NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS

TUESDAY, SEPTEMBER 6, 2016

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Tuesday, September 6, 2016 at 6:00 P.M., 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.

1.0 Call to Order

2.0 Invocation

- Led by Quinton Payton, Associate Pastor/Youth, Church 1:37

3.0 Pledges to U.S. and Texas Flags

- Led by Members of Tomball Memorial High School Student Council

4.0 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.]*

5.0 Reports and Announcements

- September 10, 2016 – **2nd Saturday at the Depot**
- September 24, 2016 – **6th Annual Beetles, Brew & Barbeque Festival** – 12:00 Noon-6:00 p.m.
- October 1, 2016 – ***4th "Annual Paces4Pink" 5K Run/Walk*** and ***1 Mile Run/Walk***
- October 8, 2016 – **"Zomball in Tomball"**
- October 15, 2016 – **"Freight Train Food Truck Festival" at the Depot** – Noon to 5:30 p.m. (Combining the ***Honky Tonk Music Festival*** and ***Memorial Day Chili Challenge***)
- October 22, 2016 – **5th Annual Tomball *Bluegrass Festival*** – 12:00 Noon-6:00 p.m.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
    - Mike Baxter – Report on the success of the **Texas Music Festival**

6.0 Approve the Minutes of the August 15, 2016 Regular City Council

7.0 Old Business:

7.1 Adopt, on Second Reading, Ordinance No. 2016-16, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Five, Yaupon Trails, Section One.

7.2 Adopt, on Second Reading, Ordinance No. 2016-17, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Five (Yaupon Trails Subdivision); and Making Certain Findings Related Thereto

7.3 Adopt, on Second Reading, Ordinance No. 2016-19, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending **Chapter 20, Section 20-28.** Amendments to the 2012 International Fire Code, (w), to Change the Definition of "Fire Area"; Providing a Penalty in an Amount Not to Exceed $2000 for Each Day of Violation Hereof; and Providing for Severability

7.4 Adopt, on Second Reading, Ordinance No. 2016-20, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Code Of Ordinances By Amending Section 50-82(B) ("Use Charts") In Regards To The Land Uses "Check Cashing Service", "Convenience Store (With Or Without Gasoline Sales)", "Gasoline Station", "Hotel/Motel", "Rehabilitation Care Facility (Halfway House)", "Tattoo Or Body Piercing Studio" And By Adding "Loan Service (Payday / Auto Title)" And Amending Section 50-2 ("Definitions") In Regards To The Land Use "Hotel/Motel"; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed $2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

8.0 New Business:

8.1 Appoint Will Benson, Jr. to Fill Vacancy on the Planning and Zoning Commission; Position 5, Term Expiring June 1, 2017

8.2 Approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2016-2017 Budget

8.3 Approve, on First Reading, Resolution No. 2016-19-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 Source Point Solutions, LLC, to make direct incentives to, or expenditures for, the relocation of its corporate headquarters facility to an approximately 2.95-acre tract located at 24227 FM 2978, Tomball, Texas 77375. The estimated amount of expenditures for such Project $28,514.00.

8.4 Resolution No. 2016-18, A Resolution of the City Council of the City of Tomball, Texas, Supporting the Ninth Annual Homecoming Parade and Pep Rally, to be held at the Tomball High School Campus and Stadium, Sponsored by the Tomball Independent School District and the Tomball High School Student Council, on Wednesday, September 14, 2016

8.5 Approve Resolution No. 2016-16, a Resolution of the City of Tomball, Texas, Adopting and Ratifying the City of Tomball's Investment Policy, as set forth in the City's Administrative Policy No. 13, entitled "Investment Policy"

8.6 Approve Resolution No. 2016-17, a Resolution of the City of Tomball, Texas, Amending the Master Fee Schedule for Fiscal Year 2016-2017

8.7 Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 2004-28117, styled *City of Tomball vs. Perry, Helen, et al,* said Property being described as: Lots 33 and 34, Block 104, Located at 0 Texas Street, Tomball, Located in Harris County, Texas and being More Particularly Described in Volume 365, Page 83 in the Deed Records of Harris County, Texas, HCAD Acct No. 035-281-008-0033, to Tyler Patrick Torres, in the Amount of $18,294.61.

8.8 Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 1998-28224, styled *City of Tomball vs. Jackson Soll,* said Property being described as: Lot 29, Block 90, Located at 0 Foster Street, Tomball, Located in Harris County, Texas and being More Particularly Described in Volume 342, Page 543 of the Real Property Records of Harris County, Texas, HCAD Acct No. 035-278-090-0029, to Mariaca Villasenor, in the Amount of $2,000.00

8.9 Adopt, on First Reading, Ordinance No. 2016-22, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances of the City Amending Section 10-22, Amendments to the International Building Code, of Article II, Building Code, of Chapter 10, Buildings and Building Regulations, to Amend Sections 310.3, 310.5 and 420.4 of the International Building Code to Provide Exceptions to the Sprinkler Requirements for Certain Residential Group R-1 and R-3 Occupancies as Specified Therein; Providing a Penalty Not to Exceed $2,000.00 for any Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability and Providing Other Findings Related Hereto.

8.10 Adopt, on First Reading, Ordinance No. 2016-21, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending Chapter 20, Section 20-28. Amendments to the 2012 International Fire Code, to Change

Certain Fire Protection Requirements for R-3 Occupancies and Bed and Breakfasts; Providing a Penalty in an Amount Not to Exceed $2,000 for Each Day of Violation Hereof; and Providing for Severability

8.11 Amend Current Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), affording the Tomball Police Department the Ability to Assign Five (5) Student Resource Officers (SROs) to TISD Campuses

8.12 Approve Interlocal Agreement between the City of Tomball and Concordia Lutheran High School, affording the Tomball Police Department the Ability to Assign One (1) Student Resource Officer (SRO) to CLHS Campus.

8.13 Ratify the FY 2016-2017 Budget and Find that the Proposed Tax Rate of $.341455/$100 Exceeds the Effective Tax Rate and Will Generate More Property Tax Revenue than the FY 2015-2016 Budget.

8.14 Set Dates for the Required Public Hearings on the Proposed 2016 Tax Rate

8.15 Set the Dates for the Vote on the Proposed 2016 Tax Rate and Announce that Voting on the Proposed 2016 Tax Rate will be held at a Special Regular Council Meeting on October 10, 2016 at 5:00 p.m. and at a Regular Council Meeting on October 17, 2016 at 6:00 p.m.

9.0 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 1st day of September 2016 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

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Doris Speer
City Secretary, TRMC

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

6256 for further information.

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:

- Led by Quinton Payton, Associate Pastor/Youth, Church 1:37

Background:

Origination:

Recommendation:

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

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:

- Led by Members of Tomball Memorial High School Student Council

Background:

Origination:

Recommendation:

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

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:

- September 10, 2016 – **2nd Saturday at the Depot**
- September 24, 2016 – **6th Annual Beetles, Brew & Barbeque Festival** – 12:00 Noon-6:00 p.m.
- October 1, 2016 – ***4th "Annual Paces4Pink" 5K Run/Walk*** and ***1 Mile Run/Walk***
- October 8, 2016 – **"Zomball in Tomball"**
- October 15, 2016 – **"Freight Train Food Truck Festival" at the Depot** – Noon to 5:30 p.m. (Combining the ***Honky Tonk Music Festival*** and ***Memorial Day Chili Challenge***)
- October 22, 2016 – **5th Annual Tomball *Bluegrass Festival*** – 12:00 Noon-6:00 p.m.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
    - Mike Baxter – Report on the success of the **Texas Music Festival**

Background:

Origination:
Various

Recommendation:
N/A

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

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1st ☐ 2nd	Other

ATTACHMENTS:

4th "Annual Paces4Pink" 5K Run/Walk and 1 Mile Run/Walk

PACES4PINK
BREAST CANCER AWARENESS RUN & WALK
SATURDAY, OCTOBER 1, 2016
TOMBALL, TEXAS

Saturday, October 1, 2016

5K Run/Walk at 8:00 A.M. - **1Mile Run/Walk** at 9:00 A.M. | Call 281-351-5484

Location
The Historic Tomball Train Depot Plaza located at 201 S. Elm St.

About This Event
Paces4Pink, formerly Sherine's Stride, was designed to raise awareness of breast cancer and bring families, friends and guests together for support. Sherine Amanollahi was a Tomball Police dispatcher who lost her fight against breast cancer in 2012 at age 30.

The Course
USATF-certified 5K course. Flat, major tree-lined streets. No wheels (except wheelchairs) & no pets, please! Baby joggers and carriages OK for 1 MILE WALK ONLY. The 5K race will be professionally managed and utilize timing bib chips.

Awards
Prizes will be awarded to the top three finishers in each age category for the 5K Run. All kids (10 and under) participating in the 1 mile walk will receive a commemorative keepsake.

Packet Pick-up
September 29th and 30th from 5:00 PM – 7:00 PM at the City "Events" Offices – 105 S. Cherry.
Race Day Pick-up & Registration: 7:00 AM – 7:30 AM at the Depot (No t-shirt guarantee)

Registration
- Register online at www.racesonline.com or www.tomballtx.gov by September 23rd.
- Register in person at Tomball City Hall—401 Market Street, Tomball, TX
- To mail or fax registrations, download forms at www.tomballtx.gov and submit to: City of Tomball, Attn: Lisa Coe, 401 Market St., Tomball, TX 77375.
  Fax 281-290-1088 or Email lcoe@tomballtx.gov

Event Fees*		
Category	On or Before 9/16/2016	After 9/16/2016
5K Run/Walk	$25	$30
1 Mile Run/Walk 11 yrs +	$20	$25
1 Mile Run/Walk 10 & under	$15	$20

*20% discount on groups of five (5) or more registering at the same time. Discount not available online.

Saturday, October 1, 2016
8:00 A.M. – 5K Run/Walk
9:00 A.M. – 1Mile Run/Walk
Historic Tomball Depot
281-351-5484

Registration Form

One registration form per participant

Category: ☐ 5K Run/Walk ☐ 1 Mile Run/Walk ADULT ☐ 1 Mile Run/Walk YOUTH

First Name: ________________________ Last Name: ___________________________

Street Address: ____

City: ____________________ State: ______ Zip: __________ Phone: (____) ___________

Birth Date: ______/_______/__________ Age on Run Date: _________Gender: ☐ F ☐ M

Email Address: ____

Shirt Size: ☐ YS ☐ YM ☐ YL | ☐ S ☐ M ☐ L ☐ XL ☐ XXL ☐ XXXL

Are you participating in honor of or in memory of someone: ☐ Y ☐ N

In Honor of: ________________________________ (please print)

In Memory of: _______________________________ (please print)

Are you a Breast Cancer Survivor: ☐ Y ☐ N TEAM NAME: ___________________________

For Credit Card Payments

Name on Card: ___________________________ Type: ☐ Visa ☐ MasterCard

Card Number: _________________________ Exp. Date: ______ 3 Digit Sec. Code: _______

Emergency Contact: _________________________ Phone: (_____) ____________________

Emergency Contact: _________________________ Phone: (_____) ____________________

Waiver and Release: In consideration of the acceptance of this registration entry, I, the undersigned, assume full & complete responsibility for any injury or accident which may occur during my participation in this race, or while I am on the premises of this event and I hereby release and hold harmless the sponsors, officials and all other persons and entities associated with this event from any and all injury, damages or illness which may directly or indirectly result from participation in this race. I further state that I am in proper physical condition to participate.

_______________________________________ ___________________
Signature of Participant Date

_______________________________________ ___________________
Signature of Parent/Guardian if Participant is Minor Date

Event Fees		
Category	On or Before 9/16/2016	After 9/16/2016
5K Run/Walk	$25	$30
1 Mile Run/Walk 11 yrs +	$20	$25
1 Mile Run/Walk 10 & under	$15	$20

Your privacy will be respected and no information will be shared with third parties.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:
Approve the Minutes of the August 15, 2016 Regular City Council

Background:

Origination:
City Secretary

Recommendation:
N/A

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

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

Draft Minutes - August 15, 2016 Regular City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS

MONDAY, AUGUST 15, 2016

6:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Fagan. Other members present:

Councilman Hudgens
Councilman Stoll
Councilman Degges
Councilman Klein Quinn

Members Absent:

Councilman Townsend – Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Harold Ellis
CSO Administrative Assistant – Tracy Garcia
Executive Director-TEDC – Kelly Violette
Chief-NWEMS – Brian Bayani
Police Detective – Kenneth Yoho
Assistant Fire Chief – Jonathan Fontenot
Fire Marshal – Charlie Hazlegrove
Presiding Municipal Court Judge – Brett Peabody

2.0 The invocation was led by Greg Sipe, Pastor, Church 1:37.

3.0 The pledges to U. S. and Texas Flags were led by Dylan Morgan, Connor McKee, and Corey Brennan, members of the Tomball High School Student Council and by members of the Cub Scouts, Webelos 2.

4.0 The following public comments were received:

Bruce Hillegeist GTACC	-	Expressed his appreciation to City Council for the City's assistance in the success of the GTACC's *Tomball Night.*

5.0 Presentations:

- Police Chief Billy Tidwell presented the newest Tomball Police Officers, Korey Orr, Juliete Pommer, and Camilo Flores.

6.0 Reports and Announcements:

- ***Tomball City Pool – 2016 Swim Season - Jerry Matheson Park Pool*** will operate normal hours through August 21. From August 22 through September 4, the pool will be open on Saturday and Sunday only. The pool will be closed every Monday during swim season 2016, except Memorial Day (May 31), July 4th, and Labor Day (September 5). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- August 27, 2016 – **Texas Music Festival** – Noon-6:00 p.m.
- September 10, 2016 – **2nd Saturday at the Depot**
- September 24, 2016 – **6th Annual Beetles, Brew & Barbeque Festival** –Noon-6:00 p.m.
- October 1, 2016 – ***4th Annual "Paces4Pink" 5K Run/Walk*** and ***1 Mile Run/Walk***
- October 8, 2016 – **"Zomball in Tomball"**
- October 15, 2016 – **"Freight Train Food Truck Festival" at the Depot** – Noon to 5:30 p.m. (Combining the ***Honky Tonk Music Festival*** and ***Memorial Day Chili Challenge***)
- October 22, 2016 – **5th Annual Tomball *Bluegrass Festival*** – 12:00 Noon-6:00 p.m.
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
    - Glenn Windsor presented the Quarterly Investment Report for period ending June 30, 2016. The Public Funds Investment Act requires that a report of the City's investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On June 30, 2016, the City had total cash equivalents and investments totaling $50,113,306. A copy of the report was provided for review.
    - Billy Tidwell announced that the Tomball Police Department has two parking spaces marked as "Safe Exchange Zones" for the public to use.

◦ George Shackelford announced that Mike Baxter was named *Houston Business Journal's* **"Outstanding Marketing Director"** for 2016

7.0 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve the Minutes of the August 1, 2016 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Degges, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2016-13, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately .32 Acres of Land, Legally Described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, from the Single Family 6 District to the Old Town and Mixed Use District; Said Property being generally located at the Northwest Corner of Mechanic Street and S. Chestnut Street; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

Councilman Hudgens	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Absent
Councilman Klein Quinn	Aye

Motion carried unanimously.

8.2 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance, No. 2016-18, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2016-2017; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2015-2016 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details relating to the Passage of This Ordinance. Vote was as follows:

Councilman Hudgens	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Absent
Councilman Klein Quinn	Aye

Motion carried unanimously.

9.0 New Business:

9.1 Conduct Public Hearing of the City Council of the City of Tomball to Consider Proposed Assessments Against Yaupon Trails Section One Properties in the City of Tomball Public Improvement District Number Five (PID 5) Established by City Council Resolution No. 2015-05.

- Mayor Fagan opened the Public Hearing at 6:19 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:19 p.m.

9.2 Motion was made by Councilman Stoll, second by Councilman Hudgens, to read Ordinance No. 2016-16 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Degges, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2016-16, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Five, Yaupon Trails, Section One. Vote was as follows:

Councilman Hudgens	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Absent
Councilman Klein Quinn	Aye

Motion carried unanimously.

9.3 Motion was made by Councilman Klein Quinn, second by Councilman Degges, to read Ordinance No. 2016-17 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2016-17, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Five (Yaupon Trails Subdivision); and Making Certain Findings Related Thereto. Vote was as follows:

Councilman Hudgens	Aye
Councilman Stoll	Aye
Councilman Degges	Aye

Councilman Townsend	Absent
Councilman Klein Quinn	Aye

Motion carried unanimously.

9.4 Motion was made by Councilman Stoll, second by Councilman Degges, to Reappoint Lori Klein Quinn to Current Position on the Tomball Economic Development Corporation Board of Directors. Councilman Klein Quinn abstained; vote was as follows:

Councilman Hudgens	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Absent
Councilman Klein Quinn	Abstain

Motion carried unanimously.

9.5 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to reappoint Presiding Municipal Court Judge, Brett Peabody.

Motion carried unanimously.

9.6 Consideration to appoint Will Benson, Jr. as Alternate Member to the Board of Adjustments was withdrawn at the request of Mr. Benson and the Community Development Department.

No action taken.

9.7 Consideration to approve **ZONING CASE P16-0115**: Request by the City of Tomball to amend Section 50-82(b) (Use Charts) in regards to the land uses "Check cashing service", "Convenience store (with or without gasoline sales)", "Gasoline Station", "Hotel/motel", "Rehabilitation care facility (halfway house)", "Tattoo or body piercing studio" and by adding "Loan service (payday / auto title)" and to amend Section 50-2 (Definitions) in regards to the land use "Hotel/motel".

- Mayor Fagan opened the Public Hearing on **ZONING CASE P16-0115** at 6:36 p.m.

- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:36 p.m.

- Motion was made by Councilman Stoll, second by Councilman Degges, to read Ordinance No. 2016-20 by caption only on first reading.

  Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2016-20, an Ordinance of the City of

Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-82(B) ("Use Charts") in regards to the Land Uses "Check Cashing Service", "Convenience Store (With or Without Gasoline Sales)", "Gasoline Station", "Hotel/Motel", "Rehabilitation Care Facility (Halfway House)", "Tattoo or Body Piercing Studio" and by Adding "Loan Service (Payday/Auto Title)" and Amending Section 50-2 ("Definitions") in regards to the Land Use "Hotel/Motel"; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

- Motion to AMEND was made by Councilman Stoll, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2016-20, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-82(B) ("Use Charts") in regards to the Land Uses "Check Cashing Service", "Convenience Store (With or Without Gasoline Sales)", "Gasoline Station", "Hotel/Motel", "Rehabilitation Care Facility (Halfway House)", "Tattoo or Body Piercing Studio" and by Adding "Loan Service (Payday/Auto Title)" and Amending Section 50-2 ("Definitions") in regards to the Land Use "Hotel/Motel"; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters, by changing the land use of "Halfway House", removing it from SF-6, SF-9 and SF-20 and leaving the land use permitted by right in Commercial. Vote was as follows:

Councilman Hudgens	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Absent
Councilman Klein Quinn	Aye

Motion, as AMENDED, carried unanimously.

9.8 Consideration was given to request from Mike Clark, of Maple Creek Bed & Breakfast, to waive the installation of an Automatic Fire Sprinkler System, as required per the 2012 International Building Code (IBC) and 2012 International Fire Code (IFC). Council directed staff to provide definitions of and information regarding options for Bed and Breakfasts and Air BnBs.

No action taken.

9.9 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve and Grant Permission for the Fire Chief to Address the TML Legislative Committee Regarding Returning to Texas Cities', Including the City of Tomball, the Decision

Process Regarding the Authority to Require Residential Fire Sprinklers in Newly Constructed Single Family and Duplex Homes. Vote was as follows:

Councilman Hudgens	Aye
Councilman Stoll	Aye
Councilman Degges	Nay
Councilman Townsend	Absent
Councilman Klein Quinn	Aye

Motion carried, 3 votes Aye, 1 vote Nay.

9.10 Motion was made by Councilman Hudgens, second by Councilman Stoll, to read Ordinance No. 2016-19 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2016-19, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending Chapter 34, Section 34-71. Amendments to the 2012 International Fire Code, (w), to Change the Definition of "Fire Area"; Providing a Penalty in an Amount Not to Exceed $2000 for Each Day of Violation Hereof; and Providing for Severability. Vote was as follows:

Councilman Hudgens	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Absent
Councilman Klein Quinn	Aye

Motion carried unanimously.

9.11 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve Two-Year Extension of Contract with Sun Coast Resources for the Purchase of Gasoline and Diesel Fuel at the current prices.

Motion carried unanimously.

9.12 Motion was made by Councilman Hudgens, second by Councilman Stoll, to reject All Bids for E&P Project No. 2016-10005 Hunterwood and Hicks Lift Station Rehabilitation Project

Motion carried unanimously.

10.0 Motion was made by Councilman Hudgens, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 6th day of September 2016.

Doris Speer, TRMC, CMC	Gretchen Fagan
City Secretary	Mayor

Regular City Council Agenda Item Data Sheet

Meeting Date: September 6, 2016

Topic:

Adopt, on Second Reading, Ordinance No. 2016-16, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Five, Yaupon Trails, Section One.

Background:

Public infrastructure improvements are nearly complete for Section One of Yaupon Trails Subdivision within Public Improvement District Number Five created by the City in 2015. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. There are 37 lots in the PID. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 2.75% annual interest) as follows:

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 27,667.16	$2,275.88	15 years	$ 133.79	$ 2,389.68

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

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a $0.65 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed on Lot Category 1 properties will be $350,000. The annual assessment payment for the Lot Category 1 is $2,389.68, or the equivalent of a $0.68 tax rate on a $350,000 home.

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

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

Origination:

Scott Bean, Hawes Hill Calderon, LLP

Recommendation:

Approval of Ordinance 2016-16 on Second Reading, approving the Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Five, on First Reading.

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

Doris Speer, City Secretary

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1st ☐ 2nd	Other

ATTACHMENTS:

Ordinance No. 2016-16
Section One PID 5 Assessment Roll
Exhibit A - Amortization Schedule by Lot
PID No. 5 Council Information Sheet
The Basics - PID Primer

ORDINANCE NO. 2016-16

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

* * * * * * * *

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

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

WHEREAS, the City passed and adopted Resolution No. Resolution 2015-05 establishing the City of Tomball Public Improvement District Number Five; and

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

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

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

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15TH DAY OF AUGUST 2016.

COUNCILMAN HUDGENS	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN DEGGES	AYE
COUNCILMAN TOWNSEND	ABSENT
COUNCILMAN KLEIN QUINN	AYE

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF SEPTEMBER 2016.

COUNCILMAN HUDGENS	________
COUNCILMAN STOLL	________
COUNCILMAN DEGGES	________
COUNCILMAN TOWNSEND	________
COUNCILMAN KLEIN QUINN	________

____
Gretchen Fagan, Mayor

ATTEST:

____
Doris Speer, City Secretary

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

1. Introduction

This Service and Assessment Plan is prepared and adopted in conformance with the Public Improvement District Assessment Act, codified as Chapter 372, Texas Local Government Code ("the Act"), and pursuant to Resolution 2015-05 creating the Public Improvement District Number Five ("PID"), City of Tomball, Texas. The creation of the PID was initiated by a petition submitted by property owners within the PID boundaries in compliance with the requirements of the Section 372.005 of the Act.

2. Boundaries

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

3. Administration of the District

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

4. Public Improvements

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

A. Yaupon Trails

Yaupon Trails contains 10.9461 acres of land and will contain 37 lots within the PID. The public improvements authorized under this Plan for Yaupon Trails and the estimated costs thereof, are described below:

PUBLIC IMPROVEMENT	ESTIMATED COSTS
Water, sewer, storm sewer, streets, detention, gas, off-site utility extensions, amenities, engineering, design fees, landscaping, PID creation	$1,023,685
Financing Costs (15 years @ 2.75%)	$239,430
Total Improvements	$1,263,115
Administration (5%)	$63,156
Total Costs (15 years)	$1,326,271

5. Construction of Public Improvements

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

6. Conveyance of Improvements to the City

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

7. Authorized Improvements

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

The construction of the public improvements authorized herein began in calendar year 2015. The actual costs of the public improvements will be determined by an independent accountant report of the developer's costs.

8. Advance Financing by the Developer

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

9. Apportionment of Costs

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

10. Levy of Assessments

The total assessment for each property shall be an equal apportionment of the total costs divided by the total number of lots. Assessments can be paid by each property in advance or at any time thereafter. Financed assessments paid annually shall be concurrent with the city's tax year and will bear interest at 2.75% for up to 15 years. The principal amount of the assessment is payable at any time by property owners.

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

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 27,667.16	$2,275.88	15 years	$ 133.79	$ 2,389.68

11. Levy and Collection

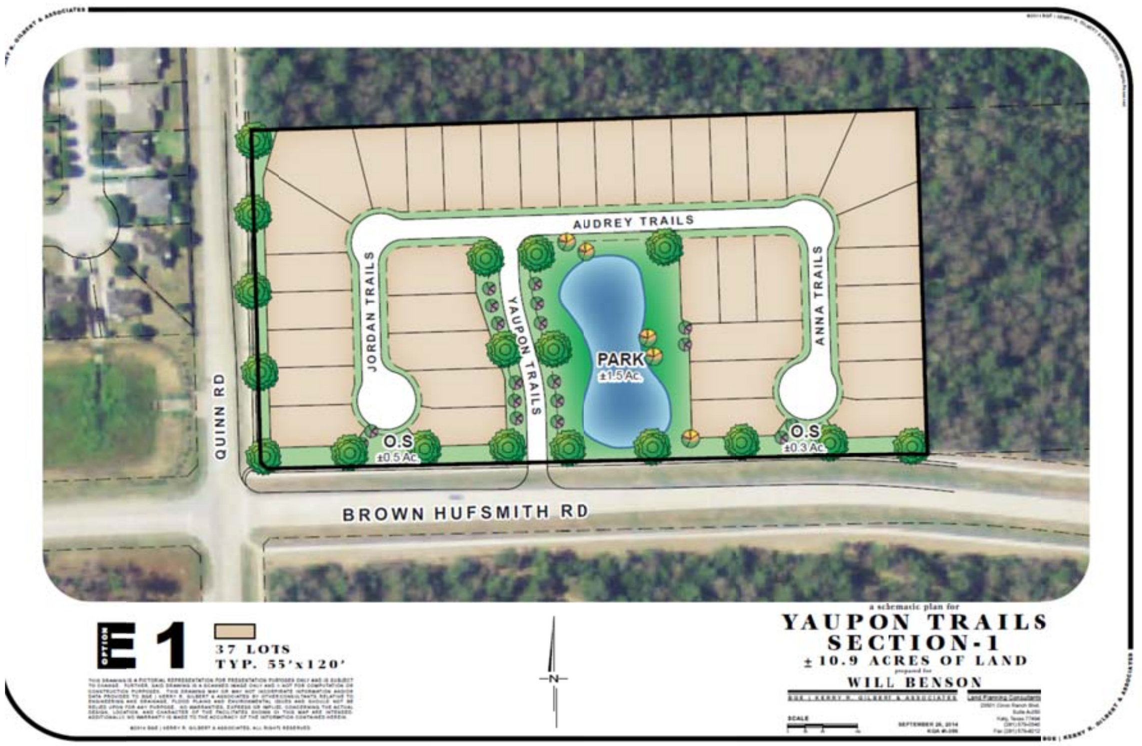
Notice of levy of each assessment will be given as provided in Chapter 372 of the Local Government Code. The assessment levy statement will be sent to each property owner in the District, and the payment will be due and payable at the same time property taxes are due and payable to the City.

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

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

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

EXHIBIT A


AUDREY TRAILS
JORDAN TRAILS
YAUPON TRAILS
ANNA TRAILS
PARK
±1.5 Ac.
O.S
±0.5 Ac.
O.S
±0.3 Ac.
QUINN RD
BROWN HUFSMITH RD
OPTION
E 1
37 LOTS
TYP. 55'x120'
N
a schematic plan for
YAUPON TRAILS
SECTION-1
± 10.9 ACRES OF LAND
prepared for
WILL BENSON
SCALE
SEPTEMBER 26, 2014

Public Improvement District Number Five
Yaupon Trails Subdivision
Section One Assessment Roll
City of Tomball, Harris County, Texas

Lot	Block	Owner	Total Assessment	Assessment With Interest	Assessment Term	Annual Payment	Annual Admin	Total Annual Payment
1	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
2	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
3	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
4	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
5	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
6	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
7	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
8	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
9	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
10	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
11	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
12	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
13	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
14	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
15	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
16	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
17	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
18	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
19	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
20	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
21	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
22	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
23	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
24	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
25	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
26	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
27	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
28	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
29	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
30	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
31	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
32	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
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36	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
37	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68

AMORTIZATION SCHEDULE BY LOT

Duration (in years)	15
Interest Rate	2.75%
Annual Payment Amount	$2,275.88
Total Lifetime Payments	$34,138.17
Total Principal	$27,667.16
Total Interest	$6,471.01

	Payment	Principal	Interest	Payment	Principal Balance
					$27,667.16
	1	$1,515.03	$760.85	$2,275.88	$26,152.13
	2	$1,556.69	$719.18	$2,275.88	$24,595.44
	3	$1,599.50	$676.37	$2,275.88	$22,995.93
	4	$1,643.49	$632.39	$2,275.88	$21,352.44
	5	$1,688.69	$587.19	$2,275.88	$19,663.76
	6	$1,735.12	$540.75	$2,275.88	$17,928.63
	7	$1,782.84	$493.04	$2,275.88	$16,145.79
	8	$1,831.87	$444.01	$2,275.88	$14,313.92
	9	$1,882.24	$393.63	$2,275.88	$12,431.68
	10	$1,934.01	$341.87	$2,275.88	$10,497.67
	11	$1,987.19	$288.69	$2,275.88	$8,510.48
	12	$2,041.84	$234.04	$2,275.88	$6,468.64
	13	$2,097.99	$177.89	$2,275.88	$4,370.65
	14	$2,155.68	$120.19	$2,275.88	$2,214.97
	15	$2,214.97	$60.91	$2,275.88	$0.00
TOTAL		**$27,667.16**	**$6,471.01**	**$34,138.17**	

Council Item Information Sheet – Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Five (Yaupon Trails Subdivision)

Action Requested

Approval of the Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Five.

Information

Public infrastructure improvements are nearly complete for Section One of Yaupon Trails Subdivision within Public Improvement District Number Five created by the City in 2015. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 2.75% annual interest) as follows:

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
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The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a $0.65 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed on Lot Category 1 properties will be $350,000. The annual assessment payment for the Lot Category 1 is $2,389.68, or the equivalent of a $0.68 tax rate on a $350,000 home.

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

Future Actions

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

AMORTIZATION SCHEDULE BY LOT

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TOTAL		**$27,667.16**	**$6,471.01**	**$34,138.17**	

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	15	$2,214.97	$60.91	$2,275.88	$0.00
TOTAL		**$27,667.16**	**$6,471.01**	**$34,138.17**	

Public Improvement District (PID) Primer

What is a PID?

A Public Improvement District (PID) is a public financing tool created under Chapter 372 of the Texas Local Government Code (TLGC). A PID allows a neighborhood or commercial area to apportion the cost of improvements and levy an assessment against property located in the PID, because that property is acquiring a special benefit because of the improvements. In other words, the property that will benefit the most from the improvement pays for the improvement--the burden is not shifted to the entire community. PIDs are intended to promote economic growth by providing the funding mechanism to construct necessary infrastructure or desired amenities that support new developments and encourage redevelopment.

PIDs are a component unit of the City and are governed by the City Council. The Council can create an advisory board for the PID if necessary, but final determinations on establishment, costs, assessments, and budgets must be made by the City Council.

What can a PID finance?

The PID can be designed to help finance the cost of a variety of development costs including:

- water, wastewater, health and sanitation, or drainage improvements;
- street and sidewalk improvements;
- mass transit improvements;
- parking improvements;
- library improvements;
- park, recreation and cultural;
- art installation;
- creation of pedestrian malls; or
- supplemental services. (advertising, extra public safety, etc.)

How does the PID finance the projects?

Project costs can be paid directly by the City or the developer can advance funds. The assessment fees levied on each property fund the project payments. Until the PID has accumulated adequate assessment fee revenue, the City can choose to issue bonds or use general tax revenues for initial payments or developer reimbursements.

Separate fund(s) are created by the City for the administration of the PID. The Council reviews and approves the assessments and district budget each year.

How is a PID created and dissolved?

PID Development Process (minimum steps required by Chapter 372, TLGC):
1. City, County, or affected property owner(s) initiates a petition for creation.
2. If needed, City Council appoints an advisory board to develop the PID improvement plan.
3. City Council holds a public hearing & passes a resolution on the need for the PID.
4. City Council authorizes the establishment of a PID by resolution.
5. Construction of improvements may begin 20-days after the PID's creation.
6. City Council adopts a Service and Assessment Plan (list of projects, costs, debt, & assessment fee) for at least five, ongoing years is developed.
7. City holds a public hearing on the assessment roll (lists each PID property's fee).
8. City Council adopts ordinance to levy the special assessment. (City will also create a special fund(s) for the PID).
9. If necessary, City Council holds public hearing and approves additional assessments to correct omissions or mistakes in the improvement costs.
10. If necessary, City Council holds public hearing & passes a resolution dissolving PID; however, the district remains in effect at least to meet its debt obligations.

Does the City have any additional requirements?
Yes. City of Tomball Administrative Policy No. 18 "Development Policy for Special Financing Districts" requires:

1. Residential Development Size--greater than 125 acres unless the average home value is greater than $225, 000.
2. Annual Individual Assessment Limit—no more than the equivalent of a $.50 tax rate on the assessed value of the property.
3. Assessment Term Limit—Not to exceed 10 years. First assessment due 3 years after levy or upon transfer of property from developer to home buyer whichever occurs first.
4. Developer Interest Limit—If bonds are sold, developer earned interest reimbursements will not exceed the net effective interest rate on bonds sold or 8% whichever is less. If bonds are not sold, reimbursement will be calculated according to an indexed-based formula (see Admin Policy 18) or 8% whichever is less.
5. Bidding Requirements—Developers must follow municipal bidding procedures (as outline in Chap 252 TLGC). All bids and awards of contracts must be approved by City Council.
6. District Administration—The City of Tomball will contract with an outside consultant to bill, collect, and track district assessments. This cost will be included in the Service & Assessment Plan and reimbursed from the district.

Other city policies, procedures, and good practices may also effect individual district creation or administration including approval of related contracts and agreements. For example, the City will usually need to enter into a Developer Agreement to detail the responsibilities & obligations of each party related to the Service and Assessment Plan.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:

Adopt, on Second Reading, Ordinance No. 2016-17, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Five (Yaupon Trails Subdivision); and Making Certain Findings Related Thereto

Background:

Public infrastructure improvements are nearly complete for Section One of Yaupon Trails Subdivision within Public Improvement District Number Five created by the City in 2015. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 2.75% annual interest) as follows:

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 27,667.16	$2,275.88	15 years	$ 133.79	$ 2,389.68

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

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a $0.65 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed on Lot Category 1 properties will be $350,000. The annual assessment payment for the Lot Category 1 is $2,389.68, or the equivalent of a $0.68 tax rate on a $350,000 home.

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

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

Origination:

Scott Bean, Hawes Hill Calderon, LLP

Recommendation:
Approval of Ordinance 2016-17 on Second Reading

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

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

Ordinance No. 2016-17
PID 5 Council Information Sheet
Amortization Schedule by Lot
The Basics - PID Primer

ORDINANCE NO. <u>2016-17</u>

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

* * * * * * * * * *

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

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

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

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

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

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

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

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15TH DAY OF AUGUST 2016.

COUNCILMAN HUDGENS	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN DEGGES	AYE
COUNCILMAN TOWNSEND	ABSENT
COUNCILMAN KLEIN QUINN	AYE

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF SEPTEMBER 2016.

COUNCILMAN HUDGENS	________
COUNCILMAN STOLL	________
COUNCILMAN DEGGES	________
COUNCILMAN TOWNSEND	________
COUNCILMAN KLEIN QUINN	________

____
Gretchen Fagan, Mayor

ATTEST:

____
Doris Speer, City Secretary

Public Improvement District Number Five
Yaupon Trails Subdivision
Section One Assessment Roll
City of Tomball, Harris County, Texas

Lot	Block	Owner	Total Assessment	Assessment With Interest	Assessment Term	Annual Payment	Annual Admin	Total Annual Payment
1	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
2	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
3	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
4	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
5	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
6	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
7	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
8	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
9	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
10	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
11	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
12	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
13	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
14	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
15	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
16	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
17	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
18	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
19	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
20	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
21	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
22	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
23	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
24	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
25	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
26	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
27	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
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36	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68
37	1	**Youpon Trails LTD LLC**	$ 27,667.16	$ 34,138.23	15 Years	$ 2,275.88	$ 113.79	$ 2,389.68

<u>Council Item Information Sheet</u> – Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Five (Yaupon Trails Subdivision)

<u>Action Requested</u>
Approval of the Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Five.

<u>Information</u>
Public infrastructure improvements are nearly complete for Section One of Yaupon Trails Subdivision within Public Improvement District Number Five created by the City in 2015. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 2.75% annual interest) as follows:

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 27,667.16	$2,275.88	15 years	$ 133.79	$ 2,389.68

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

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a $0.65 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed on Lot Category 1 properties will be $350,000. The annual assessment payment for the Lot Category 1 is $2,389.68, or the equivalent of a $0.68 tax rate on a $350,000 home.

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

<u>Future Actions</u>
The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed

by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted.

AMORTIZATION SCHEDULE BY LOT

Duration (in years)	15
Interest Rate	2.75%
Annual Payment Amount	$2,275.88
Total Lifetime Payments	$34,138.17
Total Principal	$27,667.16
Total Interest	$6,471.01

	Payment	Principal	Interest	Payment	Principal Balance
					$27,667.16
	1	$1,515.03	$760.85	$2,275.88	$26,152.13
	2	$1,556.69	$719.18	$2,275.88	$24,595.44
	3	$1,599.50	$676.37	$2,275.88	$22,995.93
	4	$1,643.49	$632.39	$2,275.88	$21,352.44
	5	$1,688.69	$587.19	$2,275.88	$19,663.76
	6	$1,735.12	$540.75	$2,275.88	$17,928.63
	7	$1,782.84	$493.04	$2,275.88	$16,145.79
	8	$1,831.87	$444.01	$2,275.88	$14,313.92
	9	$1,882.24	$393.63	$2,275.88	$12,431.68
	10	$1,934.01	$341.87	$2,275.88	$10,497.67
	11	$1,987.19	$288.69	$2,275.88	$8,510.48
	12	$2,041.84	$234.04	$2,275.88	$6,468.64
	13	$2,097.99	$177.89	$2,275.88	$4,370.65
	14	$2,155.68	$120.19	$2,275.88	$2,214.97
	15	$2,214.97	$60.91	$2,275.88	$0.00
TOTAL		**$27,667.16**	**$6,471.01**	**$34,138.17**	

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TOTAL		**$27,667.16**	**$6,471.01**	**$34,138.17**	

Public Improvement District (PID) Primer

What is a PID?

