment Zone Number 3 (TIRZ No. 3) in 2021; and

WHEREAS, Texas Tax Code Sec. 311.016 requires the governing body that created a TIRZ approve an annual report and provide a copy of that annual report to any other taxing unit that levies a tax on real property in the TIRZ; and

WHEREAS, the TIRZ annual report must also be submitted to the Texas Comptroller of Public Accounts; **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS**

Section 1. The findings set forth in the recitals of this Resolution are hereby found to be true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

Section 2. That the City Council of the City of Tomball hereby approves the Fiscal Year 2022-2023 Tomball TIRZ No. 3 Annual Report, attached as Exhibit A, a copy of same being attached hereto and incorporated herein for all purposes.

Section 3. The City Manager or his designee shall distribute the Fiscal Year 2022-2023 Tomball TIRZ No. 3 to all taxing units that levy a tax on real property in the TIRZ and file a copy of the Annual Report with the Texas Comptroller of Public Accounts.

Section 4. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was

open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 5. This Resolution shall take effect immediately upon its passage.

PASSED, APPROVED, AND RESOLVED this 20th day of May 2024.

Lori Klein Quinn
Mayor

ATTEST:

Tracylynn Garcia
City Secretary

**City of Tomball, Texas
Tax Increment Reinvestment Zone No. 3
Annual Report
FY 2022-2023**

Pursuant to Texas Tax Code Sec. 311.016, the City Council of the City of Tomball, Texas makes this annual report for Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3) for the time period of October 1, 2022 to September 30, 2023.

1. The amount and source of revenue in the tax increment fund established for the zone.

Tomball TIRZ No. 3 collected no revenue in FY 2022-2023.

2. The amount and purpose of expenditures from the fund.

Tomball TIRZ No. 3 made no expenditures from the TIRZ fund in FY 2022-2023.

3. The amount of principal and interest due on outstanding bonded indebtedness.

Tomball TIRZ No. 3 has issued no bonds and has no indebtedness.

4. The tax increment base and current captured appraised value retained by the zone.

The tax increment base retained by the Zone as of September 30, 2023 was \$7,843,320. The current appraised value retained by the Zone as of September 30, 2023 was \$7,843,320.

5. The captured appraised value shared by the municipality or county and other taxing units, the total amount of tax increments received, and any additional information necessary to demonstrate compliance with the tax increment financing plan adopted by the governing body of the municipality or county.

As of September 30, 2023, the captured appraised value shared by the municipality and other tax units is \$7,843,320. The total amount of all tax increments received is \$0.

No other tax entities participate in this TIRZ. No expenditures have been made from the Fund while tax increments accumulate.

**Tomball Tax Increment Reinvestment Zone No. 3
Financial Summary**

Fiscal Year	Tax Year	Base Value	Tax Year Value	Increment	Tax Rate	TIRZ Contribution %	TIRZ Revenue Collected	TIRZ Fund Interest	TIRZ Expenditures	TIRZ Fund Balance
2021-2022	2021	\$7,843,320	---	---	---		---		---	---
2022-2023	2022	\$7,843,320	\$7,843,320	\$0	\$0.28725	75%	\$0	\$0	\$0	\$0

City Council Agenda Item Data Sheet

Meeting Date: May 20, 2024

Topic:

Consideration to Approve **Zoning Case Z24-07**: Request by Theis Lane and South Cherry Street LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.905 acres of land legally described as Reserve “A”, Block 3 of Pine Meadows from Single Family Residential – 6 (SF-6) to Neighborhood Retail (NR). The property is located at 12703 Lane, at the southwest corner of Theis Lane and South Cherry Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z24-07**

Adopt, on First Reading, Ordinance No. 2024-07, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.905 acres of land legally described as Reserve “A”, Block 3 of Pine Meadows from Single Family Residential – 6 (SF-6) to Neighborhood Retail (NR). The property is located at 12703 Theis Lane, at the southwest corner of Theis Lane and South Cherry Street, within the City of Tomball, Harris County, Texas; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

