

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



MONDAY, FEBRUARY 1, 2016

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, February 1, 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 Pastor Kevin Pieper, Salem Lutheran Church

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball 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.]*

4.1 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

Reports and Announcements:

- Tomball Police Department Presentation and Pinning of Officers:
 - Lieutenant Danny Arriaga
 - Lieutenant Bryan Hill
 - Officer Courtney White
 - Officer Gabriel Muñoz
 - PSO Keaka Lasoya
 - PSO Korey Orr
 - Dispatcher Hailey Dixon
- February 19, 2016 – Last day to apply for Place on Ballot for the May 7, 2016 General City Election – 5 p.m. deadline
- February 23, 2016 – **Trailride Reception** – 12 Noon at the Depot
- February 24-25, 2016 – **Shattered Lives** Event – **Tomball High School**
- March 12, 2016 – **2nd Saturday at the Depot**
- April 9, 2016 – **7th Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 9, 2016 – **2nd Saturday at the Depot**
- April 20-21, 2016 – **Shattered Lives** Event – **Tomball Memorial High School**
- April 30-May 1, 2016 – **Rails & Tails Mudbug Festival** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken

6.0 Approve the Minutes of the January 18, 2016 Regular City Council Meeting

7.0 Old Business:

- 7.1 Adopt, on Second Reading, Ordinance No. 2016-01, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Reserve at Spring Lake Section Two Properties within the City of Tomball Public Improvement District Number Three; and Making Certain Findings Related Thereto
- 7.2 Adopt on Second Reading, Ordinance No. 2016-02, an Ordinance of the City of Tomball, Texas, Correcting the Assessment of Two Parcels of Land within the Tomball Public Improvement District Number 1, Established by Resolution No. 2007-14

8.0 New Business:

- 8.1 Approve Request by Tomball High School Student Council for In-Kind Services from the City Police, Fire, and Public Works Departments, and to Waive Associated Fees for the 1st Annual “THS Color Run”, a 5k Run/Walk Fundraiser, to be held on Saturday, March 5, 2016
- 8.2 Approve Request by Salem Lutheran School (Kids Caring for Kenya) for In-Kind Services from the City Police, Fire, and Public Works Departments, and to Waive Associated Fees for the 3rd Annual 5K/1K Fun Run, to be held on Sunday, April

24, 2016, to Raise Awareness and Fund to Help Fight Unnecessary Malaria Deaths in Kenya

- 8.3 Approve and Authorize Improved Fire Department Structure and Promotions resulting from the Addition of a Third Fire Station and Three Full-Time Driver/Operator Positions
- 8.4 Approve Proposed Revisions to Administrative Policy No. 32, entitled "*Volunteer Firefighter Compensation*"
- 8.5 Appoint City of Tomball Representative to the 249 Partnership Board of Directors
- 8.6 Approve Resolution No. 2016-03, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to Negotiate an Electric Supply Agreement for Five Years for Deliveries of Electricity Effective January 1, 2018; Authorizing TCAP to Act as an Agent on Behalf of the City to Enter into a Contract for Electricity; Authorizing George Shackelford or Robert Hauck or Glenn Windsor to Execute an Electric Supply Agreement for Deliveries of Electricity Effective January 1, 2018 and Committing to Budget for Energy Purchases in 2018 through 2022 and to Honor the City's Commitments to Purchase Power for Its Electrical Needs in 2018 through 2022 Through TCAP
- 8.7 Appoint Ms. Echo Coleman as Associate Municipal Court Prosecutor for the Tomball Municipal Court, with Term Beginning February 2, 2016 and Expiring December 31, 2016
- 8.8 Consideration and Possible Action regarding Request from Orbit Laundry to Reduce Water and Wastewater Impact Fees by \$90,000
- 8.9 Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose:
 - Sec. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding pending litigation, to wit: C.A. No. 4:14-CV-3572; David Kaufman v. City of Tomball; In the United States District Court for the Southern District of Texas, Houston Division
- 9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 28th day of

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

Doris Speer

Doris Speer
City Secretary, TRMC

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: February 1, 2016

Topic:

- Led by Pastor Kevin Pieper, Salem Lutheran Church

Background:

Origination:

Recommendation:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: February 1, 2016

Topic:

- Led by Members of the Tomball High School Student Council

Background:

Origination:

Recommendation:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: February 1, 2016

Topic:

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.]*

Background:

Origination:

Recommendation:

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

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 1, 2016

Topic:

Reports and Announcements:

- Tomball Police Department Presentation and Pinning of Officers:
 - Lieutenant Danny Arriaga
 - Lieutenant Bryan Hill
 - Officer Courtney White
 - Officer Gabriel Muñoz
 - PSO Keaka Lasoya
 - PSO Korey Orr
 - Dispatcher Hailey Dixon
- February 19, 2016 – Last day to apply for Place on Ballot for the May 7, 2016 General City Election – 5 p.m. deadline
- February 23, 2016 – ***Trailride Reception*** – 12 Noon at the Depot
- February 24-25, 2016 – ***Shattered Lives*** Event – **Tomball High School**
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- April 20-21, 2016 – ***Shattered Lives*** Event – **Tomball Memorial High School**
- April 30-May 1, 2016 – **Rails & Tails Mudbug Festival** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken

Background:

Origination:

Recommendation:

N/A

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

City Secretary

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

ATTACHMENTS:

Notice of Deadlines to Apply for Place on Ballot

Trailride Reception

**NOTICE OF DEADLINE TO FILE APPLICATIONS FOR
PLACE ON THE BALLOT
(AVISO DE FECHA LÍMITE PARA PRESENTAR SOLICITUDES PARA
UN LUGAR EN LA BOLETA)
(THÔNG BÁO VỀ THỜI HẠN NỘP ĐƠN XIN
GHI DANH TRÊN LÁ PHIẾU)
(申請選票席位
截止日期通知)**

Notice is hereby given that applications for a place on the May 7, 2016 City of Tomball, Texas General Election ballot may be filed during the following time:

(Se da aviso por la presente que las solicitudes para un lugar en la boleta de la Elección General de la Ciudad de Tomball, Tejas de 7 de mayo de 2016 se pueden presentar durante el siguiente horario:)

(Theo đây xin thông báo quý vị có thể nộp đơn xin ghi tên tranh cử trên lá phiếu cho Cuộc Tổng Tuyển Cử của Thành Phố Tomball, Texas ngày 7 tháng Năm, 2016 vào ngày giờ sau đây:)

(特此通知, 申請 2016 年 5 月 7 日 Texas 州 Tomball 市普通選舉之選票席位可於以下期間辦理登記:)

Filing Dates and Times:

(Fechas y Horario para Entregar Presentaciones):

(Ngày giờ nộp đơn):

(登記日期和时间):

Start Date: January 20, 2016

(Fecha Inicio): 20 de enero de 2016

(Ngày bắt đầu: 20 tháng Một, 2016)

(開始日期): 2016 年 1 月 20 日

End Date: February 19, 2016

(Fecha Limite): 19 de febrero de 2016

(Ngày kết thúc): 19 tháng Hai, 2016

(截止日期): 2016 年 2 月 19 日

Office Hours: Monday-Thursday: 7:45 a.m.-5:00 p.m.; Friday: 7:45 a.m.-4:00 p.m.

Horario de la Oficina: Lunes-Jueves: 7:45 a.m.-5:00 p.m.; Viernes: 7:45 a.m.-4:00 p.m.

Giờ làm việc: Thứ Hai - thứ Năm, 7:45 a.m.-5:00 p.m.; thứ Sáu: 7:45 a.m.-4:00 p.m.

辦公時間: 週一至週四: 上午 7:45 - 下午 5:00; 週五: 上午 7:45 - 下午 4:00

Physical address for filing applications in person for place on the ballot:

(Dirección a física para presentar las solicitudes en persona para un lugar en la boleta):

(Địa chỉ tiếp nhận đơn xin nộp trực tiếp):

(親自辦理選票席位申請地址):

City Secretary

La Secretaria de la Ciudad

Thư Ký Thành Phố

市秘書

City of Tomball, Texas

La Ciudad de Tomball, Tejas

Thành phố Tomball, Texas

Texas 州 Tomball 市

401 Market Street

401 Market Street

401 Market Street

401 Market Street

Tomball, Texas 77375

Tomball, Texas 77375

Tomball, Texas 77375

Tomball, Texas 77375

Address to mail applications for place on the ballot (if filing by mail):

(Dirección a donde enviar las solicitudes para un lugar en la boleta (en caso de presentar por correo))

(Địa chỉ nhận đơn xin gửi qua thư bưu điện (nếu nộp qua thư)):

(郵寄辦理選票席位申請地址 (如郵寄申請)):

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

Secretaria de la Ciudad
La Ciudad de Tomball, Tejas
401 Market Street
Tomball, Texas 77375

Thư Ký Thành Phố
Thành phố Tomball, Texas
401 Market Street
Tomball, Texas 77375

市秘書
Texas 州 Tomball 市
401 Market Street
Tomball, Texas 77375

Doris Speer, City Secretary/Secretaria de la Ciudad/

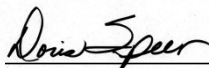
Thư Ký Thành Phố/市秘書

Printed Name of Filing Officer

(Nombre en letra de molde del Oficial de Archivos)

(Tên viết bằng chữ in của viên chức phụ trách thủ tục nộp đơn xin)

(登記官印刷體姓名)



Signature of Filing Officer

(Firma del Oficial de Archivos)

(Chữ ký của viên chức phụ trách thủ tục nộp đơn xin)

(登記官簽名)

December 2, 2015/2 de diciembre de 2015/

Ngày 2 tháng Mười Hai, 2015/2015 年 12 月 2 日

Date Posted *(Fecha archivada)* (Ngày đăng) (发布日期)

AW3-2a

Prescribed by Secretary of State
Section 141.040, Texas Election Code
09/2009

HOWDY PARTNER!

It's Rodeo time and the trail riders are headin' our way again. Meet the cowboys, cowgirls, rodeo clowns, and enjoy some old style western fun as the riders meander through Tomball!



Trail ride reception is February 23rd at the historic Tomball Depot
201 South Elm Street from high-noon 'til 2 p.m.

There'll be free grub like hot dogs, cookies and drinks, too!
It only happens once a year, so don't miss it . . . Call 281-351-5484.



Nonnie's Cafe
and Creamery



Regular City Council
Agenda Item
Data Sheet

Meeting Date: February 1, 2016

Topic:

Approve the Minutes of the January 18, 2016 Regular City Council Meeting

Background:

Origination:

City Secretary

Recommendation:

N/A

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

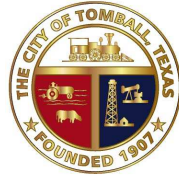
City Secretary

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

ATTACHMENTS:

Draft Minutes - January 18, 2016 Regular City Council Meeting

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



MONDAY, JANUARY 18, 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 Klein Quinn
Councilman Townsend

Members absent:

Councilman Degges - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
Fire Marshal – Lance Wilson
Detective – Kenneth Yoho

2.0 The invocation was led by Pastor Jerrel Parten, Greater Purpose Worship Center.

3.0 The pledges to U. S. and Texas Flags were led by Chelsea Coronado and Gabrielle Garza, Members of the Tomball Memorial High School Student Council.

4.0 The following public comment was received:

Gabrielle Garza 17906 Plum Green Court Cypress, TX 77429	-	Requested Council consideration to name the Laura Bush petunia as the official City flower; suggested plans for both high schools to plant petunias in the City.
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5.0 Presentations:

- City Secretary Office – **2015 Exemplary Five-Star Designation** from the Texas Department of State Health Services, Vital Records Division

6.0 Reports and Announcements:

- January 20, 2016 – First day to apply for Place on Ballot for the May 7, 2016 City General Election
- February 13, 2016 – **2nd Saturday at the Depot**
- February 19, 2016 – Last day to apply for Place on Ballot for the May 7, 2016 City General Election – 5 p.m. deadline
- February 23, 2016 – **Trailride Reception** – 12 Noon at the Depot
- February 24-25, 2016 – **Shattered Lives** Event – Tomball High School
- March 12, 2016 – **2nd Saturday at the Depot**
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Randy Parr announced the appointment of Lance Wilson as Fire Marshal.

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the January 4, 2016 Regular City Council Meeting.

Motion carried unanimously.

8.0 New Business

8.1 Mayor Fagan opened the Public Hearing at 6L09 p.m. to Consider Proposed Assessments against Reserve at Spring Lake Section Two Properties in the City of Tomball Public Improvement District number Three, Established by City Council Resolution No. 2009-28.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:09 p.m.

