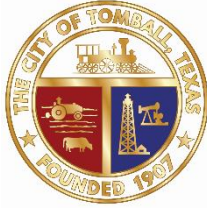


**NOTICE OF REGULAR COUNCIL MEETING  
CITY OF TOMBALL, TEXAS**



**Monday, January 17, 2022  
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, January 17, 2022 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR JANUARY 17, 2021, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT:**

***[HTTPS://TOMBALLTX.GOV/ARCHIVE.ASPX?AMID=38](https://tomballtx.gov/archive.aspx?amid=38); A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.***

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): +1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 836 5735 1570, Passcode: 218837. The public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

- A. Call to Order
- B. Invocation - Led by Pastor James Clark – First Baptist Church
- C. Pledges to U.S. and Texas Flags led by Pack 72
- 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.]*

F. Presentations

1. 2021 Employees of the Year - ***Lexi McMinn and Carlos Vera***

G. Reports and Announcements

1. Announcements

I. January 19, 2022 – First day to apply for Place on Ballot for the May 7, 2022 General City Election

II. February 18, 2022 – Last day to apply for Place on Ballot for the May 7, 2022 General City Election

III. March 19, 2022 – ***Tomball Honky Tonk Chili Challenge Festival*** at the Depot – 11:00 a.m.-6:00 p.m.

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

I. Doris Speer – City Secretary’s Office has received the ***“5 Star Exemplary Award”*** from Texas Department of Vital Statistics – (11 years)

H. Approval of Minutes

1. Approve the Minutes of the January 3, 2022 Regular Tomball City Council Meeting

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

J. Old Business

1. Discussion of proposed projects and funding allocations for the American Rescue Plan and the Coronavirus Local Fiscal Recovery Fund

2. Approve Resolution No. 2022-03 - A Resolution of the City Council of the City of Tomball, Texas, authorizing the City Manager to act for the City in connection with the City's receipt and expenditure of grants from the American Rescue Plan and the Coronavirus Local Fiscal Recovery Fund and making other provisions related to the subject.

K. 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.]*

L. New Business

- [1.](#) Approve Request from Tomball Little League Parade Program for City Support and In-Kind Services for the ***Little League's Annual Opening Day Parade*** in downtown Tomball, on Saturday, March 5, 2022
- [2.](#) Update Report on City of Tomball Strategic Plan 2020-2022
- [3.](#) Approve the expenditure of \$1,766,231.20 to Aqua Metric for the replacement of water system meters and transmitters.
- [4.](#) Approve, on First Reading, Resolution No. 2022-05-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and Decatur Professional Development, LLC, to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 1431 Graham Drive, Suites 262-265, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$6,600.00.
- [5.](#) 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):  
  
Section 551.087 - Deliberation regarding Economic Development negotiations.  
  
Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney's duty requires to be discussed in closed session

M. Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 13th

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

Tracylynn Garcia, Assistant City Secretary, TRMC, CMC, CPM

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY BE VIEWED ONLINE AT [www.ci.tomball.tx.us](http://www.ci.tomball.tx.us).

# City Council Meeting Agenda Item Data Sheet

Meeting Date: January 17, 2022

**Topic:**

- 2021 Employees of the Year - *Lexi McMinn and Carlos Vera*

**Background:**

**Origination:** City Manager

**Recommendation:**

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

**FUNDING (IF APPLICABLE)**

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

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	<u>Doris Speer</u>	<u>1-5-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

**Meeting Date:** January 17, 2022

**Topic:**

January 19, 2022 – First day to apply for Place on Ballot for the May 7, 2022 General City Election

**Background:**

**Origination:**

**Recommendation:**

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

Signed	<u>Doris Speer</u>	<u>12-27-2021</u>	Approved by	<u></u>
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

**Meeting Date:** January 17, 2022

**Topic:**

February 18, 2022 – Last day to apply for Place on Ballot for the May 7, 2022 General City Election

**Background:**

**Origination:**

**Recommendation:**

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

Signed	<u>Doris Speer</u>	<u>12-27-2021</u>	Approved by	<u></u>
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: January 17, 2022

**Topic:**

March 19, 2022 – *Tomball Honky Tonk Chili Challenge Festival* at the Depot – 11:00 a.m.-6:00 p.m.

**Background:**

**Origination:**

**Recommendation:**

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

Signed	<u>Doris Speer</u>	<u>12-27-2021</u>	Approved by	<u></u>
	Staff Member	Date		City Manager
				Date





## CITY OF TOMBALL

for excellence in the  
**Vital Statistics Registration Process**  
**December 9, 2021**

Thank you for going above and beyond to register your records and ensure excellent customer service, security, and data quality in Texas!

Tara Das  
Texas State Registrar, VSS



**TEXAS**  
Health and Human  
Services

Texas Department of State  
Health Services

# City Council Meeting Agenda Item Data Sheet

Meeting Date: January 17, 2022

**Topic:**

Doris Speer – City Secretary’s Office has received the “*5 Star Exemplary Award*” from Texas Department of Vital Statistics – (11 years)

**Background:**

**Origination:**

**Recommendation:**

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

**FUNDING (IF APPLICABLE)**

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

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	<u>Doris Speer</u>	<u>1-5-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: January 17, 2022

**Topic:**

Approve the Minutes of the January 3, 2022 Regular Tomball City Council Meeting

**Background:**

**Origination:** City Secretary

**Recommendation:**

Approve

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

**FUNDING (IF APPLICABLE)**

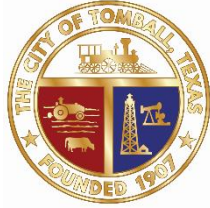
Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	Doris Speer	1-5-2022	Approved by		
	Staff Member	Date		City Manager	Date

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



**Monday, January 3, 2022  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for January 3, 2022, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

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

**PRESENT**

Mayor Gretchen Fagan  
Council 2 Mark Stoll  
Council 3 Chad Degges  
Council 5 Lori Klein Quinn

**ABSENT**

Council 1 John Ford - Excused  
Council 4 Derek Townsend, Sr. – Excused

**OTHERS PRESENT:**

City Manager – David Esquivel  
Assistant City Manager – Jessica Rogers  
City Secretary – Doris Speer  
City Attorney – Loren B. Smith  
Director of Public Works – Beth Jones  
Director of Community Development – Nathan Dietrich  
Finance Director – Katherine Dubose  
Marketing Director – Mike Baxter  
Fire Chief – Joe Sykora  
CSO-Administrative Assistant – Sasha Luna  
Community Center Manager – Rosalie Dillon  
Police Captain-Investigations – Ricky Doerre

B. Invocation - Led by Pastor Greg Sipe – Church 1:37

C. Pledges to U.S. and Texas Flags – Led by Joe Sykora

D. No public comments were received.

E. Reports and Announcements

1. Announcements
  - I. January 19, 2022 – First day to apply for Place on Ballot for the May 7, 2022 General City Election
  - II. February 12, 2022 – **2<sup>nd</sup> Saturday at the Depot**
  - III. February 18, 2022 – Last day to apply for Place on Ballot for the May 7, 2022 General City Election
  - IV. March 19, 2022 – ***Tomball Honky Tonk Chili Challenge Festival*** at the Depot – 11:00 a.m.-6:00 p.m.
2. Reports by City staff and members of council about items of community interest on which no action will be taken:

F. Approval of Minutes

1. Motion made by Council 5 Klein Quinn, Seconded by Council 2 Stoll, to approve the Minutes of the December 20, 2021 Regular Tomball City Council Meeting

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

Motion carried unanimously.

G. Old Business

1. Motion made by Council 2 Stoll, Seconded by Council 5 Klein Quinn, to adopt, on Second Reading, Ordinance Number 2021-40, an Ordinance of the City Council of Tomball, Texas, Levying the Assessment against Section Two properties within the City of Tomball Public Improvement District Four, Alexander Estates Subdivision

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

Motion carried unanimously.

H. New Business

1. Motion made by Council 2 Stoll, Seconded by Council 3 Degges, to approve Resolution No. 2022-01, a Resolution and Order of the City Council of the City of Tomball, Texas, Ordering a Regular City Officer's Election, to be held in the City of Tomball on Saturday, May 7, 2022; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; Designating the Date for a Runoff Election if Needed; and Providing Details Relating to the Holding of Such Election

*Fue presentada una moción por el Concejal 2 Stoll, secundada por el Concejal 3 Degges, para aprobar la Resolución Nro. 2022-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 7 de Mayo de 2022; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempate de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.*

Cuộc Vận Động được tiến hành bởi Ủy Viên Hội Đồng 2 Stoll, tán thành bởi Ủy Viên Hội Đồng 3 Degges, để chấp thuận Nghị Quyết số 2022-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 7 tháng Năm, 2022; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó

第 2 Stoll 議會提出動議, 第 3 Degges 議會附議, 批准第 2022-01 號決議, 德克薩斯州湯博爾市市議會的決議和命令, 命令定期舉行市政官員選舉 2022 年 5 月 7 日星期六, Tomball 市; 為該選舉指定投票站和任命選舉官員; 指導此類選舉通知的發出; 如果需要, 指定決選日期; 並提供有關舉行此類選舉的詳細信息

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 5 Klein Quinn

Absent: Council 1 Ford, Council 4 Townsend, Sr.

*Votación Sí: Consejo 2 Stoll, Consejo 3 Degges, Consejo 5 Klein Quinn*

*Ausente: Consejo 1 Ford, Consejo 4 Townsend, Sr.*

Bỏ phiếu Yea: Hội đồng 2 Stoll, Hội đồng 3 Degges, Hội đồng 5 Klein Quinn

Vắng mặt: Hội đồng 1 Ford, Hội đồng 4 Townsend, Sr.

投票贊成: 議會 2 Stoll、議會 3 Degges、議會 5 Klein Quinn

缺席: 福特 1 委員會, 湯森 4 委員會, Sr.

Motion carried unanimously.

*La moción fue aprobada por unanimidad.*

Cuộc Vận Động được nhất trí tiến hành.  
議案獲得一致通過。

2. Motion made by Council 5 Klein Quinn, Seconded by Council 2 Stoll, to approve Resolution No. 2022-02, a Resolution of the City Council of the City of Tomball, Texas, Designating The Potpourri, Tomball Edition (Houston Community Newspapers/Houston Chronicle) as the Official Newspaper for 2022 for Publication of Matters Pertaining to the City of Tomball

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

Motion carried unanimously.