Origination: Theis Lane and South Cherry Street LLC

Recommendation: Approval

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

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. 2024-11

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 1.905 ACRES OF LAND LEGALLY DESCRIBED AS RESERVE “A”, BLOCK 3 OF PINE MEADOWS FROM SINGLE FAMILY RESIDENTIAL – 6 (SF-6) TO NEIGHBORHOOD RETAIL (NR). THE PROPERTY IS LOCATED AT 12703 THEIS LANE, AT THE SOUTHWEST CORNER OF THEIS LANE AND SOUTH CHERRY STREET, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; 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, Theis Lane and South Cherry Street LLC, has requested to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance, by rezoning approximately 1.905 acres of land legally described as Reserve “A”, Block 3 of Pine Meadows, being located in the 12703 Theis Lane, 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 three 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 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 rezoning classification of the Property is hereby changed and is 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 hereby stated, 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 as described above.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON _____ DAY OF _____ 2024.

COUNCILMAN FORD	_____
COUNCILMAN GARCIA	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN COVINGTON	_____
COUNCILMAN PARR	_____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON _____ DAY OF _____ 2024.

COUNCILMAN FORD	_____
COUNCILMAN GARCIA	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN COVINGTON	_____
COUNCILMAN PARR	_____

LORI KLEIN QUINN, Mayor

ATTEST:

TRACYLYNN GARCIA, City Secretary

Exhibit "A"

Location: 12703 Theis Lane, at the southwest corner of Theis Lane and South Cherry Street, City of Tomball, Harris County, Texas.



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MAY 13, 2024
&
CITY COUNCIL
MAY 20, 2024**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 13, 2024 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, May 20, 2024 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 Z24-07: Request by Theis Lane and South Cherry Street LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.905 acres of land legally described as Reserve “A”, Block 3 of Pine Meadows from Single Family Residential – 6 (SF-6) to Neighborhood Retail (NR). The property is located at 12703 Theis Lane, at the southwest corner of Theis Lane and South Cherry Street, within the City of Tomball, Harris County, Texas.

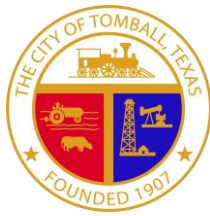
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Administrative Services Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Benjamin Lashley, at (281) 290-1477 or at blashley@tomballtx.gov.

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10th day of May 2024 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Benjamin Lashley
Benjamin Lashley
Assistant City Planner

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



City of Tomball
Community Development Department

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z24-07

04/15/2024

The Planning & Zoning Commission will hold a public hearing on **May 13, 2024 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a Request by Theis Lane and South Cherry Street LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.905 acres of land legally described as Reserve "A", Block 3 of Pine Meadows from Single Family Residential – 6 (SF-6) to Neighborhood Retail (NR). The property is located at 12703 Theis Lane, at the southwest corner of Theis Road and South Cherry Street, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **rezoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **May 20, 2024 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions, please contact Benjamin Lashley, Assistant City Planner at telephone 281-290-1477 or by email address blashley@tomballtx.gov

For the PLANNING & ZONING COMMISSION
Please call (281) 290-1477 if you have any questions about this notice.

CASE #: Z24-07

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Mailing To: Community Development Department
501 James St., Tomball TX 77375

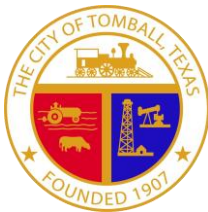
Name:
Parcel I.D.:
Address:

Email: blashley@tomballtx.gov

I am in favor ☐
Additional Comments:

I am opposed ☐

Signature: _____



City of Tomball
Community Development Department

Z24-07



Notification Area



For the PLANNING & ZONING COMMISSION
Please call (281) 290-1477 if you have any questions about this notice.

CASE #: Z24-07

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Mailing To: Community Development Department
501 James St., Tomball TX 77375

Name: MANESS TOMMY E & GAYLE M
Parcel I.D.: 1252560050006
Address: 12703 SPRUCE CIR

Email: blashley@tomballtx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: Tommy E. Manese
12703 SPRUCE CIR

501 James Street • TOMBALL, TEXAS 77375

Kimberly Chandler

To: Benjamin Lashley
Subject: RE: Case #Z24-07: Position on the matter.

From: Ramone Gordon <ramonegordon@ymail.com>
Sent: Monday, May 13, 2024 3:51 PM
To: Benjamin Lashley <blashley@tomballtx.gov>
Subject: Case #Z24-07: Position on the matter.