8.2 Motion was made by Councilman Hudgens, second by Councilman Townsend, to read Ordinance No. 2016-01 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2016-01, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Reserve at Spring Lake Section Two Properties within the City of Tomball Public Improvement District Number Three; and Making Certain Findings Related Thereto. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2016-02 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2016-02, an Ordinance of the City Council of Tomball, Texas, Correcting the Assessment of Two Parcels of Land within the Tomball Public Improvement District Number 1, Established by Resolution No. 2007-14. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to award Contract for RFP No. 2016-08 for Banking Services and Merchant Services to Wells Fargo.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to award RFP No. 2016-09 to Aquascapes for the Construction of a Splash Pad adjacent to the Existing Splash Pad at the Depot Park, in the Amount of \$44,050.00.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to award Contract for Project Number 2016-06, Sludge Hauling & Disposal – Belt Press & 30 Yard Roll-Off to K3 BMI.

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize the City Manager to Execute an Engineering Services Agreement with Freese & Nichols to Conduct a Critical Needs Assessment of the Wastewater Treatment Plants and Prepare and Submit an Application for a Certificate of Convenience and Necessity (CCN) for the Establishment of the Water and Sewer Service Areas.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize City Manager to Execute Change Order #2 for the Tomball Business & Technology Park, Harris County Holderrieth Road & Hufsmith Kohrville Road Left Turn Lanes & Box Culverts Project, in the Amount of **\$78,588**, and Add an Additional 126 Days to the Contract Time. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried, 3 votes Aye, 1 vote Nay.

- 8.9 Council recessed at 6:27 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding a Matter of Potential Litigation that the Duty of the Attorney Requires be Held in Closed Session

Upon reconvening in regular session at 6:48 p.m., no action was taken.

- 9.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 4th day of February 2016.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 1, 2016

Topic:

Adopt, on Second Reading, Ordinance No. 2016-01, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Reserve at Spring Lake Section Two Properties within the City of Tomball Public Improvement District Number Three; and Making Certain Findings Related Thereto

Background:

This item is for consideration and action on Ordinance No. 2016-01, which will, upon adoption, authorize the legal levy of special assessments against property located in Reserve at Spring Lake Section Two within the City of Tomball Public Improvement District Number Three.

The public infrastructure improvements are almost complete for Section Two of the Reserve at Spring Lake Subdivision within PID Number Three created by the City in 2009. An assessment roll must be approved by the City Council that will levy an assessment against each of the lots in Section Two. Assessments were levied on Section One lots and a Service and Assessment Plan was approved back in 2012.

Additional specific information can be found in the Council Item Information Sheet which is attached for your review.

Origination:

Finance

Recommendation:

Approval of Ordinance 2016-01

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

Glenn Windsor, CPA Finance Director

ACTION TAKEN

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

Ordinance No. 2016-01

Section Two Assessment Roll

PID No. 3 Council Information Sheet

The Basics - PID Primer

ORDINANCE NO. 2016-01

**AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL, TEXAS,
LEVYING AN ASSESSMENT AGAINST RESERVE AT SPRING LAKE
SECTION TWO PROPERTIES WITHIN THE CITY OF TOMBALL
PUBLIC IMPROVEMENT DISTRICT NUMBER THREE; 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 Three (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 improvements, **NOW THEREFORE**,

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

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

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

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

Section 4. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place

convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF JANUARY 2016.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>ABSENT</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF FEBRUARY 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Public Improvement District Number Three
Reserve at Spring Lake Subdivision
Section Two Assessment Roll
City of Tomball, Harris County, Texas

Owner	Block #	Lot #	Lot Area (Acres)	Lot Category	Total Assessment	Annual Assessment Installment (Financed)	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
Zion Road Properties, LLC	1	1	1.296	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	1	2	1.313	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	1	3	1.407	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	1	4	1.036	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	1	5	1.002	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	1	6	1.034	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	1	7	2.635	3	\$ 91,858.15	\$ 9,000.00	15 years	\$ 241.65	\$ 9,241.65
Zion Road Properties, LLC	1	8	1.006	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	1	9	1.056	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	1	10	1.075	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	1	11	1.093	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	1	12	1.433	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	2	13	3.632	4	\$ 114,822.69	\$ 11,250.00	15 years	\$ 241.65	\$ 11,491.65
Zion Road Properties, LLC	2	1	1.194	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	2	2	1.186	1	\$ 68,893.62	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	2	3	1.112	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	2	4	1.010	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	2	5	1.163	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	3	1	1.004	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	3	2	1.004	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	3	3	1.365	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	3	4	1.413	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	3	5	1.009	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	4	1	1.071	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	4	2	1.005	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	4	3	1.013	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	4	4	1.000	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	5	1	1.000	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65
Zion Road Properties, LLC	5	2	1.030	1	\$ 45,929.08	\$ 4,500.00	15 years	\$ 241.65	\$ 4,741.65

Council Item Information Sheet – Section Two Assessment Roll for Public Improvement District Number Three (Reserve at Spring Lake Subdivision)

Action Requested

Approval of the Section Two Assessment Roll for Public Improvement District Number Three.

Information

Public infrastructure improvements are nearly complete for Section Two of the Reserve at Spring Lake Subdivision within Public Improvement District Number Three created by the City in 2009. Per Chapter 372 of the Local Government Code, an assessment roll for Section Two must be approved by City Council that will levy the assessment on each of the lots in Section Two. Assessments were levied on Section One lots and a Service and Assessment Plan was approved back in 2012. 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 portion of the public improvement costs based on the size of the property. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot category. The total, one-time assessment per lot category is specified in the plan as well as the annual installment (financed assessment rate at 5.25% annual interest) as follows:

<u>Reserve at Spring Lake Lot Categories (By Size)</u>	<u>Total Assessment (Principal)</u>	<u>Financed Assessment (Annual Payment)</u>
1.) Up to 1.5 Acres	\$45,929.08	\$4,500.00
2.) 1.5 Acres to 2.0 Acres	\$68,893.62	\$6,750.00
3.) 2.0 Acres to 3.0 Acres	\$91,858.15	\$9,000.00
4.) 3.0 Acres and Larger	\$114,822.69	\$11,250.00

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 50% of the public infrastructure costs of the development plus interest while staying at or below the equivalent of a \$0.90 tax rate on a project wide basis. For illustration, the attached amortization schedule details the amortization for a Lot Category 1 property. It is estimated that the average price of the homes to be constructed on Lot Category 1 properties will be \$500,000. The annual assessment payment for the Lot Category 1 is \$4,500, or the equivalent of a \$0.90 tax rate on a \$500,000 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.

**TOMBALL PID THREE
EXAMPLE AMORTIZATION SCHEDULE**

AMORTIZATION SCHEDULE BY LOT CATEGORY

LOT	
CATEGORY	1
Duration (in years)	15
Interest Rate	5.25%
Annual Payment Amount	\$4,500.00
Total Lifetime Payments	\$67,500.00
Total Principal	\$45,929.08
Total Interest	\$21,570.92

	Payment	Principal	Interest	Payment	Principal Balance
					\$45,929.08
1		\$2,088.72	\$2,411.28	\$4,500.00	\$43,840.36
2		\$2,198.38	\$2,301.62	\$4,500.00	\$41,641.97
3		\$2,313.80	\$2,186.20	\$4,500.00	\$39,328.18
4		\$2,435.27	\$2,064.73	\$4,500.00	\$36,892.91
5		\$2,563.12	\$1,936.88	\$4,500.00	\$34,329.78
6		\$2,697.69	\$1,802.31	\$4,500.00	\$31,632.10
7		\$2,839.32	\$1,660.69	\$4,500.00	\$28,792.78
8		\$2,988.38	\$1,511.62	\$4,500.00	\$25,804.40
9		\$3,145.27	\$1,354.73	\$4,500.00	\$22,659.13
10		\$3,310.40	\$1,189.60	\$4,500.00	\$19,348.74
11		\$3,484.19	\$1,015.81	\$4,500.00	\$15,864.55
12		\$3,667.11	\$832.89	\$4,500.00	\$12,197.44
13		\$3,859.63	\$640.37	\$4,500.00	\$8,337.80
14		\$4,062.27	\$437.73	\$4,500.00	\$4,275.53
15		\$4,275.53	\$224.47	\$4,500.00	\$0.00
TOTAL		\$45,929.08	\$21,570.92	\$67,500.00	

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: February 1, 2016

Topic:

Adopt on Second Reading, Ordinance No. 2016-02, an Ordinance of the City of Tomball, Texas, Correcting the Assessment of Two Parcels of Land within the Tomball Public Improvement District Number 1, Established by Resolution No. 2007-14

Background:

This item is for the correction of the assessments levied on two lots in PID Number One, Pine Country of Tomball Subdivision.

Subsequent to the assessment roll being approved by council in 2010, there were two lots in Pine Country that were re-platted prior to the construction of the homes. This requires that the assessments on these two lots be corrected to reflect the correct assessment per square foot of \$0.9618.

More detail information is provided in the Council Item Information Sheet which is attached.

Origination:

Finance

Recommendation:

Approval of Ordinance 2016-02

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

Glenn Windsor, CPA Finance Director

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

ATTACHMENTS:

Ordinance No. 2016-02

PID No. One - Council Information Sheet

ORDINANCE NO. 2016-02

**AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL, TEXAS,
CORRECTING THE ASSESSMENT OF TWO PARCELS OF LAND
WITHIN THE TOMBALL PUBLIC IMPROVEMENT DISTRICT
NUMBER 1, ESTABLISHED BY RESOLUTION NO. 2007-14.**

* * * * *

WHEREAS, the City of Tomball (the “City”) is authorized pursuant to TEX. LOCAL GOVT CODE, ch. 372, as amended (“Chapter 372”) to create public improvement districts for the purposes described therein; and

WHEREAS, the City received a petition (the “Petition”) requesting the creation of the City of Tomball Public Improvement District Number 1 (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. 2007-14 establishing the PID; and

WHEREAS, the City passed and adopted an ordinance approving the Service and Assessment Plan for the PID by Ordinance No. 2010-14 and an ordinance approving the Tomball Public Improvement District Number 1 (Pine Country Section Two) Section Two assessment roll and levying an assessment on each parcel by Ordinance No. 2010-15; and

WHEREAS, the city council has determined that the assessments against Lot 39, Block 2 and Lot 40, Block 2 of Section Two are incorrect due to changes in lot square footages and wishes to correct the assessment of the parcels to reflect the change in square footages; **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 approved assessment roll for Public Improvement District Number 1 (Pine Country Section Two) Section Two attached to Ordinance No. 2010-15 is hereby amended as follows to change the Lot Area (s.f.) of Lot 39, Block 2 from 19,632 square feet to 14,272 square feet and to change the Lot Area (s.f.) of Lot 40, Block 2 from 11,644 square feet to 15,703 square resulting in a new Total Assessment and Annual Assessment Installments as follows:

Public Improvement District Number One Pine County of Tomball Subdivision Section Two Assessment Roll City of Tomball, Harris County, Texas									
Block #	Lot #	Lot Area (s.f.)	Total Assessment Rate	Total Assessment	Financed Assessment Rate	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
2	39	14,272	0.9618	\$13,726.81	0.1056	\$1,507.12	15 Years	\$58.89	\$1,566.01
2	40	15,703	0.9618	\$15,103.15	0.1056	\$1,658.24	15 Years	\$58.89	\$1,717.13

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 18TH DAY OF JANUARY 2016.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>ABSENT</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF FEBRUARY 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Council Item Information Sheet – Correction of Assessments for Two Lots in Public Improvement District Number One (Pine Country of Tomball Subdivision)

Action Requested

Approval of an ordinance correcting the assessment on Lots 39 and 40, Block 2 Pine Country of Tomball Section Two within Public Improvement District Number One.

Information

Assessments were approved by City Council for lots within Public Improvement District Number One in 2010. The assessments are a uniform rate per square foot over all the lots. Subsequent to the levy of the assessments it appears two lots were re-platted prior to homes being constructed resulting in the need to correct the assessment roll to reflect the true square footage of the lots. The assessment rate remains the same. The total, one-time assessment per square foot of residential property is \$0.9618. The annual installment (financed assessment rate) is \$0.1056 per square foot of residential property.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 1, 2016

Topic:

Approve Request by Tomball High School Student Council for In-Kind Services from the City Police, Fire, and Public Works Departments, and to Waive Associated Fees for the 1st Annual “THS Color Run”, a 5k Run/Walk Fundraiser, to be held on Saturday, March 5, 2016

Background:

Tomball High School Student Council is requesting to hold our 1st Annual “THS Color Run”, a run/walk fundraiser, to be held at the Tomball High School campus, on Saturday March 5th, 2016. The 5k run/walk will begin at 8:00 AM at the Tomball High School Campus and surrounding areas, with the expected participation of many contestants.

All the funds raised through registration fees to participate in this certified run/walk, along with sponsor donations will be used to benefit the Kids Club activities for the City of Tomball during the summer and the beautification in the front of Tomball High School.