A Public Improvement District (PID) is a public financing tool created under Chapter 372 of the Texas Local Government Code (TLGC). A PID allows a neighborhood or commercial area to apportion the cost of improvements and levy an assessment against property located in the PID, because that property is acquiring a special benefit because of the improvements. In other words, the property that will benefit the most from the improvement pays for the improvement--the burden is not shifted to the entire community. PIDs are intended to promote economic growth by providing the funding mechanism to construct necessary infrastructure or desired amenities that support new developments and encourage redevelopment.

PIDs are a component unit of the City and are governed by the City Council. The Council can create an advisory board for the PID if necessary, but final determinations on establishment, costs, assessments, and budgets must be made by the City Council.

What can a PID finance?

The PID can be designed to help finance the cost of a variety of development costs including:

- water, wastewater, health and sanitation, or drainage improvements;
- street and sidewalk improvements;
- mass transit improvements;
- parking improvements;
- library improvements;
- park, recreation and cultural;
- art installation;
- creation of pedestrian malls; or
- supplemental services. (advertising, extra public safety, etc.)

How does the PID finance the projects?

Project costs can be paid directly by the City or the developer can advance funds. The assessment fees levied on each property fund the project payments. Until the PID has accumulated adequate assessment fee revenue, the City can choose to issue bonds or use general tax revenues for initial payments or developer reimbursements.

Separate fund(s) are created by the City for the administration of the PID. The Council reviews and approves the assessments and district budget each year.

How is a PID created and dissolved?

PID Development Process (minimum steps required by Chapter 372, TLGC):

1. City, County, or affected property owner(s) initiates a petition for creation.
2. If needed, City Council appoints an advisory board to develop the PID improvement plan.
3. City Council holds a public hearing & passes a resolution on the need for the PID.
4. City Council authorizes the establishment of a PID by resolution.
5. Construction of improvements may begin 20-days after the PID's creation.
6. City Council adopts a Service and Assessment Plan (list of projects, costs, debt, & assessment fee) for at least five, ongoing years is developed.
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9. If necessary, City Council holds public hearing and approves additional assessments to correct omissions or mistakes in the improvement costs.
10. If necessary, City Council holds public hearing & passes a resolution dissolving PID; however, the district remains in effect at least to meet its debt obligations.

Does the City have any additional requirements?

Yes. City of Tomball Administrative Policy No. 18 "Development Policy for Special Financing Districts" requires:

1. Residential Development Size--greater than 125 acres unless the average home value is greater than $225, 000.
2. Annual Individual Assessment Limit—no more than the equivalent of a $.50 tax rate on the assessed value of the property.
3. Assessment Term Limit—Not to exceed 10 years. First assessment due 3 years after levy or upon transfer of property from developer to home buyer whichever occurs first.
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Other city policies, procedures, and good practices may also effect individual district creation or administration including approval of related contracts and agreements. For example, the City will usually need to enter into a Developer Agreement to detail the responsibilities & obligations of each party related to the Service and Assessment Plan.

Regular City Council Agenda Item Data Sheet

Meeting Date: September 6, 2016

Topic:

Adopt, on Second Reading, Ordinance No. 2016-19, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending **Chapter 20, Section 20-28.** Amendments to the 2012 International Fire Code, (w), to Change the Definition of "Fire Area"; Providing a Penalty in an Amount Not to Exceed $2000 for Each Day of Violation Hereof; and Providing for Severability

Background:

Several years ago, the Council approved an amendment to the Fire Codes to define the "Fire Area" as that area contained within the exterior walls of a building. This precluded the use of a "fire wall", as defined in the code, and required the installation of a fire sprinkler system in any newly constructed building or modification to an existing building that increased the total area of the building beyond 12,000 square feet. As the capability of the Fire Department has increased significantly since the amendment was adopted, the Fire Department believes the definition of the "Fire Area" can be revised to include the use of a "Fire Wall" in the calculation.

With the additional staffing and equipment provided in the past several years, we have made substantial improvements in response times and the ability to conduct rapid interior operations quicker that allows us to recommend this change to the code.

If approved, Section 902.1(B) of said code is hereby amended by changing the definition to read as follows:

Fire Area. The aggregate floor area enclosed and bounded by fire walls, exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor next above.

Please note that, when Ordinance No. 2014-11 was originally adopted, the correct section was 34-71; the correct section following the 2014 recodification is Section 20-28.

Origination:

Fire Department

Recommendation:

Staff recommends adopting Ordinance No. 2016-19 on Second Reading

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

Doris Speer, City Secretary

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

ORDINANCE NO. 2016-19

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY AMENDING CHAPTER 20, SECTION 20-28. AMENDMENTS TO THE 2012 INTERNATIONAL FIRE CODE, (W), TO CHANGE THE DEFINITION OF "FIRE AREA"; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY

* * * * *

Section 1. The Code of Ordinances, Chapter 20, Section 20-28. Amendments to the 2012 International Fire Code of the City of Tomball, Texas, is hereby amended by deleting definition 902.1(w) of Chapter 20 thereof and substituting therefore a new definition 902.1(w) of Chapter 20 to read as follows:

"ARTICLE III. FIRE PREVENTION CODE

Sec. 20-28. Amendments to the 2012 International Fire Code.

(w) Section 902.1 of said Code is hereby amended by changing the following definition:

FIRE AREA. The aggregate floor area enclosed and bounded by fire walls, exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor next above.

Section 2. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2000. Each day of violation shall constitute a separate offense.

Section 3. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 15TH DAY OF AUGUST 2016.

COUNCILMAN HUDGENS	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN DEGGES	AYE
COUNCILMAN TOWNSEND	ABSENT
COUNCILMAN QUINN	AYE

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 6TH DAY OF SEPTEMBER 2016.

COUNCILMAN HUDGENS	________
COUNCILMAN STOLL	________
COUNCILMAN DEGGES	________
COUNCILMAN TOWNSEND	________
COUNCILMAN KLEIN QUINN	________

____
Gretchen Fagan, Mayor
City of Tomball

ATTEST:

____
Doris Speer, City Secretary
City of Tomball

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:

Adopt, on Second Reading, Ordinance No. 2016-20, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Code Of Ordinances By Amending Section 50-82(B) ("Use Charts") In Regards To The Land Uses "Check Cashing Service", "Convenience Store (With Or Without Gasoline Sales)", "Gasoline Station", "Hotel/Motel", "Rehabilitation Care Facility (Halfway House)", "Tattoo Or Body Piercing Studio" And By Adding "Loan Service (Payday / Auto Title)" And Amending Section 50-2 ("Definitions") In Regards To The Land Use "Hotel/Motel"; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed $2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

Background:

On Monday, August 8, 2016, after conducting a public hearing, the Planning and Zoning Commission unanimously voted to recommend approval of Zoning Case P16-0115.

Origination:

Recommendation:

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

Community Development Department

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

Ordinance No. 2016-20 - Revised
Public Hearing Announcement
Staff Report

ORDINANCE NO. 2016-20

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE CODE OF ORDINANCES BY AMENDING SECTION 50-82(B) ("USE CHARTS") IN REGARDS TO THE LAND USES "CHECK CASHING SERVICE", "CONVENIENCE STORE (WITH OR WITHOUT GASOLINE SALES)", "GASOLINE STATION", "HOTEL/MOTEL", "REHABILITATION CARE FACILITY (HALFWAY HOUSE)", "TATTOO OR BODY PIERCING STUDIO" AND BY ADDING "LOAN SERVICE (PAYDAY / AUTO TITLE)" AND AMENDING SECTION 50-2 ("DEFINITIONS") IN REGARDS TO THE LAND USE "HOTEL/MOTEL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * * * * * * *

WHEREAS, the City of Tomball has requested that Chapter 50 (Zoning) of the Code of Ordinances be amended;

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted public hearings regarding the request to amend Chapter 50 (Zoning) of the Code of Ordinances;

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve amendments to Chapter 50 (Zoning) of the Code of Ordinances; and

Whereas, the City Council deems it appropriate to grant the amendments to Chapter 50 (Zoning) of the Code of Ordinances.

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

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

Section 2. Section 50-82(b) (Use Charts) of the Code of Ordinances is hereby amended by adding the following:

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Check cashing service									C	C	-	-	1 space per 100 square feet

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Retail													
Convenience store (with or without gasoline sales) ‡								C	P	P	P	C	See Section 50-112

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Transportation and Auto Services													
Gasoline station									P	P	P	-	See Section 50-112

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Hotel ‡									P	P		C	See Section 50-112
Motel ‡										C		C	See Section 50-112

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Rehabilitation care facility (halfway house) ‡	C	C	C	C	C	C	C	C	P	P	P	C	Greater of 1 per three beds or 1.5 spaces per dwelling

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Tattoo or body piercing studio ‡									-	C			1 space per 200 square feet

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Loan service (payday/auto title)									C	C			1 space per 100 square feet

Section 3. Section 50-2 (Definitions) of the Code of Ordinances is hereby amended by adding the following:

1. *Hotel* means a facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. The term "guest room" shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee. A hotel must also meet the following requirements:
    a. Guest rooms must be accessible only through interior corridors;
    b. Entrance through exterior doors must be secured and accessible only to guest and employees
    c. Hotel management must be on-site 24 hours each day
    d. Prohibit overnight parking of trucks with more than two axles in hotel's parking areas;
    e. Must contain at least three of the following amenities:
        i. A minimum of 300 square feet of dedicated meeting and event facilities;
        ii. A restaurant, eating or social area accessible through the interior of the hotel that offers food or food options and seating for at least 30 patrons during industry standard dining hours;
        iii. Swimming pool; or
        iv. Fitness center.
2. *Motel* means a building or group of buildings in which temporary lodging accommodations or guest rooms are offered at a daily rate to the general public. If a proposed business does not meet the "hotel" definition, it will be defaulted as "motel".

Section 5. Chapter 50 (Zoning) of the Code of Ordinances shall be revised and amended as indicated above.

Section 6. This Ordinance shall in no manner amend, change, supplement, or revise any other provision of Chapter 50 (Zoning) of the Code of Ordinances except as indicated above.

Section 7. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 8. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed $2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15th DAY OF AUGUST 2016.

COUNCILMAN HUDGENS	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN DEGGES	AYE
COUNCILMAN TOWNSEND	ABSENT
COUNCILMAN QUINN	AYE

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF SEPTEMBER 2016.

COUNCILMAN HUDGENS	________
COUNCILMAN STOLL	________
COUNCILMAN DEGGES	________
COUNCILMAN TOWNSEND	________
COUNCILMAN QUINN	________

____
Gretchen Fagan, Mayor

ATTEST:

____
Doris Speer, City Secretary

NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
AUGUST 8, 2016
&
CITY COUNCIL
AUGUST 15, 2016

Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, August 8, 2016, at 6:00 P.M.,** and by the City Council of the City of Tomball on **Monday, August 15, 2016, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

ZONING CASE P16-0115: Request by the City of Tomball to amend Section 50-82(b) (*Use Charts*) in regards to the land uses "*Check cashing service*", "*Convenience store (with or without gasoline sales)*", "*Gasoline Station*", "*Hotel/motel*", "*Rehabilitation care facility (halfway house)"*, "*Tattoo or body piercing studio*" and by adding "*Loan service (payday / auto title)*" and to amend Section 50-2 (*Definitions*) in regards to the land use "*Hotel/motel*".

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

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day of **August 2016** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler
Kim Chandler
Secretary of the Board

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

Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: August 8, 2016
City Council Public Hearing Date: August 15, 2016

ZONING CASE P16-0115: Request by the City of Tomball to amend Section 50-82(b) (*Use Charts*) in regards to the land uses "*Check cashing service*", "*Convenience store (with or without gasoline sales)*", "*Gasoline Station*", "*Hotel/motel*", "*Rehabilitation care facility (halfway house)*", "*Tattoo or body piercing studio*" and by adding "*Loan service (payday / auto title)*" and to amend Section 50-2 (*Definitions*) in regards to the land use "*Hotel/motel*".

BACKGROUND

City Staff has recently been approached with requests for various land uses to locate in Tomball. Several of these uses may be considered less desirable in certain areas of the City for various reasons and some uses may be appropriate in areas where they are not currently permitted. Additionally, staff has also identified the need for various updates to the City's Land Use Matrix, as detailed below.

PROPOSED AMENDMENTS

Section 50-82 (b) (*Use Charts*)

1. *Check cashing service*: Currently, this land use is allowed by-right in the General Retail, Commercial, Light Industrial and Old Town & Mixed Use Zoning Districts.

   The proposed amendment would remove the land use from the Light Industrial and Old Town & Mixed Use Districts and allow it with the approval of a Conditional Use Permit (CUP) in the General Retail and Commercial Districts.

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Check cashing service									C	C	-	-	1 space per 100 square feet

2. *Convenience store (with or without gasoline sales)*: This land use is not currently permitted in the Office District. It is permitted by-right in the Old Town & Mixed Use District. The proposed amendment would allow it with the approval of a Conditional Use Permit (CUP) in both districts. Convenience stores are also allowed by-right in the General Retail, Commercial and Light Industrial Districts. No changes are proposed in these districts.

   As the Office District is intended to be a buffer zone between commercial and residential areas and convenience stores can often be located outside of residential neighborhoods, allowing them in the Office District may be appropriate. By allowing these uses with a

Conditional Use Permit (CUP), Council can require additional regulations that go above and beyond the requirements in place, or allow Council to not permit them in areas where they may not be a compatible use.

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Retail													
Convenience store (with or without gasoline sales) ‡								C	P	P	P	C	See Section 50-112

3. *Gasoline station*: Currently allowed by-right, the proposed amendment would remove the land use from the Old Town & Mixed Use District. This land use differs from the previous land use of *convenience stores (with or without gasoline sales)* as it does not include a retail component.

   The term *Gasoline Station*, as it refers to a singular use, is more of a dated term in developed cities. Today, most times, gasoline stations are associated with other uses, such as a convenience store. Our current Land Use Matrix allows for convenience stores with or without gasoline sales. Therefore, the changes being proposed will not prohibit a stand-alone gasoline station in many areas of Tomball, but will require a convenience store component in the Old Town & Mixed Use District where character and compatibility are of more concern.

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Transportation and Auto Services													
Gasoline station									P	P	P	-	See Section 50-112

4. *Hotel* and *Motel*: In the Land Use Matrix, the two uses are combined as one use. Staff is proposing to separate them and modify the zoning districts each are allowed in. Currently, *hotel/motel* is allowed by-right in the General Retail, Commercial, Light Industrial and Old Town & Mixed Use Districts. It is important to differentiate between the two types of lodging facilities as amenities can vary. The proposed text amendment will also create definitions of each.

   Hotels are proposed to be allowed by-right in the General Retail and Commercial Districts and with the approval of a Conditional Use Permit (CUP) in the Old Town & Mixed Use District. Motels are proposed with the approval of a Conditional Use Permit (CUP) in the Commercial and Old Town & Mixed Use Districts.

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Hotel ‡									P	P		C	See Section 50-112
Motel ‡										C		C	See Section 50-112

5. *Rehabilitation care facility (halfway house)*: The land use matrix contains a typographical error by allowing this land use by-right and with a Conditional Use Permit (CUP) in the Commercial District.

   This proposed amendment would correct the mistake by allowing it by-right only.

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Rehabilitation care facility (halfway house) ‡	C	C	C	C	C	C	C	C	P	P	P	C	Greater of 1 per three beds or 1.5 spaces per dwelling

6. *Tattoo or body studio*: Currently, this land use is allowed with the approval of a Conditional Use Permit (CUP) in the General Retail District and allowed by-right in the Commercial District. This amendment is proposing to remove it from the General Retail District and allow it with the approval of a Conditional Use Permit (CUP) in the Commercial District.

   These facilities may be considered less desirable in certain areas of the City; therefore, by restricting them to the Commercial District and a Conditional Use Permit (CUP), Council will be able to place conditions upon an approval to mitigate any potential adverse impacts. If Council does not feel a request for this use is best suited in a proposed location, the request can be denied.

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Tattoo or body piercing studio ‡									-	C			1 space per 200 square feet

7. *Loan service (payday/auto title)*: Currently, staff classifies payday or car title loans as a type of bank, credit union or saving and loan establishment, however, these facilities are different than a typical bank or credit union based on services that are offered.

   The amendment creates an additional land use be added to the Land Use Matrix to better classify these uses and allow them with the approval of a Conditional Use Permit (CUP) in the General Retail and Commercial Districts.

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Loan service (payday/auto title)									C	C			1 space per 100 square feet

Section 50-2 (*Definitions*)

Current definition of *hotel/motel*:

Hotel/motel means a facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. The term "guest room" shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee. The term "hotel/motel" also includes an extended stay lodging facility that may be used for weekly or monthly occupancy periods.

Proposed amended definitions:

1. *Hotel* means a facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. The term "guest room" shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee. A hotel must also meet the following requirements:
    a. Guest rooms must be accessible only through interior corridors;
    b. Entrance through exterior doors must be secured and accessible only to guest and employees
    c. Hotel management must be on-site 24 hours each day
    d. Prohibit overnight parking of trucks with more than two axles in hotel's parking areas;
    e. Must contain at least three of the following amenities:
        i. A minimum of 300 square feet of dedicated meeting and event facilities;
        ii. A restaurant, eating or social area accessible through the interior of the hotel that offers food or food options and seating for at least 30 patrons during industry standard dining hours;
        iii. Swimming pool; and
        iv. Fitness center.
2. *Motel* means a building or group of buildings in which temporary lodging accommodations or guest rooms are offered at a daily rate to the general public.

If a proposed business does not meet the "hotel" definition, it will be defaulted as "motel".

PUBLIC COMMENT

A public hearing notice was published in the Potpourri on July 27, 2016. No public comment forms have been received as of the date of this report.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:

Appoint Will Benson, Jr. to Fill Vacancy on the Planning and Zoning Commission; Position 5, Term Expiring June 1, 2017

Background:

The Planning and Zoning Commissioin consists of five regular members with staggered three-year terms. Harry Byrd has tendered his resignation from Position 5, creating a vacancy in the unexpired term.

Will Benson, Jr. has applied for a position on the Planning and Zoning Commission and, if appointed to Position 5, he will fill the unexpired term. Mr. Benson was previously employed by the City of Sugar Lands' planning department, served on Tomball's Charter Review Committee and TISD's Strategic Planning Committee, and will be an asset to the City's Planning and Zoning Commission.

Origination:

Mayor Gretchen Fagan

Recommendation:

Appointment of Will Benson, Jr. to the Planning and Zoning Commission, Position 5.

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

Doris Speer, City Secretary

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

Application - Will Benson, Jr.

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2014 will expire in 2016.

Please Type of Print Clearly:

Date: 7/25/2016

Name: William A. Benson Jr.

Phone: (Home)

Address: 830 Baker Dr

Phone: (Work)

City/State/Zip Tomball, TX 77375

Cell:

Email: will@bensondev.com

I have lived in Tomball 3 years.

NOTE: DTAC Board does not require Tomball residency

I am ✓ am not ___ a U.S. Citizen

Occupation: Real Estate Development and Oil & Gas Construction

Professional and/or Community Activities: 2013-2014 City of Tomball Charter Review Committee Member
2015 Tomball ISD Strategic Planning Committee Member
2015-Board of Directors Salem Lutheran Church - Tomball

Additional Pertinent Information/References: Previous employment with City of Sugar Land - Planning Dept. and City of Pearland Economic Development dept.

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

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

Decision-Making Boards and Commissions	Meeting Information
(x) Planning & Zoning Commission	Second Monday each month, 6 p.m.
(✓) Board of Adjustments	To Be Announced; Evenings

Separate Legal Entities	Meeting Information
(✓) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
( ) Tomball Regional Health Foundation	Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees	Meeting Information
( ) Downtown Tomball Advisory Committee DTAC does not require Tomball residency	As called

Non-profit Corporation Boards	Meeting Information
( ) Tomball Legacy Fund, Inc. Position 7, Tomball Legacy Fund, does not require Tomball residency	As called

****

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

William S. Benson Jr.

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

Board Member Election on Disclosure

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

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

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

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

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

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

✓ home address

___ home telephone number

✓ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

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

[signature]
Board Member's Signature

7/25/2016
Date

WILLIAM A. BENSON, JR.
Board Member's Printed Name

Regular City Council Agenda Item Data Sheet

Meeting Date: September 6, 2016

Topic:

Approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2016-2017 Budget

Background:

TEDC Bylaws require that the Corporation prepare an annual budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall not be effective until the same has been approved by the City Council.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of the FY 2016-2017 TEDC Budget, as approved by the TEDC Board of Directors at its Regular Meeting on August 16, 2016.

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

FY 2016-2017 Proposed TEDC Budget
TEDC Debt Service Schedule
FY 2016-2017 TEDC Budget Notes
FY 2016-2017 TEDC Account descriptions

Tomball Economic Development Corporation
2016-2017 Draft Budget
October 1, 2016 to September 30, 2017

	9/30/2015 Actual Rev./Exp.	2015-2016 Approved Budget	2015-2016 Year End Projected	2016-2017 Proposed Budget
Beginning Fund Balance	$ 11,729,890	$ 14,551,525	$ 14,551,525	$ 16,260,593
REVENUE				
Sales Tax	$ 3,613,196	$ 3,450,000	$ 3,450,000	$ 3,350,000
Interest	41,150	40,000	120,000	100,000
Grants	-	5,500	5,500	5,500
Other- TBTP	1,671,438	1,000,000	720,000	-
Total Revenue	$ 5,325,784	$ 4,495,500	$ 4,295,500	$ 3,455,500
Total Available Resources	$ 17,055,674	$ 19,047,025	$ 18,847,025	$ 19,716,093
EXPENDITURES				
Administrative				
Salaries and Benefits				
Salaries - Administrative	$ 162,813	$ 165,726	$ 165,726	$ 171,759
Benefits	68,789	76,500	76,500	82,367
Wages- Part Time	-	7,500	4,500	7,500
Total Salaries and Benefits	$ 231,602	$ 249,726	$ 246,726	$ 261,626
Other Personnel Expenditures				
Auto Allowance	7,200	7,200	7,200	7,200
Phone Allowance	768	1,536	1,536	1,536
Local Travel Expense	152	450	250	450
Dues and Subscriptions	7,290	7,200	6,000	7,200
Seminars/Conference Registrations	3,055	7,000	4,300	7,000
Travel and Training	5,743	13,000	6,500	10,000
Total Other Personnel Expd.	$ 24,208	$ 36,386	$ 25,786	$ 33,386
Service and Supply Expenditures				
Contracted Administrative Services	$ 8,742	$ 10,000	$ 10,000	$ 10,000
Bank Charges	392	500	930	1,000
Insurance	2,233	2,200	1,500	2,200
Computer Equipment & Maintenance	660	5,000	4,000	5,000
Communications Services	3,232	4,500	4,600	4,500
Legal Fees	33,094	50,000	18,000	40,000
Lease Expense-GTACC	17,671	22,000	22,000	22,000
Office Supplies	2,445	5,000	1,500	5,000
Total Service and Supply Expd.	$ 68,469	$ 99,200	$ 62,530	$ 89,700
Total Administrative Expenditures	$ 324,279	$ 385,312	$ 335,042	$ 384,712

Indirect Economic Development Exp.				
Chamber Guide	$ 8,354	$ 8,400	$ 8,354	$ 8,400
Area Street Maps	3,875	-	-	4,000
GIS License	500	550	500	550
Marketing	75,222	75,000	75,000	75,000
Economic Impact Model License	3,708	3,819	3,819	3,934
Event Sponsorships	3,148	7,500	4,000	7,500
Promotional Items	5,194	6,500	6,000	6,500
Printing	2,162	6,500	3,000	6,500
Website	6,599	15,000	14,000	8,500
Professional Services	5,569	650,000	350,000	350,000
Miscellaneous	7,900	10,000	2,500	10,000
Total Indirect Expenditures	$ 122,231	$ 783,269	$ 467,173	$ 480,884
City Debt Service				
Southside Sewer Plant (1999 CO-2/15/2019)	$ 300,000	$ 188,148	$ 188,148	$ 188,148
Utilities Expansion (2002 CO-2/15/2022)	370,000	370,000	370,000	370,000
Business Park Infrastructure (Series 2013)	524,913	528,013	528,013	530,913
Total Debt Service	$ 1,194,913	$ 1,086,161	$ 1,086,161	$ 1,089,061
Grants, Loans & Other Expenditures				
Project Grants	$ 543,515	$ 1,500,000	$ 400,000	$ 1,500,000
Sales Tax Reimbursement Grants (380)	27,964	35,750	44,056	50,000
Property Acquisition	-	500,000	4,000	500,000
Business Improvement Grants- Current Year	122,854	300,000	110,000	300,000
Business Improvement Grants- Prior Years	156,531	150,000	105,000	150,000
Business Park Expenses	-	300,000	35,000	300,000
Total Grants/Loans/Other Expd.	$ 850,863	$ 2,785,750	$ 698,056	$ 2,800,000
Total All Expenditures	$ 2,492,285	$ 5,040,492	$ 2,586,432	$ 4,754,657
Revenues Over (Under) Expenditures	$ 2,833,499	$ (544,992)	$ 1,709,068	$ (1,299,157)
Other- Unrealized Gains/Losses	$ (11,864)	$ -	$ -	$ -
Ending Fund Balance	$ 14,551,525	$ 14,006,533	$ 16,260,593	$ 14,961,436

TEDC Debt Service Schedule

1999 & 2002 Obligations
Per Resolution 2013-11-TEDC & Amendment

	1999	2002
2016	$ 188,148	$ 370,000
2017	$ 188,148	$ 370,000
2018	$ 188,148	$ 370,000
2019	$ 188,148	$ 370,000
2020		$ 370,000
2021		$ 370,000
2022		$ 370,000
Total	$ 752,592	$ 2,590,000
	Total	**$ 3,342,592**

Tomball Business & Technology Park
Combination Tax & Revenue Certificates of Obligation, Series 2013
Dated Date 05/15/2013

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
2/15/2014	$ 295,000.00	2.00%	$ 145,659.38	$ 440,659.38	
8/15/2014			$ 94,156.25	$ 94,156.25	$ 534,815.63
2/15/2015	$ 340,000.00	2.00%	$ 94,156.25	$ 434,156.25	
8/15/2015			$ 90,756.25	$ 90,756.25	$ 524,912.50
2/15/2016	$ 350,000.00	2.00%	$ 90,756.25	$ 440,756.25	
8/15/2016			$ 87,256.25	$ 87,256.25	$ 528,012.50
2/15/2017	$ 360,000.00	2.00%	$ 87,256.25	$ 447,256.25	
8/15/2017			$ 83,656.25	$ 83,656.25	$ 530,912.50
2/15/2018	$ 370,000.00	2.00%	$ 83,656.25	$ 453,656.25	
8/15/2018			$ 79,956.25	$ 79,956.25	$ 533,612.50
2/15/2019	$ 380,000.00	2.00%	$ 79,956.25	$ 459,956.25	
8/15/2019			$ 76,156.25	$ 76,156.25	$ 536,112.50
2/15/2020	$ 385,000.00	2.00%	$ 76,156.25	$ 461,156.25	
8/15/2020			$ 72,306.25	$ 72,306.25	$ 533,462.50
2/15/2021	$ 395,000.00	2.00%	$ 72,306.25	$ 467,306.25	
8/15/2021			$ 68,356.25	$ 68,356.25	$ 535,662.50
2/15/2022	$ 405,000.00	2.00%	$ 68,356.25	$ 473,356.25	
8/15/2022			$ 64,306.25	$ 64,306.25	$ 537,662.50
2/15/2023	$ 415,000.00	2.00%	$ 64,306.25	$ 479,306.25	
8/15/2023			$ 60,156.25	$ 60,156.25	$ 539,462.50
2/15/2024	$ 430,000.00	2.00%	$ 60,156.25	$ 490,156.25	
8/15/2024			$ 55,856.25	$ 55,856.25	$ 546,012.50
2/15/2025	$ 440,000.00	2.00%	$ 55,856.25	$ 495,856.25	
8/15/2025			$ 51,456.25	$ 51,456.25	$ 547,312.50
2/15/2026	$ 450,000.00	2.00%	$ 51,456.25	$ 501,456.25	
8/15/2026			$ 46,956.25	$ 46,956.25	$ 548,412.50
2/15/2027	$ 460,000.00	2.25%	$ 46,956.25	$ 506,956.25	
8/15/2027			$ 41,781.25	$ 41,781.25	$ 548,737.50
2/15/2028	$ 470,000.00	2.25%	$ 41,781.25	$ 511,781.25	
8/15/2028			$ 36,493.75	$ 36,493.75	$ 548,275.00

2/15/2029	$ 485,000.00	2.50%	$ 36,493.75	$ 521,493.75	
8/15/2029			$ 30,431.25	$ 30,431.25	$ 551,925.00
2/15/2030	$ 495,000.00	2.75%	$ 30,431.25	$ 525,431.25	
8/15/2030			$ 23,625.00	$ 23,625.00	$ 549,056.25
2/15/2031	$ 510,000.00	3.00%	$ 23,625.00	$ 533,625.00	
8/15/2031			$ 15,975.00	$ 15,975.00	$ 549,600.00
2/15/2032	$ 525,000.00	3.00%	$ 15,975.00	$ 540,975.00	
8/15/2032			$ 8,100.00	$ 8,100.00	$ 549,075.00
2/15/2033	$ 540,000.00	3.00%	$ 8,100.00	$ 548,100.00	$ 548,100.00
Total	**$ 8,500,000.00**		**$ 2,321,134.38**	**$ 10,821,134.38**	**$ 10,821,134.38**

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

TO: Honorable Mayor and City Council

FROM: Kelly Violette
Executive Director

MEETING DATE: September 6, 2016

SUBJECT: FY 2016-2017 TEDC Budget Notes

This memo provides an overview of the line items that have been increased or decreased in the Proposed FY 2016-2017 TEDC Budget from the current budget. For an explanation of each line item (account) in the budget, please refer to the FY 2016-2017 Account Descriptions document.

Beginning Fund Balance, Revenues, and Total Available Resources are based on current and projected numbers generated by Glenn Windsor, City of Tomball Finance Director, and Kelly Violette, Tomball Economic Development Corporation (TEDC) Executive Director.

Sales tax revenues for the year are projected to be relatively close to the $3,450,000 budgeted for 2015-2016. To date, sales tax revenues are down 3.25% from last year; however, given the fluctuation we have seen over the course of the year we estimate that we will close out the fiscal year generally on target with our budget projection. We remain conservative in our revenue estimations for FY 2016-2017 and are projecting total sales tax revenues to be approximately $3,350,000 at year end.

Interest revenues are projected to be $120,000, which is approximately $80,000 above the budgeted amount for 2015-2016. This increase is attributed to portfolio interest rates being higher than last year as well as the diversification into highly rated municipal bonds.

A conservative estimate of revenues for FY 2016-2017 indicates $3,455,500, based primarily on projected sales tax revenues of $3,350,000 and interest income of $100,000. Staff did not include a projection of revenue for land sales in the Business & Technology Park for FY 2016-2017; however, the current contract with GE may close after the current fiscal year resulting in approximately $720,000 in revenue for FY 2016-2017.

Administrative

- **Salary and Benefits:** Salary and benefit information was provided by Lisa Coe, City of Tomball Human Resources Director. A 3% salary adjustment was approved for TEDC staff by the Board of Directors at the August 16, 2016 Meeting.

Other Personnel Expenditures

- **Travel and Training:** This item has been lowered from $13,000 to $10,000 due to anticipated travel during FY 2016-2017.

Service and Supply Expenditures

- **Bank Charges:** This item has been increased from $500 to $1,000 based on actual charges incurred over the past year.

- **Legal Fees**: This item has been lowered from $50,000 to $40,000 based on a reduction in legal services necessary to facilitate the Tomball Business and Technology Park Project.

Indirect Economic Development Expense

- **Area Street Maps:** The area street maps are printed every other year. $4,000 has been budgeted to account for the printing of the map based on estimates provided by the vendor.

- **Economic Impact Model License:** The renewal licensing fee for the Economic Impact Model developed by Impact Data Source for analyzing the economic impacts of proposed TEDC projects is $3,934 (last year's $3,819 annual fee with a 3% increase).

- **Website:** This item has been lowered from $15,000 to $8,500. The $15,000 was budgeted to cover costs associated with a major website update that was completed during FY 2015-2016. The hosting and maintenance of the website is $3,000 annually and the online property database service and subscription fee is $4,800 per year.

- **Professional Services:** This item has been lowered from $650,000 to $350,000 largely due to the existing professional engineering services contract for final design of the Tomball Business and Technology Park Project. The remaining contract amount to date is $246,808.28. It is anticipated that approximately $100,000 will be billed prior to the end of the current fiscal year. The additional budgeted funds are for potential professional service needs including, but not limited to, design services, other engineering/surveying/architectural fees, custom demographic/economic reports, photography, etc.

City Debt Service

- **Business Park Infrastructure (Series 2013):** This item reflects the FY 2016-2017 payment according to the debt service schedule for Certificates of Obligation, Series 2013. The payment includes $360,000 to the Principal and $170,912.50 to Interest.

Grants, Loans & Other Expenditures

- **Sales Tax Reimbursement Grants (380):** This item has been revised from $35,750 to $50,000 to reflect the anticipated FY 2016-2017 sales tax reimbursement payment to BK 2920 under the performance agreement for the Revitalization of the Four Corners Shopping Center that was approved on August 20, 2012.

Tomball Economic Development Corporation
FY 2016-2017 Budget
Account Descriptions

REVENUE

- Sales Tax: Those revenues received from the State of Texas and through the City of Tomball for the $0.005 portion of the $0.020 sales tax revenues collected within the City limits of Tomball.

- Interest: Those revenues received from financial institutions for balances on hand and from funds that have been invested.

- Grants: Those revenues received from additional sources such as CenterPoint Energy for support of the Corporation's activities, including the Annual Economic Development Breakfast, marketing collateral, and continuing education.

- Other- TBTP: Those revenues received from the sale of TEDC owned property within the Tomball Business & Technology Park.

EXPENDITURES

Administrative:

Salary and Benefits

- Salaries - Administrative: The amount reimbursed to the City of Tomball for salaries/wages paid to the staff of the Tomball Economic Development Corporation. This amount includes holiday, vacation, sick, and longevity pay.

- Benefits: The amount reimbursed to the City of Tomball for the benefits paid to, or on behalf of, the staff of the Tomball Economic Development Corporation. This amount includes social security taxes, medicare taxes, employer matched funds to the Texas Municipal Retirement System, health insurance premiums, and worker compensation insurance.

- Wages- Part Time: Wages for temporary part-time personnel.

Other Personnel Expenditures

- Auto Allowance: Monthly stipend allocated to cover vehicle expenses for the Executive Director for mileage and other travel related expenses within a 50-mile radius of Tomball.

- Phone Allowance: Monthly stipend allocated to cover business-related cell phone expenses for TEDC staff.

- Local Travel Expenses: The amount allocated to cover vehicle expenses for TEDC staff, not including the Executive Director, for mileage within a 50-mile radius of Tomball.

- Dues and Subscriptions: Fees charged for memberships and related expenses to organizations that the Tomball Economic Development Corporation approves for its employees and for subscriptions to newspapers, periodicals, and books related to economic development.

- Seminars/Conference Registrations: Fees for the Tomball Economic Development Corporation staff and board members to attend conferences and professional training seminars.

- Travel and Training: The costs associated with attending classes, seminars, events, trade shows and for related travel expenses. This includes hotel rooms where overnight stay is reasonable, the cost of related meals, airfare, and car rental where reasonable, parking and toll fees, and for mileage. Because the Executive Director receives a monthly mileage allotment, reimbursable mileage for that position is limited to a destination that exceeds a 50-mile radius of the City of Tomball.

Service and Supply Expenditures

- Contracted Administrative Services: The cost of administrative services provided to the Tomball Economic Development Corporation by City of Tomball personnel as indicated in the Administrative Services Agreement entered into between the Tomball Economic Development Corporation and the City of Tomball.

- Bank Charges: The various service charges for maintaining a bank account, including wire transfer fees, safekeeping fees for investments, and actual operating account fees based on the account analysis.

- Insurance: The cost of surety bonding fees and insurance premiums for the following types of insurance: General Liability, Errors and Omissions, and Property Content at 29201 Quinn Road, Suite B, Tomball, Texas.

- Computer Equipment and Maintenance: The cost of computer equipment and related expenses.

- Communication Services**:** The cost of telephone service, including land line phone base rate charges, DSL service, and long distance charges.

- Legal Fees: Expenses incurred for legal services related to document and agreement preparation, and obtaining advice and opinions from legal counsel related to Tomball Economic Development Corporation business activities.

- Lease Expense-GTACC: Payment to the Greater Tomball Area Chamber of Commerce for leased office space at 29201 Quinn Road, Suite B, Tomball, Texas.

- Office Supplies: The cost of various office supplies including, but not limited to copies, paper, envelopes, pens, pencils, binders, notebooks, postage, etc.

Indirect Economic Development Expenditures:

- Chamber Guide: Expenses related to the TEDC advertisement and publication of a map of the Tomball area in the annual Greater Tomball Area Chamber of Commerce magazine.

- Area Street Maps: The expenses incurred for the production and publication of maps of Tomball and the surrounding area that are issued free of charge to individuals and businesses to promote travel, tourism, and the commercial industry in Tomball.

- GIS License: The cost to maintain a license for TEDC use of the City's Geographical Information System (GIS) in order to generate customized maps, exhibits, and infrastructure data to assist with business retention and recruitment efforts.

- Marketing**:** Expenses related to marketing Tomball to attract business, industry, and visitors, including advertisements in printed and online publications, information packages, brochures, and related marketing collateral material.

- Economic Impact Model License: The annual licensing fee for the economic impact analysis model utilized by the TEDC to calculate the economic impact of a prospect firm/project and related costs and benefits to the City of Tomball.

- Event Sponsorship**:** Costs to sponsor/co-sponsor events that foster relationships with site location consultants, brokers, real estate professionals, and those influencing business location and capital investment decisions including, but not limited to, the TEDC Annual

Economic Development Luncheon, GTACC Conferences/Events, Texas EDC Conferences, trade show participation, etc.

- Promotional Items: The costs associated with TEDC promotional products, giveaways, and event favors.

- Printing: The cost of printing various items including, but not limited to, Notice of Project/Public Hearing, brochures, presentation boards, community profile, business resource guide, stationary, etc.

- Website: Costs to maintain and update the Tomball Economic Development Corporation's website, including web hosting and property database services.

- Professional Services: Consulting fees, engineering fees, photography, graphics and design services, and other professional services incurred in expanding the economic base of Tomball.

- Miscellaneous: Other business related expenses including, but not limited to, meals with potential business developers, name plates for Board meetings, post office box fees, etc.

City Debt Service

- Southside Sewer Plant (1999 CO-2/15/2019): Contributions to debt repayment for the wastewater treatment plant built on the south side of Tomball to accommodate expanded industry in the City.