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

Good day,

My name is Ramone L. Gordon, and I write this email to indicate my position with the request of Zone Change Case #Z24-07.

Name: Gordon Ramone L
Parcel I.D.: 1252560030037
Address: 12702 Pine Woods St.

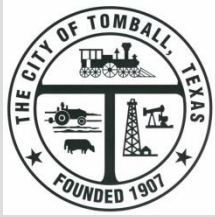
Position: I am opposed.

Additional comments:

1. Concern for the safety of my kids.
2. Increase of traffic and noise.

Please confirm receipt of this email.

Best Regards,
Ramone



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 13, 2024

City Council Public Hearing Date: May 20, 2024

Rezoning Case: Z24-07
Property Owner(s): Theis Lane and South Cherry Street LLC
Applicant(s): Theis Lane and South Cherry Street LLC
Legal Description: Reserve “A” of Pine Meadows Final Plat
Location: 12703 Theis Lane (Exhibit “A”)
Area: 1.905 acres
Comp Plan Designation: Neighborhood Residential (Exhibit “B”)
Present Zoning: Single-Family Residential – 6 District (Exhibit “C”)
Request: Rezone from the Single-Family Residential – 6 (SF-6) to the Neighborhood Retail (NR) District

Adjacent Zoning & Land Uses:

North: Commercial (C) / Operating Business and Vacant Lot

South: Single-Family Residential – 6 (SF-6) / Single Family residence(s)

East: Light Industrial (LI) and Single-Family Residential – 20 (SF-20) / Single-family residence(s) and a Vacant Lot

West: Single-Family Residential – 6 (SF-6) / Single Family residence(s)

BACKGROUND

The subject property was created in 2004 as part of the Pine Meadows subdivision and appears on the recorded plat as a commercial reserve. Because the City of Tomball governs land use by zoning and not by declaration on recorded plats, the property assumed the same zoning district of the entire community, (SF-6) when zoning was established in 2008. The property is currently vacant with no structures present. The applicants are requesting the rezoning of the subject property to Neighborhood Retail – NR to allow the development of an approximately 18,000 square foot retail shopping center.

ANALYSIS

Description: The subject property is comprised of 1.905 acres, located on the southwest corner of Theis Lane and South Cherry Street. Currently the subject property is located within the SF-6 zoning district and has been within this zoning classification since the City of Tomball adopted zoning in 2008. Across Theis Lane, to the north of the subject property, is an existing distribution/warehouse facility, along with a vacant lot which are both within the Commercial (C) zoning district. South and west of the subject site are multiple single-family residences within the SF-6 zoning district. East of the subject property, across South Cherry Street are single family residences within the SF-20 and Light Industrial (LI) zoning districts.

Comprehensive Plan Recommendation: The property is designated as “Neighborhood Residential” by the Comprehensive Plan’s Future Land Use Map. The Neighborhood Residential category is intended for areas predominantly comprised of single-family detached housing. The land uses that are to be promoted in this category should focus on creating safe and desirable neighborhoods.

According to the Comprehensive Plan, land uses should consist of single-family detached residential, with appropriate secondary uses of parks, schools, public facilities, single-family attached residential, and limited commercial services. Commercial services that do not require large parking lots would be appropriate within this category where residential collector streets meet arterials such as Theis Lane and South Cherry Street.

The Comprehensive Plan recommends the zoning districts of Single-Family Estate Residential – 20 (SF-20-E), Single-Family Residential–9 (SF-9), Single-Family Residential–6 (SF-6), and Planned Development (PD) for the Neighborhood Residential land use category.

The Comprehensive Plan identifies the need to promote the location of community facilities and services, as well as limited commercial services within and near existing and proposed neighborhoods to create mutually beneficial synergies and a higher quality of life. According to the Comprehensive Plan, it is important to ensure that appropriate compatibility is achieved between differing intensities of land uses.