The Tomball High School Color Run offers an opportunity for the students, families, residents and merchants to come out and encourage the participants. Tomball High School Student Council desires and requests the support and endorsement of the City of Tomball in this Fundraising effort. Tomball High School would ask the City in Tomball to provide the in-kind services of Police and Fire to aide in the run/walk.

We value our relationship with the City of Tomball and look forward to working together for many years to come, thank you for your consideration.

Origination:

Recommendation:

Staff recommends approval

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

Denise Fiore Mike Baxter

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

ATTACHMENTS:

Original Proposal
Color Ingredient Content
City Expenses

Tomball High School Color Run Proposal

Tomball High School Student Council is requesting to hold our 1st Annual “THS Color Run”, a run/walk fundraiser, to be held at the Tomball High School campus, on Saturday March 5th, 2016. The 5k run/walk will begin at 8:00 AM at the Tomball High School Campus and surrounding areas, with the expected participation of many contestants.

All the funds raised through registration fees to participate in this certified run/walk, along with sponsor donations will be used to benefit the Kids Club activities for the City of Tomball during the summer and the beautification in the front of Tomball High School.

The Tomball High School Color Run offers an opportunity for the students, families, residents and merchants to come out and encourage the participants. Tomball High School Student Council desires and requests the support and endorsement of the City of Tomball in this Fundraising effort.

Tomball High School would ask the City in Tomball to provide the in-kind services of Police and Fire to aide in the run/walk.

We value our relationship with the City of Tomball and look forward to working together for many years to come, thank you for your consideration.

Billie Ann Dio & THS Student
Council Officers

billiedio@tomballisd.net

281 357-3220 #2308

713 256-0503 (Cell)

COLOR BLAZE 5K

Updated Issue: February 20, 2014

Material Safety Data Sheet

Colored Cornstarch

Section 1: Identification

Product Name: Colored Cornstarch

Product Formulation: Cornstarch & FD&C Aluminum Lakes

Physical Appearance: Solid Powder

Color: Blue, green, yellow, pink, purple, orange, red, and white

General Use: Dispersal onto participants in 5k, color wars and various celebrations

Section 2: Hazard identification

HMIS Ratings

Health Hazard: 1

Flammability Hazard: 0

Reactivity Hazard: 0

Max Personal Protections: E

Hazardous Materials Identification System	
HAZARD INDEX	PERSONAL PROTECTION INDEX
A	G
B	H
C	I
D	J
E	K
F	X

Section 3: Composition/Information of Ingredients

	Weight %	CAS No	OSHA/PEL	ACGIH/TLV*
Cornstarch	92.5-00.1	0995-25-8	10 mg/m ³	5mg/m ³
FD&C Blue # 1 Lake	Proprietary	57455-37-5	N/A	N/A
FD&C Red #40 Lake	Proprietary	68583-95-9	N/A	N/A
FD&C Yellow #5 Lake	Proprietary	12225-21-7	N/A	N/A
FD&C Yellow #6 Lake	Proprietary	15790-07-5	N/A	N/A

Section 4: First Aid Measures

Inhalation symptoms	If discomfort develops, remove from exposure, to fresh air. Seek medical attention if symptoms
Eye Contact	If discomfort develops, flush eyes with water for 15 minutes, occasionally lifting upper and lower eyelids. Seek medical attention if necessary. Safety eyewear if recommended whenever dusty powder situations are encountered.
Skin contact	If discomfort develops, wash with soap and water if irritation develops. Product may have abrasive action.
Ingestion	If discomfort develops when ingested, do not vomiting. If conscious, drink two glasses of water. Seek medical attention if necessary.

Section 5: Fire-Fighting Measure

Flammability Class:	NA
Flash Point:	None
Extinguishing Media:	Use dry chemical, alcohol foam, carbon dioxide or water spray
Explosive Range:	None

Flammable Properties:

During a fire, irritating and toxic gases may be formed. Do not breathe smoke or fumes. Wear suitable protective equipment.

Fire Fighting Instructions

Keep unnecessary people away and isolate the area. Stay upwind. Wear proper protective equipment.

Section 6: Accidental release measures

Proper respiratory and personal protective equipment may be required. Scoop up excess and place into proper containers. Follow all federal, state, and local regulations for proper disposal. Spilled materials may become slippery when wet. Care should be used.

Section 7: Handling and storage

Scoop up spilled material into a proper container for disposal. Dispose material according to federal state, and local regulations. Follow all legislative requirements for non-hazardous waste disposal.

Store product in a dry, cool area for best storage. Do not expose to open flame or sparks. Store away from heat.

Section 8: Exposure controls/personal protection

Control Parameters:	Use proper ventilation to keep respiratory exposure low
Respiratory:	Respiratory protection is recommended
Ventilation:	Dust collection/ventilation is recommended
Eyes:	Eye Protection is suggested

Section 9: Physical and chemical properties

Solubility in Water:	Insoluble
Reactivity in Water:	Not known
Flash Point:	Not applicable
Appearance:	Varies Blue, Green, Yellow, Pink, Purple, Orange, & Red
Odor:	None to mild
Fire Explosion Hazard:	None
Extinguishing Media:	Water
Stability:	Stable
Materials/Conditions to Avoid:	None

Section 10: Stability and reactivity

Stability:	Stable refer to conditions in section 7
Incompatibility:	None
Hazardous Decomposition Products:	None
Hazardous Polymerization Products:	None

Section 11: Toxicological information

No Toxicological studies have been conducted on this product.

Section 12: Ecological Information

No Studies have been conducted on this product.

Section 13: Disposal

Dispose of in accordance with local, state and federal regulations.

Section 14: Transport Information

DOT: Not Regulated

IATA: Not Regulated

IMDG/IMO: Not Regulated

Section 15: Regulatory Information

SARA TITLE III SECTION 313: This product contains no chemicals subject to the reporting requirements of Section 313 of the Emergency Planning and Community Right-to-Know Act.

SARA TITL 311 AND 312:

None

TOXIC SUBSTANCE CONTROL ACT (TSCA): Included on the TSCA inventory under the Chemical Abstracts Service number 9005-25-8 which is described as "starch dust". Product may be considered to be 92.5-99.1% of the material listed under the CAS number.

STATE REGULATIONS

CALIFORNIA PROPOSTION 65:

None

New Jersey RTK Hazardous Substance List: Blue 1 Alum Lake. This component is only used in blue, green, and purple colors less than 1%.

Clean Water Act, Clean Air Act, Hazardous Air Pollutants (HAPS), and Clean Air Act Amendments

This product contains no ingredients regulated by these acts.

Section 16: Other Information

The information contained herein is accurate to the best of our knowledge but is not warranted. This information is prepared for documentation purpose. This product contains color that has been certified by the FDA. The product is intended for external application only.

Additional information concerning the Tomball High School Color Run

The cost for City resources is approximately \$515.13.

This is the breakdown:

Fire Depart. \$300

Police Depart. \$215.13

**The difference in price from any run at the Depot is because there are minimal road closures (most of the run takes place on their campus) which require only two Police Officers and Public Works is not needed.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 1, 2016

Topic:

Approve Request by Salem Lutheran School (Kids Caring for Kenya) for In-Kind Services from the City Police, Fire, and Public Works Departments, and to Waive Associated Fees for the 3rd Annual 5K/1K Fun Run, to be held on Sunday, April 24, 2016, to Raise Awareness and Fund to Help Fight Unnecessary Malaria Deaths in Kenya

Background:

Salem Lutheran School (Kids Caring for Kenya) would like to host a 5K/1K Fun Run on Sunday, April 24, 2016, to raise awareness and funds for our ongoing efforts to help fight unnecessary malaria deaths in Kenya. This will be the third race we have held at The Depot in Tomball. World Malaria Day is Monday, April 25, 2016, so we are excited to be able to run the day before the world recognizes this issue.

We will need in-kind services from the city – The police department, fire department, and public works to help us with the event that morning. We have been blessed by the help of these departments in previous years and are thankful for all they do for the Tomball community.

Origination:

Recommendation:

Staff recommends approval

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

Denise Fiore Mike Baxter

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

ATTACHMENTS:

Original Proposal
City Expenses



October 14, 2015

City of Tomball
401 Market St.
Tomball, TX 77375

Dear City of Tomball:

Salem Lutheran School (Kids Caring for Kenya) would like to host a 5K/1K Fun Run on Sunday, April 24, 2016, to raise awareness and funds for our ongoing efforts to help fight unnecessary malaria deaths in Kenya. This will be the third race we have held at The Depot in Tomball. World Malaria Day is Monday, April 25, 2016, so we are excited to be able to run the day before the world recognizes this issue.

We will need in-kind services from the city – The police department, fire department, and public works to help us with the event that morning. We have been blessed by the help of these departments in previous years and are thankful for all they do for the Tomball community.

Sincerely,

Jenny Honeck, Spiritual Life Director
22601 Lutheran Church Rd.
Tomball, TX 77377
jhoneck@salem4u.com
281.351.8223

22601 Lutheran Church Rd, Tomball, TX 77377
281.351.8223 | www.salemlutheran.com

Additional information concerning the Salem Lutheran 5k Run

The cost for City resources is approximately \$2524.

This is the breakdown:

Public Works \$351

Fire Depart. \$300

Police Depart. \$1873

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 1, 2016

Topic:

Approve and Authorize Improved Fire Department Structure and Promotions resulting from the Addition of a Third Fire Station and Three Full-Time Driver/Operator Positions

Background:

Presently, the Tomball Fire Department provides services from two city stations, Central (Station 1) and Southside (Station 2). The stations are staffed with five full-time positions, and several part-time and volunteer positions providing for a total of seven or eight people per shift. The present structure of the department provides a full-time lieutenant and driver/operator for each shift at each station and a full-time firefighter for each shift at Station 1. The remaining three firefighter positions, one at Station 1 and two at Station 2 are filled with part-time paid and volunteers on each shift.

The Council recently approved a new fifteen-year fire protection service contract with Harris County ESD #15. A component of that contract provides for the expansion of services of the Department by adding a new ESD #15 owned station from which to operate and provides funding from ESD #15 for costs associated with three new full-time driver/operator positions.

To provide for consistent leadership continuity and accountability at each of the stations, the Department needs to promote to supervisory positions three personnel in the form of lieutenants to oversee the operations at the new station (Station 5). This will provide an in-charge officer at each station on each shift. Based on our current approved staffing model, this will create vacancies in the driver/operator ranks that will need to be filled by the promotion of the remaining full-time firefighter positions to the rank of driver/operator.

This will, again, provide for a full-time driver/operator at each station on each shift. After these promotions and the hiring process are complete, the Department will have a complement of nine officer positions and nine driver/operator positions distributed equally between the three stations and three shifts. The Department will then, from these 18 positions, promote three people to the rank of captain. These three captains, one per shift, will each assume significant responsibility for several programs within the Department and provide leadership and mentoring to lieutenants and driver/operators on their respective shifts. The new deployment model is indicated in the attached memo.

Funds were approved in the 2015/16 budget to provide for promotion costs in anticipation of receiving a SAFER grant which, unfortunately, was not awarded. The funds approved are sufficient to provide for all the costs associated with the promotions.

Origination:

Fire Department

Recommendation:

Staff recommends approval

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

Randy Parr

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

ATTACHMENTS:

Explanatory memo

**TOMBALL FIRE DEPARTMENT
1200 RUDEL
TOMBALL, TEXAS 77375**

MEMORANDUM

Date: January 12, 2016
To: George Shackelford
From: Randy Parr
Subject: Fire Department Structure

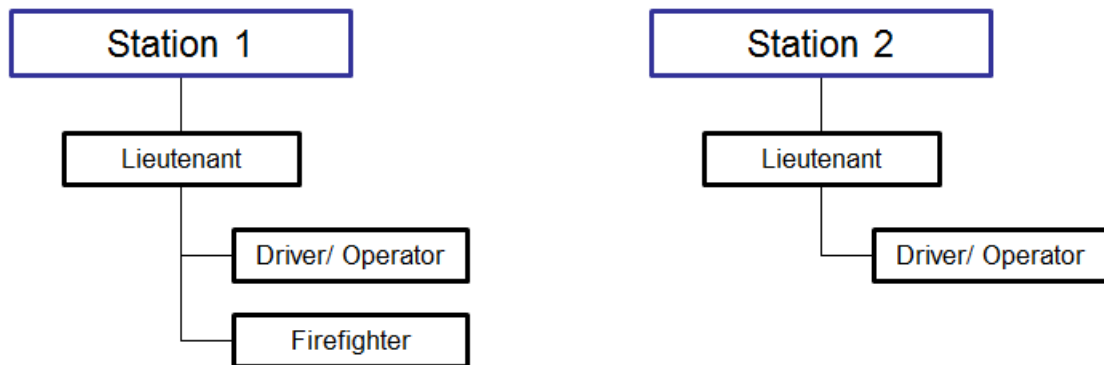
Council has recently approved the renewal and enhancement of the Fire Protection Service Agreement with Harris County Emergency Services District #15. In addition to the continuation of the property tax revenue sharing, this new fifteen year agreement provides the fire department with another strategically placed fire station from which to operate and funding for three additional full-time driver/operator positions. These three positions currently do not exist in the staffing model approved by City Council during the 2015/2016 Budget process. With the opening of the Telge Rd. Fire Station (Station 5), there is a need to, in conjunction with hiring the new driver/operators, promote three people to the lieutenant's position. These promotions will, in a trickle down fashion, create the need to promote three driver/operators from the firefighter rank. The new structure also creates the opportunity to create the position of captain for each. The captain's position will be assigned a significant role in the administration of all department programs and will become a mentor to the lieutenants and driver/operators on their respective shifts.