3. Discussion was held regarding Proposed Projects and Funding Allocations for the American Rescue Plan and the Coronavirus Local Fiscal Recovery Fund

No action taken.

4. Motion made by Council 3 Degges, Seconded by Council 2 Stoll, to approve the Expenditure of \$1,766,231.20 to Aqua Metric for the Replacement of Water System Meters and Transmitters

Motion made by Council 3 Degges, Seconded by Council 2 Stoll, to table consideration of this item, pending further discussion.

No action taken.

5. Motion made by Council 2 Stoll, Seconded by Council 5 Klein Quinn, to approve annual purchase of gas meters and transmitters for Fiscal Year 2022, from Equipment Controls totaling \$434,780.16.

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

Motion carried unanimously.

6. Motion made by Council 5 Klein Quinn, Seconded by Council 3 Degges, to approve annual purchase of water meters and transmitters for Fiscal Year 2022, from Aqua Metrics totaling \$348,990.10.

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

Motion carried unanimously.

7. Motion made by Council 2 Stoll, Seconded by Council 3 Degges, to approve Resolution No. 2022-04, a Resolution of the City Council of the City of Tomball, Texas, calling for a Public Hearing on February 7, 2022, for the creation of a Public Improvement District 12, also known as Winfrey Estates and being located within the City of Tomball.

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

Motion carried unanimously.

8. Executive Session: The City Council recessed at 6:52 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
  - Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney's duty requires to be discussed in closed session
  - Sec. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – Director of Public Works, Marketing Director

Upon reconvening into regular session at 7:29 p.m., the following action was taken:

9. Motion made by Council 5 Klein Quinn, Seconded by Council 3 Degges, to confirm the Appointment of Adam Ballesteros as the Director of Public Works by the City Manager.

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

Motion carried unanimously.

- I. Motion made by Council 5 Klein Quinn, Seconded by Council 2 Stoll, to adjourn.

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

Motion carried unanimously.



Meeting adjourned at 7:34 p.m.

PASSED AND APPROVED this the 17<sup>th</sup> day of January 2022.

---

Doris Speer  
City Secretary, TRMC, MMC

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Gretchen Fagan  
Mayor

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: January 17, 2022

#### Topic:

Discussion of proposed projects and funding allocations for the American Rescue Plan and the Coronavirus Local Fiscal Recovery Fund

#### Background:

Enacted on March 11, 2021, the American Rescue Plan Act (ARPA) authorized \$1.9 trillion in federal pandemic relief funds. Of that, \$350 billion was authorized in state and local government fiscal assistance.

As a non-entitlement unit (NEU), the City of Tomball requested funds through the Texas Department of Emergency Management (TDEM). Tomball was awarded \$2,918,422.92 in ARP funds. The funds will be distributed through two equal tranches. The first payment of \$1,459,211.46 has been received by the City. The second payment will be delivered in 2022.

Per ARPA, funds could be used by recipients under the following general categories:

- To respond to the pandemic or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel and hospitality;
- For premium pay to eligible workers performing essential work (as determined by each recipient government) during the pandemic;
- For the provision of government services to the extent of the reduction in revenue due to the pandemic; and
- To make necessary investments in water, sewer, or broadband infrastructure.

The U.S. Department of Treasury issued the Final Rule regarding use of ARP funds in January. The Final Rule provided additional guidance on determining if a project “responds” to a “negative economic impact” caused by the pandemic, provided definitions for key terms, provided a formula for calculating lost revenue, and provided a framework for eligible infrastructure projects.

On July 19, 2021 and Jan. 3, 2022, City Council discussed potential uses of the ARP funds and focused on four key areas:

- Grants to nonprofits;
- Improvements to the Depot area;
- Replacement of revenues due to reduced HOT funds; and
- Water infrastructure projects.

Based on the guidance issued in the Final Rule, and in accordance with identified needs of the City, staff is recommending these projects and approximate funding amounts outlined below be considered the ARP funds. Staff will prepare a budget amendment for Council consideration to appropriate ARP fund expenditures and allow for proper documentation and tracking in the City’s accounting system.

Because of additional regulations provided in the Final Rule, staff has amended the recommended use of funds as follows:

**To respond to the pandemic or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel and hospitality.**

Grants to Nonprofits \$100,000

**For the provision of government services to the extent of the reduction in revenue due to the pandemic (relative to revenues collected in the most recent full fiscal year prior to the emergency.**

For the Provision of Government Services in HOT Fund

Revenue Reduction Replacement of HOT Funds (FY20) \$342,268

Revenue Reduction Replacement of HOT Funds (FY21) \$182,485

For the Provision of Government Services regarding Park Improvements

Improvements to Tomball Depot Plaza Area \$527,437

**Subtotal** **\$1,052,190**

**To make necessary investments in water, sewer, or broadband infrastructure.**

Replacement of water meters, software, and other necessary components \$1,766,232

**Total Estimated Expenditures** **\$2,918,422**

At the Jan. 3 City Council meeting, the Council requested additional information related to providing assistance to households, small businesses and nonprofits. As such, staff has only included the use of ARP funds for the purchase of water meters in the drafted resolution. If Council provides staff to use ARP funds in for other projects, an updated resolution will be brought forward.

**Origination:** City Management

**Recommendation:**

N/A

**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 1/12/2022 **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date



# City Council Meeting

## Agenda Item

### Data Sheet

**Meeting Date:** January 17, 2022

**Topic:**

Approve Resolution No. 2022-03 - A Resolution of the City Council of the City of Tomball, Texas, authorizing the City Manager to act for the City in connection with the City's receipt and expenditure of grants from the American Rescue Plan and the Coronavirus Local Fiscal Recovery Fund and making other provisions related to the subject.

**Background:**

Enacted on March 11, 2021, the American Rescue Plan Act (ARPA) authorized \$1.9 trillion in federal pandemic relief funds. Of that, \$350 billion was authorized in state and local government fiscal assistance.

As a non-entitlement unit (NEU), the City of Tomball requested funds through the Texas Department of Emergency Management (TDEM). Tomball was awarded \$2,918,422.92 in ARP funds. The funds will be distributed through two equal tranches. The first payment of \$1,459,211.46 has been received by the City. The second payment will be delivered in 2022.

Per ARPA, funds could be used by recipients under the following general categories:

- To respond to the pandemic or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel and hospitality;
- For premium pay to eligible workers performing essential work (as determined by each recipient government) during the pandemic;
- For the provision of government services to the extent of the reduction in revenue due to the pandemic; and
- To make necessary investments in water, sewer, or broadband infrastructure.

Resolution 2022-03, as drafted, authorizes the City Manager to represent the City's interests in connection with the receipt of the ARP funds, ensure expenditures are in compliance with applicable laws, and proper documentation and reporting is completed. The Resolution also includes the "City of Tomball American Rescue Plan Funding Plan." As currently drafted, the resolution only designates the purchase of water meters as a project. The remaining funds can be designated to projects as Council discusses and provides direction on additional uses.

**Origination:** City Management

**Recommendation:**

Staff recommends approval of the resolution..

**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 1/12/2022 **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date

**RESOLUTION NO. 2022-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS,  
AUTHORIZING THE CITY MANAGER TO ACT FOR THE CITY IN CONNECTION  
WITH THE CITY’S RECEIPT AND EXPENDITURE OF GRANTS FROM THE  
AMERICAN RESCUE PLAN AND THE CORONAVIRUS LOCAL FISCAL RECOVERY  
FUND AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT**

\* \* \* \* \*

**WHEREAS**, the City has been notified that it will receive federal grant funds from the American Rescue Plan Act of 2021, (the “Act”) as a Non-Entitlement Unit of Local Government, as defined in the Act in the amount of \$2,918,422.92;

**WHEREAS**, the distribution of the grant funds will be managed by the Texas Department of Emergency Management through the Coronavirus Local Fiscal Recovery Fund;

**WHEREAS**, the purposes for which the grant funds may be used are limited by federal statutes and regulations; and

**WHEREAS**, by accepting such grant funds, the City incurs certain responsibilities and obligations for accounting for the expenditure of the funds and related matters;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Tomball, Texas:

**Section 1.** The findings set forth in the preamble of this Ordinance are found to be true and correct.

**Section 2.** The City Council authorizes the City Manager to represent the City’s interests in connection with the receipt of grant funds from the American Rescue Plan Act of 2021, including filing any applications that may be required and communicating with the Texas Department of Emergency Management regarding distribution of grant funds to the City through the Coronavirus Local Fiscal Recovery Fund.

**Section 3.** The City Council directs the City Manager to take such actions as are necessary to ensure that: a) any expenditures of the grant funds by the City are made in compliance with the applicable laws and regulations and b) proper records are kept by the City to document its compliance with the applicable laws and regulations.

**Section 4.** The City Council hereby approves the usage of existing and future ARP funds as the City of Tomball American Rescue Plan Funding Plan, attached hereto as “Exhibit A”.

PASSED, APPROVED, AND RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Gretchen Fagan, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary



**EXHIBIT A**

**CITY OF TOMBALL  
AMERICAN RESCUE PLAN  
FUNDING PLAN**

**Total Funds Allocated: \$2,918,422.92**

**To make necessary investments in water, sewer, or broadband infrastructure.**

Replacement of water meters, software, and other necessary components. \$1,766,232

Remaining Funds to be Assigned to Projects \$1,152,190

# City Council Meeting

## Agenda Item

### Data Sheet

**Meeting Date:** January 17, 2022

**Topic:**

Approve Request from Tomball Little League Parade Program for City Support and In-Kind Services for the *Little League's Annual Opening Day Parade* in downtown Tomball, on Saturday, March 5, 2022

**Background:**

This family favorite event kicks off the Spring 2022 baseball season for the players and their families.

**Event Information:**

This 45 to 60 minute parade will start at the intersection of School Street (at Tomball Intermediate School) and Main Street (FM 2920) and will continue east on Main Street (FM 2920), to turn north onto N. Elm Street and finish at the Wayne Stovall Little League baseball park.