Staff Review Comments: The Neighborhood Retail Zoning District was recently drafted by City Staff and adopted by City Council with the goal of promoting a more enriched living environment within and adjacent to the residential areas in Tomball. The requested rezoning district is not found in the recommendations of the Comprehensive Plan largely due to the recent creation of the Neighborhood Retail District. However, this request is aligned with the Comprehensive Plan’s emphasis on providing supporting services and appropriate land uses that are compatible with residential areas. Uses permitted in the Neighborhood Retail District include lower intensity non-residential uses that promote more complete neighborhoods by providing convenient access to goods and services. Also, the subject property is located at the intersection of two minor arterial streets which serve as the site’s only roadway access. Additionally, the subject property is in close proximity to many large neighborhoods, commercial business, and industrial land uses that could be served by a retail facility.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on April 15, 2024. 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 recommends approval of Zoning Case Z24-07.

EXHIBITS

- A. Aerial Location Map
- B. Future Land Use Plan
- C. Zoning Map
- D. Site Photos
- E. Rezoning Application

Exhibit "A"
Aerial Location Map



Location



Legend

 Z24-07

Exhibit "B"
Future Land Use Plan



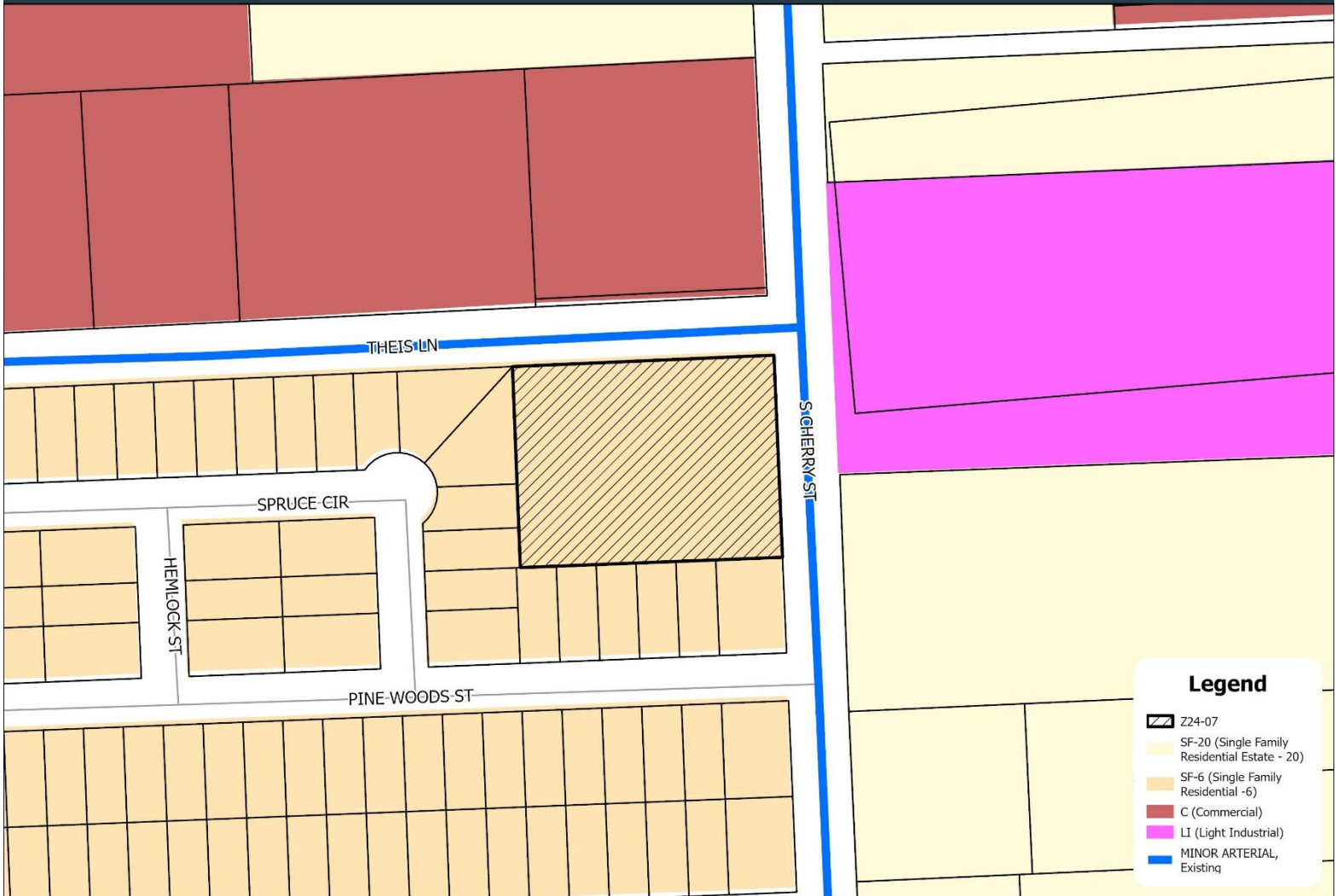
Future Land Use



Exhibit "C"
Zoning Map



Zoning



Legend

- Z24-07
- SF-20 (Single Family Residential Estate - 20)
- SF-6 (Single Family Residential - 6)
- C (Commercial)
- LI (Light Industrial)
- MINOR ARTERIAL, Existing

**Exhibit “D”
Site Photo(s)**

Subject Site



Neighbor (North)



Neighbor (East)



Neighbor (South)



Neighbor (West)



Exhibit "E"

Rezoning Application

Revised: 10/1/2022



APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

APPLICATION REQUIREMENTS: 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.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

WEBSITE: tomballtx.gov/securesend
USERNAME: tombalcedd
PASSWORD: Tomball1

Applicant

Name: Theis Lane and South Cherry Street LLC Title: Owner
Mailing Address: 16023 Rudgewick Lane City: Spring State: TX
Zip: 77379 Contact: William J. Lawrence
Phone: (346) 241-1000 Email: bill@wj.me

Owner

Name: Theis Lane and South Cherry Street LLC Title: Owner
Mailing Address: 16023 Rudgewick Lane City: Spring State: TX
Zip: 77379 Contact: William Lawrence
Phone: (346) 241-1000 Email: bill@wj.me

Engineer/Surveyor (if applicable)

Name: Pickering & Associates, Registration #: 10165200 Title: Surveyor
Mailing Address: 7702 Pin Oak Street City: Montgomery State: TX
Zip: 77316 Contact: Roger Pickering
Phone: (936) 447-4703 Fax: () Email: rpickering@hotmail.com