This revised structure is necessary to maintain a strong and consistent leadership position at each station and to provide for a system of accountability among the full-time positions within the organization.

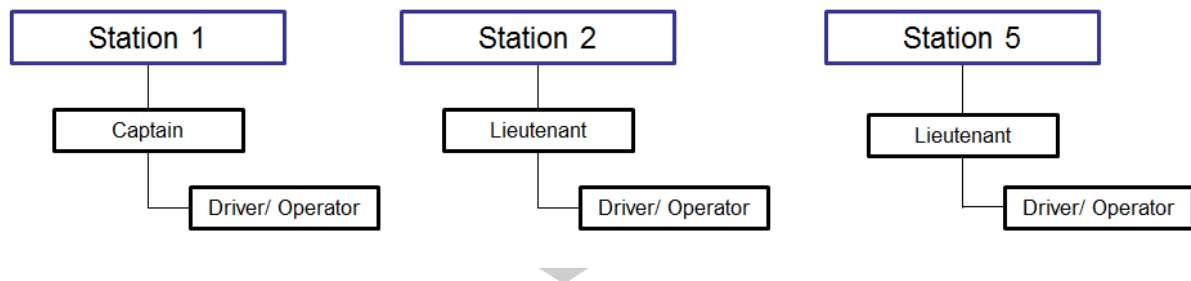
During the current budget cycle and in anticipation of the opening of Station 5, a new structure for the Fire Department was proposed that would create three captain positions and three additional driver/operator positions. The three new positions were not approved in the budget in anticipation of a

SAFER grant award. The funding requirement for the promotions contemplated in the new structure was estimated to be approximately \$38,000. At the time, the outcome of the SAFER grant application was in questions and it was felt that a similar funding level would be necessary to provide for the overtime anticipated to be worked by the twelve requested positions. Accordingly, the \$38,000 was included in the compensation section of the Fire Department budget that was approved by Council but was not designated pending the outcome of the SAFER grant application. The Department was notified November 3, 2015 that its application did not receive an award for the 2015 SAFER grant funding cycle.

Currently, the approved full-time Fire Department positions for each of the three shifts are:

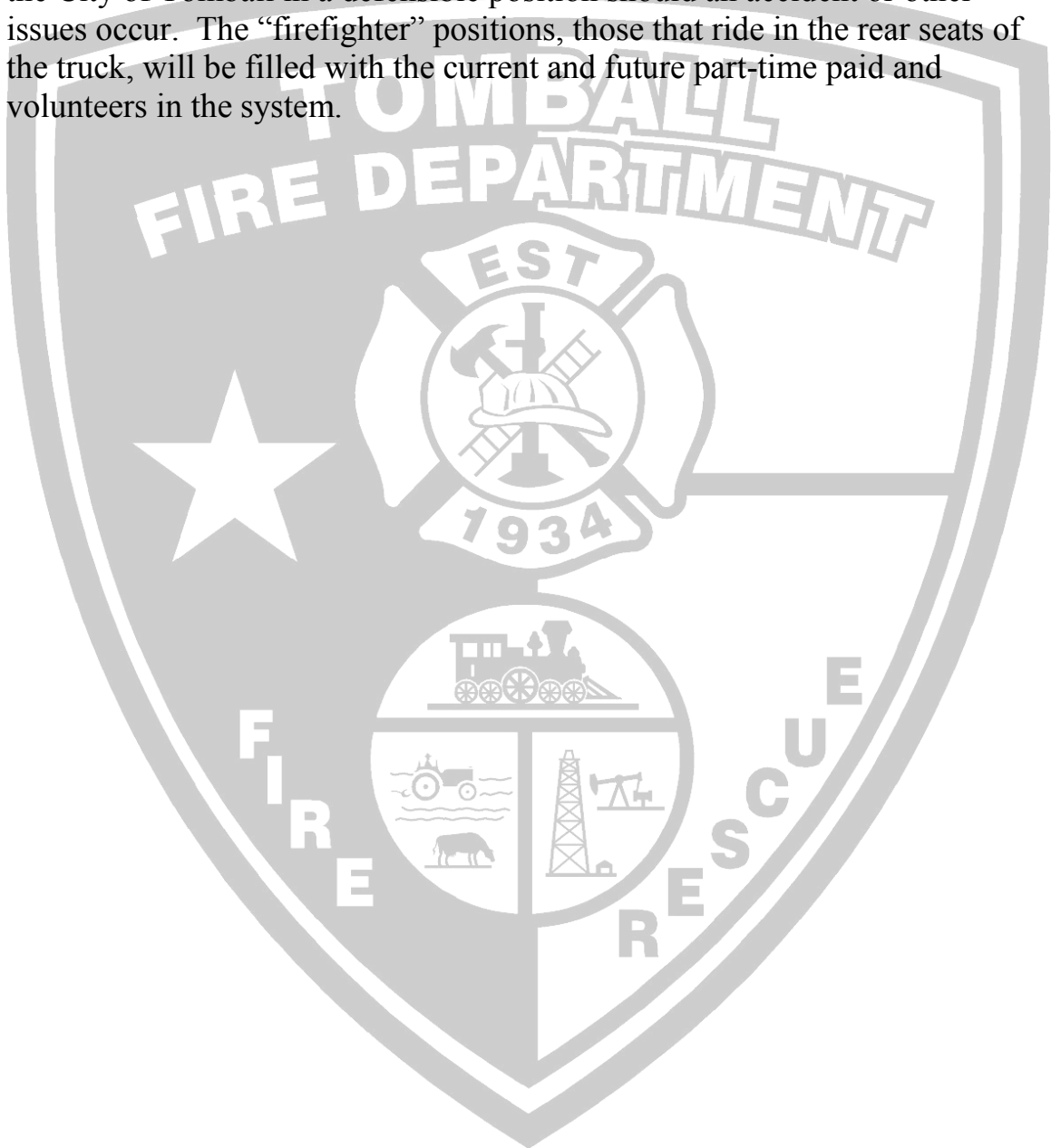


The proposed full-time Fire Department positions for each shift, including the three new positions to be funded through the ESD #15 contract is:



This structure will place the full-time employees of the Fire Department in the positions of authority and have them be responsible for the safe operation of the stations, apparatus and crews. The Fire Department

currently has requirements in place identifying the training and certification levels that meet or exceed the national standards for each of the positions. Those requirements have been put in to effect to ensure a professional service delivery, create an environment where our firefighters can have the greatest opportunity for success during each emergency incident and place the City of Tomball in a defensible position should an accident or other issues occur. The “firefighter” positions, those that ride in the rear seats of the truck, will be filled with the current and future part-time paid and volunteers in the system.



Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 1, 2016

Topic:

Approve Proposed Revisions to Administrative Policy No. 32, entitled “*Volunteer Firefighter Compensation*”

Background:

The City of Tomball Fire Department was a volunteer-based system until 2001. Beginning in 2001, part-time paid positions were created to handle day-time responses while the volunteers were away from the community working at their careers.

In 2007, the first two full-time firefighters were employed by the City. This transition has continued until we will, in February 2016, have eighteen full-time firefighting positions in the organization, not including the command staff. Throughout this transition, volunteer firefighters have remained and continue remain to be critical to the success of the service delivery system.

In June, 2014, this policy was amended to compensate the volunteers at the rate of \$40 per shift with a shift being defined as from 10 to 24 hours. This was determined by the history of the volunteer participation indicating that a volunteer typically came in after work or school and spent the night, then returned to their normal routine. The Department began heavily recruiting students from the Lone Star College Fire Science Technology program to participate in the volunteer system. Most of the present volunteers are certified to the standards required of career firefighters and are focused on making the fire service a career. This has resulted in their participation being significantly different. It is not out of the norm for a volunteer to now spend 24 consecutive hours or more on shift, similar to that of a career employee.

The Department would like to modify the current definition of a shift to better compensate these volunteers for their efforts which create significant savings to the City. The Department proposes the new definition of shift would be from 10 to 12 hours. This will allow for a volunteer to receive compensation of \$40 for each shift and would total \$80 for a 24-hour shift. At \$80 for a 24-hour shift, this equates to \$3.33 per hour. The minimum hourly rate for a part-time firefighters is \$15.05 so the savings are significant. The cost of this revision is estimated to be \$15,000 for the remainder of the current fiscal year.

Origination:

Fire Department

Recommendation:

Staff recommends approval

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

Randy Parr

ACTION TAKEN

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

Proposed Revisions to Administrative Policy No. 32

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT PAY AND TRAINING POLICY FOR VOLUNTEER FIRE FIGHTERS	NUMBER: 32	EFFECTIVE DATE: November 18, 1997	PAGE 1 OF 1
	REVISED: June 16, 2014 <u>Feb 1, 2016</u>	APPROVED BY CITY MANAGER:	
	SUPERSEDES: June 16, 2014 <u>October 7, 2013</u>	APPROVED BY CITY COUNCIL:	

The Tomball Fire Department, previously a volunteer based service delivery system, has transitioned to a system which is based on career firefighters working ~~traditional 2448~~ hours on duty followed by ~~48-96~~ hours off duty. The present system ~~requires~~ staffing a minimum level of personnel to insure a response is made to emergency and other incidents. To attain a staffing model that achieves that of national standards, the Department utilizes part-time paid personnel during the day-time hours and volunteer personnel during the night-time hours. The staffing model, utilizing full-time, part-time and volunteer firefighters provides opportunities for volunteer members each night and at other times to achieve the Department’s performance goals.

To encourage active participation by volunteer members of the Tomball Fire Department and to ensure adequate staffing to emergency responses, the City Council has established the following pay policy, effective ~~June 16, 2014~~February 1, 2016:

1. Volunteer firefighters will be paid for working night-time and fill-in day-time shifts, seven (7) days a week.
2. Those volunteer firefighters working these shifts will be paid \$40.00 per shift.
- ~~3.~~ A shift will be defined as a time period of between 10 and ~~24-12~~ consecutive hours, ~~each day.~~
- ~~3-4.~~ A volunteer may work, and be compensated for, back to back shifts up to a maximum of four shifts (similar to a 48 hour shift of a career position).
- ~~4-5.~~ Volunteer firefighters will respond on the apparatus to which they are assigned for that shift and may respond to calls made within the City’s fire district as well as mutual aid calls, when mutual aid is requested by the adjoining district. The City’s fire district is defined in Harris County Fire Map, Zone 31 and includes the area inside the city limits as well as inside the boundaries of Harris County Emergency Services District #15.
- ~~5-6.~~ The Assistant Chief of Operations will create the shift assignment schedule for each volunteer participating in the program and will be required to certify at the end of each pay period those members eligible for pay. The report will include the number of shifts completed by each member. Individual checks will be given to each member for the total number of shifts and will be paid on a monthly basis.
- ~~6-7.~~ Shift checks will be issued per City Policy.
- ~~7-8.~~ Volunteer fire fighters with the Tomball Fire Department will be compensated at the rate of \$40 per day (shift) to attend up to one week of outside training per year. All volunteer members’ training that will involve travel and overnight stays must be pre-approved by the department head. The Fire Department will budget for these classes, travel and other training-related costs.

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Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 1, 2016

Topic:

Appoint City of Tomball Representative to the 249 Partnership Board of Directors

Background:

Rick Pritchett's term as a regular member to the 249 Partnership Board of Directors expired on December 2, 2015; Mr. Pritchett no longer resides inside the City.

The City Manager recommends appointment of Rob Maxwell to fill this unexpired term, which will expire December 2, 2018.

As information, Lamar Casparis' and Steve Vaughan's terms will expire December 2, 2016; Gretchen Fagan's term will expire December 2, 2017.

The other cities of Magnolia and Navasota will also be appointing/reappointing representatives to the 249 Partnership as necessary.

Origination:

George Shackelford, City Manager

Recommendation:

N/A

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

City Secretary

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

ATTACHMENTS:

Robert Maxwell - Application

249 Partnership Bylaws - Approved 6/12/12



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 2013 will expire in 2015.