**Origination:** Tomball Little League Baseball

**Recommendation:** N/A

**Party(ies) responsible for placing this item on agenda:** Gargi Bhowal,  
Marketing and Communications Specialist

Signed	_____	Approved by	_____
	Staff Member		Acting City Manager
	Date		Date



## SPECIAL EVENT GUIDELINES & APPLICATION

### CITY OF TOMBALL, TEXAS

Effective Date: 6/8/2021

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

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

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

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

Larrissa Roberts

401 Market Street

Tomball, Texas 77375

281-290-1036 | Email - [lroberts@tomballtx.gov](mailto:lroberts@tomballtx.gov)



## SPECIAL EVENT APPLICATION

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

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

Date: 12/9/21 Is this event Co-City sponsored? Yes ☐ No ☒

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

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

1. Event title: Tomball Little League Parade
2. Sponsoring entity: N/A
3. Is this organization based in Tomball: Yes ☒ No ☐
4. Is this organization *non-profit* ☒ or *for-profit* ☐ \*Attach 501 (c) (3) tax exemption if applicable
5. Contact: Brian Quinn Phone: 614-361-2741
6. Contact address: 22635 Miramar Crest Dr. Tomball, TX 77375
7. Contact email: president@tomballlittleleague.com
8. Event date: 3/5/21
9. Event times: Start 8 am Finish 9 am Set-up 7 am truck line up Breakdown N/A
10. Is this event for charity? Yes ☐ No ☒
11. If yes, what charity? N/A Tax ID 32071368511
12. If yes, what percentage of net proceeds will be donated to the charity? N/A
13. On-site contact: Brian Quinn/Victoria Kelley Mobile Phone: 614-361-2741/806-502-0055
14. Estimated number of attendees: About 1,000 kids in parade/2000 watching
15. Detailed site map in attached: Yes ☒ No ☐
16. Is this event open to the public: Yes ☒ No ☐
17. Admission fee: \$ Free ☒
18. Time at which event staff will begin to arrive: 7 am to line up trucks
19. The applicant will defend and hold harmless the City of Tomball from all claims, demands, actions or causes of action, of whatsoever nature or character, arising out of or by reason of the conduct of the activity authorized by such application including attorney fees and expenses.  
Initial\_BQ
20. The applicant will provide proof of general liability insurance for the event naming the City of Tomball as additional insured.  
Initial\_BQ
21. Name of insurance carrier: Little League International
22. Organization has secured date with the Public Works Dept. and has paid deposit. N/A

Signature: Brian Quinn 

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

**RESOLUTION NO. 2022-07**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TOMBALL, TEXAS, SUPPORTING THE  
LITTLE LEAGUE'S ANNUAL OPENING DAY  
PARADE, TO BE HELD IN TOMBALL ON  
SATURDAY, MARCH 5, 2022**

\* \* \* \* \*

**WHEREAS** the Tomball Little League Baseball program plans to kick-off its Spring 2022 baseball season with the annual Opening Day Parade along Main Street on Saturday, March 5, 2022; and

**WHEREAS** the purpose of the Little League Baseball Parade is to kick off the spring 2022 baseball season for our players and their families; and

**WHEREAS** the parade is an opportunity for Tomball area merchants and business people to come out and encourage young people by attending the Annual Little League Parade; and

**WHEREAS** the 45 to 60 minute parade will start at the intersection of School Street (at Tomball Intermediate School) and Main Street (FM 2920) and will continue east on Main Street (FM 2920), to turn north onto N. Elm Street and finish at the Wayne Stovall Little League baseball park; and

**WHEREAS** the Tomball Little League program requests the in-kind support and endorsement of the City of Tomball in this community-wide effort;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Tomball and its governing body endorses and supports the efforts of the Tomball Little League program in promoting and undertaking the Annual Baseball Parade and pledge to encourage this effort to celebrate the beginning of baseball season;

**PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 17TH DAY OF JANUARY 2022.**

\_\_\_\_\_  
GRETCHEN FAGAN, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

# City Council Meeting Agenda Item Data Sheet

Meeting Date: 01/17/2022

**Topic:**

Update Report on City of Tomball Strategic Plan 2020-2022

**Background:**

Assistant City Manager Jessica Rogers and Police Chief Jeff Bert will present a six month update on the City of Tomball Strategic Plan for 2020-2022. This update contains actions taken since July 2021.

**Origination:** Strategic Plan 2020-2022

**Recommendation:**

Accept Updated Strategic Report 2020-2022

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

Jessica Rogers, Assistant City Manager  
and  
Jeff Bert, Chief of Police

**FUNDING (IF APPLICABLE)**

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

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed	<u>Jeff Bert</u>	Approved by	<u></u>
	Staff Member		City Manager
	Date		Date

# Strategic Plan FY2020 – FY2022



A LIVABLE CITY Strategic Initiative	Responsible Party	Action Strategies (Primary Assignment)	Status/Update
<p>Continue beautification improvements in targeted areas including:</p> <ul style="list-style-type: none"> <li>• Four corners</li> <li>• Traffic Signal improvements throughout the city</li> <li>• City Street sign improvements/upgrades.</li> </ul>	CDD, PW	<ul style="list-style-type: none"> <li>• Implement alley improvements in downtown.</li> <li>• Create wayfinding program in downtown.</li> <li>• Enhance Four Corners with native and seasonal plantings; Christmas decorations.</li> <li>• Standardize street signs and placement for consistency across the City.</li> <li>• Entry Wayfinding / Welcome signs for major entrances.</li> <li>• Seeking grants to enhance south gateway to the City.</li> </ul>	<ul style="list-style-type: none"> <li>• Design for alley improvements is 95% completed.</li> <li>• Initiate conversation with landscape, architect and TEDC for wayfinding program.</li> <li>• Four Corners is enhanced and maintained by contracted landscapers on a quarterly basis.</li> <li>• Street Sign and pole replacement program – installation of breakaway poles and replace signs to standardize signage throughout the city – approximately 50% complete; project is stalled due to manpower.</li> <li>• Staff working with consultants to apply for grant funding, but dependent on TxDot finishing current area projects (seeking entry way grant and beautification of medians on Business 249).</li> <li>• Funding allocated in FY 20/21 for Christmas decorations at Four Corners.</li> <li>• City Secretary’s Office provides support for grant opportunities for special programs.</li> </ul>
<p>Develop a long-term plan for the development of the park and recreation programs:</p> <ul style="list-style-type: none"> <li>• Stovall Ball Park</li> <li>• Expansion of Community Center facilities</li> <li>• TISD programming partnerships for youth</li> <li>• Continue to explore grant opportunities for parks</li> <li>• Martin Park feasibility study</li> <li>• Programming for youth</li> <li>• Theiss Attaway Nature Center Master Plan.</li> </ul>	PD, PW, MRKT	<ul style="list-style-type: none"> <li>• Expand current operations of the Explorer Post 5451 program as well as the Annual Shop with a Cop.</li> <li>• Continue to work with Tomball Little League (TLL) to improve Wayne Stovall Park.</li> <li>• Retain a firm to conduct a feasibility study and cost analysis of developing Martin Park.</li> <li>• Applied for TPWD grant for Matheson Park.</li> </ul>	<ul style="list-style-type: none"> <li>• PD created a Community Relations Office run by Sgt. Cole in PD. YTD, Cole has responded to over 150 community events and problems.</li> <li>• Community center hosts wide range of activities including Zumba, chair volleyball and bingo.</li> <li>• Return of a robust festival schedule.</li> <li>• Continue to grow Explorer program with 18 active members, and served 100 youth through holiday heroes, more than doubling last year’s numbers.</li> <li>• City staff meeting with TISD to discuss improvement to Tomball Little League.</li> <li>• City staff will bring forward a supplemental request for FY 2022/23 for a parks master plan and feasibility study for Martin Park.</li> <li>• Comprehensive Plan on hold for now; however, if we seek a bond measure, we will build the plan into that.</li> </ul>



			<ul style="list-style-type: none"> <li>TPWD approved grant and funding will occur in full in 2021; however, staff continues to maintain and improve park consistent with the Vision Document.</li> </ul>
Meet with all Boards and Commissions annually to convey the Strategic Plan and their role in its implementation.	CSO, MRKT	<ul style="list-style-type: none"> <li>Hold Annual Boards &amp; Commissions Appreciation Banquet.</li> </ul>	<ul style="list-style-type: none"> <li>Boards and Commissions Banquet is tentatively planned for spring 2022.</li> <li>Marketing will hold a Volunteer's Banquet in late 2021.</li> </ul>
Implementation of the Comprehensive Plan, incl. enhancements to Old Town Tomball.	CDD, PW	<ul style="list-style-type: none"> <li>Enhance downtown alleys.</li> </ul>	<ul style="list-style-type: none"> <li>Staff held a joint Workshop with City Council and TEDC Board. Alleys in the 100 block of Main Street are 95% designed with council direction to remove parking spots, and add dumpsters, accommodating sidewalks and protecting trees. CSO – post required notices/agendas in compliance with Open Meeting Act (OMA).</li> </ul>
Review, revise as necessary and continue to implement the Livable Centers Plan.	CDD	<ul style="list-style-type: none"> <li>Execute the Livable Centers Downtown Plan projects.</li> </ul>	<ul style="list-style-type: none"> <li>Alley enhancement and public parking lot project underway. While the 2009 Livable Centers Downtown Plan includes entry monumentation, dressing up downtown, and decorative benches, funding has yet to be allocated.</li> <li>Consider utilizing the old RR museum site for additional downtown parking or expansion of the Depot Park.</li> </ul>
Expansion of utilities and system-wide enhancements to future and underserved areas.	CDD, PW	<ul style="list-style-type: none"> <li>Implement and propose supplemental requests for Water and Wastewater Master Plan projects.</li> <li>Develop Gas Distribution Master Plan</li> <li>Study drainage basins for development of projects.</li> </ul>	<ul style="list-style-type: none"> <li>Projects were selected in Water and Wastewater Impact Fee Study.</li> <li>Medical Complex/Persimmon construction is completed except for lighting at Hufsmith-Kohrville.</li> <li>Construction of drainage improvements along Persimmon is completed.</li> <li>Received \$110K in this year's budget for Gas Master Plan.</li> <li>Staff applied for Community Development Block Grant (CDBG-MIT) funds to acquire right-of-way, design, and construct M121 E and improve Old Town drainage. The entire allocation went to Harris County, and they have not determined how it will be spent.</li> </ul>
Continue to enhance public safety as the community grows.	PD, FD	<ul style="list-style-type: none"> <li>Ad three new SROs as well as continuing to hire and train new officers.</li> <li>Develop comprehensive crime fighting and traffic mitigation strategies.</li> </ul>	<ul style="list-style-type: none"> <li>PD granted 3 more officers from City Council, and actively trying to fill 5 spots.</li> <li>Fall 2021, TISD has 9 SROs (3 hired in FY 2020/21).</li> <li>PD - Provided detectives much-needed crime fighting software for internet crimes.</li> <li>Council approved new dispatch system and body worn cameras.</li> </ul>

