

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



MONDAY, NOVEMBER 16, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, November 16, 2015 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 Ted Ritts, American Legion Post 127

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.]

5.0 Reports and Announcements

- November 20, 2015 – **Lamp Post Decorating Contest and “Lamp Post Stroll”**
- November 21, 2015 – **50th Annual Holiday Parade**
- November 22, 2015 (Sunday) – **“True to the Blue – Our Cops are Tops”** at the Depot – 2:00-4:00 p.m.
- November 26-27, 2015 – Thanksgiving Holiday – City Offices Closed
- December 12, 2015 – **Christmas on Commerce** – a 2nd Saturday at the Depot Event
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Glenn Windsor – Quarterly Investment Report for the Quarter ending September 30, 2015. The Public Funds Investment Act requires that a report of the City's investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On September 30, 2015, the City had total cash equivalents and investments totaling \$50,922,040. A copy of the report is attached for review.
 - Mike Baxter/Denise Fiore – Report on the success of the **Tomball Bluegrass Festival**

6.0 Approve the Minutes of the November 2, 2015 Regular City Council Meeting

7.0 Old Business:

- 7.1 Adopt, on Second Reading, Ordinance No. 2015-23, an Ordinance of the City of Tomball, Texas Consenting to the Annexation of a 5.112-Acre Tract of Land by Harris County Municipal Utility District No. 273; and Making Findings Related Thereto

8.0 New Business:

- 8.1 Approve the RFP Documents for Bank Depository Services, as Prepared by Patterson & Associates
- 8.2 Consideration to approve **ZONING CASE P15-0130**: Request by Brian K. Lunell, on behalf of Spring Creek County Historical Association, for a Conditional Use Permit to operate a “museum” in the Single-Family 6 District. The property is approximately 2.4 acres, situated in the Joseph House Survey, Abstract Number 34, and is legally described Lots 1, 2, 9-16 Block 48, the southwesterly 20 feet of Lot 3, and all of Lots 4 - 6 Block 102, revised Map of Tomball, recorded under Volume 4 Page 25, of the Map Records of Harris County, Texas; and Lot 8A a subdivision as shown on map or plat recorded under Film Code Number 598155, of the Map Records of Harris County,

Texas. The property is generally located at the intersection of N. Pine St. and Epps St. at 510 North Pine St.

- Conduct Public Hearing on **ZONING CASE P15-0130**
- Adopt, on First Reading, Ordinance No. 2016-24, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Spring Creek County Historical Association to Operate a “Museum”; said Property being Approximately 2.4 Acres, and being Legally Described as Lots 1, 2, 9-16, Block 48, the Southwesterly 20 Feet of Lot 3, and All of Lots 4 – 6, Block 102, Revised Map of Tomball, Recorded under Volume 4 Page 25, of the Map Records of Harris County, Texas; and Lot 8A, a Subdivision as Shown on Map or Plat Recorded under Film Code Number 598155, of the Map Records of Harris County, Texas, generally Located at the Corner of Epps Street and N. Pine Street; Providing Requirements and Conditions for This CUP; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters

8.3 Consideration and Possible Action to Enter into an Agreement with the Tomball Sports Association for the City of Tomball to Reimburse Expenditures for Improvements, Not to Exceed \$200,000.

8.4 Approve the following plat as recommended by the Planning and Zoning Commission:

- **CONCORDIA LUTHERAN HIGH SCHOOL OF NORTH HARRIS COUNTY SOUTH CAMPUS**: Being a subdivision of 20.8633 acres out of the Jesse Pruitt Survey, A-629, Harris County, Texas.

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 12th day of November 2015 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: November 16, 2015

Topic:

- Led by Ted Ritts, American Legion Post 127

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 16, 2015

Topic:

- Led by Members of the Tomball High School Student Council

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council Agenda Item Data Sheet

Meeting Date: November 16, 2015

Topic:

- November 20, 2015 – **Lamp Post Decorating Contest and “Lamp Post Stroll”**
- November 21, 2015 – **50th Annual Holiday Parade**
- November 22, 2015 (Sunday) – **“True to the Blue – Our Cops are Tops”** at the Depot – 2:00-4:00 p.m.
- November 26-27, 2015 – Thanksgiving Holiday – City Offices Closed
- December 12, 2015 – **Christmas on Commerce** – a 2nd Saturday at the Depot Event
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Glenn Windsor – Quarterly Investment Report for the Quarter ending September 30, 2015. The Public Funds Investment Act requires that a report of the City's investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On September 30, 2015, the City had total cash equivalents and investments totaling \$50,922,040. A copy of the report is attached for review.
 - Mike Baxter/Denise Fiore – Report on the success of the **Tomball Bluegrass Festival**

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

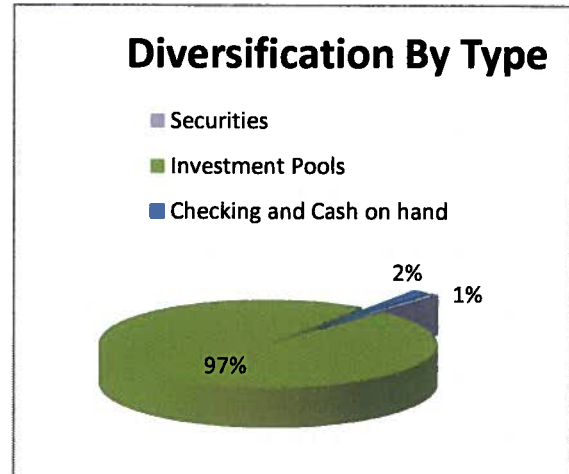
Quarterly Investment Report - Period Ending 9/30/15

CITY OF TOMBALL PORTFOLIO DIVERSIFICATION September 30, 2015

By Type

	Current Market Value	Percent Portfolio
Securities	\$ 400,029	0.79%
Investment Pools	49,637,606	97.48%
Checking and Cash on hand	884,405	1.74%
Total Portfolio	\$ 50,922,040	

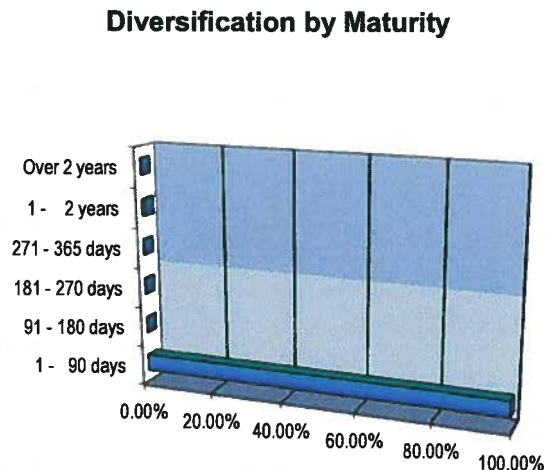
Safety of principal is the first priority of any Public investing portfolio. The City of Tomball invests in Securities of Federal, State and Local Governments, in Texas CLASS and in the state pool, TexPool. These investments are in securities with a rating of A-1/P-1 or higher and pools with Standard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



By Maturity

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 50,522,011	99.21%
91 - 180 days	-	-
181 - 270 days	-	-
271 - 365 days	-	-
1 - 2 years	400,029	0.79%
Over 2 years	-	-
Total Portfolio	\$ 50,922,040	

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



**CITY OF TOMBALL
INVESTMENT PORTFOLIO SUMMARY
ACTIVITY FOR QUARTER ENDING
September 30, 2015**

ALL CITY FUNDS (POOLED)

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period	1,150,000	1,149,980	1.0000	0.885%	0.28%
Purchases	-	-			
Maturities	750,000	750,000			
Change in value	-	49			
Sales					
End of period	400,000	400,029	1.0001	0.650%	0.33%

Total Accrued Interest at end of period: \$ 715

**Benchmark security is the One-year U. S. Treasury Bill
Weighted average maturity of the portfolio at quarter end is 450 days.

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



Treasurer

Asst. Treasurer

**CITY OF TOMBALL
INVESTMENTS IN SECURITIES
PORTFOLIO AS OF SEPTEMBER 30, 2015**

SECURITY DESCRIPTION	CUSIP NUMBER	RATING	MATURITY DATE	INTEREST YIELD	MARKET VALUE	DAYS AFTER 09/30/15	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT
1) Freddie Mac- 0.650%	3134G56W0	AA+	12/23/2016	0.650%	400,029	450	100.000%	450.00
TOTALS				0.650%	400,029	450	100.000%	450.00

CITY OF TOMBALL
CASH AND CASH EQUIVALENTS
FOR QUARTER ENDING
September 30, 2015

FUNDS		CASH AND CASH EQUIVALENTS					INVESTMENTS			TOTAL CASH, CASH EQUIVALENTS AND INVESTMENTS
MAJOR FUNDS	TEXAS CLASS	TEXPOOL	OPERATING ACCOUNT	CASH ON HAND	TOTAL CASH AND CASH EQUIVALENTS	INVESTMENT SECURITIES	TOTAL INVESTMENTS			
General	\$ 2,527,051	\$ 9,274,319	\$ 196,096	\$ 2,200	\$ 11,999,666	\$ 400,029	\$ 400,029	\$ 12,399,695		
Debt Service	\$ 946,903	\$ 2,123,625	\$ 3,212	\$ -	\$ 3,073,740	\$ -	\$ -	\$ 3,073,740		
Enterprise	\$ 2,692,907	\$ 4,934,166	\$ 349,467	\$ 600	\$ 7,977,140	\$ -	\$ -	\$ 7,977,140		
OTHER FUNDS										
Special Revenue	\$ 75,812	\$ 76,020	\$ 4,119	\$ -	\$ 155,951	\$ -	\$ -	\$ 155,951		
Municipal Court Building Security	\$ 101,082	\$ 139,634	\$ 991	\$ -	\$ 241,707	\$ -	\$ -	\$ 241,707		
Municipal Court Technology	\$ 60,649	\$ 220,697	\$ 795	\$ -	\$ 282,141	\$ -	\$ -	\$ 282,141		
Hotel Occupancy Tax	\$ 101,082	\$ 343,709	\$ 11,563	\$ -	\$ 456,354	\$ -	\$ -	\$ 456,354		
Red Light Camera Program	\$ -	\$ 540,130	\$ 30,884	\$ -	\$ 571,014	\$ -	\$ -	\$ 571,014		
SAFER Grant	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Tomball "Fun Runs"	\$ -	\$ -	\$ 16,249	\$ -	\$ 16,249	\$ -	\$ -	\$ 16,249		
General Capital Projects	\$ 50,541	\$ 12,341,516	\$ 187,371	\$ -	\$ 12,579,428	\$ -	\$ -	\$ 12,579,428		
Business Park	\$ -	\$ 7,185,221	\$ -	\$ -	\$ 7,185,221	\$ -	\$ -	\$ 7,185,221		
Fleet Replacement	\$ 454,869	\$ 1,224,296	\$ 6,296	\$ -	\$ 1,685,461	\$ -	\$ -	\$ 1,685,461		
Water Capital Recovery	\$ 101,082	\$ 1,411,845	\$ 11,037	\$ -	\$ 1,523,964	\$ -	\$ -	\$ 1,523,964		
Sewer Capital Recovery	\$ 151,623	\$ 1,609,289	\$ 897	\$ -	\$ 1,761,809	\$ -	\$ -	\$ 1,761,809		
Health Insurance Trust	\$ -	\$ 949,538	\$ 42,628	\$ -	\$ 992,166	\$ -	\$ -	\$ 992,166		
Tomball Legacy Fund	\$ -	\$ -	\$ 20,000	\$ -	\$ 20,000	\$ -	\$ -	\$ 20,000		
TOTALS	\$ 7,263,601	\$ 42,374,005	\$ 881,605	\$ 2,800	\$ 50,522,011	\$ 400,029	\$ 400,029	\$ 50,922,040		

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Regular City Council Agenda Item Data Sheet

Meeting Date: November 16, 2015

Topic:

Approve the Minutes of the November 2, 2015 Regular City Council Meeting

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

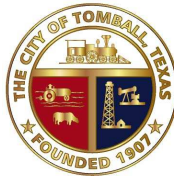
City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Draft Minutes - November 2, 2015 Regular Council Meeting

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



MONDAY, NOVEMBER 2, 2015

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
Councilman Degges

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
HR Director – Lisa Coe
Marketing Director – Mike Baxter
Police Chief – Billy Tidwell
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Harold Ellis
City Engineer – Lori Lakatos
Community Events Coordinator – Denise Fiore
Police Captain – Rick Grassi

2.0 The invocation was led by Chaplain Steven Allison, VFW Post 2427.

3.0 The pledges to the U. S. and Texas Flags were led by Randy Parr and Robert Hauck.

4.0 No public comments were received.

5.0 Reports and Announcements:

- November 14, 2015 – **7th Annual 5K Tomball Dash** (sponsored by Woodforest Bank)
- November 14, 2015 – **2nd Saturday at the Depot**
- November 15, 2015 (Sunday) – **4th Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m. (Rain Date)
- November 20, 2015 – **Lamp Post Decorating Contest and "Lamp Post Stroll"**
- November 21, 2015 – **50th Annual Holiday Parade**
- November 22, 2015 (Sunday) – **"True to the Blue – Our Cops are Tops" at the Depot** – 2:00 p.m.-4:00 p.m.
- November 26-27, 2015 – Thanksgiving Holiday – City Offices Closed
- December 12, 2015 – **Christmas on Commerce** – a **2nd Saturday at the Depot** Event
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Lisa Coe reported on the success of the **3rd Annual "Sherine's Stride" 5K Run and 1-Mile Kids Run** for Breast Cancer Awareness and presented a check in the amount of \$7,588.58 to Judy Deyo, Rick Brown, and Robert Hauck, representing TOMAGWA.
 - Doris Speer reported that the City Secretary's Office has received the **Exemplary 5 Star Service Award** from the Vital Statistics Unit, Texas Department of State Health Services for the Fifth Year.

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the October 19, 2015 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Degges, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2015-21, an Ordinance of the City of Tomball, Texas, Amending Its Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 7 Acres of Land, Legally Described as C.N. Pillot Survey, A-632, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; Said Property being Generally Located on the South Side of Theis Ln., West of Commercial Park Rd.; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not To Exceed \$2,000 for Each Day of Violation of any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

- 7.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2015-22, an Ordinance of the City of Tomball, Texas, Amending Its Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 10 Acres of Land, Legally Described as Tract 1, a 2.691 Acre Tract, H.C.C.F No. S551075; Tract 2, a 3.072 Acre Tract, H.C.C.R. No. S551078; Tract 3, a 2.684 Acre Tract, H.C.C.R. No. S551077; and, Tract 4, a 1.852 Acre Tract, H.C.C.R. No. S551076 Located in the Jesse Pruitt Survey, A-629, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property being Generally Located at the Northwest Corner of Cherry Street and Theis Ln.; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not To Exceed \$2,000 for Each Day of Violation of any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve the request from Woodforest Bank for City Support of the 7th Annual 5K Tomball Dash, a Certified Run, to be held in Tomball on Saturday, November 14, 2015, through In-Kind Services Provided by the City of Tomball.

Motion to AMEND was made by Councilman Townsend, second by Councilman Hudgens, to approve the request from Woodforest Bank for City Support of the 7th Annual 5K Tomball Dash, a Certified Run, to be held in Tomball on Saturday, November 14, 2015, through In-Kind Services Provided by the City of Tomball

by removing NWEMS services from the requested in-kind services to be provided by the City.

Motion, as AMENDED, carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to appoint Dane Dunagin to fill the unexpired term on the Planning and Zoning Commission vacated by Evelyn Torres, for Term Expiring June 1, 2018.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Spring Creek County Historical Association's request for \$30,000 Grant from the City of Tomball's 2015-2016 Fiscal Budget for Annual Operations.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Degges, to accept Councilman Townsend's Resignation as a Member of the Northwest Emergency Services Board of Directors and to make no appointment of a replacement member.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Assignment of Development Agreement regarding the Assignment of Annual Assessment Collections for PID No. 2, Raleigh Creek, to Amegy Bank National Association.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2015-23 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2015-23, an Ordinance of the City of Tomball, Texas Consenting to the Annexation of a 5.112-Acre Tract of Land by Harris County Municipal Utility District No. 273; and Making Findings Related Thereto (River of Praise Tract). Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Resolution No. 2015-25, a Resolution of the City Council of the City of Tomball, Texas, Designating the City Secretary of the City of Tomball as the Public Information Coordinator and Delegating Responsibility for Public Information Training Requirements under Texas Government Code Section 552.012; Finding Compliance with the Open Meetings Law; and Providing an Effective Date Hereof.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Hudgens, second by Councilman Klein Quinn, to approve Resolution No. 2015-26, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District and to select James P. Avioli on the Ballot. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 8.9 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Tomball City Council's Vote by Proxy Supporting the Proposed Amendments to the Harris County Mayors' & Councils' Association's Rules and Bylaws.

Motion carried unanimously.

- 8.10 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve the realignment of several key positions and hiring of an additional Dispatcher position within the Tomball Police Department.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 16th day of November 2015.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: November 16, 2015

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2015-23, an Ordinance of the City of Tomball, Texas Consenting to the Annexation of a 5.112-Acre Tract of Land by Harris County Municipal Utility District No. 273; and Making Findings Related Thereto

Background:

Robyn German, Allen Boone Humphries Robinson, LLP, representing Harris County Municipal Utility District No. 273, has requested that, pursuant to the Development Agreement, the City adopt an ordinance consenting to the annexation of the River of Praise tract by the District, effective April 9, 2015, the date that the District adopted the Order Adding Land to the District.

Origination:

Robyn German, Partner, Allen Boone Humphries Robinson, LLP

Recommendation:

Adopt Ordinance No. 2015-23 on Second Reading

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2015-23

ABHR Request for Approval of Annexation by HCMUD 273

ORDINANCE NO. 2015-23

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS CONSENTING TO THE ANNEXATION OF A 5.112 ACRE TRACT OF LAND BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273; AND MAKING FINDINGS RELATED THERETO.

* * * * *

WHEREAS, River of Praise, Incorporated, a Texas non-profit corporation, petitioned Harris County Municipal Utility District No. 273 (“MUD 273”) to add the 5.112-acre tract of land described by metes and bounds in Exhibit “A” attached hereto (the “Land”); and

WHEREAS, MUD 273 requires the consent of the City of Tomball, Texas to add the Land to MUD 273; and

WHEREAS, the City of Tomball, Texas desires to consent to the annexation of the Land into the boundaries of MUD 273 effective April 9, 2015; now, therefore:

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

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

Section 2. The City Council of the City of Tomball, Texas hereby consents to the annexation of the Land by MUD 273, effective April 9, 2015.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 2ND DAY OF NOVEMBER 2015.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 16TH DAY OF NOVEMBER 2015.

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

GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

EXHIBIT "A"

FRONTIER SURVEYORS, INC.
990 VILLAGE SQUARE G-200
TOMBALL, TEXAS 77375
PHONE (281) 351-7153 FAX (281) 351-7997

METES AND BOUNDS

August 16, 2002

BEING 5.112 acres of land comprising of Lot 199, Lot 200, Lot 201 and Reserve "B", of Boudreaux Estates, Section Three, an unrecorded subdivision situated in the North one-half of the August Senechal Survey, Abstract Number 722, Harris County, Texas, and being the same Lot 201 and the North $\frac{1}{2}$ of Lot 200 as described under Harris County Clerk's File Number K017806, Lot 199 and the South $\frac{1}{2}$ of Lot 200 as described under Harris County Clerk's File Number K017807, and Reserve "B" as described under Harris County Clerk's File Number H433378, of the said unrecorded subdivision. (Bearing basis as described in said Harris County Clerk's File Number K017807 North 12°51'07" East, along the West line.) said 5.112 acre tract of land being described by Metes and Bounds as follows:

BEGINNING: at a set $\frac{3}{4}$ inch iron rod in the West right-of-way of Boudreaux Road for the Southeast corner of the herein described tract, the Southeast corner of the said Reserve "B" and the Northeast corner of a 314.781 acre tract of land described under Harris County Clerk's File Number J059251 and from said corner a found $\frac{1}{2}$ inch iron rod bears South 03°00'32" West, a distance of 0.62 feet;

THENCE: North 89°48'05" West, with the North line of the said 314.781 acre tract of land, the South line of said Reserve "B" and the South line of said Lot 199, a distance of 692.22 feet, to a found $\frac{1}{2}$ inch iron rod in the East line of Boudreaux Circle (60 feet wide) for the Southwest corner of the herein described tract and the Southwest corner of said Lot 199;

THENCE: North 12°51'07" East, a distance of 448.03 feet, with the said East line of said Boudreaux Circle (60 feet wide), the East line of said Lot 199, Lot 200 and Lot 201, to a found $\frac{1}{2}$ inch iron rod for the Northwest corner of the herein described tract, the Northwest corner of said Lot 201, in the South line of Boudreaux Estates Drive. (60 feet wide);

2002-104

EXHIBIT "A"

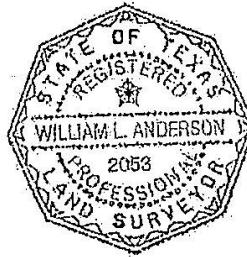
THENCE: South 70°43'20" East, a distance of 502.00 feet, with the said South line of Boudreaux Estates Drive, the North line of said Lot 201 and the North line of said Reserve "B" to a found ½ inch iron rod for an angle point;

THENCE: continuing with the South line of Boudreaux Estates Drive and the North line of said Reserve "B", South 89°46'12" East, a distance of 120.00 feet to a found ½ inch iron rod at the intersection of the said South line of Boudreaux Estates Drive and the said West line of Boudreaux Road, for the Northeast corner of the herein described tract and the Northeast corner of the said Reserve "B";

THENCE: South 00°16'14" West, a distance of 273.00 feet, with the said West line of Boudreaux Road and the East line of said Reserve "B" to the PLACE OF BEGINNING and containing 5.112 acres of land.

This is to certify that this description of land represents an actual survey made on the ground under my supervision, as shown by the accompanying plat and substantially complies with the current Texas Society of Professional Land Surveyors Standards and Specifications for a Category 1A, Condition III, Survey.

William L. Anderson
WILLIAM L. ANDERSON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 2053



WLA/KLD
2002-104

ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

PHOENIX TOWER
3200 SOUTHWEST FREEWAY
SUITE 2600
HOUSTON, TEXAS 77027
TEL (713) 860-6400
FAX (713) 860-6401
abhr.com

Direct Line: (713) 800-8471
Direct Fax: (713) 800-1171

rgerman@abhr.com

Robyn German
Elections Coordinator

October 14, 2015

SENT VIA FEDERAL EXPRESS

Ms. Doris Speer, City Secretary
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375

Re: Harris County Municipal Utility District No. 273 (the "District"),
5.112 acre tract (River of Praise, Incorporated)

Dear Ms. Speer:

In connection with the 5.112 acres annexed into the District, I have attached the following:

- (1) Petition for Addition of Land
- (2) Order Adding Land
- (3) Legal description of the annexation tract
- (4) Annexation map of the District
- (5) Revised District Boundaries
- (6) Revised District map

The District would like to request, pursuant to the Development Agreement, the City adopt an ordinance consenting to the annexation of the River of Praise tract by the District, effective April 9, 2015, the date that the District adopted the Order Adding Land to the District.

If any additional documents are required, please do not hesitate to contact me.

Sincerely,



Robyn German

Enclosures

PETN
M

PETITION FOR ADDITION OF CERTAIN LAND TO
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

TO: THE BOARD OF DIRECTORS OF HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 273:

RIVER OF PRAISE, INCORPORATED, a Texas non-profit corporation (the "Petitioner"), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.301, petitions this Honorable Board to add the 5.112 acres of land described by metes and bounds in **Exhibit A** (the "Land"), attached hereto and incorporated herein for all purposes, to HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273 (the "District"), and in support of this petition the Petitioner represents, covenants, and agrees as follows:

1EE

Section 1: The Land lies entirely within Harris County, Texas, and is accurately described by metes and bounds in **Exhibit A**.