Please Type of Print Clearly: _____ Date: July 14, 2014

Name: Robert A. Maxwell, P.E. _____ Phone: (832)761-5042

Address: _____ Phone: (281) 363-4039 (Home)

City/State/Zip Tomball, Texas 77375 _____ Cell: _____ (Work)

Email: RMaxwell@jonescarter.com _____

I have lived in Tomball 10 months ~~years~~. I am X am not ____ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Professional Engineer - Civil

Professional and/or Community Activities: See attached Resume

Additional Pertinent Information/References: [See attached Resume](#)

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 one year.

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

- ([3](#)) Planning & Zoning Commission
([2](#)) Board of Adjustments

Meeting Information

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

Separate Legal Entities

- ([1](#)) Tomball Economic Development Corporation

() Tomball Hospital Board

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees

- () Downtown Tomball Advisory Committee
[DTAC does not require Tomball residency](#)

Meeting Information

As called

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



Signature of Applicant

Please return this application to:

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

ROBERT A. MAXWELL, P.E.

Tomball, Texas 77375
Cell

Mr. Maxwell's Professional Engineering experience includes the performance of program management, feasibility studies, schematic planning, long range planning, preliminary engineering, final design, construction administration, and construction management for public works and infrastructure. He has provided professional engineering and construction services to TxDOT, Harris County Toll Road Authority, Freight Railroads, Montgomery County, City of Houston, City of Pasadena, Harris County and other numerous other governmental agencies.

EDUCATION

Bachelor of Science Technology
Construction Management, University of Houston

PROFESSIONAL REGISTRATIONS

Licensed Professional Engineer, Texas

EMPLOYMENT HISTORY

Jones & Carter, Inc., The Woodlands, Texas

Vice President Transportation – Responsible for the Operations, Business Development and Recruiting for the firmwide Transportation Business Unit.

CH2M Hill, Houston, Texas, March 2013 to December 2013

Mr. Maxwell served as the Deputy Program Manager for the General Engineering Consultancy Program for Grand Parkway (SH 99) Segments F-1, F-2 and G across Harris and Montgomery Counties. The total value of the program is \$1.043 Billion. Mr. Maxwell's team provided public information, design and construction oversight. The Developer is responsible for the Design-Build Contract including the construction of 38 miles of new location toll road with major interchanges at US 290, SH 249, I-45, Hardy Toll Road, and US 59.

Jacobs Engineering Group Inc., Houston, Texas, July 2011 to March 2013

Program Manager – Primary responsibility was Business Development within the greater Houston region. Also served as Program Manager for the Lone Star Rail District Commuter Rail System in Austin and San Antonio and Project Manager for multiple TxDOT contracts for TxDOT Houston District.

Jones & Carter, Inc., The Woodlands, Texas – 2007 to 2011

Practice Leader, Transportation – Responsible for creating the transportation division's strategic plan; securing new projects; developing new client relationships; coaching and mentoring staff; and enhancing revenue by improving best practices for contracting, invoicing and accounts payable.

HNTB Corporation, Houston, Texas – 1991 to May 2007

Developed Client Service Plan for City of Houston identifying strategies and defining goals and objectives in a clear and concise manner. Elements of the plan included assigning responsibilities for client service team members, setting time-bound measurable objectives and leading quarterly team meetings. This focused client service approach resulted in winning projects from Public Works & Engineering four consecutive years. Additional responsibilities included facilitating business development training for the Department Managers and Senior Staff in order to meet primary growth objectives for the HNTB Houston office.

Project Manager for several public agencies including TxDOT, Harris County Toll Road Authority, City of Houston, Houston Belt & Terminal Railroad, Texas Turnpike Authority, and Montgomery County. Duties also included the coaching and mentoring of junior staff.

COMMUNITY SERVICE

Board Member, Leadership North Houston (2012 to present)
Chairman, Leadership North Houston, Board of Directors (2011 to 2012)
Chairman, Finance Committee, Klein United Methodist Church (2010 to 2012)
Chairman, North Houston Association Transportation Committee (2005 to 2010)
Chairman, Board of Trustees, Klein United Methodist Church (2006 – 2008)
Member, GTACC Governmental Affairs Committee
Member, GTACC Mobility Committee
Member, North Houston Association Transportation Committee
Member, American Consulting Engineering Companies Houston
Member, State Highway 36A Coalition
Vice Chair, Transportation Advocacy for Houston Local Options Funding Committee
Youth Sponsor, Klein United Methodist Church, UMARMY Camps
Scoutmaster Emeritus, BSA Troop 878

LEADERSHIP DEVELOPMENT

Relationship Based Sales - Jacobs
Leadership North Houston, Class 16, 2010-2011
Texas Council of Engineering Companies, Leadership Class of 2009
Practice Building – HNTB
Contracts and Negotiations – HNTB
Pre-Selection Process - HNTB
Understanding Client Needs – HNTB
Coaching and Mentoring – HNTB
Effective Interviewing – HNTB
Young Professional Career Development – HNTB
Project Work Planning – HNTB
Project Management Principles, Tools, and Process – HNTB

AWARDS

North Houston Association, 2010 Compass Award
Scoutmaster Award of Merit, 2009
Texas Public Works Association 2006 Public Works Project of the Year

PERSONAL

DOB: November 17, 1960
Married for 28 years to Sharon Maxwell
Two adult children
Enjoy camping, golf and photography
Republican

Bylaws of the 249 Partnership

An Unincorporated Texas Nonprofit Association

Table of Contents

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- IV. Membership
- V. Board of Directors
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- VII. Committees
- VIII. Staff, Contracts, Salaries and Compensation
- IX. Conflict of Interest
- X. Fiscal Policies
- XI. Prohibited Acts
- XII. Miscellaneous
- XIII. Amendments

Article I – Name of Organization

The name of this organization shall be “249 Partnership”.

Article II – Purpose

The 249 Partnership was founded to address a regional need for an action-oriented and unified advocacy organization focused on current and future infrastructure issues. The 249 Partnership seeks to represent the interests of the Region’s stakeholders to decision making bodies and funding agencies..

Mission Statement—The 249 Partnership is a regional advocate for building a sound, unified transportation infrastructure promoting regional mobility and connectivity creating sustainable economic growth and improved quality of life.

Article III – Offices and Agents

Principal Office: The principal office of this organization shall be located at the following address: 29201 Quinn Road Suite B, Tomball TX 77375..

Article IV – Membership

Any individual person, organization, corporation or agency may be admitted to membership in the organization by the Board of Directors. Membership, other than Officers and Directors of the organization, shall be non-voting. The membership must be approved by majority vote of the Board of Directors

Article V – Board of Directors

General Powers: Management of the affairs of the organization shall be vested in the Board of Directors, comprised of 9 Directors, and executed by the Officers as defined in Article VI of these Bylaws.

The Board of Directors: Upon approval of these Bylaws by a two-thirds vote of a quorum of the organization's Interim Board of Directors, the then sitting Interim Board members of the organization shall serve as the Board of Directors until new Directors are appointed. The Board of Directors shall elect from its members Officers to carry on the business of the organization until a new Board of Directors is appointed at the next Annual Meeting in December, 2012. Members of the Board shall be appointed by the respective governing bodies of the Cities of Tomball, Magnolia, and Navasota, with the goal of including both public (Cities and Counties) and private (companies, entities and individuals) representation in each City's appointments to the Board of Directors. Each City may appoint three (3) Directors. For the initial appointments in December, 2012, each City must appoint one Director for a term of one (1) year, one for two (2) years, and one for three (3) years, with the term of each Director specifically designated. As each of these terms expires, replacement appointments will be for three (3) years, as provided in these Bylaws. Each City may also appoint one (1) Alternate Director to attend and vote at Board meetings in place of a Director not present at the meeting. While acting for a Director not in attendance at the Board meeting, the Alternate Director shall have all the same rights, privileges and powers as the absent Director would have if at the meeting. The appointment and term for an Alternate Director, including filling vacancies, shall be the same as for a Director, except Alternate Directors need not serve staggered terms.

Terms and Term Limits for Directors: Terms for serving as a Director shall be three (3) years.

Annual Meeting: The annual meeting of the Board of Directors shall be held during the month of December at which time corporate business shall be conducted. In the event that the meeting cannot be held in December, the Chair shall schedule the annual meeting as close as possible to the December date.

Regular Meetings: The Board of Directors may provide for regular meetings. Notice of regular meetings of the Board is required. The Officers, by majority vote, shall set the schedule for regular meetings.

Special Meetings: Special meetings of the Board of Directors may be called by or at the request of the Chair, or any two Officers, or any four Directors.

Notice: Board members will be notified of all meetings in writing delivered personally or sent by mail, e-mail message, or facsimile transmittal (FAX) at least five (5) business days in advance of the annual and regular meetings and at least forty-eight (48) hours in advance of a special meeting. Such notice shall state the place, day, and time of the meeting as well as the general purpose for which the meeting is called.

Quorum and Action: At all meetings of the Board, the presence of a majority of the Directors shall be necessary and sufficient to constitute a quorum for the transaction of business, provided each of the regional areas of Tomball, Magnolia, and Navasota is represented by a Director in attendance at the meeting. The act of a majority of the Directors at any meeting at which a quorum is present shall be the act of the Board of Directors unless the act of a greater number is required by law or these Bylaws. If a quorum shall not be present at any meeting of

Directors, the Directors present may adjourn the meeting without notice other than announcement at the meeting until a quorum shall be present. Directors may designate ex-officio members to represent in their absence as they deem necessary.

Vacancies: Vacancies in the Board of Directors shall be filled, as soon as practical, for the balance of the term by the City that appointed the Director being replaced.

Compensation: Directors as such shall not receive any stated salaries for their services.

Article VI – Officers

The Officers of the Board shall consist of three (3) positions which will include a Chair, Vice Chair, and Secretary/Treasurer. The offices of Chair and Secretary/Treasurer may not be held simultaneously by the same person.

Meetings and Actions: The Officers should meet quarterly, unless special meetings are called by the majority of the Officers. Further, emergency meetings of the Officers can be held with notice sent by mail, e-mail message, or facsimile transmittal (FAX) at least eight (8) hours in advance of the scheduled meeting. At all Officer meetings, a quorum (a majority of the total Officers of the organization) of the Officers must be present to vote and the act of a majority of the Officers at any meeting at which a quorum is present shall be the act of the Officers.

Term: Officers will serve a term of two (2) years.

Vacancies: A vacancy in any office because of death, resignation, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term. In this event, the Officers shall call for nominations for the vacancy from the Board of Directors and schedule a special meeting of the Board of Directors to vote.

Chair: The Chair shall preside at all Board meetings, appoint committee members, and perform other duties as associated with the office. The Chair shall, by virtue of his office, be Chairman of the Board of Directors. The Chair or his/her designee shall present at each annual meeting of the organization an annual report of the work of the organization. The Chair shall see that all books, reports and certificates required by law are properly kept or filed. The Chair shall be one of the Officers who may sign the checks or drafts of the organization. The Chair shall have such powers as may be reasonably construed as belonging to the chief executive of any organization.

Vice Chair: The Vice Chair shall, in the event of the absence or inability of the Chair to exercise his/her office, become acting Chair of the organization with all the rights, privileges and powers as if he/she had been the duly elected Chair.

Secretary/Treasurer: It shall be the Secretary's duty to file any certificate required by any statute, federal or state. The Secretary/Treasurer shall give and serve all notices to members of this organization. The Secretary/Treasurer shall be the official custodian of the records and minutes of this organization. The Secretary/Treasurer may be one of the Officers required to sign the checks and drafts of the organization. The Secretary/Treasurer shall present to the membership at any meetings any communication addressed to him/her as Secretary/Treasurer of the organization. The Secretary/Treasurer shall attend to all correspondence of the organization and shall exercise all duties incident to the office of Secretary/Treasurer.

The Secretary/Treasurer shall have the care and custody of all monies belonging to the organization and shall be solely responsible for such monies or securities of the organization. The Secretary/Treasurer must be one of the Officers who shall sign checks or drafts of the organization. No special fund may be set aside that shall make it unnecessary for the Secretary/Treasurer to sign the checks issued upon it. The Secretary/Treasurer shall render at stated periods as the Board of Directors shall determine a written account of the finances of the organization and such report shall be physically affixed to the minutes of the Board of Directors of such meeting. The Secretary/Treasurer shall exercise all duties incident to the office of Secretary/Treasurer.

Advisory Board: An Advisory Board shall be formed to provide advice and guidance to the Officers of the Board of Directors. The Advisory Board shall consist of the County Judges (or his/her representative) of the respective counties represented by this organization. Additional members can be added to the Advisory Board by the majority vote of the Board of Directors. The Advisory Board shall be notified of all meetings of the Officers forty-eight (48) hours in advance of all meetings except for emergency meetings, in which the Advisory Board shall receive notice eight (8) hours before the emergency meeting. The Advisory Board is not a voting body of this organization.