		<ul style="list-style-type: none"> <li>• FD – Enhance the capability of the Prevention Division to achieve Department Goals and Objectives pertaining to the safety of the public in the commercial built environment in the City.</li> <li>• FD – Increase the capability of the Operations Division to achieve Department Goals and Objectives for response times and firefighter safety.</li> <li>• FD – Complete Department Strategic Plan to address identified deficiencies</li> <li>• Continue to explore uses of Community Emergency Response Team.</li> <li>• Participate in Community Developmental Programs.</li> </ul>	<ul style="list-style-type: none"> <li>• PD – Part I crime down 9% in 2021 compared to 2020. 2021 Part I crime is 22% below 5-year average.</li> <li>• PD – Violent crime increased 34% (+8 crimes). The majority of increase relates to in-home aggravated assaults.</li> <li>• PD - Accidents were +33% above the 2020 total but -3% below the 5-year average. Officers conducted 10,699 traffic stops throughout 2021, which is +21% above the 2020 total and +27% above the 5-year average.</li> <li>• PD - Deploy Skywatch towers out and close patrols in parking lots during periods of increased crime.</li> <li>• IT built out Kenwood radios with console for PD and Fire, troubleshooting data communication.</li> <li>• FD – Continue the effort to inspect each commercial occupancy on an annual basis and implement measurable goals for workflow outputs for the Fire Prevention Division.</li> <li>• FD – utilize a 3rd party validation process to ensure we are meeting and exceeding a best practice model for emergency service excellence.</li> <li>• Continue to monitor the growth patterns of the community and work with our intergovernmental partners to ensure appropriate services are being delivered according to established benchmarks.</li> <li>• FD hired Deputy Fire Marshal and in the process of orienting Assistant Fire Chief. Fire Marshal position ensure effective and efficient code enforcement.</li> <li>• FD continues to monitor opportunities for CERT.</li> <li>• FD – Continuing a SWOT analysis and developing a Strategic Plan.</li> <li>• PD and FD continue utilizing interns as potential job feeder pool and to develop young civic-minded individuals.</li> <li>• FD create a Fire Department Explorer Post and integrate with PD for Public Safety Bridge for all participants.</li> </ul>
Implement drainage infrastructure improvement.	PW	<ul style="list-style-type: none"> <li>• Complete M121W construction</li> <li>• Expansion of M118 channel/box(es) northward Lizzie Lane/Persimmon Street grant improvements.</li> </ul>	<ul style="list-style-type: none"> <li>• M121W construction completed.</li> <li>• M118 under construction completed.</li> <li>• Construction of drainage improvements along Persimmon completed.</li> </ul>

		<ul style="list-style-type: none"> <li>Retain an engineering firm to perform drainage studies for the basins in Tomball and develop a Master Plan for each basin.</li> <li>Obtain ROW for M121E.</li> </ul>	<ul style="list-style-type: none"> <li>Staff looking at grant opportunities to fund drainage and master plan studies.</li> </ul>
<p>Study short/long term initiatives:</p> <ul style="list-style-type: none"> <li>Review and prepare for surface water conversion requirements</li> <li>Improve the City's drainage ways including the prevention of storm water flow from the City's drainage system into private detention facilities</li> <li>Gas distribution master planning</li> <li>City Facilities and City staffing level assessments</li> <li>Establish a plan to assist in upgrades and enhancements to the Information Center.</li> </ul>	Marketing, PW	<ul style="list-style-type: none"> <li>Work with NHCRWA on requirements and deadlines for surface water conversion.</li> <li>Redirect drainage following from Winfro ditches away from Spring Pines subdivision.</li> <li>Retain an engineering firm who specializes in gas distribution systems to conduct a master plan.</li> <li>Create a Facility Assessment Document.</li> <li>Meet with SCCHM to discuss goals and what we can do to help them succeed.</li> <li>Survey other growing communities to find new ways to serve guests at the Information Center and at our depot museum attraction.</li> </ul>	<ul style="list-style-type: none"> <li>City staff to meet with NHCRWA first quarter 2022.</li> <li>Streets crews surveying and re-ditching along Winfro and Limerick Ln in fall, 2021.</li> <li>RFQ for gas engineering firms spring 2020; Kimley Horn selected. Council funded Gas Master Plan in FY 2021/22.</li> <li>Facility Assessment Document is 90% complete. Pending tours of facilities in neighboring cities.</li> <li>Have not worked with SCCHM yet.</li> <li>Completed mural on Information Center Wall.</li> </ul>
A CONNECTED CITY Strategic Initiative	Responsible Party	Action Strategies	Status/Update
Focus on improving the standards and connectedness of "Uptown" corridors.	CDD	<ul style="list-style-type: none"> <li>Implement components of the Comprehensive Plan.</li> </ul>	<ul style="list-style-type: none"> <li>Comprehensive Plan on hold for now; however, if we seek a bond measure, we will build the plan into that.</li> <li>Projects related to alleys, main street, and uptown sidewalks are in the CIP.</li> </ul>
Continue the development of East/West Corridors including sidewalks and trails.	CDD, PW	<ul style="list-style-type: none"> <li>Implement components of the Comprehensive Plan.</li> </ul>	<ul style="list-style-type: none"> <li>Harris County is in planning phase of widening Holderrieth, Huffsmith, and Zion (all major East/West corridors).</li> <li>Considering parks and trails Master Plan.</li> </ul>

			<ul style="list-style-type: none"> <li>Medical Complex is currently under construction with completion estimated in fall of 2021 which includes sidewalks.</li> <li>Agg Road between Cherry and Persimmon will be milled and overlaid in Summer 20/21.</li> </ul>
Implement the H-GAC grant award for road improvements on FM 2920.	PW	<ul style="list-style-type: none"> <li>Finalize AFA w/ TxDot.</li> </ul>	<ul style="list-style-type: none"> <li>Negotiations with TxDOT regarding City financial responsibilities to the project are pending.</li> </ul>
Study feasibility of establishing a City-wide transportation circulator system	CM	<ul style="list-style-type: none"> <li>All Aboard Tomball Circulator pilot.</li> </ul>	<ul style="list-style-type: none"> <li>Pending presentation and approval.</li> </ul>
Enhance and improve messaging utilizing social media and other media available: <ul style="list-style-type: none"> <li>Include financial information and reporting</li> <li>Add links to utility bills for the electric cooperative program</li> <li>Youth intern opportunities in the community.</li> </ul>	PD, Marketing, IT, HR	<ul style="list-style-type: none"> <li>Post regularly scheduled videos containing information, crime tips, safety tips, and coverage of major events. (PD)</li> <li>Provide current financial information such as debt capacity, budget capacity, and available funds. Capability is currently there when needed.</li> <li>Highlight new developments.</li> <li>City to hire summer and seasonal interns.</li> </ul>	<ul style="list-style-type: none"> <li>Marketing releases information and videos educating the community and informing them of upcoming events, safety tips, and major events.</li> <li>PD utilizes City Facebook to give crime updates and information requests on a weekly basis.</li> <li>City Website has earned the Transparency Star for Traditional Finances, as the website provides financial information to the citizens. Currently, information is being updated on the website to illustrate our most recent financial picture.</li> <li>Created and released Tomball City Phone app which lists Tomball's new and traditional attraction.</li> <li>Two Life Path Program Interns sponsored by the IT Department in 2020.</li> <li>City employed 6 summer interns in 5 departments (PD, FD, PW, CDD, and Marketing) and PD is hiring 1 winter intern.</li> <li>IT added remote access to city radio station.</li> </ul>

AN EFFECTIVE CITY Strategic Initiative	Responsible Party	Action Strategies	Status/Update
Establish Tomball Municipal Governance Academy: <ul style="list-style-type: none"> <li>To encourage volunteer participation</li> <li>To establish a venue for learning more about Tomball City government.</li> </ul>	All departments	<ul style="list-style-type: none"> <li>City staff established program.</li> </ul>	<ul style="list-style-type: none"> <li>Class was scheduled to begin in April 2020 but was postponed due to coronavirus restrictions. Staff is restructuring for Spring 2022.</li> <li>PD developing new Citizen Academy.</li> </ul>
Continue improvements on customer service issues and continuous process improvements.	All departments	<ul style="list-style-type: none"> <li>Strengthen PD recruitment campaign.</li> <li>Re-implement VIP Program.</li> <li>Re-implement family-based annual awards banquet based on providing effective customer service and job functions.</li> <li>Conduct a pilot study of fixed base water and gas meter reading.</li> <li>Enhance Public Information distribution</li> <li>Increase Community involvement.</li> </ul>	<ul style="list-style-type: none"> <li>PD speaks at TCOLE classes and job fairs, and as a result, PD receives multiple applications submitted for each new hiring push.</li> <li>VIP Program remains stalled due to pandemic.</li> <li>Award banquet held in December 2021.</li> <li>Completed Gas and Water Meter pilot study and moving forward with system conversion to fixed-base.</li> <li>Moved the radio station (KTTF 95.3) transmitter to a central location to provide better regional service in and around Tomball.</li> <li>Municode 10 implementation better allows the public to view Council minutes, agenda, and video.</li> <li>We now utilize JustFOIA to centralize our open records and judicial records collection process, streamlining process for public access to City records. 700 FOIA requests in 2021.</li> <li>In 2021, CSO started on-line birth and death certificate orders, utilizing Vital Chek to simplify records requests for the public and provide another way to request records, in addition to in-person and mail requests.</li> <li>CSO posts videos of council meetings on YouTube.</li> </ul>
Enhance financial transparency while increasing cybersecurity.	Finance	<ul style="list-style-type: none"> <li>Keep information current on web-site; Continue to implement website link to Financial Transparency.</li> <li>Initiate 2-way voice authentication on all wire transfers.</li> </ul>	<ul style="list-style-type: none"> <li>At this writing, some of the information under the Financial Transparency link needs to be updated.</li> <li>Voice authentication and 3-way email verification protocols have been established for transactions to mitigate fraud.</li> </ul>