Section 2: The Petitioner holds fee simple title to and full ownership of all the Land, as indicated by the certificate of ownership provided by the Harris County Appraisal District.

Section 3: All of the Land is within the exclusive extraterritorial jurisdiction (as such term is defined in Chapter 42, Texas Local Government Code, as amended) of the City of Tomball, Texas. No part of the Land is within the limits of any incorporated city, town, or village.

Section 4: The addition of the Land to the District is feasible and practical and will be to the advantage of and a benefit to the District and the water supply, sanitary sewer, and drainage systems and other improvements of the District are sufficient or will be sufficient to supply the added Land without injuring the land already within the District.

Section 5: The Petitioner acknowledges, consents to, and affirmatively requests the assumption by the Land, and all improvements thereon presently existing or to be constructed hereafter, of a pro rata share of all present and future obligations of the District, and of the taxes levied or hereafter to be levied by the District subject to any and all tax exemptions to which Petitioner may be entitled to under the law. Without limiting the generality of the foregoing, the Petitioner hereby agrees that the Land, and

ER 072-15-1628

all improvements thereon presently existing or to be constructed hereafter, hereby assumes its share of liability for the payment of any and all bonds or other obligations of the District, (i) that are currently outstanding or hereafter issued; and (ii) that are currently or hereafter voted but unissued. This petition shall further be considered as consent and authorization of the Petitioner, its successors and assigns, for all the Land and all improvements now existing or to be constructed thereon, to be taxed uniformly and equally on an ad valorem basis with all other taxable property within the District for: (1) the payment of principal of and interest on any and all of the District's outstanding unlimited tax bonds and unlimited tax refunding bonds; (2) the payment of principal of and interest on any and all of the District's unissued bonds that have been or may hereafter be authorized by the voters; (3) a maintenance tax not to exceed the amount per \$100 of assessed valuation that has been heretofore authorized by the voters or as may hereafter be authorized by the voters; and (4) all other purposes for which the District may lawfully levy taxes subject to any and all exemptions to which Petitioner may be entitled.

Section 6: The Petitioner hereby certifies that there are no qualified voters residing on the Land.

Section 7: The Petitioner hereby certifies that there are no holders of liens on the Land.

Section 8: This Petition is dated and effective March 26, 2015.

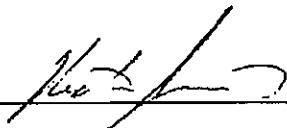
WHEREFORE, the Petitioner prays that this Petition be granted; that the Land be added to and become a part of the District; and that this Petition, if granted, be filed for record and be recorded in the Official Records of Harris County, Texas, and filed with the Texas Commission on Environmental Quality.

[EXECUTION PAGE FOLLOWS]

EXECUTED on the date of the acknowledgment below, but effective as of the 26th day of March, 2015.

**RIVER OF PRAISE, INCORPORATED, a
Texas non-profit corporation**

10R

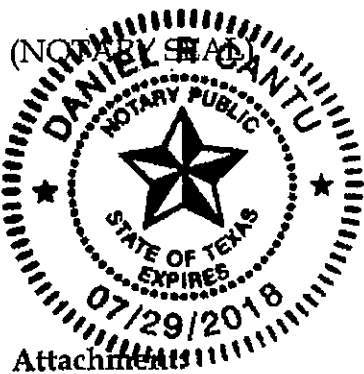
By: 

Name: Richard Jennings

Title: President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 13 day of July, 2015, by Richard Jennings, President of RIVER OF PRAISE, INCORPORATED, a Texas non-profit corporation, on behalf of said corporation.




Notary Public, State of Texas

Attachment:

Exhibit A: Description of the Land

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, Attn: Yvonne Onak

FRONTIER SURVEYORS, INC.
990 VILLAGE SQUARE G-200
TOMBALL, TEXAS 77375
PHONE (281) 351-7153 FAX (281) 351-7997

EXHIBIT A

METES AND BOUNDS

August 16, 2002

BEING 5.112 acres of land comprising of Lot 199, Lot 200, Lot 201 and Reserve "B", of Boudreaux Estates, Section Three, an unrecorded subdivision situated in the North one-half of the August Senechal Survey, Abstract Number 722, Harris County, Texas, and being the same Lot 201 and the North ½ of Lot 200 as described under Harris County Clerk's File Number K017806, Lot 199 and the South ½ of Lot 200 as described under Harris County Clerk's File Number K017807, and Reserve "B" as described under Harris County Clerk's File Number H433378, of the said unrecorded subdivision. (Bearing basis as described in said Harris County Clerk's File Number K017807 North 12°51'07" East, along the West line.) said 5.112 acre tract of land being described by Metes and Bounds as follows:

BEGINNING: at a set ¾ inch iron rod in the West right-of-way of Boudreaux Road for the Southeast corner of the herein described tract, the Southeast corner of the said Reserve "B" and the Northeast corner of a 314.781 acre tract of land described under Harris County Clerk's File Number J059251 and from said corner a found ½ inch iron rod bears South 03°00'32" West, a distance of 0.62 feet;

THENCE: North 89°48'05" West, with the North line of the said 314.781 acre tract of land, the South line of said Reserve "B" and the South line of said Lot 199, a distance of 692.22 feet, to a found ½ inch iron rod in the East line of Boudreaux Circle (60 feet wide) for the Southwest corner of the herein described tract and the Southwest corner of said Lot 199;

THENCE: North 12°51'07" East, a distance of 448.03 feet, with the said East line of said Boudreaux Circle (60 feet wide), the East line of said Lot 199, Lot 200 and Lot 201, to a found ½ inch iron rod for the Northwest corner of the herein described tract, the Northwest corner of said Lot 201, in the South line of Boudreaux Estates Drive. (60 feet wide);

2002-104

THENCE: South 70°43'20" East, a distance of 502.00 feet, with the said South line of Boudreaux Estates Drive, the North line of said Lot 201 and the North line of said Reserve "B" to a found ½ inch iron rod for an angle point;

THENCE: continuing with the South line of Boudreaux Estates Drive and the North line of said Reserve "B", South 89°46'12" East, a distance of 120.00 feet to a found ½ inch iron rod at the intersection of the said South line of Boudreaux Estates Drive and the said West line of Boudreaux Road, for the Northeast corner of the herein described tract and the Northeast corner of the said Reserve "B";

THENCE: South 00°16'14" West, a distance of 273.00 feet, with the said West line of Boudreaux Road and the East line of said Reserve "B" to the PLACE OF BEGINNING and containing 5.112 acres of land.

This is to certify that this description of land represents an actual survey made on the ground under my supervision, as shown by the accompanying plat and substantially complies with the current Texas Society of Professional Land Surveyors Standards and Specifications for a Category 1A, Condition III, Survey.

William L. Anderson
WILLIAM L. ANDERSON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 2053



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2002-104

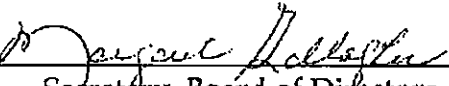
ER 072-15-1632

SECRETARY'S CERTIFICATE

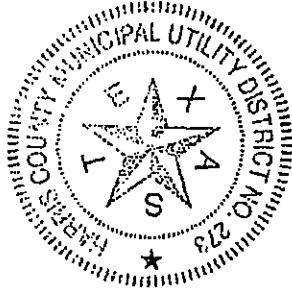
THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, the undersigned Secretary of the Board of Directors of HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273, do hereby certify that the attached and foregoing is a true and correct copy of the Petition For Addition Of Certain Land to HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273, that was filed with the Board of Directors of the District on this 13th day of July, 2015.

WITNESS MY HAND AND SEAL OF SAID DISTRICT on this 13th day of July, 2015.

By: 
Secretary, Board of Directors

(SEAL)



20150334490
Pages 7
07/28/2015 10:25 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$36.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically
and any blackouts, additions or changes were present
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or
use of the described real property because of color or
race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time stamped
hereon by me; and was duly RECORDED in the Official
Public Records of Real Property of Harris County, Texas.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS

CERTIFICATE FOR ORDER

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, the undersigned officer of the Board of Directors of HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273 hereby certify as follows:

1. The Board of Directors of Harris County Municipal Utility District No. 273 convened in regular session on the 9th day of April, 2015, outside the boundaries of the District, and the roll was called of the members of the Board:

Margaret Gallagher	Director
Bob Conwell	Director
Jack Hall	Director
Vacant	Director
Vacant	Director

and all of said persons were present except Director(s) _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

ORDER ADDING LAND

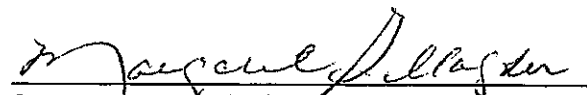
was introduced for the consideration of the Board. It was then duly moved and seconded that the order be adopted, and, after due discussion, the motion, carrying with it the adoption of the order, prevailed and carried unanimously.

2. A true, full, and correct copy of the aforesaid order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the action approving the order has been duly recorded in the Board's minutes of the meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid meeting, and that the order would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and public notice of the time, place, and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.

SIGNED AND SEALED on the 9th day of April, 2015.

(SEAL)




Secretary, Board of Directors

ORDER ADDING LAND

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, there has been presented to and filed with the Board of Directors of HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273 (the "District") the petitions of PETER S. TERPSTRA, TRUSTEE and P. S. TERPSTRA; and RIVER OF PRAISE, INCORPORATED, a Texas non-profit corporation (collectively, the "Petitioner"), praying that the land described by metes and bounds in **Exhibit A** (the "Land"), which is attached to this Order and incorporated herein for all purposes, be added to and become a part of the District; and

WHEREAS, the Board of Directors, after carefully considering the facts and evidence, hereby finds and determines conclusively that:

(1) all of the allegations and statements contained in said petition, including all attachments, are true and correct;

(2) the annexation of the Land is feasible and practical and it is to the advantage of the District to add the Land to the District and it will be a benefit to the Land to add it to the District;

(3) the waterworks, sanitary sewer, and drainage systems and other improvements of the District are sufficient or will be sufficient to supply the added Land without injuring the land already within the District;

(4) the Land is correctly described by metes and bounds in **Exhibit A**, and the petitions requesting the addition of said Land have been signed and executed in the manner provided by law for the conveyance of real estate and in full conformity with the law;

(5) there are no qualified voters residing on the Land;

(6) the City of Tomball, Texas, has consented to the District's annexation of the Land; NOW THEREFORE;

BE IT ORDERED BY THE BOARD OF DIRECTORS OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273 THAT:

Section 1: It is hereby affirmatively found and determined that all of the recitations, matters, and facts set out in the preamble of this Order are true and correct.

Section 2: The Land is hereby added to the District and hereby becomes a part of the District.

Section 3: The Land and all present and future improvements thereon shall be liable for all present and future debts of the District in the same manner as other lands and improvements in the District are liable for said debts, and future taxes levied by the District shall be levied upon all taxable Land and all improvements thereon uniformly and equally on an ad valorem basis with the taxes levied on all other taxable property within the District.

Section 4: The District shall continue to be authorized to issue the bonds authorized at an election or elections held within the District but not yet issued, for the purposes and upon the terms and conditions such bonds were voted, in one or more issues or series, at a future date or dates, when in the Board's judgment such amounts are required for the authorized purposes, and the District shall continue to be authorized to levy taxes to pay principal and interest on the District's bonds and other obligations payable from taxes.

Section 5: The District shall continue to be authorized to levy and collect a maintenance tax not to exceed the amount per \$100 of assessed valuation of all taxable property within the District, including the Land, which tax was approved by the District's voters at an election held within the District.

Section 6: The District secretary, or their designee, is authorized and directed to file for record a copy of the petitions described in the preamble hereof and a certified copy of this Order in the office of the County Clerk of Harris County, Texas, and with the Texas Commission on Environmental Quality.

Section 7: The Board enters this Order Adding Land and redefines the boundaries of the District to include all of the land described on **Exhibit B** attached hereto and incorporated herein for all purposes.

Section 8: This Order shall be effective immediately upon its adoption.

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED on this 9th day of April, 2015.

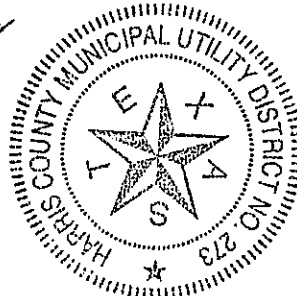
**HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 273**

By: *Jack Hall*
Name: *Jack R. Hall*
Title: *President*

ATTEST:

(SEAL)

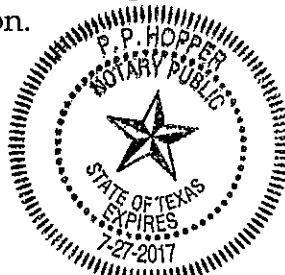
By: *Margaret Gallagher*
Name: *Margaret Gallagher*
Title: *Secretary*



THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 9th day of April, 2015, by *Jack Hall*, as *President*, and *Margaret Gallagher*, as *Secretary*, of the Board of Directors of HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273, a political subdivision of the State of Texas, on behalf of said political subdivision.

(NOTARY SEAL)



P. P. Hopper
Notary Public, State of Texas

Attachments:

Exhibit A: Description of the Land

Exhibit B: Description of the Revised District Boundaries

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, Attn: Yvonne Onak

EXHIBIT A

Thomas Land Surveying Surveying • Planning • Project Management

April 5, 2007

19.0890 Acres

Fieldnotes for 19.0890 acres of land out of the Wilhelm Usener Survey, Abstract No. 820, in Harris County, Texas, consisting of the residue of that certain 19.2528 acre tract of land conveyed to Peter S. Terpstra, Trustee, as described in deed recorded under County Clerk's File No. K910629 of the Real Property Records of Harris County, and the residue of that certain 2.00 acre tract of land conveyed to P. S. Terpstra (1/2 interest) and R. H. Nagy (1/2 interest), as described in deeds recorded under County Clerk's File No(s). J347524 and J347526, respectively, of the said Real Property Records, said 19.0890 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch steel rod found in the North line of Boudreaux Road, based on a 60 foot right-of-way, at the South end of a cut-back line for State Highway No. 249 (right-of-way varies), at the most Southerly Southeast corner of the herein described tract, said point being in the South line of the said 2.00 acre tract, said point also being the Southwest corner of that certain 1.115 acre tract of land conveyed to the State of Texas, as described in deed recorded under County Clerk's File No. N815622 of the said Real Property Records;

Thence, South 87°37'53" West with the North line of said Boudreaux Road and the South line of the said 2.00 acre tract, at 112.01 feet passing the Southwest corner of the said 2.00 acre tract and the most Southerly Southeast corner of the said 19.2528 acre tract, and continuing with the South line of the said 19.2528 acre tract in all, a total distance of 1158.61 feet to a 5/8 inch steel rod with cap set for the Southwest corner of the said 19.2528 acre tract and the herein described tract, said point also being the Southeast corner of that certain 2.272 acre tract of land conveyed to Alton Sargent and wife, Jo Ann Sargent, as described in deed recorded under County Clerk's File No. F787545 of the said Real Property Records, said tract of land also known as Reserve "A" of Boudreaux Estates, Section 3 (an unrecorded subdivision);

Thence, North 02°43'14" West, 737.93 feet with the East line of said Boudreaux Estates, Section 3 and the West line of the said 19.2528 acre tract to a 5/8 inch steel rod found marking the Northwest corner of the said 19.2528 acre tract and the herein described tract, said point being in the East line of Lot 79 of said Boudreaux Estates, Section 3, said point also being the Southwest corner of the residue of that certain 5.0600 acre tract of land conveyed to L. D. Neidigk, et ux and Roy L. Bayne, et ux, as described in deed recorded under County Clerk's File No. M467117 of the said Real Property Records;

Thence, North 87°42'00" East, 1067.62 feet with the South line of the said 5.0600 acre tract and the North line of the said 19.2528 acre tract to an "X" in concrete found in the West line of said State Highway No. 249 marking the Northeast corner of the herein described tract, said point being the Northwest corner of that certain 1.055 acre tract of land conveyed to the State of Texas, as described in deed recorded under County Clerk's File No. N815624 of the said Real Property Records, said point also being in the arc of a non-tangent curve to the right, having a radius of 2849.79 feet and a central angle of 01°33'06";

Thence, in a Southerly direction, with the West line of said State Highway No. 249, and with the said curve to the right having a radius of 2849.79 feet (chord bearing South 12°29'30" East, 77.18 feet), an arc distance of 77.18 feet to a 5/8 inch steel rod with aluminum (TxDOT) cap found at a point of tangency;

19.0890 Acres
April 5, 2007
Page 2

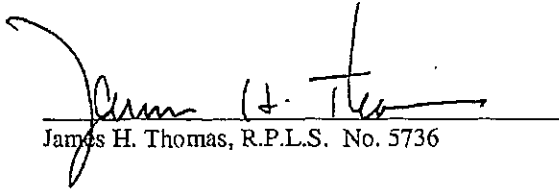
Thence, continuing with the West line of said State Highway No. 249, South $11^{\circ}42'57''$ East, 424.03 feet to a 5/8 inch steel rod with cap set at a point of curve to the left, having a radius of 1542.89 feet and a central angle of $06^{\circ}39'37''$;

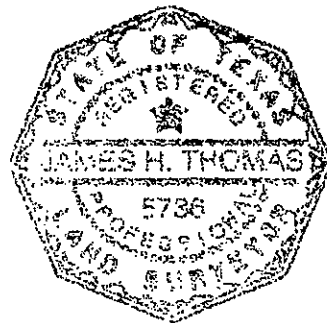
Thence, continuing with the West line of said State Highway No. 249, and with the said curve to the left having a radius of 1542.89 feet (chord bearing $15^{\circ}02'45''$ East, 179.25 feet), an arc distance of 179.35 feet to a 5/8 inch steel rod found at a point of tangency;

Thence, continuing with the West line of said State Highway No. 249, South $18^{\circ}22'34''$ East, 26.76 feet to a 5/8 inch steel rod set at the Northerly end of the aforesaid cut-back line for Boudreaux Road, said point being the most Easterly Southeast corner of the herein described tract;

Thence, South $36^{\circ}32'42''$ West, 53.53 feet with the said cut-back line to the PLACE OF BEGINNING and containing 19.0890 acres or 831,516 square feet of land, more or less.

This description is based on the land title survey and plat (Job No. 07-15204) made under the direction of James H. Thomas, Registered Professional Land Surveyor on April 4, 2007.


James H. Thomas, R.P.L.S. No. 5736



FRONTIER SURVEYORS, INC.
990 VILLAGE SQUARE G-200
TOMBALL, TEXAS 77375
PHONE (281) 351-7153 FAX (281) 351-7997

METES AND BOUNDS
TRACT I

August 16, 2002

BEING 5.112 acres of land comprising of Lot 199, Lot 200, Lot 201 and Reserve "B", of Boudreaux Estates, Section Three, an unrecorded subdivision situated in the North one-half of the August Senechal Survey, Abstract Number 722, Harris County, Texas, and being the same Lot 201 and the North $\frac{1}{2}$ of Lot 200 as described under Harris County Clerk's File Number K017806, Lot 199 and the South $\frac{1}{2}$ of Lot 200 as described under Harris County Clerk's File Number K017807, and Reserve "B" as described under Harris County Clerk's File Number H433378, of the said unrecorded subdivision. (Bearing basis as described in said Harris County Clerk's File Number K017807 North $12^{\circ}51'07''$ East, along the West line.) said 5.112 acre tract of land being described by Metes and Bounds as follows:

BEGINNING: at a set $\frac{3}{4}$ inch iron rod in the West right-of-way of Boudreaux Road for the Southeast corner of the herein described tract, the Southeast corner of the said Reserve "B" and the Northeast corner of a 314.781 acre tract of land described under Harris County Clerk's File Number J059251 and from said corner a found $\frac{1}{2}$ inch iron rod bears South $03^{\circ}00'32''$ West, a distance of 0.62 feet;

THENCE: North $89^{\circ}48'05''$ West, with the North line of the said 314.781 acre tract of land, the South line of said Reserve "B" and the South line of said Lot 199, a distance of 692.22 feet, to a found $\frac{1}{2}$ inch iron rod in the East line of Boudreaux Circle (60 feet wide) for the Southwest corner of the herein described tract and the Southwest corner of said Lot 199;

THENCE: North $12^{\circ}51'07''$ East, a distance of 448.03 feet, with the said East line of said Boudreaux Circle (60 feet wide), the East line of said Lot 199, Lot 200 and Lot 201, to a found $\frac{1}{2}$ inch iron rod for the Northwest corner of the herein described tract, the Northwest corner of said Lot 201, in the South line of Boudreaux Estates Drive. (60 feet wide);

2002-104

THENCE: South 70°43'20" East, a distance of 502.00 feet, with the said South line of Boudreaux Estates Drive, the North line of said Lot 201 and the North line of said Reserve "B" to a found ½ inch iron rod for an angle point;

THENCE: continuing with the South line of Boudreaux Estates Drive and the North line of said Reserve "B", South 89°46'12" East, a distance of 120.00 feet to a found ½ inch iron rod at the intersection of the said South line of Boudreaux Estates Drive and the said West line of Boudreaux Road, for the Northeast corner of the herein described tract and the Northeast corner of the said Reserve "B";

THENCE: South 00°16'14" West, a distance of 273.00 feet, with the said West line of Boudreaux Road and the East line of said Reserve "B" to the PLACE OF BEGINNING and containing 5.112 acres of land.

This is to certify that this description of land represents an actual survey made on the ground under my supervision, as shown by the accompanying plat and substantially complies with the current Texas Society of Professional Land Surveyors Standards and Specifications for a Category 1A, Condition III, Survey.

William L. Anderson
WILLIAM L. ANDERSON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 2053



WLA/KLD
2002-104

EXHIBIT B



November 24, 1998

FIELD NOTES

Harris County M.U.D. 273

Description of 111.8884 acres out of the William Perkins Survey, Abstract No. 621, the C. Hall Survey, Abstract No. 1639 and the T. Duclos Survey, Abstract No. 1473, located in Harris County, Texas and being more fully described by metes and bounds as follows (with bearings referenced to the Partial Replat of Westbourne, Section One, as recorded in Volume 316, Page 49 of the Harris County Map Records):

BEGINNING at a point in the south right-of-way line of Boudreaux Road marking the southwest corner of a tract conveyed to Harris County for the extension of said Boudreaux Road (recorded in Harris County Clerk's File No. D900150) and being the southwest corner of the herein described tract;

THENCE, North 02° 51' 58" West, along a west line of said Boudreaux Road extension right-of-way tract, a distance of 20.00 feet to a point for corner;

THENCE, North 87° 19' 27" East, along a north line of said Boudreaux Road extension right-of-way tract, a distance of 30.00 feet to a point in the east right-of-way line of existing Boudreaux Road;

THENCE, North 02° 41' 05" West, along the east right-of-way line of said existing Boudreaux Road, a distance of 2938.09 feet to an angle point in said right-of-way line and being the northwest corner of the herein described tract;

THENCE, North 87° 36' 57" East, along the southerly right-of-way line of said Boudreaux Road, a distance of 1316.59 feet to a point for the northeast corner of the herein described tract;

THENCE, South 16° 08' 15" East, along an east line of the herein described tract, a distance of 508.78 feet to the point of curvature of a curve to the left;

THENCE, southeasterly, along the arc of said curve to the left having a radius of 2954.79 feet, through a central angle of 15° 30' 02" (the chord bears South 23° 53' 16" East a distance of 796.94 feet), an arc length of 799.38 feet to the point of tangency of said curve;

THENCE, South 31° 38' 17" East, along an easterly line of the herein described tract, a distance of 1929.39 feet to the point of curvature of a curve to the left;

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Harris County M.U.D. 273

THENCE, southeasterly, along the arc of said curve to the left having a radius of 2954.79 feet, through a central angle of $04^{\circ} 18' 37''$ (the chord bears South $33^{\circ} 47' 35''$ East a distance of 222.23 feet), an arc length of 222.29 feet to a point for corner;

THENCE, South $58^{\circ} 21' 43''$ West, a distance of 68.52 feet to a point in the arc of a curve in the southwest right-of-way line of State Highway 249 (variable width);

THENCE, northwesterly, along the southwest right-of-way line of said State Highway 249 and the arc of said curve to the right having a radius of 11,634.16 feet, through a central angle of $02^{\circ} 22' 59''$ (the chord bears North $34^{\circ} 17' 47''$ West a distance of 483.83 feet), an arc length of 483.86 feet to a point of reverse curvature;

THENCE, northwesterly, along the southwest right-of-way line of said State Highway 249 and the arc of said reverse curve to the left having a radius of 1512.89 feet, through a central angle of $02^{\circ} 05' 31''$ (the chord bears North $34^{\circ} 09' 04''$ West a distance of 55.23 feet), an arc length of 55.24 feet to the point of tangency of said reverse curve;

THENCE, North $35^{\circ} 11' 49''$ West, continuing along the southwest right-of-way line of said State Highway 249, a distance of 556.09 feet to a point for the easterly cut back corner located at the south corner of the intersection of said State Highway 249 and the aforementioned Boudreaux Road extension tract;

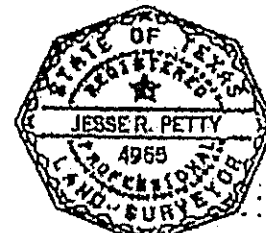
THENCE, North $75^{\circ} 10' 21''$ West, along a cut back line, a distance of 50.34 feet to a point in the southeast right-of-way line of said Boudreaux Road extension for the most westerly cut back corner located at the aforementioned intersection of said Boudreaux Road extension and State Highway 249;

THENCE, South $58^{\circ} 21' 43''$ West, along the southerly right-of-way line of said Boudreaux Road, a distance of 802.94 feet to the point of curvature of a curve to the right;

THENCE, southwesterly, along the southerly right-of-way line of said Boudreaux Road and the arc of said curve to the right having a radius of 2850.00 feet, through a central angle of $28^{\circ} 57' 45''$ (the chord bears South $72^{\circ} 50' 36''$ West a distance of 1425.36 feet), an arc length of 1440.65 feet to the point of tangency of said curve;

THENCE, South $87^{\circ} 19' 27''$ West, along the southerly right-of-way line of said Boudreaux Road, a distance of 29.92 feet to the POINT OF BEGINNING and containing a computed area of 111.8884 acres of land.