Article VII – Committees

All committees of this organization shall be defined in scope and the members nominated to serve on the committee by the Officers and approved by the Board of Directors. Members of such committees may, but need not be, Directors. No committee shall have or exercise any authority of the Board of Directors in the management of the organization but only act in an advisory capacity to the Board of Directors. Committee chairs will be Directors but will not be Officers of the organization.

Article VIII – Staff, Contracts, Salaries and Compensation

The Board of Directors may hire and/or contract with and fix the compensation of any and all employees and contractors which they in their discretion may determine to be necessary for the conduct of the business of the organization.

Termination: Termination of employment and/or contract shall be at the by majority vote of the entire Board of Directors.

Article IX – Conflict of Interest

Any member of the Board who has a financial, personal, or official interest in, or conflict (or appearance of a conflict) with any matter pending before the Board, of such nature that it prevents or may prevent that member from acting on the matter in an impartial manner, will offer to the Board to voluntarily excuse him/herself and will vacate his seat and refrain from discussion and voting on said item.

Article X – Fiscal Policies

The fiscal year of the organization shall begin on the first day of January and end on the last day of December in each year.

Article XI – Prohibited Acts

As long as the organization is in existence, no member, Director, Officer, or committee member of the organization shall:

- (a) Do any act in violation of the Bylaws or a binding obligation of the organization.
- (b) Do any act with the intention of harming the organization or any of its operations.
- (c) Do any act that would make it impossible or unnecessarily difficult to carry on the intended or ordinary business of the organization.
- (d) Receive an improper personal benefit from the operation of the organization.

Article XII– Miscellaneous

Lobbying: The Board of Directors, by majority vote, may choose to endorse or lobby for any issue, project, and/or subject which is to be determined within the goals and objectives of the organization. However, the organization will not participate in lobbying for or endorse or contribute to any particular candidate and/or his/her campaign.

Removal: The Board of Directors may vote to remove a Director or Officer at any time with cause by a majority of the Board or without cause by a super majority vote of the Board (2/3rds vote).

Article XIII – Amendments

These bylaws may be amended by a super majority vote of the Board (2/3rds vote), on the condition that at least one Director from each of the 3 areas represented votes for the amendment(s), and a copy of the proposed amendment(s) are provided to each Board member at least one week prior to said meeting.

Adopted and Approved by the Interim Board of Directors June 12, 2012 in Navasota TX.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 1, 2016

Topic:

Approve Resolution No. 2016-03, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to Negotiate an Electric Supply Agreement for Five Years for Deliveries of Electricity Effective January 1, 2018; Authorizing TCAP to Act as an Agent on Behalf of the City to Enter into a Contract for Electricity; Authorizing George Shackelford or Robert Hauck or Glenn Windsor to Execute an Electric Supply Agreement for Deliveries of Electricity Effective January 1, 2018 and Committing to Budget for Energy Purchases in 2018 through 2022 and to Honor the City's Commitments to Purchase Power for Its Electrical Needs in 2018 through 2022 Through TCAP

Background:

On 10/19/15, Council approved Resolution No. 2015-24, approving membership in the Texas Coalition for Affordable Power (TCAP), a Political Subdivision Corporation. On 10/26/15, we entered into a contract for power at a fixed rate of 3.75 cents per kWh, which will commence on 5/1/16 and end on 12/31/17. As members of TCAP, we have an opportunity to contract for electricity for the post 2017 time period. This resolution will allow us to potentially lock prices for a five-year term (2018-2022) at or below a specified benchmark price of 4.25 cents per kWh.

Origination:

Robert S. Hauck

Recommendation:

It is recommended that if TCAP is able to negotiate a rate at or below 4.25 cents per KWh for 2018-2022, that the City agree to supply Option 1, a fixed price, full-requirements at a price not to exceed 4.25 cents per kWh.

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

Robert S. Hauck

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

ATTACHMENTS:

Resolution No. 2016-03
Model Staff Report

RESOLUTION 2016-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING THE TEXAS COALITION FOR AFFORDABLE POWER, INC. (TCAP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR FIVE YEARS FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018; AUTHORIZING TCAP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING GEORGE SHACKELFORD or ROBERT HAUCK or GLENN WINDSOR TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018 AND COMMITTING TO BUDGET FOR ENERGY PURCHASES IN 2018 THROUGH 2022 AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2018 THROUGH 2022 THROUGH TCAP

* * * * *

1. **WHEREAS**, the City of Tomball, Texas (City) is a member of Texas Coalition For Affordable Power, Inc. (TCAP), a non-profit, political subdivision corporation dedicated to securing electric power for its more than 170 members in the competitive retail market; and
2. **WHEREAS**, TCAP has unique rights under Texas law to negotiate directly in the wholesale market and arrange separate contracts for power supply and retail services which provides TCAP leverage to achieve contract provisions that single city negotiations with a Retail Electric Provider (REP) would be unlikely to produce; and
3. **WHEREAS**, TCAP's geographic diversity across all four ERCOT zones produces an aggregated peak load that is lower than the total of individual peak loads of the individual TCAP members, allowing price benefits in the wholesale market that are not likely to be available to any given TCAP member alone; and
4. **WHEREAS**, TCAP and its predecessor organizations, Cities Aggregation Power Project, Inc. (CAPP) and South Texas Aggregation Project, Inc. (STAP), negotiated favorable contract terms that resulted in rebates from the wholesale supplier and reasonable commodity

prices for delivered electricity since 2002 resulting in stable budgets for electricity for members; and

5. **WHEREAS**, commodity prices for electricity experienced significant volatility between 2002 and 2009, with prices ranging from 4 cents to over 13 cents per kWh, causing CAPP and STAP members to welcome a five year contractual commitment that came close to cutting the 2008 prices in half, with that contract being extended until December 31, 2017, with a negotiated price reduction of about 1 cent per kWh; and

6. **WHEREAS**, TCAP has become a forceful voice for consumer protections and market reform to benefit the public and well as cities and other political subdivisions; and

7. **WHEREAS**, TCAP is owned by its members and distributes monetary and other resources according to relative load size of members and is controlled by a 15 member Board of Directors, all of whom must be city employees of members who represent diversity in size and geography; and

8. **WHEREAS**, wholesale power prices within the deregulated Texas market are largely determined by the NYMEX gas futures prices for natural gas which are currently low and relatively stable, but which change daily; and

9. **WHEREAS**, daily price changes require retail customers to execute a contract immediately upon receipt of a favorable offer; and

10. **WHEREAS**, pursuant to Texas Local Government Code Section 252.022(a)(15) expenditures for electricity are exempt from competitive bidding requirements; and

11. **WHEREAS**, on any given day, TCAP is able to capture a favorable wholesale price for any period of time, comparable to or better than any given REP or broker; and

12. **WHEREAS**, TCAP intends to continue to contract with its current wholesale supplier, NextEra, because the relationship with NextEra is such that NextEra is willing, after it knows the size of a given load, to execute a contract at or below prescribed price and terms; and

13. **WHEREAS**, the City desires to execute a contract for electricity for the period beyond the expiration of its current contract on December 31, 2017, that locks-in favorable wholesale prices under one of three different supply options:

Option 1 - fixed-price, full-requirements at a price not to exceed 4.1 cents per kWh for the North and West zones or 4.25 cents per kWh for the South and Houston zones;

Option 2 - fixed price for on-peak hours and variable spot market prices for off-peak hours;

Option 3 - block energy at a fixed price to cover the base load hours, a fixed price for solar energy to cover mid-day peak hours (approximately 10% of total load) and variable spot market prices for all remaining consumption; and

14. **WHEREAS**, TCAP will allow members six weeks from receipt of this resolution to consider whether to participate in this second opportunity to contract for post-2017 electrical supply, and thereafter allow NextEra until June 30, 2016 to contact for power for five years at a price not to exceed 4.1 cents per kWh in the North and West zones and a price not to exceed 4.25 cents per kWh in the South and Houston zones for Option 1 , so long as the aggregated load for any of the three supply options reaches at least 50 megawatts; and

15. **WHEREAS**, wholesale suppliers demand assurance that TCAP will pay for all contracted load; and

16. **WHEREAS**, the City needs to assure TCAP that it will sign a Commercial Electric Supply Agreement (CESA) reflecting the contract extension and budget for energy

purchases for the post-2017 period and honor its commitment to purchase power for its electrical needs for 2018 through 2022 through TCAP; **NOW, THEREFORE**

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

Section 1:

That the TCAP Board of Directors and its consultants and advisors are agents authorized to negotiate for the City's electricity needs as a member of TCAP for the period 2018 through 2022 at a price not to exceed 4.1 cents per kWh for the North and West zones and a price not to exceed 4.25 cents per kWh in the Houston and South zones for supply Option 1;

Section 2:

The City prefers to participate in supply Option 1 with the following understanding: a) while supply Option 1 is a full-requirements, fixed-price option, Options 2 (fixed price on-peak, variable spot prices for off-peak usage) and 3 (fixed price for base load, fixed price for a portion of peak load, and variable spot market for remainder) have variable price components and savings over Option 1 cannot be guaranteed, and b) if there is insufficient desire among members to achieve a 50 MW threshold for either Option 2 or 3, the member selecting the inadequately subscribed option will be placed in the Option 1 category. If no option is selected, TCAP will assume that a passed Resolution approves of Option 1.

Section 3:

Assuming this resolution is passed before February 25, 2016 and the combined load of TCAP members passing this resolution exceeds 50 megawatts for the preferred Option and NextEra is able to provide TCAP an opportunity prior to June 30, 2016 to contract for power to be delivered to members at a price not to exceed 4.1 cents per kWh for the North and West zones and not to exceed 4.25 cents per kWh in the Houston and South zones for supply Option 1 for the period January 1, 2018 through December 31, 2022, any one of the following individuals is hereby authorized to sign an electric supply agreement for the City within 24 hours of receipt of a contract that has been approved and recommended by the TCAP Board of Directors: George Shackelford or Robert Hauck or Glenn Windsor.

Section 4:

That the City will commit to purchase power to meet all of its electricity needs eligible for competition pursuant to the TCAP approved supply agreement and approve funds necessary to pay electricity costs proportionate to the City's load under the supply agreement (whether wholesale or retail) arranged by TCAP and signed by TCAP's Executive Director or President or other TCAP representatives authorized by the TCAP Board.

Section 5:

That a copy of this resolution shall be sent to Jay Doegey, Executive Director, TCAP, 15455 Dallas Parkway, Suite 600, Addison, Texas 75001 and Geoffrey M. Gay, legal counsel to TCAP at 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF FEBRUARY 2016, BY A VOTE OF _____ AYES AND _____ NAYS AT A REGULAR MEETING OF THE CITY COUNCIL OF TOMBALL, TEXAS.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Model Staff Report to Support Resolution Authorizing TCAP to Procure Electricity for 2018-2022

This resolution is designed to support the second of several opportunities for TCAP members to contract for electricity for the post-2017 time period. If interested in contracting for a five-year term (2018-2022) during 2016, the authorizing resolution must be passed by the governing body of the interested TCAP member by February 25, 2016. The deadline will allow definition of the load to be served under each of three different electric supply options, which must be at least a minimum of 50 megawatts. Also, the deadline will give the wholesale provider ample opportunity to lock a fixed-price, equal to or less than a specific benchmark for each ERCOT zone, before June 30, 2016. When that supply scenario is locked, each member that passed the authorizing resolution must immediately sign a contract for that power. Please Note: The draft resolution is in Word and blanks must be filled in to identify the member, the preferred supply option and several individuals by name or position who will sign the contract when the appropriate price point is reached.

Explanation of Whereas Clauses:

What is TCAP?

As reflected in the fourth and seventh Whereas clauses, TCAP is a non-profit, political subdivision corporation, owned and controlled by its 171 political subdivision members, the vast majority of whom are cities. TCAP was formed in 2011 from the merger of Cities Aggregation Power Project (“CAPP”) and South Texas Aggregation Project (“STAP”), both of which were created in 2001, shortly before retail deregulation became effective on January 1, 2002. TCAP is governed by a 15 member board of directors, all of whom must be city employees or elected city officials. Typically, board members have been mayors, city managers, assistant city managers, finance directors or city attorneys.

Market Benefits of TCAP

An individual city, citizen or commercial customer can only purchase power directly from a Retail Electric Provider (“REP”) which under Texas law exists to give the impression of a competitive market. REPs cannot generate electricity, nor can they own wires. REPs are unnecessary middlemen between the wholesale and retail markets. As reflected in the second and fourth Whereas clauses, TCAP, as a political subdivision corporation, uniquely can go directly to the wholesale market. CAPP and STAP, prior to their merger into TCAP, separated contracts between a wholesale supplier and an independent REP, providing TCAP consultants with greater insight into the margins of various market participants than would be possible for most consumers. A broker or a REP would hand a form contract to an individual consumer. In the case of TCAP, no form contract is acceptable and, because of the size of TCAP’s load, both wholesale suppliers and REPs are willing to negotiate contract terms that are beneficial to TCAP members, enabling the refunds members have consistently received, special terms for adds and deletes, including an ability to add new loads at current market prices even if the market price is lower than the price of the master agreement.