<p>Prepare a Five-Year Financial Management Plan to include:</p> <ul style="list-style-type: none"> <li>• Projections on growth of revenues</li> <li>• Projections on growth of services</li> <li>• Include development of an annexation plan <ul style="list-style-type: none"> <li>○ Identify potential areas for annexation.</li> <li>○ Projections on costs-benefit of annexation.</li> </ul> </li> </ul>	All departments	<ul style="list-style-type: none"> <li>• FD – Develop information regarding the financial impact of proposed annexations to ESD 15 and its ability to fund fire operations outside the City.</li> <li>• Revise/Update 5-Year Forecast from May, 2021 within the context of our current growth pattern.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">FD is working closely with ESD 15 to develop processes that ensures the financial impacts are beneficial to the ESD and the City with an appropriate cost sharing metric.</a></li> <li>• City Manager receives weekly report from all Department heads detailing measures of effectiveness.</li> <li>• <a href="#">PD and FD working on projection reports for growth of service. PD is working closely with TISD to ensure safe and effective deployment of SROs as TISD student body swells to over 19K students.</a></li> <li>• <a href="#">Finance is in planning phase of a 5-Year Financial Management Plan to be in conjunction with FY22/23 Budget discussions.</a></li> <li>• PD received training on staffing analysis and completed a staffing analysis plan and presented to Council.</li> </ul>
Prepare a comprehensive Utility Rate Study that takes into account needed capital improvements and any adjustments to rates to finance operations, projects and improvements.	Finance	<ul style="list-style-type: none"> <li>• Conduct a comprehensive Utility Rate Study.</li> </ul>	<ul style="list-style-type: none"> <li>• Rate study completed 2018. Sewer rates adopted with the FY 21 Master Fee schedule, and sewer rate increases will commence in FY 20/21.</li> </ul>
Develop an education program on the successes and stability of the financial management system of the City.	Finance	<ul style="list-style-type: none"> <li>• Compile data, charter requirements, summary of fund balances, and articulate in laymen’s terms the financial strengths of the City.</li> </ul>	<ul style="list-style-type: none"> <li>• Finance Department presented at the Leadership Program in FY2020 City’s financial stability and strength.</li> </ul>
Focus on technology and other improvements that will stabilize and/or reduce overall costs of operations.	All departments	<ul style="list-style-type: none"> <li>• Expand use of digital plan review software.</li> <li>• Explore fixed-base meter reading for the water and gas utilities.</li> <li>• Update and review web security.</li> <li>• Update network system.</li> <li>• All Departments to utilize technology to cut costs and streamline business practices.</li> </ul>	<ul style="list-style-type: none"> <li>• CDD has gone to paperless inspections and plan reviews and hosts virtual meetings with our customers.</li> <li>• <a href="#">Completed fixed-base water and gas system study. Seeking funding with ARP funds.</a></li> <li>• Replaced virtual server environment with new technology that has improved performance, security, and storage capacity.</li> <li>• Replaced our firewall with new technology that will improve performance, security, and reporting.</li> </ul>

			<ul style="list-style-type: none"> <li>• Finance now optimizing use of Incode 10 for transaction accuracy and streamlining of work flow.</li> <li>• All Departments host Zoom meetings for continued connectivity during the and after the pandemic.</li> <li>• HR transitioned to “paperless” for insurance benefits and City employee job application process.</li> <li>• Boards/Commissions’ meetings use video, auto-recording, and remote voting.</li> <li>• IT implemented VSAN virtual server and storage system to provide faster delivery of applications and room for data storage growth.</li> <li>• IT developed and implemented remote access portal to allow employees to work from home during pandemic for the safety of our employees while delivering full city services.</li> <li>• FD has further developed its use of mobile data terminals in the apparatus for ease of use and to provide critical information to the user.</li> <li>• <a href="#">CDD working to improve capability of Incode 10 with regard to mobile inspections and online permit capacity.</a></li> </ul>
Continue to update administrative and financial policies.	CSO, Finance	<ul style="list-style-type: none"> <li>• Continue to review administrative policies, new legislation, fees, etc. to identify policies/fees requiring updates/amendments (CSO).</li> <li>• Review finance-related administrative and financial policies for possible revisions and updates (Finance).</li> </ul>	<ul style="list-style-type: none"> <li>• CSO - Notary Public Procedures, Policies and Prohibitions was adopted/approved by Council and incorporated into the Administrative Policy Handbook.</li> <li>• CSO - Records Management policy and e-signature policy were adopted/approved by Council and incorporated into the Administrative Policy Handbook.</li> <li>• Streamlined P-Card process and limited users for greater accountability.</li> </ul>
Establish succession-planning process to include organizational leadership development and involvement at all levels.	All departments	<ul style="list-style-type: none"> <li>• Continue to identify potential employees and provide opportunities for them to learn and develop.</li> <li>• Establish City-wide training to help grow our employee’s leadership skills.</li> </ul>	<ul style="list-style-type: none"> <li>• CSO – Doris and Tracy are certified as Texas Registered Municipal Clerks; Sasha will be certified as a TRMC in Jan 2022 and Johnita will begin her certification process for TRMC in 2023. Doris and Tracy are Master Registrars; Sasha will enroll/certify in 2022; Johnita will also be eligible for Master Registrar Certification in 2023 (2 years’ as deputy required before entering program). Johnita to get Acknowledgement of Paternity</li> </ul>

		<ul style="list-style-type: none"> <li>• Continue cross-training and manual development.</li> <li>• Conduct a COT Leadership Academy.</li> <li>• Establish a PW Focus Group.</li> </ul>	<p>certification in December 2021 at VSU annual seminar; all others re-certified annually. Cross-training continually, as situations occur and on daily basis.</p> <ul style="list-style-type: none"> <li>• <a href="#">FD is developing Career Progression process that clearly lays out the steps to move forward into any position in the department.</a></li> <li>• COT Leadership Academy completed first year-long class in November 2019 and second class ended in November 2020.</li> <li>• CDD has promoted employees in three spots through succession planning, with nearly every role having a backup.</li> <li>• <a href="#">CDD to cross train employees to handle multiple assignments across disciplines.</a></li> <li>• PD has created a Training Unit that meets with employees on an annual basis to map out career plans.</li> <li>• PD conducts regular cross training of staff (SRO to Detectives, Patrol to SRO, and Civilians in Dispatch and CSI).</li> <li>• HR is doing a year- long crossover training cycle and manual update.</li> <li>• PW Focus Group meeting monthly allowing field-level employees direct connection to management, new members elected bi-annually.</li> </ul>
Ensure cost of administration of Public Improvement Districts (PIDS) are recovered from the district users.	Finance	<ul style="list-style-type: none"> <li>• Execute Professional Services Reimbursement Payment Agreement.</li> <li>• Define cost allocation for management of PIDs.</li> </ul>	<ul style="list-style-type: none"> <li>• Reimbursement agreement done for Hines debt PID.</li> <li>• City cost allocation approved in Hines development. (\$60 per lot)</li> <li>• <a href="#">Need to complete analysis and justification for determining percentage of City cost recovery relative to PID management.</a></li> </ul>
Establish a contingency plan to continue operations in the event of a downturn in the economy producing a downturn in revenues.	Finance	<ul style="list-style-type: none"> <li>• Create financial models that include all of cash reserves, unrestricted funds, special revenue funds, etc. to quickly adjust as needed.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Finance will fold contingency plan modeling into 5-Year Financial Forecast which will be in conjunctions with FY 22/23 Budget.</a></li> </ul>



A STRONG CITY Strategic Initiative	Responsible Party	Action Strategies	Status/Update
Continue to invest in infrastructure improvements for the Business Park.	PW, CM	City hire contractors and engineering firm to build streets, drainage, sewer systems for the area.	Hoelscher's, Packers Plus, Bimbo Bakery and others have successfully opened with fully supportive City infrastructure.
Continue to partnership with hotel and tourism industry on joint marketing to promote growth.	CM, Marketing	Continue to cross-promote and look for new ways of increasing overnight stays.	City Manager, Marketing, and PD continue monthly meetings with Hotel management to discuss upcoming events, crime trends and ways to get "heads in beds."
Work with TEDC as a partner in economic development and strategic planning.	CM, CDD,PW	Collaborate on future annexations, growth, beautification, and infrastructure in the short and long term, considering the EDC not just as a funding source but as a collaborator.	<ul style="list-style-type: none"> <li>Worked together on the Brewery project from TEDC's attracting business to the City's service of business.</li> <li>Working on growth and redevelopment of Old Town as an economic engine.</li> </ul>
Study the feasibility for a policy for assessing HOT tax on short-term rental properties.	CM	Consider assessing HOT tax on short-term rental properties in COT.	No action taken on this initiative.
Seek out opportunities for encouraging young families to locate and/or relocate into Tomball: <ul style="list-style-type: none"> <li>Expansion of trails and sidewalk systems</li> <li>Encourage a wide variety of housing options</li> <li>Providing indoor activities for youth</li> <li>Providing and updating amenities popular with young families (workout stations on trails, etc.)</li> <li>G-gauge train</li> <li>Kid fishing.</li> </ul>	PW, CDD, Marketing,	<ul style="list-style-type: none"> <li>Work within recently amended zoning to allow for the construction of "patio homes."</li> <li>Consider adding trails along drainage ways with trailhead parking areas.</li> <li>Continue sidewalk program to connect neighborhoods to schools and parks.</li> <li>Install a G-gauge train in Depot.</li> <li>Stock Broussard Park and Theis Attaway Nature Center ponds with fish for catch and release fishing.</li> <li>Revitalize Matheson Park with addition of playground equipment, walking trails, pickle ball courts, and splash pad.</li> </ul>	<ul style="list-style-type: none"> <li>Patio homes are being developed in Tomball (40 foot wide lots with minimum 4,000 square foot lot).</li> <li>Trails along drainage ways are referenced in the Tomball Comprehensive Plan, but no trails have been built yet. City staff will bring forward a supplemental request for FY 2022/23 for a parks master plan.</li> <li>Grand opening of Broussard Park in October 2020 with youth soccer programming to commence in fall 2020. Workout stations, play structures and fishing pier have been constructed.</li> <li>G-gauge train installed and operational in Depot.</li> <li>Ponds are surveyed annually to determine the health and quantities of fish species. Based on the survey, ponds are restocked as needed.</li> <li>Construction and development of Matheson Park and renovations to begin when we receive federal funding. Waiting for a Notice to Proceed.</li> </ul>

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: 1/17/2022

**Topic:**

Approve the expenditure of \$1,766,231.20 to Aqua Metric for the replacement of water system meters and transmitters.