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April 5, 2007

19.0890 Acres

Fieldnotes for 19.0890 acres of land out of the Wilhelm Usener Survey, Abstract No. 820, in Harris County, Texas, consisting of the residue of that certain 19.2528 acre tract of land conveyed to Peter S. Terpstra, Trustee, as described in deed recorded under County Clerk's File No. K910629 of the Real Property Records of Harris County, and the residue of that certain 2.00 acre tract of land conveyed to P. S. Terpstra (1/2 interest) and R. H. Nagy (1/2 interest), as described in deeds recorded under County Clerk's File No(s). J347524 and J347526, respectively, of the said Real Property Records, said 19.0890 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch steel rod found in the North line of Boudreaux Road, based on a 60 foot right-of-way, at the South end of a cut-back line for State Highway No. 249 (right-of-way varies), at the most Southerly Southeast corner of the herein described tract, said point being in the South line of the said 2.00 acre tract, said point also being the Southwest corner of that certain 1.115 acre tract of land conveyed to the State of Texas, as described in deed recorded under County Clerk's File No. N815622 of the said Real Property Records;

Thence, South 87°37'53" West with the North line of said Boudreaux Road and the South line of the said 2.00 acre tract, at 112.01 feet passing the Southwest corner of the said 2.00 acre tract and the most Southerly Southeast corner of the said 19.2528 acre tract, and continuing with the South line of the said 19.2528 acre tract in all, a total distance of 1158.61 feet to a 5/8 inch steel rod with cap set for the Southwest corner of the said 19.2528 acre tract and the herein described tract, said point also being the Southeast corner of that certain 2.272 acre tract of land conveyed to Alton Sargent and wife, Jo Ann Sargent, as described in deed recorded under County Clerk's File No. F787545 of the said Real Property Records, said tract of land also known as Reserve "A" of Boudreaux Estates, Section 3 (an unrecorded subdivision);

Thence, North 02°43'14" West, 737.93 feet with the East line of said Boudreaux Estates, Section 3 and the West line of the said 19.2528 acre tract to a 5/8 inch steel rod found marking the Northwest corner of the said 19.2528 acre tract and the herein described tract, said point being in the East line of Lot 79 of said Boudreaux Estates, Section 3, said point also being the Southwest corner of the residue of that certain 5.0600 acre tract of land conveyed to L. D. Neidigk, et ux and Roy L. Bayne, et ux, as described in deed recorded under County Clerk's File No. M467117 of the said Real Property Records;

Thence, North 87°42'00" East, 1067.62 feet with the South line of the said 5.0600 acre tract and the North line of the said 19.2528 acre tract to an "X" in concrete found in the West line of said State Highway No. 249 marking the Northeast corner of the herein described tract, said point being the Northwest corner of that certain 1.055 acre tract of land conveyed to the State of Texas, as described in deed recorded under County Clerk's File No. N815624 of the said Real Property Records, said point also being in the arc of a non-tangent curve to the right, having a radius of 2849.79 feet and a central angle of 01°33'06";

Thence, in a Southerly direction, with the West line of said State Highway No. 249, and with the said curve to the right having a radius of 2849.79 feet (chord bearing South 12°29'30" East, 77.18 feet), an arc distance of 77.18 feet to a 5/8 inch steel rod with aluminum (TxDOT) cap found at a point of tangency;

19.0890 Acres
April 5, 2007
Page 2

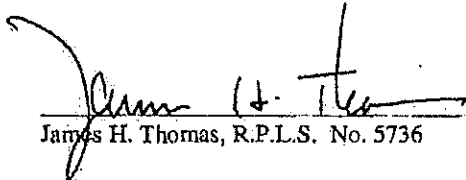
Thence, continuing with the West line of said State Highway No. 249, South $11^{\circ}42'57''$ East, 424.03 feet to a 5/8 inch steel rod with cap set at a point of curve to the left, having a radius of 1542.89 feet and a central angle of $06^{\circ}39'37''$;

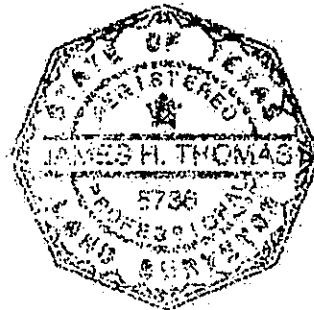
Thence, continuing with the West line of said State Highway No. 249, and with the said curve to the left having a radius of 1542.89 feet (chord bearing $15^{\circ}02'45''$ East, 179.25 feet), an arc distance of 179.35 feet to a 5/8 inch steel rod found at a point of tangency;

Thence, continuing with the West line of said State Highway No. 249, South $18^{\circ}22'34''$ East, 26.76 feet to a 5/8 inch steel rod set at the Northerly end of the aforesaid cut-back line for Boudreaux Road, said point being the most Easterly Southeast corner of the herein described tract;

Thence, South $36^{\circ}32'42''$ West, 53.53 feet with the said cut-back line to the PLACE OF BEGINNING and containing 19.0890 acres or 831,516 square feet of land, more or less.

This description is based on the land title survey and plat (Job No. 07-15204) made under the direction of James H. Thomas, Registered Professional Land Surveyor on April 4, 2007.


James H. Thomas, R.P.L.S. No. 5736



FRONTIER SURVEYORS, INC.
990 VILLAGE SQUARE G-200
TOMBALL, TEXAS 77375
PHONE (281) 351-7153 FAX (281) 351-7997

**METES AND BOUNDS
TRACT I**

August 16, 2002

BEING 5.112 acres of land comprising of Lot 199, Lot 200, Lot 201 and Reserve "B", of Boudreaux Estates, Section Three, an unrecorded subdivision situated in the North one-half of the August Senechal Survey, Abstract Number 722, Harris County, Texas, and being the same Lot 201 and the North ½ of Lot 200 as described under Harris County Clerk's File Number K017806, Lot 199 and the South ½ of Lot 200 as described under Harris County Clerk's File Number K017807, and Reserve "B" as described under Harris County Clerk's File Number H433378, of the said unrecorded subdivision. (Bearing basis as described in said Harris County Clerk's File Number K017807 North 12°51'07" East, along the West line.) said 5.112 acre tract of land being described by Metes and Bounds as follows:

BEGINNING: at a set ¾ inch iron rod in the West right-of-way of Boudreaux Road for the Southeast corner of the herein described tract, the Southeast corner of the said Reserve "B" and the Northeast corner of a 314.781 acre tract of land described under Harris County Clerk's File Number J059251 and from said corner a found ½ inch iron rod bears South 03°00'32" West, a distance of 0.62 feet;

THENCE: North 89°48'05" West, with the North line of the said 314.781 acre tract of land, the South line of said Reserve "B" and the South line of said Lot 199, a distance of 692.22 feet, to a found ½ inch iron rod in the East line of Boudreaux Circle (60 feet wide) for the Southwest corner of the herein described tract and the Southwest corner of said Lot 199;

THENCE: North 12°51'07" East, a distance of 448.03 feet, with the said East line of said Boudreaux Circle (60 feet wide), the East line of said Lot 199, Lot 200 and Lot 201, to a found ½ inch iron rod for the Northwest corner of the herein described tract, the Northwest corner of said Lot 201, in the South line of Boudreaux Estates Drive. (60 feet wide);

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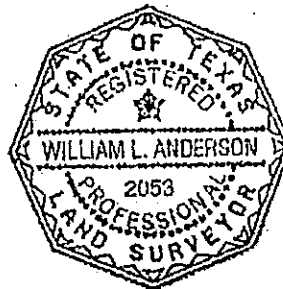
THENCE: South 70°43'20" East, a distance of 502.00 feet, with the said South line of Boudreaux Estates Drive, the North line of said Lot 201 and the North line of said Reserve "B" to a found ½ inch iron rod for an angle point;

THENCE: continuing with the South line of Boudreaux Estates Drive and the North line of said Reserve "B", South 89°46'12" East, a distance of 120.00 feet to a found ½ inch iron rod at the intersection of the said South line of Boudreaux Estates Drive and the said West line of Boudreaux Road, for the Northeast corner of the herein described tract and the Northeast corner of the said Reserve "B";

THENCE: South 00°16'14" West, a distance of 273.00 feet, with the said West line of Boudreaux Road and the East line of said Reserve "B" to the PLACE OF BEGINNING and containing 5.112 acres of land.

This is to certify that this description of land represents an actual survey made on the ground under my supervision, as shown by the accompanying plat and substantially complies with the current Texas Society of Professional Land Surveyors Standards and Specifications for a Category 1A, Condition III, Survey.

William L. Anderson
WILLIAM L. ANDERSON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 2053



WLA/KLD
2002-104

FRONTIER SURVEYORS, INC.
990 VILLAGE SQUARE G-200
TOMBALL, TEXAS 77375
PHONE (281) 351-7153 FAX (281) 351-7997

METES AND BOUNDS

August 16, 2002

BEING 5.112 acres of land comprising of Lot 199, Lot 200, Lot 201 and Reserve "B", of Boudreaux Estates, Section Three, an unrecorded subdivision situated in the North one-half of the August Senechal Survey, Abstract Number 722, Harris County, Texas, and being the same Lot 201 and the North $\frac{1}{2}$ of Lot 200 as described under Harris County Clerk's File Number K017806, Lot 199 and the South $\frac{1}{2}$ of Lot 200 as described under Harris County Clerk's File Number K017807, and Reserve "B" as described under Harris County Clerk's File Number H433378, of the said unrecorded subdivision. (Bearing basis as described in said Harris County Clerk's File Number K017807 North $12^{\circ}51'07''$ East, along the West line.) said 5.112 acre tract of land being described by Metes and Bounds as follows:

BEGINNING: at a set $\frac{3}{4}$ inch iron rod in the West right-of-way of Boudreaux Road for the Southeast corner of the herein described tract, the Southeast corner of the said Reserve "B" and the Northeast corner of a 314.781 acre tract of land described under Harris County Clerk's File Number J059251 and from said corner a found $\frac{1}{2}$ inch iron rod bears South $03^{\circ}00'32''$ West, a distance of 0.62 feet;

THENCE: North $89^{\circ}48'05''$ West, with the North line of the said 314.781 acre tract of land, the South line of said Reserve "B" and the South line of said Lot 199, a distance of 692.22 feet, to a found $\frac{1}{2}$ inch iron rod in the East line of Boudreaux Circle (60 feet wide) for the Southwest corner of the herein described tract and the Southwest corner of said Lot 199;

THENCE: North $12^{\circ}51'07''$ East, a distance of 448.03 feet, with the said East line of said Boudreaux Circle (60 feet wide), the East line of said Lot 199, Lot 200 and Lot 201, to a found $\frac{1}{2}$ inch iron rod for the Northwest corner of the herein described tract, the Northwest corner of said Lot 201, in the South line of Boudreaux Estates Drive. (60 feet wide);

2002-104

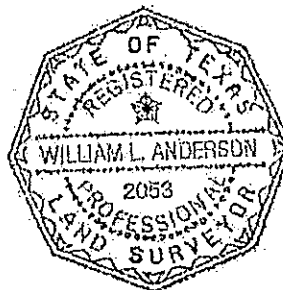
THENCE: South 70°43'20" East, a distance of 502.00 feet, with the said South line of Boudreaux Estates Drive, the North line of said Lot 201 and the North line of said Reserve "B" to a found ½ inch iron rod for an angle point;

THENCE: continuing with the South line of Boudreaux Estates Drive and the North line of said Reserve "B", South 89°46'12" East, a distance of 120.00 feet to a found ½ inch iron rod at the intersection of the said South line of Boudreaux Estates Drive and the said West line of Boudreaux Road, for the Northeast corner of the herein described tract and the Northeast corner of the said Reserve "B";

THENCE: South 00°16'14" West, a distance of 273.00 feet, with the said West line of Boudreaux Road and the East line of said Reserve "B" to the PLACE OF BEGINNING and containing 5.112 acres of land.

This is to certify that this description of land represents an actual survey made on the ground under my supervision, as shown by the accompanying plat and substantially complies with the current Texas Society of Professional Land Surveyors Standards and Specifications for a Category 1A, Condition III, Survey.

William L. Anderson
WILLIAM L. ANDERSON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 2053



WLA/KLD
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Map 5.112 acre tract (River of Praise)

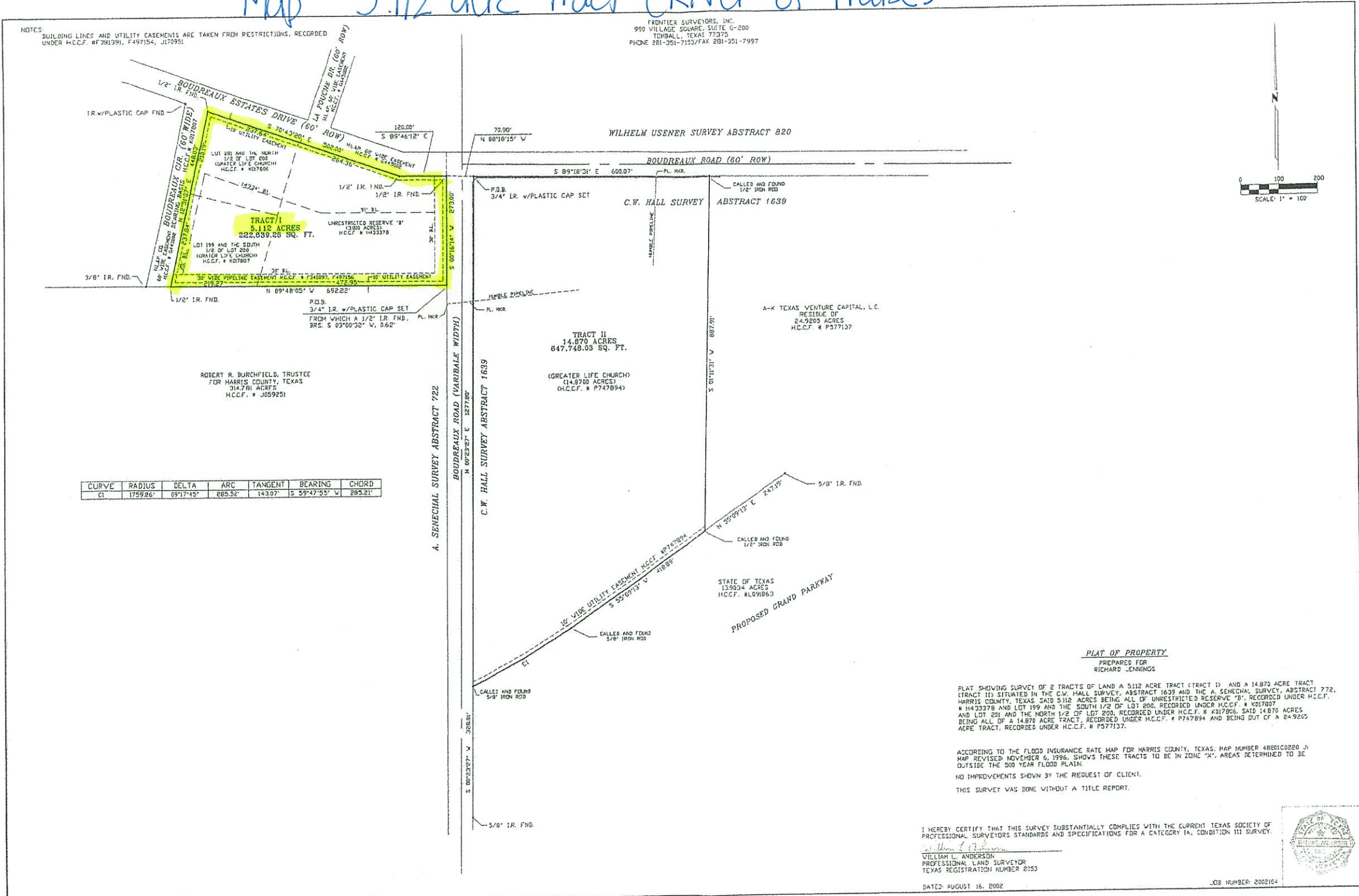


EXHIBIT B



November 24, 1998

FIELD NOTES

Harris County M.U.D. 273

Description of 111.8884 acres out of the William Perkins Survey, Abstract No. 621, the C. Hall Survey, Abstract No. 1639 and the T. Duclos Survey, Abstract No. 1473, located in Harris County, Texas and being more fully described by metes and bounds as follows (with bearings referenced to the Partial Replat of Westbourne, Section One, as recorded in Volume 316, Page 49 of the Harris County Map Records):

BEGINNING at a point in the south right-of-way line of Boudreaux Road marking the southwest corner of a tract conveyed to Harris County for the extension of said Boudreaux Road (recorded in Harris County Clerk's File No. D900150) and being the southwest corner of the herein described tract;

THENCE, North $02^{\circ} 51' 58''$ West, along a west line of said Boudreaux Road extension right-of-way tract, a distance of 20.00 feet to a point for corner;

THENCE, North $87^{\circ} 19' 27''$ East, along a north line of said Boudreaux Road extension right-of-way tract, a distance of 30.00 feet to a point in the east right-of-way line of existing Boudreaux Road;

THENCE, North $02^{\circ} 41' 05''$ West, along the east right-of-way line of said existing Boudreaux Road, a distance of 2938.09 feet to an angle point in said right-of-way line and being the northwest corner of the herein described tract;

THENCE, North $87^{\circ} 36' 57''$ East, along the southerly right-of-way line of said Boudreaux Road, a distance of 1316.59 feet to a point for the northeast corner of the herein described tract;

THENCE, South $16^{\circ} 08' 15''$ East, along an east line of the herein described tract, a distance of 508.78 feet to the point of curvature of a curve to the left;

THENCE, southeasterly, along the arc of said curve to the left having a radius of 2954.79 feet, through a central angle of $15^{\circ} 30' 02''$ (the chord bears South $23^{\circ} 53' 16''$ East a distance of 796.94 feet), an arc length of 799.38 feet to the point of tangency of said curve;

THENCE, South $31^{\circ} 38' 17''$ East, along an easterly line of the herein described tract, a distance of 1929.39 feet to the point of curvature of a curve to the left;

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Harris County M.U.D. 273

THENCE, southeasterly, along the arc of said curve to the left having a radius of 2954.79 feet, through a central angle of $04^{\circ} 18' 37''$ (the chord bears South $33^{\circ} 47' 35''$ East a distance of 222.23 feet), an arc length of 222.29 feet to a point for corner;

THENCE, South $58^{\circ} 21' 43''$ West, a distance of 68.52 feet to a point in the arc of a curve in the southwest right-of-way line of State Highway 249 (variable width);

THENCE, northwesterly, along the southwest right-of-way line of said State Highway 249 and the arc of said curve to the right having a radius of 11,634.16 feet, through a central angle of $02^{\circ} 22' 59''$ (the chord bears North $34^{\circ} 17' 47''$ West a distance of 483.83 feet), an arc length of 483.86 feet to a point of reverse curvature;

THENCE, northwesterly, along the southwest right-of-way line of said State Highway 249 and the arc of said reverse curve to the left having a radius of 1512.89 feet, through a central angle of $02^{\circ} 05' 31''$ (the chord bears North $34^{\circ} 09' 04''$ West a distance of 55.23 feet), an arc length of 55.24 feet to the point of tangency of said reverse curve;

THENCE, North $35^{\circ} 11' 49''$ West, continuing along the southwest right-of-way line of said State Highway 249, a distance of 556.09 feet to a point for the easterly cut back corner located at the south corner of the intersection of said State Highway 249 and the aforementioned Boudreaux Road extension tract;

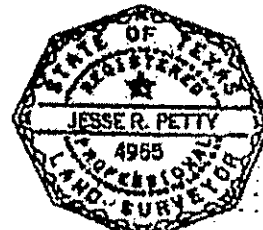
THENCE, North $75^{\circ} 10' 21''$ West, along a cut back line, a distance of 50.34 feet to a point in the southeast right-of-way line of said Boudreaux Road extension for the most westerly cut back corner located at the aforementioned intersection of said Boudreaux Road extension and State Highway 249;

THENCE, South $58^{\circ} 21' 43''$ West, along the southerly right-of-way line of said Boudreaux Road, a distance of 802.94 feet to the point of curvature of a curve to the right;

THENCE, southwesterly, along the southerly right-of-way line of said Boudreaux Road and the arc of said curve to the right having a radius of 2850.00 feet, through a central angle of $28^{\circ} 57' 45''$ (the chord bears South $72^{\circ} 50' 36''$ West a distance of 1425.36 feet), an arc length of 1440.65 feet to the point of tangency of said curve;

THENCE, South $87^{\circ} 19' 27''$ West, along the southerly right-of-way line of said Boudreaux Road, a distance of 29.92 feet to the POINT OF BEGINNING and containing a computed area of 111.8884 acres of land.