TCAP's benefits regarding pricing

TCAP's membership consumes approximately 1.4 billion kWh annually which amounts to approximately \$100 million in revenue for the wholesale provider at current contract prices. The value of the aggregated load is extremely appealing to wholesale market participants, enabling TCAP to get the market competitive pricing at any particular moment. As reflected in the third Whereas clause, in addition to the size of its load, TCAP derives benefit from geographic diversity. TCAP members reside in all four ERCOT zones and are spread between the entire length and breadth of Texas, from Wichita Falls to Harlingen and Fort Stockton to Palestine. Since consumption is influenced by weather and since weather conditions are seldom the same across all of Texas, it is unlikely that all TCAP members are reaching peak consumption simultaneously. If the peaks of all TCAP members were totaled, the sum would equal 313.1 MW. But a wholesale supplier looks at the peak consumption of TCAP as an aggregated load rather than the sum of the peaks of all members. TCAP's peak demand is 246.9 MW. That reduction in peak is a specific and unique benefit of aggregation. And unlike other aggregation groups that accept counties and school districts as members, TCAP has focused its membership on cities and other political subdivisions that have a relationship with cities to maintain the very favorable load factor of cities with high off peak consumption from street lights which provides favorable pricing terms.

History of CAPP, STAP, TCAP pricing

As reflected in the fifth and eighth Whereas clauses, aggregated cities have historically been interested in flat, fixed-price, full-requirements contracts and price stability. The resolution under consideration maintains that goal for a five-year period at a price much lower than the current contract price. In 2002, CAPP and STAP were able to obtain prices for energy at 4 cents per kWh. Very quickly after retail deregulation was implemented, natural gas prices started to rise, and they continued on an upward trend until late 2008. In late 2008, CAPP cities were paying approximately 13.5 cents per kWh. Fear that natural gas price volatility would continue to result in high electricity rates, CAPP cities were excited to lock-in long term rates beginning in 2009 that were significantly lower than prices experienced in the 2007-2008 time frame. STAP cities experienced their highest rate in 2006 at slightly more than 9 cents per kWh. STAP cities saw prices drop to around 7.8 cents per kWh in 2008 and were happy to find a contract that would stabilize prices in the 7 to 8 cent range for an extended period. When CAPP and STAP members signed new contracts in late 2008, no one could have predicted that the economy was about to enter a multi-year recession and that fracking would bring a glut of natural gas to a market with reduced demand, putting natural gas and electricity prices into a downward trend. Fortunately, gas prices have continued to drop and now TCAP members have an opportunity to again capture rates in the range of, and hopefully below, 4 cents per kWh.

Contract Requirements

As explained in the tenth Whereas clause, there is no legal requirement that a city engage in a competitive bidding process prior to contracting for electricity. The primary expectation of contracting for wholesale energy in a deregulated energy market is that a purchaser sign a contract accepting a particular offered price within 24 hours of receipt of the offer. NYMEX gas futures prices change daily, and since gas prices drive electricity prices, it is unlikely that any

given price quote for wholesale electricity during a given period will remain open for more than a day. As explained in the ninth Whereas clause, TCAP members are expected to immediately execute a contract once TCAP's supplier is able to lock in a price at or below the benchmark prices specified in the resolutions for a five-year period commencing January 1, 2018. That is why Section 2 of the resolution requires the naming of specific individuals with whom TCAP can correspond and provide a contract for signing when appropriate.

Resolution's Objective

As explained in the eleventh thru fourteenth Whereas clauses, after the size of the load for the 2015 contract opportunity is defined by February 25, 2016, TCAP's supplier will look for an opportunity to lock prices for the five-year term at or below specified benchmarks (4.1 – 4.25 cents per kWh). That may happen by the second week of March, but if it appears that prices are trending downward, TCAP will direct its designated supplier, NextEra, to daily monitor the market to hopefully capture a price under lower than benchmarked prices. The window of opportunity for capturing a reasonable price at or below the benchmarks will expire by June 30, 2016. TCAP will develop another supply opportunity in the Fall of 2016 for any members not contracting in this offering.

TCAP benefits to the consuming public

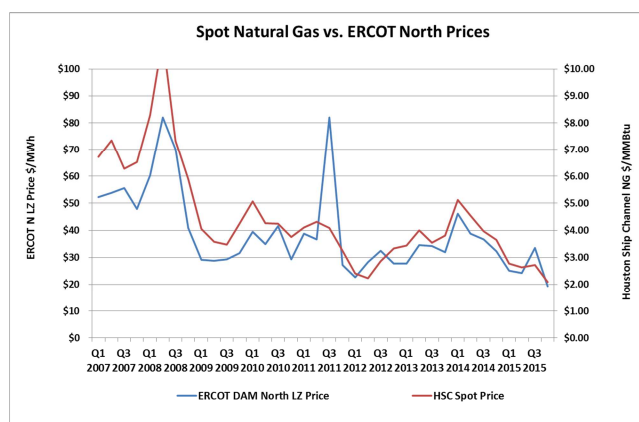
Whereas clause six references TCAP becoming a forceful voice for consumer protections and market reform to benefit the public as well as political subdivisions. When CAPP and STAP merged in 2011, one of the guiding principles established in meetings with members and through subsequent board priority-setting meetings was that TCAP should advocate for reforms in the market that would enhance competition and benefit the general public. TCAP has become the closest thing to a consumer advocate that exists in the deregulated marketplace on both the wholesale and retail sides of the business. TCAP membership not only provides political subdivisions with resources to monitor markets, capture reasonable prices and best available terms, stabilize budgets, address problems with invoices and help with governmental reports, provide best of class portals to understand consumption patterns, membership also affords an opportunity to represent to constituents that they have an advocate on their behalf.

CHOICE OF SUPPLY OPTION

Whereas Clause 13 identifies three different supply options that TCAP has arranged as choices for each member. Option 1 is a fixed price for all consumption regardless of time of day. The price will not exceed 4.1 cents per kWh in the North and West ERCOT zones. It will not exceed 4.25 cents per kWh in the Houston and South zones. The actual price is likely to be less than the benchmark prices. The prices will become effective January 1, 2018. Given that these prices are to be locked in 2016 and will not expire until December 31, 2022, they are reflective of the lowest prices for electricity experienced since the retail market was deregulated January 1, 2002. Generally speaking, there ought to be an expectation that the price of energy will climb marginally for each year of the contract term beyond two years. The possibility of locking-in energy prices at or below 4 cents per kWh for a period that terminates in seven years is truly remarkable based upon the history of deregulation.

In the Spring of 2015, TCAP consultants received indicative fixed-prices around 4.5 cents per kWh. They then developed two supply options to the fixed price full requirements contract that offered attractive savings opportunities. Both Options 2 and 3 have variable components related to the energy spot market. While the average spot price in the past three years has been \$32.14/Mwh (2013), \$38.50/Mwh (2014), \$25.53/Mwh (2015), respectively, it is important to note that spot market prices can change every 15 minutes, therefore it is impossible to provide members a precise price for Options 2 and 3. While they provide an opportunity for savings off of the benchmarked prices for Option 1, savings cannot be guaranteed, and thus Option 2 and 3 involve risk to that does not exist with Option 1. A TCAP member that is completely risk adverse should select Option 1.

Option 2 fixes a price for the peak usage period and then turns to the spot market for all off-peak usage. When TCAP was developing these products in 2014, there was a large enough gap between fixed price options and spot prices that this option looked very attractive. Now, with market prices at historic recent term lows, both spot prices and fixed prices have fallen and their price differential has shrunk to the point that future savings from the spot market may not be as great as the risk of future price increases. The following graph shows how low current spot market prices have gone.



Option 2 was developed with the anticipation that spot prices during the off peak period would be in the range of \$10/MWh to \$40/MWh (\$0.01-\$0.04/kWh) over time for spot purchases. Our latest quotes for fully fixed priced products (Option 1) includes off peak pricing fixed at under \$20/MWh. These low Option 1 fixed prices for off peak usage may make it harder for future off peak spot prices to create additional savings under Option 2 over time even though the customer will be incurring market price risk.

Option 3 begins with the purchase of a block of power to cover the base use of all members who commit to this option. Block power, since it is a firm commitment 24 hours a day, is the cheapest form of energy available in the wholesale market. Daytime peak consumption will be partly covered by a fixed price for solar power with all other consumption supplied by the spot market.

In considering Option 2, TCAP consultants would tell you that with current prices about a half cent less than the price that existed when Option 2 was conceptualized last Spring, it will be difficult for Option 2 to generate savings sufficient to justify its selection. Option 3 with its

majority reliance on the cheapest form of energy has a greater probability than Option 2 of producing savings over Option 1. But again, with such low Option 1 fixed priced products now available to TCAP members, and since there are no guarantees that Options 2 or 3, which utilize spot market pricing, will remain as attractive as they were even a few months ago.

EXPLANATION OF “BE IT RESOLVED” SECTIONS

- Section 1.** Authorizes TCAP to submit the members load, along with the load of other authorizing members, to be aggregated into a pool by TCAP’s wholesale supplier for a contract commencing January 1, 2018 and terminating December 31, 2022 with the understanding that the fixed, full-requirements price under Option 1 must not exceed 4.1 cents per kWh in the North and West zones and must not exceed 4.25 cents in the Houston and South zones.
- Section 2.** Sets conditions precedent that the aggregated load exceed 50 MW, that the resolution be passed before February 25, 2016, and that NextEra has until June 3, 2016 to lock in a fixed price for the aggregated load that does not exceed benchmark prices. It also requires the designation of a specific individual, by name or title, who are authorized to sign a contract within 24 hours of submittal, assuming the conditions have been met.
- Section 3.** Consistent with the last two Whereas clauses, this section commits the member to budget for and approve funds necessary to pay for the member’s proportionate share of the aggregated load that TCAP commits to with NextEra. TCAP will contract with NextEra based upon representations of authorizing members, each of whom will be provided with a Commercial Electric Service Agreement (“CESA”) with GEXA, the current REP, that extends current retail service terms with the lower wholesale price arranged with NextEra for the 2018-2020 time period.
- Section 4.** In order for TCAP to be informed of the passage of the resolution so that the member’s load can be aggregated by NextEra, this section specifies that a copy of the resolution should be sent to TCAP’s Executive Director and General Counsel.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 1, 2016

Topic:

Appoint Ms. Echo Coleman as Associate Municipal Court Prosecutor for the Tomball Municipal Court, with Term Beginning February 2, 2016 and Expiring December 31, 2016

Background:

Based on input from Chief Prosecutor Grant Stevens and Court Administrator Maria Morris, it is recommend that Ms. Echo Coleman be appointed as Associate Municipal Court Prosecutor to complete an unexpired/vacant two-year term. Ms. Coleman has extensive experience in prosecuting in County Courts in Montgomery County, El Paso, and in Fairfax, VA. Her philosophy regarding prosecution meshes well with the direction anticipated for our Municipal Court.

Adding someone with Ms. Coleman's experience and qualifications will be an asset to our court system. With Mr. Stevens as Chief Prosecutor and by adding Ms. Coleman as our second Associate Prosecutor, we anticipate having sufficient coverage for the current docket load.

Providing excellent prosecutorial services in the Municipal Court supports the City's strategic plan by meeting current and future needs in maintaining effective and timely service to the public and allowing the filed case loads to be processed in a timely manner.

A copy of Ms. Coleman's resume is provided for Council review.

Origination:

Municipal Court

Recommendation:

Appoint Ms. Echo Coleman as Associate Prosecutor.

Funding:

Yes

Account Number:100-122-6303

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

Robert S. Hauck, Assistant City Manager

ACTION TAKEN

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

ATTACHMENTS:

Echo Coleman Resume

Echo Coleman

27406 E. Benders Landing, Spring, TX 77386 · (703) 350-3713 · Echo.Coleman@gmail.com

EDUCATION

George Mason University School of Law, Arlington, VA

Juris Doctorate May, 2008

Honors: Finalist, 2006 GMUSL Trial Advocacy Competition; Octo-Finalist, John J. Gibbons 2008 Moot Court Criminal Competition; Regional Competitor, GMUSL 2007 National Trial Competition; Competitor, American Association for Justice 2008 Trial Advocacy Competition; 2005 Scholarship, National Association of Women Judges

Activities: President, 2007-2008 GMUSL Trial Advocacy Association; GMUSL Moot Court Board; Phi Alpha Delta Legal Fraternity; American Association for Justice; National Association of Women Judges

University of Alaska, Anchorage, AK

B.A. Degree in Justice *Magna cum Laude* May, 2005

Honors: University Honors Scholar; Justice Research Honors Scholar; University Leadership Scholar Award

Activities: Vice-President, Alpha Phi Sigma (Criminal Justice Honor Society)

Eastern Washington University, Cheney, WA

Honors: Dean's List Standing; University Honors Program; 1996 Baker Boyer Bank Scholarship

EXPERIENCE

The Echo Coleman Law Firm, PLLC

Oct. 14 - present

Sole Practitioner

Ran all aspects of law firm on criminal defense and family law cases.