**Background:**

Staff is seeking to utilize finds received from the American Rescue Plan (ARP) for a full replacement of ¾" and 1" water meters due to failures causing manual reads. Funds are not currently budgeted; however, staff will bring forward a budget amendment to allocate ARP funds.

**Origination:** Public Works Department

**Recommendation:**

Staff recommends approving the expenditure of \$1,766,231.20 to Aqua Metric for the replacement of water system meters and transmitters.

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

**FUNDING (IF APPLICABLE)**

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

Yes: \_\_\_\_\_ No: X \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

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



## Aqua-Metric Sales Company

December 28, 2021

Chris Newville

16914 Alamo Parkway, Building 2 | Selma, TX 78154

Phone: (210) 967-6300 | Facsimile: (210) 967-6305

Quote for: City of Tomball, Texas

Attention: Beth Jones

Address: 501 James Street

City, State, ZIP: Tomball, Texas 77375

Phone:

Email:

Quantity	Description	Unit Price	Line Total
	<b>Full System Deployment</b>		
1	M400B Base Station	\$26,333.75	\$26,333.75
1	M400B Base Station Installation	\$20,000.00	\$20,000.00
1	Base Station Magnetic Antenna Mount	\$5,000.00	\$5,000.00
1	Basestation Certification	\$1,750.00	\$1,750.00
1	Communication Backhaul	\$1,000.00	\$1,000.00
1	Network Implementation (Full Deployment)	\$10,000.00	\$10,000.00
1	FlexNet AMI Core Training (Full Deployment)	\$5,500.00	\$5,500.00
1	Annual Hosted RNI SaaS - Water Only	\$8,240.00	\$8,240.00
1	Annual Sensus Analytics Enhanced Water (5,000 Services)	\$8,961.25	\$8,961.25
1	Annual Sensus Analytics Text Message Fee, Water Only	\$1,020.00	\$1,020.00
1	Aqua-Metric Annual Support	\$22,500.00	\$22,500.00
2	Annual Basestation Extended Warranty	\$1,609.38	\$3,218.76
4420	5/8" x 3/4" SRII TR/PL USG	\$146.84	\$649,032.80
300	1" SRII TR/PL USG	\$245.85	\$73,755.00
1920	SmartPoint 520M Pit Mount Single Port Touch Coupled	\$143.16	\$274,867.20
1400	SmartPoint 520M Pit Mount Dual Port Port Touch Coupled	\$190.18	\$266,252.00
1	NovusCenter WOMS Setup Fee	\$7,500.00	\$7,500.00
4420	5/8" x 3/4" Water Meter Replacement with SmartPoint Installation and Activation	\$66.73	\$294,946.60
300	1" Water Meter Replacement with SmartPoint Installation and Activation	\$66.73	\$20,019.00
3320	In-Field Lid Modification: Drill Hole in Plastic Meter Box Lid, Estimated Quantity	\$5.00	\$16,600.00
1	Recommended Contingency Fund for Installation Incidentals	\$49,734.84	\$49,734.84
	Installation Incidental: In-Field Lid Modification: Drill Hole in Metal Meter Box Lid	\$15.00	
	Installation Incidental: Water Meter Box Adjustment, Removal, or Replacement	\$56.25	
	Installation Incidental: Curb Stop Replacement	\$93.75	
	Installation Incidental: Meter Tail Replacement	\$31.25	
	Installation Incidental: Meter Box Lid Replacement	\$3.75	
	Installation Incidental: Replacement or Removal of Bushing Adapters (5/8" - 1" Only)	\$2.50	
	Installation Incidental: Meter Resetter/Riser Replacement	\$31.25	
	Installation Incidental: Door Hanger Distribution (In advance of initial visit), Labor On	\$7.69	
	Installation Incidental: Water Meter Survey for Residential Meters	\$17.06	
	Installation Incidental: Site Visit Fee	\$25.00	
	Installation Incidental: Special Job Hourly Rate, Price per Technician per Hour	\$100.00	
	Installation Incidental: Daily Rate, Price per Technician per Day	\$1,000.00	

Total \$1,766,231.20

This quote for the product and services named above is subject to the following terms:

1. All quotes are subject to the Aqua-Metric Terms of Sale.
2. Quote is valid for thirty days.
3. Freight allowed on single orders exceeding \$10,000.00.
4. Net Thirty Days to Pay



**Aqua-Metric Sales Company**

December 28, 2021

Chris Newville

16914 Alamo Parkway, Building 2 | Selma, TX 78154

Phone: (210) 967-6300 | Facsimile: (210) 967-6305

Quote for: City of Tomball, Texas

Attention: Beth Jones

Address: 501 James Street

City, State, ZIP: Tomball, Texas 77375

Phone:

Email:

Quantity	Description	Unit Price	Line Total
5. Returned product may be subject to a 25% restocking fee.			
6. Sales Tax and/or Freight charges are approximated and may vary on final invoice.			
7. Minimum 5 year term for SaaS Model with Annual 3% price increase			
8. Pricing based on 5,000 Water Services and 3,500 Gas Services			
9. Customer to provide electricity to basestations and basestation mounting hardware			
10. Customer to provide static IP address and monthly data (SIM) for backhaul communication - Aqua-Metric suggests Verizon Wireless or AT&T			
11. Customer's Billing System will provide Billing System Integration pricing directly to the City; Aqua-Metric is unable to determine these costs			
12. Quantities subject to change based on the actual months of implementation services.			
13. Pricing does not include staging, product storage, or consumer outreach program			
14. Pricing does not include bonding			
15. Any items beyond quote above subject to price negotiations			

# Regular City Council Agenda Item Data Sheet

**Meeting Date:** January 17, 2022

**Topic:**

Approve, on First Reading, Resolution No. 2022-05-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and Decatur Professional Development, LLC, to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 1431 Graham Drive, Suites 262-265, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$6,600.00.

### Background:

On January 11, 2022, the Tomball Economic Development Corporation (TEDC) Board of Directors unanimously approved, as a Project of the Corporation, an economic development performance agreement with Decatur Professional Development, LLC for rental assistance for new or expanded business enterprise. The Tomball City Council has final approval authority over all programs and expenditures of the Corporation.

**Origination:** Tomball Economic Development Corporation Board of Directors

**Recommendation:** Approval of Resolution No. 2022-05-TEDC

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

**FUNDING (IF APPLICABLE)**

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

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

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed

**Staff Member-TEDC**

Date \_\_\_\_\_

Approved by

Executive Director-TEDC

Date \_\_\_\_\_



**TO:** Honorable Mayor and City Council

**FROM:** Kelly Violette  
Executive Director

**MEETING DATE:** January 17, 2022

**SUBJECT:** Decatur Professional Development, LLC

**ITEM TYPE:** Action

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The Tomball Economic Development Corporation has received a request from Ken Hudspeth, General Manager of Decatur Professional Development, LLC, for funding assistance through the TEDC's Rental Incentive Program for a professional development firm.

Decatur Professional Development, LLC was established in 2003 and specializes in providing continuing education for licensed professional engineers offering online courses, webinars, and seminars.

The proposed location is an 800 square foot lease space located within the Bank of America building at 1431 Graham Drive.

The goal of the TEDC's Rental Incentive Program is to assist in the establishment of new businesses in existing vacant spaces and to stimulate commercial investment in the City of Tomball. In accordance with the Rental Incentive Program Policy, the proposed performance agreement is for 25% of the base monthly rent for the first year of operation only.

The lease agreement that was submitted in conjunction with the request letter shows a three-year lease commitment with a monthly rent amount of \$2,200.00. The proposed grant amount is \$6,600, payable after the first year of operation based on landlord verification of rents paid and meeting the performance agreement criteria.

Although this project does not create primary jobs, it does promote the development and expansion of business enterprise, which is considered a permissible project as outlined in Texas Economic Development Legislation. If this project is approved, it will go to the Tomball City Council for final approval by resolution at two separate readings.

# DECATUR | PROFESSIONAL DEVELOPMENT

December 15, 2021

Kelly Violette  
Executive Director  
Tomball Economic Development Council

Good afternoon,

Decatur Professional Development, LLC (DPD) is a Texas-based company founded in 2003 to offer licensed professional engineers online continuing education courses to meet their state's continuing education mandate.

In 2006, we expanded our offerings to include online seminars. The purchases of two competitors closed in 2016 as we acquired the website PDHcourses from Professional Development Options and a live seminar business, Professional Development Seminars. Headquarters for both businesses were moved here to Houston. More recently, we established NoonPi.com, a new concept in engineering continuing education.

Our home has been northwest Harris County since we opened, and we consider ourselves stable in the community. Our last move was necessitated when the building in which we were leasing was destroyed in the Tax Day Flood of 2016 due to a roof failure. The need to quickly find a new space caused us to rethink our needs and our space requirements.

In a similar fashion, the COVID pandemic has also caused us to creatively reimagine our business processes and needs. Our move to Tomball will allow us to handle our current staffing needs in a blended office-based / remote environment. Additionally, we will have the opportunity to add more floor space as our staff grows. Although we've not disclosed it on our application as we're still in the planning phases, our hope is to hire an additional two salespeople in the next twelve months. A location in Tomball is favorable since it will allow us to be within a short distance of several key potential clients.