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Thomas Land Surveying
Surveying • Planning • Project Management

April 5, 2007

19.0890 Acres

Fieldnotes for 19.0890 acres of land out of the Wilhelm Usener Survey, Abstract No. 820, in Harris County, Texas, consisting of the residue of that certain 19.2528 acre tract of land conveyed to Peter S. Terpstra, Trustee, as described in deed recorded under County Clerk's File No. K910629 of the Real Property Records of Harris County, and the residue of that certain 2.00 acre tract of land conveyed to P. S. Terpstra (1/2 interest) and R. H. Nagy (1/2 interest), as described in deeds recorded under County Clerk's File No(s). J347524 and J347526, respectively, of the said Real Property Records, said 19.0890 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch steel rod found in the North line of Boudreaux Road, based on a 60 foot right-of-way, at the South end of a cut-back line for State Highway No. 249 (right-of-way varies), at the most Southerly Southeast corner of the herein described tract, said point being in the South line of the said 2.00 acre tract, said point also being the Southwest corner of that certain 1.115 acre tract of land conveyed to the State of Texas, as described in deed recorded under County Clerk's File No. N815622 of the said Real Property Records;

Thence, South 87°37'53" West with the North line of said Boudreaux Road and the South line of the said 2.00 acre tract, at 112.01 feet passing the Southwest corner of the said 2.00 acre tract and the most Southerly Southeast corner of the said 19.2528 acre tract, and continuing with the South line of the said 19.2528 acre tract in all, a total distance of 1158.61 feet to a 5/8 inch steel rod with cap set for the Southwest corner of the said 19.2528 acre tract and the herein described tract, said point also being the Southeast corner of that certain 2.272 acre tract of land conveyed to Alton Sargent and wife, Jo Ann Sargent, as described in deed recorded under County Clerk's File No. F787545 of the said Real Property Records, said tract of land also known as Reserve "A" of Boudreaux Estates, Section 3 (an unrecorded subdivision);

Thence, North 02°43'14" West, 737.93 feet with the East line of said Boudreaux Estates, Section 3 and the West line of the said 19.2528 acre tract to a 5/8 inch steel rod found marking the Northwest corner of the said 19.2528 acre tract and the herein described tract, said point being in the East line of Lot 79 of said Boudreaux Estates, Section 3, said point also being the Southwest corner of the residue of that certain 5.0600 acre tract of land conveyed to L. D. Neidigk, et ux and Roy L. Bayne, et ux, as described in deed recorded under County Clerk's File No. M467117 of the said Real Property Records;

Thence, North 87°42'00" East, 1067.62 feet with the South line of the said 5.0600 acre tract and the North line of the said 19.2528 acre tract to an "X" in concrete found in the West line of said State Highway No. 249 marking the Northeast corner of the herein described tract, said point being the Northwest corner of that certain 1.055 acre tract of land conveyed to the State of Texas, as described in deed recorded under County Clerk's File No. N815624 of the said Real Property Records, said point also being in the arc of a non-tangent curve to the right, having a radius of 2849.79 feet and a central angle of 01°33'06";

Thence, in a Southerly direction, with the West line of said State Highway No. 249, and with the said curve to the right having a radius of 2849.79 feet (chord bearing South 12°29'30" East, 77.18 feet), an arc distance of 77.18 feet to a 5/8 inch steel rod with aluminum (TxDOT) cap found at a point of tangency;

19.0890 Acres
April 5, 2007
Page 2

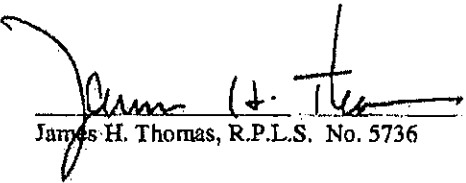
Thence, continuing with the West line of said State Highway No. 249, South $11^{\circ}42'57''$ East, 424.03 feet to a 5/8 inch steel rod with cap set at a point of curve to the left, having a radius of 1542.89 feet and a central angle of $06^{\circ}39'37''$;

Thence, continuing with the West line of said State Highway No. 249, and with the said curve to the left having a radius of 1542.89 feet (chord bearing $15^{\circ}02'45''$ East, 179.25 feet), an arc distance of 179.35 feet to a 5/8 inch steel rod found at a point of tangency:

Thence, continuing with the West line of said State Highway No. 249, South $18^{\circ}22'34''$ East, 26.76 feet to a 5/8 inch steel rod set at the Northerly end of the aforesaid cut-back line for Boudreaux Road, said point being the most Easterly Southeast corner of the herein described tract;

Thence, South $36^{\circ}32'42''$ West, 53.53 feet with the said cut-back line to the PLACE OF BEGINNING and containing 19.0890 acres or 831,516 square feet of land, more or less.

This description is based on the land title survey and plat (Job No. 07-15204) made under the direction of James H. Thomas, Registered Professional Land Surveyor on April 4, 2007.


James H. Thomas, R.P.L.S. No. 5736



FRONTIER SURVEYORS, INC.
990 VILLAGE SQUARE G-200
TOMBALL, TEXAS 77375
PHONE (281) 351-7153 FAX (281) 351-7997

METES AND BOUNDS
TRACT I

August 16, 2002

BEING 5.112 acres of land comprising of Lot 199, Lot 200, Lot 201 and Reserve "B", of Boudreaux Estates, Section Three, an unrecorded subdivision situated in the North one-half of the August Senechal Survey, Abstract Number 722, Harris County, Texas, and being the same Lot 201 and the North $\frac{1}{2}$ of Lot 200 as described under Harris County Clerk's File Number K017806, Lot 199 and the South $\frac{1}{2}$ of Lot 200 as described under Harris County Clerk's File Number K017807, and Reserve "B" as described under Harris County Clerk's File Number H433378, of the said unrecorded subdivision. (Bearing basis as described in said Harris County Clerk's File Number K017807 North $12^{\circ}51'07''$ East, along the West line.) said 5.112 acre tract of land being described by Metes and Bounds as follows:

BEGINNING: at a set $\frac{3}{4}$ inch iron rod in the West right-of-way of Boudreaux Road for the Southeast corner of the herein described tract, the Southeast corner of the said Reserve "B" and the Northeast corner of a 314.781 acre tract of land described under Harris County Clerk's File Number J059251 and from said corner a found $\frac{1}{2}$ inch iron rod bears South $03^{\circ}00'32''$ West, a distance of 0.62 feet;

THENCE: North $89^{\circ}48'05''$ West, with the North line of the said 314.781 acre tract of land, the South line of said Reserve "B" and the South line of said Lot 199, a distance of 692.22 feet, to a found $\frac{1}{2}$ inch iron rod in the East line of Boudreaux Circle (60 feet wide) for the Southwest corner of the herein described tract and the Southwest corner of said Lot 199;

THENCE: North $12^{\circ}51'07''$ East, a distance of 448.03 feet, with the said East line of said Boudreaux Circle (60 feet wide), the East line of said Lot 199, Lot 200 and Lot 201, to a found $\frac{1}{2}$ inch iron rod for the Northwest corner of the herein described tract, the Northwest corner of said Lot 201, in the South line of Boudreaux Estates Drive. (60 feet wide);

2002-104

THENCE: South 70°43'20" East, a distance of 502.00 feet, with the said South line of Boudreaux Estates Drive, the North line of said Lot 201 and the North line of said Reserve "B" to a found ½ inch iron rod for an angle point;

THENCE: continuing with the South line of Boudreaux Estates Drive and the North line of said Reserve "B", South 89°46'12" East, a distance of 120.00 feet to a found ½ inch iron rod at the intersection of the said South line of Boudreaux Estates Drive and the said West line of Boudreaux Road, for the Northeast corner of the herein described tract and the Northeast corner of the said Reserve "B";

THENCE: South 00°16'14" West, a distance of 273.00 feet, with the said West line of Boudreaux Road and the East line of said Reserve "B" to the PLACE OF BEGINNING and containing 5.112 acres of land.

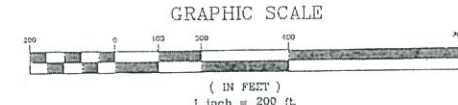
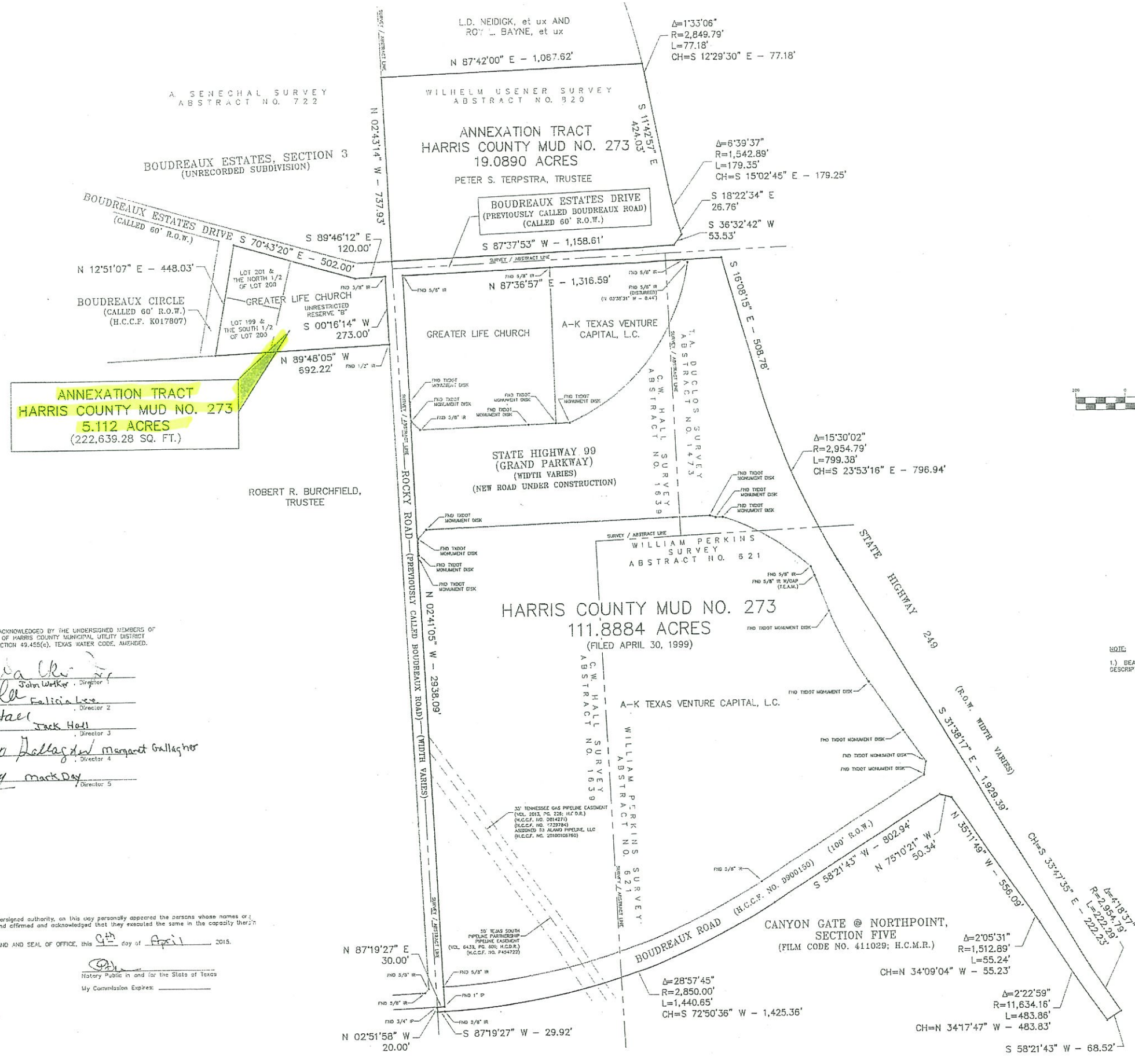
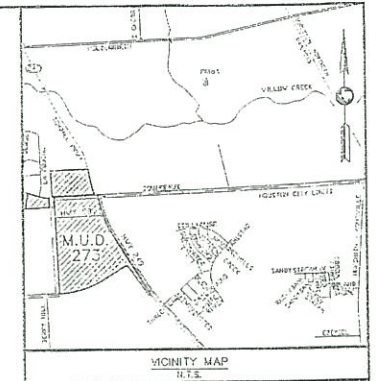
This is to certify that this description of land represents an actual survey made on the ground under my supervision, as shown by the accompanying plat and substantially complies with the current Texas Society of Professional Land Surveyors Standards and Specifications for a Category 1A, Condition III, Survey.

William L. Anderson
WILLIAM L. ANDERSON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 2053



WLA/KLD
2002-104

Revised District Map.



- LEGEND**
- FND - FOUND
 - H.C.C.F. - HARRIS COUNTY CLERK'S FILE
 - H.C.D.R. - HARRIS COUNTY DEED RECORDS
 - H.C.H.R. - HARRIS COUNTY MAP RECORDS
 - IP - IRON PIPE
 - IR - IRON ROD
 - R.O.W. - RIGHT OF WAY
 - SQ. FT. - SQUARE FEET
 - W - WITH

NOTE:
1) BEARINGS SHOWN HEREON ARE BASED ON METES-AND-BOUNDS DESCRIPTIONS FOR EACH INDIVIDUAL TRACT PROVIDED BY CLIENT.

EXECUTED, AFFIRMED AND ACKNOWLEDGED BY THE UNDERSIGNED MEMBERS OF THE BOARD OF DIRECTORS OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273, PURSUANT TO SECTION 49.455(c), TEXAS WATER CODE, AMENDED.

DIRECTORS:
John Walker, Director 1
Jillena C. Lee, Director 2
Jack R. Hall, Director 3
Margaret Gallagher, Director 4
Mark Day, Director 5

STATE OF TEXAS
COUNTY OF HARRIS
BEFORE ME, the undersigned authority, on this day personally appeared the persons whose names are subscribed to the right, and acknowledged that they executed the same in the capacity therein stated.
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 9th day of April, 2015.



Notary Public in and for the State of Texas
My Commission Expires:

EXHIBIT
OF
HARRIS COUNTY MUD NO. 273 AND TWO ANNEXATION TRACTS
BEING A 19.0890 ACRE TRACT OF LAND
IN THE WILHELM USENER SURVEY, ABSTRACT NO. 820,
AND A 5.112 ACRE TRACT OF LAND
IN THE A. SENECHAL SURVEY, ABSTRACT NO. 722,
HARRIS COUNTY, TEXAS

TEXAS ENGINEERING AND MAPPING CO.
12810 CENTURY DRIVE
STAFFORD, TEXAS 77477
FIRM REGISTRATION NO. 10119000
PHONE: 281.491.2525 FAX: 281.491.2935

Regular City Council Agenda Item Data Sheet

Meeting Date: November 16, 2015

Topic:

Approve the RFP Documents for Bank Depository Services, as Prepared by Patterson & Associates

Background:

The current bank depository contract with Wells Fargo is scheduled to expire on November 30, 2015. The City is required to issue an RFP for depository services at the end of a five year contract period.

To allow more time for the Request for Proposal (RFP) process, the City Council, at the October 5, 2015 regular meeting, approved an extension of the existing contract through March 31, 2016.

Since that meeting, we have contracted with the firm of Patterson & Associates to work with us in preparing a formal RFP for depository services that both defines the needs of the City of Tomball and the requirements of Section 105 of the Local Government Code. Patterson & Associates will also assist us in analyzing the responses to the RFP as well as making a recommendation of a respondent depository bank.

Once the RFP is approved by City Council, it will be issued to all of the local banks on Friday, November 20, 2015. A copy of the RFP and attachments are provided for Council review, along with a copy of Section 105 of the Local Government Code.

Origination:

Finance

Recommendation:

Approval of RFP 2016-08 for Depository Services

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

Glenn Windsor, CPA Finance Director

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

RFP 2016-08 for Depository Services

RFP Attachment A

RFP Attachment B

RFP Attachment C

RFP Attachment D

Texas Local Gov Code Section 105 Relating to City Depository Services



CITY OF TOMBALL, TEXAS

REQUEST FOR PROPOSAL 2016-08

BANK DEPOSITORY SERVICES AND MERCHANT SERVICES

NOVEMBER 20, 2015

TABLE OF CONTENTS

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VII.	Optional Services
VIII.	Required Services – Merchant Services
	Attachment A: Schedule of Proposed Fees
	Attachment B: Historical Earnings Rates
	Attachment C: Merchant Service History
	Attachment D: Merchant Services Proposed Fees Schedule

CITY OF TOMBALL, TEXAS

REQUEST FOR PROPOSAL – DEPOSITORY AND BANKING SERVICES

I. INTRODUCTION

The City of Tomball, Texas (the “City”) is requesting proposals for a three (3) year bank depository services contract with service to begin **April 1, 2016** and extend through **March 31, 2019** with one possible two-year extension if approved by City Council

Through this contract the City intends to minimize banking costs, improve operational efficiency, and maximize its investment capabilities. This Request for Proposal (RFP), which represents the City's cash management goals, specifies all required qualifications, the banking services required, the estimated activity volumes on all accounts, the method and terms of compensation, submission instructions and contract award provisions. All qualified institutions, as defined below, are invited to submit a proposal.

Institutions responding to this Request for Proposal (RFP) must be insured through the Federal Deposit Insurance Corporation (FDIC), and must demonstrate the capacity to meet the City's requirements as stated in the RFP.

II. PROPOSAL QUALIFICATIONS AND SUBMISSION INSTRUCTIONS

By submitting a proposal in response to this RFP, depositories will be deemed to agree to the mandatory contract and service provisions contained herein. This RFP and the proposal submitted will be incorporated into and form the basis of the bank depository services contract.

1. Local Presence

To assure a close working relationship and to facilitate services, depository institutions with full depository service capabilities within the geographic boundaries of the City will be given preference.

2. Proposal Format

In order to equitably evaluate each bank's ability to meet the banking service needs of the City, a standard format for all proposals is required. A response must be given to each item in Sections V through VIII of this RFP along with completion of Attachments A and B. Responses must be in the same order as the questions presented and a response given for each question, stating acceptance of, modifications or additions to, or a statement of the inability to provide said service. Only proposals submitted in the prescribed format and using the provided Attachments A and B will be considered and evaluated for contract award. Additional explanatory information may be included as part of a proposal. An electronic copy of this proposal is available.

This RFP and the proposal submitted will be incorporated into and form the basis of the bank depository services contract.

All banks within the City limits of Tomball, TX will be contacted electronically regarding the issuance of this RFP. Those banks interested in submitting a proposal will be sent the RFP in an electronic format. Submission of two paper copies of the proposal are required along with an electronic copy for the City's archival purposes.

3. Schedule for Proposal Submission

The City will make every effort to adhere to the following schedule.

11/20/15	Release of Request for Proposal
11/30/15	Deadline for questions concerning the RFP or services requested
12/02/15	Responses given to any questions on the RFP - provided to all known proposers
12/11/15	Deadline for proposal submission
01/18/16	City Council award of contract
04/01/16	Contract commencement

4. Proposal Submission

To be eligible for consideration under this request, a total of two (2) complete copies of each proposal shall be submitted **by 4:00 pm CST on December 11, 2015** to the two addresses below. **Proposals received after that time by the City will not be accepted and will not be returned.**

The proposal must be submitted in a sealed envelope or packet marked "Proposal for Depository Banking Services". An accompanying transmittal letter must be signed by an individual authorized to bind the institution, state that the proposal is valid for 180 days from the submission date, and give full contact information regarding the proposal. Information provided in the cover letter and not in the proposal will not be considered.

One proposal must be delivered by mail, express mail, or in person to:

Glenn Windsor	281-290-1417
Finance Director	GWindsor@tomballtx.gov
City of Tomball	
501 James Street	
Tomball, Texas 77375	

One proposal must be delivered by mail, express mail, or in person to:

Linda T. Patterson	512-320-5042
Patterson & Associates	Linda@patterson.net
Barton Oaks Plaza II	
01 S. Mopac, Suite 195	
Austin, Texas 78746	

5. RFP Questions - There will be **no pre-proposal conference**. Questions regarding this RFP, or the services requested, will be accepted in e-mail form only, at the Tomball email address above on or before 2:00 pm **November 30, 2015**. Responses to all material questions submitted will be communicated by email to all known proposers by 2:00 pm **December 2, 2015**.

6. Selection Criteria

The following criteria will be used by the City as the weighting basis for evaluation of the proposals and the award recommendation.

- 35 % - responsiveness and ability to provide services and reports required,
- 35 % - banking services costs and earnings potential,
- 10 % - experience, references, and continuity of bank and bank officials, and
- 20 % - creditworthiness and stability of the bank.

The City will consider the availability of services and the cost of those services as well as the earnings potential under the contract. All these elements will be combined for evaluation of the proposals. Award may not be made to the institution submitting the lowest price proposal. The City will choose the institution submitting the best, most responsive overall proposal to satisfy the City's needs.

7. City Rights

The City reserves the right to:

- waive any defect, irregularity or informality in the proposal or proposal procedures,
- reject any and all proposals,
- accept any proposal or portion thereof most advantageous to City,
- request additional information or require a meeting with bank representatives for clarification,
- cancel, revise, and/or reissue this request for proposal or any portions thereof,
- negotiate any conditions with proposers,
- retain all other provisions even if any provision of the proposal is deemed invalid,
- modify deadlines, and
- select any proposal deemed to be in its best interest as determined by the City.

8. Proprietary Information

To the extent permitted by law, proposals will be opened in a manner that avoids disclosure of the contents until after award of the contract. Proprietary information contained in the proposal should be designated as such on each page containing the restricted information.

9. Fees and Charges

The City reserves the right to utilize either a fee basis or compensating balance basis (or a combination of each) for payment of banking services under the contract. The City reserves the right to change the payment methodology during the contract period upon no less than 30 days written notice to the bank with the change commencing on the first of a calendar month. This will enable the City to take advantage of changing interest rate environments. A complete monthly account analysis will be required regardless of the payment basis.

All item and account charges will remain at the proposal price quoted on Attachment A for the duration of the contract period regardless of changes in service volumes during the period. Fees not shown on the Attachment to provide the service required will not be considered as part of the bid and therefore will not be paid.

Should new services be required during the contract period not contemplated by this RFP, those services will be provided at fees not more than the bank's then-current published rate and approved by the City's Finance Director. It is critical that the Attachments A and B be completed in their entirety.

Attachment A has been provided for the detailing of all anticipated fees. If the Attachment does not detail line item fees required for a particular service the fee type and level should be added and identified by the applicable AFP code, if possible. Bundled fees should be clearly delineated and any notes necessary for clarification included.

III. CITY FINANCIAL OVERVIEW

The City's Finance Department handles all banking, treasury, and investment activities as well as accounts payable, receivables, and financial reporting functions. The Finance Director is responsible for the department and reports to the City Manager. The City does not consolidate deposits and deposits are sent from various departments to the bank daily. Currently deposits are made by City staff and all transactions are under the direction/control of the Finance Director. The Finance Department handles all reconciliations.

The City plans to continue to utilize automated banking services when efficient and cost effective. This proposal should address automation potential on any services.

The City currently uses six bank accounts with a ZBA structure used only for the payroll account. The average ledger balance on the total relationship for the past six months was \$ 2,407,103.

<u>Title</u>	<u>Current Type Account</u>
Consolidated General	Master to Payroll
Payroll	ZBA to Consolidated
ACH P-Card	Stand Alone
Insurance Trust	Stand Alone
Economic Development	Stand Alone (not collateralized)
Legacy Fund	Stand Alone

Under the proposed contract, the account structure should remain the same. The City uses a ZBA structure for maximum earnings potential. The bank will be asked to present the most efficient structure to effect the best investment rates and best operating efficiency especially in this current, historically low interest rate environment.

The Consolidated General Account receives deposits or transfers on a daily basis. Wires and securities transactions and ACH will be tied to this account.

- A total of approximately \$2,500,000 in payables (ACH \$1,216,731) is processed monthly with payable runs usually each Wednesday.

Remote check deposit is used for the preponderance of checks deposited. Deposits are prepared by various departments receiving the money and taken to the bank by city staff for an average of individual six (6) deposits per day. The required services include remote deposit. The Finance Department handles all reconciliation on the accounts and only one set of statements will be required.

The City needs the access to interest bearing accounts and will decide on the use of the accounts as interest rates and conditions vary. All balance decisions will be made by the City.

Any or all City funds may be maintained and invested by the City outside this contract. The City will be under no obligation to maintain funds in the bank except under a compensating balance relationship. The City will use safekeeping services.

The Finance Director will monitor the bank's performance against provisions of the agreement, including the bank's proposal submitted in the response to this RFP. The Finance Director will be responsible for administering the agreement with respect to day-to-day activities, including deposits and withdrawals, ACH transactions, maintenance of account balances, daily reporting, etc. A list of City personnel authorized to deal directly with the bank will be provided following award of contract. The bank shall provide the City with a similar list of authorized personnel.