Description of Proposed Project: Retail shopping center with two buildings totalling 18,500 square feet.

Physical Location of Property: Southwest corner of Theis Lane and Cherry Street.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: All 1.899 acre tract in the Jesse Pruitt Survey, A-629, Reserve A of Pine Meadows
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

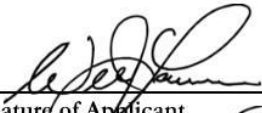
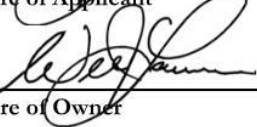
Current Zoning District: Residential

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

Current Use of Property: Unused land
Proposed Zoning District: Neighborhood Residential
Proposed Use of Property: Retail / Office / Family Medical
HCAD Identification Number: 1252560030038 Acreage: 1.899

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		03/01/2024
	Signature of Applicant	Date
X		03/01/2024
	Signature of Owner	Date

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.

- **Application Fee: \$1,000.00**
- **Completed application form**
- ***Copy of Recorded/Final Plat**
- **Letter stating reason for request and issues relating to request**
- **Conceptual Site Plan (if applicable)**
- **Metes & Bounds of property**
- **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc., have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

***Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an unplatted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1st) and third (3rd) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.



March 1, 2024

Dear City of Tomball Community Development Department,

My name is Bill Lawrence, and I am the general partner at LoneStarDevelopment. We are a small, family-owned business that owns and manages small office/warehouse parks and small retail shopping centers in and around Houston.

We have been in business for over 30 years, and my son Matthew Lawrence and lifelong business partner Jason Snell have purchased the vacant piece of land at the southwest corner of Theis Lane and South Cherry Street.

It is our intention to develop this into a small, approximately 18,000-square-foot shopping center, that will cater to the neighborhood and surrounding residential developments. We will pre-select our tenants who will offer a mix of quality food service establishments, professional and home services, and possibly a health, beauty, and drugs establishment.

As in all our other developments, we have committed to ourselves and will commit to our future neighbors, that this property will be extremely well-managed and well-cared for. You can visit any of our properties in Houston and can quickly see the attention to detail, cleanliness, and professionalism that is on display.

Currently, this piece of property is zoned for residential use. It is situated at the intersection of two major roads, making it an ideal candidate for a small retail center that can serve the needs of the local community.