We are funding the move through our current operations and are requesting assistance from Tomball EDC's Business Rental Incentive Program as a means to allow us to expand our Tomball operations and staff quickly.

We appreciate your consideration.

Sincerely,



Ken Hudspeth  
General Manager  
Decatur Professional Development, LLC.

**Decatur Professional Development, LLC**  
7915 Cypress Creek Parkway, Suite 130, Houston, TX 77070  
1-877-PDHengineer (1-877-734-3644)



## NEW BUSINESS RENTAL INCENTIVE PROGRAM

### PART A –BUSINESS OWNER APPLICATION

The New Business Rental Incentive Program seeks to reduce area vacancies and facilitate the establishment of new businesses in previously underutilized areas of the City. The intent of the program is to facilitate business growth and expansion by assisting businesses in leasing space. All grant award decisions of the Tomball Economic Development Corporation (TEDC) Board of Directors are discretionary and final. Through the Program, the TEDC will provide up to 25% of the base monthly rent for the first year of operation only, not to exceed \$10,000 per business.

#### **Business Owner Applicant Information**

Name of Business: Decatur Professional Development, LLC dba PDHengineer.com

Current Business Physical Address: 7915 Cypress Creek Pkwy #130

City, State & Zip Houston, TX 77070

Mailing Address: (same)

City, State & Zip \_\_\_\_\_

Business Phone: 281 671-1615

Business Website: PDHengineer.com

Business Owner Name: Edward Brunet, Jr., P.E., Managing Director

Applicant's Name (if different): Ken Hudspeth

Position /Title: General Manager

Phone and Email: 832 776-2323 (mobile) or 281 671-1615 ken.hudspeth@PDHengineer.com

Nature of Business: Adult education: sale of continuing education products for professional engineers

#### Legal Form of Business

- ☐ Sole Proprietor
- ☐ Partnership Number of Partners \_\_\_\_\_
- ☐ Corporation
- ☒ Limited Liability Corp
- ☐ Other \_\_\_\_\_

#### Days and Hours of Operation

Days Open: Mon through Fri

Hours Open: 8am - 5pm

Business Start/Opening Date February 1, 2022



## Employees

Full Time Employees (40 hours per week): 7

Part Time Employees (less than 40 hours per week): 1

Does the Business Owner Have any Relationship to the Property Owner/Landlord?

No ☒ Yes ☐ (please explain)

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## Moving and Space Improvement Cost and Funding Information

### Investment Data

Tenant Space Improvement (finish)	\$ <u>new remodel</u>
Landlord Space Improvement (finish)	\$ <u>new remodel</u>
Equipment and Display	\$ <u>3,000</u>
Product Stock (for Opening)	\$ <u>0</u>
Marketing (First Year)	\$ <u>105,000</u>

### Sources of Funding for Move/Expansion

Funds invested by owner	\$ <u>4,000</u>
Funds from other sources*	\$ <u>0</u>
Total estimated cost to move/expand	\$ <u>4,000</u>

\* Source of Funding and Amounts \_\_\_\_\_

## New Lease Property Information

Address of space to be leased: 1431 Graham Dr. Suites 262, 263, 264, 265, Tomball 77375

Total amount of square feet to be leased and occupied: 800 +/-

Term of lease (minimum 3 years): 3 years

Gross rental rate \$ 2200 per month \$ \_\_\_\_\_ per s.f.

Additional lease terms and other monthly charges: n/a

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Indicate any rate increases: n/a

**FINANCIAL NEED DEMONSTRATION:** Acceptance into the Rental Incentive Program requires an acceptable explanation of financial need. Use the lines below to explain why and how the rent subsidy is an important factor in opening your business.

Both rental costs and relocation costs play into a business decision regarding relocation of an existing business. Many businesses will remain in a less-than-desirable location simply due to the cost of relocation. As a smaller business, we are likely more affected than larger business with deeper pockets.

We are at lease-end at the current location, which really no longer fits our needs. However, we had given serious consideration to remaining because of the high cost of relocation. Proudly, we were able to keep 100% of our employees working without cuts through the pandemic, and were able to stay current on all of our obligations. But, not without putting a strain on our reserves.

This program will allow us to relocate into a desirable area by assisting with easing the overall costs associated with a move.

Explain how your business will benefit and enhance the area in which you are locating and how your business will complement other businesses within the area:

We are a professional services business with a clientele of above average incomes. Our employees are skilled professionals with either technical or marketing expertise. Decatur Professional Development (DPD) is a locally owned business and has been in operation since 2003 and has experienced continued growth in that time. Our primary market is online continuing education for licensed professional engineers. However, as a growth-minded entrepreneurial endeavor, in the last several years we have purchased a live seminar company as well as a competitor operating in North Carolina, moving that business here to Texas. Our most recent endeavor, now operational, matches continuing education for engineers with vendors of products used by those engineers.

In short, DPD is an innovative, stable business that will complement other businesses in the Tomball community.



## NEW BUSINESS RENTAL INCENTIVE PROGRAM

### PART B – PROPERTY OWNER/LANDLORD APPLICATION

Complete all items carefully and accurately to the best of your knowledge and return with a copy of Proof of Ownership to:

Kelly Violette

Tomball Economic Development Corporation

29201 Quinn Road, Suite B

Tomball, TX 77375

Property Address: 1431 Graham Drive, Tomball, TX 77375

Property Owner of Record: Hempstead 760 LLC

Mailing Address: 3308 Canal

City, State & Zip: Houston, TX 77003

Phone: 281 602 3600 Email: PETER@TQC-RE.COM

Name(s) of Authorized Signatories: Peter, Devin, Mark Lucita

Name of Management Company: TQC Real Estate

Name of Representative/Contact Person: PETER LUCITA

Management Company Address: 3308 Canal

City, State & Zip: Houston, TX 77003

Phone: 281 602 3600 Email: PETER@TQC-RE.COM

Name of proposed business at site:

Deceatur Professional Development LLC (PDIHengines, DBA)

Name of business owner:

DOES THE BUSINESS OWNER OR THE BUSINESS HAVE ANY RELATIONSHIP TO THE  
PROPERTY OWNER/LANDLORD? NO ☒ YES ☐ Please explain

## SITE & LEASE INFORMATION

Total amount of square feet to be leased and occupied by business: 800 s.f. with load factor

Term of lease: 3 years

Gross rental rate \$ 2,200 per month \$ \_\_\_\_\_ per s.f.

Additional lease terms and other monthly charges: \_\_\_\_\_

Indicate any rate increases: \_\_\_\_\_

Is the subject space currently vacant? Yes ☒ No ☐

If yes, how long has the space been vacant? 5+ <sup>years</sup> months

Name of previous tenant: unknown

Previous Rental Rate: \$ ? Per Month \$ ? Per Square Foot

## CERTIFICATIONS

**Are all real estate and personal property taxes due the City of Tomball paid in full?**

Subject Property: YES ☒ NO ☐ (Please explain on supplemental sheet)

Other Properties: YES ☒ NO ☐ N/A ☐

**Are all City of Tomball water and sewer bills due paid in full?**

Subject Property: YES ☒ NO ☐ (Please explain on supplemental sheet)

Other Properties: YES ☒ NO ☐ N/A ☐

**Have you been cited for any existing zoning, building or property maintenance code violations that remain uncorrected?**

Subject Property: YES ☐ NO ☒ (Please explain on supplemental sheet)

Other Properties: YES ☐ NO ☒ N/A ☐

**Are you involved in any litigation with the City of Tomball?**

☐ YES (Please explain on supplemental sheet)

☒ NO



**By signing below, the Landlord/Property Owner of record understands and agrees to the following:**

1. All information contained in this application, the attached exhibits and other materials submitted in connection with this application are true and accurate to the best of the land owner's knowledge. Landowner understands and agrees that false or untruthful information may be grounds for the TEDC to stop processing this application or to withdraw any approval previously obtained based in whole or in part on such false or untruthful statements.

2. The TEDC is under no obligation to approve the request contained in the application. No promises of approval are conveyed with the acceptance of this application.

3. All tax obligations to the City of Tomball are current.

4. The property is currently in good standing with the City, and has no pending municipal code violations.

5. The business is not currently occupying the space with or without a lease in place.

PETER LIATA

Printed Name of Property Owner/Landlord

[Signature]

Signature

12-3-21

Date

## AGREEMENT

THE STATE OF TEXAS           §  
  §     KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF HARRIS         §

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to Tex. Rev. Civ. Stat. Ann. Art. 5190.6, Section 4B, located in Harris County, Texas (the “TEDC”), and **Decatur Professional Development, LLC** (the “Company”), 7915 Cypress Creek Parkway, Suite 130, Houston, TX 77070.

### WITNESSETH:

**WHEREAS**, it is the established policy of the TEDC to adopt such reasonable measures from time-to-time as are permitted by law to promote local economic development and stimulate business and commercial activity within the City of Tomball (the “City”); and

**WHEREAS**, the Company proposes to lease an 800 square foot existing office space located at 1431 Graham Drive, Suites 262, 263, 264, and 265, Tomball, Texas 77375 (the “Property”), and more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

**WHEREAS**, the Company specializes in providing continuing education for licensed professional engineers offering online courses, webinars, and seminars; and

**WHEREAS**, the Company proposes to relocate seven (7) full-time jobs to Tomball in conjunction with the relocation; and

**WHEREAS**, the TEDC agrees to provide to the Company an amount equal to twenty-five percent (25%) of the base monthly rent for the first twelve (12) consecutive months of

operation not to exceed Six Thousand Six Hundred Dollars (\$6,600.00), in accordance with an established Rental Assistance Incentive; and

**WHEREAS**, the Company has agreed, in exchange and as consideration for the funding, to satisfy and comply with certain terms and conditions; and

**NOW, THEREFORE**, in consideration of the premises and the mutual benefits and obligations set forth herein, including the recitals set forth above, the TEDC and the Company agree as follows:

1.

Except as provided by paragraph 3, the Company covenants and agrees that it will operate and maintain the proposed business for a term of at least three (3) years within the City of Tomball.