IV. GENERAL STATEMENT OF BANKING SERVICES REQUIRED

The banking services described in this RFP are directed toward five major goals:

- timely and accurate information flow,
- 100% utilization of idle funds and continuous investment of City funds,
- safety of City funds and securities,
- efficient utilization of available banking services, and
- minimization of banking costs for the City.

Collateral

The City requires a depository that is fiscally strong and able to provide the required services on an uninterrupted basis. City funds are public funds and fall under certain provisions of the Public Funds Collateral Act (Texas Government Code Chapter 2257) which are further restricted by the City as indicated in this RFP. (Collateral requirements are detailed in Section VI.9).

Investment Policy Certification

As a provider of financial services, the depository will be required to review the City's Investment Policy and certify, in language agreeable to each party, that reasonable procedures have been established to assure that the conditions set in the Policy are met.

V. FINANCIAL INSTITUTION QUALIFICATIONS

To be considered the proposal must include a response to each question in Section V.

1. Creditworthiness

In order to fulfill the City's fiduciary responsibility and to protect public funds, each bank submitting applications shall provide the following:

- a. Provide an audited annual financial statement for the most recent fiscal period. The financial statements may be submitted in electronic form or provided as a reference link on the internet. The bank will be required to submit an audited statement to the City each year of the contract period, as soon as it is available. Confirm agreement to this requirement.
- b. Provide certification of the bank's Community Reinvestment Act (CRA) rating by its regulatory agency.
- c. Provide the bank's senior and subordinate debt ratings over the past two years. If the bank has no debt or is privately owned it may, as an alternative, provide the most recent four quarters rating from an independent bank rating agency such as Highline, Veribanc, or comparable bank rating agency.
- d. The bank will be contractually liable for notifying the City within thirty (30) days of any change in any of these ratings during the contract period. Confirm agreement to this requirement.

2. Customer Service

Service will be a primary focus of the City on a continuing basis. Describe the bank's philosophy and approach to satisfying this need through the following responses.

- a. What is distinctive about the bank's approach to customer service? How does the bank anticipate satisfying the City's need for superior customer service?
- b. How many service individuals does the bank have in the local bank? How will the bank provide the City with relationship support for its services?
- c. Is there a formal process for escalation of problems/issues that are unresolved? How does the bank monitor service?
- d. Is the bank offering any transition or retention incentives? Describe fully and quantify completely.
- e. The City requires the right to use a third party auditor to review the records of the City's accounts, collateral, transactions, and bank records at any reasonable time. Confirm agreement with this condition.
- f. Under state law the depository will be required to review the City's Investment Policy and certify to that review in accordance with Texas Local Government Code 2256. The City's investment policy will be provided. Confirm agreement with this requirement.
- g. Does the bank have a formal process or plan for meeting with, reviewing and analyzing services with the City on a regular basis? Describe.
- h. What programs or processes does the bank have in place to protect the City from electronic fraud of all types? Describe.

3. References.

List references from three comparable Texas public entity clients. For each reference, include the length of time under contract, a client contact, title, and email address.

4. Depository Agreement and Service Agreements

Provide a copy of all depository and service agreements which will be required to be executed under the contract for services rendered (including depository and collateral agreements). Any changes required on the agreements will be discussed and agreed upon before award of the contract is made by the City.

- a. Provide all the agreements required.

5. Implementation Timeline.

The contract period will commence April 1, 2016. The City recognizes that not all services and funds will be transferred by this date but expects that all services should be available by that date. Collateral should be in place two days before any funds are transferred.

- a. Provide a proposed, detailed timeline for implementation of the contract. Include each activity required defined by its responsible party and assigned responsibilities. Denote any limitations or potential delay points.

The timeline must reflect the number of calendar days required to put the services in place or the end date of when such services will be in place and available to the City. Default in promised delivery of services, without acceptable reasons, or failure to meet the terms or conditions of the depository contract without remedy, shall result in the City having the right to terminate the contract, but the exercising of such right to terminate the contract does not limit any other remedies the City may have for damages or other relief under law.

VI. REQUIRED BANKING SERVICES

To be considered, the proposal must include a response to each of the questions in Section VI and all associated fees must be detailed on Attachment A. Add any level of detail as necessary for complete disclosure.

1. Consolidated Account Structure with Sweep Mechanism

The City is interested in assuring that all funds are earning at the best, then-current interest rates available at all times. The City currently pays for services on a compensating balance basis and anticipates this will continue until rates rise.

- a. Fully describe the bank's currently proposed account structure by account type.
- b. If the bank is proposing an indexed interest bearing account, detail and describe fully.
- c. Can interest be applied at the master account or individual account level?
- d. Will the bank assess FDIC fees (recoupment fees)? How are they calculated? When assessed?
- e. Provide the proposed computation basis for interest bearing accounts if rates are based on a set index or security (such as the 3-month Treasury Bill).
- f. Interest earned on interest bearing accounts shall not be charged as an expense on the account analysis. Confirm acceptance of this condition.
- g. The City may be required or may desire to open additional accounts, or change account types during the contract period. If this occurs the new accounts and their services shall be charged at the same contracted amount. (Unanticipated or new services may be charged at not more than published rates.) Confirm agreement to this condition.

2. Automated Treasury Services

The City requires web-based automated, daily cash management balance and detail reporting as well as the ability to retrieve transactions and images online.

- a. Fully describe the bank's web-based on-line service capabilities. List the system capabilities (i.e. balance reporting, wires, positive pay, stop pay, etc.).
- b. What is the bank's back-up process to provide balance reporting and transactions in case of system non-availability?
- c. State the access and update times for daily balance information.
- d. Submit samples of major screens or preferably a web-link.
- e. Describe system security protocols. Does the bank or the City administer security? How many levels of security required?
- f. Is the City the online administrator or the bank?

The City requires and is not currently receiving optical images on a CD.

- g. What items are imaged and available online (checks, statements, deposit slips, deposited items, etc.)?
- h. Does the bank provide a monthly CD? If so, what is on the CD? When is it available?
- i. How long are the various images retained on line? Does the bank provide optional extended availability?

3. Standard Deposit Services

Standard commercial deposit services are required for all accounts. Remote deposit is currently used and no checks are encoded. Coins are not rolled and may be in partially filled bags. On average the City makes six daily deposits. Deposits are not batched and currency is not strapped.

Any City department currently can accept credit cards.

The City expects all deposited checks to clear based on the bank's current published FRB availability schedule, but, any expedited availability options should be noted in the proposal. All cleared deposits received by the bank's established deadline must be processed for same day credit. The bank shall guarantee immediate credit on all incoming wire transfers, ACH transactions, on-us items, and U.S. government security maturities and coupon payments. Failure to credit City accounts in a timely fashion will require interest payment reimbursement to the City at the then-current daily Fed Funds rate.

- Does the bank image all checks, deposit slips and deposit items?
- How are debit/credit advices sent to the City? When are they available?
- What is the bank's daily cut-off time to assure same day ledger, and - pending availability - collected credit? Will this vary by location (lobby, teller, vault)?
- What type deposit bags are used/required? Are these available from the bank? At what cost?
- Are any deposits or credits delayed for any reason?
- Include a list of all the bank's deposit locations and alternatives.
- Using the sample deposit below state the cost of such a deposit, including all costs involved. Give the cost for the deposit if made at the branch \$_____ and the vault \$_____.

SAMPLE DEPOSIT:

The sample deposit would be made (a) in five (5) tamper-proof deposit bags, (b) with strapped where possible as shown below, (c) with coins that are not rolled, (d) with bundled but not endorsed checks. The breakdown on the deposit is:

Currency

Denom.	# Straps	Loose \$	Total \$
\$100	5	\$ 300	\$ 20,300
\$ 50	6	\$ 600	\$ 15,600
\$ 20	4	\$ 340	\$ 4,340
\$ 10	9	\$ 70	\$ 4,570
\$ 5	22	\$ 175	\$ 5,675
\$ 1	50	\$ 14	\$ 2,514
			\$ 52,999

Coins

\$.25	\$ 427
\$.10	\$ 114
\$.05	\$ 10
\$.01	\$ 2
	\$ 553

Checks

280 checks	\$140,252	<u>\$ 140,242</u>
		\$ 193,794

Remote Deposit

The City is currently using remote deposit. These deposits include both consumer and commercial checks.

- a. What are the bank's current capabilities in remote check deposit?
- b. What is the cut-off time for entry through remote deposit?
- c. What scanner equipment is required to operate the system? Is this equipment available through the bank on a lease basis? Please list the equipment required along with its cost(s).
- d. What reports are provided on deposits? When? Provide a sample of any specific report.

NSF Checks Received by City

Under the current contract, NSF checks paid to the City are to be automatically re-deposited for collection. Complete information must be provided on all NSF returned items including name and reason for return.

The City wants to explore the option of the second presentment to be made by ACH (RCK or representment of checks) to targeted dates for maximum collection potential.

- a. Describe the bank's current NSF process. Are checks automatically re-deposited? When? How many times?
- b. How and when is the City notified of return items?
- c. Is the bank capable of processing the second presentment as an ACH with a targeted presentment date? Describe in full. Is the bank currently using ACH for collection of NSF checks (RCK)? How long has the bank been providing this service?
- d. Under RCK or standard processing, how are the NSF and the later ACH matched/reconciled? Does the bank system cross reference the two transactions in any way?
- e. Is the NSF information, image, or occurrence available on-line? When and how? How long is it available online?

4. Standard Disbursing Services and Commercial Cards

Standard disbursing services for all accounts are required to include the payment of all City payroll checks without charge upon presentation. The City's current account structure is described above in the Financial Overview Section.

The City currently utilizes positive pay services without reconciliation for the General Consolidated Account and it will be required for all accounts under the proposed contract.

The City is currently using a commercial card program for purchases less than \$ 3,000. Only a few restrictions apply on the cards.

The City also intends to move toward more vendor payments by ACH.

- a. Will all employee checks be cashed without fee on presentment?
- b. Does the bank have any programs designed to help move vendors to ACH?
- c. Describe any consolidated payables (e-payables) programs available?
- d. Does the Depository have a rebate commercial card program available? Discuss the terms of the rebate program.

5. Positive Pay and Reconciliation

To safeguard against fraudulent checks, payee positive pay is required on all City accounts although only used on one account currently without reconciliation. The positive pay process should be fully automated and web based.

Check register information will be transmitted by the City in batch/file form but the City requires the ability to enter manual checks online into the positive pay files.

Currently the City exports a file to the bank for positive pay but does not use any reconciliation services. The City does not anticipate use of partial reconciliation services in concert with positive pay under this contract, dependent upon cost effectiveness.

- a. Describe the data transmission/transfer requirements and alternatives for computer generated check runs.
- b. Describe the input process and requirements for individual, manual City checks written. Is input available online? Provide sample screens.
- c. How can check records be changed or deleted by the City, if necessary?
- d. How is the City to be notified of a positive pay exception?
- e. At what time is exception information reported to the City?
- f. What is the response deadline (what time) for City exception elections?
- g. Are all checks, including those received by the tellers and vault, verified against the positive pay file before processing? How often is teller information updated?
- h. Describe the partial reconciliation process.
- i. How much flexibility is there for bank systems to interface with existing in-house systems? The City uses the Incode financial system. Does the bank currently have any other clients using that system?

6. Funds Transfer and Wire Services

The City currently has an average of two outgoing wires and three incoming wire each month along with minimum (3) internal transfers.

- a. Is wire initiation available online? Describe the process of online wire initiation. Provide a sample of the input screen for online initiation.
- b. Is online monitoring of wire status available?
- c. Does the bank notify the City of incoming wires? Online? E-mail?
- d. Include a description of security provisions for wire initiation including security levels available or required for initiation and release.
- e. Is dual authorization required on repetitive and non-repetitive wires?
- f. Is future dating available for both repetitive and non-repetitive wires? How far in advance?
- g. State the bank's policy on the use of ledger balances for outgoing wires in anticipation of daily security activity or incoming wires.

7. ACH Services

ACH is currently used for payroll, some fines and fees, and various payments to State agencies and miscellaneous vendors. ACH is also used for deposits for tax collections and State utility payments. The City requires a pre-notification on all new addresses.

- a. Describe the batch transmission requirements for ACH transactions.
- b. Describe the transmission alternatives for individual ACH transactions. Is the City able to initiate individual ACH transactions on line?
- c. Describe what filters and blocks are available on accounts using ACH transactions?
- d. Are ACH addenda shown in their entirety on-line and on reports? Does this require an additional EDI module or service?
- e. Is the originating account debited when the transaction is initiated or on settlement?
- f. What is the bank's policy on pre-notes? Is the pre-note charged as a standard ACH transaction?
- g. Are there any specific ACH reports available on paper or screens on-line? If so, describe.

8. Safekeeping Services

The City will use safekeeping services for the City account and the Economic Development Account. All City investments will be made by the City and instructions for clearing and safekeeping will be transmitted on a trade ticket to the bank by email or fax.

All securities must be cleared on a **delivery versus payment** (DVP) basis and ownership documented by clearing confirmations and/or safe-keeping receipts provided within one business day of the transaction. Funds for investments will be drawn from a designated City or Economic Development DDA account. All coupon payments and maturities must receive automated same day collected credit on the designated account without requiring any additional City action.

If the bank utilizes a correspondent bank for safekeeping of City securities, the transactions will be handled through the depository bank's systems and shall not require additional interaction by the City with the correspondent bank. No delay in transactions, wires, or flow of funds will be acceptable under a correspondent relationship.

The City anticipates in both accounts an average of 12 securities in FRB and/or DTC safekeeping at any one time all from third party transactions. All fees for clearing and safekeeping must be stipulated on Attachment A.

- a. Is the bank a member of the Federal Reserve and DTC?
- b. If used, name the correspondent bank to be used for clearing and safekeeping.
- c. Describe any safekeeping arrangement with a correspondent bank including processing requirements by the City. No delays or additional transactions are acceptable.
- d. Are security transactions available on-line for either origination or monitoring? Describe.
- e. What is the deadline for settlement instructions on a cash (same day) settlement? Is there any charge incurred for late instructions?
- f. Will safekeeping fees be hard dollars or on the analysis?

The City may choose to purchase time deposits from the bank but all time deposits will be competitively bid at the time of purchase.

9. Collateral Requirements

Authorized collateral, as defined below, must be pledged against the total time and demand deposits net of FDIC insurance with a 102% margin on the collateral maintained daily by the bank. All City requirements, including those beyond the Texas Public Funds Collateral Act, must be met by the bank. **Pledged securities are preferred and will be given preference over letters of credit.**

The proposal must state agreement to the following terms and conditions.

- All collateral pledged to the City must be held in an independent, third party bank outside the bank's holding company.
- A collateral/depository agreement shall be executed designating the custodian and regarding pledged securities in full compliance with FIRREA requiring a bank resolution.
- All time and demand deposits above FDIC coverage shall be collateralized at a minimum of 102% of principal plus accrued interest daily.
- The bank shall be responsible for the continuous monitoring and maintaining of collateral at the City's required margin levels.
- Pledged collateral shall be evidenced by original safekeeping receipts/report sent directly to the City by the custodian within one business day of receipt.
- The City shall receive a monthly report of collateral pledged including description, par, market value and cusip from the custodian.

- Substitution rights shall be granted if the bank obtains the City's prior approval and if substituting securities are received before previously pledged securities are removed from safekeeping.
- Authorized collateral includes only:
 - Obligations of the US Treasury
 - Obligations of US Government agencies and instrumentalities including mortgage backed securities which pass the bank test.
 - Bonds of any state or its subdivisions if rated A or better by two nationally recognized rating agencies.
 - *FHLB Letters of Credit*
- a. State the bank's acceptance of or exceptions to the collateral conditions above. State exceptions clearly and succinctly.
- b. Does the bank propose any collateral charges? If so, under what conditions are they charged and how is the charge applied?
- c. Provide the bank's collateral agreement for review.

10. Account Analysis

Monthly account analysis reports must be provided for each account and on a relationship basis. The bank may direct debit the designated account for fees due after approval by the City if compensation is being calculated on a fee basis.

A complete account analysis will be required monthly regardless of the payment basis.

- a. Provide a sample account analysis including calculation bases.
- b. When is the analysis available each month: on-line and paper?

11. Monthly Statements

The bank must provide monthly account statements on all accounts with complete supporting documentation. All accounts must be on a calendar monthly cycle and statements received on a timely basis. Timeliness of statements is critical and non-performance will be grounds for termination of contract.

- a. Provide a sample monthly statement.
- b. When are monthly statements available each month: online and paper form? If online, when and how long are statements retained online?
- c. Are the statements on the monthly imaged CD-Rom?
- d. Are paper statements also sent to the City if available online?

12. Overdrafts

Every effort will be made to eliminate intra-day and inter-day overdrafts. However, because this situation may arise, state the bank's policy regarding account and total account overdraft policy and detail rates and fees, if any, to be charged on a per event or per account basis.

- a. Are all accounts aggregated for overdraft calculation purposes?
- b. State the fee charged per overdraft occurrence.
- c. State the rate basis for intra-day and inter-day overdrafts.

13. Stop Payments

The City rarely has stop pays but requires the continuation of online service.

- a. What are the options available for stop pays periods and renewal stop pays?
- b. How is a stop pay renewed/extended?
- c. What is the deadline for same day action on stop pays?
- d. Can stop pay orders be initiated on-line? Is there any paper follow-up document required?
- e. What information on current and expiring stop pays is available on-line?

14. Company Banking

The City is interested in giving its employees the opportunity for enhanced banking services.

- a. Does the bank have a banking services program available for City employees?
- b. List services provided under this program with applicable discounts or fees to the City or employee.
- c. Is availability of the program based on use of direct deposit or City employment?

15. Additional Services

If the banks have additional services (such as e-payables and e-receivables) which may be of enhanced value or interest to the City they should be fully described in this section. Any service presented should have all associated costs detailed on Attachment A.

VII. OPTIONAL SERVICES

The City is interested in the availability and costs of additional services which could be implemented during the contract period. These services are not required.

1. Purchasing Cards

The City may consider use of a purchasing card program during the contract period. Cards would be assigned to our employees for defined use. The cards must be able to restrict use by product code and provide for spending limitations.

- a. What card platforms does the Depository support (MasterCard, Visa)? Does the Depository use a third-party processor?
- b. What, if any, information is available online? When? Describe data download and integration capabilities. Describe reporting capabilities.
- c. What client support is available? How is it provided?
- d. Describe the diverse parameters and restrictions available for the card control. How many access levels are available?
- e. Discuss settlement and corporate liability terms. Include information on Depository support for the program and Depository experience, settlement terms on payment, security procedures, and license requirements. How will we receive billing?

- f. Describe how cards are issued, deleted, or replaced. How does the Depository handle lost or stolen cards?
- g. Provide three comparable references for the service.

VIII. REQUIRED SERVICES – MERCHANT SERVICES

Merchant services are considered to be an integral part of the depository contract. The City currently has eight (8) merchant accounts (which may be reduced to five accounts during the contract period) as detailed by activity on ATTACHMENT C. The City accepts Visa and MasterCard as well as debit cards and accept the cards as POS and online but the equipment cannot accept a PIN number.

1. Firm Stability and Background

- a) Describe the Proposer's background as a merchant services provider. Are the merchant services provided directly by the Proposing depository or as a joint venture with another vendor/acquirer? If a third party acquirer/provider is used, describe the nature of the business relationship.
- b) Describe your organizational structure especially as it applies to service provision and merchant services customer service.

2. Firm Competitive Position and Future Commitment to Providing Services

- a) What major changes do you see occurring in merchant services in the next five years? What are the plans to help your customers move to new technologies? What approach is the firm taking in the development of new services?

3. References and Current Client Base

- a) Specify the category and number of customers for which the Proposer is currently providing card processing services. What was the total transaction count and dollar amount processed for 2014?
- b) What is the daily average number of transactions currently processed? What is the maximum daily processing capacity?
- c) Where are the processing centers? Is the processing structure designed for redundancy to address disaster situations?
- d) Provide the names, email addresses and phone numbers of three public references with comparable volumes and communication capabilities who are currently using the card processing services. Select a mix of long-standing and recently acquired customers.

4. Relationship Representatives

- a) Describe the relationship management team that will service the account, as well as their functional responsibilities and their position in the overall firm. Will there be local representation?
- e) How often will the representative normally meet with the City to assure that it is receiving the lowest discount/interchange rates and prevent downgrades?

5. Card Acceptance/Interface Processing

- a) Does the Proposer support all major payment types, debit cards, gift cards, corporate cards, and other emerging options? Does support vary for any of these?

- b) Describe the hardware necessary for acceptance of credit and debit cards (a) with card present and (b) card not present, (c) using an IVR application, (d) via e-Commerce (internet), and (e) pin-based debit. What equipment are you recommending or requiring for the System? Does the Proposer provide the equipment on a lease or purchase basis? Describe the equipment maintenance plan? What is the turn around time on repairs/substitutions?
- c) Describe the software necessary for acceptance of credit and debit cards (a) with card present and (b) card not present, (c) using an IVR application, (d) via e-Commerce (internet) and (e) pin-based debit. Describe the interface requirements and all compatibility issues.
- d) Describe the process to add additional third party gateways. (The City is currently adding Bridgepay.)
- e) What supplies will be provided with a maintenance contract, if applicable?

6. Authorization Processing

- a) Does the Proposer maintain direct authorization and settlement links to the various card organizations, or utilize a third party network for authorizations? Describe your configurations. Is your firm introducing to a direct processor or is it the direct processor?
- b) Do merchants incur any monthly access fee to connect to the authorization network?
- c) Provide average response times for dial and lease-line authorization methods for both peak and normal periods.

7. Settlement Processing

- a) Describe the settlement process workflow for all parties explaining any differences by card type.
- b) Provide a funds availability schedule by card type. Is all funding next day? Describe. Is any expedited funding available?
- c) What is the cut-off time that sales transactions can be transmitted to meet settlement times?
- d) Do you allow for multiple settlement accounts by merchant?
- e) Are settlement amounts listed separately on the bank statement or will they appear as one daily sum? What level of detail is available? Will Saturday and Sunday activity be combined into Monday activity?
- f) Are settlements on gross amount and fees charged monthly?

8. Ticket Retrieval and Chargebacks

- a) Describe the ticket retrieval request process along with turn around times. Is this accomplished totally electronically? Does the firm support document imaging other than facsimile for transmission of or response to a retrieval request?
- b) What response times and process is required for ticket retrieval?
- c) Define the chargeback cycle. What percentage of chargebacks is currently handled without merchant involvement? Does the firm have a standard rule-based logic to facilitate dispute resolution processing?
- d) Will the firm provide a designated contact person or a department to help manage chargebacks specifically?
- e) Does the firm have the capability to archive, retrieve transaction information, including signatures for bankcard transactions and non-bank card transactions? What information is stored and for what period of time? What system is available to the merchant to enable retrieval of this information online?

9. Debit Card Processing

- a) Does the firm support BIN (Bank Information Number) file management to differentiate between debit and credit card transactions?
- b) Describe the debit card processing capabilities.
- c) Are debit card transactions routed automatically to the lowest cost network?

10. Technical System Capabilities

- a) Describe the processing platforms pertinent to the recommended solutions.
- b) What is the process for handling test transactions? Are test cards provided and if so, what types?
- c) How far back are transactions verified with AVS? Describe the process.
- d) Is data imaging (e.g., signature capture) available? If so, describe.
- e) Is the firm EMV compatible and able to process smart card transactions?
- f) Does the firm have virtual terminal capabilities? If so, describe.

11. Security

- a) How are PCI compliance initiatives handled? How do you qualify merchants?
- b) How are clients made aware of new PCI initiatives and general information?
- c) What PCI training is available? Are there charges for these services?

12. Information Reporting

- a) Describe all reports available and the software used to receive and view reports. Provide an overview of reporting cycles, procedures, and capabilities. Provide a sample of each detail and summary report available or a link to sample reports online. Are all reports available online?
- b) What is the standard delivery time frame for reports and statements?
- c) Is historical information regarding sales, refunds, and chargebacks maintained in a database for access by the merchant?
- d) Describe how multiple merchant numbers are reported and the flexibility afforded the merchant for customizing the reports. Can the City “roll up” specific groups for reporting independent of other groups?