As the neighborhood behind the parcel (Pine Meadows) is already fully built-out with infrastructure in place, there is no feasible way to incorporate this small (under 2 acres) additional parcel into this subdivision. Furthermore, the small size is incompatible with any type of high-density housing like apartments or townhomes.



That is why we are proposing a small neighborhood retail shopping center. It is a perfect location for a neighborhood café, coffee shop, medical practice, or donut/sandwich shop. We will be including a lot of architectural features and different building materials such as masonry and decorative wall panel systems to distinguish this center as an upscale fitting companion to the growing residential neighborhoods that adjoin the site.

We have included a rendering of the project along with a preliminary site plan for your consideration and review.

I also invite you to call either Matt Lawrence (832) 953-3000 or Jason Snell (281) 389-6023 and ask any question you might have or can think of. We want to be great neighbors, and though the amount of our investment is considerable, it pales in comparison to the value of our reputation that we hold in the highest regard.

We believe that it won't take long for you to feel the same. Thank you for your time and consideration.

Respectfully,

William J. Lawrence, General Partner

GF# ATCH21111202A

FILED BY
ALAMOTITLE COMPANY
(HOUSTON)
2111202A

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

Special Warranty Deed

Date: November 30, 2022

Grantor: MARITIA, L.P., an Arizona Limited Partnership

Grantor's Mailing Address:

MARITIA, L.P.
2944 N. 44th St., Ste 250
Phoenix, Maricopa County, AZ 85018-7290

Grantee: THEIS LANE AND SOUTH CHERRY STREET LLC, a Texas limited liability company

Grantee's Mailing Address:

THEIS LANE AND SOUTH CHERRY STREET LLC
16023 Rudgewick Ln.
Spring, Harris County, TX 77379

Consideration:

Cash and other good and valuable consideration, the receipt of which is acknowledged.

Property (including any improvements):

ALL THAT CERTAIN 1.899 ACRE (82,729 SQUARE FOOT) TRACT OR PARCEL OF LAND SITUATED IN THE JESSE PRUITT SURVEY, A-629, HARRIS COUNTY, TEXAS AND BEING ALL OF RESERVE "A" OF PINE MEADOWS, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER FILM CODE NO. 555232 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; SAID 1.899 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH CAP STAMPED "PICKERING 5879" SET FOR THE NORTHEAST CORNER OF SAID RESERVE "A" AND THE HEREIN DESCRIBED TRACT, SAID CORNER MARKING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF THEIS LANE (WIDTH VARIES) AND THE WEST RIGHT-OF-WAY LINE OF CHERRY STREET (80 FEET WIDE);

THENCE, S 02° 27' 37" E-253.44 FEET (CALLED S 02° 27' 37" E-253.53 FEET) ALONG THE EAST LINE OF SAID RESERVE "A" AND THE WEST RIGHT-OF-WAY LINE OF SAID CHERRY STREET TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF RESERVE "A" AND THE HEREIN DESCRIBED TRACT;

THENCE, S 87° 42' 38" W-327.63 FEET (CALLED S 87° 42' 38" W-328.67 FEET) TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF RESERVE "A" AND THE HEREIN DESCRIBED TRACT;

THENCE, N 02° 20' 06" W-252.01 FEET (CALLED N 02° 17' 22" W-252.10 FEET) TO A 5/8 INCH IRON ROD FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF THEIS LANE AND MARKING THE NORTHWEST CORNER OF RESERVE "A" AND THE HEREIN DESCRIBED TRACT;

THENCE, N 87° 27' 39" E-327.07 FEET (CALLED N 87° 27' 39" E-327.92 FEET) ALONG THE SOUTH RIGHT-OF-WAY LINE OF THEIS LANE TO THE POINT OF BEGINNING AND CONTAINING 1.899 ACRES (82,729 SQUARE FEET) OF LAND, MORE OR LESS.