- Utilities Expansion (2002 CO-2/15/2022): Contributions to debt repayment for the extension of utilities from FM 2920 south on Hufsmith-Kohrville Road to Holderrieth Road, west to SH 249 and north to Theiss Road.

- Business Park (Series 2013): Contributions to debt repayment for the construction of utilities, roads, drainage facilities, etc. for the Tomball Business and Technology Park Project located at the northwest corner of Hufsmith-Kohrville and Holderrieth Roads.

Grants, Loans & Other Expenditures

- Project Grants: Grant funds designated by the Tomball Economic Development Corporation's Board of Directors and approved by the Tomball City Council waiting for contract fulfillment in order to be disbursed.

- Sales Tax Reimbursement Grants (380): Sales tax reimbursements made in accordance with economic development incentive agreements approved by the Tomball Economic Development Corporation's Board of Directors and the Tomball City Council.

- Property Acquisition: Costs associated with the acquisition of land related to the development of the Tomball Business and Technology Park.

- Business Improvement Grants- Current Year: Funds allocated to enhance the economic development of the City of Tomball through matching grants for façade or exterior improvements to buildings, sign improvements, landscaping, or other exterior property improvements.

- Business Improvement Grants- Prior Years: Grant funds approved in prior fiscal years by the Tomball Economic Development Corporation's Business Retention & Expansion Committee waiting for contract fulfillment in order to be disbursed.

- Business Park Expenses: Expenses approved by the Tomball Economic Development Corporation Board of Directors for the development and maintenance of the Tomball Business & Technology Park.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:

Approve, on First Reading, Resolution No. 2016-19-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 Source Point Solutions, LLC, to make direct incentives to, or expenditures for, the relocation of its corporate headquarters facility to an approximately 2.95-acre tract located at 24227 FM 2978, Tomball, Texas 77375. The estimated amount of expenditures for such Project $28,514.00.

Background:

On August 16, 2016, the Tomball Economic Development Corporation (TEDC) Board of Directors unanimously approved, as a Project of the Corporation, an agreement with Source Point Solutions, LLC for the promotion of new or expanded business development related to the relocation of its corporate headquarters to Tomball. The Tomball City Council has final approval authority over all projects and agreements of the TEDC.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of Resolution No. 2016-19-TEDC on first reading

Funding:

Yes

Account Number:Project Grants

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

Resolution No. 2016-19-TEDC
TEDC Memo
Request Letter
Draft Performance Agreement
Economic Impact Analysis

RESOLUTION NO. 2016-19-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 SOURCE POINT SOLUTIONS 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 Twenty-Eight Thousand Five Hundred and Fourteen Dollars ($28,514.00), found by the Board to be required or suitable to promote a new business development by Source Point Solutions 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 Twenty-Eight Thousand Five Hundred and Fourteen Dollars ($28,514.00), to Source Point Solutions LLC in accordance with an economic development agreement by and between the TEDC and Source Point Solutions LLC to promote and develop a new or expanded business enterprise, to be located at 24227 FM 2978, 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 _________________, 2016.

PASSED, APPROVED, AND RESOLVED on second and final reading this _____ day of

______________________, 2016.

____
Gretchen Fagan, Mayor

ATTEST:

____
Doris Speer, City Secretary

TOMBALL
ECONOMIC DEVELOPMENT CORPORATION

TO: Honorable Mayor and City Council

FROM: Kelly Violette
Executive Director

MEETING DATE: September 6, 2016

SUBJECT: Source Point Solutions Performance Agreement

The TEDC has received a request from Renea Mohr, CFO of Source Point Solutions, for assistance with the relocation of its corporate headquarters to Tomball. Source Point Solutions, LLC provides utility operators and consultants with professional services for inspecting, cleaning, maintaining, and repairing sanitary sewer collection systems and facilities. The company has been in business for over twenty years and currently employs 40 people. The company has outgrown its current facility at 6727 Spring Cypress Road, Spring, Texas and desires to relocate to Tomball.

Source Point Solutions is under contract to purchase a 2.95-acre tract, developed with four buildings totaling approximately 32,815 square feet, located at 24227 FM 2978, Tomball, Texas 77375. Upon acquisition of the property, the company plans to make various improvements to the existing buildings and site. In conjunction with the relocation, Source Point Solutions will be moving 40 full-time jobs to Tomball and plans to hire an additional 5 employees within the first year.

The estimated value of the property and improvements is $4,250,500.

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.

An economic impact analysis is included with the agreement to show the impact of this project on Tomball’s economy. Per the analysis, the 5-year net benefit of this project on Tomball’s economy is $95,048.00. The proposed incentive is $28,514, based upon 30% of the company’s five-year net benefit to the community. The anticipated rate of return on the incentive over 5 years is 66.7%.

SOURCE POINT SOLUTIONS©, LLC TEL 281•370•9135

"Utility Inspection, Imaging and Resources"

August 11, 2016

Dear Kelly,

On behalf of Source Point Solutions, LLC, I submit this request for grant funding assistance to the Tomball Economic Development Corporation for our business relocation from Spring to Tomball.

Source Point Solutions LLC was founded in 1994 in Spring, Texas. For the past 22 years the company has provided area municipal utility district operators, engineers and districts with cleaning, televising and inspection services for their wastewater collection systems. We are classified under NAICS code 562998 (All Other Miscellaneous Waste Management Services). The company is privately owned by two active partners:

- Mark E. Mohr, President
- J. Renea Mohr, CFO

Since our inception in 1994, our annual revenue and growth has increased on average 20% each year, with a marked increase in demand for services starting in 2012. This substantial growth in the past 3 years has required us to add more cleaning trucks, televising trucks and cameras, equipment and employees. Our current location at 6727 Spring Cypress Road, Spring, situated on approximately 1 acre, is no longer sufficient for our business needs. In order to meet the demands of growth, we are currently under contract to purchase office and warehouse facilities on 3 acres of land in Tomball. This 3-acre tract is located on FM 2978 approximately 2 miles north of FM 2920. The property currently has a 5,800sf office building, two 6,000sf shops, and a 15,000sf shop, with existing concrete drive and parking. This facility is under contract for $2,000,500 and we anticipate closing on the property before the end of August 2016. Upon closing, we will commence upgrades and renovations to the existing buildings and land. The 5,800sf office building will require a new roof and more energy efficient heating and cooling system. The front parking area and landscaping facing FM 2978 will need to be renovated creating a more desirable entrance. Additionally, we plan on installing attractive signage. Overall development costs for purchase and renovations is currently estimated at $2,250,000. This move will include our employees (currently 40), cleaning trucks, televising trucks, and all associated equipment. We anticipate being fully operational at this facility by late Q4 2016. We appreciate your consideration for grants, tax reductions, or any other business incentives you may have available for Source Point Solutions, LLC and its employees. We are excited to become a part of the Tomball community, and look forward to growing our business there.

Sincerely,

J. Renea Mohr, CFO

J Renea Mohr

Office: 281-370-9135
jr.mohr@sourcepointsolutions.com

P.O. BOX 11229 • SPRING, TEXAS • 77391-1229 • FAX 281-370-5205

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 **Source Point Solutions, LLC** (the "Company"), 6727 Spring Cypress Rd, Spring, TX 77379.

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 endeavor to attract industry, create and retain primary jobs, expand the growth of the City of Tomball (the "City"), and thereby enhance the economic stability and growth of the City; and

WHEREAS, the Company is in the process of acquiring a 2.95-acre tract currently developed with four buildings totaling approximately 32,815 square feet located at 24227 FM 2978, Tomball, Texas 77375 (the "Property"), and more particularly described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the Company, currently located at 6727 Spring Cypress Rd, Spring, TX 77379 proposes to relocate its corporate headquarters to the Property, and as part of the process, plans to expend funds to make capital improvements (the "Improvements"), generally described in Exhibit "B," attached hereto and made a part hereof, as are necessary to the existing buildings as well as site improvements; and

WHEREAS, the Company also proposes to move forty (40) full-time employees to the Property and to create five (5) new jobs in Tomball within the first year of operation in conjunction with the relocation of its business operations to the Property; and

WHEREAS, the TEDC agrees to provide to the Company the sum of Twenty-Eight Thousand Five Hundred and Fourteen Dollars ($28,514.00) to assist in the construction of the Improvements, the relocation of the forty (40) employees, and the creation of the five (5) new full-time jobs at the Property; and

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

WHEREAS, this expenditure is found by the Board of Directors of the TEDC to be required or suitable for the promotion and development of new or expanded business enterprises and in furtherance of creation and retention of primary jobs; 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 4, the Company covenants and agrees that it will operate and maintain the proposed business for a term of at least five (5) years and will maintain forty-five (45) employees on the Property.

2.

The construction of the Improvements, the relocation of the forty (40) employees, the hiring of the five (5) new employees, and the obtaining of all necessary occupancy permits from the City must occur within twenty-four (24) months from the Effective Date of this Agreement.

Extensions of these deadlines may be granted by the Board of Directors of the TEDC due to any extenuating circumstance or uncontrollable delay.

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 under the 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 Twenty-Eight Thousand Five Hundred and Fourteen Dollars ($28,514.00) to fund a portion of the cost of the Improvements, the relocation of the forty (40) employees, and the addition of the five (5) new employees to the Tomball operation. 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 Improvements to the Property, if applicable; (b) proof that the company has added the number of employees indicated above to the Tomball operation as evidenced by copies of Texas Workforce Commission form C-3 or Internal Revenue Service form 941; (c) a letter from the City acknowledging that all necessary plats, plans, and specifications have been received, reviewed, and approved; (d) certification that the Improvements have been constructed in accordance with the approved plans and specifications; (e) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Improvements have been paid and any and all liens and claims regarding such work have been released; and (f) Proof of payment to all contractors and subcontractors providing work and/or materials in the construction of the Improvements, proof of payment must include copies of canceled checks and/or credit card receipts and copies of paid invoices from all contractors and subcontractors.

In the event the number of jobs originally projected is not met or maintained, the amount of the funding provided to the Company by TEDC will be reduced on a pro-rata basis to reflect the actual number of jobs at the time of the request for disbursement of funds.

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 ½% per annum, within 120 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 ½% per annum, within 120 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. Such reimbursement shall be due and payable thirty (30) days after the Company receives written notice of default accompanied by copies of all applicable invoices.

It is understood and agreed by the parties that, in the event of a default by the TEDC on any of its obligations under this Agreement, the Company's sole and exclusive remedy shall be limited to either a) the termination of this Agreement or b) a suit for specific performance.

6.

Personal Liability of Public Officials: To the extent permitted by law, no director, officer, employee or agent of the TEDC, and no officer, employee or agent of the City of Tomball, shall be personally responsible for any liability arising under or growing out of this Agreement.

7.

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.

8.

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

If to Company: Source Point Solutions, LLC
6727 Spring Cypress Rd
Spring, TX 77379
Attn: J. Renea Mohr, CFO

9.

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.

10.

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.

11.

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.

12.

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.

13.

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 ________________ 2016 (the "Effective Date").

SOURCE POINT SOLUTIONS, LLC

By: ____________________________________

Name: J. Renea Mohr

Title: CFO

ATTEST:

By: ______________________________

Name: Shelley D. King

Title: Vice President of Operations

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

By: ____________________________________

Name: Gretchen Fagan

Title: President, Board of Directors

ATTEST:

By: ______________________________

Name: William E. 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 _________________ 2016, by J. Renea Mohr, CFO of Source Point Solutions, 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 _____ day of _________________ 2016, 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: 24227 FM 2978, Tomball, Texas 77375

Being a 2.959 acre tract of land in the John S. Smith Survey, Abstract No. 730 in Harris County, Texas out of and part of that certain 12 acre tract of land described in Volume 5295, page 526 of the Deed Records of Harris County, Texas and being that same tract of land called 2.9591 acres in deed recorded under Clerk's File No. P593279 of the Official Public Records of Real Property of Harris County, Texas (OPRRPHCoTx).

Exhibit B

Description of Improvements

- Replace roof and make repairs as needed to exterior of office building.
- Replace heating & cooling system.
- Repair/replace front porch entrance to office building including awning.
- Renovate/remodel older portion of office building (approx. 2,000 sf).
- Repair/replace front parking areas and landscaping.

EXECUTIVE SUMMARY

A REPORT OF THE ECONOMIC IMPACT OF SOURCE POINT SOLUTIONS HEADQUARTERS IN TOMBALL, TX

August 11, 2016

Prepared by:
Tomball Economic Development Corporation
29201 Quinn Rd., Suite B
Tomball, Texas 77375

Prepared using Total Impact

PURPOSE & LIMITATIONS

This report presents the results of an analysis undertaken by the Tomball Economic Development Corporation using Total Impact, an economic and fiscal impact analysis tool developed and supported by the Austin, TX based economic consulting firm, Impact DataSource.

The Total Impact model is a customized software program licensed to the Tomball Economic Development Corporation. The model includes estimates, assumptions, and other information developed by Impact DataSource from its independent research effort detailed in Tomball Economic Development Corporation's Total Impact User Guide.

The analysis relies on prospective estimates of business activity that may not be realized. Tomball Economic Development Corporation made reasonable efforts to ensure that the project-specific data entered into the Total Impact model reflects realistic estimates of future activity.

No warranty or representation is made by Tomball Economic Development Corporation or Impact DataSource that any of the estimates or results contained in this study will actually be achieved.

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Introduction

This report presents the results of an economic impact analysis performed using Total Impact, a model developed by Impact DataSource. The report estimates the impact that a potential project in the City of Tomball will have on the local economy and estimates the costs and benefits for local taxing districts over a 10-year period.

Description of the Project

Source Point Solutions, LLC provides utility operators and consultants with professional services for inspecting, cleaning, maintaining, and repairing sanitary sewer collection systems and facilities. Source Point Solutions has been in business for over twenty years and currently employs 40 people. The company has outgrown its current facility in Spring, Texas and desires to relocate to an existing facility located at 24227 FM 2978 in Tomball, TX. The company plans to hire an additional 5 employees within its first year of operation in Tomball.

Economic Impact Overview

The Project's operations will support employment and other economic impacts in the community. The 45.0 workers directly employed by the Project will earn approximately $50,000 per year on average over the next 10 years. This direct activity will support 16.7 indirect and induced workers in the community earning $64,000 on average over the next 10 years. The total additional payroll or workers' earnings associated with the Project is estimated to be approximately $32.7 million over the next 10 years.

On average, the Project will generate $3.8 million in direct economic output over the next 10 years. Spin-off businesses in the community will produce $3.8 million in economic output per year as a result of the Project. In total, the Project will support $7.6 million in economic output per year on average. Economic output is the value of goods and services produced in the economy and can be thought of as revenues for businesses. The economic output calculations in this report were estimated using the RIMS II economic impact model and the Project's employment estimates.

Accounting for various taxable sales and purchases, including activity associated with the Project, worker spending, and visitors' spending in the community, the Project is estimated to support approximately $4.0 million in taxable sales over the next 10 years.

Table 1. Economic Impact Over the Next 10 Years

	Direct	Indirect & Induced	Total
Number of permanent direct, indirect, and induced jobs to be created	45.0	16.7	61.7
Salaries to be paid to direct, indirect, and induced workers	$22,192,054	$10,545,663	$32,737,717
Economic output generated by direct, indirect, and induced activity	$38,185,835	$37,861,255	$76,047,090
Taxable sales and purchases expected in the City	$3,735,861	$284,733	$4,020,594

The Project may result in new residents moving to the community and potentially new residential properties being constructed as summarized below.

Table 2. Population Impacts Over the Next 10 Years

	Direct	Indirect & Induced	Total
Number of direct, indirect, and induced workers who will move to the City	2.3	0.8	3.1
Number of new residents in the City	6.0	2.0	8.0
Number of new residential properties to be built in the City	0.4	0.1	0.5
Number of new students expected to attend local school district	1.2	0.4	1.6

The Project is estimated to support an average of approximately $3.4 million in new non-residential taxable property each year over the next 10 years. The taxable value of property supported by the Project over the 10-year period is shown in the following table.

Table 3. Value of Taxable Property Supported by the Project Over the Next 10 Years

		The Project's Property					Total
Year	New Residential Property	Land	Buildings & Other Real Prop. Improvements	Furniture, Fixtures, & Equipment	Inventories	Subtotal Nonresidential Property	Residential & Nonresidential Property
1	$56,416	$515,576	$1,535,000	$63,000	$0	$2,113,576	$2,169,992
2	$71,931	$525,888	$1,610,700	$845,700	$0	$2,982,288	$3,054,218
3	$73,370	$536,405	$1,687,914	$1,160,500	$0	$3,384,819	$3,458,189
4	$74,837	$547,133	$1,766,672	$1,435,300	$0	$3,749,106	$3,823,943
5	$76,334	$558,076	$1,847,006	$1,685,100	$0	$4,090,182	$4,166,515
6	$77,860	$569,238	$1,883,946	$1,478,400	$0	$3,931,583	$4,009,444
7	$79,418	$580,622	$1,921,625	$1,271,700	$0	$3,773,947	$3,853,365
8	$81,006	$592,235	$1,960,057	$1,065,000	$0	$3,617,292	$3,698,298
9	$82,626	$604,079	$1,999,258	$858,300	$0	$3,461,638	$3,544,264
10	$84,279	$616,161	$2,039,244	$657,900	$0	$3,313,305	$3,397,583

The taxable value of residential property represents the value of properties that may be constructed as a result of new workers moving to the community.

This analysis assumes the residential real property appreciation rate to be 2.0% per year. The Project's real property is assumed to appreciate at a rate of 2.0% per year. The analysis assumes the Project's furniture, fixtures, and equipment will depreciate over time according to the depreciation schedule shown in Appendix A.

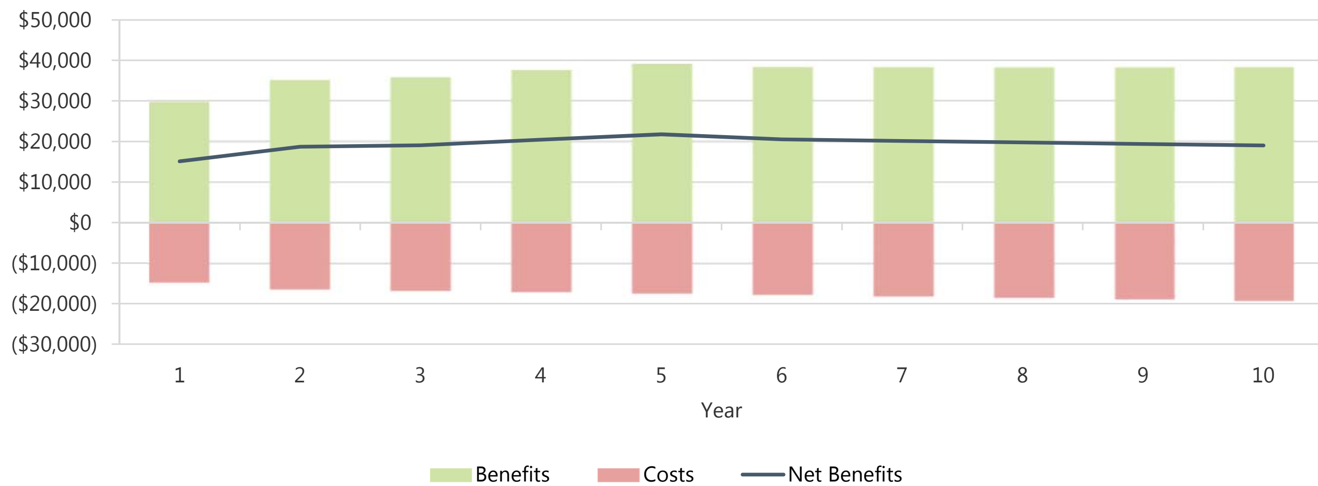
Fiscal Impact Overview

The Project will generate additional benefits and costs for the City. Overall, the City will receive approximately $193,900 in net benefits over the 10-year period. The table below displays the estimated additional benefits, costs, and net benefits to be received by the City over the next 10 years of the Project. Appendix C contains the year-by-year calculations.

Table 4. City of Tomball: Benefits, Costs, and Net Benefits Over the Next 10 Years

	Amount
Sales Taxes	$80,412
Property Taxes - Project	$117,521
Property Taxes - New Residential	$2,588
Utility Revenue	$104,175
Utility Franchise Fees	$7,474
Building Permits and Fees	$1,755
Hotel Occupancy Taxes	$2,744
Miscellaneous Taxes & User Fees	$51,752
Subtotal Benefits	$368,422
Cost of Providing Municipal Services	($76,621)
Cost of Providing Utility Services	($97,924)
Subtotal Costs	($174,545)
Net Benefits	$193,877
Present Value (5% discount rate)	*$148,839*

Figure 1. Annual Fiscal Net Benefits for the City of Tomball



Impact from Project and Workers

The City will receive benefits from the activity, spending, and investments associated with (1) the Project and (2) the workers. These benefits, associated costs, and resulting net benefits for the next 10 years are shown below for these two categories.

Table 5: Net Benefits to the City from the Project and Workers

	The Project	Workers	Total
Sales Taxes	$62,734	$17,678	$80,412
Real Property Taxes	$81,597	$0	$81,597
FF&E Property Taxes	$35,924	$0	$35,924
Inventory Property Taxes	$0	$0	$0
New Residential Property Taxes	$0	$2,588	$2,588
Utility Revenue	$54,530	$49,645	$104,175
Utility Franchise Fees	$4,220	$3,254	$7,474
Building Permits and Fees	$1,755	$0	$1,755
Hotel Occupancy Taxes	$2,744	$0	$2,744
Miscellaneous Taxes & User Fees	$34,142	$17,611	$51,752
Subtotal Benefits	$277,645	$90,777	$368,422
Cost of Providing Municipal Services	($50,725)	($25,896)	($76,621)
Cost of Providing Utility Services	($51,258)	($46,667)	($97,924)
Subtotal Costs	($101,983)	($72,563)	($174,545)
Net Benefits	$175,663	$18,214	$193,877
Percent of Total Net Benefits	*90.6%*	*9.4%*	

Non-Tax Incentives

The Tomball EDC is considering the following non-tax incentives for the Project.

Table 10. Incentives Under Consideration

Year	Proposed Incentive
1	$28,514
2	$0
3	$0
4	$0
5	$0
6	$0
7	$0
8	$0
9	$0
10	$0
Total	$28,514

These financial incentives may be considered an investment in the Project made by the EDC. Four calculations analyzing possible investments were made:

1. Net Benefits - detailed above
2. Present Value of Net Benefits - detailed above
3. Rate of Return on Investment - discussed and detailed below
4. Payback Period - discussed and detailed below

The rate of return on investment calculates the average annual rate of return to the city, treating the incentives as the initial investment and the net benefits to the city as the return on investment. The payback period is the number of years that it will take the city to recover the cost of incentives from the additional revenues that it will receive as a result of the Project.

The table below shows an analysis of these incentives, including a calculation of incentives per job, rate of return, and payback period.

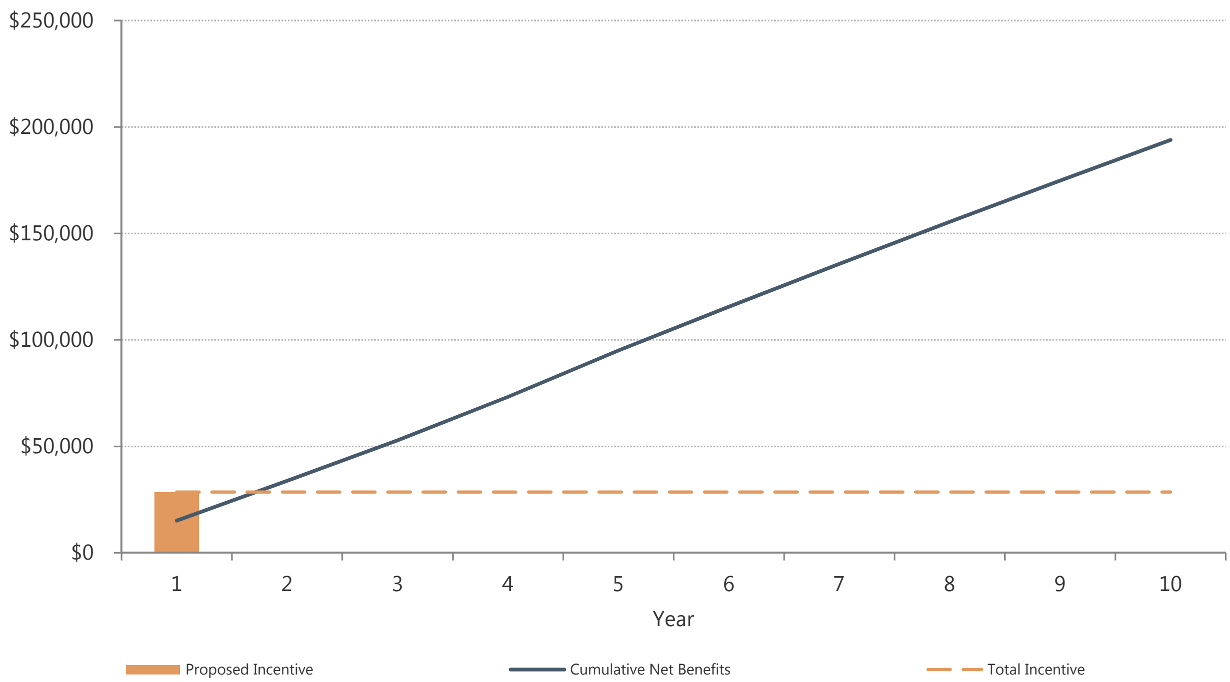
Table 11. Analysis of Incentives

Total Non-Tax Incentive	$28,514
Incentive Per Job	$634
Rate of Return - 5 Years	66.7%
Rate of Return - 10 Years	68.0%
Payback period (years)	1.7

Note: The Rate of Return and Payback Period are calculated based on the sum of annual incentives, not the present value of the incentives.

The graph below depicts the total incentives currently under consideration versus the cumulative net benefits to the City. The intersection indicates the length of time until the incentives are paid back.

Figure 2. Incentives Under Consideration



Overview of Methodology

This report presents the results of an analysis undertaken by the Tomball Economic Development Corporation using Total Impact, an economic and fiscal impact analysis tool developed and supported by the Austin, TX based economic consulting firm, Impact DataSource.

The Total Impact model combines project-specific attributes with community data, tax rates, and assumptions to estimate the economic impact of the Project and the fiscal impact for local taxing districts over a 10-year period.

The economic impact as calculated in this report can be categorized into two main types of impacts. First, the direct economic impacts are the jobs and payroll directly created by the Project. Second, this economic impact analysis calculates the indirect and induced impacts that result from the Project. Indirect jobs and salaries are created in new or existing area firms, such as maintenance companies and service firms, that may supply goods and services for the Project. In addition, induced jobs and salaries are created in new or existing local businesses, such as retail stores, gas stations, banks, restaurants, and service companies that may supply goods and services to new workers and their families.

The economic impact estimates in this report are based on the Regional Input-Output Modeling System (RIMS II), a widely used regional input-output model developed by the U. S. Department of Commerce, Bureau of Economic Analysis. The RIMS II model is a standard tool used to estimate regional economic impacts. The economic impacts estimated using the RIMS II model are generally recognized as reasonable and plausible assuming the data input into the model is accurate or based on reasonable assumptions. Impact DataSource utilizes county-level multipliers to estimate the impact occurring at the sub-county level.

Two types of regional economic multipliers were used in this analysis: an employment multiplier and an earnings multiplier. An employment multiplier was used to estimate the number of indirect and induced jobs created or supported in the area. An earnings multiplier was used to estimate the amount of salaries to be paid to workers in these new indirect and induced jobs. The employment multiplier shows the estimated number of total jobs created for each direct job. The earnings multiplier shows the estimated amount of total salaries paid to these workers for every dollar paid to a direct worker. The multipliers used in this analysis are listed below:

560000 Other Administrative and Support and Waste Management Servi		City	County
Employment Multiplier	(Type II Direct Effect)	1.3702	1.6404
Earnings Multiplier	(Type II Direct Effect)	1.4752	1.8222

The fiscal impacts calculated in this report are detailed in Appendix C. Most of the revenues estimated in this study result from calculations relying on (1) attributes of the Project, (2) assumptions to derive the value of associated taxable property or sales, and (3) local tax rates. In some cases, revenues are estimated on a per new household, per new worker, or per new school student basis.

The company or Project developer was not asked, nor could reasonably provide data for calculating some other revenues. For example, while the city will likely receive revenues from fines paid on speeding tickets given to new workers, the company does not know the propensity of its workers to speed. Therefore, some revenues are calculated using an average revenue approach. This approach uses relies on two assumptions:

1. The taxing entity has two general revenue sources: revenues from residents and revenues from businesses.
2. The taxing entity will collect (a) about the same amount of miscellaneous taxes and user fees from each new household that results from the Project as it currently collects from existing households on average, and (b) the same amount of miscellaneous taxes and user fees from the new business (on a per worker basis) will be collected as it collects from existing businesses.

In the case of the school district, some additional state and federal revenues are estimated on a per new school student basis consistent with historical funding levels.

Additionally, this analysis sought to estimate the additional expenditures faced by the city and county to provide services to new households and new businesses. A marginal cost approach was used to calculate these additional costs. This approach relies on two assumptions:

1. The taxing entity spends money on services for two general groups: revenues from residents and revenues from businesses.
2. The taxing entity will spend slightly less than its current average cost to provide local government services (police, fire, EMS, etc.) to (a) new residents and (b) businesses on a per worker basis.

In the case of the school district, the marginal cost to educate new students was estimated based on a portion of the school's current expenditures per student and applied to the headcount of new school students resulting from the Project.

Additionally, this analysis seeks to calculate the impact on the school district's finances from the Project by generally, and at a summary level, mimicking the district's school funding formula.

According to the Texas Education Agency, any property added to local tax rolls, and the local taxes that this generates, reduces the amount of state funding equivalent to local taxes collected for maintenance and operations. The school district retains local taxes received for debt services and the corresponding state funding is not reduced.

However, according to the Texas Education Agency, the school district will receive state aid for each new child that moves to the District. The additional revenues for the school district are calculated in this analysis.

About Impact DataSource

Impact DataSource is an Austin economic consulting, research, and analysis firm founded in 1993. The firm has conducted over 2,500 economic impact analyses of firms, projects, and activities in most industry groups in Texas and more than 30 other states.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:

Resolution No. 2016-18, A Resolution of the City Council of the City of Tomball, Texas, Supporting the Ninth Annual Homecoming Parade and Pep Rally, to be held at the Tomball High School Campus and Stadium, Sponsored by the Tomball Independent School District and the Tomball High School Student Council, on Wednesday, September 14, 2016

Background:

The Tomball High School Student Council requests Council's support for its Ninth Annual Homecoming Parade and Pep Rally, to be held on Wednesday, September 14, 2016 from 6:30 p.m. until 8:00 p.m.

Due to the growth of the event, TISD believes that it is best to form the parade at Tomball High School Campus in the Student Parking Lot at 6:00 p.m.. At 6:30 p.m., the parade will enter Zion Street, proceed to Quinn Road, then turn and proceed on Baker Street to the TISD Ancillary Building, returning to the parking lot leading to the Stadium for the community-wide pep rally.

This route does not require the use of the Depot, a rolling barricade along FM 2920, or approval from TxDOT. TISD is requesting the support of the City, as a co-sponsor of the event, in supplying City support services (Police and Fire) as needed.

Origination:

Tomball High School Student Council Officers and Mrs. Dio

Recommendation:

Approval of Resolution No. 2016-18

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

City Secretary

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

Resolution No. 2016-18
TSH Letter to Council

RESOLUTION NO. 2016-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE NINTH ANNUAL HOMECOMING PARADE AND PEP RALLY, TO BE HELD AT THE TOMBALL HIGH SCHOOL CAMPUS AND STADIUM, SPONSORED BY THE TOMBALL INDEPENDENT SCHOOL DISTRICT AND THE TOMBALL HIGH SCHOOL STUDENT COUNCIL, ON WEDNESDAY, SEPTEMBER 14, 2016.

* * * * * * * * *

WHEREAS the Tomball Independent School District and the Tomball High School Student Council will undertake the Ninth Annual Homecoming Parade and Pep Rally, to be held in the City of Tomball on Wednesday, September 14, 2016 from 6:30 p.m. until 8:00 p.m.; and

WHEREAS the parade will form at Tomball High School Campus in the Student Parking Lot at 6:00 p.m.., enter Zion Street, proceed to Quinn Road, then turn and proceed on Baker Street to the TISD Ancillary Building, returning to the parking lot leading to the Stadium for the community-wide pep rally; and

WHEREAS a community-wide pep rally that will include the Cougar Pride Band, Cougar Charms Drill Team, and Cheerleaders will be held at the Depot immediately following the parade, during which the Homecoming Court will be announced; and

WHEREAS the Tomball Independent School District and the TISD Student Council desire and request the 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 Independent School District and the TISD Student Council in promoting and undertaking the Homecoming Parade and Pep Rally and pledge to encourage this effort.

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 6TH DAY OF SEPTEMBER 2016.

____
GRETCHEN FAGAN, Mayor

ATTEST:

____
DORIS SPEER, City Secretary

Tomball City Council,

Tomball High School Student Council cordially invites you to participate in our 9th Annual Tomball Homecoming Parade on Wednesday, September 14th, 2016. We will meet in the Tomball High School parking lot located by the softball/baseball fields at 6:00pm, and the parade will be from 6:30pm-7:00pm around the school and back at the Ancillary and onto the TISD Stadium. We will have a Tomball Fire Truck for you to ride on in the Parade. Following the parade, there will be a Community Pep-Rally from 7:00pm-7:45pm at the Football Stadium. Our Homecoming 2016 dance theme will be James Bond! Homecoming nominees and court will be introduced at the Pep-Rally. Your presence at this event will truly help make it a night to remember. Wear your red, white and gray with pride and we look forward to seeing you!

Sincerely,
Tomball High Student Council

Regular City Council Agenda Item Data Sheet

Meeting Date: September 6, 2016

Topic:

Approve Resolution No. 2016-16, a Resolution of the City of Tomball, Texas, Adopting and Ratifying the City of Tomball's Investment Policy, as set forth in the City's Administrative Policy No. 13, entitled "Investment Policy"

Background:

Administrative Policy No. 13 - Investment Policy identifies those types of investments into which the City may place its funds. The City's policy is constrained by the Texas Public Funds Investment Act. Each year, the Public Funds Investment Act requires that the governing body review and adopt the policy by resolution. There are no changes to the current policy and none are recommended at this time.

Public Funds Investment Act is also attached for your reference (Chapter 2256 of the Local Government Code, Public Funds Investment).

Origination:

Finance

Recommendation:

Adoption of Resolution 2016-16

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

Glenn Windsor, CPA Finance Director

ACTION TAKEN

Approval	**Readings Passed**	**Other**
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

Resolution 2016-16
Exhibit A, Resolution No. 2016-16 - Administrative Policy 13, Investment Policy
Public Funds Investment Act

RESOLUTION NO. 2016-16

A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, ADOPTING THE CITY OF TOMBALL'S INVESTMENT POLICY, AS SET OUT IN CITY OF TOMBALL ADMINISTRATIVE POLICY NO. 13, ENTITLED "INVESTMENT POLICY".

* * * * * * * * * *

WHEREAS, Texas Government Code, Section 2256.005(a), states that "the governing body of an investing entity shall adopt by rule, order, ordinance, or resolution, as appropriate, a written investment policy regarding the investment of its funds and funds under its control"; and

WHEREAS, the governing body of an investing entity shall review its investment policy and investment strategies not less than annually, adopting a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies;

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

Section 1. The City Council has reviewed the investment policy and now desires to reaffirm and re-adopt said investment policy, as set forth in City of Tomball Administrative Policy No. 13, entitled "Investment Policy", a copy of which is attached hereto and made a part hereof as Exhibit "A".

Section 2. All resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

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 circumstances 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, APPROVED, AND RESOLVED this the 6th day of September, 2016.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

CITY OF TOMBALL

INVESTMENT POLICY

I. SCOPE OF POLICY

PURPOSE:

This policy is developed to be in accordance with the Public Funds Investment Act, Chapter 2256 and with the Public Funds Collateral Act, Chapter 2257 of the Texas Government Code, as amended. This investment policy applies to the investment activities of the City of Tomball. This policy serves to satisfy the statutory requirement to define and adopt a formal investment policy. The investment portfolio shall be designed and managed in a manner to be responsive to public trust and to be in compliance with legal requirements and limitations.

INVESTMENT FUNDS:

All financial assets of all funds of the City of Tomball, Texas, at the present time and any funds to be created in the future shall be administered in accordance with the provisions of this policy. For investment purposes, all funds of the City shall be combined in a common pool, except as provided by applicable federal or state statues, City ordinance, or other law. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

II. PRIMARY OBJECTIVES

SAFETY OF PRINCIPAL:

The safety of the principal invested always remains the primary and foremost objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with state and local law. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk, the risk of loss due to the failure of the security issuer or backer, and interest rate risk, the risk that the market value of securities in the portfolio will fall due to changes in general interest rates.

LIQUIDITY:

The City's investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity shall be achieved by structuring the portfolio so that investments mature concurrent with forecasted cash flow requirements. Because all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets. A portion of the portfolio will also be placed in interest bearing accounts which offer same day liquidity for short-term funds.

DIVERSIFICATION:

Invested funds shall be diversified to minimize risk resulting from over-concentration of assets in a specific maturity, specific market sector, or specific instruments.

YIELD:

The City's cash management portfolio shall be designed with the objective of attaining reasonable market rates of return on investments, while remaining within the objective of safety and liquidity, throughout budgetary and economic cycles. The investment program shall seek to augment these returns consistent with risk limitations identified herein and prudent investment principles, also taking into account the risk constraints associated with the protection of capital.

MATURITY:

The investment maturity schedule shall correspond with the City's projected cash flow needs. Market risk shall be minimized by diversification of maturity dates. The City has a "buy and hold" portfolio strategy. Maturity dates are matched with cash flow requirements and investments are purchased with the intent to be held until maturity. However, securities may be sold before they mature should it be in the City's best interest. No City investments shall exceed a maturity of more than four years.

INVESTMENT MANAGEMENT:

All participants in the investment process shall seek to act responsibly as custodians of the public trust. They shall avoid any transactions that might impair public confidence in the City's ability to govern effectively. The system of internal controls will be reviewed annually with the independent auditor of the City. The controls shall be designed to prevent loss of public funds due to fraud, employee error, misrepresentation by third parties, unanticipated market changes, or imprudent actions by employees of the City.

III. AUTHORIZED INVESTMENTS

Assets of funds of the government of the City of Tomball may be invested in:

A. Obligations of the United States or its agencies and instrumentalities;

B. Direct obligations of the State of Texas or its agencies and instrumentalities;

C. Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

D. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities;

E. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;

F. Certificates of Deposit issued by state or national banks with its main office or a branch in the State of Texas, a savings bank with its main office or a branch in the State of Texas, or a state or federal credit union with its main office or a branch in the State of Texas and are guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor and are secured by the obligations named within this policy under items A through E above.