Montgomery County District Attorney's Office, Conroe, TX

April 08 – Jan. 14

Assistant District Attorney (Misdemeanor Chief, Felony Level Two, Domestic Violence Unit Chief)

Prosecuted misdemeanor and felony cases from intake through trial.

Supervised and trained misdemeanor attorneys from intake through trial.

Trained law enforcement on domestic violence investigations, charging decision and trial preparation.

El Paso District Attorney's Office, El Paso, TX

Aug. 08 – April 08

Assistant District Attorney

Prosecute misdemeanor cases on weekly trial docket, including drafting motions and documents filed with the courts, conducting pretrial interviews with victims and witnesses, legal research, arguing contested hearings.

Office of the Commonwealth Attorney, Arlington, VA

Jan. 08 – May 08

Legal Internship

Researched and drafted pretrial motions and prepared trial materials. Appeared before Arlington Circuit Court for criminal trials, oral argument and motions practice (with Third Year Practice Certificate).

Law Offices of Daniel S. Fiore, Arlington, VA

Aug. 07 – May 08

Law Clerk

Drafted motions and court documents for filing with state and federal courts. Researched and wrote legal memoranda for commercial banking and related civil litigation. Assisted in trial preparation and discovery.

Fairfax County Circuit Court, Fairfax, VA

Jan. 07 – May 07

Judicial Intern for The Honorable Jonathan C. Thacher

Drafted letter opinions and court orders. Drafted bench briefs for civil and criminal cases. Orally briefed judge on legal issues in preparation for weekly court docket.

Lindner and Associates, P.C., Washington, DC

Dec. 06 – July 07

Law Clerk

Drafted real estate contracts, employment agreements, operating agreements, and shareholder/investor agreements. Assisted clients in forming business entities, and trust and estate planning.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 1, 2016

Topic:

Consideration and Possible Action regarding Request from Orbit Laundry to Reduce Water and Wastewater Impact Fees by \$90,000

Background:

The proposed laundromat and retail lease space at the intersection of Cherry Street and Agg Road (to the north of the existing Shell Service Station) has been assessed a water and wastewater impact fee of \$151,793.82. This fee is based on the Capital Recovery Fees established by Ordinance 2014-22 for a laundromat with 36 washing machines and a retail lease space of 1250 square feet with 3/4" water meter. The requested reduction would lower their assessed water and wastewater impact fee to \$61,793.82.

The applicant has indicated, per the attached letter, that the City's water and wastewater impact fees are cost prohibitive to his proposed development plans.

Origination:

Orbit Laundry

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

Community Development Department

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

ATTACHMENTS:

Orbit Laundry Letter Request

Site Plan

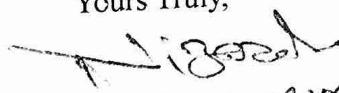
Orbit Laundry/ Cherry St. Laundry
1525 Cherry St. Tomball, Tx 77375

To whom it may Concern,

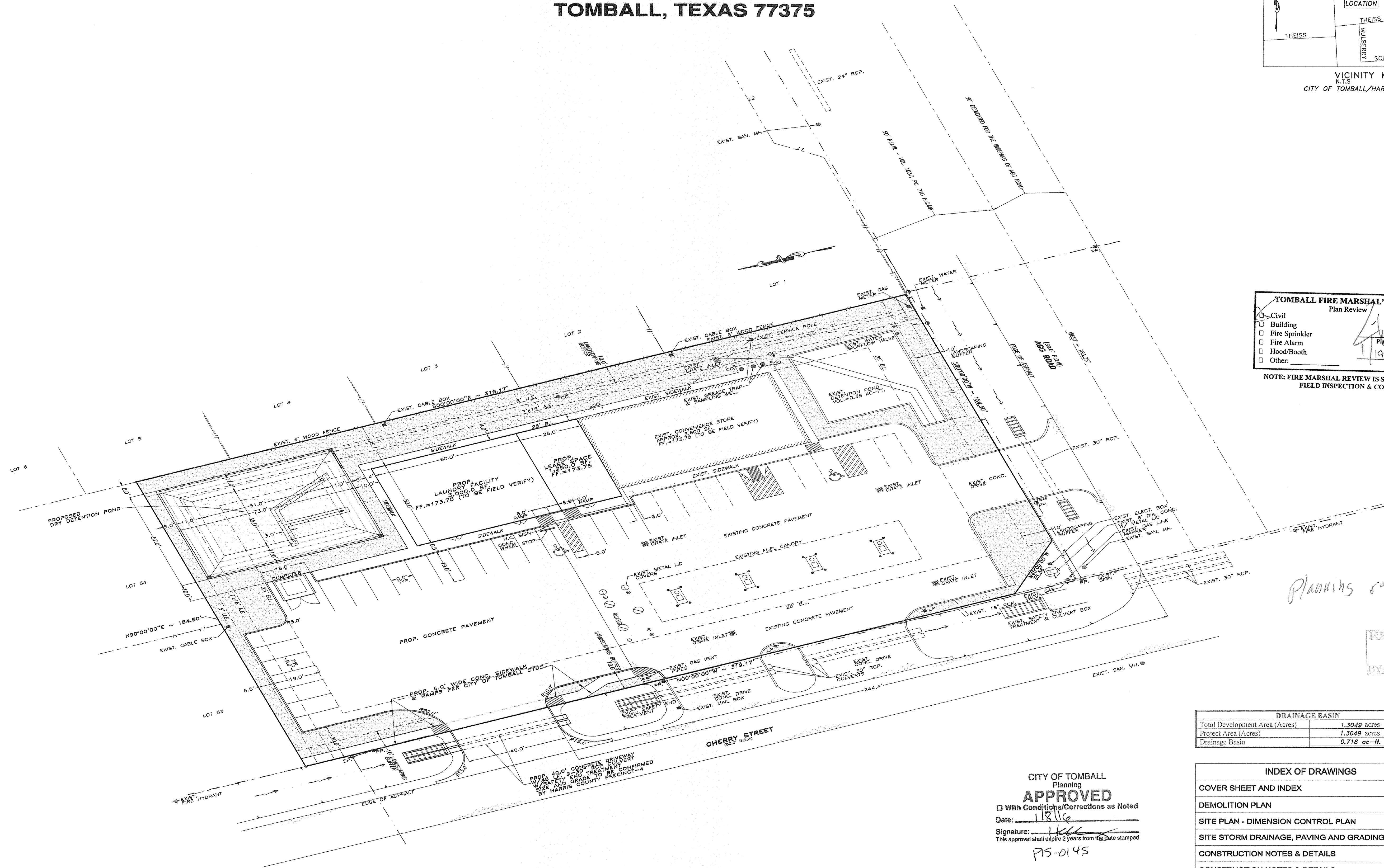
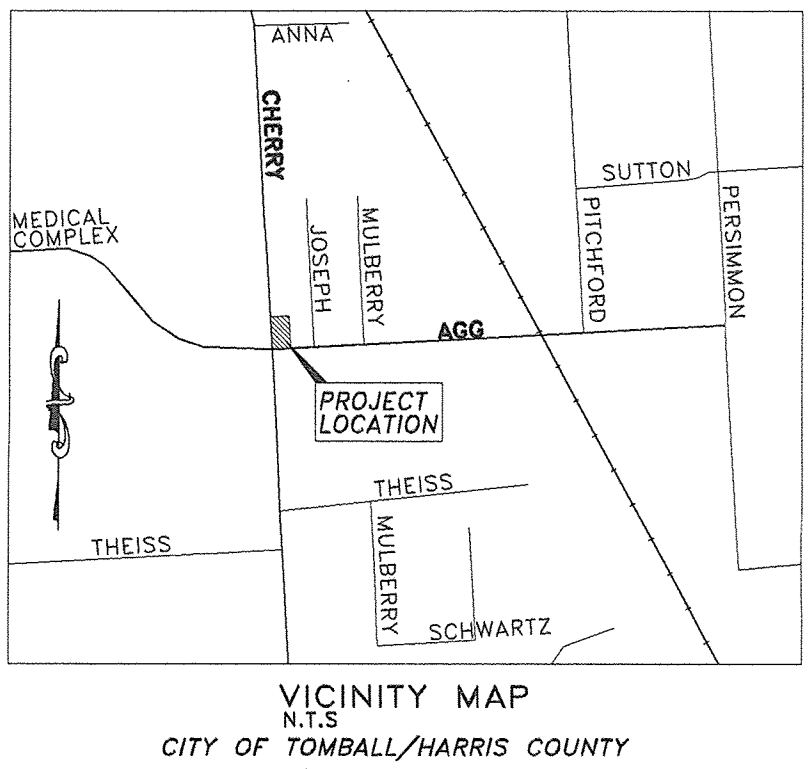
I am the owner of the Orbit Development convenience store located at the corner of Cherry St and Agg Rd. As you are aware of we are proposing to build a new laundromat facility next to the existing store as part of our ongoing development in the city of Tomball. We would like to continue are economic development within the city, but find the impact fees for the water and sewer service to be astronomically high to continue with this project. I feel that this location would be a great resource for the city, being that its close proximity of the Hospital and to service the residents on the south side of Main st.

What we are asking for would be a reduction in the impact fees of \$90,000 to continue this project for the economic development of The City of Tomball.

Yours Truly,


NIZARAL MOMIN

SITE PLAN
PRIVATE WATER, SANITARY SEWER, STORM SEWER, AND PAVING
FOR PROPOSED
CHERRY STREET LAUNDRY
1525 CHERRY STREET
TOMBALL, TEXAS 77375



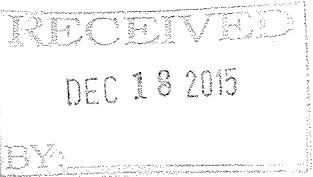
TOMBALL FIRE MARSHAL'S OFFICE
Plan Review

☒ Civil
☐ Building
☐ Fire Sprinkler
☐ Fire Alarm
☐ Hood/Booth
☐ Other:

Plan Reviewer: *[Signature]*
Date: 12/18/15

NOTE: FIRE MARSHAL REVIEW IS SUBJECT TO FIELD INSPECTION & CORRECTION.

Planning reviewed 12/18



DRAINAGE BASIN	
Total Development Area (Acres)	1.3049
Project Area (Acres)	1.3049
Drainage Basin	0.718 ac-ft.

CITY OF TOMBALL
Planning
APPROVED
☒ With Conditions/Corrections as Noted
Date: 12/18/15
Signature: *[Signature]*
This approval shall expire 2 years from the date stamped
P15-0145

CITY OF TOMBALL
Engineering
APPROVED
☒ With Conditions/Corrections as Noted
Date: 12/18/15
Signature: *[Signature]*
This approval shall expire 2 years from the date stamped
New driveway requires Harris County approval.

INDEX OF DRAWINGS	SHEET NO.
COVER SHEET AND INDEX	1
DEMOLITION PLAN	2
SITE PLAN - DIMENSION CONTROL PLAN	3
SITE STORM DRAINAGE, PAVING AND GRADING SITE PLAN	4
CONSTRUCTION NOTES & DETAILS	5
CONSTRUCTION NOTES & DETAILS	6
WATER AND SANITARY SEWER PLAN	7
STORM WATER POLLUTION PREVENTION SITE PLAN	8
STORM WATER POLLUTION PREVENTION PLAN DETAILS	9
LANDSCAPING SITE PLAN	10

COVERSHEET
N.T.S.

M LANZA ENGINEERING, P.L.L.C.
CIVIL - STRUCTURAL ENGINEERS & PLANNERS
11001 SPRING CYPRESS RD., SUITE G
TOMBALL, TEXAS 77375
FIRM NO.: F-13716
Mlanza@mlanzaengineering.com
1832.550.3616
1832.550.3616

mlanza engineering
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THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY M LANZA ENGINEERING, P.L.L.C.



DESIGN BY:
Mario E. Lanza, P.E.
DRAWING BY:
Carlos A. Colindres
DATE:
December 10, 2015
SCALE:
N.T.S.
FILE: M/RENEW/1525 CHERRY/
DESIGN/COVERSHEET
DRAWING:

SHEET:
1 / 10

Regular City Council

Agenda Item

Data Sheet

Meeting Date: February 1, 2016

Topic:

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

- Sec. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding pending litigation, to wit: C.A. No. 4:14-CV-3572; David Kaufman v. City of Tomball; In the United States District Court for the Southern District of Texas, Houston Division

Background:**Origination:**

City Manager

Recommendation:

N/A

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

City Secretary

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