13. Implementation

- a) Describe the merchant training process with regard to (a) new merchant training or re-training from a prior processor and (b) ongoing training (e.g., courses offered, frequency, location, and cost).
- b) After initial implementation, how are new merchant accounts established? How long is that process?
- c) How are updates of PCI and industry-related rules or regulatory changes distributed?
- d) Is there any newsletter covering industry issues, rules, and regulations provided? How often? Provide the latest copy.

14. Customer Service

- a) Is customer service available 24/7? How is it provided? Are there any charges?
- b) Describe the promotional support you provide (e.g., signs, supplies, funds for specific purposes, advertising allowance). Is there any cost for this support?
- c) Does the firm have scheduled periodic meetings with customers to review the service?

15. Pricing and Contracts

- a) Describe the firm’s overall pricing structure. Is the firm offering a fixed cost plus surcharges fee or an interchange plus fee?
- b) List all of the firm’s possible “non-qualified surcharges” categories (such as reward card fees, etc.) The fees for these are to be included on Attachment A.
- c) When are discount fees deducted from the DDA account? Are discount fees calculated on gross or net sales?
- d) Are order charge slips, signs, imprinters and other supplies available? How are the orders handled? What is the normal shipping time?
- e) Provide a copy of the anticipated applications and contract to be signed.

	A	B	O	P	Q
1	ATTACHMENT A				
2	CITY OF TOMBALL, TX	<i>Please price any fee that is required by your institution to provide</i>			
3	2015	<i>the service regardless of whether a volume is noted. These prices should reflect</i>			
4		<i>the total costs which would be charged by your institution.</i>			
5		<i>If fees are found on attachments, place the attachments behind this Attachment A in your price book.</i>			
6		<i>Month to month historical volumes are found on the hidden columns C-H.</i>			
7					
8					
9		Avg.	Proposed	Bank Explanatory	
10	Service	Unit Basis	Mo Vol.	Bank	Notes, if applicable
11	Account Services		Fee		
12	Average Ledger Balance		2,407,103		
13	FDIC Regulatory Fee	bps.			
14					
15	Account Maintenance	Per account	6		
16	ZBA Monthly Maintenance	Per account	1		
17	ZBA Master Account	Per account	1		
18	ZBA Subsidiary Accounts	Per account			
19	ZBA Account Transfers	Per item			
20	Deposit Processing - Teller OTC	Per deposit			
21	Debits Posted	Per item	49		
22	Credits Posted	Per item	72		
23	DDA Checks Paid	Per item	236		
24	Branch Credits Posted	Per item			
25	Online Statement Monthly Maintenance	Per account	4		
26	DDA Statements - Paper	Per item			
27	Check Photocopy Retrieval	Per item			
28	Interest Expense	Per item			
29	Audit Confirmation	Per item			
30	DDA Statement Paper	Per item	4		
31	Check Cashing Non-Account Holder	Per item	2		
32	Automated Services - Balance & Detail				
33	Account Maintenance Fee with 45 day history	Per account			
34	Prior Day Balance Reporting	Per account/month			
35	Prior day Detail	Per item			
36	Intra-day Reporting	Per account/overall			
37	Intra-day Detail	Per item			
38	Transfer Item	Per item			
39	System Account Transfer Fee	Per item			
40	Detail item fee -Transactions Loaded	Per item			
41	System Special Report Fee/Statements	Per item			
42	System Recon Reports/Statements	Per item			
43	PWS Statements (online statements)	Per item			
44	Online Statement Subscription	Per account	4		
45	Online Statement Subscription	Per item	709		
46	Online Image View <90 days item	Per item	3		
47	Online Image View >90 days item	Per item	2		
48	Online Search	Per item	12		
49	Online Prior Day Subscription Mo Maintenance	Per account	4		
50	Online Prior Day Items Loaded	Per item	713		
51	Online Event Messaging Service	Per account	90		
52	Online Prior Day Exp Description	Per item	10		
53					
54					
55	Deposits				
56	Items Deposited	Per deposit			
57	Credit Posted OTC Branch Deposit	Per deposit	106		
58	Deposited Checks	Per item	3		
59	Deposited Checks On-Us	Per item	2		
60	Transit Clearing	Per item			
61	Encoding Charge	Per item			
62	Deposit Immediate Verification Branch	Per item			
63	Deposit Post Verification Branch	Per item			
64	Deposit Corrections	Per item			
65	Night Drop	Per item	121		
66	Coin Deposit	Per deposit			
67	Change Order /\$1 Branch	Per \$1	2		
68	Currency Order /\$1 Branch	Per \$1	260		

	A	B	O	P	Q
9			Avg.	Proposed	Bank Explanatory
10	Service	Unit Basis	Mo Vol.	Bank	Notes, if applicable
69	Cash deposit /\$1 verified at Teller	Per \$1	54,699		
70	Branch Deposit Adjustment	Per item			
71	Currency Deposit	Per deposit			
72	Currency Deposit	Per item			
73	Strapped currency furnished	Per item			
74					
75	Special Handling - Base Charge or Item				
76	Return Item Chargeback	Per item	2		
77	Return Item Redeposited	Per item	3		
78	Return Item - Per item	Per item			
79					
80	Return Fax Copy				
81	Online Return Item Subscription	Per account	1		
82	Online Return Item Subscription	Per item	5		
83					
84					
85					
86					
87	Image Group One (mailed bank statement)	Per item			
88	Image Group Two	Per item			
89					
90	Remote Deposit Services				
91					
92					
93	Remote deposit CR posted	Per item	100		
94	Remote deposit item - On-Us	Per item	337		
95	Remote deposit item - Off-Us	Per item	1,620		
96					
97	Commercial Card				
98	Commercial Card Program Maintenance	Per account	1		
99	Commercial Card CCER Monthly Maintenance	Per account	1		
100	Commercial Card Issuance	Per item	3		
101	Commercial Card Transaction	Per item	340		
102					
103					
104					
105	ACH Processing				
106	ACH Monthly Maintenance	Per account	2		
107	ACH Online Subscription	Per account	10		
108	ACH Online Subscription	Per item	121		
109	ACH Online Return Subscription	Per account	7		
110	ACH Online Return Subscription	Per item	5		
111	Electronic Credits Posted	Per item	245		
112	ACH One-Day Item	Per item	305		
113	ACH Two-Day Item	Per item	579		
114	ACH Same Day Item	Per item	9		
115	ACH Originated Addenda Record	Per item	14		
116	ACH Origination Reject Data File	Per item	1		
117	ACH Received Item	Per item	58		
118	ACH Payments Online Batch Release	Per item/file	12		
119	ACH Transmission Charge	Per item	7		
120	ACH return Item Transmission Advice	Per file	4		
121	ACH Delete Item	Per month	1		
122	ACH Exception Process-Duplicate File	Per month	2		
123	ACH Reversal	Per item	1		
124	ACH Payments One Day Item	Per item	20		
125	ACH Payment Two Day Item	Per item	19		
126	ACH Payments Set Up Fee	Per item	3		
127	ACH Payments Monthly Maintenance	Per account	5		
128	ACH Online Fraud Filter Review Mo Maintenance	Per account	3		
129	ACH Online Fraud Filter Stop Mo Maintenance	Per account	1		
130	ACH Online Fraud Filter Review Item	Per item	2		
131	ACH NOC - Transmission Advice	Per item	1		
132	ACH NOC Transmission Advice On-Us Per item	Per item	1		
133	Positive Pay				
134	Positive Pay Only (no Recon) Mo. Maintenance	Per account	1		

	A	B	O	P	Q
9			Avg.	Proposed	Bank Explanatory
10	Service	Unit Basis	Mo Vol.	Bank	Notes, if applicable
135	Payee Validation Standard Item	Per item	266		
136	Positive Pay Only Item	Per item	272		
137	Positive Pay Only - Checks Paid	Per item	256		
138	Positive Pay Exception - Online Image	Per item	14		
139	Positive Pay Exception Check Returned	Per item	2		
140	Positive Pay Exceptions	Per item	15		
141	Check Exception Return	Per item			
142	Issue input without Recon	Per item			
143	Transmission	Per item			
144	Input File Transmittal Report	Per item			
145	Data Entry Manual				
146	Reconciliation				
147	Monthly Maintenance (Base) Fee*	Per Month			
148	Monthly Sort & List Maintenance	Per item			
149	Serial Sort and List	Per item			
150	Partial Recon Monthly Maintenance	Per item			
151	ARP Checks Paid Partial	Per item			
152	Partial Recon with positive pay	Per item			
153	Transmissions	Per Transmission			
154	Transmission Detail	Per item			
155	ARP Aged Issue Records on file	Per item	1,107		
156	Stop Pays				
157	Stop Pay - Maintenance Online	Per month			
158	Stop Pays -Auto Renewal	Per item	3		
159	Stop Pay - Online	Per item	2		
160					
161	Wire Transfers				
162	Wire Detail Report Subscription	Per account	3		
163	Wire Detail Report Subscription	Per item	7		
164	Wire Security Mo Maintenance	Per account	2		
165	Wire Monthly DDA Base Voice	Per item	8		
166	Wire Security PIN Mo Maintenance	Per item	2		
167	Wire In - Domestic	Per item	3		
168	Wire Out - Domestic - Online	Per item	2		
169	Wire Transfer Book Transfer - Online	Per item	3		
170					
171	Safekeeping (City and Economic Development)				
172	Monthly Maintenance Custody	Per month			
173	Clearing Fees	Per item			
174	FRB	Per item			
175	DTC	Per item			
176	Securities Received/ Del - DVP	Per item			
177	Safekeeping Fees	Per item			
178	FRB	Per item			
179	DTC	Per item			
180	Custody per \$1 million BE	Per \$10M			
181	Custody Fixed Income	Per item			
182	Income Collection to DDA	Per item			
183	Income Collection - Coupons	Per item			
184	Income Collection - Maturities	Per item			
185					
186					

**ATTACHMENT B - HISTORICAL RATES
CITY OF TOMBALL, TEXAS - 2015**

Bank Name _____ -

Earnings Credit Rate (ECR)		
Month/Year	Rate	Notes, if applicable
Nov-14	0.000%	
Dec-14	0.000%	
Jan-15	0.000%	
Feb-15	0.000%	
Mar-15	0.000%	
Apr-15	0.000%	
May-15	0.000%	
Jun-15	0.000%	
Jul-15	0.000%	
Aug-15	0.000%	
Sep-15	0.000%	
Oct-15	0.000%	
	0.00%	

Interest Bearing Accounts		
Month/Year	Rate	Notes, if applicable
Nov-14	0.000%	
Dec-14	0.000%	
Jan-15	0.000%	
Feb-15	0.000%	
Mar-15	0.000%	
Apr-15	0.000%	
May-15	0.000%	
Jun-15	0.000%	
Jul-15	0.000%	
Aug-15	0.000%	
Sep-15	0.000%	
Oct-15	0.000%	
	0.00%	

Money Market Accounts		
Month/Year	Rate	Notes, if applicable
Nov-14	0.000%	
Dec-14	0.000%	
Jan-15	0.000%	
Feb-15	0.000%	
Mar-15	0.000%	
Apr-15	0.000%	
May-15	0.000%	
Jun-15	0.000%	
Jul-15	0.000%	
Aug-15	0.000%	
Sep-15	0.000%	
Oct-15	0.000%	
	0.00%	

Sweep Alternative(s)		
Month/Year	Rate	Notes, if applicable
Nov-14	0.000%	
Dec-14	0.000%	
Jan-15	0.000%	
Feb-15	0.000%	
Mar-15	0.000%	
Apr-15	0.000%	
May-15	0.000%	
Jun-15	0.000%	
Jul-15	0.000%	
Aug-15	0.000%	
Sep-15	0.000%	
Oct-15	0.000%	
	0.00%	

CITY OF TOMBALL
MERCHANT SERVICES PROCESSING HISTORY

Eight (8) Merchant IDs

MONTH	MC			VISA		
	Avg Tkt	Items	Amount	Avg Tkt	Items	Amount
Oct-14	230.25	535	123,182.84	141.22	1,089	153,786.91
Nov-14	244.50	486	118,827.60	161.82	1,102	178,323.78
Dec-14	238.97	503	120,202.56	152.45	1,147	174,864.43
Jan-15	263.54	528	139,150.69	155.73	1,284	199,951.15
Feb-15	293.47	563	165,255.05	172.10	1,161	199,804.76
Mar-15	272.95	533	145,481.30	159.43	1,108	176,644.27
Apr-15	186.59	532	99,268.25	149.11	1,246	185,785.95
May-15	263.50	563	148,348.03	127.43	1,402	178,656.25
Jun-15	193.76	501	97,076.23	115.30	1,068	123,136.97
Jul-15	205.16	559	114,681.83	136.26	1,302	177,410.81
Aug-15	181.92	531	96,599.07	124.43	1,193	148,443.69
Sep-15	251.29	573	143,992.01	146.50	1,288	188,696.34
Averages	235.49	533.92	126,005.46	145.15	1,199.17	173,792.11

Use this form to complete exactly what would be charged the City on any credit card transaction. Do not include any card pass-through fees. Specify the unit for the charge (merchant or relationship.)

ATTACHMENT D

**CITY OF TOMBALL, TEXAS
MERCHANT SERVICES FEE PRICING TERMS**

<i>Program Specifications</i>	
Credit Card Volume - Annual 10/14 - 9/15	\$3,597,571
Average Transaction Size	MC = \$235.49 and Visa \$145.15
Number of Locations	8
Communications Method	Dial/IPN/Frame Relay
Gateway	Authorize.Net VPOS/Authorize.net/BridgePay
Pricing Option	Interchange Plus

<i>Credit Card Transaction (Processing) Fee</i>		<i>Specify Unit</i>
Visa		
MasterCard		
Discover		
AMEX		
<i>Other Processing Fees</i>	<i>(\$\$ or %%)</i>	<i>Specify Unit</i>
Set-Up Fee		
Monthly Minimum Processing Fee		
Monthly Service Fee (per merchant location)		
Monthly Internet Service Fee (per internet location)		
Statement Billing Fee		
Annual Fee		
Chargeback Fee		
ACH Charges		
ACH Reject Fee		
Voice Authorization Fee		
Authorization Fee -		
Authorization Fee - AMEX Credit and Prepaid		
Authorization Fee - Gift Cards		
Non-bank card Authorization		
Non-bank card Capture Fee		
Address Verification - Electronic Service Fee		
Annual PCI Compliance Support Fee		
PCI Compliance Service Program Fee		
Non-validation PCI Compliance Fee		
Foreign Handling Fee (AMEX and Discover)		
Non-bank authorization (AMEX and Discover)		
Non-bank Capture Fee (AMEX and Discover)		
<i>Online Reporting Fees</i>		
Online Reporting		
Statement Billing Fee - Per month		

Provide an actual example of typical fees to be applied to the three situations below applying the best governmental rates from the card associations.	
Fee for a \$100.00 transaction.	Fee
<i>List fees applicable to provider only - not card company.</i>	
Transaction (Processing) Fee	
Fee for a \$1,000.00 transaction.	Fee
<i>List fees applicable to provider only - not card company.</i>	
Transaction (Processing) Fee	

LOCAL GOVERNMENT CODE

TITLE 4. FINANCES

SUBTITLE A. MUNICIPAL FINANCES

CHAPTER 105. DEPOSITORIES FOR MUNICIPAL FUNDS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 105.001. DEFINITIONS. In this chapter:

(1) "Bank" means a state bank or a national bank that has its main office or a branch office in this state.

(2) "Credit union" means a state credit union or federal credit union domiciled in this state.

(3) "Demand deposit" means a deposit of funds that may be withdrawn on the demand of the depositor.

(4) "Depository" means the bank, credit union, or savings association selected by the municipality to provide depository services.

(5) "Time deposit" means a deposit of funds subject to a contract between the depositor and the depository under which the depositor may not withdraw any of the funds by check or by another manner until the expiration of a certain period following written notice of the depositor's intent to withdraw the funds.

(6) "Depository services" means the receipt and disbursement of funds by a depository in accordance with the terms of a depository services contract.

(7) "Depository services contract" means a contract executed by a municipality and a depository containing terms and conditions relating to the depository services to be provided by the depository.

(8) "Designated officer" means the treasurer of a municipality or other officer of the municipality so designated by the governing body of a municipality.

(9) "Federal credit union" means a credit union organized under the Federal Credit Union Act (12 U.S.C. Section 1751 et seq.).

(10) "Federal savings association" means a savings and loan association or a savings bank organized under federal law.

(11) "National bank" means a banking corporation organized under the provisions of 12 U.S.C. Section 21.

(12) "Savings association" means a savings association or savings bank organized under the laws of this state, another state, or federal law that has its main office or a branch office in this state.

Text of subsec. (13) as amended by Acts 1999, 76th Leg., ch. 62,
Sec. 7.79

(13) "State bank" has the meaning assigned by Section 31.002(a), Finance Code.

Text of subsec. (13) as amended by Acts 1999, 76th Leg., ch. 344,
Sec. 5.008

(13) "State bank" means a bank organized under the laws of this state or another state.

(14) "State credit union" means a credit union organized under Subtitle D, Title 3, Finance Code.

(15) "State savings association" means any savings and loan association or savings bank organized under the laws of this state.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 914, Sec. 9, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 62, Sec. 7.79, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 344, Sec. 5.008, eff. Sept. 1, 1999.

Sec. 105.002. FUNDS AFFECTED. This chapter applies to the funds, including school funds, of any municipality or any department or agency of the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

SUBCHAPTER B. ESTABLISHMENT OF DEPOSITORY

Sec. 105.011. DEPOSITORY AUTHORIZED. (a) Before awarding a depository services contract to a depository, the governing body of a municipality shall receive applications for the performance of depository services from one or more banks, credit unions, or savings associations.

(b) The governing body may consider the application of a bank, credit union, or savings association that is not doing business within the municipality if:

(1) the bank, credit union, or savings association maintains a place of business within the state and offers within the state the services required by the depository services contract; and

(2) the governing body, prior to giving the notice required by Section 105.012, has adopted a written policy expressly permitting the consideration of applications received by the municipality from a bank, credit union, or savings association that is not doing business within the municipality, after taking into consideration what is in the best interest of the municipality in establishing a depository.

(c) The designated officer shall request, receive, and review applications for the performance of depository services. The designated officer shall present the specifications of each application to the governing body who will then select a depository.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 14(a), eff. Aug. 28, 1989; Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

Sec. 105.012. NOTICE. (a) The designated officer shall give notice to banks, credit unions, and savings associations requesting the submission of applications for the performance of depository services.

(b) The notice must contain:

(1) the name and address of the designated officer receiving the applications;

(2) the date and time the applications are to be received by the designated officer; and

(3) the date, time, and place the governing body of the municipality will consider the selection of one or more depositories.

(c) Notice of the request shall be published at least once no later than 21 days prior to the deadline for receipt of applications for depository services contracts (i) in a newspaper of general circulation in the municipality and (ii) in a financial publication of general circulation published within this state; provided, that the notice required by clause (ii) shall not be required if the governing body has not adopted the written policy described in Section 105.011.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

Sec. 105.013. APPLICATION. The designated officer may not consider an application if it is received after the date specified in the notice for receiving applications by the designated officer.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

Sec. 105.014. REVIEW OF APPLICATIONS. In reviewing the applications, the designated officer shall consider the terms and conditions for the performance of depository services, including the type and cost of services to be provided to the municipality, consistent with any policy guidelines adopted by the governing body regarding the selection of one or more depositories.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

Sec. 105.015. SELECTION OF DEPOSITORY. (a) The governing body of a municipality may authorize the designated officer to execute on the municipality's behalf one or more depository services contracts.

(b) The governing body may reject any of the applications and readvertise if all applications are rejected.

(c) The conflict of interests provisions of Section 131.903 apply to the selection of the depositories.

Added by Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Renumbered from Sec. 105.014 and amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1993, 73rd Leg., ch. 268, Sec. 25, eff. Sept. 1, 1993.

Sec. 105.016. DESIGNATION OF DEPOSITORY. (a) The governing body shall designate, by an order recorded in its minutes, the bank, credit union, or savings association to serve as a depository for the municipality's funds.

(b) If a bank, credit union, or savings association selected as a municipal depository does not provide security by the deadline prescribed by Section 105.031, the selection of the bank, credit union, or savings association as a depository is void, and the governing body may consider the application it deems to be the next most advantageous depository services application.

Added by Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Renumbered from Sec. 105.015 and amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

Sec. 105.017. TERM OF DEPOSITORY CONTRACT. A municipality may approve, execute, and deliver any depository services contract whose term does not exceed five years. The depository services contract may only contain terms and conditions approved by the governing body of the municipality.

Added by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

Sec. 105.018. ADDITIONAL SERVICES. In addition to depository services, a municipality may contract with financial institutions, including banks, credit unions, and savings associations, for additional financial services under a separate contract if the governing body of the municipality determines that additional financial services are necessary in the administration, collection, investment, and transfer of municipal funds.

1. The first step is to identify the problem. This involves understanding the situation and the goals that need to be achieved.

2. The second step is to generate ideas. This involves brainstorming and thinking creatively about possible solutions.

3. The third step is to evaluate the ideas. This involves comparing the different solutions and determining which one is the best.

4. The fourth step is to implement the solution. This involves putting the chosen solution into action and monitoring its progress.

5. The fifth step is to review the results. This involves evaluating the outcome of the solution and determining whether it has been successful.

6. The sixth step is to reflect on the process. This involves thinking about what worked well and what could be improved for next time.

7. The seventh step is to share the results. This involves communicating the findings of the process to others who may be interested.

Added by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

SUBCHAPTER C. SECURITY FOR FUNDS HELD BY DEPOSITORY

Sec. 105.031. QUALIFICATION AS DEPOSITORY. (a) The bank or savings association, to qualify as a municipal depository, must, not later than five days before the commencement of the term of the depository services contract, provide security for the municipal funds to be deposited in accordance with the terms of the depository services contract.

(b) Chapter 2257, Government Code governs the type, level, substitution, possession, release, and method of valuation of the security necessary to secure the deposit of municipal funds.

(c) Repealed by Acts 2001, 77th Leg., ch. 402, Sec. 20(a), eff. Sept. 1, 2001.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 76, Sec. 5.95(12), eff. Sept. 1, 1995; Acts 2001, 77th Leg., ch. 402, Sec. 20(a), eff. Sept. 1, 2001.

Sec. 105.033. SURETY BOND. (a) One or more bonds issued and executed by one or more solvent surety companies authorized to do business in this state, payable to the municipality and filed with the secretary and the designated officer of the municipality, qualify as security under this subchapter if the bonds are approved by the governing body.

(b) After the governing body approves a surety bond, it shall be filed with the secretary and the designated officer of the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

Sec. 105.034. CONDITIONS TO ACTING AS DEPOSITORY. (a) The depository shall:

the first of these is the fact that the system is not in a steady state.

The second of these is the fact that the system is not in a steady state.

The third of these is the fact that the system is not in a steady state.

The fourth of these is the fact that the system is not in a steady state.

The fifth of these is the fact that the system is not in a steady state.

The sixth of these is the fact that the system is not in a steady state.

The seventh of these is the fact that the system is not in a steady state.

The eighth of these is the fact that the system is not in a steady state.

The ninth of these is the fact that the system is not in a steady state.

The tenth of these is the fact that the system is not in a steady state.

The eleventh of these is the fact that the system is not in a steady state.

The twelfth of these is the fact that the system is not in a steady state.

The thirteenth of these is the fact that the system is not in a steady state.

The fourteenth of these is the fact that the system is not in a steady state.

The fifteenth of these is the fact that the system is not in a steady state.

The sixteenth of these is the fact that the system is not in a steady state.

The seventeenth of these is the fact that the system is not in a steady state.

The eighteenth of these is the fact that the system is not in a steady state.

The nineteenth of these is the fact that the system is not in a steady state.

The twentieth of these is the fact that the system is not in a steady state.

The twenty-first of these is the fact that the system is not in a steady state.

The twenty-second of these is the fact that the system is not in a steady state.