G. Repurchase agreements which are fully collateralized, have a defined termination date, are secured by obligations of the United States or its agencies and instrumentalities; are purchased and pledged to the City of Tomball; are held in the City of Tomball’s name; are deposited with third-party safekeeping of collateral at the time the investment is made; and are purchased through a primary government securities dealer or state or national bank doing business in the State of Texas evidenced by a fully executed Master Repurchase Agreement on file with the City. The repurchase agreement is a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations of the United States or its agencies and instrumentalities, at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed.

H. Commercial paper is an authorized investment if the commercial paper:

a. Has a stated maturity of 270 days or fewer from the date of its issuance; and
b. Is rated not less than A-1 or P-1 or an equivalent rating by at least:
    i. Two nationally recognized credit rating agencies; or
    ii. One nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by organized and existing under the laws of the United States or any state.

I. An eligible investment pool authorized by the governing body, which must furnish to the City an offering circular or other similar disclosure instrument that contains, at a minimum, the types of investments in which money is allowed to be invested; the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool; the maximum stated maturity date of any investment within the portfolio; the objectives of the pool; the size of the pool; the names of the members of the advisory board of the pool and the dates their terms expire; the custodian bank that will safe-keep the pool's assets; whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation; whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment; the name and address of the independent auditor of the pool; the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

To maintain eligibility to receive funds from and invest funds on behalf of the City of Tomball, an investment pool must furnish to the City investment transaction confirmations; and a monthly report that contains, at a minimum, the types and percentage breakdown of securities in which the pool is invested, the current average dollar-weighted maturity based on the stated maturity date of the pool, the current percentage of the pool's portfolio in investments that have stated maturities of more than one year, the book value versus the market value of the pool's portfolio, using amortized cost valuation, the size of the pool, the number of participants in the pool, the custodian bank that is safekeeping the assets of the pool, a listing of daily transaction activity of the entity participating in the pool, the yield and expense ratio of the pool, the portfolio managers of the pool and any changes or addenda to the offering circular.

Investment pool yield shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the Federal Securities and Exchange Commission.

To be eligible to receive funds from and invest funds on behalf of the City of Tomball, a public funds investment pool created to function as a money market mutual fund must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a $1 net asset value.

If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ration between 0.995 and 1.005.

A public funds investment pool must have an advisory board composed: equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created and managed by a state agency; or of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

To maintain eligibility to receive funds from and invest funds on behalf of the City of Tomball, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service or no lower than investment grade by at least one nationally recognized rating service with a weighted average maturity no greater than 90 days.

Although allowed under State Law, Prime Domestic Bankers' Acceptances, and Money-market mutual funds are not considered suitable investments of the City of Tomball, and the City of Tomball will refrain from making such investments or allowing such instruments to be pledged to the City's deposits or serve as underlying collateral.

IV. RESPONSIBILITY AND CONTROL

DELEGATION OF AUTHORITY:

Management responsibility for the investment program is hereby delegated to the City Treasurer, or in the absence of such, Assistant City Treasurer, or such other person specifically designated by the Treasurer. The City Treasurer, or designated person by such, shall be responsible for all transactions, compliance with internal controls, and insuring that all safekeeping, custodial, and collateral duties are in compliance with this investment policy and other applicable laws and regulations.

TRAINING REQUIREMENT:

The City Treasurer, the Assistant City Treasurer and any person designated by the Treasurer to be responsible for the investment of City funds shall attend an independent and approved source of investment training session no less often than once every two fiscal years and shall receive not less than 10 hours of instruction relating to investment responsibilities under the state statutes. Any person newly designated to duties relating to the investment program shall be required to attend an independent and approved source of investment training session within 12 months of such designation. Training must include education in investment controls, security risks, strategy risks, market risks, diversification of the investment portfolio, and compliance with the Public Funds Investment Act under the Texas Government Code Chapter 2256.

QUARTERLY REPORTS:

The City Treasurer, and the person or persons designated by such, shall submit quarterly an investment report that summarizes the investment portfolio for all funds to the City Council. The report shall describe in detail the investment position of the City on the date of the report; be prepared and signed by all investment officers of the City; contain a summary statement, prepared in compliance with generally accepted accounting principles; provide the beginning market value for the reporting period, the additions and changes to the market value during the period, the ending market value for the period, and fully accrued interest for the reporting period; state the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested; state the maturity date of each separately invested asset that has a maturity date; state the account, fund or pooled group fund in City for which each individual investment was acquired; and state the compliance of the investment portfolio of the City's policy as it relates to the strategy. The reports shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

CONFLICTS OF INTEREST:

The City Treasurer, or any person designated by such to be responsible for investments, shall not be designated as an investment officer for any investing entity other than the City of Tomball. Any person responsible for investments for the City who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. Any person responsible for investments for the City who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. This statement must be filed with the Texas Ethics Commission and the City of Tomball. A personal business relationship is defined as owning 10 percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization; funds received from the business organization exceed 10 percent of the person's gross income for the previous year; or the acquisition of investments from the business organization during the previous year have a book value of $2,500 or more for the person's personal account. Any person involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Secretary any material financial interest in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial and/or investment positions that could be related to the performance of the City's portfolio. Any person responsible for investments shall subordinate their personal investment transactions to those of this jurisdiction, particularly with regard to the timing of purchases and sales.

V. COLLATERAL AND SAFEKEEPING

COLLATERAL REQUIRED:

Funds of the City of Tomball shall be secured by collateral, whereby the market value of such collateral shall not be less than the total amount of the sum of the City's deposits, investments and accrued interest less the amount of insurance provided by the United States or an instrumentality of the United States, such as FDIC and FSLIC insurance. All items held for collateral for the City of Tomball shall be qualified investments as stated in items III.A. through III.E. of the City's investment policy.

SECURITY OF COLLATERAL:

All securities owned by thy City or pledged to the City shall be held in safekeeping by the City; in a City approved account in a third party financial institution with a main office in the State of Texas and capital stock and permanent surplus of $5 million or more; the Texas Treasury Safekeeping Trust Company; a federal home loan bank; or with a Federal Reserve Bank. A third party custodian shall be required to issue original safekeeping receipts directly to the City and monthly provide a listing of each specific security, rate description, maturity, CUSIP number, and other information as may be deemed necessary and appropriate by the City. Each safekeeping receipt will be clearly marked that the security is pledged to the City of Tomball. It shall be the sole responsibility of the financial institution to immediately, without notice from the City or cost to the City, replace any nonconforming pledged security.

DELIVERY VS. PAYMENT:

Treasury Bills, Notes and Bonds and Government Agencies' securities shall be purchased using the delivery vs. payment method. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the City of Tomball or its designated Trustee. The security shall be held in the name of the City. The Trustee's records shall reflect that the City owns such securities. In the event that the security is held by Trustee, the original copy of all safekeeping receipts shall be delivered to the City Treasurer, or person designated by such.

VI. AUTHORIZED BROKERS

The City of Tomball shall annually review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the City. Following are authorized brokers for the City of Tomball:

Robert W. Baird & Co. Incorporated
Coastal Securities
Wells Fargo Securities, LLC

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT

CHAPTER 2256. PUBLIC FUNDS INVESTMENT

SUBCHAPTER A. AUTHORIZED INVESTMENTS FOR GOVERNMENTAL ENTITIES

Sec. 2256.001. SHORT TITLE. This chapter may be cited as the Public Funds Investment Act.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.002. DEFINITIONS. In this chapter:

(1) "Bond proceeds" means the proceeds from the sale of bonds, notes, and other obligations issued by an entity, and reserves and funds maintained by an entity for debt service purposes.

(2) "Book value" means the original acquisition cost of an investment plus or minus the accrued amortization or accretion.

(3) "Funds" means public funds in the custody of a state agency or local government that:

(A) are not required by law to be deposited in the state treasury; and

(B) the investing entity has authority to invest.

(4) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(5) "Investing entity" and "entity" mean an entity subject to this chapter and described by Section 2256.003.

(6) "Investment pool" means an entity created under this code to invest public funds jointly on behalf of the

entities that participate in the pool and whose investment objectives in order of priority are:

(A) preservation and safety of principal;

(B) liquidity; and

(C) yield.

(7) "Local government" means a municipality, a county, a school district, a district or authority created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution, a fresh water supply district, a hospital district, and any political subdivision, authority, public corporation, body politic, or instrumentality of the State of Texas, and any nonprofit corporation acting on behalf of any of those entities.

(8) "Market value" means the current face or par value of an investment multiplied by the net selling price of the security as quoted by a recognized market pricing source quoted on the valuation date.

(9) "Pooled fund group" means an internally created fund of an investing entity in which one or more institutional accounts of the investing entity are invested.

(10) "Qualified representative" means a person who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following:

(A) for a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the National Association of Securities Dealers;

(B) for a state or federal bank, a savings bank, or a state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution;

(C) for an investment pool, the person authorized by the elected official or board with authority to administer the activities of the investment pool to sign the written instrument on behalf of the investment pool; or

(D) for an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or, if not subject to registration under that Act, registered with the State Securities Board, a person who is an officer or principal of the investment management firm.

(11) "School district" means a public school district.

(12) "Separately invested asset" means an account or fund of a state agency or local government that is not invested in a pooled fund group.

(13) "State agency" means an office, department, commission, board, or other agency that is part of any branch of state government, an institution of higher education, and any nonprofit corporation acting on behalf of any of those entities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 1, eff. Sept. 1, 1999.

Sec. 2256.003. AUTHORITY TO INVEST FUNDS; ENTITIES SUBJECT TO THIS CHAPTER. (a) Each governing body of the following entities may purchase, sell, and invest its funds and funds under its control in investments authorized under this subchapter in compliance with investment policies approved by the governing body and according to the standard of care prescribed by Section 2256.006:

(1) a local government;

(2) a state agency;

(3) a nonprofit corporation acting on behalf of a local government or a state agency; or

(4) an investment pool acting on behalf of two or more local governments, state agencies, or a combination of those entities.

(b) In the exercise of its powers under Subsection (a), the governing body of an investing entity may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made under authority of this subsection may not be for a term longer than two years. A renewal or extension of the contract must be made by the governing body of the investing entity by order, ordinance, or resolution.

(c) This chapter does not prohibit an investing entity or investment officer from using the entity's employees or the services of a contractor of the entity to aid the investment officer in the execution of the officer's duties under this chapter.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 2, eff. Sept. 1, 1999.

Sec. 2256.004. APPLICABILITY. (a) This subchapter does not apply to:

(1) a public retirement system as defined by Section 802.001;

(2) state funds invested as authorized by Section 404.024;

(3) an institution of higher education having total endowments of at least $95 million in book value on May 1, 1995;

(4) funds invested by the Veterans' Land Board as authorized by Chapter 161, 162, or 164, Natural Resources Code;

(5) registry funds deposited with the county or district clerk under Chapter 117, Local Government Code; or

(6) a deferred compensation plan that qualifies under either Section 401(k) or 457 of the Internal Revenue Code of 1986 (26 U.S.C. Section 1 et seq.), as amended.

(b) This subchapter does not apply to an investment donated to an investing entity for a particular purpose or under terms of use specified by the donor.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 505, Sec. 24, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 2, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 8.21, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1454, Sec. 3, eff. Sept. 1, 1999.

Sec. 2256.005. INVESTMENT POLICIES; INVESTMENT STRATEGIES; INVESTMENT OFFICER. (a) The governing body of an investing entity shall adopt by rule, order, ordinance, or resolution, as appropriate, a written investment policy regarding the investment of its funds and funds under its control.

(b) The investment policies must:

(1) be written;

(2) primarily emphasize safety of principal and liquidity;

(3) address investment diversification, yield, and maturity and the quality and capability of investment management; and

(4) include:

(A) a list of the types of authorized investments in which the investing entity's funds may be invested;

(B) the maximum allowable stated maturity of any individual investment owned by the entity;

(C) for pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date for the portfolio;

(D) methods to monitor the market price of investments acquired with public funds;

(E) a requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and

(F) procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Section 2256.021.

(c) The investment policies may provide that bids for certificates of deposit be solicited:

(1) orally;

(2) in writing;

(3) electronically; or

(4) in any combination of those methods.

(d) As an integral part of an investment policy, the governing body shall adopt a separate written investment strategy for each of the funds or group of funds under its control. Each investment strategy must describe the investment objectives for the particular fund using the following priorities in order of importance:

(1) understanding of the suitability of the investment to the financial requirements of the entity;

(2) preservation and safety of principal;

(3) liquidity;

(4) marketability of the investment if the need arises to liquidate the investment before maturity;

(5) diversification of the investment portfolio; and

(6) yield.

(e) The governing body of an investing entity shall review its investment policy and investment strategies not less than annually. The governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies.

(f) Each investing entity shall designate, by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees of the state agency, local government, or investment pool as investment officer to be responsible for the investment of its funds consistent with the investment policy adopted by the entity. If the governing body of an investing entity has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the first investing entity for purposes of this chapter. Authority granted to a person to invest an entity's funds is effective until rescinded by the investing entity, until the expiration of the officer's term or the termination of the person's employment by the investing entity, or if an investment management firm, until the expiration of the contract with the investing entity. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the governing body of the investing entity retains ultimate responsibility as fiduciaries of the assets of the entity. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the investing entity.

(g) Subsection (f) does not apply to a state agency, local government, or investment pool for which an officer of the entity is assigned by law the function of investing its funds.

Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 685, Sec. 1

(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be an investment officer for the commission under Subsection (f) if the officer or employee is an investment officer designated under Subsection (f) for another local government.

Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 1421, Sec. 3

(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be designated as an investment officer under Subsection (f) for any investing entity other than for that commission.

(i) An investment officer of an entity who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the investment officer's entity shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing body of the entity. For purposes of this subsection, an investment officer has a personal business relationship with a business organization if:

(1) the investment officer owns 10 percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;

(2) funds received by the investment officer from the business organization exceed 10 percent of the investment officer's gross income for the previous year; or

(3) the investment officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for the personal account of the investment officer.

(j) The governing body of an investing entity may specify in its investment policy that any investment authorized by this chapter is not suitable.

(k) A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction with an investing entity or to an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. For purposes of this subsection, a business organization includes investment pools and an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. Nothing in this subsection relieves the investing entity of the responsibility for monitoring the investments made by the investing entity to determine that they are in compliance with the investment policy. The qualified representative of the business organization offering to engage in an investment transaction with an investing entity shall execute a written instrument in a form acceptable to the investing entity and the business organization substantially to the effect that the business organization has:

(1) received and reviewed the investment policy of the entity; and

(2) acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

(l) The investment officer of an entity may not acquire or otherwise obtain any authorized investment described in the investment policy of the investing entity from a person who has not delivered to the entity the instrument required by Subsection (k).

(m) An investing entity other than a state agency, in conjunction with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the entity's established investment policies.

(n) Except as provided by Subsection (o), at least once every two years a state agency shall arrange for a compliance audit of management controls on investments and adherence to the agency's established investment policies. The compliance audit shall be performed by the agency's internal auditor or by a private auditor employed in the manner provided by Section 321.020. Not later than January 1 of each even-numbered year a state agency shall report the results of the most recent audit performed under this subsection to the state auditor. Subject to a risk assessment and to the legislative audit committee's approval of including a review by the state auditor in the audit plan under Section 321.013, the state auditor may review information provided under this section. If review by the state auditor is approved by the legislative audit committee, the state auditor may, based on its review, require a state agency to also report to the state auditor other information the state auditor determines necessary to assess compliance with laws and policies applicable to state agency investments. A report under this subsection shall be prepared in a manner the state auditor prescribes.

(o) The audit requirements of Subsection (n) do not apply to assets of a state agency that are invested by the comptroller under Section 404.024.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 685, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 4, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 785, Sec. 41, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 1, eff. June 17, 2011.

Sec. 2256.006. STANDARD OF CARE. (a) Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following investment objectives, in order of priority:

(1) preservation and safety of principal;

(2) liquidity; and

(3) yield.

(b) In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

(1) the investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and

(2) whether the investment decision was consistent with the written investment policy of the entity.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.007. INVESTMENT TRAINING; STATE AGENCY BOARD MEMBERS AND OFFICERS. (a) Each member of the governing board of a state agency and its investment officer shall attend at least one training session relating to the person's responsibilities under this chapter within six months after taking office or assuming duties.

(b) The Texas Higher Education Coordinating Board shall provide the training under this section.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

(d) An investment officer shall attend a training session not less than once each state fiscal biennium and may receive training from any independent source approved by the governing body of the state agency. The investment officer shall prepare a report on this subchapter and deliver the report to the governing body of the state agency not later than the 180th day after the last day of each regular session of the legislature.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 73, Sec. 1, eff. May 9, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 4, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 5, eff. Sept. 1, 1999.
Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 2, eff. June 17, 2011.

Sec. 2256.008. INVESTMENT TRAINING; LOCAL GOVERNMENTS. (a) Except as provided by Subsections (b) and (e), the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:

(1) attend at least one training session from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government and containing at least 10 hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within 12 months after taking office or assuming duties; and

(2) except as provided by Subsections (b) and (e), attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the

governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

(b) An investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, that has contracted with an investment management firm under Section 2256.003(b) and has fewer than five full-time employees or an investing entity that has contracted with another investing entity to invest the entity's funds may satisfy the training requirement provided by Subsection (a)(2) by having an officer of the governing body attend four hours of appropriate instruction in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date. The treasurer or chief financial officer of an investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, and that has fewer than five full-time employees is not required to attend training required by this section unless the person is also the investment officer of the entity.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

(d) Not later than December 31 each year, each individual, association, business, organization, governmental entity, or other person that provides training under this section shall report to the comptroller a list of the governmental entities for which the person provided required training under this section during that calendar year. An individual's reporting requirements under this subsection are satisfied by a report of the individual's employer or the sponsoring or organizing entity of a training program or seminar.

(e) This section does not apply to a district governed by Chapter 36 or 49, Water Code.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 5, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 6, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 69, Sec. 4, eff. May 14, 2001.
Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 3, eff. June 17, 2011.

Sec. 2256.009. AUTHORIZED INVESTMENTS: OBLIGATIONS OF, OR GUARANTEED BY GOVERNMENTAL ENTITIES. (a) Except as provided by Subsection (b), the following are authorized investments under this subchapter:

(1) obligations, including letters of credit, of the United States or its agencies and instrumentalities;

(2) direct obligations of this state or its agencies and instrumentalities;

(3) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

(4) other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;

(5) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and

(6) bonds issued, assumed, or guaranteed by the State of Israel.

(b) The following are not authorized investments under this section:

(1) obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;

(2) obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;

(3) collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and

(4) collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 7, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 558, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 4, eff. June 17, 2011.

Sec. 2256.010. AUTHORIZED INVESTMENTS: CERTIFICATES OF DEPOSIT AND SHARE CERTIFICATES. (a) A certificate of deposit or share certificate is an authorized investment under this subchapter if the certificate is issued by a depository institution that has its main office or a branch office in this state and is:

(1) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;

(2) secured by obligations that are described by Section 2256.009(a), including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities of the nature described by Section 2256.009(b); or

(3) secured in any other manner and amount provided by law for deposits of the investing entity.

(b) In addition to the authority to invest funds in certificates of deposit under Subsection (a), an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under this subchapter:

(1) the funds are invested by an investing entity through:

(A) a broker that has its main office or a branch office in this state and is selected from a list adopted by the investing entity as required by Section 2256.025; or

(B) a depository institution that has its main office or a branch office in this state and that is selected by the investing entity;

(2) the broker or the depository institution selected by the investing entity under Subdivision (1) arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the investing entity;

(3) the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and

(4) the investing entity appoints the depository institution selected by the investing entity under Subdivision (1), an entity described by Section 2257.041(d), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.

Amended by Acts 1995, 74th Leg., ch. 32, Sec. 1, eff. April 28, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 6, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 128 (H.B. 256), Sec. 1, eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 5, eff. June 17, 2011.

Sec. 2256.011. AUTHORIZED INVESTMENTS: REPURCHASE AGREEMENTS. (a) A fully collateralized repurchase agreement is an authorized investment under this subchapter if the repurchase agreement:

(1) has a defined termination date;

(2) is secured by a combination of cash and obligations described by Section 2256.009(a)(1); and

(3) requires the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity's name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity; and

(4) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state.

(b) In this section, "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations described by Section 2256.009(a)(1), at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.

(c) Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered.

(d) Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 6, eff. June 17, 2011.

Sec. 2256.0115. AUTHORIZED INVESTMENTS: SECURITIES LENDING PROGRAM. (a) A securities lending program is an authorized investment under this subchapter if it meets the conditions provided by this section.

(b) To qualify as an authorized investment under this subchapter:

(1) the value of securities loaned under the program must be not less than 100 percent collateralized, including accrued income;

(2) a loan made under the program must allow for termination at any time;

(3) a loan made under the program must be secured by:

(A) pledged securities described by Section 2256.009;

(B) pledged irrevocable letters of credit issued by a bank that is:

(i) organized and existing under the laws of the United States or any other state; and

(ii) continuously rated by at least one nationally recognized investment rating firm at not less than A or its equivalent; or

(C) cash invested in accordance with Section:

(i) 2256.009;

(ii) 2256.013;

(iii) 2256.014; or

(iv) 2256.016;

(4) the terms of a loan made under the program must require that the securities being held as collateral be:

(A) pledged to the investing entity;

(B) held in the investing entity's name; and

(C) deposited at the time the investment is made with the entity or with a third party selected by or approved by the investing entity;

(5) a loan made under the program must be placed through:

(A) a primary government securities dealer, as defined by 5 C.F.R. Section 6801.102(f), as that regulation existed on September 1, 2003; or

(B) a financial institution doing business in this state; and

(6) an agreement to lend securities that is executed under this section must have a term of one year or less.

Added by Acts 2003, 78th Leg., ch. 1227, Sec. 1, eff. Sept. 1, 2003.

Sec. 2256.012. AUTHORIZED INVESTMENTS: BANKER'S ACCEPTANCES. A bankers' acceptance is an authorized investment under this subchapter if the bankers' acceptance:

(1) has a stated maturity of 270 days or fewer from the date of its issuance;

(2) will be, in accordance with its terms, liquidated in full at maturity;

(3) is eligible for collateral for borrowing from a Federal Reserve Bank; and

(4) is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.013. AUTHORIZED INVESTMENTS: COMMERCIAL PAPER. Commercial paper is an authorized investment under this subchapter if the commercial paper:

(1) has a stated maturity of 270 days or fewer from the date of its issuance; and

(2) is rated not less than A-1 or P-1 or an equivalent rating by at least:

(A) two nationally recognized credit rating agencies; or

(B) one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.014. AUTHORIZED INVESTMENTS: MUTUAL FUNDS. (a) A no-load money market mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with and regulated by the Securities and Exchange Commission;

(2) provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.);

(3) has a dollar-weighted average stated maturity of 90 days or fewer; and

(4) includes in its investment objectives the maintenance of a stable net asset value of $1 for each share.

(b) In addition to a no-load money market mutual fund permitted as an authorized investment in Subsection (a), a no-load mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with the Securities and Exchange Commission;

(2) has an average weighted maturity of less than two years;

(3) is invested exclusively in obligations approved by this subchapter;

(4) is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and

(5) conforms to the requirements set forth in Sections 2256.016(b) and (c) relating to the eligibility of investment pools to receive and invest funds of investing entities.

(c) An entity is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Subsection (b);

(2) invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Subsection (b); or

(3) invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in Subsection (a) or (b) in an amount that exceeds 10 percent of the total assets of the mutual fund.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 7, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 8, eff. Sept. 1, 1999.

Sec. 2256.015. AUTHORIZED INVESTMENTS: GUARANTEED INVESTMENT CONTRACTS. (a) A guaranteed investment contract is an authorized investment for bond proceeds under this subchapter if the guaranteed investment contract:

(1) has a defined termination date;

(2) is secured by obligations described by Section 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract; and

(3) is pledged to the entity and deposited with the entity or with a third party selected and approved by the entity.

(b) Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested under this subchapter in a guaranteed investment contract with a term of longer than five years from the date of issuance of the bonds.

(c) To be eligible as an authorized investment:

(1) the governing body of the entity must specifically authorize guaranteed investment contracts as an eligible investment in the order, ordinance, or resolution authorizing the issuance of bonds;

(2) the entity must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;

(3) the entity must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;

(4) the price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and

(5) the provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 8, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 9, 10, eff. Sept. 1, 1999.

Sec. 2256.016. AUTHORIZED INVESTMENTS: INVESTMENT POOLS. (a) An entity may invest its funds and funds under its control through an eligible investment pool if the governing body of the entity by rule, order, ordinance, or resolution, as appropriate, authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by this subchapter. An investment pool may invest its funds in money market mutual funds to the extent permitted by and consistent with this subchapter and the investment policies and objectives adopted by the investment pool.

(b) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:

(1) the types of investments in which money is allowed to be invested;

(2) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;

(3) the maximum stated maturity date any investment security within the portfolio has;

(4) the objectives of the pool;

(5) the size of the pool;

(6) the names of the members of the advisory board of the pool and the dates their terms expire;

(7) the custodian bank that will safekeep the pool's assets;

(8) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;

(9) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;

(10) the name and address of the independent auditor of the pool;

(11) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and

(12) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

(c) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity:

(1) investment transaction confirmations; and

(2) a monthly report that contains, at a minimum, the following information:

(A) the types and percentage breakdown of securities in which the pool is invested;

(B) the current average dollar-weighted maturity, based on the stated maturity date, of the pool;

(C) the current percentage of the pool's portfolio in investments that have stated maturities of more than one year;

(D) the book value versus the market value of the pool's portfolio, using amortized cost valuation;

(E) the size of the pool;

(F) the number of participants in the pool;

(G) the custodian bank that is safekeeping the assets of the pool;

(H) a listing of daily transaction activity of the entity participating in the pool;

(I) the yield and expense ratio of the pool, including a statement regarding how yield is calculated;

(J) the portfolio managers of the pool; and

(K) any changes or addenda to the offering circular.

(d) An entity by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

(e) In this section, "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.

(f) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool created to function as a money market mutual fund must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a $1 net asset value. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ratio between 0.995 and 1.005. In addition to the requirements of its investment policy and any other forms of reporting, a public funds investment pool created to function as a money market mutual fund shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

(g) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool must have an advisory board composed:

(1) equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created under Chapter 791 and managed by a state agency; or

(2) of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

(h) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

(i) If the investment pool operates an Internet website, the information in a disclosure instrument or report described in Subsections (b), (c)(2), and (f) must be posted on the website.

(j) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must make available to the entity an annual audited financial statement of the investment pool in which the entity has funds invested.

(k) If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 9, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 7, eff. June 17, 2011.

Sec. 2256.017. EXISTING INVESTMENTS. An entity is not required to liquidate investments that were authorized investments at the time of purchase.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.46(a), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1,

1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 10, eff. Sept. 1, 1997.

Sec. 2256.019. RATING OF CERTAIN INVESTMENT POOLS. A public funds investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 11, eff. Sept. 1, 1997.
Amended by:
Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 8, eff. June 17, 2011.

Sec. 2256.020. AUTHORIZED INVESTMENTS: INSTITUTIONS OF HIGHER EDUCATION. In addition to the authorized investments permitted by this subchapter, an institution of higher education may purchase, sell, and invest its funds and funds under its control in the following:

(1) cash management and fixed income funds sponsored by organizations exempt from federal income taxation under Section 501(f), Internal Revenue Code of 1986 (26 U.S.C. Section 501(f));

(2) negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency; and

(3) corporate bonds, debentures, or similar debt obligations rated by a nationally recognized investment rating firm in one of the two highest long-term rating categories, without regard to gradations within those categories.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.0201. AUTHORIZED INVESTMENTS; MUNICIPAL UTILITY. (a) A municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may enter into a hedging contract and related security and insurance agreements in relation to fuel oil, natural gas, coal, nuclear fuel, and electric energy to protect against loss due to price fluctuations. A hedging transaction must comply with the regulations of the Commodity Futures Trading Commission and the Securities and Exchange Commission. If there is a conflict between the municipal charter of the municipality and this chapter, this chapter prevails.

(b) A payment by a municipally owned electric or gas utility under a hedging contract or related agreement in relation to fuel supplies or fuel reserves is a fuel expense, and the utility may credit any amounts it receives under the contract or agreement against fuel expenses.

(c) The governing body of a municipally owned electric or gas utility or the body vested with power to manage and operate the municipally owned electric or gas utility may set policy regarding hedging transactions.

(d) In this section, "hedging" means the buying and selling of fuel oil, natural gas, coal, nuclear fuel, and electric energy futures or options or similar contracts on those commodities and related transportation costs as a protection against loss due to price fluctuation.

Added by Acts 1999, 76th Leg., ch. 405, Sec. 48, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 7 (S.B. 495), Sec. 1, eff. April 13, 2007.

Sec. 2256.0202. AUTHORIZED INVESTMENTS: MUNICIPAL FUNDS FROM MANAGEMENT AND DEVELOPMENT OF MINERAL RIGHTS. (a) In addition to other investments authorized under this subchapter, a municipality may invest funds received by the municipality from a lease or contract for the management and development of land owned by the municipality and leased for oil, gas, or other mineral development in any investment authorized to be made by a trustee under Subtitle B, Title 9, Property Code (Texas Trust Code).

(b) Funds invested by a municipality under this section shall be segregated and accounted for separately from other funds of the municipality.

Added by Acts 2009, 81st Leg., R.S., Ch. 1371 (S.B. 894), Sec. 1, eff. September 1, 2009.

Sec. 2256.0203. AUTHORIZED INVESTMENTS: PORTS AND NAVIGATION DISTRICTS. (a) In this section, "district" means a navigation district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(b) In addition to the authorized investments permitted by this subchapter, a port or district may purchase, sell, and invest its funds and funds under its control in negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency.

Added by Acts 2011, 82nd Leg., R.S., Ch. 804 (H.B. 2346), Sec. 1, eff. September 1, 2011.

Sec. 2256.0204. AUTHORIZED INVESTMENTS: INDEPENDENT SCHOOL DISTRICTS. (a) In this section, "corporate bond" means a senior secured debt obligation issued by a domestic business entity and rated not lower than "AA-" or the equivalent by a nationally recognized investment rating firm. The term does not include a debt obligation that:

(1) on conversion, would result in the holder becoming a stockholder or shareholder in the entity, or any affiliate or subsidiary of the entity, that issued the debt obligation; or

(2) is an unsecured debt obligation.

(b) This section applies only to an independent school district that qualifies as an issuer as defined by Section 1371.001.

(c) In addition to authorized investments permitted by this subchapter, an independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds that, at the time of purchase, are rated by a nationally recognized investment rating firm "AA-" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.

(d) An independent school district subject to this section is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or

(2) invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

(e) An independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds if the governing body of the district:

(1) amends its investment policy to authorize corporate bonds as an eligible investment;

(2) adopts procedures to provide for:

(A) monitoring rating changes in corporate bonds acquired with public funds; and

(B) liquidating the investment in corporate bonds; and

(3) identifies the funds eligible to be invested in corporate bonds.

(f) The investment officer of an independent school district, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

(1) issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated "AA-" or the equivalent at the time the release is issued; or

(2) changes the rating on the corporate bonds to a rating lower than "AA-" or the equivalent.

(g) Corporate bonds are not an eligible investment for a public funds investment pool.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1347 (S.B. 1543), Sec. 1, eff. June 17, 2011.

Sec. 2256.0205. AUTHORIZED INVESTMENTS; DECOMMISSIONING TRUST. (a) In this section:

(1) "Decommissioning trust" means a trust created to provide the Nuclear Regulatory Commission assurance that funds will be available for decommissioning purposes as required under 10 C.F.R. Part 50 or other similar regulation.

(2) "Funds" includes any money held in a decommissioning trust regardless of whether the money is considered to be public funds under this subchapter.

(b) In addition to other investments authorized under this subchapter, a municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may invest funds held in a decommissioning trust in any investment authorized by Subtitle B, Title 9, Property Code.

Added by Acts 2005, 79th Leg., Ch. 121 (S.B. 1464), Sec. 1, eff. September 1, 2005.

Sec. 2256.021. EFFECT OF LOSS OF REQUIRED RATING. An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not have the minimum rating. An entity shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.022. EXPANSION OF INVESTMENT AUTHORITY. Expansion of investment authority granted by this chapter shall require a risk assessment by the state auditor or performed at the direction of the state auditor, subject to the legislative audit committee's approval of including the review in the audit plan under Section 321.013.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 785, Sec. 42, eff. Sept. 1, 2003.

Sec. 2256.023. INTERNAL MANAGEMENT REPORTS. (a) Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of investment transactions for all funds covered by this chapter for the preceding reporting period.

(b) The report must:

(1) describe in detail the investment position of the entity on the date of the report;

(2) be prepared jointly by all investment officers of the entity;

(3) be signed by each investment officer of the entity;

(4) contain a summary statement of each pooled fund group that states the:

(A) beginning market value for the reporting period;

(B) ending market value for the period; and

(C) fully accrued interest for the reporting period;

(5) state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;

(6) state the maturity date of each separately invested asset that has a maturity date;

(7) state the account or fund or pooled group fund in the state agency or local government for which each individual investment was acquired; and

(8) state the compliance of the investment portfolio of the state agency or local government as it relates to:

(A) the investment strategy expressed in the agency's or local government's investment policy; and

(B) relevant provisions of this chapter.

(c) The report shall be presented not less than quarterly to the governing body and the chief executive officer of the entity within a reasonable time after the end of the period.

(d) If an entity invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers under this section shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 12, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 9, eff. June 17, 2011.

Sec. 2256.024. SUBCHAPTER CUMULATIVE. (a) The authority granted by this subchapter is in addition to that granted by other law. Except as provided by Subsection (b), this subchapter does not:

(1) prohibit an investment specifically authorized by other law; or

(2) authorize an investment specifically prohibited by other law.

(b) Except with respect to those investing entities described in Subsection (c), a security described in Section 2256.009(b) is not an authorized investment for a state agency, a local government, or another investing entity, notwithstanding any other provision of this chapter or other law to the contrary.

(c) Mortgage pass-through certificates and individual mortgage loans that may constitute an investment described in Section 2256.009(b) are authorized investments with respect to the housing bond programs operated by:

(1) the Texas Department of Housing and Community Affairs or a nonprofit corporation created to act on its behalf;

(2) an entity created under Chapter 392, Local Government Code; or

(3) an entity created under Chapter 394, Local Government Code.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.025. SELECTION OF AUTHORIZED BROKERS. The governing body of an entity subject to this subchapter or the designated investment committee of the entity shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

Sec. 2256.026. STATUTORY COMPLIANCE. All investments made by entities must comply with this subchapter and all federal, state, and local statutes, rules, or regulations.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

SUBCHAPTER B. MISCELLANEOUS PROVISIONS

Sec. 2256.051. ELECTRONIC FUNDS TRANSFER. Any local government may use electronic means to transfer or invest all funds collected or controlled by the local government.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.052. PRIVATE AUDITOR. Notwithstanding any other law, a state agency shall employ a private auditor if authorized by the legislative audit committee either on the committee's initiative or on request of the governing body of the agency.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.053. PAYMENT FOR SECURITIES PURCHASED BY STATE. The comptroller or the disbursing officer of an agency that has the power to invest assets directly may pay for authorized securities purchased from or through a member in good standing of the National Association of Securities Dealers or from or through a national or state bank on receiving an invoice from the seller of the securities showing that the securities have been purchased by the board or agency and that the amount to be paid for the securities is just, due, and unpaid. A purchase of securities may not be made at a price that exceeds the existing market value of the securities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.67, eff. Sept. 1, 1997.

Sec. 2256.054. DELIVERY OF SECURITIES PURCHASED BY STATE. A security purchased under this chapter may be delivered to the comptroller, a bank, or the board or agency investing its funds. The delivery shall be made under normal and recognized practices in the securities and banking industries, including the book entry procedure of the Federal Reserve Bank.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.68, eff. Sept. 1, 1997.

Sec. 2256.055. DEPOSIT OF SECURITIES PURCHASED BY STATE. At the direction of the comptroller or the agency, a security purchased under this chapter may be deposited in trust with a bank or federal reserve bank or branch designated by the comptroller, whether in or outside the state. The deposit shall be held in the entity's name as evidenced by a trust receipt of the bank with which the securities are deposited.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.69, eff. Sept. 1, 1997.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:

Approve Resolution No. 2016-17, a Resolution of the City of Tomball, Texas, Amending the Master Fee Schedule for Fiscal Year 2016-2017

Background:

Resolution No. 2016-17, amending the Master Fee Schedule for 2016-2017, is presented for Council consideration and approval.

The fees reflected in Exhibit "A", a redlined version of the current Master Fee Schedule, must be authorized by Council prior to inclusion with Resolution No. 2016-17 as the Master Fee Schedule for Fiscal Year 2016-2017.

Upon completion, the Master Fee Schedule will be posted on the City's website.

Origination:

City Secretary

Recommendation:

Approve Resolution No. 2016-17, amending the Master Fee Schedule for FY 2016-2017.

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

City Secretary

ACTION TAKEN

Approval	**Readings Passed**	**Other**
☐ **Yes** ☐ **No**	☐ **1st** ☐ **2nd**	

ATTACHMENTS:

Resolution No. 2016-17

Proposed 2016-2017 Master Fee Schedule

RESOLUTION NO. 2016-17

A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, ADOPTING A MASTER FEE SCHEDULE FOR FISCAL YEAR 2016-2017.

* * * * * * * * *

WHEREAS, the Tomball City Council desires to enhance government transparency through the adoption of a Master Fee Schedule for the convenience of the public; and

WHEREAS, the Tomball City Council finds it advantageous to adopt a Master Fee Schedule for Fiscal Year 2016-2017, to provide easier access to information regarding City services and associated fees for Tomball residents and commercial interests; **NOW, THEREFORE**

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

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Resolution are true and correct.

Section 2. A Master Fee Schedule for the City of Tomball, Texas for Fiscal Year 2016-2017 is hereby adopted, a copy of which is attached hereto as Exhibit "A" and incorporated herein.

Section 3. In the event any section, paragraph, subdivision, 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 any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND RESOLVED this 6th day of September 2016.

____
Gretchen Fagan
Mayor

ATTEST:

____
Doris Speer
City Secretary

EXHIBIT “A”

CITY OF TOMBALL

MASTER FEE SCHEDULE

FY 2016-2017

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<u>GENERAL PENALTY FOR VIOLATIONS OF CODE (CHAPTER 1)</u>

I. Violation of Ordinances shall be punished by a fine not exceeding $500.00

II. Violations of ordinances that govern fire, safety, zoning, public health and sanitation shall be punished by a fine not exceeding $2,000.00

III. Violations of traffic laws which are punishable as a Class C misdemeanor shall be punished by a fine not exceeding $200.00

ACCOUNTS RECEIVABLE FEES

(Sec. 2-240, Code of Ordinances)

In accordance with V.T.C.A., Code of Criminal Procedure art. 103.0031, there shall be imposed an additional fee of 30 percent (30%) on all debts and accounts receivable, i.e.: fines, fees, restitution, other debts, and costs that are more than 60 days past due and have been referred to a private firm for collection.