2.

The Company also covenants and agrees that construction of the Improvements, the addition of the seven (7) new employees, and obtaining all necessary occupancy permits from the City shall occur within twelve (12) months from the Effective Date of this Agreement. Extensions of these deadlines, due to any extenuating circumstance or uncontrollable delay, may be granted at the sole discretion of the Board of Directors of the TEDC.

3.

The Company further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An “undocumented worker” shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States, or (b) authorized by law to be employed in that manner in the United States.

4.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to grant to the Company an amount equal to twenty-five percent (25%) of the base monthly rent for the first twelve (12) consecutive months of operation not to exceed Six Thousand Six Hundred Dollars (\$6,600.00). The TEDC agrees to distribute such funds to the Company within thirty (30) days of receipt of a letter from the Company requesting such payment, which letter shall also include: (a) a copy of the City's occupancy permit for the Property; (b) proof that the Company has added the number of employees indicated above to its business operations on the Property, as evidenced by copies of Texas Workforce Commission form C-3 or Internal Revenue Service Form 941; and, (c) an affidavit from the landlord of the Property stating that all rents have been paid in accordance with the terms of the lease agreement for the first twelve consecutive months of operation.

5.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus  $\frac{1}{2}\%$  per annum, within thirty (30) days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus  $\frac{1}{2}\%$  per annum, within thirty (30) days after the TEDC notifies the Company of the violation.



The Company shall also reimburse the TEDC for any and all reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of such funds.

6.

This Agreement shall inure to the benefit of and be binding upon the TEDC and the Company, and upon the Company's successors and assigns, affiliates, and subsidiaries, and shall remain in force whether the Company sells, assigns, or in any other manner disposes of, either voluntarily or by operation of law, all or any part of the Property and the agreements herein contained shall be held to be covenants running with the Property for so long as this Agreement, or any extension thereof, remains in effect.

7.

Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City:	Tomball Economic Development Corporation 401 W. Market Street Tomball, Texas 77375 Attn: President, Board of Directors
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If to Company:	Decatur Professional Development, LLC 1431 Graham Drive, Suite 262 Tomball TX 77375 Attn: Ken Hudspeth, General Manager
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8.

This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas.

9.

Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the parties hereto.

10.

The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance. This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.

11.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this \_\_\_\_\_ day of \_\_\_\_\_ 2022 (the “Effective Date”).

**DECATUR PROFESSIONAL DEVELOPMENT, LLC**

By: \_\_\_\_\_

Name: Ken Hudspeth

Title: General Manager

ATTEST:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**TOMBALL ECONOMIC DEVELOPMENT CORPORATION**

By: \_\_\_\_\_

Name: Gretchen Fagan

Title: President, Board of Directors

ATTEST:

By: \_\_\_\_\_

Name: Bill Sumner Jr.

Title: Secretary, Board of Directors

### ACKNOWLEDGMENT

THE STATE OF TEXAS     §  
                                      §  
COUNTY OF HARRIS     §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_  
2022, by Ken Hudspeth, General Manager of Decatur Professional Development, LLC, for and  
on behalf of said company.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires: \_\_\_\_\_

(SEAL)

### ACKNOWLEDGMENT

THE STATE OF TEXAS     §  
                                      §  
COUNTY OF HARRIS     §

This instrument was acknowledged before me on the \_11th\_\_\_\_ day of \_\_\_\_January\_\_\_\_  
2022, by Gretchen Fagan, President of the Board of Directors of the Tomball Economic  
Development Corporation, for and on behalf of said Corporation.

\_\_\_\_\_  
Notary Public in and for the State of Texas

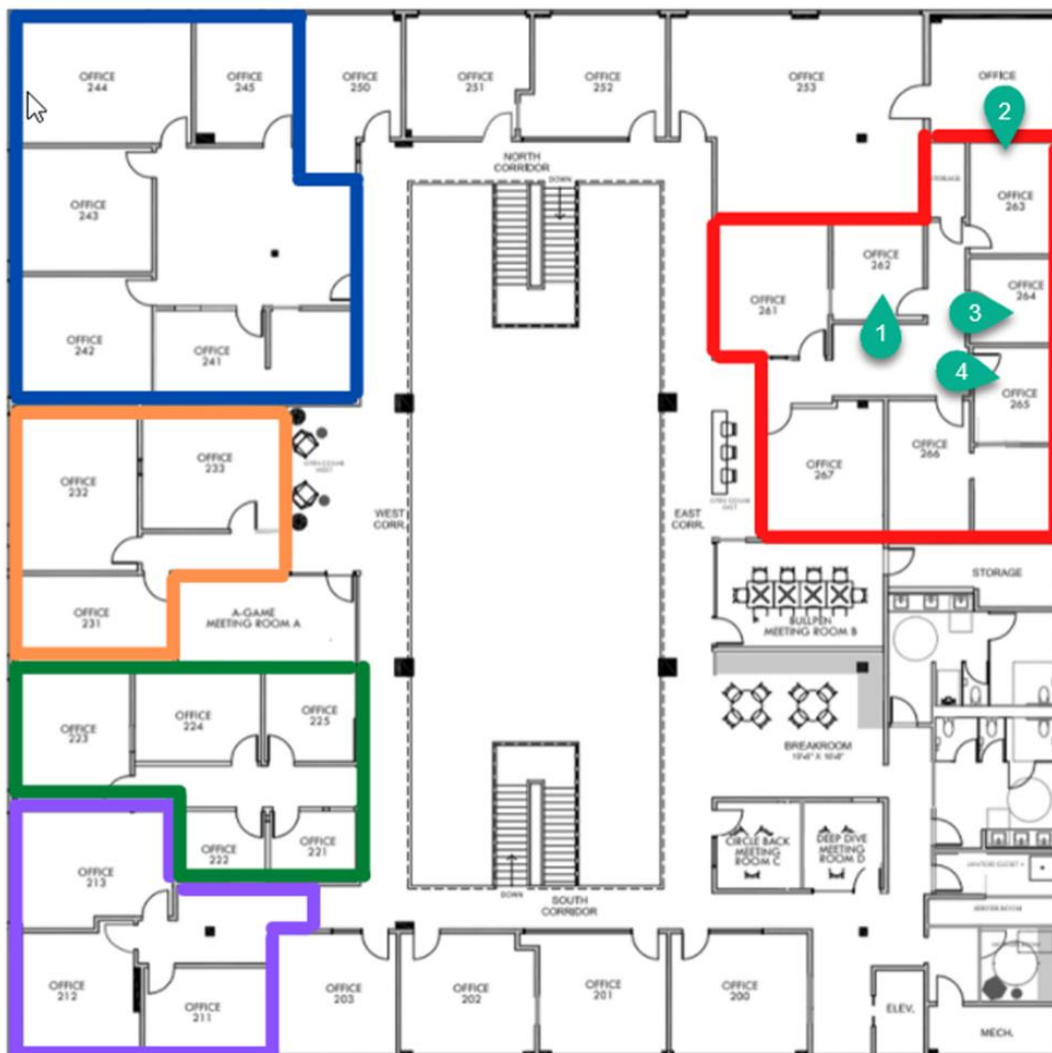
My Commission Expires: \_\_\_\_\_

(SEAL)

**Exhibit "A"**  
**Legal Description of Property**

Property Address: Headquarters Too, LLC Building, 1431 Graham Road,  
Suites 262, 263, 264, and 265, Tomball, TX 77375

Legal Description: A TRACT OR PARCEL CONTAINING 3.749 ACRES OR 163,311 SQUARE FEET OF LAND SITUATED IN THE J.M. HOOPER SURVEY, ABSTRACT NUMBER (NO.) 375 AND W. HURD SURVEY, ABSTRACT 378, HARRIS COUNTY, TEXAS, BEING ALL OF A CALLED 3.7512 ACRE TRACT AS DESCRIBED IN DEED TO GRAHAM ROAD INVESTMENTS, LTD AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO V494896, WITH SAID 0.0000 ACRE TRACT BEING MORE PARTICULARLY COORDINATE SYSTEM SOUTH CENTRAL ZONE (NAD82):



## RESOLUTION NO. 2022-05-TEDC

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND APPROVING THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION'S PROJECT TO EXPEND FUNDS IN ACCORDANCE WITH AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CORPORATION AND DECATUR PROFESSIONAL DEVELOPMENT, LLC TO PROMOTE AND DEVELOP A NEW OR EXPANDED BUSINESS ENTERPRISE; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

**WHEREAS**, the Tomball Economic Development Corporation (the "TEDC"), created pursuant to the Development Corporation Act, now Chapter 501 of the Texas Local Government Code, as amended (the "Act"), desires to adopt projects and provide incentives for economic development within the City; and

**WHEREAS**, the Board of Directors of the TEDC had adopted as a specific project the expenditure of the estimated amount of Six Thousand and Six Hundred Dollars (\$6,600.00), found by the Board to be required or suitable to promote a new business development by Silver Accounting Group, LLC; and

**WHEREAS**, pursuant to the Act, the TEDC may not undertake such project without the approval of Tomball City Council; and

**WHEREAS**, City Council finds and determines that such project promotes new or expanded business development and is in the best interests of the citizenry; now, therefore,

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

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

**Section 2.** The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Six Thousand and Six Hundred Dollars (\$6,600.00), to Decatur Professional Development, LLC in accordance with an economic development agreement by and between the TEDC and Decatur Professional Development, LLC to promote and develop a new or expanded business enterprise, to be located at 1431 Graham Drive, Suites 262-265, Tomball, Texas 77375.

**Section 3.** In the event any clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be adjudged

invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**PASSED AND APPROVED** on first reading this \_\_\_\_ day of \_\_\_\_\_,  
202\_\_.

**PASSED, APPROVED, AND RESOLVED** on second and final reading this \_\_\_\_ day of  
\_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Gretchen Fagan, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

# City Council Meeting Agenda Item Data Sheet

Meeting Date: January 17, 2022

**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):

Section 551.087 - Deliberation regarding Economic Development negotiations.

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

**Background:**

**Origination:** David Esquivel, City Manager

**Recommendation:**

**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	<u>Tracylynn Garcia</u>	<u>12-27-2021</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date