The twenty-third of these is the fact that the system is not in a steady state.

The twenty-fourth of these is the fact that the system is not in a steady state.

The twenty-fifth of these is the fact that the system is not in a steady state.

The twenty-sixth of these is the fact that the system is not in a steady state.

The twenty-seventh of these is the fact that the system is not in a steady state.

The twenty-eighth of these is the fact that the system is not in a steady state.

The twenty-ninth of these is the fact that the system is not in a steady state.

The thirtieth of these is the fact that the system is not in a steady state.

(1) keep the municipal funds covered by the depository services contract;

(2) perform all duties and obligations imposed on the depository by law and under the depository services contract;

(3) pay on presentation all checks drawn and properly payable on a demand deposit account with the depository;

(4) pay all transfers properly payable as directed by a designated officer;

(5) provide and maintain security at the level required by the provisions of Chapter 2257, Government Code; and

(6) account for the municipal funds as required by law.

(b) Any suit brought in connection with a depository services contract must be tried in the county in which the city hall of the municipality is located.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 76, Sec. 5.95(12), eff. Sept. 1, 1995.

SUBCHAPTER D. MAINTENANCE AND MODIFICATION OF SECURITY

Sec. 105.051. MAINTENANCE OF SECURITY. (a) A depository services contract shall contain terms and conditions relating to the possession, substitution, or release of security, including:

(1) requiring the depository to execute a new bond or pledge additional securities for the deposit of municipal funds;

(2) substituting one security for another;

(3) releasing securities pledged by a depository in excess of the amount required by this chapter;

(4) the time period in which such addition, substitution, or release of security by a depository may occur; and

(5) other matters relating to the possession, substitution, or release of security the municipality considers necessary for its protection.

(b) If a depository fails for any reason to comply with the requirements governing the possession, substitution, or release of security, the governing body may select a new depository in the manner provided in this chapter.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

Sec. 105.053. SOLVENCY OF SURETY COMPANY AND ADEQUACY OF SECURITIES. At any time the governing body of the municipality considers it necessary for the protection of the municipality, the governing body may direct the designated officer to investigate the solvency of a surety company that issues a bond on behalf of a municipal depository or investigate the value of securities pledged by a depository to secure municipal funds.

Added by Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Renumbered from Sec. 105.056 and amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

Sec. 105.054. SURRENDER OF INTEREST ON SECURITIES. Except as provided for in the collateral policies of the municipality adopted in accordance with Chapter 2257, Government Code, on request of a municipal depository, the municipality shall surrender, when due, interest coupons or other evidence of interest on securities deposited by the depository with the governing body if the securities remaining pledged by the depository are adequate to meet the requirements of this chapter and of the governing body.

Added by Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Renumbered from Sec. 105.057 and amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(12), eff. Sept. 1, 1995.

SUBCHAPTER E. DEPOSITORY ACCOUNTS

Sec. 105.071. CHARACTER AND AMOUNT OF DEPOSITS. (a) The governing body of the municipality may determine and designate in the depository services contract the character and amount of municipal funds that will be demand deposits. However, the municipality has the right to maintain other investments of

$$f(x) = \int_0^x \frac{1}{1+t^2} dt$$

It is well known that the function $f(x)$ is increasing and concave down on the interval $(-\infty, \infty)$. Moreover, $f(x)$ is bounded on the interval $(-\infty, \infty)$ and its range is the interval $(0, \pi/2)$. The function $f(x)$ is also continuous and differentiable on the interval $(-\infty, \infty)$. The derivative of $f(x)$ is given by the formula

$$f'(x) = \frac{1}{1+x^2}$$

It is easy to see that the function $f(x)$ is symmetric about the line $x=0$. In fact, if we replace x by $-x$ in the equation defining $f(x)$, we get

$$f(-x) = \int_0^{-x} \frac{1}{1+t^2} dt = -\int_0^x \frac{1}{1+t^2} dt = -f(x)$$

Thus, the function $f(x)$ is an odd function. This means that the graph of $f(x)$ is symmetric about the origin. The graph of $f(x)$ is shown in Figure 1.

Figure 1 shows that the function $f(x)$ is increasing and concave down on the interval $(-\infty, \infty)$. Moreover, $f(x)$ is bounded on the interval $(-\infty, \infty)$ and its range is the interval $(0, \pi/2)$. The function $f(x)$ is also continuous and differentiable on the interval $(-\infty, \infty)$. The derivative of $f(x)$ is given by the formula

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$$f(-x) = \int_0^{-x} \frac{1}{1+t^2} dt = -\int_0^x \frac{1}{1+t^2} dt = -f(x)$$

Thus, the function $f(x)$ is an odd function.

The graph of $f(x)$ is shown in Figure 1. It is clear that the function $f(x)$ is increasing and concave down on the interval $(-\infty, \infty)$.

Moreover, $f(x)$ is bounded on the interval $(-\infty, \infty)$ and its range is the interval $(0, \pi/2)$. The function $f(x)$ is also continuous and differentiable on the interval $(-\infty, \infty)$.

The derivative of $f(x)$ is given by the formula

$$f'(x) = \frac{1}{1+x^2}$$

It is easy to see that the function $f(x)$ is symmetric about the line $x=0$. In fact, if we replace x by $-x$ in the equation defining $f(x)$, we get

municipal funds in accordance with the investment policy adopted by the municipality.

(b) The designated officer may contract with a depository for interest on time deposits, including, without limitation, certificates of deposit, at any legal rate under federal or state law, rule, or regulation.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

Sec. 105.072. INVESTMENTS. The provisions of Chapter 810, Acts of the 66th Legislature, Regular Session, 1979 (Article 4413 (34c), Vernon's Texas Civil Statutes), and Subchapter A, Chapter 2256, Government Code shall govern the investment of municipal funds.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 76, Sec. 5.95(11), eff. Sept. 1, 1995.

Sec. 105.073. DEPOSIT OF FUNDS. Not later than 60 days from the date the governing body of the municipality designates a depository in accordance with the provisions of Section 105.016, the designated officer of the municipality shall transfer to the depository all the municipal funds covered by the depository services contract under the control of the designated officer. The designated officer of the municipality shall as soon as practicable also deposit in the depository to the credit of the municipality any money covered by the depository services contract received after the depository is designated.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

Sec. 105.074. PAYMENT OF FUNDS. (a) The funds of the municipality may be paid out of a depository only at the direction of a designated officer.

(b) Except as provided in Subsection (g), a designated officer may draw a check on a depository only on a warrant signed by the mayor and attested by the secretary of the municipality.

(c) If there is sufficient money in a fund in a depository against which the proper authority has drawn a warrant, the designated officer on presentation of the warrant shall draw a check on the depository in favor of the legal holder of the warrant, retain the warrant, and charge the warrant against the fund on which it is drawn. The designated officer may not draw a warrant on a fund in a depository unless the fund has sufficient money to pay the warrant.

(d) A designated officer may not draw a check on any funds designated in the depository services contract as time deposits until notice has been given and the notice period has expired under the terms of the contract with the depository.

(e) The mayor and secretary of the municipality may not draw a warrant on a special fund in a depository or under the control of the designated officer that was created to pay the bonded indebtedness of the municipality other than to pay the principal of or interest on the indebtedness or to invest the fund as provided by law.

(f) The designated officer may not pay or draw a check to pay money out of a special fund that was created to pay the bonded indebtedness of the municipality other than to pay the principal of or interest on the indebtedness or to invest the fund as provided by law.

(g) Notwithstanding the provisions of Subsections (b) through (f), the governing body of a municipality may adopt procedures:

(1) governing the method by which the designated officer is authorized to direct payments from the funds of the municipality on deposit with a depository;

(2) governing the method of payment of obligations of the municipality, including payment by check, draft, wire transfer, or other method of payment mutually acceptable to the municipality and the depository; and

(3) the governing body determines are necessary to ensure the safety and integrity of the payment process.

(h) If a municipality adopts procedures in accordance with Subsection (g), a copy of the adopted procedures shall be filed with the depository. The designated officer and the depository shall agree upon record-keeping safeguards and other measures necessary to ensure the safety and integrity of the payment process. The safeguards must be approved by the governing body of the municipality if the governing body finds that the safeguards are consistent with and do not contravene the procedures adopted under Subsection (g).

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

Sec. 105.075. CHECKS PAYABLE AT DEPOSITORY. Checks drawn by the treasurer of the municipality against municipal funds on deposit are payable by the depository at its place of business in the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

Sec. 105.076. DEBTS PAYABLE OTHER THAN AT MUNICIPAL TREASURY. The governing body of the municipality may direct the designated officer to withdraw from a depository and deposit money sufficient to pay a bond, coupon, or other indebtedness of the municipality at a place other than at the municipal treasury if by its terms the indebtedness is payable on maturity or upon redemption prior to maturity at the other location.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

SUBCHAPTER F. LIABILITY AND REPORT OF DESIGNATED OFFICER

Sec. 105.091. LIABILITY OF DESIGNATED OFFICER. (a) The designated officer is not responsible for any loss of municipal funds through the negligence, failure, or wrongful act of a depository. This subsection does not release the designated officer

from responsibility for a loss resulting from the official misconduct of the designated officer, including a misappropriation of the funds, or from responsibility for the funds until a depository is selected and the funds are deposited.

(b) A designated officer who diverts money from an interest and sinking fund or who applies money in that fund for a purpose other than as permitted by Section 105.074(f) is:

(1) subject to a penalty of not less than \$500 or more than \$1,000; and

(2) liable for the amount of money that is diverted.

(c) The state is entitled to recover a penalty imposed under Subsection (b)(1). The amount of diverted money that is recovered under Subsection (b)(2) shall be paid into the municipal treasury to the credit of the fund from which it was diverted.

(d) The attorney general or the district attorney of the district in which the designated officer resides, or the county attorney in a county that is not served by a district attorney, may institute suit against the designated officer and the sureties on the designated officer's official bond to recover the amounts described by Subsection (b).

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993; Acts 1999, 76th Leg., ch. 227, Sec. 6, eff. Sept. 1, 1999.

Sec. 105.092. REPORT BY DESIGNATED OFFICER. In conjunction with the publication of the annual financial statement of the municipality, the designated officer shall prepare a report which shall describe in summary form:

(1) the amount of receipts and expenditures of the municipal treasury;

(2) the amount of money on hand in each fund;

(3) the amount of bonds becoming due for redemption that require action;

(4) the amount of interest to be paid during the next fiscal year; and

(5) any other information required by law to be reported by the designated officer.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 234, Sec. 1, eff. Sept. 1, 1993.

Regular City Council

Agenda Item

Meeting Date: November 16, 2015

Data Sheet

Topic:

Consideration to approve **ZONING CASE P15-0130**: Request by Brian K. Lunell, on behalf of Spring Creek County Historical Association, for a Conditional Use Permit to operate a “museum” in the Single-Family 6 District. The property is approximately 2.4 acres, situated in the Joseph House Survey, Abstract Number 34, and is legally described Lots 1, 2, 9-16 Block 48, the southwesterly 20 feet of Lot 3, and all of Lots 4 - 6 Block 102, revised Map of Tomball, recorded under Volume 4 Page 25, of the Map Records of Harris County, Texas; and Lot 8A a subdivision as shown on map or plat recorded under Film Code Number 598155, of the Map Records of Harris County, Texas. The property is generally located at the intersection of N. Pine St. and Epps St. at 510 North Pine St.

- Conduct Public Hearing on **ZONING CASE P15-0130**
- Adopt, on First Reading, Ordinance No. 2016-24, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Spring Creek County Historical Association to Operate a “Museum”; said Property being Approximately 2.4 Acres, and being Legally Described as Lots 1, 2, 9-16, Block 48, the Southwesterly 20 Feet of Lot 3, and All of Lots 4 – 6, Block 102, Revised Map of Tomball, Recorded under Volume 4 Page 25, of the Map Records of Harris County, Texas; and Lot 8A, a Subdivision as Shown on Map or Plat Recorded under Film Code Number 598155, of the Map Records of Harris County, Texas, generally Located at the Corner or Epps Street and N. Pine Street; Providing Requirements and Conditions for This CUP; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters

Background:

On November 9, 2015, the Planning and Zoning Commission approved Zoning Case P15-0130 with the condition that the build is in accordance with the concept plan.

Origination:

Community Development Department

Recommendation:

Approve Ordinance No. 2016-24 on First Reading

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER

☐ YES ☐ NO

☐ 1ST ☐ 2ND

ATTACHMENTS:

Ordinance No. 2015-24

Staff Report

Public Hearing Announcement

Property Owner Notice

ORDINANCE NO. 2015-24

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY GRANTING A CONDITIONAL USE PERMIT (CUP) TO SPRING CREEK COUNTY HISTORICAL ASSOCIATION TO OPERATE A "MUSEUM"; SAID PROPERTY BEING APPROXIMATELY 2.4 ACRES, AND BEING LEGALLY DESCRIBED AS LOTS 1, 2, 9-16, BLOCK 48, THE SOUTHWESTERLY 20 FEET OF LOT 3, AND ALL OF LOTS 4 – 6, BLOCK 102, REVISED MAP OF TOMBALL, RECORDED UNDER VOLUME 4 PAGE 25, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; AND LOT 8A, A SUBDIVISION AS SHOWN ON MAP OR PLAT RECORDED UNDER FILM CODE NUMBER 598155, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, GENERALLY LOCATED AT THE CORNER OR EPPS STREET AND N. PINE STREET; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS CUP; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, the owner of approximately 2.4 acres of land, legally described as Lots 1, 2, 9-16 block 48, the southwesterly 20 feet of lot 3, and all of lots 4 - 6 block 102, revised Map of Tomball, recorded under Volume 4 Page 25, of the Map Records of Harris County, Texas; and lot 8A a subdivision as shown on map or plat recorded under Film Code Number 598155, of the Map Records of Harris County, Texas, generally located at the corner or Epps Street and N. Pine Street, in the City of Tomball, Harris County, Texas, (the "Property"), has requested a CUP to operate a "Museum"; and

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

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

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

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

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

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

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

Section 2. A CUP to operate a “Museum” at the Property subject to the terms and conditions set forth below, is hereby granted to Spring Creek County Historical Association.

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

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

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

Section 6. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 7. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF NOVEMBER 2015.

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

SECOND READING:

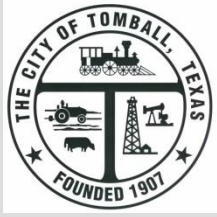
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF DECEMBER 2015.

COUNCILMAN HUDGENS
COUNCILMAN STOLL
COUNCILMAN DEGGS
COUNCILMAN TOWNSEND
COUNCILMAN QUINN

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Hearing Date: November 9, 2015

City Council Public Hearing Date: November 16, 2015

Rezoning Case:	P15-0130
Property Owner(s):	Spring Creek County Historical Association
Applicant(s):	Brian K. Lunell
Legal Description:	Lots 1, 2, 9-16 block 48, the southwesterly 20 feet of lot 3, and all of lots 4 - 6 block 102, revised Map of Tomball, recorded under Volume 4 Page 25, of the Map Records of Harris County, Texas; and lot 8A a subdivision as shown on map or plat recorded under Film Code Number 598155, of the Map Records of Harris County, Texas
Location:	Corner of Epps St. & N. Pine St. (Exhibit "A")
Area:	2.4 acres
Comp Plan Designation:	Old Town Use (Exhibit "B")
Present Zoning and Use:	Single-Family Residential-6 (SF-6) District (Exhibit "C") / Spring Creek County Historical Association museum (Exhibit "D")
Proposed Use(s):	Museum
Request:	CUP to allow for an expansion of the existing Spring Creek County Historical Association museum
Adjacent Zoning & Land Uses:	
North:	SF-6 District / Single-Family Residential
South:	SF-6 District / Single-Family Residential
West:	SF-6 District / Single-Family Residential
East:	SF-6 District / Single-Family Residential

BACKGROUND

On June 25, 2015, the City received an application for a Conditional Use Permit (CUP) from the applicant to expand the current Spring Creek Historical Association museum. Specifically, the museum would like to add a cover for their existing sawmill, a windmill, and in the future, a new parking lot on Hicks Street. City Staff met with Charles Hall, President of the Spring Creek Historical Association, on July 27, 2015 and informed him that the CUP application could not be processed at that time because the museum land use was not allowed by-right or with a CUP in the Single-Family 6 (SF-6) District. Mr. Hall was informed that the City would initiate a text amendment that would allow the museum land use in all residential zoning districts with the approval of a CUP and that he could then apply for a CUP after the ordinance was adopted. On

September 21, 2015, City Council adopted, on first reading, Ordinance No. 2015-19, allowing museums in all residential zoning districts with the approval of a CUP. The ordinance was effective on October 19, 2015.

The City met with Mr. Hall again on October 19, 2015 to discuss the next steps. The City accepted the CUP application and it is now being presented for consideration.

ANALYSIS

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

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

The Comprehensive Plan identifies the subject site as Old Town Use which “includes mature single family neighborhoods, dense commercial uses, a civic core, and high density residential”. The museum appears to be in accordance with the Old Town Use definition. Furthermore, the land use has existed in the neighborhood since 1960 and has no known adverse impacts on the community.

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

According to Chapter 50 (Zoning) of the Tomball Code of Ordinances, “*a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.*” As previously mentioned, Council recently amended the City’s Land Use Matrix to allow the museum use in residential areas with the approval of a CUP. Since the museum use is permitted with the approval of a CUP, and the museum has been in existence for a long period of time with no known adverse impacts, the use is consistent with the intent of the applicable zoning regulations.

3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in Chapter 50 (Zoning) of the Tomball Code of Ordinances;

Should the CUP application be approved, the applicant will be required to submit a site plan application and supporting documents to the City for review and approval before construction. The concept plan appears to be generally consistent with Chapter 50 (Zoning) of the Tomball Code of Ordinances.

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

The proposed use appears to be compatible with and preserves the character and integrity of the adjacent development and neighborhood. There are multiple other uses in the area including a church and daycare.

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

The proposed uses and concept plan do not appear to be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 29, 2015. As of November 4, 2015, six residents have contacted City Staff to inquire about the case. Two of the residents expressed concerns regarding the proposal.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-0130, subject to the following condition of approval:

- 1) The site shall be developed and operated in substantial compliance with Exhibit “F.”

EXHIBITS

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

Exhibit "A"
Aerial Photo

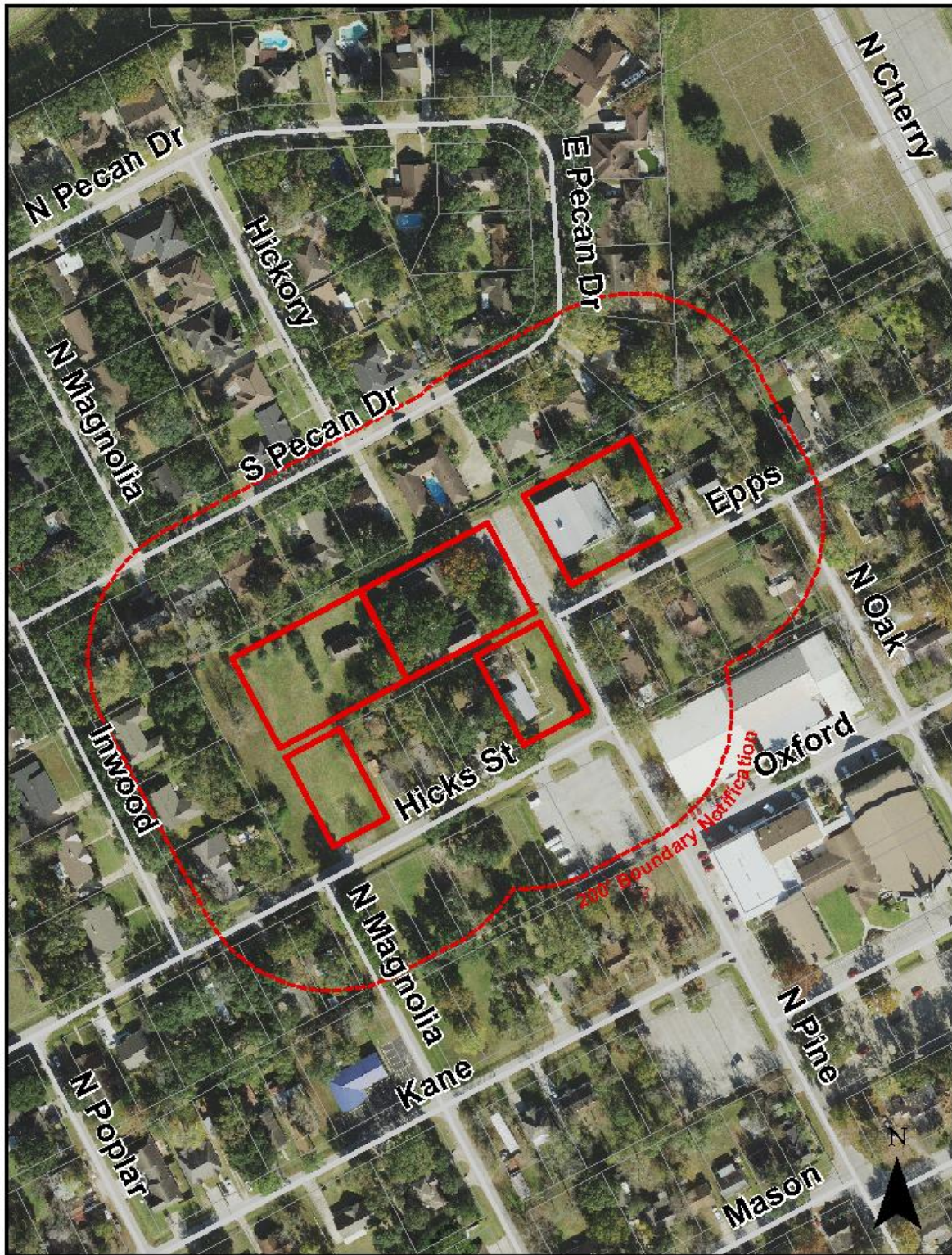


Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
CUP Application



Revised 1/20/09
2015-0130

APPLICATION FOR
CONDITIONAL USE PERMIT
Engineering & Planning Department

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications:

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of this Section and Section 10 of The Zoning Ordinance.

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

Applicant

Name: Brian K. Lunell Title: R.P.L.S.
Mailing Address: 5000 Cabbage Street City: Spring State: Texas
Zip: 77379
Phone: (281) 320-9591 Fax: (281) 376-1726 Email: hovis@hovissurveying.com

Owner

Name: Spring Creek County Historical Association Title: _____
Mailing Address: 510 North Pine St. City: Tomball State: Texas
Zip: 77377
Phone: (281) 255-2148 Fax: () Email: _____

Engineer/Surveyor (if applicable)

Name: Brian K. Lunell Title: R.P.L.S.
Mailing Address: 5000 Cabbage Street City: Spring State: Texas
Zip: 77379
Phone: (281) 320-9591 Fax: () Email: hovis@hovissurveying.com

Description of Proposed Project: Museum Improvements

Physical Location of Property: Intersection of North Pine and Epps

502 - N. Pine

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

Legal Description of Property: Lots 1, 2, 9 through 16, Block 48, Lots 4-6 and West 20' of Lot 3, Block 102, Revised Map of Tomball [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 035281002004, 0352670480021, 0352670480013, 0352670480001
Acreage: 23,800sqft, 39,900sqft, 28,000sqft, 14,000sqft

Current Use of Property: Museum

Proposed Use of Property: Museum

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

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

X B. K. Hall 6/24/15
Signature of Applicant Date

X Charles R. Hall 10/2/14
Signature of Owner Date

President

Spring Creek County
HISTORICAL ASSOCIATION

August 28, 2014

To Whom It May Concern:

This is to advise that all building structures located on the Spring Creek County Historical Association property known as 510 North Pine Street, Tomball, Texas 77377-0457 were in existence prior to the date of February 4, 2008.