ALARM PERMIT APPLICATION FEE

(Sec. 16-49, Code of Ordinances)

Residential properties	No Fee
Individual apartment units	$50.00
Nonresidential areas of an apartment complex equipped with a burglary alarm, hold up, panic, duress alarm system, or fire alarm system	$50.00
Commercial alarm sites equipped with a burglary alarm, hold up, panic alarm, or fire alarm system	$50.00

FALSE ALARM NOTIFICATION (CHAPTER 16)

(Sec. 16-59, Code of Ordinances)

If an alarm system transmits more than three false burglar alarms or fire alarm notification within a 12-month period, the permittee shall pay a service fee for the fourth and each subsequent false burglar alarm notification.

Residential Alarms

First through Third False Alarm – No Fee
For each response after the third through the fifth--$25.00
For each response after the fifth through the eighth--$50.00
For each response after the eight--$100.00

Commercial Alarms

First through Third False Alarm – No Fee
For each response after the third through the fifth--$50.00
For each response after the fifth through the eight--$75.00
For each response after the eighth--$100.00

Panic Alarms

First and Second False Alarm – No Fee
For each response after the second false alarm – $100.00 each

If an alarm system transmits more than two false panic alarm notifications within a 12-month period, the permittee shall pay the maximum service fee permitted by state law, but not more than $100.00, for the third and each subsequent false panic alarm notification.

Operating an Alarm System without Permit or that Automatically Dials 911

(Sec. 16.77, Code of Ordinances)

Class C Misdemeanor – Punishable by a fine of not more than $500.00, plus fee for each Police or Fire Department response to the activation of an unpermitted alarm system.

AMBULANCE PERMIT FEES

ANNUAL COMPANY PERMIT FEE:	$500.00 per year
VEHICLE INSPECTION FEE:	$100.00 per vehicle
VEHICLE RE-INSPECTION FEE:	$100.00 per vehicle

Chapter 16, Article III. (Ord. 2012-47)

BANNER DISPLAY FEES

Application to display a banner must be made at Public Works, 501 James Street at least one (1) month in advance.

Banners will be displayed in the 700 block of W. Main Street. Only one (1) banner will be displayed at a time. A banner may hang for a maximum of two (2) weeks.

APPLICATION FEE

The application fee is **$75.00 per week;** payment is required when the application is presented.

Application must be made at least one (1) month in advance but not more than twelve (12) months advance. Applications are on a "first come-first served" basis. A TxDOT application for "Use of State of Texas Right-of-Way for Temporary Signs for Special Events" must be filled out and submitted along with City of Tomball reservation application and fees.

STORAGE FEE

Banner shall be picked up within one (1) week after expiration date. Owner will be assessed **$2.00/day storage fee** if not picked up within the one (1) week period.

Rev. 11-26-2012

BINGO PRIZE FEE

(Sec. 42-59, Code of Ordinances)

One percent gross receipts tax on the conduct of bingo games within the city.

BUILDING PERMIT FEES

Ordinary fees for work commencing before permit issuance or after the work has been partially completed or concealed shall be double the fee set forth in the fee schedule adopted by the City.

(Chapter 10, Code of Ordinances)

BUILDING FEES

TOTAL VALUATION	FEE
$1,000.00 and less	No fee, unless inspection is required, in which case, a $15.00 fee for each inspection shall be charged.
$1,001.00 to $50,000.00	$15.00 for the first $1,000.00 plus $5.00 for each additional thousand or fraction thereof, to and including $50,000.00.
$50,001.00 to $100,000.00	$260.00 for the first $50,000.00 plus $4.00 for each additional thousand or fraction thereof, to and including $100,000.00.
$100,001.00 to $500,000.00	$460.00 for the first $100,000.00 plus $3.00 for each additional thousand or fraction thereof, to and including $500,000.00.
$500,001.00 and up	$1,660.00 for the first $500,000.00 plus $2.00 for each additional thousand or fraction thereof.

MOVING FEE

For the moving of any building or structure, the fee shall be $110.00.

DEMOLITION FEE

For the demolition of any building or structures, the fee shall be:

0 - 100,000 cu. ft.	$60.00
100,000 cu. ft. and over	$0.50/1,000 cu. ft.

PENALTIES

Where work for which a permit is required by this Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

A Certificate of Occupancy must be issued before moving in or a $250.00 penalty, payable by the permit holder, and disconnection of all City utilities will apply.

PLAN-CHECKING FEES

When the valuation of the proposed construction exceeds $1,000.00 and a plan is required to be submitted, a plan-checking fee shall be paid equal to one-half of the building permit fee. Such plan-checking fee is in addition to the building permit fee.

FEE FOR RE-INSPECTION

The re-inspection fee shall be $25.00

BUILDING PERMIT FEES

MECHANICAL PERMIT FEES

INITIAL FEE

For issuing each permit $15.00

ADDITIONAL FEES

Fee for inspecting heating, ventilating, ductwork, air-conditioning and refrigeration systems shall be $20.00 for the first $1,000.00, or fraction thereof, of valuation of the installation plus $6.00 for each additional $1,000.00 or fraction thereof.

Fee for inspecting repairs, alterations and additions to an existing system shall be $6.00 plus $3.00 for each $1,000.00 or fraction thereof.

Fee for inspecting boilers (based upon Btu input):

33,000 Btu (1 Bhp) to 165,000 (5 Bhp)	$ 7.00
165,001 Btu (5 Bhp) to 330,000 (10 Bhp)	$12.00
330,001 Btu (10 Bhp) to 1,165,000 (52 Bhp)	$17.00
1,165,001 Btu (52 Bhp) to 3,300,000 (98 Bhp)	$27.00
Over 3,300,000 Btu	$37.00

FEE FOR REINSPECTION

In case it becomes necessary to make a re-inspection of any heating, ventilation, air conditioning or refrigeration system, or boiler installation, the installer of such equipment shall pay a re-inspection fee of $25.00

TEMPORARY OPERATION INSPECTION FEE

When preliminary inspection is requested for purposes of permitting temporary operation of a heating, ventilating, refrigeration or air conditioning system, or portion thereof, a fee of $45.00 shall be paid by the contractor requesting such preliminary inspection. If the system is not approved for temporary operation on the first preliminary inspection, the usual re-inspection fee shall be charged for each subsequent preliminary inspection for such purpose.

SELF-CONTAINED UNITS LESS THAN TWO TONS

In all buildings, except one and two family dwellings, where self-contained air conditioning units of less than two tons are to be installed, the fee charged shall be that for the total cost of all units combined (see Additional Fees, above, for rate).

BUILDING PERMIT FEES

PLUMBING PERMIT FEES

PERMIT FEES:

For issuing each permit	$15.00

PLUS THE FOLLOWING WHEN PROVIDED:

For each Plumbing Fixture, Floor Drain or Trap (Including Water and Drainage Piping)	$ 3.00
For each House Sewer	$ 6.00
For each House Sewer having to be replaced or repaired	$ 6.00
For each Water Heater and/or Vent	$ 3.00
For installation, alteration or repair of water piping and/or water treating equipment	$ 6.00
For repair or alteration of Drainage or Vent Piping	$ 6.00
For Vacuum Breakers or backflow protective devices installed subsequent to the installation of the piping or equipment served:	
One to Five	$ 3.00
Over Five, each	$ 2.00

FEE FOR PLUMBING RE-INSPECTION

The re-inspection fee shall be $25.00

IRRIGATION PERMIT FEES

Residential - $ 50.00 fixed fee
Commercial - $100.00 base fee plus $10.00 per zone

PERMITS/MISCELLANEOUS

Driveway - Residential	$ 25.00
Driveway - Commercial	$ 25.00
Construction	2% of Construction Cost
Roofing Permits	$ 50.00

(Asphalt or metal, under 5 squares is exempt from permit requirement)

~~**PLUMBING AND GAS BOND**~~
~~$1,000.00~~
~~(Chapter 10)~~

BUILDING PERMIT FEES

DOMESTIC AND COMMERCIAL WATER TAP FEES

Residential and Commercial Water Meter Connection Fees. The following connection fee shall be due and paid to the City before any water meter is provided, installed, inspected, and activated for use by the City. The fee for providing water service shall be based upon the meter required, and shall be as follows:

Meter Size, In.	TOTAL COST**
0.75	$ 505.00
1.0	$ 565.00
1.5	$ 925.00
2.0	$ 1,735.00
3.0	$ 3,100.00
4.0	$ 3,660.00
6.0	$ 8,985.00 (Includes $3,500 for vault)*

* Any other vaults requested will be at customer's expense.

** **FOR CONNECTIONS ON STATE RIGHTS-OF-WAY**

For meter sizes 0.625" through 2", add $190.00 to connection fee schedule.

For meter sizes 3" through 6", add $315.00 to connection fee schedule.

If a bore is required, a $35.00 per foot of right-of-way width boring fee will be required up to a 2" service lead. Service leads larger than 2" will be $70.00 per foot of right-of-way width.

RECONNECTION FEE

Water Service Reconnection Fee - $25.00

BULK WATER SALES

Refer to Utility Fees – Bulk Sales

This charge includes the current fee for each 1,000 gallons used surcharge that the City collects on **behalf of NHCRWA and will be adjusted as the surcharge increases.**

Additionally, if a meter is desired, the deposit will be $1,000.00.

BUILDING PERMIT FEES

DOMESTIC AND COMMERCIAL SEWER TAP FEES

Residential and Commercial Sanitary Sewerage Connection Fees. The following connection fee shall be due and paid to the City before any sewer connection is provided, installed, inspected, and activated into the City's wastewater collection system. The connection fee for such services shall be based upon the size of the sewer connection required, and shall be as follows:

Connection Size	TOTAL COST**
4”	$555.00
6”	$610.00
8” and above	$625.00+

* If manhole is required, add $2,000.00

** **FOR CONNECTIONS ON STATE RIGHTS-OF-WAY**

For connections on state right-of-way, add $250.00 to connection fee schedule.

If a bore is required, a $70.00 per foot of right-of-way width boring fee will be required up to a 6" service lead.

For 8" service lead, a $75.00 per foot of right-of-way width boring fee will be charged.

SEWER LINE MAINTENANCE AND CONSTRUCTION (CHAPTER 46)

Sewer Service Reconnection fee (as requested by the department of public works) $200.00

DOMESTIC AND COMMERCIAL GAS TAP FEES

Residential and Commercial Gas Meter Connection Fees. The following connection fee shall be due and paid to the City before any gas meter is provided, installed, inspected, and activated for use by the City. The fee for providing gas service shall be based upon the meter and regulator required (meter and regulator, four ounce [4 oz.*] only), and shall be as follows:

BTUs	TOTAL COST **	METER SIZE
0 to 345,000	$ 665.00	250 – 275
345,001 to 450,000	$ 800.00	415 – 450
451,001 to 1,760,000*	$1,460.00	750 – 880
2,420,001 to 5,500,000*	$3,740.00	3,000
5,500,001 to 11,000,000*	$4,945.00	5,000

If pounds (lbs.) Are needed, must add an emcorector to total cost (total cost +$1,175.00 = total price for pounds).

** **FOR CONNECTIONS ON STATE RIGHTS-OF-WAY**

For connections on state right-of-way, add $250.00 to connection fee schedule for BTUs 0-450,000 BTUs.
Requirements above 450,001 BTUs, add $350.00 to connection fee schedule.
For a service lead under a state right-of-way, add $35.00/foot of right-of-way width.

BUILDING PERMIT FEES

CAPITAL RECOVERY FEES
PER CITY OF TOMBALL ORDINANCE 2014-22
Effective August 18, 2016 – August 17, 2017*

LUE'S	WATER METER SIZE	WATER	SEWER	TOTAL
1.0	3/4"	$1,927.22	$2,299.95	$4,227.17
2.5	1"	$4,818.05	$5,749.88	$10,567.93
5.0	1 1/2"	$9,636.10	$11,499.75	$21,135.85
8.0	2"	$15,417.76	$18,399.60	$33,817.36
10.0	2" TURBINE	$19,272.20	$22,999.50	$42,271.70
16.0	3"	$30,835.52	$36,799.20	$67,634.72
24.0	3" TURBINE	$46,253.28	$55,198.80	$101,452.08
25.0	4"	$48,180.50	$57,498.75	$105,679.25
42.0	4" TURBINE	$80,943.24	$96,597.90	$177,541.14
50.0	6"	$96,361.00	$114,997.50	$211,358.50
92.0	6" TURBINE	$177,304.24	$211,595.40	$388,899.64
80.0	8"	$154,177.60	$183,996.00	$338,173.60
160.0	8" TURBINE	$308,355.20	$367,992.00	$676,347.20
115.0	10"	$221,630.30	$264,494.25	$486,124.55
250.0	10" TURBINE	$481,805.00	$574,987.50	$1,056,792.50
330.0	12" TURBINE	$635,982.60	$758,983.50	$1,394,966.10

NOTE: ALL NEW DEVELOPMENT OR CHANGE IN USE WILL BE REQUIRED TO CALCULATE THE LIVING UNIT EQUIVALENT (LUE) AND PAY THE GREATER VALUE BETWEEN THE MINIMUM METER SIZE IMPACT FEE OR THE CALCULATED LUES.

* REFER TO SCHEDULE OF MAXIMUM CAPITAL RECOVERY FEES FOR INCREASE IN FEES BASED ON EFFECTIVE DATE.

SCHEDULE OF MAXIMUM CAPITAL RECOVERY FEES

	Effective:	**Effective:**	**Effective:**	**Effective:**	**Effective:**
Per LUE	Aug. 18, 2014	Aug 18, 2015	Aug. 18, 2016	Aug. 18, 2017	Aug. 18, 2018
Water	$1,528.49	$1,727.86	$1,927.22	$2,126.59	$2,325.96
Wastewater	$1,901.21	$2,100.58	$2,299.95	$2,322.57	$2,322.57

Drainage effective August 18, 2014:

M118 per acre	$5,757.81
M121E per acre	$7,886.69
M121W per acre	$6,692.00
M125 per acre	$ 436.88

BUILDING PERMIT FEES

BUILDING INSPECTIONS WHICH MUST BE CALLED IN

(281) 290-1480

BUILDING INSPECTIONS
1. STORM SEWER
2. PARKING LOT
3. FOUNDATION
4. FRAME
5. CEILING COVER
6. FINAL

PLUMBING INSPECTIONS
1. GROUND
2. TOP OUT
3. WATER LINE
4. SEWER
5. GAS TEST
6. FINAL
7. ROOF DRAIN
8. GAS LINE

DRIVEWAY INSPECTIONS
1. CULVERT
2. LOCATION FORM
3. APPROACH
4. FINAL

ELECTRICAL INSPECTIONS
1. T-POLE
2. TCI
3. CEILING COVER
4. DITCH COVER
5. WALL COVER
6. SLAB
7. ROUGH IN
8. FINAL
9. SERVICE

MOVING INSPECTIONS
1. FINAL
2. UTILITIES CUT OFF
3. SITE

CONSTRUCTION INSPECTION
(PUBLIC RIGHT-OF-WAY)
1. PUBLIC WORKS

IRRIGATION INSPECTIONS
1. SITE
2. FINAL

POOL INSPECTIONS
1. STEEL
2. DECK
3. FINAL

SIGN INSPECTIONS
1. SIGN INSTALLATION
2. FINAL

ROOF INSPECTIONS
1. COVER UP
2. FINAL

MECHANICAL INSPECTIONS
1. ROUGH IN
2. WALL COVER
3. CEILING COVER
4. FINAL

BUILDING STANDARDS COMMISSION FEE TO APPEAL DECISION

(Sec. 10-473, Code of Ordinances)

Fee to Appeal Decision, accompanied by written request to the City Secretary within 10 days of the date of the Building Standards Commission Hearing	$10.00*

*Appeal is by City Council and shall be by a trial de novo.

CHAUFFEUR'S DRIVER FEES

ANNUAL FEE:	City of Tomball Chauffeur's License Fee:	None

10/2012

COMMUNITY CENTER FEES

Reservation Fee Guidelines

A. Meeting Room Fee Schedule (Based on availability)

	Tomball Residents:	Non Tomball Residents:	
	Non-profit Clubs/ Organizations*	Individuals, For-profit Businesses/ Non-profit Organizations which charge for service	Individuals, For-profit Businesses, Non-profit Organizations which charge for service
Monday thru 3:00 pm Friday (2 Hour Minimum)			
Room A	$50.00/hr.	$75.00/hr.	$100.00/hr.
Room B	$30.00/hr.	$50.00/hr.	$75.00/hr.
Room C	$15.00/hr.	$20.00/hr.	$30.00/hr.
After 3:00 pm Friday (2 Hour Minimum)			
Room A	$75.00/hr.	$100.00/hr.	$125.00/hr.
Room B	$50.00/hr.	$75.00/hr.	$100.00/hr.
Room C	$15.00/hr.	$50.00/hr.	$75.00/hr.

B. Kitchen Fee Schedule

1. The rental fee for Banquet Room A includes the use of the kitchen.
2. No other room is allowed the use of the kitchen with a rental.

Special Notes

A refundable deposit will be paid by each applicant prior to the confirmation of a reservation. Refund of this deposit is contingent upon satisfying any payment for damages to the facility by the Contracting Party.

Waiver of Fees

1. The following groups shall have their fees waived:
   a. Tomball-based Non-profit youth organizations who provide proof of qualification

2. Tomball-based groups and organizations may request a waiver of fees from City staff. The guidelines for staff to follow when considering requests for waivers are as follows:
   a. Applicant generates sales tax dollars for Tomball
   b. Applicant supports City functions, events or programs
   c. Applicant is a non-profit group or organization benefitting the City of Tomball in some manner.

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COMMUNITY DEVELOPMENT FEES

PLANNING FEES

Rezoning	$400 + $10/acre
Conditional Use Permit	$600
Planned Development (w/Concept or Site Plan)	$1,000
Non-Residential Site Plan Review	$250 <=2,000 SF of building area $300 + $10/acre >2,000 SF of building area
Single Family Site Plan/Building Elevation Review	$50
Parking / Landscape Plan Review	$100
Variance/Special Exception (Board of Adjustments)	$100 Residential *(Except Multi-Family)* $250 Non-Residential & Multi-Family
Zoning Ordinance/Text Amendment	$500
Appeals	$100
Zoning Verification Request	$25
Copy of Zoning Ordinance (Spiral Bound Paper Copy)	$15.85
Color Maps – 11 x 17	$1.50
Comprehensive Plan Map Amendment	$500
Comprehensive Plan Text Amendment	$500
Rezoning and Comprehensive Map Amendment	$650 + $10/acre
Rezoning and Comprehensive Text Amendment	$650 + $10/acre

COMMUNITY DEVELOPMENT FEES

PLATTING FEES

Preliminary Plat:		
	$200.00	Base Fee
	$1.00	Per Lot
	$5.00	Per Acre (Includes reserves within a subdivision that do not include single-family lots)
Final, Replat, & Minor Plats:	$200.00	Base Fee
	$0.50	Per Lot
	$2.00	Per Acre (Includes reserves within a subdivision that do not include single-family lots)
Recording & Filing Fees:	$150.00	For the first sheet
	$50.00	For each additional sheet
Joinder Lot	$100.00	For Each Joinder Lot. (Resolution 2011-20)

ENGINEERING FEES

Floodplain Permit Application	$25
Construction Permit Application	2% of the Cost of Construction
Right-of-Way Abandonment	$300 (Administrative Policy 65, March 11, 2011)

CORRECTIONAL FACILITY PERMIT APPLICATION FEE

(Sec. 14-357, Code of Ordinances)

Original Application Fee	\$350.00
Renewal Application Fee	\$100.00
Transfer Application Fee upon Change of Owner/Operator Of Correctional Facility	\$100.00

(Code of Ordinances, Chapter 14, Section 14-357)

DONATION CONTAINER PERMIT FEES

Annual Donation Container Permit Fee (Sec. 22-194) Permit is valid for 12 months from the date first issued.	$ 25.00
Impounded Donation Container Fee	$200.00
Daily Storage Fee (Sec. 22-195)	$ 25.00

Rev. 10/14/2013

FILMING APPLICATION FEES

(Sec. 6-86, Code of Ordinances)

Application Processing Fee - $25.00*

Fee for Use of City Property and City Equipment: Rates, as established by City Manager, that are adequate to compensate the City for the use of that property or equipment if the standard rate schedule in inapplicable or inappropriate for the specific use proposed.

*Fee may be waived by City Manager for nonprofit organizations.

FIRE MARSHAL'S OFFICE FEES

Life Safety Plan Review

1 - 2,500 sq.ft.	$25.00
2,501 - 5,000 sq.ft.	$50.00
5,001 - 10,000 sq.ft.	$75.00
10,000 - more sq.ft.	$100.00

Fire Sprinkler Systems

Review Fee	$200.00
Riser	$10.00 ea.
Fire Department Connection	$10.00 ea.
Per Each Sprinkler Head	$1.00 ea.

Fire Alarm Systems

Review Fee	$200.00
Signal / Notification Device	$2.00 ea.

Paint Booth / Mixing Room

Review Fee	$200.00
Nozzle	$1.00 ea.

Cooking Suppression System

Review Fee	$200.00
Nozzle	$1.00 ea.

Fuel Storage Tank Removal / Installation

For 1 Tank per site	$150.00
For 2 Tanks per site	$200.00
For 3 or more Tanks per site	$250.00

Installation Penalty - No Permit Fee

2 x the cost of total plan review fee

Special Services - *to be paid before 3:45pm*

Special Handling / Same Day Service - Plans	$100.00
After Hours Inspection - up to 4 hours	$275.00
Each additional hour - rounded up to the next hour	$75.00

Acceptance Testing / Fire Final Inspections

Inspection	No Fee
1st Re-Inspection	$25.00
2nd Re-Inspection	$50.00
3rd Re-Inspection	$75.00
4th Re-Inspection and Each After	$100.00

FIRE MARSHAL'S OFFICE FEES

State Licensed Facility Inspection - Group I Occupancy

Inspection	$50.00
1st Re-Inspection	$25.00
2nd Re-Inspection	$50.00
3rd Re-Inspection	$75.00
4th Re-Inspection and Each After	$100.00

Life Safety Inspection - Annual

Inspection	No Fee
1st Re-Inspection	No Fee
2nd Re-Inspection	$25.00
3rd Re-Inspection	$50.00
4th Re-Inspection and Each After	$75.00

FIRE MARSHAL'S OFFICE FEES

Permit Description	Permit Reference Number	Renewable or One-Time Permit	Cost
Aerosol Products	105.6.1	R	$100.00
Amusement Buildings	105.6.2	R	$100.00
Aviation Facilities	105.6.3	R	$150.00
Carnivals & Fairs	105.6.4	R	$150.00
Battery Systems	105.6.5	R	$100.00
Cellulose Nitrate Film	105.6.6	R	$100.00
Combustible Dust Producing Operations	105.6.7	R	$100.00
Combustible Fibers	105.6.8	R	$125.00
Compressed Gases	105.6.9	R	$100.00
Covered Mall Buildings	105.6.10	R	$50.00
Cryogenic Fluids	105.6.11	R	$100.00
Cutting & Welding	105.6.12	R	$75.00
Dry Cleaning Plants	105.6.13	R	$100.00
Exhibits & Trade Shows	105.6.14	R	$75.00
Explosives, including Fireworks	105.6.15	R	$150.00
RESERVED	105.6.16		
Flammable and Combustible Liquids	105.6.17	R	$75.00
Floor Finishing, including Bowling Lanes	105.6.18	R	$100.00
RESERVED	105.6.19		
Fumigation and Insecticide Fogging	105.6.20	R	$50.00
Hazardous Materials	105.6.21	R	$150.00
RESERVED	105.6.22		
High Pile Storage	105.6.23	R	$75.00
Hot work Operations	105.6.24	R	$75.00
Industrial Ovens	105.6.25	R	$100.00
RESERVED	105.6.26		
Liquid or Gas Fueled vehicles in Assembly Buildings	105.6.27	R	$100.00
LP Gas	105.6.28	R	$100.00
Magnesium Working	105.6.29	R	$150.00
Miscellaneous Combustible Storage	105.6.30	R	$100.00
Open burning (commercial-trench)	105.6.31	R	$150.00
Open Flames and Candles	105.6.32	R	$50.00
Organic Coating	105.6.33	R	$100.00
Places of Assembly	105.6.34		
50-100		R	$75.00
101-299		R	$100.00
300 or More Occupants		R	$125.00
RESERVED	105.6.35		
Pyrotechnic Special Effects Material	105.6.36	R	$150.00
RESERVED	105.6.37-40		
Spraying & Dipping	105.6.41	R	$150.00
Tire Storage	105.6.42	R	$100.00
Temporary Structures, Tents & Canopies	105.6.43	R	$75.00
RESERVED	105.6.44-46		
Fire Flow Test	105.6.50	O-T	$150.00

GARBAGE BAG FEES

The City of Tomball furnishes two (2) rolls of fifty (50) bags to each residence annually.

For additional purchases of garbage bags, the fee is $12.00 per 50-bag roll.

Rev. 11-7-2012

KENNEL LICENSE FEES and IMPOUNDED ANIMAL FEES

(Code of Ordinances, Chapter 8)

ANNUAL KENNEL LICENSE FEE: $ 10.00

RECOVERY OF IMPOUNDED ANIMALS FEE - As established by Harris County Animal Control (Sec. 8-67, Code of Ordinances), the following fees shall be recovered prior to release of impounded animal:

$25.00 impounding fee
$5.00 per day board fee
Cost of vaccination*

Second: $40.00 impounding fee
$5.00 per day board fee
Cost of vaccination*

Third and Subsequent: $75.00 impounding fee
$5.00 per day board fee
Cost of vaccination*

The owner of impounded animal(s) shall have the right to redeem the animal(s) upon the payment of any and all fees which may be due and payable for the impoundment of such animal, including any fines imposed, within three days after notice of impoundment has been posted, published or delivered (Sec. 8-178, Code of Ordinances).

REDEEMING IMPOUNDED ANIMALS SOLD BY
COUNTY HEALTH OFFICE OR CITY HUMANE OFFICER: Within 30 days, the original owner may redeem such animal upon paying purchaser double the amount paid by him for the animal, plus an amount equal to $3.00 for each calendar day or fraction thereof for the care and feeding of such dog/cat and all veterinary expenses incurred by the purchaser. After 30 days, the animal shall become the absolute property of the purchaser (Sec. 8-69, Code of Ordinances).

IMPOUNDMENT FEES FOR HORSES, COWS, CATTLE OR OTHER LIVESTOCK:

$25.00 plus $5.00 for feeding and care per day for each horse, cow or cattle
$15.00 plus $2.00 for feeding and care per day for each head of other livestock
(Sec. 8-180, Code of Ordinances)

*Unless owner presents proof that the animal has been vaccinated within three months immediately preceding the impoundment (Section 8-67):

Rev. 9-15-14

LIQUOR LICENSE/PERMIT FEES

(Sec. 4-24, Code of Ordinances)

The Texas Alcoholic Beverage Code provides that cities may levy and collect a fee not to exceed one-half the State fee for each permit issued for premises located within a city or town. Only the Mixed Beverage Permit and a Mixed Beverage Late Hours Permit have a three-year waiting period before fees may be collected by the City of Tomball. The process of Liquor related fees begin with the signature of the City Secretary or her Assistant on all applications made to TABC. Before any license is issued, the applicant shall pay to the city such fees as are authorized by state law.

The Permits listed below, along with their yearly rates, go into effect at the time the business begins operation, or shortly thereafter.

Two-Year Fee Chart

License Type	**Description of License**		**T.A.B.C. 2-Year Fee**	**Tomball 2-Year Fee**
BF	Beer Retailer's Off Premise		$120.00	$60.00
BG	Wine & Beer Retailer's	Years 1 and 2	$2,000.00	$1,000.00
		Year 3 and Subsequent	$1,500.00	$750.00
BQ	Wine & Beer Retailer's Off Premise		$120.00	$60.00
P	Package Store		$1,000.00	$500.00
Q	Wine-Only Package Store		$150.00	$75.00
MB	Mixed Beverage	Years 1 and 2	$6,000.00	$0.00
	1st Renewal	Years 3 and 4	$4,500.00	$1,125.00
	2nd Renewal	Years 5 and 6	$3,000.00	$1,150.00
	3rd Renewal	Subsequent Years	$1,500.00	$750.00
LB	Late Hours Mixed Beverage		$300.00	$150.00

Revised 11-7-2012

MANUFACTURED HOME PARK
OR RECREATIONAL VEHICLE PARK
CONSTRUCTION OR ENLARGEMENT FEES
(Sec. 26-24, Code of Ordinances)

APPLICATION FEE: $100.00 plus $10.00 per unit in excess of 25 units (spaces)

(COPY OF RECEIPT MUST BE ATTACHED TO APPLICATION)

MANUFACTURED HOME PARK OR
RECREATIONAL VEHICLE
PARK OPERATIONS LICENSE FEES
(Chapter 26, Code of Ordinances)

NOTE: Operations License expire December 31

OPERATIONS LICENSE FEE: ***(Copy of Receipt must be attached to Application)***
(Fees are based on the number of spaces in the park)

BASE FEE	+	NUMBER OF SPACES =	TOTAL FEE
$100.00/year	plus	$3.00 for each space within the park	

Example:

If Park has 20 spaces, the fee would be:	Base Fee	=	$ 100.00
	20 Spaces x $3.00	=	$ 60.00
	Total Fee Due	=	$ 160.00

MUNICIPAL COURT BUILDING SECURITY FUND (CHAPTER 28)

$3.00 against all defendants convicted in a trial of a misdemeanor offense by the municipal court.

MUNICIPAL COURT TECHNOLOGY FUND (CHAPTER 28)

$4.00 against all defendants convicted in a trial of a misdemeanor offense by the municipal court.

MUNICIPAL COURT JUVENILE CASE MANAGER FUND (CHAPTER 28)

$5.00 against all defendants upon conviction for a fine-only misdemeanor offense by the municipal court.

The municipal court judge is authorized to waive the fee in case of financial hardship.

MUNICIPAL COURT FINES/FEES

CONSTRUCTION ZONE SPEED FINES/FEES

MILES OVER	FINE AMOUNT	COURT COSTS	2014 FINES/FEE	DOUBLED FINE	CZ COURT COST/FINE
1	$80.90	$104.10	$185.00	$161.80	$265.90
2	$80.90	$104.10	$185.00	$161.80	$265.90
3	$80.90	$104.10	$185.00	$161.80	$265.90
4	$80.90	$104.10	$185.00	$161.80	$265.90
5	$80.90	$104.10	$185.00	$161.80	$265.90
6	$80.90	$104.10	$185.00	$161.80	$265.90
7	$80.90	$104.10	$185.00	$161.80	$265.90
8	$80.90	$104.10	$185.00	$161.80	$265.90
9	$80.90	$104.10	$185.00	$161.80	$265.90
10	$80.90	$104.10	$185.00	$161.80	$265.90
11	$80.90	$104.10	$185.00	$161.80	$265.90
12	$80.90	$104.10	$185.00	$161.80	$265.90
13	$80.90	$104.10	$185.00	$161.80	$265.90
14	$80.90	$104.10	$185.00	$161.80	$265.90
15	$80.90	$104.10	$185.00	$161.80	$265.90
16	$83.90	$104.10	$188.00	$167.80	$271.90
17	$86.90	$104.10	$191.00	$173.80	$277.90
18	$89.90	$104.10	$194.00	$179.80	$283.90
19	$92.90	$104.10	$197.00	$185.80	$289.90
20	$95.90	$104.10	$200.00	$191.80	$295.90
21	$98.90	$104.10	$203.00	$197.80	$301.90
22	$101.90	$104.10	$206.00	$203.80	$307.90
23	$104.90	$104.10	$209.00	$209.80	$313.90
24	$107.90	$104.10	$212.00	$215.80	$319.90
25	$110.90	$104.10	$215.00	$221.80	$325.90
26	$113.90	$104.10	$218.00	$227.80	$331.90
27	$116.90	$104.10	$221.00	$233.80	$337.90
28	$119.90	$104.10	$224.00	$239.80	$343.90
29	$122.90	$104.10	$227.00	$245.80	$349.90
30	$125.90	$104.10	$230.00	$251.80	$355.90
31	$128.90	$104.10	$233.00	$257.80	$361.90
32	$131.90	$104.10	$236.00	$263.80	$367.90
33	$134.90	$104.10	$239.00	$269.80	$373.90
34	$137.90	$104.10	$242.00	$275.80	$379.90
35	$104.90	$104.10	$209.00	$209.80	$313.90
36	$143.90	$104.10	$248.00	$287.80	$391.90
37	$146.90	$104.10	$251.00	$293.80	$397.90
38	$149.90	$104.10	$254.00	$299.80	$403.90
39	$152.90	$104.10	$257.00	$305.80	$409.90
40	$155.90	$104.10	$260.00	$311.80	$415.90
41	$158.90	$104.10	$263.00	$317.80	$421.90
42	$161.90	$104.10	$266.00	$323.80	$427.90
43	$164.90	$104.10	$269.00	$329.80	$433.90
44	$167.90	$104.10	$272.00	$335.80	$439.90
45	$170.90	$104.10	$275.00	$341.80	$445.90
46	$173.90	$104.10	$278.00	$347.80	$451.90
47	$176.90	$104.10	$281.00	$353.80	$457.90
48	$179.90	$104.10	$284.00	$359.80	$463.90
49	$182.90	$104.10	$287.00	$365.80	$469.90
50	$185.90	$104.10	$290.00	$371.80	$475.90
51	$188.90	$104.10	$293.00	$377.80	$481.90
52	$191.90	$104.10	$296.00	$383.80	$487.90
53	$194.90	$104.10	$299.00	$389.80	$493.90
54	$197.90	$104.10	$302.00	$395.80	$499.90

<u>**MUNICIPAL COURT FINES/FEES**</u>

SPEEDING TABLE OF FEES

SPEEDING CHART EFFECTIVE 1/31/14
NOT IN SCHOOL ZONE

$7 fee eff 1/31/14

1-15 MILES		$	185.00
16	1	$	188.00
17	2	$	191.00
18	3	$	194.00
19	4	$	197.00
20	5	$	200.00
21	6	$	203.00
22	7	$	206.00
23	8	$	209.00
24	9	$	212.00
25	10	$	215.00
26	11	$	218.00
27	12	$	221.00
28	13	$	224.00
29	14	$	227.00
30	15	$	230.00
31	16	$	233.00
32	17	$	236.00
33	18	$	239.00
34	19	$	242.00
35	20	$	245.00
36	21	$	248.00
37	22	$	251.00
38	23	$	254.00
39	24	$	257.00
40	25	$	260.00
41	26	$	263.00
42	27	$	266.00
43	28	$	269.00
44	29	$	272.00
45	30	$	275.00
46	31	$	278.00
47	32	$	281.00

SPEEDING TABLE OF FEES

SPEEDING IN SCHOOL ZONE

Miles Over		$7 fee eff 1/31/14 Fine	
1-15 MILES		$	210.00
16	1	$	213.00
17	2	$	216.00
18	3	$	219.00
19	4	$	222.00
20	5	$	225.00
21	6	$	228.00
22	7	$	231.00
23	8	$	234.00
24	9	$	237.00
25	10	$	240.00
26	11	$	243.00
27	12	$	246.00
28	13	$	249.00
29	14	$	252.00
30	15	$	255.00
31	16	$	258.00
32	17	$	261.00
33	18	$	264.00
34	19	$	267.00
35	20	$	270.00
36	21	$	273.00
37	22	$	276.00
38	23	$	279.00
39	24	$	282.00
40	25	$	285.00
41	26	$	288.00
42	27	$	291.00
43	28	$	294.00
44	29	$	297.00
45	30	$	300.00
46	31	$	303.00
47	32	$	306.00

MUNICIPAL COURT FINES/FEES

TOMBALL MUNICIPAL COURT FEE
281-351-7894

Below are listed minimum fines for most offenses. You may pay the fine any time before the due date, otherwise you must appear in Court on the date and time shown on your citation. If you do not, a warrant may be issued immediately. If you have any questions, please call the above number.