together with (i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting the Property and any of Grantor's rights to use same; (iv) any and all rights of ingress and egress to and from the Property and any of Grantor's rights to use same; (v) any and all mineral rights and interests of Grantor relating to the Property (present or reversionary); (vi) any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the extent same pertain to or benefit the Property or the improvements located thereon, including without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired; (vii) any and all rights and interests of Grantor in and to any leases covering all or any portion of the Property; and (viii) all right, title and interest of Grantor, if any, in and to (a) any and all roads, streets, alleys and ways (open or proposed) affecting, crossing, fronting or bounding the Property, including any awards made or to be made relating thereto including, without limitation, any unpaid awards or damages payable by reason of damages thereto or by reason of a widening of or changing of the grade with respect to same, (b) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to the Property (whether owned or claimed by deed, limitations or otherwise), (c) any and all air rights relating to the Property and (d) any and all reversionary interests in and to the Property. Notwithstanding anything contained herein to the contrary, however, with respect to the rights and interests described in (iv), (vi) and (viii) directly above, Grantor is hereby only granting, selling and conveying any of Grantor's right, title and interest in and to same without warranty (whether statutory, express or implied).

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

The matters listed or contained in Exhibit "A" labelled "Permitted Encumbrances" which is attached hereto, incorporated herein and made a part hereof for all purposes, to the full extent same are valid and subsisting and affect the Property. Property taxes for 2022 have been prorated between the parties and Grantee assumes and agrees to pay same.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, **GRANTS, SELLS and CONVEYS** to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to **WARRANT AND FOREVER DEFEND** all and singular the property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the reservations from conveyance and exceptions to conveyance and warranty.

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

MARITIA, L.P.

By East Lyons, Inc., its General Partner

By: 

Louis H. Smulders, Executive VP

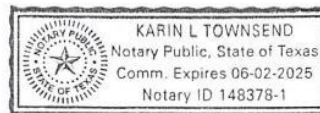
STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on November 30, 2022, by Louis H. Smulders, Executive VP of East Lyons, Inc., a Nevada corporation, acting in its capacity as Manager of MARITIA, L.P., an Arizona limited partnership, on behalf of said limited partnership.


NOTARY PUBLIC, STATE OF TEXAS

PREPARED IN THE OFFICE OF:
Anthony T. Sortino, Attorney
500 W. Main Street
Tomball, Texas 77375







City Council Meeting

Agenda Item

Data Sheet

Meeting Date: May 20, 2024

Topic:

Approve a reimbursement to CHTA Development, Inc. for water and sewer pipe oversizing for Public Improvement District No. 12 – Winfrey Estates in accordance with the approved Development Agreement for a not-to-exceed amount of \$96,539.50 and authorize the City Manager to execute any and all documents related to the expenditure. This amount is included in the FY 2023-2024 budget.

Background:

The City of Tomball and CHTA Development, Inc. entered into a Development Agreement for Public Improvement District No. 12 – Winfrey Estates dated April 18, 2022, the agreement included a development specific requirement for oversizing the water and sewer lines. Per the agreement, the developer was required to oversize the water and sewer from the required 8-inch to a 12-inch for both utilities along FM 2978 and Winfrey Lane to align with the City's adopted Water and Wastewater Master Plan.

Upon completion of the infrastructure and acceptance by the City, the developer submitted the direct cost paid for the pipe and material required for the oversizing as well as cost for 8-inch pipe and material. The reimbursement amount of \$96,539.50 was verified by staff and is the difference associated with the cost of oversizing from an 8-inch to a 12-inch.

Origination: Project Management

Recommendation:

Staff recommends approving the reimbursement to CHTA Development, Inc. for upsizing cost related to the Winfrey Estates Public Improvement District for a total not-to-exceed amount of \$96,539.50.

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

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: #600-613-6409
#600-614-6409

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

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

INVOICE

CHTA DEVELOPMENT, INC.

1169 Brittmoore Rd.
Houston, Texas 77043
346-762-1866
patty@roc-homes.com

May 14, 2024

Invoice No.
COT: 12-19-23

INVOICE TO
(VIA EMAIL)
City of Tomball
Director of Public Works
Drew Huffman
Office - 281-290-1466
dhuffman@tomballtx.gov

Community: Winfrey Estates

Service: Oversizing of Water and Sewer Pipe from 8 to 12-inch

Payable To: CHTA DEVELOPMENT, INC.

Payment Terms: Due Upon Receipt

TOTAL AMOUNT DUE: \$96,539.50

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: May 20, 2024

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- Members of the Planning and Zoning Commission
- Sec. 551.087 - Deliberation regarding Economic Development negotiations.

Background:

Origination: David Esquivel, City Manager

Recommendation:

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