Charles Hall-President

Phone: (281) 255-2148 • Post Office Box 457 • Tomball, Texas 77377-0457
Website: www.tomballmuseumcenter.org

5000 Cabbage St.
Spring, Texas 77379
Ph. 281-320-9591
Fax: 281-376-1726
hovis@hovissurveying.com
Firm License #10030400

HOVIS

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Commercial

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June 24, 2015

To: The City of Tomball
Engineering and Planning Department

RE: Conditional Use Permit

The Spring Creek County Historical Association is requesting a Conditional Use Permit to allow for improvements to the property consistent with the existing development. This site is currently zoned as SF-6, but has been in use as a museum prior to the date of February 4, 2008.

Sincerely,

Brian K. Lunell, R.P.L.S.
Project Manager
Hovis Surveying Co.
5000 Cabbage Street
Spring, Texas 77379
Phone #: 281-320-9591
Fax #: 281-376-1726

Exhibit “F” Concept Plan



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
November 9, 2015
&
CITY COUNCIL
November 16, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 9, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 16, 2015, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P15-0130: Request by Brian K. Lunell, on behalf of Spring Creek County Historical Association, for a Conditional Use Permit to operate a “museum” in the Single-Family 6 district. The property is approximately 2.4 acres, situated in the Joseph House Survey, Abstract Number 34, and is legally described lots 1, 2, 9-16 block 48, the southwesterly 20 feet of lot 3, and all of lots 4 - 6 block 102, revised Map of Tomball, recorded under Volume 4 Page 25, of the Map Records of Harris County, Texas; and lot 8A a subdivision as shown on map or plat recorded under Film Code Number 598155, of the Map Records of Harris County, Texas. The property is generally located at the intersection of N. Pine St. and Epps St. at 510 North Pine St.

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

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **5th** day of **November 2015** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler

Kim Chandler
Secretary of the Board

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



Notice of Public Hearing

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

CASE NUMBER: P15-0130

APPLICANT/OWNER: Brian K. Lunell, on behalf of Spring Creek County Historical Association

LOCATION: At the intersection of North Pine Street and Epps Street at 510 North Pine Street.

PROPOSAL: Request by Brian K. Lunell, on behalf of Spring Creek County Historical Association, for a Conditional Use Permit to operate a “museum” in the Single-Family 6 district. The property is approximately 2.4 acres, situated in the Joseph House Survey, Abstract Number 34, and is legally described lots 1, 2, 9-16 block 48, the southwesterly 20 feet of lot 3, and all of lots 4 - 6 block 102, revised Map of Tomball, recorded under Volume 4 Page 25, of the Map Records of Harris County, Texas; and lot 8A a subdivision as shown on map or plat recorded under Film Code Number 598155, of the Map Records of Harris County, Texas.

CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



**Planning & Zoning Commission
Public Hearing:**

Monday, November 9, 2015, 6:00 PM

City Council Public Hearing:

***Monday, November 16, 2015, 6:00 PM**

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

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

Regular City Council

Agenda Item

Meeting Date: November 16, 2015

Data Sheet

Topic:

Consideration and Possible Action to Enter into an Agreement with the Tomball Sports Association for the City of Tomball to Reimburse Expenditures for Improvements, Not to Exceed \$200,000.

Background:

The Tomball Sports Association (TSA) is a non-profit organization that the City of Tomball has entered into a contract with for the operation of little league baseball. TSA is also responsible for all daily maintenance of the facility as a part of the contract. However, after many years of operation, the useful life of several components of the facility are in need of replacement.

The TSA and city staff have narrowed the needs to the following to best utilize funding, through reimbursement, proposed by the City Council during the budgeting process. The areas that will be addressed in the improvements are Field lighting (fields 1, 2 & 3 - pitching fields), Field regarding (fields 5, 6, 7 and 8), bleacher rehab and repair (12 total), addition of concrete floors to batting cages, and upgrades to the restrooms. These improvements will be paid for by TSA and submitted for reimbursement from the City for an amount not to exceed \$200,000.

Origination:

Public Works

Recommendation:

Approve agreement for reimburse for improvements

Funding: Yes

Account Number: 100-153-6207

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

David Esquivel

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Agreement

**AGREEMENT FOR IMPROVEMENT OF
WAYNE STOVAL SPORTS COMPLEX PARK**

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS §

This Agreement is made and entered into as of the ____ day of __ ____, 2015, by and between the City of Tomball, a home rule municipal corporation located in Harris County, Texas ("City"), and the Tomball Sports Association, a not for profit association located in Tomball, Texas ("TSA").

WITNESSETH:

WHEREAS, pursuant to an agreement between City and TSA, TSA operates an organized youth sports program within the City, such program being comprised primarily of little league baseball and basketball for boys and girls; and

WHEREAS, the events for such programs are physically conducted on a certain 12.007 acre tract owned by City, which tract is commonly known as the "Wayne Stovall Sports Complex Park," and which tract, pursuant to the agreement described above, is generally maintained on behalf of City by the volunteer efforts of parents and officials of TSA; and

WHEREAS, such agreement serves City's interest, and furthers its efforts, in providing recreational opportunities for the City's youth; and

WHEREAS, such program has been extremely successful, as evidenced by the substantial number of participants; and

WHEREAS, due to the growth of such program and the volume of participation by the City's youth, the City Staff and TSA have recommended to City Council a one (1) year improvement program for the Wayne Stovall Little League Athletic Fields, which program provides for City to reimburse TSA for the approved improvements to the fields and complex as described in **Attachment A**; and

WHEREAS, the City Council deems it appropriate to approve such improvement plan subject to future City appropriations and the commitments contained herein by TSA; now, therefore,

1. For and in consideration of the mutual obligations and benefits to be derived hereunder, City and TSA do hereby agree as follows: City and TSA hereby adopt and approve the general plan for improvement of the Wayne Stovall Sports Complex Park as contained in that certain

document entitled "Attachment A" (the "Project Plan"), a copy of which is attached hereto and made a part hereof.

2. City agrees to provide reimbursement for the Project Plan as set forth therein, upon completion and inspection by City Staff. It is specifically recognized and agreed by the parties that no expenditure by TSA, or by any representative thereof shall be subject to reimbursement by City hereunder unless prior approval has been obtained in accordance with applicable purchasing policies of City.

3. During implementation of the Project Plan, TSA shall provide City with a status report on a regular basis, but not less than once each calendar month, detailing the percentage of the work done, the estimated period of time required to complete the project, the costs-to-date, and the estimated costs of completion. The City shall be named as an insured with TSA's insurance certificate.

4. The term of this Agreement shall be for a period of one (1) year, commencing on the date of execution hereof by all parties; provided however, in the event that the City shall wish to terminate this agreement, for whatever reason a 30 day written notice shall be given. Notwithstanding the foregoing, the conditions and obligations hereof shall survive any such termination to the extent appropriated but unexpended funds are encumbered by contract or purchase order in accordance herewith.

5. The provisions of this Agreement are severable and if any word, phrase, clause, sentence, paragraph, section or other part of this Agreement or the application thereof to any person or circumstance shall ever be held by any court or regulatory authority of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Agreement and the application of such word, phrase, clause, sentence, paragraph, section or other part of this Agreement to other persons or circumstances shall not be affected thereby, unless the parties hereto mutually agree that the purposes of this Agreement are frustrated.

6. All notices which the parties hereto may be required, or may desire, to serve on the other shall be in writing and shall be served by personal delivery, e-mail, by facsimile with confirming copy sent by mail, or by depositing the same with the U.S. Postal Service, registered or certified mail, postage prepaid, return receipt required, and addressed to the respective party at the addresses set forth below. The addresses stated shall be effective for all notices to the respective parties until written notice of a change of address is given pursuant to the provisions hereof.

If to the City

City of Tomball
401 West Market Street Tomball, Texas
77375 Attn.: City Manager

If to TSA:

Tomball Sports Association
P. O. Box 1084
Tomball, Texas 77375
Attn.: President

Tomball Sports Association
Attn.: Nancy Newton, President
President @tomballlittleleague.com
120 Baker Drive
Tomball, Texas 77375.

Notice given in any other manner shall be effective only if and when received by the party to be notified. The parties shall have the right from time to time and at any time to change their respective addresses and each shall have the right to specify as its address any other address by at least fifteen (15) days' written notice to the other party.

EXECUTED IN DUPLICATE ORIGINALS this _____ day of _____, 2015

City of Tomball

By: _____
Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

Tomball Sports Association

By: _____
Nancy Newton
President

ATTEST:

Lisa Castro
Board Secretary

ATTACHMENT "A"
Improvement Plan

1. Field Lighting. Safety concerns prompted the replacement of the lighting on fields 1, 2 and 3. These fields are the pitching fields which require a designated lighting for safety. The selected installer and manufacturer of the lighting shall meet all of the minimum standards as suggested by the "2013 Little League Lighting Standards & Safety Audit" which is a supplement the 2013 Operating Manual Lighting Information. A monitoring and control system will also be installed for the new lights. Contractor shall list the City as an insured on the contractor's insurance certificate. Minimum coverage shall be \$1 million liability coverage.
2. Field regrading. Wear and tear has left the some of the fields with unlevelled fields, poor drainage and lack of proper infield material. Fields shall be regraded with the proper drainage and approved infield material used. The improvements will address fields 5, 6, 7 and 8.
3. Bleachers. 12 Spectator Bleachers shall be repaired. Repairs shall include the replacement of wood boards, cut out and replace rotted metal supports, painted and handrails added where needed. Improvements to the bleachers shall follow ADA standards.
4. Concrete floors for batting cages. Currently there are dirt floors for the batting cages. A 4" thick concrete floor shall be installed as to not interfere with drainage.
5. Upgrade Public Restrooms. Replace existing toilets with pressure-assisted toilets.

The available funding for reimbursement all of these projects shall not exceed \$200,000.

Regular City Council Agenda Item Data Sheet

Meeting Date: November 16, 2015

Topic:

Approve the following plat as recommended by the Planning and Zoning Commission:

- **CONCORDIA LUTHERAN HIGH SCHOOL OF NORTH HARRIS COUNTY SOUTH CAMPUS**: Being a subdivision of 20.8633 acres out of the Jesse Pruitt Survey, A-629, Harris County, Texas.

Background:

On November 9, 2015, the Planning and Zoning Commission voted unanimously to approve the final plat of Concordia Lutheran High School of North Harris County South Campus.

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

CONCORDIA LUTHERAN HIGH SCHOOL OF NORTH HARRIS COUNTY SOUTH CAMPUS - FINAL PLAT

THE STATE OF TEXAS §
COUNTY OF HARRIS §

We, Concordia Lutheran High School of North Harris County acting by and through Joel R. Bode being an officer of Concordia Lutheran High School of North Harris County, owner in this section after referred to as owners (whether one or more) of the 20.8633 acre tract described in the above and foregoing plat of Concordia Lutheran High School of North Harris County South Campus, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions, and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane 20 feet above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, owners do hereby dedicate to the public a strip of land 15 feet wide on each side of the centerline of any and all bays, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility and that such obutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, the Concordia Lutheran High School of North Harris County has caused these presents to be signed by Joel R. Bode, its Head of School, thereunto authorized, attested by its secretary ,

(name of secretary or authorized trust officer), and its common seal hereunto affixed this 30th day of October, 2015.

Concordia Lutheran High School of North Harris County
By: Joel R. Bode
Joel R. Bode
Head of School

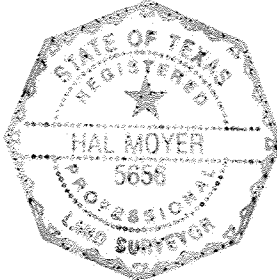
BEFORE ME, the undersigned authority, on this day personally appeared Joel R. Bode, Head of School, known to me to be the person whose names is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 30th day of October, 2015.

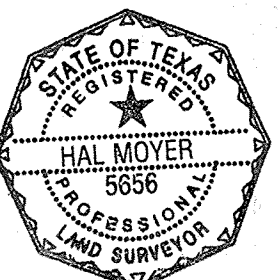


Lori A. Blue
Notary Public in and for the State of Texas
My Commission Expires: 3-14-2016

I, Hal Moyer, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three feet; and that the plat boundary corners have been tied to the nearest survey corner.



Hal Moyer
Hal Moyer
Texas Registration No. 5656



We, the City Manager and City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball ordinances.

George Shackelford
City Manager

Lori Lakatos, P.E., CFM
City Engineer

This is to certify that the City accepts the planning and zoning commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this day ____ of ____.

Gretchen Fagan
Mayor

Doris Speer
City Secretary

This is to certify that the planning and zoning commission of the City of Tomball has approved this plat and subdivision of Concordia Lutheran High School of North Harris County South Campus in conformance with the laws of the state and the ordinances of the city as shown hereon and authorized the recording of this plat this ____ day of ____.

Barbara Tague
Chairman or Vice Chairman

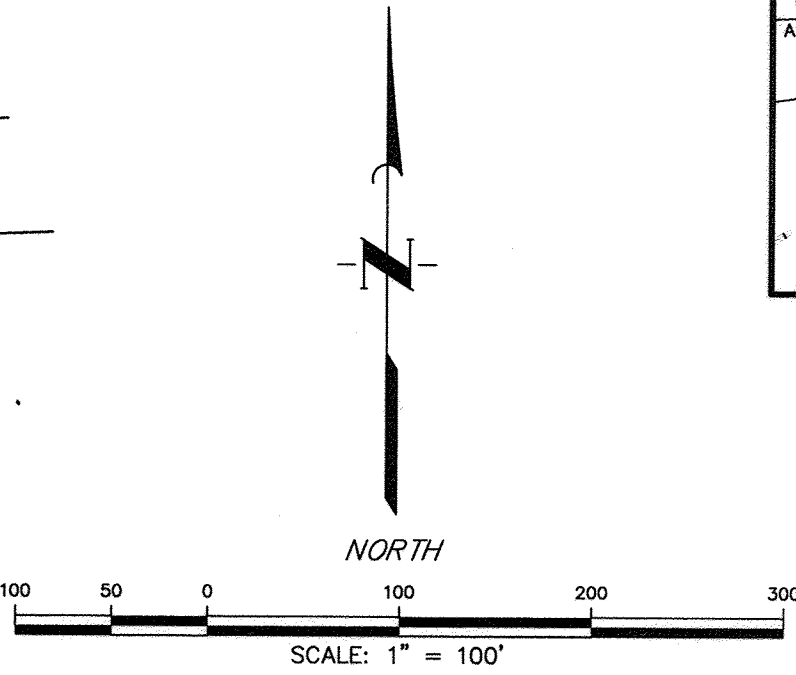
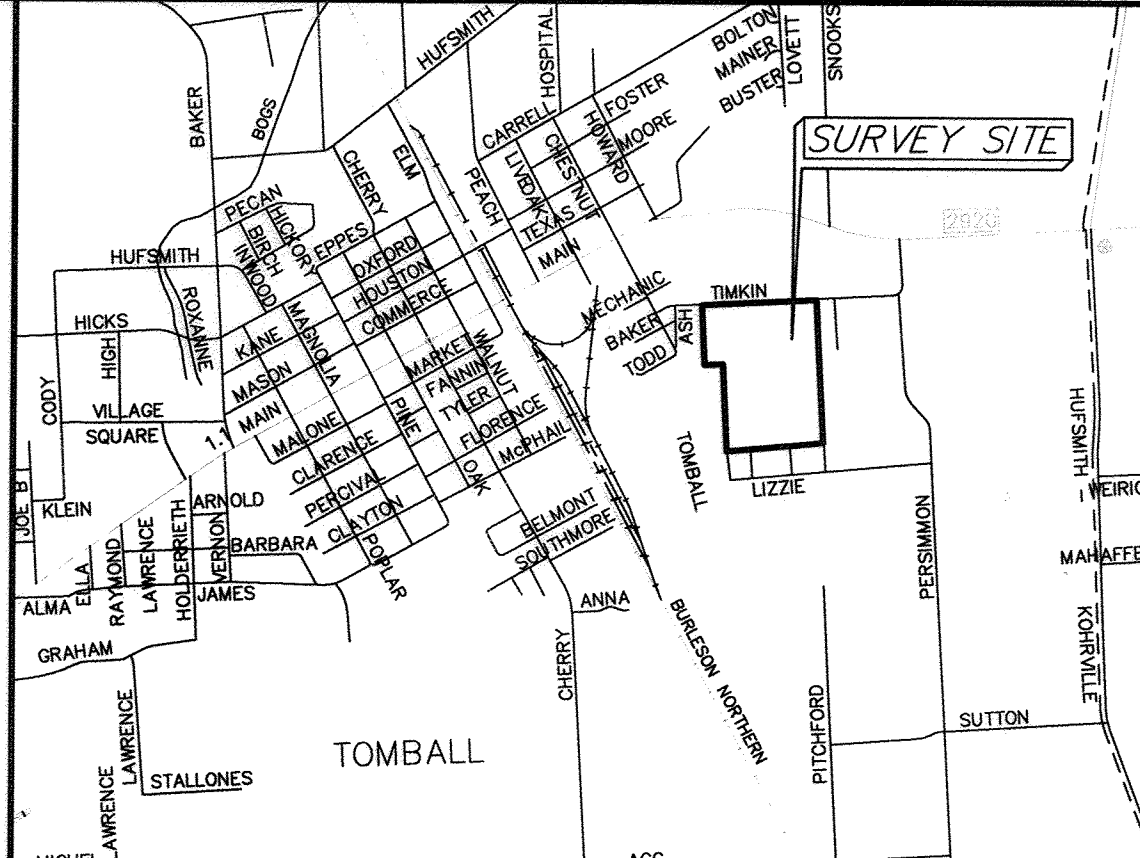
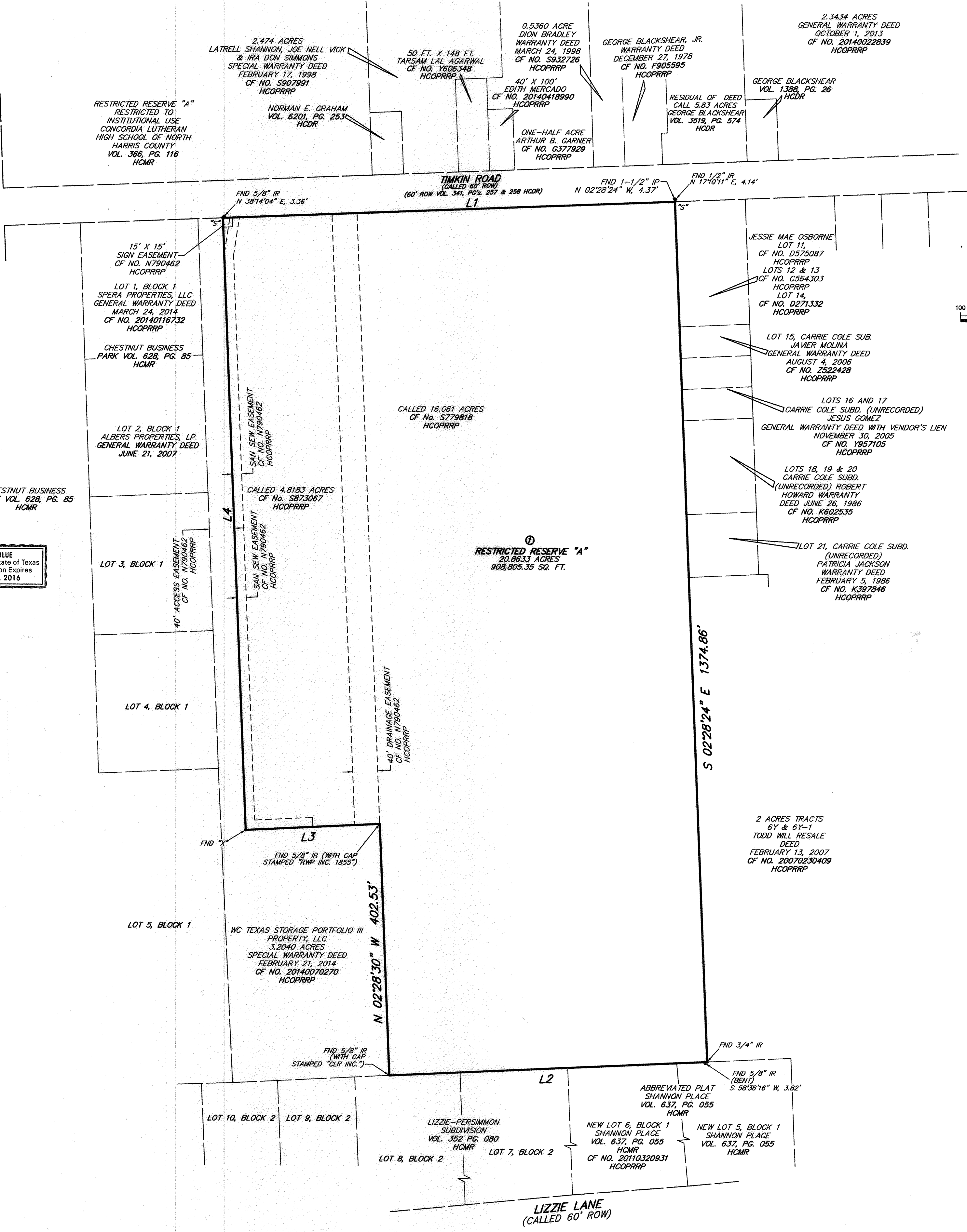
Darrell Roquemore
Vice Chairman

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on ____ 2015, at ____ o'clock ____ M., and duly recorded on ____ o'clock ____ M., and at Film Code Number ____ of the Map Records of Harris County for said county.

Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
Of Harris County, Texas

By: _____
Deputy



- GENERAL NOTES:
- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
 - According to Map No. 48201C0230L of the Federal Emergency Management Agency's Flood Insurance Rate Maps for Harris County, Texas and Incorporated Areas, dated June 18, 2007, the subject tract is situated within: Unshaded Zone X defined as areas determined to be outside the 0.2% annual chance floodplain (500-year flood).
 - This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
 - All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
 - All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
 - No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
 - This plat does not attempt to amend or remove any valid covenants or restrictions.
 - The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
 - Elevations shown hereon are based on Harris County Floodplain Reference Mark No. 120195, located approximately 150 feet south of the intersection of FM 2920 and Hufsmith-Kohrville at the second driveway to Shell gas station with a published elevation of 178.27 feet, NAVD 88, 2001 Adjustment and Harris County Floodplain Reference Mark No. 120170, located from the intersection of FM 2920 and Boudreaux, northwest along FM 2920, 2.05 miles to Stuebner-Airline. Benchmark located on the right on top of concrete culvert with published elevation of 154.74 feet, NAVD 88, 2001 Adjustment.

LEGEND

CF No.....	CLERK'S FILE NUMBER
FND.....	FOUND
HCOPRRP.....	HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
HCOR.....	HARRIS COUNTY DEED RECORDS
IR.....	IRON ROD
IP.....	IRON PIPE
POB.....	POINT OF BEGINNING
PG.....	PAGE
ROW.....	RIGHT OF WAY
"S".....	SET 3/4-INCH IRON ROD (WITH CAP STAMPED "TOMBALL SURVEYING")
SQ. FT.....	SQUARE FEET
VL.....	VOLUME
"X".....	"X" IN CONCRETE
①.....	BLOCK

LINE	BEARING	DISTANCE
L1	N 87°41'33" E	722.96
L2	S 87°28'05" W	508.38
L3	S 87°17'10" W	214.49
L4	N 02°28'39" W	976.18

**CONCORDIA LUTHERAN
HIGH SCHOOL OF
NORTH HARRIS COUNTY
SOUTH CAMPUS**
**A SUBDIVISION OF 20.8633 ACRES
OUT OF THE
JESSE PRUITT SURVEY, A-629
HARRIS COUNTY, TEXAS
OCTOBER 2015**

1 RESERVE 1 BLOCK



OWNER:
Joel R. Bode, Head of School
Concordia Lutheran High School
700 E. Main St
Tomball TX 77375

COTTON SURVEYING DIVISION
Texas Board of Professional Land Surveying Registration No. 10046106
8701 New Trails Drive, Suite 200 • The Woodlands, Texas 77381
281-363-6039