FINE SCHEDULE 2014

777	ACCESS TO ELECTRICAL PANELS	$ 271.00	$ 71.00	$ 200.00
816	ASSAULT BY PHYSCIAL CONTACT	$ 306.00	$ 71.00	$ 235.00
815	ASSAULT BY THREAT	$ 306.00	$ 71.00	$ 235.00
3316	BACKED UPON SHOULDER (OR ROADWAY) OF CONTROLLED ACCESS HIGHWAY/ ILLEGAL BACK	$ 224.00	$ 104.10	$ 119.90
505	BACKING NOT IN SAFETY	$ 224.00	$ 104.00	$ 120.00
696	BICYCLE FAIL TO YIELD ROW LEFT	$ 104.00	$ 71.00	$ 33.00
695	BICYCLE NOT EQUIPPED WITH LIGHTS	$ 134.00	$ 104.00	$ 30.00
3550	BLOCKING HANDICAP ACCESS	$ 571.00	$ 71.00	$ 500.00
517	BLOCKING MOVING LANE OF TRAFFIC	$ 175.00	$ 104.10	$ 70.90
791	C.O ABANDONMENT OF NONCONFORMING USE AND STRUCTURES&CESSATION OF USE OF	$ 271.00	$ 71.00	$ 200.00
773	C/C MAINT FIRE ALARM SYSTEM	$ 271.00	$ 71.00	$ 200.00
772	C/C MAINT SPRINKLER SYSTEM	$ 271.00	$ 71.00	$ 200.00
3313	CARELESS DRIVING	$ 224.00	$ 104.00	$ 120.00
3302	CHANGE NAME/ MAILING ADDRESS LATER THAN 30 DAYS (CDL)	$ 159.00	$ 71.00	$ 88.00
3009	CHANGED LANE WHEN UNSAFE	$ 224.00	$ 104.10	$ 119.90
3037	CHILD (UNDER 8 YEAR) NOT RESTRAINED IN SAFETY SEAT	$ 144.00	$ 104.00	$ 40.00
3034	CHILD (8-14) NOT SECURE BY SAFETY BELT	$ 144.00	$ 104.00	$ 40.00
766	CITY ORDINACNE COLLRCTION BY CITY ONLY	$ 571.00	$ 71.00	$ 500.00
742	CITY ORDINANCE ALARM SYSTEM INSTALLATION W/O PERMIT	$ 507.00	$ 71.00	$ 436.00
754	CITY ORDINANCE ANIMAL QUARANTINE	$ 104.00	$ 71.00	$ 33.00
793	CITY ORDINANCE ATTENTION GETTING DEVICE	$ 271.00	$ 71.00	$ 200.00
767	CITY ORDINANCE CERTIFICATE OF OCCUPANCY	$ 271.00	$ 71.00	$ 200.00
868	CITY ORDINANCE CURFEW DAYTIME	$ 184.00	$ 71.00	$ 113.00
867	CITY ORDINANCE CURFEW NIGHTTIME	$ 184.00	$ 71.00	$ 113.00
750	CITY ORDINANCE DIGGING OUT	$ 174.00	$ 104.00	$ 70.00
756	CITY ORDINANCE DISCHARGE WASTE IN PUBLIC SEWER	$ 271.00	$ 71.00	$ 200.00
781	CITY ORDINANCE DISCHARGE WASTEWATER	$ 271.00	$ 71.00	$ 200.00
804	CITY ORDINANCE DISCHG FIREARM IN CITY LIMITS	$ 271.00	$ 71.00	$ 200.00
707	CITY ORDINANCE DOG/CAT/VACCINATION AND LICENSING	$ 104.00	$ 71.00	$ 33.00
713	CITY ORDINANCE DRIVEWAY ORDINACNE SEC 14-4 E	$ 271.00	$ 71.00	$ 200.00
730	CITY ORDINANCE DRIVEWAY SEC.14-4	$ 271.00	$ 71.00	$ 200.00
779	CITY ORDINANCE DRIVEWAY SURFACE	$ 271.00	$ 71.00	$ 200.00
753	CITY ORDINANCE FAIL TO HAVE CURRENT REG FOR ANIMALS	$ 104.00	$ 71.00	$ 33.00
755	CITY ORDINANCE FIRE CODE LOCKED EXISTS	$ 271.00	$ 71.00	$ 200.00
765	CITY ORDINANCE FIREWORKS	$ 271.00	$ 71.00	$ 200.00
751	CITY ORDINANCE HORN VEHICLE SOUNDING	$ 271.00	$ 71.00	$ 200.00
759	CITY ORDINANCE ILLEGAL DUMPING	$ 271.00	$ 71.00	$ 200.00
761	CITY ORDINANCE JUNK VEHICLE	$ 271.00	$ 71.00	$ 200.00
760	CITY ORDINANCE JUNK VEHICLE PARTS	$ 271.00	$ 71.00	$ 200.00
726	CITY ORDINANCE LIVESTOCK IN RESIDENTAL AREA	$ 271.00	$ 71.00	$ 200.00
792	CITY ORDINANCE NO BUILDING PERMIT	$ 271.00	$ 71.00	$ 200.00
775	CITY ORDINANCE NO DEVELOPMENT PERMIT	$ 271.00	$ 71.00	$ 200.00
758	CITY ORDINANCE NOISY VEHICLES	$ 271.00	$ 71.00	$ 200.00
715	CITY ORDINANCE NUISANCES NOISE	$ 271.00	$ 71.00	$ 200.00
762	CITY ORDINANCE OBSTRUCTION SIDEWALK/EASEMENT/STREET	$ 571.00	$ 71.00	$ 500.00
708	CITY ORDINANCE PLUMBING AND GAS ORDINANCE	$ 271.00	$ 71.00	$ 200.00
710	CITY ORDINANCE PROHIBITED SIGNS	$ 271.00	$ 71.00	$ 200.00
711	CITY ORDINANCE PROHIBITED SMOKING PRODUCT	$ 271.00	$ 71.00	$ 200.00
719	CITY ORDINANCE PROHIBITED USE OF WIRELESS COMM DEVICE WHILE DRIVING	$ 174.00	$ 104.00	$ 70.00
776	CITY ORDINANCE SOLICITING W/ NO PERMIT	$ 271.00	$ 71.00	$ 200.00
757	CITY ORDINANCE TIRE STORAGE AND MOSQUITO CONTROL	$ 271.00	$ 71.00	$ 200.00
780	CITY ORDINANCE UNLAWFUL COLLECTION GARBAGE	$ 271.00	$ 71.00	$ 200.00
790	CITY ORDINANCE UNLICENSED WREAER DRIVER	$ 271.00	$ 71.00	$ 200.00
789	CITY ORDINANCE UNLICENSED WREAKER	$ 271.00	$ 71.00	$ 200.00
712	CITY ORDINANCE WASTE MATERIAL CONTAINERS COLLECTION	$ 271.00	$ 71.00	$ 200.00
763	CITY ORDINANCE WATER EMERGENCY RATIONING	$ 271.00	$ 71.00	$ 200.00
11	CITY ORDINANCE-BURNING W/O PERMIT	$ 271.00	$ 71.00	$ 200.00
12	CITY ORDINANCE-BURNING, DELBERATE OR NEGLIGENT	$ 271.00	$ 71.00	$ 200.00
17	CITY ORDINANCE-ELECTRICAL	$ 271.00	$ 71.00	$ 200.00
534	CITY ORDINANCE-HITCHIKING-SOLICITATION	$ 174.00	$ 104.00	$ 70.00
3553	CITY ORDINANCE-ILLEGAL PARKING HANDICAP AREA	$ 309.00	$ 59.00	$ 250.00
532	CITY ORDINANCE-ILLEGAL PARKING OVER 24HRS	$ 74.00	$ 59.00	$ 15.00
16	CITY ORDINANCE-INSTALL FIRE EXTINGUISHING SYSTEM W/O PERMIT	$ 271.00	$ 71.00	$ 200.00
15	CITY ORDINANCE-NO TAXI DRIVER PERMIT	$ 271.00	$ 71.00	$ 200.00
14	CITY ORDINANCE-NOISE	$ 271.00	$ 71.00	$ 200.00

MUNICIPAL COURT FINES/FEES

706	CITY ORDINANCE-NUISANCE ALL TYPE OF NOISE	$ 271.00	$ 71.00	$ 200.00
704	CITY ORDINANCE-NUISANCE ODORS	$ 271.00	$ 71.00	$ 200.00
603	CITY ORDINANCE-TRASH DISPOSAL	$ 271.00	$ 71.00	$ 200.00
700	CITY ORDINANCE-UNLEASDED DOG/CAT RUNNING AT LARGE	$ 104.00	$ 71.00	$ 33.00
10	CITY ORDINANCE-VIOLATE CITY ORDNANCE NUISANCE	$ 271.00	$ 71.00	$ 200.00
702	CITY ORDINANCE-WEEDS EXCESSIVE GROWTH	$ 271.00	$ 71.00	$ 200.00
3194	COASTING	$ 224.00	$ 104.10	$ 119.90
771	COMBUSTIBLE WASTE DUMPSTER PERMIT-IFC	$ 271.00	$ 71.00	$ 200.00
863	CONSUME ALCOHOL DURING PROHIBITED HOURS	$ 271.00	$ 71.00	$ 200.00
2000	CONSUME ALCOHOLIC BEVERAGE ON OFF PREMISED LICENSE ACCOUNT	$ 271.00	$ 71.00	$ 200.00
2010	CONSUMPTION OF ALCOHOLIC BEVERAGE NEAR A SCHOOL	$ 271.00	$ 71.00	$ 200.00
864	CONTEMPT FOR DISOBEYING COURT ORDER	$ 71.00	$ 71.00	$ -
865	CONTEMPT OF COURT	$ 271.00	$ 71.00	$ 200.00
18	CO-USE OF CERTAIN WIRELESS COMMUNICATION DEVICE WHILE DRIVING PROHIBITED	$ 271.00	$ 71.00	$ 200.00
875	CRIMINAL TRESPASS	$ 306.00	$ 71.00	$ 235.00
1000	CRIMINAL MISCHIEF/ CLASS C	$ 306.00	$ 71.00	$ 235.00
3589	CROSSED FIRE HOSE WITHOUT PERMISSION	$ 224.00	$ 104.10	$ 119.90
3081	CROSSING PROPERTY (CUT CORNER)	$ 224.00	$ 104.10	$ 119.90
591	CUT ACROSS PARKING LOT	$ 174.00	$ 104.00	$ 70.00
3013	CUT CORNER LEFT TURN	$ 224.00	$ 104.10	$ 119.90
3092	CUT IN AFTER PASSING	$ 224.00	$ 104.10	$ 119.90
1173	D.O.C ABUSE OR THREATEN(OFFENSIVE MANNER)	$ 271.00	$ 71.00	$ 200.00
1175	D.O.C FIGHTING WITH ANOTHER	$ 306.00	$ 71.00	$ 235.00
1172	D.O.C NOXIOUS/ UNREASONABLE ODOR(CHEMICAL)	$ 306.00	$ 71.00	$ 235.00
1174	D.O.C UNREASONABLE NOISE	$ 306.00	$ 71.00	$ 235.00
1178	D.O.C. DISCHARGES FIREARM/PUBLIC ROADWAY	$ 306.00	$ 71.00	$ 235.00
1170	D.O.C. OBSCENE LANGUAGE	$ 306.00	$ 71.00	$ 235.00
1171	D.O.C. OFFENSIVE GESTURE/ DISPLAY	$ 306.00	$ 71.00	$ 235.00
812	D.O.C. PUBLIC EXPOSURE	$ 306.00	$ 71.00	$ 235.00
1176	D.O.C. WINDOW PEEPING DWELLING	$ 306.00	$ 71.00	$ 235.00
1177	D.O.C. WINDOW PEEPING HOTEL OR MOTEL	$ 306.00	$ 71.00	$ 235.00
3213E	DEFECTIVE BRAKES	$ 159.00	$ 104.00	$ 55.00
3229	DEFECTIVE EXHAUST EMISSION SYSTEM	$ 159.00	$ 104.00	$ 55.00
3162	DEFECTIVE HEAD LAMP	$ 159.00	$ 104.00	$ 55.00
3162A	DEFECTIVE HEAD LAMP (MOTORCYCLE)	$ 159.00	$ 104.00	$ 55.00
3174	DEFECTIVE PARKING LAMP(S)	$ 159.00	$ 104.00	$ 55.00
3170	DEFECTIVE STOP LAMP(S)	$ 159.00	$ 104.00	$ 55.00
3167	DEFECTIVE TAIL LAMP(S)	$ 159.00	$ 104.00	$ 55.00
3172	DEFECTIVE TURN SIGNAL LAMP(S)	$ 159.00	$ 104.00	$ 55.00
3233	DEFECTIVE WINDSHIELD WIPER	$ 159.00	$ 104.00	$ 55.00
3140	DISPLAY ALTERED DRIVER'S LICENSE	$ 271.00	$ 71.00	$ 200.00
444	DISPLAY ALTERNATING LIGHTS TO REAR	$ 104.00	$ 71.00	$ 33.00
3656	DISPLAY EXPIRED REGISTRATION	$ 147.00	$ 71.00	$ 76.00
3658	DISPLAY UNCLEAN LICENSE PLATES	$ 147.00	$ 71.00	$ 76.00
3008	DISREGARD FLASHING YELLOW SIGNAL	$ 224.00	$ 104.10	$ 119.90
3067	DISREGARD FLASJING RED SIGNAL(AT STOP SIGN ,ETC)	$ 224.00	$ 104.10	$ 119.90
3069	DISREGARD LANE CONTROL SIGNAL	$ 224.00	$ 104.10	$ 119.90
3071	DISREGARD NO LANE CHANGE SIGN	$ 224.00	$ 104.10	$ 119.90
3019	DISREGARD NO PASSING ZONE	$ 224.00	$ 104.10	$ 119.90
3059	DISREGARD OFFICAL TRAFFIC CONTROL DEVICE	$ 224.00	$ 104.10	$ 119.90
3582	DISREGARD PEDESTRIAN CONTROL SIGNAL	$ 64.00	$ 49.00	$ 15.00
3121	DISREGARD POLICE OFFICER	$ 224.00	$ 104.10	$ 119.90
3073	DISREGARD RR CROSSING GATE OR FLAGMAN	$ 224.00	$ 104.10	$ 119.90
3072	DISREGARD SIGNAL AT RR CROSSING	$ 224.00	$ 104.10	$ 119.90
3065	DISREGARD WARNING SIGN AT CONSTRUCTION	$ 224.00	$ 104.10	$ 119.90
874	DISRUPTION OF CLASSES	$ 271.00	$ 71.00	$ 200.00
878	DISRUPTION OF SCHOOL ACTIVITIES	$ 271.00	$ 71.00	$ 200.00
873	DISRUPTION OF TRANSPORTATION	$ 271.00	$ 71.00	$ 200.00
373	DRIVING LEFT OF CENTER	$ 174.00	$ 104.00	$ 70.00
374	DRIVING LEFT OF DOUBLE YELLOW STRIPE	$ 174.00	$ 104.00	$ 70.00
596	DRIVING ON SHOULDER OF ROADWAY	$ 174.00	$ 104.00	$ 70.00
3101	DRIVING WHILE LICENSE SUSPENDED/ INVALID	$ 371.00	$ 71.00	$ 300.00
3089	DROVE CENTER LANE (NOT PASSING/ NOT TURNING LEFT)	$ 224.00	$ 104.10	$ 119.90
3590	DROVE INTO BLOCKWHERE FIRE ENGINE STOPPED	$ 224.00	$ 104.10	$ 119.90
3315	DROVE ON SIDEWALK	$ 224.00	$ 104.10	$ 119.90
3088	DROVE ON WRONG SIDE OF DIVIDED HIGHWAY	$ 224.00	$ 104.10	$ 119.90
3015B	DROVE ON WRONG SIDE OF ROAD / INTERSECTION	$ 224.00	$ 104.10	$ 119.90
3015A	DROVE ON WRONG SIDE OF ROAD /BRIDGE	$ 224.00	$ 104.10	$ 119.90
3015C	DROVE ON WRONG SIDE OF ROAD/ RR GRADE	$ 224.00	$ 104.10	$ 119.90
3015	DROVE ON WRONG SIDE OR ROAD	$ 224.00	$ 104.10	$ 119.90
3066	DROVE THROUGH SAFETY ZONE	$ 224.00	$ 104.10	$ 119.90
3198	DROVE WITHOUT LIGHTS (WHEN RECUIRED)	$ 224.00	$ 104.10	$ 119.90
3090	DROVE WRONG WAY IN DESIGNATED LANE	$ 224.00	$ 104.10	$ 119.90
3016	DROVE WRONG WAY ON ONE WAY ROAD	$ 224.00	$ 104.10	$ 119.90

MUNICIPAL COURT FINES/FEES

3127	DROVEONTO(FROM) CONTROLLED ACCESS HIGHWAY WHERE PROHIBITED	$ 224.00	$ 104.10	$ 119.90
3273	DUTIES UPON STRIKING A FIXED OBJECT	$ 191.00	$ 71.00	$ 120.00
871	ELECTRICAL HAZARDS	$ 271.00	$ 71.00	$ 200.00
3305	ENDORSEMENT VIOLATION ON CDL	$ 184.10	$ 104.10	$ 80.00
778	EXIT SIGN MUST BE LIGHTED	$ 271.00	$ 71.00	$ 200.00
872	EXIT SIGNS FIRE CODE	$ 271.00	$ 71.00	$ 200.00
3260	EXPIRED COMMERIAL DRIVER'S LICENSE	$ 159.00	$ 71.00	$ 88.00
289	EXPIRED DEALER PAPER PLATES	$ 147.00	$ 71.00	$ 76.00
3259	EXPIRED DRIVER'S LICENSE	$ 159.00	$ 71.00	$ 88.00
3205	EXPIRED MOTOR VEHICLE INSPECTION	$ 147.00	$ 71.00	$ 76.00
462	FAIL TO SET PARK BRAKE	$ 104.00	$ 71.00	$ 33.00
869	**FAIL TO ATTEND SCHOOL (NO LONGER FILLED HERE JP COURT)**	$ 215.00	$ 104.00	$ 111.00
3050	FAIL TO CONTROL SPEED	$ 224.00	$ 104.10	$ 119.90
600	FAIL TO COVER LOAD	$ 104.00	$ 71.00	$ 33.00
3104	FAIL TO FLAG PROJECTION	$ 134.00	$ 104.00	$ 30.00
3045	FAIL TO GIVE INFORMATION/ RENDER AID	$ 191.00	$ 71.10	$ 119.90
3049	FAIL TO MAINTAIN FINANCIAL RESPONSIBILITY	$ 286.00	$ 71.00	$ 215.00
3025	FAIL TO MAINTAIN FINANCIAL RESPONSIBILITY 2ND OFF	$ 571.00	$ 71.00	$ 500.00
3103A	FAIL TO OBTAIN TX DL WITHIN 90 DAYS	$ 159.00	$ 71.00	$ 88.00
604	FAIL TO PROPERLY SECURE TRAILER	$ 114.00	$ 71.00	$ 43.00
548	FAIL TO REPORT ACCIDENT- PEDESTRIAN	$ 174.00	$ 104.00	$ 70.00
550	FAIL TO REPORT ACCIDENT TO POLICE DEPT	$ 154.00	$ 104.00	$ 50.00
606	FAIL TO SECURE LOAD	$ 104.00	$ 71.00	$ 33.00
605	FAIL TO SECURE VEHICLE	$ 114.00	$ 71.00	$ 43.00
2200	FAIL TO SET PARK BRAKE	$ 104.00	$ 71.00	$ 33.00
3084	FAIL TO SIGNAL LANE CHANGE	$ 224.00	$ 104.10	$ 119.90
503	FAIL TO SIGNAL STOP	$ 174.00	$ 104.00	$ 70.00
563	FAIL TO STO AND GIVE INFO-OBJECT TRAFFIC AREA	$ 144.00	$ 71.00	$ 73.00
560	FAIL TO STOP AND RENDER AID	$ 271.00	$ 71.00	$ 200.00
3061	FAIL TO STOP- DESIGNATED POINT AT YIELD SIGN	$ 224.00	$ 104.10	$ 119.90
549	FAIL TO USE DUE -CARE HIT PEDESTRIAN	$ 174.00	$ 104.00	$ 70.00
3053	FAIL TO YIELD AT YEILD INTERSECTION	$ 224.00	$ 104.10	$ 119.90
3057	FAIL TO YIELD R- O -W TO EMERGENCY VEHICLE	$ 224.00	$ 104.10	$ 119.90
3005	FAIL TO YIELD R-O-W	$ 224.00	$ 104.10	$ 119.90
3054	FAIL TO YIELD R-O-W AT OPEN INTERSECTION	$ 224.00	$ 104.10	$ 119.90
3288	FAIL TO YIELD R-O-W- CHANGING LANES	$ 224.00	$ 104.10	$ 119.90
327	FAIL TO YIELD R-O-W FROM PARKED POSITION	$ 174.00	$ 104.00	$ 70.00
3005C	FAIL TO YIELD R-O-W INTERSECTION W/ TRAFFIC CONTROL DEVICE	$ 224.00	$ 104.10	$ 119.90
3058	FAIL TO YIELD R-O-W ON GREEN ARROWM SIGNAL	$ 224.00	$ 104.00	$ 120.00
319	FAIL TO YIELD R-O-W R.R CROSSING	$ 223.90	$ 104.00	$ 119.90
3005A	FAIL TO YIELD R-O-W TO VEHICLE ENTERING FROM HIGHWAY	$ 224.00	$ 104.10	$ 119.90
3052	FAIL TO YIELD R-O-W TO VEHICLE IN INTERESECTION	$ 224.00	$ 104.10	$ 119.90
3005B	FAIL TO YIELD R-O-W TO VEHICLE LEAVING HIGHWAY	$ 224.00	$ 104.10	$ 119.90
3056	FAIL TO YIELD R-O-W(PRIVATE DRIVR/ALLEY/BUILDING)	$ 224.00	$ 104.10	$ 119.90
3116A	FAIL TO YIELD TO PEDESTRIAN IN CROSSWALK(NO SIGNALS)	$ 224.00	$ 104.10	$ 119.90
3264	FAILED TO CHANGE ADDRESS DRIVER'S LICENSE	$ 159.00	$ 71.00	$ 88.00
3272	FAILED TO COMPLY WITH REQUIREMENTS IN STRIKING UNATTENDED VEHICLE	$ 224.00	$ 104.00	$ 120.00
3156	FAILED TO DIM HEADLIGHT FOLLOWING	$ 135.00	$ 104.10	$ 30.90
3155	FAILED TO DIM HEADLIGHTS- MEETING	$ 135.00	$ 104.10	$ 30.90
3263	FAILED TO DISPLAY DRIVER'S LICENSE	$ 159.00	$ 71.00	$ 88.00
3303	FAILED TO GET A TX CDL AFTER 30 DAYS OF RESIDENCE IN THE STATE	$ 159.00	$ 71.00	$ 88.00
3085	FAILED TO GIVE ONE-HALF OF ROADWAY	$ 224.00	$ 104.10	$ 119.90
3124	FAILED TO GIVE WAY WHEN OVERTAKEN	$ 224.00	$ 104.10	$ 119.90
3070	FAILED TO MAINTAIN SINGLE LANE	$ 224.00	$ 104.10	$ 119.90
3022	FAILED TO PASS TO RIGHT SAFELY/ IMPROPER PASSING	$ 224.00	$ 104.10	$ 119.90
3097	FAILED TO SIGNAL INTENT PRIOR TO 100 FT	$ 224.00	$ 104.10	$ 119.90
3096	FAILED TO SIGNAL TURN	$ 224.00	$ 104.00	$ 120.00
3096A	FAILED TO SIGNAL TURN	$ 224.00	$ 104.10	$ 119.90
3138	FAILED TO STOP (ALLEY,DRIVEWAY,BLDING)	$ 224.00	$ 104.10	$ 119.90
3060	FAILED TO STOP AT DESIGNATED POINT	$ 224.00	$ 104.10	$ 119.90
3074	FAILED TO STOP AT MARKED RR CROSSING	$ 224.00	$ 104.10	$ 119.90
3068	FAILED TO STOP AT PROPER PLACE (FLASHING RED SIGNAL)	$ -		
3063	FAILED TO STOP AT PROPER PLACE(TRAFFIC LIGHT)	$ 224.00	$ 104.10	$ 119.90
3131	FAILED TO STOP FOR APPROACHING TRAIN	$ 224.00	$ 104.10	$ 119.90
3021	FAILED TO STOP FOR SCHOOL BUS(OR REMAIN STOPPED)	$ 224.00	$ 104.10	$ 119.90
3052A	FAILED TO YIELD AT STOP INTERSECTION	$ 224.00	$ 104.10	$ 119.90
3287	FAILED TO YIELD R-O-W TURNING ON RED SIGNAL	$ 224.00	$ 104.10	$ 119.90
3116	FAILED TO YIELD TO PEDESTRIAN IN CROSSWALK	$ 224.00	$ 104.10	$ 119.90
3115	FAILED TO YIELD TO PEDESTRIAN ON SIDEWALK	$ 224.00	$ 104.10	$ 119.90
3337	FAILURE TO APPEAR/ BAIL JUMPING	$ 196.00	$ 71.00	$ 125.00
3337 W	FAILURE TO APPEAR/ BAIL JUMPING W/ WARRANT AND OMNII	$ 276.00	$ 151.00	$ 125.00
3337 W	FAILURE TO APPEAR/ BAIL JUMPING W/ WARRANT **NO OMNII**	$ 276.00	$ 151.00	$ 125.00
1130	FAILURE TO IDENTIFY	$ 306.00	$ 71.00	$ 235.00
3304	FALSE STATEMENT ON CDL APPLICATION OR CERTIFICATE	$ 159.00	$ 71.00	$ 88.00

MUNICIPAL COURT FINES/FEES

273E	**FICTITIOUS INSPECTION STICKER -NO LONGER USED COUNTY CHARGE**	**$ 271.00**	**$ 71.00**	**$ 200.00**
	FINE SCHEDULE 2014			
3591	FOLLOWING AMBULANCE	$ 224.00	$ 104.10	$ 119.90
3591A	FOLLOWING FIRE APPARATUS	$ 224.00	$ 104.10	$ 119.90
3017	FOLLOWING TO CLOSELY	$ 224.00	$ 104.10	$ 119.90
803	FURNISH ALCOHOL TO MINOR	$ 271.00	$ 71.00	$ 200.00
451	HEADLIGHT (DRCVE)	$ 174.00	$ 104.00	$ 70.00
460	HUBCAPS OVEREXTENDED TO THE LEFT 8" SPIKED	$ 104.00	$ 71.00	$ 33.00
3020	ILLEGAL PASS ON RIGHT	$ 224.00	$ 104.10	$ 119.90
318	ILLEGAL RIGHT TURN FROM INSIDE LEFT LANE	$ 223.90	$ 104.00	$ 119.90
525	ILLEGALLY PARKED-PROHIBTED BY SIGNS	$ 74.00	$ 59.00	$ 15.00
3003	IMPEDING TRAFFIC	$ 224.00	$ 104.10	$ 119.90
3077	IMPROPER RT TURN TOO WIDE	$ 224.00	$ 104.10	$ 119.90
285	IMPROPER START FROM STOP/PARKED POSITION	$ 223.90	$ 104.00	$ 119.90
448	IMPROPER TREND DEPTH	$ 104.00	$ 71.00	$ 33.00
3014	IMPROPER TURN	$ 224.00	$ 104.10	$ 119.90
3099	IMPROPER TURN OR HAND SIGNAL	$ 224.00	$ 104.10	$ 119.90
3175	IMPROPER USE OF BACK-UP LAMPS	$ 159.00	$ 104.00	$ 55.00
3622	IMPROPERLY SECURED TAILGATE	$ 159.00	$ 104.00	$ 55.00
3125	INCREASE SPEED WHILE BEING OVERTAKEN	$ 224.00	$ 104.10	$ 119.90
3314	INTERFERE WITH FUNERAL PROCESSION	$ 339.00	$ 104.00	$ 235.00
511	LEAVING CHILD UNATTENDED IN VEHICLE	$ 306.00	$ 71.00	$ 235.00
855	LITTERING	$ 271.00	$ 71.00	$ 200.00
1180	MAKE FIREARM ACCESSIBLE TO A CHILD	$ 306.00	$ 71.00	$ 235.00
3908	MASSAGE THERAPIST ADVERTISING UNREGISTER	$ 571.00	$ 71.00	$ 500.00
3907	MASSAGE THERAPIST NO REGISTRATION	$ 571.00	$ 71.00	$ 500.00
3801	MINOR ATTEMPT TO PURCHASE ALCOHOL	$ 271.00	$ 71.00	$ 200.00
3803	MINOR CONSUMPTION OF ALCOHOL	$ 271.00	$ 71.00	$ 200.00
3806	MINOR DRIVING UNDER THE INFLUENCE	$ 271.00	$ 71.00	$ 200.00
3800	MINOR IN POSSESSION ALCOHOL	$ 271.00	$ 71.00	$ 200.00
3805	MINOR PUBLIC INTOXICATION	$ 271.00	$ 71.00	$ 200.00
3802	MINOR PURCHASE ALCOHOL	$ 271.00	$ 71.00	$ 200.00
746	MINOR TOB/CIG PROD/POSS/PUR/CONSUME	$ 271.00	$ 71.00	$ 200.00
3300	MORE THAN ON ONE LICENSE (CDL)	$ 159.00	$ 71.00	$ 88.00
3144	MORE THAN ON VALID DL/ID IN POSSESSION	$ 124.00	$ 71.00	$ 53.00
3112	MOTORCYCLE NO ENDORSEMENT	$ 159.10	$ 71.10	$ 88.00
3210	MOTORCYCLE OPER W/ PASS W/O APPROVED HEADGEAR	$ 120.00	$ 71.00	$ 49.00
3207	MOTORCYCLE OPERATOR WITHOUT APPROVED HEADGEAR	$ 120.00	$ 71.00	$ 49.00
3120	MOTORCYCLE PASSENGER WITHOUT APPROVED HEADGEAR	$ 111.00	$ 71.00	$ 40.00
3227	MUFFLER VIOLATION	$ 159.00	$ 104.00	$ 55.00
3312	NEGLIGENT COLLISON	$ 224.00	$ 104.00	$ 120.00
452	NO BRAKE LIGHTS	$ 104.00	$ 71.00	$ 33.00
3301	NO COMMERICAL DRIVER'S LICENSE (CDL)	$ 159.10	$ 71.10	$ 88.00
3103	NO DRIVER'S LICENSE	$ 159.00	$ 71.00	$ 88.00
3251	NO FRONT SEAT BELTS (REQUIRED)	$ 144.00	$ 104.00	$ 40.00
3274	NO LICENSE PLATE LIGHT	$ 159.00	$ 104.00	$ 55.00
367	NO PARKING LIGHTS WHEN NEEDED	$ 104.00	$ 71.00	$ 33.00
455	NO REAR VIEW MIRROR	$ 104.00	$ 71.00	$ 33.00
641	NO SAFETY CHAIN TRAILER	$ 134.00	$ 104.00	$ 30.00
3032	NO SEAT BELT-DRIVER	$ 144.00	$ 104.00	$ 40.00
3033	NO SEAT BELT- PASSAGER	$ 144.00	$ 104.00	$ 40.00
701	NO SIGN PERMIT	$ 104.00	$ 71.00	$ 33.00
721	NO STOPPING/STANDING/PK IN ROADWAY CO #78-135	$ 271.00	$ 71.00	$ 200.00
3166	NO TAIL LAMP(S) NOT EQUIPPED	$ 159.00	$ 104.00	$ 55.00
428	NO THRU TRUCKS OVER 2 AXLES	$ 174.00	$ 104.00	$ 70.00
454	NO TOW LIGHTS ON TOWED VEHICLE	$ 134.00	$ 104.00	$ 30.00
272	NO VALID CLASS A DRIVER'S LICENSE	$ 159.00	$ 71.00	$ 88.00
271	NO VALID CLASS B DRIVER LICENSE	$ 159.00	$ 71.00	$ 88.00
275	NO VALID CLASS M DRIVER'S LICENSE	$ 159.00	$ 71.00	$ 88.00
273	NO VALID INSPECTION STICKER	$ 147.00	$ 71.00	$ 76.00
3365	NON GUARDIAN PERMITTED UNLICENSE DRIVERS TO DRIVE	$ 124.00	$ 71.00	$ 53.00
725	NUISANCE RUBBISH, STRUCTURE,ETC	$ 271.00	$ 71.00	$ 200.00
1181	OBSCENE DISPLAY	$ 306.00	$ 71.00	$ 235.00
249	OBSCURRED LICENSE PLATES	$ 271.00	$ 71.00	$200.00
3594	OBSTRUCTING FIRE APPARATUS	$ 271.00	$ 71.00	$ 200.00
705	OBSTRUCTING FIRE HYDRANT	$ 271.00	$ 71.00	$ 200.00
3320	OBSTRUCTING TRAFFIC	$ 224.00	$ 104.10	$ 119.90
770	OCCPANCY PROHIB BEFORE APPROVAL -IFC	$ 271.00	$ 71.00	$ 200.00
3323	OPEN CONTAINER PASSENGER	$ 306.10	$ 71.10	$ 235.00
536	OPEN DOOR INTO LANE OF TRAFFIC	$ 104.00	$ 71.00	$ 33.00
3667	OPER MTR VEH W/OUT LICENSE PLT OR W/ONE LIC PLT	$ 147.00	$ 71.00	$ 76.00
3668	OPER UNREG MOTOR VEHICLE	$ 147.00	$ 71.00	$ 76.00
3038	OPERATE VEHICLE WITH CHILD IN OPEN BED	$ 239.10	$ 104.10	$ 135.00
3722	OVER ALLOWABLE GROSS WEIGHT PERMIT VIOLATION	$ 204.00	$ 104.00	$ 100.00

MUNICIPAL COURT FINES/FEES

718	PAINT SPRAY BOOTH IFC	$ 271.00	$ 71.00	$ 200.00
3364	PARENT/ GUARDIAN PERMITTED UNLICENSED MINOR TO DRIVE	$ 124.00	$ 71.00	$ 53.00
3555	PARK BICYCLE ON SIDEWALK/IMPEDING TRAFFICE	$ 64.00	$ 49.00	$ 15.00
251	PARK IN MAIN TRAVELED WAY	$ 147.00	$ 71.00	$ 76.00
3572	PARK OR STAND WITH 30 FT OF TRAFFIC CONTROL DEVICE	$ 64.00	$ 49.00	$ 15.00
3570	PARK OR STAND WITHIN 20 FEET OF CROSSWALK AT INTERSECTION	$ 64.00	$ 49.00	$ 15.00
3571	PARK OR STAND WITHIN 20 FEET OF DRIVEWAY TO FIRE STATION	$ 64.00	$ 49.00	$ 15.00
3552	PARK/STAND IN FRONT OF PUBLIC/ PRIVATE DRIVE	$ 167.00	$ 49.00	$ 118.00
3551	PARK/STAND/STOP BETWEEN SAFETY ZONE AND CURB	$ 64.00	$ 49.00	$ 15.00
3284	PARKED DOUBLE	$ 64.00	$ 49.00	$ 15.00
3561	PARKED FACING TRAFFIC	$ 64.00	$ 49.00	$ 15.00
3554F	PARKED IN FIRE LANE	$ 191.00	$ 71.00	$ 120.00
3253	PARKED ON A CROSSWALK	$ 64.00	$ 49.00	$ 15.00
3252	PARKED WITH IN INTERSECTION	$ 64.00	$ 49.00	$ 15.00
3564	PARKED WITH WHEELS OVER 18 INCHES FROM CURB OR EDGE OF ROADWAY	$ 64.00	$ 49.00	$ 15.00
3565	PARKED WITHIN 50 FEET OR RR CROSSING	$ 64.00	$ 49.00	$ 15.00
3026	PARKIN ON ROADWAY	$ 64.00	$ 49.00	$ 15.00
3569	PARKING/ STANDING WITHIN 15 FEET OF A FIRE HYDRANT	$ 64.00	$ 49.00	$ 15.00
3556	PARKING/STOPPING/ STANDING ON A SIDEWALK	$ 64.00	$ 49.00	$ 15.00
3557	PARKING/STOPPING/ STANDING ON RR TRACK	$ 64.00	$ 49.00	$ 15.00
483	PASS WITH 100 FT OF RR CROSSING	$ 174.00	$ 104.00	$ 70.00
475	PASS WITH INSUFFICIENT CLEARANCE	$ 174.00	$ 104.00	$ 70.00
482	PASS WITHIN 100 FT OF INTERSECTION	$ 174.00	$ 104.00	$ 70.00
3018	PASSED INSUFFICIENT CLEARNACE	$ 224.00	$ 104.10	$ 119.90
3204	PASSING EMERGENCY VEHICLE	$ 224.00	$ 104.10	$ 119.90
477	PASSING ON RIGHT NOT IN SAFETY	$ 175.00	$ 104.10	$ 70.90
595	PASSING ON SHOULDER OF ROAD	$ 174.00	$ 104.00	$ 70.00
474	PASSING ON UNIMPROVED SHOULDER OF ROAD	$ 174.00	$ 104.00	$ 70.00
480	PASSING SCHOOL BUS-LOADING	$ 174.00	$ 104.00	$ 70.00
479	PASSING SCHOOL BUS UNLOADING	$ 174.00	$ 104.00	$ 70.00
473	PASSING WITHIN INTERSECTION	$ 174.00	$ 104.00	$ 70.00
3107	PERMIT UNLAWFUL USE OF DL	$ 159.00	$ 71.00	$ 88.00
832	POSSESS INTOXICANTS ON SCHOOL PROPERTY	$ 271.00	$ 71.00	$ 200.00
3035	POSSESS/ ACOHOL BEVERAGE IN MOTOR VEHICLE	$ 273.00	$ 104.10	$ 168.90
2100	POSSESSION OF DRUG PARAPHERNALIA	$ 271.00	$ 71.00	$ 200.00
1230	POSSESSION/ CONSUMPTION OF ALCOHOL IN MOTOR VEHICLE	$ 306.00	$ 71.00	$ 235.00
1220	PUBLIC INTOXICATION	$ 306.00	$ 71.00	$ 235.00
3004	RACING / DRAG RACING/ ACCELERATION CONTEST FOR SPEED	$ 175.00	$ 104.10	$ 70.90
3007	RAN RED LIGHT	$ 224.00	$ 104.10	$ 119.90
3006	RAN STOP SIGN	$ 224.00	$ 104.10	$ 119.90
1010	RECKLESS DAMAGE OR DESTRUCTION	$ 306.00	$ 71.00	$ 235.00
3306	RESTRICTION VIOLATION CDL	$ 151.10	$ 71.10	$ 80.00
830	SALE OF ALCOHOL TO CERTAIN PERSONS	$ 271.00	$ 71.00	$ 200.00
2090	SALE OF TOBACCO PRODUCTS TO A MINOR HEALTH&SAFETY CODE	$ 271.00	$ 71.00	$ 200.00
2001	SALE TO CERTAIN PERSONS	$ 271.00	$ 71.00	$ 200.00
2091	SELL CIG/TOB PRODUCTS W/O PERMIT	$ 271.00	$ 71.00	$ 200.00
1210	SMOKING TOBACCO PROHIBITED AREAS	$ 306.00	$ 71.00	$ 235.00
342	SOLICITATION BY PEDESTRIANS	$ 271.00	$ 71.00	$ 200.00
3001	SPEEDING (SEE CHART)	$ -		
489	STOPPED WITHIN INTERSECTION	$ 174.00	$ 104.00	$ 70.00
769	STORAGE/USE HAZARDOUS MATERIAL -FIRECODE	$ 271.00	$ 71.00	$ 200.00
340	STRAIGHT FROM TURN ONLY LANE	$ 174.00	$ 104.00	$ 70.00
3168	TAIL LAMP(S) IMPROPERLY LOCATED	$ 159.00	$ 104.00	$ 55.00
537	TAMPER WITH BARRICADES	$ 124.00	$ 71.00	$ 53.00
1020	THEFT	$ 306.00	$ 71.00	$ 235.00
847	THEFT OF SERVICE	$ 306.00	$ 71.00	$ 235.00
731	TRAIN OBSTRUCTING CROSSING	$ 124.00	$ 71.00	$ 53.00
876	TRESPASS SCHOOL GROUND	$ 271.00	$ 71.00	$ 200.00
3011	TURNED LEFT FROM WRONG LANE	$ 224.00	$ 104.10	$ 119.90
3012	TURNED RIGHT FROM WRONG LANE	$ 224.00	$ 104.10	$ 119.90
3080	TURNED WHEN UNSAFE	$ 224.00	$ 104.10	$ 119.90
345	U TURN NOT SAFETY	$ 174.00	$ 104.00	$ 70.00
445	UNAPPROVED LIGHTING EQUIPMENT	$ 104.00	$ 71.00	$ 33.00
510	UNATTENDED VEHICLE	$ 174.00	$ 104.00	$ 70.00
3277	UNAUTHORIZED RED, WHITE OR BLUE FLASHING LIGHT	$ 126.00	$ 71.00	$ 55.00
4162	UNLAWFUL TRANSPORT OR USE OF DIESAL FUEL	$ 271.00	$ 71.00	$ 200.00
3225	UNNECESSARY USE OF HORN	$ 159.00	$ 104.00	$ 55.00
3002	UNSAFE SPEED/ TOO FAST FOR CONDITIONS	$ 224.00	$ 104.10	$ 119.90
1105	USE WIRELESS COMMUNICATION DEVICE IN SCHOOL ZONE	$ 329.00	$ 129.10	$ 199.90
3627	VEHICLE W/O RECUIRED EQUIP OR IN UNSAFE CONDITION	$ 126.00	$ 71.00	$ 55.00
3106	VIOLATE DL RESTRICTION	$ 159.10	$ 71.10	$ 88.00
3202	VIOLATE OPERATING HOURS-MINORS	$ 159.00	$ 71.00	$ 88.00
3333	VIOLATE PROMISE TO APPEAR	$ 196.00	$ 71.00	$ 125.00
3333 W	VIOLATE PROMISE TO APPEAR W/ WARRANT AND OMNII FEE	$ 276.00	$ 151.00	$ 125.00

MUNICIPAL COURT FINES/FEES

3333	W VIOLATE PROMISE TO APPEAR W/ WARRANTAN **NO OMNII FEE**	$ 246.00	$ 121.00	$ 125.00
CODE	VIOLATION	TOTAL	CC	FINE
535	WALKING IN ROADWAY	$ 174.00	$ 104.00	$ 70.00
3186	WHITW LIGHTS SHOWING TO REAR	$ 126.00	$ 71.00	$ 55.00
3231	WINDOW TINTING	$ 159.10	$ 104.10	$ 55.00
3149	WRONG MVR-ASSIGNED TO OTHER VEHICLE	$ 147.00	$ 71.00	$ 76.00
3091	WRONG SIDE OF ROAD- NOT PASSING	$ 224.00	$ 104.10	$ 119.90
3163	HEADLAMP(S) GLARING, NOT ADJUSTED	$ 159.00	$ 104.00	$ 55.00
	** ALL CODE ENFORCEMENT VIOLATION PER ORDINANCE	$2,000.00	$71.00	$ 2,071.00

<u>(NSF) INSUFFICIENT CHECK CHARGE FEES</u>

(Sec. 2-239, Code of Ordinances)

When a check has been returned to the City account insufficient funds (NSF), the City/Utility Clerk will notify the issuer of the check that cash payment plus a $30.00 insufficient check charge is due and payable immediately.

If customer does not redeem the NSF check and pay the insufficient check charge, the City/Utility Clerk may arrange for services to be canceled immediately.

OUTDOOR SOUND AMPLIFICATION EQUIPMENT (CHAPTER 18)

(Sec. 18-194, Code of Ordinances)

Permit Fee for Amplification of Music or Human Speech	$10.00

PARK RESERVATION FEES

(Railroad Depot Gazebo, Railroad Depot Plaza, Juergens Park,
Jerry Matheson Park, Theis Attaway Nature Park)

Railroad Depot *Plaza & Gazebo* @ 201 S. Elm

- ~~No restrooms provided; must have city permission at time of request to provide portable toilet at renter's expense.~~
- ~~Renters must provide their own tables, chairs, etc.~~

☐*RESIDENT ☐1/2 DAY $50.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY $100.00(8am-10pm)
~~DEPOSIT $100.00~~

☐NON-RESIDENT ☐1/2 DAY $100.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY $125.00(8am-10pm)
~~DEPOSIT $100.00~~

***Juergens* Park@ 1331 Ulrich**

- ~~Keys to the interior of the park are available, but are to be used for temporary access to set up or clean up. No vehicles should remain on the park site interior.~~

☐*RESIDENT ☐1/2 DAY $50.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY $100.00(8am-10pm)
~~DEPOSIT $100.00~~

☐NON-RESIDENT ☐1/2 DAY $100.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY $125.00(8am-10pm)
~~DEPOSIT $100.00~~

***Jerry Matheson* Park @ 1240 Ulrich**

☐*RESIDENT ☐1/2 DAY $50.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY $100.00(8am-10pm)
~~DEPOSIT $100.00~~

☐NON-RESIDENT ☐1/2 DAY $100.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY $125.00(8am-10pm)
~~DEPOSIT $100.00~~

***Theis Attaway Nature* Park @ 13509 Theis Lane**

- ~~Catch and release grass carps.~~

☐*RESIDENT ☐1/2 DAY $50.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY $100.00(8am-10pm)
~~DEPOSIT $100.00~~

☐NON-RESIDENT ☐1/2 DAY $100.00 (8am-2pm) or (4pm-10pm) ☐ALL DAY $125.00 (8am-10pm)
~~DEPOSIT $100.00~~

A deposit is not required for the rental of any park facility. A debit/credit card must be provided with the rental application that will be charged in the event of any damage to the rented facility.

Rev ~~11-26-12~~ **9-6-2016**

POLICE DEPARTMENT FEES

DESCRIPTION	FEE
Offense Report (Public Page)	$2.00 Each
Local Arrest Record Checks/Letters	$2.00 Each
Accident Report	$6.00 Each
Fingerprint Cards - All Other Purposes	$5.00 per Card

IMPOUNDED VEHICLES

(Chapter 44, Code of Ordinances)

Impounding fee - not in excess $10.00

RED LIGHT CAMERAS-APPEAL FEE

(Chapter 44, Code of Ordinances)

Late Payment of Civil Penalty or Contest Penalty - $25.00

Filing Fee for Appeal of Civil Penalty - $50.00

PUBLIC INFORMATION CHARGES FOR PROVIDING COPIES

TEXAS ADMINISTRATIVE CODE, TITLE 1, CHAPTER 70
Chapter 70. Cost of Copies of Public Information

(1) Standard paper copy (per page) - reproduced by means of an office machine copier or a computer printer. Each side that has recorded information is considered a page.	$0.10
(2) Nonstandard copy (each). The charges in this subsection are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are:	
(A) Diskette	$1.00
(B) Magnetic tape	Actual Cost
(C) Data cartridge	Actual Cost
(D) Tape cartridge	Actual Cost
(E) Rewritable CD (CD-RW)	$1.00
(F) Non-rewritable CD (CD-R)	$1.00
(G) Digital video disc (DVD)	$3.00
(H) JAZ/Flash/Thumb drive or similar	Actual Cost
(I) Other electronic media	Actual Cost
(J) VHS video cassette	$2.50
(K) Audio cassette	$1.00
(L) Oversize paper copy (*e.g.*: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper	$0.50
(M) Specialty paper (*e.g.*: Mylar, blueprint/blueline, map, photographic)	Actual Cost
(N) Microfiche/microfilm – existing copies	Cost of Reproduction
(3) Labor charge for programming. If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the governmental body may charge for the programmer's time.	$28.00/Hour
(3) Labor charge for locating, compiling, manipulating data, and reproducing public information.	$15.00/Hour
(4) Overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request.	20% of labor charge
(5) Remote document retrieval charge	(3) Labor charge by city personnel
(6) Computer resource charge, dependent on Type of System: Type of System—Rate: mainframe—$10 per CPU minute; Midsize—$1.50 per CPU minute; Client/Server—$2.20 per clock hour; PC or LAN—$1.00 per clock hour	
(7) Miscellaneous supplies	Actual Cost
(8) Postal/shipping charges	Actual Cost

<u>SEXUALLY ORIENTED BUSINESS FEES</u>
(Sec. 6-26, Code of Ordinances)

Annual Fee for Sexually Oriented Business License - $750.00
Annual Fee for Employee of Sexually Oriented Business - $50.00

TAXICAB FEES (Chapter 48)

Annual Fee for Each Taxicab	–	$ 50.00
Annual Fee for Each Taxicab Driver Permit (Chauffeur's License)	–	$ 0.00

<u>TENNIS COURT FEES</u>
MATHESON PARK AT 1240 ULRICH

The general public may reserve Jerry Matheson Park tennis courts.
Reserving tennis courts will guarantee availability and priority use of tennis courts.
Individuals may not utilize city facilities for profit making endeavors.

<u>RENTAL FEES:</u>

Tomball Resident – Per Court:	$ 5.00/2 Hours
Non-Resident – Per Court:	$ 10.00/2 Hours
Tomball Resident League Fees:	$150.00/league-per season (4 mos.)
Non-Resident League Fees:	$170.00/league- per season (4 mos.)

Spring Season: February through May
Fall Season: September through December

Reservations may be made by contacting Public Works. The tennis courts must be cleaned up by reserving party immediately after function is over. There will be a charge if the City has to clean the tennis courts.

Rev. 11-28-12

TOW TRUCK ROTATION DRIVER FEES

ANNUAL FEE:

City of Tomball Driver's License Fee:	$15.00/year
Renewal Fee:	$10.00/year
Replacement Drivers License Fee:	$ 5.00/each

(Code of Ordinances, Chapter 48)

Rev. 11-7-2012

TOW TRUCK ROTATION COMPANY FEES

INITIAL APPLICATION FEE -- $100.00

ADDITIONAL APPLICATION FEE - $75.00

ANNUAL FEE – All Towing Company vehicles are charged a yearly fee of $100.00 per vehicle to operate within the City of Tomball. All Towing Company licenses expire on September 30th of each year.

SUPPLEMENTAL FEE – All Supplemental Towing Company vehicles that are added during the year are charged $75.00 until the annual renewal date of September 30th.

DUPLICATE LICENSE FOR TOWING COMPANY VEHICLE - $25.00

FEES FOR TOWING:
(Fees listed below are for non-consent tows for towing a vehicle from one location within the city to another within the city or the city's ETJ.)

Light-Duty Tow Trucks	
Incident Management	$120.00
Drop Fee	$ 55.00

Additional Service Fees to be Charged $ 75.00

In the event that a tow service provider must perform services that are clearly beyond the norm in order to affect a tow, the tow service provider may request that an on-scene supervisor authorize an additional fee not to exceed $75.00 to compensate for the additional time and services rendered. To be valid, supervisory authorization must be notated on the Tow Slip of record.

COVERAGE FOR NON-CONSENT/INCIDENT MANAGEMENT WRECKERS ON THE CITY OF TOMBALL WRECKER ROTATION LIST:

Liability Coverage	-	$500,000
On-Hook Cargo	-	$ 50,000

TOW TRUCK ROTATION COMPANY FEES

VEHICLE STORAGE FEES:

Daily storage fee. A VSF operator may not charge less than $5.00 or more than $20.00 for each day or part of a day for storage of a vehicle that is 25 feet or less in length. A VSF operator shall charge a fee of $35.00 for each day or part of a day for storage of a vehicle that exceeds 25 feet in length.

(1) A daily storage fee may be charged for any part of the day, except that a daily storage fee may not be charged for more than one day if the vehicle remains at the VSF less than 12 hours. In this paragraph a day is considered to begin and end at midnight.
(2) A VSF that has accepted into storage a vehicle registered in this state shall not charge for more than five days of storage fees until a notice, as prescribed in §85.703 of these rules, is mailed or published.
(3) A VSF operator that has accepted into storage a vehicle not registered in Texas shall not charge for more than five days before the date the request for owner information is sent to the appropriate governmental entity. Such requests shall be correctly addressed, with sufficient postage, and sent by certified mail, or electronic certified mail, return receipt requested, to the governmental entity with which the vehicle is registered requesting information relating to the identity of the last known registered owner and any lien holder of record.
(4) A VSF operator shall charge a daily storage fee after notice, as prescribed in §85.703, is mailed or published for each day or portion of a day the vehicle is in storage until the vehicle is removed and all accrued charges are paid.

NOTIFICATION FEE

(1) A VSF may not charge a vehicle owner more than $50 for notification. **Notification must be sent certified mail, must be sent by the fifth day the vehicle is on the lot, and cannot be sent until the vehicle is on the lot for at least 24 hours.** If a notification must be published, and the actual cost of publication exceeds 50% of the notification fee, the VSF operator may recover the additional amount of the cost of publication. The publication fee is in addition to the notification fee.
(2) If a vehicle is removed by the vehicle owner within 24 hours after the date the VSF receives the vehicle, notification is not required by these rules.
(3) If a vehicle is removed by the vehicle owner before notification is sent or within 24 hours from the time the VSF receives the vehicle, the VSF operator may not charge a notification fee to the vehicle owner.

UTILITY FEES

UTILITY DEPOSIT COMPUTATION

Residential Accounts	-	Average 12 months of previous billing and multiply by 2 (Round result). If result is under $100, minimum deposit will be $100.00.
Commercial Accounts	-	Average 12 months of previous billing and multiply by 2 (Round result). If result is under $125, minimum deposit will be $125.00.

WATER RATES

The monthly rates and charges for potable water provided by the City shall be as follows:

a. **Small Residential.** A base rate of $10.90, plus a consumption charge of $2.85 for each 1,000 gallons used. "Small Residential" shall mean residential customers using 10,000 gallons or less during the billing month.

b. **Medium Residential.** A base rate of $12.54, plus a consumption charge of $3.56 for each 1,000 gallons used. "Medium Residential" shall mean residential customers using 10,001 gallons or more up to 15,000 gallons during the billing month.

c. **Large Residential.** A base rate of $14.42, plus a consumption charge of $4.45 for each 1,000 gallons used. "Large Residential" shall mean residential customers using 15,001 gallons or more during the billing month.

d. **Small Commercial**. A base rate of $18.45, plus a consumption charge of $3.45 for each 1,000 gallons used. "Small Commercial" shall mean commercial customers using up to 5,000 gallons during the billing month.

e. **Medium Commercial.** A base rate of $29.70, plus a consumption charge of $4.32 for each 1,000 gallons used. "Medium Commercial" shall mean commercial customers using 5,001 gallons or more up to 51,000 gallons during a billing month.

f. **Large Commercial.** A base rate of $51.99, plus a consumption charge of $5.40 for each 1,000 gallons used. "Large Commercial" shall mean commercial customers using 51,001 gallons or more during a billing month.

Bulk Sales. A base rate of $87.05, plus a consumption charge of $4.83 for each 1,000 gallons used. Additionally, if a meter is desired, the deposit will be $1,000.00.

The City collects additional surcharges, based on rates established by the **North Harris County Regional Water Authority**, for each 1,000 gallons used on behalf of NHCRWA, which will be adjusted as the surcharge increases**.**

SANITARY SEWER RATES (WITH POTABLE WATER SERVICE)

The monthly rates and charges for sanitary sewer services provided by the City for customers who receive potable water services from the City shall be as follows:

a. **Residential - Winter Rates (November-February):** A base rate of $8.51, plus a charge of $2.98 for each 1,000 gallons of potable water used.

b. **Residential - Summer Rates (March-October):** Rates for summer months are calculated at the same rate as winter rates and may be based upon the previous winter months' average monthly water consumption. The rate charged shall be the lesser of actual water consumption or the previous winter month's average consumption.

c. **Small Commercial.** A base rate of $13.69, plus a consumption charge of $3.78 for each 1,000 gallons of potable water used. “Small Commercial” shall mean commercial customers using up to 5,000 gallons of potable water during the billing month.

d. **Medium Commercial**. A base rate of $20.76, plus a consumption charge of $4.72 for each 1,000 gallons of potable water used. “Medium Commercial” shall mean commercial customers using 5,001 gallons or more up to 51,000 gallons in the billing month.

e. **Large Commercial.** A base rate $43.06, plus a charge of $5.90 for each 1,000 gallons of potable water used. “Large Commercial” shall mean commercial customers using 51,001 gallons or more of potable water during a billing month.

SANITARY SEWER RATES (WITHOUT POTABLE WATER SERVICE)

The monthly rates and charges for sanitary sewer services provided by the City for customers who do not receive potable water services from the City shall be as follows:

a. **Residential.** A base rate of $35.01, plus a charge of $2.29 for each drain in excess of ten (10) drains within such residence.

b. **Commercial.** A base rate of $58.26, plus a charge of $2.32 for each drain in excess of fifteen (15) drains within such commercial unit.

GARBAGE AND TRASH COLLECTION/DISPOSAL SERVICE RATES

The monthly rates and charges for garbage and trash collection and disposal services provided by the City, excluding applicable sales tax, shall be as follows:

a. Residential. $15.70

c. Commercial

(1) Hand Loaded. For once a week pickup, $24.87 for the first container, $17.70 for each additional container. For twice a week pickup, $25.52 for the first container, $29.62 for each additional container. Each collection of excess garbage and refuse (i.e. - garbage and refuse in volume which exceeds the capacity of the approved container(s) for which the customer’s regular billing is determined) shall be assessed a $5.00 excess collection fee and can only be collected on Monday and Thursday collection days.

(2) Roll-Off Container:

	Size Container, Cubic Yards		
	20	30	40
Delivery Fee	$ 115.46	$ 115.46	$ 115.46
Monthly Rental	141.36	141.36	141.36
Daily Rental	4.71	4.71	4.71
Haul and Disposal Rate	266.00	307.77	348.87

(3) Compactor/Equipment:

Monthly Rental	(As quoted)
Haul Rate	$250.00
Disposal Fee/Ton	25.00

(4) Monthly Rate for Dumpsters:

Size	Extra Pickup Rate	Services Per Week					
		1	2	3	4	5	6
3 Yd – 1st Container	$30.00	$79.04	$126.20	$189.96	$238.07	$290.50	$356.48
Each add'l container		71.00	105.00	159.00	198.00	247.00	235.47
4 Yd – 1st Container	$35.00	85.84	136.61	204.26	256.30	318.73	383.80
Each add'l container		76.77	122.28	173.00	216.00	270.00	323.00
6 Yd – 1st Container	$40.00	110.58	174.35	262.69	329.16	411.12	491.80
Each add'l container		98.86	148.00	236.77	278.00	336.00	416.00
8 Yd – 1st Container	$50.00	134.00	214.67	320.04	402.00	491.80	589.88
Each add'l container		121.00	193.84	288.83	339.00	442.10	510.00

(5) Locking Dumpsters -

Gravity Lock System	$55.00
Front Panel Padlock System	$40.00

(6) Exchange Charge - $45.00

*New Rates effective 10/20/14; Council approved Contract with WCA

NATURAL GAS RATES

The monthly rates and charges for natural gas provided by the City shall be as follows:

a. All Customers. A base rate of $11.75, plus $11.75 for each thousand cubic feet (MCF) after the first thousand cubic feet (MCF).

CONNECTION AND DISCONNECTION FEES

The charges for connections and disconnections of utility services provided by the City, including those provided at customer request or convenience, or as a result of delinquent accounts, shall be as follows:

a. During Normal Scheduled Service Periods (7:00 a.m.-4:45 p.m. weekdays), a Service Call-Out Fee of $50.00, as a result of a delinquent account, or at a customer's request, excluding new service.

b. During Unscheduled Service Periods (after hours and weekends), a Service Call-Out Fee of $100.00, at a customer's request, including new service.

DAMAGES TO UTILITY FUNCTIONS/TAMPERING FEES

The charge for damage to utility facilities from (i) customer's tampering with valves, or (ii) customer's damaging meter in any manner, shall be $200.00.

DELINQUENT ACCOUNT FEES

Delinquent Accounts.

a. All utility bills, both residential and commercial, shall be due and payable on the close of the last business day of the month. If the month ends on a Saturday, Sunday, or holiday, the bill is due on the prior business day (the last workday of the City at closing time on that day).

b. Residential customers who are age 65 and over or considered disabled by Social Security may be exempt from penalty fees for late payment upon application accompanied by verifying documentation to the Utilities Supervisor. This exemption may not exceed the final date of benefits designated by the Social Security Administration
.

c. Within two (2) work days following the "Due Date" a "Cut-off Notice" shall be mailed to customer giving notice that following the expiration of seven (7) days following such notice service will be discontinued unless the customer requests a hearing before the Utilities Supervisor regarding such proposed disconnection prior to the expiration of such seven (7) day period.

c. Upon the showing of good cause and arrangement for prompt payment by a customer, the Utilities Supervisor shall be authorized to withdraw a disconnection order. Any such action by the Utilities Supervisor shall be evidence in writing, outlining the basis for the decision and, if applicable, the required payment schedule for the customer. The Utilities Supervisor shall cause a copy of such order to be delivered to the appropriate billing personnel of the City.

VENDOR/PEDDLER PERMIT FEES

FEE SCHEDULE:

Per Day	-	$ 10.00
Per Week	-	$ 25.00
Per Month	-	$ 50.00
Per 3 Months	-	$100.00
Per 6 Months	-	$150.00
Special Event	-	$ 25.00 Per Day
Interstate Permit	-	No Fee, Registration Only

Bond Requirement - $1,000.00

Special Event Permit - $ 25.00/Day as Rental for the Use of Public Property

VITAL STATISTICS RECORDS
<u>(BIRTH AND DEATH) FEES</u>

BIRTH CERTIFICATES

Charge is **$23.00** for each original and each copy (3 copies would be $69.00).

DEATH CERTIFICATES

Charge is $**21.00** for the first original and $**4.00** for each original thereafter (3 copies would be $29.00).

FEE FOR CERTIFIED MAIL SERVICE

Certified Mail Service is required for delivery of birth and death certificates requested by mail. The actual cost of the certified mail service will be passed through to the requestor as part of providing the service.

FEE FOR SEARCHING RECORD

The fee for an unsuccessful search for a birth or death record is **$13.00.**

WELL AND SEISMIC ACTIVITIES PERMITS
(CHAPTER 18)

Original Application Fee (Section 18-54)	$10,000.00
Expediting Application Fee (Section 18-55)	$15,000.00
Renewal Application – Well, Training Well/Training Well Site, or Seismic Activities (Section 18-57)	$ 500.00 (1 year extension)
Bond Requirement (Section 18-58)	$1,000,000.00

PIPELINE PERMITS
(CHAPTER 18)

Bond	$500,000.00
Filing Fee (Section 18-104)	$ 1,000.00

NONCONFORMING WELLS
(Sec. 18-28, Code of Ordinances)

Filing Fee for each Well Registration - $100.00

WIRED TELECOMMUNICATIONS SERVICES - PROVIDER LICENSE FEES
(CHAPTER 38)

(Sec. 38-203, Code of Ordinances)

Monthly Charge per Access Line (Subscriber/Customer) - $2.10

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:

Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 2004-28117, styled *City of Tomball vs. Perry, Helen, et al,* said Property being described as: Lots 33 and 34, Block 104, Located at 0 Texas Street, Tomball, Located in Harris County, Texas and being More Particularly Described in Volume 365, Page 83 in the Deed Records of Harris County, Texas, HCAD Acct No. 035-281-008-0033, to Tyler Patrick Torres, in the Amount of $18,294.61.

Background:

When taxes are owed on a property resulting in a foreclosure, those properties may be sold through a bid process with proceeds paid to the taxing entities for back taxes. The subject property is located at 0 Texas Street in Tomball. We request approval of the sale of the property to Tyler Patrick Torres, in the amount of $18,294.61.

The City of Tomball will receive $1,884.31 in post judgment and back taxes/interest and the property will go back on the tax rolls under new ownership.

Origination:

Perdue, Brandon, Fielder, Collins and Mott, LLP, Attorneys at Law

Recommendation:

Staff recommends approval.

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

Doris Speer, City Secretary

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

Resale Deed - Lots 33 and 34, Block 104 - COT to Tyler Patrick Torres
Bid Analysis - Lots 33 and 34, Block 104
HCAD Map - Lots 33 and 34, Block 104

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

THE STATE OF TEXAS §
§ RESALE DEED
COUNTY OF HARRIS §

KNOW ALL MEN BY THESE PRESENTS that the CITY OF TOMBALL FOR ITSELF AND AS TRUSTEE FOR TOMBALL INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY EDUCATION DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT , HARRIS COUNTY EMERGENCY SERVICE DISTRICT #8 AND NORTH HARRIS-MONTGOMERY COMMUNITY COLLEGE DISTRICT (HARRIS COUNTY), acting by and through its duly elected official ("GRANTOR") as authorized by Section 34.05, Texas Property Tax Code, for and in consideration of the sum of TEN DOLLARS AND 00/100 ($10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by TYLER PATRICK TORRES ("GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and quitclaimed and by these presents do convey and quitclaim unto said grantee all right, title and interest of the CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 2004-28117, in the property herein conveyed, acquired by tax foreclosure sale heretofore held, in Cause No. 2004-28117, styled *City of Tomball vs. Perry Helen, et al,* said property being described as:

> TRACT 1: LOTS 33 AND 34, BLOCK 104, TOMBALL, LOCATED IN HARRIS COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED IN VOLUME 365, PAGE 83 IN THE DEED RECORDS OF HARRIS COUNTY, TEXAS. (HCAD ACCOUNT NUMBER: 035-281-005-0033)

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

TO HAVE AND TO HOLD said premises, together with all and singular the rights, privileges and appurtenances thereto in any manner belonging unto the said TYLER PATRICK TORRES, his heirs and assigns forever, so that neither the CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 2004-28117 nor any person claiming under it or them shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

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

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

IN TESTIMONY WHEREOF, THE CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 2004-28117 have caused these presents to be executed this ________day of ______________________ 2016.

CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 2004-28117

____
GRETCHEN FAGAN, MAYOR

THE STATE OF TEXAS §
COUNTY OF HARRIS §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _______ day of

__________________________, 2016.

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

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

Grantee: Tyler Patrick Torres
18502 Hardy Trace Dr.
Tomball, TX 77377

PRIVATE RESALE BID ANALYSIS

Cause Number:	2004-28117	Strike Off Date:		10/2/2007
Style:	City of Tomball vs. Perry, Helen	Property Value:	$	28,000.00
Account Number(s):	035-281-005-0033	Minimum Bid at first sale:	$	18,294.61
Bid Amount:	**$ 18,294.61**	Redemption Expired:		11/1/2009
Bidder Name:	**Tyler Patrick Torres**	Amount Accompanying Offer:	$	1,242.46
Total collected:	$ 19,537.07			

Judgment Information

Tax Entity	Tax Years	Amount Due
City of Tomball	1988-2006	$ 1,771.21
Tomball ISD	1985-1987; 1989-2006	$ 9,730.56
Harris County	1984; 1986; 1988-2006	$ 4,531.84
Total:		$ 16,033.61

Costs

Publication Fee (Tax Sale): (Payable to Daily Court Review)	$	175.00
Advertising Fee: (Payable to Perdue Brandon)	$	50.00
Ad- Litem Fee: (Payable to Beverly Rena Caruthers)	$	800.00
Court Costs: (Payable to Chris Daniel include Constable sale fee)	$	711.00
Tax Master Fee: (Payable to Michael Landrum-151st)	$	45.00
Original Deed Fee: (Payable to PBFCM)	$	25.00
Abstract Fee: (Payable to PBFCM)	$	455.00
Total:	**$**	**2,261.00**

Other Costs *(paid seperately)*

Resale Deed Fee: (Payable to PBFCM)	$	20.00
Total	**$**	**20.00**

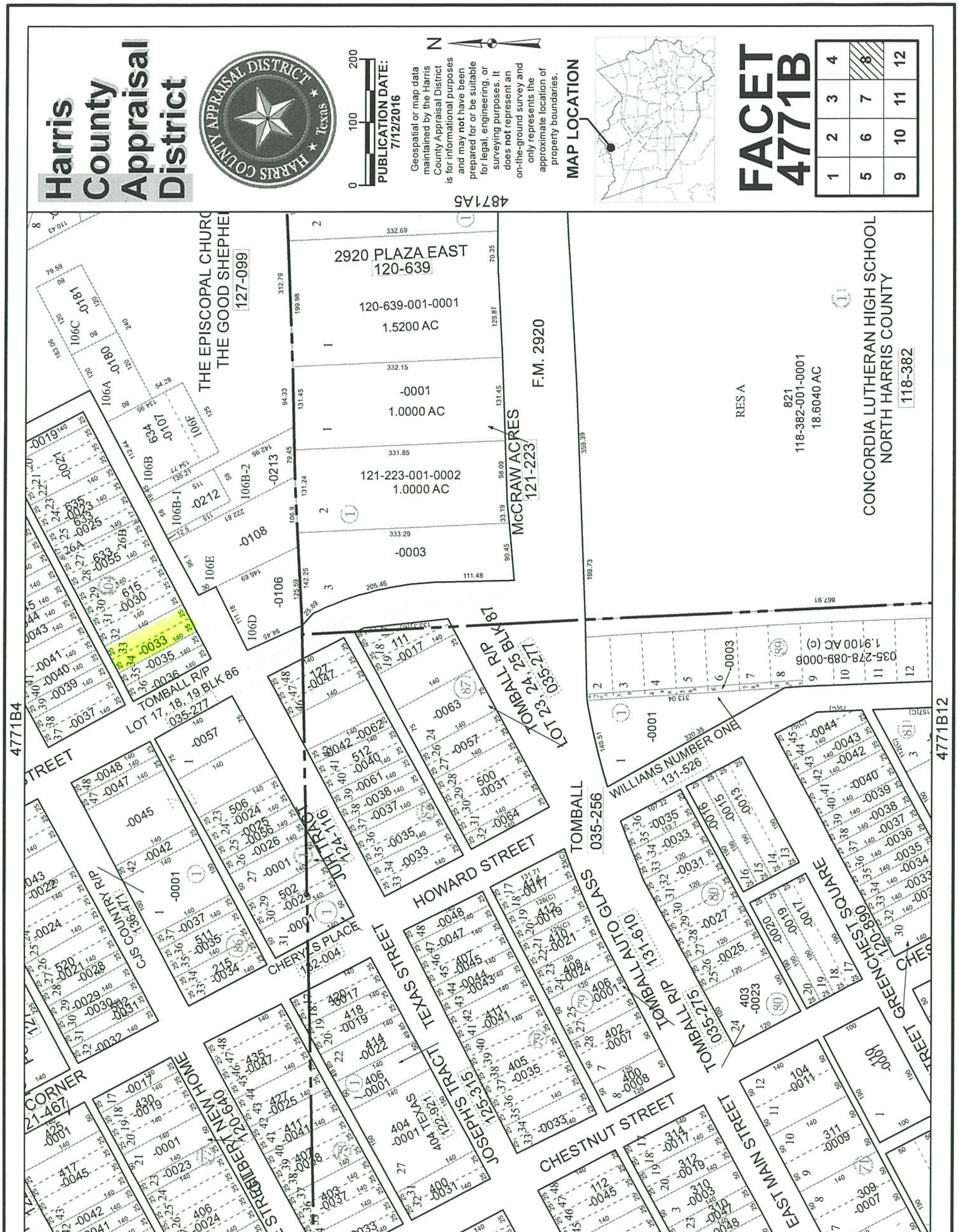
Post Judgment Taxes *(paid seperately)*

Tax Entity	Tax Years	Amount Due
City of Tomball	2007	$ 113.10
Tomball	2007	$ 688.20
Harris County	2007	$ 421.16
	Total:	$ 1,222.46

Proposed Distribution

Bid Amount:	$ 18,294.61	Costs:	$ 2,261.00
Net Distribute:	$ 16,033.61		

Tax Entity	%	Amount to Disburse	Apply to:
City of Tomball	11%	$ 1,771.21	amount for 1988-2006 based on 10/2007 p/i
Tomball ISD	61%	$ 9,730.56	amount for 1985-1987; 1989-2006 based on 10/2007 p/i
HC	28%	$ 4,531.84	amount for 1984; 1986; 1988-2006 based on 10/2007 p/i
Costs		$ 2,281.00	Judgment costs/tax sale/ tax resale
City of Tomball	**2007**	$ 113.10	p/j taxes based on july 2016 p/i
Tomball ISD	**2007**	$ 688.20	p/j taxes based on july 2016 p/i
Harris County	**2007**	$ 421.16	p/j taxes based on july 2016 p/i
	Total:	**$ 19,537.07**	


Harris County Appraisal District
HARRIS COUNTY APPRAISAL DISTRICT Texas
0 100 200
PUBLICATION DATE: 7/12/2016
Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.
N
MAP LOCATION
FACET 4771B
1 2 3 4
5 6 7 8
9 10 11 12
4871A5
4771B4
4771B12
4771B7
THE EPISCOPAL CHURCH THE GOOD SHEPHERD
127-099
2920 PLAZA EAST
120-639
120-639-001-0001
1.5200 AC
1.0000 AC
121-223-001-0002
1.0000 AC
McCRAW ACRES
121-223
F.M. 2920
RES A
821
118-382-001-0001
18.6040 AC
CONCORDIA LUTHERAN HIGH SCHOOL NORTH HARRIS COUNTY
118-382
035-278-089-0006
1.9100 AC (c)
TOMBALL R/P
LOT 17, 18, 19 BLK 86
035-277
TOMBALL R/P
LOT 23, 24, 25 BLK 87
035-277
WILLIAMS NUMBER ONE
131-526
TOMBALL
035-256
CJS COUNTRY R/P
136-471
JUH TRACT
124-116
CHERYL'S PLACE
132-004
HOWARD STREET
TEXAS STREET
TOMBALL AUTO GLASS
131-610
TOMBALL R/P
035-275
GREENCHEST SQUARE
120-890
JOSEPH'S TRACT
125-315
TEXAS TRACT
122-921
NEW HOME
120-640
CORNER
121-467
CHESTNUT STREET
EAST MAIN STREET
STREET

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:

Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 1998-28224, styled *City of Tomball vs. Jackson Soll,* said Property being described as: Lot 29, Block 90, Located at 0 Foster Street, Tomball, Located in Harris County, Texas and being More Particularly Described in Volume 342, Page 543 of the Real Property Records of Harris County, Texas, HCAD Acct No. 035-278-090-0029, to Mariaca Villasenor, in the Amount of $2,000.00

Background:

When taxes are owed on a property resulting in a foreclosure, those properties may be sold through a bid process with proceeds paid to the taxing entities for back taxes. The subject property is located at 0 Foster Street in Tomball. We request approval of the sale of the property to Mariaca Villasenor, in the amount of $2,000.00.

The City of Tomball will receive $2,013.12 in post judgment and back taxes/interest and the property will return to the tax roles under new ownership.

Origination:

Perdue, Brandon, Fielder, Collins and Mott, LLP, Attorneys at Law

Recommendation:

Staff recommends approval.

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

Doris Speer, City Secretary

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

Resale Deed - Lot 29 Block 90 - COT to Mariaca Villasenor
Bid Analysis - Lot 29 Block 90
HCAD Map - Lot 29 Block 90

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

THE STATE OF TEXAS	§	
	§	RESALE DEED
COUNTY OF HARRIS	§	

KNOW ALL MEN BY THESE PRESENTS that the CITY OF TOMBALL FOR ITSELF AND AS TRUSTEE FOR TOMBALL INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY EDUCATION DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT , STATE OF TEXAS AND NORTH HARRIS-MONTGOMERY COMMUNITY COLLEGE DISTRICT (HARRIS COUNTY), acting by and through its duly elected official ("GRANTOR") as authorized by Section 34.05, Texas Property Tax Code, for and in consideration of the sum of TEN DOLLARS AND 00/100 ($10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by MARICSA VILLASENOR ("GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and quitclaimed and by these presents do convey and quitclaim unto said grantee all right, title and interest of the CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1998-28224, in the property herein conveyed, acquired by tax foreclosure sale heretofore held, in Cause No. 1998-28224, styled *City of Tomball vs. Jackson Soll,* said property being described as:

> TRACT 1: LOT 29, BLOCK 90, TOMBALL, LOCATED IN HARRIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN VOLUME 342, PAGE 543 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS. (HCAD ACCOUNT NUMBER: 035-278-090-0029)

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

TO HAVE AND TO HOLD said premises, together with all and singular the rights, privileges and appurtenances thereto in any manner belonging unto the said MARICSA VILLASENOR, his heirs and assigns forever, so that neither the CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1998-28224 nor any person claiming under it or them shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

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

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

IN TESTIMONY WHEREOF, THE CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1998-28224 have caused these presents to be executed this ________day of ______________________ 2016.

CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1998-28224

____
GRETCHEN FAGAN, MAYOR

THE STATE OF TEXAS §
COUNTY OF HARRIS §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _______ day of

__________________________, 2016.

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

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

Grantee: Maricsa Villasenor
12518 Lacey Crest Dr.
Houston, TX 77070

PRIVATE RESALE BID ANALYSIS

Cause Number:	1998-28224	Strike Off Date:		4/4/2000
Style:	City of Tomball vs. Jackson Sol	Property Value:	$	2,000.00
Account Number(s):	035-278-090-0029	Minimum Bid at first sale:	$	2,000.00
Bid Amount:	**$ 2,000.00**	Redemption Expired:		4/4/2002
Bidder Name:	**Mariaca Villasenor**	Amount Accompanying Offer:	$	398.02
Total collected:	$ 2,398.02			

Judgment Information

Tax Entity	Tax Years	Amount Due
City of Tomball	1978-1998	$ 589.65
Tomball ISD	1978-1998	$ 2,123.58
Harris County	1982-1998	$ 803.03
Total:		$ 3,516.26

Costs

Publication Fee (Tax Sale): (Payable to Daily Court Review)	$	87.50
Ad- Litem Fee: (Payable to Beverly Kim A. Ballew)	$	525.00
Court Costs: (Payable to Chris Daniel include Constable sale fee)	$	319.50
Tax Master Fee: (Payable to Chris Stacy)	$	25.00
Original Deed Fee: (Payable to PBFCM)	$	25.00
Abstract Fee: (Payable to PBFCM)	$	75.00
Total:	**$**	**1,057.00**

Other Costs *(paid seperately)*

Resale Deed Fee: (Payable to PBFCM)	$	20.00
Total	**$**	**20.00**

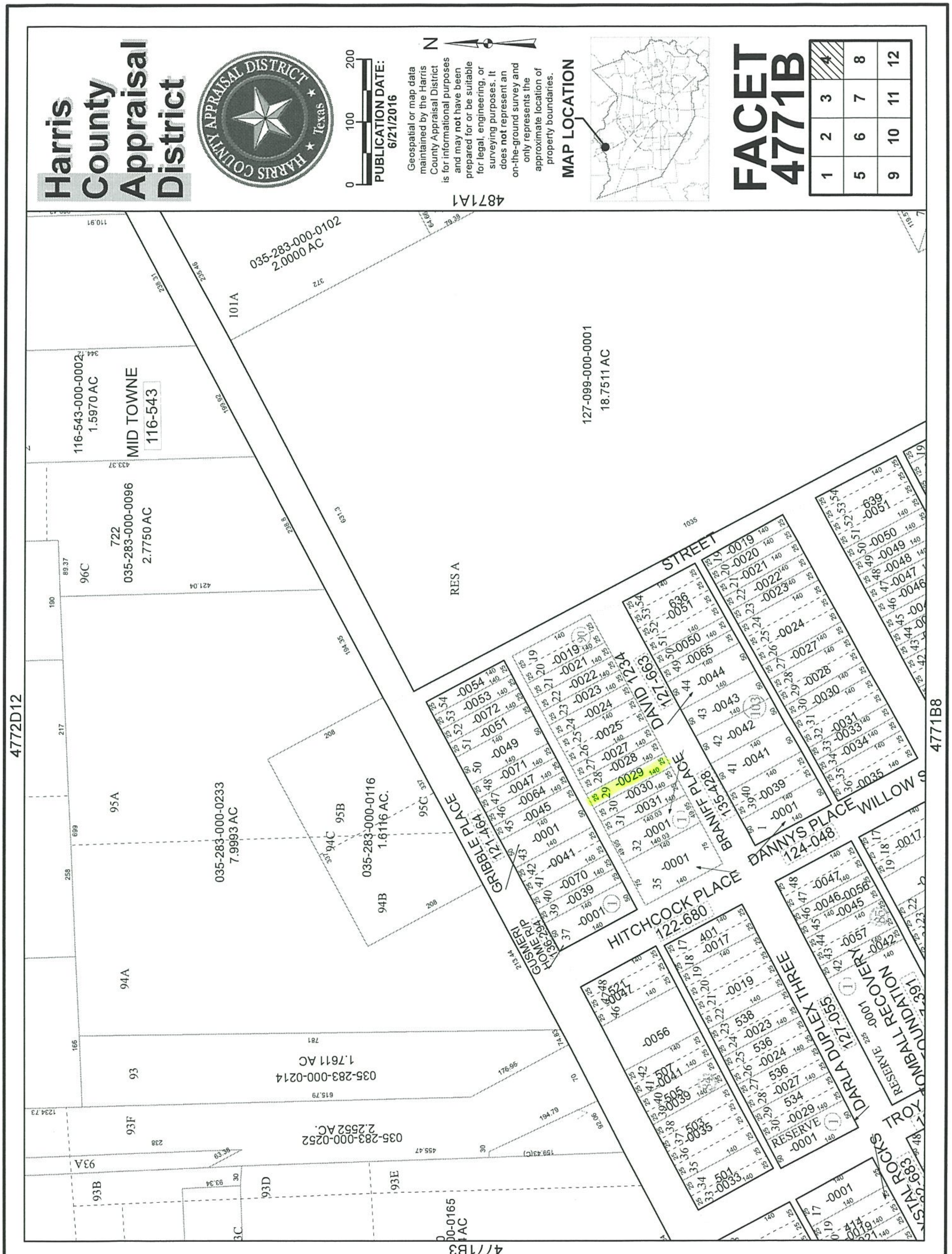
Post Judgment Taxes *(paid seperately)*

Tax Entity	Tax Years	Amount Due
City of Tomball	1999-2000	$ 44.99
Tomball	1999-2000	$ 226.46
Harris County	1999-2000	$ 106.57
	Total:	$ 378.02

Proposed Distribution

Bid Amount:	$ 2,000.00	Costs:	$ 1,057.00
Net Distribute:	$ 943.00		

Tax Entity	%	Amount to Disburse	Apply to:
City of Tomball	17%	$ 158.13	amount for 1978-1998 based on 04/2000 p/i
Tomball ISD	60%	$ 569.51	amount for 1978-1998 based on 04/2000 p/i
HC	23%	$ 215.36	amount for 1982-1998 based on 04/2000 p/i
Costs		$ 1,077.00	Judgment costs/tax sale/ tax resale
City of Tomball	**1999-2000**	$ 44.99	p/j taxes based on july 2016 p/i
Tomball ISD	**1999-2000**	$ 226.46	p/j taxes based on july 2016 p/i
Harris County	**1999-2000**	$ 106.57	p/j taxes based on july 2016 p/i
	Total:	**$ 2,398.02**	


Harris County Appraisal District
HARRIS COUNTY APPRAISAL DISTRICT Texas
PUBLICATION DATE: 6/21/2016
0 100 200
Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.
MAP LOCATION
FACET 4771B
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5 6 7 8
9 10 11 12
4871A1
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4771B8
4771B3
116-543-000-0002 1.5970 AC
MID TOWNE 116-543
722 035-283-000-0096 2.7750 AC
035-283-000-0102 2.0000 AC
127-099-000-0001 18.7511 AC
RES A
035-283-000-0233 7.9993 AC
035-283-000-0116 1.6116 AC.
035-283-000-0214 1.7611 AC
035-283-000-0252 2.2552 AC.
STREET
GRIBBLE PLACE 121-464
DAVID 1234 127-663
BRANIFF PLACE 135-428
DANNYS PLACE 124-048
HITCHCOCK PLACE 122-680
GUSMERI HOME 136-294
DARLA DUPLEX THREE 127-055
TOMBALL RECREATION FOUNDATION
WILLOW
TROY
ROCKS

Regular City Council Agenda Item Data Sheet

Meeting Date: September 6, 2016

Topic:

Adopt, on First Reading, Ordinance No. 2016-22, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances of the City Amending Section 10-22, Amendments to the International Building Code, of Article II, Building Code, of Chapter 10, Buildings and Building Regulations, to Amend Sections 310.3, 310.5 and 420.4 of the International Building Code to Provide Exceptions to the Sprinkler Requirements for Certain Residential Group R-1 and R-3 Occupancies as Specified Therein; Providing a Penalty Not to Exceed $2,000.00 for any Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability and Providing Other Findings Related Hereto.

Background:

At the August 15th City Council meeting, a discussion occurred in regards to the automatic fire sprinkler system requirement for bed & breakfast inns. Both the 2012 International Building Code (IBC) and 2012 International Fire Code (IFC) require automatic fire sprinkler systems to be installed for bed & breakfast inns.

During the City Council meeting, Mr. Mike Clark spoke on behalf of Maple Creek Bed & Breakfast and his desire to seek a waiver from the automatic fire sprinkler system requirement. After deliberations, City Council determined that they would like to see some options if the fire sprinkler system would not be required in the IBC and IFC.

Staff prepared a draft ordinance should the City Council not wish to require the fire sprinkler system under certain conditions. Ordinance 2016-22 amends Section 10-22 of the Tomball Code of Ordinances (Amendments to the International Building Code) by referencing the definition of bed and breakfast inns in Section 50-2 and classifying them as Residential Group R-1 for more than 10 occupants and as Residential Group R-3 for 10 or fewer occupants. Also, an exception was added not requiring automatic fire sprinkler systems when the owner/operator resides on the same property as the bed & breakfast inn and provided that the bed & breakfast inn also meets the adopted IFC and amendments.

City staff does not recommend the adoption of Ordinance 2016-22 as we believe that automatic fire sprinkler systems are a critical safety component for transient-natured commercial occupancies.

Origination:

Community Development Department

Recommendation:

City staff does not recommend the adoption of Ordinance 2016-22

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

Community Development Department

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

Ordinance No. 2016-22

ORDINANCE NO. 2016-22

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY AMENDING SECTION 10-22, AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, OF ARTICLE II, BUILDING CODE, OF CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, TO AMEND SECTIONS 310.3, 310.5 AND 420.4 OF THE INTERNATIONAL BUILDING CODE TO PROVIDE EXCEPTIONS TO THE SPRINKLER REQUIREMENTS FOR CERTAIN RESIDENTIAL GROUP R-1 AND R-3 OCCUPANCIES AS SPECIFIED THEREIN; PROVIDING A PENALTY NOT TO EXCEED $2,000.00 FOR ANY VIOLATION HEREOF WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE; PROVIDING FOR SEVERABILITY AND PROVIDING OTHER FINDINGS RELATED HERETO.

* * * * * * * * * *

WHEREAS, the City Council of the City of Tomball, Texas finds it to be in the best interest of the health, safety and welfare of the citizens to provide certain local amendments to the International Building Code to provide exceptions to the sprinkler requirements for certain Residential Group R-1 and R-3 occupancies; and

WHEREAS, the City Council desires to amend the International Building Code as provided herein; now, therefore

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

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

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended by adding to Section 10-22, Amendments to the International Building Code, of Article II, Building Code, of Chapter 10, Buildings and Building Regulations, the language underscored below:

“Sec. 10-22. - Amendments to the International Building Code.

(a) Section 101.4.1 of the building code adopted in section 10-21 is hereby amended to read as follows:

101.4.1 Electrical. The provisions of the National Electrical Code, 2011 edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(b) Section 103 of said code is hereby amended to provide as follows:

103. Department of Building Safety. The enforcement of this code shall be under the administrative and operational control of the building official. The building official shall have such duties, and shall be selected and serve in the position at the pleasure of the city manager and may be removed without cause by city manager. The building official may appoint deputies to assist him/her,. Said deputies shall serve at the pleasure of the building official and may be removed without cause by the building official.

(c) Section 104 of said code is hereby amended to provide as follows:

104. Powers and Duties of the Building Official.

104.1 General. The building official is hereby authorized and directed to enforce all of the provisions of this code. The building official shall have the power to render interpretations of this code and to adopt and enforce written rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

104.3 Stop Orders. Whenever any work is being done contrary to the provisions of this code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work.

(d) Section 105 of said code is hereby amended and by adding new sections 105.2.2 and 105.8 to provide as follows:

105.2. Work exempt from permit.

105.2.2. Fences not over 8 feet high.

105.8. Liability Insurance. The person or entity that will actually perform the work or services covered by a permit shall provide to the city evidence of comprehensive general liability insurance, issued by a company licensed to do business in Texas, in the following amounts, for the duration of the permit, and shall furnish certificates of insurance to the city as evidence thereof. The certificates shall provide that the insurance shall not be canceled, reduced, or changed without 30 days advance notice to the city.

Comprehensive general liability insurance covering all risks associated with the work, with a minimum limit as currently established or as hereafter adopted by resolution of the city council from time to time, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.

(e) Section 109.4 of said code is hereby amended to provide as follows:

109.4. Work commencing before permit issuance. The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the city.

(f) Section 111.1 of said code is hereby amended to provide as follows:

111.1. Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein.

Issuance of certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the city. Certificates presuming to give authority to violate or cancel the provisions of this code, or other ordinances of the city shall not be valid.

(g) Section 113.1 of the code is hereby amended to provide as follows:

113.1. Appeals. Appeals of orders, decisions, or determinations made by the city's building official in interpreting or applying this code shall be to the city council. The city council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.

(h) Section 113.2 and 113.3 of the code are hereby deleted in their entirety.

(i) Section 903, entitled "Automatic Sprinkler Systems" is hereby deleted in its entirety. Sprinkler systems are required as provided in the International Fire Code, 2012 edition, as adopted.

(j) Section 1507.8 of said code is hereby amended to provide as follows:

Wood Shingles and Shakes.

(a) Allowed roof coverings of any structure regulated by this code shall be as provided in this section.

(b) Wood shingles and shakes are not allowed, shall not be allowed as an alternative material, and shall not be installed or used on any new construction or reproofing of any structure.

(c) Existing structures which have wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade; however, owners shall have the option of installing any allowed Class A, Class B, or Class C roofing material, over the existing wood shingles and shakes, providing the existing roof structural system is adequate for modification. "Repair" means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25%) of the square foot surface area of the roof. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken as repairs.

(k) Section 1507.9 of said code is hereby deleted in its entirety.

(l) Appendices.

(1) The following appendices contained in this code are deleted in their entirety:

Appendix A, Employee Qualifications;

Appendix B, Board of Appeals;

Appendix D, Fire Districts;

Appendix E, Supplementary Accessibility Requirements;

Appendix H, Signs; and

Appendix I, Patio Covers.

(2) The following Appendices are hereby adopted in their entirety:

Appendix C, Group U—Agricultural Buildings;

Appendix F, Rodent Proofing;

Appendix G, Flood-Resistant Construction;

(3) Appendix J of said code is hereby amended to provide as follows:

J106.1. Maximum Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 3 horizontal to 1 vertical (33 percent) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

A cut surface may be at a slope of 2 horizontal to 1 vertical (50 percent) provided that all the following are met:

1.1. It is not intended to support structures or surcharges.

1.2. It is adequately protected against erosion.

1.3. It is no more than 8 feet (2438 mm) in height.

1.4. It is approved by the building official.

A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100 percent).

J107.6. Maximum Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 3 horizontal to 1 vertical (33 percent) shall be justified by soils reports or engineering data.

(m) Section 310.3 of the building code adopted in Section 10-21 is hereby amended to read as follows:

310.3. Residential Group R-1. Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

Boarding houses (transient) with more than 10 occupants;

Congregate living facilities (transient) with more than 10 occupants;

Hotels (transient);

Motels (transient); and

Bed and Breakfast Inns (transient), as defined by Section 50-2, with more than 10 occupants.

(n) Section 310.5 of the building code adopted in Section 10-21 is hereby amended to read as follows:

310.5. Residential Group R-3. Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Buildings that do not contain more than two dwelling units;

Boarding houses (nontransient) with 16 or fewer occupants;

Boarding houses (transient) with 10 or fewer occupants;

Care facilities that provide accommodations for five or fewer persons receiving care;

Congregate living facilities (nontransient) with 16 or fewer occupants;

Congregate living facilities (transient) with 10 or fewer occupants; and

Bed and Breakfast Inns (transient), as defined by Section 50-2, with 10 or fewer occupants.

(o) Section 420.4 of the building code adopted in Section 10-21 is hereby amended by adding an exception:

Exception: Compliance with Section 903.2.8 (Group R) is not required for Residential Group R-1 and Residential Group R-3 Bed and Breakfast Inn occupancies when the owner and/or operator resides on the same property as the Bed and Breakfast occupancy and provided that the Bed and Breakfast Inn meets the adopted International Fire Code and amendments."

Section 3. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2000. Each day of violation shall constitute a separate offense.

Section 4. It is the intent of the City that this Ordinance shall comply in all respects with the applicable provisions of the United States Constitution, the Texas Constitution, and the Charter of the City of Tomball. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. This Ordinance shall take effect fourteen (14) days from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE ___ DAY OF _______ 2016.

COUNCILMAN HUDGENS	______
COUNCILMAN STOLL	______
COUNCILMAN DEGGES	______
COUNCILMAN TOWNSEND	______
COUNCILMAN KLEIN QUINN	______

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE ___ DAY OF ________ 2016.

COUNCILMAN HUDGENS	______
COUNCILMAN STOLL	______
COUNCILMAN DEGGES	______
COUNCILMAN TOWNSEND	______
COUNCILMAN KLEIN QUINN	______

____
Gretchen Fagan, Mayor

ATTEST:

____
Doris Speer, City Secretary

Regular City Council Agenda Item Data Sheet

Meeting Date: September 6, 2016

Topic:

Adopt, on First Reading, Ordinance No. 2016-21, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Amending Chapter 20, Section 20-28. Amendments to the 2012 International Fire Code, to Change Certain Fire Protection Requirements for R-3 Occupancies and Bed and Breakfasts; Providing a Penalty in an Amount Not to Exceed $2,000 for Each Day of Violation Hereof; and Providing for Severability

Background:

This proposed Ordinance is companion legislation related to Ordinance No. 2016-22, proposed Amednmenst to the International Building Code, and relates to Amendments to the International Fire Code (IFC), 2012 Version which was previously adopted. The proposed Amendments are designed to be specific to a Bed and Breakfast type occupancy under Group R of the IFC.

At the August 15th City Council meeting, a discussion occurred in regards to the automatic fire sprinkler requirement for bed & breakfast inns. Both the 2012 International Building Code (IBC) and 2012 International Fire Code (IFC) require automatic fire sprinkler systems to be installed for bed & breakfast inns.

During the City Council meeting, Mr. Mike Clark spoke on behalf of Maple Creek Bed & Breakfast and his desire to seek a waiver from the automatic fire sprinkler requirement. After deliberations about the automatic fire sprinkler requirement of bed and breakfast inns, Council determined they would like to see some options if the fire sprinkler system would not be required in the IBC and IFC.

Staff prepared a draft ordinances should the Council not wish to require the fire sprinkler system under certain conditions.

Ordinance 2016-22 amends Section 10-22 of the Tomball Code of Ordinances (Amendments to the International Building Code) by referencing the definition of bed and breakfast inns in Section 50-2 and classifying them as Residential Group R-1 for more than 10 occupants and as Residential Group R-3 for 10 or fewer occupants. Also, an exception was added not requiring automatic fire sprinkler systems when the owner/operator resides on the same property as the bed & breakfast inn and provided that the bed & breakfast inn also meets the adopted IFC and amendments.

Ordinance 2016-21 also amends Section 20-28 of the Tomball Code of Ordinances (Amendments to the International Fire Code) by requiring certain fire detection systems, fire extinguisher placement in all sleeping rooms and other items in bed & breakfast inns when an automatic fire sprinkler system is not provided

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Origination:

Fire Department

Recommendation:

Staff does not recommend approval of the proposed Ordinance

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

Fontenot, Hazlegrove, Parr

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1st ☐ 2nd	Other

ATTACHMENTS:

Ordinance No. 2016-21

ORDINANCE NO. 2016-21

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY AMENDING CHAPTER 20, SECTION 20-28. AMENDMENTS TO THE 2012 INTERNATIONAL FIRE CODE, TO CHANGE CERTAIN FIRE PROTECTION REQUIREMENTS FOR R-3 OCCUPANCIES AND BED AND BREAKFASTS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

Whereas the City Council has adopted the International Fire Code, 2012 edition, as the Fire Code for the City; and

Whereas the City Council desires to make local amendments to the Fire Code related to the operation and use of property for a bed and breakfast; and

Now, therefore,

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

Section 1. Subsection 20-28(e) of the Code of Ordinances of the City of Tomball, Texas, is amended by the adding the following to each definition:

Residential Group R-1.
Bed and breakfast with 16 or fewer occupants.

Residential Group R-3.
Bed and breakfast with 10 or fewer occupants.

Section 2. Subsection 20-28 of the Code of Ordinances of the City of Tomball, Texas is further amended by the adding the following subsections or code amendments:

(y.1) Section 903.2.8 of said code is amended to add the following exception:

Exception: In Group R-1 bed and breakfast or Group R-3 bed and breakfast occupancies located within a single structure, *automatic fire sprinkler systems* are not required where all the following apply:

1. An *automatic fire alarm* system is provided that complies with NFPA 72, that is monitored off-site, and that provides detection and notification when one device is activated so that all notification devices activate simultaneously;

2. 2A:10BC Fire extinguishers are provided in all sleeping units and each common area, and Class K fire extinguishers are provided in areas accordance with Section 906.4;
3. Lighted *exit signs* with battery backup are provided in accordance with Section 1011 (except in sleeping units);
4. *Means of egress* illumination with battery backup (can be integrated with exit signs) is provided in accordance with Section 1006, and includes exterior *exit discharge* (except in *sleeping units*);
5. An evacuation diagram depicting two evacuation routes, fire extinguishers, and manual Fire alarm pull station shall be posted on or immediately adjacent to every egress door from each sleeping unit;
6. Knox box(s) are provided for main entrance and driveway gate(s); and
7. Single throw locks are provided on all exits.
8. The owner or the owner's manager shall live on-site.

(ff.1) Subsection 906.1.1 of said code is amended by amending the first sentence to read:

In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-3, R-4 and S occupancies.

(gg.1) Section 906.1.2 of the code is hereby amended by adding a second sentence to read as follows**:**

A Class K-rated portable fire extinguisher must be located within 10 feet (3048 mm) travel distance of any cooking equipment, indoors or outdoors, in Group R-1 bed and breakfasts and R-3 bed and breakfasts.

(gg.2) Table 906.3.1 is amended to read:

TABLE 906.3(1)
FIRE EXTINGUISHERS FOR CLASS A FIRE HAZARDS

	LIGHT (Low) HAZARD OCCUPANCY	ORDINARY (Moderate) HAZARD OCCUPANCY	EXTRA (High) HAZARD OCCUPANCY
Minimum rated single extinguisher	2-A[c]	2-A	4-A[a]
Maximum floor area per unit of A	3,000 square feet	1,500 square feet	1,000 square feet
Maximum floor area for extinguisher[b]	11,250 square feet	11,250 square feet	11,250 square feet
Maximum travel distance to extinguisher	75 feet[d]	75 feet[d]	75 feet[d]

For Sl: I foot= 304.8 mm, I square foot= 0.0929 m2, 1 gallon= 3.785 L.
a. Two 2 1/ 2-gallon water-type extinguishers shall be deemed the equivalent of one 4-A rated extinguisher.
b. Annex E.3.3 of NFPA 10 provides more details concerning application of

the maximum floor area criteria.
c. Two water-type extinguishers each with a 1-A rating shall be deemed the equivalent of one 2-A rated extinguisher for Light (Low) Hazard Occupancies.
d. For Group R-1 bed and breakfasts and R-3 bed and breakfasts, 1 fire extinguisher per sleeping unit and 1 per each common area is required, regardless of travel distance to each extinguisher.

(ii.1) Section 907.2.8 of the code is amended to read as follows:
Group R-1. Fire alarm systems and smoke alarms shall be installed Group R-1 occupancies as required in Sections 907.2.8.1 through 907.2.8.3. Fire alarm systems and automatic smoke detection systems shall be installed in Group R-1 bed and breakfasts and Group R-3 bed and breakfasts in interior corridors and each *sleeping unit*.

Section 3. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2000. Each day of violation shall constitute a separate offense.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE ________ DAY OF _________________ 2016.

COUNCILMAN HUDGENS ________
COUNCILMAN STOLL ________
COUNCILMAN DEGGES ________
COUNCILMAN TOWNSEND ________
COUNCILMAN KLEIN QUINN ________

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE _____ DAY OF _________________ 2016.

COUNCILMAN HUDGENS ________
COUNCILMAN STOLL ________
COUNCILMAN DEGGES ________
COUNCILMAN TOWNSEND ________
COUNCILMAN KLEIN QUINN ________

____
Gretchen Fagan, Mayor

ATTEST:

____
Doris Speer, City Secretary

Regular City Council Agenda Item Data Sheet

Meeting Date: September 6, 2016

Topic:

Amend Current Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), affording the Tomball Police Department the Ability to Assign Five (5) Student Resource Officers (SROs) to TISD Campuses

Background:

In the 2016-2017 Council approved an additional School Resource Officer to be placed at Creekside Park Junior High School. The original contract was for four SRO's. This amended contract is for five SRO's. TISD's cost for the SRO's has also been amended to include the fifth officer.

Origination:

Tomball Police Department

Recommendation:

Approve

Funding:

Yes

Account Number:100-121-6003

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

Billy Tidwell, Chief of Police

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

TISD 2016-2017 Amended SRO Contract

INTERLOCAL AGREEMENT
(Student Resource Officer)
AMENDMENT

1. PARTIES

1.1. The Parties to this Agreement are City of Tomball ("City"), a body corporate and politic under the laws of the State of Texas, and TOMBALL INDEPENDENT SCHOOL DISTRICT ("the Contractor").

2. PURPOSE

2.1. The Contractor wants the Chief of Police of the City of Tomball, Texas, to authorize and direct five (5) law enforcement officers to each devote 187 days of their working time, "working time" being defined as eight (8) hours per day, to the Contractor. The law enforcement officer referenced above will be referred to collectively as "extra officers" whether one or more.

3. TERM OF THE AGREEMENT

3.1. The term of this Agreement begins on August, 1, 2016, and ends on July 31, 2017, unless terminated sooner in accordance with Section 7.

4. CITY'S RIGHTS AND OBLIGATIONS

4.1. City agrees to authorize the Chief of Police to appoint the extra officer effective at the beginning of the contract term, so as to enable (but not require) the Chief of Police to appoint the extra officer to devote 187 days of his/her working time to Tomball Independent School District facilities ("the area"). As used herein, the phrase "working time devoted to the area" means the usual or normal hours that extra officer is required to work in any calendar month and does not include any extra or overtime work. The time the extra officer is on duty within the area, the time the extra officer is in court in connection with cases arising out of events occurring within the area, the time the extra officer spends preparing reports and documents pertaining to events occurring in the area, the time the extra officer spends in making preparations to provide law enforcement in the area, the time the extra officer spends transporting persons arrested in the area to jail, the time the extra officer spends investigating crimes or possible crimes committed in the area, are deemed working time devoted to the area. The activities listed above are explanatory and the meaning of "working time devoted to the area" is not limited to those activities.

4.2. Contractor understands and agrees that if the Chief of Police appoints the extra officer to the area, the Chief of Police retains the control and supervision of the extra officer to the same extent as he does other officers.

4.3. The extra officer assigned in accordance with this Agreement shall perform the duties as assigned by the Contractor, subject to the control and supervision of the Chief of Police and the City of Tomball. The rules, regulations, procedures, and policies of the City shall govern the performance of duties rendered pursuant to this agreement.

4.4 The Contractor shall provide an office, a networked computer, and general office supplies needed for the extra officers to perform their Student Resource Officer duties. The Chief of Police shall supply all equipment necessary to perform police functions and services.

5. CONTRACTOR'S PAYMENT OBLIGATION

5.1. The Contractor agrees to pay the City of Tomball the sum of THREE HUNDRED AND FORTY NINE THOUSAND TWO HUNDRED AND SEVEN DOLLARS ($349,207.00) to contract police services, or to be used by the City of Tomball for the purpose of supplementing the cost to the City for supplying the law enforcement services, including salaries and any additional expenses the City may incur in providing the services for a period of 187 days beginning the 20th day of August, 2016. Contractor must make payments on the total sum in installments, which are due and payable, without demand, on or before the following dates in the amounts set forth:

> Nine (9) payments of $38,800.78, due on the 20th of each month, first payment due September 20, 2016.

5.2. If the term of this Agreement is terminated at any time other than at the end of a semester, payments under this Contract shall be prorated.

5.3. Contractor understands and agrees that if the City does not receive the payments within thirty (30) days of the date due, the City is authorized to terminate this Agreement without further notice. Further, City's failure to make demand for payments due is not a waiver of Contractor's obligation to make timely payments.

6. CITY'S PREROGATIVE TO APPOINT EXTRA OFFICERS

6.1. Contractor understands and agrees that this Agreement is not intended (nor shall it be construed) to obligate the Chief of Police in any manner whatsoever to assign the extra officer to devote any portion of his/her working time to the area. However, if for any reason the extra officer does not devote substantially 187 days of his/her full-time equivalent working time to the area during the term of this Agreement, then the Contractor is obligated to pay the City only a proportionate part of the total sum identified above. If the amount paid by the Contractor to City of Tomball exceeds the proportionate part, the Contractor is entitled to a refund from City of Tomball of the excess amount paid.

7. TERMINATION AND DEFAULT

7.1. Prior to the expiration of the term, either Party is authorized to terminate this Agreement without cause by giving to the other party at least thirty (30) days advance written notice of its intention to do so, specifying therein the effective date of such termination.

8. NOTICE

8.1. Any notice permitted or required to be given to City of Tomball hereunder may be given by registered or certified United States Mail, postage prepaid, return receipt requested, addressed to:

> Tomball Police Department
> Attn: Chief of Police
> 400 Fannin Street
> Tomball, Texas 77375

Any notice permitted or required to be given to Contractor hereunder may be given by registered mail or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Tomball Independent School District
Attn: Superintendent
310 South Cherry Street
Tomball, Texas 77375.

Notice shall be deemed given upon deposit of the notice in the United States Mail as aforesaid.

8.2. Either Party may designate a different address by giving at least ten (10) days written notice in the manner provided above.

9. MISCELLANEOUS

9.1. The terms and provisions of this Contract constitute the entire Agreement between the City and the Contractor, and no modification of this Contract is effective unless in writing and executed by both parties.

SIGNED in duplicate originals this _______day of ___________ 2016.

APPROVED AS TO FORM:

City of Tomball

ATTEST:

______________________________________	____________________________________
By:	By:
Doris Speer	Gretchen Fagan
City Secretary	Mayor

Tomball Independent School District

ATTEST:

______________________________________	_____________________________________
By:	By:
Chris Trotter	Huey Kinchen
Assistant Superintendent	Superintendent

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:

Approve Interlocal Agreement between the City of Tomball and Concordia Lutheran High School, affording the Tomball Police Department the Ability to Assign One (1) Student Resource Officer (SRO) to CLHS Campus.

Background:

In the 2016-2017 budget City Council approved the addition of one officer for the Police Department to be placed at Concordia Lutheran High School as a School Resource Officer. This contract provides the financial and performance provisions for that arrangement.

Origination:

Tomball Police Department

Recommendation:

Approve

Funding:

Yes

Account Number:100-121-6003

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

Billy Tidwell, Chief of Police

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

ILA between COT and CLHS.

INTERLOCAL AGREEMENT

(Student Resource Officer)

1. PARTIES

1.1. The Parties to this Agreement are City of Tomball ("City"), a body corporate and politic under the laws of the State of Texas, and CONCORDIA LUTHERAN HIGH SCHOOL ("the Contractor").

2. PURPOSE

2.1. The Contractor wants the Chief of Police of the City of Tomball, Texas, to authorize and direct one (1) law enforcement officers to each devote 177 days of their working time, "working time" being defined as eight (8) hours per day, to the Contractor. The law enforcement officer referenced above will be referred to collectively as "extra officer."

3. TERM OF THE AGREEMENT

3.1. The term of this Agreement begins on August, 1, 2016, and ends on July 31, 2017, unless terminated sooner in accordance with Section 7.

4. CITY'S RIGHTS AND OBLIGATIONS

4.1. City agrees to authorize the Chief of Police to appoint the extra officer effective at the beginning of the contract term, so as to enable (but not require) the Chief of Police to appoint the extra officer to devote 177 days of his/her working time to Tomball Independent School District facilities ("the area"). As used herein, the phrase "working time devoted to the area" means the usual or normal hours that extra officer is required to work in any calendar month and does not include any extra or overtime work. The time the extra officer is on duty within the area, the time the extra officer is in court in connection with cases arising out of events occurring within the area, the time the extra officer spends preparing reports and documents pertaining to events occurring in the area, the time the extra officer spends in making preparations to provide law enforcement in the area, the time the extra officer spends transporting persons arrested in the area to jail, the time the extra officer spends investigating crimes or possible crimes committed in the area, are deemed working time devoted to the area. The activities listed above are explanatory and the meaning of "working time devoted to the area" is not limited to those activities.

4.2. Contractor understands and agrees that if the Chief of Police appoints the extra officer to the area, the Chief of Police retains the control and supervision of the extra officer to the same extent as he does other officers.

4.3. The extra officer assigned in accordance with this Agreement shall perform the duties as assigned by the Contractor, subject to the control and supervision of the Chief of Police and the City of Tomball. The rules, regulations, procedures, and policies of the City shall govern the performance of duties rendered pursuant to this agreement.

4.4 The Contractor shall provide an office, a networked computer, and general office supplies needed for the extra officers to perform their Student Resource Officer duties. The Chief of Police shall supply all equipment necessary to perform police functions and services.

5. CONTRACTOR'S PAYMENT OBLIGATION

5.1. The Contractor agrees to pay the City of Tomball the sum of SIXTY THOUSAND FIVE HUNDRED EIGHT THREE ($60,583.00) to contract police services, or to be used by the City of Tomball for the purpose of supplementing the cost to the City for supplying the law enforcement services, including salaries and any additional expenses the City may incur in providing the services for a period of 177 days beginning the 1st day of August, 2016. Contractor must make payments on the total sum in installments, which are due and payable, without demand, on or before the following dates in the amounts set forth:

> Nine (9) payments of $6731.44, due on the 20th of each month, first payment due September 20, 2016.

5.2. If the term of this Agreement is terminated at any time other than at the end of a semester, payments under this Contract shall be prorated.

5.3. Contractor understands and agrees that if the City does not receive the payments within thirty (30) days of the date due, the City is authorized to terminate this Agreement without further notice. Further, City's failure to make demand for payments due is not a waiver of Contractor's obligation to make timely payments.

6. CITY'S PREROGATIVE TO APPOINT EXTRA OFFICERS

6.1. Contractor understands and agrees that this Agreement is not intended (nor shall it be construed) to obligate the Chief of Police in any manner whatsoever to assign the extra officer to devote any portion of his/her working time to the area. However, if for any reason the extra officer does not devote substantially 177 days of his/her full-time equivalent working time to the area during the term of this Agreement, then the Contractor is obligated to pay the City only a proportionate part of the total sum identified above. If the amount paid by the Contractor to City of Tomball exceeds the proportionate part, the Contractor is entitled to a refund from City of Tomball of the excess amount paid.

7. TERMINATION AND DEFAULT

7.1. Prior to the expiration of the term, either Party is authorized to terminate this Agreement without cause by giving to the other party at least thirty (30) days advance written notice of its intention to do so, specifying therein the effective date of such termination.

8. NOTICE

8.1. Any notice permitted or required to be given to City of Tomball hereunder may be given by registered or certified United States Mail, postage prepaid, return receipt requested, addressed to:

> Tomball Police Department
> Attn: Chief of Police
> 400 Fannin Street
> Tomball, Texas 77375

Any notice permitted or required to be given to Contractor hereunder may be given by registered mail or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Concordia Lutheran High School
Attn: Joel Bode
700 East Main Street
Tomball, Texas 77375.

Notice shall be deemed given upon deposit of the notice in the United States Mail as aforesaid.

8.2. Either Party may designate a different address by giving at least ten (10) days written notice in the manner provided above.

9. MISCELLANEOUS

9.1. The terms and provisions of this Contract constitute the entire Agreement between the City and the Contractor, and no modification of this Contract is effective unless in writing and executed by both parties.

SIGNED in duplicate originals this _______day of ___________ 2014.

APPROVED AS TO FORM:

City of Tomball

ATTEST:

___________________________________	___________________________________
By:	By:
Doris Speer	Gretchen Fagan
City Secretary	Mayor

Tomball Independent School District

ATTEST:

____
By:
Joel Bode
Principal

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:

Ratify the FY 2016-2017 Budget and Find that the Proposed Tax Rate of $.341455/$100 Exceeds the Effective Tax Rate and Will Generate More Property Tax Revenue than the FY 2015-2016 Budget.

Background:

Truth-in-Taxation laws require that, prior to adopting a tax rate, the Council must first ratify the already adopted budget for the ensuing fiscal year and "find" that the proposed tax rate will generate more or less property tax revenue than the concluding year's adopted budget.

The City's proposed tax rate to serve the 2016-2017 Budget is $0.341455/$100. According to the Harris County Tax Assessor, the proposed rate of $0.341455 per $100 of assessed value exceeds the effective tax rate of $0.331334/$100, but does not exceed the rollback tax rate of $0.372352/$100. The Notice of 2016 Tax Year Proposed Property Tax Rate (increase) for Tomball will be published in the official newspaper on September 7, 2016.

Two public hearings are required before the adoption of an ordinance setting the 2016 tax levy. After ratifying the 2016-2017 budget and finding that the proposed tax rate exceeds the effective tax rate, Council will officially set the dates and announce that public hearings on the tax rate will be required on September 26 and October 3 in a separate item.

Origination:

City Secretary

Recommendation:

Ratification of the FY 2016-2017 Budget and finding that the proposed tax rate of $0.341455 will generate more property tax revenue than the FY 2015-2016 Budget.

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

City Secretary

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

Notice of 2016 Tax Year Proposed Property Tax Rate for the City of Tomball, Texas

NOTICE OF 2016 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF TOMBALL, TEXAS

A tax rate of $ 0.341455 per $100 valuation has been proposed for adoption by the governing body of CITY OF TOMBALL. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of THE CITY OF TOMBALL proposes to use revenue attributable to the tax rate increase for the purpose of GENERAL FUND EXPENDITURES.

PROPOSED TAX RATE	$ 0.341455	per $100
PRECEDING YEAR'S TAX RATE	$ 0.341455	per $100
EFFECTIVE TAX RATE	$ 0.331334	per $100
ROLLBACK TAX RATE	$ 0.372352	per $100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for THE CITY OF TOMBALL from the same properties in both the 2015 tax year and the 2016 tax year.

The rollback tax rate is the highest tax rate that THE CITY OF TOMBALL may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS:

property tax amount = (rate) x (taxable value of your property) / 100

For assistance or detailed information about tax calculations, please contact:

HARRIS COUNTY TAX OFFICE
MIKE SULLIVAN tax assessor-collector
1001 PRESTON STREET
713-274-8000
tax.office@hctx.net
www.tax.co.harris.tx.us

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: SEPTEMBER 26, 2016 at 5:00 PM at 401 MARKET STREET, TOMBALL, TX 77375.

Second Hearing: OCTOBER 3, 2016 at 6:00 PM at 401 MARKET STREET, TOMBALL, TX 77375.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 6, 2016

Topic:

Set Dates for the Required Public Hearings on the Proposed 2016 Tax Rate

Background:

Each year, the City Council is required to set the dates for required Public Hearings on the proposed tax rate, if the proposed tax rate exceeds either the rollback rate or the effective rate calculated by Harris County. The schedule for the City's adoption of the tax rate is dependent on the date Harris County provides the certified tax roll and when we are able to publish the notice of effective tax rate in the City's official newspaper, which is a weekly publication in the Houston Chronicle.

We received the certified rolls from Harris County on August 22 and the calculations on August 30. We will receive publish the Notice of 2016 Tax Year Proposed Property Tax Rate in the September 7 issue of the newspaper for the September 26 and October 3 public hearings.

At this time, City staff recommends September 26 at 5:00 p.m. (Special meeting) and October 3 at 6:00 p.m. (Regular meeting) as the dates for the public hearings on the proposed tax rate; notice of the public hearings will be posted on September 7 and will be published on September 14 (12 days' before the first public hearing).

At the September 6 meeting, Council will be asked to consider and announce the dates for the votes on the tax rate following the public hearings in a separate item.

Origination:

City Secretary

Recommendation:

Set and announce Public Hearing dates.

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

City Secretary

ACTION TAKEN

Approval	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

Regular City Council Agenda Item Data Sheet

Meeting Date: September 6, 2016

Topic:

Set the Dates for the Vote on the Proposed 2016 Tax Rate and Announce that Voting on the Proposed 2016 Tax Rate will be held at a Special Regular Council Meeting on October 10, 2016 at 5:00 p.m. and at a Regular Council Meeting on October 17, 2016 at 6:00 p.m.

Background:

On September 6, 2016, Council ratified the budget and found that the proposed tax rate will generate more tax revenue than the previous year's budget; City staff requested that Council set and announce the dates for the two required public hearings on the proposed tax rate for September 26, 2016 at 5:00 p.m. and October 3, 2016 at 6:00 p.m.

The next requirement is to set and announce the dates that Council will vote on the proposed tax rate for 2016, if the proposed tax rate exceeds either the effective tax rate or the rollback rate.

The City's proposed tax rate to serve the 2016-2017 Budget is $0.341455/$100. According to the Harris County Tax Assessor, the proposed rate of $0.341455 per $100 of assessed value exceeds the effective tax rate of $0.331334/$100, but does not exceed the rollback tax rate of $0.372352/$100. The Notice of 2016 Tax Year Proposed Property Tax Rate (increase) for Tomball will be published in the official newspaper on September 7, 2016.

The Notice of 2016 Tax Year Proposed Property Tax Rate will published in the September 7, 2016 issue of the official newspaper.

Following the two public hearings, City staff requests that the first reading of the ordinance adopting the tax rate be held on October 10, 2016 at 5:00 p.m., at a special Council meeting and the second reading of the ordinance be held at the regular Council meeting on October 17, 2016 at 6:00 p.m.

The October 17 date will meet the requirements to adopt the tax rate within 60 days of receiving the certified rolls from Harris County, as well as the state requirement that the tax ordinance be adopted within 14 days of the second public hearing.

Origination:

City Secretary

Recommendation:

Set dates and announce that Voting on the Proposed 2016 Tax Rate will be held on October 10, 2016 at 5:00 p.m. and the second vote will be held at on October 17, 2016 at 6:00 p.m.

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

Doris Speer, City Secretary

ACTION TAKEN

Approval	Readings Passed	Other

☐ **Yes** ☐ **No**	☐ **1st** ☐ **2nd**	

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